DEMOCRATIC REPUBLIC OF TIMOR-LESTE
PARLIAMENTARY ELECTION
JUNE 2007

Report
by
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NORDEM, the Norwegian Resource Bank for Democracy and Human Rights, is a programme of the Norwegian Centre for Human Rights (NCHR), and has as its main objective to actively promote international human rights. NORDEM is jointly administered by NCHR and the Norwegian Refugee Council. NORDEM works mainly in relation to multilateral institutions. The operative mandate of the programme is realised primarily through the recruitment and deployment of qualified Norwegian personnel to international assignments which promote democratisation and respect for human rights. The programme is responsible for the training of personnel before deployment, reporting on completed assignments, and plays a role in research related to areas of active involvement. The vast majority of assignments are channelled through the Norwegian Ministry of Foreign Affairs.

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Preface

On invitation from the Government of Timor-Leste, where the European Union was invited to observe both the 2007 presidential and the parliamentary elections, the European Union Election Observer Mission (EU EOM) had been present in Timor-Leste since 15 March 2007. Election for president was by EU EOM observed in two rounds. First round was held on 9 April (counting eight candidates) and the run-off (by the two leading candidates) on 9 May, where Jose Ramos-Horta won the Presidency by an overwhelming majority of the votes against Francisco Gutieres “Lu Olo”.1 Jose Ramos-Horta was sworn in as President on 20 May 2007.2

For the 30 June parliamentary election, EU EOM deployed 36 long term observers (LTOs) from 17 EU Member States, plus Norway and Switzerland. The mission was led by Chief Observer, Mr. Javier Pomes Ruiz, Member of the European Parliament from Spain. In addition to a core team stationed in Dili, teams of two LTOs were deployed to all 13 districts of Timor-Leste. The EU EOM was closer to election day (E-day) joined by a delegation of the European Parliament, led by Ms Ana Gomez, Member of European Parliament from Portugal.3

There were no short term observers (STOs) in this mission.

Two Norwegian LTOs, Kristin Jæger and Ragnhild Hollekim, were recruited to the EU EOM by NORDEM. Ms Jæger was deployed to Dili district (the capital included), also acting as a mobile team, while Ms Hollekim was deployed to Manatuto district.

This report will mainly reflect the findings of the Norwegian observers. Generally, these observations correspond to those of the EU EOM as presented in their Preliminary Report published in Dili 2 July, 2007.

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August 2007

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1 Ramos-Horta received 69.18% of the votes while Gutieres “Lu Olo” received 30.82%
2 ICG Asia Briefing Nr. 65 Dili/Brussels, 13 June, 2007
3 Preliminary Statement, Dili, 2 July 2007
Map of Country
Insert map picture here
Introduction

The 2007 parliamentary election in Timor-Leste, taking place on 30 June, was the country’s first regular election for parliament. The outgoing Parliament, in function since 2002, was established as a result of elections held for the Constituent Assembly in 2001. The new Constitution (2002) provided that members of the Constituent Assembly automatically became the members of the first Parliament of the Democratic Republic of Timor-Leste.4

The 30 June 2007 parliamentary election was the third election within a period of less than three months, following election for president on 9 April, and a run-off on 15 May 2007.

The EU EOM noted in their Preliminary Statement (endorsed by a delegation from the European Parliament) issued in Dili, 2 July 20075:

“The Timorese people have chosen for the first time, in a democratic manner and in a generally peaceful atmosphere their representatives in Parliament”.

The election is assessed as a great step forward in the consolidation of a democratic culture in Timor-Leste, with a legal framework broadly in accordance with international standards for democratic election, but with problematic aspects still to be addressed.

Positive aspects to be noted is the generally peaceful atmosphere both during campaign and over E-day, and late, but for the most welcomed amendments of the Law on Election of the National Parliament (EL). Taken into consideration the limited resources there were also reasonably efficient and professional election administration bodies, a high turn out of voters on E-day (81%) and broad presence of political party agents and observers in the polling stations (PS).

Problematic aspects and shortcomings in need of being addressed are a few, but serious incidents (also fatal) which took place during the campaign. There are still some gaps in the legal framework for elections, in addition to concerns raised regarding the amendment process of the EL as such. There is a lack of mechanisms to control campaign expenditure, National Election Commission (CNE) lacks necessary enforcement powers in general and the complaint process especially needs to be developed and improved.

The findings of the Norwegian observers generally corroborate with the conclusions of the EU EOM.

LTOs were well received and very well supported in all our work by the two election bodies, Technical Secretariat for Electoral Administration (STAE) and CNE, as well as their UN counterpart, United Nations Integrated Mission in Timor-Leste (UNMIT). UNMIT provided technical assistance and support to STAE and CNE both on national and district level. To a large extent, the election preparation went well in the districts observed by the Norwegian LTOs. Representatives from opposition parties raised

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4 Parliamentary election – EU EOM Observer manual
5 Preliminary statement, Dili 2, July 2007
questions regarding the independence of STAE (which falls under the jurisdiction of the Ministry of State Administration), but accusations of STAE not being independent were not substantiated by LTOs. CNE on district level seemed to lack a clear mandate for their work, which was not the case at the District Tabulation Centre (DTC), where CNE clearly had a leading role.

In Manatuto, UNMIT appeared efficient and skilled, as LTOs see it, possibly also sometimes taking on a too leading role. Different from before for these elections, UNMIT was only supposed to have an advisory and a supportive role. In Dili and other urban centers, this picture was somewhat different, with local staff seemingly taking on a larger part of the responsibility for the election exercise.

All parties had a reasonable level playing field regarding campaign activities. The exception was access to financial recourses, which differed markedly (also observed in the districts), resulting in some parties outspending others.

While there was active and visible campaigning by most parties in Dili, in Manatuto district campaign was in general low key. This was also due to less presence of party branches/representatives there. Campaign was peaceful, with a few serious exceptions. In both Dili and in Manatuto, on 27 June, the last day of FRETILIN’s closing-of-campaign rally, there were serious clashes, involving a number of injured people in need of hospital treatment. In Dili one person died after having been run over by a UN police car and in Manatuto houses were stoned and rampaged.

In Manatuto, abuse of public resources was verified as a civil servant in a prominent administrative position visited all sub district centers campaigning for FRETILIN.

On election day, voting was conducted in a calm, orderly and efficient manner. Procedures were followed with some exceptions. In Manatuto, in the polling station observed for opening, the minutes (acta) were not filled in. Further, during polling, voters were not properly checked for ink on identifying themselves on a number of occasions.

Reception and counting at DTCs were very time consuming, especially in Dili, where the time limits provided for in the Election Law were extended by far, but in general done with commitment and according to procedures.

Political background

A short historic overview

When the Portuguese left in 1975, Timor-Leste had been under Portuguese control for 450 years. After the revolution in Portugal in 1974, and the end of the dictatorship of Salazar, decolonization started in a number of former Portuguese colonies, also affecting Timor-Leste. Here, a bitter internal struggle between the socialist and pro-independence FRETILIN (Revolutionary Front for Independent Timor-Leste) and the more conservative pro-autonomy UDT (Timorese Democratic Union), but also other groups,

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6 EL Art. 47 says counting at DTC shall be finished 2 days after E Day
broke loose. The result was a civil war affecting the whole country with an estimate of between 1500 – 3000 people killed. FRETILIN relatively quickly defeated UDT, and declared independence, unilaterally, on 28 November 1975. Nine days later Indonesia invaded Timor-Leste, an occupation that ended 24 years later, following the downfall of the Suharto regime in Indonesia in 1998, and a decision by President Habibie to allow the Timorese people to determine their status in a popular consultation. Timor-Leste was under United Nations Transitional Administration (UNTAET) from 1999 to 2002. During this period, a popular consultation on the future status (1999), elections for a constituent assembly (2001) and presidential elections (2002) took place, all under United Nations (UN) supervision and all observed by EU EOMs. Independence was declared on 20 May 2002, and later recognized by the international community.

Under Indonesian rule, the Timorese, being victims of extreme violence and brutality (there are estimates that nearly one third of the population at that time lost their lives due to conflicts, extreme poverty, famines and displacements), carried out a long resistance struggle for independence, both politically and military. FRETILIN was a leading force, later also operating under the umbrella of broader coalition fronts, like CNRT (National Council of Timorese Resistance) set up by Xanana Gusmao. During the resistance years, many of the political leaders spent periods in exile. Even though they were grouped together in loose coalitions, there were bitter ideological differences between them. In 1987, Xanana Gusmao resigned from FRETILIN, creating a schism between Gusmao and the military on one hand and the political leadership of FRETILIN on the other side, a break out that still seems to affect Timorese politics, as it is said to have contributed to the political crisis of 2006.

