Election and Civil Society in Asia
The Role of Free and Fair Election toward Peacebuilding

Edited by Mitsuru Yamada
(School of Social Sciences, Waseda University)
Election and Civil Society in Asia

The Role of Free and Fair Election toward Peacebuilding

Edited by Mitsuru YAMADA

Institute for Asian Human Community (AHC)

and

Institute for Advanced Social Sciences (IASS)

March, 2017
FOREWORD

We could achieve the AHC-IASS Joint Symposium on 9th of November in 2016. First of all, I would like to introduce Institute for Advanced Social Sciences; IASS that established on March in 2016. It is research institution belonging to School of Social Sciences. The faculty members can have many opportunities for their research performances by IASS.

And then I would like to introduce Institute for Asian Human Community; AHC. It is one of project research institution belonging to Organization for Regional and Inter-regional Studies; ORIS. This research organization is opened to all Waseda University scholars. Finally, our symposium was supported the grant of Japan Society for the Promotion of Science. We gain the research grant regarding “the Establishment for Conflict Prevention and Peacebuilding in Southeast Asian and Its Border Areas.” I would like to thank all organizations and staffs our symposium could complete successful.

The theme of our symposium was “Election and Civil Society in Asia.” Election is usual right for citizen for democratic countries. However, we know many counties cannot hold it by free and fair. On the other hand, we know it can be managed intentionally by authoritarian regime. Therefore, the role of civil society is very important for monitoring of free and fair electoral process including perfect operation of election law. Asian Network for Free Elections; ANFREL is one of Asian influential, powerful and authorized election monitoring observers’ organization. And it is the umbrella organization composed of more than 15 Asian counties’ organizations and some individual experts. I am also one of ANFREL member and I experienced to participate in election monitoring myself as one of ANFREL observers.

Our symposium invited three presenters; Mr. Ichal Supriadi from Thailand, Mr. Rohana Nishantha Hettiarchchie from Sri Lanka and Mr. Nelson de Sousa Carvalho Belo from Timor-Leste. Although their contents of speech respectively can be confirmed the following papers, I would like to introduce their background in short.
Mr. Supriadi is executive director of ANFREL. He is originally Indonesian, but is now staying in Bangkok. His title of speech was “Military Regime in Thailand and Democracy: Prospect for the election in 2017.” Thailand has controlled by military junta since 2011 although it had once introduced democratic system next to Philippines in Southeast Asian countries. Mr. Supriadi analyzed the 2017 general election based on revised constitution from military junta.

Mr. Rohana is the executive director of Peoples Action for Free and Fair Elections; PAFFREL and general secretary of ANFREL at the same time. His speech was “Long Walk towards Sustainable Peace in Sri Lanka.” Sri Lanka finished its domestic war between government and Liberation Tigers of Tamil Eelam; LTTE in 2009 by means of armed forces from government military. His speech focused on the change of government from authoritarian President Mahendra Rajapakusa to Maithripala Sirisena who was opposition unified candidate. Mr. Rohana analyzed why Sirisena was appointed to president and gave the important role of civil society for democratic system in Sri Lanka from now on.

Mr. Belo is founder and executive director of Fundasaun Mahein that is one of NGO for promoting conflict prevention in Timor-Leste. Timor-Leste was controlled by Indonesia since 1975 but was independent in 2002 supported by United nations. There were two presidential and parliamentary elections since independence. Especially, the 2007 election was operated under very tense atmosphere just after the 2006 disturbance. Mr. Belo analyzed the 2017 election based on his experiences and knowledge from the viewpoint of conflict prevention.

After three presentations, Professor Yuji Uesugi and Professor Miki Honda from AHC had several comments and questions. And we could discuss our themes and finished it successful.

Finally, I would like to comment regarding free and fair election. Today we have some crises from the political and economic point of view. In other words, there is confrontation between globalism and nationalism. We believe democracy is common goal for our freedom. However, it is not the same meaning with our happiness. We kept on accepting globalization since 1990s. But now several governments are starting to
strengthen nationalism and protect their own people without immigrants or refugees.
We were accepting diversity of regimes in Southeast Asia, but on the other hand, we are
supporting to the introduction of democratic system like Myanmar. However,
democratic countries like US are not interesting in assistance of foundation for free &
fair election gradually. It is serious problems for NGO or civil society to support
democratization through the free & fair elections.

NGO or civil society is going to increase its presence for democratization instead of
government. Civil Society aims at protecting human rights beyond border although
government emphasizes national interests more than humanitarian issues. Take
ANFREL for instance, it attaches the greatest importance to borderless network to
promote democratization in Asia. I think the strategy can break through the national
interests.

We could reconsider the important role of NGO or Civil Society for democratization
through this symposium. And then we confirmed our network from now on.

I will introduce the new book from ANFREL; Lilibeth Erlano & Kristina Uy Gadaingan
ISBN: 978-616-90144-5-4

Mitsuru YAMADA, Ph.D.
Professor, School of Social Sciences
Director, Institute for Asian Human Community
Contents

Foreword ........................................ Page.2
   Professor. Mitsuru Yamada

Program of Symposium ................................ Page.6

Papers

Mr. Ichal Supriadi ...................................... Page.10

Mr. Rohana Nishantha
   Hettiarchchie

Mr. Nelson Belo ...................................... Page.18

Contribution

Dr. Miki Honda ....................................... Page.28

Dr. Yukako Sakabe Tanaka .............................. Page.33

Kazumi Abe .......................................... Page.40
Program of Symposium

AHC • IASS Joint Symposium Program

Election and Civil Society in Asia
- The Role of Free & Fair Elections toward Peacebuilding -

November 9, 17:00 - 19:00
Waseda University (Classroom 605, Building 3)

Program

Opening Briefing
17:00-17:10  Dr. Mitsuru Yamada (Waseda University)

Presentation
17:10-17:35  Mr. Ichal Supriadi (ANFREL)
"Military Regime in Thailand and Democracy: Prospect for the election in 2017"

17:35-18:00  Mr. Rohana Nishantha Hettiarchchie (PAFFREL)
"Long Walk towards Sustainable Peace in Sri Lanka"

18:00-18:25  Mr. Nelson de Sousa Carvalho Belo (Fundasaun Mahein)
"Kaleidoscope for 2017 Election In Timor-Leste"

Discussion, Q and A (open to all participants)
18:25-18:55  Comments:  Dr. Yuji Uesugi (Waseda University)
               Dr. Miki Honda (Waseda University)

Closing Briefing
18:55-19:00  Dr. Mitsuru Yamada
Profile of Panelists and Commentators

Mr. Ichal Supriadi (Indonesia)

*Executive Director, Asian Network for Free Elections (ANFREL)*

He has participated in more than 30 international elections observation missions across Asia since 1998. He engaged with the Indonesian student movement in 1998, before he started with the election monitoring work with KIPP (Komite Independent Pemantau Pemilu) Indonesia. He coordinated observation missions in West Jakarta (1998 – 2001), then Provincial Executive Director in Jakarta (2003-2006), and eventually joined ANFREL in 2006 until now. He is also co-founder of INDEPT Indonesia, advisory council of the Human Rights Alliance (HRA) in Pakistan. He is also on the steering committee of the Asian Democracy Network (ADN), an umbrella organization for various regional networks in the Asia. Mr. Ichal has obtained Master degree in Human rights at Mahidol University, Thailand.

