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## PRE-ELECTION ASSESSMENT WEST BANK & GAZA

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## I. EXECUTIVE SUMMARY

The International Foundation for Electoral Systems (IFES) is a private, non-profit and non-partisan foundation established in 1987 with a mandate to monitor, support, and strengthen the mechanics of election processes in emerging democracies and to undertake appropriate education activities which contribute toward free and fair elections. IFES fulfills its objectives through programs in technical election assessments, on-site technical assistance, pollworker training, citizen education in democracy, and election observation. IFES also serves as a resource center for election-related information and experts.

Shortly after the signing of the Declaration of Principles (DOP) on September 13, 1993, IFES staff began contacts with Palestine Liberation Organization (PLO) officials and representatives in the United States, Europe and the Middle East to explore possibilities for providing technical assistance in preparation for the Palestinian Council elections scheduled for 1994 according to the terms of the DOP. In December 1993, IFES' Chief of Staff, Mr. Jeff Fischer, met in Tunis with senior PLO officials.

With funding from the Agency for International Development's (A.I.D.) Asia and Near East Bureau, IFES sent a two-person team to Tunisia, Israel, the West Bank and Gaza to conduct a survey on the prospects and plans for Palestinian elections to be held under the framework of the September 13 Declaration of Principles.

The IFES team of Keith Klein and Adila R. Laïdi first visited Tunis, and held meetings with the PLO leadership. Subsequently, they traveled to Israel, and from their base in Jerusalem had meetings with Palestinians and Israelis in the West Bank, the Gaza Strip and Tel Aviv. They also met with State Department and USAID officials at the U.S. Consulate General in Jerusalem.

The DOP calls for the election of a Palestinian Council to take place in the West Bank and the Gaza Strip within nine months of the DOP's signing. The PLO is also planning to hold municipal elections during this same general time period.

The IFES team identified many areas where fundamentals need to be addressed. The critical factor is financial resources. On this depends the implementation of elementary bases of elections preparations: drafting an electoral code, undertaking a census of the population, and establishing a registration system. Other starting parameters have yet to be defined but are independent of financial considerations. They have to be defined either by the Palestinian leadership or in concert with the Israelis. This set of issues includes with the date of the elections, the competence of the Council, the overarching principles of an elections code, the electoral system adopted and the relation of municipal elections to the organization of Council elections.

IFES has also taken the initiative to consult and coordinate at the outset with U.S. and European governmental and non-governmental organizations as well as with international regional organizations to discuss information-gathering efforts and planning of election assistance.

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This report presents the findings of the IFES team and contains a series of recommendations regarding the framework of Palestinian elections, the organization of elections, and the granting of foreign assistance. It is not an historical nor an academic study of political dynamics or movements in Gaza and the West Bank. It concludes with an assessment of steps that must be taken in order to hold elections that will be seen as legitimate in the eyes of Palestinians themselves and the outside world, and the role of external forces in assisting in that task.

## II. INTRODUCTION

From January 8 to 18, 1994, a two-person team from IFES conducted an assessment of preparations for Palestinian elections that are to take place within the context of the autonomy agreement between the PLO and Israel. Keith Klein, IFES Director of Programs for Africa and the Near East, and Adila Laïdi, Program Officer for North Africa and the Near East, visited Tunisia, Israel, the West Bank and Gaza to gather information on the prospects for elections in the West Bank and the Gaza Strip and on the Palestinians' potential need for external assistance. The scope of work of this IFES mission included the following objectives:

- to assess the Palestinian authorities' readiness and commitment to holding free and fair elections in the West Bank;
- to assess the material needs of the Palestinian electoral authorities;
- to identify potential activities for IFES in implementing needed technical and material assistance, in collaboration with AID's Asia and Near East Bureau and the USAID mission, and in coordination with other donors and U.S.-based NGOs;
- to demonstrate the interest of the international community in building democratic institutions in the West Bank and Gaza.

The IFES team began its assessment mission with three days in Tunis meeting with PLO leaders, including PLO Chairman Yasser Arafat. From January 12-18, the team was based in Jerusalem, from which it traveled to Tel Aviv, Gaza and several West Bank towns including Bethlehem, Nablus and Ramallah. Many of the team's meetings were with members of the Commission on Elections and Local Government (CELG) and with its chairman, Dr. Saeb Erekat, as well as with leaders of Palestinian political factions and representatives of civic society. The team also met with Israeli officials in the Civil Administration (the Israeli military body administering the Territories) and the Foreign Ministry, and with representatives of the U.S. Department of State and AID at the U.S. Consulate General in Jerusalem.

The report which follows presents a synthesis and analysis of the information gathered by the IFES team regarding Palestinian elections. The report describes the general framework for

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elections as outlined in the Declaration of Principles signed by Israel and the PLO in Washington on September 13, 1993. It also describes the objectives and makeup of the Commission on Elections and Local Government. Subsequent sections present an analysis of election-related issues and problems that must be addressed, some by the Palestinians themselves, some by the PLO in negotiation with Israel, and others by the people of the West Bank and Gaza in concert with international providers of election assistance.



### III. BACKGROUND

#### A. Historical Context

In 1917, the United Kingdom assumed control of Palestine from the defeated Ottoman Empire. Under the framework of the Sykes-Picot Agreement, the Near East was divided into zones of influence between Great Britain and France. That same year, Britain pledged in the Balfour Declaration to support the creation of a Jewish homeland in Palestine. In 1920, the British mandate in Palestine was recognized and, in 1922, the East Bank (Jordan) was detached from Mandate-Palestine.

The population of Mandate-Palestine was Arab in large majority, composed of Moslems, Christians, Druze; as well as Armenians. There was also a small indigenous Jewish population which was growing with the influx of European Jews in the late 19th century following the birth of the Zionist movement. This increased immigration and British policies favoring it were violently opposed by Palestinians in strikes, civil disobedience campaigns and armed revolts that took place in 1921, 1929 and 1936.

After the end of the Second World War and the international discovery of the horrors of the Nazi Holocaust, Jewish immigration to Palestine increased, along with calls for the creation of a Jewish state in Palestine. The United Nations voted in 1947 to partition Palestine into Jewish and Palestinian homelands. Britain withdrew in May 1948, and the State of Israel was proclaimed on May 14, 1948. Palestinians and neighboring Arab states rejected the partition and declared war on the new state. Israel was able to make territorial gains beyond the UN-set borders, and following this military victory, separate armistices were signed among the belligerent parties.

Following this, hundreds of thousands of Palestinians fled to the areas not under Israeli control, and to Arab countries. Jordan took over what became the West Bank, and Egypt the area that its troops still controlled, the Gaza Strip. The West Bank was administered as part of the Kingdom of Jordan, whereas Gaza's Palestinian identity was somewhat preserved with the fostering of local institutions such as the formation of a short-lived government of All Palestine by Haj Amin Husseini and a legislative council. West Bankers carry Jordanian passports, whereas Gazans carry Egyptian travel documents. West Bankers had their mayors appointed by Jordan and voted throughout the 1950's and 1960's to send their representatives to sit in the

## Jordanian Parliament.

In 1967, Egyptian forces demanded that the UN troops stationed in Gaza withdraw and re-entered the Strip. This was followed by the Six-Day War where Israel seized the rest of Mandate-Palestine, (the West Bank including East Jerusalem, and Gaza), as well as the Syrian Golan Heights and the Egyptian Sinai. The war was followed by further migration of Palestinians into neighboring countries. The aftermath of the war also saw the resurgence of Palestinian nationalism with the revitalization of the PLO, established in 1964, and the increase of guerrilla and military actions by Palestinians against Israeli troops and interests inside and outside Israel. The West Bank and Gaza were administered by an Israeli military administration that issued decrees superimposed on the complex layers of civil, commercial and local legislation of the West Bank and Gaza made up of Ottoman laws, British Mandate decrees, and Jordanian and Egyptian laws. In 1972 and 1976, municipal elections were held in the West Bank (excluding Gaza and Jerusalem). Participation was high and the mayors elected were mainly nationalists with PLO support. The majority of these were subsequently deposed or deported by Israeli authorities, or were victims of attempts on their lives.

After the Camp David Accords were signed between Egypt and Israel in 1979, the two parties' talks on establishing autonomy for the Palestinians failed. The Israeli military administration changed its name to the present Civil Administration. It also tried to foster a local leadership with good relations to Israeli authorities in the form of "Village Leagues." Palestinians boycotted participation in these bodies which they saw as collaborative.

In 1980, the Israeli parliament formally annexed East-Jerusalem, and the city was declared the undivided and eternal capital of Israel. In 1982, Israel invaded Lebanon and entered the capital Beirut, where the PLO was headquartered since it was ousted from Jordan in 1970. Ultimately, the PLO was forced to move its headquarters to Tunis and its military forces to a number of Arab countries.

In 1987, a Palestinian uprising known as the Intifada began. The Intifada took the form of confrontations with Israeli forces and strikes. It saw the emergence of a local Palestinian leadership. In July 1988, Jordan abruptly decided to cut its ties to the West Bank and discontinue its administrative functions there on the presumption that the Intifada showed that Palestinians wished to proceed towards independence under the stewardship of the PLO. Jordan agreed, however, to continue partial provision of some services on an interim basis.

In November 1988, the Palestinian parliament-in-exile, the Palestine National Council (PNC), voted to accept the establishment of an independent Palestinian state with Yasser Arafat as its president. It also voted to recognize UN resolutions 242 and 338 as the basis for an international peace conference. Resolution 242 (passed in 1967) called on Israel to withdraw from the territories it had occupied in 1967 and recognized the rights of all states of the area to live in secure and recognized boundaries. Resolution 338 called for negotiations to implement 242. The PNC also envisioned the establishment of a confederation between the Palestinian state and Jordan. In December 1988, after Yasser Arafat had explicitly recognized Israel and condemned terrorism, the United States opened a dialogue with the PLO. That dialogue proved unproductive and short-lived after Yasser Arafat refused to take disciplinary action against the head of the PLO-affiliated group Palestine Liberation Front whose guerrillas had attempted infiltrating Israel.

The Gulf crisis and war of 1990-91 severely impacted Palestinians as it cut off important sources of funding from the PLO and Palestinians in the Territories. After the war, U.S. pressure led the parties to convene for peace talks in Madrid. The Palestinians were only allowed to attend as part of the Jordanian delegation, and only Palestinians from the Territories without East-Jerusalemites were chosen. The talks moved to Washington and spawned a series of multilateral talks that yielded few results until the surprise announcement of the Oslo Accord in August 1993 that culminated in the signature of a Declaration of Principles between the PLO and Israel in September. Discussion of many of the salient points of the Palestinian-Israeli conflict was postponed, such as the status of East-Jerusalem, Israeli settlements, the right to return and compensations for refugees. The DOP established an autonomous Palestinian area for a five-year transitional period.

## **B. Actors Shaping Democratization**

The actors in the Arab-Israeli conflict will likely shape the debate on elections. Many of the people interviewed by the IFES team anticipated how they would position themselves toward the holding of the Council elections. It would be worthwhile to review these opinions.

### **1. The Palestinians**

Palestinians inside the Territories all expressed a yearning for the establishment of a democratic system in the West Bank and Gaza. Palestinian society is well positioned for the establishment of such a system. Even though general elections have not been held in a long time --the last popular elections were municipal elections held in the West Bank only in 1976 -- professional

and student elections are held regularly. Palestinians are among the best educated in the region and have a long history of activism against Israelis in the form of grass-roots mobilization, lawsuits, the participation of women, civil disobedience campaigns, and political organization that reflects a level of awareness and engagement that can potentially be transposed to a democratic post-occupation situation.

Security concerns remain a major stumbling block to a peaceful democratic life. One aspect of these concerns deals with the consequences of the Intifada. As schools were closed and young Palestinians took over the streets, the youth were cut off from traditional sources of authority and have come to identify authority solely with the Israeli military. This may prove problematic if some segments of the population continue to bypass traditional channels of mediation to express themselves politically after a Palestinian Authority has been established according to the DOP.

The economic situation in the West Bank and Gaza has worsened in the last seven years due to the loss of earnings caused by strikes and the reduction in the number of Palestinians working in Israel during the Intifada. This was compounded by the Gulf War that brought the end of Gulf states' aid to the Territories and, more importantly, the end of the remittances regularly sent by Palestinians living in Gulf countries. As a result, hunger and malnutrition are real problems in the Gaza Strip now. This dismal economic situation, and the political polarization of Palestinian society and the intra-Palestinian violence it has generated, may undermine future political structures. In this regard, the IFES team found a clear awareness among the Palestinians interviewed of the benefits and dangers of democratic elections. Some local officials clearly expressed the opinion that it would be preferable to forego the idea of an elected Council for five years to give time to settle the social and political problems born out of the Intifada in favor of an appointed Council composed of representatives from all the Palestinian factions.

Furthermore, despite the clear intent of the accord signed by the PLO and Israel in September 1993, the IFES team found widespread suspicion among Palestinians in the West Bank and Gaza Strip that Council elections would never take place. For example, the recent appointments by the PLO in Tunis of municipal officials was cited as giving the impression that these appointees would hold office regardless of whether elections were held or not.

A delegation of prominent Palestinians led by Dr. Haydar Abdel Shafi, former head of the Palestinian team at the peace talks, visited Tunis in January to present a petition to the PLO

leadership asking for more accountability and a broadening of the base of decisionmaking. Dr. Abdel Shafi was charged by Yasser Arafat with the formation of a national dialogue body, but his mission was considered a failure.

Nevertheless, Palestinians expressed the opinion that they did not look toward a democratically elected Council to replace the PLO as a representative for the Palestinians, as it would be an interim body, and would not represent Palestinians living outside the Territories.

## 2. The PLO

The PLO has always had a structure built around collegial decision-making bodies --the Palestine National Council (PNC), the Central Committee and the Executive Committee. The composition of these bodies has been characterized by the need to secure representation of all Palestinian political factions.

Opinions regarding the commitment of the PLO to the holding of Council elections as prescribed by the DOP were mainly guarded. These opinions were shaped by two forces: political and historical. Politically, it was argued that the PLO leadership has an interest in not allowing Council elections to happen. Those who argue along this line say that PLO Chairman Yasser Arafat has shown no inclination to share power even within the PLO structure. Accordingly, the internal democratization of the PLO generally and of Fatah --its leading faction-- specifically, would not be allowed to take place.

There would also be a strong incentive not to risk diluting power with an elected Council, particularly if anti-PLO and anti-DOP forces, such as Hamas, are likely to do well in the balloting.

The historical forces deal with the prospect that holding Council elections would consecrate the territorial division between Palestinians inside the Territories, and those on the outside, both inside Israel and in the diaspora. Elections may also lead to polarization of the Palestinian scene along factional or ideological lines, or worse, to violence. Elections also set precedents and empower citizens beyond election day to demand more accountability on all fields from their leadership.

