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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. Final programme of the Delegation (including participants' list)**
- II. Declaration of Mr Nuno Melo, Chair of the EP Delegation (in EN and PT)**
- III. Preliminary Statement of the EU Election Observation Mission (in EN and PT)**

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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

PROGRAMME

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

Secretariat

Ms Emilia GALLEGO PERONA, Administrator

Ms Nikolina VASSILEVA, Administrator

Ms Alyson WOOD, Assistant

Interpreters

Ms Maria Adriana CARVALHO-POSSEMIERS

Ms Paula Cunha MATTOS

Mr Garry MULLENDER

Programme

All meetings will take place at the Excelsior Hotel unless otherwise stated

Thursday 5 July 2012

- 14.30 Arrival of Members and transfer to the hotel
- Excelsior Hotel
Panti Kelapa-Embassy Road
Dili**
- 19.00 **Briefing by the EU EOM**
- Chief Observer Fiona Hall
 - Core Team:
 - Deputy Chief Observer Jose Antonio de Gabriel
 - Election, Political, Legal, Media Experts
 - Security Briefing
 - Meeting with the EU Ambassador to Timor Leste, H.E. Juan Carlos Rey
- 19.45 **Departure from hotel**
- 20.00 **Dinner** offered by H.E. Luís Manuel Barreira de Sousa, Ambassador of Portugal, Timor Leste –Members only
Venue: Ambassador's residence

Friday 6 July 2012

- 10.00 Continuation: Briefing by the EU EOM
- 11.30 **Departure from hotel**
- 12.00 Meeting with H.E. Taur Matan Ruak, President of Timor-Leste
Venue: Presidential Palace
- 12.45 Lunch break
- 14.00 Meeting with domestic observers

- 15.00 Meeting with international observers: Community of Portuguese Language countries (CPLP), Asean Regional Forum (ARF), International Republican Institute (IRI), representatives from the Embassies of USA, Japan, New Zealand, Australia and Brazil.
- 16.00 **Departure from hotel**
- 16.15 Meeting with Mr Tomás Cabral, Director of the Technical Secretariat for Electoral Administration (STAE)
Venue: STAE office, Caicoli, Dili
- 17.15 Meeting with Mr Finn Reske-Nielsen, Acting Special Representative of the Secretary General for United Nations to Timor Leste and Head of United Nations Integrated Mission (UNMIT), Mr Gary Gray, Head of Political Affairs unit for UNMIT, Mr Andres del Castillo, Head of UNEST and Mr Ken Inoue, Director of UNMIT Democracy Governance Support Unit.
- 18.30 Regional briefing with LTOs
- 19.30 **Departure from hotel**
- 20.00
 - **Dinner** with Mr José Ramos Horta, Former President of Timor Leste and winner of the Nobel Peace Prize and EU Ambassador to Timor Leste, H.E. Juan Carlos Rey
Venue: Mora Beza restaurant

Saturday 7 July 2012 - ELECTION DAY

all day Deployment and Observation of Opening, Voting & Vote Count

Sunday 8 July 2012

noon EP internal debriefing on the return of the Team from Baucau

18.00 Joint debriefing (EP and EU EOM)

Monday 9 July 2012

11.00 Joint press conference, presentation of the preliminary statement of the Election Observation Mission
Venue: Hotel Timor

Afternoon Departures to Europe of Ms Miranda and Mr López Aguilar

15.00 Meeting with H.E. Jose Ramos Horta, Nobel Peace Prize Laureate and Former
President of Timor-Leste
Venue: Residence of H.E. Ramos Horta

Tuesday 10 July 2012

09.30 Meeting of secretariat with service provider
conclusion of accounts etc.
14.00 Departures to Europe of Members

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.



