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MUNICIPAL ELECTIONS
IN WEST BANK/GAZA

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FINAL REPORT

THE
CARTER CENTER



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Executive Summary

Palestinians living in large cities in the West Bank went to the polls on March 26 in a peaceful and well-administered exercise to elect municipal councils. Virtually all of the major cities in the West Bank experienced competitive electoral contests, notwithstanding a formal boycott by Hamas and a highly challenging political and electoral environment marked by frequent human rights violations, including intimidation and harassment of political actors. The municipal elections were scheduled following the last-minute cancellation of national elections in May 2021 and provided West Bank Palestinians an opportunity to elect local councils. However, Hamas, which controls the Gaza Strip, prevented the occurrence of municipal elections there, and national elections have not been rescheduled.

In July 2021, shortly after the cancellation of the national elections, The Carter Center issued a [statement](#) strongly criticizing their indefinite postponement and proposing a series of steps to promote the conduct of credible polls that would renew the democratic mandate of Palestinian elected officials and help ensure that elected officials represent Palestinians' current needs and wants. This is particularly important because at least 40 percent of the voting-eligible population was too young to participate in the last national elections held in 2006. Although little progress has been made toward holding national elections, The Carter Center viewed the municipal elections as an important step and deployed an election expert mission to assess key aspects of the process.

The expert mission was duly accredited by the Central Elections Commission (CEC). Its threefold mandate was to assess: (a) the legal and administrative framework for the municipal elections; (b) the degree of political engagement, competition, and respect for the participatory rights of voters and candidates in the process, including in the online environment; and (c) the implications of the municipal elections for future Palestinian electoral exercises. During its March 14 to April 7 deployment, a four-person team met with individuals and groups in the West Bank and Gaza, including CEC members and senior staff, Palestinian Authority officials, candidates from various lists, representatives of leading Palestinian civil society organizations — including those monitoring human rights and the electoral process — various analysts of Palestinian affairs, and members of the international community. Given its small size and limited scope, the expert mission did not conduct a comprehensive assessment of election-day voting and counting processes, nor of the electoral process as a whole.

The March 26, 2022, polls were the second phase of municipal elections and were administered in 50 West Bank cities with populations of more than 15,000, with 234 candidate lists and 2,306 total candidates competing for seats. The first phase was conducted on Dec. 11, 2021, in small towns and villages, comprising 154 multi-list contests. Just under 65% of the eligible voters in those localities participated in the first phase of the municipal elections. A lack of political competition in some locations, mostly smaller towns, resulted in the election by acclamation of candidate lists in 185 locations.

Like previous West Bank municipal elections, held on a semi-periodic basis since 2004, the 2021-2022 municipal polls took place in a challenging political environment, including the continued Israeli occupation, a long-standing political impasse between the two leading Palestinian political movements, Fatah and Hamas, and the continued erosion of respect for human rights and fundamental freedoms in both the West Bank and Gaza.



During a two-week formal campaign period for the second phase of elections, candidates for the local councils solicited the support of voters through posters, public debates, and social media. However, restrictive legal provisions on freedoms of expression and assembly, the impact of the killing of activist Nizar Banat by Palestinian security forces (plus the subsequent repression of protesters who called for an investigation and accountability into Banat's case), the arrests of various candidates by Israeli authorities, and the fears caused by a repressive political environment all hindered the full expression of citizens' rights and cast a shadow over what was a technically well-administered electoral process.

Despite legal provisions restricting online freedom of expression, the digital sphere witnessed a lively campaign. Interlocutors reported a lower circulation of disinformation and inflammatory language than in the more polarized political context of the postponed 2021 legislative elections. Palestinian social media users benefited from effective civil society fact-checking throughout the municipal elections, though this was limited by insufficient collaboration between fact-checkers and social networks.

Few formal complaints were filed about the campaign or about election day procedures. Competing lists were well-represented by their agents at polling sites, and several Palestinian civil society organizations actively monitored the overall process.

According to the CEC, turnout in this phase was 53.8%, and 64.4% of council seats were won by candidates associated with independent lists — although several candidates on these lists were informally associated with existing parties. A quota system ensured that women would make up 18% of the seats in the new councils.

The CEC conducted the polls efficiently, announcing the results in an expeditious manner. Following the CEC announcement of the final results, each local council began the process of selecting a mayor, operating formally under the auspices of the Ministry of Local Government. However, the arrests of several leading candidates by Israeli security forces in the days before and after the March 26 polls raised questions about whether the winning lists would be able to designate their preferred choices or mayor and serves as a reminder of Israel's continued influence on Palestinian political life.

In meetings with the Carter Center's expert team, stakeholders across the spectrum expressed considerable admiration and respect for the CEC's efforts to ensure that the polls were well-administered. They noted in particular the CEC's work to ensure that voters had access to timely and professional voter education through effective use of online communications and to ensure that voters knew where their polling centers were located and could cast a free and secret ballot.

Although the municipal elections were well-administered, the political divide between the major political parties hinders genuine democratic development on a national level. Most Palestinian voters and candidates with whom the expert mission met are enthusiastic about participating in civic affairs; however, national elections have not occurred since 2006. The Palestinian Legislative Council, which suspended its activities in 2007, was dissolved by presidential decree in 2018. Two separate regimes exercise *de facto* control in the West Bank and the Gaza Strip. Multiple efforts at reconciliation have proved futile.

The municipal elections in the West Bank demonstrate that the legal and administrative framework could provide an adequate foundation to conduct national democratic elections;



however, the current political structures lack essential checks and balances between the executive and judicial branches, which could expose the process to manipulation or perceptions thereof. In addition, there are specific provisions in Law 10 of 2005 on the Local Council Elections that could be improved to facilitate inclusive and representative municipal governance bodies.

According to the Carter Center's expert mission, Palestinian interlocutors expressed hope that the elections would be a steppingstone for much-anticipated national elections and/or a third phase of municipal elections in the Gaza Strip. At the same time, many were skeptical that key leaders have the political will to make this happen. Likewise, most Palestinian interlocutors said they were hard-pressed to envision a scenario that allows for a credible, democratically elected government to reassert control over the Palestinian Authority in the near future. While acknowledging that the recent polls provided West Bank Palestinians an important opportunity to reinvigorate municipal council leadership, candidates and voters alike expressed doubt that municipal elections will mark the beginning of a more consistent affirmation of democratic rights.

Virtually all Palestinian stakeholders agree that reconciliation between Fatah and Hamas is essential. Ultimately, Palestine's political leaders must decide whether to use elections to serve as the mechanism for achieving this goal or to pursue some form of political reconciliation before national elections occur. Regardless, it is critical that Palestinian leaders take immediate steps to create the conditions necessary for citizens in the West Bank and Gaza to fully exercise their fundamental freedoms, including their political and electoral rights. The political impasse between Fatah and Hamas should not prevent Palestinians from enjoying the right to choose their leaders in credible, periodic national elections, absent harassment or intimidation, and to speak and assemble freely without fear of retribution, whether from Israelis, Palestinian security forces, or other political actors.

Concerns of an imminent political explosion within Palestine loom large. Contributing factors include: Palestinian dissatisfaction over failure to conduct national elections; the lack of a political horizon for Palestinian statehood; the continued repressive actions of Israeli and Palestinian security forces; the expansion of Israeli settlements and settler attacks on Palestinians living in the West Bank; the potential for the eruption of a cycle of violence following attacks on civilians in Israel; the high unemployment, particularly among young people; and a looming succession crisis when President Mahmoud Abbas leaves the political arena. International actors should encourage Palestinian leaders to respect the fundamental rights of Palestinians in the West Bank and Gaza to choose their national leaders and renew democratic governance in Palestine.

This report assesses the electoral environment and legal framework of the elections, the political space circumscribing the electoral competition, and the dynamics of democratic participation in West Bank and Gaza. The expert mission assessed the electoral process against Palestinian law and its legal and election administration framework, as well as international obligations accepted by the Palestine Liberation Organization (PLO) and the Palestinian Authority (PA) for democratic elections and the respect of human rights and fundamental freedoms. In the spirit of supporting the strengthening of democratic participation and institutions among Palestinians, The Carter Center offers the following recommendations for improvements to future processes.



Recommendations

To Political Leaders:

1. The right of Palestinians to stand as a candidate, the right to participate in the civic affairs of their country, and the right to periodic democratic elections should be respected. Political parties, particularly Fatah and Hamas, should agree: (a) to move forward with presidential and legislative elections that provide the Palestinian people with the opportunity to express their political choices freely; and (b) to accept the results of a credible exercise.
2. Leaders representing all factions should decide whether elections will serve as the mechanism for achieving the essential goal of reconciliation, or whether some form of reconciliation should occur before the national elections.
3. Leaders of all parties and factions should make an active effort to engage young people in the election process, including those who have never had an opportunity to vote in a national election (i.e., anyone between the ages of 18-34). Parties and factions should provide political space and new opportunities for younger voters to become involved in political affairs. Youth should be also allowed and encouraged to play an active role in internal party/faction deliberations and to be included as candidates in realistic slots to be elected to the legislature.

To the Palestinian Authority:

4. Palestinian rights to security of the person, and freedoms of speech, assembly, and association should be respected. Palestinian security forces, regardless of when the next elections are scheduled, should ensure that the human rights environment allows Palestinians the freedom to choose their leaders absent harassment or intimidation.
5. The PA should continue to provide the Central Elections Commission the resources necessary to operate in a professional and high-quality fashion.
6. The Palestinians' right to periodic elections should be respected, including the law requiring that municipal elections be held every four years and, unless special circumstances exist, on a single day.
7. Several reforms to the election law concerning national and municipal elections should be considered to ensure that the laws are consistent with international standards and obligations for political and electoral rights. As part of this review, consideration should be given to the following reforms based on consultations with political parties and civil society organizations:
 - Electing the mayor directly, rather than having the local council make the selection;
 - Clarifying the law to require an electoral validation exercise in instances in which only one list is submitted to the CEC.
 - Lowering the age of eligibility to serve as a local council member from 25 to 21, and to be a Palestinian Legislative Council (PLC) member from 28 to 25;
 - Reducing the minimum threshold for obtaining seats on the local council from 8% to 5%;
 - Imposing ceilings on the amount of money that a list can expend on a campaign and ensuring that lists comply with reporting requirements;
 - Maintaining the quota of women on the local council in circumstances when a woman resigns (i.e., a woman who resigns should be replaced by another woman rather than the next person on the list) and increasing the overall quota to bring the gender balance in alignment with international standards, which suggest the



quota should be at least 33%, and ideally 50% to ensure equal representation of women;

- Introducing a quota for the number of women in the legislative council (the current quota applies only to the placement of women within the party lists), to help bring women's representation in the PLC into alignment with international standards;
- Forming an Electoral Court for national and municipal elections whose legitimacy is recognized by all factions in the West Bank and Gaza;
- Ensuring that practices regarding the reservation of certain mayoralties to specific groups (by religion or by indigenous status in the municipality) are consistent with international norms;
- Repealing articles in the Election Law (Article 66), Cybercrime Law by Decree (2018), and State of Emergency Law by Decree (2020) that impede freedom of expression;
- Empowering fact-checkers and journalists by ratifying the Law on the Right of Access to Information (2012).

To the Central Elections Commission:

8. The CEC and other institutions should be ready to administer municipal elections in Gaza on short notice, given that such elections would serve as a confidence-building measure and would allow the population there to participate in an electoral exercise for the first time since 2006. At the same time, it should also prepare for the much-anticipated national elections.

In addition, The Carter Center reaffirms the following recommendations made in its [statement](#) of July 15, 2021:

- The Palestinian Authority should immediately take steps to calm escalating tensions and ensure the creation of an environment conducive to competitive, inclusive, and genuine democratic elections. This includes full protection of Palestinians' rights to freedom of assembly, expression, and personal security.
- Repeal the recent law (which is currently "frozen" or suspended) that undermines civil society organizations by restricting their funding and obstructing their activities. Civil society activists in both Gaza and the West Bank must be allowed to fully participate in the electoral process, including by observing political and electoral processes, holding demonstrations, and disseminating public statements.
- Seek clear confirmation from Israel that it will allow Palestinian voters to cast ballots in their respective post offices in East Jerusalem and facilitate the inclusive conduct of the polls, as per Israel's obligations under the Oslo Accords. Representatives of the international community, particularly the U.S. government, should support Palestinian leaders in these efforts and should engage with both Palestinian and Israeli authorities to clarify steps to conduct elections across the territory.
- The two main political parties should re-engage immediately to finalize political agreements to outline additional concrete steps that will enable genuine elections and foster an environment that is fully conducive to political participation.
- Seek consensus on, and ratify a draft law for, elections to the Palestinian National Council, the legislative body of the Palestine Liberation Organization. Leaders must define measures for voter registration and mechanisms for the conduct of elections or appointment of members outside of the Palestinian territory, as well as clarify which bodies will administer and oversee the polls.



