



***Ba Ne'bé: Where Are You Going?***  
**The Changing Nature of United  
Nations Peacekeeping in Timor  
Leste**

**Doctoral Dissertation by Neven Knezevic  
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## Table of Contents

Student Declaration .....	vi
Acknowledgements .....	vii
List of Abbreviations .....	xii
List of Tables .....	xv
List of Diagrams .....	xv
List of Illustrations .....	xv
List of Boxes .....	xv
List of Maps.....	xv
Abstract .....	xvi
<b>Chapter 1 – Introduction</b>	
1.1 Setting of the Study .....	1
1.2 State-Building Background .....	3
1.3 UN Operational Phases .....	5
1.4 Research Aims .....	8
1.5 Chapter Structure .....	11
<b>Chapter 2 – State-Failure and Post-Conflict Political Reconstruction</b>	
2.1 Intrastate Conflict and State-Failure of the 1990s .....	14
2.1.1 Intrastate Conflict and State-Failure: Relevant to Timor Leste? .....	26
2.2 Post-Conflict Institutional Peace-building .....	29
2.2.1 Post-Conflict Democratisation and Citizenship-Building .....	40
2.2.2 The Need for Stability and Security .....	42
2.2.3 Deliberative Democracy as Institutional Peace-Building .....	44
2.2.4 Democratic Peace-Building and Citizenship-Building, Can They Be Linked Institutionally? .....	49
<b>Chapter 3 – UNTAET</b>	
3.1 State-Building in 30 Months (Dec 1999-May 2002) .....	53
3.1.1 Overwhelming Scope, Complexity – and Ambiguity .....	53
3.1.2 Acute and Chronic Challenges .....	55
3.1.3 UNAMET to UNTAET – “How Can the UN Govern a Country When It Can’t Govern Itself?” .....	59
3.1.3.1 Centralise or Decentralise? .....	62
3.1.4 Legal Authority vs. Moral Authority and Political Legitimacy .....	65
3.1.5 Skewing the Emergence of Legitimate Political Authority? .....	67
3.2 Peacekeeping or post-Liberation State-Building? .....	70
3.2.1 UNTAET’s Governance Mandates .....	70
3.2.2 Governance and Public Administration (GPA) .....	70
3.2.3 State-Building and Capacity-Development, A Confused Mess? .....	71
3.2.4 The Governance and Public Sector Matrix (GPSM) .....	72
3.2.5 ETTA, A Wasteful and Unsustainable Parallel Administration? .....	76
3.3. Personnel and Recruitment .....	88
3.3.1 Recruitment Pressures of a Flawed System? .....	88
3.3.2 Skills and Attitude .....	89

3.3.3 “Teach or Do?” – Conflicting Operational Duties .....	91
3.4 UNTAET’s Security Role .....	95
3.5 Summary Discussion .....	98
<b>Chapter 4 – Timorese Agency and State Craft .....</b>	<b>102</b>
4.1 Social, Political, and Economic Transformations .....	103
4.2. Economic Hardship and Civil Unrest .....	111
4.2.1 Economic Hardship .....	111
4.2.2 Civil Unrest .....	113
4.3 Interrupted Plans and Growing Political Competition .....	115
4.3.1 CNRT Visions of State-Building, Interrupted Plans .....	115
4.3.2 CNRT as a Government of National Unity? .....	119
4.4 Internal Divisions Shaping Perceptions Toward UNTAET .....	126
4.4.1 UN Recruitment of Timorese Diaspora .....	126
4.4.2 FRETILIN Reactions .....	132
4.5 Power-Sharing, UN Responses to Leadership Dissatisfaction .....	135
4.5.1 National Consultative Council and Social Grievance .....	135
4.5.2 Leadership “Negotiations” – A United Strategy? .....	137
4.5.3 The National Council (NC), First Transitional Cabinet, and the East Timor Transitional Administration (ETTA).....	139
4.5.4 Civil Unrest and Advocacy NGOs .....	143
4.6 Summary Discussion .....	146
<b>Chapter 5 – UNTAET’s Missing Link: The Community Empowerment and Local Governance Project (CEP) .....</b>	<b>150</b>
5.1 Battlegrounds for Political Control .....	151
5.2 CEP – The “Missing Link” .....	155
5.2.1 CEP Background .....	160
5.2.1.1 World Bank Strategy and Objectives .....	162
5.2.2 East Timorese Leadership Concerns .....	164
5.2.3 Working through Gusmão/Oxfam/IDSS .....	167
5.2.4 Level of East Timorese Participation .....	168
5.2.5 Competing Frameworks or Ideological Battlegrounds? .....	172
5.3 CEP – An Institutional Mechanism for Political Leverage? .....	176
5.4 Local Government Development under UNTAET .....	177
5.4.1 Local Government Structures .....	178
5.4.2 Administrative Weakness and Impact on Development .....	180
5.4.3 Traditional Structures .....	184
5.4.3.1 Contested Political Authority .....	187
5.4.4 Impact of UNTAET’s Centralised Administration .....	192
5.4.5 “Why don’t they come?” – The Role of Advocacy NGOs .....	193
5.4.6 Trading-Off Sound Governance for Political Stability? .....	196
5.4.6.1 Project Management Unit (PMU) .....	200
5.5 Summary Discussion .....	203
<b>Chapter 6 – An Illegitimate One-party State? .....</b>	<b>207</b>
6.1 Constituent Assembly (CA) Election .....	208
6.1.1 Dissolution of CNRT and Pressure for Democratic Elections .....	208
6.2 Political Party Outlooks and Campaigning .....	208

6.2.1 Revolutionary Front for Independence of Timor Leste/ <i>Frente Revolucionária de Timor Leste Independente</i> (FRETILIN) .....	210
6.2.2 Democratic Party/ <i>Partido Democrático</i> (PD) .....	217
6.2.3 Democratic Social Party/ <i>Partido Social Democrata</i> (PSD) .....	220
6.2.4 Social Democratic Association of Timorese/ <i>Associação Social-Democrata Timorense</i> (ASDT) .....	222
6.2.5 Symbolism: Resistance, State, and Tradition .....	224
6.3 Election Outcomes .....	226
6.3.1 A FRETILIN Constitution? .....	227
6.3.2 Democracy, Culturally Relevant or a Trigger for Conflict? .....	234
6.3.3 System of Government .....	240
6.3.4 FRETILIN – Engineering State Control? .....	248
6.4 Cultures within the Second Transitional Government .....	251
6.4.1 Political Patronage vs. Merit-Based Recruitment .....	253
6.4.2 The Mozambique Clique’s Dictatorial Tendencies .....	256
6.5 Emergence of East Timorese Ownership and Independence .....	257
6.6 Summary Discussion .....	260
<b>Chapter 7 – <i>Emerging Pacts: Sober State-Building or Seeds of State-Failure?</i></b> ...	263
7.1 December 2002 Riots .....	264
7.1.1 UNPOL Operational Failures .....	268
7.1.2 Disaffected Local Groups .....	269
7.1.3 Undermining Government Authority .....	274
7.2 Cross-Border threats to Internal Stability and Security .....	287
7.2.1 “Hardcore” Militia .....	290
7.2.2 The Fragile Indonesian Democratisation Process .....	291
7.2.3 Border Control and Smuggling .....	294
7.3 Emerging Political Pacts .....	295
7.3.1 Timorese Elites .....	295
7.3.2 Governments of Timor Leste and Indonesia .....	296
7.4 Institutions of State and Nature of the Political System .....	298
7.4.1 <i>Polícia Nacional Timor Leste</i> (Timor Leste National Police) PNTL .....	298
7.4.2 <i>Forças de Defesa de Timor Leste</i> (Timor Leste Defence Force) F-FDTL,.....	305
7.4.3 The Rule-of-Law, Courts and Judiciary .....	311
7.4.4 Local Authority and Post-2002 Decentralisation .....	323
7.4.5 Open Government and the Politics of Personality .....	328
7.5 Summary Discussion .....	333
<b>Chapter 8 – <i>Conclusion</i></b> .....	337
8.1 Some Tentative Findings.....	344
8.2 Revisiting Arguments and Final Thoughts .....	367
<b>Bibliography</b> .....	377
Primary Source Materials .....	444
Tape Recorded Interviews with East Timorese .....	450
Tape Recorded/Written Interviews with UN Personnel and International Aid Workers .....	455

Confidential Informants .....	459
<i><b>Appendixes</b></i>	
Appendix 1 – Methodological Design .....	462



**I N D O N E S I A**

*Banda Sea*

*Selat Weitar*

**MALUKU (MOLUCCAS)**



**NUSA TENGGARA TIMUR (EAST LESSER SUNDAS)**



**Timor**

*Timor Sea*

**TIMOR-LESTE**



**Regions of TIMOR-LESTE**

- International boundary
- - - Province boundary
- District boundary
- Road
- National capital
- ⊙ Province capital
- ⊙ District seat
- Town, village
- ✈ Airport

The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.

## **Student Declaration**

I, Neven Knezevic, declare that the Ph.D. thesis *Ba Ne'be: Where Are You Going? The Changing Nature of United Nations Peacekeeping in Timor Leste* is 90,000 words in length excluding Appendix 1. This thesis contains no materials that have been submitted previously, in whole or in part, for the award of any other academic degree or diploma. Except where otherwise indicated, this thesis is my own original work. No other person's work has been used without due acknowledgement in the main text of the thesis.

Neven Knezevic, \_\_\_\_\_

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Having thanked all these people, responsibility for the contents of this work and the arguments herein rest solely with the author.

## List of Abbreviations

- AC75 – Association of Ex-Combatants 1975  
ACFOA – Australian Council for Overseas Aid  
AETA – Australian East Timor Association  
ALGD – Administration for Local Governance and Development  
ANC – African National Congress  
AusAID – Australian Assistance for International Development  
ASDT – *Associação Social- Democrática Timorese* (Timorese Social Democratic Association)  
AST – *Associação Socialista Timorese* (Timorese Socialist Party)  
AVI – Australian Volunteers International  
BPU – Border Patrol Unit  
CA – Constituent Assembly  
CAF – Conflict Analysis Framework  
CAVR – *Comissão de Acolhimento, Verdade e Reconciliação de Timor Leste* (Commission for Reception, Truth and Reconciliation in Timor Leste)  
CCF – *Committee Central Fretilin* (Fretilin Central Committee)  
CivPol – United Nations Civilian Police  
CDCU – Capacity Development Co-ordination Unit  
CEP – Community Empowerment and Local Governance Project  
CN – *Comphania Naroman*  
CNRM – *Conselho Nacional de Resistência Maubere* (National Council of Maubere Resistance)  
CNRT – *Conselho Nacional Resistência Timorese* (National Council of Timorese Resistance)  
CPD-RDTL – *Conselho Popular de Defesa da República Democrática de Timor Leste* (Council for the Popular Defence of the Democratic Republic of East Timor)  
CRRN – *Conselho Revolucionária de Resistência Nacional* (National Council for Revolutionary Resistance)  
DCDC – District Coordination and Development Committee  
DFOs – District Field Officers  
DNAT – *Direcção Nacional da Administração Território* (National Directorate of Territorial Administration)  
DPA – Department of Political Affairs  
DPKO – Department of Peacekeeping Operations  
DSRSG – Deputy Special Representative of the Secretary-General of the United Nations  
ETRA – East Timor Relief Association  
ETSA – East Timor Student Association  
ETSSC – East Timor Student Solidarity Council  
ETTA – East Timor Transitional Administration  
FALINTIL – *Forças Armadas de Libertação Nacional de Timor Leste* (Armed Forces for the National Liberation of Timor Leste)  
F-FDTL – *Forças Armadas de Libertação Nacional de Timor Leste-Força de Defesa de Timor Leste* (Timor Leste Defence Force)  
FRETILIN – *Frente Revolucionária de Timor Leste Independente* (Revolutionary Front

for Independence of Timor Leste)

GPA – Governance and Public Administration component of UNTAET

GPSM – Governance and Public Sector Matrix

HAER – Humanitarian Assistance and Emergency Rehabilitation Component, UNTAET

IDPs – Internally Displaced Persons

IDT – *Impres Desa Tertinggal*

IFET – International Federation for East Timor

IMF – International Monetary Fund

INTERFET – International Force East Timor

IOM – International Organization for Migration-

JAM – Joint Assessment Mission

JSMP – Judicial System Monitoring Program

LDF – Local Development Fund

LH – La’o Hamutuk

MIA – Ministry of Internal Affairs

MI – Ministry of Interior

MSA – Ministry of State Administration

MFAC – Ministry of Foreign Affairs and Cooperation

MFP – Ministry of Finance and Planning

NC – National Council

NCC – National Consultative Council

NDP – National Development Plan

NGO – Non-Government Organization

NPDA – National Planning and Development Agency

ODA – Office of District Affairs

OJETIL – *Organizaçao de Juventude de Timor Leste* (Organization of East Timorese Youth and Students)

OTA – Office of Territorial Affairs

PD – *Partido Democratico* (Democratic Party)

PIO – Public Information Office for UNMISSET

PKF – Peacekeeping Force

PMU – Project Management Unit

PNT – *Partido Nacionalista Timorense* (Nationalist Party of Timor)

PNTL – *Polícia Nacional Timor Leste* (Timor Leste National Police)

POLRI – Indonesian Police

PSD – *Partido Social Democrata* (Social Democratic Party)

PST – *Partido Socialísta de Timor* (Socialist Party of Timor)

QIPs – Quick Impact Projects

RENETIL – *Resistência Nacional dos Estudantes de Timor Leste* (National Resistance of East Timorese Students)

SAPs – Structural Adjustment Programs

SCU – Serious Crimes Unit

SRSG – Special Representative of the Secretary-General of the United Nations

TAV – Timorese Association of Victoria

TEPs – Temporary Employment Programs

TFET – Trust Fund for East Timor

TNI – *Tentara Nasional Indonesia* (Indonesian Armed Forces)  
UDT – *União Democrática Timorese* (Timorese Democratic Union)  
UN – The United Nations  
UNAMET – United Nations Mission of Assistance in East Timor  
UNDP – United Nations Development Programme  
UNETIM – National Union of Timorese Students  
UNHCR – United Nations High Commissioner for Refugees  
UNMISSET – United Nations Mission of Support for East Timor  
UNMOG – United Nations Military Observer Group  
UNOPS – United Nations Operations  
UNTAC – United Nations Transitional Authority in Cambodia  
UNTAET – United Nations Transitional Administration for East Timor  
UNTAS – *Uni Timor Aswain* (Union of Timorese Warriors)  
UNVs – United Nations Volunteers  
USAID – United States Assistance for International Development  
WB – World Bank

## List of Tables

Table 1 – CIVPOL Crimes Statistics .....	86
Table 2 – UNTAET/CNRT/Clandestine Local Administration Structures .....	180
Table 3 – CEP Geographic Coverage By Cycles .....	199
Table 4 – CEP Cycle 1 Project Selection .....	201
Table 5 – CEP Cycle 2 Project Selection .....	203
Table 6 – Constituent Assembly Election Outcomes .....	227

## List of Diagrams

Diagram 1 – UNTAET/ETTA Structure .....	78
Diagram 2 – Class Structure, 2002 .....	108
Diagram 3 – Timorese Divisions, December 1999 .....	109
Diagram 4 – Basic Influences Upon Disapora Timorese Groups .....	126
Diagram 5 – UN Recruitment Sources and Groups Excluded .....	130
Diagram 6 – Stages of Political Transition, Reconstruction, and Crisis (dates approximated) .....	142
Diagram 7 – Contested Local Level Political Authority, Competing Groups .....	189
Diagram 8 – Genealogy of Key Modern Political Parties .....	222
Diagram 9 – Changing Patterns of Conflict, August 1999 to August 2001 .....	253

## List of Illustrations

Picture 1 – Australian INTERFET Troops .....	56
Picture 2 – Sérgio Vieira de Mello .....	62
Picture 3 – Protestors in Díli .....	69
Picture 4 – A Safe Space, Díli, 2003 .....	98
Picture 5 – Prime Minister Mári Alkatiri .....	166
Picture 6 – President Xanana Gusmão, CAVR Political Hearings Week December 2003 .....	168
Picture 7 – FRETILIN Supporters, August 2001 .....	213
Picture 8 – Lu’Olo .....	215
Picture 9 – PD Supporters, August 2001 .....	219
Picture 10 – Xanana Gusmão and Mári Alkatiri .....	244
Picture 11 – Riot Victim, December 2002 .....	265
Picture 12 – José Ramos-Horta, CAVR Political Hearings Week December 2003 .....	287
Picture 13 – PNTL Weapons Training .....	300
Picture 14 – F-FDTL Weapons Training .....	307

## List of Boxes

Box 1 – Institutional Peace-building Matrix .....	32
Box 2 – Factors Undermining Capacity-Development, 2000-2004 .....	95
Box 3 – UNTAET Daily Situation Reports .....	232
Box 4 – UN Police Daily Situation Reports .....	283

## List of Maps

Map 1 – Timor Leste .....	v
Map 2 – Issue Motivated Group Locations .....	277
Map 3 – <i>Isolado</i> Groups, Areas of Concern .....	278
Map 4 – Ex-FALINTIL Group Situation .....	279

## **Abstract**

The United Nations peacekeeping intervention into Timor Leste following September 1999 signalled a victory for the 24-year Timorese struggle for independence. To date most evaluations of this intervention have taken “problem-solving” approaches, which have primarily considered how to improve the effectiveness of UN peacekeeping operations. This has left a gap about the impact of the UN’s overall strategic approach to political reconstruction in transitional societies recovering from chaos. In order to fill this gap this research draws upon the lessons of intrastate conflict and state-failure in post-colonial states during the 1990s and uses an institutional peace-building framework to evaluate the impact of the UN’s political reconstruction efforts in Timor Leste.

This study traces Timor Leste’s post-conflict state-building through different stages of post-conflict state-building between 1999 and 2005 and examines how new patterns of political conflict have changed. One of the principal areas of consideration is the role of democratisation as a method of transferring potentially violent factional conflict into a peaceful rule-governed institutional setting. Also considered is the role of administrative and political decentralisation as a method of consolidating post-conflict peace by strengthening the legitimacy of a new state from the “bottom upwards”. By doing so, this study contributes to the growing interest among academics and peacekeeping practitioners about the role of participatory peacekeeping interventions into post-conflict societies. This work also assesses how and the extent to which UN and international aid agencies contributed to achieving sustainable peace and development in Timor Leste through institutional peace-building.

Timor Leste continues to face reconstruction challenges peculiar to its history of occupation and resistance, which threaten to undermine the successes of state-building. Nevertheless, this thesis argues that state-building under the tutelage of the UN was a tremendous success. The findings drawn offer valuable political reconstruction lessons for Timor Leste, as well as other post-conflict societies, that will help to consolidate transitions from conflict to peace.

# Chapter 1 – Introduction

## 1.1 Setting of the Study

At the beginning of 2005 Timor Leste was a fragile state facing social and political post-conflict recovery challenges peculiar to its history of resistance and occupation. Like other developing countries, it was confronted with a weak economy and widespread poverty. More than two in five people (41 percent) lived below a monetary poverty line of US\$ .55 cents per day and were unable to meet food, clothing, education or housing costs; women mostly remained subordinate to male-dominated social hierarchies; illiteracy was estimated at 66 percent; approximately 80 percent of the population lived in rural areas and were engaged in subsistence agricultural production; private business and cash employment was limited with little prospect of rapid expansion over the short-term; and the country's infrastructure was in shambles.<sup>1</sup> Moreover, the country faced systemic weaknesses with its political and institutional structures. These weaknesses fuelled government from community alienation and claims of a one-party dominated state.

Nevertheless, by 2005 the country appeared to be far removed from the post-conflict conditions of 1999 to 2000. In August 1999, the East Timorese endured widespread violence to vote overwhelmingly for independence in one of the final acts of a 24-year liberation struggle. United Nations Security Council Resolution 1272 set forth highly ambitious objectives, calling for the United Nations Transitional Administration for East Timor (UNTAET) to build a viable state in just over two years. Similar to post-World War I trusteeships of the League of Nations,<sup>2</sup> the powers conferred upon UNTAET made it akin to a sovereign government until its political control of the territory was transferred with the country's official independence on 20 May 2002.<sup>3</sup>

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<sup>1</sup> Planning Commission, *East Timor, State of the Nation Report* (Díli: Planning Commission, Democratic Republic of East Timor, April 2002)

<sup>2</sup> Established after World War I, the League of Nations was the precursor to the United Nations. It collapsed following aggressive acts made by Japan, Italy and Nazi Germany in the early 1930s as it was considered an irrelevant body unable to fulfil its international peace-maintenance functions.

This study argues that peacekeeping and state-building in Timor Leste under the governorship and assistance of the United Nations have proven the most successful of any such UN operations since the end of the Cold War. While there were several relatively minor outbursts of community anger during the early state-building period that sometimes resulted in violence and deaths in places such as Viqueque, Baucau and Díli, competition for authority and power among the country's elite occurred in a relatively peaceful manner, particularly when compared to other multi-dimensional peacekeeping operations. State-building was far from perfect and the events of April to May 2006 demonstrated that the country still faced many difficult challenges. To assume otherwise would have been unrealistic, particularly when considering that modern state-building throughout the world has been a violent process that has evolved over decades, if not several hundreds years.

The challenges to creating a viable state were compounded by the legacies of Indonesian occupation. UNTAET began its peacekeeping and state-building efforts in difficult conditions created by a punitive “scorched earth” pro-Indonesian militia rampage in September 1999.<sup>4</sup> More than 75 percent of the population was displaced internally, or forced to flee to West Timor.<sup>5</sup> Nearly all the pre-referendum state governance and administrative structures were destroyed; there was widespread destruction of social infrastructure; theft of agricultural livestock and social infrastructure and all senior Indonesian civil servants abandoned the territory.<sup>6</sup> Most East Timorese inside the country had little experience managing anything close to an independent state. Its people were ill-equipped to assume administrative responsibilities after a generation of Indonesian attempts to engineer different types of passive dependency upon direct rule

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<sup>3</sup> Jarat Chopra, ‘Building State Failure in East Timor’, *Development and Change* 33(5) (2002), pp. 979-1000.

<sup>4</sup> Donald K. Emmerson, ‘Voting & Violence: Indonesia and East Timor in 1999’, in D.K Emmerson (ed.), *Indonesia Beyond Suharto: Polity, Economy, Society, Transition* (New York: M.E Sharpe, 1999), p. 356.

<sup>5</sup> United Nations Development Programme, *Ukun Rasik A’an – The Way Ahead: East Timor Human Development Report 2002* (Díli: UNDP, 2002), p. 12. <http://www.undp.east-timor.org/documentsreports/nhdr/> (28 March 2004)

<sup>6</sup> Joint Assessment Mission, *East Timor: Building a Nation. A Framework for Reconstruction and Development- Governance Background Paper* (Díli: 1999)

from Jakarta.<sup>7</sup> The resulting vacuum of formal institutional structures led some among Timor Leste's political leadership to claim state-building began from "scratch". Pressure was added by an acute humanitarian crisis that lasted well into 2000.<sup>8</sup> There were ongoing cross-border security threats from militia ready to incite anyone under their control to violence, as demonstrated by the brutal murders of three United Nations High Commissioner for Refugees (UNHCR) staff beaten and hacked to death with machetes in UNHCR's Atambua office in West Timor in early 2001.

Throughout the 1990s the UN was engaged in increasingly complex peacekeeping operations that involved elements of institution-building. None offered lessons that could guide UNTAET's state-building efforts clearly for building the institutions of a country in their entirety. Similarly, the East Timorese did not begin seriously considering the shape of an independent state until late 1998. While UNTAET had no clearly articulated "blue print" for building state institutions, it sought to establish principles of "good governance" and create a rule-of-law which would adhere to international human rights standards.

## 1.2 State-Building Background

UNTAET's origins ultimately rest with Indonesia's brutal invasion of Timor Leste on 7 December 1975. The various Indonesian intrigues fomenting conflict inside Timor Leste through *Operasi Komodo* to justify the invasion,<sup>9</sup> and Indonesia's subsequent annexation

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<sup>7</sup> On the Indonesian system fostering passive dependencies see Lansell Taudevin, *East Timor: Too Little Too Late* (Sydney: Duffy & Snellgrove, 1999), p. 152; Richard Robison, 'Indonesia', in K. Hewison et al (eds.), *Southeast Asia in the 1990s- Authoritarianism, Democracy and Capitalism* (Sydney: Allen & Unwin, 1993), p. 44; and Mochtar Pabottingi, 'Indonesia', in M. Alagappa (ed.), *Political Legitimacy in Southeast Asia: The Quest for Moral Authority* (Stanford: Stanford University Press, 1995), pp. 232-234.

<sup>8</sup> For a definition of a humanitarian crisis see United Nations High Commissioner for Refugees, *A UNHCR Handbook for the Military on Humanitarian Operations* (Geneva: UNHCR, January 1995), p. 2. The terms humanitarian crisis and humanitarian emergency are used interchangeably from this point onwards.

<sup>9</sup> Dunn covers the intrigues of the Indonesian invasion and annexation thoroughly, see James Dunn, *Timor: A People Betrayed* (Queensland: Jacaranda Press, 1983)

of Timor Leste on 17 July 1976, brought a halt to what until July 1975 was shaping up to be a relatively peaceful post-World War II decolonisation process.<sup>10</sup>

In 1976, FRETILIN's leadership successfully internationalised the country's liberation struggle through the United Nations Security Council, and later the General Assembly and the United Nations Committee on Decolonisation. This strategy left Timor Leste's international legal status unresolved. By 1979, the first generation of armed resistance inside the country had been crushed, leaving only a handful of FRETILIN Central Committee members to reorganise the internal resistance. The reformation of the resistance in the early 1980s under the leadership of Xanana Gusmão laid the foundations for a united national liberation struggle. In 1998 it brought most groups among the divided diaspora community together under the umbrella of the *Conselho Nacional Resistência Timorese* (CNRT, National Council of Timorese Resistance). Radical wings of FRETILIN that became powerful after the Indonesian invasion and were responsible for organising numerous purges in the mid-1970s opposed these efforts. The result was a violent power struggle in the early 1980s for control of the overall resistance inside the country. The contested nature of this history and its legacy resonated among factional groups in Timorese society and promised to underpin various political power struggles following 1999.

In 1991, when the world had mostly come to accept Indonesian occupation as a *fait accompli*, the clandestine student-based resistance, which had spent much of the 1980s organising itself as part of a new resistance strategy, rose up in peaceful protest against Indonesian occupation.<sup>11</sup> In the view of James Dunn, more than any other part of the liberation struggle, it was the graphic images of those students being ruthlessly gunned down during their act of passive resistance in 1991 that turned international opinion

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<sup>10</sup> See Australian Council for Overseas Aid, 'Report on Visit to East Timor for the ACFOA Task Force' (Canberra: ACFOA, October 1975).

<sup>11</sup> For an overview of student groups during the resistance see Dan Nicholson, 'The Lorikeet Warriors: East Timorese New Generation Nationalist Resistance, 1989-1999' (Unpublished Bachelor of Arts Honours Dissertation, Melbourne University, 2001), pp. 10-30.

against Indonesian attempts to incorporate Timor Leste through “the passage of time”.<sup>12</sup> Importantly, it also raised concerns among some sections of Indonesian society, which feared the massacre would harm the country’s image, deter economic investment, and would contradict the popular perception among its citizens of Indonesia as a progressive state.<sup>13</sup>

On the international stage, the collapse of the Soviet Union in 1991 made the “bogey man” of leftist communist insurgency, a rationale central to Indonesia’s invasion in 1975, almost entirely irrelevant. The Indonesian economic collapse of 1997 and subsequent social pressures for democratisation led in 1998 to the downfall of Indonesia’s pseudo-dictator for approximately 30 years, President Suharto.<sup>14</sup> His appointed replacement, President B. J. Habibie, proved much more eager for a final resolution of the “East Timor question” and would later agree to the referendum of 1999. These changing geo-political and economic realities during the 1990s created crucial space for the East Timorese vision of independence to become reality.

### **1.3 UN Operational Phases**

These events led to three broad phases of peacekeeping and state-building, each of which can be divided into subcomponents with significant overlaps in all. For the sake of manageability, only three broad categorizations are considered here: (1) the political decolonisation phase led by the United Nations Assistance Mission in East Timor (UNAMET), (2) the peace-enforcement phase led by the International Force for East Timor (INTERFET), and (3) the peacekeeping and state-building phase led by the United

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<sup>12</sup> Dunn (1983), p. 304.

<sup>13</sup> See Stephen Sherlock, *East Timor: A Challenge for Indonesia- and Australia*, Issue Brief no. 4 (Canberra: Foreign Affairs Group, Parliamentary Research Service, 1992), pp. 1-4; Adam Schwarz, *A Nation in Waiting. Indonesia in the 1990's* (Sydney: Allen & Unwin, 1994), pp. 195-196; Barbedo de Magalhaes, *East Timor. Indonesian Occupation and Genocide* (Portugal: President’s Office Oporto University, 1992), pp. 65-66; and Sri Bintang Pamungkas, ‘Demanding Our Democracy’, *Inside Indonesia*, no. 44 (September 1995), pp. 2-4.

<sup>14</sup> For an overview of the economic, social, and political pressures confronting Indonesia see Geoff Forrester and R.J. May (eds.), *The Fall of Soeharto* (Singapore: Select Books Pte Ltd., 1999).

Nations Transitional Administration for East Timor (UNTAET) and followed with the United Nations Mission of Support for East Timor (UNMISSET).

**UNAMET.** UNAMET was the operational culmination of a complex process of negotiations between Indonesia, Portugal, and the United Nations that began in the early 1980s and ended with the May 5 1999 Accords (sometimes referred to as the Tripartite Agreement). The Accords outlined the modalities of the Popular Consultation of August 1999 as part of broader plans that included a staged transition to independence or regional autonomy for Timor Leste within Indonesia.<sup>15</sup>

**State Orchestrated Terror and “Black September”.** Before UNAMET was deployed to the field, Indonesian police and military personnel began breaching security arrangements for the vote by facilitating or directly participating in acts of militia intimidation against pro-independence supporters.<sup>16</sup> The UN was aware of the escalating patterns of violence, but its unarmed civilian police contingent could only look on hopelessly. The political compromises made during the May 5 1999 Accords to quell Indonesian fears of violations to its national sovereignty, which secured the holding of the referendum left executive responsibility for security in the hands of Indonesian security forces.<sup>17</sup> Rather than postponing the Popular Consultation, the UN left it to the Timorese leadership to decide whether the vote should be carried out as planned.<sup>18</sup> Viewing the referendum as an historic opportunity to gain independence that might never

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<sup>15</sup> United Nations Security Council and General Assembly, *Question of East Timor: Report of the Secretary-General*. A/53/951, S/1999/513 (5 May 1999).

<sup>16</sup> Ian Martin, ‘The Popular Consultation and the United Nations’, in J. Fox and D. Babo-Soares (eds.), *Out of the Ashes: Destruction and Reconstruction of East Timor* (Adelaide: Crawford House Publishing, 2000)

<sup>17</sup> See United Nations Security Council, *Question of East Timor Report of the Secretary-General*. S/1999/705 (22 June 1999b), paras. 14-19; and Joseph Nevins, ‘The Making of Ground Zero in East Timor in 1999: An Analysis of International Complicity in Indonesia’s Crimes’, *Asian Survey*, vol XLII, no. 4 (July/August), p. 626.

<sup>18</sup> Sarah Niner, ‘Maun Bo’ot: Our Brother’, *Meanjin Australian Open*, vol. 61, no. 3 (Melbourne, 2002), p. 179. For further reading see Sarah Niner, ‘A Long Journey of Resistance: The Origins and Struggle of CNRT’, in R. Tanter et al (eds.), *Bitter Flowers Sweet Flowers: East Timor, Indonesia, and the World Community* (Sydney: Pluto Press, 2001).

again present itself, a tactical decision was made by leaders of the resistance to move forward in the face of violence.<sup>19</sup>

“Black September” is the term commonly used by East Timorese to describe the horrors that befell them after ballot results were announced on 4 September 1999. Pro-Indonesian militia systematically looted and destroyed buildings and property, beating people, raping women, and murdering pro-independence supporters. The CAVR report states that 400-600 were killed between January and August and a further 900 following the ballot in August 1999 up to the middle of October 1999.<sup>20</sup> It was common to later hear Timorese recall how TNI personnel had dumped bodies from helicopters at sea or into rivers inland, to be eaten by sharks or crocodiles as an Indonesian method of disposing of physical evidence. This “spontaneous” violence during Black September was the logical conclusion to the pattern of intimidation and persecution against pro-independence supporters that had occurred in the months leading up to the referendum.

**Peace Enforcement Phase – INTERFET and Humanitarian Relief.** The peace enforcement phase is most easily associated with the deployment of INTERFET troops in late September under Australian leadership.<sup>21</sup> This phase incorporated a range of efforts from governments and international organisations. These included overt political pressure and threats of economic sanctions from the International Monetary Fund (IMF) and the World Bank against an already crippled Indonesian economy. With the establishment of UNTAET, INTERFET essentially “changed hats” to become the mission’s peacekeeping force with a gradual downsizing of personnel over the period of UNTAET, and later its successor the United Nations Mission of Support for East Timor (UNMISET) from 2002 to 2005.

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<sup>19</sup> Emmerson (1999), p. 357. Emmerson argues that UNAMET would have withdrawn from the field if any of its international personnel had been murdered prior to the ballot.

<sup>20</sup> CAVR, ‘Part 3: The History of the Conflict’, para 624, in ‘Chega! Final Report of the Commission for Reception, Truth and Reconciliation in East Timor (CAVR)’ <http://etan.org/news/2006/cavr.htm>

**State-Building and Peacekeeping Phase.** As will be demonstrated, this phase included a number of different transitional stages of political reconstruction between September 1999 and January 2005. State-building did not truly begin until mid-2000, six months into the UNTAET mission. Further state-building assistance was provided following independence with the establishment of UNMISET which offered numerous support functions, peacekeeping operations and executive policing with a gradual transfer of full responsibilities to Timor Leste's government. UNMISET's primary objective was ensuring the state continued to function, provide security, and consolidate the governance capacities of Timor Leste's public administration. These two missions were radically different in terms of their levels of control (i.e. administering the country as opposed to assisting an independent government) but were both heavily involved with the state-building process. The two missions form the basis for the time-frame for this study: the beginning of 2000 with UNTAET to mid- 2005 with UNMISET and its transition to the United Nations Political Mission for Timor Leste (UNOTIL).

#### **1.4 Research Aims**

As alluded to in the title of this work, *Ba Ne'bé: Where Are You Going? The Changing Nature of United Nations State-building in Timor Leste*, one of the research aims of this study is to identify how, or if, the UN's state-building efforts shaped Timor Leste's institutional system in a way that will promote sustainable peace and development. Historical antecedents are incorporated throughout the text where they help to illuminate post-1999 reconstruction efforts. This also includes examining how and why the UN operated as it did, the manner in which East Timorese responded to and influenced the UN's efforts, and how UN multi-dimensional peacekeeping evolved through its involvement in Timor Leste.

The study is framed around UNTAET's national level institution building efforts and the Community Empowerment and Local Governance Project (CEP) at the local level.<sup>22</sup> This

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<sup>21</sup> See Geoffrey Robertson, *Crimes Against Humanity: The Struggle for Global Justice* (London: Penguin Books, 2002), pp. 455, 461.

is done in order to link the ideas of building constructive citizenship from the bottom upwards with national level democratic systems. By identifying the role of both in a post-conflict state and the appropriate sequence by which participatory approaches can foster political stability and consolidate democratic governance, this work will contribute to the evolution of “participatory interventions” into post-conflict state-building.<sup>23</sup> To this end, other institutions and administrative structures examined include: the former CNRT, UNTAET and its Office of District Affairs, Timorese local governance structures, the Offices of the President and the Prime Minister, the National Parliament, the Constitution, the justice system, police services, the armed forces, and several ministries. The international level, of course, is built-in through the involvement of the World Bank and the UN.

This work seeks to answer several questions:<sup>24</sup>

1. How did the UN influence issues of security and state-building?
2. How did the Timorese community influence state-building?
3. How did the political landscape evolve under the tutelage of the UN?
4. Who benefited from the political system constructed and how does that impact upon peace and development?
5. How did the UN influence the evolution of local political and administrative dynamics?
6. Which institutions are best suited for creating “good” government and societal relations during post-conflict political reconstruction?
7. What types of institutional arrangements consolidate democracy and build constructive citizenship among a population in a post-conflict society?

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<sup>22</sup> The Community Empowerment and Local Governance Project (CEP) was a World Bank funded project which provided assistance to rural communities across the country during the period of UNTAET and during the UNMISSET period up to March 2004.

<sup>23</sup> Chopra and Hohe argue that the next evolutionary step in modern peacekeeping operations is identifying operational strategies that will promote bottom-up state-building in a manner that is culturally relevant and that is able to promote notions of citizenship, Jarat Chopra and Tanja Hohe, ‘Participatory Interventions’, *Global Governance*, 10 (2004), pp. 289-305.

<sup>24</sup> For further reading on political analysis see Bo Rothstein, ‘Political Institutions: An Overview’, in G. R. Goodin and H. Klingemann (eds.), *A New Handbook of Political Science* (Oxford: Oxford University Press, 1996), p. 136.

8. Did institutional engineering change the behaviour of Timorese political actors and if so how?

Several key arguments will be made throughout this work and will be revisited in the concluding chapter.

***Argument 1:*** UNTAET was a highly successful peacekeeping operation, but its role as a transitional administration overseeing state-building and institutional peace-building was ambiguous. UNTAET managed to begin these latter two processes, but left in its wake weak institutions dependent upon the individual personalities and skills of Timorese leaders and external assistance for their viability.

***Argument 2:*** One of UNTAET's greatest strengths was the sense of institutional stability and security it provided for the Timorese population. Combined with its peacekeeping functions, UNTAET managed to create a "safe space" from the anarchy to which it deployed in December 1999. Within this safe space, Timorese political authority began to constitute itself in a manner that facilitated the peaceful resolution of internal power contests and allowed for a new democratic system to become "tentatively" consolidated.

***Argument 3:*** The Community Empowerment and Local Governance Project (CEP) neutralised the local level as a political battleground. The foundations of citizenship-building and broad community participation with the state's decision-making processes were established with mechanisms found in the country's deliberative parliamentary democratic system, but there remained a large gap between state and society. If state-building is to become fully consolidated in a manner that will promote long-term peace, the country's government needs to introduce bottom-up political approaches that will build constructive citizenship among its population.

This study is by no means exhaustive and leaves much to explore. For example, there is little discussion herein on the role of the Catholic Church or Timorese women's groups, both important sets of issues to consider. The contemporary nature of this case study

means that historical factors are not considered at any great length. Additionally, there is no attempt to conduct comparative analyses of different UN peacekeeping operations. While this latter point can be considered a weakness, its strength is that it provides a rich understanding of why there were both successes and failures with UN state-building between 2000 and 2005 in Timor Leste. This might otherwise be lacking in larger-scale comparative analyses focusing on statistical indicators.

## **1.5 Chapter Structure**

In line with the research aims listed above and the methodological considerations set out in Chapter 2, this study covers key periods and issues from 2000 to 2005. UNTAET and the early stages of UNMISSET were, in this light, comprised of a number of “formative moments” which are explored herein. Each deals with different sets of institutional peace-building areas that have temporal overlaps. In doing so, this work hopes to present a comprehensive picture of how the dynamic interaction of the factors and issues considered combined to shape the state of Timor Leste and its political system by the beginning of 2005.

*Chapter 2* establishes a theoretical framework relating to post-conflict state-building within the lens of the UN’s peace-building mosaic. It goes on to focus on political reconstruction and institutional peace-building; particularly democratisation as a method of elite level conflict resolution and citizenship-building in societies recovering from conflict. This is done in order to establish the operational and theoretical importance of “bottom upwards” participatory state-building interventions and its position among existing institutional peace-building initiatives. The methodological design for this study outlined in Appendix 1 is guided by this theoretical framework, and explains how this research has been conducted.

*Chapter 3* examines the operational realities of UNTAET, its weaknesses, its strengths and the logic underpinning its interaction with the East Timorese. It seeks to identify how institutional and policy choices and attitudinal factors among internationally recruited UN personnel impacted upon the mission’s relations with the East Timorese.

Further consideration is given to how the mission's presence, its transitional administrative structures and its capacity-development strategies, acted to stabilise internal political contests and prepare the territory for self-governance.

*Chapter 4* considers the complex social changes that occurred within East Timorese society underneath the surface of UN control. This includes an examination of internal competitions for power, strategies employed by the Timorese to gain greater levels of control from UNTAET in setting the state-building agenda and the power-sharing mechanisms between the CNRT and UNTAET which emerged in response to local dissatisfaction. By doing so this chapter identifies the constraints local politics placed upon UNTAET's state-building efforts, how partnerships emerged with key Timorese leadership figures, the relevance of UNTAET's own strategies compared to those of CNRT and how these processes impacted upon building viable state institutions.

*Chapter 5* looks at how lessons from several other post-conflict societies informed UNTAET's decision to centralise its administration. It also considers some of the competing interpretations about bottom-up state-building, East Timorese leadership concerns, and through an examination of the Community Empowerment and Local Governance Project (CEP) seeks to identify the appropriate place for such initiatives. It goes on to consider how post-conflict realities influenced the development of local government structures through the post-independence period and the sequencing of participatory "bottom-up" approaches in post-conflict state-building.

*Chapter 6* takes a step back to consider elections for the Constituent Assembly in August 2001, the drafting of the Constitution that followed, internal factional divides within the CNRT, and the methods employed by groups seeking to use institutional mechanisms to leverage their political standing as state-building unfolded. This chapter also explores the debate about the cultural relevance of democracy in Timor Leste and the institutional role of democratisation in building sustainable peace and development. The discussion is then extended to consider how political conflicts informed the development of an effective public administration.

*Chapter 7* looks at three sets of state-building challenges confronting Timor Leste: (1) internal security, (2) cross-border security with Indonesia, and (3) the country's institutional weaknesses. It begins with an examination of an important formative moment for Timor Leste's state-building, the 4 December riot of 2002. The analysis links two overlapping explanations for its occurrence: UN operational failures in responding to the riots and the inadequate capacity-building of the local police force to do the same; and internal political divisions which gave rise to the riots. Political pacts which subsequently emerged are identified. Latter sections explore the country's institutional weaknesses in the areas most commonly identified as being important for institutional peace-building: the police, the army, and justice institutions. Additional discussion is given to local government development as a thematic area that is receiving increasing levels of attention in peacekeeping operations. This chapter concludes by identifying how, by the beginning of 2005, the UN's institutional capacity-development strategies shaped Timor Leste's political system and the relationship between the new state and its society.

*Chapter 8* draws together findings of the study to offer some overall conclusions. The political crisis and factional fighting in Timor Leste between April and May 2006 are also incorporated into these findings.

## **Chapter 2 – State-Collapse and Post-Conflict Political Reconstruction**

This chapter looks at issues of post-conflict political reconstruction with reference to the UN's institutional peace-building framework, and the lessons of state-failure and peacekeeping operations during the 1990s. This will provide a grounded theoretical approach to the overall study. The discussion begins with an overview of intrastate conflict, humanitarian emergencies, post-Cold War state-failure, and their institutional and political causes. This chapter then considers if and how such concerns were relevant to Timor Leste in December 1999. The concept of institutional peace-building is then explored within the context of peacekeeping operations. In order to understand post-conflict political reconstruction challenges at different stages of political recovery, the theoretical arguments developed by Jarat Chopra regarding stages of political reconstruction and the role of transitional UN administrations are contrasted against a typology of states that have experienced humanitarian emergencies or intrastate conflict. This is then combined with the arguments of O'Donnell and Schmitter regarding political uncertainty and contestation in countries experiencing political transition. The following sections consider the place of post-conflict democratisation within an institutional peace-building approach as a method of resolving political conflict and contributing to the development of a governance system that will help to secure sustainable peace and development. Within this context, special attention is given to the often neglected roles of political and administrative decentralisation as methods of building constructive citizenship in post-conflict environments; thus contributing to the consolidation a new political system by strengthening the overall legitimacy of a state and its institutions.

### **2.1 Intrastate Conflict and State-Failure of the 1990s**

Theories abound about the causes of intrastate conflict, the collapse of states and humanitarian emergencies following 1991.<sup>25</sup> After more than a decade of attempts to posit explanations the discussion herein does not pretend to resolve these debates. Instead, the aim here is to identify key strands of thought related to post-conflict recovery

(particularly in relation to governance institutions) that shaped, or possibly confused, UNTAET's strategy for state-building, institutional development and political reconstruction in Timor Leste.

If one is to discuss intrastate conflict, state-failure, or state-building, it is useful to first provide a basic definition of a state and its functions. Peter Dauvergne defines a state as “an organisation that includes an executive, legislature, bureaucracy, courts, police, military, and in some cases schools and public corporations”.<sup>26</sup> Its capacity relates to its ability to “maintain social control, make policies, impose rules, provide basic services, and manage the national economy”.<sup>27</sup> The modern state thus refers to a specific territorial area in which a government exercises political and judicial control, and claims a monopoly on the legitimate use of force.<sup>28</sup>

During the 1990s the UN became increasingly involved in complex peacekeeping operations in countries experiencing humanitarian crises and intrastate conflicts, or armed conflicts within the territorial boundaries of states. By the turn of the millennium, there were 25 major armed conflicts in the world, only two of which were interstate.<sup>29</sup> Between 1988 and 1994 the number of UN peacekeeping missions rose from 5 to 16, mostly in response to intrastate conflicts.<sup>30</sup> According to Steven Ratner, the rise of intrastate conflicts was informed by three changes in the international political system following 1989. First, the end of the Cold War meant an end to super-power support for proxy wars

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<sup>25</sup> Emma Stewart, *Conflict Prevention; Consensus or Confusion? Peace, Conflict and Development*, Issue 3, (June 2003), pp. 1-8. <http://www.peacestudiesjournal.org.uk> (15 January 2007)

<sup>26</sup> Peter Dauvergne, ‘Indonesia and the Solomon Islands’, in P. Dauvergne (ed.), *Weak and Strong States in Asia-Pacific Societies* (Sydney: Allen & Unwin, 1998), p. 2.

<sup>27</sup> *ibid.*, p. 2.

<sup>28</sup> Damien Kingsbury, *Southeast Asia: Political Profile* (Melbourne: Oxford University Press, 2001), p. 6.

<sup>29</sup> See Margareta Sollenberg and Peter Wallensteen, ‘Patterns of Major Armed Conflicts, 1990-2000’, in *SIPRI Yearbook 2001: Armaments, Disarmament and International Security* (Oxford: Oxford University Press, 2002) <http://projects.sipri.se/conflictstudy/2001MACappla.pdf> (24 December 2002)

<sup>30</sup> Mary Kaldor, ‘Introduction’, in M. Kaldor (ed.), *Global Insecurity: Restructuring the Global Military Sector, Volume III* (Helsinki: United Nations University, World Institute for Development Economics Research UNU/WIDER, 2000), p. 14.

in places such as Cambodia, Central America, Angola, and Mozambique by “removing them from the distortions caused by the spheres of influence inherent in the East-West rivalry”.<sup>31</sup> The structure of US-Soviet relations was defined by military and ideological rivalries that shaped the type of conflicts found throughout much of the world. The end of the Cold War was therefore destabilising because it allowed for the emergence of various intrastate conflicts in countries which lost external support mechanisms to buttress their internal holds on power.<sup>32</sup> According to Richard Crockatt, “the end of the Cold War enforced a redefinition of national interests on all states and in some cases a reshaping of the nations themselves”.<sup>33</sup>

Although a process in the making since the end of World War II, the loss of external support gave rise to the modern phenomenon of state-failure. Karin von Hippel defines state-failure as a situation in which,

[P]ublic institutions, legitimate authority, law and political order (including the police and judiciary) disintegrate, and most state assets are either destroyed or stolen...states are unable to contain the disruptive forces that contribute to the deterioration of central authority.<sup>34</sup>

This process manifested itself in Yugoslavia and Somalia where declining levels of external support led to a weakening of internal power structures. This created space for the intensification of ethnic nationalism used by ethnic elite to begin carving out new states, or for the intensification of “clan-based” ethnic conflict over diminishing sources of national wealth.<sup>35</sup> The research findings of Mikael Eriksson and Peter Wallensteen

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<sup>31</sup> Steven R. Ratner, *The New UN Peacekeeping: Building Peace in Lands of Conflict After the Cold War* (New York: St. Martin’s Press, 1996), p. 14.

<sup>32</sup> For further discussion see, James Dobbins, Seth G. Jones, Keith Crane, Andrew Rathmell, Brett Steele, Richard Teltschik, and Anga Timilsina, *The UN’s Role in Nation-Building, From the Congo to Iraq* (Santa Monica: RAND Corporation, 2005), p. xviii.

<sup>33</sup> See Richard Crockatt, ‘The End of the Cold War’, in J. Baylis and S. Smith (eds.), *The Globalisation of World Politics: An Introduction to International Relations* (Oxford: Oxford University Press, 1998), pp. 90, 103.

<sup>34</sup> Karin von Hippel, *Democracy by Force: US Military Interventions in the Post-Cold War World* (Cambridge: Cambridge University Press, 2000), pp. 190-191.

tend to add weight to this view. Eriksson and Wallensteen demonstrate that interstate and intrastate conflicts peaked in 1991 at 59, with a steady decline so that by 2003 there were 29 armed conflicts. The highest intensity conflicts dropped from 17 in 1991 to 5 in 2003, and the number of intrastate conflicts during the same time-frame dropped from 49 to 26.<sup>36</sup> In other words, as new patterns of international security, order, and stability emerged to replace the power relationships of Cold War super-power rivalries, conflict decreased in a corresponding manner.

What is it then about a weak state which gives rise to humanitarian emergencies, state-failure, and UN peacekeeping interventions? Pointing to the work of Jean-Germain Gros, Kaveli Holsti lists a continuum of different state types threatened by collapse or humanitarian emergency. These include (i) anarchic states, those with no central authority and where there is a breakdown of rules governing society; (ii) phantom states, those where there is a semblance of authority (constitutions, incumbent power-holders, armed forces, police, etc) that extends only to a handful of elites and where real social authority is devolved to local centres; (iii) anaemic states, those where there is a “semblance of authority”, but administrations are unable to deliver government services due to lack of infrastructure or because of high expenditures fighting insurgencies; (iv) aborted states, those that “never get off the ground” politically after achieving independence (authority structures were never put into place and from the outset their governments were engaged in fighting secessionist or civil wars); and (v) collapsed states, those which began their independence in relatively weak positions and governments were unable to consolidate state authority.<sup>37</sup> The characteristics of such countries often include: (i) more than two distinct ethnic, language, and/or religious communities; (ii) recent (since 1945) independence; (iii) government exclusion and persecution of distinct social groups; (iv) rule by kleptocrats or entrenched minorities;

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<sup>35</sup> Ratner (1996), p. 14. For further discussions see Taylor B. Seybolt, ‘Major Armed Conflicts’, in *SIPRI Yearbook 2001: Armaments, Disarmament and International Security* (Oxford: Oxford University Press, 2001) <http://projects.sipri.se/conflictstudy/2001MACchap1.pdf> (24 December 2002)

<sup>36</sup> See Mikael Eriksson and Peter Wallensteen, ‘Armed Conflict, 1989-2003’, *Journal of Peace Research*, vol. 41 (5) (2004), pp. 625-636.

and (v) weak government legitimacy.<sup>38</sup> Holsti also points out that *almost all humanitarian emergencies during the 1990s took place in third world post-colonial or post-Soviet/communist states*.<sup>39</sup>

Claude Ake identifies three factors that underpinned many of the humanitarian emergencies of the 1990s. These include: (i) centralised systems promoting hostile interactions within the territorial boundaries of states; (ii) increasingly violent identity and solidarity claims; (iii) developing countries facing acute contradictions of capitalist modernity (dislocations in power, economic, and status hierarchies, failed development projects, increasing poverty amid rising expectations, and (iv) an intrusive technocratic culture “enamoured of its own universal validity”).<sup>40</sup> Ake further identifies several negative legacies of colonial rule which contribute to state-failure: (i) artificial borders that do not coincide with diverse demographic, cultural, or commercial characteristics among internal populations; (ii) institutional structures designed to limit broad-based political participation, particularly at the national level; and (iii) the exacerbation of class, ethnic, language, or other divisions.<sup>41</sup>

Post-colonial states of varying degrees of weakness were thus faced with the challenges of state-building, nation-building, and political integration of diverse groups within their territories.<sup>42</sup> However, as noted by American academic Jarat Chopra, the notions of political legitimacy and authority were equated with control of a territory and its population, rather than genuine community involvement in political and government

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<sup>37</sup> Kaveli J. Holsti, *Political Sources of Humanitarian Emergencies* (Helsinki: United Nations University, World Institute for Development Economics Research, UNU/WIDER, 1997), p. 11.

<sup>38</sup> *ibid.*, p. vii.

<sup>39</sup> *ibid.*, pp. 2-3.

<sup>40</sup> Claude Ake, *Why Humanitarian Emergencies Occur: Insights from the Interface of State, Democracy and Civil Society* (Helsinki: United Nations University, World Institute for Development Economics Research, UNU/WIDER, 1998), p. 1.

<sup>41</sup> *ibid.*, pp. 3-4.

<sup>42</sup> *ibid.*, p. 2.

decision-making processes.<sup>43</sup> Moreover, as argued by Ake, state-making was the equivalent of “primitive accumulation”, but more violent because it entailed “conquest and subjugation” of groups which owed no political allegiance to state makers.<sup>44</sup> As with historical European state-building, violent processes of “conquest and subjugation” were compounded by attempts to destroy local authority structures, cultures, and customs, which were to be replaced by national laws.<sup>45</sup>

Tony Addison further argues that several of the most problematic post-colonial countries on the African continent relied on Soviet development models which led to a “fatal over-centralisation of political and economic power and a slide into conflict”.<sup>46</sup> The structure of economies contributed to the rise of intrastate conflicts because they failed to achieve broad-based economic growth.<sup>47</sup> Nafziger and Auvénin similarly demonstrate that the economic systems of countries which have experienced humanitarian emergencies or intrastate conflicts were structured in a manner that,

[A]ffluent and dominant ethnic communities use[d] the accumulated advantages of the past...to start enterprises, buy farms, and obtain government jobs in disproportionate numbers. Less affluent and influential groups [were] underrepresented in entrepreneurial activity, investment and employment.<sup>48</sup>

Humanitarian emergencies occurred most often in low-income countries with high levels of social and economic inequality aggravated by periods of economic decline, and increasingly predatory behaviour by government officials.<sup>49</sup> They define a predatory

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<sup>43</sup> Jarat Chopra, *Peace-Maintenance: The Evolution of International Political Authority* (New York: Routledge, 1999), p. 38.

<sup>44</sup> *ibid.*, pp. 2-3.

<sup>45</sup> Holsti (1997), p. 3.

<sup>46</sup> Tony Addison, *Underdevelopment, Transition and Reconstruction in Sub-Saharan Africa* (Helsinki: United Nations University, World Institute for Development Economics Research, UNU/WIDER, 1998), p. ix.

<sup>47</sup> *ibid.*, p. ix.

<sup>48</sup> Wayne Nafziger and Juha Auvénin, *War, Hunger, and Displacement: An Econometric Investigation into the Sources of Humanitarian Emergencies* (Helsinki: United Nations University, World Institute for Development Economics Research, UNU/WIDER, 1997), p. 9.

regime as one marked by personalistic rule, coercion, material inducement and personality politics.<sup>50</sup> Weaknesses of state institutions which contributed to rising levels of predatory political behaviour and the erosion of state legitimacy included: practices of corruption; weak civilian oversight and public accountability; repressive security actions by police and military personnel; declining social services such as education and health (if they ever existed); deterioration of physical infrastructure; and a decline in the rule-of-law in which judicial independence does not exist.<sup>51</sup>

According to Nafziger and Auvinen, these dynamics in failed states found their origins in the early policy choices made by ruling elites who attempted to “preserve or enhance” their power.<sup>52</sup> Likewise, Holsti highlights the central roles played by the policy choices of governing elites and the institutional systems in which they operated. The combination,

[S]ystematically exclude[d] specific groups in the society from access to policy-making positions and from equal access to government services. Supporters of the regime, in contrast, [held] privileged positions in complex systems of patronage and clientelism.<sup>53</sup>

Miall, Ramsbotham and Woodhouse also write,

In many post-colonial multi-communal societies the state machinery comes to be dominated by a single communal group or a coalition of a few communal groups that [were] unresponsive to the needs of other groups in the society...breed[ing] fragmentation and protracted social conflict.<sup>54</sup>

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<sup>49</sup> *ibid.*, pp. 40-42.

<sup>50</sup> *ibid.*, pp. 25, 39-40, 49.

<sup>51</sup> Robert Rotberg, ‘Failed States in a World of Terror’, *Foreign Affairs*, vol 81, no. 4 (July/August 2002), p. 132.

<sup>52</sup> *ibid.*, p. 63.

<sup>53</sup> See Holsti (1997), p. 13; and Ake (1998) p. 2.

<sup>54</sup> Hugh Miall, Oliver Ramsbotham and Tom Woodhouse, *Contemporary Conflict Resolution: The Prevention, Management and Transformation of Deadly Conflicts* (Cambridge: Polity Press, 1999), pp. 12-13.

This gave rise to what term asymmetrical patterns of political conflict: a form of “zero-sum” competition between “dissimilar parties”.<sup>55</sup> It refers to struggles between majority and minority groups over the “very structure of who they are and the relationship between them”, in which “the top dog always wins”.<sup>56</sup> Various problems emerge with the usage of asymmetrical power struggles since it is arguable that few if any contests for political power occur between equal rivals (e.g. different networks, discrepancies between education levels, unequal access to financial resources, or simply geographic location). As discussed below, the key factor underpinning this view is the notion of contestation based on equal citizenship rights under the rule-of-law. At a macro-political level asymmetrical conflict describes conflicts between local groups that oppose a political system (vertical conflicts), whereas the term symmetrical conflict is used to describe struggles between local groups in a hierarchical system which can be changed by actors of unequal power but with equal citizenship rights (horizontal conflicts).<sup>57</sup> The important difference is that horizontal conflicts, although potentially violent, are different from vertical conflicts in that they do not breed secessionist movements and repressive state actions in response to preserve the territorial integrity of a state.<sup>58</sup>

According to Holsti the most crucial element underpinning the rise of intrastate conflict and by extension asymmetrical and vertical patterns of conflict were citizens’ attitudes toward the “legitimacy” of the state.<sup>59</sup> In distinguishing different types of legitimacy Seymour Martin Lipset argues,

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<sup>55</sup> *ibid.*

<sup>56</sup> *ibid.*, p. 12.

<sup>57</sup> Claude Ake describes the differences between the two as “pathological vertical social cleavages” (hostile exclusive subgroup affiliations) as opposed to healthy horizontal social articulations (a sense of “nation” and citizenship), Ake (1998), pp. 3-4.

<sup>58</sup> Here the terms vertical and horizontal are used to describe trajectories of conflict between community-state or community-community rather than the notion of vertical and horizontal inequalities between or among communities based along human or economic inequalities. On human inequality see Frances Stewart, ‘Horizontal Inequalities: A Neglected Dimension of Development’, WIDER Annual Lectures 5 (Helsinki: UNU/WIDER, 2002).

<sup>59</sup> Holsti (1997), p. 4.

Legitimacy involves the capacity of the system to engender and maintain the belief that the existing political institutions are the most appropriate ones for the society. The extent to which contemporary democratic political systems are legitimate depends in large measure upon the ways in which the key issues which have historically divided the society have been resolved.<sup>60</sup>

Muthiah Alagappa further points out that the institutional systems and policies of the state can build legitimacy.<sup>61</sup> Conversely, these factors can undermine legitimacy if flawed. At its core,

The legitimation of power relies on the conviction of the governed that their government...is morally right and they are duty-bound to obey it. In the absence of such conviction there can only be relations of power, not of authority, and political legitimacy will be contested.<sup>62</sup>

The contestation of legitimate political authority in failing states manifested itself in grossly violent forms during the 1990s.

As noted above, in large measure this was due to the manner in which institutions had been engineered, the weakness of state institutions, and the policies of political elites closed off from their societies.<sup>63</sup> Predatory regimes degraded weak institutional foundations of both economy and state. Ruling elites and their clients commonly plundered national economies through graft, corruption and extortion. They dominated private business and purchased the loyalty of social groups in order to ensure their hold on power.<sup>64</sup> As a result, state legitimacy deteriorated and governing elites forfeited the “loyalty, trust, and affection” of large segments of society.<sup>65</sup>

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<sup>60</sup> Seymour Martin Lipset, *Political Man* (Heinemann: London, 1971), pp. 77-78.

<sup>61</sup> Muthiah Alagappa, ‘Introduction’, in A. Muthiah (ed.), *Political Legitimacy in Southeast Asia. The Quest for Moral Authority* (California: Stanford University Press, 1995), p. 15.

<sup>62</sup> *ibid.*, p. 2.

<sup>63</sup> For further discussion see Holsti (1997), p. 5.

<sup>64</sup> United Nations Development Programme, *Corruption and Good Governance* (New York: Management Development and Governance Division, July 1997), p. 1.

<sup>65</sup> See Holsti (1997), p. 13; and Rotberg (2002), p. 132.

At the same time, in the absence of a rule-of-law based on equal citizenship rights and state institutions able to enforce those rights, minority groups fell into “insecurity dilemmas”. In the context of Cambodia’s protracted intrastate conflict, Sorpong Peou defines an insecurity dilemma as a situation in which competing factions attempt to increase their power to ensure their own security, which in turn breeds greater levels of insecurity because of the violent conflicts that emerge between competing factions.<sup>66</sup> Minority groups associated with “primordial” identities, rather than with the broader political community and became pools from which ethnic or political elites could mobilise recruits in support of their nationalistic or personal agendas.<sup>67</sup> For example, in reference to the cases of Rwanda and the Former Yugoslav Republic William Shawcross writes,

Leaders exploited existing problems, attempted to transform them into crises and drove their countries deliberately to destruction for their own political ends. Violence was chosen; it was not inevitable.<sup>68</sup>

Common to these conflicts were governance failures which underpinned subsequent patterns of asymmetrical power contests and violent trajectories of horizontal and vertical conflict.

The recent works of Paul Collier and Anke Hoeffler discount political grievance as a source of intrastate conflict. Using economic theory and statistical analysis, Collier, Hoeffler and Soderbom argue that “where rebellion is materially feasible it will occur” irrespective of motivation.<sup>69</sup> According to them, the key economic characteristics of conflict relate to the level, growth and structure of incomes.<sup>70</sup> They further argue that,

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<sup>66</sup> See Sorpong Peou, ‘The Neutralisation of Protracted Conflict’, in W. A. Knight (ed.), *Adapting the United Nations to a Post-modern Era: Lessons Learned* (Great Britain: Palgrave, 2001), pp. 159-160. See also Nafziger and Auvinen (1997), pp. 40-42.

<sup>67</sup> See Robert Dahl, *Polyarchy* (New Jersey: Yale University Press, 1971), p. 108; and William Shawcross, *Deliver us from Evil: Warlords & Peacekeepers in a World of Endless Conflict* (London: Bloomsbury Publishing, 2000), p. 105. For further discussion see Dahl (1971), p. 108.

<sup>68</sup> Nafziger and Auvinen (1997), p. 41.

<sup>69</sup> Paul Collier, Anke Hoeffler, and Dominic Rohner, *Beyond Greed and Grievance: Feasibility and Civil War* (Oxford: Department of Economics, University of Oxford, Faculty of Economics, University of

Unequal societies are not more prone to conflict. A lack of democratic rights appears to have no significant effect...The only protest-type variable which matters is if the society is characterised by ethnic dominance.<sup>71</sup>

Intrastate conflict occurs because it is profitable and because profit motivated groups can access resources to wage war against states.<sup>72</sup> Collier argues that rebellion is “a form of organised crime” in which grievances are manufactured by ethnic, religious, tribal, or clan leaders that seek to legitimise their struggles via an intensive media campaign domestically and internationally, thus sustaining profitable conflicts: “Grievance is to a rebel organisation what image is to a business”.<sup>73</sup>

As pointed out by João Gomes Porto, this greed-based school of analysis essentially argues that conflict revolves around economic interest, rather than issues of identify, self-determination, or injustice.<sup>74</sup> Porto demonstrates significant weaknesses with the greed-based approach through a sophisticated critique of its methodological underpinnings and reference to broader literature on contemporary conflict analysis. For example, Porto notes that the greed-based analytical reliance on statistics requires an “oversimplification of data” which “may lead to misleading results”, such as “the non-incorporation of data relative to distributional aspects within the case studies analyzed”.<sup>75</sup> This sort of

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Cambridge, 7 August 2006), p. 5. <http://www.csae.ox.ac.uk/workingpapers/pdfs/2006-10text.pdf> (21 September 2006)

<sup>70</sup> Collier, Hoeffler, and Rohner (2006), p. 19.

<sup>71</sup> Collier (2006), p. 7.

<sup>72</sup> See Paul Collier, *Economic Causes of Civil Conflict and Their Implications for Policy* (World Bank: Development Research Group, 2000), p. 2.

<sup>73</sup> See Collier (2000), pp. 2-3; Collier, Hoeffler, and Rohner (2006), pp. 6, 12; and Paul Collier, *Economic Causes of Civil Conflict and their Implications for Policy* (Oxford: Department of Economics, Oxford University, 2006), pp. 2, 13  
<http://users.ox.ac.uk/~econpco/research/pdfs/EconomicCausesofCivilConflict-ImplicationsforPolicy.pdf>  
(21 September 2006)

<sup>74</sup> João Gomes Porto, ‘Contemporary Conflict Analysis in Perspective’, in Jeremy Lind and Kathryn Sturman (eds.), *Scarcity and Surfeit, The Ecology of Africa’s Conflicts* (Pretoria: Institute for Security Studies, 2002), p. 8.

<sup>75</sup> *ibid.*, p. 13.

simplification neglects the “fundamental role that the distribution of resources (hence inequality) within countries and between individuals and groups plays as a source of grievance”.<sup>76</sup> While the work of Collier offers insights to the constraints experienced by combating groups, it excludes plausible explanations regarding triggers for violence and “does not seem to allow for a comprehensive understanding of contemporary armed conflict”.<sup>77</sup> Perhaps an additional flaw with the approach adopted by Collier and Hoeffler is that ethnic dominance of political systems, which they consider the only relevant conflict variable within divided societies, is inextricably bound to a lack of democratic rights, predatory state behaviour and social and economic inequalities. Porto ultimately concludes: “the general claim that ‘greed’ is the prime cause of war must be rejected”.<sup>78</sup> Importantly, he also points out that Collier and Hoeffler have moved away from their initial focus on economic factors to include consideration of preferences and constraints, even though they remain focused on the economic rationales of conflict.<sup>79</sup> Instead, returning to findings of contemporary conflict analysis Porto argues, “Conflicts tend to develop in environments characterised by structural factors” such as political exclusion, shifts in demographic balance, entrenched economic inequities, economic decline and ecological deterioration.<sup>80</sup> Additionally, rather than there being any single “tipping event” which can be identified statistically, the causes of conflict are interactive and their origins have evolved over decades.<sup>81</sup>

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<sup>76</sup> *ibid.* Christopher Cramer is more critical of this methodological approach arguing that there is a regular “backtracking” of explanations springing from fragile empirical foundations and an “arbitrary selection of assumptions” to explain the causes of intrastate conflict, Christopher Cramer, ‘Does Inequality Cause Conflict?’, *International Development*, Vol.15 (2003), pp. 397-403. (pp. 397-412).

<sup>77</sup> Porto (2002), p. 14.

<sup>78</sup> *ibid.*

<sup>79</sup> *ibid.*, pp. 15-16. In a more recent article Collier and Hoeffler move further toward the grievance school by arguing that institutional set-ups pre-exist the discovery of natural resource wealth. Therefore rent-seeking behavior is “likely to be dependent upon this prior institutional variation” and that patronage politics “may be restrained by good institutions”, Paul Collier, Anke Hoeffler, ‘Testing the NeoCon Agenda: Democracy in Resource-Rich Societies’ (Oxford: Department of Economics, University of Oxford, October 2006), pp. 3-6.

<sup>80</sup> Porto (2002), pp. 19, 24.

<sup>81</sup> *ibid.*, pp. 21-27.

### 2.1.1 Intrastate Conflict and State-Failure: Relevant to Timor Leste?

The problem with comparing the state-building and political reconstruction challenges confronting UNTAET with other cases of intrastate conflict is that Timor Leste did not fit neatly into the pattern of failed or failing states during the 1990s. Timorese state-building at the beginning of 2000 was the product of a successful liberation struggle and there were no formal state institutions upon which to build. The bulk of the Timorese population was generally united in viewing Indonesian rule and the predatory nature of the Indonesian regime in Timor Leste as an illegitimate occupation. Indonesia's withdrawal from the territory following the Popular Consultation in August 1999 created less complexity for post-conflict political reconstruction by resolving the most significant political factor that had underpinned the conflict. The major belligerent had been removed, which paved the way for East Timorese sovereignty.

Within Timor Leste there were fewer political players and competing agendas to negotiate when compared to other cases of intrastate conflict during the 1990s. With a handful of exceptions, Timorese elite level political divisions were framed between aspiring power holders who had supported the creation of an independent country. Moreover, as an independent state its cultural and ethnic diversity promised to be much less complicating factors at local levels than if it were to have remained an autonomous province inside Indonesia. As Alagappa might argue, the sorts of legitimacy crises that would confront those set to govern Timor Leste in the future would revolve less around the regime (the values that constitute the order itself), and more around the government (the acquisition and exercise of power focussed on specific institutions).<sup>82</sup> For UN peacekeeping forces, as a tiny half-island territory it was much more defensible against regional incursions and cross-border threats than were larger countries. This reduced the complications for state-building and political reconstruction when compared to peacekeeping operations on the African continent or in the Balkans.

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<sup>82</sup> Muthiah Alagappa, 'Contestation and Crisis', in M. Alagappa (ed.), *Political Legitimacy in Southeast Asia. The Quest for Moral Authority* (Stanford: Stanford University Press, 1995), p. 59.

In September 1999 the UN was confronted with a situation that on the surface resembled cases of state-collapse and intrastate conflict during the 1990s. UNTAET was a peacekeeping mission that had been deployed rapidly in response to Indonesian state-sponsored violence.<sup>83</sup> The resulting bloodshed led to social chaos and a humanitarian emergency that further threatened the lives of hundreds of thousands of Timorese. The Indonesian state's governance practices prior to 1999 had also been similar to those found in countries that experienced humanitarian emergencies, intrastate conflict, or were in danger of collapsing. Until its economic crisis of 1997, Indonesia was neither weak nor anaemic: it was a strong state that had drifted towards predatory behaviour during Suharto's presidency.<sup>84</sup> The state was weakened following the economic crisis, but also its political and institutional systems were dominated by repressive or corrupt elites.<sup>85</sup>

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<sup>83</sup> On Timorese hardships during the Indonesian occupation see United States Congress, House Committee on Foreign Affairs, *Famine Relief for East Timor: Hearing before the Subcommittee on Asian and Pacific Affairs of the Committee on Foreign Affairs House of Representatives. Ninety-Sixth Congress. First Session. December 4, 1979* (Washington: United States Government Printing Office, 1980); Asia Watch, *Testimony of Floyd Abrams on behalf of the Asia Watch Committee, August 15, 1986*. United Nations Special Committee on Decolonisation (Asia Watch, 1986); Tapol, the Indonesia Human Rights Campaign, *Statement on the Question of East Timor to the UN Committee of 24* (New York: August 1988); Amnesty International, *East Timor: Amnesty International Statement to the United Nations Special Committee on Decolonisation AI Index: ASA 21/09/90* (1990); Amnesty International, *East Timor: Amnesty International Statement to the United Nations Special Committee on Decolonisation AI Index: ASA 21/14/91* (1991); Amnesty International, *East Timor: "In Accordance with the Law", Amnesty International Statement to the United Nations Special Committee on Decolonisation AI Index: ASA 21/11/92* (1992); Peter Carey, 'A Personal Journey through East Timor', in P. Hainsworth and S. McCloskey (eds.), *The East Timor Question: the struggle for independence from Indonesia* (New York: I.B. Tauris & Co Ltd. New York, 2000), pp. 19-23; Budiardjo, Carmel, and Soei Liong, *The War Against East Timor* (London: Zed Books, 1984), pp. 39-40, 225-226.

<sup>84</sup> See Gerry van Klinken, 'Big States and Little Secessionist Movements', in D. Kingsbury (ed.), *Guns and Ballot Boxes: East Timor's Vote for Independence* (Melbourne: Monash Asia Institute, 2000), p. 157; Gary Goodpaster, 'Reflections on Corruption in Indonesia', in T. Lindsey and H. Dick (eds.), *Corruption in Asia: Rethinking the Governance Paradigm* (Sydney: The Federation Press, 2000), pp. 92-100; and Planning Commission, *National Development Plan* (Díli: Planning Commission, Democratic Republic of East Timor, 2002), p. 40

<sup>85</sup> For further discussion see Mark T. Berger, 'Post-Cold War Indonesia and the Revenge of History: The Colonial Legacy, Nationalist Visions and Global Capitalism', in M. T. Berger and T. Borer (eds.), *The Rise of East Asia: Critical Visions of the Pacific Century* (London: Routledge, 1997), pp. 171-181, 187; Schwarz (1994), pp. 137-138; Gary Goodpaster, 'The Rule-of-law, Economic Development & Indonesia', in T. Lindsey (ed.), *Indonesia: Law and Society* (Sydney: The Federation Press, 1999), pp. 22-23; Anthony L. Smith, 'Indonesia- Transforming the Leviathan', in J. Funston (ed.), *Government and Politics in Southeast Asia* (Singapore: Zed Books, 2001), pp. 111-112; Benedict Anderson, 'The Idea of Power in Javanese Culture', in C. Holt (ed.), *Culture and Politics in Indonesia* (London: Cornell University Press,

The resulting “behavioural” legacies of both Indonesian and Portuguese rule (i.e. negative “role-modelling” for the indigenous population), a high degree of ethno-linguistic diversity among Timorese, high levels of poverty and a predominantly subsistence agricultural economy made the land and its people appear similar to other post-conflict settings; most of which had been either post-colonial or post-Soviet states. East Timorese society was also hierarchically structured with elite groups set to take control of a political system that would inevitably be left with weak institutions upon the country’s official independence. The result was that Timor Leste resembled other post-colonial countries upon their initial independence before they experienced state-failure or humanitarian emergencies. This meant that if political reconstruction in Timor Leste following 1999 was not properly managed; state-building could ultimately result in new patterns of violent internal conflict and perhaps future state-collapse.

Therefore it was possible to look upon Timor Leste as either a successful liberation struggle resurrecting an interrupted decolonisation process (i.e. state-building from scratch) or as a secessionist movement recovering from Indonesian state-failure. Both views brought with them different assumptions about the point of departure for building this new country: firstly was reconstruction after a process of state-failure (i.e. secession from Indonesia) and secondly was state-building before state-failure (i.e. decolonisation). Nevertheless, both views meant that Timor Leste was required to establish a viable governance system that could overcome the dangers associated with state-failure, intrastate conflict and humanitarian emergencies. This also meant that UNTAET’s efforts were a “test case” for how state-building framed around institutional peace-building could create an administrative and political system able to promote healthy state-societal relationships, broad-based economic development, and an inclusive democracy that could prevent future intrastate conflict or state-collapse.<sup>86</sup>

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1972), pp. 65-67; and R. Liddle, *Leadership and Culture in Indonesian Politics* (St. Leonards: Allen & Unwin, 1996), p. 17.

<sup>86</sup> James Traube, ‘Inventing East Timor’, *Foreign Affairs*, vol. 79, no. 4 (July/August 2000), p. 88. See also Simon Chesterman, *East Timor in Transition: From Conflict Prevention to State-Building* (New York: International Peace Academy, 2001), p. 4.

