

Observation Report for the Parliamentary Election 2017

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Contents

Contents	2
Introduction	3
Methodology	3
Previous elections in Timor-Leste	3
Security situation during the election period	4
Election campaign	5
Election day	7
Election Results	9
Recommendations	11
Bibliography	12



Introduction

Fundasaun Mahein (FM) is a civil society organization that has conducted monitoring, research, and advocacy related to the security sector in Timor-Leste since 2009. During 2017, FM monitored the Presidential Election on March 20th and Parliamentary Election on July 22nd. FM staff strictly obeyed the election rules in order to maintain their status as independent, neutral, and nonpartisan observers. As a result, FM's observers—15 in total—received accreditation from the Technical Secretariate for Electoral Administration (STAE).

The election campaign for the 2017 Parliamentary Election lasted one month, from 20 June until 19 July. Campaign activities occurred throughout Timor-Leste, as political parties attempted to woo voters. On 22 July, voters went to the polls to choose the parties which they trusted to improve their lives via the democratic process. Like the Presidential Election a few months prior, the calmness of the Parliamentary Election represented another triumph for political stability and maturity in Timor-Leste.

This report describes the results of FM's observations during the campaign, including campaign activities, voting day, the vote count, and the final announcement of the election results. FM believes that the observations and recommendations in this report can make a positive contribution to the management of future elections.

Methodology

In order to fully understand the entire election process FM conducted an initial review of the legislation related to the election. FM's process also involved direct observation during the entire election season, beginning with the start of campaigning and ending with the announcement of the election results. FM observers were stationed in eight districts: Baucau, Bobonaro, Covalima, Dili, Ermera, Liquiça, Manatuto, and Viqueque. Afterwards, FM concluded the report through a method called *SecuritySector Discussion* (SSD), in which FM staff discussed their findings and produced recommendations.

FM recognizes that this report does not contain exhaustive observations or analysis of the entire election process due to inevitable limitations. Instead, this report aims to view the election period from a security perspective focusing on irregularities, incidents, and accidents.

Previous elections in Timor-Leste

Timor-Leste is well acquainted with political and security problems during elections. In 2001, the Timorese people elected a Constitutional Assembly in the first election after the 1999 Referendum. The Constitutional Assembly eventually became the National Parliament. Next, the first election for the President of the Republic was held in 2002. The country's political and security situation became particularly volatile during the 2007 elections, which occurred in the wake of the 2006 political crisis.¹ Tensions



were also high during the 2012 election,² as UNMIT (the United Nations Integrated Mission in Timor-Leste) was preparing to depart.

Much of this violence during past elections reflected the broader tensions in the country. This means that some people have argued that the violent incidents were not directly linked to the electoral process, given that violence began before the campaigning period and continued unabated after the announcement of results. According to this analysis, the instability during the 2007 General Election derived from the 2006 political crisis, which pitted the Timorese people against one another and caused an upsurge of violence linked to Martial Arts Groups (MAGs).³ However, FM noted an upsurge in violence during the electoral campaigns for the President of the Republic and the National Parliament. The situation became even more serious after the announcement of the Parliamentary election results happen in Viqueque, Baucau, Dili and Ermera, and other districts. Consequently, FM believes that much of the violence was linked to the election.

Similarly, in the 2012 election, during the election campaign and the announcement of the election results, and the formation of the Government, confrontations occurred that left several people dead. A serious event occurred in Dili, when the police shot dead one student student in Hera-Dili.⁴

The United Nations' mission in Timor-Leste finished in 2012. The 2016 Election for *suku* leadership therefore represented the first election organized by the Government of Timor-Leste since the UN's departure. This *suku* election occurred successfully. A few months later, the Presidential Election for the 2017-2022 term happened on 20 March 2017. Many observers perceived this election as a crucial test for Timor-Leste's security institutions. The 2017 Presidential Election happened peacefully, demonstrating the progress that had been made in the decade since the fractious 2007 elections. The same progress was evident in the Parliamentary Election on 22 July 2017.

