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Final Report

IN SUPPORT OF PALESTINIAN DEMOCRACY

USAID Grant Agreement No.
HNE-0007-0-00-4062-00
October 1, 1994 to December 31, 1996

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NATIONAL DEMOCRATIC INSTITUTE FOR INTERNATIONAL AFFAIRS

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February 10, 1997

Ms. Kim Delaney, Democracy Officer
USAID/West Bank and Gaza Mission
U.S. Embassy - USAID
Unit 7228, Box 0026
APO AE 09830

Re: Final Report: **In Support of Palestinian Democracy**
Grant No. HNE-0007-G-00-4062-00

Dear Kim:

We are pleased to transmit the final report on NDI's programs in the West Bank and Gaza Strip in support of the Palestinian democratic process under the above referenced grant agreement. One copy is for the Tel Aviv office and the other for the Jerusalem office.

Should you have questions about the report, please do not hesitate to contact NDI Middle East Regional Director Les Campbell, Program Officer Olga Milosavljevic or me here in Washington.

Also enclosed are a copy of the Financial Status Report for the grant for the quarter ending December 31, 1996, and an inventory of non-expendable property valued at $500 or more. As soon as it is available, our Accounting Department will transmit to John May a final Financial Status Report.

Sincerely,

Chris

Christine Clary Ryland
Director, Program Coordination

cc: Dot Young, ANE/ME, Washington
CDIE/DI, USAID, Washington, D.C. 20523-1802

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I. EXECUTIVE SUMMARY

Building on a series of pilot programs in the West Bank and Gaza Strip and on NDI's world wide experience in democratic development, NDI provided focused, intensive support to the Palestinian democratic process though an eventful period that included the signing of the Interim Agreement between Israel and the Palestine Liberation Organization, redeployment from several West Bank cities, the historic Palestinian elections of January 1996, and initial steps toward the establishment of representative and accountable Palestinian self-government.

NDI implemented a four-part program to assist the development of Palestinian democratic institutions. NDI's programs concentrated on two key components of the Palestinian transition: the development of a credible election process and the strengthening of citizen understanding and participation. To address these issues NDI organized four separate, complementary programs, including: the establishment of a comprehensive civic education network, training in the techniques of political participation for young Palestinian women, support for domestic monitoring of the January 20 elections, and international monitoring of the January 20 elections. This program was funded by a series of three grants and subsequent extensions that covered the period of October 1, 1994 through December 31, 1996.

Through these activities, NDI had a substantial and positive impact upon the Palestinian democratic transition process, which nevertheless remains incomplete and faces many formidable challenges as 1996 comes to a close. An independent evaluation team concluded in October 1996 that, among other things;

- NDI's *Civic Forum* program in civic education regularly reached at least 5,000 Palestinians on a regular basis, and that the participants feel that they are playing a valuable role in creating a sustainable Palestinian civil society by learning to exercise their rights.

-Significant success has been realized with respect to targeting and reaching women by incorporating them into all facets of NDI's programming, both as trainers and as recipients;

-NGO's in the West Bank and Gaza were very receptive to and benefited from NDI training in domestic election monitoring-- in particular, the international, comparative focus of the trainings;

-Widely felt among Palestinians was the sentiment that the NDI/Carter Center international election monitoring mission did provide an important political contribution to the prospects for Palestinian democracy, although many Palestinians had erroneously expected that the international observers would be more interventionist in the resolution

of particular disputes, and so were disappointed.

Other major accomplishments of the NDI program include the following:

- Through its Civic Forum program NDI conducted approximately 1,800 civic education discussions covering nine topics.

- NDI established a network of 440 local Palestinian organizations, though which information about draft laws, election procedures, and democratic systems in other countries has been efficiently disseminated.

- NDI trained 22 Palestinian discussion moderators and two Palestinian civic education coordinators, who are expected to shape *Civic Forum* into an independent Palestinian NGO within the next year.

- NDI trained a core group of 100 young Palestinian women in the techniques of political participation.

- NDI provide financial and technical assistance for a domestic election monitoring program that fielded 2,200 volunteers on election day and provided an important precedent for participation by non-governmental organizations in the electoral process.

- NDI organized a series of high profile international election monitoring delegations that increased Palestinian confidence that the elections would be conducted fairly and focused attention on potential problem areas.

- NDI helped to resolve a wide range of election related problems, including confusion over counting procedures, a last minute crisis over the voters' lists for Jerusalem, and post-election disputes about errors in the results.

At the conclusion of the program, NDI had established a record of accomplishment such that the Institute's Palestinian partners urged NDI to continue and expand its work in the West Bank and Gaza.

NDI, in collaboration with the Carter Center, published an 82-page report on the 1996 Palestinian Legislative Council elections. Focusing on election-day events and outcomes, as well as on the pre- and post-election environments, the report is an important resource for understanding the circumstances and context in which Palestinian democratic transition is occurring. Copies of the report were distributed to interested parties in the West Bank and Gaza, and throughout the Middle East region. (see appendix N)

II. BACKGROUND

Rationale for a Program to Support Democratic Development in the West Bank and Gaza Strip

Elected Palestinian self-government in the West Bank and Gaza Strip, which became a possibility with the signing of the Declaration of Principles (DOP) between Israel and the Palestine Liberation Organization (PLO) in September 1993, has the potential to have a tremendous positive impact upon the Palestinian people, upon the Israel-Palestinian peace process and upon the Middle East as a whole. Palestinians have repeatedly demonstrated in public opinion surveys and in the flourishing of indigenous organizations their interest in building a pluralist, democratic governing system. Palestinians bring to the problems of a democratic transition substantial resources, including a high education rate and extensive familiarity with democratic systems in Israel and in some of the countries where many Palestinians have lived. Democratic Palestinian government is also a potentially important ingredient to peace between Palestinians and Israel. The legitimacy of an elected government and the development of transparent and accountable governing institutions could significantly strengthen relations between the two sides. Furthermore, a successful democratic experiment in the Palestinian territories could serve as an important precedent for other Arab countries in the region.

Context for the Program

The development of a truly democratic Palestinian polity faces three significant challenges. First, movement toward Palestinian self-government is contingent upon bilateral agreements between Israel and the PLO. The 1993 DOP provided only a general commitment to elected Palestinian self government and a schedule of negotiations to realize that commitment. In the two years that followed the signing of the DOP, the schedule slipped several times and agreements proved difficult to accomplish. Originally envisioned for July 1994, the elections for the Council of the Palestinian Interim Self Governing Authority (PISGA) called for in the DOP were repeatedly delayed. Delays in negotiations on how those elections would be implemented led to consequent delays in the framing of a Palestinian election law, which in turn delayed planning for programs that could assist the election process.

Second, many Palestinians have been ambivalent about the peace agreements arrived at to date, which they feel do not provide sufficient insurance that the Palestinian demands will be met. A key question for all concerned has been whether those Palestinians who do not support the Oslo process in whole or in part would nevertheless support and participate in the political process --including the election -- that is the fruit of the Oslo process.

A third challenge stems from the Palestinian political world. The PLO, which took control of the Palestinian Authority after the initial Israeli withdrawal from territories in West Bank and Gaza, has long viewed itself as a liberation movement that until recently was committed to armed struggle against Israel. It is also a coalition movement with a history of internal strife. The PLO

and its leadership have abruptly had to make a transition from organizing an insurrection to running an autonomous government with limited jurisdiction and they have suffered from the problems that other organizations have faced in similar circumstances. Accustomed to centralized, secretive decision-making and wary of open debate and criticism, the leadership of the new Palestinian Authority has taken steps, such as the establishment of a military court system and the harassment of journalists, which raise questions about the prospects for Palestinian democracy. The PLO leadership has also continued the approach of marginalizing potentially challenging individuals, organizations and institutions.

The long-delayed Interim Agreement (signed in September 1995) provided an important step forward in the negotiation process and opened the way for rapid progress toward Palestinian elections. In the Agreement, Israel and the PLO defined the modalities for Israeli withdrawal from Palestinian cities, set the framework for the elections and defined the nature and function of the self-governing Authority. With the Agreement complete, it became possible for the Palestinian Authority to move forward with an election law and election preparations. Thus after long delays, the pace of events through the autumn and winter of 1995 and the spring of 1996 increased rapidly. Registration of voters for the election, a critical first step, began November 12 and was followed shortly by the opening of candidate registration and then the campaign. On January 20, 1996, the first-ever popular Palestinian elections managed by Palestinians took place. On that day Palestinians elected Yasser Arafat the *Ra'ees* (Chairman or President) of the Executive Authority. They also elected the 88 members of the Palestinian Legislative Council from sixteen districts. On March 7, the new Council was inaugurated and began its deliberations. Although it had originally been expected that adoption of a Basic Law to codify the constitutional framework of the PA would be among the first actions of the PLC, 1996 passed without such a law being enacted.

In some respects, the election process and the emergence of a new legislative body have suffered from the impact of the threats to Palestinian democracy noted above. For example, at times during the campaign and on election day, Palestinian security forces interfered with or intimidated voters, journalists and human rights advocates. These incidents did not appear to significantly affect the results of the elections, but they served as a reminder of the limits of the rule of law in the Palestinian polity. Likewise, the newly elected Palestinian Legislative Council has not yet been able to establish itself as a counterweight to the Executive, though it has emerged as the principal public forum for the discussion of public policy issues in the West Bank and Gaza. Although some political parties refused to participate in the elections because of their objections to the peace agreements, a substantial majority of adult Palestinians registered, and 73% of those registered did vote. A vigorous campaign did allow substantial contact between voters and candidates. Since the elections Palestinians, citizens and NGOs have made it clear to Council members that they expect to be informed about the Council's activities, and consulted on their opinions. Members have begun to respond, and real, substantive links between elected representatives and their constituents are starting to grow.

Background to NDI's Activities

The situation in the West Bank and Gaza lends itself to the kinds of democratic development activities that NDI has been organizing around the world over the last 13 years. As noted above, a transition toward democratic systems is underway, and there is broad popular support for democracy. In this context the role of outside assistance is not that of initiating or winning support for the democratic process, but providing individuals and organizations with the tools and information they need as they build that process. NDI has found that Palestinians ranging from senior leaders in the PLO to intellectuals and NGO leaders to rural farmers welcome NDI and the opportunity that NDI provides to increase the information available to Palestinians working to build a democratic system.

The programs reviewed in this report represent a middle stage in NDI's involvement in the West Bank and Gaza. Before these activities, NDI conducted a series of programs that accomplished initial goals of broadening dialogue with decision makers about the upcoming elections and ways to promote informed political participation, while at the same time establishing credibility and partnership with Palestinian organizations and determining mechanisms for further activities and establishing the organization's credibility. As this program concluded in the latter months of 1996, NDI was awarded two grants by USAID that enable the Institute to expand its advisory assistance to the Legislative Council and to continue *Civic Forum* while adding a new program in advocacy for NGO's.

Summary Outline of Previous NDI Programs

The programs that NDI has conducted from December 1993 to December 1996 are outlined below:

- I. Initial Assessment Mission (Funded by the National Endowment for Democracy, November - December 1993)

  A six-member assessment mission to Tunis, Israel and the West Bank and Gaza, that determined that there was widespread support among Palestinians for elections, concerns about the possibilities for free and fair elections and broad support for outside assistance.

  II. Middle East Studies Program (Beginning in September, 1993, funded by the National Endowment for Democracy)

  An ongoing program that allows NDI to bring Palestinian, and other Arab political activists and officials to participate in democratic development activities in other countries.

  III. Start-Up Program (Spring 1994, funded by the National Endowment for Democracy)

  A. Public Meetings Program. A series of meetings to provide information about other democratic transitions.

B. Election System Design Consultations. Providing information and advice to the Commission on Elections and Local Government about options for election systems.

IV. Phase 1 (funded by USAID through IFES; designed for four months, but extended to 12 months because of delays in the election calendar)

A. Civic Education. A pilot program designed to determine, though the use of focus groups, effective mechanisms for civic education, and to conduct an initial civic education activity through moderated discussion based on themes presented in a "how-to-participate" poster.

B. Public Forums on Citizenship and Democracy. A series of public forums designed to stimulate dialogue between Palestinian Authority officials and citizens groups while at the same time providing information on electoral processes and public participation

C. Support for Young Women's Participation. A series of eight seminars conducted with women in four locations in the West Bank and Gaza on two themes: methods of participation in democratic process, and techniques of campaigning and voter education

For a full report on these activities, see NDI's final report of June 30, 1995.

These activities put NDI in a position by the spring of 1995 to move to a new, more intensive phase of programming that would carry NDI through the election period.

III. PROGRAM ACTIVITIES

A. Civic Education

Rationale and Original Plans

NDI's civic education program was designed to strengthen the foundation for participatory democracy by increasing Palestinian understanding of democratic practices. The program grew out of NDI's experience in the pilot civic education program, which developed and tested a mechanism for delivering information on democratic principles, values and institutions to Palestinians. The pilot program included a series of focus group discussions and creative sessions with Palestinian artists and educators, which formed the basis for an NDI report on Palestinian attitudes toward democracy. At the close of the program NDI implemented a test civic education program of moderated discussions on themes presented in an NDI designed poster. Through the pilot program NDI learned that Palestinians are eager for information about not just elections but all aspects of the democratic process and that Palestinians appreciated the focus group format, a moderated discussion within an heterogenous, multi factional group. This discussion format also helped to overcome the suspicions harbored by many Palestinians with regard to printed information from unfamiliar sources. Based on experience worldwide and on its observations in the West Bank and Gaza Strip, NDI also felt that the general lack of practical knowledge regarding democratic processes and institutions could fuel misunderstanding, frustration and anger.

On this basis, NDI created a civic education program that could respond to Palestinian preferences and meet Palestinian needs. The program, which was given the name *Civic Forum*, was designed with the following components:

1. **Moderated discussions**. Civic education would be conducted in small group discussions that would allow for interchange and participation.

2. **Grass roots outreach**. *Civic Forum* would make civic education accessible to people not contacted through other similar programs by conducting discussions in villages, camps and remote areas throughout the West Bank and Gaza Strip.

3. **Network of discussion groups**. Discussion groups would be established that would meet monthly. The groups would be established in cooperation with local organizations. It was originally envisioned that each moderator would begin by meeting five groups each month and expand until the program was reaching 5,000 Palestinians every month.

4. **Trained, local Palestinian moderators**. Discussions would be led by Palestinians from each locality who would be trained in moderation techniques. Initially eleven moderators were hired to cover eleven regions of the West Bank and Gaza. The

number of moderators has since been increased to 22, equally divided between men and women.

5. **Combination of topical and fundamental discussion subjects**. The program was designed to provide basic information about general aspects of democracy, such as the rights and responsibilities of citizens and also respond to particular developments in the Palestinian political process by providing information on such issues as the Palestinian election procedures. Discussion would be supported by a printed handout distributed to all participants.

6. **Mechanisms for coordination and oversight**. The program design includes several mechanisms to allow NDI to ensure the quality of the discussions. These include regular moderators meetings, periodic taping of sessions, and detailed moderators guides prepared by NDI staff for each unit in the curriculum.

Objectives

The stated objectives of the program were:

- to conduct a visible education campaign at the grassroots level to familiarize Palestinians in the West Bank and Gaza Strip with methods of political participation and basic concepts relating to participatory democracy;

- to implement a voter education program and get out the vote campaign, when the time is appropriate, in order to encourage the casting of meaningful ballots on election day; and

- to motivate and empower Palestinians to continue discussion of these topics beyond the NDI-organized discussion groups; that is, to prompt Palestinian participants to further share the information presented with their friends, family and neighbors.

Actual Activities

In almost all areas, the *Civic Forum* program that NDI has implemented on the ground either adheres to or surpasses the targets of the original proposal. Following the recruitment and initial training of the first 11 moderators and the preparation of initial training materials, the *Civic Forum* program began as noted in August 1995. Four moderators were hired for Gaza and seven covered the West Bank. Each moderator resided in the geographic region she or he was assigned to cover and was familiar with the local politics customs and organizations in the area. NDI organized two three-day orientation and training programs, one in the West Bank and one in Gaza, to train the moderators in civic education techniques and to plan the implementation of the program. For these programs, NDI invited leading Palestinian experts in civil society to give presentations to the moderators.

Although the initial proposal called for the program to begin with five discussion groups per moderator, the moderators and NDI staff decided to expand to twenty groups. In September, each moderator identified twenty discussion groups and began conducting one discussion on a set topic with each group every month. As envisioned in the proposal, the moderators relied on the cooperation of volunteer local coordinators identified with a broad spectrum of local community organizations, such as a charitable societies, sports clubs or women's associations. The local coordinators invite participants and make logistical arrangements for the discussions. Their role in the program insures that the information in the discussions is spread beyond the actual participants through the local organizations. In this way a network has been created that includes over 400 local organizations that participate in the monthly discussions.

Consistent with the guidance provided by Palestinians in the pilot program, the discussions are cross factional and emphasize an open exchange of opinions. Local coordinators are encouraged to invite participants in the community representing a range of different points of view and political affiliation. In some cases, *Civic Forum* has thus provided the only opportunity for people from a single community who have been divided by political differences to meet and exchange ideas. The moderator leads the discussion, but the emphasis is on questions that can prompt an exchange rather than on lecturing. NDI staff in Jerusalem, in consultation with the moderators, the local coordinators and with NDI's Washington office, design a new topic for each month and prepare a moderator's guide on that topic as well as a handout to be distributed to all participants.

From September 1995 until September 1996 a total of 4,180 discussions were held covering eight topics. The topics were, Individual Rights, Rule of Law in a Democracy, The Palestinian Electoral System, Relations between Voters and Candidates, The Relations between Citizens and Elected Representatives, Constitutions, How a Bill Becomes a Law, the Role of the Media in a Democracy, and the Role of the Citizen in a Democracy. Handouts were printed and distributed for each session, totaling 105,000 overall. The program has been interrupted by events during the year, such as the olive picking season (October 1995), when many participants were not available; Ramadan (February 1996); and periods of tight closures on the West Bank and Gaza Strip. As a result fewer than one topic per month has been completed. In addition some moderators have resigned or been asked to leave, which has resulted in brief gaps while NDI's expatriate staff hired and trained replacements. The sessions have periodically been covered in the Palestinian press, which has increased the visibility of *Civic Forum*.

As envisioned in the proposal, a special effort was made to use *Civic Forum* for voter education once the election law was established and the election date sent. Three *Civic Forum* discussion sessions included a voter education emphasis. In conjunction with the beginning of voter registration in November 1996, *Civic Forum* discussions that month outlined the procedures for registration within the context of the previous month's discussion on the rule of law. The December topic, The Palestinian Election System, included a broad discussion of election law provisions for candidate registration, campaign, voting and counting of ballots along with information about how the prospects for a free and fair election could be enhanced. In

January, immediately before the election, *Civic Forum* conducted discussions on the relation between voters and candidates which considered questions about how voters could gain the information necessary to evaluate and choose from the candidates.

In addition to voter education in regular *Civic Forum* discussions, NDI also took advantage of the *Civic Forum* network to provide important last-minute information that was difficult for most voters to access. Following the release of the final list of legislative candidates in the sixteen different districts, which took place only ten days before the elections, NDI's civic forum staff prepared and distributed, through its network of 400 local coordinators, 50,000 copies of sixteen different posters that indicated to voters the constituency boundaries, the procedure for marking the ballot and the names of competing candidates. It is worth noting that the percentage of spoiled ballots (approximately 2%) was remarkably low for a transition election. That fact is all the more remarkable given that the election was conducted on a shortened calendar and that election law specifications for spoiled ballots was relatively strict. (The law required a specific kind of mark, an x, as opposed to any mark that indicates the voters preference.) Although it is impossible to determine exactly the causes of the low percentage of spoiled ballots, the *Civic Forum* program was certainly a contributing factor.

NDI has developed a system of management and oversight of the program that extends beyond the specifications of the initial proposal. First, NDI has hired two Palestinian Program Coordinators, one for the West Bank and one for Gaza, who have come to manage the day-to-day functioning of the program and work with the moderators to ensure the consistency and quality of the discussions. Second, virtually all of the discussion sessions are taped (as opposed to the "periodic taping" specified in the proposal). Taping allows the Coordinators to monitor the performance of the moderators and also provides a mechanism for moderators to learn from each other. Third, moderators meet every week to report on the discussions they have conducted, to compare notes on participants' comments and to discuss plans for the upcoming topic. Fourth, moderators are assigned by NDI weekly supplementary readings to enhance their familiarity with the topics at hand. They are required to report on these readings during the weekly moderators' meetings. NDI's internal monitoring of the program has led to several modifications in the program. For example, on the basis of comments from moderators and local coordinators, NDI took steps in the spring of 1996 to increase the role of local coordinators, including organizing regular meetings with all the local coordinators in each region.

The program has also responded to opportunities occurring in the Palestinian political process in a way that goes beyond the specifications of the proposal. For example, the discussion moderators, having become quite familiar with the politics and personalities in their respective districts, acted as guides and/or translators to many of the international teams deployed by NDI/The Carter Center to monitor the elections. This not only strengthened the analytic capacity of the international monitoring program; it provided *Civic Forum* moderators with a personal experience of the international perspective on the elections that they could pass on to participants. While *Civic Forum* was conducting discussions on the topic of citizen relations with elected representatives (March-April, 1996), moderators helped to organize town meetings

in response to requests by local coordinators; these meetings provided an opportunity for participants to meet and question their Council members. In total, *Civic Forum* organized discussions with 25 of the 88 Council members in the weeks after their taking office. In many cases, these meetings provided the Council members with their first opportunity to meet with constituents, and in general terms, the meetings contributed to the understanding on the part of both Members and constituents of the importance of regular communications between the two. Although *Civic Forum* has been asked by both Members and participants to continue these town meetings on a regular basis, NDI believes that the local organizations that participate in *Civic Forum* need to develop their own relations with Council members. Moderators therefore used the town meetings that they did organize as an opportunity to show local coordinators how such contacts could be established. In several cases, the local coordinators have followed the example and set up their own town meetings with Council members.

In addition to these adjustments, NDI implemented in the summer of 1996 a substantial expansion of the program. The idea for the expansion came from several sources. First, NDI's own ongoing monitoring of the program found that it was successfully addressing an important need for information about democracy at the grass roots level. Most moderators reported that additional organizations in the area had requested discussion sessions, and that the program could easily expand beyond the limit of twenty sessions in each region. Second, NDI noted with the concern the relatively lower participation of women, and recognized the need for a new strategy to address this problem. Third, an AID-commissioned evaluation conducted in February 1996, corroborated these two impressions. The independent evaluation found that the program was successfully imparting useful information to participants (as measured by the participants understanding of the election law) and that high percentages of participants see the program as useful and want to continue. At the same time, the evaluation report recommended a more proactive approach to recruiting women.

On the basis of this input, NDI decided to expand the program and increase the participation of women. To do so, NDI decided to hire eleven additional moderators, providing two moderators, one male and one female, in each region. NDI submitted a proposal in March 1996 to USAID and received funding for this expansion. Overarching circumstances, namely the February suicide bombings in Israel, which led to strict closures of the West Bank and Gaza, as well as the May Israeli elections, precluded NDI from doubling the Civic Forum program immediately. By August, the eleven new moderators were hired and trained. In September, the new moderators observed sessions with their regional partners and began organizing their own groups and conducting their own sessions. As of November 1996, all eleven new moderators had established twenty groups, bringing the total to 440 local organizations participating in civic education discussions. The program is now reaching 8,800 Palestinians every month, 45-55% of whom are women.

Accomplishments

* A mechanism for civic education that works for Palestinians and is implemented by Palestinians has been tested, developed and implemented.

* NDI has conducted 4,180 civic education sessions covering eight topics through September 1996.

* A network of local organizations has been established that now includes 440 groups that meet monthly on an existing rotating basis.

* Twenty-eight Palestinian moderators and two coordinators have developed substantial experience in implementing civic education, staff management and budget management.

* 50,000 election posters and 105,000 handouts were printed and distributed in the pre-election period.

* *Civic Forum* discussions and posters informed thousands of Palestinians about how to register and vote for the January 20 elections, while at the same time providing broader information to help Palestinians evaluate and understand the elections.

* *Civic Forum* helped establish sustainable relations between local organizations and Council members.

B. JERUSALEM CENTER FOR WOMEN

Rationale and Original Plans

Among the most liberated and educated Arab women in the Middle East, Palestinian women also have significant organizational experience, having created extensive networks of women's committees throughout the West Bank and Gaza Strip. These networks, most of which are affiliated with political factions, have provided valuable services and economic opportunities to the Palestinian population during the decade preceding the DOP and the emergence of formal Palestinian self-governing institutions.

Despite these cultural, educational and organizational advantages, Palestinian women face a crucial point in their political development. Since the September 13, 1993 signing of the Declaration of Principles by Israel and the PLO, Palestinian women have been excluded from positions of political leadership. They occupy very few prominent political positions within the appointed Palestinian Authority (PA); only one of 22 ministers is a woman. Palestinian women also have not attained leadership positions within most Palestinian political factions.

As a Palestinian NGO, the Jerusalem Center for Women (JCW) contributes to the building of a Palestinian civil society under Palestinian authority. The JCW works to promote a society

that is based on equality and tolerance, without differences based on gender, race or religion. In this transitional phase, both the rise of fundamentalist forces and the traditionally conservative character of Palestinian society pose cultural obstacles to the evolution of a democratic civil society free of gender bias and discrimination. By knowing and expressing their political rights, women can help to overcome these obstacles.

After the pilot program conducted for women's political participation in 1994, NDI proposed to work with the JCW. A cooperative agreement of $45,000 was signed between the JCW and NDI for a seven-month period. Two coordinators were hired by the JCW to recruit the participants for the program, while NDI was to bring the international trainers and provide advisory assistance. A steering committee of two NDI staff members and two JCW staff members was to be created. NDI and the JCW proposed to work with a core group of 80 women, 40 in the West Bank and 40 in Gaza. The rationale was to target young women in different geographic areas (Jerusalem, Hebron, Nablus, Gaza City and Khan Younis). These women would attend workshops on a six-week interval on specific topics relating to individual political rights and women's political participation in democratic societies. Adopting a " train the trainers" approach, each member of the core group of Palestinian women would then conduct six workshops every six weeks, each attended by 25-30 women, in which they would convey the information and skills imparted by the international trainer. The program would therefore provide on-going information and motivation to the same 5,000 Palestinian women every six weeks.

The program was envisioned to mirror the *Civic Forum* program, although in a less formal manner. Each of the 50 women were to be assigned a geographic region in which she would be responsible for holding one workshop per week. Through this mechanism, the substance of the workshops would extend past the core group of participants.

Moreover, it was proposed that the topics presented in the women's program workshops would be the same as those discussed by the civic forum moderators. While the program was designed as a "women's program," it was not intended to specifically address women's issues, such as domestic violence or early marriage. Rather, it was to focus on the same topics that would be addressed in the Civic Forum civic education program, yet addressing how these topics relate to women in particular, and to do so in a setting that would facilitate participation by young women.

The program was expected to achieve several goals. First, through the follow-on discussions, Palestinian womens' awareness of the roles that they might play in a democracy would increase. Moreover, by attending the monthly training sessions and conducting the follow-on workshops, the 80 women who participated in the program would increase their leadership and organizational skills. The long-term objective of the program was to encourage the formation of a cadre of women and democracy human rights educators and activists who are aware of democratic institutions and practices and the role of women within them.

Objectives

- to increase the likelihood that Palestinian women will assert their rights and become politically active;

- to raise the awareness of the importance of women's political rights and political participation among the general population of the West Bank and Gaza Strip;

- to provide Palestinian women with information about the status and political activities of women in other countries that would be useful in the Palestinian context; and

- to assist a core group of women in their present and future political activities by providing them with leadership and organizational skills.

Actual Activities

A. The program began with a Self-Assertiveness and Communications Skills Course which was held in Hebron, Jerusalem, Nablus and Gaza City. The course, facilitated by local experts and trainers from the Palestinian Counseling Center, sought to create a dynamic and sociable atmosphere among the women, and focused on teaching communication and interpersonal skills through activities such as role-playing. The workshop discussions focused on obstacles to effective communication and how they can be overcome, and stressed the value as well of non-verbal communication. The program ended with a discussion of self-confidence building measures and public speaking.

Before the monthly cycle of discussions began, the JCW organized a three-day human rights training course in three of the four geographic areas. These courses served to provide the women with a global and specific understanding of different aspects of human rights in general, and women's rights in particular.

B. Following the human rights course, the workshops from November through January were focused on issues relating to the elections. Between November 7 and 15, day-long workshops about the electoral process were held in each of five program areas (Nablus, Hebron, Jerusalem, Khan Younis and Gaza City). The program began with a presentation of "The Palestinian Electoral System." The speakers went through the election law, and covered the important points including voter registration, candidacy, and electoral districts. Most of the questions asked by the participants focused on who had the right to vote, who could run for elections, Jerusalem, and prisoners.

Raqiya Humedian conducted a workshop on "Elections and Election Monitoring," in which she spoke of her experience as an election monitor in several countries, as well as an election commissioner in Yemen. She emphasized the importance of women informing

themselves about the candidates and the electoral process, in order to adequately participate in the elections. The two questions that generated the most discussion were: the pressure placed on women by male members who tell them for which candidates to vote, and the political and civic rights given to women under Islam.

C. The first half of the third monthly cycle of program was devoted to the topic: "Candidacy and Campaigning." Dr. Raoufa Hassan, prominent Yemeni women's activist who was one of only a dozen women to be candidates in Yemen's 1993 Parliamentary elections, led a workshop entitled "Working for Ourselves," which focused on the roles of the various actors running a campaign, and the issues that the candidates in general, and women in particular, face when they run. The activities included role playing, writing campaign speeches, and holding a mock election with domestic and international observers. Her experience of how she "ran to lose," moreover, where she explained that when she ran in the most conservative part of Yemen, she knew that she would not win, but wanted to illustrate the need and importance for people to get accustomed to seeing women in the political arena, other than voters.

A second workshop was led by Rawya Shawwa and Amal Khreishe, two Palestinian women's activists and likely candidates in January elections. Entitled "The Impact of the Palestinian Electoral System and Society on Women Candidates," their workshop addressed the issue of the district system, and how this system could reinforce tribal loyalties which could potentially weaken the chances women candidates. The pros and cons of having a women's quota were discussed.

Mid-Course Alteration

The focus of the program shifted somewhat from concentrating on spreading the information through follow-on discussions to developing the skills of the core group participants. The JCW became overwhelmed at the prospect of trying to reach 5,000 women, so they modified their focus. They felt that if the core group of women attended more than one workshop per month, they would increase their understanding of the monthly topic, and would gain additional public speaking and moderation skills.

There were several challenges that emerged as the program evolved. For one, there were low levels of participation in certain areas. This was seen as partly attributable to the fact that the women often found it difficult to attend the workshops due to familial obligations, as well as objections to their participation, both because of the program content, as well as because of the time that women needed to spend away from home. Moreover, it became difficult to convene meetings of the steering committee, as other JCW activities often meant that the members were overextended.

Another challenge that arose was the absence of follow-on discussions, as originally envisioned in the proposal. To address this, training sessions were organized with *Civic Forum* moderators that focused on a discussion of the electoral system and an evaluation and critique of

the moderator's techniques. Unlike *Civic Forum* moderators, however, the women in the JCW program were volunteers, and therefore were unable to make the program a full-time commitment. As a result, NDI concluded that it was unlikely that a substantial network of follow-on discussions would be created.

Seven months into the program, NDI and the JCW came to a mutual decision not to extend their cooperative agreement. While there were accomplishments of the program, as well as the development of a relationship of mutual respect, the roles of the organizations regarding the cooperative agreement were seen differently. For one, it became apparent that, as a well-established organization, the JCW was more interested in receiving direct funding for its own well-established program of activities than entering into a cooperative agreement with another organization. At the same time, NDI decided that women who were to be targeted in this program could be reached more effectively through the growing *Civic Forum* program.

Accomplishments

* The program, though not continued, did achieve many of its initial objectives. The young women targeted represented a broad geographical range, and gained experience through the trainings and workshops that was unavailable to them otherwise. Moreover, the JCW is a serious and committed organization with goals consistent in key ways with those of NDI; the partnership that developed during this project was mutually beneficial and sustainable.

* Information provided by international trainers about the experience of women from other countries around the world, both as candidates and as voters, was deemed interesting and useful by many of the program participants.

* Participants learned valuable information about the Palestinian electoral system and voter registration. Moreover, information on the experience of other transitional democracies was appreciated by the participants as useful examples to inform the Palestinian transition.

* In evaluation questionnaires submitted by some of the program participants, it was evident that there existed a great desire and motivation to share knowledge from the workshops with friends and family. In particular, how women can assert self-confidence, and how to raise the awareness and activities of women in the political arena.

* Some of participants, albeit a limited number, channeled their enthusiasm about the program into developing action plans (e.g. organizing candidate forums, follow-on discussions about the workshop topics). Others disseminated the information they received through the distribution of information packets to residents in their villages, while others targeted high schools, or women's organizations.

C. SUPPORT FOR DOMESTIC ELECTION MONITORING

Rationale and Original Plans

NDI's program to support domestic monitoring of the Palestinian elections developed in response to two observations. First, NDI's initial assessment mission to Tunis, the West Bank and Gaza Strip in 1993, and subsequent activities in 1994 revealed widespread concerns among Palestinians that the elections might not be conducted fairly. The Institute's experience in democratic transitions around the world has demonstrated the critical importance of public confidence in a first time election. If there is not widespread confidence that the elections will be conducted fairly, even technically sound elections are likely to be viewed with ambivalence by the population. Subsequent to the assessment mission, NDI conducted several programs designed to address this problem. An indirect goal of the *Civic Forum* program described above (and its predecessor, the pilot civic education program), was to reduce uncertainty about the elections by informing citizens about the process. NDI's programs of public meetings and consultations on election systems were also aimed at encouraging Palestinian leaders to appreciate the importance of increasing the transparency of the election preparations in a way that would increase confidence. While these pre-election programs were valuable and had some import, the most effective way to increase confidence in the elections was to encourage the formation of credible Palestinian witnesses to the election process.

The second observation was that Palestinian civic organizations, though numerous and active, have been reluctant to engage constructively with the political process created by the Israeli-Palestinian peace agreements. The West Bank and Gaza Strip possess a wide range of civic organizations, including many that grew up during the *intifada* and that focused principally on opposition to Israeli policies. Many of these organizations expressed reluctance to involve themselves actively in the Palestinian election process, to make the transition from opposition to Israel toward support for and participation the elections that resulted from the Israeli-Palestinian peace process. This reluctance raised the prospect of a weakened Palestinian democratic experiment by depriving it of the support of active civic organizations.

These two issues -- the need for Palestinian monitoring of the elections, and the need to encourage greater involvement from Palestinian civic organizations -- led NDI to develop a program to support a coalition of Palestinian NGOs interested in monitoring the elections.

In more than a decade of political development work in diverse political environments, NDI has learned that nonpartisan domestic monitoring of elections can greatly strengthen public confidence in the electoral process (to the extent that such confidence is warranted) and reinforce the critically important idea of citizen involvement in one's own democracy. In addition to providing a check on potential violations of election procedures, monitoring enables local citizens to learn by doing. Participants typically develop an expertise in election rules and procedures that can be informally transmitted to family and neighbors. They also become an effective illustration to the community at large that the elections provide an opportunity for ordinary citizens to hold

governing officials accountable. After elections, these election monitoring groups have frequently played important continuing roles in the consolidation of democracies in their respective countries. They provide vital opportunities for demonstrations of citizen involvement and responsibility.

To support domestic monitoring of the Palestinian elections, NDI proposed to place a staff representative in the West Bank and Gaza Strip to organize and conduct training sessions with nonpartisan civic groups interested in election monitoring. The representative would produce training material for the organizations and provide information on avenues of inquiry and redress for problems. NDI would enter into a cooperative agreement with an appropriate organization or coalition of organizations that might emerge as a result of the consultations, to enable it to conduct the domestic monitoring. It was also envisioned that the NDI representative would establish an office to centralize activities and provide for information sharing among observation delegations. The representative would also assess the possibilities for conducting a parallel vote tabulation which would provide an independent assessment of the vote count.

Objectives

- to assist in the development and implementation of a system for the preparation and consolidation of substantiated, first-hand reports on the elections from credible volunteer Palestinian monitors;
- to help deter election-related fraud and intimidation during the pre-election period and on election day;
- to encourage public participation in the process as volunteers in the network of domestic election monitors;
- to promote confidence in the elections among the population at large, to the extent that it would be justified;
- to enhance the capacity of indigenous organizations to become involved in the election monitoring process, thereby strengthening them for future activities;
- to develop a parallel vote tabulation system to verify the official vote count on election day; and
- to develop relationships with Palestinian NGOs that may lead to future democratic development programs.

Actual Activities

Throughout this period, NDI sought to identify Palestinians active in their communities

and to introduce them to the emerging international practice of nonpartisan domestic election monitoring. From March 1994 through April 1995, NDI brought Palestinian women and men who had demonstrated an interest in strengthening the elections to South Africa (March and April 1994), Guyana (October 1994), Nepal (November 1994), Peru (March 1995), and Bulgaria (November 1995), in order to observe domestic election monitoring efforts in action. Several of these participants returned to give lectures/seminars and write articles in the Palestinian press about the domestic election monitoring efforts they had observed in these countries and the important role these efforts played in activating and encouraging citizens to take ownership of their own political process and transition. In the spring of 1995, several of these participants and interested NGOs began discussing how they might adapt these ideas to the Palestinian situation, and approached NDI for assistance in their deliberations. Nearly everyone with whom NDI staff met recommended that the Palestinian domestic monitoring effort would best be organized as a multi-partisan coalition of Palestinian NGOs engaged in peace, democracy and human rights work. NDI discussed with them, and later reiterated on several occasions, the challenges associated with building coalition election monitoring efforts in difficult political climates. Ultimately, NDI proceeded to support the 40-member coalition Palestinian Domestic Monitoring Committee (PDMC).

Although NDI received funding to pursue these activities in 1994, continuing delays in the development of an election framework and a fear of raising inappropriate public expectations led NDI to postpone work on the domestic monitoring front until February 1995, when the elections began to appear on the horizon. At that time NDI assigned Field Representative Ranjit Singh (who had directed NDI's programs in the West Bank and Gaza Strip from February 1994), to direct the project. Over the course of the next year, NDI brought individuals with experience in organizing domestic monitoring of elections to the West Bank and Gaza to contribute to the program. These individuals included Lisa McLean, an NDI Senior Program Officer who had worked closely with one of the world's most successful domestic monitoring programs in Bulgaria; Lawrence Lachmansingh, former project officer for the Electoral Assistance Bureau of Guyana, which played an integral role in the 1992 and 1994 Guyana elections; Faris al-Sanabani, who helped to coordinate a domestic monitoring effort for the 1993 Yemeni parliamentary elections, and NDI Executive Officer Sean Carroll.

For the first three months of the program, NDI addressed the critical question of identifying suitable Palestinian leadership for the monitoring effort. NDI faced several complications in this area. First, the often-cited politicization of Palestinian society, which meant that most civic organizations were affiliated (or perceived to be affiliated) with political parties, made it difficult to develop a credible, nonpartisan leadership. Second, some Palestinian civic leaders could be expected to view with suspicion the formation of a monitoring effort backed by an American organization. Third, that many Palestinian political factions were ambivalent about the value of the elections themselves meant that a program on monitoring those elections had to be approached delicately. Within this context, Mr. Singh, Ms. McLean and Mr. Lachmansingh conducted a broad range of exploratory meetings with civic leaders, women activists, students, and Palestinian Authority officials. These meetings were designed to explore which of three basic

options for the structure of the monitoring effort would be most appropriate. The options included: a new organization of unaffiliated Palestinians, primarily women and students; a single, independent pre-existing organization; or a coalition of existing organizations. Each option had its drawbacks. While a new organization might avoid the factional identification of the existing groups it would have trouble gaining respect from the Palestinian political leadership. Only two human rights organizations in the West Bank and Gaza enjoyed well-established reputations as independent groups and neither was prepared to embark on a domestic monitoring program. A coalition of existing organizations would include some affiliated with different factions and would likely be difficult to manage. In response to input gained through many meetings, NDI decided on the third option and began in June 1995 to support the development of a domestic monitoring coalition.

On June 22, 1995, at the request of several sympathetic NGO leaders, NDI sponsored a semi-formal start-up meeting in the West Bank to begin planning a domestic monitoring coalition. Thirty-one organizations, whose mandates suggested they would be interested in politics, education and the elections, were invited to attend. This approach centered upon civic education, human rights, women's rights, and peace and democracy organizations. Fifteen organizations attended a full-day session carefully prepared to introduce the ideas of domestic observation and to avert conflicts between potential coalition partners. In the course of the meeting many of the groups present agreed to join a monitoring effort and plans were established to begin weekly meetings with a designated steering committee. A similar meeting was conducted in Gaza on July 12, leading to the formation of coalition of eight NGOs that intended to work under the umbrella of an existing coalition, the Palestinian NGO Network. In September, the two steering committees held elections to select chairpersons, spokespersons and treasurers. The effort took on the name of the Palestinian Domestic Monitoring Committee (PDMC).

NDI and its Palestinian partners initially intended for PDMC to be a unified Palestinian effort embracing both the West Bank and Gaza. Because of the closure that restricted movement between the West Bank and Gaza, however, the two steering committees were not able to meet with one another, and as result it became difficult to keep the two efforts on parallel tracks. In Gaza, where suspicion of the role of American organizations was higher, and where the recent arrest of a prominent Palestinian human rights activist led to concerns about intervention from the Palestinian Authority, the steering committee was more cautious in moving forward with constructive plans. The West Bank Steering Committee for a time waited for its partner in Gaza, but eventually decided to go ahead with preparing plans for election monitoring and a proposal for a cooperative agreement with NDI.

NDI faced a series of difficulties in Gaza that eventually led the Institute to abandon efforts to support a monitoring effort in that area. The first problem was the strong reluctance on the part of the Gaza umbrella organization, the Palestinian NGO Network, to move toward putting its plans in place for monitoring. This position reflected the intense ambivalence felt toward the elections among Palestinian NGOs. At that time, negotiations that would lead to the Oslo II agreement were under way as well as plans for an election law. Some Palestinians felt

bitter at the secrecy of these deliberations and refused to commit themselves to supporting the election process. In August 1995, the PNGO Network formally wrote to NDI to say that they had decided not to lead the coordination of the monitoring effort. NDI shifted then to a group of seven NGOs that were not part of the PNGO that intended nevertheless to carry on with the program. Despite several training meetings and considerable encouragement from NDI, this group also did not succeed in putting in place a viable plan and the organizational infrastructure required for the monitoring effort. In December 1995, NDI formally broke off the relationship with the Gaza monitoring committee. Some of the factors that led to this move were: an atmosphere of mistrust and lack of cooperation; a lack of commitment on the part of the steering committee to a neutral and independent monitoring effort; inability on the part of the committee to develop practical plans and a timetable despite the now-imminent January 20 election date; and the decision on the part of the steering committee to hire inadequately qualified relatives of committee members in staff positions, in violation of the terms of the cooperative agreement.

Two weeks before the elections, several of the NGOs who had earlier been involved in the Gaza branch of PDMC decided to monitor the election day balloting and the vote count. Led by the Gaza Center for Human Rights, this effort recruited and deployed 32 election monitors in Gaza on election day. Although this program was not directly supported by NDI, it resulted in part from the discussions NDI had initiated, and benefitted from the written materials NDI had circulated.

Developments in the West Bank were also not without problems. For one, the West Bank PDMC had some trouble recruiting a significantly balanced mix of NGOs to suit an exacting Palestinian Authority political sensitivity. NDI understood going into this program that almost all Palestinian NGOs are affiliated with one or another of the Palestinian political factions. NDI hoped, nevertheless to build a credible nonpartisan coalition by bringing together NGOs affiliated with several different factions. This effort was complicated by the prevailing political situation. Fateh, the leading party in the Palestinian Authority, was confident of electoral success and little concerned about election manipulation. As a result, NGOs affiliated with Fateh were less inclined to become involved in the monitoring coalition. The secular national parties (PFLP and DFLP) planned to boycott the elections, and likewise NGOs affiliated with these groups did not want to be seen as supporting the elections through monitoring. The Palestinian People's Party (PPP), in contrast, intended to compete, and feared that they might suffer from electoral manipulation. This position was reflected in the fact that NGOs affiliated with the PPP were eager to participate in the monitoring effort. Aware of this problem, NDI repeatedly encouraged PDMC to recruit a wide range of organizations, and the coalition did manage to include at least some organizations of various political stripes. Moreover, NDI's direct experience working with the leaders of the monitoring group made it clear that their motivation was fair elections, not a partisan outcome. Nevertheless, some allegations of partisanship, inevitable in the Palestinian environment, and familiar to NDI from other places, did arise.

Once an election date had been announced, the PDMC focused its efforts on, first, monitoring the voter registration, and then recruiting and training monitors for election day. The

voter registration, during which election administrators traveled house-to-house to register voters was a particularly important first step in the election process that would provide indications about the fairness of the process and the degree of participation. Postulating that it would be relatively easy for administrators to bias the registration by skipping houses of people known to support one party over another, PDMC decided to conduct a survey to assess the registration. In early December, 70 volunteers visited 770 randomly selected homes in 10 cities, 22 villages and 15 camps in ten out of eleven West Bank electoral districts. PDMC compiled the information from this survey and released a public report by registrars on December 12, 1995. On the basis of survey findings that 93% of homes surveyed had been visited, the report concluded that the registration had been generally successful and without political bias.

Following on the registration monitoring survey, PDMC continued to monitor the pre-election environment while at the same time recruiting and training volunteers for election day. The advisor from Yemen, Mr. al-Sanabani, was particularly helpful during this period in the preparation of written material that was used to recruit and train volunteers. In addition to the December 12 report, PDMC released three press releases in the month before the elections to express concerns about specific pre-election problems.

By election day, PDMC had recruited and trained a total of 2200 volunteers. Each volunteer had a handbook of instructions for activities on election day, a booklet of forms to fill out and an arm band marked with the PDMC eye label. Unfortunately, the Central Election Commission was only able to provide credentials for entry into polling stations for 1400 volunteers. Despite this setback, PDMC took advantage of the commitment of the other volunteers and instructed them to monitor areas around polling stations. The substantial number of polling station committees allowed PDMC to post its volunteer monitors in most polling stations in the West Bank. In addition PDMC organized a special communications plan to allow it to gather midday reports from its volunteers for the purpose of conducting a press conference on the afternoon of election day. On the 25th of January, PDMC released to the press its findings on the election overall.

Post-Election Activities

Many of the member organizations of the PDMC coalition have continued to involve themselves in the Palestinian democratic process and to build on their experience with the election monitoring. Several of these organizations are setting up programs to monitor the Palestinian Legislative Council through reports on Council activities and town meetings between citizens and Council members. Most of the coalition groups also say they expect to play a role in monitoring the local elections which are expected for some time in 1997. Although the groups may not maintain the same coalition arrangement that was utilized during the 1996 election, they will employ and build upon skills they developed through the NDI program. For example, several of the groups have begun to develop plans to monitor the local elections, expected to occur in the Spring of 1997.

Accomplishments

* PDMC trained 2,200 Palestinians in election monitoring, voters' rights, correct voting procedures, and the electoral law. In many cases, PDMC volunteers were overheard by international monitors and NDI's Palestinian staff in polling stations explaining to voters their rights or the correct voting procedure when the polling station officials had failed to do so adequately.

* Through a series of press releases and media announcements PDMC achieved a public profile that contributed to public confidence that the elections would be carefully scrutinized.

* The PDMC coalition experience provided a leading group of 18 NGOs with an opportunity to work closely together through organizing a comprehensive territory-wide activity through a coalition.

* PDMC's monitoring of the elections set an important precedent for activity by Palestinian organizations that can hold the Palestinian Authority accountable.

* PDMC coordinated closely and shared information with other election monitoring bodies, particularly the European Union's Electoral Unit and the international monitors assembled by NDI and the Carter Center.

* Some of the organizations in the PDMC coalition have developed plans to use the skills learned in the PDMC experience to monitor the Palestinian Legislative Council.

D. INTERNATIONAL ELECTION MONITORING

Rationale and Original Plans

NDI has a long track record in conducting international election monitoring programs, having conducted more than 50 monitoring missions since 1986. Because of the critical importance of the Palestinian elections, NDI had long anticipated monitoring the elections. Palestinians, both within and without the Authority also encouraged NDI in this direction. The Declaration of Principles included a commitment to conduct elections according to "agreed-upon international supervision." When the U.S. government was officially invited (along with the European Union and governments of other countries that had been contributors to the peace process) to send observers, NDI was designated to organize the American contribution to the monitoring effort.

Beginning with NDI's initial survey mission to the West Bank, Gaza and Tunis, it was clear to the Institute that the ingredients were present in the Palestinian situation for international monitoring to play an important role. NDI found widespread enthusiasm for

elections, mixed with concern about whether the Palestinian Authority and/or Israeli officials would allow the elections to be conducted fairly. Also, as a center-piece of the peace process, the election process was clearly one where a demonstration of international support would be needed and welcomed.

On this basis, NDI developed plans for a international monitoring program. The original plans for the program included the following components:

1. Continual pre- and post-election monitoring through the presence of field representatives.

2. Two small multinational pre-election delegations.

3. Periodic pre- and post-election statements.

4. A comprehensive pre-election report to be available to international observers and interested Palestinians and Israelis.

5. An election-week delegation of approximately 50 members to be led by former President Carter.

6. Extensive coordination and information-sharing with other observers.

7. Publication of a post-election final report.

Objectives

- ☐ to organize a well-informed, credible and well-publicized international presence before the elections that would contribute to a consensus among Palestinians and the international community regarding the degree to which the electoral process is consistent with accepted international standards;

- ☐ to increase public confidence in the elections, to the extent such confidence would be warranted;

- ☐ to help deter election-related irregularities, intimidation and other pre-election abuses;

- ☐ to strengthen the ability of Palestinians to analyze and report on the elections process through appropriate interaction with local monitors and other actors; and

- ☐ to prepare a pre-election assessment report for distribution to international delegations organized (by NDI, the European Union and others) to observe election-day activities.

Actual Activities

Before definitely deciding to organize a larger international election monitoring program, NDI assessed the utility of a relatively modest NDI program in light of the European Union's $13 million, 300-person election monitoring program. Through consultation within NDI, and conversation with the European Union (EU), the State Department and USAID, NDI determined that an American organized program would develop a separate profile and would complement the EU's program by providing a distinct perspective on the electoral process, based in significant part on the wider experience in assessing transitional elections that NDI and the Carter Center possessed. Moreover, based on the assumption that the quality of the program's political assessment and visibility was more important than the quantity of delegates, NDI decided upon a 40-member delegation instead of a delegation of 75-members, as proposed by some.

In October 1995, two NDI representatives (Kevin Johnson and Olga Milosavljevic) arrived in the West Bank and Gaza and began monitoring political developments and election preparations full time. They were joined by a representative of The Carter Center in November (Sue Palmer). At that point, it was assumed that the election would take place in March or April 1996. The pace soon increased as Yasser Arafat committed the PA in October to elections in January, to be concluded before the month of Ramadan began.

The first pre-election assessment mission was thereupon organized from November 10 to 17, timed to coincide with the beginning of the voter registration period. The delegation assessed the state of preparations at that point and found that, despite the compressed timetable, the successful opening of registration and the demonstration of commitment and competence on the part of election officials augured well. The second mission, organized from December 10 to 17, took place during the candidate registration period. Focussing in part on the political situation, the statement of the second mission stressed the value of the broad support for the elections even among groups not intending to participate. The statement also expressed concern over the continuing absence of a clear legal framework for the elections, and over incidents of harassment and intimidation on the part of Palestinian security officers. The two pre-election delegations included leading democratic activists from around the world, including active or former Members of Parliament from Hungary, South Africa and Latvia, a former member of the U.S. Congress, a Moroccan political party leader, the Vice President of the Inter-American Commission on Human Rights, the Director of the Conflict Resolution program and the senior elections expert at The Carter Center and senior NDI officials with extensive experience in the monitoring of transitional elections. These delegations demonstrated NDI's commitment to a multinational approach to evaluating and supporting the Palestinian elections.

NDI's field monitoring team continued to track developments between missions and met regularly with regional and national election officials, candidates and civic leaders. On the basis of these observations NDI issued a third pre-election statement on December 31 in response to a series of haphazard changes in the election schedule and procedures, which posed risks to the stability of the election process. In conjunction with substantially similar statements

that were made in this period by the EU delegation, and which may have been prompted by the public attention given to NDI/Carter Center statements, this statement led to a renewed public commitment to abiding by the law on the part of election authorities.

For the election itself, NDI and The Carter Center organized a 40-person mission, including a team of monitors deployed to each of the sixteen Palestinian electoral districts. The monitors were given an intensive two-day briefing before deployment, including presentations by leading candidates, election officials and Palestinian civic leaders. In their respective regions, each monitoring team was pared with a Palestinian guide (in many cases a *Civic Forum* moderator) who translated for the observers and provided background on local political issues. The day before the elections, monitoring teams met with candidates and election officials in each constituency.

On election day, observers visited ten to fifteen polling stations each and filled out checklists
about the process of the elections in those areas. The questionnaires used had been developed in consultation with the EU so that comparable information was gathered throughout the West Bank and Gaza Strip. After the close of voting (7:00 pm in most polling stations, later in more crowded areas) the observers watched the counting of the ballots. In some cases, the teams then moved to the District Election Offices where the polling station returns were tabulated. The next day, observers returned to Jerusalem to share with one another their respective findings. On the basis of these reports, the delegation issued a preliminary statement in the afternoon of January 21 at a press conference led by President Carter.

Most of the observers left the day after the press conference. NDI and The Carter Center maintained two field representatives in the West Bank and Gaza to monitor the post election process, including the tabulation of provisional and final results, and the complaints process. In response to public concern about irregularities during the counting process, NDI and The Carter Center issued a fifth statement January 28 which sought to defuse tensions while at the same time calling for greater transparency from election officials. The NDI field representative continued to monitor the process until the final results were released and the last appeals adjudicated in early March. In addition, NDI compared the official polling station by polling station results with the records of observers from the count on election night to check for errors or irregularities. This comparison, which involved roughly 40% of polling stations showed no evidence of fraud. NDI prepared a final statement to explain these findings and at the same time criticize the Election Appeals Court for refusing to hear two important appeals. This statement was not released to the public however, because at that time a series of bus bombings in Israel took center stage and rendered an election statement inappropriate. A book-length final report on the elections was published by NDI in December.

Accomplishments

* The NDI/Carter Center pre-election monitoring helped to define for the international

community and for Palestinian officials several issues of importance in the period leading up to elections. The NDI statement of December 31, coupled with a statement by the European Union Election Unit and one by the Norwegian delegation, appeared to have a sobering effect on election administrators, which led to greater adherence to the election law in the weeks that followed.

* NDI/Carter Center observers were able to intervene in a variety of situations to facilitate the resolution of election problems. In the pre-election period, NDI and The Carter Center called attention to a Palestinian Authority requirement that passport applicants must register to vote -- an infringement on the right not to vote -- and officials responded accordingly. Two days before the election, for example, a leading Israeli negotiator called NDI to discuss Israeli concerns that the list of voters designated to vote in Jerusalem would need to be changed. Given the near impossibility of informing voters that their polling stations assignment had changed, the Israeli move threatened to disenfranchise Palestinian voters in politically sensitive East Jerusalem. NDI worked out an agreement between Israeli and Palestinian officials that, in exchange for strict time limits on the hours of voting, would maintain the existing polling station assignments. On election day, President Carter publicly criticized the video-taping by Israeli soldiers of Palestinian voters, which led to a reduction of that interference. In several polling stations in Gaza, NDI/Carter Center observers intervened during chaotic situations at the close of voting to instill greater order in the polling stations. Three days after elections, an NDI field representative helped to locate a missing protocol in Jerusalem and to confirm that the results recorded on that protocol matched independent records by candidates' agents.

* By continuing to monitor developments into the month of March, NDI was able to develop a comprehensive understanding of the problems involved in the critical post election period. The NDI/ Carter Center monitoring effort was the only group to continue to monitor the post-election period through March. Before election day, attention had focussed on four issues: whether Palestinians opposed to the peace process would disrupt the elections; whether the administrative structure could keep pace with the compressed timetable; whether the Palestinian Authority would allow unhindered competition; and whether the Israeli government would use its control over East Jerusalem and transportation routes to hinder the elections. Although these issues were all important (particularly questions about the role of the Palestinian Authority and its security forces), the greatest threat to the credibility of the election lay in the inability of the Central Election Commission to demonstrate with sufficient transparency to the public how the final results were determined and to address the many complaints about those results. NDI and The Carter Center followed these issues closely after the elections, provided some assistance in resolving post election disputes, and documented the problems in a way that can help avoid similar situations in subsequent elections.

VI. Future Activities

NDI's continued programming in the West Bank and Gaza Strip will focus in the next two years on civic education and advocacy and on the institutional development of the Palestinian Legislative Council. In September 1996, NDI received a grant from USAID with funding to continue the Civic Forum program through September 1998. The new proposal will allow NDI to focus on one of the original goals of the program, that of developing a "wholly Palestinian group committed to grassroots civic education." The program envisions that Civic Forum will separate from NDI and develop its own management, with technical and financial assistance from NDI. By placing day-to-day administrative management of the program in the hands of the two Palestinian Program Coordinators, NDI has already taken an important step toward this goal. Also included in the program, and consistent with the recommendations from the independent evaluation is an advocacy component, which will enable NDI to work with NGOs from the Civic Forum network to develop ways in which these organizations can influence the public policy process.

Also in September 1996, NDI was awarded a USAID grant to conduct a legislative development program with the Palestinian Legislative Council (PLC). This 16-month program builds upon experience and insight gained from NDI's three-month assessment of the PLC and a workshop held in May on the Basic Law. The program is comprised of a series of six workshops to be held with international experts, focusing on different aspects of legislative development from a comparative perspective (e.g. role of committees, legislative-executive relations, transparency, the budget process). Materials brought by the trainers for use in the workshops will be translated into Arabic so that they can become reference materials for PLC members. These workshops will be supplemented by visits to transitional legislatures in other countries, where PLC members will be able to study other developing legislatures first-hand.

List of Appendices:

A. Civic Forum Moderator Guides and Handouts

B. Articles about Civic Forum

C. Description of JCW/NDI Program and Application Form (in Arabic)

D. JCW/NDI Workshop Schedules and Terms of Reference

E. JCW Final Narrative Report

F. PDMC Training Manual

G. PDMC Press Releases

H. Memorandum of Understanding between the Commission on Elections and Local Government (CELG) and NDI

I. Terms of Reference from Pre-Election and Election Missions

J. All NDI/Carter Center Press Releases

K. Press on International Monitoring Delegation

L. Terms of Reference from October 1996 Independent Evaluation

M. Independent Evaluation (with list of evaluation meetings)

N. Palestinian Election Report (with own appendices)

APPENDIX A:

CIVIC FORUM MODERATOR GUIDES AND HANDOUTS

DISCUSSIONS FOR DEMOCRACY

"Individual Rights"

A Practical Guide For Moderators

National Democratic Institute for International Affairs

The National Democratic Institute for International Affairs (NDI) works to promote, maintain, and strengthen political parties, civic organizations, and other institutions in new and emerging democracies. The Institute is headquartered in Washington, D.C. with field offices in Africa, Asia, Latin America, the Middle East and the Former Soviet Union.

Eric is probably best suited to complete this section. Tom suggested adding a line that indicates that NDI's program is funded by AID as part of an effort by the American people to support Palestinian democracy.

Purpose of this Guide

This guide is designed to assist you in conducting practical discussions about democratic principles and practices. The guide suggests specific techniques and devices that help enhance the quality of the discussions by promoting an exchange of ideas and information. As the name implies, however, this is only a guide. It can, and should, be modified to reflect the sensibilities, experiences and expectations of the participants.

The underlying objective of each session is to familiarize the participants with some of the institutions, procedures, attitudes and norms that form the fabric of a democratic society. Once the participants learn about these elements, they can begin to define their own roles and responsibilities as citizens in a democracy. The sessions will not be approached as university lectures about unfamiliar concepts but as practical discussions that foster genuine and informed debate. By encouraging self-expression and deliberation the sessions will demonstrate the participatory nature of a democracy and further enhance the understanding of the participants.

Roles and Responsibilities of the Moderator

It is important that you treat the participants as peers and recognize that everyone has something valuable to add to the discussion. You are a servant of the group who keeps the discussion moving in a consistent direction and provides additional information when needed. By asking thoughtful questions and by avoiding opinionated responses, you will encourage participants to think for themselves. Remember that these sessions are not a means of arriving at a predetermined solution or answer. Instead these sessions are a means of introducing participants to democratic principles and allowing them to form their own understanding.

For each session you must:

- understand and articulate the purpose;
- clearly introduce the topic being addressed;
- gently guide the discussion and encourage inclusiveness;
- be prepared with relevant examples;
- stimulate coherent and constructive discourse by asking questions;
- listen carefully help clarify and articulate participant views;
- provide comparisons and contrasts;
- continually summarize and link issues and ideas;
- write main points on a flip-chart for entire group;
- encourage positive input and elaboration;
- demonstrate respect and interest;
- discourage interruption and unproductive criticism.

The quality of the session will also be increased if you are familiar with the participants and modify the discussion format to reflect their personal characteristics. For instance, the level of education or the demographic makeup of the group will change the nature of the discussion. It is useful to take this information into consideration and make appropriate adjustments.

Questions play an important role in a moderated discussion. You can use questions to engage participants, direct the discussion, clarify ideas, and introduce additional information.

As the moderator, it is important that you keep the discussion focused and prevent it from being dominated by one individual. When the discussion begins to move away from the topic, acknowledge this fact and ask the participants a question that brings the discussion back in focus. When one individual is dominating the discussion, tell the individual "you have made many interesting statements, would someone else like to comment."

For each session, you will also be responsible for logistics and administrative management. This requires that you:

- identify and invite the participants;
- locate a place to hold the session;
- arrange the room into a round table setting rather than a classroom;
- prepare the written materials for distribution;
- register each participant so that you can keep a record of attendance;
- begin the session on time and adhere to the time allotted; and
- be flexible.

Individual Rights in a Democracy

Summary

A democratic society is organized so that individual human rights are protected. Every citizen in a democracy is legally guaranteed certain rights that can not be taken away by the government or by other citizens. The power of government is derived from the will of the people and is used to serve and protect the people regardless of their ethnic, religious or political beliefs. To help ensure that individual rights are protected, countries establish rules or basic laws that grant individual rights and define the structure in function of government. A democratic government is structured so that no one individual or institution has the power to make and implement all decisions. The functions of government are separated between different branches and institutional checks are placed on the authority of each branch. The power of government is also restrained by regular and fair elections that allow citizens to voice their opinions and change the composition of government.

Individual Rights and Equality

Democracy is defined by certain universal principles and practices that permeate every aspect of a society. A primary principle is freedom and equality based on individual rights. Freedom and equality can be translated as popular sovereignty. This implies that political authority is located in the people; that every individual has a basic intrinsic worth; and that equal treatment should be granted every individual. A democracy exists when citizens are able to participate actively in the life of their society by exercising their individual rights -- such as freedom of expression and speech, of assembly and association, of religion and conscience, to petition the government, and to vote.

In most democracies a constitution, sometimes called the Basic Law, serves as a country's supreme law, and all citizens, prime ministers to street vendors alike, are subject equally to its provisions. A constitutions is often a written document, modified occasionally, that specifies the rights and duties of citizens and the limits on the authority of government institutions. At a minimum, the constitution safeguards freedom by providing guarantees for basic human rights.

The principle of equality requires that the majority rule. If everyone is equal, then all votes and voices must count equally as well. But democracy also requires that the rights of the minority are protected by law and practice. Because laws protect the rights of all citizens, the majority -- once defined through an election -- can not abolish the basic rights of the minority. For instance, in an election where one political party, or a coalition of parties, receives a majority of the vote, they can not punish opposition groups who are in the minority. These minority groups have the right to voice dissenting views and to participate in future elections. Groups and individuals are not fearful of reprisal and intimidation. Democracy, rather, allows competing ideas, values, goals, and interests of people, individually or in groups, to oppose one another in a peaceful manner.

The Role of Government

Democracies also rest upon the principle that government is by the people and exists to serve the people. In other words, the people are citizens, not subjects. The government is responsible for protecting citizen rights, and in turn the citizens grant government temporary power to make decisions on their behalf. Power originates with citizens and flows from the citizens to the government. In an authoritarian political system, the government demands service from its people without any obligation to secure their consent or respond to their needs. This form of government prevents individuals from choosing their leaders or having a voice in public policy. Decisions are imposed without thought or concern given to the rights of individuals. The distinction between democratic and authoritarian forms of government is one of limited and unlimited power.

Although the principle of government for the people and by the people reduces the propensity of governments to abuse power, it is not a sufficient restraint. The principle is also supported by several means that guarantee respect for individual rights by balancing and checking government power. Government is organized to prevent one individual or institution from becoming too powerful and prevailing on all issues. A democratic government is inclined, organizationally and procedurally, to make decisions that benefit society, rather than a particular individual interest.

Democracy requires government to be limited, but it does not require it to be weak. Government is the formal institutions of society with the authority to make and implement binding, collective decisions. Societies establish and sustain governments for a variety of purposes, including to maintain social order; to protect lives and property, to control conflict; and to disperse resources. A government must have a significant degree of power in order to function effectively in pursuit of these objectives. Since a government needs power to make binding decisions that, at the same time, should not infringe upon individual freedoms, the issue in a democracy becomes one of placing acceptable limitations on government.

Restraints on the Power of Government

The power of a democratic government is clearly defined by a framework of laws and practices that protect cultural and political freedoms. In some cases, political power is separated into different government branches -- legislative, executive, judicial. Another form of limitation is the establishment of checks on the power exercised by each branch. By dividing responsibilities and placing checks on power and influence, a democratic society limits government abuses and helps ensure the rights of individuals. The power of an authoritarian government, on the other hand, is generally not limited or checked in any way. Because power is centralized and unlimited, the government is able arbitrarily to make decisions that may violate the rights of individuals and minority groups.

Although significant variations of each can be found throughout the world, there are two basic democratic systems of government -- presidential and parliamentary. Each of these systems use different means to balance and check the power of government.

In a presidential system, the power of the executive, legislative, and judicial branches of government are separated and balanced. Generally, the legislature makes laws, the executive enforces laws and the judiciary interprets laws. Although each branch has particular responsibilities, it also has the ability to restrain the other branches. For example, only the legislature can pass laws, but the executive can veto laws and the judiciary can repeal laws. Another example is the executive's right to recommend cabinet members, but the legislature must approve the recommendation. Also, the executive may suggest a national budget, but the legislature is responsible for approving and appropriating the budget.

The primary difference between a parliamentary and presidential system is the relationship between the legislature and the executive. In a parliamentary system the legislature and executive are one in the same, since the executive, the Prime Minister and Cabinet, is drawn from members of the parliament. Typically, the governments term of office will run for a specified period, unless the prime minister loses a majority in parliament. This results from a vote of "no confidence." In that case, the government falls and new elections are held. Checks and balances in a parliamentary system take the form of an organized opposition party and the form of an independent judiciary that interprets laws.

In both systems, the government is given the authority to make decisions through electoral mandate. In other words, citizens are given the opportunity to elect government representatives. Democratic elections are competitive. Opposition groups are able to compete and present alternative policies. Elections are periodic. To maintain a level of accountability, government representatives must compete in regular elections. Elections are inclusive. Citizens are not excluded because of racial, ethnic or religious beliefs. Finally, elections are definitive. They allow the people to determine the leadership of government.

Conclusion

Democracy is formed by an interplay of ideas, institutions, obligations and actions. Democracy is a system of self government where citizens are equal and political decisions are made by majority rule, but always with the protection of minority rights. Citizens posses fundamental rights, and the exercise of those rights does not depend upon the goodwill of any individual or group. In a democracy, the possibility of oppression and abuse is significantly reduced, because individual rights are protected by law. Individual rights are also protected through institutional restraints on the power of government. Government in a democracy serves the people and derives its authority from the will of the people. The government is structured so that no one individual or institution becomes too powerful.

Individual Rights in a Democracy
Session I

120 minutes

I. Opening

15 minutes

- **Welcome the participants**
- **Introduce yourself and NDI**
- **Provide some personal information**
- **Describe the purpose and format of the session.**

This session will explore the principle of individual rights. Through practical discussion and exercises, participants will begin to consider the rights and responsibilities of citizens in a democratic society.

II. Scenario 1

45 minutes

This scenario illustrates the possibility of power being abused by the ruling party and individual rights being violated. The participants should be encouraged to discuss these issues and explore the consequences of not having an institutionalized means of protecting individual rights. The main principles to which you should draw the participants attention are that: **all individuals possess certain rights; and these rights are protected by law and by practice.**

- **Give each participant a copy of the scenario and allow them to read it.**

- **Ask the participants to explain the situation in their own words.**

  Sample Questions:

  What do you see happening here? Has Joe been fairly treated?
  How has Joe been unfairly treated? Why do you feel this way?
  What rights does Joe have? What rights should all individuals have?

- **Introduce the follow up information about Joe's situation**

  Sample Questions:

  Is it right or wrong for Joe to express his political opinions? Why?
  Is Joe's boss abusing his power and basing his decision on political considerations?

Scenario 1

Party B, a liberal-secular party, ran on a platform which called for the dissolution of government funding for places of worship. Party A, the conservative ruling party, won the elections on a platform that called for, among other things, increased government support for religious institutions and for education. Party A also called for reductions in government size as a whole, including layoffs.

Joe has been successfully employed as a civil servant in the Ministry of Religious Endowments for 15 years. During the recent election, however, it was well-known among his colleagues and his boss that Joe supported party B. At his desk he kept a calendar with of picture of the party's main candidate.

After the elections and the victory of Party A, the new ruling party kept its promise of expanding the workforce in the Ministry of Religious Endowments, while simultaneously implementing a program of layoffs in other ministries. Although new civil servant positions in the Ministry of Religious Endowments are being given to supporters of Party A, Joe's boss has given him two-weeks notice. Joe protests his dismissal.

Follow Up 1

During the elections Joe had several loud and somewhat disruptive political debates with his boss who supports Party A.

Follow Up 2

During his 15 years at the Ministry, Joe always received excellent evaluations and several promotions.

Do members of a ruling party have the right to impose their will upon the losing party? Why?
What would happen if the ruling party outlawed other parties?
How can the minority be protected?
If the minority has no say in the decisions that directly affect them what is likely to happen? Will the minority suffer? How?

III. Scenario 2

45 minutes

This scenario illustrates the results of unlimited government power. The participants should be encouraged to discuss the role and responsibilities of government. The main principles to which you should draw the participants attention are that: **government exists to serve the people; and that government power is limited.**

- **Give each participant a copy of the scenario and allow them to read it.**
- **Ask the participants to explain the situation in their own words.**

  Sample Questions:

  Why do you think Candidate B's proposal was turned down?
  How was this decision determined? Is this decision good for the community?

- **Introduce the follow up information about the situation.**

  Why do you think candidate A is unwilling to compromise?
  Is there any way for Candidate B to the change the decision of the "Village Council"?
  What will happen during the next elections?
  What if the national government did not allow minority groups to build any facilities on public land? How can government be held accountable to minority groups?

Scenario 2

In a very close village election, Candidate A wins and becomes the Chairman of the "Village Council". During the election Candidate A promised to build a much-needed community center. During the election, the losing party, represented by Candidate B, promised to build a new elementary school for the village.

Candidate A immediately begins to build the community center. Candidate B continues her efforts, as a private citizen, to construct the school. She finds enough private support and funding in the community to begin work. She approaches the Village Council for permission to build the school on public land, the only available public space left in the village. Her proposal is turned down.

Follow Up 1

In her efforts to collect money and support, Candidate B has gained a significant amount of new supporters in the village. The proposed school would be public not private. The next election is in two years. Candidate B intends to run again.

Follow Up 2

The public land requested by Candidate B is used instead to build a new market, that helps the local economy.

Follow Up 3

A wealthy man in the village donates private land for the construction of the school. The Village Council refuses to rezone the land for public use as is required by law. The proposal to build the school is again rejected. The Council states. "We reject the appropriation of private land for public use."

IV. Closing

15 minutes

- **Summarize what has been discussed during the session by emphasizing the democratic principles that are involved in each scenario.**

It is important to identify the relationships between the issues discussed during the session and democratic principles and practice. Attempt to summarize what has been said and what has been written on the flip charts in terms of a democratic society. For instance, explain that every individual possesses certain rights that can not be violated by a ruling party. In a democracy these rights are found in the constitution, or Basic Law. These rights include freedom; of expression and speech; of assembly and association; of religion and conscience; and to vote. Use the **Scenario 1** to illustrate what happens when individuals do not have freedom of expression.

In order to further guarantee individual rights, democratic societies limit government. A democratic government is structured so that no one individual or institution becomes too powerful. Rather than serving an individual's interests, government serves the interests of society. Government is limited through checks and balances. One check on government power is regular elections. Use **Scenario 2** to illustrate unlimited government and the opportunity to check an abuse of power in future elections.

- **Thank the participants for attending the session and their valuable participation.**
- **Tell the participants that you hope they will attend future discussions and, if possible, give them an idea of when and where the future discussions will be.**
- **Make sure the participants have contact information for you.**
- **Encourage the participants to be in contact and offer additional information if they are interested.**

RULE OF LAW IN A DEMOCRATIC SOCIETY

A Practical Guide for Moderators

The National Democratic Institute and Civic Forum

Civic Forum is a program conducted by the National Democratic Institute for International Affairs (NDI). NDI is an independent, international political development organization that promotes and supports democratic institutions in emerging democracies and societies in transition. The Institute has its headquarters in Washington, D.C. and has 30 field offices in Africa, Asia, Latin America, the Former Soviet Union, and the Middle East.

Since its creation in 1984, NDI has built and sustained a record of achievement through its democratic development work in over 70 countries. This record results from partnerships between NDI and those committed to strengthening democratic institutions within their respective countries. The Institute does not attempt to replicate one system of democratic government or seek to impose specific solutions. Rather, NDI provides information and offers a range of options so that program participants can help build a system of democratic government that is suitable for their country.

Activities in the West Bank and Gaza Strip

NDI began organizing assistance programs in the West Bank and Gaza strip in February 1994. In June 1994, NDI brought international experts from Bangladesh, Bulgaria, Kenya, and the United States to the territories to participate in a series of public meetings about citizenship and democracy. NDI also organized four public meetings in November 1994 that allowed members of the CELG to open a dialogue with the Palestinian public about the evolving election law for the National Council.

NDI again brought international experts to the territories in November 1994 to conduct training programs for Palestinian women who want to participate in the political process. The international delegates included political activists and officials from Egypt, Poland, Romania, and the United States. The Institute, in cooperation with the Jerusalem Center for Women (JCW), continues to promote the participation of women by arranging monthly workshops for Palestinian women.

In anticipation of transition elections for the Palestinian Legislative Council, NDI is assisting Palestinian nongovernmental organizations in conducting independent domestic election monitoring. This monitoring effort will help promote a free and fair election process. Drawing from experience gained by assisting domestic monitoring organizations in more than 25 emerging democracies, NDI will provide technical assistance and practical information about monitoring voter registration activities; political campaigns; media coverage of elections; the election administration; and voting and ballot counting on election day.

In addition to programs within the West Bank and Gaza, NDI involves Palestinian democratic activists in election related programs in other countries. Through direct experience, this activity helps to familiarize Palestinians with democratic transitions and comparative election processes. As participants in NDI's programs, Palestinians have observed democratic election processes in Bangladesh, the Dominican Republic, Guyana, Pakistan, Peru, Namibia, Nepal and South Africa.

NDI feels that democracy requires active citizen participation and that civic education plays an important role in preparing citizens to take part in the life of their society. In September 1994, the Institute began to develop an extensive civic education campaign. At that time, NDI conducted 16 focus groups in the West Bank and Gaza to ascertain the public's attitude toward elections and democracy. NDI used this information to develop Civic Forum, a program aimed at familiarizing Palestinians with democratic principles and processes.

Civic Forum

Through open, small group discussions, Civic Forum helps familiarize Palestinians with some of the institutions, practices, norms and attitudes that form the fabric of a democratic society. Once the participants learn about these interrelated issues, they can begin to define their own roles and responsibilities as citizens in a democracy. The discussion sessions are not organized as lectures, but as practical opportunities for the participants to exchange ideas and information. By encouraging self-expression and deliberation, the sessions also demonstrate and support the participatory nature of democracy.

Currently, they are 11 Civic Forum moderators conducting discussions in different geographic areas of the territories. Seven of the moderators are working in the West Bank, while the remaining four are working in Gaza. In their respective areas, the moderators are responsible for establishing 20 permanent discussion groups comprising 10 to 15 participants each. The moderators will conduct a discussion with each of these groups once a month for six months. Every month, the groups will examine different democratic principles and issues related to the Palestinian transition process. By meeting several times, these groups will understand more completely the nature of democracy. Once the permanent groups are established, they will also provide a mechanism through which information related to elections can be quickly and widely introduced to the public.

To facilitate the formation of their 20 groups, the moderators seek the cooperation and assistance of local community organizations in the West Bank and Gaza Strip. These various organizations assist the moderators: by providing a location, once or twice a month, to hold discussions; and by encouraging their members and other interested individuals to participate in Civic Forum. These important, voluntary efforts are greatly appreciated and serve to enhance the effectiveness of the program.

As with all NDI programs, Civic Forum is open to participants from all political parties, factions and movements in the West Bank and Gaza Strip.

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Purpose of this Guide

This guide is designed to assist you in conducting practical discussions about democratic principles and practices. The guide suggests specific techniques and devices that help enhance the quality of the discussions by promoting an exchange of ideas and information. As the name implies, however, this is only a guide. It can, and should, be modified to reflect the sensibilities, experiences and expectations of the participants.

The underlying objective of each session is to familiarize the participants with some of the institutions, procedures, attitudes and norms that form the fabric of a democratic society. Once the participants learn about these elements, they can begin to define their own roles and responsibilities as citizens in a democracy. The sessions will not be approached as university lectures about unfamiliar concepts, but as practical discussions that foster genuine and informed deliberation. By encouraging self-expression the sessions will also demonstrate the participatory nature of a democracy and further enhance the understanding of the participants.

Roles and Responsibilities of the Moderator

It is important that you treat the participants as peers and recognize that everyone has something valuable to add to the discussion. You are a servant of the group who keeps the discussion moving in a consistent direction and provides additional information when needed. By **asking thoughtful questions and by avoiding opinionated responses**, you will encourage participants to think for themselves. Remember that these sessions are not a means of arriving at a predetermined solution or answer. Instead these sessions are a means of introducing participants to democratic principles and allowing them to form their own understanding.

Set-Up

For each session, you will also be responsible for logistics and administrative management. This requires that you:

- identify and invite the participants;
- locate a place to hold the session;
- arrange the room into a round table setting rather than a classroom;
- prepare the written materials for distribution; and
- be flexible.

Much of this will be done with the assistance of a local contact or co-sponsoring organization. It is important that the contact or co-sponsoring organization be very clear about our hopes for the makeup of the group. A great deal of follow-up will be necessary before the meeting is actually held. As the moderator, you are ultimately responsible for ensuring the organization of each session.

Moderation

As a moderator you should:

- **understand and explain the purpose of the session;**
- **create a non threatening and inclusive environment by setting basic ground rules;**
- **stimulate coherent and constructive discourse by asking questions;**
- **be prepared with relevant examples and comparisons that illustrate key points and ideas;**
- **listen carefully and help explain and clarify participant views;**
- **continually summarize and relate issues and ideas;**
- **encourage positive input and elaboration;**
- **demonstrate respect and interest;**
- **discourage interruption and unproductive criticism.;**

Questions play an important role in a moderated discussion. You can use questions to engage participants, direct the discussion, help clarify ideas, and introduce additional information.

As the moderator it is important that you avoid giving your opinion on complex or abstract issues. If you are asked a question, rather than responding yourself, ask other members of the group if they are able to answer or comment.

The quality of the session will also be increased if you are familiar with the participants and modify the discussion format to reflect their personal characteristics. For instance, the level of education or the demographic makeup of the group will change the nature of the discussion. It is useful to take this information into consideration and adapt your examples and references.

As the moderator, it is important that you keep the discussion focused and prevent it from being dominated by one individual. When the discussion begins to move away from the topic, acknowledge this fact and ask the participants a question that brings the discussion back in focus. When one individual is dominating the discussion, tell the individual "you have made many interesting statements, would someone else like to comment."

Evaluation

At the end of the session take a few moments to conduct an evaluation exercise with the group about the content and organization of the discussion. This will help enhance the effectiveness of future discussions and demonstrate your responsiveness to group concerns and expectations.

Some suggested questions are:

- did you find today's discussion interesting and useful? If yes, why? If no, why?
- is the handout useful?
- what topics would you like to discuss in the future?
- will you share your experience today with friends and family members outside of the group?

Rule of Law in a Democratic Society

The rule of law refers to the principle and practice of limiting government authority through a public set of rules that can only be created or changed by recognized public procedures. Government is necessarily limited in order to protect and guarantee the fundamental rights of individuals.

A body of law is an essential feature of a democratic society. One only needs to ask what would happen if laws did not exist, or if the game being played had no rules. Laws set limits on the behavior of governments, organizations and individuals so that power is not abused.

Limited Government

In most democracies, a constitution, or basic law, serves as the society's supreme law, and all citizens, prime ministers to street vendors alike, are subject to its provisions. A constitution generally specifies the rights and responsibilities of citizens and defines the structure and limitations of government. A democratic society is built upon the foundation of individual rights and popular sovereignty and for this reason government is necessarily limited. Without a legal framework, government would be able to arbitrarily exercise power and citizens would suffer.

The power of a democratic government is clearly defined by laws and practices that protect individual freedoms. In some cases, political authority is separated into different government branches -- legislative, executive, judicial. Another form of limitation is the establishment of checks on the power exercised by each branch. By dividing responsibilities and placing checks on power and influence, a democratic society limits government abuses and helps ensure the rights of individuals. The power of an authoritarian government, on the other hand, is generally not limited or checked in any way. Because power is centralized and unlimited, the government is able to make repressive decisions that violate the rights of individuals and minority groups. Unlike authoritarian governments, democratic government is further limited by regular elections. In other words, the government is held accountable because citizens are given the opportunity to elect representatives. The government is inclined to make decisions that benefit society, rather than a particular individual.

Established Legislative Procedures

The process by which laws and public policies are established must also follow legal procedures. All parliaments and legislatures, for example, have rules that determine how laws are proposed, debated and voted upon. The legislative process is explicit and open rather than arbitrary, secret and subject to manipulation.

After the elections for the Palestinian Council, some of the first laws the Council will have to agree upon will be it's own internal rules and procedures. Often rules exist, in a constitution or in some other fundamental law, that set the criteria the executive branch of government must follow when administering and enforcing laws. One of the most important criteria is that the law must be applied equally to all individuals.

Judicial Review

Most democratic governments also include a separate, independent judicial branch that is responsible for reviewing laws to ensure that they are consistent with the spirit of the constitution or other fundamental laws. The judicial branch is also responsible for applying the law in a fair manner. This process of judicial review is important, because it prevents legislatures and parliaments from making laws that violate individual rights and prevents the executive from enforcing laws in an arbitrary way.

Citizen Review of Government

Leaders of any democratic government, regardless of the system, may attempt to extend their powers outside the law, may act arbitrarily or unjustly, and may attempt to establish rule by an individual instead of rule of law. A democratic system of government, however, provides many forms of protection against such violations. A primary form of protection is the right of citizens to protest against government action and the right of citizens to vote leaders out of office.

Key Points About Rule of Law

It is important, structurally and procedurally, to define and limit the power of government iiin order to help protect fundamental individual rights.

There are various ways to limit government in a democracy, such as by constitutionally separating the functions and balancing the power of different branches of government and by conducting regular elections.

Lawmaking procedures should be public and explicit, rather than arbitrary and secret.

Law is meant to serve the people in a democracy?

Suggestions for Discussing Rule of Law

1) Welcome the participants and describe the purpose and format of the session.

2) Briefly reviewing the previous session about individual rights and propose the need for mechanisms to guarantee and protect rights.

3) Begin the discussion of "rule of law" by asking the participants what happens when a game is played without rules. This question may help the participants realize the need for certain rules and legal structures, in order to prevent arbitrary decisions and the abuse of power.

4) Continue the discussion by asking about situations where no limitations are placed on government. Try to draw the participants attention to some international examples. Also, try to examine the type of limitations placed on democratic forms of government. These may include constitutional limitations that divide the functions of government between branches and place institutional checks on the power of each branch. This can lead to a discussion about legislative procedures and judicial review.

4) Introduce and discuss some of the following examples:

Questions and Examples

Should law makers have the right to meet as a group in private? What are the advantages and disadvantages of conferring in public?

How is it possible to guarantee the independence of the judicial branch?

In particular country, freedom of worship is a basic right recognized in the constitution. A certain village, however, has a rule that says it is illegal to go to a place of worship Sundays. Does the village have the right to do this?

Tribal leaders of the Apache Indian tribe in the U.S. were approached by representatives of the nuclear power industry about building a facility to store nuclear waste on Apache land. Stored nuclear waste can be potentially radioactive and harmful. For many Apache there was also the consideration that the waste would be buried on land sacred to the Apache people and their ancestors. However the tribal leaders supported the idea because the tribe would receive substantial funding for accepting the waste. As a gesture of good will the nuclear power representatives gave the tribal leaders an airplane. Tribal decisions must be approved by vote. When the *referendum* was held, the tribe rejected the planned storage facility.

In 1911 there was a newspaper called *Falastin* in Haifa that was closed down by the Ottoman government for an article they had written. They sued the government and won a financial settlement and were reopened. If the judiciary is part of the government but is responsible for ensuring that the law is applied equally how can they be expected to treat the government the same way they treat private citizens?

* * *

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THE NATURE AND IMPACT OF THE PALESTINIAN ELECTION SYSTEM

A Practical Guide For Moderators

CIVIC FORUM DISCUSSION
TOPIC 3

The National Democratic Institute and Civic Forum

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NDI feels that democracy requires active citizen participation and that civic education plays an important role in preparing citizens to take part in the life of their society. In September 1994, the Institute began to develop an extensive civic education campaign. At that time, NDI conducted 16 focus groups in the West Bank and Gaza to ascertain the public's attitude toward elections and democracy. NDI used this information to develop Civic Forum, a program aimed at familiarizing Palestinians with democratic principles and processes.

Civic Forum

Through open, small group discussions, Civic Forum helps familiarize Palestinians with some of the institutions, practices, norms and attitudes that form the fabric of a democratic society. Once the participants learn about these interrelated issues, they can begin to define their own roles and responsibilities as citizens in a democracy. The discussion sessions are not organized as lectures, but as practical opportunities for the participants to exchange ideas and information. By encouraging self-expression and deliberation, the sessions also demonstrate and support the participatory nature of democracy.

Currently, they are 11 Civic Forum moderators conducting discussions in different geographic areas of the territories. Seven of the moderators are working in the West Bank, while the remaining four are working in Gaza. In their respective areas, the moderators are responsible for establishing 20 permanent discussion groups comprising 10 to 15 participants each. The moderators will conduct a discussion with each of these groups once a month for six months. Every month, the groups will examine different democratic principles and issues related to the Palestinian transition process. By meeting several times, these groups will understand more completely the nature of democracy. The permanent groups also provide a mechanism through which specific information related to elections can be quickly and widely introduced to the public.

To facilitate the formation of their 20 groups, the moderators seek the cooperation and assistance of local community organizations in the West Bank and Gaza Strip. These various organizations assist the moderators: by providing a location, once or twice a month, to hold discussions; and by encouraging their members and other interested individuals to participate in Civic Forum. These important, voluntary efforts are greatly appreciated and serve to enhance the effectiveness of the program.

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This guide is designed to assist you in conducting practical discussions about issues related to the Palestinian Election System. The guide suggests specific techniques and devices that help enhance the quality of the discussions by promoting an exchange of ideas and information. As the name implies, however, this is only a guide. It can, and should, be modified to reflect the sensibilities, experiences and expectations of the participants.

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Roles and Responsibilities of the Moderator

It is important that you treat the participants as peers and recognize that everyone has something valuable to add to the discussion. You are a servant of the group who keeps the discussion moving in a consistent direction and provides additional information when needed. **By asking thoughtful questions and by avoiding opinionated responses**, you will encourage participants to think for themselves. Remember that these sessions are not a means of arriving at one predetermined solution or answer. Instead these sessions are a means of introducing participants to democratic principles and helping them to form their own understanding.

Set-Up

For each session, you will also be responsible for logistics and administrative management. This requires that you:

- identify and invite the participants;
- locate a place to hold the session;
- arrange the room into a round table setting rather than a classroom;
- prepare the written materials for distribution; and
- be flexible.

Much of this will be done with the assistance of a local contact or co-sponsoring organization. It is important that the contact or co-sponsoring organization be very clear about our hopes for the makeup of the group. A great deal of follow-up will be necessary before the meeting is actually held. As the moderator, you are ultimately responsible for ensuring the organization of each session.

Moderation

As a moderator you should:

- understand and explain the purpose of the session;
- create a non threatening and inclusive environment by setting basic ground rules;
- stimulate coherent and constructive discourse by asking questions;
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- continually summarize and relate issues and ideas;
- encourage positive input and elaboration;
- demonstrate respect and interest;
- discourage interruption and unproductive criticism.;

Questions play an important role in a moderated discussion. You can use questions to engage participants, direct the discussion, help clarify ideas, and introduce additional information.

As the moderator, it is important that you avoid giving your opinion on complex or abstract issues. If you are asked a question, rather than responding yourself, ask other members of the group if they are able to answer or comment.

The quality of the session will also be increased if you are familiar with the participants and modify the discussion format to reflect their personal characteristics. For instance, the level of education or the demographic makeup of the group will change the nature of the discussion. It is useful to take this information into consideration and adapt your examples and references.

As the moderator, it is important that you keep the discussion focused and prevent it from being dominated by one individual. When the discussion begins to move away from the topic, acknowledge this fact and ask the participants a question that brings the discussion back in focus. When one individual is dominating the discussion, tell the individual "you have made many interesting statements, would someone else like to comment."

Evaluation

At the end of the session take a few moments to conduct an evaluation exercise with the group about the content and organization of the discussion. This will help enhance the effectiveness of future discussions and demonstrate your responsiveness to group concerns and expectations.

Some suggested questions are:

- did you find today's discussion interesting and useful? If yes, why? If no, why?
- is the handout useful?
- what topics would you like to discuss in the future?
- will you share your experience today with friends and family members outside of the group?

CIVIC FORUM
NATURE AND IMPACT OF THE PALESTINIAN ELECTION SYSTEM

I. Program Objectives

A. Contribute to a more informed electorate; and
B. Promote constructive involvement in the Palestinian political process.

II. Session Goals

A. To enhance the participants understanding of:

1. the overall sequence of events for the Palestinian elections;
2. the number of districts and the allotment of seats in each district;
3. the processes of marking and counting the ballot;
4. the impact of the electoral system on the political campaign and composition of the Legislative Council;
5. the role of international, national and party election observers;
6. other factors that may contribute to a democratic election.

B. To prepare and encourage the participants to discuss and explain the information from the session with others.

III. Method

A. Holding more than 200 moderated discussions that cover all regions of the Palestinian Territories and follow the attached discussion guide; and
B. Distributing 10,000 copies of the attached handout about the Palestinian election process.

IV. Program Evaluation

A. Asking the participants questions during the next session to estimate their understanding of the topic to determine if they discussed the information outside of the session; and
B. Interviewing, on an ad hoc basis, District Election Managers and others who may see the impact of the program in West Bank and Gaza.

NATURE AND IMPACT OF THE PALESTINIAN ELECTION SYSTEM

Suggestions for Discussion

I. Introduction and Review of Previous Sessions

A. Welcome the Participants
B. Briefly review the previous topics and discussions.
C. Ask the participants if they shared information from the last discussion with others.

II. Discussions of Election Systems

A. Introduce the Idea of Elections

The discussion will help the participants realize that the winner of an election can be determined by a majority or proportional system and that each system leads to different outcomes in terms of representation. This discussion will also help the participants understand that elections are a way to grant one or more individuals the right and responsibility to make decisions on behalf of the voters.

1. Begin by asking if any of the participants have ever participated in an election for student councils, municipal councils, etc. If some of the participants have participated in elections ask them:

a. if they voted for a group or individual, or if they voted for more than one individual;
b. how the winners of the election were determined -- by a majority or proportional system;
c. how would an alternative system had changed the outcome;
d. who administered the election;
e. why they participated -- civic duty, choose representatives, etc.

B. The Palestinian Election System

1. Introduce the Palestinian election system by giving the participants the handout.

2. Quickly read through the handout and try to answer any specific questions. Use the map to show the participants the limits of their electoral district.

3. Explain that in most districts, people will be able to vote for more than one person. Also, announce that the number of candidates that a voter can vote for in a district will be determined by the number of registered voters in that district.

4. Ask about the advantages and disadvantages of this system from the point of

view of the voter?

5. Discuss what the ballots will look like in the Palestinian system as compared to a closed list system or signal member constituency system. Because it is an open list system, are people more likely to vote for independent candidates? Why or why not?

6. Examine what the Council will probably look like if people vote along party lines, or if people split their votes.

III. Aspects of a Fair Palestinian Election

A. What Makes and Election Fair?

This discussion will help the participants understand that all elections will inevitably have some unfair aspects, particularly in relation to campaigning. Different mechanisms can be established to try to balance the resources available to candidates, but some candidates will always have an advantage. On the other hand, unfairness in the official aspects of the election, including the registration of voters and candidates, the counting of ballots, the use of government resources, are more serious and must be avoided to create a legitimate election.

1. Discuss the right of individuals to participate in the elections and freely choose their representatives. This means that unreasonable restrictions should not be placed on potential voters and that voters should not suffer from intimidation.

2. Discuss the role and responsibilities of the CEC, including:

a. registering political parties and independent candidates
b. registering eligible voters
c. determining the number of seats in each district
d. regulating the election campaign
e. preparing electoral materials
f. conducting voter education campaigns
g. recruiting and training election officials
h. selecting polling places
j. ballot counting
k. tabulating and announcing election results.

3. Give examples of different unfair aspects found in an election, but separate the examples between political advantage and an unfair system.

a. If one candidate has money for 10,000 posters and other has money only for 1,000 is that unfair? Is it illegal?
b. If one candidate works hard and makes 100 speeches and the other makes only 10 is that unfair?
c. If only one candidate appears on government television is that unfair?

d. Should the ballot boxes be moved?
e. When the election officials count the ballots, should observers be present?
f. What could be done unfairly during registration? What is the difference between this kind of problem and the problem of one candidate having more money to print posters than another?

4. Discuss the role of observers and the different types of observers: political party, international, and national. Note that, of the three, only political party observers can pursue their objections in court. National and international observers rely on the pressure of disclosure to deter fraud.

IV. Summary

A. As in all political systems the Palestinian election system will effect how people vote, how parties campaign, the makeup of the council and, eventually the kinds of laws that are passed.
B. Two types of organizations will be involved in the Palestinian election process: nongovernmental entities, such as political parties; and official entities, such as the election commission. The chances for a successful election are heightened by open competition and active involvement of the nongovernmental entities and careful scrutiny by observers of official entities.
C. The elections provide an opportunity for Palestinians to freely choose their government representatives. These representatives are being granted the temporary right and responsibility to make decisions on behalf of their constituents.

V. EVALUATION

1. Did you find this session useful? If yes, why? If no, why?
2. Who else needs to have this information. Will you share the information from this session with them?
3. Will you continue to participate in Civic Forum discussions?

INFORMATION ABOUT THE PALESTINIAN ELECTION SYSTEM

Who Will Be Elected?

Palestinians in the West Bank, Gaza and Jerusalem will vote for representatives to an 82-member Palestinian Council and for the Ra'ees of the Executive Authority.

For What Period Of Time Will The Council And Ra'ees Serve?

The Council and Ra'ees will serve for a limited transitional period that will not extend beyond 4 May, 1999, according to Chapter 1, Article III of the Interim Agreement between the Palestine Liberation Organization and Israel.

What Will Be The Responsibilities Of The Council and Ra'ees?

The Interim Agreement broadly defines the functions of the Council and the Ra'ees. The agreement states that the Council will have the power to pass legislation and execute legislation and that the Ra'ees has the power to present legislation to the Council and to issue secondary legislation. The Council will also adopt a Basic Law that will further define the functions and responsibilities of the Council and the Ra'ees.

Who Will Administer The Election Process?

A 9-member Palestinian Central Election Commission (CEC) will be the official body that is responsible for the overall administration of the elections. In each electoral constituency, there is a second level of administration that includes a District Election Commission (DEC), a District Election Office (DEO) and a number of Polling Station Commissions (PSC).

The responsibilities of the CEC and its subordinate bodies include: registering eligible electors; registering candidates; determining the number of seats in each constituency; preparing electoral materials; conducting voter education activities; recruiting and training polling station officials; selecting polling places; ballot counting; and announcing results.

Each administrative level has the capacity to address grievances and complaints. If a situation cannot be resolved at a lower level, an Election Appeals Court, that is the supreme body, will be responsible for the last appeals relating to the electoral process. The Court is formed by five experienced judges.

What Is The Fist Step In The Election Process?

The first step in the election process is voter registration. Voter registration will begin on November 12 and will last for three weeks. During this period, the teachers that comprise the Polling Station Commissions in each polling station district will register all eligible

electors by moving door-to-door and person to person. Each Commission member will have an official I.D. issued by the CEC. In East Jerusalem, the I.D. will be issued by the Ibrahimiya College. In order to register, eligible electors must have a Palestinian or Israeli I.D. The Commission members will record an elector's I.D. number, the type of I.D., name, father's name, grandfather's name, sex, date of birth, and permanent address. Each registered elector will be given a temporary registration card. This registration card will include the voters name, date of birth, I.D. number and also the name and location of the polling station.

From Where Will Representatives To Council Be Elected?

Council members will be elected from 16 electoral constituencies, including Bethlehem, Hebron, Jenin, Jericho, Jerusalem, Nablus, Qalqilya, Ramallah, Salfit, Tubas, Tulkarem, Gaza North (Jabalia), Gaza City, Dier Balah and central area, Khan Yunis and Eastern villages, and Rafah. Each of these constituencies is also divided into a number of polling station districts that will each contain 1000 eligible electors. The Ra'ees will be elected from a single constituency that comprises the West Bank, Gaza and Jerusalem.

After the registration process is complete, the 82 Council seats will be divided between the 16 constituencies based on the registered voting population in each constituency. The greater the number of registered electors in a constituency, the greater the number of seats allocated to the constituency. Each constituency will be allocated at least one seat in the Council.

Who Can Be A Candidate For The Council Or The Ra'ees?

A candidate for election to the Palestinian Council is required to have a valid address in the constituency in which they will be a candidate; to be 30 years or older on election day; and to be registered as an elector. Candidates for the Council can be nominated by a political party, a coalition of parties or by a grouping of electors. Independent candidates are nominated by electors and are required to collect 500 signatures in their constituency from registered electors.

A candidate for election to the Ra'ees is required to have a valid address in the constituency under the jurisdiction of the Council; to be 35 years or older on election day; and to be registered as an elector. Candidates for the Ra'ees can be nominated by a political party, a coalition of parties or by registered electors. Independent candidates are nominated by electors and are required to collect the signatures of 5000 registered electors. There must be at least one signature from a supporter in each of the 16 electoral constituencies.

Candidates will be disqualified if they do not meet the requirements of the Election Law.

Who Can Vote?

Any person that is registered during the November 12 to December 3 voter registration process and is 18 years old or older on the day of elections will be able to cast a ballot for representatives to the Council and a ballot for the Ra'ees. Electors will be required to vote in the constituency where they registered and at the Polling Station that appears on their registration

THE RELATIONSHIP BETWEEN CANDIDATES AND VOTERS

A Practical Guide for Moderators

The National Democratic Institute and Civic Forum

Civic Forum is a program conducted by the National Democratic Institute for International Affairs (NDI). NDI is an independent, international political development organization that promotes and supports democratic institutions in emerging democracies and societies in transition. The Institute has its headquarters in Washington, D.C. and has 30 field offices in Africa, Asia, Latin America, the Former Soviet Union, and the Middle East.

Since its creation in 1984, NDI has built and sustained a record of achievement through its democratic development work in over 70 countries. This record results from partnerships between NDI and those committed to strengthening democratic institutions within their respective countries. The Institute does not attempt to replicate one system of democratic government or seek to impose specific solutions. Rather, NDI provides information and offers a range of options so that program participants can help build a system of democratic government that is suitable for their country.

Activities in the West Bank and Gaza Strip

NDI began organizing assistance programs in the West Bank and Gaza strip in February 1994. In June 1994, NDI brought international experts from Bangladesh, Bulgaria, Kenya, and the United States to the territories to participate in a series of public meetings about citizenship and democracy. NDI also organized four public meetings in November 1994 that allowed members of the CELG to open a dialogue with the Palestinian public about the evolving election law for the National Council.

NDI again brought international experts to the territories in November 1994 to conduct training programs for Palestinian women who want to participate in the political process. The international delegates included political activists and officials from Egypt, Poland, Romania, and the United States. The Institute, in cooperation with the Jerusalem Center for Women (JCW), continues to promote the participation of women by arranging monthly workshops for Palestinian women.

In anticipation of transition elections for the Palestinian Council, NDI is assisting Palestinian nongovernmental organizations in conducting independent domestic election monitoring. This monitoring effort will help promote a free and fair election process. Drawing from experience gained by assisting domestic monitoring organizations in more than 25 emerging democracies, NDI will provide technical assistance and practical information about monitoring voter registration activities; political campaigns; media coverage of elections; election administration; and voting and ballot counting on election day.

In addition to programs within the West Bank and Gaza, NDI involves Palestinian democratic activists in election related programs in other countries. Through direct experience, this activity

helps to familiarize Palestinians with democratic transitions and comparative election processes. As participants in NDI's programs, Palestinians have observed democratic election processes in Bangladesh, the Dominican Republic, Guyana, Pakistan, Peru, Namibia, Nepal and South Africa.

NDI feels that democracy requires active citizen participation and that civic education plays an important role in preparing citizens to take part in the life of their society. In September 1994, the Institute began to develop an extensive civic education campaign. At that time, NDI conducted 16 focus groups in the West Bank and Gaza to ascertain the public's attitude toward elections and democracy. NDI used this information to develop Civic Forum, a program aimed at familiarizing Palestinians with democratic principles and processes.

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Currently, they are 11 Civic Forum moderators conducting discussions in different geographic areas of the territories. Seven of the moderators are working in the West Bank, while the remaining four are working in Gaza. In their respective areas, the moderators are responsible for establishing 20 permanent discussion groups comprising 10 to 15 participants each. The moderators will conduct a discussion with each of these groups once a month for six months. Every month, the groups will examine different democratic principles and issues related to the Palestinian transition process. By meeting several times, these groups will understand more completely the nature of democracy. The permanent groups also provide a mechanism through which specific information related to elections can be quickly and widely introduced to the public.

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Roles and Responsibilities of the Moderator

It is important that you treat the participants as peers and recognize that everyone has something valuable to add to the discussion. You are a servant of the group who keeps the discussion moving in a consistent direction and provides additional information when needed. By **asking thoughtful questions and by avoiding opinionated responses**, you will encourage participants to think for themselves. Remember that these sessions are not a means of arriving at one predetermined solution or answer. Instead these sessions are a means of introducing participants to democratic principles and helping them to form their own understanding.

Set-Up

For each session, you will also be responsible for logistics and administrative management. This requires that you:

- identify and invite the participants;
- locate a place to hold the session;
- arrange the room into a round table setting rather than a classroom;
- prepare the written materials for distribution; and
- be flexible.

Much of this will be done with the assistance of a local contact or co-sponsoring organization. It is important that the contact or co-sponsoring organization be very clear about our hopes for the makeup of the group. A great deal of follow-up will be necessary before the meeting is actually held. As the moderator, you are ultimately responsible for ensuring the organization of each session.

Moderation

As a moderator you should:

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Questions play an important role in a moderated discussion. You can use questions to engage participants, direct the discussion, help clarify ideas, and introduce additional information.

As the moderator, it is important that you avoid giving your opinion on complex or abstract issues. If you are asked a question, rather than responding yourself, ask other members of the group if they are able to answer or comment.

The quality of the session will also be increased if you are familiar with the participants and modify the discussion format to reflect their personal characteristics. For instance, the level of education or the demographic makeup of the group will change the nature of the discussion. It is useful to take this information into consideration and adapt your examples and references.

As the moderator, it is important that you keep the discussion focused and prevent it from being dominated by one individual. When the discussion begins to move away from the topic, acknowledge this fact and ask the participants a question that brings the discussion back in focus. When one individual is dominating the discussion, tell the individual "you have made many interesting statements, would someone else like to comment."

Evaluation

At the end of the session take a few moments to conduct an evaluation exercise with the group about the content and organization of the discussion. This will help enhance the effectiveness of future discussions and demonstrate your responsiveness to group concerns and expectations.

Some suggested questions are:

- did you find today's discussion interesting and useful? If yes, why? If no, why?
- is the handout useful?
- what topics would you like to discuss in the future?
- will you share your experience today with friends and family members outside of the group?

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THE RELATIONSHIP BETWEEN CITIZENS AND ELECTED REPRESENTATIVES

A Practical Guide For Moderators

CIVIC FORUM DISCUSSION
TOPIC5

Purpose of this Guide

This guide is designed to assist you in conducting practical discussions about democratic principles and practices. The guide suggests specific techniques and devices that help enhance the quality of the discussions by promoting an exchange of ideas and information. As the name implies, however, this is only a guide. It can, and should, be modified to reflect the sensibilities, experiences and expectations of the participants.

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As a moderator you should:

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- **clearly introduce the topic being addressed;**
- **create a nonthreatening and inclusive environment by setting the ground rules;**
- **stimulate coherent and constructive discourse by asking questions;**
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THE RELATIONSHIP BETWEEN CITIZENS AND ELECTED REPRESENTATIVES

Suggestions for Discussion

I. Introduction and Review of Previous Session

A. Welcome the participants.
B. Briefly review the previous topic and answer specific questions the participants may have.
C. Ask the participants if they shared information from the previous sessions and about the electoral process with others.
D. Ask the participants what effect they feel their participation in Civic Forum had on their participation in the elections? Answer any questions the participants may have about the elections and then distribute the polling station results.
E. Remind the participants that Civic Forum sessions are not political forums, but are instead educational opportunities to examine issues related to democracy and the Palestinian transition process.