## 2.2 Post-Conflict Institutional Peace-Building

The concept of institutional peace-building emerged from the experiences of UN peacekeeping operations that had been deployed to collapsing states during the 1990s. Peacekeeping *per se* was never considered when the UN was established in 1945. Scope was provided for its development in Chapters VI and VII of the UN Charter, which outlined procedures for the peaceful resolution of disputes or the use of force to restore security once a breach to international peace had occurred.<sup>87</sup> Early forms of peacekeeping included limited objectives such as monitoring cease-fires or patrolling borders between countries to prevent interstate conflicts, and diplomatic approaches to conflict resolution or mediation. These peace-maintenance functions, which reflected the UN's responsive "crisis management" approach aiming to preserve peace and stability between states within a "statist form of world order", were ill-equipped to deal with post-Cold War intrastate conflicts.<sup>88</sup>

William Durch argues that since 1989 four broad types of peacekeeping operations have emerged. These include (1) traditional peacekeeping; (2) multi-dimensional peace operations, which entailed elements of institution building such as police services; (3) humanitarian interventions; and (4) peace enforcement operations.<sup>89</sup> By 1995, there had been seven peacekeeping operations in Latin America, thirteen in Africa and several in the Balkans and Cambodia.<sup>90</sup> The expansion of peacekeeping operations into

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<sup>87</sup> See David J. Whittaker, *The United Nations in the Contemporary World* (New York: Routledge, 1997), pp. 7, 47; and Peter R. Baehr and Leon Gordenker, *The United Nations at the End of the 1990s* (New York: St. Martins Press, 1999), pp. 67-70. *Charter of the United Nations*, Chapter VI, Pacific Settlement of Disputes: negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement (Articles 33-37) and Chapter VII, embargoes, disruption of communications, blockades, other operations by land, sea, or air (Articles 41 and 42).

<sup>88</sup> See N.D. White, *Keeping the Peace* (New York: Manchester University Press, 1997), p. 208; Richard Falk, *The United Nations System: Prospects for Institutional Renewal* (Helsinki: United Nations University, World Institute for Development Economics Research, UNU/WIDER, 2000), p. 8; Seybolt (2001), p. 15; and Kevin Clements and Christine Wilson (eds.), *UN Peacekeeping at the Crossroads* (Canberra: Peace Research Centre, Australian National University, 1994), p. 10.

<sup>89</sup> William Durch, 'Keeping the Peace: Politics and Lessons of the 1990's', in W. Durch (ed.), *UN Peacekeeping, American Policy and The Uncivil Wars of the 1990's* (London: Macmillan Press, 1997), pp. 3-10. See also White (1997), pp. 211-212; and Whittaker (1997), p. 46.

institutional aspects of state-building covered a broad range of activities including: establishing security (often associated with military “peace enforcement” activities but also including building local police services); strengthening the rule-of-law; human rights; financial management and accountability; strengthening legislative procedures; development of the media and the strengthening of civil society; education at all levels of society; and the development of democratic constitutional arrangements with power sharing mechanisms.<sup>91</sup> These expansions delving into reconstructing political and administrative systems gave rise to new and sometimes contested definitions about the nature of modern peacekeeping; and what it should see to accomplish.<sup>92</sup>

The earliest definition of institutional peace-building was put forward in 1992 by the former UN Secretary-General Boutros Boutros-Ghali. He defined it as,

[A]ction to identify and support structures which will tend to strengthen and solidify peace in order to avoid a relapse into conflict.<sup>93</sup>

Its objectives were further articulated by observers such as David Whittaker who defines peace-building as a process of,

[R]econstructing political, economic and social structures usually after violation and destruction. Techniques may include peace brokering and ambitious and cooperative programs of rehabilitation.<sup>94</sup>

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<sup>90</sup> Ratner (1996), p. 14.

<sup>91</sup> Von Hippel (2000), p. 201.

<sup>92</sup> For further discussion see Michael Gilligan and Stephen Stedman, ‘Where Do The Peacekeepers Go?’, *International Studies Review* 5(4) (2001), pp. 37-54.

<sup>93</sup> United Nations Security Council and General Assembly, “*An Agenda for Peace*”, *Report of the Secretary-General Pursuant to the Statement Adopted by the Summit Meeting of the Security Council on 31 January 1992*. S/24111 and A/47/277 (17 June 1992), p. 6.

<sup>94</sup> See Whittaker (1997), p. 47; and David R. Black, ‘Pivots of Peace: UN Transitional Operations’, in W. A. Knight (ed.), *Adapting the United Nations to a Post-modern Era: Lessons Learned* (New York: Palgrave, 2001), pp. 163-164. See also Sorpong Peou, ‘The Neutralisation of Protracted Conflicts: The Case of UNTAC’, in W. A. Knight (ed.) *Adapting the United Nations to a Post-modern Era: Lessons Learned* (New York: Palgrave, 2001), pp. 153-154; and Julian Harston, ‘Civilian Police: The Case of Haiti’, in W. A. Knight (ed.), *Adapting the United Nations to a Post-modern Era: Lessons Learned* (New York: Palgrave, 2001), pp. 147-148.

Others such as Doyle, Johnson and Orr define the objective of peace-building as transforming:

The political landscape by building a new basis for domestic peace...and perhaps more importantly, transforms identities and institutional contexts. More than reforming play in an old game, it changes the game.<sup>95</sup>

Common to these views was the belief that, through institutional reform, peace-building could change the predatory nature of regimes and address the political and structural factors that gave rise to intrastate conflicts. Box 1 below outlines several key institutional areas which emerged by 2000 as focus areas for UN institutional peace-building efforts.

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<sup>95</sup> Michael W. Doyle, 'Authority and Elections in Cambodia', in Doyle et al (eds.), *Keeping the Peace: Multidimensional UN Operations in Cambodia and El Salvador* (Cambridge: Cambridge University Press, 1997), pp. 281-382. See also Michael W. Doyle, *UN Peacekeeping in Cambodia: UNTAC's Civil Mandate* (London: Lynne Rienner Publishers, 1995), p. 86.

<b>Box 1 - Institutional Peace-building Matrix<sup>96</sup></b>					
Establishing Security and Stability	Disarm/ Demobilise Combatants	Police Reform/ Development	Military Reform/ Development	Vetting for Human Rights Violations	Subordination to Civilian Rule
Rule-of-law	Judicial Reform/ Procedures/ Independence/ Capacity	Police Reform/ Development	Legislative Development	Adhering to Human Rights Standards/ Enforcing Law Independent of Political Influence	
Political Reform  Strengthen Democratic Institutions	Deliberative Democracy/ Strengthening Institutional Procedures	Political Party Development	Constitution Drafting	Administrative Reform	Administrative Independence
Empower Civil Society	Checks Against Government Abuse of Power	Develop Media	Education	Legislation Protecting Political Freedoms	Police Enforcement of Citizen Rights
Economic Development	Institutional Reforms	Development Projects	Rural Focus on Agriculture	Income Generation	Sustainability
Administrative Reform	Lean and Effective	Not Corrupt	Systems and Procedures	Non-Partisan State Bureaucracy	

The objective of these early efforts in post-conflict societies can be identified in a 2004 report made by former UN Secretary-General Kofi Annan. In discussing good governance and the rule-of-law he noted,

A principle of governance in which all persons, institutions and entities, public and private, including the state itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights standards. It requires, as well, measures to ensure adherence to the principles of supremacy of law, equality before the law, accountability to the law, fairness in the application of the law, separation of powers, participation in

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<sup>96</sup> This kind of peace-building matrix can easily be expanded to include numerous other factors. Here it is limited to issues of central focus to this study.

decision-making, legal certainty, avoidance of arbitrariness and procedural and legal transparency.<sup>97</sup>

At its heart, this approach sought to promote good governance and strengthen equal citizenship under the rule-of-law. Good governance most often refers to management systems that focus on accountability, transparency in decision-making, the elimination of corruption, development of law, and the introduction of checks and balances into a political system through institutional reforms.<sup>98</sup> By doing so, reforms address the political and institutional dynamics that underpinned predatory actions of political elites and deteriorating state legitimacy.

By the beginning of the new millennium, the general rubric of peace-building expanded to include a wide range of activities that went far beyond the strengthening (or building) of state institutions. For example, the Brahimi report of 2000, a UN review of peacekeeping operations, argues peace-building is comprised of (but not limited to): reintegrating former combatants into civilian society, strengthening the rule-of-law; improving respect for human rights through monitoring, education and investigation of past and existing abuses; providing technical assistance for democratic development; and promoting conflict resolution and reconciliation techniques.<sup>99</sup> As noted by Gunn and Huang, peacekeeping still tended to focus on “preventative measures” and lacked a coherent strategic approach to post-conflict peace-building.<sup>100</sup> Aside from UNDP being designated in 2000 as the lead UN agency addressing key factors giving rise to conflict (e.g. inequity, strengthening good governance, the rule-of-law), little was actually done to

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<sup>97</sup> United Nations Security Council, *Report of the Secretary-General, The Rule-of-law and Transitional Justice in Conflict and Post-Conflict Societies*, S/2004/616 (23 August 2004), p. 4.

<sup>98</sup> UNDP, *Corruption and Good Governance* Discussion Paper 3 (New York: Management Development and Governance Division, Bureau for Policy and Programme Support, July 1997), p. v.

<sup>99</sup> United Nations Security Council and General Assembly, *Comprehensive Review of the Whole Question of Peacekeeping Operations in all their Aspects*. S/2000/809 and A/55/305 (August 2000), para. 13. Hereafter referred to as the Brahimi Report.

<sup>100</sup> Geoffrey C. Gunn and Reyko Huang, *New Nation: United Nations Peace-Building in East Timor* (Macau: Geoffrey C. Gunn, 2006), pp. 177-179.

provide peacekeeping with a coherent strategic approach to building peace in post-conflict societies.<sup>101</sup>

As peacekeeping evolved up to 2000 it was criticised as being unable to go beyond the statist world order from which it grew. Roger Coate, Andy Knight and Andrei Maximenko note that,

The modern nation-state, sovereignty and the interstate legal order...legitimate and recreate a political order of inequality and injustice[.] Within the modernist framework, international institutions cannot be expected to be effective bodies for promoting human security for the masses primarily because they are state-centric.<sup>102</sup>

Observers of the UN such as David Anderson argue that the improvements to peacekeeping revolved around “mechanical” issues (e.g. rapid troop deployments, funding arrangements, and the development of civilian staffing rosters), which were incapable of addressing the political challenges to peace-building arising from intrastate conflicts.<sup>103</sup> Key UN reform initiatives such as the Brahimi report therefore offered little hope for introducing new practices that would fundamentally address the structural and political causes of intrastate conflicts and contribute to building sustainable peace and development in post-conflict societies.<sup>104</sup>

Jarat Chopra argues that the definitions given to peacekeeping operations of the 1990s led to illogically defined objectives for peace-building.<sup>105</sup>

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<sup>101</sup> Arguably, not until late 2003 did UNDP itself begin developing a strategic approach to post-conflict recovery that, by 2007, was still being ‘refined’.

<sup>102</sup> Roger A. Coate, W. Andy Knight and Andrei I. Maximenko, ‘Requirements of Multilateral Governance for Promoting Human Security in a Post-modern Era’, in W. A. Knight (ed.), *Adapting the United Nations to a Post-modern Era: Lessons Learned* (New York: Palgrave, 2001), pp. 12, 15-16.

<sup>103</sup> David Anderson, *The United Nations and International Security* (Canberra: Department of the Parliamentary Library, Parliamentary Research Service, 1994), p. 8. See also Richard Falk, *Explorations at the Edge of Time: The Prospects for World Order* (Philadelphia: Temple University Press, 1992), pp. 104-106. See also Miall et al (1999), p. 59.

<sup>104</sup> Alex J. Bellamy and Paul Williams, ‘Introduction: Thinking Anew About Peace Operations’, *International Peacekeeping*, vol. 11, no. 1 (Spring 2004), pp. 1-2; and Miall et al (1999), p. 59.

<sup>105</sup> Chopra (1999), p. 7.

In *An Agenda for Peace*, “post-conflict peace-building” was equated with longer-term development, strengthening institutions and fostering conditions that could vitiate violence as a means of political competition. But this kind of “assistance” is incapable of either ensuring accountability of an oppressive regime or reconstituting fragmented authority.<sup>106</sup>

To resolve this problem, Chopra introduces a revised definition of peace-maintenance and attempts to identify the most appropriate type of transitional UN administration for different political stages of post-conflict reconstruction. The aim is to establish a coherent and effective “politico-military” strategy for resolving intrastate conflicts, and a “politico-humanitarian” strategy for “winning and sustaining peace”.<sup>107</sup> Chopra defines peace-maintenance as,

[T]he overall political framework, as part of which the objectives of diplomatic activities, humanitarian assistance, military forces and civilian components are not only coordinated but harmonised...[It] is a concept that acknowledges the prevailing need for a transnational capability to exercise political authority as a means of internal conflict resolution, establishing order and fostering justice.<sup>108</sup>

The several types of transitional administrations identified by Chopra are: (1) governorship, when the UN assumes full powers of acting as a government; (2) control, when a mission might have powers of “direct control” and UN personnel deploy into existing state structures to monitor the activities of local authorities; (3) partnership, where a local government has a coherent structure and sufficient resources after the withdrawal of a colonial power or an occupying force; and (4) assistance, a situation in which an external transitional administration provides greater coherence to existing local structures, works to address issues of institutional abuses of power that give rise to conflict (e.g. predatory government behaviours), and provides assistance to adjust structural weaknesses with local administrative systems.<sup>109</sup>

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<sup>106</sup> *ibid.*, p. 8.

<sup>107</sup> *ibid.*, p. 17.

<sup>108</sup> *ibid.*, pp. 9, 21.

<sup>109</sup> *ibid.*, p. 16.

According to Chopra, the most effective administration is determined by the social conditions and the stage of political development found within a particular society. These different stages include: (1) constitutive stage, in which the elements of a system are in gradual formation and the system is marked by tentative and unstable connections between its different elements; (2) constructive stage, which sees the emergence of a coherent governance system; (3) consolidative stage, during which the “rearrangement” of ingredients within a system occurs so that it becomes increasingly coherent and solidified; and (4) chaotic stage, when there is a disequilibrium between a population and its government that leads to a loss of government authority and the overall system fragments, leading to a new constitutive stage. He goes on to match these different stages to the most appropriate type of UN transitional administrations: (1) assistance missions are best suited for systems in consolidative stages; (2) partnerships are best suited for systems in a constructive or consolidative stage; (3) control is highly flexible and can be applied to any stage to help guide political development; and (4) governorship is best suited for societies in an anarchic stage at the extremes of state disorder.<sup>110</sup>

Most UN peacekeeping operations were deployed to societies in a consolidative stage.<sup>111</sup> However, it was countries in a chaotic stage of political development that the worst types of humanitarian emergencies and intrastate conflicts occurred. As noted above, these types of countries included weak states, aborted states, or anaemic states. After an initial constitutive stage following decolonisation, these states failed to consolidate their administrative institutions and political systems, or had structured both in a way that

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<sup>110</sup> *ibid.*, pp. 23-34. Similarly, Francis Fukuyama points to three stages of political reconstruction in conflict and post-conflict societies: (1) an initial stabilisation period in war-torn countries where state authority has collapsed completely (e.g. short-term provision of security forces, humanitarian relief, and technical assistance to restore basic public services); (2) the creation of self-sustaining local institutions which can survive the withdrawal of outside intervention; and (3) the strengthening of institutions in states where institutions of governance are weak across the board, Francis Fukuyama, *State-Building, Governance and World Order in the Twenty-First Century* (London: Profile Books, 2005), pp. 135-136. I use Chopra’s typology because it provides for a more nuanced understanding of different stages of political recovery and periods of transition.

<sup>111</sup> Chopra (1999), p. 32.

promoted conflict, and had slipped from a constitutive stage of political development into violent chaos or political fragmentation by the 1990s.

Chopra argues that in chaotic societies transitional UN administrations are required to displace local anarchic authority or weak political institutions. In this manner the UN takes control of the “political space” and creates a “new centre of gravity” which allows legitimate local power to reconstitute itself around a new authority.<sup>112</sup> This requires “flexible administrative mechanisms for control” during longer-term transitions covering different stages of reconstruction.<sup>113</sup> Importantly, O’Donnell and Schmitter point out that there is a high potential for bouts of violence with such processes because political transitions are marked by uncertainty due to “insufficient structure or behavioural parameters to guide and predict the outcome”.<sup>114</sup> Uncertainties are complicated by the overwhelming implications that changes bring with them.<sup>115</sup> A variation to the “transitional uncertainty” thesis of O’Donnell and Schmitter is put forward by Bo Rothstein who argues that changes to political systems occur during “formative moments”:<sup>116</sup>

[P]olitical actors are, at such times, able to shape the political institutions of the future, and sometimes they are even able to establish rules favouring themselves.<sup>117</sup>

During these “formative moments” there is no “equilibrium” which creates further scope for institutions to be shaped by the actions or objectives of political actors.<sup>118</sup> At the

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<sup>112</sup> *ibid.*, pp. 9-10.

<sup>113</sup> *ibid.*, p. 35.

<sup>114</sup> Guillermo O’Donnell and Philippe C. Schmitter (eds.), *Transitions from Authoritarian Rule: Tentative Conclusions About Uncertain Democracies* (Baltimore: Johns Hopkins University Press, 1986), p. 3-5. See also Guillermo O’Donnell, Philippe C. Schmitter and Laurence Whitehead (eds.), *Transitions from Authoritarian Rule. Comparative Perspectives* (Baltimore: Johns Hopkins University Press, 1986), Chapters 1 and 2.

<sup>115</sup> For further examples see Graham Smith, *The Post-Soviet States: Mapping the Politics of Transition* (Cambridge: University of Cambridge, 1999), p. 2.

<sup>116</sup> Rothstein (1996), p. 159.

<sup>117</sup> *ibid.*, p. 159.

same time, political institutions should have a measurable “socialising” effect in order to produce outcomes that will enhance the capacity of the state to perform well.<sup>119</sup>

The research findings of Paul Collier take on special significance during periods of political transition. Political leaders are in a position to capitalise upon grievance to promote their own standing/power/authority during transitions, particularly in countries where unresolved political power struggles take place outside of consolidated institutional mechanisms. In such an environment interim UN peacekeeping administrations provide control mechanisms to “maintain political coherence and social equilibrium”.<sup>120</sup> To consolidate a new political system the UN needs to retain a peacekeeping and administrative presence throughout all stages of political recovery.<sup>121</sup> However, this needs to be done with a mind to ensuring coherence and social equilibrium to allow for the peaceful consolidation of the new political system being constructed.

Chopra also points to the importance of establishing a balance between the centralisation and decentralisation of a transitional administration. To ensure that a new political system becomes consolidated, direct links must be established with the local population that will “eventually participate in the reconstitution of authority and inherit newly established institutions”.<sup>122</sup> In this manner, peace-maintenance transforms “the position

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<sup>118</sup> John E. Jackson, ‘Political Methodology: An Overview’, in G.R. Goodin and H. Klingemann (eds.), *A New Handbook of Political Science* (Oxford: Oxford University Press, 1996), pp. 723-724.

<sup>119</sup> *ibid.*

<sup>120</sup> Chopra (1999), p. 35.

<sup>121</sup> *ibid.*, p. 33.

<sup>122</sup> *ibid.*, pp. 10, 35. Issues of political and administrative decentralisation are given virtually no mention in the lessons learned documents provided by the Department of Peacekeeping Operations (DPKO). See for example, Department of Peacekeeping Operations, *Comprehensive Report on Lessons Learned from United Nations Operation in Somalia (UNOSOM)* (New York: DPKO, Lessons Learned Unit, March 1995) <http://pbpu.unlb.org/PBPU/Document.aspx?docid=509&classid=5&catid=32&subcatid=305> (8 April 2005); Department of Peacekeeping Operations, *Comprehensive Report on Lessons Learned from United Nations Assistance Mission for Rwanda (UNAMIR) October 1993-April 1996* (New York: DPKO, Lessons Learned Unit, December 1996) <http://pbpu.unlb.org/PBPU/Document.aspx?docid=509&classid=5&catid=32&subcatid=305> (8 April 2005).

of the weak as against the strong; it is an outside guarantor of a kind of internal self-determination”.<sup>123</sup>

Here I go against common orthodoxy that existed at the time of the UN’s intervention in Timor Leste, which argued that institution building or state-building did not translate into peace-building.<sup>124</sup> Based on Chopra’s theoretical arguments outlining the stages of political development and the different types of interim UN administrations, I define institutional peace-building as, *Engineering institutions of state governance following a chaotic political stage so as to address the political and institutional “root causes” of intrastate conflict, build “good governance”, promote peaceful conflict resolution and build state legitimacy.* This definition reintroduces the idea of institutional peace-building presented by Boutros Boutros-Ghali, but fits them on the timeline of political reconstruction outlined by Chopra in order to disaggregate the numerous different elements which comprise a peacekeeping operation. This allows for a clearer analytical focus on institutional peace-building as a discreet set of post-conflict reconstruction initiatives.

Institutional reform and state-building are therefore crucially important components of peace-building which seek to strengthen a state’s ability to function effectively by changing the predatory nature of regimes.<sup>125</sup> A key area of institutional peace-building considered in this study is the role and type of democratic system to be introduced during a constitutive stage of political reconstruction, and the role of local government and community participation for the long-term consolidation of a new political system.

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<sup>123</sup> Chopra (1999), p. 10.

<sup>124</sup> *ibid.*, p. 22. For further discussion see Joel C. Beauvais, ‘Benevolent Despotism: A Critique of UN State-building in East Timor’, *New York Journal of International Law and Politics*, vol. 33 no. 4 (December 2001), p. 1105.

<sup>125</sup> Miall et al (1999), p. 191.

### 2.2.1 Post-Conflict Democratisation and Citizenship-building

Advocating a particular institutional system for post-conflict societies is not the purpose of this study. Wade Jacoby argues it is best to look upon transitional institution building as “catalysts for a process requiring significant subsequent adaptation” because no institutions work perfectly from the start.<sup>126</sup> Discussions here about institution building and democratisation are presented in this light.

Among peacekeeping practitioners and academic observers, there is a significant amount of ambiguity regarding democratisation in post-conflict societies. According to Dzelilovic, democratisation is needed because,

The establishment of effective democratic structures has to be the pillar of any attempt to help normalise these societies...for establishing a basis for a sustainable socio-economic development.<sup>127</sup>

On the other hand, Bellamy and Williams argue that the objective of peace operations has been the construction of liberal economies and societies, and the “spreading of liberal democratic values”.<sup>128</sup> Similarly, Oliver Richmond believes it to be a neo-colonial attempt to “export democracy” to the developing world as the only method of creating peace, rather than considering what peace looks like from within post-conflict societies.<sup>129</sup> While these contrasting views take on numerous permutations, an unanswered question is whether or not democracy is culturally relevant to post-conflict societies and whether it is capable of resolving the political factors underpinning societal cleavages and governance weaknesses leading to intrastate conflict.

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<sup>126</sup> Wade Jacoby, ‘Tutors and Pupils: International Organisations, Central European Elites, and Western Models’, *Governance: An International Journal of Policy and Administration*, vol. 14, no. 2 (April 2001), p. 190.

<sup>127</sup> Vesna Bojicic Dzelilovic, ‘From Humanitarianism to Reconstruction: Towards an Alternative Approach to Economic and Social Recovery from War’, in M. Kaldor (ed.), *Global Insecurity: Restructuring the Global Military Sector, Volume III* (Helsinki: United Nations University, World Institute for Development Economics Research UNU/WIDER, 2000), p. 116.

<sup>128</sup> Bellamy and Williams (2004), pp. 4-5.

<sup>129</sup> Oliver P. Richmond, ‘UN Peace Operations and the Dilemmas of the Peace-building Consensus’, *International Peacekeeping*, vol. 11, issue 1 (2004), pp. 83-101.

Even were this not the case, Michel Foucault argues that hierarchical power relationships are inescapable facts of human society.<sup>130</sup> Explanations about the political factors underpinning state-failure and intrastate conflict suggest that a central problem has been with elite level attempts to exercise political domination over an entire population (e.g. imposing modern state structures of control and authority onto culturally diverse populations). These efforts have often witnessed the rise of predatory political behaviour, government corruption, and declining levels of state governance capacities. Moreover, attempts to introduce systems of domination failed to create a popularly accepted basis of governance among cultural subgroups (i.e. weak or non-existent state legitimacy). On the other hand, “power hierarchies” are unstable, ambiguous, reversible, and prone to “evasion and modification”. This makes them different from systems of domination involving asymmetrical power relationships in which subgroups in a society have little room to manoeuvre or exercise liberty.<sup>131</sup> The major difference between the two is that asymmetric power struggles take on a more violent form and are less easily regulated, whereas symmetrical power struggles based upon equal citizenship rights can be regulated in an appropriately rule-governed system, thus preventing the rise of factionalism and violent intrastate conflict.

In this context, Miall et al argue that post-conflict peace-building is a misnomer because once UN peace agreements are reached conflict has not ended.<sup>132</sup> Local actors continue their struggles for power through non-military means. The aim of peace-building is thus to transform actual or potential conflict into “peaceful (non-violent) processes of social and political change”. Miall et al term UN interventions as “post-settlement” peace-building and identify a framework of reconstruction activities which include: (1) military/security; (2) political/constitutional; (3) economic/social; (4) psycho/social; (5)

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<sup>130</sup> Barry Hindess, *Discourses of Power: From Hobbes to Foucault* (Oxford: Blackwell Publishers, 1996), p. 103.

<sup>131</sup> *ibid.*, pp. 101-102.

<sup>132</sup> Miall et al (1999), pp. 22, 189, 203.

international.<sup>133</sup> They point to Western countries with well-developed institutions, procedures, and law-governed societies as the basis for legitimate government that will be able to regulate political/constitutional conflict in a manner that accommodates competition within pluralistic societies.

### 2.2.2 The Need for Stability and Security

The potential for violence during political transition in modern peacekeeping operations is perhaps the greatest source of ambiguity for post-conflict democratisation as a method for resolving political/constitutional conflicts.<sup>134</sup> Holsti points out that in societies with deep communal cleavages elections can fuel conflict by consolidating divisions and “destroying cross-cutting loyalties that may have existed”.<sup>135</sup> Citing the work of Mansfield and Snyder, Miall et al similarly argue that electoral processes can exacerbate political divisions and increase pressures for societal conflict.<sup>136</sup> Andy Knight also points out those countries with weak civil societies and poor institutional capacities for conflict resolution are more prone to violence.<sup>137</sup> Elections as part of a democratisation process can therefore become “tipping events” which transform social tension into armed strife.<sup>138</sup> Using statistical methods of comparative analysis, Collier, Hoeffler and Soderbom also argue that autocracies are much more successful in maintaining peace and security in a post-conflict environment and conclude that, “Democracy does not appear to

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<sup>133</sup> *ibid.*

<sup>134</sup> Antecedents to these discussions are found with post-World War II debates regarding the merits of democracy as opposed to authoritarianism for promoting stability and development in Third World countries. For examples see Lipset (1971), p. 33; Przeworski et al (2000), p. 2; Samuel Huntington, *Political Order in Changing Societies* (New Haven: Yale University Press, 1968); G. Smith (1999), p. 11; David Held, *Models of Democracy* (California: Stanford University Press, 1987), p. 166; and Holsti (1997), p. 7.

<sup>135</sup> Holsti (1997), p. 25.

<sup>136</sup> Miall et al (1999), p. 195. For a similar argument see Schopflin (1997), p. 100.

<sup>137</sup> Andy W. Knight, ‘Evaluating Recent Trends in Peace Building Research’, *International Relations of the Asia-Pacific*, vol. 3 (2003), p. 258.

<sup>138</sup> Holsti (1997), p. 25.

be an instrument for enhancing post-conflict peace”.<sup>139</sup> When the international community attempts to prevent the rise of autocracy (i.e. seeks to introduce democracy into a post-conflict environment) it will only increase the likelihood of violence.

Further concerns can be located in the work of Mary Anderson that looks at the provision of international assistance during humanitarian emergencies. Anderson points out that the manner in which assistance is delivered can either fuel conflict or support peace because aid recipients engage in patterns of potentially violent competition for the control of international aid.<sup>140</sup> External actors must therefore be aware of how to manage internal political rivalries in a way that will promote peaceful political reconstruction. Richard Ponzio from Oxford University suggests that these sorts of concerns have given rise to a “stability first” approach in peacekeeping operations: employing strategies that promote military security and political stability.<sup>141</sup>

The security and “stability first” approach has in fact been adopted by the UN in earlier peacekeeping operations. According to Doyle, in such instances the UN took an “easy path” because of huge investments of “money, personnel, and prestige” which placed the UN in a position where the appearance of success was crucial.<sup>142</sup> This led it to favour local actors that would help implement Security Council mandates, even if it meant “downplay[ing] certain violations”.<sup>143</sup> According to Von Hippel, this entailed seeking

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<sup>139</sup> Paul Collier, Anke Hoeffler, and Mans Soderbom, *Post-Conflict Risks* (Oxford: Centre for the Study of African Economies, Department of Economics, University of Oxford, 5 July 2006), p. 8. <http://users.ox.ac.uk/~econpco/research/pdfs/Post-Conflict-Risks.pdf> (21 September 2006)

<sup>140</sup> See Mary B. Anderson, *Do No Harm. How Aid Can Support Peace Or War* (London: Lynne Rienner Publishers, 1999), Chapters 1 and 2.

<sup>141</sup> Richard Ponzio, ‘Examining Democratic Political Authority in War-torn Societies, With Special Reference to Afghanistan, Iraq, Kosovo, Sierra Leone, and the Solomon Islands’ (Unpublished PhD dissertation, Department of Politics and International Relations, University of Oxford). See also Roland Paris, *At War’s End: Building Peace After Civil Conflict* (Cambridge: Cambridge University Press, 2004), pp. 151, 212.

<sup>142</sup> Doyle (1995), p. 83.

<sup>143</sup> Ratner (1996), p. 53. Virginia Page Fortna cautions against simplistic explanations about the “failures” of modern peacekeeping. She points out that there are numerous intangible factors which make the successful long-term resolution of conflicts a difficult task and that “success” goes against the odds and argues that peacekeeping has been more effective than suggested by its critics, see Virginia Page Fortna,

out strong local leaders that could maintain order in their own territories.<sup>144</sup> The international community was often,

[C]ontent to have semi-strong-men in power so that...some semblance of order reappears. When that strong-man later misbehaves, these powers try to remove him...leading once again to state-collapse and further attempts by the West to rebuild the state.<sup>145</sup>

Of relevance here is that supporting strong local leaders does not differ greatly from supporting a strong executive system of governance that can promote stability. Both strategies potentially consolidate new structures of internal domination and new patterns of predatory state behaviour. In turn, these give rise to new patterns of asymmetrical conflict which create new trajectories of violent factional conflict within a society, rather than institutionalising power relationships that are reversible through democratic processes.

### **2.2.3 Deliberative Democracy as Institutional Peace-Building<sup>146</sup>**

Here I employ a minimalist definition of democracy as used by Przeworski et al. They define a democratic regime as one where “those who govern are selected through contested elections”.<sup>147</sup> This entails two parts: “government and “contestation”.<sup>148</sup> Two kinds of offices need to be filled directly or indirectly: public officials in the government administration which are non-elected, and chief executive offices and seats in a legislative body which are elected.<sup>149</sup> They identify three features of democratic

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‘Inside and Out: Peacekeeping and the Duration of Peace After Civil and Interstate Wars’, *International Studies Review*, vol. 5, issue 4 (2003), pp. 97-114; and ‘Does Peacekeeping Keep Peace? International Intervention and the Duration of Peace After Civil War’, *International Studies Quarterly*, vol. 48 (2004), pp. 269-292.

<sup>144</sup> Von Hippel (2000), p. 193.

<sup>145</sup> *ibid.*

<sup>146</sup> Other authors cited here sometimes use the term “consociational”, but here the term “deliberative democracy” has been employed for a standardised usage.

<sup>147</sup> Adam Przeworski, Michael E. Alvarez, José Antonio Cheibub and Fernando Limongi, *Democracy and Development: Political Institutions and Well-Being in the World, 1950-1990* (Cambridge: Cambridge University Press, 2000), p. 15.

<sup>148</sup> *ibid.*

contestation: (1) ex-ante uncertainty, a “positive probability” that at least one member of the incumbent government will lose in a particular round of elections, (2) ex-post irreversibility, an assurance that whoever wins an election will be allowed to assume office, and (3) repeatability, electoral outcomes are temporary and losers do not forfeit the right to compete in the future, to negotiate again, to influence legislation, to pressure the bureaucracy, or to seek recourse to courts.<sup>150</sup> They do not examine issues of accountability or government responsive to popular demands because their aim is to determine the correlation between democratic regimes and economic development,<sup>151</sup> but they note that the institutional frameworks of a democracy can have different impacts upon processing societal conflict.<sup>152</sup> Because of this latter point, this study considers issues of accountability and administrative capacities as subsets of UN state-building activities. However, the discussion here is limited to the specific role of democratisation in fragmented post-conflict societies as a method of institutional peace-building.

Przeworski et al demonstrate that, with rare exceptions, democratic governments did not perform more poorly than non-democratic (or non-participatory) governments at generating economic growth.<sup>153</sup> In fact, Giovanni Sartori shows that political systems with strong executive presidencies, with the exception of the United States, perform poorly and tend to succumb to coups or breakdowns on a regular basis.<sup>154</sup> Moreover, Przeworski et al argue that Third World countries are typically caught in a “poverty trap” and that regime type makes little difference for economic growth.<sup>155</sup> On the other hand,

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<sup>149</sup> *ibid.*

<sup>150</sup> Przeworski et al (2000), pp. 15-18. See also Larry Diamond, Juan J. Linz and Seymour Martin Lipset, *Democracy in Development Countries: Africa* (Colorado: Lynne Rienner Publishers, 1988); and Dahl (1971), pp. 2-3.

<sup>151</sup> Przeworski et al (2000), p. 35.

<sup>152</sup> *ibid.*, pp. 128-129, 136.

<sup>153</sup> *ibid.*, pp. 179, 271-273. For a similar argument see Arend Lijphart, *Patterns of Democracy* (Yale: Yale University Press, 1999), pp. 258-274.

<sup>154</sup> Giovanni Sartori, *Comparative Constitutional Engineering: An Inquiry into Structures, Incentives, and Outcomes* (New York: New York University Press, 1994), p. 86.

<sup>155</sup> Przeworski et al (2000), pp. 179, 271-273.

they demonstrate that the quality of life for populations was typically worse under non-democratic regimes because of predatory state policies.<sup>156</sup>

Critics of post-conflict democratisation do not make distinctions about the ability of different types of democratic systems to regulate conflict within divided societies. According to Lijphart, there is a tendency among political scientists to equate democracy solely with majoritarian systems, which fails to recognise deliberative models as an alternative.<sup>157</sup> The differently structured institutional mechanisms and procedures underpinning the two models, in Lijphart's view, represent "two visions of democracy".<sup>158</sup> Deliberative approaches bring with them the notion of consensual decision-making, which is only partly true. Even in the context of disagreement deliberation provides space for opposition party input to government policy-making by promoting free discussion, and "providing favourable conditions for participation, association, and expression" of different views in a structured rule-based institutional system.<sup>159</sup> For example, Seymour Martin Lipset argues,

Crises of legitimacy occur during a transition to a new social structure, if...all the major groups in the society do not have access to the political system in the transitional period, or at least as soon as they develop political demands.<sup>160</sup>

Lijphart further demonstrates that in plural societies sharply divided along religious, ethnic, cultural, linguistic, or racial lines, majoritarian systems are undemocratic and dangerous, because minority groups are excluded or feel discriminated against and thus "lose allegiance" to the regime.<sup>161</sup> He points to parliamentary systems and the use of

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<sup>156</sup> *ibid.*

<sup>157</sup> Lijphart (1999), p. 31.

<sup>158</sup> *ibid.*, p. 306.

<sup>159</sup> Jurgen Habermas, 'Three Normative Models of Democracy', in S. Benhabib (ed.), *Democracy and Difference: Contesting the Boundaries of the Political* (Princeton: Princeton University Press, 1996), p. 27. See also Cohen (1996), p. 99; L. Arnhart, *Aristotle on Political Reasoning* (De Kalb: North Illinois University Press, 1981), pp. 55-75; and John Uhr, *Deliberative Democracy in Australia: The Changing Place of Parliament* (Cambridge: Cambridge University Press, 1998), p. 11.

<sup>160</sup> Lipset (1971), p. 78.

proportional representation electoral formulas as an example of the difference between presidential systems using majority “winner takes all methods”.<sup>162</sup> Giovanni Sartori similarly argues that in divided societies majoritarian systems typically reduce representation for minority voices.<sup>163</sup> Conversely, the use of proportional representation most often found in parliamentary systems means that no single group is underrepresented in a country’s political processes.<sup>164</sup> With thresholds established for political parties to gain representative seats in a legislature, parliamentary systems can help “difficult societies” overcome political divisions and prevent countries from fragmenting, or becoming “impossible societies” (i.e. ungovernable).<sup>165</sup> Moreover, like Linz and Stepan, Sartori notes that a necessary condition for deliberative democratic systems to become viable is “elite cooperation whose intent counters the disintegrative tendencies of their society”.<sup>166</sup>

Worth consideration are several points relating to the consolidation of democratic regimes. Przeworski et al argue that democracy becomes sustainable when its,

...institutional framework promotes normatively desirable and politically desired objectives, but also when these institutions are adept at handling crises that occur when such objectives are not being fulfilled.<sup>167</sup>

Philippe Schmitter believes consolidating democracy,

[C]onsists of transforming the ad hoc political relations that have emerged partially into stable structures in such a way that the ensuing channels of access, patterns of inclusion, resources for action, and norms about decision-making conform to an overriding standard [of citizenship].<sup>168</sup>

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<sup>161</sup> Lijphart (1999), p. 33.

<sup>162</sup> *ibid.*, p. 143.

<sup>163</sup> Sartori (1994), p. 40.

<sup>164</sup> Lijphart (1999), p. 143.

<sup>165</sup> Sartori (1994), pp. 61, 73.

<sup>166</sup> *ibid.*, pp. 70-72.

<sup>167</sup> Przeworski et al (2000), pp. 128-129, 136.

<sup>168</sup> Philippe C. Schmitter, ‘The Consolidation of Democracy’, in T. Inoguchi et al (eds.), *The Changing Nature of Democracy* (Tokyo: United Nations University Press, 1998), p. 32.

Citizenship is underpinned by notions of “social contract” in which a state and its population have mutual “obligations” to act responsibly to one another.<sup>169</sup> This includes legally sanctioned citizen rights for legitimate peaceful protest against a government. This ensures community input to government policy-making and promoting government responsiveness to popular will. Juan Linz and Alfred Stepan go on to argue that free markets and elections are insufficient factors for consolidating a democratic regime.<sup>170</sup> Additional conditions required include:

***Behaviourally*** - When no significant actors attempt to create a non-democratic regime or by seceding from the state.

***Attitudinally*** - When a strong majority of public opinion holds the belief that democratic procedures and institutions are the most appropriate system to govern collective life.

***Constitutionally*** - When governmental and non-governmental forces become habituated to the resolution of conflict within the bounds of the specific laws, procedures, and institutions sanctioned by the new democratic process.<sup>171</sup>

“Reinforcing conditions” for democracy include a free and lively civil society; a relatively autonomous political society, the arena in which political actors compete for the legitimate right to exercise control over public power and the state apparatus in a manner that “habituates” to the norms and procedures of democratic conflict-regulation; political actors and the state must be subject to the rule-of-law that protects individual freedoms and associational life where citizens

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<sup>169</sup> This notion of social contract differs from those articulated by economists who explain social contract in terms of state ability to provide social services, see I Elbadawi, N. Sambanis, *How Much War Will We See? Estimating Incidence of Civil War in 161 Countries* (Washington DC: World Bank, 2001). Such views articulate social contract on instrumentalist notions of ‘performance legitimacy’. Although overlaps exist, such views differ significantly from notions of social contract based on ‘political legitimacy’.

<sup>170</sup> Juan J. Linz and Alfred Stepan, ‘Toward Consolidated Democracies’, in T. Inoguchi et al (eds.), *The Changing Nature of Democracy* (Tokyo: The United Nations University Press, 1998), p. 50.

<sup>171</sup> *ibid.*

can turn to courts to defend themselves against the state and its officials; and there must be a state bureaucracy that is usable by a new government.<sup>172</sup>

Parliamentary institutions based on the deliberative model can also provide institutional links “in a wider social dialogue”.<sup>173</sup> According to Jurgen Habermas, it is a process orientated approach to democracy that can give “voice” to many different social interests based on equal rights of citizenship.<sup>174</sup> Deliberative systems vary in their level of inclusiveness, but they promote opportunities for minority groups represented in parliament to influence government policy-making, and increase government accountability to a population.<sup>175</sup> Uhr notes that recent models of deliberative democracy are forms of,

[W]eighing up of political differences, through institutional checks and balances which legislative bodies use to work through their differences.<sup>176</sup>

The strength of deliberative democratic models as forms of post-conflict institutional peace-building rests with their potential to give representative leaders of subgroups the right to engage in political decision-making processes.

#### **2.2.4 Democratic Peace-Building and Citizenship-building, Can They Be Linked Institutionally?**

Underpinning the merits of deliberative democracy as a form of post-conflict institutional peace-building is the notion of equal political rights based on “inclusive and equal citizenship”, and citizenship-building to strengthen the legitimacy of the state.<sup>177</sup> Within this framework, issues of decentralisation in post-conflict Timor Leste and the arguments

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<sup>172</sup> *ibid.*, p. 55.

<sup>173</sup> See Uhr (1996), p. 9; and Jurgen Habermas, *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy* (Polity Press: Oxford, 1996), pp. 170-171.

<sup>174</sup> Habermas (1996), pp. 170-171.

<sup>175</sup> Uhr (1996), pp. 94-95.

<sup>176</sup> *ibid.*, pp. 12-14.

<sup>177</sup> Linz and Stepan (1998), p. 61.

outlined below are considered at greater length in Chapters 6 and 8. The discussion here is brief and intended to create links between elite democratisation as a form of institutional peace-building and popular participation in political processes in a manner that will build sustainable peace and development in a post-conflict environment.

Theories of social contract and citizenship are complex and exhaustive. However, as a simplification arguments essentially take the same form: since as free and autonomous individuals people are in danger of living in social anarchy, state and government provide order and protection to citizens within its territorial boundaries in exchange for the “obedience” of its citizens.<sup>178</sup> While the notion of “anarchy” and social organisation are common among theories of social contract, there are vastly different views about the appropriate type of citizenship and community involvement with the state. For example, Ian Marsh writes that

[P]articipation for Rousseau is the keystone of freedom in three senses. First, only by implicating citizens equally in the decisions by which they will be bound collectively can independence be protected and made substantial. Second, by these means citizens will not be alienated from the laws but feel them as their own. Third, participation makes for a real community since shared decision-making nourishes solidarity and attachment...Rousseau was concerned with participation to buttress and protect a seemingly impossible ideal of autonomy, Tocqueville saw participation as an antidote to the defects of democratic society and Mill as the means to its enrichment.<sup>179</sup>

Nevertheless, issues of community participation in post-conflict state-building have emerged as a central question for the evolution of “participatory” forms of peacekeeping interventions: how to create notions of citizenship and strengthen the legitimacy of states that are recovering from conflict from the bottom upwards.<sup>180</sup> The importance of such an

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<sup>178</sup> David Robertson, *Dictionary of Politics* (England: Penguin Books, 1993) p. 437. For further discussion see D.D. Raphael, *Problems of Political Philosophy* (London: MacMillan Press, 1990), pp. 146-149, 161-163, 182-192, 201-206.

<sup>179</sup> Ian Marsh, *Beyond the Two Party System: Political Representation, Economic Competitiveness and Australian politics* (Cambridge: Cambridge University Press, 1995), pp. 343, 346.

<sup>180</sup> Chopra and Hohe (2004), p. 289.

approach rests in arguments that democracy by itself, “does little or nothing to generate the affective, symbolic and ritually reaffirmed ties upon which community rests”.<sup>181</sup> Even deliberative forms of parliamentary democracy remain weak at institutionalising broad-based and regular community input to the state’s political and administrative decision-making processes.<sup>182</sup>

According to Chopra, administrative and political decentralisation is the UN’s “missing link” for achieving these objectives in post-conflict societies.<sup>183</sup> Decentralisation addresses problems of political “disequilibrium” in contested societies where power is highly centralized.<sup>184</sup> It does this by fostering a sense of “constructive citizenship”. According to Eran Vigoda and Robert Golembiewski, “constructive citizenship behaviour in modern societies encompasses active participation, involvement, and voluntary actions of the people in managing their own lives”.<sup>185</sup> Constructive citizenship behaviour is contingent upon participation in three areas: governance (national arena), local lives (communal arena), and the workplace (organisational arena).<sup>186</sup> Many aid agency initiatives seek to foster these linkages through instrumental methods which view decentralisation as the “reorganisation of authority so that there is a system of co-responsibility” between state institutions and community groups based along principles of subsidiarity.<sup>187</sup> According to Mark Turner and David Hulme, the most widely employed

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<sup>181</sup> Schopflin (1997), p. 96.

<sup>182</sup> Uhr (1996), p. 11.

<sup>183</sup> Jarat Chopra, Former Head of Office of District Affairs UNTAET, interview, Dfili 7 September 2001.

<sup>184</sup> Chopra (1999), p. 33.

<sup>185</sup> Eran Vigoda and Robert T. Golembiewski, ‘Citizenship Behaviour and the Spirit of New Managerialism: A Theoretical Framework and Challenge for Governance’, *American Review of Public Administration* vol. 31, no. 3 (2001), pp. 273-276.

<sup>186</sup> David Adams and Michael Hess, ‘Community in Public Policy: Fad or Foundation?’, *Australian Journal of Public Administration* 60. 2: (June 2001), pp. 13-23.

<sup>187</sup> Robertson Work, *The Role of Participation and Partnership in Decentralised Governance: A Brief Synthesis of Policy Lessons and Recommendations of Nine Country Case Studies on Service Delivery for the Poor* (New York: UNDP, Bureau for Policy Development, n.d.), pp. 2, 19, 38. See also Turner and Hulme (1997), p. 156; and Xavier Furtado, *Decentralisation and Capacity Development: Understanding the Links and the Implications for Programming*, Capacity Development Occasional Paper Series, CIDA Policy Branch, no. 4 (August, 2001), pp. 2-6.

methods of decentralisation in developing countries are deconcentration and devolution.<sup>188</sup> Devolution to sub-national administrative units of a state is often considered the ideal because it combines local democratic participation with government efficiency.<sup>189</sup> The point is that, more than just improving service delivery, a state's stability and legitimacy is increased through the civic virtue of "good citizens" responsible for their place within society.<sup>190</sup>

The processes giving rise to state-failure and the grounded theoretical issues outlined above suggest that post-conflict institutional peace-building requires a "two-track" approach under the tutelage of a transitional UN administration. The first includes the introduction of deliberative democratic mechanisms to address elite level sources of political conflict. For such a system to become consolidated, various "reinforcing conditions" need to be in place. An important subset of issues for considered include the various institutional development strategies employed to create viable state institutions. The second approach requires political and institutional decentralisation that will introduce mechanisms able to facilitate community participation with government on a regular basis, thus strengthening the legitimacy and efficiency of a new state system. The following chapters explore how, or to what extent, this was achieved in Timor Leste by UNTAET and its follow-up missions.

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<sup>188</sup> Turner and Hulme (1997), p. 159.

<sup>189</sup> Devolution of power refers to the transfer of responsibility, decision making and revenue collection to local level public administration authorities that are autonomous from the central government. Deconcentration refers to the transfer of authority and responsibility from one level of government central government to another while maintaining the same pattern of accountability from local units or central ministerial personnel that have been decentralised. This latter approach is considered a less costly and complicated method of decentralisation that can improve service delivery of government departments, see Work (2000), p. 4. Turner and Hulme point out that deconcentration approaches leave government officials accountable directly to a central government rather than a local community. Though the approach can improve service delivery by a government, it does little to promote community participation, see Turner and Hulme (1997), pp. 160-161.

<sup>190</sup> See Vigoda and Golembiewski (2001), p. 274; and Turner and Hulme (1997), p. 156.

## **Chapter 3 – UNTAET**

The legacies of colonial rule, Indonesian occupation, and the struggle for liberation created “chronic” political, social and economic challenges for building a viable state. The TNI-orchestrated militia rampage in September 1999 gave rise to “acute” obstacles that needed to be addressed before state-building could begin, i.e. the humanitarian emergency. The Indonesian withdrawal also left an institutional vacuum at all levels of formal government administration. UNTAET personnel often saw their mission as a rescue operation in yet another setting where a state had failed. Looking upon Timor Leste in this light, newly arriving UN personnel implicitly accepted the Indonesian government explanation about the outbreak of violence following the August referendum, namely that it was a product of uncontrollable factional conflict between pro-autonomy and pro-independence supporters, rather than the actions of the Indonesian state apparatus.

This chapter seeks to examine the context in which UNTAET deployed, the strategies it adopted, and the reasons underpinning its approach. This discussion does not pretend to be exhaustive. It separates the acute challenges arising from the humanitarian emergency from chronic governance challenges, and the legacies of Indonesian occupation to evaluate whether or not the strategies adopted by UNTAET were more appropriate than alternatives. These included that UNTAET should have quickly transferred power to the CNRT, decentralised its administration, and developed an alternative transitional government structure than the one it employed. This chapter further examines how issues of legitimacy and UN recruitment impacted upon capacity-development efforts and the sustainability of Timor Leste’s emerging institutional systems.

### **3.1 State-building in 30 Months (Dec 1999-May 2002)**

#### **3.1.1 Overwhelming Scope, Complexity – and Ambiguity**

**United Nations Transitional Administration for East Timor (UNTAET).** UNTAET was established, under Chapter VII provisions of the UN Charter by Security Council Resolution 1272, on 25 October 1999. It was entrusted to oversee Timor Leste’s

transition to independence and was empowered to exercise all legislative and executive authority in the territory, including the administration of justice. It placed ultimate decision-making authority in the hands of Sérgio Vieira de Mello, the Special Representative of the UN Secretary-General. The maximum strength of the mission was set at 9,150 peacekeeping troops drawn from over a dozen countries. This included 1,640 civilian police recruited from over 80 member states, 140 military observers, 560 civilian personnel, and some 1,700 local staff.<sup>191</sup> UNTAET's mandate required it to perform a number of multi-dimensional peacekeeping and state-building functions. These were to:

- a) Provide security and maintain law and order throughout East Timor;
- b) Establish an effective administration;
- c) Assist in the development of civil and social services;
- d) Ensure the coordination and delivery of humanitarian assistance, rehabilitation and development assistance;
- e) Support capacity-building for self-government; and
- f) Assist in the establishment of conditions for sustainable development.<sup>192</sup>

Its executive policing and security functions were straightforward and unambiguous. UNTAET's Peacekeeping Force component (PKF) was required to protect against cross-border threats such as militia infiltration, while its Civilian Police component (CivPol) was required to maintain internal security by responding to civilian disturbances or criminal acts.<sup>193</sup> Overseeing the transition to independence, "how" to build state institutions and administer justice was less clearly defined. Non-military components of the mission's mandate were also complicated by the need to build institutions of state in a manner that would ensure their long-term viability following a handover of political power to an elected Timorese government. Nevertheless, a study conducted by the International Policy Institute at King's College in London identifies a three-phased strategic plan which, it argues, emerged during UNTAET's mission planning: Stage One

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<sup>191</sup> See United Nations Security Council, *Security Council Resolution 1272, On the Establishment of UNTAET*. S/RES/1272 (25 October 1999) <http://www.un.org/peace/etimor/UntaetM.htm> (11 June 2000); and United Nations General Assembly, *Financing of the United Nations Transitional Administration in East Timor: Report of the Secretary-General*. A/55/443 (3 October 2000).

<sup>192</sup> United Nations Security Council, *Security Council Resolution 1272...*, S/RES/1272 (1999).

<sup>193</sup> Conflicts arose as a result of different country contingents' expectations as to how to fulfil the mission's security functions, particularly in the area of civilian policing, Julian Harston, DPKO UNMISSET Mission

(immediate stabilisation period), security, law and order, restoration of government services, return of displaced persons, and humanitarian assistance; Stage Two, building an administration; Stage Three, capacity-building for self-government and development.<sup>194</sup>

### 3.1.2 Acute and Chronic Challenges

UNTAET's civilian state-building duties implied a developmental approach to building a viable government administration. This development process was distorted by the context which gave rise to UNTAET. The Popular Consultation administered by UNAMET was followed by a campaign of systematic militia violence and looting.<sup>195</sup>

Between 250,000-280,000 Timorese, either voluntarily or unwillingly, crossed into West Timor as refugees, whilst a further 300,000 became Internally Displaced Persons (IDPs).<sup>196</sup> Widespread destruction and the exodus of Indonesian civil servants left the entire pre-ballot governance system non-existent (e.g. public services, law and order, health, and education).<sup>197</sup> UNAMET evacuated its international personnel while only a handful chose to stay behind in the mission's Díli compound to act as "human shields" for terrified East Timorese seeking protection against retribution killings.<sup>198</sup>

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Planning Team, Deputy Special Representative for the Secretary-General in Bosnia-Herzegovina, interview, Díli, October 2001.

<sup>194</sup> International Policy Institute, *A Case for Change: A Review of Peace Operations* (London: King's College, February 2003), para. 292. <http://ipi.sspp.kcl.ac.uk/rep006/> (1 June 2003)

<sup>195</sup> See Nisid Hajari, 'Birth of a Nation', *Time*, no. 37, 13 September 1999, pp. 22-23; Anthony Spaeth, 'Indonesia: No Gain Without Pain', *Time*, no. 36, 6 September 1999, pp. 42-45; Nisid Hajari, 'Island of Death', *Time*, no. 38, September 1999, pp. 28-31; James Dunn, 'Crimes Against Humanity in East Timor, January to October 1999: Their Nature and Causes' (Díli: 14 February, 2001) <http://www.etan.org/news/2001a/dunn1.htm> (18 September 2004); and Wayne Sievers, 'Serving with UNAMET', in L. Taudevin and J. Lee (eds.), *East Timor: Making Amends? Analysing Australia's Role in Reconstructing East Timor* (Sydney: Oxford Press, 2000), p. 31.

<sup>196</sup> United Nations Transitional Administration for East Timor and the United Nations Development Program, 'East Timor/Timor Loro Sa'e Study on Capacity-building- Draft Report' (Díli: UNTAET/UNDP, September 2000), p. 1.

<sup>197</sup> United Nations Transitional Administration for East Timor and the United Nations Development Program, 'East Timor/Timor Loro Sa'e Study on Capacity-building...' (2000), p. 1; JAM- *Governance Background Paper...* (Díli, 1999).

Australian-led INTERFET troops began Operation Stabilise on 20 September to restore security.<sup>199</sup> At the same time, UNAMET staff in Darwin began coordinating international humanitarian assistance efforts.<sup>200</sup> It was not until December 1999 that security was nominally restored so as to allow UNTAET to begin operations inside the territory.<sup>201</sup> Intervening forces encountered a major humanitarian emergency that required a massive relief effort; an UNTAET administration with few qualified staff; a lack of in-country resources, facilities, and logistical support. The destruction of logistical support material (e.g. vehicles, fuel, port facilities) and administrative buildings



**Picture 1. Australian INTERFET Troops, Picture provided by UNMISSET Public Information Office**

during September meant that it took close to six months before UNTAET could address its own capacity deficits (personnel and resources) before it could realistically claim to have any kind of a functioning transitional administration.<sup>202</sup>

Numerous social problems were caused by the combination of September's destruction and the legacies of Indonesian governance. The withdrawal of the Indonesian state and

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<sup>198</sup> Patrick Burgess, International Advisor CAVR, formerly with UNAMET and UNTAET, interview, Díli, 23 January 2004; John Martinkus, 'The Thin Blue Line', *Bulletin*, vol. 117, no. 6192 (September 1999), pp. 30-31; Joanna Jolly, 'Inside the UN's Last Refuge', *Time*, no. 38, September 1999, p. 31.

<sup>199</sup> For further discussion see Don Greenlees and Robert Garran, *Deliverance: The Inside Story of East Timor's Fight for Freedom* (Sydney: Allen & Unwin, 2002), pp. 270-294.

<sup>200</sup> Rumiana Ducheveva, Social Affairs Officer UNTAET, interview, Díli, 4 September 2001.

<sup>201</sup> *ibid.*

<sup>202</sup> Kieran Dwyer Díli, Civic Education UNTAET, interview, Díli, 16 November 2001; Roland Laval, Central Fiscal Authority UNTAET, interview, Díli, 2 November 2001.

private sector services led to a situation of near complete unemployment in the formal economy.<sup>203</sup> Structural damage caused to local agricultural systems through relocation and transmigration programs during the Indonesian occupation was compounded by the September militia rampage which saw,

[A]lmost every shred of personal wealth in East Timor...stolen or destroyed-cattle, chickens, motorbikes, phones, furniture, and books.<sup>204</sup>

Inflationary pressures saw the price of food increase by 200 percent between September and November.<sup>205</sup> Dependency upon Indonesian government employment “as a kind of safety valve” that no longer existed together with the post-September 1999 acute economic pressures combined to create a highly volatile situation.<sup>206</sup>

On 20 October, the senior parliamentary body in the Indonesian government (MPR-People’s Consultative Assembly) ratified the decision to repeal its 1976 incorporation of Timor Leste into the archipelago.<sup>207</sup> The withdrawal of TNI forces on 30 October 1999

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<sup>203</sup> Joaquim Fonseca, Student Activist, CAVR Researcher, interview, Díli, February 2004.

<sup>204</sup> Traube (2000), p. 78. For further reading see Tapol (1988), p. 3; Terry Russell, ‘East Timor: Playing With Fire’, *Inside Indonesia*, no. 42 (March 1995), pp. 5-6; Mubyarto et al, *East Timor, The Impact of Integration: An Indonesian Socio-anthropological Study* (Northcote, Victoria: Indonesia Resources and Information Program, 1991), pp. 51, 60; M. Hadi Soesastro, ‘East Timor’s Economic Development Seen from Jakarta: Towards Special Treatment of a Second Kind’, in João Saldanha (ed.), *An Anthology: Essays on the Political Economy of East Timor* (Northern Territory: Northern Territory University, Centre for Southeast Asian Studies, 1995), p. 41; Daniel Kameo, ‘An Analysis of the Development Process in East Timor: Background, Achievements, Problems and Alternatives’, in João Saldanha (ed.), *An Anthology: Essays on the Political Economy of East Timor* (Northern Territory: Northern Territory University, Centre for Southeast Asian Studies, 1995), p. 57; Pedersen and Arneber (eds.)(1999), p. 118; United States, Congress, House Committee on Foreign Affairs (1980); Geoffrey C. Gunn, *East Timor and the United Nations: The Case for Intervention* (New Jersey: The Red Sea Press Inc, 1997), p. 19; Arnold Kohen and John Taylor, *An Act of Genocide: Indonesia’s Invasion of East Timor* (London: Tapol, 1979), p. 87; and John G. Taylor, *Indonesia’s Forgotten War: The Hidden Story of East Timor* (London: Zed Books, 1991), p. 3

<sup>205</sup> Asia Development Bank, *Progress Report: Trust Fund for East Timor (TFET), East Timor Rehabilitation and Development. Donors’ Council Meeting Lisbon, Portugal 21-23 June 2000* (Díli: ADB, June 2000), p. 59.

<sup>206</sup> James Fox, ‘East Timor: Assessing UNTAET’S Role in Building Local Capacities for the Future’, paper presented at the Council for Asia Europe Cooperation Conference, Comparing Experiences with State-building in Asia and Europe: The Cases of East Timor, Bosnia and Kosovo (2001).

<sup>207</sup> For an overview of Indonesian the political system see, Anthony L. Smith, ‘Indonesia. Transforming the Leviathan’, in J. Funston (ed.), *Government and Politics in Southeast Asia* (Singapore: Institute of Southeast Asian Studies, 2001); and Lloyd (2001), p. 103.

removed the main source of opposition to state-building efforts.<sup>208</sup> However, the spontaneous return of an estimated 126,000 refugees from West Timor,<sup>209</sup> and the reorganisation of hard core pro-Indonesian militia elements in refugee camps on the Indonesian side of the border under the umbrella of *Uni Timor Aswain*, or Union of Timorese Warriors (UNTAS), gave rise to two concerns. Firstly, that the remaining refugees were being held as “hostages” to secure concessions from the CNRT and UNTAET. Secondly, hard-line TNI elements were keeping pro-autonomy groups active for future destabilisation activities inside Timor Leste.<sup>210</sup>

In this environment, Dolan et al argue that UNTAET was confronted with three broad challenges. These included (1) responding to the humanitarian emergency and dealing with massive levels of internal displacement; (2) stabilising the humanitarian crisis; and (3) preparing the country for a transition to full independence.<sup>211</sup> This translated into a prioritisation of tasks in the field: ensure security and stability; “keep people alive” through the distribution of relief aid (medicine, food, shelter) coordinated by the Office for the Coordination of Humanitarian Assistance (OCHA) and for UNTAET to build its own capacity to act as an administration capable of overseeing the state-building process.<sup>212</sup> It was only after these tasks were achieved that state-building could begin.<sup>213</sup>

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<sup>208</sup> Traube (2000), p. 87.

<sup>209</sup> Chris Dolan, Judith Large and Naoki Obi, *Evaluation of UNHCR's Repatriation and Reintegration Programme in East Timor, 1999-2003*. EPAU/2004/02 (Geneva: UNHCR, Evaluation and Policy Analysis Unit, February 2004), p. 17.

<sup>210</sup> Scott (2001), p. 23.

<sup>211</sup> Dolan, Large, and Obi (2004), p. 1.

<sup>212</sup> Office for the Coordination of Humanitarian Assistance (OCHA) was one of the three operational pillars of UNTAET. Once the humanitarian emergency stabilised it was renamed the Humanitarian Assistance and Emergency Rehabilitation Pillar (HAER), United Nations Transitional Administration for East Timor, ‘Humanitarian Assistance and Emergency Rehabilitation Pillar. Final Report- Part I. October-December 2000’ (Díli: UNTAET, 2000), p. iv; Patrick Burgess interview, Díli, 23 January 2004.

<sup>213</sup> Jonathan Andrews, Policy Advisor to Dennis McNamara the Deputy Special Representative of the Secretary-General, UNTAET, interview, Díli, 15 November 2001.

### 3.1.3 UNAMET to UNTAET – “How Can the UN Govern a Country When It Can’t Govern Itself?”<sup>214</sup>

**International Rivalries.** The transition from UNAMET to UNTAET was far from seamless either on the ground in Timor Leste or in the New York departmental offices under the office of the Secretary-General. UNAMET, headed by SRSG Ian Martin under the authority of the Department of Political Affairs (DPA), was created to administer the Popular Consultation of 1999 and to oversee a staged transition to either autonomy or independence. The September violence radically changed the nature of the UN operations from one of political decolonisation to a peacekeeping operation. Authority for organising and planning UNTAET was transferred to the Department of Peacekeeping Operations (DPKO). The transition from was fraught with rivalry as DPA was blamed for the security failures during the referendum.<sup>215</sup> The resulting intra-agency rivalry to control planning functions for UNTAET created a situation in which many UNAMET personnel either resigned, or the staffing proposals made by DPA were rejected by DPKO.<sup>216</sup> One noted consequence of this rivalry was that it led to the loss of UNAMET personnel who had developed good networks with the East Timorese and a good understanding of the local environment. Both these strengths could have facilitated UNTAET’s humanitarian relief operations and a transition to development and state-building.<sup>217</sup>

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<sup>214</sup> Peter Deck, UNTAET Special Assistant for Judicial Affairs to Dennis McNamara the Deputy Special Representative of the Secretary-General, interview, Díli, 15 November 2001.

<sup>215</sup> See International Policy Institute (2003), para. 21; and John Lyons, ‘Murder, Madness & Miscalculation’, *Bulletin*, vol. 117, no. 6192 (September 1999), p. 26. Lyons quotes a Timorese survivor of September’s violence as saying, “It’s OK...I’m happy because my country is going to be free soon”.

<sup>216</sup> Jarat Chopra interview, Díli, 7 September 2001. For further discussion see Ian Martin and Alexander Mayer-Rieckh, ‘The United Nations and East Timor: From Self-determination to State-building’, *International Peacekeeping*, vol. 2, no. 1 (Spring 2005), pp. 125-145; and Anthony L. Smith, ‘The Role of the United Nations in East Timor’s Path to Independence’, *Asian Journal of Political Science*, vol. 9, no. 2 (December 2001), pp. 43-44.

<sup>217</sup> See Smith (2001), pp. 43-44; Jarat Chopra, ‘The United Nations and East Timor: Divided Rule’, *The World Today*, 57 (January 2001), pp. 13-15; and Jarat Chopra, Head of the Office of District Administration (ODA), ‘Resignation Letter Sent to the SRSG Sérgio Vieira de Mello and DSRSG Jean-Christian Cady’ (2000).

DPKO's institutional rivalry extended beyond DPA and, some argue, had broader negative consequences for later state-building efforts. In the halls of the UN's New York headquarters, agencies scrambled for programme funding, partly driven by desires to increase their own power, prestige and organisational status. All of these imperatives relegated the views of East Timorese to "trivial status".<sup>218</sup> DPKO, still struggling to sort out its own "political house", clashed with a much better organised World Bank that, because of its long involvement in Timor Leste, already had governance programs and funding sources prepared and East Timorese networks through which to operate.<sup>219</sup> This gave rise to a "defensive" position by DPKO because beyond its broad strategic plan it had no clear approach for public administration development or the restoration of government services.<sup>220</sup> As a result, DPKO rejected proposals for creating World Bank posts for implementing "sustainable development programmes" within the transitional administration.<sup>221</sup> It was also "marginally" involved in the Joint Assessment Mission for East Timor (JAM) that aimed to identify short-term to medium-term reconstruction needs.<sup>222</sup> These actions ostensibly undermined UNTAET's ability to forge "broad-based" relationships with the East Timorese.<sup>223</sup> Moreover, planning for the mission did not consider a "transitional process to independence", but remained focused on short-term "responsive" needs (humanitarian crisis, security, and immediate government services).<sup>224</sup>

**Premises Underpinning UNTAET's State-Building Strategy.** Sérgio Vieira de Mello argued that Timor Leste represented a case of "unfinished decolonisation", which meant

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<sup>218</sup> Jarat Chopra interview, Díli, 7 September 2001.

<sup>219</sup> Laura Bailey, World Bank Consultant, interview, Díli, 15 December 2003; Jackie Pomeroy, World Bank Consultant, interview, Díli, 15 December 2003.

<sup>220</sup> International Policy Institute (2003), para. 172.

<sup>221</sup> *ibid.*, para, 24.

<sup>222</sup> *ibid.*, para, 169.

<sup>223</sup> *ibid.*

<sup>224</sup> *ibid.*, para, 18.

that the primary task for UNTAET was to transfer political power to an independent government.<sup>225</sup> Julian Harston, involved in planning different phases of UN operations in the country, regarded Timor Leste's leadership as highly competent and skilled. It had demonstrated this by its ability to outmanoeuvre the leadership of the fourth most populous nation in the world, and was in his view entirely capable of governing an independent country.<sup>226</sup> Others believed that Timorese lacked even the "minimal credentials" for middle and upper level management and saw the territory as an "empty shell".<sup>227</sup> At the same time, UN personnel brought with them a number of competing assumptions about the nature of conflict inside Timor Leste and how to build a viable state. Unlike de Mello or Harston, many viewed Timor Leste's society as having been shattered in yet one more failed state.<sup>228</sup> State-building thus became "distorted" by a common perception that the UN was deployed on a "rescue mission".<sup>229</sup> The lack of consensus or clear vision led to "the internal fragmentation of the mission's Office of Governance and Public Administration" as early as November 1999.<sup>230</sup> In the view of one senior official, what emerged was reliance upon humanitarian relief, quick-impact projects, and unemployment programs, which prevented the introduction of strategies able to address the country's governance challenges.<sup>231</sup>

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<sup>225</sup> Sérgio Vieira De Mello, Special Representative of the Secretary-General for the United Nations Transitional Administration for East Timor/SRSG UNTAET, interview, Díli, 10 November 2001. See also Chesterman (2001).

<sup>226</sup> Julian Harston interview, Díli, October 2001.

<sup>227</sup> Traube (2000), p. 83.

<sup>228</sup> Patrick Burgess, International Advisor CAVR, formerly with UNAMET and UNTAET, interview, Díli, 23 January 2004; Laura Bailey, World Bank Consultant, interview, Díli, 15 December 2003; Jacqueline Pomeroy, World Bank Consultant, interview, Díli, 15 December 2003.

<sup>229</sup> Patrick Walsh interview, Melbourne, 20 February 2001.

<sup>230</sup> Jarat Chopra, 'The UN's Kingdom of East Timor: by Jarat Chopra', *Survival*, vol. 42, no. 3 (Autumn 2000), pp. 27-39.

<sup>231</sup> *ibid.*



*Picture 2. Sérgio Vieira de Mello, picture provided by UNMISSET Public Information Office*

### **3.1.3.1 Centralise or Decentralise?**

Serious policy conflict emerged within UNTAET over the roles of administrative decentralisation and district administration. Jarat Chopra, the head of the Office of District Affairs (ODA) in late 1999, was the main architect behind UNTAET's initial proposals for decentralisation.<sup>232</sup> The logic was based on “fracturing chains of command, and reconstituting the components under the authority of a district administrator”.<sup>233</sup> The innovation of the approach rested in the notion that building political legitimacy of the state could occur from the bottom-up, or building constructive citizenship through institutional mechanisms.<sup>234</sup>

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<sup>232</sup> Greenlees and Garran argue that Chopra resigned four months into a two-year appointment, Greenlees and Garran (2002), p. 313. In fact, Chopra resigned some two weeks in advance of the end date of his initial contract, even though he had originally intended to serve with the mission throughout its existence, Chopra, ‘Resignation Letter...,’ (2000), p. 1; Jarat Chopra interview 7 September 2001.

<sup>233</sup> Chopra, ‘Resignation Letter...,’ (2000).

UN personnel opposed to the approach argued that its implementation had been conditional upon a peaceful and staged transition of political power as envisaged in UNAMET plans.<sup>235</sup> The events of Black September meant that decentralisation was “thrown out the window”.<sup>236</sup> There were no formal government structures left through which to operate and the need to respond to the humanitarian emergency outstripped any call for experimenting with citizenship-building or administrative models. By January 2000 the prevailing view among UNTAET’s Díli-based policy-makers was to limit corruption of aid distribution and allow for quick decision-making in response to urgent needs.<sup>237</sup> Centralisation, it was argued, would also minimise the risk of economically driven conflict among local groups seeking to control the distribution of humanitarian aid.<sup>238</sup> Finally, centralising UNTAET’s administration was needed in order to create a “political centre of gravity” around which a coherent national system could be constructed.<sup>239</sup>

These competing arguments were reflective of profoundly different approaches to reconstructing political systems in post-conflict societies. One focused at the “top” and worked its way downwards from the elite level while the other looked to include bottom-up approaches able to promote community participation with the state and strengthening

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<sup>234</sup> Jarat Chopra interview, Díli, 7 September 2001. For further discussion see Chopra (2002), pp. 985-986; and Chopra and Hohe (2004).

<sup>235</sup> Roland Laval, Central Fiscal Authority UNTAET, interview, Díli, 2 November 2001.

<sup>236</sup> Roland Laval interview, Díli, 2 November 2001; Sérgio Vieira de Mello interview, Díli, 10 November, 2001.

<sup>237</sup> Roland Laval interview, Díli, 2 November 2001. On speedy decision making in crisis situations see Ole R. Holsti, ‘Theories of Crisis Decision Making’, in R. D. Matthews et al (eds.), *International Conflict and Conflict Management- Readings in World Politics* (Ontario: Prentice-Hall Canada Inc., 1989), pp. 68, 75.

<sup>238</sup> Roland Laval interview, Díli, 2 November 2001. On conflict generated by aid distribution in crisis settings see Mary B. Anderson (1999), Chapters 1-3.

<sup>239</sup> For an example of the lack of a political centre of gravity and the fragmentation of state authority in Somalia see Chopra (1999), pp. 35, 124, 139.

the political legitimacy of a new system. What remained unanswered in the context of Timor Leste, where there was no formal system to reconstruct, which was more appropriate to the challenges of state-building that began from a stage of chaos? Other considerations also weighed heavily in the decision to centralise the transitional administration. Paramount among these was whether the Timorese were in a position to take ownership of such a process and effectively manage the corresponding political challenges.

**East Timorese Participation in Planning.** East Timorese participation in planning for UNTAET was largely limited to the Joint Assessment Mission (JAM). JAM, led by the World Bank to assess Timor Leste's reconstruction needs, included CNRT representatives, international personnel from UNTAET, UN agencies, the European Commission (EU), the Asia Development Bank (ADB), the World Bank and the International Monetary Fund (IMF). The competing agendas of aid agencies and multi-lateral organisation gave rise to a view that East Timorese involvement on JAM was, at best, token.<sup>240</sup> East Timorese were expected to provide information for externally driven reconstruction activities rather than actually shape those efforts.<sup>241</sup> More disturbingly, institutional rivalry between the World Bank and UNTAET saw various UN officials try to play-off one CNRT grouping against another, thus leading to fears among Timorese that UNTAET would fuel factional divisions within civil society and among the Timorese political leadership.<sup>242</sup> In turn, this raises a question that proved central to UNTAET's decision to take control of the Timorese political landscape at UNTAET's inception by centralizing administrative functions: how united was the Timorese leadership upon UNTAET's arrival?

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<sup>240</sup> João Cancio Freitas interview, Melbourne, 15 June 2002. For further discussion see AID/WATCH, 'World Bank Dictating Terms of Development in East Timor', Press Release, 26 April 2001, Díli; and João Cancio Freitas, 'Post-conflict Local Governance Capacity-building: Case Study of UN's Role in East Timor', presentation of draft research findings (Díli: Canadian International Development Assistance, 16 November 2003).

<sup>241</sup> Informant Number 24, written notes (Timorese national).

<sup>242</sup> Jarat Chopra interview, Díli, 7 September 2001.

Traube claims that upon UNTAET's arrival the only functioning institution in Timor Leste was the CNRT: that it was united and that its authority was unquestioned in virtually every village in the territory.<sup>243</sup> However, some participants to this study argue that this view downplayed the actual level of political fragmentation within a movement whose main binding force was resistance against a common foe.<sup>244</sup> Moreover, following 1999 CNRT had vague ideas about the direction of state-building, remained unclear about its own role, and had not sorted out its internal power relationships, which left it "unstable" as a potential administering partner for UNTAET.<sup>245</sup> Members of UNTAET's policy-making team viewed some of CNRT's groups as undemocratic and bordering on "fascism", or with a left-wing waiting to seize power.<sup>246</sup> Such views supported the argument that CNRT, as an umbrella organisation, was far from suited or united to act as an institutional partner that could guide state-building in a peaceful or broadly representative and inclusive fashion. As a result, beyond facilitating the distribution of humanitarian relief, UNTAET kept CNRT at arms length.

### **3.1.4 Legal Authority vs. Moral Authority and Political Legitimacy**

What type of legitimacy did UNTAET really have, wherein was it found and how did that limit its ability to shape state institutions in 30 months? Jarat Chopra argues the legal powers conferred upon UNTAET made it akin to a sovereign government with full executive, legislative, security, and administrative control.<sup>247</sup> Ultimate decision-making was centralised in the office of the SRSG and gave rise to what some referred to as

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<sup>243</sup> Traube (2000), p. 87.

