

# **EUROPEAN PARLIAMENT**

**Account of the mission  
to observe the  
second round of the  
presidential elections  
in Indonesia  
20 September 2004**

5 October 2004

## INTRODUCTION

At its meeting of 9 September 2004, the Conference of Presidents of the European Parliament authorised a delegation composed of five members to observe the second round of the presidential elections to be held in Indonesia on 20 September 2004, subject to receiving an official invitation. An official invitation to the European Parliament was sent by the Chairman of the Indonesian Electoral Commission on 8 September 2004.

A Memorandum of Understanding between the European Commission on behalf of the European Union and the Government of the Republic of Indonesia on the observation of the legislative and presidential elections had been signed on 20 February 2004, after which a core team and long term observers (LTOs) went to Indonesia under Mr Glyn Ford, MEP, Chief Observer.

The European Parliament had already sent a delegation to observe the legislative elections on 5 April 2004.

The delegation to observe the second round of the presidential elections on 20 September was composed of:

Mr Nirj Deva, leader of the delegation  
Mr Jas Gawronski.

Owing to the short time between the decision of the Conference of Presidents and the departure for the elections, only two Members were able to participate (even though the decision provided for five).

## ARRIVALS

Mr Deva arrived in Jakarta on 19 September 2004 at 16.25 hrs on flight TG413.  
Mr Gawronski arrived on 18 September 2004 at 17.35 hrs on flight LH 778.

## PROGRAMME OF THE MISSION

### **Saturday, 18 September 2004**

Morning: secretariat meetings with and briefing by core team.

15.00 hrs Meeting with representatives of domestic observer groups.

Arrival of Mr Gawronski.

Preliminary discussions with Mr Glyn Ford, Chief Observer.  
Mr Gawronski participated in a dinner discussion with the Carter Centre, Jakarta.

### **Sunday, 19 September 2004**

10.40 hrs Departure of Mr Gawronski for Denpasar, Bali.

Morning and afternoon, secretariat contacts with the core team (Jakarta), and briefing from Ms Dimitra Ioannou, long-term observer, South Jakarta (in whose area Mr Deva observed polling and the count).

16.25 hrs Arrival of Mr Deva.

### **Monday, 20 September 2004 - Polling Day**

Mr Deva (accompanied by Mr Rose of the secretariat) observed the election in South Jakarta. As from 06.40 hrs he observed the opening of a polling station in Tebet Timur (polling station no 018). He then observed eleven polling stations in South Jakarta, in the Teber Timur area, and the closing of polling station no 024 in Tebet Timur, as well as the count in that polling station.

In the evening he observed the aggregation of the count in Kecamatan Pancoran, where the aggregation of results from 59 permanent and 1 mobile polling station was conducted. This continued until 23.55 hrs.

Mr Gawronski observed the elections in Bali. He visited twenty polling stations in and near Denpasar, and observed the count in a polling station.

### **Tuesday, 21 September 2004**

Mr Gawronski left Denpasar at 14.00 hrs on flight GA409. He left Jakarta at 18.55 hrs on flight KL838 for Amsterdam.

Mr Deva visited PPKs at aggregation centres at Kecamatan level in West Jakarta and in the area around Kota.

18.00 hrs Mr Deva had a meeting with the British Ambassador, Mr Humfrey.

### **Wednesday, 22 September 2004**

Contacts and debriefings with the core team.

12.30 hrs Luncheon hosted by Mr Sabato DellaMonica, Head of the EC Delegation to Indonesia.

20.00 hrs Debriefing for all short-term observers in the Mandarin Oriental Hotel.

### **Thursday, 23 September 2004**

11.00 hrs Press conference and issuing of preliminary statement (see text annexed) by Mr Glyn Ford.

Mr Deva left Indonesia at 20.35 hrs on flight EK 349.

## BACKGROUND TO THE ELECTIONS

Parliamentary and local government elections were held on 5 April 2004. The results of the parliamentary elections to the DPR (House of Representatives - the main legislative chamber) were:

<b>Party</b>	<b>% votes</b>	<b>Seats</b>
Party of Functional Groups (Golkar)	21,58 %	128
Indonesia Democracy Party of Struggle (PDI-P)	18,53 %	109
National Awakening Party (PKB)	10,57 %	52
United Development Party (PPP)	8,15 %	58
Democratic Party (DP)	7,45 %	57
Justice and Prosperity Party (PKS)	7,34 %	45
National Mandate Party (PAN)	6,44 %	52
17 other Parties	19,94 %	49
<b>Total</b>	<b>100%</b>	<b>550</b>

The turnout was 83%.

