

Prospects for Violence

The style of campaigning that prevails in Indonesia – intended to demonstrate mass support – brings with it many complaints of intimidation, harassment and infringement of the law. While the election authorities have allotted certain days for rallies and motorcades to given parties, many have ignored this schedule. There has been a considerable amount of general rowdiness and some instances of serious interparty violence.

Clashes between supporters of different parties have occurred with increasing frequency and intensity in the weeks leading up to the official campaign period. For example, there have been serious clashes in Central Java between supporters of PDI-Struggle and Golkar, as well as between supporters of PPP and PKB. Some of these confrontations have resulted in deaths. These interparty conflicts have been most intense in areas claimed by one or another party as its “territory.” The locally dominant party has often attempted to prohibit other parties from opening branches and gathering support. These conflicts have been the most frequent cause of political violence. Such intimidation and other inappropriate campaign tactics are no longer, as in past elections, solely the responsibility of Golkar. Similar charges can be made against many of the larger parties.

Policing the Campaign

It has been difficult for the police and military to prevent campaign violence. The national police force has primary responsibility for election security. It was, however, only separated from the military at the beginning of April. Its total strength is only some 180,000, and its training and traditions are military. It may find it difficult to adapt quickly to the very different requirements of community policing for the elections.

The police have enlisted the assistance of the internal security units (*Satuan Tugas* or *Satgas*) of the largest parties in their planning of campaign security. Satgas are formed by Indonesian parties to guard party offices and to provide security for party rallies and functions. They are often drawn from the membership of party youth organizations and are sometimes themselves blamed for interparty conflict.

Money Politics

A major element of the change of the last year has been the reaction against the “KKN” (*korupsi, kolusi dan nepotisme* or “corruption, collusion and nepotism”) that ran throughout the New Order. Indeed the new election law specifically sets out to oppose “money politics.” There is, however, a huge imbalance between the funds available to the larger parties, and in particular to Golkar with its established network of resources, and those that can be raised by smaller or newer parties. Many have charged that Golkar in particular is using its resources to buy votes, and some similar allegations have already been made of other larger parties. Examples include gifts of money,

food or some government benefit or the provision of loans on favorable terms. The World Bank has been sufficiently concerned about government use of social safety net funds for vote-buying that it has delayed disbursement of an approved, US\$1.1 billion loan until after the elections have taken place.

Regional Issues

In addition to the more general challenges and difficulties of the pre-election period nationally, unresolved issues in several Indonesian provinces – most notably Aceh, Irian Jaya and the Moluccas – may jeopardize the elections in those regions in particular. In addition, there will be a referendum on autonomy in East Timor in early August. While the small number of seats in these areas make them unlikely to have any real impact on the electoral outcome nationally, any disruption of the elections due to violence in these provinces would have a significant psychological effect on the nation as a whole.

Aceh and Irian Jaya

Throughout the New Order, independence movements existed at varying levels of intensity in both Aceh and Irian Jaya. These provinces, rich in natural resources and each with its own very distinct culture and ethnicity, resented what they believed to be a Java-centric political structure that provided little or no regional autonomy or control over regional resources. After Soeharto's resignation, the initial promise of *reformasi* raised expectations that these regions would gain greater autonomy and possibly even independence. Following this initial period of euphoria, complete with military apologies for past "excesses," local leaders in both provinces were disappointed when it became apparent that the national government did not intend to make any substantive changes in its relationship with either province. In the past few months both regions have seen more vocal support for independence and a corresponding increase in violence and intimidation.

In Aceh in early May, members of the military fired on a demonstration and killed 38 or more civilians. This incident has highlighted the government's continued inability or refusal to adequately address allegations of systemic human rights abuses by the military in that province over the past decade. This perceived intransigence has contributed to the general increase in the violence in the province and has strengthened the position and resolve of those calling for a referendum similar to that proposed for East Timor.

Violence in Aceh is not, however, limited to that committed by the military on the population at large. In recent months there also have been reports of intimidation by representatives of political parties against individuals calling for a boycott of these elections in favor of a referendum on autonomy and conversely by members of the pro-independence group *Aceh Merdeka* in an effort to persuade individuals to boycott the elections in order to force the issue of autonomy or independence.

As recently as May 21 there were threats of violence against individuals appointed to sit on local election committees. Thus, these are indications that it will be difficult to conduct genuine elections within this polarized atmosphere.

In April the Indonesian government announced its intention to split Irian Jaya into three provinces ostensibly to better administer the region. This decision has contributed to that region's mistrust of the central authorities, as many fear that a fragmented Irian Jaya will be less likely to gain autonomy over its internal affairs. Also, each province would be assigned its own new military units. This would increase the overall number of troops in the region, which could in theory be deployed more effectively against the growing separatist movement. Abuses by the military and police against the local populations continue; the election campaign was recently postponed in part of Irian Jaya due to a demonstration of thousands of Irianese in Manokwari following the death of a youth allegedly tortured in police custody.

There has been no indication in the pre-election period that any government that emerges as a result of the June 7 national elections will address in a meaningful way issues of autonomy or independence in either Irian Jaya or Aceh. Only PAN has even raised the issue of autonomy for Aceh, and PDI-Struggle has gone so far as to say that it will not entertain the possibility of either federalism or independence for the regions. This provides little incentive to the local populations of either region to participate in the elections – elections that appear at best to be going to give them seats in a new legislature intent on exercising its central authority.