The referendum for independence in 1999 again led to an overwhelming wave of violence from pro-Indonesian militias and security forces, with many deaths and widespread destruction of infrastructure and buildings. 250.000 people is said to have fled across the border to West-Timor, and many into the jungle. In the early autumn of 1999, an Australian-led international military force restored order, and UNTAET took on the responsibility to govern Timor-Leste until independence (May 2002).

The national crisis of 2006

In spring 2006, Timor-Leste again experienced a serious national crisis following dissatisfaction with a government’s commission set up to investigate charges of discrimination in the Falantil-Timor-Leste Defense Force (F-FDTL). People from the western part of Timor-Leste had felt excluded and discriminated against in the armed forces, which historically, for the most part, had been made up of people from the eastern part of the country. Further, there had been an ongoing tension between the military and the police force (PNTL – National Police of Timor-Leste), which on the other hand had been comprised of more westerners, and also members of the police working for the Indonesian Administration. The conflict had as such historical and political overtones. The tension ended up as a national power struggle between President

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7 Parliamentary election – EU EOM Observer manual
Gusmao and members of the FRETILIN government (in particular Rogerio Lobato, then – Interior Minister and then-Prime minister Mari Alkatiri).9

Violence broke out in April, triggered by a large group of protesting soldiers (an estimate of 600) being sacked, a decision that was seen as highly political. A series of demonstrations, increasingly violent, followed, turning into protests against the Alkatiri government. There were on several occasions through April and May open shooting both between military police and members of the defense force, and between police/military and civilians. The crisis of 2006 led to approximately 30 casualties and an estimate of 150,000 civilians fled the capital. Internally Displaced Person (IDP) camps were quickly established throughout Dili and the surroundings. Many of them still remain as of today. Large numbers of IDPs (there is still an estimate of 60,000 IDPs in Timor-Leste, some sources claim the number is closer to 120,000), together with youth gangs being used by different political and military forces add to an unstable political situation also today.

Finally, armed dissidents from both the police and the military fled the capital, most important, the Commander of the Military Police Major Alfredo Reinado, who claimed to desert as a protest against the army’s shooting of civilians. He organized several ambushes against F-FDTL and PNTL, with a number of casualties. In the end he was captured and imprisoned, but escaped from prison in August 2006 and has since been chased until Prime Minister Jose Ramos Horta in late April 2007 decided to call off the hunt, allegedly to gain the support of Partido Democratico (PD). In May the same year a High Level Commission decided to stop the operation against Reinado and his group, and try to open a dialogue. The inability of the government to arrest Major Alfredo Reinado is:

“an ongoing testament to its weakness and unhealed political wounds from the 2006 violence”10

On 24 May 2006, international military assistance was requested. 30 May, the then President Gusmao, declared a state of emergency. Interior Minister Rogerio Lobato, who resigned on 1 June, was arrested and sentenced to more than 7 years imprisonment for having armed civilian militias with police weapons. After considerable pressure, Prime Minister Mari Alkatiri resigned on 26 June and was replaced by Jose Ramos-Horta (who as a protest had already resigned as Foreign Minister in the Alkatiri Government). Throughout July 2006, international forces carried out a disarmament program and an expanded UN Mission was established, responsible for policing and security.11

The national crisis of 2006, triggered by some special events, must be understood in a larger context. Timor-Leste is a new state with little institutional development, no democratic history and a poor economic development since independence. The crisis in 2006 must partly be understood historically, as a continuation of unresolved political conflicts from more than 20 years of fight for independence. Conflicts in Timor-Leste often seem to be more personalized than ideological, and there is an ongoing conflict between FRETILIN “hard-liners” and more “social-democratic” forces (fronted by Gusmao). There is:

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9 Presidential election – EU EOM Observer manual
10 “Resolving Timor-Leste’s Crisis”, International Crisis Group, October 2006
11 “Resolving Timor-Leste’s Crisis”, International Crisis Group, October 2006
“a lack of agreement on the approach to government and lack of mechanisms for communication and decision-making, not just for day-to-day policy but also with regards to fundamental issues of politics and the future of the State being built”

In the aftermath of the 2006 national crisis, there was a discussion whether Timorese institutions and structures would be capable of conducting the 2007 elections for president and parliament, respectively, or if a better solution would be to have the UN run the process. The final decision was to have Timorese authorities conduct the upcoming elections. Different from the 2001 and 2002 elections, the UN’s role this time would be of support and technical assistance only.

The 2007 presidential election

The 9 April presidential election (with 8 contesting candidates) and the run-off between the two winning candidates from the first round, Francisco Guterres “Lu Olo” from FRETILIN and Jose Ramos-Horta, were conducted in a calmer atmosphere than expected. In the two Preliminary Statements for the Presidential Election EU EOM assess the process as peaceful and open, and a determined step towards democratic institutions. Challenges lie ahead concerning the need to strengthen national institutions. The election process improved in the second round, but further changes are needed.

The turn out was high, 81.79% for the first round and 81% for the second round. In the first round, Francisco Guterres received 27.89% of the votes and Jose Ramos-Horta 21.81%. For the second round, Ramos-Horta received 69.18% of the votes against Francisco Guterres’s 30.82%. Xanana Gusmao openly supported Ramos-Horta’s candidature throughout both campaign periods, by many explained as the reason for Ramos-Horta’s landslide in the run-off.

All eight presidential candidates ran as individuals, but they were all backed by political parties. Francisco Guterres: (FRETILIN). Jose Ramos-Horta was supported by several individuals/parties/movements: Xanana Gusmao, Timorese Association of Social Democrats (ASDT), Unidade Nacional Democrática da Resistencia Timorense (UNDERTIM) and FRETILIN Mudansa. Fernando de Araujo “Lasama”: (PD). Francisco Xavier do Amaral: (ASDT). Lucia Lobato: Social Democrat Party of East Timor (PSD). Manuel Tilman: Sons of the Mountain Warriors or Association of Timorese Heroes (KOTA). KOTA later made an alliance with People’s Party of Timor (PPT) for the 30 June parliamentary election. Avelino Coelho: Socialist Party of Timor (PST). Joau Carrascalao: Timorese Democratic Union (UDT).

For the run off, Francisco Guterres “Lu Olo” was supported by FRETILIN, KOTA and PPT while Jose Ramos Horta was supported by FRETILIN Mudansa, UNDERTIM, National Congress for Reconstruction of Timor (CNRT), PD, ASDT, PSD, PST, and UDT.


Outgoing parliament

12 political parties gained representation in the Constituent Assembly and hence became represented in the inaugural National Parliament of Timor-Leste in 2002. Outgoing parliament had 88 seats. The term expired in August 2007. FRETILIN had absolute majority with 54 seats, PD had 7 seats, PSD and ASDT had 6 seats each, PNT, UDT, KOTA, PPT and Christian Democratic Party of Timor (PDC) had 2 seats each, while Christian Democratic Union of Timor (UDC), PST and Liberal Party (PL) each had 1 seat.

Political parties for the 2007 parliamentary election

To some extent, political freedom has flourished since independence, but with a political panorama very much dominated by FRETILIN and a fragmented opposition, not being able to form coalitions during their time in Parliament. For the 2007 parliamentary election there were as many as 14 candidatures, among them two coalitions of parties. While some seemingly are more or less continuing their historical mission, others have a more contemporary focus. One can sense increased political diversity, and new faces are entering the political arena, even though strong personalities from the war with Indonesia still play a very prominent role in political life. Given the fluid nature of Timorese politics, and the relative youth of many political parties/constellations, it is difficult to give a detailed picture of the different parties and their programs. The political arena in Timor-Leste also faces challenges, such as the existence and use of martial arts groups and political violence and few available resources for political parties (with the exception of those in Government) to carry out their responsibilities. Finally, access to information is in general difficult for large part of the population, either because of illiteracy or language problems.¹⁵ ¹⁶

Revolutionary Front of Independent East Timor (FRETILIN)

Number of seats in outgoing Parliament: 54 and absolute majority. A radical pro-independence party founded in 1974 and the foremost grouping/party of the resistance struggle. Leading figures are Francisco “Lu-Olo” Guterres, Mari Alkatiri and Estanislau da Silva. Traditionally, the party has had a radical agenda and rhetoric. They have a large rural following and stronghold in the eastern parts of Timor-Leste. FRETILIN is experiencing damaging internal and external conflicts, over time they have also lost members to a number of break-away parties such as ASDT, PD, PSD and PST. The party’s record in government has been uneven and Timor-Leste has under FRETILIN rule among other major challenges also experienced periods of civil chaos, like in 2006. The party is from the opposition, but also from parts of civil society increasingly accused of lacking transparency and accountability in Government. On the other hand, some progress has been made within areas like health and education, good relations with


¹⁶ The official languages are Tetum and Portuguese. Most of the population speaks different forms of Tetum, a language that at present is still being developed as a written language. 5 % of the population speaks Portuguese. There is another 15 indigenous languages spoken. A fair part of the population also speaks Indonesian, a language widely used in the media.
neighboring countries has been established during Timor-Leste’s period of independence and the Alkatiri Government is said to have created sustainable frameworks for long term management of oil and gas revenues.

