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LEGISLATIVE ELECTIONS IN TIMOR LESTE

ELECTION OBSERVATION DELEGATION

5-9 July 2012

REPORT BY NUNO MELO, CHAIR OF THE DELEGATION

Annexes:

- I. List of participating MEPs**
- II. Declaration of Mr Nuno Melo, Chair of the EP Delegation**

INTRODUCTION

Following an invitation from the Government of the Democratic Republic of Timor-Leste from 24 October 2011 and the decision of the High Representative and Vice-President of the Commission Mrs Catherine Ashton on the deployment of an EU Election Observation Mission (EU EOM), the Conference of Presidents of the European Parliament authorised on 16 May 2012 the sending of a delegation to observe the legislative elections in Timor-Leste.

The year 2012 is a milestone for the country's recent democracy, after 10 years of independence and the expected withdrawal of the main international forces at the end of the year. For the first time, the 2012 general elections were entirely led by Timor-Leste authorities and therefore have constituted a real test on the capability of the country to conduct such a process.

The EU Election Observation Mission (EOM), present in Timor-Leste since 26 May 2012, was led by Chief Observer Fiona Hall, a British member of the European Parliament. Altogether the EOM deployed 70 observers (from 25 different EU member states, as well as from Switzerland and Norway) in the 13 districts of the country.

A delegation of the European Parliament joined the EU EOM on 7 July. The delegation was chaired by Mr Nuno MELO and was also composed of Mr Agustín DÍAZ DE MERA GARCÍA CONSUEGRA, Mr Csaba SÓGOR, Mr Juan Fernando LÓPEZ AGUILAR, Ms Ana GOMES, Ms Ana MIRANDA, and Ms Anna ROSBACH.

The Delegation wishes to highlight its excellent cooperation with and express its particular thanks to the Chief Observer Ms Fiona Hall, the EU Election Observation Mission, and the EU Delegation in Timor-Leste.

BACKGROUND

The 7 July 2012 elections for the National Parliament of Timor-Leste were the second legislative elections to be held since the country gained independence in 2002.

The relatively well-run 2007 parliamentary elections were held in extreme fragile circumstances following the violent social and political crisis of 2006. FRETILIN, the traditional movement which led the struggle for independence facing Indonesia and which had formed the first post-independence government in 2002, won the 2007 elections but was unable to form a majority. Consequently, the second most voted party, the National Council for Timorese Reconstruction (CNRT) - headed by Kay Rala Xanana Gusmão - proposed a party coalition, forming a government that has been able to finish its five year mandate albeit long standing differences between coalition partners and internal frictions.

Prior to the July 2012 legislative elections, presidential elections took place in March and April 2012 which were organised for the first time by the country, while the United Nations Integrated Mission in Timor-Leste (UNMIT) took a back seat. The results of the

Presidential elections came partly as a surprise, with incumbent President José Ramos-Horta left out of the second round and with the independent Taur Matan Ruak (José Vasconcelos), supported by the CNRT party of Prime Minister Gusmão, winning the final round over the candidate of the larger FRETILIN party, Francisco Lu Olo Guterres.

Great expectations were therefore put on the outcome of the legislative elections on 7 July. Moreover, as the UN presence in the country is widely expected to phase out towards the end of 2012, the smooth conduct of the parliamentary elections would further facilitate this process, especially as the presidential elections have been described as peaceful, free and fair, pointing to the Timorese political system consolidating and gaining maturity.

ELECTION OBSERVATION

Civil society was very active in election observation - with a total of 46 national observer groups accredited, comprising 2,618 national observers - thus contributing to increased transparency on Election Day.

Thirty-three international observer teams were also deployed, including teams from the Community of Portuguese Speaking Countries (CPLP), ASEAN Regional Forum, the International Republic Institute (IRI), etc. Locally-based embassies, including those of Indonesia, Thailand, France, Australia and the USA, also deployed staff to observe, in some cases with independent observers from their countries joining them.

ORGANISATION OF THE ELECTIONS

The legal framework of Timor-Leste provided an adequate basis for the conduct of democratic elections in line with the principles contained in the international instruments for democratic elections. The laws governing parliamentary elections have been extensively amended since the 2007 election, reflecting a substantial part of the 2007 EU EOM's recommendations.

A new provision in the law states that party lists should ensure that one out of every four candidates is a woman - which is a change from the previous rule. While political parties just managed to comply with this legal requirement, leadership training for female parliamentary candidates could be envisaged in future to further increase their participation in elections.

Two electoral management bodies share competences in the conduct of the elections in Timor-Leste. The independent National Election Commission (CNE) is a supervisory body, tasked to enforce constitutional and legal provisions relating to the electoral process. The Technical Secretariat for Electoral Administration (STAE) is responsible for the overall organization of the elections with mainly administrative, logistic and consultative powers. During the 2012 electoral process both bodies were able to jointly carry out their responsibilities in an impartial and neutral manner.

CANDIDATES

The amended Parliamentary Electoral Law provides for the formation of a 65 seat National Parliament, appointed through a closed-list proportional representation system for the term of five years. The law foresees a 3 % threshold for parties to take up seats in parliament.