Thus Golkar (the party of former President Suharto), under the chairmanship of Akbar Tandjung, won 21.58% of the votes and 128 seats, while the other main party, the PDI-P, obtained 18.53% of the votes and 109 seats.

In the first round of the presidential elections held on 5 July 2004 no candidate won over 50% of the vote. Thus it was necessary to hold a second round on 20 September 2004.

The results of the first round were as follows:

<b>Candidate</b>	<b>% votes</b>
General Susilo Bambang Yudhoyono (DP)	33.6%
Mrs Megawati Soekarnoputri (PDI-P)	26.3%
General Wiranto (Golkar)	22.2%
Mr Amien Rais (PAN)	14.7%
Vice-President Hamzah Haz (PPP)	3%

The two receiving the most votes, General Susilo Bambang Yudhoyono (SBY) and Mrs Megawati Soekarnoputri went into the second round.

### Developments between the first and second rounds

Mrs Megawati chose as her Vice-Presidential running-mate Mr Hasyim Muzadi. SBY's running mate was Mr Yusuf Kalla (former Golkar minister).

Following the first round, intense negotiations between parties and factions resulted in various groups rallying to the two remaining candidates.

Megawati Soekarnoputri of the PDI-P (109 seats in the DPR) formed a 'National Coalition' with the official Golkar party (128 seats in the DPR) as well as with the PPP (58 seats in the DPR) of

her Vice-President Hamzah Haz, and the small PDS (12 seats in the DPR). The much smaller PNI Marhaenisme and PBR Parties associated themselves with the National Coalition.

The declaration of support for Mrs Megawati did not meet with universal support within Golkar. Eleven Golkar regional executive boards declared their support for SBY. There was also dissent among the PPP ranks, with Ismael Hasan Metareum, the leader of the Indonesian Muslim Brotherhood, one of the PPP's founding groups, declaring his support for Yudhoyono.

Mr Yudhoyono of the Democratic Party (DP - 57 seats in the DPR) was supported by the smaller PKS (45 seats in the DPR) PBB and PKPI parties. There was not a formal declaration of a coalition. Mr Yudhoyono stated that the intention of his supporters would be to elect a President and Vice-President, not to set up a coalition of parties.

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Mr Yudhoyono, retired army general and former Minister of Security, ran on a platform based on cleaning up corruption reinforced by his own clean reputation. This is why he shunned the sort of horse-trading between parties that had been conducted by Mrs Megawati in the run-up to the second round.

In the period immediately before the election, opinion polls put Mr Yudhoyono ahead (two different polls put him at 61.1% as opposed to 30.3% for Mrs Megawati, or at 41.3% against 34.7% for Mrs Megawati).

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#### ACCESS TO THE MEDIA

According to the EUEOM core team, the media played a positive role in disseminating information about the candidates and election activities. However campaigning was restricted to only three days, which inhibited media coverage, and led to attempts by both the media and the candidates to circumvent the rules.

The state television network TVRI was strongly biased in favour of Mrs Megawati. Her daily actions were reported. Commercial television companies gave more even-handed coverage to both candidates. One company, Metro TV, favoured SBY.

The print media was generally more balanced, except for the magazine Kompas, which favoured Mrs Megawati.

Most radio stations tended to give greater coverage to Mrs Megawati. One radio, 68H, devoted greater coverage to SBY.

#### VOTER EDUCATION

Voter education was generally better than in the two earlier elections, though this may be because the system was simpler. Voters simply punched a hole in the place indicated for one or the other President/Vice-President team.

Nevertheless some polling station staff were not aware of all the rules, and there were inadequacies in the counting and transmission of results in some polling stations. It was generally believed that this was due to insufficient training rather than to any intention to defraud.

## CONCLUSIONS AND RESULTS OF THE ELECTIONS

The delegation of the European Parliament concluded that the second round of the presidential election held on 20 September 2004 was generally satisfactory. Though there were irregularities regarding procedures, no obvious attempt at fraud or intimidation was observed by any of the EP observers.

The Election Commission, the KPU, was an independent body. Local KPUs, appointed by the national KPU, were also without party affiliation.

