

SPECIAL REPORT SERIES

The Carter Center 2004 Indonesia Election Report

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THE CARTER CENTER 2004 INDONESIA ELECTION REPORT

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JULY 5, 2004

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The Carter Center's international election observer delegation for the July 5 election was comprised of 60 people.



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SEPTEMBER 20, 2004

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The Carter Center's delegation to observe the September 20 second round of the presidential election was comprised of 57 members from 13 countries.



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TERMS AND ABBREVIATIONS

BIN	Indonesian State Intelligence Agency
BPS	Indonesian government Statistics Board
CETRO	The Center for Electoral Reform
DPD	Regional Representative Assembly
DPR	House of Representatives
DPRD	People's Representative Council (provincial/city/regency legislature)
ELSAM	Institute for Policy Research and Advocacy
EUEOM	European Union Election Observation Mission
FRI	The Indonesian Rectors' Forum
ICG	International Crisis Group
ICW	Indonesia Corruption Watch
IDP	Internally displaced person
JAMPPPI	The People's Election Observation Network of Indonesia
Jl	Jemaah Islamiah
JPPR	The People's Voter Education Network
Kabupaten	District
Kecamatan	Subdistrict
Kelurahan	Village
KIPP	The Independent Elections Observer Committee
KPPS	Polling Station Committees
KPU	General Election Commission
LP3ES	Institute of Research, Education, and Information of Social and Economic Affairs
MPR	People's Consultative Assembly
Nationhood Coalition	Coalition consisting of Golkar, PDI-P, the Prosperous Peace Party (PDS), and the Reform Star Party (PBR)
NDI	The National Democratic Institute
NGO	Nongovernmental Organization
NKRI	Unitary Republic of Indonesia
NTB	West Nusa Tenggara
NTT	East Nusa Tenggara
NU	Nadhlatul Ulama (Muslim organization)
PAN	National Mandate Party
Panwaslu	Election Supervisory Committee
PBB	Crescent and Star Party
PBR	Reform Star Party
PD	Democratic Party
PDI-P	The Indonesian Democratic Party of Struggle
PDS	Prosperous Peace Party



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PDSD	Aceh Civil Emergency Authority
People's Coalition	Coalition mainly consisting of PPP, PD, PAN, and PKS
Pepabri	Indonesian Armed Forces Veterans Association
PKB	National Awakening Party
PKPI	Indonesian Justice and Unity Party
PKS	Prosperous Justice Party
PNBK	Freedom Bull National Party
PPK	Subdistrict election committee
PPP	United Development Party
PPS	Village-level election committee
PTFI	PT Freeport Indonesia (mining company on Papua)
Satgas	Party security groups
SBY	Susilo Bambang Yudhoyono
SEAPA	Southeast Asia Press Alliance
TII	Transparency International Indonesia
TIPP	Team Independent Election Observers
TVRI	State-owned television station
UNDP	United Nations Development Program
WIJ	West Irian Jaya



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FOREWORD BY JIMMY CARTER

I was pleased to return to Indonesia to witness the historic 2004 presidential election, when Indonesian voters for the first time directly chose their president. The Carter Center has been committed to advancing democracy in Indonesia ever since it observed the country's first post-Suharto national elections in 1999. We were pleased to help emphasize the dramatic course of Indonesia's transition from military rule to democracy. Indonesia is the world's most populous Muslim nation, and its people have embraced democracy with a commitment that is as strong as that of any other nation or culture.

The proof of this commitment was evident in the successful conduct of the world's largest single-day election. The people of Indonesia, the political parties, the

election authorities, and its supervisory body (Panwaslu) ensured that the country's first direct presidential election resulted in Indonesia's most democratic elections. Voters were able to cast their ballots in a general atmosphere of calm and order. The high voter participation, averaging 70 percent, reflects popular support for Indonesia's democratic progress. I congratulate President Susilo Bambang Yudhono for his victory at the polls and trust he will work for the benefit of all Indonesians.

The establishment of a Constitutional Court ahead of the legislative and presidential election marked another important milestone in Indonesia's journey toward open democracy. I was very encouraged by the fact that individual challenges to results

Mrs. Carter completes a polling station observation form with the assistance of Jeff Carter as President Carter looks on.



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and other election-related disputes were channeled through the Constitutional Court and that all parties abided by its rulings. Despite facing severe time and resource constraints, the supervisory body Panwaslu played an active role at the national, provincial, and local level, successfully mediating election-related disputes. Domestic observers also played a vital role during the elections, and an Indonesian research institute conducted a quick count following both presidential elections, which helped retain voter confidence at a time when tabulation delays easily could have led to voter suspicion.

There is still need for further improvement of Indonesia's electoral system and administrative structures. We objected to the education and physical requirements imposed on presidential candidates, because these restrictions take decision-making power away from voters. We also felt that a longer campaign period between the first and second presidential rounds, currently limited to three days, would be fairer to candidates as well as their supporters.

Election day procedures are equally important. Checking for indelible ink and comparing a voter's identity against the voter register are necessary to help maintain voter confidence in the election process and reduce election fraud. Unfortunately, The Carter Center found that some election officials were negligent in their application of such basic procedures. During the July 5 election, many officials initially rejected ballot papers that were double-punched, but the KPU reacted quickly to ensure that ballots were counted where the voter's intent was clear.

The country still faces additional challenges: It needs to consolidate democratic institutions, build responsive local government, work toward the resolution of regional conflicts in Aceh and Papua, deal with

the terrible destruction and psychological damage caused by the December 2004 tsunami, and build a framework for human rights and sustainable development. We are hopeful that the confidence Indonesians have placed in democratic processes and institutions is matched by the dedication of the new government and the continued support of the international community.

My wife, Rosalynn, and I would like to thank the former Prime Minister of Thailand, Chuan Leekpai, for co-leading the Center's observation delegation to the first round presidential election in July. We also are very grateful to former U.S. Ambassador Pete Peterson for heading a second Carter Center delegation to observe the September runoff. The directors of our Jakarta office, Eric Bjornlund and Sophie Khan, and their office staff were outstanding, and we thank them for their hard work. We are especially thankful to the long-term observers who worked for nearly six months in very demanding conditions as they moved throughout Indonesia. We appreciate the many individuals who volunteered their time and talents to serve as observers. As always, we thank the Carter Center staff in Atlanta who made this project possible.

Finally, we wish to acknowledge the generous financial support provided by the United States Agency for International Development, Mr. Philip Knight, and HRH Prince Alwaleed bin Talal bin Abdulaziz Alsaud. The Carter Center's Indonesia election observation project would not have been possible without this vital support and belief in the importance of democracy.



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ACKNOWLEDGMENTS

The Carter Center is grateful for the support provided by the U.S. Agency for International Development (USAID), which enabled the Center to implement the Indonesia presidential election 2004 observation project. The Carter Center worked closely with USAID officials throughout the process and would like to extend special thanks to Mr. Philip Schwem of USAID for his assistance. The Center also thanks Mr. Philip Knight and HRH Prince Alwaleed bin Talal bin Abdulaziz Al Saud for their support.

The Center expresses its appreciation to the government of Indonesia, former President Megawati, and General Election Commission (KPU) for inviting the Center to observe the elections. The Center also is grateful for the collaborative efforts of the many international groups that actively supported the election process, especially the international observer mission from the European Union. Likewise, the Center acknowledges the important work of the Indonesian national observers, who together deployed thousands of observers to promote free and fair elections.

Sincere thanks go to the Carter Center delegates who volunteered their time, expertise, and insights and agreed to join the Center in Indonesia. The delegates accepted a range of responsibilities without complaint and demonstrated a strong commitment to supporting the process of democratization in Indonesia. In particular, the Center wishes to thank former Prime Minister Chuan Leekpai, who served as co-leader with President and Mrs. Carter during the July first round election, and former U.S. Ambassador Pete Peterson, who led the delegation for the second round in

September. The Center was pleased to include Representative Michael Honda, D-Calif. as a delegate along with several congressional staff members, U.S. Indonesia Society (USINDO) President Alphonse La Porta and other USINDO members, leaders from numerous American nongovernmental organizations with an interest in Indonesia as well as others with relevant expertise.

The Center also acknowledges the efforts of the long-term observers: Shane Barter, Allison Bridges, Cecilia Bylesjö, Joanne Cheah, James Combe, Robert Delfs, Chris Felley, Johan Grundberg, Adrian Kisai, Gabrielle Low, Paolo Maligaya, Patrick McNinnis, David McRae, Christopher Morris, Simon Morfit, Gabriel Morris, Teresa Reimers, and Robin Taudevin. These individuals worked for many months throughout Indonesia, often in very difficult circumstances, to provide political and logistics reports.

The Center's field office staff in Jakarta did an outstanding job: Eric Bjornlund, director, and Sophie Khan, deputy director, managed a full-time observation effort over nearly seven months in a vastly challenging environment with the support of Tina Madar, Natalia Warat, and Mona MacDougall.

The Carter Center's Democracy Program in Atlanta had overall responsibility for the project, beginning with the initial assessment in July-August 2002 and lasting through the final report. The project was directed by Democracy Program Acting Director Dr. David Carroll and managed by Senior Program Associate Dr. David Pottie, with critical assistance from Avery Davis Moore and Tynesha Green.



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EXECUTIVE SUMMARY

In the summer of 2004, Indonesia held the country's first direct presidential elections since the fall of long-time authoritarian President Soeharto in 1998. As such, these elections represent an important milestone in the consolidation of Indonesia's democratization process. Indonesia followed an ambitious electoral timetable in 2004, starting with the legislative elections on April 5, followed by the first round of the presidential elections on July 5, and culminating in the election of the president on Sept. 20. The legislative elections and the two rounds of the presidential elections were the largest set of single-day elections in the world, with 70 percent of 155 million eligible voters going to the polls. The management of the elections posed logistical and administrative challenges that, on the whole, were adequately tackled by the authorities. As outlined below, The Carter Center observed a number of irregularities—many typical of transitional democracies—but, overall, voters were able to exercise their democratic rights in a peaceful atmosphere and without significant hindrance. Susilo Bambang Yudhoyono (also known by his acronym SBY) emerged as the clear winner of both rounds of the presidential elections, obtaining 61 percent of the popular vote in the runoff election against the incumbent, Megawati Soekarnoputri.

CARTER CENTER ROLE

The Carter Center was invited to observe the electoral process in Indonesia by the Indonesian General Election Commission (KPU) and all of the major political parties. Even though staff members were not fully deployed for the legislative elections in April, a number of long-term observers surveyed the elections on an informal basis so as to glean some lessons for the presidential elections. Long-term observers assessed voter education, voter registration, electoral preparation, national and local political activity, human rights, and campaign finance. The Center

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Former Prime Minister of Thailand Chuan Leekpai was the co-leader of the Center's delegation to observe the July presidential election.

established a field office in May and helped organize short-term observation missions for the two presidential ballots. Observers of the presidential elections visited 31 out of 32 provinces, meeting with representatives of political parties, individual candidates, government and election officials, civil society groups, journalists, domestic observers, members of the police, and religious organizations. Former U.S. President Jimmy Carter, former First Lady Rosalynn Carter, and former Prime Minister of Thailand Chuan Leekpai led a 60-member international delegation to observe the first round of Indonesia's presidential elections on July 5. Ambassador Douglas Peterson and a delegation of 57 observers, some of whom had also been involved in observing the first round, monitored the runoff election in September.

OBSERVATIONS AND RECOMMENDATIONS

On the whole, the authorities did a commendable job staging the elections, which were predominantly held in a peaceful atmosphere. Nonetheless, The Carter Center observed a number of irregularities throughout the campaign periods and on all three polling days.



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Planning

The Center believes that more careful and timely planning could have prevented some of these irregularities. Inadequate time and resources were allocated to the training of polling and tabulation center officials. Consequently, a number of officials were careless when applying administrative procedures. While procedural errors noticeably decreased from one election to the next, administrative negligence remained a feature of all three elections. Not all necessary voter identification documents were inspected, fingers were not always marked or checked for indelible ink and, in some cases, the layout of voting stations was such that privacy in the polling booth was not always guaranteed. Lack of training also led to a high incidence of incorrectly completed tabulation forms, especially during the legislative elections. The need for subsequent corrections created gratuitous opportunities for fraud. In one village, members of the election committee blatantly changed vote tallies from 15 of 18 polling stations.

A voter deposits her ballot paper in the ballot box.



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Moreover, the distribution of I.D. cards and invitation letters, both of which had to be produced to cast a ballot, was not always reliable. In order to allow those affected to vote, nonlaminated voter cards were issued for the legislative and for both rounds of the presidential elections. However, these paper cards could easily have been duplicated and exploited for fraudulent purposes. Furthermore, internally displaced persons (IDPs), particularly in conflict areas such as Aceh, Papua, West Irian Jaya, and North Maluku, were either under-represented, or, in more remote regions, the extent of their participation could not be verified. The Carter Center particularly regretted that it was only granted limited access to Ambon. It considers that these technical problems and the under-representation of IDPs need to be addressed. Ignoring these issues could potentially lead to voter disenfranchisement and even become a source of local discontent that could result in violence in close-run elections.

The Carter Center was also concerned by the short opening hours (7a.m.-1p.m.) of polling stations, with some of them closing and starting their count as early as 10:30 a.m. during the first presidential election round. This caused confusion and disenfranchised some voters. It also made it difficult for the limited number of international and domestic observers to monitor elections in disparate locations on election day—a difficulty compounded by the fact that official lists of polling stations were only available regionally and on an ad hoc basis. For the second round, the KPU issued a decree allowing for early closures if all registered voters had cast their ballots or it was clear that nobody else was going to vote. However, some local KPU officials consented to unconditional early closures, which once again triggered some confusion and resentment.

Election law

The Legislative Elections Law (Law No. 12/2003) provides for the partial opening of party lists to encourage voter participation and better reflect the choice of the people. Yet because the law also introduced an



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The legislative elections and the two rounds of the presidential elections were the largest set of single-day elections in the world, with 70 percent of 155 million eligible voters going to the polls.

insurmountable quota, it largely failed in this task. No national-level candidate was elected solely on the basis of the restricted open-list system. Ultimately, the quota system allowed parties to retain control over who was elected. This sometimes prompted voter disappointment, as expectations raised by a partially open list were not met. Media reports went so far as to attribute the death of one candidate in East Java to voter discontent. The Carter Center has recommended that the quota be lowered.

Observers also identified a loophole in the elections law that allows candidates to withhold information on the origin of their campaign funds by simply not reporting their campaign finances to the KPU. Of the 128 members of the Regional Representative Assembly (DPD), only one submitted his finances for review before the media exposed widespread noncompliance in October. In the interest of greater transparency, the eradication of corruption, and Indonesia's progress toward an open, multiparty democracy, The Carter Center recommends that the law be revised to close that legal loophole.

The imposition of educational and physical requirements to determine the suitability of presidential candidates represented another source of concern for The Carter Center. Candidates had to demonstrate they had at least completed their education to high-school level (or equivalent) and prove they did not suffer from a serious physical disability. The educational requirements are particularly discriminating toward women and those in religious education—a common, and often only, option for people living in remote areas, such as Papua. As far as the physical

requirements are concerned, former President Abdurrahman Wahid's blindness was cited as justification for excluding him from the presidential race.

The Legislative Elections Law also instructed the KPU to fund and create a supervisory committee (Panwaslu) to oversee all aspects of the election process. However, in doing so, it made Panwaslu dependent on the body it was instructed to supervise. Yet the main problem for Panwaslu stemmed from a lack of funding, which placed limitations on its ability to prosecute any violations. Given its limitations, The Carter Center concluded that the impact of Panwaslu was generally positive. It was particularly successful in mediating between rival campaign teams and succeeded in persuading these to sign codes of good conduct, thus contributing to a peaceful atmosphere on and around the different polling days.

Corruption and money politics

Corruption and money politics are endemic in Indonesia and will have to be tackled by future governments if they want to retain their credibility and not alienate the general population from the country's political processes. Throughout their stay in Indonesia, the Carter Center staff received several reports of election-related corruption, which nonetheless proved difficult to substantiate. However, in one case, an observer obtained hard evidence of a district-level KPU head abusing his position and accepting a US\$500 bribe to secure a candidate's seat. To deter similar actions in the future, The Carter Center recommends that more serious efforts be undertaken to apprehend the perpetrators of such violations.

Anecdotal evidence collected by the Center suggests that individual candidates, rather than parties, were responsible for money politics, which mostly took on the form of "travel money" and food disbursements as inducements to attend campaign rallies. In Bijai, North Sumatra, Megawati's Success Team promised cheap credit to a number of workers if they agreed to attend rallies and vote for Megawati. Amien Rais' Success Team allegedly provided donations to a



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university in Banda Aceh prior to the first round of presidential elections in July.

Partisan behavior

The Carter Center observed a number of isolated cases of partisan behavior among KPU members, the police, and the media. The KPU head of West Nusa Tenggara, for instance, used his influence as a local religious leader to promote SBY. The Carter Center considers that such displays of partiality could be minimized by encouraging officials to sign an internal code of ethics and by opening the KPU to external review.

Overall, the police did a commendable job. Nonetheless, the Center noted a number of instances that called into question the police's neutrality. In Yogyakarta, officers distributed campaign materials on behalf of the PDI-P, and in Central Java, a regional commander instructed a group of police officers to support Megawati. Observers also received reports of Panwaslu's dissatisfaction with the quality of some police investigations into election-related violations. Moreover, at a significant number of polling stations, Carter Center staff observed inappropriate "data gathering" of election results by police officers—ostensibly for internal police purposes. Finally, in certain areas, mainly those affected by separatist conflicts, the presence of police at polling stations was potentially intimidating to some voters. If the police is to rebuild its trust among the population, it needs to improve its professionalism.

Since the fall of Soeharto, Indonesia's media have become increasingly diversified. On the whole, reporting during the election period was neutral in tone. However, there were two notable exceptions. Government-owned TVRI used its programming to promote incumbent President Megawati Soekarnoputri—its positive reporting increasing dramatically after the first round of the presidential elections in July. Metro TV and the Media Indonesia newspaper overtly supported their owner, Golkar presidential candidate Surya Paloh. The Indonesian Broadcasting Commission even-

tually reprimanded Metro TV for its biased coverage.

Domestic observers

The Carter Center deems the presence of independent domestic observers a crucial component of a country's democratic process. They make an invaluable contribution to the transparency of the electoral process, provide a check on the work of polling officials, build confidence among political parties, and lend legitimacy to the electoral process as well as to the final results. The KPU accredited 34 nonpartisan domestic observer groups. Unfortunately, the relationship between these groups and the electoral authorities was marred by tensions. The KPU refused to accredit The Independent Elections Observer Committee (KIPP) for the presidential elections because KIPP published its findings on the legislative elections without previously disclosing them to the KPU. LP3ES, another local NGO, was threatened with a similar fate when it allegedly released the results of its quick count for the first-round presidential elections before informing the electoral commission. LP3ES' promise to inform the KPU of any projected results ahead of publication enabled it to retain its accreditation for the runoff election. The Carter Center believes that a more constructive approach should be adopted toward independent domestic observers. Moreover, their contribution could be greatly enhanced if they were given access to sufficient resources to increase their local activities. Lack of funding meant that the number of observers declined significantly after the legislative elections.

Double-punched ballots and limits on campaign freedoms

Double-punched ballots represented the main problem during the July presidential election. The ballots were folded in such a way that voters were able to punch the ballot without opening it, which resulted in ballots being punched on two sides. The KPU issued a decree that allowed officials to count double-punched ballots whenever the voter's intent was unambiguous.



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However, not all polling stations abided by that decision. Changing the design of the ballots would prevent such a problem from recurring in future elections.

Prior to the runoff election, campaigning was limited by the KPU. It accorded candidates no more than three days to present their case to the public, and campaigning was only to be conducted in a format specified by the KPU. The Carter Center strongly objects to such limitations. They infringe on the rights of free speech and assembly of candidates and their supporters. The Center therefore urges the Indonesian authorities to consider revising the legal restrictions imposed on campaigning, especially in the light of the successful conduct of the three 2004 elections.

CONCLUSIONS

Based on its observations all across the country and in spite of the above irregularities, The Carter Center considers Indonesia's 2004 polls a success. The elections took place in a general atmosphere of calm, order, and open participation. To encourage increasingly meaningful public participation in political life, The Carter Center urges Indonesia's leaders to strengthen and increase the effectiveness of political institutions by ensuring that those responsible for irregularities in the 2004 elections are held accountable and by tightening legal loopholes to promote greater transparency within those institutions. Reforming the election laws in such a way that legislative seats better reflect the choice of the people should also be a top priority for the present government. Having said that, the 2004 elections represent a major step in the country's ongoing democratic transition, and the authorities and public should be congratulated for their commitment to democratic progress.

JOSHUA ESTEY



Presidential candidate Susilo Bambang Yudhyono releases a dove at a presidential campaign rally.



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BACKGROUND TO THE 2004 INDONESIAN ELECTIONS

On Oct. 20, 2004, Indonesia inaugurated its first directly elected president. This historic event marks a major step toward the consolidation of democracy in the world's largest Muslim-majority country. One month earlier, Indonesia successfully conducted the last of three democratic elections in six months, following the legislative elections in April and the first round of the presidential election in July. During all three rounds, a peaceful atmosphere prevailed, and more than 70 percent of the 155 million eligible Indonesians went to the polls.

These elections – the largest single-day elections in the world – were both a remarkable logistical accomplishment and an important political milestone. The direct presidential election is just one of a number of wide-ranging, fundamental constitutional reforms in Indonesia since the country's transition began with the resignation of longtime authoritarian president Soeharto in May 1998. These reforms have created new checks and balances and have recognized fundamental human rights. The revised constitution has established a second house of the national legislature to represent the interests of the provinces, created a new court to judge the constitutionality of laws and referee election disputes, and eliminated the legislative seats previously set aside for the nation's military. Since 1999, Indonesia has also embarked on an ambitious decentralization program. Direct election of provincial governors and district heads is set to begin in 2005.

Indonesia's new president is Susilo Bambang Yudhoyono (known as SBY), who won a plurality in the first round of voting and gained 61 percent against incumbent Megawati Soekarnoputri in the runoff to become the country's fourth president since the fall of Soeharto. A retired military general, SBY had served as coordinating minister for security for former President

Megawati until his resignation in March. Running on an anti-corruption and pro-reform platform, SBY's Democratic Party (PD), founded only in 2001, won a surprising 7.5 percent of the vote in the April legislative elections. In addition to giving the party the fourth largest number of seats in the new national legislature, the showing made the party eligible to nominate its own candidate for president. SBY's meteoric ascent to the pinnacle of Indonesian politics has been stunning, and his election offers new hope for the cause of democracy and genuine reform.

Nevertheless, some have questioned SBY's commitment to fundamental reform. Many of his advisers hail from the military establishment or from the Soeharto-era political elite. Moreover, SBY's ability to advance reforms may be tempered by a legislature in which the government does not command a majority. Although in the election SBY was able to overcome a coalition of the country's two largest political parties (the Indonesian Democratic Party–Struggle (PDI-P) of incumbent President Megawati and Golkar, the political machine established by Soeharto), those parties and their allies in the so-called Nationhood Coalition still have a legislative majority and control key legislative positions. Under the new institutional arrangements, the rules governing party discipline in the legislature and the relationship between a directly elected president and the legislature remain unclear and untested.

FROM AUTHORITARIAN TO DEMOCRATIC GOVERNMENT

In the months before Indonesia's longtime authoritarian president, Soeharto, resigned in May 1998, the country was facing mounting troubles. Mounting debts, a failing currency, and skyrocketing prices fueled public demand for immediate improvement and



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COLIN STEWART



Campaign teams competed vigorously with colorful displays of posters throughout Indonesia.

pushed Indonesia into crisis. As the reformist movement grew in universities and cities throughout the country, the fatal shooting of four students at a demonstration at Trisakti University in Jakarta on May 12 led to riots in Jakarta and Solo in which more than 1,000 people died. Less than a week later, Soeharto stepped down.

Soeharto's regime bequeathed a host of undemocratic institutions to Indonesia. Seats in the national, provincial, and local legislatures were reserved for members of the armed forces. Five hundred appointed representatives of functional groups and representatives of the provinces, together with the 500 members of the national legislature, formed the nation's highest governing body, the People's Consultative Assembly (MPR), which, among other things, regularly "re-elected" the president.

Even those legislators who were nominally elected did not gain their seats through free or fair elections. Indonesia's constitution, drafted in a short time ahead of a 1945 declaration of independence, placed great power in the hands of the president and did little to

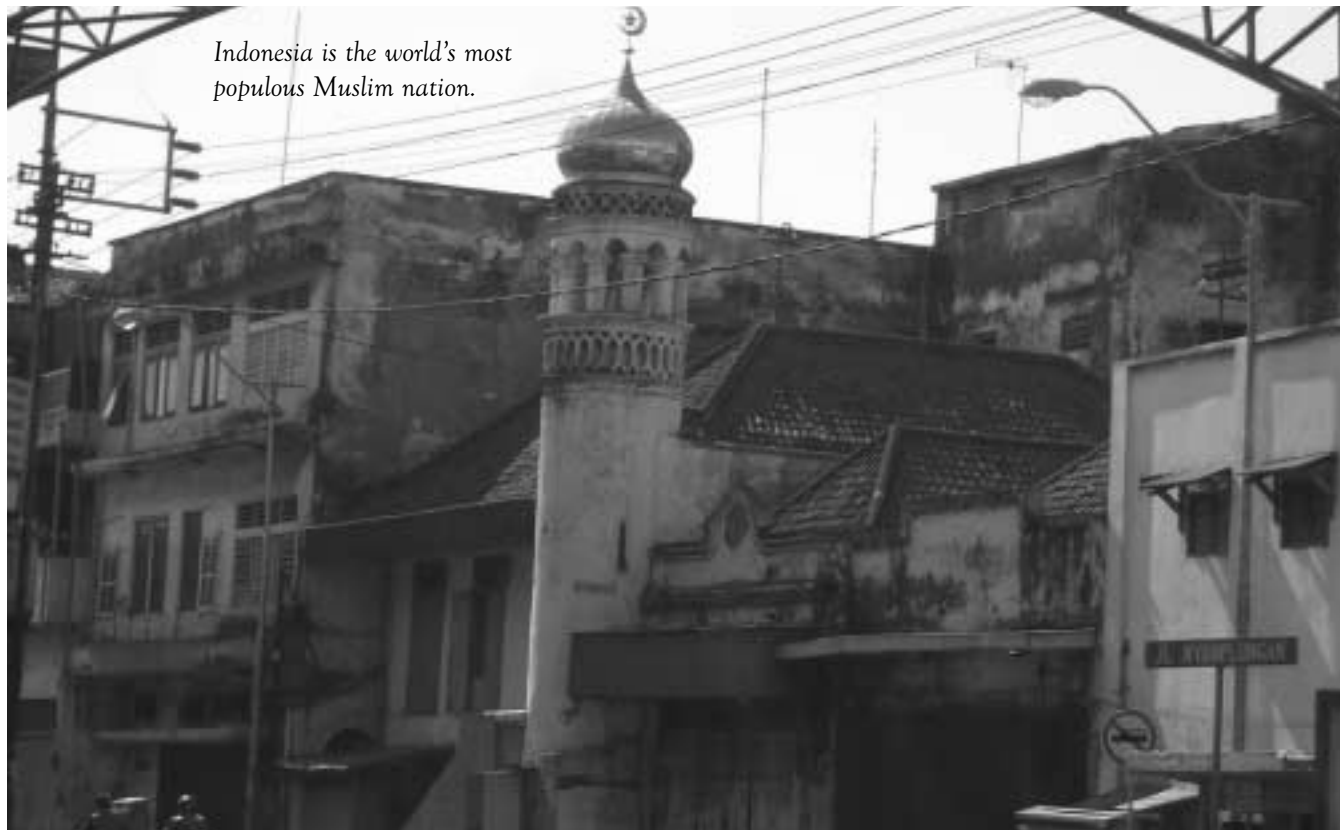
establish rules for democratic political competition. Under Soeharto, only two other political parties were allowed to contest "elections" against the ruling party, Golkar, whose victory was virtually assured. The two rival political parties were not allowed to establish offices below the district level, civil servants were expected to become members of Golkar and were coerced into voting for the ruling party, the distribution of government development funds strongly favored areas with a Golkar majority, and there were widespread allegations of fraud in the patently flawed election system. The government screened candidate lists from all parties to eliminate individuals it did not like, and the regime interfered in the running of parties to remove leaders it perceived as a threat.

