

“functional group” representatives selected, both through processes that have not yet been fully determined. Therefore a judgment about the entire election process must await the completion of all of these steps.

As of this morning, only a very small number of polling results had been announced, even though substantial unofficial returns were expected by this time. Continuing delays could give rise to confusion and tensions among the contestants and the public. The delegation hopes that in the days ahead the tabulation of official results for the Juneth elections will be completed properly and complaints that may be lodged will be resolved fairly and effectively. The delegation trusts that political parties and their supporters will then begin to address the next challenging steps in the transition.

More than three million Indonesians worked diligently and for very long hours as polling officials, political party agents and domestic nonpartisan election monitors. The delegation was impressed that so many of these people were young, which is an important indication of hope for the future. Women turned out in large numbers to vote, but unfortunately they were not represented sufficiently on electoral bodies. At virtually every one of the polling stations observed by the

resources to assess fully allegations of this type, it noted the finding of the national Election Oversight Committee (Panwas) of evidence of misuse of Social Safety Net funds for campaign activities. Communal and ethnic violence and clashes among rival political groups cast a shadow over the political environment in some areas of the country in the period leading up to the elections.

In some provinces, notably East Timor, Aceh and Irian Jaya, pressing political issues not only influenced the conduct of the elections but also reach beyond them. The role of the military continues to be problematic in these provinces, which experienced a number of clashes between Indonesian troops and the civilian population in the months leading up to the elections.

Considerable shortcomings were evident in the transparency of the election administration. Neither the total number of registered voters nor the total number of polling stations was clear even on election day. Public announcements of 250,000 and later 320,000 polling stations both appeared to be inaccurate. Such lack of basic information creates confusion that could have been avoided.

Other problems existed with election administration, particularly in the training of poll workers and the distribution of election materials. Ballot papers, hologram stickers and indelible ink were short in quantity or missing entirely in a limited number of polling stations, and polling was sometimes delayed as a result. These problems also extended to the distribution of forms for reporting vote tabulations as they go up through the election administration, which will cause delays in the tabulation and release of results by the KPU. In addition, some voter lists were extremely difficult for election officials to use.

The shortcomings do not at this time appear to have affected substantially the processes on polling day itself. The delegation urges Indonesians to remain patient and urges domestic monitors and party agents to continue to scrutinize all stages of the process. The Carter Center and NDI will continue to monitor developments and issue subsequent reports. Findings and recommendations of the delegation are set forth below.

II. THE DELEGATION AND ITS WORK

The Carter Center and NDI's international election observer delegation visited Indonesia from June 3 through June 9 and was welcomed by the Indonesian government, political parties and candidates, civic organizations and voters. The delegation included 100 observers from 23 countries in Asia, Africa, Europe and the Americas. Delegates included political party leaders, elected officials and those who formerly held elected office, election and human rights experts, legal scholars, regional specialists and civic leaders. The delegation was led by Jimmy Carter, former President of the United States, who was joined by Kim Keun Tae, Member of the National Assembly of the Republic of Korea and Vice President of the National Congress for New Politics, the governing party of the Republic of Korea, and Tokyo Sexwale former Premier of Gauteng Province of South Africa and a member of the African National Congress (ANC). The members of the delegation have participated in many international election observer missions around the world.

The purposes of the delegation were to: demonstrate the international community's interest in and support for Indonesia's democratic transition; learn from the people of Indonesia about the nature of the evolving election and political processes and their implications for the future democratic development of Indonesia; and provide an impartial and accurate report of its findings to the international community. The delegation conducted its assessment on the basis of accepted international standards for election observation and in accordance with Indonesian law. NDI and The Carter Center do not seek to supervise the elections or to certify them. The Carter Center and NDI also do not seek to interfere with the election process, nor do they at this point intend to render a conclusive assessment of the process. Ultimately, it will be the people of Indonesia who determine the meaning and validity of the June 7 elections and the processes that surround them.

NDI and The Carter Center have observed pre-election developments closely. The Carter Center and NDI have maintained close coordination and cooperation throughout the election period with other international monitoring organizations, including among others the European Union, the National Citizens' Movement for Free Elections (NAMFREL) and the Asian Network for Free Elections (ANFREL). NDI and The Carter Center have maintained communication with other international organizations that are assisting the electoral process, including the United Nations Development Programme (UNDP), the International Republican Institute (IRI), the International Foundation for Election Systems (IFES), The Asia Foundation and the Australian Electoral Commission. In addition, NDI has worked with the UNDP to operate a facilitation center for other international observer groups. The delegation appreciated the support and funding provided by the US Agency for International Development (USAID), which made this observation mission possible.

