



Fundasaun Mahein (FM), December 11<sup>th</sup>, 2017

## Press Release

### **The Government's Dismissal and the Dissolution of the National Parliament** **"National Unity Must Be Protected"**

The results of the 2017 Parliamentary Election showed the no party had won an absolute majority that would have allowed it to form a Government alone. This outcome therefore required the formation of a coalition to obtain a majority in the National Parliament and establish a government. FRETILIN, the party with the largest number of votes, led the negotiations to form the Government. The negotiations lasted more than two months after the Appellate Court officially published the election results. FRETILIN managed to finalize a coalition with the Democratic Party (PD) on 13 September 2017 and indicated FRETILIN Secretary-General Dr. Mari Alkatiri as Prime Minister of the 7<sup>th</sup> Constitutional Government. Finally, the President of the Republic named Dr. Mari Alkatiri as Prime Minister on 14 September 2017 and he was inaugurated on 15 September 2017.

Discussions and controversies subsequently emerged, primarily focusing on the fact that the Government only had the support of thirty members of Parliament and therefore lacked a majority. In response to this situation, the opposition parties—the CNRT, PLP, and KHUNTO—declared a Parliamentary Majority Alliance (AMP) with 35 seats before the Government had even brought its program to the National Parliament. The opposition parties claim that the AMP will become the new government as an alternative government when the current Government falls. The opposition parties demonstrated their position by rejecting the Government's program in October 2017.

Based on this situation, FM recognizes a strong possibility that the opposition parties will reject the Government's program a second time. This would trigger the fall of the Government, as Timor-Leste's Constitution stipulates that the Government must be dismissed when its program is rejected twice in the National Parliament.

Therefore, FM's report examines possible scenarios that could occur if the Government falls or the National Parliament dissolves.

First, *the dismissal of the current Government and new negotiations to establish the 8<sup>th</sup> Constitutional Government. The establishment of a new government should be based on Constitution Article 106 n.º 1, which declares that the Prime Minister must be selected by the party that obtains the largest number of votes or by an alliance of parties with a parliamentary majority.* This means that FRETILIN, as the most-voted party, would lead new negotiations to establish the 8<sup>th</sup> Constitutional Government.

Second, *the resignation of the government and the invitation of the second most-voted party (Opposition-AMP) to form the 8<sup>th</sup> Constitutional Government*. The Constitution does not mention the possibility of the second most-voted party forming the Government. It only mentions the most-voted party or an alliance of parties with a parliamentary majority. A long discussion has been happening since 2007 until the present concerning the issue of “*an alliance of parties with a parliamentary majority*” forming the government. Furthermore, the events in 2007 could potentially serve to justify a certain interpretation of this clause. According to this interpretation, when the 7<sup>th</sup> Constitutional Government falls, the AMP could form the 8<sup>th</sup> Constitutional Government in its place.

Third, *Early Elections*. A variety of arguments are emerging from Timorese society, claiming that early elections should occur so that the people can answer the question of governance themselves. Normally, an early election only occurs if the National Parliament dissolves. There are various arguments about the risks that accompany this contingency. FM believes that the State should consider this option. Importantly, early election could have a negative impact on the public services that the State must provide to its citizens. However, an early election is a normal and constitutional practice in the case of the dissolution of the National Parliament.

FM commends the efforts of the President of the Republic to hear the opinions of various organizations and citizens about the current political impasse. Because the President of the Republic is a symbol of national unity and guarantees the normal functioning of democratic institutions, he should use his constitutional authority to resolve this situation. At the same time, the ongoing political situation is actually a good exercise for Timorese democracy because it has provoked an extended political debate. The rules of the Constitution stipulate that a government can fall and the National Parliament can be dissolved. However, this should not become an act of political vengeance. All parties involved must weigh the risks towards the people and national unity.

## **Recommendations**

1. The President of the Republic should continue engaging in dialogue with all political parties in Parliament, especially those in the opposition.
2. Governing bodies such as the State Council should consult with the President of the Republic before he makes a decision.
3. FM recommends that the President of the Republic also consult with the Supreme Council of Defence and Security with regards to decisions that affect national security.

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