

THE
CARTER CENTER

March 6, 2003

USAID Development
Experience Clearinghouse
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To Whom It May Concern:

Enclosed please find the final narrative report for USAID Grant No. 497-G-00-01-00017-00, The Carter Center's East Timor Political Observation project. Copies of this report along with copies of the financial report have been submitted to the Indonesia office as well. I apologize for the delay.

If you have any questions, please feel free to contact me at (404) 420-5130 or sghazal@emory.edu.

Sincerely,

Sara Tindall Ghazal
Sr. Associate Director of Development
Peace Programs

**The Carter Center
East Timor Political Observation Project
March 2001 – May 2002
Final Report
February 2003**

Overview

After observing the 1999 referendum and being forced to leave amid the violence that followed, with funding from the US Agency for International Development and The Ford Foundation, The Carter Center re-opened a field office in East Timor in May 2001. The Center implemented a long-term political and election observation project, specifically assessing the political environment for the August 30, 2001 Constituent Assembly (CA) election, the subsequent constitution drafting process, and the April 14, 2002 Presidential election, all in the context of the overall political transition underway in East Timor. The Carter Center tailored its observation methodology to the unique situation in East Timor, considering East Timor's history and political climate, including its repressive past and the United Nations administered transition to independence.

The Center sought to lend the support and encouragement of the international community to the East Timorese as they took over administration of their new country, and to provide specific analysis on election related issues for East Timorese leaders to inform planning for and implementation of future elections.

Increasingly, the Center has sought to strengthen its election observation programs by placing observers in the field for longer periods of time both before and after election day. The 15-month duration of the East Timor project offered the Center an important opportunity to further refine its longer-term observation methodology.

A sustained long-term presence enhances the quality of observation by enabling the development of stronger relationships with key stakeholders and strengthening understanding of the intricacies of the political climate, ultimately providing more confidence in and validity to the observation process as observers do not simply fly in and fly out around election day. Such an observation program also enables greater geographic coverage, especially coverage of areas outside capital cities where intimidation and fraud can be more easily perpetrated, leaving voters feeling vulnerable. A fuller, long-term observation program greatly enhances the quality and credibility of election observation.

The August 30, 2001 Constituent Assembly Elections in Brief

Dr. Nancy Lutz, an East Timor and Indonesia expert who had served as a long-term observer with the Center in 1999, served as the Center's field office director. Ms. Lutz arrived in East Timor in mid-May 2001 to re-establish the Center's field presence in East Timor in advance of the August 31, 2001 Constituent Assembly (CA) election. The observation team for the CA election included seven long-term observers (LTOs) arriving in staggered intervals from mid-June to early August in order to ensure coverage of the

pre and post election period. Twenty short-term observers and TCC staff joined the team several days prior to the election to provide greater coverage for this period.

The full 29-member Constituent Assembly election observation delegation was led by former Prime Minister of Papua New Guinea Sir Michael Samore, US Congressman Eni F. H. Faleomavaega of American Samoa, Carter Center Democracy Program Director Charles Costello, and Jeff Carter, son of former US President Jimmy Carter. On election day, the Centers 11 teams visited 49 polling centers in 12 districts. In the weeks leading up to the Constituent Assembly election, the Center issued two public reports on the pre-electoral period and released two post-election statements.

On August 30, 2001, The Carter Center witnessed high voter turnout as East Timorese went to the polls to elect an 88-member Constituent Assembly composed of national and district representatives tasked with drafting the *emerging democracy's constitution*. The Constituent Assembly was inaugurated by United Nations Transitional Authority of East Timor (UNTAET) SRSR Sergio Vieira de Mello on September 15, 2001.

A fuller report of the Constituent Assembly election observation program was included in the semi-annual report submitted to USAID Fall 2001.

The Constitution Drafting Process in Brief

The Centers FOD Nancy Lutz remained in East Timor to observe the proceedings of the Constituent Assembly as it drafted East Timor's constitution. The drafting process offered the opportunity to see the political parties and East Timorese future leaders in action. The Centers work focused on assessing the commitment of this body, and the political party representatives within it, to the principles of democracy and good governance. As part of the Centers efforts to promote the adoption of democratic decision making at the policy level, The Carter Center held meetings with members of the Constituent Assembly, political party leaders, and civil society leaders to discuss the Centers findings and encourage the promotion and implementation of democratic policy decisions by the East Timorese leadership.

The Center's field office director observed the proceedings on a daily basis. Her knowledge of East Timor and her command of the Bahasa Indonesia and Portuguese languages greatly enhanced her ability to observe and assess the political dynamics within the Assembly. The full report of the Constituent Assembly Observation process is attached.

The April 14, 2002 Presidential Election in Brief

In February 2002 Carter Center Field Office Director Samantha Aucock arrived in East Timor to implement the Centers Presidential election observation mission. Dr. Lutz departed East Timor at the conclusion of the Constituent Assembly process. In mid-March, the Center deployed three long-term observers to assess the pre-election political environment during the Presidential election process. These observers traveled to 12 of 13 districts, meeting with a wide range of stakeholders including UN personnel, political party representatives, representatives of local NGOs, and members of the local

communities. Additional short-term observers, including Carter Center staff and regional experts, joined the team in the days surrounding the election.

The Centers full observation delegation team was led by Ed Cain, Director of the Centers Global Development Initiatives, and Rachel Fowler, Senior Program Associate of the Democracy Program. The Presidential observation full team of 15 observers visited 60 polling centers in 11 districts on polling day. The Center released three public reports of its findings. On April 14, 2002, the Carter Center delegation observed a remarkably high voter turnout as East Timorese enthusiastically came to the polls to elect their first president.

The following provides a more detailed report of the Presidential election observation program, including process and findings. Public reports released are attached.

The Presidential Election Observation Program

March 2002 marked the commencement of The Carter Centers observation program for the presidential election. As the United Nations was again responsible for administering the election process, the Center did not anticipate problems with the technical conduct of the election. The Center focused, as in the Constituent Assembly elections, on the political conditions of the period leading up to the elections, election day itself and the immediate post-election period. Observers specifically assessed the security situation, the role and conduct of the candidates and political parties, the role of domestic observers, voter education and the involvement of East Timorese in the electoral process.

Consistent with the Centers work plan, the Dili field office expanded to include a new Field Office Director and several East Timorese staff. An international election observation team, including both long-term and short-term observers, was deployed to districts during the reporting period.

The Carter Center anticipated a successful, peaceful election, and on 14 April 2002 this was achieved with an election that boasted high voter turnout, little incident of intimidation, and an efficient process, in which East Timorese played a major role. The realization of a second election during the transition period with little incident of violence and intimidation, and in which parties largely respected the spirit of the Pact of National Unity, further demonstrated the East Timorese political leadership and voters commitment to democracy.

Implementation of Long Term Monitoring Program

Early in March 2002, Samantha Aucock took up management of The Carter Center's field office in Dili to implement the Center's project on the Presidential Elections Observations. Ms. Aucock had previously worked with the United Nations in East Timor, with a strong knowledge of the various districts in East Timor and a background in both civic education and conflict issues in developing countries. Ms. Aucock maintained ongoing liaisons with UNTAET and the UN Development Program (UNDP), political party leaders, local election monitoring groups, and international and national

organizations; prepared for and trained long term observers; and managed weekly deployment, reports and pre-election activity monitoring.