One important question in the debate on elections is the relation of the elected Council to the PNC. The PNC is the main policy-making body of the PLO and its parliament in exile. It

assemblies approximately 485 representatives from all over the world. Members are elected by the organizations they belong to, such as political movements, military groups, student organizations, professional associations, and women's groups. Some members are also appointed among independents or prominent intellectual or religious figures. The PNC meets every three years. One problem faced in the past is that close to 180 seats were set aside for "Palestinians of the interior." These Palestinians, however, were barred by Israeli authorities from having contact with the PLO and therefore members' identity could not be publicized nor could they travel to attend PNC meetings. Also, due to the difficulty of convening the PNC regularly, the Central Council of the PLO, with around 107 members, acts as the PNC's executive arm. After the signature of the DOP, it was the PLO's Central Council that met in Tunis and approved it.

The problem now posed by the DOP-prescribed elections is how to maintain the unity of the Palestinian people. The PLO wants to maintain a link between the PNC and the Council. Some PLO leaders suggested fixing the Council's membership at 180 so that it would be considered the "interior" branch of the PNC; others suggested that it would be subordinate to the PNC. The mechanisms setting that relationship remain to be sketched out.

All PLO officials interviewed by the IFES team, in Tunis and Jerusalem, were in favor of holding Council elections. One PLO historical leader interviewed stated that elections would have to take place, as not holding them would cause "complete chaos." Others offered the opinion that elections would be held in order to prove to the world that the Palestinian leadership is democratic.

### 3. Israel

The concerns voiced about Israel's attitude towards Council elections focused on the composition of the elected Council and the meaning of holding high-profile elections in the Territories.

The majority of the Palestinian personalities interviewed voiced the opinion that Israel (and the U.S.) would presumably prefer an efficient, stable Palestinian government led by Arafat to a potentially amorphous Council with many voices, made up of new leaders who are unknown as far as their behavior and attitudes towards Israel are concerned, or dominated by anti-accord factions. Furthermore, elected representatives answerable to their constituents would be likely to bring up charged questions such as the status of Jerusalem, potentially embarrassing any

Israeli government with regard to its internal constituency.

In addition, some Palestinians worry that the Israelis are not ready to permit the primary conditions of democratic election organization, that is, the free exercise of freedoms of movement, association and speech, especially during the pre-election campaign period. Military occupation has curtailed such freedoms, particularly during the Intifada.

Palestinians interviewed expressed the fear that Israel may prefer elections to be cancelled or postponed. This would decrease the legitimacy of the Palestinian entity in relation to Israel, as it would lack formal democratic credentials. On the other hand, some analysts like the Center for Palestine Research and Studies point out that it would be in Israel's interest to encourage elections to give political legitimacy to the DOP.

Israeli officials interviewed said they would not undercut the process and would provide assistance if asked by the Palestinians. They added that they would not push nor press the Palestinians for elections, instead they would let Palestinians decide among themselves. It was clear however, that Israelis insist that the Council elections should not be elections for a permanent parliament. Because the DOP is considered an interim accord, elections resulting from the DOP should reflect that level of agreement, according to Israel.

The concern was also frequently voiced that the U.S. would not press the Palestinians for elections, as the American level of commitment toward fostering democracy in the Islamic and Arab world is perceived as weak.

#### **4. Jordan**

It was held as axiomatic by many of the people interviewed that a Palestinian entity, especially one legitimized and strengthened by elections, would be a threat to Jordan. Palestinian and Jordanian frictions center mainly on the question of the identity of the people, and on the question of the guardianship of the Jerusalem holy places. The majority of the population of Jordan is of Palestinian origin, with many members of the same families on both the West Bank and the East Bank.

Jordan still commands power in the area, partly due to the circulation of the Jordanian dinar and to the presence of Jordanian banks. A recently signed PLO-Jordanian economic accord allows

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Jordan to operate its banks in the Territories during the interim period. This led some people to voice the concern that Jordan would have a unique way to intervene in the electoral process if it chose to do so, and even to fund anti-Arafat and/or pro-Hashemite groups. It remains to be seen, however, whether the emergence of a local leadership after elections will be a threat or a bonus to Jordan.

While Jordan is not an important player in election decision-making, elections would have a very clear effect on Jordanian-Palestinian relations insofar as holders of Jordanian passports and IDs who register to vote for the Palestinian elections may by that act be seen by Jordan as having consciously jettisoned their Jordanian citizenship.



#### IV. POLITICAL MOVEMENTS

The PLO was established in a founding congress in Jerusalem in 1964. It functions as the government in exile and liberation movement of the Palestinians, and is also the umbrella organization for the following principal Palestinian factions :

- Fatah (*Harakat at-Tahrir al-Filastiniyya*, Movement for the liberation of Palestine)
- the Popular Front for the Liberation of Palestine (PFLP)
- the Democratic Front for the Liberation of Palestine (DFLP)
- the Palestine Peoples Party (PPP)
- FIDA (*al-Ittihad al-Dimoqrati al-Filastini*, Palestinian Democratic Union).

The PLO also includes other smaller organizations such as the Syrian-backed *Saiqa* of Issam El Qadi, the Iraqi Ba'ath-backed Arab Liberation Front, and the Palestinian Liberation Front under the leadership of Abou el Abbas.

The PLO was recognized in 1974 at an Arab League summit held in Rabat as the sole legitimate representative of the Palestinian people. Its Executive Committee members, chairman and members of the Central Council are all elected by the PLO membership.

On the question of political movements' attitude to elections, leaders of Hamas, the DFLP and the PFLP interviewed by the IFES team all stated that they would participate in municipal council elections or in elections for choosing Palestinian leadership as long as these elections were not associated with autonomy or the DOP, and, as long as they were conducted without interference from the Israelis. There is general agreement among Palestinians that the DFLP, the PFLP and the other opposition organizations (excluding Hamas) represent at most 10 percent of the population of the West Bank and Gaza Strip.

The IFES team was also told that some political factions that oppose holding elections do so less out of principle than out of fear that their political importance may unravel at the polls.

##### A. Fatah

Fatah is the Arabic acronym for the *Harakat at Tahrir al Filastiniyya*, or the Movement for the Liberation of Palestine. It was founded in 1959 as a Palestinian nationalist and ideologically

neutral organization. Among its founders are Yasser Arafat, Abou Jihad and Abou Iyad (both assassinated), and Khaled Al Hassan. Among its leaders in the Territories are Fayçal al Hussein and Zakariyya al-Agha.

Since 1969, it has been the dominant PLO faction by virtue of its political weight, financial resources and membership, both within the PLO and in the Territories. Fatah officials form often the upper echelons of the PLO leadership, and Fatah lists regularly succeed in professional elections in the West Bank. Monthly opinion polls conducted by the Center for Palestinian Research Studies (CPRS) since September 1993, also show Fatah as the faction with the most following in the Territories.

In 1991 after the Madrid talks, prominent Fatah leader Ziyad Abou Zayyad announced the establishment of Political Committees. Headed by Dr. Sari Nusseibeh and made up of mostly young Fatah activists, the Committees' goal was to create a streamlined and open political structure which would allow for internal Fatah primary elections, thus bridging the gap between the leadership and the grassroots constituency. They also aimed to generate support for the peace talks. These Committees, numbering 200, were established in various localities in the Territories, with an umbrella committee made up of 18 Fatah leaders.

The Committees were banned by the Israelis and were viewed with suspicion by some non-Fatah factions as well as within Fatah itself, both locally and abroad. The internal opposition was based on the suspicion that transforming Fatah into a structured and open movement, and therefore as an embryonic political party, would be admitting to the end of the armed struggle as a strategy, and of the cellular and clandestine organization of the existing Fatah structure. The Committees' leaders remained in their key positions at the head of what evolved into the visible local Fatah organizational form.

If conflict arises within Fatah regarding elections, it may center on the idea of primaries, that is, on how Fatah candidates will be chosen. Longtime Fatah leaders from the Territories or those returning after the Israeli withdrawal may feel they have "earned" the right to be candidates regardless of their electoral viability. Local Fatah leaders, especially those with more recent legitimacy, are likely to assert their right to be chosen as candidates.

If elections are truly competitive, all the parties will be forced to run candidates who have real support from the electorate. It was recently announced in Jerusalem that internal Fatah elections

would be held in the Territories. The stated goal was to demonstrate the democratic nature of the movement.

#### **B. FIDA**

FIDA is the Arabic acronym for the Palestinian Democratic Union. Its leader, Yasser Abd Rabbo, is a close advisor to Yasser Arafat and a member of the PLO's Executive Committee. FIDA was founded in 1993 in a merger of the Abd Rabbo wing of the DFLP, the Communist Workers' Party and the Democratic Coalition. It is closely allied with Fatah.

The party supports the peace negotiations, is focused towards democracy and advocates the participation of women in political life. Its spokespersons in the Territories include 'Azmi Shuwaibi and Zahira Kamal.

#### **C. PFLP**

The Popular Front for the Liberation of Palestine was founded in 1967 by George Habash. The PFLP has long resisted the establishment of a West Bank/Gaza State as an intermediate strategy and has adopted a scientific-socialist orientation. Its local spokesmen include Riad al Maliki, head of the Center for the Dissemination of Alternative Information, Panorama.

The PFLP is part of the opposition against the DOP. The PFLP takes the position that Palestinians negotiated under unfair conditions in the Madrid and Oslo talks. It believes that the negotiations should have been based on all of the UN General Assembly and Security Council resolutions, including those that established the original two-state solution and the right of return of the Palestinians.

The PFLP prefers as a starting point the 1988 PNC resolution calling for an international peace conference under UN auspices with a commitment from all parties that independence is the desired end state of the process (with a transition/withdrawal period of some suitable length).

The PFLP said that it supports the holding of legislative elections in the Territories provided they include PNC elections. It would not participate in elections for a council with a limited jurisdiction. A boycott of Council elections would extend to a boycott of participation in the future Palestinian administration, or in any political or executive body. However, participation in the municipal elections is envisioned.

Local leaders expressed the fear that, in the period after Fatah takes power in the Territories, the priority will be put on the implementation of the agreement at the expense of upholding high standards for democratic practices and human rights.

#### **D. DFLP**

The Democratic Front for the Liberation of Palestine was established in 1969 by Nayef Hawatmeh who split from the PFLP. It emphasizes building grass-roots support for its ideology. It was the first party with real popular support to call for coexistence with Israel. Since the late 1960s it has been in contact with Israeli leftist organizations. Its local spokesmen includes Dr. Mohammed JadAllah, head of the Union of Health Care Committees.

Allied with the PFLP against the DOP, the two have similar policies. Spokesmen in the Territories stated they would boycott elections that are connected to the DOP. If the PLO does not permit elections however, it would protest that decision. If the elections are held and are conducted in a non-democratic fashion, the DFLP would also denounce that.

#### **E. PPP**

The Palestine Peoples Party, established in the 1920s as the Palestine Communist Party, originally included Arab and Jewish members. It has supported recognizing the state of Israel. After the fall of Communism it changed into its actual name and diminished its emphasis on Marxist-Leninist principles. Its local leaders and spokesmen include Bashir Barghuti, Ghassan El-Khatib, and Hanna 'Amireh. It is traditionally allied to Fatah even though it opposes the post-Cairo agreement negotiations.

PPP spokesmen told the IFES team that elections were of paramount importance as there is no acceptable alternative. The quota system used by the PLO coalition in assigning places on the PNC is no longer democratic, because it does not include representation by all the factions of Palestinians in the Territories, or their relative strengths. Furthermore, the future territorial Authority will take on crucial issues such as returnees, settlements and Jerusalem. Therefore, receiving a popular mandate through democratic elections would strengthen its negotiating position. The PPP intends to put together its own proposal for an electoral system.

#### **F. Hamas**

Hamas is the Arabic acronym (also meaning "zeal") for *the Harakat al Muqawama al Islamiyya*, Islamic Resistance Movement. It is an Islamic fundamentalist group formed from the ranks of

the Muslim Brotherhood at the time of the Intifada. Hamas owes its ascendancy to the reputation of its members who are not tainted with suspicions or accusations of corruption or diversion of foreign aid monies, its effective social services network, its grass-roots political work among the young, and to the clarity of its political positions. Hamas is also strong because its military wing, the 'Izz-al-Din al-Qassam Brigades, is the only one that undertakes confrontations and attacks on Israeli settlers and troops in the West Bank and Gaza. The support given to Hamas in the Territories is significant and may be growing. Their participation or non-participation in Council elections is of crucial importance.

The leader of the movement, Cheikh Ahmad Yassine, declared from prison where he is serving a life sentence that his movement would participate in legislative elections but not in polls for an administrative body. Hamas spokesman, Dr. Mahmoud al-Zahhar, told the IFES team that it would call for a peaceful boycott of Council elections. It would not encourage violence, nor would it physically prevent people from voting. Dr. al-Zahhar expects that 50 percent or more of eligible voters would participate in the boycott. Most other Palestinians interviewed by the IFES team put the percentage of voters likely to boycott at around 15 percent.

Hamas supports elections in principle, however. It organized elections among the 1992 deportees in southern Lebanon. Elections are also held regularly at the Hamas-run Islamic University in Gaza. Hamas also participates sometimes in coalitions with the PFLP and the DFLP in professional association and student elections. Hamas distinguishes among three types of elections: (1) elections on the popular level, e.g., associations, municipalities, chambers of commerce, etc., (elections that serve the community); (2) general elections for choosing Palestinian representatives, i.e., elections for the Palestinian National Council; (3) elections for a Council as part of the DOP. Hamas will participate in elections of the first two types, but not the third, because this third kind is seen as a PLO-defined process. The PLO is considered as only a sector of the Palestinian community (Hamas is not part of the PLO), and accordingly has no right to decide on, and control a process for all Palestinians. An acceptable national council election would start with an agreement among all parties representing Palestinians (including those in the Territories, Syria, Lebanon, Jordan, etc.) regarding the methods and aims of elections.

One reason for Hamas' opposition to the DOP is that it sees autonomy as more dangerous than the occupation, a reorganization of the occupation in a way that is more comfortable to the Israelis. According to Hamas, 40 percent of the land in the Gaza Strip is in the hands of the

Israelis. Autonomy would convert the Israelis into the true owners of this land, upgrading their former situation of military occupiers. Hamas is against all manifestations that give autonomy legal expression, including elections. Furthermore, if Hamas wins a majority, they would be in the position of administering an autonomy agreement with which they do not agree. If they secure a minority representation, they would see that presence as legitimizing the process.

When questioned on whether women candidates would be fielded, it was pointed out that Hamas regularly runs elections for female students at the Islamic University. Hamas also successfully fielded a woman in a pharmacists association election in Gaza. If an "acceptable" woman candidate would be found she would be presented. However the emphasis was put on preserving the morals of Palestinian society and on protecting its weaker links, the youth, in the face of potential exploitation by Israeli security services.

#### G. Other political parties

The parties that stand out are the ones that coalesced in October 1993 in Damascus in reaction to the Oslo Agreement. This uneasy alliance regroups movements that are part of the PLO and some that are outside it. The coalition includes the following parties:

- PFLP
- DFLP
- Hamas
- Islamic Jihad, led by Fathi Shiqaqi
- Front of Popular Struggle (*Jabhat Annidal Asha'bi*), led by Khaled Abdel-Majid
- Fatah-Intifada, led by Colonel Abou Moussa. It is considered the most radical in its opposition to the DOP.
- PFLP-General Command, led by Ahmad Jibril. Jibril is a former Palestinian officer in the Syrian army. The PFLP-GC rejects the PLO's recognition of Israel and the abandonment of the armed struggle.
- *Saiqa*, led by 'Issam al-Qadi
- Front for the Liberation of Palestine of Abou el Abbas.

