

President-Prime Minister Relations and Democratic Stability

One Decade of Semi-Presidentialism in Post-Conflict Timor-Leste

Lydia M. Beuman

Abstract

Semi-presidentialism is usually considered a problematic choice for new democracies. It is widely believed that the existence of a president and a prime minister at the helm of the state introduces competing incentives into the system, leading to conflict and democratic instability. According to this logic, the ideological distance between the president and prime minister explains the intensity of conflict: the greater the ideological gap between the two leaders, the more conflict is expected. Countries where the executive is unified, so the argument goes, are less likely to experience democratic instability because the president and prime minister are from the same party. This argument was tested in Timor-Leste where its semi-presidential system generated three different political forms of government: cohabitation, divided government, and unified majority government. More conflict was found under cohabitation than under the other two forms and more conflict emerged under a divided government than under a unified majority government. The Timor-Leste case supports the argument that cohabitation generates institutional tension and conflict. Yet, despite conflict, Timor-Leste's premier-presidential system, a semi-presidential subtype, regulated institutional conflict and democracy survived. More research is needed, therefore, into the relative merits of premier-presidentialism for new democracies.

Keywords: Democratic stability, premier-presidentialism, semi-presidentialism, Timor-Leste.

When, in February 1994, it was decided that the president of Burundi needed to be a member of the FRODEBU party and the prime minister of the opposition party UPRONA, Burundi entered a period of serious political instability.

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The struggle between the president and prime minister over executive power delayed the appointment of key government officials and paralyzed the political decision-making process. In July 1996, the military, backed by UPRONA, used the political crisis to seize power and toppled the president. In a regional comparative study, Linda Kirschke uses the case of Burundi and other new democracies in the sub-Saharan region to demonstrate that semi-presidentialism generates democratic instability when the president and prime minister are from different political parties.¹ Her argument is in line with other critics of semi-presidentialism who believe that the existence of a president and a prime minister at the helm of the state introduces competing incentives into the system. The problem becomes acute in a situation of cohabitation in which the president and the prime minister are from *opposing* political groups.

This essay examines the effect of semi-presidentialism in Timor-Leste, a new democracy in a post-conflict setting. On May 20, 2002, Timor-Leste became an independent state. From 2002 to 2012, Timor-Leste's semi-presidential system generated three different configurations of the government: cohabitation, divided government, and unified majority government. The findings suggest that, as in Burundi, situations in which the president and prime minister were from different political orientations created institutional conflict. Yet, unlike Burundi, Timor-Leste's democratic system did not collapse. The essay is structured as follows. The first section summarizes what has been written about the effects of semi-presidentialism on democratic systems and institutional conflict under majority governments. Based on the literature review, the second section presents the research design and the hypotheses to be tested. In the third section, the choice of Timor-Leste as a case to examine the effects of semi-presidentialism is justified. The fourth section presents the main findings in relation to the hypotheses. The final section discusses whether the empirical findings support or confound the arguments associated with the three political configurations.

President-Prime Minister Relations in Semi-Presidential Systems

In a semi-presidential system, a constitution makes provision for both a directly elected fixed-term president and a prime minister and cabinet who are responsible to the legislature.² Matthew Shugart and John Carey distinguished two subtypes of semi-presidentialism: premier-presidentialism and president-parliamentarism.³ Under premier-presidentialism, the cabinet is responsible

¹ Linda Kirschke, "Semipresidentialism and the Perils of Power-Sharing in Neopatrimonial States," *Comparative Political Studies* 40, no. 11 (2007): 1372-1394.

² Robert Elgie, "The Politics of Semi-Presidentialism," in *Semi-Presidentialism in Europe*, ed. Robert Elgie (Oxford: Oxford University Press, 1999), 13.

³ Matthew Søberg Shugart and John M. Carey, *Presidents and Assemblies: Constitutional Design and Electoral Dynamics* (Cambridge, UK: Cambridge University Press, 1992), 23-25.

to the legislative majority, while under president-parliamentarism, the cabinet is responsible to both the legislative majority and the president. The crucial difference between the two “semi-presidential subtypes” is related to the *political survival* of the prime minister and the cabinet.⁴ Under premier-presidential systems, the prime minister and cabinet are accountable to the legislative majority for their political survival. Under president-parliamentarism, the cabinet is dually accountable to both the legislative majority and the president for its political survival. So, presidents in president-parliamentary countries are constitutionally empowered to fire their prime ministers, whereas presidents in premier-presidential system are not. According to Shugart and Carey, premier-presidential systems are more conducive to cabinet stability and, by extension, to better democratic performance than presidential-parliamentary systems. Shugart and Carey’s hypothesis has been most thoroughly tested by Robert Elgie.⁵ In his comparative study, he found evidence to suggest that president-parliamentary democracies indeed performed worse than premier-presidential democracies.

Whereas some political systems are more capable than others to *regulate* institutional conflict, party political factors may *generate* institutional conflict. Institutional conflict stems from political infighting among officials over policy and is expected to occur when institutions are controlled by different political forces. Four political configurations are identified in the literature on semi-presidentialism: (1) divided minority government, (2) cohabitation, (3) divided government, and (4) unified majority government. Each is associated with a certain level of institutional conflict. Scholars argue that the ideological distance between the president and prime minister explains the intensity of institutional conflict. The first problematic scenario is designated by Cindy Skach as “divided minority government.”⁶ This is a government that, according to her, combines the most risk-prone subtype of presidentialism (divided government) with the most risk-prone subtype of parliamentarism (minority government). It combines, potentially, the worst-case scenario of both of these frameworks—the gridlock of presidentialism with the cabinet instability of parliamentarism. In a divided minority government, neither the president nor the prime minister or any party or coalition enjoys a majority in the legislature. “The absence of any clear majority in a semi-presidential system,” Skach argues, “can predictably lead to an unstable scenario, characterized by

⁴ It is important to note that president-parliamentary systems, according to Elgie’s definition, are not semi-presidential. Again, in president-parliamentary systems, the cabinet is dually accountable to both the president and the legislative majority, whereas in semi-presidential systems such as premier-presidentialism, the cabinet is accountable exclusively to the legislative majority.

