



**European Union Election Observation Mission
Democratic Republic of Timor-Leste
Parliamentary Elections – 30 June 2007**

PRELIMINARY STATEMENT

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

Dili, 2 July 2007

The European Union Election Observation Mission (EU EOM) has been present in the Democratic Republic of Timor-Leste since 15 March following an invitation from the government of Timor-Leste to observe both Presidential and Parliamentary Elections. The EU EOM is independent in its findings from EU Member States, the European Commission and the European Parliament. The Mission is led by Chief Observer, Mr. Javier Pomés Ruiz, Member of the European Parliament (Spain). In total, the EU EOM deployed 36 observers from 17 EU Member States, plus Norway and Switzerland. The EU EOM was joined by a delegation of the European Parliament, led by Mrs. Ana Gomes, MEP from Portugal, which endorses this Statement. The observers were deployed across all 13 districts of Timor-Leste to assess the entire electoral process in accordance with international standards for genuine and democratic elections. The EOM adhered to the “Declaration of Principles for International Election Observation” signed at the United Nations in October 2005. On elections day, the observers visited 188 polling stations out of the total of 708 in all 13 districts to observe voting and counting. The EU EOM is currently observing the counting and tabulation process and will remain in country to observe the complaints and appeals process and all aspects of the post-election process. The EU EOM will publish a final report, containing detailed recommendations, within two months of the conclusion of the entire process.

Executive Summary

- Timorese people have chosen for the first time their Parliament members from a plural range of party options. This represents a great step forward in the consolidation of a democratic culture and towards a peaceful end of the deep crisis in which the country was plunged in recent times.
- The campaign ran in a generally peaceful atmosphere, despite some isolated, serious incidents, particularly the Viqueque events of 3 June, when two persons were shot down after a CNRT rally. To the extent of their available resources, party agents were able to engage in all kind of campaign activities throughout the country. In some cases, however, parties avoided campaigning in areas where they felt unwelcome or overtly threatened and harassed by other parties’ members. There have also been occasional clashes among sympathizers of rival parties, disruption of campaign activities and arson, this latter not always clearly linked to the campaign.
- The parties with most financial resources outspent the others. There is no legal limit on campaign expenditures, but a variety of monetary contributions is forbidden, while there is no mechanism to control them. The EU EOM detected the use of public resources to the benefit of party interest as well as the participation or partial behaviour of public officers, but it was limited to few cases.
- Media coverage of the campaign was balanced, taking into account the working conditions of the media companies, which are going through a process of development as many other institutions of the country. Despite its weak human and technical resources and a very limited impact nationwide, the Timorese media have contributed to the electoral process in the middle of adverse working conditions.

This preliminary statement is available in English, Portuguese and Tetum but only the English version is official

- The legal framework is broadly in accordance with international standards for democratic elections, but contains significant gaps and was finalised late. Problematic aspects that need to be addressed before future elections include the lack of enforcement powers and sanctions to ensure compliance with the law.
- The amendment of the law came late and was approved by a one-party majority in parliament, making the process controversial in its motivation and not agreed by other parties. The late change to district counting, although understandable from the point of view of protecting the anonymity of voters, required additional training for counting staff and voters' education. The EU EOM welcomes the new provision for special voting in prisons and hospitals.
- The CNE's effectiveness is hampered by its lack of enforcement powers. Letters of reprimand sent to parties that were not complying with the code of conduct, though welcome and commendable, only apply symbolic pressure.
- The CNE did not publish the entire content of complaints, both decided and in process. Access to all the complaints was denied, making the process less transparent. Public information about how to make a complaint, and about how complaints were resolved, needs to develop and improve.
- The coordination between STAE, UNMIT and ISF was close and solved logistical problems emanating from the adverse weather conditions. However, it is of concern that international UNMIT staff took the lead when crucial decisions had to be taken in the districts in preparation for elections day.
- On Elections day voters turned out in significant numbers, again in a calm and orderly manner, and polling procedures were generally well followed. Few instances of intimidation and disruption were reported by the EUEOM observers present in all the districts. Representatives of political parties and national observers were seen in virtually all the polling stations visited, contributing to the transparency of the process.

Preliminary Conclusions

Background

The 30 June Parliamentary Elections have been the first ones celebrated after Timor-Leste's independence. The newly elected parliamentarians will replace the 88 national constituents who were voted in 2001 to draw the Constitution and automatically became Members of Parliament on 20 May 2002.

