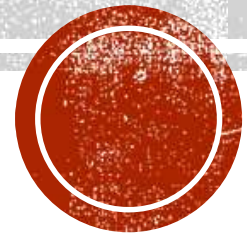


# Political Parties Accountability and Transparency in Timor-Leste

Celso da Fonseca



# Timor-Leste (Past and Now)

- Portuguese rule and its decline (1702–1975)
- Indonesian rule (1975–1999)
- Emergency period (1999–2001)
- Transition to independence from 2002 to now (2020)
- National building and peace Building (Post-conflict and fragile state)



Using the World Bank's 2006 governance indicators, for example, almost all post-conflict countries show relatively weak performance in government effectiveness, political stability and control of violence, voice and accountability, regulatory quality, and control of corruption UNDESA and UNDP (2007. p-10)



# TL-DEMOCRATIZATION & DEMOCRACY CONSOLIDATION

- Linz and Stepan in their book “Pre-transition regime and the nature of the transition that have direct consequences for the nature and durability”.
- Five important core issues for democracy consolidation: 1) civil society 2) political society 3) rule of law 4) state bureaucracy and 5) economic society. (Linz and Stepan, 1996 p.7)

## CIVIL SOCIETY AND POLITICAL SOCIETY ---- GOOD GOVERNANCE

*“The year 2012 was a landmark with the conduct of peaceful, free, and fair elections” (Asia Foundation, 2019).*

*“Political impasse July 2017”*



# GOOD GOVERNANCE

- Good governance on four key components of good governance < ADB defined >.
  - 1) **Accountability**, the capacity to hold public officials responsible for their actions
  - 2) **Transparency**, allowing low-cost access to relevant information;
  - 3) **Predictability**, provided by laws and regulations that are clear, known in advance, uniformly applied, and effectively enforced;
  - 4) **Participation**, to allow government to obtain reliable information and citizens to act as a watchdog for government action

**Political participation: Political parties, election, voters**

*Constitution: Art. 65-Election, Vote-111, Political Party-106*



# POLITICS AND ELECTION IN TIMOR-LESTE

- TIMOR-LESTE : Republika Demoratika Timor-Leste (RDTL).
- The political system in Timor-Leste semi-presidential. Both the parliament members and president are elected through the popular vote for every five years.
- The first election in Timor-Leste: held in August 2001, 88 member Constituent Assembly and in 2002 transformed to national parliament members.
- *The parliamentary election in Timor-Leste: 2001, 2007, 2012, 2017, 2018*

*Adopting democratic system is not only in on the formal way but it is more about the whole system in the state intuitions.*



# **LEGAL SOURCES FOR POLITICAL PARTIES AND FUNDING IN TIMOR-LESTE**

- National Constitution of RDTL
- Law No. 5/2006 Electoral body
- Law No. 6/2008, (Legal regime for the financing of political parties)
- Law on the Election of the National Parliament Law No. 6/2006 with new (alteration) Law No.19/2017
- National Commission of Election: Based on National Constitution RDTL (article 65) and Law no. 7/2016 Electoral management body



# ELECTION AND POLITICAL PARTIES FUNDING

- The role of political parties in the general election process, including the acquisition and disposal of financial support. Article 2 expresses general principles on financing political parties and election campaigns the following general principles < The Law No. 3/2004 (Political Party Law), which was amended via Law No.2 / 2016>
  1. Legality;
  2. Transparency regarding the origin and application of financing; and
  3. Presentation, inspection and publicity of the accounts.



# STATE SUBSIDIES FOR POLITICAL PARTIES

Why state provide subsidy to political parties?

