



**European Union Election Observation Mission to Indonesia  
General Elections 2004**

**Preliminary Statement**

**Peaceful and democratic elections despite administrative shortcomings**

**Jakarta, 8 April 2004**

**Summary**

- **The pre-election period and polling took place in a generally peaceful manner, allowing pluralistic competition between the parties.**
- **The KPU generally managed a formidable task well, with the trust of stakeholders. Nevertheless, the election process was marked by shortcomings and delays in the electoral preparations, especially in the production and distribution of ballot papers.**
- **On Election Day, there were a few delays and postponements in isolated areas. Polling and counting took place in a transparent and orderly manner.**
- **Many procedures were complicated and ambiguous. As a consequence, they were not implemented uniformly.**
- **The legislative framework provides for competitive elections. However, the unusually high number of votes required for candidates to be directly elected makes the open list system ineffective.**
- **National media coverage of the elections was fair and impartial towards the political parties.**

**Introduction**

The General Elections (People's Representative Assembly, Regional Representative Council, Provincial People's Representative Assemblies and Regency/City Representative Assemblies) of 5 April 2004 were the biggest and most complex electoral event ever organised in one day, representing an important landmark in the consolidation of democracy in Indonesia.

The European Union Election Observation Mission (EU EOM) has been in Indonesia since 29 February 2004, following an invitation from the General Election Commission (KPU). It will remain in country for the final tabulation of the vote of the General Elections and for the entire Presidential Elections cycle. The Mission is led by **Chief Observer Mr. Glyn Ford (UK)**, a **Member of the European Parliament**. In total, the EU EOM deployed 231 observers to all 32 Indonesian provinces to follow and report on the electoral process. Deployment to the provinces of Aceh, Papua, Maluku and North Maluku was delayed with the result that only a short-term observation was possible in these areas. An "Ad Hoc" Delegation of the European Parliament, composed of five MEPs led by Mr. Nirj Deva (UK), joined the EU EOM on 1 April. On Election Day, EU EOM observers visited 1,244 polling stations throughout Indonesia.

## Legal Framework

- The legal framework allows for competitive elections. It is composed of the Constitution of Indonesia, the Election Law No. 12/2003, the Constitutional Court Law No. 24/2003 and the regulations of the General Election Commission (KPU) and the Election Supervisory Committee (Panwaslu). However, the late adoption of the Election Law in early 2003, only 14 months before the 5 April general elections, did not provide sufficient time for the stakeholders to fully appreciate all the implications of the new framework that comprises two complex systems of representation. The explicit provisions in Election Law No. 12/2003 allowing free observation of all the aspects of the election process are commendable.
- The unusually high number of votes that are required for candidates to be directly elected to the People's Representative Assembly, Provincial People's Representative Assemblies and Regency/City Representative Assemblies, makes the open list system ineffective. In general though, the new electoral system introduced by Election Law No. 12/2003 has opened up the political debate and introduced an important element of transparency and accountability.
- There are certain limitations on the universality of the right to vote and stand. There is a prohibition on the right for members of the armed forces and the police to vote during the General Elections and a ban on the right to stand in the elections for former members of the Indonesian Communist Party (PKI) or people connected with the "Movement of the 30 September 1965". The Constitutional Court has made the first step towards the removal of this ban. Discriminatory rules for becoming a candidate, with the raising of educational requirements from the 1999 elections, deprived many citizens of the right to stand.

## Pre-Election Environment

- In a marked improvement on the 1999 elections, all the political parties could campaign freely throughout the country. The campaign was peaceful, with only isolated incidents of violence. The parties contributed to this by encouraging their supporters to respect the campaign rules. Despite early misgivings of some of the parties, they decided not to challenge the legislation or the timing of the elections.
- The public enthusiasm for the political process that was so manifest in 1999 was no longer in evidence and political rallies and parades were less well attended. Campaign rallies were festive events with music, dancing and prayers, with little time devoted to political speeches. The political speeches tended to focus on populist issues without explaining realistically how to achieve these goals, leading to greater scepticism among the voters.
- "Money politics" continued to be a feature of the elections, as in 1999, with non-governmental organisations and Panwaslu reporting on parties giving handouts of cash and goods during their rallies. However the impact of these activities on the actual vote was not clear. The issue of how to deal with corruption and elect "clean leaders" became a key aspect of the campaign.
- The political campaign for the legislative seats was overshadowed by speculation about the future presidential candidates.

## Election Administration

- The ability of the KPU to gain the confidence of all stakeholders contributed to the credibility of the process. The KPU maintained a neutral position towards the political parties, due in part to its composition, which was changed after 1999.