Most polling stations started proceedings at 7.00 hrs as instructed, with a swearing in ceremony followed by the usual sealing of ballot boxes and counting of ballot papers. Representatives of political parties, and the public, witnessed these procedures. Delays were reported in some polling stations observed by the EP delegation, notably in Bali.

Several observers reported some irregularities, notably with regard to respect for procedures on the part of polling staff. In a large number of polling stations voters fingers were not systematically checked for indelible ink. There was a report of one polling station in which voters' names were not ticked off the register as they voted.

The small ballot paper used for the second round was much easier to handle than the bigger papers in the earlier elections. Similarly the ballot boxes were adequate for these papers.

The European Parliament delegation did not encounter any local observers in the polling stations, though they were present at the aggregations witnessed.

Polling stations were allowed to close early (normal end of polling 13.00 hrs) if all voters on the list had voted. In fact several cases were reported of polling stations closing early even though some on the list had not yet voted. When questioned, polling officials stated that those in question would not vote, for a variety of reasons (dead, seriously ill, had left the area, etc.). As there were only about 300 names on the list for each polling stations, it is possible that local knowledge prevailed, even though the rules were not strictly adhered to.

The count was generally well conducted, despite some technical problems on the part of polling staff in certain stations. Even there the general consensus was that errors were due to lack of training, rather than to bias in favour of a particular candidate.

Aggregation of results went much more quickly on this occasion.

Results are posted on the KPU web site, which contributes enormously to the transparency of the proceeding. However the results aggregation forms were not displayed in all cases.

Final results were declared on 4 October. General Yudhoyono obtained some 61% of the votes and Mrs Megawati 39%. Thus SBY is a clear winner.

**European Union Election Observation Mission to Indonesia  
Second Round Presidential and Vice-Presidential Elections 20 September 2004**

**Preliminary Statement**

**Landmark elections strengthen democratic transition  
Jakarta, 23 September 2004**

**Summary**

- **The second round of the Presidential Elections is the culminating event of an historic electoral year that firmly consolidated the democratic reform process in Indonesia. The elections proceeded peacefully, largely in line with international standards.**
- **On election day, polling and counting were carried out in an impartial and transparent manner, despite some irregularities in the implementation of procedures.**
- **The General Election Commission (KPU) generally administered a most challenging election process successfully, which represents a significant achievement.**
- **KPU rules limiting campaigning to a three-day period were highly restrictive, hampering the ability of the voters to make an informed choice and benefiting the incumbent.**
- **The media performed a meaningful role within the limiting regulatory framework, however state television was strongly biased in favour of the incumbent.**

**Introduction**

The European Union Election Observation Mission (EU EOM) has been in Indonesia since 29 February 2004, following an invitation from the KPU to observe the 2004 Legislative and Presidential Elections.

The Mission is led by Chief Observer Mr. Glyn Ford (UK), Member of the European Parliament, and includes observers from EU Member States, as well as Switzerland and Norway.

The EU EOM to Indonesia is composed of 11 experts at the central level, 65 Long-Term Observers (LTOs) who observed the pre-electoral environment, 125 Short-Term Observers (STOs) and 18 locally recruited STOs from EU Member State Embassies who observed polling, counting and the aggregation of results. A small delegation from the European Parliament led by Mr. Nirj Deva (UK) joined the EU EOM as STOs. In total, 224 observers were deployed to all 32 Indonesian provinces, reporting on opening, polling, closing and counting procedures in 1,343 polling stations and 111 aggregation centres at the village level. Unlike previous elections, permission was granted to EU EOM observers to be deployed in Nanggroe Aceh Darussalam (NAD), Maluku and Papua without delay. The EU EOM will remain in country to observe further stages of the electoral process, including the aggregation and announcement of results. The EU EOM will issue a comprehensive final report including detailed recommendations at the beginning of November 2004.

## Legal Framework

- The legislative framework provides for the conduct of democratic elections.
- However, the KPU issued a belated and very restrictive decree on electoral campaigning that allowed for a three-day period of ‘refinement of the vision, mission and working programme’ of the candidates, and limited the type of activities that could take place in this period. This formulation is highly unusual for a two-round election system. The decree hampered the electorate’s ability to make an informed choice and benefited the incumbent.
- A number of regulations and instructions (for example on early closing and the validity of ballots) were enacted by the KPU very late in the process. Their interpretation and implementation varied considerably at the different levels of the election administration.
- The financial provisions of Law 23/2004 for reporting on candidates’ campaign expenditure lack adequate sanctions to deter and prevent violations. The KPU regulations also omitted proper guidelines on the type of information to be disclosed in the candidates’ financial reports. It was also unfortunate that the KPU enacted no specific regulations for the candidate teams’ funding and expenditure during the second round.