⁵ Robert Elgie, *Semi-Presidentialism: Sub-Types and Democratic Performance* (Oxford: Oxford University Press, 2011).

⁶ Cindy Skach, *Borrowing Constitutional Designs: Constitutional Law in Weimar Germany and the French Fifth Republic* (Princeton, NJ: Princeton University Press, 2005), 17-18.

shifting legislative coalitions and government reshuffles, on the one hand, and continuous presidential intervention and the use of reserved powers, on the other.”⁷ Furthermore, instability may grow: “The greater the legislative immobilism, governmental instability, and cabinet reshuffling resulting from the minority position of the government, the more justified or pressured the president may feel to use his powers beyond their constitutional limit, for a prolonged period of time.”⁸

Cohabitation can be defined as the situation in which opposing parties separately control the president and prime minister, and is often associated with intense conflict.⁹ Skach explains:

If the president has her own agenda and is not willing to yield to the prime minister, as is most probable when the ideological (or other) cleavage separating the legislative majority and the president is deep, or when the president is determined to exercise her powers fully, the tensions in this type may lead to conflict.¹⁰

Recent studies find that cohabitation is not as bad as the established academic wisdom wants us to believe.¹¹ In his statistical analysis, Elgie finds that, in all nascent semi-presidential democracies since 1990 when cohabitation has occurred, democracy usually has survived. He concludes that, “overall, there is little *prima facie* evidence to support the association between cohabitation and the collapse of young semi-presidential electoral democracies.”¹² In sum, there is an ongoing debate whether cohabitation generates institutional conflict and, by extension, democratic breakdown.

Under a divided government, the president and parliamentary majority are from different political forces.¹³ Such a situation is less likely than

⁷ Ibid.

⁸ Ibid., 18.

⁹ Juan J. Linz and Alfred Stepan, *Problems of Democratic Transition and Consolidation: Southern Europe, South America, and Post-Communist Europe* (Baltimore, MD: Johns Hopkins University Press, 1996); Skach, *Borrowing Constitutional Designs*; and Kirschke, “Semi-presidentialism and the Perils of Power-Sharing in Neopatrimonial States.”

¹⁰ Skach, *Borrowing Constitutional Designs*, 17.

¹¹ Robert Elgie and Ian McMenamin, “Explaining the Onset of Cohabitation under Semi-Presidentialism,” *Political Studies* 59, no. 3 (2011): 616-635; Robert Elgie and Petra Schleiter, “Variation in the Durability of Semi-Presidential Democracies,” in *Semi-Presidentialism and Democracy*, ed. Robert Elgie, Sophia Moestrup, and Yu-Shan Wu (Hampshire, UK: Palgrave Macmillan, 2011), 42-60; and Robert Elgie, “Semi-Presidentialism, Cohabitation and the Collapse of Electoral Democracies, 1990-2008,” *Government and Opposition* 24, no. 1 (2010): 29-49.

¹² Elgie, “Semi-Presidentialism, Cohabitation and the Collapse of Electoral Democracies, 1990-2008,” 37.

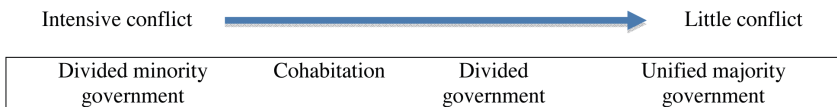
¹³ Robert Elgie, ed., *Divided Government in Comparative Perspective* (Oxford: Oxford University Press, 2001).

cohabitation to provoke confrontations between the president and prime minister. Yet, conflicts are apt to continue between the president and the parliamentary majority. Overall, this situation is potentially less problematic in terms of institutional conflict than cohabitation. It is important to note that it is an exceptional situation when, in divided government, there is an ideological cleavage between the prime minister and the cabinet.

The third configuration is unified majority government. In the literature, unified majority government refers to the president, prime minister, and parliamentary majority belonging to the same political force. In these circumstances, scholars such as Skach predict minimal conflict between the president and prime minister. She warns that a unified majority government is not immune from conflicts that impede effective and efficient policy-making. Potential conflict is inherent in a semi-presidential constitution, Skach argues, given that the executive is divided into two heads. Nevertheless, under unified majority government, “the chances that the president and the prime minister will have the same policy agenda, and will cooperate to accomplish their joint agenda, are maximized.”¹⁴

Figure 1 illustrates how four political configurations are associated with different levels of institutional conflict.

Figure 1. Conflict-Intensity Continuum of Political Configurations under Semi-Presidentialism



In short, scholars assume that different government configurations under semi-presidentialism are associated with various outcomes in terms of democratic performance because of the different levels and types of conflict that these configurations generate. For example, Linz argues that the result of cohabitation “inevitably is a lot of politicking and intrigues that may delay decision-making and lead to contradictory policies due to the struggle between the president and prime minister.”¹⁵ Skach used the same logic when she wrote about the inherent risks of a divided minority government to the stability of young democracies:

¹⁴ Skach, *Borrowing Constitutional Designs*, 15.

¹⁵ Juan J. Linz, “Presidential or Parliamentary Democracy: Does It Make a Difference?” in *The Failure of Presidential Democracy: Comparative Perspectives*, ed. Juan J. Linz and Arturo Valenzuela (Baltimore, MD: Johns Hopkins University Press, 1994), 55.

the greater the legislative immobilism, government instability and cabinet reshuffling resulting from the minority position of the government, the more justified or pressured the president may feel to use his powers beyond their constitutional limit, for a prolonged period of time. ...This is why divided minority government, more than the other subtypes of semi-presidentialism, has a greater risk for democratic breakdown.¹⁶

In other words, the literature suggests the following causal sequence:

Figure 2. Causal Chain between Semi-Presidentialism and Democratic Performance

Semi-Presidential Configurations → Institutional Conflict → Poor Democratic Performance

Why Timor-Leste?