<sup>244</sup> Preston Pentony, Political Affairs Officer UNMISSET, interview, Dili, 22 December 2004; Father Julió Crispim Ximenes Belo, Caritas Official, interview, Baucau, 5 November 2003.

<sup>245</sup> Patrick Walsh interview, Dili, 18 February 2004. For further discussion see Paulo Gorjão, 'The Legacy and Lessons of the United Nations Transitional Administration in East Timor', *Contemporary Southeast Asia*, vol. 24, no. 2 (August 2002), p. 318.

<sup>246</sup> Kate Macilwain, District Field Officer UNTAET, interview, Melbourne, 13 February 2001; Christopher Dureau, International Development Support Services Official, interview, Melbourne, 28 February 2001. For examples of elite level factional conflict during UN operations in Cambodia see Ratner (1996), pp. 146-147; and Doyle (1995), p. 26.

<sup>247</sup> Chopra (2000), pp. 27-39.

“benevolent despotism” exercised by Sérgio Vieira de Mello.<sup>248</sup> These legalistic arguments implied that UNTAET had the power and authority to dictate the shape of Timor Leste’s future political institutions. Gorjão, on the other hand, points out that the legal authority given to UNTAET by the Security Council did not give it the moral authority or political legitimacy to govern the population directly, which “under normal circumstances is acquired by democratic elections”.<sup>249</sup> This limited its ability to act as a fully empowered government.<sup>250</sup>

However, it is arguable that UNTAET was entirely legitimate for its purpose: peacekeeping and building an administration with the ultimate objective of transferring political power to a democratically elected government. Unlike previous occupying powers, UNTAET never intended to retain control of Timor Leste. There existed a shared vision between the Timorese and the UN regarding UNTAET’s role. UNTAET’s powers were “exercised within prescribed limits for the promotion of the community’s collective interest” with the consent of the Timorese.<sup>251</sup> Prescribed limits on the exercise of its powers were found in the results of the 1999 Popular Consultation, i.e. Timorese independence and self-determination and Chapter XI Article 73.b of the UN Charter which stresses that an intervening power that takes responsibility of a non-self governing territory must,

[T]ake due account of the political aspirations of the people, and to assist them in the progressive development of their free political institutions.<sup>252</sup>

This translated into reluctance on the part of UNTAET to undermine the independence of a future government by engaging in extensive institutional engineering.<sup>253</sup> UNTAET’s

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<sup>248</sup> See Beauvais (2001), pp. 1101-1178.

<sup>249</sup> Gorjão (2002), pp. 312, 330.

<sup>250</sup> International Policy Institute (2003), para. xi.

<sup>251</sup> For further discussion on the legitimacy of power see Alaggapa (1995), p. 15.

<sup>252</sup> *ibid.*, Article 73.b.

legitimacy was fundamentally conditional upon a single premise: UNTAET would respect Timorese sovereignty.

UNTAET's legitimacy problems sprang from its awkward position as a transitional administration guiding a trusteeship territory on the road to independence.<sup>254</sup> The only shared norm and value it had with the East Timorese was the objective of building an independent state. This did not resolve "ideological struggle among what may be termed strategic groups" who sought to position themselves to assume political power upon UNTAET's transfer of control.<sup>255</sup> It was this end purpose of transferring control which became the object of disaffection among key Timorese groups.<sup>256</sup> Although seeking to insulate itself, UNTAET was inevitably bound up with Timor Leste's internal power struggles as competing groups sought to legitimise their claims to governing a future independent country.

### **3.1.5 Skewing the Emergence of Legitimate Political Power?**

Security Council Resolution 1276 stressed the importance of close consultation with the East Timorese in creating a viable democratic system.<sup>257</sup> Rather than working through CNRT, de Mello forged close alliances with a handful of leadership figures such as Xanana Gusmão, José Ramos-Horta, Bishop Belo, Mário Carrascalão, and a small number of administratively skilled members of CNRT such as Emilia Pires and Mariano Lopez da Cruz.<sup>258</sup> De Mello argued there was little else UNTAET could or should have done,

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<sup>253</sup> Roland Laval interview, Díli, 26 February 2004; Peter Deck, UNTAET Special Assistant for Judicial Affairs to Dennis McNamara the Deputy Special Representative of the Secretary-General, interview, Díli, 15 November 2001.

<sup>254</sup> *Charter of the United Nations*, Chapter XII Articles 76 b and 77 c.

<sup>255</sup> Alaggapa (1995), p. 16.

<sup>256</sup> For further discussion on legitimacy and political competition see William Connolly, 'The Dilemma of Legitimacy', in W. Connolly (ed.), *Legitimacy and the State* (Oxford: Basil Blackwell, 1985), p. 225; and Ake (1997), p. 3.

<sup>257</sup> United Nations Security Council, *Security Council Resolution 1272...*, S/RES/1272 (1999), para. 8.

I cannot rewrite Timor's history, I cannot change the fact that the Timorese who acceded to leadership positions happened to be those in exile, those in the diaspora. I cannot change that they were those with perhaps the best political and academic preparation to assist me in the early stages of this mission. I cannot change the fact that they were the majority in the CNRT leadership structure.<sup>259</sup>

De Mello framed his alliance building in terms of operational realities and necessities. Nevertheless, elite level alliance building in post-conflict societies experiencing contested political transitions brings with it profound impacts.<sup>260</sup>

The Gusmão, Ramos-Horta, and Belo triumvirate brought a combination of moral, political, charismatic, and traditional legitimacy to UNTAET.<sup>261</sup> Such figures regularly “went to the streets” to calm protestors after UNTAET's arrival, preaching tolerance and patience for UN efforts.<sup>262</sup> Elite alliance building thus increased the mission's acceptance, or legitimation, among the local population.

Legitimation was also a two-way process with the external legitimacy de Mello conferred upon groups or individuals aspiring to power inside the country. Mutiah Alagappa outlines this process neatly,

International dynamics are relevant only to the extent that they influence domestic discourse on the norms for legitimation and affect the power resources of the domestic contestants...Acceptance by the international community...confers prestige with the potential to increase state capacity,

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<sup>258</sup> One of the strengths commonly attributed to de Mello was that his elite alliance building extended beyond the borders of Timor Leste. He was praised by East Timorese leaders as being able to influence policy-making in UN headquarters through the head of DPKO and the Secretary-General, Kofi Annan. It was believed this increased UNTAET's responsiveness to local demands by allowing the mission to work around “rigid rules” set in UN headquarters, Dionísio Babo-Soares, Deputy Country Director for Asia Foundation, interview, Díli, 27 February 2004; Patricia de Diaz, Office of Public Information UNMISSET, interview, Díli, 20 February 2004. See also Beauvais (2001), p. 1123.

<sup>259</sup> Sérgio Vieira de Mello interview, Díli, 10 November 2001.

<sup>260</sup> On contested political transitions see O'Donnell and Schmitter (1986), p. 3.

<sup>261</sup> On different types of legitimacy see Alagappa (1995), ‘The Bases of Legitimacy’.

<sup>262</sup> José Ramos-Horta, Senior Minister, Ministry of Foreign Affairs and Cooperation, interview, Díli, 16 January 2004.

enabling leaders and their governments to consolidate their domestic base...The net effect of the denial of international recognition is to intensify domestic conflict, making it difficult for the incumbent government to convert power into authority[.]<sup>263</sup>

As noted by Edward Rees, this process manifested itself quite early with UNTAET's alliance building,

[E]arly decision to select Gusmão and his clique as primary interlocutors with East Timorese society created problems for its ability to legitimately shape developments (e.g. formation of F-FDTL) and threatened to create a political bias [in favour of "Xanana loyalists"].<sup>264</sup>

The process of alienation and internal political fragmentation fuelled FRETILIN's mistrust towards the mission and alienated UNTAET from much of the indigenous population, which felt colonial social hierarchies were re-emerging (see Chapter 4 below).



*Picture 3. Protestors in Dili, no date, picture provided by UNMISSET Public Information Office*

<sup>263</sup> Alagappa (1995), pp. 48-49.

<sup>264</sup> Rees (2002), p. 152. See also John McCarthy, 'FALINTIL Reinsertion Assistance Program (FRAP): Final Evaluation Report' (Dili: International Organisation for Migration, 2002), pp. 33-35; and United Nations Transitional Administration, 'The Role of Ex-FALINTIL Executive Summary, Issue Paper (5)' (Unpublished paper, Office of the National Security Advisor, Dili, UNTAET, January 2002). Beauvais also argues that de Mello's reliance on the Dili -based elite contradicted principles of neutrality, Beauvais (2001), p. 1134.

## **3.2 Peacekeeping or Post-Liberation State-Building?**

### **3.2.1 UNTAET's Governance Mandates**

Competing governance responsibilities placed upon UNTAET also undermined its ability to build state institutions. Simon Chesterman, an academic working out of the International Peace Academy in New York, argues there were four competing obligations with UNTAET's mandate, which gave rise to tensions between its peacekeeping and state-building responsibilities:

- 1) Restoring peace and security,
- 2) Establishing the conditions for self-government,
- 3) Providing development assistance, and
- 4) Actually governing the territory on a day-to-day basis.<sup>265</sup>

At its earliest stage UNTAET established three operational pillars to resolve some of those tensions. These operational pillars included: (1) Governance and Public Administration (GPA) which incorporated CivPol; (2) Humanitarian Assistance and Emergency Rehabilitation (HAER) responsible for coordinating international relief efforts during the humanitarian emergency; and (3) the PKF which included military observers. Out of necessity DPKOs' planning relegated state-building to secondary status. The strategic timeline developed by DPKO sought to stabilise the security and humanitarian situations before proceeding to the development aspects of the mission (i.e. the GPA).<sup>266</sup>

### **3.2.2 Governance and Public Administration (GPA)**

The division of mission functions into three operational pillars left significant tensions within governance and public administration. Beauvais argues that within the GPA there were at least two contradictory governance functions: the "UN governorship" mandate and a "local self-government mandate".<sup>267</sup> Local self-government involved first building

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<sup>265</sup> Chesterman (2001), p. 30.

<sup>266</sup> Alessandro Righetti, Deputy District Administrator UNTAET, interview, Ermera, 12 October 2001.

institutions such as the police, courts, government departments, ministries, or an immigration authority, and then developing their capacities to be sustainable and function effectively.<sup>268</sup> Unlike institution building, institutional development entailed holistic cross-sectoral approaches to improve the overall governance of the entire system. State-building and creating the conditions for sustainable self-government therefore entailed two different sets of tasks that brought contradictions beyond those identified by Beauvais. First, was building an administration to which political power could be transferred. The second was the need to develop the capacity of the system at different institutional levels: the individual; the level of the organisation or “entity”; and the level of the broader system.<sup>269</sup> This second function which was to come under the control of UNDP, correctly seen as capacity-development following state-building, was often included with the challenge of building a basic administration, which UNTAET succeeded in establishing by 2001.

### **3.2.3 State-Building and Capacity-Development, A Confused Mess?**

State-building and capacity-development initially focussed on the short-term objective of building government institutions. The 1999 World Bank led Joint Assessment Mission (JAM) recommended that the transitional governance approach should “focus on civil service numbers and pay, rather than on structures, roles and functions of the state, since the latter demands a lengthier intellectual debate”.<sup>270</sup> It also suggested efforts should target short-term initiatives such as the rehabilitation of buildings and material supplies and recommended exploring policy alternatives for institutional capacity-development.<sup>271</sup>

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<sup>267</sup> Beauvais (2001), p. 1108. For a counter argument see Jon Pederson and Marie Arneber (eds.), *Social and Economic Conditions in East Timor* (Oslo: Fafo Institute of Applied Social Science, 1999), p. 123.

<sup>268</sup> On the difference between institution building and institutional development see United Nations Development Programme, *Capacity Development* (New York: Management Development and Governance Division, 1997), p. 5.

<sup>269</sup> For further discussion on “capacity” see United Nations Development Programme, *Capacity Assessment and Development In a Systems and Strategic Management Context* (New York: UNDP, 1998), p. 2.

<sup>270</sup> World Bank, ‘Draft Summary Report of the Joint Assessment Mission to East Timor’ (Darwin: November 15, 1999), p. 1.

<sup>271</sup> See JAM policy recommendations for reconstruction and institution building, World Bank, ‘Draft Summary Report of the Joint Assessment Mission to East Timor’ (Darwin: November 15, 1999), p.4.

By December 2000, key benchmark indicators for supporting a successful transition to independence had been development. These included the drafting of a national vision and mission statement; the number of schools at basic operational level; the number of functioning district agriculture offices; the number of police recruited and trained; the number of training days for individuals; and the number of individuals recruited and trained in the public service.<sup>272</sup> These interventions were designed to address state-building needs in a way that would facilitate a smooth transition from emergency to development by alleviating post-conflict social pressures.<sup>273</sup> International organisations roundly adopted the same approach as UNTAET which focused on stabilisation and building an administrative shell that could be further developed by an independent government.<sup>274</sup> Complex development could not begin because there was no system to develop and no one was yet clear what the system would look like, or what it should do.<sup>275</sup>

### **3.2.4 Governance and Public Sector Matrix (GPSM)**

Before December 2000, UNTAET requested that UNDP prepare an overall Governance and Public Administration capacity-building program.<sup>276</sup> The aim was to identify areas in which the government would need support to ensure it continued operating, and

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<sup>272</sup> For further details see United Nations Transitional Administration for East Timor, World Bank, and International Monetary Fund, *Background Paper for Donors' Meeting on East Timor, Lisbon Portugal June 22-23, 2000...*, pp. 2-3.

<sup>273</sup> International Policy Institute (2003), paras. 143, 168.

<sup>274</sup> United Nations Development Programme and the National Planning and Development Agency, 'Capacity Development for Governance and Public Sector Management- Capacity Development Projects' (Dili: UNDP, NPDA/ East Timor Transitional Administration, August 2001), p. 25. This project document argues that the best way to build Timor Leste's national governance system is to focus on the centre first.

<sup>275</sup> For further discussion see United Nations Development Program, *Capacity Development...*, (1997), p. 6; and United Nations Development Programme, *Capacity Development and Assessment...*, (1998), section 2.1.

<sup>276</sup> United Nations Transitional Administration for East Timor, World Bank, International Monetary Fund, *Background Paper for Donors' Meeting on East Timor, Lisbon Portugal June 22-23, 2000...*, p. 5. The program was to consist of five key elements: (1) support to the East Timorese leadership to manage the transition process; (2) institutional development at both the local and national level; (3) human resources development; (4) public resources and records management; and (5) public-private synergies.

conduct a human skills assessment around which to develop training programs to increase the individual abilities of Timorese working at various levels of public administration.<sup>277</sup>

By June 2001, UNDP along with ETTA's Capacity Development Coordination Unit (CDCU) and the National Development and Planning Agency (NPDA) released a Governance and Public Sector Matrix (GPSM). The GPSM is central to understanding the weaknesses and strengths of the overall capacity-building approach in the context of UNTAET's post-conflict state-building. The GPSM made clear that its proposals did not pre-empt future government policy-making or decisions on the role or structure of government, but rather that its focus was on "strengthening basic 'building-bloc' capacities that should be needed" by any future administration.<sup>278</sup> This reflected the political constraints in developing programs where local authority was not yet consolidated, as well as UNTAET's implied and real legal limitations in shaping Timor Leste's institutions.

Like the JAM, the GPSM noted that national development priorities were only generally understood and would not become clear until the drafting of a National Development Plan. In the meantime, the GPSM identified several macro governance priorities: democratic political stability; social stability; a stable state sector; alleviation of unemployment and poverty; human resources development; physical infrastructure; and the legislative/regulatory environment.<sup>279</sup> It recognised that newly established East Timor Transitional Administration (ETTA) faced complex and difficult state-building issues and as a result could not concurrently deal with complicated capacity-development.<sup>280</sup> Instead, it proposed an incremental approach focusing on improving

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<sup>277</sup> Jonathan Gilman interview, Díli, 29 October 2001.

<sup>278</sup> United Nations Development Programme and National Planning and Development Agency, 'Capacity Development for Governance and Public Sector Management: Programme Overview' (Díli: UNDP, NPDA/East Timor Transitional Administration, August 2001), pp. 1, 7. The GPSM was made up of seven components. These included: executive, senior and middle-management; basic sectoral service delivery; basic common services delivery; civil service management; financial resources management; legislative and judicial linkages; private sector and civil society linkages.

<sup>279</sup> *ibid.*, p. 9.

service delivery with simple management procedures.<sup>281</sup> As late as 2001, the GPSM advised UNTAET to limit its focus to supporting service delivery, skills development at senior and middle-management levels and strengthening office management procedures.<sup>282</sup> Greater complexity would come once service delivery was stabilised, economic development was underway and social stability was secure. The program essentially endorsed the short-term strategy already employed by UNTAET, which focused on building core administrative structures and individual training, while leaving complex development of the system until after independence.<sup>283</sup>

Underpinning the GPSM was the idea of “simplicity” so as to make the introduction of “best Western practice” relevant and sustainable to the emerging administration.

First World solutions in some cases are being imposed on particularly tough Third World conditions. The situation in East Timor is clear: developed capacities must be kept simple and adapted to the local situation, beyond just the pure rhetoric of saying so.<sup>284</sup>

However, the focus on lower-level skills training was a product of widespread perceptions of major skills deficits among Timorese.

There were approximately 14,000 Timorese inside the territory who had administrative skills using Indonesian methods.<sup>285</sup> They were entirely unfamiliar with international standards because few UN personnel took the time or had the energy to teach them.<sup>286</sup>

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<sup>280</sup> *ibid.*, p 8.

<sup>281</sup> *ibid.*, p. 2.

<sup>282</sup> *ibid.*

<sup>283</sup> Augustos Barreto, Director of Coordination and Capacity Development Unit (CDCU), Ministry of Planning and Finance, Democratic Republic of East Timor, interview, Díli, 13 January 2004.

<sup>284</sup> United Nations Development Programme and National Planning and Development Agency, ‘Capacity Development for...’ (2001), p. 16.

<sup>285</sup> JAM, *Governance Background Paper...*, (1999), p. 1. Out of 24,000 people that worked in the Indonesian administration some 10,000 remained in West Timor after 2001. For further discussion on capacity-development see United Nations Development Programme, *Capacity Development: Lessons of Experience and Guiding Principles...*, (1998), p. 3.

<sup>286</sup> Ben Larke, International Advisor CAVR, interview, Díli, 15 December 2004.

Moreover, Fox argues that from the outset of its mission UNTAET did too little to identify and build upon existing local capacities.<sup>287</sup> In fact, UNTAET warned that because of the physical destruction in Timor Leste following 1999, notions about shortages of competent human resources that followed could “lead to overlooking or failing to look for East Timorese with the capabilities required” to fill administrative positions.<sup>288</sup> Those negative views were at times even perpetuated by diaspora operated NGOs, such as the East Timor Development Agency which, through its own human resources survey in 2001, recommended “many types of training programs to fill the lack of human resources in East Timor”.<sup>289</sup> In 2004, Augustos Barreto, Director of the Capacity Development and Coordination Unit within the Ministry of Planning and Finance, stated that contrary to common suggestions skills shortages did not exist at lower levels of the public administration, but rather at senior levels of the administration where the most serious challenges for administering and independent country were found.<sup>290</sup>

It was not until 2003 that a more comprehensive institutional capacity-development strategy emerged. The new capacity-development program addressed many earlier weakness by framing efforts around three key pillars: skills development and knowledge (i.e. training and education); systems and processes (drafting of standard operating procedures and guidelines to be used by Timorese counterparts); and attitudes and behaviours (such as fostering positive workplace relations that addressed issues of staff retention).<sup>291</sup> Staff retention policies were also established to ensure that once skills were

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<sup>287</sup> Fox (2001), p. 6.

<sup>288</sup> United Nations Transitional Administration in East Timor, United Nations Development Program, ‘East Timor/Timor Loro Sa’e- Study on Capacity-building. Draft Report...’, (2000), Chapter 4.1.

<sup>289</sup> East Timor Development Agency, *East Timor Human Resources Survey- Final Report* (Dili: ETDA, 2001), p. 28.

<sup>290</sup> Augustos Barreto interview, Dili, 13 January 2004.

<sup>291</sup> For further details see United Nations Development Programme, ‘UNDP Timor Leste: Programme Package Document for Sustainable Human Development’ (Dili: UNDP, June 2003), p. 32; United Nations Development Programme, ‘Strategy for Strengthening the Public Service in Timor Leste. Discussion Paper’ (Dili: UNDP, November 2003), pp. 15-19.

improved personnel would not run to the “next best thing” (i.e. addressing the “brain drain” caused by high-paying NGOs).<sup>292</sup> The point of relevance is that it took close to four years and a huge amount of rigorous thought to progress to more complex forms of institutional development.

### **3.2.5 ETTA – A Wasteful and Unsustainable Parallel Administration?**

By May 2000 an embryonic independent Timorese administration began taking shape: ETTA. The creation of ETTA helped to reduce tensions between UNTAET’s competing governance mandates and the creeping politicisation taking place within the UN’s transitional administration. This allowed UNTAET to be perceived as more of a neutral arbitrator overseeing the state-building process, and provided a stable “political space” around which Timorese power relationships could be worked out. Responsibility for capacity-building was handed to UNDP as the lead capacity-building organisation. In turn, UNDP coordinated with the National Planning and Development Agency (NPDA), an office for development within ETTA.

Observers argued that the dual administrative model of UNTAET/ETTA, shown in Diagram 1, was an expensive “policy inconsistency” that worked against the aim of building a viable independent administration.<sup>293</sup> Lakhdar Brahimi, an expert UN official on matters of peacekeeping, argued against the model. Brahimi advocated for a single-track “provisional government of Timorese with UN personnel acting in a symbolic supervisory role”.<sup>294</sup> Criticisms of UNTAET’s two-track approach failed to consider issues of sustainability in relation to the likely capacities of an independent government and economy in a post-UN era. For example Dennis McNamara, UNTAET’s DSRSG, argued that an independent government could not afford to maintain the equipment

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<sup>292</sup> Augustos Barreto interview, Dili, 13 January 2004.

<sup>293</sup> Fox (2001), p. 6.

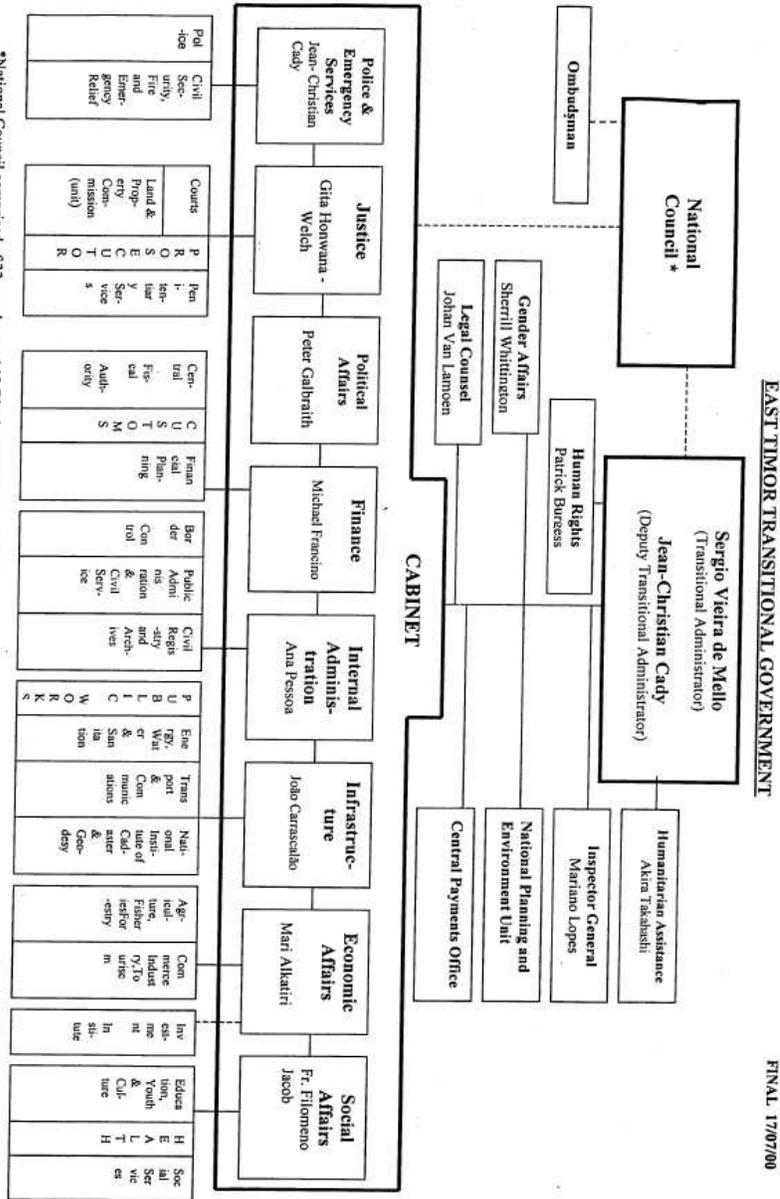
<sup>294</sup> Cited in Jonathan Steele, ‘Nation Building in East Timor’, *World Policy Journal* (Summer 2002), p. 78. Others pointed to dangers of dependence and economic disaster, see Simon Chesterman, Michael Ignatieff, Ramesh Thakur (eds.), *Making States Work: From State Failure to State-Building* (Tokyo: United Nations University Press, 2004), p.2; and Joseph Hanlon, ‘Can East Timor Survive the Aid Industry? Some Questions from Mozambique’, *The La’o Hamutuk Bulletin*, vol. 2, no. 3 (June 2001), p. 7.

UNTAET brought to the mission if it was all handed over to an independent administration.<sup>295</sup> The simple fact was that an independent Timor Leste would face problems relating to dependency irrespective of which transitional government model was adopted by UNTAET.

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<sup>295</sup> Cited in Steele (2002), p. 85.

**Diagram 1 – UNTAET/ETTA Structure**



\*National Council comprised of 33 members – (13 District reps, 7 CNRT, 3 from other political parties and 1 representative each from: youth/students, Women's groups, Timorese NGO Forum, Catholic church, Protestant Church, Muslim Community, Professional Associations, Farmers, Labour, Business).

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Some read UNTAET's mandate to mean it should have directly funded infrastructure development,<sup>296</sup> thus engaging at a very early stage in intrusive engineering similar to that required for decentralisation and local government development. This manifested itself in criticisms that the UN did little to promote economic growth, employment generation or reconstruction activities (e.g. schools, clinics, roads).<sup>297</sup> Instead, UNTAET focussed on establishing an environment of "good governance", defined as

[T]he exercise of economic, political, and administrative authority to manage a country's affairs at all levels and the means by which states promote social cohesion, integration, and ensure the well-being of their populations.<sup>298</sup>

It did this by promoting accountability, a democratic system of governance, a stable political environment and the rule-of-law.<sup>299</sup> This, it was hoped, would help an independent government become able to respond more effectively to future governance challenges and the needs of the country as a whole: a necessary precondition for sustainable development.<sup>300</sup> It was therefore somewhat bizarre that UNTAET's critics, such as João Saldanha from the East Timor Study Group, were often quick to forget their own arguments about the importance of institutional environments for promoting democracy and boosting economic performance.<sup>301</sup>

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<sup>296</sup> Fernando de Araújo, President of PD, Vice Minister for Foreign Affairs and Co-operation, interview, Díli, 9 September 2001.

<sup>297</sup> For an example of this sort of criticism see João Saldanha, 'Mission Implementation', in *The United Nations Transitional Administration in East Timor (UNTAET): Debriefing and Lessons Learned* (London: Brill Academic Publishers, 2003), p. 166. Ironically, the World Bank was demonised by advocacy NGOs for promoting infrastructure development, rather than community empowerment, through the CEP.

<sup>298</sup> For further discussion see United Nations Development Programme, *UNDP and Governance: Experiences and Lessons Learned* (New York: Management Development and Governance Division, UNDP, 1997), pp. 10-11. <http://magnet.undp.org/docs/gov/Lessons1.htm> (15 March 2001)

<sup>299</sup> Angus T. Green interview, Baucau, 26 September 2001.

<sup>300</sup> Jonathan Gilman, United Nations Development Programme, interview, Díli, 29 October 2001. See also United Nations Development Programme, *Capacity Development: Lessons of Experience and Guiding Principles* (1998), p.4. <http://magnet.undp.org/cdrb/CDPRIN1.htm> (15 March 2001). On the role of institutional environment for promoting development see Shetty Salil, *Development Project in Assessing Empowerment*. Occasional Paper Series no. 3 (India, New Delhi: Society for Participatory Research in Asia, 1991), p. 14.

Creating private sector employment and acquiescing to popular demands for increasing the level of government employment were unsustainable options. For example, the dangers of dependency emerging from a poorly structured institutional environment were demonstrated by the fact that over 70 percent of the Quick Impact Projects (QIPs) managed by UNTAET failed.<sup>302</sup> Useful findings are also provided by a study into the economic impact of peacekeeping conducted by Peace Dividend Trust, a Canadian organisation devoting itself to increasing the flow of donor money to local communities where peacekeeping operations are deployed. The study, which analyzed the patterns of spending by UN personnel in several missions, points out that relatively high wages paid to local staff have a negative effect on labor markets and the internationally-driven development sector. This often harms the “long-term development prospects of the war-torn economies” by creating unrealistically high expectations among local populations and increases “the upward pressure on public and private sector wages”.<sup>303</sup>

Nevertheless, in Timor Leste QIPs injected cash into the country’s rural economy at a time when very little donor activity was taking place outside Dili. As a result, these initiatives responded to local level economic causes of political instability.<sup>304</sup> QIPs were, in practice, part of a strategy seeking to gain “breathing space” so as to allow state-building to move forward by stabilising the economic pressures of political discontent and social grievance.<sup>305</sup>

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<sup>301</sup> For example see João Saldanha interview, East Timor Study Group Director, Dili, 12 December 2003. See also João Saldanha and Francisco da Costa Guterres, *Toward a Democratic East Timor: Institutions and Institutional Building* (Dili: East Timor Study Group, 1999), p. 3.

<sup>302</sup> International Policy Institute (2003), para. 138. One purpose of QIPs is to alleviate political pressures leading to instability by providing “cash injections” into an economy.

<sup>303</sup> Michael Carnahan, William Durch, and Scott Gilmore, *Economic Impact of Peacekeeping, Final Report* (New York: DPKO Best Practices, Peace Dividend Trust, March 2006), pp. 1-4  
<http://pbpu.unlb.org/pbpu/view/viewdocument.aspx?id=2&docid=746> (23 April 2006)

<sup>304</sup> John Doyle interview, Program Manager USAID, interview, Dili, 16 November 2001.

**Local Economic Benefits drawn from UNTAET?** The Trust Fund for East Timor (TFET), managed by the World Bank, was established for the purpose of managing voluntary donor contributions for physical reconstruction and economic development.<sup>306</sup> UNTAET's funding, on the other hand, was drawn from UN assessed contributions and geared towards implementing all the components of the mission's mandate.<sup>307</sup> Peacekeeping leans towards "security, governance, and humanitarian issues" with mission funds allocated accordingly.<sup>308</sup> UNTAET's operational priorities gave rise to widespread criticism because there were few economic, material, or social development benefits that flowed to the Timorese. In response, de Mello engaged in a public relations campaign in which he admitted that the levels of funding allocated to peacekeeping over social and economic development was grossly disproportionate, but suggested this was ultimately in the hands of donor countries (e.g. through TFET), rather than UNTAET.<sup>309</sup>

**The "Dual Economy"**. Observers regularly pointed towards a dual economy between highly paid UN personnel and low paid locals as a factor fuelling hostility towards UNTAET.<sup>310</sup> Before 1999, 30 percent of households lived below the poverty line and open unemployment was estimated at 6 percent of the population.<sup>311</sup> Eighty percent of East Timorese lived in rural areas, with 75 percent of the labour force engaged in subsistence farming with an annual per capita income estimated at US\$ 337. Not

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<sup>305</sup> On short-term stabilisation needs in post-conflict environments see World Bank, *Conflict Prevention and Post-Conflict Reconstruction: Perspectives and Prospects* (World Bank: Post-Conflict Unit, Social Development Department, 1998), p. 2.

<sup>306</sup> For further details see *Trust Fund for East Timor, Update No. 5*, December 12 2000.

<sup>307</sup> United Nations Development Programme, *Ukun Rasik A'an – The Way Ahead: East Timor Human Development Report 2002...*, p. 58.

<sup>308</sup> Steele (2002), p. 83.

<sup>309</sup> Sérgio Vieira de Mello interview, Díli, 10 November 2001. On the failure of donors to honour their pledges to Timor Leste see Mark Riley, 'Promises on East Timor Fall Victim to "Crisis Syndrome"', *Sydney Morning Herald*, 26 April 2001.

<sup>310</sup> La'o Hamutuk noted that UN personnel were paid between 20 to 30 times more than Timorese counterparts.

<sup>311</sup> See JAM, *Macro Economics Background Paper...*, p. 1; and United Nations Development Programme, *Ukun Rasik A'an – The Way Ahead: East Timor Human Development Report 2002...*, p. 57.

including Indonesian government subsidies, agriculture made up some 70 percent of total Gross Domestic Product (GDP).<sup>312</sup> The aftermath of Black September left Timor Leste's indigenous economy destroyed. Growth following 1999 was fuelled by home building and service industries catering to international personnel, with steadily declining annual growth rates of 15 percent (2000), 18 percent (2001), and 15 percent (2002).<sup>313</sup> Per capita GDP in 2000 was estimated at US\$ 478, with the majority of the workforce still employed in rural subsistence agricultural production. Most spending power was concentrated in the international community and the bulk of economic growth and investment was centred in Díli. Growth in Díli fuelled rural to urban migration that strained weak social infrastructures such as water, health, and electricity.<sup>314</sup> The dual economic system that existed during the period of Indonesian occupation was essentially replaced by UN international staff becoming new economic elites.

In the face of hardships there was little recognition given to the economic and social development benefits that did flow to the Timorese. Based upon the financial year 2000 budgetary estimates for UNTAET's field operations, 61 percent of total mission funding was allocated to its peacekeeping component (US\$ 361.9 million out of US\$ 592.3 million).<sup>315</sup> This included the costs of deploying military personnel, equipment and installing the necessary infrastructure to support field operations (barracks, storage facilities, security systems, communications, PX, etc). UNTAET's civilian arm had to meet the costs of deploying personnel, rehabilitating administrative infrastructure, developing communications systems and equipment in attempting to ensure it could act as an administration overseeing a state-building process. Staff expenditures included

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<sup>312</sup> Drawn on statistics in Pedersen and Arneberg (eds.) (1999); and United Nations Development Programme, *Ukun Rasik A'an – The Way Ahead: East Timor Human Development Report 2002*.

<sup>313</sup> *ibid.*, p. 58.

<sup>314</sup> JAM, *Macro Economics Background Paper...*, p. 6. The JAM describes this as the 'Dutch disease'- "With the additional demand for urban services and other non-traded goods and services, labour costs increase, hampering the competitiveness of the economy and leaving it without a sector capable of earning or saving foreign exchange. Income distribution becomes increasingly skewed towards the urban and more upscale segments of the population."

<sup>315</sup> United Nations General Assembly, *Financing of the...*, A/55/443 (3 October 2000), p. 4.

salaries for 486 United Nations Volunteers (UNVs, US\$ 21.28 million), 13 national officers, 1,185 international civilian staff, 1,892 local staff (civilian staff, US\$ 124.34 million), and 1,350 international civilian police (US\$ 64.29 million).<sup>316</sup> The cost for civilian staff, including CivPol, was projected at US\$ 209.91 million.<sup>317</sup> Salary expenditures for the 1,892 local East Timorese staff were placed at US\$ 383,000 plus US\$ 6.67 million for overtime allowances.<sup>318</sup> This kind of method for measuring local economic benefit still fails to consider the percentage of donor monies benefiting Timorese through TFET, the fund that was established for the material economic and social reconstruction of the country.<sup>319</sup>

The above mentioned Peace Dividend Trust study into the economic impact of peacekeeping concluded that the overall impact of peacekeeping “does more good and less damage”.<sup>320</sup> UN spending in peacekeeping environments “has the potential to kick-start the local economic at the time when it is most needed” by providing “employment and incomes support the restoration of peace and stability”.<sup>321</sup> The report found that 10 percent of mission spending went into local economies.<sup>322</sup>

Following September 1999, it was common practice for East Timorese to illegally occupy vacant property, with some taking possession of multiple houses which enabled them to profit handsomely. Houses were rented out to other locals, or to internationals at prices ranging from US\$ 600 to US\$ 3,000 per month.<sup>323</sup> Moreover, there were greater

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<sup>316</sup> *ibid.*, pp. 5, 49.

<sup>317</sup> *ibid.*, p. 54.

<sup>318</sup> *ibid.*, p. 60.

<sup>319</sup> For a criticism see ‘The UN is Not Listening’, *AsiaWeek*, vol. 25, no. 48 (3 December 1999) <http://www.asiaweek.com/asiaweek/magazine/99/1203/nat.timor.gusmao.html>

<sup>320</sup> Carnahan, Durch, and Gilmore (2006), p. 1.

<sup>321</sup> *ibid.*

<sup>322</sup> *ibid.*, p. 4.

levels of economic interaction than the segregation implied by the “dual economy”. Average monthly spending by international personnel (UNVs, CIVPOL, PKF, UNMOG, and INGO personnel) into the local economy on items such as accommodation, food and leisure in October 2001 was estimated at US\$ 660.66 per person.<sup>324</sup> In the first half of 2000, some 2,300 new businesses were registered with only five percent listed as foreign owned.<sup>325</sup> However, the level of indigenous Timorese business ownership suggested by these figures is misleading in two respects: internationals often registered business as local entities to cash in on the economic boom and avoid paying tax remittances overseas;<sup>326</sup> second, internationals and East Timorese returning from the diaspora dominated the most lucrative ventures.<sup>327</sup> Although there was broad-based economic growth, it was entirely unsustainable and was centred in Díli. This gave rise to feelings of relative deprivation, rather than absolute deprivation,<sup>328</sup> as there had been high expectations of an independence dividend among many indigenous Timorese.<sup>329</sup>

**Measuring Social Benefits from Peacekeeping.** It is difficult to measure in clear empirical terms the social benefits that East Timorese received from the secure environment provided by UNTAET’s peacekeeping presence. Indications can be made

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<sup>323</sup> Kenneth Fernandes and S. Leckie, *Housing Rights in East Timor: Better Late Than Never* (Melbourne: Centre on Housing Rights and Evictions, 2001), p. 8.

<sup>324</sup> Office of District Affairs, UNTAET, ‘Spending Power of International Staff by District (\$/Month Spent in Local Economy as at 17 October 2001)’ (Unpublished Statistics Compiled by ODA, Díli, October 2001). No statistics were compiled for the districts of Manufahi, Oecussi and Viqueque.

<sup>325</sup> United Nations Transitional Administration for East Timor, World Bank and International Monetary Fund, *Background Paper for Donors’ Meeting on East Timor, Lisbon Portugal June 22-23, 2000* (Lisbon: UNTAET/World Bank/IMF, 2000), p. 10.

<sup>326</sup> Informant Number 15 (Ex-Pat).

<sup>327</sup> George J. Aditjondro, *Timor Loro Sa’e on the Crossroad* (Jakarta: Centre for Democracy and Social Justice Study, 2001), pp. 31-53. Aditjondro outlines some of the dominant economic interests which emerged following 1999 and the common grievances which emerged.

<sup>328</sup> Paul Collier (2000). Collier argues that economic inequality is inconsequential to the rise of conflict. Nafziger and Auvinen, on the other hand, point to relative deprivation, which they define as a: “[A] diachronic concept: people feel deprived of something they had, but subsequently lost, or when others have gained relative to them”, see Nafziger and Auvinen (1997), pp. 5, 8-9, 49. Early social tensions springing from economic hardship in Timor Leste add weight to the findings of Nafziger and Auvinen.

<sup>329</sup> João Cancio Freitas, Director of the Díli Institute of Technology, Discussions, Díli, 14 December 2003.

by examining this period and comparing it to the cases of widespread famine in 1979 and the early 1980s caused by Indonesian military repression and its corresponding impact upon rural agricultural systems. Another indicator can be found by examining CivPol crime statistics for the years 2000 to 2001 (or more obviously with the crisis of April to May 2006). Statistics from 2000 to 2001 show dramatic reductions in the level of crime from 2,685 reported incidents in 2000 to 1,321 in 2001.<sup>330</sup> There was a sharp increase in crime during the humanitarian emergency following August 1999 that was attributed to high unemployment and high prices. Additionally, the lack of security and social disorder was, according to the report, brought about by the vacuum of formal government structures.<sup>331</sup> There were also documented cases of human rights violations committed by people claiming to be ex-FALINTIL as well as individuals from CNRT's organisational structures at village, district and national levels.<sup>332</sup> These cases involved persecution of refugees that had returned from West Timor: beatings, threats, arbitrary detention in illegal facilities, or detention in "re-education" centres and a rise of "criminality" and political intimidation.<sup>333</sup> Several returnees were murdered. Others were forced into compulsory labour, a traditional form of punishment sought by aggrieved families as a form of community reconciliation.<sup>334</sup>

As the humanitarian emergency stabilised and the authority of both the East Timorese leadership and the UN transitional administration became established, crime stabilised

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<sup>330</sup> CivPol, 'UNTAET Civpol Internal Report: The Anatomy of Crimes in East Timor' (Unpublished Statistics, CivPol, Dili, 2001)

<sup>331</sup> *ibid.*

<sup>332</sup> See United Nations General Assembly, *Situation of Human Rights in East Timor: Note by the Secretary-General, A/56/337* (6 September 2001), para. 58; and United Nations Economic and Social Council, *Report of the United Nations High Commissioner for Human Rights on the Situation of Human Rights in East Timor, E/CN.4/2002/39* (1 March 2002), para. 39.

<sup>333</sup> The return of refugees in late 1999 and early 2000 was accompanied by many people at village-level engaging in various retributions, Eduardo Casimoro de Deus, District Electoral Coordinator, Independent Electoral Commission, interview, Ermera, 18 October 2001.

<sup>334</sup> See Human Rights Watch, *Human Rights Watch World Report 2001- East Timor* (New York: December, 2000); United States Department of State, *Country Reports on Human Rights Practices 2000-East Timor* (Washington: Department of State, February 2001), p. 1; and Massimo Calabresi, 'Reversal of Misfortune', *Time*, no. 25, 21 June 1999, p. 29.

and then decreased. Petty theft remained high, as did cases of domestic violence committed mostly against women, but the number of violent crimes reported, such as murder, violent assault, and abduction, decreased dramatically as shown in Table 1.

**Table 1 – CivPol Crime Statistics**

CivPol Crime Statistics <sup>335</sup>	2000	2001
Reported Cases		
Murder	39	17
Violent Assault	1,135	475
Abduction	31	5
Intimidation or threat	243	91

**UNTAET as a “Buffer Authority”.** The administrative centralisation of UNTAET left District Field Officers (DFOs) as the only civilian link to the population at village and subdistrict levels.<sup>336</sup> They served crucially important functions in promoting a stable social and political environment. There were two stationed in each subdistrict and each was required to monitor, coordinate, and facilitate activities in several villages and dozens of sub-villages. This made sustained engagement with any one community difficult.<sup>337</sup> Their responsibilities included facilitating conflict resolution over land disputes that tended to be highest during the harvest season (i.e. conflict over economic resources).<sup>338</sup> They strengthened local conflict resolution processes by acting as outside arbitrators.<sup>339</sup> Similarly in 2001, CivPol claimed that villagers increasingly turned to the

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<sup>335</sup> CivPol, ‘UNTAET Civpol Internal Report...,’ (2001).

<sup>336</sup> Non-civilian links included UNMOG, PKF patrols, and CivPol patrols.

<sup>337</sup> Barbara Lule, District Field Officer UNTAET, interview, Subdistrict Hatolia B Ermera, 26 October 2001.

<sup>338</sup> Barbara Lule interview, Ermera, 6 November 2001; Godrey Nomusenge, District Field Officer UNTAET, interview, Ermera, 13 October 2001; Boonshee, District Field Officer UNTAET, Baucau, 21 September 2001.

<sup>339</sup> ‘CEP Village Meeting’, Caibada Wainrua, Direct Observation, Baucau, 29 September 2001; ‘District Development Workshop’, Atsabe, Direct Observation, Ermera, 17 October 2001; ‘CEP Village Meeting’, Gleno, Direct Observation, Ermera, 11 October 2001.

authority of CivPol officers rather than *chefes de suco* to resolve difficult local conflicts.<sup>340</sup> Tanja Hohe, a social anthropologist with various work experience in Timor Leste, argues DFO's were located along a social line where the "traditional world meets the modern-state administration".<sup>341</sup> Given the social and cultural characteristics of rural communities, together with the historical impact of Portuguese colonialism, DFOs filled an important administrative "high figure" in the local cosmos,

[T]he "foreigner" is categorised as "outsider/male", and is essential to complete the cosmos in opposition to the value of the "inside/female" society. Both dualistic value categories have to be set in relation to each other to guarantee a well-functioning society...On this encompassing level, where the world is seen as a totality, the indigenous Timorese society was therefore the ritual authority, whereas the outsider represented political authority.<sup>342</sup>

A variation of this argument can be applied to UNTAET in its entirety. The mission acted as an important "buffer authority" between the indigenous population and the emerging Timorese administration because of UNTAET's "external" standing.<sup>343</sup> UNTAET, in its role as a pseudo-colonial power overseeing the state-building process, filled the historical position of the Portuguese colonial administration. It therefore underpinned indigenous notions of how political and administrative power was traditionally and legitimately structured prior to Indonesian invasion.<sup>344</sup> At national level the role of UNTAET, as an external authority overseeing the de-colonisation process, created "breathing space" for Timor Leste's elite level internal political contests to be managed peacefully. This "breathing space" also allowed for elite political rivalry to be transferred into a rule-governed institutional setting that allowed for the building of state institutions for the handover of political power following Constituent Assembly elections in August 2001.

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<sup>340</sup> CivPol, 'UNTAET Civpol Internal Report...', p. 33.

<sup>341</sup> Tanja Hohe, 'The Clash of Paradigms: International Administration and Local Political Legitimacy in East Timor', *Contemporary Southeast Asia*, vol. 24, no. 3 (December 2002), pp. 569-589.

<sup>342</sup> Tanja Hohe, 'Totem Poles', *International Peacekeeping*, vol. 9, no. 4 (Winter 2002), pp. 68-88.

<sup>343</sup> Rodger Hearn interview, Dili, 30 September 2001.

These findings strongly support the “transitional uncertainty thesis” put forward by O’Donnell and Schmitter regarding societies in the midst of a political transition. It also suggests that, although UNTAET failed to introduce bottom-up state-building strategies at an early stage, one of UNTAET’s major achievements was creating a stable social and political environment that would facilitate a break with Timor Leste’s recent violent past. This made it possible for the country to make a relatively peaceful transition from a stage of chaos.

### **3.3 Personnel and Recruitment**

#### **3.3.1 Recruitment Pressures or a Flawed System?**

Problems with capacity-development of public administration structures sprang from the UN’s recruitment of its international personnel. Weaknesses were commonly attributed to pressures for speedy staffing arising from UNTAET’s need to deploy quickly to the field.<sup>345</sup> According to UN officials, recruitment was marked by the kind of opportunism and favouritism “found in any large public sector corporation”.<sup>346</sup> Others referred to this as “cronyism” which is prevalent in the UN, which goes unchallenged because of a pervasive “institutional fear” that discourages personnel from “rocking the boat”.<sup>347</sup> Job-seekers exploited shortcuts created by the missions need to build its management capacity to oversee state-building.<sup>348</sup> Hiring was often done by word of mouth, with no checking of resumes, no formal interviews, or sometimes only after a brief telephone

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<sup>344</sup> Dionísio Babo-Soares interview, Díli, 27 February 2004.

<sup>345</sup> See Beauvais (2001), p. 1038; and A Suhrke, ‘Peacekeepers as Nation-Builders: Dilemmas of the UN in East Timor’, *International Peacekeeping*, vol. 8, no. 4 (Winter 2001), pp 1-20. Durch et al point out that DPKO has tremendous difficulties with recruiting and deploying qualified civilian personnel into peacekeeping operations. In recent time, it is not uncommon for DPKO to receive up to 500 applications for a single post, see William J. Durch, Victoria K. Holt, Caroline R. Earle, Moira K. Shanahan, *The Brahimi Report and the Future of UN Peace Operations* (Washington: The Henry L. Stimson Center, 2003), p. 21.

<sup>346</sup> Ludovic Hood interview, Díli, 13 November 2003.

<sup>347</sup> Peter Deck interview, Díli, 15 November 2001.

<sup>348</sup> Kate Macilwain interview, Melbourne, 13 February 2001.

conversation.<sup>349</sup> In this context, recruitment was easily influenced by personal networks or alliances, rather than the ability of personnel to “do the job”.<sup>350</sup> In other instances, UN member states, often those contributing large peacekeeping contingents or funds, would “suggest” that a national from their country be posted to a high level position, ostensibly to remove “dead weight” from their own bureaucracy.<sup>351</sup> This gave rise to scathing criticisms from groups such as the International Federation for East Timor (IFET). IFET argued the UN brought poorly “trained international technocrats who [had] little relevant skills or experience”, who did not “understand the needs and desires of the people” and had “little interest in adapting their preconceptions to East Timorese realities.”<sup>352</sup>

### 3.3.2 Skills and Attitude

From UNTAET’s inception, personnel flowing into the country only saw the aftermath of Black September and commonly compared Timor Leste to other cases of post-Cold War intrastate conflict. In the words of one,

We’ve seen this before, in Rwanda, in Bosnia-Herzegovina, in Cambodia, in Chile, in Northern Ireland, people hacking or blowing each other up, we know why this happens, it’s the same everywhere.<sup>353</sup>

There was an influx of senior level UN professionals who “walked themselves in”, were highly versed in the UN’s institutional rules, but had little interest in assisting the local community.<sup>354</sup> Inexperienced young staff seeking career advancement but lacking institutional memory tread carefully around the power of personal fiefdoms which were sometime created by senior officials. These factors combined to give senior figures nearly unchecked scope to dictate policy and actions with few questions ever raised about

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<sup>349</sup> Jonathan Gilman interview, Díli, 14 September 2001.

<sup>350</sup> Informant Number 14 (UN Official). The extent to which UN personnel were actually recruited in this manner was a source of significant speculation and rumour among UN and Timorese circles.

<sup>351</sup> Confidential Source, Senior UNTAET Official, Díli, 2001.

<sup>352</sup> IFET (2000), ‘Petition to the United Nations Special Committee on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, On Behalf of the International Federation for East Timor (IFET).’ United Nations, New York, 5 July 2000.

<sup>353</sup> Informant Number 10 (UN Official).

<sup>354</sup> Kieran Dwyer, Civic Education UNTAET, interview, Díli, 16 November 2001.

the appropriateness of their decisions. In some instance, these dynamics underpinned the acute policy-making conflict within UNTAET, particularly in relation to decentralising the mission.

Further problems for engineering and strengthening institutions were found with UN staff members drawn from countries with bad governance records, but that were assigned to teach the Timorese about good governance. The reaction from Timorese was entirely predictable: “You sort out your own country’s problems before you come and tell us what to do”.<sup>355</sup> UN support staff, those brought in to maintain the mission’s operational or logistical needs, far from the “coal front” and with little reason or motivation to interact with the East Timorese, cared little how their behaviour impacted upon the mission’s operational effectiveness.<sup>356</sup> The resulting institutional dynamics worked to introduce a kind of administrative paternalism similar to that which existed during the Indonesians occupation.<sup>357</sup> These attitudinal factors seriously undermined capacity-development so extensively that some Timorese argued the UN failed to teach locals anything positive.<sup>358</sup>

Civilian specialists were recruited from member-state countries which had little experience with post-conflict state-building, peacekeeping operations, or indeed the needs of developing countries. Personnel were often ill-suited to the tasks of building local administrative capacity and “displayed poor aptitude for humanitarian relief, development work and capacity-building”.<sup>359</sup> It was estimated that between 60 to 80 percent of civilian staff were “incompetent” or uninterested in implementing the

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<sup>355</sup> Ludovic Hood interview, Díli, 13 November 2003.

<sup>356</sup> Tanja Hohe, Political Affairs Unit UNTAET, interview, Díli, 9 November 2001; Hermani Silva interview, Díli, 15 November 2001; Direct Observation, Díli, August- November 2001.

<sup>357</sup> Laura Bailey interview, Díli, 15 December 2003. This was balanced by the relatively small number of UN recruits who as members of the Australian Timor Leste activist community brought entirely different perceptions of Timor Leste. They typically saw the country as a successful liberation struggle and treated its people with much higher levels of consideration.

<sup>358</sup> Josh Trinidad, Senior Project Manager, ICR, Child and Youth Development Program, interview, Díli, 3 November 2001; Cesar Quintas, Student Activist, interview, Díli, November 2001.

<sup>359</sup> International Policy Institute (2003), para. 176.

mission's mandate beyond the mechanics of ensuring their own contract renewals.<sup>360</sup> These problems were often ascribed simply to communication barriers caused by a lack of local language skills among UN personnel. However, language was learned much more quickly and more easily than was a correct attitude, or "method". Attempts to redress staff weaknesses through evaluation processes proved to be procedural and diplomatic minefields. "Poor performers" would fight against negative assessments by claiming they were underpinned by racism, thus turning section heads into defendants against diplomatically damning allegations that could ruin careers.<sup>361</sup> The length of procedures also dissuaded disciplinary action against poorly performing civilian staff members. By the time a contract expired, those subject to performance evaluations fled to a posting in another mission.<sup>362</sup> Diplomatic sensitivities combined with procedural delay allowed the worst in the UN to "hang on", one way or another.

### **3.3.3 "Teach or Do?" – Conflicting Operational Duties**

UNTAET's conflicting governance mandates were pronounced through its capacity-development efforts. The best intended UN personnel confronted the challenge of teaching, or developing local skills, and completing "line functions", or daily administrative tasks, all in a timely manner.<sup>363</sup> According to a study produced by the Díli Institute of Technology (DIT), UNTAET's capacity-building efforts entailed "about 1000 internationals performing various line functions while Timorese worked as drivers and translators".<sup>364</sup> When Timorese were recruited and partnered using a "dual desk" approach with internationals meant to provide on the job training, the Timorese found they watched on as UN staff did all the work just to keep institutions functioning.<sup>365</sup>

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<sup>360</sup> Informant Number 23 (UN official).

<sup>361</sup> Patrick Burgess interview, Díli, 23 January 2004.

<sup>362</sup> *ibid.*

<sup>363</sup> Informant Number 22 (UN official).

<sup>364</sup> João Cancio Freitas, 'Post-conflict Local Governance Capacity-building...', (16 November 2003).

<sup>365</sup> Gustao Francisco de Sousa, Director of Planning and External Assistance Management Division, Ministry of Planning and Finance, interview, Díli, 6 January 2004.

Donor pressure for quick results and the output management styles of agencies such as UNDP contributed to this conflict between “process and outcome”, with “outcomes as a winner hands down”.<sup>366</sup> To make the UN look good aspiring professionals were under pressure to present themselves in the best possible light, and in a manner which suggested all aspects of the mission’s mandate were being achieved.<sup>367</sup> In this way, the logic of imposing Timorisation and skills transfer did not match operational realities or the personal ambitions of those doing the capacity-building, who were essentially instructed to work themselves out of jobs. This gave rise to perceptions of segregated UN staff primarily concerned with financial reward and career advancement,<sup>368</sup> or that UN recruits were all too often gaining on-the-job training for their own professional development.<sup>369</sup>

Further undermining capacity-development following the creation of ETTA was a near total lack of standardised operating and training procedures. While it was essential that capacity-development be tailored to sectoral needs,<sup>370</sup> the limited understanding internationals generally brought about effective teaching and training methods, and the lack of standardised training procedures which sprang from the weak institutional and regulatory environment, was clearly visible with the confused and sometimes contradictory training of PNTL personnel carried out by CivPol.<sup>371</sup> The same sort of inconsistency existed within the nascent district administration between 2000 and 2002.<sup>372</sup> Internationally appointed district administrators were recruited from India, Sri Lanka, Pakistan, France, Italy and Australia, each bringing a different approach.

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<sup>366</sup> Patrick Walsh interview, Melbourne, 20 February 2001.

<sup>367</sup> Christopher Dureau interview, Melbourne, 28 February 2001.

<sup>368</sup> Cesar Quintas interview, Díli, 2 November 2001.

<sup>369</sup> Fernando de Araújo interview, Díli, 9 November 2001; Informant Number 13 (Timorese National). For further discussion see Dolan, Large, and Obi (2004), p. 71.

<sup>370</sup> Manuel Tilman, KOTA Member of Parliament, interview, Díli, 13 December 2003.

<sup>371</sup> Direct Observation, 2001, Díli.

<sup>372</sup> Roger Hearn, Head of the Office of District Affairs, interview, Díli, 30 October 2001; Alessandro Righetti interview, Ermera, 12 October 2001.

Together with other capacity-development problems, this was a reason used to justify centralising UNTAET's administrative functions.<sup>373</sup>

At least two reasons appear to have given rise to such problems. First, UN capacity-development typically works through existing institutions with programs drafted in consultation with sovereign governments. Neither of these existed in Timor Leste following Black September.<sup>374</sup> Second, original state-building plans were based on the assumption that the UN would work through local institutions in a staged transition to independence. Presumably then, capacity-development programs would have been devised in consultation with local stake-holders in a context where there was a greater luxury of time.

As it was, rather than formulating standardised teaching methods for capacity-development at the individual level, GPA functions were transferred *en bloc* to ETTA after its creation in mid-2000. Moreover, it was assumed that the UN would never again be called upon to administer a trusteeship.<sup>375</sup> This made the introduction of standardised approaches for UNTAET personnel unnecessary since capacity-development is typically done by the UN's development agencies in partnership with aid recipient governments. The actions of the UNTAET thus suggest that the mission believed it was an acceptable trade-off to muddle through capacity-development of basic administrative structures until the East Timorese began to clearly set their own institutional development agenda.

**“Team-Building”.** Successful capacity-development at any level of public administration depended upon good working relationships between Timorese and UN personnel doing the capacity-development. Skills weaknesses and attitudinal problems among the UN's international personnel were sometimes overcome through team-building approaches employed by senior UN officials. This entailed a “head-hunting

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<sup>373</sup> Roland Laval interview, Dili, 2 November 2001.

<sup>374</sup> Jarat Chopra interview, Dili, 7 September 2001.

<sup>375</sup> See Traube (2000).

exercise” to seek out suitably skilled, experienced and motivated individuals.<sup>376</sup> Perhaps the most obvious example at senior levels is found with the highly skilled and experienced professionals that de Mello brought with him from Kosovo, commonly referred to as the “A team”.

At a more local level, team-building at different times in Baucau, Ermera, and Oecussi was an effective method of creating responsive district administrations. The strength of this approach rested with the initiative of senior personnel well-versed in issues of social development. They sought to establish constructive liaisons with local East Timorese and to recruit energetic staff with the “right attitude”.<sup>377</sup> The sustainability of good relations with Timorese counterparts depended upon the continuity of UN staffing appointments. For example, at one point the changing senior level UN staffing schedules in Baucau’s district administration led to a disastrous downward spiral in the UN’s relationship with the population contributing to a local riot in early 2001.<sup>378</sup> On the other hand, one of the major reasons the district administration of Ermera retained good relations throughout the UNTAET to UNMISSET periods was the continuity of international staff who had developed good relationships with Timorese counterparts.<sup>379</sup> Short-term contracts undermined continuity because by the time UN personnel became familiar with a particular setting new personnel were deployed in their place and needed to repeat the entire learning process.<sup>380</sup> Continuity of staff and a “participatory mission philosophy” proved crucial factors in fostering healthy working relationships with the East Timorese. Somewhat paradoxically, continuity was also important because

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<sup>376</sup> Patrick Burgess interview, Díli, 23 January 2004.

<sup>377</sup> Direct Observation, Oecussi, August 2001, Baucau, September, 2001, Ermera, October 2001.

<sup>378</sup> Marito Reis, East Timorese District Administrator, ETTA, interview, Baucau, September 2001. Marito Reis was appointed by UNTAET in late 2001. During the resistance he played a key role coordinating activities between clandestine and FALINTIL forces. Locals considered him to be aligned with Xanana Gusmão.

<sup>379</sup> Alessandro Righetti interview, Ermera, 12 October 2001; Josephina Carla Pompea Tilman interview, Ermera, 23 October 2001.

UNTAET, as a transitional administration, was the only source of administrative stability until the handover of political power to an independent government in May 2002. Box 2 outlines a broad range of factors which undermined institutional capacity-development and the ability of UNTAET and subsequent missions to strengthen different levels of the Timorese public administration.

<b>Box 2 – Factors Undermining Capacity-Development, 2000-2004</b>
1. A large number of inexperienced staff with no understanding of how to make the UN system work.
2. A non-participatory work ethic compounded by confusion over UNTAET's governance mandate.
3. UNTAET's legal status as sovereign state power created conflict over legal and political/moral authority to build state institutions.
4. A high degree of "experimental" activity by internationals keen to test development and governance theories in an unregulated governance environment.
5. Emergence of "mini-empires" within UN agencies and other international bodies fuelling institutional rivalry and undermining co-ordination worked to side-line East Timorese from policy-setting agenda.
6. Lack of standardised or well-designed capacity-development programs.
7. Conflict over process and outcome (doing versus teaching) rooted in dual governance mandate.
8. Weak recruitment practices that either brought poor staff to the mission or politicised UNTAET through recruitment of diaspora.
9. Local competition for political authority and lack of clarity over the details of institutional mechanisms/systems in a future independent state.
10. Skewing the emergence of political authority through elite alliance building.
11. No system/government in place through which to build capacity.
12. Internationally controlled and driven reconstruction agenda.
13. Donor pressures for speedy results, output-based project management not suited for post-conflict recovery programs and a push for the quick transfer of political power to a locally elected government.

### **3.4. UNTAET's Security Role**

[I]t is easy to take for granted the first and perhaps most important accomplishment of UNTAET: building on the work of INTERFET in securing the territory from external threats and then establishing law and

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<sup>380</sup> Josh Trinidad interview, Díli, 3 November 2001; Joaquim Fonseca interview, Díli, February 2004; Joaquim Martins interview, Ermera, 23 October 2001; Ermera CEP District Coordinator interview, Ermera, November 2001.

order throughout the country...All of our subsequent efforts were dependent on these necessary conditions of peace and tranquillity.<sup>381</sup>

UNTAET and Timor Leste's political leadership remained preoccupied with security concerns into 2001 because of the steady reporting of militia incursions.<sup>382</sup> This preoccupation followed events in February 2000 when it was claimed that pro-integrationist militia forces crossed the border, killing and burning homes and penetrating as far as Díli before being repelled.<sup>383</sup> There were regular reports of militia infiltration in the western border regions, confirmation of militia activity in the central regions, a medium threat assessment in the border district of Manufahi, and six identified groups in the border zone near Atsabae in Bobonaro district.<sup>384</sup> In September 2000, UN peacekeeping forces reported that up to 150 armed militia threatened, robbed and killed local villagers.<sup>385</sup> The most dramatic realisation about the seriousness of ongoing threats came with the murder of three UNHCR workers and some 20 Timorese civilians in the refugee camp of Atambua in September 2000.<sup>386</sup>

These threats led to robust peace enforcement actions to deter further incursions as early as February 2000.<sup>387</sup> This more aggressive defensive posture still proved insufficient and pressure applied by the United States government, which strengthened bans on military ties to Indonesia that had been in force since the Santa Cruz cemetery massacre of

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<sup>381</sup> Sérgio Vieira de Mello, 'Presentation to the Constituent Assembly By Sérgio Vieira de Mello, Special Representative of the Secretary-General and Transitional Administrator' (10 May 2002).

<sup>382</sup> Mark Gough, Coordinator, Field Operations Management Unit, Investigations Division, OIOS, New York, personal email correspondence, 23 February 2002; Nisid Hajari, 'Step Forward, With Caution', *Time*, no. 40, 4 October 1999, pp. 30-32.

<sup>383</sup> Chopra (2000), pp. 27-39.

<sup>384</sup> 'UNTAET Security Report 24-31 August 2000', p. 17.

<sup>385</sup> United States Department of State, *Country Reports on Human Rights Practices 2000- East Timor...*, pp. 5, 8.

<sup>386</sup> 'Indonesia Urged to Disarm Militia', *Associated Press*, 9 September 2000. Most accounts of this incident only ever mention the tragic deaths of UN workers; United Nations High Commissioner for Human Rights, 'Summary Report of the Inquiry into the Deaths of Three UNHCR Staff Members in Atambua, Indonesia, On 6 September 2000' (Geneva: Inspector General's Office, 8 December 2000).

1991.<sup>388</sup> Additionally, the president of the World Bank at that time, James Wolfensohn, sent a letter to then Indonesian President Wahid threatening to stop the disbursement of US\$ 2.8 billion in outstanding aid commitments at a time when Indonesia was still recovery from the 1997 Asian financial crisis.<sup>389</sup> The influence of security concerns extended significantly into the refugee repatriation program managed by the UNHCR. The repatriation program had a dual security and political purpose.

The primary motor behind UNHCR's drive to repatriate people was the view of the SRSG and Xanana Gusmão that people had to be brought back to minimise the possibility of destabilisation from a large refugee population in West Timor, and to maximise the credibility of elections in the newly independent East Timor.<sup>390</sup>

This would make it impossible for former pro-Indonesian militia to lay claim to any part of Timor Leste and thus fragment its territorial integrity of a future independent country.

We believe there are between 80 to 150 armed militia in up to 10 groups. Their aim appears to be to gather information relating to our military component, to establish themselves and to attempt to gain the loyalty of the local population in villages that are believed to have voted for integration.<sup>391</sup>

The main objective of UNTAET, as well as Timor Leste's political leadership, was to ensure stability and security, and guarantee the future territorial integrity of an independent state.<sup>392</sup> Rather than distracting attention from building institutions such as local government, security and stability comprised centrally important elements of state-

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<sup>387</sup> Sérgio Vieira de Mello interview, Díli, 10 November 2001.

<sup>388</sup> East Timor Action Network, 'Senate Foreign Relations Committee Passes Ban on U.S. Military Ties to Indonesia to Bring Militias and Military Under Control', ETAN 27 September 2000; and 'East Timor: Unfinished Business', *Economist*, vol. 353, no. 8147 (December 1999), pp. 28-29.

<sup>389</sup> Steven Mufson, 'World Bank Chief Wolfensohn Warns Indonesia On Militias', *Washington Post*, 12 September 2000.

<sup>390</sup> Dolan, Large, and Obi (2004), pp. 8, 25.

<sup>391</sup> United Nations Transitional Administration for East Timor, *UNTAET: De Mello's Statement to Security Council 29 September 2000*, p. 2. <http://www.easttimor.com/archives/2753.htm> (21 June 2001).

<sup>392</sup> Angus T. Green interview, Baucau, 26 September 2001; Peter Deck interview, Díli, 15 November 2001; Alessandro Righetti interview, Ermera, 12 October 2001; Patrick Burgess interview, Díli, 23 January 2004; Anthony Goldstone, CAVR 2002-2003, UNTAET 2001-2002, UNAMET 1999, interview, Díli, 20 February 2004.

building. It created a secure political centre (or space) in which political development could proceed and institutions could more likely become consolidated.<sup>393</sup>



*Picture 4. A Safe Space, Dili, 2003, picture provided by UNMISSET Public Information Office*

### **3.5 Summary Discussion**

When UNTAET began operations in December 1999, there was no formal government administration, the population was in the middle of a humanitarian crisis and security concerns were high and remained so well into 2001. Chronic sets of state-building challenges were made worse by the destruction, or theft, of most of Timor Leste's administrative and agricultural resources. This changed the nature of the UN's

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<sup>393</sup> Beauvais (2001), p. 1106. Peacekeeping in Timor Leste served a crucial component of what Beauvais describes as a process by which a transitional administration establishes "itself as an institution, then uses its authority to provide a framework for the preparation for local self-government, and finally transfers power to emerging local institutions and actors." This is an argument that parallels Chopra's own concept of "displacing conflict and creating a stable political centre" during transitional stages of political reconstruction, Chopra (1999), pp. 35, 124.

involvement from one of assisting an orderly decolonisation process to a peacekeeping intervention and humanitarian relief operation.

The Security Council gave UNTAET an ambitious set of tasks and legal powers. Following internal policy conflicts, the mission focused on building central institutions of state and ensuring security. As a trusteeship under the UN's governorship, the extent to which UNTAET could dictate state-building was limited by moral and legal constraints. These had had their basis in the August 1999 ballot outcomes and the UN Charter. In this sense the mission's greatest source of legitimacy and constraint were framed around a basic premise - that it would leave. Limitations to shaping institutions and uncertainty about Timor Leste's internal power relationships, combined with lessons learned from earlier UN peacekeeping operations, led UNTAET to adopt a hands off approach to CNRT as an institutional partner overseeing the state-building process. Instead de Mello relied upon elite alliance building, a "two way" legitimisation dynamic. On the one hand this provided space for international state-building efforts, on the other it politicised UNTAET by entangling it in Timor Leste's internal power struggles, which was inevitable irrespective of how the UN approached state-building.

UN peacekeeping brought with it numerous competing international agendas that worked to sideline the East Timorese from setting the reconstruction agenda. However, CNRT remained politically divided, it was dominated by elite diaspora, and like everyone else it was unclear about the capacity-development needs of a future government. State-building and capacity-development are fundamentally different processes that had to come at different stages of Timor Leste's political reconstruction. The first did not necessarily need to be driven by the East Timorese. The second could only be determined by a legitimate government that owned the process and that could only occur following elections.

The creation of ETTA, the two-track administrative model, jump started the institutional development process and insulated UNTAET from Timor Leste's internal power rivalries. This allowed the transitional administration to oversee the state-building and

transition process as a more neutral arbitrator than would otherwise have been the case. The approach ameliorated dangers of dependency and provided experience to the Timorese in running their own country under UNTAET's tutelage. This strategy contributed to creating the conditions of sustainable development by building a governance system that could promote development locally. Timorese benefited much more than has been recognised. This gave rise to a wealthy elite class, itself a source of tension because it fed into internal socio-political divisions that existed in 1975 as well as political divisions within the resistance that had evolved up to 1999.

The competing responsibilities of UNTAET's governance mandate, notions of the failed state syndrome, recruitment problems common in peacekeeping operations and the culture of peacekeeping all combined to create unsolvable contradictions with half-hearted capacity-development efforts. Good relationships at the local-level between UN international staff and East Timorese sometimes emerged from team-building exercises framed around principles of social development. The same exercise, however, was vulnerable to "fiefdom building", which fostered alienation and anger towards UNTAET.

In the context of contested political authority during the early state-building period, international aid agencies were focused on short-term reconstruction needs and building the foundations of a government. The implied and real legal and political limitations to UNTAET's efforts at shaping local institutions applied to all outside actors. Additionally, it was simply the case that nobody was yet sure what capacity-development should entail. The Timorese were still sorting out internal power relationships and had not yet set a nationally owned agenda. Therefore, capacity-development focused on the individual at lower levels of public administration, rather than systems or structures. Training efforts at the individual level were flawed for a number of reasons, including a failure to identify and build upon existing skills among the local Timorese population. The focus on individual capacity-development only highlighted tensions between the UN's conflicting governance mandates and international staff poorly equipped to "transfer skills" or simply teach in a manner that was empowering for their East Timorese counterparts.

Throughout this period UNTAET remained focused on ensuring a safe political environment through its peacekeeping, which was crucially important for consolidating state-building. While far from being a seamless transition UNTAET followed the loose strategic objectives and timeline set out by DPKO following the post-ballot destruction: stabilise the humanitarian emergency, ensure security through peacekeeping, build its own administrative capacity to oversee state-building, begin building state institutions, conduct elections to draft a constitution and later form Parliament for a political transfer of power (i.e. independence). Once this process was complete, “real” capacity-development of the system could begin.

## Chapter 4 – Timorese Agency and Statecraft

Is it true the UN assumed a blank slate existed upon which to build a state?<sup>394</sup> The legal and moral limitations to shaping institutions and the operational constraints found in the international community's capacity-development project documents suggests that, at a policy level, this was never a central premise. The assumptions that the UN brought about the nature of conflict inside Timor Leste and views about CNRT's internal groupings further suggest UNTAET did not believe a social vacuum existed. Its peacekeeping strategy framed around conflict dynamics commonly found in failed states and the quality of personnel recruited for the mission, ostensibly undermined the goodwill that Timor Leste's leadership and population had for UN state-building assistance. UNTAET's internal power struggles and its institutional rivalries with other organisations, the invasion of internationals and the exclusive nature of mission operations during the humanitarian emergency sidelined the Timorese. Critical accounts of this early phase hold the view that had recruitment been done better and the UN worked in a participatory fashion with local stakeholders then many of the early difficulties UNTAET experienced in its relations with the East Timorese could have been avoided; and that the governance challenges facing the country could have been addressed successfully.<sup>395</sup> Such arguments typically damn UNTAET for governing in a neo-colonial manner which failed to provide Timorese with real input to shaping the state. However, the contradiction with such views remained that outsiders seeking to engineer the country's institutions still sought to "dictate" which institutional structures and governance paradigms should have been introduced in order to resolve the country's long-term governance challenges. Ultimately, UNTAET's most strident critics failed to consider how Timor's internal political struggles and Timorese political agency actually shaped the efforts of UNTAET.

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<sup>394</sup> Randall Garrison, *The Role of Constitution-Building Processes in Democratisation: Case Study East Timor* (Vancouver: International IDEA Democracy-building & Conflict Management, DCM, 2005), pp. 8-9 <http://www.idea.int/conflict/cdp/>

<sup>395</sup> Chopra (2000), pp. 27-39.

This chapter examines the social transformations that were taking place beneath the profile of UN control and international humanitarian relief efforts. It examines the political divisions and power struggles within CNRT following 1999 and identifies how UN state-building was influenced by local political dynamics. This makes it possible to determine the extent to which UNTAET was able to engineer Timor Leste's political and administrative institutions. Also considered are what power-sharing mechanisms emerged, how they emerged, the extent to which those institutional structures gave East Timorese input to shaping UN efforts, and whether or not they were appropriate for developing capacity for local self-governance. Finally, a brief assessment about the role of NGO advocacy during this early transitional period is made to determine how, or if, those critical voices influenced post-conflict state-building.

#### **4.1 Social, Political, and Economic Transformations**

For the purpose of analysing internal power struggles following 1999, the complexity of Timor Leste's internal social groups is simplified here into two broad historical categories: a) *mestiços*, the urban-based elite that descended from indigenous inter-mixing with Portuguese settlers and nationals from other Portuguese colonies; and b) the indigenous population, whose social organisation is based around different kinship networks and ethno-linguistic groupings that correspond roughly to Timor's traditional kingdoms.<sup>396</sup>

As a group, *mestiços* were heavily influenced by Portuguese assimilation policies and as a result saw themselves in a higher social position than the indigenous population.<sup>397</sup> The political affiliations of the *mestiço* class in 1975 varied. Some supported FRETILIN, while the more politically conservative who felt a greater cultural affinity to Portugal had

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<sup>396</sup> The *mestiço* class expanded to include members of the indigenous population incorporated through marital alliances with the Portuguese, with *assimilados* and service in the colonial administration. The majority of the newly recruited supported ASDT and later FRETILIN and they proved a major factor that allowed FRETILIN to make significant inroads at village-level so as to become the most broadly based popular political party in 1975. However, Xavier do Amaral still contends that within FRETILIN there remained latent discrimination between "historical" *mestiços* and those more recently recruited to the elite class from the indigenous population, Xavier do Amaral, President of ASDT, interview, Díli, 8 January 2004.