NDI began working in Indonesia in early 1996, supporting the efforts of the country's first independent election monitoring organization and, since that time, has worked with a wide range of political parties and civic groups engaged in election monitoring and democracy-building activities. NDI also is undertaking programs across the political spectrum to encourage and inform dialogue between military officers and civil society leaders and to facilitate public input into the developing framework for Indonesia's political transition.

The Carter Center joined the election observation effort with a pre-election assessment mission in February 1999, followed by a visit by President Carter in April. Subsequently, The Carter Center and NDI placed joint field directors in Indonesia for the election observation mission.

NDI and The Carter Center have conducted separately more than 60 international election observer delegations around the world, including 10 joint NDI/Carter Center delegations. Each organization has established a reputation for independence, impartiality, and professionalism in conducting electoral assessments. This delegation's mandate included examination of three parts of Indonesia's election and related political processes: (1) the pre-election period, including the legal framework for the elections, the election campaign and related developments, (2) the election-day voting and counting processes, and (3) the tabulation of results to date, immediate post-election complaints and related political developments.

The immediate post-election period often is at least as sensitive and as important to the legitimacy and the outcome of elections as both the pre-election period and on day processes. The delegation therefore stresses the need for continued monitoring of the post-election political developments and encourages both Indonesians and others in the international community to take up this important work.

The delegation met in Jakarta with: presidential candidates; political party leaders; members of the national electoral bodies, including the KPU, PPI and the head of Indonesia's police force; representatives of the Indonesian media; civic leaders; leaders of Indonesian domestic election monitoring efforts, including Rectors' Forum, the Independent Election Monitoring Committee (KIPP) and the University Network for Free and Fair Elections (UNFREL); and representatives of international election monitoring organizations and others from the international community who are concerned with the elections.

On June 5, the delegation deployed 42 teams across the country to 26 of Indonesia's 27 provinces. Teams met with local election monitors, representatives of political parties, and local government and electoral officials in these regions. The teams then observed the voting process in more than 400 polling stations, watched the vote count in selected locations and monitored activities in selected village, sub-district and district election committees before reconvening in Jakarta to prepare this statement.

Recognizing the August vote that will address the future status of East Timor, The Carter Center and NDI did not observe the June 7 elections there.

III. THE ELECTION ENVIRONMENT

It is necessary to examine the political environment and context in which any election takes place. NDI and The Carter Center analyzed the pre-election period, including the legal framework, administrative preparations and the political environment leading to the elections.

The delegation also recognized that political issues beyond the present elections are central to addressing matters of public concern in Aceh and Jaya. In Aceh, the newly elected authorities will need to find ways to end violence and credibly address the loss of confidence in government and security authorities evident in significant areas of the province. This has arisen from a failure to address serious allegations of human rights violations over a number of years. Similar long-term problems exist in Jaya, where authorities must find ways to address the political aspirations of the Papuan community.

While the Habibie administration has taken welcome steps to release some political prisoners over the last year, the delegation is concerned that other political prisoners, including leaders of one of the political parties contesting the elections, remain in jail.

Legal Framework. The legal framework set up following the resignation of former President Soeharto provides that the June 7 elections will determine 462 of the 500 seats in the People's Representative Assembly (Dewan Perwakilan Rakyat or DPR). The remaining 38 seats are reserved for

unelected representatives of the armed forces and police, who were not permitted to vote on June 7. Members of provincial and district (regency and municipal (*kabupaten*) and *kotamadya*) assemblies were also chosen on June 7. The 500 members of the DPR will be joined by 135 representatives of the provincial assemblies and 65 representatives of “functional groups” (constituencies based on professional, occupational, religious, ethnic and gender identification) to form the 700-member People’s Consultative Assembly (Majelis Permusyawaratan Rakyat or MPR). The procedures for selecting provincial and functional group members of the MPR are yet to be settled. The MPR will meet before the end of the year to choose Indonesia’s next president; the meeting is currently scheduled for October.