In mid-May, the Center began deployment of three long-term observers (LTOs). As in the previous elections, the Center was successful in recruiting long-term observers with appropriate language skills, and considerable knowledge of and/or experience in East Timor. One LTO had worked with the Center during the Constituent Assembly Elections in August 2001. The other LTOs had previously visited East Timor, and were retired USAID staff with considerable experience in democratic development programs. All LTOs had extensive knowledge of Indonesia and proficiency with the Bahasa Indonesia language.

Visiting 12 of the 13 districts (LTOs did not travel to Oecusse), long-term observers established relationships and worked closely with a wide of range of stakeholders including UNTAET, political party representatives, local NGOs, leaders of civil society, domestic and international observer groups, as well as other critical institutions and community groups at the district and sub-district level.

While in the districts, the long-term observers focused on determining the overall political environment during the campaign period and lead up to the election, including observing the behavior of and relationship between the parties and candidates and party engagement in the campaign process. Other areas of focus included: citizens' access to information, the role of domestic observers, the role of political party agents, and the participation of women and youth in the electoral process. Observers produced weekly internal reports on their findings and released one public report prior to the elections. While the election centered by and large around the presidential candidates themselves, both candidates were nominated by multiple parties, and neither were formally supported by the majority party in the Constituent Assembly, Fretilin. Thus, political party conduct remained an important part of the process to monitor and on which to report findings.

Similar to the situation in the previous elections, the routine presence of the long term observers in the districts before and through election day served to keep The Carter Center informed about critical issues throughout East Timor and also raised the publics awareness of any Carter Center concerns about the electoral process. The presence of the long-term observers for extended periods in the field enabled the long-term observers to develop strong relationships and trust with key stakeholders and citizens, greatly enhancing the ability of The Carter Center to observe and comment on the election process with confidence and legitimacy, especially as relates to observations in the areas outside of Dili.

Pre-Election Press Statement

The Carter Center issued a pre-election report on 12 April 2002 . The report praised East Timors Independent Electoral Commission for its preparations for East Timors first Presidential election, reassured citizens that their vote would be secret and urged the voters to cast their ballot. Based on observations from the field, it reported on voter enthusiasm, the relationship between candidates and the government, the campaign

period, the electoral process, voter education, political party observers, domestic observers, refugee movements and the security situation.

The key issues identified by the pre-election statement were as follows:

- Although willing to vote, the East Timorese were concerned about the future of East Timor post-Independence and in particular, the relationship between the new President and the Constituent Assembly.
- Campaigning was slow to start and low-keyed. Campaigning in a district never started until one of the candidates was actually physically present.
- The relative lack of representative political structure and interaction below the national level leaves a political vacuum in the districts, which has led to the development of various non-official security groups.
- There was a high participation of East Timorese observer groups monitoring the pre-election environment.
- Voter education programs appeared successful with voters appearing to both better understand the voting process and to be better prepared for the election.

Implementation of Short Term Monitoring Program

In the days leading up to the election The Carter Center deployed 11 additional short-term observers (STOs) to expand the monitoring throughout the districts before and on election day. As in the case with the long term observers, most of the short term observers had the appropriate language skills and considerable knowledge of and experience in East Timor, with several being either regional or policy experts. Several of the observers were observers for the 2001 Constituent Assembly Observation mission, with a few having also served The Carter Center in the 1999 Public Consultation observation mission. Their previous experience in East Timor enabled the short term observers to utilize already established relationships with key stakeholders in Dili and other districts, further strengthening the Centers ability to effectively observe and comment on the election process.

The short-term observer teams traveled extensively throughout the districts conducting meetings with all of the key stakeholders and assessing the electoral and political issues noted previously. Given the smaller full observation team, the short-term observer teams were deployed to 11 of the 13 districts. Oecussi district was not visited due to logistical constraints, and an observer visited Lautem on the day before election day. The short-term observer group focused specifically on the immediate pre-election period, including the "cooling off" period before the election, the process on polling day, and the counting of ballots.

In the lead-up to the election there was some concern that particular parties might discourage voting on polling day. Voter turnout became an important indicator to observe on election day and the number of spoiled ballots became an important indicator to monitor in the subsequent count.

A further issue closely monitored by observers on polling day was the performance of the polling staff. This issue became important since, unlike the Constituent Assembly

election in 2001, all of the polling staff and a significant proportion of the managers under the Independent Electoral Commission for this election were East Timorese. The Center had noted during the 2001 election that an important opportunity to strengthen East Timorese capacity in the area of election administration had been missed.

Together with FOD Aucock, the leadership team held several private meetings with key stakeholders, including the SRSB of UNTAET, members of the government, the presidential candidates, the church, international development organizations, and political and civil society leaders, to discuss issues and concerns identified during the pre-election period as well as the many concerns identified for post-independence.

The leadership team also encouraged East Timorese leaders to move quickly to address not only political development but also economic development issues. Ed Cain served for many years as senior staff with the UNDP before joining The Carter Center. Mr. Cain long experience in the area of development helped to further reinforce the Center strong relationships with future government members, regional leaders and international organizations such as World Bank and Asian Development Bank. Further, the Center Senior Program Associate for Conflict Resolution served as an observer assessing how conflict issues at the local and national level could impact both the future political environment and electoral processes. The leadership team affirmed the desire of The Carter Center to support East Timor in future democracy building and economic development efforts.

Public Report 15 April 2002

The Carter Center held a press conference on the 15 April 2002 and issued a statement commending the East Timorese voters and the Independent Electoral Commission (IEC) on an election that clearly met international standards for freeness and fairness. The Center encouraged East Timorese leaders and civil society members to continue to emphasize democratic development at all levels of government, including at the grassroots level, in order to establish and strengthen democratic institutions at all levels throughout the country.

The statement at the press conference highlighted the following:

- The high level of voter participation and knowledge. The East Timorese appeared knowledgeable about the process and voting took place in a quick and orderly manner.
- The significantly greater role played and the high level positions held by the East Timorese in the electoral process.
- The respectful campaign conducted between the candidates.
- An election day free of any disruptions or activities by any groups, in particular the so called " security groups".
- The successful monitoring of polling stations by both national observers and party agents and the greater professionalism displayed by all observers.
- Concern noted that in some districts party agents did not witness the return and check in of ballots, a critical safeguard for ensuring transparency of the election process.

- The successful registration of voters and refugees.

Observation of the Counting

The Carter Center observed the initial counting in the districts and the whole counting process in Dili district. Observers monitored the domestic and party agent observers who were watching the counting process, as this was also an important step in ensuring transparency in an election process. In contrast to the Constituent Assembly elections where East Timorese were not allowed to handle the ballot papers, in the Presidential election East Timorese were very much involved with the counting procedures. The leadership role of East Timorese in this process contributed to a greater sense of ownership over the election process, and evidenced the success of the IEC in transferring responsibility for the administrative function of one aspect of the election process to East Timorese electoral officials. Overall, the counting process was efficient and quick, receiving no complaints related to the process.