The Moluccas and West Kalimantan

In addition to the difficulties faced in Irian Jaya and Aceh, the danger remains that incidents of communal violence may necessitate either a postponement of the elections in certain regions or perhaps taint the election process in those areas. In recent months communal violence has been most severe in the Moluccas and West Kalimantan. In the Moluccas more than 300 people have died since January as a result of clashes between Christians and Muslims in that region, and in West Kalimantan, renewed violence between indigenous Dayaks (and Malays) and Madurese migrants in April has led to thousands of displaced persons. In both of these regions allegations have been levied that the violence was provoked by "dark forces," perhaps military officers linked in some way to the former president, and that this violence is part of a broader plan to incite violence in several potential hot spots across the country in order to disrupt the elections. While such a scenario is possible, a more likely explanation for the violence rests in far more local and mundane causes.

In both the Moluccas and West Kalimantan, local tensions were held in check by years of repression under the New Order. These tensions, once smoldering beneath the surface, have been allowed (and perhaps in some instances, encouraged) to rise to the surface. Tensions between Christians and Muslims in the Moluccas have certainly been intensifying for decades as the numbers of migrants to the area – primarily Muslims from South Sulawesi – have altered traditional power

structures. Resentment has particularly grown in Ambon, where Ambonese Christians had traditionally dominated both the government bureaucracy and economic power centers, at the influx of Muslims and in particular their increasing prominence both in the economic and business sectors and as Jakarta appointees in the local administration. In the months following Soeharto's resignation, incidents of communal violence in other parts of the country heightened feelings of insecurity and mistrust in the already tense communities in Ambon and helped set the stage for the widespread bloodshed over the past few months.

East Timor

While the situation in East Timor presents some concerns similar to those in Aceh, Irian Jaya and some other places, the case of East Timor is unique. Preparations are already underway for a referendum on autonomy officially scheduled for August 8. Indonesia invaded and annexed East Timor in 1975, after Portugal withdrew from what had been a Portuguese colony. The United Nations has never recognized Indonesian sovereignty in the territory. In January President Habibie reversed 23 years of Indonesian policy and offered the East Timorese the choice of a broad autonomy within Indonesia or independence. Negotiations mediated by the UN between Indonesia and Portugal suddenly took on new life and led to an agreement on May 6.

Under the agreement, UN observers will be present in East Timor and residents of the territory will choose in a referendum whether to accept autonomy or to vote in favor of independence. If the referendum fails, under Indonesian law, it will fall to the MPR to decide whether to actually grant independence. Since Habibie's announcement in January that the government would consider independence for the territory, violence has increased dramatically, as pro-integration militias – reportedly armed and trained by members of the Indonesian military – have attacked and threatened pro-independence leaders.

The referendum makes the June 7 legislative elections essentially irrelevant for that region's political future. President Habibie has said that if East Timor rejects autonomy, it will be given independence. However, how the June 7 election is conducted in East Timor and the level of violence and intimidation that surround it could be important harbingers of the prospects for a relatively peaceful and genuine vote on August 8.

The Legal Framework for the Elections

The new laws governing the elections, political parties and the structure of the legislatures passed by the DPR in January often establish only basic principles and leave the details to be

determined by the KPU or other bodies.⁸ Since it was formed and began operating in early March, the KPU has moved slowly to fill in these gaps. In particular, some serious gaps remain in the election regulations and associated documents, concerning in particular (a) the electoral system, (b) the election of functional representatives to the MPR, and (c) the complaints and appeals institutions. Nevertheless, the elections are set to take place on schedule on June 7.

The Electoral System

After weeks of debate, the KPU finally made public in late May its regulations defining how seats are allocated and candidates are elected. The system is confusing and internally inconsistent, returns substantial power to central party leaders and may exacerbate confusion and tensions in the immediate post-election period.

The election law passed on January 28 established only the basic principles of the new electoral system and left fundamental details to the election commission. But the KPU did not officially adopt the necessary regulation to establish the critical details of the electoral system until May 10 and did not make those regulations public until some time later. In the absence of clear rules, parties and other actors have developed their own, often inconsistent interpretations about how the complicated election system will work.

This election system is apparently without exact precedent or parallel anywhere else in the world: a unique combination of proportional representation by province with some elements of a district system.⁹ While the principle of proportional representation will be respected, the law suggests that elected candidates from a given party should be those from districts where that party fared best. This compromise was intended to increase the connection between elected representatives and their constituents and to reduce the dominance of party leaders. But over the last several months, party representatives on the KPU seem to have largely emasculated this provision.

The proportional representation (PR) system, established by Article 67 of the election law, allocates seats in each province to each party in proportion to the votes it receives.¹⁰ Under the system the KPU reportedly plans to adopt, the formula for this allocation is the "Largest Remainder" system with a quota equal to the number of seats in the province (known as a quota of "n"), based on total valid votes cast in each province. This is simply one among a number of internationally

⁸ See, NDI, *The New Legal Framework*

⁹ NDI, *The New Legal Framework*, p. 2 and following.

¹⁰ This report describes the electoral system for the elections to the DPR. The rules for the elections at the provincial and district levels are similar.

standard formulas for PR seat allocation. Seats in the DPR are apportioned to the provinces and allocated to parties at the provincial level; at the same time, however, the KPU also established a fixed number of seats in each district (*kabupaten* or *kotamadya*), with a minimum of one, based on population.

According to Article 68 of the election law, seats won by the parties at the provincial level are filled by candidates “with reference to party results at the district level.” The basic choice in implementing this clause is that party results in each district can be measured by either percentage of votes or absolute vote totals. (In general, the use of absolute vote totals tends to militate against the election of candidates from smaller and probably more rural districts.) Instead of resolving this question, the KPU has reportedly decided to leave this choice to each party to make for itself; each party can make different such choices for each province. This is likely to exacerbate the already strong tendencies in this electoral system for internal party rivalries, as candidates expecting to win a seat under one rule or the other strive to influence the party leaders’ decisions. The KPU has set the deadline for making these choices at seven days before the elections.¹¹

Under the reported system, parties are allowed to make “stembus accords” to combine their remaining votes (after filling full quotas) in each province. Parties may enter into separate accords for each province. The regulation implies, but does not explicitly state, that these accords must be reached before the election and made public.

