

**THE JANUARY 20,  
1996  
PALESTINIAN  
ELECTIONS**

**NATIONAL DEMOCRATIC  
INSTITUTE FOR  
INTERNATIONAL AFFAIRS**

**THE CARTER CENTER**



# **The January 20, 1996 Palestinian Elections**

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Information About The Carter Center and NDI

**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

# Acknowledgments

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**T**his 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 Susan 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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NDI and The Carter Center appreciate the contributions of all the delegates on two pre-election missions and the observer delegation to the Palestinian elections. The election-week delegation comprised 41 members from 11 countries and included political and civic leaders, elected officials, scholars and journalists. Most of the delegates had participated in or monitored other transitional elections, and their personal observations and complementary insights proved to be invaluable.

The NDI/Carter Center election monitoring program is indebted to Abdulatif Abu Safiyyeh, Saleh Al-Madhoon, Shawqi Al-Zattmah, Mohammed 'Alayan, Majd Amad, Maher Essa, Mahmoud Hirsh, Aref Jaffal, Bashar Jaloudi, Bassam Nasser, Khaled Ramadan and Mahmoud Rashid who implement "Civic Forum," NDI's civic education program in the West Bank and Gaza Strip. These individuals and Staff Assistant Reema Abu Hamdieh also dedicated enormous energy and intelligence to tracking developments in all 16 electoral constituencies in the West Bank and Gaza Strip, and developing the knowledge base that informed the 41-member delegation and this report. They also accompanied the NDI/Carter Center teams deployed for the elections and provided details on the local politics of each constituency. Additional thanks are due to the organizers of the Palestinian Domestic Monitoring Committee (PDMC), headed by Naseef Mu'alleem, who monitored the pre-election period in the West Bank, and recruited and trained more than 2,000 election-day volunteers to observe the balloting and count. The activities of both PDMC and Civic Forum are emblematic of a long-standing Palestinian tradition of civic activism that will play an important role in the post-election period if the democratic promise embodied in these historic elections is to be fulfilled.

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and academics furnished important insights on the elections and the overall peace process.

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Most important, we would like to express our admiration to the many Palestinian women and men who, in complicated and uncertain circumstances, continue to labor for the development of a strong and democratic Palestinian civil society. They serve as beacons for democratic ideals, not only throughout Palestinian society, but in the wider Arab world that has focused so much attention on them.

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# Executive Summary

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**T**he 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 41-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 that helped to inform and highlight important issues surrounding the elections. (See Appendices A-E.) 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

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Israel left almost entirely in the hands of Palestinian decisionmakers.

- *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 increased Palestinian and Israeli disenchantment with 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 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.

*Jimmy Carter*  
The Carter Center

*Kenneth D. Wollack*  
National Democratic Institute for  
International Affairs

December 1996

## *Chapter 1*

# Political Developments in the West Bank and Gaza Strip From 1993 to 1996

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**T**he 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

## **2 Palestinian Elections in the West Bank and Gaza**

shaped the negotiations between the Palestine Liberation Organization (PLO) and Israel since 1991.<sup>1</sup>

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

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<sup>1</sup> 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).

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 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

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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 Minister 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

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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 'redemption' 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)<sup>2</sup> and the Democratic Front for the Liberation of

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<sup>2</sup> 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

Palestine (DFLP)<sup>3</sup>, and Islamic groups such as the Islamic Resistance Movement (Hamas)<sup>4</sup> and Islamic Jihad,<sup>5</sup> 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

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sentiment.

<sup>3</sup> 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.

<sup>4</sup> 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.

<sup>5</sup> A small Islamic militant movement that formed 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.

## **8 Palestinian Elections in the West Bank and Gaza**

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 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.

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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 Eilat, 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)<sup>6</sup> 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

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<sup>6</sup> 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 about 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.

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 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

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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.<sup>7</sup>

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,

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<sup>7</sup> Falouji later became a candidate for the Palestinian Legislative Council on the official Fateh list.

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 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

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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 assembled a permanent team on the ground, sent two pre-election missions, in November and in December, organized a 41-member delegation in January and continued to report on the process.

## *Chapter 2*

# The Framework for the 1996 Palestinian Elections

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**I**n 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

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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 including a November pre-election mission conducted around the voter registration process and a December pre-election delegation deployed during 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 noted 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

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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 format 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 commission 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 G.)

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

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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

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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 or Jenin, or at the office of the

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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. The Israeli side rejected a few cases for reasons stipulated in the agreements—either for holding an Israeli passport or for failing to meet 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 election 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

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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 Hussein, 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 1 million, a disparity of approximately 10 percent 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. (See Appendix C.) 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

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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 Religious Quotas**

The Palestinian Authority promulgated the final election law on December 7, fewer than six weeks before the elections. 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. (See Appendix H.)

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, issued together with Law Number 16 of 1995, 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 I.)

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

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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. 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 unforeseen 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

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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 Campaign and Pre-election Environment

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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<sup>8</sup>, but none of them attacked the electoral process or undertook any acts of violence that

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<sup>8</sup> 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.

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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 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 Arabic 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.

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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 accommodate 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 Falouji 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 Al-Tarifi, PA Minister for Civil Affairs and a Fateh activist in Ramallah who did not make Fateh's list,

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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 El-Diek. 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),<sup>9</sup> 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.

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<sup>9</sup> 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.

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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 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 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 al-Balah (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 Al-Balah.

### **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

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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 observer groups 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 denunciations 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.

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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.