<sup>397</sup> Xavier do Amaral interview, Díli, 8 January 2004.

historically supported UDT. Members from the urban-based elite who supported political parties such as APODETI, KOTA, or Trabalhista were limited to a handful of individuals. There was also a small Hakka Chinese community of about 18,000, almost two percent of the pre-invasion population that lived somewhat isolated from the broader indigenous population.<sup>398</sup>

Rural society, where 80 percent of the population lived, remained strongly class-based and hierarchical upon UNTAET's arrival. Villagers today commonly refer to these class-based divisions as *ema bot no ema Ki'iik*- big people and small people. Big people are generally those of higher social standing either inside the village (e.g. *chefes*), powerful local leaders from the clandestine period that are now influential in government and society, or those that have returned from the diaspora. Social structures were organised around hereditary belief systems and family alliance networks built around common sacred houses (*uma luliks*). By 1999, it was estimated that *lingua franca* Tetum was understood or spoken by 91 percent of the population, whereas only 27 percent between the ages of 35 and 50, 11 percent under the age of 25, and 6 percent of those without any formal education, could understand or speak Portuguese.<sup>399</sup> The roles and expectations placed upon women varied depending on their socio-economic background and cultural positioning.<sup>400</sup> For example, women from modern urban society were not bound by the same social expectations as women from rural villages.

**Post-1999 Political Transformations.** Father Julió Crispim Ximenes Belo from Baucau gives a succinct description of the simplicity of political divisions inside the country before UNTAET's arrival: "pro-autonomy and pro-independence only: everyone in the villages, at least east of Manatutu, supported FRETILIN".<sup>401</sup> Pro-autonomy supporters

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<sup>398</sup> Thatcher (1990), p. 3.

<sup>399</sup> Asia Foundation, *East Timor National Survey of Voter Knowledge- Preliminary Findings* (Díli, March 2001), p. 6.

<sup>400</sup> For further reading see Patsy Thatcher, 'The Role of Women in East Timorese Society' (Unpublished M.A Dissertation, Department of Anthropology, Monash University, 1988).

and Indonesian civilians still in Timor Leste exited the country *en masse* following the announcement of ballot outcomes and subsequent militia violence.<sup>402</sup> For the most part, this exodus left a vacuum at “elite” levels in the private economic sector and the public administration: a vacuum formerly occupied by Indonesians or pro-autonomy supporters.

In their study on countries undergoing transition from authoritarianism to democracy, O’Donnell, Schmitter, and Whitehead demonstrate that societies undergoing political transition will typically experience widespread uncertainty about the outcome of the process and the process itself because of “insufficient structure or behavioural parameters to guide and predict the outcome”.<sup>403</sup> The rules of the political game are unclear as often are the identity and motives of key actors in the transition process. Timor Leste confronted this type of uncertainty following UNTAET’s arrival.

By December 1999, an unspecified number Timorese that fled returned to Timor Leste through refugee repatriation efforts or “spontaneous” cross-border return. Combined with pro-independence supporters, there were some 14,000 Timorese with public service experience in the Indonesian administration who were unemployed. All of these would begin to compete for new economic opportunities made available by the Indonesian withdrawal, for work in the NGO sector, with UNTAET, or with the Timorese public administration as it evolved. Timorese returning from the diaspora added a further level of complexity to the social transformations taking place and the ensuing competition to fill elite government and economic positions.<sup>404</sup>

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<sup>401</sup> Father Julió Crispim Ximenes Belo interview, Baucau, 5 November 2003. One obvious reason for the pattern of support at village-level was because the Timorese did not form alternative political parties until 2001.

<sup>402</sup> CEP District Staff Focus Group Discussion, 6 Staff Participants, Facilitated by Author, Baucau, September 2001.

<sup>403</sup> See O’Donnell and Schmitter (1986), pp. 3-38

<sup>404</sup> See, World Bank, ADB, UNDP, ETTA, ‘Poverty Assessment Timor Loro Sa’e, East Timor in Charts-Initial Results from the Suco Survey’ (Díli: Internal Working Draft, 16 June 2001), pp. 48-53.

The diaspora community, many being descendants of the historical *mestiço* class, often brought nostalgic visions of the territory which corresponded to the social and political hierarchies that existed prior to the invasion of 1975. Moreover, those from the African-diaspora were highly mistrustful of indigenous Timorese whose “independence credentials” had been tainted by their involvement with the occupying Indonesian administration. Tensions between the indigenous population and different segments of the broader diaspora community were framed around political affiliations at the formation of the CNRT in 1998. It was often the case that conservative-minded diaspora members of the CNRT looked down upon indigenous Timorese, believing it was their “rightful position to rule” an independent Timor Leste.<sup>405</sup> To varying degrees, this view manifested itself across the CNRT’s diaspora community irrespective of political outlook. At the same time, twenty-four years overseas meant that the diaspora community had little understanding of the social and political realities inside the territory, with some expressing feelings of being “foreigners in their own land”.<sup>406</sup>

Indigenous views of the diaspora community varied depending on political alliance networks and generational divisions. Those aligned with FRETILIN’s fringe groupings commonly accused the diaspora of “returning as colonisers seeking incorporation with Portugal”.<sup>407</sup> Similarly, Timorese youth had little exposure to Portuguese language or cultural influence. Youth political awareness generated by exposure to *pancasila*, Indonesia’s glorification of its own decolonisation process against the Dutch, and modernist streams of development thinking, combined with FRETILIN’s historical promises of liberation and egalitarianism to create expectations among them that colonial and traditional hierarchies would be a thing of the past in a liberated Timor Leste.<sup>408</sup> This

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<sup>405</sup> Informant Number 12 (Timorese Diaspora).

<sup>406</sup> Informant Number 6 (Timorese Diaspora Community).

<sup>407</sup> Aitahan Matak, interview, Díli, 19 January 2004.

<sup>408</sup> Joaquim Fonseca interview, Díli, February 2004; Nelson Belo interview, Baucau, 29 September 2001; Cesar Quintas interview, Díli, 2 November 2001; Josh Trinidad interview, Díli, 3 November 2001. George Aditjondro argues that the youth, rather than ascribing to a neo-liberal economic development frameworks, accepted the original 1975 strategy of FRETILIN which was more socialist, agrarian, and stressed self-reliance, see Aditjondro (2001). This certainly appears to be the case with youth members in

does not mean there were simple dualisms between young and old, or indigenous culture and diaspora cultures.<sup>409</sup> Youth involved in the clandestine front were themselves divided along lines that corresponded to political cleavages within CNRT.<sup>410</sup> Diagram 2 and Diagram 3 below outline the class structure and social divisions that began to take root following UNTAET's arrival in 1999.

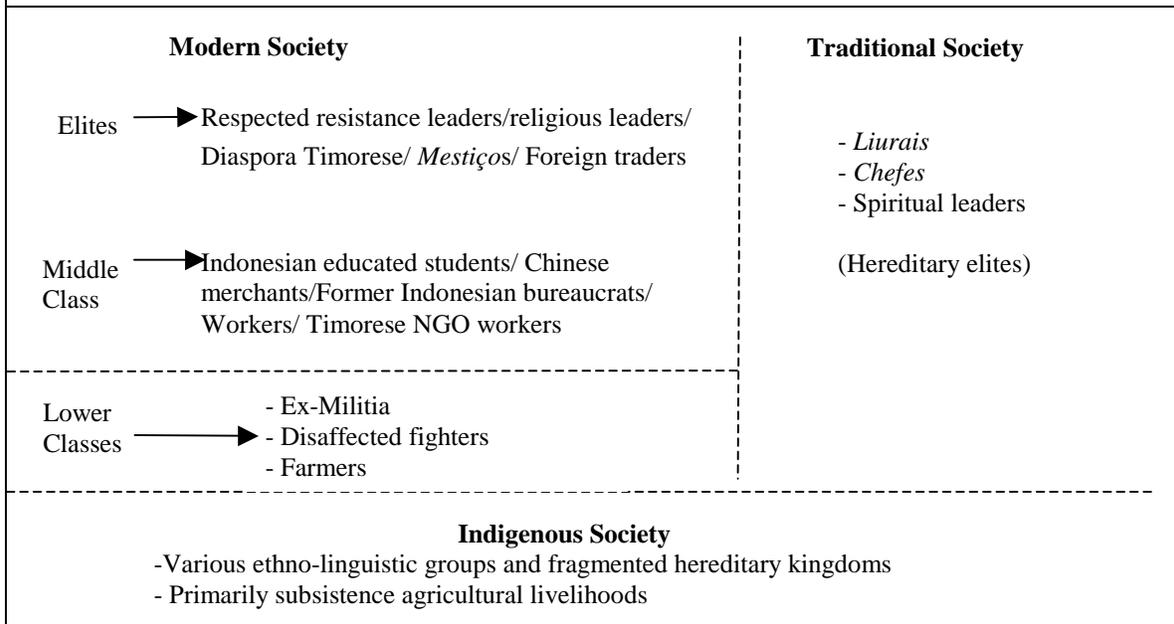
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various NGOs, those aligned with PST, or those exposed to alternative development approaches through higher education. At the same time, students were exposed to modernist development principles during the Indonesian era, which should introduce caution about what youth, as a whole, actually believe.

<sup>409</sup> On flows of the Timorese diaspora following 1975 see Patsy Thatcher, *Submission Made to the Foreign Affairs Sub-Committee in Melbourne 4/2/1992*. (Canberra: Commonwealth of Australia, Joint Committee on Foreign Affairs, Defence and Trade, 4 February 1992), pp. 101-114; Patsy Thatcher, *Profile of East Timorese Chinese Community Resident in Australia 1986-1990* (Melbourne: North Richmond Family Care Centre, 1990), p. 4. On different influences upon Timorese diaspora communities see Grayson J. Lloyd, 'The Diplomacy on East Timor: Indonesia, the United Nations, and the International Community', in J. Fox and D. Babo-Soares (eds.), *Out of the Ashes: Destruction and Reconstruction of East Timor* (Adelaide: Crawford House Publishing, 2000); FW De Klerk, *The Last Trek. A New Beginning, The Autobiography* (London: MacMillan, 1998), pp. 117, 263; Renato Aguilar, *Angola's Incomplete Transition* (Sweden: Gothenburg University, 2001); Peter Hawthorne, 'Endless Wars', *Time*, no. 36, (6 September 1999), pp. 37-39; Simon Robinson, 'Africa', *Time*, no. 36, (6 September 1999), pp. 40-41; 'Hopeless Africa', *Economist*, vol. 355, no. 8170 (May 2000), p. 15; Carol Lancaster, *Aid to Africa: So Much to Do, So Little Done* (Chicago: The University of Chicago Press, 1999); and Adrian Guelke, 'South Africa's Transition: Lessons for East Timor?', in P. Hainsworth and S. McCloskey (eds.), *The East Timor Question: The Struggle for Independence from Indonesia* (London: I.B. Tauris Publishers, 2000), p. 191. On differing views of returning Timorese diaspora members see Amanda Wise, 'No Longer in Exile?: Shifting Experiences of Homeland and Identity for the East Timorese Refugee Diaspora in Australia in Light of East Timor's Independence' (Unpublished Ph.D Thesis, n/a, University of Western Sydney, 2002), p. 221.

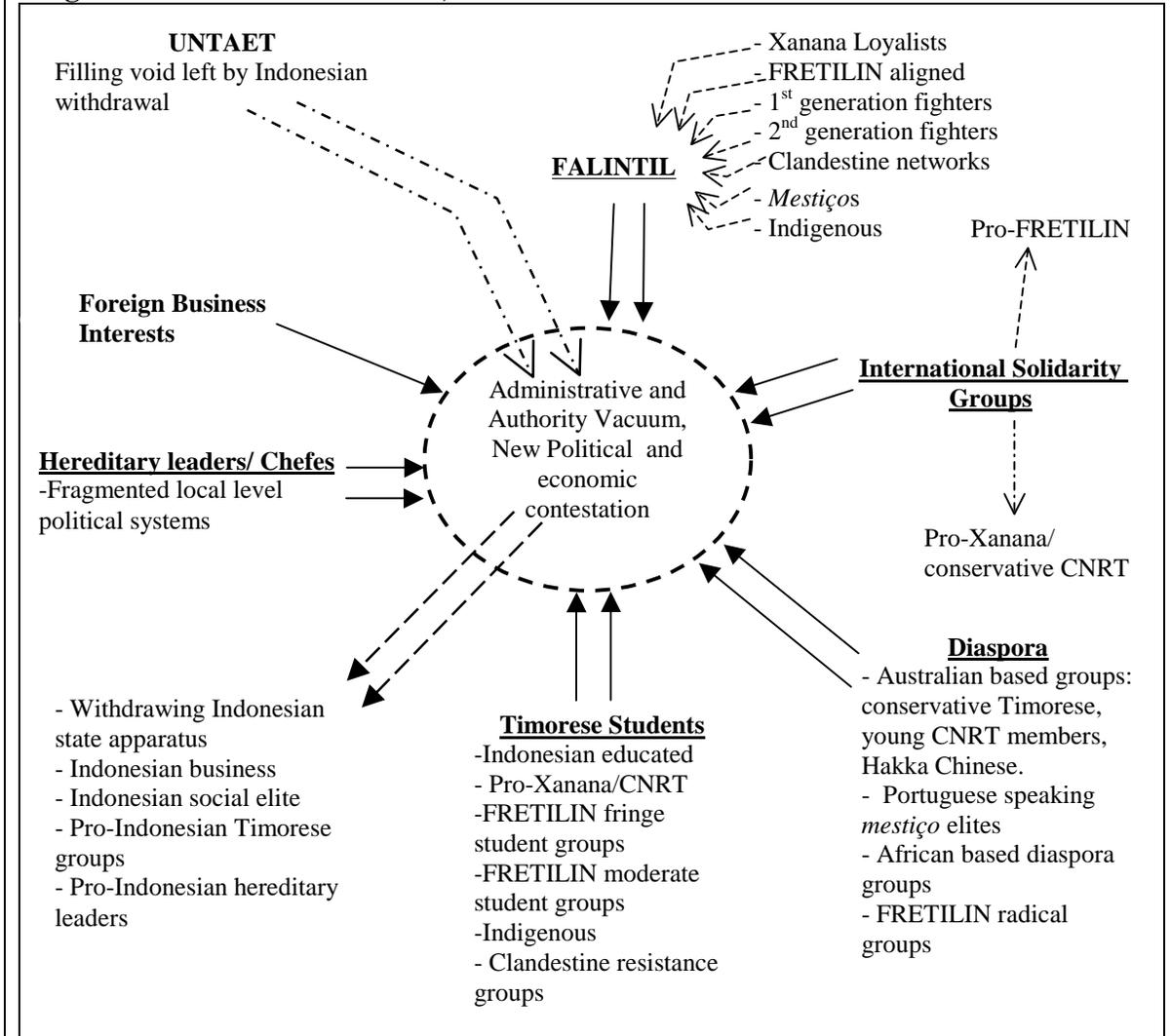
<sup>410</sup> On divisions among Timorese student groups see Constancio Pinto, 'The Student Movement and the Independence Struggle in East Timor: An Interview', in R. Tanter et al (eds.), *Bitter Flowers Sweet Flowers: East Timor, Indonesia, and the World Community* (Sydney: Pluto Press, 2001), p. 31; Nunu Santos, 'The Story Behind the Dili Massacre', *Inside Indonesia*, no. 44 (September 1995), p. 14; Jacinto Dos Santos, 'Post-Portuguese Colonial Education: Its Relevance to the East Timorese Resistance Movement', in *It's Time to Lead the Way: Timorese People Speak About Exile, Resistance, and Identity* (Collingwood, Victoria: East Timor Relief Association, 1996), p. 70; and Fernando de Araújo, 'The CNRT

**Diagram 2 – Class Structure, 2000**



Campaign for Independence’, in J. Fox and D. Babo-Soares (eds.), *Out of the Ashes: Destruction and Reconstruction of East Timor* (Adelaide: Crawford House Publishing, 2000), pp, 112-113.

**Diagram 3 – Timorese Divisions, December 1999**



**Youth Frustration.** Following 1999, many politically active Timorese youth came to feel excluded by what they believed were older generation attempts to dominate CNRT. This was most visible through the use of Portuguese language, rather than its introduction as a national language alongside Tetum.<sup>411</sup> Young Timorese recognised the importance of ensuring a separate national identity from Indonesia and the role of language to achieve that objective. Youth anger related to feelings of exclusion from decision-

<sup>411</sup> Focus Group Discussion, Melbourne University, Hawthorn Campus, 13 East Timorese Student Participants, Discussion Facilitated by Author and Mike O’Halloran Observed by Professor John Dalton Melbourne, 28 June 2001.

making and policy-making within CNRT.<sup>412</sup> It was common to hear stories about how members of the internal clandestine front sat through CNRT meetings throughout 2000 while older leaders from the diaspora, from FALINTIL, or civilian leaders from within the country, spoke to one another in Portuguese, thus leaving the non-Portuguese speakers without any understanding of the issues under discussion. George Aditjondro notes that,

[T]he young Timorese who fought for independence in East Timor and in Indonesia; they soon became simply spectators; they were also shocked to see how the leaders they supported and glorified like Xanana and José Ramos-Horta very quickly started to form inner circles in which East Timorese from exile and from the diaspora including young Timorese who grew up in Australia or Portugal, became their most loyal staffers.<sup>413</sup>

Instead of seeking to understand the social changes that took place since 1975 or the educational gains made inside the country, diaspora Timorese often viewed the indigenous population as “lazy” or tainted by the corruption of Indonesian administrative practice.<sup>414</sup> Such views were reinforced by donor documents, such as those produced by JAM, which talked in terms of corruption, low skill levels, and poor decision-making capacities when referring to Timorese who had worked in the Indonesian administration. These negative views contributed to the sidelining of Timorese youth under the age of 24 from early employment opportunities and gave rise to a sense of “unfulfilled entitlement”.<sup>415</sup> It also worked against the “complete acceptance” among local Timorese of those returning from the diaspora.<sup>416</sup> Instead, diaspora Timorese were seen as arrogant, acting like “heroes of the resistance”, and failing to recognise the contributions of the student movement or indigenous Timorese to the success of the liberation struggle.<sup>417</sup>

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<sup>412</sup> Sérgio Vieira de Mello interview, Díli, 11 November 2001.

<sup>413</sup> George Aditjondro, ‘East Timorese Becoming Guests in Their Own Land’, *Jakarta Post*, February 2001.

<sup>414</sup> Joaquim Martins interview, Díli, 23 October 2001; Cesar Quintas interview, Díli, 2 November 2001.

<sup>415</sup> National Democratic Institute, ‘*Timor Loro Sa’e Is Our Nation*’ - A Report on Focus Group Discussions in East Timor (Díli: March 2001), Introduction.

<sup>416</sup> Patrick Walsh interview, Díli, 20 February 2001.

Contributing to these tensions was a certain level of “social envy” among the indigenous population over the somewhat better lives diaspora Timorese had during the years of resistance, better educational opportunities, better employment opportunities, and higher levels of wealth they brought back to the country. These factors placed members of the diaspora community in much better positions to secure the best jobs in Timor Leste post-1999.<sup>418</sup> Moreover, there was a significant level of apprehension that the old colonial elite would seek to displace segments of the indigenous population from agricultural lands they had occupied for two decades in districts such as Ermera where, for example, there were once large coffee plantation owned by one of Timor’s most powerful families, the Carrascalão’s.<sup>419</sup>

## **4.2. Economic Hardship and Civil Unrest**

### **4.2.1 Economic Hardship**

Social tensions that emerged during Timor Leste’s chaotic stage of political development together with unresolved power contests were compounded by the economic challenges confronting the country. These included the devastation caused by militia violence; unemployment caused by the collapse of the small formal economic sector (government and private sector employment); a short period of hyperinflation; the destruction or theft of the means of agricultural production (livestock, tools, deterioration of irrigation systems, etc); and the massive population dislocation caused by the humanitarian emergency. The international humanitarian response under the coordination of UNTAET’s humanitarian pillar, and later taking on rehabilitation coordination functions, was generally considered to have been successful in addressing the more acute symptoms

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<sup>417</sup> Joaquim Martins interview, Ermera, 23 October 2001; Cesar Quintas interview, Díli, 2 November 2001; Joaquim Fonseca interview, Díli, February 2004; Aderito de Jesus Soares interview, Díli, June 2004.

<sup>418</sup> Josh Trinidad interview, Díli, 3 November 2001. Trinidad’s father was a liurai that supported APODETI in 1975 and was killed by FRETILIN members in the post-invasion period.

<sup>419</sup> Josh Trinidad interview, Díli, 3 November 2001; Eduardo Casimoro de Deus, Deputy District Electoral Coordinator, Independent Electoral Commission, interview, Ermera, 18 October 2001; Daniel Fitzpatrick, *Land Claims in East Timor* (Canberra: Asia Pacific Press, 2002), pp. 141-154; Timor Leste Land Law Program, ‘Compliance With the Constitution by Non-National Claimants of Pre-Existing Land Rights in Timor Leste: Draft/Working Research Document for Roundtable Discussion’ (USAID: Díli, June 2004).

of the crisis.<sup>420</sup> Upon its closure at the end of 2000, this pillar of the mission believed that the population was still exposed to numerous risks of humanitarian emergency, but those risks sprang primarily from economic “underdevelopment”.

Once the acute humanitarian emergency had been stabilised most of the indigenous population returned to the conditions of a “dual economy” which existed before the Popular Consultation.<sup>421</sup> The private economic sector had been dominated by Indonesians from other parts of the archipelago or by TNI personnel who viewed the territory as their own economic fiefdom.<sup>422</sup> Over 80 percent of Timorese lived in rural areas with 75 percent of the labour force engaged in subsistence farming.<sup>423</sup> The agricultural sector was highly inefficient, characterised by subsistence production, low levels of technological inputs due to risk-averse farming practices, and was highly labour-intensive. This resulted in low productivity, low incomes, and high levels of food insecurity and season hunger.<sup>424</sup>

Following 1999, Timor Leste’s political and economic reconstruction saw the “dual economy” of the Indonesian period replaced by one dominated by internationals. The vacuum in the private sector following 1999 was quickly filled by international business people and members of the returning Timorese diaspora who sought to provide services to aid workers and UN personnel. Most spending power was with these new social and economic elites and the bulk of economic growth that followed was centred in Díli. Within Díli there emerged two service economies: one more lucrative revolving around the needs of the international community and a second less profitable one catering to the

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<sup>420</sup> International Policy Institute (2003), para. 132.

<sup>421</sup> UNDP Timor Leste, ‘Programme Package Document for Sustainable Human Development’ (Díli: Timor Leste, 2003), p. 5-7.

<sup>422</sup> See Dunn (1983), pp. 297-300, 306; and International Crisis Group, *Indonesia: Keeping the Military Under Control* (Jakarta/Brussels: ICG Asia Report no. 9, 5 September 2000), pp. 15-17.

<sup>423</sup> Pedersen and Arneberg (eds.) (1999), p. 24; and United Nations Development Programme, *Ukun Rasik A’an – The Way Ahead: East Timor Human Development Report 2002...*, p. 2.

<sup>424</sup> *ibid.*, pp. 25-26, 35, 104.

consumer needs of Timorese. Open unemployment during 2000 was estimated at over 80 percent.<sup>425</sup> As noted in Chapter 3, these resulting inequalities led to significant frustration among those of the indigenous population who had high expectations of an independence dividend but found they were not well-positioned to take advantage of new economic opportunities.

#### 4.2.2 Civil Unrest

Economic hardships, unfilled expectations, and a sense of political exclusion gave rise to regular street protests and explosive situations. The most visible manifestations occurred when international agencies publicly advertised for recruitment of local staff only to be confronted with “employment riots”.<sup>426</sup> This volatile setting was fuelled by the dissemination of stinging criticisms against the UN through media and advocacy NGOs.<sup>427</sup> The basic message of criticisms was simple and constant: UNTAET was excluding Timorese from shaping their own destiny and the Timorese were not receiving a peace dividend in the form of material or economic benefits.

In various locations outside of Dili, CNRT’s members organised into “village security groups” which committed numerous human rights violations against returnees suspected of militia involvement. By June 2000, Protestant churches in the districts of Ermera and Aileu were destroyed by locals who claimed they had pro-Indonesian militia links.<sup>428</sup> This violence corresponded to a growing sense of fear and insecurity springing from the suspicion that pro-autonomy networks were re-establishing themselves inside the country.<sup>429</sup>

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<sup>425</sup> Pederson and Arneber (eds.) (1999), p. 11; and United Nations Development Programme, *Ukun Rasik A’an – The Way Ahead: East Timor Human Development Report 2002...*, p. 6.

<sup>426</sup> Kieran Dwyer interview, Dili, 16 November 2001; and ‘UN Job Seekers in East Timor Turn Violent’, *ASIANOW*, January 17 2000.

<sup>427</sup> Nelson Correia interview, Dili, 20 January 2004.

<sup>428</sup> Human Rights Watch, *Human Rights Watch World Report 2001- East Timor...*, p. 6.

<sup>429</sup> Human Rights Watch, *Human Rights Watch World Report 2001- East Timor...*, (2000), p. 5; and United States Department of State, *Country Reports on Human Rights Practices 2000- East Timor...*, (2001), p. 4;

Simião Piedade Babo, a former member of the clandestine resistance working in the ETTA district administration in Ermera during 2001, offers an interesting Timorese perspective on the nature of protests and social volatility in Timor Leste. He argues there were two types of “mentality” among indigenous Timorese which contributed to the rise and politicisation of protests.

The first was an “Indonesian mentality”. This means Timorese believe they can use everything, pay nothing, be paid, but do nothing. The second was a “resistance mentality”. That power or force, and public disobedience or protest, are used to achieve political objectives.<sup>430</sup>

Further understanding about the nature of social protest in Timor Leste is provided by the insights of Fernanda Tavares, an UNTAET Social Affairs Officers stationed in Ermera during 2001. According to Tavares, the volatility of Timorese youth and of the society as a whole was a product of the population’s socialisation into the use of violence as a political norm during the years of Indonesian occupation.<sup>431</sup> However, this volatility was neither “sporadic” nor disorganised. The hierarchical nature of Timorese society meant that youth regularly deferred to the authority of older political leadership figures.<sup>432</sup> In the context of UNTAET’s post-1999 intervention, this meant that “older generation Timorese regularly placed foreigners on a chess board” and “could organise cartels and go on strike because of their hostility to foreign control”.<sup>433</sup> Read differently, grievance was easily manipulated to promote political objectives of “chess masters”. During the first six to eight months of UNTAET’s existence there was a certain level of common frustration uniting protestors: demands for more jobs and greater levels of Timorese control over state-building. However, beneath the veneer of unity there were growing

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CEP District Staff Focus Group Discussion, Baucau, September 2001; CEP Ermera District Coordinator interview, Ermera, November 2001; Rosa Vong, National Director CEP PMU, interview, Díli, 8 October 2001; Matheus Cabral, Project Facilitator Project Management Unit CEP, interview, Díli, 16 October 2003; Reinaldo Borgess, Assistant National Director, Project Management Unit CEP, interview, Díli, 16 October 2003.

<sup>430</sup> Simião Piedade Babo interview, Díli, 24 October 2001.

<sup>431</sup> Fernanda Tavares, Social Affairs Officer UNTAET, interview, Ermera, 18 October 2001.

<sup>432</sup> *ibid.*

political divides and contests for power and authority among Timor's aspiring political elite.

Volatile street protests, burning of churches, claims of retribution killings, and returnees being sent to "re-education centres" confirmed the views some UN personnel held about conflict inside the country: Timor Leste was a failed-state with a volatile people ready to slip into violent civil war upon the UN's departure. However, many observers failed to appreciate the key problem: political, social and economic anxieties in the absence of a rule-governed institutional system offered pressures and opportunities for rising levels of violence or protest that could be politicised by leaders in a manner that could wreck the state.

### **4.3 Interrupted Plans and Growing Internal Political Competition**

At the beginning of 2000 Timorese visions for the shape of the future state remained poorly defined and had not been articulated further because of the violence surrounding the August 1999 referendum. Equally important, planning for state-building in the post-Black September period proved a method by which CNRT factions attempted to increase their own political standing. Each of these points is explored in the following sections.

#### **4.3.1 CNRT Vision of State-Building, Interrupted Plans**

Following the creation of CNRT, technical planning for state-building emerged in nascent form in October 1998 at a conference in Algarve, Portugal. Participants included 40 Timorese representatives from inside the territory and from different wings of the diaspora community.<sup>434</sup> This first meeting in October 1998 focused on political strategies to secure agreement for a referendum and only touched briefly upon issues of state-building. Less than a year later in April 1999, it was followed by a larger strategic planning conference held in Melbourne, Australia, that gave greater attention to issues of

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<sup>433</sup> Informant Number 8 (Aid Worker).

<sup>434</sup> Emilia Pires, 'Setting-up of UNTAET: Post-UNAMET, Planning, Drafting Resolutions and Finance', in *The United Nations Transitional Administration in East Timor (UNTAET): Debriefing and Lessons Learned* (London: Brill Academics Publishers, 2003), p. 54. Between 2000 and 2003 Emilia Pires was the

state-building. There was a larger and more diverse level of participation, which included approximately 100 East Timorese from inside the territory and a large number of diaspora Timorese.<sup>435</sup> The conference lasted five days and examined a range of governance and development issues: democratic systems of government; presidential and parliamentary powers; the role of local government; and development needs in the areas of education, health, agriculture, and environment.

In May 1999, CNRT representatives met with Gusmão inside Indonesia, with the permission of Indonesian government officials, so as to present and discuss state-building strategies.<sup>436</sup> During the Dare II talks held in Jakarta, CNRT representatives developed an equal power-sharing formula with pro-autonomy supporters. The proposal was designed with the assumption that the August ballot would overwhelmingly favour independence and was geared to offer pro-autonomy supporters a “piece of the independence pie”, thus discouraging militia from attacking pro-independence supporters.<sup>437</sup> CNRT’s planning for state-building was overtaken by the need to address rising levels of violence inside Timor Leste and to ensure the referendum moved forward. Rather than further explore “how” to build a state, the focus became ensuring the UN would provide a peacekeeping force able to provide security in a post-ballot period and addressing humanitarian needs that, it was assumed, would inevitably exist.<sup>438</sup> This meant that, aside from the relatively limited discussions in Portugal during 1998 and those in Melbourne during 1999, CNRT’s leadership was focussed principally on

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internationally appointed Coordinator of the Planning and External Assistance management Division in the Ministry of Planning and Finance.

<sup>435</sup> João Cancio Freitas (ed.), ‘East Timor: 1999 Strategic Development Plan. Executive Summary’ (Melbourne, 1999); and CNRT, ‘Strategic Development Planning for East Timor: Conference Results’, Melbourne, Australia, 5-9 April 1999.

<sup>436</sup> Palmira Pires, East Timor Development Agency, interview, Díli, 9 November 2001; Manuel Tilman KOTA Member of Parliament, Member of the Economic Affairs and Finance Committee for the National Parliament, interview, Díli, 13 December 2003.

<sup>437</sup> Manuel Tilman interview, Díli, 13 December 2003. UNAMET officials were fully aware that pro-autonomy militia were engaged in organised acts of intimidation against independence supporters but could do little to stop the violence, see United Nations Security Council, *Question of East Timor Report of the Secretary-General...*, S/1999/705 (1999), paras. 14-19.

<sup>438</sup> Manuel Tilman interview, Díli, 13 December 2003.

resolving the political obstacles to achieving independence through a referendum. There simply was not much point, or opportunity, to look at state-building issues before independence had been won. However, even though CNRT had no clear strategy for state-building, it expected to assume complete control of a civilian administration after the August 1999 ballot.

Following Black September, planning for state-building appeared to resume with a small CNRT gathering in Darwin formed into two groups that included political and technical experts. The first group considered emergency response strategies to the humanitarian emergency, whilst the second discussed methods of cooperating with international organisations in reconstruction efforts.<sup>439</sup> The meeting in Darwin led to the formulation of a power-sharing arrangement that CNRT presented to Ian Martin, Special Representative of the Secretary-General (SRSG) and head of UNAMET. According to José Ramos-Horta, the plan was later rejected by de Mello as the SRSG and the head of UNTAET because DPKO wanted to retain control of the reconstruction agenda.<sup>440</sup> This rejection resulted in institutionally relegating Timorese to “second class” status in their own territory. In mid-October, the CNRT leadership met again to decide on the composition of East Timorese members to the JAM led by the World Bank to identify immediate reconstruction needs. Even though being relegated to “second class” status, the focus on immediate reconstruction needs meant that there was no significant pressure placed upon UNTAET to begin institutional capacity-development.<sup>441</sup> In a speech delivered to donors in Washington towards the end of September 1999, Gusmão stated,

[A]ll our work and thinking has been overturned by the destruction within the territory in the last three weeks. Today, our preoccupation and chief priority is to ensure an effective emergency humanitarian plan for East Timor. The year 2000 will be a year of emergency...<sup>442</sup>

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<sup>439</sup> Pires (2000), p. 55.

<sup>440</sup> José Ramos-Horta interview, Díli, 16 January 2004.

<sup>441</sup> Dionísio Babo-Soares interview, Díli, 26 February 2004.

<sup>442</sup> Xanana Gusmão, ‘Speech Delivered by Xanana Gusmão, President of the CNRT (National Council of the Timorese Resistance) On the Occasion of the 1999 Annual World Bank Information Meeting Washington, D.C.’ (29 September 1999).

It was envisaged that state-building and capacity-development would only begin in 2001 after the humanitarian emergency had been addressed.<sup>443</sup> In fact, during December 1999 CNRT leadership complaints revolved around two sets of issues that had little to do with state-building or capacity-development. First, CNRT was frustrated that UNTAET had not deployed sufficient personnel or resources to begin administering the territory.<sup>444</sup> Second, Timorese were upset at the UN's failure to publicly recognise CNRT's contributions to ensuring the safety of Timorese living or studying inside Indonesia during the tumultuous period of the August 1999 referendum.<sup>445</sup>

Although Timorese were prone to complain about delays with UNTAET's deployment, the speed of international humanitarian relief efforts and the high level of security provided by peacekeeping forces made it possible for state-building to begin in advance of the timeline suggested by Gusmão. By May 2000 the Timorese were able to begin focussing on state-building, as was demonstrated by the Tibar conference. The Tibar conference acted as a follow-up to the Melbourne and Darwin planning meetings. Participants included Timorese from across the country and hundreds of internationals from UNTAET. Palmira Pires, a member of the Timorese Australia-based diaspora community with close political links to the "Xanana camp" and one of the Tibar conference planners argues that Tibar acted as a "wake-up call" demonstrating to internationals that Timorese had the ability to engage in serious strategic planning for their own institutional development.<sup>446</sup> The conference therefore marked two significant policy shifts which occurred: first, the emergence of greater Timorese control over state-

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<sup>443</sup> Palmira Pires interview, Díli, 9 November 2001.

<sup>444</sup> Xanana Gusmão, 'Speech Delivered by Xanana Gusmão...', (December 1999).

<sup>445</sup> CNRT members, along with assistance from solidarity groups around the world, combined their resources to identify over 6000 people at risk. The UN, on the other hand, claimed there were only 2000 Timorese inside Indonesia, with 60 at risk. At great personal risk to themselves, members of CNRT's diaspora community, such as Emilia Pires, travelled to Indonesia covertly to facilitate their safe evacuation on UN transport planes or ships, Etervina Groenen interview, Melbourne, 12 February 2001.

building through UN Timorisation efforts; and second, a shift within CNRT from “winning independence” to “building an independent country”.

### 4.3.2 CNRT as a Government of National Unity?

There were five months between UNTAET’s initial field set-up in December 1999 and the Tibar conference in May 2000. The period between these two events saw significant social transformations taking place inside the country. These changes paralleled growing levels of internal political competition among the Timorese as well as the alienation of Timorese society from UNTAET. In order to address the political dimensions of these problems, respected observers of Timor Leste, such as James Dunn, argued that UNTAET should have recognised CNRT as the legitimate representative of the Timorese people by making it an institutional partner in the administration of the country until elections for a Constituent Assembly in 2001.<sup>447</sup> The rationale was that CNRT brought together the main resistance parties, and its leadership contained the most highly distinguished political leaders among the Timorese population. These figures could act as a government of “national unity” able to ensure a peaceful transition to independence in a manner that promoted Timorese ownership over state-building.

In contrast to this position, other long-time supports of Timor’s struggle for independence, such as Patrick Walsh, believed that although CNRT’s leadership demonstrated tremendous ability by outmanoeuvring Indonesia it had little experience of proactive policy-making for normal civil administration (education, police, judiciary, etc).<sup>448</sup> Moreover, according to Constancio Pinto, a student resistance fighter with FRETILIN who later became a member of *Partido Democratico* (PD), the structure of the resistance changed regularly depending on the situation inside the country and

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<sup>446</sup> Palmira Pires interview, Díli, 27 February 2004. See also *Reconstructing East Timor: Analysis of the Past and Perspective for the Future Conference, Final Report (Tibar: 29 May- 2 June 2000)* (ETDA, Díli, 2000).

<sup>447</sup> George Aditjondro, ‘Post-Referendum Timor Loro Sa’e: Mapping the Political Terrain’, *Arena Magazine*, 46 (April-May 2000), pp. 27-36. Aditjondro argues that such an approach would have been flawed considering that ten years after elections in Namibia where SWAP was recognised as the legitimate representative of the people, the country had a one-party dominated autocratic system.

<sup>448</sup> Patrick Walsh interview, Díli, 20 February 2001.

conditions abroad, thus making the CNRT's transition from a "resistance movement to government" difficult.<sup>449</sup> It took several months after the launch of UNTAET before CNRT was able to organise itself to act as an administrative partner and succeed in applying enough political pressure upon UNTAET to speed the process of "Timorisation".<sup>450</sup> It comes as no surprise that the timing of this transition was marked by the Tibar conference. However, equally important were the political divisions and power struggles within CNRT that prevented it from acting as a government of national unity. As noted in Chapter 3, these factors combined to make CNRT a highly fragile body, rather than the solid institution often portrayed.<sup>451</sup>

**Political Divisions and Power Struggles.** Jonathan Steele argues that UNTAET upon its arrival was confronted by a major power struggle between FRETILIN and Xanana Gusmão.<sup>452</sup> In fact, this single political fault line is most often pointed to when observers seek to explain the causes of crises that have confronted Timor Leste since its independence. However, explanations using this premise create a simplified dichotomy between FRETILIN and Xanana Gusmão, which masks the complexity of power struggles and the number of competing political groups that existed within CNRT. There were close to a dozen factions within FRETILIN, some of which were politically affiliated with several of the groups that lined up inside what was subsequently termed the "Xanana camp". The Xanana camp included remnants of UDT's 1975 conservatives, various youth organisations from inside the country, and a diverse grouping referred to as "Xanana loyalists" drawn primarily from the Timorese diaspora community, resistance fighters, and Timor solidarity activists from abroad.<sup>453</sup>

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<sup>449</sup> Constancio Pinto, 'Special Report. The Future of East Timor: An Interview with Constancio Pinto', *Asia Source*, 28 October 1999.

<sup>450</sup> Patrick Walsh interview, Melbourne, 20 February 2001.

<sup>451</sup> Dionísio Babo-Soares, 'Successes, Weaknesses and Challenges: A Critical Overview of the Political Transition in East Timor', paper presented at the Council for Asia Europe Cooperation Conference, Comparing Experiences with State-building in Asia and Europe: The Cases of East Timor, Bosnia and Kosovo (2001), p. 7.

<sup>452</sup> Steele (2002), p. 80.

The fragility of CNRT caused by its internal power contests was demonstrated by FRETILIN's ambivalence for the strategic planning process in the two years leading up to the establishment of UNTAET. For example, in Melbourne 1999 FRETILIN delegates nearly boycotted the conference, only making last minute presentations based upon hastily written contributions.<sup>454</sup> There also emerged accusations of non-FRETILIN diaspora Timorese control of planning processes. With the 1999 Melbourne conference frustration prevailed in some quarters over the perceived role of the Pires clan, an influential family among CNRT's Australia-based diaspora community. Prestige and credit and "legitimation" flowing from involvement with conferences were later used to increase personal standing during the early reconstruction phase of the country.<sup>455</sup> Control of planning meetings made it possible for FRETILIN's opponents to create a power-base inside the Xanana camp, thus providing an influential platform from which to access or create institutional mechanisms through which to shape political developments inside Timor Leste following 1999.

Similar issues about institutional control emerged with planning meetings held in Darwin after the referendum of August 1999. Many FRETILIN members simply refused to attend.<sup>456</sup> This was notable because during these meetings CNRT representatives were selected to participate on the JAM. The World Bank subsequently made efforts to solicit the full-time participation of senior FRETILIN figures, such as Ana Pessoa and Mári Alkatiri, but could only manage to secure their "input". Madelena Boavida, regarded by some as a "less impressive" figure from the "Mozambique clique", was the only member

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<sup>453</sup> For further readings on international solidarity groups see Helen Hill, 'The NGOs and East Timor', *ACFOA Development Dossier* (July, 1980), p. 14; and Brad Simpson, 'Solidarity in an Age of Globalisation: The Transnational Movement for East Timor in U.S. Foreign Policy', *Peace & Change*, vol. 29, no 3-4 (July 2004), pp. 453-482.

<sup>454</sup> Palmira Pires interview, Díli, 9 November 2001. No clear reason was ever provided, but could simply have been due to the overwork and pressing demands that limited the time of individuals to participate. The inference given however was that FRETILIN's refusal to participate formed part of a longer-term strategy through which it to dominate the state.

<sup>455</sup> Informant Number 24 (Timorese national).

<sup>456</sup> Palmira Pires interview, Díli, 27 February 2004.

of FRETILIN's senior inner circle to participate full-time on JAM's economic evaluation team.<sup>457</sup> As it turned out, less than half of the 30 Timorese appointed to JAM were aligned with FRETILIN.<sup>458</sup> The appointment of FRETILIN's opponents onto JAM, such as CNRT leader Mário Carrascalão, helped to increase their personal standing and allowed them to build alliances with well-resourced external organisations such as the World Bank.<sup>459</sup>

During this period several noteworthy policy decisions were made by CNRT and later presented to the international community as the legitimate positions of the Timorese people. First, in the absence of meaningful FRETILIN involvement CNRT finalised a plan to transform itself into the first government: the power-sharing proposal that was presented to Ian Martin and later rejected by Sérgio Vieira de Mello. CNRT also decided to promote a presidential system of government in which greater executive and legislative power would rest with the president, rather than the semi-parliamentary system later supported by FRETILIN. The widely publicised resignations of Xanana Gusmão from CNRT during 2000 and into 2001 were, according to Nelson Correia from PST, a tactic used to pressure groups inside the country to accept a stronger presidency.<sup>460</sup> FRETILIN members later argued that it was primarily ex-UDT people, conservatives, or those who had "abandoned" FRETILIN, that promoted this policy because, aside from the institutional structures of UNTAET and CNRT, Gusmão was the only avenue through which FRETILIN's political opponents had a chance of controlling state-building.<sup>461</sup>

The CNRT structure that evolved over 2000 included several commissions: the National Political Commission, the National Executive Commission and the Judicial Commission.

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<sup>457</sup> Informant Number 21 (International Consultant).

<sup>458</sup> Informant Number 18 (International Consultant).

<sup>459</sup> Mário Carrascalão had ten years of experience as an Indonesian appointed Governor of the territory. He was also highly popular among locals for his attempts in the late 1980s and early 1990s to protect the population against TNI extremes.

<sup>460</sup> Nelson Correia interview, Díli, January 2004.

<sup>461</sup> Informant Number 6; Informant Number 5; Informant Number 20.

Each had various departments such as foreign affairs, finance, education, health, and so on, with Gusmão as the overall president.<sup>462</sup> CNRT's commissions were dominated by diaspora Timorese along the two broad fault lines identified by Jonathan Steele: those aligned with the Xanana camp and those aligned with FRETILIN, together with a somewhat middle-group under Ramos-Horta. More importantly, CNRT's leadership was dominated by 20-30 Lusafone families from the economic and social elite of the country, which reflected the social, economic, and political hierarchies of 1975.<sup>463</sup> The organisation claimed it was inclusive and represented all segments of society but, as noted above, the language most often used during its meetings was Portuguese. Aside from FALINTIL's senior leadership and a handful of senior figures from FRETILIN's Internal Political Front, there was very limited representation from young members of the student-based clandestine resistance, or woman-based organisations from inside the country.

**FRETILIN's Internal Divisions.** FRETILIN, the largest and best organised political group inside the CNRT, had numerous internal fault lines. As will be discussed in Chapter 8, these internal fault lines led to the establishment of new political parties in the lead-up to the Constituent Assembly elections held in August 2001. In other instances, political divisions within FRETILIN led some of its members to align with other parties as they formed in 2001.

At a more basic level, FRETILIN was also confronted with divisions between “professional” and “political” people.<sup>464</sup> “Professional” people were those that saw a need to recruit civil servants based on merit and ability, to ensure state-building benefited the entire population by facilitating the emergence of an effective and sustainable public administration. “Political” people were those concerned with dispensing government

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<sup>462</sup> ‘National Council of Timorese Resistance’ <http://www.easttimor.cnrt/cnrt.htm> (26 July 2002).

<sup>463</sup> Lindsay Murdoch, ‘Peace Stirs a New Nation to Work Towards a Prosperous Future’, *Sydney Morning Herald*, 26 August 2000.

<sup>464</sup> Lino Torrenzau, Director of DNAT, Ministry of State Administration, interview (translation assistance provided by Gil Santos), Díli, 22 November 2003.

posts based on loyalty to FRETILIN. They were infused by issues of political trust or mistrust; and they advocated on behalf of “genuine supporters of the resistance” rather than those supporting integration with Indonesia. This division within the party would later play a key role in the politicisation of various state institutions such as the police, the army, and the judiciary.

During this early period, some FRETILIN party members claimed that these dynamics were merged by Mári Alkatiri’s strategy of surrounding himself with skilled FRETILIN members from the African-based diaspora who were placed in senior government positions, sometimes referred to as the Mozambique clique. This group lacked individual widespread support or popularity among the population and therefore depended upon Alkatiri for their positions in government. Parallel to this was a strategy of building alliances with key internal FRETILIN figures, such as Lu’Olo. Internal FRETILIN leadership figures such as Lu’Olo brought with them “resistance legitimacy” although they lacked the technical skills that FRETILIN’s diaspora members brought to the country. In this way, Alkatiri as the lynchpin between internal and external groups guaranteed his own importance as leader of the party by combining FRETILIN’s technocratic abilities with its standing as the “party of independence”.

**Divisions in the International Diplomatic Front.** The merging of internal and external FRETILIN camps clearly brought to the surface divisions among the CNRT’s diaspora groupings. In 1975, following the Indonesian invasion, Mári Alkatiri as head of FRETILIN’s External Delegation visited the United Nations Security Council together with José Ramos-Horta.<sup>465</sup> Alkatiri was later appointed Minister for Foreign Affairs in the government in exile while José Ramos-Horta became FRETILIN’s representative to the UN. This split the responsibilities and functions of the external delegation into two groupings. The Mozambique clique, under Alkatiri, was actively involved in various solidarity actions in former Portuguese colonies and in other African countries such as South Africa. The second group, under Ramos-Horta, focused on overt diplomatic

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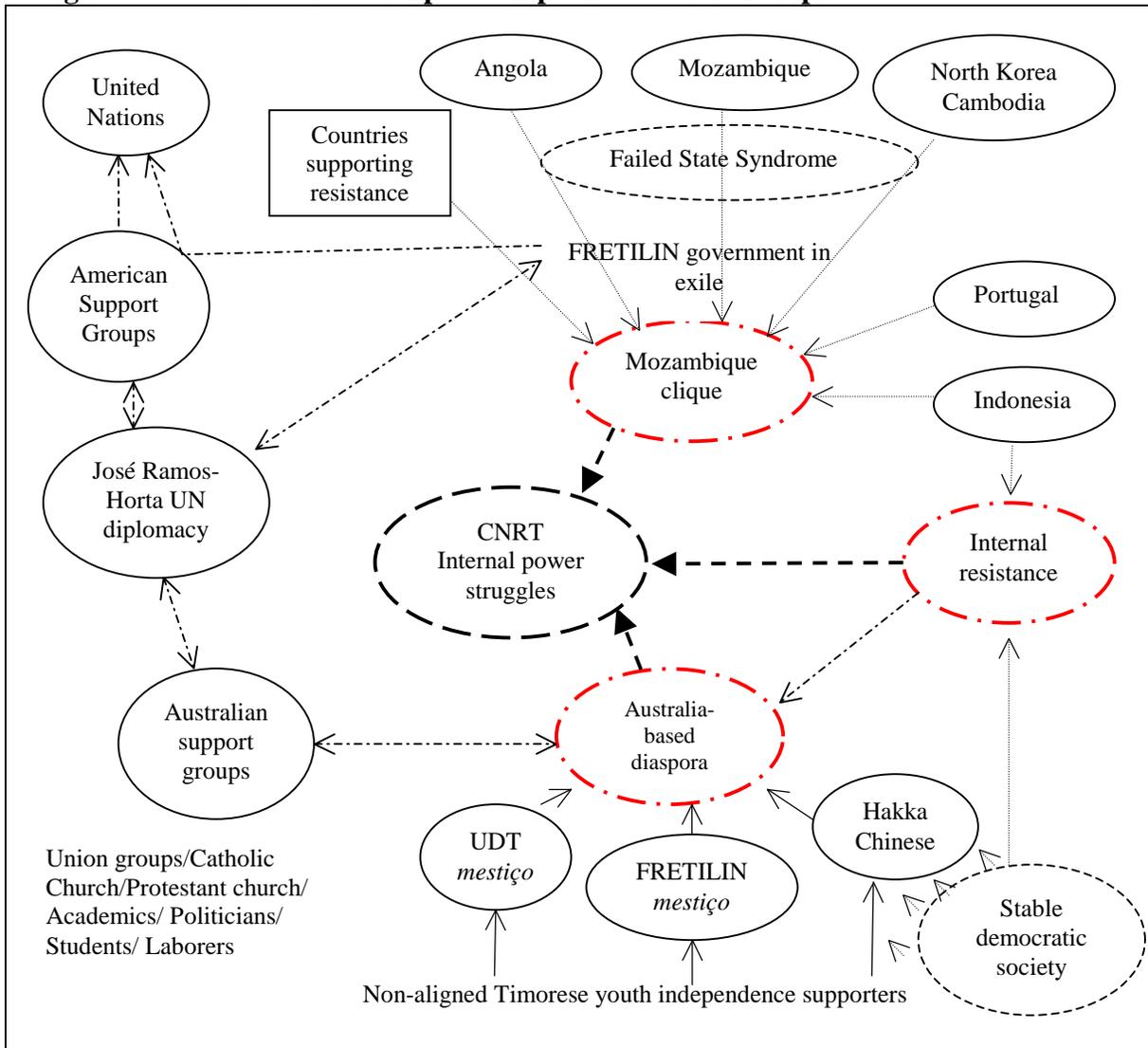
<sup>465</sup> ‘Biographical Notes on Mári Alkatiri, Prime Minister’ (Díli: n.d.).

activities in different UN bodies and also petitioned member state governments of the General Assembly to provide political and moral support for the Timorese independence struggle.

While overlaps existed, the relevant point considered here are the different skills and experiences these groups acquired in the halls of the UN as opposed to the streets of Maputo or dealings with world leaders at the UN as opposed to their interactions with leaders “on the ground” in Cambodia, North Korea, South Africa and so on. The Mozambique clique tended to bring with them experiences from corrupt, secretive or paranoid, undemocratic and predatory regimes prone to the use of violence to secure power, or seize power. The from the Australia-based diaspora, the group more closely aligned with Ramos-Horta, tended to be more committed to democratic and egalitarian policies and were wedded to principles of human rights and equality.

Following the 1999 ballot, the different cultural experiences and expectations about the nature of post-independence state-building and the nature of political power caused friction when these groups came together in Timor Leste. This made it difficult for the diaspora to come to terms with the social changes inside the country, given the competing sets of cultural influences that were not easily, or quickly, reconciled: Australian vs. Portuguese/African, Australian vs. indigenous, and Portuguese/African vs. indigenous. The experiential differences among the diaspora community were compounded by long-standing and unresolved political and ideological divisions. In some respects, the August 1999 ballot outcomes meant that Timor Leste’s diaspora community resumed the political decolonisation process where it had left off in 1975, even though some of the players had “changed skins”. Diagram 4 below outlines several basic competing influences upon diaspora groupings within CNRT.

**Diagram 4 – Basic Influences Upon Diaspora Timorese Groups**



## 4.4 Internal Divisions Shaping Perceptions of UNTAET

### 4.4.1 UN recruitment of Timorese Diaspora

Under the leadership of Sérgio Vieira de Mello, UNTAET adopted a policy of recruiting diaspora Timorese to facilitate the mission’s ability to implement its mandate. This provided UNTAET with greater understanding of local conditions and also improved communication with the local population.<sup>466</sup> Diaspora Timorese were often recruited into key posts in the National Planning and Development Agency or the Donor Coordination Development Unit. Both of these departments later fell under the Ministry of Planning

and Finance within ETTA, and then the independent government.<sup>467</sup> This strategy was informed by suggestions made by Gusmão,<sup>468</sup> other CNRT leaders and high profile UN officials from outside Timor Leste, who urged the transitional administration to hire Timorese and only recruit internationals to “fill gaps” with positions that could not be filled locally. UNTAET used strict merit-based evaluations for recruiting local and international staff.<sup>469</sup> Assessment criteria for Timorese included consideration of previous administrative experience, levels of education, technical ability and English language skills. The process, therefore, did not appear politicised given its meritocratic approach, but the meritocratic approach in a highly politicised environment ran into numerous difficulties.<sup>470</sup>

FRETILIN’s fringe political groups often raised questions about how applicants could meet the assessment criteria and which groups would have access to jobs. A large number of FRETILIN supporters, either in the party’s internal political front or as members of FALINTIL, had few experiences that matched skill requirements. Their resistance activities prevented them from acquiring the sort of education or experience needed to win the vacancies offered.<sup>471</sup> Moreover, the Indonesians had also intentionally excluded known FRETILIN supporters from government employment and higher education opportunities.<sup>472</sup> This resulted in some FRETILIN supporters arguing that, for Timorese who had remained inside the territory, only those that supported the Indonesian

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<sup>466</sup> Fox (2001), p. 6.

<sup>467</sup> Roland Laval, Director of Administration, Ministry of Planning and Finance, Democratic Republic of East Timor, interview, Díli, 26 February 2004.

<sup>468</sup> ‘The UN is Not Listening’, *AsiaWeek*, vol. 25, no. 48 (3 December 1999); and Jason Tedjasukmana, ‘East Timor’s Reconstruction: Is Aid Doing More Harm Than Good?’, *Time Asia*, vol. 155, no. 11 (20 March 2000).

<sup>469</sup> Ludovic interview, Díli, 13 November 2003.

<sup>470</sup> Anthony Goldstone, CAVR 2002-2003, UNTAET 2001-20002, UNAMET 1999, interview, Díli, 20 February 2004.

<sup>471</sup> Manuel Tilman interview, Díli, 13 December 2003.

<sup>472</sup> *ibid.*

regime received higher levels of education or the work experience needed to meet UNTAET's recruitment criteria.<sup>473</sup>

Animosity towards diaspora Timorese also had a demonstrably political element attached to it among FRETILIN's disaffected internal groupings. Unable to manage recruitment of Timorese staff on its own, UNTAET turned to the East Timor Development Agency (ETDA) for assistance in early 2000. ETDA prepared a registry of available Timorese, from the diaspora and locally, in addition listing skills they possessed, to essentially becoming UNTAET's "hiring agency".<sup>474</sup> Palmira Pires, head of ETDA and a member of the Pires clan influential within CNRT, was among those at the Darwin meetings when plans were formalised to transform CNRT into a transitional government and where members were selected to represent the East Timorese on JAM. Moreover, like other family members Pires was once a member of the Timorese Association of Victoria (TAV) based in Melbourne Australia. TAV members were strongly linked to the wave of UDT refugees that arrived to Australia following FRETILIN's civil war victory in 1975, and many from the older generation that fled Timor Leste in 1975 remained ideologically hostile to FRETILIN.<sup>475</sup> Pointing to the conflict between UDT and FRETILIN in 1975 and the subsequent refugee flow to Australia, leaders of CPD-RDTL argued UN recruitment of Australia-based diaspora Timorese, in which ETDA was heavily involved, was a "conservative Portuguese *mestiço*" attempt to control the state.<sup>476</sup> Arguments of this nature worked to politicise UN as well as ETDA recruitment processes.

Recruitment of diaspora Timorese from Australia, as well as Australian nationals, also occurred through Australian Volunteers International (AVI). AVI developed a reputation

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<sup>473</sup> Aitahan Matak interview, Dili, 19 January 2004; Josh Trinidad interview, Dili, 3 November 2001. See also Dionísio Babo-Soares, 'Building a Foundation for an Effective Civil Service in Timor Leste', *Pacific Economic Bulletin*, vol. 18, no. 1 (May 2003), pp. 108-114. Babo-Soares discusses issues relating to education and cultural hierarchies inside the public service.

<sup>474</sup> Palmira Pires interview, Dili, 27 February 2004.

<sup>475</sup> Informant Number 25 (Timorese Diaspora).

<sup>476</sup> Aitahan Matak interview, Dili, 19 January 2004.

among the Timor Leste solidarity community as being sympathetic towards the country's struggle for liberation. This reputation became solidified with public admissions by Kirsty Sword-Gusmão, first lady of the country, and the production of a documentary that recounted her clandestine activities while she was inside Indonesia during the mid-1990s as an employee of AVI. Considered a heroine of the resistance by some, using her position at AVI she smuggled communications to Gusmão from the outside world and from Gusmão to the resistance, while he was in Cipinang prison. In the same documentary, her clandestine activities were praised by Patrick Walsh. Walsh, recruited by the United Nations to help establish the Reception, Truth, and Reconciliation Commission (CAVR), himself comes from Australia's first generation of Timor solidarity campaigners in the 1975 to 1976 years.<sup>477</sup> Similarly associated with the Australian-based Timor solidarity community was Christine Perkins, a former Country Program Manager and Personnel manager for AVI staff deployed to Timor Leste. Perkins' husband, Christopher Dureau, from International Development Support Services (IDSS), studied to be a priest with Walsh in the 1970s. Over their years of campaigning, Australian figures such as these developed close ties with Timorese from all different factions, but appeared especially close to highly energetic Australian-based diaspora members of the CNRT, such as members of the Pires clan.<sup>478</sup>

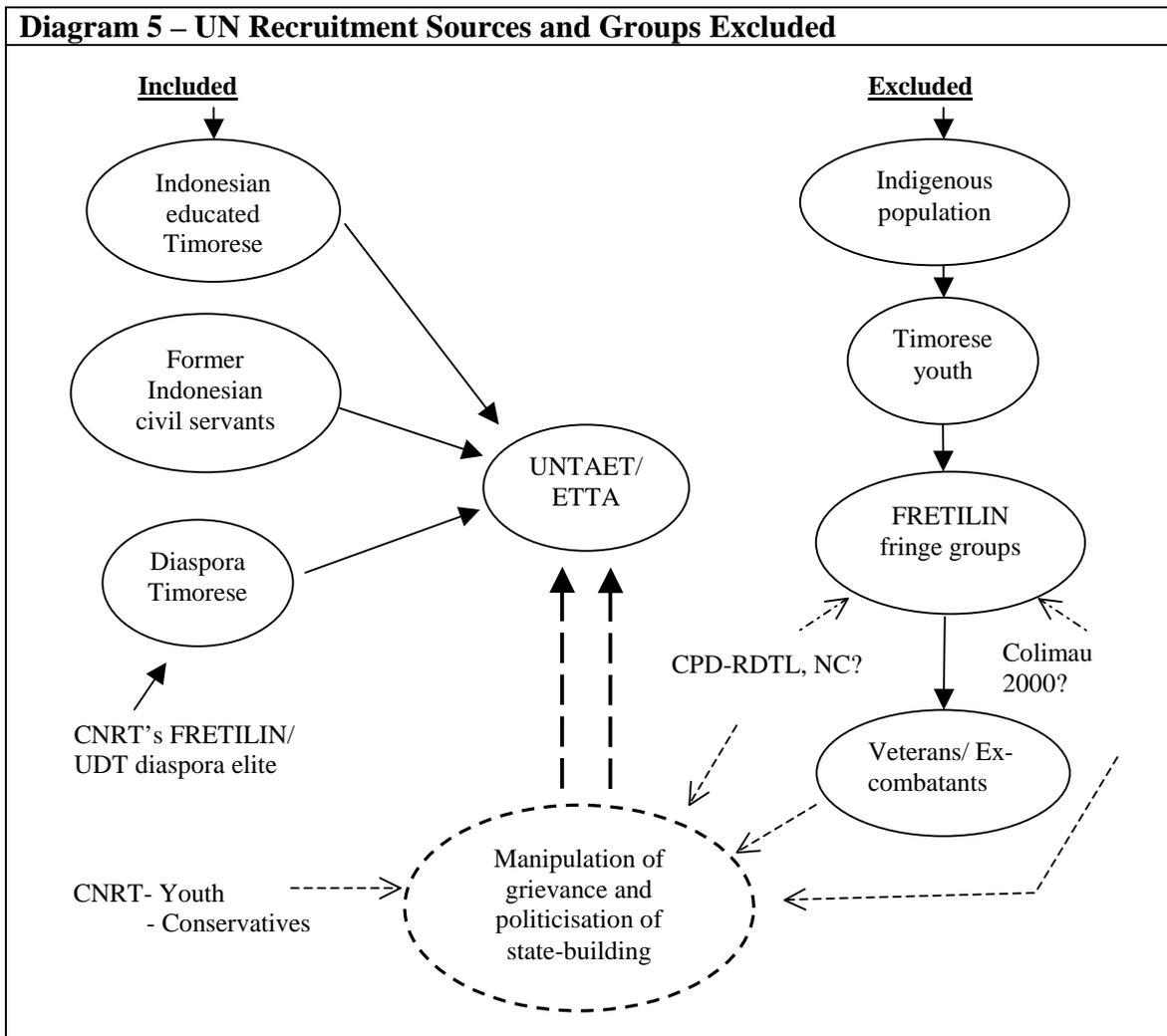
At the same time, the Australian-based solidarity community was somewhat alienated from influential FRETILIN figures such as Mári Alkatiri, Ana Pessoa, Rogério Lobato, and Roque Rodrigues (i.e. the Mozambique clique). During the years of struggle the separation of thousands of kilometres and scarce financial resources had made it impossible for the members of the different political cultures that existed between the African-based diaspora and solidarity supporters inside Australia to meet to develop common reference points. FRETILIN members inside Australia, who some claim were

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<sup>477</sup> The three generations are roughly broken down into post-1975, post-1991, and post-Asian financial crisis of 1997. In 2001, there existed strong differences of opinion among some members of these different generations about the importance of their respective roles in assisting the struggle for independence, and the future roles their future roles in assisting the state-building process.

<sup>478</sup> Palmira Pires interview, Dili, 27 February 2004.

organisationally stronger than other Timorese groups,<sup>479</sup> also remained somewhat closed and suspicious of outsiders. As a result, FRETILIN's mistrust of its CNRT opponents from the Australia-based diaspora became projected onto Australia-based Timor solidarity activists who appeared to be more closely aligned politically to the Xanana camp. In some instances this made Australia-based activists active players in Timor's political contests for power, both willing and unwilling. Diagram 5 offers a basic outline of the UN recruitment pattern of Timorese personnel.



Criticism of recruitment processes for Timorese personnel and the process of politicisation needs to be balanced against the need to use a meritocratic approach which,

in theory, aimed to ensure that candidates selected would be able to complete their assignments effectively and professionally. There were not many internal FRETILIN members with the skills or experience to meet these recruitment criteria. Moreover this was a society that historically had regarded government employment as a sign of “upper class status”. Appointments to UN and government positions were particularly important given the high social standing they conveyed upon individuals. Not gaining employment led to the loss of social status, as well as exclusion from one of the few sources of a cash income.<sup>480</sup> The result was that frustrated, angry and unemployed locals who believed they were owed a special entitlement to jobs but were unable to secure employment argued that any recruitment for UNTAET, conducted by AVI and ETDA for example, was biased. This acted to politicise the whole process of recruiting future civil servants in ETTA (e.g. police).

The politicisation of recruitment processes was often based on gossip, rumour, or envy. However, it was also a fact that recruitment into key administrative positions had an important legitimisation function for those aspiring to power. Key administrative positions brought with them the potential to skew the evolution of political authority through guiding or influencing public attitudes and the attitudes of policy-makers within international organisations. By late 2001, when UNTAET was transferring administrative posts to Timorese, over half the officials appointed by the UN throughout the country at district and subdistrict levels were non-FRETILIN, and only two of the thirteen district administrators were FRETILIN party members.<sup>481</sup> As the closest administrative point to the majority of the population, these positions brought significant opportunities to shape popular thinking, as well as future voting patterns. Given de Mello’s early reliance upon CNRT figures associated with the Xanana camp, this amounted to an attempt by non-FRETILIN members to control the state-building project through emerging administrative structures.

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<sup>479</sup> Patrick Walsh interview, Díli, 18 February 2004.

<sup>480</sup> Employment profile inside Timor Leste: government service, approximately 17,000; NGO sector, approximately 3,000-4,000; private sector, approximately 500-1,000; co-operative agricultural schemes, unknown; subsistence agriculture, remaining population.

During the period of UNTAET, many subdistrict coordinators and some district administrators had limited authority, or legitimacy, in the eyes of villagers. Some argued this was the result of UNTAET failing to consider the role of traditional authority at local level and basing the selection of personnel upon CV qualifications and previous administrative experiences only.<sup>482</sup> This criticism, which focuses on notions of traditional or hereditary legitimacy, ignores CNRT power struggles that politicised recruitment processes. Villagers were often aware of leadership contests taking place at national level, but could not understand why the “correct political people” or those aligned with FRETILIN, were not appointed. It was often the case that Timorese, even if not members of FRETILIN, had an expectation that the party would “inherit power” as recognition for its activities supporting the liberation struggle inside the territory. It was, in this light, an acknowledgement of FRETILIN’s resistance legitimacy that also found its way into the Constituent Assembly elections of 2001.<sup>483</sup> Timorese making this argument stated they would vote for their own party in the future, but in the meantime the efforts of FRETILIN had to be recognised. That FRETILIN members were not appointed to positions in district and subdistrict administration therefore undermined the authority of UNTAET appointed officials because it did not “give face” to the “party of independence”.<sup>484</sup> Given FRETILIN’s relatively superior organisational party structure and greater levels of popular support, this also raised questions about UNTAET’s motivations. For example, how would these recruitment patterns work to the political advantage of the Xanana camp?

#### **4.4.2 FRETILIN Reactions**

FRETILIN became increasingly mistrustful of other opposition groups in CNRT. The party was particularly wary of individuals who were associated with support of the

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<sup>481</sup> Alessandro Righetti interview, Díli, 12 November 2001.

<sup>482</sup> Tanja Hohe interview, Díli, 9 November 2001.

<sup>483</sup> CEP District Staff Focus Group Discussion, Baucau, September 2001; CEP District Coordinator interview, Ermera, 27 October 2003.

Indonesian occupation, or those advocating integration into the archipelago. Aside from street level politicisation over recruitment processes, “political mistrust” did not demonstrate itself significantly at lower levels of the emerging public administration. It was, however, clearly visible at policy-making levels.

One example is found with João Saldanha from the East Timor Study Group (ETSG). Indonesian educated, Saldanha is among a handful of East Timorese with high levels of formal education, administrative skills and policy-making experience. In 1999, he was a CNRT participant at the Darwin meetings and contributed to developing the power-sharing proposals with UNTAET and endorsement of a strong presidential system. He was also selected as a participant to the World Bank led JAM.<sup>485</sup> Until the Constituent Assembly elections in 2001, Saldanha remained an influential voice contributing to policy development dialogue in CNRT and among donors after the CNRT’s dissolution. Moreover, he received support from organisations such as the World Bank and USAID through various think-tanks and research funding grants. He later became critical of UNTAET for ignoring early power-sharing proposals made by CNRT, for not shaping political development more than was the case and, in his opinion, allowing FRETILIN to create a one-party dominated state by transforming the Constituent Assembly into the country’s first parliament in 2002.

Saldanha, excluded from government policy-making after FRETILIN’s ascendancy in 2001, is evasive about the reasons for his exclusion and FRETILIN’s obvious mistrust of him, only saying: “your guess is as good as mine”. Saldanha comes from an APODETI family and has a brother that was a member of the Indonesian Parliament.<sup>486</sup> He published a thesis in 1996 on the benefits of integration with Indonesia, in which he argued independence was not in the best economic or political interests of the population. According to groups such as CPD-RDTL, Saldanha typified “opportunists” that

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<sup>484</sup> Nelson Belo interview, Baucau, 29 September 2001; and Angus T. Green interview, Baucau, 26 September 2001.

<sup>485</sup> João Saldanha, East Timor Study Group Director, interview, Díli, 12 December 2003.

<sup>486</sup> Patsy Thatcher discussion, Melbourne, 22 May 2005.

“switched sides” during the resistance by aligning with CNRT when independence seemed inevitable.<sup>487</sup> Figures such as Saldanha were judged differently from Timorese that worked as lower or mid-level bureaucrats within the Indonesian administration during the years of occupation. His intellectual advocacy influenced decision-making at high levels and was used to influence public opinion in favour of Indonesia, whereas civil servants only worked to implement policy defined by others. Such “legitimation” efforts worked against the initiatives of the international diplomatic front of the resistance who were arguing that the occupation was illegitimate in an effort to “de-legitimise” Indonesian rule in the eyes of the international community.

**Unfamiliar Territory.** Comprises that were made to survive the occupation, or to sometimes support the resistance, muddy the waters when considering issues of “political trust”. In the highly politicised social environment during Timor Leste’s chaotic stage of political development following 1999, it was common for Timorese to be accused of opportunism or “collusion with the enemy”, even when genuinely supporting the liberation struggle.

If we need to do something for the resistance some people had to work with the Indonesians. If you wanted to support the resistance you had to give the Indonesians information, so we don’t really know if informers supported the resistance more than they did the Indonesians.<sup>488</sup>

This type of uncertainty fed into Xavier do Amaral’s split with FRETILIN upon his return to Timor in February 2000. Xavier do Amaral was the first president of the party and had been arrested by FRETILIN on 7<sup>th</sup> September 1977 during the period of the party’s internal radicalisation from 1976 to 1979. Returning to Timor Leste after having been abroad for many years prior to 2000, do Amaral did not recognise most of FRETILIN’s Central Committee members. He believed that many joined the party because it was a vehicle through which to gain power and that most would “run away” if its popularity declined.<sup>489</sup> According to do Amaral, he therefore chose to recreate the

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<sup>487</sup> Aitahan Matak interview, Dili, 19 January 2004.

<sup>488</sup> Caetano Guterres interview, Dili, 27 February 2004.

Social Democratic Association of Timorese (ASDT). Xavier do Amaral's difficulties reflected problems confronted by other senior political figures returning to Timor Leste who were unfamiliar with internal developments, social changes, or influential political actors.<sup>490</sup> In this light, the early conflicts between CNRT's rival political groupings occurred, at least in part, because it took time for individuals to become familiar with one another. Nevertheless, at the elite level the Saldanha example demonstrates the nature of concerns about the territorial consolidation of an independent state in the post-conflict period. Unfamiliarity, power struggles between groups within CNRT, mistrust towards those suspected of being pro-Indonesian or ideologically hostile to FRETILIN, fuelled an environment of suspicion and political rivalry.

## **4.5 Power-Sharing and Responses to Leadership Dissatisfaction**

### **4.5.1 National Consultative Council and Social Grievance**

At the outset of the mission, UNTAET established narrow power sharing mechanisms with a handful of elite Timorese political and moral leaders. The National Consultative Council (NCC), created in December 1999, was limited to 15 members. It included UN personnel and appointed CNRT leaders.<sup>491</sup> It was composed of seven CNRT representatives, three representatives of other political groups, one representative of the Catholic Church in Timor, de Mello himself as SRSR, and three senior UNTAET officials. The NCC was designed to be a small body able to facilitate swift decision-making and responsiveness to emergency conditions because, along with a centralised administration, the UN believed centralised decision-making increased operational efficiency.<sup>492</sup> There were several additional reasons for limiting Timorese participation in decision-making: (1) there was no transitional administration to speak of at the outset

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<sup>489</sup> Xavier do Amaral interview, Díli, 8 January 2004. Ironically, later in 2005 it appeared that do Amaral ran away from his alliance with FRETILIN as the party's popularity appeared to wane.

<sup>490</sup> Dionísio Babo-Soares interview, Díli, 26 February 2004. This confusion was compounded by different leadership structures among the diaspora, FALINTIL's command and the diffuse cell structure of clandestine resistance groups.

<sup>491</sup> UNTAET, Regulation No. 2/1999, *On the Establishment of a National Consultative Council*, UNTAET REG/1999/02 (2 December 1999), <http://www.un.org/peace/etimor/untaetR/etreg2.htm>

<sup>492</sup> Gorjão (2002), p. 318.

of the mission; (2) the international community was focused on peacekeeping and humanitarian relief; (3) perceptions of CNRT varied from it being made of up of distinguished leaders, to harbouring left-wing groups waiting to seize power; (4) the UN had a limited understanding of the local political players, but was aware that internal divisions existed; (5) beyond a handful of well-known individuals, UNTAET was not sure who could help implement the missions' mandate; and (6) some internationals looked upon the destruction inside the territory as a product of the failed-state syndrome. This worked to limit the role of the NCC to that of an "appointed parliament" advising Timorese leaders about decisions made, whilst all the civilian institutional structures in UNTAET were headed by internationals.<sup>493</sup> During the humanitarian relief stage UNTAET had no desire for the NCC or Timorese civil society to contribute to its decision-making, which meant that the body did little more than to publicly endorse decisions being made by UN personnel. Instead, in accordance with de Mello's strategy of establishing elite political alliances, the selection of NCC members was based upon an assumption that those appointed brought with them the ability to moderate the grassroots through their respective power-bases or moral standing.

**Internal Political Tensions.** UNTAET's elite level alliance building excluded groups inside the territory and gave rise to a feeling that the UN was removed from local aspirations. Frustrations emerged, but not because the strategy was flawed. The composition of the NCC and the power it conveyed to CNRT groups represented on the NCC did not identify a representative formula that translated into widespread social "buy-in", or acceptance for UNTAET's efforts. Gusmão, the champion of the participatory democracy model, was accused of being a "puppet" legitimising UNTAET decisions so as to increase his own institutional power.<sup>494</sup> The CNRT delegation to the NCC, the largest single grouping, was dominated by FALINTIL members loyal to Gusmão.<sup>495</sup> FRETILIN, having already demonstrated its reluctance to become involved

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<sup>493</sup> Laura Bailey interview, Díli, 15 December 2003; and Jackie Pomeroy interview, Díli, 15 December 2003.

<sup>494</sup> Dionísio Babo-Soares interview, Díli, 26 February 2004.

with CNRT planning activities, withdrew from CNRT in August 2000 because it believed the umbrella body was being used to leverage the institutional standing of its political rivals.<sup>496</sup> This concern about institutional structures being used to leverage the standing of FRETILIN's opponents also extended to UNTAET's administrative structures. For example, FRETILIN members simply appeared "absent" from positions of authority in the district administrations, ostensibly because of meritocratic approaches to recruitment that led to the appointment of FRETILIN's rivals to act as partners or "contact personnel" between UNTAET and CNRT within the transitional administration.<sup>497</sup> Once FRETILIN withdrew from the CNRT, UNTAET personnel found themselves working almost exclusively with non-FRETILIN aligned Timorese in district administrations.<sup>498</sup>

#### **4.5.2 Leadership "Negotiations" – A United Strategy?**

In the context of growing internal political competition, the East Timorese political leadership across political divides demonstrated an ability to work together so as to gain more influence over the direction of state-building. "Resistance meetings" were organised regularly to identify strategies and tactics for wresting control from UNTAET.<sup>499</sup> In May 2000, once the humanitarian emergency had been stabilised and following the April Tibar conference, José Ramos-Horta visited Washington to voice protests with US Democratic Party House and Senate members reported to be some of the UN's "greatest defenders" within the American political system.<sup>500</sup> This was quickly followed by a meeting with Kofi Annan, secretary-general of the UN, during which Ramos-Horta demanded a fixed departure date for UNTAET.<sup>501</sup> At the same time, NCC members wrote letters threatening to resign *en masse* before the next UN donors

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<sup>495</sup> George Aditjondro, 'Post-Referendum Timor Loro Sa'e...', (2000), p. 32.

