



**European Union Election Observation Mission  
West Bank and Gaza 2005**

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## **PRELIMINARY STATEMENT**

### **“Palestinian election overcomes difficult and tense conditions but highlights challenges that lie ahead”**

#### ***Executive Summary***

- The 9 January election for the president of the Palestinian Authority represented a genuine effort to conduct a regular electoral process. Despite the difficult and tense conditions, Palestinian electoral authorities made adequate and sufficient arrangements for voters and the strong turn out showed that the public was enthusiastic to exercise its democratic rights. However, the occupation and continuing violence as well as restrictions on freedom of movement meant that a truly free election was always going to be difficult to achieve.
- With the exception of some tense parts of the Gaza Strip, the process on election day in the regular polling stations was generally peaceful and voters had sufficient freedom of movement, with the noticeable relaxation of checkpoints in some areas, but with problems remaining in Nablus, Hebron and parts of Gaza. Observers noted that the process in the regular polling stations was well conducted and polling station commissions worked extremely hard and diligently to administer the voting.
- The electoral authorities ensured that the electoral process was ready for the conduct of the poll on 9 January despite the challenges and obstacles they faced. This was an enormous effort on their behalf. However there is concern at the last minute changes for voting at the special polling stations, which was outside of the law and impacted negatively on the proper administration of voting at these places as it did not benefit from the safeguards envisioned in the law. The Central Elections Commission (CEC) is strongly urged to ensure that such a situation is not repeated in future elections.
- There is concern at the lack of proper voting facilities and clear procedures for the voters of East Jerusalem, and it was noted that on election day people faced administrative obstacles in exercising their voting right. The electoral arrangements in East Jerusalem are highly problematic and the 1996 Protocol on Elections does not provide proper electoral conditions. During the campaign the final procedures were only worked out very late and candidates suffered from this. Likewise on election day, the late confirmation of procedures and consequent lack of adequate public information resulted in confusion for voters. It is clear that for the coming elections the present Israeli-Palestinian agreement concerning elections in East Jerusalem requires reconsideration in order to avoid further tension and problems.
- The election campaign passed off without major incident directly linked to the campaign, but there were restrictions on the freedom of movement for candidates. This caused a lot of frustration among candidates as they faced obstacles in gaining access to voters, notably in East Jerusalem and Gaza. However, the campaign was vigorously contested, with candidates utilising media advertising and eventually conducting rallies in most areas. Freedom of movement would have been greatly facilitated by clearer and more timely procedures for the granting of permits for candidates and their staff.
- With the exception of East Jerusalem the voter registration process conducted by the CEC was highly credible, capturing some 71% of the electorate. The later decision to also open the process to persons on the civil register complicated the work of the CEC.

- There was misuse of public resources in favour of one candidate, with public officials seen campaigning in his favour. The law is clear on this point and this should not be allowed, but the electoral authorities did not act against this despite numerous complaints.
- Despite the noted shortcomings, it is clear that given the context this election represents an achievement and an opportunity. Whilst democracy cannot necessarily be consolidated in one or two elections, the practice for Palestinian leaders to seek legitimacy through the ballot box is being entrenched and the spirit and numbers in which the Palestinian people registered and participated are strong indicators of a will to follow the path of the rule of law and popular participation.
- It remains clear that the most serious problems facing the election stemmed from the wider political context and the impact of the existing occupation and conflict. For the electoral process the challenge now is to learn from this experience by further strengthening the independence of the CEC, ensuring more rigorous enforcement of the legal provisions and clarifying and developing the legislative framework in time for the proposed legislative council elections later in the year.

## ***Detailed Findings***

### ***Election Day***

With the exception of some tense parts of Gaza, the process on election day was generally peaceful and voters had sufficient freedom of movement and were able to reach their polling places. But observers reported that restrictions remained in parts of Nablus, Hebron and Gaza. Observers noted that the process in the regular polling stations was well conducted and the proper voter list proved to be reliable. However, observers did report of widespread campaigning around polling stations, mostly for Mahmoud Abbas, which created a partisan atmosphere.