The hypothesis that the ideological distance between the president and prime minister influences the level of institutional conflict is tested in Timor-Leste, a nascent democracy in a post-conflict setting. There are four reasons for selecting Timor-Leste.

First, Timor-Leste is a post-conflict state with no democratic tradition. Therefore, it is a crucial case to test arguments associating the effects of semi-presidential institutions and democratic performance. To be sure, if the semi-presidential system is problematic, we would expect to observe the implications of this form of government in such a context. It is important to note that Polity IV and Freedom House did not record the collapse of Timor-Leste's democracy. Indeed, Freedom House consistently has designated Timor-Leste as an electoral democracy during the period 2002-2012. Therefore, only the first two steps of the causal chain between semi-presidentialism and democratic performance (see figure 2) are tested, namely the effect that different semi-presidential configurations have on the level and type of institutional conflict.

A second reason for selecting Timor-Leste is that both the president and prime minister have executive and legislative power under its constitution. Consequently, the constitution provides the opportunity to observe conflict. Pedro Bacelar de Vasconcelos and Ricardo Sousa da Cunha used Shugart and Carey's method, later modified by Lee Kendall Metcalf, to measure the powers of the president of Timor-Leste.¹⁷ They rate the "legislative powers" of the

¹⁶ Skach, *Borrowing Constitutional Designs*, 18.

¹⁷ Shugart and Carey, *Presidents and Assemblies*; Pedro Bacelar de Vasconcelos and Ricardo Sousa da Cunha, "Semipresidencialismo em Timor: Um Equilíbrio Institucional Dinâmico

president at 4.5 on a scale of 0-28, and presidential “non-legislative powers” at 4 on a scale of 0-16 (see tables 1 and 2 below). According to them, the Timorese president is the weakest president in the Lusophone world.¹⁸

Third, Timor-Leste is selected because most scholars largely agree that the country adopted a semi-presidential system. For instance, the political system of Tunisia or Djibouti is not always considered semi-presidential, nor does scholarly consensus exist, for example, about the nature of the system of Sri Lanka, Ireland, Iceland, or Austria.¹⁹ Most scholars,²⁰ however, share the view that Timor-Leste is semi-presidential.²¹ Yet, the principal argument for selecting Timor-Leste to study the effects of semi-presidentialism is based on the fact that the country experienced different semi-presidential configurations within a relatively short period of time. Over a ten-year period, Timor-Leste’s semi-presidential system generated three different political configurations: cohabitation, divided government, and unified majority government. In the literature, each of these forms of government is associated with a particular political outcome in terms of conflict. It is important to note that the effects of the most conflict-prone semi-presidential configuration will not be tested, namely divided minority government. In Timor-Leste, all governments were supported by a parliamentary majority during 2002 through mid-2012. Yet, this political configuration is perhaps less relevant from a theoretical point of view, for several scholars have indicated that semi-presidential systems rarely

num Contexto Crítico” [Semi-presidentialism in Timor: A dynamic institutional balance in a critical environment], in *O Semipresidencialismo nos Países de Língua Portuguesa* [Semi-presidentialism in Portuguese-speaking countries], ed. M. C. Lobo and O. A. Neto (Lisbon: Imprensa de Ciências Sociais, 2009), 231-260; and Lee Kendall Metcalf, “Measuring Presidential Power,” *Comparative Political Studies* 33, no. 5 (2000): 660-685.

¹⁸ Marina Costa Lobo and Octavio Amorim Neto, “Um modelo lusófono de semipresidencialismo?” [A Lusophone model of semi-presidentialism?], in *O Semipresidencialismo nos Países de Língua Portuguesa* [Semi-presidentialism in Portuguese-speaking countries], ed. Marina Costa Lobo and Octavio Amorim Neto (Lisbon: ICS, 2009), 261-280.

¹⁹ Giovanni Sartori, *Comparative Constitutional Engineering: An Inquiry into Structures, Incentives and Outcomes* (London: Macmillan, 1994), and Robert Elgie, “What Is Semi-Presidentialism and Where Is It Found?” in *Semi-Presidentialism Outside Europe: A Comparative Study*, ed. Robert Elgie and Sophia Moestrup (London: Routledge, 2007), 1-3.

²⁰ See, for example, Dennis Shoemaker, “Timor-Leste: Divided Leadership in a Semi-Presidential System,” *Asian Survey* 43, no. 2 (2003): 231-252; id., “Timor-Leste: Semi-Presidentialism and the Democratic Transition in a New, Small State,” in *Semi-Presidentialism Outside Europe: A Comparative Study*, ed. Robert Elgie and Sophia Moestrup (London: Routledge, 2007), 219-236; Anthony Smith, “Timor Leste: Strong Government, Weak State,” *Southeast Asian Affairs*, no. 1 (2004): 279-294; and Benjamin Reilly, “Semi-Presidentialism and Democratic Development in East Asia,” in *Semi-Presidentialism and Democracy*, ed. Robert Elgie, Sophia Moestrup, and Yu-Shan Wu (London: Palgrave Macmillan, 2011), 117-133.

²¹ Damien Kingsbury considers the functioning of Timor-Leste’s system parliamentary. For an extensive discussion about the Timor-Leste’s governmental system, see Lydia M. Beuman, *Political Institutions in East Timor: Semi-Presidentialism and Democratisation* (London: Routledge, 2016).

