

Western Melanesian parliaments<sup>2</sup> are routinely characterised as revolving door, with roughly half (and sometimes more) of the sitting members losing their seats at each election, so that at any one time a large proportion of members are first-termers. This phenomenon is generally attributed to weak political party organisation, the contest between large numbers of candidates for local constituencies, electoral systems that deliver local victories with a minority of votes, and unachievable compacts between constituents and elected members for direct benefits in return for electoral support (Fraenkel 2005; Morgan 2005; Woods 2014). These factors are not at work in Timor-Leste, yet the turnover of members after each election is even higher: 79.5 per cent in 2007 and 61.5 per cent in 2012. The analysis developed in this *In Brief* identifies several contributory factors, and reflects on the implications of the high turnover for parliamentary effectiveness.

The central elements of Timor-Leste's electoral system were devised during the period of the UN peacekeeping mission that administered the territory in the transition from the withdrawal of Portuguese and Indonesian territorial claims in October 1999 to independence in May 2002. An immediate priority in the transition period was to develop a constitution for the new 'state-in-waiting', and the decision was taken to elect a constituent assembly to draft the text. A hybrid electoral system was adopted: 75 members were elected on the basis of a single national constituency with voters choosing a party from closed party lists<sup>3</sup>; and 13 members were elected in district constituencies (one member for each of the 13 districts).

A transitional provision of the constitution<sup>4</sup> (Section 167) provided for the Constituent Assembly to morph into the first parliament at independence. Section 93 of the constitution set the size of future parliaments at between 52 and 65 members, and provided for the details of the electoral system such as constituencies and electoral procedures to be determined by legislation. The electoral law made in December 2006 fixed the number of parliamentary members at 65. It retained the electoral system of closed party lists, but excluded any mechanism for independent candidates to stand. It also established the single national consti-

tuency as the exclusive basis for election, abandoning district constituencies altogether.<sup>5</sup>

In all, three national elections have been held in Timor-Leste: the first in August 2001 to select the Constituent Assembly, the second in June 2007, and the third in July 2012. In each successive election, the number of political parties represented in the parliament has fallen. The members elected to the Constituent Assembly in 2001 were drawn from twelve political parties as well as one independent. This was a matter of some pride to the UN Transitional Administration, which was actively pursuing a pluralist assembly. Nonetheless, one political party — FRETILIN (*Frente Revolucionária de Timor-Leste Independente*) — which had marketed itself as the party of the independence struggle, emerged the clear winner with a comfortable margin of 62.5 per cent of the seats.

The 2007 election was held in turbulent times: the FRETILIN prime minister had been forced to resign 12 months earlier, at a time when extreme violence convulsed the capital, and the situation remained fragile. In the lead-up to the 2007 election, the massively popular president, Xanana Gusmão, stepped down from office and formed a new political party — CNRT (*Congresso Nacional de Reconstrução de Timor-Leste*) — in order to contest the parliamentary election and thus pursue the prime ministership. Seven parties or coalitions of parties<sup>6</sup> won more than the necessary three per cent minimum vote share for election to the parliament. FRETILIN won the single largest share of the vote, but not an outright majority, and government was formed by a coalition of other parties led by CNRT. In the 2012 election, only four parties were elected to the parliament, although a record 20 parties and one coalition of two parties stood for election. CNRT again formed a post-election coalition to achieve a majority.

While the electoral system puts the focus on parties, it is intriguing to observe what is happening at the level of individual members. Only 21.1 per cent of the members ever elected to the parliament have served for more than one term, and the majority of these have only served for two terms; only 3.4 per cent of members ever elected have lasted the distance for three terms. Of those elected for more than one term, six individuals (16.2 per cent) changed political party

in the lead-up to their re-election. Significantly, all but one of them switched from another party to CNRT. This high turnover of members appears counter-intuitive, given the closed party list electoral system<sup>7</sup> and the incidence of members switching to the most popular party. What, then, is going on?