Mr. Rohana Nishantha Hettiarchchie (Sri Lanka)

*Executive Director, Peoples Action for Free and Fair Election (PAFFREL)*

He has more than 20 years of election monitoring & observation experience locally & internationally. He specializes in Asia-Pacific regional election monitoring, liaison with election management bodies and other relevant stakeholders. He is currently the General Secretary of Asian Network for Free Election (ANFREL), the Executive Director of Peoples Action for Free & Fair Elections (PAFFREL) which was formed in 1987 primarily to observe election in Sri Lanka. Furthermore, he is the Governor of the Marga Institute (Research Organization), Vice Chairman of Sarvodaya, and Asian Youth Centre (AYC), member of United Religious Initiative (URI), and Chairman of one Chapter in Sri Lanka and member of the starring committee of ASBAE. He is a member of Common Wealth team, recently participated in the Tanzanian Election Monitoring.
Mr. Nelson Belo (Timor-Leste)

Director, Fundasaun Mahein

He is currently a member of the State Supreme Council of Defense and Security and the founder and Director of Fundasaun Mahein, a prominent Timorese NGO established to increase citizen participation in the development of Timor-Leste’s justice sector policy. I previously served as Director of the Judicial System Monitoring Program www.jsmp.minihub.org (2001-2004), a UN Political Affairs Analyst (2008-2009), and has contributed to numerous research papers on security and justice related topics in Timor-Leste. The public website maintained by Fundasaun Mahein is the foremost source of security information in the country and is readily accessible to speakers of Tetun, the national language.

Dr. Mitsuru Yamada

Professor, Waseda University / Director, AHC research Institute

He is a professor and the Dean on the Faculty of Social Sciences at Waseda University. He is also the head of the Institute for Asia Human Community (AHC), belonging to the University’s Organization for Asian Studies. He received his masters from the department of Southeast Asian Studies at Ohio University and received his doctorate in political science from Kobe University, having earned credits at the Graduate School of Social Sciences at Tokyo Metropolitan University. He has held a number of positions including visiting researcher at the National University of Timor-Leste, professor on the Faculty of Liberal Arts at Saitama University, and professor in the Department of International Cooperation at the Graduate School of Toyo Eiwa University.

He specializes in international relations, international cooperation and peace-building. His major works include Reunification of Multiethnic Malaysia (published by University Education Press Co., Ltd.); What does 'Peace-Building' Mean? (published by Heibonsha Limited); A New type of Peace-Building (co-authored and edited) together with Fifty things you need to know about East Timor and A New Framework for International Cooperation (both edited works published by Akashi Shoten Co., Ltd).

He has more than 20 years of election monitoring and observation experience locally and internationally.
Dr. Yuji Uesugi  
*Professor, Waseda University*

He is a Professor at the Faculty of International Research and Education, Waseda University. He obtained his PhD in International Conflict Analysis from the University of Kent. He received his MS in Conflict Analysis and Resolution from the Institute for Conflict Analysis and Resolution, George Mason University. His areas of expertise are peacebuilding, conflict resolution and international peace operations. His recent publications in English include, “The Legality and Legitimacy of UN Peacekeeping Missions in East Timor”, Waseda Global Forum, No. 12, March 2016: 81-107 (with Brendan Howe); “Developing Human Resources for Peace”, in Yuki Tatsumi (ed.), Japan as a Peace Enabler: Views from the Next Generation, Stimson, March 2016, pp 57-68; “All-Japan Approach to International Peace Operations”, Journal of International Peacekeeping, Volume 18, Issue 3-4, 2014: 214-235; Peacebuilding and Security Sector Governance in Asia (LIT, 2014), “Building a Foundation for Regional Security Architecture in the Asia-Pacific: Human Resource Development for Peacebuilding”, in William T. Tow and Rikki Kersten (eds.), Bilateral Perspectives on Regional Security: Australia, Japan and Asia-Pacific Region (Palgrave Macmillan, 2012), and others.

Dr. Miki Honda  
*Associate Professor, Waseda University*

Prior to joining the faculty of Waseda University, Dr. Honda worked for The Japan Times as a staff writer. She earned her Ph.D. and MA from the Graduate School of Asia-Pacific Studies (GSAPS), Waseda University. She is also a member of the Institute for Asia Human Community (AHC), Waseda University Organization for Asian Studies. Her current research interests include international relations and security of East Asia; traditional/non-traditional security studies; UN studies. Her major publications include “A New Trend in Peacebuilding and ‘Human Security’: Focusing on gender mainstreaming” in Conflict Prevention and ‘Human Security’ in the Southeast Asia (2016, Akashi Shoten); UN Sanctions and Their Humanitarian Issues: Searching for ‘Smart Sanctions’ (2013, Kokusai Shoin); Long Peace in Northeast Asia: War Avoided (2012: co-authored, Keiso Shobo); and “The Role of UN Sanctions against DPRK in the Search of Peace and Security in East Asia: Focusing on the Implementation of UN Resolution 1874” in East Asia and the United Nations: Regional Cooperation for Global Issues (2010, Japan Association for United Nations Studies).
Papers

Military Regime in Thailand and Democracy: Prospects for an Election in 2017
Ichal Supriadi

Introduction
Thailand experienced another coup d'état on May 22nd 2014, when the military under the leadership of General Prayut Chan-o-cha, Commander of the Royal Thai Army (RTA)\(^2\) seized power following six months of escalating political crisis in the country. The military justified its action on the pretext that it was needed to solve the political deadlock and also to avoid a bigger crisis and a deeper polarization of society mainly owing to two rival political camps, one supporting the Pheu Thai led government and the other opposing the government, called the People’s Democratic Reform Committee (PDRC) led by Suthep Thegsuban, who was deputy prime minister in the government led by the Democrat Party immediately before the Pheu Thai Party's 2011 landslide electoral win. Together with his supporters, Suthep occupied the streets of Bangkok for months. The conflict sharpened after snap elections called by the Pheu Thai government in 2013 that in an attempt to provide a peaceful solution were boycotted by the Democrat Party and then overturned by the judiciary. PDRC members and supporters obstructed the voting process by physically blocking voters from casting their ballots and disrupted the polling process by indulging in violence at polling centers. Because not all voters were able to vote on Election Day, the courts nullified the election.

Following the coup, a military junta established the National Council for Peace and Order (NCPO) to govern the country. The military junta declared martial law and a nationwide curfew, banned political gatherings, arrested and detained politicians and anti-coup activists, imposed internet censorship and censored the media. Simultaneously, the junta issued directives to the effect that the executive, legislative and the judicial branches of power would operate under its control. The NCPO also abrogated the 2007 constitution and crafted its own an interim constitution granting itself amnesty and

\(^1\) Executive Director of ANFREL (www.anfrel.org), presented during the workshop “The meaning of the election in post conflict country” hosted by Waseda University, Japan 8-9 November 2016.

\(^2\) This mark the 12\(^{th}\) successful coup d'etat since 1932.
sweeping powers. The NCPO also established a military-dominated national legislature which later unanimously elected General Prayut Cha-o-cha as the new prime minister of the country.

Finally, a referendum on a new constitution was called its drafting by a military-appointed committee called the Constitution Drafting Committee (CDC). The draft constitution produced by the CDC was created sufficient room for provisions which provided the leeway to the NCPO for sustain its push for a referendum. Despite criticism from academics, civil liberties and human rights activists and other groups on the content and time frame provided for people to actually understood the essence of the draft constitution, as well as restrictions on the ability to discuss the provisions of the new constitution, the referendum was held on August 7, 2016 and approved by a majority of voters. Despite the referendum has successfully passed the new Constitution, However, the path to restore democracy remains uneasy and became even more obscure when the country lost its respected and beloved King Bhumibol Adulyadej on 13th October 2016, an event which will undoubtedly delay the next general election as the country mourns his loss for the next year.

**Governance and Democracy**

Military interventions have frequently disrupted democracy in Thailand since it became a constitutional monarchy in 1932. In the past, democracy has usually been restored within a year or two following a coup, but this time is different, with no end of military government clearly in sight.

Since coming to power the NCPO has made full use of its unfettered powers to prosecute opponents, ban political activity, and censor the media. More than 1,000 people, including academics, political bloggers, activists and politicians, have been detained or sent for "attitude adjustment" at military installations. Prosecutions under the country's strict lèse majesté laws, which protect the monarchy from insult, have risen sharply. The interim constitution that the military drew up includes the draconian Section 44 that allows the military government to do whatever it deems necessary to suppress activities that are viewed as endangering the unity, harmony peace and order and national security.