Civil society institutions and the courts were also weak under Soeharto, and the media operated under permanent threat of having their licenses arbitrarily revoked. The military exerted a strong influence over politics, both through its appointees in the legislature and bureaucracy and through its territorial command structure that placed soldiers down to village level, where they were heavily involved in local affairs. Soeharto himself was a former general.

When Soeharto stepped down, he handed the reins of power to his vice president and longtime close associate, Habibie. While this transition was heralded as the end of an era, Habibie was widely perceived merely as a transitional figure until free elections could be held. Popular expectations of fundamental change therefore remained high.



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Indonesia is the world's most populous Muslim nation.

JOSHUA ESTEY

President Habibie, who hoped to become the first democratically elected president, did preside over many steps aimed at democratic change. MPR resolutions limited the president to two terms and determined that fresh elections would be held in 1999. Habibie revoked some of the more draconian Soeharto-era political laws as well as the requirement for press licenses and began the release of political prisoners. New laws allowed political parties to form, established a new election system, and changed the structure of the legislative bodies, including reducing the number of military representatives in the House of Representatives (the DPR) and the number of appointed representatives in the MPR. Habibie also enacted regional autonomy legislation and agreed to allow a referendum in East Timor.

There were also setbacks. The referendum in East Timor, which The Carter Center monitored, was duly held in August 1999, but the Indonesian military

recruited auxiliary militia in an attempt to intimidate the populace into opting for Indonesia's autonomy package. After voters favored independence, East Timor was laid to ruin, more than 1,000 people were killed, and hundreds of thousands of East Timorese were forced across the border into West Timor. Moreover, almost a year after Soeharto stepped down, active military officers still made up four of 21 Cabinet ministers, 10 of 27 governors, and 128 of 306 mayors.¹

The June 1999 elections, Indonesia's first competitive elections since 1955, were clear evidence of a transition that was underway but that still had far to go. These elections were organized in a short amount of time and conducted under a new, complicated, and still imperfect legal framework that was drafted and enacted with little meaningful public input.

1. Harold Crouch, "Indonesia: Democratisation and the Threat of Disintegration," *Southeast Asian Affairs* 2000, Singapore: ISEAS, 2000, p127.

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Nonetheless, the 1999 legislation was significantly improved from previous electoral legislation. Among other things, the new election law separated the General Election Commission (KPU) from the government by giving all parties representation, established quasi-judicial oversight committees, and attempted to introduce an element of a district system into the election of legislators.

In stark contrast to Soeharto-era elections, 48 parties contested the 1999 elections in a genuine democratic competition. The evident press freedom provided a tangible example of democratic reform and stimulated public enthusiasm for the elections.

The Carter Center-National Democratic Institute (NDI) observation mission in 1999 found that those elections were peaceful and well-organized. Ninety-two percent of the country's eligible voters came to the polls. Political wrangling on the KPU, however, delayed certification of the final results. The party of Megawati Soekarnoputri, PDI-P, won the most votes (33.7 percent), well ahead of former ruling party Golkar (22.3 percent) and the National Awakening Party, PKB, (12.6 percent) established by the nation's largest Muslim organization, Nadhlatul Ulama (NU), and its leader, Abdurrahman Wahid. These elections established a legitimate government and heralded a new era of democratic transformation in Indonesia.

In October 1999, the MPR chose Abdurrahman Wahid (popularly known as Gus Dur) as the new president and Megawati Soekarnoputri as vice president. When Megawati missed out on the presidency, her supporters in Bali, Jakarta, Solo, and Medan rioted.

At the same MPR session, Indonesia's 1945 constitution was amended for the first time, providing constitutional support to the limit imposed on the term of the president and vice president as well as strengthening the position of the DPR as a legislative body, relative to the president. The MPR also voted to rescind the 1976 annexation of East Timor.

President Wahid introduced many reforms. He appointed the first civilian defense minister in more than three decades, for example, and, for the first

Indonesia's new president, Susilo Bambang Yudhoyono (known as SBY), won a plurality in the first round of voting and gained 61 percent against incumbent Megawati Soekarnoputri in the runoff election.

time, a commander of the armed forces who came from the navy rather than the army. Some of his most significant achievements as president were his attempts to reform discriminatory Soeharto-era policies. He strived to reduce the political stigma attached to supposed communist sympathizers and their families and attempted to bring ethnic Chinese into the national fold. His efforts were not entirely successful, due to criticism by nationalist and anti-communist Islamic groups, but he did repeal legislation forbidding the dissemination of communist, Marxist, or Leninist ideology. He also struck down legislation forbidding the display of Chinese religion, belief, or cultural traditions and disbanded Soeharto's Department of Information.

However, Wahid also attracted much criticism for alleged erratic behavior, blunt and sometimes contradictory statements, and seemingly arbitrary removal of several Cabinet ministers. After a long, drawn-out process involving allegations of corruption and generating strenuous resistance from the president, Wahid's presidency ended in impeachment on July 23, 2001. Though the manner of his departure was unsettling, the episode highlighted flaws in the constitution's impeachment procedures. A subsequent constitutional amendment made it more difficult for the DPR to initiate impeachment proceedings.

By this time, when Vice President Megawati took over as president, the sense of momentum of the reform movement had already begun to wane. Megawati's government took a harder line in dealing with separatist movements than its immediate predecessors. She approved the imposition of a military



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Corruption and money politics are endemic in Indonesia and will have to be tackled by future governments.

emergency in Aceh after the collapse of mediated peace talks and issued a Presidential Instruction in January 2003 to hasten the unpopular partition of Papua into three new provinces. She was also publicly criticized, from within and beyond her party, for intervening in the election of several governors.

There were several setbacks for freedom of expression as well. Megawati condoned the prosecution of several activists and a newspaper editor under a clause in the Criminal Code that criminalizes the denigration of the president and vice president. In the final months of Megawati's administration, the director of the Jakarta office of the International Crisis Group, which had issued several reports critical of government policy on security issues including Aceh and Papua, was forced to leave the country, sending a chill through the more vulnerable domestic NGO community. As her administration ended, controversial draft legislation to grant powers of arrest to the State Intelligence Agency (BIN) was still being discussed. After three years, Megawati's most tangible accomplishment appears to be stabilizing the country, and as the

2004 elections approached, Megawati's reputation as aloof and unresponsive began to be reflected in low popular opinion ratings.

Since Soeharto stepped down in 1998, the MPR has enacted four sets of constitutional amendments that have substantially altered the institutions that govern Indonesia. A directly elected president, supported by a vice president and a Cabinet, now serves as the head of state. The national legislature, the House of Representatives (DPR), has been reconstituted with the elimination of appointed seats for representatives of the military, and a new Regional Representative Assembly (DPD) has been created. The amendments also eliminated seats representing functional groups in the MPR, which now consists of a joint sitting of the DPR and DPD. The MPR retained its power to amend the constitution and under extraordinary circumstances to appoint or impeach a president and vice president, but it no longer elects the president or constitutes the nation's highest political body.

Corresponding to the president and DPR at the national level, each province has a governor (and vice governor) and a provincial legislature (DPRD). Each province is afforded a degree of autonomy to conduct its own affairs, but foreign affairs, defense, security, justice, religion, and national fiscal and monetary matters remain under central government control. An executive and legislative structure at district/city level mirrors the provincial structure.



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CARTER CENTER ELECTION OBSERVATION PROGRAM

In 2004, the Indonesian General Election Commission and all of the major political parties invited The Carter Center to act as an independent observer of the electoral process in Indonesia. For the first time in the world's fourth most populous country, citizens would directly elect the entire legislature and the president. These elections would also be the first test of Indonesia's new political institutions and processes developed since the transitional elections in 1999.

In January 2004, representatives of The Carter Center visited Indonesia to assess the potential contribution of a comprehensive international observation program. The team met with representatives of the KPU, political parties, civil society, domestic observer groups, international NGOs, the donor community, and others. All the groups the team met with encouraged The Carter Center to send international observers to monitor the election period and help build confidence in a process vulnerable to administrative and other problems.

The 2004 elections were to be carried out in the context of significant constitutional and electoral reforms enacted since 1999, which produced new and complicated electoral processes for the legislature and presidency. Given these reforms, The Carter Center concluded that a long-term international observation program would be useful because of the likelihood that the ambitious election schedule involving three election dates between April and September would stretch the capacity of the electoral authorities, and perhaps the patience of the public, and the concern that fierce competition could lead to violence and fraud. Although representatives of the Center observed the April legislative election, the program did not begin formally until May, about two months before the first round of the presidential election.

Experience around the world has shown that credible

and impartial observers can strengthen an electoral process by reassuring voters that they can safely and secretly cast their ballots and that any electoral fraud will be detected. Given the complicated and drawn-out nature of the 2004 election calendar, the Center established an office in Jakarta in May 2004, deployed a team of long-term observers throughout Indonesia for five months, and organized short-term observation missions for the July and September presidential elections.

The Center recruited a talented group of long-term observers from Australia, Canada, Malaysia, Portugal, Sweden, the Philippines, and the United States with extensive research experience, country expertise, and language skills. Between April and October, the Center's observers visited 31 of the country's 32 provinces and met with representatives of political parties and candidates, government and election officials, journalists, police, domestic election monitoring groups, religious organizations, and other civil society groups. Of the provinces observed, the government designated Aceh, Papua, and Maluku as areas that required visitors to apply for special permission to travel there. The Ministry of Foreign Affairs working committee for the 2004 elections managed the procedure for obtaining permission to observe in these areas. Though the process was at times bureaucratic and complicated, Center observers were eventually granted permission to travel to all three locations.

Through these meetings and their own observations, long-term observers monitored voter education, voter registration, electoral preparations, and the national and local political environment. Long-term observers were also asked to monitor a range of related issues, including human rights, the potential for election-related conflict, and campaign finance. Long-term observers produced regular weekly internal reports, and based on these field reports and on observation at



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Leaders of the Carter Center observation delegation to the July 5 presidential election (from L-R, Chuan Leekpai, Rosalynn Carter, and Jimmy Carter) meet with President Megawati at the presidential palace.

the national level, the Center released a series of public statements.

Former U.S. President Jimmy Carter, former First Lady Rosalynn Carter, and former Prime Minister of Thailand Chuan Leekpai led a 60-member international delegation to observe the first round of Indonesia's presidential elections on July 5. The delegation had members from eight countries, including a bipartisan group from the United States, including U.S. Representative Michael Honda, D-Calif., congressional staff members, experts from the U.S. foreign policy community, and others with an interest in Indonesia. The main delegation arrived in Jakarta on July 1 and, after receiving briefings on the elections and political developments in the country and training on the Center's election observation methodology, were deployed to their observation areas July 3-6.

President Carter and Prime Minister Chuan Leekpai met in Jakarta with four of the five presidential candidates, President Megawati Soekarnoputri, Susilo Bambang Yudhoyono, Wiranto and Amien Rais, and with vice presidential candidate Agum Gumelar. In addition, they met with members of the KPU and the

Constitutional Court, leaders of nonpartisan domestic election monitoring organizations, and international NGOs and agencies involved in election-related programs. The Center released a preliminary statement on July 7 summarizing the delegation's observations.

Some of the Center's long-term observers continued to observe the full counting and tabulation process before returning to the Jakarta headquarters to share their findings. After the first and second rounds, the Center monitored the vote tabulation process in selected locations at the village (kelurahan), subdistrict (kecamatan), district (kabupaten), provincial, and national levels. Observers investigated election complaints around the country and continued to meet with KPU and Panwas officials, candidate representatives, nongovernmental organizations, and others.

Because no presidential ticket won a majority in July, The Carter Center remained in Indonesia to observe the runoff election. Between election dates, the long-term observation efforts continued as usual, with observers reporting on conditions and issues from across the country.

Fifty-seven observers from 13 countries were deployed to observe the runoff election on Sept. 20. Ambassador Douglas "Pete" Peterson, who served as the first postwar U.S. ambassador to Vietnam after three terms as representative of Florida's 2nd Congressional District in the U.S. House, led the delegation. Some observers who were part of the Center's mission in July returned in September. Arriving in Jakarta on Sept. 15, the delegation received briefings and training over two days and then deployed to 21 provinces Sept. 18-21. Following a delegation debriefing, the Center released a preliminary statement of observations on Sept. 22.

The delegation leadership met in Jakarta with President Megawati Soekarnoputri, candidate Susilo Bambang Yudhoyono, and other campaign representatives as well as the chairman and members of the KPU, leaders of nonpartisan domestic election monitoring



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organizations, political observers, journalists, and others. As it did in July, The Carter Center coordinated its efforts with the European Union Election Observation Mission (EUEOM) and other international observers and domestic observers.

DEPLOYMENT METHODOLOGY AND SITES

Despite many substantial improvements in methodology and approach over the years, including greater focus on pre-election and political factors, international election observers still struggle in many countries to evaluate the extent and significance of problems observed on election day. Having found serious problems, observers often have confronted the dilemma of whether they should question the overall quality or, indeed, legitimacy of an election. More generally, observers have faced the continuing challenge of how to make their findings less anecdotal and impressionistic.

Accordingly, as part of a longer-term effort to improve election monitoring methodology, the Center

instructed its observers to visit polling locations chosen in a statistically random manner. In theory, this would allow for greater confidence in drawing inferences from existing observations. While logistics and numbers did not permit the Center to deploy observers according to one national sample, organizers endeavored to choose polling stations locally in statistically random manner. In addition, the Center added some additional questions to the standard checklist, both to ensure observers made a judgment of the overall quality of each polling station they visited and to attempt to measure the effect of presence of observers.

Indonesia did not present a perfect place to run such an experiment. The large size of the country and huge number of polling stations made it infeasible for a group of international observers to deploy randomly across the country. Some areas of the country, including remote locations on small islands and in mountainous areas, were virtually inaccessible to international observers. Moreover, the very short polling

Chuan Leekpai and Jimmy Carter share a joke with presidential candidate SBY (far right) and his aides.



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The Center's observers complete specific forms for each polling station visited. These forms allow the delegation staff to compile a record of consistently applied criteria.

hours of 7:00 a.m. to 1:00 p.m. limited the number of polling stations each team of observers could visit. Official lists of polling stations were only available regionally on an ad hoc basis, and no centralized list of polling station addresses existed before the elections. Although in the second round, polling stations could be uniquely identified by their province, region, city, neighborhood or village, and number, the lack of physical addresses made it logistically impossible to direct observers to travel to specific polling stations.

Organizers, therefore, chose regions to send observers based on traditional criteria. They sought to spread observers throughout the country and select demographically diverse areas. They also tried to send observers to locations that appeared particularly competitive or interesting and attempted to avoid undue overlap with other international observer groups, most notably the European Union observation mission, which was the largest international group in the country.

Within each general area where a Carter Center observer team was deployed, typically a city or other subregion of a province, organizers applied principles of random assignment to generate a list of neighborhoods and villages from a complete list of all neighborhoods and villages within the preselected area. Despite the lack of lists of specific polling stations from which to draw random samples, random assignment of observers was still possible because of the availability of complete lists of neighborhoods and villages as well as the high density and sheer number of polling stations. This assignment prevented observer teams from using such strategies as going to as many polling stations as possible (which are often next door to each other and do not represent a random sample) or going to polling stations that they heard might be “interesting” (which also is not random). In particular, choosing polling stations that are reported to have problems or be interesting is likely to bias the overall observations. Even under the logistically difficult circumstances presented in Indonesia, observers were able to visit a significant number of randomly selected polling stations.

Although the Center could not use this approach to generalize the findings of its observers in a statistically valid manner to the entire country, it could draw more robust, statistically valid inferences about each geographical area in which it used random assignment of observers. The Center hopes its efforts on July 5 and Sept. 20 will contribute to further refinement of deployment methodology.



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GENERAL ELECTION ISSUES –
CARTER CENTER OBSERVATIONS

INSTITUTIONAL REFORM

Although Indonesia has had five presidents since 1998, the same MPR remained in office from 1999 to 2004 and gradually but steadily implemented a series of important constitutional changes, which have improved the framework for governance. The 1999 and 2000 MPR sessions made important changes to strengthen the legislative power of the DPR and introduced provisions recognizing regional autonomy and human rights to the constitution.

The turning point in the reform of Indonesia's governmental structure, however, occurred during the 2001 session, when the MPR adopted far-reaching constitutional reforms establishing the direct election of the president and vice president, creating a new Constitutional Court (perhaps the single most important new institution of the transition), reducing the power of the MPR and eliminating representation for functional groups, and establishing the General Election Commission as an independent body. Along with a further set of amendments in 2002, the constitutional foundations were laid for a radically new set of institutions compared to what had existed only a few years earlier. The 2004 legislative and presidential elections were the first steps in the process of bringing into being this new set of democratic institutions.

INDONESIA'S ELECTORAL SYSTEM

The amended constitution provides a broad outline of the method to be used to elect legislative bodies. In 2003, the DPR enacted two new laws governing the process of conducting elections for Indonesia's president and its legislative bodies: These were the Law on the General Election of the DPR, DPRD's and the DPD (No. 12/2003 - the Legislative Elections Law) and the Law on the General Election of the President and Vice President (No. 23/2003 - the Presidential Elections Law).

SUMMARY OF TRANSITION
IN KEY INSTITUTIONS*Legislature*

- All appointees were phased out of legislative bodies (DPR & MPR) in 2004
- Constitutional amendments strengthened legislative powers of DPR relative to president, removed all legislative power from MPR
- Decentralization institutionalized in the Regional Representative Assembly, an advisory legislation oversight body

Courts

- The courts were separated administratively from Department of Justice and Human Rights
- The impeachment of national and local government heads requires a Constitutional Court or Supreme Court decision
- Constitutional Court to provide judicial oversight of legislation

Press

- Press licenses abolished
- Greater freedoms for reporting
- Libel remains a criminal offense, and there is no Freedom of Information Act

Military

- Police and military became two distinct institutions
- Each relinquished positions in the government and bureaucracy for active officers
- Measured legislative steps toward reform, but implementation remains a challenge



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In the first set of elections, Indonesians would elect the DPR and DPD at the national level and DPRD's at the provincial and district/city level. For the DPR and DPRD's, these elections used a version of an open-list proportional system (see below). The DPD was elected in a first-past-the-post ballot. All these elections were held on the same day, April 5, 2004, which meant that each voter that day voted on four separate ballots (except those in the provinces of Jakarta and Yogyakarta, which do not have separate governments or councils at the district level).

In accordance with the election law, the KPU divided the country into more than 2,000 electoral districts. Depending on population, each district would have between three and 12 representatives in the 550-seat DPR.

Under the "restricted open-list proportional representation system," parties submitted a ranked list of candidates for each electoral district. Voters were required to choose one party but also had the option of voting for a particular candidate from that party. Seats were allotted to each party in proportion to the share of the total vote that party received. Candidates won seats in the order in which they appeared on the

The majority of polling stations were established under tents and other open structures to enhance public access and transparency in the voting process.

party's list unless a lower-ranked candidate reached a quota. (The quota was the total number of registered voters in an electoral district divided by the number of seats allocated to that district, the same number of votes required for a party to obtain a seat.) In practice, this "opening" of the lists proved to be largely a failure, since very few candidates in provincial and district/city elections succeeded in meeting the quota, and not a single national-level candidate was elected solely on this basis.

The April elections were followed by direct presidential elections in July. The presidential election was linked to the result of the legislative election in that only political parties that had won 3 percent of the seats in the DPR or received 5 percent of the valid votes in that election qualified to nominate a ticket of presidential and vice presidential candidates.

The constitution and election law provide that if no ticket wins more than 50 percent of valid votes in the first round as well as 20 percent of the vote in more than half of Indonesia's provinces, there must be a runoff between the top two vote getters. The first round of the presidential election was held on July 5, 2004. As there was no majority winner, the two tickets that received the most votes took part in a second round runoff on Sept. 20.

For both the legislative and presidential elections, the election law stated that there should be no more than 300 people registered at each polling station. Before polling day, each registered voter received an invitation to vote informing him/her of which polling station to vote at. According to the prescribed procedures, on polling day a voter arrived at the polling station, showed his/her voter's card and letter of invitation to vote, received a ballot from the polling station committee chair, punched the ballot using a spike provided by the polling station, dropped the ballot in the ballot box, and then had his/her finger marked with indelible ink (to prevent double-voting) before leaving the polling station.

After voting concluded, polling station officials immediately conducted a manual count at the polling



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JOSHUA ESTEY



Ballots were counted at polling stations after the close of polls. The presiding officer must inspect carefully each ballot paper to ensure the voter's intent is clearly indicated.

station itself before all electoral materials (including the ballot boxes, ballots, voting equipment, tally sheets, recapitulation forms, and other documents) were taken to a village-level tally center (PPS). From this point onward, only the recapitulation forms were referred to for the tabulation process; there was no further counting of the ballots themselves unless a re-count was ordered. When all polling stations delivered their ballot boxes, the village election committee completed a tabulation to determine the tally for the village. The resulting tabulation forms were then taken to the subdistrict tabulation center, where the process was repeated. This process was then replicated through district/city, province, and national level to determine the final, official results. In practice, this meant that although all ballots were counted quickly—usually on polling day itself—the tabulation process took weeks to complete.

GENERAL ELECTION COMMISSION (KPU)

The General Election Commission (KPU) was formed by presidential decree in 2001 after the previous commission had been disbanded a year earlier. The

commissioners were drawn largely from political parties (48 party representatives total) with five members appointed by the government. The tasks of the KPU were then set out in detail in the two election laws enacted in 2003. The president appoints members of the national-level KPU after a selection process conducted by a special committee of the Department of Home Affairs. The national-level KPU has 11 members who serve a five-year term of office. The current national-level KPU members will serve until mid-2006.

The extensive hierarchical structure of the election administration headed by the KPU mirrors that of the civil administration. The national KPU appoints KPUs in each province (with seven members each) and in each district (five members). In turn, the district-level KPU appoints subdistrict and village-level election committees (PPK and PPS respectively). The PPS then appoints the polling station committees (KPPS).

Under Indonesia's election laws, the KPU's task is to implement these laws, including:

- Coordinating, implementing, and controlling all stages of the election;
- Determining the electoral participants;
- Determining electoral districts, the number of seats, and candidates for membership of the DPR, DPD, provincial DPRD and district/city DPRD;
- Establishing the time and date of the vote and campaign and voting procedures;
- Determining the results of the elections and announcing the elected members of the DPR, DPD, provincial DPRD, and district/city DPRD and the president/vice president;



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■ Evaluating and giving a report on the implementation of the elections.

The KPU is funded both from the national budget and from the budgets of regional governments.

The KPU's successful conduct of the world's largest and most challenging single-day elections, repeated three times within six months, was a remarkable achievement. An average of 122 million voters went to 580,000 polling stations in each of the three elections, electing more than 17,000 representatives. (About the same number of voters, 122 million, turned out for the U.S. elections in November 2004, which represented an unusually high turnout of 60.7 percent.)

That these extremely complex elections were carried out in such an orderly and successful fashion is a tribute to the hard work of the millions of election officials and the participation of more than 120 million voters. The vast majority of voters were able to exercise their democratic rights without significant hindrance. In its statements, The Carter Center congratulated the people and leaders of Indonesia for the successful conduct of the presidential election and for the peaceful atmosphere that has prevailed throughout all three rounds of elections in 2004.

Nevertheless, the Center's monitoring efforts highlighted a number of concerns that should be addressed to improve elections in Indonesia in the future.

Concerns include:

Planning: Planning omissions and inadequate prioritization of foreseeable problems made some of the difficulties worse than they needed to be. Last-minute crisis management, including the issuance of a number of policy and procedural changes just before, or even on, Election Day, managed to address many of the problems but also resulted in poor implementation of these changes. For example, a variety of contradictory statements shortly before the second round of the presidential vote regarding the role of the police in the collection of election results created confusion.

Training of officials: Throughout the process, The Carter Center found that inadequate resources were

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President Jimmy Carter addresses the media following a meeting with Indonesian General Election Commission chairman Nazaruddin Sjamsuddin (standing to President Carter's left).

allocated to the training of polling and tabulation center officials. This appears to reflect neglect in both planning and budgeting for this fundamental part of the election operation, a gap that international donors attempted, late and inadequately, to fill. Lack of training led to a high incidence of incorrectly completed tabulation forms, particularly during the legislative elections, which created a need for widespread review and correction of tabulation forms and in turn evidently created opportunities for vote markup in some locations. While they were not, in the end, systematic or significant enough to call into question the overall results, many acts of tabulation fraud were in fact detected during the legislative election.

Corruption among officials: There were also examples of KPU officials abusing their positions. During the April legislative elections in Sintang, West Kalimantan, for example, four KPU officials were found guilty of accepting bribes to falsify vote counts during tabulation. Investigations of bribery, however, focused almost entirely on the recipients of the bribes, with almost no effort given to charging the perpetrators



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of the bribery itself. KPU members at provincial and district levels told Carter Center representatives that they were regularly offered bribes ranging from Rp 50-100 million (US\$ 5,500-11,000). Addressing the question of bribery will require more serious efforts to apprehend the perpetrators.

Partisan behavior: Election officials in some locations displayed partisanship. In Lombok, for example, the head of KPU West Nusa Tenggara (NTB) was also a “tuan guru,” a local religious leader who can exert strong influence over his constituency merely by demonstrating support for one candidate. This official gave the keynote speech at the launch of presidential candidate SBY’s biography in NTB but later asserted to Carter Center observers that his presence at the function did not indicate support for SBY. He did, however, take the Election Supervisory Committee’s (Panwaslu) advice not to attend any further functions.

Policy review: The Center is pleased the KPU has reviewed the experience of the 2004 elections and offered a number of recommendations to assist the design of future elections. Since the third round of the elections, KPU members have commented on proposed changes in the media and elsewhere. They have recommended, among other things, that the election law for 2009 be completed at least two years in advance of the poll and that the law for 2009 provide more details on the allocation of seats to each electoral district. The KPU announced plans to submit a list of proposed changes to both the DPR and the government.