It is an uneasy coalition because it has not so far been able to undertake concrete pro-active actions on the ground. There are instances where Hamas-PFLP-DFLP ran joint lists in professional associations' elections against Fatah and its allies just as there are instances where these groups ran against each other. Most importantly, there was at least one instance where

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the killing of a member of the PFLP in Gaza was claimed by Hamas through its Izz al-din al-Qassam brigades.

The strongest group in this coalition is Hamas which if it decided to participate in elections, would abandon the other nine. There already has been friction among the groups over Hamas' and the Islamic Jihad's insistence on adding an Islamic component to the coalition's platform and statements. Most importantly, the PFLP-DFLP has denounced Hamas' refusal to turn the alliance committees set up in the West Bank and Gaza into coordination committees for the movements' actions.

There were also press reports that a moderate nationalist Islamic party, allied to Fatah, would be formed after the Israeli withdrawal under the name of the Arab Islamic party, to be led by Fatah official Ghazi Al-Husseini.

## V. CIVIL SOCIETY

Palestinian civil society is very active. It is estimated that there are close to 800 non-governmental organizations (NGOs) operating in the Territories. They range from charitable associations, professional groups, and grass-roots economic empowerment organizations to think tanks and human rights groups.

Many of these groups have political affiliations and employ their members and officials on a volunteer basis. The political affiliation is not seen as a hindrance to the independence or effectiveness of the groups. It is virtually a fact of life, as Palestinian society is very politicized and resources are scarce, that political movements are often the only indigenous source of funding available. The IFES team did hear from Palestinians, however, that the output of some think tanks was tainted by their political affiliations.

The IFES team was primarily interested in meeting with groups working on elections. One of these is the Nablus-based Center for Palestine Research and Studies (CPRS), which operates mainly as a think tank. It produces papers on Palestinian political issues as well as on the DOP and elections. Its work is mentioned elsewhere in this report. It also conducts monthly opinion polls in the Territories to measure support for the DOP. The Jerusalem Media and Communications Center also conducts periodic opinion polls on the same questions.

Another organization working on elections is the Palestinian Center for Non-Violence headed by Mubarak 'Awad. In January, the center organized town meetings in the West Bank where questionnaires were distributed about election and political systems. The center also plans to conduct its own voter registration drive, to raise awareness about elections and to have an independent source of data on population. Educational materials will be prepared, and if possible, a voter education video cassette produced.

The IFES team also met with members of the Women's Affairs Technical Committee. The Committee was formed in the context of the Madrid talks. It has several subcommittees: training, mass media, elections, development, bill of rights. There are 30 other Technical Committees, with more than 400 participating experts. Each one was established to produce studies to advise the Palestinian delegation to the peace talks. These committees continue to serve as embryonic governmental departments.



The overall umbrella group for women's groups in the Territories is the General Union of Palestinian Women (GUPW), which is PLO-affiliated but which is said to not be very developed because it had to operate clandestinely for years. It tends to be conservative. In 1976, the GUPW voted against calling for women candidates in the municipal elections of 1976. Other women's organizations, distinct from volunteer or grass-roots organizations run by women, include the Federation of Palestinian Women's Action Committee, the Union of Palestinian Working Women's Committees (aligned with the PPP), the Union of Palestinian Women Committee, aligned with the PFLP, and the Women's Committee for Social Work associated with Fatah.

In general, women's groups in Gaza tend to be more grassroots oriented, whereas their counterparts in the West Bank tend to be dominated by women from the elites. Members of the Women's Affairs Committee mentioned that women from different parties cooperated often on common issues despite differences in the positions of their respective parties. They were concerned, however, that women belonging to opposition parties may not attend some of their seminars and workshops.

The Women's Affairs Committee has begun conducting leadership training in Ramallah and in Gaza a training-of-trainers course. The elections subcommittee also wants to hold workshops attended by Palestinian women working in charitable, grass-roots and voluntary organizations to discuss election-related issues and strategies to raise the consciousness of women on voting, running for office, putting women's concerns on political party platforms, civic and voter education, campaigning, etc. It is debating whether it should demand quotas for women to be on candidates' list and in elected bodies.

The members of the elections subcommittee said they would aim to educate women and men to the fact that a woman's vote is secret and that nobody can force her to vote like her husband or father. They pointed to the fact that even though all parties were for the right of women to vote, the idea of women running for elections was still not completely accepted. Therefore, they would press their respective parties' leadership to field women candidates. In this respect, the FIDA party was the organization the most committed to upholding women's political rights. The members of the Committee were also worried that the PLO leadership, in an effort to please fundamentalists, would reduce its commitment to women's issues.

One common theme heard in interviews with Palestinian women is that, while they had emulated

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the struggle of Algerian women during their independence war, they wanted to avoid their example by refusing to be "returned to the kitchen" after liberation. Given the high level of literacy, education and political activism among Palestinian women, that experience is not likely to be repeated.

## VI. ELECTION ISSUES

### A. The DOP and Elections

#### 1. General Provisions of the DOP

The Declaration of Principles signed by the PLO and the Israeli government on September 13, 1993 provides a framework for a five-year limited autonomy for the Palestinians living in the West Bank and the Gaza Strip. It specifies that Israeli military forces will withdraw from Gaza and Jericho within a four-month period. "Permanent status negotiations" will begin within two years of the signing of the DOP on issues such as settlements, Jerusalem, and refugees. During the transition period, authority in certain specified spheres will be transferred to the Palestinians. A Palestinian police force will also be established.

According to the DOP, the PLO and the Israelis must immediately begin negotiations on an Interim Agreement. This agreement will include a "detailed plan" for the transfer of authority in the designated spheres to the "authorized Palestinians who will assume the . . . responsibilities that will be transferred . . . ." Following this transfer of power, but within nine months of the signing of the DOP, an election for a Council is to take place according to Article VI. The initial transfer of power to the appointed "authorized Palestinians" "will be of a preparatory nature until the inauguration of the Council." The Interim Agreement will also "include arrangements, to be implemented upon the inauguration of the Council, for the assumption by the Council of all the powers and responsibilities transferred previously" to the appointed authority (Article VII). The full text of the Declaration of Principles is attached as Appendix I.

Despite this two-phase transfer of authority from the Israeli Civil Administration to the appointed Palestinians then to the elected Council, it is clear that the primary near-term objective of the DOP is the election of a Palestinian Council. Article I, entitled "Aim of the Negotiations", reads in part:

The aim of the Israeli-Palestinian negotiations within the current Middle East peace process is, among other things, to establish a Palestinian Interim Self-Government Authority, the elected Council (the "Council") for the Palestinian people in the West Bank and the Gaza Strip . . ."

That the elected Council is seen as the keystone to the DOP and the transition period is also

reflected in the fact that the first protocol of the Declaration address the issue of elections. Article III states:

1. In order that the Palestinian people in the West Bank and Gaza Strip may govern themselves according to democratic principles, direct, free and general political elections will be held for the Council under agreed supervision and international observation, while the Palestinian police will insure public order.
2. An agreement will be concluded on the exact mode and conditions of the elections in accordance with the protocol attached as Annex I, with the goal of holding elections not later than nine months after the entry into force of the Declaration of Principles.
3. These elections will constitute a significant interim preparatory step toward the realization of the legitimate rights of the Palestinian people and their just requirements.

#### **B. The Commission on Elections and Local Government (CELG)**

Prior to the signature of the Oslo Agreement, the Palestinian delegation at the Madrid-track Peace Talks had elaborated a plan for elections as part of the plan for the establishment of a Palestinian interim self government authority to be discussed at the talks with the Israelis. This plan was drafted by the legal sub-committee of the Technical and Advisory Committee, namely by Anis Kassem, a Palestinian jurist working in Jordan. A redrafting of the Jordanian electoral law adapted to Palestinian conditions was also completed.

In the weeks following the signing of the DOP on September 13, senior PLO officials and other Palestinian leaders began informal discussions on electoral systems and structures. In the West Bank, those involved in these discussions included Dr. Hassan Abu-Libdeh, Director of the Palestinian Bureau of Statistics and Deputy Chairperson of the Technical and Advisory Committees supporting the Palestinian delegates to the multi-lateral Peace Talks and Dr. Saeb Erekat, a professor of political science and a senior negotiator on the Palestinian delegation to the peace talks. Dr. Erekat proposed to the PLO leadership the creation of a commission to prepare proposals for laws and structures for local governments and elections. Yasser Arafat responded on November 20, 1993 with a presidential decree establishing the Commission on Elections and Local Government (CELG). The decree provides for:

1. The establishment of a special commission for local government and election;
2. The tasks of this commission will be as follows:
  - Preparing a detailed description of Palestinian local government infrastructure and sending it to the leadership to ratify it;
  - Proposing a draft of laws and regulations for municipal and village councils;
  - Preparing a proposal on the needed steps to hold municipal and village council elections;
  - Preparing a comprehensive proposal regarding holding legislative elections and electoral laws;
3. Dr. Saeb Erekat is appointed president of the Local Government and Elections Commission. The rest of the members of the committee will be legal and technical staff and will be selected as soon as possible.
4. The Commission will send its recommendations to the Palestinian leadership for approval.

Eleven other individuals representing different political parties were appointed to the Commission, including five lawyers and several experts in town planning, public administration and training. The Commission was organized into subcommittees: a legal committee for the planning of electoral laws and local government laws, a committee on census and town planning, and a training committee. The legal committee was further subdivided into two groups, one working on electoral laws and the other focusing on local government laws.

A background proposal on the CELG was issued in December 1993 which outlined the objectives of the CELG:

1. Reorganize local government structure (including the upgrading of at least 95 localities to municipality status).
2. Redraft local government basic laws: propose necessary and appropriate amendments to existing laws and suggest a common draft law relating to a different level of local government, district, municipal and village levels.

3. Prepare for various population censuses in the West Bank and Gaza Strip.
4. (a) Prepare a proposal on the needed steps to hold municipal and village council elections.  
  
(b) Propose a draft election law based on both the existing legislation and other examples of election laws in different parts of the world.  
  
(c) Prepare a comprehensive proposal regarding the election of the Palestinian Council as per the DOP and electoral laws.
5. Propose the training of 500 to 700 persons for the election process and 500 to 700 persons as managers of the local councils.

The key characteristic of the CELG, which can be deduced from its self-defined objectives, is that it is more of a planning commission than an implementing body. Its role is to lay the foundation for local governments and elections by proposing structures, laws, and plans for training and censuses. Once its plans are finished and accepted, the CELG will cease to exist. Its place would be taken over by another body charged with the operation of elections, and perhaps other entities responsible for the census, for training, and for overseeing local governments.

Initially, the lifespan of the CELG was to be four months, with its proposals ready for presentation to the PLO leadership by the end of March. By the time the IFES delegation visited Jerusalem, the submission date had been revised to the end of April. According to CELG members, lack of resources had hampered their progress, resulting in the delay. In mid-March, work was being finalized on a report outlining different electoral systems options. Acceptance of an electoral system would then be followed by drafting of the electoral law. Another remaining unknown is the point at which the planning period ends and the operational period begins.

### **C. The Rationale for Elections**

Elections are not synonymous with democracy. They are, however, a mirror of the polity in which they take place. An integral component of democratic systems is the opportunity of citizens to choose their leaders through periodic, transparent and competitive elections. Palestinians living in the occupied West Bank and the Gaza Strip have not had the opportunity

to select their political leaders in recent years. In the West Bank, the last municipal elections took place in 1976. In the Gaza Strip, 1962 was the year of the most recent elections in which a legislative council was chosen. Periodic competitive elections, however, have continued to be a regular feature of Palestinian society at the associational level. Professional associations (engineers, lawyers, doctors' associations as well as local Chambers of Commerce), labor unions and university students regularly choose their leadership through secret ballot elections.

The 1988 Palestinian declaration of independence stated that the Palestinian state would be governed under a democratic parliamentary system guaranteeing the free expression of the opinions of all Palestinians. The 1993 Declaration of Principles clearly envisions the establishment of democratic institutions of governance in the autonomous areas of the West Bank and the Gaza Strip. The keystone institution of democracy called for in the DOP is the election of the Palestinian National Authority. According to the DOP, this election is to take place nine months after the entry into force of the accord and is to follow an interim period of governance by an appointed National Authority. The DOP thus envisions the replacement of the Israeli military direct government in the West Bank and Gaza Strip with a democratically elected Palestinian Council.

Palestinians who fear that Council elections will not take place present eloquent arguments for why elections must take place. Many of these arguments for elections are also voiced by PLO leaders who insist that they fully intend to proceed with all possible speed to holding Council elections. First and foremost, elections are necessary to give legitimacy to a Council and more generally, to the autonomy process itself, a legitimacy that only comes from being a product of the "expressed will of the people." Something that municipal elections only cannot bestow as they are focused on local government issues. Furthermore, they see the key results of democratic Council elections as being the empowering of the Palestinian people and the creation of a Council that is accountable to the "insiders," the Palestinians living in the West Bank and Gaza. Empowering the residents of West Bank and Gaza is essential for their political and economic development after many years of military occupation.

Elections in themselves are also important to test the current strengths of political factions and to establish a truly representative Council. As the CPRS points out, a Council that is appointed by the quota system used to form the PNC would be unrepresentative because of post-Intifada changes in the political landscape in the West Bank and Gaza.

#### **D. Election Modalities**

The electoral system to be used and the size and powers of the Council are some of the key issues that are left unresolved by the Declaration of Principles. The DOP specifies that these questions will be addressed in the negotiations leading to an Interim Agreement. Article VII of the DOP states:

(1) The Israeli and Palestinian delegations will negotiate an agreement on the interim period (the "Interim Agreement").

(2) The Interim Agreement shall specify, among other things, the structure of the Council, the number of its members, and the transfer of powers and responsibilities from the Israeli military government and its civil Administration to the Council. The interim Agreement shall also specify the Council's executive authority, legislative authority in accordance with Article IX below, and the independent Palestinian judicial organs.

Annex I to the DOP, the Protocol on the Mode and Conditions of Elections, addresses an "election agreement" which will cover the following issues:

- a. the system of elections;
- b. the mode of the agreed supervision and international observation and their personal composition; and
- c. rules and regulations regarding election campaign, including agreed arrangements for the organizing of mass media, and the possibility of licensing a broadcasting and TV station.

The three most important electoral issues that must be agreed to by the PLO and the Israelis are:

- the legislative and executive powers of the Council;
- the number of members to be elected to the Council;
- the electoral system to be used for allocating seats on the Council.

The first two are the most contentious of these three issues and their resolution will be an important determinant of the other unresolved matters and, in all likelihood, of the degree of



participation in the Council elections. Some Hamas representatives, for instance, say they will only participate in the Council elections if the Council is empowered to act as a true legislature, not just as an executive body. PLO leaders also all speak expansively of the legislative powers of the Council, and sometimes refer to it as a parliament. The Israelis' position, on the other hand, is that the Council is to be primarily an executive body with severely limited legislative powers. In their view, the Council will be, in effect, an elected cabinet. Palestinians interviewed by the IFES team mentioned acceptable Council sizes ranging from 80 to 200 members. Israeli officials told IFES that the Council should be no larger than 30 to 40 members.