Under the NCPO's Order Number 3/2015 on Maintaining Public Order and National
Security\(^3\), the military prohibited the political gathering of five or more persons for political activity and slapped violators with up to 6 months of imprisonment or a fine of 10,000 Baht, or both, unless permission has been granted by the Head of the NCPO or an authorized representative (Article 12). The order also allows appointed military officers to detain people without charge or trial in unofficial places of detention for up to a week without judicial oversight (Article 6).

Other unfriendly regulations were imposed by NCPO Announcement No. 41/2016, which empowers the independent National Broadcasting and Telecommunications Commission (NBTC) to shut down television and radio stations for violations of NCPO orders. Authorities used this decree to shut down Peace TV, a television station affiliated with a political party that opposed the draft constitution.

**Referendum 2016**

The referendum held in August 7th, 2016 for adopting the draft constitution 2016\(^4\) was held peacefully without any major untoward incidents. The process of polling and counting was smooth and was largely open and transparent. The modest turnout of 59% was perhaps an indication that there was unwillingness on the part of many in Thailand to come out and vote, especially given the fact that the build-up to the process was marked by a restricted environment, with minimal information dissemination and few, but highly restricted, debates on the subject.

The referendum was governed by the “Organic Act on Referendum B.E. 2559 (2016)”\(^5\). Section 61 of that act made it a crime for “any persons who disseminates texts, pictures, sound in newspaper, radio, television, electronic media or any other channels that are distorted from the fact or having violent aggressive, rude, inciting, or threatening characteristics aiming to induce eligible voters refrain from voting or vote in a certain way or abstain from voting. Such person shall be regarded as a person who instigates trouble in order to cause disorder in the voting”\(^6\).

---

\(^3\) [http://prachatai.org/english/node/4933](http://prachatai.org/english/node/4933)


\(^5\) Referendum Act Part 1; Part 2.

The breadth of Section 61 discouraged people from offering their comments or express their opinions, lest they be viewed as distortions of fact by the authorities. This in turn adversely affected the pre-polls environment, for even to express differences on the draft constitution could be prosecuted. Despite a legal challenge, the provision was upheld by the Constitutional Court (CC) and was thereafter effective silencing groups and individuals who were conducted activities or expressed their opinion against the draft constitution because anyone who ran afoul of the provision could face up to 10 years’ imprisonment, a fine of up to 200,000 baht and loss of electoral rights for five years.7

The Thai Lawyers for Human Rights (TLHR) issued a report based on their record in cases monitored prior to the vote on the constitution. As of 5 August 2016, at least 142 persons were charged relating to their involvement in the opposition to the draft constitution and/or campaign for vote ‘No’. The TLHR said the NCPO had used all means of suppression against opposition of academics, democracy and human rights activists, political parties and ordinary people such as peasants, shop keepers, etc. to the draft constitution. The report said that from April 23rd to July 12th at least 111 persons had been arrested, while another 84 persons were arrested between the period of 12 July and 5 Aug, this showed increasing number of arrest up to 75.68%8; 44 peoples charge under the Article 61 of Referendum law; 149 persons accused to violates the NCPO Order Number 3/2558 (3/2015) of the Head of the NCPO on Maintaining Public Order and National Security.

The report includes a list of cases of suppression of groups like the United Front for Democracy Against Dictatorship (UDD), a group that established Referendum Watch Centers across Thailand. UDD has been associated with the Red shirts. Some 13 members of the New Democracy Movement were arrested in Samut Prakan for distributing materials related to the referendum. Seven Kasetsart University student activitists were detained for distributing campaign materials; 4 activists and 1 journalist were charged for possession of campaign materials, (this groups is still under court proceeding even after the referendum); 17 persons charged because of sending letters criticizing the draft charter; 4 persons were charged because of their criticism of the draft on Facebook; and more cases recorded.9

7 http://www.prachatai.com/english/node/6375
9 http://www.tlhr2014.com/th/?p=1508
International rights based organizations like the Amnesty International voiced concerns about attempts by the Thai military junta to “muzzle dissent,” and said that “If a small group of activists cannot hand out leaflets, then what hope is there that the rights to freedoms of expression and assembly will be respected in the run up to the referendum?” Human Rights Watch too had questioned the Thai military junta for “disregarding international human rights law protections,” that provide people the rights to express their views on the draft charter and to vote freely. Criticism also came from a European delegation in May 2016, led by Werner Angen, Chair of the EU Delegation for relations with the countries of Southeast Asia and the ASEAN. The EU was concerned with junta laws that criminalize criticism of the draft constitution, saying that political reconciliation cannot happen if the junta does not listen to everyone’s voice. The EU earlier instituted a freeze of the negotiations on the Thailand-EU Free Trade Agreement following the 2014 coup.

Other prominent officials like UN High Commissioner on Human Rights Zeid Ra’ad Al-Hussein in Geneva, 13 June 2016 has also expressed “The people of Thailand have a right to discuss – and to criticize – decisions about their country, and free, fair and dynamic public debate on the draft constitution is vital if the country is to return to sustainable democracy,” Similar concerns were expressed by the United Nations Special Rapporteur on freedom of opinion and expression, David Kaye in July 2016, who expressed condemnation of the alarmingly high number of arrests and charges over public and social media expression that were criminalized and brought under military orders and the Constitutional Referendum Act in Thailand. Mr. Kaye’s call was endorsed by the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai; the Special Rapporteur on the situation of human rights defenders, Michel Forst; and the Working Group on Arbitrary Detention.

However, the response of the Thai military junta was to firmly dismiss all criticism by saying freedom of expression is unnecessary. The deputy junta head, Gen Prawit Wongsuwan said that “now is not a proper time to demand freedom of expression since the country is in a ‘transition period,’ and the arrests of the anti-junta activists were not

10 http://www.prachatai.com/english/node/6174
11 http://www.khaosodenglish.com/politics/2016/06/14/un-rights-chief-urges-thailand-allow-debate-draft-charter/
12 http://www.prachatai.com/english/node/6397
human rights violations\textsuperscript{13}, on Wednesday, 29 June 2016.

**Path to Elections and Democratic Restoration**
In the post-referendum period, there remain many serious questions to the NCPO about restoring democracy:
1. Will they hold general elections in 2017 in line with the so-called military drafted “roadmap to democracy”?
2. Will the military provide a realistic timeline for elections so that political parties and the voters can prepare themselves?
3. Will the military end up the climate of fear and remove all bans on freedom of speech and expression, restoring civil rights and not imposing any arbitrary suppression?
4. Will a level playing field be created so that all Thais get to air their opinions and again have the right to free speech?

The military regime under its current leader must remember that the voters who favored the constitution and all those that participated in the process would now want to play part in taking the country forward toward democracy through an election. The peacefully held polls were a reflection that while the military leaders trusted Thai citizens to ensure participation in the process without causing any disturbance, the latter too now want the military to deliver all the promises it made to restore democracy in Thailand. However, Thailand needs to deal with several legal and political challenges before heading to general elections:

**Non-Elected Prime Minister**
The referendum endorsed a supplemental clause regarding the election/appointment of a Prime Minister who was not an elected member of Parliament. Despite people endorsement, this so-called undemocratic method on special circumstance is immediately risen the people concern how it will be regulate in the law and what would be the political impact to the future democratic development. The military government has been accused of trying to prolong its grip on power with this provision, while the junta argues this is in the best interest of the people. The current interim parliament

\textsuperscript{13} http://www.prachatai.com/english/node/6308
appointed by military needs to integrate that clause for an early constitution amendment and create laws to accommodate those intentions. This process may take time with opposition of many.

**Defining New Electoral System**

Thailand needs to create an agreed new electoral system. The discussion on this matter is viewed as a critical step to create a better and fairer to replace the mix-system of proportional closed-list and first past the post (FPTP) system that exists now. The previous system is viewed as unfair as millions of the people vote was wasted on the FTPT, and unreasonably accused by the junta as a caused that has made Thaksin affiliated parties won the elections.\(^\text{14}\) There is much talk about considering Germany's electoral system or modifications around that system. However, there is still lot to be done to scrutinize how this system can suit the Thailand political contour and bring fairness as well as generate peace and order in the country. The new electoral system will also deal with the senator selection which under the new constitution (2016) shall be arranged specially.