It is not technically possible to combine the establishment of a fixed number of seats attached to each district with the KPU’s interpretation of Article 68, namely, that parties can choose which method they prefer. If each party is given control over the choice of which rule will be used to determine which of its candidates will fill its seats, then there is no way to ensure that the number of elected representatives attached to each district will correspond to the number of seats that has been fixed for that district, nor is there even any way to ensure that there will be at least one representative attached to each district. Although the representatives on the KPU were aware of this contradiction when they finally decided on the system, they – especially the party representatives – insisted that it is the prerogative of the parties, not the KPU, to decide which system of seating candidates should apply.

¹¹ The KPU also considered an alternative to allow parties to make this choice after the elections. This would have led to competing groups of “elected” candidates seeking recognition by central party leaders, which would likely have resulted in significant discontent with the outcome of the election process.

The National Ballot

The names and logos of all 48 parties are on the uniform national ballot paper. In few provinces, however, have all 48 parties nominated candidates. It was not logistically possible to prepare different ballot papers for each province on which only those parties with candidates in the province appear. Thus, in most provinces, a number of parties appearing on the ballot have not fielded candidates.

The possibility exists that a party could win enough votes in a province to gain a seat, but not be able to fill that seat with a listed candidate. In this event, the party will need to have reached a stembus accord before the elections. If it has not done so, its votes will be ignored.¹²

The Election of Functional Representatives to the MPR

The existence of functional seats in the MPR, which is a requirement of the 1945 Constitution, gives certain groups more say in the choice of the president than others.¹³ The Constitution does not, however, establish how they are chosen.

The constitutional justification for the functional representatives is to ensure that all groups in society are represented in the legislature. The KPU has already decided the breakdown of these 65 seats by group category: 20 for religious leaders; nine for economically weak groups, including workers, peasants, cooperatives and small businesses; nine for artists, intellectuals, scientists, cultural leaders and journalists; five for veterans and pioneers of the independence movement; five for women; five for NGOs, students and youth organizations; five for civil servants; five for ethnic minorities, including indigenous peoples, Chinese, Indians, Arabs and Eurasians; and two for the handicapped. The KPU has not yet decided, however, which organizations within these group categories will have the right to choose representatives to the MPR. These decisions will reportedly be made after the June 7 elections.

The KPU justifies its refusal to establish rules for the selection of functional representatives on the grounds that it is impossible to know which groups will be under-represented until after results are declared. This position, however, is not consistent with the predetermination of the number of seats for each category; by choosing the number of seats to which each functional group is entitled, the KPU has already determined which groups are not adequately represented. Furthermore, this reasoning suggests that the inquiry should be literally whether a given group has failed to win an

¹² Its votes will presumably be included in the calculation of the total number of valid votes necessary to determine the quota for winning seats, but will otherwise be ignored.

¹³ NDI, *The New Legal Framework*, p. 10.

appropriate number of seats in a given election rather than whether the electoral process in general would tend to exclude such a group.

The postponement of the decision about which organizations will choose the functional representatives creates another potential source of post-election tension and conflict, because these seats may be crucial in the election of the president. Thus, if MPR coalition possibilities remain unclear after the elections, or if there are two clear coalitions that are roughly balanced and neither holds a majority, then the debate within the KPU over which organizations can choose functional representatives could be highly politicized. Many organizations that may be eligible for choosing functional representatives have ties to existing parties.

The Complaints and Appeals Process

The institutions and procedures for complaints and appeals, including the election oversight committees or Panwas, are not fully established and understood. In the past these committees were dominated by government officials and rarely dealt with complaints in a fair and expeditious manner. The new election law does revamp the membership of these committees, which now consist of judges and university and community representatives. The law, however, does not specify the powers of these committees, and the recent Supreme Court decree that does so lacks important details. It remains unclear, for example, whether the Panwas at various levels, from national to subdistrict, are linked in a hierarchical appeals structure or whether each committee has final jurisdiction in its respective region. It is also unclear whether Panwas decisions are advisory or binding on election committees. Moreover, the government has been slow to disburse the funds necessary to support these committees, especially at the local level.

The Panwas have to differentiate between election-related complaints and criminal offenses. While the Panwas are empowered to adjudicate complaints relating to the conduct of the elections, they must refer any alleged criminal offenses to courts for prosecution. Special election courts, which will follow normal criminal court procedures, are being established to hear quickly allegations of election offenses. The division of jurisdiction between these special courts and the ordinary criminal courts is not clear, especially in relation to alleged offenses under general legislation committed in an election context.

The National Commission on Human Rights (*Komisi Nasional Hak Asasi Manusia* or *Komnas HAM*) has played the role of ombudsperson since 1993, receiving citizen complaints about a wide range of human rights violations, including those related to elections. It expects to play a similar role in these elections, complementary to the work of the Panwas. The election law grants no specific powers to Komnas HAM for this purpose, and the government has provided no additional funding.

Campaign Funding Regulations

The election law limits donations to parties to a maximum of 15 million rupiah (about US\$2,000) from individuals and 150 million rupiah (about US\$20,000) from corporations. It also requires party finances to be reported to the KPU for auditing, but does not limit overall campaign spending. The law does not specify the mechanisms by which these stipulations will work in practice. On May 18, the KPU decided to limit total party campaign spending to 110 billion rupiah, about US\$15 million. (Golkar had urged that the limitation be set at 1 trillion rupiah, about US\$133 million.)

