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**Enhancing women's participation in electoral processes in post conflict  
countries:  
Experiences form East Timor**

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- \* The views expressed in this paper, which has been reproduced as received, are those of the author and do not necessarily represent those of the United Nations.

## **1. Background on conflict experienced by the country and elections after conflict**

At the time of writing this paper East Timor has had three positive experiences of free and fair elections and is preparing for a fourth. All three, the referendum (1999), the Constituent Assembly (2001) and Presidential (2002) elections were run by the United Nations. For the first time since its independence, the fourth, the Village election will be run by the government's National Electorate Secretariat<sup>1</sup>.

Invaded on 7<sup>th</sup> of December 1975, East Timor was under Indonesian military occupation and administration when the UN brokered 5<sup>th</sup> of May Agreement was signed between Portugal and Indonesia. The 5<sup>th</sup> of May Agreement mandated the Secretary General to establish a mission in East Timor in order to conduct a ballot that would provide the East Timorese with the opportunity to choose to “accept the proposed autonomy for East Timor within the Unitary State of the Republic of Indonesia” or “reject the proposed special autonomy for East Timor, leading to East Timor's separation from Indonesia”<sup>2</sup>. Through the 5<sup>th</sup> of May Agreement the East Timorese were finally being permitted to exercise self determination and complete the decolonisation process started by Portugal<sup>3</sup> which was aborted through a brief civil war<sup>4</sup> and the subsequent Indonesian invasion.

When the referendum was conducted, East Timor had experienced close to 24 years of military occupation, countless human rights violations and had lost an estimated third of its population<sup>5</sup>. The 5<sup>th</sup> of May Agreement placed security for the referendum in the hands of the Indonesian Military with unarmed international military observers and civilian police deployed by the UN Assistance Mission to East Timor (UNAMET). The Falintil entered cantonment, prohibited by its leader Xanana Gusmao from intervening. Elements of the Indonesian military and police quickly established militia groups in all 13 districts of East Timor, which were Timorese led, to create an environment of fear to disrupt the ballot and influence the vote in favour of autonomy. Despite the killings, displacement and intimidation 99.9% of registered voters cast their ballot and voted overwhelmingly against autonomy.

Following the announcement of the ballot the Indonesian military, police and the militia groups burnt and destroyed most of the infrastructure, killed and forced thousands of Timorese over the border into refugee camps in the Western part of the island. East

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<sup>1</sup> The Secretariado Nacional para as Eleicoes (STAE), the body mandated to fully run the elections has been placed within the Ministry for State Affairs. In accordance with the wording in East Timor's Constitution an Independent Commission will be established to “supervise” the elections.

<sup>2</sup> Agreement Between the Republic of Indonesia and the Portuguese Republic on the Question of East Timor

<sup>3</sup> Portugal is the former colonial power having colonised East Timor for over 400 years. East Timor was also occupied by Japan during World War II.

<sup>4</sup> The two major parties in East Timor in 1975, Frente Revolucionaria para um Timor Independente (FRETILIN) and Uniao Democratica Timorense (UDT) clashed in a brief civil war in August 1975.

<sup>5</sup> 200,000 people are estimated to have been killed by the Indonesian military forces were died as a result of the 24-year occupation and war.

Timor was left in ashes and in a formal administrative vacuum, although its political leadership through the National Council of Timorese Resistance (CNRT) remained intact.

The International Forces for East Timor (INTERFET), lead by Australia, was deployed on the 20th of September to restore order. The United Nations Transitional Administration (UNTAET) was established shortly afterwards through Security Council Resolution 1272, giving UNTAET full powers to fully administer East Timor through an administrator, the Special Representative of the Secretary General (SRSG) Mr Sergio Viera de Melo. UNTAET was subsequently responsible for the Constituent Assembly and Presidential Elections held within a transitional framework to independence and hand over of power to the Timorese.

Independence was proclaimed on the 20<sup>th</sup> of May 2002.

## **2. Analysis and assessment of the extent to which electoral process were supportive or not of women's participation**

### The Constituent Assembly Elections

The Independent Electoral Commission (IEC) was established by a UNTAET regulation to prepare and oversee the Constituent Assembly Elections. A Board of Commissioners combining international electorate experts and Timorese was responsible for verifying the elections results and ruling on any disputes arising. The IEC faced an enormous challenge as it had to train East Timorese who would be responsible for future elections whilst operationalising the whole process in an environment where in spite of the success of the 1999 referendum, East Timorese experience of elections under Indonesia was a mere formality to confirm the status quo.