**EUROPEAN UNION
ELECTION OBSERVATION MISSION
TIMOR-LESTE PARLIAMENTARY ELECTION 2012**

PRELIMINARY STATEMENT

A peaceful and well-organised election - a step to democratic consolidation

Dili, 9 July 2012

Executive Summary

- The parliamentary election held on 7 July 2012 took place in a calm atmosphere and was organised in a broadly transparent and credible manner. By their level of civic participation, voters once again demonstrated their enthusiasm for the democratic process. The fundamental political rights and freedoms were respected. The election was genuinely competitive although the use of the advantages of incumbency was not in line with international best practice. The election constituted an important step towards the consolidation of democracy in Timor-Leste.
- In general, voting took place in a very calm atmosphere free from intimidation or disturbances, and attracted large number of voters. EU observers noted that the polling staff performed their tasks during polling in an efficient and competent manner. Women represented almost half of all polling officials, although they were much less well represented among voting centre presidents and polling station secretaries. The presence of party agents and domestic observers in the vast majority of polling stations visited helped ensure oversight of voting and counting procedures. Overall the conduct of polling operations and of closing and counting procedures was evaluated as positive or very positive in the overwhelming majority of the polling stations observed.
- The legal framework provides 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, and now reflect a substantial part of the 2007 EU EOM's recommendations. However, there are still no specific legal provisions on campaign funding and spending, while the law on the financing of political parties fails to establish ceilings on donations and expenditure and lacks sanctions sufficiently severe to act as a deterrent to illegal funding.
- The National Electoral Commission (CNE) and the Technical Secretariat for Electoral Administration (STAE), both considerably strengthened since the 2007 elections, have so far acted with impartiality and neutrality. Aside from some delays in the implementation of the election calendar, STAE's performance was

broadly transparent and efficient. CNE was able to fulfil its supervisory role with independence, although it lacks sufficient powers to enforce campaign regulations.

- The register is inclusive and voters are not arbitrarily disenfranchised. However, addressing some technical shortcomings, especially related to the cleaning of the register, would increase its quality.
- The criteria for candidate eligibility for the parliamentary election are in line with international standards for democratic elections and do not include discriminatory or excessive restrictions. The electorate was given a wide range of choice: 21 parties and party coalitions competed in the 2012 parliamentary election, and more than 1,900 East Timorese were candidates on the party lists, giving the electorate a wide range of choice.
- Freedom of expression in the media was respected during the campaign period. Public television and radio provided balance by giving reasonably proportional access to all the 21 parties and party coalitions running in the elections, demonstrating a real commitment to fulfil its obligation to ensure equal access and equal airtime to all participants in the elections. Newspapers gave access to all 21 parties and coalitions running in the elections, although they gave more coverage to the three main parties.
- A substantial increase in women's representation will occur in this year's election as a result of an amendment to the electoral law passed in June 2011 which stipulates that one in every three candidates on the party lists must be a woman. The parties complied with the new legal requirements but only three out of 21 party lists were headed by women.
- Civil society was very active in election observation, thus contributing to increase transparency on election day. A total of 46 national observer groups, comprising 2,618 national observers were accredited.
- Existing laws and regulations provide for a comprehensive system of complaints and appeals at all stages of the electoral process. Apart from the disputes on candidate registration, the CNE has so far received only a small number of minor complaints, most of them concerning the destruction of campaign materials. A complaint on alleged CNRT illegal funding is currently being investigated by the Prosecutor-General's office.
- The EU EOM congratulates the citizens of Timor-Leste, the political parties, the electoral administration and the security forces for what has so far been a smooth and well-organised electoral process. The EU EOM will continue to observe the aggregation of results and to monitor any complaints that may arise. This statement is preliminary and the mission will not draw final conclusions until the results process is complete and certified.