**Political Reconciliation**

The country's political reconciliation among the conflicting parties is critical for successful polls and democracy restoration. This poses a challenge since the gaps seem not to lessen and the political rivalries remain. Although the NCPO successfully dismantled the power of Pheu Thai and its supporters, it does not mean the group is weak. This also applied to the PDRC group, although they are now quiet, but it does not mean they have disappeared for good. After 2 years in government, the NCPO seems to have successfully maintained peace and order but it does not seem able to make a true reconciliation happen as it has no a program that can lessen the gap between the political contenders. The recent dynamics and criticism launched by the UDD on the referendum and government decision was met with oppression by the NCPO.

**National Mourning and Monarchy Succession**

The death of the beloved King Bhumibol Adulyadej on October 13th 2016 sparked national mourning on a scale never seen in modern times. The NCPO government

---

\(^{14}\) Thaksin reign has recognized party which are Thai Rak Thai, TRT, Pak Palang Prachacon, PPP and finally to the recent Pheu Thai, PT. TRT and PPP were dismissed by the court decision due to frauds committed during the polls. This is widely believed a political motivated decision.
immediately declared a year-long period of mourning and suspended large numbers of social, economic and political affairs in the country. It has cast a question mark on certainty of the elections. Among other things, the formality of the new constitution requires royal assent, and the new king has not yet taken the throne. In addition, new laws to implement various provisions of the new constitution are required and will face delays until royal succession and mourning are completed.

**Role of Elections Observation Mission**

Thailand constitution and electoral law is silent on the recognition of election observation by national and international entities. However, there is no such prohibition for any group to involve the observation task without accreditation as long it is not viewed as partisan and posing a threat to the conduct of the polls. The Election Commission of Thailand (ECT) uses their discretion to accredit national and international group previously, and ANFREL was approved to deploy international observers across the country. For the upcoming elections in the country, there are plenty of roles that can play by election observers group such as:

a. Increase public participation: Help in information dissemination for the new electoral system. The presence of election observers will create a more hospitable environment for people to come to cast their vote freely.

b. Enhance Electoral Transparency and Integrity: IEOMs are normally provided access for electoral data and information, which benefits the transparency of an election and increases the integrity of electoral processes.

c. Deter Electoral Frauds, promote peaceful elections and promote confidence in the stakeholders: The presence of international election observation missions will likely send the message to the political parties and authorities to behave and respect international electoral principles. Therefore, fraud and rigging can be deterred. IEOMs also boost confidence that electoral stakeholders perform their duties professionally.

d. Provide Professional and impartial report and recommendation: International election observers can produce a comprehensive, impartial and precise report as well as press release/press conference after observing elections day. The press release and the report will detail the strengths and weaknesses of the electoral system in the country for further reform in the future.

Democracy supporters around the world hope for democracy restoration in Thailand, with an elected parliament and governance based on democratic principles, as well as restoration of public freedom and respect of human rights principles. However, it is
critical to also ensure the end of repetitive military intervention in Thailand's government, which is unlikely.
Long Walk towards Sustainable Peace in Sri Lanka
Rohana Nishantha Hettiarchchie

Brief Country Profile of Sri Lanka
- Democratic Socialist Republic of Sri Lanka (formerly Ceylon) is an island and known as the pearl of the Indian Ocean.
- Area: 65, 610 Sq Km. It’s diverse landscapes range from rainforest and arid plains to highlands and sandy beaches.
- It’s famed for its ancient Buddhist ruins, including the 5th-century citadel Sigiriya.
- It is a multi-ethnic multi religious country. Our population is 21.0 million. (According to the latest senses figures)
- The ethnicities and religions are as follows; Sinhalese, Tamil, Burghers, Moors Buddhism, Hinduism, Muslim, Christian
- Main income sources are from Apparel trade, Agriculture, Industrial Sector,
- GDP per capita: 3.870 USD
- Life Expectancy: 74 years

Electoral System and Political Structure in Sri Lanka
- Sri Lankan Electoral System is a mixed system based on proportional representative system and preferential vote system.
- Sri Lanka is governed by both the Presidential System and Parliamentary system
- Four Governing layers of Sri Lanka.
  - Presidential
  - Parliamentary
  - Provincial Council - 9 Provinces
  - Local Government - 336 Local Government Authorities

Political Situation Prior to 2015 Presidential Election
- In 2009 Sri Lankan Armed forces defeated terrorism. The majority of the Sri Lankans were approved and Rajapaksha government was in a very popular and
powerful status, in 2010 they went for election and won with majority. They started a numbers of development Programmes in the conflict areas (Northeast) but they were not able to win the hearts of the Tamil community.

- The Former President could not bring in any political or sustainable solution during his second term until 2015.

- President Mahinda Rajapaksha’s government was successful in development throughout the country but corruption was in large scale, democratic practices were challenged; influencing the judiciary was high, civil society was threatened. Then the President went before the voters seeking a mandate for re-election on 8th January 2015.

**Common Candidate from the Opposition**

- Then opposition parties and most of the civil society initiatives decided to bring a common candidate for the Presidential Election.

- Some of the prominent Politicians switched their positions to support the Common candidate.

- A positive feature was that the civil society was united in it’s effort to bring in a common candidate.

**Main Themes for Election were.......**

- Good Governance

- Establishment of Independent Commissions

- Free Independent Judiciary

- Eradication of corruption

- Removal of Executive Presidential System

- New Electoral System

- Upholding Human Rights

- Political solutions for ethnic conflict
What was Achieved by the Coalition Government Led by Hon. President Sirisena & Hon. Prime Min. Ranil Wickramasinghe after 1 ½ Years
- Independent Commissions were established
- Reduced power of the Executive Presidency
- No direct influence on the Judiciary system
- Good Governance - Improved, but not at the expected level
- Corruption - Reduced but still prevails
- Development - Not at a satisfactory level
- Human rights – Situation has improved

One of the Key Concerns before and after the Armed Conflict was, Bringing Sustainable Peace. The Coalition Government Took Many Initiatives during Last Year on this Matter.
- Reduced the number of army camps in the Northern Province
- Made an attempt to address the land issues in the post conflict areas and return to its owners, which were occupied by the army, successful to certain extent, but not completed yet
- Constitutional reform process was initiated
- Position of the Leader of opposition in Parliament was given to TNA (Tamil National Alliance leader Hon. R. Sampanthan).
- Ruling coalition and TNA leaders have good understanding and corporation

But the Government is Yet to Solve the Issues of;
- Disappearances from 70’s youth uprising to LTTE armed struggle
- Devolution of power

Unfortunately extreme Tamil and Sinhalese politicians and the lack of political will of the moderate politicians are damaging the social and ethnic harmony.
PAFFREL effort in changing the political culture in Sri Lanka

PAFFREL which has been in the forefront in monitoring elections over a period of nearly three decades, when the political process of the country has reached a critical turning point, PAFFREL has rearranged its actions and responsibilities on border basis and is in the process of performing a positive function in creating positively transformed political culture. Translating it’s role into an efficient, creative and productive programme of action, we presented a set of proposals with criteria that the political parties should adhere to in nominating candidates in the country’s political process. These criteria were presented to the country by PAFFREL led civil society collective in concurrence with other political organizations after a series of dialogue held with numerous pressure groups in the society who were capable of creating public opinion within the country such as religious leaders, peoples’ representatives from parliament, provincial council and local authorities, academics, professionals, trade union activists, members of business community, administrative officers, civil society, members of media and youth. Accordingly, a ceremony titled “for a positive political culture” was held on 12th March 2015 at the Bandaranayake Memorial International Conference Hall to obtain the sanction of political parties for these criteria. At that ceremony The President, the Prime Minister, the Leader of the Opposition and a number of representatives of other political parties signed & endorsed the criteria known as the March 12th Declaration.