Introduction

Palestinians living in large cities in the West Bank went to the polls on March 26 in a peaceful and well-administered exercise to elect municipal councils. Virtually all of the major cities in the West Bank experienced competitive electoral contests, notwithstanding a formal boycott by Hamas and a highly challenging political and electoral environment marked by frequent human rights violations, including intimidation and harassment of political actors. The municipal elections were scheduled following the last-minute cancellation of national elections in May 2021 and provided West Bank Palestinians an opportunity to elect local councils. However, Hamas, which controls the Gaza Strip, prevented the occurrence of municipal elections there, and national elections have not been rescheduled.

Like previous West Bank municipal elections, held on a semi-periodic basis since 2004, the 2021-2022 municipal polls took place in a challenging political environment, including the continued Israeli occupation, a long-standing political impasse between the two leading Palestinian political movements, Fatah and Hamas, and the continued erosion of respect for human rights and fundamental freedoms in both the West Bank and Gaza. Nonetheless, few formal complaints were filed during the campaign or regarding election day procedures.

The Carter Center's Expert Mission

With a long history of working in Palestine on a range of issues, including the observation of elections dating back to the first post-Oslo national elections in 1996, The Carter Center deployed a three-person expert team to assess the 2021-22 municipal elections. A fourth expert remotely examined the online environment and social media.

The Central Elections Commission (CEC) duly accredited the expert mission to observe the process. Its mandate was to assess: (a) the legal and administrative framework for the municipal elections; (b) the degree of political engagement, competition, and respect for the participatory rights of voters and candidates in the process, including in the online environment; and (c) the implications of the municipal elections for future Palestinian electoral exercises.

During its March 14-April 7 deployment, the expert team met with individuals and groups in the West Bank and Gaza, including CEC members and senior staff, Palestinian Authority officials, candidates from various lists, representatives of leading Palestinian civil society organizations — including those monitoring human rights and the electoral process — various analysts of Palestinian affairs, and members of the international community. Given its small size and limited scope, the expert mission did not conduct a comprehensive assessment of election-day voting and counting processes. The Carter Center is unable to make a comprehensive assessment regarding all aspects of this electoral process.

The Carter Center's mission was conducted in accordance with the [Declaration of Principles for International Observation](#) as endorsed by intergovernmental and international nongovernmental organizations at the United Nations in 2005.¹ The expert mission examined the electoral process against Palestine's legal and election administration framework, as well as international commitments agreed by the Palestine Liberation Organization (PLO) and the Palestinian Authority

¹ <https://electionstandards.cartercenter.org/wp-content/uploads/2013/10/Declaration-and-Code-English-revised.pdf>



(PA) for democratic elections and respect of human rights and fundamental freedoms, including in the International Convention on Civil and Political Rights.

2021-2022 Local Council Elections in Palestine

On Sept. 6, 2021, the Palestinian Cabinet issued a decree scheduling the first phase of the local council elections in the West Bank and Gaza Strip on Dec. 11, 2021.² The cabinet proposed to hold the elections across the West Bank and Gaza in two phases. Phase 1 would comprise all 387 “C” municipalities and village councils — Palestine’s smaller municipalities — and Phase 2 would comprise “A” and “B” municipalities in the West Bank, which are made up of larger cities and towns with populations that exceed 15,000 people. Although an attempt was made to schedule elections in 11 Gaza localities, those races were postponed to the second phase and later postponed indefinitely.

Since the Cabinet decision did not include a set date for the second phase of the elections, the CEC, the Independent Commission for Human Rights (ICHR), and various NGOs requested that the Cabinet issue a decision to fix a date for the second phase. On Sept. 27, 2021, the Cabinet set the polling day for the second phase for March 26, 2022.³ Hamas refused to facilitate the conduct of the elections in Gaza, leaving 376 localities to participate in the first phase and 102 localities in the second phase.

According to government officials, there were several reasons behind holding elections in two phases, mainly COVID-19 health measures. Some interlocutors who spoke with The Carter Center expert mission opined that the government was not inclined for political reasons to carry out elections in a single phase but preferred to assess the outcome from the first phase before deciding whether to proceed with a second phase.

The First Phase of the Elections⁴

Phase 1 was conducted Dec. 11, 2021, in small towns and villages, comprising 154 multi-list contests. Just under 65% of the eligible voters in those localities participated. A lack of competition in many smaller towns and villages resulted in the election by acclamation of candidate lists in 162 municipalities. Fifty localities did not present any lists, and 10 localities presented incomplete lists, resulting in elections being held in only 40% of the localities where elections had been called.

Of the 573 lists that competed in the first phase of the municipal elections, 33% represented political parties, while 67% were composed of independent candidate lists. Some 4,480 candidates competed in the first phase for 1,514 seats; 74% of the candidates were male and 26% were female. Women headed nine lists.

The Central Elections Commission (CEC) conducted a supplemental voter registration for the first phase Oct. 3-7, 2021. Following the supplemental registration, the voter registry included a total of 702,107 voters, 51% male and 49% female. Eligible voters totaled 405,687 in the 154 localities where elections took place in December, including 7,885 voters with special needs.

² Palestinian Cabinet Decision 18/123.

³ Palestinian Cabinet Decision 18/126.

⁴ The Carter Center did not deploy its expert mission team during the first phase of the elections; however, the team reviewed CEC data and the reports of Palestinian domestic monitoring organizations and discussed the conduct of the first phase elections with various interlocutors.



The elections took place in 222 polling centers, primarily school buildings, divided into 717 polling stations, and required more than 4,000 poll workers on election day. For the first phase, the CEC accredited 2,707 agents for nominated electoral lists, 1,731 journalists, 1,546 local observers on behalf of 37 local observation bodies, and 143 international observers and guests.

Following the first phase of the elections, the CEC implemented a few additional steps to support a smooth election process in the Phase 2 polls. Specifically, the CEC introduced education materials to facilitate informed voting by illiterate voters and required a pledge by persons assisting illiterate voters.

The Second Phase of the Elections

The March 26, 2022, polls for the second phase of municipal elections were initially called in 66 localities, comprising 41 in the West Bank and 25 in Gaza. The Ministry of Local Governance later asked the CEC to administer elections in 61 additional municipalities where elections had not taken place during the first phase, for a total of 127 localities.

On Jan. 1, 2022, the CEC received an official letter from Hamas presenting its position regarding the second phase of the local elections. The letter outlined a series of demands, including written guarantees that the elections would not be postponed at the last minute, the cancellation of the decree forming the Electoral Court for Local Elections, and the reinstatement of the mandate for adjudicating appeals to the Courts of First Instance in the West Bank and Gaza. CEC Chairman Dr. Hanna Nasir responded to Hamas that its demands were political and would require a political-level response. He further indicated that the CEC interpreted Hamas' position to mean that it would not allow the CEC to conduct local elections in Gaza. Both the CEC and the ICHR told The Carter Center that they visited the Gaza Strip and encouraged Hamas to allow local elections in the besieged enclave, but Hamas officials refused.

While Hamas prevented elections in the 25 Gaza municipalities, elections were authorized to proceed in 102 West Bank municipalities. Out of the 102 localities, competitive races took place in 50 of the West Bank's most populous cities. In 29 localities, either no candidate list was submitted, or those that were submitted were incomplete, and elections were not held. The CEC said it has referred the names of these 29 localities to the Cabinet to decide the state of their local councils.⁵ In 23 localities, only one list registered for the election, and thus winners were declared by acclamation.

The CEC once again conducted a supplementary voter registration to update the lists for those who had turned 18 years old since the previous registration period. Following registration Jan. 8-12, 2022, the total number of eligible registered voters was 715,413, including 12,298 voters with disabilities. Of those, 51.5% were male and 48.5% were female.

The second phase of elections took place in 315 polling centers with 1,203 polling stations. Some 6,736 poll workers administered the elections. The CEC accredited 5,357 agents for nominated electoral lists, 1,800 journalists, 2,695 local observers on behalf of 50 local observation bodies, and 300 international observers and guests.

Some 234 candidate lists and 2,306 total candidates competed for 632 seats. Male candidates (72.8%) outnumbered female candidates (27.2%) by a large margin. According to the CEC,

⁵ CEC press release, April 5, 2022, "CEC Approves the Final Results for the Second Phase of the Local Elections."



turnout in the second phase was 53.8%, and candidates associated with independent lists won 64.4% of the council seats. Women candidates were elected to 18% of the council seats contested. A quota required that a minimum of either two or three women be elected to each council, depending on the number of seats contested.

Political Context

The significance of the 2021-22 municipal elections must be understood within the broader context of Palestinian political developments and the unique and challenging environment in which Palestinian elections occur. During the past 15 years, internal and external pressures have stifled democratic progress in the West Bank and Gaza Strip and left democratic institutions weakened. The political divide between the major political parties hinders genuine democratic development on a national level. The Palestinian Legislative Council, which suspended its activities in 2007, was dissolved by a presidential decree in 2018. Two separate regimes exercise *de facto* control respectively in the West Bank and the Gaza Strip. Multiple efforts at reconciliation advanced both internally and by external actors have proved futile. Because national elections have not been held since 2006, municipal councils in the West Bank are the only bodies with a contemporary electoral mandate. Many factors, detailed below, have impacted the political environment in Palestine, hindering the full exercise of Palestinians' fundamental freedoms and respect for human rights, particularly those related to political and electoral rights.

Palestinian Elections Since Oslo

Following the adoption of the Oslo Accords, Palestinians went to the polls in 1996 to elect a president and Legislative Council for the newly formed Palestinian Authority (PA).⁶ In 2005, following the death of President Yasser Arafat, elections were organized by a Central Elections Commission (CEC) formed in 2002, and Mahmoud Abbas was the overwhelming choice of voters. The following year, Palestinians again went to the polls to elect a new Palestinian Legislative Council (PLC), with Hamas emerging as the winner of a majority of the seats.

Since the last national elections in 2006, the Palestinian Authority has splintered, with Fatah controlling the West Bank and Hamas controlling the Gaza Strip. The PLC has been dissolved, the judiciary's legitimacy questioned, and the rule of law undermined by reliance on presidential decrees and a general lack of accountability. An attempt to organize national elections in May 2021 was scrapped at the last minute by President Abbas, who cited Israeli restrictions preventing the participation of East Jerusalem residents as the rationale.

In the face of Palestinian popular uproar over the postponement of national elections, Abbas agreed to move forward with municipal elections. The decision also responded to international demands that the Palestinian Authority demonstrate its commitment to democracy by allowing some form of political competition, even if only at the municipal level. Such elections were also seen as providing Fatah a dry run to test its popularity without fear of losing power at the national level.

Divided Palestinian Authority

Following the 2006 PLC elections, Ismail Haniyeh of Hamas was nominated for prime minister on Feb. 16, 2006, and the new government led by Haniyeh was sworn in on March 29. However, a struggle for power between Abbas and the new government soon emerged, revolving around control of the security services. Abbas appointed Fatah-affiliated Rashid Abu Shbak as head of

⁶ Please see Appendix B for a diagram of Palestinian governance structures.



March 26, 2022 Municipal Elections in West Bank/Gaza

the three branches of the Palestinian Security Services with authority to hire and fire officers, bypassing the authority of Interior Minister Said Seyam, who was affiliated with Hamas. Abbas also ordered all diplomatic statements and dealings to be coordinated with the Fatah-dominated Palestine Liberation Organization and not the Hamas-linked Foreign Minister Mahmoud Zahar.