According to article 17 of the Law on the Election of the National Parliament, on 11 April the President of the Republic set by decree the election date for 30 June, after consultations with the parties. There has been a controversy over the expiration of the parliament's term, between those defending the date of 20 May 2007, five years after its constitution, and those who argue for 15 September 2007, five years after the beginning of the first legislative session. Finally, 15 September prevailed as the date of expiration of the parliament's term.

The total number of Members of Parliament elected on 30 June was 65. They were voted through plurinominal, closed lists in a single national constituency. The lesser number of seats along with a 3% threshold of the vote to enter the Parliament will result in a smaller number of parties represented.

The EUEOM welcomes the new provision to include at least one woman per every group of four candidates, as well as the rule that female parliamentarians vacancies must always be filled by the next woman candidate on the respective list, as a step towards a gender-balanced representation in Parliament. However, the fact that the parties have just filled the minimum quota may lead to a Parliament with a number of women representatives lower than 25%, smaller than the one currently existing.

Twelve parties and two coalitions have presented lists for the Parliamentary Elections. All the seven candidates who had run for the presidency along with José Ramos-Horta, who became the president after the 9 May second round of the elections, occupied prominent positions on the list of their parties for the Parliamentary Elections. These facts have guaranteed a plurality of choice and the election of parliamentarians with solid electoral background and experience.

Legal Framework

The Law on the Election of the National Parliament was amended, approved by a marginal parliamentary majority (45 members present, all voted in favour, all FRETILIN, out of a total of 88 members of parliament). There was no public debate and the law was promulgated by the President on 29 May, one month before elections. It is of concern that the law was passed without agreement among the political parties.

As was recommended by the EU EOM after the second round of the presidential elections voting for prisoners and the hospitalised was regulated. The EU EOM views as a positive development the new arrangements for voting in prisons and hospitals through mobile polling stations.

Before the presidential elections earlier this year, counting took place at district level. Counting at polling stations was satisfactory in the presidential elections and an improvement was noticed in the second round. In the view of the EU EOM, the new procedure whereby counting takes place at the district level takes away from the citizens their ability to safeguard and monitor the process closely. Counting at district level requires additional logistical and security preparations for the transport of the ballot boxes,

which the national authorities do not possess. However, no negative reactions among voters were observed by EU EOM when polling day ended and ballot boxes were removed without performing the actual counting. Problems were detected at the district level, especially in Dili, related to access of party agents to follow up of the process.

The rationale behind the shift in the location of the counting was to hide the preferences of villages and small towns in order to avoid after-election violence. However, this was not served by the amendment to the electoral law, as mixing of the ballots was not foreseen but was included in the guidelines later approved by CNE.

A prohibition in the electoral law to religious authorities from influencing voters was removed in the last minute and after the law had been approved by the parliament and presented to the president for promulgation. The Commission for constitutional issues, freedoms and guarantees tasked with correcting errors in wording, took the liberty to change a substantive issue in the law.

Lastly, the removal of the photo of the first candidate on the list from the ballot paper, takes away one identification tool for the illiterate voters.

Election Administration

The elections are administered by the Technical Secretariat for Election Administration (STAE), which falls under the Ministry of State Administration. The independent National Election Commission (CNE) is tasked with supervising the process, and the United Nations Integrated Mission in Timor-Leste (UNMIT) provides advice and logistical support to both electoral bodies.

Polling and Tabulation Center staff Training – A one-day long training was provided to all polling station staff in sub-districts. EU EOM observers reported that this training was generally well done. Taking into account that a majority of polling station staff are the same as for the presidential elections and that the tasks are easier (as they do not include counting), the training was easier. The staff at the District Tabulation Centers was also reportedly well aware of procedures.

Voter education – Voter education is an important part of preparations for elections in a new democracy such as Timor-Leste. STAE carried out voter education, through local NGOs, churches and community organisations. However, EU EOM observers reported that voter education activities were generally poorly attended, due to lack of coordination with local authorities, traditional chiefs and some local NGOs, who are needed to mobilise people. Voter education teams around the country successfully informed voters about the new counting system.

Accreditation and training of candidate agents – Weather conditions made the task of distributing accreditation by the party agents difficult. The last accreditations were delivered by STAE on 26 of June. An improvement was noted in relation to the presidential elections as no “free access” or “party observer” passes were issued. The candidate agent’s knowledge of procedures was not complete, particularly at the District Tabulation Centers.

Delivery of material - Adverse weather conditions have hindered the initial movement plan for the delivery of sensitive material in the district capitals and in the sub districts. Yet, in a commendable joint effort the CNE and STAE, with the assistance of United Mission in Timor-Leste (UNMIT) and the ISF (International Stabilization Forces), have coped with the inaccessibility of several polling centers and successfully managed to have them all fully operational on Election day.

