

Fundasaun Mahein's Observations During the 2023 Parliamentary Election

May 30, 2023



Photo: Fundasaun Mahein (FM)

Fundasaun Mahein (FM) congratulates Timor-Leste's people and national authorities for successfully holding another peaceful and fair election. Despite fears that tensions between militants of different political parties or martial arts groups could erupt into violence, FM can report that only a few minor incidents occurred during the election campaign and on voting day. In general, government electoral agencies, security forces, political parties and voters adhered to existing rules and procedures.

FM staff observed voting directly in Dili, Baucau, Manufahi and Viqueque municipalities, and monitored campaigns directly and through media reports and social media. FM observed several rule violations and security incidents during the campaign, voting and counting processes. This article discusses these observations and some of their implications, and gives some recommendations for strengthening election security and electoral processes.

In terms of the general security and political implications of this election, it seems likely that a stable government will be formed on the basis of CNRT's victory. While the structure of the next government is still unknown, a coalition government led by CNRT may bring an end the political instability which has plagued Timor-Leste since the parliamentary election of 2017. Thus, while FM remains concerned about the ongoing issues of corruption, poverty, poor infrastructure and rising inequality, we are optimistic

that a stable ruling coalition can accelerate development and improve the people's living standards and basic security.

The campaign period was marked by enthusiastic and raucous participation in the *feira demokrasia*, as is typical in Timor-Leste. Tens of thousands of young people campaigned in support of political parties for the first time, including many martial arts group (MAG) members supporting new and established parties. Large convoys of party supporters travelled around the country, occasionally causing traffic jams on major roads, but generally remaining peaceful and positive, with only a couple of violent incidents reported throughout the whole election period. One such incident which was widely shared on social media occurred in Viqueque, when supporters of one party threw stones at the convoy of another party.

Although violence during the campaign was minimal, FM observed numerous violations of campaign rules. At the start of the campaign period, PNTL announced an advisory list of seventeen (17) rules for the campaign. These rules stated that political parties and their supporters must not: bring supporters from one municipality to another; continue to make noise in the streets after the end of the campaign; transport people in the back of trucks or on top of vehicles; involve children in campaigns; or violate traffic signals. Other rules included not participating in campaigns while drunk, not selling alcohol at campaign events and not bringing sharp objects to campaigns.

FM observed that PNTL effectively controlled crowds at campaign events, while maintaining a heavy presence at specific points along the main campaign routes in Dili. Campaign participants mostly followed the rules related to alcohol and sharp objects; however the other rules listed above were widely ignored, while PNTL seems to have been unwilling – or unable – to implement them.

FM does not know exactly why PNTL did this, but we see several possible explanations for the failure to implement the rules as announced. First, if PNTL commanders did not communicate the rules effectively to its members, it would be difficult for police officers to implement them. On the other hand, PNTL officers on the ground may have simply chosen not to implement the rules, as there were too many people in violation at the same time, and thus implementing them was impractical and could lead to conflict. A third possibility is that PNTL publicly announced the rules as a “performance” to the government and the public (and possibly to international observers), but never intended to implement them.

Even if PNTL had effectively communicated the rules to its officers and to the public and intended to implement them, many of the practices banned under the new rules are normal features of political campaigns in Timor-Leste. Therefore, it was likely that

implementing the rules would be impractical and likely to cause conflict. FM is concerned that this reveals – at a minimum – a lack of consideration of practical realities when PNTL commanders formulated the new rules. On the other hand, if the announcement of the rules was simply a performance to show that PNTL was “serious” about law and order during the campaign, we worry that this may indicate that some decision makers view formal rules as something which must be performed, while, in practice, they can be safely ignored.

Fundamentally, FM is concerned that when the authorities announce rules but then fail to implement them, it undermines the state’s authority and the Rule of Law. Although FM does not know exactly why the announced campaign rules were not implemented, we have regularly shared our concerns about the implications of the lack of implementation of formal rules within state institutions. If state representatives do not abide by the state’s own rules and regulations, how can we expect the Timorese public to respect the Rule of Law and follow formal procedures? If the Timorese state and society continue to be dominated by informal practices rather than adopting formal systems and regulations, how can we modernise our public sector and economy?