The reduction in size of the parliament from 88 in 2001 to 65 in 2007 does not explain why only 18 members from the first parliament were re-elected in 2007. The formation of the vote-winning CNRT party and the squeezing out of other political parties from re-election account for only some of the turnover. Similarly, the further reduction in the number of successful parties in 2012 is insufficient to explain why only 25 members were re-elected. Another possible element in the mix is the requirement that members of parliament who are appointed to the executive resign their seat, but the impact, if any, would be slight.

A significant part of the turnover would seem to be explained by the decisions of individual members of parliament not to contest the next election, or the decisions of their political parties not to relist them. At first blush, this appears an improbable explanation for the numbers involved: why would an individual sacrifice the status and job satisfaction of parliamentary membership, and why would parties continually turn over experienced members if they want to maximise their effectiveness on the floor of the parliament and in its committees? The controversial policy of providing pensions at the level of full parliamentary salary for members of parliament who have served for a minimum of 42 months<sup>8</sup> may be a factor here. A turnover of members is, anecdotally, a way of extending benefits to a larger number of party loyalists. In effect, unrenowned parliamentary terms distributed to party members offer a valued source of party patronage in a political system in which the state is the primary source of access to resources. The parliamentary pension scheme has recently attracted public criticism from advocacy groups<sup>9</sup> and the church,<sup>10</sup> although Deputy Prime Minister Lasama de Araujo has defended it as providing for Timorese who have dedicated themselves to the state.<sup>11</sup>

Whatever the reasons — structural or individual — for the high parliamentary turnover, the consequence is that with the formation of each new parliament, a largely new cohort of members has to learn the busi-

ness from scratch, compromising the effectiveness of the parliament in the exercise of its legislative, oversight and political decision-making powers.<sup>12</sup>

### Author Notes

*Sue Ingram is a PhD scholar at SSGM, researching political settlements and stability in Timor-Leste and Bougainville.*

### References

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- Morgan, M. 2005. Cultures of Dominance: Institutional and Cultural Influences on Parliamentary Politics in Melanesia. *SSGM Discussion Paper 2005/2*. Canberra: State, Society and Governance Program, Australian National University.
- Wood, T. 2014. Ties that Unbind? Ethnic Identity, Social Rules and Electoral Politics in Solomon Islands. PhD thesis, Australian National University.

### Endnotes

- 1 The lists of members of parliament for 2002–07, 2007–12 and 2012– on which this analysis draws can be found on the [website of Timor-Leste's parliament](#).
- 2 The parliaments of Papua New Guinea, Solomon Islands and Vanuatu.
- 3 Provision was also made for independent candidates. See [UNTAET/REG/2001/2](#), On the Election of a Constituent Assembly to Prepare a Constitution for an Independent and Democratic East Timor. Section 34.
- 4 [Constitution of the Democratic Republic of Timor-Leste](#).
- 5 Democratic Republic of Timor-Leste. [Law No. 6/2006, Law on the Election of the National Parliament](#). Articles 9, 10 & 11.
- 6 Five parties were elected in their own right; in addition, a coalition of two parties and a coalition of three parties were elected.
- 7 In a closed list electoral system, voters elect parties rather than individuals, so voter dissatisfaction with particular members of parliament is generally unlikely to account for their non-election in the next parliamentary term.
- 8 Retiring members, while retaining their salary, lose generous allowances. See Democratic Republic of Timor-Leste. National Parliament. [Law 5/2004, The Status of Members of Parliament](#), Article 22; and [Law 01/2007, Monthly Life Pension and Other Privileges for Former Members of Parliament](#).
- 9 *Televisaun Timor-Leste*, 30/4/2014.
- 10 *Suara Timor Lorosae*, 4/6/2014.
- 11 *Suara Timor Lorosae*, 30/5/2014.
- 12 These are the functions of the parliament as listed in Section 92 of the constitution.