### Context of women's participation

When preparation for the Constituent Elections began the women's movement in East Timor had reached its peak. The women's movement had three important factors in its favour, which contributed to women's participation in the electoral process. First the 1<sup>st</sup> Congress of Timorese Women had been held in June of 2000 in preparation for the CNRT Congress, and it had a policy document when the Platform of Action for the Advancement of Timorese Women was adopted.<sup>6</sup> Secondly it was organised when REDE the Timorese Women's Network was established comprising 14 women's organisations<sup>7</sup> during the Congress. Thirdly it had a voice as REDE campaigned tirelessly and used the Platform of Action as a policy document to ensure that women's voices were heard. This was facilitated largely by having a sympathetic SRSG in UNTAET and a Gender Affairs Unit which provided much needed support and training. When UNIFEM chose to work in

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<sup>6</sup> The Platform of Action was adopted unanimously by the over 400 participants who represented all of East Timor's 13 districts. The participants to the congress were elected by participants to the district congresses held as a lead up to the national congress.

<sup>7</sup> Following a restructuring in June 2003 the network currently comprises 20 women's organisations, ranging from mass based organisations to cultural and the women's jurist organisations.

East Timor it also provided a boost to the women's movement, filling specific gaps that were not covered by other UN agencies such as UNFPA which had already established and had engaged with the women's movement on issues such as domestic violence.

The Platform for Action identified women's participation in decision making as paramount in the post conflict reconstruction phase and aimed at a minimum target of 30%. The Women's Congress sent delegates to the CNRT Congress, which adopted a unanimous resolution calling on the CNRT leadership to pressure UNTAET to ensure the 30% target. This target was readily adopted by the SRSG in public service recruitment and instructions were given by the SRSG that the Platform be considered and implemented within UNTAET. Nonetheless the women's movement had a mixed experience of the transition as can be seen when the quota debate was entered into during the making of the electoral law for the Constituent Assembly elections.

#### The debate on quotas a cases study<sup>8</sup>

The debate on the introduction of special quotas for women in East Timor took place largely during the transitional period under UNTAET, between October 1999 and April 2001. The perception that the United Nations itself is equipped to uphold equity principles was tested and had a mixed influence on the debate and the outcome of the debate. In most instances UNTAET readily adopted affirmative action policies, while in some cases, members of its staff actively interfered in and hindered the debate on the use of quotas. This is not to say that all Timorese were in favour of the use of quotas.

For advocates of quotas, the UN mission provided a double-edged sword. In June 2000, over 400 Timorese women from all of East Timor's 13 districts met together for the 1st Congress of Women and adopted their own Platform for Action for the Advancement of Timorese Women. Through almost one week of meetings, the Congress analysed the position of women in Timorese society and concluded that although women constituted more than 50 per cent of the population, women did not partake in decision-making, nor did women enjoy the same rights as men.

The Congress discussed affirmative action as a strategy to increase women's participation and recommended a series of measures, including a minimum 30 per cent target for women in decision-making, together with special training and support for women to achieve this. A delegation of women next lobbied at the CNRT Congress in August of the same year, where a resolution pertaining to women's rights was adopted. This resolution was passed unanimously and tasked the CNRT to pressure UNTAET to adopt a policy of 30 per cent minimum for women in decision-making. The Platform of Action and the CNRT Resolution were used as two important documents by women to lobby for equal rights.

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<sup>8</sup> From a paper presented to the IDEA Regional Workshop on The Implementation of Quotas: Asian Experiences in Jakarta, September 2002, titled East Timor and the Debate on Quotas by Milena Pires

Prior to this, UNTAET had already adopted the use of quotas. After lobbying and pressure from Timorese women, UNTAET included a one-man, one-woman policy when it issued a regulation for development council elections on the establishment of the Community Empowerment Project (CEP)<sup>9</sup>. The CEP established village and sub-district development councils whose main goal was to promote the practice of bottom-up and participatory decision-making in development and was conceived as a possible basis for local government. CEP also sought to support women's participation and contribution, once elected through training and peer-support strategies. Although symbolic in some districts, where the councils were controlled by traditional power structures, which were mainly male, women's inclusion in the councils created the expectation that women should participate and had a place in decision-making.

UNTAET also continued its attempt to promote women's participation through informal measures such as during the setting up of the National Council (NC), a quasi legislature nominated by the Special Representative of the Secretary General (SRSG) and Administrator. Due to criticism of women being under-represented in the National Consultative Council (NCC)<sup>10</sup>, which preceded the NC, the UN Administrator issued a directive requiring that at least two of the four nominees to be proposed for selection from each of the 13 district and civil society organizations be women. This resulted in the National Council being composed of 13 women out of a total of 33 members.