Common Criteria agreed by 17 political parties to consider when giving nomination to its political party representatives

1. Should not be a person who had served a jail sentence for a crime or a person who has received a suspended sentence.

2. Should not be a person who had been proven guilty of bribery or corruption and should be acceptable to society and a person of good character. Be cautious when considering those alleged of bribery or corruption.

3. Should not be a person who is engaging or had engaged in the past in trades such as alcohol, drugs, gambling, casinos and prostitution that are detrimental to the wellbeing of the country.

4. Should not be a person who is engaging or had engaged in trade which destroys the ecological life support system that causes destruction to the environment.

5. Should not be a person who has abused and misused political power.
6. Should not be a person who had entered into financial agreements prejudicial to the country before becoming a people’s representative and as a people’s representative who has abused power and entered into financial agreements with the government or has been a party to such an agreement.

7. Candidate should be either a resident or have an amiable relationship with residents of the area they represent.

8. Should provide adequate opportunities for representation of women and youth when nominating candidates.

THE PLEDGE OF CLEAN POLITICIAN COLLECTIVE
I, being a Sri Lankan citizen active in politics, recognize the dire need to nurture a new generation of ‘CLEAN POLITICIANS’ with integrity and on this 12th day of March 2016 I pledge to commit myself wholeheartedly and unreservedly to embrace and uphold the values of a ‘CLEAN POLITICIAN’.

Clean Conduct
I shall conduct myself in respect of all human life by protecting life and upholding the integrity, dignity, and esteem of my own self and of others.

Clean Social Relationships
I shall contribute to unity and harmony in my social relationships by respecting opposing or expressing different views and by promoting ethnic, religious, gender and social equality in all my verbal, written and electronic communications.

Clean Transactions
I shall uphold my personal integrity by eschewing all forms of bribery and corruption.

Clean Income and Expenses
I shall act with integrity by declaring my assets and liabilities and by being transparent and accountable in my private and public financial dealings including political campaign expenditure and contributions.

Clean Environment
I shall protect the soil, water, air and the environment in general and abstain from polluting the environment in my election campaign or in any other political, economic or personal activity.
Kaleidoscope Politics in 2017’s Election in Timor-Leste
Nelson Belo

Introduction
From Portuguese colonialism, to Indonesian occupation, to independence, Timor-Leste’s history is marked with persistent violence. Though there remains hope for the newfound state to break these cycles, many political, governmental, and societal challenges remain. As the next election season approaches in Timor-Leste, people fear that security force’s demonstrated inability to manage politically sensitive environments has not been rectified since previous elections, in which violent conflict was a feature. As such, ongoing risk factors that threaten national stability should be subject to close examination.

Politics and National Leaders
At the end of 2013, there was a significant announcement at the Dili Convention Center (CCD) in which the Prime Minister Xanana Gusmão declared his intention to resign from the position of Prime Minister, creating anxiousness and concern. People discussed how this move would affect political and security conditions, and whether this move was a signal of intent to transition power to younger generations. The President himself expressed concern about the resignation, but stated that he believes that it was time to hand over the position of the Prime Minister to new generations, and that such a decision would not be changed.15

In February 2015, Prime Minister Gusmão formally resigned, and declared an intent to initiate government reform. However, now that 20 months have passed, it is clear that Gusmão does not intend to release his influence.16 The new Interior Minister (Longuinos Monteiro) and Defense Minister (Cirilio Cristavao) have both demonstrated loyalties to Gusmão, and are unlikely to feel accountable in any way to current Prime Minister Rui Araujo. After a confrontation between the President of the Parliament, Vicente Guterres and the President of the Republic, Taur Matan Ruak, Guterres was removed from his position and replaced by Adereto Hugi, both of CNRT. This transition occurred informally, and did not make use of rules inside the Parliament.

16 Ibid.
Rather, it was by Xanana Gusmão’s order, outside of the legal procedure of the Parliament. Similar to Singapore’s Lee Kuan Yew, it appears that Gusmão intends to transition out of the de jure head of state (prime ministership), while continuing to exercise his influence derived from popularity to maintain de facto power over political proceedings. Currently, Gusmão has taken a position as the Minister of Strategic Investment and Planning. In the upcoming elections, Gusmão may attempt to run for the position of President.¹⁷

The government restructuring plan announced by Gusmão has continued peacefully, but the public has noted that the process is lacking transparency. Members of the government have simply been reappointed, including members of Gusmão’s National Reconstruction Congress Party of Timor-Leste (CNRT). Next, the CNRT attempted to dissolve their coalition with the Democratic Party (PD) in order to use the opportunity to seize more control. Members of PD were allowed to maintain positions inside the government if they listed as party-independent, according the instructions of the CNRT. This is in direct violation of constitutional law regarding Parliamentary conduct.

It is commonly known that President Taur Matan Ruak will lead a new party in the upcoming elections called the Popular Liberty Party (PLP).¹⁸ This means that the 2017 election will have strong competition between three traditional, historical leaders, in which the vote-buying paradigm of previous elections will continue. Due to their venerable status as historical figures, all three exert a near total of influence over their respective parties, further underminding the democratic process. Despite Taur Matan Ruak’s propensity to compete in this traditional fashion, he is an ambitious character with high hopes for the country. If elected, Taur Matan Ruak will likely function as a figure to bridge the gap between older and newer political generations.

The security and stability of Timor-Leste is heavily dependent on the actions of Xanana Gusmão, the veteran’s pension system, and continued revenue from the petroleum fund. If any of these factors deviate from their current path in any significant fashion (Note that Xanana’s passing and the petrol fund’s exhaustion will likely occur in the next


decade), they are likely to trigger civil unrest.19 And yet, no current leader has taken adequate measure to ensure long-term stability.

**Politicizations of Electoral Bodies**

One essential governmental agency for the mitigation of electoral security risk is the National Commission for the Election (CNE), which is responsible for monitoring elections, enforcing democratic voting processes, and tracking political parties. One function of the CNE is to ensure that parties are not recruiting militant wings, because some parties have been organized by, or continue to be affiliated with (now secret) Martial Arts Groups. Because Martial Arts Groups were sworn by oath to be loyal to their respective parties, it is possible that these loyalties will persist in the general election of 2017, despite the 2013 ban on all MAG-related activities.

The President of the CNE, Jose Belo, has expressed concerns that there will be accusations of electoral fraud in the 2017 general election, and the inability of his organization to be disassociated from these accusations. He made this statement because politicians have attempted to create perceptions of bias upon CNE itself to fit their political ambitions. Further, the CNE department staff was reduced from 15 to 7 people. This raises serious concerns about their capacity to oversee the election, and to effectively monitor the activity of all of the political parties.

**Lack of Discipline Surrounding Members of PNTL and F-FDTL**

After the Martial Arts ban in 2013, members of the F-FDTL and the PNTL made a promise in 2014 to no longer participate in Martial Arts Groups. However, this promise did not seem to be kept by all, as several Martial Arts Groups are led by F-FDTL and PNTL forces, or continue to count them amongst their members. Particularly within the PNTL, circumstances are further complicated by the fact that many of these same individuals have provided security for political parties during campaigns while in civilian clothing.

In addition, confrontations between members of the PNTL and F-FDTL continue to occur. Provocations between members are common, despite warnings against such actions by their leaders. These warnings appear to be ignored, with recent physical

<http://www.laohamutuk.org/econ/model/13PFSustainability.htm>
assault and shooting incidents in Balibar-Dili, and in Ainaro.\textsuperscript{20}

**Conclusion**

It is of the utmost importance that matters of security become a focal point in public debate, and that the government responds by placing effective reform as an appropriately urgent priority. In 2017, the government must act swiftly and decisively to maintain safe and democratic elections, in which citizens feel that they may express their opinions and their voting ballots without fear or limitation.