II. Session Goals

- To help the participants realize that elected representatives derive their legitimacy from their constituents and must be accountable to them.

- To examine the possibilities for citizen involvement in the decisions taken by their government.

- To offer participants input regarding how citizens can effectively communicate their concerns to representatives, pressure them to be responsive and hold them accountable for their actions.

II. The Role of Elected Representatives in a Democracy

Background for the Moderator

Participants may remember from the last session the fundamental principle that elected representatives are given the temporary right to represent, in government, the interests of their constituents and to make decisions on behalf of their constituents. Some examples of these types of decisions involve legislating: public regulation; resource distribution; revenue collection; and public services. It is important to remember, however, that although legislative councils are known primarily as lawmaking bodies, they are not the only governmental bodies that make and implement laws. Those in positions of executive authority and courts of law may also perform this function.

In addition to its lawmaking function, a distinguishing feature of the Council is its link to the citizens, by way of representing their interests. When citizens cast their vote for a candidate they are giving that person the right to represent their interests in government. This right is not given without responsibilities. The right is given under the assumption that the individual in government will act responsibly and will to the best of his or her abilities truly represent constituent interests. Because the citizens are responsible for putting the representative in office (remember from last session - they hired the representative), the representative should, within certain limitations, observe the will of the people. Without the citizens, representatives would not hold office. As such, elected officials derive their legitimacy from the citizenry - not from the office they hold.

In some emerging democracies, the possibility exists for ultimate authority to reside with the Executive. When this is the case, members of the legislature may perceive their power deriving from their relationship with the Executive, and not from their relationship with the people. Most laws would likely originate with the Executive and be approved by the legislature with little or no debate. Without a strong link between elected representatives and their constituents, it is relatively easy for legislators to approve laws that conflict with or go against the interests of the people. If, however, representatives knows that their constituents are informed and engaged and that they will have to answer to them for decisions they make, they are more likely to represent their interests.

Establishing this link between constituents and their representatives is not easy. Elected officials are constrained by limited resources and competing forces. On the one hand, they must operate within the governing system - with the other Council members and with the other branches of government. On the other hand, they must balance between competing groups with varied interests within their constituency and between the interests of their constituents and the interest of the nation as a whole. As a result, though representatives' power derives from their constituents, the burden falls most heavily on the constituents themselves to remind their representatives of this fact and to hold them accountable for their actions. [The next section will address the issue of how citizens can do this.]

IV. Holding Elected Representatives Accountable

The purpose of this discussion is to help the participants understand that they are the source of their representatives' legitimacy and that without their active involvement in the governing process, elected officials are unlikely to be responsive to their concerns. The participants will also become familiar with the methods they can use to channel their involvement and to make their voices heard.

A. You may want to begin the discussion by reminding the participants that when the Palestinian people voted for the Council, they hired individuals to perform the job of representative.

- Ask the participants what comes next.
- Does the role of the citizen end when the elected individuals take office?
- When they do take office, to whom are they responsible ?
- What are their responsibilities and who decides what their priorities are?

ACTIVITY:

At this point you could write a list of the responsibilities that the participants mention. After the list is complete you could ask the participants to rank the responsibilities according to priority, or to choose the four or five most important. Ask the participants which items on the list concern the nation as a whole. Which items concern individuals or particular groups within society? How did the participants decide on the four or five most important items?

This activity is meant to illustrate the varied tasks that will face Council members and the competing societal interests that they will have to consider while undertaking these tasks.

ISSUES FOR DISCUSSION:

- What are the competing interests that Council members must consider? How do Council members decide between issues of concern to the nation and those of concern to individuals or to particular segments of their constituency?
- Can the participants think of situations in which a representative would make a decision that is in the interest of the nation as a whole, but not necessarily of the constituency?
- Can the participants think of a situation in which a representative would make a decision that would contradict the interests of the constituency?

REMEMBER: An important goal of this session is to encourage participants to engage in dialogue with their representatives in order to influence their decisions. Stress the importance of this by highlighting with the participants the importance of government accountability in a democracy and the lack of accountability in other types of governing systems. How could citizens influence their

government in a system where the executive retains ultimate authority? Or in a system where members of the legislative council are appointed rather than elected?

B. It is likely that a majority of the participants will agree that elected representatives are responsible to the people and that the people should help decide their priorities. The preceding discussion was meant to illustrate to the participants the numerous issues that Council members will have to deal with and the difficulties they will face in addressing all of them. Assuming that participants agree that the people should help set the priorities of their representatives, you may want to ask them how they think they can do that.

- What steps can they take to inform their representatives of their needs and concerns?
- How they can encourage representatives to listen to their concerns?

Ask the participants for suggestions as to how citizens can effectively communicate their interests to their representatives. Some common ways include:

- writing letters
- making phone calls
- visiting the Council member in his or her office
- inviting the Council member to meet with a group of constituents
- publishing editorials in the news media
- circulating petitions
- organizing committees

The participants should understand that because the Council members work for the citizens, it is the responsibility of the citizens to set the agenda of the Council members and not to merely react to their decisions and activities. It is the responsibility of the citizen to inform the Council member of the issues that concern his or her constituents, and in this way to set the priorities of the Council Members.

C. It is important for participants to understand that it is the responsibility of the citizen to monitor the job performance of the representative by keeping themselves informed of the activities of the government in general, and their representatives in particular.

- Ask the participants what the role of the citizen is after informing their representatives of their concerns.
- What do employers do after giving their employees specific responsibilities?
- Ask the participants why it is important to keep informed of the activities of their representatives.
- How can citizens hope to influence the actions of their representatives and encourage them to be responsive to their needs, concerns and opinions if they do not know what issues the Council is currently dealing with or what stance their representatives are taking?

Ask the participants to suggest ways that citizens can keep themselves informed. Some common ways include:

- following the news media
- attending Council sessions

- requesting specific information from the Council members office through letters or phone calls
- visiting Council members in their office with questions
- inviting Council members to meet groups of constituents and answer questions

You may want to suggest to the participants that this is a two-way relationship -- that the citizens and Council members are mutually responsible for communicating with each other. Just as citizens are responsible for staying informed and for setting the agenda of their representatives, Council members are also responsible for soliciting input from their constituents, for being responsive to that input and for informing constituents of their activities.

- Ask the participants who they feel should bear the burden of staying informed.
- Is it the sole responsibility of the citizens to seek information from their representatives in government?.
- Ask participants to suggest ways that elected officials can fulfill these responsibilities.

D. It is likely that many of the participants may accept the fact that elected officials are responsible to the people but may have little faith in their ability to exercise this power vis-a-vis their elected representatives.

- How can citizens demonstrate their power to their representatives?
- What can citizens do if their representatives are not being responsive?
- Why should elected officials listen to their constituents?

It is important that participants understand that they do not need money or a government position to have power over government officials - their power can be derived from numbers and organization. Though theoretically, each citizen should be able to communicate with his or her representative, citizens acting alone are not likely to have much of an effect. They are easier to ignore. Groups of citizens, on the other hand, carry more weight and, depending on the size of the group, can have more of an impact on elected officials. By organizing committees around certain issues or by participating more actively with pre-existing local or national organizations, citizens can make their voices heard and exert the power that they hold over their elected representatives.

HYPOTHETICAL EXAMPLES:

- Ask the participants what would happen if the new Council were voting on a law regulating NGOs which the NGO community felt was unfair? What would happen if every Palestinian involved with a NGO let his or her representative know that he or she was opposed to the bill? What could happen if Council members voted in support of the bill in spite of this?

- What if a Council member in a certain district were favoring one village over the other villages in the district by building schools or paving roads? How could citizens from the other villages organize to protest this? Would it make a difference if residents of each village

protested separately or if they organized a joint protest? What types of activities could the villagers engage in as a form of protest?

Conclude the discussion by stressing to the participants that after evaluating the performance of elected officials, citizens retain the power to extend or terminate their contract. This power is exercised with their vote in the next elections. Elected officials are aware of this, and if exposed to an active an informed constituency, will be conscious of this throughout their term in office.

V. Evaluation

A. Did you find this session useful? If yes, why? If no, why?
B. Who else needs to have this information? Will you share the information from this session with them?
C. Will you continue to participate in Civic Forum discussions?

CONSTITUTIONS AND BASIC LAWS

A Practical Guide for Moderators

CONSTITUTIONS AND BASIC LAWS

Suggestions for Discussion

I. Introduction and Review of Previous Session

A. Welcome the participants.
B. Briefly review the previous topic and answer specific questions the participants may have.
C. Ask the participants if they shared information from the previous session with others or if they were in contact with the Council Members from their district. ***Remember to make a note of this information for our internal evaluation.***
D. Remind the participants that Civic Forum sessions are not political forums, but are instead educational opportunities to examine issues related to democracy and the Palestinian political process.

II. Objectives of the Session

- To help the participants understand the main principles related to constitutions and constitutional government; namely, that the constitution is the **supreme law of the land**; that it lays out the **structure of the government**; and that it **limits the powers of the government** and enumerates the **fundamental rights and freedoms of citizens.**

- To discuss with the participants various articles in the fourth draft of the Basic Law for the National Authority in the Transitional Period, including how the draft was developed and how it will be ratified.

- To stress to participants that in order to be relevant the principles in a constitution or basic law must be followed by those in government and that it is their duty as citizens to monitor and encourage this.

III. Constitutions and Constitutional Government

Background for the Moderator

In the last session, participants discussed the relationship between citizens and their elected representatives. They focused on their expectations of their representatives -- what they perceived to be their duties and the ways in which they, as citizens, can communicate these expectations to their representatives and encourage them to be responsive. Participants may remember from last month that their elected representatives do not operate alone, but are only a part of the governing system. As such, they are constrained in what they can do and in how they can do it. There are two documents that, among other things, define these constraints. The first is the constitution, or basic law, and the second is the Standing Orders of the Council. While the basic law deals with issues of a very broad nature, the Standing Orders only deal with the internal operations of the Council. By understanding both of these documents, participants will have a full picture of their rights and of the way in which their government should operate.

This month, Civic Forum will concentrate on the fourth draft of the Basic Law. It is likely that the following month will be devoted to the Standing Orders of the Palestinian Legislative Council. **When discussing the Basic Law it is important to remember, and to remind the participants, that the document under discussion is a draft and has not yet been ratified. As such, some articles may change.**

Constitutionalism

Constitutionalism is a fundamental principle of democratic governance. It is the principle that government is organized and limited in ways that adhere to a law that is considered to be above the government. This law is the constitution. Constitutions typically contain articles that outline the structure of the government; the process of law-making; the uses of and limits on power; and the fundamental rights and freedoms of the people.

Supreme Law

A fundamental principle of constitutional government is that the constitution is considered to be the supreme law of the land. As the supreme law, no other laws may contradict the constitution. While many may believe that those in positions of governmental authority can behave as they please, the constitution is meant to define and limit the use of their power vis-a-vis the citizens.

The notion of supreme law is based on the assumption that there are certain fundamental principles that do not change over time. One such principle is that government should be limited in certain basic ways so that it cannot encroach unnecessarily into the lives of its citizens. The constitution, then, serves as a force more powerful than the government of the day, and successive governments must operate within the constitutional framework. Another principle is that there are certain fundamental rights and freedoms of citizens that do not change or disappear over time, such as the freedom of expression and the right to peaceful assembly. As such,

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constitutions are meant to limit governments from denying citizens these fundamental rights. Because the constitution is considered the supreme law, rights that are given in a constitution cannot be taken away by other laws.

It is very important that once a constitutions is adopted, it is preserved and respected. This is done in two main ways. First, it is very difficult to change articles in a constitution. In order to amend constitutions, for example, a two-thirds majority of the legislative assembly is usually required. This is meant to ensure that the constitution will be preserved throughout successive governments. Another practice, called "judicial review" is a power that some judiciaries enjoy. Judicial review refers to the power of the judicial branch to check laws that have been passed by the government to ensure that they do not conflict with the constitution. If a law is passed that conflicts with the constitution, it can be declared "unconstitutional," and as such is invalid. This practice is meant to ensure that constitutional principles will be respected and will not be overridden by other laws. While not all judiciaries enjoy this power, there is usually some mechanism by which the judicial branch reviews legislation with the constitution in mind. **In France, for example**, a constitutional council consults with the Parliament as it is drafting legislation and advises the Parliament as to whether the draft laws conflict with constitutional principles or not. Once the laws are passed, however, there is not a constitutional court that can check the laws for constitutionality or declare them invalid.

These checks on the power of the government to change the constitution or to pass laws that contradict the constitution serve to create stability in the political life of the nation. They prevent governments and citizens from changing the structure of the government or the rights of citizens based on the mood of the day or on particular circumstances that are likely to change over time.

Imagine the difficulties posed by the lack of such stability. **In the British system, for example,** the Parliament has authority not only over ordinary legislation, but also over the fundamental structure of the government. At one point, the British parliament unilaterally changed the time between elections from three years to seven years -- continuing itself in office four years beyond the term for which its members were elected by the people. Such seizures of power could be prevented by a constitution with fixed election cycles. While most observers agree that the British system is a good system and consider Britain to be a democracy, these and other infringements have led many in Britain to argue that Britain does in fact need a constitution. [For further examples see articles on constitutional reform in Britain]. Also, imagine if the rights of all citizens could change or be denied by a simple majority vote in a legislature. This could create a situation in which ethnic or religious minorities were denied their rights or freedoms based on the mood of the majority. The mood of the majority can change quite a bit depending on prevailing political or economic realities. With fundamental rights and freedoms enshrined in a constitution, citizens can feel confident that their rights will not be infringed upon or taken away.

Structure of the Government

A nation's constitution outlines the powers of the various branches of government and their relation to the other branches. In structuring the government it

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is important to create a system of checks anbetween different branches of government. This is done so that no one branch is able to amass enough power to rule arbitrarily. Important issues that relate to this include: where legislation originates and what procedures exist for approving or vetoing proposed legislation; how the cabinet is chosen and what its relation is to the legislative branch; how members of the judiciary are chosen and how judicial independence is protected; how, and who decides how, taxes are collected and what the budget of the nation is; who controls the army and the police; who can decide if the nation is to go to war, etc.

Different arrangements have been made all over the world to answer these fundamental questions. Some systems give the executive the primary responsibility for proposing laws and for drafting a budget. Other systems place these responsibilities with the legislature. Some systems give the judiciary the power to review laws to ensure their constitutionality and invalidate unconstitutional laws, while others do not. In most democratic systems, there is a balance between the branches of government so that any one branch does not make all of the decisions.

Where legislation originates, for example, does not necessarily indicate whether a country is democratic or is not. The key is that the power to both originate and approve legislation does not lie in one branch. For example, if a legislature has the power to propose and pass laws, it is important for the executive to have the power to veto those laws or for the judiciary to be able to say that a proposed law contradicts the constitution and cannot be enacted. Otherwise the legislative branch would have free rein to pass whatever laws it saw fit. Likewise, if the executive branch has the power to veto proposed laws, it is important for the legislature to have some means to override that veto. Otherwise it would be impossible to pass laws that the executive did not support. This would make the president too powerful in relation to the legislative branch. **In Brazil,** the president has the power to declare a matter "urgent." Upon such a declaration these matters have the force of law and remain law unless the congress votes to cancel them within 45 days. Even if the congress does so, however, the president may simply redeclare the same matter as urgent. This is the most serious example of presidential lawmaking power.

Fundamental Rights of the People

Constitutions limit the power of the government not only by creating a system of checks and balances between branches, but also by endowing the people with fundamental rights and freedoms that the government cannot take away. Such rights are considered to be so basic that they are protected by the constitution from the whims of members of the government who may wish to deny them in order to increase their own power. These rights typically include the right to life and liberty, and the freedom of expression, of assembly, of religion, etc. When rights such as these are granted through the constitution, the government is not allowed to pass laws or to take actions that infringe upon these rights.

Some new constitutions take this notion a step further and not only define what the government *must not do* but what the government *must do* in order to grant citizens fundamental rights. Some constitutions, for example, state that education is a fundamental right and that the government is required to provide its citizens with

education. Others state that work is a fundamental right and that governments must strive to provide citizens with work opportunities. **The 1991 constitution of the Czech and Slovak Republics** states that workers "are entitled to fair remuneration for work and to satisfactory working conditions."

Articles such as these are more difficult to implement, as they require action on the part of the government. In order to implement such articles the government must pass further laws that detail the implementation and must make difficult decisions about the allocation of resources. If constitutions could be amended easily, this could open the way for special interest groups to push for constitutional measures that suit their agenda. The constitution could then be used by those in power to grant favors to certain groups in society in exchange for their political support. **In Brazil, for example,** a new constitution was drafted in 1988, and the elected congress was responsible for drafting it. Much of the constitution reflects the interests of certain groups in society. For example, 37 sections of the constitution deal only with workers rights.

It is important to remember that merely granting rights or limiting government in a constitution is not enough. For constitutionalism to operate, its provisions must be more that words on paper. They must be put into practice. A state can have a constitution without practicing constitutionalism. **For example, in 1936 Josef Stalin** instituted a new constitution while he remained absolute dictator of the Soviet Union. Constitutional rights, though inviolable, must be supported by other laws that regulate the various aspects of society. The constitutional right to free speech and free expression, for example, requires enabling legislation that ensures a free and independent media.

Likewise, the language used in constitutions can often appear to be granting more than it actually does. For example, many new constitutions grant the citizens the right to free speech, but then qualify that right by stating that free speech may be forbidden if it conflicts with the national interest or with public morals. **The 1991 Romanian constitution, for example,** declares "the freedom to express ideas, opinions and beliefs" to be "inviolable." But then adds that the law "prohibits defamation of the country and the nation," or speech that is "contrary to good morals." Qualifiers such as this can be dangerous because the interpretation of what constitutes defamation of the country or good morals is left to the government in power.

While a constitution is meant to remain in force to ensure stability, other laws, such as those regulating the media, are adopted and amended over time as the requirements of the society change. In order for laws to be passed that bolster constitutional rights and encourage democratic practices, concerned citizens need to be aware of and engaged in the lawmaking process. Just as the citizen's role does not end after an election, neither does it end when a constitution or basic law is enacted. Rather, citizens must be encouraged to remain involved in the decisionmaking process to ensure that their constitutional rights are respected. Citizens need to know their rights and the limits of government power in order to uphold the constitutional order.

IV. Fourth Draft of the Basic Law for the National Authority in the Transitional Period

Suggestions for Discussion

During the month of May, the Legal Committee of the Palestinian Legislative Council (PLC) is scheduled to consider the draft basic law. The draft is currently in its fourth stage. It was issued by the Legal Committee of the Palestine National Council on January 22, 1996. The Legal Committee began to draft the basic law based on a resolution of the PNC adopted after the 1988 Declaration of Independence. The first draft was submitted to the PNC Executive Committee in 1993. Since then, it has seen three other drafts and has been the center of much discussion both in Palestinian and international circles. It is expected that the PLC Legal Committee will submit an amended draft and accompanying report for consideration by the full Council in May.

Following are some of the main provisions of the draft. It may be useful for the participants to know these provisions and to understand their implications for Palestinian democratic development. **As a moderator, it is important to connect the principles found in this basic law to principles already discussed in Civic Forum sessions, such as individual rights, the rule of law and separation of powers.**

INDIVIDUAL RIGHTS IN A DEMOCRACY

Participants may remember that this was the first topic covered by Civic Forum. During these sessions, participants discussed issues that relate to the fundamental rights that citizens in a democracy should enjoy. ***Remind participants of this and ask them if they can mention some of the rights that they discussed in this session.*** *It is likely that during these sessions, the participants were able to list several fundamental rights and freedoms in a democracy. It is also likely, however, that in doing so they were skeptical about the chances that these basic rights would be enjoyed by Palestinians and unsure of the means that citizens have at their disposal to ensure that they will.*

It is not surprising that participants were skeptical. They were discussing these issues before the rules of the game were established -- before they had elected representatives and before they had a constitution. While the rules of the game are still not entirely established, as much remains to be decided in the final status talks, the basic law that is enacted will govern the behavior of government authorities during the transitional is likely to serve as the basis for the Palestinian constitution after the final status talks are complete.

WHEN THE BASIC LAW IS ADOPTED, IT WILL ESTABLISH THE FUNDAMENTAL RIGHTS AND FREEDOMS OF CITIZENS IN THE WEST BANK, GAZA STRIP AND EAST JERUSALEM. ARTICLES 8 THROUGH 35 DEAL WITH FUNDAMENTAL RIGHTS AND FREEDOMS.

NOTE: When discussing these articles with the participants it is important to remember that the rights granted in the constitution are not spelled out entirely. Each article refers to a principle and each principle is subject to interpretation, which brings up several questions about how these articles will be put into practice. Interpreting and implementing constitutional rights will be done by enacting laws and regulations, etc. These laws will depend on interpretation of the principles enshrined in the basic law.

FOR EXAMPLE:

- **Article 9 states that "every person has the right to life."** *Does this mean that the death penalty would be unconstitutional?*

- **Article 10 states that: "Women and men shall have equal fundamental rights and freedoms without any discrimination."** *How should this article be put into practice? What does it mean in the workplace? in education? and other ways? The charter of the PNC, for example, states that everyone born to a Palestinian father is a Palestinian. Will women be able to pass citizenship to their children or to their husbands if they are not Palestinian?*

- **Article 14 states that: "every person shall have the right to freedom of thought, conscience and expression and publication of his opinion either orally, in writing or in the form of art or through any form of expression, subject to observance of restrictions imposed by the law for the respect of the rights or reputations of others, the protection of national security or of public order or of public health or morals." Article 16 grants the "freedom of the press, printing, publication and media." It prohibits censorship of the press and states that "no newspaper shall be subject to warning, suspension or termination through governmental or administrative action." The freedoms granted in Article 16, however, are subject to the same restrictions as those in Article 14.** *Who will decide, and on what basis will it be decided, that something endangers national security or conflicts with public morals? How can these restrictions be used to unfairly limit the freedoms granted? What checks can be put into place to ensure that this is not done?*

These are only a few examples. As the moderator, you will need to read this section of the draft basic law very carefully. Think about all of the rights and freedoms granted and anticipate questions that arise from each. Some discussion groups will be more interested in some of the articles than in others. Be ready to discuss all of the articles, but in the interest of time, select those that are most pertinent to the group at hand.

THE RULE OF LAW

This was the second topic discussed by Civic Forum. Rule of law is an appropriate topic to follow Individual Rights because it is the principle that should guarantee that rights are granted and are not infringed upon. One of the main issues addressed in the Rule of Law discussions was that in a democratic society no one, not even the president, is above the law. If discussion participants feel skeptical and unsure that the rights promised them in the constitution will be respected, they should know that once the constitution is adopted they have the law on their side.

You should remind participants, however, that having the law on their side in the constitution does not mean that they have no role to play. On the contrary, it is their duty as citizens of a democracy to remain involved to ensure that these laws are not violated and that they are not prevented from enjoying their constitutional rights.

- **Article 18, for example, guarantees the security of the home. It says that "it may not be entered or inspected except in pursuance of a reasoned judicial order and in accordance with the law."** *This does not mean that law enforcement officials will never attempt to enter or inspect someone's home without a reasoned judicial order and in accordance with the law. It does mean that law enforcement officials do not have the right to do so. If they do so, or attempt to do so, the citizen has the law on his/her side.*

- **Furthermore, Article 34 of the basic law states: "Every person whose fundamental rights or freedoms, as provided in this Chapter and Chapter, have been violated shall have the right to challenge the violation before courts of law and to demand compensation, where appropriate."**

- **Article 35 states: "An independent Commission for Human Rights with juridical personality shall be established by law to monitor and ensure the observance of human rights and freedoms in Palestine. Its formation, functions and powers shall be defined by law and shall be without prejudice to any powers given to individuals, to the Attorney General, to the Audit Office and to the Courts under this Basic Law or any other law."**

In democratic societies, the constitution is considered the law of laws, the supreme law of the land. Not only is no one above the constitution, but all other laws passed must be in accordance with the constitution, as well. Certain constitutional arrangements have been made to ensure this:

- **Article 7 states that the "Basic Law shall be the Supreme Law of Palestine in the Transitional Period and any other law which is inconsistent with any of its provisions shall be null and void." It continues, "Subject to Article 120, this Basic Law may not be amended except by a two thirds majority of the elected Council."**

- **According to Article 120: "None of the fundamental rights and freedoms enshrined in this Basic Law may be suspended, and such rights and freedoms shall remain governed by the provisions of this Basic Law and the laws enacted in pursuance thereof."**

- **Article 121 states that, "Laws, regulations and decisions in force in the Gaza Strip and the West Bank before the coming into effect of this Basic Law shall remain in force to the extent that they do not conflict with the provisions of this law, until they are amended, repealed or replaced in pursuance of this or any other law."**

- **On the topic of judicial review, Article 113 states that, "A High Constitutional Court which shall have exclusive jurisdiction of judicial review of constitutionality of laws and regulations and construction of legal provisions in the manner prescribed by law." It goes on to say that, "No law, administrative order or action may be excluded from review by the judiciary."**

The draft does not stipulate how laws are brought before this Court to judge their constitutionality, or who may initiate the process of judicial review. This will most likely be clarified by subsequent legislation. In some countries, such as France, indcimay not challenge the constitutionality of a law in a court, while in other countries, such as the United States, individual citizens may do so.

ARTICLES 36 THROUGH 46 ARE DEVOTED TO THE RULE OF LAW.

- **Article 36 states that "the rule of law is the basis of government in Palestine."**

- **Article 37** makes all Palestinians, individuals and authorities, subject to the law and accountable for its violation. **Article 38** states that all people are equal before the courts and the law, and are entitled to equal protection of the law without discrimination. **Article 39** guarantees to everyone recourse to the courts. **Article 40** establishes that everyone charged with a crime is considered innocent until proven guilty.

- **The remaining articles deal with the rights of persons arrested, detained or charged with a crime and the process that must be followed in these cases. Read these articles in conjunction with Articles 11, 13, 17 and 18 of Chapter Two on Fundamental Rights and Freedoms.** *Under the present circumstances, it is likely that participants will have many questions regarding these issues. When discussing specific articles, it is important to consider the various ways in which the articles can be interpreted, ways in which loopholes are , and the numerous laws and that must be passed in order to guarantee the implementation of these provisions.*

SEPARATION OF POWERS

The separation of powers is a concept that was discussed in the Civic Forum discussions of both Individual Rights and the Rule of Law. Ensuring that the various branches of government each have defined powers, including the power to oversee the other branches of government, is a crucial component of a democratic political system. Through a separation of powers and a system of checks and balances, the power of government is limited so that no one institution or individual is able to amass enough power to rule arbitrarily.

The separation of powers and system of checks and balances are laid out in the basic law. Following is a summary of the main powers granted each of the branches of government and the way in which each branch can check the others:

A. Proposing and Enacting Legislation

- **Article 59 grants the Legislative Authority** the power to "propose the enactment of legislation..." **Article 60** lists as one of the functions of the Legislative Authority: "the approval of laws."

- **In this arena, the Executive Authority has a role to playas well.** According to **Article 73**, the President "shall sign and promulgate the laws within 30 days after their approval by the Council, and if not signed within the said period, such laws shall be deemed promulgated." **Also according to this article**, "The President has the power to initiate or propose laws to the Council or issue secondary legislation, including Orders and Regulations if authorized to do so by the primary law."

> **NOTE:** This article is noteworthy in several respects. **First**, it does not allow for a presidential veto of legislation proposed by the Council. Rather, it merely states that the President shall sign laws within 30 days, and that if the President does not sign within 30 days, the laws shall be deemed promulgated. Denying the President some kind of veto power is highly unusual. **Second,** the reference to secondary legislation and primary legislation is troublesome because the draft does not define secondary or primary legislation. Although the President is not granted the power of the veto, this open-ended right to issue secondary legislation could give the President a significant amount of unchecked power.

- **Article 87** gives the power to every Minister to "propose legislation pertaining to his Ministry."

- **Regarding legislation, the Judicial Authority** has the power of judicial review. According to **Article 113**, a High Constitutional Court will be established which "shall have exclusive jurisdiction of judicial review of constitutionality of laws and regulations..." The article also says that, "no law, administrative order or action may be excluded from review by the judiciary."

B. The Appointment of the Cabinet and its Powers

- **Article 77** states that, "The President shall appoint a Cabinet of Ministers (the Cabinet) consisting of a Prime Minister and Ministers. He has the power to dismiss them or accept their resignation and has the power to preside over their meetings."

- **Article 78**, however, limits the President in that he "shall submit the names of the Prime Minister and Ministers to the Council to obtain approval to their appointment." Likewise, "Every Minister in the Cabinet shall be an elected Member of the Council save that the President may appoint non Members of the elected Council as Ministers, provided their number does not exceed 20% of the total number of Cabinet Ministers. Ministers who are non-Council Members may participate in the debates of the Council but may not vote."

- **Article 83** states that, "The Prime Minister and the Cabinet Ministers are jointly responsible to the President and to the Council for the general policy of the country..."

- **Article 84** states that, "The Prime Minister may propose a vote of confidence in the cabinet before the Council. A no-confidence motion in the Cabinet or a particular Minister may also be proposed by at least 10 Members of the Council and may be passed by a simple majority, in which case, the Cabinet or Minister, as the case may be, must present the resignation of the Government or Minister to the President."

- **In the section dealing with the Legislative Authority, Article 59** grants the Members of the Council the power to "question the Government generally or individual Ministers according to the rules of Procedure of the Council." **Article 60** gives the Council the power to: debate the policy of the Government; approve the appointment of Cabinet Ministers; and withdraw confidence in the Government or a Cabinet Minister.

C. The Budget

- **Article 86** grants the Executive Authority, through the Cabinet, the power to prepare and approve the "annual budget for its presentation to the Council..."

- **Article 104** states that, "All that is received in taxes and other revenue must be paid to the public treasury and included in the budget. No part of the funds of the general budget may be allocated or spent for any purpose whatsoever except in accordance with the law."

- **Article 105** states that, "An Audit Office shall be established and its autonomy shall be guaranteed by law. The Office shall assist the administrative organ in supervising the collection of public revenue and spending therefrom within the limits set out by the budget. The Audit Office shall submit to the President and to

the Council an annual report regarding its activities, observations showing financial violations, if any, and the responsibility arising therefrom. The law shall provide for the immunity of the head of the Audit Office and shall give him the powers necessary for him to carry out his duties in the best possible manner."

While such budgetary checks are already instituted within the Executive, powers given to the Legislative Authority provide further checks:

- **Article 60**, for example, gives the Council the power of approval of the budget and development plans. **Article 61** states that, "the Annual Budget Plan must be laid before the Council at least two months before the beginning of the financial year and no Budget shall be operative until and unless it is approved by the Council." **Article 49** prohibits the Council from ending a session before the approval of the budget.

D. Independence of the Judiciary

- **Articles 108 through 112** ensure that the Judiciary is independent of the other branches of government. **Article 108** states that the judicial authority "shall be an independent authority to be exercised by the Supreme Court and other Courts in accordance with this Basic Law and any other law." **Article 109** states that "Judges shall be independent and, in their judicial function, shall be subject only to the law. No other authority may interfere in individual cases or in the administration of justice."

- **Article 110** givthe Presidthe power to appoint the Chief Justice of the Supreme Court, provided that the appointment is approved by the High Judiciary Council. [The appointment of the first Chief Justice will not require such approval.]

- **Article 112** states in part that, "Judges shall be irremovable, and the law shall regulate their disciplinary accountability."

E. Other General Limits

The basic law contains other general articles which are meant to prevent government officials from abusing their positions:

- **Article 58**, for example, states that:
  (1) No Member of the Council may exploit his position as a Member of the Council to influence any business or matter.
  (2) The law shall determine what type of work, business or affairs a Member of the Council may conduct.

- **Article 70** limits the term of the President to five years and stipulates that "no person may be President for more than two consecutive terms. The first term of the first President and any successor in the transitional period shall expire with the expiry of the transitional period."

- **Article 82** states that, "Neither the Prime Minister nor any Ministers may purchase or lease any government property, not even through public auction, nor may any one of them have a financial interest in any contract concluded with government bodies, nor may he, while being a member of the Cabinet, be a member of the board of directors of any company or carry on a trade or practice a profession or receive a salary or any other remuneration from any company or any other source."

V. Summary

A. The constitution is the supreme law of the land. No one is above following the constitution. No law that contradicts the constitution may be passed. None of the rights and freedoms given in the constitution may be taken away - in practice or by subsequent legislation.

B. The constitution contains information that outlines: the structure of the government; the process of law-making; the uses of and limits on power; and the fundamental rights and freedoms of the people.

C. The constitution does not provide a complete legal framework for the needs of a nation. Rather, it enshrines legal principles. Each article requires the passage of many more laws that enable the principle to be implemented.

D. The existence of the constitution does not ensure that its principles will be respected or adhered to. Concerned citizens must take an active role in the on-going political decisionmaking process to ensure that their constitution is not violated.

VI. Evaluation

1. Did you find this session useful? If yes, why? If no, why?
2. Who else needs to have this information? Will you share the information from this session with them?
3. Will you continue to participate in Civic Forum discussions?

HOW A BILL BECOMES A LAW

A Practical Guide for Moderators

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HOW A BILL BECOMES A LAW

Suggestions for Discussion

I. Introduction and Review of Previous Session

A. Welcome the participants.

B. Briefly review the previous topic and answer specific questions the participants may have.

C. Ask the participants if they shared information from the previous session with others. ***Remember to make a note of this information for our internal evaluation.***

D. Ask the participants if they have additional suggestions or comments related to the draft Basic Law. ***Remember to make a note of this for the upcoming Civic Forum report.***

E. Remind the participants that Civic Forum sessions are not political forums, but are instead educational opportunities to examine issues related to democracy and the Palestinian political process.

II. Objectives of the Session

- To discuss with participants the articles of the draft Basic Law that deal with the three branches of the government, focusing on how the rights and responsibilities of the three are distinct but how they overlap and check each other.

- To examine with the participants the process of how draft bills become laws and to connect this process with topics of past discussions; namely, the separation of powers and check and balances; the role of Council Members; the rule of law; and the Constitution as the supreme law of the land.

- To stress to the participants that by knowing how this process works, they can more effectively influence the law-making process; by knowing the steps of how a bill becomes a law, citizens will be able to determine at what point in the process their input would be most influential.

III. Background for the Moderators

Remember that this session should be devoted to a discussion of how a bill becomes a law and also of the last half of the draft Basic Law -- those sections that deal with the Legislative, Executive and Judicial Authorities. We have chosen to discuss these two topics together for several reasons. **First**, the process of how a bill becomes a law involves all three branches of government as described in the draft Basic Law, and as such is an important illustration of the separation of powers at work. **Second**, the passage of laws is related to our discussion of the Constitution in other ways. Your discussions last month should have touched on the fact that the Constitution is the supreme law of the land, which means that no other law may be passed that contradicts with the Constitution or that takes a away a right that is granted in the Constitution. At the same time, you probably

discussed the fact that not everything is spelled out clearly and completely in the Constitution, but that in order to implement practically every article in the Constitution, a whole body of legislation is required. By knowing the procedures for the passage of laws, participants will be able to affect that process so that laws that best reflect their interests are passed.

Third, the discussion of how draft bills become laws is related to other important topics that Civic Forum has discussed. Remember that the Rule of Law was the second Civic Forum topic, and that it also appeared as a chapter in the draft Basic Law. The rule of law can sometimes seem like an abstract concept. By understanding where laws originate and how they come into force, the concept of the rule of law can be understood in more practical and concrete terms. **Fourth**, Civic Forum participants have spent a lot of time discussing the role of the Legislative Council Members, particularly the expectations they have of them and the problems they want them to solve. Members of the Council will spend a great amount of their time dealing with the passage of new laws that will affect the everyday lives of citizens in numerous ways. This is a very important and serious part of the Council Member's work, as it is their responsibility to see that only bills which are in the public interest are allowed to pass and become new laws. The Council will be able to reject bills which it feels are not in the public interest.

REMEMBER! REMEMBER! REMEMBER! REMEMBER! REMEMBER!

As the moderator, it is your responsibility to control the discussion and to keep the discussion focused on the topic at hand.

This month you have two related topics to discuss: the three branches of government as covered in the draft Basic Law and the law-making process. In order to focus the discussion and also cover all of the material, you will need to link the topics in your discussion. You will only be able to do this if you know the steps of how a bill becomes a law from start to finish!

Rather than discussing the three branches of government and then moving on to a separate discussion of how a bill becomes a law, discuss the two topics together. When you discuss the executive branch and the legislative branch, for example, use that as an opportunity to discuss their role in the law-making process. Remember that each branch has a role to play in this process and that part of that role is checking the power of the other branches. While the executive branch may propose laws, the legislative branch must pass them; and while the legislative branch may pass laws, the judicial branch may declare them unconstitutional if they conflict with the constitution.

Keep the separation of powers in mind as an overriding theme into which the discussion of the remainder of the draft Basic Law and the law-making process fit. Finally, keep in mind why it is important for Palestinians to know and understand this information -- so that they can influence the process!

IV. How a Bill Becomes a Law

The process of how bills become laws is outlined in the Standing Orders of the Palestinian Legislative Council and in the draft Basic Law. Remember that while the Standing Orders have been adopted by the Council, the Basic Law is still in draft form. As a result, provisions that relate to this topic may be different in the final version. Following is a description of the process based on the information currently available:

1. Draft bills can originate either in the Government or in the Council. On behalf of the Government, a bill may be proposed by the Council of Ministers or by an individual Minister. Likewise, any one Member or group of Members of the Council may submit a proposal for a bill. Individual citizens or groups of citizens do not have the power to submit draft bills to the Council. Any citizen or group of citizens, however, does have the right to suggest and encourage Council Members who represent them to submit draft bills or push for legislation on their behalf.

2. Drafts that originate with the Council of Ministers are submitted in draft law form to the Speaker of the Council. The draft must contain a preamble which explains the purpose of the bill. The Speaker then takes the draft law and gives it to the relevant committee for consideration.

3. Drafts that originate with Council Member/s are submitted in proposal form, not law form to the relevant committee of the Council. After discussing the proposal, the committee reports on the proposal to the whole Council. If the Council accepts the proposal (by a simple majority), it then goes to the Legal Affairs Committee. This committee is responsible for putting the proposal into draft law form. This draft is then re-submitted to the Council for consideration.

4. In some urgent cases, the Council may decide by a vote of two-thirds of its Members to discuss a draft law directly without first referring the draft to the relevant committee.

Why is it important for bills to be discussed in committees before in plenary?

- Committees allow the Council to delegate matters that the full Council would otherwise not have the opportunity to carefully examine. This includes the detailed review of proposed laws.
- Committee members become expert on matters within the jurisdiction of their committees and are acknowledged as such by their colleagues. As a result, the report of a committee on proposed legislation will be taken seriously by the Council as a whole.
- Committees can hold public hearings which provides an opportunity for academic, business and non-governmental experts to present their views. This provides a

means for citizen input and in doing so can help build public support for the Council's decisions.

5. Every draft law is discussed by the Council. Each Member of the Council should receive a copy of any draft law to be submitted to the Council three days before the draft law is to be discussed in plenary session.

6. Draft laws can go through one, two or three readings by the Council. Each draft law must go through at least one reading.

7. The first reading of a draft law is when the Council discusses the principles of the law. The Council may decide at this time to read the report of the relevant committee before discussing the principles. If the Council does not vote to accept the principles of the law, the draft falls and the discussion of it ends.

8. If the Council votes to accept the principles of the draft law, it then moves on to the second reading. During the second reading, the Council discusses each article of the draft law, one by one. During this debate, Council Members may propose amendments to any of the articles of the draft. After the Council debates each of the articles, it votes on each article separately and after this on the draft law as a whole.

9. Votes of the Council may only be called by the Speaker. The decisions of the Council, unless otherwise specified, are taken by a simple majority. Members may abstain from a vote. In this case, they are counted as voting neither for nor against the proposal. Except with regard to the Basic Law, votes shall be taken by a show of hands, or by calling members to stand or sit, or by secret vote if a majority of the members decides to do so. The Speaker announces the results of vote. No further discussion of an issue is allowed once a vote has been taken.

10. Before a vote is taken, a quorum must be verified. The quorum required to open a meeting of the Council is a majority of its members. Decisions will be taken by the majority of votes of the members present, except for specific cases, such as a vote on the Basic Law.

11. If the draft is approved by a majority of the Members, it is sent to the President. *[What happens at this point is not clear. According to the Standing Orders, the draft is forwarded to the President for assent and publication. It does not say what happens if the President does not assent. In the fourth draft of the Basic Law, Article 73 states that "the President shall sign and promulgate the laws within 30 days after their approval by the Council, and if not signed within the said period, such laws shall be deemed promulgated." This implies that the President has no power to veto laws that the Council passes. This may be changed in the final version of the Basic Law. If the President were to be given veto power in the final version, there would likely also be an arrangement whereby the Council could override that veto with a specified majority. For example, in the Basic Law version drafted by the Bir Zeit Law Center, the President is given veto power and the Council is given the power to override a presidential veto by a two-thirds majority.]*

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12. According to Article 118 of the draft Basic Law, "Laws shall be promulgated in the name of the Palestinian people, and shall be published in the Official Gazette after signature and promulgation by the President. They shall come into force 30 days from publication unless the law provides otherwise."

The Basic Law: As discussed previously, different arrangements exist for amending the Basic Law than for amending other laws. These differences are:

1. Any proposal to amend the Basic Law must be submitted in written form, accompanied by a preamble, and must be signed by at least one-third of the members of the Council.

2. The Council may decide by a simple majority whether to discuss the proposal or reject it without discussion.

3. Any amendment to the Basic Law shall require the approval of two-thirds of the members of the Council.

4. A vote on any proposal related to the Basic Law shall be taken by calling the members by name.

5. It is not yet clear whether adoption of the Basic Law will be by a simple majority.

Why Should Citizens Know This Information? How Can It Help Them Affect the Legislative Process?

Remember in Topic 5 we discussed "people power." We told participants then that their power could be derived from numbers and organization; that groups of citizens carry more weight than individual citizens and can have more of an impact on elected officials. This is particularly true when seeking to influence or spark legislation. By organizing committees around certain issues or by participating actively with pre-existing local or national organizations, citizens can make their voices heard.

It is also important to remember the tremendous workload that each Council Member faces. Each member will have to deal with numerous issues and he or she will not always be an expert on these issues. Because Council Members may lack the expertise to recognize all of the issues that relate to legislation, and the time to staff to investigate the issues, NGOs can play an important role in providing Council Members with this information. A brief, well organized presentation of the key issues involved in a particular question can often provide a Council Member with talking points to be used in Council debates, and can shape the Council Member's stand on an issue.

Consider this illustrative example:

If citizens know that the Education Ministry is planning to draft a law establishing the salaries of teachers, the numbers of days school will be in session, and the curricula to be studied, interested and informed citizens can propose their suggestions regarding these issues. They can do this by writing letters to the Ministry or requesting meetings with the Ministry officials, and by working with experts and groups or coalitions of organizations to set forth their proposals. They can also organize a strategy that includes a media campaign (providing information to and talking to reporters and editors, writing letters to the editor and/or holding a press conference to announce their concerns or proposals). In addition, they can address their views to the Education Committee, either the Chairman and Rapporteur or all Committee members and/or the Council members representing their constituency.

Citizens who follow the legislative process will find an opportunity to influence the outcome of legislative at all stages of the process, i.e. before a bill is introduced, while it is under consideration by committee and even in the plenary session itself. For example, if teachers unions and groups of concerned parents and student leaders want to be sure that sufficient funds are allocated for education, and in particular that teachers' salaries are substantial enough to attract qualified professionals, these groups can join together to propose an appropriate salary and school budget to the Ministry of Education. If the Ministry does not respond to their suggestions, they can take the same proposal to the Education Committee in the form of an amendment to the Government bill (or ask the Committee to offer an amendment). If the Committee does not adopt the proposal, a sympathetic Council member could be persuaded to offer an amendment in the plenary session.

Without understanding and following the legislative process, citizens cannot have an impact on how laws are made. Understanding the process gives citizens the ability -- or at least the minimum knowledge necessary -- to have their voices heard.

Finally, remember that citizens do not only have the right to react to draft laws before the Council. As discussed in Topic 5, a role that citizens can, and often should, play is to set the agenda of their representatives. Again because Council members do not have sufficient time or resources at their disposal, they may not be informed of all of the issues that concern their constituents. For this reason, they may not propose laws that their constituents feel are needed. Citizens can become involved in the law-making process before a draft bill is proposed or even conceived, by encouraging their representatives to propose legislation.

THE ROLE OF THE PRESS IN A DEMOCRACY

A Practical Guide for Moderators

THE ROLE OF THE PRESS IN A DEMOCRACY

Suggestions for Discussion

I. Introduction and Review of Previous Session

A. Welcome the participants.
B. Briefly review the previous topic and answer specific questions the participants may have.
C. Ask the participants if they shared information from the previous session with others. ***Remember to make a note of this information for our internal evaluation.***
D. Ask the participants if they have submitted suggestions or comments related to the draft Basic Law that was published in the newspapers. ***Remember to make a note of this for our internal evaluation.***
E. Remind the participants that Civic Forum sessions are not political forums, but are instead educational opportunities to examine issues related to democracy and the Palestinian political process.

II. Objectives of the Session

- To discuss with participants the role that a free and independent media can or should play in a democratic society and the factors that affect how the media play that role;
- To examine articles of the Palestinian press law in order to discuss the possible ramifications that certain articles may have on the ability of the press to function in an open and independent manner;
- To examine the situation of the press in other countries; and
- To discuss with the participants the ways in which citizens can effectively use the media as part of their organizing or advocacy strategies.

III. Background for the Moderators

The focus of this month's discussions is the role of the press in a democracy. During discussions of the past several topics, the press has come up in one way or another as we have encouraged participants to use the press as they seek to engage in the political process. In Topic #4, for example, we stressed to participants that they should inform themselves of the platforms of the various candidates seeking office and that the press was one place to look for information. Since that topic, we have encouraged participants to use the media as a means of communicating with their representatives in government through writing letters to the editor, holding press conferences, etc. This leads us to the questions that we will seek to address this month: what role can the press play in a democratic society? what role *should* the press play? what factors

affect the ability of the press to perform its role? and finally, how can citizens effectively use the media as a tool?

A. What role can the press play in a democratic society?

The press in a democratic society can be a very powerful institution -- so much so that it is often thought of as an independent branch of government, as for example, the fourth authority alongside the executive, legislative and judicial branches. Why is it that the press is thought of in this way? What function does it serve that makes it so strong a force? There are several answers to these questions:

- The press can serve as a forum for debate of important social, economic or political questions facing a nation;
- The press can serve as a source of information on which citizens can base the decisions they make on these important questions;
- The press can serve as mediator between the citizenry and their representatives in government to the extent that it gives voice to the concerns and opinions of the citizenry and the actions and positions of the government; and
- The press can create awareness of public issues that face a society that is geographically dispersed and whose government institutions are not physically accessible to the citizenry as a whole.

In summary, one of the ways that Civic Forum has described democracy, and the reason that Civic Forum discussions themselves are a democratic example is that democracy depends on an open exchange of information and lively debate that brings in the views of all elements of the society. Democratic decisionmaking should take all of these views into account as part of a process based on competition and compromise. Free and independent media are indispensable to this process. They can not only make available the information that forms the discussion, but they can create and define the separate constituencies whose compromises make democracy work.

B. What role should the press play in a democratic society?

This is a crucial question for the purposes of this month's discussions. It is also a difficult question because it has no clear-cut answer. As does so much of what is discussed in Civic Forum sessions, the answers will vary depending on the makeup of the groups. And to make things even more difficult -- all of the answers will be right.

The press can seek to fulfill the numerous roles mentioned in the last section in a variety of ways. This varies from country to country and several factors go into determining the style a given media choose. These factors will be discussed in the next section. For the purposes of this section, it is important to note the options and to discuss with the participants the style that they think is most appropriate for the Palestinian press to adopt.

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As the press seeks to play the role of the fourth authority, it can:

- Merely report the news that is readily available;
- Seek to build consensus on issues of national concern and bolster governmental decisions and choices;
- Engage in investigative reporting in order to uncover scandals or corruption and notify the public.
- What other styles can the press follow?

The choice that a given newspaper or television station makes will determine the type of news that it covers and will affect the public dialogue to a great extent. Citizens can only engage in a dialogue if the information they need is available. Participants will most likely be divided on this issue, as are people all over the world. **Some participants will believe** that because the press is such a powerful force it must behave responsibly and contribute to peace and consensus within a potentially divided society; that it must seek to bolster government officials that are making difficult choices and operating in difficult circumstances. They may say that because Palestine is not yet an independent state, the press must be cautious of those elements that will cause the nation harm. **Other participants will say** that precisely because the press can be such a powerful force, it has a responsibility to search for corruption and make the public aware of it wherever it exists; or to give voice to all opposing viewpoints so that citizens can make informed decisions. They may say that because Palestine is at a crossroads, where institutions are being built and difficult decisions are being made that will affect all Palestinians -- all sides should be allowed to be heard.

There are no easy answers to these questions -- and no lasting answers. The method followed depends in large part on the law under which the press operates, as well as the history and culture of a country. **In Chile, for example**, a free media is being built after 17 years of military dictatorship that ended in 1990. In a fragile situation such as this, where Chileans are reclaiming the democracy that they lost, the media have served as consensus-builders, rather than critics of the new government. In Chile, this does not mean that the press ignores corruption or the misuse of public funds but that an element of restraint is used when reporting on these issues. This is in part the choice of the Chilean media, but it also reflects the character of Chilean citizens which does encourage investigative reporting but not personal attacks on public figures. In one example, reporters from a public television station confronted a government official -- on camera -- with evidence that she had accepted a bribe. The official burst into tears. Public criticism of the report focused not on the undercover documentation of the bribe, but on the journalists confronting the official on camera and broadcasting her tearful reaction.

In the United States, the media have played both roles. It was the work of investigative reporters that uncovered the Watergate scandal which brought down an American president. At ottimes however, such as during the Gulf War, the American media have bolstered government policy by giving predominant coverage to only one viewpoint.

C. What factors affect the ability of the press to perform its role?

Perhaps the most obvious answer to this question is the press law. This is true in some circumstances but not true in others. Some press laws, for example, are very detailed and thoroughly define and restrict the activities of the media, while others are much shorter and more general, serving only to enshrine the freedom of the press. Some countries, for example, do not have a unified press law but, because their regulation of the press was developed over a long period of time, laws that affect the press are scattered throughout the general laws. With the opportunity of creating a system of press protection and promotion, newly emerging democracies are in a position to craft a more unified and simplified system. Whether one press law exists, or several laws affecting the press, legislators need to create a balance between the right to press freedom and access to information against other social, individual and national interests.

EXAMPLES: Austria and Sweden have one press law which contains most of the provisions applicable to the press. **Australia, Canada, the Netherlands, Norway, Spain, Britain and the United States** have no single press law and few or no laws which apply exclusively to the press.

Which do participants think is better in the Palestinian context? Is it enough that the freedom of the press is granted in the constitution and that no laws may contradict with the constitution? Or is there a need for a separate press law to detail the freedom of the press and make it more explicit? What should the main function of the press law be? To enshrine and guarantee the press' freedom? Or to regulate the press so that it does not go too far?

It is important to note that the presence of a unified press law does not, by itself, threaten press freedom. **Sweden**, for example, offers among the strongest protection of press freedom in the world.

Some of the most common aspects of the press that can be regulated by law are:

- Regulation of Ownership
- Registration Requirements
- Regulation of Import and Export of Publications
- Regulation of Content

Regulation of Ownership -- Why is it important to regulate the ownership of the press? What are the potential drawbacks of having the press owned and controlled by a

smaller and smaller number of people? Or by people with positions in the government? Or by foreigners? Do regulations regarding ownership endanger freedom of the press?

Many countries around the world are experiencing a rise in the concentration of ownership of the press and a number, most notably **Australia and Austria**, have suffered the collapse of many newspapers so that many regions are served by only one newspaper. Some countries have adopted laws to prohibit transactions that would lead to a high concentration of ownership (**France and Germany**). Some countries restrict or limit cross-ownership of different types of **media (Australia, Canada, Norway, Britain and the US)**. Several countries regulate the amount of the press that can be owned by foreigners. **In France**, foreigners are not allowed to own more than 20% of a press enterprise.

How does the Palestinian press law regulate ownership of the press?

Article 9
A. The periodical print must rely on its resources as defined, legitimate sources, and is prohibited thereon to receive any material support or instructions from any foreign country.
B. Each periodical print wishing to receive financial support from foreign non-governmental organizations should apply with the Ministry of Information and receive prior approval on such support.

Article 10
The journalist, or whoever works in the press are prohibited from establishing a business-like relationship with any foreign body, unless it has been established by the rules of the foreign information media correspondence system issued by the virtue of this law.

Article 16
It is stipulated for the owner of the periodical print to attain the following qualifications:
A. To be a Palestinian and residing in Palestine.
B. Non-resident Palestinians should seek the prior consent of the Ministry of Interior.
C. Not convicted in a felony or misdemeanor pertinent to immorality or dishonesty.

Similar, and more detailed, provisions exist in the Palestinian press law concerning what qualifications an editor-in-chief or director of a press institute must have in order to be employed? Are these stipulations necessary? Should the government have the right to stipulate such qualifications? What are the positive and negative ramifications?

Registration Requirements -- **Austria, France, Germany, the Netherlands, Norway, Spain, Sweden, Australia, Canada, Britain and the United States** do not require any form of government approval to launch a newspaper or periodical.

In the Palestinian law all press bodies are required to obtain a license from the Ministry of Information to operate. Along with personal details about the owner of the body, applications must include a minimum registered capital of 25,000 JD for a daily publication and 10,000 JD for a non-daily publication. The Minister of Information

should make a decision within a maximum period of 30 days from the date of submission. A refusal can be appealed at the High Court of Justice.

Regulation of Import and Export of Publications --**Austria, the Netherlands, Norway, Spain, Sweden and the US** have extremely liberal laws governing the import of publications. **France and Germany** have more restrictive laws. **In France**, for example, any writing in a foreign language or "of a foreign origin" may be banned. The law was widely used until the late 1970s to ban import of communist publications. It has also been used by France at the request of some Arab governments to ban opposition newspapers published inside or outside of France. During the Gulf War, two Arabic-language papers in France were banned. **In Tunisia**, books forbidden in Arabic may be published in French, where they will be read only by the elite. But newspapers cannot be imported from France because they are more likely to be read at a mass level.

In the Palestinian press law, Article 34 requires two weeks notification to the Ministry of Information for importation of a foreign periodical. Under Article 35 importation of periodicals requires the institution to hold a special license which allows it to import, even if the institution is importing on only one occasion. The institution which wishes to import must obtain a license from the Ministry to do so. Also, when it wishes to import it must notify the Ministry two weeks in advance.

Regulation of Content -- This is perhaps the most critical issue for freedom of the press in a democratic society. It is likely to be the topic of intense debate during these Civic Forum discussions. *First, what does the Palestinian press law say?*

Article 2
Press and Printing are free. Furthermore, the freedom of opinion should be entitled to every Palestinian individual who attains the absolute right to express his opinion in a free manner either verbally, in writing, photography or drawing as different means of expression and information.

BUT

Article 7
A. It is inadmissible to publish in the printed publication any materials which may contradict with the principle of freedom, national responsibilities, human rights, and the respect of truth. It must also consider the right of thinking, opinion and expression.
B. The periodical prints addressed to children and teenagers should not include any photographs or stories, or scripts, or news which could hamper morals, values, and Palestinian traditions.

Article 37
A. It is strictly prohibited by each print to publish the following:

1. Any secret information about police and security forces, its armaments or locations or movements or military drills.
2. Articles and materials harmful to religion and doctrines guaranteed by law.

3. The articles which may cause harm to national unity, or incite for ccrimes or planting seeds of hatred, dissension, and disunity, or instigate hostilities and sectarianism among the members of society.
4. The minutes of the secret sessions of the Palestinian National Council and the Council of Ministers of the Palestinian National Authority (PNA).
5. The articles and the news which aim at shaking belief in the national currency.
6. Articles and news which may infringe on the individual's dignity or personal convictions and liberties and harmful to personal reputation.
7. News, reports, letters, editorials, and pictures inconsistent with morals.
8. Drugs or medical products or cigarette advertisements and the otherlikes unless advertisement has been permitted in advance by the Ministry of Health.

B. It is strictly forbidden to import publications from abroad if it has been containing prohibited materials for publishing by virtue of this law.

Do these articles conflict with the right to the freedom of expression and the press granted in the constitution and in the press law itself? Who will decide what threatens national unity, Palestinian traditions or plants the seeds of hatred and dissension? Can these articles be used to punish journalists that are critical of the government? These questions are at the heart of any discussion of the role of the press in a democracy. At the same time, is it necessarily a good thing to place no limits on what can be covered in the press? At such a delicate time in Palestinian history, should the debate be limited somewhat? Should the press have absolute freedom to publish without taking into consideration the religious and cultural framework within which most Palestinians operate? What issues and conflicts could arise in Palestinian society if the press were free to publish whatever it saw fit? How should these questions be decided? Must they be specified in the law or are there other ways to influence what is and is not covered in the press?

In addition to the law, the press can be regulated by society in general, and by itself. **Society can regulate the press** by not buying newspapers or watching television stations that cover issues that they find offensive or too liberal. Can this be an effective limit on the press?

The press can regulate itself through the establishment of **independent press councils** or **codes of conduct** among journalists. Press councils exist in many countries. They are typically composed of publishers, journalists, journalism professors and other prominent public figures outside of the press profession. Many of these are headed by lawyers. The decisions of these councils are usually not binding according to the law. They are effective only to the extent that their decisions create a fair balance between the freedom of the press and other societal interests and the extent to which members of the press comply with their decisions.

Finally, in what ways other than through the press law can a government limit press freedom? The main way is in access to supplies that the press needs to function. Some examples include access to broadcasting frequencies for TV and radio stations and newsprint for newspapers. **In Uruguay**, for example, policies designed to protect domestic paper companies significantly raised the price of paper, making it

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difficult for small newspapers to survive. **Mexico's** state paper company, on the other hand, no longer has monopoly status. It is now trying to compete in the market by improving quality and adjusting prices. In **Serbia and Croatia** opposition newspapers and radio stations are allowed, but independent newspapers pay triple the price for newsprint, so the opposition Belgrade paper costs readers three times as much as the regime's paper.

D. How can citizens effectively use the media as a tool?

From previous Civic Forum discussions, participants know that there are many issues facing their representatives in government and that each issue a Council member or other government official deals with has many different sides. They also know that it is the job of governmental officials to listen to their constituents and to be responsive to their concerns when deciding these issues. Finally, they know that it is their job, as citizens, to make their views known to their representatives so that their opinion can compete with other opinions in the decisionmaking process. Whether or not their viewpoint -- or even an issue in general -- gets the attention of politicians often depends on whether the issue has the attention of the media.

Following are some pointers that may help citizens engage the media effectively:

1. Write a press release, call a press conference or send a letter to the editor;
2. Make calls directly to news organizations;
3. Establish a relationship with reporters who cover social issues;
4. Observe deadlines;
5. Consider the needs of the press -- TV shows need something to film; radio shows need something understandable through sound; newspapers are more likely to use numbers and to do interviews by phone;
6. Be accurate.

Stories that contain the following are more likely to get press coverage:

- Controversy
- An Anniversary
- Injustice
- A Celebrity
- Local Interest
- A Personal Story
- Visual scenes

Some important tactics to remember when framing an issue to be presented in the media:

- Translate an individual problem to a social or national issue

- Assign primary responsibility for the problem or for its solution
- Present a solution or some options
- Make a policy appeal to the relevant government authorities
- Tailor the story to the audience

Consider this example: A child in a neighborhood is killed by a speeding car at a busy intersection and the neighborhood committee wants to address the issue of road safety. Using the above guidelines, the story could be framed in the following way:

- Begin with the story of the child that was killed and use it as an example of the unsafe conditions of the roads in general. Provide figures of the number of people killed or injured in street accidents per year, month, week or day;
- Make the case that the number of accidents is the result of bad roads and the lack of lighting on the roads or a lack of stop signs or stoplights or that speeding on the roads is not punished;
- Suggest that a stopsign or stoplight be placed at the intersection where the accident occurred and at other busy intersections and that penalties for speeding be enforced;
- Call on the Ministry of Transportation to make the road safer by installing stoplights and streetlights and by patrolling the streets for speeding;
- Tailor your story to garner support from other members of the community that will read the newspaper and also care about the issue -- in this case other parents or school teachers.

The Role of Citizens in a Democracy

Suggestions for Discussion

I. PURPOSE OF THIS GUIDE

This guide is designed to assist you in conducting practical discussions about democratic principles and practices. It suggests specific techniques that help enhance the quality of the discussions by promoting an exchange of ideas and information. The underlying objective of each session is to familiarize the participants with some of the institutions, processes, attitudes and norms that form the fabric of a democratic society. Once the participants learn about these elements, they can begin to define their own roles and responsibilities as citizens in a democracy. The sessions will not be conducted as university lectures about unfamiliar concepts, but as practical discussions that foster genuine and informed debate. By encouraging self-expression and deliberation, the sessions will demonstrate the participatory nature of a democracy and further enhance the understanding of the participants.

II. ROLES AND RESPONSIBILITIES OF THE MODERATOR

As discussed in the training program, it is important that you treat the participants as peers and recognize that everyone has something valuable to add to the discussion. You are a servant of the group who keeps the discussion moving in a consistent direction and provides additional information as needed. By asking thoughtful questions and by avoiding opinionated responses, you will encourage participants to think for themselves. Remember that these sessions are not a means of arriving at a predetermined solution or answer. Instead, these sessions are a means of introducing participants to democratic principles and allowing them to form their own understanding.

For each session you should:

- understand and articulate the purpose
- clearly introduce the topic being discussed
- guide the discussion and encourage inclusiveness
- be prepared with relevant examples
- stimulate coherent and constructive discourse by asking questions
- listen carefully to help clarify and articulate participant views
- provide comparisons and contrasts
- continually summarize and link issues and ideas
- write main points for the entire group
- encourage positive input and elaboration
- demonstrate respect and interest
- discourage interruption and unproductive criticism

The quality of your session will also be increased if you are familiar with the participants and modify the discussion format to reflect their personal characteristics. For instance, the level of education or demographic makeup of the group will change the nature of the discussion. It is useful to take this information into consideration and make appropriate adjustments. Questions play an important role in the moderated discussions. You can use questions to engage participants, direct the discussion, clarify ideas, and introduce additional information. As the moderator, it is important that you keep the discussion focused and prevent it from being dominated by one individual. When the discussion begins to move away from the topic, acknowledge this fact and ask the participants a questions that brings the discussion back into focus. At the same time, you must remain flexible in order to respond to the particular ideas expressed by the participants.

III. OBJECTIVES OF THE SESSION

- To help the participants understand citizens' responsibilities in a democracy and why citizen participation is one of the most important components of a well-functioning democratic system.
- To discuss how one becomes informed in a democracy.
- To help the participants learn different ways of participating in a democracy and civil society.
- To examine the possibilities for citizen involvement in government decisions.
- To offer participants ideas about how citizens can effectively communicate their concerns to representatives, pressure them to be responsive and hold them accountable for their actions.
- To examine what is meant by civil society and how citizens participate in it.
- To explore what citizens can do when the government will not or can not solve a particular problem in their community.
- To link the role of citizen in a democracy with previous topics discussed by Civic Forum.

IV. BACKGROUND FOR THE MODERATORS

A. INTRODUCTION

1. Introduce Civic Forum and NDI

2. Remind the participants that Civic Forum sessions are not political forums, but are instead educational opportunities to examine issues related to democracy and the Palestinian political process.

3. *(For moderators conducting sessions with groups that previously participated in Civic Forum discussions)* Ask the participants if they have questions about the previous discussion. Also, ask the participants if they shared information from the previous session with others. **Remember to make a note of this information in your report on the session for our internal evaluation.**

B. CITIZENSHIP IN A DEMOCRACY

The focus of this month's discussions is the role of the citizen in a democracy. One of the hallmarks of a democracy is that every citizen is legally guaranteed certain rights that can not be taken away by the government or by other citizens. Usually, these rights and freedoms are guaranteed by a written constitution. Constitutions limit the power of the government by endowing citizens with fundamental rights and freedoms that the government cannot take away. Such rights are considered so basic that they are protected by the constitution from the whims of members of the government and other citizens who may wish to deny them in order to increase their own power. These rights typically include the right to life and liberty, and the freedoms of expression, assembly and religion. When rights such as these are granted the constitution, the government is not allowed to pass laws or to take actions that infringe upon their rights.

Some new constitutions take this a step further and not only define what the government *must not do* but what the government *must do* in order to grant citizens fundamental rights. Some constitutions, for example, state that education is a fundamental right and that the government is required to provide its citizens with education. Others state that work is a fundamental right and that governments must strive to provide citizens with work opportunities. **The 1991 constitution of the Czech and Slovak Republics** states that workers "are entitled to fair remuneration for work and to satisfactory working conditions."

It is important to remember that merely granting rights or limiting government in a constitution is not enough. For constitutionalism to operate, its provisions must be more than words on paper. They must be put into practice. A state can have a constitution without practicing constitutionalism. For example, in **1936, Josef Stalin** instituted a new constitution while he remained absolute dictator of the Soviet Union. Constitutional rights, though inviolable, must be supported by other laws that regulate the various aspects of society. The constitutional

right to free speech and free expression, for example, requires enabling legislation that ensures a free and independent media.

Responsibilities of Citizens

The role of the citizen in a democracy differs from other forms of government not only because citizens of a democracy have more rights, but also because they have more responsibilities. Oftentimes, citizens are more likely to guard their rights rather than focus on their responsibilities. For example, citizens may closely guard their freedom of speech, without focusing on the responsibility to speak in a way that respects the right of others to also be heard. In addition to responsibilities that citizens of non-democratic countries typically have-- such as paying taxes and, in some countries, mandatory military service-- citizens in a democratic system have the added responsibilities of being informed, engaged and active citizens.

Although no democratic system is perfect, leaders in a democracy, because they are elected by the people, typically must act in accordance with the wishes of their constituents. For a democracy to work, citizens must be partners with their government and participate in ways that promote human rights and the public good. If citizens are not informed and fail to participate actively, there is a danger that they will become subjects rather than participants in the democratic process of governing.

Becoming an Informed Citizen

Being informed about issues is one of the primary responsibilities of a citizen in a democratic society and is essential for effective citizen participation. Informed citizens are less likely to be manipulated by their leaders and can more easily separate rumors and gossip from facts. A citizen can become informed by doing any of the following:

- following the news media (newspapers, magazines, radio, and television)
- attending Council sessions or other public meetings in one's community
- requesting specific information from their representatives and other governmental officials through phone calls and letters
- visiting their representatives and other governmental officials in their office with questions
- inviting Council members to meet groups of constituents and answer questions
- discussing issues with fellow citizens

One of the most important skills for a citizen to develop while seeking to become informed about issues is to separate fact from opinion. Writers, reporters and others in the media sometimes present opinions as facts, and citizens should try to develop the ability to distinguish between facts on the one hand and opinions or different analyses of those facts on the other hand. Another important skill for citizens to develop is active listening-- carefully hearing, understanding, questioning and thinking about things that they hear from their leaders and in the media.

Knowing the Democratic Institutions and Processes

Equally important, citizens of a democracy must be familiar with the institutions and processes of a democracy. Usually, a constitution of a democracy outlines the powers of the various branches of government and their relation to the other branches. A democratic government has a system of checks and balances between the different branches of government. By separating the powers of a government in a system of checks and balances, the power of government is limited so that no one institution or individual is able to amass enough power to rule arbitrarily.

In some democracies, there are three separate branches of government: the legislative, executive and judiciary. The legislative branch is the law-making branch of a democratic government. It typically is made up of representatives elected by citizens. The executive usually consists of a president or prime minister with a group of ministers. The executive makes policy decisions and carries out (executes) the laws passed by the legislative branch. Finally, the judiciary, or courts of a country, ensure that laws are followed and serve as the final interpreter of the constitution. For this to occur, the courts must be independent from the executive and legislative branches and have the power of judicial review.

The lines between the legislative and executive branches are more distinct in some democracy than they are in others. Leaders of the executive branch in some parliamentary systems, for instance, are chosen solely from elected members of the legislative branch. Other systems are mixed or hybrid systems, in which ministers in the executive branch are chosen from both inside and outside the legislative branch. The separation of powers varies from country to country, and the most important thing to keep in mind is that there is no single way of dividing powers is ideal or preferable, just as long as a general system of checks and balances prevents the power of the government from falling into the hands of one person or branch. Important issues related to the division of power among the branches of government, including:

- where legislation originates and what procedures exist for approving or vetoing proposed legislation;
- how the cabinet is chosen and what its relation is to the legislative branch;
- how members of the judiciary are chosen and how judicial independence is protected;
- how and who decides how taxes are collected and what the budget of the nation is; and
- who controls and the police and the military.

By dividing responsibilities and placing checks over these and many other important powers, a democratic society limits government abuses and helps ensure the rights of the individuals. Different arrangements have been made all over the world to answer these fundamental questions. Some systems give the executive the primary responsibility for proposing a law and drafting a budget. Other systems place these responsibilities with the legislature. Some

systems give the judiciary the power to review the laws to ensure their constitutionality and invalidate unconstitutional laws, while others do not. In most democratic systems, there is a balance between the branches of government so that any one branch does not make all of the decisions.

In addition to the branches of a national government, citizens should be familiar with the other institutions of a democratic society, including local government, which is the government that usually addresses the day-to-day issues in small communities, and the organizations that make up civil society, including trade unions, sports clubs, women's committees, non-governmental organizations, religious organizations and political parties. The most important point in all of this is that responsible citizens in a democracy should make efforts to become familiar with their system of government, including all of the institutions and processes of governing in their country.

B. CITIZEN PARTICIPATION IN A DEMOCRACY

The most obvious way for citizens in a democracy to participate is through electing their leaders. This includes, but is not limited to, registering to vote and casting a ballot on election day. Participation in elections can also include campaigning for those standing for office and serving as an independent observer on election day. In several countries that have recently made a transition toward democracy, elections have served as a crucial starting point in building a democratic society.

At the same time, though, it is important to remember that elections are only one part of a democracy. History is replete with examples of societies that have gone through the motions of electoral democracy without coming near the substance of political democracy. Elections give legitimate status and power to its leaders. Once this power has been delegated to leaders, the role of citizens is to make sure this power is not abused.

A failure of citizens to participate in democracy with the leaders is like telling leaders to do as they please. Non-participation often gives governments unchecked power which is likely to result in a dictatorship or other authoritarian type of government. One of the most important responsibilities of citizens is to remind their representatives that the authority and power of the representatives is derived from the citizens. There are many advantages to citizen participation:

- It ensures that the leaders do not abuse their powers.
- It keeps the government more informed of the wishes of society.
- It involves citizens in the governing of the country.
- More informed and better decisions are made by the government.

There are many ways that citizens can effectively communicate their interests to their representatives as individuals:

- writing letters
- making phone calls

- visiting their representative in his or her office
- inviting their representative to meet with a group of constituents
- publishing editorials and writing letters to the editor of a newspaper
- circulating petitions

One of the most effective ways for individuals to make their views and opinions known to their leaders is by coming together in groups to make their voices heard. By forming or joining community organizations and political parties, individuals can more effectively exert the power that they hold over their representatives. There is power in numbers, and a group of citizens is more likely to influence matters than an individual.

C. CITIZENSHIP AND COMMUNITY INVOLVEMENT

Citizen participation is more than just voting in elections or involvement with government. Most participation by citizens takes place in their own communities, rather than on a national level. Citizens have frequently formed their own organizations which have various goals such as improving the community, preserving the environment, protecting human rights, improving education and health services and participating in athletic or cultural activities. Most of the organizations that co-sponsor Civic Forum discussions are locally-based organizations that are involved in such activities.

These organizations make up what is known as civil society, and when citizens take part in the activities of these organizations, they are said to be participating in civil society. Many democracies recognize the importance of civil society in helping government fulfil certain goals. For example, many religious, non-profit and other voluntary organizations help poor people. In return, many government support such organizations by not requiring them to pay taxes or providing funds for them.

It is not enough for a citizen to expect his or her government to solve all of the problems in their community. Responsible citizenship extends beyond just making demands on one's elected representative. The expectation that governments should solve of the community's problems creates a relationship of dependency. Even in countries that have had democratic systems for hundreds of years, civic activism, and not government programs, have been the best solution for certain social and economic problems.

Elected officials and the governments of which they are members are constrained by limited resources and competing forces. Elected officials must operate within the governing system-- with other Council members and with the other branches of government. These officials must balance between competing groups with varied interests of their constituents and the interest of the nation as a whole. These constraints on elected representatives often make the wheels of democracy turn very slowly-- and oftentimes problems remain unresolved as a government deliberates and discusses various solutions to those problems over a long period of time.

Knowing what your government can and can't practically do for you-- knowing what it is supposed to do and what is not its job to provide-- helps you understand when and how to act to solve problems in your own community. There have been several instances in which citizens have come together to solve a particular problem in their community, and these efforts have sometimes been more successful than a particular government program designed to address a problem. The reason for this is clear: people act more responsibly when they have control over their own environments than when they are under the control of others.

When citizens work together in efforts to solve a problem in their community, they are making an investment of time and effort in a particular cause. Working in an organized effort to change one's community makes one feel more responsible for one community. For example, owners take better care of their homes than those who rent. Similarly, workers who own a share of the company that they work in are generally more committed to helping the company become successful than those who simply collect a paycheck. Civil society can build a sense of community among the people in a way government cannot. This is particularly true when citizens and their organizations are dedicated to working in a cooperative manner. By being active members in the organizations in their local communities, citizens are in a small way helping the government achieve broader, national goals.

There are many examples of citizens not waiting for governmental action and organizing successful effort to address particular problems or issues in their own communities. **Each moderator should be ready to provide one or two examples of this type of community involvement that has taken place in their own district.**

D. SAMPLE QUESTIONS FOR USE IN THE DISCUSSIONS

- What makes you a citizen of this country?
- What responsibilities do citizens of a democracy possess?
- How does a citizen become informed?
- What are the benefits of having more than one source of information?
- What is the role of a constitution, and how does it differ from other laws that are passed by a government?
- What are the different branches of government? What powers do each of the branches possess?
- What steps can citizens take to inform their representatives of their needs and concerns?

- What is the role of the citizen after he or she informs their representatives of their concerns?
- What can citizens do if their representatives are not being responsive?
- What can citizens do to solve problems in their communities that their representatives and government are unable or unwilling to address?
- Why are public meetings important for a community?
- What are the organizations that make up Palestinian civil society?

يتم تحضير سجل الناخبين الاولي لكل مركز اقتراع ونشره لفترة اسبوع وخلال هذه الفترة يستطيع الجمهور من رؤية سجل الناخبين للتأكد من ان وجود اسمائهم ومن صحة المعلومات المرفقة. في حالة عدم ظهور اسم شخص ما على سجل الناخبين الاولي أو وجود معلومات خاطئة في ما يخصه فبإمكان هذا الشخص الاعتراض والاستئناف للجنة دائرة الانتخابات لاضافة اسمه او تصحيح المعلومات عنه.

في حالة الإقامة المؤقتة للناخبين، لأين يتوجهون للتسجيل والاقتراع؟

على الشخص التسجيل والاقتراع متى استطاع اثبات مكان اقامته الدائمة فمثلا، الطلبة أو الافراد غير المقيمين في مكان إقامتهم الدائمة لفترة قصيرة فبإمكانهم التسجيل على العنوان الدائم الاصلي وبمعنى آخر، بإستطاعة الشخص الاقتراع بمكان غير المكان الذي يقيم فيه حاليا.

كيف يتم تحديد السجل الانتخابي النهائي؟

سوف تبحث مجموعة مصغرة مكونة من مكتب تنسيق الشؤون المدنية المشترك جميع مسائل التسجيل خلال العدة أسابيع اللازمة لتصنيف السجل الانتخابي الاولي، وحل كل مسائل الاعتراضات والاستئنافات.

سيقوم الجانب الفلسطيني من مكتب تنسيق الشؤون المدنية المشترك بتزويد الجانب الاسرائيلي بالسجل الانتخابي الاولي، بحيث يكون لدى الاسرائيليين سبعة أيام لتصنيق المعلومات في السجل الانتخابي بمراجعة سجل التعداد السكاني للتأكد من عدم تسجيل حملة الجنسية الاسرائيلية/ يمكن منع حملة الجنسية الاسرائيلية ذلك فقط إذا استطاع الجانب الفلسطيني إثبات أن هذا الشخص موجود في سجل تعداد السكان، وبعد ذلك سيتم عرض السجل الانتخابي النهائي في مراكز الدوائر الانتخابية من قبل مكتب تنسيق الشؤون المدنية المشترك في فترة لا تقل عن ٢٢ يوم قبل يوم الاقتراع. ولكون السجل الانتخابي وثيقة عامة، فبالامكان تسجيل الاحزاب السياسية، التحالفات الحزبية والمرشحين المستقلين.

ماذا بخصوص التسجيل في القدس؟

تتكون الدائرة الانتخابية في القدس من منطقتين: القدس الشرقية (دائرة القدس الانتخابية ... ة عن الحدود التي كانت قائمة قبل عام ١٩٦٧) والمناطق خارج نقاط تفتيش القدس، وهناك عدة ... وعات تبر عملية التسجيل في هاتين المنطقتين، وبامكان الناخبين المؤهلين من المنطقتين ... ويت لنفس المرشح.

اما اولئك الذين يسجلون في منطقة القدس الشرقية، فإن عملية التسجيل ستدار من قبل الكتبة ... اهيمية بموجب عقد بينها وبين لجنة الانتخابات المركزية . اما في باقي المناطق، ستقوم لجان ... الاقتراع بعملية التسجيل.

حقائق حول عملية تسجيل الناخبين الفلسطينيين

تم وضع المعلومات المتضمنة في هذه الوثيقة من الملتقى المدني وهي ليست رسمية، وإنما مبنية على الاتفاقية المرحلية ومواد من تسجيل الناخبين الصادرة عن لجنة الانتخابات المركزية. ان بعض التفاصيل الواردة في عملية تسجيل الناخبين معرضة للتغيير أو التعديل قبل فترة التسجيل الرسمية، وعليه فان أية تغييرات سيتم الاعلان عنها بشكل عام في وسائل الاعلام. كذلك سوف يقوم ا لملتقى المدني ببذل كل الجهد من اجل الاعلان عن اية تغييرات. اذا كان لديك اية اسئلة او استفسارات راجع مكتب الدائرة الانتخابية في منطقتك.

الملتقى المدني هو احد برامج المعهد الديمقراطي الوطني للشؤون الدولية، وهي ... حكومية وغير هادفة للربح تعمل في مجال التطوير الديمقراطي في انحاء العالم.

حقائق حول عملية تسجيل الناخبين الفلسطينيين

ما هي عملية تسجيل الناخبين؟

ان عملية تسجيل الناخبين هي الخطوة الاولى في عملية الانتخابات في العديد من دول العالم كما هو الحال بالنسبة للانتخابات الفلسطينية، فمن خلال التسجيل تكون اسماء الناخبين المؤهلين مسجلة رسميا ليكون بامكان الناخبين التصويت في مراكز اقتراعهم من أجل انتخاب أعضاء المجلس التشريعي الفلسطيني ورئيس السلطة التنفيذية. وتهدف هذه العملية لتفادي تصويت الفرد الواحد لأكثر من مرة أو التصويت في مركز الاقتراع الخاطئ؛ واذا لم يظهر اسم الشخص في سجل الناخبين فلن يتمكن من الاقتراع.

متى ستبدأ عملية التسجيل؟

ستبدأ عملية التسجيل للانتخابات في الثاني عشر من تشرين ثاني عام ١٩٩٥ وتستغرق عدة اسابيع.

من يحق له التسجيل كناخب؟

التسجيل حق لكل فلسطيني بلغ من العمر ١٧ عاما، يحمل بطاقة هوية فلسطينية أو صادرة عن الادارة المدنية الاسرائيلية او في القدس الشرقية. أما من يبلغ سن الثامنة عشرة في نفس يوم الاقتراع أو ما قبله فيحق له الاقتراع اذا كان فقط مسجلا. أما الاشخاص الذين لا يحملون بطاقة هوية صادرة سواء عن السلطة الفلسطينية أو الاسرائيلية فيحق لهم التسجيل في سجل الناخبين والحصول على بطاقة هوية في الحالات التالية:

- بلغوا من العمر سن الاربعين عاما في الثامن والعشرين من ايلول (٢٨-٩-١٩٩٥ تاريخ توقيع اتفاقية اوسلو ب) ويمكنهم الاثبات انهم اقاموا في الضفة الغربية أو قطاع غزة بشكل مستمر لفترة لا تقل عن ثلاث سنوات متواصلة قبل ١-١-١٩٩٦ ما عدا لفترات غياب مؤقتة.

- بلغوا من العمر أقل من الاربعين عاما في الثامن والعشرين من ايلول (٢٨-٩-١٩٩٥ تاريخ توقيع اتفاقية اوسلو ب). ويمكنهم الاثبات انهم اقاموا بشكل مستمر الضفة الغربية وقطاع غزة لفترة لا تقل عن اربع سنوات متواصلة قبل ١-٢-١٩٩٦ ما عدا لفترات غياب مؤقتة.

من لا يحق له التسجيل كناخب؟

كل شخص لم تتوفر فيه الشروط المذكورة أعلاه فلن يتمكن من التسجيل كناخب، كذلك:

- كل شخص محجور عليه بموجب حكم جنائي قضائية.
- كل شخص محجور عليه في مصح عقلي بموجب قرار جنائي قضائية طيلة فترة الحجر.
- ** المقصود بقرار بر حكم جنائي قضائية هو قرار صادر عن محكمة قضائية فقط.
- ملاحظة: لن يسمح لحاملي الجنسية الاسرائيلية بالتسجيل وبذلك فانهم ممنوعون من الاقتراع.

كيف يمكن ان يحصل ناخب مؤهل على بطاقة هوية؟

قبل بدء عملية التسجيل فإن لجنة الانتخابات المركزية ستعلن عن كيفية الحصول على بطاقة الهوية طبقا للبند رقم ٢ من الاتفاقية المرحلية وسوف يتم تسهيل ذلك من خلال التعاون بين السلطتين الفلسطينية والاسرائيلية المختصتين.

كيف ستتم عملية التسجيل؟

لغرض عملية الانتخابات تم تقسيم الضفة الغربية وقطاع غزة الى ١٦ دائرة انتخابية وهي بيت لحم، الخليل، جنين، أريحا، القدس، نابلس، قلقيلية، رام الله، سلفيت، طوباس، طولكرم، شمال غزة، خان يونس، وسط غزة، جنوب غزة، ورفح. كل دائرة مقسمة الى عدد من مراكز الاقتراع التي تشمل حوالي ١٠٠٠ ناخب مؤهل. كل مركز اقتراع له لجنة تتكون من ٤ أعضاء بما فيهم الرئيس. ان أعضاء اللجنة مسؤولين عن تسجيل ١٠٠٠ ناخب في دائرتهم وبعد ذلك ستقوم اللجنة بالاشراف على الاقتراع يوم الانتخابات وعد اوراق الاقتراع.

يقوم أعضاء لجنة مركز الاقتراع خلال فترة التسجيل الرسمية في كل دائرة بالاشراف على عملية التسجيل من خلال الانتقال من بيت إلى بيت ومن شخص إلى شخص ويحمل أعضاء اللجنة بطاقات هوية صادرة عن لجنة الانتخابات المركزية بحيث يمكن لأي شخص طلب بطاقة هويته للتعرف على شخصيتهم عند قيامهم بعملية التسجيل.

يقوم أعضاء اللجنة بزيارة كل منزل في دائرتهم من أجل تسجيل الناخبين المؤهلين، ويطلب عضو اللجنة بطاقة الهوية الشخصية وتسجيل المعلومات المطلوبة وتشمل هذه المعلومات رقم هوية الناخب، نوع الهوية، الاسم الاول، إسم الاب، إسم الجد، الجنس، تاريخ الميلاد وعنوان الاقامة الدائم. سوف يتم إعطاء الناخب المؤهل بطاقة تسجيل مؤقتة يتم إبرازها يوم الاقتراع تتضمن الاسم، موقع مركز الاقتراع، إسم الدائرة الانتخابية، ورقم الهوية.

في حالة قيام عضو اللجنة بثلاث زيارات لمكان الاقامة ولم يكن باستطاعته تسجيل اي شخص فإنه سيقوم بترك ملاحظة رسمية يشير فيها إلى موقع لجنة مركز الاقتراع وإسم رئيس اللجنة. ستشير الملاحظة أنه بإمكان الشخص التسجيل من خلال الذهاب مباشرة إلى لجنة مركز الاقتراع، و بإمكان الشخص الاتصال بمكتب الدائرة الانتخابية من أجل الحصول على موقع لجنة مركزه الانتخابي. مع العلم بأنه يوجد مكتب دائرة إنتخابات واحد لكل من الدوائر الانتخابية الستة عشر.

ماذا يحدث في حالة عدم زيارة عضو لجنة مركز الاقتراع لناخب مؤهل للتسجيل؟

إذا لم يتم زيارة شخص من قبل لجنة مركز الاقتراع عند اختتام فترة عملية التسجيل بإمكان الشخص التسجيل من خلال زيارة لجنة مركز الاقتراع او الاتصال بمكتب دائرة الانتخابات للحصول على موقع لجنة مركز اقتراعه عند الضرورة.

ماذا يحدث في حالة عدم وجود إسم الناخب في سجل الناخبين الاولي بعد مضي فترة التسجيل ؟

أربعة مقاعد، لن يستطيع الناخب تجاوز هذا الرقم ويجب إختيار أربعة مرشحين مختلفين. ولأن قوائم المرشحين مفتوحة فإنه يمكن إختيار المرشحين من أكثر من قائمة حزبية كذلك يمكن إختيار المستقلين.
عند اختيار الرئيس، فإن على الناخب أن يضع إشارة (X) بجانب إسم واحد فقط من المرشحين للرئاسة.

سيتم الاقتراع بشكل سري ولن يعرف احد كيف سجل الاخر ولمن اعطى صوته. عندما يقوم الناخب بوضع الاشارة، فعليه أن يلتزم بوضع إشارة (X) وكل علامة أخرى ستعتبر لاغية.

كيف سيتم عد الاصوات؟

عندما تغلق مراكز الاقتراع يوم الانتخابات، سيقوم الاعضاء الاربعة من مراكز لجان الاقتراع بفتح الصناديق في نفس مراكز الاقتراع ويبدأون بعد أوراق الاقتراع. لن تنقل الصناديق إلى أي مكان آخر إلا في حالة القدس الشرقية بحيث يتم نقلها إلى مكتب الدائرة الانتخابية في القدس. وسيتم مراقبة هذه العملية من قبل مراقبي الانتخابات.

إن عملية عد الاصوات ستكون مفتوحة لجميع المراقبين سواء مراقبي الاحزاب، المرشحين المستقلين، المحليين والمراقبين الدوليين. وعندما يتم الانتهاء من عملية فرز الاصوات فإن أعضاء مركز لجنة الانتخابات و أي مراقب آخر سيوقعون على النتائج. سيتم ارسال نسخ من هذه النتائج إلى مكتب الدائرة الانتخابية وسيتم تعليقها في نفس مركز الاقتراع.

كيف سيتم تحديد المرشحين الفائزين؟

سيتم تحديد الفائز أو الفائزين من المرشحين بأغلبية بسيطة. بالنسبة للرئيس، فالفائز هو الذي حصل على أكثر عدد من الاصوات. اما المرشحين للمجلس في كل منطقة فالفائزين هم الذين يحصلون على أكبر عدد من الاصوات، على سبيل المثال، إذا خصص لدائرة انتخابية أربعة مقاعد فإن المرشحين الاربعة الذين حصلوا على أكبر عدد من الاصوات هم الفائزين.

من الذي سيراقب عملية الانتخابات؟

ستتمكن مجموعات محلية حيادية مستقلة عن الاحزاب، الائتلافات، المرشحين، المراقبين الدوليين، وممثلين عن الاحزاب السياسية وعن المرشحين المستقلين من مراقبة كل العملية الانتخابية. ستعمل هذه المجموعات على إصدار تقرير للملأ عن نزاهة العملية الانتخابية. وسيكون باستطاعة مراقبوا الاحزاب السياسية وممثلوا المرشحين المستقلين تقديم الشكاوي للجنة الانتخابات المركزية ومحكمة استئناف قضايا الانتخابات.

حقائق حول نظام الانتخابات الفلسطينية

تم وضع المعلومات المتضمنة في هذه الوثيقة من الملتقى المدني وهي ليست رسمية، وانما مبنية على الاتفاقية المرحلية وعلى نظام الانتخابات الفلسطينية. ان بعض التفاصيل الواردة في نظام الانتخابات معرضة للتغيير او التعديل قبل الموعد الرسمي للانتخابات، وعليه فان أية تغييرات سيتم الاعلان عنها في وسائل الاعلام. كذلك سيقوم الملتقى المدني ببذل كل الجهد من اجل الاعلان عن اية تغييرات. اذا كان لديك اية اسئلة او استفسارات، نرجو مراجعة مكتب الدائرة الانتخابية في منطقتك.

ان الملتقى المدني هو احد برامج المعهد الديمقراطي الوطني للشؤون الدولية، وهي منظمة دولية مستقلة غير حكومية وغير هادفة للربح تعمل في مجال التطوير الديمقراطي في انحاء العالم.

معلومات عن نظام الانتخابات الفلسطيني

من الذي سيتم انتخابه؟

سيصوت الفلسطينيون في الضفة الغربية، قطاع غزة والقدس لانتخاب ٨٢ عضو يمثلونهم في المجلس التشريعي الفلسطيني بالاضافة الى رئيس السلطة التنفيذية الفلسطينية.

ما هي المدة القانونية لعمل المجلس والرئيس؟

سيعمل المجلس والرئيس لفترة انتقالية لا تتعدى ٤ نيسان لعام ١٩٩٩ وذلك طبقا للجزء الاول من المادة رقم ٣ في الاتفاقية المرحلية التي وقعت بين منظمة التحرير الفلسطينية وإسرائيل.

ما هي مسؤوليات أعضاء المجلس والرئيس؟

تم تعريف عمل أعضاء المجلس والرئيس في الاتفاقية المرحلية، فقد نصت هذه الاتفاقية على أن المجلس له الحق في سن التشريعات وتبني قانون أساسي يحدد دور المجلس والرئيس مستقبلا. بينما يملك الرئيس صلاحية سن تشريعات ثانوية.

من الذي سيدير العملية الانتخابية؟

ان لجنة إنتخابات مركزية مكونة من تسعة أعضاء هي التي ستكون مسؤولة عن إدارة العملية الانتخابية، الى جانب ذلك، يوجد في كل دائرة انتخابية لجنة انتخابات، بالاضافة الى مراكز الاقتراع لادارة العملية الانتخابية.

مسؤوليات لجنة الانتخابات المركزية والاجهزة التابعة لها تتضمن: تسجيل الناخبين المؤهلين، تسجيل المرشحين، تحديد عدد المقاعد للمجلس في كل منطقة، تحضير معلومات عن الانتخابات، القيام بنشاطات تعليمية للناخبين، تحديد وتدريب أعضاء لجان مراكز الاقتراع، اختيار مواقع الاقتراع، تنظيم الدعاية الانتخابية، عد اوراق الاقتراع، وإعلان النتائج.

ان لكل من الاجهزة المختلفة في لجنة الانتخابات المركزية القدرة على بحث الاعتراضات والاستئنافات المقدمة لها. وإذا ظهرت مشكلة لا يمكن حلها من خلال هذه الاجهزة، فإن محكمة استئناف قضايا الانتخابات المكونة من خمسة قضاة خبراء ستكون الهيئة العليا المسؤولة عن النظر في هذه القضايا.

ما هي الخطوة الاولى في العملية الانتخابية؟

الخطوة الاولى في العملية الانتخابية هي عملية تسجيل الناخبين. ستبدأ هذه العملية في ١٢ تشرين الثاني حتى ٢ كانون الاول. خلال هذه الاسابيع الثلاثة سيقوم المعلمون الذين تم اختيارهم للقيام بهذه العملية في كل دائرة انتخابية من تسجيل الناخبين المؤهلين من خلال الانتقال من بيت الى بيت ومن شخص الى شخص. سيحمل هؤلاء المعلمون بطاقة هوية رسمية صادرة عن لجنة الانتخابات المركزية.
أما في القدس الشرقية فإن الهوية صادرة عن لجنة الانتخابات المركزية والكلية الابراهيمية. وليتمكن الناخب من الاقتراع، عليه أن يكون حاملا لبطاقة هوية فلسطينية أو إسرائيلية صادرة عن الادارة المدنية، او في القدس الشرقية.

سيقوم المعلمون بتسجيل رقم الهوية، الاسم الشخصي، إسم الاب، إسم الجد، إسم العائلة، الجنس، تاريخ الميلاد وعنوان الناخب الذي يحت يحصل كل ناخب مؤهل على بطاقة تسجيل مؤقتة والتي ستتضمن إسم الناخب، تاريخ الميلاد، رقم الهوية، إسم ومكان مركز الاقتراع.

من أين سيتم إنتخاب ممثلو المجلس؟

يتم انتخاب أعضاء المجلس من قبل ١٦ دائرة انتخابية تشمل الدوائر التالية: بيت لحم، الخليل، جنين، أريحا، القدس، نابلس، قلقيلية، رام الله، سلفيت، طوباس، طولكرم، شمال غزة (جباليا)، مدينة غزة، دير البلح والمنطقة الوسطى، خان يونس والقرى الشرقية، ورفح. ان كل من هذه الدوائر الانتخابية مقسمة الى عدد من مراكز الاقتراع بحيث تكون مسؤولة عن تسجيل حوالي الف (١٠٠٠) ناخب مؤهل، اما بالنسبة للرئيس فسيتم إنتخابه من قبل دائرة انتخابية واحدة تشمل الضفة الغربية، قطاع غزة والقدس.
بعد الانتهاء من عملية تسجيل الناخبين، سيتم تقسيم مقاعد المجلس ال ٨٢ بين الدوائر الانتخابية الستة عشر بناء على عدد المسجلين في كل دائرة. كلما زاد عدد المسجلين في الدائرة كلما زاد عدد المقاعد المخصصة لها. مع العلم بأنه سيتم تخصيص مقعد واحد على الاقل لكل دائرة.

من يستطيع ترشيح نفسه لانتخابات المجلس أو الرئاسة؟

يجب أن يكون لمرشح انتخابات المجلس الفلسطيني عنوان دائم في دائرته الانتخابية، على أن يكون عمره/ها ثلاثون عاما أو أكثر يوم الاقتراع، وأن يكون مسجلا في سجل الناخبين. يمكن تسمية المرشحين من قبل الاحزاب السياسية، الائتلافات أو من قبل مجموعة من الناخبين. أما بالنسبة للمرشح المستقل، فيمكن تسجيله بعد الحصول على ٥٠٠ توقيع من ناخبين مسجلين في دائرته.

يجب أن يكون لمرشح انتخابات منصب الرئيس عنوان دائم في منطقة عمل المجلس، على أن يكون عمره/ها خمس وثلاثون عاما أو أكثر يوم الاقتراع، وأن يكون مسجلا في سجل الناخبين. يمكن تسمية المرشحين من قبل الاحزاب السياسية، الائتلافات، أو ناخب مسجل يرغب بترشيح نفسه على أن يجمع تواقيع ٥٠٠٠ ناخب مسجل. بحيث يجب أن يكون هناك على الاقل توقيع ناخب واحد من كل دائرة من الدوائر الانتخابية ال ١٦.

سيعتبر المرشحون غير مؤهلين إذا لم تنطبق عليهم جميع الشروط الواردة في القانون الانتخابي.

من يحق له الاقتراع؟

إن أي شخص مسجل في الفترة الواقعة ما بين ١٢ تشرين الثاني حتى ٢ كانون اول في عملية تسجيل الناخبين وكان عمره ١٨ عاما أو أكثر يوم الاقتراع سيتمكن من انتخاب ممثليه للمجلس و الرئيس. على كل المسجلين الاقتراع يوم الانتخابات في المكان الذي تم تسجيلهم فيه والذي يظهر على بطاقة التسجيل. بالاضافة الى هذا، فإنه لا يمكنهم انتخاب المرشحين إلا إذا كانوا من منطقتهم.

لن يسمح لحاملي الجنسية الاسرائيلية بالاقتراع لانتخابات المجلس أو الرئيس.

كيف ستبدو أوراق الاقتراع؟

في يوم الانتخابات، ستخصص ورقة إقتراع للمجلس وأخرى للرئيس. ستحمل ورقة المجلس اللون الابيض، اما ورقة الرئيس فستحمل اللون الاحمر.

ستظهر قوائم مختلفة لمرشحي المجلس في كل دائرة من الدوائر الانتخابية على الورقة البيضاء وبجانب كل إسم مرشح سيظهر إسم حزبه أو التحالف الحزبي الذي ينتمي إليه. إذا كان المرشح مستقل، فسيظهر ذلك فعلا. يقوم الناخب بوضع إشارة (X) بجانب إسم المرشح الذي يريد إنتخابه على أن لا يزيد عدد المرشحين الذين يختارهم عن عدد المقاعد المخصصة لدائرته، فعلى سبيل المثال، إذا خصص لدائرة ما

علاقة الناخب بالمرشح

تم وضع المعلومات المتضمنة في هذه الوثيقةمن قبل الملتقى المدني وهي معلومات ليست رسمية وانما مبنية على قانون الانتخابات الفلسطيني. وبعض المواد المستخدمة في كثير من دول العالم في الانتخابات التشريعية والرئاسية. والتي تمكن الناخب من خلالها باختيار ممثليه بطريقة حرة ومباشرة ومبنية على اسس صحيحة لما تحمله الانتخابات من اهمية كبيرة تنعكس نتائجها على كافة نواحي حياة الفرد في المجتمعات.

الملتقى المدني احد برامج المعهد الديمقراطي الوطني للشؤون الدولية، وهي منظمة دولية مستقلة، غير حكومية وغير هادفة للربح تعمل في مجال التطوير الديمقراطي في انحاء العالم.

علاقة

الناخب

بالمرشح

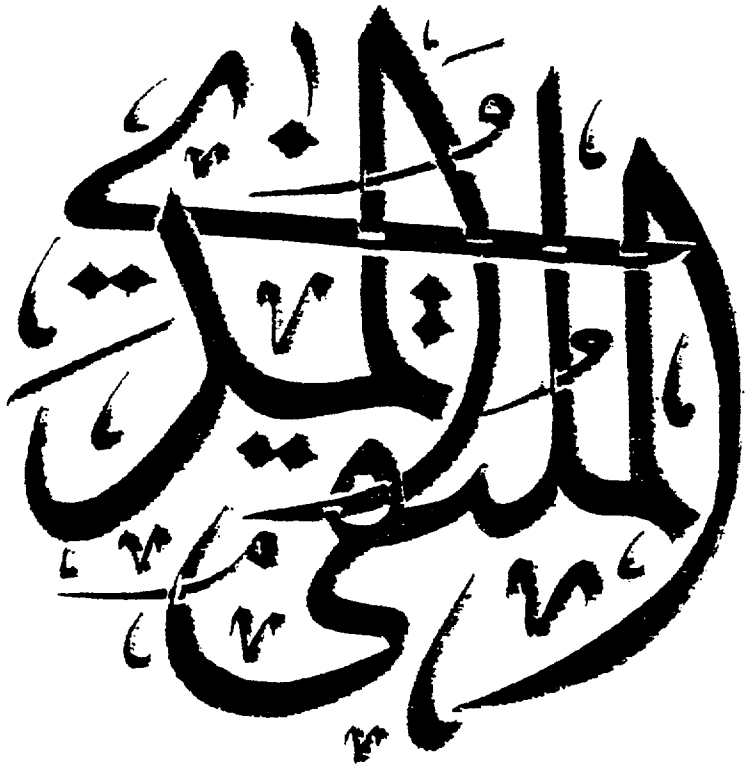
لدى الناخبين الفرصة لانتخاب الرئيس واعضاء المجلس الفلسطيني في الانتخابات الفلسطينية المحدد موعدها في ١٩٩٦/٠١/٢٠. يكون لاعضاء المجلس والرئيس الحق في تمثيل الناخبين الفلسطينيين وصناعة القرارات في الحكومة نيابة عن الشعب.

عادة قبل الانتخابات الديمقراطية، تكون هناك فترة معينة لادارة الدعاية الانتخابية. القانون الانتخابي الفلسطيني يسمح ب(٢١) يوم للدعاية الانتخابية والتي ستنتهي بيوم واحد قبل يوم الاقتراع. خلالهايكون لدى المرشحين الحق لاستخدام هذه الايام لعرض برامجهم للناخبين و في محاولة المرشحين جذب الناخبين، وذلك باستخدام الشعارات والرسائل. بشرط ان لا تكون هذة الرسائل والشعارات تحريضية. بالاضافة الى ذلك، إن الزيادة في المعلومات التي بحوزة المنتخبين عن المرشحين تدفعهم الى انتخاب ممثليهم بطريقة عملية أكثر. لذلك فإن كل مصادر المعلومات مفيدة, ولكن لكل من هذه المصادر حدوده ونزعاته. ونعرض عليكم هنا بعض مصادر المعلومات الممكنة التي يمكن مقارنتها ومن ثم استعمالها للحصول على معلومات عن المرشحين.

الصحف والمجلات والمقالات **مناظرات المرشحين**

الاجتماعات والخطابات **المعلقات والنشرات**

دور وسائل الاعلام في المجتمع الديمقراطي



الملتقى المدني

تم وضع المعلومات المتضمنة في هذه الوثيقة من قبل الملتقى المدني- وهي ليست رسمية - وتم الاستعانة ببعض المواد من قانون المطبوعات والنشر لعام ١٩٩٥ التي اصدرته السلطة الوطنية الفلسطينية بتاريخ ٢٥/ ٦/ ١٩٩٥ ، ومسودة القانون الأساسي (الدستور المؤقت) التي اعدته اللجنة القانونية في المجلس التشريعي . والقانون الأساسي ما زال مسودة وسوف يتم نقاشه قريبا في المجلس التشريعي .

الملتقى المدني هو احد برامج المعهد الديمقراطي الوطني للشؤون الدولية ، والمعهد هو مؤسسة دولية مستقلة وغير حكومية وغير هادفة للربح تعمل في مجال التطوير الديمقراطي في العالم .

تلعب وسائل الاعلام دور مهم في بناء وتقوية الديمقراطية في المجتمعات ، لأن من اسس الديمقراطية حرية التعبير والكلمة وتبادل الآراء والأفكار والمعلومات ، وتلعب وسائل الاعلام (الصحف، المجلات، الاذاعة، التلفزيون) هذا الدور كونها تعمل كمنبر وملتقى للمناقشات العامة ومصدر معلومات للمواطنين التي تساهم في بناء الآراء والتصورات والقناعات .

لأهميتها ودورها الحيوي والرئيسي في المجتمعات أصبحت تصور على أنها السلطة الرابعة التي تعمل على مراقبة السلطات الثلاث الأخرى ، التنفيذية – التشريعية – القضائية .

ما هو دور وسائل الاعلام في المجتمعات الديمقراطية ؟

تلعب وسائل الاعلام دورا مهما ورئيسيا في تغريس مفاهيم الديمقراطية وحمايتها ، سواء كانت مجتمعات ديمقراطية أوحديثة العهد بالديمقراطية . وعلى سبيل الذكر لا للحصر ، تعمل وسائل الاعلام :-

* كمصدر للمعلومات الصحيحة التي تساعد المواطن على ممارسة حقه في الانتخاب والتصويت والاختيار ، من أجل المشاركة الفعالة في العمليات السياسية والاجتماعية المختلفة واتاحة الفرصة كاملة للمواطنين للاطلاع على كافة المعلومات اللازمة .
* على غرس وتقوية مفهوم سيادة القانون .
* كمنبر للنقاشات العامة من قضايا سياسية ، اجتماعية ، اقتصادية ...الخ ، مهمة تواجه المجتمع ككل .
* كوسيط بين المواطنين وممثليهم ، وبين المواطنين والحكومة من خلال نقل مشاكل وهموم وآراء المواطنين للحكومة وبنفس الوقت تزويد المواطنين بالمعلومات المتعلقة بالشؤون العامة والاجراءات والقرارات التي تتخذها الحكومة .
* على تسليط الأضواء على أي خلل أو تجاوزات تحصل في تسيير الشؤون العامة .
* على تقديم صورة صادقة ومعبرة وممثلة لكافة فئات المجتمع .
* على نشر أهداف وقيم المجتمع وتوضيحها .
* كوسيلة للترفيه ونشر الاعلانات .

ما هي العوامل التي تؤثر على أداء وسائل الاعلام ؟

تتأثر وسائل الاعلام في كل مكان بالظروف السياسية والاجتماعية للمجتمع التي تعمل به وتنبثق منه ، وتختلف هذه الظروف من بلد لآخر ، **فهناك بلدان تسمح باستقلالية الاعلام وحرية التعبير والكلمة ، بينما يشترط غيرها مراقبة المواد الاعلامية لتأتي متفقة مع سياسة الدولة . بالاضافة الى عوامل أخرى مثل عدم توفر الامكانات البشرية القادرة على الابداع او المدربة تدريبا مناسبا ، أوغياب السياسات الاعلامية الواضحة، او تهديد الصحفيين من قبل شرائح معينة في المجتمع مثال ما حدث في الاتحاد السوفيتي السابق ، الجزائر ، ايطاليا ، اسبانيا ، الهند ، ايرلندا.أوالقوانين والتشريعات .**
بعض الدول لديها قوانين واضحة ومفصلة تحدد أعمال ونشاطات وسائل الاعلام مثال ، السويد، النمسا ومعظم الدول العربية، ودول اخرى ليس لها قوانين خاصة بحرية الصحافة والاعلام ولكن يتم تنظيمها عبر مواثيق تم وضعها وتطويرها منذ فترات زمنية طويلة مثال. كندا، بريطانيا، هولندا، الولايات المتحدة .

