

**AUSTRALIAN ELECTORAL COMMISSION**

**SUBMISSION TO THE JOINT STANDING COMMITTEE ON FOREIGN  
AFFAIRS, DEFENCE AND TRADE (FOREIGN AFFAIRS SUB-  
COMMITTEE) INQUIRY INTO BUILDING AUSTRALIA'S  
RELATIONSHIP WITH INDONESIA**

**CANBERRA**

**25 OCTOBER 2002**

## **Introduction**

1. This Submission:
  - outlines the international mandate of the Australian Electoral Commission (AEC) and the foreign policy context within which it is pursued; and
  - describes the work which the AEC has done in relation to Indonesian elections.

## **The AEC's international mandate**

2. Paragraph 7(1)(fa) of the *Commonwealth Electoral Act 1918* makes it one of the functions of the AEC:

"to provide, in cases approved by the Minister for Foreign Affairs and Trade, assistance in matters relating to elections and referendums (including the secondment of personnel and the supply or loan of materiel) to authorities of foreign countries or to foreign organisations;"

This provision was inserted in the Act on the recommendation of the Senate Standing Committee on Foreign Affairs, Defence and Trade, which, in its May 1991 Report entitled *United Nations Peacekeeping and Australia*, noted, at paragraph 5.32, that:

"Work done by the Australian Electoral Commission clearly demonstrates that its expertise is second to none. It should be made available, where appropriate, overseas."

The Senate Committee also recommended that the international function should be reflected in the organisational structure of the AEC. This was achieved in 1995 with the creation of what is now the International Services Section.

## **Electoral assistance as an element of Australia's international development cooperation**

3. The provision of international services by the AEC is a significant element of Australia's overseas aid policy. This has been clearly confirmed in the Government's policy on overseas aid and good governance. AusAID's policy document *Good Governance: Guiding Principles for Implementation* makes a number of direct comments on the AEC's international program, noting, in particular that:

"THERE IS AN ESSENTIAL LINK between democratic and accountable government and the ability to achieve sustained economic and social development.

In collaboration with the Australian Electoral Commission (AEC), Australia's aid program has supported a number of elections in developing countries in recent years.

In 1993, an AEC team of polling offices worked closely with the United Nations in preparing for Cambodia's elections.

In 1999, with funding from Australia's overseas aid program, the AEC provided technical support for the Indonesian elections.

More recently, Australia played a major role in helping the United Nations oversee East Timor's referendum for independence.

By helping the Governments in developing nations such as Indonesia, Cambodia and East Timor to mount free and fair elections themselves, Australia benefits from the emergence of stable and democratic nations.

In effect, Australian aid is encouraging greater community participation in the nation's democracy. This promotes accountability, efficiency and effectiveness in the nation's development."

In relation to the 1999 Indonesian elections, the document also notes that:

"Australia's assistance included funding for the Australian Electoral Commission, which helped its Indonesian counterparts to ensure the election was a success.

...

The significance of the elections for Indonesia and for our whole region cannot be stressed enough. The elections paved the way for Indonesia for the first time in more than a generation to be governed by a democratically elected government."

4. As recently as 24 September 2002, the Minister for Foreign Affairs, in *Australian Aid - Investing in Growth, Stability and Prosperity - Eleventh Statement to Parliament on Australia's Development Cooperation Program*, noted that:

"Australian assistance has been effective in supporting free, fair and credible elections in a range of partner countries, including the landmark 1999 Indonesian elections, as well as elections in Solomon Islands and Fiji in 2001, which were positive steps after a period of protracted conflict and destabilisation in both countries."

5. The provision of international services by the AEC has had strong, consistent and bipartisan political support. This is most strongly evinced by the fact that there has not been a single occasion, since the insertion of paragraph 7(1)(fa) of the *Commonwealth Electoral Act 1918* in 1992, on which the Minister for Foreign Affairs of either the current government or that which preceded it has exercised his power under the paragraph to decline to give support for proposed AEC international assistance. Support for the AEC's international activities has not only come from governments. Government backbenchers, members of the Opposition, and members of the other parties represented in the Parliament have also endorsed the AEC's work, either in general or in relation to programs in particular countries. Support for the AEC's international activities has also been expressed in at least one parliamentary resolution, as well as in Reports of Committees of the Parliament, including the Joint Standing Committee on Foreign Affairs, Defence and Trade.

## **The Indonesian election of June 1999**

6. The AEC provided significant assistance to Indonesia in connection with the parliamentary elections held on 7 June 1999. Those elections were a massive operation. There were candidates from 48 parties, and different ballots had to be filled out for national, provincial and local assemblies. There were just under 118 million voters, spread throughout a huge archipelago; this made the election the largest logistical operation ever undertaken in peacetime in South East Asia, putting almost the whole adult population of the country through a prescribed process on one day.

7. The KPU (National Election Commission) in Indonesia turned out to be an unwieldy body, consisting of 5 government appointees, plus representatives from each of the 48 political parties contesting the election. Many of the problems which were encountered at the election arose from the unworkable size of the KPU, coupled with the fact that many of the 48 party representatives saw their role, from the outset, as one of advancing their parties' interests rather than ensuring effective and neutral management of the election.