The KPU has commissioned auditors to inspect the accounts of all parties contesting the elections. Parties must file financial reports both seven days before and 30 days after polling day. The KPU's continuing active pursuit of this issue will be an important measure both of the transparency of these elections and of the commitment to oppose "money politics."

Technical and Administrative Preparations for the Elections

In addition to the delays in completing the legal framework for the elections, there have also been technical or administrative delays in setting up regional election machinery, undertaking voter registration, accepting candidate nominations and training pollworkers. In part these delays can be attributed to the scarcity of time and financial resources available to election authorities in preparing for the elections. Internal problems within the election authorities have also contributed to these delays.

The Election Authorities

The KPU is an unwieldy body consisting of five representatives appointed by the government and one representative of each of the 48 parties that have nominated candidates. The chair is General (ret.) Rudini, former chief of staff of the Army and former Minister of Home Affairs, who represents the small MKGR Party. General Rudini has a reputation for honesty and integrity. Four of the five government-appointed representatives were drawn from the Team of 11, the team of prominent

leaders of civil society who advised the Minister of Home Affairs on the eligibility of political parties.¹⁴

Many party representatives on the KPU do not regard their position as incompatible with active party campaigning. Apart from the issues of independence that this raises, it may lead to lack of engagement with the management of the election and lack of quorum for KPU decision-making in the final weeks before polling. In addition, under the KPU's rules, the collective votes of all the government representatives are roughly equal to those of all the party representatives.¹⁵ The KPU, however, prefers to make decisions on a consensus basis and has avoided taking votes in which the government representatives are lined up against the party representatives. The KPU has been both slow to make crucial decisions and prone to making decisions that are inconsistent either with one another or with the election law itself.

For example, the election law specifies that, in the apportionment of the total number of seats in the DPR among provinces, each province shall receive a minimum corresponding to the number of districts it contains. Then the provinces with larger populations receive the remaining, unapportioned seats. Nevertheless, for East Timor, which has 13 districts but a population of only 900,000, the KPU has decided to follow New Order precedent and allow that province only four seats in the DPR.

Likewise, the KPU has made the elections in the provinces of Jakarta and East Timor purely proportional, with no reference to results at the district level necessary to determine which candidates are elected. The KPU in effect gave in to a *fait accompli* by the Jakarta provincial election committee on this point, even though it is inconsistent with the election law, because nearly all party chairpersons are candidates in Jakarta and most parties were concerned that the district element in the electoral system might result in the displacement of some of these leaders with popular local candidates from their own parties. With the district rule removed from Jakarta for the DPR elections, national party leaders stand a much better chance to win seats.

¹⁴ The government-appointed representatives are Adi Andoyo Soetjipto, a former Supreme Court justice; Adnan Buyung Nasution, a prominent human rights lawyer and founder of the Indonesian Legal Aid Foundation (YLBHI); Oka Mahendra, an official at the Ministry of Justice and former member of the DPR; Afan Gaffar, a political scientist from Gadjah Mada University; and Andi Mallarangeng, a political scientist from Hasanuddin University. All have reputations for independence and integrity.

¹⁵ Each of the 48 party representatives on the KPU holds one vote, while each of the five government-appointed representatives holds nine votes.

The Indonesian Election Committee (*Panitia Pemilihan Indonesia* or PPI) is the central body charged with implementing the KPU's policy decisions. Under PPI are election committees at provincial (PPD I), district (PPD II), subdistrict (PPK), village (PPS) and polling station (KPPS) levels. Each of these bodies is also composed of government nominated representatives and political party representatives, except for the KPPS which are made up of community representatives and political party representatives. The KPU, the PPI, and the provincial and district committees all have secretariats attached to them for administrative purposes. Despite the establishment of independent election authorities, day-to-day administration of the elections through these secretariats remains in the hands of many of the same civil servants who stage managed the previous New Order elections. The extent to which the new election authorities have been able to control these officials remains unclear. There have been numerous conflicts among the KPU, the PPI and the lower level committees, and between these bodies and their secretariats. Moreover, the government's slow disbursement of funds to some lower level committees has hampered their work.

Voter Registration

Because of concerns over the accuracy of the 1997 registers, the KPU decided to re-register all eligible voters. The registration process began slowly because the procedures were announced at the last minute and registration materials were not available in some parts of the country for several days or weeks. The deadline for registration was extended several times. As of May 19, the KPU reported that 87.4 percent of estimated eligible voters across the country have registered to vote. Registration is somewhat lower in several provinces, including East Timor (44 percent), the Moluccas (54 percent) and Aceh (57 percent).

Registration is now closed, but to prevent people from being disenfranchised, the KPU is considering allowing "instant registration" in areas where registration figures remain especially low, particularly where intimidation has discouraged people from registering. This is likely to include parts of Aceh and may include some or all of East Timor, the Moluccas and Irian Jaya.

Indelible Ink

As in elections in many other countries, polling station officials in the upcoming elections will mark the fingers of voters with indelible ink in order to indicate that such individuals have already cast ballots and thus to prevent them from being able to vote more than once. It will also be possible to detect whether, contrary to the election law, members of the military or police have voted. Although voter registration is the principal tool in which multiple voting is prevented, the use of indelible ink serves as a visible, concrete second check on the possibility of fraud. Wherever instant registration is permitted, the use of indelible ink will be the only way to prevent individuals from voting more than once and thus the only basis on which the integrity of the balloting is ensured.