National Congress for Reconstruction of Timor (CNRT)

The CNRT acronym was originally used for Conselho Nacional da Resistencia Timorense, the umbrella resistance body, established by Xanana Gusmao to expand and unite the resistance, also involving Gusmao’s resignation from FRETILIN. The label is now being revived as a political party, fronted primarily by Xanana Gusmao, the resistance fighter, hero and first President of Timor-Leste - a charismatic and prominent political figure with a considerable public profile and extensive networks. The party has a poorly developed structure and no clear policies. Competing parties claim CNRT has little more going for it than its leader’s charisma, but Gusmao has extensive support in the capital as well as across the Timorese society, and was expected to draw supporters from parties like PSD, PD and even FRETILIN.

Timorese Association of Social Democrats – Social Democrat Party of East Timor (ASDT-PSD)

Number of seats in outgoing Parliament: 6. ASDT is one of Timor-Leste oldest parties, established in 1974 and later the same year turned into FRETILIN. The sitting President Jose Ramos-Horta was one of the founders of ASDT. The party has recently been revived by Xavier do Amaral, but still relies on many of the networks built through the resistance movement. Politically, the party has moved from a left of centre roots to a much more centrist stance, focusing on creation and redistribution of wealth, employment, improved infrastructure in the districts, education, law and order and a stronger judiciary and penal system. The party maintains links with Jose Ramos-Horta, and has prior to the parliamentary election formed a coalition with PSD (number of seats in outgoing Parliament: 6), initially launched in the year 2000, now led by Mario Carrascalao, a former Indonesian Governor of East Timor and later Vice President of CNRT. PSD focuses on human rights, social justice, rule of law, equality, education, culture, health, and good governance. A quite vocal party on issues of concern, well organized down to district and suco level. PSD has been a leading force among the opposition parties against FRETILIN electoral law proposals for the 2007 elections.

Partido Democratico (PD)

Number of seats in outgoing Parliament: 7. PD was formed just prior to election for constituent assembly in 2001. Leading candidate is Fernando “Lasama” Araujo, who has close links to student and youth movements. The party is centre-left, seeing itself as the major opposition party and focusing on strengthening democracy, freedom and justice, protection of the environment, infrastructure, health and education and finally a number of principles for good governance. Is said to work closely with ASDT/PSD, but rumors prior to the parliamentary election indicated a possible coalition with FRETILIN in a future government (which did not happen, since PD joined a coalition with CNRT and ASDT/PSD after the election). PD presented themselves as a “bridge – builder” in

17 Administrative level under district level, led by elected Chief of Sucos

18 See: Electoral Administration
Timor-Leste: Parliamentary Election – 2007

Timorese politics before E-day. They also introduced the possibility of a unitary
government, depending on the results for the legislative election.

National Unity Party (PUN)

PUN is a Christian democratic centre party established, in 2006. This is the only party
with a woman as the first candidate. Fernanda Borges was Minister of Finance during
the UNTAET administration. The party focuses on strengthening equality and
democracy and has a commitment to family/women values and human rights, and
further; on health, education and security, infrastructure, privatization in economic
policy and good governance.

Democratic Alliance - KOTA

Sons of the Mountain Warriors or Association of Timorese Heroes (KOTA) was
originally formed in 1974 by local kings, as a pro-integrationist party. Number of seats in
outgoing parliament: 2. Its leader, Manuel Tilman, ran for President for the 2007
presidential election, and gained 2% of the votes. The party upholds and promotes
Timorese culture and traditions and is primarily an association of traditional king
families. The party states that they have a social policy program based on the Socialist
Party of Portugal.

The other main party in the coalition is People’s Party of Timor (PPT), established in
2000 and with Dr. Jacob Xavier as a leading figure and with strong links to Portugal.
Number of seats in outgoing Parliament: 2. The party has supported FRETILIN in
Parliament on a number of occasions, but was expected to do poorly in the 2007
parliamentary election.

Unidade Nacional Democrática da Resistência Timorense (UNDERTIM)

UNDERTIM was officially launched in August 2005, and is a political expression of a
veteran’s movement. No current seats in Parliament. Leading figure is Cornelius Gama
aka Eli Foho Rai Boot (“L-7”).

Other parties running were: Socialist Party of Timor (PST), Timorese Democratic
Union (UDT), Christian Democrat Party of Timor (PDC), Timorese Nationalist Party
(PNT), all with representation in the outgoing Parliament. Further: Republican Party
(PR), Millennium Democratic Party (PMD) and Democratic Party of the Republic of
Timor (PDRT), all newly established and with no seats in the outgoing Parliament.

The Legislative Framework

In addition to the Constitution of 2002, two new electoral laws, the Law of Electoral
Administration bodies19 and the Law on the Election of the National Parliament (passed
in December 2006 with amendments in late May 2007), constitute the main legal
provisions governing the 2007 parliamentary elections. The legal framework is,

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19 See: The Electoral Administration
especially after being amended, broadly in accordance with international standards. There are also a number of regulations and codes of conduct, drafted by STAE and approved by CNE:


Importantly, a number of provisions, for the presidential election attended to by these regulations and codes of conduct were later incorporated in the Election Law for the National Parliament, when amended in late May 2007. There are also relevant provisions for elections found in the Law on Political Parties and in the Law on Freedom of Assembly.

**The Constitution of the Democratic Republic of Timor-Leste** was adopted by the first Parliament in 2002. The Constitution guarantees all relevant fundamental rights and liberties, also equality between men and women. Further, the Constitution declares Timor-Leste as a constitutional republic with four sovereign institutions; The Presidency, the Parliament, the Government (executive) and the Judiciary. The President and the unicameral Parliament are both elected directly. The President is Head of State, but is more of a semi-symbolic figure with somewhat limited powers, since important decisions can be overridden by a majority in parliament.\(^\text{21}\) The Prime Minister, who is to be proposed by a party or a coalition of parties with parliamentary majority, is appointed by the President (Section 85 d). The Prime Minister is Head of Government and presides over the Cabinet. The Constitution also has provisions for securing a level playing field for elections like equal opportunities for all candidates and parties, impartiality on the part of the public body and transparency and supervision of electoral expenses.

Regulations and provisions for election for parliament are (mainly) found in Law on the Election of the National Parliament of 28 Dec. 2006 (amended on 29 May 2007) and Regulation on Procedures for Polling and Tabulation of Results for the Election of Members to the National Parliament. The reason for the late passing of the Election Laws was mainly the 2006 national crisis, for some time Parliament did not have sessions. EL was approved by a marginal parliamentary majority (all FRETILIN), only one month before the legislative election, after no public debate and with little agreement among political parties. In addition, CNE was formed very late, resulting in a huge back load of work and late approval of a number of important regulations.

According to EL 65 members of the National Parliament are elected for a period of 5 years (corresponding to the legislative term), by a closed list proportional representation

\(^{20}\) Many of the regulations were passed late in the process, e.g. Regulation on Technical Procedures for the Updating of Electoral Registration, which was passed well into the registration period for the presidential election, in February 2007.