Haniyeh also led the unity government formed on March 17, 2007, which was approved by the Palestinian Legislative Council (PLC). In response, Israel, the United States, and the European Union decided to boycott the Hamas government and withhold development assistance unless it recognized and accepted the principles of the Middle East Quartet. Those principles require that the Palestinian Authority recognize the state of Israel without prejudging outstanding grievances and claims; abide by previous diplomatic agreements; and renounce violence as a means of achieving its goals. Driven by the sudden drop in international assistance, the government could not pay full salaries to its employees for several months, which prompted protests against the government. After the Hamas takeover of Gaza, Abbas dismissed the government on June 14. The following day, he declared a state of emergency, appointed an emergency caretaker government led by Salam Fayyad, and suspended articles of the Basic Law to dispense with PLC approval for specific executive actions.

PLC Dissolution

After the split between the West Bank and Gaza Strip in 2007, the Palestinian Legislative Council was effectively suspended, and Abbas began ruling by presidential decree rather than legislation enacted by the PLC. As the president of the Palestinian Authority also has the prerogative to make and rescind judicial appointments, this practice effectively consolidated executive, legislative, and judicial powers in the hands of one person, which Palestinian observers and civil society organizations criticized.

On Dec. 22, 2018, the Constitutional Court, whose judges were appointed by Abbas, dissolved the PLC and called for new legislative elections. The court explained that since the PLC had not convened since 2007, it had lost its status as a legislative authority. It further held that because the PLC's term had expired on Jan. 25, 2010, and the PLC was completely disrupted, it was in the higher interest of the Palestinian people and the county to dissolve the PLC.

Virtually all Palestinian parties and human rights organizations criticized the court decision as flagrant interference in the political process and collusion between the juridical and executive authorities against the legislative authority, saying it would destroy the Palestinian political system. Many assumed that the decision was prompted by concerns that Hamas would be allowed to designate Abbas' interim successor per Article 37/2 of Palestinian Basic Law if he were to die in office. For his part, Abbas indicated his commitment to proceed with national elections.

Reconciliation Agreements and National Elections

To restore Palestinian unity and the Palestinian Authority's control of the Gaza Strip, Fatah and Hamas have engaged in multiple dialogue meetings designed to promote compromise on sensitive issues. Several of these dialogues resulted in signed agreements, but none has been implemented.

Most notably, the Cairo Agreement of May 2011 set forth grounds for reconciliation and unity between the rival parties. It called for presidential, legislative, and national council elections within



one year, reform of the Palestine Liberation Organization (PLO), and reunification of West Bank and Gaza Strip public institutions under a consensus government.

Another significant dialogue took place in September 2020 in Istanbul between Fatah's Jibril Rajoub and Hamas' Saleh Arouri. The pair committed both parties to holding legislative and presidential elections within six months, provided that legislative elections would be held first, followed by presidential elections and then the PLO's National Council elections, and that Abbas would accordingly issue a decree scheduling the elections. The details included in the accord became the basis of an exchange of letters between Hamas leader Ismael Haniyeh and Abbas.

Both sides made compromises. Hamas accepted that "the PLO is the sole legitimate representative of the Palestinian people and is responsible for all external political issues and negotiations and all issues related to war and peace." By agreeing to be part of the PLO and under its political umbrella, Hamas sought to avoid the constraints it faced in 2006 when it refused to recognize Israel and thus was denied international legitimacy based on its failure to respect the Quartet principles. At the same time, Fatah, which had effectively controlled the PLO for decades, acknowledged that the organization requires reform so that it can better represent all Palestinian groups. Of particular importance, Hamas and Fatah agreed that the "election campaigns must be civilized, respectful, and avoid abuse" and that "the election results will be recognized no matter what they are."

On Jan. 11, 2021, Abbas issued a decree amending Law 1 on National Elections, which included an amendment to Article 45/6 of the original law to override a candidate's obligation to consider the Palestine Liberation Organization as the sole legitimate representative of the Palestinian people and to recognize the Declaration of Principles and the Palestinian Basic Law of 2003 and its amendments. This paragraph was replaced by "abiding by the Basic Law and its Amendments and the provisions of this Law and its amendments." Significantly, the law was not amended for presidential candidates, who still must recognize the PLO agreements.

Abbas decreed general elections in the West Bank, Gaza Strip, and Jerusalem four days later. The decree included some amendments, the most prominent of which gave the Palestinian president the right to hold the legislative and presidential elections sequentially if they could not be held simultaneously.

Cancellation of May 2021 PLC Elections

Thirty-six lists registered to contest the May 21, 2021, legislative elections. Due to the strong positions of Hamas leaders Yahya Sinwar and Saleh Aruri, Hamas entered the election unified and disciplined. Fatah, on the other hand, was internally divided, with three competing Fatah-affiliated lists registering with the Central Elections Commission (Official Fatah List, Naser Al-Qudwa List supported by Marwan Barghouthi, and Mohammad Dahlan's List).

On April 30, 2021, with Fatah remaining divided and Hamas expected to perform well, Abbas announced that the May 21 elections would be delayed. Abbas insisted elections could not be held without the participation of Palestinians in East Jerusalem, using the procedures employed previously. In national elections in 1996, 2005, and 2006, polling stations were established in post offices in East Jerusalem for voters to cast their ballots. Abbas said the Palestinian Authority had repeatedly sought assurances from Israel and had called on the European Union to exert pressure to allow the use of the previous procedures to no avail. Hamas slammed the move to postpone the elections as a "coup" and said that Fatah was simply concerned about its lack of popular support.



For ordinary Palestinians, the delay left in place long-entrenched political leadership that had failed to advance their hopes for statehood, heal the rift between Fatah and Hamas, or lift the blockade on the Gaza Strip. It was seen as increasingly corrupt and authoritarian. In seeking to reverse the postponement, the “All-Palestine Gathering” List submitted an appeal to the Court of Cassation to cancel the presidential decree postponing the general elections. On Oct. 11, 2021, the court rejected the request, considering the postponement an act of sovereignty over which it lacked the jurisdiction to consider an appeal.

The Killing of Activist Nizar Banat

The June 23, 2021, killing of activist Nizar Banat catalyzed Palestinian protests but also served as a reminder of the limits on freedom of expression in the West Bank. Banat was the head of an electoral list for PLC elections and was publicly critical of the Palestinian Authority and its leaders. Palestinian security forces had arrested him from time to time because of his critiques of the president, prime minister, and their key aides. He and his family were repeatedly harassed, and shots were fired at his house to intimidate him.

At dawn on June 23, more than 15 security officers and soldiers affiliated with the Palestinian Authority stormed Banat’s house in Hebron. According to eyewitness testimony presented to the court and videos posted on social media, he was beaten with iron rods, tortured, and taken naked into custody. A few hours later, he was pronounced dead.

Banat’s murder was a shock to thousands of Palestinians and ignited fury on social media and protests on the streets of Ramallah against the Palestinian Authority. Protesters called for the ouster of Abbas and accountability for Banat’s murder. The demonstrations were confronted by the PA security forces, who dragged protesters into the streets and violated their right to peaceful protest. Ultimately, the Palestinian Authority opened an investigation into the incident, which resulted in the arrest of 12 security officials; they are being prosecuted before a military court, and decisions are pending.

Banat’s murder further contributed to Fatah’s unpopularity, and the incident was frequently referenced in the campaigns of various lists running for local elections. The Independent Commission for Human Rights (ICHR) launched an investigation of Banat’s death and, in coordination with colleagues at the Al-Haq Foundation, collected field testimonies from eyewitnesses who were with Banat at the time of the raid. On March 7, 2022, the ICHR issued a report sharply criticizing the Palestinian Authority for torturing Banat and blamed his death directly on the security forces.

Palestinian Central Council (PCC)

Amid the preparations for the second phase of local elections, the Fatah leadership was busy organizing a meeting of the Palestinian Central Council (PCC) to consider the PLO structures. The PCC was designed as an intermediary body between the PLO and the Palestinian National Council (PNC), created as the PLO’s parliament and the highest Palestinian governing body. With a succession crisis looming and the PLC dissolved, the PCC role has taken on heightened importance.

Some political parties and independent figures boycotted the PCC meeting, but the meeting went forward on Feb. 6-7, 2022, in Ramallah. Following the meeting, the PCC announced new appointments to the PLO leadership. Three officials regarded as Abbas loyalists were appointed to its 16-member executive committee, including Hussein al-Sheikh as the committee’s secretary-



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general, replacing the late Saeb Erekat. The two other seats were filled by close Abbas aides, Mohammad Mustafa, an independent, and Ramzi Khoury, a member of Fatah. The PCC also appointed as its chairman, and speaker of the 747-member Palestinian National Council (PNC), Fatah central committee member and Abbas aide Rawhi Fattouh.

In a joint statement, Hamas, Islamic Jihad, and the left-wing Popular Front for the Liberation of Palestine (PFLP) criticized the PCC meeting and said the appointments to the PLO had “neither recognition nor legitimacy” and were “a violation of decisions based on national consensus.” The statement further said the appointments represented an attempt to entrench Abbas’ power and secure the 86-year-old’s favored successor.

According to analysts and critics, the new appointments to the PLO appropriated rights that belong to the highest governing body of all Palestinians, the Palestinian National Council (PNC). The PLO executive committee’s primary function is to execute policies and decisions set out by the PNC. According to activists and politicians, the PNC has been sidelined over time. It has managed to hold a full session only once, in 1996, when it formally voted to change the PLO charter.

Unions, Bar Association, and University Elections

Following the May 2021 postponement of the legislative elections, the Palestinian Authority allowed union, university, and bar association elections to take place. However, participants in these exercises alleged that the security forces pressured candidates not affiliated with Fatah to withdraw from the elections and sometimes intimidated and threatened them with arrest. Nonetheless, in several of these elections, Hamas and leftist parties won the majority of seats, notably in the Engineers’ Syndicate and Bethlehem University student council elections. Meanwhile, Hamas has prevented any such electoral exercises in the Gaza Strip, despite consistent calls by civil society and human rights organizations for such elections to go forward.

Role of Israel

Israel continues to play an outsized role in Palestinian internal politics. The decision not to engage with the Palestinian Authority on the question of national elections in Jerusalem was driven to a large extent by Israeli domestic politics but also reflected a deep ambivalence in Israel about allowing the election to proceed since it could result in a repeat of Hamas’ 2006 electoral victory.

Israeli authorities have sought to limit the operations of Palestinian civil society organizations. On Oct. 22, 2021, the Israeli Defense Ministry issued a military order accusing six Palestinian NGOs — Addameer Prisoner Support and Human Rights Association, Al-Haq, Bisan Center for Research and Development, Defense for Children International-Palestine, the Union of Agricultural Work Committees, and the Union of Palestinian Women’s Committees — of being affiliates of the Popular Front for the Liberation of Palestine and designated them as “terrorist organizations.” The decision relied on controversial 2016 counterterrorism legislation, which authorizes Israeli security forces to close the offices, seize assets, and arrest staff members of designated organizations.

To date, the Israeli government has failed to provide evidence to support its claims, despite repeated requests by the international community. In a meeting with the director of one of the proscribed organizations, The Carter Center was told that the Israeli decision was having minimal impact on the organization’s operation and that the organization was pursuing legal relief through the Israeli court system but with minimal expectations.



In the days preceding and following the March 26 municipal elections, Israeli security forces arrested at least four candidates, including the leader of one of the lists competing in Al Bireh municipality. The arrests seemed to indicate that Israel was seeking to influence the outcome of the elections and send a message that it would not allow candidates viewed as affiliated with Hamas to assume office.

Expert Mission Analysis

Introduction

The Carter Center assessed the Palestinian local council elections according to recognized international and regional standards and national laws and regulations, including Palestinian Basic Law and its legal framework for elections. During its deployment, the expert team members met with a broad variety of political, governmental, electoral, and civil society interlocutors to assess the principal components of the electoral cycle for the second phase of the local council elections, including the legal framework for the elections, election administration, campaign and political participation, the role of social media in elections, and electoral dispute resolution. The following are the mission's key findings; each section presents the applicable international and regional standards for each stage of the electoral process assessed, the mission's analysis, and a summary of the key findings and recommendations when appropriate to align the process with Palestinian obligations for democratic elections.