## Pre-Election Environment

- The verdicts of the Constitutional Court on the challenges to the elections results of the first round and of the Supreme Court on the legality of the KPU circulars validating the double-punched ballots were accepted by the plaintiffs and by the public, thus demonstrating a commitment to democratic values.
- Just two weeks prior to the elections, on 9 September, a powerful bomb exploded outside the Australian Embassy in Jakarta, which killed 10 and injured nearly 200 Indonesian citizens. Security matters, which had previously been of a low priority in the campaign, were brought to the fore, with both candidates promising to reform and improve state security and intelligence agencies.
- The delayed and restrictive regulations on campaigning led to ambiguity over how the candidates could maintain their visibility and access to voters in the pre-election period. The legal vacuum before the regulations were adopted opened up the possibility for candidates to campaign unofficially. Prior to the official campaign period, both candidate pairs toured the country promoting themselves at various events. Megawati Soekarnoputri (Megawati) attended many official events in her capacity as incumbent president, distributed substantial donations, low interest loans, campaign material and medical check-ups, while Susilo Bambang Yudhoyono (SBY) held a series of less well publicised meetings, sponsored sports events and celebrated various anniversaries.
- Various forms of ‘hidden’ campaigning took place, including the controversial pro-government ‘Indonesia Success’ competition, sponsored by state enterprises and several banks. In addition, ‘black’ campaign material was distributed throughout the country attacking SBY in the form of pamphlets, leaflets and SMS text messages. The three-day campaign silence was broken through the use of media, as well as through the organisation of campaign rallies and leafleting in some areas of the country (Banten, Jakarta, Jambi, East Java).
- EU EOM observers reported on and witnessed a number of incidences of voter intimidation. This included pressure on plantation workers, which was directly observed in North Sumatra, West Sumatra and Lampung, and reported in Jambi and East Java. There were also reports and allegations from seven provinces that state officials and managers of state-owned companies



breached rules on neutrality, for example by intimidating factory workers and members of military families.

- EU EOM observers were denied access to electoral activities and facilities in the Freeport-owned part of Mimika Sub-district, Province of Papua. This was an unacceptable restriction on observers' freedom of movement and violated KPU provisions in this regard.

### **Election Administration**

- The logistics preparations were conducted in an efficient and timely manner, and measures were introduced to reduce the likelihood of voter impersonation, multiple voting and double-punched ballots. Regrettably, the KPU's additional budget requests, caused by its severe initial underestimation and bad planning of electoral costs, were only belatedly and partially met by the Parliament, impacting negatively on the KPU's ability to conduct timely training and voter education programmes and provide adequate payment to polling station staff.
- The process of updating voter lists was badly managed and unevenly implemented throughout the provinces. The KPU failed to properly supervise the registration activities in the provinces. The difficulties encountered in continuously updating the voter lists highlighted the need for work to start immediately to establish a permanent and centralised voter register.
- The Election Supervisory Committee (PANWASLU) was much less active in highlighting electoral violations and played a more marginal role compared to the previous elections. Its functions were limited by the KPU in the immediate aftermath of the first round of elections, by removing its right to supervise disputes between the KPU and political parties and candidates. In addition, the long unregulated period prior to the electoral campaign found the institution unclear about its role.
- The insufficient allocation of funds by the KPU to training activities remained a disappointing feature of the elections, however cascade training activities were implemented in many provinces. EU EOM observers found that the response to these training sessions by election officials was mixed, with demotivation sometimes limiting the effectiveness of training on the new procedures. Far fewer voter education initiatives were observed than in the first round.
- Major confusion and inconsistencies arose as a consequence of the recent re-organisation of the election administration structure in Papua. The confusion is caused by the disputed nature of the Law on Special Autonomy of Papua (21/2001) and the Law on Formation of the Provinces of Central Irian Jaya and Western Irian Jaya (45/1999). The resolution of the issue has been delayed by the Constitutional Court's failure to rule on the constitutionality of Law 45/1999.
- The KPU rightly resisted pressure from a number of political parties to abandon the use of the electronic count. The operation proved to be an important instrument for the enhancement of transparency and accountability of the entire process, helping stakeholders to follow the results aggregation process and identify potential areas of concern.