<sup>496</sup> *ibid.*, p. 36. Aditjondro suggests that the selection of the 33 CNRT National Council representatives was weighted towards non-FRETILIN members.

<sup>497</sup> Alessandro Righetti interview, Ermera, 12 October 2001.

<sup>498</sup> *ibid.*

<sup>499</sup> Manuel Tilman interview, Díli, 13 December 2003.

<sup>500</sup> José Ramos-Horta interview, Díli, 16 January 2004.

conference scheduled for June if more institutional control was not ceded to the Timorese.<sup>502</sup> At the end of May, Peter Galbraith, head of UNTAET's Department of Political Affairs, announced the beginnings of Timorisation with plans to establish the National Council (NC) and ETTA. By the June 2000 Lisbon Donors conference structures had emerged that provided concrete avenues for Timor Leste's political leadership to shape the state-building process.

Mári Alkatiri, Secretary-General of FRETILIN's Central Committee, and Timor Leste's Prime Minister from 2002 until his resignation in June 2006, argues these changes were a result of "brainstorming sessions, dialogue, and negotiations" between the Timorese leadership and UN internationals seeking to find a "creative solution" for greater collaboration.<sup>503</sup> Dionísio Babo-Soares, writes that UNTAET:

[S]uccessfully oriented and adjusted themselves to comply with the greater demand for power-sharing by the East Timorese...Their political interaction [was] not necessarily antagonistic, but complementary in character...the local political players [could] exercise their rights only if UNTAET allow[ed] them to do so and, on the contrary, UNTAET [could] only operate if it actively cooperate[d] with the local political players...the political transition in East Timor [was] shaped by the interplay between UNTAET and the East Timorese civil and political communities.<sup>504</sup>

The principal argument used by Timorese to find creative solutions giving them more control over the state-building process was that: a viable state could not be established by UN personnel from dozens of countries that brought with them different cultures and experiences, most of whom had little or no understanding of Timorese history and needs.<sup>505</sup> There emerged a united position by the collective leadership of the CNRT that

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<sup>501</sup> Gorjão (2002), p. 319.

<sup>502</sup> José Ramos-Horta interview, Díli, 16 January 2004; Laura Bailey interview, Díli, 15 December 2003; Jackie Pomeroy interview, Díli, 15 December 2003.

<sup>503</sup> Mári Alkatiri, Prime Minister of the Democratic Republic of Timor Leste, interview, Díli, 12 February 2004.

<sup>504</sup> Dionísio Babo-Soares, 'Successes, Weaknesses and Challenges....' (2001), pp. 1-3.

<sup>505</sup> Mári Alkatiri interview, Díli, 12 February 2004. Part of these tactics included the argument of a neo-colonial administration that was imposing alien Western systems. David Mearns notes that such can "take the form of an apparent celebration and advocacy of an indigenous worldview. Of course, the new ruling

a speedy transition was needed from emergency operations to development and state-building so as to prevent a “dependency model of government” becoming entrenched in the minds of the population.<sup>506</sup> There were already signs this was occurring with the high expectations that UNTAET should match the level of government services provided by Indonesia or that it should provide material for local reconstruction efforts.<sup>507</sup> It was believed that an independent government would be unable to meet such expectations, and the longer the UN was in control the greater those expectations would become.

#### **4.5.3 The National Council (NC), First Transitional Cabinet, and the East Timor Transitional Administration (ETTA)**

In July 2000, the NCC approved a regulation transforming itself into the National Council (NC). Its membership expanded to 33 individuals (later 36), which represented a broader political, social, and private sector cross-section of Timorese society, including pro-autonomy groups. NC members were appointed by the SRSG based on popular nominations from the CNRT, with Gusmão appointed as its head.

The creation of this new decision-making body was not without problems. After its creation FRETILIN members suggested that the selection process was dominated by non-FRETILIN figures and presented this as the central reason for the Party’s withdrawal from the CNRT a month later in August. Others suggested that, once Mári Alkatiri and Ana Pessoa secured the key portfolios of Economic Affairs and Internal Administration in the First Transitional Cabinet, FRETILIN no longer felt it necessary to cooperate with rival groups.<sup>508</sup> The First Transitional Cabinet was sworn in on 15 July 2000, with portfolios split between senior UNTAET personnel and Timorese leaders. The positions held by Timorese related to development or institutional matters, while UNTAET

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class usually seeks to control which parts of the indigenous traditional will be promoted and incorporated into the positively sanctioned national identity they seek to promote and which parts will be excluded”, David Mearns, *Looking Both Ways: Models for Justice in East Timor* (Sydney: Australian Legal Resources International, 2002), p. 5.

<sup>506</sup> Informant Number 5.

<sup>507</sup> Barbara Lule interview, Ermera, 6 November 2001.

<sup>508</sup> Palmira Pires interview, Dili, 27 February 2004.

retained control over areas relating to security, rule-of-law, political affairs, and financial control of budgetary matters.<sup>509</sup> UNTAET's Governance and Public Administration Pillar (GPA) was transferred to the newly established East Timor Public Administration (ETTA) as the beginning of capacity-building for self-government.<sup>510</sup> The government departments of UNTAET's public administration pillar became the foundations for future ministries within ETTA and were placed under the responsibility of the Transitional Cabinet resulting in FRETILIN gaining significant control over the nascent public administration. Nevertheless, the process was a gradual shift towards greater local control over state-building and formed part of an important tutelage process in self-government. The new co-administration approach was, in the words of José Ramos-Horta, "an ideal solution for Timor Leste's transition to independence" that provided "clear institutional mechanisms" for shaping state-building and policy development.<sup>511</sup>

Although clear institutional mechanisms for power-sharing between UNTAET and the Timorese were created, there existed other obstacles to power-sharing that were not so easily resolved. "Policy entrepreneurialism" of UN staff, or actions designed to "put on the best face" to promote the careers of UN staff and consultants, meant that Timorese officials still faced an uphill battle to take real control of the embryonic public administration.<sup>512</sup> Continuing tensions between East Timorese and internationals led to

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<sup>509</sup> 'UNTAET, East Timor Shapes New Cabinet and Legislative Body', *Tais Timor*, 24 July- 6 vol. I, no. 12 (August 2000), p. 1. The NC was originally five members but was expanded in October 2000 to include José Ramos-Horta as member in charge of Foreign Affairs. International Cabinet Members included: Peter Galbraith in charge of Political Affairs; Jean-Christian Cady, the Deputy Special Representative of the Secretary-General in charge of Police and Emergency Services; Judge Gita Honwana-Welch responsible for Justice; Michael Francino in charge of Finance. National Cabinet Members included: Mári Alkatiri overseeing Economic Affairs; Ana Pessoa responsible for Internal Administration; João Carrascalão overseeing Infrastructure; Father Filomeno Jacob dealing with Social Affairs; and José Ramos-Horta in charge of Foreign Affairs; and José Ramos-Horta in charge of Foreign Affairs..

<sup>510</sup> United Nations Development Programme, *Ukun Rasik A'an – The Way Ahead: East Timor Human Development Report 2002...*, p. 33.

<sup>511</sup> See 'UNTAET Considers Alternative Proposals for East Timor Administration', *Tais Timor*, 12-25, vol. I, no. 9 (June 2000), pp. 1,5; and Beauvais (2001), p. 1129.

<sup>512</sup> Susannah Linton notes that UN consultation with the East Timorese leadership in both the NCC, and later NC, on drafting UNTAET regulations establishing a transitional rule-of-law was minimal, see Susannah Linton, *Rising From the Ashes: The Creation of a Viable Criminal Justice System in East Timor*, *Melbourne University Law Review*, 25 (1), April 2001, pp. 122-180.

further rounds of “negotiations” to find “creative solutions” by the NC, which threatened to resign before the Brussels donors conference scheduled for December. Gusmão contributed to these efforts in his New Year’s Eve 2000 address to the nation,

Foreigners should bear in mind that the essential condition for their operational success is to be aware that they do not come to save East Timor but rather to fulfil a mission of support.<sup>513</sup>

International personnel were unwilling to take a secondary role or subordinate to the authority of East Timorese inside ETTA. This sometimes revolved around self-perceptions of superiority given their higher levels of education, qualifications, and professional status. It also stemmed from a disjuncture between UNTAET’s conflicting governance mandates. DPKO personnel were more comfortable and familiar with a direct implementation approach used in emergency operations. This approach proved ill-suited for capacity-building, or for transferring administrative control as called for in UNTAET’s state-building mandate.<sup>514</sup>

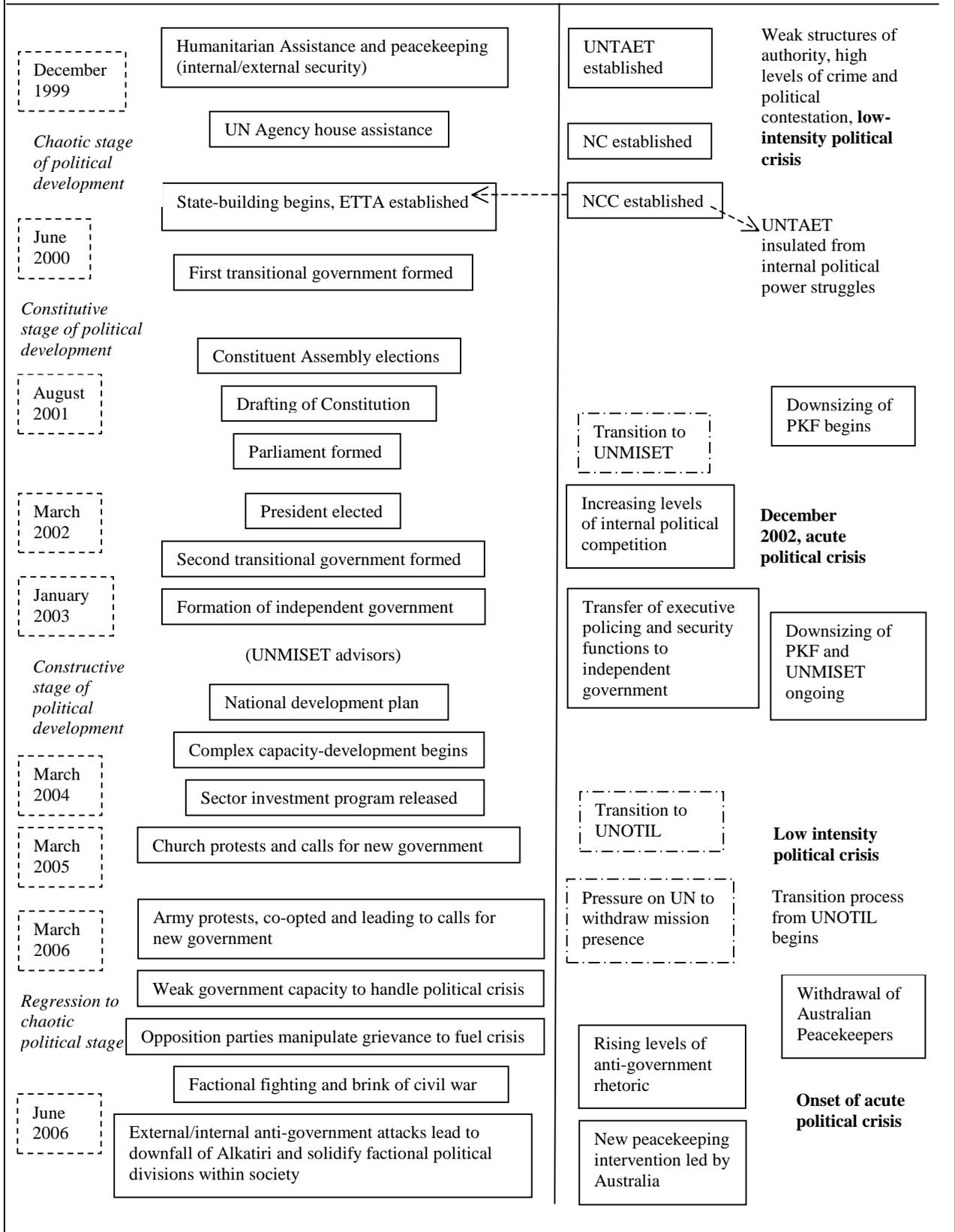
Together with the discussion in Chapter 3 outlining the development of a “two-track” transitional administration (UNTAET/ETTA), Diagram 6 below outlines the political development process through different stages of political reconstruction between December 1999 and January 2005.

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<sup>513</sup> Xanana Gusmão, ‘New Year’s Message by Kay Rala Xanana Gusmão’ (Díli: December 31, 2000).

<sup>514</sup> Kieran Dwyer interview, Díli, 16 November 2001.

**Diagram 6 – Stages of Political Transition, Reconstruction, and Crisis (dates approximated)**



#### 4.5.4 Civil Unrest and Advocacy NGOs

Once the NC and ETTA were established, NGOs raised concerns that the transition process was being rushed because “the international community [was] more concerned about the appearance of success than facilitating the creation of democratic and sustainable mechanisms of self-government”.<sup>515</sup> Anger was directed at the influx of UN personnel “strutting around like they owned the place” and community frustrations were fuelled by over-inflated reporting of pay discrepancies between locals and UN staff.<sup>516</sup> In August 2000, Aid Watch, an advocacy NGO monitoring the use of international aid funds, wrote:

Despite having hundreds of millions of US dollars available, UNTAET has achieved very little. Díli has seen little reconstruction outside of UN office buildings...globalisation agencies do not share the vision for East Timor that motivated the 24-year resistance...Whether by deliberate policy or ignorance, these agencies will discourage the strong indigenous democratic movement led by FRETILIN.<sup>517</sup>

Beyond the goal of independence itself, there was in fact great difficulty in discerning a “single” vision of independence which motivated the resistance. CNRT was divided and lacked consensus about the shape of the future administrative and democratic system. Moreover, by failing to recognise the operational constraints of establishing a transitional administration while responding to a humanitarian emergency, advocacy groups often put forward unrealistic expectations about what UNTAET could achieve.

Advocacy group attacks culminated in “A Popular Challenge to UNTAET’s Achievements”.<sup>518</sup> It was issued by critical NGOs and Timorese civil society members at

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<sup>515</sup> La’o Hamutuk, ‘Issue Focus: Reconstruction & Transition: What are the Next Steps?’, *The La’o Hamutuk Bulletin*, vol. 2, no. 4 (July 2001), p. 1 <http://etan.org/lh/bulletinv2n4.html> (22 June 2002).

<sup>516</sup> In relative terms UN professional staff from developing countries that earned US\$ 70,000 per year certainly made a “fortune”, but the same pay rate for a professional from a country such as the United States was often “just enough” to cover home costs, particularly if supporting a family with children, Patrick Burgess interview, Díli, 23 January 2004.

<sup>517</sup> Peter Murphy, ‘East Timor Let Down by UNTAET and Australia’, *Aid Watch*, Aid/Watch no. 20 (August 2000), p. 8.

the La' o Hamutuk and Yayasan Hak compound in October 2001. The challenge argued that UNTAET failed in all 20 major accomplishments declared by UNTAET in September 2001. This included failures with the establishment of peace and security, addressing humanitarian needs during the emergency period, creating government structures through ETTA and power-sharing arrangements with the NC, development of defence and police services, establishment of a civil service and so on. It went on to argue that de Mello, as head of UNTAET, should be held accountable for failures and removed from office to allow an honest accounting of the UN's achievements.

La' o Hamutuk was the most consistent voice of criticism against international organisations because of its role as a development "watchdog". Its staff comprised of young local Timorese together with internationals from countries such as Portugal, Australia, Indonesia, and the United States.<sup>519</sup> The broader solidarity activist community in Timor Leste was equally diverse, held varying ideological outlooks, and different ideas about what they believed a future Timor Leste should look like. However, at a general level many appeared to adopt what Bjorne Hettne calls a "Green ideology" approach to development,

[A] contemporary synthesis of neo-populist and neo-anarchist ideas that were revived in the 1960s forming part of the New Left movement in the US and Europe, and later to be merged with ecology and peace movements. These ideas bear a certain resemblance to the classical populism and anarchism in urging for community (*Gemeinschaft*) and in their distaste of industrial civilisation.<sup>520</sup>

It was common for solidarity activist groups to express opposition to the World Bank's neo-liberal economic reconstruction strategies and the sort of economic system, they believed, the World Bank hoped to introduce to Timor Leste.

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<sup>518</sup> 'A Popular Challenge to UNTAET's Achievements', NGO Forum, 14 September 2001.

<sup>519</sup> For further discussion see Simpson (2004), p. 459.

<sup>520</sup> Bjorn Hettne, *Development Theory and the Three Worlds* (England: Addison Wesley Longman Limited, 1995), p. 166. See also Andrew Dobson, *Green Political Thought: An Introduction* (London: Routledge, 1989), pp. 3-11. Hettne argues that many ascribing to these views come from middle-class origins and,

Like CNRT, advocacy groups and solidarity campaigners experienced difficulty adjusting to the reality of state-building challenges.<sup>521</sup> Kaplan notes that,

One NGO may be struggling with the transition in “attitude” from resistance to responsibility, in the wake of a political transition, while another NGO...may be dealing with attitudinal issues which it refers to as organisational culture, issues of meaning, principle and motivation.<sup>522</sup>

La’o Hamutuk, for example, appeared to employ advocacy methods similar to those used by advocacy groups to pressure Western governments into supporting the Timorese during the years of resistance. In reference to the broader advocacy community, UN officials later argued that solidarity activists believed that by taking the role of watchdog over the international aid industry, their own actions were “perfect, immune from criticism and without consequence”. Moreover, it was argued this grew from “morale arrogance”, which translated into “irresponsible activism” that was counter-productive to state-building.<sup>523</sup>

The monitoring activities of activists sometimes bordered on propaganda advocating the construction of a state based upon loosely articulated principles of alternative development and participatory democracy.<sup>524</sup> For example, Jonathan Morrow, former legal advisor for UNTAET, argues that criticisms,

[W]ere not accurate, bore no relation to the views of the majority of East Timorese, and moreover [were] dangerously close to the anti-UN invective of the fugitive East Timorese militia groups in West Timor, who

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citing Kitching, claims “they all want the impossible, namely the conditions of bourgeois existence without the necessary consequences of those conditions”, Hettne (1995) p. 167.

<sup>521</sup> Patrick Walsh interview, Díli, 18 February 2004.

<sup>522</sup> Allan Kaplan, *The Development of Capacity* (Geneva, Switzerland: UN Non-Government Liason Service, 1999).

<sup>523</sup> Patrick Burgess interview, Díli, 23 January 2004.

<sup>524</sup> Defined as a “deliberate attempt by some individual or groups to form, control, or alter the attitudes of other groups by the use of the instruments of communication, with the intention that in any given situation the reaction of those so influenced will be that desired by the propagandist...In the phrase ‘the deliberate attempt’ lies the key to the idea of propaganda. This is the one thing that marks propaganda from non-propaganda...any act of promotion can be propaganda only if and when it becomes part of a deliberate campaign to induce action through the control of attitudes”, Terence H. Qualter, *Propaganda and Psychological Warfare* (New York: Random House, 1962), p. 27, cited in Kalevi J. Holsti, *International Politics: A Framework for Analysis* (New Jersey: Prentice Hall, 1988), p. 193.

[were] prepared to assume the identity of anti-colonialists, ashamed no doubt of the fact that they were serving interests of the real colonial threat to East Timor [Indonesia].<sup>525</sup>

Ultimately, the focus that advocacy groups gave to international aid meant that they gave little serious consideration to local social and political realities. In turn, this prevented the development of workable alternatives to the strategies being used by UNTAET or the Timorese leadership. More importantly, all too often the nature and tone of criticisms fuelled frustrations among Timorese that threatened to undermine political stability and contribute to a social breakdown in Díli during the early transitional period. Ironically, such a breakdown would have been used by the Indonesian government to support its rationale for the invasion of 1975 and to buttress explanations it offered for the causes of militia violence in 1999: that it was a product of intra-Timorese conflict. It was only through speedy humanitarian relief efforts, rapid moves on state-building, UNTAET's position as an outside arbitrator to state-building and the moderating influence of key Timorese leadership figures that "irresponsible activism" did not have destructive consequences during the early stages of state-building.

#### **4.6 Summary Discussion**

Did the Timorese leadership really "buy-in" to UNTAET's plan for state-building? The evolution of CNRT's own strategic planning, the violence leading up to and during September 1999 and the CNRT's need to work through the referendum's political obstacles, suggest otherwise. Rather than buying-in to DPKO's focus on humanitarian relief and peacekeeping, the Timorese leadership was itself focused on the same issues to ensure security and stability before progressing to state-building. Even then, state-building was poorly defined and focused mainly on creating core administrative structures which could be developed following elections for the Constituent Assembly and the drafting of a national constitution. In other words, DPKO's strategic plan paralleled that of CNRT's leadership.

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<sup>525</sup> Jonathan Morrow, 'The Development of the Constitution of East Timor: A UN Perspective', paper presented at 10<sup>th</sup> Annual Conference Australian & New Zealand Society of International Law, New

The early transitional period following the humanitarian emergency was accompanied by contested social transformations and acute economic pressures, which created a volatile social environment. Early social pressures were exacerbated by advocacy NGO criticisms directed at neo-colonial control exerted by UNTAET that relegated East Timorese to “second class” status in their own land. As a result, a popular perception emerged that the creation of UNTAET and the subsequent manner in which UN personnel went about their business was the greatest reason Timorese turned to the streets of Díli to protest. The early transitional period also saw the rise of numerous internal competitions for power and authority along political cleavages that existed within East Timorese society and the resistance, prior to 1999. As an umbrella organisation CNRT was fragmented, secretive, confronted with numerous internal struggles framed around unresolved ideological differences from the 1975 period and was ill-suited to act as an institutional partner for UNTAET. The CNRT admitted to some of these issues when, following its national congress in August 2000, it noted the only way to ensure broad representation of Timor Leste’s social and political groups was through democratic elections.<sup>526</sup>

In the midst of political rivalry, the Timorese leadership became united in their push for a speedy transfer of power from UNTAET to the Timorese leadership so as to ensure a viable state was constructed. Dionísio Babo-Soares argues that CNRT’s dominant political groups tried to oust UNTAET as quickly as possible.<sup>527</sup> Perhaps it would be more accurate to suggest that even though CNRT was internally divided its dominant players sought to speed the transitional process, to avoid a dependency model of government, to gain greater control of state-building and to retain an international peacekeeping presence in an effort to provide a safe space for state-building to progress. It appears that all players agreed there was a need to quickly build the basic foundations

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Challenges and New States: What Role for International Law, 14-16 June 2002 (Australia and New Zealand Society of International Law, June 2002).

<sup>526</sup> *Outcomes of the CNRT National Congress, 21<sup>st</sup> to 30<sup>th</sup> August 2000*. CNRT. Díli: Timor Leste.

<sup>527</sup> Dionísio Babo-Soares, ‘Successes, Weaknesses and Challenges...’, (2001), p. 7.

of a modern democratic state and in a manner that would ensure its long-term viability. There was broad acceptance among Timor Leste's leadership that it would only be after elections and the formation of a government that would set the development agenda such to allow the complex capacity-development of state institutions and consolidation of the political system to occur.<sup>528</sup> The creation of ETTA and the introduction of greater power sharing mechanisms therefore speeded state-building and made it possible for UNTAET to slightly extricate itself from its early politicisation. This allowed it to oversee the transition to independence as more of a neutral arbitrator to Timor Leste's internal struggles.

While united in pushing for a speedier handover of power, CNRT's dominant camps believed that each would secure political control during the process of transition. FRETILIN, well-established at the local level through its party structure, seemed confident that through democratic elections it would win power. CNRT's non-FRETILIN groups, having secured institutional leverage within CNRT and UNTAET, believed they could engineer electoral victory. In this context UNTAET's recruitment of diaspora Timorese became politicised and threatened to undermine its ability to act as a neutral arbitrator for state-building, because UNTAET itself became a party to internal power struggles. FRETILIN was itself being outmanoeuvred and this became a campaigning strength during the Constituent Assembly elections of 2001, because it was able to capitalise upon popular disaffection for its own political ends.

Often playing a crucial role in moderating protestors on the streets of Díli, Timor's political "chess masters" were also known to manipulate or create social grievance. The manipulation of social grievance was not in opposition to state-building or even the difficulty UNTAET encountered with handing over real control to the Timorese, but rather formed part of the strategic manoeuvring for power taking place among Timor Leste's elite groups. De Mello's approach of gradually transferring authority therefore

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<sup>528</sup> Manuel Tilman interview, Díli, 13 December 2003.

“bought time” for the stabilisation of society and elite conflict, which allowed for the free and fair multi-party democratic elections in 2001.<sup>529</sup>

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<sup>529</sup> Beauvais (2001), p. 1133.

## **Chapter 5 – UNTAET’s Missing Link: The Community Empowerment and Local Governance Project (CEP)**

When UNTAET spent billions why dedicate a chapter to the Community Empowerment and Local Governance Project (CEP), a project that amounted to US\$ 19 million, in the context of recovery from a humanitarian crisis? CEP encapsulated UNTAET’s focus on peacekeeping and building central institutions of state, fluid political and institutional change, elite level conflict, fractured local authority, and massive international rivalries. This is not so much an examination of the CEP as a development project, but rather the role of local government institutional development in post-conflict multi-dimensional peacekeeping operations, perhaps the most neglected area of the UN’s post-conflict institutional development efforts. In this sense, CEP promised to “round off” state-building by focusing on local governance issues. Additionally, from the signing of the formal grant agreement on 21 February 2000,<sup>530</sup> it operated for four years and spanned several phases of Timor Leste’s transition to independence. It provides a platform through which to examine the interactions between UNTAET, the international aid community, the World Bank, and the East Timorese.

The experiences shaping UNTAET’s approach to the grass-roots and local level institutional structures were divergent. They sometimes appear disconnected from the realities confronting Timor Leste following September 1999. The UN brought with it particular assumptions about political state-building challenges that had their roots in the failed-state syndrome and post-conflict environments. This stood in contrast to the World Bank’s experiences with local government development in the form of the CEP which adopted a development framework that appeared divorced from the political challenges arising from post-conflict reconstruction in failed-states. Was either of the approaches relevant to the state-building challenges facing Timor Leste, and how did they relate to the strategies of the Timorese leadership? This chapter tries to bring these different streams together by considering the competing views over the CEP’s

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appropriate place in UNTAET's state-building efforts. This is followed by an examination of the institutional, political and social structures that informed local government development during the early transitional period. CEP has usually been examined through a development project lens. Here it is viewed primarily in the context of post-conflict reconstruction efforts, and what, if any, contributions it made to stabilise the political conflicts taking place within Timorese society. Examining it through this lens makes it possible to identify the appropriate sequencing of participatory interventions along a political reconstruction time-line in post-conflict, multi-dimensional peacekeeping missions that are mandated to undertake state-building and institutional development (and potentially non-UN administered post-conflict recovery environments).

## 5.1 Battlegrounds for Political Control

In earlier UN peacekeeping operations deployed into countries that had slipped into a chaotic stage of political development the "local level" was often a political battleground for groups competing for national level control. These battles typically manifested themselves in the form of violent zero-sum winner take all competition. In Somalia and Cambodia weak state structures imposed on fragmented social systems gave rise to factional conflict or state-collapse followed by UN peacekeeping interventions.<sup>531</sup> In Yugoslavia a strong state superimposed overtop unresolved political and ethnic divisions gave rise to exclusion and violent conflict framed around notions of ethnic nationalism.<sup>532</sup> Like academics attempting to explain the causes of the humanitarian emergencies of the

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<sup>530</sup> World Bank, 'Rebuilding East Timor at the Local Level', 22 February 2002 <http://wbln0018.worldbank.org/new.../9918e03a2a1cb8ea8525688d0062ffaf> (12 June 2002).

<sup>531</sup> For further discussion see Pierre Lizée, *Peace, Power and Resistance in Cambodia: Global Governance and the Failure of International Conflict Resolution* (London: Macmillan Press Ltd., 2000), pp. 30-32; Sorpong Peou, 'Cambodia', in J. Funston (ed.), *Government and Politics in Southeast Asia* (Singapore: Zed Books, 2001), p. 70; Peou (2001), pp. 159-160; Durch (1997), pp. 313-315; Chopra (1999), pp. 132-136; and Von Hippel (2000), pp. 56-61.

<sup>532</sup> For a history see, Phyllis Auty, *Tito, A Biography* (London: Longman Group Limited: London, 1970), pp. 229-245; Muriel Heppell and F. B. Singleton, *Yugoslavia* (London: Ernest Benn Limited, 1961); Duncan Wilson, *Tito's Yugoslavia* (Cambridge: Cambridge University Press, 1979); Nora Beloff, *Tito's Flawed Legacy: Yugoslavia and the West, 1939 to 1984* (London: Victor Gollanze Ltd: London, 1985).

1990s, Sabine Kurtenbach believes the causes of state-failure were common: “extreme social inequality, the lack of political participation, and government repression”.<sup>533</sup>

In each of the countries cited above minority groups were often repressed or ignored, and political conflict took on forms where “power is gained by force, with all benefits accruing to the winner”.<sup>534</sup> Although these states became independent at different times, as their political systems evolved their dominant groups acquired high degrees of political control. The manner by which elites sought to retain power alienated other ethnic or social classes, thus undermining the legitimacy of existing governments and their regimes.<sup>535</sup> The ensuing internal struggles took on asymmetrical patterns of political conflict, with perhaps the exception of Cambodia. In offering a structural explanation for the rise of ethnic nationalism, Bjerne Hettne argues,

[In] situations of “internal colonialism”... there is a strong correspondence between economic structure and ethnic distribution/stratification [The centre becomes] the bases for nation-building, whereas excluded people in the backwash or marginalised regions are the reluctant citizens. Their protests are often expressed in ethnic terms, since this, typically, is the only mode of social organisation known to them.<sup>536</sup>

Attempts to reconstitute central political authority after periods of intrastate conflict were confronted with similar power struggles among local leaders in the countries cited above. At the sub-national levels, local government structures, communes or community councils, were contested battlegrounds for aspiring leaders that sought to secure control.<sup>537</sup> At the national level, ethnic elite, clan-based warlords, or factional leaders

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<sup>533</sup> Sabine Kurtenbach, ‘The Central American Conflict System: External Players and Changing Violence’, in T. Debiel and A. Klein (eds.), *Fragile Peace: State Failure, Violence and Development in Crisis Regions* (London: Zed Books, 2002), p. 131.

<sup>534</sup> Axel Klein, ‘The Horn of Turbulence: Political Regimes in Transition’, in T. Debiel and A. Klein (eds.), *Fragile Peace: State Failure, Violence and Development in Crisis Regions* (London: Zed Books, 2002), p. 165.

<sup>535</sup> For examples see Chopra (1999), p. 136; and Peou (2001), pp. 159-160.

<sup>536</sup> Hettne (1995), pp. 7, 195-196.

<sup>537</sup> For further discussion see International Crisis Group, *Cambodia: The Elusive Peace Dividend* (Phnom Penh: ICG Asia Report. no. 8, 11 August 2000), p. 24; International Crisis Group, *Cambodia’s Flawed Elections...*, (1998), p. 19; Chopra (1999), p. 158; International Crisis Group, *Is Dayton Failing? Bosnia*

attempted to secure political dominance. This sometimes led to renewed forms of violent horizontal conflict between factional groups in society, and vertical conflict between factional groups and their rivals controlling the state. Post-conflict state-building efforts did not facilitate the emergence of “healthy” polities and constructive citizenship among populations. Instead, external aid strengthened predatory governance behaviours and led to “negative” peace framed around “insecurity dilemmas”. In the case of Bosnia-Herzegovina the factors that gave rise to intrastate conflict became institutionalised, in Somalia attempts to rebuild the state failed, while in Cambodia the political system remained somewhat predatory.<sup>538</sup>

How did the patterns of political conflict found in Timor Leste relate to those described? On the one hand, local dynamics during the period of Portuguese rule were similar to those found in post-colonial systems on the African continent. There, dominant groups took command of colonial administrations that had been superimposed over the top of fragmented local systems. Timor Leste’s colonial-era *mestiço* elites were, in this sense, a dominant minority set to inherit power from the Portuguese in 1975. On the other hand the Indonesian occupation fuelled Timorese nationalism by imposing its administrative rule in a far more intrusive and repressive manner than had the Portuguese. Within the context of the theoretical framework outlined in Chapter 2, Indonesia could be classified as a strong state with a highly centralised system and a predatory regime. The country was not in serious danger of failing, but the system of governance did create pressures for the rise of secessionist movements. Following the August 1999 Popular Consultation, in the context of a UN peacekeeping mission, Timor Leste was moved further along the line of post-conflict political reconstruction by the removal of the Indonesian state apparatus

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*Four Years After the Peace Agreement* (Sarajevo: ICG Balkans Report no. 80, 28 October 1999), p. 1; International Crisis Group, *Bosnia’s Municipal Elections 2000: Winners and Losers* (Sarajevo: ICG Balkans Report no. 91, 27 April 2000), p. 8; International Crisis Group, *Preventing Minority Returns in Bosnia Herzegovina: The Anatomy of Hate and Fear* (Sarajevo: ICG Europe Report no. 73, 2 August 1999), p. 16; and International Crisis Group, *War Criminals in Bosnia’s Republika Srpska: Who Are the People in Your Neighbourhood?* (Sarajevo: Europe Report no. 103, 2 November 2000), p. 1-2.

<sup>538</sup> For example, in Somalia attempts to reconstitute central political authority met with failure because of elite clan-based factional competition. Instead, day-to-day governance continued to be carried out “at the neighbourhood level by informal systems and clan-based Sharia courts”, International Crisis Group, *Somalia: Combating Terrorism in a Failed State* (Nairobi: ICG, Africa Report no. 45, 23 May 2002), p. 6. On Cambodia see Shawcross (2000), pp. 184, 363.

and the changing nature of internal conflicts. Timor Leste was both a case of a fragmenting state in the Indonesian context and a successful post-colonial liberation struggle. The success of the resistance thus proved a kind of political “throw back” to Timor Leste’s decolonisation process of 1975. In referring to other liberated countries, Gusmão also pointed to the relevance of these dynamics for Timor Leste’s state-building,

[W]e [the Timorese leadership] believed basically that independence did not bring sensitive improvements to the lives of people, thus creating social and economic gaps between societies, which with time became profound reasons to validate political demands.<sup>539</sup>

Timor Leste’s post-1999 internal political divisions, which had some parallels to the social divisions of 1975, were the lines along which local actors could seek control of the state-building process through institutional mechanisms.

This possibility greatly influenced the manner in which UNTAET engaged with Timorese political actors. UN post-conflict state-building efforts were commonly confronted by competition for power in which elites sought to access wealth *via* control of the central state apparatus and local administrative structures during constitutive periods of political reconstruction. These experiences informed a standard peacekeeping strategy employed by DPKO that revolved around security and facilitating conflict resolution, or “crisis” management”, between factional leaders competing for power.<sup>540</sup>

In contrast to managing elite level political competition, a stream of thought emerged among some academics who argued that the dynamics underpinning intrastate conflict required post-conflict bottom-up political reconstruction strategies. This, it was theorised, would allow populations to participate in “decision-making processes” in a “participatory, democratic culture”.<sup>541</sup> Local government and decentralisation would be

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<sup>539</sup> Xanana Gusmão, ‘Timor Leste in Asia and in the World’, Keynote Address by H.E. Kay Rala Xanana Gusmão, President of the Democratic Republic of Timor Leste On the Occasion of the Asia Society and East Timor US Society Luncheon (Washington: 7 December 2004), p. 2.

<sup>540</sup> Suhrke (2001). Suhrke argues the UN brought with it standard mission operating procedures and principles influenced by the DPKO peacekeeping framework.

the crucial elements of this new approach because these elements would foster the emergence of a “social contract” between a state and its population, build “constructive citizenship”, and increase the overall legitimacy and cohesiveness of states undergoing post-conflict reconstruction. In developmental terms, this involved complex institutional engineering that would transform the cultural, political, social, and economic structures that gave rise to violent conflict or man-made humanitarian emergencies.<sup>542</sup>

## 5.2 CEP – The “Missing Link”

As discussed in Chapter 3, did the premises underpinning centralisation vs. decentralisation of UNTAET’s administration differ from one another? Not really. They were competing views of how best to frame international responses to conflict dynamics that gave rise to the intrastate conflicts of the 1990s. These views were buttressed by ideas of fragmented political authority and predatory political systems underpinning intrastate conflict or humanitarian emergencies. The most significant difference was found with Chopra’s categorization of stages of political development in post-conflict societies and the most appropriate types of interim UN administrations for guiding a transitional political reconstruction process. However, the premises underpinning decentralisation of UNTAET were developed for an orderly transition expected with UNAMET. Using Chopra’s own typologies, this suggests that initial plans for decentralisation were no longer well-matched to the chaotic social conditions inside Timor Leste following September 1999.

Chopra still considered decentralising UNTAET’s administration to be a critical “evolutionary step” to more comprehensive, and participatory, forms of complex peacekeeping.<sup>543</sup> The aim was to create strong district administrations that would be responsive to local communities. This was to be achieved by “breaking chains of

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<sup>541</sup> Andreas Mehler, ‘Decentralisation and Crisis Prevention’, in T. Debiel and A. Klein (eds.), *Fragile Peace: State Failure, Violence and Development in Crisis Regions* (London: Zed Books, 2002), pp. 78-81. See also Adams and Hess (2001); and Vigoda and Golembiewski (2001).

<sup>542</sup> Hettne (1995), p. 15.

<sup>543</sup> Jarat Chopra interview, Díli, 7 September 2001.

command”, so as to make departmental or agency representatives accountable to internationally appointed district administrators (DA), rather than officials centred in Dili.<sup>544</sup> To this end, elaborate terms of reference were drafted for the recruitment of DAs that were later “watered down” to essentially mean nothing” during DPKO’s mission planning for UNTAET.<sup>545</sup> Promoting responsiveness to local needs would also be achieved by rehiring UN personnel who had already developed links with, and knowledge about, the Timorese community during the UNAMET mission. Many of these personnel had either left or were not hired after UNTAET was deployed.<sup>546</sup> Chopra, the main advocate of this approach which sought to foster bottom-up participation in state-building, also saw the Community Empowerment and Local Governance Project (CEP) as the “missing link” in the evolution of participatory peacekeeping interventions.<sup>547</sup> The CEP aspired to introduce institutional mechanisms allowing community input to state-building. This would foster a sense of constructive citizenship, thereby increasing the political legitimacy of the state being constructed and contribute to the healthy consolidation of national level state authority.

The numerous objectives noted in CEP documentation show that it was a highly ambitious development project launched when the country’s people were still recovering from a humanitarian emergency. The project’s objectives included: empowering villagers by creating a participatory framework for village development planning; delivering quality, cost efficient, and sustainable projects; assisting vulnerable groups; providing an institutional foundation that would encourage villagers to expect downward patterns accountability from higher level community and government officials; reduce poverty; support inclusive patterns of growth; raise rural income; strengthen local institutions and provide village mechanisms to coordinate external development assistance. To achieve these objectives *suco* councils, with equal male and female

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<sup>544</sup> *ibid.*

<sup>545</sup> *ibid.*

<sup>546</sup> Jarat Chopra, ‘Resignation Letter...,’ (2000), p. 2.

<sup>547</sup> *ibid.*

membership, were formed through democratic elections. Community representation also extended upwards. Subdistrict and district councils comprised of appointed representatives drawn from elected *suco* councils. This established community representation at three levels: *suco*, subdistrict, and district. Councils were to identify, plan and implement social and infrastructure development projects with donor funds that would be distributed through CEP and UNTAET mechanisms. Funds distribution was designed to occur in a transparent manner that would facilitate downward patterns of accountability, broad community participation, and empower villagers by creating a sense of community ownership over donor funds.<sup>548</sup>

**“Masters of All You Survey”<sup>549</sup> – UNTAET Opposition to Decentralisation.** There existed sound operational reasons for centralising control and avoiding overly intrusive institutional engineering. Roland Laval, one of UNTAET’s senior officials involved with the CEP, argued that adopting this approach and “building the centre first” was the only way to create a coherent framework in which donors and aid agencies could operate, and that allowed for UNTAET to control Timor Leste’s “political space”.<sup>550</sup> In earlier peacekeeping environments, it was also common that local institutional partners were weak or non-existent, which required high levels of UN direct implementation to ensure the rapid delivery of humanitarian aid and funds disbursement *via* speedy decision-making.<sup>551</sup> Moreover, building the centre first was necessary because it was to a central administration that formal sovereign control of the country needed to be transferred when Timor Leste became officially independent. UNTAET’s centrists therefore claimed that

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<sup>548</sup> For further discussion see Neven Knezevic, ‘CEP Final Report: An Evaluation of Community Empowerment, Local Governance, and Development Outcomes 2000-2004’ (Díli: World Bank, 2004).

<sup>549</sup> Comments made by David Harland, a senior UN professional, to other UN staff during the first several months of the mission. Harland was involved in negotiating state-building strategies with the East Timorese political leadership. One well-placed research participant claimed Harland’s was an attitude that reflected those of many other senior level UN personnel that viewed Timor as a colonial territory in which the UN were new “masters”, Informant Number 26 (Aid Worker).

<sup>550</sup> Roland Laval interview, Díli, 26 February 2004.

<sup>551</sup> World Bank, East Timor Transitional Administration, ‘Project Information Document, East Timor Community Empowerment and Local Governance Project’ (Díli: World Bank, ETTA/Ministry for Internal Affairs, November 2000), p. 12.

the alternative centres of power CEP would establish *via* elected *suco* councils were dangerous. Local level democracy, according to this view, could undermine the state authority UNTAET sought to build and confuse the population about future national elections.<sup>552</sup> Finally, it was believed that decentralising authority to district administrations headed by UN personnel with diverse cultural backgrounds and administrative experiences would create a confused government system, one that would undermine consolidating the new state following its formal independence.

Sound philosophical reasons also underpinned UNTAET's centralisation and reluctance to engage in overly intrusive institutional engineering. De Mello regarded UNTAET's main task as assisting Timor Leste on its road to decolonisation. This meant, even if Timor Leste was not yet independent according to international law, issues of sovereignty were paramount concerns shaping UNTAET's state-building efforts.<sup>553</sup> UN personnel believed "it [was] not for the UN to decide what the local government structures should look like, that [was] for the Timorese to decide following independence".<sup>554</sup> The power struggles within CNRT meant that UN attempts to engineer local government structures threatened to skew the emergence of legitimate political authority at the local and national levels. Finally, Timor Leste's leadership was uncertain about the "details" of what a future state would look like: meaning that a sustainable administration could only emerge following the formation of an independent government which would set the national agenda and launch initiatives within the financial means of the state. Ultimately, the centralised administrative approach used by UNTAET was similar to the one employed by UNTAC in Cambodia where UN personnel stood beside local officials.<sup>555</sup>

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<sup>552</sup> Jarat Chopra interview, Díli, 7 September 2001; Community Aid Abroad/Oxfam, 'Completion Report-Contracts Issued by UNTAET to Community Aid Abroad/Oxfam in Australia Under Grant No. TF 023534: Community Empowerment and Local Governance Project for Post Facilitator Training and Support and Sub-PMU Establishment' (Díli: CAA/IDSS, December 2000).

<sup>553</sup> Sérgio Vieira de Mello interview, Díli, 10 November 2001.

<sup>554</sup> Cedric de Conning, UNTAET Advisor in the Office of District Affairs, ETТА, interview, Díli, 10 September 2001.

<sup>555</sup> The UN administration in Cambodia did little more than observe existing structures. Attempting to model UNTAET's administration upon UNTAC thus proved inappropriate given that there was no

However, from a developmental perspective there were problematic assumptions that informed the centralisation of UNTAET's civilian administration. Some UN policy-makers and senior administrative officials brought with them paternalistic views about the Timorese,

I do not however, share the acting DA's expressed view that they were the "most sheep-like people" he has seen who are in search of "strong leaders". It is more likely that strong leaders...who have disempowered the communities...were the cause of the passivity...rather than the solution to it.<sup>556</sup>

Moreover, some of UNTAET's field personnel believed that very few senior UNTAET officials had "even the slightest understanding of community or social development principles".<sup>557</sup> Likewise, International Development Support Services (IDSS), the agency that initially implemented CEP in 2000, argued that UNTAET's entire peacekeeping approach was not "conducive to local level community engagement", and that UN personnel lacked a "management approach, experience and understanding of community development".<sup>558</sup>

The centralisation of UNTAET's administration was accompanied by the growth of personal fiefdoms that had little regard for Timorese participation from either community or leadership levels.<sup>559</sup> Legitimate reasons for centralisation were "shot to holes" by the actions of such "fiefdom builders".<sup>560</sup> Perhaps the most problematic and the most potentially destructive to all of UNTAET's state-building objectives were the "self-interested power grabs" by UN officials that attempted to play one CNRT faction off against another as part of UNTAET's institutional power struggle with the World Bank.

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administration inside Timor Leste and it was the UN's mandated responsibility to help build one, Jarat Chopra interview, Dili, 7 September 2001.

<sup>556</sup> Gillian Brown, 'World Bank Field Supervision Report. Bobonaro May 2000', Dili, May 2000.

<sup>557</sup> Kate Macilwain interview, Melbourne, 13 February 2001.

<sup>558</sup> Paul Nichols, IDSS Project Manager, 'Letter to Roland Laval, UNTAET', Dili, 2000.

<sup>559</sup> Jarat Chopra interview, Dili, 7 September 2001.

Promises were made to FRETILIN groups by some UNTAET officials that their local power structures would be recognised and that the local power structures of FRETILIN's rivals would not be acknowledged. Similar promises were made to non-FRETILIN CNRT members providing they did not support the implementation of the CEP.<sup>561</sup> This allegedly petrified CNRT leaders because of the history of the “divide and rule tactics” used by the Portuguese colonial authorities and the vivid memories of Indonesia's successful division of East Timorese political groups in 1975 through *Operasi Komodo* which led to civil war. Not only did this threaten to alienate UNTAET from the CNRT leadership, there was speculation that some of FRETILIN's more extreme fringe groups contemplated violent action against people inside UNTAET that they saw as seeking to undermine a stable transition to independence.<sup>562</sup>

The CEP with its focus on longer-term development issues bore almost no relation to the policy debates taking place within UNTAET. Notions of community, local development, and empowerment, were entirely outside the operational realm upon which UNTAET, as a multi-dimensional peacekeeping mission, was focused. Aside from some notable exceptions, UNTAET personnel were attentive to elite conflict resolution, security issues, emergency relief, building a national level administrative system and conducting elections to form a future sovereign government.

### 5.2.1 CEP Background

The World Bank first delved into “community driven development” in Rwanda in 1997, with its Community Reintegration and Development Project (CRDP).<sup>563</sup> Like other post-colonial states, Rwanda was confronted by a legacy of minority ethnic rule together with

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<sup>560</sup> For an example see Beauvais (2001), p. 1126.

<sup>561</sup> Jarat Chopra interview, Díli, 7 September 2001.

<sup>562</sup> *ibid.*

<sup>563</sup> See World Bank, ‘Project Appraisal Document On a Proposed Learning and Innovation Credit in the Amount of SDR 3.7 Million (US\$ 5.0 Million) To the Rwandese Republic For a Community Reintegration and Development Project’ (Africa Region, Country Department 9, 15 October 1998); World Bank, ‘Implementation Completion Report (ID- 31380) in the Amount of SDR 3.7 Million (US\$ 5.0 Million) To

violent conflicts for state control at the elite political level. The political system was “ethnically closed”. It did not have bottom-up institutional mechanisms that could foster notions of constructive citizenship, nor was there an inclusive sense of national identity.<sup>564</sup> Based upon similar principles as the CEP, the CRDP sought to devolve decision-making and control of donor development funds to Community Development Committees (CDCs) and lower levels of government, with the objective of creating development synergies between government and community.<sup>565</sup> Institutionally, efforts in Rwanda were considered successful as CDCs became formal parts of local government administration.<sup>566</sup> However, the mechanics of the project were based around instrumental notions of community participation which focussed upon issues such as participation in development planning. They steered clear of overt attempts at political empowerment and the decentralisation of political power from the centre.

#### *KDP*

A more immediate and locally relevant precursor to the CEP was found with the *Kecamatan* Development Project (KDP). It was designed senior World Bank official Scott Guggenheim for the Indonesian context after the economic crisis of 1997 and to fill a gap between community and government left with Indonesia’s long-standing *Impres Desa Tertinggal* and *Impres Kabupaten* programs. KDP sought to reverse a top-down governance culture that had undermined community ownership over village-level development activities and to dismantle the pervasive forms of corruption that extended to village-level during Suharto’s New Order Regime.<sup>567</sup> For 10 months prior to September 1999, KDP operated in 42 of Timor Leste’s subdistricts. It was geared

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the Rwandese Republic For a Community Reintegration and Development Project’ (Africa Region, Country Department 9, 24 November 2003).

<sup>564</sup> Peter Uvin, *Development, Aid and Conflict: Reflections from the Case of Rwanda* (Helsinki: United Nations University, World Institute for Development Economics Research, UNU/WIDER, 1996).

<sup>565</sup> On the concept of synergy see Mark Robinson and Gordon White, *The Role of Civic Organisations in the Provision of Social Services- Towards Synergy* (Helsinki: United Nations University, World Institute for Development Economics Research, UNU/WIDER, 1997), pp. 24-37.

<sup>566</sup> Chopra and Hohe (2004), p. 295.

<sup>567</sup> Angus T. Green interview, Díli, 26 September 2001.

towards involving villagers in the local development process, to reducing corruption by working around the Indonesian administration and introducing principles such as transparency and accountability.<sup>568</sup> Unlike CEP, grant money was allocated *via* bloc grant mechanisms to appointed representatives on subdistrict councils who were to work in partnership with *bupati*, or district administrators.<sup>569</sup> During the World Bank led JAM Guggenheim was able to present KDP in the reworked CEP format, thus offering a near-ready program for immediate implementation supported by the World Bank (and Asia Development Bank) to address pressing post-conflict recovery needs.

### 5.2.1.1 World Bank Strategy and Objectives

As a part of UNTAET's state-building efforts CEP had the potential to act as the missing institutional link in decentralising the transitional administration and to promote community participation in state-building. However, the World Bank had designs for the project which did not fit with either of the options debated by UNTAET policy-makers.<sup>570</sup> According to World Bank officials, CEP offered a cheap model of local administration that broke with the legacy of a burdensome and corrupt Indonesian bureaucracy.<sup>571</sup> The earlier version of CEP, the KDP, was designed to bypass government structures as much as possible.<sup>572</sup> Following 1999, CEP therefore

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<sup>568</sup> See Ministry of Home Affairs, *Kecamatan Development Project 1998-2002, Final Report, June 2002* (Jakarta: Ministry of Home Affairs, Directorate General of Community and Village Development, KDP national Secretariat and National Management Consultants, Republic of Indonesia). On Indonesian development practices, see Michael R. Dove (ed.), *The Real and Imagined Role of Culture in Development: Case Studies from Indonesia* (Honolulu: University of Hawaii Press, 1990), pp. 26-33.

<sup>569</sup> On bloc grant mechanisms, see United Nations Development Programme, 'UNDP Timor Leste Programme Package Document: Community Development and Local Development Fund (LDF), Annex 10' (Dili: UNDP, August 2003), p. 17.

<sup>570</sup> World Bank post-conflict reconstruction strategies typically focus on infrastructure rehabilitation/construction, economic stabilisation packages, and various other forms of assistance geared towards creating a transition to a market economy, see World Bank, *The World Bank's Experience with Post-conflict Reconstruction*, Report no. 17769 vol. 1: Synthesis Report (Washington: Operations Evaluation Department, World Bank, 1998), p. 11; and Alcira Kreimer, Robert Muscat, Ann Elwan, and Margaret Arnold, *Bosnia and Herzegovina: Post-Conflict Reconstruction Country Case Studies Series* (Washington: World Bank, Operations Evaluation Department, 2000), pp. 1-5.

<sup>571</sup> Richard Manning, World Bank Social Development Officer, interview, Dili, 28 August 2001.

represented a form of structural adjustment supporting attempts to build a lean government in Timor Leste from the bottom-up, rather than structural adjustment from the top-down.<sup>573</sup>

The bottom-up approach mirrored those of UNDP's Rural Livelihood Unit: "let community do what they do".<sup>574</sup> It revolved around the idea that providing targeted assistance at village-level will not be sustainable without a supportive institutional environment.<sup>575</sup> It promotes creating a supportive role from government by strengthening its ability to establish legal frameworks, resolve land tenure disputes, provide micro-credit, technical assistance and coordinate aid delivery, and includes developing public administration capacity insofar as those capacities promote sustainable community development. CEP sought to work at both community and government levels by channelling assistance directly to villagers and by providing assistance for building a supportive institutional environment.<sup>576</sup> Though never stating so, the project also sought to "decentralise corruption" from Dili to rural areas *via suco* councils.<sup>577</sup> To this end, local level corruption, codenamed "elite capture", was considered an acceptable "trade-off" for injecting cash to a devastated rural economy and reinvigorating economic activity.<sup>578</sup> As designed by the World Bank, the CEP focused on income generation activities and infrastructure development based upon instrumental activities, rather than

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<sup>572</sup> John J. Conroy, 'Draft Partial ICR for Credit Elements of CEP' (Dili: World Bank, 2003).

<sup>573</sup> World Bank, 'Project Appraisal Document on a Proposed Trust Fund Grant in the Amount of US\$ 1.5 Million To East Timor for a Third Community Empowerment and Local Governance Project' (World Bank: Environment and Social Development Unit, Papua New Guinea/Pacific Islands/East Timor and Pacific Region, June 2002), p. 7. For further discussion on top-down structural adjustment in African countries, see Dzelilovic (2000), pp. 97-105; and Nafziger and Auvinen (1997), pp. 46-50. Sabine Kurtenbach argues that World Bank and International Monetary Fund structural adjustment programs often had disastrous impacts in post-conflict societies and undermined peace-building efforts because they ignored the social dimensions of conflict, Kurtenbach (2002), p. 149-150.

<sup>574</sup> Jonathan Gilman interview, Dili, 29 October 2001.

<sup>575</sup> *ibid.*

<sup>576</sup> See World Bank, 'Project Information Document: East Timor-Community Empowerment and Local Governance Project' (Dili: World Bank, 1999) <http://www.worldbank.org/pics/pid/tp69762.txt> (26 August 2000).

<sup>577</sup> Informant Number 29 (International Consultant).

on political empowerment that would foster community participation in the state-building process. Therefore, even if UNTAET had attempted to build constructive citizenship through a decentralised transitional administration, CEP played a vastly different development role from the one needed to fill Chopra's "missing link".

### 5.2.2 East Timorese Leadership Concerns

According to Christopher Dureau from International Development Support Services (IDSS), CNRT figures viewed the CEP as an opportunity to introduce basic concepts of democracy and accountability at village-level, and as a mechanism to distribute funds to restart the rural economy.<sup>579</sup> It was a "win-win" situation because any lessons learned could be applied to future local level institutional development. Conversely, any failures could be attributed to the World Bank because, in practice, it controlled the project.<sup>580</sup> At the same time, there existed an influential stream of thought which argued that, due to the small geographic size of the country, political and administrative decentralisation were not priorities and were perhaps unnecessary initiatives. Compared to its status as Indonesia's 27<sup>th</sup> province, Timor Leste was already highly decentralised: it was on the road to independence. Moreover, it was argued that administrative decentralisation was not urgent in developmental terms because villagers did not need great levels of assistance: they were accustomed to seasonal hunger, accustomed to hardship and for the most part already managed their own lives independent of external assistance.<sup>581</sup> Antecedents to this argument are found in the Portuguese era of colonial occupation and the brief interregnum of FRETILIN control prior to Indonesian invasion in 1975. FRETILIN's ability to administer the territory was, in large measure, due to the fact that

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<sup>578</sup> Informant Number 26 (Aid Worker).

<sup>579</sup> Christopher Dureau interview, Melbourne, 28 February 2001.

<sup>580</sup> *ibid.*

<sup>581</sup> João Mostre Madeira, District Development Officer, East Timor Transitional Administration, interview Ermera, 12 October 2001.

social services were not institutionalised in the colonial Portuguese administration, but instead relied upon community initiatives organised at village-level.<sup>582</sup>

Paralleling the concerns of UNTAET officials, FRETILIN's Mozambique clique brought from the African continent fears about state-collapse. CEP could undermine national level state-building efforts and institutionalise the fragmentation of local level authority by giving economic power to *suco* councils. This was particularly worrisome because political authority at local levels rested in the hands of hereditary leaders, FALINTIL commanders, or influential CNRT figures over which FRETILIN had little control.<sup>583</sup> Growing disaffection among ex-fighters, FRETILIN's fringe elements, and the return by early 2000 of many pro-autonomy supporters through refugee repatriation efforts only added further to fears of political fragmentation.<sup>584</sup> Pointing to what he calls "decentralised despotism" in the African continent, Andreas Mehler argues that,

We must also take into consideration the fact that local government has a history and a dynamic which, as a rule, is neither "democratic" nor "representative"...Most developing countries contain diverse, multi-ethnic populations, and therefore cannot resort to a uniform system of pre-colonial local government and local political culture.<sup>585</sup>

To some extent East Timorese society fitted this description with its high level of ethno-linguistic diversity and its traditional hereditary systems that historically were neither democratic nor broadly representative.

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<sup>582</sup> Australian Council for Overseas Aid (1975), p. 7.

<sup>583</sup> Kieran Dwyer interview, Díli, 16 November 2001.

<sup>584</sup> Refugee repatriation was driven by the political objective of consolidating the state by increasing the legitimacy of elections. This program, driven by Xanana Gusmão and Sérgio Vieira de Mello, was contested by other policy-makers who believed repatriation efforts threatened to undermine consolidating the state by introducing disloyal elements at the local level. On the role of Xanana and de Mello in promoting the refugee repatriation programme in order to consolidate state-building see, Dolan, Large, and Obi (2004), pp, 8, 25.

<sup>585</sup> Mehler (2002), p. 74.



**Picture 5. Prime Minister Mári Alkatiri, picture provided by UNMISSET public Information Office**

From a developmental perspective, Mári Alkatiri believed CEP was a “time-bomb for the whole development process” of the country.<sup>586</sup> Timor Leste did not yet have a government, there were no mechanisms to regulate or coordinate assistance efforts, and there was no nationally owned strategic development plan. As a result, there was a danger that the entire aid industry, not just the CEP, would leave behind a swathe of disconnected and unsustainable projects that any incoming government could not support. Community empowerment and building local institutions of governance required to be established

“within a system” that would support the development of the entire country.<sup>587</sup> It was also feared the project could institutionalise administrative corruption by providing government officials access to development funds in an unregulated administrative environment. Even though professing support for the project’s objectives, opponents to CEP believed that it was too soon to begin such efforts, particularly since they would be outside the control of a government able to ensure political cohesion of the state.<sup>588</sup>

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<sup>586</sup> Mári Alkatiri interview, Díli, 12 February 2004.

<sup>587</sup> Mári Alkatiri interview, Díli, 12 February 2004. In Somalia, UNOSOM created district and regional councils, but according to von Hippel the council structures failed because there was no overarching national authority able to ensure their sustainability, Von Hippel (2000), p. 77.

<sup>588</sup> Christopher Dureau interview, Melbourne, 28 February 2001. Paralleling the early concerns raised by Alkatiri several factors were formally identified as being important prerequisites for decentralisation: (1) financial resources; (2) institutional readiness; (3) community readiness; (4) effective state capacity; (5) committed and competent local authorities; and (6) an informed and organised civil society, ‘Local Government Workshop’, Direct Observation, Baucau, November 2003.

### 5.2.3 Working through Gusmão/Oxfam/ IDSS

Several factors negatively informed Timorese views about the World Bank. The legacy of structural adjustment programs in Africa; accusations that funds disbursed *via* KDP had been used by Indonesian *bupati* to fund militia violence against pro-independence supporters; and perceptions that the World Bank supported the Indonesian occupation prior to 1999.<sup>589</sup> To overcome Timorese resistance to CEP's implementation, which had already been rejected twice by UNTAET, the World Bank employed various strategies to create buy-in by Timor Leste's leadership, which in turn, applied pressure on the UN to accept the project. The World Bank later argued this revolved around its efforts to build elite alliances and identifying local "champions" able to work through political obstacles to implementing the project.<sup>590</sup>

UNTAET's weak capacity to act as an administration meant it could not take control of managing the project. The World Bank initially attempted to engage Oxfam, a widely recognised international NGO that brought with it a high degree of technical expertise and legitimacy, to implement the CEP. It was hoped that, through Oxfam, East Timorese ambivalence to the project stemming from local suspicions about the World Bank would be overcome. Instead of Oxfam, project implementation was contracted to IDSS through Oxfam Australia.<sup>591</sup> Nevertheless, the strategic objectives of the World Bank were well-

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<sup>589</sup> The World Bank conducted an investigation into the allegations of misappropriation of funds in Indonesia, but could not uncover a clear "paper trail" substantiating the claims. Informants to this study nevertheless believed that funds were "likely" misused by Indonesian officials, Informant Number 27; Informant Number 26; and Informant Number 28 (International Consultant).

<sup>590</sup> Sarah Cliffe, Scott Guggenheim, and Markus Kostner, *Community-Driven Reconstruction as an Instrument in War-to-Peace Transitions*. Social Development Department, Environmentally and Socially Sustainable Development Network, Paper no. 7 (August 2003), p. 6. World Bank officials refer to this as a need for the support of a strong sponsor within the national leadership to work through political resistance to community driven reconstruction projects.

<sup>591</sup> Informant Number 28 (International Consultant).



**Picture 6. President Xanana Gusmão, CAVR Political Hearings Week, December 2003, picture provided by UNMISSET Public Information Office**

served through this arrangement. Timorese leadership buy-in was the result of personal bonds between CNRT leaders and the international Timor solidarity activists that implemented the CEP through IDSS. IDSS senior staff such as Christopher Dureau, one of the founding members of the Australia East Timor Association (AETA) that was

established following Indonesia's invasion in 1975, had close ties with and high levels of trust from CNRT leadership figures such as José Ramos-Horta and Gusmão. This created the Timorese acceptance for the CEP the World Bank sought to engineer and led Gusmão to support the implementation of the project. Conflict between UNTAET and the World Bank was so intense during this period that Gusmão was required to speak directly to the Secretary-General of the UN, Kofi Annan, to request that he apply pressure upon UNTAET to accept the project.<sup>592</sup> It was only upon the insistence of Kofi Annan, as well as then president of the World Bank James Wolfensohn, that an agreement for CEP implementation was reached.

#### **5.2.4 Level of East Timorese Participation**

*I think that this initial program is a really excellent example of cooperation between us but more importantly an indication of how we can work with the East Timorese people-* James D Wolfensohn, president of the World Bank, February 2000.<sup>593</sup>

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<sup>592</sup> Informant Number 26.

Despite considerable rhetoric about “empowerment” and “ownership”, donor agencies and their representatives frequently insist on defining what is to be done, how it is to be done, and who is to do it.<sup>594</sup>

Negotiations for the CEP grant agreement between the World Bank and UNTAET reflected the manner in which the East Timorese leadership was treated during the early months of the peacekeeping mission. In reference to the CNRT group headed by Mári Alkatiri which observed negotiations for CEP’s implementation, UN personnel were quoted as saying that they “did not want foreigners” sitting in during negotiations between World Bank and UNTAET.<sup>595</sup> Although the statement was attributed to a miscommunication resulting from language barriers and an inappropriate selection of terminology, it nevertheless demonstrated the UN’s early exclusion of Timor Leste’s leadership from setting the policy agenda.<sup>596</sup> This further undermined the project’s ability to act as the “missing link” in bottom-up state-building- even if UNTAET had adopted such a strategy.

UNTAET’s hostility towards CEP partly sprang from the belief that it came as a “pre-packaged”, or “repackaged”, World Bank deal based upon KDP.<sup>597</sup> As noted above, a

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<sup>593</sup> World Bank, ‘Rebuilding East Timor at the Local Level’, 22 February 2000 <http://wbln0018.worldbank.org/new.../9918e03a2a1cb8ea8525688d0062ffaf> (12 June 2002). List of participants for CEP Grant Agreement negotiations: UNTAET delegation- Jean-Christian Cady (DSRSG-GPA), Roland Laval (Acting Head, Budge Unit-GPA), Jesudas Bell (Director of Territorial Administration-GPA), Jarat Chopra (Office of District Affairs-GPA), Jonathan Morrow (Legal Advisor, Office of the SRSG), Hans-Jorge Strohmeyer (Deputy Principal Legal Advisor, Office of the SRSG), Jacques Tribier (Head, Project Assessment and Development Unit-GPA). World Bank delegation: Scott Guggenheim (Principal Social Scientist, Environment and Social Development Sector Unit), Karin Nordlander (Senior Counsel), Sarah Cliffe (Mission Chief East Timor). CNRT Delegation: Mári Alkatiri (Transitional Council), Milena Pires (Advisor to the CNRT on the CEP). ADB delegation: Neil O’Sullivan (Project Coordinator, see ‘Agreed Minutes of Negotiations Between the United Nations Transitional Administration In East Timor and the International Development Association for the Community Empowerment and Local Governance Project. Annex 3’.

<sup>594</sup> Nicole Ball, ‘The Reconstruction and Transformation of War-torn Societies and State Institutions: How Can External Actors Contribute?’, in T. Debiel and A. Klein (eds.) *Fragile Peace: State Failure, Violence and Development in Crisis Regions* (London: Zed Books, 2002), p. 48.

<sup>595</sup> Jarat Chopra interview, Dlí, 7 September 2001.

<sup>596</sup> *ibid.*

benefit was that this worked through the bureaucratic red tape associated with the preparation of projects and allowed for the relatively speedy allocation of donor funds to communities at village-level in the post-conflict environment. Nevertheless, some Timorese felt it was a project designed for the Indonesian context without any real East Timorese involvement following 1999.<sup>598</sup> Only two CNRT representatives participated with JAM's evaluation of the community development sector and CEP was the only initiative springing from JAM recommendations.<sup>599</sup> Further complicating the matter of East Timorese participation was the dominance of non-FRETILIN CNRT members in selecting representatives for JAM during its Darwin meetings following Black September. This superficial and politically suspect Timorese involvement in JAM was used by the World Bank to demonstrate meaningful participation and Timorese ownership over CEP in the eyes of the international donor community.

East Timorese aggravation at being excluded by UNTAET increased after the grant agreement was signed. The World Bank adopted a strategy of sidelining key CNRT figures, mostly those aligned with FRETILIN. Principal among these were, Lino Torrenzau and António Bianco,<sup>600</sup> CNRT's appointed representatives for local government. According to Torrenzau, once the World Bank successfully "manipulated" the passing of the CEP it "abandoned" FRETILIN members, but "continued to support non-FRETILIN people with connections to the World Bank".<sup>601</sup> Instead of the initial

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<sup>597</sup> Roland Laval interview, Díli, 2 November 2001; World Bank, 'Project Appraisal Document...', (2002), p. 7; World Bank, 'Project Information Document...', (1999), paras. 4, 10.

<sup>598</sup> Nuno Rodrigues interview, Díli, October 2001.

<sup>599</sup> Laura Bailey interview, Díli, 15 December 2003; Jackie Pomeroy interview, Díli, 15 December 2003.

<sup>600</sup> Torrenzau, a member of FRETILIN's Central Committee, was appointed Director of *Direcção Nacional da Administração Território*, or Directorate for National Territorial Administration (DNAT) in 2002. DNAT was previously known as the Administration for Local Governance and Development (ALGD), and before that as the Office of District Affairs (ODA). Torrenzau was a member of FRETILIN's Internal Political Front in the clandestine resistance, and also worked in the Indonesian administration as a district official.. Bianco was a member of FRETILIN's Central Committee, a member of the clandestine resistance and also worked in the Indonesian administration. He was temporarily appointed Minister for Internal Affairs in 2002.

<sup>601</sup> Lino Torrenzau interview, Díli, 22 October 2003. See also Asia Development Bank, East Timor Transitional Administration, 'Local Government Think Tank- Discussion Paper, June 2001: Local Authorities- Do We Need Them? Six Critically Important Questions' (Díli: ADB/ETTA, June 2001).

empowerment model used to sell the project to the Timorese leadership, the World Bank moved quickly to resurrect the instrumental KDP model and recruited staff employed in the earlier KDP project.<sup>602</sup>

There seemed to be several reasons for the World Bank's actions. Its officials feared that FRETILIN could use the project to consolidate attempts already being made by its Internal Political Front to control the local level; and, related to this a fear that local groups might misuse project funds for political purposes. Nor was the World Bank entirely comfortable or familiar with implementing the political empowerment model. Additional factors included the institutional rivalry between the World Bank and UNTAET over project control; a desire to promote FRETILIN rivals through the project; and perhaps most importantly, the World Bank efforts to "mark out" its place in post-conflict community level reconstruction efforts. The result was that both UNTAET and FRETILIN members did not really feel any sense of ownership over, or real involvement with, the project. Instead, CEP was regarded as a vehicle for distributing assistance to rural communities that would help to buttress other post-conflict social stabilisation efforts.<sup>603</sup>

Perhaps the most constructive development during negotiations for the CEP Grant Agreement was Gusmão's appointment of Alkatiri as head of the CNRT observer group. Alkatiri said he accepted the appointment as a matter of discipline in spite of his reservations towards CEP. He thus publicly recognised the authority of Gusmão as president of the CNRT.<sup>604</sup> This demonstrated that, as leader of FRETILIN, he would submit to the instructions of someone else's legitimate authority. It set a positive example for the democratic process in Timor Leste: peaceful democracy is conditional

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<sup>602</sup> Christopher Dureau interview, Melbourne, 28 February 2001.

<sup>603</sup> In Aceh following the tsunami and the signing of the Helsinki Peace Accord in 2005, KDP was used by the International Organisation for Migration in a similar manner so as to channel recovery assistance directly to communities at village-level.

<sup>604</sup> Mári Alkatiri interview, Díli, 12 February 2004.

upon political leaders accepting the “rules of the game”, particularly with changes of leadership.

### **5.2.5 Competing Frameworks or Ideological Battlegrounds?**

The project’s implementation gave rise to numerous conflicts. In order to implement CEP quickly ADB provided a fast-tracked start-up grant to IDSS. This grant was separate from the Trust Fund for East Timor (TFET) money allocated to the project as part of the agreement between UNTAET and the World Bank.<sup>605</sup> This complicated the duties of IDSS because of the overlapping agendas between “the World Bank, which negotiated the Grant Agreement with UNTAET, and the Asian Development Bank that negotiated the start up contract with CAA/O [IDSS] using ADB funds”.<sup>606</sup> These difficulties were compounded by the challenges IDSS was confronted with implementing a development and governance project in the middle of a peacekeeping and humanitarian relief operation. Numerous field problems occurred that were almost entirely beyond the control of IDSS. They included delays in setting up legislation that established a legal framework to guide the project’s implementation;<sup>607</sup> “recruitment riots” with hundreds of Timorese in desperate search for work jumping the fences of Oxfam’s compound in Díli where the IDSS office was located; purchase of motorbikes not suited to rural terrain;<sup>608</sup> disgruntled local staff riding motorbikes through the IDSS office in Díli; and threats issued against IDSS personnel and facilities.

Competing implementation agendas and operational difficulties translated into constant management clashes with the World Bank.<sup>609</sup> The Bank regularly “intruded” into the

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<sup>605</sup> The fast tracked technical assistance grant was US\$ 800,000.

<sup>606</sup> Community Aid Abroad/Oxfam, ‘Completion Report- Contracts Issued by UNTAET to Community Aid Abroad/Oxfam in Australia Under Grant No. TF 023534: Community Empowerment and Local Governance Project for Post Facilitator Training and Support and Sub-PMU Establishment’ (Díli: CAA/IDSS, December 2000), p. 23.

<sup>607</sup> *ibid.*, p. 4.

<sup>608</sup> Sérgio da Silva, UNMISSET Advisor to DNAT, Ministry of State Administration, Democratic Republic of Timor Leste, interview, Baucau, November 2003.

project, which IDSS saw as a World Bank obsession with “micro-managing”.<sup>610</sup> There was increasing insistence that IDSS implement the project according to the expectations of the World Bank.<sup>611</sup> The venom of these encounters were regularly toned down by the niceties of professional “double-speak”, at least on paper, but in practice amounted to an ideological collision course over competing notions of community development.

There are numerous definitions of “empowerment” and participation in development processes. As suggested above, the view of empowerment, and by extension participation, implicit within the CEP project as designed by the World Bank, was an instrumental one that promoted community involvement in project management.<sup>612</sup> This included items such as project planning, funds management and accountability, and improving flows of communication. Hettne notes,

[P]articipation often refers to the project level, whereas empowerment refers to the social structure. The World Bank, for instance, favours participation as “a process by which people, especially disadvantaged people, influence decisions that affect them”, but “given the Bank’s Articles of Agreement, the Bank does not pursue empowerment as an end in itself”.<sup>613</sup>

This seems inaccurate insofar as improving quality of life through infrastructure development that improves quality of life and has a measurable impact on empowering people socially.<sup>614</sup> For example, the introduction of a water supply to a rural community means that instead of walking several kilometres to fetch a bucket of water, villagers gain free time to pursue other activities that may contribute to social development. Improved water supply also improves health by reducing disease, or increases nutritional intake by leading to improved crop yields. Free time that arises from infrastructure improvements

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<sup>609</sup> Community Aid Abroad/Oxfam, ‘Completion Report...’, (2000), p. 24.

<sup>610</sup> Andrew McWilliam, ‘Progress Report 3: Monitoring and Evaluation Advisor- Final Report, Annex G’, IDSS Implementation Report prepared for the World Bank (Dili: IDSS, November 2000), p. 13.

<sup>611</sup> Community Aid Abroad/Oxfam, ‘Completion Report...’, (2000), p. 25.

<sup>612</sup> Instrumental approaches to community participation in development projects tend to go hand-in-hand with infrastructure development, micro-credit or other income-generating activities.

<sup>613</sup> Hettne (1995), p. 173.

can potentially lead to social change through improved education, or greater political awareness and increasing levels of involvement in community activities.<sup>615</sup> Social change with this model, however, does not occur by design or, as noted by Hettne, as an end in itself.

One can debate the extent to which World Bank approaches actually empower people socially. However, political empowerment is not one of the Bank's overt objectives. Political empowerment here is defined simply as an individual having increasing levels of participation in making decisions about their future, having a voice in economic, social, cultural, and political issues of one's community and the freedom to enjoy basic human and economic rights.<sup>616</sup> IDSS adopted a social development approach that sought to build the foundation for achieving this sort of political empowerment within what can be described as a "green development" framework.

[A] cry for visibility, participation and justice...It also implies a new form of politics, or participation: the empowerment of the secluded, the poor, and the marginalised... [with the]...objective to rebalance the structure of power in society.<sup>617</sup>

This social development approach looks at participation beyond narrow instrumental terms. It was also the view of community participation implicit in Chopra's advocacy of decentralising UNTAET's administration that sought to promote bottom-up state-building and build constructive citizenship.<sup>618</sup>

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<sup>614</sup> Cliffe, Guggenheim, and Kostner (2003), p. 2.