Legal Framework

A sound legal framework is essential to the effective administration of genuine democratic elections. The legal framework includes the rules found in the domestic laws of the country that regulate how all aspects of the electoral process will unfold. The legal framework should be consistent with domestic and international human rights obligations.⁷

The legal framework for local government elections includes the Basic Law, the Oslo Accords that set the framework for elections, the structure of the Central Elections Commission (CEC), Law 10 of 2005 on local council elections and its amendments, Law 9 of 2005 on general elections, and the various international and regional commitments of the Palestine Liberation Organization (PLO) and the Palestinian Authority (PA). These latter commitments include the Universal Declaration of Human Rights (UDHR); the International Covenant on Civil and Political Rights (ICCPR); the International Covenant on Economic, Social and Cultural Rights (ICESC); the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); the Convention on the Political Rights of Women (CPRW); the Arab Charter on Human Rights; and the Declaration of Media Freedoms in the Arab World. The legal framework consists of the CEC's rules, regulations and instructions, and codes of conduct for political parties and international and domestic observers.

Electoral System and Quotas

According to the electoral law, local councils are composed of nine to 15 members elected in a closed-list proportional representation system.⁸ The closed lists do not allow voters to choose their preferred candidates and the order of candidates on the list must be respected as set by the party or independent candidates. Proposals have been made to shift to an open list system where

⁷ UDHR, art. 21; ACHR, art. 33; Basic Law, art. 26.3.

⁸ Article 52 of Law 10 of 2005 on the Elections of the Palestinian Local Bodies' Council.



voters can choose a certain candidate regardless of their order on the list, although this would complicate the preparation of ballots.

Only lists with 8% or more of the valid votes in an electoral district can enter the process of seat allocation per the Sainte-Laguë formula. Such a high threshold prevents a certain number of lists from obtaining seats in the local councils. The Parliamentary Assembly of the Council of Europe recommends a threshold not higher than 3% for parliamentary elections, although for local councils, the threshold could be somewhat higher.⁹

The local election law carves out a quota for women's representation. Contrary to the legislative election law, which specifies only the positioning of women on the candidate lists, the local election law also requires a minimum number of seats to be set aside for women.¹⁰ In councils with 13 seats or fewer, at least two seats must be reserved for women; in councils with more than 13 seats, at least three seats must be reserved for women.¹¹ The local election law further requires the positioning of women on the lists in a slot no lower than five and a second woman no lower than 10, and for 15-member councils, a third woman must also be included on the list. If the minimum number of women are not elected to office from these positions, the CEC applies a formula to ensure their representation, even though male candidates may have been positioned higher on the lists.

The Local Council Election law was amended in 2005 to provide for Christian representation. Article 71.2 reads: "The president shall issue a decree for allocating the number of seats for the Christians in some of the local bodies' constituencies." In September 2021, Abbas issued decrees allocating 68 seats for Christians in nine municipalities and mandated that the chairpersons of these municipalities would be Christian.

According to the law, mayors are not elected directly by the voters but are chosen by the members of the newly elected council in the first official local council meeting after the elections. Many civil society interlocutors suggested that the law should be amended to allow for the direct election of the mayor by the voters as part of the local council electoral process.

Local Election Law Amendments

On Sept. 30, 2021, Abbas issued a law decree amending the Local Councils Elections Law, which established an Elections Court for Municipal Elections comprised of judges approved by the Higher Judicial Council. This court replaced the Courts of First Instance that were in charge of addressing complaints and disputes concerning the local council elections through the 2017 polls. Hamas complained that the court was formed without consultation and objected to several of the justices named. Hamas and Fatah had previously agreed on forming a similar Electoral Court for the postponed May 2021 legislative elections.

Other proposed changes to the Local Councils Elections Law were ultimately not adopted. Among the proposals was lowering the age of candidacy from 25 to 21 years. In meetings with the Carter Center team, some youth-oriented civil society groups suggested that it be lowered to 18 and that the candidate list registration fees, which are presently 500 Jordanian dinar (about 700 U.S. dollars), should be reduced. This amount may prevent specific candidates, especially youth, from

⁹ Council of Europe Resolution 1547 (2007), para. 58.

¹⁰ Article 5 of Election Law by Decree of 2007 (Law 1 pertaining to the Palestinian Legislative Elections).

¹¹ Article 17 of Law 10 of 2005.



running, they argued. They considered the fee to be disproportionate in small villages where it is a burden to raise the required amount.

Sequencing of Elections

Article 4.1 of the Local Councils Elections Law states that: “local elections shall be held in all local councils on the same day, once every four years upon a decision issued by the Cabinet.” The second section of the same article allows for elections to be held in several phases if it is not possible to hold them on the same day.

On Sept. 6, 2021, the Palestinian Cabinet issued Decision 18/123, scheduling the first phase of the local council elections in the West Bank and Gaza Strip on Dec. 11, 2021. Following requests from civil society and other interlocutors, the Cabinet moved forward to set a date for the second phase of local elections on Sept. 27, 2021, issuing Decision 18/126 and setting the polling day for March 26, 2022.

Acclamation Lists

In 2011, the Cabinet issued additional regulations for local council elections. Article 3 states that if, at the closing of the candidates’ nomination period in a particular municipality, there is only one list that met the nomination conditions set in the law, this list would win by acclamation, and elections would not take place in this municipality.

The so-called “acclamation list” implies that the list results from political consensus. While there are some genuine cases of agreement in forming those single lists, there are also cases where potential candidates may have been pressured to withdraw from the competition and prevented from registering a list. Several Palestinian organizations have proposed, and The Carter Center concurs, that in cases where only one list is presented, the population should vote to validate the list, with a minimum turnout required to ensure the list enjoys political support.

During the first phase of the local council elections, balloting took place in 154 localities. In 162 localities, one candidate list was registered, and these were declared winners by acclamation. Elections were not held in 60 locations where either no list was registered (50 localities) or the list registered was incomplete (10 localities). In the second phase, elections were initially called in 66 localities. The Ministry of Local Governance later asked the CEC to hold elections in 61 localities where elections did not take place in the first phase. These municipalities were added, including 25 in Gaza, to the second phase for a total of 127 races. In the end, competitive multiparty elections took place in 50 West Bank localities. Elections were later canceled in the 25 localities in Gaza and in the 29 municipalities where no list was registered. In the remaining 23 localities, the sole list registered won by acclamation, bringing the overall total of lists won by acclamation to 185.

Candidate Requirements

The local council elections law provides that the CEC “shall reject the registration request of an electoral list if the list did not submit a certificate stating that each candidate on the list has paid all his fees and taxes due to the local council.”¹² However, as the existing local council decides whether to issue the certificate, this requirement is susceptible to political manipulation. According to CEC officials, this prompted the CEC to intervene more aggressively during the second phase in cases where local authorities refused to issue financial clearances for candidates. For these elections, the CEC intervened in about 30 cases and resolved the matter through the Ministry of

¹² Article 20 (e) of the 2005 Law on Local Elections.



Local Government.¹³ Several interlocutors recommended to the Carter Center’s expert mission that this mechanism be changed and that the Ministry of Local Government regularize the issuance of certificates across Palestine rather than allow local councils to make arbitrary decisions.

Campaign Finance Requirements and Expenditures

Article 32 of the law states that “each list which participated in the elections shall submit within one month from the date of announcing final results a detailed financial statement stating the costs of the election campaign, funding sources of the campaign, and ways of spending the funds.” The law is silent, though, regarding any ceiling on campaign spending. International standards provide for reasonable limitations on campaign expenditures “where this is necessary to ensure that the free choice of voters is not undermined or the democratic process distorted by disproportionate expenditure on behalf of any candidate or party.”¹⁴

Conclusion

The Palestinian Basic Law, legal electoral framework, and regulations could provide the fundamental basis for the conduct of democratic elections; however, the current political structures lack essential checks and balances between the executive and judicial branches, which could expose the process to manipulation. In addition, there are specific provisions in Law 10 of 2005 on the local council elections that could be improved to facilitate inclusive and representative municipal governance bodies. These recommendations include lowering the age of eligibility to serve as a local council member to allow youth more significant opportunities for representation; imposing ceilings on the amount of money that a list can expend on a campaign and ensuring that candidates comply with campaign finance reporting requirements; requiring an electoral validation exercise in instances where only one list is submitted to the Central Elections Commission; forming an Electoral Court for municipal elections that is recognized and accepted by all factions in the West Bank and Gaza; reducing the minimum threshold for obtaining seats on the local council from 8% to 5%; and electing the mayor directly rather than selection by the local council.

Election Administration

International standards require forming an independent election management body (EMB) responsible for administering elections.¹⁵ An independent and impartial electoral authority that functions transparently and professionally is recognized internationally as an effective means of ensuring that citizens can participate in genuinely democratic elections and that other international obligations related to the electoral process are met.

The Central Elections Commission (CEC) says it uses the Palestinian Elections Law and international standards as the basis of the internal systems that regulate its work. The CEC’s mission and vision aim to strengthen the principles of democracy and good governance through

¹³ In one instance, a candidate in Salfit Governorate was denied the requisite certificate due to building violations. He obtained a court ruling enabling him to receive the certificate, but it was too late because the nomination period was complete.

¹⁴ Paragraph 19 of the 1996 UN Human Rights Committee General Comment No. 25 to Article 25 of the ICCPR.

¹⁵ [UN \(CCPR\): General Comment No. 25: The Right to Participate in Public Affairs, Voting Rights and the Right to Equal Access to Public Service \(Article 25\)](#), para. 20.



the professional conduct of regular, free, and fair elections and to work as an independent and permanent body to conduct elections at all levels.¹⁶

Since its formation in 2002 as an independent EMB, the CEC administered the 2005 presidential elections, the 2006 PLC elections, and the municipal elections in 2012, 2017, and 2021 (two phases).¹⁷ In all these electoral events, the CEC proved its independence, professionalism, integrity, and efficiency. According to a recent public opinion survey carried out by the Arab World for Research and Development (AWRAD), 95% of Palestinians view the performance of the CEC as favorable and 93% believe the electoral process was characterized by transparency and integrity.¹⁸

The CEC is responsible for organizing all aspects of the electoral process, including the conduct of periodic voter registration, review of candidate nominations and candidate lists, design and printing of ballots, issuance and publication of regulations surrounding election day processes, training of polling staff and election officials, and the conduct of election day procedures, including counting, tabulation, and announcement of results. Owing to the political divide between the West Bank and Gaza, the CEC's activities in Gaza have been restricted.

On Feb. 7, 2021, the CEC signed a memorandum of understanding with the Independent Commission for Human Rights (ICHR), by which both parties commit to cooperate toward creating a favorable environment for holding free and fair elections and enabling and encouraging citizens to practice their constitutional rights in nomination and voting. According to the MOU, citizens may submit their complaints relating to electoral freedoms to the ICHR, which processes the complaints with competent authorities in cooperation with the CEC.

Online Presence of the CEC

The CEC's online communications were managed effectively throughout the municipal elections. It regularly posted highly professional voter education materials, which secured significant viewership.¹⁹ The CEC benefited from an impressive follower base, with its 145,000 Facebook followers constituting roughly 5% of all accounts in Palestine. The CEC actively sought to grow its following in the lead-up to the vote.²⁰ Its significant reach ensures the CEC is well-placed to harness its network to educate voters, counter disinformation and provide pacifying messages in future elections.

The CEC used paid online advertisements to increase the prevalence of fact-based information about the election. Between Jan. 1 and March 26, 2022, the CEC ran 20 Facebook ads that received more than 3.2 million views in Palestine. This campaign gave enhanced visibility to a well-designed counter-misinformation strategy. The election was a learning process for the CEC as it applied digital strategic communications insights gleaned from the first phase to its operations in the second phase and by all accounts communicated more effectively online during the municipal elections than in the postponed legislative elections.

¹⁶ <https://www.elections.ps/tabid/1116/language/en-US/Default.aspx>

¹⁷ The 1996 elections were administered by a Central Elections Commission dominated by Fatah leaders, with Mahmoud Abbas serving as the Chair and Mohammed Shtayyeh, the current Prime Minister, as the Executive Secretary of the CEC.