\(^{21}\) The President can veto legislation, but this can be overridden by a majority in parliament. Further, many of the President’s appointment powers are also in need of approval by Parliament/the Prime Minister.
system and in one nationwide constituency. The parties have absolute say over the order of candidates on the list and the electorate vote for the list only. Lists of candidates must include at least one woman per every group of four candidates. While only parties or alliances may present a list, candidates on the list do not have to belong to a party, giving some scope for independent candidates. There is a 3% threshold, party lists receiving less votes are not entitled to attribution of mandates.\textsuperscript{22}

Active electoral capacity is granted all Timorese citizens over 17 years of age residing in the territory. It is mandatory to be registered in a voter registration. Not granted electoral capacity are individuals judicially disabled due to a sentence imposed by court of law and individuals clearly and publicly known as mentally ill. All Timorese citizens with active electoral capacity can run for a seat in the National Parliament. Ineligible to run are: The President, public prosecutors, career diplomats/civil servants/members of Timor-Leste defense force/members of police in service, ministers of any religion and cult (later questionably removed by the Commission for Constitutional Issues, which has no mandate to correct substantive issues in the law) and members of CNE.\textsuperscript{23} There are still no provisions for early voting/out-of-country voting, but welcomed provisions for mobile voting in prisons and hospitals were secured when the EL was amended in May 2007.

A number of other significant gaps in the EL have been filled by regulations and codes of conduct such as prohibiting abuse of state resources during campaign, political activity by civil servants included. While the list of what is regarded as an electoral offence is fairly exhaustive, it is a problem that the EL gives CNE little enforcement power, leaving many of these provisions, for the most, with only moral and persuasive force. Finally, an area that is still under-regulated in the EL law is campaign finance, leaving scope for excessive campaign spending for some parties.

A contested change in the EL implying removal of the picture of the first candidate from the ballot of each list takes away an important identification tool for illiterate voters.\textsuperscript{24}

The new EL provides for counting at district level (a change since the presidential election earlier this year), taking away from the citizens their ability to safeguard and monitor the process at village level. Electoral material and ballots are to be brought to District Tabulation Centers (DTCs) directly after closing procedures at polling stations. Reception and counting at DTC shall take no more than two days, provisional results are to be publicized at district level and than forwarded to NEC. NEC has 72 hours to review minutes from the 13 DTCs, respectively, and provisional countrywide results announced by NEC can be appealed against within 48 hours. The Supreme Court has 72 hours to proclaim final results (following a possible period of 48 hours if the provisional result of NEC is appealed against).\textsuperscript{25}

\textsuperscript{22} EL Art. 12, 2, 9, 11 and 13
\textsuperscript{23} EL Art. 4, 5, 6, and 7
\textsuperscript{24} Most likely, this decision had to do with Xanana Gusmao, a figure and face widely known by all Timorese citizens topping the list of CNRT.
\textsuperscript{25} EL Art. 47, 48, 49 and 50
The Electoral Administration

According to The Law of Electoral Administration Bodies of 2006, elections are supervised by CNE, administered by STAE, while UNMIT provides technical assistance and support to both bodies. The election administration body of Timor-Leste operates at national-, district- (following the 13 administrative divisions) and polling station level. UN counterpart, UNMIT, operated at national and district level, at district level the election bodies were supported by teams of United Nation Volunteers (UNVs). The total number of polling centers (PCs) and polling stations for this election was 505 and 708, respectively.

CNE is an independent and permanent body, elected for a six-year term, and composed of 15 members. Three members are appointed by the President, three members elected by the Parliament, three members appointed by the Government, one judicial magistrate, one public prosecution magistrate and one public defender, all elected by their peers, one nominated by the Catholic Church and one from the remaining religious faiths, respectively, and one representative of women organizations. It is within CNE’s mandate to supervise the whole electoral process, ensuring the enforcement of constitutional and legal provisions relating to the electoral process, approve and enforce regulations and codes of conduct, certify parties/alliances, follow up on electoral offences and prepare and submit to Supreme Court of Justice the provisional minutes with the national results to be validated and proclaimed.

At district level, CNE’s presence amounts to four focal points, appointed by CNE and tasked with supervising the entire election exercise in each district. The work in each DTC is led and supervised by CNE, in cooperation with STAE.

STAE is responsible for the administration, operation and logistics of the election, falling under the jurisdiction of the Ministry of State Administration. At district level, STAE has a District Coordinator and a staff.

Each polling centre is led by a brigadista, while each polling station has a staff of 5, led by a presiding officer. Appointment of polling staff is done by STAE. For the legislative election, polling staff were, with few exceptions, the same as for the presidential election earlier this year.

LTOs were well received by the whole election body (CNE, STAE and their UNMIT counterparts), supplied with extensive written material and always assisted in all our work.

The division of labor between CNE and STAE and the question of STAE’s independence have been an ongoing debate, also addressed in the EU EOM Preliminary Statement for the Presidential Election, indicating a need to strengthen CNE’s independence and institutional capacity. The Preliminary Statement for the Parliamentary Election states that there is a marked lack of institutional arrangements for coordination between the two bodies, seemingly creating a vacuum in decision-making. An improvement since the presidential election was observed, though.

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26 A polling centre has two or more polling stations

27 Law of Electoral Administration Bodies, Art. 8
In Manatuto district, LTOs observed a well prepared election, according to schedule, but have reason to believe that UNMIT/UNVs played an important role, at times perhaps also being the driving force, in that sense exceeding their role as an advisory body only. That said, this is also the institution which has most of the resources needed to efficiently run an election exercise. STAE with the help of UNVs and UN Police successfully managed to provide every PS in Manatuto district with all respective material in time for E-day. There were no reports of essential material missing, and retrieval of election material to DTC went very successfully and all according to plan.

There were no formal institutional arrangements or regular meetings between the relevant election bodies at district level in Manatuto. This made the line of decision-making and where decisions were made somewhat unclear, also for LTOs. According to UNVs there has been a positive development, STAE seemingly taking on a more active role for this last legislative election. As the LTOs see it, there is a need to clarify further the mandate and the role of the four CNE focal points on district level.

While parties and stakeholders expressed a level of trust in the independence of CNE, there were constant questions raised regarding STAE’s independence (not substantiated by LTOs). In Dili, however, LTOs were told that a person working for STAE was fired after reportedly issuing national observer cards to party agents. In Manatuto district, opposition parties constantly claimed that all PS staff was FRETILIN supporters. LTOs did observe a secretary of FRETILIN from one of the sub-districts working as brigadista at a PC, but have no observation or information suggesting that PC/PS staff did not work in an independent manner.

For this election, counting took place at district level instead of in the PSs, following a late (and by many opposition parties disputed) amendment in the EL. The rationale behind the change was to hide the preference of the village and thereby also avoid after-election violence. EU EOM assessed this as a step back, taking away the citizen’s ability to safeguard and monitor the process closely. In the districts, LTOs found a quite mixed (and certainly not always clearly negative) attitude towards the change in the EL law regarding counting at district level instead of polling station level. Some stakeholders and part of the electorate at large, although not always being perfectly happy with the new provisions, did recognize that security issues may be a valid argument for the change. Competence issues were also often mentioned. Others regretted the change and opposed the need for counting at district level. The electorate seemed fairly well informed about the change and LTOs did not observe or hear of any negative reactions as ballots were removed from the PSs without being counted.

STAE at district level (supervised by CNE) conducted training for brigadistas, presiding officers and PS staff. The fact that this was the third election in less than 3 months meant that some of this training was more of an update. It was the LTOs’ impression that polling and tabulation centre staff were familiar with the exercise, and well acquainted with most procedures, with some exceptions. The confusion observed at DTC regarding what constitutes a valid ballot (in Manatuto, counting staff only accepted a cross or a punch, not assessing whether or not the will of the voter was clear) must be explained by the training they have been given, taken that while they were wrong, they were very consistent in their assessments.

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28 Mainly concerning filling out minutes when opening the PSs and not always checking thoroughly for ink
29 All these ballots were reviewed by CNE, Dili, and a large percentage of them were accepted as valid
Reception of electoral materials from PSs and counting at DTC were slow (especially in Dili), but transparent and done with commitment. In Manatuto, provisional results from the district were ready 3 July, while in Dili, the results were not clear before 5 July, much later than provided for in the EL. NEC announced provisional nationwide results on 9 July and the final result was announced by the Supreme Court on 12 July.