Pollworker Training

At the most local level, activities on election day itself will rely on the efforts and knowledge of the nearly 2 million pollworkers. Training of trainers only began on May 13, and it is unlikely that training will reach officials at the polling station level in many areas before polling day. Part of the problem has been the delay in issuing the relevant regulations, and thus it is also unlikely that copies of these regulations will be available at all polling stations. If copies of the polling station instructions are not received on time, the successful operation of some polling stations may depend on a combination of the knowledge of operating procedures used in New Order elections, common-sense and hearsay knowledge of the changes necessary to conduct democratic elections, and ability to interpret the official election forms to establish how they should be completed.

Given the lack of time remaining, training should now focus on the key differences from previous Indonesian elections, such as the larger number of parties and party agents, the presence of election observers and the use of indelible ink to prevent multiple voting. There are concerns that awareness of these critical aspects of the process will not be uniform and widespread on election day.

Election Logistics

Procurement and distribution of the electoral materials has been one of the most serious problems facing election authorities in the final weeks before the elections. There have been concerns that production, shipping and distribution schedules might not enable multiple deliveries of supplies to all polling stations by June 7. Thus, the elections in some areas might have to go forward without all of the proper safeguards and materials. If the elections were not to take place in a number of areas or if large numbers of ballots were to be invalidated because of inadequate distribution of indelible ink, hologram stickers or election forms, serious dissatisfaction might legitimately result.

Although the KPU did not place orders for the indelible ink until early May, the suppliers have promised delivery in time for the ink to be distributed throughout the country. The KPU ordered the ink from four suppliers, three in India and one in Indonesia. As of May 19, ink from the Indonesian supplier has already been delivered to the KPU and is being distributed to Irian Jaya and the Moluccas.

Production of the more than 400 million ballots necessary for the three different levels of legislative elections is now complete, and the ballots have been shipped, after early fits and starts. Serious questions remain, however, about the security of ballot printing and distribution. Although the ballots are being printed on watermarked paper, the KPU decided against the use of serial numbers on each ballot. It will thus be impossible to determine if any ballots have been lost or stolen.

The KPU has decided to use hologram stickers in addition to the signatures of election officials as its answer to these concerns about ballot security. Voters will receive three ballots, one each for the national, provincial and district level assemblies. When the voter receives his or her ballots, election officials will affix a hologram sticker to each one and then sign the ballots.

The distribution of election materials, especially ballots, hologram stickers and indelible ink, has been a significant challenge. Election authorities will face similar challenges in the re-collection of materials from each polling station after election day. Although the military has not been generally involved in election logistics, the KPU has found it necessary to have the military deliver materials to some remote areas.

For ballots, the election law stipulates that each polling station will receive 3 percent more ballots than the number of registered voters at that station. These additional ballots are designed to account for any damaged or otherwise unusable ballots, and for voters who vote at a different station from where they registered. Given the delays in completing voter registration, however, the KPU has now decided to distribute ballots to the provincial election committees based on 1997 election registers plus 5 percent (the original 3 percent plus 2 percent for population increase.) These committees will then distribute ballots to the polling stations based on final 1999 voter registers plus the prescribed three percent.

Polling Station Procedures

As of the date of this report, the final number of polling stations was not definite. In May the KPU set the number of polling stations at 250,000, but the final number could be substantially higher. In 1997 there were approximately 320,000 polling stations. In contrast to 1997, however, the placement of polling stations in government offices is now forbidden.¹⁶ By regulation, a maximum of 1,500 people will be registered at each polling station.

Balloting procedures, unlike in 1997, now include the use of hologram stickers, signatures on the ballots, and indelible ink, all of which add time to the voting process. The official voting hours, however, remain the same as previously: 8 am to 2 pm. Voters who are in line at 2 pm are entitled to vote. It is therefore possible that the close of polling and therefore the completion of counting may be delayed in some stations.

¹⁶ One of the ways in which the New Order regime enforced the unwritten requirement that all civil servants vote for Golkar was to locate polling stations in government offices and then to require civil servants to vote at the polling stations located at their offices rather than near their residences.

The 180,000 members of the police force are not enough themselves to guard the 250,000 polling stations. They will thus be backed up by civil defense personnel (*pertahanan sipil* or *hansip*), two of whom will be posted at each polling station, and by local military units, which will be placed under police command.

Overseas Registration and Balloting Procedures

As in past elections, Indonesian embassies and consulates around the world are charged with facilitating voter registration and absentee balloting for citizens residing outside the country. It is estimated that up to 2 million Indonesians may vote this way in these elections. As in the past, their votes will be counted in Jakarta for the DPR only. In New Order elections, these voters overwhelmingly chose Golkar, and counting their votes in Jakarta helped the regime avoid embarrassing defeats in the capital city, whose residents often chose one of the other two parties.

Absentee voters may vote in one of two ways: by being physically present at an embassy or consulate on June 7, or by mailing in a ballot before that date. In the past, the mail-in procedures only required the use of a single, outer envelope which also contained the voter's name and return address. Thus, the vote was not secret. In these elections, overseas voters voting by mail will use double envelopes, in which the inner envelope has no voter-specific information on it. The inner envelope will be placed in the ballot box before all ballots are opened and counted, thus ensuring the secrecy of the vote.

International and National Election Observation

Domestic Monitoring

A number of Indonesian nongovernmental organizations, university-based networks and other civil society groups have organized efforts to monitor the election process, including the conduct of the polls and the count. These groups are expected collectively to mobilize several hundred thousand pollwatchers on polling day. In addition to providing a substantial basis for assessments of the election process, domestic observing reinforces and provides opportunities for broader civic participation in politics and public life.