### **E. The Electoral System**

There exists little history of voting systems for region-wide elections in the West Bank and the Gaza Strip. The most recent example is the elections for the Gaza legislature while that area was under Egyptian rule. The last election of this type was held in 1962. A major task of the CELG will be to design the electoral system for choosing the members of the Council. An electoral system is built on two major options: (1) single-member districts or multi-member districts with seat allocation determined either by a plurality or a majority of the vote; and (2) a proportional representation system. Within those basic options lie a myriad of variations. It was clear to several of the Palestinians interviewed by the IFES team that the type of electoral system employed will have an effect on the resulting Council and on the political system generally. Electoral systems can emphasize either geographically based or ideologically based representation, can build a political system around few parties or many parties, or can shape a government with a single-party majority or broad representation and coalition governments. Informed discussion of electoral systems and their ramifications does seem to be taking place among some Palestinians; it will be important that that discussion involve a broad spectrum of West Bank and Gaza Strip citizens before a final resolution of the issue is made.

#### **1. Multimember District System**

Yasser Abd Rabbo, leader of the FIDA party and director of the PLO Information Office, described to the IFES team his preferred electoral system, which seems to be favored by other PLO leaders. Mr. Abd Rabbo's suggested electoral system was the most detailed proposal that the IFES team heard during its visit.

According to his proposal, the West Bank and the Gaza Strip would be divided into electoral districts or regions. Each region would elect several members to the Council; the number of

members would be proportional to the region's population. Candidates in each region would be presented on the ballot in party lists. The voter would cast a single vote for one of the parties. Up to this point, Abd Rabbo's proposal describes a standard "closed list" proportional representation (PR) system. Abd Rabbo, however, is actually proposing a little-used variant -- plurality or majority rules in a multi-member district. A system of plurality in a multi-member district is essentially a winner-take-all system, whereby the party with the most votes gains all that region's seats. Abd Rabbo leaves open the possibility of using majority rules rather than plurality, meaning that a second round would be used when no party received more than 50 percent of the vote in the first round.

This system may present the risk of a disproportionality between the votes obtained by a list and the number of seats obtained. In Abd Rabbo's view, this electoral system would present some counterbalancing advantages. Electoral districts would be small enough that they would reflect the strong ties to geography that is a characteristic of Palestinian society. Voters would feel that they were electing representatives from their own locality. Districts would also be large enough that most would encompass rural, urban and refugee populations within their boundaries. In order to have the best chance of winning, parties would have a strong incentive to put together a broadbased candidates list in each district, reflecting the district's make-up. Parties might therefore sacrifice a strong ideological stance in order to present a broadly appealing slate that would include urban dwellers, peasants, refugees and women. This system would lead the Council toward two desired goals in Abd Rabbo's view: a locality-based representation that reflects the reality of strong Palestinian loyalties to place, family and clan; and Council membership with primary loyalty toward geography rather than ideology dominated by broadbased and moderate parties or coalitions.

The system will have another effect, at least in the long run. It is a rule that plurality-based electoral systems tend the political system toward a small number of parties. Most countries with plurality systems (U.S., the United Kingdom, New Zealand) have only two or three major parties. This is true because plurality systems are heavily weighted against small parties. Small parties cannot win seats unless they have a strong regional following. Voters also tend not to vote for small parties because they do not want to "waste" their vote. Over the long-run, small parties tend to disappear in plurality systems. In the shorter-run, parties will tend to form coalitions. Abd Rabbo predicts that such coalitions would be formed prior to the Council elections if this electoral system is used. This too could have beneficial effects, in Abd Rabbo's view, by moderating extremist parties and by encouraging a spirit of compromise and consensus

building.

## **2. Mixed System**

Other Palestinians presented alternative systems, including Dr. Khalil Shikaki, Director of the Center for Palestinian Research and Studies at Nablus. Dr. Shikaki advocated a mixed plurality and PR system whereby voters would elect legislative members of the Council on a single-member district basis and simultaneously elect the Council's executive members on a nation-wide list PR basis. Dr. Shikaki, like Abd Rabbo, defended his system on the grounds of the effect that it would have on the resulting Council and on Palestinian politics generally. The PR component of the system would allow a wide representation of parties on the executive side of the Council. The downside is that in newly established democracies with a multitude of potential parties, PR systems can create the environment for weak coalition governments. The single-member district/plurality component would tend to elect representatives who can command a regional or personal allegiance while favoring large and established parties.

## **3. The PPP's Proposal**

The PPP plans to publicize its proposal for an election system; some of its general principles were presented in January to the IFES team. The electoral system should take into consideration three elements of Palestinian political life: (1) the existence of political parties; (2) strong family and clan affiliation; and (3) strong territorial affiliation. PPP representatives agree that a majoritarian system ("one man, one vote") would weaken political parties as national organizations, but would give expression to clan and geographic affiliations, as was the case in Jordan. A PR system will weaken affiliation to place and family, but will strengthen national parties. A third method was proposed --open list PR with large, multi-member districts (3 to 5 districts in the West Bank, for example).

These three examples illustrate the importance of carefully choosing an electoral system. They also point out the politically charged nature of that choice, as the system chosen will advantage some and disadvantage others in the Palestinian polity.

## **F. Council and Municipal Elections**

### **1. The timing of the Council elections**

The DOP is silent on any other types of elections in the West Bank and Gaza Strip, such as municipal council elections. The PLO and the CELG, however, now seem to place as much

emphasis on the elections of municipal and local councils as on the Council elections, if not exclusively emphasizing municipals. To the question of the timing of the Council election is thus added the equally significant question of the order in which these two types of elections will occur. These two questions are, of course, added to the many fundamental issues that are left unresolved by the DOP, and which must be resolved jointly by the PLO and the Israelis. The former two questions are presumably in the hands of the Palestinians alone.

When discussing elections during its West Bank/Gaza trip, the IFES team heard a variety of opinions regarding the timing of elections. Two types of questions were addressed by Palestinians and Israelis interviewed by the IFES delegation. The first question was how soon Council elections could and should take place, and how important was the July 13 date specified in the DOP. The second question had to do with the timing of Council elections *vis-à-vis* municipal council and other local elections.

Some Palestinians continued to emphasize the importance of the July 13 date. Dr. Khalil Shikaki argued that July 13 should be retained as the target date for holding Council elections. In his view, if the date comes to be regarded as unimportant, it becomes easier to consider the elections themselves as unimportant. He and most others recognized, however, that a delay might be necessary for technical reasons, which would be acceptable as long as elections were postponed no more than a few months.

The Israeli position, voiced by General Rothschild and high level officials at the Foreign Ministry, is that it will accept whatever date is set by the Palestinians. The July 13 date, like the other target dates of the DOP, is not "sacred." The general consensus, among both Palestinians and Israelis, is that the delays in the Interim Agreement negotiations since September 13 will necessitate a delay in the Council election beyond July 13, but that elections must take place within the foreseeable future, that a realistic target date should be set soon (possibly in the context of the Interim Agreement), and that deliberate and obvious steps should be taken toward that target in the coming weeks and months.

## **2. Municipal elections**

According to Jordanian law, largely in force in the West Bank, three local bodies were elected: municipal councils, village councils and chambers of commerce. Municipal and chambers of commerce elections are held every four years and village council elections every three years.

The last elections held before Israeli occupation were 1963 municipal elections and 1965 chambers of commerce elections.

In the Gaza Strip, municipal laws are based on British law, and have not been comprehensively updated. In the West Bank, Jordan repealed these Mandate laws in 1954. Local government laws enacted in 1955 are still in use. Unifying these legal traditions will be difficult. Before the legal end of the term of the municipal councils elected under Jordanian rule (1967) the military administration extended their term indefinitely. At the end of 1971 an order fixed new municipal elections for March and May 1972. These elections, still governed by Jordanian law, were held in 21 towns of the West Bank.

The next elections were held in 1976, also in the West Bank only. This time, Jordanian law was amended to enfranchise women and a larger number of citizens, by lowering the tax threshold for eligibility. As a result, the number of voters went from 31,000 to 88,300. It was estimated that women's participation exceeded that of the men.

In 1976, elections were primarily a struggle between the traditional local leadership and a nationalist bloc supported by the PLO. This bloc was victorious in the majority of the towns. The ballot presented slates of candidates (a mayoral candidate and his council-member candidates) running against each other, but these were "no-party" elections, except for the Communist Party slate. People could vote for a single slate or could pick candidates from several slates. The elections ran smoothly with no contestation of the results and without violence. Many of these elected officials were subsequently deported, suspended or dismissed from their posts by the Israeli military administration, or were the victims of terrorist attacks. The only mayor still in office from the 1976 elections is Mayor Elias Freij of Bethlehem.

In 1975, elections were held for village councils in 51 localities. These councils have served since that year.

The CELG argues that municipal elections should precede Council elections. The reasons are both technical and political. Administering elections in the nearly 100 localities that the PLO plans to upgrade to municipality status would provide a useful "dry run" before the more politically charged Council elections. It would also minimize the risk of an overabundance of candidates, that would overload the election administration authority's organizational and financial resources if the Council's high profile elections were held first. It is envisioned that

elections will be held in 347 municipalities, towns and villages as part of the general reorganization and revitalization of local Palestinian political life.

Other Palestinians, predictably, had different views on the importance and time frame for municipal elections. FIDA officials felt that they should be held simultaneously with the Council elections and that both should take place by July 13, if possible. They base their argument partially on the grounds of reducing the effort and expense that would be necessary for two separate election processes. The CPRS also argued for simultaneous elections, fearing that if municipal elections are held first, they might be used as a politically acceptable substitute for Council elections.

Limiting elections to municipals may be politically damaging to Fatah, as these will be the elections where the opposition will choose to participate *en masse*, and may at the very least dent the dominance of Fatah at the polls, whereas Council elections would presumably be disputed only by pro-DOP parties. Independent political figures downplayed the importance of early local elections, saying that they could be organized at a more leisurely pace in the period after the establishment of a Palestinian National Authority and after Council elections.

The Israeli officials interviewed by the IFES team said that the Palestinians are free to organize local elections on their own at any time, with no interference from Israel. Modalities for municipal and local elections will not be part of the Interim Agreement talks; they can be established unilaterally by the Palestinians. General Rothschild offered the opinion that it is a mistake for the Palestinians to think of upgrading so many towns to municipalities and establishing municipal councils with jurisdiction over local development planning. In his view, the Palestinians lack the resources required to make effective use of this added layer of government bureaucracy.

## **G. Conditions Preceding Elections**

### **1. Security concerns**

Related to the question of election timing is the issue of necessary conditions that should precede the holding of elections. Dr. Haidar Abdel Shafi emphasized the need for a stabilization of the security situation before elections take place. He stated that Palestinians must first normalize the security environment on the ground with an effective Palestinian police force. A Palestinian

police force is currently being trained, but its deployment will begin only after Israeli forces are withdrawn from the Gaza Strip and Jericho.

Some Israelis and also some Palestinians interviewed by the IFES team question whether residents of the West Bank and the Gaza Strip have the required political maturity to hold peaceful and legitimate multiparty elections. The Intifada is cited as a training ground where the level of political activism has been heightened, but with emphasis on street action, civil disobedience, violence, and resistance to law and authority. The required atmosphere and psychology of compromise, peaceful debate, freedom of opinion, and loyal opposition may take some time to develop sufficiently to permit the effective use of the ballot box in choosing Palestinian leadership.

Members of the opposition voiced security concerns of another order. They were apprehensive that the "30,000 strong" Palestinian police force would be used as an instrument of repression against the Palestinian opposition. Television reports have shown recruits being trained in riot control techniques. Furthermore, IFES was told that applicants were asked about their and their male relatives' political affiliation and activism history, presumably in order to screen non-Fatah supporters. Hamas representatives told the IFES team they had instructed their supporters not to apply, whereas others said PFLP applicants had been turned away. If this were true, it was argued the police force would be a factional not a national force.

## **2. Legitimacy of the Process**

A further required condition for the holding of credible Council elections is sufficient acceptance by factions within the Palestinian polity of the legitimacy of the electoral process. As noted above, there are a number of Palestinian groups that oppose any elections that are connected with autonomy or the DOP framework. The current position of the DFLP, the PFLP and Hamas, as well as other groups, is that they will call on their supporters to boycott Council elections. As they rightly note, a low turnout to Council elections will reduce its legitimacy both domestically and internationally. At this time, it is unclear how much weight a boycott by the opposition groups would have among the Palestinian electorate. In polls conducted in the months after the signing of the DOP, support among West Bank and Gaza residents for the agreement was high. When asked their preferred method for choosing National Authority leaders, the overwhelming choice was elections. There is some evidence, however, that support for the DOP and for a Council chosen by elections may be waning. As talks on election modalities and other preparations for elections proceed over the coming months, Palestinians

must strive for high acceptance of these modalities and for a high potential rate of participation.

### **3. Financial Resources**

A final condition preceding the holding of Council elections is the assurance of adequate resources to organize and administer the election process. Reportedly, a budget for Council elections has been prepared by the PLO which totals \$47 million. While that may be an overstated figure for election needs, it is certain that the cost of well-organized elections will be in the millions of dollars. As the Palestinians move from the planning to the operational stage of preparing for Council and municipal elections, they and external donors must prepare a realistic budget and find the means to cover the anticipated expenses. This aspect will be discussed further in following sections of the report.



## VII. ELECTION PREPARATIONS

Elections are an integral and crucial part of the peace process initiated by the DOP. At the time of the IFES team's visit to Tunis and the West Bank and Gaza, however, effective movement toward Council elections was stymied by a variety of causes. These included:

- The PLO leadership's preoccupation with the ongoing negotiations with the Israelis to reach an agreement that would permit the beginning of the withdrawal of Israeli military forces from the Gaza Strip and Jericho.
- Serious discussions toward an election agreement between the PLO and the Israelis began only at the end of January and did not succeed in reaching a definitive conclusion. It may be weeks or months before a basic agreement is reached on the issues of Council powers and size and on an electoral system and timetable.
- The Commission on Elections and Local Government had begun only preliminary work. According to Saeb Erekat, this inactivity was due to the lack of required funding.
- The lack of progress on election modalities and timetable, a certain level of skepticism about the commitment of the PLO leadership to holding elections, and a growing lack of consensus on the acceptability of the DOP and elections themselves seemed to have sapped the enthusiasm of some Palestinians to initiate necessary independent civic education and training programs.
- Little or no foreign assistance had begun to flow toward aiding the process of election preparation.

This section will briefly itemize the steps required to move the electoral process forward. All of these steps are interrelated; movement will be required on several fronts simultaneously. The interrelatedness of the process may produce a tendency toward a "wait-and-see" attitude on one or more of the fronts; such an attitude has the potential of slowing the pace of progress even further.

### A. Modalities

The primary electoral issues that must be addressed through negotiation between the PLO and

Israel, as specified in the DOP, are (1) the exact mode and conditions of the election (Article III); (2) the system of elections, the mode of agreed supervision and international observation, and the rules and regulations regarding election campaign (Annex I); and (3) the structure of the Council, the number of its members, and its executive and legislative authority (Article VII). On these issues, particularly those pertaining to the size and authority of the Council, this report will not make recommendations as they lie outside IFES' scope of work.

