



**European Union Election Observation Mission to Indonesia
Second Round Presidential and Vice-Presidential Elections 20 September 2004**

Preliminary Statement

Landmark elections strengthen democratic transition

Jakarta, 23 September 2004

Summary

- **The second round of the Presidential Elections is the culminating event of an historic electoral year that firmly consolidated the democratic reform process in Indonesia. The elections proceeded peacefully, largely in line with international standards.**
- **On election day, polling and counting were carried out in an impartial and transparent manner, despite some irregularities in the implementation of procedures.**
- **The General Election Commission (KPU) generally administered a most challenging election process successfully, which represents a significant achievement.**
- **KPU rules limiting campaigning to a three-day period were highly restrictive, hampering the ability of the voters to make an informed choice and benefiting the incumbent.**
- **The media performed a meaningful role within the limiting regulatory framework, however state television was strongly biased in favour of the incumbent.**

Introduction

The European Union Election Observation Mission (EU EOM) has been in Indonesia since 29 February 2004, following an invitation from the KPU to observe the 2004 Legislative and Presidential Elections. The Mission is led by **Chief Observer Mr. Glyn Ford (UK)**, Member of the European Parliament, and includes observers from EU Member States, as well as Switzerland and Norway.

The EU EOM to Indonesia is composed of 11 experts at the central level, 65 Long-Term Observers (LTOs) who observed the pre-electoral environment, 125 Short-Term Observers (STOs) and 18 locally recruited STOs from EU Member State Embassies who observed polling, counting and the aggregation of results. A small delegation from the European Parliament led by Mr. Nirj Deva (UK) joined the EU EOM as STOs. In total, 224 observers were deployed to all 32 Indonesian provinces, reporting on opening, polling, closing and counting procedures in 1,343 polling stations and 111 aggregation centres at the village level. Unlike previous elections, permission was granted to EU EOM observers to be deployed in Nanggroe Aceh Darussalam (NAD), Maluku and Papua without delay. The EU EOM will remain in country to observe further stages of the electoral process, including the aggregation and announcement of results. The EU EOM will issue a comprehensive final report including detailed recommendations at the beginning of November 2004.

Legal Framework

- The legislative framework provides for the conduct of democratic elections.
- However, the KPU issued a belated and very restrictive decree on electoral campaigning that allowed for a three-day period of 'refinement of the vision, mission and working programme' of the candidates, and limited the type of activities that could take place in this period. This formulation is highly unusual for a two-round election system. The decree hampered the electorate's ability to make an informed choice and benefited the incumbent.
- A number of regulations and instructions (for example on early closing and the validity of ballots) were enacted by the KPU very late in the process. Their interpretation and implementation varied considerably at the different levels of the election administration.
- The financial provisions of Law 23/2004 for reporting on candidates' campaign expenditure lack adequate sanctions to deter and prevent violations. The KPU regulations also omitted proper guidelines on the type of information to be disclosed in the candidates' financial reports. It was also unfortunate that the KPU enacted no specific regulations for the candidate teams' funding and expenditure during the second round.

Pre-Election Environment

- The verdicts of the Constitutional Court on the challenges to the elections results of the first round and of the Supreme Court on the legality of the KPU circulars validating the double-punched ballots were accepted by the plaintiffs and by the public, thus demonstrating a commitment to democratic values.
- Just two weeks prior to the elections, on 9 September, a powerful bomb exploded outside the Australian Embassy in Jakarta, which killed 10 and injured nearly 200 Indonesian citizens. Security matters, which had previously been of a low priority in the campaign, were brought to the fore, with both candidates promising to reform and improve state security and intelligence agencies.
- The delayed and restrictive regulations on campaigning led to ambiguity over how the candidates could maintain their visibility and access to voters in the pre-election period. The legal vacuum before the regulations were adopted opened up the possibility for candidates to campaign unofficially. Prior to the official campaign period, both candidate pairs toured the country promoting themselves at various events. Megawati Soekarnoputri (Megawati) attended many official events in her capacity as incumbent president, distributed substantial donations, low interest loans, campaign material and medical check-ups, while Susilo Bambang Yudhoyono (SBY) held a series of less well publicised meetings, sponsored sports events and celebrated various anniversaries.
- Various forms of 'hidden' campaigning took place, including the controversial pro-government 'Indonesia Success' competition, sponsored by state enterprises and several banks. In addition, 'black' campaign material was distributed throughout the country attacking SBY in the form of pamphlets, leaflets and SMS text messages. The three-day campaign silence was broken through the use of media, as well as through the organisation of campaign rallies and leafleting in some areas of the country (Banten, Jakarta, Jambi, East Java).
- EU EOM observers reported on and witnessed a number of incidences of voter intimidation. This included pressure on plantation workers, which was directly observed in North Sumatra, West Sumatra and Lampung, and reported in Jambi and East Java. There were also reports and allegations from seven provinces that state officials and managers of state-owned companies breached rules on neutrality, for example by intimidating factory workers and members of military families.

- EU EOM observers were denied access to electoral activities and facilities in the Freeport-owned part of Mimika Sub-district, Province of Papua. This was an unacceptable restriction on observers' freedom of movement and violated KPU provisions in this regard.