Table 1. Legislative Powers of the President of Timor-Leste

Legislative Power	Score
Package Veto / Override	1.5
<ul style="list-style-type: none"> 4 - Veto with no override 3 - Veto with override requiring majority greater than 2/3 of quorum 2 - Veto with override requiring 2/3 of quorum 1 - Veto with override requiring absolute majority of assembly or extraordinary majority less than 2/3 0 - No veto; or veto requires only simple majority override 	
Package Veto / Override	0
<ul style="list-style-type: none"> 4 - Veto with no override 3 - Veto with override requiring majority greater than 2/3 of quorum 2 - Veto with override requiring 2/3 of quorum 1 - Veto with override requiring absolute majority of assembly or extraordinary majority less than 2/3 0 - No veto; or veto requires only simple majority override 	
Decree	0
<ul style="list-style-type: none"> 4 - Reserved powers, no rescission 2 - President has temporary decree authority with few restrictions 1 - Authority to enact decrees limited 0 - No decree powers; or only as delegated by assembly 	
Exclusive Introduction of Legislation (Reserved Policy Areas)	0
<ul style="list-style-type: none"> 4 - No amendment by assembly 2 - Restricted amendment by assembly 1 - Unrestricted amendment by assembly 0 - No exclusive powers 	
Budgetary Powers	0
<ul style="list-style-type: none"> 4 - President prepares budget; no amendment permitted 3 - Assembly may reduce but not increase the monetary amount of budget items 2 - President sets upper limit on total spending, within which assembly may amend 1 - Assembly may increase expenditures only if it designates new revenues 0 - Unrestricted authority of assembly to prepare or amend budget 	
Proposal of Referenda	2
<ul style="list-style-type: none"> 4 - Unrestricted 2 - Restricted 0 - No presidential authority to propose referenda 	
Judicial Review	1
<ul style="list-style-type: none"> 4 - President alone refers 2 - President, cabinet, or majority of assembly may refer 1 - President, cabinet, or minority of assembly may refer 0 - President may not refer or no prior judicial review 	
Total Legislative Powers	4

Table 2. Nonlegislative Powers of the President of Timor-Leste

Nonlegislative Powers	Score
Cabinet Formation	1
4 - President names cabinet without need for confirmation or investiture	
3 - President names cabinet ministers subject to confirmation or investiture by assembly	
1 - President names premier, subject to investiture, who then names other ministers	
0 - President cannot name ministers except upon recommendation of assembly	
Cabinet Dismissal	2
4 - President dismisses cabinet ministers at will	
2 - Restricted powers of dismissal	
1 - President can dismiss only upon acceptance by assembly of alternate minister or cabinet	
0 - Cabinet or ministers may be censured and removed by assembly	
Censure	0
4 - Assembly cannot censure and remove cabinet or ministers	
2 - Assembly can censure, but president may respond by dissolving assembly	
1 - "Constructive" vote of no confidence (assembly majority must present alternative cabinet)	
0 - Unrestricted censure	
Dissolution of Assembly	1
4 - Unrestricted	
3 - Restricted by frequency or point within term	
2 - Requires new presidential election	
1 - Restricted only as response to censures	
0 - No provision	
Total Nonlegislative Powers	4

Source: Pedro Bacelar de Vasconcelos and Ricardo Sousa da Cunha, "Semipresidencialismo em Timor: Um Equilíbrio Institucional Dinâmico num Contexto Crítico" [Semi-presidentialism in Timor: A dynamic institutional balance in a critical environment], in *O Semipresidencialismo nos Países de Língua Portuguesa* [Semi-presidentialism in Portuguese-speaking countries], ed. M. C. Lobo and O. A. Neto (Lisbon: Imprensa de Ciências Sociais, 2009), 250-251.

produce divided minority governments.²² This work cannot test Shugart and Carey's argument that premier-presidential democracies survive longer than their president-parliamentary counterparts. Timor-Leste adopted the premier-

²² David J. Samuels and Matthew S. Shugart, *Presidents, Parties, and Prime Ministers: How the Separation of Powers Affects Party Organization and Behavior* (Cambridge, UK: Cambridge University Press, 2010).

presidential subtype of semi-presidentialism and did not switch to another government system during the period 2002-2012.

Observing Institutional Conflict

Between 2002 and 2012, Timor-Leste’s semi-presidential system generated three different political configurations: cohabitation, divided government, and unified majority government. Cohabitation emerged when Kay Rala Xanana Gusmão was elected president and faced Prime Minister Alkatiri, leader of the FRETILIN party, which held a majority of the seats in the national parliament. Cohabitation formally ended in June 2006, when the prime minister resigned. When José Ramos-Horta, a Gusmão ally, replaced Alkatiri in July 2006, a divided government emerged. Yet, the partisan composition of the parliament remained unchanged; therefore, President Gusmão continued to face an opposition parliamentary majority. The period of divided government ended when Ramos-Horta was elected president in May 2007. Finally, the 2007 parliament produced a unified majority government. It was only under the unified majority government that the government succeeded in completing its five-year term. The election of Taur Matan Ruak as the new president ended the Gusmão-Ramos-Horta collaboration and, thus, the unified majority government. Table 3 provides an overview of the political configurations in Timor-Leste between 2002 and 2012.

Table 3. Political Configurations in Timor-Leste between 2002 and 2012

Political Configuration	Period of Government	Party Affiliation of President and PM
Cohabitation	May 2002-July 2006	President Gusmão (n/p) PM Alkatiri (FRETILIN)
Divided Government	July 2006-May 2007	President Gusmão (CNRT) PM Ramos-Horta (n/p)
Cohabitation	May 2007-August 2007	President Ramos-Horta (n/p) PM da Silva (FRETILIN)
Unified Majority Government	August 2007-May 2012	President Ramos-Horta (n/p) PM Gusmão (CNRT)

The second cohabitation period (May 2007-August 2007) is disregarded given that this government lasted only four months and occurred in between the presidential elections of May 2007 and the parliamentary elections of August the same year. Therefore, it was an interim period. In the literature, each of these configurations is associated with a political outcome in terms of conflict. Scholars expect more conflict under cohabitation than under the other two forms of government and more conflict under a divided government

than under a unified majority government. Derived from the work on semi-presidentialism, the hypothesis to be tested is:

H1: Conflict is likely to be more intense under cohabitation than under divided government, and more intense under divided government than under unified majority government.