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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 a 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

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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

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**A**lthough 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 exercised 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)<sup>10</sup> 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 professionalism while voters patiently waited to cast their ballots 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.

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<sup>10</sup> 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.

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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 North (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

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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 Preventive 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 two armed civil policemen and a two-member election security team from the Mukhabarat and Preventive 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 Preventive 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

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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 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 Gaza North (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

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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.

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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 cramped conditions 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

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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 73.5 percent voter turnout throughout the West Bank and Gaza Strip, voter turnout was lower in the district of Jerusalem.

Approximately 5,000 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

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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 witnessed videotaping soon before the closing of the polls and intervened directly 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 organizing 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

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from trying to leave Jerusalem for the remainder of the day. In the afternoon, NDI/Carter Center observers 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

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**T**he 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 actively address these lingering suspicions inadvertently served to further fuel skepticism about the results. However, despite serious irregularities in the counting and appeals processes, and the CEC and EAC's passivity, NDI/Carter Center found no persuasive evidence to suggest that the final results were anything other than a reflection of the electorate's will.

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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 station 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 manual prepared for polling station officials 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 DEC's, 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

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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 polling stations in Jerusalem, Gaza North, Khan Younis, Ramallah, and Hebron, 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. In the subsequently released provisional results these candidates did not appear on the winner's list and in their place were two independent candidates affiliated with Fateh, Ziad Abu Ziad 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 Ibrahim Ghazal Al-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

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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, Mohammed Abdul Jawad Akasheh and Khader Hussein Hashem Abu Nada, were replaced by Imad Al-Falouji and Kamal Al-Sharafi. In polling stations 39 and 76, where the re-vote had taken place, Khader Hussein Hashem Abu Nada obtained more votes than both Falouji and Sharafi. 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.)

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- Nada in 7th place with 8,294 votes (7,572 in the provisional results plus 722 in the re-vote.)
- Sharafi 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: Sharafi 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 Al-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

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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, Mohammed Abu Robb (Fateh), dropped to seventh place and Fakhri Turkman (independent) took the sixth, and final, seat for Jenin by 15 votes.

NDI and The Carter Center issued a public statement on January 29 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. NDI/Carter Center representatives met several times with CEC officials to discuss the importance of the transparency of the results as well as the significance 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 process, 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

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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. 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

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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.

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.<sup>11</sup>

In Hebron, six candidates submitted a joint appeal, including Mohammed Ayyesh Abduljawad 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 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

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<sup>11</sup> This is an unofficial translation of a summary of the court proceedings provided to NDI by the court clerk.

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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 (58,119) 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 toward 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. Resolving these issues would help build public confidence in the electoral results that is essential to post-election stability.

## *Chapter 6*

# Observing the Palestinian Elections

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**T**ransition 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 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 stipulating the European Union's coordination role, 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 non-governmental 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.<sup>12</sup>

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 joined in early December by a representative of The Carter Center.

As previously discussed in Chapter 2, 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

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<sup>12</sup> NDI and The Carter Center have often cooperated on election monitoring missions, most recently in the Dominican Republic in 1996.

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 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. (See Appendix A.)

A second pre-election delegation 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

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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 January 2, 1996 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. (See Appendix C.)

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 41-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 West Bank and Gaza Strip 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 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 following 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, PeaceWatch, and the Palestinian Center for Human Rights, and candidate agents and candidates. On January 29, the NDI/Carter Center observation

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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**

Nonpartisan domestic monitoring efforts can encourage a more honest election by evaluating all aspects of the process and conveying its 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.<sup>13</sup> 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

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<sup>13</sup> *NDI Handbook: How Domestic Organizations Monitor Elections, An A to Z Guide*, The National Democratic Institute for International Affairs, 1995.

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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.

During the pre-election and campaign period, the PDMC monitored each step of the electoral process including voter and candidate registration, the conduct of the campaign, election-day balloting and 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

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**A**fter 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 provided 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. Lastly, 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 the election's success.

Given the complexity of coordinating Israeli troop redeployment from Palestinian territories 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 73.5 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,

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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 a 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 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 polling, 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.

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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 calendar 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, 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 a successful 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 widely disseminate 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

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**T**he January 1996 elections represent an important step in the Palestinian democratic transition, 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 requires well-functioning democratic institutions and processes. These include: a legislature that represents the people and oversees the executive; a free, impartial and inquisitive press; an efficient and principled judiciary; and a system of checks and balances within society that comprise not only a separation of power among different branches of government, but also between central and local governments; and finally informed citizens and public advocacy organizations that demand accountability from their institutions and leaders.

As of the end of 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 constituent concerns by meeting with them in a number of "town hall" meetings to listen to and discuss community issues. 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,"<sup>14</sup> 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 December 1996, the PLC had not approved 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 favoring the appointment of 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 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 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

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<sup>14</sup> *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.

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 the PA. These trends have been reinforced by U.S. and Israeli government pressures to contain terrorism, seemingly at any cost. All of these factors threaten 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 who had campaigned against the Oslo Accords. Since its election, the new Israeli government has been less willing than the previous government to make compromises with the Palestinians and to implement portions of the Interim Agreement signed by the PLO and Israel in September 1995. 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 were virtually non-existent throughout the summer and fall of 1996. Palestinian popular frustration mounted during 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. However, the new PLC members lack 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.

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**APPENDICES**

*Appendix A*

**First Statement**

**NDI/The Carter Center  
Pre-election Monitoring Program  
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

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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.

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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/Carter Center  
Pre-election Monitoring Program  
1996 Palestinian Elections  
December 16, 1995**

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 Yasser 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.