During UNTAET, the SRSG also adopted a minimum 30 per cent quota for women in public administration. This resulted in just over 18 per cent of women being recruited. Special measures were also taken in the establishment of the Timorese police force, whose efforts produced 40 per cent women in the first wave of new recruits. When quotas were proposed for the Constituent Assembly elections however it met with resistance. The National Council was to adopt an electoral regulation for elections to the Constituent Assembly, which would draw up the Constitution for an independent East Timor. These elections were to be fully run by the United Nations.

The debate was led by REDE. In keeping with the Platform of Action, REDE proposed that a mandatory quota be contained in the electoral regulation. At least 30 per cent of women candidates were to be proposed in the political party lists and placed in winnable positions, with every third candidate listed from the top being a woman. REDE argued that this was a temporary measure to even the playing field and open the door to women's participation in the constitution-making process and to fast-track women's participation in the political arena. As well as being a rights issue, REDE argued that the constitution-making process could only be representative and truly legitimate if more than half of the population was represented. Similarly to the CEP, the election of women to the Constituent Assembly would also create a further expectation that women should participate and had a role to play in all aspects of Timorese society.

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<sup>9</sup> Cultural incompatibility was initially used as an argument by the Governance and Public Administration pillar of UNTAET against the 50 per cent quota for women in the CEP regulation

<sup>10</sup> The NCC had two Timorese women members out of a total of 11 members

REDE recognized and advocated that quotas alone were not enough. To ensure active participation, training and support should be part of a package for women candidates and later members of the Assembly. Opponents to the use of quotas argued that such a measure was degrading for women and that women's participation should be based on merit. Others argued that it was symbolic and that it would contribute nothing to women's rights. Members of some political parties argued that it would contravene political party rights, as these would be forced to choose and put forward a particular type of candidate. Some political parties were more direct in their opposition, stating that they did not have qualified women who could be put forward.

The Constituent Assembly Elections were based on a mixed system. Seventy-five national seats were contested through a proportional system allowing for candidates to be put forward through political party lists or on an individual independent basis. Thirteen district seats were contested on a first past the post basis where candidates could be put forward by political parties or run as independent individuals. The quota proposed by the women's network was targeted at the political parties contesting the 75 national seats. The debate on quotas divided opinion in East Timor, among both the Timorese and internationals.

The international non-governmental organization (NGO) community was in the most part behind the women's network and provided practical support through research and information sharing. Opinion was also divided within the resident donor community with representatives in Dili. For the most part, donors were supportive of the inclusion of quotas, provided it was what the Timorese wanted. There were reports of at least two foreign missions that, having funded the 1st Congress of Timorese Women, expressed the opinion that gender equity was a luxury and inappropriate for East Timor at that stage. At least one of these missions also argued that the use of quotas was being driven by Timorese women from the Diaspora.

Although the Beijing Platform of Action of the UN World Conference on Women makes direct reference to the inclusion of statutory quotas to address inequality in the electoral sphere, warning was given that the UN would be forced to pull out if quotas were included in the Constituent Assembly elections. UN staff members openly supportive of quotas were told that they should be defending "the party line" and were threatened with their jobs if they continued to support the "opposition".

The UN Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) in article 7 states:

*State Parties shall take appropriate measures to eliminate discrimination against women in the political and public life of a country and in particular shall ensure women on equal terms with men the right:*

- a) To vote in all elections and public referenda and to be eligible for election to all publicly held bodies;*
- b) To participate in the formulation of government policy and the implementation thereof and to hold*

*public office and perform all public functions at all levels of government.*

In fact, UNTAET's first regulation, which sets out the principles and framework for the mission, makes direct reference to its obligations to the principles enshrined in CEDAW. The debate on the electoral regulation became extended because no compromise was found between the National Council and UNTAET. Although the National Council had adopted the electoral regulation with the inclusion of quotas in principle, final approval was put off so as to try and convince the Electoral Assistance Division in New York to agree to the use of quotas.

The position of the UN was not equal and differences appeared between the agencies. UNIFEM stated at the time that:

*“Citizenship is inextricably linked to the political rights to vote and to stand for public office. On account of socially constructed gender roles, women face a greater number of obstacles in participating in political decision activity than men. These obstacles need to be acknowledged by policymakers, lawmakers and electoral authorities when they determine the conditions of free and fair elections. Overlooking them will result in the conclusion that women and men are equally placed to participate in political life. This conclusion can lead to unfair discrimination on the grounds of gender...and an oversight of the unfair and deeply entrenched, systemic attitudes and stereotypes that assign women to the private, and men to the public domain.”* <sup>3</sup>

The High Commissioner for Human Rights was also reported to have contacted the SRSG in East Timor to express support for the use of quotas. The UN Division for the Advancement of Women in New York also was reported to be in favour of the use of quotas. However, the Electoral Assistance Division under the Under Secretary General for Political Affairs was of a different opinion, and the issue remains unresolved.