Under the constitution of Timor-Leste, the president holds unilateral powers and shares power with other institutions. Unilateral powers are those exclusively vested in the president. For example, presidential decrees do not require authorization by either the government or the parliament. With regard to shared power, presidential actions must be validated by another institution. In case of foreign aggression, for instance, the president can declare war only following a government proposal and after authorization of the national parliament.²³ Policy areas in which power is shared are particularly susceptible to institutional infighting. The president of Timor-Leste has special powers in the field of foreign, particularly defense, policy.²⁴ Linz recognized the danger of shared power over the armed forces.²⁵ He explained that presidents in semi-presidential democracies traditionally hold constitutional/legal powers over the armed forces. The fusion of executive powers over defense policy, he argued, may generate institutional infighting.²⁶ Here, it is extrapolated that a similar power struggle is likely to occur in the area of foreign affairs, in which the president holds more constitutional/ legal power as well. Thus, the second hypothesis is:

H2: Under cohabitation, conflict is expected to take place between the president and prime minister over defense policy.

The division of power is regulated by constitutional rules. Incidences of institutional conflict take place when the president uses his power to change policy. Based on the Constitution of Timor-Leste, the president is empowered to:

- Refer bills to the court for constitutional review §85(e);
- Veto any bill §85(c);
- Comment on the government and its policies in messages to the national parliament and the country §86(e).

In addition, the president has some appointment and dismissal powers. In particular, the president may refuse to appoint:

²³ Constitution of the Democratic Republic of Timor-Leste (2002), section 85(h).

²⁴ See also, Lydia M. Beuman, "Cohabitation in New Post-Conflict Democracies: The Case of Timor-Leste," *Parliamentary Affairs* 8, no. 6 (2015): 453-475.

²⁵ Linz, "Presidential or Parliamentary Democracy."

²⁶ *Ibid.*

- The prime minister §106(1) or cabinet ministers §86(h); and
- Ambassadors, permanent representatives, and special envoys §86(b).

The parliamentary majority, in turn, may seek to limit presidential power in the political process and override presidential vetoes. Thus, using Timor-Leste as a case allows us to test the above hypotheses about different semi-presidential political situations and institutional conflict. In the next section the effects of cohabitation, divided government, and unified majority government are examined.

Institutional Conflicts between the President and Prime Minister

In the literature on semi-presidentialism, scholars expect most conflict under cohabitation compared with the other two forms of government, and more conflict under divided government than under unified majority government. In this section, we present the type and number of institutional conflicts during the three periods of government under consideration.

Cohabitation

Cohabitation refers to government when the president and prime minister are from opposing political forces. Arguably, such a situation emerged in April 2002, when Gusmão won the presidential election, to June 2006, when Prime Minister Alkatiri resigned. Although in the presidential election of 2002 Gusmão ran as an independent, here it is argued that he was *de facto* partisan, that is to say, opposed to FRETILIN. First, long before the introduction of Timor-Leste's semi-presidential system, Gusmão and Alkatiri experienced significant difficulties working together. During the time that Timor-Leste was occupied by Indonesia (1975-1999), there were serious disagreements between Gusmão and FRETILIN over the leadership and ideological foundation of the resistance movement. Second, during the 2002 presidential election, Gusmão's candidature was publicly supported by virtually all political parties, except FRETILIN. FRETILIN had offered to support Gusmão's presidential candidacy, but the latter rejected the backing of the party. FRETILIN's leadership, for its part, urged its members to vote for his opponent, Francisco Xavier do Amaral, or to cast blank votes. In addition, after the resignation of Prime Minister Alkatiri in 2006, Gusmão was quick to form a new party, the CNRT, which, according to its founder, intended to "knock the FRETILIN party off its pedestal as the dominant political force and remove its majority in the parliament."²⁷ These developments confirm that President

²⁷ Barry Patterson, "Timor Leste Elections Signify Shifting Political Landscape" (2007), <http://alanpetersnewsbriefs.blogspot.pt/2007/03/defense-foreign-affairs-analysis.html> (accessed September 20, 2011).

Gusmão did not stand above party politics and that he and Prime Minister Alkatiri were from opposing political forces.²⁸ This period is designated as one of cohabitation. In the literature on semi-presidentialism, cohabitation is associated with intense conflict. During cohabitation, President Gusmão requested three times that Timor-Leste's highest court, the Court of Appeal, review the constitutionality of legislation and he vetoed four bills. The bills that were sent to the court included the Immigration and Asylum bill, the Freedom of Assembly and Demonstration bill, and the Penal Code. The president decided to veto the three bills after the court declared them unconstitutional. The president used his veto power a fourth time to block the passage of the tax bill. During cohabitation, President Gusmão vetoed 9 percent of all laws that were approved by parliament.²⁹ The parliamentary majority, for its part, overrode all four vetoes. President Gusmão used his power to vehemently address parliament. In no fewer than twenty-four often-fiery speeches, the president criticized the government and its policies.³⁰ It is important to note that President Gusmão used these opportunities to criticize the government over a very wide range of issues. Besides criticism of legislation, the president expressed his discontent with government policies regarding the economy, police, defense, education, and justice.³¹ In these speeches, Gusmão sometimes encroached on the power of the government, for instance, when he called on the prime minister to fire the interior and defense ministers and, finally, to tender his own resignation. It is important to emphasize that the government is not constitutionally required to follow the commands of the president. Yet, the president's authority stretched way beyond his formal power. When, for example, in March 2006, the president publicly opposed the government's decision to fire 591 soldiers, large anti-government demonstrations were organized.³² During these violent demonstrations more than thirty people were killed and hundreds of houses were destroyed. By opposing the government's decision to dismiss the soldiers, it has been argued, President Gusmão catalyzed

²⁸ For an extensive discussion about Gusmão's political orientation, see Beuman, *Political Institutions in East Timor*.