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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

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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/Carter Center  
Pre-election Monitoring Program  
1996 Palestinian Elections  
January 2, 1996**

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

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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.

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## *Appendix D*

### **Preliminary Post-election Statement**

#### **NDI/Carter Center Observation Delegation 1996 Palestinian Elections January 21, 1996**

We are an international delegation of 41 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

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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*

**Second Post-election Statement**

**NDI/Carter Center  
Election Monitoring Program  
1996 Palestinian Elections  
January 29, 1996**

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

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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  
Outlining Outcome of PLO-HAMAS Dialogue  
 Hamas and 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.

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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*

**Press Release Announcing Appointment of  
Central Election Commission**

The new Central Election Commission (CEC) appointed by a Presidential 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.

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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 candidate against the electoral law or alleged discrimination of candidates. 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.

*Appendix H*

**Press Release Describing Seat Allocation  
for Legislative Council Elections**

**Central Election Commission**

For the first election of the Palestinian Council on January 20, 1996, 16 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. Gaza North	7	82
13. Gaza City*	10	183
14. Central Gaza (Deir Al-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 Samaritan minority.

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### **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	<u>5</u>
Gaza 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 Samaritan Jews)
Tubas	1
Salfit	1
Tulkarem	4
Qalqilya	<u>2</u>
West Bank Total	51

**GRAND TOTAL                      88 SEATS**

*Appendix I*

**Amendment Formalizing Late Changes to the  
Original Election Law**

**Palestinian National Authority  
December 29, 1995**

*The President of the Executive Committee of the Palestine Liberation Organization, President of the Palestinian 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.”

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**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

**Aggregate Legislative Council Election Results \*  
by Political Party Affiliation and Constituency**

<i>Political Party Affiliation</i>	<i>Candidates</i>	<i>Votes</i>	<i>Votes %</i>	<i>Winners</i>	<i>Winners %</i>
<b>Independents</b>	270	1,087,200	57.44	22	43.14
<b>Palestinian Democratic Union</b>	1	3,195	0.17	0	0.00
<b>National Palestinian Assembly (Almad)</b>	3	2,635	0.14	0	0.00
<b>National Independent Coalition</b>	3	6,813	0.36	0	0.00
<b>Islamic Jihad Movement (Al-Aqsa Brigades)</b>	1	2,647	0.14	0	0.00
<b>Arab Baath Socialist Party</b>	1	2,230	0.12	0	0.00
<b>Palestine People's Party</b>	19	87,399	4.62	0	0.00
<b>Popular Struggle Front</b>	9	15,336	0.81	0	0.00
<b>Arab Liberation Front (Temporary Leadership)</b>	3	11,208	0.59	0	0.00
<b>Future Coalition</b>	4	6,548	0.35	0	0.00
<b>Independence and Liberation Coalition</b>	5	57,516	3.04	1	1.96
<b>Fateh</b>	43	561,003	29.64	27	52.94
<b>Fida</b>	6	49,079	2.59	1	1.96
<b>TOTAL</b>	<b>368</b>	<b>1,892,863</b>	<b>100.00</b>	<b>51</b>	<b>100.00</b>

\*West Bank totals only; complete official Gaza Strip results unavailable.

<i>Constituency</i>	<i>Number of Ballot Stations</i>	<i>Candi -dates</i>	<i>Registered Voters</i>	<i>Votes Cast</i>	<i>Blank Ballots</i>	<i>Void Ballots</i>	<i>Voting %</i>	<i>Number of Seats</i>
<b>Jerusalem</b>	167	52	80051	32316			40.37	7
<b>Jericho</b>	22	6	13723	10685	312	254	77.86	1
<b>Bethlehem</b>	89	30	55134	41465			75.21	4
<b>Jenin</b>	145	36	80876	60919	2710	1642	75.32	6
<b>Hebron</b>	197	72	133079	88366	3262	0	66.40	10
<b>Ramalla</b>	162	46	79108	56429			71.33	7
<b>Salfit</b>	35	11	19191	15247	542	552	79.45	1
<b>Tubas</b>	25	12	16170	13166	313	273	81.42	1
<b>Tulkarem</b>	99	38	57272	44802	2969	2003	78.23	4
<b>Qalqilya</b>	54	12	27804	19724	750	740	70.94	2
<b>Nablus</b>	175	55	113340	87005	2385	2152	76.76	8
<b>TOTAL</b>	<b>1170</b>	<b>370</b>	<b>595697</b>	<b>43780</b>	<b>13243</b>	<b>7616</b>	<b>73.50</b>	<b>51</b>

*Appendix K*  
**Election-Day Reporting Form  
Used by International Observers**

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: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

<b>Arrangements at the polling station</b>	<b>Y</b>	<b>N</b>
3. Is the polling station free from campaign materials?	<input type="checkbox"/>	<input type="checkbox"/>
4. Are the two ballot boxes locked and visible to party agents and observers?	<input type="checkbox"/>	<input type="checkbox"/>
5. Is a copy of the voters register displayed?	<input type="checkbox"/>	<input type="checkbox"/>
6. Are unauthorized police/security forces present inside the polling station?	<input type="checkbox"/>	<input type="checkbox"/>
7. Number of party/candidate agents present in the polling station: ____ If possible indicate party (see list for party names)		
1 2 3 4 5 6 7 8 9		
8. Are there any domestic observers present in the polling station?	<input type="checkbox"/>	<input type="checkbox"/>