### **Media Coverage**

- In general the media played a positive role by disseminating information about the candidates and the various election activities, and by highlighting possible campaign violations. However, the highly restrictive campaign regulations frequently led to efforts by both media and candidate

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<sup>1</sup> The EU EOM media monitoring team monitored TVRI, RCTI, SCTV, Indosiar, Metro TV, RRI, Radio 68H, Kompas, Indo Pos, Republika, Koran Tempo, Media Indonesia and Pos Kota.

teams to circumvent the rules through hidden and indirect candidate promotion or negative advertising.

- The state television company TVRI showed a pronounced bias in favour of Megawati, devoting disproportionate amounts of coverage to positive reviews of her activities and achievements in office. Many examples of unequal treatment by TVRI were recorded, including the daily pro-government programme “Knitting Together for the Future”, adverts for “Education Reform”, paid for by the Ministry of National Education, showing children dyeing T-shirts red and painting the number “2” on them (the colour and number of the Megawati campaign), and anti-SBY adverts broadcast during the campaign silence.
- Commercial television companies, in particular SCTV and RCTI, provided more equitable access to the two candidates than the state channel, particularly in news. In the weeks running up to the elections Metro TV began to show a bias in favour of SBY, in contrast to its performance during the previous round, when it favoured Megawati. Metro TV also broadcast indirect adverts for both candidates in the form of ‘testimonials’ by third parties during the campaign silence.
- Print media performance was generally balanced, with the exception of Kompas, which indicated a bias in favour of Megawati. The private radio company Radio 68H was the only media outlet monitored which devoted greater coverage to SBY than to Megawati.

### **Election Day**

- EU EOM observers were sent to all 32 provinces on the basis of the standard EU deployment criteria. A total of 164 polling stations were observed for the opening, 1,046 for voting, 133 for counting and 111 for the first level of aggregation.
- Polling took place in an orderly and peaceful manner. The polling process was evaluated positively in 82% of polling stations visited. The impartiality of polling station officials was assessed highly.
- Safety mechanisms to prevent multiple voting were not uniformly applied and the voter lists proved to be a matter of serious concern. In several cases those used were the marked lists from previous elections, or included handwritten attachments containing updates. The lists were not found in 6% of polling stations visited, and in 21% of polling stations visited they were not used to identify voters against voter card details. Inking procedures were better implemented, and the quality of the ink considerably improved in comparison to previous elections. However, voters were not checked for ink in 54% of polling stations visited.
- Domestic observers were only present in 13% of polling stations visited. The diminished presence appears to be related to the exhaustion of international funding. However, they continued to play a role in observing matters related to the pre-election period and the aggregation of results.
- Candidate witnesses were present in 94% of polling stations visited. In 73% of these cases, witnesses from both candidate teams were observed. They appeared more aware of the polling procedures than in previous rounds. Complaints on minor irregularities were lodged in 11% of polling stations observed.
- Counting procedures were assessed slightly more positively than in the first round. However, KPU instructions on early closing generated incorrect and inconsistent interpretations and opened the door to potential abuses and manipulation. In 14 provinces, some polling stations closed even earlier than allowed. Results were posted outside of polling stations at only 30% of the sites visited.

- The aggregation of results at the village level where EU EOM observers were present was conducted smoothly and transparently. However, the results aggregation forms were displayed in only 57% of cases observed and were properly signed and initialled by candidate witnesses in only 51% of the observed cases. LTOs will remain to observe and report on the results aggregation process at the higher levels.

## **Recommendations**

- The EU EOM calls on all stakeholders to continue to act responsibly and ensure that the final stages of the process are carried out swiftly and transparently.
- Final results for all elections must be expeditiously published on the KPU website broken down to the polling station levels.
- The KPU should take immediate steps to implement a permanent and centralised voter register, in view of the anticipated local elections in 2005.
- The KPU should oblige the candidate teams to make public their campaign funding and expenditure for the second round.
- Broadcast media regulations for future elections should allow for equitable and balanced coverage of the electoral contestants.

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