في فلسطين، يوجد قانون للمطبوعات والنشر لسنة ١٩٩٥م . حيث تم تحديد مهنة وحدود حرية الصحافة والنشر- شروط الملكية ومزاولة المهنة- شروط استيراد المطبوعات- وشروط تختص بمحتويات النشر ومصادر التمويل . وفقا لهذا القانون حرية الصحافة والتعبير مكفولة لكل فلسطيني، تنص بعض المواد على ما يلي :-

مادة (٢) : الصحافة والطباعة حرتان وحرية الرأي مكفولة لكل فلسطيني، وله ان يعرب عن رأيه بحرية قولا، كتابة، وتصويرا ورسما في وسائل التعبيروالاعلام .
مادة (٣) : تمارس الصحافة مهمتها بحرية في تقديم الأخبار والمعلومات والتعليقات وتسهم في نشر الفكر والثقافة والعلوم في حدود القانون وفي اطار الحفاظ على الحريات والحقوق والواجبات العامة واحترام حرية الحياة الخاصة للآخرين وحرمتها .

مادة (٤) : تشمل حرية الصحافة ما يلي :-
أ- اطلاع المواطن على الوقائع والافكار والاتجاهات والمعلومات على المستوى المحلي والعربي والاسلامي والدولي .
ب- افساح المجال للمواطنين لنشر آرائهم .
ج- البحث عن المعلومات والاخبار والاحصائيات التي تهم المواطنين من مصادرها المختلفة وتحليلها وتداولها ونشرها والتعليق عليها في حدود القانون .
د- حق المطبوعة الصحفية ووكالة الأنباء والمحرر والصحفي في ابقاء مصادر المعلومات او الأخبار التي يتم الحصول عليها سرية الا اذا قررت المحكمة غير ذلك اثناء النظر بالدعاوي الجزائية حماية لأمن الدولة او لمنع الجريمة او تحقيقا للعدالة .
و- حق المواطنين والاحزاب السياسية والمؤسسات الثقافية والأجتماعية والنقابات في التعبير عن الرأي والفكر والانجاز في مجالات نشاطاتها المختلفة من خلال المطبوعات .
مادة (٥) : لأي شخص بما في ذلك الأحزاب السياسية الحق في تملك المطبوعات الصحفية واصدارها وفقا لأحكام هذا القانون .
مادة (٦) : تعمل الجهات الرسمية على تسهيل مهمة الصحفي والباحث في الاطلاع على برامجها ومشاريعها.
مادة (٧) : أ- على المطبوعات ان تمتنع عن نشر ما يتعارض مع مبادىء الحرية والمسؤولية الوطنية وحقوق الانسان واحترام الحقيقة وأن تعتبر حرية الفكر والرأي والتعبير والاطلاع حقا للمواطنين كما هي حق لها .
ب- يجب ان لا تتضمن المطبوعات الدورية الموجهة الى الأطفال والمراهقين اية صور او قصص او أخبار تخل بالاخلاق والقيم والتقاليد الفلسطينية .
مادة (٣٧) : أ- يحظر على المطبوعة ان تنشر ما يلي :-
١- أي معلومات سرية عن الشرطة وقوات الامن العام أو اسلحتها أو عتادها أو اماكنها أو تحركاتها أو تدريباتها .
٢- المقالات والمواد التي تشتمل على تحقير الديانات والمذاهب المكفولة حريتها قانونا .
٣- المقالات التي من شأنها الاساءة الى الوحدة الوطنية أو التحريض على ارتكاب الجرائم أو زرع الأحقاد وبذر الكراهية والشقاق والتنافر واثارة الطائفية بين افراد المجتمع .
٤- وقائع الجلسات السرية للمجلس الوطني ومجلس وزراء السلطة .
٥- المقالات أو الأخبار التي يقصد منها زعزعة الثقة بالعملة الوطنية .
٦- المقالات أو الأخبار التي من شأنها الاساءة لكرامة الأفراد أو حرياتهم الشخصية أو الاضرار بسمعتهم .
٧- الأخبار والتقارير والرسائل والمقالات والصور المنافية للأخلاق والآداب العامة .
٨- الاعلانات التي تروج الأدوية والمستحضرات الطبية والسجائر وما في حكمها الا اذا اجيز نشرها مسبقا من قبل وزارة الصحة .
ب- يمنع ادخال المطبوعات من الخارج اذا تضمنت ماحظر نشره بمقتضى احكام هذا القانون .

ولأهمية دور الصحافة الحرة كوسيلة للتعبير عن الآراء والأفكار في مجتمعنا ، ولضمان هذه الحريات دستوريا ، نصت بعض مواد مسودة القانون الأساسي الفلسطيني :-

مادة (١٢٠) : تمارس الصحافة رسالتها بحرية وباستقلال في خدمة المجتمع الفلسطيني وقضيته الوطنية بمختلف وسائل التعبير تعبيرا عن اتجاهات الرأي العام واسهاما في تكوينه وتوجيهه في اطار المقومات الأساسية للمجتمع والحفاظ على الحريات والحقوق والواجبات العامة واحترام حرمة الحياة الخاصة للمواطنين وذلك كله طبقا للدستور والقانون .
مادة (١٢١) : حرية الصحافة والطباعة والنشر ووسائل الاعلام مكفولة والرقابة على الصحف محظورة وانذارها أو وقفها او الغائها بالطريق الاداري محظور وذلك كله وفقا للدستور والقانون .
مادة (١٢٤) : أ- يقوم على شؤون الصحافة مجلس أعلى يحدد القانون طريقة تشكيله واختصاصاته وعلاقاته بسلطات الدولة .
ب- يمارس المجلس اختصاصاته بما يدعم حرية الصحافة واستقلالها وخدمة القضايا الوطنية ويحقق الحفاظ على المقومات الأساسية للمجتمع الفلسطيني، ويدعم سلامة الوحدة الوطنية والسلام الاجتماعي وذلك كله على النحو المبين في الدستور والقانون .

ما تأثير الحكومات على وسائل الاعلام ؟

يختلف هذا التأثير من دولة لأخرى حسب النظام السائد، ففي بعض الدول وسائل الاعلام مثل الاذاعة والتلفزيون والصحافة مملوكة للدولة من خلال سيطرتها على موجات الارسال والمواد اللازمة للطباعة، مثال صربيا وكرواتيا والارغواي . وفي دول اخرى حرية الملكية الخاصة لوسائل الاعلام المرئية والمسموعة والمقروؤة مكفولة للجميع مثال، كندا، الولايات المتحدة .

يمكن أن يكون للمواطنين والمؤسسات الغير حكومية دور نشط في الاستخدام الجيد والفعال لوسائل الاعلام، لايصال الآراء والاقتراحات والمشاكل لممثليهم في المجلس التشريعي والحكومة .
هناك بعض الطرق يمكن استخدامها بفاعلية، على سبيل المثال :

* **كتابة تصريح صحفي الى وسائل الاعلام .**
* **عقد مؤتمر صحفي حول قضية معينة .**
* **ارسال رسائل الى محرري الصحف والمجلات لنشرها .**
* **تكوين رأي عام حول قضية معينة تهم وتضم شريحة كبيرة من المجتمع وطرحها عبر وسائل الاعلام.**
* **الاتصال وعمل علاقات مع محرري الصحف والمجلات المختصين بالقضايا الاجتماعية .**
* **استخدام وسائل الاعلام المرئية والمسموعة ، مثل عمل البرامج المسجلة .**

أمام المجلس التشريعي الفلسطيني الكثير من المهام الملحة وأهمها عملية سن القوانين، وهذه العملية تتطلب من أعضاء المجلس التشريعي ايجاد نوع من التوازن، لاهتمامات مجموعات الناخبين المختلفة في دائرتهم لتقرير ما هي الامور التي يجب على القوانين الجديدة أخذها بعين الاعتبار. احدى المقومات الصحية للديمقراطية هي التنافس بين المجموعات داخل المنطقة الواحدة لكي تكون مسموعة ومؤثرة في القوانين التي تطرح، تذكر ان مصادر اي حكومة محدود وعليه يجب عليها ان توازن لمن وأين توزع هذه المصادر، وبالطبع هناك دائما تنافس للحصول على هذه المصادر.

أنه لمن الصعب على أعضاء المجلس التشريعي ايجاد الحلول لكثير من المخاوف التي تقلق المواطنين مثل البطالة وإرتفاع الاسعار والاغلاق، أحيانا يكون من السهل سن قوانين لبعض المشاكل الهامة الواضحة وأحيانا أخرى يصعب سنها. قد تكون القوانين التي يتم سنها في مصلحة مجموعة بينما تكون ضد مصالح المجموعة الاخرى. ما يحتاج أعضاء المجلس تقريره هو إهتمامات المجتمع بشكل عام.

على سبيل المثال، يسعد أهالي المدن طرح مسودة قانون تمنح المصانع الجديدة تخفيضات في الضرائب لان ذلك يساعد على خلق فرص عمل جديدة، في نفس الوقت، وبسبب محدودية المصادر، قد يثير خوف المزارعين لأن فتح مصانع جديدة قد يعني نقص إمدادات المياه والكهرباء لهم، كما يتسبب في تلويث البيئة، وقد يسبب ذلك في رفع نسبة الضرائب التي يدفعها المزارعون. كما أن سن قانون يمنع نوع غذاء معين من أن يتم إستيراده يسعد المزارعين لأن ذلك يساعد المزارعين على تسويق منتجاتهم في السوق المحلي، بينما قد لا يعجب هذا بعض المواطنين المستهلكين في المدن لأن هذا سيؤدي الى زيادة في الاسعار.

أنت، كمواطن عادي أو كعضو في المنظمات الغير حكومية، جزء مهم في عملية صنع القوانين، وقد تم إنتخاب أعضاء المجلس التشريعي بشكل ديمقراطي من قبل الشعب، فهم يمثلون هؤلاء الذين انتخبوهم وعليهم واجب الاستماع والرد على رغبات المواطنين. إذا أردت التأثير في العملية التشريعية، فهناك الكثير الذي تستطيع عمله، والاهم هو أن تعرف وتفهم عملية صنع القوانين.

كيف تصبح مسودة القانون قانونا؟

قد يتم طرح مسودة القانون من قبل الحكومة أو المجلس: فإما أن يقوم مجلس الوزراء أو وزير بتقديم مسودة القانون، أو يتم تقديمها من قبل عضو أو مجموعة أعضاء من المجلس.
يجب على كل مسودات القوانين أن تقدم الى اللجنة المختصة بها: وستقوم اللجنة بدراسة مسودة القانون بدقة وتقديم التقرير الى المجلس ككل.

القراءة الاولى للمسودة: سيقوم المجلس بنقاش حيثيات المسودة ثم يقوم بطرحها للتصويت عليها من قبل المجلس لقبولها أو رفضها، وإذا رفض المجلس هذه الحيثيات تسقط المسودة.

• **القراءة الثانية للمسودة:** إذا قبل المجلس حيثيات المسودة، يقوم المجلس بمناقشة المسودة مادة تلو الاخرى، وقد يقوم أعضاء المجلس بطرح بعض التعديلات خلال نقاش المسودة.

• **التصويت:** يقوم المجلس بعدئذ بالتصويت على مواد المسودة، كل مادة على حدى ثم التصويت على كل المسودة، إذا صوت المجلس ضد المسودة فإن هذه المسودة تسقط.

إرسال المسودة الى الرئيس: إذا صوت المجلس لقبول المسودة، يتم بعث هذه المسودة الى الرئيس حيث يتم المصادقة عليها ونشرها، للرئيس الحق في التصويت ضد مسودة القرار عن طريق حق النقض (الفيتو) واعادتها للمجلس بدون توقيعه، وإذا قام الرئيس باستخدام الفيتو ضد المشروع، يكون الحق للمجلس بقبول المسودة اذا صوت عليها بنسبة ثلثي أعضاء المجلس، عندئذ، على الرئيس المصادقة عليها.

• **مصادقة الرئيس:** إذا قبل الرئيس المسودة أو رفضها بالفيتو ثم صوت عليها المجلس بنسبة الثلثين، يقوم الرئيس بالمصادقة على المسودة، يتم نشر المسودة في الصحيفة الرسمية. بعد ثلاثون يوما من المصادقة على المسودة، يكون القانون ساري المفعول.

مقتطفات من مسودة مشروع النظام الدستوري

تم وضع المعلومات المتضمنة في هذه الوثيقة من الملتقى المدني وهي ليست رسمية، وانما مبنية على مسودة مشروع النظام الدستوري للمرحلة الانتقالية. أعد المشروع بناء على قرار صادر عن المجلس الوطني الفلسطيني في ١٥ نوفمبر ١٩٨٨ تبناه بعد اعلان الاستقلال وبناء على تكليف من اللجنة التنفيذية وأعد منذ ذلك التاريخ أربعة مسودات والتي بين أيديكم هي بعض من مواد المسودة الرابعة، حيث خضعت المسودات السابقة لنقاش من قبل الهيئات الشعبية والسياسية والرسمية، وعلى أثر ذلك تم اجراء تعديلات عليها.وللعلم فان مركز القدس للاعلام والاتصالJMCC هو الذي قام بطباعة وترجمةالمسودة الرابعة. ولا بد من التذكير أن المواد التي بين أيديكم هي مشروع لا يزال مشروعا في مرحلة التشاور ولم يتم اعتماده بعد من السلطات الفلسطينية صاحبة الحق الدستوري في ذلك.

الملتقى المدني هو برنامج يعمل في مجال التثقيف المدني، وهو أحد برامج المعهد الديمقراطي الوطني للشؤون الدولية، وهي منظمة دولية مستقلة غير حكومية وغير هادفة للربح تعمل في مجال التطوير الديمقراطي في أنحاء العالم.

احكام عامة

مادة١ :الشعب الفلسطيني مصدر السلطات، ويمارسها في المرحلة الانتقالية عن طريق السلطات التشريعية والتنفيذية والقضائية على الوجه المبين في هذا النظام.

مادة٢ : نظام الحكم في فلسطين نظام ديمقراطي برلماني يعتمد على التعددية الحزبية ومراعاة الاغلبية لمصالح الاقلية واحترام الاقلية لقرار الاغلبية.

مادة٧ :(١) يعتبر هذا النظام القانون الاعلى لفلسطين في المرحلة الانتقالية ويقع باطلا اي تشريع يتعارض وأي حكم من احكامه.

(٢) لا يعدل هذا النظام الا باغلبية ثلثي أعضاء المجلس التشريعي المنتخب، وذلك مع مراعاة أحكام المادة ١٢٠ من هذا النظام.

الحقوق والحريات العامة الاساسية

مادة٨ : تعترف فلسطين بحقوق الانسان الاساسية والحريات المقررة في الاعلان العالمي لحقوق الانسان والاتفاق الدولي الخاص بالحقوق الاقتصادية والاجتماعية والثقافية والاتفاق الدولي الخاص بالحقوق المدنية والسياسية والاتفاقية الدولية للقضاء على جميع اشكال التمييز العنصري واتفاقية القضاء على جميع اشكال التمييز ضد المرأة، والاتفاقية الخاصة بالتعذيب، وغيرها من الاتفاقات والمواثيق التي تؤمن تلك الحقوق والحريات، وتحترم فلسطين تلك الحقوقات والحريات وتعمل السلطات الفلسطينية على الانضمام الى تلك المواثيق الدولية.

مادة ١٠ :المرأة والرجل سواء في الحقوق والحريات الاساسية ولا يجوز التمييز بينهما في ذلك.

مادة١١ :الجميع متساوون في الكرامة الانسانية، ولا يجوز اخضاع أحد للتعذيب ولا للمعاملة أو العقوبة القاسية أو اللاانسانية أو الحاطة بالكرامة. وعلى الخصوص لا يجوز اجراء أية تجربة طبية أو علمية على أحد دون رضاه. ولا يعتد بأي قول أو اعتراف صدر نتيجة للتعذيب أو المعاملة القاسية أو اللاانسانية أو الحاطة بالكرامة أو التهديد بها.

مادة ١٣ :لكل فرد حق في الحرية وفي الامان على شخصه. ولا يجوز توقيف أحد أو اعتقاله تعسفا، ولا يجوز حرمان أحد من حريته الا لاسباب ينص عليها القانون وطبقا للاجراء المقرر فيه

مادة١٤ : لكل انسان حق في حرية الفكر والوجدان والتعبير عن رأيه ونشره بالقول أو الكتابة باسلوب من أساليب الفن أو غير ذلك من وسائل التعبير، وذلك مع مراعاة ما يفرضه القانون من قيود لاحترام حقوق الاخرين أو سمعتهم أو لحماية الامن القومي أو النظام العام او الصحة العامة أو الاداب العامة.

مادة١٦ : حرية الصحافة والطباعة والنشر ووسائل الاعلام مكفولة، والرقابة على الصحف محظورة، وانذارها أو وقفها أو الغاؤها بالطريق الاداري محظور، وذلك مع مراعاة احكام المادة ١٤ من هذا النظام.

مادة١٨ :للمساكن حرمة، فلا يجوز دخولها أو تفتيشها الا بأمر قضائي مسبب ووفقا لاحكام القانون.

مادة٢٦ :الحق في التجمع السلمي معترف به، ولا يجوز ان يوضع من القيود على ممارسة هذا الحق الا تلك التي تفرض طبقا للقانون وتشكل تدابير ضرورية، في مجتمع ديمقراطي، لصيانة الامن القومي أو السلامة العامة أو النظام العام أو حمايةالصحة العامة أو الاداب العامة أو حماية حقوق الاخرين وحرياتهم.

مادة٣٠ :لكل فرد الحق في مخاطبة السلطات العامة فيما يهمه من أمور شخصية أو فيما له علاقة بالامور العامة.

مادة٣٤ :يحق لكل من اعتدي على أي من حقوقه أو حرياته الاساسية المنصوص عليها في هذا الفصل والفصل الثالث اللجوء الى القضاء لرفع الاعتداء والمطالبة بالتعويض، عند الاقتضاء.

سيادة القانون

مادة٣٦:سيادة القانون أساس لنظام الحكم في فلسطين.

مادة٣٧:تخضع للقانون جميع السلطات والاجهزة الفلسطينية والافراد والاشخاص ويحاسبون على مخالفته، واستقلال القضاء وحصانته واحترام احكامه وتنفيذها ضمانات أساسية لحماية الحقوق والحريات وتثبيت سيادة القانون.

مادة٣٨:الناس جميعا سواء أمام القضاء والقانون، ويتمتعون بحق متساو بحمايته دون اي تمييز بسبب العرق أو اللون أو الجنس أو اللغة أو الدين أو الرأي سياسي أو غيرالسياسي، أو الاصل القومي أو الاجتماعي، أو الثروة أو النسب أو غير ذلك من الاسباب.

مادة٤٢ :فيما عدا حالة التلبس لا يجوز القبض على أحد أو تفتيشه أو حبسه أو تقييد حريته بأي-قيد أو منعه من التنقل،الا بأمر تستلزمه ضرورة التحقيق وأمن المجتمع، ويصدر هذا الأمر من القاضي المختص أو النيابة العامة وذلك وفقا للقانون. ويحدد القانون مدة الحبس الاحتياطي. ولا يجوز الحجز أو الحبس في غير الاماكن الخاضعة للقوانين الصادرة بتنظيم السجون.

مادة٤٤ :يعامل جميع المحرومين من حريتهم معاملة انسانية، تحترم الكرامة الاصلية في الشخص الانساني.

السلطة التشريعية: المجلس

مادة٥٥: تكون جلسات المجلس علنية، على أن يجوز عقد جلسات سرية بناء على طلب الحكومة أو بقرار من المجلس اذا اقتضت ذلك المصلحة العامة.

مادة٥٦: لا يسأل أعضاء المجلس جزائيا أو مدنيا بسبب الوقائع التي يوردونها أو الاراء التي يبدونها أو التصويت في الجلسات العلنية أو السرية وفي أعمال اللجان.

مادة٥٨: (١) لا يجوز لعضو المجلس أن يستغل عضويته في أي عمل من الاعمال.
(٢) يحدد القانون الأعمال التي لا يجوز الجمع بينها وبين عضوية المجلس.

مادة٥٩: لأعضاء المجلس حق اقتراح القوانين وتوجيه الأسئلة والاستجوابات للحكومة أو لأحد الوزراء وفقا لأحكام النظام الداخلي للمجلس.

مادة٦٠: يتولى المجلس الاختصاصات التالية:
(١) اقرار القوانين.
(٢) مناقشة سياسة الحكومة.
(٣) اقرار الموازنة العامة وخطط التنمية.
(٤) اقرار العفو العام.
(٥) قبول استقالة أحد أعضاء المجلس.
(٦) الموافقة على تعيين الوزراء.
(٧) حجب الثقة عن الحكومة أو عن أحد الوزراء، على الوجه المبين في المادة ٨٤ من هذا النظام.

السلطة التنفيذية اولا: الرئيس

مادة٧٠: مدة الرئاسة خمسة سنوات، ولا يجوز للشخص الواحد ان يتولى الرئاسة لاكثر من فترتين متتاليتين، وتنتهي الفترة الاولى للرئيس الاول ومن يخلفه اثناء المرحلة الانتقالية بانتهاء تلك المرحلة.

مادة٧٢: الرئيس هو القائد الاعلى للقوات الفلسطينية.

مادة٧٣: (١) يصدر الرئيس القوانين بعد اقرارها من المجلس التشريعي والتصديق عليها منه، وذلك خلال ثلاثين يوما من احالتها اليه، وتعتبر صادرة بحكم القانون اذا انقضت المدة المذكورة دون اصدار.
(٢) للرئيس الحق في اقتراح القوانين واصدار التشريعات الفرعية واتخاذ القرارات والاجراءات، وذلك في الاحوال المخولة في القانون

ثانيا: مجلس الوزراء

مادة٧٧: يعين الرئيس رئيس الوزراء والوزراء ويقيلهم ويقبل استقالاتهم، وله أن يرأس اجتماعات مجلس الوزراء.

مادة٧٨: (١) يساعد الرئيس في اداء مهامه وممارسة سلطاته مجلس الوزراء على الوجه المبين في هذا النظام.
(٢) يبلغ الرئيس رئيس المجلس التشريعي باسماء رئيس مجلس الوزراء والوزراء لنيل موافقة المجلس التشريعي.
(٣) يجب ان يكون كل عضو من اعضاء مجلس الوزراء عضوا منتخبا في المجلس التشريعي، الا أنه يجوز للرئيس، استثناء من ذلك، أن يعين وزراء ليسوا أعضاء في المجلس التشريعي بشرط لا تتجاوز نسبة هؤلاء عشرين في المائة من عدد أعضاء مجلس الوزراء. ويحق لهؤلاء المشاركة في اجتماعات المجلس التشريعي دون ان يكون لهم حق التصويت.

مادة٨٢: لا يجوز لرئيس الوزراء او اي وزير من الوزراء ان يشتري او يستأجر شيئا من املاك الحكومة ولو كان في المزاد العلني، او تكون له مصلحة مالية في اي عقد من العقود التي تبرمها الجهات الحكومية. كما لا يجوز له طوال مدة وزارته ان يكون عضوا في مجلس ادارة اي شركة او ان يمارس التجارة او اي مهنة من المهن أو ان يتقاضى راتبا او اية مكافات اخرى من اية شركة او مصدر اخر.

مادة٨٣: رئيس الوزراء والوزراء مسؤولون مسؤولية مشتركة امام الرئيس والمجلس التشريعي عن السياسة العامة للبلاد في حدود اختصاصات المجلس وكل وزير مسؤول امامها عن اعمال وزارته.

مادة٨٤: لرئيس الوزراء ان يطرح الثقة في الوزارة امام المجلس التشريعي، كما يجوز لعشرة من اعضاء المجلس ان يطرحوا الثقة في الوزارة او في اي من الوزراء. ويتم حجب الثقة بالاغلبية البسيطة لكامل اعضاء المجلس. وفي حال حجب الثقة عن الوزارة يجب ان يقدم رئيس مجلس الوزراء استقالة الوزارة الى الرئيس. كما يجب على الوزير الذي حجبت عنه الثقة تقديم استقالته.

مادة٩٠: يراعى في تقديم الخدمات الادارية وايصال الحقوق لاصحابها تبسيط الاجراءات وسرعة الانجاز مع اتقان الاداء، وذلك في حدود القانون والمصلحة العامة.

مادة٩١: على السلطة التنفيذية أن تتيح اوسع الفرص لمشاركة المواطنين والاحزاب السياسية والنقابات والاتحادات والتنظيمات الاخرى في مناقشة سياساتها، وذلك بالاعلان عن تلك السياسات والتشاور مع تلك الهيئات.

مادة٩٢: يمارس مجلس الوزراء ورئيسه وأعضاؤه السلطات والاختصاصات المقررة لامثالهم في التشريعات المعمول بها عند نفاذ هذا النظام، الى أن تعدل او تستبدل حسب الاحوال.

كيف تصبح مسودة القانون قانون

الملتقى المدني

تم وضع المعلومات المتضمنة في هذه الوثيقة من قبل الملتقى المدني، وهي ليست رسمية وانما مبنية على النظام الداخلي للمجلس التشريعي الفلسطيني ومسودات الدستور الرابعة الصادرة عن اللجنة القانونية للمجلس الوطني و المسودة الصادرة عن مركز القانون في جامعة بير زيت والمسودة الحالية المطروحة للنقاش في المجلس، تم إقرار النظام الداخلي للمجلس من قبل المجلس أما بخصوص القانون الاساسي فهو ما يزال مسودة وسوف يتم نقاشه قريبا في المجلس التشريعي، بناءا على ذلك فانه يمكن حصول تغييرات على عملية صنع القوانين حسب التغييرات التي تطرأ على القانون الاساسي. أعلن المجلس التشريعي أنه سيتم نشر مسودة الدستور الذي يناقشوه في الصحف لمدة أربعة أيام لاتاحة الفرصة للمواطنين لنقاش هذه المسودة. عزيزي المواطن انظر الى هذه المسودة وابعث ملاحظاتك واقتراحاتك.

الملتقى المدني هو أحد برامج المعهد الديمقراطي الوطني للشؤون الدولية، والمعهد هو مؤسسة دولية مستقلة وغير حكومية وغير هادفة للربح تعمل في مجال التطوير الديمقراطي في العالم.

أمام المجلس التشريعي الفلسطيني الكثير من المهام الملحة وأهمها عملية سن القوانين، وهذه العملية تتطلب من أعضاء المجلس التشريعي ايجاد نوع من التوازن، لاهتمامات مجموعات الناخبين المختلفة في دائرتهم لتقرير ما هي الامور التي يجب على القوانين الجديدة أخذها بعين الاعتبار. احدى المقومات الصحية للديمقراطية هي التنافس بين المجموعات داخل المنطقة الواحدة لكي تكون مسموعة ومؤثرة في القوانين التي تطرح، تذكر ان مصادر اي حكومة محدود وعليه يجب عليها ان توازن لمن وأين توزع هذه المصادر، وبالطبع هناك دائما تنافس للحصول على هذه المصادر.

أنه لمن الصعب على أعضاء المجلس التشريعي ايجاد الحلول لكثير من المخاوف التي تقلق المواطنين مثل البطالة وإرتفاع الاسعار والاغلاق، أحيانا يكون من السهل سن قوانين لبعض المشاكل الهامة الواضحة وأحيانا أخرى يصعب سنها. قد تكون القوانين التي يتم سنها في مصلحة مجموعة بينما تكون ضد مصالح المجموعة الاخرى. ما يحتاج أعضاء المجلس تقريره هو إهتمامات المجتمع بشكل عام.

على سبيل المثال، يسعد أهالي المدن طرح مسودة قانون تمنح المصانع الجديدة تخفيضات في الضرائب لان ذلك يساعد على خلق فرص عمل جديدة، في نفس الوقت، وبسبب محدودية المصادر، قد يثير خوف المزارعين لأن فتح مصانع جديدة قد يعني نقص إمدادات المياه والكهرباء لهم، كما يتسبب في تلويث البيئة، وقد يسبب ذلك في رفع نسبة الضرائب التي يدفعها المزارعون. كما أن سن قانون يمنع نوع غذاء معين من أن يتم إستيراده يسعد المزارعين لأن ذلك يساعد المزارعين على تسويق منتجاتهم في السوق المحلي، بينما قد لا يعجب هذا بعض المواطنين المستهلكين في المدن لأن هذا سيؤدي الى زيادة في الاسعار.

أنت، كمواطن عادي أو كعضو في المنظمات الغير حكومية، جزء مهم في عملية صنع القوانين، وقد تم إنتخاب أعضاء المجلس التشريعي بشكل ديمقراطي من قبل الشعب، فهم يمثلون هؤلاء الذين انتخبوهم وعليهم واجب الاستماع والرد على رغبات المواطنين. إذا أردت التأثير في العملية التشريعية، فهناك الكثير الذي تستطيع عمله، والاهم هو أن تعرف وتفهم عملية صنع القوانين.

كيف تصبح مسودة القانون قانونا؟

قد يتم طرح مسودة القانون من قبل الحكومة أو المجلس: فإما أن يقوم مجلس الوزراء أو وزير بتقديم مسودة القانون، أو يتم تقديمها من قبل عضو أو مجموعة أعضاء من المجلس.
يجب على كل مسودات القوانين أن تقدم الى اللجنة المختصة بها: وستقوم اللجنة بدراسة مسودة القانون بدقة وتقديم التقرير الى المجلس ككل.

القراءة الاولى للمسودة: سيقوم المجلس بنقاش حيثيات المسودة ثم يقوم بطرحها للتصويت عليها من قبل المجلس لقبولها أو رفضها، وإذا رفض المجلس هذه الحيثيات تسقط المسودة.

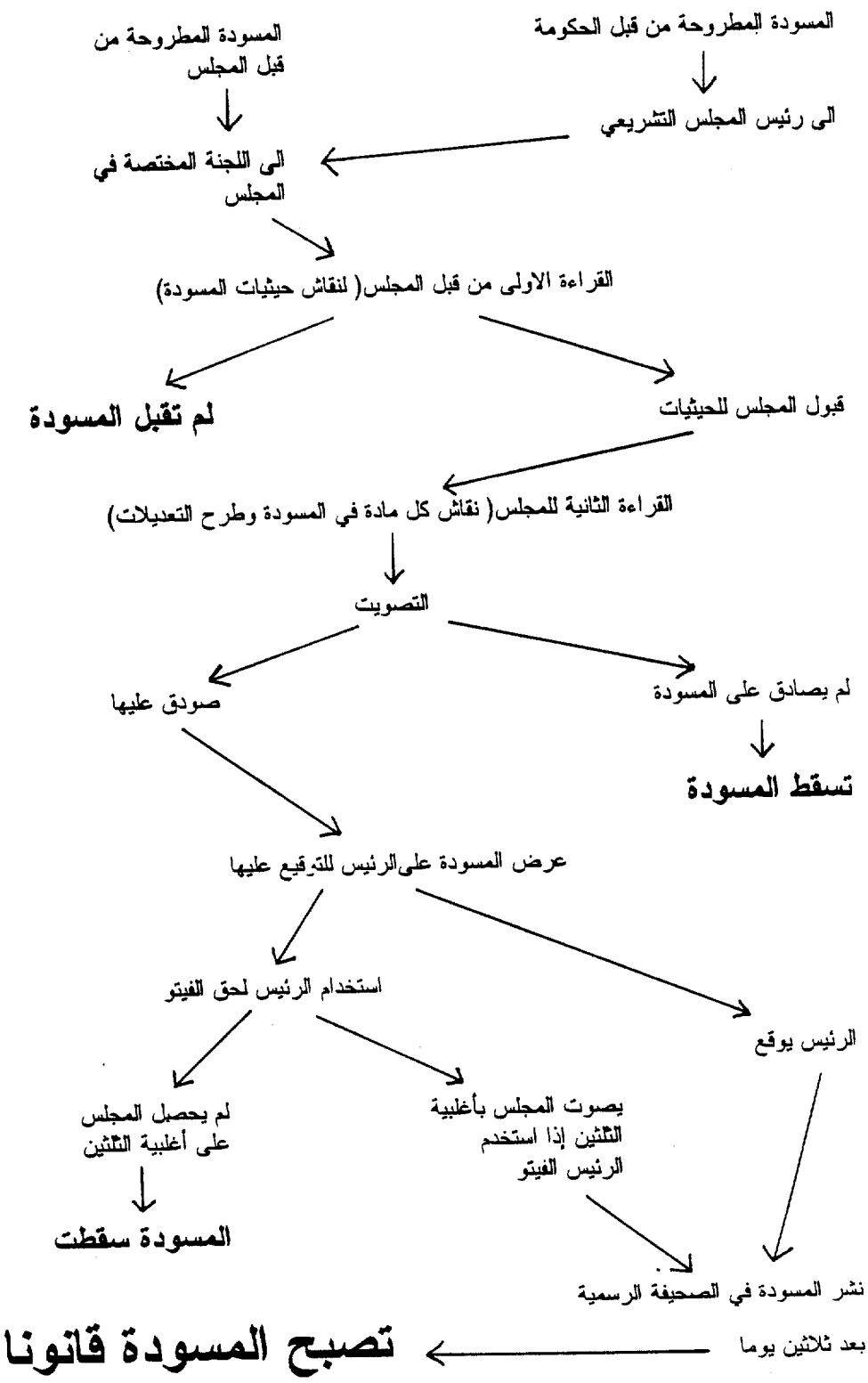
• **القراءة الثانية للمسودة:** إذا قبل المجلس حيثيات المسودة، يقوم المجلس بمناقشة المسودة مادة تلو الاخرى، وقد يقوم أعضاء المجلس بطرح بعض التعديلات خلال نقاش المسودة.

• **التصويت:** يقوم المجلس بعدئذ بالتصويت على مواد المسودة، كل مادة على حدى ثم التصويت على كل المسودة، إذا صوت المجلس ضد المسودة فإن هذه المسودة تسقط.

إرسال المسودة الى الرئيس: إذا صوت المجلس لقبول المسودة، يتم بعث هذه المسودة الى الرئيس حيث يتم المصادقة عليها ونشرها، للرئيس الحق في التصويت ضد مسودة القرار عن طريق حق النقض (الفيتو) واعادتها للمجلس بدون توقيعه، وإذا قام الرئيس باستخدام الفيتو ضد المشروع، يكون الحق للمجلس بقبول المسودة اذا صوت عليها بنسبة ثلثي أعضاء المجلس، عندئذ، على الرئيس المصادقة عليها.

• **مصادقة الرئيس:** إذا قبل الرئيس المسودة أو رفضها بالفيتو ثم صوت عليها المجلس بنسبة الثلثين، يقوم الرئيس بالمصادقة على المسودة، يتم نشر المسودة في الصحيفة الرسمية. بعد ثلاثون يوما من المصادقة على المسودة، يكون القانون ساري المفعول.

كيف تصبح مسودة القانون قانونا:



يمكن أن يكون لك دور فعال ومميز في هذه العملية إذا فهمتها جيدا، وهناك بعض الطرق التي يمكنك من خلالها التأثير على عملية صنع القوانين، ونقاط أخرى عليك أن تتذكرها وهي:

- إتصل، أكتب الى أو قابل عضو المجلس في منطقتك. وذلك لتشجيعهم على طرح مسودة قانون تشعر بالحاجة اليها.
- إتصل، أكتب الى أو قابل الوزارة المختصة أو ء المجلس الذين طرحوا مسودة قانون للتأثير في صياغة المسودة أوعرض بعض التعديلات عليها.
- إتصل، أكتب الى أو قابل رئيس اللجنة أو المقرر أو اعضاء اللجنة لمناقشة المسودة.
- إتصل، أكتب الى أو قابل أعضاء المجلس لتشجيعهم على طرح التعديلات أو لتشجيعهم على التصويت مع أو ضد مسودة قانون ما.
- أكتب رسالة الى محرري الصحف.
- قم بإصدار بيان أو إعقد مؤتمر صحفي.
- شكل تحالفات مع أفراد آخرين أو منظمات غير حكومية لزيادة التغطية الاعلامية والتأثير على صانعي القوانين.

هناك خمسة نقاط مهمة لمجموعات الناخبين للتذكر حول عملية صنع القوانين:

١- أن تكون محددا وواقعي: إذا طالبت مجموعة من المجموعات النسية المساواة بين الرجل والمرأة الفلسطينيين، فعليهم التركيز على نقطة مهمة ومحددة في هذه القضية، على سبيل المثال، قد يطالبون أعضاء المجلس التشريعي بسن قوانين لوزارة التربية والتعليم لمعاملة الذكور والاناث في المدارس بشكل متساوي عند وضع المناهج التربوية. يتم ضمان نجاح المجموعة إذا فكروا بوضع الحلول التي يمكن طرحها كقانون وبسؤال أعضاء المجلس بالمصادقة عليه. وهذا أفضل بكثير من تسمية مشاكل وإعطاء الخيار لاعضاء المجلس لايجاد الحلول.

٢- هناك قوة في كثرة العدد: بعد أن تقرر المجموعة وضعها وإيجاد الحل المناسب لما طرحوه، يجب عمل التحالفات بقدر الامكان، على سبيل المثال، إن تأثير مجموعة مزارعين من قرية واحدة عند التحدث مع أعضاء من المجلس لا يكون كتأثير مجموعة المزارعين من كل الدائرة، كما أن تأثير المزارعين من دائرة واحدة لن يكون كتأثير المزارعين من كل فلسطين.

٣- إن التأثير على عملية صنع القوانين بحاجة الى معلومات: أول خطوة في التأثير على عملية صنع القوانين هي معرفة كيفية صنع هذه القوانين، ولكن هذه المعلومة غير كافية، إذا لم تستطع المجموعة الحصول على مسودات القوانين أو تقارير المجلس فإنها لن تستطيع التأثير بما فيه الكفاية وذلك لأن الحصول على مثل هذه المعلومات يزود المجموعة بما يقوله كل عضو من أعضاء المجلس خلال مناقشة مسودة القانون، وإذا لم يعرفوا متى يتم مناقشة المسودة من قبل اللجنة المختصة، عليهم أن يطلبوا من أعضاء المجلس أن يفتحوا قنوات إتصال مع جمهور الناخبين للحصول على هذه المعلومات.

٤- الكتابة مهمة: إنه لمن الصعب تجاهل خطاب مكتوب حيث أنه أسهل نسيان طلب شفهي، تضعف قوة الصوت مع الوقت ولكن الورقة تبقى دائما موجودة. إنه لمن المفيد مقابلة أعضاء البرلمان وإعطائهم المعلومات اللازمة عن طلبك مكتوبة على ورقة، بالطبع يمكن نسخ هذه الورقة وبعثها الى أعضاء آخرين في المجلس أو اللجنة المختصة، ويمكن أيضا بعث هذه الورقة الى شخصيات مؤثرة ومؤسسات فعالة بالاضافة الى وسائل الاعلام.

٥- تأكد من تطبيق القانون بعد سنه: للمواطنين دور في إعلام أعضاء المجلس في التأكد من تطبيق القانون، إذا عملت جاهدا من أجل سن قانون معين ولا يعيره أحد اهتماما، على أعضاء المجلس أن يعرفوا بهذا حتى يتم إعلام الوزارة المختصة أو الجهة القضائية لاخذ الاجراءات اللازمة.

الحكم المحلي بين مسؤولية المواطن والدولة

الملتقى المدني

يأتي هذا الموضوع ضمن مواضيع التثقيف المدني التي يقوم بها الملتقى المدني في فلسطين ، و خلال الفترة التي يناقش بها المجلس التشريعي الفلسطيني مسودات مشاريع قوانين المجالس والهيئات المحلية والحكم المحلي في فلسطين لاقرارها . لأهمية هذا الموضوع وعلاقته المباشرة بالمواطنين وبناء على اقتراحات المشاركين في الملتقى المدني، قام الملتقى بطرح هذا الموضوع للنقاش والحوار بين المشاركين لزيادة معلوماتهم حتى يتسنى لهم المشاركة في صنع القانون .تم وضع المعلومات المتضمنة في هذه الوثيقة من قبل الملتقى المدني، وهي ليست رسمية وأنما مبنية على معلومات من مسودة مشروع قانون للحكم المحلي والمجالس المحلية وهي ما زالت مسودة سيقوم المجلس التشريعي الفلسطيني بمناقشتها.

كما نتقدم بالشكر والامتنان لوزارة الحكم المحلي وأعضاء المجلس التشريعي والمجالس البلدية والقروية الذين وفروا لطاقم الملتقى المدني الوقت و المعلومات حول هذا الموضوع .

تمارس البلديات والمجالس القروية في فلسطين صلاحياتها ومهامها طبقا لقانون البلديات رقم ١ لسنة ١٩٣٤م ، ولقد سن هذا القانون في عهد الانتداب البريطاني وهو ما زال ساري المفعول لحين إقرار قانون الحكم المحلي والبلديات الجديد من قبل المجلس التشريعي الفلسطيني و فيما يتعلق في المجالس القروية فهي تمارس مهامها وصلاحياتها وفقا لقانون إدارة القرى رقم ٢٣ لسنة ١٩٤٤م ، عند قدوم السلطة الوطنية الفلسطينية صدر القانون رقم ١ لسنة ١٩٩٤م بشأن نقل صلاحيات إدارة الشؤون البلدية والقروية في فلسطين إلى وزارة الحكم المحلي .

الملتقى المدني ، هو أحد برامج المعهد الديمقراطي الوطني للشؤون الدولية ، المعهد هو مؤسسة دولية مستقلة وغير حكومية وغير هادفة للربح تعمل في مجال التطوير الديمقراطي في العالم .

الحكم المحلي ما هو وما أهم مسؤولياته ؟

تعتبر مؤسسات الحكم المحلي وحدات إدارية محلية تخدم جميع شرائح المجتمع و منها المجالس البلدية و القروية التي تخدم منطقة صغيرة ضمن الدولة مثل القرية أو المدينة أو المحافظة و تختلف مهام المجالس البلدية والقروية من دولة لأخرى طبقا للظروف السائدة في تلك الدول سواء كانت ظروف سياسية، اجتماعية، اقتصادية، عادات وتقاليد،و لقد درج استعمال كلمة البلدية أو المجلس القروي للتعبير عن الجهة المسئولة عن توفير الأمور الخدماتية للمواطنين مثل الكهرباء ، المياه ، المجاري ، تراخيص بناء وتنظيم عمراني وغيرها كل في حدود دائرته .

من المسؤوليات المشتركة للمجالس المحلية في دول العالم:

- التخطيط العمراني للمناطق .
- شق وتعبيد الشوارع وتنظيم المواصلات .
- الدفاع المدني والمطافئ وتقديم خدمات إغاثة في حالات الكوارث والنكبات .
- توفير خدمات للمواطنين مثل الكهرباء والماء والنظافة والتخلص من النفايات .
- تقديم خدمات صحية وتعليمية ورفاهية بدرجات متفاوتة .

وقد يتبادر إلى الذهن سؤال، لماذا لا تقوم الحكومات المركزية في دول العالم بتقديم جميع الخدمات والمرافق للشعب دون الحاجة إلى مجالس محلية ؟
هناك أسباب عديدة تجعل الحكومات المركزية تعمل على إنشاء ودعم المجالس البلدية والقروية المحلية

من هذه الأسباب :

- اختلاف الظروف المحلية من مدينة أو قرية لأخرى يستدعي تنوعا في أسلوب إدارة هذه المناطق ليتناسب مع إمكانيات وظروف كل منطقة في المجتمع بالنسبة للخدمات المحلية والمرافق، وهذا يتطلب اتخاذ قرارات وإجراءات على ارض الواقع بواسطة أشخاص أو مجالس بلدية أو قروية منتخبة وباستقلال ذاتي في نطاق دائرتها وحدود صلاحياتها واختصاصاتها، حيث هؤلاء المنتخبون هم أدرى بطبيعة مشكلاتهم ويهمهم إيجاد الحلول لها .

- إتاحة الفرصة للمواطنين للاتصال بأعضاء المجالس المنتخبة والمراقبة على أعمالهم ومحاسبتهم على أي تقصير أو إهمال .

- توطيد الثقة بين الحكومة والشعب من خلال توزيع الخدمات العامة المقدمة للجمهور بين المؤسسات الحكومية والمجالس المحلية وإتاحة الفرصة للمواطنين لانتخاب ممثليهم في هذه المجالس .

- توزيع العمل وتخفيف المسئوليات عن كاهل الحكومة وتحقيق مفهوم الكفاءة الإدارية في إدارة المجالس البلدية والقروية من قبل أشخاص منتخبين من قبل المواطنين .

- من أسس الديمقراطية أن يتاح المجال للمواطنين لاختيار ممثليهم لادارة شؤونهم وتدريب المواطنين على ممارسة الإدارة المحلية وتحمل المسئولية وتطوير مفهوم التعاون بين الحكومة والشعب لازدهار وتقدم المجتمع .

- تحقيق مفهوم العدالة الاجتماعية للمناطق حتى لا تستأثر العاصمة أو مدن معينة بقدر كبير من الخدمات على حساب مناطق أخرى من نفس المجتمع .

حسب مسودة قانون الحكم المحلي و المجالس البلدية والقروية في فلسطين تم تعريف البلدية على أنها مؤسسة أهلية ذات استقلال مالي، تحدد وظائفها وسلطاتها وتعين حدودها وفقا للقوانين الصادرة عن السلطة الوطنية الفلسطينية، وهي بذلك تعتبر شخصا معنويا له أن يقاضي طبقا لهذه الصفة أو أن يرفع القضايا باسمه أو توكيل من ينوب عنه لمثل هذه الإجراءات القضائية، يتولى إدارة البلدية مجلس بلدي منتخب لا يقل عدد أعضائه عن سبعة ولا يزيد عن خمسة عشر، وتحدد حدود البلدية

وتوسيعاتها بقرار من المجلس البلدي ومصادقة وزير الحكم المحلي عليه . كون البلدية شخص معنوي أي انه يتمتع بكافة الحقوق والواجبات القانونية .

يجب التذكير هنا، أن مسودة قانون المجالس البلدية والقروية والحكم المحلي ما زالت مسودة وقابلة للتعديل والتغيير من قبل المجلس التشريعي الفلسطيني، ويستطيع المواطن أن يحصل على نسخة من مسودة القانون من أعضاء المجلس التشريعي في دائرته كما يستطيع أن يرسل اقتراحاته حول هذه المسودة إلى أعضاء المجلس التشريعي .

مسئوليات وصلاحيات المجالس البلدية والقروية في مجتمعنا حسب مسودة قانون البلديات الفلسطيني

- التخطيط العمراني للمدينة أو القرية و إعطاء رخص بناء وتوفير خدمات الكهرباء والمياه والمجاري والمراقبة الصحية .
- إنشاء المرافق العامة مثل الساحات والحدائق ومحلات السباحة عند الساحل ومراقبتها وتنظيمها وإنشاء المكتبات العامة والمتاحف والمدارس والنوادي الثقافية والاجتماعية والرياضية بالتنسيق مع الجهات الأخرى .
- تنظيم الحرف والصناعات وتحديد أماكنها.
- والاهتمام بالمواصلات وتنظيم الأسواق العامة واتخاذ الاحتياطات اللازمة للكوارث والنكبات ومنع التسول وإنشاء ملاجئ للعجزة والمقابر وتحديد أماكنها وتنظيم الباعة المتجولين والبسطات ومراقبة الأوزان والمكاييل .
- إقرار الميزانية السنوية والحساب الختامي وملاك الموظفين قبل إرسالها إلى وزارة الحكم المحلي لتصديق عليها .

علاقة المجالس المحلية بالسلطة المركزية .

تعمل الحكومات المركزية في دول العالم على التنسيق والتعاون بينها و بين المجالس البلدية والقروية. وتعمل على تلبية احتياجات المجالس البلدية والقروية وتهيئة الموارد لهذه المجالس ومراقبة أعمالها، والعلاقة تنبع كون أن المجالس المحلية والحكومة المركزية يعملان في نفس الإطار العام للمجتمع، و العلاقة التي تربط بينهم تكون علاقة تعاون وتفاعل يحكمها القانون والدستور العام للمجتمع وقيام المجالس لمحلية باختصاصاتها بما يتفق مع الخطة العامة للدولة والمتطلبات المحلية المختلفة، بدلا من علاقة تسلط واستعلاء. في جميع دول العالم، الحكومات المركزية تراقب أعمال المجالس المحلية ويختلف مستوى الإشراف من دول لأخرى، ففي بعض الدول هناك وزراء مختصين بالإشراف على المجالس المحلية والحكم المحلي وهم جزء من السلطة التنفيذية ومسئولياتهم في معظم الأحوال هي الإشراف والتوجيه والإرشاد للمجالس المحلية، بالإضافة إلى تحديد الميزانيات والأولويات والخطط للمجالس المحلية على سبيل المثال، وزارة الشئون البلدية والقروية والبيئة في الأردن ومعظم الدول العربية . في دول أخرى، الحكومة المركزية تشرف وتراقب أعمال المجالس المحلية بدون وجود وزارة مختصة لذلك بل عن طريق محافظ أو جهاز حكومي منتخب أو معين كجزء من الحكومة المركزية وبدرجات متفاوتة من الصلاحيات تمنح لهم للإشراف على المجالس المحلية للتأكد من تطبيق السياسة العامة للدولة من قبل المجالس المحلية . على سبيل المثال، فرنسا، اليونان، إيطاليا وغيرهم . ودول أخرى نظام المسائلة هو المتبع حيث يسمح للمواطنين على الإطلاع على الميزانيات للمجالس المحلية أو عن طريق نشرها بالجرائد والسماح للجان المالية والمدققين الحكوميين للإطلاع على تلك الكشوفات المالية . على سبيل المثال في بريطانيا، ألمانيا، اليابان وكندا وغيرها .

في فلسطين، هناك وزارة الحكم المحلي تعنى بالإشراف والمراقبة على أعمال المجالس المحلية وطبقا لمسودة قانون البلديات من مسؤوليات وزارة الحكم المحلي تجاه المجالس المحلية :

- وضع التشريعات الأساسية للمجالس البلدية والقروية فيما يتعلق باختصاصاتها وواجباتها وتنظيماتها ، بالإضافة إلى تنظيم التشريعات التي تتصل بها .

- تحديد الحدود الإدارية للمجالس البلدية والقروية وفض النزاع بين المجالس بواسطة لجنة التنظيم المركزية التي هي جزء من وزارة الحكم المحلي .
- التنسيق بين المجالس البلدية والقروية المتجاورة .
- تقديم المساعدات التي تحتاجها المجالس المحلية من خلال التوجيه والإرشاد وفي كافة المجالات القانونية والإدارية والمالية .
- التفتيش الإداري والمالي والمراقبة على المجالس البلدية والقروية .
- تقديم المساعدات الفنية للمجالس المحلية في مجال التنظيم والهيكلية الإدارية والمشتريات والمحفوظات والعطاءات....الخ .

مصادر التمويل للمجالس المحلية :

تعتمد المجالس المحلية على عدة مصادر للتمويل المالي بشكل عام، ويختلف اعتماد المجالس المحلية على مصدر دون الآخر باختلاف الظروف السائدة والصلاحيات الممنوحة للمجالس المحلية والعلاقة بين المجالس المحلية والسلطة المركزية والتي ينظمها القانون والدستور بتلك الدول . قد تحصل المجالس المحلية على تمويل مالي من خلال ضريبة دخل من المواطنين في حدود نفوذ المجلس المحلي، من خلال هبات من الحكومة المركزية، من خلال إيرادات ورسوم محلية . إن مصادر التمويل للمجالس المحلية عامل مهم في التأثير على استقلالية المجالس المحلية . الأهم من ذلك هو استقلالية المجالس المحلية في وضع ميزانياتها الخاصة وتحديد الأولويات للتطوير وتخصيص الميزانية ورصد الأموال لكل المجالات التي تدخل ضمن صلاحياتها . **في مجتمعنا الفلسطيني طبقا لمسودة قانون الحكم المحلي، مصادر التمويل للمجالس البلدية والقروية كالأتي :**

- رسوم مقابل الخدمات المقدمة للمواطنين مثل الكهرباء والماء والنظافة ورسوم رخص البناء ورسوم مقابل بيع الأراضي .
- قروض من مصادر محلية أو دولية بموافقة وزير الحكم المحلي .
- نسبة من الضرائب التي تجبيها الحكومة المركزية ، ونسبة ٥٠٪ تعطى للمجالس المحلية أيضا مقابل رخص اقتناء المركبات .
- نسبة تستوفيها المجالس المحلية من مشتري الأموال المنقولة التي تباع في المزادات العلنية ضمن نفوذ كل مجلس .

المواطنين والحكم المحلي .

يلعب المواطن دور حيوي وواضح في التأثير على أداء المجالس البلدية والقروية حيث المسئولية مشتركة، مجالس تعمل لصالح المدينة أو القرية أو المخيم وتوفر خدمات ضرورية لهم ومواطنين يستفيدون من هذه الخدمات ويعملون على تحسين أداء المجالس المحلية كونهم مواطنين ودافعي ضرائب . من الأمور التي يمكن أن يقوم بها المواطن على سبيل المثال :

- متابعة القوانين الصادرة من السلطة التشريعية التي تنظم عمل المجالس المحلية وكيفية تشكيلها والمشاركة في صنع القانون.
- الاختيار الصحيح والأفضل لأعضاء المجالس المحلية .
- متابعة أعمال المجلس المحلي ومراقبة إنجازاته ومحاسبته عند الإهمال أو التقصير .
- تسديد الالتزامات المستحقة للمجلس المحلي مقابل الخدمات المقدمة، حتى يتسنى للمجالس البلدية والقروية الاستفادة من هذه المبالغ لعمل مشاريع تطويرية أو خيرية للحي أو القرية ولشراء معدات وآليات لازمة للقيام بواجباتها .
- عمل لقاءات دورية مع أعضاء المجلس المحلي للإطلاع على القرارات الصادرة ولمعرفة خطط المجلس المستقبلية وتحديد الأولويات والمشاكل التي تهم المواطن .

دور المواطن في الديمقراطية

الملتقى المدني

سعى الملتقى المدني في المواضيع السابقة التي طرحها الى التركيز على الامور العامة التي تهم المواطنين ابتداءا بماهية الديمقراطية وحقوق الافراد، مرورا بدور وسيادة القانون الى نظام الانتخابات الفلسطيني، وعلاقة الناخب بالمرشح ثم انتقل بعد ذلك الى ما بعد الانتخابات وعاد بحلة جديدة للتعامل مع الواقع الجديد بوجود ممثلين منتخبين مباشرة من قبل الشعب، فبدأ الملتقى بموضوع علاقة المواطن بعضو المجلس التشريعي، طرحنا موضوع الدستور لاهميته وما له من دور في حياة الناس، ولكي تتضح أكثر الية عمل المجلس حدد الملتقى موضوعه الشهري لتموز كيف تصبح مسودة القانون قانون، وفي اب عدنا بموضوع دور الصحافة بتعزيز الديمقراطية.ونعود بهذا الشهر بموضوع دور المواطن في المجتمع للتأكيد على هذا الدور الريادي الذي يلعبه كل مواطن فعال في مجتمعه.

الملتقى المدني أحد برامج المعهد الديمقراطي الوطني للشؤون الدولية، وهو مؤسسة دولية مستقلة وغير ربحية تعمل في مجال التطوير الديمقراطي.

رغم الظروف الصعبة التي عاشها الشعب الفلسطيني الاانه كان دائما مثالا حيا" للانتماء والتضحية والبناء , ضاربا" اسمى الامثلة في صدق العلاقة والانتماء للوطن .

يتوقع الناس من الدولة ان تلبي كل احتياجاتهم في كافة القضايا , بغض النظر عن امكانياتها , و اذا عجزت هذه الدولة عن تنفيذ احتياجات مواطنيها بدأوا بالتذمر والشكوى , ربما هذا حق لهم ولكن يجب على المواطنين أن يعوا ويقدروا امكانيات دولتهم، وللوضع الفلسطيني الخاص فلا بد من المشاركة الجماعية الفاعلة من كل ابناء الشعب، حتى نستطيع أن نتخطى نقطة البداية باتجاه التطور والازدهار.

ان التاريخ الفلسطيني والعربي والاسلامي مليء بالامثلة الحية التي تدل على مشاركة المواطنين الفعالة والايجابية ولمصلحة جميع افراد المجتمع .

أحد الامثلة تاخي الانصار والمهاجرين بعد الهجرة من مكة الى المدينة المنورة فقد اقتسم المسلمون المساكن وموارد الرزق لشعورهم النبيل اتجاه بعضهم البعض.

ومن الأمثلة الفلسطينية:
مبادرة مجموعة من المواطنين في احدى القرى الفلسطينية بشق وتعبيد معظم شوارع القرية وتوسيع مدرستين وتشييد مراكز لعدة مؤسسات دون انتظار اية معونة من أحد.

فكما ان للانسان حقوق فعليه واجبات أيضا , والحقوق والواجبات محفوظة في القانون والدستور من اجل ان تؤمن له الطمأنينة والعدالة التي توفر للانسان حياة مستقرة امنة.

يحتاج بناء الوطن والانسان الى تكاتف جهود كل من المواطن والحكومة , واننا كفلسطينيين نعيش تجربة جديدة في عصر جديد ووقت عصيب .فهل نكون اقوياء في البناء كما كنا اقوياء في التضحية .؟

ماهي المواطنة؟

ان المواطنة بمفهومها الواسع تعبر عن الصلة او الرابطة القانونية بين الفرد(المواطن) والدولة التي يقيم فيها بشكل ثابت (الوطن), وتحدد هذه العلاقة عادة حقوق الفرد في الدولة وواجبه اتجاهها .

ما هي حقوق الفرد في النظام الديمقراطي؟

يمكن تقسيم الحقوق في المجتمعات الديمقراطية الحديثة الى ثلاثة انواع وهي:

- الحقوق المدنية.
- الحقوق السياسية.
- الحقوق الاجتماعية.

١- الحقوق المدنية: وتعني حق كل مواطن بالمساواة أمام القضاء دون تمييز، حرية الفرد ، الحق في الحياة، تقرير المصير،الحق في الملكية الخاصة ومن الحريات المدنية الاساسية أيضا حرية العبادة ،حرية التعبير عن الرأي وحرية التفكير.

٢- الحقوق السياسية: وتعني حق الانتخاب ،الترشيح ،العضوية في الاحزاب ،الجمعيات وغيرها من المؤسسات الغير حكومية، تنظيم الحركات، الاحزاب، الجمعيات ومحاولة التأثير على القرار السياسي وشكل اتخاذه.

٣- الحقوق الاجتماعية : تتضمن توفير الحد الادنى من الرفاه الاجتماعي، الاقتصادي، توفير الحماية الكاملة للحياة الثقافية، التراث الاجتماعي , الحياة الحرة الكريمة حسب معايير المجتمع الذي يعيش فيه المواطن و حق المواطن في العمل وكسب الرزق .

وتحفظ حقوق المواطنين في الدستور أو القوانين طالما بقي المواطن واعيا لحقوقه وواجباته.

مسؤوليات المواطن

هناك نوعان من المسؤولية, مسؤولية يحددها القانون والدستور مقابل الحقوق التي تمنحه اياها المواطنة , ومسؤولية يلتزم بها المواطن استجابة لامور ومعتقدات خاصة به .

اولا ". المسؤوليات التي يحددها القانون :

١- دفع الضرائب والتي تساهم في دعم الاقتصاد الوطني للدولة . ويكون مردودها عائد الى المواطنين في الدولة على شكل خدمات مختلفة مثل الصحة والتعليم وغيرها .

٢- احترام واطاعة القوانين , يعتبر الخضوع للقانون واحترامه واطاعته عاملا اساسيا في ضمان المساواة والديمقراطية وتماسك المجتمع وضمان الامن والنظام .

٣- الدفاع عن الدولة , ان الانخراط في الجيش هو احد العوامل التي قد تساعد في خلق المواطنة القوية , فالجيش يقوم بتربية الجنود على اسس المساواة والتخلي عن الطائفية والقبلية واستبدالها بالولاء للوطن والمجتمع .

٤- النكبات والكوارث : حيث يتطلب ذلك من المواطنين التصرف بمسؤولية وانتماء , من حيث المشاركة المباشرة وغير المباشرة.

ثانيا" . المسؤوليات التي يقوم المواطن بها طوعا".

يمكن ان لا تستطيع الدولة او الجسم المشرع ان يجد قانونا يغطي كافة نواحي الحياة , وعليه يصبح لزاما على المواطن ان يشارك في نشاطات وفعاليات مشتركة من اجل تطوير وتحسين نواحي الحياة المختلفة , بالاضافة الى اهتماماته الخاصة .ومن هذه المسؤوليات:

- المحافظة على النظافة العامة.
- القيام بالاعمال التطوعية
- المبادرة الى تحسين الوضع القائم.
- القيام بتثقيف وتعليم المواطنين.
- المحافظة على المصادر الطبيعية وتحسينها.
- الانتماء الى المؤسسات العامة سواءا كانت ثقافية او رياضية او خدماتية.

ومن اجل توفير الحقوق للمواطن ومساعدته على فهم مسؤولياته لا بد من التطرق الى كيفية تطور الحياة السياسية وتطور مفهوم السلطات الثلاث. وهذه السلطات هي:

١- السلطة التشريعية : وهي السلطة المسؤلة عن وضع القوانين والشرائع للحكومة , وتكون منتخبة من الشعب مباشرة، وهي مصدر السلطات الاخرى في النظام الديمقراطي.

٢- السلطة القضائية : تتأكد من تطبيق القوانين حسب التشريع ويكون الدستور مرجعيتها ولا سلطان عليها، وتضم عادة المحاكم بمراتبها المختلفة وتكتسب اهميتها الخاصة كونها تشكل شرطا اساسيا لسيادة القانون واستمرارية الديمقراطية ولأهميتها يجب وضع قوانين خاصة لحمايتها من اية تدخلات.

٣- السلطة التنفيذية : وتتكون من الرئيس و رئيس الوزراء والوزراء , تعمل على تنفيذ القوانين التي تسنها السلطة التشريعية وادارة شؤون الدولة والمواطنين واقتراح القوانين على البرلمان وكل وزير مسؤولية وضع الخطط لوزارته وتطبيق سياسة الحكومة، وتختلف طرق تشكيلها في الدول الديمقراطية باختلاف نمط الحكم القائم فمنها الرئاسي وفيه ينتخب الرئيس مباشرة من قبل الشعب، وهنا يمكن للرئيس اختيار اعضاء حكومته دون شروط.وهناك نمط اخر يسمى البرلماني وفيه تشكل الوزارة من قبل حزب الاكثرية او عن طريق ائتلاف احزاب مختلفة من داخل البرلمان.

ولهذا يجب على المواطن ان يكون مطلعا" ومتابعا" لكافة امور الدولة , والتي تضمن له حقوقه وتساعده في تنفيذ مسؤولياته وسنعرض بعض الامور التي تبقي المواطن على اطلاع دائم.

الاساليب التي يمكن اتباعها لزيادة الاطلاع والمعرفة :

- الاعلام : متابعة وسائل الاعلام المختلفة (راديو تلفزيون صحف ومجلات)
- متابعة وحضور جلسات المجالس (تشريعي بلدي قروي وعائلي)
- الحصول على المعلومات من الممثلين والمسؤلين الحكوميين عن طريق الاتصال الهاتفي او كتابة الرسائل او زيارتهم في مكاتبهم .
- دعوة المسؤولين للالتقاء بالمواطنين والاجابة على تساؤلاتهم .
- ان يناقش المواطنين القضايا المختلفة بين بعضهم البعض.

APPENDIX B:

ARTICLES ABOUT CIVIC FORUM

The Jerusalem Times
June 28, 1996

Practising Democracy

The National Democratic Institute and its program: Civic Forun

by Peter Dickie

THE National Democratic Institute (NDI), is currently running an exciting and innovative program of community education in Palestine. NDI is an American non-governmental organization, based in Washington D.C. As part of its policy of strengthening democratic institutions, it runs a variety of programs in 30 countries which find themselves, to a greater or lesser degree, in the transitional stage to democracy. Although funded by USAID and the National Endowment for Democracy, the NDI nevertheless retains its status as an NGO.

The NDI's project in Palestine has been running since 1994. Two offices, one in Jerusalem and one in Gaza, employ a total of 18 staff, including 11 field workers. Most of the staff are Palestinian, since command of Arabic is essential for the community based type of outreach education in which the institute specializes.

The advent of the NDI to Palestine came at a crucial time in the preparatory period leading up to the first Palestinian elections held in January 1996. The institute was anxious to encourage as much awareness as possible not only about the practicalities of the election process, but also about the wider question of the real meaning of democracy, and its theoretical applications to the emergent Palestinian state. The run-up period to the elections themselves was a busy and exhilarating time for the NDI staff, engaged as they were in a variety of activities intended to give support, substance and meaning to the democratic process. They were active in supporting and encouraging the political participation of women in the elections; they organized workshops in schools and community centers to explain, discuss and debate the mechanics of the election process and the theory of participatory democracy; they organized international, mostly American, observers to conduct field monitoring of the elections; and they worked in cooperation with the Palestinian Domestic Monitoring Committee.

Following on its successful involvement with the Palestinian election process, the work of the National Democratic Institute is now divided into two main areas. The first consists of a program of assistance to the Palestinian Legislative Council on the constitutional issues implicit in the drafting of a basic Palestinian law; the sec-

ond, and the subject of this article, is the Civic Forum Program.

Civic Forum

CIVIC Forum is a program in civic education which brings together small groupings of people to discuss democracy and civic society. The groups are locally based, meeting either in a village hall, community center or school. They vary in size from 15 to 40 persons, and meet on a monthly basis.

The aims of Civic Forum are to involve local institutions in the democratic process in such a way that they gain the capacity directly to help build Palestinian democracy and help to foster links between organizations, and within and between communities. The intention is to encourage participants to express their opinions freely and without embarrassment in a congenial, familiar ambiance. This, it is hoped, will give stimulation and encouragement to the participants of the program to go on to take an active part in the decisionmaking process, and to become active partners in the building of Palestinian society. A further offshoot is the establishment of a network of volunteers to pass on to others the information gleaned from the sessions, and to promote other similar activities on a local basis.

Key to the functioning of the groups are the moderators, all employed by the NDI. Each moderator will, through local contacts, identify the need for a group in a particular village, and will make arrangements with the person who is to act as local co-ordinator. In turn, the local co-ordinator will notify participants and distribute materials prior to the sessions.

Although the moderator takes on this leading role, it is important that he or she tempers this directional thrust in the sessions themselves. Indeed, the group's interaction with the moderator, and his ability to withdraw from directing into facilitating, may be seen as an element of the democratic process itself. In this way, the groups develop a multi-functional identity. Up to the present, the various groups involved in the program have discussed in detail no less than seven topics: Individual Rights in a Democracy; The Rule of Law; The Palestinian Electoral System; The Relationship between the Candidate and the Voter; The Relationship between Citizens and their Elected Representatives; Constitutional Government and the Draft Palestinian Basic Law; and How a Bill Becomes a Law.

Margaret Zaknoun, NDI Program Officer, told The Jerusalem Times, "It's been a nice surprise for us. The discussions were originally planned to go on for an hour or an hour and a half, but sometimes they go on for up to four hours." Zaknoun explained that there are seven moderators working in the West Bank and four in the Gaza Strip. Because of the Israeli-imposed closure of the territories, the moderators from both areas have found it almost impossible to meet to exchange experiences, and have had to content themselves with listening to tapes of each other's sessions.

The groups are usually composed on a ratio of 60% male and 40% female participants. In the villages, groups tend initially to meet on a single sex basis, though later, if the participants feel confident with their moderator, they will suggest that the groups become mixed. All age groups attend the sessions, though there seems to be a core of vocal participants in the 30 to 40 years group.

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Zaknoun explained that the Civic Forum program had led to a number of productive and interesting developments. Following the basic understanding which many people have gained through the democracy program, this has been taken a step further in meetings between citizens and their representatives. In municipal and town halls, group members are given the chance to meet face to face with the elected members of the Legislative Council. So far, these meetings have taken place in the central camps area of the Gaza Strip, twice in the Hebron area, and once each in Salfit and Askar Camp near Nablus.

In these meetings, participants have been able to inform themselves of Council developments and policies, as well as communicating to their representatives their concerns and expectations. "These are a logical outcome of the program," says Zaknoun.

Another development has been in the flow of information within and between communities. Zaknoun enlarged on this in these terms: "One important and unexpected spin-off [of Civic Forum] is that over four thousand people, meeting on a monthly basis, are finding out what is going on, and are relaying this to their families and to friends.

This is working especially well in the current series of group discussions, which is looking at the Draft Palestinian constitution. People are turning up at the meetings armed with specific questions, and sometimes with specific proposals."

Meeting in Attara

It was one such meeting, to discuss the draft Palestinian constitution, that I attended on the evening on Monday, June 10, in the village of Attara. The village is a neat, compact place of 3,000 inhabitants, perched on the crest of a hill some twenty miles north of Jerusalem, with spectacular views to the west over the coastal plain.

I met first Rima Abu Hamdia, a member of the NDI team who had come along to translate for me, and the moderator Mahmoud Rashid from Ramallah. Mahmoud told me that he had been working for the NDI since August 1995, and now acted as moderator to groups in 20 West Bank villages, 15 of which he visited on a regular basis.

"You can really sense the progress we've been making," he said. "The participants in the groups have clearly shown interest in the democratic technique itself. I mean free discussion, as opposed to lectures." In a society where the education system is still very much based on rote learning, with the teacher as the central figure of authority in the classroom, I could already sense that there must be some promise in the broad-based community and participatory education. But I had no inkling of just how effective a discussion I was about to witness.

Arrived at the community center, a former primary school, with pine trees shading the small concrete basket-ball area, I was introduced to Nasser Atari, the local co-ordinator and president of the Youth Club. He explained that he expected only about nine or ten people to turn up for this first meeting, but that the would be a cross section of the population, some working in Ramallah, some studying at college or university, and others unemployed. Mahmoud interrupted, saying, "In most villages, they hold a weekly cultural program anyway. Until people find out how interesting the NDI meetings really are, we don't expect many to turn up initially."

They did turn up, in twos and threes, and as they arrived they were given a handout containing selected articles from the Draft Constitution. They began studying the draft as they waited for other members to arrive.

Once Mahmoud had decided that enough participants had arrived, he ushered them inside and, with a minimum of fuss or preamble, got the discussion off to a start with the question "What is the Constitution?" Whether or not he had been trained in the community-based pedagogy of Paulo Freire was irrelevant. He was practising it.

As the session got under way, I was able to study the participants. Mostly men in early middle age, some younger. "Where are the women?" I asked. This is when I had it explained to me that mixed meetings were generally a later development. Initially the older men dominated the discussion, but the younger

BEST AVAILABLE

men soon found their confidence, particularly if they strongly disagreed with a point. Then they would suddenly be stung into vigorous riposte.

This is not the place to give a blow by blow account of how the discussion progressed. The role of the monitor was now coaxing now admonishing, but gradually decreasing as the momentum of the argument built up. Sometimes, a particular line of argument would become exhausted, and Mahmoud would immediately step in, ready with a new, and usually provocative, suggestion. Thus it was that he kept a sensitive directional role in monitoring the ebb and flow of discussion.

The discussion round the Constitution itself embraced such topics as the possible contribution which people could be expected to make to the drafting of the document, the role of religion as the basis, or not, for a national Constitution; and the suggestion, greeted with amused applause, that there should merely be a provisional Constitution until such time as there was a properly constituted Palestinian state.

A little boy dressed ready for bed came in and sat by his father, dangling his legs from the chair as the father joined in with the now very heated topic of press freedom. This particular strain of the discussion rose to a very noisy climax, the bubble being burst by someone quipping, "You want freedom of the press? Let's get something else straight first, we don't have a press at all."

In keeping with the ad hoc, unplanned nature of this first meeting in Attara, the local football team, having just finished their training session at the community center, trooped in to join in the discussion. The team sat down and proceeded to study draft copies of the Palestinian Constitution as they peeled off their shin guards and lit up their post-training cigarettes. That they then continued to contribute seriously to the discussion said much, it seemed to me, not only about the skills of Mahmoud as a moderator, but also about the level of politicization amongst Palestinian youth.

In some European countries, perhaps, the unexpected arrival of a football team into a community political discussion might be greeted with embarrassment, and the team ushered out to the changing rooms.

Here, the Civic Forum program was ready for its uninvited guest, and democratic participation became a natural and unquestioned extension of village life.

This, it seemed to me, encapsulated the value of the experiment I had just witnessed, and gave an essential snapshot of the success of the Civic Forum program.

BEST AVAILABLE

The Jerusalem Times
June 28, 1996

Practising democracy The meeting in Attara gets underway *Peter Dickie*

Getting it straight Council members in Gaza Mid Camps listen to a complaint *NDI*

Seeing the joke A light-hearted moment in a Civic Forum session, Gaza NDI

AL-AYYAM

May 22, 1996

"Two Workshops in Gaza about the Draft of the Palestinian Constitution"

Gaza - *Al-Ayyam*: Civic Forum continues to conduct workshops in Gaza aiming to educate and create awareness among the citizens about the Palestinian constitution. Yesterday, Civic Forum conducted two workshops in Al-Azhar University Student Council and in the Palestinian Institute for Vocational Training during which the participants discussed the importance and contents of the Palestinian constitution and the guarantees for its implementation, articles about the system of government, basic rights and freedoms and the rule of law.

ورشتا عمل في غزة حول مسودة الدستور الفلسطيني

غزة - الأيام - واصل المنتدى المدني بغزة عقد ورشات عمل تهدف الى توعية وتثقيف الجمهور حول الدستور الفلسطيني.

وعقد المنتدى أمس ورشتي عمل في كل من مقر مجلس طالبات جامعة الأزهر والمؤسسة الفلسطينية للتدريب المهني، حيث ناقش المشاركون الدستور الفلسطيني واهميته ومحتواه وضمان تنفيذه، ومواد نظام الحكم والحقوق والحريات الاساسية وسيادة القانون.

AL-QUDS

July 6, 1996

"Two Sessions in Gaza and Rafah about Law-making in the Legislative Council"

Gaza - *Al-Quds* Special Correspondent: Civic Forum organized yesterday two educational sessions about law-making inside the Legislative Council. The first session was conducted in the Women's Affairs Center in Gaza and the second in the Tal Al-Sultan area in Rafah. Taghreed Juma' from the Civic Forum discussed the law-making process inside the Council based on the Council's Standing Orders and the role of the Palestinian citizen in law-making and the extent of the citizen's influence. She also discussed the role of the Council's committees and their importance and involvement in the daily problems of the citizens and their work to solve them. The sessions were attended by a large number of citizens and in the end open discussions took place.

ندوتان في غزة ورفح حول سن القانون داخل المجلس التشريعي

غزة - لمراسل "القدس" الخاص - نظم امس الملتقى المدني ندوتين تثقيفيتين حول سن القانون داخل المجلس التشريعي عقدت الاولى في مركز شؤون المرأة في غزة، والثانية بحي تل السلطان في رفح.

وقدمت تغريد جمعة من الملتقى المدني مداخلة دارت حول آلية صنع القانون داخل المجلس انطلاقا من النظام الداخلي ودور المواطن الفلسطيني في صنع القانون ودرجة التأثير فيه.

وتطرقت الى طبيعة دور لجان المجلس ومدى اهميتها وجودها وتفاعلها مع المشاكل اليومية للمواطن والعمل على معالجتها.

وحضر الندوتين عدد كبير من المواطنين، ودار في نهايتها نقاشات واسعة.

AL-AYYAM

June 26, 1996

"Sessions about the Draft of the Palestinian Constitution in Gaza and Beit Hanoun"

Gaza - *Al-Ayyam*: Civic Forum, one of the programs of the National Democratic Institute, conducted recently a series of sessions about the draft Palestinian constitution in Gaza and Beit Hanoun, attended by a number of concerned citizens and figures. The Civic Forum conducted educational sessions in the Social Workers' Society and the Peace Wing Society in Gaza. The discussion focused on the draft constitution and how a bill becomes a law according to the Legislative Council's Standing Orders, and the importance role of the citizens in making and affecting the law.

On the same topic, the Civic Forum organized an educational session in the Women's Activities Center in Beit Hanoun, attended by the center's members and concerned women from the society.

ندوات حول مسودة
الدستور الفلسطيني
في غزة وبيت حانون

غزة - «الأيام»: عقد المنتدى المدني، احد برامج المعهد الديمقراطي الوطني، سلسلة ندوات مؤخرا حول مسودة الدستور الفلسطيني، وذلك في غزة وبيت حانون، حضرها العديد من المهتمين واصحاب الرأي.

لقد نظم المنتدى ندوة تثقيفية في جمعية الاخصائيين الاجتماعيين، وجمعية اجنحة السلام بغزة، حيث تركز النقاش حول مسودة الدستور وكيف يصبح المشروع القانوني قانونا نافذا من رفع القانون الداخلي للمجلس التشريعي، واهمية دور المواطنين في صنع القرار والتأثير فيه.

وحول الموضوع ذاته نظم المنتدى المدني ندوة تثقيفية في مركز الاخصائية الاجتماعية في بيت حانون، حضرتها عضوات المركز والمهتمات من ربات المجتمع.

AL-AYYAM

JUNE 26, 1996

"Civic Forum Discusses Issues of Building Democracy to Rejuvenate the Local Institutions"

Gaza - "Wafa"- Civic Forum is considered one of the main programs of the National Democratic Institute for International Affairs in the Palestinian Authority areas. According to the Coordinator of the program in the Strip, Salah Al-Madhoon, the program aims to rejuvenate local institutions to bear their responsibility in building Palestinian democracy, as well as creating the opportunity for participants to exchange opinions and ideas about some of the foundations and manners which make up a democratic society through discussions during which they enrich their knowledge and are prompted and encouraged to contribute to the decisionmaking process. The program also aims to create a network of volunteers to spread information to the public at large and to engage in similar activities. The program resulted from the participants' need for information about democratic institutions and practices in other countries in a form that differs from the style of lectures currently followed.

He noted that since its establishment in August of last year the program has discussed five topics which are: Democracy and Individual Rights; the Rule of Law; the Palestinian Electoral System; the Relationship between Candidates and Voters; and the Relationship between Legislative Council Members and the Citizens. During these discussions the Forum distributed handouts to the participants for all of the subjects discussed.

الملتقى المدني للنهوض بالمؤسسات المحلية يناقش قضايا البناء الديمقراطي

غزة - «وفا» - يعتبر الملتقى المدني في مناطق السلطة الوطنية احد البرامج الرئيسية للمعهد الديمقراطي الوطني للشؤون الدينية.

ويهدف البرنامج كما يقول منسقه في القطاع صلاح المدهون الى النهوض بالمؤسسات المحلية لتقوم بمسؤولياتها في بناء الديمقراطية الفلسطينية وايجاد الفرصة للمشاركين فيه لتبادل الآراء والافكار حول بعض السلوكيات والقواعد التي تشكل المجتمع الديمقراطي من خلال النقاش فيما بينهم لإغناء معرفتهم وتحفيز وتشجيع المشاركين للمساهمة في صنع القرار، وايجاد شبكة من المتطوعين لتعميم المعلومات والقيام بنشاطات مشابهة.

وبيّن المدهون ان فكرة البرنامج جاءت كنتيجة لحاجة المشاركين الى معلومات عن اشكال الديمقراطية وممارستها في دول اخرى باشكال تختلف عن اسلوب المحاضرات المتبع حاليا.

واشار الى ان البرنامج ناقش منذ تاسيسه في شهر اب من العام الماضي خمسة مواضيع هي: الديمقراطية، وحقوق الافراد، ودور وسيادة القانون، ونظام الانتخابات الفلسطينية، والعلاقة بين المرشح والناخب والعلاقة بين عضو المجلس التشريعي والمواطن، وقام الملتقى خلال ذلك بتزويد المشاركين بالمطبوعات بكل موضوع تم نقاشه.

AL-QUDS

June 24, 1996

Representative Al-Ta`amari: "The Council is facing a crossroads."
"Discussion in Bethlehem about the Legislature and its Activities"

Civic Forum, whose main headquarters are in Washington, organized a discussion at the Women's Union in Bethlehem yesterday about the Palestinian Legislative Council - its work, its role in building democracy, its decisionmaking mechanisms and the relationship of the three branches of authority to each other. The four Council members representing Bethlehem district participated: Mitri Abu Aita, Deputy Speaker of the Legislature, Salah Al-Ta`amari, Daoud Al-Zir and Bshara Daoud.

Abu Aita presented the meetings of the Council which have taken place since the opening session on the seventh of March, which included the swearing of the oath and electing the president of the Council. He explained the Council's mechanism for receiving people's complaints and referring them to the committees which meet on a rotating schedule and give recommendations. He said the committees enjoy wide powers including summoning any minister for discussion. He denied that the relationship with the executive is all inclusive, but rather balanced and parallel.

Representative Salah Al-Ta`amari said, "The Council is standing at a crossroads in the face of pressures which it is experiencing. The Council has not yet given their vote of confidence to the government and I for one will continue to obstruct it until the Council decisions to release those in Palestinian prisons have been executed." He disclosed that a group of Council members have thought of resigning.

Daoud Al-Zir treated the Economic and Budget Committees and the complaints they have received in the matter of the Palestinian Monetary Authority which invests 14% of the bank reserves and assumes the responsibility of supervising it. He pointed out that President Yasser Arafat formed a committee with the function of supervising accounts, adding that if any violations were found there would be accountability. And he spoke of the ability of the Economic committee to treat important issues, such as the issue of the companies with monopolies which entered the Palestinian market and the issues of flour, cement and gas. He said, "We must stand against any excesses from the Authority organs and that does not mean that I am against the Authority, because it is first and foremost our Authority but we have the duty to correct its mistakes and excesses.

On another point, Bshara Daoud said that we in the Legislative Council work as a team and not separately even though we entered the elections as blocks and independents. On the subject of forming the government he called for the importance of putting qualified specialists in the ministries.

AL-QUDS

June 22, 1996

"Workshops in Nablus about the Passage of the Draft Law"

Nablus - *Al-Quds* Special Correspondent - Civic Forum organized in Nablus workshops last week in cooperation with the Democracy Building Movement, the Huwara Charitable Society and the Beit Eeba Village Council about "How a Bill Becomes a Law."

Civic Forum representative Majd Al-Amad discussed with the attendees the three branches of authority and the role of the Legislative Authority in law-making, and how the law-making process passes from the Government and the Council to the Speaker of the Legislative Council and to the relevant committee.

ورشات عمل في نابلس حول سبل اقرار مسودة القانون

نابلس - لمراسل "القدس" الخاص - نظم الملتقى المدني في نابلس ورشات عمل خلال الاسبوع الماضي بالتعاون مع حركة البناء الديمقراطي وجمعية حوارة الخيرية والمجلس القروي في بيت ايبا حول "كيف تصبح مسودة القانون قانونا".

وقد ناقشت مسؤولة الملتقى مجد العمد مع المدعوات السلطات الثلاث ودور السلطة التشريعية في سن القوانين، وكيف يتم اقرار المسودة من الحكومة ومن المجلس ثم رئيس المجلس التشريعي واللجنة المختصة.

AL-AYYAM

June 17, 1996

"A Session in Beit Lahia about the Law-making Mechanism inside the Legislature"

Gaza - *Al-Ayyam* Civic Forum in Gaza organized yesterday an educational session about the law-making mechanism in the Legislative Council at the National Movement for Change in Beit Lahia. The session was attended by the National Democratic Institute's Chief of Mission in Palestine, Kevin Johnson, besides a number of different political affiliations and concerned citizens.

The session was moderated by Civic Forum Coordinator in Gaza, Salah Al-Din Al-Madhoon. It focused on "How a Bill Becomes a Law" from the first step of the bill until it becomes a law, the three authorities relations in the law-making process and the role of the citizens and their importance in affecting law-making.

ندوة في بيت لاهيا حول آلية صنع القانون داخل «التشريعي»

غزة - «الايام»: نظم الملتقى المدني بغزة يوم امس ندوة تثقيفية حول آلية صنع القانون داخل المجلس التشريعي، وذلك بمقر الحركة الوطنية للتغيير في بيت لاهيا.

وحضر الندوة مدير بعثة المعهد الديمقراطي الوطني في فلسطين كيفن جونسون، بالاضافة الى فعاليات سياسية مختلفة ومواطنين مهتمين.

وتمحورت الجلسة، التي ادارها منسق الملتقى المدني في غزة صلاح الدين المدهون، حول آلية صنع القانون من اول مراحله حتى يصبح قانونا ودور وعلاقة السلطات الثلاث في صنع القانون واهمية دور المواطن في صنع القانون والتأثير فيه.

AL-QUDS

June 12, 1996

"A Workshop in Nablus about the Draft Constitution"

Nablus - from Ali Abu Ayyash - Civic Forum organized yesterday a workshop in the Hawa Cultural Center in Nablus about the draft constitution in coordination between the Director of the Center, Ghada Abdul Hadi and the Civic Forum coordinator for the Nablus governorate, Majd Al-Amad. The workshop was attended by Civic Forum participants.

The participants discussed the definition of a constitution and its importance and the subject of rights, freedoms and the rule of law.

A similar workshop was held in the village of Beit Dajan in cooperation with the Palestinian Youth Union, and another in the village of Bidya in cooperation with the Palestinian Popular Struggle Front.

ورشة عمل في نابلس حول مسودة الدستور

نابلس/ من علي ابو عياش/ نظم الملتقى المدني امس ورشة عمل في مركز حواء الثقافي بنابلس حول مسودة الدستور بالتنسيق بين مديرة المركز غادة عبد الهادي ومنسقة الملتقى في محافظة نابلس مجد العمد بحضور مشاركات من الملتقى المدني.

وقد ناقشت المشاركات تعريف الدستور واهمية موضوع الحقوق والحريات وسيادة القانون.

وعقدت ورشة مشابهة في قرية بيت دجن بالتعاون مع اتحاد الشباب الفلسطيني واخرى في قرية بديا بالتعاون مع جبهة النضال الشعبي الفلسطيني.

AL-AYYAM

June 2, 1996

"Two Sessions in Gaza and Rafah to Discuss the Palestinian Constitution"

Gaza - *Al-Ayyam* - Civic Forum conducted yesterday a civic education session in the Women's Activity Center in Rafah, which was attended by the Center's staff and women from the community. A discussion took place about what the constitution is, its importance and some of the articles concerning the government system, the rule of law and freedoms.

Also, Civic Forum conducted a session for the members of the Shariah and Science Graduates Society in Gaza City. The discussed the draft of the constitution and the basic articles found in it.

ندوتان في غزة ورفح لمناقشة الدستور الفلسطيني

غزة - «الأيام»: عقد الملتقى المدني حول الدستور الفلسطيني امس ندوة تثقيفية في مركز الانشطة النسائية في رفح حضرها العاملات في المركز وبعض سيدات المجتمع، وجرى نقاش حول ماهية الدستور واهميته وبعض بنوده الخاصة بنظام الحكم وسيادة القانون والحريات.

كما عقد الملتقى ندوة لاعضاء جمعية خريجي العلوم والشريعة بمدينة غزة ناقشوا فيها مسودة الدستور والبنود الاساسية فيها.

AL- AYYAM

May 24, 1996

"An Educational Session in Beit Lahia about the Palestinian Constitution"

Gaza - *Al-Ayyam* - Civic Forum in Gaza organized a civic education session about the draft of the Palestinian constitution in the Islamic Union headquarters in Beit Lahia. The session was attended by a number of representatives of different political perspectives and a number of citizens.

The session was moderated by the Civic Forum Coordinator, Salah Al-Madhoon. The participants stressed the necessity of having a constitutional court to review the constitutionality of laws and they discussed the importance of raising the awareness of citizens for the sake of fair implementation of the constitution.

ندوة تثقيفية في بيت لاهيا حول الدستور الفلسطيني

غزة - «الايام»:

نظم الملتقى المدني بغزة ندوة تثقيفية حول مسودة الدستور الفلسطيني، وذلك في مقر حزب الاتحاد الاسلامي في بيت لاهيا، حضرها العديد من ممثلي التيارات السياسية المختلفة، وحشد من المواطنين.

وادار الندوة منسق الملتقى صلاح الدين المدهون. واكد المشاركون على ضرورة وجود محكمة دستورية تراجع دستورية القوانين، وناقشوا اهمية الارتقاء بوعي المواطن من اجل التطبيق العادل للدستور.

AL-AYYAM

May 22, 1996

"Two Workshops in Gaza about the Draft of the Palestinian Constitution"

Gaza - *Al-Ayyam*: Civic Forum continues to conduct workshops in Gaza aiming to educate and create awareness among the citizens about the Palestinian constitution. Yesterday, Civic Forum conducted two workshops in Al-Azhar University Student Council and in the Palestinian Institute for Vocational Training during which the participants discussed the importance and contents of the Palestinian constitution and the guarantees for its implementation, articles about the system of government, basic rights and freedoms and the rule of law.

ورشتا عمل في غزة حول مسودة الدستور الفلسطيني

غزة - الأيام - واصل المنتدى المدني بغزة عقد ورشات عمل تهدف الى توعية وتثقيف الجمهور حول الدستور الفلسطيني.

وعقد المنتدى امس ورشتي عمل في كل من مقر مجلس طالبات جامعة الأزهر والمؤسسة الفلسطينية للتدريب المهني، حيث ناقش المشاركون الدستور الفلسطيني واهميته ومحتواه وضمان تنفيذه، ومواد نظام الحكم والحقوق والحريات الاساسية وسيادة القانون.

Ha'aretz
January 8, 1996

Political Consciousness Doesn't Need to Be Raised

Alongside the feeling of historic responsibility and excitement characterizing the speakers at a women's meeting in Beit Sahur, it was possible to note a large measure of cynicism. And not just because of the tiny number of women candidates.

There was full agreement among the twenty women who gathered last week at The Union of Arab Women building in Beit Sahur on one issue: if a woman from the Bethlehem district were running for a seat on the Palestinian Council, and if her platform centered on improving women's status, they would all vote for her. But there is no woman candidate for the district, even though several women very much wanted to run.

Alice Sa'ad, a veteran Fatah activists, full of fire, is one of them. Founder of The Union of Arab Women, and it's leader for many years, Sa'ad brought forms with the 500 signatures required of all independent candidates and ten one hundred dollar bills - the $1,000 each independent candidate must deposit in the Palestinian treasury chest - with her to the meeting. To make a point. Before the meeting started Sa'ad recounted her electoral woes. She had asked to be included on Fatah's Bethlehem district list, but the Fatah leadership let her know there was no place for her on Bethlehem's limited list (the Bethlehem district was allotted only four seats on the Council). She then asked to run as an independent candidate, and expected to receive financial backing for her campaign from the party. When she was once again refused, she angrily left the race. Among the women present there was also a local Palestinian People's Party (former communists) activist who had asked to run as a party representative. She, too, was refused. All in all, including all the electoral districts, there are only 22 women running for seats on the first Palestinian parliament in the Territories (out of a total 700 candidates). They are running in only nine out of the sixteen districts. Activists in women's organizations demonstrated against this under-representation in Ramallah last week.

The anger was notable at the meeting of a women's discussion group in Beit Sahur, a Christian town with about ten thousand residents (and approximately five thousand eligible voters) who are notable for their high level of education and political consciousness compared to the rest of the population of the Territories. The meeting was held under the auspices of The National Democratic Institute for International Affairs (NDI), an American organization dedicated to promoting democratic values in emerging democracies. The organization sponsors more than 220 discussion groups similar to this one in the Territories, in all large and medium-sized Palestinian population centers. Every month they choose a topic for discussion, and the groups meet to explore the topic.

Approximately 4,700 West Bank residents participate in these discussion groups, says Mark Mullen, the program's coordinator. Last week the topic for discussion was "The Relationship Between The Voter and The Candidate." The twenty women from Beit Sahur sat, in a room which serves as a nursery school during the day, under colorful paper chains and next to naive drawings and Walt Disney cartoon characters on the walls. Most were in their fifties and sixties, and only one or two appeared to be under 30 years old. There were activists from Fatah and

opposition movements among them, but most were not political activists, just members of the women's club.

About five minutes into the discussion three international observers from the European Union, wearing blue hats and vests, entered the room. They sat on the side with their interpreter, and took notes. The presence of an Israeli journalist caused a certain amount of discomfort at the beginning of the meeting, after Sa'ad declared: "We don't like Jews as a group, but if you're a good person, that's O.K." Then, with a smile, she cleared off the chair beside her and, with a hoarse laugh, said: "Come, sit here." Almost all the participants requested that their names not be mentioned.

The moderator, Khaled Ramadan, opened the meeting by introducing the topic and asking the participants about their expectations of the candidates and the qualities they though it was most important for candidates to have. The most important quality, the participants mentioned, was clean hands. Next came conscience, courage, honesty, trustworthiness, a "fighting" past in the ranks of the Palestinian revolution, education, and modesty. But in the course of the discussion it quickly became clear that all these were subsets of the definition of the term "clean hands."

Several participants came to the meeting armed with the new booklet currently distributed in the thousands throughout the Territories by The Women's Affairs Technical Committee, an umbrella organization for several Palestinian women's groups whose purpose is to promote women's issues in the community, particularly in relation to the elections. The booklet, entitled "The Woman's Guide to The Elections," instructs the woman voter to vote according to her conscience, to try to collect as much information about the candidates as possible, and not to obey her husband or father, who will try to dictate for whom she must vote.

It is unlikely that the educated and politically aware women of Beit Sahur will allow any man to dictate their vote, but in the course of the discussion several of them recounted conversations with women from nearby villages who told them they will do everything their husbands instruct them to do. They also told about village women who said they would not go to the polling stations because participating in the elections is "immodest."

"It's important to hold campaign meeting especially for women," said one of the women present, "we can't be left at home. We have to go and listen [to what the candidates say]. After all, we're more than half of the population. We can make them or topple them with our votes."

Despite the excitement and the sense of historic responsibility evident at the meeting, there was also a large measure of cynicism and doubt in the participants' words. When one the speakers noted that the composition of the Council is of the utmost importance because it's members will negotiate the details of the permanent settlement with Israel, another said: "Israel decides everything anyway. Council members will only be able to exert pressure on really important issues. Not make decisions." Another said: "They [the Palestinian leaders] make promises. They once promised to liberate Jerusalem, now they promise to liberate the prisoners, but there's no release." One of the participants complained that the representatives won't have any authority to remove the settlements, "the cancer that has crawled into our midst over decades, without our leaders fighting against it."

A bitter argument erupted between Fatah supporters in the group and representatives of the left-wing opposition (representatives of the Islamic opposition were not, of course, present) about the opposition's decision not to take part in the election: "This parliament will only represent one third of the Palestinian people as it

is," said on Fatah activist," since it won't includes representative of the Diaspora. Because of you - members of the opposition - it will be even less representative, which is a shame. This is the body that is supposed to watch over the executive branch." An older women, who appeared to be identified with either The Popular Front for The Liberation of Palestine or The Democratic Front for The Liberation of Palestine, retorted sharply: "We will not be silent partners in something we oppose." A young Palestinian People's Party activist scoffed: "If the opposition wants to have influence, it must be part of the parliament, and try to influence from the inside." Alice Sa'ad scolded the woman from the opposition: "You on the left are splitting the ranks and the enemy is the only one who benefits." When the word "enemy" was said, all eyes turned to the Israeli journalist sitting in the room, and for several moments a debate, quickly silenced, erupted about whether Israel was still the enemy, or whether it had turned into a partner.

NDI's mission in the Territories is one of their 30 missions in developing democracies around the world. It's presence in Africa is particularly large. Mullen, who is in charge of the Civic Education program the organization sponsors in the West Bank, spent many years in several African countries. It is impossible to compare political consciousness in the Territories with that in most Third World countries, he said. "Here you don't need to teach people how to vote. They want to talk about much more complicated issues, in a far more complex situation," he explains," even in the most remote village you can find a high level of political sophistication and a tremendous appetite for information." Palestinians, he says, "don't believe everything they hear. They're skeptical. They want to know."

The excitement expressed by residents of the Territories is a reserved one because of the burden of responsibility placed upon the Palestinian leadership when it goes to negotiate the permanent settlement. It is impossible to compare it to the excitement in South Africa, for example, before the elections that ended the era of apartheid. "But because the Palestinian public understands the great responsibility entailed in this election it's possible that their contained excitement may have a greater positive impact on the results," says Mullen. The Palestinian mood has swung between euphoria and depression many times. It appears that the first Palestinian national election, which many expected to bring on a collective sense of re-birth, is proceeding in a sober atmosphere, with out an excess of joy and elevated spirits.

APPENDIX C:

DESCRIPTION OF JCW/NDI PROGRAM AND APPLICATION FORM (IN ARABIC)

4. هل تعملين مع مؤسسة نسوية معينة او اية مؤسسات اخرى ؟

اسم المؤسسة : _____

_____

_____

5. كيف عرفت عن الدورة ؟ _____

6. ما هو سبب اهتمامك في برنامج"تعليم وتدريب المرأة الفلسطينية عن حقوق الانسان والديمقراطية " ؟

_____

_____

_____

_____

7. ما هي الأشياء التي تودين تعلمها من هذا البرنامج ؟

_____

_____

_____

8. ما هي توقعاتك من هذا البرنامج ؟ وكيف تتصورين ان يكون تأثيرها عليك وكيف تتناسب مع خططك القريبة اذا وقع الاختيار عليك ؟

_____

_____

_____

_____

_____

9. هل بامكانك ان تلتزمي بايام البرنامج كاملة ؟ نعم لا

هل بامكانك العمل كمتطوعة لفترة محددة في برنامج الشابات في مركز القدس للنساء ؟

نعم لا

10. ما هو موقف اسرتك من التحاقك بالبرنامج ؟ _____

_____

11. هل انت مشتركة في نشاط اجتماعي طلابي ؟ _____

BEST AVAILABLE

مركز القدس للنساء

برنامج الدراسات

طلب التحاق لدورة تعليم وتدريب المرأة الفلسطينية عن حقوق الانسان والديمقراطية

الرجاء تعبئة الطلب بخط واضح

1. المعلومات الشخصية:

الاسم الرباعي _____ رقم الهوية _____

مكان وتاريخ اصدارها _____ العنوان _____

ص.ب _____ هاتف البيت _____ هاتف العمل _____

تاريخ الميلاد _____ مكان الميلاد _____

الحالة الاجتماعية: عزباء _____ متزوجة _____

2. المعلومات التعليمية:

المدرسة _____ الصف _____

المعهد _____ السنة الدراسة _____ التخصص _____

الجامعة _____ السنة الدراسة _____ التخصص _____

التدريب _____

3. معرفة اللغات والمستوى: 1. _____

2. _____

3. _____

مركز القدس للنساء
ضاحية البريد، عمارة الحرباوي
ص . ب . ٥١٦٣٠ القدس
هاتف : ٠٢-٩٩٨٠٠٦٨ فاكس :٠٢-٩٩٨٠٠٦٩

يقوم مركز القدس للنساء ، مؤسسة نسائية فلسطينية غير حكومية غير ربحية ، باعداد برنامج تعليمي وتثقيفي وتطبيقي للشابات الفلسطينيات عن حقوق الانسان والديمقراطية . يتكون هذا البرنامج من ثلاثة اقسام وهي :

اولا : دورة من المحاضرات عن الديمقراطية وحقوق الانسان تستمر ثلاثة ايام ، تختتم بورشات عمل تطبيقية لما ورد في المحاضرات .

ثانيا : عقد لقاء مكون من جلستين مع المشتركات يهدف الى " تأكيد الذات" عند النساء واكسابهن اساليب جديدة في ادارة الحوار .

ثالثا : لقاءين شهريين للنقاش والحوار حيث يدار من قبل المشتركات في البرنامج باشراف خبيرات وخبراء في المواضيع المتعلقة ببناء وتنظيم المجتمع المدنى وقضايا المرأة .

وبعد هذه المرحلة ستقوم المشتركات باشراف ومتابعة المركز بوضع خطط عملية لتطوير وتنفيذ حقوق المواطن في مجتمع ديمقراطي وتشجيع المسؤولين العمل على اساس ديمقراطي .

اما اهداف البرنامج فتتلخص في ثلاثة اهداف :

١) خلق كوادر نسائية منهن مسلحة بثقافة واسعة عن الديمقراطية كاساس من اسس حقوق الانسان .

٢) رفع وعي المرأة السياسي والاجتماعي قدر الامكان وجعلها قادرة على ادراك دورها وحقوقها في المجتمع الفلسطيني .

٣) خلق قياديات لقيادة وتنشيط دور المرأة الفلسطينية .

الفئة المستهدفة للبرنامج :

مجموعة من طالبات الصفوف العليا في المدارس وطالبات الجامعات والمتخرجات حديثا اللواتي تتراوح اعمارهن بين (١٧ الى ٢٥) سنة بهدف دمجهن في عملية بناء المجتمع الحضاري المثقف وتفعيلهن في قضايا المرأة الفلسطينية .

الاهتمامات والاهداف _____

_____

12. اية ملاحظات اخرى تودين اضافتها ؟ _____

_____

APPENDIX D:

JCW/NDI WORKSHOP SCHEDULES AND TERMS OF REFERENCE

JERUSALEM CENTER FOR WOMEN

YOUNG WOMEN'S DEMOCRACY AND HUMAN RIGHTS EDUCATION AND TRAINING

PROGRAM AGENDA

OCTOBER 9 - 13, 1995

HEBRON

Monday, October 9

9:00 - 2:30	Self-Assertiveness Course Amina Ziadeh, Rima Shweiky Palestinian Counseling Center

Wednesday, October 11

12:30 - 2:00	Introduction to Human Rights and International Law Lecturer: Muhammad Abu Harthieh Facilitator: Reema Abu Hamdieh
2:00 - 3:30	Palestinian Women's Charter Lecturer: Islah Jad Facilitator: Reema Abu Hamdieh

Thursday, October 12

12:30 - 2:00	Civic and Political Rights Lecturer: Maha Abu Dieh, Women's Center for Legal Aid and Counseling Facilitator: Reema Abu Hamdieh
2:00 - 3:30	U.N. Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) Lecturer: Siham Barghouthi Facilitator: Reema Abu Hamdieh

Friday, October 13

10:00 - 4:00	Workshop on the Principles and Importance of Democracy Ibrahim Basharat

JERUSALEM CENTER FOR WOMEN

YOUNG WOMEN'S DEMOCRACY AND HUMAN RIGHTS EDUCATION AND TRAINING

PROGRAM AGENDA

OCTOBER 16 - 20, 1995

NABLUS

Monday, October 16

9:00 - 2:30	Self-Assertiveness Course Rana Nashashibi, Rima Shweiky Palestinian Counseling Center

Wednesday, October 18

12:30 - 2:00	Introduction to Human Rights and International Law Lecturer: Muhammad Abu Harthieh Facilitator: Yumna Huwari
2:00 - 3:30	Palestinian Women's Charter Lecturer: Islah Jad Facilitator: Yumna Huwari

Thursday, October 19

12:30 - 2:00	Civic and Political Rights Lecturer: Maha Abu Dieh, Women's Center for Legal Aid and Counseling Facilitator: Yumna Huwari
2:00 - 3:30	U.N. Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) Lecturer: Siham Barghouthi Facilitator: Yumna Huwari

Friday, October 20

10:00 - 4:00	Workshop on the Principles and Importance of Democracy Ibrahim Basharat

JERUSALEM CENTER FOR WOMEN

YOUNG WOMEN'S DEMOCRACY AND HUMAN RIGHTS EDUCATION AND TRAINING

PROGRAM AGENDA

OCTOBER 23 - 27, 1995

GAZA CITY

Monday, October 23

9:00 - 2:30	Self-Assertiveness Course Widad Saadeh, Samir Shkeir Palestinian Counseling Center

Wednesday, October 25

12:30 - 2:00	Introduction to Human Rights and International Law Lecturer: Isam Younis Facilitator: Taghreed Joma
2:00 - 3:30	Civic and Political Rights and the Palestinian Women's Charter Lecturer: Islah Jad Facilitator: Taghreed Joma

Thursday, October 26

12:30 - 2:00	Genderizing Human Rights Lecturer: Itimad Imhanna, Gaza Center for Mental Health Facilitator: Taghreed Joma
2:00 - 3:30	U.N. Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) Lecturer: Suheila Tarazi, Al Ahli Hospital Facilitator: Taghreed Joma

Friday, October 27

10:00 - 4:00	Workshop on the Principles and Importance of Democracy Ibrahim Basharat

JERUSALEM CENTER FOR WOMEN

YOUNG WOMEN'S DEMOCRACY AND HUMAN RIGHTS EDUCATION AND TRAINING

PROGRAM AGENDA

NOVEMBER 7 - 10, 1995

KHAN YOUNIS

Tuesday, November 7

9:00 - 2:30	Self-Assertiveness Course Samir Quta, Ahmad Abu Tawahina Gaza Center for Mental Health

Wednesday, November 8

12:30 - 2:00	Introduction to Human Rights and International Law Lecturer: Isam Younis Facilitator: Taghreed Joma
2:00 - 3:30	Civic and Political Rights and the Palestinian Women's Charter Lecturer: Islah Jad Facilitator: Taghreed Joma

Thursday, November 9

12:30 - 2:00	Genderizing Human Rights Lecturer: Itimad Imhanna, Gaza Center for Mental Health Facilitator: Taghreed Joma
2:00 - 3:30	U.N. Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) Lecturer: Suheila Tarazi, Al Ahli Hospital Facilitator: Taghreed Joma

Friday, November 10

10:00 - 4:00	Workshop on the Principles and Importance of Democracy Ibrahim Basharat

Palestinian Counseling Center

Self-Assertiveness Workshop Agenda

9:00 - 9:30	Introductions
9:30 - 10:30	What is Communication - Practical Exercise
10:30 - 10:40	Break
10:40 - 12:00	Factors that Facilitate or Impede Communication
12:00 - 12:30	Lunch
12:30 - 2:15	Self-Assertiveness - Practical Exercise
2:15 - 2:30	Workshop Evaluation

NDI/JCW PROGRAM OF DEMOCRACY AND HUMAN RIGHTS EDUCATION AND TRAINING FOR PALESTINIAN WOMEN

NOVEMBER 7 TO 15, 1995

WEST BANK AND GAZA STRIP

Raqiya Humeidan: "The Electoral Process"

Tuesday, November 7	
All Day	Arrive in Jerusalem
Wednesday, November 8	
9:00 - 10:00	Breakfast
10:30 - 12:00	Meeting with JCW Director Ghada Zughayar and Program Coordinator Sherene Abdul Hadi
12:00 - 1:00	Lunch in Ramallah
1:30 - 3:30	Meeting with members of the Women's Affairs Technical Committee
6:30	Dinner with JCW
Thursday, November 9	
8:30 - 10:00	Travel to Nablus
10:00 - 3:30	Nablus Workshop
3:30 - 5:00	Return to Jerusalem
Friday, November 10	
9:00 - 11:00	Meeting with West Bank Civic Forum moderators
Evening	Dinner with the NDI Pre-Election Delegation

Saturday, November 11

9:00 - 10:00	Travel to Hebron
10:00 - 3:30	Hebron Workshop
3:30 - 4:30	Return to Jerusalem

Sunday, November 12

11:30 - 12:00	Travel to JCW office
12:00 - 5:00	Workshop in Jerusalem
5:00 - 5:30	Return to Jerusalem

Monday, November 13

8:00 - 9:30	Travel to Gaza
10:00 - 3:30	Workshop in Gaza City
4:00 - 6:00	Meeting with Gaza Civic Forum moderators
6:30	Dinner at La Mirage with PDMC-Gaza

Tuesday, November 14

9:30 - 10:00	Travel to Khan Younis
10:00 - 3:30	Workshop in Khan Younis
4:00	Return to Jerusalem

Wednesday, November 15

All Day	Depart for Vienna

NDI/JCW PROGRAM OF DEMOCRACY AND HUMAN RIGHTS EDUCATION AND TRAINING FOR PALESTINIAN WOMEN

NOVEMBER 7 TO 15, 1995

WEST BANK AND GAZA STRIP

PROGRAM SCHEDULE

10:00 - 10:30	Introductions
10:30 - 12:30	Palestinian Elections Speakers: Nablus - Sami Kilani Hebron - Firas Yaghi Gaza City - Tawfiq Abu Ghazaleh Khan Younis - Bassam Nasser
12:30 - 1:30	Lunch
1:30 - 3:30	Special Concerns of Women in an Electoral Process Speaker: Raqiya Humeidan

MEMORANDUM

TO: Mrs. Raqiya Humeidan

FROM: Margaret Zaknoen
NDI Women's Program Coordinator

DATE: November 5, 1995

RE: Terms of Reference for Young Women's Democracy and Human Rights Education and Training

---

Thank you very much for agreeing to participate in the Young Women's Democracy and Human Rights Education and Training Program being conducted jointly by the National Democratic Institute for International Affairs (NDI) and the Jerusalem Center for Women (JCW). Your extensive election-related experience will be very valuable in this program, and we are excited that you will be able to participate.