As of May 19, the KPU had accredited 44 separate organizations to observe the elections. The major, national groups include the Independent Election Monitoring Committee (*Komisi Independen Pemantau Pemilu* or KIPP), the University Network for Free Elections (*Jaringan Perguruan Tinggi untuk Pemantauan Pemilu* or UNFREL) and the Rectors' Forum Election Monitoring Committee (*Komite Pemantau Pemilu Forum Rektor* or Rectors' Forum). Significant election observation efforts in particular provinces are also being organized by JAMPPI (*Jaringan Masyarakat Pemantau Pemilu Indonesia* or Community Network of Indonesian Election Monitors),

YAPPIKA (*Yayasan Persahabatan Indonesia Kanada* or Indonesia-Canada Friendship Foundation), LP3ES (*Lembaga Penelitian, Pendidikan dan Penerangan Ekonomi dan Sosial* or Institute for Social and Economic Research, Education and Information), JPPR (*Jaringan Pendidikan Politik untuk Rakyat* or People's Network for Voter Education), WAHLI (*Wahana Lingkungan Hidup* or Indonesian Forum for the Environment), and SBSI (*Serikat Buruh Sejahtera Indonesia* or Indonesian Prosperous Trade Union). Many other NGOs and civil society groups have organized monitoring efforts in particular locations.

KIPP was formed in March 1996 by some 30 independent organizations, including journalist, student, youth, professional, religious and labor groups. About 12,000 KIPP volunteers monitored the national elections across the country in May 1997 and thereby successfully established an important precedent for independent election observation in Indonesia. Human rights lawyer Mulyana Kusumah, who now also serves as one vice chair of the national Panwas, is KIPP's secretary-general and chairman of its presidium board. For the 1999 elections, KIPP has advocated a fair election framework, has monitored voter registration and the campaign environment, and plans a nationwide pollwatching effort for polling day.

Building on a faculty initiative of the University of Indonesia in October 1998, representatives of 14 universities from across the country formed **UNFREL** on December 5, 1998. UNFREL was expressly intended as an umbrella organization for a university-based network to monitor the elections across the country. Noted human rights lawyer Todung Mulya Lubis, who serves as the other vice chair of the national Panwas, is national coordinator of UNFREL. It has secretariats in 21 provinces. UNFREL is mobilizing students, lecturers and others affiliated with universities as election observers.

On November 7, 1998, a conference of 174 university rectors from across the country issued a declaration of support for political reform and for the formation of a national, university-based organization to monitor the upcoming elections. In December 1998, a subcommittee established **Rectors' Forum** as an election monitoring organization. Sudjana Sapi'ie, former rector of the Bandung Institute of Technology, is executive director of the group. Rectors' Forum is conducting long-term monitoring and education programs and plans to mobilize students, alumni, teachers, members of NGOs and members of the public as pollwatchers on election day. Rectors' Forum also plans a parallel vote tabulation (PVT) to independently verify the vote count. This PVT, based on statistically valid samples of actual polling site results from each province, will allow domestic and international observers to assess the accuracy of the official tabulation (aggregation) of election results.

NDI has worked with KIPP since the group was founded in 1996 and has worked with UNFREL and Rectors' Forum since they came into existence in late 1998. The major domestic observation organizations have worked together on a common volunteer recruitment campaign, the development of training materials and the plan for deployment of observers. They have received

substantial funding from international donors, including the United Nations Development Program (with funds from the European Union, among others), the US Agency for International Development, and the Friedrich Naumann Stiftung.

International Observers

Because of strong international interest in these transitional elections, observers are arriving from the European Union, the United States, Australia, Japan and ASEAN countries, among others. International organizations sending delegations include the Asian Network for Free Elections (ANFREL), the National Citizens Movement for Free Elections from the Philippines (NAMFREL), NDI and the Carter Center, the Solidarity Center (US), and the Australia Council for Overseas Aid. The KPU is ultimately expected to accredit up to 500 international observers.

Observation Regulations

Some problems remain in the regulations for observation. These provide that the KPU should itself accredit both international and domestic observers on an individual basis, after also accrediting their sponsoring organizations. This is logistically feasible for international observers, but the sheer number of domestic observers, who are expected to number in the hundreds of thousands, makes it impractical for the central electoral authorities to individually accredit them all individually. KPU Chairman Rudini has assured domestic observation groups that individual domestic observers can be accredited by election authorities at lower levels, but adherence to this agreement to date has been uneven and the KPU has never officially delegated this power to electoral authorities at the provincial, district or subdistrict levels.

In addition, the KPU's regulations on observation contain inappropriate restrictions on observers' freedom of action. One clause stipulates that members of the KPU's 39-member observer accreditation committee must accompany all observers during their missions. This is neither in accord with the need for observers to have free access to all aspects of the election process, and is also obviously not feasible. Another clause requires observers to report their findings to the KPU before the official election results are announced, although it does not state that KPU review or approval of these findings is necessary for the observers to go public with them. In response to concerns expressed by representatives of the international community in Jakarta, the electoral authorities have promised that these issues are being rectified. As of the date of this report, however, no formal action has been taken.

Post-Election Issues

Counting and Tabulation

The counting procedure at each polling station provided for in the election law, which will be witnessed by party agents and also by election observers, can provide the transparency necessary to provide public confidence in the election results. This should also be true of the procedures for successive tabulations of results at subdistrict, district, provincial and national levels. It is essential that the election authorities fully follow through with this openness in practice.

Announcement of Results

In arranging the timeline for the entire election process, the KPU followed New Order precedent in providing itself weeks to announce the official election results. It did not establish a system for announcing preliminary results. The KPU, however, has established a Joint Operations and Media Center (JOMC) at the Aryaduta Hotel in central Jakarta. One of the functions of this center will be to conduct a comprehensive national unofficial count of the preliminary vote tabulations reported directly from the country's 4,280 subdistricts. The center will then tabulate these figures and provide regular updates to the media and on the internet. Thus, the JOMC should have preliminary results from much of the country relatively soon after the elections.