²⁹ During cohabitation, forty-five parliamentary laws were passed by parliament. See, "Leis do Parlamento Nacional" [Parliamentary laws], *Jornal da República* (2013), <http://www.jornal.gov.tl/> (accessed June 20, 2015). Four of the forty-five laws were vetoed by the president.

³⁰ Most of Gusmão's speeches are published in books. See, for instance, Xanana Gusmão, *Timor Lives! Speeches of Freedom and Independence* (Alexandria, New South Wales: Longueville Media, 2005), and Xanana Gusmão, *Xanana Gusmão e os Primeiros 10 Anos da Construção do Estado Timorense* [Speeches of Xanana Gusmão from the first 10 years of the Timorese state] (Porto, Portugal: Porto Editora, 2012).

³¹ For a detailed discussion of Gusmão's sometimes inflammatory speeches, see Beuman, *Political Institutions in East Timor*.

³² Nautilus Institute, "Message to the Nation on F-FDTL" (2006), <http://www.nautilus.org/publications/essays/apsnet/reports/2006/east-timor-military/?searchterm=timor%20message%20to%20F-FDTL> (accessed July 30, 2015).

the soldiers' protests, which led to the fall of the Alkatiri government.³³

Conflict between President Gusmão and Prime Minister Alkatiri disrupted the appointment and dismissal process as well. Even before the constitution formally came into effect, in April 2002, a dispute arose between the president and prime minister over the composition of the cabinet. President Gusmão suggested forming a government of national unity, a coalition of six political parties, but Prime Minister Alkatiri refused and appointed ministers exclusively from FRETILIN to Timor-Leste's first cabinet. A second confrontation occurred over the appointment of a candidate for the post of ambassador to Australia. Abel Guterres was the first choice of the president and the foreign minister, Ramos-Horta, but his candidacy was vetoed in July 2002 by Prime Minister Alkatiri, who backed Antoninho Bianco. In an interview on June 13, 2002, the prime minister was adamant that Bianco had been nominated, a statement confirmed by Bianco. Confronted with this declaration, Ramos-Horta said the appointment could not be presented "as a fait accompli," stressing that the final say rested with President Gusmão who had to approve diplomatic appointments.³⁴ Eventually, in March 2003, a third candidate, Jorge Teme, was appointed ambassador. All in all, Timor-Leste was unrepresented in Australia for almost a year due to the tug-of-war between Gusmão and Alkatiri over the nomination of an ambassador to Canberra. Tensions also mounted about Minister of the Interior Rogério Lobato. In November 2002, President Gusmão publicly "ordered" Prime Minister Alkatiri to dismiss the minister of the interior, accusing the latter of incompetence and negligence.³⁵ Yet, Alkatiri refused to fire him and asserted: "As head of the Government I will see who has and has not the capacity to be minister ..."³⁶ The president wanted the prime minister, Minister of the Interior Rogério Lobato, and Defense Minister Roque Rodrigues to step down and take responsibility for the government's failure to deal with the problem in the army, which had escalated and brought the country to the brink of a civil war in April-May 2006. According to the constitution, the president cannot dismiss the prime minister. Yet, in a nationally televised speech on June 22, 2006, the president threatened to resign if Prime Minister Alkatiri refused to do so.³⁷ President Gusmão gave FRETILIN an ultimatum to either ask Alkatiri to resign immediately

³³ Matthew B. Arnold, "Challenges Too Strong for the Nascent State of Timor-Leste: Petitioners and Mutineers," *Asian Survey* 49, no. 3 (2009): 429-449.

³⁴ Jill Jolliffe, "Clash Looms in East Timor over Choice of Ambassador to Canberra," *The Age*, July 12, 2002.

³⁵ ETAN, "Speech by H. E. President of the Republic Kay Rala Xanana Gusmão at the Official Ceremonies Commemorating 28th November" (2002), <http://etan.org/et2002c/november/24-30/28xgspech.htm> (accessed November 6, 2011).

³⁶ APSN, "East Timor News Digest 27" (2002), <http://asia-pacific-solidarity.net/> (accessed November 29, 2011).

³⁷ ETAN, "President of the Republic's Message to FRETILIN" (2006), <http://www.etan.org/et2006/june/30/22xana.htm> (accessed July 21, 2011).

or he would tender his resignation to parliament. Alkatiri resigned on June 26, 2006. The constitution defines that the president may unilaterally appoint the prosecutor general for a term of four years (§ 86[k]). President Gusmão's decision to appoint Longuinhos Monteiro as prosecutor general met with great resistance from FRETILIN. Prior to Monteiro's appointment, the party introduced a draft resolution to restructure the criminal investigation branch and the prosecutor's office within the ministry of public affairs in an unsuccessful attempt to get rid of Monteiro. The FRETILIN leadership was embroiled with Monteiro following the latter's criminal charges against Minister of the Interior Rogério Lobato and Prime Minister Alkatiri. FRETILIN's endeavors to deprive the president of his power to appoint the prosecutor-general failed. Monteiro was eventually appointed on July 16, 2006, the day that Ramos-Horta was sworn in as the new prime minister.

An important part of tensions between the president and prime minister revolved around national security. Gusmão and Alkatiri disagreed over laws regulating national security issues, such as the freedom of assembly and demonstration bill. Likewise, tensions developed about the appointment and dismissal of authorities responsible for maintaining national security. The tug-of-war among President Gusmão, Prime Minister Alkatiri, and Defense Commander Ruak about whether to fire 591 soldiers brought the country to the brink of civil war. The political crisis led to the resignation of the minister of defense, the minister of the interior, and, eventually, the prime minister.