The most significant problems on election day were in East Jerusalem and in the special centres for voters on the civil register. In East Jerusalem, on the basis of the 1996 Protocol on Elections, some Palestinians had to vote in Israeli post offices, but no voter registration had been conducted due to the curtailment of the registration process in September by the Israeli authorities.

The inadequate and late agreement on many of the technical arrangements for East Jerusalem, including the door-to-door registering of voters only days before the election, resulted in a lack of timely information for voters and in people being unsure of where to vote on election day, causing confusion and anxiety. As a consequence a decision was eventually taken on the day of the election to allow people registered during the January canvas to vote at any post office. Whilst this was a pragmatic response to a real problem, it exemplifies how poor the arrangements and information for voters had been. The procedures in the post office did not provide proper secrecy for voters and generally discouraged participation.

It should be noted that whilst the 1996 Protocol providing for voting in East Jerusalem was a joint Israeli-Palestinian Agreement and was the only arrangement available for the process, many details were lacking and it does not provide for the reasonable participation of voters, with voting being limited to post offices for up to just 6,000 of the potential electorate of some 100,000 persons. Voters in East Jerusalem should enjoy the same conditions as voters elsewhere and not be subject to the restrictions and inconveniences witnessed during this election.

The decision by the Central Elections Commission to extend the hours of polling from 19.00 to 21.00, and the concurrent last minute changes to the voting procedures allowing for all eligible persons with an ID card but not on the voter list to vote at any special voting centre, resulted in an unruly and irregular process in many of the 71 centres and raises serious concerns about the process at some of those places, notably in Gaza North, Gaza City, Ramallah, Tulkarem and Hebron. This provision is not foreseen in the election law and the decision is a matter of regret.

The use of the civil register was a consequence of the Palestinian Legislative Council decision to provide the voting franchise even to persons not included on the initial voters list, which although offering the electoral franchise to more of the electorate severely complicated the work of the CEC. Observers noted that large

numbers of persons, including from the police and security forces, were transported to special polling centres to take advantage of this late change, raising serious concerns about both the decision and its consequences.

The large scale presence of candidate agents and civil society observers in polling stations increased the transparency and accountability of the electoral process, as did the provision for the posting of the results protocol at the polling centre, and these practices are both commended and encouraged for future elections.

### ***Electoral Administration***

The election benefited from the fact that the CEC and lower level election administration bodies enjoy credibility and public confidence. This is a vast improvement from 1996 and aided the organisation and credibility of the process. The EUEOM has concerns regarding the last minute changes to procedures on the day of the election, as noted, but generally the CEC did a very good job under difficult conditions.

The initial voter registration process of September and November 2004 was widely reported to have been well conducted, and the CEC managed to compile a safe list of voters representing some 71% of the estimated total eligible electorate, which is a credible amount. However it is regretted that there was no agreement between Palestinians and Israel on registering voters in East Jerusalem, resulting in voter registration centres in East Jerusalem being closed down by the Israeli authorities. This contributed to the late identification of Palestinian voters in East Jerusalem and contributed to the confusion on election day.

One area of concern regarding the administration is the issue of complaints and appeals. Numerous complaints were lodged with District Election Commissions and the CEC, such as on misuse of public resources, but there was a lack of any real action on these. There was also a lack of transparency, in that complaints and any decisions were not necessarily made public. Such a lack of transparency and inaction on many complaints raises concerns among stakeholders as they do not see the rule of law being upheld in such cases.

### ***Electoral Campaign***

During the pre-election period the most notable difficulty facing the process was the restriction on freedom of movement for candidates and election officials. This resulted in a number of candidates facing serious difficulties in their campaigning activities and a number of incidents between candidates and Israeli military and police at checkpoints, with Mustafa Barghouti and Bassam Salhi both facing repeated problems.