The June 7 elections are therefore a first step in the election of a new president. Many people have expressed their concerns that “money politics” will play a significant role in the achievement of a majority coalition in the MPR. Concerns were also expressed to the delegation that elements of the current system could combine to unfairly benefit the ruling party in the presidential election process. These elements include the provision for military representation in the DPR, the potential political effect of the disproportionate number of provincial representatives to the MPR from outlying areas of the country, and the uncertainty over the selection of the functional group representatives in the MPR.

The elections for provincial and district assemblies have been overshadowed by the national election but are significant in their own right. The potential exists for decentralization of powers to legitimate and more responsive democratic governments at provincial and local levels, although party eligibility requirements have precluded the participation of locally based parties. The completion of the June 7th electoral process will be important for establishing public confidence in these bodies.

The framework for electing the 462 members of the DPR is a complicated system in which the proportional allocation of seats to parties is combined with an element of linking elected members to specific districts. On June 7, there were separate elections for DPR members in each of Indonesia’s provinces. Parties put up provincial lists, ranking candidates in order and, except for Jakarta and East Timor, assigning them to specific districts. Once votes are counted, parties are awarded full seats in proportion to the number of votes they receive. These seats are filled by candidates on the parties’ lists, from the districts where the relevant party received the greatest number or percentage of votes. Remaining seats are determined by awarding them to parties with the greatest remaining number of votes after the full seats are determined. This is complicated further because parties were entitled to enter agreements (“*tembus accords*”) to combine their remaining votes in order to obtain the greatest remainder and thus one or more additional seats. Such seats are to be divided between or among parties according to their agreements. A number of anomalies could develop under this system.

The complexity of this system could cause confusion and frustration among parties and the electorate as official results are finalized. The clear establishment of transparency and accuracy in the consolidation of results will be an important basis if parties are to adjust high pre-election expectations to the electoral outcome, particularly if later results from outlying parts of the country differ from early results. In addition, the determination of a party’s list of elected members will pose a challenge to its internal transparency and democracy.

Election Administration. The legal framework established the KPU (Komisi Pemilihan Umum) as a multiparty, national election commission. While the KPU undertook an enormous volume of work immediately following its establishment in March, it was unfortunate that many of its political party members stood for election and spent significant time campaigning.

The KPU is responsible under the law for overall policy issues while implementation of the election preparations is the responsibility of the Panitia Pemilihan Indonesia or Indonesian Election Committee), a body with limited resources. The KPU and PPI are supported by the Sekretariat, which had administered past elections and took on the task of the actual organization of the June 7 poll. The relationships in practice among the KPU, PPI and the Sekretariat did not always function smoothly.

delegation urges the KPU to continue its already demonstrated commitment to opposing “money politics” by insisting on the post-election audit of political party accounts required under the election law.

Campaigning. Despite often-expressed fears of widespread election-related violence, the campaign was relatively peaceful. There were instances of violence in some provinces. In certain localities, such as Separa in Central Java, deaths resulted from an inter-party clash. East Timor and parts of Aceh andrian

Notwithstanding these positive elements, there were election-day problems. They ranged from relatively minor administrative lapses to more serious and irregular practices. There were numerous fears expressed before polling day of so-called “dawn attacks,” where persons were expected to approach prospective voters in intimidating ways and offer money to ensure their vote for particular parties. No substantiation was offered to delegation teams on election day, although often party agents said that such events may only have occurred in more remote areas where observers would not be present. The perception that this type of “money politics” could affect the election is noteworthy.

Election Administration. Most of the polling stations visited by the delegation were adequately organized and run by officials who seemed dedicated to acting properly. Lack of training often made this difficult in practice. Vote counts observed by the delegation were conducted carefully and transparently, although procedures often were not followed in detail. All vote counts observed by the delegation were scrutinized by party agents, domestic monitors and members of the public. Citizens often cheered as ballots were opened and the vote on each was announced.

In some areas the voting process was organized according to regulations and operated smoothly. In others there were notable shortcomings. Problems observed included:

- Late delivery of election materials, and in some places inadequate materials, which caused delays and even postponements of polling in some areas. Late delivery of forms needed for reporting results of vote counts up the chain of election administration, along with postponements of some balloting could slow the tabulation and announcement of results.
- Lack of sufficient training of election officials at the polling stations caused delays and lowered the process in a number of places. This also seemed to be the reason for inconsistent implementation of the law and regulations.
- Polling station officials often failed to count and record the number of ballots received before opening the polling station.
- Officials rarely checked the fingers of prospective voters for traces of indelible ink before issuing ballots to them. In addition, in numerous cases indelible ink was not properly applied or seemed to be of poor quality, which could have allowed it to be removed on election day.
- Some polling officials failed to use and mark the voter lists. Sometimes all voters’ names were placed on the supplemental list; other times the lists were ignored, and the certificate of Polls on the supplemental list (Polng smes Tj 0sa30 T9g a,ly checent. ts,cuplementation) Tj 0 P