<sup>615</sup> CEP social benefits springing from infrastructure projects included increased agricultural trade by connecting village to markets, contributing to social security by increasing the sense of "connectedness" for isolated sub-villages to the broader community, see World Bank, 'Project Appraisal Document...', (2002), pp. 40-41.

<sup>616</sup> See, Salil Shetty, *Development Project in Assessing Empowerment*. Occasional Paper Series no. 3 (India, New Delhi: Society for Participatory Research in Asia, 1991). This strand of thought now informs newly emerging strategic approaches to post-conflict recovery, see Commission on Human Security, *Human Security Now* (New York: United Nations Commission on Human Security, 2003), pp. 11.

<sup>617</sup> Hettne (1995), pp. 161, 173, 175. Jim Ife argues that if a social or development programme does not specifically address the structural causes of disempowerment, it reinforces forms of oppression by supporting exploitative structures in society. This then offers some explanation about the ideological conflict between the World Bank and IDSS which underpinned management disputes between the organisations, Ife (1995), p. 55.

Further undermining the social development efforts of IDSS were growing pressures from donors and East Timorese leaders for the speedy delivery of tangible forms of material assistance to alleviate growing levels of community discontent.<sup>619</sup> Within six months of the project's launch as state-building unfolded these pressures suffocated any space IDSS had to construct social foundations that could promote community participation in political and governance processes. By the end of the first project cycle, IDSS was sidelined from its implementation during the Timorisation period similar to the manner in which CNRT's FRETILIN members were sidelined after UNTAET agreed to implement CEP. With IDSS out of the picture, the World Bank's instrumental development approach guided all CEP activities. As a result, villagers acquired numerous skills in drafting proposals for donor funding, managing donor funds, and being accountable to outside actors, which ultimately "linked" them to the aid industry.<sup>620</sup> Rather than being dependent upon Indonesian government subsidies, *suco* development councils became dependent upon donor money. When TFET funding was exhausted at the end of the third project cycle in 2004, village development activities came to a screeching halt, with some projects even left unfinished.<sup>621</sup>

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<sup>618</sup> Laval presents a "technocratic" model of citizenship-building similar to the instrumental approach found within CEP as designed by the World Bank. He argues that three levels of capacity-building within government can overcome the problem of fostering a sense of citizenship within the new state. The first is at senior policy-making levels. The second is at middle levels of the civil service through introducing a culture of service provision to the population. The third is at the "bottom level" providing basic services to the population such as roads, water, education, health, etc. This brings the "superstructure of government down to the population and creates a sense of citizenship" with the nation, Roland Laval interview, Díli, 26 February 2004. This sounds like the sort of performance legitimacy that underpinned popular support for the Suharto regime during its first fifteen years in power, rather than the sort of citizenship-building discussed by Chopra, or even the community participation model advocated by the World Bank.

<sup>619</sup> Laura Bailey interview, Díli, 15 December 2003; Jackie Pomeroy interview, Díli, 15 December 2003.

<sup>620</sup> Gerson Alves offers a well articulated approach using alternative development principles which promotes sustainable development outcomes by building on local skills, knowledge, and linking communities with the broader ecosystem, see Gerson Alves, 'The Role of Permaculture in East Timor' (Unpublished Masters of Science Dissertation, Department of Environment Management, Victoria University of Technology, 2003). See also Dionísio Babo-Soares, 'East Timor: Perceptions of Culture and Environment', paper presented at the Conference on Sustainable Development in East Timor, 25-31 January 2001, Díli.

<sup>621</sup> CEP Ermera District Coordinator, interview, November 2001. The 2004 Independent Evaluation noted that Council members "development few skills other than those related to CEP procedures", see John Conroy, John, Jakob Kirkenmann, Lene Ostergaard, and Robert Scouller, 'Timor Leste: An Independent Evaluation of the Community Empowerment and Local Governance Project', CPR Working Paper no. 14,

### 5.3 CEP – An Institutional Mechanism for Political Leverage?

If any of CNRT's internal political groups controlled the CEP's implementation they could have increased their political standing as state-building evolved.<sup>622</sup> It was an institutional mechanism for influencing popular thinking at village-level around the country. Under the lead of David Ximenes, a FRETILIN member from inside the territory who had been part of the internal resistance, the party's Internal Political Front already began reforming its clandestine resistance structures with the objective of controlling the village-level.<sup>623</sup> Chopra argues that, in response, CNRT leaders such as Gusmão and João Carrascalão became keenly interested in CEP because it provided an organisational platform for "getting down to the villages".<sup>624</sup> The World Bank's courting of Gusmão to pressure UNTAET into implementing the project thus amounted to "taking sides" in Timor Leste's internal power struggles by providing a vehicle for the Xanana camp to capture national level control from the bottom upwards. According to Rumiana Duchevea, UNTAET Social Affairs officer stationed in Manatuto during 2000, once the project was launched attempts to control CEP were made by non-FRETILIN members of the CNRT: "CNRT people were in the office all the time trying to get access to the project, so much so that FRETILIN people refused to deal with CEP by late 2000".<sup>625</sup> IDSS *suco* council election reports also point to more complex contests for access to the project, but do not indicate which of CNRT's internal political groupings benefited (see

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Social Development Department Environmentally and Socially Sustainable Development Network (February 2004), p. 22.

<sup>622</sup> Independent project evaluations pointed to the lack of a national steering as a major factor which undermined national ownership and legitimacy of the entire CEP process down to village-level. Conroy, Kirkenmann, Ostergaard, and Scouller (2004), p. 22. See also Ministry of Planning and Finance, 'The Rolling Think-Tank Initiative: Joint Government-Civil Society Study of Development Projects, Final Report' (Díli: National Directorate of Planning and External Assistance Coordination, Ministry of Planning and Finance, March 2004), p. 6. Experiences from other post-conflict peacekeeping missions suggest any national steering committee would have become another forum for conflict between actors manoeuvring to gain power. FRETILIN's withdrawal from the CNRT in June 2000 further suggests that a national steering committee would have been another forum of elite level conflict destabilising the country.

<sup>623</sup> Jarat Chopra interview, Díli, 7 September 2001.

<sup>624</sup> *ibid.*

<sup>625</sup> Rumiana Duchevea, Social Affairs Officer UNTAET, interview, Díli, 4 September 2001.

below).<sup>626</sup> Furthermore, World Bank recruitment practices also led to many younger Timorese aligned with non-FRETILIN CNRT groups securing senior level positions within the CEP's Project Management Unit (PMU).

## 5.4 Local Government Development under UNTAET

One of CEP's objectives was to contribute to local government development. At project close in March 2004 CEP fell under the line authority of the Ministry of State Administration (MSA) headed by Minister Ana Pessoa. The day-to-day operations of CEP were handled by the PMU, which was nominally linked to the East Timor Public Administration (ETPA) through the *Director Nacional da Administração do Território* (DNAT, a government department within the MSA).

Unlike the KDP in Indonesia or the CRDP in Rwanda, when CEP was launched it had no local government structures to either support or by which to be supported.<sup>627</sup> UNTAET's focus on national level institutions meant it gave little attention to developing the capacity of district administration, or local government development. According to ex-UNAMET district staff, UNTAET only sought to demonstrate a presence in rural areas whilst facilitating the delivery of emergency humanitarian relief.<sup>628</sup> Internationally appointed staff had no service delivery capabilities or resources, nor did they have clearly defined governance or development roles. District administration under ODA and later DNAT was starved of a discretionary budget to respond to local needs.<sup>629</sup> There were several reasons UNTAET adopted this approach. It was feared that devolving funds from a financial point of view threatened to set a precedent of "an ongoing nature" that would

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<sup>626</sup> Conroy, Kirkenmann, Ostergaard, and Scouller (2004), p. 14.

<sup>627</sup> Reinaldo Borgess interview, Díli, 16 October 2001. See also, Cliffe, Guggenheim, and Kostner (2003), p. 20.

<sup>628</sup> Kate Macilwain interview, Melbourne, 13 February 2001; Alessandro Righetti interview, Ermera, 12 October 2001.

<sup>629</sup> Roger Hearn interview, Díli, 30 October 2001; Angus T. Green interview, Baucau, 26 September 2001.

not be economically viable for an independent government in the long-term.<sup>630</sup> Instead, UNTAET sought to “keep the ball rolling” by making district administration more of a coordination body for NGO/donor funded development efforts in rural areas, and put in place an administrative shell upon which an independent government could later build.<sup>631</sup> However, it steered clear of drafting long-term legislation on local government. Moreover, not only was local government development a complex process beyond the expertise and operational focus of UNTAET personnel, but following ETTA’s creation in mid-2000 UN policy-makers became “hyper sensitive” to the mission being seen as a “neo-colonial power”.<sup>632</sup>

#### 5.4.1 Local Government Structures

The administrative structures used by UNTAET were based upon those inherited from the Indonesian period. The country was divided into three regions, (1) Eastern, (2) Central and (3) Western, and included: 13 districts, 65 subdistricts, 498 *sucos* and 2,336 *aldeias*. Indonesian administrative personnel included a governor as the head of Timor Leste (then a province) with each of the three regions headed by an assistant governor.<sup>633</sup> District administration was handled by a *bupati* with *sucos* headed by elected *kepala desas* (village chiefs/*chefes de suco*). Following UNTAET’s arrival, instead of a governor, the territory was headed by Sérgio Vieira de Mello, the UN appointed Special Representative of the Secretary-General (SRSG). International district administrators (DAs) were appointed and took up the position of *bupati* and ODA (later DNAT) became responsible for overall district administration, which extended down to subdistrict level through District Field Officers (DFO’s).<sup>634</sup> Aside from CEP’s *suco* councils, these were

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<sup>630</sup> Cedric de Conning interview, Díli, 10 September 2001.

<sup>631</sup> Cedric de Conning interview, Díli, 10 September 2001; Jill Engen, UNMISSET Advisor in DNAT, Ministry for State Administration, Democratic Republic of East Timor, interview, Díli, 30 October 2003; Sérgio da Silva interview, Baucau, November 2003; Lino Torrenzau interview, Díli, 22 November 2003.

<sup>632</sup> Peter Deck interview, Díli, 15 November 2001.

<sup>633</sup> See, Administration for Local Governance and Development, ‘Local Government Options Study Final Report’ (Díli: ALGD, Ministry of State Administration, Democratic Republic of East Timor, June 2003).

<sup>634</sup> Later references to this position use the term “subdistrict coordinator”, there was one per subdistrict.

the only institutional links at subdistrict level between rural communities and higher levels of the transitional administration. Between 2000 and 2003 the 418 *suco* councils and 62 subdistrict councils established through CEP therefore filled a vacuum of formal public administration structures between village-levels up to the levels of district administration.

**CNRT Local Structures.** Parallel CNRT clandestine structures extended from district-level to village-level throughout the country. Following Black September they acted as local partners for humanitarian relief efforts coordinated by OCHA. At village-level, CNRT's organisational strength revolved around the clandestine resistance positions of Celcoms and Nureps, which had linked local communities to the wider liberation struggle. These positions had their origins in the early resistance period (late 1970s and early 1980s), and became operationally strong following 1991 when the clandestine resistance grew.<sup>635</sup> Following September 1999, as indicated in Table 2 below, local CNRT leaders moved quickly to "recreate" Indonesian administrative structures. They assigned their own district heads, subdistrict heads, *suco* heads (i.e. *chefes de suco*), and heads of development sectors such as health and education.<sup>636</sup> Until CEP was launched, these structures acted as the *defacto* local government administration below subdistrict level.

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<sup>635</sup> Existing literature points out they were in place and operational by 1982. Informants from the period of 1977-1983 argue that, prior to its decimation in 1979, the FRETILIN Central Committee had proposed building these structures in order to link the population with the guerrilla resistance in the mountains. Other informants argue that it was not until after the Santa Cruz Cemetery massacre of 1991, and a dramatic increase in civilian clandestine resistance activities, that these positions became highly effective in coordinating civilian support between the armed and clandestine fronts of the resistance.

<sup>636</sup> Kate Macilwain interview, Melbourne, 13 February 2001.

**Table 2 – UNTAET/CNRT/Clandestine Local Structures<sup>637</sup>**

Clandestine	CNRT	UNTAET/ETTA
<i>Secretário Sub Region</i>	District Secretary	District administrator with supporting international staff: - Civil Affairs Officer - Social Affairs Officer - Infrastructure Officer - Agriculture Officer
	District Advisory Council (DAC) <sup>638</sup>	
<i>Secretário de Zona</i>	<i>Chefe de Posto</i> and two deputies and people for education, health, agriculture and security ( <i>Conselhos dos Katuas</i> ) OMT-OJT	District Field Officer (DFO)
<i>Nurep</i>	<i>Chefes de Suco</i> plus two deputies <i>Conselho dos Katuas</i> OMT-OJT	
<i>Celcom</i>	<i>Chefes de Aldeia</i> plus two deputies <i>Conselho dos Katuas</i> OMT-OJT	

While not well-developed in formal administrative terms, CNRT's *defacto* administration had tremendous resistance legitimacy with the population.<sup>639</sup> CNRT primarily coordinated emergency relief activities with UN agencies, provided information on population numbers, community needs, and facilitated the distribution of material aid.<sup>640</sup> UNTAET officials, wary of CNRT's internal divisions, distanced themselves from these local structures in matters beyond facilitating international emergency relief efforts.

#### **5.4.2 Administrative Weaknesses and Impact on Development**

As public administration structures evolved through ETTA their organisational capacities remained weak. This worked to undermine village development outcomes, particularly during the first and second project cycles when CEP amounted to a stand alone initiative

<sup>637</sup> Drawn from Drawn from: Ospina and Hohe (2001), pp. 56-57; and Administration for Local Governance and Development, 'Local Government Options Study Final Report' (Díli: ALGD, Ministry of State Administration, Democratic Republic of East Timor, June 2003)

<sup>638</sup> The DAC was a failed attempt at creating an institutionalised district-level coordination body during the UNTAET period. This demonstrated the difficulty of creating coordination in the free-market donor environment without a central government system able to regulate the aid industry.

<sup>639</sup> Kate Macilwain interview, Díli, 13 February 2001.

<sup>640</sup> *ibid.*

outside of emerging structures.<sup>641</sup> Both UNTAET and ETTA lacked personnel that could provide technical assistance and both had poorly defined systems and administrative procedures at district-level and below.<sup>642</sup> As it evolved, the authority of district administration was fragmented and “incoherent”. UN agency/departmental representatives (e.g. social affairs, human rights) were accountable to their direct superiors in Díli, rather than any local constituencies. This left DAs as emasculated figure heads, and confused lines of administrative authority between Timorese and UN personnel in the parallel ETTA and UNTAET structures.<sup>643</sup> Alkatiri’s concerns about leaving a swathe of unsustainable and disconnected projects in the absence of a cohesive national level system were validated by the poor quality of CEP funded village-level infrastructure projects. A World Bank study also pointed this out; noting that up to 2001 there was roughly an equal split between good and weak projects.<sup>644</sup> As the capacity of Timor Leste’s national government increased, even if only marginally, so did the quality of CEP’s village-level development projects. Due as much to skills acquired by villagers in planning, managing and implementing projects, as it was to the emergence of a cohesive national system and improved public administration capacities.<sup>645</sup>

UNTAET only began recruiting and training East Timorese District Development Officers (DDOs) in early 2001 and East Timorese subdistrict coordinators in August 2001, who assumed the positions of UNTAET DFO’s. Timor Leste’s government did not recruit or deploy subdistrict administrators until after independence in 2002 and Community Development Officers (CDOs) until the latter portion of 2003. As late as December 2001, when UNTAET was preparing to morph into UNMISSET and hand

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<sup>641</sup> Knezevic (2004), p. 45.

<sup>642</sup> Godfrey Nomusenge interview, Ermera, 13 October 2001; United Nations Development Programme, *Ukun Rasik A’an – The Way Ahead: East Timor Human Development Report 2002...*, p. 38.

<sup>643</sup> Ben Larke interview, Díli, 15 December 2004.

<sup>644</sup> Jean Foerster, ‘CEP Cost Benefit Study: Community Empowerment and Local Governance Project’ (Díli: World Bank, 2001).

<sup>645</sup> Rosa Vong National Director CEP PMU, interview, Díli, 16 November 2003; Reinaldo Borgess interview, Díli, 16 October 2003; Matheus Cabral interview, Díli, 16 October 2003.

power to an independent government, capacity-development did not exist or was entirely ineffective.

It was like nothing had happened for these people in terms of skills being transferred. Most of the people I worked with knew how to do things in the Indonesian model, but did not know the international standard, so this meant there was no teaching going on at all during the two years prior to that, everyone was doing things differently.<sup>646</sup>

In September/October 2002 with the establishment of District Community Development Committees (DCDCs), the independent government moved to create nationally owned institutional coordination and administrative capacities at district-level.<sup>647</sup> These structures were created by DNAT after it accessed CEP grant money earmarked for strengthening district-level government capacity.<sup>648</sup> Even then, DCDCs remained weak and did not appear to receive additional external donor funding: few internationals were even aware these coordination mechanisms existed. It took almost a full year for these bodies to begin taking on the envisaged coordination and training role between *suco*, subdistrict and district levels and to coordinate with different groups looking to implement development projects in rural areas. At national level, DNAT's role became clearer following 2002 when it was transformed from ODA into the Administration for Local Government and Development (ALGD). Two distinct management units were created within the department: one responsible for local governance and the other for development.<sup>649</sup> However, ALGD was still confronted by numerous institutional weaknesses and uncertainties surrounding local authority, future local government structures, and limited resources.

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<sup>646</sup> *ibid.*

<sup>647</sup> Eduardo Lopes de Carvalho and Jill Engen, 'District Community Development Committee- Progress Report, November 2003' (Díli: DNAT/Ministry of State Administration, 2003), p. 2.

<sup>648</sup> Jill Engen interview, Díli, 30 October 2003.

<sup>649</sup> Administration for Local Governance and Development, 'Structure and Functions of ALGD and District Administration, March 2002' (Díli: ALGD/Ministry of State Administration, Democratic Republic of East Timor, March 2002), pp. 3, 8-9.

**Fluid Institutional Change.** Administrative weaknesses were made worse by the constantly changing institutional environment between mid-2000 and late 2003. CEP was initially located in UNTAET's Central Fiscal Authority then shifted to ODA. ODA underwent numerous transformations in its evolution to DNAT (i.e. OTA- Office of Territorial Affairs, ODA- Office of District Affairs, ALGD- Administration for Local Governance and Development, and finally DNAT). When the Ministry of Internal Affairs (MIA) was created within ETTA, CEP fell under its authority through the ODA, rather than UNTAET *per se*. MIA had several different ministers with varying levels of project understanding and in some cases minimal competence as government officials.<sup>650</sup> There was also an element of personalised and political hostility between the government and the World Bank. One of MIA's several ministers was António Bianco and the Director of DNAT following 2001 was Lino Torrenzau, both of whom were the CNRT local government representatives earlier sidelined from the CEP by the World Bank. The World Bank's strategy of working through Gusmão, while successful in pushing the project through UNTAET, ultimately worked against CEP because it alienated FRETILIN figures. Hostility was compounded by government anger over pay discrepancies between ETTA officials and PMU personnel that were, sometimes, four times higher for PMU staff. Because CEP had forged so far ahead of state-building it essentially created a local government administration that paralleled DNAT, which fuelled institutional rivalry between the PMU and the government. For example, in theory the director of the PMU was subordinate to the director of DNAT, but in practice reported directly to the minister.<sup>651</sup> MIA later became two ministries: the Ministry of Interior headed by Rogério Lobato and the Ministry of State Administration headed by Ana Pessoa. Overall, line authority and management continuity within government was highly confusing and between UNTAET and ETTA was mixed. This situation was only complicated by internal political machinations.<sup>652</sup>

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<sup>650</sup> Laura Bailey interview, Díli, 15 December 2003; Jackie Pomeroy interview, Díli, 15 December 2003; Ludovic Hood interview, Díli, 13 November 2003.

<sup>651</sup> Peter Wrathall, Chief Financial Officer Project Management Unit CEP, interview, Díli, 21 October 2003.

<sup>652</sup> Roger Hearn interview, Díli, 30 October 2001. The World Bank was similarly confronted with problems of "management continuity", but to a lesser degree. Over the life of the CEP there were several

### 5.4.3 Traditional Structures

Local government development encountered additional problems because of the uncertain role traditional hereditary systems were to play in state-building. UNTAET Regulation 13/2000 stipulated that *suco* council members were not allowed to hold traditional or government leadership positions.<sup>653</sup> It was feared some aspects of traditional systems would be used by rural elites to dominate the project at village-level and direct benefits either to themselves or to their extended alliance networks. As the project evolved this was often the case with numerous instances of “elite capture”. Estanislau da Silva, a FRETILIN party member and ETTA’s minister for agriculture, expressed similar concerns by pointing out that some traditional leaders were opposed to any form of progress that would end rural feudalism and cited the continued existence of *Atan* (a form of slavery) in rural society.<sup>654</sup> For similar reasons, de Mello argued that the traditional hereditary system was not appropriate to an objective of building a modern democratic state that would adhere to international human rights standards.<sup>655</sup>

Conversely, some analyses suggest that subsequent problems between development councils and traditional power structures were the product of the World Bank’s flawed understanding of East Timorese society.<sup>656</sup> Nuno Rodrigues, from the SAHE institute,

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different Task Team Leaders assigned to supervisory responsibility over CEP and managing relations with the Timorese government.

<sup>653</sup> UNTAET, Regulation No. 2000/13, *On the Establishment of Village and Subdistrict Development Councils for the Disbursement of Funds for Development Activities*.  
<http://www.unmiset.org/legal/UNTAET-Law/index-e.htm> (3 July 2005).

<sup>654</sup> Pieter Smit, ““We Can’t Tolerate This Form of Slavery”, says Da Silva”, *Timor Post*, 14 November 2001.

<sup>655</sup> Sérgio Vieira de Mello interview, Díli, 10 November 2001. This ignored a growing intellectual trend that views traditional mechanisms as playing an important role in “consultation and dialogue”, thus helping maintain peace and stability. For example, a common criticism of UN state-building efforts in Somalia revolves around the different UNISOM missions’ reliance on negotiating with warlords to secure stability. It is argued this approach increased the political standing and power of violent factional leaders that undermined the ability of traditional leaders, while at the same time undermining the ability of traditional leaders to help rebuild a viable state, see Von Hippel (2000), p. 72; and Durch (1997), p. 329. The inherent contradiction is that traditional leaders become centrally important for social stability when state are weak at promoting the rule-of-law or the state has failed, see Klein (2002), p. 166; and Von Hippel (2000), p. 67.

claimed that the CEP was an example of UNTAET and World Bank attempts to introduce modernity by destroying clandestine and traditional structures and replacing them with a modern state.<sup>657</sup> World Bank officials later accepted several tenets of these criticisms by noting that the exclusion of *chefes* gave rise to conflicts within *suco* councils, resulting in passivity rather than councils driving the development process.<sup>658</sup>

Criticisms of the above nature overstated the cohesiveness and ability of traditional hereditary systems to stabilise Timor's transition to independence. CEP was established in a climate of political transition and social change that brought with it uncertainty and contestation for authority.<sup>659</sup> Confusion and conflict over legitimate local authority already existed (political, traditional, resistance, non-FRETILIN or FRETILIN, generational divisions) and Timor Leste's process of transition saw rising levels of contested political authority at village-levels, as well as the national level. Contestation over local political authority found its way directly into village councils during CEP's first project cycle. Elected council members were often better educated youth with a worldview that saw beyond rural society's closed hierarchies and did not want to be bound by traditional expectations.<sup>660</sup> Moreover, youth often believed it was their duty to build a new and progressive country.<sup>661</sup> Adding to contestation and uncertainty was the history of occupation and proxy rule through *chefes* and FRETILIN's historical promises to empower the *maubere* and do away with rural hierarchy. This led to fears that the

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<sup>656</sup> La'o Hamutuk, 'Evaluating the World Bank's CEP Project', *The La'o Hamutuk Bulletin*, vol. 1, no. 4:31 (December 2000), pp. 6-7. <http://etan.org/lhbuletin04.html#CEP> (22 June 2002). See also Ministry of Planning and Finance, 'The Rolling Think-Tank Initiative...', (2004).

<sup>657</sup> Nuno Rodrigues interview, Díli, October 2001.

<sup>658</sup> Richard Manning interview, Díli, 28 August 2001; World Bank, 'Community Empowerment and Local Governance Project (CEP), CEP II and III Supervision Mission, November 2003, Aide Memoire' (Díli: World Bank, November 2003), p. 18.

<sup>659</sup> On social uncertainty during periods of political transition see O'Donnell and Schmitter (1986), pp. 3-38.

<sup>660</sup> Formal administrative structures reinforced rural hierarchies that both the Portuguese and Indonesians tried using to strengthen their own control. For further discussion see Beauvais (2001), p. 1112.

<sup>661</sup> CEP District Facilitator, interview, Ermera, 2001; Village Youth Group Discussions, Baucau, September 2001; Rosa Vong interview, Díli, 16 November 2003; Reinaldo Borgess interview, Díli, 16 October 2003; Matheus Cabral interview, Díli, 16 October 2003.

post-liberation period would see concerted efforts by FRETILIN to carry through with those historical promises.<sup>662</sup>

Criticisms of CEP failed to recognise that traditional leaders and *chefes* were not really excluded from *suco* council development processes. There were numerous mechanisms designed to foster collaboration and consultation between *suco* councils and traditional leaders. These included traditional leaders as well as *chefes de suco* endorsing candidates for election to councils, the selection and approval of development projects to be implemented at village-level, and their involvement in conflict resolution.<sup>663</sup> Moreover, IDSS officials argued that councils were,

Meant to be alongside what was there, and help redefine what would be there in the future, giving the whole community, not just the traditional leaders, a range of options about how power could be deployed, allocated, and utilised.<sup>664</sup>

Reinaldo Borgess, assistant director of the PMU, similarly argues that councils were intended to be a forum for creating space to bridge various village-level divisions:

If we worked with the liurai, CNRT people complained about not working with them. If we worked with other *chefes* from the Indonesian period, people complained we were working with Indonesians. Councils were supposed to bring everyone together to discuss things and make plans.<sup>665</sup>

Nevertheless, traditional leaders and *chefes* in particular sometimes worked directly against development interventions that did not give them control.<sup>666</sup> In several instances this led *chefes* to accuse younger and better educated elected *suco* council members of

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<sup>662</sup> Mearns (2002), p. 5.

<sup>663</sup> International Development Support Services, 'Counselling Democracy in East Timor...', (2000), p. 4; Sofi Ospina and Tanja Hohe, *Traditional Power Structures and the Community Empowerment Project-Final Report Presented to the CEP/PMU, ETTA/UNTAET and World Bank Díli* (Díli: World Bank/UNTAET, 6 June 2001), p. 101.

<sup>664</sup> Christopher Dureau interview, Díli, 28 February 2001. See also Conroy, Kirkenmann, Ostergaard, and Scouller (2004), p. 7.

<sup>665</sup> Reinaldo Borgess interview, Díli, 16 October 2003.

<sup>666</sup> Godfrey Nomusenge interview, Díli, 13 October 2001.

corruption and incompetence.<sup>667</sup> This was no surprise because for nearly a decade prior to 1999 *chefes de suco* had been accustomed to controlling village development through the *Impres Desa Tertinggal* (IDT), which some Timorese regarded as little more than a method of buying the political allegiance of local leaders.<sup>668</sup> The argument, therefore, was that *chefe* opposition to CEP was motivated by attempts to regain control of village development funds.<sup>669</sup>

#### 5.4.3.1 Contested Political Authority

Anthropologists such as Tanja Hohe argue that traditional authority was well established at village-level upon UNTAET's arrival.<sup>670</sup> On the other hand, anthropologist James Fox, noting that political power and spiritual authority are very distinct issues at village-level, argues that political power between village communities had historically been fragmented.<sup>671</sup> In making this distinction, others argue that the strength of local systems varied regionally; that numerous tensions existed between youth and hereditary leaders; between CNRT appointed leaders; and between different ethno-linguistic groupings.<sup>672</sup>

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<sup>667</sup> CEP Ermera District Coordinator interview, Ermera, November 2001; 'CEP Village Meeting', Gleno, Direct Observation, Ermera, 11 October 2001; 'CEP Village Meeting', Tanimoro, Direct Observation, Ermera, October 2001.

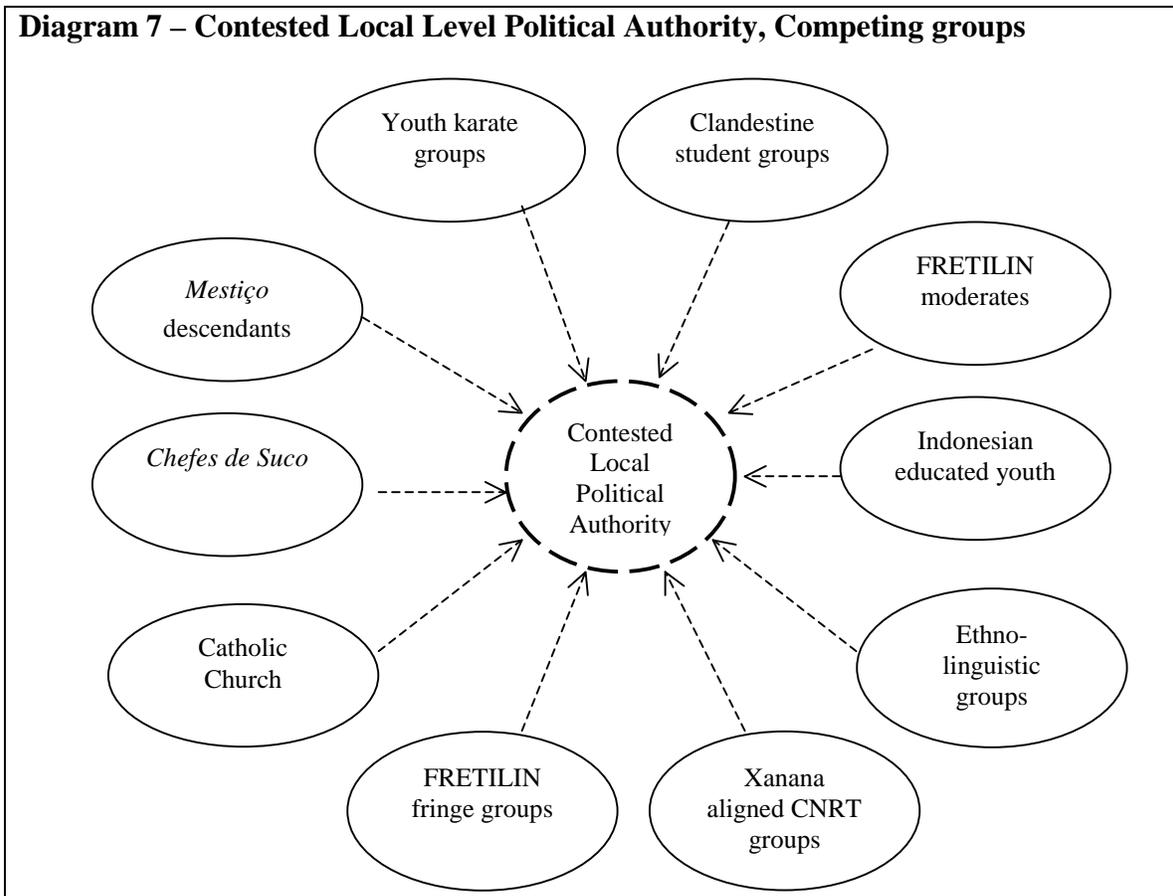
<sup>668</sup> Dionísio Babo-Soares interview, Díli, 26 February 2004.

<sup>669</sup> CEP Ermera District Coordinator interview, Ermera, November 2001.

<sup>670</sup> Tanja Hohe interview, Díli, 9 November 2001.

<sup>671</sup> See Fox (2000), p. 26. For further discussion on fragmented political authority at local levels see Gudmund Jannisa, *The Crocodile's Tears: East Timor in the Making* (Lund Dissertations in Sociology, Department of Sociology, 1997), pp. 42-44; Dunn (1983), pp. 1-2; David Hicks, *Tetum Ghosts & Kin: Fertility and Gender in East Timor* (Illinois: Waveland Press, 2004), p. 32; James Fox, 'Tracing the Path, Recounting the Past', in J. Fox and D. Babo-Soares (eds.), *Out of the Ashes: Destruction and Reconstruction of East Timor* (Adelaide: Crawford House Publishing, 2000), p. 12; Ospina and Hohe (2001), p. 19; Justino Guterres, 'Refugee Politics: Timorese in Exile' (Unpublished Bachelor of Arts Honours Thesis, n/a, Victoria University, 1992), p. 65; Elizabeth Traube, 'Colonialism and Decolonisation', in P. Carey and G. Carter Bentley (eds.), *East Timor at the Crossroads: The Forging of a Nation* (New York: Social Science Research Council, 1995), p. 47; Justino Guterres, 'The Makasae of East Timor: The Structure of an Affinal Alliance System' (Unpublished Master of Arts Thesis, n/a, Melbourne University, 1997), pp. 38-42, 78-92; John G. Taylor, *East Timor: The Price of Freedom* (New South Wales: Pluto Press, 1999), p. 12; and Jolliffe, *East Timor: Nationalism and Colonialism* (Queensland: University of Queensland Press, 1978), p. 69.

Divisions also existed between villages due to historical animosities dating back to the era of Portuguese colonial occupation, or to territorial divisions within the armed wing of the internal resistance.<sup>673</sup> Along with CNRT's internal power struggles, the local divides outlined in Diagram 7 made for a contested evolution of local political authority and formed the basis around which regional factional groupings could emerge or, as noted by the Carter Center, "space for the development and strengthening of potentially ill-intentioned groups that [could] undermine forward progress".<sup>674</sup>



<sup>672</sup> Reinaldo Borgess interview, Díli, 16 October 2003; Matheus Cabral interview, Díli, 16 October 2003; Rosa Vong interview, Díli, 16 November 2003; Josh Trinidad interview, Díli, 3 November 2001.

<sup>673</sup> *ibid.*

<sup>674</sup> Carter Centre, 'The East Timor Political and Election Observation Project Final Project Report' (Atlanta: The Carter Centre, April 2004), p. 11 <http://www.cartercenter.org/document1691.html>

Upon UNTAET's arrival FRETILIN began to reorganise itself internally and conducted elections for new *chefes de suco* throughout much of the country.<sup>675</sup> This was accompanied by CNRT setting up a parallel administration and holding elections for subdistrict coordinators and coordinators down to sub-village levels.<sup>676</sup> Both efforts were geared at ensuring pro-Indonesian *chefes* did not reassert themselves into positions of authority following the high refugee return from West Timor, and addressing lingering security concerns with hard-line militia across the border.<sup>677</sup>

Election results for the formation of CEP *suco* councils reflect some of those concerns as well as the influence of local CNRT figures. Voting methods included secret ballot, show of hands for preferred candidates, or direct acclamation. In Baucau the method of direct acclamation was used in 96 percent of councils, compared to Ermera where only 22 percent was by acclamation (43 percent secret ballot and 32.7 percent show of hands).<sup>678</sup> IDSS suggested that, the overwhelming use of acclamation in Baucau was a product of the strength of CNRT's clandestine resistance structures,

CNRT has been keen to reinforce its remarkable victory in the clandestine resistance movement by ensuring that its trusted supporters throughout the region secure positions of authority and leadership...At the very least, nominated candidates for the positions of village council membership require the support of the CNRT network at the local level.<sup>679</sup>

The political alliances of CNRT's internal resistance networks varied between the districts of Baucau and Ermera. In Baucau, FRETILIN's Internal Political Front, dominated by the party's fringe elements (e.g. CPD-RDTL) largely controlled the

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<sup>675</sup> Jarat Chopra interview, Díli, 7 September 2001; Jill Engen interview, Díli, 30 October 2003. See also Chopra and Hohe (2004), p. 296.

<sup>676</sup> Jill Engen interview, Díli, 30 October 2003.

<sup>677</sup> CEP District Staff Focus Group Discussion, Baucau, September 2001; CEP Ermera District Coordinator interview, Ermera, November 2001; CEP Baucau District Coordinator interview, Baucau, 27 October 2003.

<sup>678</sup> International Development Support Services, 'Counselling Democracy in East Timor...', (2000), p. 9-10.

<sup>679</sup> *ibid.*, p. 11.

ground.<sup>680</sup> In Ermera, there was a greater level of diversity. There were youth influences from the clandestine front, hereditary leaders, FRETILIN supporters and non-FRETILIN groups. Groups of disaffected ex-combatants emerged in Ermera, although on a smaller scale than similar disaffected ex-combatant groups in Baucau. This greater level of diversity in Ermera gave rise to more balanced voting methods between secret ballot and applause to select council members.<sup>681</sup> Variations with voting aside, the selection of *suco* council members and the appointment of individuals to positions in CNRT's parallel district administration were often based upon local CNRT alliances, which in turn had varying political allegiances to CNRT's national level and FALINTIL's internal groupings.<sup>682</sup> This was further broken down into two broad streams: those supporting Gusmão because of his high moral standing as the "father of independence", and those who supported FRETILIN because of its standing as the "party of independence". At the same time there were numerous "wild cards": individuals and disaffected groups not clearly aligned to anyone at national level and who were seeking to build "mini-fiefdoms".

Inside the territory there already existed numerous ethno-linguistic divides among the Timorese. However, in some instances FRETILIN's attempt to consolidate its political power at the local level fuelled colonial and occupation era rivalries between villages in areas like Uatalari, a community located in the Viqueque district.<sup>683</sup> In Uatalari, the Nawete and the Makasae peoples became involved in violent clashes after UNTAET's arrival. The recent origins of the conflict were traced to the Manufahi wars of 1912 and

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<sup>680</sup> Father Julió Crispim Ximenes Belo interview, Baucau, 5 November 2003.

<sup>681</sup> International Development Support Services, 'Counselling Democracy in East Timor...', (2000), p. 12. Godfrey Nomusenge interview, Ermera, 13 October 2001; Barbara Lule interview, Ermera, 26 October 2001; Saturlino Babo interview, Ermera, 19 October 2001; Alessandro Righetti interview, Ermera, 12 October 2001.

<sup>682</sup> Locals in different parts of Baucau and Ermera had different views about the CNRT. Those more closely aligned with FRETILIN tended to see CNRT as part of the external resistance, whereas villagers in Ermera who adopted a "non-aligned" position saw it as an overarching national organisation. These views crossed generational lines. It is unclear whether similar views existed in the rural areas of other districts.

the Portuguese attempts at divide and rule. In order to ensure their ethno-linguistic groups' dominance locally, the Makasae supported Portuguese rule and violently oppressed the Nawete. During the period of Indonesian occupation this was reversed with the Nawete supporting Indonesian rule and oppressing the Makasae. Following the referendum in August 1999, this pattern threatened to again become reversed because some Makasae leaders considered the Indonesian withdrawal as an opportunity to reassert their dominance locally. To them this was justified, because they believed the Makasae had been more consistent in supporting the liberation struggle and FRETILIN, than had been the Nawete.

Scores of local conflicts throughout Timor Leste also emerged over the territorial divisions of *sucos*. This reflected the different command structures of the internal resistance, which sometimes corresponded to the hereditary kingdom boundaries of ethno-linguistic groups in areas between the districts of Aileu and Ermera and the competing traditional land claims that gained prominence in the absence of state authority. According to DNAT officials, because not all *chefes de suco* were FRETILIN supporters, there emerged dual and sometimes triangular conflicts between FRETILIN, non-FRETILIN, and hereditary leaders at village-level, with the FRETILIN figures often insisting that they should be the *chefes de suco*.<sup>684</sup> Boundary disputes led to an increase in the number of villages from the pre-1999 Indonesian figure of 420 to 498 in the 2001 *suco* survey, to over 500 by 2003.<sup>685</sup> The process of dividing *suco* boundaries suggested that the Timorese government resolved disputes by addressing the sources of conflict (i.e. boundary disputes). However, it also meant that local political authority was often confused, contested, and sometimes conflicting.

#### **5.4.4 Impact of UNTAET's Centralised Administration**

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<sup>683</sup> Josh Trinidad interview, Díli, 3 November 2001. Trinidad also points out that in a number of cases the conflicts between villages in the district of Viqueque, particularly in the Ossu area, revolved around local competition for control over natural resources such as water.

<sup>684</sup> *ibid.*

<sup>685</sup> Jill Engen interview, Díli, 30 October 2003.

After CEP was launched, ODA released a public statement that pointed to the importance of CEP for the UN's state-building efforts at subdistrict and village levels, because CEP promoted bottom-up participatory development.<sup>686</sup> However, by this time UNTAET had already decided against a bottom-up participatory approach to state-building. In fact, one UN official noted that beyond distributing assistance to villagers "CEP did not even register on the radar screen".<sup>687</sup>

Outside of fund distribution mechanisms, the only link between UNTAET and CEP was at the subdistrict level through DFOs. The strength of this link varied from subdistrict to subdistrict. It depended on the quality of UN staff, the team-building approaches of senior UN personnel, or weak leadership at district-level due to fragmented and conflicting lines of authority.<sup>688</sup> A further product of UNTAET's internal power struggle over decentralising the mission and rivalry with the World Bank was that some DFOs were instructed not to have any involvement with CEP following the project's launch.<sup>689</sup> This depended upon the individual attitudes and approaches of internationally appointed DAs.<sup>690</sup> Those from "inside" the UN system tended to listen to directives issued from senior personnel in Dili, while those from "outside" the UN system tended to do so to a much lesser degree. Even when considering the crucially important role DFOs played in personalising UNTAET's presence at village-level, they remained, both physically and psychologically, at the very periphery of state-building efforts. There were regular information gaps between UNVs and district administration, lack of consultation about developments at subdistrict level, as well as social isolation between UNVs and the UNTAET administration.<sup>691</sup> ODA's acknowledgment of bottom-up approaches thus amounted to politically correct lip-service to donors and UN critics.

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<sup>686</sup> Office of District Affairs, 'Why is the Community Empowerment and Local Governance Project (CEP) Important to UNTAET?', Statement to the Press, UNTAET, Dili, 5 September 2000.

<sup>687</sup> Informant Number 23 (UN official).

<sup>688</sup> *ibid.*

<sup>689</sup> Informant 30 (UNTAET Official).

<sup>690</sup> Sue Ingrham, Planning and Project Assessment Unit UNTAET, interview, Dili, 8 November 2001.

#### 5.4.5 “Why don’t they come?”<sup>692</sup> – The Role of Advocacy NGOs

UNTAET Regulation 13/2000 suggested that the *suco* councils established through CEP could provide a framework for coordinating NGO activities at village-level, with the potential of becoming “engines for local development”.<sup>693</sup> Councils would give the population “a sense of ownership in an environment otherwise dominated by outside forces”.<sup>694</sup> The project would reduce the amount of government administration required for community development following a transition to independence. To achieve these ends, *suco* councils were encouraged to locate independent funding outside CEP from donors and NGO’s.

ODA’s district administration was the first stopping point for development NGOs seeking to implement projects in rural areas below district-level. Rather than supporting the coordination function and bottom-up processes found in *suco* councils, UNTAET officials usually directed NGOs to *chefes de suco*. To begin a project quickly *chefes* were the easiest village-level entry points, thus helping NGOs satisfy their own needs to produce quick results. UNTAET hostility, and the problems IDSS experienced in its relationship with the World Bank, led to a situation in which *suco* councils established through CEP were regarded as illegitimate World Bank creations. The result was that development NGOs avoided working through them.<sup>695</sup> IDSS issued warnings that this could undermine the entire bottom-up develop process it sought to implement.<sup>696</sup> Its fears were born out when donor interventions reinforced rural hierarchies by working through *chefes*, while at the same time undermining the effectiveness, credibility, and

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<sup>691</sup> UNTAET, ‘Internal UNTAET Memo, April 16<sup>th</sup> 2001. Francis T. Kibalya to Kevin Gilroy’, Dili, 16 April 2001.

<sup>692</sup> Female CEP *Conselho de Suco* Member, interview, Baucau, September 2001. This council member pleaded that the “big people” be told the councils are waiting. She could not understand why nobody came.

<sup>693</sup> World Bank, AusAID, USAID, CEP, JICA, UNOPS, ETTA, ‘Community Development Exchange, 26-28 June 2001’ (Dili: World Bank, AusAID, USAID, CEP, JICA, UNOPS, ETTA, 2001), p. 5.

<sup>694</sup> Cliffe, Guggenheim, and Kostner (2003), p. 8.

<sup>695</sup> Direct Observation, Ermera and Baucau, September to October 2001.

legitimacy of *suco* councils through the needless duplication of village planning bodies.<sup>697</sup>

Contributing to the negative socialisation process that undermined the legitimacy of *suco* councils was a stream of disparaging commentary emanating from advocacy NGOs critical of the World Bank and the CEP. This appeared to be a reaction to the World Bank's strategy of pushing through a repackaged KDP and the resultant exclusion of CNRT representatives from implementing the project. Timorese NGOs such as the Sahe institute believed CEP should have been a vehicle through which to introduce participatory democracy at the grass-roots level.<sup>698</sup> International advocacy NGOs such as the Global South opposed the World Bank's neo-liberal economic rationalism that promoted small government and private sector growth.<sup>699</sup> One of the staunchest critics was La'o Hamutuk which, because of its local Timorese networks, had significant scope to shape opinions towards the CEP.

Reinaldo Borgess and Matheus Cabral, a staff member of CEP's management unit, believed that critics from advocacy groups usually lacked qualifications to make meaningful assessments about CEP, skewed the "truth" by generalising limited findings to the entire country and "demonstrated hypocrisy in their teachings to the East Timorese".<sup>700</sup> According to Borgess and Cabral, international advocacy NGOs that professed adherence to principles of community empowerment and local ownership regularly attempted to impose their own visions of "correct" development. They further suggest that advocacy NGOs were motivated by a desire to "take control" of the community development sector and thus guarantee their "dominance over a niche

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<sup>696</sup> International Development Support Services, 'CEP, *Timor Oan Hiit An Rasik*. Progress Report...', p. v.

<sup>697</sup> Reinaldo Borgess interview, Dili, 16 October 2003; Matheus Cabral interview, Dili, 16 October 2003.

<sup>698</sup> Nuno Rodrigues interview, Dili, October 2001.

<sup>699</sup> For example see Ben Moxham, 'The World Bank in the Land of Kiosks: Community Driven Development in East Timor', *Focus on the Global South* (Bangkok: 12 October 2004). <http://www.focusweb.org/main/html/Article519.html>

<sup>700</sup> Reinaldo Borgess interview, Dili, 16 October 2001; Matheus Cabral interview, Dili, 16 October 2001.

market” and the donor funding flowing into this market.<sup>701</sup> The accuracy of these claims pales in comparison to the impact of the drama that played itself out between the World Bank and its critics regarding the CEP. On sound developmental grounds the World Bank was regularly condemned over a lack of national Timorese ownership over CEP. However, IDSS warned that the mistrust and stigma generated towards CEP undermined the legitimacy of *suco* councils and further undermined the possibility of real community ownership emerging over the project; and by extension, their empowerment.<sup>702</sup> The actions of advocacy NGOs thus proved to be one of the factors that contributed to the centralisation of political and administrative power under UNTAET, which was under no real pressure to support bottom-up state-building or citizenship-building through CEP.

#### **5.4.6 Trading-Off Governance Foundations for Political Stability?**

World Bank officials argued that CEP responded to a broad range of post-conflict challenges. This was accomplished by providing speedy material assistance to villagers and by redefining social and political institutions. Together these prevented the rise of social discontent and violent conflict.<sup>703</sup> It was also argued that post-conflict social pressures led to trade-offs between short-term needs and building solid governance foundations:<sup>704</sup> a point that was equally applicable to the development of many of Timor Leste’s institutions during the early transitional period (e.g. police, judiciary).

CEP’s ability to build solid local governance foundations was further limited by UNTAET’s opposition to the project as anything other than a funds disbursement mechanism. In the opinion of the mission’s principal legal advisor,

[T]he councils were established by UNTAET (1) principally so as to make the Grant Agreement effective, and (2) not to create institutions which

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<sup>701</sup> *ibid.*

<sup>702</sup> World Bank, ‘Community Empowerment and Local Governance Project (CEP), CEP II and III Supervision Mission, November 2003...,’ (2003), p. 4.

<sup>703</sup> Cliffe, Guggenheim, and Kostner (2003), p. 1.

<sup>704</sup> Laura Bailey interview, Díli, 15 December 2003; Jackie Pomeroy interview, Díli, 15 December 2003. See also Conroy, Kirkenmann, Ostergaard, and Scouller (2004), p. 12.

would exercise powers broader than the powers related to the disbursement of funds for development activities[.]<sup>705</sup>

IDSS argued that UNTAET did not treat councils as an “integrated local government structure” and that this undermined “sound development practices”.<sup>706</sup> Of course, this begs the question: “integrated to what” when there were was no functioning public administration? Unless CEP intended to build a local administration in advance of Timor Leste’s evolving administration it had to accept that it was essentially a project standing outside of the evolving public administration.<sup>707</sup>

Until late 2001 UNTAET was focused on maintaining peace and building the basic structures of a state.<sup>708</sup> It viewed CEP in the light of a quick impact project that could contribute to broader stabilisation efforts by alleviating economic causes of social unrest.

[Q]uick impact projects are the ones that perhaps provide the East Timorese population with the most visible, the most immediate confirmation of international solidarity...all that we have to rely upon is the World Bank-funded community empowerment project, which has taken over the funding of this type of project.<sup>709</sup>

Support to the rural economy was required so that people could purchase basic necessities and agricultural products that were either destroyed or stolen following the referendum, as well as to facilitate rehabilitation or construction of infrastructure projects.<sup>710</sup> Villagers were not thinking about complex governance or economic theories,

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<sup>705</sup> Johan van Lamoen, ‘Legal Opinion: UNTAET Regulation No. 2000/13’, Principal Legal Advisor, OSRSG, 25 August 2000, para. 10.

<sup>706</sup> Christopher Dureau, ‘Governance and Local Government: Experience and Aspiration in East Timor’, paper presented at Victoria Local Governance Conference (2003); International Development Support Services, ‘CEP, *Timor Oan Hiit An Rasik*. Progress Report 3. Prepared for CNRT, Asian Development Bank, UNTAET, and World Bank’ (November 2000), p. vi.

<sup>707</sup> Contributing to this “stand alone” position of the CEP were the strategies used by the World Bank to ensure that it retained control of managing the project, thus excluding UNTAET and CNRT officials from any meaningful involvement in the project, Kieran Dwyer interview, Díli, 16 November 2001.

<sup>708</sup> Mark Gough, email correspondence, 23 February 2002.

<sup>709</sup> United Nations Transitional Administration for East Timor, ‘UNTAET: De Mello’s Statement to Security Council 29 September 2000’, p. 3 <http://www.easttimor.com/archives/2753.htm> (21 June 2001)

<sup>710</sup> John Doyle, Program Manager USAID, interview, Díli, 16 November 2001.

or any kind of “ism”: they wanted security and help with rebuilding their lives.<sup>711</sup> Lino Torrenzau, director of DNAT in 2003, argues these were the major considerations for both the CNRT leadership and UNTAET. All else was secondary to providing security and distributing assistance to the population, thus working to maintain a stable social atmosphere during the early transitional period.<sup>712</sup>

Following CEP’s first project cycle and the sacking of IDSS by the end of 2000, there was a dramatic shift within CEP towards funding income generating activities as part of broader objectives to stimulate economic activity in rural areas. During the second and third project cycles over US\$ 1.2 million in micro-credit loans were distributed to villagers. These loans funded agricultural activities, the purchase of livestock, small fishing enterprises and small businesses, most of which were kiosks. Early social and political pressures to disburse financial assistance led to numerous weaknesses in the provision of micro-credit and unsustainable business enterprises.<sup>713</sup> For example, it was estimated that in 70 percent of cases, income generating projects for vulnerable groups such as widows and women were money-losing activities.

Nevertheless, since a core objective of CEP during its second and third cycles was to inject funds into the rural economy and, by extension, reduce pressures for rising public discontent, its micro-credit activity was successful. It financed the start-up or recapitalisation of approximately 1,050 small-scale business activities in rural areas, thus putting money into the hands of people who needed it. Moreover, as indicated in Table 3 CEP offered the only mechanism for channelling assistance to rural communities on a broad scale to achieve these objectives.<sup>714</sup> Its coverage included all of Timor Leste’s 13 districts, with councils established in 498 villages, which included some 2,336 sub-

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<sup>711</sup> Godfrey Nomusenge interview, Ermera, 13 October 2001; Rosa Vong interview, Díli, 8 September 2001; Reinaldo Borgess interview, Díli, 16 October 2003; Matheus Cabral interview, Díli, 16 October 2003.

<sup>712</sup> Lino Torrenzau interview, Díli, 22 October 2003.

<sup>713</sup> See, Conroy (2003).

<sup>714</sup> Laura Bailey interview, Díli, 15 December 2003; Jackie Pomeroy interview, Díli, 15 December 2003.

villages. CEP also provided to be the only institutional contact isolated villagers had with state-building, and in some cases the only source of material assistance.<sup>715</sup> The final project cycle alone was estimated to have benefited 300,000 people through infrastructure development projects, small enterprise activities, and assistance for vulnerable groups.

Cycle I	Cycle II	Cycle III	Total in Timor Leste	
12 districts	13 districts	13 districts	13 districts	
60 <i>Postos</i>	65 <i>Postos</i>	65 <i>Postos</i>	65 <i>Postos</i>	
418 <i>sucos</i>	418+ <i>sucos</i>	418+ <i>sucos</i>	418+ <i>sucos</i>	
District	Population		Total	# House holds
	Females	Males		
Aileu	15,615	16,211	31,827	6,780
Aínaro	22,410	22,682	45,093	9,683
Baucau	50,721	50,769	101,517	23,490
Bobonaro	35,079	34,853	69,932	15,431
Cova Lima	24,178	25,056	49,234	10,788
Díli	57,080	63,394	120,474	19,944
Ermera	43,630	44,785	88,415	18,112
Liquiçá	22,461	23,114	44,575	9,374
Lautem	26,739	26,727	53,467	12,713
Manufahi	18,774	19,842	38,616	7,591
Manatuto	17,652	17,793	35,446	8,136
Oecussi	23,307	21,735	45,042	11,355
Viqueque	31,289	31,415	62,704	14,038
Total	388,935	398,405	787,340	167,435

*Drawn from Suco Survey, 2001.*

CEP did not redefine local institutions to prevent future conflict, as suggested by the World Bank. However, development assistance was distributed through CEP and UNTAET mechanisms by a rule-governed system that prevented violent competition over access to scarce resources within and between villages. Manuel Tilman, a respected KOTA member of parliament, while being critical of CEP, strongly believed that the project's greatest strength was its

provision of material assistance to rural communities because it helped stabilise society and prepared the way for “real” development.<sup>716</sup> This facilitated a peaceful transition from a chaotic stage of political development to constitutive and constructive stages.

In this light, it can be argued that the only real governance trade-off that occurred *via* CEP was the World Bank's tacit acceptance of localised forms of corruption through elite capture. Even this proposition is problematic if one considers that the World Bank aimed to distribute donor funds beyond the confines of Díli and promote broader patterns of economic growth and wealth distribution, even if not entirely inclusive. This means, at

<sup>715</sup> CEP District Staff Focus Group Discussion, Baucau, September 2001; CEP Ermera District Coordinator interview, Ermera, November 2001; CEP Baucau District Coordinator interview, Baucau, 27 October 2003. CEP cannot correctly be seen as part of state-building given the context in which it began and the East Timorese leadership's ambivalence towards the project. Though not acting as a local-level political entry point to the government's political decision making processes, nor building constructive citizenship, it did provide an important psychological link between isolated villagers and broader state-building efforts.

least theoretically, that UNTAET's interpretation about the stabilisation role of CEP was not at tremendous odds with the World Bank's own governance objectives of the project. CEP's narrow instrumental approach stressed speedy and cost-effective delivery of reconstruction assistance.<sup>717</sup> It excluded the sort of political empowerment required to foster bottom-up participation in state-building, which was one of the reasons IDSS came into conflict with the World Bank.

#### 5.4.6.1 Project Management Unit (PMU)

*We need to design good mechanisms so that the people feel that they own the program that is designed. A feeling of ownership from the community needs to be nurtured so that it is sustainable- Xanana Gusmão.*<sup>718</sup>

As state-building unfolded, the World Bank created fire-walls that would ensure it retained control over implementing CEP in a fluidly changing institutional environment. UNTAET's inability to build the capacity of ODA to manage CEP led to IDSS acting as the local implementing partner. Following the Lisbon donors conference in June 2000, Timorisation became a major initiative for UNTAET as a way to address Timorese demands for greater control over state-building. By the end of the year, the CEP was managed by the PMU which was staffed entirely by Timorese, with a handful of international consultants recruited by the World Bank to provide management assistance. Both UNTAET and the World Bank touted this as a major step towards genuine capacity-building and full independence for the Timorese people.<sup>719</sup>

Timorising CEP had not been a part of anyone's short-term strategic plan, at least not prior to September 2000. Around September 2000 the World Bank withdrew a public tender for the further services of an external implementation partner. According to those involved with implementing the project, this happened only after the World Bank realised

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<sup>716</sup> Manuel Tilman interview, Díli, 13 December 2003.

<sup>717</sup> Cliffe, Guggenheim, and Kostner (2003), p. 2.

<sup>718</sup> Xanana Gusmão, 'Address to the Accountability Report on the Implementation of Activities for the National Workshop: Ermera, 20-21 September 2001' (September 2001).

the implementation contract would be won by IDSS.<sup>720</sup> It gave the World Bank the opportunity to push through the KDP model and control CEP by recruiting Timorese and international consultants associated with the earlier KDP project.<sup>721</sup> Moreover, IDSS argued the process of Timorising CEP was rushed in order to take political pressure off UNTAET.

Following the handover of the CEP’s implementation responsibilities to the PMU, its Timorese staff claimed that they managed the project. This argument was made because Timorese, not World Bank personnel, prepared all the training and facilitation documentation for the CEP’s village-level development activities.<sup>722</sup> However, training activities introduced instrumental community participation approaches typically associated with the World Bank’s project approach, which was far removed from IDSS’s training focus on building the foundations for social development and political empowerment. As indicated by the Tables 4 and Table 5 below, the influence exercised by the World Bank was clear with the changing nature of projects selected by *sucos* councils. Most projects selected by *sucos* councils during the first cycle were geared to the rehabilitation of social infrastructure, like community meeting places to establish “spaces” for communities to get together and participate.

Project type/ District	Meeting places	Water Supply Sanitation Irrigation	Road and Bridge	Clinic and School	Agri equip & Live stock	House equip	<i>Suco</i> Inv
Aileu	30	2	6	1	1	0	0
Ainaro	20	0	2	4	1	0	0

<sup>719</sup> Christopher Dureau interview, Melbourne, 28 February 2000.

<sup>720</sup> International Development Support Services, ‘CEP, *Timor Oan Hiit An Rasik*. Progress Report 3...,’ (2000), p. iii. The World Bank solicited the services of an implementation partner because of legal limitations set out in the Grant Agreement, which prohibited the World Bank from directly implementing CEP, Informant Number 26, (Aid Worker).

<sup>721</sup> Community Aid Abroad/Oxfam in Australia (2000), ‘Completion Report- Contracts issued by UNTAET to Community Aid Abroad/Oxfam in Australia under Grant No. TF 023534: Community Empowerment and Local Governance Project for Post Facilitator Training and Support and Sub-PMU Establishment’, December 2000, pp, 27-28.

<sup>722</sup> Reinaldo Borgess interview, Díli, 16 October 2003; Matheus Cabral interview, Díli, 16 October 2003.

Baucau	32	8	9	1	8	13	6
Bobonaro	8	11	2	8	6	7	6
Díli	0	12	1	0	6	1	0
Ermera	44	4	12	5	0	0	0
Liquiçá	14	6	3	1	0	0	1
Lospalos	18	8	1	0	0	13	2
Mantuto	30	3	5	2	0	0	0
Oecussi	0	0	0	0	27	0	0
Same	25	0	1	0	0	13	2
Suai	14	1	3	0	12	12	10
Viqueque	0	1	0	0	1	40	13
Total per category	235	56	45	22	61	99	40
Total	646,460	97,782	89,843	80,000 (est.)	159,035	298,238	7,038

From the first to the second cycle there was a shift from the social development model promoted by IDSS to the infrastructure development and income generation approach favoured by the World Bank. Moreover, the PMU's main focus became financial accountability of donor funds and ensuring that money was distributed to *suco* councils. This was obvious with PMU progress reports, which focused almost entirely on funds disbursed and the number and types of projects implemented. Not only had the PMU become a fire-wall ensuring World Bank control, it also acted as a proxy implementing the World Bank's instrumental approach to community development.

Following the Timorisation of CEP, the World Bank placed the "lowest possible ceiling on the PMU that prevented independent decision-making: everybody could see the World Bank managed the whole thing".<sup>723</sup> The creation of the PMU also gave rise to a parallel local government administration that remained outside of emerging government structures within ETTA. As noted above, this fuelled institutional rivalry between government personnel within ALGD/DNAT and PMU staff recruited by the World Bank. Moreover, it ensured that the Timorese government had little real control over guiding the implementation of the CEP.

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<sup>723</sup> Kieran Dwyer interview, Díli, 16 November 2001.

*Table 5 – Cycle 2 Project Selection*

Water Supply and Sanitation	28%
Irrigation	3.3%
Roads and Bridges	13.8%
Clinics and Schools	0.2%
Agriculture and Equipment	3.6%
Social Housing	6.6%
Electricity	0.2%
Social	0.9%
Women's group activities	3.8%
Credit	29.8%
Council Administration	6%
Household Equipment	2.8%

As an UNTAET example of successful Timorisation on the road to independence the PMU was a miserable failure. Beyond facilitating the distribution of donor funds to *suco* councils UNTAET had no involvement with CEP. Timorisation of the CEP occurred within the narrow parameters established by the World Bank, which set the project's agenda after it had strategically removed IDSS from implementing CEP. In the eyes of ETTA officials, CEP came to be regarded as an externally driven initiative with an "end date".<sup>724</sup> This left Timorese government

officials watching on from the side until the project was closed in March 2004.

## 5.5 Summary Discussion

UNTAET rejected decentralising its administration because it framed its approach to the local level around intrastate conflict dynamics encountered by earlier UN peacekeeping missions. Bottom-up state-building had no place in DPKO's strategy that sought to maintain peace, build central institutions of state as well as a representative democracy. Was this inappropriate in Timor Leste, a territory resuming its decolonisation process after waging a successful struggle for liberation?

The reality of local power struggles, the lack of a cohesive national level administrative system and the fragmented political authority suggest otherwise. CEP proved highly contentious among internationals, it demonstrated the extent to which senior UN personnel sidelined Timorese from the state-building agenda and even threatened to be a

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<sup>724</sup> Mári Alkatiri interview, Díli, 12 February 2004.

vehicle through which to influence political developments at the local level. Timor Leste's leaders were divided over the role of CEP, which reflected various internal power struggles. The Mozambique clique's fears that CEP would lead to social and political fragmentation paralleled the concerns of UNTAET officials that sought to "build the centre first". Timorese mistrust of the World Bank also demonstrated that the UN could not engage in the sort of intrusive institutional engineering required to build local government structures: at least not in a manner able to promote the sort of constructive citizenship found in the rationales for participatory peacekeeping interventions. Nevertheless, there was consensus among both Timorese leaders and UNTAET policy-makers about the need to distribute development assistance in order to facilitate the emergence of a stable political environment to enable state-building to move forward peacefully.

When CEP was launched in February 2000 government institutional partners did not exist and even after they were developed they remained weak throughout the life of the project that ended in March 2004. In and of itself this was sufficient to make CEP's implementation on a nationwide basis a difficult challenge. Institutional rivalry, an explosive social setting, CNRT divisions, ideological conflicts masked behind competing management styles, and pressures to provide material assistance to the population made a total successful implementation of the project impossible. The developmental problems found within CEP were largely irrelevant as society was recovering from conflict and was not yet prepared to begin a real development process. In this context, CEP was most successful in providing mechanisms to peacefully engage rural communities in broader state-building efforts. Even if tenuous, CEP fostered a sense of political inclusion through its national administrative structures. It distributed financial and material assistance in a rule-governed framework that prevented the rise of predatory conflict over scarce resources as had occurred at grassroots levels in Somalia or Cambodia. In the midst of contested local political authority CEP also introduced principles of democracy, good governance, accountability, and peaceful conflict resolution. While experiencing problems between elected council members and traditional local leaders, valuable lessons were learnt that the government later built upon for future *suco* council elections. The

World Bank's control of CEP and the lessons learnt helped to protect the fledgling government from unfair criticism, which may have undermined its credibility in an already politicised social environment.

In a "normal" development context, the strategies the World Bank deployed to retain control of CEP would have amounted to a case study of an externally driven development horror story. The lack of a cohesive national system meant poor sustainability of many of the early CEP funded village-level infrastructure projects and micro-credit income generating activities. Nor did CEP empower communities politically. The parallel administrative structure created through the PMU led to high levels of institutional rivalry between the project and ETTA once the public administration began taking real form. Consequently, as the public administration matured it did little to promote the objectives of community empowerment and facilitate the kind of popular participation required to build constructive citizenship through CEP. The goal of empowering communities was further undermined by: (1) the political contests taking place among the East Timorese for national level authority (2) the competing ideological agendas of advocacy NGOs and (3) the World Bank's instrumental project approach. Even with these many developmental problems, CEP served a crucial post-conflict state-building role, one that is often neglected by its more strident critics.

When considering the World Bank's project design and objectives, the only real governance trade-off found in CEP was between building national ownership and neutralising the local level as a political battleground. The lack of Timorese national ownership of CEP, in the context of post-conflict political reconstruction beginning from a chaotic stage of political development, internal power contests, and a lack of institutional rules and procedures, should not have been a surprise or a disappointment. Authority was already fragmented and the early attempts by non-FRETILIN CNRT groups to access CEP threatened to politicise the project in an explosive manner. By taking control and sidelining East Timorese political figures, the World Bank alienated local political actors but created a neutral institutional space at the local level through which to provide development assistance to villagers around the country. This failure to

promote national ownership of the CEP was the World Bank's greatest success: it neutralised the local level as a political battleground. Along with other interventions from PKF, CivPol and the East Timorese leadership who promoted stability, the CEP allowed state-building to unfold in a relatively peaceful manner. As CEP evolved under the control of the World Bank, it focused on an instrumental community development approach which emphasised financial accountability, infrastructure development and income generation. While this served a crucially important function in UNTAET's post-conflict political stabilisation efforts, it could never have played the role of Chopra's "missing link" to promote bottom-up state-building.

The experience of CEP suggests that it was a successful short-term approach to post-conflict state-building that removes or neutralises the grassroots, and allows elite level political conflict to be managed peacefully and become transferred into a rule-governed institutional at national level. It is only after national level conflicts are resolved that a participatory bottom-up state-building process can begin. The World Bank's management approach that fire-walled the CEP against outside actors by creating the PMU was the most constructive approach for Timor Leste's post-conflict social realities, albeit more by chance than design.

## Chapter 6 – An Illegitimate One-Party State?

Retrospective arguments about Timor Leste's Constituent Assembly elections in August 2001 and the process leading up to independence sometimes disparage both UNTAET and FRETILIN. Critical accounts point to UNTAET's failure to promote national unity and to the UN allowing FRETILIN to seize control of the state apparatus.<sup>725</sup> Those critiques include the argument that internationally driven state-building imposed a modernist governance paradigm that would lead to factional conflict and possibly state-collapse.<sup>726</sup> Not only was the process captured by a left-wing party that had been waiting in the shadows, but the constitution that emerged was imposed upon a population excluded from its drafting by a "closed" and illegitimate government. Implicit in such accounts is the view that a certain level of social order and unity existed within Timorese society that could have been prolonged by an extension of CNRT.

This chapter explores these propositions by looking at the dissolution of the CNRT and divisions between key political parties found in parliament. It examines how these parties campaigned for the Constituent Assembly elections, their strengths and weaknesses, and the platforms they advocated. It then looks at how those differences informed the drafting of the constitution, the democratic system created, and its cultural relevance to East Timorese society. This chapter also explores some of the central theoretical questions set out in the Chapter 2. One key question explored herein is what is the role of democratisation in a post-conflict society and which mechanisms best promote institutional peace-building? As an important adjunct to those questions, also considered is the extent to which the administrative system formalised by the constitution addressed the political, social and development challenges confronting Timor Leste. The chapter concludes by discussing how, or to what extent, UNTAET's conflicting governance mandates shaped perceptions about the legitimacy of the government and the political system that was established.

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<sup>725</sup> For example see Saldanha (2003).

<sup>726</sup> For example see Hohe (2003).

## **6.1 Constituent Assembly (CA) Elections**

### **6.1.1 Dissolution of CNRT**

As early as March 2000, CNRT leaders began pushing for a speedy transfer of political power away from UNTAET to the Timorese. At the same time, CNRT experienced declining levels of support from the youth who increasingly viewed it as an irrelevant and unrepresentative body that favoured its dominant diaspora groupings.<sup>727</sup> The democratic process called for by Gusmão in 1999 that would have ensured popular participation in state-building had not been provided through CNRT.<sup>728</sup> Alkatiri argued that, as a result, FRETILIN pushed for dissolving the umbrella organisation because it was time for “real democratisation and the free expression of different ideas”.<sup>729</sup> This democratisation had also been endorsed by all groups within CNRT as the central component for transferring political power to legitimately elected representatives of the population.<sup>730</sup> Moreover, CNRT’s dissolution, which allowed for the registration of political parties to compete in the Constituent Assembly elections, worked to defuse a growing “political powder-keg” among elites who were trying to outmanoeuvre each other within CNRT.<sup>731</sup> Two months after CNRT’s dissolution, Timor Leste held its first post-referendum nationwide vote for the Constituent Assembly on 30 August 2001.

## **6.2 Political Party Outlooks and Campaigning**

Once CNRT dissolved, sixteen political parties and five independent candidates registered to compete in the Constituent Assembly elections. The official party registration process saw the formation of parties based along some of CNRT’s historical fault lines and the creation of parties based along new divisions which emerged following

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<sup>727</sup> UNTAET PKF HQ Military Information Cell, ‘East Timor Political Handbook’ (Díli: 5, PKF, February 2001), p. 10.

<sup>728</sup> Xanana Gusmão, ‘Speech Delivered by Xanana Gusmão...’ (1999), p. 3.

<sup>729</sup> Mári Alkatiri interview, Díli, 12 February 2004.

<sup>730</sup> CNRT, *Outcomes of the CNRT National Congress, 21<sup>st</sup> to 30<sup>th</sup> August 2000*, Díli, August 2000.

<sup>731</sup> Laura Bailey interview, Díli, 15 November 2003; Jackie Pomeroy interview, Díli, 15 November 2003.

1999. The dissolution of CNRT was accompanied by fears of growing factional conflict because there was no longer an “organisation to take care of the unity of the people”.<sup>732</sup> The fears were founded on memories of Timor Leste’s brief civil war of 1975 at which time political parties became engaged in violent factional conflict.<sup>733</sup> During the 2001 Constituent Assembly election campaigning period there were sporadic reports of intimidation against voters in places such as Oecussi and Liquiçá.<sup>734</sup> These were, however, isolated incidents that went against the grain of a peaceful national campaigning process. In August 2001, 91 percent of the population freely exercised their democratic franchise, and the subsequent vote-counting process was free of manipulation.<sup>735</sup> Although there existed problems relating to voter awareness as to the purpose of the election,<sup>736</sup> this first step toward democracy alleviated concerns about

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<sup>732</sup> Simião Piedade Babo interview, Díli, 24 October 2001. A study conducted by the National Democratic Institute in 2001 found that roughly half those polled were wary of multi-party elections because of the possibility for violence, National Democratic Institute, *‘Timor Loro Sa’e is Our Nation’- A Report on Focus Group Discussions in East Timor* (Díli: March 2001), p. 7.

<sup>733</sup> Rui Hanjen interview, Díli, 10 October 2003; João Mostre Madeira interview, Díli, 12 October 2001; Eduardo Casimoro de Deus interview, Ermera, 18 October 2001; Simião Piedade Babo interview, Ermera, 24 October 2001; Saturlino Babo, Ermera, interview 19 October 2001; Nuno Rodrigues interview, Díli, October 2001.

<sup>734</sup> Political Affairs Unit, UNTAET, ‘Weekly Political Round-Up, 6 August-12 August’, Díli, 2001.

<sup>735</sup> European Union Election Observation Mission, ‘Summary of the Provisional Findings of the European Union Election Observation Mission’ (Díli: Electoral Support Centre, September 2001); Carter Centre, ‘Preliminary Statement: The Carter Centre 2001 Constituent Assembly Elections Timor Loro Sa’e (Díli, September 2001); Judicial System Monitoring Programme, ‘Observers’ Report: East Timor Constituent Assembly Election 30 August 2001. Polling Stations: Becora Prison. Sahe Institute Building’ (Díli: JSMP, September 2001).

<sup>736</sup> An Asia Foundation study found that 22 percent of participants believed the vote was for independence, while only 5 percent understood it was to elect a Constituent Assembly to draft the Constitution. Some Timorese believed that the August 2001 ballot was for selecting the country’s President, others assumed it was to form a new government, while still others thought it was to elect a National Parliament, The Asia Foundation (2001), p. 7. See also Mark Dodd, ‘Poll Reveals Public Ignorance About East Timor Election’, *Sydney Morning Herald Tribune*, 23 May 2001. Part of the confusion rested with the manner in which Timorese NGOs implemented voter education prior to the election which led to voters often being misinformed about the purpose of the election, Boonshee interview, Baucau, 21 September 2001. This was a common problem with Timorese implemented education or research activities. For example, UNHCR efforts to identify the number of missing children caused by the 1999 refugee exodus led to inflated figures of separated children that were still refugees because of poor research design and implementation. East Timorese researchers were given one workshop, which left them poorly equipped to collect accurate data, Dolan, Large, and Obi (2004), pp. 61-62. Alola Foundation conducted research on sex trafficking using a similar approach which led to claims that there were 30 Thai sex workers in the country, even though there were only between 25-35 Thai women in the entire country. Thus, the report implied that every Thai

social breakdown and rising violence caused by the process of democratisation. This section will only examine the more influential parties that emerged in the Constituent Assembly and later the National Parliament.

### **6.2.1 Revolutionary Front for Independence of East Timor/*Frente Revolucionária Do Timor Leste Independente* (FRETILIN)**

FRETILIN was first established on 20 May 1974 as ASDT, a broad-based anti-colonial association. Its founding members came primarily from the indigenous *assimilado* and *mestiço* elites. Its support-base was centred in urban areas and included East Timorese civil servants in the colonial administration, teachers, students, and low wage earners in Baucau, Díli, and plantations. Taylor argues that, because many of its organising members were relatively new to the urban elite, they retained closer ties to rural villages through which they were able to increase the party's popularity.<sup>737</sup> On 12 September 1974, ASDT transformed into FRETILIN with the intention of creating a broader coalition specifically geared towards achieving independence.<sup>738</sup> The party campaigned on positions of social justice, equitable distribution of the wealth, a mixed economy, and democratisation of the political system.<sup>739</sup> It believed that by presenting itself as a broad-based front it would "achieve unity across a broad spectrum of political viewpoints" to create a unified independence movement.<sup>740</sup>

Historically FRETILIN modelled itself on FRELIMO, the Mozambique Liberation Front. FRELIMO's ideology was based on a combination of Maoism and the socialist

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women in Timor Leste was a prostitute, see Alola Foundation, *Trafficking in East Timor, A Look into the Newest Nation's Sex Industry 2004* (Díli: 2004).