Again, this problem was exacerbated by the late and unclear procedures, notably for East Jerusalem where the procedures were only finalised in the last days of the campaign. Restrictions on freedom of movement also impacted on the preparations by the electoral authorities, particularly in Gaza where violence continued throughout the pre-election period. However, by the eve of the election all essential electoral materials were reported to have been delivered, enabling the timely opening of polling stations.

A widespread problem during the campaign was the involvement of PA institutions, personnel and materials on behalf of Mahmoud Abbas. The law is clear on this point; the PA is not supposed to be involved at all in such a manner. However, observers reported on a government minister in Hebron inviting teachers to attend a Mahmoud Abbas campaign rally; banners and posters hanging on the office buildings of Governors, Security and Police forces, Local Government and public institutions in Tulkarem, Gaza, Nablus, Hebron and Bethlehem; the active involvement of the security forces in attending campaign rallies for Mahmoud Abbas and security forces obstructing a meeting for Tayseer Khalid in Tulkarem. In many of these cases a complaint was lodged with the district or central election officials but it is uncertain whether any action was taken or not.

There were allegations made against some candidates of illicit campaign financing activities, from either public or foreign sources. It is not possible for the EUEOM to verify the veracity or otherwise of such allegations and all allegations were denied by the candidates. But if the regulatory framework had been clearer and more demanding on candidate disclosures the problem could have been addressed.

### ***Media Coverage***

Media coverage was an improvement compared to 1996, with more voices represented across the media spectrum. The legal provision of equal free airtime for candidates on Palestine TV and Voice of Palestine radio was very positive.

However, on Palestine TV, for example, Mahmoud Abbas received 94% of the overall airtime in news broadcasts during the campaign period. Monitoring also showed that the privately-owned Watan TV devoted 47% of its programming to Mustafa Barghouti, while Amwaji Radio dedicated 94% of the time to Bassam Sahli.

Print media was more balanced and critical, though with a continued advantage for Mahmoud Abbas. However, it was observed that the three main daily newspapers violated the campaign silence by publishing articles on candidates and running paid advertisements.

### ***Remarks by the EUEOM Chief Observer and the Head of the European Parliament Delegation***

The European Union Election Observation Mission (EUEOM) on election day fielded 277 observers from 26 countries throughout the West Bank and Gaza, making it the largest international observer group present.

The mission was established in Ramallah on 8 December and was joined at the time of the election by 28 Members of the European Parliament, the largest electoral observation delegation deployed by the parliament to date. The MEPs were deployed along with the other observers across all 16 electoral districts.

The mission's Chief Observer, Mr Michel Rocard, said holding a democratic election under occupation is fraught with difficulties and is therefore a rare event.

"In this case it has happened because it is essential. Following the death of president Yasser Arafat, the Palestinian people and national institutions chose to respect the provisions in the Basic Law and embark on an electoral process to identify their new leader. This decision was a courageous one and shows a demand for democracy," he said.

Mr Rocard, a member of the European Parliament and a former French Prime Minister, said he was pleased that the Israeli government had from the outset expressed public support for the process.

"As a result of this electoral process, the Palestinian people will benefit from a democratically elected and internationally recognized leadership, which will enable them to start to face the difficult challenges that lie ahead," he added.

European Parliament vice-president, Mr Edward McMillan-Scott, who led the MEP delegation, said: "Our task is to deliver an informed political verdict on the electoral process in due course. After an initial appraisal, my colleagues have confirmed that, despite the Israeli occupation and lack of opportunity for East Jerusalem and other residents to vote, the Palestinians – especially women -- have conducted an election of which they can be proud. It prepares the ground for the parliamentary elections, which could serve as a model for others in the region."

The EUEOM included participants from EU Member States plus Norway, Switzerland and Canada. The mission will issue a final report with recommendations at a later stage.

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