

## MUNICIPAL ELECTIONS

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#### ***Bulletin Number 1***

**Wednesday 21st May 1997**

**A bulletin about the Palestinian Municipal Elections**

**published by the Palestinian Centre for Human Rights**

#### **About This Bulletin**

This Bulletin discusses the issues surrounding the Palestinian municipal council elections which are scheduled for this year. These elections will be held in all areas of the Gaza Strip and West Bank which are under Palestinian National Authority (PNA) civilian jurisdiction. These elections will have considerable significance for the internal political situation in these areas, as, all political groups have professed an intention to participate, including: national and Islamic groups, both inside and outside the frame of the PLO; those which oppose the Oslo political process and the Oslo Agreements signed between the PLO and Israel; and those who boycotted the general elections in January 1996.

In the sphere of its work on the development of democratic values in Palestinian society, the PCHR regards the municipal council elections as being of great import. Accordingly a *Municipal Elections Monitoring Team* has been established; this Bulletin is the first report from this Team.

#### **The Palestinian Centre's *Municipal Elections Monitoring Team***

During the past year the Palestinian Centre has been actively involved in discussions regarding the legal framework for local councils and their elections.

In June 1996 the Centre published a *Critique of the Draft Law for Palestinian Local Councils and the Draft Law for Municipal Elections*, which considered the legal development of Palestinian municipalities from the Ottoman Empire until the establishment of the PNA, and recommended amendments to the Draft Laws. The Centre organised a series of workshops with a view to influencing Palestinian decision-makers and legislators in order to ensure the strengthening of democratic elements in the Laws and a more decentralised approach.

Following protracted debate in the Palestinian Legislative Council (PLC), the *Election Law For Local Councils Committees* [*sic*] (herein referred to as the *Municipal Elections Law*) was passed and ratified by the President of the PNA on 16th December 1996. The law covers all aspects of the electoral process, including: the administration of the elections; organisation of the electoral districts; voter eligibility

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administration of the elections, organisation of the electoral districts, voter eligibility and registration; nomination; the electoral campaign; ballot papers; voting; vote-counting; election results; the case of vacancies in seats; and electoral malpractice.

This Bulletin considers the following aspects of the municipal elections: the Municipal Elections Law and provisions for monitoring; delays in the promulgation of a law for the municipal councils; the role of the Higher Committee for Local Elections; the confusion surrounding the date of elections; the pre-election appointment of municipal councils; and the issue of the participation of refugees in the municipal elections.

### ***1. Municipal Elections Law And Provisions for Local Monitoring***

Although the Municipal Elections Law does not have explicit provision for the monitoring of the elections by local monitoring teams, it is implicit that monitoring is permitted from the following provisions of the Municipal Elections Law:

- i. Article 2(5) provides that the Higher Committee for Local Elections is entitled *inter alia* to issue accreditation cards for election observers and to facilitate their work.
- ii. Article 42 provides that the vote-counting process may be attended by “those who wish to attend from among the members of the press and monitors”. It is not clear here whether “monitors” refers to local and/or international monitors; taken in the context of other provisions we interpret it broadly to include local monitors as well.
- iii. Article 43(b) states that “...the observers have the right to look at the ballot papers”. This article enforces the right of local monitors to monitor the vote-counting process.

The following factors also enforce the right for the participation of local monitors:

- i. Nowhere does the law explicitly exclude local monitoring teams.
- ii. Dr. Sa’eb Erekat, the PNA Minister for Local Government has stated that thousands of local monitors would assist in the municipal elections, and that they would accompany candidates’ and party agents.
- iii. Mr. Ossama Abu Safiah, the Co-ordinator of the Higher Committee for Local Elections in Gaza, informed the Palestinian Centre that local monitors would be accredited to monitor all aspects of the voting process on the day of elections to ensure that free and fair elections are preserved.

