

EUROPEAN PARLIAMENT

**Account of the mission
to observe the
legislative, provincial and regional
elections
in Indonesia
5 April 2004**

14 July 2004

INTRODUCTION

At its meeting of 12 February 2004, the Conference of Presidents of the European Parliament authorised a delegation composed of five members to observe the elections to be held in Indonesia on 5 April 2004, subject to receiving an official invitation. An official invitation to the European Union had been sent by the Chairman of the Indonesian Electoral Commission on 8 January 2004.

A Memorandum of Understanding between the European Commission on behalf of the European Union and the Government of the Republic of Indonesia on the observation of the 2004 elections was signed on 20 February 2004, after which a core team and long term observers (LTOs) went to Indonesia under Mr Glyn Ford, MEP, Chief Observer.

The European Parliament delegation to observe the elections consisted of

Mr Nirj Deva (EPP-ED) (appointed leader of the delegation on 22 March 2004)

Mr Jannis Sakellariou (PES)

Mrs Elly Plooij-Van Gorsel (ELDR)

Mr Per Gahrton (Greens)

Mr Niall Andrews (UEN)

the delegation was accompanied by Mrs Kaija Braid and Mr John Bryan Rose of the European Parliament secretariat, Directorate General for External Policies.

ARRIVALS

Mr Deva arrived in Jakarta on 1 April 2004 at 16.25 hrs on flight TG413

Mrs Plooij-van Gorsel arrived on 1 April 2004 at 16.40 hrs on flight KL837

Mr Andrews and Mr Gahrton arrived on 2 April 2004 at 17.35 hrs on flight LH 778

Mr Sakellariou arrived on 3 April 2004 at 17.35 hrs on flight LH 778

PROGRAMME OF THE MISSION

Thursday, 1 April 2004

Arrivals of Mr Deva and Mrs Plooij-van Gorsel.

Preliminary discussions with Mr Glyn Ford, Chief Observer, in the Gran Melia Hotel, Jakarta.

Friday 2, April 2004

8.30 hrs Meeting with Mr Ruud Treffers, Ambassador of the Netherlands, representing the EU Presidency in Indonesia, at the Embassy of the Netherlands.

10.45 hrs Meeting with Mr Sabato Della Monica, Head of EC Delegation in Indonesia, and Mr Ulrich Eckle of the EC Delegation, in the EC Delegation.

14.00 hrs Meeting with Mr Kevin Evans (UNDP), Mrs Kendra Collins (UNDP) and Mr Frank Feulner (EC Core Team), in the UNDP offices.

15.45 hrs Briefing with the EC Core Team: Mr Oskar Lehner, Deputy Chief Observer, Mr Alexis Michel, Legal Expert, Mr Domenico Tuccinardi, Election Analyst, Mr Frank Feulner, Indonesia Country Expert, EUEOM and Mr Fabio Bargiacchi, LTO Coordinator.

Saturday, 3 April 2004

08.45 hrs Briefing with Mrs Sarah Fradgley, Press Officer, EUEOM Core Team, on relations with the press.

09.15 hrs Further briefing with Mr Fabio Bargiacchi, LTO Coordinator.

10.00 hrs Meeting with Hery Akhmadi, Deputy Secretary of the PDI-P Group in the House of Representatives, at the PDI-P headquarters.

15.00 hrs Meeting with senior officials of the Golkar Party, at Golkar headquarters.
Mr Marzuki Karusman, Head of the Central Committee the Golkar Party - Division of Law and Legislation.
Dr H. Bomer Pasaribu, Deputy Secretary General of Golkar responsible for Regional Economic Planning.
Mr Abu Hasan Sazili, Chariman, Central Board of Golkar.
Mr Francisco Fernandes Da Silva.

16.45 hrs Meeting with Dr Muhammad As. Hikam, Co-Chairman PKB Party and Mr Ahmad Anas Yahya, Vice-Secretary General PKB Party, at PKB Party Headquarters.

Sunday, 4 April 2004

Deployment in the field.

Mr Deva (accompanied by Mr Rose of the Secretariat) to Yogyakarta, Central Java.