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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- | <b>Polling Process</b>   | <b>Y</b>                           | <b>N</b>                              |                              |
|--|------------------------------------|---------------------------------------|------------------------------|
| 9. Are the voters identities checked against the electoral register?   | <input type="checkbox"/>           | <input type="checkbox"/>              |                              |
| 10. Are the voters names crossed in the electoral register?  | <input type="checkbox"/>           | <input type="checkbox"/>              |                              |
| 11. Is anybody refused permission to vote?<br>If Y, specify the reason   | <input type="checkbox"/>           | <input type="checkbox"/>              |                              |
| 12. Are the ballot papers and envelopes stamped with the official stamp?   | <input type="checkbox"/>           | <input type="checkbox"/>              |                              |
| 13. Are voters marking the ballot papers in secrecy (in the booth, one person at a time)?  | <input type="checkbox"/>           | <input type="checkbox"/>              |                              |
| 14. Are illiterate/incapable voters assisted according to the rules?<br>(No answer=not observed)   | <input type="checkbox"/>           | <input type="checkbox"/>              |                              |
| 15. Is any intimidation of voters observed?  | <input type="checkbox"/>           | <input type="checkbox"/>              |                              |
| 16. Did all or most of the party/candidate agents and domestic observers indicate that there were:<br><input type="checkbox"/> No problems<br><input type="checkbox"/> A few, but not significant<br><input type="checkbox"/> A few significant<br><input type="checkbox"/> Many significant |                                    |                                       |                              |
| 17. Overall evaluation:  | <input type="checkbox"/> Very well | <input type="checkbox"/> Satisfactory | <input type="checkbox"/> Bad |

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*Appendix L*  
**Final Results by Constituency**  
**Palestinian Legislative Council Elections**  
**Central Election Commission**

**GAZA STRIP CONSTITUENCIES**

<b>DEIR AL-BALAH Constituency</b>		
<b>Number of seats (5)</b>		
<b>Name of Elected Candidate</b>	<b>Affiliation</b>	<b>Votes</b>
Frieh Abu Medein	Fateh	12168
Sa'adi Al-Krunz	Fateh	11713
Jamileh Saidem	Fateh (Female)	8511
Ibrahim Isma'iel Ahmad Al-Habbash	Independent	7926
Jallal Al-Musaddar	Independent	7891
<b>Top Two Losing Candidates</b>		
Sami Ismae'l Messleh	Fateh	
Abdul Fatah Al-Nouri	Independent	

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<b>GAZA CITY Constituency</b> <b>Number of seats (12)</b> <b>Seats for Christians (1)</b>		
<b>Name of Elected Candidate</b> <b>(# indicates Christian candidate)</b>	<b>Affiliation</b>	<b>Votes</b>
Haidar Abdul Shafi	National Democratic Coalition	58119
Fakhri Shakoura	Fateh	54997
Nahid Al-Rayiss	Fateh	40925
Intisar Al-Wazir	Fateh (Female)	40896
Riyad Al-Za'noun	Fateh	39596
Ziyad Abu 'Amer	Independent	31748
Wajieh Yaghi	Independent (Islamist)	31555
Musa Mahmoud Hamed El-Za'bout	Independent (Islamist)	23531
Marwan Kanafani	Independent (Fateh Affiliate)	22994
Yousef Al-Shanti	Independent	22607
Rawya Al-Shawa	Independent (Female)	18283
# Farj Al-Saraf	Fateh	7893
<b>Top Two Losing Candidates</b>		
Abdul Fatah Hameed	Fateh	16578
n/a		

<b>GAZA NORTH Constituency</b>		
<b>Number of seats (7)</b>		
<b>Name of Elected Candidate</b>	<b>Affiliation</b>	<b>Votes</b>
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
Imad Al-Falouji	Fateh (Islamist)	8529
<b>Top Two Losing Candidates</b>		
Mohammed Abdul Jawad Akasheh	Independent	
Khader Hussein Hashem Abu Nada	Independent	

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<b>KHAN YOUNIS Constituency</b>		
<b>Number of seats (8)</b>		
<b>Name of Elected Candidate</b>	<b>Affiliation</b>	<b>Votes</b>
Nabil Sha'ath	Fateh	22931
Jawad Khleel Hassan Al-Tibi	Fateh	19441
Rafat Outhman El-Najar	Independent	14473
Ibrahim Abu El Naja	Fateh	13960
Ahmad El-Sheibi	Fateh	13953
Hasan 'Asfour	Independent (Fateh Bloc)	12639
Ahmed Naser	Fateh	11465
Abdul Karim Musalam	Independent	9209
<b>Top Two Losing Candidates</b>		
Zakaria Ibrahim Agha	Fateh	
Farouq Hamdi Farra	Fateh	

<b>RAFAH Constituency</b>		
<b>Number of seats (5)</b>		
<b>Name of Elected Candidate</b>	<b>Affiliation</b>	<b>Votes</b>
Abed Rabu Hussain Abu'Own	Fateh	18369
Muhammad Hijazi	Fateh	11584
Rawhi Ahmad Fatouh	Fateh	11524
Abdul Aziz Shahin	Fateh	11459
Suleman El-Roumi	Independent (Islamist)	10659
<b>Top Two Losing Candidates</b>		
Abdullah Abu Samhadaneh	Fateh	
Abdul Aziz Ibrahim Shuaquy	Independent	

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**WEST BANK CONSTITUENCIES**