Accordingly the PCHR has already begun to form a team of local monitors for the Gaza Strip. The Centre co-ordinated a monitoring campaign for the general elections in the Gaza Strip which were held on 20th January 1996. This experience will be valuable in the timely preparation of a professional team of monitors for the municipal elections.

### ***2. Delay In The Promulgation Of a Law for the Municipal Councils***

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Five months has passed since the promulgation of the Municipal Elections Law, but the law concerned with the organisation, jurisdiction and responsibilities of the resultant councils that will be elected, has not yet been promulgated.

On 13th February 1997 the PLC completed its first reading of the Draft Law for Municipal Councils. The PLC then submitted the Draft, along with its recommendations for amendment to its Legal Committee for re-formulation. By the date of publication of this Bulletin, the Legal Committee had not completed the re-formulation of the law.

On 19th May 1997 the PCHR Election Team asked Advocate Abdul Karim Abu Salah, Chairman of the Legal Committee of the PLC about the delay and when the Committee expected to complete its revision. He replied that completion was expected by the end of May, and that the delay was due to the Legal Committee's involvement in the preparation of the Basic Law.

### ***3. The Higher Committee for Local Elections***

This Committee was established by Presidential Decree on 10th January 1997 to administer the Palestinian municipal elections. According to the Decree it is headed by Dr. Sa'eb Erekat with a Committee of 13, comprising the following: Dr. Muhammed Shtayeh; Advocate Tawfiq Abu Ghazalah; Dr. Na'im Abu El-Humous; Advocate Ali El-Safarini; Advocate Ibrahim El-Saqa; Advocate Abdul Karim Abu Salah; Mr. Ahmed Bayood El-Tamini; Mr. Ismail Abu Shamalla; Dr. Feryal El-Banna; Mr Abdul Karim Siddr; Ms. Amal Khraisha; Advocate Adnan Jaffal; and Advocate Faraj El-Sarraf.

Article 2 of the Municipal Elections Law provides that the Committee shall:

“undertake all necessary procedures for the preparation, organisation, supervision and launching of the elections[;]...assign the electoral district committees, as well as the polling stations and counting committees[;]...supervise the administration and the work of these committees and the electoral district offices; and to implement this law[;]...appoint staff and consultants in the different offices in the electoral districts[;]...issue accreditation cards for election observers and to facilitate their work[;]...assign the polling stations[;]...carry out any other activities as mandated under this law”.

The Committee has already begun to make preparation for the elections. Two main offices were opened, one for e Gaza Strip, based in Gaza City, with Mr.Ossma Abu Sarryah as the co-

ordinator, and one for the West Bank, based in Jericho, where Mr. Abdul Nasser Makki is the appointed co-ordinator. Preparation is underway to open regional offices in each of the nine West Bank, and five Gaza districts. The Elections Committee has disseminated around 20,000 copies of the Municipal Election Law since 13th February 1997.

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A steering committee has been established, headed by Dr. Sa'eb Erekat. This has the membership of the USA, Canada, Japan and the EU who will provide funding for the elections. A contract between the PNA and the Government of Japan has already been signed with a pledge to donate \$1.3 million for the municipal elections. Another contract was signed between the PNA and USAID donating \$2 million.

### ***4. Confused InAbout The Polling-Date For The Municipal Elections***

No polling-date has yet been announced for the municipal elections, and confusing information abounds about possible dates.

Article 3 of the Municipal Election Law provides that the Minister of Local Government (Dr. Sa'eb Erekat) must set the election date. While there has been no official announcement from the Minister for Local Government, conflicting dates have been quoted from his Ministry. Dr. Hussein El-Arraj (Deputy Minister of Local Government), stated that the Ministry was ready to begin voter registration and the organisation of polling stations, and could be prepared for voting by the beginning of August 1997, but that he was awaiting a Presidential Decision giving the official polling date.

In an interview published by *Al-Hayya Al-Jadida* on 7th April 1997 Mr. Ismail Abu Shamalla (Deputy Assistant to Dr. Hussein El-Arraj and a Member for the Higher Committee for Local Elections) stated that he was not able to pinpoint a date, although the general feeling in the Ministry was that polling day would be on 20th August.