Relation between the two electoral authorities - The fact that the two electoral entities do not fall under the same chain of command (STAE falls under a Ministry and the CNE is independent) and that there is a marked lack of institutional arrangements for coordination between the two bodies seems to create a vacuum in decision making. Closer working relations between the two institutions were reported by the EU EOM observers in the districts. An improvement in comparison to the presidential elections is the lack of public disagreements.

UNMIT's role - Close cooperation between national and international STAE and CNE staff was key for the successful organisation of the elections. However, a pattern was reported by the EU EOM observers in the districts of the international staff taking a leading role which went beyond their advisory condition. Although this was demanded by the difficult operational circumstances, it reveals a weakness of national electoral institutions.

CNE action against reported violations - The CNE lacked transparency in publicising decisions regarding complaints. This included making the information available to the observers, even in the case of complaints already decided upon. Putting on the CNE website the classification and summary of the complaints does not provide enough information for the observers to make a rigorous analysis of the process. The fact that the CNE has no enforcement powers is an impediment in the process.

Voter Registration

After the presidential election an additional registration period was given, between 21 and 25 May. This brought the total number of eligible voters for this parliamentary election to 529,198 (257,527 female and 271,671 male).

The fact that the voters' list was not broken down by polling station, that voters can vote in any polling station in the country and that a person can vote with three different documents (old and new voter's card, and passport), leave the inking of the finger as the only real safeguard against double voting. Although these flexible provisions are made in order to enfranchise as many people as possible and to assist the displaced, after these elections it would be useful to reconsider and break the list into individual lists for each polling station.

Registration of Candidates/Political Parties

The Law on the Election of the National Parliament specifies what the ballot contains. This section was amended somewhat controversially to remove the requirement for the photograph of the candidate in first place on the list. The argument was made by those supporting the amendment that the lists are party lists and should not contain individuals' photographs. However, coming at a late stage, the amendment was viewed as politically motivated.

The fact that the Minister of State Administration is a candidate while in charge of the election administration, although not against the law, can create a conflict of interests in a country with new and fragile institutions such as Timor-Leste.

Campaign Environment

The campaign ran from 29 May to 27 June in a relatively peaceful atmosphere, only disturbed by some isolated, and sometimes serious, incidents. The EU EOM did not register any breach of the silence period (28 and 29 June).

Only in 1.5% of the campaign activities attended by EU EOM's observers violence was present; besides, in only 4.7% of these events factors of disruption or intimidation were observed. The presence of police should be credited for this low incident level: police was observed in 87.5% of the campaign activities. The general tone of the events was positive in 98.44% of the witnessed events.

Most often, all the parties were able to hold community meetings, where their representatives explained their programs to local leaders and authorities, and took note of their needs and requests. They also engaged in door-to-door campaigning, mostly in what they deemed as their electoral strongholds. The EU EOM observed, however, that in several instances the line between door-to-door campaign and sheer intimidation was crossed. In some other cases, members of political parties tried to prevent others from campaigning or refused to quit the venue used for their activities for other parties to campaign as agreed with the CNE. In so doing, parties failed to observe the code of conduct and accord, signed by all of them on 25 May, which did not foresee any sanctions. Furthermore, there has been a frequent disrespect for the calendar of electoral activities disseminated by the CNE, through the common cancellation or reschedule of activities.

For its special seriousness as a way of hindering campaign activities, the EU EOM wants to especially point out the case of Home (Lautém district), whose *chefe de suco* authorised only political activities of FRETILIN out of his alleged fear of disruptions to the public order.

The most serious incidents in the run-up to the elections occurred in Viqueque on 3 June, when a member of the CNRT campaign team was shot down by an off-duty policeman, and one villager was also killed by police officers at a road shortly after. In addition, another person died after being run over by an UNPOL vehicle in Dili on June 27, shortly after the end of FRETILIN's closing-of-campaign rally. Twelve FRETILIN supporters were also injured after the rally ended as a result of clashes with opponents in the streets of the capital. An undetermined number of them were wounded too in Metinaro (Dili district) during violent confrontations with members of adversary parties, as they were on their way to Dili to attend the rally.

Other violent episodes have been registered by the EU EOM, involving a significant number of affected people but no fatalities, namely the harassment of party members and arson of their houses in Bobonaro and Ermera, and the disruption of other parties' campaigns and a resulting tense security situation in Baucau, Lautém and Liquiçá.