<b>BETHLEHEM Constituency</b>		
<b>Number of Seats (4)</b>		
<b>Seats for Christians (2)</b>		
<b>Name of Elected Candidate (# indicates Christian candidate)</b>	<b>Affiliation</b>	<b>Votes</b>
Assad Abdul Qader (Salah Al-Tamari)	Independent (Fateh Affiliate)	17774
Daoud Hassan Mohammed Al-Zeer	Independent (Fateh Affiliate)	9531
# Bishara Suleman Daoud	Independent	6161
# Mitri Tanas Jarees Abu Aita	Independent	5617
<b>Top Two Losing Candidates</b>		
Essa Mohammed Abbas Alizza	Fateh	9156
Khader El-Laham	Independent	9015

<b>HEBRON Constituency</b>		
<b>Number of seats (10)</b>		
<b>Name of Elected Candidate</b>	<b>Affiliation</b>	<b>Votes</b>
Sharif Ali Hussien Masha'l (Abbas Zaki)	Fateh	39348
Musa Abu Sabha	Fateh	25316
Jamal Salah El-Shobaki	Fateh	24346
Nabil Amer	Fateh	23269
Muhammad El-Hourani	Fateh	23034
Rafeeq Shakeer Darweesh Al- Natsheh (Abu Shaker)	Fateh	17242
Zahran Abu Qabita	Independent	15841
Ali Muhammad Hussein Abu Al-Rish	Independent	12087
Suleman Abu Sneineh	Fateh	12034
Ali Ibrahim Ghazal Al- Qawasmi	Fateh	10334
<b>Top Two Losing Candidates</b>		
Ibraheem Rashed Mohammed Maraqa (Abu Rashed)	Fateh	10206
Mohammed Ayyesh Abduljawad Milhem	Independent	10072

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<b>JENIN Constituency</b>		
<b>Number of seats (6)</b>		
<b>Name of Elected Candidate</b>	<b>Affiliation</b>	<b>Votes</b>
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 Turkman	Independent	11529
<b>Top Two Losing Candidates</b>		
Mohammed Abu Robb	Fateh	11465
Saleh Ra'fat	Fida	9439

<b>JERICHO Constituency</b>		
<b>Number of seats (1)</b>		
<b>Name of Elected Candidate</b>	<b>Affiliation</b>	<b>Votes</b>
Saeb Erakat	Fatah	6291
<b>Top Two Losing Candidates</b>		
Ibrahim Balo Jalyta	Independent	1819
Mahmoud Hamad 'Atifat	Independent	1359

<b>JERUSALEM Constituency</b> <b>Number of seats (7)</b> <b>Seats for Christians (2)</b>		
<b>Name of Elected Candidate</b> <b>(# indicates Christian candidate)</b>	<b>Affiliation</b>	<b>Votes</b>
Ahmad Q'rei (Abu Ala)	Fateh	18839
# Hanan Ashrawi	Independent	17944
Ahmad Al-Batsh	Independent (Fateh Affiliate)	9846
Ziad Abu Ziad	Independent (Fateh Affiliate)	8434
Hatim 'Eid	Fateh	8307
Ahmad Hashim El-Zg'aer	Fateh	7447
# Emil Jargou'i	Fateh	5228
<b>Top Two Losing Candidates</b>		
Zahira Kamal	Fida	7363
Atta Dhyab El-Hilu	Independent	7003

***148 Palestinian Elections in the West Bank and Gaza***

<b>NABLUS Constituency</b> <b>Number of seats (8)</b> <b>Seats for Samaritans (1)</b>		
<b>Name of Elected Candidate</b> <b>(*indicates Samaritan candidate)</b>	<b>Affiliation</b>	<b>Votes</b>
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 Al-Masri	Fateh	23125
Husam Mahmoud Abed-Ramahan Khader	Independent (Fateh Affiliate)	21328
Dallal Abed-Hafiz Mahmoud Salameh	Fateh	20749
Kamel Muhammad Saleh Al-Afghani	Independent	17425
* Saloum Imran Ishaq El-Samirei	Independent (Fateh Affiliate)	2451
<b>Top Two Losing Candidates</b>		
Mo'ath Majed Muhammad Al-Nabils	Independent	17005
Sarhan Othman Jaber Doikat	Fateh	14585

<b>RAMALLAH Constituency</b>		
<b>Number of seats (7)</b>		
<b>Seats for Christians (1)</b>		
<b>Name of Elected Candidate (# indicates Christian candidate)</b>	<b>Affiliation</b>	<b>Votes</b>
Abdel-Jawad Saleh	Independent	29445
Qdoura Faris	Independent (Fateh Affiliate)	20980
Abdul Fateh Hamayl	Independent (Fateh Affiliate)	16412
Jamil Al-Tarifi	Independent	13504
Azmi El-Shuai'bi	Fida	12962
Marwan Barghouti	Fateh	12716
# Ghazi Hanania	Fateh	10288
<b>Top Two Losing Candidates</b>		
Mustafa Barghouti	Palestine People's Party	11553
Buthina El-Duqmaq	Independent	8666

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<b>JENIN Constituency</b>		
<b>Number of seats (6)</b>		
<b>Name of Elected Candidate</b>	<b>Affiliation</b>	<b>Votes</b>
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 Turkman	Independent	11529
<b>Top Two Losing Candidates</b>		
Mohammed Abu Robb	Fateh	11465
Saleh Ra'fat	Fida	9439

<b>JERICHO Constituency</b>		
<b>Number of seats (1)</b>		
<b>Name of Elected Candidate</b>	<b>Affiliation</b>	<b>Votes</b>
Saeb Erakat	Fateh	6291
<b>Top Two Losing Candidates</b>		
Ibrahim Balo Jalyta	Independent	1819
Mahmoud Hamad 'Atifat	Independent	1359