Although the Regional Government Law severs the hierarchy between the national KPU and its offices at the provincial and district/city levels (see below), the KPU has offered to contribute to the drafting of regulations necessary to finalize the details for the implementation of the local elections that commence in 2005. The KPU has also offered guidance to its lower-level offices on the comprehensive process of implementing a local election, while its human resources department has prepared a draft training program for poll workers. However, in accordance with Law 32/2004 on Regional Autonomy, authority for

conducting the direct local elections is invested in the regional branch of the KPU, answerable only to local legislatures and not to central government or the national KPU.

ELECTION SUPERVISORY COMMITTEE (PANWASLU)

The Legislative Election Law instructed the KPU to create and provide funding for a National Election Supervisory Committee (Panwaslu), with a mandate to supervise all aspects of the election process. To fulfill its supervisory role, the nine-member national Panwaslu, supported by a 22-person secretariat, appointed committees at the provincial level, which in turn established committees at district/city level, which then formed committees at subdistrict level. Members of Panwaslu were drawn from the police, the attorney general’s office, tertiary education institutions, the media, and “societal figures” (often NGO activists).

The role of the Panwaslu was to supervise each stage of election implementation as well as to monitor campaigns, campaign finances, and party activities. When it received a report of an alleged violation, Panwaslu had 14 days to decide whether to take further action. Panwaslu officials were to report administrative violations to the KPU and criminal violations to the police. Where possible, Panwaslu was itself supposed to mediate disputes.

Panwaslu had difficulty responding to all complaints, especially within the prescribed 14-day period. Political party members, civil society activists, and others frequently expressed their frustration at Panwaslu’s perceived ineffectiveness. At least in part, this was because the organization faced a number of constraints.

Funding was the most serious of these constraints. Panwaslu funds were part of the larger KPU budget and, as a result, were under the control of the KPU. The KPU allocated these funds at the national and provincial levels according to the population and territory of the areas in question. Panwaslu members themselves consistently expressed a need for more funding, additional staff, and greater resources to



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recruit volunteers. Even for such basic resources such as office space, local committees often had to rely on individual Panwaslu members or partner institutions, a situation often confirmed by the Carter Center's own observers. Panwaslu's funding problems were exacerbated by a formal structure which only extended to the sub-district level. Faced with the same massive territory and geographic challenges as the KPU, Panwaslu only had a fraction of the personnel with which to fulfill its mandate. In order to stretch its resources, Panwaslu hoped to generate substantial public support to assist it at the lower levels during voting and recapitulation. But these plans turned out to be overly optimistic in the view of some of its members.

Lack of secure funding put Panwaslu in the potentially compromising situation of having to lobby for more funding from the very organization they were supposed to be supervising as well as from other government sources. Some NGOs criticized a provision to allow each provincial administration to supplement the corresponding Panwaslu budget because they were concerned that any external control over the Panwaslu's budget could erode its independence. Panwaslu officials already complained that they lacked sufficient authority to tackle violations, particularly as a subordinate body to KPU.

Other constraints hindered Panwaslu's role. The frequent reluctance of witnesses posed a challenge for Panwaslu's stage of the investigations. This certainly contributed to the weak evidence and generally poor quality of many of Panwaslu's investigations. As a result, the KPU, the police, and the courts rejected a considerable proportion of cases brought by Panwaslu. Several Panwaslus, as in East Java, also criticized the election law for its inadequate definitions of electoral violations.

Nevertheless, The Carter Center concluded that Panwaslu did, on the whole, fulfill its supervisory role within the limits of its constraints. Panwaslu was especially effective, for example, in uncovering fraudulent credentials on the part of legislative candidates, although, as explained below, The Carter Center

recommends loosening these requirements in future elections. Panwaslu also played a largely constructive role in resolving disputes. To prevent campaign violence, a major concern in the lead-up to these elections, Panwaslu arranged interparty meetings where rival campaign teams were encouraged to sign codes of conduct and statements denouncing politically motivated violence. At the same time, Panwaslu sometimes dealt with cases involving influential people through such mediation when more serious prosecution was warranted. In some places there were allegations of bias against local Panwaslu officials, and some critics argued that Panwaslu should not have included members of the bureaucracy. But observers also heard praise for the courage of local Panwaslu committees, even acting in the face of considerable intimidation. Furthermore, observers witnessed Panwaslu officials taking active steps to prevent local problems in the electoral process. Panwaslu East Java, for example, after consultations, proposed a new local regulation to correct perceived weaknesses in the legislation regarding electoral violations.

RELATIONSHIP BETWEEN KPU AND PANWASLU

Tensions between the KPU and Panwaslu were apparent before the April legislative elections when Panwaslu demanded that the KPU grant it a greater role in the investigation of legislative candidates. Panwaslu also demanded that the KPU give it access to KPU's administrative information on all candidates and parties. The KPU rejected Panwaslu's various efforts to increase its authority and independence and justified this stance largely on the basis of the election laws, which give the KPU ultimate authority over Panwaslu, including its establishment and dissolution. On July 8, after the first round of the presidential election, the KPU further limited Panwaslu's oversight role when it issued Decree 42 requiring that the Panwaslu communicate alleged violations to KPU officials before reporting them to the police. In response to public criticism of this decree, the KPU softened it to require only consultation with,



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rather than prior approval of, the KPU before Panwaslu referred complaints to the police.

Nevertheless, Panwaslu rejected the KPU decree on the grounds that it severely hindered its independence and significantly interfered with the dispute resolution process. Panwaslu unsuccessfully requested that the Supreme Court invalidate the new decree, which it claimed contradicted the election law.

Tensions between KPU and Panwaslu dissipated somewhat during the second round of the presidential elections when the KPU issued a decree granting Panwaslu access to recapitulation figures at subdistrict level aggregation centers (PPK). Although there was some confusion regarding cooperation between the police and Panwaslu on election day, it did not affect Panwaslu's ability to access and analyze recapitulation figures as required.

The tension between the national KPU and Panwaslu was regrettable since both institutions, in the view of many political observers, functioned reasonably well despite their apparent competition in many locations. In the Carter Center's view, it is important to have an effective, neutral oversight capability and a timely mechanism for resolution of disputes, including those between candidates and the KPU. The dispute between the KPU and Panwaslu and the many complaints of lack of cooperation between them hampered public confidence in the handling and resolution of election-related complaints.

CONSTITUTIONAL COURT

The Constitutional Court was established in August 2003 to provide both a judicial check on the legislature and, in regards to election matters, the adjudication of disputes in the ballot counting process.

Parties that wished to dispute the election results had three days from the time the official results were announced to file a case with the Constitutional Court. However, many complaining parties, especially the smaller ones, were not able to support their claims to the necessary standard, often because they did not have competent party witnesses and had not carefully

The National Election Supervisory Committee (Panwaslu) and Constitutional Court provided important oversight of the election process.

collected the relevant evidence during the tabulation process. Nevertheless, the Constitutional Court overturned the results in three of 15 DPD claims and 44 of 273 national or regional legislative cases it heard arising out of the April elections.

Many commentators observed that party complaints from the Prosperous Justice Party (PKS), Golkar, and the National Mandate Party (PAN) made effective use of their party witnesses, presented generally well-prepared petitions to the court, and were often successful. On the other hand, even though it is a large, well-established party, PDI-P did not make effective use of the Constitutional Court. Political observers found that PDI-P, which had neglected information sessions about court requirements before the legislative elections, presented poorly supported petitions to the court and lost most of its cases.

The most high-profile case considered by the Constitutional Court was a challenge by presidential candidate Wiranto. Following his defeat in the first round of the presidential election, Wiranto claimed that he had been the victim of electoral fraud. His case did not, on the surface, fulfill the basic requirements for evidence, but the court agreed to hear the case because of its importance. In the end, Wiranto's lawyers failed utterly to present any compelling evidence, and the court unanimously rejected the claim. This decision, despite its potential to have disappointed Wiranto supporters, was accepted without protest, and its transparency helped seal the Constitutional Court's reputation as a crucial and credible part of the electoral process.

THE POLICE

The national police force plays an important role



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in the implementation of elections. It is responsible for providing security as well as investigating cases of criminal election violations. In fulfilling these responsibilities, its neutrality and professionalism are of vital importance.

Two scandals in Java during the elections prompted questions regarding police neutrality and fueled suspicions of police bias in favor of Megawati. One of these occurred in Yogyakarta during the legislative election campaign period, where police were accused of distributing campaign materials on behalf of PDI-P. No prosecution or sanction resulted, however. A more prominent case in Banyumas, Central Java, before the second round of the presidential elections featured a video recording of a meeting of retired police officers and their spouses. The recording showed the regional police commander instructing the group in thinly veiled language to support Megawati. Panwaslu investigated the case but did not identify any violation that it felt would result in criminal sanctions. The police themselves concentrated their investigations on finding those who obtained and duplicated the recording of the meeting, although the police chief was subsequently rotated to a different post. When Carter Center observers visited the local police in Banjarnegara, two deputies denied police wrongdoing and stated that the police chief had been rotated for routine administrative reasons and not in connection with the case.

Carter Center observers also became aware of dissatisfaction in the quality of some police investigations. Police had the responsibility for investigating any alleged criminal electoral violations referred to them by Panwaslu and, if required, preparing the cases for prosecution. Despite a number of obstacles, including very limited time for investigation and difficulty in finding willing witnesses, police investigators investigated and prosecuted a large number of cases. But The Carter Center also received reports from Panwaslu representatives describing instances of serious lack of cooperation on the part of the police and unwillingness to investigate.

The presence and behavior of the police at polling stations sometimes raised questions. A large number of police were deployed to provide security at polling

stations, focusing on potential trouble spots. Despite a well-conceived regulation prohibiting police from entering the polling stations unless invited by polling station officials, Carter Center observers in a number of provinces found police in polling stations evidently in the absence of a request from election officials. Even if unobtrusive, their presence might be perceived as inconsistent with the principle of keeping the polling station neutral and free of any potential intimidation, which is especially important in a country where the police have not always been seen as acting with integrity and professionalism. Inappropriate “data gathering” of election results at polling stations, reportedly for internal police purposes, was also observed at a significant number of polling stations.

In a small number of cases, Carter Center observers found the police presence to be intrusive. In Palangkaraya, Central Kalimantan, for example, Carter Center observers witnessed a policeman enter the polling station and ask that polling station officials and candidate witnesses sign an attendance sheet for internal police purposes. There were other indications of inappropriate police interference with the affairs of the KPU. While The Carter Center did not find that such cases were either widespread or systematic, efforts on the part of the police to continue improving the professionalism of their role in elections would nonetheless strengthen the process as a whole.

On the whole, the police did a commendable job in the 2004 elections. The votes took place in an atmosphere of peace and calm, and a number of high-profile election violators were brought to justice. Police neutrality in all aspects of its activities, however, and professionalism in conducting its investigations will remain of paramount importance to the integrity of elections and to establishing a credible deterrence for criminal electoral violations.

DOMESTIC OBSERVERS

Independent domestic election monitoring organizations can provide a crucial check on the work of polling officials and can build confidence among



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John Hardman and Jimmy Carter met with European Union chief observer Glyn Ford. The EU had the largest international observer delegation in Indonesia with 230 observers.

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political parties and the public in the legitimacy of the process and the results. If disputes regarding election results arise, the role of neutral observers is crucial to seeing that the interests of all parties and of the democratic process in general are upheld.

The KPU initially accredited 34 nonpartisan domestic observer groups to monitor the 2004 elections. The larger among these groups had typically also monitored the 1999 legislative elections. The most prominent groups were the following:

■ *The People's Voter Education Network (JPPR)* was founded for the 1999 elections as a consortium of civil society organizations affiliated with Indonesia's two largest Islamic organizations, Nadhatul Ulama (NU) and Muhammadiyah. In 2004, the network of 38 organizations also included non-Muslim and secular organizations.

■ *The Center for Electoral Reform (CETRO)* grew from a large university-based network that monitored the elections in 1999. Subsequently, CETRO led a national campaign for direct presidential elections and other constitutional reforms.

■ *The People's Election Observation Network of*

Indonesia (JAMPPI) was a predominately student-based network, supported and advised by academics, politicians, and community leaders.

■ *The Independent Elections Observer Committee (KIPP)* gained prominence as a collection of organizations that monitored the last election held under Soeharto in 1997 and mobilized in much larger numbers in 1999.

■ *The Indonesian Rectors' Forum (FRI)*, a consortium of universities across the country, in 1999 conducted Indonesia's first, highly successful, parallel vote tabulation (quick count), based

on random samples in all of the country's provinces.

Although voter education and polling day monitoring peaked for the April legislative elections, CETRO, JPPR, JAMPPI, the Rectors' Forum, and other groups maintained a presence for the presidential elections. The precise number of domestic observers who were present at polling stations on each polling day was difficult to ascertain. The largest of the domestic monitoring groups claimed a combined total of more than 300,000 observers for the legislative elections. The JPPR claimed to have mobilized 140,000 observers for the April legislative ballot. After initially deciding it was no longer a monitoring organization, CETRO eventually decided to implement a targeted election monitoring program in 2004. The group reported fielding about 7,500 observers in the legislative elections. During the two rounds of the presidential elections, it deployed about 13,000 and 18,000 observers, respectively, in 11 provinces and focused many of them at village and subdistrict-level recapitulation centers. Relying largely on student networks, JAMPPI fielded about 13,000 observers in April, 12,000 in July, and 17,000 in September. More than



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8,000 KIPP observers were accredited for the legislative elections. The KPU withdrew KIPP's accreditation for the presidential elections, but, despite this, many KIPP members continued as unaccredited observers for both rounds of the presidential elections. Rectors' Forum claimed about 160,000 observers for the April legislative elections. Their deployment dropped sharply by the second round of the presidential election when they had 10,000 observers.

The Carter Center frequently consulted with domestic observers at the national and local levels, and its observers benefited substantially from their expertise. However, Center observers found that mutual distrust often hampered the working relationship between domestic observer groups and electoral authorities, limiting opportunities for information sharing. For example, the KPU briefly threatened to strip the LP3ES (Indonesia's Institute of Research, Education, and Information of Social and Economic Affairs) of its accreditation after the group allegedly released its quick count of the first round of the presidential election before informing the electoral commission.

At the first round of the presidential poll, Carter Center observers noted the presence of domestic monitors at 24 percent of the polling stations visited. For the second round in September, this figure dropped to 12 percent. Some domestic observer groups reported to the Center that they had curtailed their activities for the presidential elections due to a marked reduction in available funds. In 1999 and in the April round in 2004, principally using donor funds, most Indonesian monitoring organizations paid an allowance to each observer as well as covering transportation and communications costs.

Several domestic observer groups have stated that they are planning observation activities for the direct local elections that begin in 2005. The vital contribution that domestic observer groups can make to the transparency of this process will be greatly enhanced if they have access to sufficient resources to increase their local activities.

VOTER REGISTRATION

The main registration of voters for the 2004 elections took place in April and May 2003 and was conducted by the Statistics Bureau with guidance from the KPU. The official roll produced at that time had 148,000,369 voters.

In the lead-up to the legislative election, it became apparent that many people had not been registered at all while others had not received their voter cards. The KPU did take some steps to accommodate voters. For instance, approximately 2 million voters were added to the roll after December 2003, when registration should have concluded. Those who were registered but lacked cards were also accommodated. KPU chairperson Nazaruddin Syamsuddin announced that voters could use their citizen's identity card to verify their identity against the electoral roll. Potential voters who had missed out on registration altogether were, however, warned not to attempt to vote and were asked to wait for their chance to vote in the presidential elections. There was substantial criticism of the shortcomings of the voter registration process.

The process of correcting the electoral roll for the presidential election began in mid-April, soon after the legislative vote, and was scheduled to conclude on May 25, after which a month was reserved for the distribution of voter cards to additional voters.

More than 7 million people were added to the electoral roll as a part of this update process, bringing the total number of voters registered for the presidential election to 155,048,945. Because of the great size of this logistical exercise and the lack of clear institutional responsibility (in fact it was dependent upon local governments for funding support), the process appears to have been at times disorganized, leading to renewed problems with unregistered, double-registered, and fictive voters. Local officials reported to Carter Center observers that the KPU did not always act on corrections made at the PPS level. Weaknesses in the computerization of data also meant that cross-checking, to weed out multiple entries, such as persons with dual residences, was extremely difficult.



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The election system was, however, designed with enough flexibility to allow for inadequacies in the voter list. In addition to being listed on a voter register, a voter required a voter ID card and a letter from the PPS as proof of the right to vote. The Carter Center found, however, that the distribution of these ID cards and invitation letters was not always reliable nor was the regulation consistently enforced. In some cases, local officials improvised. Carter Center observers reported, for example, that some newly registered voters in Southeast Sulawesi received nonlaminated voter cards photocopied on blue cardboard.

A March 2004 audit of voter registration conducted by LP3ES found a relatively high level of voter registration at 91 percent. The audit found that registration accuracy and completeness varied among regions and demographic groups and identified trends that coincided with the Carter Center's observations. Among these were the issue of "ghost voters" and indications that vulnerable groups such as internally displaced persons were under-registered.

Carter Center observers across Indonesia found that both NGOs and electoral authorities raised the issue of voter registration shortfalls. Although the shortcomings in registration did not create overly serious problems for the presidential elections, such flaws will have greater impact, proportionately, on the smaller, local constituencies, and in the long run, they can cause disenfranchisement of voters and leave the process vulnerable to fraud.

VOTER EDUCATION

Dramatic changes in the electoral process since 1999 resulted in complicated ballot papers and would have normally suggested the need for an intensive voter education program. The KPU, which was responsible under the election laws for voter education, did not, however, accord this fundamental activity due attention in its planning and, as a result, allocated very little funding for it. As with staff training, the international community had to step into the breach, and so resources came late and in inadequate supply.

NGOs and political parties as well as the KPU itself conducted voter education activities mostly focused on the legislative elections, the first and by far the most complex of the three polling days in 2004.

The KPU used television ads and radio programs as well as conventional training programs to disseminate voter education information. KPU voter education messages emphasized the importance of voting according to one's conscience and the secrecy of the ballot. It was hoped that this would counter attempts to coerce voters.

In addition to the KPU training sessions, there

A poster advertises the election date and displays the five presidential candidate pairs who will appear on the ballot paper.



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was a great deal of public enthusiasm for NGO-run voter education activities. NGOs targeted women and first-time voters in activities designed both to share technical information about the election and to raise general democracy awareness. NGOs also participated in broadcast programs that discussed a combination of social issues and information regarding voting procedures. These activities, too, were severely restricted by limited funding, and, as a result, most of the NGOs tended to focus on urban voting populations rather than rural areas.

Ultimately, voter education was not a crucial factor for the presidential election, which was much simpler and came within months of the legislative election where voters had already had the experience of marking four complicated ballots each.

TRAINING OF ELECTION OFFICIALS

As mentioned above, the KPU's budget did not provide adequately for the training of electoral workers, and thus the KPU relied heavily on funds and technical assistance provided by donors. Overall, the KPU reported that almost Rp 57 billion (US\$6.3 million) was spent on training for the three elections.

For the legislative elections, training was conducted using a "cascade" approach, where the first level of KPU and electoral staff was directly trained, and then each level trained the level below it. Given the lack of resources, this initial training was done in large halls with hundreds of participants, and so there was little quality assurance before the first level of newly trained staff was sent off to train lower-level officials. And even these mass trainings only reached some 5,000 KPU staff members, less than one-tenth of 1 percent of the almost 6 million electoral workers, and were concentrated in areas that did not have electricity or were otherwise of lower socio-economic status. It helped, though, that 60 to 70 percent of polling station staff, according to the KPU's estimate, had been involved in the 1999 election.

This "cascade" style of training was supplemented by "self-training," where polling staff were either asked to

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Indonesia office director Eric Bjornlund and Carter Center Executive Director John Hardman review polling procedures depicted in the training manual for election officers.

watch an instructional video, which was distributed nationally and aired on television shortly before each election, or provided with a leaflet describing their tasks.

For the presidential election, donors each focused their training assistance on provinces and districts where the need was thought to be the greatest rather than attempting to cover the entire country as they had done in preparation for the legislative elections. Changes were also made to the way donor funds were channeled to the regions because of indications that some regional KPUs had not spent donor-contributed funds responsibly. The KPU responded by demanding a full accounting of all funds, including donor funds, from regional offices. Donor funds covered most training



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costs, other than honoraria for personnel.

For the second round of the presidential elections, the United Nations Development Program (UNDP) produced a training booklet about election procedures. This was a positive but overdue initiative. Carter Center observers noted that the UNDP booklet was widely in evidence at polling and tabulation centers.

The overall weakness of election-worker training became apparent during the tabulation process, especially during the legislative election. Incorrectly completed tabulation forms (many of which were improvised locally due to distribution problems) and further errors in tabulation created considerable confusion and delays in tallying the results.

CANDIDATE REQUIREMENTS

The new election laws imposed substantial educational requirements for candidates. The general election law raised the educational requirements for legislative candidates from junior high school to “high school or equivalent” qualifications. This issue caused a storm of controversy, both from prospective candidates who saw their credentials challenged and from the public, frustrated at those who fraudulently slipped through.

On the one hand, there were some legitimate grievances from people with education from outside the formal, public education system. Religious education is common in Indonesia, and in some isolated areas, such as parts of Papua, it is the only option. Because the legislation does not clearly define the nature of the “equivalencies” which are to be accepted, this was the source of numerous disputes. More fundamentally, these requirements prevent large numbers of individuals from having the right to run for office, including a disproportionate number of women.

On the other hand, there were also a number of cases of outright fraud. Panwaslu brought court proceedings to disqualify 405 elected members, most of them for having allegedly falsified education certification. (This seemingly large number is actually a tiny percentage of the 17,000 representatives elected in

April.) The KPU was roundly criticized in the media for failing to complete candidate screenings before the election or even before the swearing-in ceremonies. During some of the ceremonies, large protest rallies took place, with people demanding that the unresolved accusations be dealt with promptly. The political parties also came in for their share of criticism for continuing to put forward disreputable candidates.

Despite the KPU’s attempts to address those cases, some lingering disputes remained, delaying the swearing-in of a number of new representatives and postponing the inauguration of the entire legislatures in West Kalimantan and Nias, North Sumatra. In the end, 213 of the 405 challenges were heard. Only three national and 18 regional legislative candidates were disqualified for not fulfilling the educational requirements.

Rejection of candidacy based on disability. Health requirements for the presidency were introduced into the constitution in November 2001, shortly after former President Abdurrahman Wahid, who is nearly blind as a result of a stroke, was impeached. On May 22, 2004, the KPU rejected Wahid’s candidacy for president after he failed a medical examination conducted by the Indonesian Doctors’ Association.

Wahid filed a civil case with the Central Jakarta District Court seeking damages from the KPU, the Indonesian Doctors’ Association, and the Department

GENERAL ELECTION RESULTS – 1999

PARTY	TOTAL VOTES
PDIP	35,689,073
Golkar	23,741,749
PPP	11,329,905
PKB	13,336,982
PAN	7,528,956
PBB	2,049,708
PK (now PKS)	1,436,565
PKP (now PKPI)	1,065,686

Source: KPU



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Indonesia has a thriving media sector. Here, presidential candidate Susilo Bambang Yudhoyono stands before a wall of cameras at a campaign rally.



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of Health. After initial mediation failed, the court eventually found against Wahid in mid-October. His party, PKB, unsuccessfully requested a judicial review from the Constitutional Court and Supreme Court and also took the issue to the Election Supervisory Committee (Panwaslu). Wahid's disqualification never developed into a significant public controversy, however, and following his elimination, Wahid announced his intention to boycott the election, although he refrained from urging others to do so.

The Carter Center raised its concern about a regulation that takes judgments about presidential candidates' qualifications out of the hands of voters and appears to discriminate on the basis of physical disability. International standards suggest that any restrictions on candidacy based on health requirements should be interpreted narrowly.

CAMPAIGN ACTIVITIES

Campaigning throughout the three elections was overwhelmingly peaceful, quieting one of the main anxieties about the electoral process in Indonesia. Clashes between rival party supporters in October 2003 in Buleleng, Bali, had heightened concerns about the possibility of campaign violence.

The legislative campaign started and finished with gala events, during which all parties participated in a joint parade. This activity was in part designed to reduce the potential for violence and send a message to all party supporters. During the campaign period itself, the KPU imposed a strict timetable on different parties so that their mass rallies did not coincide.

Panwaslu received reports of parties paying "travel money" for people to attend their rallies. The media even reported some cases of rally participants com-



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A CASE OF MONEY POLITICS

Carter Center observers frequently received reports of money politics, which were invariably impossible to substantiate. When pressed for details, those who reported the cases would often profess to lack evidence or claim that it would not be “ethical” to disclose the identities of those involved. One observer did, however, obtain documentary evidence of money politics.

In the course of a meeting with a district-level Panwaslu, the observer inquired about an alleged case involving the bribery of a local KPU head by a particular party. The Panwaslu head, apparently believing that The Carter Center already knew about the case, explained that the candidate had paid a Rp 4.5 million (US\$500) bribe to the head of a district-level KPU to guarantee her a seat. When the candidate did not win the promised seat, she demanded repayment of her bribe, along with another Rp 5.5 (US\$611) million in “interest.”

The district-level Panwaslu, using its dispute resolution mandate in a curious fashion, brokered a deal for repayment of a sum of Rp 6 (US\$667) million. A contract was drawn up between the head of the district-level KPU and the candidate and then signed by all the members of the local Panwaslu, as witnesses. The matter was then considered resolved and was never reported to the police (although the local police chief was a signatory in his capacity as a member of Panwaslu).

plaining that they had not received the money that had been promised to them.

Electoral officials, NGOs, and even some local campaign teams described the presidential election campaign as more “low-key” than its legislative equivalent. During the first-round campaign—which ran for 30 days—each candidate was allowed to conduct his or her campaign through the media, public rallies, closed meetings, and door-to-door visits. On the first morning

of the campaign, all five sets of candidates met to sign a charter stating their commitment to accepting the results of the election.

The candidates themselves traveled the country for media spots and public rallies. A strict timetable was imposed to avoid scheduling clashes that might lead to violence. Campaign rallies that The Carter Center observed were only moderately attended and were typically well within the capacity of their venues. The large number of provinces to be covered in 30 days meant that candidates often adopted a “fly in, fly out” approach to rallies. In one instance, Carter Center observers noted that the particular brevity of one candidate’s stay became the focus of local press reports on the event. Although campaign speeches at the rallies observed focused on broadly defined national issues such as corruption, poverty, and law and order, candidates also took pains to pay respect to local tradition. For instance, Megawati spoke of her Balinese heritage at a rally in the province, while SBY held one of his public meetings in West Kalimantan in a traditional house.

Transparency International Indonesia (TII) estimated that the candidates and parties Rp 155 billion (US\$17,050,000) was spent on campaign advertising in the broadcast, electronic, and print media. Parties and candidates also spent heavily on T-shirts and other campaign paraphernalia to distribute as well as on business cards, printing, and transportation costs.

Candidate debates. Because of the sheer scale of the country and the importance in a direct election of projecting an image, candidates focused their resources on media campaigning, especially television, to reach voters. Television provided the broadest reach. Televised debates for the first round were organized on June 30 and July 1 between sets of presidential candidates, split into two groups. On the first night, Amien Rais and Megawati Soekarnoputri and their running mates participated. The remainder of the candidates participated the following evening. A panel of academics directed questions to the candidates, and a former television presenter served as moderator. Some



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A campaign banner for President Megawati Soekarnoputri flutters in the Jakarta breeze.