The delegation was struck by the enthusiasm for democracy demonstrated by millions of Indonesians on election day and throughout the election process. Many Indonesians, from the top offices of government and election administration to voters, party agents and nonpartisan election monitors, have shown a clear commitment to ensuring a successful democratic transition. It is in this context and in the spirit of international cooperation that the delegation offers the following recommendations.

1) Earliest Possible Announcement of Preliminary and Official Results. A long period of uncertainty over results leads inevitably to loss of confidence in the election process. The process for determining and gathering official results should be expedited to offset the likely delays in consolidation of results caused by delays in delivery of election materials and lack of training of election officials. It must, however, be remembered that, particularly since a separate election is being conducted in each of the 27 provinces, very early and fragmentary returns may be seriously misleading.

2) Investigation of and Action on Electoral Complaints. Electoral complaints, if any are lodged, must be investigated in order to safeguard the electoral process and to build public confidence in the integrity of the vote. Appropriate administrative actions should be pursued concerning election complaints and effective remedies provided, including re-voting where appropriate. Cases of electoral manipulation that may come to light should be prosecuted in accordance with the law and international standards for due process of law.

3) Transparency of Party Funding. The KPU should further its demonstrated commitment to opposing "money politics" by insisting on the post-election audit of political party accounts required under the election law. Political parties should cooperate fully in this process to build public confidence and show respect for the law.

4) Open Political Process in the Presidential Election. The rules for election of the provincial members of the MPR should be fair, inclusive and transparent. The KPU should designate the functional groups to select MPR members as soon as possible in order to provide certainty to the process. The success of any coalition building will depend in significant part on effective communication and explanation between party leaders and their supporters and voters. Transparency and fairness in the process will be essential for establishing public confidence in the authority of the new president and for the work of the government.

5) Election Law. The election legislation and regulations should be reviewed, revised and simplified. The procedures should further emphasize practicality and transparency. The KPU should be a fully independent body, whose members are not involved in any political campaigns.

6) Election Administration. The effective working of the election administration requires simpler and more effective working relationships between the KPU and its implementation bodies, and the roles of the PPI and the Secretariat should be reviewed. Communication between the KPU and the lower-level election authorities needs significant improvement. The registration process should be better designed and implemented to produce easily usable voter lists. The complexity of polling and counting procedures could be reduced without removing essential safeguards. Procedures and information flows should

enable basic electoral information to be readily available, and timetables should allow for timely delivery of essential materials.

7) Panwas The role of Panwas as mediating and dispute solving bodies has much scope for development and is potentially very valuable. In order to realize this potential, the powers and hierarchy of Panwas should be fully defined. The independence of Panwas should be matched by funding that comes directly from the DPR. This funding should enable proper investigations to be undertaken. In addition, a mechanism for enforcement of decisions should be introduced

The delegation hopes that these recommendations will be useful to the many dedicated people working to implement a successful democratic transition in Indonesia. NDI and The Carter Center will offer additional recommendations in a more detailed report, which will be issued at a later date.

VI. CONCLUSION

The delegation would like to express its sincere appreciation to governmental leaders, electoral officials, political party leaders, members of the media, civic leaders, including those from domestic nonpartisan election monitoring organizations, and representatives of the international community with whom it met. Had these individuals not taken time at this important moment to meet, provide information and share their views, the task of the delegation would have been much more difficult.

Indonesia stands at an important juncture. The June 7 elections mark a critical step in the democratic transition process. Much has been achieved thus far to bring the transition process to this point. These elections are nonetheless just the first step in the election of a new president, the formation of a new government and the establishment of fully democratic institutions and processes in Indonesia. The “festival of democracy” surrounding the June 7th will must now be followed by actions on the part of Indonesia’s political and civic leaders to build lasting confidence in the establishment of an open, democratic and effective political process.

The Carter Center and NDI will continue to monitor immediate post-election developments and the presidential election process. Both institutions will continue to offer assistance to Indonesian governmental, political and civic leaders who are striving to ensure a successful transition to democracy.

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