Statement of Preliminary Findings

Background

The elections held on 7 July 2012 for the National Parliament of Timor-Leste were the second legislative elections to be held since the country gained independence in 2002. An election had been held during the period of the UN transitional administration in 2001 for a Constituent Assembly, which became the National Parliament when Timor-Leste's independence was recognized in May 2002. Twenty one parties and party coalitions competed in the 2012 parliamentary election, an increase from the 14 which took part in the last parliamentary elections in 2007. Under Timor-Leste's closed list proportional representation system, all parties wishing to participate in the election are required to present national party lists of 65 candidates (corresponding to the number of seats in the National Parliament) and no fewer than 25 alternate candidates, resulting this year in the names of more than 1,900 East Timorese being entered as candidates on the party lists. In the election the CNRT, the party with the largest number of parliamentary seats in the AMP coalition that governed Timor-Leste during the 2007-2012 Parliament, and its leader, the Prime Minister Xanana Gusmão, were seeking to win enough seats to allow them to govern with a majority or near majority in the new Parliament. Its main challenger was Fretilin, which had formed the first post-independence government in 2002 and had remained in power until 2007.

Legal Framework

The legal framework of Timor-Leste provides an adequate basis for the conduct of democratic elections. The constitution enshrines the separation of powers, the independence of the judiciary and the constitutional review of laws. The constitution also guarantees fundamental freedoms and political rights in line with the principles upheld in the most relevant international instruments for democratic elections, to which Timor-Leste has adhered. The laws governing parliamentary elections have been extensively amended since the 2007 election, and CNE has approved a substantially revised set of election-related regulations and codes of conduct. The resulting, improved legal framework for elections now reflects a substantial part of the 2007 EU EOM's recommendations, including those on the uniformity of provisions for the different types of elections, the enforcement of regulations, and voting procedures. However, there are still no specific legal provisions on campaign funding and spending, while the law on the financing of political parties fails to establish ceilings on donations and expenditure and lacks sanctions sufficiently severe to act as a deterrent to illegal funding.

Electoral Administration

The two election management bodies (EMB) in Timor-Leste, the National Electoral Commission (CNE) and the Technical Secretariat for Electoral Administration (STAE), have been considerably strengthened since the 2007 elections, which were the first to be

conducted by the Timorese authorities. STAE was given technical, administrative and financial autonomy under a 2011 amendment to the law on EMBs, and both institutions were given more funds, allowing them to recruit more national staff and to train them better. Although the UN has been progressively taking a back seat, it still provided substantial technical and logistical support to the Timorese EMBs, especially through the United Nations Electoral Support Team (UNEST).

So far, neither the independence nor the neutrality of either institution has been seriously challenged by the parties running in the parliamentary election. Despite being an administrative structure within the Ministry of State Administration, STAE carried out the election preparations in an even-handed manner. Aside from some delays in the implementation of the election calendar, its performance was broadly transparent and efficient, and it proved to be flexible in facilitating the accreditation of party agents, observers and media. On its side, during the preparations for the election, the CNE was able to fulfil its supervisory role with independence, and the periodic meetings it held with political parties increased stakeholders' confidence in the process. However, CNE lacks sufficient powers to enforce campaign regulations and could only issue warnings, sometimes through the media, to political parties which did not abide by them. When CNE received complaints on campaign violations deemed to be electoral offences, it forwarded them to the public prosecutor in a timely fashion.

Voter Register

The voter register maintained by STAE is the most comprehensive inventory of the adult population available in the country, and voter cards serve for most practical purposes as ID documents. By law the register is updated before each election and the registration is mandatory for all Timorese reaching the voting age of 17 years in the year of the upcoming election. During the main update period (July 2011 – January 2012) for this year's elections, around 32,000 new voters, an increase of 5.3%, were registered by registration units operating in all 65 sub-districts, while an additional update period in May 2012 brought about a net increase of another 19,121 (3.1%) persons, bringing the total number of eligible voters for the Parliamentary election to 645,624. Because the CNE granted a week's extension to what had initially been an 18-day update period, there was no time for the mandatory ten-day display and challenge period, which in turn made it impossible to file complaints related to the updated register. Despite some delays in the publication of the figures from the official registration update and an absence of clear procedures regulating the deletion of deceased persons, there were no complaints from the public or the political parties. Indeed, when compared with the 2010 census data, the voter register appears overly inclusive, with some 18% of electors voting for the first time in a Parliamentary election.