The municipal elections in Kosovo, held under a UN peacekeeping operation, in fact, included the use of quotas for women and became an important focus for the women's network. However, although the regulation for the Kosovo municipal elections was promulgated by the SRSG, the elections were run by the OSCE, because it appears that a similar dispute arose. In response to an inquiry made by the Electoral Affairs Division of UNTAET on mandatory quotas for women it stated:

*“UNTAET has exclusive responsibility for holding free and fair elections in East Timor ... while some countries do have quotas for women (and for other groups), other democratic countries vehemently oppose the practise. This would include some members of the Security Council...Electoral quotas for women (or any other group) do not constitute international best practice for elections”.*<sup>11</sup>

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<sup>11</sup> Communication from Political Affairs Division at UN headquarters in New York to Political Affairs Division of the UNATET Department of Political Affairs in Dili, March 2001.

While Timorese women's attention was taken with exerting pressure internationally, specific UN staff members in Dili were conducting active lobbying of National Council members. In the end, the majority of National Council members contravened their original decision and rejected the inclusion of mandatory quotas in the electoral regulation. Ironically, the majority of women in the National Council who acquired their seats through affirmative action by the SRSG and had been active participants of the Women's Congress voted against the inclusion of quotas.

Protests were held by the women's network, forcing UNTAET to make available funds to train close to 200 potential women candidates for the elections. The training was also supported by UNIFEM. Incentive mechanisms were informally made whereby political parties who fielded at least 30 per cent women candidates on their party lists earned extra airtime for their campaigning on UNTAET-run radio and TV. REDE also backed three women candidates for the national constituency, although none were elected. Out of the 88-member total for the Constituent Assembly, 23 women members were elected.<sup>5</sup> Criticism against members of the National Council who voted against the quotas and belonged to political parties made some parties adopt informal internal quotas for their candidates list.

The second-largest party, the Democratic Party in the Constituent Assembly and now the national parliament, has no women members. The Socialist Party had a woman heading its list, but having won only one seat substituted the woman member by the next member on the list, who is a man.

The constitution is another important instrument for women, for although it does not include mandatory quotas, it tasks the state to ensure equality of opportunity between men and women. The constitution also enshrines the principle that equal participation is a necessary component of democracy.

### **3. Women's participation in the electoral process**

In summary the SRSG and the IEC were fully supportive of women's participation in the Constituent Assembly electoral process. Conditions created to enable women's participation and the policies developed did not happen voluntarily however and were conditioned as is shown by the quota debate. Pressure exerted through REDE, the Gender Affairs Unit<sup>12</sup> with support from UNIFEM and other sympathetic voices within the Timorese leadership contributed to measures being adopted.

*What support was provided by whom to promote women's participation in all aspects of electoral assistance What worked and what did not work in describing the electoral process what concrete measures were taken to promote involvement of women in following:*

The Electoral Affairs Division within UNTAET issued a note setting forth action to be taken by UNTAET and the IEC to promote women's participation in the electoral process

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<sup>12</sup> UNTAET, Report on Security Council Resolution 1325 by Sherril Whittington 2002.

<sup>13</sup>. This note, which covered incentives to political parties, integration of women in the IEC and electoral information and education policy, became the basis for a number of concrete measures taken. A summary of these measures is provided below in the relevant sections together with other complimentary actions by other agencies with brief comments on their success.

#### **4. Gender sensitive legislation governing electoral assistance**

As per case study, although measures were subsequently taken to provide specific incentives to women's participation.

##### Voter registration

The voter registration was targeted generally at those meeting eligible criteria to vote. The civic education campaign encouraged all those meeting the criteria to register. Voter registration results showed a high turn out with similar number of women and men voters registered as per the calculated demographics. The 2004 census to be conducted in July will provide the necessary data for comparison in this year's voter registration for the village elections.

##### Voter education

IEC: Voter education material produced should be gender oriented . Assuring gender sensitive timing for all training activities, ensuring that all materials produced be gender oriented, avoiding sexist messages or sexist images, undertaking specific efforts in contents and texts to empowering women's position, designing and conducting special training for women groups on electoral issues and designing and conducting special training for women running for CA assembly seats

UNTAET conducted a large civic education campaign which did make reference to gender issues. The IEC's own voter education and materials produced consistently showed gender sensitive images as set out in its policy document.