THE EFFECTIVENESS AND IMPACT OF THE OVERALL PROGRAM

The overall goals of The Carter Centers program in East Timor included support for a free and fair election process, including a calm pre-election environment free of violence and intimidation and an election with a high degree of voter participation, and support for and encouragement of a participatory constitution drafting process, which contributed to political party development, both essential parts of a democratic process.

The presence of Carter Center long-term observers and full-time staff in Dili enabled them to develop strong relationships with key stakeholders and citizens and raised the Center visibility in East Timor. This contributed to the increase in The Carter Centers ability to effectively observe and comment on the electoral process, and allowed for more in-depth follow up on issues and areas of concern. The continued presence of the Field Office Director and the long-term observers enabled them to raise areas of concern and to promote a clearer understanding of the positive role of election observers, both international and domestic, in ensuring a transparent and fair election environment.

The Centers success in recruiting short term observers who spoke the language, had considerable knowledge and experience in East Timor, and had previously established relationships with many political party and civil society leaders, strengthened the Centers ability to assess the political environment and provide sound reporting on identified areas of concern.

Public awareness of the Centers work was enhanced by the active, routine presence of observers in the districts during the weeks prior to the elections, the broad coverage at the polling centers on polling day, The Carter Centers release of public reports and statements, and the meetings held by all of the Centers delegates with UNTAET, the candidates, political parties, government officials and the general society.

The Carter Center sought to play a role in increasing public awareness and developing public opinion by making its findings available to the international and local media both before and after the 14 April 2002 election. These statements and reports were well

received by all stakeholders and will serve as useful references for future electoral process development in East Timor. The SRSG noted that the Carter Center public reports were very useful to UNTAET as it prepared and implemented each election process.

During the Centers presence in East Timor, press interviews were given by members of the Centers delegation to local and international media in a variety of languages. Media interviews were given to CNN, radio UNTAET, and local East Timorese papers. The ability of Center observers to give interviews in Bahasa Indonesia proved particularly important for local press. For the Presidential election the key audience targeted by the Center for public awareness raising or press purposes was East Timorese voters and leaders. Thus a focus was placed on outreaching to the local media.

It is a fair assessment at this point that the East Timorese have accepted the role that periodic democratic elections play in a democracy. The Carter Center, through its various meetings with UNTAET and government officials, political party leaders and civil society leaders, continuously encouraged and supported the incorporation of democratic principals and practices in the foundation policies of this emerging country through the entire grant period.

Since the re-establishment of the Center office in April 2001, the Center has maintained consistent contact with UNTAET and government officials, political party leaders and key members of the East Timorese society. Through meetings, both formal and informal, regular correspondence and the release of public reports, the Center raised election related and other governance policy issues and addressed other areas of concern such as the political vacuum between the national and district level. The Center has received positive feedback from key East Timorese and international stakeholders for its role in raising awareness at the policy level about issues raised at district level

The Carter Center also held meetings with UNTAET officials from the Political Affairs Unit, Human Rights Unit and the Independent Electoral Commission (IEC), briefing these groups on reports from the districts and raising issues of concern. These meetings proved to be informative both to these offices and Carter Center observers, consolidating awareness of issues.

The Constitution Drafting Process: During the drafting of the Constitution, the Centers work focused on assessing the commitment of this body, and the political parties within it, to the principles of democracy and good governance. During this time, and in the lead-up to the Presidential election, the Center focused its efforts on monitoring the Constitution drafting process and encouraging the promotion and implementation of democratic policy decisions by the East Timorese leadership. As part of the Center's efforts to promote the adoption of democratic decision making at the policy level, The Carter Center held a number of meetings with members of the Constituent Assembly, political party leaders and East Timorese stakeholders where these issues and the Center's advice were discussed. Concerns regarding the limited opportunity for public participation in the

process were raised, including in a letter written to the President of the Assembly. Key issues raised are described in the attached Constitution Drafting Process report.

Key Observations and Issues Raised on the Presidential Election Process:

- The Center was pleased to report on the significantly increased role of the East Timorese in the 2002 electoral process and was outspoken in its support for continued capacity building in the critical area of election administration.
- In encouraging the East Timorese leadership to pay more attention to electoral laws and institutions, The Carter Center also promoted the establishment of a permanent independent electoral commission.
- Though the Presidential election was administered effectively, and in the field largely by East Timorese, many decisions were still made by international staff of the IEC at the headquarters level. This is not surprising, as capacity building takes time and not all functions can be taken over by national staff at once; this does mean however that capacity building in the area of election administration, particularly at senior levels, needs to continue.
- Although the Presidential elections were relatively uncomplicated as they only involved two candidates and a simpler voting process, the East Timorese demonstrated a clearer understanding and knowledge of the voting process. The greater understanding of the process could be attributed not only to the electorates experience with several elections within a short period of time, but also to the lead role played by East Timorese in the implementation of voter education programs.
- During the campaign, both candidates conducted themselves with political maturity. Both candidates and their nominating parties respected the principles of tolerance expressed in the 2001 Pact of National Unity. For health reasons, Mr. do Amaral was unable to attend many campaign events in the districts. Mr. Gusmao however visited every district in the country, drawing large crowds of up to 10,000 supporters. The themes of Xanana Gusmao's campaign were Democracy, Stability, Development, National Unity and Reconciliation in East Timor and the world. He continually drew strongly supportive crowds. There was some controversy centered around whether or not party symbols should appear on ballots. The issue was ultimately resolved to the satisfaction of all parties with the assistance of local East Timorese political leaders.
- Leaders in the Fretilin party created some controversy during the campaign period. Messages to Fretilin supporters were inconsistent, suggesting that people refrain from voting in the election or that they spoil their ballot. Voter turn out on election day and the final number of spoiled ballots become important indicators to observe. Although the voter turnout was lower than the 2001 Constituent

Assembly election, an overwhelming 86.3% of the population turned out to vote, and the rate of invalid votes was a very respectable 3%.

- The Carter Center noted concern among the East Timorese about the relationship between the new President and the government – given the government system would be semi-presidential. There was speculation that Mr. Xanana Gusmao sought a strong mandate from the people in order to compensate for what were viewed as limited presidential powers. In the Carter Centers meeting with Mr. Gusmao prior to the elections, he noted that there was disagreement between him and some leaders in Fretilin about the approach to governance. Leading up to and immediately after the election, there was concern about what type relationship would result between new President and the head of government. On 18 April 2002, the President and Prime Minister held their first substantive meeting, hosted by the SRSG. Subsequent events, such as a joint trip to New York to speak before the Security Council, as well as an ongoing pattern of successful meetings, between the two leaders led to optimism about the future working relationship between the two.
- The Carter Center was pleased to note political party agents at most polling stations. Though party agents were also present in 2001 Constituent Assembly election, they were clearly better prepared in 2002 and more aware of their role as representatives of their parties. The Center strongly encouraged all political parties to designate and work to strengthen the capacity of political party agents. In discussion with Mr. Gusmaos campaign management team, which expressed concern over election fraud, The Carter Center encouraged the parties supporting him to attend polling centers and stations to monitor the vote, then report back on any problems. The Carter Center also held regular meetings with participating parties at the district level and encouraged them to identify party agents for deployment at all polling stations. Party agents were widely deployed and no election fraud was reported.. The participation of party agents is invaluable to the process of building faith in the electoral process in a country where political parties seem inherently suspicious of one another.
- The Center observed that most parties maintain a top-down party structure at both the district and sub-district levels. The relative lack of a representative political structure below the national level forms a political vacuum, which contributed to the existence of various types of “security groups” whose purpose and activity were not always clear. However it appeared that the “security groups” had no formal relationship with the civilian police force or defense force. While it appeared that the groups posed no threat to the elections, particularly on election day, the Center noted concern over the future role and further development of such groups. The Center raised this concern with various UNTAET members, the presidential candidates, political party representatives, members of the government and the church, reinforcing the need to address the limited political and legal structures at, and especially below, the national level.