Indonesian observers criticized the debates for the lack of direct interaction between different sets of candidates. An earlier attempt in June to assemble all five sets of candidates at the University of Indonesia had failed, when only Amien Rais appeared.

Misuse of state resources. One significant concern regarding campaigning was the misuse of state resources and funds. Five of the 10 candidates were members of

Megawati's Cabinet and thus had ready access to state resources. For example, a local Panwaslu documented apparent violations involving the cooperatives minister, Ali Marwan Hanan. The minister took leave on June 12-13 to campaign for Hamzah Haz and Agum Gumelar but scheduled an official working visit to North Maluku from June 11-13. The Panwaslu alleged that the minister used this official visit on June 12 to campaign in several subdistricts in Tidore, thereby misappropriating local government resources for a political campaign.

A more serious abuse was the use of bureaucratic hierarchy to coerce voters to elect a particular candidate. One case that gained media attention involved state plantation workers in Banyuwangi who alleged the plantation manager threatened that they would lose their jobs if they did not vote for Megawati-Hasyim. At several polling stations in the area, Megawati-Hasyim received either every vote cast or all but one. The local Panwaslu informed Carter Center observers that the case had been dropped for lack of evidence and because the plantation manager had been repentant. The Wiranto-Wahid campaign also reportedly complained to Panwaslu of cases of intimidation on state plantations in East Java.

CAMPAIGN FINANCE

There are two key laws that govern the lawful allocation of funds for legislative election party campaigns: the 2002 Political Party Law, which regulates valid sources of funds for parties, and the 2003 Legislative Election Law, which further regulates campaign contributions and reporting of campaign income and expenditure.

The Political Party Law specifies three sources of funds for political parties: membership fees, donations, and state-provided subsidies. The latter subsidies for 2004 were based on the 1999 Political Parties Law and amount to Rp 1000 (US\$0.11) per 1999 vote. This was a significant source of funds available to established parties, particularly PDI-P and Golkar.

Because of a loophole in the election laws, the



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majority of Indonesia's politicians and parties avoided reporting their campaign finances to the government. All parties and candidates were required to submit a report of campaign funds received and spent within 60 days after polling day. Although there were criminal sanctions for illegitimately giving or receiving donations and for falsely reporting donations, the election law did not specify any sanction for not reporting campaign finances at all. (In mid-October, long after the deadline had passed, the KPU complained that only one of the 128 members of the DPD had submitted his report and only 13 of 24 political parties had complied. That number only increased after the media exposed widespread noncompliance later in October.) Even for those political parties that did submit their financial reports, local watchdog groups such as Indonesia Corruption Watch (ICW) and Transparency International Indonesia (TII) cast doubt on the figures provided.

According to the data the presidential campaign teams submitted to the KPU, approximately Rp 238 billion (US\$26,400,000) of funds were donated for campaign purposes for the first round. The amounts declared ranged from Rp 2,750,000,000 (US\$305,000) for Hamzah Haz-Agum Gumelar to Rp 103,096,200,000 (US\$11,400,000) for Megawati-Hasyim. Checking by local NGOs, however, raised questions about the figures campaign teams quoted to the KPU. Transparency International and Indonesia Corruption Watch, for example, uncovered several "fictive" donors to the SBY-Kalla campaign team in Palu, Central Sulawesi, finding no company in existence at the stated address of several corporate donors. Jusuf Kalla himself admitted that Rp 600 million (US\$67,000) of donations had been incorrectly attributed but identified the cause as misprints or donor error. No sanctions were imposed. The election law only required campaign teams to declare donations over Rp 5,000,000 (US\$555), making it impossible to track smaller amounts.

One source of party financing was from candidates themselves. The Southeast Asia Press Alliance of Jakarta (SEAPA-Jakarta) and the Media Coalition for a

Free and Fair Election reported that Golkar required its number-one-ranked candidate in each area to contribute Rp 100 million (US\$11,000) to the party. Another report from the small town of Jepara claimed some parties required candidates to promise a portion of their salary should they be elected. Such practices, of course, have the effect of creating financial barriers to political office, even at the local level, a problem not uncommon in many other countries.

MONEY POLITICS

The Carter Center heard many concerns from representatives of political parties, campaign teams, electoral officials, and civil society throughout the country about the illegitimate use and influence of money in the campaign, including vote buying, and about the inappropriate use of government resources. But there appeared to be no common understanding of what "money politics" meant, and there was much confusion about what uses of funds were illegal. Nevertheless, these suspicions were widespread.

Although it was difficult to obtain specific information on how widespread this practice was, Panwaslu recorded 31 cases of money politics throughout the country in the March-April campaign, mostly relating to distribution of "travel money" or staple food products as inducement to attend campaign rallies. The actual number of cases was presumably much higher, covering a range of practices including making donations to local places of worship or religious figures, promising contracts or development projects if elected, or simply distributing money to voters.

Carter Center observers were also informed of parties distributing small- and medium-enterprise funds, often loans with minimal or no interest, to party supporters not long before elections. For example, Carter Center observers in Binjai, North Sumatra, encountered reports that Megawati's Success Team promised cheap credit to workers at a certain corporation. These schemes, as a part of longer-term social assistance programs, appear to go beyond standard campaign promises to possible manipulation. Another form of donation involved providing



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financial aid to religious organizations. Panwaslu Aceh reported that the Amien Rais Success Team was said to have donated Rp 100 million (US\$11,000) to a university in Banda Aceh shortly before the first round of the presidential elections.

Many political commentators have noted that Indonesia's system for regulating and disclosing political expenditures is poorly enforced and therefore ignored by most electoral participants. Accordingly, the Panwaslu and the KPU have argued they need legal access to the Bank of Indonesia transfer records to successfully investigate "money politics."

Three finance-related issues that emerged during the legislative election were particularly relevant for the presidential election. The first was the impossibility of accurately determining exactly how parties raised and spent money, making it easy for presidential candidates to raise funds outside the letter of the election law. The second was the anecdotal impression that candidates, rather than parties, were responsible for most "money politics" violations, because candidates for local election could more easily affect the outcome by influencing the votes in a small area. This suggested that financial improprieties might be less of an issue in a presidential election with a small number of candidates. The third, which was a possible exception to the suggestion that "money politics" was more of a problem in the legislative and local elections, was the small- and medium-enterprise funds schemes of parties, which were aimed more at long-term voter affiliation. These funds raised the question, discussed below, of the extent to which parties could hope to deliver support to presidential candidates.

ROLE OF THE MEDIA²

In general, the media in Indonesia played a supportive and relatively neutral role in disseminating information about the elections to the public. But there were two major exceptions to this general pattern:

the use of state television (TVRI) to promote the incumbent president, Megawati Soekarnoputri, and the use of the private Metro TV and Media Indonesia newspaper to promote their owner, Surya Paloh, contender for the Golkar presidential candidacy.

All parties and candidates in these elections had access to the media. Unlike previous elections, a large portion of campaign budgets went to media advertising, particularly during the direct presidential elections. According to data compiled by the EU Election Observation Mission (EUEOM), incumbent presidential candidate Megawati spent the most money on advertising.

Both national and regional newspapers were active in covering the elections, with many papers having special daily sections on the elections. These sections would typically cover a variety of election issues in addition to the candidates.

In the lead-up to the legislative elections in April, the media overall took a fairly balanced and neutral stance, although the larger parties and the most well-known candidates were predictably more prominent in the news. SBY's decision to quit the Cabinet during this period made him a major newsmaker, and some of the private television stations and print media, in particular, accorded him considerable coverage. Surya Paloh, a candidate for the Golkar presidential nomination, blatantly used the media he owns (Metro TV and Media Indonesia) to raise his profile. He received 10 percent more coverage on Metro TV than the incumbent president and had a similar prominence in the pages of his Media Indonesia daily. Metro was also the only network to broadcast the entire Golkar convention live. The Indonesian Broadcasting Commission reprimanded Metro TV for devoting an excessive amount of coverage to Paloh.

There were other examples of print media accord- ing more prominence to candidates and parties whose stance coincided with the editorial slant of the paper, but none of these amounted to outright bias, and coverage overall was varied and inclusive.

TVRI's efforts to promote Megawati's candidacy

² This analysis draws on data collected systematically by the European Union's Election Observer Mission, supplemented by the Carter Center's own observations.



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Supporters cheer at a campaign rally for Susilo Bambang Yudhoyono and Yusuf Kalla.

increased after the legislative elections and became more pronounced in the run-up to the second-round presidential elections. Megawati was allotted nearly three times the news coverage of any other candidate during the first round, and the tone of this coverage was noticeably more positive than the coverage of other candidates. Prior to the second round, that amount increased even further, with Megawati receiving over five times as much coverage as Yudhoyono. By contrast, the private television stations were not overtly biased. However, they all tended to devote twice as much coverage overall to Megawati as to any other candidate — although this was mainly the result of advertising rather than a systematic display of partiality.

Interestingly, across the media, there appeared to be no correlation between the amount of advertising

bought by a candidate and the amount or tone of the news coverage. One exception to this general rule was RRI Radio, which gave unusually prominent coverage to PAN, Amien Rais, and Hidayat Nur Wahid, which mirrored the pattern of advertising revenues. Kompas also seemed to favor PDI-P, coincidentally its biggest advertiser, with disproportionately more coverage and more favorable/less negative coverage, but this may simply have reflected an editorial predisposition toward PDI-P.

FREEDOM OF EXPRESSION

Civil society and the media continue to flourish in post-Soeharto Indonesia, but some of their criticisms, activities, and reporting drew sharp reactions from parts of the government and political elite. Well-known



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people are able to publicly engage in constructive debate over the course of the nation, but members of the general public sometimes feel less free to do so. The 2004 elections provided several examples of the limitations that remain on free speech.

Threats to freedom of the press during 2004 arose more from questionable legal cases brought by private citizens and physical attacks on press offices than from state censorship. A series of high-profile court cases involved allegations of libel brought by a powerful businessman against Tempo, a leading national newsmagazine, and its reports and editor.

Two district courts awarded civil damages of \$1 million and \$55,000, respectively, against Tempo for libel. The Jakarta high court, however, overturned the verdicts under the 1999 Press Law, which provides basic protections in order to guarantee a free press. Despite this high court decision, in a third related case brought under the Criminal Code rather than the Press Law, a district court subsequently found the editor of Tempo, Bambang Harymurti, criminally responsible for libel and sentenced him to one year in prison. Many worried that the precedent set by this case would intimidate less high-profile media organizations. Subsequently, the editor of regional daily Pos Kupang was named as a suspect in a libel case involving a former police chief.

In June, Indonesia expelled Sidney Jones of the International Crisis Group (ICG), a well-respected researcher and commentator on Indonesian security and human rights, from the country. It was widely believed that she was targeted because of her frank reporting on the Indonesian military operation in Aceh, the conflicts in Papua and Ambon, and Jemaah Islamiah (JI). The head of the national intelligence agency suggested that at least 20 organizations had engaged in activities that could threaten national security.

Such heavy-handed government actions necessarily constrain the freedom of expression of civil society. All parts of the government need to recognize the value of healthy debate and multiple viewpoints in a mature democracy.

A February decision of the Constitutional Court annulled an archaic component of the Legislative Election Law and restored the right of former members of the Indonesian Communist Party to participate in electoral politics, but only beginning in 2009. The law, however, still prohibits political parties from “spreading communism,” and the court decision does not apply to the presidential elections.



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LEGISLATIVE ELECTIONS: APRIL 5, 2004

On April 5, 2004, Indonesians took part in the largest, most complex single-day election ever held in any country. Eighty-four percent of the 148 million registered voters turned up to select representatives for national, provincial, and district/city councils. Two thousand and fifty-two different ballot papers were printed and distributed for the occasion, some with as many as 400 candidate names on them.

Although the Carter Center observers were not yet fully deployed to directly observe the April 5 election, they spent the months of May and June in the field speaking to a wide range of interlocutors, attempting to glean the lessons of the legislative elections and develop an understanding of the context for the coming presidential vote.

ELECTION PREPARATIONS

When the Legislative Election Law was passed in March 2003, there was barely a year left to organize the vote. Significant changes to the system—such as reducing the number of voters per polling station from 1,000 to 300 and the radically different ballot system—meant that, even for officials who had been involved in previous elections, 2004 was a very new experience. The KPU therefore faced major challenges in designing and distributing election materials, in training poll workers, and in informing the electorate of complicated voting procedures.

For many candidates, voters, and lower-level electoral officials, the complexity of the ballots, the new proportional system, and the recapitulation process were sources of much confusion. Confusion caused by the ballots themselves, which were wider than the voting screens and featured hundreds of candidate names, was reflected in the high rate of invalid ballots, 9 percent nationally.

The procurement and distribution of election materials were one of the most serious problems. In

particular, the production of voter cards and ballots, centralized in Java because the bidding process favored large consortiums, was impractical for national distribution. Although production costs were low, the result was a delay in the distribution of voter cards and ballots. One KPU official explained to the Center that, for example, the ballots for the easternmost provinces of Papua were produced in landlocked Solo, Central Java. Incorrect labeling and other problems also resulted in some ballots being delivered to the wrong locations. These logistical problems caused delayed or repeat ballots at small numbers of polling stations in various provinces. For example, according to KPU press statements, the legislative elections were delayed at various polling stations in seven districts in Papua, 78 polling stations in eight districts of Central Java, 10 polling stations in East Nusa Tenggara, and five polling stations in West Sumatra.

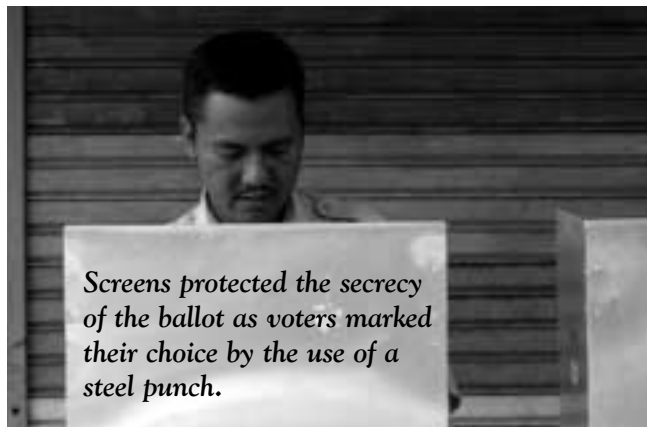
There were also allegations that corruption had influenced the bidding process with illegal markups in production costs for the personal benefit of KPU members. The majority of these alleged markups were in election material production and distribution costs.

Because of delays in the delivery of training materials before the legislative elections, polling station officials often reported that they were given insufficient time to read and understand complicated polling and recapitulation procedures. Some polling station officials told the Center that although they were able to complete the tabulation process much more quickly than in 1999, additional training would have helped them to do so more efficiently and professionally.

After the logistical problems faced during the legislative elections, the KPU decided during the presidential elections to print voter cards locally. They did continue to have ballots produced centrally, but the simpler ballot format helped avoid delays in distribution.



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LEGISLATIVE ELECTORAL SYSTEM

The changes made in the method of electing representatives for the 2004 legislatures came about as the result of a political compromise and as such were only a modest step in the direction of putting choice in the hands of the people. Growing public frustration over the quality and integrity of the legislators, traditionally chosen by central party executives with little outside input, had created pressure on party leaders and legislators from both the public and party members alike to come up with a process that increased the connection between legislators and their constituents. For their part, some party executives preferred to retain central party control of candidate selection.

The end result was a “restricted open list proportional representation system” whereby parties nominated candidate lists and representatives were elected in order of their ranking on the lists according to the party’s proportional share of the total vote, but the voters had the theoretical (i.e. restricted) option of electing candidates further down the list if those candidates reached a certain threshold. As discussed earlier, the restrictions were so significant that the voters’ ability to choose individual candidates remained almost wholly theoretical. The threshold written into the legislation (calculated by dividing the total number of registered voters by the number of seats allocated to that electoral district) was so high as to be virtually unattainable, at least in the elections for the DPR, the national legislature.

The Carter Center joined other foreign observers and advisers working with the KPU in worrying that the high thresholds in the open-list proportional representation system could lead to problems if the public, unaware of how insurmountable the quotas were, saw candidates elected who received fewer votes than other candidates who did not get seats. The ballots, which for the first time featured candidate names or photographs as well as political party logos, strengthened the impression that voters had some meaningful control over which individuals would be elected to represent each party.

PROBLEMS WITH RECAPITULATION

Carter Center observers heard of many allegations of fraud at the subdistrict (PPK) recapitulation level during the legislative elections. Several cases were proved in the end, but very often complaints at this level faltered for lack of conclusive evidence. Party witnesses, often ill-trained, faced many constraints in documenting their claims. They were not generally able to obtain copies of the recapitulation form from the polling stations they attended and were often forced to attempt to write down complex recapitulation data on scraps of paper. Polling stations themselves did not always use the official tabulation forms.

In Jatibaru village in Bima, East Nusa Tenggara (NTT), members of the election committee (PPK) apparently changed vote tallies from 15 of 18 polling stations. The changes were meant to favor PKB but were sufficiently blatant that the number of votes ostensibly cast exceeded the number of voters on the electoral roll. The case was reported to the police, but the public prosecutor’s office declined to pursue it on grounds of insufficient evidence. When local NGO TIPP planned a protest over the inaction, its office was burned down. TIPP reported to Carter Center observers that the two dismissed election officials had admitted being offered a bribe of Rp 30 million to alter the results, of which Rp 1.5 million had been paid. Ultimately, the KPU chairman and one other member of the committee were dismissed.



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In the end, only two out of 550 DPR members (Hidayat Nur Wahid of PKS and Saleh Djasit of Golkar) received the quota of votes necessary to be elected as individuals, but both were, in any case, first on their party lists.

Some voters indeed felt cheated when candidates with smaller vote totals were elected over candidates who were more popular. Candidates who had received more individual votes than others who were higher on the same party lists but short of the quota reacted with frustration at not being elected. In one well-publicized case in East Java, media accounts attributed the murder of a candidate to such resentment.

In some cases, creative compromises were attempted to balance out the rules and the public's sense of propriety. In January, Amien Rais announced to a gathering of PAN candidates that the party intended to install any lower-ranked candidate who was not elected but achieved over 50 percent of the quota. A "time-share" of the seat was floated as a solution to two disputes between candidates for the provincial legislature in Papua.

The number of voters opting to mark their ballots in support of an individual candidate varied from province to province. In Papua, where it was highest, almost every party that had a candidate elected to the national legislature also had a lower-ranked candidate

who received more votes but was not elected. Three of these failed candidates received more votes than any candidate in Papua who was elected.³

The experience in Papua demonstrates how the prohibitively high quotas allowed parties to retain control over who was elected, sometimes in clear contrast to the wishes of the electorate. The disappointment of popular failed candidates and the voters who wanted to elect them may have had a negative impact upon party mobilization during the presidential election and may be a factor in explaining the apparent lack of loyalty to parties and coalitions in the presidential elections.

The new system did provide some incentive for parties to recruit representatives with popular appeal. If the public's expectations about the relationship between votes cast and candidates elected are to be met in the future, however, the highly restrictive quota will have to be revised.

ELECTION RESULTS

Twenty-four parties ran candidates for legislative seats in the April elections, but only seven parties won strong percentages across the country:

3 Provincial trends drawn from Kevin Evans, Hasil Pemilihan Umum 2002, Analysis CSIS, 33(2), June 2004. Papua information from KPU.

RESULTS OF LEGISLATIVE ELECTION - APRIL 5, 2004

POLITICAL PARTY	% OF TOTAL VOTES RECEIVED	SEATS
Golkar	21.6	128
Indonesian Democratic Party-Struggle (PDI-P)	18.5	109
United Development Party (PPP)	8.2	58
Democratic Party (PD)	7.5	57
National Awakening Party (PKB)	10.6	52
National Mandate Party (PAN)	6.4	52
Prosperous Justice Party (PKS)	7.3	45
Others	19.9	49
Total	100.0	550



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FIRST-ROUND PRESIDENTIAL ELECTION:
JULY 5, 2004

PRESIDENTIAL CANDIDATES

After the results of the April legislative elections were announced, several smaller parties met to coordinate their support of presidential candidates. Large parties such as Golkar and PDI-P put forward their own candidates without developing coalitions. Instead, both Golkar and PDI-P chose running mates from Nadhlatul Ulama (NU), Indonesia's largest Islamic organization, which claims as many as 40 million members. NU itself had fragmented, and it was easy for PDI-P and Golkar to choose leaders from opposing NU factions. Given the lack of any united position emanating from the NU leadership, it was predictable that NU members would not necessarily choose to support either of these parties.

Six sets of candidates were nominated before an amended May deadline: Megawati Soekarnoputri-Hasyim Muzadi, Wiranto-Salahuddin Wahid, Susilo Bambang Yudhoyono-Jusuf Kalla, Amien Rais-Siswono Yudhohusodo, Hamzah Haz-Agum Gumelar, and Abdurrahman Wahid-Marwah Daud Ibrahim. The KPU then screened candidates to ensure that they met the requirements in the election law. The general expectation that the KPU would reject Abdurrahman Wahid's candidacy on health grounds proved well-founded when, on May 22, the KPU eliminated the former president from the race.

Five candidate pairs (president and vice president) competed in the July 5 presidential election:

- Wiranto and Salahuddin Wahid
- Megawati Soekarnoputri and Hasyim Muzadi
- Amien Rais and Siswono Yudhohusodo
- Susilo Bambang Yudhoyono and Jusuf Kalla
- Hamzah Haz and Agum Gumelar

Golkar. The Golkar Party won the largest share of votes and seats in the legislative elections in April 2004. This victory empowered Golkar to develop strong voting blocks and coalitions at both the national and provincial levels. Despite Golkar's legacy as Soeharto's political vehicle throughout his New Order regime, the party improved its 1999 performance. This was partly due to the leadership of party leader Akbar Tandjung, who, with some success, tried to reform Golkar's image and dissociate it from its unpopular past. Tandjung's chances as a presidential candidate in 2004 diminished, however, when he was found guilty in 2002 of misappropriating state funds for the party's campaign in 1999. In February 2004, he won a controversial appeal to the Supreme Court and was acquitted of the charges, paving the way for him to run for the Golkar presidential candidacy.

In May 2004, Tandjung won a plurality over four other candidates in the first round of the Golkar convention vote but lost out to former General Wiranto in the second. The stigma surrounding Tandjung's corruption charges had clearly not disappeared, and so political analysts were startled when Golkar's national convention chose Wiranto, who many viewed as a Soeharto loyalist, opponent of reform, and even a war criminal—a U.N.-supported court in East Timor had indicted Wiranto for crimes against humanity—to be its nominee for the 2004 presidential elections.

Both to improve his image and to win the NU vote, Wiranto chose Salahuddin Wahid, the son of NU's founding father and brother to former President Abdurrahman Wahid, as his running mate. Salahuddin Wahid was chairman of the NU board and deputy chair of the National Human Rights Commission. He drew strong criticism for joining the Wiranto ticket and thus resigned from the Human Rights Commission as well as the board of NU.



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PDI-P. PDI-P suffered a dramatic decline in its electoral fortunes in the 2004 legislative elections, receiving just over half the proportion of the vote it got in 1999, and finishing second overall to Golkar, both nationally and in the provincial legislatures. Like Golkar, PDI-P may have assumed that its strong support base and party machinery would guarantee it an easy victory and initially appeared to rely on mass rallies to gauge the strength of its support in Indonesia's cities and districts. PDI-P also had the advantages of incumbency and the support of government officials appointed during Megawati's presidency.

The PDI-P's decline in support was a reflection of the declining popularity of President Megawati Soekarnoputri. After three years in office, she had gained a reputation as ineffectual and aloof and needed to find a strong running mate. When Megawati became president in 2001, she had supported Hamzah Haz in the MPR election for vice president in part to shore up her Islamic credentials. Haz did not enjoy widespread popularity with the electorate, and for the 2004 election, Megawati secured Hasyim Muzadi, the general chairman for Nadhlatul Ulama, as his replacement. Like Wiranto, Megawati chose an NU political leader as her running mate based on the old paradigm of elections, which assumed that leaders of mass organizations could count on support based on traditional loyalties.

SMALLER PARTIES

The Democratic Party (PD), National Mandate Party (PAN), Development Party (PPP), and the Prosperous Justice Party (PKS) all qualified to nominate presidential candidates, although PKS chose not to. PD nominated Susilo Bambang Yudhoyono, whose popularity was already soaring. PAN nominated its founder and party leader, Amien Rais, while PPP continued to support its chair, the incumbent Vice President Hamzah Haz, by nominating him for president.

Amien Rais was speaker of the People's Consultative Assembly (MPR) from 1999 to 2004. Before establishing PAN in 1998, Rais was chairman of

Muhammadiyah, the second of the two huge Muslim organizations in Indonesia, and a lecturer at the prestigious Gadjah Mada University. His running mate, Siswono Yudhohusodo, was a member of the MPR as a functional group representative and had been a candidate for the vice presidency in 2001.

Vice President Hamzah Haz had initially appeared eager to remain paired with Megawati, but PDI-P nominated Hasyim Muzadi instead. Haz's Islamic-oriented United Development Party (PPP) then proposed him as their own presidential candidate, with retired Gen. Agum Gumelar, the incumbent transport minister, as his running mate.

Drawing on its base among urban religious voters, PKS registered a strong improvement in comparison with its 1999 results through a campaign based on good governance and opposition to corruption. In late April, the head of PKS, Hidayat Nur Wahid, explained that the party had decided before the election that it would only nominate a candidate if it received 20 percent of the vote. Five days before the July poll, the party declared its support for Amien Rais, joining the Crescent and Star Party (PBB) as a supporter of his presidency.

Building a coalition of Islamic parties was a familiar tactic for Amien Rais. In 1999, he had spearheaded the Central Axis (Poros Tengah), which supported Gus Dur for the presidency. The support of PAN and PKS, which both represented a reformist and educated constituency, boosted Rais' candidacy, whereas PPP foundered on Hamzah Haz's poor record as vice president. PPP provided Haz with a strong party infrastructure, but it had a staid and conservative reputation.

The Democratic Party, a small party formed in 2001, began to rise in popularity on the coattails of its star candidate, Susilo Bambang Yudhoyono (often shortened to SBY). PD posted an impressive showing in the April elections, even though it was new and lacked a traditional constituency. The party won 57 seats in the national legislature, spread across most provinces, although it polled particularly strongly in



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Jakarta. Despite being nominated by a small party, Yudhoyono, a retired three-star general whose highest post in the military was head of the territorial command (sixth in command overall), was the front-runner. Yudhoyono, who served as coordinating minister for socio-political affairs and security under both Abdurrahman Wahid and Megawati, had long been identified as a potential presidential candidate. Yudhoyono chose Jusuf Kalla, a businessman from Makassar in Sulawesi and a powerful official in Golkar, as his running mate. Kalla had gained a high profile as Megawati's coordinating minister for welfare when he spearheaded peace accords for Poso and Maluku. Many political analysts believed that Kalla would be able to attract votes in eastern Indonesia.