To further political dialogue, the leaders of the political parties should promote education on democratic engagement and participation, and to practice political competition in accordance with their teachings. This involves the publication of campaign budgets in order to allow scrutiny, and to prevent an inflated influence of money in politics.

Finally, leadership within Timor-Leste’s security institutions must work diligently to identify security risks, both nationally and locally. They must ensure that their officers fully comprehend the weight of their responsibility to protect citizens of the nation. Accordingly, security leadership must ensure that their respective division personnel execute their roles properly, with the understanding that disrespect of the law by government forces undermines the rule of law, and threatens to destabilize the entire nation.

\textsuperscript{20} Fundasaun Mahein. “Call to Re-Assess the Performance of the Special Police Unit (UEP) in Accordance with the PNTL Nature and Mission” Mahein Nia Lian vol. 114. <fundasaunmahein.org>
Contribution

Summary of the Symposium
Miki Honda

The symposium on “Election and civil society in Asia: The role of free and fair elections towards peacebuilding” was chaired by Dr. Mitsuru Yamada, Professor in the School of Social Sciences and Director of the AHC Research Institute.

Ichal Supriadi, Executive Director of the Asian Network for Free Elections (ANFREL), made a presentation entitled, “The military regime in Thailand and democracy: Prospects for the election in 2017.” Military interventions have frequently disrupted democracy in Thailand since it became a constitutional monarchy in 1932. In the past, democracy has usually been restored within a year or two following a coup, but this time is different, with no end to the military government clearly in sight. The referendum on August 7th, 2016 for adopting a draft constitution was held peacefully without any major untoward incidents. The modest turnout of 59% was perhaps an indication that there was an unwillingness on the part of many in Thailand to come out and vote, especially given the fact that the buildup to the process was marked by a restricted environment, with minimal information being disseminated and only a few, highly restricted, debates on the subject. Section 61 of the constitution states that it is a crime for “any person who disseminates texts, pictures or sound in newspapers, radio, television, electronic media or any other channels that are distorted from the fact or have violent, aggressive, rude, inciting, or threatening characteristics aiming to induce eligible voters to refrain from voting or to vote in a certain way or abstain from voting. Such a person shall be regarded as a person who instigates trouble in order to cause disorder in the voting.” The section discouraged people from offering their comments or expressing their opinions. At least 142 people were charged in relation to their involvement in opposition to the draft constitution. As a result, many international NGOs were concerned about persecution by the military junta in Thailand, saying that the rights to freedom of expression and freedom to vote should be respected. In order to defend and promote democracy in Thailand, Ichal stressed the necessity of refining the electoral system, promoting reconciliation among conflicting parties, promoting the role of election observation missions, and inviting more public participation in elections.

Rohana Nishanthla Hettiarachchi, Executive Director of People’s Action for Free and
Fair Elections (PAFFREL), made a presentation on "The long walk towards sustainable peace in Sri Lanka." After giving a general introduction to the country, Rohana referred to the political situation before and after the presidential election in 2015. He introduced the common criteria agreed by 17 political parties that in order to defend democracy in Sri Lanka 'clean politicians' were required. This meant those who have never been accused of political corruption, who have never received a jail sentence, who are not engaged in trades such as alcohol, drugs, gambling, casinos or prostitution, and who have never abused or misused political power. Rohana stressed the necessity of making good governance, establishing an independent commission for elections and a free and fair judiciary authority, and upholding human rights. He added that Sri Lanka also needs to find political solutions for ethnic conflicts. Rohana, as executive director of PAFFREL, promised to make more efforts to change the political culture in the nation.

Nelson de Sousa Carvalho Belo, Director of Fundasaun Mahein in Timor-Leste, said that it is of the utmost importance that matters of security become a focal point in public debate, and that the government should respond by making effective reform an urgent priority. In 2017, the government must act swiftly and decisively to maintain safe and democratic elections, in which citizens feel that they may express their opinions and vote without fear or limitation. In order to promote political dialogue, the leaders of political parties need to urge people to participate in the election. Nelson is concerned that the security institutions in Timor-Leste disrespect and undermine the rule of law and threaten to destabilize the entire nation. The security institutions should serve the people and work diligently to identify security risks, both nationally and locally, and must ensure that their officers fully comprehend the weight of their responsibility to protect the citizens of the nation.

Professor Yuji Uesugi, a discussant from the School of International Liberal Studies, raised three questions for discussion. The first question was about political culture. Uesugi argued that some political cultures in Thailand, Sri Lanka and Timor-Leste are against democracy and asked what should outsiders who observe anti-democratic situations do? If people in Sri Lanka or Thailand appreciate their monarch what role should the international community play? Uesugi asked the three presenters, "Do you think it is our responsibility as part of the international community or as outsiders to intervene or interfere or try to tell people that they have a 'bad' political culture?" In response to this question, Ichal said that various members of the international community, such as the EU, Norway, Canada and the US have already given assistance, and that Japan and South Korea have also made diplomatic statements pushing for
democracy. However, ASEAN has reacted very slowly and does not push others to exert leadership regarding this kind of issue. He concluded that assistance should be offered in a diplomatic way.

The second question from Professor Uesugi was about the role of the military in a democratic society. He suggested that when military forces are defeated their influence in politics is marginalized. However, in most countries they have played a major role in achieving independence so unless they are defeated through war, it is quite difficult to eliminate them. Uesugi asked, “How are we able to create assistance or a mechanism through which we can manage the role of the military?” He said that Indonesia is an interesting case because Indonesia used to be a dictatorship with military control of politics but the military withdrew and gave control to civilians. Ichal agreed with Uesugi’s idea that it’s quite difficult to eliminate military influence from a nation but he said that he needs to study more about the relation between politics and religion. Rohana gave an example of one female political leader who strongly resisted military forces in Sri Lanka but who had to eventually resign.

The third and final question from Uesugi was whether religion needs to be separated from politics. This is one of the lessons from Europe and is a key component of liberal democracy. In Hindu, Islamic and Buddhist nations, religion is closely related to social and political life. He asked the presenters whether we can say that this is an Asian style of democracy where religion plays a major role. He asked, “Can we argue that religion needs to remove itself from political matters, or can we say that religion has a special role in society but it should not be involved in politics?”

Rohana said that in Timor-Leste the Catholic church is very influential. The government asks for donations from church people every year. Xanana Gusmao, the first and third Prime Minister and the current Minister of Planning and Strategic Investment of Timor-Leste, controls the internet, community channels and even Facebook. Big companies in Timor-Leste are all controlled by the political party. Access to the internet is too expensive for ordinary people, especially those in the countryside.

Another discussant, Miki Honda, Associate Professor in the School of Social Sciences, raised one question for each presenter. The question for Ichal was about Thailand’s future response to outside assistance. The situation in Thailand is worse than the international community supposes. Thailand faces political, social and economic turmoil but even in such circumstances will hold a national election in 2017. In order to
have a democratic election and to defend democracy, some assistance from international society is necessary. Assistance from the UN or regional organizations or civil society will be indispensable for a transparent and democratic election. Honda is afraid that the Thai government is reluctant to receive such assistance and regards it as an intervention in domestic politics. Ichal said that any offer of assistance by the international community should be made in a diplomatic way.

Honda’s question for Rohana was about women’s role in politics. Sri Lanka also faces political instability but there are positive political signs at the municipal level where, for example, some local governments have introduced a ‘quota system’ in order to promote gender equality. Honda pointed out that it is a very impressive response by the nation and asked Rohana what impact it has had on politics so far. Rohana answered that female politicians are playing an increasing role, especially in local administrations, but he worries that if there are few changes to the current system people will not elect women in the next election. He also said that the quota system is very challenging for local governments who need to attract more quality female leaders. Under the current system, political parties tend to select women politicians from their families such as daughters, wives or nieces. This is unfair and lacks transparency or accountability.