Security situation during the election period

Throughout the election period, security prevailed in the entire country, creating a calm atmosphere in which citizens could enthusiastically participate in democracy. All these things relied upon exhaustive efforts by the electoral bodies, specifically the National Election Commission (CNE) and STAE, who organized the vote with security support from the National Police of Timor-Leste (PNTL) and the FALINTIL-Timor-Leste Defense Force (F-FDTL). In addition, the national and international media played an important role in disseminating information to the public.

¹ Assessment Report about Armed Violence in Timor-Leste (TLAVA). Election Violence in Timor-Leste: identification and assessment of incidents and responses. No. 3, June 2009.

² The 2012 Election saw a fatal incident in Hera-Dili which killed a young man (a student) after the election. Nevertheless, in general there were fewer violent incidents compared with the 2007 Election.

³ Assessment Report about Armed violence in Timor-Leste (TLAVA). Groups, gangs, and armed violence in Timor-Leste. No. 2, April 2009.

⁴ Report Fundasaun Mahein, July 2012.



Independent monitoring from national and international observers also upheld the legitimacy of the electoral process.

During its monitoring activities, FM observed the sincere efforts of political party leaders who sought to prioritize the interests of the nation and guarantee peace and stability during the election campaign. Importantly, a National Unity Pact was announced by the President of the Republic, the Interior Minister, and the Conflict Prevention Network. Timorese citizens also held various events to promote peace and stability on their own initiative. This historic moment demonstrated the maturity of the Timorese people and their ability to overcome the political strife of the past.

All citizens could freely participate in campaign activities, as they were not threatened with the violence that has plagued Timor-Leste's elections in the past. Consequently, people engaged in the electoral process freely across the entire country. Meanwhile, a few non-serious incidents occurred during the campaign due to the decisions of some political parties and party supporters. Unfortunately, one day before the end of the campaign an accident occurred that killed one supporter. In addition, some houses were destroyed in Viqueque district during a small confrontation that occurred when some KHUNTO party supporters returned from the campaign.

Election campaign

1. Vote-buying controversy

During the election campaign in the districts in which FM conducted observations, FM's staff heard allegations from communities about certain political parties distributing money, aluminum cans (useful for building houses), and rice. FM also noticed that two days after the election campaign's "day of calm" (on which all political activity is prohibited) some political parties mobilized their supporters to return to their home villages where their electoral cards are registered.

Accusations of "money politics"—or the distribution of money by political parties—were levelled by PLP President Taur Matan Ruak, who registered a formal complaint from the community that the CNRT and FRETILIN parties distributed money during the election campaign. This became headline news in national media publications.

According to the July 1st edition of the Timor Post, PLP President Taur Matan Ruak made these accusations during the PLP campaign in Sub-district Letefoho, Ermera district, on June 29th. This news also stated that each *suku* received US \$3,000 to distribute to supporters and sympathizers. Each person who up to that point had decided to not align themselves with a political party received US \$25 to follow the campaign. Nevertheless, the CNRT party leadership insisted that the CNRT did not distribute money to supporters and demanded proof of this alleged handouts. The FRETILIN party leadership also rejected the allegations of money distribution during the election campaign.



During FM's observations, some campaign participants also stated that before they went to the campaign certain political parties offered to fill up their gas tanks with gasoline for free. Before receiving the fuel, they were required to give their name and receive a party shirt. FM heard these allegations on July 6th in Vessoru *suku*, sub-district Uatolari, Viqueque district, when the CNRT was campaigning in Uani-Uma *suku* in nearby Uatocarbau subdistrict. Some people told FM that "because they give free gas, we want to follow the CNRT campaign—even though our party isn't the CNRT and we consider our vote". FM confirmed that the CNRT was the party responsible for the free gasoline distribution. Specifically, the people filling up potential supporters' fuel tanks belonged to the group Come Support Xanana (*Mai Apoiu Xanana*). Some people also told FM that Come Support Xanana also gave cash handouts to people who followed the CNRT campaign. However, no one offered any proof of this alleged money distribution.