<b>TUBAS Constituency</b>		
<b>Number of seats (1)</b>		
<b>Name of Elected Candidate</b>	<b>Affiliation</b>	<b>Votes</b>
Hashim Daraghmeh	Independent	2132
<b>Top Two Losing Candidates</b>		
Basam Daraghmeh	Independent	1808
Dhyab Ghizran	Independent	1530

<b>TULKAREM Constituency</b>		
<b>Number of seats (4)</b>		
<b>Name of Elected Candidate</b>	<b>Affiliation</b>	<b>Votes</b>
Tayib Abdul Rahim Mahmoud	Fateh	10363
Mufeed Yousef Muhammad Abed Rabbo	Independent	8422
Hakam Omar Asaad Balawi	Fateh	8421
Hassan Abdul Fateh Abdulhaleem Khuraishi	Independent	8154
<b>Top Two Losing Candidates</b>		
Adnan Muhammad Mahmoud Al-Balidi	Independent	7739
Farouq Hafed Ahmad Hamadalla	Independent	5727

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*Appendix M*

**NDI/Carter Center Observation Delegation**

**1996 Palestinian Elections  
January 20, 1996**

**JIMMY CARTER**  
Delegation Co-Leader  
Former President, United  
States

**HANNA SUCHOCKA**  
Delegation Co-Leader  
Former Prime Minister, Poland

**HAFED AL FADEL**  
Director, Institute for  
Democracy, Yemen

**JASON CARTER**  
United States

**GRAEME BANNERMAN**  
President, Bannerman  
Associates, United States

**ROSALYNN CARTER**  
United States

**HARRY G. BARNES, JR.**  
Director, Conflict Resolution  
and Human Rights Programs,  
The Carter Center, United  
States

**WILLIAM CHACE**  
President, Emory University,  
United States

**SERGIO BITAR**  
Senator, Chile

**SANFORD CLOUD**  
President, National Conference  
of Christians and Jews, United  
States

**ERIC BJORN LUND**  
NDI Senior Associate, United  
States

**THOMAS DONAHUE**  
President Emeritus, AFL-CIO,  
United States

**DANIEL BRUMBERG**  
Professor, Georgetown  
University, United States

**MATYAS EORSI**  
Member of Parliament,  
Hungary

**AMY CARTER**  
United States

**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

**JAMES KAVANAGH**  
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**  
Chairperson, Swedish  
Committee for UNICEF,  
Sweden

**ROBERT PASTOR**  
Fellow, The Carter Center,  
Professor, Emory University,  
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, U.S.  
Congress, United States

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**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 D. WOLLACK**  
NDI President, United States

**HAYDEE YORAC**  
Former Commissioner,  
COMELEC, Philippines

**JAMES ZOGBY**  
President, Arab American  
Institute, United States

### **NDI Staff Members**

**WAF A' ABDUL-RAHMAN**  
Staff Assistant

**REEMA ABU-HAMDIEH**  
Staff Assistant

**ABEER ABU SHALBKA**  
Office Manager

**FARIS AL-SANABANI**  
PDMC Advisor

**AARON AZELTON**  
Program Officer

**KENDALL DWYER**  
Program Assistant

**KHALED ELGINDY**  
Program Assistant

**LAUREN GIRARD**  
Logistics Coordinator

**MARY HILL**  
Logistics Director

**KEVIN JOHNSON**  
Senior Program Officer

**BRIAN KATULIS**  
Program Assistant

**OLGA MILOSAVLJEVIC**  
Program Officer

**MARK MULLEN**  
Program Officer

**LAUREN SOBEL**  
Staff Assistant

**RANJIT SINGH**  
Program Officer

**MARGARET ZAKNOEN**  
Program Assistant

**The Carter Center Staff Members and Guests**

**DOUG BRINKLEY**  
Biographer

**ELIZABETH HORTON**  
Intern, Human Rights Program

**DAVID CARROLL**  
Associate Director, Latin  
American and Caribbean  
Program

**BILLY HOWARD**  
Photographer

**NANCY KONIGSMARK**  
Assistant to President Carter

**RACHEL FOWLER**  
Assistant Program Coordinator,  
Human Rights Program

**SUSAN PALMER**  
Assistant Director for Projects,  
Conflict Resolution Program

**CARRIE HARMON**  
Director of Public Information

**NDI Civic Forum Program Staff Members**

**AREF JAFFAL**  
West Bank Coordinator

**MAJD AMAD**  
Moderator-Nablus/Salfit

**MOHAMMED 'ALAYAN**  
Moderator-Jerusalem

**MAHER ESSA**  
Moderator-Mid Camps

**SALAH AL MADHOON**  
Moderator-Gaza North

**MAHMOUD HIRSH**  
Moderator-Tulkarem/Qalqilya

**SHAWQI AL ZATTMAH**  
Moderator-Khan Younis/Rafah

**BASHAR JALOUDI**  
Moderator-Jenin/Tubas

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**BASSAM NASSER**  
Moderator-Gaza City

**MAHMOUD RASHID**  
Moderator-Ramallah

**KHALED RAMADAN**  
Moderator-Bethlehem

**ABDULATIF ABU  
SAFIYYEH**  
Moderator-Hebron

*Appendix N*

**Briefing Schedule**

**NDI/Carter Center Observation Delegation  
1996 Palestinian Elections  
January 17-21, 1996**

**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 and 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: Rachele 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