The election result\(^\text{30}\) left Timor-Leste in a difficult and vulnerable political situation, parties immediately starting to “wrangle” over the make-up of government. On 6 July, CNRT, ASDT-PSD and PD announced they would form a coalition, giving them the majority of seats in Parliament and the right to form a government. FRETILIN claimed, on their side, they have the right to govern under the Constitution because they were the party which won the most votes. The Constitution seems clear enough, the English version, stating that the Prime Minister is to be proposed by a party or a coalition of parties with parliamentary majority, and appointed by the President. In this case, as the LTOs see it, it is only the Coalition of CNRT, ASDT-PSD and PD which is in such a position. Some stakeholders kept seeing it differently though, claiming that there had been problems translating from Portuguese, that words and concept could be understood differently, thus claiming that the Constitution was not at all quite clear about who could form a government.

Initially, President Ramos-Horta proposed a unity government, a proposal that was turned down by both the Coalition and FRETILIN. Later, he threatened to use his constitutional right to decide the composition of the new government, if the parties themselves failed to do so.\(^\text{31}\)

The new 65-seat Parliament was inaugurated 30 July. On 6 August, the President invited CNRT President Xanana Gusmao, nominated by the alliance with a parliamentary majority, to be the new Prime Minister and to form a Government. Prime Minister Gusmao was sworn in 8 August, together with 10 ministers. On 30 August, another 12 ministers were appointed. The new Government of Timor-Leste counts altogether 5 female ministers.\(^\text{32}\)

**Voter and Civic Education**

STAE and UNV counterparts carried out voter education, together with local NGOs, churches and community (often women) organizations, at times also facilitated by district- and suco administration. STAE counterpart seemed, in Manatuto district at least, to have had a particular important role in this respect, clearly being a driving force in educating the electorate for the voting process. Both EU EOM Preliminary Statements for the 2007 presidential and parliamentary elections state that in general, education

\(^{30}\) See appendix on election result

\(^{31}\) Reuters, Dili, 30 July 2007


activities were poorly attended, with a lack of coordination and failure to meet the logistical challenges. LTOs observed extensive use of and widely distributed educational posters, some unfortunately arriving short time before election day.

LTOs also observed an effort to conduct a fairly extensive and ongoing civic education program. In Manatuto district, the voter education calendar, between June 4 and June 18, counted 28 different meetings and gatherings around the sub districts. It was a challenge to gather good crowds and weather conditions made areas impossible to access in periods, which sometimes resulted in meetings being called off. In Natarbora sub-district, LTOs observed a voter education team addressing minors mainly. There was an ongoing effort to target women especially. Every night during the last week before election, STAE/UNMIT (local initiative) addressed women voters on the local radio station: Radio Comunidade Ili Wai in Manatuto. For this election, brigadistas and presiding officers were paid extra to educate voters in their respective districts/villages. To what extent this was done and the efficiency of it is questioned. In general, when assessing the success of voter and civic education for this last legislative election, one has to take into account that there may have been an element of weariness in the electorate (voter fatigue), after three successive elections in less than four months. Still, the high turnout, exceeding 80% for all three elections, and the fact that the electorate both seemed aware of the new counting system and in general seemed familiar with voting procedures, indicate that voter education teams must, to a certain extent, have been successful.

Voter Registration

The Constitution states that electoral registration is mandatory and universal, and the register is to be updated for each election and supervised by an independent body (CNE). STAE sets dates for when voter registration is to take place, carries out voter registration and updates voter register, all under the supervision of CNE. All Timorese citizens with electoral capacities can register to vote.33 The current voter registration started for the suco elections (2004 – 2005), at that point counting 460,000 voters. For the 2007 presidential election, a six week registration period was opened on 29 January 2007, extended by a few days until 21 March. Approximately 65,000 additional voters registered during this period. Another 5-day registration period (from 21 to 25 May 2007) opened for the parliamentary election, mainly for citizens to replace lost cards. No significant number of people registered during this period. By the closing of the second registration period, the total number of eligible voters for the parliamentary election was 529,198, 257,527 female and 271,671 male registered voters, respectively.

EU EOM states there have been some shortcomings both in the process of registration and in ensuring the accuracy of the register. The register was neither for the presidential nor for the parliamentary election broken down by polling stations. Voters could vote at any polling station, with three different documents; old and new voter’s card and passport. This meant that inking of the finger was the only real safeguard against double

33 Regulation on Technical Procedures for the Updating of Electoral Registration
Advantages with flexible provisions are on the other hand enfranchisement of large part of the electorate, and in this case, also facilitating the situation for IDPs. In a new and poorly developed democracy, different needs, such as ensuring IDPs the possibility to vote, have to be balanced. The LTOs observed no (and heard very few reports on) voters being denied voting, lacking an old or a new voting card or a passport (very few Timorese citizen have passports). This indicates that STAE, to a large extent, managed to establish an inclusive voters’ register. Very few voters seem to have been turned away on election day because of not having a voter card.

Political party and Candidate Registration

Political parties have to be registered under the Political Parties Law. Old parties, established before 2004 and running in this election, had to re-register under the same law. Political parties may associate themselves in coalitions, fronts or movements. For the 2007 legislative election, two party coalitions ran for seats in Parliament. To register as a party, there is a need of at least 1500 signatures, distributed proportionately throughout the country. The Political Party Law specifies internal democracy for parties, but there are no provisions for how they select their candidates.

Party lists are presented by political parties and party coalitions and seats shall be attributed to candidates in accordance with the sequence on the list. Lists proposed for the election by parties or party coalitions must contain 65 effective candidates (equivalent to total number of seats in Parliament) and at least 25 alternate candidates. Lists must include at least one woman per every group of four candidates and citizens not affiliated with the respective parties can be integrated on a list. CNE verifies candidate registration (with any appeals to the Supreme Court).

No specific problems were reported, neither regarding the process of candidate registration, party or party coalition registration. The final list of candidatures for the parliamentary election was finalized 21 May 2007, one week before the beginning of the campaign.

EU EOM raises concerns regarding CNRT’s choice of campaign manager in the district of Liquica. The campaign manager is recommended for prosecution on criminal charges by the United Nations Independent Special Commission of Inquiry for Timor-Leste (following the 2006 crisis). The EOM also commented on the inclusion of a candidate on the same party list, with, according to the same report, a highly questionable role during the same crisis. As the LTOs see it, this is another sign of institutional inability, a reluctance, fear (or plain lack of will?) to bring key players behind the 2006 crisis to justice. This is of concern in the important process of establishing a functioning democracy in Timor-Leste.

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34 EU EOM Preliminary Statement. Parliamentary Election. 2 July 2007
35 Law on Political Parties, Section 13
36 EL Art. 6, 7, 11, 9, 12, 14, 10, 13, 19 and 24
The Election campaign

Campaign period is 30 days, starting on 29 May, with a two days silence before election day. During the campaign, there shall be due respect for freedom of electoral propaganda, equal opportunities, strict impartiality of all public entities and transparency. While a variety of campaign activities are authorized, it is prohibited, during campaign, to incite violence, use defamatory language against the state or the unity of the country or discriminate on grounds of race, gender, religion and social position. Civil servants shall be impartial and use of state public assets and property is forbidden. No gifts, promises of rewards, threats or intimidation of voters are allowed. Parties and party coalitions receive, from the Government, $30,000 and $45,000 for the campaign expenses, respectively. Cash donations cannot be accepted from public companies, professional associations (unions), foundations (religious groups, charities) and government or foreign corporate bodies. CNE shall verify and adopt measures that ensure compliance with these principles and provisions.

To ensure that campaign activities were carried out smoothly, an elaborate and detailed election calendar was prepared by CNE, in cooperation with parties and coalitions and according to the provisions in the Regulation on the Electoral Campaign Art. 10.

In their Preliminary Statement, 2 July 2007, EU EOM states that the campaign environment, with a few serious exceptions, was peaceful. There was a good campaign atmosphere and parties were for the most able to campaign freely and without undue interference. Credit is given to the police for widespread presence during campaign.

A few serious incidents did take place, like the killing of a member of a CNRT campaign team in Viqueque 3 June and clashes between FRETILIN supporters in Dili and Metinaro (an IDP camp outside Dili) on 27 June, last day of campaigning. A serious incident also took place in Manatuto district the same day, as nearly 40 lorries with FRETILIN militants from Baucau passed through the town (and later through Metinaro) to go to Dili for their final party rally. Clashes resulted in three houses and some cars being stoned, one of the houses was a small shop being robbed and totally rampaged. In addition, 7 people were injured, 2 of them more seriously and had to be sent to hospital in Dili. This situation resulted in a high security alert/presence in Manatuto town for the next 24 hours. There were also some minor problems when the convoy passed Manatuto, returning to Baucau.