Divided Government

The political configuration that emerged on July 14, 2006, when Ramos-Horta was appointed prime minister, to May 19, 2007, when President Gusmão left office, is classified here as a "divided government." In Timor-Leste, a divided government emerged when the FRETILIN parliamentary majority needed to accept a nonpartisan prime minister who, in fact, was the president's political ally. The government was divided because Alkatiri's resignation did not change the ideological composition of the state institutions: Gusmão was still president and FRETILIN continued to hold a majority of seats in the parliament. In addition, most of the cabinet members who had served under the former prime minister were reappointed. Yet, the appointment of Ramos-Horta, a Gusmão ally, bridged the gap between the president and prime minister. Under these circumstances, conflict is expected to be less intense compared with cohabitation, when the president and prime minister are from opposing political forces. Between July 2006 and May 2007, the parliamentary majority passed ten laws and the president vetoed two bills, namely the Pension Bill for Former Deputies and the Pension Bill for Former Officials. In addition, the president sent the presidential elections bill to the court for constitutional review. Thus, during the period of divided government, the president vetoed 20 percent of the laws. Yet, parliament did not attempt to override the two presidential vetoes. President Gusmão addressed Timor-

Leste's National Assembly only twice. At the swearing-in ceremony of Prime Minister Ramos-Horta on July 10, 2006, Gusmão urged the parliamentary majority to change the parliamentary election bill. The bill for the Election of the National Parliament was prepared by FRETILIN in the middle of a political crisis on May 15, 2006. President Gusmão advised the government to disregard the draft law, given that it "harmed small parties and favored only one."³⁸ Moreover, the president called on the parliament to "approve laws that favor democracy and not one that serves the interest of only one group."³⁹ In his next address to the nation on September 29, 2006, President Gusmão reiterated his preoccupation with the electoral law when he stated that he would not like to see it "killing minority parties."⁴⁰ Together with the opposition, the president prepared another parliamentary election bill. However, only FRETILIN's proposal was discussed in parliament. Following the decision, members of the opposition walked out of the parliament in protest. The parliamentary majority passed the election bill on December 18 and the president promulgated it on December 28, 2006. The president supported the prime minister's defense and foreign affairs policy agenda. During Ramos-Horta's dual mandate as minister of defense and prime minister, crucial governmental laws regarding Timor-Leste's national defense policy were adopted. New legislation included the Regime for Military Promotions, the Code of Military Discipline, the Organic Law of the Ministry of Defense, amendments to the Organic Law of the Defense Forces, and a draft law on Conscription into Military Service.

Compared with cohabitation, divided government was less conflictual. President Gusmão sent more laws to the Court of Appeal and used his veto power more often. Yet, the sample was very small in that, under divided government, only ten parliamentary laws were passed, of which two were vetoed.⁴¹ The president's formal addresses to parliament showed that institutional relations had improved under divided government. First, President Gusmão used his power to address parliament only twice, whereas under cohabitation he addressed parliament no less than twenty-four times. Second, and related to it, during divided government, the president's speeches focused on one issue, namely the parliamentary election bill, whereas under cohabitation the president criticized the government on a wide range of issues. Third, tensions between the president and prime minister over the dismissal of soldiers escalated and forced foreign forces to restore peace in Timor-Leste. Instead, under divided government when the president and prime minister were political allies, crucial laws with regard to defense policy were adopted. Fourth, and

³⁸ Gusmão, *Xanana Gusmão e os Primeiros 10 Anos da Construção do Estado Timorense* [Speeches of Xanana Gusmão from the first 10 years of the Timorese state].

³⁹ *Ibid.*

⁴⁰ *Ibid.*

⁴¹ During divided government, two parliamentary laws were passed by parliament. See, "Leis do Parlamento Nacional" [Parliamentary laws]. Two laws were vetoed by the president.

unlike during cohabitation, the president and prime minister did not clash over the appointment of officials. Overall, therefore, institutional conflict occurred under divided government. Yet, this conflict was less intense compared with that during the period of cohabitation. The reason for the improvement of the institutional relations was the ideological proximity between the president and the prime minister, which removed much conflict from the political process and hastened decision-making in defense policy.

Unified Majority Government

In the literature, unified majority government refers to the president and prime minister belonging to the same political force and the cabinet being composed of a single party or coalition of parties that, in turn, enjoy(s) the support of the majority of the deputies in the parliament.⁴² We consider the period from August 2007 when Gusmão became prime minister to May 2012 when President Ramos-Horta left office to be a period of unified majority government. Unified majority government is considered semi-presidentialism's best circumstance for minimizing conflict. During unified majority government, President Ramos-Horta sent five bills to the Court of Appeal and threatened twice to use his veto power. Ramos-Horta asked the Court of Appeal to rule on the constitutionality of the bills concerning the 2008 Rectified Budget, Local Elections, Municipal Elections, the 2011 State Budget, and Public Prosecution. The president threatened to veto the state budgets of 2011 and 2012. Ultimately, however, Ramos-Horta vetoed only one bill, namely that addressing Precedence in State Protocol. It might also be noted that, in the aftermath of his defeat in the 2012 presidential election, President Ramos-Horta vetoed three bills regarding land, namely the Land Law, the Expropriation Law, and the Real Estate Fund Law. The three vetoes were issued, however, after the prime minister's party, the CNRT, had decided not to support Ramos-Horta's electoral campaign.

Under the unified majority government, the president's speeches were focused on state budgets. In a speech to the nation in 2009, President Ramos-Horta expressed his concerns about the growth of the budget and openly questioned whether the government was capable of executing it. The 2010 presidential proclamations revealed a president who had become increasingly intolerant of corruption within the government's offices. In his New Year's speech in early January 2010, the president accused the government of gross mismanagement, waste, and corruption. He concluded his tirade by saying that he respected his "brother" Gusmão and trusted that under his leadership the fourth constitutional government would perform better to serve the people.⁴³

⁴² Elgie, *Semi-Presidentialism: Sub-Types and Democratic Performance*.

⁴³ José Ramos-Horta, "Timor-Leste: Peace after the Storm, the Years Ahead" (2010), <http://presidenttimorleste.tl/?cat=17> (accessed September 11, 2011).