Election Administration

- The logistics preparations were conducted in an efficient and timely manner, and measures were introduced to reduce the likelihood of voter impersonation, multiple voting and double-punched ballots. Regrettably, the KPU's additional budget requests, caused by its severe initial underestimation and bad planning of electoral costs, were only belatedly and partially met by the Parliament, impacting negatively on the KPU's ability to conduct timely training and voter education programmes and provide adequate payment to polling station staff.
- The process of updating voter lists was badly managed and unevenly implemented throughout the provinces. The KPU failed to properly supervise the registration activities in the provinces. The difficulties encountered in continuously updating the voter lists highlighted the need for work to start immediately to establish a permanent and centralised voter register.
- The Election Supervisory Committee (PANWASLU) was much less active in highlighting electoral violations and played a more marginal role compared to the previous elections. Its functions were limited by the KPU in the immediate aftermath of the first round of elections, by removing its right to supervise disputes between the KPU and political parties and candidates. In addition, the long unregulated period prior to the electoral campaign found the institution unclear about its role.
- The insufficient allocation of funds by the KPU to training activities remained a disappointing feature of the elections, however cascade training activities were implemented in many provinces. EU EOM observers found that the response to these training sessions by election officials was mixed, with demotivation sometimes limiting the effectiveness of training on the new procedures. Far fewer voter education initiatives were observed than in the first round.
- Major confusion and inconsistencies arose as a consequence of the recent re-organisation of the election administration structure in Papua. The confusion is caused by the disputed nature of the Law on Special Autonomy of Papua (21/2001) and the Law on Formation of the Provinces of Central Irian Jaya and Western Irian Jaya (45/1999). The resolution of the issue has been delayed by the Constitutional Court's failure to rule on the constitutionality of Law 45/1999.
- The KPU rightly resisted pressure from a number of political parties to abandon the use of the electronic count. The operation proved to be an important instrument for the enhancement of transparency and accountability of the entire process, helping stakeholders to follow the results aggregation process and identify potential areas of concern.

Media Coverage

- In general the media played a positive role by disseminating information about the candidates and the various election activities, and by highlighting possible campaign violations. However, the highly restrictive campaign regulations frequently led to efforts by both media and candidate teams to circumvent the rules through hidden and indirect candidate promotion or negative advertising.
- The state television company TVRI showed a pronounced bias in favour of Megawati, devoting disproportionate amounts of coverage to positive reviews of her activities and achievements in office. Many examples of unequal treatment by TVRI were recorded, including the daily pro-government programme "Knitting Together for the Future", adverts for "Education Reform", paid for by the Ministry of National Education, showing children dyeing T-shirts red and painting the number

"2" on them (the colour and number of the Megawati campaign), and anti-SBY adverts broadcast during the campaign silence.

- Commercial television companies, in particular SCTV and RCTI, provided more equitable access to the two candidates than the state channel, particularly in news. In the weeks running up to the elections Metro TV began to show a bias in favour of SBY, in contrast to its performance during the previous round, when it favoured Megawati. Metro TV also broadcast indirect adverts for both candidates in the form of 'testimonials' by third parties during the campaign silence.
- Print media performance was generally balanced, with the exception of Kompas, which indicated a bias in favour of Megawati. The private radio company Radio 68H was the only media outlet monitored¹ which devoted greater coverage to SBY than to Megawati.

Election Day

- EU EOM observers were sent to all 32 provinces on the basis of the standard EU deployment criteria. A total of 164 polling stations were observed for the opening, 1,046 for voting, 133 for counting and 111 for the first level of aggregation.
- Polling took place in an orderly and peaceful manner. The polling process was evaluated positively in 82% of polling stations visited. The impartiality of polling station officials was assessed highly.
- Safety mechanisms to prevent multiple voting were not uniformly applied and the voter lists proved to be a matter of serious concern. In several cases those used were the marked lists from previous elections, or included handwritten attachments containing updates. The lists were not found in 6% of polling stations visited, and in 21% of polling stations visited they were not used to identify voters against voter card details. Inking procedures were better implemented, and the quality of the ink considerably improved in comparison to previous elections. However, voters were not checked for ink in 54% of polling stations visited.
- Domestic observers were only present in 13% of polling stations visited. The diminished presence appears to be related to the exhaustion of international funding. However, they continued to play a role in observing matters related to the pre-election period and the aggregation of results.
- Candidate witnesses were present in 94% of polling stations visited. In 73% of these cases, witnesses from both candidate teams were observed. They appeared more aware of the polling procedures than in previous rounds. Complaints on minor irregularities were lodged in 11% of polling stations observed.
- Counting procedures were assessed slightly more positively than in the first round. However, KPU instructions on early closing generated incorrect and inconsistent interpretations and opened the door to potential abuses and manipulation. In 14 provinces, some polling stations closed even earlier than allowed. Results were posted outside of polling stations at only 30% of the sites visited.
- The aggregation of results at the village level where EU EOM observers were present was conducted smoothly and transparently. However, the results aggregation forms were displayed in only 57% of cases observed and were properly signed and initialled by candidate witnesses in only 51% of the observed cases. LTOs will remain to observe and report on the results aggregation process at the higher levels.

¹ The EU EOM media monitoring team monitored TVRI, RCTI, SCTV, Indosiar, Metro TV, RRI, Radio 68H, Kompas, Indo Pos, Republika, Koran Tempo, Media Indonesia and Pos Kota.

Recommendations

- The EU EOM calls on all stakeholders to continue to act responsibly and ensure that the final stages of the process are carried out swiftly and transparently.
- Final results for all elections must be expeditiously published on the KPU website broken down to the polling station levels.
- The KPU should take immediate steps to implement a permanent and centralised voter register, in view of the anticipated local elections in 2005.
- The KPU should oblige the candidate teams to make public their campaign funding and expenditure for the second round.
- Broadcast media regulations for future elections should allow for equitable and balanced coverage of the electoral contestants.

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