As far as is known to the IFES team, PLO-Israeli discussions on these issues have only taken place at the level of heads-of-delegations during two weeks of talks in late January and early February 1994. Some observers believe that real progress will be made in these talks only after a withdrawal agreement is reached, even though election questions have no direct relationship to the issues holding up the withdrawal agreement.

There is a more substantial connection between the election negotiations and the work of the legal committee of the CELG. The legal committee must wait for a general election framework to be agreed on before it can complete a draft electoral law. At the same time, the election negotiations cannot reach completion without sufficient technical input from the legal committee or from elsewhere so that the PLO negotiators have a comprehensive proposal to put on the table for the Israeli negotiators. Work has begun on conceptualizing different electoral systems that can be chosen for the elections to be presented to the PLO leadership.

## **B. The CELG**

### **1. Legal Committee**

Even though the work of the CELG legal committee cannot be completed until an election agreement is reached, there is much that can and should be done in the meantime. In addition to providing input on electoral systems to the election negotiations, the committee can go a long way toward filling in the details of a draft electoral law (for both Council and municipal elections) that will be little affected by the results of the PLO-Israeli negotiations. Therefore, active progress on both fronts is possible and necessary.

It was mentioned to the IFES team by the PLO leadership that the final work of the subcommittee would be submitted to the Palestinian National Authority for review, and then be ratified by the PLO's Executive Committee.

## **2. Local Government Committee**

This committee may also become involved in laying the foundation for the drawing of electoral districts for Council elections. If that is the case, its data gathering should anticipate the needs of the districting process. Detailed preparations for the delimitation process are contingent on the PLO-Israeli election negotiations; preliminary preparations can proceed along with the committee's other current tasks.

In an incremental fashion, it must assemble sufficient demographic and infrastructural information on the people and places of the West Bank and Gaza so that it can formulate general proposals on the status and government of localities, and then use its local government plans to fill in the details of its census needs. In both areas, the committee will be building on a foundation provided by Israeli population and infrastructure data. While General Rothschild has expressed general willingness to both the IFES team and the CELG to share Israeli data on the Territories, the exact modalities of that exchange may still require further talks. This step, however, need not be a near-term hindrance to the planning work of this committee. Its data gathering can and should begin once a plan is accepted by PLO leadership and financial resources are secured.

## **3. Training Committee**

In a similar way, the work of the training committee is partly contingent on and partly independent of progress on other fronts. This committee is headed by Dr. Mohammed Shtayyeh. The purpose of the committee is to lay the foundations for an educational program to train the thousands of Palestinians who will be the frontline forces in establishing democratic institutions under Palestinian jurisdiction within the West Bank and Gaza. The committee intends to establish a training program for (1) professional administrators of municipalities; (2) civic education trainers; (3) potential candidates for local offices and for the Council; (4) voter registration workers; and (5) local election officials, pollworkers and vote counters. It will not be worthwhile to begin training of registration and election officials until the election law is in place and elections have moved into the operational stage. The training for the other three categories, however, can fruitfully begin in the coming months.

The foremost task of the training committee is to establish a concrete plan for institutionalizing a capacity to meet the long-term training needs of an autonomous, democratic West Bank/Gaza. Ms. Zahira Kamal, a member of the CELG, suggested to the IFES team that the Committee

might establish a training center where all five of the above categories of people might be trained over the coming months. West Bank and Gaza is sufficiently compact geographically that such a centralization of training capacity might be the best alternative. The committee's training center might be a loose consortium of already established institutions with training experience. The IFES team was told by Saeb Erekat that many very capable such institutions do exist in West Bank/Gaza. After developing a plan for a training center, the Committee's next step will be to develop a detailed curriculum for training a cadre of core trainers who would be prepared to train people in all five of the above categories.

According to Saeb Erekat, the local planning/census committee and the training committee differ from the legal committee in the CELG, in that their mandat extends beyond the planning phase into an operational phase. In other words, the local planning/census committee will actually oversee some kind of community census, and the training committee will implement its training program. The legal committee, on the other hand, will be dissolved once its drafting of laws is completed. Whether the operational tasks of the first two committees are in fact performed by the committees as currently constituted or by some newly formed entity, it will be important for Palestinian leadership to facilitate as seamlessly as possible the progress from one phase to the next.

### **C. Establishment of an Election Authority**

A final preparatory task of the CELG's legal committee will be to lay the groundwork for the establishment of its successor institution: an election authority charged with the operational task of administering Council and local elections. This authority will presumably be described in detail in the electoral law. The nature of the authority may be addressed in PLO-Israeli election negotiations, depending on the interpretation of Article III of the DOP ("An agreement will be concluded on the exact mode and conditions of the elections . . ."). It is likely, however, that the creation of the operational election authority will be largely in the hands of the Palestinians.

Presumably, the Palestinian election authority will be given a range of operational tasks similar to election authorities in democratic countries around the world, including (1) organization and administration of voter registration; (2) delimitation of electoral districts; (3) supervision of the candidate nomination process; (4) oversight of the activities of candidates and parties during the campaign period; (5) implementation of a program to inform voters of when, why, how and where to register and to vote; (6) organization and administration of the election day(s),

including the training of pollworkers and the provision of all balloting materials; (7) tabulation of votes and the certification of results; and (8) possibly, some quasi-judicial dispute resolution function.

The listing of the authority's tasks may not be controversial; however, the provisions in the law describing the authority's makeup are likely to provoke heated discussion. The electoral law will presumably determine how the election authority is appointed, by whom, with how many members, and chosen on what basis. While it appears to be accepted by a wide range of Palestinians that the authority will be appointed by the PLO leadership, or even by Chairman Arafat himself, many people told the IFES team that a body made up only of PLO stalwarts would not be acceptable.

The international model for establishing an acceptable election authority provides two basic options: a multipartisan body or a non-partisan one. The Palestinian election law should describe one of those two options. The law will also determine the degree of independence the authority will be given to operate without the political interference of other branches of government, particularly the executive branch (i.e., the interim Palestinian National Authority). Operational independence will require that the authority be given control over its own staffing and finances. The option of having the election authority operate out of the department that would handle interior affairs in the Palestinian authority was rejected by the PLO leadership as giving a negative impression; it may be incorporated in the department that would handle local government instead. Yasser Abd Rabbo stated that an independent permanent election authority was preferable. An adequate budget is also a necessary condition for independence.

An election authority that is independent and impartial in both fact and appearance is essential for a credible electoral process. Political parties and interest groups are aware that the nature of the election authority can either serve their interests or be detrimental to them. Therefore, this aspect of the election law has the potential to be particularly controversial. Reaching a level of consensus on the provisions of the law that describe the authority will be one of the many determinants of the success of the process.

## VIII. RECOMMENDATIONS

Organizing Council and/or municipal elections is essentially a manageable process. It could, however, be derailed by technical difficulties, political infighting or by a lack of commitment to democratization. Palestinians are more than able to run this process efficiently because of their high level of education and political activism. This section offers some recommendations that are conceptual and operational in nature relating to planning free and transparent elections in the Palestinian context.

### A. An Open Planning Process

An electoral law is one of the fundamental building blocks of any organization or state. It outlines the mechanism for implementing the organization's or state's constitutionally defined method of choosing and changing its leaders. Because of its importance, the process of creating or revising an electoral law can be highly controversial. Political actors recognize that the law helps determine their chances to gain power, and thus they will want to participate in the shaping of the law.

The legal committee of the CELG has been charged with the writing of the law on elections as well as the basic law for local government. The legal capability of the committee, however, is only one of the qualities that the committee will need to successfully accomplish its law-drafting mission. It must also manage the political process of reaching adequate consensus on the provisions of the law before this law is ratified.

Many individuals and organizations in the West Bank and Gaza are already discussing electoral issues. It is the task and the responsibility of these individuals and organizations to organize their discussions so that their opinions and their questions may reach the CELG. It is the CELG's responsibility, on the other hand, to provide sufficient and public mechanisms for these voices to reach the Commission, and to allow these voices to shape its work. In the absence of an already established legislature, it will be necessary to find other mechanisms for discussion, education and consensus-building on the basic issues that will be covered in the electoral law.

The CELG is also contributing to fostering an open democratic process through its training committee which will undertake the training of candidates. This training should be directed at Palestinians from all the socio-economic segments of Palestinian society and should extend to all areas of Gaza as well as the West Bank. In particular, reaching out to members of the

opposition would increase the legitimacy of the whole elections-preparations process.

### **B. Developing an Elections Timetable**

From the perspective of the time that this report is being completed -- mid-March 1994 -- it seems highly unlikely that a Council election will take place by July. No date had been set for municipal elections. It will therefore be necessary to develop a new elections timetable, taking into consideration both political and technical considerations. IFES recommends that Palestinians take the following factors, among others, into consideration before an election date is determined:

1. The election law will largely determine the minimum length of time required to organize the electoral process. Before the election date, there will be a specified period for campaigning. (Some Palestinians have recommended at least 45 days for the campaign period.) Before the campaign begins, candidate registration must take place, and that is likely to require a certain number of weeks for registration and review. If candidates are to be somehow chosen by voters (primaries), then voter registration must precede candidate registration. Anywhere from several weeks to several months will be specified by law for voter registration. Before registration can begin, registration workers must be recruited and trained; registration materials must be designed, procured and delivered; hundreds of registration locations identified and prepared, etc. In other words, the nature of the process, as specified by the law, will largely determine the length of the process.
2. An election date should be set as soon as possible. Setting an election date can anchor a process that otherwise appears amorphous and without end. The date must be set with care, after considerable progress must be made in the election negotiations with the Israelis and with the work of the CELG's legal committee. Below is a summary model of an elections calendar applicable to the size and infrastructural conditions of the West bank and Gaza:

Month I	*Ratification of electoral law
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PRE-ELECTION ASSESSMENT  
WEST BANK & GAZA

Month II	<ul style="list-style-type: none"> <li>*Establishment of the Elections Commission and initiation of its work</li> <li>*Training for Election Commission</li> <li>*Procurement of Computers and Election Equipment</li> </ul>
Month III	<ul style="list-style-type: none"> <li>*Beginning of civic education and voter information campaign.</li> <li>*Design of registration forms</li> <li>*Voter registration forms printed</li> <li>*Recruitment of poll workers</li> </ul>
Month IV	<ul style="list-style-type: none"> <li>*End of poll worker recruitment period</li> <li>*Delivery of printed registration forms</li> <li>*Voter registration</li> </ul>
Month V	<ul style="list-style-type: none"> <li>*Display of voter lists for review</li> <li>*Candidate registration</li> <li>*Poll worker training begins</li> <li>*Publication of lists of candidates</li> <li>*Start of election campaign</li> <li>*Voter education campaign continues</li> </ul>
Month VI	<ul style="list-style-type: none"> <li>*Printing of ballots</li> <li>*Voter registration review period ends</li> <li>*Poll worker training completed</li> <li>*Voter education campaign regarding polling sites and procedures continues</li> <li>*Distribution of ballots, boxes and materials to all polling stations</li> </ul>



Month VII	*Last day of campaigning (two days before election day) *ELECTION DAY *Transmission of results *Announcement of elections results *Appeals period to file election complaints
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### C. Developing an Election Budget

The first-time nature of this election will not only add to its difficulty, but also to its expense. Forms will not only need to be printed; they will also need to be designed. Poll workers will not only need to be recruited and trained; training manuals will need to be designed and printed. An election authority will not only have to be appointed; its office space will have to be furnished and staffed.

One of the costliest elements will be the system of voter registration. This will require computers to build and maintain the lists. It will also require determining the means of voter identification to deter multiple voting. For example, introduction of a laminated voter identification card with a picture will cost around U.S.\$ 5 per registered voter.

West Bank/Gaza Palestinians will be able to bear only a fraction of election-related expenses and therefore, will be dependent on external donors to meet the costs of the elections. This reality also points to the necessity of developing a comprehensive and realistic electoral budget that can generate prompt and adequate response from interested donors. Interested donors will respond favorably to requests only after being presented with a comprehensive and realistic budget which describes the costs that will be met with Palestinian resources and those for which external assistance will be required.

This requirement of external assistance may also influence the elections calendar. It is important to consider that once a budget is established, and requests are submitted to donors, some interested donors have their own time-consuming bureaucratic mechanisms for responding. Response time is often several weeks or months before assistance will begin to flow. Thus, if the first operational steps (registration, for instance) are dependent on external funding, sufficient time must be allowed for the donors to respond.

#### **D. The Election Authority**

The election authority has been described in the previous chapter as the body that is charged with implementing the electoral law and organizing elections. An election authority in any situation, whatever its precise duties, should exhibit three fundamental characteristics:

##### **1. Independence**

Operationally, the election authority will have to rely on other branches of the national authority, especially for its logistical needs, but in other areas, it should be immune from politically motivated manipulation by the National Authority or by a dominant political faction.

The election law can help establish this independence by (a) giving the members of the election authority a fixed tenure, with removal possible only under certain prescribed circumstances; (b) giving the authority the ability to hire (and fire) its own staff, including its executive secretary or director of elections; and (c) giving the authority a sufficient budget that cannot be withheld by the legislature or executive branch for politically motivated reasons.

##### **2. Neutrality**

There are two generally used methods to guarantee this: (a) a body made up of non-partisan, experienced and highly respected members of the community; or (b) a body made up of qualified and competent representatives of all major political parties. Given the highly politicized nature of Palestinian society, IFES would recommend the latter model.

##### **3. Efficiency**

IFES recommends that the election law prescribes a streamlined body of between 9-11 members with detailed mandate, powers and internal operating procedures so the election authority can begin its work quickly and operate smoothly without questions about its role coming from either its members or from external critics.

To accomplish these goals, the electoral law should specify:

- (a) how the authority is chosen and by whom; what qualifications the members should have; the tenure of the members; and the grounds for which members can be removed;
- (b) the makeup of the authority: its size and the mechanism for ensuring its

neutrality, with either its membership coming from competent representatives of political parties or from non-partisan and experienced Palestinians who command the respect of electorate; its officers and decision-making mechanism (by majority, by super-majority, by consensus);

- (c) the duties of the authority: its oversight role, ensuring the general compliance of its subsidiary bodies ( e.g., regional offices), other governmental entities (security/police forces, etc.), the media, and political parties and candidates to the electoral law; its policy-setting role, particularly its powers to write and implement its own regulations and procedures; its financial role in drawing up and utilizing its own budget; its quasi-judicial role of dispute resolution, of levying sanctions against violators of the electoral law, and of certifying and announcing the results of elections; and its role in overseeing or implementing actual election preparations and operations;
- (d) how the authority carries out its administrative/operational function, particularly its powers to hire and fire its chief operational officer (in various countries, having the title of director of elections, executive secretary, or chief electoral officer); the authority of the body to call on the services and/or personnel of other governmental entities; and the degree to which the members of the authority themselves are assigned precise operational roles.

#### **E. Choosing an Electoral System**

Several options for an electoral system have been discussed in detail earlier in this report. The major variables in electoral systems have to do with (1) the size and "magnitude" (number of seats) of the electoral districts; and (2) the method of allocating seats from the voting results, using plurality, majority or proportionality rules.