Yudhoyono's candidacy for president received an unintended boost from Megawati's husband, Taufik Kiemas, who in March publicly chided SBY for acting like "a childish four-star general" in complaining to the press about being left out of Cabinet decisions. Yudhoyono resigned and his popularity soared. SBY's party base was tiny, but, over his years as a prominent Cabinet minister, he had developed an image that made many Indonesians believe he could institute change and reform, even though he had never clearly committed himself to such agendas in the past.

PARTY SECURITY GROUPS

Party security groups (satgas) have been fixtures of Indonesian elections since the 1980s. These groups acquired a new prominence during the 1999 elections, when the newfound freedom to assemble led to the mass mobilization of party supporters. Unfortunately, their role was often coercive and sometimes violent. After 1999, the roles of satgas diversified further, when parties outsourced these groups to become unofficial security guards for illicit businesses and enterprises. Most satgas are not a part of the formal party structures (the satgas of Golkar and PAN are exceptions). Consequently, it is difficult to hold parties legally responsible for their activities.

In late 2003, violent conflict between rival satgas

erupted in North Bali, triggering widespread fears of a renewal of interparty violence in the lead-up to the 2004 elections. In reaction to the Bali violence, governors and mayors in several provinces throughout Indonesia established subdistrict-level security panels to coordinate campaign schedules and, ultimately, to avoid conflict between rival satgas. Although the election laws did mention the need for coordination between party security groups and the police, the laws were vague and gave legitimacy to party security groups that had no binding or legal relationship to formal party structures. In early 2004, the KPU issued decrees to restrict the roles of the satgas, including regulations forbidding the use of military-style uniforms and prohibiting the establishment of noncampaign team command posts.

To the great relief of many, these and other efforts had effect, and the 2004 campaigns were largely peaceful.

ELECTION PREPARATIONS

With only five candidates campaigning for the presidency, preparing for and conducting the presidential elections were far less complex than for the legislative elections. The presidential ballot was much smaller and was identical throughout the country. In April, the KPU had to arrange for 2,052 separate ballots to be printed and then distribute the correct four of these ballots in the appropriate quantities to each polling station. Many election materials, particularly ballot boxes, voting booths, and the spike for punching the ballots, had been stored locally and could be reused, greatly reducing the design, procurement, and logistical challenges. In addition, many personnel had already received training for the legislative elections. As a result, Carter Center observers found electoral staff members enjoying a relative respite from the intensity of the legislative period.

There were two obstacles that nonetheless shortened the time available to the KPU. The first was the longer-than-anticipated time taken to complete the legislative election tabulation, which ate into the tight preparation time for the presidential vote. There was



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also the need to revise the voter registration lists, which, as discussed earlier, had been prepared by another government agency the year before, as well as to provide cards to the many voters who had registered but not yet received them.

In the end, the delivery of necessary election materials for the July ballot was generally much smoother than for the April 5 elections. Problems, however, arose again in more remote regions. For example, Carter Center observers reported problems with the distribution of voter registration cards in some areas. In parts of Kendari, Sulawesi, the official blue voter cards were not produced, and the makeshift cards that were used in the end could have easily been duplicated, leaving the process open to fraud.

There were also problems with delayed dispersal of funds for setting up polling stations and late payments to polling station committees. In North Sulawesi, for example, local election officials blamed the insufficiency and late delivery of funds as the reason for the simple, makeshift polling stations.

CONDUCT OF THE ELECTION

Exactly three months after the April legislative election, Indonesians returned to polling stations to begin the process of directly electing a president and vice president. On July 5, Indonesia's 155 million registered voters were eligible to vote at 575,000 polling stations, making this election the largest single-day election in the world. Nationally, 79.6 percent of voters exercised their right to elect the president and vice president, a decrease from 84 percent voter turnout for the legislative election.

Compared to the legislative election, the presidential election was a much simpler poll, both for voters and for those organizing it. In contrast to April's complicated vote, with multiple large ballots, for the first presidential election, voters needed only to punch the picture of one of five pairs of candidates. Likewise, the counting process was also much simpler.

For the July 5 presidential election, The Carter Center deployed 60 international observers, led by former

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Chuan Leekpai; executive director of The Carter Center, John Hardman; and President and Mrs. Carter listen to the president of a polling station explain the voting procedure prior to the opening of polls.

President Jimmy Carter and former Prime Minister of Thailand Chuan Leekpai, to 17 provinces. Observers met with local officials, campaign teams, and domestic observers and observed the voting, counting, and initial tabulation. In his preliminary assessment of the election, President Carter congratulated the people and leaders of Indonesia for the conduct of the July 5 presidential elections and the peaceful atmosphere that prevailed during the election. Observers on election day, however, as discussed below, did note a number of serious procedural errors and widespread problems with what became known as "double-punched ballots."

Center observers generally found polling stations visited to be well-organized and functioning effectively, usually with their full staff complement and necessary election materials. Polling station officials in some locations, however, were lax in applying administrative procedures. Center observers reported, for example, a consistent failure to check fingers for ink before voting and the use of poor quality ink on voters' fingers after



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they had cast their ballots. Officials sometimes failed to check voter documentation or the voter register. In some locations, the polling station layout did not ensure privacy in the polling booth. Several polling stations closed well in advance of 1 p.m., and some began an early count.

COUNTING AND TABULATION: DOUBLE-PUNCHED BALLOTS

Although theoretically the small number of voters per polling station meant that the counting and tabulation process at individual polling stations could take place relatively quickly, serious difficulties with double-punched ballots slowed the process. This was the most significant problem with the July 5, 2004, election.

As polling stations closed and began their count on July 5, the KPU began receiving an alarming number of reports of ballots that were invalid because they had been marked more than once. It turned out that many ballots had been folded in such a way as to allow voters to “punch” their votes on one side without opening the entire ballot sheet. Therefore, many voters had unwittingly punctured both sides of their ballots.

The KPU issued three separate directives to address the problem of the large number of technically invalid ballots. On election day, after initial reports of the problem came in, the KPU issued an initial directive to polling station officials to count double-punched ballots where the voter’s intent was clear. As Carter Center observers found, not all polling stations received or followed the KPU’s initial directive on election day to review and reclassify double-punched ballots. The following day, the KPU issued additional



President Jimmy Carter examines the polling booth layout prior to the opening of polls.

directives explaining the process at village- and sub-district-level aggregation centers for rechecking and re-counting ballots previously ruled invalid and emphasizing the importance of ensuring transparency in the tabulation process by having witnesses present.

Observers reported initial resistance to rechecking invalid ballots in some locations, because village and subdistrict election officials were being asked to do additional work without additional compensation. Although some polling stations still had high percentages of invalid votes, suggesting that officials had not actually conducted the mandated review, in most locations, officials ultimately followed KPU instructions.

According to Carter Center observers, the presence of candidate witnesses and nonpartisan domestic observers during the rechecking at the village level was uneven. Often only one or two witnesses were present, and sometimes there were none. Candidate witnesses and domestic observers often may not have been aware of the time and place for the rechecking and recapitulation. In some cases, the KPU directive on the need



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**ELECTION-DAY MANIPULATION:
THE AL-ZAYTUN CASE**

The Al-Zaytun case was the most remarkable of election-day violations because it involved the military, mass mobilization, and a radical Islamic boarding school, Al-Zaytun.

Before the legislative elections, the number of registered voters at the Al-Zaytun polling stations swelled from 4,674 to 13,253, raising suspicions of potential voter mobilization on behalf of particular parties. (Ultimately, this was not investigated because, in the KPU's view, the divided results—between the Freedom Bull National Party (PNBK) and Golkar—made vote manipulation difficult to prove.) On July 5, 2004, the number of voters that participated in the legislative election at Al-Zaytun nearly doubled when approximately 20,000 voters were bused in from Jakarta. About 99.8 percent of votes cast favored Golkar presidential candidate Wiranto. After a lengthy debate involving national and provincial Panwaslu officials, the KPU agreed to invalidate votes cast by nonresidents and to hold a repeat election for the 4,674 valid resident voters on July 25 at the Al-Zaytun polling stations.

On July 25, however, all of the school's 4,674 residents boycotted the election, and it was strongly suspected that the head of the school, Sheik Panji Gumilang, had discouraged residents from participating.

In the end, three officials from Al-Zaytun's subdistrict KPU were found guilty of administrative violations and sentenced to one year probation, and the military stripped the rank of the army officer responsible for arranging the transport of nonresident voters.

to have party witnesses present during the recheck did not arrive in time to be publicized.

Reportedly, some limited field tests of the ballot had provided evidence that double-punching could be a problem, but the KPU failed to change the design.

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Delegation members Dwight King and Allyson Phelps confer with Mrs. Carter and Jeff Carter outside a polling station.

Carter Center observers noted that election officials in some provinces were aware of the potential for problems with the ballot, and there were some local attempts at solving the problem. For example, after the KPU in South Sulawesi conducted their own vote simulations and found that as many as 30 percent of the ballots were double-punched, they printed and distributed roughly 100,000 posters showing how to avoid invalid/double-punched ballots.

ELECTION-DAY MANIPULATION

There were serious election-day attempts at fraud in at least three locations: a polling station for expatriate Indonesians in Tawao, East Malaysia; a remote polling center in Mimika, West Papua; and in and around the Al-Zaytun Islamic school complex of Indramayu, West Java (see text box). In addition, there were reports of "fictive polling stations" from various places in Java.

In Tawao, East Malaysia, an Indonesian consular official illegally punched about 8,000 votes in favor of SBY. In late 2004, the official was fined Rp 1 million (US\$111) for his crime and sentenced to three months in prison, which was suspended. Domestic observers criticized the sentence as too lenient to deter future abuses.



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RESULTS OF FIRST-ROUND PRESIDENTIAL ELECTION – JULY 5, 2004

Candidate pairs in order they appeared on ballot paper	Total votes received (percentage)
Candidate Pair 1 Wiranto / Salahuddin Wahid	26,286,788 (22.2%)
Candidate Pair 2 Megawati Soekarnoputri / Hasyim Muzadi	31,569,104 (26.6%)
Candidate Pair 3 Amien Rais / Siswono Yudo Husodo	17,392,931 (14.7%)
Candidate Pair 4 Susilo Bambang Yudhoyono / Muhammad Jusuf Kalla	39,838,184 (33.6%)
Candidate Pair 5 Hamzah Haz / Agum Gumelar	3,569,861 (3.0%)
Invalid votes	2,636,976 (2.17%)

Source: KPU



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Democracy Program Acting Director David Carroll, President Carter, Chuan Leekpai, and Indonesia office director Eric Bjornlund at the Center's July 7 press conference.

In four polling stations in Kwamki Lama, Mimika, West Papua, KPU officials illegally punched more than 3,200 ballots in favor of SBY. The perpetrators were discovered, the votes cancelled, and a re-vote was arranged. The officials involved were also tried and

sentenced to a three-month suspended sentence.

In East Java and Madura, Carter Center observers received reports of so-called “fictive polling stations.” In Jelgung village in Sampang, for instance, one political party alleged that of 14 polling stations for the legislative election, only six opened in July. The party claimed that votes were still recorded for the eight polling stations that did not open, benefiting one of the candidate tickets that did not make the second round. Though denied by local KPU officials, there were also allegations that some polling stations in East Java did not open because funds allocated to them had been embezzled.

DOMESTIC OBSERVERS AND
CANDIDATE WITNESSES

The number of domestic election observers around the country declined significantly from April to July and further still by September. Domestic observers were present at only 52 of the 297 polling stations observed (18 percent) by Carter Center



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Before leaving the polling station, each voter must dip his or her finger into indelible ink to prevent double-voting.

observers in July. Other international observers made similar findings. Several domestic election monitoring organizations blamed shortfalls in funding.

Campaign teams for each of the candidates, particularly for SBY and Megawati, put much effort into mobilizing their own witnesses. Carter Center observers found more than one candidate witness present at 253 of 297 polling stations observed (85 percent).

As with domestic observers, funding appeared to be one of the main constraints to mobilizing witnesses. Given the enormous number of polling stations and the fact that each witness could cost a campaign team from Rp 20,000 to Rp 50,000 (US\$2-5), training and mobilizing witnesses were expensive and organizationally daunting tasks.

FIRST-ROUND RESULTS

After surviving a potential storm of controversy over a significant number of inadvertently spoiled ballots in the first round of the presidential elections, the KPU released the official results of the vote on July 26. As was widely expected, based on pre-election polls and the quick count, Susilo Bambang Yudhoyono took the

top spot with 33.6 percent of the vote, and incumbent President Megawati Soekarnoputri hung on to a place in the runoff election by beating Wiranto 26.2 to 22.2 percent.

Among the important developments in the period after the first round were the challenge launched by the Wiranto-Wahid team of the official results, debate over international involvement in the elections, and criticisms of the KPU and its deteriorating relationship with the Panwaslu (discussed above).

During this period, large and small political parties also engaged in important efforts to build coalitions to support one or the other of the remaining presidential candidates. In the lead-up to the second round, the restricted campaign period and the use of state media to support the incumbent were also causes of concern.

After the KPU completed its official count, candidates had three days to lodge a challenge with the Constitutional Court. Golkar's ticket, Wiranto and Salahuddin Wahid, chose to lodge such a challenge on July 29, 2004. Wiranto and Wahid claimed to have been denied 5,434,660 votes across 26 provinces. Presuming that other candidates' vote tallies remained unchanged, Wiranto-Wahid would have finished second had they received these votes. They based their claim on differences between the number of voters anticipated in KPU Decision No. 39/2004 and the number of voters who eventually voted according to the KPU's tabulation. They also requested that the Constitutional Court review a KPU circular that declared double-punched ballots valid. Wiranto's legal counsel conceded in court that they could not demonstrate how the differences they highlighted could have caused them to lose votes



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and also could not explain how they arrived at the precise number of votes they claimed to have lost. On Aug. 9, the court found against Wiranto-Wahid. Wiranto himself accepted the decision and appealed for his supporters to do the same.

OBSERVERS CRITICIZED

After the election, controversy emerged over the involvement of foreign groups and individuals in the election process and the credibility of the domestic observers conducting a parallel vote tabulation or quick count as an independent verification of the official tabulation.

On its Web site, the Wiranto campaign team circulated a document on July 7, two days after election day, suggesting that foreigners, including The Carter Center, were involved in “suspicious, silent operations” around the polling stations before, during, and after the election. On July 9, PDI-P’s Kwik Kian Gie, minister for state planning and head of the powerful national planning board, was quoted in Kompas, one of the country’s leading newspapers, as saying that Cabinet ministers had agreed that “foreign observers were too involved in forming public opinion in the run-up to the presidential elections.” He cited President Carter, the public analysis of American academic William Liddle, and the NDI quick count. The following day, Kwik Kian Gie backpedaled, claiming he had been misunderstood.

Although the election confirmed the reliability of the quick count as a means of providing accurate results long before the completion of the manual count, it also generated a significant amount of controversy and suspicion. A quick count draws on a statistically significant sample of actual polling station results to predict the result of an election very soon after the polls close. The Institute for Social and Economic Research, Education, and Information (LP3ES), with technical assistance from NDI and support from USAID and other donors, conducted the most well-known, controversial, and accurate of these counts. The LP3ES quick count involved approximately half a

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The executive director of The Carter Center, John Hardman, and President and Mrs. Carter observed polling at various locations throughout Jakarta.

million votes from 2,000 randomly selected polling stations. Before midnight on election day, July 5, 20 days before the KPU announced the official results, LP3ES and NDI released the results of their quick count. According to these results, SBY was in the lead with 33.1 percent, Megawati was in second place with 26 percent, Wiranto came in third with 23.3 percent, and Amien Rais and Hamzah Haz finished last with 14.4 and 3.1 percent respectively.

According to the organizers, the quick count was accurate to plus or minus one percentage point with a 95 percent confidence interval. On average, the LP3ES results differed from the final result by 0.49 percentage points, with the largest variation being 1.15 percentage points. As was seen on July 26, these results were completely consistent with the official count.

The announcement of the LP3ES-NDI results on election night upset the chairman of the KPU, who felt that LP3ES and NDI had failed to provide the required prior notice to the KPU. After much discussion, LP3ES and NDI promised to give the KPU more notice in the future.



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COALITION-BUILDING FOR THE SECOND ROUND

In preparation for the second round, political parties began building coalitions that would serve two distinct goals: to win the support of voters who had supported one of the candidates eliminated in the first round and to begin establishing a power base to support or oppose the next president's administration. By early August 2004, both candidates were holding meetings with Indonesia's various power brokers with the goal of creating multiparty coalitions without losing control over their own specific political programs and objectives and the makeup of the future government.

After Wiranto failed to lead Golkar to the second round, party chief Akbar Tandjung was able to reassert his control over the party. By early August, Tandjung had developed alliances with PDI-P, the United Development Party (PPP), the Reformist Star Party (PBR), and the Prosperous Peace Party (PDS) to form the Nationhood Coalition to support Megawati Soekarnoputri's candidacy against SBY. This partnership constituted an impressive political front that would bind the executive branch to a majority in the legislature if Megawati won in the second round. If Megawati lost, it would serve as a strong opposition to SBY's minority support in both national and provincial legislatures. PDI-P had already proven itself to be a significant political force during the July ballot even though it trailed far behind SBY in polls for the second round. By joining with Akbar Tandjung to form the Nationhood Coalition, PDI-P sought to strengthen Megawati's candidacy and potentially win Golkar loyalists to her side.

Although SBY was leading in polls by more than 20 percentage points, in the face of the stepped-up competition from the Nationhood Coalition, SBY worked to expand his support base beyond his own party's new, small, and virtually undefined structure. In mid-August, SBY invited the explicitly Islamist

Prosperous Justice Party to form an alliance with PD. SBY's coalition with PKS strengthened his standing with some religious voters unsure of SBY's stance on Islamic issues. By mid-August, there were already initial signs that PKS was preparing to build its own coalition of minority Islamic parties called the People's Coalition (Koalisi Kerakyatan). They would never have the power of the Nationhood Coalition, but they could give SBY some unexpected support in the legislature.

Meanwhile, parties that had not fully committed to SBY or the Nationhood Coalition took a neutral stance. Amien Rais stepped down as PAN party leader and said he would not run in 2009. Hamzah Haz, the incumbent vice president, announced he was quitting politics. Wiranto, reportedly still bitter from Golkar's lack of support, declared himself neutral. PKB's disqualified candidate, former President Abdurrahman Wahid, opposed Megawati and PDI-P for forcing him from office in 2001, and many in PKB appeared to lean toward SBY. However, many others remained loyal to Megawati's running mate, Muzadi, chair of NU. In the end, PKB decided to remain neutral.

The rules governing the campaign for the runoff remained unclear even as the two presidential tickets prepared for the second round of voting. The Presidential Election Law stated that in the event of a second round, the two remaining candidate pairs "may improve their vision, mission, and program, under the regulation and facilitation of the KPU." The official elucidation of the law directed the KPU to regulate that this process "be no longer than 3 (three) days, for which funding is given by the KPU." Amid debate among the KPU and both presidential candidates, the commission set the campaign period for Sept. 14-16, during which time each candidate could campaign only according to a debate format specified by the KPU.

Such a highly restricted and structured campaign appeared to infringe the rights of free speech and



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assembly of the candidates and their supporters and was inconsistent with international practice and standards. Consistent with the goal of encouraging candidates to “improve their vision, mission, and program,” The Carter Center urged in August that the election law be interpreted as broadly as possible to allow freedom to campaign, along with a full and open political debate.

In the lead-up to the second-round election, according to the EUEOM, the volume of TVRI’s programming that supported President Megawati’s candidacy increased again over the already disproportionate attention she received before the previous votes. TVRI gave the incumbent president five times as much coverage as her opponent between July 15 and Sept. 20, about 3,400 minutes in total. This took the form not only of double the news coverage (over 800 minutes) of the president but also a vast quantity of extra airtime (well over 35 hours) devoted to ostensible public affairs programming that highlighted her government’s policies in positive light. SBY did not receive comparable airtime.

SBY, now officially the front-runner, was featured in a number of special programs and profiles throughout the rest of the media, though his total coverage there did not exceed that of the president. EU analysts found the coverage of SBY to be generally neutral in tone.



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SECOND-ROUND PRESIDENTIAL ELECTION:
SEPTEMBER 20, 2004

Carter Center observers monitored voting day processes at nearly 300 polling stations, most of which were well-organized. Disturbances, violations, and attempts at manipulation were relatively rare, and the overall conduct of the poll was orderly and peaceful. As this was the third election in less than six months, voters and polling station officials were naturally more familiar with the procedures, and procedural glitches, such as the double-punching of ballots that had caused major headaches in the first round, were virtually nonexistent this time around. A simple, two-candidate ballot also helped reduce the incidence of invalid votes and made tabulation at village- and subdistrict-level aggregation centers much simpler than before. Nevertheless, Carter Center observers across the country noted a significant number of incorrectly completed recapitulation forms, particularly at village-level aggregation centers (PPS). In fact, election officials were often forced to correct miscalculated figures on subsidiary recapitulation sheets, which once again left open the potential for vote manipulation. As in the first round, party witnesses were rarely present at the village (PPS) and subdistrict (PPK) aggregation centers.

Although the problems that were observed were not significant enough to affect the overall result of the elections, as discussed in the following paragraphs, Carter Center monitoring efforts did highlight a number of important issues that should be addressed to further improve elections in Indonesia in the future.

CONDUCT OF THE ELECTION

On election day, Sept. 20, 116 million of 150 million registered voters turned out for the second and final round of the presidential election, a turnout of 77.5 percent. Though lower than in the previous two elections of 2004, the turnout was still strong. A combination of voter fatigue, the relatively greater engagement in local politics as compared to national



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Most polling places established a seating area outside the polling area for voters to await their name being called by polling officials. Each polling station could receive a maximum of 300 voters.

politics, the fact that several popular candidates had been eliminated from the race, and lower voter awareness due to constraints imposed on campaigning all probably contributed to the relative decrease in participation. As discussed earlier, there remain significant flaws in the registration process, but the vast majority of eligible voters were duly registered to vote in this second round and exercised their right to do so.



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A polling officer at the entrance to the polling station checks each voter's name against the voter register.

The conduct of the vote was overwhelmingly orderly and peaceful, with few incidents of violence reported and very few incidents of disruption to the voting process. (Police quickly quelled one small but unruly protest by Megawati supporters in Bali during the counting process.) As reported in the Carter Center's preliminary statement of Sept. 22, "The second round of Indonesia's historic first direct presidential election has taken place successfully in a general atmosphere of calm, order, and open participation." The findings of all other international and national observer groups as well as the Panwaslu support this overall conclusion.

There were nonetheless a number of weaknesses and inconsistencies in the administration of the vote, which, if not addressed in planning future elections, could ultimately undermine the public's confidence in the process.

Carter Center observers noted that the KPU took steps to try to address problems identified during the April and July elections. Many polling stations had received and used the training booklet published by the KPU with UNDP support. Nonetheless, Center

observers reported that polling station officials in some locations did not consistently apply administrative procedures, including several standard procedures to prevent multiple voting and other malpractices. For example, many officials did not check voters' fingers for ink, did not ask for voter cards, or failed to cross names off the voter roll. In many polling stations, KPU invitation letters were used as the only document for voter identification.

There was also confusion on polling day about the use of the police in helping the Panwaslu to obtain election results. Panwaslu initially requested police help at polling stations before retracting this request a few days later. The issue was resolved when the KPU issued a decree allowing Panwaslu to collect data from the subdistrict (PPK) level, formally providing it with official recapitulation forms for the first time. Although the exchange did suggest continued Panwaslu-KPU rivalry, it resulted in improved access to election results for Panwaslu.

Pete Peterson and Eric Bjornlund observe polling officials at work.



COLIN STEWART



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EARLY CLOSURE OF POLLS

As noted earlier, a number of polling stations closed early in the July round of the presidential election. Before the second round, the KPU issued Decree No. 46 of 2004, which permitted polling stations to close as early as 11:30 a.m. in certain circumstances. KPU members explained they wanted to facilitate a head start on counting, but one national KPU member admitted privately they believed it would continue to happen in any case. Carter Center observers found that the decree was not uniformly communicated or applied. It created significant confusion and disenfranchised at least some voters. One of the conditions in the directive—that all eligible voters had voted—could almost never be literally met. Nevertheless, many

Revised rules allowed polls to close as early as 11:30 a.m., causing confusion and disenfranchisement of voters in some places.

polling stations closed early even though all eligible voters had not voted as required. Many polling station committees evidently interpreted the provision as permitting early closing as long as there were no more voters present and candidate witnesses agreed. Polling officials showed Carter Center representatives a directive from at least one provincial KPU that permitted early closing of polling stations without any mention of preconditions. Moreover, several polling stations closed well in advance even of the early closing time of 11:30 a.m. As a result, some voters who arrived after the close of polls in certain locations found they could not vote.

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The presiding officer displays each ballot paper to those present at the polling station.

In at least one case, a poll had to reopen Sept. 21 to allow additional time for voting. The Carter Center recommended that authorities adopt and enforce a consistent closing time for all polling stations.

COUNTING AND CONSOLIDATION OF RESULTS

Few complaints arose in the counting and consolidation of results for the second round. Because the quick count results were announced on television during the afternoon of election day, in many locations, village and particularly subdistrict tabulations were taking place after the public was already convinced that SBY had won with a significant margin of victory. In this atmosphere, Carter Center observers reported that officials often did not follow up local problems with the conduct of the count, as such problems did not seem relevant to the national result. Despite her campaign

RESULTS OF SECOND-ROUND PRESIDENTIAL ELECTION – SEPTEMBER 20, 2004

Candidate Pair	Total votes (percentage)
Susilo Bambang Yudhoyono / Jusuf Kalla	69,266,350 (60.7%)
Megawati Soekarnoputri / Hasyim Muzadi	44,990,704 (39.4%)
Total	114,257,054 (100%)



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Former U.S. Ambassador Pete Peterson led the Center's delegation in September.

team's claim, without presenting evidence, that violations in 12 provinces may have cost her 5 to 10 million votes, Megawati eventually chose not to challenge the result through the Constitutional Court.

Nevertheless, the vote tally report form, which is important in ensuring transparency and confidence, had a serious design flaw. The page that polling station officials and candidate witnesses were supposed to sign to acknowledge the results was a separate page from the results themselves. These signatures could therefore be easily separated from the main form, providing a serious opportunity for fraud. The KPU's supplemental directive that officials and witnesses should initial the results on the first page was not systematically followed. Flaws such as this, while not having serious consequences during this particular vote, must nonetheless be

addressed in the future, since the effects of such weaknesses during another, closer vote could threaten the credibility of the entire exercise.

CANDIDATE WITNESSES AND ELECTION OBSERVERS

Carter Center observers reported that more than one candidate witness was present at two-thirds of polling stations monitored, but they also noted that many witnesses did not appear well-trained or informed about the balloting and counting processes. Both candidates failed to organize sufficient numbers of qualified witnesses despite their stated commitments to recruiting and better training them and even though they recognized that the more effective, widespread participation of party witnesses could have mitigated some of the problems seen in July.

Regrettably, as noted above, domestic observers were present in relatively few polling stations. Accredited international and domestic observers were supposed to have access to the tabulation process, but it appears that domestic observers lacked either the resources or the commitment to be able to effectively monitor the tabulation process at the village and higher levels.