Mrs Plooij-van Gorsel and Mr Andrews to South Sulawesi.

Mr Gahrton (accompanied by Mrs Braid of the Secretariat) to North Moluccas.

Mr Sakellariou to Jakarta.

All members of the Delegation had briefings with their respective LTOs and visited the areas where they were to conduct observation.

Monday, 5 April 2004 - polling day

Mr Deva observed the election in Sleman Regency, Central Java (North of Yogyakarta). He observed the opening of a polling station in Plosokuning, Turi sub-district. He then observed twelve polling stations in different parts of Sleman Regency, and observed the closing of a polling station in Sariharjo, Ngaglik sub-district, as well as the count in that polling station and part of the count in Bayeman village polling station (where an irregularity had earlier been observed - see below under appreciations of the elections).

Mrs Plooij-van Gorsel and Mr Andrews observed the elections in South Sulawesi. They visited the opening of a polling station, and then the operation of 10 polling stations, as well the counting procedure in Makassar.

Mr Gahrton observed the election in Kota Ternate, North Moluccas. He observed the opening of a polling station in South Ternate, Stadion sub-district. Then he observed several polling stations in South Ternate, North Ternate and Pulau Ternate. The two polling stations in Faudu sub-district on Hiri island (altogether 385 registered voters) were already closed at 10.30 when Mr Gahrton arrived in this district. One these polling stations had already started counting the votes. According to the polling station officials at both polling stations everybody had voted. Mr Gahrton observed the closing of a polling station and the count in South Ternate, Takoma sub-district.

Mr Sakellariou visited polling stations and the count in Jakarta.

Tuesday, 6 April 2004

The different parts of the Delegation continued observation activities.

Mr Deva attempted to follow the aggregation of the counts in different sub-districts of Sleman Regency. However, aggregation had not yet begun in the sub-districts visited. There were serious delays in aggregation in many parts of the Yogyakarta area.

Mr Deva participated in the debriefing in Yogyakarta with the LTO team (Dr Manfred Aschaber and Mrs Eirini Skouzou).

Mrs Plooij-van Gorsel and Mr Andrews took part in the debriefing in Makassar.

Before departing for Jakarta Mr Gahrton tried to follow aggregation of results in Stadion sub-district but the aggregation had not started yet. He also had a brief meeting with a local KPU official together with the long term observers.

Mr Gahrton, accompanied by Mrs Braid, returned to Jakarta at 17.00 hrs and participated in the first short term observer debriefing at the Mandarin Hotel at 21.00 hrs.

Mr Sakellariou took part in the debriefing in Jakarta.

Wednesday, 7 April 2004

Mr Deva, Mrs Plooij-van Gorsel and Mr Andrews returned to Jakarta.

11.30 hrs EP Delegation debriefing with Mr Glyn Ford, Chief Observer, in the EUEOM headquarters.

13.00 hrs Debriefing of short-term observers (STOs) in the Mandarin Hotel.

Thursday, 8 April 2004

11.00 hrs Press conference and issuing of preliminary statement (see text annexed) by Mr Glyn Ford.

DEPARTURES

Mr Sakellariou left on 6 April 2004 at 19.00 hrs on flight LH 779
Mr Gahrton left on 8 April 2004 at 17.40 hrs on flight TG 414
Mrs Plooij-van Gorsel left on 8 April 2004 at 18.55 hrs on flight KL838
Mr Andrews left on 8 April 2004 at 19.00 hours on flight LH 779
Mr Deva left Jakarta on 8 April 2004 at 20.35 hrs on flight EK 349

BACKGROUND TO THE ELECTIONS

These are the second multi-party election since the introduction of multi-party democracy in 1999.

In the general election, there were 147,3 millions electors, 450.000 candidates for the different elections, and 580.000 polling stations. 24 political parties put up candidates.