In an interview given on 13th February to the Centre's Team, Mr. Abu Shamalla, stated that the 7th and 14th June had initially been suggested for the elections, but that it had been decided to postpone until between 20th and 25th July 1997, because school teachers and school buildings were to be involved in the administration of the elections, and the school term would not be over until this later date.

The most recent statement was made by Dr. Sa'eb Erekat himself, in a speech at Al-Najah University, in Nablus on 12th May 1997. He stated that although his Ministry was technically prepared to begin the electoral process, the elections were unlikely to go ahead until the First and Second Phases of Israeli troop re-deployment from Areas B and C in the West Bank were completed. As this re-deployment is still to be negotiated and there has been no detente in the strained relations between the PLO and Israel, re-deployment before August of this year appears unlikely.

### ***5. Appointment Of Local Committees***

The Ministry for Local Government has appointed committees to run local councils in the districts of West Bank and Gaza, raising questions about the justification for this while preparations are underway for the municipal elections.

Sources from the Ministry of Local Government confirmed that these appointments are temporary until the councils are elected. When Dr. Sa'eb Erekat was asked about

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the legitimacy of the appointed councils, he responded that:

*“sometimes we are right and sometimes we make mistakes in appointing these committees, but it should be understood that when we started our work as a Ministry there were only a hundred councils [sic] in the West Bank and Gaza Strip, 70% of which were not functioning at all. Now we have 374 local committees. In our appointments we never intervene to impose any person on any community.”*

### **6. The Issue of Refugee Participation**

The issue of refugee participation is still being debated among the Palestinian leadership. Dr. Hussein El-Arraj stated, that there is some feeling that councils should be elected for the refugee camps, so that the camps’ internal affairs can be managed separately; in such a scenario, there would be a special mechanism for elections in these camps. However there has been no final decision made on this issue.

The Municipal Election Law does not explicitly deal with the issue of refugee voting. Article 9 requires voters to be: Palestinian, and at least 18 years of age on the polling date; resident in the area of the municipality in the registry of which his/her name appears; and to enjoy legal competence. Theoretically this provision allows the participation of refugees who reside in areas within the jurisdiction of a municipality. The same applies to candidature for membership and presidency of the Councils (Article 24).

The debate continues at the political and popular level regarding refugee participation. There are two main points of view;

The first is as follows:

Refugees should not participate in the Municipal elections, as to do so would undermine their political identity, and make their settlement in the camps more permanent. The establishment of municipal councils would make it easier for UNRWA to justify the withdrawal of its relief, which would also have political consequences for the refugees.

Despite the fact that many refugee camps are within municipal borders, the holders of this view insist that the camps have a special or unique political status. Thus the camps’ residents should not participate in the elections until their future has been determined at the final round of talks in the Oslo political process.

And the second:

Refugees should participate in municipal elections. For the past half a century, the Palestinian people have been geographically divided between the Palestinian diaspora; Palestinians in the Occupied Palestinian Territories; Palestinian refugees and Palestinian Israelis (Arab-Israelis). It is felt that non-participation in the municipal elections by the refugees will create an internal division between Palestinians in

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by the refugees, will create an internal division between Palestinians in the camps and those in the cities of the OPTs.

The holders of this view claim that an improvement in the almost unbearable situation for the refugees in the camps, through the organisation and development of basic services by municipal councils, should not be prevented. The situation of the Palestinian refugees is the responsibility of every Palestinian and not of the refugees alone.

A resolution of this issue can be expected within the next few weeks.

The Palestinian Centre for Human Rights believes that efforts should be made to reach a fair and just settlement regarding the participation of refugees in the municipal elections. Since refugees participated in the general elections in January 1996, which did far more to undermine their political status, their exclusion from participation in the municipal elections is difficult to justify.