Owing to the fact that, according to the 2011 amendment to the Law on Election to the National Parliament, voters can cast their vote anywhere in the *suco* in which they registered, voter lists have been produced for the 442 individual *sucos*. This is certainly an improvement over the 2007 election when voters could vote anywhere in the country, and is in itself a step towards a standardisation of voting procedures. However, in large *sucos*

containing several voting centres the only safeguard against multiple voting remained the proper application of indelible ink to voters' fingers.

The employment of mobile voting procedures for voters in hospitals and prisons is commendable and in line with best practice. The legal framework for elections also allows Timorese citizens the possibility of voting from abroad. However, and due to the technical and financial implications entailed by such an exercise, a January 2012 amendment to the Law on the Election to the National Parliament suspended the application of this provision for this year's parliamentary election.

Registration of Candidates

The criteria for candidate eligibility for the parliamentary election are in line with international standards for democratic elections and do not include discriminatory or excessive restrictions. On 22 May, CNE announced that it had approved lists from all 21 of the parties and party coalitions that had submitted them. A number of minor irregularities in some of the lists and the documentation supporting them had been easily resolved. However, in the case of two parties, ASDT and UNDERTIM, CNE had received separate lists from rival factions within the party and had ruled in favour of one of them. The losing factions of both parties exercised their right to appeal the CNE's decision in the Court of Appeal. In both cases the Court of Appeal overturned the CNE's decision. In the case of ASDT, the Court ruled in favor of the faction that had appealed. In the case of UNDERTIM, the Court directed the party's leadership to seek agreement on a unified list. After much further deliberation within the party mediated by CNE, a list was agreed among the party leadership and, even though it was agreed after a deadline set by the Court, that list was approved by the Court and subsequently by CNE.

Campaign Environment

The Parliamentary election of 2012 took place in a much calmer context than the previous one and was seen as an important test of the country's institutional maturity. Moreover, in March-April 2012 Timorese had already gone to the polls to vote in the two-round Presidential election, in a process that was generally well-conducted and peaceful. Well-established routines are now in place to allay the well-founded fear of electoral violence. The parties submit detailed campaign calendars and negotiate a final consolidated calendar with the National Election Commission (CNE) to avoid clashes of venues. Almost all parties signed a Code of Conduct for Political Parties and Party Coalitions (the exceptions being those parties which had not been formed in January when the Code was signed). As the beginning of the campaign approached, calls for a peaceful campaign came from the new and the outgoing President, Parliament, the Church, the police and the defence force, and the contestants themselves.

The month-long campaign that began on 5 June and ended on 4 July went smoothly. The candidates and political parties and coalitions were not constrained in their freedom of assembly, expression and movement. Their exercise of these rights contributed to an

environment which was genuinely competitive. Most parties held community dialogues and campaigned door-to-door, and held relatively few large rallies. The exception to this general rule was CNRT, visibly the best financed of the parties, which held a series of set-piece rallies addressed by its leader Xanana Gusmão. The language of the campaign was generally restrained and complaints were few and relatively minor. The most serious concerned the financing of the CNRT campaign. Allegations that its fund-raising methods breached the law are under investigation by the Prosecutor-General. Some parties felt that the CNE was too quick to condemn them for criticizing other parties and was not always even-handed in doing so, but Fretilin and the other parties whose flags and symbols were routinely on display at CNRT rallies were generally reluctant to press what in the past has been a highly contentious issue. During the campaign period, there were a few incidents involving serious violence, but the police and the political parties were quick to describe them as non-political and they had no further repercussions. Aside from the question of the party's funding and relatively minor allegations of the use of government resources, CNRT has made use of the advantages of incumbency during the campaign. On 15 June, the government decided to begin the long-delayed disbursement of \$46m in payments to more than 27,000 veterans and their relatives. Its campaign relied heavily on non-party structures, particularly veterans' structures, some of which appear to overlap with the state agencies handling veterans' affairs, including their pensions, and are run by individual veterans who have benefited from government contracts. Although legal in Timor-Leste, this is not in line with international best practice for democratic elections.