The EU Electoral Observation Mission (EUEOM) consists of 225 members (core team, long term observers (LTOs) and short term observers (STOs)). The same Chief Observer and EUEOM will also observe the presidential election scheduled for 5 July 2004 (the first time that the President and Vice-President of Indonesia will be directly elected), and its possible second round which would take place on 20 September 2004 if no candidate obtains an absolute majority in the first round. The EUEOM core team has been deployed since 29 February.

Four elections at three different levels took place on 5 April. Each voter was called upon to vote, on 4 different ballot papers, for the following institutions:

- the People's Representative Council (House of Representatives) (DPR)
- the Regional Representatives' Council (DPD)
- the Regional People's Representative Councils (DPRD 1) - Provincial
- the Regional People's Representative Councils (DPRD 2) - Regency/City

The People's Representative Council (DPR) will have 550 members to be elected in 69 multi-seat constituencies.

The Regional Representatives' Council (DPD) will have 128 members, 4 for each of the 32 provinces.

The DPRDs 1 (at provincial level) are voted from 211 multi-member constituencies, each electing between 3 and 12 members.

The DPRDs 2 (at regency/city level) are voted from 1745 districts.

The electoral system, following constitutional amendments adopted in 2002, is laid down in Electoral Law 12/2003. For the DPR, DPRD 1 and DPRD 2, there is a list PR system with multi-member constituencies, but unlike the past, it is a semi-open list system rather than with closed lists. For these institutions the ballot papers contained, as well as the names and symbols of the 24 certified political parties, the names of the certified candidates for each party. A voter could put a mark opposite the name of the candidate of his or her choice within the marked party's list.

Indonesian citizens resident outside the country, and duly registered, were entitled to vote exclusively for the DPR. These voters have been assigned to two electoral districts. Voters resident in Singapore and Malaysia could vote in DKI Jakarta I with 12 allocated seats in the DPR, voters resident in all other countries could vote in DKI Jakarta II with 9 allocated seats in the DPR.

This means that seats will not be allocated immediately among the winning parties in accordance with the order of candidates on the party's list. Candidates can win seats directly even if ranked low on their party's list, should they obtain the specified electoral district quota. (However the quotas laid down by the electoral law are extremely high, making it very difficult for a candidate to win a seat through that system).

Another significant change compared with the 1999 elections is the creation of an elected second chamber at national level, the DPD. This chamber will be composed of an equal number of representatives from each province. DPD candidates should not be formally affiliated to any political party, even though they may be supported by a party. The DPD elections will be on a single non-transferrable vote system. The four candidates obtaining the most votes in each province will be elected directly to the DPD.

The electoral campaign lasted 21 days, from 11 March to 1 April. It was followed by a period leading up to 5 April, during which all campaigning and campaign activities were prohibited.

The final results should be declared by the KPU no later than 30 days after polling day. The KPU has indicated that the aggregation and verification of results is likely to take 3 weeks, while another week would be required for seat allocation. After that there would be 3 days in which challenges to the final results could be made before the constitutional court, which will have 30 days to rule on such challenges. In all up to 63 days may elapse before the definitive results are available.

There are 24 certified political parties. Only parties which obtain 3 % of the seats or 5 % of the votes in the general election may put forward candidates for the presidential election. All political parties must be national, regional parties are not recognised.

In the 1999 general elections the 6 parties obtaining the most votes were

PDI-P (Indonesian Democratic Party of Struggle):	33,7 %
Golkar (Golkar Party):	22,4 %
PKB (National Awakening Party):	12,6 %
PPP (United Development Party):	10,7 %
PAN (National Mandate Party):	7,1 %
PBB (Crescent Star Party):	1,9 %

The main difficulty in the preparations for the elections was the printing of the 660 millions ballot papers. Finally, with very few exceptions, ballot papers were issued to polling stations in time for the elections.

ACCESS TO THE MEDIA

According to the EUEOM core team, access to the media was fair. In his preliminary statement the Chief Observer, Mr Ford, acknowledged this fact, while pointing out that, though there were

minor violations of the rules on political advertising, in general the spirit of the law with regard to impartiality was respected.