<sup>737</sup> For further reading see Taylor (1991), pp. 27-49; Hill (1978), pp. 143-148; José Ramos-Horta, *Funu: The Unfinished Saga of East Timor* (New Jersey: Red Sea Press, 1987), p. 29; and Stephen McCloskey, 'East Timor. From European to Third world Colonialism', in P. Hainsworth and S. McCloskey (eds.), *The East Timor Question: The Struggle for Independence from Indonesia* (London: I.B. Tauris Publishers, 2000), p. 2.

<sup>738</sup> Mári Alkatiri, Prime Minister of the Democratic Republic of East Timor, interview, Díli, 12 February 2004.

<sup>739</sup> Horta (1987), p. 35.

<sup>740</sup> Hill (1978), p. 109

philosophies of President Julius Nyerere from Tanzania.<sup>741</sup> FRETILIN was further influenced by liberation movements in other Portuguese colonial territories such as Angola and Guinea-Bissau.<sup>742</sup> However, this did not mean FRETILIN was on the road to Marxism. In 1977 James Dunn wrote,

FRETILIN's position was neither radical nor doctrinaire. It was a curious mix of imported ideas from Portugal and the former Portuguese African colonies, and a strong commitment to the development of a Timorese political identity and format, imposed on a strong Catholic base...FRETILIN was a socialist oriented party but few of the Central Committee seemed familiar with Marxist philosophy.<sup>743</sup>

Xavier do Amaral, the first president of FRETILIN, argues the party took a moderate ideological approach in order to find a non-aligned position in the context of the Cold War, so as to take the “best of both systems”.<sup>744</sup> In December 2003 during the political hearings week of the *Comissão de Acolhimento, Verdade e Reconciliação*, Commission for Reception, Truth and Reconciliation (CAVR), Mári Alkatiri further argued that “communism” was a term employed by all colonised peoples struggling for independence.<sup>745</sup> Marxism and its variants were “good sounding” ideas around which to pin nationalistic aspirations, but no one had any clear idea what it all meant.<sup>746</sup> No external ideological influence (Marxism, Maoism, social democracy, Australian and Scandinavian social democracy of the 1960s and 1970s) was ever worked out in the Timorese context.<sup>747</sup> The clearest concept relevant to FRETILIN's membership was

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<sup>741</sup> Bill Nicol, *Timor, The Stillborn Nation* (Victoria: Widescope, 1978), p. 79.

<sup>742</sup> Informant Number 6 (Timorese diaspora community); Aderito de Jesus Soares, Sahe Institute, interview, Díli, June 2004; Patsy Thatcher discussions, Melbourne, 22 May 2005.

<sup>743</sup> James Dunn, *East Timor. From Portuguese Colonialism To Indonesian Occupation* (Canberra: The parliamentary library legislative research service, 1977), p. 68.

<sup>744</sup> Xavier do Amaral interview, Díli, 8 January 2004.

<sup>745</sup> CAVR Political Hearings Week “Political Conflict 1974-1999”, ‘Mári Alkatiri Public Testimony’, Direct Observation, Díli, December 2003.

<sup>746</sup> Etervina Groenen, CNRT Melbourne Representative, interview, Melbourne, 12 February 2001; Inbaraj (1997), pp. 34-35; Nicol (1978), pp. 99-107; CAVR Political Hearings Week “Political Conflict 1974-1999”, ‘José Ramos-Horta Public Testimony’, Direct Observation, Díli, December 2003.

<sup>747</sup> Taylor (1991), pp. 47-48.

*mauberism*, a term coined by José Ramos-Horta, which attempted to contextualise European social democracy to East Timorese realities.<sup>748</sup>

Between 1975 and 2001, FRETILIN underwent significant changes in terms of its membership and ideological outlook. Given the diversity of FRETILIN's modern membership it is difficult to speak of any single ideology that guides the party. FRETILIN generally leans towards socialist principles but, as demonstrated in Diagram 8, is comprised of over a dozen distinct groupings which range from moderate to more radical. There are various internal overlaps between these groups, each of which has various linkages to FRETILIN's opposition political parties. Those further to the left of the political spectrum do not regard themselves as being extremely left-wing or influenced by Marxist thought, but instead describe themselves as "strong nationalists".<sup>749</sup> Compared to the party's indigenous fringe elements, members of FRETILIN's diaspora tend to adopt a more pragmatic position regarding policy choices to address the challenges of building a state. This presumably was the product of a generation of international diplomatic activity or work experience in the public administrations of Western countries such as Australia or Portugal. At the same time, this groups exhibits strong nationalist sentiments and a mistrust of foreign influences. In many respects, the party has remained ideologically static since 1975, because it has never had the opportunity to fully articulate or resolve its position. In practice this means FRETILIN's professed adherence to socialist principles can sit at odds with its real governance policies.

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<sup>748</sup> For further discussion see Horta (1987), p. 37.

<sup>749</sup> Aitahan Matak interview, Dili, 19 January 2004.



**Picture 7. FRETILIN Supporters, August 2001, picture provided by UNMISSET Public Information Office**

FRETILIN began its electoral campaigning for the Constituent Assembly in violation of a CNRT ban that sought to limit the campaigning timeframe until after the official formation of opposition political parties.<sup>750</sup> Some within FRETILIN argued this ban was little more than an attempt to undermine the in elections by giving time to newly forming parties that lacked the organisational strength to effectively campaign outside Díli.<sup>751</sup> FRETILIN's strength outside Díli was demonstrated by party officials that regularly visited villages throughout the country.<sup>752</sup> The party conducted a door-to-door party registration exercise several months preceding the August ballot. Some viewed this as a veiled form of intimidation and pointed to the party's usage of the slogan "sweep the country clean after election day" as further evidence.<sup>753</sup> However, based upon UNTAET

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<sup>750</sup> Preston Pentony, Political Affairs Officer UNMISSET, interview, Díli, 22 December 2004.

<sup>751</sup> Aderito de Jesus Soares interview, Díli, June 2004.

<sup>752</sup> Political Affairs Unit, UNTAET, 'Weekly Political Round-Up, 28 July-05 August', Díli, 2001.

<sup>753</sup> Alessandro Righetti interview, Ermera, 12 October 2001; Political Affairs Unit, UNTAET, 'Weekly Political Round-Up, 6 August-12 August...', (2001); Patrick Walsh, *East Timor's Political Parties and*

reporting, no overt acts of political intimidation or attempts to manipulate voting through deception were committed by any of the Timor Leste's political parties, including FRETILIN.<sup>754</sup>

During its campaign FRETILIN avoided detailed discussion about its government platform or proposals for strengthening the state. Instead, its platform adhered to broad state-building commitments made by CNRT in 1998. The party publicly committed itself to building a multi-party democracy, promoting a culture of dialogue and peace within society, ratifying international human rights instruments, joining the Community of Portuguese Speaking Countries and ASEAN, developing good bilateral relations with the country's larger neighbours Indonesia and Australia, implementing policies which promoted the development of agriculture and fishing, cooperatives, increasing education levels, promoting tourism, and attracting foreign investment.<sup>755</sup> The party also advocated building a democracy based on a semi-parliamentary system. FRETILIN did not widely publicise its support for a semi-parliamentary system since, according to some, it feared losing popular support because of widespread expectations that Gusmão, the "father of independence", would become a powerful leadership figure in an independent country.<sup>756</sup> The political imperatives and policy considerations driving the party's state-building agenda were strongly influenced by experiences brought back by the Mozambique clique. Foremost among these was strengthening the cohesion of central government and preventing the rise of violent factional conflicts at sub-national levels.

In July 2001, FRETILIN created a leadership alliance between Francisco Guterres (Lu'Olo) as president of the party and Mári Alkatiri as secretary-general.<sup>757</sup> These leaders brought complementary strengths to the party's campaign by combining the

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*Groupings: Briefing Notes*, ACFOA, March 2001/Development issues 9 (ACT: Australia Council for Overseas Aid, March 2001), p. 15.

<sup>754</sup> Political Affairs Unit, UNTAET, 'Weekly Political Round-Up, 6 August-12 August...', (2001).

<sup>755</sup> Walsh (2001), pp. 15-16.

<sup>756</sup> Political Affairs Unit, UNTAET, 'Weekly Political Round-Up, 28 July-05 August...', (2001).

<sup>757</sup> Political Affairs Unit, UNTAET, 'Weekly Political SitRep, 14-20 July', Díli, 2001.

administrative skills and experience of FRETILIN's diaspora members with its internal resistance leadership. This partnership provided FRETILIN legitimacy among indigenous party members that up to that point had felt marginalised from the state-building process. The strategy also balanced various internal power struggles among competing factions within the party. Moreover, it strengthened the party's electoral campaign which relied heavily upon the usage of resistance symbols and alliance building. FRETILIN's withdrawal from CNRT in August 2000, which had distanced the party from popular dissatisfaction directed at both the CNRT and UNTAET over Timorese exclusion from the state-building process, now became an advantage for the party during its electoral campaign.



**Picture 8. Lu'Olo, picture provided by UNMISSET Public Information Office**

The most obvious display of the party's use of traditional and resistance symbolism came several days prior to the election when it publicly announced that *Sagrada Familia* chose to endorse FRETILIN.<sup>758</sup> *Sagrada Familia* comprised a group of fighters from the Laga

area of Baucau district headed by the famed resistance leader Cornelio Gama, better known as Elle Sette (L7), with close links to CPD-RDTL, an organisation also strong in the Baucau area. According to local myth, its members possessed mystical powers inherited from the ancestral spirit world, which made them “super-powerful warriors” the TNI could never defeat. In political terms, the alliance between *Sagrada Familia* and FRETILIN worked to take away support for rival parties such as *Partido Socialista Timor* (PST),<sup>759</sup> which had sought to build similar alliances through its CPD-RDTL connections during the campaigning period.

At local levels, FRETILIN actively solicited the support of *chefes de suco* as part of its electoral strategy.<sup>760</sup> The hierarchical nature of village society, popular fears regarding the destabilising effects of multi-party systems together with the position of *chefes de suco* as the political conduits between villages and the outside world placed them in a position where they could deliver large blocs of votes to any party that won their allegiance. Among its rank-and-file membership, FRETILIN had a large number of factional leaders with individual support bases ranging from 5,000 to 10,000.<sup>761</sup> Many of these local level leaders worked through *chefes* by giving promises of material or financial reward after a FRETILIN victory.<sup>762</sup> Networks were regionally based and intermixed with political, clandestine and localised kinship alliances. This translated into a fairly loose rather than a dictatorial party structure. It required FRETILIN’s leadership to demand strict discipline from its membership, who in return expected rewards for their

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<sup>758</sup> Lu’Olo, ‘FRETILIN Press Conference’, Díli, 26 August 2001.

<sup>759</sup> *Partido Socialista Timor*, or Timorese Socialist Party, sprang from the student group AST and was closely aligned with the fringe left-wing of FRETILIN. The party’s office is located beside the Díli-based compound of CPD-RDTL.

<sup>760</sup> Tanja Hohe, ‘Totem Poles’, *International Peacekeeping*, vol. 9, no. 4 (Winter 2002), pp. 68-88.

<sup>761</sup> Informant Number 6 (Timorese Diaspora Community); Caetano Guterres interview, Díli, 27 February 2004.

<sup>762</sup> Simião Piedade Babo interview, Díli, 24 October 2001; Godfrey Nomusenge interview, Ermera, 13 October 2001; Boonshee interview, Baucau, 21 September 2001; CEP District Staff Focus Group Discussion, Baucau, September 2001; CEP Ermera District Coordinator interview, Ermera, November 2001.

loyalty.<sup>763</sup> Patronage was dispensed to party members in different forms. It ranged from small contract awards, to appointment to lower level government positions, to appointing as Members of Parliament those from FRETILIN's national party-list that were able to deliver large voting-blocs.<sup>764</sup>

The party's greatest strength was a popular view that "FRETILIN's spirit of resistance gave life to the struggle inside the country".<sup>765</sup> The party's popularity was demonstrated by its ability to draw an average of 3,000 people to its rallies in every one of Timor Leste's 13 districts. Parties such as Partido Social Democrata (PSD) managed to draw an average of only 500 people and smaller parties drew numbers comparable to PSD only in their respective geographic strongholds.<sup>766</sup> Combined with FRETILIN's other strengths, this made it possible for Lu'Olo to claim that FRETILIN had the support of 300,000 people out of a total of 380,000 registered voters.<sup>767</sup> The actual number proved far less than claimed, with only 202,531 votes for FRETILIN (57.4 percent of eligible voters). Nevertheless, compared to the number of total votes won by its closest opposition, *Partido Democratico* (PD) which received a total of 31,680 votes, FRETILIN was by far the single most popular political party and represented a much broader cross-section of Timorese society than any of its rivals.

### **6.2.2 Democratic Party/*Partido Democratico* (PD)**

*Partido Democratico*, or the Democratic Party (PD), officially formed itself only two months prior to the Constituent Assembly election. The party grew from the clandestine student organisation RENETIL and FRETILIN's youth members that saw themselves as more pluralistic and ideologically moderate than older party figures. Regarding

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<sup>763</sup> Edward Rees, Security Advisory Office of the National Security Advisor UNTAET, interview, Díli, 8 September 2001.

<sup>764</sup> *ibid.*

<sup>765</sup> Farther Julió Crispim Ximenes Belo interview, Baucau, 2 November 2003.

<sup>766</sup> Political Affairs Unit, UNTAET, 'Weekly Political Round-Up, 6 August-12 August...', (2001); Political Affairs Unit, UNTAET, 'Weekly Political Round-Up, 21-27 July 2001', Díli, 2001.

<sup>767</sup> Lu'Olo, 'FRETILIN Press Conference', Díli, 26 August 2001.

themselves as “inclusive nationalists” that supported the building of national unity under the banner of CNRT and the leadership of Gusmão, they had less emotional attachment to the history of FRETILIN.<sup>768</sup> They felt marginalised by the relative importance given to guerrilla fighters over their own clandestine student resistance activities, which they believed were equally, if not more important, for the success of the liberation struggle. Due to their exclusion from CNRT policy-making processes and FRETILIN’s internal power hierarchies, PD’s founders sought to provide an opportunity for youth to influence the political process by starting a party that represented their interests and wishes in a democratic system.<sup>769</sup>

PD’s national party-list was comprised of former clandestine student leaders and other CNRT members, many of whom were aligned with the young or upper-class elements of FRETILIN.<sup>770</sup> Many of its members were involved in the NGO sector and often worked closely with, or sometimes received funding from, INGOs and other international organisation. This gave rise to FRETILIN accusations that PD was “easily influenced by foreigners”. “Foreigners” believed that because of the organisational strengths of the clandestine student networks that extended to village-level during the resistance, PD could mount an effective challenge to FRETILIN in national elections.<sup>771</sup> However, aside from one fairly large rally in the week prior to the election, PD generally drew crowds averaging only 100 people.

As a part of its campaign platform, PD was the only party which openly supported a strong presidential system, nominating Gusmão for president and José Ramos-Horta for vice president. After PD publicly stated this position, Gusmão then seemed to give public support to PD by attending one of its rallies in Díli: the first and last time he

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<sup>768</sup> Dionísio Babo-Soares interview, Díli, 26 February 2004.

<sup>769</sup> Fernando de Araújo interview, Díli, 9 November 2001. Ironically, Araújo was later accused by some fellow party members as “selling out” for taking the position of Vice Minister of Foreign Affairs and Cooperation after Constituent Assembly elections in 2001.

<sup>770</sup> Political Affairs Unit, UNTAET, ‘Weekly Political SitRep, 14-20 July....,’ (2001).

<sup>771</sup> Political Affairs Unit, UNTAET, ‘Weekly Political Round-Up, 28 July-05 August....,’ (2001).

attended any rally during the campaign period.<sup>772</sup> PD's campaign platform included support for participatory democracy, but it did not specify what was meant by this term; nor did it explain how the institutional mechanisms of a strong executive presidency could be reconciled with the institutional mechanisms required for building a participatory democratic system. PD's leaders also promoted the protection of Timorese culture, advocated alternative development principles that would build upon traditional systems at the local level, as well as strengthening the service delivery capacities of government.<sup>773</sup>



**Picture 9. PD Supporters, August 2001, picture provided by UNMISSET Public Information Office**

### **6.2.3 Democratic Social Party/ *Partido Social Democrata* (PSD)**

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<sup>772</sup> *ibid.*

<sup>773</sup> Fernando de Araújo interview, Díli, 9 November 2001.

*Partido Social Democrata*, or Democratic Social Party (PSD), formed on 20 September 2000. It modelled itself upon the right-wing opposition party in Portugal's parliament and drew its members from former UDT conservative *mestiço* elites, from FRETILIN's conservative wing, and moderate pro-integrationists hostile to FRETILIN's socialism. PSD's leadership included: Mário Carrascalão as the party's president, a former vice president of CNRT and governor of Timor Leste for 10 years during the Indonesian occupation; Agio Perreira as PSD vice president, a former member of FRETILIN from the Australia-based diaspora community and currently a senior advisor to Gusmão in the president's office; Leandro Isaac as second vice president of PSD, a former vice president of UDT; and Zacarias da Costa as PSD's secretary-general, also a former vice president of UDT.<sup>774</sup> PSD presented itself as a moderate alternative to FRETILIN that possessed the technical and management skills necessary to guide the development and the government of an independent country. Its national party-list for the Constituent Assembly was drawn from intellectuals, younger individuals from the diaspora community together with once prominent members of the "old UDT". Many of its rank-and-file supporters were ETTA civil servants.<sup>775</sup>

PSD described itself as a moderate centre party able to bridge the diaspora/indigenous divide.<sup>776</sup> The party's campaign platform was somewhat problematic. It sought to promote the historical achievements of its members during the struggle for independence, claiming this made PSD the "legitimate inheritor of political power".<sup>777</sup> The party also claimed that it wanted to avoid a repetition of the 1975 civil war and that the people needed to look to the future, rather than be "stuck in the past".<sup>778</sup> This campaign strategy appeared to fall upon deaf ears as it failed to distance the party's leadership sufficiently from UDT's tainted historical "independence credentials". Moreover, although PSD

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<sup>774</sup> UNTAET PKF HQ Military Information Cell, 'East Timor Political Handbook...', (2000), p.10.

<sup>775</sup> Political Affairs Unit, UNTAET, 'Weekly Political SitRep, 14-20 July...', (2001).

<sup>776</sup> Walsh (2001), p. 21.

<sup>777</sup> Political Affairs Unit, UNTAET, 'Weekly Political Round-Up, 28 July-05 August...', (2001).

<sup>778</sup> *ibid.*

promised to bridge the diaspora/indigenous divide, the composition of the party did not broadly represent different cross-sections of Timorese society. This, combined with the cultural experiences of its diaspora members, distanced the party from Timorese grassroots society. Its popularity was also undermined by community fears that its members, some of whom were descendents of influential land-owning families that abandoned fertile plantations when fleeing overseas as refugees in 1975, would displace indigenous Timorese who had occupied the land during the Indonesian occupation.<sup>779</sup> This appeared to have a measurable impact upon PSD's campaigning in areas where there had been significant occupation of land. For example, in areas of Ermera district such as Atsabe no one attended any of the campaign rallies schedule for either PSD or UDT.<sup>780</sup>

Aside from advocating a strong semi-presidential democracy, PSD's campaign platform offered little real substance regarding its future political programs or to visions of what a future state should look like. The party expressed support for political pluralism whilst at the same time expressing concern over the confrontational nature of Western democracy. In vague terms, it expressed support for building the rule-of-law, promoting social justice, promoting women's rights, providing social services to disadvantaged groups, and for promoting small enterprises and bottom-up development initiatives.<sup>781</sup> None of these issues were elaborated upon during the party's campaign.

Based on findings from UNTAET and UNMISSET reports, primary source interviews and direct observations Diagram 8 below outlines a tentative genealogy of several of the more influential modern political parties in Timor Leste. It must be noted that this is a

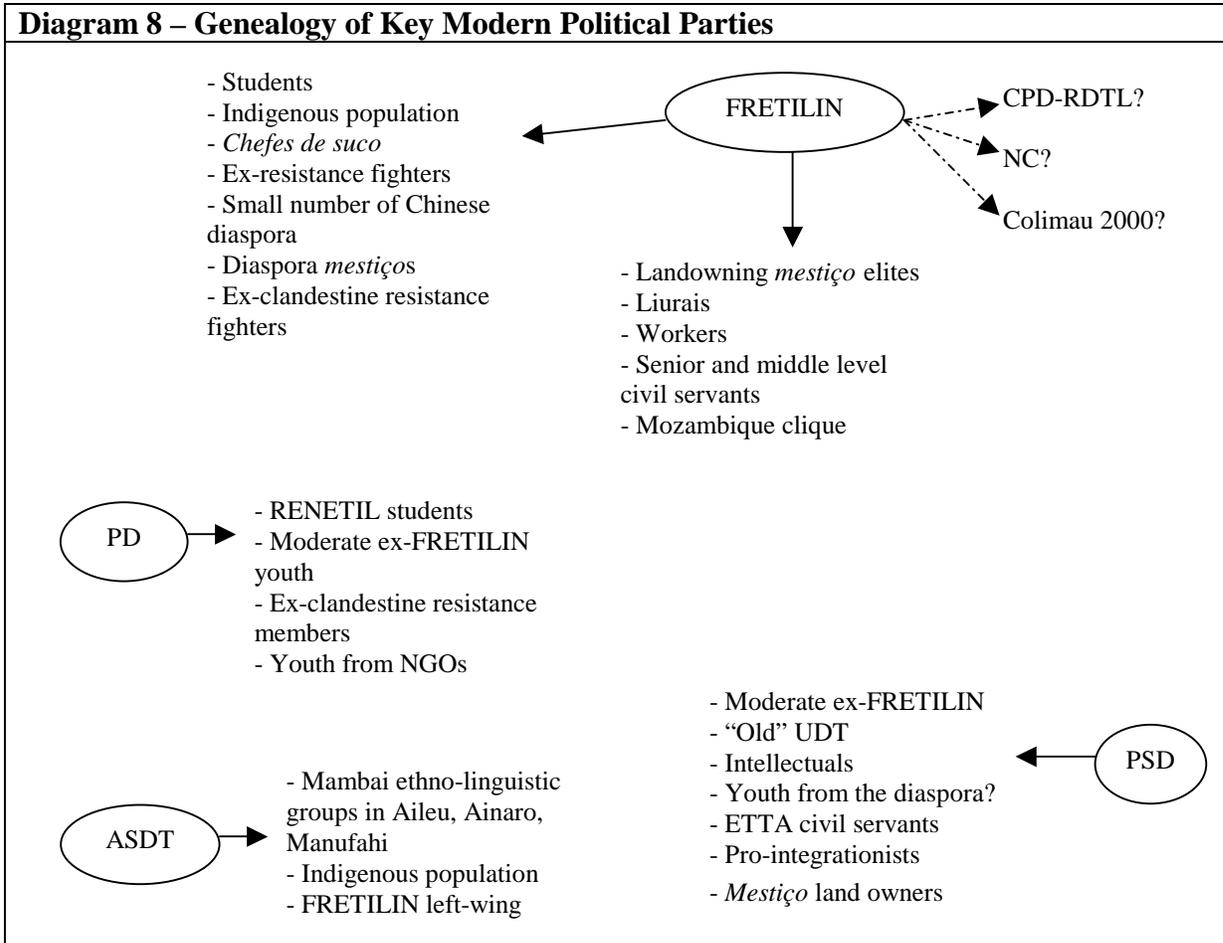
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<sup>779</sup> Land and Property Unit interview, Ermera, 19 October 2001. These fears became entrenched in some quarters when the Carrascalão family and others successfully managed to block until after independence UNTAET initiatives seeking to resolve land title issues, see Gorjão (2002), p. 327; and International Policy Institute (2003), para. 316. Some of FRETILIN's members also retained large land claims but concerns appeared to be less towards them because of FRETILIN's historical promises to empower the people.

<sup>780</sup> Political Affairs Unit, UNTAET, 'Weekly Political Round-Up, 6 August-12 August...', (2001).

<sup>781</sup> Walsh (2001), p. 22.

representative diagram and does not shed light on overlapping loyalties these groupings have to different and sometimes competing political networks.



#### 6.2.4 Social Democratic Association of Timorese/ *Associação Social-Democrata Timorense* (ASDT)

*Associação Social-Democrata Timorense*, or Social Democratic Association of Timorese (ASDT), headed by the former president of FRETILIN Xavier do Amaral, drew its support from areas in Aileu, Ainaro, and Manufahi districts. The party professed a strong commitment to the principles of the “historical FRETILIN” of 1975, but did not consider itself to be influenced by Marxism.<sup>782</sup> Somewhat paradoxically, ASDT regarded itself more ideologically pure than the modern FRETILIN, albeit bound to it through common

<sup>782</sup> Xavier do Amaral interview, Díli, 8 January 2004.

historical roots. Ideologically, ASDT was mixed between ascribing to FRETILIN's left-wing nationalism and its own indigenous hereditary traditionalism. Its platform was based on promoting the independence and the quality of life of indigenous Timorese society, or *maubere*. It also advocated: building a democratic state; bottom-up development processes; equitable wealth distribution; building government capacity to provide services such as education, health and infrastructure development to improve the quality of life for people living in rural areas.

ASDT's election campaign focussed almost entirely on the hereditary kingdom of Xavier do Amaral: a Mambai ethno-linguistic rural area in the centre of the country. Reflecting its "purer" status as the FRETILIN of 1975, ASDT also drew support from CPD-RDTL members who were committed to supporting the 1975 declaration of the independence of the Democratic Republic of Timor Leste.<sup>783</sup> ASDT's popularity revolved around do Amaral's hereditary status as a liurai, and his historical position as president of FRETILIN from 1975 until 1976 when arrested for treason against the resistance. ASDT proved to be the only party to openly target a particular ethno-linguistic group for electoral support during the campaign period.

**Campaigning Difficulties.** Campaigning for the Constituent Assembly election revealed several difficulties confronting smaller parties and some challenges internal to FRETILIN. New parties lacked organisational strength and capacity which, beyond their own geographic strongholds, made it difficult for them to gain support in rural areas during the short two-month campaign period.<sup>784</sup> The party platforms of all parties listed above promoted "motherhood" issues such as democratisation, free medical and health care, and the promotion of human rights.<sup>785</sup> Aside from PD and PSD advocacy of a

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<sup>783</sup> Among CPD-RDTL figures supporting ASDT was Daniel Mota, the groups' security Coordinator in Bobonaro district and a known criminal responsible for extortion activities and political agitation, UNTAET PKF HQ Military Information Cell, 'Ex-FALINTIL GP Situation As At 7 January 2002, HQ PKF SUPINFOREP' (Díli: PKF, 7 January 2002).

<sup>784</sup> Nelson Correia interview, Díli, 20 January 2004; Father Julió Crispim Ximenes Belo interview, Baucau, 2 November 2003.

<sup>785</sup> Political Affairs Unit, UNTAET, 'Weekly Political Round-Up, 6 August-12 August...', (2001).

presidential system, vague details were provided about the policies on which parties campaigned. None appeared to present clearly articulated visions of a future state beyond outlining general policy directions, within which there were no significant differences. This meant that, even when smaller party's campaigned in rural areas, the "shades of grey" presented to mostly illiterate villagers amounted to a repetitive mantra that gave them no real options from which to choose. This lack of policy choice worked to FRETILIN's advantage. Unless one lived within the stronghold of an opposition party, there was no reason to vote for anyone other than FRETILIN: the most widely recognised party in the country. Moreover, because there was no real party competition in most areas outside Díli, FRETILIN cadres found it easy to approach *chefes de suco* and organise voting-blocs *en masse*.<sup>786</sup>

### **6.2.5 Symbolism: Resistance, State, and Tradition**

Traditional symbolism, visual imagery and conflict over ownership of the symbols of the resistance have been a part of the political competition among Timorese since 1975. In many respects, the objective has always been to win the "hearts and minds" of the general Timorese population so as to secure a basis upon which to claim a legitimate right to rule. A good example is found with CNRT struggles over the usage of the term *maubere* in the lead-up to CNRT's formation in 1998.

To varying degrees, each of the political parties discussed above reproduced this pattern of competition in their campaigns for the Constituent Assembly election.<sup>787</sup> According to UNTAET's Political Affairs Unit, FRETILIN employed an "all-comprising traditional way of campaigning by specifically honouring the traditional power holders".<sup>788</sup> Lu'Olo's early claims that some 380,000 Timorese supported FRETILIN led to suggestions that it was a "political stunt" designed to ensure electoral success by

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<sup>786</sup> Nelson Correia interview, Díli, 20 January 2004.

<sup>787</sup> Some later argued this was a strategy employed by FRETILIN and geared to secure one-party domination of the state through "the manipulation of indigenous values, symbols and the history of the resistance fight", see Hohe (2002), 'Totem Poles'.

<sup>788</sup> Political Affairs Unit, UNTAET, 'Weekly Political Round-Up, 6 August-12 August...', (2001).

instilling among voters a fear of “losing face” by not supporting the winning party. FRETILIN reminded the population that it “gave life to the resistance” by honouring the achievements of figures such as Mau Hunu (Antonio Manuel Gomes da Costa), one of the three FRETILIN Central Committee members that escaped the fall of Mt. Matebian in 1978.<sup>789</sup> FRETILIN’s mixed usage of traditionalism, resistance symbolism, and patronage secured the support of *chefes de suco* who delivered voting-blocs of entire villages to the party.

Other parties similarly manipulated widely ascribed animist beliefs among the Timorese. For example, PSD’s party flag incorporated an emblem of a crocodile, a powerful mystical symbol for most Timorese. During public rallies, PSD members recited the typical myth about the discovery of Timor by a little boy from abroad that rode a crocodile, which attempted to connect the principles of the party to the symbolism of the story.<sup>790</sup> The party’s reference to itself as the legitimate inheritor of political power was an effort to link PSD to the traditional dualism between political and spiritual authority in rural society and to place PSD in the position of the Portuguese colonial authorities, thus rounding off historical notions of administrative and political authority. PSD claimed that it wanted to avoid a repetition of the civil war and its “look to the future” slogan had two parallel aims: (1) create fear about factional violence springing from FRETILIN’s “Marxist leanings” and (2) take away FRETILIN’s status as “the party of independence” that deserved electoral recognition for its role in the struggle for liberation. PSD Vice President Leandro Isaac also sought to capitalise on symbolism associated with resistance legitimacy. After the election he claimed that Gusmão ordered the creation of the party.<sup>791</sup> Presumably this was to suggest that PSD had inherited the position of the defunct CNRT, with Gusmão as the party’s patron. Although coming after the election, this certainly intended to place PSD in a position to claim moral leadership of the country during a period of political crisis, or during a future election. Smaller parties like ASDT

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<sup>789</sup> Political Affairs Unit, UNTAET, ‘Weekly Political SitRep, 14-20 July...,’ (2001).

<sup>790</sup> ‘Political Affairs Unit, UNTAET, ‘Weekly Political Round-Up, 28 July-05 August...,’ (2001).

<sup>791</sup> ‘Gusmão Denies Claim He Ordered Creation of Opposition Party’, *Lusa*, 23 May 2003.

and PST, both with a close ideological affinity to FRETILIN, attempted to take ownership of resistance symbols such as the RDTL flag first raised in 1975 and the hastily drafted constitution that had been adopted before the Indonesian invasion. Manipulation sometimes extended beyond the use of resistance and traditional symbolism. The president of *Partido Trabalhista Timorese* (PTT) at one point even claimed to be the president of the World Bank and attempted to take credit for the distribution of donor funds through CEP. Incidents such as this forced CEP to stop disbursing funds during the Constituent Assembly election campaigning period.<sup>792</sup> Replicating the attempts of political leaders in democratic and non-democratic modern state worldwide, all those aspiring to power in Timor Leste manipulated historical, cultural, traditional and religious symbols to build their popular support and thus justify their right to govern. The difference between FRETILIN's manipulation of symbolism and that of opposition parties was that, as "the party of independence", FRETILIN did it best.

### **6.3 Election Outcomes**

As shown in Table 6, the Constituent Assembly election resulted in 12 political parties and 1 independent candidate winning enough votes to gain seats in the 88 member Constituent Assembly: FRETILIN, with 55 seats, emerged as the dominant party. Its closest rival PD won 7 seats, followed by PSD and ASDT both with 6 seats. FRETILIN won 12 out of 13 district level seats with its strongest electoral outcomes in its traditional rural support areas of Baucau, Viqueque and Liquiçá. In the districts of Díli, Aileu, Lautem, and Manatuto and among people with formal education voting patterns were more diverse. FRETILIN's victory did not translate into a sufficient majority of seats to allow the party to unilaterally impose a constitution on the country. To influence both the drafting and ratifying of the new constitution FRETILIN was required to build alliances and engage in dialogue with several smaller parties, thus ensuring that the constitution was not owned by any single party.

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<sup>792</sup> Rosa Vong interview, Díli, 16 November 2003.

**Table 6 – Constituent Assembly Election Outcomes**

<i>Constituent Assembly National Level Representative Outcomes By Party Plus One Independent</i> <sup>793</sup>	<b>Number of Seats Won</b>	<i>Percentage of Popular Vote</i>	<b>Total Votes Won By Party</b>	Total Valid Votes Cast 363,501
FRETILIN	55 (43+12 district seats)	57.37%	208,531	
PD Democratic Party	7	8.7%	31,680	
PSD- Social Democratic	6	8.2%	29,726	
ASDT- Timorese Social Democratic Party	6	7.8%	28,495	
UDT Timorese Democratic Union	2	2.36%	8,521	
PNT Nationalist Party	2	2.21%	8,035	
PST Socialist Party	1	1.78%	6,483	
KOTA- Association of Timorese Warriors	2	2.13%	7735	
PPT- People’s Party of Timor ( <i>Partai do Povo de Timor</i> )	2	2.01%	7322	
PDC- Christian Democratic Party	2	1.98%	7181	
PL- Liberal Party	1	1.10%	4013	
UDC/PDC- Democratic Christian Party	1	0.66%	2413	
Apodeti- <i>Associação Popular Democrática de Timor</i>		0.6%	2181	
Parentil- <i>Partido República Nacional Timor Leste</i>		0.54%	1970	
PTT- <i>Partido Trabalhista Timorese</i>		0.56%	2026	
PDM- <i>Partai Demokratik Maubere</i>		0.49%	1788	
Independent District Level Representative for Oecussi	1			

### 6.3.1 A FRETILIN Constitution?

The drafting of the constitution was attacked by parties such as PD and PSD. They claimed that FRETILIN dominated the process and excluded its rivals.<sup>794</sup> These

<sup>793</sup> Drawn from Office of the Chief Electoral Officer, ‘Final Results Pending Certification by the Board of the Independent Electoral Commission’ (Dili: Independent Electoral Commission, UNTAET, September 2001).

criticisms partly fed off Gusmão's struggles with the National Council during March 2001 and his threats of resignation prior to the Constituent Assembly elections. During that time Gusmão argued,

There have been numerous attempts to find ways to clarify and debate one of the most important moments in this process with the population: the constitution and how to draft it...I refuse to be part of a politically irresponsible process.<sup>795</sup>

Gusmão's subsequent resignation was a response to FRETILIN's refusal to pass a regulation requiring public hearings to solicit grassroots inputs, as was set forth in CNRT's August 2000 congress outcomes.<sup>796</sup> However, considering Timorese internal power struggles in August 2000 and FRETILIN's fears that by that time it had been marginalised within CNRT, it is difficult to see how the resolutions of an exclusive body could have been binding upon a party that was later given a popular mandate through a democratic election.

UNTAET was also implicated in the exclusive manner by which FRETILIN proceeded with drafting the constitution. Underpinning attacks against UNTAET was the argument that a peaceful transfer of power to a democratically elected government would be internationally recognised as the principal benchmark of UNTAET's success. With this logic in mind, João Saldanha from the East Timor Study Group argued that UNTAET gave FRETILIN a "blank cheque", failed to ensure community input to drafting the constitution, and allowed FRETILIN to impose its own version of a constitution. UNTAET thus gave complete power to a party which had no intention of fulfilling its promise to create a government of national unity.<sup>797</sup> Saldanha further argued that Timor Leste later inherited a parliament without legitimacy and an incompetent government, both of which were potentially major sources of future instability in the country.<sup>798</sup>

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<sup>794</sup> Fernando de Araújo interview, Díli, 9 November 2001; Carter Centre (2004), pp. 13, 41.

<sup>795</sup> 'Gusmão's Resignation from East Timor Council Final', *Agence France Presse*, 29 March 2001.

<sup>796</sup> CNRT, *Outcomes of the CNRT National Congress, 21<sup>st</sup> to 30<sup>th</sup> August 2000*, Díli, August 2000, p. 28.

<sup>797</sup> João Saldanha interview, Díli, 12 December 2003.

Others, such as Lucy Lobato from PSD, were less vitriolic in their criticism, but similarly accused the UN of leaving “the hard work” to the Timorese.<sup>799</sup> These criticisms, and those of a similar tone, reflected the nature of continuing internal power struggles among Timorese.

There are several weaknesses with the sorts of critiques listed above. The timeframe given by UNTAET for drafting a constitution, initially three months and then extended to over six months, “presumed adoption of the constitution by a vote of the parties in the Constituent Assembly and not by a popular referendum”.<sup>800</sup> This short timeframe reflected the initial views of all Timor’s political leadership. At the end of 2000 Gusmão argued that,

[T]he Constituent Assembly will not need a lengthy period of time to debate the first constitution of Timor. It will only require enough time to fine-tune the draft that will then be adopted.<sup>801</sup>

Moreover, when exploring options for a transition to independence, proposals were presented in the Constituent Assembly to conduct follow-up elections to select representatives for a parliament. Aside from PSD and PD all the political parties endorsed transforming the assembly into the new parliament.<sup>802</sup> Nor did UNTAET provide a “blank cheque” to FRETILIN. UNTAET conducted district Constitutional Commissions throughout the country to solicit community input to the constitution: a process that FRETILIN appeared to reject.<sup>803</sup> Instead, FRETILIN supported a representative approach for soliciting community views through elected assembly members representing their electoral constituencies.<sup>804</sup> The population had already

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<sup>798</sup> Saldanha (2003), p. 165. See also Gorjão (2002), p. 326.

<sup>799</sup> Lucy Lobato, ‘Seminar Presentation on Local Government Development’, East Timor Study Group, Díli, October 2003.

<sup>800</sup> Garrison (2005), p. 12.

<sup>801</sup> Xanana Gusmão, ‘New Year’s Message by Kay Rala Xanana Gusmão’ (Díli: December 31, 2000), p. 5.

<sup>802</sup> Preston Pentony interview, Díli, 22 December 2003.

<sup>803</sup> International Policy Institute (2003), para. 317.

selected its representatives to draft the constitution, so an additional consultative process, FRETILIN argued, was redundant and would only slow and confuse the process.

FRETILIN's position was also informed by the earlier manoeuvring of its political opponents within the institutional mechanisms of CNRT and UNTAET. While this had given rise to the politicisation of various recruitment processes for the public administration, it now gave rise to latent concerns that Constitutional Commissions could be manipulated by opposition groups with strategic links inside UNTAET. This would have given FRETILIN's opposition the ability to apply significant pressure for the ratification of their versions of a constitution, while hiding behind the rhetoric of community input.

IDEA, an international democracy and conflict management foundation, notes that various inputs to the drafting process did not bring "any serious modifications of the FRETILIN draft".<sup>805</sup> However, opposition parties generally made few real contributions to changing its content. According to Manuel Tilman, one of two KOTA representatives in the Constituent Assembly and an experienced parliamentarian from Portugal, the only substantive policy matter under debate was the PSD and PD endorsement of a strong presidential system.<sup>806</sup> PD was principally committed to the idea of a strong presidential system while conversely advocating for a participatory democracy, but all of its other constitutional proposals were vague and poorly articulated.<sup>807</sup> On the other hand, most assembly representatives supported the introduction of a semi-parliamentary system based upon the French and Portuguese models.<sup>808</sup>

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<sup>804</sup> João Boavida, 'The Riot of 4 December 2002: Who is to Blame?', (unpublished article, n.d.). Boavida argues that one of UNTAET's failures was allowing the introduction of a majority democracy, rather than a consensual democracy.

<sup>805</sup> Garrison (2005), p. 20.

<sup>806</sup> Manuel Tilman interview, Díli, 13 December 2003.

<sup>807</sup> Aderito de Jesus Soares interview, Díli, 14 November 2001.

<sup>808</sup> Manuel Tilman interview, Díli, 13 December 2003.

Conflict with the drafting of the constitution tended to revolve around issues of political symbolism, which sprang from FRETILIN attempts to institutionalise its position as the “party of independence”. FRETILIN declared 20 May as the National Restoration of Independence Day, in reference to the party’s original formation as ASDT and 28 November as the official day of independence, which commemorated FRETILIN’s unilateral declaration of independence prior to the Indonesian invasion in December 1975. On the other hand, PSD and PD suggested 30 August should be the official day of independence because it was more neutral and could not be used to strengthen FRETILIN’s future political standing through the use of state symbols. Based on suggestions made by Gusmão, opposition parties supported using lingua franca Tetum to officially name the country *Timor Loro Sa’e* (“Rising Sun of the East”).<sup>809</sup> Instead, FRETILIN promoted the usage of Portuguese to officially name the country Timor Leste (East Timor).

Manuel Tilman believed that conflicts during the drafting process emerged because of the necessarily political nature of decisions being made with the constitution. Certain political decisions “had to come from the top”, such as the one regarding language, so as to ensure the country’s independence by separating its identity from Indonesia; and also to keep close relations with the Portuguese-speaking countries that supported the liberation struggle.<sup>810</sup> Political decisions of this nature demonstrated that one of the central purposes of the document, at least in the thinking of the FRETILIN leadership, was to create mechanisms that would consolidate an independent state and to ensure its future social and political cohesion.

Contrary to the arguments of PD, PSD, and other critics, assembly members such as Manuel Tilman argued there was sufficient scope for opposition parties to inform the drafting of the constitution. He points out that three drafts were presented during assembly deliberations: KOTA’s draft, FRETILIN’s draft, and PSD’s draft, whereas

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<sup>809</sup> ‘Bleating Hearts’, *Bulletin*, 28 May 2003.

Garrison points out that in fact five parties submitted draft texts for consideration with the FRETILIN draft adopted as the basis for discussions.<sup>811</sup> As demonstrated in Box 3, once committees were established to examine thematic areas, proposals from nine parties came forward which contributed to shaping articles in the final version.

<b>Box 3 – UNTAET Daily Situation Reports</b>
<p>UNTAET  <i>United Nations Transitional Administration for East Timor</i>  <i>Daily Situation Report, 8 October 2001.</i></p>
<p>The Constituent Assembly approved its procedures today following three weeks of debate. The Assembly established a 42 member Committee on Systemisation and Harmonisation, whose task it will be to coordinate the work of Thematic Committees which will draft the text of the constitution. The new committee includes 24 members from FRETILIN, 4 from the Democratic Party (PD), 3 each from the Social Democratic Party (PSD) and the Timorese Social Democratic Association (ASDT), and single representatives from each of the other 8 parties in the Assembly.</p> <p>The Assembly also established the Special Legislative Committee, which will oversee the passage of all legislative business. One of the two members for the Timorese Democratic Union (UDT), Isabel Ferreira, resigned today to focus on her executive task as Special Adviser on Human Rights. Ms. Ferreira will be replaced by the next available UDT member on the party's electoral list.</p>
<p>UNTAET  <i>United Nations Transitional Administration for East Timor</i>  <i>Daily Situation Report, 9 October 2001.</i></p>
<p>Proposals for the structure of the constitution were presented by nine political parties represented in the Constituent Assembly to its newly established Commission on Systemisation and Harmonisation.</p> <p>Nine of the 12 political parties in the Constituent Assembly today handed in their proposals for the structure of the constitution. The proposals were received and discussed by the Commission on Systemisation and Harmonisation. The commission will synthesise the proposals and determine how many thematic committees must be established to discuss the text of the constitution.</p> <p>A consensus is emerging in the Constituent Assembly that the text of the constitution should be brief and clear, and that its fundamental pillars should include a Bill of Rights as well as references to economic, social and cultural rights and duties.</p>

<sup>810</sup> Manual Tilman interview, Dili, 13 December 2003; Michaela Ximenes, Acting District Administrator, Ministry of State Administration, interview, Baucau, 27 October 2003.

<sup>811</sup> Garrison (2005), p. 20.

Aderito Soares, an appointed FRETILIN Constituent Assembly representative, argues that aside from an initial two to three week period of tension following the August election, the level of cooperation and debate during the drafting process was “good”.<sup>812</sup> The Carter Centre further points out that the drafting process was open, respectful, and saw a number of different options aired for the constitution, but served to solidify FRETILIN’s position as the country’s dominant political party.<sup>813</sup> Somewhat conversely, the Carter Centre argues that “although majority opinion often dominated the final votes, the debates preceding the votes were generally democratic and participatory”.<sup>814</sup>

As demonstrated in Box 3, “good” cooperation emerged because a structured rule-governed environment was established to facilitate representative inputs to drafting the constitution. It was inevitable that smaller parties would not be happy with the entire process because they were required to make greater compromises than FRETILIN.<sup>815</sup> Opposition anger stemmed from FRETILIN’s ability to outvote its opponents. However, IDEA points out that there is,

[L]ittle substance to the charge that the constitution somehow gives FRETILIN an unfair legal advantage...While the system of government and electoral representation institutionalised in the new constitution do require party government and do favour strong, disciplined parties, they do not favour FRETILIN in particular over any other party. Certainly the constitution adopted for Timor Leste is the one that the leaders of FRETILIN wanted, but that can still be judged a democratic outcome. After all, FRETILIN did win a clear majority in the Constituent Assembly and they did so in free and fair elections...The advantages that FRETILIN does enjoy under the constitution flow from history and symbolism, rather than legal provisions.<sup>816</sup>

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<sup>812</sup> Aderito de Jesus Soares interview, Dili, 14 November 2001.

<sup>813</sup> Carter Centre (2004), pp. 13, 41.

<sup>814</sup> *ibid.*

<sup>815</sup> Aderito de Jesus Soares interview, Dili, 14 November 2001.

<sup>816</sup> Garrison (2005), p. 22.

The constitution was ratified with 72 votes in favor, 15 against, and one abstention.<sup>817</sup> Constituent Assembly members such as Manuel argue this did not accurately reflect the real level of opposition to the constitution.<sup>818</sup> According to Tilman, its final ratification required 60 votes but it received the endorsement of 80 assembly members. He goes on to claim that only PD and PSD representatives voted against its ratification and one member of UDT abstained. Soares makes similar suggestions, stating that 80 out of 88 assembly members favoured ratifying the constitution, with the only opposition coming from PD and PSD and one abstention from UDT. The constitution, therefore, belonged to the majority of assembly members and through them the majority of Timorese.

It was the process of drafting the constitution, rather than its overall content, which led to anger among opposition parties such as PSD and PD.<sup>819</sup> This fuelled popular perceptions of an elitist drafting process and the creation of a “FRETILIN document, reflecting party interests rather than more inclusive national interests”.<sup>820</sup> The drafting process left the government and the parliament needing to “work hard to overcome this sense of un-involvement among the East Timorese people in order to create a true feeling of ownership towards the new constitution”.<sup>821</sup>

### **6.3.2 Democracy, Culturally Relevant or a Trigger for Conflict?**

Following Constituent Assembly elections there emerged an argument that Timor Leste’s transition to independence would have been more peaceful and stable under CNRT with a government of national unity. Democracy, a concept alien to traditional Timorese social

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<sup>817</sup> Carter Centre (2004), p. 11.

<sup>818</sup> The high level of abstentions resulted from the non-attendance of appointed Constituent Assembly representatives drawn from national party-lists. A significant number of those absent were FRETILIN party members who saw their positions in the Constituent Assembly as rewards for organising large voting-blocs for the party, which in their eyes meant they were neither required to offer input to the drafting process, nor to the subsequent ratification of the Constitution. Manuel Tilman interview, Dili, 13 December 2003.

<sup>819</sup> Carter Centre (2004), p. 47.

<sup>820</sup> *ibid.*, p. 43.

<sup>821</sup> *ibid.*, pp. 13-14.

paradigms, framed democratic opposition as a form of violence between factional groups by disrupting indigenous notions of social harmony.<sup>822</sup> In this context, CNRT would have ensured social stability, whereas its dissolution and subsequent democratic elections gave rise to factional political competition within Timorese society.

This criticism might carry greater weight if, at any stage, any one of Timor Leste's three national elections had been consumed by violence.<sup>823</sup> Factional violence triggered by elections would have placed the country squarely into the category of other post-conflict and transitional societies where, as demonstrated by several studies, elections have acted as triggers for violent factional conflict.<sup>824</sup> The benefit of hindsight shows that not one of the violent crises which afflicted Timor Leste, December 2002 and April-May 2006, coincided with an election or an electoral campaign. Each of the three major electoral processes in the country, assembly elections in 2001, presidential elections in 2002, and local authority elections during 2004-2005, were generally deemed to be free, fair, and peaceful.

Critiques of Timor Leste's democratisation process reduce national politics to idealised notions of social harmony based on hereditary belief systems. This approach tended to gloss over the history of conflict between different ethno-linguistic hereditary kingdoms. Others, such as East Timorese anthropologist Dionísio Babo-Soares, refer to competing social frameworks that exist among different segments of Timorese society: between a progressive "literate class" and "traditionalists" that view culture as a static set of ordered rules.<sup>825</sup> These competing Timorese paradigms overlaid factional rivalries within CNRT and various contests for political authority at local levels which existed prior to the

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<sup>822</sup> See Tanja Hohe, 'The Clash of Paradigms: International Administration and Local Political Legitimacy in East Timor', *Contemporary Southeast Asia*, vol. 24, no. 3 (December 2002), pp. 569-589.

<sup>823</sup> For example, during the August 2006 elections in the Democratic Republic of Congo, an estimated 23 people died during fighting between rival political groups, ReliefWeb/OCHA 'Situation Report: Humanitarian Crisis Watch: Democratic Republic of Congo', 31 August 2006.

<sup>824</sup> For examples see Holsti (1997), p. 27; Miall et al (1999), p. 195; and Knight, (2003), p. 258.

<sup>825</sup> Dionísio Babo-Soares, 'East Timor: Perceptions of Culture and Environment...', (2001), pp. 1-3.

democratisation process (see Chapters 5 and 6 above). Arguments against democratisation also flew in the face of assessments conducted by organisations such as Asia Foundation, which showed that most Timorese felt free to express their political opinions, that a multi-party political system was a key part of the nation's future and that a transition to independence by conducting elections was legitimate.<sup>826</sup> Moreover, according to academic Bjorn Hettne a process such as democratisation is entirely consistent with “the power structures” found among the societies of developing countries.<sup>827</sup> Democratisation was equally consistent with Timor's own post-conflict social structures and the political objectives of building a modern state. This remained the case in 2003 as a “silent majority” of Timorese expressed comfort and confidence with Timor's new democracy and the direction in which the country was heading.<sup>828</sup>

Criticism of democracy proved sympathetic to non-FRETILIN groups who understood that FRETILIN would win a democratic election and, therefore, sought a government of national unity under CNRT.<sup>829</sup> UNMISSET officials argued CNRT's dissolution and the failure to create a government of national unity under its banner was most strongly criticised by overseas solidarity groups together with only a handful of vocal Timorese critics. This criticism was informed by a “nostalgic hankering for the continuation of CNRT because they were aligned with some of the smaller parties...which was slightly undemocratic because there would be no opposition”.<sup>830</sup> In fact, the relatively peaceful nature of Timor Leste's electoral processes supports the arguments of academics such as Adam Przeworski, who writes,

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<sup>826</sup> See Asia Foundation (2001), pp. 15, 31; Asia Foundation, *Timor Loro Sa'e National Survey of Citizen Knowledge 2002* (Dili: 2002), pp. 8, 10, 22, 28, 33-35; and National Democratic Institute (2001), pp. iv, 6.

<sup>827</sup> Hettne (1995), pp. 38-39.

<sup>828</sup> International Republican Institute, *National Opinion Poll, East Timor November 2003- Final Report* (Dili: IRI, November 2003) <http://www.iri.org/pdfs/ET-finalrept-03.pdf> (22 May 2005).

<sup>829</sup> For example see Maria Braz, ‘A Government of National Unity for the Transition Stage’, in *It's Time to Lead the way: Timorese People Speak about Exile, Resistance, and Identity* (Collingwood, Victoria: East Timor Relief Association, 1996), p. 166.

<sup>830</sup> Preston Pentony interview, Dili, 22 December 2004.

“Political stability” cannot even be defined independently of political institutions. The notion that alternation in office or other manifestations of popular opposition, whether strikes or anti-government demonstrations, constitute “instability” under democracy is just ludicrous...The phenomena that constitute anomalies, breakdowns of rule, under dictatorship are essential, definitional features of democracy.<sup>831</sup>

The sources of political instability in Timor Leste are found in places other than the process of democratisation *per se*. One of these emerged following Constituent Assembly elections and was related to the consolidation of the country’s democratic institutions: the refusal of FRETILIN’s opposition groups to accept neither the legitimacy of FRETILIN as government, nor the democratic rules of the game.

**Government of Unity or Social Cohesion?** Prior to the Constituent Assembly elections FRETILIN did not promise to create a government of national unity.<sup>832</sup> It had stated that if forced to do so the party would abandon government and cross over to the opposition in a future parliament.<sup>833</sup> Given FRETILIN’s majority standing, this would have translated into paralysis and instability, which would bring a new government down within months of being formed. UNTAET’s inability to dictate terms to Timor Leste’s newly elected representatives meant de Mello could only “strongly suggest” that FRETILIN create an inclusive government.<sup>834</sup> In 2001, Alkatiri had already made clear his view on national unity during the swearing in ceremony of the First Transitional Cabinet established by UNTAET,

The task of government is not to “build” national unity...The duty of government is to ensure that mechanisms are put in place to enable the implementation of programmes that foster social cohesion, national unity, and respect for democratic principles.<sup>835</sup>

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<sup>831</sup> Przeworski et al (2000), p. 21. See also Sartori (1994, pp. 113-114.

<sup>832</sup> Informant Number 28 (International Consultant).

<sup>833</sup> Political Affairs Unit, ‘UNTAET, Weekly Political Round-Up, 6 August-12 August...,’ (2001).

<sup>834</sup> Jonathan Morrow, ‘The Development of the Constitution of East Timor: A UN Perspective...,’ (2002).

<sup>835</sup> Mári Alkatiri, ‘Speech at Ceremony of the Swearing in of Members of the Transitional Government of East Timor’, Díli, 20 September 2001, p. 1.

Instead of creating a government of national unity that would benefit FRETILIN's opposition, creating appropriately structured parliamentary mechanisms was the first step required for building social cohesion and national unity.

As suggested by Alkatiri, parliamentary democracy would promote peaceful conflict resolution in a manner that gave voice to less powerful social groups through their elected representatives. The constitution put in place a European semi-parliamentary democratic model, which promoted consensual decision-making among democratically elected representatives.<sup>836</sup> The consensual decision-making nature of the model is reflected by the semi-circle seating arrangement of Timor Leste's parliamentary chamber, which symbolises "gradations of difference among many parties" rather than conflict between dominant and subordinate groups.<sup>837</sup> However, consensual should not be mistaken for "acting as one mind". John Uhr points out that,

[T]he focus on devices of deliberation is an acknowledgment that elected legislatures are inherently multi-minded. Deliberative devices are favoured precisely because the purpose of legislatures is debate and diversity, as distinct from agreement and unanimity.<sup>838</sup>

The model seeks to avoid social fragmentation, government deadlock and the rise of authoritarianism experienced in other post-liberation and post-conflict countries on the African continent, or in the developing countries of the Asia-Pacific region. Legislatures in post-conflict societies serve a crucial conflict mediation role by reflecting divergent opinions and allowing for their peaceful expression and resolution by facilitating the emergence of "cooperative antagonists".<sup>839</sup> To become consolidated, agreement is needed among all political actors regarding the structure and rules of institutional

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<sup>836</sup> Here the term semi-parliamentary system is used in order to faithfully convey the literal phraseology employed by Timorese participants to this study. In practical terms the meaning is the same as the definition of semi-presidential systems that is employed by Giovanni Sartori, see Sartori (1994), pp. 137.

<sup>837</sup> International Institute for Democracy and Electoral Assistance, 'Democracy and Deep-Rooted Conflict', *Policy Dialogue on Legislative Development* (Brussels: IDEA, 20 November 2002).

<sup>838</sup> In discussing parliamentary legislative assemblies, John Uhr points that "[d]eliberation is frequently mistaken as somehow implying an institutional norm of acting as 'one mind'", Uhr (1998), p. 93.

<sup>839</sup> See International Institute for Democracy and Electoral Assistance (2002); and Uhr (1998), p. 8.

processes to allow for compromise, or to allow smaller party input to the policy development process. This makes it possible to negotiate across party lines and political divisions. Within parliament, alliance building, discussion and compromise is required to pass legislative initiatives and prevent the fall of government. This works against the notion of a one-party state, even if one party drives the agenda. In short, the democratic system introduced into Timor Leste neither conflicted with idealised local paradigms of social harmony, nor was it a trigger for factional political conflict in Timor Leste.

One problem with Timor Leste's parliamentary system was that vocal elites sought to leverage their own political standing by attacking the democratic system and the sitting government. They had not yet accepted the institutional rules of the game.<sup>840</sup> Writing about the failure of democracies on the African continent, Larry Diamond notes,

Another obvious source of democratic decay has been the lack of commitment to democratic principles and procedural norms. Where democracy has failed, the abuses of power and failure to play by the rules of the game have been prominent and even pervasive features of political life.<sup>841</sup>

In the context of Timor Leste, the lack of an institutional equilibrium and a weak rule-of-law combined with political attacks against the entire transition to independence planted the seeds of political instability. The political opposition to the constitution thus proved “a threat to democracy because this could cause some to feel that they could resort to force rather than being bound to play by ‘someone else’s’ constitutional rules”.<sup>842</sup> For example, João Carrascalão, president of UDT, attempted to undermine the legitimacy of the Constituent Assembly only days after election results were announced.<sup>843</sup> Carrascalão listed numerous procedural problems, but failed to note a single case of voter

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<sup>840</sup> Linz and Stepan argue that a “consolidated democracy” is one in which “democracy-as a complex system of institutions, rules, and patterned incentives and disincentives- has become, in a phrase, ‘the only game in town’”, Linz and Stepan (1998), p. 49.

<sup>841</sup> Larry Diamond, ‘Roots of Failure, Seeds of Hope’, in L. Diamond, J. Linz, and M. Lipset (eds.), *Democracy in Developing Countries: Africa* (Colorado: Lynne Rienner Publishers, 1988), p. 13.

<sup>842</sup> Garrison (2005), p. 22.

<sup>843</sup> Direct Observation 9 September 2001, Díli.

intimidation or manipulation of the ballot. Moreover, the ability of “chess masters” to manipulate groups to promote their own objectives during the early UNTAET period demonstrated that resolving elite political conflict in a transitional society where power is “up for grabs” was a central challenge to the consolidation of democracy. These conflicts remained unresolved once the Constituent Assembly transformed itself into the country’s first National Parliament.

**Adherence to CNRT’s State-Building Objectives.** At the East Timorese National Convention held in Peniche Portugal on the 25<sup>th</sup> of April 1998, a Magna Carta of freedoms, rights, duties and guarantees for the people of Timor Leste was adopted by the CNRT. The convention accepted many international human rights protocols that bound the CNRT to build a democratic secular state.<sup>844</sup> There was little consideration given to notions of participatory vs. representative democratic systems. Internal power struggles and the politicisation of the constitution drafting process masked the fact that democratisation adhered to the commitments made by the CNRT in 1998. The constitution set forth highly normative ideals to which the government and people should strive. It introduced a good legal framework for the protection of various democratic rights and promotion of gender equality that made it among one of the best in the world, even though it left key questions on local government unresolved.

### 6.3.3 System of Government

The formal system of government set out in the National Constitution is a unitary state, based on the rule-of-law and the principle of separation of powers. The constitution also establishes four Organs of Sovereignty: the Presidency; the Government; the Parliament; and the Judiciary. The President is the formal head of state, while the Prime Minister who heads a Council of Ministers is the formal head of government. Executive power resides in the Office of the Prime Minister, which decides government policy and sets the legislative agenda in consultation with the Council of Ministers.

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<sup>844</sup> ‘Magna Carta, Concerning Rights, Duties and Guarantees for the People of East Timor’, Adopted at the East Timorese National Convention in the diaspora, Peniche, 25 April 1998, cited in, *Peacemaking*

**Powers of the Office of President.** Following the ratification of the constitution, presidential elections were held in 2002 with Gusmão securing 82.7 percent of the vote becoming the country's first president. Given the politicised nature of conflict during the drafting of the constitution, the division of power between the prime minister and the president were viewed by some as a victory for Mári Alkatiri and FRETILIN. In fact, the president plays a crucially important role in state and society. The president acts as Supreme Commander of the Defence Force; has the power to veto proposed government legislation; can request the Supreme Court of Justice to review the constitutionality of rules and proposed legislation and can call for a national referendum on special matters.<sup>845</sup> In theory the president's office is subordinate to the parliament and can act only after consultation with the legislature. Proposals from the president for a referendum require a two-thirds parliamentary majority to be approved. Parliament can overrule presidential vetoes with a two-thirds majority, after which the president can request judicial review on the constitutionality of proposed legislation. The president's powers of veto are designed to shape laws that might be unconstitutional or morally questionable, rather than unilaterally stop the legislative process. This ensures parliamentary stability and prevents government deadlock, whilst at the same time offering a fairly powerful "moral check" against the abuse of legislative and executive powers of government. There are a number of other mechanisms through which the president can influence the political system. The president is: chair of the Supreme Council of Defence and Security; is chair of the Council of State and personally appoints two members of the Supreme Council of Defence and Security. He appoints the President of the Supreme Court of Justice, the Prosecutor-General for a four-year term, appoints five members for the Council of State, one member for the Superior Council for the Judiciary, and one member to the Superior Council for the Public Prosecution.<sup>846</sup> parliament and the executive appoint equal numbers of representatives to most of these

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*Initiatives for East Timor*, Report on a Conference on Timor Leste held at the Australian National University 10-12 July 1995 (Melbourne: East Timor Talks Campaign, 1995).

<sup>845</sup> *Constitution of the Democratic Republic of East Timor* (Díli: March 2002), Section 85.

<sup>846</sup> *ibid.*, Section 86.

government and judicial bodies, which creates a balance between these organs of state sovereignty.

The government is accountable to the president and the parliament for conducting and executing domestic and foreign policy in accordance with the constitution and the law.<sup>847</sup> The powers conferred upon the president significantly strengthen oversight of government by giving him/her the power to act as a moral arbitrator and as a symbolic “unifying figure” (*maun bo’ot*).<sup>848</sup> In this sense, the mutual dependency between parliament and the executive extends to include the president, with each having a different but interdependent functional role to play for ensuring effective state operations and political stability. This contributes to consensual decision-making and importantly builds upon traditional notions of power and authority, which strengthens the legitimacy of the overall state.

**Nature of Divisions Between the President and Prime Minister.** Transitional power struggles appeared to inflate the real level of divisions between Prime Minister Alkatiri and President Gusmão. This was often the product of views expressed by individuals or groups pinning their hopes for power or electoral success to these respective leaders. Reflecting the politicisation of UNTAET and CNRT following 1999, it was not uncommon to hear FRETILIN members argue that following his imprisonment in 1992 Gusmão was “easily influenced” by foreigners seeking personal fame and status. This fuelled suspicions that non-FRETILIN CNRT figures from the diaspora rallied around Gusmão in hopes of becoming influential political players in an independent Timor Leste. It was also this sort of logic that fed into FRETILIN’s temporary refusal to recognise Kirsty Sword-Gusmão as the country’s First Lady following the presidential elections in 2002. Gusmão’s close ties to foreigners also bred concerns that through him the country’s independence would be undermined. This fear took on an almost paranoid

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<sup>847</sup> *ibid.*, Section 107.

<sup>848</sup> *Maun bo’ot* is a Tetum phrase that literally means “big brother”. In Timorese culture, reference to an individual as “big brother” is a sign of respect for a highly regarded, wiser and trusted older figure in society. The usage of the term symbolises “closeness” and “warmth” between individuals.

dimension with accusations that Australian Secret Intelligence Organisation (ASIO) operatives infiltrated the Xanana camp in order to influence the political direction of Timor Leste's state-building.

At a more basic level, the rivalry between FRETILIN's Mozambique clique and Gusmão stemmed in part from the diaspora community's unfamiliarity with the social and political changes that occurred inside the country. These changes, which saw Gusmão become the leader of the resistance, led to the obscurity of FRETILIN leaders that were Gusmão's seniors in 1975.<sup>849</sup> FRETILIN therefore sought to re-establish the party's history and the importance of earlier resistance figures.<sup>850</sup> While forming part of its electoral strategy of solidifying its position as the "party of independence", publicising the party's historical role in the liberation struggle was also a matter of solidarity with heroes of the resistance. Leadership conflict was often a matter of "valorising" fallen comrades that had been marginalised by time and Gusmão's popularity. FRETILIN's respect for Gusmão and the other resistance leaders was demonstrated at the swearing in ceremony of the first transitional government following the creation of the National Council in August 2000. Mári Alkatiri praised Gusmão and leaders that had died during the fight for independence. He gave special tribute to Nicolau Lobato killed in 1978 representing the first generation of fighters, and to Nino Konis Santana killed in 1997 representing the 1990s generation of fighters.<sup>851</sup> More importantly, FRETILIN members argued that valorising comrades would prevent a "cult of personality" forming around Gusmão. Any such cult would undermine building a viable democratic system able to outlast the benevolence of any single individual: a danger Gusmão himself acknowledged during the Constituent Assembly campaign period.

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<sup>849</sup> Dionísio Babo-Soares interview, Díli, 26 February 2004.

<sup>850</sup> CAVR Political Hearings Week 'Political Conflict, 1974-1979', 'Mári Alkatiri Public Testimony...', (2003).

<sup>851</sup> Mári Alkatiri, 'Speech at Ceremony of the Swearing in of Members of the Transitional Government of East Timor' (Díli: 20 September 2001), p. 1.



**Picture 10. Xanana Gusmão and Mári Alkatiri, no date, picture provided by UNMISSET Public Information Office**

**Party System and Parliament.** Timor Leste’s constitution defines parliament as “the organ of sovereignty that represents all Timorese citizens”, with the power to supervise the legislative and political-decision-making processes.<sup>852</sup> Among other matters it is mandated to call elections, approve development policy as well as defence and security policy. Parliament’s strength is increased through its ability to appoint representatives to judicial positions and the Council of State. Legislative initiative also rests with members of parliament and parliamentary groups.<sup>853</sup> In practice, the legislative agenda is set by the Prime Minister, the Council of Ministers, and the bureaucracy. However, the reality is that many of Timor Leste’s parliamentarians lack the skills and experience to develop legislation. The parliament has a unicameral legislative assembly (one house) rather than a bicameral legislature (upper and lower houses). It was designed to prevent procedural delays resulting from legislative deadlock between different houses. Supposedly, the benefits of a bicameral system were incorporated through the electoral system with 13 elected district representatives, thus preventing over-concentration of legislative power that represents only one level of society.

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<sup>852</sup> *Constitution of the Democratic Republic of East Timor* (Díli: March 2002), Section 92.

A weakness with parliamentary systems is the potential for political fragmentation and government instability resulting from measures of no-confidence when failing to pass legislation.<sup>854</sup> Given FRETILIN's majority standing, its party discipline maintained through a system of rewards and punishments, mutual dependency between the executive and parliament and the necessity for alliance-building with smaller parties, this danger was successfully overcome; at least up to the beginning of 2005.<sup>855</sup> FRETILIN's party discipline was a major strength for implementing government programs with its members almost always voting in favour of the government's legislative initiatives.<sup>856</sup> Government initiatives were regularly supported by smaller parties like ASDT which up to 2005 was in close alliance with FRETILIN.<sup>857</sup> While it has sometimes been suggested that FRETILIN's party discipline is a sign of its authoritarian leanings, it proved a strength that promoted government stability during the early transitional state-building period. At the same time, party discipline increased parliamentary and executive accountability because, given the near exclusive promotion of emerging FRETILIN initiatives, there was no one else to blame other than FRETILIN if those initiatives "failed".<sup>858</sup>

**Parliamentary Debate.** The weaknesses opposition parties demonstrated during the Constituent Assembly elections continued into parliament. Similar to FRETILIN, individual members of parliament often lacked skills and experience. They were appointed based on party alliances, outstanding debts, or their ability to mobilise voters,

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<sup>853</sup> *ibid.*, Section 97.

<sup>854</sup> Sartori (1994), p. 58-59; United Nations Development Programme, *Governing Systems and Executive-Legislative Relations (Presidential, Parliamentary and Hybrid Systems)* (2001) <http://magnet.undp.org/docs/Parliaments/governing%20system.htm> (8 September 2002).

<sup>855</sup> Sartori notes that disciplined parties are a necessary condition for parliaments to be working forums, Sartori (1994), p. 94.

<sup>856</sup> Political Affairs Unit, UNMISSET, 'Issue Paper: Parliamentary Parties, Programs, and Personalities', Dili, 25 September 2002.

<sup>857</sup> Xavier do Amaral interview, Dili, 8 January 2004. Xavier Do Amaral was rehabilitated in the eyes of FRETILIN party members after being presented an award during FRETILIN's anniversary commemoration on 11 September 2002. He was made Second Vice-President of the Standing Committee of Parliament.

<sup>858</sup> *ibid.*

rather than on their ability to strengthen party platforms and shape government policy through parliamentary debate. Aside from notable exceptions,<sup>859</sup> this meant that opposition parties were usually unable to develop or contribute suggestions to shaping government proposals. Unlike FRETILIN, opposition parties lacked party discipline and appeared highly disorganised. A problem confronting all political parties was the high level of absenteeism by members of parliament who, because they were appointed from national party-lists, were not directly accountable to geographic constituencies beyond their own personal support networks. In 2002, UNMISSET noted that approximately 25 percent of parliamentarians were absent on a regular basis; that parliament was in session on an irregular and shortened basis and when it was actually in session it sometimes totalled only two hours a day.<sup>860</sup> Moreover, it was reported that an unspecified number of parliamentarians took extended leave of absence from the legislature.<sup>861</sup>

The disappointing Constituent Assembly results for PD and PSD gave rise to feelings of bitterness among their members. This was accompanied by a “loss of excitement”, rising levels of internal division and status and power struggles masked behind leadership squabbles. In some cases, party members became “trapped” by their commitments to attending parliament or working in the public administration, leaving them unable to strengthen their respective party structures. The end result was that little attention was given to developing the organisational strengths required by political parties.

This process was most pronounced with PD. Its members were full of promise and excitement in the lead-up to Constituent Assembly elections. After the formation of parliament, PD became riven with internal “finger pointing”. Some of its members were accused of “cutting deals” with FRETILIN by accepting high-ranking positions, while others were accused of corrupt private sector business activity. To balance internal egos,

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<sup>859</sup> These include figures such as Manuel Tilman from KOTA, João Carrascalão from UDT, and Mário Carrascalão from PSD.

<sup>860</sup> Political Affairs Unit, UNMISSET, ‘Issue Paper: Parliamentary Parties, Programs, and Personalities...,’ (2002).

<sup>861</sup> *ibid.*

several positions for vice president were created, as was the case with PSD. Further undermining PD's ability to mount parliamentary challenges to FRETILIN related to the history of its membership's clandestine resistance activities. Many of the party's leaders operated in small student-based cells, working in a closed and secretive fashion. Unlike senior FRETILIN officials that returned from the diaspora, many of whom had become adept at "working the ropes" of formal institutional settings, PD members did not have opportunities to develop debating skills suited to a public legislative forum. Their organisational talents, so effective for clandestine resistance activities, were not geared for constructive policy development. Instead, PD members launched attacks against government legitimacy, because it was the only way they knew how to pressure for policy changes. Virtually all parliamentary interventions by PD related to procedural matters rather than substantive policy issues.<sup>862</sup> Factors such as these contributed to FRETILIN labelling PD's members, as well as those from other parties who were equally critical of the government, as being "politically immature".<sup>863</sup>

FRETILIN secured various levels of alliance with most parties in parliament leaving PSD, PD, PST, and UDT as a "fragmented opposition". Rather than developing platforms and policies around which to shape government proposals, this fragmented opposition based their challenges to government programs as "opposition to FRETILIN". They continually responded to government initiatives "in a negative manner",<sup>864</sup> engaging in "petty politicking" around trivial issues like the nationality of the prime minister, rather than big issues such as local government development, cross-border threats, trade, and so on.<sup>865</sup> At one point, Fernando de Araújo, PD president and vice minister for the Ministry of Foreign Affairs and Cooperation, claimed FRETILIN was "distorting history, harbouring collaborators with the Indonesian Government...and

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<sup>862</sup> Preston Pentony interview, Dili, 22 December 2004.

<sup>863</sup> *ibid.*

<sup>864</sup> Political Affairs Unit, UNMISSET, 'Issue Paper: Parliamentary Parties, Programs, and Personalities...', (2002).

<sup>865</sup> Zoe Cottew, UNMISSET Advisor, Media Officer Prime Minister's Office, Democratic Republic of East Timor, interview, Dili, 15 December 2003.

undermining the principal of national unity”.<sup>866</sup> Other opposition MPs, Milena Pires from PST and João Carrascalão from UDT, resigned in protest over FRETILIN control of government and the “illegal” transformation of the Constituent Assembly into the National Parliament. These types of tactics continued into 2003, Maria Paixao, a PSD member of parliament, tapped into historical fears of communism and social violence by arguing that Timor Leste could easily become a Marxist state citing events of 1975 when, she claimed, FRETILIN “transformed” into a “communist” organisation and led the country to civil war.<sup>867</sup> Her argument also portrayed FRETILIN as an organisation that would do away with tradition and religion. She sought to mobilise support against FRETILIN by exploiting community fears of violent factional conflict and the strength of Catholicism for political gain. Attacks of this nature reinforced FRETILIN’s phobias about “foreign voices”. They fuelled the existing belief that Timor Leste’s youth and conservative political party opponents were “easily guided” or were unable to recognise the influence of foreign lobby groups: groups which sought to control the political destiny of Timor Leste because of their hostility to FRETILIN’s socialist leanings. In the context of widespread poverty, an uncertain political future, and the government’s own weaknesses, the refusal by FRETILIN’s opposition to accept the legitimacy of the democratic system seriously undermined the credibility of the fledgling government and, more importantly, promised only to fuel violent factional conflict.

### **6.3.4 FRETILIN – Engineering State Control?**

Underpinning the attacks against FRETILIN was the premise that it engineered control of the state apparatus for its partisan interests. These views appeared to take on greater weight with comments made by Gusmão prior to the 2002 presidential elections,

When all of us are required to think in the same way...We become, once again, either slaves of an institutional majority or we return to dictatorship, where everything being decided by those on top is law...In many countries, after the withdrawal of the colonialists, the sons and daughters of the land became the mirror-image of the system they fought against.<sup>868</sup>

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<sup>866</sup> Political Affairs Unit, UNMISSET, ‘Issue Paper: Parliamentary Parties, Programs, and Personalities...’, (2002).

<sup>867</sup> ‘Political Leaders’ Comments on the Issue of Communism’, *STL*, 10 September 2003.

These arguments in support of democracy were taken up by FRETILIN's critics to attack FRETILIN. At the same time, during the tenure of the Second Transitional Cabinet the government's attempts to create inclusive staffing structures on parliamentary committees and in different ministries were regularly ignored. The government which formed after Constituent Assembly elections consisted of 10 ministries, with ETTA's cabinet expanded to 26 members comprised of ministers, vice ministers, and secretaries of state. Cabinet members were drawn from several different opposition parties in parliament, including PD.