**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: Mohammed Valli Moosa (South Africa)**

**Presenters: Joel Singer, Legal Advisor Foreign Affairs Ministry and  
Colonel David Hacham, Assistant to the Coordinator of Political  
Activities in the Territories**

## **160 Palestinian Elections in the West Bank and Gaza**

**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 AND  
EXPLANATION OF REPORTING PROCESS**

NDI and The Carter Center

**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/Carter Center Observation Delegation  
1996 Palestinian Elections  
January 20, 1996**

**JERUSALEM**

**Jerusalem Leadership Team**

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**

Eric Bjornlund  
David Carroll  
Kevin Johnson  
Mohammed 'Alayan

**Jerusalem Team 3**

Rachel Fowler  
Mary Hill  
Lauren Girard

**THE WEST BANK**

**Bethlehem**

Sanford Cloud  
Amy Carter  
Khaled Ramadan

**Hebron Team 1**

Saki Macozoma  
William Quandt  
Abdulatif Abu Safiyyeh

**Hebron Team 2**

Matyas Eorsi  
Gay McDougall  
Mark Mullen  
Reema Abu Hamdiah

**Jenin**

Raqiya Humeidan  
Adamou Kombo  
Bashar Jaloudi

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### **Jericho**

Karin Ryan  
Benabdallah Moulay Hicham  
James Kavanaugh

### **Nablus**

Mohammed Valli Moosa  
Hafed Al Fadel  
Majd Amad

### **Qalqilya**

Karen Shepherd  
Vince Shepherd  
Lauren Sobel

### **Ramallah**

Kenneth Stein  
William Chace  
Mahmoud Rashid

### **Salfit**

Daniel Brumberg  
Flora Lewis  
Brian Katulis

### **Tubas**

Omar Kader  
Sergio Bitar  
Margaret Zaknoen

### **Tulkarm**

Harold Saunders  
Carol Saunders  
Mahmoud Hirsh

## **THE GAZA STRIP**

### **Gaza City Team 1**

Jerry Weller  
William White  
Kendall Dwyer  
Bassam Nasser

### **Gaza City Team 2**

Jason Carter  
Khaled Elgindy

### **Gaza North**

Thomas Donahue  
Lisbet Palme  
Olga Milosavljevic  
Saleh Al Madhoon

### **Khan Younis**

Mary King  
James Zogby  
Shawqi Al-Zattmah

### **Mid Camps**

Clairmont Lye  
Rachelle Horowitz  
Maher Essa

### **Rafah**

Graeme Bannerman  
Marsha Ralls  
Aaron Azelton

*Appendix P*  
**Press Statement**  
**Carl Lidbom**

**Head of the European Electoral Unit**  
**December 12, 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

## **164 Palestinian Elections in the West Bank and Gaza**

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*

**Joint Statement by Heads of International  
Observer Delegations**

**European Union Electoral Unit  
January 21, 1996**

The Head of the European Union Electoral Mission and the Heads of the official international observer delegations coordinated 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 countries 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.

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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 and the Non-Aligned Movement.

*Appendix R*

**Press Release on Results of Monitoring of the  
Initial Voter Registration Process**

**Palestinian Domestic Monitoring Committee  
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.

## 170 Palestinian Elections in the West Bank and Gaza

**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?**

86% of respondents said they were supplied with 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 the respondents said they believed 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 lack of conviction regarding the electoral process as a whole; others consider 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 idea?**

9.2% of respondents said that they 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 visit of the CEC team?**

Numerous observations on the CEC teams' visit 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 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 Palestinian Domestic Monitoring Committee:**

The Palestinian Domestic Monitoring Committee (PDMC) is a non partisan organization which aims to monitor all stages of the electoral process, in order to promote public confidence in the elections and protect voters' and candidates' rights.

PDMC represents more than 40 Palestinian NGOs and conducts its activities in an independent, neutral and objective manner. Its ultimate aim is the promulgation of democracy through the monitoring of media objectivity, the election campaign, conduct of candidates, fairness of the election administration, the voting process and counting of ballots, and the quality of the general electoral environment.

We believe that this election monitoring should be conducted by domestic monitors and not only international observers. As Palestinians, we feel a particular duty to ensure that these elections are conducted in the most credible, free and fair manner possible. The monitoring process has already begun along with the electoral process. The PDMC this past week formed groups of volunteers to monitor the registration of voters in the West Bank.

From December 6-9, 70 volunteer monitors conducted canvassing in the 10 electoral districts (Ramallah, Nablus, Tulkarem, Qaiqilya, Jerusalem, Salfit, Hebron, Jericho, Jenin, and Tubas). Canvassing was conducted in 10 cities, 22 villages, and 15 refugee camps. A total of 770 residencies was canvassed. Volunteers chose a random sample of residencies (every sixth home) and 10 questions were addressed to those residents polled.

Volunteer monitors are asked to conduct their work in a neutral manner that facilitates monitoring of the electoral process. Volunteer monitors are prohibited to make comments or ask questions in a manner that could be perceived as being partisan. Nor is it the monitors' job to provide civic or voter education other than to explain their role and the importance of independent monitoring of an electoral process.

**INFORMATION ABOUT  
THE CARTER CENTER AND NDI**

## **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](http://www.emory.edu/Carter_Center)

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The National Democratic Institute for International Affairs (NDI) is a nonprofit organization working to strengthen and expand democracy worldwide. Calling on a global network of volunteer experts, NDI provides practical assistance to civic and political leaders advancing democratic values, practices and institutions. NDI works with democrats in every region of the world to build political and civic organizations, safeguard elections, and promote citizen participation, openness and accountability in government.