- Nevertheless, the far-reaching implications of the new electoral framework were not fully recognised by all the Indonesian institutions involved in the electoral process. One of the major contributory factors to this was its very late passage through parliament.
- A number of technically challenging and time consuming tasks, such as the nationwide voter registration exercise (implemented by the National Bureau of Statistics) and the subsequent reorganisation of the electoral districts, were carried out effectively and in a relatively limited time. The new voter registration was executed with reasonable efficiency after the passage of the Election Law. The launch of a computerised register is an important step forward.
- There was over-centralisation and a lack of effective planning of the ballot production process. This led to a failure to meet legal deadlines for the delivery of election material to the sub-district level and caused delayed and postponed elections in isolated areas, for example in Papua. The KPU should have taken earlier measures to ensure that the printing companies not capable of meeting the deadlines were replaced. In many cases, observers reported that the distribution of ballot papers was neither documented nor supervised.
- The Election Supervisory Committee (Panwaslu) was reasonably effective in carrying out its mandate to supervise the electoral process and channel violations to the appropriate bodies, despite a relative lack of personnel and financial resources. In many provinces, it increased the transparency of the process and facilitated the signing of agreements between political parties to adhere to the laws and regulations and to keep the elections peaceful.
- There was a lack of clarity over crucial legislative provisions that led to their uneven interpretation throughout the country. In particular, the lack of detailed regulations on key aspects of the voting and counting process (e.g. the voter eligibility requirements, distribution of the voter cards, validity of the ballots etc.) impacted negatively on voter education and training programmes. The distribution of voter cards started late, was implemented unevenly and opened up the possibility of manipulation. The many last-minute legislative amendments and procedural instructions were often a source of further misunderstanding and inconsistent interpretation.
- The training requirements for election officials for such an extremely complicated and new process were neglected and inadequately funded. International donors' funding helped with the implementation of a crash-training programme to disseminate basic procedural information. The KPU did not adequately address the requirements for voter education and did not start the programmes early enough. However, the limited initiatives carried out by local election commissions, non-governmental organisations and parties observed around the country were assessed quite positively.

### Media Coverage

- National media coverage of the political parties during the elections was fair and impartial. All 24 parties were covered by most of the electronic and print media monitored by the EU EOM. Although there were minor violations of the rules on political advertising, with some parties and candidates receiving more time than the Election Law and Indonesian Broadcasting Commission allowed, in general the spirit of the law with regard to impartiality was respected. Only the national commercial channel Metro TV showed bias, in this case towards its owner, a Golkar presidential hopeful.
- Most media monitored played an active role in voter education and informing citizens about the elections. Metro TV showed the most voter education programmes and adverts during prime time, followed by the state-funded TVRI. Most TV and radio stations monitored produced special election information programmes and the national newspapers also included useful sections on the election process.

## **Election Observation in Nanggroe Aceh Darussalam (NAD)**

- Recognising that NAD is currently under martial law, the restriction on election observation for international observers to between the hours of 08:00 – 18:00 meant that neither the opening of polling stations, nor the completion of the counting could be observed. While EU EOM observers did not report any major procedural violations, in the circumstances encountered it is not possible on this occasion to draw any conclusions as to the validity or otherwise of the overall conduct of the elections in this one province.

### **Election Day**

- Opening procedures were generally respected. Although some essential election material was missing at the opening of 23% of polling stations visited, this figure improved considerably throughout the day. The implementation of the opening procedures by polling staff was assessed positively.
- Polling took place in an orderly and peaceful manner, yet there was a lack of uniformity of procedures across the country. However, the process was not compromised as a result.
- The layout of polling stations allowed for the secrecy of the vote, however breaches of secrecy were reported in 17% of polling stations observed by the EU EOM. This was mainly attributed to the sheer size of the ballot papers and the process of folding them.
- Political party witnesses accredited to observe the process were present in 98% of polling stations visited. Domestic observers were present in 47% and Panwaslu supervisors in 18% of polling stations.
- The count was conducted in a fair and transparent manner, despite the fact that procedures were often not followed. Where voters had to use a ballot consisting of two separate sheets for one election, there was particular confusion. The placement of the tally sheet on full display and the declaration of results in the polling station contributed to the transparency of the process. However, the filling in of the results forms was evaluated less positively, with lack of training of polling station staff causing delays and inaccuracies.
- The tabulation of results is ongoing, but initial reports from observers indicate the process is being carried out in a transparent manner. Preliminary observations highlight the need for thorough crosschecks at all levels due to frequent mistakes in the filling in and recapitulation of the forms. These inaccuracies were reported both at the Village Election Commission (PPS) and the Sub-district Election Commission (PPK) levels. The EU EOM will continue to observe the tabulation until it is completed.

### **Recommendations**

- The KPU should issue and enforce comprehensive and clear procedures to be in place for the Presidential Elections. Last minute changes to the procedures should be avoided if possible.
- Voter registration should be reopened to enable all eligible voters to participate in the Presidential Elections.
- The KPU should publicise its decisions on administrative violations of the process in order to increase transparency. It should also ensure that the parties report in a timely fashion on their campaign spending as required by the Election Law.

- The media should play a stronger role as guardian of the public interest, by challenging the candidates and their parties to elaborate their programmes more clearly, in order to assist the voters in the important process of making an informed democratic choice.
- The promised availability of results down to the polling station level would add to confidence about the tabulation process and the final results.

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