Public officials have been spotted by observers as actively campaigning in several districts or using public resources for proselytizing purposes in Dili, Manatuto, Baucau, Cova-Lima, Viqueque and Oecusse. In addition, in almost 30% of the campaign activities observed there was some distribution of goods (food, water, party-labelled goods, etc.) or money.

The signing of community contracts for local development offered by FRETILIN to all suco councils across the country might amount to a breach of article 6.1.c. of the Regulation on the Electoral Campaign, which forces public entities to be impartial. The *chefes de suco* who signed it did it as representatives of their communities and in so doing indirectly endorsed a party platform. Furthermore, the EU EOM documented a case in Bobonaro where a *chefe de suco* was feeling somehow forced into signing the contract.

The EU EOM considers inappropriate the use of FRETILIN symbols to campaign in favour of CNRT by members of its internal group FRETILIN-Mudança and CNRT itself, for it might have misled voters. On June 4, FRETILIN filed a complaint with the CNE in Lautém for this reason. Nevertheless, the EU EOM notes also that FRETILIN failed to apply disciplinary actions against the members who did not comply with the party line, as stipulated in article 86 of the party's statutes, before the end of the campaign period.

Parties received \$30,000 and coalitions \$45,000 each for financing their campaigns from the Government. In addition, political organizations can disburse an unlimited amount of money from other sources, as long as they are not listed as forbidden by the Political Parties Law (such as those from state companies, NGOs, trade unions, religious groups, charities, foundations, foreign governments or companies). Consequently, the richest parties can overcome the poorest ones in terms of available resources. In EU EOM's view, there should be a mechanism in place to examine financing and impose sanctions in case of breaches, other than the simple submission of the parties' accounts to the CNE.

As already stated in the preliminary statement issued after the second round of the presidential elections, the EU EOM is concerned with the involvement of Vicente da Conceição, a.k.a. Rai Los, as CNRT campaign coordinator in the district of Liquiçá, despite having been recommended for prosecution on criminal charges by the United Nations Independent Special Commission of Inquiry for Timor-Leste, created to investigate the events that led to the May 2006 crisis. The inclusion of Paulo de Fátima Martins, former general commander of PNTL, as the 16th candidate on the list of CNRT for the Parliamentary Elections is also worrying due to his institutional responsibility in the "redistribution of weapons to western officers and the removal of weapons from the PNTL National Armoury without the knowledge of the armoury officer", as stated in the aforementioned report.

Media Environment

The impact of the Timorese media in the election was conditioned by the country's post-conflict situation and the lack of conditions for the development of its mass media. Timor-Leste is the poorest country of Asia. 40% of its population lives below the national poverty line and around half of the population is illiterate. According to a recent survey, the radio channel of public RTTL (Radio and Television of Timor-Leste) is the most important source of information about current events (44.6%), but its daily reach is less than 30%. The TV branch of RTTL is a source of information for 17.4%, with a daily reach of 19%; and local newspapers are a source of information for only 6.8%, with a circulation almost limited to Dili.

As many other institutions in the country, the Timorese media are in a process of development: it lacks skilled human resources, technical means and an adequate legal framework. Timor-Leste has no Press Law. A Code of Conduct for the media was approved for the Presidential and Parliamentary Elections, establishing generic principles and rules. The coverage of the campaign was mostly restricted to follow the events promoted by the parties and coalitions. RTTL assigned a team of reporters to cover each party's campaign. The reports were broadcast in the newscasts (TV) and in a special radio program. All the parties were given 20 minutes of free airtime by RTTL. Due to lack of staff and financial constraints, the coverage by the newspapers (all private) was even more restricted to events in or close to Dili, and to reproduce press statements and declarations by political actors.

With its limited resources, the Timorese media have tried to give its contribution to publicize electoral issues and the parties' proposals, and to report controversies and exchange of accusations.

According to preliminary data collected by EU EOM media monitors from 12 to 30 June (elections day), the media coverage of the campaign was fairly balanced in terms of distribution of time among political parties, ranging from 8.08% for PR to 5.44% for PDC on TV, and from 12.76% for FRETILIN to 4.80% for PST on radio. Data for the print media show a wider range, reflecting the different approach of newspapers to the campaign due to its meagre resources, insufficient to follow all parties: FRETILIN leads the amount of space given to political parties by Suara Timor Lorosae (39.39%), Timor Post (34.66%) and Jornal Nacional Diário (29.03%).