Twenty-one parties and party coalitions took part in the elections. The ruling CNRT party and its leader, Prime Minister Xanana Gusmão, were seeking to win enough seats to allow them to govern with an absolute or relative majority in the new Parliament. Its main challenger was FRETILIN, which was in power from 2002 to 2007. The party with the third largest proportion of votes was the Democratic Party (PD), supported by former President Ramos Horta. The Front for Change also managed to win a number of seats. None of the remaining parties managed to obtain representation.

It is worth noting that in many cases the political platforms of the parties participating in the elections did not differ significantly, with political groups being organised around the personalities of the main leaders.

PROGRAMME OF THE DELEGATION

Following a briefing with Ms Hall and the core team of the EU Election Observation Mission, which provided a full overview of the situation, the Delegation held meetings with H.E. Taur Matan Ruak, President of Timor-Leste, H.E. Jose Ramos Horta, Nobel Peace Prize Laureate and Former President of Timor-Leste, Mr Tomás Cabral, Director of the Technical Secretariat for Electoral Administration (STAE), national and international observer groups (including the CPLP, ASEAN Regional Forum, IRI), as well as UNMIT representatives. In view of the vital role of the Catholic Church in Timor-Leste - which is an integral part of the modern political, cultural, and spiritual landscape of the country - a meeting was also requested (but did not take place) with the Bishop of Dili, Alberto Ricardo da Silva.

Nevertheless, the observer group made up of Nuno Melo and Agustín Díaz de Mera had a chance to exchange views on the process with the Bishop when they met at a polling station in Dili.

ELECTION DAY

On Election Day, the EP delegation split into three groups to observe in Dili, in its surroundings (districts of Alieu, Liquica, and Ermera), and in Baucau. The three teams observed from the opening (7.00 a.m.) to the closing and counting. On the evening of Election Day, the Head of the Delegation and the members of Parliament, present in Dili, also observed the tabulation preparations. All the EP teams deployed reached similar conclusions:

- Voting took place in a peaceful and calm atmosphere, free from intimidation or disturbances.

- Procedures were executed in a highly transparent manner, with numerous domestic observers and party agents closely following the voting and counting.
- Polling staff - almost half of which was women - was well-trained, competent and efficient, which greatly contributed to the successful running of the elections.
- Participation rate was high, with people queuing in an orderly manner in front of the polling stations to cast their vote.

JOINT PRESS CONFERENCE

After Election Day, the EP delegation held an internal meeting to discuss its observations. A debriefing with Ms Hall also took place.

On Monday 9 July, chief observer Fiona Hall presented the preliminary statement of the EU EOM and Mr Melo spoke on behalf of the EP delegation in his capacity as its Chair.

Mr Melo highlighted the smooth running of the voting procedures and the deep commitment of the electoral authorities to making sure that the whole process unfolded in an impartial, transparent, monitored and participative manner. He also noted that with these elections Timor Leste had consolidated its democracy and had proven the maturity of its institutions, which was a significant achievement for such a young country and an example to the world. The European Parliament would continue to stand by Timor Leste, and establish a political dialogue with its newly-formed Parliament, established on the basis of the 7 July elections.

It is important to stress the need to fine-tune the rules ensuring a more rigorous approach to news reporting and the publication of the right to reply, particularly where political events are concerned, as our attention was subsequently drawn to the publication in the Jornal Nacional Diário newspaper of statements denouncing irregularities in the electoral process which were attributed to the head of the European Parliament's delegation, without this being in any way true, although it had some impact, given the aim of the mission.

FINAL RESULTS

The Appeal Court (acting as Supreme Court) validated the final results of the legislative elections on 17 July. The voter turnout was estimated at 482 792 (out of an electorate of 645 624), with an overall participation rate of 74.78 %.

Only four of the 21 political parties contesting the elections managed to secure seats in the Parliament. The CNRT party, led by Gusmão, received 36.68 % of the vote. The opposition Fretilin party came second with 29.8 %. The Democratic Party lay third with 10.3 %, placing it in a key position in bid to form a government by Gusmão. Frente-Mudanca was the fourth party to make it to Parliament with 3.11 % of the votes. Seventeen parties - which received a total of 20.02 % of the votes - were unable to reach the 3 % threshold.

The distribution of seats in the Parliament is as follows:

National Parliament of Timor-Leste (65 seats):

CNRT	30 seats
FRETILIN	25 seats
PD	8 seats
Frente-Mudanca	2 seats

CNRT was thus three seats short of being able to govern in its own right. The party therefore invited the Democratic Party and Frente-Mudanca to participate in the government, rather than choosing to form an all-party national unity government.

Following the absence of any invitation to FRETILIN to join the post-election coalition government, there was a certain amount of civil unrest in the country. One person was killed and a number of cars and houses were burned or destroyed. Although this incident was not alarming, the overall post-election situation in the country and its ability to form a government without major violence is a decisive factor in maintaining the presence of the United Nation's peacekeeping mission in Timor-Leste.