The purpose of this memorandum is to describe the rationale and methodology of the NDI/JCW program for Palestinian women. For information on the current Palestinian political situation and on the status of Palestinian women in particular, please consult your briefing book.

I hope that this terms of reference will help clarify your role in the program, but please do not hesitate to contact me should you have any questions. In addition, I would be most grateful for any programmatic suggestions you might have both before and during your stay in the West Bank and Gaza Strip.

Although I expect that we will work hard during the program, I think that you will find the atmosphere to be stimulating. While the political situation is complex and often difficult, the women participating in the program are quite active and eager to learn about the experiences of women in other countries, particularly other Arab Muslim countries.

I. The NDI/JCW Democracy and Human Rights Education and Training Program for Palestinian Women

Since NDI began working in the West Bank and Gaza Strip in December 1993, numerous Palestinians have expressed concern that as Palestinians move toward autonomy, women will occupy few leadership positions in politics and society. While NDI is committed to ensuring women's participation in all of its activities, it believes that programs designed specifically for women are also crucial in efforts to promote women's participation in politics and society. The Jerusalem Center for Women (JCW) is a non-governmental Palestinian women's organization that is committed to promoting a democratic Palestinian society that is based on

equality and tolerance, without gender bias or discrimination. In support of this goal, the JCW believes that women must be made aware of their rights in a democratic society, and must be mobilized to claim and express those rights.

A. Primary Objectives and Broad Outline of the Program

The long-term objective of this program is to encourage the formation of a cadre of women democracy and human rights educators and activists who are aware of democratic institutions and practices and the role of women within them. By introducing them to women from other countries who have been active in building their own democratic societies, we hope to encourage women to play important roles in Palestinian politics and society. Likewise, by teaching Palestinian women about democratic institutions and practices elsewhere, we hope to provide them with ideas that they might adapt to support and strengthen the Palestinian democratic transition.

As Palestinians have scant experience in democratic governance and elections, one focus of the program involves the dissemination of basic information about the various elements of democratic societies. This will be done through a monthly cycle of workshops that each address a different topic related to democracy and elections, much like a civic education curriculum. The workshops are intended to be both informational and motivational. As you know, the topic of this month is the electoral process.

The second focus of the program involves assisting the participants with developing "action plans." It is envisioned that the women will come up with ideas and develop plans to exercise the democratic rights they are discussing in the monthly workshops. These could be plans to either address a specific problem in their community or to become involved in some way in the upcoming Palestinian election process. For example, some of the participants have already begun to consider organizing a candidate forum in their district.

Approximately 125 women will participate in this program over the next seven months. These women are divided into five groups throughout the West Bank and Gaza Strip. The north of the West Bank includes the cities of Nablus, Toulkarem and Jenin. The center of the West Bank includes Jerusalem and Ramallah. The south of the West Bank includes Hebron and Bethlehem. In all of these regions, women from the surrounding villages are participating. There are two groups of participants in Gaza, one in Gaza City and one in the southern city of Khan Younis. In these cities as well, women from the surrounding villages and refugee camps are participating. The participants, likewise, come from different segments of society; about one third of the women are university students, one-third working women and one third housewives and mothers. Factional diversity exists among the participants as well.

In recruiting participants for this program, NDI and the JCW have for several reasons focused mainly on younger women (most are between the ages of 20 and 35). Women of this age group often express a deisire to become involved in the political process, but at the same time they express frustration at the difficulties in doing so. Added to the obstacles that women in general face in becoming politically active, younger women are impeded by the top-heavy nature of the Palestinian women's

movement. They express frustration at the inability of younger women to break into the leadership of the women's movement, and to make their voices heard. Most international organizations, however, have thus far concentrated their efforts on assisting older, established women leaders. Given the focus of these other groups, we believe that our resources might have the most impact on this as-yet-unaddressed, but crucial, segment of the Palestinian population.

The women have already participated in the first month of the program. The month consisted of a week-long series of lectures and workshops, held consecutively in each of the five program areas, which introduced democracy and human rights in general. The workshop in which you participate will begin the monthly cycle of discussions that focus in more detail on specific topics relating to democracy and elections.

B. Format and Agenda of the Workshops

One full-day workshop will be held in each of the five program areas. Approximately twenty women will participate in each workshop. In Gaza City, however, close to forty women will participate. The workshops will be divided into two sessions, with lunch in between. Each speaker will be asked to give a 45-minute presentation, with a 45-minute question-and-answer period following. Ibrahim Bsharat of the Palestinian Campaign for Human Rights Education will lead the first session. In this session, he will focus on the Palestinian electoral process. He will discuss Palestinians' experience with university and professional association elections as background, and then turn to a discussion of the Palestinian electoral system. You will have the opportunity to meet with Ibrahim before the first workshop, so that you can discuss and coordinate your presentations in more detail.

The title of your session will be "Special Concerns of Women in an Electoral Process." Ibrahim Bsharat's session is likely to be about electoral processes in general. As a result, we would like you to focus on issues that relate more specifically to women, such as how to select a candidate, pressure from family members regarding who to vote for or whether or not to participate in the elections, freedom of movement, secrecy of the ballot, etc. This will be the participants' first experience with elections of these type, and many of them may not be aware of these issues or how to deal with them. It would helpful if you were to draw on personal experience in your discussion of these issues. Describing your experience as an Arab Muslim woman that became the only woman to sit on the Yemen Supreme Election Commission will undoubtedly give these women the confidence that they too could occupy similar positions, as well as comfort in knowing that they are not alone in the obstacles they face.

Finally, NDI is currently supporting the efforts of a coalition of Palestinian non-governmental organizations that will monitor the entire election process. It is hoped that many of the participants in this program will volunteer to serve as domestic monitors on election day. Therefore, your extensive experience in election observation can also be drawn on to make the participants aware of the types of things should be monitored during an election process, particularly by women, and what the experience of women in other countries has been in this regard.

C. *Issues to Consider*

Many of the participants have expressed that while they would like to work to build a democratic society, they are less interested in becoming involved in "politics." While a central goal of our program is undoubtedly to encourage women to be politically active, we have in mind a very broad sense of "politics" that might also be called "public affairs" or "community life." Our objective might be achieved more effectively without emphasizing the word "politics." Palestinian women may be more responsive if certain activities are framed in terms of civic duty or building a democratic society rather than simply becoming politically active.

It is, likewise, important to be aware that while many Palestinians are critical of the Oslo II agreement and the negotiations leading up to the agreement, recent polls indicate that a majority of Palestinians intend to participate in these elections. At the same time, many Palestinians express concern about the extent to which the process will be free and fair and the likelihood that it will lead to the establishment of a democratic system of governance in the West Bank and Gaza. In this regard, it is important to note a distinction between concerns expressed in the West Bank and those expressed in Gaza. As you know, with the exception of Jericho, the West Bank has not come fully under the authority of the Palestinian Authority and Israeli troops have not yet been redeployed, while the Palestinian Authority has been functioning in the Gaza Strip for over two years now. The concerns expressed by participants in Gaza tend to focus more on the behavior of the Palestinian Authority and the perceived corruption within the Authority. In doing so, their discussion of democracy tends to be directed inward as they consider the prospects for democracy within Palestinian society. West Bank participants, on the other hand, tend to speak about democracy in terms that relate more to the relationship between Israelis and Palestinians, focusing on democracy as a mean to express their independence and identity.

NDI/JCW PROGRAM OF DEMOCRACY AND HUMAN RIGHTS EDUCATION AND TRAINING FOR PALESTINIAN WOMEN WEST BANK AND GAZA STRIP

DECEMBER 3 TO 8, 1995

Raoufa Hassan: "Candidacy and Campaigning"

Sunday, December 3	
All Day	Arrive in Jerusalem
Monday, December 4	
9:30 - 12:00	Breakfast Briefing on Program and Participants
2:00 - 4:00	Meeting with JCW Director Ghada Zughayar and Program Coordinator Sherene Abdul Hadi
7:00	Dinner with NDI
Tuesday, December 5	
8:00 - 9:30	Travel to Gaza
10:00 - 3:30	Gaza City Workshop
6:00	Dinner at La Mirage with Rawya Shawwa
Wednesday, December 6	
9:30 - 10:00	Depart for Khan Younis
10:00 - 3:30	Khan Younis Workshop
4:00 - 6:30	Return to Jerusalem

Thursday, December 7

9:00 - 10:00	Travel to Hebron
10:00 - 3:30	Hebron and Jerusalem Workshop
3:30 - 5:00	Meeting with Hebron journalists and academics at Al Watan Institute
5:00	Return to Jerusalem

Friday, December 8

8:30 - 10:00	Travel to Nablus
10:00 - 1:00	Nablus Workshop
1:00 - 2:30	Return to Jerusalem
3:00	Depart for Sana'a

NDI/JCW PROGRAM OF DEMOCRACY AND HUMAN RIGHTS EDUCATION AND TRAINING FOR PALESTINIAN WOMEN

DECEMBER 4 TO 8, 1995

WEST BANK AND GAZA STRIP

PROGRAM SCHEDULE

10:00 - 10:15	Introductions
10:15 - 1:15	"Working for Ourselves" Speaker: Raoufa Hasan
1:15 - 2:00	Lunch
2:00 - 3:30	Impact of Palestinian Election System and Society on Women Candidates Speakers: Gaza City - Rawya Shawwa Hebron - Amal Khreishe Nablus - Amal Kreishe

MEMORANDUM

To: Ms. Raoufa Hassan

From: Margaret Zaknoen
NDI's Women's Program Coordinator

Date: November 29, 1995

Re: Terms of Reference for Young Women's Democracy and Human Rights Education and Training

---

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believes that women must be made aware of their rights in a democratic society, and must be mobilized to claim and express those rights.

A. *Primary Objectives and Broad Outline of the Program*

The long-term objective of this program is to encourage the formation of a cadre of women democracy and human rights educators and activists who are aware of democratic institutions and practices and the role of women within them. By introducing them to women from other countries who have been active in building their own democratic societies, we hope to encourage women to play important roles in Palestinian politics and society. Likewise, by teaching Palestinian women about democratic institutions and practices elsewhere, we hope to provide them with ideas that they might adapt to support and strengthen the Palestinians democratic transition.

As Palestinians have scant experience in democratic governance and elections, one focus of the program involves the dissemination of basic information about the various elements of democratic societies. This is done through a monthly cycle of workshops that each address a different topic related to democracy and elections, much like a civic education curriculum. The workshops are intended to be both informational and motivational. As you know, the topic of this month is "Candidacy and Campaigning."

The second focus of the program involves assisting the participants with developing "action plans." It is envisioned that the women will come up with ideas and develop plans to exercise the democratic rights they are discussing in the monthly workshops. These could be plans to either address a specific problem in their community or to become involved in some way in the Palestinian election process. For example, some of the participants have already begun to consider organizing a candidate forum in their district.

Approximately 100 women will participate in this program over a seven-month period. These women are divided into five groups throughout the West Bank and Gaza Strip. The north of the West Bank includes the cities of Nablus, Tulkarem and Jenin. The center of the West Bank includes Jerusalem, Bethlehem and Ramallah. The program is also held in the southern city of Hebron. In all of these regions, women from the surrounding villages are participating. There are two groups of participants in Gaza, one in Gaza City and one in the southern city of Khan Younis. In these cities, as well, women from the surrounding villages and camps are participating. The participants, likewise, come from different segments of society; about one third of the women are university students, one third are working women and one third housewives and mothers. Factional diversity exists among the participants as well.

In recruiting participants for this program, NDI and the JCW have for several reasons focused mainly on younger women (most are between the ages of 20 and 35). Women of this age group often express a desire to become involved in the political process, but at the same time they express frustration at the difficulties in doing so. Adding to the obstacles that women in general face in becoming politically active, younger women are impeded by the top-heavy nature of the Palestinian women's

movement. They express frustration at the inability of younger women to break into the leadership of the women's movement and to make their voices heard. Most international organizations, however, have thus far concentrated their efforts on assisting older, established women leaders. Given the focus of these other groups, we believe that our resources might have the most impact on this as-yet-unaddressed, but crucial segment of the Palestinian population.

The women have already participated in two monthly program cycles. The first month consisted of a week-long series of lectures and workshops, held consecutively in each of the five program areas, which introduced democracy and human rights in general. The second month was devoted to the electoral process, both in general and the Palestinian electoral process specifically. Mrs. Raqiya Humeidan came from Yemen to speak to the participants about her experience as the only woman member of the Yemen Supreme Elections Committee and as an international observer of elections in Senegal, Morocco and Nepal. In addition to Mrs. Humeidan, Sami Kilani, Firas Yaghi, Tawfiq Abu Ghazaleh and Bassam Nasser spoke to the participants about the details of the Palestinian election law and electoral system.

B. Format and Agenda of the Workshops

One full-day workshop will be held in each of the five program areas. Approximately 20 women will participate in each workshop. In Gaza City, however, close to forty women will participate. The workshops will be divided into two sessions, with lunch in between. You will conduct the first session which will last approximately three hours. You will be joined in the workshops by Palestinian women -- some of whom plan to run as candidates -- who will speak about the impact that the Palestinian election law, electoral system and society are likely to have on women candidates. For example, prominent Palestinian women activists have been critical of the district system (the territories have been divided into 16 electoral districts), arguing that this will reinforce tribal authority and reduce the chances for women candidates to be elected. There has also been a debate within the Palestinian women's movement over the issue of a women's quota, although the election law does not provide for one.

We would like your session to focus on the organization of an election campaign and the challenges that women candidates in particular are likely to face. It is not likely that any of the participants in this program will run as candidates in the elections. It is likely, however, that many of them will be interested in volunteering to support a women candidate or in working on a women's campaign. This will be the participants' first experience with elections of this type, and many of them may not be aware of the procedures or requirements of organizing an electoral campaign. It is also expected that the number of women candidates in this election will be low. Many prominent Palestinian women may be hesitant to run and have expressed the concern that support from women themselves will be lacking. It would be helpful if you were to draw on personal experience in your discussion of these issues. Describing your experience as an Arab Muslim woman running for parliament in a traditional society will undoubtedly encourage these women to support Palestinian women candidates and to become active in their campaigns.

C. *Issues to Consider*

Many of the participants have expressed that while they would like to work to build a democratic society, they are less interested in becoming involved in "politics." While a central goal of our program is undoubtedly to encourage women to be politically active, we have in mind a very broad sense of "politics" that might also be called "public affairs" or "community life." Our objective might be achieved more effectively without emphasizing the word "politics." Palestinian women may be more responsive if certain activities are framed in terms of civic duty or building a democratic society rather than simply becoming politically active.

It is, likewise, important to be aware that while many Palestinians are critical of the Oslo II agreement and the negotiations leading up to the agreement, recent polls indicate that a majority of Palestinians intend to participate in these elections. At the same time, many Palestinians express concern about the extent to which the process will be free and fair and the likelihood that it will lead to the establishment of a democratic system of governance in the West Bank and Gaza. In this regard, it is important to note a distinction between concerns expressed in the West Bank and those expressed in Gaza. As you know, with the exception of Jericho, the West Bank has not come fully under the authority of the Palestinian Authority and Israeli troops have not yet been redeployed, while the Palestinian Authority has been functioning in the Gaza Strip for over two years now. The concerns expressed by participants in Gaza tend to focus more on the behavior of the Palestinian Authority and the perceived corruption within the Authority. In doing so, their discussion of democracy tends to be directed inward as they consider the prospects for democracy within Palestinian society. West Bank participants, on the other hand, tend to speak about democracy in terms that relate more to the relationship between Israelis and Palestinians, focusing on democracy as a mean to express their independence and identity.

APPENDIX E:

JCW FINAL NARRATIVE REPORT

Target Group Description

The program seeked to recruit women students in upper classes at high schools, university students and newly graduates which are between the age range of (17-25) years. This was in an attempt to infuse them within the building process of a civilized educated and tolerant society and activate them in Palestinian women 's issues. Furthermore to elevate the level of awareness of the Palestinian women of their social and political being through their knowledge of their rights within the Palestinian society. In general, the program tried to maintain the proportion of the specific age range but with some of the participants there were some exceptions above the desired age, because of their dedication and serious interest in participating in the program.

Age Range:

Gaza Strip: participants	There is a percentage of 20% who are in their thirties, and the rest of the group (80%) are between the range of 17-28 years of age.
North West Bank: participants	The ages in this group range between (17-25) years with the exception of only 10% above thirty.
Central West Bank: participants	The ages of this group are in essence between (16-19), with the exception of only three who are in their twenties.
South West Bank: participants	the Average age range is between (23-29) years with the exception of 25% of the participants in their mid-thirties.

Education Background

_____ There is a percentage of 10% of the participants who did not complete their High school diplomas, and about 15 participants completed their High school diplomas, and the rest have completed their undergraduate (University) degree.

_____: Eight of the participants completed an education above the High school degree, either taking courses at two year colleges or have attended some kind of institute training and some are attending University. There are only two who have not finished their High school education and only two who have not followed later education after their High school diplomas.

_____ Five participants from the group are attending University, and the rest are still in High school.

_____: Seven participants have completed their High school education and the rest have completed their undergraduate education.

Demographic Distribution:

_____ Forty percent of the participants are residents of refugee camps like Rafah and Al-Naseerat, and about 10% are from surrounding village, whilst the rest of the group are from cities like Gaza, and Khan-Yunis.

_____ Ten participants are from nearby villages and eight of them from the cities which most represent Nablus.

_____: Almost 80% of the participants are from Jeruselem city, whilst the rest of the 20% are from Ramallah.

participants can actually identify and recognize their rights and any violations of these rights on the level of their daily lives, and they do not hesitate to pinpoint the problems.

There needs to be a concise plan for research or an assessment of the needs of the specific target group, before we can lay out the agenda of the program or topic of workshops to be covered. The best fit way to fulfill this research is to take this target group which has already undergone a sort of sensitization to a certain issue through the workshops tackling various issues including citizen rights, role of the individual, and gender issues, and have them take part in an assessment of their needs and interests and how they would go about fulfilling them.

It is very important to work with the same group than to move on to a new group which has not reached this level of awareness.

-----End-----

Thank You

Sincerely,
Sherene Abdul Hadi
Project Coordinator

cc: Ghada Zughayar

Young Women Democracy & Human Rights Education & Training Program

Final Narrative Report

Contents:

- *Summary of all workshops implemented during the lifespan of the project*
  - *Activities*
  - *Action-plans*
- *Final Description and Analysis of Target group*
- *Evaluation and Assessment of the project*

Forty percent of the participants are from Hebron villages mostly comprising of Nuba, Dura, and Idna. The rest of the group are from Hebron city and Halhoul.

Evaluation & Assessment

As a result of two steering committee meetings held on Saturday the 11th and on Tuesday the 14th of May, attended by Ghada Zughayar, Margaret Zakneen, Rana Nashashibi, and the project Staff: Yumna Huwari, Saoan Ikhmayyes, and myself, Sherene Abdul-Hadi, many recommendations and conclusions were resolved.
The general outcomes which we as the staff of the project came up with after a long year experience working in the program specifically account to the following:

- The age range of the target groups do not necessarily need to be the same as in all the areas.
- The needs and interests of the target group differed from one area to another.
- The dedication level differed from one area to another.
- It is not necessary to hold the same workshop in all the areas.

The age did not really pose as an important factor to be decided in choosing a target group to work with in this specific program. Rather, the gap or range appeared to be the crucial element. Furthermore, the effect of the size of the age range differed from one area to the other. The age range of 20-40 years of age seems to be a large gap between almost two generations, nevertheless this was the case with the Gaza group and it turned out to be very successful.

The success of the workshops depends largely on the skillful art of the facilitators and the methodology by which the lecturers convey tacit information.

Recommendations:

Short term intervention is not as effective where these programs are concerned because there are a lot of elements that impede the development of the program. There are several elements of frustration in which the participants find themselves entrapped in as they become aware but have no alternative for an emancipator action. To bring about change in any area of concern, there needs to be a constant relationship of challenge and support between the program and the participants. Short term intervention succeeds to the level of awareness but does not provide support, at least not a solid long life support.

In general, all agreed that the program enjoyed a healthy relationship between it's staff and participants, and

successfully met the goals it aimed for through its auspicious workshops and well planning. Originally, the both of the cooperative agreement sides worked out an outline of each of the workshops to be done. As the program was moving in time, the staff started to sense and discuss the interests and needs of each of the target groups and laid out a plan for each of the workshops to be done depending on the conclusion in respect. The program staff find that the participants have benefited tremendously from the program based on a series of interviews which were organized by the field officers with the participants in each of the areas. The participants conveyed tremendous interest in the issues that have been tackled all through the program and they expressed specific interest to the issues of violence and self-assertiveness. Furthermore, generally, the participants felt that they acquired basic information which they were not aware of before, and have achieved new means where they can turn to for counseling, legal aid, or family planning advise.

As for the assessment of the program staff, in conclusion, the staff found that even if the participants were not trained to become more infused or active in the political sphere of public life, and motivated to work as a group for affirmative action, which was one of the original goals of the program, nevertheless, the participants have actually come a long way, as they have developed their own personal language of human rights, when they talk about human rights they talk about their individual rights, relating to their personal lives and consistent and adhering to their daily lives. These

APPENDIX F:

PDMC TRAINING MANUAL

Palestinian Domestic
Monitoring Committee
Ramallah - Al-Bakri Center
Fifth Floor - Tel-Fax 02/995-2718

PDMC

لجنة الرقابة الفلسطينية المحلية
رام الله - عمارة البكري
الطابق الخامس- تلفاكس ٢٧١٨-٩٩٥ / ٠٢

إرشادات وتعليمات
لمتطـوعـــي
لجنة الرقابة الفلسطينية المحلية

PDMC

انتخابات رئيس السلطة الوطنية
وأعضاء المجلس التشريعي
١٩٩٦/١/٢٠

الشعب يراقب الشعب ينتخب

202

مقدمة

تم اعداد هذا الكتيب من قبل لجنة الرقابة الفلسطينية المحلية PDMC لتوضيح بعض ما ينبغي على متطوع الرقابة إتباعه أو تفاديه يوم الاقتراع.

ومرفق مع هذا الكتيب جميع الاستمارات الواجب تعبئتها واستخدامها من قبل المراقب المحلي في يوم الاقتراع السبت ٢٠ كانون الثاني ١٩٩٦.

ونتمنى لجميع المشاركين والمشاركات في عملية الرقابة النجاح والتوفيق في خدمة وطنهم من خلال ضمان إجراء انتخابات فلسطينية عادلة وحرة ونزيهة.

لجنة الرقابة الفلسطينية المحلية

لجنة الرقابة الفلسطينية المحلية
PALESTINIAN DOMESTIC MONITORING COMMITTEE

س١- من هو مراقب الانتخابات المحلي؟

ج- مراقب الانتخابات هو أحد متطوعي لجنة الرقابة الفلسطينية المحلية وهي لجنة فلسطينية مستقلة غير حكومية ومحايدة وتهدف لدعم إجراء انتخابات عادلة ونزيهة.

س٢- ما هو الدور المناط بمراقب الانتخابات المحلي ؟

ج- تنحصر مهمة المراقب المحلي بالقيام بمراقبة كل ما يتم أمامه من إجراءات خلال العملية الانتخابية وفي يوم الاقتراع وتدوين ذلك في الاستمارات المرفقة مع هذا الكتيب. ولا يحق له التدخل بأي عمل من الأعمال سواء بالتوجيه أو المعارضة أو الموافقة مع لجنة الانتخابات المركزية أو مندوبي الأحزاب أو المرشحين أو من يمثلهم. وبمجرد انتهاء العملية الانتخابية يقوم المراقب بتسليم الاستمارة المعبئة إلى مكتب اللجنة في منطقته.

س٣- ما ينبغي أن يحضره المراقب يوم الاقتراع؟

ج- على المراقب أن يحضر معه الآتي:

١. هويته الصادرة من لجنة الانتخابات المركزية والتي تخوله الدخول والبقاء في المركز للمراقبة
٢. الهوية الشخصية
٣. استمارات اللجنة
٤. وسائل توثيق ورصد مثل قلم، أوراق، كاميرا، مسجل أن أمكن
٥. الشعار الخاص بلجنة الرقابة المحلية

س٤- متى يصل المراقب إلى مركز الاقتراع؟

ج- على المراقب أن يتواجد في مركز الاقتراع الذي خصص له في تمام الساعة السادسة والنصف صباحا علما بان مشرفي لجنة الاقتراع سيتواجدون من الساعة السادسة صباحا.

س٥- ما الأمور التي يجب على المراقب مراعاتها لحظة وصوله إلى مركز الاقتراع؟

١. التعريف بنفسه أمام رئيس اللجنة والأعضاء بمركز الاقتراع من خلال إبراز هويته الشخصية والهوية الصادرة عن لجنة الانتخابات المركزية
٢. إلقاء نظرة عامة على المكان الذي سيتم فيه الاقتراع وما حوله
٣. تعبئة الاستمارة رقم (١)
٤. حضور المراقب إلى مركز الاقتراع لمشاهدة رئيس اللجنة الانتخابية يفتح صندوق الانتخابات أمام الحاضرين من المرشحين أو مندوبيهم للتأكد من خلوها من أي شيء وإغلاقها وختمها وتحرير المحضر الأول ووضع صندوق الاقتراع في مكان بارز أمام الناخبين وذلك قبل البدء في عملية الاقتراع

س٦- ما هو الواجب المناط بالمراقب أثناء توجداه داخل مركز الاقتراع؟

ج- ملاحظة كل ما يتعلق بسير إجراءات العملية الانتخابية مثل:

١. قيام رئيس وأعضاء اللجنة الانتخابية في المركز بمطابقة البطاقات الشخصية لكل ناخب ليدلي بصوته حسب كشوفات أسماء الناخبين لدى اللجنة وشطب اسمه.

٢. قيام رئيس اللجنة بختم وتسليم كل ناخب بطاقة الاقتراع.

٣. سرية الاقتراع والتصويت داخل الحجيرات المخصصة لذلك في قاعة الانتخابات.

٤. عدم الضغط أو تهديد أي من المقترعين.

٥. خلو الغرفة من الشعارات والصور الدعائية لأي من المرشحين.

٦. اصطحاب الناخب الأمي أو الكفيف مساعدا له داخل مركز الاقتراع.

٧. ضرورة شطب اسم كل ناخب أدلى بصوته من كشوفات الناخبين بالقلم الخاص.

٨. عدم وجود قوات بأسلحتها داخل مركز الاقتراع إلا عند طلب رئيس اللجنة للتخلص أو طرد المشاغبين.

س٧- ماذا يعمل المراقب في حاله حدوث مشاكل تؤثر على سير العمل الانتخابي؟

ج- تعبئة الاستمارة رقم (٣) وإبلاغ منسق المنطقة تلفونيا أو عن طريق أحد الناخبين أو المندوبين أو من خلال المراقبين المتجولين أو الاتصال بمكتب منطقته أو بالمكتب الرئيس.

س٨- ماذا يعمل المراقب عند بدء عملية الفرز

١. التواجد في مركز الاقتراع

٢. مراقبة عملية الفرز

٣. تعبئة الاستمارة المخصصة لعملية الفرز

٤. كتابة عدد الأصوات التي حصل عليها كل مرشح

س٩- ماذا يعمل المراقب بعد الفرز؟

ج- إرسال الاستمارات والمعلومات التي لديه إلى منسق المنطقة أو مكتب منطقته أو المركز الرئيس بأسرع وقت ممكن.

س١٠- في حالة عدم السماح لك بالبقاء داخل مركز الاقتراع للقيام بواجبك ماذا تفعل؟

١. عليك الانصراف وعدم الامتناع

٢. عليك إثبات ذلك في الاستمارة التي يوجد لها خانة الملاحظات

٣. عليك الإجابة على الأسئلة الواردة في الاستمارات المعطاة لك للفترة التي قضيتها داخل المركز

س١١- ماذا تفعل في حالة سماعك عن مخالفات من أحد الأصدقاء أثناء غيابك أو أثناء عدم تواجدك في مكان المخالفة؟

ج- يفضل أن يكون ما تكتبه أو تثبته في الاستمارة قد تم أمامك وشاهدته بنفسك وليس كما قيل لك أو كما سمعت حتى تكون الرقابة بصدق وامانه.

س١٢- حضر زميل يحمل بطاقة الرقابة المحلية وعرض مشاركتك بالرقابة أو استلام المهمة؟

ج- يتم التأكد من بطاقته ومن ثم يسلم كافة الأوراق اذا ما رغبت بالخروج ويتم تنسيق جدول بينكما مع ضمان وجود أحدكما طيلة وقت الاقتراع والفرز.

س١٣- أن سألك أحد المواطنين عن افضل المرشحين أو أفضل الأحزاب السياسية لديك؟

ج- امتنع عن الإدلاء بأي تصريحات سياسية أو الدخول في نقاشات جانبية خلال تطوعك للرقابة على الانتخابات.

س١٤- إن سألك الصحفيون عن رأيك أو ملاحظاتك عن سير عملية الاقتراع؟

امتنع عن الإدلاء بأية تصريحات أو ملاحظات ووجههم لمراجعة مقر لجنة الرقابة الفلسطينية المحلية بعمارة البكري الطابق الخامس تلفون رقم ٩٩٥٢٧١٨-٠٢، الناطق الإعلامي ليحصلوا على معلومات شاملة ورسمية ودقيقة. وان اضطررت للتحدث استخدم النص التالي:

أنا متطوع من لجنة الرقابة الفلسطينية المحلية تنحصر مهمتي برصد فعاليات اليوم الانتخابي لضمان سير الإجراءات وفقا لما نص عليه القانون الانتخابي. وسأعمل على إرسال تقرير إلى اللجنة في نهاية يوم الاقتراع التي ستقوم بتحليل ونشر بيان نهائي بشكل رسمي. فان أردتم مزيد من المعلومات يمكنكم الاتصال بالناطق الإعلامي أو مراجعة مكتب اللجنة في منطقتك.

س١٥- في حالة حدوث مخالفات وخروقات واضحة ماذا تفعل؟

ج- ١) تسجيلها في الاستمارة رقم (٣) بها مع الإثباتات إن أمكن

٢) إبلاغ ولفت نظر رئيس لجنة الاقتراع في مركز الاقتراع الى حدوثها

س١٦- في حاله حدوث مصادمات عنيفة ماذا تفعل؟

ج- ابتعد عن المواجهة وقم برصد جميع ملاحظاتك من بعيد وتذكر بأن سلامتك تهمنا. وانك تعمل بحياد كمراقب فقط.

س١٧- في حالة تواجد مراقبون دوليون واستفسارهم عن سير الانتخابات؟

ج- احب باقتضاب.

س١٨- في حالة الملل أو الرغبة في مغادرة مركز الاقتراع؟

ج- تذكر بأنك تخدم فلسطين وانك تساهم في صنع لحظات تاريخية وبان أنظار العالم وأسماعهم متوجهة إلينا. ويجدر أن نشير أن مساهمتك تساعد على حماية مجتمعنا وترسيخ أسس الديمقراطية وبناء المؤسسة الفلسطينية.

س١٩- ما هي اهمية سرعة ايصال الاستمارة المعبأة الى المنسقين في المناطق؟

ج- على المراقب ان يقوم بارسال الاستمارات والنتائج والملاحظات حسب الطلب من اجل تأكيد وتثبيت الاجراءات الرسمية والخروقات ان حصلت ونشرها بالوقت المناسب.

س٢٠- من يستحق شهادة المشاركة في الرقابة على انتخابات المجلس التشريعي والرئاسة؟

ج- سيحصل كل متطوع عمل مع لجنة الرقابة الفلسطينية على شهادة ان:

١) عمل يوم الاقتراع بحيادية

٢) التزم بقوانين وتعليمات لجنة الرقابة

٣) قام بارسال نتائج الاستمارات بسرعة

س٢١- من هو منسقك؟

هناك ثلاث مكاتب تنسيق رئيسية موزعة في جميع انحاء الضفة الغربية على النحو التالي:

المكتب الرئيسي: عمارة البكري - الطابق الخامس - رام الله- تلفاكس ٩٩٥٢٧١٨-٠٢

مكتب الشمال: بيت الصداقة - نابلس - تلفاكس ٣٨٣٦٤٤-٠٩

مكتب الجنوب: مركز الوطن - الخليل هاتف ٩٩٢٧٩٨٧-٠٢ فاكس رقم ٩٩٢٠٩٠٧-٠٢

ويجدر ان ننوه ان هناك مكاتب تنسيق اخرى موزعة على جميع انحاء الضفة الغربية يمكن ان تحصل على عناوينها من احدى المكاتب المذكورة اعلاه.

الاســـــــم	الهاتـــــف

Palestinian Domestic
Monitoring Committee
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Fifth Floor - Tel-Fax 02/995-2718

PDMC

لجنة الرقابة الفلسطينية المحلية
رام الله - عمارة البكري
الطابق الخامس- تلفاكس ٢٧١٨-٩٩٥ / ٠٢

استمارة رقم (١)

استمارة تستخدم لحظة الوصول

أسم الدائرة الانتخابية : _____ رقم الدائرة الانتخابية: _____
اسم مركز الاقتراع: _____ رقم مركز الاقتراع: _____
عدد صناديق الاقتراع: _____
رقم صندوق الاقتراع الخاص بالرئيس: _____
رقم صندوق الاقتراع الخاص بمرشحي المجلس: _____
أسماء ووظائف أعضاء لجنة مركز الاقتراع :
الاسم :
١- _____ رئيس
٢- _____ مساعد أول
٣- _____ مساعد ثاني
٤- _____ مساعد ثالث

س- هل تم أحداث تبديلات بين أعضاء لجنة مركز الاقتراع؟
أ) نعم ب) لا

ان أجبت "بنعم" اذكر اسم عضو اللجنة البديل ومنصبه: _____
و _____ و _____

أسماء وكلاء المرشحين المقيمين والمتواجدين في مركز الاقتراع:

اسم وكيل المرشح	اسم المرشح
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

س- كم عدد أسماء الناخبين في المركز _____؟

س- كم عدد بطاقات التصويت الانتخابية الموجودة عند بدء الاقتراع _____؟

اسم مراقب لجنة الرقابة الفلسطينية المحلية: _____ التوقيع: _____

الشعب يراقب الشعب ينتخب

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استمارة رقم (٢)

استمارة لمراقبة عمليات الاقتراع

١) هل وجدت صعوبة في إيجاد مقر مركز الاقتراع؟
أ) نعم ب) لا

٢) هل توجد لوحات أو إشارات تدل على مقر مركز الاقتراع
أ) نعم ب) لا

٣) عدد رجال الأمن في مركز الاقتراع : _____.

٤) هل تم ترتيب حجيرات الاقتراع بالشكل الذي يضمن سرية الاقتراع .
أ) نعم ب) لا

٥) هل تم فتح وعرض الصناديق قبل بدء عملية الاقتراع.
أ) نعم ب) لا

٦) هل دمغت صناديق الاقتراع بالشمع الأحمر؟
أ) نعم ب) لا

٧) هل وضعت الصناديق في مكان بارز تتوسط قاعة الاقتراع؟
أ) نعم ب) لا

٨) هل يوجد ملاحظات إرشادية للناخبين في مركز الاقتراع؟
أ) نعم ب) لا

٩) هل بدء الاقتراع في الساعة السابعة صباحا؟
أ) نعم ب) لا

وان كانت الإجابة "لا" حدد ساعة بدء الاقتراع _____.

١٠) هل يغادر الناخب القاعة مباشرة بعد الإدلاء بصوته؟
أ) نعم ب) لا

١١) هل يتعرض الناخب للمضايقة من قبل مندوبين الأحزاب أو المرشحين أثناء الإدلاء بصوتهم أو أثناء الانتظار؟
أ) نعم ب) لا

١٢) هل يتم شطب اسم كل ناخب من السجل بعد الاقتراع؟
أ) نعم ب) لا

١٣) هل يتم ختم ورقتي الاقتراع الحمراء والبيضاء عند تسليمهما للناخب وليس قبل ذلك؟
أ) نعم ب) لا

١٤) هل وجد عدد ناخبين اكثر من ضعف عدد الحجرات داخل غرفة الاقتراع في آن واحد؟
أ) نعم ب) لا

١٥) ما مدى الوقت الذي يستغرقه الناخب داخل مركز الاقتراع ؟

أ) دقيقة الى ٣ دقائق
ب) ٣ دقائق الى سبع دقائق
ج) سبع دقائق أو أكثر.

١٦) ما هو الوقت الذي انتهت فيه عملية الاقتراع _____؟

١٧) كم عدد الناخبين الذين قاموا بالاقتراع _____؟

١٨) كم عدد الأشخاص الذين منعوا من الاقتراع _____؟

١٩) كم عدد بطاقات الاقتراع التي ألغيت أو أتلفت _____؟

٢٠) كم عدد البطاقات الانتخابية المتبقية في نهاية اليوم _____؟

٢١) هل تم منع ناخبين يحملون بطاقات تسجيل من الإدلاء بصوتهم _____؟

لماذا _____؟

اسم مراقب لجنة الرقابة الفلسطينية المحلية: _____ التوقيع: _____

رقم بطاقات لجنة الانتخابات المركزية: _____

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استمارة رقم (٣)

استمارة تسجيل واقعة ومخالفة انتخابية

اسم الدائرة الانتخابية: _____ رقم الدائرة الانتخابية: _____

اسم مركز الاقتـــراع: _____ رقم مركز الاقتراع : _____

التـــاريخ: _____ الوقـت: _____

الشكوى / الحدث: _____

التفاصيل: _____

_____

_____

_____

_____

_____

_____

_____

الشواهد والاثباتات: _____

_____

الإسم: _____ الهوية: _____ تلفون: _____

الإسم: _____ الهوية: _____ تلفون: _____

اسم مراقب لجنة الرقابة الفلسطينية المحلية : _____

مرقم هوية مراقب الانتخابات : _____ التوقيع : _____

ملاحظة: عند تعبئة الاستمارة يراعى ذكر اسم الشخص او الجهة المنتهك حقها مع كتابة كافة الاجراءات التي تمت بصدد الواقعة وشرح مفصل بالحدث.

الشعب يراقب الشعب ينتخب

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استمارة رقم (٣)

استمارة تسجيل واقعة ومخالفة انتخابية

اسم الدائرة الانتخابية: _____ رقم الدائرة الانتخابية: _____

اسم مركز الاقتراع: _____ رقم مركز الاقتراع : _____

التاريخ: _____ الوقت: _____

الشكوى / الحدث: _____

التفاصيل: _____

_____

_____

_____

_____

_____

_____

_____

الشواهد والاثباتات: _____

_____

الإسم: _____ الهوية: _____ تلفون: _____

الإسم: _____ الهوية: _____ تلفون: _____

اسم مراقب لجنة الرقابة الفلسطينية المحلية : _____

مرقم هوية مراقب الانتخابات : _____ التوقيع : _____

ملاحظة: عند تعبئة الاستمارة يرجى ذكر اسم الشخص او الجهة المتهمة خلفها مع كتابة كافة الاجراءات التي تمت عند الواقعة وشرح مفصل بالحدث.

الشعب يراقب الشعب ينتخب

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استمارة رقم (٣)

استمارة تسجيل واقعة ومخالفة انتخابية

اسم الدائرة الانتخابية: _____ رقم الدائرة الانتخابية: _____

اسم مركز الاقتراع: _____ رقم مركز الاقتراع : _____

التاريخ: _____ الوقت: _____

الشكوى / الحدث: _____

التفاصيل: _____

_____

_____

_____

_____

_____

_____

_____

الشواهد والاثباتات: _____

_____

الإسم: _____ الهوية: _____ تلفون: _____

الإسم: _____ الهوية: _____ تلفون: _____

اسم مراقب لجنة الرقابة الفلسطينية المحلية : _____

رقم هوية مراقب الانتخابات : _____ التوقيع : _____

ملاحظة: عند تعبئة الاستمارة يراعى ذكر اسم الشخص او الجهة المشتكى عليها مع كتابة كافة الاجراءات التي تمت لمعالجة الواقعة وشرح مفصل للحدث.

الشعب يراقب الشعب ينتخب

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استمارة فرز رقم (٤)

خاصة لدائرة القدس

س١ هل قمت بمرافقة صناديق الاقتراع الى مركز الفرز؟

أ) نعم ب) لا

ان اجبت ب "لا" هل كنت موجود عند وصول صناديق الاقتراع الى مركز الفرز؟

أ) نعم ب) لا

س٢ هل قامت لجنة الفرز بعمل محضر اثبات حالة صناديق الاقتراع الواصلة من المراكز الانتخابية الى مركز الفرز قبل الشروع في فتحها والبدء بفرز الاصوات؟

أ) نعم ب) لا

س٣ متى بدأت لجنة الفرز بفتح اول صندوق من صناديق الاقتراع؟

أ) لحظة وصول الصناديق _____ ب) في وقت متأخر _____

الساعة : _____

س٤ ارقام صناديق الاقتراع والاوقات التي وصلت فيها من المراكز الانتخابية الى مركز الفرز:

الوقت _____ الرقم: _____

الوقت _____ الرقم: _____

الوقت _____ الرقم: _____

الوقت _____ الرقم: _____

الوقت _____ الرقم: _____

الشعب يراقب الشعب ينتخب

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استمارة فرز رقم (٥)

س١ متى بدأت لجنة الفرز بفتح اول صندوق؟

الساعة _____

س٢

أ)	كم عدد الناخبين الكلي المسجلين في مركز الاقتراع	
ب)	كم العدد الكلي لأوراق الاقتراع التي تم تسليمها لمركز الاقتراع	
ج)	كم عدد اوراق الاقتراع التي تم تسليمها للناخبين (باستثناء الاوراق التالفة)	
د)	كم عدد الاوراق التالفة	
هـ)	كم عدد اوراق الاقتراع غير المستخدمة	
و)	كم عدد الناخبين الذين لم يقترعون	
ز)	كم عدد اوراق الاقتراع التي تم وضعها في صندوق الاقتراع	

ملاحظة: يجب ان يتساوى عدد (ج) مع (ز) واذا اختلف الرقم يرجى تعبئة استمارة رقم (٣)

س٣ هل تم فرز اوراق الاقتراع الى اوراق اقتراع صالحة واوراق تالفة

أ) نعم ب) لا

س٤ هل تم ايداع الاوراق غير الصالحة في صندوق الاقتراع قبل النظر فيها؟

أ) نعم ب) لا

س٥ هل تم قراءة وعرض اوراق الاقتراع المحتوية على اسماء المرشحين بطريقة تمكن المرشحين ومندوبيهم والمراقبين الحاضرين من سماع الاسماء ورؤية محتواها؟

أ) نعم ب) لا

س٦ هل سمح لأحد من المرشحين او مندوبيهم ان يلمسوا اوراق الاقتراع؟ .

أ) نعم ب) لا

س٧ هل قام رئيس لجنة مركز الاقتراع بعرض كل ورقة اقتراع تم اختيارها او احتسابها على انها ورقة بيضاء او غير صاحلة على الحاضرين؟

أ) نعم ب) لا

س٨ هل تم نشر أي نتيجة من نتائج عدد الاصوات في مركز الاقتراع بعد العد مباشرة؟

أ) نعم ب) لا

س٩ رتب أسماء الفائزين بمقاعد المجلس التشريعي في دائرتك حسب أعلى الأصوات الحاصل عليها المرشح:

الاســـــم	عدد الاصوات

اسم مراقب لجنة الرقابة الفلسطينية المحلية: _____

رقم هوية المراقب: _____ التوقيع: _____

APPENDIX G:

PDMC PRESS RELEASES

Palestinian Domestic
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Press Release

Thursday 25th January 1996

The Palestinian Domestic Monitoring Committee "PDMC" is submitting a preliminary report on the election process.

PDMC Activities:

1. The PDMC coordinated and organized the work of 2200 volunteers all over the West Bank and East Jerusalem who were trained to carry out monitors functions on election day and report back to the committee. Even though the PDMC had requested credentials for its volunteers from theCentral Election Comission (CEC) since the end of December 1995, only 1500 volunteers received credentials.

2. Volunteers were supposed to work on the day of elections and later to be replaced for the night shift in every election site. Female volunteers would work day shift while their male collegues would take over the night shift. The lack of credentials for 700 volunteers confused work schedules for election day. Due to these conditions PDMC was only able to cover monitoring of 80% of election sites during the day, around 60% during night time and 10% on the following day.

3. PDMC volunteers, CEC representatives, and candidates representatives were exhausted by delays in counting process. Delays in the counting of Ballot Sheets were justified by the Central Election Comission in that this is the first experience for the Palestinians. We in PDMC consider this a dangerous action and we refuse any justification for this delay which caused severe problems: a) Volunteers were unable to monitor more than twenty hours due to their exhaustion and committments for the following day. b) Female officials of the CEC requested the CEC to tranfer ballot boxes at an early time, but this never happened. c) An official in Nablus city was forced to close the elction site and left to go home. d) Until after 21 hours of closing the election sites counting still continued in some of the places which, from our point of view, is unreasonable.

4. We observed a number of violations during election day and the counting:

a) Illegal campaigning on election day:

- Item 55 of article 2 of Palestinian Electoral Law, concerned with the period of campaigning, mentions the prohibition of all campaigning activities on the day before elections and the election day itself. Many candidates violated this article. The day before elections, for example, a letter was sent by us to the CEC requesting the stop of campaining but nothing was done in this regard.

- The Majority of candidates was still campaigning with stickers, photos and other material on election day and a large number of supporters were inside ballot stations in full view of police forces. A policeman asked about this violation of law replied to us that he is unaware of the fact that this violates the law.

- A member of CEC was present in Dahiet al-Barid when a car with three loud speakers was urging people to elect a certain candidate. He did not interfere.

- Palestinian Television broadcasted campaigns on the morning of election day, which is another violation of the above mentioned article in addition to the fact that the Television was not allowed to broadcast in favor of any of the candidates.

Violations with registration and voting:

- A citizen from Bethlehem area - name known to the PDMC - voted although she was not registered due to her stay in the USA during voter registration period. The addition of her name to the voter's lists means a violation of electoral law, article 7.

- A sister of one of the candidates in Ramallah area was in "Nadi Islami Ramallah-Polling Station" filling ballot sheets for a large number of illiterate voters. One of the citizens observed this and asked her to respect the law, thus leading to a confrontation until the police banned her from entering the ballot station (names known to PDMC).

- Yusuf Hassan -a citizen from Ramallah - was sent from one ballot station to the other all over the city until he spent five hours for the voting process.

- Ballot boxes in Nadi Islami Ramallah were closed at 2:30 .

- A CEC official assisted a blind man filling the sheet without taking his wishes into consideration (names known to PDMC).

- A security man witnessed another case of a candidate representative in a ballot station filling the sheet of an illiterate woman without respecting her wishes.

- The presence of security men inside ballot stations and sometimes interfering in advising people to vote for certain candidates.

- Ballot Box 9 in al-Uma College was left open for four hours because there was no lock?

- The loss of some ballot boxes for long ours, as in the case of Hebron.

- It is not clear how and where the police have voted. We came to know this by asking some of the poliocemen.

- The voting of illiterate people was a big area of violation. There was always interference from those who are present sometimes from other voters.

- A director of a CEC Committee has repeatedly called on voters to elect a certain candidate in Ramallah (names known to PDMC).

b) Counting process:

- A cut in electricity in different sites during counting process (Mukabir Abu Dis and Balata Camp) happened without supplies of torches and batteries for CEC officials.

- Not preparing minutes at ballot stations which states exactly the results with the signatories of those present.

- Article 82 page 44 item c & d of the Palestinian Electoral Law states on the following: The following groups have the right to observe the counting of results in election sites: representatives of candidates, domestic and international observers, and press. Unfortunately candidates representatives were prevented from entering the electoral department office in Hebron where the results of the different polling stations were collected until the evening of Sunday 21st, that is 24 hours after counting.

- The head of the ballot station in al-Uma College at Dahiet al-Barid prevented Domestic Monitors and candidate representatives from staying in the counting room.

- The head of the electoral district office in Hebron brought an envelope with the number 113, saying it was found in a corner with the envelopes for the election of the president insisting to add these numbers. During the following confrontation somebody mentioned that the envelope had been brought from outside. Not discussing the fact whether it had been brought from outside or not we find it strange that this incident happened on Monday morning at 11:30, 41 hours after closing ballot boxes, taking into consideration that even the farthest village is not more than 30 km away from Hebron.

c) Israeli Interference in Jerusalem

- Israeli Security caused tension by sending thousands of soldiers and policemen to Jerusalem and putting road blocks in front of polling stations hindering voters from entering.

- Israeli Security filmed voters by a video camera situated over the polling station at Salah-ed-Din Street which intimidated voters.

- Domestic Monitors were prohibited from observing inside post offices. Five volunteers were arrested including one member of the steering committee of PDMC.

- Israeli security prohibited a number of people with Jerusalem Identity Card coming from the West Bank to reach polling stations inside Jerusalem.

- Israeli Security destroyed a video camera for one of the domestic monitors while filming Israeli security activity at Damascus Gate.

- Putting limitations on activites of domestic monitors although the Taba Agreement has stated the free movement of observers between Gaza and West Bank. The Head of PDMC was hindered from entering Jerusalem at Ram check point although he had two identity cards as a monitor from the CEC. Despite these intimidations monitors succeeded in performing their tasks.

- Right wing Israeli parties distributed pamphlets written in Arabic threatening residents of Jerusalem to lose their Jerusalem Identity Cards when participating in elections. Some slogans in Hebrew were written on candidates posters to insult candidates.

- Domestic monitors and candidate representatives were prohibited from monitoring the transfer of ballot boxes.

- Security and policemen were present inside polling stations and outside checking voters' ID cards and their election cards.

- Ballot Boxes were not visible as ballot boxes because usual post boxes were used.

- People were not allowed to put the sheets into the boxes themselves but had to rely on a post officer to put them into the boxes.

d) Palestinian Violations

- Extending the election period in Jerusalem until after closure of ballot boxes. After 8 o'clock one box was still open for people coming from Abu Dis.

- Delay of counting in Law College at Abu Dis for several hours which caused the absence of representatives of candidates and domestic monitors.

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The PDMC submitts these results in this report on the Palestinian Elections in an effort to solve the problems and to study violations that have taken place in order to take suitable measures. We should after this not forget about the fact that these elections will not be the last and will be followed by the elections of the village councils during this year and in 1999 by the next elections for the Palestinian National Council. We would like to make the following recommendations to the CEC to be taken into consideration.

- Repeating elections in Jerusalem ensuring a democratic and not a warlike atmosphere, especially in the light of low voter participation rate.

- Repeating elections in the city of Hebron after the withdrawal of the Israeli army to leave space for democratic elections.

- A large number of candidates are questioning the results of the elections. We at PDMC are investigating these complaints and are waiting for final results. In this regard we call upon the CEC and the Election Appeal Court to investigate accurately and repeat elections in those areas, where complaints are found to be reasonable.

Palestinian Domestic Monitoring Committee (PDMC)

NATIONAL DEMOCRATIC INSTITUTE
FOR INTERNATIONAL AFFAIRS

THE CARTER CENTER

Jerusalem [illegible]
Gaza Omar El Mokhtar Street [illegible]

International Monitoring Mission - Palestinian Elections
January 20, 1996

Delegation Leaders

Jimmy Carter
former President
UNITED STATES

Hanna Suchocka
Former Prime Minister
POLAND

Delegation Members

Hafed Al Fadel
Director, Institute for Democracy
YEMEN

Graeme Bannerman
President, Bannerman Associates
UNITED STATES

Harry Barnes
Director
Conflict Resolution and Human Rights Programs
The Carter Center
UNITED STATES

Sergio Bitar
Senator
CHILE

Eric Bjornlund
Director West Bank & Gaza Programs, NDI
UNITED STATES

Daniel Brumberg
Professor, Georgetown University
UNITED STATES

Amy Carter
UNITED STATES

Jason Carter
UNITED STATES

Rosalynn Carter
UNITED STATES

William Chace
President, Emory University
UNITED STATES

Sanford Cloud
President
National Conference of Christians and Jews
UNITED STATES

Thomas Donahue
Former President AFL-CIO
UNITED STATES

Matyas Eorsi
Member of Parliament
HUNGARY

Prince Moulay Hicham Benabdallah
MOROCCO

BEST AVAILABLE

Raqiya Humeidan
Former Election Commissioner
YEMEN

Omar Kader
President, Pat-Tech
UNITED STATES

Mary King
Consultant
UNITED STATES

Adamou Kombo
Former Member of the Election Commission
NIGER

Flora Lewis
Journalist
UNITED STATES

Clairmont Lye
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GUYANA

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Member of Parliament
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Executive Director
International Human Rights Law Group
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UNITED STATES

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Chairperson, Swedish Committee for UNICEF
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UNITED STATES

William Quandt
Professor, University of Virginia
UNITED STATES

Karin Ryan
Assistant Director, The Human Rights Program
The Carter Center
UNITED STATES

Harold Saunders
Director, International Affairs
Kettering Foundation
UNITED STATES

Karen Shepherd
Former Member of Congress
UNITED STATES

Kenneth Stein
Professor, Emory University
Fellow, The Carter Center
UNITED STATES

Mohammed Valli Moosa
Deputy Minister
SOUTH AFRICA

Jerry Weller
Member of Congress
UNITED STATES

William White
Chairman, Charles Stewart Mott Foundation
UNITED STATES

Kenneth Wollack
President, NDI
UNITED STATES

Haydee Yorac
Former Commissioner, COMELEC
PHILLIPPINES

James Zogby
President, Arab American Institute
UNITED STATES

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لجنة الرقابة الفلسطينية المحلية
رام الله - عمارة البكري
الطابق الخامس - تلفاكس ٢٧١٨-٩٩٥ / ٠٢

Press Statement
January 4, 1996

Expressing our concern as domestic election monitors for these the first Palestinian elections for President and Legislative Council, to be implemented on a free and fair basis, and without ambiguity and difficulties for voters, the Palestinian Domestic Monitoring Committee (PDMC) announces its reservations regarding violations and excesses which contradict the text and spirit of the Palestinian electoral law.

We are extremely concerned and anxious with regard to the following elections-related issues:

1. The PDMC was astonished by an official announcement from the Palestinian National Authority, appearing in local newspapers on January 2, 1996, stating that citizens who wish to acquire a Palestinian passport must produce a voter registration card. The PDMC considers this to be an undemocratic form of punishment for citizens who are unwilling to participate in the election due to their political beliefs, particularly the opposition.

2. The PDMC notes the delay in announcing the formation of the Central Election Commission (CEC), without public explanation. Between the resignation of the former CEC and the formation of the present body, a significant period of time elapsed in which no person or independent body was held responsible for administering the electoral process.

3. The increase, by 5 seats, of the size of the Palestinian Legislative Council, by Presidential decree and without explanation, has caused confusion among the competing political parties, candidates and voters. Further, the process of allocating the additional seats has caused questioning with regard to the different electoral districts, creating an atmosphere of uncertainty concerning why some districts gained seats and others not.

4. Delays in announcing the formation of appeals courts and in the electoral campaigns period (by Presidential decree), as well as the reopening of voter registration have further helped to increase confusion among the general public.

5. The PDMC has observed numerous violations by political parties and independent candidates that have begun their electoral campaigns prior to the official date announced in the electoral law. Campaign leaflets and posters have been distributed and posted on walls in many streets, campaign rallies have been held, and repeated candidacy announcements have appeared in the local press.

6. PDMC has not received answers from Jerusalem elections officials regarding questions relating to the elections process in that district. PDMC has endeavored to contact district elections officers in Jerusalem, and it appears that some officers are not aware that they have been appointed to these positions. As such, the Jerusalem district elections officers are not a reliable source of information to voters, political parties and candidates in that district. Confusion also remains regarding when voter lists will be finalized.

On the basis of this report, the PDMC hopes that a solution to these problems will be found at the earliest possible moment, and that future complications may be avoided. We hope that a suitable mechanism will be found which guarantees respect for the electoral law, both literally and in spirit, and represents the basis of democratic and fair elections.

The PDMC continues to try to contact the members of the Central Election Commission to study all of these issues and resolve them, particularly as we pass through this critical and brief period which requires public confidence in the electoral process as a whole.

The PDMC would like to extend its appreciation to the international observers who issued statements on the electoral process. We hope that the above observations will be taken into consideration to promote fair and free democratic elections in Palestine.

For further information, please contact the PDMC at the numbers listed above.

Palestinian Domestic
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PDMC

لجنة الرقابة الفلسطينية المحلية
رام الله - عمارة البكري
الطابق الخامس- تلفاكس ٢٧١٨-٩٩٥ / ٠٢

Press Release

Thursday 25th January 1996

The Palestinian Domestic Monitoring Committee "PDMC" is submitting a preliminary report on the election process.

PDMC Activities:

1. The PDMC coordinated and organized the work of 2200 volunteers all over the West Bank and East Jerusalem who were trained to carry out monitors functions on election day and report back to the committee. Even though the PDMC had requested credentials for its volunteers from theCentral Election Comission (CEC) since the end of December 1995, only 1500 volunteers received credentials.

2. Volunteers were supposed to work on the day of elections and later to be replaced for the night shift in every election site. Female volunteers would work day shift while their male collegues would take over the night shift. The lack of credentials for 700 volunteers confused work schedules for election day. Due to these conditions PDMC was only able to cover monitoring of 80% of election sites during the day, around 60% during night time and 10% on the following day.

3. PDMC volunteers, CEC representatives, and candidates representatives were exhausted by delays in counting process. Delays in the counting of Ballot Sheets were justified by the Central Election Comission in that this is the first experience for the Palestinians. We in PDMC consider this a dangerous action and we refuse any justification for this delay which caused severe problems: a) Volunteers were unable to monitor more than twenty hours due to their exhaustion and committments for the following day. b) Female officials of the CEC requested the CEC to tranfer ballot boxes at an early time, but this never happened. c) An official in Nablus city was forced to close the elction site and left to go home. d) Until after 21 hours of closing the election sites counting still continued in some of the places which, from our point of view, is unreasonable. .

4. We observed a number of violations during election day and the counting:

a) Illegal campaigning on election day:

- Item 55 of article 2 of Palestinian Electoral Law, concerned with the period of campaigning, mentions the prohibition of all campaigning activities on the day before elections and the election day itself. Many candidates violated this article. The day before elections, for example, a letter was sent by us to the CEC requesting the stop of campaining but nothing was done in this regard.

- The Majority of candidates was still campaigning with stickers, photos and other material on election day and a large number of supporters were inside ballot stations in full view of police forces. A policeman asked about this violation of law replied to us that he is unaware of the fact that this violates the law.

- A member of CEC was present in Dahiet al-Barid when a car with three loud speakers was urging people to elect a certain candidate. He did not interfere.

- Palestinian Television broadcasted campaigns on the morning of election day, which is another violation of the above mentioned article in addition to the fact that the Television was not allowed to broadcast in favor of any of the candidates.

Violations with registration and voting:

- A citizen from Bethlehem area - name known to the PDMC - voted although she was not registered due to her stay in the USA during voter registration period. The addition of her name to the voter's lists means a violation of electoral law, article 7.

- A sister of one of the candidates in Ramallah area was in "Nadi Islami Ramallah-Polling Station" filling ballot sheets for a large number of illiterate voters. One of the citizens observed this and asked her to respect the law, thus leading to a confrontation until the police banned her from entering the ballot station (names known to PDMC).

- Yusuf Hassan -a citizen from Ramallah - was sent from one ballot station to the other all over the city until he spent five hours for the voting process.

- Ballot boxes in Nadi Islami Ramallah were closed at 2:30 .

- A CEC official assisted a blind man filling the sheet without taking his wishes into consideration (names known to PDMC).

- A security man witnessed another case of a candidate representative in a ballot station filling the sheet of an illiterate woman without respecting her wishes.

- The presence of security men inside ballot stations and sometimes interfering in advising people to vote for certain candidates.

- Ballot Box 9 in al-Uma College was left open for four hours because there was no lock?

- The loss of some ballot boxes for long ours, as in the case of Hebron.

- It is not clear how and where the police have voted. We came to know this by asking some of the poliocemen.

- The voting of illiterate people was a big area of violation. There was always interference from those who are present sometimes from other voters.

- A director of a CEC Committee has repeatedly called on voters to elect a certain candidate in Ramallah (names known to PDMC).

b) Counting process:

- A cut in electricity in different sites during counting process (Mukabir Abu Dis and Balata Camp) happened without supplies of torches and batteries for CEC officials.

- Not preparing minutes at ballot stations which states exactly the results with the signatories of those present.

- Article 82 page 44 item c & d of the Palestinian Electoral Law states on the following: The following groups have the right to observe the counting of results in election sites: representatives of candidates, domestic and international observers, and press. Unfortunately candidates representatives were prevented from entering the electoral department office in Hebron where the results of the different polling stations were collected until the evening of Sunday 21st, that is 24 hours after counting.

- The head of the ballot station in al-Uma College at Dahiet al-Barid prevented Domestic Monitors and candidate representatives from staying in the counting room.

- The head of the electoral district office in Hebron brought an envelope with the number 113, saying it was found in a corner with the envelopes for the election of the president insisting to add these numbers. During the following confrontation somebody mentioned that the envelope had been brought from outside. Not discussing the fact whether it had been brought from outside or not we find it strange that this incident happened on Monday morning at 11:30, 41 hours after closing ballot boxes, taking into consideration that even the farthest village is not more than 30 km away from Hebron.

c) Israeli Interference in Jerusalem

- Israeli Security caused tension by sending thousands of soldiers and policemen to Jerusalem and putting road blocks in front of polling stations hindering voters from entering.

- Israeli Security filmed voters by a video camera situated over the polling station at Salah-ed-Din Street which intimidated voters.

- Domestic Monitors were prohibited from observing inside post offices. Five volunteers were arrested including one member of the steering committee of PDMC.

- Israeli security prohibited a number of people with Jerusalem Identity Card coming from the West Bank to reach polling stations inside Jerusalem.

- Israeli Security destroyed a video camera for one of the domestic monitors while filming Israeli security activity at Damascus Gate.

- Putting limitations on activites of domestic monitors although the Taba Agreement has stated the free movement of observers between Gaza and West Bank. The Head of PDMC was hindered from entering Jerusalem at Ram check point although he had two identity cards as a monitor from the CEC. Despite these intimidations monitors succeeded in performing their tasks.

- Right wing Israeli parties distributed pamphlets written in Arabic threatening residents of Jerusalem to lose their Jerusalem Identity Cards when participating in elections. Some slogans in Hebrew were written on candidates posters to insult candidates.

- Domestic monitors and candidate representatives were prohibited from monitoring the transfer of ballot boxes.

- Security and policemen were present inside polling stations and outside checking voters' ID cards and their election cards.

- Ballot Boxes were not visible as ballot boxes because usual post boxes were used

- People were not allowed to put the sheets into the boxes themselves but had to rely on a post officer to put them into the boxes.

d) Palestinian Violations

- Extending the election period in Jerusalem until after closure of ballot boxes. After 8 o'clock one box was still open for people coming from Abu Dis.

- Delay of counting in Law College at Abu Dis for several hours which caused the absence of representatives of candidates and domestic monitors.

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Ramallah - Al-Bakri Center
Fifth Floor - Tel-Fax 02/995-2718

PDMC

لجنة الرقابة الفلسطينية المحلية
رام الله - عمارة البكري
الطابق الخامس- تلفاكس ٢٧١٨-٩٩٥ / ٠٢

The PDMC submitts these results in this report on the Palestinian Elections in an effort to solve the problems and to study violations that have taken place in order to take suitable measures. We should after this not forget about the fact that these elections will not be the last and will be followed by the elections of the village councils during this year and in 1999 by the next elections for the Palestinian National Council. We would like to make the following recommendations to the CEC to be taken into consideration.

- Repeating elections in Jerusalem ensuring a democratic and not a warlike atmosphere, especially in the light of low voter participation rate.

- Repeating elections in the city of Hebron after the withdrawal of the Israeli army to leave space for democratic elections.

- A large number of candidates are questioning the results of the elections. We at PDMC are investigating these complaints and are waiting for final results. In this regard we call upon the CEC and the Election Appeal Court to investigate accurately and repeat elections in those areas, where complaints are found to be reasonable.

Palestinian Domestic Monitoring Committee (PDMC)

PALESTINIAN DOMESTIC MONITORING COMMITTEE
(PDMC)

NEWS BULLETIN

Issue One December 15, 1995

This Saturday, December 17, PDMC will hold a recruiting workshop for current volunteers and those wishing to become a volunteer. Saturday 14:00-17:00, in Al-Bireh Municipality Building. Come One! Come All!!

PDMC held a press conference in Jerusalem on 12-12-1995, during which preliminary findings concerning the PDMC's monitoring of voter registration process by PDMC volunteer monitors were reported. For further information about the findings, please contact the PDMC.

Voice of Palestine Radio interviewed on 13-12-1995, spokesman of PDMC steering committee Hazem Qutteneh. Mr. Qutteneh discussed the preliminary findings and recommendations concerning the voter registration process. Subsequently, Voice of Palestine interviewed Mr. Sa'eb Erekat, caretaker election commissioner, who reported that voter registration is still open until December 19, particularly to respond to the needs of Jerusalem residents. Voice of Palestine broadcasted the findings of the above mentioned press conference.

Over the past three weeks the Central Election Committee (CEC) has issued only eight credentials for domestic monitors. However, PDMC's goal is to recruit nearly 2,000 volunteer monitors. PDMC has urged the CEC to speed-up the credentialing process.

As of today, the PDMC has successfully recruited 160 volunteers. Applications for their credentials will be submitted to the CEC today.

PDMC News Bulletin is issued twice weekly
For further information or requires please contact Victoria Katan,
Media Public Relations Officer, The Palestinian Domestic Monitoring Committee,
TELFax (02) 9952718, Bakry Building, 5th Floor, Ramallah

Palestinian Domestic Monitoring Committee

Press Announcement
Results of Monitoring of the Initial Voter Registration Process
December 12, 1995

The Palestinian Domestic Monitoring Committee aims to monitor the electoral process, spread confidence among voters, and guard their rights.

The Committee represents more than 46 local nongovernmental organizations and is characterized by its independence, nonpartisanship, and objectivity.

The spread of democracy, objective monitoring of the media, elections campaigns, candidate behavior, election-day voting and counting processes and other related election procedures are among the principal goals of the Committee.

We emphasize that the PDMC represents all segments of the society and does not seek to oppose the Central Elections Commission. Rather, it aims to guarantee the execution of fair, free and direct elections.

The PDMC formed a team of volunteers to monitor the voter registration process in the West Bank. Approximately 70 volunteers undertook a canvass of 10 cities: Ramallah, Nablus, Tulkarm, Qalqilya, Jerusalem, Salfit, Hebron, Jericho, Tubas and Jenin. The canvass was implemented from December 6-9.

The study also included 22 villages and 15 camps, with questionnaires being distributed to a total of 770 homes. The homes were selected in the following random manner: a house was picked, the following five were skipped, etc. The questionnaire comprised 10 questions, the last one aiming to discern any comments or problems which were faced during the registration process.

The volunteers were required to refrain from expressing any political views and to preserve their neutrality and independence. The questionnaire comprised the following:

1. Did a CEC team visit you and ask if you are willing to register for the elections?

* 92.8% of respondents reported that a CEC team had visited their homes and asked; 4.1% reported no team had visited.

2. Were you expecting such a visit?

* 86.3% of the respondents reported that they were awaiting the visit; 10.7% reprted that they were not expecting the visit.

3. Did the team explain to you the necessary qualifications for registering?

FROM : NDI UBG PHONE NO. : -972 2 283395 Jan. 01 1996 12:04PM P5

233

"Al-Hayat Al-Jadideh"
December 27, 1995
(translation)

"Monitoring Unit's Statement Criticizes the Electoral Process"

The election monitoring unit issued a statement including a number of observations relating to the elections. The statement criticized the international observers for limiting their work to the technical issues of the elections process, and for inattention to the violations committed by some official organizations.

Among the statement's criticisms are that the closing date for candidacy registration has been put off, a public announcement of the electoral district committees in the West Bank has not been made, and the resignations of municipal committee heads who are running for election have not been submitted.

In particular, the monitoring committe's statement criticized the announcement of a new date for the start of the electoral campaign period (12/31/95). It considers the date as contradictory to the election law, which holds that the campaigns must begin 22 days before polling day.

The statement also criticizes the official media, particularly for propaganda supporting certain candidates, and for what it describes as the Central Elections Commission's lack of independence, and conspicuous media appearances of some ministers who are running as candidates in their official capacities.

FROM : ND: UBG PHONE NO. : -972 2 282396 Jan. 01. 1996 12:04PM P4

* 86% of respondents said they were supplied with an adequate explanation; 23% of respondents said they were not given an explanation.

4. Was (the explanation of the qualifications) made clear to you?

* 75.4% of respondents said they belived the explanations were clear; 22.2% of the respondents said they were not clear.

5. Do you agree to register in your electoral district?

* 91% of respondents agree to register in their electoral districts; 8.8% of respondents do not agree.

6. Did you register to participate in the elections process?

* 81.5% of respondents said that they did register to participate in the elections process; 11.1% of respondents said that they did not register.

7. If your answer was "no", why did you not register?

* Many reasons were given for not registering, including: not being present in the house when the CEC team arrived; some Jerusalemites did not register for fear of losing the benefits of a Jerusalem identity card; some pointed to a lack of conviction regarding the electoral process as a whole; others consider the the electoral process as "forbidden" or off-limits (*haram*) in terms of its credibility.

8. Did the CEC team encourage you to vote in favor of any particular side?

* 9.2% of respondents said that thay were encouraged to vote in favor of a particular side; 89.4% said they were not encouraged.

9. If your answer was "yes", which side were you encouraged to support?

* Participants did not state which sides they were encouraged to support.

10. Do you have any comments regarding the the visit of the CEC team?

* Numerous observations on the CEC teams' visits were given:

A. The team conducted itself well, but not enough direction was given.
B. They (the team) didn't know about the registration process.
C. The team did not visit us.
D. The team did not register a member of the family due to temporary absence (from the home).
E. The team did not clarify its mission.
F. The team visited at late or unsuitable hours.
G. The team did not visit all the homes in the area.
H. The registration process in some areas was not completely carried out from house to house; for example, in 'Aouja (Jericho district) the collection

FROM : ND: LBG PHONE NO. : -972 2 282396 Jan. 01. 1996 12:05PM P6

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of the women's identity cards was carried out by the men of the family and they were registered in their absence in one of the family assemblies (*diwan*), so women were not able to express their own opinions in this the first stage of the registration.

Recommendations of the PDMC:

1. More vigorous education programs specializing in appeals, objections and other processes related to elections registration.

2. More guidance for Jerusalemites concerning the elections in general and its lack of contradiction with their rights.

3. We propose to the CEC to extend the registration period for two weeks for those voters who have not been able to register.

4. We encourage the CEC officials hasten the process of issuing PDMC volunteers ID cards to make easier the PDMC's work. It is necessary to note that in the course of two weeks only 8 cards have been issued to volunteers from 70 applications. The PDMC is trying to recruit 2000 volunteers to monitor elections within the next four weeks.

FROM : ND: UBG PHONE NO. : +972 2 283395 Jan. 01 1996 12:06PM P7

Palestinian Domestic
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Fifth Floor - Tel-Fax 02/995-2718

PDMC

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رام الله - عمارة البكري
الطابق الخامس - تلفاكس ٩٩٥-٢٧١٨ / ٠٢

PRESS STATEMENT
December 30, 1995

The Palestinian Domestic Monitoring Committee (PDMC) announces the following:

The Palestinian Electoral Law, article 22, regarding the formation of the Central Election Commission, includes the following:

2. The Central Election Commission shall be composed of 9 persons who must be members of the Palestinian judiciary, outstanding academics, and lawyers with reputable professional career and experience..

3. The members of the Central Election Commission shall be appointed by the President of the Palestinian National Authority in the Decree calling the elections, following consultation with the Palestinian National Authority and with the different political parties and Palestinian political groups.

Concerning item 2, after investigations and consultations conducted by PDMC, we have found that the appointed Central Election Commission lacks Palestinian judges. With regard to item 3, which requires consultations with various political parties and groups, PDMC has contacted different political parties and determined that the following three were not consulted: the Palestinian Democratic Union (FIDA); the Palestinian People's Party (PPP); and the Democratic Front for the Liberation of Palestine (DFLP).

These facts contradict both the spirit and the word of Article 22 of the Palestinian Electoral Law. With all due respect to the members of the Central Election Commission, the PDMC views with apprehension the formation of the Commission as not in the best service of democracy and the fairness of the elections process.

لجنة الرقابة الفلسطينية المحلية
PALESTINIAN DOMESTIC MONITORING COMMITTEE

الشعب يراقب الشعب ينتخب

FROM : NO: JBG PHONE NO. : +972 2 283395 Jan. 01 1996 12:06PM P8

Palestinian Domestic
Monitoring Committee

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لجنة الرقابة الفلسطينية المحلية
رام الله - عمارة البكري
الطابق الخامس: تلفاكس ٠٢/٩٩٥ ٢٧١٨

MONITORING INVESTIGATION REPORT FORM
(must be completed for all contacts)

Date:_____ Time:_____

Person making report: _____

Person contacted:_____ By telephone? ____ In person?____ Other_____
Position: _____
Telephone Number or address:_____
_____
_____
_____

Question asked, information requested, or reason for contact: _____
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Response:_____
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Additional Comments:_____
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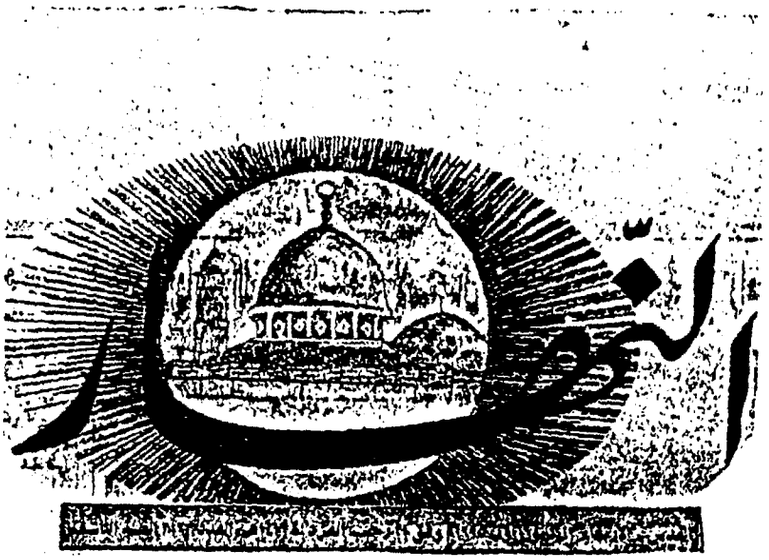
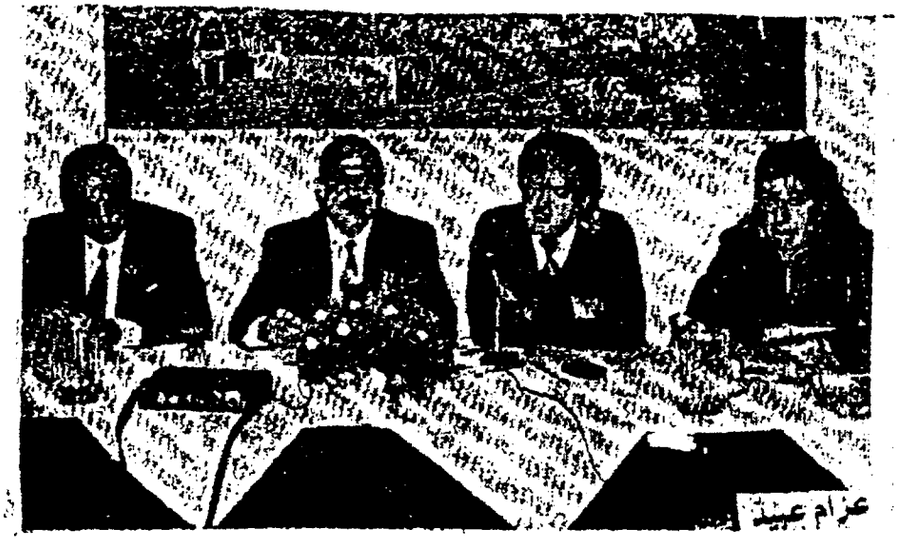
الشعب يراقب الشعب ينتخب

FROM : ND: UBG PHONE NO. : -972 2 2822395 Jan. 01 1996 12:08PM P1




عزام عبيد

Palestinian Domestic Monitoring Committee

Press Announcement
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G. The team did not visit all the homes in the area.
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2. More guidance for Jerusalemites concerning the elections in general and its lack of contradiction with their rights.

3. We propose to the CEC to extend the registration period for two weeks for those voters who have not been able to register.

4. We encourage the CEC officials hasten the process of issuing PDMC volunteers ID cards to make easier the PDMC's work. It is necessary to note that in the course of two weeks only 8 cards have been issued to volunteers from 70 applications. The PDMC is trying to recruit 2000 volunteers to monitor elections within the next four weeks.

APPENDIX H:

MEMORANDUM OF UNDERSTANDING BETWEEN THE COMMISSION ON ELECTIONS AND LOCAL GOVERNMENT (CELG) AND NDI

AGREEMENT

Regarding Cooperation in Support of Palestinian Elections

In order to contribute to the realization of the "free and general political elections" provided in Article III of the Israel-PLO Declaration of Principles of September 13, 1993, the National Democratic Institute for International Affairs (NDI) and the Commission on Elections and Local Government (CELG) of the Palestinian Authority have agreed to the following memorandum of understanding regarding NDI activities.

It is understood that NDI's educational activities in support of Palestinian elections, as described below, will be conducted freely and publicly in cooperation with any and all Palestinian individuals, groups and organizations that desire to work with NDI and that NDI will keep the CELG (and other appropriate Palestinian officials) fully and currently informed of all activities.

These programs will be guided by a nonpartisan approach that is responsive to Palestinian requests or initiatives and, as in previous programs, will involve an international effort. The activities envisioned will include the following:

1. Palestinian participation in international electoral projects.

From time to time, NDI is involved in supporting electoral programs in other countries in various ways, including advisory discussions about electoral options, assistance to national groups monitoring their countries' processes, the mobilization of international observers, voter education programs, etc. In May, for instance, Dr. Saeb Erakat, Chairman of the Commission, designated Hussein Abdullah Rbaya to join an international delegation to observe the elections in the Dominican Republic. Palestinians from various non-governmental organizations have also participated in NDI delegations, such as Dr. Mahdi Abdul Hadi, director of PASSIA, who joined the delegation to Pakistan in November 1993.

Other similar opportunities will arise in the months ahead and invitations will be extended to the Commission and other interested Palestinians.

2. Promoting popular confidence in the electoral system.

Building on the series of public seminars organized in eight towns in June, NDI will coordinate with a variety of Palestinian organizations to conduct roundtable discussions or seminars on political and electoral systems, and the role that citizens and private groups have played in other countries to support these processes.

As suggested by CELG Chairman Erakat, when the Commission presents a draft electoral framework to the public, NDI would work with Palestinian civic

organizations and community groups in order to help them understand better the framework. The goal would be to show interested Palestinians that they have a way to make sure the process is transparent and help promote confidence in the Palestinian electoral system.

Based on NDI's experience in other countries, it is expected that these public forums will help increase popular understanding of the Palestinian electoral system -- and strengthen the consensus in support of it. Because these forums would be more valuable if members of the Commission, or advisors or staff, were able to participate, the Commission would be notified in advance of all such meetings and invited to designate speakers or participants.

3. Women in politics.

Ensuring that women continue to play a full role in Palestinian political development is a goal shared by many -- and a frequent topic of discussion by Palestinians with whom NDI has been meeting since December 1993. In response, NDI plans to offer a two-stage training program for about 100 Palestinian women -- mainly younger women who have not been directly involved in politics before -- to enable them to become more active in the political arena. NDI would bring in a small team of trainers from other countries to work with the Palestinian women, who would be invited from a cross section of the community.

4. Civic Education. The international experience of recent years suggests that community organizations can play a vital role in educating their members and neighbors in the elements of democratic practice. Even in countries where elections of different kinds have taken place over the years, people can benefit from an appropriately designed mass-oriented program that explains the fundamentals accurately and assures people that their rights are protected and their participation is needed.

NDI's numerous discussions with hundreds of men and women in different communities in both the West Bank and Gaza Strip indicate that there are people eager to help build the new Palestinian democratic society. They would like to work on this in their own communities, in a manner that is consistent with the official program of the PNA and that also reflects local differences and interests.

NDI plans to develop a program of civic education in partnership with one or more Palestinian groups. Various written and other educational materials of a general 'pro-democracy, pro-elections' character would be produced on the basis of research and interviews to be conducted in October (and similar to the work NDI has done in South Africa and other places). The research would revolve around a series of 'focus groups' in which small group interviews are conducted according to a prepared outline. The report of these focus groups would be circulated to the CELG, and other interested parties, and would form the basis for the initial civic education program. NDI would test the program in a few localities, in order to assess their appropriateness.

When the details of a political or electoral framework are finalized, the information campaign can be modified to reflect the actual decisions -- to explain to people the structure of local administration, for example, or to illustrate the

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ballots that will be utilized. It could also be expanded to other parts of the West Bank and Gaza Strip.

General Points

In addition to frequent communication with the Commission, NDI will consult regularly with other organizations and agencies involved in similar or related programs -- such as the European Union, the International Foundation for Electoral Systems, AMIDEAST, the International Republican Institute, etc -- in order to avoid confusion and redundancy. For instance, the European Union has offered to assist the Commission in the development and production of voter education material to be broadcast via radio and television. The grassroots distribution effort that NDI envisions would complement that broadcast campaign and be consistent with it.

The funding for NDI's programs has been provided by the Agency for International Development and the National Endowment for Democracy.

Concurrence

It is hereby understood and agreed that the National Democratic Institute for International Affairs will proceed with the programs described, in cooperation with interested Palestinians, with the support and cooperation of the Palestinian Authority's Commission on Elections and Local Government.

For the National Democratic Institute

Thomas O. Melia
Senior Associate

25 September 1994

For the Commission on Elections and Local Government

S. Erakat

Dr. Sa'eb Erakat
Chairman

APPENDIX I:

TERMS OF REFERENCE FROM PRE-ELECTION AND ELECTION MISSIONS

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MEMORANDUM

TO: Hon. Matyas Eorsi
Dr. Claudio Grossman
Hon. Saki Macozoma
Hon. Karen Shepherd

FROM: Eric Bjornlund, Chief of Mission
Kevin Johnson, Senior Program Officer
Olga Milosavljevic, Program Officer

DATE: November 30, 1995

RE: Terms of Reference for Pre-Election Mission, November 10 to 17, 1995

I. Background and General Information

Thank you for agreeing to participate in this first pre-election assessment mission to assess preparations for the upcoming Palestinian elections, now envisioned for January 20, 1996. We are pleased that we have assembled such a distinguished delegation, and we look forward to working with you.

This program is one of several civic and voter education and election monitoring programs in support of democratic development in the West Bank and Gaza Strip. The National Democratic Institute for International Affairs (NDI) is organizing the international monitoring program in cooperation with the nonprofit Carter Center, based in Atlanta, Georgia. We expect that former U.S. President Jimmy Carter will be the leader of the election week delegation because of his pivotal role as president in bringing about the Camp David peace accords and his considerable work in support of democratic development worldwide since he left office. Sue Palmer, Assistant Director of the Conflict Resolution Program at the Carter Center, will join this first pre-election delegation.

The purposes of this memorandum are (1) to set out the objectives of this mission; (2) to provide information on the Palestinian electoral system and electoral preparations to date; and (3) to indicate possible areas of difficulty or concern.

As we were completing this memo, we learned of the horrible tragedy of the assassination of Prime Minister Yitzhak Rabin. During the mission, we will undoubtedly discuss how this tragedy may affect the Israeli-Palestinian peace process. We do not expect it to significantly hamper our mission, other than possibly to interfere with certain planned or tentative meetings with senior Israeli government officials.

The Present Mission

This pre-election assessment mission represents the first of at least two pre-election fact-finding missions. These missions will assess preparations for the Palestinian elections, seek to identify potential obstacles to meaningful elections, and outline possible mechanisms for addressing such obstacles.

This first pre-election assessment mission will coincide with the beginning of the registration process. We hope that the presence of this international delegation will allow us to clarify issues that have remained vague as well as to bolster the seriousness of the international commitment to the process.

The purposes of this mission are:

1. to demonstrate international support for democracy in the West Bank and Gaza Strip;

2. to promote confidence in the electoral process;

3. to evaluate election preparations in relation to Palestinian law and international norms;

4. to assess the process of registering Palestinian voters;

5. to assess the political environment for elections in the West Bank, Jerusalem and Gaza Strip;

6. to issue a public statement of the delegation's findings, if appropriate; and

7. to make recommendations to NDI/Carter Center about which issues require further investigation and when the next pre-election delegation should go to the West Bank and Gaza.

To obtain the necessary information, the mission will meet with members of the Central Election Commission (CEC) and its predecessor Commission on Elections and Local Government, officials of the Palestinian Authority and CEC responsible for overseeing election preparations, local election and voter registration administrators, voter registration canvassers and leaders of political factions and parties. The delegation will have opportunities to meet with organizers from the Palestinian Domestic Monitoring Committee in both Gaza and the West Bank, with Palestinians involved in NDI's Civic Forum project and with leading Palestinian women activists.

You will also meet with certain Israeli officials responsible for negotiating the electoral arrangements, for implementing the agreement and coordinating Israeli activities in the

Territories, and for overseeing census affairs. In addition, you will have the opportunity to share information with representatives of the European Union's international monitoring effort. (For more information about monitoring plans of the European Union and other national and intergovernmental organizations, see the memo at Tab 8 of the briefing book.)

While you will receive a schedule when you arrive in Jerusalem, we would like to warn you that the schedule may change due to unforeseen circumstances. The circumstances surrounding the preparations for these elections are complex and multifaceted. It is possible, for example, that access to and from the territories may be restricted. In such circumstances, foreigners generally face only limited delays in their ability to travel between Israel and the Territories or within the Territories. In the case of closure, however, some Palestinians with whom we have scheduled meetings may face difficulties in reaching such meetings. In these circumstances, we would ask you to remain patient and understanding.

At the end of the visit, unless circumstances dictate otherwise, the mission will issue a public statement commenting on the process. The statement should offer a general assessment of the situation and, if appropriate, make specific recommendations regarding the electoral preparations. In addition, the information gathered during this mission will form the basis for an extensive briefing report to be published shortly before election day.

II. Palestinian Electoral System

During the meeting of the Council of Ministers on October 28, the Palestinian Authority approved a draft electoral law for public review and comment. On October 30, Sa'eb Erakat, caretaker chairman of the Central Election Commission announced that the predecessor Commission on Local Government and Elections (the CELG) had been disbanded and that Arafat soon would appoint the new CEC and the five judges who will oversee the administration of the elections and handle all appeals. The CELG was responsible for developing the electoral system and negotiating its terms with Israeli counterparts. Erekat announced that the canvassing period for registration would be shortened from six weeks to three in order to accommodate the push to hold elections on January 20, 1996. In order to speed the registration process, he announced that schools would be closed from November 1 to 23 in order to allow the 7,000 teachers trained to implement the registration process to work full-time.

The PA plans to distribute 15,000 copies of the draft election law for public comment. Because of technical problems, however, distribution has been delayed. Accordingly, the law will not be finalized by November 12, as had been earlier projected, and the new CEC will not be named before November 18, 1995.

The draft law includes several noteworthy provisions:

a. *Political party registration.* The electoral law describes the process by which "political movements" register with the Central Election Commission. Apparently, there will not be a separate party law for these elections. The CEC has one week to respond to

applications for registration. If no response is given, movements are considered registered. The provision was apparently designed to allow movements to field candidates under their name but not to provide official registration of these organizations as parties, per se.

b. *Access to media.* The law indicates that "all candidates will be given equal access to official media" but does not provide further details.

c. *Registration appeals process.* The law provides for two levels of appeals in the case of disputes on the draft electoral list -- to the polling station commission and to the appeals court. Previous draft laws had included an additional appeal to the district election office.

d. *Court of Appeals.* A five-member court will be appointed to hear appeals on electoral issues.

e. *Campaign finance.* The law requires that parties and candidates submit reports on their expenditures and funding sources. It does not set limits on spending.

Summary of the Election System

The draft election law outlines a multi-member majoritarian system with open lists allowing voters to split their votes among candidates of different affiliations. For example, in a constituency with four representatives, each voter may vote for up to four candidates and the four candidates with the top vote totals win. On election day each voter will receive two ballots, one red and one white, the former to elect the Ra'ees, or chief executive of the Council, and the latter to elect Council members.

The West Bank and Gaza Strip have been divided into 16 constituencies, 11 in the West Bank (including one for Jerusalem) and five in Gaza Strip. Once the registration process is completed, the 82 Council seats will be allocated according to the number of electors registered in each electoral district. The law also provides for representation of minority Christian Palestinians.

Each constituency is divided into several polling stations established to process 1000 eligible voters. Both voting and ballot counting will occur in the polling station. After counting the ballots in the polling station, the polling station commission (PSC) announces the results for the station and prepares a protocol. These results are taken to the district election office (DEO) where the District Election Commissioner begins processing vote totals to determine which candidates won in the entire constituency. Once all of the PSC results are forwarded to the DEO and the vote totals for each of the polling stations have been tallied together, the DEC announces the results for that constituency to all present and then forwards these results to the CEC.

Jerusalem voting is administered under special provisions. On election day, Jerusalemites will vote in one of two manners. The vast majority will vote in polling stations just beyond the

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checkpoints of the Jerusalem municipality, which Israel defines as the West Bank, while some 12,000 will be able to vote in five post offices inside the municipality. Those voting inside the checkpoints will vote in 12 voting sites (1000 voters each) located in five post offices. These post offices are not technically established as polling stations and will not be administered by polling station commissions but by postal personnel. Each voter will cast his or her two ballots by placing them in "receptacles" rather than in ballot boxes. At the end of the voting period, these receptacles will be transported to the relevant DEO just outside the Jerusalem checkpoints where these ballots will be counted. This might be considered analogous to casting an absentee ballot. These vote totals will be tallied with those of the remaining polling stations located outside the checkpoints to determine the wining candidates for the constituency of Jerusalem.

III. Voter Registration

Registration is scheduled to commence on November 12. All individuals must be registered in order to vote. The registration process plays a particularly significant role in these elections because registration figures will be used to distribute the 82 Council seats among the 16 electoral districts.

Every constituency is divided into a number of polling stations, each of which will accommodate approximately 1000 eligible voters. There will be 495 polling stations in Gaza, 164 in East Jerusalem (outside of the Jerusalem municipality) and 1009 in the West Bank. Four member polling station commissions will be responsible for registering the 1000 eligible voters in their district. Later the commissions will conduct the polling on election day and the counting of the ballots.

Seven thousand teachers were recruited over the summer and trained during September and October to implement a door-to-door registration process. These teachers are the same people who will serve on the polling commissions, i.e. as local polling officials, on election day.

Beginning on November 12, these polling commissions will spend three weeks traveling house to house and registering Palestinians to vote person by person.[1] These canvassers will ask each person over the age of 17 years for his or her Palestinian or Israeli identification card and record the voter's name, I.D. number, I D type, father's name, grandfather's name, sex, date of birth and permanent address. Eligible voters will be given a Temporary Registration Card to show to the polling station commission on election day. The name and location of the polling station as well as the name of the constituency will be included on this card.

The canvassers will have official identification issued by the CEC and will wear some type of attire that will identify them as part of the polling station commission. They will return to each residence up to three times to register all eligible voters. If upon the third visit the

[1] The Oslo II agreement originally anticipated a six-week registration period, but with the push to hold elections in January before Ramadan the registration canvassing period has been shortened to three weeks.

canvasser is unable to register a person, he or she will leave an official notice with the location of the district polling station commission and the name of the commission's president. The notice will explain that the individual may register in person at the district polling commission office.

After the three-week canvassing period is over, on or about December 2, the draft voter registry will be posted. A seven-day claims and objections period will follow, after which an amended register will be prepared. This amended registry will be subject to review by Israeli authorities, who will examine the list and confirm whether the names presented actually appear on the population registry maintained by either the Palestinian Authority or Israeli authorities. The Israeli authorities will have seven days to complete this process. Individuals whose names do not appear on the population registry will be removed from the draft registry unless the Palestinian side can provide satisfactory evidence to the contrary. The law is vague on whether and how a Palestinian carrying a temporary registration card, distributed during the door-to-door canvassing, is informed of his or her removal from the registry and hence his or her ineligibility to vote.

Identification Cards

A potential challenge in the registration process will be the issue of an estimated 50,000 Palestinians who currently do not carry Palestinian or Israeli identification. The interim agreement provides for conditions under which Palestinians who do not hold identity cards could be added to the population register and obtain an identity card.

Any person who will be at least 40 years old on January 1, 1996 and can provide satisfactory evidence that he or she has continuously lived in the West Bank or Gaza, except for short absences, for the last three years or any person who is less than 40 years old on January 1, 1996 and can provide satisfactory evidence of that he or she has lived in the West Bank or Gaza for at least the last four years is eligible to be added to the population registry and to receive the appropriate identity card. Application for identity cards will be processed by the PA and/or Israel through the Joint Civil Affairs Coordination and Cooperation Committee. It still remains unclear where a Palestinian must go to submit his or her request for an identification card. In recent meetings with district election officials in Gaza, NDI was given varying responses, including the Ministry of Interior and the Population office.

Palestinians have told NDI that in those regions where redeployment has not been completed and an application for a new identity card would have to be submitted to an Israeli authority, individuals are likely to be more hesitant to apply. Some fear that by registering with Israeli authorities they may become subject to liability for back taxes or suffer other adverse consequences.

Jerusalem Registration

The final status of Jerusalem is to be resolved in the next phase of negotiations after Palestinian elections. Following the 1967 war in which Israel occupied Gaza and the West Bank, Israel annexed East Jerusalem. More than 120,000 Palestinians live in East Jerusalem and have the right under Israeli law to claim Israeli citizenship but do not want to lose their Palestinian identity.

Many residents of Jerusalem also fear losing their valued Jerusalem identification documents (and eligibility to apply for Israeli passports). Likewise, Palestinians living in Jerusalem but carrying a West Bank or Gaza I.D. fear discovery of their residence in Jerusalem. It is not uncommon for a Jerusalemite to marry someone from the West Bank or Gaza and for her or his spouse to be denied a Jerusalem I.D. to join them. Accordingly, there are many people living in the West Bank who hold Jerusalem I.D.s as well as many others living in Jerusalem without a Jerusalem I.D. The former fear that registration in their place of abode (outside Jerusalem) might put their Jerusalem I.D.s at risk; in the latter case, the spouse without a Jerusalem I.D. might fear being forced to leave his or her family in Jerusalem. Furthermore, between 60,000 and 80,000 Palestinians with Jerusalem I.D.s who live just outside the municipality of Jerusalem (outside the Israeli checkpoints) also may fear that registration could lead Israeli authorities to revoke their I.D.s.

IV. Candidate Registration and the Campaign Period

Candidate registration is expected to take place from December 17 to 27. There is no specific political party law. The draft election law provides that each "factional institution" should register itself with the CEC in order to allow it to run candidates. This registration entails items such as submitting the "factional institution's" name, symbol/motto, name of its director, leadership structure, summary of its political and social program, and constitution and a signed document renouncing violence or racism as a means of achieving its programs.
from their posts 10 days before the start of elections.

According to Annex II of the Oslo agreement, any Palestinian wishing to be a candidate for Council must be a registered voter, at least 30 years old on polling day, must reside in the constituency she or he wishes to run in, and must not "advocate racism" or "pursue the implementation of their aims by unlawful or non-democratic means." Likewise, a candidate for Ra'ees must be a registered voter, at least 35 years old on election day, and must not "espouse racism."

PA employees may not run as candidates. If they wish to run they are required to resign from their posts 10 days before the start of elections.

Nominations for the Council will be submitted to the District Election Commission located in each of the 16 districts. After the close of the registration period, the DEC will

publish a provisional list of nominations for its constituency for a seven-day public review period. All complaints are filed with the CEC. After all appeals are resolved, and no later than 22 days before election day, the DEC will publish the final list of candidates.

Nominations for Ra'ees are submitted to the CEC, which will publish a provisional list of nominations within three days of the close of the registration process. The following two days are allotted for public review and appeals. Following the resolution of all appeals and no later than 22 days before election day, the CEC will publish the final list of candidates.

The official campaign period will begin 22 days prior to election day. All campaigning must end 24 hours before the balloting begins. According to the Oslo II agreement, campaigning includes activities such as holding rallies, meetings and marches. The CEC will publish a list of venues and facilities available for election rallies and meetings as well as a list of routes available for marches. A candidate or representative of a candidate must submit an application to his or her constituency DEO providing the details of the time and place of a proposed campaign activity. The PA and Israel have agreed to coordinate on security issues that arise in each constituency.

V. Freedom of Movement

One of the biggest complicating factors in preparing for these elections has been the inability of Palestinians from the West Bank to travel to Gaza and visa versa. This issue has proven problematic with regard to Palestinians organizing a Territories-wide domestic monitoring effort and even to electoral officials preparing the official CEC voter education campaign. It is also likely to hinder campaigning by party leaders in both parts of the Territories.

The Oslo II agreement provides for freedom of movement of international and domestic election monitors. Details of how to implement these guarantees for domestic monitors in the pre-election period have yet to be worked out.

VI. Specific Issues to Consider

Among the questions the delegation may want to consider are the following:

1. *Timing of Elections.* Is the Palestinian Authority (including the CEC) prepared to hold January elections? Is a January election date likely? Is it a good idea?

2. *Central Election Commission and Election Law.* Has the Central Election Commission been constituted? If so, are its members viewed as impartial and independent? Has the election law been circulated for public comment?

3. *Registration.* Are there problems with the registration process, including the door-to-door canvassing? How do Palestinians without identification documents obtain cards that allow them to register?

4. *Jerusalem.* What are the particular problems of residents of Jerusalem? Do the special arrangements for Jerusalem place undue burdens on the electoral process there? What effect, if any, will the Israeli census have on the registration process in Jerusalem?

5. *Political Environment.* What is the delegation's assessment of the overall political environment in the West Bank and Gaza? What are the plans for issuing permission for campaign rallies and marches? Are the particular concerns of women voters and candidates being considered?

6. *Media Freedom and Coverage.* What is the status of press coverage of the Palestinian Authority and the prospects for election coverage? Are there significant threats or impediments to press freedom? How effective and balanced is Palestinian radio and television coverage?

7. *Participation of Palestinian Factions.* What role are Palestinian political factions playing in the registration process? Are all significant factions expected to participate in the elections? Are they generally supportive of the registration process or are any factions urging a boycott?

8. *Voter Education.* How effective is the voter education campaign of the CEC and the Palestinian Broadcasting Corporation?

9. *International Monitoring.* How would you assess the European Union and other international plans for monitoring the electoral process? What advice do you have for the NDI/Carter Center program? When would be the appropriate time to organize a second pre-election assessment mission?

10. *Domestic Monitoring.* Are there impediments to domestic election monitoring? Has the Palestinian Domestic Monitoring Committee effectively drawn in a diverse group of NGOs and positioned itself as an impartial monitor of the election process? Is the PDMC likely to be abl to mount an effective, broadly based, credible monitoring effort? Are the Palestinian Authority and the CEC appropriately responsive to the concerns of the domestic monitors? Are there concerns about freedom of movement of monitors or access to the all phases of the electoral process?

11. *Israeli Role.* Are there concerns about the Israeli role in the electoral process? Are there reasons for concern about freedom of movement for election administrators, candidates and their representatives, domestic monitors and/or international observers? Is the Joint Civil Affairs Coordination and Cooperation Committee in place and operating effectively?

12. *Redeployment.* Is redeployment likely to be completed according to schedule? Are there particular concerns about the status of redeployment at the time of elections in Hebron?

13. *Effect of Events in Israel.* What effect will the assassination of Prime Minister Rabin and related changes in the Israeli political context have on the Palestinian electoral process?

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MEMORANDUM

TO: **Ambassador Harry Barnes, Aleksejs Grigorievs, Mohammed Guessous, and Robert Pastor**

FROM: **Thomas Melia, Director of Middle East Programs**
Kevin Johnson, Senior Program Officer
Olga Milosavljevic, Program Officer

DATE: **December 7, 1995**

RE: **Terms of Reference for Pre-Election Mission, December 10 to 17, 1995**

I. INTRODUCTION

Thank you for agreeing to participate in this second pre-election mission to assess the prospects for democratic Palestinian elections, now scheduled for January 20, 1996. We are pleased that we have assembled such a distinguished delegation, and we look forward to working with you. You will arrive in the West Bank and Gaza Strip at an important moment in this historical peace process. With elections for Palestinian leadership and for an 83-member Palestinian Council only weeks away, preparations for voting and for political competition are at a critical stage. You will have the opportunity to meet leaders involved in this process, to assess, based on these meetings, the prospects for democratic elections, and to share the findings of the mission with Palestinian and Israeli officials, Palestinian voters and the world at large.

This program is organized by the National Democratic Institute for International Affairs (NDI) in cooperation with the nonprofit Carter Center, based in Atlanta, Georgia and funded through grants from the United States Agency for International Development and the National Endowment for Democracy. NDI and the Carter Center have worked individually to monitor elections in over 40 countries world-wide, and the two organizations have worked in collaboration on several important election observation programs.

The purposes of this memorandum are to set out the objectives and procedures of this mission and to discuss the issues the mission will consider. A supplement providing greater detail on elections preparations will follow.

II. OBJECTIVES

The purposes of this mission are:

1) to demonstrate international support for democracy in the West Bank and Gaza Strip;

2) to promote confidence in the transparency of the electoral process;

3) to evaluate electoral preparations in relation to Palestinian law and international norms;

4) to assess the political environment for elections;

5) to provide recommendations that can enhance the prospects for democratic elections; and

6) to issue a public statement of the delegation's findings.

The specific issues that NDI would like to draw your attention to are outlined below.

III. ISSUES TO CONSIDER

In preparing for this mission, NDI field representatives, in consultation with the Carter Center, have identified several issues that may impact the prospects for the democratic elections and should be considered by the delegation. This selection reflects the best available information about the current electoral and political situation in the West Bank and Gaza Strip, but revisions should be expected. Some items listed below may be resolved by the time you arrive while others may arise unexpectedly during the mission. You should remain flexible and prepared to reevaluate circumstances and issues throughout the mission.

Outlined below are the main issues to consider accompanied by summary backgr information. Further background is available in this briefing book and will be provid immediately upon your arrival.

A. Election Preparations

1. Legal framework

As of this writing the election law has not yet been signed by the Chairman of the Palestinian Authority, Yasser Arafat. Election preparations have continued on the basis of the Interim Agreement and draft electoral laws. We will want to assess the status of the law and any impact the delay in completing the law may have on the election timetable. Presumably the law will be released immediately before or during the mission. Once it becomes

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available, we will review the law to assess its provisions and to anticipate potential complications in its implementation.

2. *Election administration*

Thus far, most election preparations have been implemented under the direction of the Commission on Elections and Local Government (CELG) which formally disbanded after the signing of the Oslo II Agreement. The members of the CELG have remained in place and are serving as an interim Commission until a nine member supervisory Central Election Commission (CEC) is named. Arafat is expected to name the committee within the next week. As with the legal framework, delays in naming the CEC may adversely affect election preparations. Additionally, we should try to assess whether the CEC is perceived as impartial, competent and credible.

3. *Revision of the preliminary electoral list*

According to the election framework, the preliminary electoral list of eligible voters should be posted for public consultation beginning December 10. Voters have until December 14 to check the lists and submit appeals if there are inaccuracies in the list, or to apply for registration if they have not registered before. The final list will be checked against the Israeli population registry and entries that are not consistent with Israeli data may be removed. For this reason, it is important that voters can access the list for their polling area, and that appeals can be processed expeditiously. We will try to obtain a sense of whether lists are being posted, whether people are checking the lists and how corrections are being processed.

4. *Applications for identification documents*

To register, Palestinians must have a valid identification document. In the Interim Agreement, Israel and the Palestinian Authority agreed to expedite applications for new identification documents in order to provide all eligible voters with the opportunity to register. The joint Israeli-Palestinian Coordination Commission established a procedure for providing identification documents to all eligible applicants. We will try to assess whether the process was well understood and effective.

5. *Candidate applications*

December 10 is the first day of the twelve-day period for candidate applications. For party candidates, the process remains ambiguous and includes the still-undefined registration of political organizations. For independent candidates 500 support signatures are required. During our

meetings with election officials and party representatives we will check for complaints or concerns about this process.