Domestic observers groups have a critical role to play in the monitoring of the electoral process and in ensuring that elections are free and fair. It is apparent that domestic observer groups are not only an important mechanism for monitoring and reporting on the electoral process, but also play a crucial role on monitoring political party and state behavior. Through the FOD and the long term observers, the Center continued to co operate and share information with NGOs groups such as Renetil, Gomutil, Fokupers, Yayasan Hak, NGO forum, GFFTL and other local NGOs based in the districts. The Center convened a pre-election meeting with members from several NGOs, where information was exchanged on findings and issues of concern. This meeting proved useful as it highlighted key issues to observe immediately prior to the election, and on election day itself. Where possible, the Center offered logistical support to assist the national observers over the election period. In meetings with East Timorese leadership the Center supported the role such groups play in the electoral process.

- The Carter Center strongly supports the participation of women in the political process. As in the Constituent Assembly election process, the Center monitored the inclusion of women, the role of women in domestic observation and the turn out of women voters. Carter Center observers actively sought womens perspectives on the electoral process, the participation of women at a political level, towards the new constitution and government. Although one third of the East Timorese electoral staff was women, it was noted that there was no increased level of participation of female party agents. Through constant liaising with UNTAET and government officials, NGOs, domestic observer groups and other key East Timorese members of society, the Center continued to raise awareness of the continued need to incorporate women at all levels of political activity.

Support to Local Civil Society Groups

The Center recognizes the vital role civil society groups play in the democratic process, in monitoring government institutions and providing local resources of information as well as policy advice. With non-USAID funding the Center provided support to local NGOs addressing gender equality, domestic violence, and women's empowerment issues through their programming and activities. The Center also advised local groups in the development of activities related to traditional justice research. Recognizing a lack of basic information at the local level, and limited understanding of and trust for both the formal and informal justice processes within East Timorese communities, the Center strongly encouraged research and information dissemination in this area. Feedback received from domestic observer groups and NGOs who have worked with The Carter Center observers was extremely positive.

Contact with International NGOs and other observer groups

The Carter Center attended weekly meetings with other USAID grantees in East Timor including Internews, The Asia Foundation (TAF), the National Democratic Institution (NDI), the International Republican Institute (IRI) and the International Foundation for Election Systems (IFES). During these meetings TCC shared information on findings and updated the organization of The Carter Center activities. The Center maintained a close

working relationship with UNDP Electoral Support Center and liaised with other international observer missions, such as the European Union and Australian mission. Such formal and informal meetings supported more effective coordination among implementing agencies, and enhanced the observation program.

ANALYSIS OF CHALLENGES AND LESSONS LEARNED

Logistical Challenges and Lessons Learned

The major two logistical challenges faced by the Center were the inaccessibility of certain areas and the limited communication between Dili and the districts. The rainy season and subsequent deterioration of the roads proved problematic for all participating in the electoral process. Although the Center was able to use many 4x4 vehicles, some areas were completely closed, while in other areas the roads were dangerous and difficult to travel. Ultimately, it was not possible to cover all areas of the territory, in particular the more remote mountainous regions, as initially planned.

Although access to information between the districts and Dili increased through due to expanded use of radios, TV and newspapers, it was important for the long-term observers to return on a weekly basis to report on their findings, to receive updates on activities *happening at a national level*, and share and compare findings to identify common trends and trouble spots. Communication with the Dili office was still reliant on satellite phones with a limited use of mobile phones and email access. Once again the satellite phones and mobile phones were crucial as a communication network for observer safety and for reporting from the field.

Program Challenges and Lessons Learned

The Carter Center deployed a team with observers who had proficient language skills and experience in, or knowledge of, East Timor. Many of the observers, served the Center for the Constituent Assembly Elections, with a few also observing the 1999 referendum. Successful election observation and reporting is very dependent upon having a highly experienced, enthusiastic, and committed team with a combination of the required language skills, country knowledge, and election observation expertise.

As acknowledged in the 1999 referendum and the CA elections, the long-term presence of observers is an essential component of an observation program. Not only did the broad and regular coverage of the long term observers ensure detailed and accurate reporting and monitoring of issues, it also enabled the establishment of strong relationships of trust with key East Timorese stakeholders in the districts, and at the national level. The long-term observers also provided the information and support required for an effective short-term observation program. The short-term observation enables broader coverage in the days immediately prior to and on election day when voters can be most vulnerable to threats and intimidation, should a party or stakeholder have the intent.

Importantly longer-term observation provides more thorough analysis of the issues and challenges facing the local communities not only with respect to election administration

and political party development, but also with respect to such areas as decentralization, establishment of the rule of law, and other necessary democratic institutional mechanisms.

While domestic observation is an essential part of the election process, in many transitioning and developing countries local groups are in the formative stages and have limited capacity to mount comprehensive and effective observation programs. In some countries there is little political space for such groups. International observation contributes to both developing local capacity and creating the necessary space for such domestic observation programs.

Support to the long-term observers required initial intensive training followed by constant coordination, channeling of information and logistical support from the Dili office. Weekly debriefing sessions held at the Dili office between LTOs and the FOD were essential in reporting key issues, identifying issues of concern, and exchanging experiences and advice helpful for subsequent observation in the districts. During the Presidential election observation, the observers held only one formal debrief session with other international NGOs and offices from UNTAET. Feedback from this session was very positive and further such sessions would have been well received.

CONCLUSION

The Carter Center was one of the first international observer organization with observers present in the districts prior to the Presidential Elections, and played a critical supportive role in increasing popular confidence in the electoral process. Observers successfully met with all local representatives of political parties and the two presidential election candidates district committees, party agents and domestic monitoring groups. Observers worked closely with East Timorese political and civil society leaders, UNTAET, the UNDP and other international observer organizations during the observation mission.

The Centers continued work in East Timor was successful and very much appreciated by all sectors of the East Timorese community as well as by UNTAET. Xavier Amaral, in a meeting held with him prior to the Presidential elections, expressed gratitude to the Center for once again showing its support to the East Timorese people and the electoral process. This sentiment was expressed by Mr. Xanana Gusmao, Mr. Jose Ramos Horta, SRSG Sergio de Mello, civil society and other East Timorese leaders as well as many international organizations.

The Center has been active in East Timor since 1999, through three democratically held elections and the constitution drafting process, closely monitoring and supporting the overall political transition as the territory moved toward becoming this century's first new independent nation. The presence of international observers supports the conduct of free and fair elections, respectful of appropriate international standards and absent violence and intimidation of party members or voters. The presence of international observers through the constitution drafting process, and other similarly important democratic processes, provides opportunity to assess the commitment of political leadership to democratic principles. Overall The Carter Centers East Timor electoral and

political observation program was effective and well implemented, successfully achieving all intended goals.