In addition to the widespread violation of campaign rules by supporters of all major parties, several violations occurred during the voting process. These include reports that some voters attempted to vote more than once, and that an Indonesian citizen attempted to vote. These incidents were reported as the people involved were caught by authorities, so it is unclear how many people managed to vote multiple times undetected. In addition, FM observed directly that some people voted while displaying martial arts symbols, and numerous people refused to dip their fingers in ink after voting. In some cases, STAE staff managed to persuade them, but in others, people left the voting centre without dipping their finger. Although this does not appear to have been a major issue across the country, it raises further questions about the ability of state institutions to ensure correct implementation of rules and procedures.

Unlike the Presidential election last year, STAE did not provide parallel voting centres to enable citizens to cast their votes where they currently live. In addition to discouraging voter participation and placing an unreasonable burden on individual citizens to travel long distances to vote in their home municipality, it also creates several additional security and socio-economic effects. One possible effect is that road accidents are likely to increase during elections due to the significant increase of people travelling on municipal roads. Vehicles are often over-crowded and poorly maintained, many drivers are unqualified and many rural roads are in poor condition, further increasing the likelihood of accidents. Another is that all other activities must be put on hold to allow people to travel to vote. The

Government declared an extended “tolerance” period for this purpose, significant disrupting normal working hours. FM observed that there was inadequate transport to enable people to return immediately from rural areas, which meant that work and education were disrupted for much of the week after the election.

Several incidents which occurred during the counting process have generated significant public controversy. At first, STAE showed real-time election results on-screen at their headquarters and only provided them directly to RTTL, not to independent media outlets. STAE also did not provide a breakdown of vote counts for different parties in each municipality. Many national and international observers questioned these practices, and eventually, STAE released real-time counting results directly to the public. In addition, there were delays uploading some counting results to the internet, which the head of STAE has said was due to internet connections problems in some municipalities. Although it is doubtful that STAE deliberately attempted to manipulate the voting process, many members of the public have raised concerns about the potential politicisation of STAE. President Horta called for an investigation of STAE while similarly questioning its impartiality.

Finally, although STAE generally performed well during the voting process itself, some technical problems which occurred during voting raise questions about STAE’s capacity, including inadequate ink and voting ballots in some voting centres. Delays obtaining additional ink and ballots meant that some people were forced to wait before or after casting their vote, while some could not vote at all as they did not have time to wait for ballots to arrive.

Conclusion and recommendations

In conclusion, FM is grateful that the election was carried out peacefully with a high level of voter participation. If the elections lead to the formation of a stable government which can accelerate Timor-Leste’s development, it can be considered a great success.

Nonetheless, some technical problems were encountered which raise questions about the capacity of the state electoral authorities as well as about the politicisation of the state administration. In addition, FM is concerned that PNTL’s failure to implement announced campaign rules reflects deeper issues related to the Rule of Law in Timor-Leste. We therefore hope that policy makers will consider our analysis and work towards ensuring that state authorities and their representatives understand and follow formal rules, procedures and laws.

To improve election security, maximise political participation and strengthen governance and the rule of law, FM offers the following recommendations:

- * We observed that televised debates between political parties were held during working hours. This excluded many people, especially those working and studying. People's daily activities were also likely interrupted, leading to lost productivity. To maximise participation and reduce impacts on people's daily activities, FM suggests that in future such debates should be held during the evening when most people are at home.
- * Similarly, elections should be designed to maximise participation while minimising disruption to socio-economic activities. One essential step is to provide parallel voting centres to facilitate people to vote at their current location. In most modern countries, voting centres open from early morning until late evening (around 9pm) to allow people to vote on their way to or from work. We therefore recommend that subsequent elections should take place on a week day, with parallel voting centres open until late in the evening to facilitate workers to vote.
- * Technical failures during the vote-counting process highlight the urgent need to upgrade infrastructure which facilitate telecommunications and digital systems. Despite restoring independence more than twenty years ago, Timor-Leste remains disconnected from global broadband networks. As a result, most people and organisations rely on mobile internet of questionable quality. FM hopes that the new government will accelerate existing plans to bring fibre optic cables to Timor-Leste and ensure that citizens, businesses and organisations can access reliable, cost-effective internet.

FM is concerned that PNTL's failure to implement the announced campaign rules reflects a deeper issue within our state and society, namely the disconnect between formal systems and informal practices. This is an extremely complex issue which is driven by many factors, including Timor-Leste's stage of social and economic development, the education levels of the population and an institutional culture which is dominated by informal practices or the "Rule of the Deal". While we do not expect this issue to be solved immediately, we expect political leaders to lead the way by following existing laws and ensuring that party and government members face consequences when they fail to do so.