2. *Violations of campaign schedules*

During the campaign period, FM also noticed that some political parties violated the rules of the campaign schedule laid out by the CNE. On July 6th, FM observed incidents in Bobonaro involving the PLP and KHUNTO campaigns. According to the official schedule, KHUNTO campaigned in Maliana beginning from morning until noon. However, after the FM team arrived at the location, they confirmed that the KHUNTO campaign activities had moved in the afternoon, so that the FM team did not manage to observe the subsequent KHUNTO event. Along the way, the FM team noticed that KHUNTO party supporters used martial arts attributes as well as the symbol "46". FM also identified these symbols in other districts and in Dili, but could not identify their true meaning or their relation to campaign activities. Similarly, FM also struggled to discern the connections between political parties and MAG's at these events.

The PLP campaign in Bobonaro district, according to the official calendar, should have spent the afternoon of July 6th in Balibo. However, they moved again because of the religious activity surrounding the Catholic *Cruz Joven* monument in Balibo. Subsequently, the PLP campaign moved again on July 7th and conducted their activities in Maliana town.

Violations of the campaign schedule continued in Liquiça District, where the FRETILIN campaign engaged in speeches in Tibar *suku* for a time period that exceeded the hours stipulated by Government Decree N.º 18/2017, 12 May, regarding Election Campaign Rules, Article 11. This law permits political parties to conduct activities only between 8:00am and 6:30pm. While giving a speech, FRETILIN party leaders declared that there was no problem with continuing past the legally required stopping point.

3. *Violations of the Highway Code*

When the campaign began or in the first week in Dili, the PNTL mounted a serious effort to respond to violations of the Highway Code by people involved in political campaigns. However, the efforts only continued for a few weeks. Violations by political party supporters on motorbikes continued unabated. In fact, violations were



committed by supporters of almost all political parties during their campaigns. Supporters and sympathizers often drove motorcycles without wearing helmets. They also engaged in motorbike racing, which made loud noises on public streets. In some cases, parties used motorbike racing to attract people to campaigning areas.

In addition, convoys in Dili failed to provide space for public movement. FM spoke with on-duty PNTL members who stated that they struggled somewhat to stop convoys which involved many people. Furthermore, the PNTL cannot intervene or enter inside campaign places, even if some supporters use motorbike racing to make noise around campaign areas.

Convoys of political party supporters struggled to coordinate with police personnel. This resulted in some accidents which injured and sometimes killed people. FM recorded that in Bobonaro a PLP supporter was wounded during their campaign convoy. Another supporter died and a few were wounded—some lightly, some seriously—in an accident during a CNRT campaign party in Dili on July 18.

Election day

1. Voters did not want to vote in a new suku

On voting day, some voters did not want to vote in a new *suku* which was established at Ailok *suku* in Cristu Rei subdistrict. In this situation, some other voters intimidated the voters who did not want to go to Ailok, threatening to send police personnel to apprehend them. Some voters did not want to vote in Ailok *suku* because it was a new *suku*; instead, they wanted to vote in Becora *suku*. This situation necessitated a long discussion, impeding the voting process until 10:00am. After that, voting began again.

2. Party staff and community leadership

In Bairo Pite *suku*, Dili, staff members from the PD party threatened STAE and CNE staff and demanded that they count well during the tallying of votes. FM also observed that police officers were absent during this event. PD staff walked in and out during the vote count, blatantly disregarding election rules. FM also observed PD staff intoxicated during the voting process and the vote count. The pressure caused by this disrupted the tallying of votes by STAE and CNE officials. As a result, in the counting of votes, the number of ballots recorded exceeded the number of people who had voted at that voting center. Finally the votes were counted again until 2am on July 23rd.

At the Voting Center in Uailili *suku*, Baucau district, FRETILIN staff stood near the door of the voting center when voters formed to enter the voting center and told voters to vote for their party. FM also identified that FRETILIN members in Uailili *suku* carried families' electoral cards to the voting center to vote. Afterwards, FM confirmed with STAE that such practices are not authorized because one person cannot vote more than one time or use other people's electoral cards in order to vote. In the voting center in Ritabou *suku*, Maliana Subdistrict, Bobonaro District, FM noticed that some people with disabilities were brought to the voting center by their



children. When they arrived at the voting center, the FRETILIN staff intervened and asked to help carry them to vote. Consequently, these disabled individuals' children did not carry their ballots directly to the ballot box, creating the possibility of tampering with these citizens' votes.