As with the previous round, LP3ES produced a same-day quick count, which projected the final outcome. Despite public criticisms after the first round, the accuracy of the quick count results as compared to the final official results seemed to prove its value, and the quick count results were even more eagerly anticipated the second time around. One of the major private sponsors, Metro TV, even broke confidentiality agreements by reporting the results in midafternoon before the quick count itself was completed and hours before the scheduled announcement. Even though only a portion of the quick count results were in, it turned out that the early results held firm and the early and accurate announcement may actually have further enhanced the quick count's reputation. The final quick count results showed SBY with 60.9 percent of the vote to Megawati's 39.1 percent, almost



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exactly predicting the final official results of 60.7 percent and 39.4 percent.

As a result, the quick count technique will no doubt be highly respected and sought-after in future elections in Indonesia. Other forms of statistically valid polling and survey research, which became commonplace during these elections, may also enjoy greater credibility. This election marked a watershed in the use of statistical techniques to predict voter intentions and verify actual results and should open the door to political parties and candidates as well as the government seeking and using such information. Public opinion polling is also likely to play a greater role in keeping political leaders in tune with the views and aspirations of the people.

SECOND-ROUND RESULTS

On Oct. 4, the KPU officially announced that Susilo Bambang Yudhoyono and Jusuf Kalla had won the presidency and vice presidency with 69,266,350 votes (60.7 percent), compared to incumbent President Megawati Soekarnoputri and her running mate Hasyim Muzadi who obtained 39.4 percent. This confirmed what had long been apparent, since partial returns had consistently suggested such a ratio for the previous two weeks. The official results also vindicated the LP3ES quick count, which, as discussed above, had predicted this outcome with impressive accuracy by late afternoon on voting day.

In view of the early clear indications, the public expectation that the president would concede began shortly after polling day. SBY delayed a planned victory speech in anticipation of such a concession, but it



As one election official calls out the voter's choice, another official records the count on a large tabulation form.

never came. Even after the official results were announced two weeks later and plans began to be made for SBY's inauguration, Megawati did not acknowledge defeat, although she had publicly called on supporters of both sides to accept the eventual results. Her advisers indicated that they would be challenging the results in court, citing some irregularities

The domestic observers conducted an independent quick count that confirmed the final election results.

in West Java, but in the end they simply let the appeal period expire.

These circumstances led to a storm of criticism against the incumbent president for failing to follow appropriate protocol and graciously acknowledge the will of the people. In fact, the media reported that several attempts on the part of SBY's team to arrange hand-over meetings with the incumbent president's office were unsuccessful.



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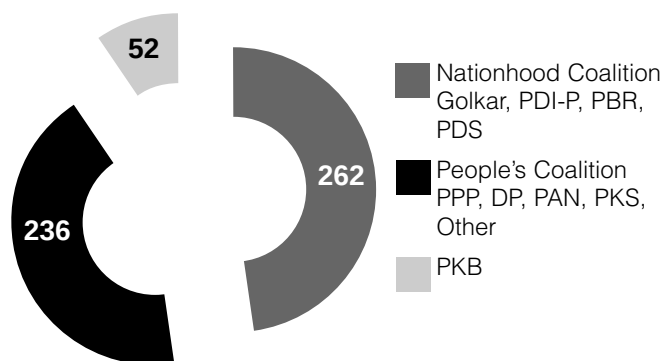
The emergence of the People's Coalition in provincial and national legislatures in early October bolstered SBY's power.

Akbar Tandjung declared that none of his Nationhood Coalition members would be allowed to hold positions in SBY's Cabinet. SBY's running mate and former high-ranking Golkar official Jusuf Kalla made statements in response to the effect that Nationhood Coalition members would not be offered positions in SBY's Cabinet. Due to infighting, the coalition lost the support of the United Development Party (PPP), but Golkar (128 seats) and PDI-P (109 seats) together with the Christian PDS party (10 seats) still have 247 members of the 550-member legislature. Depending on developments inside Golkar and PDI-P, the coalition can present significant legislative obstacles to SBY over the next five years.

Without Megawati in the executive branch, many observers believe PDI-P's weaknesses will become more evident. To address this problem, PDI-P held a national convention shortly after the second round of the presidential elections. On Sept. 30, 2004, PDI-P announced the re-election of Megawati as head of the party for the next five years. While nearly all of Indonesia's parties have fragmented into various factions, Akbar Tandjung's Nationhood Coalition may help PDI-P to avoid an exodus of party elite to SBY's smaller, though increasingly significant, People's Coalition. It remains to be seen whether Golkar will be able genuinely to join forces with PDI-P or whether either party will ultimately reach an arrangement with SBY.

SBY's second-round victory also forced PKB's two factions to choose between two opposed political coalitions: SBY's People's Coalition or the more powerful Nationhood Coalition led, at the time, by Golkar and PDI-P. By mid-October, PKB's strongest faction under Alwi Shihab had decided to side with SBY (with Shihab joining the government as coordinating minister for people's welfare), while Muhaimin Yahya's faction had associated itself with the Nationhood Coalition.

The PPP's crisis of leadership was apparent when its presidential candidate and sitting vice president, Hamzah Haz, finished a distant last in the first round of the 2004 elections. PPP appeared to attempt to strengthen its position in August 2004 when it joined Akbar Tandjung's Nationhood Coalition. Nevertheless, PPP left the Nationhood Coalition in early October 2004 when Golkar refused PPP's request that the coalition's candidate for head of legislature be from PDI-P and not Golkar. In protest, PPP, with its 58 seats, joined SBY's People's Coalition.





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THE NEW GOVERNING COALITION

Even though the coalition between PD and PKS helped SBY win the presidency, the two parties remain relatively powerless. This was plainly evident during the election of the head of Jakarta's provincial legislature in late September 2004. While PKS had the largest number of seats in Jakarta's legislature, its candidate lost to a minority Golkar leader. The PKS candidate lost the position because four of SBY's PD seats voted for the Golkar candidate. This episode cast some initial doubt on SBY and his ability to counter the Nationhood Coalition's overwhelming power in the national and provincial legislatures.

SBY was elected because he promised reform. This means that he will have to deliver some progressive legislation or make a meaningful effort to counter corruption during the first several months of his presidency. The sudden emergence of the pro-SBY People's Coalition in both provincial and national legislatures in early October bolstered SBY's power. The People's Coalition consists almost entirely of SBY supporters and relatively small Islamic parties. The National Mandate Party (PAN), with 52 seats in the DPR, and the Crescent and Star Party (PBB), with 11 seats, are both People's Coalition members. Just before the election of the chair of the People's Consultative Assembly, it was reported that Abdurahman Wahid and his National Awakening Party (PKB) also voiced support for the People's Coalition's candidate, Hidayat Nur Wahid. Shortly thereafter it was announced that Hidayat, head of PKS, was elected MPR chair over the Nationhood

Coalition's candidate. PPP and various underdogs among the smaller Islamic parties have acquired newfound strength in their support of SBY's populist coalition.

SBY's government will be stronger if he controls a significant block of votes in the national legislature. In order to maintain such a coalition, however, SBY must be willing to make certain adjustments in his own administration. On Oct. 18, 2004, for example, both the PKS and the PBB threatened to leave the People's Coalition when they saw that SBY planned to appoint to his Cabinet Indonesian economists with strong connections to the International Monetary Fund. SBY will have to work hard to keep both of these relatively large Islamist parties within his coalition.

SBY's government received a boost in December 2004 when Vice President Jusuf Kalla was elected leader of the Golkar Party. This signaled a shift in the legislature toward the People's Coalition. Golkar's majority, as opposed to only one faction headed by the

Representatives from the Carter Center and European Union observer delegations met with President-elect Susilo Bambang Yudhoyono to congratulate him on his victory.



COLIN STEWART



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vice president, has moved out of the Nationhood Coalition and become a major source of support for the government. However, this harbors the danger that Jusuf Kalla, with the backing of the powerful Golkar political machinery, may seek to usurp SBY's position.

SBY also possesses significant support within Indonesia's military. He has held several high-ranking military positions in both New Order and post-New Order administrations. In fact, SBY's presidency might be seen as part of a recent trend among retired generals to enter into party politics. In recent years, several retired military officers have begun to seek positions in political parties, perhaps in part as a reaction to the military's decision to give up its automatically allotted seats in national and provincial legislatures by 2004. With or without appointed seats in government, the military remains a powerful force in local and national affairs. In fact, the presence of powerful retired generals in political parties and government departments leaves

many analysts wondering whether these officers will remain loyal to their political parties or whether they will feel more profound allegiance to their fellow retired officer, SBY. An early sign that retired military officers may feel some transcending loyalty to SBY was evident when the Armed Forces Veterans Association (Pepabri) openly declared its support for SBY. If SBY can count on the support of retired "political" generals, he may be able to influence his rivals from within their own parties. By doing so, SBY could introduce a new form of military politics where retired military officers influence policy through a mixture of military connections and loyalties and party-based maneuvering.

SBY won the election because he promised to bring change, integrity, and discipline to the office of president. SBY's ability to maintain the true loyalty of the active military to his presidency may partly depend on whether he can implement reforms without damaging the integrity of the institution.



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REGIONAL ISSUES AND SPECIAL CIRCUMSTANCES

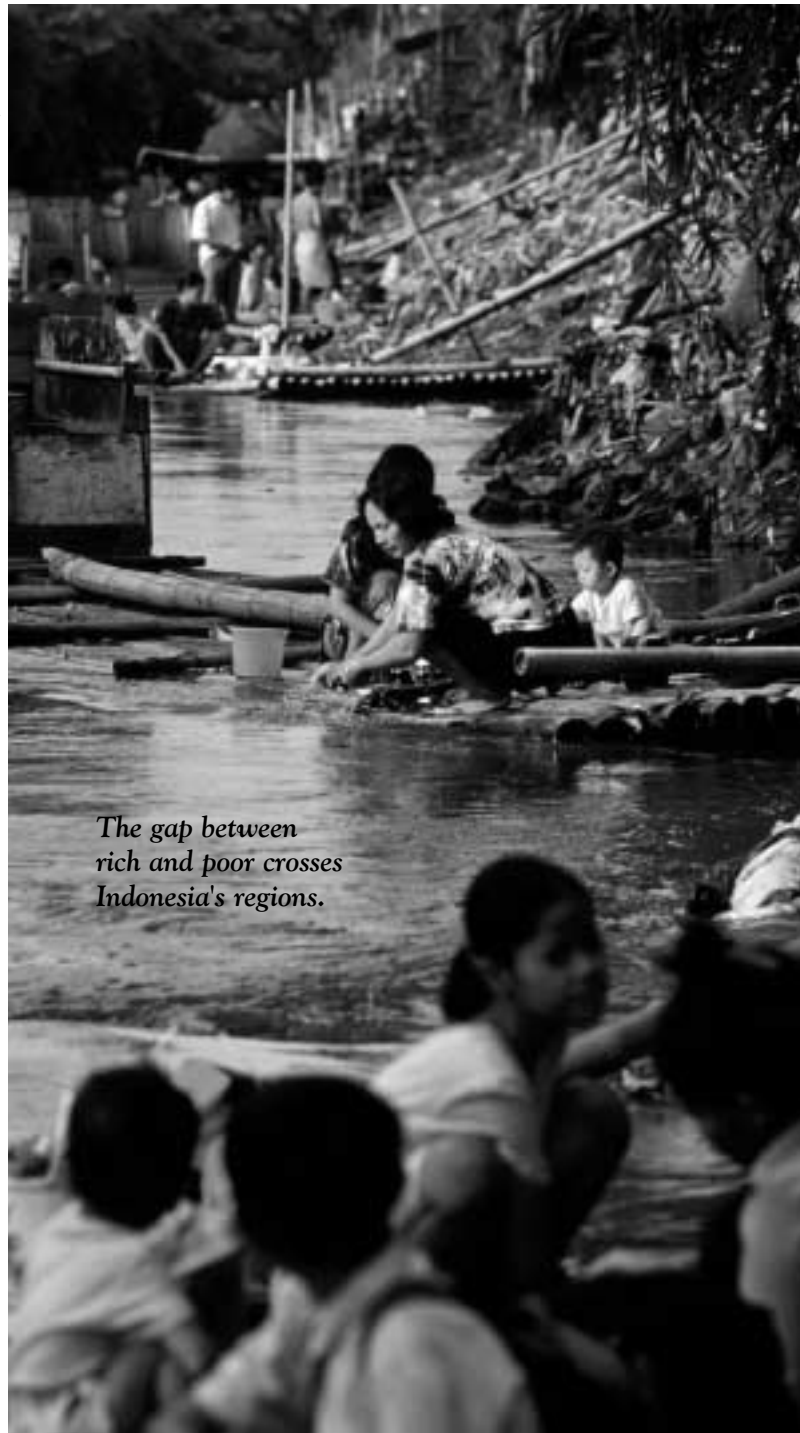
The Carter Center deployed observers across the Indonesian archipelago, enabling a broad assessment of the conduct of the elections nationwide as well as of some regional variations. Provinces with remote districts and poor infrastructure, for example, faced considerable logistical problems when preparing for the elections that sometime resulted in delays or other problems with the vote. Funding problems were more acute in the newly partitioned regencies and provinces created over the past five years, where poor infrastructure necessitated KPU requests for extra financial support from local governments. And in areas of single-party legislative and executive dominance, there was a greater tendency toward local government bias and manipulation. Although the general conduct of the elections was relatively uniform and local discrepancies did not normally affect the integrity of the process, greater consistency is still needed in certain areas such as election finance, ensuring the independence of electoral authorities and voter access among internally displaced populations.

From May to September 2004, The Carter Center monitored the process in Indonesia's conflict and post-conflict regions. Having held discussions with a wide variety of stakeholders in Aceh, North Maluku, Papua, and West Irian Jaya, the Center believes that the conflict and special circumstances facing these provinces significantly affected the conduct of the elections in these areas. The following sections describe election-related concerns in these provinces.

ACEH: ELECTIONS UNDER A STATE OF EMERGENCY

In response to a strong separatist movement in the province of Aceh Nanggroe Darussalam (Aceh), the Indonesian government and legislature enacted a new special autonomy law in 2001. This special autonomy, among other things, allowed the province to keep up to 70 percent of its oil and gas revenues and implement

JOSHUA ESTEY



The gap between rich and poor crosses Indonesia's regions.



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The state of civil emergency and ongoing conflict in Aceh hindered the freedom of movement and assembly necessary for open, competitive elections.

Islamic law. The same year, after almost two years of negotiation, the government and separatists signed an internationally brokered peace deal in Geneva. Peace talks collapsed in May 2003, however, and martial law was declared. The biggest military operations in Indonesia since the invasion of East Timor in 1975 commenced. In May 2004, a few weeks after the legislative elections, martial law was lifted and replaced with a civil emergency administration transferring over all responsibility of security operations to the police.

It was important to observe the election process in Aceh because of the unique circumstances facing the province. Having made four observation visits during the elections of 2004 to the capital city of Aceh, Banda Aceh, including both presidential elections, Carter Center observers noted several election-related problems that were the direct result of the conflict.

The conduct of elections in conflict and post-conflict areas is understandably difficult. The presence of military and police can reassure voters about their security, but it can also be intimidating to some citizens. The state of civil emergency and ongoing conflict in Aceh hindered the freedom of movement and assembly necessary for open, competitive elections. Although Carter Center observers reported that the polls in Banda Aceh were well-conducted, they did not observe outside of the capital city. Center observers received reports that the military's assistance in transporting voters may have intimidated some citizens. Information gathered in Aceh indicated that the legislative elections there were conducted smoothly and that few violations were reported. The same could be said of the process The Carter Center observed directly

in Aceh during both rounds of the presidential election. Despite some procedural errors at polling stations, the voting process mostly ran smoothly. Voter turnout in Aceh—88 percent for round one and 83 percent for round two—exceeded the national average.

Many Acehnese expressed the concern they felt pressure to participate in the 2004 elections. There were reports from local groups that the Aceh Civil Emergency Authority (PDSD) launched an unofficial campaign to ensure that the low voter turnout seen in 1999 was not repeated in 2004. Local journalists showed Carter Center observers photographs of banners, which were said to have been prepared by the PSDS, that read, "Voting is proof of being part of NKRI (Unitary Republic of Indonesia)." While not direct intimidation, these efforts may have been some evidence of the climate of coercion that local NGOs described and may help explain why voter participation was so high when compared to the boycott of 1999. A local People's Voter Education Network (JPPR) observer described a situation in West Aceh where villagers who had traveled to the polling station the night before reported that they were afraid not to vote. This fear was in the context of a highly politicized conflict, with pressure on voters from both sides of the political spectrum; to vote allegedly showed your support for integration with Indonesia and to abstain was to show sympathy for the separatist movement.

In Banda Aceh, polling stations located in conflict zones were set up in centralized clusters. This practice required the mobilization of villagers from more isolated regions to centralized polling stations by security forces. The fact that the military was involved in the transport of civilians to polling stations was cause for concern. The Center did observe soldiers within 20 meters of at least one polling station in Aceh Besar subdistrict during the second round, contravening the 200-meter limit.

Domestic groups deployed some 500 observers for the first round and 100 for the second in North, South, and South West Aceh as well as in



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Lhokseumawe and Sabang. The conclusions of these observers largely mirrored the findings of the Center and the EU.

PAPUA AND WEST IRIAN JAYA: SPECIAL PROBLEMS

Between May and September 2004, Carter Center long-term observers monitored the election process in Jayapura and Mimika, Papua, and Manokwari and Biak, West Irian Jaya (WIJ).

Conduct of the elections in Papua and WIJ was consistently poorer than the national standard. Though the Carter Center team found no indications in Papua of widespread irregularities that could have affected the outcome of the presidential elections, shortcomings such as the prevailing absence of voter lists and the disregard for voter identification cards at polls removed major safeguards against multiple voting and, if not addressed, could lead to questions about the legitimacy of future elections in the region.

The failure to implement the 1999 Special Autonomy Law and the implementation of the nationally driven policy of partition, which has divided Papua into two provinces (and calls for the establishment of a third), complicated the administration of elections in Papua and led to some confusion and delays. (In February 2005, the government floated proposals to divide Papua into five provinces.) The policy of partition hurt the performance of election authorities in Papua and particularly in the newly established province of West Irian Jaya. The disputed legal status of newly partitioned WIJ resulted in the delayed formation of the provincial KPU there. Particularly in WIJ, qualified personnel were difficult to find, Panwaslu did not exist in some subdistricts, and there was no police presence.

Holding elections in Papua was not a simple affair. In Mimika, for example, five of the eight subdistricts had polling stations that required boats, planes, and, in a few instances, helicopters to get to. In the Balliem valley, election commissions for three of the four new districts in what used to be Jayawijaya district operated

from the old district capital because of inadequate infrastructure elsewhere.

Many logistical failures marred the elections in both Papuan provinces. For example, there was reportedly a shortage of 30,000 voter registration cards a week before the election in Mimika, forcing a quick reprint ordered by the KPU and implemented by local private firms. Major failures were reported in the areas of voter card distribution, to the extent that in many cases voters were allowed to use their official identity cards to vote. Voter lists were not available to many polling officials below the subdistrict level, leading to the loss of a crucial safeguard and to some confusion among voters.

These problems, which appeared to be worst among largely ethnic Papuan communities, seemed to have been mainly a result of insufficient funds. The effect was that a great number of local election officials had to conduct elections with woefully insufficient support. Although most did the best they could under the circumstances, it was clear that the lack of funds in particular had a strongly adverse effect upon the election process.⁴ In some areas of Papua such as Mimika, aside from the failure to produce and distribute the lists, cards, and invitations, money shortages also led to a drastic reduction of the number of polling stations to only 201 for 107,000 voters. At many of Mimika's polling stations during the second round, the number of expected voters swelled from 300 to 600 to 1,000 or more. Besides taxing the polling station committees (KPPS) and contravening the election law, this meant that in some cases officials took shortcuts, such as not counting the blank ballots at the opening of the polls because it would have taken too long.

Provincial governors, mayors, and district heads across the country often provided critical funds and logistical support to fill these gaps. In Biak, West Irian

⁴ Carter Center observers noted the irony that funding constraints should adversely affect the elections in areas such as the newly autonomous and wealthy district of Mimika where the local economy is driven directly or indirectly by the operations of the largest gold and copper mine in the world.



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JOSHUA ESTEY

An Indonesian voter waits her turn to cast a ballot in Indonesia's first direct presidential election. More than 155 million voters were registered for the elections.

Jaya, for example, the KPU and parties praised the mayor for his support of the elections, including his administration's provision of extra funding to the KPPS when necessary. The role of these local leaders was not always positive, however. Center observers found, for example, that their role in the selection of KPU and Panwaslu personnel and in the control of budgets for these bodies often led to suspicions about the independence and neutrality of those officials. Local leaders were responsible for preparing lists of

Because there was no coordinated or wide-spread voter education effort in Papua, voter awareness of the election process was very low in remote areas.

candidates for local KPU positions for final selection by the higher-level election commissions. This meant local leaders had control over who was considered for these posts. In many cases, local party and NGO leaders complained that governors or district heads had an agenda when selecting candidates for provincial KPU offices, as was the case in West Irian Jaya. Such suspicions hurt the reputation of the KPU and the conduct of their work in some places.

Insufficient funds also affected poll worker training programs and voter education initiatives. The Human Resources Section of KPU identified Papua and West Irian Jaya as having faced particularly challenging funding problems when it came to training staff, primarily because of the high cost of transporting participants to training sessions. Because there was no coordinated or widespread voter education effort in Papua, voter awareness of the election process was very low in many of the areas observed, particularly in the more remote areas.

Certainly, the elections in Papua and West Irian Jaya, as elsewhere, were peaceful and marked the end of a largely nonviolent campaign season. This in itself was no small feat in some regions. Mimika district, for example, had been the site of local conflict fueled by national politics many times in the past—and as recently as 2003. Instead, the major troubles in areas observed throughout Papua were administrative, both in planning and administering the process on election day.

In both July and September, Carter Center observers saw very few domestic observers at polling stations in Papua and WIJ. In Timika, The Carter Center encountered no domestic observers at all. In Papua and WIJ, as elsewhere in the country, candidate



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witnesses were much more visible during both rounds than domestic observers.

Officials of the mining company PT Freeport Indonesia repeatedly denied Carter Center observers access to Tembagapura subdistrict. Local observers and political parties reported that they also faced serious restrictions on access to this area. Restrictions upon freedom of movement and access to certain geographical areas for international observers, domestic observers, and candidate witnesses are unacceptable and inconsistent with the election law.

NORTH MALUKU: COMMUNAL CONFLICT

In August 1999, communal conflict broke out in North Maluku, only weeks before it became a new province. It is estimated more than 3,000 people lost their lives, approximately 250,000 people were displaced, and some 18,000 houses and 200 places of worship were destroyed.⁵ The state of civil emergency in North Maluku was repealed in May 2003, and by late 2004, the province had undergone a dramatic rehabilitation. In Ternate, where the provincial capital is temporarily located, many, though by no means all, of the destroyed dwellings have been rebuilt, and the presence of security forces is no longer intrusive.

The Carter Center deployed short-term observation teams in Ternate for both rounds of the presidential election and also sent long-term observer teams in August and September. The Center felt that it was important to monitor the capacity of this postconflict province to organize elections and to observe whether the community in North Maluku could safely exercise their democratic rights.

Each election in North Maluku was conducted peacefully, with polling day procedures consistent with other parts of the country. This was no small accomplishment in a province that was still under civil emergency when voter registration commenced. The

enduring impact of the conflict upon the 2004 elections was reflected in problems in voter registration of the many internally displaced persons (IDPs).

Several groups in North Maluku expressed concern that IDPs had not been properly registered, at least for the legislative elections. There are two strong indications that these concerns were well-placed. The first was the high rate of new registrations across the province, and in North Halmahera district particularly, between April and July. In North Halmahera, 16 percent of registered voters for the first round of the presidential election had registered only after the legislative election; across the province, the figure was 9.5 percent. The second was the low turnout in specific subdistricts (kelurahan) in the city where many IDPs were living. In Gamalama, for instance, only 1,224 votes were recorded even though there were 2,440 on the permanent electoral roll.

A range of local officials who had been involved in conducting voter registration told Carter Center observers that problems with registration were caused, in part, by an accident of the voter registration timetable. As elsewhere in Indonesia, the initial phase of voter registration was conducted in April-May 2003, just before the civil emergency in North Maluku was lifted. As conditions improved and the provincial government pursued a program of assisting IDPs to return home, more than 55,000 IDPs moved between July 2003 and February 2004. Almost 20,000 of these were people returning to North Maluku, mostly from North Sulawesi; the rest were migrations within the province.

These movements created problems both of people being registered in one location but then moving on before collecting their voter cards and of people not being registered at all, if they arrived after the correction of the temporary roll produced from the April-May data had taken place. Some political parties expressed concern that their supporters had not been able to vote for them because of registration shortfalls.

Local officials, however, also believed that registration could have been better conducted had there been clearer institutional responsibility both for voter registration itself

⁵ Thanks to Chris Wilson (Ph.D. candidate, Australia National University) for allowing citation of figures from his forthcoming paper, "The Ethnic Origins of Religious War in North Maluku Province, Indonesia 1999-2000."



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and for IDPs more generally. Civilian coordinators had initially collected data on IDPs before the military received responsibility for coordinating the government-sponsored return program. The government Statistics Board (BPS) then conducted voter registration. The BPS received the funds to conduct the program but in practice delegated substantial responsibility to subdistrict (kelurahan) staff members. Neighborhood administrators, local election committees, and the KPU handled subsequent corrections to the roll. The lack of one agency consistently collecting data for IDPs compounded inherent problems in registering them, such as crowded temporary dwellings and a perceived lack of enthusiasm for the electoral process. A straw poll of IDPs at several city barracks, an international nongovernmental organization working with IDPs, and local officials all indicated that IDPs were far more concerned with the chance to return home than with electoral participation.

Errors in registration of IDPs in North Maluku, and indeed across the country, could not have influenced the result of the presidential election. This population is especially vulnerable, however, to disenfranchisement and manipulation in the local elections that will begin in 2005. Local officials expressed concern that IDPs could be mobilized to vote in more than one district. More mundanely, IDPs may miss the chance to vote for their local heads of government if they are not able to return to their districts in advance of the election. Renewed participation in the political process would be a welcome side effect of the core task of assisting North Maluku's remaining IDPs to resettle in permanent housing.

AMBON

The conflict in Ambon began in January 1999 and subsequently spread to other parts of Maluku province, costing perhaps as many as 10,000 lives, displacing tens of thousands of people, and segregating the island into mono-religious zones. The situation in Ambon had improved markedly before an outbreak of violence on April 25, less than three weeks after the legislative elections. The International Crisis Group reported that 38 people – mostly Muslims – were killed between April 25 and May 5, in large part by sniper fire. The organization estimated 10,000 additional people fled their homes.

The Ministry of Foreign Affairs denied The Carter Center permission to send observers to Ambon before and during the first round of the presidential election but granted the Center permission to deploy short-term observers for the second round.

Local observers, electoral officials, and community leaders told the Carter Center representatives that the elections had been peaceful. However, a small bomb exploded in Ambon several days before the second round of the presidential election, without causing any casualties, and there were reportedly bomb threats shortly before the election. Carter Center observers found that the conduct of the election on polling day was peaceful, and their observations at polling stations were consistent with observations from other parts of the country. The turnout was not significantly lower than in other provinces, although observers could not gauge how many IDPs may have voted.



