

On 16 February 2015, Timor-Leste's President Taur Matan Ruak swore in a new prime minister and government. This came not after an election, but following the mid-term resignation of the country's longest-serving prime minister and former resistance hero, Xanana Gusmão.

Gusmão's resignation did not come out of the blue. He first signalled an intention to resign in late 2013 although the 2014 timetable which he set himself came and went. Again in his New Year message for 2015, he spoke of the political marathon he had run and the need for a change in both leadership and direction. This time it was on. In the build-up to his resignation he made it plain to the senior officials of the three parties represented in his coalition government that he would not be dissuaded and, as a symbolic lock-in, he picked the exact mid-point of his five-year term to transmit his written resignation to the president.

Gusmão's resignation comes as part of a long-discussed intent to fundamentally reshape his bloated and underperforming government of 54 ministers, vice-ministers and secretaries of state. A reshuffle of some description had been on the cards for many months. The resignation of the prime minister, which constitutionally produces a spill of the entire government (Article 112(b)), was an unexpected if guaranteed way to ensure the government's complete overhaul.

In the days before resigning, Gusmão paved the political path for his preferred successor: Dr Rui Araújo from the opposition FRETILIN party. Araújo served as health minister in the first FRETILIN government and as deputy prime minister in the government formed after the 2006 political and security crisis. While he is highly regarded, experienced in the business of government and no party hack, the decision clearly did not sit well with the heads of Gusmão's coalition partners nor his own party, CNRT,<sup>1</sup> who wanted one of their own number to be anointed. After three days of fraught discussions between the top office holders of the three coalition parties, Gusmão wrote to them on 4 February noting their concerns and the forthright way in which they had been expressed but reminding them of the

importance of putting 'the interests of the State above the interests of the parties'. He went on to explain why Dr Araújo was the outstanding designate as prime minister and continued bluntly:

I apologise for being so frank with you, but I have not found, in the coalition block, one person with the theoretical, technical and professional grounding necessary to guarantee, as head of government, the governmental stability so necessary for this transition.<sup>2</sup>

While constitutionally it is not for Gusmão as prime minister to anoint his successor, he does, as the president of the senior party in the coalition government, have considerable influence in identifying who will follow him. Article 106 of the constitution stipulates that the prime minister is designated by the political party with the most votes or the alliance of political parties with a parliamentary majority. It is then up to the president to determine whom to appoint after consultation with all the political parties represented in the parliament.

The president has been careful to follow the prescribed constitutional steps. His office went to the length of issuing a formal notice outlining 'What the Constitution says about the resignation of the Government'<sup>3</sup> the day before the new prime minister was announced, and the formal announcement reiterated the steps:

H.E. President of Republic concluded today the hearings with parties having seats at the Parliament on the nomination of the new Prime Minister.

As a result of these hearings, President of Republic accepted the proposal of CNRT, the most voted party at the last legislative elections, which nominated Dr. Rui Maria Araújo for the post as Prime Minister.<sup>4</sup>

Politically and constitutionally, the change of government has been seamless — a contrast with previous transitions. 2015 is not the first time that Timor-Leste has changed government part-way through a parliamentary term. In 2006, at the peak of a political and security crisis that had the international

community speculating whether Timor-Leste was a failing state, Gusmão as then head of state effectively forced the FRETILIN prime minister, Mari Alkatiri, to resign. President Gusmão proceeded to test the limits of presidential discretion under Article 106 when he resisted discussions with the FRETILIN party leadership on the grounds of contested legitimacy, consenting instead to deal with the party's leaders in the parliament. As the game of political hardball continued, he accepted an agreed slate of three names from which to appoint the next prime minister. The slate included a non-partisan nominee, his preferred candidate whom he went on to appoint. The other two people on the list, one of whom was Dr Araújo, were appointed as deputies to the new prime minister.

In 2007 Timor-Leste held its first parliamentary election since independence, and FRETILIN won a plurality of votes but not an outright majority. The day after the results were announced, Gusmão as leader of CNRT formalised an alliance of parties that together held a majority of seats. For several weeks then-president Jose Ramos-Horta wavered about whom to invite to form government while weighing constitutional advice on his options. Ultimately, he invited the CNRT coalition to form a government which, for its duration, FRETILIN decried as illegitimate. This complication did not arise in 2012 as CNRT won a plurality of votes and went on to stitch up a majority coalition with two minor parties, leaving FRETILIN as the sole opposition party. The subsequent formation of government was constitutionally uncontroversial but left a bad taste as the CNRT congress bluntly rejected any prospect of working with FRETILIN.

Timor-Leste's constitution was developed at breakneck speed under the impatient eye of a United Nations peacekeeping mission with a short timetable to transition Timor to independence. It is unsurprising that there are areas of ambiguity in the constitution, and that these have come into play at times of crisis and early in the life of the state before settled interpretations and conventions accrue. Equally, where the political process itself engineers a consensus, even a begrudging one, the constitutional machinery works smoothly as in the Araújo transition.

The Araújo government is being widely described as a government of national unity. While FRETILIN

is not formally part of a parliamentary coalition, the party clearly acceded to the nomination of Araújo as prime minister and Araújo in his acceptance speech promised that his government would put the interests of the people above partisan interests. There have been several calls for national unity governments in the past, although always previously the call has come from those left in the cold by majoritarian politics. When the election for a constituent assembly in the lead-up to independence produced a resounding majority for FRETILIN, the United Nations worked assiduously but ultimately unsuccessfully to produce a government-in-waiting that balanced the partisan composition of the assembly. In 2007 the president explored prospects for a unity government and FRETILIN was prepared to countenance it but the CNRT coalition, with the prize of government in sight, ruled it out. In 2012, calls by the outgoing president and the bishop for a government of national unity fell on deaf ears and CNRT rejected the prospect of governing in coalition with FRETILIN in uncompromising terms.

Perhaps this new government will succeed in overcoming partisan instincts as Gusmão and former FRETILIN government leader Alkatiri, bitter political foes in the past but more recently working together, step back from the limelight and leave the younger generation to take over.

### Author notes

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### Endnotes

- 1 Congresso Nacional para a Reconstrução de Timor-Leste — National Congress for the Reconstruction of Timor-Leste.
- 2 Gusmão's letter was reproduced in *Tempo Semanal* on 9 February 2015, <[www.temposemanal.com/nasional/tl-hero-resigned-xanana-proposed-FRETILIN-member-to-take-his-post#.VNIqG67hOm0.facebook](http://www.temposemanal.com/nasional/tl-hero-resigned-xanana-proposed-FRETILIN-member-to-take-his-post#.VNIqG67hOm0.facebook)>. The quotation is my translation of the original Portuguese.
- 3 <<http://presidenciarepublica.tl/constitution-says-resignation-government/?lang=en>>.
- 4 <<http://presidenciarepublica.tl/h-e-president-republic-taur-matan-ruak-accepts-proposal-voted-party-nominee-prime-minister/?lang=en>>.