VOTER EDUCATION

Given the complexity of the election, and of the electoral procedures, voter education was essential. Ballot papers were complicated, with the possibility of choosing both a political party and an individual candidate from the list of the party chosen. Nevertheless, despite the complication and the novelty of the system, most electors voted correctly. This is a tribute to the level of the voter education and information conducted throughout Indonesia in the lead up to the elections. The media played a very valuable role here.

CONCLUSIONS AND RESULTS OF THE ELECTIONS

The delegation of the European Parliament concluded that the elections held on 5 April 2004 were generally satisfactory. Very few obvious attempts at fraud or intimidation were observed by any of the European Union observers.

The Election Commission, the KPU, was an independent body. Local KPUs, appointed by the national KPU, were also without party affiliation. Despite early questions regarding availability of voting materials, and notably ballot papers, by polling day almost all polling stations had received ballot papers, though there were some reports of stations lacking essential materials.

Most polling stations started proceedings at 7.00 hrs as instructed, with a swearing in ceremony followed by the usual sealing of ballot boxes and counting of ballot papers. Representatives of political parties, and the public, witnessed these procedures. Delays were reported in only a small number of polling stations.

Several observers reported some irregularities, notably with regard to respect for procedures on the part of polling staff. Several EU observers (but not EP observers) reported that the total number of voters and/or of votes cast had not been recorded in some polling stations, making it difficult to fill in the final results forms when the count was conducted in the polling stations.

The EP delegation in Central Java (Sleman regency) observed one case where a security official of the Suharto regime, in uniform, was walking around the polling station, observing how people were voting, and behaving in an authoritarian manner. The polling station staff appeared to acquiesce. The EP delegation (Mr Deva) went back to that polling station for the count, on which occasion no irregularity was observed.

The indelible ink was highly effective. While it was applied carefully in most polling station, in many polling stations staff failed to examine the left hand of voters to see if they were already marked. This was noted by all parts of the EP delegation, and was commented on by other EU observers during the debriefing in Jakarta.

A major difficulty with regard to the secrecy of the ballot resulted from the size of the ballot papers. Older people were frequently unable to fold the papers, which measured more than a meter in width and perhaps 50 cm in height. In certain constituencies the ballot papers for the DPR, DPRD 1 and DPRD 2 consisted of two sheets of paper of that size which had to be folded, failing which the vote was considered invalid. The EP observers witnessed several cases where

elderly people had to ask polling station staff to help them fold the ballot papers, thereby violating secrecy.

Furthermore some elderly people found it difficult to pierce a hole in the ballot papers which were made of very heavy glossy paper. A lighter paper would have been more suitable (and probably cheaper).

The ballot boxes, presented by the Japanese government, had relatively small slots through which the completed ballot papers were inserted. Where double ballot papers were used, these were excessively tight. The EP delegation observed polling station staff enlarging the slots with knives, etc.

The European Parliament delegation did not observe any cases of people voting without the appropriate voting card, though the question was raised regarding procedures in the case of a person on the electoral roll who did not have his/her card. Interpretations varied. In certain areas it is understood that a national identity card identifying the prospective voter as the person on the roll would be considered sufficient. Other areas apparently refused persons lacking the necessary card.

In some polling stations observed by the EP delegation voting cards were retained by polling station staff (assurances were given that these cards would be returned in time for the presidential elections on 5 July). This was a means of preventing double voting. In other polling stations cards were returned to voters. The correct procedure is unclear.

The European Parliament delegation in most areas did not encounter local observers, though one part of the delegation, in the Moluccas, encountered representatives of the Forum Rektor (a university based local observer organisation).

The count was generally well conducted, despite some technical problems on the part of polling staff in certain stations. Even there the general consensus was that errors were due to lack of experience and training, rather than to any intention to defraud.

Aggregation of results was particularly slow. At the time of writing this report (14.04.2004) aggregation is far from completed. However the delegation is impressed by the transparency of proceedings, with the results from all polling stations, and at all levels, being available to the public on the KPU website.

In general, the EP delegation was satisfied with the elections that it observed on 5 April 2004.

Full observation was not possible in Aceh or West Papua because of the security situation/curfew. Nevertheless the EU observed where possible.