Media Environment

Freedom of expression in the media was respected during the campaign period. All 21 parties and party coalitions received access to the state-owned Radio and Television of Timor-Leste (RTTL) in accordance with the regulations. They also had access to the privately-owned television channel and newspapers and to non-state radio stations. Debates on state-owned RTTL TV and on privately-owned STL TV granted candidates additional free exposure. In terms of overall coverage, the right of voters to have access to a broad range of news about the parties and of candidates to make an informed choice was generally respected. However, occasionally inaccurate reporting, particularly in the print media, may have misled readers and viewers.

RTTL offered a diverse range of coverage and provided reasonable balance by giving access to the all 21 parties and party coalitions, on both television and radio, demonstrating a real commitment to fulfil its obligation to ensure equal access and equal airtime to all participants in the elections.

The volume of coverage of the campaign was much smaller in the private and non-state electronic media. On the privately-owned STL TV there was a less diverse range of coverage but balanced access was given to most of the political parties and coalitions. Non-state radio stations devoted minimal attention to the campaign, giving access to a limited number of parties and candidates, although their treatment was relatively balanced. Fretilin received extensive coverage through its radio station, Radio Maubere, whose reach is wide.

Radio Maubere also aired news about other parties, although its coverage of them was highly selective and tended to favour Fretilin.

Privately-owned newspapers provided large amounts of coverage of the campaign. Access was given to all 21 parties and party coalitions running in the election but the amount of coverage newspapers gave to them was not balanced. Most of the coverage of the campaign in the printed media was allocated to the three main political parties, CNRT, Fretilin and PD, with by far the greatest focus on the Prime Minister and his party CNRT.

Gender

The electoral law approved in 2006 introduced a gender quota requiring that one of every four candidates on the party lists be a woman. In the 2007 election, under these new rules, the proportion of women elected to the new Parliament rose to 27.7%. Women's representation was above this average in ASDT/PSD (36.4%), CNRT (33.3%) and PUN (33.3%). A substantial increase in women's representation will occur in this year's election as a result of an amendment to the electoral law passed in June 2011 which stipulates that one in every three candidates on the party lists must be a woman. The parties complied with the new legal requirements but only three out of 21 party lists were headed by women.

Voter Education

In the pre-election period, STAE carried out voter education sessions at village level. Using PowerPoint presentations, instruction videos and sample ballots, STAE explained the differences between the presidential and the parliamentary elections, and the procedures for marking and casting ballots. EU observers reported only limited interest among Timorese voters, and sessions often had to be postponed or cancelled due to low attendance. Several civil society organisations offered voter education programmes specifically targeted at women. CNE adopted the innovative approach of using educational SMS's to inform voters about electoral matters. Despite the apparent lack of interest in voter education programmes, on Election Day voters' understanding of voting procedures was evaluated as good or outstanding in 86% of the polling stations observed, a finding that is supported by the [significant] decrease in the share of invalid votes compared to the presidential elections.

Civil Society and Observation

Civil society was very active in election observation, thus contributing to increase transparency on election day. A total of 46 national observer groups, comprising 2,618 national observers were accredited. Some 24 of these groups were national NGOs who requested accreditation through the NGO umbrella organization FONGTIL. Other national NGOs operated autonomously, such as the Alola Foundation, Associação HAK, and BELUN. The Catholic Church's OIPAS (*Observatorio da Igreja para os Assuntos Sociais*) had by far the largest number of accredited national observers (1,896), followed by BELUN

(93), the National University of Timor-Lorosaé (UNTL) (43) and the Ombudsman's Office, *Provedoria dos Direitos Humanos e Justiça* (PDHJ) (41).