**The Carter Center
Observation of the Constitution Drafting Process
Final Report
February 2003**

Following the August 2001 Constituent Assembly elections, The Carter Center remained in East Timor to monitor the constitutional drafting process. The drafting process proved a critical opportunity for East Timorese political leaders to engage in substantive debate on proposed constitutional articles and for civil society leaders to monitor the action of public officials and attempt to inform and influence debates on proposed articles. Citizens followed the discussions through radio and newspaper reports and participated in the public consultation process held to discuss the final draft. Political parties supported their Constituent Assembly representatives formally and informally, and smaller parties sometimes protested decisions made by the majority Fretilin party.

Proceeding into the drafting process, there was concern that a largely Fretilin dominated Assembly would attempt to railroad through a party constitution, rather than engage in a more democratic or consultative constitutional drafting process. Ultimately, a constitution was passed that was based on the Fretilin version, but which also included sections proposed by other parties, civil society groups and international technical advisors. Although the drafting process provided only limited opportunity for citizen participation or political party development, it was an important stage in the development of democratic principles and processes in East Timor.

The Constitution Drafting Process in Brief

The 88 members of the Constituent Assembly, elected on August 30, 2001, were sworn in by United Nations Special Representative to the Secretary General (SRSG) Sergio Vieira de Mello on September 15, 2001 and were charged with writing and adopting a new constitution within 90 days (by December 15, 2001).

Four thematic committees were formed to address the themes of: I. Rights, Duties and Liberties; and Defense and National Security; II. Organization of the State; and Organization of Political Power; III. Economic, Social and Financial Organization; and IV. Fundamental Principles; Guarantees, Control and Amendment of the Constitution; and Final and Transitional Provisions. Committees were tasked with studying various constitutional models and presenting drafts of their sections to the Systematization and Harmonization Committee (SHC). The SHC was charged with analyzing, harmonizing and compiling the reports from the four thematic committees and presenting the first draft of the Constitution to the Assembly President and full Assembly. The SHC deliberated on recommendations and proposals received from the public, government and civil society.

After six months, the first Constitution, consisting of 170 articles, was approved by the Constituent Assembly. Fifty-seven voted in favor with 14 voting against. On 22 March, a vote for global approval of the Constitution was taken, and the text was approved by 72 votes in favor (14 against and 1 absent). Some members of PD, PSD and UDT voted

against adoption of the Constitution. These parties felt that the Constitution reflected a single party (Fretilin)-dominant Constitution, that only minor changes were made to the initial constitutional draft, and that the Assembly failed to consider issues raised by the population during the district consultations.

Carter Center Observation and Key Findings

While other organizations provided input into and analysis of proposed constitutional articles, The Carter Center observation focused on monitoring the process itself, assessing how the process contributed to the deepening of democracy in the new state. The Center's work focused on assessing the commitment of the Constituent Assembly, and the political parties within it, to the principles of democracy and good governance. During this time, the Center sought to encourage the promotion and implementation of the democratic principles of transparency, participation and political tolerance by the East Timorese leadership.

The Center's field office director and observers held meetings with members of the Constituent Assembly, political party leaders, and East Timorese stakeholders to discuss and support these issues. During the two election observation missions and an interim assessment trip in January 2002, Center headquarters staff and leadership teams raised key concerns with East Timorese political leaders. On November 14, 2001, Carter Center field office director Dr. Nancy Lutz addressed the Seminar on "The Socio-Economic and Political Development of East Timor, Post-UN Presence" organized by the National University of East Timor by presenting a paper on "Democratization in East Timor: An Observer's Perspective". The Carter Center field office director regularly attended Constituent Assembly debates and press conferences, as well as the smaller meetings of the Systematization and Harmonization Committee. The field office director and one observer also observed the public consultation of the Assembly's draft constitution in five districts: Dili, Ermera, Liquica, Manatuto and Bobonaro from February 28 to March 6, 2002.

Key Findings

Political Parties in the Assembly

The constitution drafting process presented an opportunity to strengthen the development of multi-party participatory democracy in East Timor. While political parties attempted to participate in this process to full advantage, there were obstacles to their full participation.

Open Voting The first task of the Assembly was to formulate rules and procedures. A system of voting by simple majority through an open show of hands was decided upon, although some members preferred a secret ballot. Concern was expressed that open voting would encourage voting by party platform, rather than Assembly members voting their consciences. Although there were a few attempts (mostly by Fretilin) to enforce party discipline in voting, members of parties (including Fretilin) often voted

independently of their parties. The only party that appeared to vote consistently and strategically in a bloc was PSD.

Debate Debate in the Constituent Assembly was for the most part open and respectful, with a good representation of alternative political views. Both Francisco 'Lu Olu' Guterres, who 'grew into' his role as Assembly President, and Assembly Vice-President Arlindo Marcal, who was frequently given the President's moderator role, listened well to Assembly members and endeavored to be fair in allocating time for comments or presentations. Differing political views were expressed without acrimony or personal attack, and minority parties were given equal time to Fretilin in expressing their views. Overall, therefore, although majority opinion often dominated the final votes, the debates preceding the votes were generally democratic and participatory.

Majority Party Dominance Despite generally fair and open debates, many Assembly members and civil society observers complained about the overwhelming voting power of the dominant party, Fretilin. When it came time to vote on articles or proposed amendments, the majority of Fretilin tended to vote a conservative party line. Since the Assembly President and Vice-Presidents sat facing the Assembly, many members would wait to see how the leadership was voting to raise their own hands. This situation was exacerbated by ASDT and PDC also voting with Fretilin, adding another 8 votes to the majority Fretilin position. Amendments or additions were rarely considered if not initiated by the Fretilin leadership themselves. Even small or reasonable changes that would not have affected the substance of articles were voted down time and again. This led to increasing frustration and a sense of futility among many of the smaller parties, who felt that their opinions and suggestions, as well as those of civil society, were disregarded in the drafting of the constitution. As a result, many Assembly members and observers felt that the constitution was not the product of genuine legal and intellectual debate, but merely the result of consensus among Fretilin leaders. Many believed that Fretilin pushed its agenda to the forefront of any voting process. This opinion was also expressed during the public consultations, when Center observers found that some East Timorese in the districts felt that the draft Constitution was a "Fretilin document", reflecting party objectives rather than more inclusive national interests.

Role of Minority Parties Throughout the constitutional drafting process, intensive debates were held in the Assembly between members of different parties. Every political party, no matter how small, participated in the drafting process. As noted above, some of the smaller political parties expressed anger at being marginalized in the voting process. At one point they threatened to withdraw from the Assembly if there was no opportunity for genuine negotiation or compromise. The threat did not materialize, however, and all the parties remained engaged through the length of the drafting process, showing that they were willing to work within the institutions available and with the Fretilin-dominated Assembly and future Parliament. As the drafting process continued, moreover, constructive suggestions were recognized based more on the individuals presenting them than on their party affiliations. The final draft created by the Systematization and Harmonization Committee, in fact, was primarily the work of three individuals: one from Fretilin, one from UDC/PDC and one from KOTA.