B. Political Environment

1. *Participation*

During your visit to the West Bank and Gaza Strip, the field of competing parties will become clearer. We will meet with parties and political analysts to assess which parties have decided to compete and which have not. While nonparticipation is a legitimate option, which does not necessarily raise doubts about the legitimacy of the process, we will try to assess the reasons for nonparticipation and the impact of nonparticipation on the prospects for democratic elections.

2. *Preparations for campaigning*

While Fateh has begun the process of selecting its candidates, most of the remaining parties have yet to focus on concrete candidate selection and campaign strategies. We will try to assess the parties' level of preparedness vis a vis conducting effective campaigns and mobilizing their voters. We will also examine concerns about the prospects for an open and fair campaign.

C. Media

1. *Role of regular programming on the Palestinian Broadcast Corporation*

Radio and television are controlled by the nominally independent Palestinian Broadcast Corporation (PBC). There are concerns about whether PBC is truly operating independently, based in part on a recent decision to move control of the PBC television from the office of the Director, who is in the West Bank, to Gaza. We will try to assess if different points of view, representing the major political groupings are presented in PBC's general programming.

2. *Access to media during the campaign*

Previous drafts of the election law have provided for access to the media for all candidates. We will try to ascertain whether an appropriate framework for allocating time to candidates and parties has been established.

3. *Possible intimidation of journalists*

Some journalists have been arrested or detained by Palestinian police for articles critical of the Palestinian Authority or Yasser Arafat. Thus far, opposition, in particular the Islamist press, have been the primary targets of arrests and closures. However, even Al-Quds, the main Palestinian daily, was closed during the summer of 1994. We should also try to assess extent of and the impact of self censorship.

D. Security

1. *Palestinian security*

As noted above there are concerns about the role of the multiple and seemingly overlapping Palestinian security forces. We will meet with security representatives to determine their officially outlined role during the campaign period and on election day. Likewise, we will meet with human rights monitors and political parties to gain insight into their concerns regarding the securities' role during the elections and their possible impact on opportunities for free and open campaigning.

2. *Palestinian prisoners*

The Interim Agreement provides for the release of Palestinian prisoners as one of several "confidence building measures" (article XVI). The agreement further provides (Annex VII) that "all female detainees and prisoners will be released in the first stage of the release" [that is, immediately after the signing of the Agreement]. Four female prisoners convicted of fatal crimes have not yet been released. There are also questions about whether other prisoners will be released before the elections, and if so, whether they will be able to register and vote. Many Palestinians see this as a threshold issue and perceive it as a major breach in the Oslo II Agreement signed by the Israelis. Several organizations have called for a boycott of the elections if the prisoner issue is not resolved. We will try to ascertain how seriously this issue is taken by the parties and Palestinians in general in order to assess the possible impact on participation the elections.

3. *Israeli Security*

At the beginning of registration there were four reported incidents where Israeli officials were going to the houses of Palestinians to ask for identification documents in a manner that could have been confused with registration. The first pre-election delegation reported on one such incident. This problem appears to have stopped after the fifth day of registration. We will want to check if there are any new instances of intimidation or harassment by Israeli security forces that may significantly affect the elections.

A related issue is the freedom of movement in relation to the transportation of election materials and election officials between the West Bank and Gaza Strip. We will meet Palestinian election officials to discuss access and movement across checkpoint issues. We will also look at Israeli preparedness to accommodate other, nonofficial, election related travel to and from the West Bank and Gaza Strip, such as the transportation of campaign materials, campaign organizers or domestic monitors. Meetings with Israeli security officials will allow us to inquire about measures taken by the Israelis to provide additional training for their personnel regarding facilitating Palestinian elections.

E. Israeli-Palestinian Coordination

1. Redeployment

A critical element of the peace process is the phased withdrawal, or "redeployment," of Israeli forces from the cities and towns of the West Bank. This process, which began October 25, will continue through the end of December. Consistent with the Interim Agreement, it is understood that Palestinian elections cannot be held until Israeli troops redeploy from cities and towns in the West Bank. Redeployment is important in so far as it impacts the election schedule. Because the 21-day election campaign period can only begin when redeployment has been completed, we will need to be aware of any problems that may delay redeployment beyond December 30.

A second issue relates to the city of Hebron, which is exceptional in the West Bank because of the presence of Israeli settlers, and soldiers to protect them, in the center of Hebron. Redeployment is not expected to finish in Hebron until March. For the election, special arrangements are being discussed that may involve withdrawing some soldiers from the city for a few days around the time of elections. We will try to determine what these arrangements may be and how they are perceived by Hebronites.

2. Jerusalem

As you can see from the Interim Agreement and other briefing documents, the election process for Palestinians who live in Jerusalem is complicated. Of the roughly 80,000 voters in the city about 10,000 will vote in Post Offices in East Jerusalem, but these ballots will be counted outside of the city. The remaining voters will vote in polling stations outside of the city. Many important details of these arrangements have not yet decided, such as who will insure the security of voters in the city, how ballots boxes will be transported to counting centers outside municipal Jerusalem, who will conduct the elections in the post offices and whether sufficient preparations have been

made for the movement of people to polling stations outside of the city. The responsible Finance Committee in the Knesset recently refused to authorize postal employees to work on Saturday, January 20, 1996 to facilitate the elections.

3. *General Coordination*

During our meetings with Palestinian and Israeli officials, we should also solicit information about the nature and spirit of the coordination between Israeli and Palestinian officials. There are, for example, liaison committees at several levels. Colonel Hacham has been designated by the Israelis to head their side of the Joint Commission while Jamil Tarifi has been named his counterpart. It is important to note that Tarifi has announced that he will run for the Council and will have to resign from his post prior to the official beginning of the campaign period. Below him are two coordinators, one for the West Bank and one for Gaza Strip. Are they meeting regularly, are they resolving issues, and are their decisions being implemented on the ground? Are the decisions made at the highest levels being adequately communicated to those who are directly involved with the day to day implementation of the elections. The first pre-election delegation noted that Israeli security commanders should insure that soldiers on the ground are well briefed about and prepared to facilitate election arrangements.

IV. PROCEDURES

The mission will assess these issues through a series of meetings with election administrators, party and faction leaders, Palestinian and Israeli officials, journalists, civic leaders, and others. A draft schedule will be faxed with this terms of reference, and an updated version will be provided when you arrive.

The delegation will not meet directly with political movements or factions that advocate violence or terrorism, including Hamas or Islamic Jihad. The NDI/Carter Center program seeks to monitor the election process rather than to mediate among Palestinian political movements and factions. Moreover, consistent with its approach to political movements that advocate or make use of violence or terrorism in other countries, NDI does not wish to confer legitimacy on formations or organizations that engage in terrorism. At the same time, recognizing that the loosely structured or unstructured political, social and cultural forces that operate in the name of Hamas represent a powerful political force in Palestinian politics, the delegation will seek to meet with individuals who are familiar with the views of Islamist leaders and political parties or political formations that have indicated that they may participate in the electoral process and field candidates and thus will have renounced "nondemocratic means" of achieving their objectives.

We would like to warn you that the schedule you receive is likely to change. The circumstances surrounding these elections are complex and multifaceted. It is possible, for example, that access to and from the territories may be restricted. In such circumstances, foreigners generally face only limited delays in their ability to travel between Israel and the Territories or within the Territories. In the case of closures, however, some Palestinians with whom we have scheduled meetings may face difficulties in reaching such meetings. Additionally, events may arise that introduce new issues to consider. Furthermore, people we have scheduled meetings with may request to change the time and location our meetings. In these circumstances, we would ask you to remain patient and understanding.

Before the formal meetings begin, you will receive a briefing on the election framework, parties and factions, and the media, which will supplement the information available in this briefing book. After the briefing we will depart for Gaza, where you will spend two nights. In Gaza we will stay at the Adam Hotel. On the afternoon of the 13th we will return to the West Bank for more meetings there. By the evening of Friday December 15, we should be prepared to begin framing our statement, which we will have completed during working sessions Friday night and Saturday morning. We expect that the statement will be released on Saturday, December 16. In addition we may call a press conference to draw greater attention to our findings.

To cover more ground, the delegation will divide into two teams on Tuesday and Thursday.

V. OTHER ELEMENTS OF THE ELECTION OBSERVATION PROGRAM

This mission is one important component of the observation program organized by the National Democratic Institute in collaboration with the Carter Center. The program also includes the elements outlined below

1) *Additional pre-election missions*. The first pre-election delegation came to the West Bank and Gaza November 10 to 17 to monitor the opening of registration and to assess the state of preparations for the elections. Despite concerns about the tight schedule and the absence of an election law, the mission concluded that the registration had begun successfully. The mission statement is included in the briefing notebook. NDI and the Carter Center may organize a third pre-election mission during the campaign period.

2) *Long term monitoring by NDI and Carter Center field team*. NDI's International Monitoring draws on the civic education and women's political participation programs that have been in place since February 1994. Shortly after the signing of the Interim Agreement, NDI expanded its presence in the West Bank and Gaza Strip to specifically monitor the preparations for the upcoming elections as well as election day activities. The three-person international monitoring team, now including representatives of both organizations, will continue to track developments with the election preparations, monitor broadcast and print

media coverage of the elections, meet regularly with party representatives and election officials and investigate complaints.

3) *Support for domestic monitoring.* NDI has been working, since last spring, to support the efforts of the nonpartisan Palestinian Domestic Monitoring Committee (PDMC). The PDMC intends to field a substantial team of Palestinian monitors to cover most polling stations on election day and also monitor selected aspects of the pre-election process. NDI technical advisors are advising the PDMC in their preparations. NDI is also helping to fund the domestic monitoring effort through a cooperative agreement. PDMC is a coalition of over 20 Palestinian NGOs.

4) *Comprehensive pre-election report.* Based on the findings of the pre-election missions and the field team, NDI intends to publish a comprehensive pre-election report shortly before the elections, which will be designed to provide information to observers, journalists and others interested assessing the election environment and the developments leading up to election day.

5) *Election-week Delegation.* NDI and the Carter Center will organize an election-week delegation of approximately 40 people to monitor the final preparations for elections, the balloting, vote counting, and other concerns that arise around the elections. We expect that former U.S. President Jimmy Carter will be a co-leader of the election week delegation because of his pivotal role as president in bringing about the Camp David peace accords and his considerable work in support of democratic development worldwide since he left office. The delegation will cover all or most of the 16 constituencies and will issue a statement shortly after the elections.

6) *Coordination with the European Union and other Delegations.* The observation program will work in coordination with other delegations under the leadership of the European Union, which is designated in the Interim Agreement as being responsible for coordination of observers. The coordination is expected to cover issues such as deployment and pre-election briefing. Delegations will debrief together and may release a joint statement in addition to the statements of individual missions.

7) *Post-Election presence.* NDI intends to remain in the West Bank and Gaza after the elections, possibly through the beginning of 1998. NDI is in the process of designing a post-election program which includes extending NDI's current civic education program, providing for follow on programs with the PDMC and assisting the newly elected Palestinian Council.

ADDITIONAL INFORMATION ON POLITICAL AND ELECTORAL ISSUES

December 9, 1995

This document provides further explanation of issues discussed in the briefing paper and terms of reference memorandum and summarizes recent developments concerning the electoral framework and the political environment.

I. Election Law

After long delays the final version of the election law was signed by Yasser Arafat, the Chairman of the Palestinian Authority, on December 7. The signing followed a 40-day period of intense debate and negotiations over the draft law. The final version contains some modifications, but retains the major provisions of the draft, including the election system. Opposition political organizations and some NGO leaders had argued for a proportional representation system, and last minute negotiations considered and then dropped the option of a mixed system.

The acting Central Election Commission (CEC) released an Arabic version of the law on December 8. The English version should be available December 12.

Some new provisions of final version are outlined below.

1) One seat has been added, for the Samaritan community, which brings the total on the Council to 83. The Samaritans are a small community of 125 Jewish Palestinians living outside the city of Nablus in the West Bank. This amendment required Israeli approval because the number of seats is specified in the Interim Agreement.

2) The number of seats per constituency will be determined not by the number of registered voters as initially planned but by the population in each constituency. Census information from the Israeli population register will be used for these calculations. The decision to switch to population figures should shift one or two seats to Gaza, which has a younger population than the West Bank. In addition, this change removes the concern that Jerusalem residents would be underrepresented because of the lower turnout for registration in Jerusalem.

3) Candidates for the Council must deposit $1,000 and candidates for *Ra'ees* must deposit $3,000. The deposit will only be refunded to winning candidates.

4) The law contains a new stipulation that there should be equitable coverage of candidates/parties in news and current affairs programming.

5) The counting process has been streamlined.

6) Candidates and parties will not be able to obtain copies of the voter registration list. They can consult the posted list, but because of printing constraints they will not be entitled to their own copies of the list.

The signing brings to end a long period of debate over the law and concern over the absence of a legal framework for election prepartions. The draft law was approved by the Palestinian Authority Saturday, October 28 and 15,000 copies of the draft were distributed for consultation. Debate focused on the district-based majority election system, which some claimed would enhance the impact of families and other local bodies at the expense of political parties and other transregional organizations. Some political parties, particularly smaller opposition parties, proposed a proportional representation system on a single national list. A second issue was the timetable for elections, which many criticized as too short for the necessary preparations. The Palestinian Authority has countered that early elections are necessary to insure that Israelis adhere to the schedule for redeployment from West Bank cities and to minimize the risk that unexpected security problems could prevent elections from taking place. A third issue was the quota of several seats for Christians, which some criticize as unnecessary, while others proposed quotas for women or for the Samaritan minority group.

These issues were discussed in several public fora organized by the acting Central Election Commission, Saeb Erakat, and raised in letters and proposals to the CEC. Erekat said in a press conference on Sunday, December 3, "The law has been debated by all factions that constitute the political reality of the Palestinian people."

At the most recent council of ministers meeting on December 2, several opposition leaders were invited to participate in the final deliberations over the law.[1] A proposal was raised for a mixed system, whereby some seats would be elected on the majority system established in the draft law and other seats would be allocated proportionally from national lists. The system would work on the basis of three ballots, one for the *Ra'ees*, one for constituency-based representatives and a third for national party lists. The proposal was dropped.

Another concern has been the potential impact of the delay in establishing a legal framework for the elections. Up until December 8, election preparations continued without a clear legal basis. The Interim Agreement provided a general base for the registration process, but the specific procedures followed during registration had no

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[1] *Al-Nahar* reported on December 4 that Hamas member Ibrahim Ghosheh (based in Amman) said that his movement did not participate in the December 2 meeting but affirmed that Imad Falouiji, a "former activist in the movement," did attend. Ghosheh said that Falouji does not represent the movement and is not from its leadership, adding that Hamas issued a statement two months ago indicating that Falouji is not Hamas' spokesman.

established legal grounding. The first NDI/Carter Center pre-election mission drew attention to this issue in a November 16 statement which called for "[u]rgent resolution of important technical and organizational issues," including the lack of an election law.

An official decision is still pending on the election date. Ministers and other representatives of the Palestinian Authority have stated publicly that elections would take place on January 20, 1996, and the CEC is organizing on the basis of this date, but there has been no official decree as of yet.

II. Central Election Commission and Election Administration

The announcement of the new Central Election Commission and the Election Appeals Court is also pending. Acting Chairman Saeb Erekat and other commission members officially resigned December 3. An announcement of the new commission was expected December 4. The new commission will consist of nine members, will be headed by a judge and will also consist of university rectors, lawyers and electoral experts. The Appeals Committee will consist of five judges.

The administrative structure that is responsible for the actual implementation of the elections will remain in place. This structure is led by two coordinators, Ihab Barghouti for the West Bank and Osama Abu Safia for Gaza Strip. Below the coordinators are 16 district election managers responsible for election administration in the 16 constituencies. The district managers are supported by two or three assistants at the district level. Most district offices have been open and most district managers have been working on preparations in their areas for several months. It is worth noting that elections were initially expected in 1994 and postponed several times over delays in the talks that led to the Interim Agreement. For this reason, election officials have had several months to prepare for the beginning of the process.

The district managers have divided the districts into sections of 1000 voters, which will accord to individual polling stations. In most cases the polling station will be located in nearby schools, and there may be more than one station in a given school. Four-person polling station commissions, made up of teachers living in or near the area have been established for each polling station. The polling station commissions were responsible for the door-to door election registration canvass, conducted November 12 to December 2. In advance of the canvas these officials participated in CEC-organized training sessions on registration, for roughly 20 hours. There is expected to be an additional training program in preparation for polling and vote counting.

NDI field team members have heard very few complaints about the integrity of the election administration. There are concerns, however, about whether the election officials will be able to complete all the preparations in time.

The Central Election Commission has received considerable technical support,

largely from the European Union. European Union technical advisor Andrew Ellis, formerly Secretary General of the British Liberal Democratic Party, has been in the West Bank and Gaza Strip for most of the last two years assisting in the planning and preparations for the elections.

III. Registration Time line, and Comments on the Registration Canvass

(For further information on the registration process, consult "Facts about Palestinian Voter Registration" in the briefing book)

The registration of voters and compilation of the electoral registry is scheduled to take place as outlined below:

November 12 to December 2	Registration canvass.
December 3 to 14	Continued registration at district election offices
December 3 to 9	Preparation of initial draft electoral register
December 10	Publication of initial draft electoral register
December 10 to 14	Period for submitting appeals to the initial draft electoral register
December 14	Deadline for submission of appeals; deadline for additional registration after canvass period
December 21	Deadline for response to appeals
December 26	Deadline for Israeli confirmation of register and Palestinian appeals to that process
December 30	Publication of the Electoral Register

Four points are worth noting. First, although the registration canvass finished December 2, district election offices are open to receive additional names until December 14, which may represent an extention intended to boost registration in Jerusalem, Bethlehem, and Jericho. Second, it is not clear at this point where voters will go to check the initial draft register. The draft may be posted at the location of the polling station, in most cases a nearby school. The school will be functioning, however, and school officials have resisted allowing the schools to be cited as the fixed office of the polling station. Alternatively, the list may be kept at the homes of the polling station officials. Third, at several points in the process the names and identity card numbers of voters are transferred by hand, first from the registration forms to computer forms and

later from computer print-outs to lists for public posting.

A fourth issue relates to the Israeli confirmation of the electoral register and to Palestinian appeals of that process, which are called for in the Interim Agreement. The Agreement stipulates that "[T]he Palestinian side of the CAC [Civil Affairs Coordination and Cooperation Committee] subcommittee will provide the Israeli side with a copy of [the initial draft register]... Upon receipt of this information the Israeli side will confirm the information contained in the initial draft register with that contained in the Population Register. Persons whose details do not appear, or whose details are significantly different from those in the Population Register, shall be removed from the initial draft register, unless the Palestinian side can provide satisfactory evidence within 7 days that the person is entered in the Population Register." The process will take place on a rolling basis, as the initial list becomes available and as additional names are included. The plan as of this writing is that batches of names processed on the Palestinian side will be relayed via computer to the office of the Israeli Population Registry, where they will be compared with the information in the register. In return Israeli officials will relay queries, again on a rolling basis, about inconsistent entries. The Palestinian side will then have to document that the entry should be included. To do so, electoral officials will have to track the transfer of information through the different forms to check for clerical errors, or contact the voter. This is a modification of the specifications in the Interim Agreement that call for a distinct seven-day period during which Israeli officials would review the completed Palestinian list followed by a seven-day Palestinian appeal (Annex I, article II). Many of the details of this process are still uncertain.

Notes on the registration canvass

Although no comprehensive monitoring reports of the registration canvassing are available, NDI's impression is that the canvass has largely been successful, with some exceptions in Jerusalem. NDI staff members spoke regularly with regional coordinators and district managers during the three-week period and organized spot checks for areas that might not have been covered. From these activities, from media reports, and from the absence of complaints, we draw the impression that almost all areas were covered and that eligible voters were given the opportunity to register. We will continue to solicit information to verify these impressions. It is also noteworthy that there were no complaints that we are aware of from political parties against polling station officials for acting in a partisan manner during the canvass.

The Central Election Commission reports that as of December 4, roughly 1,050,000 voters had registered. The best estimates of the population of Palestinians over 17 range from 1.2 to 1.3 million.

We are aware of several apparently minor problems, which are outlined below.

First, the public information campaign planned by the CEC was not completely implemented. Some information spots prepared for television were not aired from the Gaza transmitter of the Palestinian Broadcast Corporation (PBC), which meant that Gaza residents had very little information on television about the canvass. The decision not to air these spots seems to have been take arbitrarily by the Gaza director of the PBC, Hisham Meki. In addition, each district had planned a series of 10-20 town meetings about registration, but very few of these meetings actually took place. There were also some complaints that some polling station officials provided very little information about the election process as a whole, focussing instead on recording the information necessary for the registration. During the canvass, the only large scale public awareness campaign was the NDI-sponsored Civic Forum discussions, which provided 10,000 handouts on registration and reviewed registration procedures in a discussion format with roughly 3,000 people. Despite the shortcomings of some aspects of the official information campaign, anecdotal monitoring reports suggest that most people knew that the registration canvass was taking place and understood the purpose of the registration.

Second, some polling station officials did not ask whether there were other eligible voters at a given address but temporarily out of the area. Some Palestinians leave their homes for relatively long periods of time for work. Other family members could have registered these individuals during the canvass period if they had their identification numbers.

Another problem was that the registration cards that are given to the voter were not distributed completely at the beginning of registration, particularly in Gaza. For this reason some polling station officials had to return to some houses where people had already been registered in order to give voters their cards. The distribution problem is due in part to restrictions at the Israeli checkpoint entering Gaza. Because CEC vehicles are sometimes not allowed to enter Gaza, election officials had to carry boxes of printed materials across the checkpoint to vehicles on the Gaza side.

More serious problems were reported from Jerusalem during the canvass period. The problems are related to the unusual position of the city of Jerusalem. The Jerusalem election district is divided into municipal Jerusalem and surrounding towns. Municipal Jerusalem has been annexed by Israel. The Interim Agreement allows Palestinians who live in Jerusalem to vote but does not describe municipal Jerusalem as an electoral area for the Palestinian elections. For this reason, the Palestinian Central Election Commission does not have jurisdiction in municipal Jerusalem. Instead of using its own polling station officials to conduct the canvass, the CEC contracted Ibrahimiyya College, a college in East Jerusalem, to conduct the registration of Palestinians in Jerusalem. Ibrahimiyya college was responsible for recruiting and training teachers and students to conduct the registration and for implementing the program. Another consideration was that CEC posters and literature were not to be used in municipal Jerusalem. The CEC opened an office for the district of Jerusalem outside of the

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municipal boundaries. This office was responsible for registration of voters outside of the city and for supervising the work of Ibrahimiyya college.

At the outset the canvass in municipal Jerusalem faced a number of difficulties. First, Ibrahimiyya College encountered some organizational problems. Some of the Ibrahimiyya students who had been trained later dropped out of the program, so new staff had to be found and trained. Also, Ibrahimiyya was supposed to set up an office in East Jerusalem to coordinate activities, but the office was closed two days after it opened, by Israeli Defense Force soldiers, according to the Jerusalem District Manager. As a result, registration inside Jerusalem has been directed from the district office, which at first was responsible only for registration outside of the municipality. It is also worth noting that the Jerusalem district office opened later than any of the other offices (October 4) and had less time to organize and study the terrain. Another problem is that Jerusalem registrars started one or two days late because of printing delays. A third problem is that there have been rumors that have deterred some people from registering, such as the idea that people who register to vote in Jerusalem will lose their Israeli identification documents that allow them to live and work in the city.

For these reasons, several areas in municipal Jerusalem were not covered until late in the registration process, and others may not have been covered at all Toward the end of the canvass Palestinian leaders and CEC officials mounted an effort to encourage people to register. The CEC opened additional offices in two schools and encouraged people from neighborhoods that had been missed to come register at these offices. The existence of these offices has not been widely publicized, however. At the end of the canvass period the CEC announced that 72,000 voters had registered in the District of Jerusalem, which is estimated to be around 60% of the population.

IV. Identification Documents

Because an identification document is required for registration, the establishment of a process for people to obtain such documents has been an important area of concern. The Interim Agreement (Annex II, Article II) provides that any person at least 40 years old as of January 1, 1996 who has lived in the West Bank and Gaza Strip continuously except for short absences for at least three years shall be entitled to an identity card. Individuals under 40 are also eligible if they have lived in the West Bank and Gaza Strip continuously for four years except for short absences. The Agreement also stipulates that applications by such individuals for identity cards "shall be dealt with ... on an expedited basis to assist the process of registration."

Despite the emphasis in the Interim Agreement on expeditious processing of this issue, the mechanism for applying for identity cards was not established until the third week of the canvass. The delay is due in part to the complicated issue of who has authority to grant identity documents in areas that are shifting from Israeli to Palestinian control. After several meetings, the CAC established a procedure for applications. To

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obtain identity cards, individuals meeting the criteria above had to file applications at the CAC offices in Ramallah, Jericho, Jenin, or at the office of the population registry in Gaza City before December 5. The application, which must be filled out in English, Arabic and Hebrew, requires a $100 fee. The applications are supposed to be reviewed by both sides of the CAC and processed in time for individuals to register before the close of the registration period on December 14. Several thousand Palestinians have submitted applications, though others have reportedly been deterred by the application fee.

V. Candidate Applications

The Time line for candidate applications is outlined below:

December 10	Opening of applications for candidacy
December 21	Provisional list of candidates Beginning of appeals of decisions on applications for candidacy
December 30	Publication of final list of candidates Opening of the campaign
January 19	Close of campaign
January 20	Election day

VI. Political Participation

As of this writing which political organizations will compete is still not clear in all cases. The situation at present can be summarized as follows:

1. Fateh, the leading political organization of the Palestinian Authority, and the party of Chairman Arafat, is competing.

2. Fida and the People's Party , two small political organizations that generally support the peace process are competing

3. The Popular Front for the Liberation of Palestine (PFLP) and the Democratic Front for the Liberation of Palestine (DFLP), two small leftist political organizations often referred to as the secular opposition, have indicated that they will not compete, but there appears to be renewed debate within both parties on the issue. Both the PFLP and DFLP oppose the peace process, and the leadership of both parties are based outside of the West Bank and Gaza. Last week PFLP leaders from the West Bank and Gaza were in Damascus to

reconsider the organizations position on participating in the elections. Representatives from inside the Palestinian territories appear to favor participation, while the leadership in Damascus is opposed.

4. Hamas spokespersons in Gaza have indicated that Hamas will not compete directly but that the organization may support an emerging group called the National Islamic Salvation Party, and may field some candidates through that organization. Hamas is associated with the Islamic fundamentalist movement, and may still be involved in terrorist activity. The new National Islamic Salvation Party recently scheduled and then cancelled an introductory press conference.

   Al-Nahar reported on December 7 that Arafat met with a Hamas delegation on December 6 in Gaza. It was reported that Arafat asked all to participate in the elections in order to reinforce democracy and national unity. The two sides agreed to meet in Cairo as soon as possible. The Hamas delegation included Muhammad Hassan Sham'a, one of Hamas' founders, Abdul Khaleq Al-Natseh, and Hassan Yousef from the West Bank. The meeting was also attended by Hani Al-Hassan, Freih Abu Mdein, and Zakariya Al-Agha. Sham'a denied that the meeting's aim was Hamas' participation in the elections: "as for the elections, it is an internal issue and will not be put on the negotiations table." Sources speculate that meetings might start next week in Cairo.

5. One faction of Islamic Jihad is reportedly intending to boycott while a second faction recently announced that it will participate. According to *Palestine Report* Spokesperson Abu Abdullah Fayez Al-Aswad said last week that "the movement will participate in elections, and urged all supporters to register to vote."

VII. Candidate selection

Al-Quds reported on December 5 that Fateh General Secretary in the West Bank Marwan Barghouti said that committees in each constituency will nominate representatives to compete for the Council seats. Barghouti explained that a special committee from the movement's high committees will choose candidates from these lists. The movement committees will be each headed by a Fateh Central Committee member. He added that there is a strong inclination in Fateh to include at least one woman in each of its district lists, whether that woman is Fateh or independent.

VIII. Recent Disturbances

In early January, there were several reported confrontations between Palestinians and Israeli security officers in the northern cities of Nablus and Jenin, which represent an increase in this kind of problem. On December 1, demonstrations marking the fifth anniversary of the assassination of five Palestinian opposition activists led to rock throwing and shooting between Palestinians and Israeli officials. On December 6, two

Israeli soldiers were shot and wounded at a military base near Nablus. Redeployment of Israeli forces from Nablus has begun and is expected to be completed around December 17.

A separate problem occurred in Jenin on November 30 when a group of Palestinians abducted two Israeli Border Police officers. They may have been acting in response to an Israeli raid on a cafe, in pursuit of a Palestinian fugitive. The abducted soldiers were detained for several hours, and then released, following intervention by Chairman Arafat and other leaders. Israeli officials warned that the incident could delay redeployment. Palestinian police have arrested the kidnappers and they have been tried and sentenced to nine years of hard labor. The fugitive was also arrested, tried and sentenced to five years.

VIII. Bypass Roads

Israeli officials have developed plans to link settlements in the West Bank with roads that will bypass territory that has been transferred to Palestinian control. In response to concerns about the security of settlers, Israel aims to complete the roads before redeployment is finished. On the Palestinian side, the Palestinian Authority is committed to the principle that the 22-day campaign period should not begin until redeployment is complete. The completion of the bypass roads is therefore an important consideration in reviewing the election schedule. A second concern is that many Palestinians have protested the confiscation of farm land for these roads.

IX. European Union Election Unit and other International Observers

Election observers from the European Union, Norway and elsewhere have begun monitoring the pre-election process. The European Union has by far the largest operation, including a staff of roughly 50 people and an observation team that will total over 300 on election day. There are currently 28 two-person teams of E.U. deployed around the West Bank and Gaza. During the registration process the observers followed polling station officials as they went door to door to register voters, but did not check for neighborhoods that had been missed.

The EU is designated in the Interim Agreement as responsible for coordinating observers. In this capacity, the EU expects to provide training for observer, and to coordinate deployment and a debriefing meeting to discuss findings.

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MEMORANDUM

TO: Members of the International Observation Delegation

FROM: The National Democratic Institute for International Affairs and The Carter Center

DATE: January 13, 1996

RE: Terms of Reference

I. INTRODUCTION

Thank you for agreeing to participate in the observer delegation to the Palestinian Interim Self Governing Authority elections. On January 20, 1996, Palestinians will vote for their leaders for the first time in their history. Chosen that day will be an 89-member National Council, including a leader, or Ra'ees, of the Palestinian Authority. The election will be a pivotal moment in the effort to build democratic government in the Palestinian territories and peace in the Middle East.

This mission to observe the elections is organized by the National Democratic Institute for International Affairs (NDI) and The Carter Center, based in Atlanta, Georgia, and funded through grants from the United States Agency for International Development, the National Endowment for Democracy and private organizations. Over the past decade, NDI and the Carter Center have monitored more than 50 elections around the world, and the two organizations have collaborated on many important election observation programs.

NDI and The Carter Center have worked in the Palestinian territories for many months preparing for these elections. Beginning in February 1994, NDI has maintained a field presence and organized a series of programs with citizens and civic organizations to strengthen public involvement in the electoral process. Since the signing of the Interim Agreement in September 1995, NDI and The Carter Center have closely monitored pre-election developments. The pre-election monitoring program has tracked the emerging political and electoral issues and presented periodic public reports to Palestinian officials, candidates and voters. (Upon your arrival in Jerusalem, you will receive a comprehensive pre-election report.) Now, The Carter Center and NDI welcome this distinguished observer delegation, composed of leading advocates and practitioners of democracy from around the world, for the culmination of this monitoring program.

The purposes of this memorandum are to set out the objectives of this mission, to discuss issues the delegation will consider, and to outline the mission procedures and schedule.

II. OBJECTIVES

The purposes of the observation mission are:

1) to demonstrate international support for democracy and peace in the West Bank and Gaza Strip;

2) to promote confidence in the transparency of the electoral process;

3) to evaluate the elections in relation to Palestinian law and international norms;

4) to deter fraud;

5) to expose and denounce fraud should it occur;

6) to encourage full acceptance of the results of legitimate elections;

7) to assess human rights concerns related to the elections such as respect for freedom of speech and press and freedom from unlawful detention;

8) to provide recommendations that can improve Palestinian elections in the future; and

9) to publish the findings of the delegation.

In undertaking this effort, the delegation should follow internationally recognized guidelines for observing elections. These guidelines require that the delegation remain neutral regarding the outcome of the elections. The delegation should, in all instances, abide by relevant laws and international agreements and avoid interfering in the process in any way. The delegation must, in all instances, distinguish facts from subjective judgments and should attempt to make specific, fact-based, documented observations. ***Delegates should not make statements to the press, except in accordance with the press guidelines.*** Delegation members should understand that their role is limited; the Palestinian people will make the ultimate judgment about the process.

III. ISSUES TO CONSIDER

The work of the observer delegation will result in a statement, which will be released on January 21. The statement will be our contribution to the Palestinian effort to build a democratic system and to the world understanding of this historic Middle Eastern election. The statement will be based on our observations, the findings of our pre-election monitoring program, and credible reports from domestic and international observers and other sources.

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It is impossible to predict now the issues that we will be discussing as we draft the statement on January 21. We can, however, outline several issues that we will need to pursue during the observation. The major issues of note as of this writing are outlined below. Other issues that arise will be discussed during the briefing session. For background information, please review the NDI Pre-Election Report.

A. Balloting and Counting Processes

1. *Voting by Security Officers.* How the 24,000 Palestinian police and security forces will vote has been an issue of debate in the period leading up to the elections. During the registration canvass, most officers registered in Gaza or Jericho, where they were based before the completion of Israeli redeployment. On election day, however, many will be deployed away from the area where they registered. Because the election law does not provide for absentee balloting, the question has come up of how deployed officers will vote. As of this writing, election officials have proposed a system of mobile polling stations, containing ballot boxes for each of the 16 constituencies, that would circulate and provide officers the opportunity to vote in their constituency elections. On election day the delegation will have to carefully track how this or an alternative system is implemented.

2. *Voter understanding.* In many constituencies the ballot will have several dozen names and voters will be able to select several candidates. Voters may have trouble finding the candidates they want to select, or they may be confused by the choices available. Also, voters may take a long time marking the ballot. We will check the flow of voters at the polling station and speak with some voters outside of the polling station to see if there have been problems with this process.

3. *Possible problems with the voters' list.* There are two questions to ask in relation to the voters' list. First, are eligible voters who possess registration cards turned away on election day because their names are not on the list? This problem could occur because entries on the list were dropped or changed during the complicated and sometimes chaotic registration and appeals process. Other deletions could have occurred when the Israeli side checked the list against its own population registry. Second, does the supplementary list, which will not be posted until January 17 and which was not planned for in the election law, provide opportunities for multiple voting or other fraud?

4. *Counting.* We will check for problems during the counting phase, such as whether there are disagreements about how to count ambiguously marked ballots and whether the large number of candidates and votes per ballot causes significant error in the count. Also, during the counting we will be able to see if there are a many blank ballots, which could indicate discontent with the process or with the available choices.

5. *Transmission of results.* Once the counting is completed, we will follow the results to the District Election Office (DEO) to check that they are properly recorded and tabulated. We will also check if the runners who are designated to transport polling station results to the DEOs have met any problems.

6. *Presence of party agents and domestic observers.* The presence of Palestinian monitors, as representatives of candidates and of independent monitoring groups, increases the transparency of the process and, in broader terms, provides an indication of the level of Palestinian democratic organizing. We will note the extent of such party and nonpartisan observers.

B. Legal and Administrative Framework

1. *Impact of the unstable legal framework.* One of the major concerns of the three-month period before the election day was the unstable legal framework and shifting calendar for the elections. During the preparations for elections, deadlines were missed, procedures changed and laws amended or ignored. NDI and The Carter Center publicly expressed concern about the impact of this instability on voter confidence and on the ability of district and polling station officials to do their work. In the two weeks immediately before the elections, additional changes were discussed, including a plan to stamp the identity cards of voters and provisions to allow Palestinian police officers to vote in polling stations where they are not registered. We will try to assess on election day whether this instability has resulted in confusion in procedures or other administrative problems.

2. *Role of the election administration.* We will meet with election officials at the local, district and territorial levels, and we will be able to watch officials on election day to assess whether they are fair, impartial and competent. More broadly, we will try to assess the difficult question of whether problems that may arise during the process are the result of unintentional disorganization and experience or a deliberate intent to manipulate the process.

3. *Role of the Palestinian Authority.* Many of the concerns of the pre-election period have to do with the role of the Palestinian Authority. PA leader Yasser Arafat, a candidate for Ra'ees in the election, has substantially changed the election calendar through presidential decrees. The Authority-sanctioned television and radio broadcasting company, the Palestinian Broadcast Corporation, has provided extensive coverage of candidates from the governing party, Fateh, while limiting opportunities for other parties and points of view. The Ministry of Interior has required a voter registration card for passport applications, which may be unduly pressuring people to participate. During our mission and in our statement we will consider these issues.

C. Security

1. *Role of the Palestinian police.* There will be blue-uniformed Palestinian police at most polling stations to protect the security of the election process. According to the election law, the officers should only enter the polling stations in response to a specific request issued by the polling station president. We will want to attempt to check whether they have an intimidating influence on voters and whether they abide by the legally outlined procedures.

2. *Intimidation or disruption of the voting process.* It is possible that groups opposed to the elections, either Palestinian or Israeli, will try to disrupt the voting process. The first consideration in such cases will be the security of the observers (which will be discussed in detail during the

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briefing), but to the extent possible we will document disruptions and the response to such incidents by Palestinian and Israeli security forces and election officials.

3. *Freedom of movement.* Israeli security measures on election day will include checkpoints on many major roads in the West Bank, around settlements in Gaza, and between Gaza and Israel. We will try to determine if these measures are seriously impairing voters' access to polling stations or the mobility of domestic and international election observers, election officials and candidates.

D. Political Environment

1. *Participation.* It will be important to understand the extent of public support for this election process. For this reason we will track information on voter turn-out and also on the percentage of blank and spoiled ballots. At the same time, we will check for indications of pressure to vote on individuals who choose not to participate.

2. *The impact of [illegible] detentions.* In the weeks before the elections Palestinian security officers have detained without cause a well-known journalist, two human rights advocates and a campaign manager. We will track any allegations of other detentions that take place during the mission and consider this issue in our statement.

3. *Role of the media in the campaign.* The NDI/Carter Center team and other observers have criticized the Palestinian Broadcast Corporation for unfairness during the campaign. Although each candidate can air a two-minute advertisement on the radio, free of charge, access to the television has been limited to Fateh candidates. An additional concern is the limited coverage of opposition candidates in private newspapers.

IV. SCHEDULE

The delegation will arrive on January 16, 1996. On the 17th, we will begin two days of briefing and discussions on such topics as election law and procedures, the political background to the elections, polling data and Palestinian attitudes, security issues, the findings of pre-election observers, issues of Israeli-Palestinian coordination, and logistics and methodology for the mission. A final overview session led by former U.S. President Jimmy Carter will take place on the afternoon of the 18th, after which we will release our arrival statement to the press.

Early on the morning of January 19th, observers will deploy in teams of two, with a driver and a guide/interpreter to the different electoral constituencies. There will be one team in each of the 16 electoral constituencies plus additional teams in Hebron, Jerusalem and Gaza City. On the 19th, each team will have a day of briefing meetings with local election officials, NGO leaders, political party representatives, candidates, and other observers. These meetings will be designed to provide an overview of the specific political and electoral issues in each constituency.

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On January 20, polls will open at 7:00 a.m. Each observer team will be in place at a pre-selected polling station to watch the opening of voting. After the opening, voting will continue until 7:00 p.m. During the day each observer team will travel within the constituency, stopping at polling stations in several different areas, to allow the team to be in position to comment generally about the voting in that constituency. In the evening, each team will watch the vote counting in a pre-selected polling station and, if possible follow the results from the polling station to the district election office. On January 21, each team will return to Jerusalem for a debriefing meeting where we will discuss our findings and agree on a statement. There will be a press conference to announce the findings in the late afternoon. Most delegates will depart on the 22nd. For those who are not departing early in the morning, we will organize opportunities to see sights in Jerusalem.

V. NDI/CARTER CENTER PRE-ELECTION PROGRAM

In the months before the election, the NDI and The Carter Center organized a program of long-term monitoring of the pre-election environment and the electoral preparations. In addition to its staff for other programs, NDI placed two staff members in the field for the international monitoring program who were later joined by a representative of the Carter Center.

The team organized two pre-election delegations to focus attention on specific periods before the elections. The first team visited the West Bank and Gaza Strip from November 10 to 16, 1995 in order to assess the opening of the voter registration canvass, which began on November 12. At that time, planning for elections had shifted from a March election date to mid-January, and as a result there was widespread concern about whether the necessary preparations could be achieved in time. Concern focused on the voter registration canvass, the first and most intensive step in the election preparations, which had been cut from six weeks to three. On the basis of meetings with election officials at all levels, monitoring of the canvass and meeting with political leaders, the first delegation gave a positive evaluation of the beginning of registration, saying that "canvassers [appear] committed to completing the canvass fairly and thoroughly and . . . eligible voters generally want to register." At the same time the delegation called for "urgent resolution" of outstanding elements of the process, including the completion of the election law and the nomination of the Central Election Commission.

A second pre-election delegation visited the West Bank and Gaza Strip from December 10 to 16 with a mandate to look into broader issues of the political environment for elections. The delegation met with President Arafat, leaders of Palestinian Security forces, opposition party leaders, representatives of the media, human rights advocates and others. The statement of the second delegation expressed encouragement that "Palestinian leaders, including those from Islamist groups, describe elections as the basis of political legitimacy and the key to long term stability" and "want the elections to proceed without disruption or violence." At the same time, the delegation urged the Palestinian Authority "to demonstrate greater respect for human rights, freedom of speech and the rule of law." The delegation also recommended implementation of specific guidelines to regulate access to the media and easier access and mobility for Palestinians traveling between the West Bank and Gaza for election related purposes.

The NDI/Carter Center team issued a third statement on December 31, 1995. The statement again raised concern about the "lack of a stable legal framework," detentions without due process of law and the absence of balance in the media. The statement warned that the changes in the election calendar and procedures "may increase voter confusion and diminish public confidence in the electoral process." The statement also noted that the Council seats "appear not to have been allocated in proportion to the number of inhabitants, as required by law." In addition, NDI and The Carter raised concern about the voting procedures for police officers, who will not be registered at the polling station.

As the list of issues to consider under Section III above suggests, many of the concerns raised in these statements continue to affect the election process. Having tracked these issues since the beginning of October, NDI and The Carter Center will be well positioned to evaluate the process on election day.

VI. OTHER OBSERVERS

The Palestinian elections will be observed by roughly 700 international observes representing many countries, intergovernmental organizations, and nongovernmental organizations. In addition there will be over one thousand domestic monitors organized through the Palestinian Domestic Monitoring Committee. As with the NDI/Carter Center team, many of the international observer delegations have been present in the West Bank and Gaza Strip during the pre-election period. The Interim Agreement establishes the European Union as the coordinator of all international election observers, and the EU has implemented a comprehensive program including more than 300 observers on election day and more than 100 long-term observers who have been in place since the beginning of November. There will also be delegations from Australia, Canada, Cyprus, Egypt, Japan, Jordan, Korea, Norway, Russia, Switzerland, Turkey, the Organization of African Unity, the Movement of Non-Aligned States, and the Islamic Conference.

NDI and The Carter Center are working in coordination with other observers through the European Union Electoral Unit (EUEU). Our delegation will coordinate deployment on election day, particularly in terms of selecting polling stations to observe the opening and closing of voting. The EUEU intends to release a statement in coordination with other observers. We expect to share in the discussion of statements immediately after the election, but will put the priority on releasing our own assessment.

VII. OTHER NDI PROGRAMS IN THE WEST BANK AND GAZA

The NDI/Carter Center observation program draws on the resources of programs NDI has conducted in the West Bank and Gaza since February 1994. During this period, in addition to the international monitoring program, NDI has focused on the three programs outlined below.

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1. *Civic Forum.* NDI's "Civic Forum" program is designed to engage members of the Palestinian public in a series of small-group discussions about topics relating to democracy and civil society. It builds on "focus groups" about Palestinian attitudes toward democracy in late 1994 and a series of public meetings, held over many months throughout the Territories, featuring international visitors and Palestinian political leaders. These focus groups and public meetings helped NDI develop a program that could respond to Palestinian interest in a discussion and debate format, take advantage of the considerable political sophistication among Palestinians, and also provide a vehicle for information and discussion to fill gaps in common perceptions of the democratic process. Eleven trained Palestinian moderators, from different parts of the West Bank and Gaza Strip, lead discussions each month with around 20 separate groups of Palestinians, usually made up of around 20 people each. The discussion groups are drawn from cities, villages and refugee camps from throughout the West Bank and Gaza Strip and represent a diverse cross-section of Palestinian society and political tendencies. The moderators visit the same groups with a different topic each month. This program has provided a mechanism for wide distribution of leaflets on the registration and voting processes and for information gathering and sharing about the approaching elections. On election day, the Civic Forum moderators will work with the international observation delegation to help guide teams in each region.

2. *Support for the Palestinian Domestic Monitoring Committee (PDMC).* Given the importance of developing indigenous mechanism to insure government accountability, NDI regularly works in support of domestic monitoring in places where the Institute is also organizing international monitoring. In the West Bank and Gaza, NDI has worked with a coalition of Palestinian NGOs that are interested in monitoring the democratic process to establish a network to monitor the January elections. The coalition, which formed in August 1995, has monitored the registration process and the development of the legal framework for the elections and responded to and investigated complaints. On election day the PDMC hopes to have observers in all or most polling stations in the West Bank.

3. *Support for women's participation in the democratic process.* NDI has provided technical and financial assistance to a Palestinian NGO, the Jerusalem Center for Women (JCW), for a program focusing on involvement of Palestinian women in civic affairs and democratic politics. NDI has helped the JCW implement a program of monthly workshops with a core group of young Palestinian women. The topics have covered democracy and election issues in general terms and also in relation to Palestinian women. Women democratic leaders, including democratic political leaders and election administrators from the Arab world, have participated in interactive workshops that help the target group of young women to improve and test their own leadership and organizational skills and practice the steps of the democratic process.

APPENDIX J:

ALL NDI/CARTER CENTER PRESS RELEASES

NEWS RELEASE

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November 9, 1995

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DELEGATION BEGINS INTERNATIONAL MONITORING OF THE PALESTINIAN ELECTIONS

The first international pre-election delegation of the National Democratic Institute for International Affairs (NDI) and The Carter Center arrives November 10 as part of a series of programs to monitor the 1996 Palestinian elections. The objectives of the monitoring program are to demonstrate international support for democracy in the West Bank and Gaza Strip, to promote public confidence in the electoral process, and to assess the electoral process in relation to Palestinian law and international norms.

The pre-election delegation includes Saki Macozoma, South African member of parliament and chairman of the election committee of the African National Congress; Matyas Eorsi, Hungarian member of parliament and foreign affairs committee chairman and former member of the Hungarian election commission; Karen Shepherd, former member of the U.S. House of Representatives; and Claudio Grossman of Chile, Dean of the American University Law School. The delegation will be accompanied by NDI Chief of Mission Eric Bjournland and Susan Palmer, Assistant Director of the Carter Center Conflict Resolution Program.

This first pre-election delegation arrives in time for the beginning of voter registration and will meet with representatives of the Palestinian Authority, election officials, political party representatives, civic leaders, journalists, diplomats, other international monitors and representatives of the government of Israel. NDI and The Carter Center plan to organize one or two additional pre-election assessment missions. For the elections, NDI and The Carter Center will organize a multinational delegation of election and regional experts, elected officials and political party leaders. The delegation, which will be co-chaired by former U.S. President Jimmy Carter, will monitor final election preparations and the balloting and counting on election day.

Throughout the pre-election period, NDI representatives in the West Bank and Gaza Strip will closely monitor preparations for the elections, voter registration, the campaign, political environment, media coverage of the elections, the role of security forces and voter education efforts. A Carter Center representative will join the group several weeks prior to the election. The Institute will issue periodic public reports of its findings.

NDI is also providing technical assistance to the Palestinian Domestic Monitoring Committee, a broadly based, independent coalition of Palestinian nongovernmental organizations

that plans to monitor the election process. The NDI/Carter Center monitoring programs draw on the resources and experiences of the Institute's work in the West Bank and Gaza Strip since February 1994 in civic and voter education and women's participation in the democratic process.

NDI is coordinating its program with the European Union Electoral Unit and other national and intergovernmental organizations involved in monitoring the elections. The international monitoring program is funded by grants from the United States Agency of International Development and the National Endowment for Democracy.

The National Democratic Institute for International Affairs is a nongovernmental organization based in the United States that conducts nonpartisan international programs to help strengthen democratic institutions in new and emerging democracies. The Institute has offices in 30 countries around the world. In the past 10 years, NDI has organized international monitoring programs for more than 50 elections.

The Carter Center, a nongovernmental, nonprofit organization based in Atlanta, Georgia, advances peace and human rights worldwide through programs in democracy and development, global health and urban revitalization. Center projects have touched the lives of people in more than 65 countries. Previous election observation missions have been undertaken in Panama, Nicaragua, the Dominican Republic, Haiti, Guyana, Suriname, Zambia and Paraguay.

The pre-election delegation will report on its findings at a press conference on Thursday, November 16 at 6:00 pm at the National Palace Hotel, Jerusalem.

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STATEMENT OF FIRST NDI/CARTER CENTER PRE-ELECTION DELEGATION TO THE 1996 PALESTINIAN ELECTIONS

November 16, 1995

The first pre-election delegation of the National Democratic Institute for International Affairs (NDI) and The Carter Center has concluded a week-long mission to the West Bank and Gaza Strip. This pre-election mission is part of a comprehensive international election monitoring program designed to demonstrate international support for democracy and the electoral process in the West Bank and Gaza Strip and to assess the electoral process in relation to Palestinian law and international norms.

The delegation includes Sakumzi Macozoma, South African Member of Parliament and Chairman of the Election Committee of the African National Congress; Matyas Eorsi, Hungarian Member of Parliament and Chairman of the Foreign Affairs Committee; Karen Shepherd, former Member of the U.S. House of Representatives; and Claudio Grossman, a native of Chile, Vice President of the Inter-American Commission on Human Rights and Dean of the Washington College of Law at the American University in Washington, DC. Representatives of NDI and The Carter Center accompanied the delegation. NDI and The Carter Center are coordinating their international monitoring program with the international monitoring program of the European Union and other national and intergovernmental organizations involved in monitoring the elections. The NDI/Carter Center international monitoring program draws on the resources and experiences of the Institute's work in the West Bank and Gaza Strip since February 1994 in civic and voter education, women's participation, and domestic election monitoring.

The delegation met with representatives of the Palestinian Authority, representatives of political parties and groups, civic leaders, leaders of women's organizations, educators, journalists, diplomats, domestic and other international election monitors, and representatives of the government of Israel. The team met with the caretaker chairman of the Central Election Commission and members of the former Commission on Elections, coordinators of the election offices in the Gaza Strip and the West Bank, district election officers for Gaza City, Gaza North, Gaza-Middle, Khan Yunis, Rafah, Nablus, Ramallah, Hebron and Jerusalem, and teachers involved in voter registration process. The delegation observed registration canvassing in Deir Al Balah, Nuscirat, Shabora and the Swedi section of Rafah camp in the Gaza Strip, Ras Al-Joura and Jabal Al-Rahma in Hebron District, and Al-Izariya and in Jerusalem District.

Mirroring a universal trend, the Interim Agreement and the Palestinian election law call for international observation of the Palestinian elections. In the past 10 years, the National Democratic Institute, often in cooperation with The Carter Center, has organized international monitoring programs for more than 50 elections in every part of the world, including Africa, the Americas, Asia, Europe, the former Soviet Union and the Middle East.

FINDINGS OF THE DELEGATION

We have witnessed a rich process of discussion and dialogue among all sectors of Palestinian society. We are heartened by the enthusiasm we witnessed for registration and for the election process. We are greatly impressed with the commitment and resourcefulness of all the election officials, including teachers who are responsible for the voter registration canvass. There are strong aspirations for democracy throughout Palestinian society. We note that even parties that are skeptical about the elections have nevertheless encouraged Palestinians to participate in voter registration. Recognizing the right of political participation, we are confident that all political groups, even those that will not choose to participate, will respect the rights of each individual Palestinian to make a choice. We value, too, that Israel has committed itself to facilitate democratic elections in the West Bank and Gaza Strip.

These first Palestinian elections, like transition elections everywhere, create new opportunities to raise democratic awareness, involve larger parts of the public to participate in public affairs, lay the foundation for genuinely democratic institutions and satisfy international requirements for the democratic establishment of authority. We congratulate Palestinians for approaching the elections in this spirit. We offer the support of the international community to the opportunities opened for the development of Palestinian democracy.

1. Registration

- **Canvass of Voters.** The registration of voters that begins the Palestinian election process is generally well-organized and enthusiastically accepted by Palestinians in the West Bank and Gaza Strip. The voter registration canvass began on November 12. While there were a few technical and administrative difficulties at the beginning of the canvass-- e.g. a lack of identity cards for teachers conducting the canvassing, shortages of some registration materials, some confusion about transportation arrangements for teachers, and a shortage of canvassers to begin registration of the Palestinians of Jerusalem--- election officials seem to be adequately addressing these problems. Our impressions are that canvassers are committed to completing the canvass fairly and thoroughly and that eligible voters generally want to register. This positive beginning of registration is encouraging.

- **Voter Awareness.** We have observed a high level of awareness of the voter registration process, even though the local media have not covered registration canvassing as a significant story. The official voter education campaign of the Central Election Commission (CEC) in newspaper advertisements, through posters and on the broadcast media was evident, although we noted that some television spots were delayed.

- **General Support for Registration Process.** The extremely important registration process seems to have begun well. No one with whom we spoke questioned the legitimacy of the registration process, and Palestinians everywhere we went greeted registration with great enthusiasm. Various concerns were raised about the Interim Agreement, the election system and specific provisions of the election law. None of the parties raising these issues, however,

considered them sufficient to question the legitimacy or fairness of the registration process.

- **Identification Documents for Eligible Residents.** The Interim Agreement guarantees that residents without proper identification documents who meet certain criteria can obtain such documents that will allow them to register and vote. Because the canvass is set to end on December 2, the procedure for obtaining identification documents for such individuals should be clarified and explained to the canvassers and the public immediately. Palestinian election officials have told us that radio and newspaper announcements will address this issue in the near future.

2. Timing of Elections.

Concern was expressed to us as to whether holding elections as soon as January 1996 will allow enough time for proper preparations, including time to complete registration lists and make administrative preparations or time for parties and candidates to communicate their messages. Key sectors of Palestinian society believe, however, that it is critically important to hold early elections. These sectors trust that the political maturity of Palestinian society will allow for expeditious and effective resolution of election-related issues and complaints.

A maximum effort by all will be required for successful elections to take place in January. Urgent resolution of important technical and organizational issues must occur as soon as possible, including:

- The election law should be approved and measures should be adopted to promote public awareness of its provisions, such as broad distribution of the law or of information about its key provisions.

- Deadlines and procedures for filing as candidates should be established and made public.

- The process for filing appeals of problems with regard to voter and candidate registration should be defined and explained.

- The procedure for obtaining identification documents for individuals without identification documents should be clarified and explained to the canvassers and the public.

- Specific procedures to ensure fair access to broadcast media during the campaign should be established.

- Procedures for providing access to accredited domestic and international election monitors, in accordance with the election law and the Interim Agreement, to all aspects of the electoral process, including election day should be clarified.

- The Central Election Commission should be formed.

We understand that the final election law will make technical changes to address these issues and that the Palestinian Authority will promulgate the new law in the coming days. It is important that the law be announced and the CEC be formed in the very near future.

3. Facilitation of Electoral Process

We were impressed by the spirit of cooperation between the Palestinian and Israeli sides. Because of the complexity of the election, a maximum effort should be undertaken by all relevant actors. In that respect it is crucial to ensure that member of the Israeli administration and military on the ground are properly informed for the elections to proceed smoothly. We expect that these measures will further facilitate the transfer of election materials from Jericho to Gaza at the Erez checkpoint and the issuance of necessary travel permits to qualified Palestinian election officials, in accordance with the terms and spirit of the Interim Agreement.

4. Role of Domestic Monitors

We believe that international monitoring cannot be successful in the absence of domestic election monitoring, and we recognize that nongovernmental organizations have a fundamental role to play in the election process. We are impressed with the efforts of the Palestinian Domestic Monitoring Committee to organize a comprehensive, independent national monitoring coalition, in accordance with the Interim Agreement and the Palestinian electoral law. We note the Interim Agreement's commitment to freedom of movement of accredited domestic election monitors and expect that this commitment will be fully respected.

5. Role of Women

Palestinians from diverse sectors of society also commented on the key role of women in the building of democratic institutions. We hope that election officials, election monitors, candidates and parties will take into account the particular concerns of women and that these elections will provide greater opportunities for women to participate in the public affairs of their society. We note with satisfaction that the CEC has made a concerted effort to recruit women for all polling station commissions and that the CEC voter education materials feature women and seek to address their concerns.

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DELEGATION COMMENDS OPENING OF PALESTINIAN ELECTORAL PROCESS

"The registration of voters that begins the Palestinian election process is generally well-organized and enthusiastically accepted by Palestinians in the West Bank and Gaza Strip," said an international pre-election delegation sponsored by the National Democratic Institute for International Affairs (NDI) and The Carter Center. The delegation, with members from four countries, observed canvassing and met with political and civic leaders, election officials and others throughout the West Bank, Gaza Strip and Jerusalem from November 10 to 16, 1995. The mission came to observe the preliminary stage of the registration process, which began November 12, and to assess the preparations for elections.

"We are greatly impressed with the commitment and resourcefulness of all the election officials, including teachers who are responsible for the voter registration canvass," the delegation said, "There are strong aspirations for democracy throughout Palestinian society."

At the same time, the delegation noted some concerns. To enable successful elections to take place in January, the delegation called for "[u]rgent resolution of important technical and organizational issues." The delegation cited the lack of information on how eligible residents without identification documents can obtain such documents to enable them to register and vote, publication of deadlines for candidate nominations, clarification of procedures for voter and candidate registration appeals, and the need to ensure fair access to broadcast media. The statement urged prompt resolution of pending election law issues, promulgation of the election law, and the early appointment of the Central Election Commission. The delegation also said that it is "crucial to ensure that members of the Israeli administration and military on the ground are properly informed for the elections to proceed smoothly."

The delegation added that it was "impressed by the spirit of cooperation between the Palestinian and Israeli sides."

Members of the NDI/Carter Center delegation included Sakumzi Macozoma, South African Member of Parliament and Chairman of the Election Committee of the African National Congress; Matyas Eorsi, Hungarian Member of Parliament and Chairman of the Foreign Affairs Committee; Karen Shepherd, former Member of the U.S. House of Representatives; and Claudio Grossman, a native of Chile, Vice President of the Inter-American Commission on Human Rights and Dean of the Washington College of Law at the American University in Washington, DC.

NDI and The Carter Center plan to organize one or two additional pre-election missions and a larger delegation, which will be co-chaired by former U.S. President Jimmy Carter, to monitor final election preparations and the balloting and counting on election day. The international monitoring program draws on the resources and experiences of NDI's work in the West Bank and Gaza Strip since February 1994 in civic and voter education, women's participation, and domestic election monitoring.

The National Democratic Institute for International Affairs is a nongovernmental organization based in the United States that conducts nonpartisan international programs to help strengthen democratic in new and emerging democracies. The Carter Center, a nongovernmental, nonprofit organization based in Atlanta, Georgia, advances peace and human rights worldwide through programs in democracy and development, global health, and urban revitalization. In the past 10 years, NDI and The Carter Center have together and separately organized international monitoring programs for more than 50 elections around the world.

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STATEMENT OF THE SECOND NDI/CARTER CENTER PRE-ELECTION DELEGATION TO THE PALESTINIAN ELECTIONS

An international delegation organized jointly by the National Democratic Institute for International Affairs (NDI) and the Carter Center has concluded a second pre-election mission to review the Palestinian electoral process in the West Bank, Gaza Strip and East Jerusalem. After an intense week of observation and analysis, the delegation is encouraged by the emerging focus of the political discussion on democratic procedures that has occurred in recent days among groups across the political spectrum. Despite a substantially compressed timetable, the registration process seems to have gone rather well, and the prospects for an election without violence or disruption have improved over the last month. The peace process has permitted elections; in turn, it now appears that free elections could strengthen the peace process.

The delegation includes Ambassador Harry Barnes and Dr. Robert Pastor from The Carter Center; Dr. Alex Grigorievs, former member of the Latvian Parliament; Dr. Mohamed Guessous, leader of the Socialist Union of Popular Forces in Morocco; and Thomas O. Melia, Senior Associate at NDI. The delegation held meetings with Yassir Arafat and officials of the Palestinian Authority (PA); leaders of virtually all political parties and groups; journalists and human rights activists; civic leaders, domestic observers, candidates and election officials; and Israelis.

Throughout the pre-election period, NDI and Carter Center representatives based in the West Bank and Gaza Strip will continue to monitor preparations for the elections, voter and candidate registration, the campaign, political environment, media coverage of the elections, the role of security forces and voter education efforts. At the time of the elections, NDI and The Carter Center will organize a multinational delegation of election and regional experts, elected officials, and political party leaders, led by former U.S. President Jimmy Carter.

The delegation was encouraged to hear Palestinian leaders, including those from Islamist groups, describe the elections as the basis of political legitimacy and the key to long term stability. These leaders told us that they want the elections to proceed without disruption or violence, whether they eventually choose to participate or not. Chairman Arafat is presently engaged in a dialogue with Islamist critics of the PA and the Olso accords that we hope will lead to their participation in the elections. We hope this dialogue may be expanded to other groups so as to integrate all Palestinians into a peaceful political process.

All political groups with whom the delegation spoke welcomed the presence of international observers as an essential element of these elections. This represents their recognition of the importance

of a transparent and accountable electoral process and the positive role that the international community can play in reinforcing the process. We also note the importance of monitoring by impartial, civic-minded Palestinians as provided in the election law and the Interim Agreement, and we appeal to the PA and the Central Election Commission (CEC) to facilitate their work.

For the electoral process to succeed, it is necessary that the PA demonstrate greater respect for human rights, freedom of speech, and the rule of law. We are concerned about the serious reports of press censorship, arbitrary detention without due process, torture, and even deaths in detention. Many Palestinians also expressed their concern about the intrusion of a growing security apparatus into many aspects of civil society in a manner that inhibits debate and dissent.

The PA needs to take immediate steps to dispel these fears and create an open environment more conducive to meaningful elections. Toward that end, we recommend the following:

-- First, the Attorney General needs to respond fully to the requests of the Independent Commission on Human Rights and others for investigations of human rights violations.

-- Second, the delegation recommends the establishment of a legal framework for independent radio and television and the modification of the Press Law of June 1995 to respect rather than inhibit freedom of the press and speech.

-- Third, the encouraging recognition by the PA of the need for access to the media for all candidates ought to be reinforced by timely publication and implementation of specific guidelines. It is essential that all candidates will have equitable access to the media to present their messages and that news programming by the Palestinian Broadcasting Corporation will also reflect balance and fairness.

-- Fourth, more broadly, PA officials, including the security services, should take prompt steps to assure the public that the people's rights to express their views freely will not be infringed.

Our delegation has witnessed many elections in transitional countries, and in most cases, the registration process has been delayed and marred with serious irregularities. Here, we have heard no serious complaints about the process to date, despite the last minute shortening of the registration period or about the impartiality of election officials. Indeed, the polling station officials have been widely praised for their diligence and impartiality.

The preliminary voters' lists were completed on time and sent to the polling stations. Although the lists unfortunately have not always been posted at the stations, and voters do not seem to be checking for errors, the election officials have been working hard to review the lists and send their corrections to the District Election Offices. The range of errors varies a good deal, but we were informed that the rate of error on the preliminary list averages at this time about 5%. If this statistic turns out to be accurate, that would represent a great accomplishment. According to the official timetable, the final list will be sent to all polling stations on December 30, and we hope that officials post it immediately so that all parties and voters can check the names. This will reduce uncertainty on election day.

To hold elections on January 20 will require a vigorous commitment to the electoral framework and timetable. The Central Election Commission (CEC) should have been appointed much earlier but

certainly before the beginning of candidate nominations on December 14. It is now urgent that the new Commission as well as the Election Appeals Court be appointed immediately and that the CEC publicize the final timetable in order to provide transparency and predictability in the closing month of the electoral process.

Based on experiences in other countries, we anticipate that fears of multiple voting by some could emerge as the election day approaches. We therefore suggest that the new CEC consider at this time two widely-used techniques to enhance public confidence in the integrity of the process: indelible ink and signing the registration list by each voter.

We have been impressed by the cooperation between Palestinian and Israeli authorities thus far on virtually all issues related to the electoral process. The decision by Israel to expedite redeployment is one measure of this cooperation, as was the smooth procedure for reviewing the electoral list. The fulfillment of all commitments undertaken in the Interim Accords, including the release by Israel of Palestinian prisoners, as agreed, will bolster confidence in the process. Israel should facilitate travel between the West Bank and Gaza for Palestinian election officials, who have been hindered on occasion in their work. Both parties also need to give greater attention to the need for easier access and mobility for other Palestinians traveling between the West Bank and Gaza for election-related purposes, such as journalism, civic education, political party development, domestic monitoring, and international observation.

This election must be understood in its historic context. After many decades of conflict, Palestinians in the West Bank, Gaza, and East Jerusalem have their first opportunity to choose their leaders in a general election. It is clear to us that no one is fully satisfied with the Oslo Accords. Both Israelis and Palestinians have had to make painful and difficult compromises to reach this point. But as the process of self-determination envisaged in the Accords acquires more substance for the Palestinians, more and more of them are coming to rely on democracy as the best mechanism for addressing their concerns. New political parties and coalitions are taking shape; candidates are coming forward; people are beginning to debate their future in a framework of peace and pride. Even while the graffiti of the recent past is so evident, a new language of democratic discourse is emerging and gradually re-shaping the political landscape.

We are worried about the chilling effect that the actions of security services are having on Palestinian democratic development. Nonetheless, of all that we witnessed, what impresses us the most is the determination of the overwhelming majority of the Palestinian people to secure their rights and establish a peaceful political culture that could serve as a basis for a democratic society.

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THIRD STATEMENT OF THE NDI/CARTER CENTER PRE-ELECTION MONITORING PROGRAM

The National Democratic Institute (NDI) and The Carter Center continue to monitor the pre-election environment in advance of the January 20 elections for the Council and Ra'ees of the Palestinian Interim Self-Governing Authority. In order to ensure that Palestinian voters, election organizers, candidates and responsible officials remain informed of our findings, The Carter Center and NDI issue periodic public assessments of the preparations for the elections. This third statement is being issued three weeks before election day, as the electoral calendar, after considerable fluidity in recent weeks, appears to have been clarified.

Overall, we remain encouraged by many aspects of this important process, particularly by Palestinian enthusiasm for elections and by the laudable efforts of the Polling Station Commissioners and District Election Officers who continue to surmount challenges in preparing for the elections. Administratively and technically elections can be conducted on January 20 provided that further major alterations in the framework and in the calendar are not introduced. Nevertheless, we are increasingly concerned that some environmental problems raised earlier have not been addressed and in some cases have worsened.

Of particular concern is the lack of a stable framework for the elections, an issue that the European Union Election Unit and other observers have also raised. An election law exists, and timetables have been promulgated and announced, but they have been frequently changed by the Central Election Commission (CEC) and the Palestinian Authority. Important components of the election process, including the length of time for the campaign, the number of seats in the Council, the procedure and timetable for registering voters and the timetable for registering candidates have been altered several times without public explanation by authorities. While some of these changes have been made to promote greater participation in this first Palestinian election, they also may increase voter confusion and diminish public confidence in the electoral process. Election officials have asserted that they may not be able to respond to all the changing procedures. A further concern is that the Council seats appear not to have been allocated in proportion to the number of inhabitants in each constituency, as required by law, which could weaken the principle of fair representation. We recommend that the population figures used for the allocation be made public to clarify the matter.

The recent arrest and continuing detention of *Al-Quds* Editor Maher Al-Alami furthers concerns about respect for freedom of speech. NDI and the Carter Center have raised the issue of press freedom in the past and are concerned that the circumstances of this detention suggest a

worsening of the situation. NDI and the Carter Center add their voices to those calling for the immediate release of Mr. Alami and others who have been detained without due process.

In previous statements, NDI and the Carter Center have stressed the importance of balance in the media and the need for specific guidelines for the role of the Palestinian Broadcast Corporation (PBC) during the campaign. The CEC and PBC have drafted an agreement governing access to the broadcast media during the campaign. This agreement should be completed and promulgated as soon as possible, and provisions allowing for access free of charge should be respected, in accordance with Article 57 of the election law. The draft agreement reserves time for candidate spots on the radio but not on television. The agreement also calls for "balanced coverage in news and current affairs media" and specifies that the PBC should ensure that "the total time allocated to each party or candidate matches roughly the number of candidates." At present access to the television is unbalanced as the December 30 report by Reporters Sans Frontieres documents. This imbalance should be corrected.

We are also concerned about voting procedures for police officers, who will not be registered at the polling station where they vote. According to volume three of the CEC's Manual of Instruction and Guidance of Members of Commissions and Offices, the officers are required to turn in their voter certificates when they vote. This provides a check on multiple voting, but care should be taken over the distribution of certificates and observers should track the number of certificates turned in on election day to check against registration figures. As NDI and The Carter Center have suggested previously, the use of indelible ink on fingers provides another way to assure the public that the possibility of multiple voting has been reduced.

We commend the Central Election Commission for having addressed some issues that have been raised by observers. For example, some 200 volunteers of the Palestinian Domestic Monitoring Committee (PDMC) have now received their credentials. As the PDMC hopes to have more than 2000 monitors by election day, we hope that the remainder will also receive credentials in a timely manner. Despite its late establishment, recent statements from the CEC warning against early campaigning and the use of Palestinian Authority resources by candidates are helping the Commission establish the necessary reputation for independence. Nevertheless, the well-known partisan affiliation of several members of the Commission will necessitate extra effort to demonstrate its impartiality and independence.

As 1996 begins, peace and prospect of democratic elections have brought hope to Palestinians and the friends of Palestinian democracy around the world. The realization of these hopes depends in part of how Palestinians meet the challenges of these first elections, which help determine the nature of the future political system in the West Bank and Gaza.

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NDI and The Carter Center will continue to monitor the pre-election preparations ,along with other election observers. In order to obtain as much information as possible, NDI and The Carter Center have established telephone lines for candidates who have concerns about election-related irregularities. In the West Bank, the number is (02) 283-396, and in Gaza, (07) 864-805.

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PRE-ELECTION STATEMENT OF NDI-CARTER CENTER DELEGATION
JANUARY 18, 1996
JERUSALEM

THE HONORABLE JIMMY CARTER:

On Saturday, Palestinians will have the first opportunity in history to choose their leaders in a general election. On behalf of my delegation, I appreciate the invitations we received to observe these elections. Because this historic moment was envisaged in the Camp David Agreement, and because it represents a critical milestone for the peace process and for the Palestinian people, I feel honored personally to be here at this time.

Our distinguished delegation of forty men and women is deliberately international because democracy is a universal value. We come from eleven nations with substantial experience in participating or monitoring elections in countries that have made democratic transitions, including South Africa, Poland, and Chile. They are political and civic leaders, elected officials, scholars, and journalists.

Our monitoring effort represents a collaboration between the National Democratic Institute (NDI) and The Carter Center of Emory University. Together and individually, we have worked to support elections and other democratic processes in more than 50 countries around the world. I would like to recognize Ken Wollack, the president of NDI, and thank him and the superb work of his staff. I would also like to ask former Polish Prime Minister Hanna Suchocka, the co-leader of the mission, and a woman who has substantial experience in transitional elections, to describe further our activities leading up to this observer mission.

PRIME MINISTER HANNA SUCHOCKA:

Thank you, President Carter. It is an honor to join you in leading such a distinguished delegation.

Democracy is not possible without free elections, but it also requires more than elections. I know this from the experience of my country, and NDI and the Carter Center have learned long ago that it is a mistake to confine monitoring to election day. The National Democratic Institute has been working in the West Bank and Gaza since February 1994. It has promoted

civic forums to engage groups of people in discussions on democracy; it has encouraged women's participation in politics, and it has helped local groups build a domestic monitoring organization.

Since last fall, the Carter center has joined with NDI to monitor the electoral process by sending two high-level delegations to assess the state of the electoral process. Both missions visited with election officials and those of the Palestinian National Authority, leaders of the political parties and movements, candidates for the Council and the two candidates for Ra'es, Samiha Khalil and Yasser Arafat, journalists, human rights groups, and many others. We assessed the technical elements of the electoral process, including the registration, the formation and conduct of the Central Elections Commission, access to the media, and respect for the rule of law. At the conclusion of each visit, we issued a statement summarizing our views of the electoral process

The construction of democracy requires a vibrant civil society. Our pre-election missions concluded that one of the most encouraging elements of the political scene in the West Bank and Gaza is the prominence of non-governmental organizations. Al-Haq and the Palestinian Center for Human Rights have written incisive reports on the electoral process; the Palestine Research and Studies Center has increased responsiveness to the public by its important surveys; the Palestine Domestic Monitoring Committee--a coalition of more than 40 groups--is organizing volunteers to monitor the electoral processes; the Palestinian Independent Commission for Citizens' Rights has pursued with courage and vigor answers to allegations of human rights violations; and some journalists have asked hard questions to permit the public to be informed. These groups and others have worked to keep the authorities accountable to the law and to international norms, and we salute them for their efforts.

I would now like to ask President Carter if he would offer the delegation's assessment of the state of the electoral process at this time.

PRESIDENT CARTER:

On the eve of the election, we would like to summarize our views of the electoral process thus far:

--Although elections were envisioned in the Declaration of Principles signed in September 1993, the electoral process got underway quite late. The Election Law was signed just six weeks ago; the Central Election Commission was appointed less than one week ago. A six week registration process was reduced to three weeks. For all these reasons, a very complicated electoral and political process was compressed, and problems arose. Equitable media access was not secured. Detentions of human rights activists, journalists, and other innocent people occurred. There has been press censorship, and our previous delegations heard concerns about the activities of the security forces. The electoral process in East Jerusalem has led to some confusion.

--Despite these problems, we have been impressed with how well the election authorities have prepared for the elections. We did not hear serious complaints about the registration process

despite the fact that the time was sharply reduced. The Central Elections Commission welcomed a role for both domestic and international observers in all parts of the process, and they have been responsive to concerns and complaints raised b the observers.

--We are encouraged by the popular response to the registration process, and the nearly 700 candidates who have come forward to contest seats for the Legislative Council. The campaign has been brief, but the candidates have had opportunities to get their messages to the people. The towns are filled with posters, and the candidates have had public forums and meetings.

--As my colleague noted, the Palestinian NGO's have played a positive role in the electoral process. They represent a very hopeful sign that democracy's prospects will continue to improve.

While the electoral process has had problems, we believe that the people in the West Bank and Gaza and East Jerusalem now have their opportunity to choose freely their leaders, and we hope that all registered electors will exercise that precious right.

Our delegation will divide into small teams and visit all sixteen constituencies. We have coordinated our work with the European Union, and our observers will use the same survey as they visit polling sites. While we expect there might be some technical problems on election day, the comprehensive collection of survey forms will permit us to determine whether they are significant. At the end of the day, our delegation will watch the count, and then on the morning of January 21, we will meet in Jerusalem to share our observations and to prepare a statement, which I will present at a press conference at 7 p.m. on January 21st here.

We realize that the election is also a contest between hopes and fears. We have been told of the concerns of some Palestinians in East Jerusalem that they could lose their benefits if they vote. We were pleased to learn today that the Israeli government issued a statement reassuring these people that they will not be penalized for voting. Other Palestinians are fearful that they could be penalized if they don't vote. While we hope that they will vote, we also believe their right *not* to vote should be respected. I hope that the Palestinian National Authority will reassure these Palestinians as well.

For too long, Palestinians and Israelis have seemed condemned to a tragic cycle of terrorism and revenge. The Oslo Accords represented a courageous attempt to escape from the past, but recent events demonstrate the continuing power of old attitudes. To those who ask whether there is an alternative to violence, our answer is that it lies in citizens' actions for peace and the democratic spirit of tolerance and compromise.

On Saturday, the Palestinian people have a chance to declare that they believe in *that* alternative. They can do so by voting! And their vote will be secret. I will be visiting polling stations and hope to see all those who want to vote and make their future one of peace.

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Preliminary Statement of The Carter Center/NDI International Delegation to the January 20, 1996 Palestinian Elections

Honorable Jimmy Carter and Hanna Suchocka
Co-leaders of the Delegation
January 21, 1996

We are an international delegation of 40 leaders from 11 countries sponsored jointly by The Carter Center and the National Democratic Institute for International Affairs (NDI). We are offering a preliminary assessment of the January 20 Palestinian elections in the West Bank, Gaza Strip and East Jerusalem, recognizing the counting of the votes and the resolution of complaints has yet to be completed.

Our delegation was deployed to all 16 constituencies and visited more than 200 polling stations during the day, asking a set of questions that permitted us to develop a fuller picture of the events than anyone of us could have individually. The delegation includes former heads of state and government, retired diplomats and journalists, elected officials, political party and civic leaders, regional specialists and election experts.

We saw problems before election day, and we saw them on the day of the voting. We do not want to conceal our concerns or minimize the irregularities. To the contrary, we want to raise them in the hope and belief that they will be corrected in the future. Nonetheless, our overall conclusion is that the Palestinian people had an historic opportunity to choose their leaders yesterday, and they did so with enthusiasm and a high degree of professionalism. We view elections, however, in the broader context of democratic development.

This international delegation was invited and welcomed by the Palestinian Authority, the government of Israel, political parties, electoral authorities and Palestinian civic organizations. We were provided access to all stages of the election process and coordinated our activities closely with the European Union Electoral Unit (EUEU) and the several other national and intergovernmental delegations associated with the EUEU. Our delegation came to witness the elections and to report to the public on our observations. But the views that matter the most are those of the Palestinian people; they and they alone will determine the legitimacy of these elections.

The primary purposes of the delegation have been to demonstrate the support of the international community for the peace process and for democratic governance by Palestinians and

to provide an objective assessment of these elections. We also have sought to learn about the emerging political process and its implications for democratic Palestinian institutions.

The delegation's mandate included the examination of three aspects of the election process: the pre-election period, the balloting and counting on election day, and the tabulation of results to date. This statement is a preliminary assessment of these issues. In the pre-election period, we relied on the reports of two missions in November and December and on the civic education program conducted by NDI in the last two years. The statements of the two multinational pre-election missions applauded the dedication of Palestinian election officials, the spirit of cooperation between Palestinian and Israeli officials, and the strong support for the elections among the Palestinian public. The second mission was impressed by the consensus among Palestinians that elections were the basis of political legitimacy. At the same time, the missions expressed concerns about the election timetable, threats to freedom of expression and the inequities of the broadcast media. Notwithstanding the limited campaign period and access to the media, candidates told us they were able to communicate their messages to the electorate.

The principal delegation arrived the week before the election. We had intensive briefings and meetings with representatives of the Central Election Commission (CEC), representatives of political parties and independent candidates for the Palestinian Council, both candidates for *Ra'ees*, journalists and human rights activists, independent analysts, Palestinian and international election monitors, and Israeli officials. The delegation then divided into 21 teams and deployed throughout the West Bank and Gaza Strip and also in East Jerusalem. The delegation's teams held similar meetings at the local level and then observed the voting, counting and tabulation processes.

We will issue a more detailed report later but here are our preliminary conclusions:

THE ELECTORAL PROCESS

These elections were envisaged by the Camp David Accords and constitute the fulfillment of one of the most significant portions of the Oslo Accords. They also represent a significant step forward for the democratic process. To assess the election, one needs to understand that it emerges from a continuing peace process in which the political environments in the West Bank, Gaza, and East Jerusalem are quite different from one another.

The delegation was impressed by the high voter turnout, in all areas except East Jerusalem and parts of the city of Hebron, demonstrating the intense interest of the Palestinian people in expressing their will through the electoral process.

We are encouraged by the strong role played by non-governmental organizations in the election. To take just one example, the Palestinian Domestic Monitoring Committee fielded 1,500 well-trained pollwatchers that were present throughout the West Bank and East Jerusalem. They concluded that "the electoral system worked, despite serious challenges." We share this conclusion, and believe that the work done by the PDMC and other NGOs, like the Palestinian Center for Human Rights, which fielded observers in Gaza, is absolutely crucial to the long-term success of Palestinian democracy. We were also pleased to see so many poll-watchers, representing parties and candidates.

We were impressed too by the dedication and professionalism of the many teachers and other Palestinian citizens who served as polling station officials and by the generally efficient organization of the electoral administration. particularly considering the compressed time period of the electoral process.

Pending future Israeli-Palestinian negotiations. accommodations were found that would provide an opportunity for Palestinians of Jerusalem to participate in these elections without pre-judging the outcome of those negotiations. The agreement to undertake voting in East Jerusalem post offices was a compromise, and four-fifths of the registered citizens of East Jerusalem were required to leave the city and travel distances to cast their ballots at polling stations outside the municipality. A prevailing spirit of cooperation and compromise between Israeli and Palestinian officials permitted the resolution of last-minute disputes over assignment of registered voters to polling places in East Jerusalem and the extension of polling hours on election day.

Prior to the elections, there was widespread fear of disruption at the post offices in East Jerusalem. At the beginning of voting day, Israeli security forces were present in large numbers in front of the post offices, and a number of accredited domestic observers were detained. We were concerned about the videotaping of voters, and that the security presence was excessive and likely was one of the factors explaining the low voter turnout. We immediately conveyed our concerns to the Israeli military authorities. We were pleased that during the course of the day, the Israeli government was constructive and responsive to these concerns. They released the domestic observers, and reduced the size of the military presence outside of the post offices. With some exceptions, they facilitated transportation out of Jerusalem, and they curtailed videotaping of voters. The overall situation improved during the course of the day, and apparently, voter participation increased in the afternoon.

In other areas, the delegation did observe problems, and irregularities during the course of the voting. These included: cases of intimidation by party agents and Palestinian security officials, particularly in certain parts of the Gaza Strip; campaign activities within polling places; some disorganization particularly in polling places with high turnout and some imprecision in procedures for checking voter's identity; and some problems with the secrecy of the ballots.

The newly elected members of the Palestinian Council will assume great responsibility for guiding the development of democratic institutions, including their own. We hope that the Ra'ees and the Council will work to promote a deliberative body that is independent, accountable to the people, and transparent in its activities. The development of a rule of law is essential to promote human rights and democratic processes, including periodic elections.

For too long, Palestinians and Israelis have seemed condemned to mutual fears and suspicions, and to a tragic cycle of violence. The Oslo Accords and the elections are courageous efforts to escape from the past and to build a new future. We hope that the international community will remain involved in the development and democratic process. Progress in the peace process will be advanced as Israelis and Palestinians work together in a spirit of tolerance, dialogue, and mutual respect. We hope these elections will be a critical element in the success of this journey.

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NDI/CARTER CENTER CONTINUE MONITORING: RECOMMEND PUBLISHING FULL RESULTS FOR REVIEW

This second post-election statement to the public on behalf of the National Democratic Institute for International Affairs (NDI) and The Carter Center is based on the continuing joint effort by the two organizations to monitor the tabulation of results and disposition of complaints that have arisen. In our preliminary post-election statement, presented by former President Jimmy Carter on January 21, we concluded that "The Palestinian people had an historic opportunity to choose their leaders yesterday, and they did so with enthusiasm and a high degree of professionalism." Nothing we have seen since that day has led us to revise that conclusion. Nonetheless, the election process will not be concluded until each step envisioned in the election law is completed and all concerns and complaints of the candidates have been fairly addressed. With other international and domestic observers, NDI and The Carter Center continue to monitor this process. In addition, NDI and The Carter Center will observe new elections called for on January 31 in two polling stations in Gaza North.

Although no one disputes the outcome of the election for Ra'ees and the vast majority of Council results, concerns have been raised in a few constituencies about the tabulation process when the results from all polling stations were aggregated. The NDI/Carter Center team is in the process of reviewing these concerns. We have found a few cases of incorrectly transferred numbers on the constituency tabulation forms and some delays and disorganization in the process. Nothing brought to our attention yet, however, persuades us that any election results should be considered erroneous or in doubt.

In Jenin, Jerusalem and Ramallah signed protocols and ballots from five out of 371 polling stations remained at the polling stations for more than a day after the voting. Other protocols were misplaced within tabulation centers in Hebron and the Jerusalem district, because of the lack of a tracking mechanism for incoming protocols. In Gaza City, Gaza North, Khan Younis, Hebron and Jerusalem some candidates' agents were improperly prevented from entering tabulation centers, although international observers were present and candidates' agents had been able to observe counting of the votes at the voting site in virtually all cases.

The fact that a protocol remained at a polling station for some time after it should have been delivered to the District Election Office or was misplaced is reason for concern. However,

this alone does not indicate that the results were falsified. In cases where candidates' agents, domestic Palestinian observers or international observers were present throughout the count and recorded the vote totals they witnessed, it is possible to verify the officially recorded results. If necessary to resolve the controversy, the ballots from a particular ballot box could be recounted.

In Jerusalem, NDI/Carter Center observers went on January 24 with a representative of the District Election Commission and a candidate to polling station 65, found the protocol and the ballots for that polling station, and confirmed the results on that protocol were the same as figures that had been recorded by the candidate's agent. Likewise, in Jenin, the protocol for polling station 104, when located on January 22, was verified against the records of candidates' agents. This independent confirmation in these two cases is a reassuring example of how these and other problems can be resolved and of how the review process is working in some cases. We are encouraged that election officials are facilitating this review as is their duty. We urge candidates and observers who have questions about specific polling stations to review those results in a similar manner so that the process can be completed as soon as possible.

To facilitate and expedite this review and to allay suspicion, we have suggested that the Central Election Commission (CEC) publish the results polling station-by-polling station and make copies of the signed protocols available to anyone who questions the results of specific polling stations. We are gratified that the CEC is undertaking a full scrutiny of the results and soon will be making available to the public results from each polling station. The publication of the results will allow candidates to check the figures against their own signed copies of the protocols and also provide for independent verification against the records of international and domestic observers. Where there are discrepancies between a signed copy of a protocol held by a candidate and the official results for that polling station, these discrepancies should be fairly resolved through the CEC or through appeals to the Electoral Appeals Court.

We are encouraged that Palestinians are pursuing the implementation of a fair and democratic electoral process. Continuing efforts to ensure the transparency of the final steps of this process will further strengthen the foundation upon which Palestinian democracy is being built.

# # # # #

NDI and The Carter Center will continue to monitor the post-election process, along with other election observers. In order to obtain as much information as possible, NDI and The Carter Center are accepting calls from candidates and others concerned about post-election issues. In the West Bank, our number is (972-2) 283-396, and in Gaza, (972-7) 864-805.

APPENDIX K:

PRESS ON INTERNATIONAL MONITORING DELEGATION

LEVEL 1 - 1 OF 65 STORIES

Copyright 1996 The Atlanta Constitution
The Atlanta Journal and Constitution

January 22, 1996, Monday, ALL EDITIONS

SECTION: FOREIGN NEWS

LENGTH: 387 words

HEADLINE: Palestinian voting a success despite glitches, Carter says; 'First major step toward democracy'

BYLINE: Charles W. Holmes;
STAFF CORRESPONDENT

DATELINE: Jerusalem

BODY:

Former President Jimmy Carter and his team of election observers declared the Palestinian vote a qualified success Sunday, despite problems at polling places in East Jerusalem and Gaza City.

The voting irregularities were relatively minor, especially for a first-time election, Carter said at a news conference.

The election Saturday for president and an 88-member legislative council demonstrated a vigorous desire for democracy among Palestinians and should serve as a catalyst for the Middle East peace process, he said.

"There was nothing that took place (Saturday) that subverts the basic principle that the will of the Palestinian voters was accurately expressed," Carter said. "It's the first major step toward democracy for the Palestinians, for Palestine."

Yasser Arafat won 88 percent of the vote in the presidential election, while at least 50 members of Arafat's Fatah faction won seats on the legislative council, according to unofficial results released Sunday night. Official results were expected today.

Among the problems in Saturday's voting was low turnout in East Jerusalem, caused in part by a massive Israeli police deployment outside polling stations. Two or three polling places in the Gaza Strip were closed during the voting, and elsewhere in the Gaza Strip political factions at polling stations sought to influence voters to support their candidates.

Problems in transferring and tabulating ballots seriously delayed official results in half of the 16 electoral districts, Carter said. But the delays were not expected to affect the outcome, because international observers were continuing to monitor the ballot-counting process. However, the delays aroused suspicion among candidates and voters and risked creating an unfavorable

impression about the election's integrity, Carter said.

Carter led a team of 40 observers organized under his Carter Center at Emory University in Atlanta and the Washington, D.C.-based National Democratic Institute for International Affairs.

On Sunday, Carter traveled to Gaza City to congratulate Arafat on his "wonderful victory" as president of the Palestinian self-rule areas in the West Bank and Gaza Strip.

"I look upon (Saturday) as one of the historic turning points in the history of Palestine and the Mideast," Carter said.

LOAD-DATE: January 23, 1996

LEVEL 1 - 4 OF 65 STORIES

Copyright 1996 St. Louis Post-Dispatch, Inc.
St. Louis Post-Dispatch

January 22, 1996, Monday, THREE STAR Edition

SECTION: NEWS; Pg. 3A

LENGTH: 644 words

HEADLINE: ELECTION LANDSLIDE BUOYS ARAFAT, ALLIES; LARGE TURNOUT IN FIRST VOTE, POOR SHOWING BY MILITANTS BOOST LEADER

SOURCE: Compiled From News Services

DATELINE: GAZA CITY, GAZA STRIP

BODY:

After winning 88 percent of the vote, Yasser Arafat emerged Sunday from the first Palestinian election with a resounding mandate to complete peace with Israel and lead his people to independence.

Final results of the presidential race released by the Central Election Commission gave Arafat 88.1 percent of the vote and his opponent, Samiha Khalil, a veteran woman activist, 9.3 percent. Officials said 2.6 percent of the ballots were invalid.

Arafat, 65, thus becomes the first democratically elected leader of the Palestinian people.

Arafat loyalists also will control the newly elected 88-member Palestinian parliament. At least 50 of the legislators were members of Arafat's Fatah faction, including 10 who had served in his appointed interim Cabinet, according to unofficial results released Sunday night. Official results were expected today.

Despite the historic event, the mood in the West Bank and Gaza Strip was subdued Sunday as Palestinians began to observe the Muslim holy month of Ramadan with dawn-to-dusk fasting. Winners postponed celebrations until after the iftar, the festive meal that breaks the fast after sundown.

Arafat will convene the legislature for the first time after Ramadan, said spokesman Nabil Abu Irdeineh.

Arafat joked Sunday about his landslide victory, suggesting that a lower rate of approval would probably have looked more democratic. "I was looking for 51 percent," he said after meeting with former President Jimmy Carter, who led a 40-member election observer team. Carter Endorses Vote

The voting was marred by reports of fraud, and violations that ranged from stuffing ballot boxes and voting more than once to illiterate voters having

their ballots filled out for them by Arafat loyalists.

In the West Bank village of Salem, an election official was shot to death Saturday night by a Palestinian security agent who became enraged when told to leave a polling station. The gunman was arrested by police.

Carter said Sunday that there were some problems in the voting but not on a scale that would have altered the outcome.

"I look upon yesterday as one of the historic turning points in the history of Palestine and the Middle East," he said. Carter brokered the first Arab-Israeli peace treaty, the 1979 accord with Egypt.

"There was nothing that took place yesterday that subverts the basic principle that the will of the Palestinian voters was accurately expressed. It's the first major step toward democracy for the Palestinians, for Palestine," he said.

Carter led a team of 40 observers organized under his Carter Center at Emory University in Atlanta and the **National Democratic Institute** for International Affairs, based in Washington.

Arafat said the elections took the Palestinians one step closer to independence. Crucial decisions face Arafat and his legislature in the coming months. Negotiations with Israel on the final status of the West Bank, Gaza and Jerusalem are to begin by May.

Israeli Prime Minister Shimon Peres congratulated Arafat on his victory, but also reminded him in a phone call of his promise to revoke sections of the PLO Charter that call for the destruction of Israel. Under the Israel-PLO agreement, the charter must be annulled within two months after the first meeting of the Palestinian Council.

Peres announced that he would permit the return from exile of all 483 members of the Palestine National Council, the Palestinians' parliament-in-exile, which has to revoke the charter.

The members of the newly elected Palestinian legislature automatically become members of the Palestine National Council. In all, a two-thirds majority is required to revoke the charter. Peres said the 75 percent turnout among the 1,028,280 eligible voters was an endorsement of peace and sent a message to the militant opposition to stop their violence.

GRAPHIC: PHOTO; (1) Photo by AP - Young Palestinians from the Tulkaram refugee camp celebrate on Sunday the victory of their local candidate to the National Council in Saturday's elections. (2) Photo headshot of Jimmy Carter - Says vote was fair

LANGUAGE: English

LOAD-DATE: January 22, 1996

LEVEL 1 - 6 OF 65 STORIES

Copyright 1995 THE SALT LAKE TRIBUNE
The Salt Lake Tribune

January 21, 1996, Sunday

SECTION: Nation-World; Pg. A1

LENGTH: 560 words

HEADLINE: Utah's Shepherd Sees Democracy in Action Shepherd: Witness to History

BYLINE: By JoAnn Jacobsen-Wells THE SALT LAKE TRIBUNE

BODY:

A former U.S. congresswoman from Utah helped make possible the first free Palestinian election in more than three decades.

Karen Shepherd was part of a 40-member delegation, headed by former President Carter, which monitored the election of a president and 88-member governing council.

"The mood is enormously positive," said Shepherd, reached Friday afternoon on her cellular phone. She stood outside a polling place -- a school in rural Kurf Qaddum -- in the north part of the West Bank.

Dozens of curious children gathered around Shepherd as she spoke to The Salt Lake Tribune, as did adults leaving the nearby mosque.

"These people have never voted before except in municipal elections in the 1950s. This is an absolutely intoxicating experience for them. They are very, very, very excited.

"We also found when we met with Israeli authorities that they too are excited. They think if this area can develop a democracy, that is the best for them."

Shepherd shared their excitement when she arrived in Israel on Monday to ensure the polling places were prepared for the onslaught of Palestinians, eager to reap the fruits of democracy.

She predicted that as many as 90 percent of the people would vote, "while not even 50 percent of Americans voted in the 1994 election."

Palestinians "are trading in violence for a democratic process of resolving disputes," she said.

On Saturday, Shepherd visited up to 20 polling places from 7 a.m. to 7 p.m. -- ending up at one of the 16 electoral districts to help count the votes.

During the actual election, she was not permitted to do press interviews.

But her expressed prayer Friday was that the election would go forth in a region where "there is so much rightness and wrongness -- so many hurt feelings on both sides."

"There are an awful lot of things that could go wrong tomorrow. The only thing I can say is that the preparations have been good," Shepherd said.

"Jimmy Carter said that of all the 50 elections that have been monitored by the **National Democratic Institute** and the Carter Center -- in places where an election has never before occurred -- this is the best organized they have seen."

In Jerusalem and Hebron, some of the Islamic religious parties discouraged participation in the election. But they did not prevent it.

"This election was held on Saturday for a specific reason," Shepherd said. "It was held on the Shabbat, the holy Jewish Sabbath, to lessen tensions because some of the people objecting to the election will be busy all day with religious activities. While they are busy, the election will take place."

It was Shepherd's second trip to the West Bank and Gaza Strip.

In December, with a team of Palestinian teachers, Shepherd knocked on doors -- helping some of the 1.5 million Palestinians 18 years and older with Israeli identification cards register to vote.

Shepherd made a concentrated effort to register women, who cover their heads with a scarf, their clothing with a robe.

"They had an interest in me as a former member of Congress and a woman," she said. Shepherd convinced them of the importance of voting. On that trip, she did not meet one person who was not planning to vote. In Hebron, she visited an elderly disabled man who had arranged for a neighbor to drive him to the voting booth at 6 a.m. on Election Day.

LOAD-DATE: January 21, 1996

LEVEL 1 - 7 OF 65 STORIES

Copyright 1996 The Atlanta Constitution
The Atlanta Journal and Constitution

January 20, 1996, Saturday, ALL EDITIONS

SECTION: FOREIGN NEWS

LENGTH: 647 words

HEADLINE: Focus on Palestinian Elections;
For the first time in their history, Palestinians in the West Bank, the;
Gaza Strip and East Jerusalem will choose their leaders today in democratic elections for a president and an 88-member legislative council. Jimmy Carter heads international observers of the vote, which is is expected to provide a strong endorsement for Yasser Arafat.;
Planting the seeds for grass-roots power

BYLINE: J. Randal Ashley

BODY:
In building a democracy, it's the process rather than the election outcome that is important. A veteran election observer thinks the Palestinians have been doing the job extremely well for first-time voters.

The elections today in the West Bank and the Gaza Strip are, after all, being conducted in a rather tricky climate.

"There is a considerable amount of interest, even some excitement, among the Palestinians for the elections. There is also some residue of resentment as a result of the assassination of the Hamas leader (Yehiya Ayyash)," said Robert Pastor, a Carter Center official who is monitoring his 14th election in yet another "transitional democracy."

Pastor and Harry Barnes, director of conflict resolution and human rights programs at the Carter Center, have been the point men for an Atlanta-laden delegation of 40 election monitors sponsored by the Carter Center and the **National Democratic Institute** for International Affairs (**NDI**).

Four of the Carter family - former President Jimmy, wife Rosalynn, daughter Amy and grandson Jason - are among the monitors, as is the president of Emory University, William Chace, and one Arab prince and a host of parliamentarians.

Pastor was impressed with the speed and efficiency of the voter registration process. An overwhelming number of eligible voters have registered.

"We are greatly impressed with the commitment and resourcefulness of all the election officials, including the teachers who are responsible for the voter registration canvass," the **National Democratic Institute** said in its November report. The **NDI**-Carter Center group also found things going well in December.

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Those good reports have kept coming in from the monitors this week.

Remember, though, that this is an election in the land of car bombers and other fanatics. On Friday in the West Bank village of Jalameh, three members of Hamas, a militant Islamic group, fired on Israeli troops in an attempt to disrupt the elections. One soldier was wounded; the three assailants were killed.

"You can never say that there won't be violence in some form," Pastor said, "but the election puts the Palestinians on the track of peace and negotiations, and the hope is that they will stay on that track."

The Palestinian people apparently have taken to electoral politics with gusto. Yasser Arafat, of course, will be elected president - no surprise there. But there are nearly 700 candidates for 88 legislative council seats, and nobody has much of an idea who's going to win in these races. This is a new experience for the Palestinians, after all.

Ken Stein, a longtime associate of former President Carter on Middle Eastern affairs and one of the monitors, said that "only about 20 percent of the candidates are very well-known."

Stein said the council elections "give the Palestinians a sense of participating in determining their own future" but that the powers of the council are quite limited under terms negotiated by the Israelis and the Palestine Liberation Organization.

Essentially, the election is more a vote on the peace process than on creating a governing body. "They can't declare war on Libya, for example," Stein quipped.

"It is important to realize that historically, politics in the West Bank has been by middle-class and upper-class notables. To some degree, that continuity remains, but there is a new breed of Palestinian candidates out of the refugee camps. Suffering under (Israeli) occupation is part of the electioneering resumes."

It is entirely possible, he said, that the council may be less willing to com promise with Israel than Arafat is.

Some leaders of Hamas have called for a boycott of the election and said they would consider a less than 50 percent turnout a rejection of peace with Israel.

"I think they will have more than a 50 percent turnout," Pastor said.

LOAD-DATE: January 22, 1996

Jordan Times
Saturday, January 20, 1996

Carter expects fair Palestinian election

OCCUPIED JERUSALEM (AP) — Former U.S. President Jimmy Carter, leading an international team of observers to the first Palestinian elections, said he expects Saturday's balloting to be fair, despite some hitches.

"I believe it will be an honest election — one more step in the process toward ultimate peace," Mr. Carter said at a news conference Thursday night in Jerusalem.

Mr. Carter heads a 40-member observer delegation that includes his wife Rosalynn, daughter Amy and grandson Jason.

Thursday was the last full day of campaigning, and candidates were hampered by snowstorms in Jerusalem and the hilly areas of the West Bank.

Thousands of Palestinian police deployed at rural polling stations Thursday to protect ballot boxes. In an effort to avert violence by either Palestinian or Israeli extremists, Israel sealed its borders with the West Bank and Gaza Strip.

Israeli police chief Assaf Hafetz said police had received warnings that the militant group Hamas planned to sabotage the elections. Extra police will be deployed Saturday in Jerusalem and in the West Bank, he said.

A group of Arab-American lawmakers, however, were given assurances by Hamas representatives Thursday that the group would not disrupt the balloting, said U.S. Representative Nick Rahall.

An Israeli monitoring group, Peace Watch, accused Palestinian leader Yasser Arafat Thursday of replacing candidates chosen by his Fateh faction in primaries with his loyalists, and threatening or bribing candidates who ran as independents. Peace Watch also said the borders and allotment of seats in electoral districts were altered at a very late date, apparently to help Arafat-backed candidates.

Mr. Carter also listed a number of issues of concern related to the election, including unequal access for independent and opposition candidates to television and radio, confusion over the location of polling stations in East Jerusalem, and intimidation of voters by both Israelis and Palestinians.

He said he was to raise his concerns in meetings Friday with Mr. Arafat and Israeli Prime Minister Shimon Peres.

But, he added, "I don't think any of these issues are serious enough to cause doubts. ...I fully expect a successful election."

Mr. Carter recalled the historic peace agreement he brokered between Israeli Prime Ministe. Menachem Begin and Egyptian President [illegible] David in 1978. That agreement called for Palestinian elections and limited self-rule, but negotiations on implementation foundered until the breakthrough Israel-Palestine Liberation Organisation (PLO) agreement in 1993 that led to Israel's withdrawal from Palestinian towns in the West Bank and the Gaza Strip.

"The words that we carved out in Camp David in 1978 were that Palestinians would be granted full autonomy," Mr. Carter said, stressing the word "full."

"That has not yet been realised, and I hope that this election will be a major step toward that goal."

Asked if the elections were a step towards an independent Palestinian state, Mr. Carter said "that's a judgement for the Palestinians to make.

"I would say a state is the ultimate goal of the Palestinians," he said. "I have no quarrel with that."

In the West Bank town of Hebron, Israeli troops blocked 200 Palestinian demonstrators from marching outside a Jewish enclave on Thursday. Witnesses said a Palestinian television cameraman was detained and beaten.

Hebron is the only Palestinian city where Israeli troops will be present during Saturday's elections.

Hebron settlers said they would be in the streets in large numbers Saturday, but would not seek confrontations. "We are going to come and show that we are going to live in this city forever," said settler spokesman Noam Arnon.

Mr. Carter said he was concerned about whether voters would be able to move freely in Hebron.

The Jerusalem Post
January 19, 1996

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'We want honest elections'

HILLEL KUTTLER
WASHINGTON

GROWING up in Provo, Utah, Omar Kader often heard his parents speak of the "cruelty" of the Ottomans and "arrogance" of the British who once ruled Palestine.

The elder Kaders, who had left the Jerusalem area for the US by the early 1930s, didn't imagine the Palestinians would one day vote for a self-governing body.

But at tomorrow's Palestinian Council elections, Omar Kader will be there as one of more than a score of Americans monitoring the proceedings.

"I think it's a really historical moment. I'm really glad to be going," Kader, president of Pal-Tech, a computer training company in Arlington, Virginia, said before departing for the region early this week.

"I want to do everything I can to let Arab-Americans know we're watching" the voting, as well as to let the Palestinian leadership know "we want them to be honest elections," he said.

Kader said he is participating to ensure that the Palestinians do not become "just ... another Third World dictatorship."

The main delegation of US observers was organized jointly by the National Democratic Institute for International Affairs and Atlanta's Carter Center. Former US president Jimmy Carter is leading the group, which includes additional monitors from throughout the world, including former Polish prime minister Hanna Suchocka.

The Arab American Institute is also sponsoring an observer delegation consisting of former and current members of Congress and local elected officials of Arab-American descent.

West Virginia Congressman Nick Joe Rahall II, a Democrat, said he was "quite emotional" at serving as an election monitor.

"I think it's essential the Arab-American community be on the ground not only as observers but to support the Palestinians in this first-ever council election," he said.

THE AMERICAN participants prepared for the voting by meeting this week in the territories and in Israel with election officials and experts, journalists, and Palestinian and Israeli government officials.

The group will fan out tomorrow to voting stations throughout the territories to observe the balloting. They will critique the process in reports to be issued upon returning to the US.

But they cautioned against expectations they apply the American model to this "transition" election. The US has its own history of election irregularities which should lend "a little bit of humility" to the Americans' mission, said AAI president Jim Zogby.

For two years, NDI staffers have worked in the territories leading civic and voter-education programs, with an emphasis on encouraging women to participate in the political process. Much of that work was coordinated with the Palestinians' Central Election Commission.

The inaugural election is seen as a key element in promoting democracy in Palestinian society, said NDI senior associate Eric Bjornlund.

"Our belief is that elections can contribute to democratization," he said, "that transition elections can create a climate where there is greater democratization.

"We are going to demonstrate international support for Palestinian democracy and to assess the election process in relation to Palestinian law and international norms. [It] is a piece of a larger effort to promote democracy."

Several observers said they are participating both to lend American election experience to a first-time national ballot and to ensure the integrity of the process.

But they also raised concerns about Palestinian Authority chairman Yasser Arafat's shortening of the campaign schedule and tampering with party lists of victims in the primaries.

SOME SAID they were particularly upset by the PA's detention last month of Maher Alami, editor of the east Jerusalem daily *Al Quds*, and questioned the compatibility of democratic elections with infringements on freedom of the press.

Karen Shepherd, a former Democratic congresswoman from Utah who once did democracy-building work in Czechoslovakia, said "the absence of a fully free press is a great crippler to a growth of a democracy.

"If editors and writers and reporters don't have the freedom to do their job, then democracy can't be a growing thing.... It ought to be something the most civic-minded of the Palestinians should be working on, insisting on"

In a report issued this month, NDI and the Carter Center said the arrest of Alami raises "further concerns about respect for freedom of speech" and that "the circumstances of this detention suggest a worsening of the situation."