Thirty-three regional, governmental and non-governmental international observer teams with a total of 586 observers were also deployed. They included teams from the CPLP, ASEAN Regional Forum (ARF), the Australia Timor-Leste Friendship Network, the East-West Center and the International Republic Institute (IRI). 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.

Complaints and Appeals

Existing laws and regulations provide for a comprehensive system of complaints and appeals at all stages of the electoral process, from voter registration to national tabulation. In all cases, decisions made by the CNE on election related complaints may be appealed to the Court of Appeal. Investigation of electoral offences is given priority by the Prosecutor-General's Office. Apart from the disputes on candidate registration within ASDT and UNDERTIM mentioned above, the CNE has so far received only a small number of complaints, all minor in nature, most of them concerning the destruction of campaign materials. Three of those were deemed electoral offences and were forwarded to the Prosecutor-General's Office. As already mentioned, a complaint on alleged CNRT illegal funding is currently being investigated by her office.

Polling and Counting

All 30 polling stations under observation at opening time began their operations on schedule. In general, voting took place in a very calm atmosphere free from intimidation or disturbances, and attracted large number of voters. No security-related incidents were registered. EU observers noted that the polling staff performed their tasks during polling in an efficient and competent manner. Women represented almost half of all polling officials, although they were much less well represented among voting centre presidents and polling station secretaries. The presence of party agents and domestic observers in the vast majority of polling stations visited helped ensure oversight of voting and counting procedures.

The procedures for checking voters' identity and their inclusion on voter lists and for inking voters' fingers were rigorously followed. EU observers reported the widespread use of additional voter lists, which indicates some deficiencies in the printed voter lists. However, the procedures for adding voters were followed correctly and assured that voters could exercise their right to vote. The recent decision of the electoral administration to place voting booths facing the interior of polling stations was evaluated by EU observers as detrimental to the secrecy of vote in a few cases. Overall the conduct of polling operations and of closing and counting procedures was evaluated as positive or very positive in the overwhelming majority of the 215 polling stations observed. The performance of polling staff was generally smooth and confident, and there were only occasional instances where it was mitigated by insufficient numeracy skills and inconsistent ballot reconciliation.

District tabulation was judged by EU observers as well organised and conducted in a very swift and professional manner. With some exceptions the district tabulation process was described as very transparent. A very limited number of minor complaints came to the EU EOM observers' attention during Election Day.

Following an invitation from the Government of Timor-Leste to observe the Parliamentary Election on 7 July 2012, the European Union Election Observation Mission (EU EOM) was established on 26 May 2012. The Mission is headed by Ms. Fiona Hall, Chief Observer and Member of the European Parliament. The Mission's mandate is to assess the entire electoral process against international standards for democratic elections as well as the laws of Timor-Leste. The Mission deployed a total of 70 observers from 26 Member States of the European Union as well as from Norway and Switzerland. They observed the opening, voting, closing and counting processes in 215 polling stations in the country's 13 districts. The EU EOM was joined by a delegation from the European Parliament, led by Mr Nuno Melo MEP, which endorses this statement of preliminary findings. The EU EOM will remain in the country to observe post-electoral developments. Some two months after conclusion of the process, a Final Report will be made public, offering the Mission's detailed evaluation of the elections and including recommendations towards improvements for future elections. The EU EOM is independent in its findings and conclusions and adheres to The Declaration of Principles for International Observers' commemorated under the auspices of the United Nations in October 2005.

The EOM would like to express its appreciation to the Government of Timor-Leste, particularly to STAE, the CNE and other national authorities as well as political parties, national and international observation missions, and Timorese civil society organisations for their cooperation and warm welcome during the observation period. The EU EOM is grateful to the Delegation of the European Commission in Timor-Leste and the diplomatic missions of Member States as well as UNMIT and UNDP for their assistance throughout the mission.

This report is also available on the EU EOM website.

Uma versão portuguesa desta declaração está disponível na página da internet da MOE UE.

Versaun husi lian Tetum husi deklarasaun ne'e, disponivel iha internet misaun nian.

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