The question from Honda for Nelson was about political corruption in Timor-Leste. The Timor-Leste government is run by specific military leaders with no strong opposition parties. The international community can easily observe corruption concerning bishops and political leaders. Honda asked Nelson, “From your experience, how far will this situation continue? Is this situation a necessary or inevitable process in the transitional period?” Nelson responded that military dominance in Timor-Leste will continue for a while and that civil society, including NGO activists, is also corrupt. But recently, academics and young people, including university students, have slowly started to be more committed to politics after Xanana resigned.

From the floor, Ken Inoue, former Director of the Governance Division of the UN Integrated Mission in East Timor, commented on the successful role of civil society in Sri Lanka. Inoue believes civil society is very important for the maturity of a democracy. Democracy is not just an institutional or legal framework that the UN can easily introduce, which is why the UN tried to enhance the culture of democratic governance in Timor-Leste. Democratic governance means democracy and is also a management style. Management is relatively easy but the spirit of democracy is not so easy to be transferred from outside because this spirit of democracy must come from within people.
Inoue went on to say that the first thing he believes is that it depends on what kind of political culture and that there are certain kinds of things which cannot be compromised. For example, violations of human rights cannot be justified by the political culture of a nation. However, certain other things, such as a presidential system or a parliamentary system, should be decided by the people. The military can be properly controlled by a civilian government. Religion is also the same as long as all religions are fairly treated. But in Timor-Leste, Inoue recalls that 99% of the population are Catholic. So, once other religions come in, they will immediately cause friction in local communities. Basically those things can be controlled by the people or by a rule-based consensus. In Asia and in other regions people traditionally listen to what leaders say and they do not understand the real meaning of democracy or sovereignty of the people. That is why the UN in Timor-Leste tried to introduce the spirit of democracy by telling the people many times that they are the masters of democracy and are the masters of the nation.

Finally, Professor Yamada concluded the symposium by expressing his appreciation for the three presenters and all of the participants.
Renewed Political Relationships as a Source of the Conflict:
Veterans Issue in Timor-Leste
Yukako Sakabe Tanaka;

Timor-Leste is often interpreted as a successful case of peacebuilding because no mass violence has been observed since 1999. Nevertheless, the country has experienced repeated upheavals of violence against the government. These include the 2002 Dili riots; the turmoil in 2006 that led to the resumption of the national police and the resignation of the first Prime Minister, Mari Alkatiri; and the assassination attempts against the leaders in 2008. Communal violence has also been prevalent since the 2006 turmoil, said to involve mostly youths, members of gangs, and martial arts groups (MAGs), many of whom were unemployed. Some have pointed to geographical and social divisions, such as between east and west or urban and rural, as well as ethnic divisions, as promoting the scattered violence in Dili. Furthermore, non-government organizations (NGOs) have added concerns about land disputes and veterans issues as sources of instability.

Mr. Belo articulated in this report that “the security and stability of [Timor-Leste] is heavily dependent on the actions of Xanana Gusmão, the veterans' pension system, and continued revenue from the [P]etroleum [F]und.” Among these various sources of conflict in the country, how do the veterans have an impact on the political landscape today? This short paper discusses the challenges in the current Timor-Leste stemming from 1) the prolonged political rivalries and ties between elites since the independence movement, going back to 1970s, and 2) an incomplete Disarmament, Demobilization, and Reintegration (DDR) process. While democratization and state building could contribute to bringing about political concessions through non-violent means, this paper highlights that both processes are tied to a renewed relationship not only among leaders.

---

21 Research Associate, School of Political Science and Economics, Waseda University. Email: y.sakabe-tanaka@aoni.waseda.jp.
24 Interviews to local NGOs, Belun and Fundasaun Mahein, via written questionnaire (conducted by Januario Soares, November 2015).
but also among their ex-colleagues from the resistance movement.

1. Political ties, rivalries, and power sharing among the leaders

Xanana Gusmão remains a central political figure in present-day Timor. He was one of the core members of the political party favoring independence for the Timorese called FRETILIN (Frente Revolucionária do Liberatação Nacional de Timor-Leste), together with Ramos-Horta and Mari Alkatiri. Leading the resistance movement since the mid-1970s, all three have become eminent political leaders since then. A military wing named FALINTIL (Forças Armanadas de Libertação Nacional de Timor-Leste), operating under FRETILIN and headed by Gusmão, was primarily responsible for guerrilla activities against the Indonesian Army. As rivalries between hardliners such as Alkatiri and Gusmão escalated, Gusmão and Ramos-Horta left FRETILIN and sought to expand its resistance movement and integrate the entire country. They formed a non-partisan organization, known as the CNRT (Conselho Nacional de Resistência Timorense). The CNRT ultimately became a core delegate for international negotiation in the 1990s when the United Nations (UN) accelerated the mediation between Portugal and Indonesia over the future status of Timor. While Alkatiri was an expatriate during the resistance period, he was leading FRETILIN as the secretary-general by the time of the 2001 Constituent Assembly. Gaining 55 seats out of 88 in the Assembly allowed Alkatiri to expand his influence over the draft of the constitution as well as government activities as the first Prime Minister of the country, while Gusmão was elected President. The 2006 turmoil is explained by a range of causes, and the pursuit of further political influence between the top leadership Alkatiri and Gusmão must be included. In particular, the latter insisted that the former resign to take responsibility for unlawful acts by the national police. In the following year, Gusmão successfully took over the legislature by forming a new political party, the CNRT (Congresso Nacional de Reconstrução de Timor-Leste) and a political coalition (the Aliança para Maioria Parlamentar). Reelected in 2012, Gusmão remained as the Prime Minister until the beginning of 2015, when he handed the post over to Rui Maria De Araújo, who reaffirmed the continuing support for veterans and the vulnerable of the

25 The original name of the organization was CNRM (Counselho Nasional Resistência Maubere).
27 Other parties participated in AMP were ASDT (Associação Social Democrata Timorense), PSD(Partido Social Demócrata), and PD (Partido Democrático).
provide a role for FALINTIL ex-fighters, forced leaders to reconsider their positions. At the time, Gusmão recognized that ex-FALINTIL fighters were "almost in a state of revolt" because they were dissatisfied with their inappropriate treatment in the cantonments and the lack of follow-up to ex-fighters' demands. In consequence, the CNRT recruited 650 ex-combatants for the army who had been core members of FALINTIL under the direction of Gusmão. Another 1,300 members were assigned to the DDR program called FRAP (Falintil Reinsertion Assistance Program).

However, some were dissatisfied with their exclusion from army recruitment and requested a pension and compensation for their contributions to the resistance movement. In response, Alkatiri established an Office of Veterans Affairs in the Office of the Secretary of State for Labour and Social Affairs to deal with veterans' complaints. Gusmão initiated the registration of veterans and ex-combatants by two commissions in August 2002 to establish a pension system. The two commissions are the follows: the Commission for the Issues of Former Combatants (Comissão para os Assuntos dos Antigos Combatentes: CAAC) to register the combatants worked between 1975 and 1979, and the Commission for the Issues of FALINTIL Veterans (Comissão para os Assuntos dos Veteranos do FALINTIL: CAVF) to register the combatants worked between 1981 and 1999. Nevertheless, these initiatives did not satisfy many of the requests. Some ex-combatants eventually joined anti-government groups that participated in violent acts, such as the 2002 Dili riots.

One contributing factor of the failure of the DDR process was a lack of financial resources. Ex-combatants considered that international society should provide compensation to them, but there was no specific mandate for a UNPKO (UN peacekeeping operation) or other entities to take care of them. The FRAP did not have sufficient funding, and no attention was paid to supporting the committees established

35 Kings College (2003), para.53.
by Gusmão. Rather, international donors implicitly urged the Timorese government to provide the budget for compensation through its own efforts. This was a shocking message to the government, which sought financial support from donors, embassies, and international organizations. As observed, third-party support for ex-combatants was very limited.