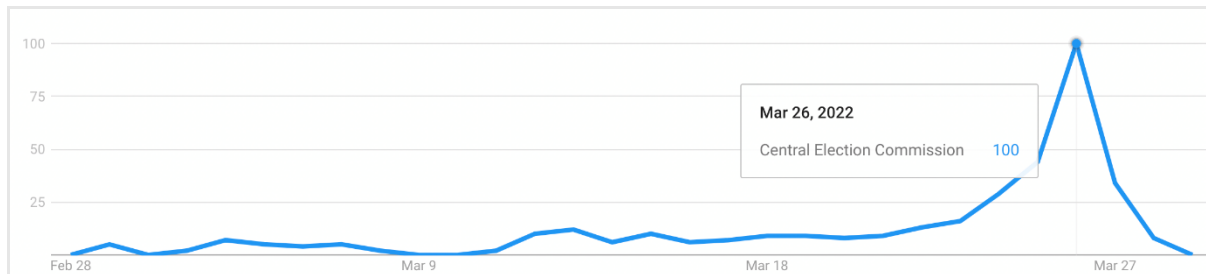
¹⁸ AWRAD, [Press Release Results of an Exit Poll on Palestinian Local Elections March 28, 2022](#).

¹⁹ CEC videos amassed 674,500 views 09/26/21 - 03/28/22.

²⁰ The CEC grew its Facebook following by 5.41% in the six months prior to the second round of the municipal elections. Source: CrowdTangle.



Consequently, social media users increasingly looked to the CEC for information about the election. The CEC reported that its website received more than 1 million hits on March 26, the day of the second phase of municipal elections. This reflected popular confidence in the institution.



Palestinian searches for the “Central Election Commission” rose over the month preceding the vote as Palestinians sought an official source of fact-based information. Source: Google Trends

The data on Palestinian searches offers important insight into CEC communications that are of value for future electoral contests. There was a tenfold increase in Palestinian searches for the CEC on March 21-26. That the uptick began before election day excludes the possibility that the growth was driven solely by searches for the official results, instead suggesting that CEC investment in well-made voter education videos and engaging online content paid dividends at election time when the users actively sought out information from the CEC. The CEC was in a solid position to reach social media users with counter-disinformation or pacifying messaging online if this had been required.

The CEC chose to devote most of its social media advertising budget to spreading its messaging on the most-used platform, Facebook. While this helped target users on that platform, this strategy impeded its ability to reach platforms with different user bases. For example, the CEC has only 2,100 followers on Instagram and did not run any ads on that platform in the lead-up to the vote.²¹ A broader approach to social media outreach will help the CEC build voter education, counter-disinformation, and pacifying messaging capacity that better reaches the full spectrum of Palestine’s more than 3.4 million internet users.²²

Conclusion

Despite a highly charged political environment, the CEC administered supplemental voter registration and both phases of the local council elections in a professional, independent, and transparent manner according to its mandate and national and international standards and obligations. The CEC’s use of online means to transmit voter education aligned with international best practices, and the significant pace of improvement in this respect bodes well for future electoral contests. Given its important role, the Palestinian Authority should continue to support

²¹ This is especially notable as despite its lower usage compared to Facebook, evidence suggests Instagram was a significant vector for online harms during the lead-up to the legislative elections prior to their postponement by President Mahmood Abbas. Digital rights group 7amleh documented 500 violations of digital rights of Palestinians between May 6 and May 19, of which 250 were on Instagram. This was significantly higher than their documented figure for Facebook.

²² World Development Indicators, World Bank, 2019.



the work of the CEC, both financially and morally, as a neutral, unbiased institution charged with overseeing electoral processes in the West Bank and Gaza. Governing authorities in the Gaza Strip should provide opportunities for the CEC to conduct regular work there, including periodic voter registration exercises, training for CEC staff, and voter and civic education, to ensure that, once a political agreement is reached, municipal and national elections can also take place in Gaza expeditiously.

The Campaign and Political Participation

Maintaining an open and transparent campaign environment and the equitable treatment of all parties and candidates are critical to ensuring the integrity of the democratic election process and meeting international standards related to the full expression of one's fundamental political and electoral rights.²³

Political Party Participation

A large percentage of candidate lists competing in the second phase of the municipal elections were registered as independents. Of those elected to office, 65% were independent candidates, leading casual observers to assume that independent candidates swept the elections. However, these figures belie much greater inter- and intraparty competition in the polls, as many independent candidates were either affiliated with or supported by the two major Palestinian political parties.

Candidates supported by or affiliated with both Fatah and Hamas, as well as, in more limited cases, smaller leftist parties, participated in the elections as independent candidates. Although Hamas prevented any elections in the Gaza Strip, it indirectly supported and encouraged affiliates and supporters to participate in the West Bank elections and compete as part of independent lists against Fatah. Likewise, Fatah and other leftist parties presented official lists to compete in specific municipalities. Because Fatah lacks a central authority within the party to resolve internal disputes regarding candidate registration and intraparty primaries were not held, officials and activists also organized so-called independent lists. These lists sometimes competed against the official Fatah lists. In the three West Bank cities of Hebron, Nablus, and Jericho, Fatah officials participating independently won the majority of seats, as they did in other towns. Although interlocutors told the Carter Center expert mission team that some Fatah-affiliated security forces sought to discourage certain individuals from participating as candidates, the party did not take firm actions against its members who competed as independents in this phase of the elections.

In general, candidates in the municipal elections viewed the election as primarily about service provision at the local level. Consequently, the majority of political campaigns focused on such matters as who would be best positioned to take responsibility for providing water, electricity, infrastructure, and hygiene, rather than political affiliation or ideological party orientation. However, several lists also sought to highlight broader political issues, including allegations of the growing repression and corruption in the West Bank, often with specific reference to the Nizar Banat murder case.

A family/tribal factor was also present in these elections as lists comprised representatives of leading families in selected locations. Those lists either competed with other lists or, during the

²³ [UN \(CCPR\): General Comment No. 25: The Right to Participate in Public Affairs, Voting Rights and the Right to Equal Access to Public Service \(Article 25\)](#), para. 15.



first phase, won the election by acclamation. Fatah had the upper hand in persuading families to nominate their representatives and encouraged tribal and familial control over the candidate selection.

One issue raised in these elections was the insistence by some families that the mayor should be a member of one of the city's historical families rather than someone who may have lived in the city for some time, even decades. These disputes took place in the cities of Ramallah, Al-Bireh, and Jericho, sometimes resulting in heated exchanges among the contestants.

Women's Participation

The elections resulted in increased representation of women, partly because of the quotas set in the election law that require councils with 13 seats or fewer to reserve at least two seats for women and larger councils to reserve at least three seats for women. In a few cases, candidate lists included more women than the number specified in the law. For the second phase, 27% of the candidates were women. Women were only placed as head of the list on eight of the 234 lists registered; the majority put women in the fifth slot, which is the minimum placement required by law. Given their order on the list, the likelihood of a woman being selected as mayor is low. However, Diana Sayej in Bir Zeit, who was No. 3 on an independent list, was elected mayor at the first meeting of its local council.

While women make up 49% of the population, they captured only 18% of the contested seats in the second round. Factors impeding women's representation are not confined to the selection by political parties of candidates. Women in the West Bank were more likely to face social and gender barriers in the campaign and had a lower likelihood of success in competitive races. According to the CEC, women candidates won 21% of victories by acclamation and 18% of victories by vote.²⁴ International standards suggest that any quotas should be at least 33% and ideally 50% to ensure equal representation of women.²⁵

Campaigning

During a two-week formal campaign period for the second phase of elections, candidates for the municipal councils solicited voters' support through posters, leaflets, public debates, and social media. The extent of the campaign was very much dependent on the resources available to the candidates themselves, with most of the funding being raised by the candidates standing for office and their families. Contrary to the practice during the first round of municipal elections, political parties, including Hamas-backed lists, also featured pictures of women on campaign banners and posters.

One effective method for candidates to reach voters was to participate in public debates held in the major West Bank cities and broadcast by the Wattan network. The heads of electoral lists were invited to answer a series of questions regarding their agenda before audiences of 300 or more people.

Few formal complaints were filed during the campaign. However, restrictive legal provisions on freedoms of expression and assembly, the impact of the killing of activist Nizar Banat by Palestinian security forces (plus the subsequent repression of protesters calling for an investigation and accountability), the arrests of various candidates by Israeli authorities, and the

²⁴ https://www.elections.ps/tabid/1215/language/ar-PS/Default.aspx?fbclid=IwAR39xcd7VIW1pv2r_Bv9FA3QVDM3aBovHITijaXkBlfNsWBvmavlsCMh1uY

²⁵ Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), Article 7b.



fears caused by a repressive political environment all hindered the full expression of citizens' rights and cast a chilling effect on the freedom of speech, assembly, and movement during the campaign period.

Despite legal provisions restricting online freedom of expression, the online sphere witnessed a lively campaign. Interlocutors reported a lower circulation of disinformation and inflammatory language than in the more polarized context of the postponed 2021 legislative elections. Palestinian social media users benefited from effective civil society-led fact-checking throughout the municipal elections, though it was limited by insufficient collaboration between fact-checkers and social networks.

Restraints on Competition

The overall campaign was overshadowed by a repressive human rights environment fueled by the actions of both Palestinian and Israeli forces.

On March 21, the Israeli army arrested Islam Taweel, head of the list purportedly backed by Hamas in the city of Al-Bireh. The CEC issued a statement criticizing the arrest as "blatant interference in Palestinian internal affairs" and called for the immediate release of all detained candidates. Israel also arrested winning candidates in Hebron and Dura after the elections. Despite the arrests, candidates on the impacted lists won the majority of seats in these constituencies.

In addition to the Israeli arrests and harassment, Palestinian security forces also played a role in the intimidation of some candidates. PA security and Fatah officials told some candidates that they would be dismissed from their jobs or that their relatives would be fired, the candidates said. The threats and pressure were either by phone calls or by summoning the candidates to the security headquarters. In other cases, security representatives pressured families to prevail on their relatives to withdraw their candidacies.

Despite the reports of harassment, neither the CEC nor the ICHR received any written complaints on harassment or intimidation from any list or candidate. An ICHR representative told the Center that individuals who called their offices regarding threats or violations claimed they were afraid to file written complaints out of fear of adverse consequences and harassment by the PA security.

Conclusion

While lists and candidates were able to campaign and communicate with prospective voters, the overall human rights environment cast a shadow over a technically well-administered electoral process. Among other issues, candidates reported harassment and intimidation by security forces that impeded their ability to run for office. For future elections, the political environment must improve to ensure that an individual's right to stand as a candidate, to enjoy the security of the person and freedoms of speech, assembly and association are respected. Regardless of when the next elections are scheduled, the Palestinian Authority should ensure that the human rights environment allows citizens the freedom to choose their leaders absent harassment or intimidation.



Role of Social Media in the Elections

The U.N. General Assembly has called for the full expression of rights protected offline to be protected online.²⁶ It is essential for human rights standards to be applied online to ensure that social media users can exercise their fundamental rights, such as freedom of speech, thought, and assembly and the right to privacy online. States and social media companies should ensure an enabling environment to meet these standards.²⁷

Legal Framework for Social Media in Palestine

The legal framework encompassing social media in Palestine is diffused across the Basic Law, the Election Law, the Penal Law, the Local Elections Law of 2005, the Law by Decree (10) of 2018 on Cybercrime, and the Law by Decree (7) of 2020 on the State of Emergency. Most relevant provisions are designed for the offline context, leading to ambiguity in the applicability of legislation.²⁸ The legal framework explicitly targeting social media is far less substantive than that for traditional media.

Despite the guarantee of freedom of expression in the Basic Law,²⁹ and legally binding international commitments,³⁰ sweeping legislative provisions unduly limit the legal exercise of freedom of expression online. Relevant provisions are so broad that they can readily be interpreted to proscribe political expression.³¹ In addition, such provisions are practically inappropriate for the online environment as the volume of such content will render any future attempt to implement this provision necessarily selective and open to accusations of bias.

Numerous provisions of the Decree-Law 10 of 2018 on Cybercrime also obstruct free expression online. Article 39 invests in the authorities the power to block websites posting content that may threaten “public order or public morals.” This has been used to block websites, has been criticized by civil society organizations, and is wholly at odds with international obligations accepted by the Palestinian Authority. Meanwhile, the election law is ill-adapted for social media due to ambiguities arising from its lack of specific references to the digital space.³²

Any new legislation seeking to regulate content on social media risks compounding pre-existing challenges. Low popular and lawmaker sensitization on the mechanics of these issues would impede pre-legislative scrutiny, inadequate accountability mechanisms would impede post-

²⁶ U.N. General Assembly Resolution 68/167 stipulates that all rights guaranteed offline, including the rights to freedom of expression and privacy, also apply online.