The Institute is headquartered in Washington, D.C. and maintains field offices in Africa, Asia, Eastern Europe, Eurasia, Latin America and the Middle East. NDI has supported the development of democratic institutions in more than 70 countries. Programs focus on five areas:

***Political Party Training:*** NDI exposes members of fledgling parties from across the democratic political spectrum to the nuts and bolts of politics. Party members learn first-hand the techniques of strategy, planning and management—from communication within the party, and democratic selection of candidates and party leaders to issues research, polling, message development and public outreach.

***Election Processes:*** NDI provides technical assistance for political parties, nonpartisan associations and election authorities to conduct voter and civic education campaigns and to develop election monitoring programs. The Institute has organized more than 35 major international observer delegations that have attested to the honesty of electoral procedures, helped deter electoral misconduct or exposed fraud.

***Strengthening Legislatures:*** NDI's programs support the professional development of legislatures, encourage greater public participation in the legislative process, and promote the principles of transparency and accountability in national policymaking.

***Local Government:*** NDI provides technical assistance on a range of topics related to the processes of local governance, including division of responsibility between mayors and municipal councils, and between local and national authorities. NDI's programs promote communication between local officials and their constituents, and citizen input into local decisionmaking.

***Civic Organization:*** NDI supports and advises nonpartisan groups and political parties engaged in civic and voter education programs. NDI works with these organizations to provide citizens greater access to the political process, and to promote transparency and accountability in government.

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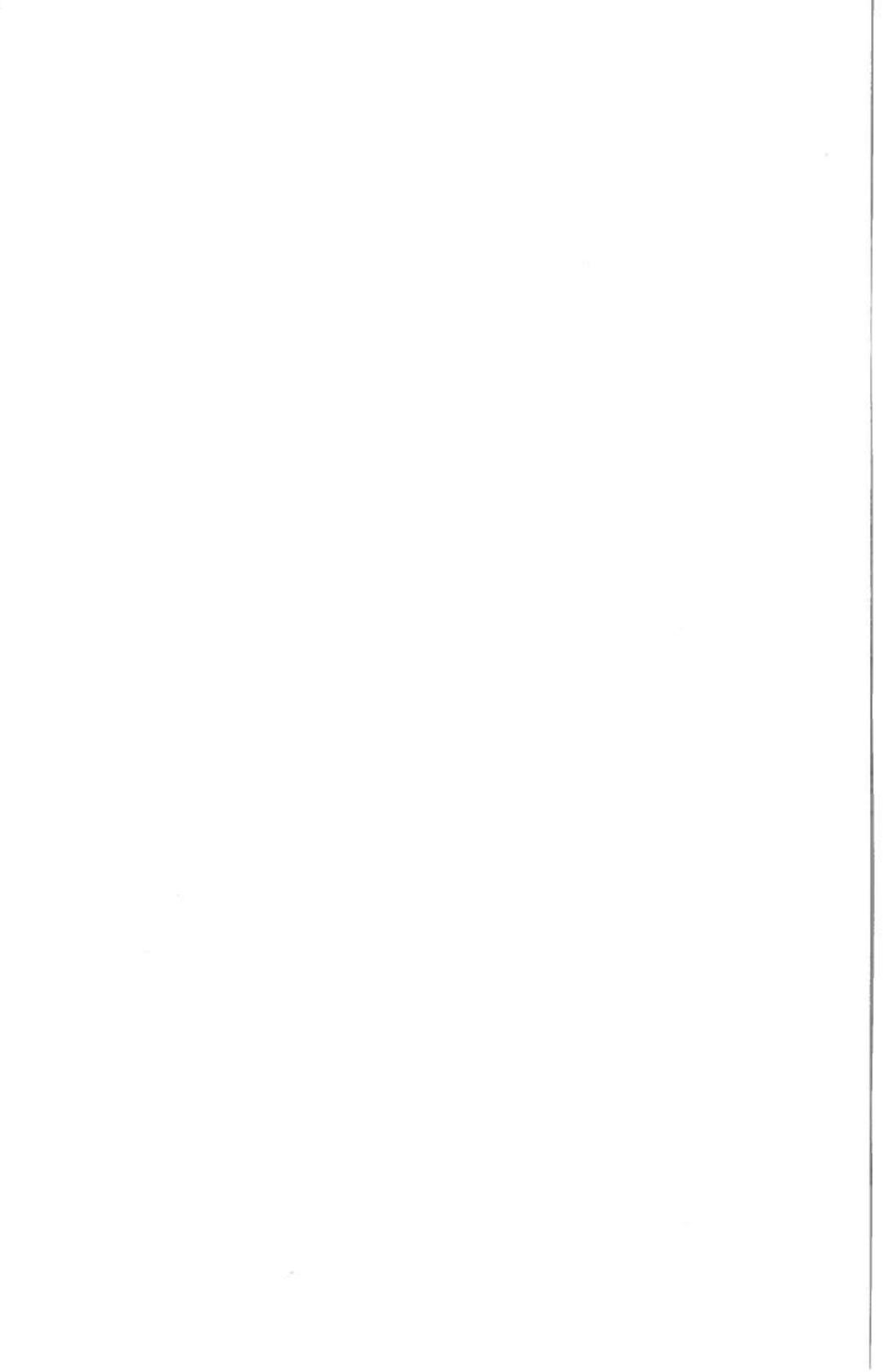
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