Once the size of the national Council is determined, a decision must be made as to how to allocate those seats among electoral districts. The number of seats might be one per district, or several as in most European systems. Another option is to elect all seats on a nationwide basis, as in Israel and the Netherlands.

Generally, plurality and majority rules are associated with **single-member districts** in which a single person is elected to represent a fairly small geographical area. This system, whether

using plurality or majority rules, emphasizes a representative's connection to the community which elected him/her. Because a voter will tend to vote for the candidate he thinks best represents his interests and those of the community, this system may emphasize family, clan and community loyalties more than ideological loyalties, particularly where political parties are weak. The IFES team was told by Palestinians that election debates in the West Bank and Gaza would not so much revolve around the peace process and legitimate policy issues, as much as they would around the personalities of the candidates themselves. Where parties are well enough developed that party loyalty plays a role in a voter's choice, this system favors stronger and larger parties. This is the result of voters' tendency not to want to waste their vote on a candidate that the voter knows to be unable of winning a plurality of votes, or a majority. This may result, in the longterm, in a reduction of the number of parties to two or three (as in the U.S. and United Kingdom where this system is used) and a moderation of party ideology. It also may result in the election of single-party majority governments, as opposed to coalition governments, because there is likely to be clear winners and losers among the few parties competing.

Because the single-member district system emphasizes geography over ideology and under-represents the views and interests of minority groups and parties, it has disadvantages that can be minor or significant, depending on the nature of the society. (Multiple member districts with plurality or majority rules tend to intensify these characteristics, both positive and negative.) If a society's cleavages are along regional lines, this electoral system will tend to emphasize those issues at the expense of socio-economic stratification. In a young political system, the disadvantages to small parties in single-member districts may be overly harsh, eliminating chances for even limited success before they are given the opportunity to grow and mature.

Palestinians are correct to emphasize the need for the national Council to be an effective and efficient government. This goal is not served by an electoral system that might fill the Council with a large number of small and strongly ideological parties. Single or even multiple-member districts with plurality rules might help to attain this goal. In considering an electoral system, however, Palestinians should not over-emphasize governmental efficiency at the expense of participation and representativeness. At this point on the road to Palestinian self-determination, it would seem important to allow all parties with a significant following to participate in this first Council.

One system that might serve both the goals of efficiency and participation could be a variation

of the **proportional representation (PR)**. If each electoral district elected five members to the Council, for instance, then the five strongest parties in that district would have a chance of winning at least one seat. There would be a relatively high threshold, however, since a party would have to win approximately 20 percent of the vote in order to gain a seat (depending on the exact method used for translating votes into seats). Therefore, very small parties with little popular support would not be likely to win a seat on the Council.

Whatever electoral system is chosen for the Council election, it is recommended that a balance be found between emphasizing the goal of government efficiency and the goal of a broadly representative Council that reflects, as faithfully as possible, the will of the Palestinian people.

## **F. Election Operations**

In this section, IFES offers recommendations on a few of the more important operational issues which must be addressed early in the preparation process and which were raised in interviews during the assessment mission.

### **1. Voter Eligibility**

(a) **Voting age.** In the last municipal elections of 1976, the voting age was set at 21 (20 years + 1 day). Officials at the CELG said they favored a minimum age of 18 for voters and 25 for candidates. Senior politicians offered the opinion that the youth had been radicalized by the Intifada and for that reason the threshold should be raised to 21. This seemingly minor matter should be resolved in a manner acceptable to all segments of the Palestinian polity.

(b) **Universal Suffrage in Municipal Elections.** The hallmark of democratic elections is that every citizen in full possession of his/her civil rights should be able to exercise his/her right to vote regardless of sex, racial, religious, educational or economic background. However, a holdover of Jordanian and Egyptian municipal laws hinges suffrage on payment of a cens (a tax). To be eligible in the municipal elections, a voter has to pay municipal taxes. In the West Bank that threshold is very low, one Jordanian Dinar.

When laws were amended in the West Bank in 1976 to give women the right to vote, the

tax requirement was kept, but the right to vote was extended to the dependents of the payer of the tax. That presents three problems. First, a voter becomes enfranchised due to his economic status. Second, that right to vote has a loose link to geography: a person is eligible to vote in city X because he owns property there on which he pays municipal taxes, whereas he may live outside its city limits and therefore not be totally affected by the policies of the municipal council he is voting for. Third, many voters would owe their right to vote only to their age or family links: women and young men would vote because their male guardian is an eligible voter. This potentially disenfranchises women and young people who are neither property owners nor wage earners.

A member of the CELG's legal committee offered the opinion that keeping the tax requirement would be beneficial as voting in municipal elections is voting for the provision of local services. Therefore, voter eligibility should be limited to those who pay for those services. It would also provide sorely needed resources for municipalities. Despite the arguments in favor of poll taxes, they are generally considered as incompatible with encouraging voting franchise without respect to race, religion, social or economic status.

(c) **Jerusalem Voters.** The DOP specifies that East-Jerusalemites will be able to participate in Council elections. At the time of the IFES visit, there seemed to be confusion between Palestinians and Israelis interviewed regarding the meaning of the term "participate." For the Palestinians, it meant that Palestinians living in East-Jerusalem would be able to vote and also be eligible to run for the Council elections. For Israelis, it was understood to mean that East-Jerusalem residents could vote, but not send representatives to the Palestinian Council. This matter must be cleared up early between the two parties to avoid potentially grave problems on this charged issue later in the process.

## **2. Registration of Voters**

Registration is essentially a process which allows individuals to demonstrate their right to vote and defines the constituency where they will be allowed to exercise that right. The reasons that registration generally takes place before election day are the following:

(a) Registration relates voters and constituencies (election districts). Registration information is sometimes used to adjust the size of constituencies or the number of

representatives elected from each constituency.

(b) Registration is a deterrent against double voting, especially if the voters registry is incorporated into a central data base and is checked to ensure that each individual's name appears only once. Registration also provides some degree of control over election-day fraud, particularly "ballot box stuffing." At the end of election day, the number of ballots in the ballot box should match the number of voters' names crossed off on the voter registry at each polling station.

(c) Registration information allows for better planning, such as for the distribution of ballot papers and other election day supplies. Registration also serves as an administrative and logistical "dry run" for election day.

(d) Registration places the time-consuming process of proving eligibility away from election day. This allows for a smoother and faster voting process and for a larger number of voters at each polling station.

(e) Registration serves as a civic education tool, raising awareness and interest in the electoral process.

On the basis of the above reasons, it is recommended that the Palestinians undertake a process of voter registration in the months prior to Council or municipal elections. A registration procedure must be fully described in the electoral law and should take into account the following considerations, among others:

(a) **Length of the registration period.** Registration periods vary in length from several weeks to several months. The necessary length of the period will partly depend on the number of registration locations in relation to the anticipated number of voters.

(b) **Means for voters to prove eligibility.** The IFES team was told that there is a straightforward method of proving a Palestinian's eligibility to be a voter, he/she simply shows his/her Israeli military identification card. Presumably, the law will specify several qualifications for an eligible voter, including an age minimum and residency, with a precise address to ensure that they are registering in the correct constituency and polling district.

Unless the drafters of the election law are sure that the Palestinians' military ID contains the necessary information and that all eligible voters have military IDs, then the law must specify other means of proving one's eligibility. The standard procedure in many countries is to produce a legal document such as a birth certificate, passport, etc. If the required documents are lacking, the person registering would be permitted to bring one or two witnesses to vouch for his/her identity.

(c) **The electoral card.** IFES recommends the employment of a voter card. This card proves that a citizen is registered to vote, and is shown at the polling place on election day. Various issues relating to the electoral card include:

(1) Cards can be issued immediately at the time of registration or distributed in the period between registration and election day;

(2) Cards sometimes incorporate the voter's photograph, a fingerprint or a signature, to provide verification on election day that the bearer of the card is indeed the person registered;

(3) Cards are sometimes produced on high-security paper to prevent counterfeiting; are sometimes laminated with plastic; and are sometimes issued on plain paper.

(d) **Centralization of the voter register.** A centralized voter register can be maintained by the Electoral commission or by municipalities. This is important to guarantee safe keeping of the voter register for future elections. Other safeguards against double registration may be put in place, such as the use of indelible ink. Because the centralization and computerization of the voter registry is very expensive and time-consuming (being both labor- and equipment-intensive), this task may be deferred until the first elections.

(e) **Qualifications for and training of registrars.** Registrars must be sufficiently educated to carry out their tasks and they must be dependable to do it in an unbiased manner. Election laws usually specify minimum age (typically the voting age) and education standards such as a literacy test for registrars. The election law should also specify the criteria by which a neutral team of registrars will be chosen. This is often



achieved in one of two ways: registrars must not be members of any political party and be a respected member of the community; or the registration team at each polling place must be politically balanced (e.g., each member of a team of three must be from a different political party).

### **3. Campaigning**

Campaign legislation must be detailed to avoid misunderstandings or conflicts. Two issues were raised in interviews in this regard:

(a) It was strongly felt that campaigning should not take place on election-day and that there should be no agents or campaign workers close to the polling stations "harrassing and intimidating" electors. That had been a complaint of voters in the 1976 municipal elections.

(b) **Role of religion.** It was argued in interviews that the election code should clearly state that campaigning should not be made on behalf of candidates by religious figures or in places of worship, and that this disposition should be properly enforced.

### **4. Election Day Activities**

(a) **Ballot design.** To avoid confusion, vote buying and waste of paper, IFES recommends that a single ballot system be used, rather than a multiple ballot system where one ballot for each party/list/candidate is printed.

It was conveyed to the IFES team that a system of voting by computer would be preferable. Placing a computerized voting machine in every polling place would pose obvious financial and logistical constraints. Therefore, it is recommended that a paper ballot be used for these founding elections.

In the 1976 municipal elections, voters were required to write the name of their candidate on the ballot. To facilitate voting by illiterate voters, that practice should be discarded in favor of a printed ballot.

(b) **Illiterate voters.** In 1976, five people witnessed how an illiterate voter's choice was

made to ensure that his/her choice was respected. That is a clear violation of the secret nature of the right to vote. Even though the illiteracy rate is relatively low in the West Bank and Gaza, that problem could be circumvented by a proper voter information campaign, or by the design of a ballot comprehensible to an illiterate voter. In this respect, it is preferable to use a single ballot with each party/candidate/list having a sign or symbol easily identifiable by an illiterate voter.

Another way to deal with this problem is to have the illiterate voter enter the voting booth with a relative or trusted person of the same sex -- to avoid suspicions of pressure of males over illiterate female voters -- to provide him/her with assistance.

(c) **Proxy Voting.** It was also felt strongly in interviews with CELG members that proxy voting should be severely limited to one person voting for one absentee voter only, upon presentation of a signed authorization. This would avoid situations where males would vote for their female relatives without being empowered to do so. IFES would recommend against the adoption of proxy voting because of the potential for abuse.

#### **G. Constituency delimitation**

The drawing of electoral district boundaries can be a difficult and highly controversial procedure. It will require reliable census data and a detailed mapping capability. Even with these technical tools, the process may consume much time and energy because of the highly politically charged nature of the defining of electoral districts. The election law should provide detailed and uniform criteria for the drawing of district lines, specifying the valid issues to be taken into consideration such as equality of population repartition among districts, parity of the size of the districts, and representation of different segments of the population. One example of a possible contentious districting issue is the question of refugee camps. Should they be considered as separate voting districts, or as part of the constituency within the borders they lie?

The electoral law should also establish a delimitation authority that is, in its makeup and in how it is appointed, as neutral and credible as possible. In this way, the electoral law can help to take this process out of the realm of politics. Districting can be done by a legislative authority. Since this is a founding election, it may not be applicable to the Palestinian case. It can also be the domain of a ministerial department. In the charged context of Palestinian politics, such a department, regardless of its integrity, will likely be the object of suspicions of partisan bias.

Finally, districting can be done by an Elections Commission. If the conditions enumerated earlier for the creation of an Elections Commission are met, this would be the best option within the Palestinian context.

#### **H. Party Ethics**

Before parties and candidates begin to compete in the campaign periods prior to national and municipal elections, it is recommended that a campaign ethics law be drawn up, preferably with the participation of the parties themselves. By means of an all-party conference or some other mechanism, parties should be given the opportunity to develop the list of rules which they agree to abide by during the campaign period. The rules that are adopted should also be in conformity with rules regulating party organization in the main democracies of the world. Signing the campaign ethics agreement should then be made a condition for party registration for these elections. This kind of rule-setting will be especially important in the Palestinian context where some of the parties have never competed in elections before and none have experience with national election campaigns. The agreement should include enforceable sanctions that would be levied against parties or candidates that violate the rules.

#### **I. Civic Education**

Under this rubric fall two types of activities: long-term education of citizens in the rudiments of democracy and civics; and voter information focused around particular elections and with the goal of informing voters when, how and where to vote. These programs can be implemented through the design of school and university curricula; training programs by and for NGOs, party workers and government workers, or more immediately through audiovisual media, posters and leaflet campaigns. Conception and programming of civic education and voter information campaigns should also be designated as one of the tasks of the election authority.

A broad-ranging set of civic education programs and activities can and should target the following objectives:

##### **1. Encouraging and Informing Debate on Election Policy Issues**

Conducting the negotiations and the drafting of an election law in an atmosphere of open and informed debate may very well complicate and slow down those processes, but the disadvantages are likely to be outweighed by the benefits. Open and informed debate among a broad range of Palestinians will help lead to results which should be universally desired: a better electoral system and election law, and a system and law that is acceptable to more Palestinian factions.

## **2. Building a Climate for Debate**

The revitalization of local government structures could be one of the most powerful tools in this area of civic education, giving many Palestinians the opportunity to participate in shaping their economic and political future through debate, party building and campaigning for government offices. The institutions that would be running this process should set a powerful example by being democratic at the highest level.

## **3. Generating Knowledge and Interest**

This is the most "traditional" and straightforward of the tasks of civic and voter education programs. The responsibility for carrying out this task is shared by the election authority, the political parties, and non-partisan citizens groups. The means for this kind of consciousness-raising effort are numerous and varied, but should include broadcasting media.

Television and radio have the potential to be the most effective tools for this type of civic education, which points to the need to establish an independent Palestinian Broadcast Authority well before elections are held. The IFES team was told that preparations were well underway for opening a Palestinian radio station, which lacked a frequency assigned by the Israelis. Establishing a television station will be invaluable in facilitating and democratizing the coming campaign process. However, this can only happen if citizens, the listeners and viewers, trust their local Palestinian stations as impartial providers of news and political commentary. Civic or voter information programs or spots will not be seen or paid attention to, if they are broadcast on a station which is perceived as being partial to one political faction or group.

## **4. Reaching the Potentially Disenfranchised**

All civic education programs should make a particular effort to reach those who have had limited access to political and leadership positions in the past. Training programs for candidates and campaign workers should target women, refugees and rural Palestinians, and political parties should be encouraged to include these groups on the candidates' lists.