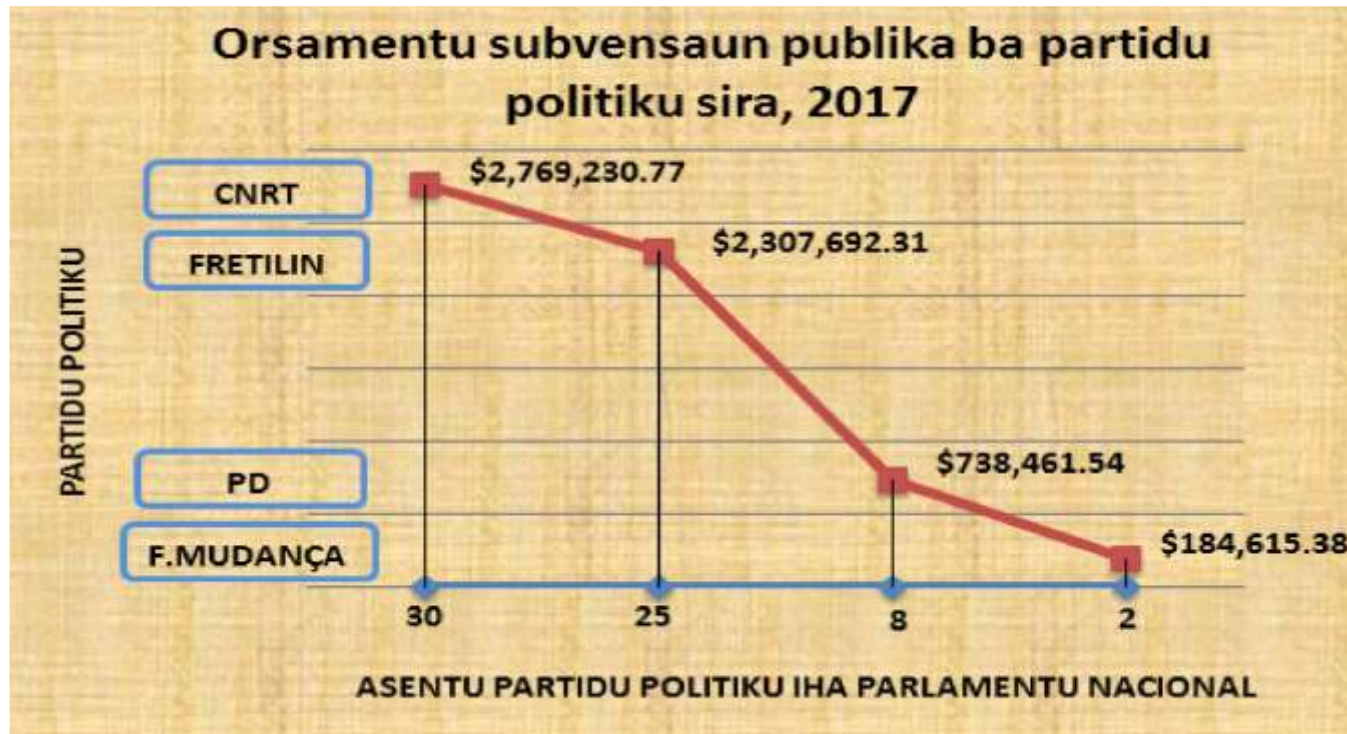
- **Falguera et al.**, .....subsidies for political parties is a way to promote democracy, and enable fair and equal representation in elections.
- **The Electoral Knowledge Network:** .....financial assistance to political parties through campaign subsidies, to carry out the functions as the public representatives-diverse across the world based on culture, precedent and legal standards





# FINANCIAL SOURCE AND EXPENSES

- Political parties in Timor-Leste are privileged to access subsidies as amplified through the Legal Regime for the financing of political party's law, no. 6/2008.



# COMPLIANCE IN THE NAME OF ACCOUNTABILITY AND TRANSPARENCY

- That all political parties must be transparent in term of providing information related to political party's activities and financial report < Political party law-TL>
- The CNE is mandated to oversee and manage national elections, announce its result at the local and national levels.
- All political parties are expected to submit annual financial reports to the National Commission of Election (CNE), as per Law no. 6/2008 and published on the Journal da Republica of Timor-Leste webpage.

<The question is how the State funds are actually disposed by political parties?>



# DISCUSSION

- Transparency and accountability experienced by the public.
- Lack of accountability and transparency and its implication to the good governance,
- Money politics and corruption involvement.
- Political lobby groups and private supporters as well as assets obtained from supporters.
- Lack of public knowledge on how funds are distributed, used and reported.
- Information about political party subsidies are not publicly accessible.



# CONCLUDING ANALYSIS

- The principles of transparency and accountability of political parties are ingrained in Timor-Leste's legal system, particularly in Law No. 6/2008, and (Legal regime for the financing of political parties) and government decree law No. 18/2017 (the allocation of state subsidies). **However, the operationalization of these principles seem to only happen in the capital city of Timor-Leste.**
- Most political parties have not reported any information about their financial status, despite the existence of online platforms. **< Democratic Party-PD\_website >**
- With respect to private donations, political parties seem to hide any kind of information from the public. **Asset and property declaration is not a common practice, while money laundering seem** to be an issue that has yet to be brought to public knowledge and scrutiny.
- Technology can be maximized to make **information more accessible to the public**, especially those living in remote areas.
- In a young democratic country with a small population, it is crucial for the government, especially for political parties, to be more transparent and accountable, which can be done through intense **socialization, public participation, and systemic reforms.**
- There is still so much to be done to make political parties more attuned to the principles of transparency and accountability.



# RECOMMENDATIONS FOR REFORM

- Political parties must be obliged to fully disclose their finance situation publicly, via reports or their online platforms. This will enable the public to review their work, and scrutise irregularities.
- All annual activities plans should be submitted to CNE and published through the Republic Journal. These documents ensure that political parties are using the state budget for their internal activities in an efficient and impactful manner.
- The current political party law should therefore be ammended to regulate sources of funding, and efficiently provide robust legitimacy to CNE.
- Regulations and laws on anti-money laundering and financial procedures, should strengthened by including control mechanisms, as well as punitive sanction for those who are unable to comply or abide by standards.
- Cooperation between institutions is seen as a means to achieve durable solutions. Therefore, the National Ombudsman (PDHJ), Anti-Corruption Commission (CAC), and CNE and academics institutions must work together to ensure political parties can be controlled and held accountable.
- Strict guidelines have to be set on how funds, specifically those given by the State, are used. Political parties must be aware that these resources should fully benefit the development of their respective constituencies.
- The CNE, too, has to be reformed by providing more human resources and capacity to audit and reprimand political parties at fault.
- Law enforcers and the judiciary must be socialized about this rather crucial political and social issue. Individual and organization accountability must be upheld at all times.



**Thank You**

**Obrigado**