The election calendar was not strictly followed, neither regarding the location of campaign activities nor the time. In the last days before campaign silence, campaign activities in Dili increased markedly. Different political parties often changed their schedules, creating confusion among the electorate, observers and security personnel (also observed in Manatuto district). Members of ASDT/PSD were angry with the bigger party CNRT for changing their campaign schedule and occupying the only big ferry in Dili, going to Oecussi district with their staff and campaign gear. FRETILIN and CNRT had their two biggest rallies in the National Stadium in Dili few days before E-day. Supporter turnout was massive, both local supporters from the capital and trucks loaded with people coming from many surrounding districts.

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37 Regulation on the Electoral Campaign Art. 4, 6, 13, 25, 27, 29 and 31

38 El Art. 29 and Regulation on Electoral Campaign Art. 7
In Manatuto district, after a very quiet campaign period for the second round of the presidential election, campaign for the legislative election was still low key, with no major rallies (with high profile candidates) taking place during LTOs’ stay in the district. Rallies and dialogues observed by LTOs gathered between 150 – 300 people, at the most. Campaign atmosphere was in general good. On one occasion, FRETILIN presented a letter to LTOs, signed by PD, PSD, ASDT and CNRT, asking FRETILIN to stop campaigning in Natarbora sub district, or political or physical confrontations might take place.39

Public officials have been spotted campaigning in several districts, and abuse of other public resources for campaign purposes has also been observed. In Manatuto district, LTOs received verified information that Regional Secretary for Western Timor-Leste (and Alkatiri’s Deputy Secretary General) campaigned for FRETILIN in all 6 sub districts. There were constant claims from opposition party representatives that FRETILIN during door-to-door campaigning paid money to voters. LTOs were unable to verify these rumors.

EU EOM comments on a possible breach of Art. 6 of the Regulation on the Electoral Campaign (Art. 6.1.c: Impartiality of public entities) referring to the signing of community contracts for local development, offered by the FRETILIN government to all Suco Councils, a total of 10.000 dollars to each council. 4000 dollars was paid by late May 2007 and the rest, 6000 dollars, was to be transferred after the election. LTOs, like EU EOM, question the timing of this move, and also the way it was organized, splitting the sum and leaving the main part of the money pending until after the election.

Women and Election for Parliament

Many women in Timor-Leste experience a harsh daily life. Domestic violence against women is widespread, and women suffered badly from acts of infringements during the occupation years, not to mention towards the end of this period. While rape is a punishable offence, cases are seldom prosecuted in the courts. Customary practices also discriminate against women; in many regions meaning women may not inherit or own property. Also worrisome, CNRT at present encourages women to resolve rape and domestic violence cases through traditional rules (which in reality means a paid compensation for the victim).40

While in Manatuto, LTOs heard little or no specific reference to women and women issues/women rights in any of the campaign events observed. Women NGOs, with their limited resources, were observed working actively with STAE/UN counterparts on voter education programs, both addressing the electorate in general and women especially.

Commendable, the EL Art. 12 provides for at least one woman per every group of four candidates, in the end securing 18 female mandates to the new Parliament.

39 LTOs raise some questions concerning the authenticity of this letter.
40 Parliamentary election. EU EOM manual
On 28 May, 2007, the Women’s Organizations in Political Parties, PST, UNDERTIM, FRETILIN, CNRT, PD, PSD/ASDT, PR, PMD, PDC, PUN, PDRT and PNT respectively, presented a common platform with issues of national concern. Topics addressed here are: empowerment and education of women, policies to ensure women’s access to employment and health and how to strengthen women’s capacities in politics. Further; promotion of rights and gender equality, the need for an improved justice system, relevant bills and enforcement mechanisms to protect women, the need for strengthening unity and solidarity amongst Timorese women and increase media’s interest in gender questions and women issues.41

Continuous cooperation across party lines (and across gender) will be important success factors in Timorese women’s struggle for more political influence, equal rights and a better future.

The Media

While freedom of speech and the freedom of the press and mass media are guaranteed by the Constitution, Timor-Leste has yet no press law. Media’s role in elections is regulated by the EL, Regulation on Electoral Campaign and a Code of Conduct for Media Professionals. Media is to provide equal opportunities to all parties. Broadcasting time shall be distributed in a non-discriminatory way, and fees shall be equal and public.42 The Code of Conduct prescribes the rights and duties of media professionals, such as secure conditions for exercising their functions, right of access to electoral information and further duties like professionalism, complying with laws and regulations and promotion of democratic principles.

In general, media organs of Timor-Leste are in a growing process, with a young and inexperienced group of journalists. Radio and Television Timor-Leste (RTTL) operates the only public radio and television channels. The TV channel (TVTL) is more or less limited to Dili, while the radio channel’s (RTL) coverage is nationwide. There are local community radio stations operating in all districts, but own production of programs here is limited. Newspapers are with one exception only published in Dili, three daily; Timor Post, Suara Timor Lorosae and Jornal Nacional Diario and two weekly; Semanario and Tempo Semanal. 43 The newspapers are only sold on the streets with practically no dissemination outside the capital. Readership is also small due to low income, language problems and illiteracy in large part of the population.

For the legislative election, EU EOM monitored TVTL, RTL, and Timor Post, Jornal Nacional and Suara Timor, focusing on coverage of candidates/parties, the quality of the coverage, possible bias, campaign issues, civic and voter education and accomplishment of laws regulating the media election coverage. They conclude that Timorese media, with its limited resources (lack of adequate legal framework included), has made an

41 Women’s Political Platform of Women’s Organizations in Political Parties for the Parliamentary Election 2007 (see annex)
42 Regulation on the Electoral Campaign Art. 16, 19 and 21
43 One weekly newspaper is published in Oecussi district, Lifau Post
effort to both publicize and report on relevant electoral issues. Media coverage (TV and radio) of the campaign has been fairly balanced, while the picture has been slightly different for the print media, where FRETILIN has been given more space.

Observation on the Polling Day

European Union observers visited 188 out of totally 708 polling stations in the 13 districts of Timor-Leste. In addition, the whole process of counting and tabulation in each DTC and NEC's review of minutes from the districts were observed. In general, EU EOM assess the process as calm and orderly. Electoral materials arrived on time, party agents were present and polling procedures were in general followed, with some exceptions. Polling stations opened and closed on time and the reception and reconciliation of ballot papers and the actual counting at DTCs were in general well organized. The notable exception was in Dili, were the layout of the counting centre at first did not allow for necessary transparency (something that was later corrected). Almost all DTCs opened the actual count late due to late completion of the reception step. Counting process was slow, but procedures were transparent and generally in accordance with the law.

By LTO Ragnhild Hollekim

Area of responsibility

LTO team 04, Ragnhild Hollekim and Javier Sola Asensio (Spain) was deployed to Manatuto. This district is located in the centre of Timor-Leste, reaching both the north and the south coast, in the north, Strait of Wetar, in the south, the Timor Sea. The population is approximately 40.000 inhabitants. The capital is Manatuto, a small town located on the north coast, one and a half hour drive from Dili going east, counting 12000 inhabitants. There are all together six sub-districts, Manatuto, Barique-Natarbora, Laclo, Laclubar, Laleia and Soibada. The district is hilly and infra-structure is poor, leaving parts of the district in general difficult to access and often completely inaccessible during and after heavy rain. There were 36 polling stations in Manatuto district, 9 in Manatuto town.

On election day, the LTO team covered 10 polling stations in two sub-districts, 7 in Manatuto town and 3 in Laclo (polling stations observed for opening and closing included). In two of the PSs, no voters were observed voting, due to the fact that most voters voted before lunch break. LTOs were well received in all PSs, and in every way assisted in our observation work.

Observation of the opening

Polling stations shall, according to EL art. 33, open at 07.00 hours. The presiding officer shall before opening check credentials of staff and observers present, check that all
material has been received/ballot boxes are empty, count and record ballot papers received in the minute, together with other information provided for in the regulations.\textsuperscript{44}

Opening was observed in Manatuto town. The PS opened half an hour late. All five staff members had arrived on time. The work in the PS was led by a female presiding officer. In addition seven party agents and two domestic observers were present. The procedures for opening were not strictly adhered to, ballot papers were not counted, only by ballot booklets, and the minutes were not filled in as provided for.\textsuperscript{45} On a few occasions, voters were not properly checked for ink on identifying themselves, but properly inked before leaving the location. In general, staff appeared well trained, competent and efficient, following procedures carefully, securing an easy flow of voters.