FRETILIN filed a complaint with CNE for unbalanced distribution of time to the parties in two state TV's news services. Out of its own initiative, the CNE also warned the only TV channel about wrong information concerning the composition of the coalition Aliança Democrática. The daily Suara Timor Lorosae was accused by CNRT and FRETILIN of misleading reporting. FRETILIN even called a press conference at its headquarters to accuse the newspaper, during which a small group of its militants/supporters were involved in unacceptable acts of intimidation against reporters. CNE also criticized the same newspaper for one news piece involving some of the commissioners.

Participation of Women

The female quota of 25% in the parliament is guaranteed in the electoral law. It is remarkable though, that Timor-Leste already complied with this percentage before the obligation was introduced, given that 22 of 88 members of the outgoing parliament were women.

CNE misinterpreted the spirit of the law when initially disqualifying AD for not complying with the quota of a female candidate out of every four. The spirit of the law is to guarantee a quarter of the candidates to be female. In the case of the AD coalition, this was guaranteed by having two women out of the first four candidates on the list. However their list was found not complying with the law by CNE. The court decided in favour of AD.

The participation of women in the electoral administration was significant. In 34% of the polling stations observed, the staff was women and in 21% the chairpersons were women.

Civil Society

KOMEG (Coordinator for the Monitoring of the General Elections) was again present in most polling stations observed. GOITIL (Grupo de Observadores Independentes de Timor-Leste) was also present in a large number of polling stations. Domestic observers play a crucial part in guaranteeing the transparency of the electoral process and would benefit from continued training.

Polling

EU observers visited 188 of the 708 polling stations in all of the 13 districts of Timor-Leste. Election Day took place in a calm and orderly manner throughout the country with only a few isolated incidents of disruption and intimidation. In spite of the logistical difficulties of the delivery of material due to the adverse weather conditions, all the essential material was present in all the polling stations visited during the day.

Representatives of the contesting political parties and coalitions were present in all the polling stations visited by our observers (in many cases two agents were present per party inside the polling station, instead of the stipulated one), as well as the national observers, both making a significant contribution to the transparency of the process. However, EU EOM observers detected several cases in Lautém, Bobonaro, Viqueque and Baucau where the party representatives were present inside the polling station while apparently wearing a forged national observer accreditation card.

Polling procedures were known and generally well followed by the polling stations staff; they were assessed positively in 90% of the polling stations visited, demonstrating the quality of staff training and the professionalism of election officials. However whereas almost 90% of the presiding officers effectively counted the ballots received at the opening of their respective polling station, only 56% of them recorded this number in the minute. In a positive development for the later counting and tabulation process, in 93% of the polling stations observed the figures of received, unused and cancelled ballots reconciled with the number of voters' signature on the lists. As in the presidential elections, while inking the voters' finger was conducted properly, in around 77% of the polling stations observed voters were not always checked for ink before voting.

Polling stations closed on time around the country with some cases of early closing in the districts. The retrieval of the election material for transfer to the district tabulation centers was well organized and well accepted by the electorate, who was aware of the new regulation regarding the location of the count.

The reception of the ballot boxes and the reconciliation of the ballot papers were generally well organized in all the districts with the notable exception of the Dili District Tabulation Center (DTC). Indeed, the original layout of the DTC did not allow the observers and the party agents to fully observe the process and therefore for the latter to exercise their right to contest the allocation of votes. Furthermore, the implementation of a STAE memorandum passed on the 20 June that only authorized one observer from the same organization to be present at the same time inside the DTCs had the potential to compromise the transparency of the process. In a positive development, and after an interruption of the process, the layout of the Dili DTC was changed, and observers and party agents were in a better position to fulfil their tasks. In addition, the CNE commissioners in charge of the DTC in the districts have received instructions to allow more than one observer/ party agents inside the DTCs.

Counting

Due to late completion of the reception step, almost all the DTC opened late. EU observers reported that the counting and tabulation process at the DTC proceed slowly but with election officials performing their tasks with commitment and generally in accordance with the law. Party agents and national observers were present in large numbers. EUEOM will continue to observe until the completion of the process.

The EU EOM wishes to express its appreciation to the *Minister of Foreign Affairs* and other Timor-Leste authorities, political parties and civil society, and to the United Nations Integrated Mission in Timor-Leste for their cooperation and assistance during the course of the observation. The EU EOM is also grateful to the Office of the European Commission to Timor-Leste and to the *International Organisation of Migration* for their operational support throughout.

An electronic version of this Preliminary Statement is available on the Mission website www.eueomtimorleste.org

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