Following the second preelection visit to the region in December, the organizations said they were "encouraged" by Palestinian leaders' commitment to elections as the basis for political rule, as well as by the voter registration process.

But the report also criticized the PA for "the chilling effect that the actions of security services are having on Palestinian democratic development."

"For the electoral process to succeed, it is necessary that the PA demonstrate greater respect for human rights, freedom of speech and the rule of law," the delegates wrote. "We are concerned about the serious reports of press censorship, arbitrary detention without due process, torture and even deaths in detention.

"Many Palestinians also expressed their concern about the intrusion of a growing security apparatus into many aspects of civil society in a manner that inhibits debate and dissent.

"The PA needs to take immediate steps to dispel these fears and create an open environment more conducive to meaningful elections."

Election monitors said they intend to form their own judgments this week based on firsthand impressions of the PA's performance in enabling the elections to be truly open.

"My hope is the Palestinian leadership is very aware that the international community is watching its conduct in providing a free press and a fair coverage of the election process," said Congressman Jerry Weller (Republican-Illinois).

LEVEL 1 - 13 OF 65 STORIES

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January 18, 1996, Thursday, BC cycle

SECTION: International

LENGTH: 545 words

HEADLINE: Observers arrive for Palestinian voting

BYLINE: BY MATTHEW MOGUL

DATELINE: JERUSALEM, Jan. 18

BODY:

International observers fanned out Thursday in the West Bank and Gaza Strip to prepare for monitoring Saturday's historic Palestinian elections. Observers from more than a dozen countries, including the United States, Japan, Yemen, Jordan and Canada, will keep tabs on polling stations to determine if voting is fair. "I fully expect successful elections," former U.S. President Jimmy Carter told reporters in East Jerusalem. He called the voting a "first step forward to democracy, a first step forward to freedom" for the Palestinians. Carter is leading a 40-member observer team from 11 nations. His Atlanta-based Carter Center has monitored several previous elections around the world. "As far as I know no impediments have been placed to restrain the international observers" of the Palestinian elections, Carter said. "This has not been the case in many elections that we have helped to monitor." Another Carter Center official said the Palestinians have done a good job in organizing the election despite a short time frame. "I have personally never witnessed a transitional election in which the registration process was compressed from six weeks to three weeks and still worked," Robert Pastor said. "Much more usual is cases in which they are extended. "Nonetheless, from a technical standpoint, I think there has been a good effort on their part to get ready for this election," he said. Seventeen delegations representing about 650 international observers have been filing into the Palestinian self-rule areas via Israel during the past three months and were poised to oversee elections that will seat a Palestinian president and 88-seat legislative assembly. The Israeli army and police force still maintain security in Jerusalem and the West Bank city of Hebron, while Palestinian police patrol all other areas participating in the election. "So far there are no problems," Israeli army spokesman Shlomo Dror said. "We inform each other and assess the ongoing situation on a daily basis." He added: "They are doing a good job." The 15-nation European Union has provided 300 observers and is assigned to safeguard the election conditions spelled out in the second Israeli-Palestinian peace accord, signed last year. The EU has deployed observers to offices in Nablus, Jericho, Bethlehem and Gaza to be briefed on monitoring procedures. "We are providing a standard organized procedure for international observers to eliminate any confusion and distribute uniform reporting forms, which make the entire process much easier for us to monitor," an EU spokesman said. The Carter Center and National Democratic Institute for International Affairs, both from the United States, have

coordinated efforts in the past few months to assess whether the three-stage electoral process -- registration, campaigning and voting -- meets international standards and the 42-page Palestinian Election Law approved last month. The two groups have organized international monitoring programs for more than 50 elections around the world. The institute also has provided technical help for

about 40 Palestinians who will monitor the elections alongside international observers.

LANGUAGE: ENGLISH

LOAD-DATE: January 19, 1996

LEVEL 1 - 14 OF 65 STORIES

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JANUARY 17, 1996, WEDNESDAY

LENGTH: 215 words

HEADLINE: carter to lead delegation to observe palestinian election

DATELINE: washington, january 17; ITEM NO: 0117021

BODY:

former u.s. president jimmy carter will lead a 40-member delegation to observe the palestinian general election to be held in the west bank and gaza on saturday, organizers said today. the delegation, which comprises elected officials, academics and international democracy advocates, will arrive in israel thursday afternoon. the atlanta-based carter center and the national democratic institute for international affairs (**ndi**) are sponsoring the mission. "the purposes of the mission are to demonstrate international support for democracy in the west bank and gaza strip," carter said in a statement. and the purposes are also to "promote public confidence in the electoral process, and to access the electoral process in relation to palestinian law and international norms," carter added. there are dozens of other u.s. and international observer groups that will assist palestinians during the election and monitor it for inconsistencies. during the last three months, representatives from the carter center and **ndi** have been monitoring preparations for the election, including voter and candidate registration, media coverage, and the role of security forces. the **ndi** said in a recent report that the preparations had been "conducted in an open and conducive environment."

LANGUAGE: ENGLISH

LOAD-DATE: January 18, 1996

Jordan Times
January 13, 1996

Monitors criticise Palestinian election campaign, say PNA media favour Fateh

OCCUPIED JERUSALEM (R) — Groups monitoring next week's Palestinian elections in the West Bank and Gaza Strip reported several problems on Friday, including less access to the media for candidates opposing Palestinian leader Yasser Arafat.

But Palestinian analysts said the real problem in the run-up to the Jan. 20 poll was that candidates were running on similar platforms, making the contest boring.

Media watchdog Reporters Without Borders said the Voice of Palestine radio and Palestine TV were giving more coverage to candidates from Mr. Arafat's Fateh movement than to those from the other 17 competing political groups.

Mr. Arafat also got more air time than Samiha Khalila, his only challenger for the post of president of a Palestinian executive branch of an 88-member legislative council, the group said.

The council will run Palestinian affairs in self-rule areas in the West Bank and Gaza under the Israel-Palestine Liberation Organisation (PLO) accord signed in September. Some one million Palestinians are eligible to vote in 16 electoral districts, including Israeli-occupied East Jerusalem.

"At the end of the official campaign's first week, the imbalance between Fateh and other parties on one hand, and Mr. Arafat and Mrs. Khalil on the other remains very pronounced in the Palestinian public radio and TV," the media group said in a statement.

Opinion polls show Mr. Arafat and his Fateh list far ahead of other factions in the first such elections in Palestinian history.

An Israeli group accredited by the Palestinian National Authority (PNA) to monitor the elections said it had "heard repeated claims over the past two weeks regarding bribes in the form of jobs" to coax candidates to withdraw in favour of Fateh members.

The group, Peace Watch, said several former candidates were now employed in senior positions in ministries of the PNA.

Wafa Abdul Rahman of the Gaza office of the Washington-based National Democratic Institute, also observing the elections, said it had received no complaints of any serious violations.

"There are small violations. There is nothing serious that could affect the results of the elections," she told Reuters.

For example, candidates in the West Bank and Gaza Strip have plastered walls with election posters, ignoring regulations to use only specified billboards.

"We have received complaints that campaign workers for one candidate were pasting their advertisements over other candidates," said Ms. Abdul Rahman.

"We have some reports that candidates are offering bribes to voters. But we have not received any complaints," she said.

The Voice of Palestine

(Continued on page 7)

Monitors criticise campaign

(Continued from page 1)

radio station on Friday began broadcasting recorded messages by the more than 650 candidates competing for seats on the council.

"I think ... biggest problem with this election campaign is that candidates are using the same slogans. There is nothing innovative or imaginative in this campaign," said Jamil Rabah, an elections analyst for the Jerusalem Media and Communications Centre (JMCC).

The JMCC is a Palestinian-run press service which is reporting closely on the elections.

Palestinian groups accused Israeli authorities of restricting the election campaign in the Jerusalem district, which is not under self-rule.

Hazem Qottaineh, spokesman for the Palestinian domestic monitoring committee, said Israeli police detained two campaign workers Thursday for putting up election posters in East Jerusalem.

LEVEL 1 - 24 OF 65 STORIES

Copyright 1996 The Jerusalem Post
The Jerusalem Post

January 2, 1996, Tuesday

SECTION: NEWS; Pg. 1

LENGTH: 1160 words

HEADLINE: Irregularities are damaging PA election credibility - chief observer

BYLINE: Jon Immanuel

BODY:

SERIOUS irregularities by the Palestinian Authority are threatening the credibility of the Palestinian elections, the chief European observer stated yesterday.

He urged PA Chairman Yasser Arafat to "take urgent steps to try to build public and international confidence in the election process."

Carl Lidbom, head of the European Union Electoral Unit (EUEU), said in a statement that he was disturbed that the central election commission (CEC) had been set up so late (December 22). He also said last week's addition of seats to several districts was done by presidential decree and not by the CEC, and apparently not according to strict population criteria. (Gaza City now has 14% of the seats and less than 10% of the voters.)

Lidbom questioned "the political independence of the CEC" and wondered why there has been no response to his requests for a meeting with Mahmoud Abbas (Abu Mazen), who chairs it. The appointment of Abbas has itself been questioned, since he is a political figure and in the local PLO hierarchy is considered Arafat's deputy.

Lidbom criticized the reduction of the election campaign from 22 to 14 days, saying shortening the campaign "without any explanation breaches the Election Law and adds to the difficulties of independent candidates. It is debatable whether the 14 days now available for the official campaign can be regarded as sufficient.

"Overall, the events of the past few days have created confusion and uncertainty, and give the impression of the arbitrary use of power to redesign the electoral architecture. The EUEU believes that the series of improvisations and irregularities should now cease if the forthcoming elections are to retain any credibility."

There was no immediate response from the CEC, but Lidbom's statements reflect the reservations about the elections stated by many opposition candidates who are running.

The Norwegian observation delegation issued its own critique of procedures, saying that even if the delay of the opening of the campaign is considered acceptable, "we cannot see why those candidates already nominated should be denied the right to campaign."

The Washington-based **National Democratic Institute** for International Affairs and the Carter Center also weighed in two days ago with concerns about timetable changes and bias in the Palestinian broadcast media against non-Fatah candidates. They were particularly concerned that police officers "will not be registered at the polling station where they vote."

This could lead to multiple-voting, they said in a joint statement, and suggested "the use of indelible ink on fingers" to reduce the risk.

LANGUAGE: ENGLISH

LOAD-DATE: January 3, 1996

APPENDIX L:

TERMS OF REFERENCE FROM OCTOBER 1996 INDEPENDENT EVALUATION

MEMORANDUM

TO: Malak El-Nasser and Lauren Coletta

FROM: Kevin Johnson, Laura Abrahams, Olga Milosavljevic

DATE: October 10, 1996

RE: Terms of Reference for NDI West Bank and Gaza Program Evaluation

Thank you for agreeing to participate in our evaluation of NDI programs in the West Bank and Gaza. We are excited about the prospect this program holds for frank and open analysis of our work over the last 20 months and for fresh insight into how we can improve our activities. The three programs we would like you to evaluate are: a domestic election monitoring effort; international election monitoring; and, a grassroots civic education program.

This memorandum will explain what we hope to accomplish through the evaluation, and describe, in some detail, the evolution of the programs under evaluation. We would like you to address a specific set of issues and provide us with a written assessment of the impact of our programs thus far. We hope that you can help us understand where and how our programs have been successful and how their effectiveness could have been enhanced. In order to collect information for this assignment we expect that you will interview a wide variety of Palestinians -- political activists, NGO leaders, journalists, educators as well as NDI program participants -- to develop your assessment. Although we understand that in one week you will not be able to meet all the Palestinians we have worked with directly, let alone indirectly, we anticipate that you will meet with a significant cross section of Palestinians.

The other documents in this briefing book are intended to provide background in support of this terms of reference. Included in the briefing book are the proposals that led to the programs you are evaluating, memos from the field discussing key program decisions, and other support documents. The briefing book is admittedly large, but you should find that these materials are important for understanding the programs under evaluation. You are also encouraged to peruse our program files located in the Jerusalem office. We appreciate your taking the time to review this material before you arrive in Jerusalem.

We have prepared a schedule of meetings for the first five days of your visit to the West Bank and Gaza Strip. The remaining days have been left open for you to schedule follow-on meetings or to follow new leads from your initial meetings or your own inclinations. While you are in the West Bank and Gaza Strip your work will be facilitated by our Chief of Mission, Kevin Johnson, who has been resident in Jerusalem for the duration of the programs being evaluated. Additionally, Program Assistant Laura Abrahams will provide day to day support for this program. She will be available to set up follow-on meetings, track down additional materials or

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information and be responsible for all logistics during your stay.

This package should also include your plane ticket. If you have any questions about your itinerary please contact Nate Tibbits at (202)-797-4945. If you have any questions about the evaluation project, you can call Olga at (202) 797-4743 or Kevin or Laura in Jerusalem at 972-2-532-6048.

II. SUMMARY STATEMENT OF MISSION

On September 30, 1996, NDI will have completed a set of democratic development programs in support of Palestinian democratic institutions. The process of preparing a final report provides us an opportunity to evaluate what we have achieved, to review decisions that we have made and to ask questions that can help us improve our programs in the future, both in the West Bank and Gaza and elsewhere. A critical piece of this internal evaluation will be the fresh perspective that you can bring. To help us understand what we have achieved and where we might make improvements in the future, we would like you to work with us in reviewing our activities and to answer a set of questions about these programs. Your honest, frank and informed opinion of these programs will contribute to our future programs.

The section below describes each of the three programs that we want you to evaluate. At the end of each description is a discussion of the aspects of the program that we have questions about or for which we would like an outside perspective. The three programs and the questions we ask you to consider are the following:

Support for Independent Palestinian Election Monitors

We would like you to assess NDI's role in encouraging and supporting a nonpartisan domestic election monitoring effort [principally the Palestinian Domestic Monitoring Committee] in the West Bank and Gaza Strip.

1 Did the presence of a wholly Palestinian nonpartisan election monitoring effort serve to increase public confidence in the electoral process?

2. What did the participating NGOs gain from the election monitoring experience? Are these NGOs more likely to serve as government watch-dogs in their respective areas of interest in the future? Did the example set by PDMC serve to motivate nonparticipating NGOs to become more active in monitoring government actions?

3. What other strategies should NDI have considered to more effectively introduce and support nonpartisan domestic election monitoring in Gaza Strip?

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International Election Monitoring

1. Did the presence of an American-sponsored international election monitoring program increase Palestinian confidence in the election process?

2. In both the pre and post election period, some Palestinians complained that the effect of the international election monitoring efforts in the West Bank and Gaza Strip was to provide legitimacy to the elections and as a result those programs did not honestly report on election complaints and problems. Is this justified? Does this attitude persist?

3. Did NDI/Carter Center prompt a satisfactory resolution of election problems or confusion?

Civic Education Program

1. Do participants believe that the format of the sessions provides them with an unusual opportunity to engage in a discussion of public affairs with neighbors who hold different points of view?

   --And does this practice help increase their tolerance for different points of view?
   --Does the participatory nature of the discussion sessions successfully allow participants to absorb information and arrive at a common understanding of the basic underlying principles at discussion?

2. Has the Civic Forum program achieved the goals of:

   --Providing participants with basic information about democratic processes and practices; and,
   --Providing information relevant to important events in the Palestinian democratic transition?

3. Does Civic Forum's approach to recruiting local coordinators/groups mean in fact that the program is accessible to or inclusive of a broad cross section of Palestinian society (demographically, geographically and politically)? Should Civic Forum alter its approach to target particular sectors of the population?

4. In addition to weekly moderator meetings and memos, record of anecdotes, and NDI's Civic Forum database, what further information should NDI gather to evaluate the program? Are there additional items that NDI should track in its database? Are there more effective or complementary means of tracking the qualitative progress/developments of the program?

III. DESCRIPTION OF ACTIVITIES TO BE EVALUATED

A. The Palestinian Domestic Monitoring Committee

The effort to help Palestinians establish a domestic election monitoring effort was substantially successful in the West Bank and not successful in Gaza. While the law was amended to provide explicitly for independent Palestinian volunteer election monitors (making this potentially one of the most transparent election systems in the world), several challenges kept the overall effort from being fully successful. Election administrators were skeptical and slowed the process of accreditation, while differences among the NGOs slowed the recruitment and training of observers.

Since the mid 1980s, NDI has supported indigenous organizations interested in monitoring elections. Although an important contribution can be made by high profile international observer delegations, NDI believes that each political system's elections legitimacy must ultimately be judged by its own people, and that a well-traveled cadre of citizens is best placed to make that judgement. The act of evaluating their own election presents in many cases the first opportunity for domestic non-governmental organizations to participate in a political process. In some cases, NDI supports local non-partisan organizations to monitor elections. In other cases, NDI has supported coalitions of NGOs or interested individuals develop a new organization to mount a domestic monitoring effort.

Since the signing of the Declaration of Principles, which called for elections in the West Bank and Gaza, Palestinians spoke of the importance of international election monitoring for ensuring the integrity of the election process. NDI's provision of information to the Palestinian officials involved in drafting the election law and negotiating the Interim Agreement -- including, for example, Sa'eb Erekat -- led to the inclusion of a provision in the Agreement and the Election Law establishing the right of Palestinians to monitor their own elections.

Throughout this period NDI sought to identify Palestinians active in their communities and to introduce them to the notion of nonpartisan domestic election monitoring. From March 1994 through April 1995, NDI brought Palestinian women and men who had demonstrated an interest in being active around the elections to South Africa (March and April 1994), Nepal (November 1994), Guyana (October 1994), Peru (March 1995), and Bulgaria (November 1995) in order to observe domestic election monitoring efforts in action. Several of these participants returned to give lectures/seminars and write articles in the press about the domestic election monitoring efforts they had observed in these countries and the important role these efforts played in activating and encouraging citizens to take ownership of their own political process and transition. In the spring of 1995, several of these participants and interested NGOs began discussing how they might adapt these ideas to the Palestinian situation and approached NDI for assistance in their deliberations. Nearly everyone NDI met with

recommended that Palestinian domestic monitoring effort would best be organized as a multi-partisan coalition of Palestinian NGOs engaged in peace, democracy and human rights work. NDI discussed and later reiterated on several occasions the challenges associated with building coalition election monitoring efforts in difficult political climates and shared its experiences worldwide. Ultimately, NDI proceeded to support the 40-member coalition Palestinian Domestic Monitoring Committee (PDMC).

PDMC established a profile for itself as a multipartisan monitoring effort by successfully monitoring the registration period and the election day balloting and counting. For the registration process, PDMC used a survey technique that provided rough estimates of what percentage of Palestinians had been contacted during the registration canvass (See PDMC's first statement, tab 4). For election day, it recruited and trained approximately 2,000 volunteer observers, 1,500 of whom observed the elections on election day. (The other 500 did not observe elections because the Central Election Commission did not manage to process their applications for credentials.) It also developed a comprehensive monitoring checklist that allowed them to evaluate the election day process in considerable detail.

After several months of discussions, PDMC-West Bank was ultimately unable to convince counterpart NGOs in Gaza to join them in conducting a comprehensive monitoring of elections in the West Bank and Gaza Strip. While the difficulties in arriving at a common understanding of the goals of such and effort were significantly impeded by the inability of members from the West Bank and Gaza to meet in person[1], several influential Gaza NGOs, led by the PNGO network, demonstrated irreconcilably different perspectives on how far the PA could and should be challenged during this delicate period, when to begin monitoring, and under what conditions they would accept foreign assistance. In response to these differences, initially, the West Bank branch suggested establishing separate autonomous Steering Committees for the West Bank and Gaza branches of the organization in order to demonstrate respect for their differences. Several issues appear to have fueled the Gazans' hesitation. The most significant issue was the significant role that the new government had come to play in Gazan life that it had not yet asserted in the newly redeployed West Bank. As a result of the PA's heavy handed style of rule, Gazans exhibited greater anxiety about engaging in activities that could result in challenging the PA. Additionally, Gazan NGOs, as headed by prominent opponents of the peace process, were more reluctant to become involved in efforts supported by or perceived as introduced by an American organization. Despite efforts to overcome the latter, including assurances by the West Bank NGOs, several of which shared these political views, the parallel effort in Gaza failed to demonstrate sufficient commitment to carrying out a nonpartisan domestic election monitoring effort. Ultimately, NDI, in consultation with the

[1]It is worth noting that since the beginning of the peace process the West Bank and Gaza have essentially been separate territories. Because of Israeli closures it has been virtually impossible for Palestinians living in one area to travel to the other. Although PDMC was intent at the outset at establishing a uniform program, as a practical matter, no staff members could travel between the territories. As a result, the organization developed two separate steering committees.

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West Bank branch, assessed that the Gaza branch did not constitute a viable organization and decided in early December not to support the floundering Gaza branch. (See Memorandum, tab 4)

Several months later, two week before the elections, several of the NGOs initially involved in the Gaza branch of PDMC decided to monitor the election day balloting and the vote count. Led by the Gaza Center for Human Rights, this effort recruited and deployed 32 election monitors in Gaza on election day. The lack of effective domestic monitoring in Gaza, which by other accounts experienced the greatest number of election irregularities, had a significant impact on the overall domestic monitoring effort.

While PDMC-West Bank did succeed in organizing an important review of the registration process and election day monitoring, it too faced serious organizational challenges which reduced the overall effectiveness of their effort. As NDI had observed in other coalition efforts, rivalry and distrust between the 40 coalition NGOs as well as between the organization's board of directors and staff, tended to interfere with concrete planning. Unable to agree on a final evaluation of the election, the Committee has not yet released a final report, and the considerable data at its disposal has not been analyzed. After the elections the constituent members of PDMC have returned to the primary focus of their individual NGOs. Whether any or all of these groups will undertake election monitoring in the future is unclear.

Questions to Consider

We would like you to assess NDI's role in encouraging and supporting a nonpartisan domestic election monitoring effort in the West Bank and Gaza Strip.

1 Did the presence of a wholly Palestinian nonpartisan election monitoring effort serve to increase public confidence in the electoral process?

2. What did the participating NGOs gain from the election monitoring experience? Are these NGOs more likely to serve as government watch-dogs in their respective areas of interest in the future? Did the example set by PDMC serve to motivate nonparticipating NGOs to become more active in monitoring government actions?

3. What other strategies should NDI have considered to more effectively introduce and support nonpartisan domestic election monitoring in Gaza Strip?

B. International Monitoring

NDI has an established reputation for organizing international, multipartisan election monitoring programs worldwide. These programs focus primarily on the important pre-election environment and monitor whether, and to what extent, the letter and spirit of the election law is implemented. This pre-election monitoring allows NDI to effectively inform its

pre-election delegations about political developments to allow them to better understand the context of the preparations. These high profile delegations are able to raise concerns observed to authorities and offer recommendations for rectifying problems. The information gathered during the pre-election period is used to inform the election week delegation about important components of elections that take place well in advance of election day but may have a significant impact on the fairness of the elections such as the voter and candidate registration processes, campaign period and freedom of expression.

NDI found widespread enthusiasm for elections, mixed with concern about whether the Palestinian Authority and/or Israeli officials would allow the elections to be conducted fairly. In this context, NDI recognized the importance of not only lending international support for the Palestinian transition process and the peace process, it also understood the important role that an international monitoring effort could play in safeguarding and lending credibility to domestic election monitoring efforts underway. Additionally, Palestinians both within the Authority and in the NGO community encouraged NDI to monitor these elections.

Before definitively deciding to organize a larger international election monitoring program, NDI assessed the utility of a relatively modest NDI program in light of the European Union's (EU) $13 million dollar, 300-person election monitoring program. Through consultation within NDI and conversations with the European Union, the State Department and USAID, NDI determined that an American organized program would develop a separate profile and would not overlap with the EU's program. In addition to the massive election monitoring program supported by the EU, the EU had also provided the PA with substantial technical assistance in the area of developing an election law and a system of election administration. NDI felt that an American monitoring effort would complement the EU's program by providing a distinct perspective on the electoral process.

The NDI/Carter Center program was characterized by an ongoing monitoring of the political and electoral developments for five months around the elections. Its pre-election monitoring program resulted in three public statements and a comprehensive pre-election report, all of which were designed to assess the prospects for a fair electoral process and to provide recommendations for improvements. Through its cooperation with The Carter Center, NDI sought to establish a profile that would command respect from both Palestinians and Israelis. President Carter's intense personal involvement enhanced the capacity of the NDI/Carter Center monitoring program to draw attention to problems and to offer concrete and practical solutions.

In October 1995, NDI placed Kevin Johnson and Olga Milosavljevic in the West Bank and Gaza Strip to begin monitoring political developments and election preparations. They were joined by a Carter Center representative in November. At that point, it was assumed that elections would occur in March or April 1996. Yet in November, Yasser Arafat committed himself to elections in January, before the month of Ramadan. The first pre-election assessment mission was organized from November 10 to 17, timed to coincide with the

beginning of the critical voter registration period. The delegation assessed the state of preparations at that point and found that, despite the suddenly compressed timetable, the successful opening of registration and the demonstration of commitment and competence on the part of election officials augured well. (See Terms of Reference and Statement, tab 3). The second mission, organized from December 10 to 17, occurred during the candidate registration period. Focussing in part on the political situation, the statement of the second mission stressed the value of broad support for the elections, even among groups not intending to participate. The statement also noted concern over the absence of a clear legal framework for the elections, and over incidents of harassment and intimidation on the part of Palestinian security officers. (See Terms of Reference and Statement, tab 3). NDI issued a third statement on December 31 in response to a series of haphazard changes in the election schedule and procedures, which posed risks to the stability of the election process (See tab 3).

For election week, NDI and The Carter Center organized a 40-person mission, and deployed including a team of monitors deployed to each of the sixteen Palestinian electoral districts. The monitors were given an intensive two-day briefing before deployment, including presentations by leading candidates, election officials and Palestinian civic leaders (See Briefing Agenda, tab 3). Each monitoring team was paired with a Civic Forum moderator or Palestinian knowledgeable about the politics and culture of the district. The day before the elections, monitoring teams met with candidates and local election officials.

On election day, observers each visited ten to fifteen polling stations (some more than once) and filled out checklists about the process of the elections in those areas. After the close of voting (7:00 pm in most polling stations, later in more crowded areas) the observers watched the counting of the ballots. In some cases, the teams then moved to the District Election Offices where the polling station returns were tabulated. The next day, observers returned to Jerusalem to consolidate their findings. The delegation issued a preliminary statement in the afternoon of January 21 at a press conference led by President Carter (See Statement, tab 3).

Most of the observers left the day after the press conference. NDI and The Carter Center maintained two field representatives in the West Bank and Gaza to monitor the post-election process, including the tabulation of provisional and final results, and the complaints process. In response to public concern about irregularities during the counting process, NDI and The Carter Center issued a fifth statement on January 28, which aimed to defuse tensions by clarifying what was happening while at the same time calling for greater transparency from election officials. The NDI field representatives continued to monitor the process until the final results were released and the last appeals were adjudicated in early March. In addition, NDI staff compared the official polling station by polling station results with the records of observers from the count on election night to check for errors or irregularities. This comparison, which involved roughly 40% of polling stations, showed no evidence of fraud. NDI prepared a final statement to explain these findings and, criticized the Election Appeals Court for refusing to hear two important appeals. This statement was not released, however,

because at that time a series of bus bombings in Israel took center stage and rendered an election statement inappropriate.

While the election monitoring project resulted in noteworthy accomplishments, there appeared to be doubts among Palestinians about the integrity of the process in the immediate aftermath of the elections, and some dismay the international observers generally had not done more to ensure a better process.

We feel that the two unique contributions that NDI and The Carter Center sought to provide were largely achieved. The NDI/Carter Center pre-election monitoring helped to define for the international community and for Palestinian officials the issues of importance in the pre-election period. The NDI statement of December 31, coupled with a statement by the European Union Election Unit (which appears to have been prompted, to at least some extent, by NDI's public statements), appeared to have a sobering effect on election administrators, which led to greater adherence to the election law in the weeks that followed.

Second, NDI/Carter Center observers were able to intervene in a variety of situations to resolve constructively election-related disputes problems. NDI and The Carter Center called attention to a Palestinian Authority requirement that passport applicants must register to vote -- an infringement on the right not to vote -- and officials responded accordingly. In another instance, two days before the election, Joel Singer, a leading Israeli negotiator, called NDI to discuss Israeli concerns that the list of voters designated to vote in Jerusalem would need to be changed. Given the near impossibility of informing voters that their polling stations assignment had changed, the Israeli move threatened to disenfranchise Palestinian voters in Jerusalem. NDI mediated an agreement between Israeli and Palestinian officials. In exchange for strict time limits on the hours of voting, the existing polling station assignments would be maintained. On election day, President Carter publicly criticized the video-taping by Israeli soldiers of Palestinian voters, which led to a reduction of that interference. In several polling stations in Gaza, NDI/Carter Center observers intervened during chaotic situations at the close of voting to instill greater order in the polling stations. Three days after the elections, an NDI field representative helped to locate a missing protocol in Jerusalem and to confirm that the results recorded on that protocol matched independent records.

A third achievement of the program was that by continuing to monitor developments into the month of March, long after all other international obsrevers had ceased operations. NDI was able to develop a comprehensive understanding of the problems involved in the critical post-election period. Before the elections, attention focussed on four issues: whether Palestinians opposed to the peace process would disrupt the elections, whether the administrative structure could keep pace with the compressed timetable, whether the Palestinian Authority would allow unhindered competition, and whether Israel would use its control over East Jerusalem and transportation axises to hinder the elections. Although these issues were all important, (particularly questions about the role of the Palestinian Authority and its security forces) the greatest threat to the election lay in the inability of the Central

Election Commission to demonstrate with sufficient transparency how the final results were determined and to address the many complaints about those results. NDI and The Carter Center followed these issues closely after the elections, provided some assistance in resolving post election disputes, and documented the problems in a way that could help election officials avoid similar situations in subsequent elections.

Questions to Consider

1. Did the presence of an American-sponsored international election monitoring program increase Palestinian confidence in the election process?

2. In both the pre and post election period, some Palestinians complained that the effect of the international election monitoring efforts in the West Bank and Gaza Strip was to provide legitimacy to the elections and as a result those programs did not honestly report on election complaints and problems. Is this justified? Does this attitude persist?

3. Did NDI/Carter Center prompt a satisfactory resolution of election problems or confussion?

C. *Civic Forum*

A key component of the overall program under evaluation is Civic Forum, NDI's grass roots civic education program designed to strengthen the foundation for participatory Palestinian democracy increasing Palestinian understanding of democratic processes. Started in September 1995, Civic Forum operates through monthly discussions with small cross-factional groups of Palestinians throughout the West Bank and Gaza. Civic Forum initially employed 11 Palestinian discussion moderators (eleven men and one woman.) Each moderator is responsible for establishing 20 discussion groups in his or her region. Each month, the moderators lead tailored discussions with these groups on different democracy-related topics. Topics covered to date include *The Palestinian Electoral System*, *Individual Rights*, *Rule of Law in a Democracy*, *The Relationship Between Citizens and Elected Representatives*, *Constitutions*, *How a Bill Becomes a Law*, and *The Role of the Media in a Democracy*. Through these sessions, participants discuss issues and arrive at an understanding of the topic using metaphors from their daily lives to understand the issues under discussion. Through August 1996, this program has provided a regular civic education program including monthly discussions and hand outs for approximately 4000 Palestinians. NDI has now doubled the number of moderators, and expects that the program should soon reach close to 10,000 people on a monthly basis.

Civic Forum grew out of a series of focus groups conducted during NDI's 1994-95 pilot project (See tab 8). An important focus of the program was to develop and test a mechanism for delivering information on the election process to Palestinians. Through a series

of focus groups, discussions and creative sessions with a broad spectrum of Palestinian academics and NGO activists, NDI developed a report on Palestinian attitudes toward democracy (See tab 9), and a poster about elections that became the basis for a series of moderated discussions. Through this process, NDI learned that Palestinians were eager for information not just about elections but about all aspects of the democratic process, and that Palestinians appreciated the focus group format, a moderated discussion within an heterogenous, multi factional group. This discussion format, moreover, helped to overcome the suspicions harbored by many Palestinians with regard to printed information from unfamiliar sources. Based on NDI's experience worldwide and on its observations in the West Bank and Gaza Strip, NDI also felt that the general lack of practical knowledge regarding democratic processes and institutions could fuel misunderstanding, frustration and anger as the uncertain political transition process ahead unfolded.

On the basis of the information gained from the pilot project and after consultations with Palestinian community activists, educators, local and national leaders, NDI designed the Civic Forum program and secured funding for it through March 1996. (In March, NDI received additional funding to continue the program through September 1996.) In August 1995, NDI recruited and trained a group of twelve Palestinian moderators, five for Gaza and seven covering the West Bank. Each moderator resided in the geographic region s/he was assigned to cover, and was familiar with the local politics of the customs of the area. Each moderator identified 20 discussion groups and began conducting one discussion on a set topic with each group every month. Civic Forum moderators relied on the cooperation of local coordinators identified with a broad spectrum of local community organizations, such as youth and sports clubs, labor and medical unions, and women's groups, to organize the discussion groups. The diversity of groups contacted reflected the approach employed in the focus groups. As the focus groups demonstrated, a broad spectrum of Palestinian society lacked information on basic democratic practices. Civic Forum has established a network of more than 200 local organizations with more than 4,000 regular monthly participants. These organizations assist the moderators by providing a location for the sessions and by encouraging community participation once a month.

NDI staff in Jerusalem, in consultation with the moderators and with NDI's Washington office, design a moderator's guide on a new topic each month and prepare a handout to be distributed to all participants. To increase the impact of the program beyond the established groups and to facilitate discussion, the handouts are designed to help participants pass on their knowledge to others in their communities who do not attend the sessions. (A sample of moderators guides and handouts are in tab 5). To ensure the quality of discussions, moderators tape record their sessions whenever the group agrees, so that Program Coordinators can check their discussions and suggest improvements in their moderation techniques. Moderators meet once a week to compare notes on the discussions. Most of the management of the program is in the hands of two Palestinian Program Coordinators (Aref Jaffal in the West Bank and Salah Al Madhoon in Gaza.) The program is supervised by two Americans resident in the West Bank and Gaza, Margaret Zaknoen and Brian Katulis.

Over the last 12 months, NDI has continually monitored the program, and in coordination with the Program Coordinators, have made adjustments in the program. As the program evolved, several issues arose in the moderator meetings and the analysis of our database, including low levels of participation among women, moderators wanting more information, and local coordinators asking for handouts and more information earlier. A February 1996 USAID commissioned evaluation of Civic Forum confirmed several of these NDI observations. Moderators were assigned weekly readings on democracy issues.

The evaluation showed that participants had a greater understanding of the Palestinian election law (which had been covered in one of the topics) than did the general population, and an overwhelming majority of participants surveyed (87%) expressed to the evaluator their interest in continuing with the program.

In February, NDI began developing a strategy for increase women's participation in Civic Forum. NDI was responding to participation data gleaned from our database, as well as the disappointing results of our program with the Jerusalem Center for Women (described below). NDI took steps to increase the role of women in the program, a concern raised in the evaluation and one that NDI had also noted and had hoped to address. To make the program reach more women, NDI doubled the number of moderators so that there would be two moderators, one male and one female in each region. This would increase the visibility of women in their community as pillars of information, while increasing the number of women that could be reached.

The program has been interrupted by events during the year, such as the olive picking season, when many participants were not available; Ramadan; and the January elections, when the moderators worked with NDI's international monitoring program. As a result, fewer than one topic per month have been completed. In practice, moreover, a set of discussions on one topic takes slightly longer than one month. From September 1995 through August 1996, Civic Forum covered eight topics, completing approximately 1600 discussions.

Results of Civic Forum

One of the goals in designing Civic Forum was to create a program that would help reduce uncertainty and promote participation in the January elections, by providing crucial information about the electoral process. During discussions on the Palestinian electoral process in the pre-election period, the moderators distributed handouts explaining the voter registration process and the principal aspects of the voting and counting process. Four days after the final candidate list was released by the Central Election Commission, Civic Forum moderators and volunteer coordinators began distributing 16 different versions of a voter education poster--each version corresponding to an electoral district. The moderators and volunteer local coordinators distributed 50,000 of these, through the Civic Forum framework of local organizations.

In the post-election period, Civic Forum participants have used information and advice given in discussion sessions to provide their input into the public decision-making process. In the spring of 1996, after Civic Forum discussions examined *The Relationship Between Citizens and Their Representatives*, several co-sponsoring organizations invited members of the Palestinian Legislative Council (PLC) to participate in the first-ever "town hall" meetings between the Palestinians in the West Bank and Gaza Strip and their elected representatives in the PLC. Civic Forum participants used this opportunity to express their expectations and concerns directly to the representatives and to gain more information about developments in the PLC.

USAID has twice extended funding for the program. The original Civic Forum grant was extended to September 31, 1996, and NDI subsequently received funding for a further extension of the program (including the period of transition to an independent organization) through September 31, 1998. (All three proposals for the program can be found in tab 5). As part of the most recent proposal, NDI has developed plans to allow Civic Forum to separate from the Institute as an independent Palestinian NGO by September 1997.

Jerusalem Center for Women

Parallel the Civic Forum program, in June 1995 NDI embarked on a civic education effort with an existing Palestinian NGO, the Jerusalem Center for Women (JCW). NDI and the JCW developed a program of monthly seminars designed to provide a core group of 50 young Palestinian women in five targeted areas with leadership and organizational skills, while at the same time promoting the importance of women's political rights and political participation. The program was designed to encourage these participants to actively convey the information gathered in the seminars to women in their communities. NDI/JCW targeted young women because it felt that they were not well integrated into the major Palestinian women's organizations programs yet constituted a dynamic and important sector in civil society. NDI's decision to work with a Palestinian partner organization resulted from the input of Palestinians interlocutors and a mid-term evaluation conducted in May 1995 (See tab 6). The evaluation recommended that the Institute work with and support existing Palestinian NGOs, an approach consistent with NDI's experience elsewhere.

After working with the JCW for seven months, NDI was concerned by declining participation levels. First, NDI learned that working with a Jerusalem-based NGO with little prior profile outside the Jerusalem-Ramallah area posed a challenge to outreach efforts in the remaining four targeted areas (Nablus, Hebron, Gaza City and Rafah). Second, NDI observed that the women that JCW/NDI recruited from the smaller towns surrounding the targeted urban areas were increasingly not able to attend sessions. NDI learned that while interest remained high, the burden of traveling to the main towns for the majority of these women proved significant, and resulted in sporadic and declining attendance. By comparison, Civic Forum was reaching a far greater number of women because moderators traveled directly to communities and worked with local membership organizations that women belonged to and

regularly visited. Finally, NDI realized that the JCW/NDI had overestimated the readiness of the women to take the information they had learned and convey it to other women in their communities. The lack of success in this area a significant impact on the program's goal to disseminate information to up to 5,000 women.

In November 1995, NDI made an internal decision not to continue its work with the JCW in the post-election period (February onward) and this was conveyed to JCW in February 1996. NDI staff felt that the program with the JCW did not sufficiently meet the goals of reaching a significant number of women with basic information on democratic institutions and processes. During the next several months, NDI staff, along with the Civic Forum coordinators, decided that Civic Forum could prove an effective mechanism to reach women with this crucial information. After the Palestinian elections, NDI decided to expand Civic Forum by doubling the number of moderators to ensure that each of its 11 "districts" currently covered by ten male and one female moderator would be covered by a male/female moderator team.

The purpose of the expansion was twofold. By increasing the number of female moderators Civic Forum could conduct a greater number of discussion sessions with women. Also by recruiting, training and developing a core group of women moderators, NDI understood that these women, like their male counterparts, would establish profiles in their communities as important resources of information the community could go to with questions about the democratic process. This approach is consistent with NDI's philosophy of actively integrating women, as trainers and participants, in all its programs in order to show, by example, that women can contribute to all facets of political life. Due to a series of suicide bombings in February and March and the ensuing closures on the West Bank and Gaza Strip, NDI was unable to implement the Civic Forum expansion until August 1996.

NDI's work in the West Bank and Gaza has provided considerable contact with other prominent Palestinian NGOs including the Women's Affairs Technical Committee, the Palestinian Center for Peace and Democracy, the Palestinian Center for Democracy and Elections, Al Haq, and the Center for Palestinian Research and Studies. While often effective at promoting democratic standards among Palestinian elites, the work of these organizations is not targeted toward ordinary Palestinians. In this respect, NDI believes that the Civic Forum program fills an important niche by serving as an effective mechanism for delivering information to the ordinary Palestinian about democratic processes and practices.

Questions to Consider

1. Do participants believe that the format of the sessions provides them with an unusual opportunity to engage in a discussion of public affairs with neighbors who hold different points of view?

   --And does this practice help increase their tolerance for different points of view?

--Does the participatory nature of the discussion sessions successfully allow participants to absorb information and arrive at a common understanding of the basic underlying principles at discussion?

2. Has the Civic Forum program achieved the goals of:

--Providing participants with basic information about democratic processes and practices; and,
--Providing information relevant to important events in the Palestinian democratic transition?

3. Does Civic Forum's approach to recruiting local coordinators/groups mean in fact that the program is accessible to or inclusive of a broad cross section of Palestinian society (demographically, geographically and politically)? Should Civic Forum alter its approach to target particular sectors of the population?

4. In addition to weekly moderator meetings and memos, record of anecdotes, and NDI's Civic Forum database, what further information should NDI gather to evaluate the program? Are there additional items that NDI should track in its database? Are there more effective or complementary means of tracking the qualitative progress/developments of the program?

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Includes:

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Introduction

The National Democratic Institute (NDI) contracted a team of two evaluators to conduct an evaluation of NDI programs in West Bank and Gaza. The reports reflects the major findings and recommendations of the evaluation team and shall facilitate future development and planning for this important program. The paper briefly describes the program, with the assumption that readers of this report are somewhat informed about the program in terms of its objectives, management, duration and financing.

The evaluation team would like to express its appreciation and thanks to all parties who contributed to this mission and to the large number Palestinians in the West Bank and Gaza for providing candid and objective opinions about the programs, as well as their time and patience in responding to our questions and to NDI staff members in Jerusalem and Gaza. Our special thanks to Mr. Kevin Johnson and Ms. Laura Abraham for their invaluable support to the evaluation team.

Composition of the evaluation team

Ms Lauren Coletta - Senior Director, Citizen Information Service Chicago, Illinois
Ms Malak El Nasser - Management Consultant, Amman- Jordan

Time frame

The evaluation mission started on 16 October 1996 and terminated on 24 October 1996.

Objectives

The main objective of the mission was to evaluate what the civic education projects have achieved since they started, review decisions made, and raise issues that can help NDI improve the programs. To achieve the objectives, the following methodology and activities were implemented:

Evaluation Methodology

The evaluation team applied the SWOT analysis (Strengths, Weaknesses, Opportunities and Threats) to evaluate the program. The SWOT analysis provides an approach which is helpful in formulating future strategies by exploiting existing opportunities and strengths; neutralizing threats and avoiding or correcting weaknesses.

In order to develop an objective opinion about the programs under evaluation, the following means were used:

- Review of the related material available, in the briefing book provided to the evaluators prior to the mission date and in the NDI files at the Jerusalem office.
- Meetings with Palestinians during the evaluation mission in both the West Bank and Gaza.
- The evaluators discussed the programs with each interviewee. Questions were directed to the program with which the interviewee was most familiar.
- Meetings were held with a number of domestic monitoring committee members, Central Election Committee members and members of the Legislative Council.
- For the international monitoring efforts, additional meetings were held, with a number of voters and some successful and unsuccessful candidates.
- For the Civic Forum, the evaluators attended actual moderation sessions in both the West Bank and Gaza. In addition, special meetings were arranged to meet with moderators and with local coordinators in the West Bank and Gaza.
- The evaluators reviewed the handouts provided to the Civic Forum participants and similar handouts issued by other NGOs in Palestine who are supported by other international organizations involved in democracy related topics.
- The evaluators interviewed participants in actual Civic Forum sessions in the West Bank and Gaza.

Civic Forum

Project Summary

The Civic Forum started in the West Bank and Gaza in September 1995. Its basic goals are to strengthen the foundation for participatory democracy in Palestine by increasing Palestinian's understanding of democratic processes. The program provides general information about democratic practices mainly to the grassroots through the use of trained moderators who hold regular focus groups and distribute handouts throughout the West Bank and Gaza. The moderators cooperate with local coordinators, who provide contacts between the Civic Forum program and their respective local communities. Presently, the program employs 22 moderators who work in conjunction with approximately 440 volunteer local coordinators. It is estimated that the Civic Forum reaches approximately 10,000 Palestinians per month.

Terms of reference

In conducting the evaluation NDI was particularly interested in exploring the following outcomes:

a. Do participants believe that the format of the sessions provides them with an unusual opportunity to engage in a discussion of public affairs with neighbors who hold different points of view? Does this practice help increase their tolerance for different points of view? Does the participatory nature of the discussion sessions successfully allow participants to absorb information and arrive at a common understanding of the basic underlying principles of the discussion?

It is apparent that participants in the Civic Forum program appreciate its open discussion format. Many interviewees mentioned they enjoyed the chance to have open dialogue with fellow citizens of different political persuasions and that Civic Forum provided a unique opportunity to do so. While participants in the Civic Forum sessions visited did not necessarily tend to agree on general concepts they did seem willing to keep an open mind to fellow participants point of view. In some cases it seemed as if the exchange of ideas helped the participants to expand their conception of the principles being discussed.

b. Has the Civic Forum's approach to recruiting local coordinators/groups mean, in fact, that the program is accessible to or inclusive of a broad cross section of Palestinian society? Should the Civic Forum alter its approach to target particular sectors of the population?

The mechanism of utilizing volunteers is very well conceived and important to the overall success of the project. The positive attitude and enthusiasm these volunteers feel in their work help to motivate participation and generate good will toward the project.

Interviewees almost unanimously felt that the coordinators were successful in reaching out to a cross section of Palestinian people. NDI's inclination to target a cross section of Palestinian people has been important to the success of the project. In particular, reaching out to NGOs active on a community level has enabled them to deal with communities as a whole, not necessary narrow cross sections of it. While some of the groups NDI includes in the program, i.e. students, are within the focus of other international or Palestinian organizations, Civic Forum appears to be the only project approaching civic education in a holistic manner and with all sectors of the society participating together and equally.

c. In addition to weekly moderators meetings and memos, record of anecdotes, and NDI's Civic Forum database, what further information should NDI gather to evaluate the program? Are there additional items that NDI should track in its database? Are there more effective or complementary means of tracking the qualitative progress/ developments of the program?

Currently NDI tracks a wealth of material in its data base including the audio recording of a majority of sessions. While this information is useful it might be helpful at the end of each session for participants to anonymously fill out an evaluation form about the session, about the moderator, about future topics, other areas of interest etc.

The tabulation of qualitative data presents a problem in civic education, how to measure what is learned and what impact that learning has had. NDI might consider administering a civic education test (actually suggested by one of the interviewees), or making civic forum sessions/classes count as credit at a local university, or devising a graduation system or levels of standards of achievements within Civic Forum program.

NDI might consider building in to the program a means of measuring activities that have been inspired by participation in Civic Forum, for example, at the end of each session or so ask the question and instruct the moderator to take note of it. The newsletter that NDI is about to create could solicit such stories or feature them.

Other Findings

- Presently, the relationship between the elected officials and the voters is one of the most enlightening topics discussed in the Civic Forum sessions. Participants indicate that they are contacting PLC members and exercising their democratic rights, an understanding which was gained through the Civic Forum's open discussion format. PLC members have been open to community requests for meetings and are appreciative of the opportunity to have a dialogue with their constituents. It is unclear how wide spread the Civic Forum inspired activity is. Examples include; a group of women analyzing the bylaws of a sports club and demanding their inclusion as a result of their research, debates that have spontaneously arisen outside of Civic Forum sessions between neighbors, the attendance of regular Civic Forum participants at community sessions where Civic Forum participants actually knew more about the development and content of the Palestinian Constitution then invited experts.

- Integration of women in the Civic Forum should be looked at with pride, their response to sessions and their participation during sessions is admirable. Moreover, recruiting

female local coordinator is a brilliant move. In just a short period of time, they have achieved considerable awareness, high participation and appreciation in their society.

- Local coordinators are playing an important role in connecting the program to a wide range of groups in the Palestinian society. Because the geographical scope is manageable, they are able to approach interested participants in each area. They are aware of the political affiliations of individual participants and are, therefore, able to ensure a diversified. It is apparent that the local coordinators are effective in developing close relations with institutions and centers in their communities and reaching a wide range Palestinian society.

- NDI has been able to establish successful feedback mechanisms to increase program effectiveness and aid in program planning by holding weekly meetings with monitors in both Gaza and the West Bank, audio taping of each Civic Forum session, and informal polling of program participants.

- The approach of the sessions is highly appreciated by the participants. They feel highly regarded when asked about their opinions and are listened to by the moderator and their acquaintances during the sessions.

- Information provided is readily accepted by the Palestinians. This is significant considering the fact that they have survived 27 years of occupation, agony and closure. They appreciate the civic forum as an opportunity to learn and to get information from sources different than the traditional sources, namely the Palestinian Authority and political parties.

- The moderators are the vital factor in creating an environment conducive to learning and information sharing. The training provided to moderators has helped them to develop their communication skills, gain recognition in their communities and consequently develop a sense of social responsibility develop to help the democratic life of Palestine.

- Participants and moderators alike expressed a desire for more flexibility in topic selection. Although the participants were pleased with those Civic Forum topics in which they had participated in many involved expressed a desire to cater individual topics to the interests and activities of specific Civic Forum groups. Topics are changed monthly, and in some cases participants wanted to meet more often and pursue other relevant items of interest. As the Civic Forum staff develops a larger repertoire of topics they will be able to be more flexible in this regard. Also there are a multitude of resources and curricula in civic education that might be translated that could be of interest to groups who want more sessions and information.

- While the emphasis of Civic Forum has been on understanding democratic principles and current political issues facing Palestinian society, little emphasis has been put on concentrating on the means to interact with and influence public policy. Civic education is understanding one's role in a democratic society, determining what government is responsible for and what citizens are obliged to do and how the two relate to one another. While Civic Forum is not an advocacy program per se, participants with leadership potential have and will rise to the top to use the information they have

gained. The focus to date has understandably been on how government works and on democratic theory, while those most able and inspired will find a way to use what they have learned, Civic Forum might at least steer them in the right direction with general trainings on building organizations, gaining consensus, and conducting effective meetings. NDI might also consider not separating Civic Forum from the advocacy project they are considering. The networks Civic Forum are taping into might be best positioned to actively shape the democratic future in Palestine.

- The handouts of the Civic Forum are reaching, at least, double the number of participants attending the sessions. Scholars and other people use the information provided in the handouts as references. Most people confirm that there is a lack of printed materials on democracy concepts and practice in Arabic. In the course of the evaluation, the team reviewed some of the publications published by other NGOs on democratic themes. It is clear that the information provided by Civic Forum is unique in its objectivity and accuracy. NDI may consider expanding the distribution of the handouts to universities, other NGO's, media, and members of the Palestinian Authority.

- The Civic Forum is perhaps, the most far reaching civic education program in Palestine. Through the current networks it is likely that a large number of grassroots organizations will grow as a result of their participation in the program. Civic Forum will need to address these issues and begin to prepare and train local moderators to assist citizen groups to build strong, membership driven organizations, a new breed in the Palestinian NGO community. Whenever people are brought together to discuss a certain issue at some point the energy develops to do something about the problem. While Civic Forum isn't necessarily designed for this purpose it should be anticipated and prepared for as a natural outcome of the civic education provided.

- The political realities of the ongoing negotiations between the Palestinian Authority and the Israeli Government often engender doubt about the peaceful, democratic resolution of the peace process. In this context Civic Forum topics may be perceived by participants as ideal and not applicable to the Palestinian situation. Many people from different educational backgrounds believe that there is a gap between concepts and practice in the topic selection. Moderators also pointed out that very often they should handle discussions about important political decisions when raised by participants.

- International NGOs, other than NDI, providing civic educational services are targeting elite Palestinians and focusing on publications, workshops and seminars, which might make them more visible to the public and to donor agencies.

Recommendations

- Moderators need to acquire new moderation skills to match their increasing role in community education, and to meet the expanding learning requirements of their participants. Major skills that might be helpful are; session planning and evaluation,

managing brain storming sessions, problem solving techniques and using audiovisual aids in moderation. These skills would equip the moderators with useful tools to achieve better results for their efforts

- Moderators also need to improve their knowledge of democratic concepts and practices; moreover, they need to skillfully apply concepts to the Palestinian context. This could be achieved by utilizing some of the weekly meetings to show videos on related topics, followed by discussions with NDI staff and supported by meetings with a Palestinian specialist or experts from other countries.

- Maintaining and expanding the local coordinators network is of utmost importance to the program. In the course of evaluation mission, some ideas were raised by local coordinators which provide basic incentives to local coordinators, such as; (a) an identification card from the Civic Forum which will give them more legitimate status, remuneration for transportation, meals etc.,(c) regular meetings for local coordinators by district or region to share experiences and information.

- Handouts are an invaluable source of information for the community. The distribution of the handouts need more planning and control. In order to ensure the utmost benefit from the handout distribution, the Civic Forum may wish to consider developing a kind of free subscription to a combined set of handouts which could be targeted to schools, private offices, associations and NGOs.

- The Civic Forum should also utilize the positive relationship which NDI has cultivated with the press in Palestine to regularly publish articles on controversial issues for discussion in local newspapers.

- Palestinian television was established two years ago, presently people's expectations are very high for their national television. Most people believe that sending messages about democratic concepts and practices through TV is inevitable and a necessity. NDI might also consider this vital means to reach Palestinians in different geographic areas and from different educational backgrounds. It should be understood that such an approach should be handled carefully with the PA, who to a great extent, dominate the radio and the TV. NDI might consider starting with developing messages to explain the meaning of civic society and civic education.

- The Civic Forum might also consider facilitating the establishment of community forums which would be considered as a natural product of the Civic Forum. Participants who attended all the forum sessions might contribute to establishing the community forums. They would focus on discussing Palestinian issues in a democracy by meeting with PLC members and invited guest speakers. This effort might also embrace all sectors of the population, such as housewives, school students, university students and professionals. It is important to emphasize that the community forum should be handled with care by the Civic Forum moderators and coordinators. The community forums might be considered the cornerstone for the future Palestinian entity providing civic education.

- It is of greatest importance for the Civic Forum to maintain its remarkable effort in including women in the program. By continuing the focus on women's participation it will help the civic forum to achieve most of its planned objectives, as well as other important unintentional social results.

- Civic Forum must be prepared to grow with its participants. As basic democratic principles become clear, participants will naturally want to use this knowledge to influence public policy and exert more control in their local communities. Moderators need to be prepared and trained to make this transition along with their participants.

International Monitoring Effort, NDI/Carter Center Collaboration

Project Summary

This evaluation focuses on the international delegation organized jointly by the National Democratic Institute for International Affairs (NDI) and the Carter Center to monitor the Palestinian elections held on January 2, 1996. The objectives of the monitoring program were to; Demonstrate international support for democracy in the West Bank and Gaza Strip; Promote public confidence in the electoral process, And to assess the electoral process in relationship to Palestinian law and international norms.

NDI and the Carter Center's comprehensive election monitoring program consisted of two pre-election delegations and one multi-national delegation present on and around election day. Pre-election efforts focused on examining the development of the election

law, voter registration, timing of elections, the role of the media, and on going development of the election process. The election day multi-national delegation was composed of leading advocates and practitioners of democracy from around the world. Each delegation released statements of their observations and special statements were issued throughout the monitoring effort as events dictated. NDI/Carter Center staff remained after the election to monitor the resolution of election difficulties and the release of results. The joint efforts of NDI and the Carter Center were coordinated with the monitoring efforts of the European Union Electoral Unit.

Terms of Reference

In conducting the evaluation, NDI was particularly interested in exploring the following outcomes:

1. *Did the presence of an American sponsored international election monitoring program increase Palestinian confidence in the election process?*

   In general the attitude toward an American led election monitoring presence was very positive and Palestinians interviewed seemed please the international community had interest in their election. A significant number felt the international presence increased their change of success in building democracy. Because the world was witnessing the election process it would enhance Palestine's international reputation as a democracy and aid in the peace process.

2. *In both the pre and post election period, some Palestinians complained that the effect of the international election monitoring efforts in the West Bank and Gaza Strip was to provide legitimacy to the elections and as a result those programs did not honestly report on election complaints and problems. Is this justified? Does this attitude persist?*

   Some interviewees did express concern that prior to the election they felt the whole process was moving too fast and time needed to be taken to evaluate the fairness of the election law. They feared that if careful consideration wasn't taken Palestine would have even longer to wait for democratic elections and peoples optimism about a democratic Palestine would diminish. Apprehension about the international presence conferring undo legitimacy of the election process was not communicated by interviewees.

3. *Did NDI/Carter Center prompt a satisfactory resolution of election problems or confusion?*

   During the pre-election period and election day itself Palestinians in general were pleased with the manner in which the NDI/Carter Center brought attention to election concerns. In particular, the incident of the filming of voters by Israeli troops was often mentioned. Some felt that the American led team could have been more outspoken and that they seemed hesitant to criticize the Election Commission. However, most Palestinians interviewed felt that the delegation did well in pointing out problems and

issuing praise. There was limited opportunity to get a sense of the post-election period atmosphere. Although the election results weren't issued as quickly as many had expected the expectation was that international delegations, such as NDI, would monitor the process to make sure that it was fair, not necessarily address the problems themselves.

Other Findings

- The perception that the NDI/Carter Center monitoring mission increased confidence in the election process was pervasive. Perhaps equally important was the perception that an American led delegation witnessing fair Palestinian elections would enhance international awareness of the Palestinian democratic goals.

- President Jimmy Carter's presence was identified as particularly effective in raising the visibility and importance of the election process as well as international support for a democratic Palestinian state.

- The statements issued by the NDI/Carter Center partnership were generally perceived as fair and well balanced.

- Many Palestinians misunderstood the role of the international observers. Some Palestinians expected that they would function more as election day police and have more of an authoritative role. It was suggested that this might be due more to the translation of the word, "monitor" that was understood more to be "director."

- The NDI/Carter Center presence throughout the development of the election process enabled them to form important relationships within Palestinian society and gain a deeper understanding of the election issues. It also increased awareness of their monitoring efforts throughout the area.

- Information supplied to voters by the NDI/Carter Center team was widely circulated and found very useful throughout the West Bank and Gaza.

- NDI/Carter Center's presence before and after election day contributed greatly to the perception that their monitoring efforts were sincere and that they took the election process in Palestine very seriously in comparison to other international organizations.

- Because of the unexpected delay in the release of election results, and in some cases, the changing of previously released results, some suspicion grew about the fairness and effectiveness of the election committee and its processes. The perception was not that the NDI/ Carter Center team or other internationals would expedite the release of results but that they would ensure that the results would be fairly arrived at. Interviewees who were directly involved in the election process were disappointed with the international effort in this respect. This opinion was not held by the majority but is significant because there was an expectation that results would be released immediately. When the

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task of counting the paper ballots and amassing the protocols took more time than was expected, it provided an opportunity for suspicions to grow.

- In general, some Palestinian political elites criticized that the international efforts should have been better coordinated and that in some instances trainings conducted by some international organizations contradicted each other or contradicted Palestinian election law.

- There was some criticism that because the international monitors did not speak Arabic they could not effectively monitor the elections. (This perception prevailed and no mention was made of the fact that the NDI/Carter Center approach paired Palestinians with the international teams.)

- Concern was expressed that the international presence was not as visible as is should have been in the Gaza Strip and more remote parts of the West Bank.

- One possible area of expanded involvement in future efforts is to offer candidates training. The number of individuals running for office in the respective constituencies was striking. Since all were inexperienced in running campaigns and understanding the actual mechanics of an election process, NDI might plan to reach out and assist candidates in this respect. The value lies the candidate's increased understanding and perceptions of fairness of the election. Many candidates had unrealistic expectations of the election process increasing the likelihood that they would perceive foul play. Because there were so many running for office that were disappointed with the election outcomes their vocal frustration could have potentially threatened popular perceptions of the fairness of the elections.

Recommendations

- Expectations play a huge role in perceptions of the integrity of an election process. Palestinians had expected that international monitors would have more authority and that election results would be released immediately. In hindsight, NDI, armed with its considerable expertise in transitional elections, could have analyzed voter expectations and responded to those expectations prior to the election.

Palestinian Domestic Monitoring Committee
Project Summary

The actual introduction of an NDI encouraged domestic monitoring mission was precipitated by NDI field staff undertaking an intensive period of interviewing and consulting with Palestinian NGOs and important figures in Palestinian society to assess the proper approach to establishing a domestic monitoring program. After a review of the possible approaches to establishing the project, the decision was made to work with a coalition of existing Palestinian NGOs active in the area of democracy building and human rights. NDI held introductory meetings in Gaza and the West Bank that were attended by some 25-30 NGOs, each from a wide range of political colors. The fact that the majority of Palestinian NGOs have a history of strong party affiliation was clearly recognized by NDI and efforts were made to ensure a well balanced group. NDI's approach was geared toward encouraging the maximum amount of autonomy possible to the newly formed coalitions while at the some time working to ensure the ultimate goal of a meaningful domestic monitoring effort.

The newly formed coalitions elected their respective leadership committees and proceeded to lay the ground work for their monitoring efforts. The effectiveness of the PDMC in both Gaza and the West Bank were impacted by a number of factors: The political realities of the on going negotiations of the election law; The uncertainty of an election date; The concern over the implementation of the Israeli redeployment; And the

inability for Palestinians to travel freely between Gaza and the West Bank. In addition, NGOs involved with the formation of the PDMC faced the task of building a viable coalition within a very short time period, working together across political party lines, weighing their respective organizations interests with the interests of the coalition effort and working in a cooperative manner with NDI.

Terms of Reference

To provide focus to the evaluation team NDI provided the following terms of reference for the domestic monitoring project. The evaluation team used these terms of reference as a guide in the evaluation and also took into consideration other issues as they arose from the evaluation process.

1. *Did the presence of a wholly Palestinian nonpartisan election monitoring effort serve to increase public confidence in the electoral process?*

   Based on the information received from the evaluation it can not be determined if the activities of the PDMC engendered public confidence among the Palestinian public. Although there was consensus that a domestic monitoring effort was essential, most interviewees directly involved in the process focused on what they would do differently in the future and who else should be involved with such an effort. Few interviewees not directly involved with the PDMC expressed sentiment other than they thought it was a good idea.

2. *What did the participating NGOs gain from the election monitoring experience? Are these NGOs more likely to serve as government watch dogs in their respective areas of interest in the future?*

   NGOs involved in the PDMC gained a wealth of experience regarding the mechanics of election monitoring. Many participants praised the materials and training received from NDI. Organizational participants have greatly increased their knowledge about working in coalition with other organizations on a project of national scope. This type of experience is very valuable as it forces the individual organizations to analyze the types of coalitions that make sense for their organization and increases their savvy about balancing their organizational interests with the commonly shared goals of the coalition.

   Although a number of the organizations were unhappy with their coalition experience most communicated a desire to launch their own monitoring efforts in the future. It is unlikely that the original PDMC partners would undertake a similar project in the future but partnerships are likely to be formed by various groups and independent efforts are almost definite.

3. *Did the example set by PDMC serve to motivate non-participating NGOs to become more active in monitoring government actions?*

It is unclear based on the Palestinians interviewed if the existence and activities of the PDMC had a direct impact on other organizations desire to monitor government activities. What is clear from the interviews is that most felt there was a serious lack of information about government activities and that this dearth of communication was harmful to Palestinian hopes for democracy.

4. *What other strategies should NDI have considered to more effectively introduce and support nonpartisan domestic election monitoring in Gaza Strip.*

It is unclear what other strategies might have led to an actualization of a monitoring effort in the Gaza strip. The culture of NGOs in Gaza clearly presented obstacles to a collaborative effort, however organizational learning has taken place and groups will be more aware of the possible pitfalls in a collaboration effort and capitalize on them.

Other Findings

- The Palestinian Domestic Monitoring Committee (PDMC) efforts was effective in fielding and training an impressive number of volunteers to monitor elections in the West Bank with an estimated number of participants ranging from 1,000 to 1,500 were active on election day.

- The efforts to organize an effective monitoring project in Gaza proved unsuccessful. This failure is due in part to external conditions that prohibited the collaboration with PDMC efforts in the West Bank and to the inability of participating Gazan NGOs to work collectively to meet established program goals as established in a cooperative agreement with NDI.

- NGO's in Gaza and the West Bank benefited a great deal from NDI trainings and materials in relation to election monitoring. In particular, participants mentioned the importance of the information received from other efforts in developing democracies.

- The PDMC efforts in the West Bank received a significant amount of attention from the press and were used as a resource by various international monitoring efforts.

- Because NDI had had a significant presence in the field well in advance of the elections they were able to earn the trust and attract the participation of a broad range of NGO's in Gaza and the West Bank.

- Despite NDI's efforts to the contrary, the PDMC in the West Bank was perceived to be too closely aligned with certain partisan interests by many inside and outside the coalition structure. This perception is in part due to the leadership of the PDMC being associated with the opposition to the popular Fateh party, and the lack of interest of

organizations associated with Fateh to join a coalition involved with domestic monitoring.

- The credibility of the leadership of the coalitions in both Gaza and the West Bank was questioned by a considerable number of those interviewed by the evaluation team. This criticism, predominately held by political elites not involved in PDMC activities, was based less on the party affiliation of leader members and more on their status in Palestinian society. Their was a strong perception that NDI should have worked through more established groups or experts with higher prestige. Whether this perception is widely held outside of the political elite could not be determine.

- As with many fledgling coalition efforts, the organizational structure in the West Bank PDMC was not clearly understood by member organizations. The Executive Committee did not communicate effectively with member organizations, the relationship between Executive Committee members and project staff was strained and unclear. An understanding of the equal distribution of resources throughout the West Bank was questioned by a number of interviewees. These weaknesses are due in part to the tight timeline created by the change in election date, the lack of a cooperative working history of the member organizations and NDI's strong non-interventionist organizational culture. In fairness, it was obvious from NDI files they were aware of these problems and took steps to assist the group in rectifying them. Had the time line been longer they might have been able to work through them.

- Although the PDMC was able to issue a number of post election releases they lacked the organizational cohesion to follow through and issue a final report.

- A significant threat to the PDMC's efforts lie in the nature of Palestinian NGOs. Aside from the lack of experience these NGOs had with such a project, their strong sense of party affiliation and lack of depth in membership were obstacles in building a non-partisan, neutral, domestic monitoring effort.

Recommendations

The experience of the PDMC provided a perfect real life example of what can go right and what can go wrong in creating a coalition. The PDMC groups should be proud of themselves for pulling off a project of such scope within the short time frame, in the political and cultural context of the Palestinian situation. There are definitely successes the PDMC in the West Bank needs to evaluate and incorporate into their organizational experience. However, the NGO's would benefit greatly from looking at their mistakes. The following is a brief list of training topics that might be pertinent to their interests as a result of their experience: What types of coalitions make sense for my organization?; How do you create a relationship between member organizations in a coalition that is fair and equitable?; What is the relationship between board members and staff?; What is the difference between a membership organization, a social service organization, or a national resource organization?; What role should party affiliation play in an NGO?

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While the importance of a domestic monitoring effort cannot be ignored and recognizing that in the broad stroke, the PDMC in the West Bank was successful, what is most important in creating a healthy democratic civic culture is building the capacity of viable NGOs. NDI took the most difficult route in encouraging a domestic monitoring effort, but their decision was correct in that it ultimately served to increase the experience and capacity of member organizations, a significant accomplishment. While some member groups might have had a negative reaction to some aspects of the coalition, they benefited from these experiences and will capitalize on them in the future. NDI should to take advantage of the opportunity in further working with these groups. There is a strong need for some of them to focus on their organizational mission, analyze their organizational power and structure. All of the interviewees suggested that they would be open to working with NDI in the future and that they thought the training and expertise NDI had to offer were valuable. Palestinian NGOs involved in the evaluation would benefit greatly from organizational development training. The NGO's in Gaza and the West Bank have a long history of public service coupled with strong party affiliation. As the political environment changes, NGO's will need to re-evaluate their organizational structures and missions. NDI is well positioned to assist them in making the necessary transitions.

APPENDIX N:

PALESTINIAN ELECTION REPORT (WITH APPENDICES)

Acknowledgments

This report on the January 20, 1996 Palestinian elections in the West Bank and Gaza Strip was prepared by the National Democratic Institute for International Affairs (NDI) and The Carter Center. It is based on information gathered by NDI during its two-year presence in the West Bank and Gaza Strip, as well as by the joint election monitoring program conducted by the two organizations during a four-month period before, during and after the elections.

The report reflects the written contributions and analytic insights of several people. Chapters 1 through 3 are based on a pre-election report, *Palestinian Elections: January 20, 1996* authored by NDI Program Assistant Brian Katulis and NDI West Bank/Gaza Chief of Mission Eric Bjornlund. Chapters 4 through 7 were written by NDI Senior Program Officer Kevin Johnson, NDI Program Officer Olga Milosavljevic, Katulis and The Carter Center's Sue Palmer, Assistant Director for Projects in the Conflict Resolution Program. NDI Director of Middle East Programs Thomas O. Melia, NDI Public Information Director Sue Grabowski, and Bjornlund edited this final report. Harry Barnes, director of The Carter Center's Conflict Resolution and Human Rights Programs, and Robert Pastor, Carter Center fellow and senior advisor on elections, also contributed significantly to this report.

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List of Acronyms

CAC	Israeli-Palestinian Civil Affairs Coordination and Cooperation Committee
CEC	Central Election Commission
CELG	Commission on Elections and Local Government
CPRS	Center for Palestine Research and Studies
DEC	District Election Commission
DEO	District Election Office
DFLP	Democratic Front for the Liberation of Palestine
DOP	Declaration of Principles
EAC	Election Appeals Court
EU	European Union
FIDA	Palestinian Democratic Union
IDF	Israeli Defense Forces
INSP	Islamic National Salvation Party
INUP	Islamic National Union Party
NDC	National Democratic Coalition
NGO	Nongovernmental Organization
PA	Palestinian Authority
PBC	Palestinian Broadcasting Corporation
PDMC	Palestinian Domestic Monitoring Committee
PFLP	Popular Front for the Liberation of Palestine

PLC	Palestinian Legislative Council
PLO	Palestine Liberation Organization
PNC	Palestine National Council
PPP	Palestine People's Party
PSC	Polling Station Commission
PSF	Palestinian Preventive Security Forces

Executive Summary

The Palestinian elections of January 20, 1996, marked an historic step in the Middle East peace process that built upon the 1979 Camp David Accords and the 1993 Oslo Accords. The elections provided Palestinians living in the West Bank, Gaza Strip and East Jerusalem an opportunity to participate in building their own democratic self-governing polity for the first time.

A 40-member international delegation, organized by the National Democratic Institute for International Affairs (NDI) and The Carter Center, observed these elections in all 16 constituencies of the West Bank and Gaza Strip. One million Palestinians elected an 88-member Palestinian Legislative Council (PLC) and, on a separate ballot, the Ra'ees of the Executive Authority of the Council.

The legal and administrative framework for these elections emerged through a complex process defined by parallel tracks of dialogue—negotiations between the Palestinian Authority and Israel, on the one hand, and consultations by the Palestinian Authority with a range of political organizations, on the other. At the same time, public discussions about alternative election systems continued among intellectuals and in the newspapers, and the administrative infrastructure for the elections was established. The result was a well-conceived plan that was substantially modified as elections neared, creating a mix of the planned and the *ad hoc*.

The NDI/Carter Center's principal findings, as discussed in this report, are as follows:

- *Opportunity for a Democratic Beginning*. These elections marked the first time that Palestinians in the West Bank and Gaza Strip chose territory-wide representatives. By selecting among candidates who espoused competing visions of how to govern the autonomous areas under Palestinian Authority control, nearly 80 percent of eligible Palestinians turned out to vote, voiced preferences for the future and set an important regional precedent for popular participation in governance.

- *Election Authorities, the Pre-Election Period and Election Day*. Given the tense environment that preceded the elections, the accomplishment of January 20 was substantial. Palestinians organized their first-ever national elections with relatively few administrative problems and with no incidents of violence. The NDI/Carter Center pre-election and election delegations issued a series of press releases which helped to inform and highlight important issues surrounding the elections. (See Appendices A-F.) Palestinian election officials responded creatively and flexibly to the many challenges resulting from last-minute changes to the election law.

- *Setting a Regional Precedent*. The Palestinian election law explicitly permitted independent Palestinian and international election observers to operate throughout the pre-election period and on election day. This unprecedented allowance for monitors sets

an important standard for elections in the Arab world.

- *Irregularities Common in Most Transition Elections.* Despite procedural irregularities on election day—overcrowding, interference by security personnel, and arguably improper processing of illiterate voters—there was no persuasive evidence that the election results failed to reflect the choices made by Palestinian voters. The observed irregularities are common in transition elections worldwide.

- *Israeli/Palestinian Cooperation.* Despite problems before and on January 20, Palestinian and Israeli officials cooperated in organizing the logistical preparations for these elections, which Israel left almost entirely in the hands of Palestinian decision makers.

- *The Counting and Appeals Process.* The counting phase constituted the greatest challenge to the process and appears to have somewhat diminished public confidence in the integrity of the elections. Disorganization in the tabulation of results, changes in the preliminary lists of winners and reports of missing polling station tallies created an atmosphere of suspicion in the days following the elections. The Central Election Commission did not use its authority and stature to calm these anxieties by adequately disseminating information and investigating alleged problems.

- *Recommendations for Future Elections.* NDI/Carter Center believe that public confidence is essential to any transition process and suggest that the Palestinian Authority consider several procedural modifications in order to enhance confidence in future Palestinian elections. These suggestions include: greater public outreach and information sharing, greater transparency and better defined roles for the security forces.

The momentum toward democratic consolidation slowed since the elections. Suicide bombings in Israel and the ensuing closure of the Palestinian territories, which precluded travel by Palestinians not only between Israel and the territories but also between Palestinian cities within the West Bank and within Gaza Strip, increased Palestinian and Israeli disenchantment of the peace process. Since these events, enactment of a constitutional framework for Palestinian self-governance has unfortunately been delayed throughout much of 1996, and the Palestinian Legislative Council has struggled to clarify its role in the governance of the West Bank and Gaza Strip. Meanwhile, Israeli elections in May led to a change of government that has complicated the implementation of the Oslo Accords. Nevertheless, a democratic spirit has been injected into Palestinian politics. The greatest achievement to date has been the creation of a Legislative Council where lively debate among members demonstrates that they have a clear sense of representing and speaking for their constituents.

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Chapter 1
Political Developments in the West Bank and Gaza Strip From 1993 to 1996

The Palestinian elections on January 20, 1996, marked an historic step forward in the Middle East peace process whose previous highpoints had been the signing of the Oslo Accords and the Camp David Accords. The elections also provided Palestinians an opportunity to participate in building a democratic self-governing polity by voting for political leaders for the first time in history. This introductory chapter provides the context in which the Palestinian elections took place by briefly summarizing the important events that shaped the negotiations between the Palestine Liberation Organization (PLO) and Israel since 1991.[1]

The end of the 1991 Gulf War provided the impetus for resuming the peace process that began at Camp David in 1978. The Gulf War represented an important post-Cold War milestone as the Soviet Union joined an international coalition led by the United States to force Iraq's troops out of Kuwait. In the aftermath of the war, the United States and the Soviet Union organized an international peace conference attended by Israel, Lebanon, Syria, Egypt and a joint Palestinian-Jordanian delegation in Madrid in October 1991. This joint delegation enabled Palestinians to participate without obliging Israel to recognize the PLO, although it was generally understood that the Palestinian participants were, in fact, officially sanctioned stand-ins for the absent PLO. Although the Madrid conference lowered certain psychological barriers as long-time enemies sat across the table from each other to discuss their differences, no substantive progress was made. Subsequent rounds of negotiations in Washington also proved unproductive.

In 1992, as the talks continued, elections in Israel and the United States produced changes in government in both countries. The Israeli elections brought the Labor Party into power as the leading party in government with Yitzhak Rabin selected as the new prime minister. Rabin soon hinted that he was prepared to strike a deal with the Palestinians. By the summer of 1993, it became publicly known that Israel and the PLO were holding secret talks in Oslo sponsored by the government of Norway.

The Declaration of Principles

The meetings between Israelis and Palestinians in Norway precipitated the mutual recognition of Israel and the PLO on September 9, 1993. In a letter from PLO Chairman Yasser Arafat to Israeli Prime Minister Rabin, the PLO formally accepted Israel's right to exist "in peace and security" and committed itself to the Middle East peace process based on U.N. Security Council Resolutions 242 and 338. Furthermore, the PLO promised to submit to the Palestine National Council (PNC) a measure to delete from the Palestine National Charter those articles that deny Israel's right to exist. In a letter from Rabin to Arafat, Israel formally recognized the

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[1] For a more comprehensive background history of the Arab-Israeli peace process, see *A History of the Israeli-Palestinian Conflict* by Mark Tessler (Indiana University Press, 1994), and *Peace Process: American Diplomacy and The Arab-Israeli Conflict Since 1967* by William Quandt (The Brookings Institution, 1993).

PLO as the representative of the Palestinian people.

Four days later, on September 13, Israeli Foreign Minister Shimon Peres and chief PLO negotiator Mahmoud Abbas (also known as Abu Mazen) signed the Declaration of Principles (DOP) in Washington. Arafat and Rabin stood alongside the signers and then met in an historic handshake that captured worldwide attention. The international enthusiasm for this historic agreement, however, was not matched among Israelis and Palestinians. For both peoples, many of the details of the accord and the ensuing compromises have proved controversial and divisive.

The DOP established the framework for negotiations between Israel and the PLO, and outlined a timetable for the gradual transfer of certain governing authorities to the Palestinians, at which point a five-year interim period of self-rule would begin while negotiations continued. While the initial deadlines were not met, the original DOP framework still generally governs negotiations.

Based on U.N. Resolutions 242 and 338, the DOP stipulates that permanent status negotiations on Jerusalem, refugees, settlements, security arrangements, borders and other issues of common interest will begin no later than the beginning of the third year of the interim period. The permanent status negotiations are to be conducted between the Government of Israel and the Palestinian people representatives. This five-year interim period began on May 4, 1994, with the signing of the Cairo Accords, which marked the beginning of Palestinian self-rule in Gaza and Jericho and set the deadline for the conclusion of the final status talks for May 1999.

Following the signing of the DOP, Israel and the PLO agreed on the formation of joint committees charged with negotiating security matters, economic cooperation between Israel and areas under the PA control, an interim agreement detailing the structure and powers of the self-governing authority, and election modalities for the Palestinian Interim Self-Governing Authority, also known as the Palestinian Authority (PA). These joint Israeli-Palestinian committees continued negotiations that eventually led to the signing of the Interim Agreement in 1995.

In the months after the signing of the DOP, discussions on the transfer of certain responsibilities from the Israeli Defense Forces (IDF) Civil Administration (at the time, the *de facto* governing body in the West Bank and Gaza Strip) to the Palestinian Authority soon resulted in a delay in the transfer timetable. Israeli and Palestinian negotiators reportedly disagreed from the outset on the size and borders of the autonomous Jericho area, control of the border crossings to Jordan and Egypt, and the number and movement of Israeli soldiers assigned to remain in the Gaza Strip to protect Israeli settlements.

In addition, an upsurge of protests, and in some cases, acts of violence by Israeli and Palestinian opponents of the peace process moved both Rabin and Arafat to toughen their

negotiating positions. Israeli settlers in the West Bank and Gaza Strip and their supporters in Israel accused Rabin of abandoning the settlements that previous Israeli governments had promoted and of endangering Israel's security by ceding a limited degree of control of the Gaza Strip and West Bank to the PA. Palestinians opposed to the DOP charged Arafat with making too many concessions to the Israelis principally by agreeing to postpone resolution of several issues important to Palestinian sovereignty: the status of East Jerusalem and the plight of Palestinian refugees from the 1948 and 1967 wars. As a result, Israel and the PLO failed to meet the DOP's December 13 deadline for signing an accord on the redeployment of Israeli forces in the Gaza Strip and Jericho. New deadlines were set and later missed, and negotiations continued into 1994.

Negotiations were interrupted on February 25, 1994 when Baruch Goldstein, an Israeli settler living in the West Bank, shot and killed 29 Palestinians praying at the Ibrahimi Mosque near the Tomb of the Patriarchs in the West Bank town of Hebron. Following the massacre, the PLO demanded the disarming of all settlers, the dismantling of settlements in and around Hebron, and the establishment of an international force to protect Palestinians in the West Bank and Gaza Strip. Although Israeli Prime Minster Rabin rejected the Palestinian call for immediate negotiations on settlements, Israel condemned the Hebron killings in strong language. Despite the challenge that the Hebron massacre posed to the Palestinian-Israeli peace process, the negotiations continued.

The May 4, 1994 Cairo Agreement

In the face of protests and acts of violence by those opposed to the negotiations, Israel and the PLO signed an agreement on May 4 in Cairo that formally established the Palestinian Authority with executive powers in the Gaza Strip and Jericho. The agreement marked the beginning of Palestinian self-rule and the initial transfer of power to the Palestinian Authority. According to the agreement, the jurisdiction of the Palestinian Authority covered an area around the West Bank town of Jericho and the entire Gaza Strip, excluding Jewish settlements in the Gaza Strip, the main roads leading to those settlements and Israeli military installations.

The agreement stipulated that Israeli troops would complete their withdrawal within three weeks of signing the agreement, after which a Palestinian police force would provide security in the autonomous areas. The Joint Civil Affairs Committee and two joint regional subcommittees for the Gaza Strip and Jericho area were established to coordinate matters between the Palestinian Authority and Israel. Israel retained control over external security, the security of Israelis and Israeli settlements as well as border crossings from Egypt and Jordan into self-rule zones. Immigration procedures were jointly administered. Both sides also pledged to take all measures necessary to prevent terrorism, crime and other hostile acts directed against each other. The agreement allowed the PA to print postage stamps, establish radio and television transmissions, and issue travel documents for Palestinian residents.

As a confidence-building measure, Israel agreed to release or turn over to the PA

within five weeks approximately 5,000 Palestinian prisoners or detainees. Finally, laws and military orders in effect in the Gaza Strip and Jericho area before the signing of the agreement remained in effect unless amended or rescinded in accordance with provisions set by the Cairo Agreement.

On May 18, the IDF completed its partial withdrawal from the Gaza Strip. Israeli soldiers remained to protect the roughly 5,000 Israeli settlers who continued to stay in the Gaza Strip. On July 1, Yasser Arafat arrived in the Gaza Strip from Egypt, the first time in more than two decades that he had set foot on Palestinian land. On August 29, Israel and the PLO signed the Early Empowerment Accord at the Gaza Strip's Erez border crossing. This agreement transferred to the Palestinians limited authority in the areas of education, tourism, health, social welfare and taxation, even in those parts of the West Bank not yet formally under PA control. It was intended to prepare the way for a redeployment of Israeli troops in the remainder of the West Bank, the introduction of Palestinian administration and the holding of Palestinian elections.

Palestinian Opposition to the DOP and the Cairo Accords

Despite the widespread euphoria that characterized the first several weeks following the signing of the DOP, discontent ensued, and critics of the DOP and the process grew more vocal. One line of Palestinian criticism focused on the terms of the DOP (and later agreements) and asserted that Arafat had settled for less than the Palestinians should have received. Palestinian detractors objected to the piecemeal redeployment of Israeli forces and insisted that all occupied territories be addressed as a unit. Indeed they disputed the concept of 'redeployment' itself rather than a 'withdrawal' of Israeli forces as such. Finally, critics charged that postponing resolution of issues such as the status of Jerusalem, settlements and the rights of Palestinian refugees, would pose a danger in the face of the ongoing construction of Israeli settlements in the West Bank and around Jerusalem.

After the signing of the May 4 agreement, several opposition groups, including leftists such as the Popular Front for the Liberation of Palestine (PFLP)[2] and the Democratic Front for the Liberation of Palestine (DFLP)[3], and Islamic groups such as the Islamic Resistance

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[2] PFLP is a leftist political faction of the PLO headed by George Habash. Based in Damascus, PFLP views the Palestinian struggle for independence within the context of its broader objectives of promoting leftist ideology and pan-Arab nationalism. PFLP's support in December 1995, according to a poll conducted by the Center for Palestine Research and Studies (CPRS); was 3.8 percent. CPRS is an independent policy research institute located in the West Bank city of Nablus. With guidance and financial assistance from the International Republican Institute (IRI) in Washington D.C., CPRS has conducted political polling since September 1993. These polls have been one of the few reliable indicators of Palestinian popular sentiment since 1993.

[3] DFLP is a leftist group that broke away from PFLP in 1969 after disagreements about the movement's platform. A member of the PLO and based in Damascus, DFLP's support borders around 2 percent, according to CPRS polls.

Movement (Hamas)[4] and Islamic Jihad,[5] criticized the accord for having effectively allowed Israel to retain control of Palestinian affairs. These groups also remained opposed to the DOP in principle, as they refused to accept the legitimacy of Israel's statehood. Moreover, the agreement maintained existing Israeli rules and military orders, and withheld major legislative, judicial and executive powers from the PA, by then based in Gaza Strip and Jericho. In particular, critics charged that the Joint Civil Affairs Committee and subcommittees undermined the powers of the Palestinian Authority and effectively reduced the PA's role to that of a subcontractor implementing Israeli policy.

As the PA established its presence in Gaza Strip and Jericho, another overlapping school of criticism increasingly aimed at Arafat's style of leadership. He was accused of failing to consult others on important decisions, including the Palestine National Council (PNC), the nominally representative body of the PLO. Moreover, patterns of intimidation and reports of human rights abuses by PA security forces established by Arafat in the Gaza Strip and Jericho made him susceptible to charges of authoritarianism.

On January 22, 1995, the entire peace process was threatened when two Islamic Jihad suicide bombers killed 22 Israelis in an attack at a bus stop in northern Israel. Prime Minister Rabin reacted by calling for full and complete separation between the Palestinians and the Israelis and by announcing plans to build by-pass roads so that Israeli settlers in the West Bank would not have to drive near Palestinian communities. Rabin's proposal also effectively barred Palestinians from working in Israel. Some analysts believed that Rabin also proposed this separation to prepare the Israelis psychologically for an eventual withdrawal from the Palestinian territories.

In the short term, the Israeli government moved to seal off the West Bank and the Gaza Strip from Israel and East Jerusalem. These closures resulted in severe economic hardship for Palestinians in the West Bank and Gaza Strip who had grown economically dependent upon Israel after more than a quarter century of occupation. As the diplomatic process continued through most of 1995, Israelis and Palestinians alike began to question the value of reconciliation. Two years into the negotiations and in the wake of increased attacks, the Israeli public began to feel less, rather than more secure as the Rabin government had promised it would at the start of

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[4] Hamas, a militant Muslim movement that emerged during the *intifada*, the Palestinian uprising of the late 1980s, was founded by members of the Muslim Brotherhood. Led by Sheikh Ahmed Yassin (who has been in an Israeli prison since the late 1980s), Hamas is not a member of the PLO. Its goal is the establishment of a Palestinian Islamic state. Hamas became popular among some Palestinians by developing a strong network that has provided social, educational and health services to Palestinians. Its military wing, the Izz Ad-Deen Al-Qasem Brigades, has claimed responsibility for terrorist attacks and bombings directed at Israelis since the signing of the DOP. CPRS polls placed Hamas' public support in the pre-election period between 10 and 15 percent during 1993 to 1995.

[5] A small Islamic militant movement that emerged in the mid-1980s, Islamic Jihad became active in organizing Palestinian protests during the *intifada*. Islamic Jihad is infamous for planning suicide terrorist attacks against Israel in recent years. Unlike Hamas, Islamic Jihad lacks an extensive network of social institutions in the West Bank and Gaza Strip. According to CPRS polls, support for Islamic Jihad was approximately 2 percent in December 1995.

negotiations. On the Palestinian side, expectations of increased economic opportunities were not met when the rate of unemployment soared following the Israeli-imposed closure of its borders with the West Bank and Gaza Strip.

As the shock of the January bombing faded, Israel gradually eased its closure of the West Bank and Gaza Strip and resumed negotiations with the Palestinians. PLO Chairman Arafat and Israeli Foreign Minister Shimon Peres announced a July 1 deadline for completing negotiations on the Interim Agreement. Israeli and American officials underscored the demonstrated commitment of the PA to halt terrorism against Israelis. Throughout most of 1995, the PA continued to arrest those suspected of plotting terrorist attacks and asserted that it was devoting efforts to prevent future terrorist activity. The Palestinian security force's numbers grew significantly as the PA cracked down on opponents of the peace process.

Negotiations Leading to Oslo II

Palestinian-Israeli negotiators faced numerous challenges during the course of 1995. In late spring, the Israeli Housing Ministry announced that it would confiscate Palestinian-owned land in East Jerusalem for Israeli settlements. The Palestinians argued that the seizure would violate the letter and spirit of the 1993 Declaration of Principles and the 1994 Cairo agreement. According to these agreements, the status of Jerusalem was to be determined in final status talks that would follow the Palestinian elections. In the eyes of the Palestinians, the confiscation amounted to an Israeli attempt to establish more "facts on the ground" and thus increase its bargaining position at the commencement of final status negotiations.

Criticism of Israel's announcement to confiscate land in Jerusalem mounted in the capitals of the Arab world and Europe. As a result of this growing dissent, Israel's Labor government decided to suspend its confiscation decision in the face of a vote of no-confidence led by Israeli Arab parties on which the government depended for its majority. As this controversy received enhanced attention, Israeli and Palestinian negotiators continued to wrestle with issues such as Israeli troop redeployment from Hebron and questions about the scope of the PA's authority. The July 1 deadline passed, and new deadlines were set and then missed.

Adding more fuel to the fire were the increasing number of confrontations between Palestinians and Israeli settlers in the West Bank and Gaza. Confiscation of land in the West Bank led to protests by Palestinians and pro-peace Israelis, and clashes between these protesters and Israeli settlers. The existence and operation of Palestinian institutions in East Jerusalem constituted another contentious issue. Israelis opposed to a Palestinian institutional presence in East Jerusalem protested at Orient House, the PA's unofficial headquarters in East Jerusalem. The Israeli government hinted that it might move to close all East Jerusalem offices of PA-affiliated organizations on the grounds that it reinforced Palestinian claims in East Jerusalem. Palestinians viewed these sites as an important institutional presence that would strengthen their claim to East Jerusalem in the final status talks.

Toward the end of the summer of 1995 and throughout September, rumors proliferated that Israel and the PLO would soon sign an interim agreement. The PLO and Israel held marathon talks in Taba, Egypt and nearby Eilat, Israel, with Arafat and Peres participating in all-night negotiating sessions. Just as these talks seemed to disintegrate with Arafat storming out from one of the protracted meetings, an agreement was announced. The immediate pressure of a new deadline (the start of Rosh Hashana, the holiday celebrating the beginning of the Jewish New Year) and the ongoing pressures of the Israeli and American electoral cycles contributed to reaching the agreement.

Oslo II

The Interim Agreement, popularly known as "Oslo II" (though it was negotiated in Taba and Eliat, among other locales), was signed by Israel and the PLO on September 28, 1995 at a White House ceremony in Washington D.C. Oslo II is a complex agreement that contains detailed provisions for Israeli troop redeployment out of Palestinian population centers in the West Bank, further defines the nature and powers of the Palestinian Interim Self-Governing Authority and establishes the framework for the Palestinian electoral system. A key component of the agreement was the provision for the election of a Palestinian Council and the Ra'ees (chief executive)[6] of the Executive Authority with responsibility for agreed upon governmental functions.

Considering the highly polarized political environment in the West Bank and Gaza, and in Israel, the signing of Oslo II represented a significant accomplishment. Oslo II marked the beginning of the end of Israeli military occupation of certain populated portions of the West Bank, and established the political and administrative framework for Israeli-Palestinian relations through the conclusion of the final status talks. The agreement created a number of Israeli-Palestinian committees to coordinate a myriad of activities and address issues ranging from security patrols in certain areas of the West Bank to the administration of economic affairs. The agreement contains important compromises on Israeli troop redeployment, discussed below.

The Assassination of Yitzhak Rabin

The November 4 assassination of Israeli Prime Minister Yitzhak Rabin by an extremist Israeli opposed to the peace accords created new uncertainties about the peace and threatened to derail the process. Initially, questions arose about whether the peace policies of the Labor government would survive without Rabin. Rabin had enjoyed a popular reputation that was synonymous with security due to his position as the former chief of staff of the Israeli Defense Forces (during Israel's victory in the 1967 war). Some doubted that any other Israeli leader

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[6] Ra'ees is an Arabic word with ambiguous meaning: it can be alternatively translated into English, the language of negotiations, as "president" or "chairman," depending on the body or entity that the Ra'ees heads. In order to avoid a dispute over whether or not the position of Ra'ees would be equivalent to that of a head of state, the term Ra'ees remained officially untranslated.

would have been able to forge the same compromises and make the same concessions without losing public support. Rabin's assassination shocked Israeli society, revealing that Israeli radicals opposed to peace with Palestinians could be as murderous as the Egyptian opponents of Anwar Sadat's peace.

Rabin's assassination temporarily undercut the influence and popularity of the Israeli political right, which had in previous months escalated its rhetoric against the peace process. The tragic event also led to a short-lived increase in popular support for Oslo II among the Israeli public. Before the assassination, Israeli public opinion regarding the Interim Agreement was divided, virtually in half, for and against the proposal. Less than a week following Rabin's assassination, the Israeli newspaper *Yediot Ahronot* published a public opinion poll that reflected a major shift in favor of Labor party's peace policies: 74 percent of those polled favored the Israeli government's continued implementation of the Interim Agreement.

Shimon Peres, the foreign minister who had been central to the negotiations and who shared the 1994 Nobel Peace Prize with Rabin and Arafat, became the new prime minister. He formed a new government that won a vote of confidence by a 62-8 vote, with 38 members abstaining. Peres resisted calls to slow the peace process in the wake of Rabin's assassination and demonstrated every intention to move ahead and even accelerate the schedule for Israeli troop redeployment away from areas in the West Bank defined by the Interim Agreement.

Israeli Redeployment from the West Bank

Oslo II divides the West Bank into Zones A, B and C. The Palestinian Authority asserts administrative control for Zone A, the large population centers from which the IDF withdrew in the closing months of 1995. In Zone B, encompassing virtually all other Palestinian residential areas, Israel and the Palestinian Authority coordinate efforts to maintain law and order. The Israeli military maintains control in Zone C, which principally comprises Israeli settlements, Israeli military installations and unpopulated areas. Zones A and B, those in which the Palestinian Authority would exert either total or partial responsibility, amount to an area less than 30 percent of the West Bank, not including East Jerusalem.

The IDF withdrew from Zones A and B ahead of schedule and established checkpoints outside of the cities of Bethlehem, Jenin, Nablus, Qalqiyah, Ramallah and Tulkarem. Oslo II contains special arrangements for Hebron, where passions run high among both Palestinians and the small group of Israeli settlers who live within the city itself. A partial redeployment was made from towns and villages surrounding Hebron and much of the city itself before the elections, but Israel retained responsibility for the security of Israeli settlers in the area, including a group that lives in the center of the city.

For the most part, redeployment was completed without any major problems, although a few incidents did occur. On November 30, for example, a group of Palestinians, reportedly acting in response to an IDF raid on a cafe, abducted two Israeli border police officers in the West Bank

town of Jenin. The kidnappers detained the soldiers for several hours and released them following intervention by Arafat and other Palestinian leaders. Israeli officials issued a warning that the incident could delay redeployment. Palestinian police arrested the kidnappers and the Palestinian Authority sentenced them to nine years of hard labor.

Hamas-PLO Dialogue

While Israel redeployed from parts of the West Bank, the PA prepared for elections (discussed below in Chapter 2). In addition to completing the various technical steps requisite for holding elections, the PA continued its discussions with the largest opposition movement in Palestinian politics, Hamas.

Repeatedly opposing any sort of political settlement with Israel, Hamas rejected the DOP and subsequent PLO-Israeli agreements. Hamas had endorsed violence against Israel and its military wing had perpetrated a number of terrorist attacks against Israelis aimed at undermining Palestinian agreements with Israel. Under pressure from Israel and the international community to stop violent attacks against Israel, the Palestinian Authority began to crack down on the militant groups in late 1994. The tension between Hamas and the PA came to a head on November 18, 1994, when PA police turned their guns against demonstrators at a mosque in Gaza Strip. Thirteen people were killed and 200 were wounded in the fight, and protesters in Gaza City denounced Arafat as a "traitor" and "collaborator."

After a strained period, relations between the PA and the Islamic opposition underwent a gradual *rapprochement*. Following clashes between the PA and Hamas in the Gaza Strip, leaders of the PA and these movements tried to reach a compromise. In late August 1995, the public learned that the Palestinian Authority and Hamas had been negotiating the role of Hamas in Palestinian political life in general and more specifically the participation of Hamas in the upcoming elections.

The public revelation of these talks sparked a debate within Hamas. In general, Hamas members in the West Bank and Gaza Strip were more willing to seek a compromise with the PA than their counterparts on the outside in countries such as Jordan and Syria. In October, leaders representing different factions of Hamas met in Khartoum to discuss the movement's strategy *vis-à-vis* the Palestinian Authority and participation in the elections. While this meeting was underway, the PA, in a conciliatory gesture to Hamas, released a few prominent Hamas activists that it had imprisoned, including Mahmoud Zahhar and Sheikh Ahmad Bahr.

Following these discussions, the PA and Hamas conducted negotiations in Cairo in which the PA sought to convince Hamas to participate in the election and renounce violence against Israel. As negotiations continued between the PA and Hamas in Cairo, Hamas leaders in Damascus announced a boycott of the elections on December 9. Within the West Bank and Gaza Strip, there was dissent in the ranks of Hamas. On December 7, 1995, Imad Falouji, editor of the Hamas-affiliated *Al-Watan*, closed down the newspaper because of tensions between him and

Hamas leadership. Sources in Hamas asserted that Falouji's membership in Hamas had been suspended months earlier and that he did not speak on behalf of Hamas. Shortly after Falouji's public dispute with Hamas, Arafat appointed Falouji director of the National Reconciliation Office.[7]

The negotiations between Hamas and the PA in Cairo ended after Hamas refused to promise to end attacks in Israel. However, on December 21, 1995, Hamas and the Palestinian Authority released a statement announcing that they had agreed on a set of broad principles intended to strengthen Palestinian national unity and increase dialogue among the political factions. The two sides agreed to establish a joint committee to solve any future problems. The statement also announced that Hamas formally decided not to participate in the elections, but that this non-participation was not a formal boycott, "because Hamas did not intend to embarrass" the Palestinian Authority. Additionally, Hamas feared that a full boycott would marginalize the movement. (See Appendix F.) After the assassination of one of its members, allegedly by the Israeli security forces, in January Hamas led several large demonstrations but stated that it would not retaliate against Israel before or during the elections. Hamas also said that it intended to participate in local elections anticipated in late 1996 or early 1997.

For the most part, Hamas leaders regarded this entire electoral process as flawed because of its legal basis in the PLO-Israeli agreements and did not want to legitimize the process by participating in it. In the view of Hamas and other movements not participating in the elections, conducting elections under the conditions prescribed by the Interim Agreement was impossible while the Israeli occupation continued (albeit on a much more limited scale) and Israeli settlements remained in place in the West Bank and Gaza Strip. Also, some Hamas members criticized the failure to allow the Palestinian diaspora to participate in the elections. Finally, others objected to the limitations on the powers of the Council. However, Hamas leaders described elections as the basis of political legitimacy and the key to long-term stability. Since many of its supporters wanted to participate in the Palestinian Council elections, Hamas leaders said they wanted the elections to proceed without disruption or violence. Although Hamas did not participate officially, as will be discussed in Chapter 3, several individuals affiliated with Hamas ran as independent candidates or candidates of "partisan entities" that registered with the Ministry of Interior.

Conclusion

Events that followed the signing of the DOP marked a period of dramatic change for Palestinians in the West Bank, Gaza Strip and East Jerusalem. Acts of violence by Israeli and Palestinian extremists failed to realize their aim to halt the PLO-Israeli negotiations and destroy hope for a peaceful settlement between the two parties. Questions about PLO leader Yasser Arafat's sincerity and reliability remained a cause for deep concern for the Israeli public. Continued land confiscation by Israel for settlement expansion in the West Bank and East

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[7] Falouji later became a candidate for the Palestinian Legislative Council on the official Fateh list.

Jerusalem and Israeli-imposed closures of the West Bank and Gaza Strip, though highly unpopular among Palestinians, failed to derail the process.

Nevertheless, during this tumultuous period, support for the negotiations grew among Palestinians. According to polls conducted by the Nablus-based Center for Palestine Research and Studies (CPRS) in January 1994, almost 51 percent of Palestinians polled supported continuing negotiations with Israel, whereas approximately 40 percent did not. By late August 1995, support for the negotiations grew to 71 percent, and opposition waned to less than 19 percent. At the same time, enthusiasm among Palestinians for choosing their representatives remained high, with CPRS polls in February 1994 indicating that 67 percent of Palestinians intended to participate in the elections. This figure increased to 71 percent on the eve of voter registration in October 1995.

Against this backdrop—a volatile political environment, a deteriorating economic situation in the West Bank and Gaza Strip, and steady popular Palestinian support for holding and participating in elections—Palestinians moved to complete the many tasks necessary for holding elections and consolidating their governing institutions.

Immediately following the signing of the Declaration of Principles, the National Democratic Institute sent a survey mission to meet with Palestinian and Israeli leaders to explore whether NDI could contribute to the strengthening of the new Palestinian political system. As suggested in the DOP, the Palestinian elections would be held "under agreed supervision and international observation." Palestinian and Israeli alike were heartened by the involvement of international advisors in a variety of electoral issues.

In February 1994, NDI established a presence in the West Bank and Gaza Strip to begin a long-term civic education program and respond to the Commission on Elections and Local Government (CELG) requests for comparative information about electoral systems. In response to the invitation for election observers, the U.S. government designated NDI, in conjunction with The Carter Center, to mobilize an international delegation as the American contribution to the international monitoring effort. Building on NDI's programming experience, the two organizations established a permanent team on the ground, sent two pre-election missions, in November and in December, organized a 40-person delegation in January and continued to report on the process.

Chapter 2
The Election Framework for the 1996 Palestinian Elections

In the January 20, 1996, elections, Palestinian residents of the West Bank and Gaza Strip elected an 88-member Palestinian Legislative Council and, on a separate ballot, the Ra'ees of the Executive Authority of the Council. The election law that governed these contests outlined a majoritarian system with multi-member districts and open lists that allowed voters to split their votes among candidates of different affiliations. For example, in a constituency with four representatives, each voter could vote for up to four candidates; the four candidates amassing the greatest vote totals were elected. The West Bank, including East Jerusalem, and the Gaza Strip comprised 16 constituencies, 11 in the West Bank and five in Gaza Strip.

The legal and administrative framework for these elections emerged through a complex process shaped by negotiations between the Palestinian Authority and Israel, and negotiations between the Palestinian Authority and opposition political movements, accompanied by continuing popular debate about alternative election systems and the technical requirements of running first elections. The result was a rather well-conceived plan that was substantially modified as elections neared, creating a mix of the planned and the *ad hoc*.

This chapter outlines the principal features of the electoral framework, including the evolution of the electoral system, election administration, the voter registration and appeals processes, the distribution of seats among the 16 constituencies, "partisan entity" registration, candidate nomination and the special provisions for Jerusalem. In addition, the chapter discusses the structural changes that were implemented and the debates that occurred during the pre-election period. It also notes some of the concerns raised by the ongoing NDI/Carter Center election monitoring program, a November pre-election mission around the voter registration process, and a December pre-election mission around the candidate nomination process.

The Evolution of the Electoral Framework

Because of the complexities and peculiarities of the political situation in the West Bank and Gaza Strip, the Palestinian electoral framework was not developed solely as a result of discussions among Palestinians. As discussed previously, these first Palestinian elections were a direct consequence of negotiations between the PLO and Israel. As a result, Palestinians had to design an electoral system that was acceptable not only to Palestinians but to Israelis as well. Considering these constraints set by the broader political environment, the election system that emerged largely met the difficult requirements of satisfying the specifications of the Israeli-PLO agreements and providing a functional electoral mechanism.

Following the signing of the DOP in September 1993, the Palestinian Authority created committees to advise the negotiators. One such committee was the Commission on Elections and Local Government formed by decree of PLO Chairman Arafat in November 1993. Headed by PLO deputy chief negotiator and Minister of Local Government Affairs Dr. Saeb

Erakat, the CELG was responsible for recommending local government structures and electoral systems to PLO officials and negotiators. Despite its early creation, the official announcement of the CELG and its membership did not occur until early May 1994. Receiving substantial advisory assistance from the European Union and some information and advice from NDI and the U.S.-based International Foundation for Election Systems, the CELG began establishing district election offices (DEOs) and making tentative plans in advance of the Interim Agreement with Israel.

While the PA took these first organizational steps, most Palestinians considered elections a remote prospect because of the missed deadlines for elections between 1993 and 1995, and widespread debate and criticism of the DOP. A few Palestinian intellectuals and nongovernmental organizations offered proposals to debate the specifics of implementing the promised elections, but there was little response from the PA, in part because of the exigency of ongoing negotiations with Israel. The PA did not want to embrace popular Palestinian demands that Israel may not permit, nor did the PA wish to be seen as making deals with Israel without Palestinian consensus. In an effort to solicit the views of intellectual leaders in the West Bank and Gaza Strip, Erakat arranged meetings to seek informal input on the election law from political party leaders and academics. He also sought to inform Palestinians about the electoral system through public forums. In addition, Erakat allowed NDI to organize a program to promote discussion and understanding of electoral developments.

The signing of the Oslo II agreement cleared the way for elections, but many Palestinians continued to harbor doubts that elections would take place in the near future. At the time of the signing of Oslo II, it was widely expected that the campaign and voting would occur in March or April 1996, after the Muslim holy month of Ramadan, which was to begin on January 21. On October 22, 1995, however, PLO Chairman Arafat and Israeli Foreign Minister Peres announced at a press conference that the elections would be held before Ramadan. This announcement precipitated a flurry of activity to hasten electoral and political preparations. For many the date remained an issue of debate and uncertainty. While administrative preparations accelerated in November, the PA did not promulgate an election law, appoint an election commission or formally set the precise date for January's eventual elections until December.