Some results will, however, inevitably be delayed because each subdistrict will not report its tabulation until it has received the results from every polling station in the subdistrict. It is important that expectations of quick results are not built up so that suspicion of fraud arises solely from such technical delays.

Acceptance and Validation of Election Results

At this time, the greatest unknown for the post-election period is the willingness of the Indonesian people as a whole and the competing parties in particular to accept the results of the elections. After years of highly controlled elections, the level of confidence in the process is understandably low and the election framework creates the possibility that the composition of the MPR will not necessarily reflect the election results. This could create confusion among voters and political contestants, particularly given the added complexity of the seat allocation system.

The adoption by the KPU of the official election results requires, under a specific provision of the election law, the signatures of two-thirds of its members, or 36 people. The normal decision-making process of the KPU does not apply. There may be a danger that non-attendance or blocking

of this approval by the representatives of 18 or more unsuccessful parties will create a significant problem.¹⁷

Many parties have unduly optimistic expectations of their abilities to win votes and seats, which may well translate into frustration and resentment after the elections. A number of opposition figures have already raised concerns about possible vote count manipulation, and disappointed parties may blame poor showings on fraud even if such manipulation is not necessarily evident. Furthermore, the official results of the polls will likely not be announced until several weeks after polling day, which could fuel suspicions about possible manipulation in the vote count. If successful, the independent parallel vote tabulation planned by Rectors' Forum will help ensure the integrity of the tabulation process and build confidence in the results. Given the extended period between the June polls and the election of the president by the MPR, which could meet as late as November, the need for extended election monitoring will be extremely important.

Reflections and Recommendations

It is clear that the June 1999 elections in Indonesia will not be perfect. This is perhaps inevitable in a time of rapid political change. The people of Indonesia will judge whether, despite the imperfections, they have been able to express their choices freely and whether these choices are then reflected in the composition of their representatives and the development of their political institutions.

In the conduct of elections, particularly in countries with a history of single-party rule and one-sided polls, public confidence in the process and the perception of fairness are absolutely essential. With this in mind, it remains critical that the election authorities adopt safeguards to ensure an open process, which will be the key to broad acceptance of the election results. In particular, to reduce the potential for confusion and dissatisfaction, it is incumbent upon the election authorities to ensure that clear regulations – especially those regarding the electoral system – are established and publicized before polling day. Additionally, election authorities should establish a transparent and effective process to resolve election-related complaints and appeals during the post-election period.

In particular, the following areas deserve priority attention from election authorities, political parties, government, security forces and others.

¹⁷ Some have claimed that supporters of former President Soeharto and/or of President Habibie have established and funded a number of the 48 parties that have qualified for the elections, and thus hold seats on the KPU, for the purpose of obstructing the election process.

1. **Actions to discourage campaign violence.** Both the parties and the police face a major responsibility and challenge to ensure that freedom of assembly, organization and speech can be a reality for every party in every area.

2. **Continued commitment to action against “money politics.”** The KPU should ensure that the parties comply in practice with the election rules governing campaign funding.

3. **Completion of essential election regulations.** The KPU should ensure that the rules governing the election are clear and public, especially in relation to the allocation of candidates to seats won, the election of functional group representatives to the MPR, and the complaints and appeals procedure.

4. **Openness of the count and the tabulation.** To enhance public confidence in the electoral process, election authorities at all levels should ensure that these processes are fully open in practice to parties and observers.

5. **Revision of observation regulations.** The KPU should ensure that there are no problems in either written form or practice with the accreditation of domestic observers and the freedom of operation of observers.

6. **Recognition of the need for continued monitoring.** Domestic monitoring efforts should continue well after June 7 for at least two reasons. First, the next key phases of the transition – the announcement official results, the seating of the new DPR and other assemblies, the formation of the new MPR and election of the new President – will take some months. Second, ongoing monitoring efforts can help maintain newly developed networks and thus help civil society to develop and diversify.

The upcoming elections are only the beginning of a much larger and longer transition to genuine democracy, and democratic reform in Indonesia faces numerous challenges. The elections nonetheless represent a potential first step toward more an open, democratic political process and an important opportunity to measure the democratic character of the transition. Successful elections will provide a foundation upon which democratic institutions and practices can be built in Indonesia. After years of autocratic rule and “crony capitalism,” it is these institutions and practices that reflect the hopes and aspirations of the Indonesian people, and can best address the country’s social, political and economic challenges.

APPENDIX I

NDI Programs in Indonesia

The National Democratic Institute has been working in Indonesia since early 1996, when the Institute began assisting the Independent Election Monitoring Committee (KIPP), the country's first independent election monitoring organization, in its efforts to monitor the seriously flawed 1997 national elections. With NDI assistance, KIPP successfully conducted Indonesia's first domestic election monitoring effort, thereby establishing an important precedent for citizen monitoring of elections. In response to these challenges, beginning in mid-1998, NDI initiated a range of new, more ambitious programs in four areas.

First, NDI is working to aid emerging and pre-existing political parties to fulfill their roles in a new, more democratic environment. NDI has provided technical assistance to political parties on a multipartisan basis through a series of workshops and consultations on fundamental issues such as strategic planning, communications and organization and outreach. NDI has established a resource center to help party leaders and candidates to inform their programs, messages and platforms, and to monitor the media.