8. The role the AEC played at the elections evolved considerably over time. A mission to Jakarta and Surabaya, funded by the Australia-Indonesia Institute, and undertaken in November 1998 by the then Electoral Commissioner, Mr Bill Gray and the AEC's Director, Research and International Services, Mr Michael Maley, gave rise to some initial ideas on forms of cooperation which might be feasible. These were refined by a second scoping mission, which travelled to Indonesia in January 1999, and which identified the following four areas as being ones where the AEC's counterparts would be likely to benefit from help.

- Development of systems for the identification of sites for registration and polling.
- Development of systems for managing ballot production and distribution.
- Design of an effective polling station layout and configuration.
- Development of procedures for result compilation.

9. The major difficulty in defining areas of assistance arose from the fact that the KPU had not been appointed at the time of the second scoping mission. Once the KPU was in place, it was possible to examine, on a less speculative basis, what should be done by the AEC. The upshot of those examinations was that the AEC's efforts were concentrated on the compilation of "unofficial" results for the election, with the cooperation of the KPU, through the KPU's Joint Operations and Media Centre (JOMC). This was seen as a most important task, as it was commonly agreed that much of the manipulation which had characterised previous Indonesian elections had taken place during the result compilation process.

10. The JOMC project was undertaken jointly with the International Foundation for Election Systems (IFES). The AEC deployed a team of staff in Jakarta from mid-February 1999 until after the elections to implement the project. Overall coordination of the international assistance effort for the elections was provided by the UN Development Programme office in Jakarta.

11. The result compilation methodology developed by the AEC involved the transmission to the JOMC of figures from each kecamatan (sub-district). In some cases this was done by fax, and in other cases by telephone. The results obtained were then input into a computer system developed by the AEC, and were made available to the media by various means, including the Internet. To make this happen, it was necessary to develop appropriate forms, ensure that staff at the kecamatan level were appropriately trained, install the fax, telephone and computer infrastructure required for the JOMC, and recruit and train local staff to operate the faxes, phones and computers.

12. It has become a matter of some notoriety that the official results of the election took many weeks to finalise. What is not so well known is that the unofficial results provided through the JOMC gave a remarkably accurate picture of the final outcome within a comparatively short time. The following table sets out both the final number of seats won, and estimates, based on JOMC figures, which were prepared by the AEC team in Jakarta on 15 June 1999, ie one week after polling.

<b>Party</b>	<b>JOMC estimate at 15 June 1999</b>	<b>Final result</b>
Partai Demokrasi Indonesia Perjuangan	156	153
Partai Golongan Karya (GOLKAR)	119	120
Partai Persatuan Pembangunan	55	58
Partai Kebangkitan Bangsa	49	51
Partai Amanat Nasional	40	34
Partai Bulan Bintang	13	13
Partai Keadilan	6	7
Partai Keadilan dan Persatuan	5	4
Partai Nahdlatul Umat	4	5
Partai Demokrasi Kasih Bangsa	3	5
Others	12	12

13. The methodology adopted by the JOMC tended to ensure that early figures were representative of the final result: figures entered closely approximated a random sample from the whole country. One consequence of this was that the then-ruling party, GOLKAR, which polled better outside Java and in the remote areas of the archipelago, was always in second place according to the JOMC count, whereas the official count figures initially saw GOLKAR running third, and then picking up as the count progressed. Given the endemic suspicions regarding the counting process, such a pattern could have generated real concerns, but the fact that the JOMC figures had always shown GOLKAR running second tended to have a calming effect. More generally, the

existence of the JOMC figures probably served to dispel concerns about the slowness of the official count, in that while the latter caused great frustration, there was no real doubt about the actual outcome of the election. The success of the JOMC operation was, and still is, seen by important players in the KPU in 1999 as having been critical to the overall success of the election.

### **Activities post-1999**

14. In the aftermath of the 1999 election, it became clear that the KPU would have to be restructured. In November 2000, the then Australian Electoral Officer for Western Australia, Mr Andrew Moyes, visited Jakarta to speak at a seminar on "The Creation of an Independent and Non-Partisan Election Commission in Indonesia", sponsored by the Centre for Electoral Reform (CETRO).

15. The party-based KPU was ultimately abolished, and a non-partisan body was put in place in April 2001. Two of the new Commissioners, Dr Mudji Sutrisno and Dr Imam Prasodjo, visited the AEC at the time of the 2001 federal election. In September 2002, the AEC also provided a series of briefings to KPU Commissioner Chusnul Mar'iyah during a short visit she paid to Canberra.

16. The AEC has also maintained contact with Dr Andi Mallarangeng, one of the government nominees on the KPU in 1999, who is a member of the Expert Advisory Group convened by the AEC to support curriculum development for the BRIDGE Electoral Administrators' Course, a project pursued by the AEC in cooperation with the Electoral Assistance Division of the United Nations and the International Institute for Democracy and Electoral Assistance. Dr Mallarangeng is a prominent political commentator in Indonesia, who has recently established a new political party.

17. Finally, an AEC team, funded by AusAID, visited Jakarta from 2 to 13 September 2002 to explore with a range of stakeholders the opportunities which might exist for AusAID and the AEC to provide electoral assistance in Indonesia in anticipation of the elections due in 2004. In the aftermath of that mission, discussions have been continuing between the AEC and AusAID regarding steps which might most appropriately be taken henceforth. As development on this front are possible during the course of the Committee's currently inquiry, the AEC would be happy to provide the Committee with an update on subsequent decisions if that would be of assistance, or to provide further information on matters covered by this Submission.