The dissatisfaction of ex-FALINTIL members again revealed itself in July 2004 when they held a demonstration in front of the Palacio Governo calling for the resignation of Prime Minister Alkatiri. As the demonstration ended only when the police opened fire, President Gusmão held a dialogue with the protestors. Following this dialogue, Gusmão accelerated the revalorization of the ex-combatants, by establishing another commission, the Commission for Matters of Cadres of the Resistance (Comissão para os Assuntos dos Quadros da Resistência: CAQR) to register personnel involved in civil resistance, and the Data Validation Commission (CVD). As a result of those commissions established under the Office of the President, a veterans’ law was introduced in March 2006. The law defined the provision of subsidies to veterans as well as widows, orphans, and surviving parents and siblings of deceased combatants who met the criteria of vulnerability, as well as recognizing their contribution in various ways, such as awarding medals. Following the 2006 turmoil, the government identified payments to veterans as one of the priorities to enhance social protection using the country’s growing revenue from oil/gas industries. This policy is backed by

38 King’s College (2003).
40 Hasegawa (2013), p.34.
the issuing of a decree-law that specifically identifies the amount of payments, according to rank, with registration by the committees.46 Furthermore, the awarding of scholarships to the children of ex-combatants allowed the government to support a good portion of the youth who are identified as the vulnerable. The total number of veterans and ex-combatants registered by the three committees (CAAF, CAAC, and CAQR) was 75,143.47

Since then, the government has constantly distributed the budget for payment of veterans’ pensions. This distribution of wealth is possible because over 90% of the state’s revenue is derived from petroleum production in Bayu-Undan and Kitan liquid products and relevant tax incomes. The establishment of the Petroleum Fund in September 2005 means that the country’s state budget is supported by the oil sector in a sustainable manner. Utilizing this fund, the 2015 budget included 130.4 million USD for payments in addition to 1.8 million in goods and services, equivalent to 8% of the state budget (the total of the state budget is 1.57 billion USD), “so as to honor the sacrifice they made for the independence of Timor-Leste.”48 At the same time, civil society is concerned about its financial sustainability because the oil price is dropping from 110 USD (in 2014) to 30 USD per barrel in 2016 and the volume of production is likely to diminish within a decade.49

3. Concerns of the buying peace policy

As Wallis analyzes it, the cash payment of veterans’ pensions is a significant factor in mitigating conflict.50 The government itself admits that “the Government has used oil revenue to finance veterans’ pensions and the Program of Integrated District Development that have provided a peace dividend to the population and reduced the


49 La'o Hamutuk, Timor-Leste Petroleum Fund / Fundu Petroliferu September 2005 updated 10 February 2017; http://www.laohamutuk.org/Oil/PetFund/05PFIndex.htm (last accessed February 18, 2017);

chances of conflict." In this vein, as discussed in the introduction, civil society warns that the current peace and stability are vulnerable due to a "buying peace" policy backed by an unsustainable budget and low public service performance, including the security sector. As conflicts related to veterans and martyrs are consistently observed across the country, the buying peace policy is not a perfect solution. In particular, citizens are concerned that the process of valorization for receiving cash payments is blurred. As one citizen said, "with regard to scholarship assistance for veterans' children, some children received it and some didn't, despite the fact that they are all veterans' children." Furthermore, people doubt that some of those who really need assistance (other than veterans) have not received it yet.

Democratization, the introduction of competitive and fair elections, is relatively successful in Timor-Leste in that the leaders have followed the rules for power sharing over time. In parallel, the state-building process that is required to develop the state's capacity, such as forming security organs, administration, and operating the state budget, has renewed a close and tense relationship between leaders and ex-combatants. In Timor-Leste, the DDR process is a necessary component of state-building, but the process is incomplete, and remains a matter of concern after 15 years of independence.

---

53 The Focused Group Discussion (FGD) in Santa Cruz, Dili, March 11 2016 conducted by the Fundasaun Mahein, Tomyaki Honda, and the author. We much appreciated it that the FGD is funded by KAKENHI Grant Number 15K0049.
Comprehensive Effort toward Election
Kazumi Abe

In the post cold-war era, democratization became the absolute priority in the international society and election is one of the clear indexes of such democratization. In 2012 the newest country in Asia held two important elections, which were the presidential election and parliament election. Those elections were the last ones that United Nations Integrated Mission in Timor-Leste (UNMIT) gave support to Timor-Leste as UNMIT was supposed to withdraw from Timor-Leste the end of 2012. I would like to point out the importance of good communication between electoral management bodies and local communities in the field. Two electoral management bodies, STAE (Technical Secretariat for Electoral Administration) and CNE (National Electoral Commission) achieved significant progress towards the 2012 election. Especially CNE played an important role to build peace in the local community through the election process.

Communication among Key Parties

In the 2007 election, UNMIT deployed 250 UN volunteers in order to oversee a smooth election process just after disorders in 2006. They were largely engaged throughout the whole election process to fulfill the lack of capacity and the lack of preparation of STAE and CNE. STAE is in charge of all technical support for elections, CNE has responsibility to supervise the election process and approve enforcing regulations provided for in the present laws. CNE was founded three months before the presidential election in 2007 so that its performance was very limited in the 2007 election. In contrast, during the 2012 election STAE and CNE had great progress in their performance, so the expected role of 130 UN volunteers were mostly only to assist the organizations with logistics. Their main difficulties were the lack of transportation and human resources. STAE district has one vehicle which was donated by the Japanese

54 Student in doctoral program of School of Social Science, Waseda University. She worked for UNMIT as the electoral advisor in 2012.
56 UNMIT was established in order to maintain law and order until the national police could undergo reorganization and restructuring after 2006 disturbance based on resolution 1704 (2006).
government. On the other hand CNE district didn’t own a vehicle. UN volunteers helped to alleviate this issue by providing rides with their four-wheel drive vehicles. However, CNE overcame most problems largely depending on the good communication and close cooperation among local actors. STAE and CNE were well-communicated with the sub-districts and worked closely with local government officials and national police for the election. As a result, three elections including the run-off presidential election were held peacefully.

**Civic Education Conducted by CNE**

One of CNE’s mandates is civic education. The purpose of civic education is to raise awareness of citizens’ rights and responsibilities in a democratic society and help various parties engage in peaceful debate that will help build their capacity for negotiation and compromise. This is important to build a peaceful culture in the society, especially in post-conflict countries. In Timor-Leste CNE conducted not only voter education for people who were eligible to vote but also did civic education for the whole Timorese population. In concrete, CNE held dialogue in each sub-district with all important parties in local communities, like village leaders, religious leaders, traditional leaders, woman activists and government officials. Through this program CNE staff came to play an important role in the community to clarify problems and to promote peaceful solutions among them. At the same time CNE built collaboration networks to collect information from each sub-district. Besides this, CNE recruited youth and trained them as local observers during the election. Keeping good partners in each local community enabled CNE to deliver information even in remote areas and to obtain information to grasp the problems there immediately. This is one of the successful cases that civic education during electoral processes worked well to promote peaceful relations in local communities.

**Support from Civil Society**

Nevertheless, many international actors provided aid to support free and fair elections through the UN or directly to the local actors. Such aid also included deploying more than 3,200 observers including 2,618 national observers for the parliamentary election.

---


58 This program was called Paktu Eleisaun Pasifiku 2012.
in July 2012\textsuperscript{59}. The government of Japan also has been supporting STAE since 2005. The amount of aid reached US$2.53 million dollar till 2015\textsuperscript{60}.

In addition to international actors, civil societies also worked on democratization processes. As one example, ANFREL invited members of STAE and CNE to its electoral observation mission in Asian countries. This program provided them a chance to learn electoral processes in countries which have similar problems as Timor-Leste and to understand future challenges in more developed countries. Time to communicate with other country’s observers from civil society and election commissions is also useful to exchange opinions with each other.

It is considered that civil society always opposes election management bodies to accuse their mistakes or unfairness. In practice it happens in several countries. However there are many cases that civil society conducts capacity building for election management bodies, or conversely election management bodies empower civil society. This comes to show that a free and fair election needs comprehensive effort from all parties in a country, especially in newly independent states.


\textsuperscript{60} Embassy of Japan in Timor-Leste, \textit{Japan’s Assistance to Timor-Leste};