Second, the Institute is working with civil society efforts to advocate democratic elections and to carry out a nationwide election monitoring campaign. In addition to providing a basis for assessments of the election process, domestic monitoring reinforces and provides opportunities for broader civic participation in politics and public life. NDI has promoted coordination among national and regional monitoring groups, provided technical assistance with program implementation and supported programs to educate Indonesians on their monitoring efforts and the role of monitoring groups. The Institute works with the three major, national election monitoring networks: KIPP, the University Network for Free Elections (UNFREL) and the Rectors' Forum. Together, they expect to train and deploy more than 150,000 pollwatchers in an effort to promote public confidence in the process, deter fraud or expose manipulation should it occur. The Rector's Forum, which links 150 universities, plans to conduct a parallel vote count to verify the results of the elections.

Third, NDI is working to facilitate public input into the development of a framework for the political transition. While much international attention has naturally focused on the June legislative elections, NDI has taken a comprehensive view of the ongoing transformation of the political system itself. The Institute has sought to increase the amount and quality of information – especially information about the recent transition experiences of other countries – available to key Indonesian political and civic leaders in that process. NDI has organized a series of consultations and international assessment missions designed to analyze the transition process at certain key junctures, especially surrounding the elections. Experts from South Africa, the Philippines, Hungary, Bangladesh, Mexico, the United Kingdom and the United States have participated in these programs.

Fourth, NDI is undertaking programs to encourage and inform dialogue between military officers and leaders of civil society. In early 1998, NDI began to work with the Center for Security and Peace Studies (CSPS) at Gadjah Mada University in Yogyakarta on a pilot dialogue program for young civilian and military leaders. Then in late 1998, NDI launched the Global Partnership on Democratic Governance and Security (PDGS) in conjunction with civil-military institutes from the United States, Argentina and the Philippines to promote the worldwide exchange of information and analysis relating to key issues of civil military relations, to conduct country-specific programming to strengthen civilian democratic control of the armed forces in Indonesia and several other countries, and to strengthen the capacity of civic organizations worldwide to continue to address civil-military relations on a regional basis. On the basis of our experience, we believe that there are senior military officers in Indonesia who understand these concepts and would like to move toward a modern, democratic model of civil-military relations. NDI is working alongside them to enhance civilian capacity in security affairs.

For the elections themselves, NDI is working with the Carter Center to organize a comprehensive election observation program. President Jimmy Carter will co-lead a 75-member multinational delegation to observe the balloting and counting processes. The delegation will include political leaders, election experts and regional specialists from the United States, Asia and elsewhere.

These activities have been supported by the US Agency for International Development, the National Endowment for Democracy and private contributions.

APPENDIX II

Biographical Information for Participants in NDI Assessment Mission (May 3 to 9, 1999)

Eric Bjornlund is a lawyer and Senior Associate and Director of Asia Programs at the National Democratic Institute, where he has worked since 1989. He is currently based in Indonesia. Mr. Bjornlund has developed and managed election monitoring and other democratic development programs in more than 25 countries in Africa, Asia and the Middle East and presently oversees NDI's programs in 12 countries in Asia. He has testified before the US Congress and the United Nations and has written widely about election systems, election monitoring and democratic development. From 1984 to 1988, Mr. Bjornlund practiced law at Ropes & Gray, a 300-lawyer firm in Boston, Massachusetts, USA. He holds a BA from Williams College, an MPA from Harvard University and a JD from Columbia University in the United States.

Santiago Creel Miranda is a Member of Congress from Mexico. He represents the National Action Party and chairs the Committee on Governance and Constitutional Matters. In 1994 Mr. Creel was appointed Civic Counsel for the General Counsel of the Federal Electoral Institute, and in 1996 he organized a major effort for election reform in Mexico. Mr. Creel practiced law for 20 years and held senior positions at the Autonomous Institute of Technology in Mexico. He is the author of several legal studies and is a regular columnist for the newspaper *Reforma* and 18 other daily Mexican newspapers. Mr. Creel graduated from the National Autonomous University's School of Law in Mexico and holds a law degree from Georgetown University and a Master's degree in law from the University of Michigan in the United States.

Andrew Ellis is a British specialist on electoral systems who has designed and implemented technical assistance programs for elections in Cambodia, the West Bank and Gaza Strip, Bosnia and Hercegovina, Pakistan and Russia. He has carried out these activities on behalf of the European Commission, the Organization for Security and Cooperation in Europe, and NDI. Mr. Ellis has also served as Secretary-General of the UK Liberal Party and chief executive of the UK Liberal Democrats. He is presently a director of the worldwide holding company GJW, one of the leading UK political consultancies, and head of the company's Brussels-based project unit, a major part whose work is specializing in election and institution building projects. Mr. Ellis also visited Indonesia as part of assessment missions in November 1998 and in February 1999.

Jennifer Ganem is a lawyer and Senior Program Officer based in Indonesia for the National Democratic Institute. She has previously lived and worked in Indonesia and speaks Bahasa Indonesia. Ms. Ganem has served as a consultant on Indonesia to Human Rights Watch and has worked in Jakarta on an economic law reform project. She holds a BA from the College of the Holy Cross, an MA from the Fletcher School of Law and Diplomacy at Tufts University and a JD from Boston College Law School in the United States.

Blair King is Program Officer based in Indonesia for the National Democratic Institute and a Ph.D. candidate in political science at Ohio State University, with a specialization in Indonesian politics. His dissertation topic is the political economy of rice production, sustainable agriculture, and peasant empowerment in Central Java, and he has also conducted research on elections, NGOs and the labor movement. In 1997-1998 Mr. King received a Fulbright-Hays grant to conduct dissertation field research in Central Java, and he previously worked for four years as an English teacher in Pekanbaru, Riau, Sumatra. Mr. King has a BA in International Relations and an MA in International Policy Studies from Stanford University. He is fluent in Bahasa Indonesia.