## **J. Women's Mobilization**

Women's groups are very active and willing to learn more about how they can mobilize their members. The organization of information and training seminars where policy and elections issues can be debated and could be useful, provided these training sessions are conducted in an effective manner. Programs targeted at women should address the following issues:

1. Convincing women and men that a woman's right to vote is individual and secret, and that it does not belong to her clan, family, father or husband.
2. Ensuring that women are present in the formulation of civic education and voter information programs. Women should also be targeted by these programs.
3. Convincing parties that women are an important voting bloc whose concerns and demands must be addressed in party platforms and candidates' programs.
4. Encouraging all women to vote.
5. Encouraging women to run as candidates. Even if some individual candidacies may not be viable, it is important to let the voter decide, as well as let women participate, and be seen participating, in formulating issues in campaigns.
6. Settling the question of whether women should be formally assigned quotas on lists and in elected councils. It is currently being debated. Quotas would ensure an automatic representation for women. But based on the experience of some countries that have such quota systems, this may backfire on women as it would undercut their main demands for equality. Women would run the risk of being seen as an endangered minority that is entitled to protection rather than as a productive segment of society that can contribute effectively to all aspects of its life.
7. The most important guarantee of success for these recommendations -- and for other civic groups -- is unity of purpose. It was demonstrated during our interviews that despite their diverging political backgrounds, women in the West Bank and Gaza were already able to come together to discuss common issues.

Building on this, concerned organizations should make an effort to attract the widest spectrum possible of participants in those activities that target women as a voting bloc. Urban, rural and refugee women should be targeted; educated and illiterate; professional and housewives; Gazan; northern and southern West Bankers, as well as Jerusalemites; pro-DOP and opposition; and elite, as well as poor women.

### **K. Palestinian Role in Coordinating Election Assistance**

Most importantly, external election assistance should be coordinated by its recipients: the CELG and its successor and implementor body, the Palestinian Election Commission. Palestinians should coordinate the complex financial and technical aspects of this aid to avoid confusion and effort duplication. Donor agencies may be motivated by political concerns or matters of national prestige and may not always provide the most appropriate aid in the most appropriate fashion.

On the question of observers, for instance, Palestinian authorities will be the ones issuing credentials to these observers. They should centralize accreditation and acceptance of these observers to avoid chaos on election day. This is even more important given the fact that some Israeli officials stated to IFES that observers were not needed, as the international media was enough to cover the polling. This coordination can be done either by Palestinians themselves, or by designating an organization with experience in this field.

As can be seen from this report, political pitfalls can derail the election process. Palestinians themselves have expressed that the onus was on obtaining urgently needed aid. When doing so, these issues need to be examined:

1. It is important to coordinate the aid that can be centralized, that is, the aid that goes to official bodies. Assistance to NGOs on the other hand, cannot and should not be interfered with by authorities. Foreign assistance to political parties or groups should be regulated by the electoral code.
2. Coordinating aid is important to avoid the creation of independent constituencies whereby an official obtains leverage by obtaining for his service foreign assistance and disburses it at his/her discretion, sometimes at cross purposes with other efforts undertaken by other departments.
3. In the context of Palestinian politics, aid programs received should not carry the germs of potential political problems insofar as they generate negative local reaction because of their provenance, political role, or the participants used in the program. Accordingly, these assistance programs should fit with local realities because the providers speak Arabic and/or have had successful prior experience in similar fields.

## **IX. RECOMMENDATIONS FOR EXTERNAL ASSISTANCE**

The external donor community can play a useful role in assisting the Palestinians implement many of the above recommendations. The recommendations for external assistance made below combine short-term needs (i.e., during the lifespan of the CELG/the planning period) and longer term needs, including the operational period of preparing for elections.

### **A. Assisting the Commission on Elections and Local Government (CELG)**

The CELG's progress has been partly slowed by its lack of financial and technical resources. IFES recommends that the United States and other external donors provide support to each of the CELG's technical committees. The work of these committees should progress simultaneously with the current Israeli/PLO negotiations. Small-scale financial assistance is needed to further the work of each of the three committees. Effective technical assistance will also be required in the areas of: (1) electoral law and administration, to increase the legal committee's capacity to draft a detailed election law; and (2) designing and implementing training programs, particularly for civic education trainers, for municipal government administrators, and for potential Council candidates.

### **B. Assistance to NGOs**

A wide variety of Palestinian non-governmental organizations exist that are working in areas related to democratization and elections. Many are new; some are well-established. Their work in the areas of human rights, leadership training for women, electoral law research and dialogue, civic education, election monitoring, curriculum reform, etc., all can have a beneficial impact in establishing an enabling environment for democracy. Donors should consider positively funding for NGOs working in these areas, particularly organizations that (1) have a proven or potential capacity to work outside of the cities among villagers and rural dwellers; (2) exhibit a commitment to democracy through their own internal structures and decision-making mechanisms; and (3) have a non-partisan or broadly multi-partisan membership and agenda.

### **C. Establishing a Realistic Electoral Budget**

One of the first tasks of an operational election authority will be to establish a comprehensive and realistic electoral budget. This budget will be a basic planning document for the election authority. It will also be the fundamental requirement for donors to begin providing assistance to the operational phase of Palestinian elections. For these reasons, it is advisable that the budget be well-prepared. IFES strongly recommends that the United States or another donor

provide a technical advisor who can assist the election authority to carry out this task thoroughly and accurately as soon after the appointment of the authority as possible.

**E. Coordination of Election Assistance**

There have already been indications that many donors will want to assist the electoral process in the West Bank/Gaza. IFES recommends that interested donors set up, in the near future, a coordinating mechanism for providing technical and material assistance to the Palestinian electoral process. Only through this means will the donors be able to provide needed assistance efficiently and without redundancy.

**F. Meeting Operational Needs**

As noted above, a large part of the material and technical needs of the Palestinian election preparation process must be met by external donors. The Palestinian National Authority, however, should show its commitment to municipal and Council elections by funding what it can, particularly in paying for staff salaries.

The election authority should demonstrate its competence by producing a realistic and comprehensive budget and election plan to present to the donors. If these conditions are met, donors should be prepared to make a prompt, coordinated and generous response to the financial, material and technical needs of the Palestinians in carrying out free and fair elections in the West Bank and the Gaza Strip.

**G. Election Monitoring and Observation**

The Palestinian elections, even at the municipal level, will be very high profile elections that may attract hundreds of observers. It will be necessary to have an international coordinating body as was the case in the 1993 Russian elections, or as is the case for the South African elections.



## X. CONCLUSION

Efficient and well-organized elections are no guarantee of democracy, not even of free and fair elections. Good election organization, however, can be an effective countermeasure to attempts at fraud and manipulation. Furthermore, "bad" elections have been shown to have enormous negative impact on the health and effectiveness of the resulting government and on political life in general. This is especially true of founding elections.

IFES hopes that this report serves as a useful starting point for debate and action by Palestinians and the international community, to ensure the efficient organization and functioning of Palestinian elections.

PRE-ELECTION ASSESSMENT  
WEST BANK & GAZA

APPENDICES

PRE-ELECTION ASSESSMENT  
WEST BANK & GAZA

APPENDIX I

## APPENDIX I: TEXT OF THE DECLARATION OF PRINCIPLES

*Following is the text of the Declaration of Principles between the Government of the State of Israel and the P.L.O. team (in the Jordanian-Palestinian delegation to the Middle East Peace Conference) signed in Washington, DC, September 13, 1993.*

The Government of the State of Israel and the P.L.O. team (in the Jordanian-Palestinian delegation to the Middle East Peace Conference) (the "Palestinian Delegation"), representing the Palestinian people, agree that it is time to put an end to decades of confrontation and conflict, recognize their mutual legitimate and political rights, and strive to live in peaceful coexistence and mutual dignity and security and achieve a just, lasting and comprehensive peace settlement and historic reconciliation through the agreed political process. Accordingly, the two sides agree to the following principles:

### **Article I**

#### **AIM OF THE NEGOTIATIONS**

The aim of the Israeli-Palestinian negotiations within the current Middle East peace process is, among other things, to establish a Palestinian Interim Self-Government Authority, the elected Council (the "Council"), for the Palestinian people in the West Bank and the Gaza Strip, for a transitional period not exceeding five years, leading to a permanent settlement based on Security Council Resolutions 242 and 338.

It is understood that the interim arrangements are an integral part of the whole peace process and that the negotiations on the permanent status will lead to the implementation of Security Council Resolutions 242 and 338.

### **Article II**

#### **FRAMEWORK FOR THE INTERIM PERIOD**

The agreed framework for the interim period is set forth in this Declaration of Principles.

### **Article III**

#### **ELECTIONS**

1. In order that the Palestinian people in the West Bank and Gaza Strip may govern themselves according to democratic principles, direct, free and general political elections will be held for the Council under agreed supervision and international observation, while the Palestinian police will ensure public order.

2. An agreement will be concluded on the exact mode and conditions of the elections in accordance with the protocol attached as Annex I, with the goal of holding the elections not later than nine months after the entry into force of this Declaration of Principles.

3. These elections will constitute a significant interim preparatory step toward the realization of the legitimate rights of the Palestinian people and their just requirements.

### **Article IV**

#### **JURISDICTION**

Jurisdiction of the Council will cover West Bank and Gaza Strip territory, except for issues that will be negotiated in the permanent status negotiations. The two sides view the West Bank and Gaza Strip as a single territorial unit, whose integrity will be preserved during the interim period.

### **Article V**

#### **TRANSITIONAL PERIOD AND PERMANENT STATUS NEGOTIATIONS**

1. The five-year transitional period will begin upon the withdrawal from the Gaza Strip and Jericho area.

2. Permanent status negotiations will commence as soon as possible, but not later than the beginning of the third year of the interim period, between the Government of Israel and the Palestinian people representatives.

3. It is understood that these negotiations shall cover

remaining issues, including: Jerusalem, refugees, settlements, security arrangements, borders, relations and cooperation with other neighbors, and other issues of common interest.

4. The two parties agree that the outcome of the permanent status negotiations should not be prejudiced or preempted by agreements reached for the interim period.

## **Article VI**

### **PREPARATORY TRANSFER OF POWERS AND RESPONSIBILITIES**

1. Upon the entry into force of this Declaration of Principles and the withdrawal from the Gaza Strip and the Jericho area, a transfer of authority from the Israeli military government and its Civil Administration to the authorized Palestinians for this task, as detailed herein, will commence. This transfer of authority will be of a preparatory nature until the inauguration of the Council.

2. Immediately after the entry into force of Declaration of Principles and the withdrawal from the Gaza Strip and Jericho area, with the view to promoting economic development in the West Bank and Gaza Strip, authority will be transferred to the Palestinians on the following spheres: education and culture, health, social welfare, direct taxation, and tourism. The Palestinian side will commence in building the Palestinian police force, as agreed upon. Pending the inauguration of the Council, the two parties may negotiate the transfer of additional powers and responsibilities, as agreed upon.

## **Article VII**

### **INTERIM AGREEMENT**

1. The Israeli and Palestinian delegations will negotiate an agreement on the interim period (the "Interim Agreement").

2. The Interim Agreement shall specify, among other

things, the structure of the Council, the number of its members, and the transfer of powers and responsibilities from the Israeli military government and its Civil Administration to the Council. The Interim Agreement shall also specify the Council's executive authority, legislative authority in accordance with Article IX below and the independent Palestinian judicial organs.

3. The Interim Agreement shall include arrangements, to be implemented upon the inauguration of the Council, for the assumption by the Council of all of the powers and responsibilities transferred previously in accordance with Article VI above.

4. In order to enable the Council to promote economic growth, upon its inauguration, the Council will establish, among other things, a Palestinian Electricity Authority, a Gaza Sea Port Authority, a Palestinian Development Bank, a Palestinian Export Promotion Board, a Palestinian Environmental Authority, a Palestinian Land Authority and a Palestinian Water Administration Authority, and any other authorities agreed upon, in accordance with the Interim Agreement that will specify their powers and responsibilities.

5. After the inauguration of the Council, the Civil Administration will be dissolved, and the Israeli military government will be withdrawn.

## **Article VIII**

### **PUBLIC ORDER AND SECURITY**

In order to guarantee public order and internal security for the Palestinians of the West Bank and the Gaza Strip, the Council will establish a strong police force, while Israel will continue to carry the responsibility for defending against external threats, as well as the responsibility for overall security of Israelis for the purpose of safeguarding their internal security and public order.

## **Article IX**

### **LAWS AND MILITARY ORDERS**

1. The Council will be empowered to legislate, in accordance with the Interim Agreement, within all authorities transferred to it.
2. Both parties will review jointly laws and military orders presently in force in remaining spheres.

## **Article X**

### **JOINT ISRAELI-PALESTINIAN LIAISON COMMITTEE**

In order to provide for a smooth implementation of this Declaration of Principles and any subsequent agreements pertaining to the interim period, upon the entry into force of this Declaration of Principles, a Joint Israeli-Palestinian Liaison Committee will be established in order to deal with issues requiring coordination, other issues of common interest, and disputes.

## **Article XI**

### **ISRAELI-PALESTINIAN COOPERATION IN ECONOMIC FIELDS**

Recognizing the mutual benefit of cooperation in promoting the development of the West Bank, the Gaza Strip and Israel, upon the entry into force of this Declaration of Principles, an Israeli-Palestinian Economic Cooperation Committee will be established in order to develop and implement in a cooperative manner the programs identified in the protocols attached as Annex III and Annex IV.

## **Article XII**

### **LIAISON AND COOPERATION WITH JORDAN AND EGYPT**

The two parties will invite the Governments of Jordan and Egypt to participate in establishing further

liaison and cooperation arrangements between the Government of Israel and the Palestinian representatives, on the one hand, and the Governments of Jordan and Egypt, on the other hand, to promote cooperation between them. These arrangements will include the constitution of a Continuing Committee that will decide by agreement on the modalities of admission of persons displaced from the West Bank and Gaza Strip in 1967, together with necessary measures to prevent disruption and disorder. Other matters of common concern will be dealt with by this Committee.

## **Article XIII**

### **REDEPLOYMENT OF ISRAELI FORCES**

1. After the entry into force of this Declaration of Principles, and not later than the eve of elections for the Council, a redeployment of Israeli military forces in the West Bank and the Gaza Strip will take place, in addition to withdrawal of Israeli forces carried out in accordance with Article XIV.

2. In redeploying its military forces, Israel will be guided by the principle that its military forces should be redeployed outside populated areas.

3. Further redeployments to specified locations will be gradually implemented commensurate with the assumption of responsibility for public order and internal security by the Palestinian police force pursuant to Article VIII above.

## **Article XIV**

### **ISRAELI WITHDRAWAL FROM THE GAZA STRIP AND JERICHO AREA**

Israel will withdraw from the Gaza Strip and Jericho area, as detailed in the protocol attached as Annex II.

## **Article XV**

### **RESOLUTION OF DISPUTES**

1. Disputes arising out of the application or inter-

pretation of this Declaration of Principles, or any subsequent agreements pertaining to the interim period, shall be resolved by negotiations through the Joint Liaison Committee to be established pursuant to Article X above.

2. Disputes which cannot be settled by negotiations may be resolved by a mechanism of conciliation to be agreed upon by the parties.

3. The parties may agree to submit to arbitration disputes relating to the interim period, which cannot be settled through conciliation. To this end, upon the agreement of both parties, the parties will establish an Arbitration Committee.