Throughout the fall of 1995, widespread discussion continued about the type of electoral system that should be implemented. The CELG had planned for a majoritarian system based on 16 multi-member districts. Some Palestinians, particularly those affiliated with small opposition political movements, argued that the district-based majoritarian system would disproportionately enhance the political influence of traditionally prominent families and other local interests, and inhibit the development of political parties and other transregional organizations. Some NGOs and political parties proposed a proportional representation system with a single national list arguing that such a system works to the advantage of small, dispersed political parties and is therefore more inclusive and thus produces a more representative body. Critics contend that such a system can produce a fragmented deliberative or legislative body,

unable to establish a stable majority, and it can diffuse representation of local concerns.

Debate also ensued about the issue of quotas. The draft law provided vaguely for a quota of several seats for Christians, which some criticized as unnecessary or divisive, while others proposed quotas for women. Other proposed revisions addressed the issues of whether officials of the Palestinian Authority would be required to resign from their posts in order to compete and under what conditions they could be rehired if they lost.

These issues were discussed in several public forums organized by the CELG (which, by November, was also known as the caretaker Central Election Commission or CEC) and raised in letters and proposals to the CEC. In a press conference on December 3, acting CEC Chairman Erakat declared that the law "has been debated by all factions that constitute the political reality of the Palestinian people."

At a Palestinian Authority Council of Ministers meeting in early December, several opposition leaders were invited to participate in final deliberations on the election law. At this late date, the PA Council of Ministers considered a proposal for a mixed system, whereby some candidates would be elected according to the majoritarian system established in the draft law and other seats would be allocated proportionally from national lists. Ultimately, Arafat declined to adopt this system and opted to retain the district-based majoritarian system.

Election Administration

The administration of the election preparations progressed under mixed conditions. On the one hand, a solidly established local and regional system functioned effectively. As noted above, DEOs were created in each district except Jerusalem by mid-1995. The recurring delays in the Israeli-Palestinian negotiations provided time for these offices to orient themselves and to begin early preparations for registration. The DEOs recruited, trained and organized 7,000 teachers who served as polling station commissioners responsible for overseeing the voter registration canvass and the operations of the polling station on election day. Each polling station comprised four polling station commissioners, or election officials.

On the larger level, the administration of elections was less well organized, principally because of the long delay in establishing the Central Election Commission and the Election Appeals Court (EAC). On December 21, a week after the start of candidate registration and 40 days after the commencement of voter registration, PLO Chairman Arafat announced the new nine-member Central Election Commission. Mahmoud Abbas, the PLO's chief negotiator of the Oslo agreement and a leading member of the Fateh Central Committee, was appointed chairman of the Central Election Commission, taking over for caretaker CEC Chairman Saeb Erakat, who was a candidate in the Jericho district. (See Appendix F.)

Erakat officially resigned December 3, but continued as nominal caretaker for the election administration until the appointment of the commission. However, during the first week of

candidate registration, there was no one responsible for determining whether or not candidate applications met the criteria set by the Interim Agreement and the election law.

The PA delayed the appointment of the CEC in order to allow political factions more time to reconsider their participation in the elections. While some were concerned that the absence of a commission to oversee the election process would lead to administrative incoherence, others noted that the reason for the delay in appointing the commission was laudable.

The administrative structure responsible for actually implementing the elections remained in place throughout the immediate pre-election period. This apparatus was led by two coordinators, Ihab Barghouti for the West Bank and Osama Abu Safia for Gaza Strip, who were assisted by district election managers responsible for administration in each of the 16 constituencies. Two to three assistants supported these managers at the district level. Most district offices were open and most district managers worked on preparations in their areas for several months. Because elections were postponed several times during negotiations leading to the Interim Agreement, election officials enjoyed several months to prepare for the beginning of the process, as most DEOs began their work in the spring of 1995. There was accordingly less time to prepare for election-day activities, and the post-election handling of complaints—particularly when the timetable suddenly shortened just as the voter registration process began.

The district managers divided the districts into polling stations of up to 1,000 voters each. In many cases polling stations were located in nearby schools. Four-member polling station commissions, comprising teachers living in or near the area, were established for each polling station. The polling station commissions administered the door-to-door voter registration canvass, discussed below. In advance of the canvass these officials participated in CEC-organized training sessions on registration processes and procedures.

The CEC received considerable outside technical support, largely from the European Union. European Union technical advisor Andrew Ellis, formerly secretary general of the British Liberal Democratic Party, led a small team that worked in the West Bank and Gaza Strip for almost two years to assist in planning and preparing for the elections.

On December 23, 1995, the Palestinian Authority established the Palestinian Election Appeals Court with offices in both the West Bank and the Gaza Strip. Its members were Abdullah Ghozlan, Imad Salm, Sami Saabah, Shukri Naswashibi and Chairman Zuhair Sourani of Gaza. The court was responsible for holding public proceedings at which it would address appeals and objections submitted to annul or amend CEC decisions.

In addition to the CEC and the Electoral Appeals Court, the election law provided for district election commissions (DECs) to supervise election administration at the district level. The DECs were not named until late December, long after functions they were required to oversee, such as the acceptance of candidate nominations, had already begun. In practice the duties

envisioned for the DEC were covered by workers in the DEOs.

During December, the CEC and the Palestinian Authority repeatedly changed the election schedule. Important components of the election process, including the length of time for the campaign, the number of seats in the Council, the procedure and timetable for registering voters and the schedule for registering candidates, were abruptly altered several times without public explanation. While many of these adjustments were made to promote greater participation in the elections, they also created substantial confusion for candidates and voters. Election officials noted that they had difficulty responding to all of the fluctuating procedures.

In the weeks leading up to the elections, Palestinian officials expressed concern about Israeli bureaucratic obstacles to the transfer of election materials from Jericho to the Gaza Strip at the Erez checkpoint and to the provision of necessary travel permits to qualified Palestinian electoral officials. At the same time, cooperation between Israel and the PA was evident in the smooth process for reviewing voter lists.

Voter Registration*: *Overview

NDI/Carter Center's first pre-election delegation coincided with the beginning of the voter registration process. One of the main purposes of the November 10 to 16 mission was to evaluate this first important test of the election administration. On the whole, the NDI/Carter Center monitoring team noted a remarkable enthusiasm for the voter registration process throughout Palestinian society. Even those political movements that were skeptical about the elections and/or opposed to the peace process encouraged Palestinians to register to vote although they hesitated about whether to encourage their supporters to vote. The commitment and resourcefulness of election officials, including teachers who were responsible for the voter registration canvass, were impressive.

A number of factors complicated the registration process. First, no reliable census data corresponded to constituencies in the Palestinian electoral system. For this reason, the CEC decided to implement a comprehensive canvass-style voter registration process to help ensure a higher registration rate. Second, the Interim Agreement specified that Israel would have the right to review the electoral registry and raise objections to any entry that did not appear in Israel's population registry. Israel included this provision in the agreement to prevent Israeli citizens of Arab origin from voting and to ensure that the election process would not include Palestinians living outside of the West Bank and Gaza Strip. Israeli officials suggested a third reason for this provision: to create a definitive list of Palestinians living in the territories as official residents of the West Bank and Gaza Strip. The Israeli review meant that Palestinian officials had first to register their voters and then respond to Israeli queries on any registry entry. Aside from its logistical difficulties, the review offered a side benefit: it heightened the integrity of the voter lists.

The third complicating factor was time. The CEC originally envisioned a six-week period to conduct the door-to-door registration. In October, when Arafat and Peres announced that

elections would be held in January, the CEC faced a drastically compressed time frame. The Interim Agreement specified that the election campaign would begin 22 days before polling day. The CEC's goal was to complete the final voter registry by the beginning of the campaign so that candidates would have necessary information about voters in their constituency. In order to meet this goal, the CEC reduced the period allotted for the door-to-door canvass from six weeks to three. This change was the first of many that would occur before the completion of the electoral registry. The NDI/Carter Center monitoring team noted that, ultimately, the CEC succeeded in preparing a registry that passed Israeli review and included the vast majority of eligible Palestinians.

The voter registration process began on November 12. The door-to-door canvassing lasted 20 days, ending on December 2. However, potential voters had the opportunity to register at district election offices through January as the voter registration period was extended several times. Voter registration was extended in order to accord soon-to-be-released prisoners an opportunity to register and to allow members of opposition movements the maximum amount of time to decide whether or not they would participate.

Canvassers asked each person older than 17 years for his or her Palestinian or Israeli identification card, and recorded the voter's name, I.D. number, I.D. type (*e.g.*, Palestinian or Israeli), father's name, grandfather's name, sex, date of birth and permanent address. Eligible voters were issued a temporary registration card to show to the polling station commission on election day. The name, location and number of the polling station as well as the name of the constituency were included on this card, except in municipal Jerusalem, where only the polling station number appeared on the card because the polling station locations for municipal Jerusalem were still pending. Family members who were not present—because of studies overseas, or a day job in Israel, for example—were often registered during the canvass. In most cases, officials would accept the name of an absent person if the family could furnish his or her I.D. number. The fact that most canvassers were from the area and knew the people they registered facilitated the process.

The canvassers carried official identification issued by the CEC and wore caps that identified them as members of the polling station commission. They were to return to each residence up to three times to register all eligible voters in the household. If upon the third visit the canvasser was unable to register a household member, he or she would leave an official notice with the location of the district election office and the name of its president. The notice explained that the individual could register in person at the district election office.

Confirmation of identity for the canvass was based on Israeli identification cards possessed by most (but not all) Palestinians in the West Bank and Gaza Strip. The Interim Agreement stipulated that certain Palestinians who did not hold proper identification documents could be added to the population register and obtain identity cards. Specifically, Annex II, Article II of the Interim Agreement provided that any person at least 40 years old as of January 1, 1996 who had lived in the West Bank and Gaza Strip continuously for at least three years (except for short

absences) or any person under 40 who had lived in the West Bank and Gaza Strip continuously for four years would be entitled to an identity card. The Agreement also specified that applications by such individuals for identity cards would be dispatched on an expedited basis to hasten the registration process.

Despite the Interim Agreement's emphasis on prompt processing, the mechanism for applying for identity cards was not established until the last week of the canvass (late November). The delay was due in part to complications arising from reaching agreement on who had authority to grant identity documents in areas that had shifted from Israeli to Palestinian control. After several meetings, the Israeli-Palestinian Civil Affairs Coordination and Cooperation Committee (CAC) established an application procedure. To obtain identity cards, individuals meeting the applicable criteria had to file applications at the CAC offices in Ramallah, Jericho, Jenin, or at the office of the population registry in Gaza City, before December 5. The application, which had to be completed in English, Arabic and Hebrew, required a $100 fee. The applications were supposed to be reviewed by both sides of the CAC and processed in time for individuals to register before the close of the registration period. Although some PA officials expected upward of 30,000 such requests for I.D.s, only about 4,000 were submitted. Both Palestinian and Israeli officials reviewed the applications, and the Israeli side rejected a few cases for reasons stipulated in the agreements—either for holding an Israeli passport or for not meeting residency requirements.

In mid-December, concern arose about announcements placed in major newspapers by the Ministry of Interior that notified Palestinians that they would have to present their temporary voter registration card in order to obtain a passport. Several members of NDI's local staff verified that signs were posted in the passport office of the Ministry of Interior outlining this procedure. Many Palestinians felt that registering to vote was a personal choice and should not be required by the PA. Soon after these issues were raised with the CEC and the PA, the CEC instructed the Ministry of Interior to drop its requirement that passport applicants furnish a voter registration card. Two weeks later the Ministry abandoned this condition.

Some serious problems were reported from Jerusalem during the canvass period, most of which stemmed from the city's contested status. The Jerusalem election district comprised municipal Jerusalem (the area that Israel annexed) and surrounding towns in the West Bank. The Interim Agreement allowed Palestinian residents of Jerusalem to vote but it did not identify municipal Jerusalem as an electoral area for the Palestinian elections. As a result, the Palestinian Central Election Commission did not have jurisdiction in municipal Jerusalem. And as such, the CEC was barred from conducting voter registration there.

Instead, by agreement with Israel, the CEC contracted with Ibrahimiyya College, a secondary school in East Jerusalem, to register Palestinians in Jerusalem. Ibrahimiyya College was responsible for recruiting and training teachers and students to conduct the registration and for implementing the program. CEC posters and literature could not be used in municipal Jerusalem, and registration forms had to be reprinted without the CEC logo. Outside of the

municipal boundaries, the CEC opened an office for the district of Jerusalem, which oversaw registration of voters outside of the city and supervised the work of Ibrahimiyya College.

Since Israeli passport holders were not permitted to vote in the Palestinian elections, some Jerusalem residents reportedly feared losing their valued Jerusalem identification documents (and the right to travel and work in Israel as well as eligibility for an Israeli passport) if they registered to vote. Likewise, Palestinians living in Jerusalem, but carrying a West Bank or Gaza I.D., might have hesitated to register for fear of being discovered and forced to leave. Additionally, it is not uncommon for a Jerusalemite to marry someone from the West Bank or Gaza, and for the spouse to be denied a Jerusalem I.D. There are many people living in the West Bank who hold Jerusalem I.D.s, as well as many others living in Jerusalem without a Jerusalem I.D. The former might have had misgivings that registration in their place of abode (outside Jerusalem) would jeopardize their Jerusalem I.D.s; in the latter case, the spouse without a Jerusalem I.D. might have feared being forced to leave his or her family in Jerusalem. Furthermore, between 60,000 and 80,000 Palestinians with Jerusalem I.D.s who live just outside the municipality of Jerusalem (beyond the Israeli checkpoints) might also have feared that registration could prompt Israeli authorities to revoke their I.D.s.

At the outset, the canvass in municipal Jerusalem faced a number of difficulties. First, Ibrahimiyya College encountered some organizational problems. Some of the Ibrahimiyya students who had been trained later dropped out of the program, so new canvassers had to be recruited and trained. Also Ibrahimiyya was supposed to establish an office in East Jerusalem to coordinate activities, but Israeli Defense Forces closed the office two days after it opened, according to the Jerusalem district manager. As a result, registration inside Jerusalem was directed from the district office, which initially had been responsible for registration only outside of the municipality. Furthermore, the Jerusalem district office opened later (October 4) than any of the other offices, and it had considerably less time than other DEOs to organize and study the terrain. Jerusalem registrars also started one or two days late because of printing delays necessitated by having to prepare special registration materials without the CEC logo. For these reasons, several areas in municipal Jerusalem were not covered until late in the registration process, and others may not have been canvassed at all.

Not until late December and early January did the PA grow uneasy about the sparse voter registration figures in municipal Jerusalem. Among their concerns was how the Israelis might use the low figures to minimize Palestinian claims to Jerusalem. Toward the end of the canvass Palestinian leaders and CEC officials accelerated their efforts to encourage registration. PA Minister for Jerusalem Faisal Husseini, made a last-minute appeal to Jerusalemites to register to vote assuring them that there would be no repercussions from registering. The CEC also opened additional offices in two schools and encouraged people uncanvassed from neighborhoods to register at these offices. The existence of these offices was not widely publicized, however. When the canvass period closed the CEC announced that 76,400 voters had registered in the Palestinian electoral district of Jerusalem, 43,950 of them in municipal Jerusalem.

On December 10, the draft election register was completed and made available at most polling stations. This draft contained a substantial number of errors in part because the names were transferred through several recording steps. The election law provided for voters to review the draft list in order to correct errors. In practice, polling station commissioners took initiative and remedied most mistakes on their own because few voters checked the lists, some of which were difficult to access.

The Israeli authorities reviewed the lists and confirmed whether the names presented actually appeared on the population registry maintained by either the Palestinian Authority or Israel. According to the election law, anyone could make an appeal, not necessarily the person whose name was missing from the voter registry. This provision enabled relatives of those living abroad to add the names of those absent during the registration period.

Based on the original plan, Israeli authorities were to be allowed seven days to complete the review process. However, with the compressed registration schedule and no clear date set to end voter registration, Israeli officials conducted their review continuously. Individuals whose names did not appear on the population registry were removed from the draft registry unless the Palestinian side could provide satisfactory evidence to the contrary. There was no provision for informing a Palestinian carrying a temporary registration card, distributed during the door-to-door canvassing, that his or her name had been removed from the registry and hence that he or she was ineligible to vote until he or she arrived at the polls to vote on election day.

CEC officials aimed to complete the electoral registry by the commencement of the campaign period. However, the sustained Israeli review process and the CEC's desire to keep open registration as long as possible to accommodate late entries made it impossible to complete the electoral registry by this time. In late December, the CEC decided to establish a supplementary list. This decision allowed the CEC to publish a nearly complete registry on or near the opening of the campaign, while buying more time to include new entries and to correct those entries at variance with the Israeli population registry.

The Central Election Commission reported on January 2, 1996, that 1,013,235 eligible voters had registered: 665,603 in the West Bank including East Jerusalem and 347,632 in the Gaza Strip. Of the registered voters eligible to vote, about 49 percent were women and 51 percent men. About 35,000 of the original 1,048,756 registrants were not going to reach the age of 18 before January 20, and thus were disqualified from voting. When the CEC released final voter registration figures it was remarkable that the total number of eligible voters dropped below one million, a disparity from the original January 2 announcement that has never been explained by the CEC.

In general, international observers deemed the voter registration canvass successful, despite some delays in Jerusalem. (See Appendix A.) Moreover, the Palestinian Domestic Monitoring Committee (PDMC), a coalition of Palestinian NGOs, conducted a canvass of 760 randomly selected houses in 10 of the 11 West Bank electoral districts and determined that most

eligible voters did have an opportunity to register. The PDMC found that problems existed with voter registration in Jerusalem and recommended that the registration period be extended. It is also notable that during the canvass apparently no political parties criticized polling station officials for acting in a partisan manner.

Partisan Entity Registration

The election law governing the first Palestinian elections contained no provision for registering political parties. Although the PA spent considerable time drafting and negotiating a political party law, it abandoned the effort in late 1995. Unable to reach a broad consensus on the law and under significant time pressure to meet deadlines in order to hold the elections in January 1996, the PA opted to include provisions for the registration of "partisan entities" in the election law. Originally, a draft law would have required partisan entities to register with the Central Election Commission, but the PA subsequently altered this provision to require partisan entities to register with the PA Ministry of Interior.

According to Article 49 of the Palestinian Election Law, to register as a partisan entity, an organization had to submit its name, symbol, motto, director's name, leadership structure, a summary of its political and social program, and a signed document stating that the entity did not advocate racism. Although the Interim Agreement required Israeli authorities to review candidate registration applications to ensure that candidates had renounced violence and racism, in the end this procedure was not followed. The election law also required financial disclosures from registered partisan entities and prohibited them from receiving financial contributions from abroad.

According to the original schedule, registration of partisan entities occurred from December 8 to 16, 1995, but in practice registration remained open in order to allow political factions such as Hamas the chance to register as partisan entities up to the last minute. The Ministry of Interior did not deny registration to any partisan entity.

Candidate Registration

While the second NDI/Carter Center pre-election mission sought to assess the overall political climate in which the election preparations were proceeding, it also coincided with the beginning of the candidate registration period. The December 10 to 16 delegation examined the extent to which the following procedures and rules were followed. (See Appendix B.)

Annex II of the Interim Agreement stipulates that any Palestinian wishing to be a candidate for Council: had to be a registered voter at least 30 years old on polling day; had to reside in the constituency in which she or he chose to run; and could not "commit or advocate racism" or "pursue the implementation of their aims by unlawful or non-democratic means." According to the election law, a candidate for the Council had to be nominated by a registered "partisan entity" or obtain the signatures of 500 voters within the district in which he or she was

running for office. Council candidates paid a $1,000 deposit to the PA Ministry of Finance, which was refundable only to the winners. According to the election law, employees of the PA had to resign their positions after becoming a candidate for the Council, although these resignations did not occur in all cases.

The candidate registration process also experienced a dizzying array of changes, most of which were political. For example, candidate registration was scheduled to end on December 22 at 3:30 p.m. District Election Officers reportedly received calls during the afternoon of the 22nd telling them to extend the deadline by 24 hours. The next day, a second call asked for an extension until midnight. While part of the reason for the delay appears to stem from a desire to accommodate a possible last-minute change of heart by Hamas, some Palestinians complained that these extensions were intended to provide more time to Fateh in areas where it had not yet submitted candidates.

The election law stipulated that nominations for the Council were to be submitted to the appropriate DEC, located in each of the 16 districts. Because the DECs had not formed, applications were submitted to the DEOs instead. Candidate registration began on December 14 and continued until December 31, 1995. The closing date for candidate nominations was extended a number of times. In the end, more than 670 candidates registered for the Council, but some of these later withdrew shortly before the elections.

Nominations for Ra'ees were to have been submitted to the CEC, but because the PA appointed the CEC at such a late date, nominations were submitted to the Jericho DEO, which was located in the same building as the acting CEC. A provisional list of nominations was posted three days following the close of the registration process, after which two days were allotted for public review and appeal.

According to the election law, a candidate for Ra'ees: had to be a registered voter at least 35 years old on election day; had to be a resident of the West Bank or Gaza Strip; and could not "commit or advocate racism" or "pursue the implementation of their aims by unlawful or non-democratic means." A Ra'ees candidate had to be nominated either by a registered "partisan entity" or obtain the signatures of 5,000 voters. Ra'ees candidates paid a $3,000 deposit to the PA Ministry of Finance, which was returned only to the winner.

Last-Minute Changes in the Electoral System: Distribution of Seats and Quotas

The Palestinian Authority promulgated the final election law on December 7, fewer than six weeks before the election. While the final version contained two prominent changes that resulted from the extensive discussion period (seat allocation and quotas for religious minorities), it largely disappointed political leaders who had hoped to re-shape the election system.

The number and allocation of seats changed even after the promulgation of the electoral law. Initially, when negotiations began for the Interim Agreement, the PA advocated separate

legislative and executive chambers with more than 100 seats. Israel, on the other hand, envisioned a much smaller body—a single executive chamber with 27 seats. Eventually, Palestinian and Israeli negotiators agreed on an 82-member Council, which was the number of West Bank and Gaza Strip Palestinians who sat in legislative councils under Jordanian and Egyptian rule in the West Bank and Gaza Strip respectively before 1967.

In the closing days of 1995, the size of the Council grew to 88 seats (not including the Ra'ees seat). When the PA promulgated the election law on December 7, a seat was added for the Samaritan minority in Nablus, bringing the size of the Council to 83. On December 28, four more seats were added, one each in the Jerusalem, Hebron, Gaza City and Khan Younis districts. On December 29, PA Ra'ees Decree 6 added another seat to Gaza City, bringing the number of Council seats to 88, in addition to the seat for the Ra'ees. (See Appendix H.)

Of these 88 seats, seven were set aside for religious minorities: six for Christian candidates and one for a Samaritan candidate. Two of the seats for Christian candidates were located in the Jerusalem district, two in Bethlehem, and one each in Ramallah and Gaza City. The election law was vague regarding how these quotas would operate in the election system. In the immediate pre-election period, many Palestinians believed that the quota applied only for those who registered to run for the Christian seats and that Christian candidates could also choose to run for the "regular" seats. However, as election day approached, the CEC provided a "restrictive" interpretation of the quota. For instance, no more than two Christians could win seats in the Bethlehem district, even if the top four candidates with the most votes were Christian.

The draft election law stated that seats would be allocated according to the voter registration figures, but this scheme changed on December 7, 1995, when the final election law stipulated seat allocation according to population distribution. Inequalities in the allocation of seats provoked anger in some quarters. Political leaders in Nablus, for example, objected to the fact that Nablus had only one seat for every 13,900 voters while the average was 8,800 in Khan Younis.

This allocation change resulted in part from pressure from Gaza political leaders for more seats in Gaza. Residents of the Gaza Strip were concerned that distributing seats on the basis of voter registration figures would underrepresent districts in the Gaza Strip because the Gaza Strip comprised a greater proportion of residents under the age of 18. Also, Palestinian leaders in Jerusalem, including PA Minister without Portfolio Faisal Husseini, the PA's leading official in Jerusalem, feared that the initial low turnout for voter registration in Jerusalem would lead to an underrepresentation of Palestinians in the Jerusalem district.

Ultimately, the distribution of seats was not strictly based on registration or population figures. The absence of accurate and agreed-upon population data meant that the decision to shift the basis for allocating seats from voter registration figures to population figures essentially opened the process of seat allocation to political consideration and negotiation among Palestinians.

Elections in Jerusalem

Special arrangements were made for voting in Jerusalem. The final status of that part of Jerusalem annexed by Israel following the 1967 Six-Day War is to be resolved in the next phase of the negotiations following Palestinian elections. More than 120,000 Palestinians live in East Jerusalem and can claim Israeli citizenship under Israeli law. While some have exercised this option, most have not and thus were eligible to vote in the elections. The Interim Agreement specifically excluded from voting those with Israeli citizenship.

Palestinian and Israeli negotiators agreed, rather late in the electoral process, on special provisions to permit Palestinian residents in Jerusalem to vote without compromising either side's position on the status of Jerusalem, which is to be considered during the final status negotiations. On one hand, Israel wanted Palestinian residents of Jerusalem to vote in a manner that suggested they were located outside of the area to be represented by the elected body. Therefore, Israel advocated arrangements similar to absentee voting. On the other hand, Palestinians wanted as few differences as possible between voting in municipal Jerusalem and voting in the West Bank and Gaza Strip.

It is important to note that the Jerusalem electoral district, stretching from the Ramallah district to the Dead Sea, was larger than the municipal boundaries of metropolitan Jerusalem as defined by Israel. On election day, Palestinian residents in municipal Jerusalem voted within the municipality in one of two ways. Most (about 40,000 of the 45,000 registered voters) voted in polling stations located beyond the checkpoints of the Jerusalem municipality. The remainder voted at one of 11 voting sites (about 450 voters each) located in five post offices inside the municipality.

These post offices were not technically established as polling stations and were administered by Israeli Arab postal personnel rather than PA polling station commissions. This process could be considered analogous to casting an absentee ballot. Each voter cast his or her two ballots by placing them in "receptacles" rather than in "ballot boxes." Even the structure of the boxes reflected a compromise—instead of locating the slot for the ballot on top of the box as a ballot box or on the side of the box as a mailbox, the slot was placed on the top side corner of the box.

At the end of the voting day, these receptacles were transported to the DEO for the Jerusalem district in Abu Dis, outside of the Jerusalem municipality where the ballots were counted. These vote totals were tallied along with those of the remaining polling stations located outside the checkpoints to determine the winning candidates for the constituency of Jerusalem. As noted above, the registration process for Jerusalem was also treated in a distinctive manner in order to enable residents to participate but preclude any suggestion that the final status of East Jerusalem had been settled or compromised.

Conclusion

The Palestinian electoral framework unfolded in a seemingly haphazard fashion with many important decisions being made and revised up to election day, an issue which was noted with concern by the second NDI/Carter Center pre-election mission in December. Delays in promulgating the election law and appointing the CEC and Election Appeals Court, and changes in timetables for registering candidates and voters combined to potentially thwart the electoral process. Even the January 20 election date was not made official until the second week of December when Yasser Arafat issued a decree formally setting the date. (See Appendix I.) That announcement prompted some political leaders, including the head of the Palestinian delegation to the Madrid negotiations, Haider Abdul Shafi, to advocate postponing the elections to allow for further discussion about the electoral system and more time for political preparations. The Palestinian Authority defended the January election date, arguing it was necessary to ensure Israeli adherence to the redeployment schedule and to minimize any unforseen security problems that could jeopardize elections from taking place.

While the PA made late changes to the electoral system and registration procedures, these changes were never fully explained to the public, resulting in confusion and some dissatisfaction among Palestinians. As discussed above, the primary motivation for these changes was apparently to provide political factions maximum time to decide whether or not to participate in the elections.

Because of the unique nature of these elections, difficulties arose in coordination between Israel and the PA. For example, Israeli security measures hindered the movement of Palestinian election officials between the West Bank and Gaza Strip in the course of their work. Restrictions on travel also impeded the transport of election materials between the West Bank and Gaza Strip. In some cases, hundreds of boxes had to be physically carried across the Erez checkpoint. Journalists and civic and voter education trainers also encountered difficulties traveling between the West Bank and Gaza Strip. Anxieties among many Palestinian residents of East Jerusalem about whether their residency rights would be affected by participation in the elections were partially alleviated in January by public statements by Israeli and Palestinian officials. In addition, there was confusion among voters in East Jerusalem as to where they should vote and Israeli-Palestinian negotiations did not resolve this issue until the eve of the elections.

As noted by the NDI/Carter Center December pre-election mission, the vast majority of election workers and mid-level Palestinian election officials approached their work and these unique challenges with a strong commitment to successfully administering the electoral process. They responded to late changes in the system and last-minute decisions with creative solutions, and worked long hours to fulfill the many tasks associated with holding elections. This broad-based commitment to holding elections is a positive sign for the potential for democracy in the West Bank and Gaza Strip.

Chapter 3
The Electoral Campaign and Pre-election Environment

Last-minute preparations and *ad hoc* decisions regarding the electoral framework were just a few factors that shaped and influenced the immediate pre-election environment and election campaign for the first Palestinian elections. For Palestinians in the West Bank and Gaza Strip, the new year began with a flurry of activity, as an already frenzied political environment shifted into a higher level of activity.

Ultimately, all prominent opposition movements Hamas, Islamic Jihad, PFLP, DFLP decided not to participate[8], but none of them attacked the electoral process or undertook any acts of violence that would have harmed voters. Public interest in and political activity around the elections remained high throughout the campaign and pre-election period. A public opinion poll conducted by CPRS in early December 1995 indicated that more than 71 percent of those polled intended to vote, even if the opposition called for an election boycott. Candidates, including some who were affiliated with those opposition movements that had officially decided not to participate, held rallies, took part in debates and produced campaign spots on television and radio in attempts to vie for voter attention. At the same time, scattered incidents of intimidation by PA security forces and episodes of violence between Israelis and Palestinians tainted an atmosphere of widespread, open dialogue among candidates and voters. This chapter reviews the electoral campaign, the role of the Palestinian political movements in the electoral process and the general pre-election environment.

Factional Affiliation

The lack of differentiation between candidates about the most important and pressing issues constituted one of the most notable characteristics of the campaign for the first Palestinian elections. In this delicate transitional period, many Palestinian leaders were reluctant to clearly differentiate their individual political factions from the larger umbrella PLO movement, choosing to remain united during negotiations with Israel. In the face of continued negotiations Candidates representing a broad spectrum of perspectives campaigned largely on questions related to final status negotiations with Israel. Most candidates supported the creation of a Palestinian state with Jerusalem as its capital, the removal of Israeli settlements from the West Bank and Gaza Strip, and the right of return for Palestinian refugees. In addition to taking a strong posture on final status issues, candidates typically made promises to increase economic opportunities, improve the educational system, provide better services and institute a more responsive government. The focus, however, remained on the broader and more emotional issues of Palestinian statehood, Jerusalem, Israeli settlements and Palestinian

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[8] Of these four movements, DFLP was the only one that called for an active boycott of the elections. The other movements merely stated that they would not officially participate but also would not prevent their supporters from voting in the elections.

refugees.

With little variation among the candidates on the issues, candidates distinguished their appeal to voters by emphasizing their personal qualifications, family/clan ties and political connections. In these elections, an individual candidate's affiliation with the larger Palestinian political movements counted more than the candidate's association with a particular partisan entity. Although the election law established a mechanism by which partisan entities registered with the Ministry of Interior, more often than not these partisan entities were small, newly formed groups without broad-based support.

In these first elections, approximately 75 percent of the candidates officially ran as independents. The remaining 25 percent registered as candidates of one of the partisan entities. (See Appendix J.) The 676 candidates contesting these elections fell into one of the following categories: (1) official Fateh-list candidates; (2) independent candidates historically affiliated with Fateh who did not obtain a spot on the official list; (3) independent candidates who did not seek inclusion on the Fateh list; and (4) candidates from partisan entities other than Fateh.

Official Fateh Candidates

The official Fateh (which is the acronym for the name of the movement, the Palestinian National Liberation Movement) candidates proved the most influential and prominent in the elections, ultimately winning the most seats. Established in 1959 and headed by PLO Chairman Yasser Arafat, Fateh gained fame as a small guerilla organization that conducted attacks against Israeli civilian and military targets in the 1960s and 1970s. In the late 1980s, Fateh grew more conciliatory and eventually called for a diplomatic compromise with Israel. Throughout the Israeli occupation, Fateh remained an important political force in the West Bank and the Gaza Strip as well as in the PLO and the Palestinian diaspora community.

Since 1989, Fateh has been the primary advocate within the PLO for achieving peace with Israel, and as the Fateh-dominated PA established itself on the ground in the West Bank and Gaza Strip, its popularity gradually increased in 1994 and 1995. According to polls conducted by the CPRS in Nablus, support for Fateh in the West Bank and Gaza Strip rose from 41 percent in November 1993 to 55 percent in December 1995 (less than a 3 percent margin of error). Conversely, the popularity of Hamas, the strongest opposition movement in the West Bank and Gaza Strip, fell during the same period. In a November 1993 CPRS poll, support for Hamas hovered around 15 percent, which fell to roughly 10 percent by December 1995. Increased Fateh support combined with declining popular sentiment for Hamas demonstrated Arafat's apparent success in consolidating popular support in the West Bank and Gaza Strip.

During November and December 1995, local Fateh committees conducted internal caucuses in each constituency to compose candidate lists for the elections. After the caucuses,

the local committees sent these lists, which had twice as many candidates as there were seats for each constituency, to Fateh's Central Committee, led by Arafat. The Central Committee then selected the final Fateh list.

According to informed observers, the caucus results created a dilemma for Arafat. If he accepted the decisions adopted at the local level, he risked alienating those in the Fateh leadership who fared poorly in the caucuses, many of whom were recent returnees from Lebanon and Tunisia. If he ignored the lists compiled by the local committees and selected Fateh leaders without strong popular support, he would run the risk of nominating Fateh candidates who would ultimately lose to stronger independent candidates. In short, the long-standing division within Fateh between members who had resided in the West Bank and Gaza Strip for the duration of the occupation and those who had recently returned from exile posed a serious challenge for Arafat.

Fateh's official list of candidates, announced on December 26, contained a few surprises for some long-time Fateh activists. In several instances, Arafat clearly ignored the list of nominees formed by the local caucuses and instead placed prominent returnees on the official list. There were three main reasons for replacing local nominees: to insert recent returnees who had served the PLO in exile but understandably had little support at the local level; to ensure a balance among clans and families on each list; and to form coalitions when possible. Consequently, many candidates who enjoyed strong support in their community did not appear on the final Fateh list.

In some districts, the leadership actively drafted prominent non-Fateh Palestinians Palestinians affiliated with other PLO factions or members of the Islamic opposition. The most prominent example of this type of recruitment involved Imad Falouji, formerly a prominent member of Hamas. In early December, while Hamas and the PLO were still trying to reach a compromise in Cairo, Falouji, former editor of the Hamas weekly *Al-Watan,* broke ranks with Hamas when he decided to contest the elections as an independent. Arafat then appointed him director of the PA's National Dialogue Office and invited him to join the Fateh slate in the Gaza North district. While Hamas insisted that it had expelled Faljoui months earlier, at the popular level, a great deal of ambiguity surrounded Falouji's affiliation, which benefited him both in his candidacy and the Fateh slate.

In the Bethlehem district, Fateh did not present a complete candidate list (Fateh's official list comprised three candidates instead of four) in an effort to avoid creating tensions within a clan. Yasser Arafat reportedly did not want to choose between two well-known Fateh figures from the same clan, Daoud Al-Zeer and Salah Al-Ta'amari. Rather than endorsing one at the expense of alienating the other, Arafat and Fateh's Central Committee decided to leave open the fourth and final slot on the list. Both Al-Zeer and Al-Ta'amari eventually ran as independents.

Independent Candidates Affiliated With Fateh

When Fateh's Central Committee announced its official list, it asked "all Fateh supporters to honor the vitality of commitments to these factional lists and to ensure total support for them." Further, the Central Committee stated, "we are asking the brothers and sons of the Fateh movement who are running as independents to withdraw their candidacies or face the consequences of going against party regulations." There was a great deal of disappointment among those who had been selected in the local caucuses but found out later that they did not make the final list.

The official list announcement prompted two separate responses from Fateh members who failed to gain positions on the Fateh roster. Some Fateh sympathizers chose to defy the order of Fateh's Central Committee and ran as independents while promoting themselves as supporters of Fateh. Indeed, most of these candidates were life-long members of Fateh and did not want to forfeit the opportunity to stand in these historic elections. They felt a strong attachment to the movement, and even though rejected by Fateh's leadership, they maintained a high degree of loyalty to Fateh. Although the Fateh leadership discouraged these candidacies, many continued their campaigns. For example, Jamil Tarifi, PA Minister for Civil Affairs and a Fateh activist in Ramallah who did not make Fateh's list, continued to campaign and promised to align himself with Fateh if he won a seat on the Council.

In some cases, certain elements of the PA (which Fateh dominated), used stronger methods to discourage independent, unofficial Fateh candidacies. Abdul Jawad Mahmoud Al-Bir, an independent candidate in Salfit who was not selected as Fateh's official candidate despite a long history of activism in the movement, also continued his campaign. Al-Bir claimed that Palestinian security agents attempted to intimidate him several times to withdraw in favor of the official Fateh candidate, Ahmed Ad-Deek. Al-Bir also said that Fateh leaders threatened to rescind his membership in Fateh if he did not withdraw from the race. Al-Bir ultimately lost to the candidate hand-picked by Fateh's Central Committee. In the same district, three other independent candidates who presented themselves as supporters of Fateh withdrew shortly before the elections after reportedly receiving promises of jobs and money from Fateh leaders in the PA.

Independent Candidates Not Affiliated With Fateh

Some candidates not chosen for Fateh's final list angrily responded by breaking their ties with the movement and running as true independents. For instance, Hikmat Hashim Lutfi Zeid, the former governor of Jenin and long-time Fateh member, fared well in the local caucus, ranking high among the other Fateh candidates. When Fateh's Central Committee excluded Zeid from the official roster, he decided to run as an independent opposed to Fateh and campaigned actively against Fateh's sanctioned list. This tactic worked well for Zeid, who became only one of two non-Fateh list candidates elected to a seat in the Jenin constituency. Some observers believe that the large number of Fateh members who broke ranks to run as independents indicates that Palestinian politics is in a transitional phase that may yield entirely new political alignments in the next few years.

Finally, some candidates, such as Hanan Ashrawi, ran as true independents and did not aspire to be part of the official Fateh list. Ashrawi was a former member of the Palestinian steering committee during the peace process and Palestinian delegation spokesperson for the Madrid and Washington peace talks from 1991 to 1993. Since 1993, Ashrawi had developed a reputation as a strong independent figure who stood up to Arafat and the PA. A savvy campaigner and political leader, Ashrawi did not need factional backing to bolster her candidacy.

Other Partisan Entities Running Candidates

A number of officially registered partisan entities nominated candidates for the Council and did not seek endorsements from the Fateh leadership. Next to Fateh, possibly the most organized partisan entity was the Palestine People's Party (PPP),[9] which ran candidates in 12 of the 16 constituencies. However, despite PPP's strong organization, cohesive structure and several highly visible candidates, it failed to win a single seat. Tactically, PPP's decision to run more than one candidate in several constituencies appears to have diluted its support.

Another prominent partisan entity was the National Democratic Coalition (NDC), led by Haidar Abdul Shafi. Abdul Shafi, former head of the Palestinian delegation to the Madrid and Washington peace talks, formed the NDC in hopes of creating a broad-based movement and a credible alternative to Fateh. In the months before the elections, Abdul Shafi unsuccessfully sought to broaden his coalition by inviting other secular critics of Arafat like Hanan Ashrawi and political leaders from the DFLP and PFLP to join the NDC and to form a rival bloc opposed to Fateh's dominance of the elections. A total of seven candidates ran on the NDC's slate. Ghazi Abu Jiyab, a prominent PFLP activist, registered as a NDC candidate in Gaza City after the PFLP decided not to participate. Abdul Shafi, also running in Gaza City, won the new party's only seat.

The Palestinian Democratic Union (FIDA), a splinter group of the DFLP supportive of the peace process, registered as a partisan entity and nominated a number of candidates. FIDA is led by Yasser Abed Rabbo, a PLO moderate and a close advisor to Arafat during talks with Israel. Rabbo served as PA minister of information and minister of culture and arts in 1995.

A few Islamist movements participated in the elections: the Islamic Jihad/Al-Aqsa Brigades and the Islamic Struggle Movement. The Al-Aqsa Brigades were formed in 1995 by a group of Islamic personalities who seceded from Islamic Jihad in 1995. While Al-Aqsa supported the peace accords and Arafat, Islamic Jihad fully rejects the Oslo agreements and did not participate in the elections. Not one of the five candidates registered under the Al-Aqsa

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[9] Formerly the Palestinian Communist Party, this party re-established itself after the end of the Cold War in 1991 as a leftist party under the new name of the Palestine People's Party. Unlike other leftist factions such as the DFLP and PFLP, the PPP accepts the agreements that the PLO made with Israel and aims to serve as a leftist alternative to Fateh. PPP's support, according to CPRS polls, was less than 2 percent in December 1995.

Brigades banner (four in the Gaza Strip and one in the West Bank) won a seat on the Council. The Islamic Struggle Movement, a small group that accepted the Oslo peace process, fielded two candidates in the Gaza Strip but also failed to win representation on the Council.

A curious phenomenon occurred during the partisan entity registration process: a few newly founded parties registered as partisan entities but decided against nominating candidates. For instance, on December 24, 1995, the Islamic National Union Party (INUP) held a press conference to announce its establishment as well as its registration as a partisan entity. INUP spokesman Mahmoud Al-Habbash called on Palestinians to participate in the elections, but stated that due to technical reasons the INUP would not field any candidates.

Similarly, the Islamic National Salvation Party (INSP), led by Isma'il Abu Shanab, registered as a partisan entity but did not compete in the elections. Expectations were that if the PA-Hamas negotiations led to Hamas participation in the elections, Hamas might run candidates under the INSP.

Women Candidates

Of the 676 candidates who ran for seats on the Council, only 27 were women; four appeared on Fateh lists and another 10 or so female candidates ran as Fateh independents. The 27 women candidates ran in 10 constituencies: Jerusalem (3), Hebron (2), Jenin (1), Nablus (4), Ramallah (2), Gaza City (5), Gaza North (3), Deir el-Ballah (2), Khan Younis (4) and Rafah (1).

Ghada Zughayar, head of the Jerusalem Center for Women, offered one explanation for the low number of women candidates. In the February 2, 1996 issue of the Jerusalem Media and Communication Center's *Palestine Report* Zughayar explained that "women were deterred from running by financial restrictions, by the constituency system which allotted only a few seats in each region, and by the patriarchal nature of society which bars women from decision-making positions." The constituency based majoritarian system that favored traditional elements of Palestinian society the patriarchal family and the clan was another commonly cited reason for few female candidacies. Four women were ultimately elected to the Council: one each from Jerusalem, Nablus, Gaza City and Deir el-Ballah.

The Immediate Pre-election Political Environment

The political environment in the West Bank and Gaza Strip in late December 1995 and the first weeks of January 1996 was no less volatile than it had been at any other time in the peace process. Isolated incidents of violence continued, and many observers questioned whether the elections might be disrupted by radical Palestinian or Israeli groups. Some events during the pre-election period raised serious concerns about the overall climate for human rights, open debate and rule of the law. Authoritarian tendencies of the PA re-appeared a number of times in December and January, as the PA detained without charge opposition

figures, journalists and human rights advocates. As a result of these incidents, many questioned the commitment of the PA's top officials to observing democratic values and safeguarding a fair election process. The Palestinian public and international observers grew increasingly concerned about the role of the PA's security forces and their potential for compromising fair electoral competition.

PA security forces have expanded considerably since the establishment of the PA in 1994. During the year leading up to the Palestinian elections, human rights organizations such as B'Tselem and Human Rights Watch recorded numerous instances of arbitrary detention and sometimes deaths attributed to detention by PA security forces. These detentions continued in December and January, and drew the attention of the international community as election day neared. On December 7, 1995, the Palestinian Authority detained Dr. Eyad Sarraj, the head of the semi-official Palestinian Independent Commission on Citizens Rights, and also director of the Gaza Strip Community Mental Health Program. Sarraj was arrested after delivering a speech in which he faulted PA Attorney General Khaled Al-Kidrah with failure to respond to one of the more than 400 cases of human rights violations reported to him by the Palestinian Independent Commission on Citizens Rights. Sarraj was released without charge after spending 12 hours in custody.

The second NDI/Carter Center pre-election assessment mission voiced its strong concern about the detention of Sarraj in a meeting with Yasser Arafat on December 12 in Gaza. The delegation urged the PA to respond to the charges of human rights violations that Sarraj had reported to the attorney general. Arafat replied that Sarraj's charges were baseless and slanderous, and that he had reluctantly ordered Sarraj's release. Also during the mission, the delegation met with Sarraj who discussed the work of the Palestinian Independent Commission on Citizens Rights to help protect human rights under the PA. The delegation publicly called for a full response by the PA's Attorney General to the requests of the Independent Commission and others for an investigation of human rights violations.

On December 25, the Palestinian Preventive Security Forces detained Maher Al-Alami, a journalist with the daily *Al-Quds* newspaper, and held him in Jericho. Apparently, Al-Alami was detained because he refused to follow a directive from the PA to run a story describing a meeting between Yasser Arafat and the Greek Orthodox patriarch of Jerusalem on the front page. The story (which did run inside the paper) reported the patriarch's flattering comparison of Arafat with the Muslim Caliph Omar Al-Khattab, who conquered Jerusalem in the sixth century. Al-Alami was released a number of days following complaints from Palestinian NGOs and members of the international community. While several international monitors issued public statements condemning this overt intimidation, the incident served to strengthen self-censorship among the Palestinian press. Only one Palestinian paper, *An-Nahar*, reported Al-Alami's detention.

Several days later, on January 2, Palestinian Security detained Bassam 'Eid, both a correspondent with Reporters sans Frontières, an international organization that monitored the

Palestinian media, and a staff member with B'Tselem, an Israeli human rights organization. 'Eid was apparently detained because of his public calls for the release of Al-Alami. International and local denouncements facilitated the release of 'Eid on January 3. NDI/Carter Center's third pre-election monitoring statement, released on the same day, also urged the PA to release 'Eid and Al-Alami.

These detentions, coupled with reports of incidents of intimidation against non-Fateh candidates and campaign workers, caused many observers to question whether or not the PA and Yasser Arafat were serious about establishing democratic, representative self-rule. Intermittent overt pressure on candidates and journalists characterized the immediate pre-election period. Elements in the PA and its security forces clearly used their control of public resources to favor Fateh and Fateh-endorsed candidates.

Apprehension about possible election-day violence grew with the January 5 murder in the Gaza Strip of Hamas member Yehya Ayyesh, known as the engineer, long sought by Israel for his role in directing several suicide bombings against Israeli civilians. Ayyesh's assassination, reportedly by Israeli forces, led to a massive outpouring of anti-Israeli sentiment. Palestinians from across the spectrum united to mourn his death a phenomenon best exhibited by Yasser Arafat's embrace of condolence of a senior Hamas leader in the Gaza Strip, a photo of which was carried on the front page of every Palestinian newspaper the next day.

The assassination increased Palestinian doubt about the significance of elections without full autonomy from Israel. Despite several threats, no movements or individual candidates withdrew from the electoral process as a result of the assassination, and participation on election day remained high. Many Palestinians and most Israelis feared that Hamas would retaliate by attacking Israel, thus jeopardizing the elections, in the short term, and the peace negotiations, in the longer term. The declaration of the 40-day mourning period for Ayyesh alleviated this apprehension to a certain extent, and retaliation seemed less likely before the January 20 elections. While Hamas publicly declared that it would retaliate against Israel for the assassination, it also announced that it would not undermine Arafat, the PA and particularly the electoral process by conducting such attacks before the elections. Hamas resumed its bombings in February and March 1996.

The Ayyesh assassination immediately influenced the campaign when the Israeli government issued closure orders for the West Bank and Gaza Strip on January 8. The border closure affected Jerusalem candidates in particular as campaigning became even more difficult in and around Jerusalem.

There was also the issue of Israeli intimidation in Jerusalem. On January 15, the Likud Youth Party affixed posters to prominent places in East Jerusalem, particularly near the Salah Eddin post office (a designated polling station) and the central court. The Arabic-language posters threatened Jerusalemites who voted in the elections with the revocation of their

Jerusalem I.D. cards. The posters read, "...Any resident of Jerusalem who votes in the Authority elections might lose his Israeli I.D. card. We beg you to think and think again before voting. You have to decide between voting for the Authority or keeping your Israeli I.D. card" International observers expressed concern to Israeli officials about these notices.

On January 18, Joel Singer, legal adviser to the Israeli Ministry of Foreign Affairs, issued a press release on behalf of the Israeli government that began, "In the last month, various statements have been made by certain individuals who do not represent the Israeli Government, threatening that the status of Palestinian residents of Jerusalem may be affected if they participate in the elections for the Palestinian Council." The release then stated, "Since Israel and the PLO have agreed to enable Palestinian residents of Jerusalem to vote in the elections, the status of such Palestinians who participate in the elections shall not be affected." The effect of this statement on quelling the fears of Palestinians with Jerusalem I.D.s could not be determined.

The Campaign

During the campaign period, candidates expressed their views in a generally open political environment and with great enthusiasm through posters, rallies, community meetings and home visits. Campaign posters blanketed the West Bank and Gaza Strip and even East Jerusalem, where, Israeli and Palestinian negotiators had agreed to restrict posters to 38 sites. Due to the familial and clan-based politics in the West Bank and Gaza, most campaigning occurred at many small meetings held at homes and in *diwans* (family gathering places). Few candidates conducted large rallies. However, the larger meetings that were held were well-publicized and well-attended. Some complaints were raised regarding the lack of candidate access to the Fateh-dominated broadcast media as an means for conveying campaign messages. However, the small size of the constituencies enabled candidates to reach a large percentage of the electorate through personal appearances and the strength of their family ties.

Despite the profusion of candidates, real political competition was scarce as platforms demonstrated little diversity. Most candidates campaigned on promises of Palestinian statehood, the removal of settlements from the West Bank and Gaza Strip and the status of Jerusalem as a Palestinian capital—all issues over which they would exert no influence if elected to the PLC. Voters supported candidates based on family or clan affiliation, and their reputation in the Palestinian cause, noting who had fought for the movement, been imprisoned by the Israelis, or led the struggle from outside.

Ra'ees candidates Yasser Arafat and Samiha Khalil exhibited one of the more striking differences in candidate positions. Khalil, a 72-year-old widow, head of the Family Nourishment Society and the general secretary of the General Union of Palestinian Women, campaigned for the cancellation of the PLO's agreements with Israel.

Several candidates from partisan entities such as FIDA and PPP complained that PA

officials were using PA resources to support Fateh candidates. According to Article 14 of the election law, officials of the Palestinian Authority "may not be nominated as candidates unless they renounce their offices at least 10 days before the date fixed for the publication of the final lists of candidates..." Although most candidates resigned from office, Yasser Arafat asked four officials to remain in office throughout the campaign.

International election observers expressed concern that several PA officials were using PA resources such as cars, offices and telephones to support their campaigns. One candidate in Gaza City, who was also an officer in the security forces, employed troops under his command to distribute campaign leaflets and posters. The CEC responded expeditiously to prohibit this candidate from using troops to support his campaign activities.

Questions were also raised about the partisan use of resources by the Palestinian Broadcasting Corporation (PBC) to bolster Arafat's candidacy and those of Fateh candidates. The director of the PBC publicly endorsed Marwan Kanafani, Arafat's spokesman and an independent candidate for the Council. Conversely, Saeb Erakat, Fateh candidate, former head of the Commission on Elections and Local Government and PLO deputy chief negotiator, actively sought to minimize his public profile in order to avoid the perception that he was using his official PA position to unfairly promote his candidacy. He declined to meet with foreign dignitaries during the campaign period and conducted negotiations with his Israeli counterpart only at night, away from the media spotlight. The NDI/Carter Center December pre-election mission publicly urged equitable access to the media for all candidates, and stated that news coverage by the PBC should reflect balance and fairness.

The unique status of Hebron and East Jerusalem led to misunderstandings between Israelis and Palestinians. In January, the IDF arrested an independent candidate who raised a Palestinian flag over his downtown headquarters in Hebron, which was located within an area totally controlled by Israel. Voters in Hebron reportedly perceived the arrest as an example of Israeli interference, and the Fateh-list candidates in Hebron threatened to withdraw from the elections if he was not released.

The ambiguity and last-minute publication of the negotiated agreements for the electoral process in Jerusalem increased tensions surrounding the elections in the city. Many candidates and election officials did not know which sites had been designated for displaying campaign posters or holding rallies; on more than one occasion Israeli police interrupted a rally, and informed campaign organizers and supporters that the venue was not on the approved list of campaign sites. Other aspects of campaigning were vague or ill-defined. Frequent confrontations between Palestinians and Israeli soldiers during the campaign period occurred at Israeli checkpoints around Jerusalem when cars with campaign stickers were stopped by Israeli soldiers and were not allowed to proceed unless the drivers removed the stickers. At times, the drivers were ticketed by the soldiers. The most public incident of this sort, which was also filmed by Palestinian television, involved Jerusalem candidate Hanan Ashrawi who was prevented from entering Jerusalem from Ramallah at the Ar-Ram checkpoint

by Israeli soldiers because of the campaign stickers on her car. While Ashrawi asserted her right to campaign, the soldiers cited a municipal traffic regulation that details the types of stickers and decals permitted on cars in Jerusalem.

Conclusion

As candidates for the Ra'ees and the Palestinian Council vied for votes in late December, the overall political environment leading up to election day on January 20, 1996 was filled with uncertainty. The PA's arrests of human rights activists and journalists during this period were cause for concern, as many observers questioned whether this pattern of intimidation would continue at the polls. Sporadic incidents of violence in January—the killing of Yehya Ayyesh in Gaza, the murder of Israeli soldiers in the West Bank, and the shooting of Palestinians who ignored a checkpoint at the West Bank town of Jenin increased anxiety about safety and stability in the West Bank and Gaza Strip. Within this environment of uncertainty, the candidates in these first Palestinian elections forged ahead and conducted as normal of a campaign as was possible, given the constraints and difficulties of the broader political environment. Despite a handful of incidents of intimidation by the PA and misunderstandings between Israeli authorities and Palestinian candidates, the campaign for the first Palestinian elections provided all candidates with a fair opportunity to express their views and positions to the Palestinian public.

Chapter 4
Election Day

Although these were their first national elections, Palestinians were familiar with basic concepts of democratic elections, such as secrecy of the ballot, from their experiences with local government, union and student leadership elections. However, organizing these first national elections presented new challenges. In an ever-changing environment and under a compressed election schedule, the system established to conduct balloting simultaneously across the territories worked remarkably well. On the whole, Palestinians, from district election officers who coordinated election preparations in each district to the school teachers who conducted the voter registration canvass and administered the polling, exhibited a great deal of commitment, perseverance and professionalism. Palestinian election officials responded creatively and flexibly to the many challenges resulting from last-minute changes.

Generally, on election day polling stations had the necessary materials on hand, pollworkers arrived on time and oversaw peaceful balloting, Palestinians cast secret ballots, voters understood how to vote, security personnel maintained polling station order, and pollworkers tallied ballots at the polling station level and delivered them to the district level.

However, in some cases, serious administrative and organizational problems arose, mostly as a result of the Palestinian Authority's decision to accelerate preparations for balloting in January. Most noteworthy of these problems involved overcrowding at many polling stations, which in some cases affected the presence and role of election-day security personnel and the secrecy of the ballot. While the NDI/Carter Center monitoring effort concluded that these problems did not jeopardize the results, it does believe that these issues should be addressed before Palestinians organize their next elections in order to improve the process and enhance popular confidence.

This chapter presents the general trends observed by the NDI/Carter Center delegation in most of the electoral districts of the West Bank and Gaza Strip. The NDI/Carter Center delegation divided into 20 teams that together visited about 250 polling sites—approximately 15 percent of all 1,696 polling stations. To record its observations for each polling station visited, the NDI/Carter Center teams completed election-day reporting forms developed in cooperation with the European Union (EU) monitoring effort. (See Appendix K.) In addition to the EU and the NDI/Carter Center delegations, all delegations coordinated by the EU also used these forms. Although this method of recording observations was by no means comprehensive, the reporting forms helped focus attention on certain issues and encouraged team members to note and document their observations, in a systematic way, throughout election day. By using the forms, delegates answered a standardized series of questions about each of their randomly selected polling site visits. These recorded observations later helped form the basis of a broader assessment of the entire electoral process.

At polling stations in refugee camps, cities and rural areas the teams asked questions

regarding procedures and polling station operations. Throughout the day, the NDI/Carter Center teams telephoned in periodic reports to a central office established by the delegation in Jerusalem. This systematic method of recording observations enabled the entire team to assemble a more complete picture of election-day events than any one of the teams could have developed on its own.

In general, the Palestinian elections can be characterized as three distinct elections corresponding to the degree of self-government excercised in each of the three areas—Gaza Strip, the West Bank and East Jerusalem. At polling stations in the Gaza Strip, there were more problems of overcrowding at the polls and reports of more rigorous PA security personnel than there were in the West Bank. Polling in the West Bank occurred with fewer reports of violations of the election law and fewer irregularities involving security personnel. Finally, in East Jerusalem and a small portion of the West Bank city of Hebron special rules and procedures shaped the election-day environment. A large part of the Jerusalem electoral district remained under Israeli jurisdiction (the areas that Israel defines as municipal Jerusalem), and the Israeli Defense Force maintained a significant presence to protect Israeli settlers in a small portion of the city of Hebron. This chapter presents the particular challenges faced by voters in Hebron as part of the larger discussion on voting in the West Bank and Gaza Strip. Because of the special arrangements made by the PLO and Israel for Palestinian elections in East Jerusalem and the unique challenges those arrangements created, this chapter separately discusses polling in the Jerusalem district.

Opening the Polls in the West Bank and Gaza Strip

The 1,696 polling station commissions (PSCs), composed primarily of school teachers, performed most of the work that made the elections an administrative success. A PSC's election-day responsibilities included preparing the polling booths, registering all candidate agents, confirming the presence of necessary materials, verifying voter I.D.s, distributing ballots, overseeing order in the polling stations, counting ballots, and delivering results and prescribed materials to the district election office. In order to effectively perform their tasks the PSC members attended a series of workshops organized by the European Union Technical Unit in coordination with the Central Election Commission. The three sets of workshops covered rules and procedures for the registration process, campaign period and election-day balloting.

Most polling stations opened on time at 7:00 am or soon afterward. Even in the small number of polling stations that opened between 15 and 90 minutes late, ballot boxes were visible and locked, and polling stations had on hand all the necessary material and personnel. In only two of 250 polling stations in Ramallah (79, 88)[10] were ballot box padlocks missing and needed to be purchased election-day morning. Broad, enthusiastic participation marked initial polling in most West Bank and Gaza Strip districts. In some districts, crowds formed well before the polls were to open. PSC members oversaw election-day balloting with a high level of competence and

[10] The parenthetic numbers after the name of a constituency identify the specific polling station(s) in which the referenced observation was made by a NDI/Carter Center team.

professionalism while voters patiently waited to cast their bailots with excitement and anticipation.

Overcrowding at the Polls

Extensive overcrowding was observed at several polling stations in the West Bank and Gaza Strip. On one level, the presence of large crowds represented a positive sign: the elections enjoyed broad support among the Palestinian public. On another level, the overcrowding led to delays in closing the polls and created a tense atmosphere at stations where the patience of voters waiting for hours wore thin. The primary cause for overcrowding was poor planning. In the rush to hold the elections in January, Palestinian election officials did not accurately gauge the length of time needed to process voters on election day. Also, although polling stations were supposed to be designed to process up to 1,000 voters, the physical size of many polling stations proved inadequate. The CEC often experienced difficulty identifying adequate sites for polling stations and assigned too many voters to some polling stations. This disparity was particularly evident in the Gaza Strip electoral districts where higher than expected turnout at several stations caused ballot boxes to reach maximum capacity by mid-day.

In addition to voters, the presence of polling station officials, international and domestic observers, and candidate agents also consumed much of the limited space allocated for polling stations. While candidates generally succeeded in recruiting observers to check the process, overcrowding hindered the ability of candidate agents to actually witness all or most of the process. In places such as in Tulkarem (45, 53), Rafah (13) and Gaza North (24, 47) several candidate agents were denied access to the process.

While domestic nonpartisan observers and candidate agents were usually present at the polling sites, overcrowding sometimes precluded them from gaining access inside the polling stations. This exclusion led to recriminations and suspicions, particularly by independent and opposition party agents. Because overcrowding was more acute in Gaza Strip, these suspicions were greater there.

In those instances when candidate agents did observe the process, their effectiveness was diminished by inadequate training. When asked to support their claims of alleged irregularities with details and tangible proof, most candidate agents could not document the incident adequately to verify their claims.

In some cases, voter congestion and close quarters compromised ballot secrecy. Limited space in polling stations hampered efforts to separate voting booths (effectively, cardboard boxes that served as inadequate partitions) from each other and from the polling station commission, others waiting in line, candidate agents and the various security personnel in the polling stations. The lack of adequate partitions affected the Gaza Strip in particular. Additionally, the cardboard panels occasionally opened toward the center of the room thus enabling everyone to easily watch voters make their selections. In several cases, such as in Khan Younis (94) and in Hebron (67), polling station commissions adjusted polling booths during the day to provide for greater ballot

secrecy. Concern about the secrecy of the vote because of either the arrangement of the polling booth or the presence of unauthorized people in the polling station was noted in the following polling stations: Jericho (01, 02, 09), Hebron (65, 192); Bethlehem (08); Salfit (05); Qalqilya (18, 50); Khan Younis (49, 94, 106); and Gaza North (19, 20, 21, 24, 25, 45, 47, 63, 73); and Rafah (08).

In some cases, ballot secrecy was also compromised by the manner in which assistance was provided to illiterate voters. While Palestinians enjoy one of the highest literacy rates in the Arab world, illiteracy, particularly in heavily rural or bedouin areas, posed difficulties on election day. Due to ambiguity in the law, there was a degree of confusion regarding the proper procedures for assisting illiterate voters. Could polling station commission members or security personnel help illiterate voters? And, how many illiterate voters could a single literate voter assist? The PSCs in areas heavily populated by bedouins, a group with an historically low rate of literacy, were inadequately prepared to address these questions especially in Khan Younis (40, 47, 90, 91, 94, 106), in Gaza North (20, 21, 45, 73) and in Jericho (02, 03, 13).

While illiterate voters were permitted to bring to the polling station someone they trusted to help them vote, it quickly became clear that this procedure was not sufficiently understood as illiterate voters arrived without a trusted friend or relative to assist them. Often they looked around the polling station and randomly selected anyone who was available to help them vote including election security personnel or candidate agents. In some instances one member of an extended family would vote for the majority of his or her family. In a few polling stations, candidate agents alleged that Fateh activists, not necessarily trusted family or friends, were voting for large numbers of illiterate people. Again, the overwhelmed polling station commission members were ill-prepared to adequately monitor assistance to illiterate voters especially at polling stations where entire families often entered the polling station together and waited inside for one another to vote. Security personnel, and in some cases polling station commission members, helped illiterates vote in Tulkarem (55), Jericho (01, 03, 14), Jerusalem (82), Hebron (125, 133, 145), Qalqilya (18), Khan Younis (51, 91, 106), Rafah (01) and Gaza North (21, 45, 73).

Candidate agents also reported a few instances of "faked illiteracy" whereby literate voters chose to feign illiteracy in order to assure family, tribe or community members that they voted for a particular candidate. Faked illiteracy was reported in Hebron (133) and in Bethlehem (08). It is not clear if these incidents stemmed from intimidation. Overburdened polling station commission personnel did not have the manpower to investigate such incidents.

The problem of overcrowding grew worse as the day progressed. In some cases, polling station commission members devised creative solutions to handle the overflow, such as allowing small groups of candidate agents to enter the polling station on a rotating basis, as in Gaza (24) in the morning. In other cases, pollworkers decided to bar any agents from entering the premises, which only further increased tensions and skepticism. Several candidate agents complained that only Fateh candidate agents were permitted to stay inside while others were denied access

altogether or allotted only limited access such as in Gaza North (24) in the afternoon and in several polling stations in Khan Younis. In all these instances, the civil police and election security personnel oversaw the implementation of these *ad hoc* policies. Their significant presence plus the large crowds inside the polling station led, in many cases, to an atmosphere of confusion and chaos especially later in the day when voter patience was low.

The Role of Security Forces

There was a well-founded fear that violence could mar the elections, and the PA security forces could serve to protect the process from parties and forces who might disrupt the process. Arafat and the CEC responded to this concern by designing a trilateral election security consortium headed by the armed civil police and joined by the plain-clothed Mukhabarat and Preventative Security Forces. It was charged with helping polling station commissioners maintain order inside and outside the polling stations as well as providing ballot box security.

At each polling station the election security consortium comprised of two armed civil policemen and a two-member election security team from the Mukhabarat and Preventative Security Forces. The uniformed civil police force was designated as the primary agency responsible for ballot box and polling station security. Technically only uniformed police were allowed to stand at the door immediately outside the polling stations, and only they were allowed to enter polling stations, when invited by the polling station chairman, to solve a particular problem. They were expected to enter polling stations unarmed. Unlike the civil police force, the election security team would not be permitted to interfere in the election process and would be required to remain outside the polling stations at all times. Mohammed Dahlan, director of the Preventative Security Forces in Gaza Strip, explained to NDI/Carter Center that the election security team would fulfill the role of a traditional security apparatus—mixing with the crowds to obtain information and acting as trouble shooters to prevent potential riots and demonstrations outside polling stations.

In general, these elections were free of serious and systematic intimidation of voters on election day. In the majority of cases, the civil police and election security forces carried out their mandate in a professional and satisfactory manner. Likewise, the conduct of the polling station workers was exemplary. However, the distinct roles of the security forces described above were not rigorously followed and several of the conditions of election security intervention were not upheld. In several instances, the role election security teams actually played on election day varied somewhat from the role described before the elections and led to some complaints of intimidation. These complaints seemed to arise for two primary reasons. First, the procedures for security were not adequately publicized and understood by all those involved—the polling station commission members, the candidate agents, the international observers and the security personnel themselves. Second, overcrowding sometimes confused and obscured the role of election-day security personnel as they were increasingly called in to assist the polling station officials. In some cases, security officials served the function of *de facto* pollworkers.

In more than a few cases both blue uniformed civil police and plain-clothed men with "election security" badges were seen inside polling stations throughout the West Bank and Gaza Strip. Sometimes they actively engaged in administering the elections themselves and were seen trying to direct voters on how to vote. When questioned about their presence inside the polling station, they replied that they had been invited by the polling station commission chairman to assist, usually with crowd management. In some cases the polling station commission chairmen confirmed that security had been invited into the polling station, often several hours earlier. Elsewhere it was clear that the chairman had forgotten that the problem that security had been invited in to address had been solved and they were no longer needed inside. In other cases there appeared to be tension about the continued presence of security persons and a reluctance on the part of the election workers to request their departure.

Sometimes polling station officials had not invited security personnel inside the polling stations at all. In several polling stations in Gaza North and Gaza City, unwanted election security personnel inside the polling station responded with hostility to polite questions from NDI/Carter Center teams about their presence. In at least two instances in the Gaza North election district, the chairmen quickly invited them to remain when observers asked why they were there. Occasionally security personnel insisted that they were needed to control an ongoing crowd problem. In Khan Younis (40), for example, confusion prevailed, and armed police helped sort out problems that a pollwatcher might have resolved. Candidate agents described police action as intimidating, and asserted that the heavy police participation was upsetting particularly when they were armed with automatic weapons reminiscent of Israeli occupation.

In Gaza North (24, 73) significant crowd control problems overwhelmed polling station officials. At 5:30 pm, police reinforcements arrived, successfully quieted the crowds and regained order. Election security personnel inside polling station 73 responded defensively and aggressively to questioning by international observers. Election security person number 1419 later walked a voter to a polling booth and told him to vote for independent candidate Ghazi Abu Wardi. Once outside the premises, candidate agents from adjacent polling stations 24 and 73 told observers of significant interference by the election security personnel and by Fateh activists.

Also in North Gaza (20, 21), election security personnel ignored a polling station official who requested that they remove certain persons from the premises. Candidate agents at these adjacent polling stations asserted that candidates Abdul Rahman Hamad (Fateh) and Khader Hamoudeh (independent) were telling people in the polling stations to vote for them. The chairmen in both cases told the agents to speak with the security personnel to remove the candidates from the premises. When candidate agent Maher Fuad Mahmoud Al-Madhoun addressed the lieutenant in charge, the lieutenant declined to take action. After Al-Madhoun protested, the lieutenant revoked his candidate agent credential and told him to leave the polling station. When international observers sought to speak to the lieutenant, he had disappeared. The deputy lieutenant present claimed ignorance of the incident.

Although varying value can be ascribed to individual incidents of intimidation in the

polling stations visited, the NDI/Carter Center delegation maintains that the overall results did ultimately reflect voter preferences. In some cases voters and candidate agents felt free to talk to international observers and expressed their apprehensions openly, such as in Gaza North (45) and Qalqilya (08). In the Gaza North case, even the election security personnel approached international observers and suggested that the extent of the crowding and chaos were such that a re-vote was warranted. In several instances, however, observers noted that voters and candidate agents inside the polling stations and near security personnel appeared reluctant to express themselves freely. In more than a few cases, the same individuals would discreetly follow observers and, when away from the security or election officials, disclose allegations of more serious problems with the process. In several of these cases tensions remained high in and around polling stations as in Gaza North (21, 24) and Rafah (28, 30, 31). Outside a Gaza North polling station (24), an independent candidate agent was in middle of explaining that only Fateh agents had been allowed in the polling station and he feared manipulation when several Fateh activists called him away. He returned moments later to tell the international observers that there were "no problems."

In general, uniformed civil police appeared to adhere more closely to their assigned role and assumed the role with a greater level of professionalism than did the agents serving as election security. Only occasionally did armed civil police enter a polling station without reason or appear to conduct themselves inappropriately. Election security personnel, by contrast, were often observed lingering inside polling stations as voters carried their ballots from the polling station official to their polling booths.

When official polling station organization weakened, election security personnel increasingly involved themselves in crowd control. The blurring of the role of security personnel on election day and apparent distrust of the security forces among the public contributed to a strained environment and occasionally led to disturbances around the polling stations. There were near riot conditions around particularly crowded polling stations in Gaza North (45, 73), Khan Younis (40, 106), Rafah (28, 30, 31, 43) and Gaza City (18). The CEC closed Gaza North polling station 39 in the middle of the day partly because of discord between the security forces and the voters. The CEC eventually called a re-vote for that polling station on January 31.

Security Personnel Voting

The issue of how and whether security personnel would vote remained undecided up to election day. In the end, however, there were no major complaints about the matter though some security force members were disappointed at not being able to participate in the first elections.

In the weeks before the elections, the CEC considered a number of possible mechanisms for allowing election security personnel to vote. Any scheme to enable security forces to vote had to consider measures to prevent possible multiple voting. The options included providing mobile polling stations to carry ballots for all 16 constituencies or opening one special polling station in each constituency where security forces could vote when off duty. Both options required that the

civil police, Mukhabarat and Preventive Security Forces submit to the CEC a list of names of all the officers who would be away from their assigned polling station areas on election day. The list would have allowed the CEC to delete those names from their assigned polling station registries and produce a special supplementary security forces list. The CEC never received a list from any of the security forces, and as a result, on January 17 dropped this particular plan to provide special voting opportunities for security forces.

Three days later on election day, the CEC announced special provisions that enabled the security forces to vote at the polling station where they were deployed if they were registered in that constituency and their names were added to the voter registry at that polling station. This provision only enabled a small number of security force members to vote. However, by allowing them to vote at the polling station where they were posted for election day, this last-minute voting plan reduced the possibility of multiple voting by the security forces.

The Voter Registry

In general, the election law provided mechanisms to verify the identity of voters on election day. However, errors in the voter registry necessitated a last-minute modification of voting day procedures to help maximize voter enfranchisement. This change, unfortunately, inadvertently heightened the opportunity for multiple voting. As discussed in Chapter 2, the voter registration process was condensed from six-weeks to three-weeks, which was later extended several times. The lack of accurate census data and protracted negotiations with the Israelis about the details of the registration process further complicated this effort.

While remarkably accurate registration lists were compiled, some problems arose on election day. In several instances, individuals arrived at a polling station with the appropriate registration identification for that polling station and discovered that their names did not appear on the list. Errors in the list went undetected in some locations because voters could not check the final lists as they were not posted on January 1 as required by law or because voters did not verify their names on the lists when they were posted.

During the first half of election day, there was no standardized means of addressing discrepancies in the registration lists. Instead, each polling station commission responded differently. In some cases the polling station commissions took advantage of the CEC's election-day hotline, which was established to help voters whose names did not appear on voter registries. However, since most polling stations, particularly in the Gaza Strip, and in smaller villages and camps, did not have telephones this method of redress could not be consulted. Elsewhere, such as Tulkarem (50, 57) and Nablus (47), voters were told to go to the DEO to acquire a signed permission slip to allow them to vote. In Nablus (146) and Gaza North (63), voters were permitted to cast ballots if their identity could be verified by a number of polling station workers, candidate agents or voters.

By early afternoon on election day, the CEC issued special instructions to all polling

stations about registration lists. Some observers questioned the CEC's capacity to disseminate these special instructions, particularly to remote villages or camps that were difficult to reach or had no telephone connections. Nevertheless, the CEC was remarkably successful and only a few polling station commissions reported never receiving the instructions such as in Hebron (172, 174, 192). The CEC instructed polling station commission members to allow voters to cast ballots when they could present voter registration cards bearing the number of the polling station even if their names did not appear on the voter registry list. In such a circumstance, polling station commission members would add their names and identification numbers to the registration list and hand the voter a ballot.

This announcement largely solved the problem of accommodating voters who had registered but whose names did not appear on the final lists. It also introduced new complications. During the registration process the registration card was treated as a simple device to remind the voter where to appear on election day. There was no requirement that the voter actually bring the card to the polling station. Because the registration cards were not carefully controlled during the registration process, the possibility existed that extra cards could have been filled out illegally and used for multiple voting.

Suspicion of multiple voting helped prompt a call for a re-vote in polling stations 39 and 76 in Gaza North. In polling station 39 a conspicuously large number of voters whose names were not listed on the voter registry arrived with registration cards to vote after the special provision was announced. Although this incident was the only one to which the CEC reacted, the candidate of the Popular Struggle Front in Khan Younis noted that large numbers of voters were added to two polling station registry lists in Khan Younis as well: at Khan Younis (54), 779 people were registered to vote but 1,053 voted, and at Khan Younis (63), the Popular Struggle Front agent reported that 560 people were registered to vote but 890 people voted. In both cases the difference between the number of people registered and the number of people voting resulted from names belatedly added to the voter registration lists. The Popular Struggle Front candidate alleged that Fateh volunteers were observed distributing blank registration cards on election eve that could have been used for multiple voting.

CEC member Gabi Baramki said that the CEC would review all the voter registries to verify whether or not the names of added individuals were registered at other polling stations and whether or not multiple voting occurred. After completing a random spot check of Jerusalem, Bethlehem and Ramallah voter registries, the CEC discovered two instances of multiple voting that could not have influenced the outcome of the elections. In Bethlehem it found three names listed as having voted on two lists and in Ramallah it uncovered seven names listed as having voted on two lists.

Closing of the Polls and the Count

Polling stations were scheduled to close at 7:00 pm or after the last person in line at 7:00 pm voted. In the majority of cases, PSC officials proceeded to count the ballots at the polling

station level, announce and post the results, and deliver the protocols and materials to the district level. Due in part to the unexpected high turnout and to late openings, several polling stations, in particular in the Gaza Strip, remained open well after 7:00 pm, and in one instance closed at 11:55 pm in Khan Younis. Likewise, voting for residents of municipal Jerusalem was extended an additional hour at the last minute to compensate for obstacles to voting earlier in the day. Only 10 voters cast ballots during this period.

Partly due to inadequate space in the polling stations and the district election offices as well as to an inadequate understanding of the procedures by election officials, disputes arose about whether candidate agents and nonpartisan monitors would be allowed to witness the counting and district-level tabulation processes. Even when allowed to observe the tally, candidate agents were not typically permitted to scrutinize the actual ballots but often sat across the room facing the polling station commissioners who conducted the count among themselves. There were some accusations, particularly in Khan Younis, that this procedure provided the opportunity for polling station commission workers to falsely announce the votes cast on the ballots.

Although there did not appear to be any systematic effort to deny observers access to the polling stations during the count, domestic observers were barred from observing the vote tally in some places. According to party agents in Khan Younis and Gaza North, district election officials allowed them no or limited access to the district-level tabulation process. The district election officer in Gaza North explained that candidate agents were removed from the district election office in order to provide staff the time to regain order. He insisted that all counting was suspended during this brief interlude and was resumed only when the candidate agents returned. The NDI/Carter Center delegation believes that this incident appears to be more a reflection of a lack of understanding of the law or a genuine attempt to address space restrictions rather than a deliberate effort to manipulate the results. Nevertheless, the lack of transparency in the overall process fueled suspicion that questionable motivations lurked behind this exclusion.

Despite detailed preparations and training for reporting results, it took much longer than anticipated to collect and consolidate the results at the district level. In some cases exhausted polling station workers either went home before delivering their protocols and/or demonstrated confusion about what or to whom they should deliver. By law they should have provided one copy each of the protocol to the District Election Office (DEO), the District Election Commission (DEC) and the Election Appeals Court (EAC). A fourth copy was to be posted at the polling site. The protocol delivered to the DEC was supposed to be accompanied by the ballots, voter registry and other documents while the actual ballot boxes were to have been left behind in the polling station.

In practice largely, because the DECs, CEC and EAC were appointed at a late stage in the election process and had insufficient time to establish their operations and offices, the polling station commissions delivered three copies of the protocols and the other materials to the DEOs. The DEOs failed to establish a procedure for accepting and documenting the receipt of these

materials from the polling stations, which added to the confusion. In a few instances, such as in Jerusalem, missing counts from several polling stations were not detected until a couple days after the elections. More significantly, the Central Election Commission was extremely slow to publicly announce final and complete election results. Independent candidates and opposition parties cried foul over a counting process they viewed as disorderly and inexact.

Balloting in the Jerusalem District

Since the highly contested status of Jerusalem was scheduled to be discussed after the elections, voting in East Jerusalem took place under special arrangements negotiated during many months and only concluded hours before election day. For largely symbolic reasons, some Palestinians were to vote at designated post offices inside municipal Jerusalem. Those parts of the constituency outside municipal Jerusalem followed the same rules and procedures as the rest of the West Bank and Gaza Strip. While Israel and the PLO agreed to general principles and mechanisms for voting in East Jerusalem, they intentionally left many of the details of these arrangements vague in order to enable them to present politically palatable solutions to their respective constituencies. The ambiguities that remained in these arrangements did lead to several problems in the implementation of the election process for Palestinian residents of East Jerusalem. These arrangements ensured that the outcome of the permanent status negotiations would not be prejudiced or preempted by agreements reached during the interim agreement period.

The CEC established the Jerusalem constituency for the Palestinian residents of municipal Jerusalem and for the area to the east of the city to the Dead Sea and north of the city toward El-Bireh. The three categories of voters within this constituency constituted: (1) those living within the municipality who were to vote in specially arranged voting localities at post offices; (2) those living in the municipality who were assigned to polling stations outside the municipality; and (3) those who lived outside and who were to vote outside municipal Jerusalem.

Voter registration remained low, despite last minute efforts by both prominent Palestinians and Israelis to allay Jerusalemite fears associated with the elections. Moreover, on election day, the turnout rate seemed to reflect the different arrangements for those voting inside and outside municipal Jerusalem. According to the CEC's reports and the European Union's February 10, 1996, final report, *The Palestinian Elections in The West Bank, East Jerusalem and The Gaza Strip, January 20, 1996*, turnout was 27.3 percent for the 4,965 voters assigned to vote in the post offices inside municipal Jerusalem, 34.8 percent for the approximately 35,000 registered residents of municipal Jerusalem who voted outside municipal Jerusalem, and 62.2 percent for the roughly 40,000 voters who resided and voted outside municipal Jerusalem. Compared to the 80 percent voter turnout throughout the West Bank and Gaza Strip, voter turnout was lower in the district of Jerusalem.

Approximately five thousand voters inside municipal Jerusalem were assigned to vote in one of five designated post offices. Israeli-Arab postal workers administered these polling sites allowing voters to cast ballots that were subsequently transported to the DEO in Abu Dis for

counting. Israelis were charged with election-day and post office security.

Due to fears of possible election-day violence from Israeli right-wing groups and Hamas, Israeli officials decided to maintain a large-scale security presence around the five post offices. However, observers viewed the high-profile presence as excessive and noted that some security force activities appeared to have no apparent relation to controlling disruption threats.

Early morning voting inside municipal Jerusalem commenced amid great tension and confusion. Several hundred Israeli policemen and soldiers arrived at each of the five Jerusalem post offices before they opened. The security forces surrounded the polling stations, checked the identity of all voters and in some cases videotaped voters as they approached the post offices.

Shortly after voting began, police arrested CEC-accredited Palestinian domestic monitors at the Salah Eddin post office. The special arrangement for voting in Jerusalem remained vague on the question of whether Palestinian nonpartisan election monitors would be allowed to monitor balloting in the post offices. The police raised concerns about the arm bands worn by the monitors, contending that the arm band insignia resembled a party symbol (which was prohibited inside the post offices) or created the impression that the monitors were security personnel. At the Mount of Olives post office, police arrested the CEC-accredited translator working for an international observer delegation who did not have an Israeli permit to be in Jerusalem. At the time of the arrests, very few voters had arrived at the post office and there were no voters in line.

Voters in Jerusalem told the NDI/Carter Center teams deployed throughout the electoral district that the videotaping of voters by the Israeli police and the overwhelming Israeli security presence at the Jerusalem post offices were intimidating and likely contributed to the low voter turn-out in Jerusalem. Additionally, the NDI/Carter Center teams observed a lack of cooperation on the part of Israeli officials in facilitating the passage of Palestinian voters through the Jerusalem checkpoints. Many Palestinians were told that they would not be able to vote by the time that the polls closed at 7:00 pm

Several times in the morning, the NDI/Carter Center delegation contacted senior Israeli military authorities to raise their concerns about these issues and about the arrest of the domestic monitors. By early afternoon, the military officials responded to the delegation with specific measures: the Israeli security presence around the post offices would be decreased and pulled back; the videotaping of voters would stop; domestic monitors would be allowed unhindered in the post offices; freedom of movement of Palestinians with Jerusalem I.D.'s would be respected; and those in line after 7:00 pm would be allowed to vote.

After the NDI/Carter Center delegation's intervention with Israeli authorities and criticism from other observer groups and the media, security presence at the post offices decreased somewhat, although troop presence remained large. The videotaping of voters stopped, but was later observed intermittently at two post offices. At the Beit Hanina post office, a NDI/Carter Center team observed videotaping soon before the closing of the polls and intervened directly

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with the police officer who was filming. The officer turned off his camera.

Throughout the day, the Jerusalem post offices were crowded with journalists, television crews, security forces and international observers. The atmosphere was tense and in a few instances confrontations arose between the police and onlookers. Voters were conspicuously absent.

Due to the low turnout and the heavy Israeli security presence throughout the day, the CEC decided to extend voting by an additional hour. However, many potential voters registered to vote at post offices did not learn of the extension and only a few cast ballots during the supplemental hour. Likewise, hours were extended at the last minute in some polling stations for municipal Jerusalem residents outside the city to allow late arrivals to vote.

After the close of voting at the post offices, post office clerks sealed the receptacles and loaded them onto post office vans. The vans were escorted by a long line of police vans, military vehicles, press and election observers on their drive through the city to the five post offices and then across the municipal boundaries. At a crossroads in Abu Dis a few kilometers east of municipal Jerusalem, the post office workers transferred the receptacles into waiting CEC vans, which drove to a nearby hall in Abu Dis. Domestic monitors escorted the receptacles as they were transported to the Abu Dis counting center.

The vast majority of registered Jerusalem residents (approximately 35,000) who voted in polling stations outside municipal Jerusalem faced their own set of obstacles. First, the final decision about where they would vote was not negotiated until January 17, which left election administrators only a few days to publicize the details. The delay stemmed from difficulties in identifying extra polling station sites outside municipal Jerusalem and negotiations regarding the number of Palestinians who would be allowed to vote inside Jerusalem.

Second, this last-minute decision aggravated transportation arrangements. On January 18, two days before elections, the West Bank election coordinator was assigned the task of arranging election-day transportation for these voters. Information regarding these arrangements was not sufficiently disseminated to IDF troops deployed at checkpoints surrounding Jerusalem. As a result of poor communication, the Gilo checkpoint was closed on election-day morning and the IDF turned back some residents leaving the city to vote. This incident in the morning seems to have discouraged voters from trying to leave Jerusalem for the remainder of the day. In the afternoon, NDI/Carter Center monitors noted largely empty minivans traveling through neighborhoods in East Jerusalem ready to collect voters and take them to their polling stations outside municipal Jerusalem.

In the end, approximately 40 percent of registered voters in the Jerusalem district voted in the first Palestinian elections. The low turnout can be attributed to the unique arrangements created by the PLO and Israel for voting within Jerusalem. The large security presence of Israeli forces in municipal Jerusalem, the videotaping of voters entering the polls, and the confusion and

difficulties surrounding transportation arrangements for Palestinians voting outside the municipal boundaries helped contribute to an overall low turnout within the Jerusalem district.

Although this chapter refers to several procedural irregularities on election day—overcrowding, security interference, and improper processing of illiterate voters—NDI/Carter Center found no evidence that they influenced the election results. In fact, these types of irregularities have been observed in transition elections worldwide. Thus, on January 20, Palestinians accomplished a substantial achievement—they organized their first-ever national elections and did so with relatively few administrative problems and with no incidents of violence. However, this administrative success was not transferred as positively into the post-election counting and appeals period. While there is little evidence of wrongdoing in the post-election period, the CEC's lack of transparency and public outreach built upon pre-election fears of vote rigging in favor of Fateh candidates and left many Palestinians questioning the overall integrity of the elections.

Chapter 5
Election Results and Aftermath

The counting and appeals phases constituted the greatest impediments to the successful implementation of the Palestinian election process. Disorganization in the tabulation of results, changes in the list of winners and reports of missing polling station tallies created an atmosphere of suspicion in the days after the elections. By January 23, several candidates had moved to file appeals, and rumors spread that the election results had been changed to accommodate certain candidates with a place on the Council. The CEC and EAC's reluctance to proactively address these lingering suspicions inadvertently served to further fuel skepticism about the results. However, despite serious irregularities in the counting and appeals process and the CEC and EAC's passivity, NDI/Carter Center did not find persuasive evidence to suggest that the final results were not a reflection of the electorate's will.

NDI and The Carter Center monitored the post-election process from election night through early March to assess the resolution of election complaints by the CEC and the EAC, and to try to determine the existence of any serious irregularities. In addition, NDI/Carter Center monitored post-election developments in two constituencies, Ramallah and Gaza North, in which some polling stations re-votes or recounts were necessary to complete the results. Finally, NDI monitored appeals submitted to the EAC.

The short timeline for organizing the election administration in the months before the elections caught up with the CEC in the post-election period. As a result, the CEC did not prepare an adequate system to centralize, tabulate and release results in an efficient and transparent manner. Despite these problems and the doubts raised by them, there is no evidence to prove that the vote count was changed or that the official list of winners is not the list of candidates who received the most votes. However public skepticism was exacerbated by a reticent CEC that did not address public concerns by sufficiently explaining the problems that had occurred. Moreover, the EAC refused to hear two important appeals, which represented a missed opportunity to resolve challenges to the process. For these reasons, there was greater suspicion about the results than warranted by the facts.

Centralization and Tabulation of Results

The election law and the polling station official's manual were designed to provide a system for both a rapid tabulation of results and independent verification. An initial, provisional result was to be calculated immediately after the voting at the DEOs based on a rapid summation of results from polling stations. Subsequently, the DEC and the CEC were to conduct a more comprehensive review that would yield the official results. In addition, the law provided a number of steps to ensure transparency in the process. In practice, however, the system did not work as planned.

The election law stipulated that votes would be counted (except in the case of municipal

Jerusalem) in the polling stations immediately after the voting, which could be observed by candidate agents and domestic and international observers. Additionally the law permitted these observers to make their own copies of the results, which the polling station commission members would be required to sign. Four copies of an official protocol of the count were to be made to provide for independent verification. One copy was to be posted for the public at the polling station, the second was to be sent to the DEO for tabulation of provisional results and a third copy was to be sent (along with the used and unused ballots, the registration form and other documents) to the DEC to allow for independent review in preparation for tallying the final results. A fourth copy of the protocol was to be sent to the EAC.

Several of the problems in tabulating the results were exacerbated by the incomplete development of the DECs, which were not established until the end of December and never emerged as independent entities. As a result, the transfer of results to the district level failed to provide the expected independent verification. Three copies were sent altogether to the DEO, which was the *de facto* address for the DEC and the EAC. In most cases, a fourth copy was posted at polling stations, but most were removed or torn down within a day. In addition, few of the candidate agents in the polling stations asked for an official signature to certify their own counts.

The DEOs were not organizationally prepared to receive the protocols from the polling stations and tabulate the results. Many of the DEOs were physically too small to accommodate all of the material returning from the polling stations as well as the staff members, candidate agents, and domestic and international observers. In addition, polling station commission officials had either not received or not understood instructions that required them to leave empty ballot boxes in the polling stations. Many brought the ballot boxes to the district level along with the protocols, used and unused ballots, and registries, all of which contributed to the disorder in the district offices. Also, the DEOs had not prepared a system to track the arriving protocols. In larger constituencies, where more than 100 protocols were arriving throughout election night, officials could not determine which protocols were outstanding or where all the protocols were situated in the office. The fact that the results were tabulated by hand only worsened conditions. DEO officials transcribed the results from each polling station onto a chart and added the numbers with a calculator. In many cases confusion with handwritten figures, some in Arabic and some in English, led to initial errors.

In a few cases, results arrived late to the district level from some polling stations. Two polling stations in Jerusalem, one in Jenin and one in Ramallah did not deliver their protocols until more than 24 hours after the polls closed. As noted below, the late arrival of protocols in Jenin changed the list of winners.

Additionally, in some cases, including Jerusalem, Gaza North, Khan Younis, Ramallah, and Hebron, some candidate agents were barred from watching the tabulation, which was a violation of the election law. This prohibition further increased suspicions about the process. In their defense, district election officials responded that they had no choice but to remove the

candidates and agents to help relieve the cramped and disorganized conditions of the district offices.

On election night and the next morning, several DEOs were in a state of serious disarray, with bags of ballots, empty ballot boxes, voter registries and other documents strewn haphazardly across the room. District election officers, many of whom had not slept in two nights, were searching through the materials to find all of the protocols in order to calculate the provisional results. In Jerusalem, the DEO staff did not know 24 hours after the close of the vote which protocols were in the office and which were outstanding. At the Hebron DEO, on the afternoon of January 21, the mayor announced that 50 ballot boxes were missing to an assembled crowd of candidates, journalists and voters. Although the protocols for the 50 stations were later uncovered in the municipality storeroom, the mayor's disclosure and the resulting disturbances, including the arrest of a lawyer representing several losing candidates, were widely covered in the media. This problem in Hebron also contributed to misunderstandings about the significance of the ballot boxes in the counting process. In fact, once the counting had already taken place, and assuming all ballots were emptied from the boxes, the ballot boxes themselves were insignificant. For this reason, polling station commission officials had been instructed to leave them in the polling stations to be picked up later. However, the sight of some empty boxes left alone in polling station combined with the rapidly circulating account of 50 missing boxes in Hebron served to create the impression that the results had been manipulated.

Release of Partial Results

Confusion also originated from the CEC's unexplained release of partial results on January 21 before all polling stations had reported their results. The CEC provided no explanation for releasing the incomplete tallies. In some cases the partial results were based on a small percentage of polling stations representing only one part of a region. The results released for Jerusalem on January 21, for example, included only the 11 polling stations within the municipality, representing less than 5 percent of the vote.

These partial results were widely reported in the media. On January 22, the CEC released the official provisional results, which differed significantly from the partial results published in the media the day before. There were 13 inconsistencies, for example, between the official provisional results and the list of winners in the Associated Press wire service story printed in *The Jerusalem Post* on the morning of January 22. For the Jerusalem district, *The Jerusalem Post* list of winners included FIDA candidate Zahira Kamal and PPP candidate Rana al-Nashashibi. Later, in the provisional results these candidates did not appear on the winner's list and in their place were two independent candidates affiliated with Fateh, Ziyad Abu Ziyad and Ahmad Al Batsh. Similarly in Hebron, independent candidate Abdul Ashab appeared on the list of preliminary winners but did not appear in the provisional list. In this instance, Fateh candidate Ali El Qawasmi appeared on the winner's list. In Gaza City, Arafat spokesperson Marwan Kanafani seemed to be substituted for Islamist independent Nasser Mazini in the provisional results. Following these changes, rumors abounded that Arafat had ordered that the results be modified to

secure the election of certain favorites.

Gaza Strip: Re-vote in Gaza North

The CEC considered procedural problems significant enough to call for a re-vote in only two of 1,696 polling station—both of which were located in Jabaliya in the Gaza North district. After reviewing the results, the CEC also discovered some errors in the original provisional results for those polling stations. A re-vote and a review of the polling station-by-polling station results led the CEC to replace the last two of the seven elected council members.

CEC officials closed polling station 76 in the late afternoon on election day based on allegations that people were voting who were not registered at that polling station. According to CEC officials, the station was closed when authorities discovered that many voters living near the polling station but not registered to vote there had voted under the special provisions introduced by CEC on election day (See Chapter 4). These voters had allegedly obtained and completed blank registration cards, and voted illegally. Polling station 39 also closed before the election process could be completed, in this case during the counting. The CEC closed the station when near riot conditions developed outside the school where the voting had taken place. Crowds gathered around the station when voters complained that security officials had manipulated votes and misdirected illiterate voters. Polling station commission officials exacerbated the problem when they refused to allow some candidate agents into the crowded polling station to observe the count. The CEC scheduled a re-vote for the two stations on January 31.

For the re-vote, the CEC instituted several procedural changes that improved conditions for voting. First, only voters whose names appeared on the voter registry on January 20 were allowed to vote. Also, to alleviate overcrowding for the re-vote, the CEC doubled the number of polling stations from two to four, thereby reducing the number of voters for each station to 500 instead of 1,000. Polling station commission officials from other districts in the Gaza Strip were recruited to conduct the polling in order to avoid the concerns about partiality. The CEC also provided a heavy security presence around the stations to prevent disturbances. A further improvement specified that each illiterate voter would be accompanied by two people, usually an observer and one of the polling station commission officials.

The re-vote in each polling station was monitored by between 10 and 30 candidate agents and by domestic and international observers. At the conclusion of the re-vote these monitors registered no complaints about the process.

Two days after the re-vote, the CEC released results for the constituency. In the new results the last two on the list of seven winning candidates in the provisional results, Muhammad Akasheh and Khader Abu El Nada, were replaced by Imad Falouji and Kamal Al Shurafi. In polling stations 39 and 76, where the re-vote had taken place, Khader Abu El Nada obtained more votes than both Falouji and Shurafi. Adding the provisional results to the totals obtained in the re-vote should have produced the following order:

Akasheh in 6th place with 8,455 votes (7,891 in the provisional results plus 564 in the re-vote.)

Nada in 7th place with 8,294 votes (7,572 in the provisional results plus 722 in the re-vote.)

Shurafi in 8th place with 8,282 votes (7,539 in the provisional results plus 743 in the re-vote.)

Falouji in 9th place with 8,102 votes (7,524 in the provisional results plus 578 in the re-vote.)

Instead, the order of results for the constituency after the re-vote were: Shurafi in 6th place with 8,757 votes; Falouji in 7th place with 8,529 votes; Akasheh in 8th place with 8,023 votes; and Nada in 9th place with 7,848 votes.

Questioned about the apparent discrepancies, the CEC indicated that the provisional results had been based on a tabulation that contained substantial errors. NDI/Carter Center observers were shown differences between the original protocols and the figures entered on the tabulation charts for those polling stations. For polling stations 10 and 35, the tabulation charts added an additional digit to the vote total for Nada, in what appeared to be a different handwriting which increased his total by 300 votes. For two other stations, 43 and 48, the tabulation charts indicated that 249 votes had been added to Akasheh's total. According to CEC officials, other errors stemmed from confusion between Arabic and English figures and because some numbers were entered in the wrong column on the tabulation chart. NDI/Carter Center observers reviewed the final results for the constituency by comparing figures on the final corrected tabulation chart with original protocols and by comparing CEC polling station results with records of international observers. This review revealed no evidence to contradict the final results.

CEC announcements about the situation in Jabaliya provided voters with little rationale about why the re-vote had been called in the two polling stations or why the results had changed. As there were reports of disturbances around other polling stations in the Gaza Strip on election day, some observers questioned why there would be a re-vote in polling stations 39 and 76 and not in others. Informed observers questioned whether the re-vote was part of an effort to obtain a seat for Imad Falouji, a candidate affiliated with Hamas but competing on the Fateh list and an important link in Hamas-Palestinian Authority negotiations. Immediately following the re-vote, CEC officials refused to allow candidates to check the original protocols. Akasheh and Nada won separate appeals submitted to the Election Appeals Court demanding access to the protocols. Both candidates reviewed the protocols and compared them with records from their agents. While neither candidate found evidence that their defeat was caused by any tampering with the results, neither conveyed these findings publicly to his supporters.

West Bank: Recount in Ramallah

Procedural irregularities in the West Bank led the CEC to order a recount in Ramallah where 18 protocols were found to be missing after all figures had been recorded on the regional tabulation sheet and the provisional results had been calculated. Because the results for these polling stations had already been recorded, the fact that the protocols were missing created a problem for verifying the provisional results with original documentation, but not for actually calculating the results. The CEC announced that the protocols were missing and that a recount would take place on February 4. Polling station commission officials from those polling stations were recruited to count the ballots, and candidates were invited to attend or send their agents. During a meeting before the recount, however, many of the polling station commissioners announced that they would refuse to recount ballots unless there was a full re-vote. They maintained that they could not be certain that the ballots had been altered or the ballot boxes tampered within the two weeks since the vote. A group of candidates also present at the meeting demanded a re-vote in the entire constituency. The candidates and most of the polling station commission officials left the meeting in protest. Commissioners for two polling stations remained, however, and recounted the ballots for polling stations 157 and 114. They found no significant discrepancies between the result of the new count and the totals marked on the tabulation sheet. Ballots for the other 16 polling stations were counted at the CEC office. The CEC reported that it found and corrected minor differences, but there has been no independent verification of this claim.

Comparison of Results to Check for Errors

NDI/Carter Center observers and other monitors sought to verify official results by comparing them to independent records. International and domestic observers were present at and monitored two important recounts in which questions raised in the tabulation process were addressed. On January 24, NDI/Carter Center observers monitored a review of the Jerusalem tabulation sheet, which revealed that polling station 66 had been counted twice and that polling station 65 had not been reported. The observers accompanied a representative of the DEC and losing candidate Zahira Kamal to the Bethlehem School for the Blind, the location of polling station 65, and found the protocol and the ballots for the polling station, which had been left unattended for three days in a classroom. The results on the protocol matched results recorded during the count by Kamal's agent, which indicated that the protocol had not been altered. The corrected totals including polling station 65 did not change the results.

A Palestinian observer working with the NDI/Carter Center team observed a similar process in Jenin, where the results for polling station 136 were entered twice and not included for polling station 104. These discrepancies were discovered at 7:00 pm on Monday, January 22. The protocols and ballot papers for 104 were found in the DEO and, as the case in Jerusalem, they paralleled records of candidate agents. In this case, the late entry did change the results. The sixth candidate, Mahmoud Abu El Rob (Fateh), dropped to seventh place and Fakhri Fahed Ahmad (independent) took the sixth, and final, seat for Jenin by 15 votes.

NDI and The Carter Center issued a public statement on January 28 recommending that

the CEC publish the results polling station-by-polling station and provide copies of the protocols to anyone who questioned the results of specific polling stations. (See Appendix E .) NDI/Carter Center representatives met several times with CEC officials to discuss the importance of the transparency of the results as well as the importance of publicizing and clarifying details of the tabulation process to alleviate public concerns. The Norwegian observer delegation also wrote to the CEC on this issue.

The CEC responded with an intensive in-house examination of the results. It did not publicly announce this internal review, disseminate its findings or provide public access to the results for each polling station. During the study, CEC officials entered the polling station results on computer spreadsheets in place of the handwritten charts used at the district level on election day. Through this review, officials were able to correct errors that had occurred during the transfer of results from the protocols to the charts on election night, and calculate official final results. In a press conference on February 10, nearly three weeks after the elections, CEC chairman Mahmoud Abbas announced the winners.

The CEC provided little public information during the final tabulation and review processes, however. In a press release on January 31, the CEC announced that the final results would be completed and available "in a few days." There were no other announcements to explain the process by which the CEC was reviewing the results or to indicate to candidates how they could pursue their concerns. The CEC also issued brief statements announcing the re-vote in Jabaliya and the recount in Ramallah. Not realizing that the CEC had centralized all results, many candidates visited the DEOs to check the results and were turned away. CEC officials told NDI/Carter Center delegates that candidates and observers were free to visit the central office to examine the records or to observe the scrutiny process. However, the CEC failed to publicize this offer, which meant that few candidates were aware of the invitation. Final results by polling station were not released for all constituencies until February 13 in the West Bank and February 27 in Gaza Strip.

When these results became available, NDI/Carter Center observers and domestic observers from the PDMC compared the official results from 462 polling stations (out of 1,696) with the figures recorded by observers who watched the count on election night. In almost all cases, the records of independent observers matched official figures. Where there were discrepancies, NDI/Carter Center observers compared observer records with the original protocols and in a few cases found that the official figures had been incorrectly recorded from the original protocols. None of these errors affected the outcome of the elections in any constituency. These comparisons support the official results as announced by the CEC. However, a more forthcoming and public explanation by the CEC could have quelled suspicions about the process among skeptical voters.

Complaints to the Election Appeals Court

The election law established an Election Appeals Court of five judges to hear claims and

appeals related to decisions taken by the CEC. The election law limits the time during which appeals can be submitted and during which they must be adjudicated. However, travel restrictions and other unexpected problems delayed the EAC's adjudication of appeals. EAC President Zuhair Al Sourani could not preside over two cases because he could not travel between the West Bank and Gaza. Due to both logistical and political complications, decisions on the last series of appeals were not rendered until March 3, 1996.

In total, the EAC recorded 24 appeals against decisions taken by the CEC. NDI and The Carter Center were able to obtain records from the Court for 18 of these cases. In two of these cases, the EAC ruled in favor of the plaintiff. In the case of a dispute about whether a particular neighborhood would be included in the Tubas or Nablus electoral constituency, the EAC overturned the CEC decision that ruled that the area should be registered in Nablus. The EAC also supported an appeal by candidates from Jabaliya to obtain access to the election protocols. In several cases, the EAC declined to hear an appeal because the plaintiff had not fully followed official procedures for filing appeals; court records do not specify those aspects of the filing procedure that were not followed. The EAC ruled against the plaintiff in most of the cases it heard—most often due to a lack of evidence.

Following disputed elections, an appeals process can provide an opportunity to resolve election-related disputes and increase confidence in the process. In the Palestinian case, however, the appeals process was not able to achieve these objectives. Most of the appeals questioned the results. Abu Nada appealed the CEC's decision to conduct a re-vote in polling stations 39 and 76, asserting that the election procedures in those polling stations had been satisfactory. The appeal was rejected on the basis that the election law accords the CEC the authority to call for a re-election when it determines that such an option is warranted. The CEC "had doubts about the integrity of the election [in polling stations 39 and 76]." Several candidates from Khan Younis submitted appeals at different stages of the appeals process. Dallal Eid Tawfiq Faris contested the validity of the preliminary results in Khan Younis, which the EAC rejected on the basis that neither the candidate nor her agents had filed complaints during the counting of the ballots. After the CEC denied their appeal for a recount in their constituency, a group of four candidates from Khan Younis appealed the decision to the EAC. The plaintiffs argued that because "the CEC did not strictly follow the law and procedures...a re-election should be called." According to the Court record, the appeal did not attempt to demonstrate that lack of adherence to the election law materially affected the results. The Appeals Court rejected the appeal on the basis that "the matter brought before the court is based on allegations."

The appeals process failed to achieve its potential mediating function for two reasons. First, few of the candidates had sufficiently trained their polling station agents to collect the appropriate evidence to support their appeals. According to the election law, candidate agents had the right to register complaints on the protocol and to obtain the signature of the polling station commission president on their copy of the results. Few agents took advantage of these prerogatives, however. As a result, many candidates with concerns about the results lacked adequate records to check the numbers or prove that complaints had been registered during the

tabulation process.

Second, the EAC decided not to hear two important cases from Ramallah and Hebron that had generated considerable media attention. Possibly the most significant complaint was raised by Mustapha Barghouti, who placed seventh in the voting in Ramallah, 1,163 votes behind the lowest-placed winning candidate. On January 22, Barghouti submitted a formal complaint to the Central Election Commission calling for a new election in the entire Ramallah constituency. The CEC met with Barghouti on January 25, but did not grant his petition. Barghouti then submitted an appeal to the EAC; 14 other candidates from Ramallah joined the appeal as secondary plaintiffs. After several postponements caused by the inability of some court judges to travel from Gaza to the West Bank, the court met on February 26.