##### Special measures

Incentives to political parties by UNTAET: assure basic assistance for all political parties and independent candidates on an equal basis whilst offering special assistance incentives, mostly through mass media exposure, special training in political issues and transport facilities for parties with a quota of women candidates in their list, in winning positions and independent candidates.

Special incentives in the form of extra airtime was provided to political parties. However most of the messages read out by women candidates did not make reference to women's rights at all and simply repeated general party lines. The party messages were bland and

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<sup>13</sup> Note on actions promoting women's participation in the electoral process, Dili 15 March 2001, Electoral Affairs Division of UNTAET

unattractive and soon became a source of jokes for viewers leading to the TV in particular being turned off when they came on. Clearly the parties attempted to take advantage of the special measures but paid lip service to the real issue of women's participation.

Special measures were also taken to integrate women into the IEC through active recruitment of Timorese women and an established quota as follows: 2 electoral commissioners, 5 headquarters staff, 26 staff officers at district level, 65 subdistrict officers and 500 polling stations officers. Complete information was not found to ascertain whether the quota had been met except for the commissioners, two of which were indeed female, a Timorese and an international who chaired the commission.

#### Working with political parties

The SRSB convened a meeting with all registered political party leaders and was a strong advocate for parties to include women in their party lists with further encouragements for these to be implemented. However without sanctions and in respect for the SRSB most political parties agreed but failed to have concrete policies to ensure active participation by women in their parties throughout the full electoral process. Others did not have the knowledge to ensure that this was properly achieved.

#### Identifying and training women candidates

Through the efforts of UNTAET's Gender Affairs Unit and UNIFEM over 200 women possible candidates were trained. The training included putting together a platform, campaigning, public speaking, leadership and so forth. Some of the women did run for the elections with some on party lists elected. Importantly, a women political caucus was established of women trainees who went on to provide support to women candidates and later lobbied for the inclusion of women rights clause in the Constitution.

#### Observing elections

The Catholic Institute for International Relations (CIIR) fielded an all woman member observer mission to observe the elections with a special emphasis on women's participation in the election. The subsequent report produced highlighted both successes and failures of women's participation. The report reiterated the importance of much more concerted effort in proceeding elections to ensure better women's participation.

#### Role of media in elections

Special campaign by the IEC and extra airtime given to women candidates. There was a raised consciousness in covering women in the elections although traditional male political leaders continued to dominate coverage. Coverage given as a result for the controversial quota debate was nonetheless important, attracting the international media's attention as well. The Electoral Media Commission established to monitor coverage of

the elections also produced report which made reference to a fair coverage and depiction of gender in the elections.

##### **5. Identify factors and aspects? obstacles, lessons learned, good practises, or other suggestions in promoting and supporting the full participation of women in electoral processes**

The actions described to promote women's participation in the electoral process was a fair attempt by UNTAET, the IEC, UN agencies and women's organisations at doing so. Nonetheless their success was largely dependent on the strength of the women's movement, who, although achieved modest results, did not completely win its battle for full participation of women in the process. The women's movement still has a great challenge ahead of it, as it is working not only to create the appropriate legislation and framework for women's participation but also has to work to change mindsets. In this respect cultural practise is an extremely important consideration and perhaps the most difficult to break through.

Traditional power structures continue to be strong. These are responsible for many of the decisions taken at the village level. In particular political decision-making in the rural areas need to be understood as the traditional system prescribes a set of rules and procedures as to how these decisions are taken with attributed responsibilities as to who can be chosen and who are the decision makers. These are concentrated amongst the senior males of the village.<sup>14</sup>

Furthermore political parties canvassed for votes during the Constituent Assembly Elections by targeting the heads of villages. They did this to obtain the support of the chief by using the premise that if this was achieved then the village would be instructed to vote in a particular way. Therefore and until this cycle is broken and until each voter truly is able to understand the process and decide for themselves measures taken need to take the particular cultural context in mind. International organisations must also have clear policies as to agreed measures pertaining to women's participation in the electoral process and be responsive also to local needs and in particularly women's needs.

To conclude the Constituent Assembly Elections provided an important learning experience for East Timor on women's participation on the electoral process. The question of quotas for example has been revisited and in the Village Electoral Law recently adopted by Parliament, 3 seats have been reserved for women in the Village Councils. Nonetheless this is the first step, effort still has to be made to ensure that appropriate women do become candidates and sufficient support is given beyond the elections to ensure that the women once elected are active participants and contribute.

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<sup>14</sup> Ospina S and Hohe T, Traditional Power Structures and Local Governance in East Timor, 2002