²⁷ Human Rights Council 38th session, Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Agenda item 3.

²⁸ U.N. General Assembly Resolution 68/167.

²⁹ Article 19, Constitution of Palestine 2003 with Amendments through 2005.

³⁰ Article 19, International Covenant on Civil and Political Rights, acceded to on April 2, 2014.

³¹ For example, Article 66 of the Election Law prohibits “humiliation” and the “insulting of any of the other candidates,” both of which are highly subjective and not commensurate with international standards on freedom of expression.

³² For example, it is unclear whether references to “electoral posters and banners” in the Election Law apply to online content.



legislative scrutiny, and risks would remain around implementation of legislation to stifle freedom of expression further.³³

The vast majority of Palestinians use the internet.³⁴ Social media usage in Palestine is heavily concentrated on Facebook, with Twitter, Instagram, and YouTube also being used by significant numbers.³⁵ Private messaging apps including WhatsApp and Telegram are also widely used. Challenges remain for the full realization of fundamental freedoms online, particularly the rights to freedom of expression, data privacy, and access to information, each of which is encumbered by legal and practical obstacles.

The online campaign was widely deployed, localized in nature and relatively pacific, especially compared to the lead-up to the postponed 2021 legislative elections. Videos of the local debate programs were widely shared. However, most lists were self-funded, which limited their capacity to conduct a comprehensive online campaign.

Consequently, online campaigns tended to concentrate resources, including ads, on the key days immediately before and even on Election Day. This challenged the relevance of the election silence in the online environment. In the absence of effective enforcement, such provisions create a perverse incentive by disproportionately increasing the online visibility of candidates who ignore the spirit of the law. Multiple interlocutors suggested that social media has rendered its provisions outdated.

During the campaign, social networks failed to extend adequate transparency to ads run on their platforms, contrary to the Election Law's stipulations and the Mozilla Foundation guidelines on best practice on ad archives.³⁶ Meta Ad Library Reports, which document expenditure for ads on Facebook, Instagram, and Messenger, are available for 95 countries and territories as of March 2022. However, no such report is published for Palestine. Consequently, its ad library lacks key features, including aggregated measures of total spending, that Palestinian citizens, civil society, and journalists can readily search for understanding the financing of the political advertising that targets them.³⁷

Information Integrity

Most Palestinians believe they have been exposed to disinformation.³⁸ While the prevalence of false claims in the municipal elections was by all accounts lower than during the 2021 legislative campaign, misinformation did circulate. During the municipal elections, the CEC adopted a strategy of stating facts in response to misinformation while collaborating with and funding fact

³³ Progress is being made on sensitization as a precondition for legislating for data privacy protections. Digital rights organization 7amleh has delivered digital rights training to more than 6,000 Palestinians and in 2021 launched a digital content reporting platform, 7or, that has received more than 1,000 submissions.

³⁴ World Bank figures from 2019 indicate 71% of people in Palestine use the internet. The 2022 figure is likely to be significantly higher, particularly if the diaspora is included.

³⁵ Facebook is used by three-quarters of over-13s in Palestine and its ads reach half the total population, according to DataReportal's 2022 reporting.

³⁶ Article 70 of the Election Law states, "The electoral process...shall be conducted publicly and transparently in a manner that enables the observers and the media to observe the process in all its phases." The Mozilla Foundation principles are accessible at <https://blog.mozilla.org/en/mozilla/facebook-and-google-this-is-what-an-effective-ad-archive-api-looks-like/>.

³⁷ Some information can be accessed via the API, which will not be an option for the vast majority of users.

³⁸ In a [survey](#) conducted by digital rights advocacy group 7amleh, 72% of Palestinians reported having been exposed to "fake news."



checkers.³⁹ These measures were a valuable buffer against the impact of misinformation and are an important resource for future electoral contests. There were three main limiting factors to effective fact-checking: fact-checker resourcing, inadequate support from social networks, and the lack of an access-to-information law.

The lower prevalence of misinformation in the municipal elections compared with the lead-up to the postponed legislative election was attributed to the disincentivization of smear campaigns by contests in which family ties played a more significant role than overtly political ones and the close-knit character of Palestinian communities in which candidates would have to live in close quarters following the vote regardless of the outcome. Nonetheless, misleading information was circulated about issues such as who supports a particular list and even the timing of the vote itself.

Inadequate collaboration with social networks opened space for some misinformation to go unrefuted. Collaboration with fact-checkers enables social networks to reduce the visibility of misinformation to those who would otherwise see it. Otherwise, fact-checkers depend on individuals actively seeking out their content, which those more likely to spread misinformation may be less likely to do. Membership of the International Fact-checking Network (IFCN) is a precondition for joining Facebook's fact-checking program, which reduces the visibility of misleading content that has been flagged by IFCN partners. While the IFCN has a robust regional network, it has no Palestinian partner.⁴⁰ During the municipal polls, the absence of this mechanism resulted in fact-checkers' resorting to running paid ads to counter disinformation, straining their limited resources. The lack of an IFCN partnership risks being far more consequential in a more misinformation-heavy future legislative election, and the volume of misinformation in the postponed 2021 vote suggests this is a significant risk.

The continued failure to pass the Draft Access to Information Law had a directly harmful impact on the work of journalists and fact-checkers during the municipal elections. In its absence, it is difficult for fact-checkers to refute claims. This contravenes the interests of the Palestinian Authority, as it ensures that civil society organizations also cannot refute potentially false allegations made against the Palestinian Authority. The long-standing failure to pass the law continues to raise concerns among civil society about the underlying reasons for its delay, weakening trust in the authorities.

A range of factors present challenges concerning disinformation that may be spread in future Palestinian elections. The increasing use of private messaging to spread political content, which interlocutors reported is partly a consequence of self-censorship on publicly visible networks, poses risks as the opaqueness of these platforms impedes the ability of fact-checkers to analyze and respond to circulated misinformation. While WhatsApp limits the number of members in a single group, Telegram groups can include thousands of people. Such groups were used to spread campaign material widely and were identified by interlocutors as venues of higher risk for online harm, including misinformation. Furthermore, companies openly target the Palestinian market for disinformation products, including inauthentic likes, comments, and shares.⁴¹ These factors are likely to be compounded by the advent of increasingly advanced forms of

³⁹ Including the Palestinian Platform for Fact-Checking and Media Literacy–Kashif, which ran an innovative sensitization campaign called “There is smoke without fire,” trained journalists, and integrated international best practice following workshops by UNESCO and Google News Initiative.

⁴⁰ Regional partners include Jordan's *Fatabyyano*, Lebanon's *Maharat*, and Israel's *The Whistle*.

⁴¹ One such site, for example, advertised 25,000 poll votes for \$860, payable through cryptocurrencies such as Bitcoin, Ethereum and Dogecoin, and thereby significantly less traceable by the authorities, civil society and media.



disinformation over the coming years, including video manipulation, enhancing the imperative to consolidate effective means of mitigation and response.⁴²

Personal Data Protection in the Campaign

The election took place in a challenging context to protect personal data, which becomes more important by the year as political campaigns increasingly choose data-targeted over blanket messaging. In the municipal elections, as during the postponed legislative election, microtargeted ads were run by candidates in a Palestinian legal vacuum.⁴³ This was not compensated for by social networks, with advertising observed by the expert mission raising questions about the commitment of Meta to safeguarding the data of Palestinians.⁴⁴

The absence of a data protection law has been highlighted by incidents raising concerns for data privacy. On April 21, 2021, Facebook reported a takedown of a group of hackers connected to the Preventive Security Service (PSS), an agency of the Palestinian Authority.⁴⁵ According to Facebook, the West Bank-based group undertook cyber-espionage within Palestine against journalists, opponents of Fatah, and human rights activists and distributed malware to collect personal data such as call logs, location, contacts, text messages, and keystrokes. The Palestinian Authority denies the allegation.

The hacking of the devices of six Palestinian human rights defenders⁴⁶ further underscored the challenges around data privacy surrounding the lead-up to the elections in 2020 through the Israeli NSO group's controversial Pegasus spyware, which according to its developer is only sold to governments;⁴⁷ the reported use of identification software such as GRT (Gait Recognition Technology) within Palestine; and the deployment of drones at protests by multiple authorities in Jerusalem and the West Bank.⁴⁸ Interlocutors report that such methods permanently discourage the type of open criticism of authority required for fully competitive elections.

The use of data-targeted ads, the deployment of spyware, and the absence of measures to check what data about citizens is held by public or private bodies constituted a challenging landscape for data privacy across the lead-up to and conduct of these elections. The continued advancement of data-harnessing technologies globally over the coming years raises the imperative to ensure

⁴² Hence the Carter Center's long-standing global call for platforms to undertake election-specific risk forecasting well in advance of an anticipated vote (see Baldassarro, M., Harbarth, K., and Scholtens, M., "The Big Lie and Big Tech" (Carter Center, 2021: 52).

⁴³ The existing provision of the Council of Ministers Resolution 3 of 2019 on the personal data of citizens is inadequate as it is superseded in legal strength by acts passed into law, including the Cybercrime Law 2018.

⁴⁴ One particularly egregious ad hosted by Facebook was run by a page marked "Government Official," which impersonated the Palestinian Authority to run an ad (ID: 980966869478930) claiming that Mahmoud Abbas was offering to distribute money as compensation for COVID-19. The ad redirected to a website seeking users' money and data. By allowing the use of the label "Government Official," Facebook opened the possibility that people may erroneously conclude that this operation was led by the Palestinian Authority itself. The Carter Center election expert mission identified this operation shortly after the page was launched on March 25, the day before the second round of municipal voting. By March 30, the website was inactive. However, Facebook had already started running the ad. The incident highlighted the challenges presented when platforms allow ads to run before conducting adequate checks.

⁴⁵ <https://about.fb.com/news/2021/04/taking-action-against-hackers-in-palestine/>

⁴⁶ <https://www.frontlinedefenders.org/en/statement-report/statement-targeting-palestinian-hrds-pegasus>

⁴⁷ Citizen Lab/Amnesty International 2021: Devices of Palestinian Human Rights Defenders Hacked with NSO Group's Pegasus Spyware (Review of research by Front Line Defenders).

⁴⁸ Digital Safety and Privacy at Peaceful Protests, Tamleh, December 2021.



sufficient safeguards are established to protect individuals' rights to data privacy and freedom of expression. While the need is urgent, a rushed legislative process will likely generate unnecessary risks. An essential precondition for a legislative process that adequately safeguards Palestinians' data is the sensitization of lawmakers, wider civil society, and the citizenry on data privacy issues. This will enable the effective pre- and post-legislative scrutiny that ensures the passing of data protection measures does not diminish other fundamental rights such as access to information, with consequent harms to the democratic process.

Conclusion

Notwithstanding the restrictive legal framework and the stifling impact of the killing of Nizar Banat after he made allegations against the Palestinian Authority on his Facebook page, interlocutors unanimously considered the online dimension as offering greater freedom of expression than offline means of communication. This reflects the partial implementation of restrictive provisions in the face of the sheer quantity of critical content online that could be interpreted as contravening national provisions, the greater perceived shelter from potential surveillance on closed messaging platforms such as WhatsApp and Telegram, and greater possibilities for anonymity online. To achieve alignment with international standards, overly broad provisions in the Election Law, Local Elections Law of 2005, and State of Emergency Law by Decree should be struck down. In addition, the Law by Decree (10) of 2018 on Cybercrime must be subject to significant revision to remove the possibility of abuse of its provisions, the Access to Information Draft Law (2012) should be implemented without delay, and an accelerated program of civil society-led sensitization should culminate in the passing of a data protection law that aligns with international standards.

Election Day

The Carter Center's election expert mission was limited in size and scope, precluding a comprehensive assessment of election day procedures, including voting, counting, and tabulation. While recognizing this limitation, the Center expert team visited polling sites in several locations — Hebron, Bethlehem, Jenin, Nablus, Ramallah, Al-Bireh, Betunya, and Bir Zeit — to gain personal impressions in these areas.