Role of District Representatives For the most part, district representatives did not play an active part in the constitutional drafting process. Except for issues specifically involving their districts (such as the special status of Oecusse), the district representatives contributed little to the drafting debates. This can partially be explained by the fact that, except for the Independent Oecusse representative, they were all Fretilin-elected representatives and thus supported the majority Fretilin position. Like many of the other Assembly members, moreover, most of the district representatives had little legal or legislative experience, and thus were unfamiliar with many of the substantive or technical issues in constitutional drafting. To the ire of district residents, however, district representatives also did not consult widely or at all with their constituents during the drafting process. During the public consultations, citizens repeatedly expressed their frustrations towards the Constituent Assembly in general and their district representatives in particular, saying that Assembly members did not consult their constituents, visit their districts to give progress reports, or involve their constituencies in any way during the drafting process. Many felt that the constitution drafting process was Dili-based, 'elite politics'-centered, and did not represent the full citizenry. The Government and Parliament will have to work hard to overcome this sense of uninvolvement among the East Timorese people in order to create a true feeling of ownership towards the new Constitution.

Opportunities for Civil Society Input

The most common and consistent concern raised by East Timorese during the entire drafting process was the very limited opportunity for broad civil society input into the drafting process.

Assembly leaders stated their intent that the constitution accurately reflect the desires of the East Timorese people. Individual citizens were provided the opportunity to voice their aspirations and opinions directly to members of the Constituent Assembly by writing letters to the Assembly and the Assembly President. Leaders of civil society, members of government and others often wrote. This process served as a mechanism for input from civil society, the government and the international community. However, the Assembly President decided what issues were shared with the larger Assembly and when. This contributed to the general perception of a lack of transparency in decision-making and the feeling that the opportunity for citizens' input into the process was limited.

Prior to the Constituent Assembly elections, UNTAET Regulation no. 2001/2 provided for constitutional commissions to be set up in each district, whose task was to gather public opinion about what should be included in the constitution. These commissions would then record their findings and report them to the SRSG who would in turn communicate them to the Constituent Assembly. Constitutional commissions were held in every district, and reports were compiled in English, Portuguese and Indonesian. Copies of the report were given to every Assembly member in the language of their preference. Nevertheless, the reports were never referred to in the Assembly's constitutional drafting debates. At least some Assembly members, like many members of

East Timorese civil society, felt that the consultation process had been UN-dominated, too short, and did not represent a genuinely East Timorese process. The results were therefore unnecessary to consider in the Assembly's drafting process. More importantly, though, the majority of Assembly members felt that they themselves were sufficient representatives of East Timorese public opinion. Ambivalence about public consultations, and indeed about any kind of public input into the constitution, created tension both within the Assembly and between the Assembly and civil society throughout the constitutional drafting process.

Public Consultation Period As noted above, there was ambivalence throughout the constitutional drafting process about the necessity of public consultations. The Assembly did agree on a one-week consultation period before final approval of the Constitution, but there was considerable discussion as to whether this meant solicitation of public input on the content of the constitution or simply dissemination of the constitutional draft. Ultimately, the Assembly decided that the weeklong period would be to inform people in the districts of the content of the constitutional draft.

From February 24 to March 2, panels of five to seven members of the Constituent Assembly traveled to East Timor's districts and sub-districts for the public consultations. The format of the consultations varied from district to district, but generally included readings of parts of the Constitution followed by question and answer sessions. Notes on the consultations were taken by members of the Assembly secretariat, and many if not all of the sessions were tape-recorded. The consultations thus provided Assembly members the opportunity to hear the feedback, comments and concerns of many East Timorese citizens.

When they arrived in the districts, Assembly members found the East Timorese eager to discuss the new constitutional draft. In every district, the people attending the consultations had questions on the content of specific articles. Issues of particular interest included the separation of Church and State, swearing to God in the Presidential oath, Falintil/FDTL as the name of the armed forces, the national flag, the date of independence, and freedom of religion. In addition, many attendees expressed frustration with the limited nature of the public consultations. On March 2 in Maliana, for example, the first questions posed by a participant were: "Is this a consultation or a socialization of the laws? If it is only a socialization, then we'll go home. We have fields to tend to. If it is a consultation, sit down and be quiet. We already know who you are (i.e., we need no formal introductions) so be quiet because we have plenty of questions."

Due to last-minute edits to the constitution and technical difficulties with translation (from Portuguese into Tetum and Indonesian) and photocopying, drafts of the constitution were only available three days before the consultations began. Only in district capitals and a few areas around Dili did the constitution arrive before the consultation teams themselves. This proved problematic in some areas, as citizens wanted more time to analyze the contents of the constitution before the consultations. Nevertheless, in many areas, schools had provided copies of the constitution even where the official version had not arrived, and everywhere people were well informed. Daily

radio and television broadcasts of the Constituent Assembly sessions had kept citizens informed of both the progress and content of the constitution, as well as of the debates that occurred on the Assembly floor. As a result, even illiterate villagers had opinions on the constitution, and all who participated listened intently during the consultations.

The energetic participation of citizens underscores the fact that the people of East Timor are deeply concerned that their voices be heard in their governing bodies. Citizens at all levels voiced concerns both over issues affecting their daily lives and issues of national identity. Through their participation, the people of East Timor insisted that the consultations not be a token gesture, and that their aspirations be voiced and respected by Assembly members.

The consultations provided an opportunity for East Timorese people to remind their leaders why they were elected and by whom. Citizens wanted their representatives to know that they were disappointed with their silence and lack of accountability during Assembly debates. In traveling to the districts during the consultations, Assembly members were forced to leave Dili and to face the concerns and criticisms of the people who chose them. For the first time during their term in office, Assembly members felt what it means to be accountable to public citizens.

Upon return from the districts, each Assembly team compiled the recommendations they had heard from the people. These recommendations were discussed by the political party benches in the Assembly, and then brought to the plenary for discussion and debate. Very few issues were debated, although PD in particular tried to have as many as possible discussed. Observers suspected that the Assembly did not intend to make any significant changes to the constitutional draft, and ultimately they did not. It should also be noted, however, that many of the changes suggested by people in the districts were more conservative than those in the constitutional draft. So it is perhaps to the Assembly's credit that they were not swayed by public opinion on such critical issues to a democracy as participation in public office, freedom of religion, or the separation of Church and State.

As noted earlier, those who voted against the final Constitution were members of PD, PSD and one from UDT, with the second UDT Assembly member abstaining. Sixteen members were absent and did not vote. Many who voted against the Constitution or abstained felt that the process had been too one-sided, with neither enough cooperation or compromise within the Assembly nor enough input from civil society. Minority parties like PSD and PD were more upset with the process than with the result. In many ways, the Constituent Assembly experience solidified not only Fretilin's political dominance, but the minority parties' stance as a political opposition. Towards the end of the drafting process, parties like PSD and PD were more upset with the Assembly's decision to directly transform itself into the first Parliament than they were with the rest of the Constitution. A vote against the Constitution, therefore, could be interpreted as a vote against the process as much as a vote against the document.

