

Rui Graça Feijó – Timor-Leste: is Díli on (Political) Fire Again?

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

Almost nine months after the election of the fourth President of the Republic, the first to be won by a President affiliated to a political party (FRETILIN) and to benefit from a pre-first round major party coalition, and four and a half months after FRETILIN narrowly won the legislative elections (by a mere thousand votes over Xanana Gusmão's CNRT, both winning just under 30% of the vote), Timor-Leste does not yet have a fully invested government and political tensions are running higher than at any point since the crisis of 2006.

The coalition between FRETILIN and CNRT to elect Lu Olo on the first round of the presidential election was unprecedented in a country that was more used to seeing first ballots contested by partisan and "independent" candidates alike and to seeing informal agreements being made for the run-off poll. However, the coalition was a natural consequence of political developments that marked the previous electoral cycle.

Having won a plurality in 2012, Xanana returned as PM supported by his allies who had won seats in parliament. Immediately he started working towards a new political solution that would encompass the historical party FRETILIN, around which a "cordon sanitaire" had been erected after the 2006 crisis. The state budgets for 2013 and 2014 were approved unanimously and FRETILIN's leader was offered a significant position as head of a Special Region. Allegedly supported by President Taur Matan Ruak (aka TMR), the converging paths of the parliamentary parties were hailed by a senior minister as the "replacement of belligerent democracy by consensus democracy" (Agió Pereira). In early 2015 Xanana stepped aside for the formation of a "Government of National Inclusion". This was headed by Rui Maria de Araújo, a former "independent" minister and member of the Council of State, who had since joined the ranks of FRETILIN, a party that was "offered" several other key ministers in the government "in their individual and technical capacities", without formally signing an agreement (instead, it maintained the status of "opposition" party without giving this any substantial meaning).^[1]

The policies of the "Government of National Inclusion", however, came under severe criticism from President TMR, who declined to seek a second term in office, created his own political party (PLP – *Partido da Libertação do Povo*), and fought the legislative elections, obtaining about 12% of the vote and 8 seats in parliament. The four parties that had supported the government ran campaigns that failed to criticise ongoing strategic decisions and it was expected that the basic the government formula would be maintained after the polls. In the end, one of those parties failed to pass the 4% threshold and won no seats, while PLP and another young party – KHUNTO – secured their presence in parliament.

Immediately after the results were announced, FRETILIN leader Mari Alkatiri claimed the premiership for his party (and actually, for himself), thus substantially altering the conditions under which the previous government had been negotiated. Both TMR and Xanana said that they would serve in the opposition and that neither would take their seats in parliament. They also pledged, rather vaguely, to follow a “constructive opposition” and “not to obstruct” the functioning of government.

As he summoned the three leaders to a joint meeting, President Lu Olo must have felt rather insecure, given that the consultations that he was constitutionally obliged to make had been attended by second-line figures from the parties. He failed to convince TMR and Xanana to accept Alkatiri’s terms – or to convince Alkatiri to accept theirs. But a door was open for Alkatiri: to secure an agreement with a junior party in the previous government (PD, 7 seats) and the newcomer KHUNTO (5 seats).

President Lu Olo appointed Alkatiri as prime minister, that is, designated him as a *formateur*. Early conversations suggested Alkatiri would be successful – and in this context, the three parties joined forces to elect the Speaker of the House. But KHUNTO did not accept the deal it was being proposed and withdrew from the negotiations. Alkatiri could only present President Lu Olo with a minority government formed by FRETILIN and PD.

President Lu Olo took the bold initiative of accepting Alkatiri’s proposal, and formalized the appointment of the very first minority government in Timor-Leste’s history (16 September). Alkatiri tried to minimize the risks for his government by inviting respected “independent” figures (such as former PM and President, Ramos-Horta) and prominent members of the opposition parties (such as Xanana’s right hand man, Agio Pereira) to be “State Ministers”.

The Timorese Constitution facilitates the possibility of minority governments. It stipulates that within a month of being sworn in, the government must present its program to the House – which it did on 16 October. Then the House has three days for debate, at the end of which the government will be invested unless the opposition tables a rejection motion or it feels the political (not constitutional) need to present a confidence motion. If the confidence motion fails, the government falls immediately. If the rejection motion is passed (as it actually was on October 19 by 35 votes to 30), then the government must present a second program.

At this stage we enter a realm of indefiniteness. There is no explicit mention in the constitution, but it is assumed in other countries with similar mechanisms that a government only assumes full and not merely caretaker functions once it has been invested in the House. Also, the Timorese Constitution does not clearly provide a deadline for the second program to be presented – but it is implicit that it should not be longer than the first one.

By December 7, a month and a half have elapsed without the government submitting the second program to the House – and Alkatiri has repeated that he does not feel obliged to do so before the end of the year, or even in the new year. Instead, he has acted as if invested with full powers, submitting to the House a proposal to “rectify” the current budget – something that clearly goes beyond the powers of a caretaker government. All those attitudes have infuriated the opposition.