Contemporary international standards require that all citizens should enjoy the right to universal and equal suffrage, subject only to reasonable and objective limitations. Elections should be held by secret ballot, which is recognized as a means of ensuring that the people's will is expressed freely without fear of retribution or intimidation.⁴⁹

According to the CEC, polls were required to open promptly at 7 a.m. on election day. Election officials directed voters to their assigned polling station upon entering a polling center. When registering, voters indicated whether they required special accommodations, and the CEC sought to ensure that their needs were met, whether through the provision of special ballots or by ensuring that their polling station was physically accessible to them.

The voter's name was checked against the registration list at their polling station. The voter was then instructed to leave his or her mobile phone with the election official, and received a ballot containing the lists competing in the given municipality. They were instructed to mark their ballot behind a cardboard screen and deposit it in a translucent box, after which polling officials would

⁴⁹ ICCPR, General Comment No. 25: The right to participate in public affairs, voting rights and the right of equal access to public service (Art. 25) : . 12/07/96. CCPR/C/21/Rev.1/Add.7, General Comment No. 25.



place indelible ink placed on the voter's hand. The entire process was envisioned to take only a few minutes. The polls were supposed to close at 7 p.m. with the counting of the ballots to begin soon thereafter

Palestinian citizen observer groups told the expert mission that election officials were well-trained and professionally administered the elections. In addition, agents for the competing lists and several civil society organizations told the Center's expert team that they had representatives present at most polling stations who remained throughout the day, making notes and contacting their headquarters if problems emerged.⁵⁰

According to Palestinian citizen observation groups, the counting of the ballots in most of the polling centers took less than 90 minutes. Copies of the results were to be brought to the respective municipalities and also forwarded to the CEC. The Center's team noted that within three hours of the polls closing, streets were filled with celebrants cheering the success of the winning lists.

Minor problems throughout the day were noted by Palestinian monitoring groups. These included overcrowding inside and immediately outside polling centers which occasionally impeded the work of election officials. In addition, some observers construed the presence of candidates and other party activists in the polling centers as illegal campaigning on election day. Nonetheless, Palestinian observers indicated that the overall atmosphere was positive and reflected the sincere interest of many Palestinians to participate in a competitive electoral exercise.

Results

The results of the first phase of the local council elections were announced by the CEC on the day following the polls, Dec. 12, 2021. According to the CEC, voter turnout was 64.79% of eligible voters with less than 3% of ballots ruled invalid. Blank ballot papers formed 1.01% of the total ballots. Independent lists won 70.8% of the seats, while party lists won 29.2%. Male candidates won 79.5% of the seats, while female candidates won 20.5%. Roughly a quarter of the candidates elected to office (24.2%) were above 55 years of age, 31.1% were between 46 and 55 years, 25.3% were between 36 and 45, and those between 25 and 35 years of age comprised 19.4%.

After announcing the preliminary results, representatives from 10 candidate lists submitted appeals to the Electoral Court. Eight appeals were rejected outright, and in two cases in the Salfit Governorate, the court ordered a recount, which did not ultimately change the final results.

The results of the second phase of the elections were announced by the CEC on the following day, March 27, 2022. The voter turnout was 53.69% of the eligible voters. Just over 2% of the ballots cast were deemed invalid, and blank ballot papers formed less than 1% of the total ballots. Independent lists won 64.4% of the seats, while party lists won 35.6%. Male candidates won 82% of the seats, while female candidates won 18%. Concerning the age groups, 31% of the winners were above 55 years, 28% were between 46 and 55 years, 25% were between 36 and 45 years, and 16% of the winners were between 25 and 35 years.

The following is a breakdown of the results for the official lists in the second phase:

- Official Fatah lists (alone or in coalition with other parties) won 217 seats (34.3%)
- Democratic Front for the Liberation of Palestine (DFLP) won one seat

⁵⁰ [Human Rights and Democracy Media Center](#) (SHAMS), report on the observation of the second phase of the local council elections.



March 26, 2022 Municipal Elections in West Bank/Gaza

- Popular Struggle Front (PSF) won four seats
- Popular Front for the Liberation of Palestine (PFLP) won five seats
- The Palestinian National Initiative won four seats.

In the major cities of the West Bank, there was both interparty and intraparty competition between the official Fatah lists, independent lists affiliated with Fatah, and independent lists that were loosely affiliated with or supported by Hamas. In Hebron, an independent list led by an ex-Fatah leader and former mayor, Mahmoud Abou Sneineh, won eight seats, and the official Fatah list won six seats. In Nablus, the Fatah-backed list won eight seats, and the list identified with Hamas won seven seats. In Al-Bireh, the list identified with Hamas won eight seats, even though the head of the list was arrested by Israeli security forces a couple of days prior. In Ramallah, the official Fatah list won nine out of 15 seats. In Jericho, two Fatah-backed lists won 14 out of the 15 seats. See text box for more details regarding the elections in Hebron, Nablus, and Al-Bireh.

**Municipal Elections in Three Major Cities**

The March 26 elections unfolded in each municipality differently, and the results should be understood in the context of the competing lists in each setting. This section reviews developments in Hebron, Nablus, and Al-Bireh based on pre-election meetings with candidates and organizations and election day visits by Carter Center teams to polling sites in these cities.

Hebron is the largest city in the West Bank; the contest was waged between Fatah and an independent list led by the former Fatah mayor and unofficially supported by Hamas. Recent elections in Nablus, the northern West Bank's commercial center, have been dominated by Hamas. Al-Bireh, the sister-city of Ramallah, is in the center of the West Bank; its contest was hotly contested among six lists, with four lists ultimately winning seats on the local council. The leader of the Hamas-affiliated list was arrested by Israeli security forces several days before the election. Hamas-backed lists were the most competitive against official Fatah lists in these three cities. Out of 15 municipal council seats in each city, Hamas-backed lists won eight seats in Hebron and Al-Bireh and seven seats in Nablus.

Interestingly, despite highly competitive contests, the voter turnout in these three cities was much lower than the average for the rest of the West Bank cities holding elections on March 26. This may indicate that support for politically affiliated lists was not strong. At least in Hebron and Nablus, truly independent lists were also unsuccessful in attracting voters to their cause.

Hebron

Six lists competed in Hebron city to fill the 15 seats of the local council. Two lists belonged to political parties (Fatah and Al Mubadarah) and four independent lists. On election day, 44,173 voters cast votes out of 105,372 registered voters (43.82% turnout).

The major competitors included the official Fatah list and a Loyalty to Hebron list, headed by Mr. Tayseer Abu Sneineh, the outgoing mayor of Hebron and an ex-leader in Fatah. According to Abu Sneineh and other members of the list, fierce pressures were placed on them by security forces to withdraw from the race. One of the candidates on their list (Lawyer Abd Alkarim Farrah) was arrested by the Israeli forces on March 02, 2022. Another member of the list (Amro Maher Ebeid) was arrested by the Israeli forces on March 28.

According to results announced by the CEC, the Loyalty to Hebron list received 21,658 votes and won eight seats, while the Fatah list obtained 16,242 votes and won six seats. An independent Fatah-backed list (National Khalil Al Rahman—list No. 5) won one seat. After the announcement of the results, Fatah announced that it would respect the will of the voters and allow Loyalty to Hebron to choose the mayor, even though two of its members were detained by the Israeli forces. Three women (two from Loyalty to Hebron and one from Fatah) were among the winners, to satisfy the legal quota.

Nablus

Eight lists competed for council seats in Nablus. The competition was primarily between the Fatah-backed independent list Nablus Selects, headed by Fatah official Dr. Sami Hejawi, and the Hamas-backed independent list Al-Azm, led by engineer Khaled Salameh. The two lists won eight and seven seats respectively out of the 15-member municipal council. The other four lists, including woman-headed and youth-headed lists, did not reach the threshold to win any seats. Only 33,017 voters cast ballots in the city, amounting to a 37.41% turnout. The two lists that received seats successfully formed a municipal council.

Al-Bireh

Six lists competed for council seats in Al-Bireh. Out of the 21,440 eligible voters, only 6,517 voters cast their ballots in the city, amounting to 30.40% turnout for a 15-seat municipal council. The competition was primarily between the Hamas-backed independent list Al-Bireh Unifies Us, headed by Islam Taweel. The other five were categorized as more traditional tribal lists.

Four lists won seats: Al-Bireh Unifies Us, 8; Independent Al-Bireh, 2; The Voice of Al-Bireh, 2; and the National List for Building and Development, 3. The other two lists did not win any seats. Despite the arrest of Taweel by the Israeli army a few days before the election (Taweel was subsequently placed under administrative detention for four months), the winning lists formed the municipal council successfully and designated Taweel as the mayor of the city.

Voter turnout in major cities compared to 2017:

	2017	2021/2022
Voter turnout	53.43%	59.24%
Nablus	21%	37%
Ramallah	39%	34%
Jericho	57%	59%
Hebron	34%	43%

Elections Dispute Resolution (EDR)

Effective, clear, and fair procedures for electoral dispute resolution are an essential part of a well-functioning electoral process and fundamental to ensuring all other human rights are enjoyed.⁵¹

The legal framework for the local council elections allows voters, candidates, and their agents to appeal the decisions of the CEC in the elections court.⁵² The elections court for the local council elections was formed by a decree law from President Abbas in 2021. Hamas rejected the formation of this court since the movement was not consulted in the nomination of the judges and cited this as one of the reasons the party decided against allowing local council elections to move forward in Gaza.

Four appeals were presented to the elections court after the announcement of the preliminary results by the CEC on March 27, 2022.⁵³ The court rejected all appeals, three in substance and one in form. After the appeals were resolved and the final results announced, the Ministry of Local Government invited the councils to hold their first official meeting to elect the mayor, vice mayor and the treasurer of the council.

Conclusion

The election dispute resolution process throughout the electoral cycle allowed for all electoral stakeholders, including voters, candidates and their agents, to seek effective remedy for any violations of their rights as stated in the Palestinian legal framework. However, given the current lack of checks and balances between the executive and judicial branches and potential for manipulation of the process or the perception thereof, an agreement should be reached between electoral stakeholders on the formation of an elections court for future municipal elections. This includes a potential third phase in the Gaza Strip. The legislative elections court, which was established prior to the canceled national elections in 2021, serves as an example.

⁵¹ ICCPR, art. 2(3), "Each State Party to the present covenant undertakes: (a) to ensure that any person whose rights or freedoms are herein recognized as violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity; (b) to ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy; (c) to ensure that the competent authorities shall enforce such remedies when granted."

⁵² Article 55 of the law states: Each voter, or candidate, or candidate's agent may contest the announced election results before a competent court within one week from the announcement of the results. The court shall issue its decision within five working days from the date the claim is submitted to it and shall inform the Central Elections Commission of its decisions to implement them accordingly.

⁵³ See Appendix C for detailed information regarding the appeals.



Looking Forward

The 2021-22 local council elections, which saw an uptick in participation and greater competition between traditional Palestinian parties and independent candidate lists, demonstrate the interest of Palestinians in the West Bank and Gaza to engage in competitive electoral exercises. Many interlocutors, however, expressed skepticism that the relatively successful municipal elections experience would lay the groundwork for much-anticipated national elections or a third phase of municipal elections in the Gaza Strip.

Virtually all Palestinian stakeholders agree that reconciliation between the major parties, Fatah and Hamas, is essential. Ultimately, Palestine's political leaders must decide whether to use elections to serve as the mechanism for achieving this goal or to pursue some form of political reconciliation before national elections occur.

Regardless, it is critical that Palestinian leaders take immediate steps to create the conditions necessary for citizens in the West Bank and Gaza to fully exercise their fundamental freedoms, including their political and electoral rights. The political impasse between Fatah and Hamas should not prevent Palestinians from enjoying the right to choose their leaders in credible, periodic national elections, absent harassment or intimidation, and to speak, assemble freely and enjoy freedom of movement during the campaign without fear of retribution.

Planning for future electoral contests will also have to account for the ways the election campaign is changing. Digital risk around electoral processes in Palestine is likely to increase as greater proportions of the campaign, and discussion of it, take place online. Part of the challenge will be developing safeguards against digital threats while resisting calls for measures that risk exacerbating the very harms they target.