Barghouti based his claim on a number of alleged procedural irregularities. He complained in particular about the delay in delivering some ballot boxes and ballots to the central level and about the CEC decision to allow individuals to vote who were not on the registration list. In addition, the complaint criticized the mishandling of protocols that led to recounting ballots in 18 polling stations and noted that in one instance a protocol was left at a polling station for more than 24 hours. However, in a meeting with NDI/Carter Center observers, Barghouti acknowledged that he could not identify specific acts that could explain the difference of 1,163 votes between himself and the next highest candidate. He indicated that his comparison of provisional polling station results with results of independent observers for 62 polling stations uncovered three discrepancies that would have provided him 219 additional votes. Barghouti contended that his appeal was made not to prove that he should have won the seat, but rather that enough procedural errors were committed to invalidate the results. The EAC dismissed the complaint on technical grounds:

> The court rules that because the winners in the elections were not the subject of this appeal, the court therefore cannot make a ruling. This appeal needs to be addressed towards the winning candidates. Because the winning candidates are not the subject of this appeal, the grounds for this appeal are invalid. Also, the winners in the elections would need to stand in court.
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> According to Jordanian High Court Resolution 44/93 published in the *Union Magazine*, 1994 (page 1453) suspicions of election results need to be addressed towards the winning candidates and bodies in charge of the election.[11]

In Hebron, six candidates submitted a joint appeal, including Muhammad Ayyesh Milhem who placed 12th (10 candidates were elected), 262 votes short of winning a seat. As in Ramallah, the appeal alleged procedural irregularities that would warrant a re-vote in the constituency. The candidates asserted that results were tabulated before all protocols were received and that individuals who were not election officials, in particular Hebron municipal employees, helped

[11] This is a translation of a summary of the court proceedings provided to NDI by the court clerk.

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conduct the vote counting. Further, the appeal alleged that independent candidates and agents were prevented from observing the tabulation and that the report of missing protocols indicated negligence on the part of election officials. The EAC issued the same ruling as in the Ramallah appeal. That is, it dismissed the appeal on procedural grounds and forfeited an opportunity to publicly clarify another highly publicized complaint.

In the immediate aftermath of the elections, critics often cited Ramallah and Hebron as areas where there was greatest reason to doubt the results. Neither appeal, however, provided substantial evidence that the irregularities would have changed the outcome. Both appeals attempted to prove that fraud could have occurred rather than fraud had, in fact, taken place. By refusing to hear these cases the EAC missed an opportunity to resolve a debate that was important to the credibility of the post-election process—whether or not the problems that occurred during the elections could have been determined to be intentional efforts to reorder the results.

The Final Results

On February 10, the CEC announced the winners of the elections. (See Appendix L.) Yasser Arafat defeated Samiha Khalil in the race for Ra'ees of the PA, garnering 88.26 percent of the vote; Khalil received 11.74 percent. Of the 88 elected members of the Council, 51 had campaigned on a Fateh list. Only one other candidate affiliated with a party won a seat, Haidar Abdul Shafi, leader of the NDC. The 36 other winning candidates all registered as independents, approximately of whom 14 were affiliated with Fateh. As discussed in Chapter 3, a large number of Fateh members decided to run as independents when they failed to gain a place on official Fateh lists. Some of these candidates ran as loyal Fateh members who wanted to participate in this first national event even if not selected by the leadership. Others actively campaigned against the official Fateh lists in their constituency.

Fateh's substantial majority in the new Palestinian Legislative Council is not surprising given its popularity and the non-participation of opposition parties. The large numerical advantage for Fateh is balanced somewhat by the presence of leading independent figures such as Haidar Abdul Shafi, who received the largest number of votes (57,795) of any Council candidate, and Hanan Ashrawi, who also garnered substantial support. Additionally, the Fateh members, some of whom ran against the party list, should not necessarily be viewed as a united block. Fateh members on the Palestinian Council reflect different trends within a broad political movement.

In total, 73.5 percent of the 955,180 registered voters, participated in the elections, a substantially higher figure than many had expected given the non-participation of traditional opposition factions. The CEC registered a substantially higher turnout in Gaza Strip (88 percent) than in the West Bank (73 percent). The difference may be attributable to the greater distances that voters had to travel in the West Bank and to the low turnout in municipal Jerusalem and Hebron.

In addition to the unexpectedly high turnout overall, there was also surprisingly low number of spoiled and blank ballots. According to available CEC statistics, 3.5 percent of voters in the West Bank cast invalid ballots and 4.3 percent cast blank ballots. In the Gaza Strip, 2.3 percent cast invalid ballots and 1 percent cast blank ballots. If accurate, these figures suggest a higher level of voter understanding of the election process than had been anticipated before the elections. It is also worth noting that the election law specified that voters mark "X," and that even if the voter's choice was clearly indicated, marks other than "X" were considered invalid.

There are several significant gaps in the CEC election records. For example, the CEC could produce no figures for the number of blank and spoiled ballots in Ramallah, Hebron, Jerusalem and Bethlehem. In addition, the official number of registered voters released by the CEC after the elections was 58,055 fewer than the figure published before the elections.

Finally, the election law requires that in constituencies with quotas, the final results list those candidates separately in order of the number of votes received. The fact that the CEC never specified which candidates were registered as Christian or Samaritan precluded the means to obtain the information needed to meet this stipulation. In practice, religious affiliation is sufficiently well known that Palestinians recognized which candidates were eligible for the quota seats. However, there exists no official record of those candidates and their vote totals.

The irregularities in the counting process, the passive role of the CEC and the reticence of the EAC unnecessarily reinforced public doubt in the election process and skepticism of the newly elected Palestinian Legislative Council. Given the greater degree of competition anticipated in future elections, NDI/Carter Center recommend that the PA take concrete steps to address the problems raised by the 1996 elections before it conducts local and/or future legislative elections. Addressing these issues would help build public confidence in the electoral results that is essential to post-election stability.

Chapter 6
Observing the Palestinian Elections

Transition elections often occur in an environment of uncertainty, confusion and apprehension. Election administrators remain concerned about their ability to implement the process procedurally and voters grapple with the substantive decisions of for whom they will vote. The January 20, 1996, Palestinian elections were further complicated by three unique factors: (1) ongoing negotiations between the Palestinian Authority and the Israeli government about the elections; (2) broader questions about the future status of the territories and realms of Palestinian autonomy; and (3) the development of political parties, a necessarily divisive process, in the middle phase of a transition process. Voters harbored real reservations regarding the nature and power of the body they would elect, and the future status of the Palestinian entity the Council would govern.

In this atmosphere, domestic and international observers were seen as playing an important role in encouraging a meaningful electoral exercise that could ultimately contribute to the establishment of more stable and accountable governing structures. International observers have no legal authority within an election process. Rather their presence is designed to demonstrate international support for free electoral conduct, to deter electoral fraud, and to assess the fairness of the exercise and report to the international community. If invited, observers can also help mediate disputes between political parties, election officials and/or the media. In such negotiations, observers can share their experiences with similar issues during transition elections in other countries.

The Interim Agreement signed by Israel and the PLO in September 1995 is a complex and comprehensive agreement that addresses a wide range of issues and areas of mutual concern. The inclusion of provisions to permit domestic and international monitoring of the Palestinian elections represented one of the most important achievements of the agreement. Annex II of the Interim Agreement, the protocol on elections, states that all stages of the Palestinian electoral process, from voter registration to vote tabulation, are open to observation.

The Interim Agreement described three categories of election observers: (1) invited governments or intergovernmental organizations, (2) international nongovernmental organizations and (3) domestic monitors. It also established procedures by which observer delegations could obtain credentials to monitor the elections.

European Union Coordination

The Interim Agreement designated the European Union (EU) as the coordinator of all international election observer delegations. At meetings in Brussels in June and October of 1995, the EU established formal mechanisms for promoting coordination among the various delegations. These included creating three advisory units: a coordinating committee of delegation leaders; a technical task force comprising each delegation's or country's chief technical advisors to address

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issues related to the technical administration of the elections; and a "joint operations unit" to coordinate the details associated with election-day deployment, communication, reporting and security.

In addition to the European Union, Annex II of the Interim Agreement listed other countries and organizations to be invited to send international observers. These included Canada, Egypt, Japan, Jordan, Norway, the Russian Federation, South Africa, the United States, the Islamic Conference Organization, the Movement of Non-Aligned Nations, the Organization of African Unity and the United Nations, all of which, except the U.N., sent observers to the elections. Annex II also provided other governments and intergovernmental and nongovernmental organizations with the opportunity to form delegations with the stipulation that they could be added to the agreement's list "upon consultation." Six more countries sent observer delegations that also coordinated with the EU: Australia, China, Cyprus, Malta, Switzerland and Turkey.

NDI/Carter Center Long-Term Observation

NDI and The Carter Center decided to sponsor a joint mission to observe the Palestinian elections after NDI had been asked by the U.S. government to organize the U.S. contribution to the international observer effort and after former President Jimmy Carter had been invited by Prime Minister Yitzhak Rabin and Palestinian leader Yasser Arafat to observe the elections.[12]

NDI/Carter Center coordinated their efforts with the European Union Electoral Unit (EUEU) first in the spring of 1995 in Brussels and later in the West Bank and Gaza Strip throughout the pre-election period and during election week. In particular, NDI/Carter Center worked with the EU to design the election-day reporting forms and to coordinate deployments. In the months before the elections, NDI/Carter Center organized a long-term program to monitor the pre-election environment and electoral preparations. In addition to its staff contingent in the region for other programs, NDI placed two staff members in the field in October for the international observing program who were later joined by a representative of The Carter Center in early December.

NDI and The Carter Center organized two missions to examine specific events during the pre-election period and to make recommendations about those issues that would require further investigation. The first team visited the West Bank and Gaza Strip from November 10 to 16, 1995 in order to assess preparations for the Palestinian elections, identify potential obstacles to meaningful elections and outline possible mechanisms to address such obstacles. This mission coincided with and focused on, among other issues, the opening of the voter registration canvass, which began on November 12. At that time, planning for elections had shifted from preparing for a March election date to adapting to a mid-January time frame, and as a result there was

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[12] NDI and The Carter Center have often cooperated on election monitoring missions, most recently in the Dominican Republic in 1996 and in Paraguay in 1994.

widespread concern about whether the necessary preparations could be completed during the condensed period.

Concern focused on the voter registration canvass, the first and most intensive step in the election preparations, which had been reduced from six weeks to three. Based on meetings with election officials at all levels, monitoring the canvass and meeting with political leaders, the first delegation commended the beginning of registration. In a statement released on November 17, 1995, the delegation said that canvassers appear "committed to completing the canvass fairly and thoroughly and . . . eligible voters generally want to register." At the same time the delegation called for "urgent resolution" of outstanding elements of the process, including the completion of the election law and the nomination of the Central Election Commission.

A second pre-election mission visited the West Bank and Gaza Strip from December 10 to 16, at the commencement of the candidate registration period and during a series of presidential decrees changing the election law. This mission focused on the broader political environment for elections. Similar to the first delegation, the team met with Palestinian security force officials, partisan entity leaders, media representatives, human rights advocates and others. During this mission, the delegation also visited with PLO Chairman Arafat to address his presidential decrees and specifically the changing time lines.

The second delegation noted the expressed commitment of both the Palestinian leadership and opposition actors, including Hamas, to regard the elections "as the basis of political legitimacy and the key to long-term stability" and to endorse an election process free from "disruptions or violence." While Hamas did not participate in the elections, it refrained from calling for an active boycott. At the same time, the delegation urged the Palestinian Authority "to demonstrate greater respect for human rights, freedom of speech and the rule of law." The delegation also recommended implementation of specific guidelines to regulate access to the media and to promote easier access and mobility for Palestinians traveling between the West Bank and the Gaza Strip for election-related purposes. (See Appendix B.)

The NDI/Carter Center monitoring program issued a third statement on December 31, 1995 that again raised concerns about the "lack of a stable legal framework," detentions without due process of law and the absence of balance in media coverage. The statement warned that the changes in the election calendar and procedures "may increase voter confusion and diminish public confidence in the electoral process." The statement also noted that the Council seats "appear not to have been allocated in proportion to the number of inhabitants, as required by law." In addition, the NDI/Carter Center statement questioned the voting procedures for police officers who would not be registered at the polling station at which they would be assigned on election day.

Many of the issues raised in these statements continued to affect the election process. Having tracked the most pressing issues since early October and having closely followed political developments in the territories for two years, NDI and The Carter Center were better able to

evaluate the entire process.

NDI/Carter Center Election-Week Observation

Former U.S. President Jimmy Carter and former Polish Prime Minister Hanna Suchocka co-led the NDI/Carter Center election observation delegation. The 40-member delegation representing 11 nations included political and civic leaders, elected officials, scholars and journalists, most of whom had participated in or monitored transitional elections. (See Appendix M.) The multinational delegation provided the overall observation effort with a wide-range of perspectives on the election process—that of established democracies, newly democratic states and countries in transition.

In addition to extensive written briefing materials augmented by NDI's two-year presence in the territories and the NDI/Carter Center four-month monitoring program, the delegation attended a series of briefings in Jerusalem on January 17 and 18. (See Appendix N.) On January 19, NDI and The Carter Center deployed the delegates to electoral districts throughout the West Bank and Gaza Strip. The teams met with candidates, elections officials, EU monitors who had been deployed to the districts two months before election day, and others to gain a better understanding of local concerns and issues. (See Appendix O.)

On election day, the NDI/Carter Center delegation observed the voting process from opening the ballot boxes to counting the votes in all 16 electoral districts at more than 200 polling sites. On the day after the elections, the delegation re-assembled in Jerusalem to discuss individual team observations and formulate a broader perspective of the Palestinian elections throughout the West Bank and Gaza Strip. The discussion contributed to the NDI/Carter Center preliminary statement on the Palestinian elections presented at a January 21 press conference by the delegation co-leaders Carter and Suchocka. (See Appendix D.)

Most international observation delegations left the West Bank and Gaza Strip days after the elections. The last representatives of the EU, the principal coordinating body, departed approximately two weeks after the elections. Palestinians expressed disappointment at the international community's perceived lack of interest in the resolution of election complaints. As described in Chapter 5, the immediate post-election period was characterized by confusion and tension. The significant delay in announcing the final results further fueled suspicion regarding the process.

A small NDI/Carter Center staff team remained in the West Bank and Gaza Strip following the tabulation process, the appeals period, and the protracted release of the final results. During February and March, the team listened to candidate complaints, encouraged CEC members to take action on complaints and met with Election Appeals Court members to assess their responses. The observation team urged the CEC and EAC to respond to complaints. It also helped reassure candidates skeptical about the confusing and disorganized process by sharing with them examples from other transitional elections and interpreting the

law to clarify the rationale for the CEC's conduct. The NDI/Carter Center team continued to coordinate with domestic monitors that remained throughout the appeals process, such as Palestinian Domestic Monitoring Committee (PDMC), PeaceWatch, and the Palestinian Center for Human Rights, and candidate agents and candidates. On January 29, the NDI/Carter Center observation program issued a statement recommending that the CEC publish all of the final results. (See Appendix E.)

European Union Observation Effort

In November, the EU established its own formidable observation program and divided its efforts among four separate groups of observers: (1) a 35-member technical assistance unit called the European Union Electoral Unit (EUEU); (2) 29 long-term observers who arrived to observe the start of voter registration on November 12, 1995 (this number grew to approximately 63 in December); (3) 131 medium-term observers who arrived on January 2, 1995; and (4) 95 short-term observers who arrived the week before the elections. In all, 286 observers monitored the elections under the auspices of the EU.

The EU also provided long-term technical assistance to the Palestinian Authority. In early 1994, the EU placed two experts in the territories to advise members of the Palestinian Commission on Elections and Local Government on the design of the election system and organization of the election administration.

The EUEU observation program issued three public statements during its three-month stay in the West Bank and Gaza Strip. In its first statement on December 12, the EUEU commented on the voter registration canvass. (See Appendix P.) In its second statement on January 1, entitled "Enough is Enough," the EUEU criticized the PA and the CEC in particular for arbitrarily changing the time-frame for elections. Finally, on the day after the elections, the EUEU issued a joint statement with the heads of certain other international delegations that provided an initial assessment of the elections and concluded that the elections "can be reasonably be regarded as an accurate expression of the will of the voters on polling day." (See Appendix Q.) The EUEU issued its final report on the elections on February 10, 1996.

On December 1, 1995, the EU's Ramallah office deployed one coordinator to each of the four regions. During the next two months the coordinators convened five weekly coordination meetings, at which representatives from all of the observer delegations discussed security issues, deployment plans and ongoing changes in the electoral framework. The regional coordinators briefed the other delegations on their observations in the field. The coordination meetings also discussed methods for reporting observation.

Palestinians maintained high expectations about the role that international observers would play in monitoring their elections. In some cases these expectations led to a distorted perception of the role of observers. During the pre-election period, several opposition candidates and parties, noted to NDI and The Carter Center that the international presence would preclude fraud

on election day. Part of the confusion stemmed from the Arabic word for observer, which means supervision. Some Palestinians seem to have relied almost exclusively on international observers to act as election police, rather than assuming more of those responsibilities themselves. Consequently, they were disappointed when international observers did not prevent election day irregularities. This disillusionment was exacerbated by those observers who focused almost exclusively on election-day events and quickly praised the process the day after the elections—before all the results had been tallied and before all the complaints were organized, submitted and adjudicated by the CEC or the EAC.

Domestic Monitors

The primary purpose of nonpartisan domestic monitoring is to encourage an honest election process by evaluating all aspects of the process and conveying their findings to election officials and the public. Publicity surrounding the formation of a monitoring program, as well as the pre-election and election-day activities of the monitors, enhance public confidence and encourage citizen involvement in the process. They are sometimes able to help resolve disputes during the campaign period and through their presence deter fraud, irregularities and innocent administrative mistakes on election day.[13] International observer efforts are often complemented by the work of domestic election monitors. While international observers benefit from perspectives of elections around the world as well as from a familiarity with international standards, domestic monitors profit from their acquaintance with the local language, customs and politics. This knowledge provides them with a more profound understanding of how pre-election and election-day events affect the voters. Moreover, domestic monitoring groups can usually deploy many more observers than can international organizations, which yields a much larger sample upon which to assess the process.

More than 2,000 nonpartisan domestic monitors joined 600 international observers representing many countries, intergovernmental organizations, and nongovernmental organizations to observe the Palestinian elections. The Palestinian Domestic Monitoring Committee (PDMC), a coalition of more than 40 Palestinian NGOs, organized the largest domestic monitoring effort. The PDMC recruited, trained and deployed 2,000 volunteers to monitor the election in each of the West Bank districts, as well as in East Jerusalem. The PDMC's network of NGOs conducted most of the recruiting, although volunteers were also mobilized through announcements placed in local daily newspapers. District by district, the PDMC organized training sessions for approximately 2,000 volunteers. By election day, the Central Election Commission accredited 1,460 of these volunteers as domestic elections observers. A parallel initiative among NGOs in the Gaza Strip disbanded in December as a result of disagreements among participants and fears of getting ahead of the election process. In mid-January, the Gaza-based Palestinian Center for Human Rights organized a smaller monitoring effort with 37 volunteer monitors in the Gaza Strip.

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[13] *NDI Handbook: How Domestic Organizations Monitor Elections: An A to Z Guide,* The National Democratic Institute for International Affairs, 1995.

During the pre-election and campaign period, the PDMC monitored each step in the electoral process from voter registration to candidate registration to campaign-period and election-day balloting and finally to vote tabulation. It publicized its assessments through press releases and contributed to international monitoring efforts by sharing its information and analyses directly with each of the groups.

During the registration period, it assessed and offered recommendations on the efficiency and coverage of the registration canvass as well as the appeals and voter registry review process. (See Appendix R.) It then monitored the candidate registration process by soliciting complaints of violations from the public and candidates. In order to monitor violations in candidate campaigning it designed and distributed forms to its volunteers and candidates throughout the West Bank. From this exercise, it received dozens of complaints and was able to follow up on several of them such as the arrest of two candidates discussed in Chapter 3. On election day, the PDMC volunteer monitors observed balloting and the vote count in 85 percent of all West Bank polling stations and collected results from nearly 60 percent of the polling stations in the West Bank. In the days immediately following the elections, the PDMC compared its results with those of the CEC, international observers and candidate pollwatchers and released a preliminary report of its findings at a press conference five days following the elections.

The PDMC's effort benefited from the comparative experiences of experts from Guyana and Yemen who organized similar nonpartisan domestic monitoring efforts in their own transition elections and spent a total of three months in the West Bank and, earlier on, in the Gaza Strip imparting their experiences and providing direct training for the PDMC's organizers. Lawrence Lachmansingh spent two months during the summer of 1995 sharing his insights into the challenges and rewards of monitoring efforts he helped organize through the Electoral Assistance Bureau in Guyana. During the month leading up to the elections, Faris al-Sanabani provided the PDMC with advice on a recruitment strategy and training materials based on his 1993 experience organizing a similar election monitoring effort in Yemen.

In an effort to encourage regional exchange of experience and knowledge, PDMC hosted nine researchers from the Ibn Khaldoun Center in Egypt. NDI had supported the Ibn Khaldoun Center's monitoring effort for Egypt's November 1995 legislative elections. The researchers were able to witness the challenges that PDMC faced and how they overcame them well as to assess the differences and similarities of the political environments within which the monitoring took place.

Chapter 7
Reflections on the Palestinian Transition Toward Democracy

After its establishment in Jericho and the Gaza Strip in July 1994, the Fateh-dominated Palestinian Authority began assuming many of the traits of a single-party state. In an effort to assert the limited authority that was given to it in the interim agreements with Israel, the PA began managing a monopoly of public resources, establishing a number of security forces and placing limits on freedom of the press. Yet, the strength of Palestinian civil society seemed to limit the extent of the PA's influence in its early days on the ground in the West Bank and Gaza Strip. At the same time, political factions opposing the Oslo negotiating framework intermittently sought to discredit both the Oslo I and Oslo II agreements and rally public opposition to the peace process and the subsequent elections. In some cases, Palestinian opponents used violence in attempts to halt the progress of negotiations with the Israeli government.

The fact that peaceful elections were held fewer than two years after the establishment of the PA can be attributed to three main factors. First, the PA developed an electoral system and administered the process without major interference, so it came to be seen by Palestinians, even critics, as an authentically Palestinian process. The elections process, thus, constituted an important element in the growing framework of interaction, cooperation and coordination between Palestinians and Israelis. Second, the PA generally worked to make the elections as inclusive as possible. Although ultimately unsuccessful in convincing opposition political factions to participate in the elections, the PA went to some lengths to encourage their involvement or at least to discourage an active boycott. Finally, the work and perseverance of Palestinian election administrators, who worked long hours responding to last-minute changes in the election's administrative framework, played a major role in election's success.

Given the complexity of coordinating redeployment and organizing elections for the first time in an area of divided authority, the elections were a remarkable achievement. The vast majority of Palestinians in the West Bank and Gaza Strip were able to select their representatives peacefully in a process that was largely free from Palestinian-Israeli altercations or confrontations between supporters and critics of Oslo. Virtually every Palestinian who wanted to register was able to do so; the CEC vigorously sought to register all eligible voters, even after initial deadlines had passed. Although few parties formally participated in these elections and Fateh-affiliated candidates dominated the campaign, a wide range of candidates ran as independents, some of whom were loosely affiliated with nonparticipating parties. Familial, tribal and regional affiliation formed much of the basis for the political competition that did take place. Finally, with nearly 80 percent of eligible voters participating, the elections enjoyed greater support from Palestinians than many had expected, providing a broad mandate for the elected Council and a demonstration of public commitment to the democratic process.

Election administrators succeeded in accomplishing the complicated tasks of registering voters, mapping constituencies, training staff and preparing materials, all within an extremely compressed time period. Although problems surrounding the tabulation process provoked

accusations of manipulation, local and regional election workers were widely viewed as fair, honest and hard working.

In other respects, however, the elections were less successful. The elections did not serve as a catalytic moment for democratic political organizing as transition elections often do. Some political observers expected that elections would precipitate new political arrangements and that the traditional Palestinian factions that had emerged would evolve in response to electoral competition. This did not occur; in part because several factions removed themselves from the process due to their opposition to the Oslo agreements, and in part because many political leaders believed that the majoritarian electoral representation system would not accurately reflect their strength within Palestinian society. Electoral competition was not driven by issues or ideology, but was often based on the reputations and promises of rival families and clans who sought to formalize their stature within the community. As a result, the elections were largely a competition among local Fateh leaders and between Fateh candidates and independents.

The elections also served as reminder of the limits of open debate and adherence to the rule of law under the Palestinian Authority. Security forces, in particular those from the intelligence and preventive security, interfered with voters, pressured some independent candidates to withdraw and detained some journalists and civic leaders without due process or just cause. Television coverage by the official Palestinian media strongly supported Arafat and Fateh candidates, and self censorship restrained the coverage of many independent journalists. Palestinian Authority Chairman Yasser Arafat intervened in the election administration process to allocate seats—a responsibility given to the CEC in the election law—and did so in a manner that seemed to favor the Gaza Strip in contravention of the election law's proportionality requirements. The Central Election Commission repeatedly changed the pre-election timetable and disregarded some provisions of the election law, such as the requirement that the results list Christian candidates separately. Furthermore, the Election Appeals Court, in the cases brought from the Ramallah and Hebron districts, declined to address the merits of appeals that were important to resolving lingering questions about the elections.

Given their awareness of the less-than-democratic nature of elections in neighboring Arab countries, Palestinians remained highly critical of their own evolving election process throughout the months leading up to the elections. Many Palestinians hoped that their polls would set a positive example in the region. These expectations of conducting elections that would be administratively and politically more successful than those of their neighbors required a CEC committed to conducting a transparent process—an important component of which required the CEC to regularly furnish the public with adequate information regarding evolving practices and procedures. However, rather than responding to this need, the CEC appeared unprepared or unwilling to engage in an ongoing dialogue with the voting public. In future elections, where organized competition is likely to be greater, this combination of public skepticism and administrative detachment could undermine voter trust in the elections.

Recommendations for Future Elections

On the basis of the observations contained in this report, NDI and The Carter Center offer several recommendations for Palestinians to consider when organizing and conducting elections in the future. Many of these recommendations were discussed during a meeting between the head of NDI's post-election observer program and the CEC Chairman Mohammed Shtayyeh on February 24, 1996.

1. *Public Information.* Strengthen efforts at outreach and public relations that better inform the public about the elections and respond to doubts and rumors that can multiply and exaggerate concerns in an information vacuum. Additionally, in advance of future elections, the CEC should plan to meet regularly with a broad spectrum of political party leaders, candidates, journalists and civic activists and community leaders to discuss developments in election preparations, and solicit their input in a way that allows them to assume ownership of the process and defend it to their respective constituencies.

2. *Transparency.* Rigorously enforce election provisions that allow candidates and their agents access to observe the voting and counting processes. This openness is vital to public confidence.

3. *Election Law.* Adhere more rigorously to the election law. If last-minute changes must be made, they should be made by the CEC consistent with the law, widely publicized and fully explained.

4. *Timetables.* Publish and maintain an accurate and realistic election calender in order to facilitate election planning by both organizers and competitors. Adherence to both the election law and the timetable would send a message to the public that the integrity of the process itself is important and effectively managed.

5. *Voter Education for Illiterate Voters.* Organize programs to reach illiterate Palestinians with information on voting procedures and to encourage them to ask a trusted companion to accompany them to the polling station.

6. *Polling Station Organization.* Exercise more stringent control over entry into the polling station and build in safeguards to protect the secrecy of the vote and make greater efforts to identify sufficiently large locations for polling stations.

7. *Security.* Clearly define and actively publicize the role of security forces in and around polling centers. Only authorized forces should be allowed near polling stations and they should be subordinate to the polling station commissions.

8. *Tabulation.* Reorganize the tabulation of polling station returns to guarantee efficient and accurate calculation of results. District- and central-level tabulation should take place in venues large enough to accommodate candidates and their agents, and checklists should be adopted to track those polling stations that have returned results. Only individuals authorized by the election law should be allowed to conduct the tabulation.

9. *Training Candidate Agents*. Establish training programs to ensure that all candidates and their agents understand the election law, the rights of agents within the polling station and procedures for pursuing complaints.

10. *Appeals*. Provide more information to candidates and parties about the appeals process. Highlight information regarding the process by which an appeal is submitted including the type and amount of documentation necessary for an appeal. The Election Appeals Court should consider more thoroughly cases presented before it in order to achieve more conclusive resolution of disputes.

11. *Publication of all Polling Station Results*. Publish and disseminate widely complete results of the elections by each ballot box, including the number of votes that winning and losing candidates received and voter turnout figures for each electoral district.

Epilogue

The January 1996 elections represent an important step in the Palestinian transition toward democracy, but by no means does the relative success of these elections automatically ensure the success of Palestinian democracy. Democracy requires not only competitive, multipartisan elections but also needs well-functioning democratic institutions and processes. These includes a legislature that represents the people and oversees the executive; a free and inquisitive press; an efficient and principled judiciary; and a system of checks and balances within society that includes not only the separation of power among different branches of government, but also between central and local government; and finally an informed citizenry and public advocacy organizations that hold institutions and leaders accountable.

Thus far in 1996, the democratic promise embodied in the elections has been only partially fulfilled. Many Palestinian Legislative Council members have demonstrated a commitment to respond to constituents worries by meeting with them in a number of "town hall" meetings to listen to and discuss community concerns. Several PLC members have stated that their election provides them with a democratic mandate unprecedented in Palestinian and Arab politics. Though the PLC is numerically dominated by Fateh, PLC members on the whole have exhibited independence by challenging the executive on a number of issues.

Despite these positive beginnings, and the fact that CPRS polls show 47 percent of Palestinians rate the PLC's performance as "good" or "very good,"[14] the PLC has been thwarted in its first months. By the fall of 1996, the PLC had approved only its internal rules of procedure and confirmed the cabinet of the PA's Executive Authority. As of November 1996, the PLC has yet to approve the Basic Law that would define the structures of the governing authority and the relative roles of the executive, legislative and judicial branches. Considerable concern exists among PLC members and within Palestinian civil society that the PLC will not be able to assert itself institutionally *vis-à-vis* the PA's burgeoning bureaucracy, including the PA's security forces. These emerging bureaucratic structures are powerful institutions that control the flow of funds into the West Bank and Gaza Strip, and the PA leadership has established a reputation of being disposed to appoint individuals to government posts based on nepotism and political favoritism.

Furthermore, PA Ra'ees Yasser Arafat appears unwilling to clarify the lines of authority in the decisionmaking process or to clearly define the relationship between the PA and quasi-statal bodies of the PLO such as the Palestinian National Council (PNC). Without a Basic Law and precedents that provide clarity to the interested public, the lines of authority within the new Palestinian government remain unclear.

In addition to these structural impediments, events since the January elections have

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[14] *The Peace Process, Performance of the Palestinian Authority, Performance of the Legislative Council,* Results of Poll #24, Parliamentary Research Unit, Survey Research Branch, Center for Palestine Research and Studies, Nablus, West Bank, September 26 to October 17, 1996.

complicated matters in the West Bank and Gaza Strip. In the months following these elections, Palestinian terrorist attacks resumed against Israeli citizens in a series of suicide bus bombings that took place in February and March, reportedly in retaliation against the killing of Yehya Ayyesh in the weeks leading up to the Palestinian elections. Further restrictions on travel imposed by Israel in response to these attacks led to increased economic hardship among Palestinians as many were unable to travel to jobs in Israel and East Jerusalem or transport basic goods into the West Bank and Gaza Strip. Widespread arrests, usually without charge, by the PA in an effort to crack down on militant groups opposed to the peace process were criticized by numerous Palestinian and international human rights organizations. Basic freedoms and rights associated with a democracy have not yet been formally guaranteed by law and in several cases have not been respected by the executive agencies in PA. These trends have been reinforced by U.S. and Israeli government pressures to contain terrorism, seemingly at any cost. All of these factors threatened to disrupt the Palestinian transition to democracy.

Another complication emerged with the May election of a new Israeli government, headed by the Likud party leader Benjamin Netanyahu, that had campaigned against the Oslo Accords. Since his election, Netanyahu has refused to implement portions of the Interim Agreement signed by the PLO and Israel in September 1995, and has been less willing than the previous government to make compromises with the Palestinians. Decisions to confiscate more land in the West Bank and Gaza Strip for Israeli settlements and to open to tourists a controversial archeological tunnel by the Dome of the Rock have been flash points in an atmosphere already complicated by confrontational rhetoric. Substantive dialogue and negotiations between the new Israeli government and the PLO have been virtually non-existent. Palestinian popular frustration mounted throughout the summer and eventually exploded at the end of September in three days of clashes throughout the West Bank and Gaza Strip between Palestinian demonstrators and police, and Israeli military and police forces.

The political environment in the West Bank and Gaza Strip remains uncertain, and the successful consolidation of democratic norms will ultimately depend in large part on the role that the PLC will play during the next few years. The election of the PLC partially established the institutional basis for accountable governance within the PA. However PLC members continue to face two major challenges. First, most members campaigned on issues they have no formal power to influence such as Palestinian statehood, the removal of Israeli settlements from the West Bank and Gaza Strip and Jerusalem as the capital of a future Palestinian state. Second, the PA Executive Authority has obstructed the passing of legislation defining the powers and responsibilities of the PLC. Expectations are high but the capacity of the Council to meet them is extremely low. The success of the peace process launched with the 1993 DOP will depend in large measure on the degree to which the autonomous governing authority is seen by Palestinians as responsive to their needs.

By not moving quickly and decisively to define the powers and responsibilities of the Council, the PA's Executive Authority is weakening a potentially important mediating force within Palestinian society. The PLC could perhaps serve the important role of tempering

Palestinian frustrations regarding larger peace process issues if it had the power to genuinely debate and legislate on policy questions that affect Palestinians on a daily basis such as housing, education and health care. While frustrations over the larger questions of statehood, Jerusalem and settlements would undoubtedly persist, the PLC would offer the public some sense of progress and responsiveness on issues that also matter to the daily lives of Palestinians.

New and important relationships have been established between the Palestinian public and decisionmakers in the 1996 Palestinian elections. What the new PLC members lack is support from the PA and recognition of their pivotal role in the Palestinian transition to democratic governance from the international community. The development of democracy in the West Bank and Gaza Strip rests in large part in the hands of those who were elected to represent the people in the Palestinian Legislative Council. Without the authority to respond to the needs and concerns of the Palestinian public, the PLC's ability to fulfill its representative function will be dangerously constrained.

Appendix A

FIRST STATEMENT

NDI/The Carter Center
Pre-Election Monitoring Program
1996 Palestinian Elections
November 16, 1995

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November 16, 1995

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STATEMENT OF FIRST NDI/CARTER CENTER PRE-ELECTION DELEGATION TO THE 1996 PALESTINIAN ELECTIONS

The first pre-election delegation of the National Democratic Institute for International Affairs (NDI) and The Carter Center has concluded a week-long mission to the West Bank and Gaza Strip. This pre-election mission is part of a comprehensive international election monitoring program designed to demonstrate international support for democracy and the electoral process in the West Bank and Gaza Strip and to assess the electoral process in relation to Palestinian law and international norms.

The delegation includes Sakumzi Macozoma, South African Member of Parliament and Chairman of the Election Committee of the African National Congress; Matyas Eorsi, Hungarian Member of Parliament and Chairman of the Foreign Affairs Committee; Karen Shepherd, former Member of the U.S. House of Representatives; and Claudio Grossman, a native of Chile, Vice President of the Inter-American Commission on Human Rights and Dean of the Washington College of Law at the American University in Washington, DC. Representatives of NDI and The Carter Center accompanied the delegation. NDI and The Carter Center are coordinating their international monitoring program with the international monitoring program of the European Union and other national and intergovernmental organizations involved in monitoring the elections. The NDI/Carter Center international monitoring program draws on the resources and experiences of the Institute's work in the West Bank and Gaza Strip since February 1994 in civic and voter education, women's participation, and domestic election monitoring.

The delegation met with representatives of the Palestinian Authority, representatives of political parties and groups, civic leaders, leaders of women's organizations, educators, journalists, diplomats, domestic and other international election monitors, and representatives of the government of Israel. The team met with the caretaker chairman of the Central Election Commission and members of the former Commission on Elections, coordinators of the election offices in the Gaza Strip and the West Bank, district election officers for Gaza City, Gaza North, Gaza-Middle, Khan Yunis, Rafah, Nablus, Ramallah, Hebron and Jerusalem, and teachers involved in voter registration process. The delegation observed registration canvassing in Deir Al Balah, Nuscirat, Shabora and the Swedi section of Rafah camp in the Gaza Strip, Ras Al-Joura and Jabal Al-Rahma in Hebron District, and Al-Izariya and in Jerusalem District.

Mirroring a universal trend, the Interim Agreement and the Palestinian election law call for international observation of the Palestinian elections. In the past 10 years, the National Democratic Institute, often in cooperation with The Carter Center, has organized international monitoring programs for more than 50 elections in every part of the world, including Africa, the Americas, Asia, Europe, the former Soviet Union and the Middle East.

FINDINGS OF THE DELEGATION

We have witnessed a rich process of discussion and dialogue among all sectors of Palestinian society. We are heartened by the enthusiasm we witnessed for registration and for the election process. We are greatly impressed with the commitment and resourcefulness of all the election officials, including teachers who are responsible for the voter registration canvass. There are strong aspirations for democracy throughout Palestinian society. We note that even parties that are skeptical about the elections have nevertheless encouraged Palestinians to participate in voter registration. Recognizing the right of political participation, we are confident that all political groups, even those that will not choose to participate, will respect the rights of each individual Palestinian to make a choice. We value, too, that Israel has committed itself to facilitate democratic elections in the West Bank and Gaza Strip.

These first Palestinian elections, like transition elections everywhere, create new opportunities to raise democratic awareness, involve larger parts of the public to participate in public affairs, lay the foundation for genuinely democratic institutions and satisfy international requirements for the democratic establishment of authority. We congratulate Palestinians for approaching the elections in this spirit. We offer the support of the international community to the opportunities opened for the development of Palestinian democracy.

1. Registration

- **Canvass of Voters.** The registration of voters that begins the Palestinian election process is generally well-organized and enthusiastically accepted by Palestinians in the West Bank and Gaza Strip. The voter registration canvass began on November 12. While there were a few technical and administrative difficulties at the beginning of the canvass (e.g. a lack of identity cards for teachers conducting the canvassing, shortages of some registration

materials, some confusion about transportation arrangements for teachers, and a shortage of canvassers to begin registration of the Palestinians of Jerusalem) election officials seem to be adequately addressing these problems. Our impressions are that canvassers are committed to completing the canvass fairly and thoroughly and that eligible voters generally want to register. This positive beginning of registration is encouraging.

- **Voter Awareness.** We have observed a high level of awareness of the voter registration process, even though the local media have not covered registration canvassing as a significant story. The official voter education campaign of the Central Election Commission (CEC) in newspaper advertisements, through posters and on the broadcast media was evident, although we noted that some television spots were delayed.

- **General Support for Registration Process.** The extremely important registration process seems to have begun well. No one with whom we spoke questioned the legitimacy of the registration process, and Palestinians everywhere we went greeted registration with great enthusiasm. Various concerns were raised about the Interim Agreement, the election system and specific provisions of the election law. None of the parties raising these issues, however, considered them sufficient to question the legitimacy or fairness of the registration process.

- **Identification Documents for Eligible Residents.** The Interim Agreement guarantees that residents without proper identification documents who meet certain criteria can obtain such documents that will allow them to register and vote. Because the canvass is set to end on December 2, the procedure for obtaining identification documents for such individuals should be clarified and explained to the canvassers and the public immediately. Palestinian election officials have told us that radio and newspaper announcements will address this issue in the near future.

2. Timing of Elections

Concern was expressed to us as to whether holding elections as soon as January 1996 will allow enough time for proper preparations, including time to complete registration lists and make administrative preparations or time for parties and candidates to communicate their messages. Key sectors of Palestinian society believe, however, that it is critically important to hold early elections. These sectors trust that the political maturity of Palestinian society will allow for expeditious and effective resolution of election-related issues and complaints.

A maximum effort by all will be required for successful elections to take place in January. Urgent resolution of important technical and organizational issues must occur as soon as possible, including:

- The election law should be approved and measures should be adopted to promote public awareness of its provisions, such as broad distribution of the law or of information about its key provisions.

- Deadlines and procedures for filing as candidates should be established and made public.

- The process for filing appeals of problems with regard to voter and candidate registration should be defined and explained.

- The procedure for obtaining identification documents for individuals without identification documents should be clarified and explained to the canvassers and the public.

- Specific procedures to ensure fair access to broadcast media during the campaign should be established.

- Procedures for providing access to accredited domestic and international election monitors, in accordance with the election law and the Interim Agreement, to all aspects of the electoral process, including election day should be clarified.

- The Central Election Commission should be formed.

We understand that the final election law will make technical changes to address these issues and that the Palestinian Authority will promulgate the new law in the coming days. It is important that the law be announced and the CEC be formed in the very near future.

3. Facilitation of Electoral Process

We were impressed by the spirit of cooperation between the Palestinian and Israeli sides. Because of the complexity of the election, a maximum effort should be undertaken by all relevant actors. In that respect it is crucial to ensure that member of the Israeli administration and military on the ground are properly informed for the elections to proceed smoothly. We expect that these measures will further facilitate the transfer of election materials from Jericho to Gaza at the Erez checkpoint and the issuance of necessary travel permits to qualified Palestinian election officials, in accordance with the terms and spirit of the Interim Agreement.

4. Role of Domestic Monitors

We believe that international monitoring cannot be successful in the absence of domestic election monitoring, and we recognize that nongovernmental organizations have a fundamental role to play in the election process. We are impressed with the efforts of the Palestinian Domestic Monitoring Committee to organize a comprehensive, independent national monitoring coalition, in accordance with the Interim Agreement and the Palestinian electoral law. We note the Interim Agreement's commitment to freedom of movement of accredited domestic election monitors and expect that this commitment will be fully respected.

5. Role of Women

Palestinians from diverse sectors of society also commented on the key role of women in the building of democratic institutions. We hope that election officials, election monitors,

candidates and parties will take into account the particular concerns of women and that these elections will provide greater opportunities for women to participate in the public affairs of their society. We note with satisfaction that the CEC has made a concerted effort to recruit women for all polling station commissions and that the CEC voter education materials feature women and seek to address their concerns.

Appendix B

SECOND STATEMENT

NDI/The Carter Center
Pre-Election Monitoring Program
1996 Palestinian Elections
December 16, 1995

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December 16, 1995

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STATEMENT OF THE SECOND NDI/CARTER CENTER PRE-ELECTION DELEGATION TO THE PALESTINIAN ELECTIONS

An international delegation organized jointly by the National Democratic Institute for International Affairs (NDI) and the Carter Center has concluded a second pre-election mission to review the Palestinian electoral process in the West Bank, Gaza Strip and East Jerusalem. After an intense week of observation and analysis, the delegation is encouraged by the emerging focus of the political discussion on democratic procedures that has occurred in recent days among groups across the political spectrum. Despite a substantially compressed timetable, the registration process seems to have gone rather well, and the prospects for an election without violence or disruption have improved over the last month. The peace process has permitted elections; in turn, it now appears that free elections could strengthen the peace process.

The delegation includes Ambassador Harry Barnes and Dr. Robert Pastor from The Carter Center; Dr. Alex Grigorievs, former member of the Latvian Parliament; Dr. Mohamed Guessous, leader of the Socialist Union of Popular Forces in Morocco; and Thomas O. Melia, Senior Associate at NDI. The delegation held meetings with Yassir Arafat and officials of the Palestinian Authority (PA); leaders of virtually all political parties and groups; journalists and human rights activists; civic leaders, domestic observers, candidates and election officials; and Israelis.

Throughout the pre-election period, NDI and Carter Center representatives based in the West Bank and Gaza Strip will continue to monitor preparations for the elections, voter and candidate registration, the campaign, political environment, media coverage of the elections, the

role of security forces and voter education efforts. At the time of the elections, NDI and The Carter Center will organize a multinational delegation of election and regional experts, elected officials, and political party leaders, led by former U.S. President Jimmy Carter.

The delegation was encouraged to hear Palestinian leaders, including those from Islamist groups, describe the elections as the basis of political legitimacy and the key to long term stability. These leaders told us that they want the elections to proceed without disruption or violence, whether they eventually choose to participate or not. Chairman Arafat is presently engaged in a dialogue with Islamist critics of the PA and the Oslo accords that we hope will lead to their participation in the elections. We hope this dialogue may be expanded to other groups so as to integrate all Palestinians into a peaceful political process.

All political groups with whom the delegation spoke welcomed the presence of international observers as an essential element of these elections. This represents their recognition of the importance of a transparent and accountable electoral process and the positive role that the international community can play in reinforcing the process. We also note the importance of monitoring by impartial, civic-minded Palestinians as provided in the election law and the Interim Agreement, and we appeal to the PA and the Central Election Commission (CEC) to facilitate their work.

For the electoral process to succeed, it is necessary that the PA demonstrate greater respect for human rights, freedom of speech, and the rule of law. We are concerned about the serious reports of press censorship, arbitrary detention without due process, torture, and even deaths in detention. Many Palestinians also expressed their concern about the intrusion of a growing security apparatus into many aspects of civil society in a manner that inhibits debate and dissent.

The PA needs to take immediate steps to dispel these fears and create an open environment more conducive to meaningful elections. Toward that end, we recommend the following:

- First, the Attorney General needs to respond fully to the requests of the Independent Commission on Human Rights and others for investigations of human rights violations.

- Second, the delegation recommends the establishment of a legal framework for independent radio and television and the modification of the Press Law of June 1995 to respect rather than inhibit freedom of the press and speech.

- Third, the encouraging recognition by the PA of the need for access to the media for all candidates ought to be reinforced by timely publication and implementation of specific guidelines. It is essential that all candidates will have equitable access to the media to present their messages and that news programming by the Palestinian Broadcasting Corporation will also reflect balance and fairness.

- Fourth, more broadly, PA officials, including the security services, should take prompt steps to assure the public that the people's rights to express their views freely will not be infringed.

Our delegation has witnessed many elections in transitional countries, and in most cases, the registration process has been delayed and marred with serious irregularities. Here, we have heard no serious complaints about the process to date, despite the last minute shortening of the registration period or about the impartiality of election officials. Indeed, the polling station officials have been widely praised for their diligence and impartiality.

The preliminary voters' lists were completed on time and sent to the polling stations. Although the lists unfortunately have not always been posted at the stations, and voters do not seem to be checking for errors, the election officials have been working hard to review the lists and send their corrections to the District Election Offices. The range of errors varies a good deal, but we were informed that the rate of error on the preliminary list averages at this time about 5 percent. If this statistic turns out to be accurate, that would represent a great accomplishment. According to the official timetable, the final list will be sent to all polling stations on December 30, and we hope that officials post it immediately so that all parties and voters can check the names. This will reduce uncertainty on election day.

To hold elections on January 20 will require a vigorous commitment to the electoral framework and timetable. The Central Election Commission (CEC) should have been appointed much earlier but certainly before the beginning of candidate nominations on December 14. It is now urgent that the new Commission as well as the Election Appeals Court be appointed immediately and that the CEC publicize the final timetable in order to provide transparency and predictability in the closing month of the electoral process.

Based on experiences in other countries, we anticipate that fears of multiple voting by some could emerge as the election day approaches. We therefore suggest that the new CEC consider at this time two widely used techniques to enhance public confidence in the integrity of the process: indelible ink and signing the registration list by each voter.

We have been impressed by the cooperation between Palestinian and Israeli authorities thus far on virtually all issues related to the electoral process. The decision by Israel to expedite redeployment is one measure of this cooperation, as was the smooth procedure for reviewing the electoral list. The fulfillment of all commitments undertaken in the Interim Accords, including the release by Israel of Palestinian prisoners, as agreed, will bolster confidence in the process. Israel should facilitate travel between the West Bank and Gaza for Palestinian election officials, who have been hindered on occasion in their work. Both parties also need to give greater attention to the need for easier access and mobility for other Palestinians traveling between the West Bank and Gaza for election-related purposes, such as journalism, civic education, political party development, domestic monitoring, and international observation.

This election must be understood in its historic context. After many decades of conflict, Palestinians in the West Bank, Gaza, and East Jerusalem have their first opportunity to choose their leaders in a general election. It is clear to us that no one is fully satisfied with the Oslo Accords. Both Israelis and Palestinians have had to make painful and difficult compromises to reach this point. But as the process of self-determination envisaged in the Accords acquires more

substance for the Palestinians, more and more of them are coming to rely on democracy as the best mechanism for addressing their concerns. New political parties and coalitions are taking shape; candidates are coming forward; people are beginning to debate their future in a framework of peace and pride. Even while the graffiti of the recent past is so evident, a new language of democratic discourse is emerging and gradually re-shaping the political landscape.

We are worried about the chilling effect that the actions of security services are having on Palestinian democratic development. Nonetheless, of all that we witnessed, what impresses us the most is the determination of the overwhelming majority of the Palestinian people to secure their rights and establish a peaceful political culture that could serve as a basis for a democratic society.

Appendix C

THIRD STATEMENT

NDI/The Carter Center
Pre-Election Monitoring Program
Palestinian Elections
January 2, 1996

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THIRD STATEMENT OF THE NDI/CARTER CENTER PRE-ELECTION MONITORING PROGRAM

The National Democratic Institute (NDI) and The Carter Center continue to monitor the pre-election environment in advance of the January 20 elections for the Council and Ra'ees of the Palestinian Interim Self-Governing Authority. In order to ensure that Palestinian voters, election organizers, candidates and responsible officials remain informed of our findings, The Carter Center and NDI issue periodic public assessments of the preparations for the elections. This third statement is being issued three weeks before election day, as the electoral calendar, after considerable fluidity in recent weeks, appears to have been clarified.

Overall, we remain encouraged by many aspects of this important process, particularly by Palestinian enthusiasm for elections and by the laudable efforts of the Polling Station Commissioners and District Election Officers who continue to surmount challenges in preparing for the elections. Administratively and technically elections can be conducted on January 20 provided that further major alterations in the framework and in the calendar are not introduced. Nevertheless, we are increasingly concerned that some environmental problems raised earlier have not been addressed and in some cases have worsened.

Of particular concern is the lack of a stable framework for the elections, an issue that the European Union Election Unit and other observers have also raised. An election law exists, and

timetables have been promulgated and announced, but they have been frequently changed by the Central Election Commission (CEC) and the Palestinian Authority. Important components of the election process, including the length of time for the campaign, the number of seats in the Council, the procedure and timetable for registering voters and the timetable for registering candidates have been altered several times without public explanation by authorities. While some of these changes have been made to promote greater participation in this first Palestinian election, they also may increase voter confusion and diminish public confidence in the electoral process. Election officials have asserted that they may not be able to respond to all the changing procedures. A further concern is that the Council seats appear not to have been allocated in proportion to the number of inhabitants in each constituency, as required by law, which could weaken the principle of fair representation. We recommend that the population figures used for the allocation be made public to clarify the matter.

The recent arrest and continuing detention of *Al-Quds* Editor Maher Al-Alami furthers concerns about respect for freedom of speech. NDI and the Carter Center have raised the issue of press freedom in the past and are concerned that the circumstances of this detention suggest a worsening of the situation. NDI and the Carter Center add their voices to those calling for the immediate release of Mr. Alami and others who have been detained without due process.

In previous statements, NDI and the Carter Center have stressed the importance of balance in the media and the need for specific guidelines for the role of the Palestinian Broadcast Corporation (PBC) during the campaign. The CEC and PBC have drafted an agreement governing access to the broadcast media during the campaign. This agreement should be completed and promulgated as soon as possible, and provisions allowing for access free of charge should be respected, in accordance with Article 57 of the election law. The draft agreement reserves time for candidate spots on the radio but not on television. The agreement also calls for "balanced coverage in news and current affairs media" and specifies that the PBC should ensure that "the total time allocated to each party or candidate matches roughly the number of candidates." At present access to the television is unbalanced as the December 30 report by Reporters Sans Frontieres documents. This imbalance should be corrected.

We are also concerned about voting procedures for police officers, who will not be registered at the polling station where they vote. According to volume three of the CEC's *Manual of Instruction and Guidance of Members of Commissions and Offices*, the officers are required to turn in their voter certificates when they vote. This provides a check on multiple voting, but care should be taken over the distribution of certificates and observers should track the number of certificates turned in on election day to check against registration figures. As NDI and The Carter Center have suggested previously, the use of indelible ink on fingers provides another way to assure the public that the possibility of multiple voting has been reduced.

We commend the Central Election Commission for having addressed some issues that have been raised by observers. For example, some 200 volunteers of the Palestinian Domestic Monitoring Committee (PDMC) have now received their credentials. As the PDMC hopes to have more than 2,000 monitors by election day, we hope that the remainder will also receive credentials in a timely manner. Despite its late establishment, recent statements from the CEC

warning against early campaigning and the use of Palestinian Authority resources by candidates are helping the Commission establish the necessary reputation for independence. Nevertheless, the well-known partisan affiliation of several members of the Commission will necessitate extra effort to demonstrate its impartiality and independence.

As 1996 begins, peace and prospect of democratic elections have brought hope to Palestinians and the friends of Palestinian democracy around the world. The realization of these hopes depends in part of how Palestinians meet the challenges of these first elections, which help determine the nature of the future political system in the West Bank and Gaza.

Appendix D

PRELIMINARY POST-ELECTION STATEMENT

The Carter Center/NDI
International Delegation
To The Palestinian Elections
January 21, 1996

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PRELIMINARY STATEMENT OF THE CARTER CENTER/NDI INTERNATIONAL DELEGATION TO THE JANUARY 20, 1996 PALESTINIAN ELECTIONS

We are an international delegation of 40 leaders from 11 countries sponsored jointly by The Carter Center and the National Democratic Institute for International Affairs (NDI). We are offering a preliminary assessment of the January 20 Palestinian elections in the West Bank, Gaza Strip and East Jerusalem, recognizing the counting of the votes and the resolution of complaints has yet to be completed.

Our delegation was deployed to all 16 constituencies and visited more than 200 polling stations during the day, asking a set of questions that permitted us to develop a fuller picture of the events than anyone of us could have individually. The delegation includes former heads of state and government, retired diplomats and journalists, elected officials, political party and civic leaders, regional specialists and election experts.

We saw problems before election day, and we saw them on the day of the voting. We do not want to conceal our concerns or minimize the irregularities. To the contrary, we want to raise them in the hope and belief that they will be corrected in the future. Nonetheless, our overall conclusion is that the Palestinian people had an historic opportunity to choose their leaders yesterday, and they did so with enthusiasm and a high degree of professionalism. We view elections, however, in the broader context of democratic development.

This international delegation was invited and welcomed by the Palestinian Authority, the government of Israel, political parties, electoral authorities and Palestinian civic organizations. We were provided access to all stages of the election process and coordinated our activities closely with the European Union Electoral Unit (EUEU) and the several other national and intergovernmental delegations associated with the EUEU. Our delegation came to witness the elections and to report to the public on our observations. But the views that matter the most are those of the Palestinian people; they and they alone will determine the legitimacy of these elections.

The primary purposes of the delegation have been to demonstrate the support of the international community for the peace process and for democratic governance by Palestinians and to provide an objective assessment of these elections. We also have sought to learn about the emerging political process and its implications for democratic Palestinian institutions.

The delegation's mandate included the examination of three aspects of the election process: the pre-election period, the balloting and counting on election day, and the tabulation of results to date. This statement is a preliminary assessment of these issues. In the pre-election period, we relied on the reports of two missions in November and December and on the civic education program conducted by NDI in the last two years. The statements of the two multinational pre-election missions applauded the dedication of Palestinian election officials, the spirit of cooperation between Palestinian and Israeli officials, and the strong support for the elections among the Palestinian public. The second mission was impressed by the consensus among Palestinians that elections were the basis of political legitimacy. At the same time, the missions expressed concerns about the election timetable, threats to freedom of expression and the inequities of the broadcast media. Notwithstanding the limited campaign period and access to the media, candidates told us they were able to communicate their messages to the electorate.

The principal delegation arrived the week before the election. We had intensive briefings and meetings with representatives of the Central Election Commission (CEC), representatives of political parties and independent candidates for the Palestinian Council, both candidates for Ra'ees, journalists and human rights activists, independent analysts, Palestinian and international election monitors, and Israeli officials. The delegation then divided into 21 teams and deployed throughout the West Bank and Gaza Strip and also in East Jerusalem. The delegation's teams held similar meetings at the local level and then observed the voting, counting and tabulation processes.

We will issue a more detailed report later but here are our preliminary conclusions:

These elections were envisaged by the Camp David Accords and constitute the fulfillment of one of the most significant portions of the Oslo Accords. They also represent a significant step forward for the democratic process. To assess the election, one needs to understand that it emerges from a continuing peace process in which the political environments in the West Bank, Gaza, and East Jerusalem are quite different from one another.

The delegation was impressed by the high voter turnout, in all areas except East Jerusalem and parts of the city of Hebron, demonstrating the intense interest of the Palestinian people in expressing their will through the electoral process.

We are encouraged by the strong role played by non-governmental organizations in the election. To take just one example, the Palestinian Domestic Monitoring Committee fielded 1,500 well-trained pollwatchers that were present throughout the West Bank and East Jerusalem. They concluded that "the electoral system worked, despite serious challenges." We share this conclusion, and believe that the work done by the PDMC and other NGOs, like the Palestinian Center for Human Rights, which fielded observers in Gaza, is absolutely crucial to the long-term success of Palestinian democracy. We were also pleased to see so many poll-watchers, representing parties and candidates.

We were impressed too by the dedication and professionalism of the many teachers and other Palestinian citizens who served as polling station officials and by the generally efficient organization of the electoral administration, particularly considering the compressed time period of the electoral process.

Pending future Israeli-Palestinian negotiations, accommodations were found that would provide an opportunity for Palestinians of Jerusalem to participate in these elections without pre-judging the outcome of those negotiations. The agreement to undertake voting in East Jerusalem post offices was a compromise, and four-fifths of the registered citizens of East Jerusalem were required to leave the city and travel distances to cast their ballots at polling stations outside the municipality. A prevailing spirit of cooperation and compromise between Israeli and Palestinian officials permitted the resolution of last-minute disputes over assignment of registered voters to polling places in East Jerusalem and the extension of polling hours on election day.

Prior to the elections, there was widespread fear of disruption at the post offices in East Jerusalem. At the beginning of voting day, Israeli security forces were present in large numbers in front of the post offices, and a number of accredited domestic observers were detained. We were concerned about the videotaping of voters, and that the security presence was excessive and likely was one of the factors explaining the low voter turnout. We immediately conveyed our concerns to the Israeli military authorities. We were pleased that during the course of the day, the Israeli government was constructive and responsive to these concerns. They released the domestic observers, and reduced the size of the military presence outside of the post offices. With some exceptions, they facilitated transportation out of Jerusalem, and they curtailed videotaping of voters. The overall situation improved during the course of the day, and apparently, voter participation increased in the afternoon.

In other areas, the delegation did observe problems, and irregularities during the course of the voting. These included: cases of intimidation by party agents and Palestinian security officials, particularly in certain parts of the Gaza Strip; campaign activities within polling places; some disorganization particularly in polling places with high turnout and some imprecision in procedures for checking voter's identity; and some problems with the secrecy of the ballots.

The newly elected members of the Palestinian Council will assume great responsibility for guiding the development of democratic institutions, including their own. We hope that the Ra'ees and the Council will work to promote a deliberative body that is independent, accountable to the people, and transparent in its activities. The development of a rule of law is essential to promote human rights and democratic processes, including periodic elections.

For too long, Palestinians and Israelis have seemed condemned to mutual fears and suspicions, and to a tragic cycle of violence. The Oslo Accords and the elections are courageous efforts to escape from the past and to build a new future. We hope that the international community will remain involved in the development and democratic process. Progress in the peace process will be advanced as Israelis and Palestinians work together in a spirit of tolerance, dialogue, and mutual respect. We hope these elections will be a critical element in the success of this journey.

Appendix E

POST-ELECTION STATEMENT

NDI/The Carter Center
January 29, 1996

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NDI/CARTER CENTER CONTINUE MONITORING: RECOMMEND PUBLISHING FULL RESULTS FOR REVIEW

This second post-election statement to the public on behalf of the National Democratic Institute for International Affairs (NDI) and The Carter Center is based on the continuing joint effort by the two organizations to monitor the tabulation of results and disposition of complaints that have arisen. In our preliminary post-election statement, presented by former President Jimmy Carter on January 21, we concluded that "The Palestinian people had an historic opportunity to choose their leaders yesterday, and they did so with enthusiasm and a high degree of professionalism." Nothing we have seen since that day has led us to revise that conclusion. Nonetheless, the election process will not be concluded until each step envisioned in the election law is completed and all concerns and complaints of the candidates have been fairly addressed. With other international and domestic observers, NDI and The Carter Center continue to monitor this process. In addition, NDI and The Carter Center will observe new elections called for on January 31 in two polling stations in Gaza North.

Although no one disputes the outcome of the election for Ra'ees and the vast majority of Council results, concerns have been raised in a few constituencies about the tabulation process when the results from all polling stations were aggregated. The NDI/Carter Center team is in the process of reviewing these concerns. We have found a few cases of incorrectly transferred numbers on the constituency tabulation forms and some delays and disorganization in the process. Nothing brought to our attention yet, however, persuades us that any election results should be considered erroneous or in doubt.

In Jenin, Jerusalem and Ramallah signed protocols and ballots from five out of 371 polling

stations remained at the polling stations for more than a day after the voting. Other protocols were misplaced within tabulation centers in Hebron and the Jerusalem district, because of the lack of a tracking mechanism for incoming protocols. In Gaza City, Gaza North, Khan Younis, Hebron and Jerusalem some candidates' agents were improperly prevented from entering tabulation centers, although international observers were present and candidates' agents had been able to observe counting of the votes at the voting site in virtually all cases.

The fact that a protocol remained at a polling station for some time after it should have been delivered to the District Election Office or was misplaced is reason for concern. However, this alone does not indicate that the results were falsified. In cases where candidates' agents, domestic Palestinian observers or international observers were present throughout the count and recorded the vote totals they witnessed, it is possible to verify the officially recorded results. If necessary to resolve the controversy, the ballots from a particular ballot box could be recounted.

In Jerusalem, NDI/Carter Center observers went on January 24 with a representative of the District Election Commission and a candidate to polling station 65, found the protocol and the ballots for that polling station, and confirmed the results on that protocol were the same as figures that had been recorded by the candidate's agent. Likewise, in Jenin, the protocol for polling station 104, when located on January 22, was verified against the records of candidates' agents. This independent confirmation in these two cases is a reassuring example of how these and other problems can be resolved and of how the review process is working in some cases. We are encouraged that election officials are facilitating this review as is their duty. We urge candidates and observers who have questions about specific polling stations to review those results in a similar manner so that the process can be completed as soon as possible.

To facilitate and expedite this review and to allay suspicion, we have suggested that the Central Election Commission (CEC) publish the results polling station-by-polling station and make copies of the signed protocols available to anyone who questions the results of specific polling stations. We are gratified that the CEC is undertaking a full scrutiny of the results and soon will be making available to the public results from each polling station. The publication of the results will allow candidates to check the figures against their own signed copies of the protocols and also provide for independent verification against the records of international and domestic observers. Where there are discrepancies between a signed copy of a protocol held by a candidate and the official results for that polling station, these discrepancies should be fairly resolved through the CEC or through appeals to the Electoral Appeals Court.

We are encouraged that Palestinians are pursuing the implementation of a fair and democratic electoral process. Continuing efforts to ensure the transparency of the final steps of this process will further strengthen the foundation upon which Palestinian democracy is being built.

Appendix F

JOINT PRESS RELEASE OF HAMAS
AND THE PALESTINIAN NATIONAL AUTHORITY
Cairo, Egypt
December 21, 1995

A meeting was held between the PNA delegation headed by Salim Al-Za'noon and the HAMAS delegation headed by Khaled Masha'l from the 18th to the 21st of December 1995.

The meeting was part of the continuous dialogue between the two sides so as to reach a concrete basis that promotes Palestinian unification, serve the Palestinian commonwealth, and fulfill the Palestinian interests of self-determination and build our state with its capital Jerusalem. Many issues were on the agenda that the two sides discussed:

1. The Palestinian unification and the means to protect and promote it.
2. The Palestinian election for the legislative council.
3. The relationship between the PNA and HAMAS.
4. The PNA and PLO obligations.

The dialogue was run in a very friendly atmosphere. The dialogue was free and clear and each side was careful to understand the other side so as to promote democratic relations among the Palestinian people and its political factions. The two sides agreed on:

1. Insuring the national unification on the basis of political pluralism. The fighting is prohibited and adopting the dialogue as the only civilized principle for the different Palestinian factions to deal with each other.
2. Insuring the preparations for an atmosphere to deepen trust and cooperation for the unification of the Palestinian people so as to fulfill Palestinian goals.
3. Insuring that everyone will do his best to release all prisoners from Israeli prisons.
4. Organizing a joint committee to solve all incidental problems.

For the negotiations about the elections for the Palestinian Council and the obligations of the PNA, HAMAS insisted that it would not participate and also would not oblige anyone to boycott the election because HAMAS is not aiming to embarrass the PNA. The things that were reached--with the help of God--in this round are a positive and important step so as to continue the democratic friendly dialogue. In this context, there was an agreement to continue the meetings to deepen the brotherhood relations and for more understanding among the people of the same nation.

Both sides thanked the government of Egypt and its President Mubarak.

Khaled Masha'l *Salim Al-Za'noon*

Appendix G

Central Elections Commission Press Relations Office

The Central Election Commission

The new Central Election Commission (CEC) appointed by a President Decree on December 21, 1995 is responsible for the organization and supervision of the elections for the Palestinian Council and the President of the Palestinian National Authority to be held on January 20, 1996. Its tasks and competencies are defined by the Electoral Law published on December 7. 1995. The CEC consists of ten members, mainly university rectors and lawyers. Its chairman is **Mahmoud Abbas** (Abu Mazen). Abu Mazen played a key role in negotiating the Oslo Agreement. He signed the Declaration of Principles on Interim Self-Government Arrangements on behalf of the PLO in Washington, DC on September 13,1993

The other members are:

Ali Safarini, Esq.
Lamis Alami
Dr. Gabi Baramki
Dr. Muntheir Salah
Tawfiq Abu-Ghazaleh, Esq.
Dr. Muhammad Shtayyeh
Ibrahim El-Saqa, Esq.
Dr. Riyyad El-Khadri
Dr. Hassan Abu Libdeh

For the preparation and conduct of the elections the CEC has established the District Election Offices (DEOs) and Polling Station Commissions (PSCs).

The first task of the preparation of the elections was the **voter registration** which was conducted in a huge canvass throughout the West Bank, including Jerusalem, and in the Gaza Strip. A draft Electoral Register was published on December 10,1995. After examination of claims and appeals the final Electoral Register was published on December 30, 1995. A supplementary register will be published on January 17, 1996.

The **registration of candidates** was open from December 14 to December 23 and from December 30 to December 31. After the end of the nominations period the CEC published the Provisional Statement of Persons Nominated. After a three day period for appeals and objections to nominations the CEC will publish the Final Statement of Persons Nominated on January 5, 1996. On the same day the election campaign will start.

For the **election campaign** the CEC will publish a list of all venues and facilities available for rallies and meetings. It is also responsible to assure that the campaign activities correspond to the conditions set out in the Electoral law.

On the **election day** the CEC through the DEOs and PSCs organises the polling and the count of votes. It then publishes the results of the votes.

The CEC is also responsible for the co-operation with the **International and Domestic Observers**.The CEC will supply observers with all information they ask for. Observers must be accredited by the CEC. Invited international observer delegations are being coordinated by the European Union through the headquarters of the EU-Electoral Unit in Ramallah.

The CEC also deals with **complaints** such as offenders of a candiate against the electoral law or alleged discrimaination of candiates. A special Elections Appeals Court will deal with questions that cannot be solved on a lower level.

The preparations of the elections were first conducted under the responsibility of the Palestinian Commission for Local Government and Elections (PCLGE) appointed by a Decree of President Yasser Arafat in December 1993. This commission that later was renamed as Central Election Commission acted under the authority of the minister for local government affairs, Dr. Saeb Erakat, and was especially responsible for the voter registration campaign.

Press Relations Office

Fax: 02-998 64-77

Appendix H

Central Election Commission Press Relations Office

The 16 constituencies

For the first election of the Palestinian Council on January 20, 1996, sixteen constituencies have been established in the West Bank, including Jerusalem, and in the Gaza Strip. The distribution of mandates corresponds to the total population in each district in order to guarantee a just representation of all Palestinians in the 83 member Council.

District	Mandates	Polling Stations
1. Jerusalem*	6	164
2. Jericho	1	22
3. Bethlehem*	4	88
4. Jenin	6	145
5. Hebron	9	230
6. Ramallah*	7	162
7. Salfit	1	34
8. Tubas	1	25
9. Tulkarem	4	99
10. Qalqilya	2	54
11. Nablus**	8	175
12. North Gaza	7	82
13. Gaza City*	10	183
14. Central Gaza (Deir El-Balah)	5	72
15. Khan Younis	7	106
16. Rafah	5	55
	83	1696

*Within the constituency of Jerusalem two seats are reserved for declared Christian candidates, as well as two in Bethlehem, one in Ramallah, and one in Gaza City.
**Within the constituency of Nablus one seat is reserved for the Samarian minority.

ALLOCATION OF SEATS PER CONSTITUENCY

Please be informed that the allocation of Council seats per constituency has been issued by three Presidential Decrees: (1) on December 14, (2) December 28 and (3) December 30, 1995.

The final allocation of seats is as follows:

GAZA

Gaza North	7
Gaza City	12 (of which 1 is a Christian seat)
Gaza Central	5
Khan Younis	8
Rafah	5
Total	37

WEST BANK

Jerusalem	7 (of which 2 are Christian seats)
Jericho	1
Ramallah	7 (of which 1 is a Christian seat)
Bethlehem	4 (of which 2 are Christian seats)
Jenin	6
Hebron	10
Nablus	8 (of which 1 is for Samarian Jews)
Tubas	1
Salfit	1
Tulkarem	4
Qalqilya	2
Total	51
Grand Total	88 seats

Appendix I

LAW NUMBER 16 OF 1995
Relating to the Elections

The President of the Executive Committee of the Palestine Liberation Organization, President of the Palestininian Authority.

Having seen the Basic Law of the Palestine Liberation Organization,
having seen the Law number 5 of 1995, referring to the Transfer of Powers and Competences,
having seen the Electoral Law for the Council of Representatives number 24, of 1960, and the Laws amending it,
having seen the Resolution number 32 of 1960, of the Administrative Governor General, regarding elections in Gaza,
having the approval of the Executive Committee of the Palestine Liberation Organization, with the participation of the Presidency of the Palestinian National Council,
having the approval of the Council of the Palestinian National Authority, and based upon the powers bestowed in me, and the requirements of the general public interest,
I hereby promulgate the following Law:

Article 1: The title of this Law is "Amended Palestinian Elections Law number (16) of 1995", and it shall enter into force upon its publication in the Palestinian Gazette.

Article 2: Paragraph 1 of article 13 of the Law is amended as follows:
"The Council shall be formed by 88 members elected by the Palestinian people of the Gaza Strip and the West Bank, including Jerusalem, by means of free and direct elections, in accordance with the provisions of this Law."

Article 3: The following sentence is added at the end of article 43, paragraph 2 of the Law:
"The President may in accordance with the general public interest extend the period for nominations".

Article 4: If the President makes a decision to extend nominations under Article 3 above, any claim against decisions of the Central Election Commission to accept or reject such nominations shall be submitted within 24 hours of the decision of the Central Election Commission being published. The Election Appeals Court shall adjudicate any such claim within 2 days of its being submitted.

Article 5: The period of 22 days defined in Article 45, paragraph 1, of the Law is replaced by a period of 14 days.

Article 6: The period of 22 days defined in Article 55, paragraph 1, of the Law is replaced by a period of 14 days.

Article 7: Any other provision not in accordance with this Law is repealed.

Article 8: All parties responsible shall implement this Law.

Issued in Gaza City on 29 December 1995.

Yasser Arafat
President of the Executive Committee of the Palestine Liberation Organization,
President of the National Palestinian Authority.

Appendix J

Results of the Legislative Council Elections by Political Party Affiliation

Affiliation	*Candi-dates*	*Votes*	*Votes Percentage*	*Winners*	*Winners Percentage*
Independents	270	1,087,200	57.44%	22	43.14%
Palestinian Democratic Union	1	3,195	0.17%	0	0.00%
National Palestinian Assembly (Almad)	3	2,635	0.14%	0	0.00%
National Independent Coalition	3	6,813	0.36%	0	0.00%
Islamic Jihad Movement (Alaqsa Militia)	1	2,647	0.14%	0	0.00%
Arab Baath Socialist Party	1	2,230	0.12%	0	0.00%
Palestinian People Party	19	87,399	4.62%	0	0.00%
People Struggle Front	9	15,336	0.81%	0	0.00%

Arab Liberation Front (Temporary Leadership)	3	11,208	0.59%	0	0.00%
Future Coalition	4	6,548	0.35%	0	0.00%
Independence and Liberation Coalition	5	57,516	3.04%	1	1.96%
Fateh	43	561,003	29.64%	27	52.94%
Fida	6	49,079	2.59%	1	1.96%
	368	1,892,863	100.00%	51	100.00%

APPENDIX K: POLLING DAY REPORT

Team no:.....	Constituency code.....
PSC Code.....	Visiting hours.....

Opening of the Poll *(If observed)*:

1. When did the polling station open: _____:_____
2. Was it verified that the ballot boxes were empty before they were sealed?.....Y N

Comments:.....

Arrangements at the polling station	Y	N
3. Is the polling station free from campaign materials.....	☐	☐
4. Are the two ballot boxes locked and visible to party agents and observers?.....	☐	☐
5. Is a copy of the voters register displayed?.....	☐	☐
6. Are unauthorized police/security forces present inside the polling station?.....	☐	☐

7. Number of party/candidate agents present in the polling station:____If possible indicate party

1 2 3 4 5 6 7 8 9 (see list for party names)

8. Are there any Domestic observers present in the polling station?.....	☐	☐

Comments:.....
.....

Polling Process	Y	N
9. Are the voters identities checked against the electoral register?.....	☐	☐
10. Are the voters names crossed in the electoral register?.....	☐	☐
11. Is anybody refused permission to vote? **If Y, specify the reason**.....	☐	☐
12. Are the ballot papers and envelopes stamped with the official stamp?.....	☐	☐
13. Are voters marking the ballot papers in secrecy (in the booth, one person at a time)...	☐	☐
14. Are illiterate/incapable voters assisted according to the rules?..... (No answer=not observed)	☐	☐
15. Is any intimidation of voters observed?.....	☐	☐

16. Did all or most of the party/candidate agents and domestic observers indicate that there were

☐ No problems ☐ A few, but not significant ☐ A few significant ☐ Many significant

17. Overall evaluation ☐ Very well ☐ Satisfactory ☐ Bad

Comments:.....
.....

Appendix L

Palestinian Council Elections
Central Elections Commission
Final Election Results

RAFAH Constituency
Number of seats (5)
Seats for Christians (0)

Name of Elected Candidate	Affiliation	Number of Votes
Abed Rabu Hussain Abu' own	Fateh	18369
Muhammad Hijazi	Fateh	11584
Rawhi Ahmad Fatuh	Fateh	11524
Abdul Aziz Shain	Fateh	11459
Sliman Salam El-Roumi	Independent (Islamist)	10659
Top Two Losing Candidates		
Abdullah Abu Samhadaneh	Fateh	
Abdul Aziz Ibrahim Shuaquy	Independent	

KHAN YOUNIS Constituency
Number of seats (8)
Seats for Christians (0)

Name of Elected Candidate	Affiliation	Number of Votes
Nabil Sha'ath	Fateh	22931
Jawad Khleel Hassan Alteiby	Fateh	19441
Rafat Outhman El-Najar	Independent	14473
Ibrahim Abu El Naja	Fateh	13960
Ahmad El-Shibie	Fateh	13953

Hasan 'Asfour	Independent (Fateh Bloc)	12639
Ahmed Naser	Fateh	11465
Abdel Karem Mahmoud Muslim Abu Salah	Independent	9209
Top Two Losing Candidates		
Zakaria Ibrahim Agha	Fateh	
Farouq Hamdi Farra		

DEIR AL-BALAH Constituency
Number of seats (5)
Seats for Christians (0)

Name of Elected Candidate	Affiliation	Number of Votes
Frieh Abu Miden	Fateh	12168
Sa'di Al-Krunz	Fateh	11713
Jamileh Sydem	Fateh (Female)	8511
Ibrahim Ismaeel Ahmad Al-Habash	Independent	7926
Jalal Al-Masdar	Independent	7891
Top Two Losing Candidates		
Sami Ismae'l Messleh	Fateh	
Abdul Fatah Al-Nouri	Independent	

GAZA CITY Constituency
Number of seats (12)
Seats for Christians (1)

Name of Elected Candidate (# indicates that the candidate is a Christian)	Affiliation	Number of Votes

Haydar Abdul Shafi	National Democratic Coalition	58119
Fakhri Shaqourah	Fateh	54997
Nahid Al-Rayiss	Fateh	40925
Entisar Al-Wazir	Fateh (Female)	40896
Riyad Al-Za'noun	Fateh	39596
Ziyad Abu 'Amer	Independent	31748
Wajieh Yaghie	Independent (Islamist)	31555
Musa Mahmoud Hamed El-Za'bout	Independent (Islamist)	23531
Marwan Kanafani	Independent (Fateh Affiliate)	22994
Yusef Al-Shantie	Independent	22607
Rawya Al-Shawa	Independent (Female)	18283
# Farj Al-Saraf	Fateh	7893
Top Two Losing Candidates		
Abdul Fatah Hameed	Fateh	16578
n/a		

NORTH GAZA Constituency
Number of seats (7)
Seats for Christians (0)

Name of Elected Candidate	Affiliation	Number of Votes
Yusef Abu Safieh	Fateh	12342
Fu'ad 'Eid	Fateh	12057
Hisham Abu Razaq	Fateh	10682

Abdul Rahman Hamad	Fateh	10510
Karam Zrandah	Independent (Islamist)	9265
Kamal Al-Sharafi	Independent (PLFP)	7857
Emmad Al-Falouji	Fateh (Islamist)	8529
Top Two Losing Candidates		
Mohammed Abdul Jawad Okasha		
Khader Hussein Abu Nada		

JERUSALEM Constituency
Number of seats (7)
Seats for Christians (2)

Name of Elected Candidate (# indicates that the candidate is a Christian)	Affiliation	Number of Votes
Ahmad Q'rei (Abu Ala)	Fatah	18839
# Hanan Ashrawi	Independent	17944
Ahmad El-Batsh	Independent	9846
Ziad Abu Ziad	Independent	8434
Hatim 'Eid	Fatah	8307
Ahmad Hashim El-Zg'aer	Fateh	7447
# Emil Jargou'i	Fateh	5228
Top Two Losing Candidates		
Zahira Kamal	Fida	7363
Atta Dhyab El-Hilu	Independent	7003

JERICHO Constituency
Number of seats (1)
Seats for Christians (0)

Name of Elected Candidate (mark # indicates candidate is Christian)	Affiliation	Number of Votes
Sa'eb Ereqat	Fatah	6291
Top Two Losing Candidates		
Ibrahim Balo Jalyta	Independent	1819
Mahmoud Hamad 'Atifat	Independent	1359

BETHLEHEM Constituency
Number of Seats (4)
Seats for Christians (2)

Name of Elected Candidate (# indicates candidate is a Christian)	Affiliation	Number of Votes
Assad Suleman Hassan AbdelKader (Salah al-Tamari)	Independent	17774
Daoud Hassan Mohammed Alzeer	Independent	9531
# Bishara Sliman Daoud	Independent	6161
# Mitri Tanas Jarees Abu Attea	Independent	5617
Top Two Losing Candidates		
Essa Mohammed Abbas Alizza	Fateh	9156
Khader El-Laham	Independent	9015

JENIN Constituency
Number of seats (6)
Seats for Christians (0)

Name of Elected Candidate	Affiliation	Number of Votes
Burhan Jarar	Fateh	18608
Jamal Shati El-Hindi	Fateh	17474
Hikmat Hashim Lutfi Zeid	Independent	14220
Azam Najib Mustafa El-Ahmad	Fateh	14166
Ahmad Ahmad Irshid	Fateh	13384

Fakhri Fahed Ahmad	Independent	11529
Top Two Losing Candidates		
Mahmoud Abu El-Rob	Fateh	11465
Saleh Ra'fat	Fida	9439

HEBRON Constituency
Number of seats (10)
Seats for Christians (0)

Name of Elected Candidate	Affiliation	Number of Votes
Sharif Ali Hussien Masha'l (Abbas Zaki)	Fateh	39348
Musa Abu Sabha	Fateh	25316
Jamal Salah El-Shwbaki	Fateh	24346
Nabil Amer	Fateh	23269
Muhammad El-Hourani	Fateh	23034
Rafeeq Shakeer Darweesh Al-Nitsha (Abu Shaker)	Fateh	17242
Zahran Abu Qabita	Independent	15841
Ali Muhammad Hussein Abu Al-Rish	Independent	12087
Sliman Abu Snineh	Fateh	12034
Ali Ghazal (Ibrahim Al-Quasimeh)	Fateh	10334
Top Two Losing Candidates		
Ibraheem Rashed Mohammed Maraqa (Abu Rashed)	Fateh	10206
Mohammed Ayash Abduljawad Mulhem	Independent	10072

SALFIT Constituency
Number of seats (1)
Seats for Christians (0)

Name of Elected Candidate	Affiliation	Number of Votes
Ahmad El-Diek	Fateh	6624

Top Two Losing Candidates		
Abdul Rahaman El-Turk	Independent	2772
Khamis Muhammad El-Hammad	Palestinan People Party	1220

TOUBAS Constituency
Number of seats (1)
Seats for Christians (0)

Name of Elected Candidate	Affiliation	Number of Votes
Hashim Dragmeh	Independent	2132
Top Two Losing Candidates		
Basam Draghmeh	Independent	1808
Dhyab Ghizran	Independent	1530

QALQILYA Constituency
Number of seats (2)
Seats for Christians (0)

Name of Elected Candidate	Affiliation	Number of Votes
Mahmoud Ahmad Mahmoud D'ass	Fateh	5934
Outhman Hassan Gashash	Independent	5420
Top Two Losing Candidates		
Saleh Ali Shaata Abdulla Muraeeba	Independent	4945
Bassam Abdulraheem Hamed Woolweel	Fateh	4182

RAMALLAH Constituency
Number of seats (7)
Seats for Christians (1)

Name of Elected Candidate (# indicates candidate is a Christian)	Affiliation	Number of Votes

Abdel-Jawad Saleh	Independent	29445
Qdoura Faris	Independent	20980
Abdul Fateh Hamayl	Independent	16412
Jamil El-Tarifi	Independent	13504
Azmi El-Shuai'bi	Fida	12962
Marwan Bargouthi	Fateh	12716
# Ghazi Hanania	Fateh	10288
Top Two Losing Candidates		
Mustafa Barghouthi	People Party	11553
Buthina El-Duqmaq	Independent	8666

Tulkarem Constituency
Number of seats (4)
Seats for Christians (0)

Name of Elected Candidate	Affiliation	Number of Votes
Tayib Mahmoud Abdulhaleem	Fateh	10363
Mufeed Yousef Muhammad Aburabu	Independent	8422
Hakam Omar Asaad Balawi	Fateh	8421
Hassan Abdul Fateh Abdulhaleem Khuraishi	Independent	8154
Top Two Losing Candidates		
Adnan Muhammad Mahmoud Al-balidi	Independent	7739
Farouq Hafed Ahmad Hamadalla	Independent	5727

NABLUS Constituency
Number of seats (8)
Seats for Christians (0)
Seats for Samaritans (1)

Name of Elected Candidate (* marks the Samartian candidate)	Affiliation	Number of Votes

Fayez Aref Ahmad Ziydan	Fateh	36455
Muoia Ali Amin Al-Masri	Independent	28016
Ghasan Walid Ahmed Al-Shak'a	Fateh	27365
Maher Nasha't Taher Almasri	Fateh	23125
Husam Mahmoud Abed-Ramahan Khader	Independence And Liberation Coalition	21328
Dallal Abed-Hafiz Mahmoud Salameh	Fateh	20749
Kamel Muhammad Saleh Al-Afghani	Independent	17425
* Salom Omran Iz-haq Al-Kahen	Independent	2451
Top Two Losing Candidates		
Mo'ath Majed Muhammad Al-Nabilsi	Independent	17005
Sarhan Othman Jaber Doikat	Fateh	14585

Results of the Legislative Council Elections
By Political Party Affiliation

Affiliation	*Candi-dates*	*Votes*	*Votes Percentage*	*Winners*	*Winners Percentage*
Independents	270	1,087,200	57.44%	22	43.14%
Palestinian Democratic Union	1	3,195	0.17%	0	0.00%
National Palestinian Assembly (Almad)	3	2,635	0.14%	0	0.00%
National Independent Coalition	3	6,813	0.36%	0	0.00%
Islamic Jihad Movement (Alaqsa Militia)	1	2,647	0.14%	0	0.00%
Arab Baath Socialist Party	1	2,230	0.12%	0	0.00%
Palestinian People Party	19	87,399	4.62%	0	0.00%
People Struggle Front	9	15,336	0.81%	0	0.00%
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Future Coalition	4	6,548	0.35%	0	0.00%
Independence and Liberation Coalition	5	57,516	3.04%	1	1.96%
Fateh	43	561,003	29.64%	27	52.94%
Fida	6	49,079	2.59%	1	1.96%
	368	1,892,363	100.00%	51	100.00%

PALESTINIAN ELECTIONS 96

Results of the Legislative Council Elections
(West Bank Only)

Constituency	Number of Ballot Sations	Candidates	Registered	Voters	White Ballots	Void Ballots	Good Ballots	Voting Percentage	Number of Votes	Number of Seats	Seats Voting Average	Voting Average Per Seat
Jerusalem	167	52	80051	32316			32316	40.37%	169239	7	5.24	74.81
Jericho	22	6	13723	10685	312	254	10199	77.86%	10221	1	0.96	95.66
Bethlehem	89	30	55134	41465			41465	75.21%	110100	4	2.66	66.38
Jenin	145	36	80876	60919	2710	1642	56567	75.32%	234300	6	3.85	64.10
Hebron	197	72	133079	88366	3262	0	85104	66.40%	458921	10	5.19	51.93
Ramalla	162	46	79108	56429			56429	71.33%	275262	7	4.88	69.69
Salfit	35	11	19191	15247	542	552	14153	79.45%	14134	1	0.93	92.70
Tubas	25	12	16170	13166	313	273	12580	81.42%	12592	1	0.96	95.64
Tulkarem	99	38	57272	44802	2969	2003	39830	78.23%	128101	4	2.86	71.48
Qalqilya	54	12	27804	19724	750	740	18234	70.94%	30970	2	1.57	78.51
Nablus	175	55	113340	87005	2385	2152	82468	76.76	458468	8	5.27	56.87
	1,170	370	595697	437808	13243	7616	416949	73.50%	1902308	51		

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Appendix M

INTERNATIONAL MONITORING MISSION
1996 Palestinian Elections
January 20, 1996

JIMMY CARTER
Delegation Co-Leader
Former President, United States

HANNA SUCHOCKA
Delegation Co-Leader
Former Prime Minister, Poland

Delegation Members

HAFED AL FADEL
Director, Institute for Democracy, Yemen

GRAEME BANNERMAN
President, Bannerman Associates, United States

HARRY G. BARNES, JR.
Director, Conflict Resolution and Human Rights Programs, The Carter Center, United States

SERGIO BITAR
Senator, Chile

ERIC BJORNLUND
NDI Senior Associate, United States

DANIEL BRUMBERG
Professor, Georgetown University, United States

AMY CARTER
United States

JASON CARTER
United States

ROSALYNN CARTER
United States

WILLIAM CHACE
President, Emory University, United States

SANFORD CLOUD
President, National Conference of Christians and Jews, United States

THOMAS DONAHUE
President Emeritus, AFL-CIO, United States

MATYAS EORSI
Member of Parliament, Hungary

PRINCE MOULAY HICHAM BENABDALLAH
Morocco

RACHELLE HOROWITZ
NDI Board of Directors Vice Chair, United States

RAQIYA HUMEIDAN
Former Election Commissioner, Yemen

OMAR KADER
President, Pal-Tech Incorporated, United States

MARY KING
Consultant, United States

ADAMOU KOMBO
Former Member, Central Election Commission, Niger

FLORA LEWIS
Journalist, United States

CLAIRMONT LYE
Director, Electoral Assistance Bureau, Guyana

SAKI MACOZOMA
Member of Parliament, South Africa

LEWIS MANILOW
NDI Board of Directors, United States

GAY MCDOUGALL
Executive Director, International Human Rights Law Group, United States

THOMAS O. MELIA
NDI Senior Associate, United States

LISBET PALME
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MAHER ESSA
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MAHMOUD HIRSH
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BASHAR JALOUDI
Moderator-Jenin/Tubas

BASSAM NASSER
Moderator-Gaza City

KHALED RAMADAN
Moderator-Bethlehem

MAHMOUD RASHID
Moderator-Ramallah

ABDULATIF SAFFIYEH
Moderator-Hebron

Appendix N

NDI/THE CARTER CENTER INTERNATIONAL OBSERVATION MISSION TO THE PALESTINIAN ELECTIONS

January 17-21, 1996

BRIEFING SCHEDULE

Tuesday, January 16

All Day	Delegates arrive and check into hotel

Wednesday, January 17

8:30am - 8:45am	**Welcome and Statement of Goals** Chair of the Session: Hanna Suchocka, Delegation Co-Leader Presenters: Kenneth D. Wollack, NDI President and Harry Barnes, Director of Conflict Resolution and Human Rights Programs, The Carter Center
8:45am - 9:30am	**Diplomatic Context of the Elections** Chair of the Session: Thomas O. Melia, NDI Senior Associate Presenters: William Quandt, Kenneth Stein
9:30am - 10:30am	**Palestinian Political Framework** Chair of the Session: Lewis Manilow, NDI Board of Directors Presenter: Mahdi Abdul Hadi, Director of Palestinian Academic Society for the Study of International Affairs (PASSIA)
10:45am - 12:00pm	**Palestinian Attitudes toward Elections** Chair of Session: Rachelle Horowitz, Vice-Chair NDI Board of Directors Presenters: Khalil Al-Shikaki, Director, Center for Palestinian Research and Studies and Reema Hammami, Bir Zeit University Women Studies Center
12:00pm - 1:00pm	**Islam, Islamists and the Palestinian Political Process** Chair of the Session: Daniel Brumberg, Georgetown University Presenter: Salim Tamari, Director Institute of Jerusalem Studies
2:00pm - 3:30pm	**Palestinian Print and Broadcast Media** Chair of the Session: Flora Lewis, New York Times (retired) Presenters: Hisham Abdulla, People and Elections; Radwan Abu Ayesh, Director Palestinian Broadcast Corporation; Marwan Abu Zalaf, Chief

Editor *al-Quds*; and Thierry Cruvellier, Reporters Sans Frontiers

3:30pm - 4:00pm **Pre-Election Observations**
Chair of the Session: Eric Bjornlund, NDI Senior Associate
Presenters:
A) November: Karen Shepherd and Saki Makizoma
B) December: Bob Pastor and Olga Milosavljevic
C) January: Kevin Johnson and Sue Palmer
D) mid-January: Matyas Eorsi

4:00pm - 4:30pm **Palestinian Domestic Monitoring Committee**
Chair of the Session: Clairmont Lye (Guyana)
Presenters: Naseef Mu`allem, Chairman of Palestinian Domestic Monitoring Committee (PDMC) Steering Committee; Nedal Jayyousi, Executive Director PDMC; and Ranjit Singh, NDI Program Officer

4:30pm - 5:30pm **Election Process, Background on the Preparations and Summary of Election Day Procedures**
Chair of the Session: Adamou Kombo (Niger)
Presenters: Andrew Ellis, European Union Technical Advisor to the Commission on Elections and Local Government and Ihab Barghouti, West Bank Elections Coordinator

5:30pm - 6:00pm **Observations of the European Union Electoral Unit**
Chair of the Session: Harold Saunders (US)
Presenter: Brian Pridham, Deputy Head of the European Union Electoral Unit

Thursday, January 18

8:00am - 8:30am **Review of Program**
Presenters: Thomas O. Melia and staff

8:30am - 9:30am **Security of Observers, Security and the Elections**
Chair of the Session: Haydee Yorac (Philippines)
Presenter: Ghazi Jabali, Director of Civil Police

9:30am - 10:30am **Israel: Election Facilitation**
Chair of the Session: Muhammad Valli Mousa (South Africa)
Presenters: Joel Singer, Legal Advisor Foreign Affairs Ministry and Colonel David Hacham, Assistant to the Coordinator of Political Activities in the Territories

10:45am - 1:45pm **Contending Political Perspectives**
Chairs of the Session: Karen Shepherd (US) and Sergio Bitar (Chile)

Presenters:

10:45am - 11:15am	Faisal Husseini, Fateh
11:15am - 11:45am	Zahira Kamal, FIDA
11:45am - 12:15pm	Bashir Barghouti, People's Party
12:15pm - 12:45pm	Shadi Al-Ghadbon, National Democratic Coalition
12:45pm - 1:15pm	Hanan Ashrawi, Independent

3:00pm - 4:00pm **Meeting with Election Commission**
Chair of the Session: Gay McDougall (US)
Muhammad Ishtayyeh, Secretary General Central Election Commission

4:00pm - 5:15pm **Observer Methodology, Explanation of Reporting Process**
NDI

5:15pm - 6:15pm **Deployment Briefing**
NDI and the Carter Center

6:15pm - 6:45pm **Delegation Roundtable**
Chair of the Session: Jimmy Carter, Delegation Co-Leader
Presenters: Kenneth D. Wollack and Harry Barnes

8:00pm - 8:15pm **Press Conference**

Appendix O

DEPLOYMENT TEAMS
NDI AND THE CARTER CENTER
PALESTINIAN ELECTION OBSERVATION MISSION

JERUSALEM

Jerusalem - Leadership Team 1
Jimmy Carter
Rosalynn Carter
Hanna Suchocka
Kenneth D. Wollack
Robert Pastor
Harry Barnes

Jerusalem - Team 1
Thomas O. Melia
Lewis Manilow
Susan Manilow
Haydee Yorac

Jerusalem Team 2
Kevin Johnson
Eric Bjornlund
David Carroll

Jerusalem Team 3
Rachel Fowler
Mary Hill
Lauren Girard

THE WEST BANK

Jericho
Karin Ryan
Benabdallah Moulay Hicham
James Kavanaugh

Ramallah
Kenneth Stein
William Chace

Bethlehem
Khaled Ramadan
Sandy Cloud
Amy Carter

Hebron - Team 1
Saki Macozoma
William Quandt

Hebron - Team 2
Mark Mullen
Matyas Eorsi
Gay McDougall

Jenin
Raqiya Humeidan
Adamou Kombo

Nablus
Mohammed Valli Moosa
Hafed Al Fadel

Qalqilya
Lauren Sobel
Karen Shepherd
Vince Shepherd

Salfit
Brian Katulis
Daniel Brumberg
Flora Lewis

Tubas
Margaret Zaknoen
Omar Kader
Sergio Bitar

Tulkarm
Harold Saunders
Carol Saunders

THE GAZA STRIP
Gaza City - Team 1
Kendall Dwyer
Jerry Weller
William White

Gaza City - Team #2
Mary King
James Zogby

Gaza North
Olga Milosavljevic
Thomas Donahue
Lisbet Palme

Khan Yunis
Khaled Elgindy
Jason Carter

Mid Camps
Clairmont Lye
Rachelle Horowitz

Rafah
Aaron Azelton
Graeme Bannerman
Marsha Ralls

Appendix P

PRESS STATEMENT

CARL LIDBOM
Head of the European Electoral Unit
December 12, 1995

European Union
Electoral Unit
Ramallah

STATEMENT BY MR. CARL LIDBOM: 12 DECEMBER 1995

European Union observers have been observing the registration process since it began on 12 November 1995. This was the first electoral registration process for the Palestinian population in the Occupied Territories and the Palestinian self-rule areas, and it has been carried out in a period of less than one month, a much shorter time than originally envisaged. The registration was carried out under the terms of article II of annex II to the Interim Agreement between the Israeli and Palestinian sides, while the Palestinian legislative process was continuing.

We have been favorably impressed by the registration process. We note that it has been very well prepared and that the implementation of this large-scale and complex operation has been carried out efficiently and correctly. In our opinion it compares well with other voter registration operations and fully meets internationally acceptable standards. The use of a door-to-door canvassing method has contributed indirectly but usefully to voter education which has itself been conducted with varying effectiveness by the broadcast and printed media, by poster and sticker campaigns, and through meetings at local level. Jerusalem has been less well covered than other areas. The lists of voters compiled as a result of the registration operation provide a valid basis for the next stage of the election process. We pay tribute to the efficiency and dedication of all those involved in the registration process who have worked under great time pressure to complete their work.

As in any large scale operation of this kind anywhere in the world it is hard to eliminate completely the possibility of some deficiencies. This registration, which has taken place in the unusual circumstances of military occupation and partial withdrawal, is no exception. We have observed a few minor weaknesses in the registration operation. For example our observers report that not all canvassers were equipped with accreditation cards, nor were they always easily distinguishable as official canvassers; the canvassing task might have proceeded more smoothly if all teams had had at least one female member; adequately detailed and up-to-date maps were not available in all cases; the arrangements for obtaining

ID cards were not announced early and clearly enough. Some potential voters may have been deterred by the need to travel to other centers and to incur fees in order to obtain ID cards.

We are satisfied that the number of potential voters affected by these weaknesses is so low as to have no significant effect on the validity of the registration process in the context of a register of around **1.1 million**. In the case of Jerusalem a late rush to register reflected intensive efforts made by the Palestinian authorities during the last week of November and early December to overcome some reluctance to register among the Palestinian population of the city. The deadline for registration was extended and those who then applied to the district election offices were treated as if they were appealing against their omission from the preliminary list. We regard this as legitimate and desirable in the circumstances.

The promulgation of the Election Law on the evening of 7 December 1995 opens the way for the election process to advance to the important stage of nomination of candidates. In this connection we should like to offer a number of preliminary observations which result from our first reading of the Election Law and from the timing of its promulgation:

(a) the Law has been issued very late if elections are to be held on 20 January 1996. The time allowed for the formation and registration of political entities and groups and the elaboration of their political programs is very short by any standards. Moreover the time allowed by the Election Law for the nomination of candidates has already been shortened by administrative decision, only two days after signature of the Law. This gives further cause for concern.

(b) although there is a general assumption that the elections are to be held on 20 January we have as yet seen no decree as stipulated in Article 4 of the Election Law officially calling the elections for that date, nor have the members of the Central Election Commission and the Election Appeals Court yet been appointed in the decree calling the elections, as stipulated in Article 22.3 and Article 31.1 respectively;

(c) the Election Law contains a number of deficiencies relating to the deadlines for claims and objections relating to registration, to the nomination of candidates, and to the allocation of seats. We understand that the Law is already being amended. For such changes to have to be made so soon after the promulgation of the Law has increased the confusion surrounding the legislative process.

As we approach the start of the official election campaign we draw attention to the need to draw up promptly clear and fair rules to regulate access by candidates and political entities to the broadcast and printed media in order to give practical effect to the Articles of the Law relating to access to the media. We would hope that this important aspect of the democratic process will be duly taken into account.

Appendix Q

European Union
Electoral Unit
Ramallah

PALESTINIAN ELECTIONS

JOINT STATEMENT BY HEADS OF INTERNATIONAL OBSERVER DELEGATIONS

The Head of the European Union Electoral Mission and the Heads of the official international observer delegations coodinated by the European Union (*listed below), amounting to over 650 observers, have agreed the following statement on the Palestinian elections:

International election observers have been observing the Palestinian elections from the time registration of voters began on 12 November 1995 right through to the declaration of preliminary results on 21 January 1996.

The Heads of Delegation have based their assessment on reports received from their observers against the background of the unique and complex political and security circumstances prevailing in the territories where voting has taken place. They have observed the entire course of the elections, including registration of voters, allocation of seats, nomination of candidates, voter education, access to media, conduct of the campaign, access to polling stations, secrecy of the ballot, counting procedures and the declaration of the results. On polling day international observers visited 99 percent of polling stations. They pay tribute to the dedication and loyalty shown by those organizing the elections which enabled them to take place within an exceptionally tight time scale. They regard the very low level of election-related violence throughout the whole process as most encouraging. The detailed information which the observer delegations have used to reach their verdict will be recorded in their full reports.

The Heads of Delegation express understanding for the efforts made by the Palestinian Authority to consult widely on the election law and to bring the widest stream of political expression including the Islamic opposition into the election process, while noting that the priority given to this laudable effort resulted in delays which caused some confusion for parties, candidates and voters. They have over the period of their observation been critical at times of certain measures which have inhibited the rights and freedoms normally associated with election campaigning.

In coming to a judgement on the conduct of these first elections of their kind the Heads of Delegation note that a real understanding of the opportunities offered by democracy has still to develop in the body politic. This results from the difficult recent history of the Palestinian people. Nonetheless the electorate were presented with some variety of political views and a choice in most constituencies between official party-backed candidates and independents.

Varying turnout figures between constituencies show how they exercised their right to choose. Unusual arrangements had been agreed for voting within the city of Jerusalem, and all bodies involved in the election process had been conscious of the risk of disturbances there. On polling day the Israeli authorities blanketed the post offices used as polling stations with a heavy security presence which included the video filming of voters as they entered the post offices. While successful in preventing security incidents, these measures plus the presence of many representatives of the world news media and of distinguished spectators from a variety of conutries and organizations, had in our opinion a deterrent effect on Jerusalem voters.

The Heads of Delegation believe that a free press can make a useful contribution to the development of democratic political dialogue and they hope the newly elected president of the Palestinian Authority and the members of the Council will have the confidence to dispense with a tendency to intimidate the media which has been noted during the election process. Although not all shades of opinion enjoyed equal expression in the printed media, all candidates were offered the opportunity to make election broadcasts on Palestinian radio and many availed themselves of this.

After careful deliberation the Head of the European Union Electoral Mission and his fellow Heads of Delegation have come to the opinion that the elections for both the Council and the President of the Palestinian Authority, which were marked by a good turnout of voters overall, when judged against internationally acceptable standards, and after weighing in the balance some deficiencies which have been noted over the period of observation, can reasonably be regarded as an accurate expression of the will of the voters on polling day.

The Heads of Delegation congratulate the Palestinian people on this notable achievement and extend their best wishes to the successful candidates as they prepare to take up their responsibilities.

*The following official observer delegations were coordinated by the European Union Electoral Unit and have agreed this statement:
Australia, Canada, China, Cyprus, Egypt, Japan, Jordan, Korea, Malta, Norway, Russia, Switzerland, Turkey, the Organization of African Unity, the Organization of the Islamic Conference, the Non-Aligned Movement.

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Appendix R

PRESS RELEASE ON VOTER REGISTRATION

Palestinian Domestic Monitoring Committee
Results of Monitoring of the Initial Voter Registration Process
December 12, 1995

The Palestinian Domestic Monitoring Committee aims to monitor the electoral process, spread the confidence among voters, and guard their rights. The Committee represents more than 46 local nongovernmental organizations and is characterized by its independence, nonpartisanship, and objectivity.

The spread of democracy, objective monitoring of the media, elections campaigns, candidate behavior, election-day voting and counting processes and other related election procedures are among the principal goals of the Committee.

We emphasize that the PDMC represents all segments of the society and does not seek to oppose the Central Elections Commission. Rather, it aims to guarantee the execution of fair, free and direct elections. The PDMC formed a team of volunteers to monitor the voter registration in the West Bank. Approximately 70 volunteers undertook a canvass of 10 cities: Ramallah, Nablus, Tulkarm, Qalqilya, Jerusalem, Salfit, Hebron, Jericho, Tubas, and Jenin. The canvass was implemented from December 6-9.

The study also included 22 villages and 15 camps, with questionnaires being distributed to a total of 770 homes. The homes were selected in the following random manner: a house was picked, the following five were skipped, etc. The questionnaire comprised 10 questions, the last one aiming to discern any comments or problems which were faced during the registration process.

The volunteers were required to refrain from expressing any political views and to preserve their neutrality and independence. The questionnaire comprised the following:

1. Did a CEC team visit you and ask if you are willing to register for the elections?

92.8% of respondents reported that a CEC team had visited their homes and asked; 4.1% reported no team had visited.

2. Were you expecting such a visit?

86.3% of the respondents reported that they were awaiting the visit; 10.7% reported that they were not expecting the visit.

3. Did the team explain to you the necessary qualifications for registering?

D. The team did not register a member of the family due to temporary absence (from the home).

E. The team did not clarify its mission.

F. The team visited at late or unsuitable hours.

G. The team did not visit all the homes in the area.

H. The registration process in some areas was not completely carried out from house to house; for example, in 'Aouja (Jericho district) the collection of the women's identity cards was carried out by the men of the family and they were registered in their absence in one of the family assemblies (*diwan*), so women were not able to express their own opinion in this the first stage of registration.

Recommendations of the PDMC:

1. More vigorous education programs specializing in appeals, objections, and other processes related to elections registration.

2. More guidance for Jerusalemites concerning the elections in general and its lack of contradiction with their rights.

3. We propose to the CEC to extend the registration period for two weeks for those voters who have not been able to register.

4. We encourage the CEC officials hasten the process of issuing PDMC volunteers ID cards to make easier the PDMC's work. It is necessary to note that in the course of two weeks only 8 cards have been issued to volunteers from 70 applications. The PDMC is trying to recruit 2000 volunteers to monitor elections within the next four weeks.

About The Carter Center

The Carter Center brings people and resources together to resolve conflicts; promote democracy; fight disease, hunger, and poverty; and protect and promote human rights worldwide. It is guided by the principle that people, with the necessary skills, knowledge, and access to resources, can improve their own lives and the lives of others.

Founded in 1982 by Jimmy and Rosalynn Carter in partnership with Emory University, the nonprofit Center undertakes action-oriented programs in cooperation with world leaders and nongovernmental organizations (NGOs). In this way, the Center has touched the lives of people in at least 65 countries.

The Center's programs are directed by resident experts or fellows, some of whom teach at Emory University. They design and implement activities in cooperation with President and Mrs. Carter, networks of world leaders, other NGOs, and partners in the United States and abroad. Private donations from individuals, foundations, corporations, and multilateral development assistance programs support the Center's work.

The Center is located in a 35-acre park just two miles east of downtown Atlanta. Four circular interconnected pavilions house offices for the former president and first lady and most of the Center's program staff. The complex includes the nondenominational Cecil B. Day chapel, other conference facilities, and administrative offices. The Jimmy Carter Library and Museum, which adjoins The Carter Center, is owned and operated by the National Archives and Records Administration of the federal government and is open to the public. The Center and Library are known collectively as The Carter Presidential Center.

More information about The Carter Center, including Center publications, press releases, and speeches, is available on the Internet's World Wide Web. The Carter Center site is at: http://www.emory.edu/Carter_Center