It remains important to create mechanisms for continued dialogue between East Timorese legislators and civil society. Although the Constituent Assembly did make some efforts to incorporate the input of the public and the international community into the constitution, a major weakness of the process was the resistance to support public hearings and civil society input. Time constraints all around created a proclivity to go with the majority party's constitutional draft and to curtail time for public hearings and civic education. The constitution itself is still sketchy in several sections that are critical to civil society, such as the nature of district divisions and local administration. Nonetheless, the energetic involvement of civil society to date, even in the limited arenas available, has laid the basis of an active and engaged civil society in the months and years to come.

Domestic Observation of the Drafting Process

During the Constituent Assembly elections, a number of student and civil society groups were accredited by the IEC as election observer groups. Groups like Renetil (formerly a student group), Gomutil (another student-based group, but mostly women) and others played a valuable role as domestic observers and were energized by their involvement in the election process. After the election, a number of them wanted to continue as observers of the Constituent Assembly, and banded together into a loosely-knit group called Assembly Watch. Assembly Watch members diligently attended Constituent Assembly debates, and issued period reports of their findings which were published in the two daily newspapers, Suara Timor Lorosae and Timor Post.

In addition to Assembly Watch, the human rights group Yayasan Hak also had observers at the Constituent Assembly (often Anicetto Guterres, who as a lawyer was a particularly valuable observer of the constitutional debates) and issued reports and analyses, as did the National University of East Timor. The University had run their own civic education programs prior to the Assembly elections, and Valentim Ximenes, the Dean of Social and Political Sciences, who often attended Assembly debates, was another articulate and respected analyst of the constitutional proceedings.

The third major civil society group observing the Constituent Assembly process was the Women's Caucus, a group that had formed during the Constituent Assembly elections to support women candidates from all political parties. They also continued to be active as observers of the Constituent Assembly, shifting their support to women members of the Assembly. In addition to their observation activities, the Caucus tried to bring women Assembly members together. They had limited success in this endeavor because many women Assembly members felt that their loyalties were only to their political parties, but valuable groundwork was laid for continued lobbying and support in the future Parliament.

Civil society observer groups played an extremely valuable role in the Assembly proceedings, and in catalyzing women and youth to engage in the political process. The Carter Center often exchanged information with these groups, especially Renetil, the University and the Women's Caucus, and the domestic observer groups provided important East Timorese perspectives on the Assembly proceedings and debates. Their

presence and their participation also added greatly to the transparency of the constitutional drafting process and laid the basis for active and continuing observation of the East Timorese national Parliament.

Role of Women and Youth in the Constituent Assembly

Twenty-seven percent of the Constituent Assembly members were women and many were active participants in political party deliberations and Assembly debates. Particularly active were the women members of PSD, UDT and PNT. A number of women Fretilin members were also active in Assembly debates. Minister of Justice and Assembly member Ana Pessoa was extremely influential on the days she attended Assembly sessions, and her influence was second only to that of Chief Minister and Assembly member Mari Alkatiri. Beyond participation in Assembly debates, many women Assembly members extended themselves to meet with civil society groups and observer groups like the Women's Caucus. Women Assembly members from PSD, UDT, PNT and Fretilin also willingly and frequently talked to the press. Through their active participation, and the respect they earned from both their fellow Assembly members and the public, women Assembly members set a precedent for the vigorous and serious participation of women in the Parliament and government of an independent East Timor.

Youth members of the Constituent Assembly also played a significant role in the debates and proceedings of the Assembly. PD youth were especially active, but so were youth members of PDC, PL and Fretilin. Younger Fretilin members sometimes took positions contrary to the core of their party, voting with PSD and PD, including the Fretilin Whip, who was one of the younger members. After the public consultations, PD members were particularly concerned to have the voices of the people placed in the public record, and their suggestions and concerns debated. It cannot be denied, though, that they may also have been looking ahead to the next elections, knowing that their party came in second in the Constituent Assembly elections and could be expected to grow in support. Overall, though, the energetic participation of youth members of the Constituent Assembly, and the experience they gained in the process of constitutional drafting lays an excellent foundation for continued youth participation in East Timorese politics and for the development of a spirit of democratic constitutionalism in East Timor.

The experience of the Constituent Assembly shows that the women and youth of East Timor are active and eager to assist in the development of a strong and democratic East Timor. Programs targeting these two sectors of society that are aimed at strengthening their leadership skills should be supported and given priority.

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FOR IMMEDIATE RELEASE
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THE CARTER CENTER PRAISES PREPARATIONS FOR EAST TIMOR'S FIRST PRESIDENTIAL ELECTIONS AND URGED VOTERS TO CAST THEIR BALLOTS

Atlanta, Ga. The Carter Center today praised East Timor's Independent Election Commission for its impressive preparations for Sunday's presidential elections and reassured citizens that their vote will be held in secret. Carter Center observers were deployed March 1 to monitor the pre-electoral environment leading to the territory's first presidential elections. They have visited 12 of the 13 districts in East Timor and have met with political parties, domestic observers, and members of community and nongovernmental groups, and today's report details their observations. "People appear vocal, ready, and willing to vote for their first President," the report said. A peaceful, high level of participation in the election is anticipated.

Voter education programs organized by the Independent Election Commission have been highly successful, instilling confidence in the voting electorate. In addition, most of the Election Commission officials in the districts will be of Timorese nationality, and more than 1,800 domestic observers have registered with the Commission and are expected to monitor voting.

Carter Center observers noted concern among East Timorese about the relationship between the new President and the government. Under the new constitution, the President is granted only limited powers; therefore his influence will be dependent upon his popularity with the electorate.

After the presidential elections, East Timor is expected to reach full independence in May 2002. The Carter Center has worked in Indonesia and East Timor since 1999, observing Indonesia's parliamentary elections in 1999 and the 1999 vote for independence for East Timor, in which the Center issued weekly reports on acts of violence and intimidation by pro-integration militia, supported by Indonesia military and police that threatened to compromise the integrity of the vote. The Carter Center observed a peaceful election in East Timor in August 2001.

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THE CARTER CENTER PRE-ELECTION STATEMENT ON EAST TIMOR'S APRIL 14, 2002 PRESIDENTIAL ELECTIONS

Background: The Carter Center re-opened a field office in East Timor in May 2001 for the long-term observation of the August 30, 2001 Constituent Assembly elections and the subsequent constitution drafting process.

Carter Center long-term observers were deployed again to East Timor in March 2002 to monitor the pre-electoral environment in the lead-up to the territory's first Presidential elections scheduled to take place April 14, 2002. Short-term advisors also have now arrived and been deployed, with a delegation of 15 observers who will cover 11 districts on election day.

Center observers have visited 12 of the 13 Districts in East Timor, meeting with representatives of political parties, East Timorese non-governmental groups, domestic monitoring groups, and community members in the 12 districts. The following is a summary report of observer findings.