Observation of the polling

For polling, voters have to identify themselves (voter’s card or Timorese passport), names and gender are recorded, and fingers shall on identification be checked for ink. A stamped ballot shall be marked by a pen or a punch. After the vote, and on leaving the premises, the voter’s right index finger shall be stained with indelible ink.\textsuperscript{46}

During election day, LTOs observed competent polling station staff following procedures and securing the process in an efficient manner, but for one notable aspect of the polling process. On many occasions, LTOs observed voters not being thoroughly checked for ink on identifying themselves. This is a concern, since inking is the only way to prevent double voting (at present, the voter register is not broken down on PS level). On the other hand, all voters were in a diligent manner inked before leaving the premises. If double voting had been a problem, we have reason to think that a voter being previously inked would have been spotted at this point of the process.

Everywhere visited there were presence of party agents from different parties and domestic observers, everyone expressing satisfaction with what they had seen when asked by LTOs. On several occasions, individual parties had more than one agent present and some confusion was observed regarding party agent accreditation cards. Party agents were sometimes seemingly accredited as domestic observers or carrying accreditation cards not issued for this election.

No complaints were forwarded at PSs by any voter or party during E-day, security was good and no instances of disruption of any kind were observed (or heard of).

Observation of the closing

Closing of PS is at 16.00 hours (EL art. 33). On closing, unused and cancelled ballots are to be counted and stamped and number of voters having cast their votes counted, all to be entered into the minutes, together with other information provided for in relevant regulations. Agents from political parties are allowed to sign the minutes (no signing does not mean invalidation of the minutes). Sensitive and insensitive election material are to be packed, sealed and immediately escorted to DTC by presiding officers and brigadistas, by the help of STAE, PNTL, UNPOL and supervised by CNE).\textsuperscript{47}

\textsuperscript{44} Regulation on Procedures for Polling and Tabulation art. 29 and 30
\textsuperscript{45} According to the presiding officer, the minute would be filled in when the PS closed
\textsuperscript{46} Regulation on Procedures for Polling and Tabulation art. 32
\textsuperscript{47} Regulation on Procedures for Polling and Tabulation art. 35, 36, 37 and 38
Closing was, like the opening, observed in Manatuto town. The PS observed closed on time, the procedures for closing were mainly adhered to and the process well and efficiently run by female presiding officer and brigadista. LTOs observed the presence of a large, inattentive and somewhat disorganized crowd of party agents. Two domestic observers were also present. After some clarification, the figures reconciled and were entered into the minutes. Numbers of ballots issued, cancelled, unused and number of voters were not read out loud, seemingly there is no specific provision for this in the regulations. Six party agents signed the minutes together with polling staff; from PMD, PUN, PD, ASDT and PDC, respectively. It was observed that these party agents did not check what the presiding officer had actually written in the minutes before signing. The closing process itself was done in 30-40 minutes. Since the brigadista did not accept UN police’s offer to take the boxes in their car, we waited another 1 ½ hour before STAE arrived with a big enough lorry for the transport. The brigadista and the presiding officers escorted the material on the lorry, followed by security, while party agents followed on motor bikes. No negative reactions were observed concerning the fact that the ballot boxes, for this legislative election, as opposed to the procedures in the presidential election, were transported to the DTC to be counted.

Observation of the counting and the tabulation

As mentioned earlier, a contested amendment to the EL provides for counting at District Tabulation Centers for this legislative election. After closing of polling stations, all electoral material shall be transported to respective DTCs, where the reception and counting exercise starts immediately, without allowing identification of tabulation results per PS (EL art. 46). A reception team shall verify and check (reconcile) minutes from every PS, ballots are to be mixed, counted in piles of 50 and initially stored in boxes (altogether 20 piles of 50 ballots in each ballot box), for then to be reopened and counted according to party lists.48 A last moment memorandum from STAE allowed for only one observer/party agent pr. organization/party to be present at all times in the DTCs, due to limited space. Further, according to counting centre instructions, party agents or observers were not allowed to discuss with counting officers. The minutes of the initial tabulation results from DTCs have to be forwarded to CNE within two days from election day, allowing only two days for counting at district level.49

By 20.30 on election day, STAE had, very successfully and due to an elaborate plan for retrieval and good weather conditions, received the election materials from all but two polling stations in the district (this material arriving by helicopter as scheduled the next morning).50 The reception exercise went well in spite of a somewhat chaotic atmosphere to begin with, and the reconciliation of the minutes from all polling stations was verified with only one exception, a calculation problem that was solved after a more thorough examination. The actual count started by one team the next morning, at first parallel with the reception exercise, but on finishing this, two counting tables were established, speeding up the process somewhat.51 On the afternoon of 1 July, after protests from parties concerning the dissatisfaction with STAE’s decision to allow only one party

48 Regulation on Procedures for Polling and Tabulation art. 43
49 EL art. 46 and 47
50 With extensive help from UNMIT and UN Police
51 UNMIT also intervened with helpful advice, in the end also double checking counted piles together with counting staff.
agent per party in the counting centre, this decision was changed to one party agent per counting table. In Manatuto, CNE had at this point already showed some flexibility on this question, allowing both LTOs to be present at one time.

Under the supervision of CNE, counting and tabulation were performed in a slow, but very transparent and diligent manner, CNE also exhibiting necessary flexibility to secure a smooth process. A number of obviously valid ballots were declared invalid, counting staff (in a consistent manner) only accepting a cross or a hole on/in the ballot, not really assessing if the will of the voter was clear.\(^{52}\) Very few ballots were contested, due to the fact that counting staff, against procedures and under way, discussed these ballots with the party agents present, who seemed to have the same understanding of how ballots could be marked to be declared valid.\(^{53}\)

In Manatuto DTC, there was large presence of security (PLNT) in and just inside the door to where the actual counting took place. This is against procedures\(^ {54}\), but they were obviously asked to stay there by STAE/CNE and as LTOs see it, they were needed for crowd control and did not intervene negatively in any way.

Counting and tabulation in Manatuto finished at noon on the third day after E-day. Party agents, started by FRETILIN, signed the minutes, indicating a legitimate process and a trust in the final, provisional results from Manatuto district.

In Manatuto district, turnout was 73%, a decrease of 4% since the presidential election and 7% lower than the average turnout in the country. CNRT received 33.9% of the votes, ASDT/PSD 17.33%, FRETILIN 17.5%, PD 12.67%, AD/KOTA 3.25%, PST 2.91%, and UDT 1.98%. This picture is very much similar to the results for the first round of the presidential election, indicating a “loyal” electorate. Blank votes were 0.99% while invalid votes were 2.79%, a very distinct improvement since the presidential election (when the respective numbers were 2.75% and 6.60%).

By LTO Kristin Jæger

Area of responsibility

The team was assigned half of Dili’s sub-districts; Metinaro, Cristo Rey, Nain Feto and the island Atauro. Another two person team covered the remaining districts in the capital. The city has an estimated electorate of 100 000. There were at least 15 camps for internally displaced persons in the AoR, where disturbances related to the election were expected.

Observation of the opening

Many voters were lined up already one hour before opening of the polling centre/station. Polling staff were present long before opening, but did not start final preparations until shortly before 07.00. Counting of ballots and entering information into the protocol

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\(^{52}\) Regulation on Procedures for Polling and Tabulation art. 47

\(^{53}\) All invalid/contested ballots from districts were later reviewed by CNE, Dili, resulting in a large percentage of them being accepted.

\(^{54}\) According to EL art 36, to be stationed more than 25 meters outside the premises
(acta) was time consuming. The observed polling station consequently opened half an hour late. National and international police (UNPol) were present outside as stated in the electoral law. Everything was orderly and calm, although there were a few irregularities concerning accreditation of party agents (fiscais). A person claiming to be a party agent was actually displaying accreditation which said “National observer”. There were also questions raised as to whether media were to be allowed inside the polling station.

Observation of the polling

The electorate voted mainly early in the morning and by 11.00 most polling stations had very few visitors. There were few irregularities, but the team observed a woman delivering a complaint, allegedly having received a marked ballot in the polling station outside Dili proper. Polling staff had asked her to deliver the complaint to the CNE, but she returned to the polling station with her complaint. Polling staff were in general well trained, most having taken part in the presidential elections earlier this year. However, recent changes in the Electoral Law regarding complaints, counting and accreditation gave rise to situations where polling staff were not sure of regulations and how to react.