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CONCLUSIONS AND RECOMMENDATIONS

On Oct. 20, 2004, Susilo Bambang Yudhoyono was inaugurated as Indonesia's first directly elected president. His election reflected the will of the people, and, as such, it symbolizes an important milestone in Indonesia's progress toward a more open and pluralistic-democratic political system. High voter turnout, averaging more than 70 percent, reflects popular support for Indonesia's democratic process. Within a broader context, Mr. Yudhoyono became the first directly and freely elected president of a Muslim-majority country. Even though his rival, incumbent Megawati Soekarnoputri, failed to publicly concede defeat, the power transfer took place in an orderly, peaceful, and constitutional fashion. The Carter Center hopes that the local government elections commencing in June 2005 will build on the accomplishments of the 2004 polls and consolidate Indonesia's democratization process through the direct election of local leaders.

Based on the findings of the observer delegations and in the spirit of encouraging democratic progress in Indonesia, The Carter Center wishes to make a number of recommendations, which it hopes will contribute to the improvement of Indonesia's electoral process.

ACCOUNTABILITY AND ENFORCEMENT

To prevent Indonesia's transition toward open democracy from stagnating, the government needs to work toward greater transparency and accountability within Indonesia's financial and political structures. Observation of the 2004 elections has highlighted the inadequacy of the system of checks currently in place to guarantee that those who violate the electoral code of conduct and the election laws are held accountable. Time constraints, a lack of adequate funding, and dependency on the KPU meant that Panwaslu—the body instructed to oversee all aspects of the election process—faced severe restrictions and possessed a weak

mandate to prosecute alleged violations. On occasions, Panwaslu reported dissatisfaction with the quality of police investigations. The Carter Center also laments that prosecutors did not always focus on the perpetrators of violations. When a video emerged of a police officer instructing his subordinates to vote for Megawati, investigators concentrated on apprehending those who had shot and distributed the video rather than on the police officer, who had clearly been in breach of the law. Furthermore, to ensure greater fiscal transparency and increase public confidence in the political process, legal loopholes that allow candidates to withhold information on their campaign finances need to be tightened.

INSTITUTIONAL REFORMS

The Carter Center strongly encourages the Indonesian government to press ahead with institutional reform. Since the downfall of Soeharto's military dictatorship in 1998, Indonesia has moved toward a greater separation and dissemination of state powers. The post of defense minister is now held by a civilian, the legislature no longer has reserved seats for military appointees, the courts have been severed administratively from the executive branch, a new Constitutional Court has been established, the police and military are now two separate institutions, and decentralization policies have increased the powers of local governments, which are now allowed to keep the revenues derived from the exploitation of their region's natural resources. Nonetheless, there remains much scope for improvement. Reform within the military has been limited, and it continues to exert excessive influence in regions such as Aceh and Papua. The courts continue to be dogged by corruption and have been largely unsuccessful in holding high-level officials accused of human rights abuses accountable. The creation of an independent Constitutional Court to oversee election matters has been a positive development



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in institutional terms. It gained widespread respect during the 2004 elections, making judgments that were accepted by all parties. Better familiarization with appeal procedures would help bestow legitimacy on future election outcomes, particularly in close-run elections, and strengthen the reputation of the Constitutional Court. The success of the Constitutional Court during the 2004 election period should be regarded as a source of motivation for further institutional reform in Indonesia.

The Carter Center considers the oversight committee's (Panwaslu) institutional setup deeply flawed. Its independence was severely compromised by making it financially reliant on the KPU. This also created unnecessary tensions between the election commission and Panwaslu. The Carter Center therefore proposes that the links between the KPU and the election oversight committee be loosened. Even though tensions dissipated during the second round of the presidential elections when the KPU granted Panwaslu access to recapitulation figures at the subdistrict level, the relationship between the national KPU and Panwaslu remained strained. A more constructive approach by the KPU toward Panwaslu would greatly contribute toward the promotion of a transparent electoral process. The Carter Center strongly believes that neutral oversight mechanisms are essential for the establishment of a fair and democratic electoral process. A well-functioning Panwaslu that swiftly and effectively deals with election-related complaints would also strengthen the public's confidence in any future elections. The Carter Center would also like to take this opportunity to suggest that KPU decrees be formulated with greater clarity to avoid confusion among election officials. Better advance planning would have obviated the need for many of the decrees issued during the 2004 election period, which in turn would have minimized the number of administrative errors. The Carter Center considers that the KPU took the correct decision when, during the first round of the presidential elections, it permitted the counting of double-punched ballots whenever a voter's intent was

clear. The fact that not all voting stations abided by the KPU's decision is more a reflection of the logistical problems inherent in a country as diverse and dispersed as Indonesia than the result of ambiguous language. Nonetheless, more careful planning may have led to the detection of the design flaw in the presidential ballot that allowed for the punching of candidate pairs without opening the entire ballot paper.

ELECTORAL SYSTEM REFORMS

Change system of electing DPR

Members of the House of Representatives (DPR) were elected according to a restricted open-list proportional system. According to that system, seats were allotted to each party in proportion to the share of the total vote that party received. Individual candidates were ranked by the party, yet could also receive one popular vote. Candidates who reached a particular number of votes were able to move up the party list. However, the benchmark was set so high that no national-level candidate was elected solely on the basis of the restricted open-list system. Ultimately, the quota system allowed parties to retain control over who was elected. This sometimes prompted voter disappointment, as expectations raised by the partially open-list system were not met. Media reports even attributed the death of one candidate in East Java to voter discontent. For the DPR to better reflect the will of the people, The Carter Center recommends that the quota be lowered for future elections.

ELECTORAL ADMINISTRATION REFORMS

Discrimination against candidates

The imposition of educational and physical requirements to determine the suitability of presidential candidates represented another source of concern for The Carter Center. Candidates had to demonstrate they had at least completed their education to high-school level (or equivalent) and prove they did not suffer from a serious physical disability. The educational requirements are particularly discriminating toward women and those in religious education—a common,



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and often only, option for people living in remote areas, such as Papua. As far as the physical requirements are concerned, former President Abdurrahman Wahid's blindness was cited as justification for excluding him from the presidential race. The Carter Center objects to any regulation that takes judgments about a candidate's qualifications out of the hands of voters and discriminates on the basis of physical disability.

Campaign schedule

The KPU imposed restrictions on campaigning ahead of the runoff election in September. It accorded candidates no more than three days to present their case to the public, and the actual campaigning was to be conducted in a format specified by the KPU. The Carter Center strongly objects to such limitations. They infringe on the rights of free speech and assembly of candidates and their supporters. The Center therefore urges the Indonesian authorities to consider revising the legal restrictions imposed on campaigning, especially in the light of the successful conduct of the three 2004 elections.

Voter registration

During the legislative elections, the official voter lists contained a number of errors that could have been exploited for fraudulent purposes. Moreover, the distribution of ID cards and invitation letters was not always reliable prior to all three elections nor were voting requirements always consistently enforced. Observers also found that internally displaced persons (IDPs) were under-represented. The Carter Center would like to advise the Indonesian government to work toward greater inclusiveness and promote the registration of IDPs.

Polling staff training

The KPU failed to allocate sufficient funds for the adequate training of election workers, which had adverse repercussions for all three election rounds. The lack of direct training of middle- and lower-level officials meant that procedural errors continued to be prevalent in the second round of the presidential

JOSHUA ESTEY



Under the supervision of the polling station president, each voter deposits his or her folded ballot paper into a sealed ballot box.

elections. Even though the incidence of those errors noticeably decreased from one election to the next, negligence remained a feature of all three elections: Not all necessary voter identification documents were inspected, fingers were not always marked or checked for indelible ink, and, in some cases, the layout of voting stations was such that privacy in the polling booth was not always guaranteed. Lack of training also led to a high incidence of incorrectly completed tabulation forms—especially during the legislative elections. The need for subsequent corrections created gratuitous opportunities for fraud. In one village, members of the election committee blatantly changed vote tallies from 15 of 18 polling stations. The Carter Center recommends that the KPU and the Indonesian government allocate more resources to the training of electoral and tabulation officials in future elections.

Voter education efforts

Voter education represented another area that was underfunded. Television and radio played an invaluable role in disseminating information but failed to prevent the problem of double-punched ballots during



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the first-round presidential elections. Funding restrictions also resulted in training initiatives being mainly directed at urban populations at the expense of Indonesia's rural electorate. Voter education programs for the rural sector would help reduce the incidence of administrative errors and invalid ballots.

MONEY POLITICS

Corruption and money politics are endemic in Indonesia and will have to be tackled by future governments if they want to retain their credibility and not alienate the general population from the country's political processes. Throughout their stay in Indonesia, the Carter Center staff received several reports of election-related corruption. In one case, an observer obtained hard evidence of a district-level KPU head

abusing his position and accepting a US\$500 bribe to secure a candidate's seat. To deter similar actions in the future, The Carter Center recommends that more serious efforts be undertaken to apprehend and fine the perpetrators of such violations. More decisive action as well as clearer messages from the central government and investigating bodies about what exactly constitutes money politics would significantly contribute to the reduction of the impact of money politics in the electoral process.

Citizens react to announcement of polling station results.



JOSHUA ESTEY



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THE CARTER CENTER 2004 INDONESIA ELECTION REPORT



FOR IMMEDIATE RELEASE
Monday, May 3, 2004

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CARTER CENTER OPENS OFFICE IN JAKARTA IN PREPARATION TO OBSERVE THE PRESIDENTIAL ELECTIONS

ATLANTA...The Carter Center opened an office last week in Jakarta to begin a long-term observation of electoral conditions leading up to Indonesia's July 5 presidential elections. This observation will continue through to early October should a Sept. 20 runoff prove necessary.

"The 2004 elections will be the first electoral test of Indonesia's democratic political institutions and processes since the transitional elections in 1999 and a critical opportunity to demonstrate that the democratic process can yield effective leaders and accountable government," said Dr. David Pottie, senior program associate of the Center's Democracy Program.

After 40 years of military-backed governments, Indonesia began a democratic transition in 1998. In June 1999, Indonesia held its first genuinely democratic elections, for the legislature, a process that was monitored by The Carter Center. The Center and other international organizations that observed the elections concluded the elections were credible and represented the will of the people.

Although Indonesians have gained new political freedoms during the last six years, recent public opinion polls have found that most Indonesians are disillusioned with government and the country's economic decline.

A Carter Center assessment team in January met with political parties, election officials, civil society, and observer groups, all of whom encouraged international observers from the Center to help build confidence in the elections.

Carter Center Jakarta Field Office Director Eric Bjornlund and Deputy Director Sophie Khan will oversee pre-election observation activities, including the deployment of 10 long-term observers, who will travel across Indonesia to report on technical preparations for the vote.

The Center will publish periodic statements on its findings and recommendations on its Web site, www.cartercenter.org.

The Carter Center was founded in 1982 by former U.S. President Jimmy Carter and his wife, Rosalynn, in partnership with Emory University, to advance peace and health worldwide. A not-for-profit, nongovernmental organization, the Center has helped to improve life for people in more than 65 countries by resolving conflicts; advancing democracy, human rights, and economic opportunity; preventing diseases; improving mental health care; and teaching farmers to increase crop production. To learn more about The Carter Center, please visit: www.cartercenter.org.



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THE CARTER CENTER 2004 INDONESIA ELECTION REPORT



FOR IMMEDIATE RELEASE
Monday, June 21, 2004

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CARTER CENTER DELEGATES ARRIVE TO OBSERVE INDONESIAN ELECTIONS

ATLANTA.... Former U.S. President Jimmy Carter and his wife, Rosalynn, will lead a 60-member international delegation to observe Indonesia's presidential elections. The Carter Center, which observed the 1999 national elections, was invited by the General Election Commission and welcomed by all major political parties to observe the July 5 elections.

"Indonesians for the first time in this new democracy will choose their president through direct elections," said President Carter. "They have voiced a clear commitment to the democratic process, and as international observers, we will support them. As voters cast their ballots, they should do so with confidence that the international community is watching this process with interest."

President and Mrs. Carter, Dr. David Carroll of the Center's Democracy Program, and Mr. Eric Bjornlund, Indonesia field office director, hope to meet with all the candidates, the election commission, domestic observers, and other international observers.

Ten long-term observers were deployed over the course of May to observe campaigns and election preparations. The Center will issue a pre-election statement this week, detailing their findings.

The remainder of the delegation, representing six countries, will arrive July 1 and then receive briefings in Jakarta before deployment throughout Indonesia. On election day, they will witness poll openings, voting, vote counting at polling stations, and transportation of the ballot boxes to the village organizing election committee.

A Carter Center assessment team in January met with political parties, election officials, civil society, and observer groups, all of whom encouraged international observers from the Center to help build confidence in the elections.

The Carter Center was founded in 1982 by former U.S. President Jimmy Carter and his wife, Rosalynn, in partnership with Emory University, to advance peace and health worldwide. A not-for-profit, nongovernmental organization, the Center has helped to improve life for people in more than 65 countries by resolving conflicts; advancing democracy, human rights, and economic opportunity; preventing diseases; improving mental health care; and teaching farmers to increase crop production. To learn more about The Carter Center, please visit: www.cartercenter.org.



THE CARTER CENTER

THE CARTER CENTER 2004 INDONESIA ELECTION REPORT

THE
CARTER CENTER



FOR IMMEDIATE RELEASE
Friday, June 25, 2004

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PRE-ELECTION STATEMENT BY THE CARTER CENTER ON THE 2004 INDONESIAN PRESIDENTIAL ELECTIONS

In support of Indonesia's ongoing process of democratization and political reform, The Carter Center is pleased to witness the historic 2004 election, when Indonesian voters for the first time will directly choose their president. The Carter Center, which observed the 1999 national elections, was invited by the Election Commission (KPU) and welcomed by all major political parties. In late April, the Center deployed 10 long-term observers across the country to monitor the electoral process. For the July 5 presidential elections, the Center is bringing 50 additional short-term observers to join the mission, which will be led by former U.S. President Jimmy Carter, his wife, Rosalynn, and former Prime Minister of Thailand Chuan Leekpai.

We congratulate Indonesia on the successful legislative elections held on April 5, 2004. We note the peaceful atmosphere that prevailed during those elections has continued into presidential campaigning, which began June 1. Carter Center long-term observers heard relatively few concerns about administrative preparations and found that the registration process generally worked well and that the KPU is on track to distribute materials on schedule. The Carter Center mission expresses its support to all Indonesians as they exercise their democratic rights in the July 5 election.

While the Center is encouraged by its observations

so far, the mission heard concerns from Indonesians about the following issues:

KPU and Panwaslu

As in previous elections, the Elections Supervisory Committee, or Panwas, has been appointed to supervise elections, receive complaints, resolve disputes, and refer complaints as appropriate to the KPU, police, or other government departments.

The public dispute in recent weeks between the KPU and Panwas over the extent of Panwas' powers is unfortunate. We understand that Panwas reported having difficulty during the April elections in obtaining important information from lower-level KPUs. Panwas also reportedly has criticized KPU's failure to act on alleged administrative violations of the election law referred by Panwas. We also understand that KPU has sometimes criticized the performance of Panwas and that the election law gives the KPU ultimate authority over Panwas, including its establishment and dissolution.

KPU has proposed substantial changes to its decree on Panwas' role and responsibilities. The revised decree would empower Panwas only to resolve disputes between electoral contestants; it would have no authority to handle issues between KPU and the candidates.



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While it is not the Center's role to assess conflicting interpretations of the law, we believe it is important to have an effective, timely mechanism for resolution of disputes, including those between candidates and the KPU. We hope the KPU and Panwaslu will resolve their differences without hampering public confidence in the handling and resolving of election-related complaints.

Perceptions of "Money Politics"

We have heard concerns from representatives of political parties, campaign teams, Panwas, and civil society throughout the country about "money politics," or the illegitimate use and influence of money in the campaign. Our observers report that there appears to be no common understanding of what "money politics" means, and there is much confusion about what uses of funds are illegal. Nevertheless, suspicions about vote buying and improper use of money in the campaign are widespread.

Threats to Freedom of Expression of Civil Society Organizations

We are concerned about the implications of statements by the heads of the national Intelligence Agency and the national police that they are monitoring some 20 local and international nongovernmental organizations they believe threaten Indonesia's security. Such statements, together with the expulsion of Sidney Jones, Indonesia director of the International Crisis Group and a prominent human rights researcher, are inconsistent with rights of free expression that are fundamental in a democratic society and could have a chilling effect on civil society.

FREEDOM OF ASSOCIATION AND CAMPAIGNING IN CERTAIN REGIONS

Given the current state of civil emergency in Aceh and the recent violence in certain other parts of the country, we urge the responsible authorities to maintain security and promote a peaceful environment in which all candidates, campaign teams, and citizens are free to exercise their democratic rights. We hope that

national and international election observers, diplomats, and journalists will be able to travel to and report on the election process in all regions of the country.

The Carter Center Election Observation Mission

In late April, a team of 10 long-term Carter Center observers began monitoring the political environment, election preparations, and the political party campaigns. They have observed in 23 provinces in Sumatra, Sulawesi, Java, Bali, and Kalimantan. In addition, the Center has a core team in Jakarta. In Jakarta and throughout the country, observers met with representatives of the political parties, the KPU, the Panwas, domestic and international election observers, civil society organizations, media, and the international community at large.

For the July 5 election, 60 international observers representing eight countries will be deployed to 20 provinces, both in urban and rural areas. They will witness poll openings, balloting, and initial stages of vote counting. President Carter and Prime Minister Chuan Leekpai will offer a preliminary assessment of the election process on behalf of the delegation. The Carter Center's long-term observers will continue their assessments after election day through the Sept. 20 runoff election, if one is held.

The Carter Center was founded in 1982 by former U.S. President Jimmy Carter and his wife, Rosalynn, in partnership with Emory University, to advance peace and health worldwide. A not-for-profit, nongovernmental organization, the Center has helped to improve life for people in more than 65 countries by resolving conflicts; advancing democracy, human rights, and economic opportunity; preventing diseases; improving mental health care; and teaching farmers to increase crop production. Visit www.cartercenter.org to learn more about The Carter Center.



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THE CARTER CENTER 2004 INDONESIA ELECTION REPORT



FOR IMMEDIATE RELEASE
Wednesday, July 7, 2004

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THE CARTER CENTER'S SECOND STATEMENT ON THE 2004 PRESIDENTIAL ELECTION IN INDONESIA

In support of Indonesia's ongoing democratization and political reform, The Carter Center is pleased to observe this historic election, as Indonesian voters for the first time directly choose their president. The Carter Center, which observed the 1999 national elections, was invited by the Election Commission (KPU) and welcomed by all major political parties. In late April, the Center established a field office in Indonesia and deployed 10 long-term observers across the country to monitor the electoral process. Since then, the Center's observers have visited 25 provinces and have met with representatives of political parties and candidates, government and election officials, journalists, election officials, police, domestic election monitoring groups, religious organizations, and other civil society groups. On June 25, the Center issued a pre-election statement that commented on several pre-election issues and the conduct of the campaign.

Under the leadership of former U.S. President Jimmy Carter, Rosalynn Carter, and former Prime Minister of Thailand Chuan Leekpai, the Center deployed 60 international observers, representing for the July 5 presidential election (eight countries, to 17 provinces). The observers met with local officials, campaign teams, and domestic observers and observed the voting, counting, and initial tabulation. The delegation leadership met in Jakarta with President Megawati

Soekarnoputri, Susilo Bambang Yudhoyono, Wiranto, Amien Rais, and Agum Gumelar as well as members of the KPU and Constitutional Court, leaders of non-partisan domestic election monitoring organizations, and others. We appreciate the important opportunities we have had for effective coordination with the European Union Election Observation Mission and other international observers and the assistance provided by the International Observer Resource Center. We would like to extend our thanks to all of the many individuals and organizations who welcomed our observation efforts and took the time to facilitate our understanding of Indonesia's politics and electoral process.

ASSESSMENT OF THE ELECTION

We congratulate the people and leaders of Indonesia for the conduct of the July 5 presidential elections. To date, our delegation's assessment of the Indonesian election is positive. We are especially pleased the peaceful atmosphere that prevailed during Indonesia's legislative elections in April has continued in the July 5 presidential election. At the same time, we are concerned about the large number of invalid ballots in many polling stations across the country and the need for effective, timely, transparent steps to address this problem.



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This election marks another important step in Indonesia's democratic consolidation. Because the tabulation and verification of final results are ongoing, it is too early to evaluate the election as a whole. The Center will continue to observe these processes in the days and weeks ahead and will maintain its long-term monitoring program through the second round. After the conclusion of the electoral process, the Center will issue a more comprehensive report.

THE POLLING PROCESS

Our observers generally found the polling stations they visited were well-organized, functioned effectively, and usually had their full staff complement and necessary election materials. This is a credit to the KPU. We note that Indonesia's 155 million registered voters and 575,000 polling stations make the Indonesian election the largest single-day election in the world.

Polling station officials in some locations, however, were lax in applying administrative procedures. Our observers reported, for example, a consistent failure to check fingers for ink prior to voting and the use of poor quality ink on voters' fingers after they had cast their ballots. Officials sometimes failed to check voter documentation or the voter register. In some locations, the polling station layout did not ensure privacy in the polling booth. Several polling stations closed well in advance of 1 p.m., and some began an early count.

INVALID BALLOTS AND THE CONSOLIDATION OF RESULTS

Of concern to Carter Center and other observers was the high percentage of ballots classified as invalid across the country because many voters did not unfold ballots completely before indicating their choice. This ballot problem could have been avoided with better planning and more timely training of polling officials and voters.

The KPU decision to classify these ballots as valid seems appropriate, but it is unclear how well this election day announcement was communicated throughout the country. Our observers reported varying applications of the instruction to recheck those

ballots. Although not all polling stations conducted a review, we understand that in many cases this is being rectified at the village election committee (PPS) level.

It is critically important the KPU implements a uniform, transparent process to handle the invalid ballots. The KPU should ensure village election committees conduct rechecks that are open to candidate witnesses, domestic and international election observers, and the public. It is essential they be completed within the prescribed time periods for consolidation and certification of results.

During verification of the final result, it is important that candidate representatives and observers have full access to monitor the entire process to ensure that it is transparent and credible.

RESOLUTION OF DISPUTES

It is important to have an effective, timely mechanism for resolution of election-related disputes. We note the significant role the Election Supervisory Committee (Panwaslu) has played at the national, provincial, and local levels.

We are pleased to learn the Constitutional Court, a new institution with authority to hear cases involving election results, has quickly established its credibility and gained public confidence. It is essential that all candidates follow appropriate legal channels to resolve electoral disputes. The Constitutional Court should work expeditiously to resolve any challenges in time to allow sufficient opportunity for careful preparations for the second round. Upon resolution of any complaints by the Constitutional Court, we encourage all candidates and their supporters to accept the results as they have agreed to do. We call upon the appropriate authorities and other stakeholders to follow up on the decisions of the court.

ELECTION OBSERVERS AND CANDIDATE WITNESSES

Past experience in Indonesia and elsewhere has demonstrated the significant contribution that nonpartisan domestic observers and effective candidate witnesses can make to the credibility and integrity of



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the election process. We commend the important work and commitment of the People's Voter Education Network (JPPR), the Center for Electoral Reform (CETRO), the People's Election Observation Network of Indonesia (JAMPPI), and other domestic election monitoring organizations. In light of the controversies about the ballot counting and consolidation of results in 1999 and in April 2004, domestic observers have correctly placed additional emphasis on the process of counting and consolidating the results in this election. The quick count conducted by the Institute of Research, Education, and Information of Social and Economic Affairs (LP3ES), an Indonesian research institute, provides an independent check of tabulation and results, enhancing transparency of this aspect of the electoral process.

Our observers reported that more than one candidate witness was present at most polling stations. Some candidate witnesses, however, did not appear to be knowledgeable about the polling process.

We are disappointed that the government of Indonesia prevented The Carter Center from observing the election in Ambon and limited our activities in

other regions. We urge the responsible authorities to provide domestic and international observers full access to all aspects of the election process throughout the country.

CONCLUSION

Indonesians are fully committed to democracy and secular government. In just a few years, Indonesia has made a dramatic transition from authoritarian rule to democracy. The Carter Center offers its support to the continuing consolidation of democracy in Indonesia.

The Carter Center was founded in 1982 by former U.S. President Jimmy Carter and his wife, Rosalynn, in partnership with Emory University, to advance peace and health worldwide. A not-for-profit, nongovernmental organization, the Center has helped to improve life for people in more than 65 countries by resolving conflicts; advancing democracy, human rights, and economic opportunity; preventing diseases; improving mental health care; and teaching farmers to increase crop production. Visit: www.cartercenter.org to learn more about The Carter Center.



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THE CARTER CENTER 2004 INDONESIA ELECTION REPORT



FOR IMMEDIATE RELEASE
Monday, Aug. 2, 2004

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POSTELECTION STATEMENT ON INDONESIAN ELECTIONS, AUG. 2, 2004

In support of Indonesia's ongoing democratization and political reform, The Carter Center is continuing to monitor this election, as Indonesian voters for the first time directly choose their president. The Carter Center was invited by the Election Commission (KPU) and welcomed by all major political parties.

Since April, the Center has maintained an office in Indonesia and deployed long-term observers across the country. In Jakarta and 25 provinces around the country, the Center's observers have met with representatives of political parties and candidates, government and election officials, journalists, police, domestic election monitoring groups, religious organizations, and other civil society groups. The Center issued June 25 a statement that commented on pre-election issues and the conduct of the campaign. On July 5, under the leadership of former U.S. President Jimmy Carter, Rosalynn Carter, and former Prime Minister of Thailand Chuan Leekpai, the Center deployed 60 international observers. The delegation issued its statement, the Center's second statement, July 7. Since the first round of the election, the Center has monitored the vote tabulation process at the village, subdistrict (kecamatan), district (kabupaten/kota), provincial, and national levels. They have investigated election complaints around the country and have continued to meet with KPU and Panwaslu officials,

candidate representatives, nongovernmental organizations, and others.

VOTE TABULATION

The KPU announced July 26 the official vote tabulation. As had been expected—based on the KPU's unofficial results reported at the national tabulation center and the quick count of several nongovernmental groups—the ticket of Susilo Bambang Yudhoyono and Jusuf Kalla won the most votes, and Megawati Soekarnoputri and Hasyim Muzadi came in second. Unless the Constitutional Court overturns these results, these two tickets will compete in a runoff election Sept. 20.

We commend both the winners and losers of the first round of the presidential election for fostering a peaceful environment and, for those with complaints, indicating their intention to access the Constitutional Court. We have not heard of any significant conflicts between supporters of different parties in Jakarta or in the provinces. Our observers have noted in some places around the country that losing parties, rather than complaining of manipulation or accusing their opponents of foul play, have been reflective about their losses.

Unfortunately, on July 26, a small explosion in the KPU headquarters in Jakarta marred the final national



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tabulation. While no one was injured, the explosion served as a reminder of the threat of violence that has continued to plague the country.

RECHECKING INVALID BALLOTS

As is now well known, many voters did not unfold ballot papers completely and in casting their votes, inadvertently punched their ballots twice. The KPU attempted on election day to address the large number of ballots initially classified as invalid, but this problem could have been avoided with better planning and more timely training of polling officials and voters.