The president also tried to change policy regarding the exploitation of the Greater Sunrise oil and gas field through presidential proclamations. The Greater Sunrise field is located in the Timor Sea between North Australia and Timor-Leste. Under the Treaty on Certain Maritime Arrangements in the Timor Sea (CMATS), neither country can exploit the Greater Sunrise field without approval from the other. There were five development concepts regarding the processing of oil and gas from the Greater Sunrise, including a liquefied natural gas (LNG) processing plant in Darwin, a floating LNG, and an onshore LNG plant in Timor-Leste. The government of Timor-Leste stated that it would not approve any development plan that did not include a pipeline to Timor-Leste and an LNG plant on its south coast. The president, by contrast, argued that the best option for Timor-Leste would be to agree to a floating platform. According to the president, Timor-Leste could not afford to further postpone negotiations, given that “the country has a growing population and growing needs.”⁴⁴ Whereas Ramos-Horta hinted that a floating platform would be the best way forward, the government favored the option to build an onshore LNG plant in Timor-Leste. Ramos-Horta’s intervention was not well received in parliament. Deputies from both the governing coalition parties and FRETILIN urged the president “to be quiet and not to comment” because his interference complicated negotiations with Australia’s largest oil company, Woodside.⁴⁵ The growing tensions between the president and government prompted the former to withdraw from the Greater Sunrise negotiations. In sum, compared with divided government, institutional relations were less conflictual under unified majority government. The main reason for improved institutional relations was that less conflict occurred between the president and the parliamentary majority. Indeed, under divided government, which lasted only one year, President Gusmão continued to face a parliamentary majority dominated by FRETILIN. In the new political environment, Gusmão’s coalition controlled the majority of seats in parliament. Accordingly, the veto rate was 20 percent under divided government and 1.5 percent during unified majority government.⁴⁶ The president doubted the constitutionality of five other laws. Instead of vetoing them, he decided to request the court to review whether these laws violated the constitution. The unified majority government was the only government that completed its five-year term. During these five years, President Ramos-Horta used his power to address parliament only twice to criticize legislation. Again, this finding demonstrates that president-parliamentary relations improved under unified majority government.

⁴⁴ Sarah Everingham, “East Timor Calls for Gas Development Decision,” *Australian Broadcasting Corporation* (April 7, 2010), <http://www.abc.net.au/lateline/business/items/201004/s2866821.htm> (accessed December 3, 2012).

⁴⁵ ETAN, “National Parliament Calls for Horta Not to Comment over Greater Sunrise” (March 24, 2010), <http://www.etan.org/et2010/03march/28/tnews24.htm> (accessed June 20, 2015).

⁴⁶ During unified majority government, sixty-six parliamentary laws were passed by parliament. See, “Leis do Parlamento Nacional” [Parliamentary laws]. One law was vetoed by the president.

Conclusion

Institutional conflict stems from political infighting among officials over policy and is expected to take place when the institutions are controlled by different political parties. Based on this logic, scholars expect most conflict to occur under cohabitation and more conflict under a divided government than under a unified majority government. Table 4 provides an overview of conflicts among president, prime minister, and parliament under cohabitation, divided government, and unified majority government in Timor-Leste. First, more incidences of conflict over legislation were found under cohabitation than during the unified majority government. In the latter period, President Ramos-Horta vetoed 1.5 percent of the bills, whereas under cohabitation the veto rate was 9 percent.

Table 4. Number and Type of Institutional Conflicts under Cohabitation, Divided Government, and Unified Majority Government in Timor-Leste

Indicators of Conflict	Government Configuration		
	Cohabitation	Divided Government	Unified Majority Government
Constitutional review	3 (6.6%)	1 (10%)	5 (7.6%)
Vetoes	4 (9%)	2 (20%)	1 (1.5%)
Veto overrides	4	0	0
Conflicts over appointments / dismissals of officials	6	0	0
Critical official presidential speeches	24	2	2

President Ramos-Horta preferred to send legislation to the court instead; 7.6 percent of the bills were subject to constitutional review during the unified majority government compared to 6.6 percent under cohabitation. A relatively high rate of constitutional review and vetoes was found during the period of divided government. As noted earlier, however, the sample was very small, given that during divided government only ten parliamentary laws were passed, of which one was sent to the Constitutional Court and two were vetoed. The institutional relationship between the president and the parliamentary majority was most conflictual during cohabitation; it was only during this period that the parliamentary majority overrode (all) presidential vetoes.

When compared with cohabitation, the divided and unified majority governments were conflict-free with regard to the appointment and dismissal of state officials. Under cohabitation, President Gusmão and Prime Minister Alkatiri disagreed over the appointment of an ambassador and prosecutor-

general, the dismissal of two ministers, and, eventually, the prime minister's own resignation. During divided government, President Gusmão agreed to the candidates proposed by the prime minister. During four years of cohabitation, President Gusmão frequently used his proclamation powers to criticize the government and FRETILIN, the party that held the majority of seats in the parliament. Under divided government, which lasted just one year, Gusmão criticized the parliamentary majority twice, but refrained from commenting on government policies. During five years of unified majority government, President Ramos-Horta used his power to address parliament twice to express his discontent with legislation. Moreover, President Ramos-Horta's speeches were less aggressive and more advisory in nature. In other words, the number and the nature of presidential messages to parliament show that institutional relations between the president and parliament improved under unified majority government. In summary, this study found more conflict under cohabitation than under the other two periods of government and more conflict under divided government than under the unified majority government. These findings confirm that variation in ideological orientation is an important factor in determining the likelihood of institutional conflict. More importantly, perhaps, is the general finding that the nascent democracy did not collapse, despite intensive institutional conflict. Having no democratic experience and a violent past, Timor-Leste's new political institutions were particularly vulnerable to collapse. Yet, Timor-Leste's semi-presidential system, or more precisely, the system's premier-presidential variant, successfully regulated institutional conflict—and democracy survived. Consequently, more research is needed into the relative merits of premier-presidential systems for new democracies.