### **Article XVI**

#### **ISRAELI-PALESTINIAN COOPERATION CONCERNING REGIONAL PROGRAMS**

Both parties view the multilateral working groups as an appropriate instrument for promoting a "Marshall Plan," the regional programs and other programs, including special programs for the West Bank and Gaza Strip, as indicated in the protocol attached as Annex IV.

### **Article XVII**

#### **MISCELLANEOUS PROVISIONS**

1. This Declaration of Principles will enter into force one month after its signing.

2. All protocols annexed to this Declaration of Principles and Agreed Minutes pertaining thereto shall be regarded as an integral part hereof.

DONE at Washington, D.C., this thirteenth day of September, 1993.

For the Government of Israel: (Shimon Peres)

For the P.L.O.: (Mahmoud Abbas)

Witnessed by: The United States of America:  
(Warren Christopher)

The Russian Federation: (Andrei Kozyrev)

## **ANNEX I**

### **PROTOCOLS ON THE MODE AND CONDITIONS OF ELECTIONS**

1. Palestinians of Jerusalem who live there will have the right to participate in the election process, according to an agreement between the two sides.

2. In addition, the election agreement should cover, among other things, the following issues:

a. the system of elections;

b. the mode of the agreed supervision and international observation and their personal composition; and

c. rules and regulations regarding election campaign, including agreed arrangements for the organizing of mass media, and the possibility of licensing a broadcasting and TV station.

3. The future status of displaced Palestinians who were registered on 4th June 1967 will not be prejudiced because they are unable to participate in the election process due to practical reasons.

## **ANNEX II**

### **PROTOCOL ON WITHDRAWAL OF ISRAELI FORCES FROM THE GAZA STRIP AND JERICHO AREA**

1. The two sides will conclude and sign within two months from the date of entry into force of this Declaration of Principles, an agreement on the withdrawal of Israeli military forces from the Gaza Strip and Jericho area. This agreement will include comprehensive arrangements to apply in the Gaza Strip and the Jericho area subsequent to the Israeli withdrawal.

2. Israel will implement an accelerated and scheduled withdrawal of Israeli military forces from the Gaza Strip and Jericho area, beginning immediately with the signing of the agreement on the Gaza Strip and Jericho area and to be completed within a period not exceeding four months after the signing of this agreement.

3. The above agreement will include, among other things:

a. Arrangements for a smooth and peaceful transfer of authority from the Israeli military government and its Civil Administration to the Palestinian representatives.

b. Structure, powers and responsibilities of the Palestinian authority in these areas, except: external security, settlements, Israelis, foreign relations, and other mutually agreed matters.

c. Arrangements for the assumption of internal security and public order by the Palestinian police force consisting of police officers recruited locally and from abroad (holding Jordanian passports and Palestinian documents issued by Egypt). Those who will participate in the Palestinian police force coming from abroad should be trained as police and police officers.

d. A temporary international or foreign presence, as agreed upon.

e. Establishment of a joint Palestinian-Israeli Coordination and Cooperation Committee for mutual security purposes.

f. An economic development and stabilization program, including the establishment of an Emergency Fund, to encourage foreign investment, and financial and economic support. Both sides will coordinate and cooperate jointly and unilaterally with regional and international parties to support these aims.

g. Arrangements for a safe passage for persons and transportation between the Gaza Strip and Jericho area.

4. The above agreement will include arrangements for coordination between both parties regarding passages:

- a. Gaza-Egypt and
- b. Jericho-Jordan.

5. The offices responsible for carrying out the powers and responsibilities of the Palestinian authority under this Annex II and Article VI of the Declaration of Principles will be located in the Gaza Strip and in the Jericho area pending the inauguration of the Council.

6. Other than these agreed arrangements, the status of the Gaza Strip and Jericho area will continue to be an integral part of the the West Bank and Gaza Strip, and will not be changed in the interim period.

### **Annex III**

## **PROTOCOL ON ISRAELI-PALESTINIAN COOPERATION IN ECONOMIC AND DEVELOPMENT PROGRAMS**

The two sides agree to establish an Israeli-Palestinian Continuing Committee for Economic Cooperation, focusing, among other things, on the following:

1. Cooperation in the field of water, including a Water Development Program prepared by experts from both sides, which will also specify the mode of cooperation in the management of water resources in the West Bank and Gaza Strip, and will include proposals for studies and plans on water rights of each party, as well as on the equitable utilization of joint water resources for implementation in and beyond the interim period.

2. Cooperation in the field of electricity, including an Electricity Development Program, which will also specify the mode of cooperation for the production, maintenance, purchase and sale of electricity resources.

3. Cooperation in the field of energy, including an Energy Development Program, which will provide for the exploitation of oil and gas for industrial purposes, particularly in the Gaza Strip and in the Negev, and will encourage further joint exploitation of other energy resources. This Program may also provide for the construction of a petrochemical industrial complex in the Gaza Strip and the construction of oil and gas pipelines.

4. Cooperation in the field of finance, including a Financial Development and Action Program for the encouragement of international investment in the West Bank and the Gaza Strip, and in Israel, as well as the establishment of a Palestinian Development Bank.



5. Cooperation in the field of transport and communications, including a Program, which will define guidelines for the establishment of a Gaza Sea Port Area, and will provide for the establishing of transport and communications lines to and from the West Bank and the Gaza Strip to Israel and to other countries. In addition, this Program will provide for carrying out the necessary construction of roads, railways, communication lines, etc.

6. Cooperation in the field of trade, including studies, and Trade Promotion Programs, which will encourage local, regional and inter-regional trade, as well as a feasibility study of creating free trade zones in the Gaza Strip and in Israel, mutual access to these zones, and cooperation in other areas related to trade and commerce.

7. Cooperation in the field of industry, including Industrial Development Programs, which will provide for the establishment of joint Israeli-Palestinian Industrial Research and Development Centers, will promote Palestinian-Israeli joint ventures, and provide guidelines for cooperation in the textile, food, pharmaceutical, electronics, diamonds, computer and science-based industries.

8. A program for cooperation in, and regulation, of labor relations and cooperation in social welfare issues.

9. A Human Resources Development and Cooperation Plan, providing for joint Israeli-Palestinian workshops and seminars, and for the establishment of joint vocational training centers, research institutes and data banks.

10. An Environmental Protection Plan, providing for joint and/or coordinated measures in this sphere.

11. A program for developing coordination and cooperation in the field of communication and media.

12. Any other programs of mutual interest.

## Annex IV

### PROTOCOL IN ISRAELI-PALESTINIAN COOPERATION CONCERNING REGIONAL DEVELOPMENT PROGRAMS

1. The two sides will cooperate in the context of the multilateral peace efforts in promoting a Development Program for the region, including the West Bank and the Gaza Strip, to be initiated by the G-7. The parties will request the G-7 to seek the participation in this program of other interested states, such as members of the Organization for Economic Cooperation and Development, regional Arab states and institutions, as well as members of the private sector.

2. The Development Program will consist of two elements:

a. an Economic Development Program for the West Bank and the Gaza Strip.

b. a Regional Economic Development Program.

A. The Economic Development Program for the West Bank and the Gaza Strip will consist of the following elements:

(1) A Social Rehabilitation Program, including a Housing and Construction Program.

(2) A Small and Medium Business Development Plan.

(3) An Infrastructure Development Program (water, electricity, transportation and communications, etc.).

(4) A Human Resources Plan.

(5) Other programs.

B. The Regional Economic Development Program may consist of the following elements:

(1) The establishment of a Middle East Development Fund, as a first step, and Middle East Development Bank, as a second step.

(2) The development of a joint Israeli-Palestinian-Jordanian Plan for coordinated exploitation of the Dead Sea area.

(3) The Mediterranean Sea (Gaza)-Dead Sea Canal.

(4) Regional Desalinization and other water development projects.

(5) A regional plan for agricultural development, including a coordinated regional effort for the prevention of desertification.

(6) Interconnection of electricity grids.

(7) Regional cooperation for the transfer, distribution and industrial exploitation of gas, oil and other energy resources.

(8) A Regional Tourism, Transportation and Telecommunications Development Plan.

(9) Regional cooperation in other spheres.

3. The two sides will encourage the multilateral working groups, and will coordinate towards their success. The two parties will encourage intersessional activities, as well as pre-feasibility and feasibility studies, within the various multilateral working groups.

## **AGREED MINUTES TO THE DECLARATION OF PRINCIPLES ON INTERIM SELF-GOVERNMENT ARRANGEMENTS**

### **A. GENERAL UNDERSTANDINGS AND AGREEMENTS**

Any powers and responsibilities transferred to the Palestinians pursuant to the Declaration of Principles prior to the inauguration of the Council will be subject to the same principles pertaining to Article IV, as set out in these Agreed Minutes below.

### **B. SPECIFIC UNDERSTANDINGS AND AGREEMENTS**

#### **Article IV**

It is understood that:

1. Jurisdiction of the Council will cover West Bank

and Gaza Strip territory, except for issues that will be negotiated in the permanent status negotiations: Jerusalem, settlements, military locations, and Israelis.

2. The Council's jurisdiction will apply with regard to the agreed powers, responsibilities, spheres and authorities transferred to it.

#### **Article VI(2)**

It is agreed that the transfer of authority will be as follows:

1. The Palestinian side will inform the Israeli side of the names of the authorized Palestinians who will assume the powers, authorities and responsibilities that will be transferred to the Palestinians according to the Declaration of Principles in the following fields: education and culture, health, social welfare, direct taxation, tourism, and any other authorities agreed upon.

2. It is understood that the rights and obligations of these offices will not be affected.

3. Each of the spheres described above will continue to enjoy existing budgetary allocations in accordance with arrangements to be mutually agreed upon. These arrangements also will provide for the necessary adjustments required in order to take into account the taxes collected by the direct taxation office.

4. Upon the execution of the Declaration of Principles, the Israeli and Palestinian delegations will immediately commence negotiations on a detailed plan for the transfer of authority on the above offices in accordance with the above understandings.

#### **Article VII(2)**

The Interim Agreement will also include arrangements for coordination and cooperation.

#### **Article VII(5)**

The withdrawal of the military government will not prevent Israel from exercising the powers and responsibilities not transferred to the Council.

### **Article VIII**

It is understood that the Interim Agreement will include arrangements for cooperation and coordination between the two parties in this regard. It is also agreed that the transfer of powers and responsibilities to the Palestinian police will be accomplished in a phased manner, as agreed in the Interim Agreement.

### **Article X**

It is agreed that, upon the entry into force of the Declaration of Principles, the Israeli and Palestinian delegations will exchange the names of the individuals designated by them as members of the Joint Israeli-Palestinian Liaison Committee. It is further agreed that each side will have an equal number of members in the Joint Committee. The Joint Committee will reach decisions by agreement. The Joint Committee may add other technicians and experts, as necessary. The Joint Committee will decide on the frequency and place or places of its meetings.

### **Annex II**

It is understood that, subsequent to the Israeli withdrawal, Israel will continue to be responsible for external security, and for internal security and public order of settlements and Israelis. Israeli military forces and civilians may continue to use roads freely within the Gaza Strip and the Jericho area.

DONE at Washington, D.C., this thirteenth day of September, 1993.

For the Government of Israel: (Shimon Peres)

For the P.L.O.: (Mahmoud Abbas)

Witnessed by: The United States of America:  
(Warren Christopher)

The Russian Federation: (Andrei Kozyrev)

**PRE-ELECTION ASSESSMENT  
WEST BANK & GAZA**

**APPENDIX II**

APPENDIX II: GLOSSARY OF ABBREVIATIONS

CELG:	(Palestinian) Commission on Elections and Local Government
CPRS:	Center for Palestine Research and Studies, Nablus
DFLP:	Democratic Front for the Liberation of Palestine
DOP:	Declaration of Principles
FIDA:	( <i>Al-Ittihad al-Dimoqrati al-Filastini</i> ) Palestinian Democratic Union
GUPW:	General union of Palestinian Women
HAMAS:	( <i>Harakat Al-Mouqawama Al-Islamiyya</i> ) Islamic Resistance Movement
PFLP:	Popular Front for the Liberation of Palestine
PLO:	Palestine Liberation Organization
PNC:	Palestine National Council
PPP:	Peoples Party of Palestine

PRE-ELECTION ASSESSMENT  
WEST BANK & GAZA

APPENDIX III

**APPENDIX III: LIST OF MEETINGS**

Mr. Edward Abington, Consul General, U.S. Consulate, Jerusalem  
Dr. Haydar Abd-el-Shafi, Red Crescent Society, Gaza City  
Mr. Yasser Abd Rabbo, Director, Head of the PLO Information Department  
Dr. Hassan Abou Libdeh, CELG  
Mr. Hanna 'Amireh, Al-Talia' newspaper  
Chairman Yasser Arafat, PLO Chairman  
Mr. Mubarak Awad, Palestine Center for Non Violence  
Mr. John Bargeron, US Consulate General, Jerusalem  
Ms. Siham Barghuti, Elections Sub-Committee of the Women's Technical Committee  
Mr. Tony Benesch, US Embassy, Tunis  
Mr. Eytan Bentsur, Senior Deputy Director General, Israeli Foreign Affairs Ministry.  
Mr. Yoram Ben Zeev, Acting Deputy Director General, Israeli Foreign Affairs Ministry  
Ms. Michelle Dunne, US Consulate General, Jerusalem  
Dr. Saeb Erekat, President, CELG  
Ms. Andrea Farsakh, US Embassy, Tunis  
Mayor Elias Freij, Mayor of Bethlehem  
Mr. Akram Hanniyah, Advisor to Chairman Arafat, PLO  
Dr. Mohammed JadAllah, Chairman, Union of Health Care Committees  
Mr. Farouk Kaddoumi, Head of the PLO Political Department  
Ms. Zahira Kamal, CELG, Women's Technical Committee Chairperson  
Ms. Amal Khreisha, Elections Sub-Committee of the Women's Technical Committee  
Mr. Daoud Kuttab, Journalist, Jerusalem  
Mr. Jonathan Kuttab, Palestine Center for Non Violence  
Ambassador John McCarthy, Tunis  
Dr. Riad el-Maliki, Panorama  
Mr. Pierre Mansour, Lawyer, Ramallah  
Ms. Susan Morowitz, USAID, Jerusalem  
Dr. Sami Mousallam, Chairman Arafat's Cabinet Chief, PLO  
Mr. Hanna Nasser, Deputy Mayor of Bethlehem  
Dr. Sari Nusseibeh, Bir Zeit University  
Ms. Lea Perez, US Consulate General, Jerusalem  
Mr. Khaled el-Qidra, CELG  
Ms. Nahla Qoura, Elections Sub-Committee of the Women's Technical Committee

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General Dani Rothschild, Head of the Civil Administration, Tel Aviv

Mr. Dani Rubenstein, Journalist, *Ha'aretz*

Dr. Nader al-Saqqa, CELG

Mr. Farag al-Sarraf, CELG

Ms. Salwa Sayegh, Lawyer, Gaza City

Mr. Fuad Shehadeh, CELG

Dr. Khalil Shiqaqi, CPRS

Dr. Mohammad Shtayyeh, CELG

Ms. Carol Stocker, US Embassy, Tunis

Dr. Mahmoud al-Zahhar, Islamic University, Gaza City

Mr. Sharhabeel al-Zaeem, Lawyer, Gaza City