- People appear vocal, ready, and willing to vote for their first President, who will preside over Independence ceremonies on May 20th. However, there is concern about what will happen after May 20 with respect to the relationship between the new President and the government. The president's influence will be greatly dependent on his popularity with the electorate, given the limited powers bestowed to the office under the new constitution.
- The electoral process continues to run smoothly, according to schedule, and with low security concerns. The Independent Election Commission (IEC) has done an impressive job preparing for the election. East Timorese have played an increasing role in planning and implementation. All district electoral coordinators and deputy coordinators will be Timorese, and half of the district electoral officers also will be Timorese. East Timorese also will be more involved in the management of both the voting and counting processes than they were during the Constituent Assembly elections. The one major electoral disagreement that emerged was over the use of political party symbols and was resolved through the intervention of Timorese leadership.
- A peaceful, high level of participation in the election is anticipated. Voter education programs organized by the IEC have been successful, and voters seem confident in voting procedures. Although concerns have been raised in Dili about potential low voter turnout, observers have found that eligible voters in the districts are eager to cast their ballots on election day. There has been a limited effort to urge voters to purposefully cast spoiled ballots as a form of protest voting. Weather conditions will be a challenge for voters as the rainy season makes roads impassable in some places.

- Campaigning is low key, as voters respond mainly to the candidates being present at campaign events and only after the visit of the candidate. The presidential campaign, mirroring the approach of most East Timor parties, is highly personalized. Many political parties have not actively campaigned for this election; thus there has been little campaigning around specific party issues and platforms. The candidates have agreed to be respectful of one another and have refrained from personal attacks directed at each other. The televised debate on April 11th, sponsored by the university, is a good example of issue-oriented campaigning and is to be commended for its contribution to political discourse.
- More than 1,800 domestic observers have registered with the IEC to observe the elections despite facing obstacles of limited resources. Although domestic observer presence appears to have been limited leading up to the election, a high number of domestic observers is expected on election day. Their active participation is of key importance to the future development of democratic civil society in East Timor.
- Observers have noted various organized security groups that have no formal relationship to the civilian police force or defense force. Reports are contradictory as to the origin and purpose of these groups. Some appear to be ceremonial, preparing to take part in May 20 Independence ceremonies, and others are seen to be eager for recognition and seeking benefits from having played a role in the struggle for independence. Others may have a self-declared security role, given the early stage of development of official indigenous security forces in the country. Some may be up to no good. While it appears these groups present no threat to the upcoming election, the fledgling nature of political and legal structures below the national level leaves political space for their influence in the districts and sub-districts outside Dili. These groups bear close watching, with careful consideration of their activities and possible threats to citizen's democratic rights.
- East Timor is witnessing an increasingly high rate of return of refugees from West Timor. The IEC has worked to accommodate as much as possible the large number of people who desire to vote on election day. However, due to the high numbers, concern has been raised that not all returnees may be able to register in time to vote. This could create confusion and frustration on polling day.
- A large number of political party agents have registered with the IEC. Although they play a critical role in confirming the transparency of the election, they too face resource and logistical constraints. Observers have witnessed a high level of activity by party agents in some districts, and virtually no activity by these groups in other districts. Even with the challenges noted, it is anticipated that party agents will be present at most polling stations on election day.

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FOR IMMEDIATE RELEASE

Monday, April 15, 2002

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CARTER CENTER OBSERVES A FREE AND FAIR ELECTION IN EAST TIMOR

The Carter Center observers witnessed a successful election day in an election that clearly met international standards for freeness and fairness. In the post-election period, democratic development will be needed at all levels of government down to the grassroots if East Timor is to succeed as a democratic nation. It is the responsibility of Timorese civil society and the elected government, with the full support of the international community, to work toward this end.

On election day 15 observers visited 60 polling centers in 11 districts. The Carter Center congratulates the Timorese voters and the Independent Electoral Commission (IEC) for elections implemented with a high degree of commitment and professionalism. The Center commends the United Nations for the important role it has played in this final step in East Timor's transition to independence.

The Center released a statement of its pre-election findings on April 12th. This summary report focuses on observer findings during a four-day deployment, April 12th-15th.

- **Voter Participation:** On election day, voters turned out early and in large numbers. According to the IEC, as of late April 14th the official estimate of eligible voters who cast ballots is 86.3 percent. Experiencing their third election in less than three years, East Timorese were knowledgeable about the process and for the most part voted quickly and in an orderly fashion, with but a few incidents of confusion, mainly with elderly and infirm persons. The prevailing mood was businesslike, yet there was also a sense that the day was a defining moment in a long struggle to culminate shortly with independence. The success of voter education programs was evident on election day, as most voters seemed well acquainted with the election's purpose and procedures. The decision to increase the number of East Timorese on voter education teams has had a positive effect.

- **The Election Process:** The IEC, established to organize for and oversee the elections, showed a high degree of professionalism in accomplishing its multiple responsibilities. The IEC recruited and trained polling staff deployed to voting centers and stations throughout the country, conducted a nation-wide voter education program, and ensured voting materials were distributed throughout the country, including its most remote regions. It is noteworthy that in this election half of the officers presiding over voting centers were Timorese. IEC headquarter offices in each of the 13 districts were coordinated by Timorese, in what is clearly an achievement in capacity building. This election demonstrates that East Timor has a cadre of trained and qualified electoral staff needed to conduct future elections at an international standard.
- **Political Conduct:** The two presidential candidates, Xanana Gusmao and Xavier do Amaral, adhered both to formal rules and informal agreements as the campaign period came to an end. No campaigning was observed on the day before the election or on election day itself. Gusmao and do Amaral's decision to vote together was a fitting seal to the informal agreement struck by the candidates to conduct a respectful campaign. This gesture contrasted with statements made by other political leaders regarding their intention to abstain or to invalidate their ballots.
- **Domestic Observers:** Carter Center observation teams encountered many of domestic observers actively monitoring polling stations across East Timor. The spectrum of groups engaged in ensuring accountability is a positive signal for future elections and the development of democratic civil society. Domestic nongovernmental organizations (NGOs) were instrumental in training and deploying domestic observers.
- **Party Agents:** There was a marked increase in party agent professionalism compared to their first efforts in August 2001. It was noted in some districts, however, that party agents were not present to witness the return and check in of ballots and other voting materials after closely watching the balloting all day. In a few districts, some stations had only one party or candidate agent present.
- **Security Groups:** Before election day, observers noted so-called "security groups" with no formal ties to the police or defense forces. Some described themselves as preparing for independence day activities and possible inclusion in the defense forces. We did not observe any disruptions on election day.
- **Registration:** Extensive registration efforts appear to have been successful, including mobile registration teams, even with the added challenge of a sharp rise in the return of refugees from West Timor since March. Observers saw no voters being turned away except for those genuinely ineligible due to problems with age or citizenship.

- **Participation of Women:** One third of the District Electoral Officers were female. Women observers representing Timorese NGOs were present at most polling centers. Women of all ages, including mothers of small children and elderly made their way to the polls. In polling centers in some districts, however, observers noted few or no female party agents.

Background: After observing the 1999 referendum and being forced to leave amid the violence that followed, the Carter Center re-opened a field office in East Timor in May 2001 for the long-term observation of the August 30, 2001 Constituent Assembly elections and the subsequent constitution drafting process.

Carter Center long-term observers were deployed again to East Timor in March 2002 to monitor the pre-electoral environment in the lead-up to the territory's first Presidential election on April 14, 2002. Observers met with political parties, non-governmental organizations, domestic observers, and voters in 12 districts.

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