In response, the KPU issued three separate directives. Not all polling stations received or followed the KPU's initial directive on election day to review and validate certain double-punched ballots. In a second instruction, the KPU directed village election committees (PPS) to recheck invalid ballots. Although there was initial resistance in some locations, in some cases because PPS officials were being asked to do additional work without additional compensation, it appears PPS officials in most locations ultimately did conduct such reviews. Only the ballot papers determined to be invalid from each polling station were supposed to be re-counted.

Judging from the Center's observations and interviews with electoral officials and other observers, tabulations in most locations were well-organized and conducted openly. Unfortunately, the presence of candidate witnesses and domestic observers was uneven during the rechecking of ballots at the village level and above.

ELECTORAL COMMISSION CHANGES RULES GOVERNING ELECTIONS SUPERVISORY COMMITTEE

Pre-existing tensions between the KPU and the Elections Supervisory Committee (Panwaslu) intensified after the election when the KPU enacted new restrictions on Panwaslu. On July 8, the KPU issued Decree 42, establishing new procedures for investigating and reporting violations, including a new requirement to report alleged violations to local KPU officials prior to review for further investigation. The new decree also

prohibits Panwaslu from considering disputes between the KPU and third parties. In response to criticism, the KPU softened the decree to require only consultation with, rather than prior approval of, the KPU before Panwas refers complaints to the police.

Nevertheless, Panwas has rejected the KPU decree on the grounds it will severely hinder its independence and significantly interfere with the dispute resolution process. On July 12, pending judicial review of the new decree, Panwas instructed its field offices to ignore the new decree and continue to apply the pre-existing rules. Panwas has requested that the Supreme Court invalidate the new decree on the grounds it contradicts the election law because it unlawfully restricts Panwas' ability to quickly respond to and report on electoral complaints. The election law, though, gives the KPU ultimate authority over Panwas, including its establishment and dissolution. The tension between the national KPU and Panwas is regrettable since both institutions, in the view of many political observers, have functioned reasonably well.

While it is not the Center's role to assess interpretations of the law, it is important to have an effective, timely mechanism for resolution of disputes, including those between candidates and the KPU. We hope the KPU and Panwaslu will resolve their differences without hampering public confidence in the handling and resolution of election-related complaints.

REJECTION OF CANDIDACY BASED ON PHYSICAL ABILITY

The KPU rejected the candidacy of former President Abdurrahman Wahid on the grounds that he is medically unfit, as he has suffered a series of strokes and is nearly blind. While the Center does not question the legality or factual basis of the KPU decision, we are concerned about any provision or policy that takes judgments about presidential candidates' qualifications out of the hands of the voters or that discriminates on the basis of a physical disability. International standards stipulate such provisions should be interpreted narrowly.



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PROBLEMS WITH ELECTION-DAY
MANIPULATION IN PARTICULAR
LOCATIONS

There were significant problems with manipulation of the election process on election day in a few specific locations.

Shortly after election day, Panwaslu reported a dramatic increase in the number of voters since the April legislative elections at polling stations surrounding Al-Zaytun, a large Islamic boarding school located in Indramayu in the province of West Java. More than 20,000 new voters reportedly arrived from South Jakarta, some in buses from Jakarta's military headquarters driven by active members of the military. Almost all of the votes from the school's 83 polling stations favored Golkar candidate Wiranto.

After a lengthy debate between KPU and Panwaslu officials at the national and provincial levels, the KPU on July 16 found the mobilization of voters to be in violation of election laws. The KPU ordered a repeat election for the Al-Zaytun polling stations with the participation of only the 4,674 registered voters who reside in the area. This decision demonstrated the commitment of the KPU and Panwas to protecting the integrity of the electoral process. The military commander stripped the rank of the lieutenant colonel responsible for transporting the voters. As of yet, no charges have been brought against anyone for the violation.

The KPU held the repeat election July 25, but not a single person voted. This means all 24,000-plus votes cast July 5 have officially been considered invalid. We hope the authorities will be able to determine whether local voters were intimidated into boycotting the re-vote.

Other significant violations occurred in Tawao, Malaysia, one of a number of polling stations established for Indonesians abroad, and in Mimika, Papua. In Tawao, media reports claimed that a consular official,

who served as a local election official, prepunched approximately 8,000 votes. In Mimika, election officials are suspected of prepunching approximately 4,000 votes. In both cases, the fraudulent ballots were cast for Yudhoyono. According to KPU officials, repeat elections have been held in both locations.

CAMPAIGN PERIOD FOR SECOND ROUND

As the two presidential tickets prepare for the second round of voting, an important aspect of the presidential election law regarding the campaign period remains unclear. The law states that in the event of a second round, the two remaining candidate pairs "may improve their vision, mission, and program, under the regulation and facilitation of the KPU" (Law No. 23/2003, Art. 35(9)). The official elucidation of the law directs the KPU to regulate that this process "be no longer than 3 (three) days, for which funding is given by the KPU." The KPU has set the campaign period for Sept. 14-16, during which each candidate will campaign according to a debate format specified by the KPU. Although the KPU plans to meet with representatives of both campaigns to discuss rules for the campaign period, KPU officials so far have denied the two candidates the right to conduct public rallies or to advertise in the media.

Such a highly restricted and structured campaign would appear to infringe the rights of free speech of the candidates and their supporters and is inconsistent with international practice and standards. Consistent with the goal of encouraging candidates to "improve their vision, mission, and program," the election law should be interpreted as broadly as possible to allow freedom to campaign, along with a full and open political debate.

The Carter Center will continue to observe developments as Indonesia prepares for the September election.



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FOR IMMEDIATE RELEASE
Wednesday, Sept. 15, 2004

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CARTER CENTER TO OBSERVE INDONESIAN PRESIDENTIAL RUNOFF

JAKARTA, INDONESIA.... The Carter Center will deploy 57 observers Sunday in preparation to observe the Indonesian presidential runoff Sept. 20. The Center, which observed the 1999 and the 2004 presidential elections, was invited by the General Election Commission and welcomed by all major political parties to observe the runoff.

U.S. Ambassador Douglas “Pete” Peterson will lead the delegation, which will be deployed to 21 provinces. On election day, they will witness poll openings, voting, vote counting at polling stations, and transportation of the ballot boxes to the village organizing election committee.

Ambassador Peterson served as the first postwar U.S. ambassador to Vietnam after serving three terms as representative of Florida’s 2nd Congressional District in the U.S. House. The Center’s observer team also includes Dr. David Carroll, acting director of the Center’s Democracy Program, and Carter Center Jakarta Field Office Director Eric Bjornlund.

“The Sept. 20 runoff is the last in a series of important elections in Indonesia this year, providing Indonesian citizens with their first opportunity to

directly elect the president,” said Dr. Carroll. “The presence of international observers is an important demonstration of the interest of the international community in supporting Indonesia’s democratization.”

The Carter Center deployed 10 long-term observers in May to monitor and assess the electoral process following the April legislative elections and before and after the first-round presidential election in July. The Center’s field office and long-term observers will continue to monitor postelection processes following the Sept. 20 runoff.

The Carter Center was founded in 1982 by former U.S. President Jimmy Carter and his wife, Rosalynn, in partnership with Emory University, to advance peace and health worldwide. A not-for-profit, nongovernmental organization, the Center has helped to improve life for people in more than 65 countries by resolving conflicts; advancing democracy, human rights, and economic opportunity; preventing diseases; improving mental health care; and teaching farmers to increase crop production. To learn more about The Carter Center, please visit: www.cartercenter.org.



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THE CARTER CENTER 2004 INDONESIA ELECTION REPORT



FOR IMMEDIATE RELEASE
Wednesday, September 22, 2004

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SEPTEMBER 22, 2004, PRELIMINARY STATEMENT ON THE PRESIDENTIAL RUNOFF ELECTION IN INDONESIA

EXECUTIVE SUMMARY

The second round of Indonesia's historic first direct presidential election has taken place successfully, in a general atmosphere of calm, order, and open participation. The Carter Center congratulates the people and leaders of Indonesia for the successful conduct of the presidential election and for the peaceful atmosphere that has prevailed throughout Indonesia's three rounds of elections in 2004. This represents a major step in the country's ongoing democratic transition.

The Center's preliminary assessment is strongly positive. In order to support the continued strengthening of Indonesia's electoral processes, our monitoring efforts have highlighted a number of concerns that should be addressed to further improve elections in Indonesia in the future. These include the length and substance of the political campaign, the standardization and effective communication of polling procedures, and the capacity of candidate witnesses.

CARTER CENTER MONITORING IN INDONESIA

As part of its program to promote genuine elections and support democratic development in Indonesia, The Carter Center has observed the Sept. 20 second-round presidential election. As the first direct presidential election in Indonesia's history, this

election is historic. The Center was invited by the Indonesian Election Commission (KPU) to observe the 2004 legislative and presidential electoral processes, and all major political parties have welcomed the Center's role.

The Carter Center established a field office in Indonesia in April of this year and has deployed 15 long-term observers across the country to monitor election preparations, voter education efforts, the openness of the campaign, national and local politics, and related issues. The Center's observers have visited 31 provinces. For the July 5 first-round presidential elections, the Center deployed a 60-member delegation led by former U.S. President Carter and former Prime Minister Chuan Leekpai of Thailand.

The Center's current 57-member delegation is led by Douglas "Pete" Peterson, former U.S. ambassador to Vietnam and member of the U.S. Congress, and includes international observers from 13 countries. The Center's observers met with local officials, campaign teams, and domestic observers and observed the voting, counting, and initial tabulation in 21 provinces. The delegation leadership met in Jakarta with President Megawati Soekarnoputri and representatives of both campaigns as well as the chairman and members of the KPU, leaders of nonpartisan domestic election monitoring organizations, political observers,



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journalists, and others. We have coordinated our efforts with the European Union Election Observation Mission and other international observers, and we appreciate the assistance provided by the International Observer Resource Center. We have also coordinated closely with a number of domestic election monitoring organizations. We would like to extend our thanks to all of the many individuals and organizations that have facilitated our understanding of Indonesia's politics and electoral process.

ASSESSMENT OF THE ELECTION

As in July, the Center's preliminary assessment of the final round of the Indonesian election is positive. That these extremely complex elections were carried out in such an orderly and successful fashion is a tribute to the hard work of the millions of election officials and the participation of more than 120 million voters. Although the process is not yet complete, we are confident the vast majority of voters were able to exercise their democratic rights without significant hindrance. We congratulate the people and leaders of Indonesia for the successful conduct of the presidential election and for the peaceful atmosphere that has prevailed throughout Indonesia's three rounds of elections in 2004.

Because the tabulation and verification of final results are ongoing, however, it is too early to conclusively evaluate the election process as a whole. The Center will maintain a long-term monitoring program through the inauguration and beyond and will issue a comprehensive report on the entire election process at a later date.

Although the Center's preliminary assessment is positive, our monitoring efforts have highlighted a number of important concerns that should be addressed to further improve elections in Indonesia in the future. In the spirit of making a constructive contribution, we offer the following comments that may be helpful in developing plans and improving procedures for future elections. The problems we did observe are not significant enough to affect the overall result of this election process.

RESTRICTIONS ON CAMPAIGN IN SECOND ROUND

The considerable restrictions on the campaign in the second round of the presidential election are inconsistent with international norms for political competition in democratic elections, including norms of freedom of assembly and freedom of speech. The election law states that in the event of a second round, the two remaining candidate pairs "may improve their vision, mission, and program, under the regulation and facilitation of the KPU." The official elucidation of the law directs the KPU to regulate that this process "be no longer than 3 (three) days, for which funding is given by the KPU." The provision of only three days for candidates to expand on their mission, vision, and program is insufficient to ensure that candidates have a reasonable opportunity to communicate their messages and compete for votes. Furthermore, by limiting the activities of candidates even during the three-day campaign, including banning campaign rallies and outdoor campaign activities, the KPU's interpretation of this provision was unduly restrictive, regardless of whether both campaign teams had agreed. Although we are aware that the KPU and others have defended these restrictions on the ground that they mitigate the threat of violence, we urge Indonesian authorities to revisit this issue, especially in light of the successful conduct of three electoral events in 2004.

"MONEY POLITICS"

The Carter Center has heard many concerns from representatives of political parties, campaign teams, electoral officials, and civil society throughout the country about the illegitimate use and influence of money in the campaign, including vote buying, and the inappropriate use of government resources.

THE POLLING PROCESS

Carter Center observers monitored voting day processes at nearly 300 polling stations, most of which were reported to be well-organized. Our observers rated 81 percent of the polling stations they visited as "very good" or "good."



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The successful conduct of this year's elections in Indonesia is a significant accomplishment. With 155 million eligible voters and approximately 575,000 polling stations, Indonesia's elections are the largest single-day election in the world. We applaud the commitment and dedication of the millions of election officials throughout the country.

The ballot. We note that, unlike in July when there were significant numbers of ballots initially ruled invalid because of double-punching, there were fewer problems in the second round with invalid ballots. The KPU took steps to avoid a repeat of the problem, and with only two candidates in the runoff, the ballot paper was substantially simplified.

Early closing of polling stations. The KPU's directive for the second round that permitted an early closing of polling stations in certain circumstances was not uniformly communicated and applied and created confusion. One of the conditions in the directive—that all eligible voters had voted—could almost never be literally met. Nevertheless, many polling stations closed early even though all eligible voters had not voted as required. Many polling station committees evidently interpreted the provision as permitting early closing as long as there were no more voters present and candidate witnesses agreed. Polling officials showed us a directive from at least one provincial KPU that permitted early closing of polling stations without any mention of preconditions. Moreover, several polling stations closed well in advance even of the early closing time of 11:30 a.m. As a result, some voters who arrived after the close of polls in certain locations found they could not vote. In at least one case, a poll had to re-open Sept. 21 to allow additional time for voting. We recommend that authorities adopt and enforce a consistent closing time for all polling stations.

Administrative procedures at polling stations. Carter Center observers noted that the KPU took steps to try to address problems identified during the April and July elections. Many polling stations had received and used the training booklet published by the KPU with UNDP support. Nonetheless, Center

observers reported that polling station officials in some locations did not consistently apply administrative procedures, including several standard procedures to prevent multiple voting and other malpractices. For example, many officials did not check voters' fingers for ink before voting, did not ask for voter cards, or failed to cross names off the voter roll. In many polling stations, KPU invitation letters were used as the only document for voter identification. In addition, some polling stations were located in places that were not open or accessible to election observers or the general public. Although these lapses did not appear to affect the integrity of the vote, KPU election officials should review these procedures and attempt to ensure strict adherence to procedures in future elections.

Carter Center observers in the provinces of Papua and West Irian Jaya noted a lack of funding and administrative failures that exceeded those observed elsewhere. In addition, while the participation of ethnic Papuans increased significantly from the 1999 elections, there continues to be a lack of informed engagement in the democratic process.

Counting and consolidation of results. We note that the vote tally report form (Form C1) was not well-designed, because the page where polling station officials and candidate witnesses were supposed to sign to acknowledge their assent to the results was on a separate page from the results. These signatures could be easily separated from the main form, and this allows for potential falsification of results. The KPU's supplemental directive that officials and witnesses should initial the results on the first page was not followed in every location.

CANDIDATE WITNESSES AND ELECTION OBSERVERS

Past experience in Indonesia and elsewhere has demonstrated the significant contribution that effective candidate witnesses and nonpartisan domestic election observers can make to the credibility and integrity of the election process. Our observers reported that more than one candidate witness was present



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at most polling stations, but they also noted that the presence of witnesses varied widely and that many witnesses did not appear well-trained or informed about the balloting and counting process.

The Center was disappointed that we encountered domestic observers in relatively few polling stations. Accredited international and domestic observers were supposed to have access to the tabulation process, but it remains unclear whether domestic observers have been able to effectively monitor the tabulation process at the village and higher levels. On the other hand, the quick counts conducted by several Indonesian research organizations, including the Institute of Research, Education, and Information of Social and Economic Affairs (LP3ES), provide an independent check of tabulation and results and thus enhance the transparency of the vote counting process.

RESOLUTION OF DISPUTES

In the days before the September election, we note the confusion about the use of the police in helping the Election Supervisory Committee (Panwas) to obtain election results. The Carter Center has previously expressed concern about the friction between the KPU and Panwas. We continue to believe it is important to have an institutional check on the KPU and an effective, timely mechanism for resolution of disputes, including those between candidates and the KPU.

ELECTIONS UNDER A STATE OF CIVIL EMERGENCY

The conduct of elections in conflict and postconflict areas is understandably difficult.

The presence of military and police can provide a reassuring environment of security but can also be intimidating to some citizens. The state of civil emergency and ongoing conflict in Aceh hinder the freedom of movement and assembly necessary for open, competitive elections. Although our observers reported that the polls in Banda Aceh were well-conducted, they did not observe outside of the capital city. Center observers received reports that the military's

assistance in transporting voters may have intimidated some citizens.

MEDIA FREEDOM

The dramatic emergence of a free and dynamic press since the fall of the Soeharto regime has both reflected and contributed to the emergence of democracy in Indonesia. However, restrictions on the press can have a chilling effect on political coverage and the open exchange of information. While the professionalism of some media is still developing, the use of criminal prosecutions against journalists violates universal norms of freedom of the press and threatens to intimidate the press community. In particular, we are very concerned about the criminal prosecution and sentencing of the chief editor of a highly regarded magazine, for alleged libel. We urge Indonesia's courts to respect the freedom of the press.

CONCLUSION

The successful conclusion of Indonesia's presidential elections represents a major step in the country's ongoing democratic transition. Continuing efforts to build accountable, effective political institutions and to ensure that citizens can meaningfully participate in the political life of their country are essential to the consolidation of democracy. The Center encourages Indonesia's political leaders, government officials, and election authorities to ensure accountability for problems in this and previous rounds of elections and to consider further electoral and institutional reforms. We also urge attention to the upcoming series of elections of governors and other local government officials.

This election marks a watershed in Indonesia's democratic consolidation. In just a few years, Indonesia has made a dramatic transition from authoritarian rule to democracy. The Carter Center congratulates Indonesia for the series of successful elections in 2004 and offers its support to the continuing consolidation of democracy in Indonesia.



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 Indonesian Presidential Election 2004			
Polling Station Observation Form			FORM A
Instructions: Read the questions carefully. Put an "X" in the appropriate box. If you cannot answer the question, or it is not relevant, write N/A. If you answered "No" to any question, or violations or irregularities occurred, please provide details on the back of the form. When possible, ask domestic observers and/or political party agents for their observations during the period prior to your arrival. Record this information at the bottom of the form.			
Province:	Polling Station (TPS) ID No.	Observer Names / Team Number:	
City/District (Kota/Kabupaten):	Location (sub-district/kecamatan):		
Village/Neighborhood (Desa/Kelurahan):	Arrival Time		
13 digit ID number from ballot box:	Departure Time		
	In-Sample Polling Station?		
Opening Procedures - Complete for each TPS in which the opening was witnessed:		Direct Observations	
		Yes	No
1. Were the ballots counted and the number recorded in the opening report?			
2. Were the ballot boxes shown empty to all present, then locked and properly sealed?			
3. Did the TPS open on time (7:00 am local time)? List time:			
General - Complete for each Polling Station (TPS) visited:		Direct Observations	
		Yes	No
4. Was the polling station clear of campaign materials, campaigning, or other attempts to influence voters in or around the TPS? <i>If no, please specify</i>			
5. Was the polling station free of intimidation, vote buying, disruption of the voting/counting process, or restrictions to voter access (roadblocks, mobs, etc)? <i>If no, please specify</i>			
6. Were all required materials, the voters' list, official ink and ballot papers available?			
7. Did TPS officials appear to be adequately trained and knowledgeable about their role?			
8. Were political party agents (poll monitors) or candidate witnesses from more than one party present?			
9. Were domestic monitors (e.g. JPPR, JAMPPI, CETRO, Rectors Forum, KIPP) present? <i>If yes, please specify.</i>			
10. Was the process free of formal complaints to the TPS officials? <i>If no, please specify</i>			
11. Were other international observers (e.g., EU, embassies) present, or, had they visited the polling station? <i>If yes, please specify</i>			
The Voting Process - Complete for each TPS.		Direct Observations	
		Yes	No
12. Were voters' fingers checked for signs of ink as they entered the TPS?			
13. Were voter IDs checked against the voters' list and the voter's name crossed off?			
14. Did the Chair sign all ballots before they were given to the voters?			
15. Were all voters able to keep their vote secret during the entire voting process?			
16. Were voters' fingers inked before they left the TPS?			
17. Were there any interruptions or delays of the voting process?			
18. Were you able to adequately observe all aspects of the voting process?			
19. Did the TPS close on time (1:00 pm local time)?			
Overall Assessment of the Polling Station		Direct Observations	
Put a "✓" next to the statement that best describes your assessment of the election environment and voting process for the area you observed. If your response is "poor" or "very poor", please provide further explanation in the comment section.			
Very Good – No significant incidents or irregularities.			
Good – A few incidents or irregularities that had no significant effect on the integrity of the process.			
Average – Many incidents or irregularities that may have had a significant effect on the integrity of the process.			
Poor – Incidents or irregularities that significantly affected the integrity of the process.			
Very Poor – Incidents or irregularities occurred that so affected the integrity of the process as to render the results from one or more TPS objectionable.			



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Vote Counting Process		
Complete this section only for the TPS at which counting was witnessed.		
Ballot Reconciliation Process		
A. Record the total number of ballots received from the PPS		
B. Record the total number of spoiled ballots (those that were damaged prior to being deposited in the ballot box).		
C. Record the total number of unused ballots		
D. Record the total number of actual voters (from voter lists)		
E. Record the total number of ballots in each ballot box		
Does the reconciliation of number of voters (D.), spoiled (B.) and unused (C.) ballots match the opening report (A.)? (Does $D + B + C = A$? Please "X" Yes or No)	Yes No	
F. Total number of ballots determined <u>invalid</u> (those that were deposited in the ballot box).		
Does the total number of ballots used (E.) equal the total number of actual voters (D.)? (Does $E=D$?)	Yes No	
G. Percent of invalid ballots (F / E) x 100.	%	
	Direct Observations	
	Yes	No
20. Were valid and invalid votes correctly and consistently assessed?		
21. Were votes accurately and transparently counted and recorded?		
22. Did the reconciliation of valid, spoiled and unused ballots match the opening report?		
23. Did the TPS officials seal the ballot boxes before transporting them to the PPS?		
24. Did all party agents present sign the Official Vote Count Result Certificate?		
25. Were you able to adequately observe all aspects of the counting process?		
President/Vice President Vote Tally		
<i>Note: Candidates retained the ballot order and ballot number from the first round. Mega is #2 and SBY is #4.</i>		Vote Total
2. Soekarnoputri/Muzadi (Mega)		
4. Yudhoyono/Kalla (SBY)		
Comments		
Provide details of any violations, complaints, unusual occurrences, or irregularities that occurred at the polling station. If more space is required attach additional sheets of paper to the report form.		



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		Indonesian Presidential Election 2004	
		Tabulation Center Observation Form	FORM B
Aggregation of the Results from Polling Stations			
Use this form for all observations at tabulation centers larger than polling stations (TPS). This process may be referred to as the vote tabulation process or the vote recapitulation process. The act of tabulating the votes may be referred to as a "vote counting meeting". This form is suitable for use at all levels of aggregation greater than the TPS including at the village level (PPS), the kecamatan/sub-district level (PPK), the regency/municipality level, the provincial level and the national level. If you have questions about the process, please see the Decree of the National Election Commission Number 38 in your briefing book. Throughout this form, all of these levels will be called tabulation centers.			
Team Number and Observer Names:			
Tabulation Center Numeric ID number:			
Tabulation Center Name and level of aggregation:			
		Yes	No
Is the tabulation center in a secure location?			
Were political party agents from more than one party present? Please specify.			
Were there domestic observers present at the tabulation center? (e.g. JPPR, JAMPPI, CETRO, Rectors Forum, KIPP) If yes, please indicate which groups were present.			
Did you observe results (and ballot boxes) arriving at the tabulation center?			
Did you observe a portion of the tabulation? If yes, please complete the following questions.			
	Did the chairperson of the election committee allow witnesses with the appropriate authorization to observe the tabulation?		
	Did the chairperson open the ballot boxes in front of the witnesses present?		
	Did the chairperson take out the official reports and the attachments received from the TPS?		
	During this process, did any witnesses lodge any objection to the process of tabulation? If yes, please specify.		
	Did the election officials make any revisions to the tabulated results based on any of the above mentioned objections?		
	Was tabulation free of any significant delays? If no, please specify length of delay and the cause of the delay.		
Did you observe the completion of the entire tabulation of the results?			
Was the official report completed properly and in its entirety?			
Was a copy of the official report given to the appropriate election officials and one copy to the witnesses present?			
Was a copy of the certificate of the tabulation displayed on the notice board of the tabulation center?			
Comments			
Instruction for this Section: In the box below, give details of any violations, complaints, unusual occurrences, or irregularities that occurred at the polling stations you observed. If more space is required, attach additional sheets of paper to the report.			



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THE CARTER CENTER AT A GLANCE

Overview: The Carter Center was founded in 1982 by former U.S. President Jimmy Carter and his wife, Rosalynn, in partnership with Emory University, to advance peace and health worldwide. A nongovernmental organization, the Center has helped to improve life for people in more than 65 countries by resolving conflicts; advancing democracy, human rights, and economic opportunity; preventing diseases; improving mental health care; and teaching farmers to increase crop production.

Accomplishments: The Center has observed 53 elections in 24 countries, helped farmers double or triple grain production in 15 African countries, mediated or worked to prevent civil and international conflicts worldwide, intervened to prevent unnecessary diseases in Latin America and Africa, and strived to diminish the stigma against mental illnesses.

Budget: \$38 million 2003-2004 operating budget.

Donations: The Center is a 501(c)(3) charitable organization, financed by private donations from individuals, foundations, corporations, and international development assistance agencies. Contributions by U.S. citizens and companies are tax-deductible as allowed by law.

Facilities: The nondenominational Cecil B. Day Chapel and other facilities are available for weddings, corporate retreats and meetings, and other special events. For information, 404-420-5112.

Location: In a 35-acre park, about 1.5 miles east of downtown Atlanta. The Jimmy Carter Library and Museum, which adjoins the Center, is owned and operated by the National Archives and Records Administration and is open to the public. 404-865-7101.

Staff: 150 employees, based primarily in Atlanta.



MARTIN FRANK



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MISSION STATEMENT

The Carter Center, in partnership with Emory University, is guided by a fundamental commitment to human rights and the alleviation of human suffering; it seeks to prevent and resolve conflicts, enhance freedom and democracy, and improve health.

While the program agenda may change, The Carter Center is guided by five principles:

- The Center emphasizes action and results. Based on careful research and analysis, it is prepared to take timely action on important and pressing issues.
- The Center does not duplicate the effective efforts of others.
- The Center addresses difficult problems and recognizes the possibility of failure as an acceptable risk.
- The Center is nonpartisan and acts as a neutral in dispute resolution activities.
- The Center believes that people can improve their lives when provided with the necessary skills, knowledge, and access to resources.

The Carter Center collaborates with other organizations, public or private, in carrying out its mission.

THE
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