It is also important to note the fact that by not participating in a national unity government, FRETILIN will have the opportunity to play a significant role as the main opposition party, scrutinising the Government's policies and acting, as is normal in a democracy, as a check on those exercising power in the Government and Parliament and providing opposition to them.

CONCLUSIONS AND RECOMMENDATIONS

The Election Observation Mission of the European Union remained in Timor-Leste until the end of the post-election process and presented a final report on the elections. This report contains recommendations to the Timorese authorities, aiming to improve certain aspects of the electoral process for future elections.

The election observation Delegation of the European Parliament as part of long-term EU mission was an important tool in the evaluation of the electoral situation in Timor-Leste. The delegation recommends that the Election Coordination Group, the Committee on Development Commission and the relevant Delegations monitor the findings and recommendations of the final report of the EU EOM and use it as a basis for their political dialogue with Timor-Leste.

EUROPEAN PARLIAMENT
ELECTION OBSERVATION DELEGATION
PARLIAMENTARY ELECTIONS IN TIMOR LESTE

7 JULY 2012

MEMBERS

Mr Nuno MELO (PT), EPP, Head of Delegation

Mr Agustín DÍAZ DE MERA GARCÍA CONSUEGRA (ES), EPP

Mr Csaba SÓGOR (RO), EPP

Mr Juan Fernando LÓPEZ AGUILAR (ES), S&D

Ms Ana GOMES (PT), S&D

Ms Ana MIRANDA (ES), GREENS/ALE

Ms Anna ROSBACH (DA), ECR

Declaration by Nuno Melo, Head of the European Parliament Delegation

I would like to start by addressing the Timorese people and their authorities. The Timorese have voted in the elections held on 7 July and chosen their Parliamentary representatives for the next term.

Judging from the way the process went, it is clear to me that Timor provided an example for the whole world; it has consolidated its democracy and has proved the maturity of its institutions.

I must say that it has been an honour for me to lead the delegation of seven Members of the European Parliament of different nationalities and from a range of political groups who travelled to Timor. We have worked together as a team as part of the Election Observation Mission of the European Union, headed by Ms Fiona Hall.

I would like to express my warmest appreciation to the MEPs Agustín Díaz de Mera, Csaba Sógor, Ana Gomes, Juan Fernando López Aguilar, Ana Miranda, and Anna Rosbach, for the trust they placed in me.

I feel certain that I speak on behalf of the entire delegation of the EPE in extending my warmest thanks to the members of the secretariat (Emília Gallego, Nikolina Vassileva, Alyson Wood) and the interpreters (Maria Adriana Carvalho-Possemiers, Paula Cunha Mattos, and Garry Mullender), who showed the very highest degree of commitment and professionalism.

During our stay in Timor, we met with the President of the Republic, Taur Matan Ruak, leaders of the CNE (National Electoral Commission), STAE (Technical Secretariat of Electoral Administration), representatives from the United Nations and the UNMIT, observers of the CPLP (Community of Portuguese-speaking countries), ASEAN (Association of South East Asian Nations) the IRI (International Republican Institute), and several embassies.

Throughout the entire Election Day we split into teams and travelled to various parts of the country. We monitored the running of the polling stations, the activities of the officials designated by the electoral authorities; the observation carried out by NGOs and other associations, we talked to people and we saw how everything was running according to the rules.

It is only fair to highlight the deep commitment of the electoral authorities in making sure that the whole process unfolded in an impartial, transparent, monitored and participative manner.

Allow me to say that I feel fully confident that in Timor-Leste, the voting process went very smoothly indeed without any noteworthy incidents. This is the most gratifying assessment that any observer can make in the scope of his duties.

Timor-Leste, has made a huge effort to adapt its democratic institutions and processes to international standards. In such a young country the progress made is a huge achievement. Timor has started to take its first steps: with its infrastructure destroyed and the nation exhausted by the long struggle against foreign occupation, but driven by the will to build a new and independent future.

After only a few years, it is clear to see that investing in democracy, respect for civil liberties and people's education is paying off.

Equally, the European Parliament, which played a key role on the international stage in the struggle for the liberation of the Timorese people and for the birth of a new Nation, can feel fully confident that it was indeed a worthwhile effort.

Surrounded by two regional powers – Australia and Indonesia – and despite all the difficulties it has faced, Timor has taken confident steps to affirm itself as a truly democratic state.

The European Parliament will continue to stand by Timor, and naturally by its Parliament, established on the basis of the 7 July elections, ensuring the political conditions that are necessary for Democracy and Rule of Law, as well as the development of the country, the education of its people and the struggle against poverty.

One last word, as a Portuguese, which I am sure you will all understand. For decades Portugal and its institutions were fully committed to the self-determination of the Timorese people and the birth of a new Nation, to which we are so closely connected by history, culture, language, kinship and emotional ties.

Having come this far, it is rewarding to see how, within the CPLP itself, which both countries belong to, in only ten years Timor has been able to show all others its democratic coming of age, commitment and consensus on key points, despite legitimate differences, respect for the popular vote, and for the legitimate power, which can only be born out of the ballot box, in a process which deserves our deepest respect.

May Timor-Leste enjoy the peace, stability and development that its people desire and the nation deserves.