In Kampung Alor *suku*, Dili, on the day of the election *Suku* Chief Kampung Alor walked through the *aldeia* and village suburbs in order to tell communities to vote. FM believes that the *suku* chief's exhortations could have potentially influenced voters to support certain parties.

3. Party attributes on election day

On voting day, FM observed that PD stickers were not removed from Bedasisuku, in Fatululic subdistrict, Covalima district. On voting day, these PD stickers remained within the voting centre itself. In the voting center in Uailili *suku*, Baucau district, FRETILIN supporters came to vote wearing FRETILIN party shirts. Hence STAE and CNE officials as well as PNTL officers made them return home to change clothing, after which they came again to vote. In addition, one voter over 70 years of age entered to the voting centre carrying a FRETILIN flag (a small sticker). Officials subsequently took it away.

4. Incidents on and after election day

On 22 July 2017 at 2:30pm, a group threatened a F-FDTL member in the Fatuahi area of Dili. The group proceeded to provoke the F-FDTL member in order to start a fight. The Military Police promptly intervened and arrested one person from the group that had threatened the F-FDTL member.

On 23 July 2017, FRETILIN and PD supporters clashed in Avansa *aldeia*, Bairro Pite *suco*, in Dili. PD confronted FRETILIN supporters about a nearby bridge built by the PD party during the election campaign. The PD supporters declared, "This is a PD bridge. You FRETILIN supporters cannot walk on this bridge because you did not vote for PD". Then a FRETILIN supporter with a motorcycle provoked the PD and PLP supporters with the taunt "PD builds nothing". As a result, fighting began between the Fretilin supporters on one hand and the PD and PLP supporters on the other.

5. One voter publicizes her vote

In Uailili *suku*, one young woman took a photo of her voting ballot and subsequently posted it on her Facebook account. This case was identified by a CNE official in the voting center in Tirilolo *suku*, Baucau district. FM confirmed that this CNE official informed the Baucau CNE and that the Baucau CNE staff had directed the PNTL to arrest this person. But when this CNE official arrived in Uailili *suku* the police had not yet taken action. A CNE official in Uailili *suku* confirmed he had already shared the evidence with the police. However, the police stated they are still waiting for authorization from their superiors to make the arrest.

Election Results

Twenty-one parties were enrolled for the July 22nd Parliamentary Election. Election results showed that five parties passed the 4% threshold required to take seats in the National Parliament. These parties were FRETILIN, CNRT, PLP, PD, and KHUNTO. The total of 65 seats in Parliament was divided between these parties. FRETILIN received 23 seats, the CNRT obtained 22, the PLP received 8, the PD obtained 7, and KHUNTO received 5.⁵

Party/Coalition	Total Votes	Percentage (%)
FRETILIN	168.480	29,7
CNRT	167.345	29,5
PLP	60.098	10,6
PD	55.608	9,8
KHUNTO	36.547	6,4
PUDD	15.887	2,8
UDT	11.255	2,0
FRENTI-MUDANÇA	8.849	1,6
PEP	6.775	1,2
APMT	5.461	1,0
BUP	4.999	0,9
PST	4.891	0,9
PSD	4.688	0,8
PR	3.951	0,7
PDN	3.846	0,7
CASDT	2.330	0,4
PDP	2.079	0,4
PDC	1.764	0,3
MLPM	1.332	0,2
UNDERTIM	1.216	0,2
PTD	669	0,1
Total	568.070	100

Source: National Election Commission (CNE), 28 July 2017

This result showed that no party obtained more than 50% of the votes. This means that negotiations will ensue in order to form a coalition between the political parties that have won seats in the National Parliament.