At the same time, space should be provided for other actors to enter the political arena. Particularly important is the need to encourage younger Palestinians, who have never had the opportunity to vote or stand for election in national polls but who are engaged through informal politics and social activism. Existing parties should recruit them as candidates and provide them with realistic placement on party lists so as to ensure the demographics of future legislative and municipal councils more accurately reflect the Palestinian population.

Interlocutors in Gaza informed the expert team that the scheduling of municipal elections in Gaza could serve as a confidence-building measure. With this in mind, the CEC and other institutions should be ready to administer such elections on short notice, even as they also prepare for the national elections.

Concerns about an imminent political explosion within Palestine loom large. Contributing factors include: Palestinian dissatisfaction over failure to conduct national elections; the lack of a political horizon for Palestinian statehood; the continued heavy hands of Israeli and Palestinian security forces; the expansion of Israeli settlements and settler attacks on Palestinians living in the West Bank; the potential for the eruption of a cycle of violence following attacks on civilians in Israel; high unemployment, particularly among young people; the growing potential for online disinformation and hate speech to spread unchecked; and a looming succession crisis when President Mahmoud Abbas leaves the political arena.

Many Palestinian interlocutors who met with the Carter Center mission look to the international community for support in preventing an explosion. International actors should support Palestinians to find common ground on critical issues, as appropriate, and to reinvigorate their institutional structures and leadership through democratic means.



Recommendations

To Political Leaders:

1. The right of Palestinians to stand as a candidate, the right to participate in the civic affairs of their country, and the right to periodic democratic elections should be respected. Political parties, particularly Fatah and Hamas, should agree: (a) to move forward with presidential and legislative elections that provide the Palestinian people with the opportunity to express their political choices freely; and (b) to accept the results of a credible exercise.
2. Leaders representing all factions should decide whether elections will serve as the mechanism for achieving the essential goal of reconciliation, or whether some form of reconciliation should occur before the national elections.
3. Leaders of all parties and factions should make an active effort to engage young people in the election process, including those who have never had an opportunity to vote in a national election (i.e., anyone between the ages of 18-34). Parties and factions should provide political space and new opportunities for younger voters to become involved in political affairs. Youth should be also allowed and encouraged to play an active role in internal party/faction deliberations and to be included as candidates in realistic slots to be elected to the legislature.

To the Palestinian Authority:

4. Palestinian rights to security of the person, and freedoms of speech, assembly, and association should be respected. Palestinian security forces, regardless of when the next elections are scheduled, should ensure that the human rights environment allows Palestinians the freedom to choose their leaders absent harassment or intimidation.
5. The PA should continue to provide the Central Elections Commission the resources necessary to operate in a professional and high-quality fashion.
6. The Palestinians' right to periodic elections should be respected, including the law requiring that municipal elections be held every four years and, unless special circumstances exist, on a single day.
7. Several reforms to the election law concerning national and municipal elections should be considered to ensure that the laws are consistent with international standards and obligations for political and electoral rights. As part of this review, consideration should be given to the following reforms based on consultations with political parties and civil society organizations:
 - Electing the mayor directly, rather than having the local council make the selection;
 - Clarifying the law to require an electoral validation exercise in instances in which only one list is submitted to the CEC.
 - Lowering the age of eligibility to serve as a local council member from 25 to 21, and to be a Palestinian Legislative Council (PLC) member from 28 to 25;
 - Reducing the minimum threshold for obtaining seats on the local council from 8% to 5%;
 - Imposing ceilings on the amount of money that a list can expend on a campaign and ensuring that lists comply with reporting requirements;
 - Maintaining the quota of women on the local council in circumstances when a woman resigns (i.e., a woman who resigns should be replaced by another woman rather than the next person on the list) and increasing the overall quota to bring the gender balance in alignment with international standards, which suggest the



quota should be at least 33%, and ideally 50% to ensure equal representation of women;

- Introducing a quota for the number of women in the legislative council (the current quota applies only to the placement of women within the party lists), to help bring women's representation in the PLC into alignment with international standards;
- Forming an Electoral Court for national and municipal elections whose legitimacy is recognized by all factions in the West Bank and Gaza;
- Ensuring that practices regarding the reservation of certain mayoralties to specific groups (by religion or by indigenous status in the municipality) are consistent with international norms;
- Repealing articles in the Election Law (Article 66), Cybercrime Law by Decree (2018), and State of Emergency Law by Decree (2020) that impede freedom of expression;
- Empowering fact-checkers and journalists by ratifying the Law on the Right of Access to Information (2012).

To the Central Elections Commission:

8. The CEC and other institutions should be ready to administer municipal elections in Gaza on short notice, given that such elections would serve as a confidence-building measure and would allow the population there to participate in an electoral exercise for the first time since 2006. At the same time, it should also prepare for the much-anticipated national elections.

In addition, The Carter Center reaffirms the following recommendations made in its [statement](#) of July 15, 2021:

- The Palestinian Authority should immediately take steps to calm escalating tensions and ensure the creation of an environment conducive to competitive, inclusive, and genuine democratic elections. This includes full protection of Palestinians' rights to freedom of assembly, expression, and personal security.
- Repeal the recent law (which is currently "frozen" or suspended) that undermines civil society organizations by restricting their funding and obstructing their activities. Civil society activists in both Gaza and the West Bank must be allowed to fully participate in the electoral process, including by observing political and electoral processes, holding demonstrations, and disseminating public statements.
- Seek clear confirmation from Israel that it will allow Palestinian voters to cast ballots in their respective post offices in East Jerusalem and facilitate the inclusive conduct of the polls, as per Israel's obligations under the Oslo Accords. Representatives of the international community, particularly the U.S. government, should support Palestinian leaders in these efforts and should engage with both Palestinian and Israeli authorities to clarify steps to conduct elections.
- The two main political parties should re-engage immediately to finalize political agreements to outline additional concrete steps that will enable genuine elections and foster an environment that is fully conducive to political participation.
- Seek consensus on, and ratify a draft law for, elections to the Palestinian National Council, the legislative body of the Palestine Liberation Organization. Leaders must define measures for voter registration and mechanisms for the conduct of elections or appointment of members outside of the Palestinian territory, as well as clarify which bodies will administer and oversee the polls.



Appendix A – Acknowledgements

The Carter Center thanks the Palestinian Central Elections Commission for accrediting the Center to undertake an expert assessment of the Palestinian municipal elections and to enter polling sites on election day, and for their collaboration and dedication throughout the process. The Center is grateful to the staff and representatives of the Palestinian Authority, candidates from various lists, and the many Palestinian individuals and representatives of national civil society organizations who graciously shared valuable information that informed the expert mission's findings. The Center is also grateful to the analysts of Palestinian affairs and members of the international community who provided their insights and resources to the Center's team over the course of its deployment and shaped the Center's understanding of the political-electoral dynamics.

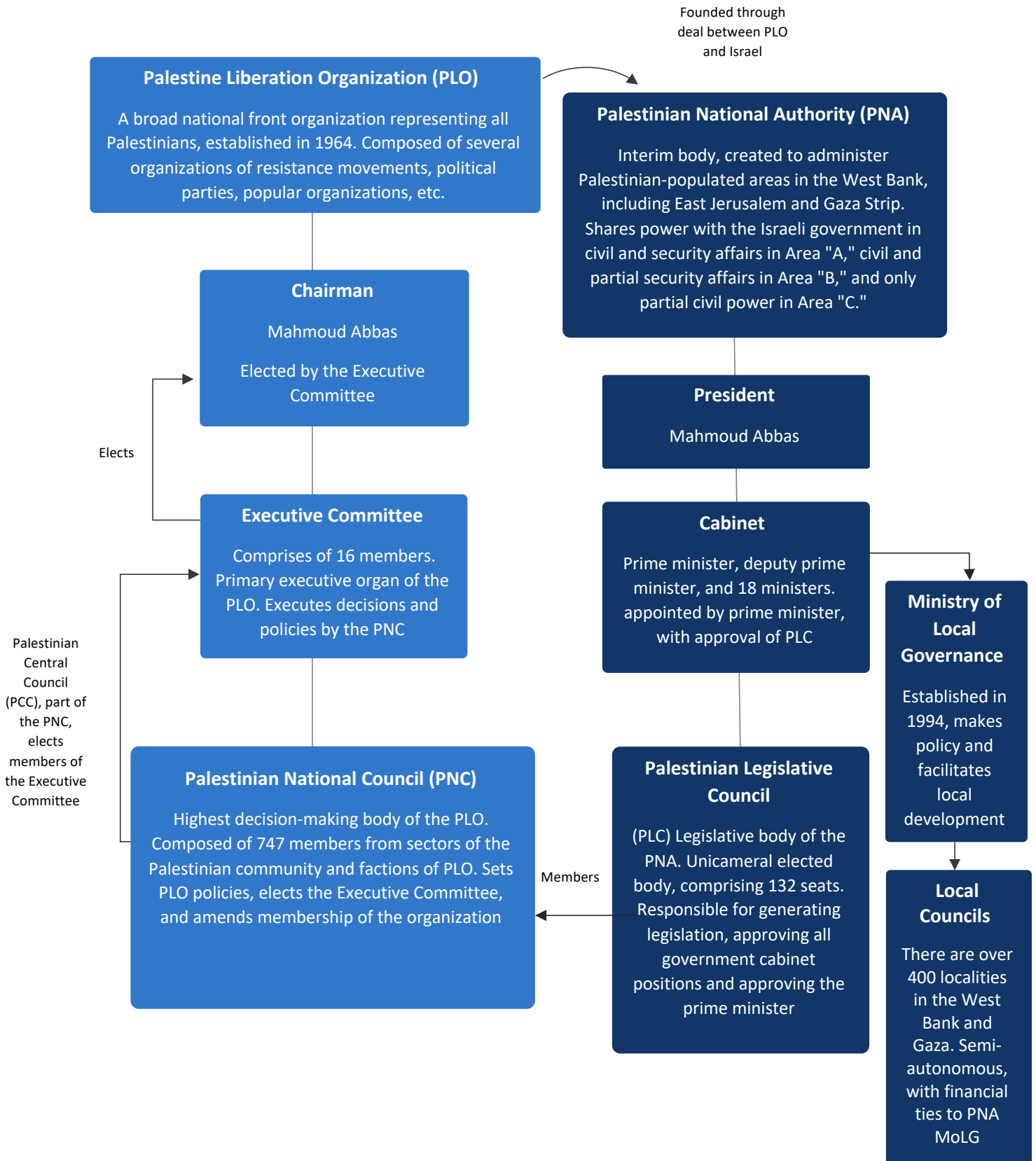
The Center appreciates and thanks its four-person expert team for their insights and analyses. Ben Jones, a digital threats and online campaign advisor to the Center, served as the mission's social media expert. Larry Garber, former mission director for USAID West Bank and Gaza and election expert, served as the mission's team leader and human rights/participatory rights expert. Ossama Kamel, a legal expert with extensive experience working in West Bank and the Gaza Strip and the surrounding region, served as the mission's senior legal analyst. Tahsin Alawneh, former Carter Center field staff member from 2009 through 2016 and political-electoral expert, supported the mission as a senior political and electoral analyst and expert translator/interpreter. The Center appreciates the insights, contributions and experience of these experts, which helped ensure a high-quality assessment in sensitive political circumstances.

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Appendix B – Palestinian Governance Structure



**Appendix C – Electoral Dispute Resolution Complaints**

Serial #	Gov.	Locality	Appeal date	Appellant	Subject	Date of ruling	Ruling
1	Hebron	Ezna	30/03/22	Yasser Arafat list	Appeal against election results due to incorrect sorting and counting of the ballots because several invalid ballots were included.	31/03/22	Rejected in substance
2	Jerusalem	Alaizariya	30/03/22	Marwan Barghouti list	Appeal against election results due to incorrect sorting and counting of the ballots because several invalid ballots were included.	3/04/22	Rejected in substance
3	Hebron	Ezna	03/04/22	Jerusalem block list	Appeal against election results due to closing of 2 polling centers and halting voters from casting their votes.	04/04/22	Rejected in form
4	Jenin	Jenin	03/04/22	Voter	Appeal against elections results due to incorrect sorting and counting of the ballots.	05/04/22	Rejected in substance