Observation of the closing and counting

In Dili, the closing process observed was swift and hurried. For hours there had been very few visits to the polling station and the staff had all their papers readied the minute the closing time arrived. There seemed to be an emphasis on reaching DTC with the sealed ballot boxes as soon as possible. A convoy with polling staff, police, party agents and national and international observers was accompanied by screaming police sirens through the capital.

There was some confusion the first night on reception as to how many party agents would be allowed into the counting centre in Dili, and this resulted in some complaints. Also the layout of the venue was not conducive to close observation the first night of reception. The number of allowed observers was increased the next day and the area was sufficiently changed so that observers came closer to the counting tables and could see the ballots and counting process satisfactorily. Counting staff were serious and diligent, but counting in Dili still took five days to finish.

Observation of the aggregation and verification of results

This took place in CNE in an orderly and calm atmosphere. Fortunately a big number of contested and invalid ballots from the district tabulation centers were accepted as valid votes.

The review of Complaints Process

There is a general right of appeal (with no further details) to the Supreme Court of Justice against any decision made by electoral bodies at all levels, provided for in the Constitution and the Law on Electoral Administration Bodies.

Complaints related to the presentation of candidacies shall be filed with CNE, and can be appealed against to the Supreme Court. During polling, any voter or party can file
complaints, to be reviewed and decided on by electoral officers (and if not ruled upon in a satisfactory way to the complainant, forwarded to CNE). Complaints forwarded during counting and tabulation at DTC shall be submitted to CNE for deliberation and decision. Complaints regarding provisional tabulation of national results by CNE can, within 48 hours, be presented to the Supreme Court. The Court has 48 hours to deliberate and decide in such cases (EL art. 24, 45 and 49).

As mentioned earlier, while the EL and regulations in detail elaborate on what is to be considered as an electoral offence/crime, CNE lack own enforcement powers, apart from publicly reprimanding stakeholders who commit electoral offenses or crimes (which was done on several occasions for the legislative election). This makes CNE less effective in their work, also commented on by EU EOM.

Cases of electoral crime are forwarded to the public prosecutor and the ordinary criminal system, with no further time limits for when a decision has to be made.

In their Preliminary Statement, EU EOM expresses dissatisfaction with transparency, both concerning access to, decision making process and content of complaints. CNE did post some information about received complaints on their web site, and for a period of time they also shared information on individual complaints with EU EOM. On 26 June, a decision was taken by CNE not to share information on complaints during the process, only when a final decision had been reached.

CNE received 83 complaints during the pre-election process, over E-day and until 8 July. 29 of these complaints were forwarded to the Prosecutor’s office.55 There were no complaints regarding provisional election result from CNE. According to CNE, the majority of complaints were filed by political parties concerning acts of provocation and intimidation from other political parties. A large proportion of the complaints were forwarded by FRETILIN.

From Manatuto, over E-day, one complaint only was forwarded to CNE, from a group of opposition parties. The parties questioned an alleged transport of 14 empty ballot boxes from Dili, to STAE Manatuto, a rumor also heard by LTOs. As LTOs understand, there was indeed a transport of empty ballot boxes taking place. STAE Manatuto was in need of these boxes for the reception/counting of ballots, and they had together with their UN counterparts, requested these boxes from Dili.

Conclusions and recommendations

In general, the first regular parliamentary election in Timor-Leste was accomplished in a peaceful atmosphere, allowing parties and candidates (with some exceptions) to compete in an open and fairly democratic manner. The turn out, exceeding 80% for the third election in a row within a period of 3 months, indicates a determined, and to a large extent informed electorate. Dedicated electoral bodies/staff (and UN counter parts), together with party agents, observers and security, secured a process that in the end also

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55 CNE web site
implied a high degree of legitimacy as for the final result. That said, a number of challenges need to be addressed.

In general, there is a need to have relevant laws and regulations in place and well coordinated in good time before elections. For these elections, a number of important regulations and code of conducts (relevant for both the presidential and the parliamentary election) were issued by STAE and approved by CNE well into the campaign period for the presidential election. Important and welcomed amendments of the EL (also incorporating into the EL many provisions attended to by regulations and codes of conduct for the presidential election) came very late, only the day before opening of campaign for the parliamentary election. In light of stakeholders’ and the electorate’s need for information, late passing of laws and regulations is a challenge and may also reduce their value as steering tools. On the other hand, election bodies and their UN counter parts should be complemented for the fact that necessary provisions (for the most) were in place in time for conducting elections, taken into account the crisis of 2006.

EU EOM comments that the amendment process itself, with controversial decisions “forced” through by a FRETILIN majority in Parliament, at a late stage and with little deliberation, resulted in lack of trust in the motivation for some changes in the EL. More time, more openness, more deliberation and possibly more negotiated solutions concerning important provisions for elections can in general be recommended, as they may secure more legitimacy and support for relevant provisions across party lines and thereby also in the electorate at large.

In general, CNE as an institution needs to be strengthened. There may also be a need for efforts to increase the electorate’s and stakeholders’ trust in STAE as an independent institution. Even if LTOs observed nothing to imply that they did not operate professionally and independently, the fact that they do operate directly under Ministry of Administration makes them vulnerable to more or less verified accusations of not operating independently of incumbent government.

There is a need, as LTOs see it, on district level to further clarify the role and the mandate of the CNE focal point system, and their relation to STAE concerning decision-making processes and division of labor/responsibility. For this election this also goes for the role and mandate of STAE/CNE and the UN counterparts, which obviously are important success factors.

While the legal framework, seen as a whole, has most provisions needed for the conduct of democratic election, there is a need for new provisions in the EL providing CNE with proper enforcements powers. As underlined by EU EOM, CNE needs to be more open and transparent concerning complaints, how they are handled and finally decided upon.

Political parties and coalitions in Timor-Leste need a more level playing field financially. There is a need to include provisions in the legal framework for controlling campaign expenditure, possibly also a limit on campaign expenditure.

For next elections, voter’s register should be broken down to polling station level. This will make the use of indelible ink redundant, a system that did not function satisfactory for this election, mainly because voters were often not properly checked for ink on identifying themselves.

The contested amendment of the EL, providing for counting at the DTC and not at respective PSs, should be evaluated. Counting at DTCs reduces transparency, but LTOs
do see there can be arguments for and against a solution like this in a new democracy and a possibly vulnerable political atmosphere. The time frame for counting at DTC turned out to be too short. This may also have been related to the size of the premises/lay out of the DTC, as more counting tables could in principle be possible, speeding up the process considerably.

Abuse of public resources by incumbent party was for this election seemingly limited, but observed. Cases of public officials campaigning for incumbent party and timing for transfer of money for government development projects in rural areas should be addressed.

In general, political parties need to be strengthened structurally and financially, to be able to develop party platforms (with clear political goals and plans for how to attain prioritized goals) and get this message/information across to the electorate. This will help the electorate to take informed choices, and secure the base for further democratic development in Timor-Leste.

Comments on the election observation mission

EOM Core staff was generally found to be competent, professional and supportive of LTOs in their work. Leadership, training and day to day information flow were satisfactory, even if LTOs this time missed more regular political updates from Dili during field work. A mid-term briefing would have been welcomed, but LTOs realize that the time frame, and extensive restriction on movements due to the security situation, made this difficult to arrange.

LTOs were very well equipped communication wise and logistics did an excellent job. Security in Timor-Leste is an ongoing challenge, and much focused upon. LTOs felt assisted and well followed up in this respect.

This mission was somewhat short (altogether four weeks), and LTOs were deployed to respective districts only two weeks before election day and more than half way into the campaign period. This priority can be both explained and understood in light of the fact that EU EOM had been present in Timor-Leste since March 15, and this being the third campaign period being observed.

Norwegian LTOs found it a bit challenging to be deployed to the third, only, of three election rounds in a period of 3-4 months. It was obviously helpful to lean on the information of our EU EOM LTO colleagues (most of them had been present for all three elections), but it was also a challenge to catch up with all the relevant and necessary information, joining in at the very end, only, of a long process.
Appendices – not available in the web edition:

EU EOM Timor-Leste, Parliamentary Elections preliminary statement 2 July 2007

Women’s Political Platform of Women’s Organizations in Political Parties

National Provisional Results from the 30 June Parliamentary Elections

The Carter Center Preliminary Statement