⁵ National Elections Commission (CNE), 28 July 2017.



Following the announcement of results, the President of the Republic gathered the leaders of the political parties that passed the 4% threshold in the Presidential Palace. These leaders have now spoken to the public about the formation of the new Government. Nonetheless, at this point no one knows how the new Government will form. FRETILIN is the party that received the most votes (29,7%). The FRETILIN Secretary General, Dr. Mari Alkatiri, stated that FRETILIN will attempt to form an inclusive government and rely on other parties' support. But the negotiations necessary to forming a coalition have yet to begin. After meeting the President of the Republic, PLP President Taur Matan Ruak stated that the PLP will become part of the political opposition in the National Parliament. However, the PD and KHUNTO stated that they are ready to form a coalition. The CNRT leadership, through its Secretary General Francisco Kalbuady Lay, announced that it would hold a party conference in order to make decisions about the CNRT's position. FM observed that during the election campaign, the CNRT leadership stated that if their party did not obtain an absolute majority it would go into opposition in the National Parliament.

The 2007 Parliamentary Election offers a lesson that is relevant to Timor-Leste's current situation. FRETILIN won that election with the largest number of votes, but failed to form a coalition. Finally, the CNRT joined with the PD party to form a coalition named the Parliamentary Majority Alliance (AMP). Frustrated by its status as an opposition party despite receiving the largest number of votes, FRETILIN responded angrily to the formation of the AMP coalition and vowed to oppose it.

A similar situation occurred in the 2012 Parliamentary Election, in which the CNRT won the election but the highest number of votes but fell short of passing the 50% mark. Therefore a coalition was formed named the Coalition Government Bloc (CGB), formed of the CNRT, the PD and a small party called the Front for Change. FRETILIN continued as the opposition in the National Parliament. By the beginning of 2015, the CGB was on the verge of collapsing due to internal disagreements. This situation led to important realignments, including the resignation of Xanana Gusmão from his post as Prime Minister. Upon resigning, Gusmao indicated that the new Prime Minister should come from FRETILIN. The public therefore speculated that the CNRT would form a new, different coalition with FRETILIN. Although the FRETILIN leadership rejected the possibility of joining the CNRT in a coalition, they permitted one of their leaders to take the post of prime minister at the CNRT's request. Speculation continued that a new FRETILIN-CNRT coalition would be formed in 2017 after the Parliamentary election.

All of this means that there is a possibility that the situation following the 2007 Parliamentary Election will repeat itself. In this scenario, FRETILIN would fail to form a coalition despite winning the highest tally of votes, enabling the formation of a coalition composed of the CNRT, PLP, PD, and KHUNTO. Another potential scenario involves FRETILIN making a coalition with the CNRT. Such an arrangement would confirm previous speculations about a FRETILIN-CNRT coalition in the 2017 Parliamentary Election. This cooperation between FRETILIN and the CNRT continued during the 2017 Presidential Election, in which Gusmao and the CNRT supported FRETILIN member Francisco Guterres "Lú-Olo" for the office of President of the Republic. Guterres proceeded to win when the election occurred on 20 March



2017. Hence also during the campaign for the 2017 Parliamentary Election, the FRETILIN leadership stated that, “If FRETILIN wins, Xanana wins,” and “FRETILIN will include the support of Xanana when forming the government.” All this remains to be determined. The outcome of the election will now depend on negotiations between the leaders of the political parties.

Recommendations

1. Political party leaders should continue maintaining communication with each other so as to guarantee peace and stability during the formation of the new government.
2. FM recommends that the entire public accept the recent election results regardless of whether they did or did not agree with one another during the election campaign. Similarly, they should accept the outcome of the political dynamics that will form the new government.
3. FM recommends that the electoral bodies—specifically the CNE and STAE—pay attention to the weaknesses identified by this report in order to improve the functioning of the electoral bodies in future elections.
4. FM recommends that the security authorities continue working independently in order to maintain security during the impending formation of the government. They have succeeded in preserving calm during the election campaign, voting day, and the announcement of results. They must continue performing at this high level as the new government forms.



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