The opposition has moved closer together, and have signed a formal alliance in order to replace the current government. As Xanana has been involved in overseas activities (officially related to the negotiations with Australia, but actually going far beyond those) and has not set foot in Dili for three months, the agreement was signed in Singapore. Following the acceptance of the budget correction bill for debate by the Speaker, the opposition tabled a motion that the Speaker refuses to put to a plenary vote. The opposition has since been boycotting the parliamentary committee on budget and finances, meaning that it cannot function for lack of a quorum. The opposition parties also tabled another motion to reject the government, which – if approved – would bring it down at once. The Speaker has so far refused to put this item on the agenda. Eve before the Speaker took these decisions, the three parties filed for his destitution – and again the Speaker has not yet set a date to discuss and vote on this proposal.

Meanwhile, the political rhetoric has grown increasingly inflammatory. FRETILIN accuses the opposition of staging a coup (even though they are only using the constitutional and parliamentary powers at their disposal), and Alkatiri fumed that “if they dance in the House, we shall dance on the streets”. The current minister for defence and security (who controls both the army and the police) said that: “If disturbances break out on the streets of Dili, the MPs from the opposition benches must take care of the issue”. On the opposition side, the rhetoric has matched the government’s, with accusations of “unconstitutionality” (namely in the delays regarding the submission of the second draft of the government’s program) and unlawful usurpation of power (both against the government and the speaker).

Sooner or later, either the government’s program or the opposition’s motion of rejection will be brought before MPs. As the situation stands today, it is likely that Alkatiri’s executive will not survive, even with the support and complacency of President Lu Olo. If so, then the president has a few alternatives.

First, he will have to decide whether or not to dissolve parliament – a move which he can only make after January 22 due to constitutional restrictions that protect a parliament from being dissolved in the first six months following an election. FRETILIN and its junior party clearly prefer this solution, hoping they will increase their share of the vote. Elections would be held in late March, and a new government installed not before late April. No state budget would be approved in the meantime – a serious issue in a fragile country. However, a new and little credited development has emerged: a number of small parties that all fell below the 4% threshold have made an alliance which, on the evidence of the last elections, would give them 6 or more seats – mainly at the expense of the larger parties, making it even more difficult for a FRETILIN-led government to emerge. The opposition, for its part, would prefer President Lu Olo to respect the current parliament and find a solution. For many, the obvious one would be for him to nominate some figures from the ranks of those parties in order to form a majority government backed by CNRT, PLP and KHUNTO.

But President Lu Olo could choose otherwise – and he might have a chance of success. He has the option of asking Alkatiri to re-initiate negotiations with the opposition (a highly unlikely solution given that tensions are running very high at the moment and the prime minister has shown his weakness as a negotiator by claiming the premiership for himself even before conversations had started). Alternatively, he could appoint a *formateur* tasked with finding a mutually agreeable solution for the outgoing government and the opposition. Someone such as Rui Maria de Araujo, the prime minister for the last two and a half years, Ramos-Horta, who still commands some respect, or even TMR – a move that could perhaps be coupled

with the replacement of the Speaker of the House so that all key positions were not in the hands of a single party – could try to reshape a “Government of National Inclusion”. What seems quite clear is that Timor-Leste is not ready for a minority government, even if it is backed by a partisan president.

Previously in the history of independent Timor-Leste, tensions have run high. That was the case in 2006 during the crisis that led to the resignation of the prime minister, in 2007 after the legislative elections, and again in 2008 after the attempted murder of President Ramos-Horta. The existence of non-partisan presidents has been one important element in fostering détente and promoting dialogue, not least because – as the present crisis amply reveals – most political parties are fragile extensions of people with strong personal ambitions. Figures with individual prestige – a feature that in Timor-Leste is still associated with the role performed during the Resistance to Indonesian occupation, as shown by an opinion poll taken before the presidential election – rather than partisan leaders (as party competition still evokes the civil war of 1975), have ample room for intervention in the political arena.

Timor-Leste decided that the time was ripe for a new kind of presidency. However President Lu Olo seems to have been overtaken by the mounting tension, unable to distance himself and the presidency from siding with one faction. He is a player in the most severe political crisis in the country since 2006 – not the moderator or referee who might be able to foster dialogue. His reading of the situation indicates that he supports FRETILIN’s stance, and he rejects the claims of any “irregular functioning of the political institutions”. However, he risks ending up as a “lame duck”. The miracle that could save him in the short term would be the establishment of a new “Government of National Inclusion”. It is up to him to decide.

Alkatiri once told me in an interview that “political exclusion generates conflicts”^[ii]. One wonders whether he recalls what he said in the light of FRETILIN’s decision to occupy the three most senior positions of the Timorese state under his leadership, a state that is built on principles of power sharing.

Notes

[i] On the formation of this government, see my “The Long and Winding Road: a brief history of the idea of ‘Government of National Inclusion’ and its current implications”, ANU SSGM Discussion Paper 2016/3

[ii] Mari Alkatiri, “A exclusão política gera conflitos” in R.G.Feijó (ed) *O Semi-presidencialismo Timorense*. Coimbra, CES/Almedina, 2014

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