

Rui Graça Feijó – Timor-Leste’s upcoming elections and the prospects for semi-presidentialism

This is a guest post by Rui Graça Feijó of CES/UCoimbra and IHC/UNLisboa

Timor-Leste is preparing for next year’s elections (presidentials in March/April, legislative in July). To a large extent, these will be centred around the president’s opposition to the ruling majority as from late 2015.

In 2012, Taur Matan Ruak (TMR) – the last leader of the guerrilla and Chief of Staff of the armed forces – ran as an “independent supported by Xanana’s party, ousting the incumbent Ramos-Horta in the first round and defeating Fretilin’s Lu Olo in the second. In preparation for those elections, some members of Fretilin were inclined to give TMR their support based on his track record of good relations with the party. The party’s leadership chose otherwise, but the seed for cooperation was there. It came as no surprise then that the major political event of TMR’s presidency was a broad parliamentary agreement that opened up the doors for Fretilin to join the government. In February 2015, Rui Maria de Araujo, a member of Fretilin acting in a non-party capacity, was sworn in as PM of the 6th Government – a government of “national inclusion”. For the first time since independence, all parliamentary parties had a seat in government^[1]. TMR is widely credited with this development, and he came out in favour of it when he said:

“How does a democracy work without opposition? Democracy is not an end to Timor, it is a means. Between a classical form of democracy and another one consisting of reinforcing social and political cohesion, we have chosen the latter.”^[2]

However, the president kept his “independent” persona: he toured more than 350 of the country’s 440-odd *sukus* (villages), thus decentralising contact with citizens (“It is incredible what I see there. The government has done its job. But people always want more.”), and made sure his channels of communication via the media were kept open (and thus opposed as much as he could alterations to the freedom of the press bill).

By the end of 2015 the political scenario had evolved. Parliament passed a bill making it more difficult to register new political parties. The president held back the law until a party widely tipped to be his own creation had the chance to register under the old rules. A few weeks later, he vetoed the 2016 state budget that had been passed by a unanimous vote in the House, and appealed to parliamentarians to introduce substantial changes, arguing for his vision of the country based on contacts with the population. They took a blind eye to the president’s recommendations and insisted on the very same budget. The rupture between the president and the government majority was consummated. In hindsight, it is possible that the president believed the change of government also meant a new political orientation that never materialized.

Last February, using his constitutional powers, the government proposed to extend the mandate of the Chief of Staff of the armed forces, who had been TMR’s second in command. The president disagreed – a

decision within his powers. However, he went two steps further: he dismissed the military commander and appointed a new one without consultation with government – and this was not within his constitutional powers. A serious conflict ensued, the result of which is still pending. The president stepped back from the dismissal and the new appointment, but has thus far not resolved the issue in spite of lengthy negotiations.

More recently, the parliamentary majority enacted a law on the composition of the National Electoral Commission which met with TMR's opposition, but which he was again forced to sign after a second parliamentary vote. TMR expressed the hope that the new body would not be implemented before the next round of elections – as the Commission is dependent on the government and parliament, excluding civil society from its composition, thus being prone to manipulation by those who already have seats – but it seems the old members have been notified of the termination of their term in office.

TMR has made it known that he would not seek re-election, creating a situation in which none of the first three presidents was elected for a second consecutive term. It is believed he will follow Xanana's example of creating his own political party and fight the legislative elections after he steps down. An "executive syndrome" seems to have struck again in a country whose president is entrusted with significant but not executive powers.

In spite of serious confrontations between the president and the government (after the 2006 crisis), including in prominent place the definition of the president's competences in matters of national defence and security that Lydia M. Beuman (2016) considered the "Achilles heel" of semipresidentialism in young democracies, but which have extended to other realms, there is no sign that the Timorese will place a revision of their constitutional system on the agenda for the upcoming elections. The debate will continue on the profile of presidential powers (Beuman 2016, Strating 2016) which, in my view, are quite considerable but lack executive competences. In a way, the "pouvoir d'empêcher" outweighs the competences for initiative, which nevertheless are present in the array of his powers (Feijo, 2016).

After having elected three "independent" presidents, entertaining the idea that there was a clear difference between the realm of presidential powers and that of government, the 2017 elections could finally see the election of a party candidate, as Fretilin seems to insist that it is now "Lu Olo's turn". However, it may also be that a strong "independent" candidate may emerge (rumours have it that former president Ramos-Horta is considering his bid). Without constitutional changes, the upcoming elections may bring substantial innovations nonetheless.

References

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[1] Later, PD would be removed from the governing coalition.

[2] http://www.rtp.pt/noticias/mundo/timorenses-tem-estado-a-aprender-fazendo-afirma-taur-matan-ruak_n874728 accessed July 8, 2016

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