The fact remained that FRETILIN's electoral success resulted in it dominating parliament, and through the Office of the Prime Minister and the Council of Ministers, controlling the government's legislative process. The Council of Ministers held broad powers, setting government policy, implementing government programs, approving bills and draft resolutions for parliamentary ratification, approving statutes and international agreements not required for submission to parliament, and setting government expenditures and policies for collecting budgetary revenues.<sup>869</sup>

**Parliamentary Committees.** FRETILIN controlled the chairs of all but one of seven parliamentary committees and all but one of the offices of the Parliamentary Standing Committee.<sup>870</sup> The only non-FRETILIN committee chair was held by Vicente Guterres on the Committee on Constitutional Affairs. Guterres was a member of UDC/PDC, a party that was generally supportive of FRETILIN's legislative initiatives. Considering FRETILIN's electoral successes, it was to be expected that it would have greater levels of representation in committees. During the drafting of the constitution, FRETILIN members also expressed a keen desire to build the procedural strengths of committee mechanisms in order to improve parliamentary democracy, to ensure representative

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<sup>868</sup> Xanana Gusmão, '*Ho Timor Oan Hotu, Ba Rai Timor Tomak*, Themes of the Presidential Campaign' (15 March 2002).

<sup>869</sup> *Constitution of the Democratic Republic of East Timor* (Díli: March 2002), Sections 115 and 116.

participation, and to strengthen parliamentary oversight over government. Strengthening committee structures emerged as an important capacity-building area for agencies such as UNDP, which believed that reinforcing institutional mechanisms would promote democratic stability.<sup>871</sup> Compared to partisan debates on the floor of the legislature, committees emerged as better spaces for alliance-building and consensual decision-making. These mechanisms also provided concrete avenues for grassroots input to shaping the government's legislative agenda.<sup>872</sup> These institutional structures in Timor Leste's parliament were far from perfect.<sup>873</sup> Their oversight functions remained weak and neither the members of parliament nor the community fully appreciated, or understood, the significance of their roles as vehicles for informing government policy.

**Re-Colonisation From Within?** The diaspora's dominance of the CNRT had given rise to arguments of "re-colonisation from within", which created varying degrees of public frustration.<sup>874</sup> Following Constituent Assembly elections public frustration was increasingly directed at FRETILIN's Mozambique clique. Complaints were voiced over FRETILIN's dominance in parliament and the strength its diaspora members had over setting the legislative and policy agenda.<sup>875</sup> Public frustration, which reflected vocal minority groups, ignored the broad-based nature of the party's membership.<sup>876</sup> FRETILIN, because its membership comprised a broad cross-section of society, was under significant pressure to find a middle-ground between various fault-lines inside the

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<sup>870</sup> Political Affairs Unit, UNMISSET, 'Issue Paper: Parliamentary Parties, Programs, and Personalities....' (2002).

<sup>871</sup> United Nations Development Programme, *UNDP Lessons Learned in Parliamentary Development* (New York: Institutional Development Group, Bureau for Development Policy, UNDP, October 2002).

<sup>872</sup> On the role of parliamentary committees strengthening deliberative forms of democracy see Uhr (1998), p. 138.

<sup>873</sup> These tactics also sprang from weaknesses of parliamentary committee mechanisms which undermined parliament's ability to promote constructive dialogue or provide space for opposition parties to fully engage with deliberative processes in parliament. Combined with FRETILIN's majority standing this weakness led key opposition figures in parliament to disengage from the democratic process.

<sup>874</sup> Balthazar Kehi, 'Public Seminar', Institute for Post-Colonial Studies, Melbourne, 2002.

<sup>875</sup> Preston Pentony interview, Dili, 22 December 2003.

<sup>876</sup> *ibid.*

party. The strategies required to balance its own internal cleavages and keep the party united translated into policy agendas that considered societal needs more broadly than any of the smaller parties within parliament.

#### **6.4 Cultures within the Second Transitional Government**

The Constitution of Timor Leste sets out that government is responsible for conducting and executing the general policy of the country, with the “supreme organ of public administration” composed of a prime minister, ministers, secretaries of state, along with one or more deputy prime ministers and deputy ministers.<sup>877</sup> Government duties include: defining and implementing the general policy of the country following approval by parliament, guaranteeing rights and freedoms of citizens, ensuring public order, guaranteeing the defence and consolidation of the public domain and the property of the state, and supporting private enterprise initiatives.<sup>878</sup> The constitution framed government competencies upon a corporatist model that sought to promote private sector growth in a manner that would maintain social and political stability.<sup>879</sup>

**Cultures of Government.** According to Dr. João Cancio Freitas from the Díli Institute of Technology, two basic cultural influences shaped the work of the government. The first was a “post-Marxist Mozambique” culture at senior levels that adopted a top-down decision-making approach. The second was an “Indonesian culture” of passivity, corruption, and “blackmail” found at middle levels of the public administration and in the parliament.<sup>880</sup> Both cultures overlapped each other but because of the systems of rewards for mobilising large voting-blocs, and because appointed parliamentary representatives

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<sup>877</sup> *Constitution of the Democratic Republic of East Timor* (Díli: March 2002), Sections 103 and 104.

<sup>878</sup> *ibid.*, Section 115.

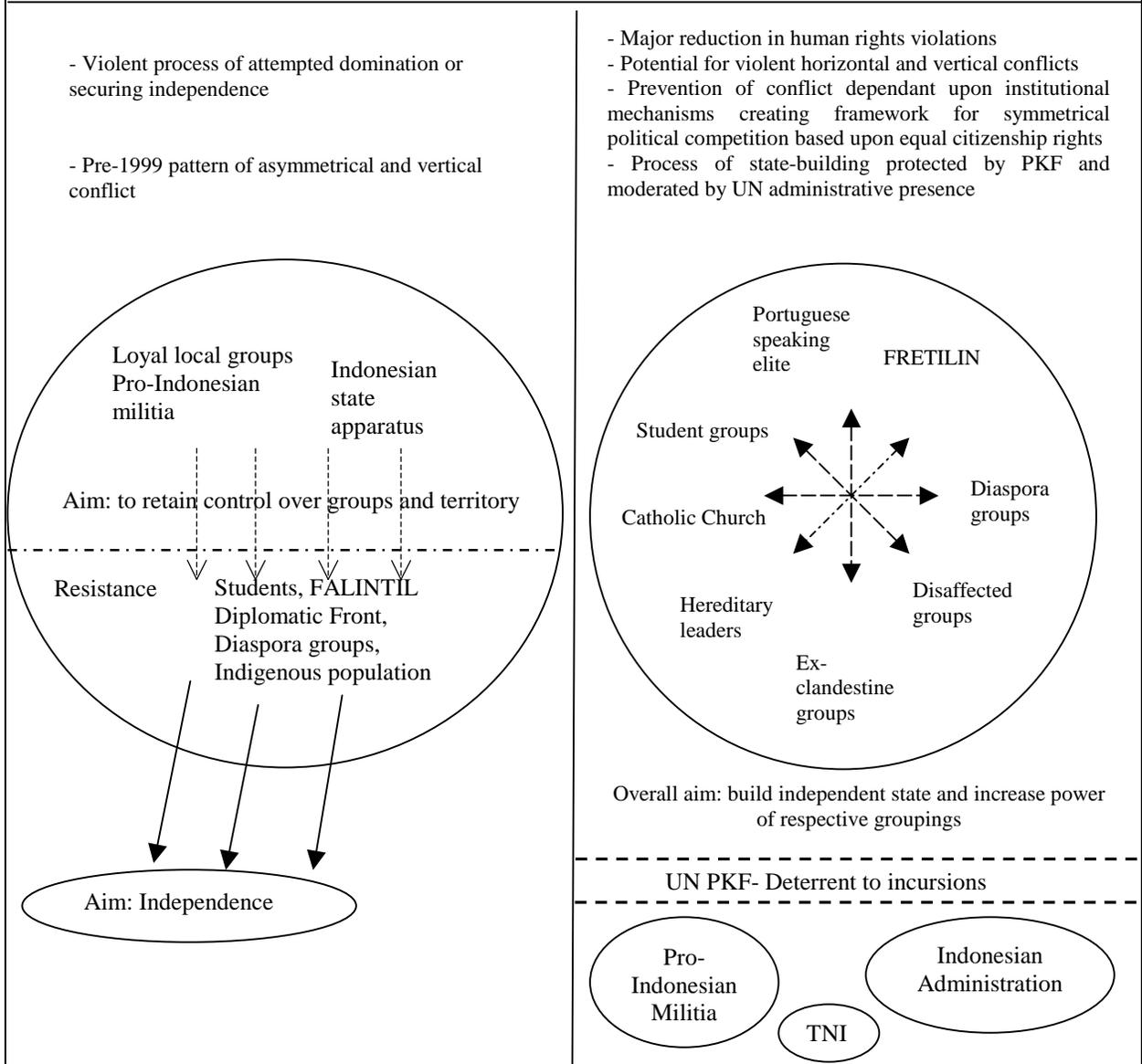
<sup>879</sup> The approach seeks to develop links between government and the private sector to promote economic growth, reduce competitive politics, and promote national unity, see Robison (1993), p. 45. Ian Marsh argues the corporatist approach has largely been discredited, presumably because of state corruption that often accompanies the model, see Ian Marsh, ‘Political Representation and Economic Competitiveness: Is a New Democratic Synthesis Conceivable?’, in T. Inoguchi et al (eds.), *The Changing Nature of Democracy* (Tokyo: The United Nations University Press, 1998), p. 136.

<sup>880</sup> João Cancio Freitas interview, Melbourne, 15 June 2002.

were drawn mostly from those only exposed to the Indonesian administrative system, the “Indonesian culture” was particularly evident in parliament. Within both the government and the parliament, additional influences cultural influences were found. The “resistance mentality” of PD members and other youth and the conservative anti-socialism of PSD members were examples. With the government more specifically, a more subtle “technocratic culture” came from conservative diaspora Timorese. They brought with them experiences of government service in Western countries and expected “proper bureaucratic behaviour” that was usually alien to indigenous Timorese.

Diagram 9 outlines the changing patterns of conflict inside Timor Leste which influenced government legitimacy, the consolidation of the newly established democratic system, and the potential trajectories of new forms of violent conflict.

**Diagram 9 – Changing Patterns of Conflict, August 1999 to August 2001**



#### 6.4.1 Political Patronage vs. Merit-Based Recruitment

ETTA, like UNTAET, confronted difficulties with merit-based recruitment in a social environment that politicised most state institutions. Alkatiri claimed ETTA's recruitment of civil servants had always been based on technical competence, dedication, and national interest above individual or party needs.<sup>881</sup> Merit-based recruitment was clearest at senior government levels where there was an understanding for the need to separate

issues of politics from building an effective administration.<sup>882</sup> With FRETILIN's political ascendancy, observers expected the government would replace all non-FRETILIN CNRT appointed officials in district administrations and *chefes de suco*, neither of which happened.<sup>883</sup> The appointments of non-FRETILIN figures such as Emilia Pires (regarded as an exceptional "mover and organiser") and Mariano Lopez da Cruz to senior positions was taken as an indication of the government's commitment to building the capacities of the public administration.<sup>884</sup>

Following the Restoration of Independence on 20 May 2002, FRETILIN appointed Mári Alkatiri as prime minister and minister for development and environment. As prime minister of the country and as secretary-general of FRETILIN's central committee, Alkatiri faced growing challenges of keeping the party cohesive around the party's leadership while balancing factional interests against building effective government.<sup>885</sup>

According to Xavier do Amaral,

Some people inside FRETILIN expected rewards but did not get them, like being ambassador to some other country or being a minister, or some that have studied overseas- they are not happy.<sup>886</sup>

Alkatiri admits groups inside government, inside FRETILIN, and from opposition parties had used "tactics" to achieve personal and professional objectives, but as prime minister he would never accept blackmail on the part of any official.<sup>887</sup>

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<sup>881</sup> Mári Alkatiri, 'Speech at Ceremony of the Swearing in of Members of the Transitional Government of East Timor...', (2001), p. 3.

<sup>882</sup> Informant Number 28 (International Consultant); Manuel Tilman interview, Díli, 13 December 2003; Mári Alkatiri interview, Díli, 12 February 2004.

<sup>883</sup> Alessandro Righetti interview, Díli, 6 February 2004.

<sup>884</sup> Laura Bailey interview, Díli, 15 December 2003; Jackie Pomeroy interview, Díli, 15 December 2003. These appointments were, however, demanded by de Mello following CA elections as a way of building national unity through appointments to the public administration.

<sup>885</sup> José Ramos-Horta interview, Díli, 16 January 2004.

<sup>886</sup> Xavier do Amaral interview, Díli, 8 January 2004.

<sup>887</sup> Mári Alkatiri interview, Díli, 12 February 2004.

This still left Alkatiri confronted with the challenge of keeping the party cohesive, strengthening the public administration and perhaps equally important, keeping its volatile fringe groups in-check. “Personal tactics” were rewarded with the dispensing of patronage through the creation of some secretary of state positions awarded to FRETILIN members who had proved weak administrators of ministerial portfolios, but who were effective at mobilising voters for the party. In other cases, such as that of Elle Sette, advisory positions were awarded to influential ex-combatants in the hope they would not agitate against the government. These awards were a necessary trade-off to ensure political stability by placating figures that could mobilise large numbers of people to destabilise society. While not sacking CNRT-appointed officials, as a response to the growing expectation for rewards among the party’s rank-and-file FRETILIN increasingly awarded new positions at lower administrative levels to its members. By 2003, only three non-FRETILIN party members were recruited to vacancies that remained, or were created, at subdistrict and district levels following the transition from UNTAET to UNMISSET.<sup>888</sup> Yayasan Hak, the well-known Timorese human rights NGO, believed that acts such as this formed part of a FRETILIN attempt to dominate the state through the bureaucracy, i.e. a form of bureaucratic authoritarianism.<sup>889</sup>

The extent to which political patronage was dispensed was regularly overstated, even by reliable sources. For example, citing donor documents as evidence Manuel Tilman argued there were at least 5,000 political appointees inside the public administration.<sup>890</sup> Donor documents excluded military and police forces which, when combined with other

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<sup>888</sup> Preston Pentony interview, Díli, 22 December 2003.

<sup>889</sup> Aniceto Guro Berteni Neves, Chief of the Monitoring and Investigation Division Yayasan Hak, interview, Díli, 16 October 2004.

<sup>890</sup> Manuel Tilman interview, Díli, 13 December 2003. Tilman claims such positions included clerks, assistants, drivers, and security personnel. On government staffing levels see United Nations Development Programme and the National Planning and Development Agency, ‘Capacity Development for Governance and Public Sector Management...’ (2001); United Nations Transitional Administration for East Timor and the United Nations Development Program, ‘East Timor/Timor Loro Sa’e Study on Capacity-building...’ (2000); Joint Assessment Mission (JAM), *Governance Background Paper* (Díli, 1999); and Ministry of Finance, ‘The East Timor Combined Sources Budget 2002-2003, Budget Paper No. 1, Draft Pending Final Clearance of Text by Council of Ministers’ (Díli: Ministry of Planning and Finance, Democratic Republic of East Timor, 7 May 2002), p. 9.

public sector staff, roughly equalled seventeen thousand, almost the exact number of public servants listed by Tilman.<sup>891</sup> The dispensing of pure patronage, some referred to this as nepotism and cronyism, was far less than was suggested by government critics.

#### 6.4.2 The Mozambique Clique's Dictatorial Tendencies

One of FRETILIN's balancing acts was found between its Mozambique clique and the party's indigenous membership. Conflict between these groups was usually framed around two issues: (1) FRETILIN's constitution gave too much power to Secretary-General Mári Alkatiri and (2) the Mozambique clique dominated the government and its policy-making processes.<sup>892</sup> One view suggested these tensions were, at least in part, a result of UNTAET's centralised administration that reinforced "FRETILIN's resistance-dictated guerrilla mentality of tight control".<sup>893</sup> This was reflected in accusations made by Timorese officials that Alkatiri sought to micro-manage government, rather than delegate authority to lower levels.<sup>894</sup> The internal party backlash to this tight control resulted in a small number of party members, led by dissidents such as Abel Ximenes and Victor da Costa, forming "FRETILIN *reformasi*" movements.<sup>895</sup> In practice *reformasi* movements sometimes amounted to pressure "tactics" used by party members to secure personal rewards for delivering district-level voting-blocs to the party's leadership during the Constituent Assembly elections.<sup>896</sup>

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<sup>891</sup> Mári Alkatiri interview, Díli, 12 February 2004.

<sup>892</sup> Dionísio Babo-Soares interview, Díli, 26 February 2004.

<sup>893</sup> Steele (2002), p. 85.

<sup>894</sup> Informant Number 5 (Timorese National).

<sup>895</sup> Da Costa, a senior figure in FRETILIN and member of the Central Committee, was fired in 2003 from his position as director of CISPE for drunk and disorderly behaviour. It was claimed that he had become highly abusive to local Timorese staff and UN international staff, had little administrative experience, and was considered highly arrogant. Later da Costa attempted to politicise the issue and frame it as a power struggle between 40 to 50 reformers inside FRETILIN's Central Committee and the external Mozambique clique. Some outsiders also claimed that da Costa was offered the position of Minister of State Administration but refused because he wanted to reform the party from within so as to make it more popular. By the beginning of 2005, da Costa managed to raise several thousand dollars to finance a private sector business in Viqueque district for the export of coconuts to the Australian food manufacturing sector, Preston Pentony interview, Díli, 22 December 2003; Dianna Baker interview, Díli, 16 January 2004.

<sup>896</sup> Anthony Goldstone interview, Díli, 20 February 2000.

The idea that FRETILIN exercised tight control over the public administration was misleading given the reality of weak administrative structures and fluid institutional change. UNDP's early institutional capacity-development approach that had focussed on individual skills training, rather than strengthening institutional systems and procedures, had the effect of personalising administrative functions under the individual initiative of ministers or department heads. As a result, personal experiences guided operations to a much greater extent than any central directives. Clashes within the public administration emerged because of the competing cultures and the different approaches personnel brought with them from the administrative systems of different countries. There were confused lines of authority within and between departments because of a lack of "institutional equilibrium". This was aggravated by constant personnel rotations at senior levels in ministries and departments and fluidly changing administrative structures. In this environment, conflicting approaches and work frustrations common to many corporate settings were inevitably reduced to claims that the Mozambique clique tried to dominate. In a somewhat circular fashion, this claim was strengthened when senior officials attempted to address administrative confusion by placing their "stamp of authority" on operations.<sup>897</sup> There was no cohesive national administrative system, which means that administrative matters were often dealt with in an ad hoc and personalised manner. The only clearly discernable line of constant authority that attempted to build government cohesion came from the first minister's office inside ETTA and later the prime minister's. The attempt to create an integrated governance system gave rise to politicised arguments that such a system already existed. In turn, this undermined attempts to build the public administration's cohesiveness and its capacity to administer the country free of political attack.

## **6.5 Emergence of East Timorese Ownership and Independence**

Elections, the drafting of the constitution, and the creation of Timor Leste's organs of sovereignty were the political prerequisites for an official transfer of power from

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<sup>897</sup> Informant Number 5 (Timorese National); Informant Number 17 (Timorese National).

UNTAET to an independent government. However, UNTAET personnel continued to work in the “non-participatory mode of emergency response” that guided the early work practices of UNTAET personnel.<sup>898</sup> This left some ambivalence over who really set the policy and development agendas. As noted in Chapter 3, the process leading to government ownership was contested by UN personnel unprepared to hand-over authority.<sup>899</sup>

The drafting of Timor Leste’s National Development Plan demonstrated several such problems. Its writing was “overrun by internationals”, UN personnel, consultants, and bi-lateral representatives of aid agencies who engaged in “policy entrepreneurialism”.<sup>900</sup> With the exception of the Ministry of Health, Timorese officials from ETTA generally played a passive role when these foreign nationals made sectoral contributions based upon their understandings of “best practices” for reducing poverty. Upon completion, the plan was rich in detail but did not articulate an overall strategy for the nation’s development. It could not realistically be implemented because of an abundance of identified programs and lack of government resources.<sup>901</sup> It also slowed the government’s own policy development process. FRETILIN’s early legislative efforts were consumed by constructing a legal framework that would allow donor assistance to flow into the country to support the implementation projects found in the plan.<sup>902</sup> It was criticised by Timorese government officials who argued that planning for poverty reduction, rather than wealth creation, fed into the population’s “dependency mentality” and would not encourage people to “help themselves”.<sup>903</sup> Antecedents to this view were located in the arguments of World Bank and IMF officials who argued that free market

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<sup>898</sup> International Policy Institute (2003), para. 156.

<sup>899</sup> Informant Number 26 (Aid Worker).

<sup>900</sup> Laura Bailey interview, Dfili, 15 December 2003; Jackie Pomeroy interview, Dfili, 15 December 2003.

<sup>901</sup> Informant Number 28 (International Consultant).

<sup>902</sup> Political Affairs Unit, UNMISSET, ‘Issue Paper: Parliamentary Parties, Programs, and Personalities’, Dfili, 25 September 2002.

<sup>903</sup> Fernanda Tavares interview, Ermera, 18 October 2001; Roland Laval interview, Dfili, 26 February 2004.

forces would be the best engines to drive economic development, promote wealth, and reduce poverty.<sup>904</sup>

Genuine government ownership over development and strategic planning processes only began to emerge with the Stability Program, released in early 2003 after UNTAET's transition to the United Nations Mission of Support for East Timor (UNMISET).<sup>905</sup> The program listed eight immediate priorities in three broad areas: governance, stability, and planning for poverty reduction.<sup>906</sup> These drew upon the menu of programs found in the National Development Plan, but framed them around Timorese needs and available resources (finances and personnel).<sup>907</sup> Objectives were to restore or sustain civil and economic security and to empower "local communities and administrations".<sup>908</sup> The emergence of government ownership was facilitated by the National Planning and Development Agency (NPDA) under Emilia Pires. Under the authority of Pires, the Capacity Development Coordination Unit (CDCU) devised a comprehensive approach to institutional capacity-development and for coordinating donor assistance within the context of the government's stability program.<sup>909</sup> It also sought to ensure that international advisors would be subordinated to Timorese authority.<sup>910</sup> Most important in

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<sup>904</sup> *ibid.*

<sup>905</sup> Gustavo Francisco de Sousa interview, Díli, 6 January 2004.

<sup>906</sup> Council of Ministers, 'Immediate Priorities as Approved by the Council of Ministers on 22<sup>nd</sup> January 2003 to be part of the Government's Stability Program', Council of Ministers Democratic Republic of East Timor, Díli, January 2003; Democratic Republic of East Timor, *The Stability Program, The Road Map, Annex 2* (Díli: RDTL, April 2003).

<sup>907</sup> Informant Number 28 (International Consultant).

<sup>908</sup> Democratic Republic of East Timor, *The Stability Program, The Road Map, Annex 2...*, (2003), p. 5.

<sup>909</sup> Catherine Walker, ETTA Donor Coordination Unit, interview, Díli, 6 November 2001.

<sup>910</sup> United Nations Development Programme and National Planning and Development Agency, *Capacity Development for Governance and Public Sector Management...*, (2001), pp. 59-64. The CDCU also sought to ensure that increasingly advisors built local capacities. Out of 209 key posts identified as crucial by government, only 86 advisors were deployed by the end of 2003 due to lack of voluntary donor funding from UN member states, see United Nations Security Council, *Report of the Secretary-General on the United Nations Mission of Support in East Timor. S/2003/944* (6 October 2003), para. 18; and United Nations Security Council, *Report of the Secretary-General on the United Nations Mission of Support in East Timor. S/2003/449* (21 April 2003), para. 1.

this regard was the changing nature of UNTAET to UNMISSET which created space for Timorese ownership to begin.<sup>911</sup> However, this argument is perhaps simplistic and overstates the real extent to which Timorese were able to take control. In practice, the cumbersome bureaucracies of international agencies and self-interested dynamics among the professional staff of countless international agencies created massive obstacles for Timorese to take real control for setting their own development agenda.

## **6.6 Summary Discussion**

Events following the dissolution of CNRT did not prove a disaster for national unity. Democratisation adhered to CNRT's commitment made in 1998 to build a democratic state. The process was contested with all political parties manipulating various forms of symbolism, but failing to articulate clear platforms for governing an independent country. Considering the ideological divisions between parties that existed during this period, it is ironic that conservative groups professed adherence to notions of grassroots and traditional forms of development, whereas FRETILIN ultimately adopted policies more aligned to neo-liberal economic rationalism by, for example, promoting "wealth creation" and a corporatist constitution. Contrary to claims made afterwards, the Constituent Assembly elections proved to be free and fair. This was important for defusing elite political tensions within CNRT and a crucial first step for transferring political competition into a rule-governed democratic forum.

Constituent Assembly elections made official FRETILIN's status as the country's most popular political party, which represented a much broader cross-section of society than any of its rivals. Elite political conflict subsequently crept its way into the drafting of the constitution. A fragmented opposition claimed that FRETILIN imposed its own version upon the rest of the country and that it engineered control of the state by transforming the Constituent Assembly into the country's first National Parliament. In fact there was sufficient scope for representative input to the constitution. The constitution also adhered to the basic principles set out in the Magna Carta of 1998 endorsed by CNRT. Moreover,

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<sup>911</sup> Mári Alkatiri interview, Díli, 12 February 2004.

upon its formation the second transitional government sought to build national unity by crossing party lines when making appointments to government, rather than building a government of national unity as was advocated by FRETILIN's opponents.

The continental European model of semi-parliamentary democracy introduced to Timor Leste was well suited to the particular social and cultural realities of Timor Leste. Hindsight shows that not a single one of the electoral processes inside Timor Leste led to the sort of violent factional conflict witnessed with elections in other post-conflict UN peacekeeping operations. Timor Leste's democracy was based on a consensual decision-making model, rather than confrontational approaches. Although remaining weak, parliamentary mechanisms established a rule-governed system in which different representative voices could provide input to legislative process and allowed for alliances to emerge across political parties. The system reduced the chances of a government deadlock that could undermine social and political stability. Moreover, the president took on important functions as the moral arbitrator of the nation with significant powers to act as a government "watchdog", thus becoming a crucial part of the political system and the governance of the country.

Critical accounts of these processes were informed by unresolved ideological hostilities between political parties. They often amounted to political attacks which sought to undermine the legitimacy of the government. Anti-FRETILIN rhetoric paralleled Indonesian destabilisation efforts of *Operasi Komodo* in 1975. Claims of FRETILIN corruption, its Marxist leanings, and the dangers of a new civil war attempted to delegitimise parliamentary democracy and the FRETILIN government. The nature of parliamentary attacks against FRETILIN demonstrated that influential segments of Timor Leste's political elite had not yet accepted the democratic rules of the game. Further politicising state-building were the competing interest group agendas within FRETILIN. With varying degrees of success, the party's leadership balanced these agendas against the need to strengthen the public administration. "Fiefdom building" emerged as a problem, with some officials seeking to increase their own powerbase by dispensing patronage. At other times, confused lines of authority, weak institutional mechanisms,

and clashes of culture led to claims that FRETILIN had dictatorial command and control over the public administration. These factors combined to undermine efforts to consolidate the political and administrative systems that had been constructed and they dangerously fuelled social discontent.

Although problems were abundant, UNTAET's governorship during Timor Leste's chaotic stage of political development successfully facilitated state-building and created space for democratisation. However, the inability of UNTAET personnel to step back from controlling state-building added to claims that FRETILIN attempted to secure institutional control over the country. Timorese national ownership remained elusive even with the drafting of the country's National Development Plan. By the end of 2001, UNTAET was not well suited to address Timor Leste's greatest challenge: strengthening the country's governance capacities. This could only be achieved with follow-up missions of support.

## **Chapter 7 - Emerging Pacts: Sober State-Building or Seeds of State-Failure?**

The system of government constructed by the constitution created a rule-governed democratic environment for the peaceful resolution of political conflict. Parliament's assembly and committee structures also provided mechanisms for broad-based input to government policy-making. These positive developments were balanced against the facts that the country's institutions remained weak. Moreover, the legitimacy of the government and the political system remained contested by local actors who jostled for power, including key FRETILIN political opponents for whom parliament's deliberative mechanisms were too weak to foster constructive deliberation with the government. Internal political conflict, which had been effectively moderated by the institutional and psychological buffers provided by UNTAET, became acute with the transition to UNMISSET, exploding into riots in December 2002. This event was a wake-up call for the nation's political elite and appeared to result in greater levels of acceptance for the democratic rules of the game. It also saw the emergence of political pacts which were needed in order to consolidate the state in a post-UNTAET period.

This chapter looks at three sets of state-building challenges which confronted the country upon independence: (1) internal security, (2) cross-border security with Indonesia, and (3) institutional weaknesses. It begins by examining the riot of December 2002 and various UN operational failures. To understand the impact of the transition between UNTAET and UNMISSET this chapter considers some of Timor Leste's internal political divides, various issues underpinning popular discontent and the co-opting of relatively peaceful student demonstrations by disaffected groups. This is followed by a discussion of the continuing internal and external security threats that underpinned the emergence of key political pacts following December 2002. Latter sections of this chapter explore the country's institutional weaknesses in the areas most commonly identified as being important for institutional peace-building: the police, the army, and justice institutions. Additional discussion is given to local government development as a thematic area that is receiving increasing levels of attention in peacekeeping operations. The chapter

concludes by identifying how, by the beginning of 2005, the UN's institutional capacity-development strategies informed the development of Timor Leste's overall political system and the relationship between the new state and its society.

### 7.1 December 2002 Riots

The December 2002 riots were the culmination of escalating social instability that began with the transition from UNTAET to UNMISSET.<sup>912</sup> The immediate trigger was the arrest of a student in Díli on 3 December by *Polícia Nacional Timor Leste* (PNTL) personnel who allegedly used excessive force.<sup>913</sup> The next day peaceful student demonstrations in response to PNTL actions were co-opted by disaffected local groups who led protestors on a series of small violent riots which lasted for several hours. At one point, demonstrators stoned President Gusmão when he tried calming them in front of the United Nations Police (UNPOL) headquarters. The ensuing mob violence was guided by men on motorcycles using megaphones to direct crowds towards symbolic targets of popular anger.<sup>914</sup> This included buildings either representing the government and Prime Minister Alkatiri, or those that signified unequal levels of wealth between Timorese and foreigners.<sup>915</sup> It was also claimed that that PNTL's Special Police Unit (SPU) roamed the streets threatening civilians with guns and used excessive force to subdue suspects.<sup>916</sup> The situation was not controlled until after the worst of the rioting by the deployment of

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<sup>912</sup> Julió Tomas Pinto, 'Security and Defence: A Challenge to Struggle for' (Díli: University of Díli, Faculty of Social Sciences and Humanities, January 2003), p. 2.

<sup>913</sup> Amnesty International, *The Democratic Republic of Timor Leste: A New Police Service...*, (2003), p. 10. The arrest of the student is considered to have been the trigger for riots of 4 December. Here the riot is seen as the culmination of a series of proximate events: (1) Baucau police shooting, 25 November; (2) President's speech, 28 November; (3) student arrest, 3 December; and (4) the co-optation of the protest by disaffected groups, 3-4 December. These were more visible signs of growing levels of social instability following the transition from UNTAET to UNMISSET.

<sup>914</sup> 'East Timor: Warning of Instability Amid Old Internal Rivalries- Statement from Eyewitness', *Radio Australia*, 4 December 2003.

<sup>915</sup> La'ó Hamutuk, 'Disorder in East Timor: The International Community Must Accept Responsibility: A Statement from La'ó Hamutuk', Díli, 6 December 2002.

<sup>916</sup> Amnesty International, *The Democratic Republic of Timor Leste: A New Police Service...*, (2003), p. 11.

Portuguese troops. When the riot was over, parts of Dili were burning, property damage was in the millions of dollars, 18 people had been shot and two had been killed.<sup>917</sup>



*Picture 11. Riot Victim, December 2002, picture provided by UNMISSET Public Information Office*

**Competing Explanations.** East Timorese government officials, some UNMISSET personnel, and outside observers suggested that the December 2002 riots were a “one off” that went against the grain of social stability and generally peaceful state-building.<sup>918</sup> The incident was localised to Dili and did not threaten to destabilise the entire country.<sup>919</sup> No similar incident occurred up to 2005, which was used as evidence to support the argument that the riots lacked organisation and political motive.<sup>920</sup> Instead, monitoring

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<sup>917</sup> *ibid.*, pp. 1, 10.

<sup>918</sup> Preston Pentony interview, Dili, 22 December 2004; Manuel Tilman interview, Dili, 13 December 2003; Sandi Preisly interview, Dili, 21 February 2004.

<sup>919</sup> Ben Larke interview, Dili, 15 December 2003.

groups such as La' o Hamutuk presented holistic explanations for the co-opting of protestors,

Easy manipulation of mob violence stems from underlying social and economic conditions: massive unemployment, poor education and other public services; limited mutual respect between government and civil society; frustration with the pace of democratic and economic development; widespread post-conflict and post-traumatic stress; lack of confidence in peaceful processes for change.<sup>921</sup>

According to José Ramos-Horta, the sort of internal security threats facing Timor Leste were like those in other developing countries and stemmed from poverty, weak institutions, poor police training, and criminal behaviour associated with youth unemployment.<sup>922</sup> The scarcity of formal sector employment and the perceived totality of economic contractions created significant pressures for political instability. The workforce pool for 2002 was estimated at 310,000 with projected annual increases of 20,000, with 80 percent of the population working in the agricultural sector.<sup>923</sup> Formal sector employment from tourist resorts, hotels, restaurants, bars, security companies, government and NGOs was estimated at 22,000, with open unemployment likely to be in excess of 20 percent.<sup>924</sup> According to Sandi Preisly, Australian UNPOL Commissioner in 2004, the resulting issues of economic grievance combined with institutional weakness to make it easy for “dissident” leaders to manipulate people.<sup>925</sup> Others argued that pointing at “local identity groups” only distracted attention from mistakes with UNTAET’s state-building strategies. UNTAET failed to “sort out” Timor Leste’s chaotic political past by limiting participation in state-building to a handful of elites who were

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<sup>920</sup> Preston Pentony interview, Díli, 22 December 2004.

<sup>921</sup> La' o Hamutuk, ‘Disorder in East Timor: The International Community Must Accept Responsibility: A Statement from La' o Hamutuk’, 6 December 2002, p. 2.

<sup>922</sup> Dianna Baker interview, Díli, 16 January 2004; Jill Jolliffe, ‘Gusmão Says Riots Are a Cry of Poverty’, *Age*, 7 December 2002; Tim Dodd, ‘Wealth Divide Behind Timor Violence’, *Australian Financial Review*, 6 December 2002.

<sup>923</sup> United Nations Development Programme, *Ukun Rasik A'an – The Way Ahead: East Timor Human Development Report 2002...*, p. 17.

<sup>924</sup> *ibid.*, p. 18. See also Planning Commission, *National Development Plan* (Díli: Planning Commission, Democratic Republic of East Timor, May 2002), p. 18.

“entertained with some cosmetic partnership consultation”.<sup>926</sup> The resulting feelings of exclusion found among the broader population led to political hostility and disaffected groups were easily co-opted by the leaders of disaffected groups.

The arguments failed to appreciate fully the context in which the December 2002 riots occurred. More than a year earlier, UNTAET personnel were keenly aware that reducing the mission’s presence required careful management to ensure peace would be sustained following a handover of power to an independent government.<sup>927</sup> UNTAET was in the process of downsizing in its transition to UNMISSET. More than leaving in place weak institutions, the process of transition led to significant changes of authority. This in turn left in place weak structures of authority unable to manage societal conflict.<sup>928</sup> Several factors contributed to a declining sense of institutional authority and psychological certainty among Timorese. The changing nature of the UN’s mission from governorship to support, as with subsequent UN transitional processes, brought with it an air of finality: the UN was leaving. Sérgio Vieira de Mello, highly charismatic with a special cultural affinity with the Timorese, seen as one of the UN’s best civilian peace-builders and a man able to get the job done, was replaced by the obscure and, in the eyes of Timorese, unproven Kamaleh Sharma. The reduction of international peacekeeping troops was removing the country’s blanket of security along the border. Combined with economic pressures and internal power struggles these factors created a “transitional window of uncertainty” and an administrative authority vacuum.<sup>929</sup> Disaffected local

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<sup>925</sup> Sandi Preisly interview, Díli, 21 February 2004.

<sup>926</sup> João Boavida, ‘The Riot of 4 December 2002: Who is to Blame?’ (Unpublished article, n.d.).

<sup>927</sup> Angus T. Green interview, Baucau, 26 September 2001; Roger Hearn interview, Díli, 30 October 2001.

<sup>928</sup> On political instability during periods of transition see O’Donnell and Schmitter (1986), pp. 3-38.

<sup>929</sup> In discussing the causes of Timor Leste’s political crisis during May to April 2006, Australian Labour Party Foreign Affairs spokesperson Kevin Rudd points to the Australian government’s early withdrawal of its troops between 2003 and 2005, against the suggestions of the United Nations. Six months after the final Australian troops pulled out, a vacuum was created in which “the place blew up completely” in terms of its politics and security, which neither the F-FDTL nor PNTL could manage, Kevin Rudd, ALP Foreign Affairs Spokesperson, ‘Australian Government Policy on East Timor Security has "Failed Hugely" – Rudd’, *TV Insiders*, Interviewer Barrie Cassidy, ABC, Interview Transcript, 3 September 2006. <http://www.abc.net.au/insiders/content/2006/s1731651.htm>

groups, as well as Timorese elite political actors, capitalised upon the resulting institutional uncertainty by applying pressure on the fledgling government in efforts to extract greater rewards from the state-building process, or to promote their own agendas. As demonstrated by events in the several months leading up to the December 2002 riots, this allowed space for contestation over political authority among Timorese to become acute. This process was mostly clearly illustrated by UNPOL's operational failures in responding to the December 2002 riots.

### 7.1.1 UNPOL Operational Failures

**Confused Lines of Authority.** UNMISSET was created to help consolidate state institutions, assist with further institutional capacity-development, further develop local law enforcement capabilities, and maintain internal and external security so as to ensure a successful transition to independence.<sup>930</sup> Among the members for the UNMISSET planning team was Julian Harston, Deputy Special Representative of the Secretary-General (DSRSG) for the United Nations Mission in Bosnia-Herzegovina (UNMIB).

During UNMISSET's planning phase, Harston pointed out that a major challenge for the new mission would be "command and control" of executive policing functions.<sup>931</sup> Although UNMISSET was mandated to ensure internal security there was legal uncertainty surrounding the UN's right to control policing operations in a sovereign country. The "blue berets" were under the legal authority of Secretary-General Kofi Annan and control over these forces could not be handed to a sovereign government. Even if it were possible there was a fear that UNPOL might be deployed by the Timorese government in a manner that would violate international human rights standards.<sup>932</sup>

To resolve these issues, UNMISSET's planning team proposed establishing a Joint Operational Centre. This would enable decisions to be made quickly in case of a crisis,

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<sup>930</sup> United Nations Security Council, *Security Council Resolution 1410, On the Establishment of the United Nations Mission of Support*. S/RES/1410 (17 May 2002)  
<http://www.un.org/Depts/dpko/missions/unmiset/res.html> (5 October 2003)

<sup>931</sup> Julian Harston interview, Dili, October 2001.

while at the same time providing scope for Timorese and UN officials to consult one another to prevent infringements upon Timorese sovereignty or the misuse of UNPOL. This still left UNPOL personnel confused about their real security duties: “we cannot leave our barracks. We can only come out...in situations where national sovereignty is at risk”.<sup>933</sup> Others believed that Timorese officials were ultimately responsible for executive policing, with UNPOL’s security functions limited to “residual responsibilities”. Only a handful within UNPOL actually understood the meaning of the term residual responsibilities. During the December 2002 riots, confusion over duties and legal authority led to a “leadership paralysis” in the Joint Operational Centre that failed to respond effectively in their deployment of police to deal with protestors. Rather than making decisions in response to the unfolding crisis, SRSG Sharma waited upon directives from New York on how best to proceed.<sup>934</sup> While the Timorese police service was haphazardly dealing with the riot and shooting hundreds of rounds of ammunition at protestors, UNPOL personnel were confined to their barracks. Without UNPOL’s presence on the streets, the protests escalated into several hours of “anarchy”.<sup>935</sup>

### **7.1.2 Disaffected Local Groups**

Confusion over the UN’s executive policing function, response failures, and poor training of PNTL personnel all came together to form a “window of opportunity” for the December 2002 riots. However, this does not help to understand what drove the protestors to violence. While socio-economic factors explained widespread social grievance, it did not shed insights as to why “dissident political leaders” would manipulate a few hundred protesters towards committing acts of violence.<sup>936</sup> The

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<sup>932</sup> *ibid.*

<sup>933</sup> UNMISSET Media Briefing, ‘Briefing by the Office of the Spokesman for the Secretary-General’, 9 December 2002.

<sup>934</sup> It was claimed the paralysis was so complete that, at one point during the day of the riot, Mári Alkatiri was in his office with his hands in the air, telling Sharma, “They are burning my house, what will you do now?”, Informant Number 30 (UN Official).

<sup>935</sup> *ibid.*

<sup>936</sup> La’o Hamutuk, ‘Disorder in East Timor: The International Community Must Accept Responsibility: A Statement from La’o Hamutuk’, Díli, 6 December 2002.

“absence of additional riots”, the argument used to support the claim that events in December 2002 were unorganised and therefore lacked any clear political agendas, only carried weight when excluding consideration of UN and donor responses. These responses prevented a repetition of the riots until April-May 2006 when the UN’s political support mission was about to make a “final” transition.

The only serious attempt to answer these questions came with a government investigative commission. It was formed to identify the causes of the riot and those responsible for organising violence.<sup>937</sup> Due to the political nature of the commission’s findings, the report it produced was never disseminated to the public and over time was shelved from sight. The commission found there had been a deliberate attempt to undermine social stability, that there were political motives behind the violence and that “third parties” had co-opted student protests to undermine government authority.<sup>938</sup> Government official David Ximenes, associated with FRETILIN’s left-wing fringe elements, was mentioned as having been involved in the radicalisation of the protest.<sup>939</sup> In a separate statement following the December riots, José Luis Guterres, then the prime minister’s chief of staff, quickly singled out CPD-RDTL members as the main culprits.<sup>940</sup> The following section examines several disaffected groups, their political networks, and the reasons for their disaffection. Although discussing only a small number of such groups, the patterns of conflict identified are likely to have much broader implications.

**CPD-RDTL.** *Conselho Popular Defesa de República Democrática Timor Leste*, or the Popular Council for the Defence of the Democratic Republic of Timor Leste (CPD-RDTL), was formed in 1999 in response to the creation of the CNRT. It regarded itself as a social movement and the “real” FRETILIN. It did not recognise the legitimacy of

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<sup>937</sup> Cabinet of National President of Parliament, ‘Preliminary Report CII, Independent Commission of Inquiry’ (Dili: Democratic Republic of East Timor, 2002). pp. 1-2.

<sup>938</sup> *ibid.*, pp. 11-15.

<sup>939</sup> *ibid.*, pp. 7-9.

<sup>940</sup> Priscilla Cheung, ‘East Timor Envoy: Militiamen Wanted in Violence Trying to Flee to Indonesia’, *Associated Press*, 10 December 2002.

the emerging Timorese government, state institutions such as the courts, or the constitution.<sup>941</sup> CPD-RDTL's leadership argued the country had already achieved independence prior to Indonesia's invasion with FRETILIN's unilateral declaration on 28 November 1975.<sup>942</sup> One of its leaders, Aitahan Matak, a.k.a. Cristiano da Costa, claimed that CPD-RDTL's main mission was to end poverty and give power to the people.<sup>943</sup> It "sold" messages that were easily received without explaining how they would convert promises into actions.<sup>944</sup> These included providing greater economic opportunities, improving infrastructure and public administration service delivery, and balancing what it argued had been politically biased recruitment for the PNTL and F-FDTL.<sup>945</sup> Following 1999, CPD-RDTL attracted young supporters that felt left-out of government due to the emergence, or re-emergence, of Portuguese colonial era social hierarchies. Those among its rank-and-file included ex-combatants, repatriated pro-autonomy supporters and even ex-pro-Indonesian militia groups. CPD-RDTL claimed to represent 400,000 Timorese,<sup>946</sup> but the level of voter support for its ideological allies PST, the Socialist Party, and PNT, the Nationalist Party, during Constituent Assembly elections suggest its real level of support was much less (see Table 6).<sup>947</sup> To draw more members it capitalised on popular discontent, security concerns, people's economic hardships and the government's alienation from the population.

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<sup>941</sup> See CPD-RDTL, '*Assunto: Atu Hato'o CPD-RDTL nia Liafuan Kmanek ba Publiku, Nasional no Internasional*', *Orgaun Deliberativu*, Dili, 2003, p. 2; and CPD-RDTL, 'Position of the CPD-RDTL vis-à-vis to the Recommendations of the UNO's Secretary-General, Mr. Kofi Annan', Dili, 12 January 2004. They can be referred to as an "anti-system" groups which rejects the legitimacy of the state and regime, see Sartori (1994), p. 67.

<sup>942</sup> Walsh (2001), p. 11.

<sup>943</sup> Aitahan Matak interview, Dili, 19 January 2004.

<sup>944</sup> See CPD-RDTL, 'White Paper: Secure East Timor's Place in the Region and in the World in the Year 2000 and Beyond: A Conceptualised Proposal for National Platform of East Timor, by Cristiano da Costa,' CPD-RDTL, Dili, 18 July 2000.

<sup>945</sup> Cristiano Da Costa, 'The Vision on National Stability in the Post-UNMISSET Period', CPD-RDTL, Baucau, December 2003.

<sup>946</sup> CPD-RDTL, '*Assunto: Atu Hato'o CPD-RDTL...*' (2003), p. 1.

<sup>947</sup> Combined, PNT and PST won four seats based upon a popular mandate of 40,000 votes.

*Colimau 2000*. *Colimau 2000*, *Comander Liberasaun Maubere*, or Command of Maubere Liberation, was part of the internal independence struggle. It disbanded following the 1999 referendum. *Colimau* reformed in the western border districts because of growing hostility towards UNTAET and disaffection some of its disgruntled ex-combatant members felt over being excluded from the benefits of state-building, such as recruitment into the F-FDTL.<sup>948</sup> There is some speculation that, in the face of high poverty and limited economic opportunity, its members turned to cross-border smuggling to generate cash incomes. The grievances among its members paralleled those expressed by CPD-RDTL, but up to 2004 there were no clear institutional or organisational links between the groups.

***Companhia Naroman (CN)***. *Companhia Naroman* was a group of disaffected fighters that emerged following the formation of Timor Leste's defence force. The group conducted recruitment and training activities in the districts of Ermera, Díli, and Liquiçá.<sup>949</sup> Mirroring the objectives of CPD-RDTL it sought to create a local security force able to protect rural villages once UN peacekeeping forces left Timor Leste. Its leadership was said to include Jaime Oliveira (Samba Sembilang) and José dos Santos Lemos (*Commodante* Labarik Maia). Lemos (Labarik), not a recognised ex-FALINTIL fighter, was heavily involved in organising, recruiting, and training activities of new CN recruits in Díli and was thought to have personal links with some of CPD-RDTL's leaders.<sup>950</sup> As an organisation CN was not considered a criminal or politically motivated group, but rather one representing the concerns and grievances of its membership.<sup>951</sup>

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<sup>948</sup> Dionísio Babo-Soares interview, Díli, 26 February 2004.

<sup>949</sup> UNTAET PKF HQ Military Information Cell, 'Ex-FALINTIL GP Situation As At 7 January 2002....' (2002), p. 2.

<sup>950</sup> *ibid.*, p. 4.

<sup>951</sup> *ibid.*, p. 6. Labarik was accused of deceiving the public with false promises that its members would become PNTL or F-FDTL so as to increase recruitment. Labarik claimed that Xavier do Amaral was his president, that Rogério Lobato was his commanding officer, and that Gusmão was of low rank, UNPOL 'Security Briefing', Strategic Information Department (Díli, n.d.).

Nevertheless, Labarik was held in Becora prison for a short time because of threats he issued against the Timorese government.<sup>952</sup>

Several grievances were commonly expressed by disaffected ex-combatants among the ranks of these organisations.<sup>953</sup> First was the lack of recognition for their efforts in helping secure independence, which manifested as anger over “exclusion” from recruitment into the PNTL and F-FDTL. Second was economic hardship and demands for financial assistance. The third related to ideological divisions that emerged over the years of resistance and were used to politicise UNAET and ETTA recruitment processes. These groups argued for recognition and assistance with rebuilding their lives. Their disaffection, which made them easily manipulated, was perhaps the greatest danger to internal political stability and security.

Ex-fighters are the most dangerous for social stability because they are very explosive, they are out of control, they have nothing to eat, they can transform in 24-hours into a violent mob. They do not commit suicide because they are fighters, so they will kill you. They spent years being dehumanised by war and can lose control quickly, many of them are poorly educated and illiterate...They are very quick in getting angry and only 1000 could destroy Dili and the future of the country on one bad day when they lose control.<sup>954</sup>

Protests organised by disaffected groups were initially directed at UNTAET during Timor Leste’s early stages of political reconstruction. However, as Timorese gained greater levels of control over state-building anger shifted towards the returning diaspora and elites. Together with their allies, they were perceived to be “re-colonising the territory from within”.<sup>955</sup>

These perceptions were often based on rumour given the obscure nature of what it meant to be “elite”. Nevertheless, these arguments were in play and were heightened by conflict

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<sup>952</sup> Informant Number 13 (Timorese National).

<sup>953</sup> See McCarthy (2002), pp. 13-34.

<sup>954</sup> Caetano Guterres interview, Dili, 27 February 2004.

over limited resources, land claims made by members of the returning Timorese diaspora, and the competition for public sector employment. In addition to more broadly felt frustrations these were often infused by ideological and political divides between pro-FRETILIN and pro-Gusmão supporters; which simplified complex relationships into two almost imaginary factional camps ready to go at one another at any moment. This made for a confused bundle of grievances from which disaffected groups could draw on to feel frustration, depending on their particular mood on a given day. Outsiders argue that some of Timor Leste's aspiring power holders capitalised upon this confused mess in their elite power struggles; struggles that politicised the country's early institutional development.<sup>956</sup>

### 7.1.3 Undermining Government Authority

Since 1999, CPD-RDTL appeared to be the only disaffected group that actively campaigned against government authority. These efforts were informed by the ideological leanings of its leadership and the historical internal resistance divisions between itself, moderate FRETILIN groupings and those aligned with Gusmão. CPD-RDTL regularly incited crowds to riot against successive Timorese governments, set up roadblocks in villages to collect "road tolls" and extorted money and goods from villagers in Bobonaro, Ainaro, and Baucau. During 2000, CPD-RDTL had several violent clashes, sometimes involving machetes, with FRETILIN party members in the Baucau and Venilale areas.<sup>957</sup> De Mello referred to CPD-RDTL as "a group of professional agitators, in the pay of another cause that is not the Timorese cause and which, numerically, represents no one".<sup>958</sup> CPD-RDTL alleged that local "ninja" were recruited from KOTA and that the "ninja" were unemployed ex-militia who attacked the

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<sup>955</sup> Barbara Lule interview, Ermera, 26 October 2001; Joaquim Martins interview, Ermera, 23 October 2001.

<sup>956</sup> Rees (2004), p. 37.

<sup>957</sup> Mark Dodd, 'This Year, Most East Timorese Have Something to Celebrate', *Sydney Morning Herald Tribune*, 22 December 2000. See also 'Rival Political Groups Clash in Venilale, 2 Hurt and 22 Arrested', *Lusa*, 4 December 2000.

<sup>958</sup> 'Media Update', *Lusa*, 10 July 2001.

poor.<sup>959</sup> Prior to the Constituent Assembly election, CPD-RDTL instructed villagers to flee to the mountains “to escape the blood bath they predict[ed]”.<sup>960</sup> The group exaggerated security concerns to encourage people to join the organisation “to feel safe”,<sup>961</sup> a variation of Sorpong Peou’s “insecurity dilemma”.<sup>962</sup>

CPD-RDTL attempted to disrupt the civil registration process for the election in order to reduce the number of eligible voters. They seem to have reasoned that this would make it possible to question the legitimacy of elections and the government that would form as a consequence.<sup>963</sup> CPD-RDTL also distributed identification cards to rural villagers so as to confer “real” sovereignty to the people by linking them to the original constitution of 1975 via CPD-RDTL identity cards.<sup>964</sup> This implied that card-holders would not be subject to the authority of the new government and constitution, but rather to CPD-RDTL and the constitution of 1975.<sup>965</sup> It further claimed that diaspora elites, with little

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<sup>959</sup> Aitahan Matak interview, Díli, 19 January 2004. “Ninja” is a term historically used in Timor Leste to describe groups of thugs armed and led by TNI who were engaged in criminal activities to heighten the apprehension of Timorese.

<sup>960</sup> ‘Media Update’, *Lusa*, 12 July 2001.

<sup>961</sup> Dionísio Babo-Soares interview, Díli, 26 February 2004. On insecurity dilemmas see Peou (2001), pp. 159-160.

<sup>962</sup> For discussions on instrumentalist manipulation of community security dilemma’s and elites mobilising groups into violent horizontal conflicts see Barry Posen, ‘The Security Dilemma and Ethnic Conflict’, *Survival*, Vol. 35, Issue 1 (Spring 1993), pp. 22-47; Joshua G. Smith, ‘Fighting Fear: Exploring the Dynamic Between Security Concerns and Elite Manipulation in Internal Conflict’, *Conflict, Peace and Development*, Issue 8 (February 2006), pp. 1-32; and Frances Stewart, ‘Horizontal Inequalities: A Neglected Dimension of Development’, WIDER Annual Lectures 5 (Helsinki: UNU/WIDER, 2002).

<sup>963</sup> Dolan, Large, and Obi (2004), p. 25. UNHCR’s refugee repatriation program sought to ensure that militia in West Timor could not claim parts of Timor Leste on the grounds that hundreds of thousands were excluded from voting in elections. In this light, CPD-RDTL attempts to prevent voters from registering carried the same implications.

<sup>964</sup> Aitahan Matak interview, Díli, 19 January 2004. See also CPD-RDTL, ‘*Assunto: Kona ba RDTL nia Kartaun Nasional*’, Díli, 2003.

<sup>965</sup> Aitahan Matak interview, Díli, 19 January 2004. The irony to CPD-RDTL’s support of the 1975 Constitution was that its main architect, Mári Alkatiri, regarded it as a “rush job” over a five-day period with virtually no community consultation, Mári Alkatiri interview, Díli, 12 February 2004.

understanding of the people, had returned to rule the country after having lived “the good life” abroad while indigenous Timorese remained poor during the occupation.<sup>966</sup>

On 1 July 2001, CPD-RDTL’s leadership sought permission from PKF to raise “special defence forces”. On 16 November, little more than two months following the Constituent Assembly elections, it publicly stated its intention to do so with or without permission.<sup>967</sup> By the end of the year, PKF received reports that CPD-RDTL’s ex-FALINTIL members and supportive local villagers had begun training operations: martial arts and other non-weapon exercises. They had plans to establish battalion size local defence contingents in each of the CPD-RDTL administrative zones: Baucau, Venilale, Fatumaca, Vemasse, and Quelicai.<sup>968</sup> By late 2001, CPD-RDTL had organised four to five military platoon size units in the same areas that “ninja” activity was later reported in 2003.<sup>969</sup> The following maps indicate the geographic strongholds of different disaffected groups in western and eastern regions of the country.

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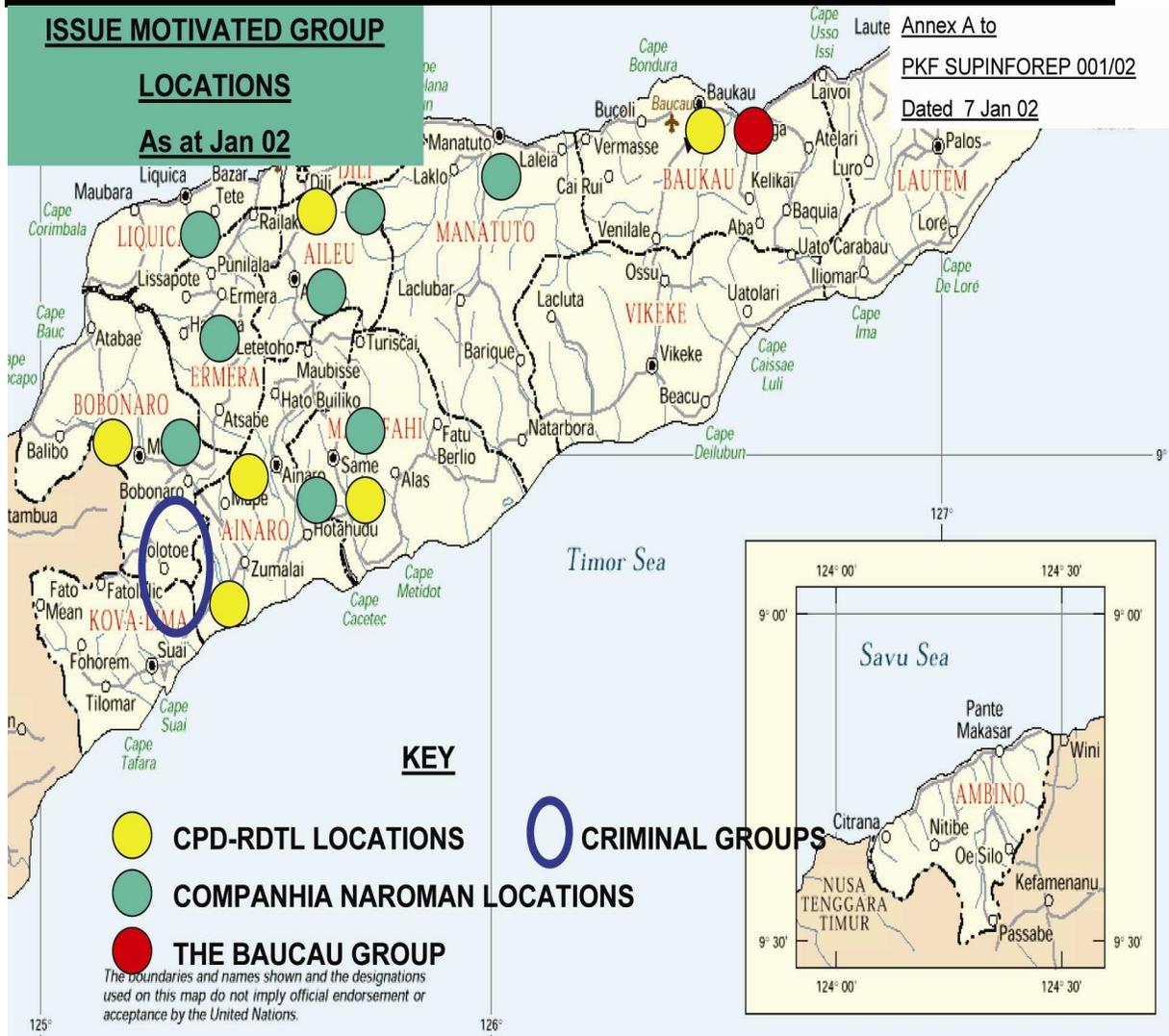
<sup>966</sup> *ibid.*

<sup>967</sup> UNTAET PKF, ‘Annex D to PKF SUPINFOREP 001/02, Dated 7 January 2002....,’ (2002).

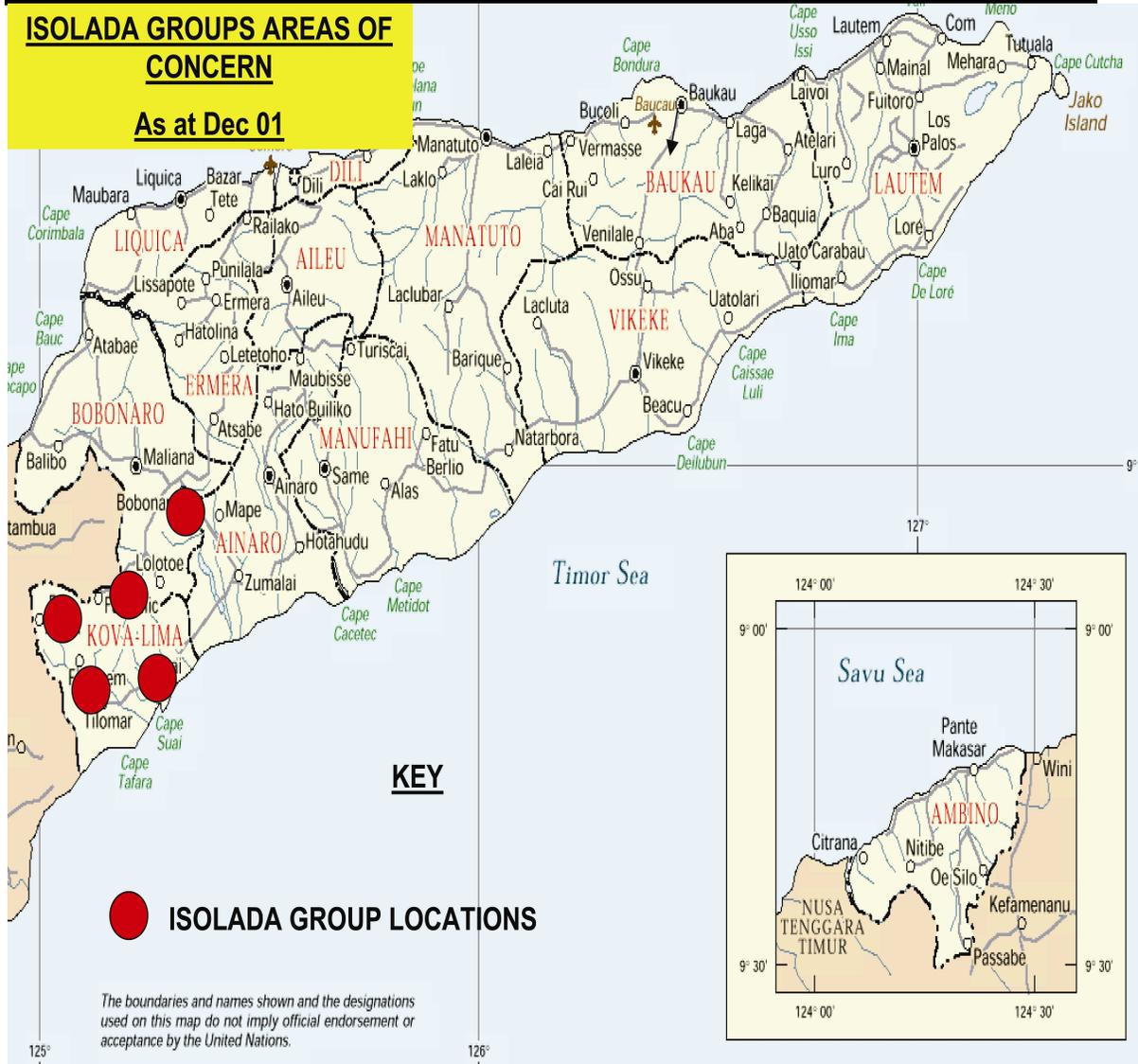
<sup>968</sup> *ibid.*

<sup>969</sup> UNTAET PKF HQ Military Information Cell, ‘Ex-FALINTIL GP Situation As At 7 January 2002....,’ (2002), p. 7; ‘Military Sent to Gariwai’, *STL*, Dili, 27 January 2003.

**Map 2**



Map 3





**Political Connections.** It was reported that CPD-RDTL’s funding, at least in part, came from Abílio de Araújo through its connection with PNT.<sup>970</sup> In the minds of some Timorese and UN observers, the political allegiances underpinning those relationships suggested ambivalence regarding CPD-RDTL’s motives.<sup>971</sup> Prior to the referendum in 1999, CPD-RDTL supported PNT, which advocated autonomy within Indonesia.<sup>972</sup> The president of PNT, Abílio de Araújo, was himself a former senior member of FRETILIN’s external delegation and central committee member, but “switched sides” to support autonomy.<sup>973</sup> After 1999, CPD-RDTL continued to view Abílio de Araújo as president of the “real” FRETILIN.<sup>974</sup>

Since 2000, PST, which originally formed in 1991 as the Timorese Socialist Association (AST), acted as the political wing of CPD-RDTL. The party framed its position around a Marxist grassroots ideology and various notions of socialism.<sup>975</sup> Nelson Correia, a former clandestine student leader and PST member in parliament, claims AST was an offshoot of the FRETILIN student group OJETIL. Others argue it sprang from the more radical and “power hungry” fringe elements of FRETILIN.<sup>976</sup> PST refused to join CNRT upon its formation in 1998 because, as part of a political trade-off for creating a united independence front, CNRT did not recognise FRETILIN’s 1975 declaration of independence.<sup>977</sup> Following 1999, AST retained “good working relations” with CPD-

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<sup>970</sup> Walsh (2001), p. 19.

<sup>971</sup> The organisations leadership included Aitahan Matak, Cristiano da Costa, Americo Menezes, Gil Fernando da Costa, and Oligari Aswain. Up to the end of 2002, members on CPD-RDTL’s Deliberative Organ included Rogério Lobato along with Xavier do Amaral, Oligari Aswain, Cristiano da Costa, Egas da Costa Freitas, UNTAET PKF HQ Military Information Cell, ‘East Timor Political Handbook...,’ (2001).

<sup>972</sup> UNTAET PKF HQ Military Information Cell, ‘East Timor Political Handbook...,’ (2001); Aditjondro (2001), pp. 21-22.

<sup>973</sup> For further discussion see Aditjondro (2001), p. 22.

<sup>974</sup> Aitahan Matak interview, Dili, 19 January 2004.

<sup>975</sup> Walsh (2001), p. 22.

<sup>976</sup> Informant Number 25 (Timorese Diaspora).

<sup>977</sup> Aditjondro (2000), p. 29.

RDTL because “as comrades and friends working in the resistance [their respective members] had similar political agendas”.<sup>978</sup> PST and CPD-RDTL representatives were prone to defending Abílio de Araújo and the position of PNT in 1999 by claiming that the accusations that it had supported autonomy were the product of “misinformation” stemming from political rivals inside the Xanana camp, and amounted to “revisionist history”. Those aligned with Gusmão were maligned as opportunists who wanted to place themselves at the “top” of power, and were willing to revise history to retain power. Rather than believing Araújo was “bought” by the Indonesians, CPD-RDTL argued Araújo distanced himself from FRETILIN because in 1988 he was “cheated” out of his leadership position in FRETILIN’s external delegation by Ramos-Horta and Gusmão.

**Sources of Political Hostility.** CPD-RDTL’s leadership came from fringe elements within FRETILIN, some of whom were members of FALINTIL’s senior command in the early 1980s who had opposed Gusmão’s reforms of the armed resistance.<sup>979</sup> One such figure was Olagari Aswain, head of the organisation’s security arm, the *Organização Popular de Seguranza* (OPS). Demonstrating their continuing radicalism, OPS members were involved in establishing village-level inquiries of returnees suspected of militia involvement.<sup>980</sup> Such activities reportedly involved torture, beatings, denial or seizure of property, and arbitrary detention in illegal facilities or in “re-education centres”.<sup>981</sup> Another notable figure opposed to Gusmão’s reforms in the 1980s was FALINTIL Commander Mauk Moruk, or Paulo Gama, who later left the country. Moruk was also the brother of famed FALINTIL Commander Elle Sette: one of the commanders that quit the Aileu cantonment in 2000 at disgust over living conditions and the F-FDTL

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<sup>978</sup> Nelson Correia interview, Díli, 20 January 2004.

<sup>979</sup> For more detailed discussion see Rees (2004), pp. 29-33.

<sup>980</sup> Informant Number 31.

<sup>981</sup> See Human Rights Watch, *Human Rights Watch World Report 2001- East Timor...*, (2000), p. 6; United States Department of State, *Country Reports on Human Rights Practices 2000- East Timor...*, (2001), p. 8; United Nations General Assembly, *Situation of Human Rights in East Timor...*, A/56/337 (2001), p. 13; and United Nations Economic and Social Council, *Report of the United Nations High Commissioner for Human Rights on the Situation of Human Rights in East Timor*. E/CN.4/2002/39 (1 March 2002), p. 22-23.

recruitment process, which some observers alleged was controlled by FALINTIL's "Xanana loyalists".<sup>982</sup>

The ideological animosities held by FRETILIN's fringe elements towards Gusmão did not necessarily translate into hostility between Gusmão and moderate FRETILIN groupings. Fringe groups that opposed Gusmão in the 1980s continued with "the ideology of radical FRETILIN members, as the sole representatives of the people".<sup>983</sup> Nevertheless, in the early 1980s an estimated 75 to 80 percent of party members still alive inside the country supported Gusmão.<sup>984</sup> Arguing against this, CPD-RDTL leaders claimed there was never a split within FRETILIN: they had to fight UDT in 1975 and again in 1984 following Gusmão's reforms. For them, it was only a matter of "killing traitors, spies, those aligned with Indonesia, those that wanted to surrender, or those that wanted to negotiate - all traitors".<sup>985</sup> In practice, these radical elements proved to be nearly as hostile to moderate FRETILIN groups as they were to the Xanana camp.

**Political Manipulation of Disaffected Groups.** Edward Rees, holding various UN posts between 2000 and 2005, puts forward a convincing argument as to the nature of elite mobilisation of the disaffected groups that led to the December 2002 riots. Although suggesting the existence of two clear factional camps, he importantly highlights the manner in which those dynamics dangerously politicised both the PNTL and the F-FDTL. Following the 2001 Constituent Assembly elections, Lobato was excluded from a position of authority when the second transitional government was formed.

In a mass mobilisation of popular discontent with the process, Lobato and supporters organised a host of marches by two to three thousand alleged ex-FALINTIL veterans on Díli to commemorate Timor Leste achieving sovereignty on 20 May 2002. These marches were thinly veiled threats by Lobato, that he could mobilise large numbers of men if he was not given a share of political power. On the morning of 20 May 2002 Lobato was

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<sup>982</sup> Rees (2004), p. 36-37.

<sup>983</sup> Caetano Guterres interview, Díli, 27 February 2004.

<sup>984</sup> *ibid.*

<sup>985</sup> Aitahan Matak interview, Díli, 19 January 2004.

appointed Minister for Internal Affairs, with both the PNTL and local government within his portfolio.<sup>986</sup>

In fact, a sample of UNPOL Daily Situation Reports in Box 4 demonstrates that CPD-RDTL had been mobilised on several occasions on a steadily increasing scale up to the December 2002 riot in Dili.

<b>Box 4 – UN Police Daily Situation Reports</b>
<i>UN POLICE “DAILY SITUATION REPORT” Reporting as of 0700 hrs, 7<sup>th</sup> August 2002</i>
<p><b>BAUCAU</b>          Baguia UN Police Station Commander advised that at 0800 Hours 5/8/02 he was travelling through the village of Lavetari, Baguia on his way to Baucau when he observed 23 persons conducting military style drill practice. They were lined up on the road in 2 ranks of 11 with one person in front. They were formed up in front of a flagpole flying the East Timorese flag. When the Police vehicle approached the man in front yelled an order and the two ranks of 11 conducted an about turn and faced the Police vehicle. Station Commander formed the opinion that their level of drill was of a high standard. ETPO’S present stated that they were members of CPD-RDTL. Station Commander has conducted investigations in his district. Information he has received is that large numbers of ex FALINTIL will travel to Díli from Laga to form part of a demonstration, but names and numbers and travel arrangements are not known.</p>
<i>UN POLICE “DAILY SITUATION REPORT” Reporting as of 0700 hrs, Monday 19<sup>th</sup> August 2002</i>
<p><b>CPD-RDTL ARRIVAL IN DILI</b>          On 18/08/02 about 1830hrs about 1000 members of CPD-RDTL arrived in Díli travelling in 65 vehicles. They are staying at: Comoro (next to Indonesian Mission); Kaikoli (next to Obrigado Barracks – former FALINTIL HQ); and in Becora (Santa Cruz – next to Indonesian Cemetery). Police are monitoring their movements.</p>
<i>UN POLICE “DAILY SITUATION REPORT” Reporting as of 0700 hrs Thursday 22<sup>nd</sup> of August 2002</i>
<p><b>DILI</b>          On 21/08/2002 a public demonstration was held by political supporters of CPD-RDTL and FBA75 at the GPA in Díli, started at about 1100 hrs and was finished at about 1630 hrs. Although no public disorder occurred, the potential for it to take place was very high – the crowd was very emotional and irrational in conforming to preconceived plans negotiated with police.</p>

Lobato’s mobilisation of disaffected groups amounted to a form of “blackmail” against Alkatiri whose aim was to remind FRETILIN’s moderates about the continuing

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<sup>986</sup> Rees (2004), p. 39.

importance of the party's fringe elements. Mobilisation of disaffected groups occurred through the Association of Ex-Combatants 1975 (AC75) in the lead up to, and most likely during, the December 2002 riots. CPD-RDTL joined AC75, headed by Lobato,<sup>987</sup> because of its frustration at being left out of the new security and administrative structures. Lobato, then also a member of CPD-RDTL's Deliberative Organ, was regarded highly by ex-combatants among these ranks because of his historical role in putting down UDT's attempted coup in 1975, the prestige surrounding the Lobato family name, and the personal alliances Lobato developed with Abílio de Araújo prior to 1999.

Capitalising upon popular disaffection with the recruitment process of the F-FDTL, Lobato promised to address "bias" by "balancing" future recruitment to the police and the army.<sup>988</sup> Others pointed to a "line of relations" between Ximenes, Lobato, and CPD-RDTL through disaffected youth from karate groups in Baucau, some of whom were reported by witnesses as travelling to Díli immediately prior to the December 2002 riots.<sup>989</sup> In the context of UNTAET's departure, power struggles taking place between senior government officials such as Roque Rodrigues, David Ximenes, and Lobato, became a major source of political instability.

The destabilising impact these factors had were compounded by President Gusmão. On 28 November 2002, during celebrations commemorating the 27<sup>th</sup> anniversary of FRETILIN's original declaration of independence, Gusmão publicly demanded the resignation of Lobato as Minister of Internal Affairs. He cited issues of corruption, incompetence, neglect and conduct that created an unstable political environment.<sup>990</sup> At

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<sup>987</sup> The largest veterans group in the country is the Association of Veterans of the Resistance (AVR). It was formed in July 2001 with Xanana as its President. Its membership included ex-combatants and former clandestine members of the internal resistance. AVR inherited many of CNRT's assets, which proved a source of frustration for groups not aligned with the Xanana camp; Preston Pentony interview 22 December 2003; Aitahan Matak interview, Díli, 19 January 2004.

<sup>988</sup> Political Affairs Unit, UNMISSET, 'Issue Paper: Institutional Tensions and Public Perceptions of the East Timor Police Service (TLPS) and the East Timor Defence Force (ETDF)' (Díli: UNMISSET, n.d.), pp. 6-8; 'Rogério Tiago Lobato: "The Minister Known as the Strongman..."' (2004).

<sup>989</sup> Informant Number 31; Informant Number 15 (Ex-Pat); Informant Number 31.

the same time, Cristiano da Costa, an intellectual leader of CPD-RDTL, told crowds “today is the first day of reforms, and reforms are always painful”.<sup>991</sup> In this context, some believed that the co-opting of student protests several days later was a “political statement” organised by the party’s fringe elements to warn Gusmão he was second to FRETILIN’s leadership.<sup>992</sup> The targeting of foreign businesses and symbols associated with Alkatiri also acted as a threat to the party’s moderates who controlled government. Shortly after the December riots the Ministry of Internal Affairs was split into two: the Ministry of State Administration under Ana Pessoa and the Ministry of Interior under Lobato. Presumably one reason for this division was to lesson Lobato’s institutional power within the government.

A powerful defence of leaders such as Lobato comes from José Ramos-Horta. According to Ramos-Horta, “Rogério Lobato does not have the personality to risk street violence” by mobilising groups against the government.<sup>993</sup> Though Lobato, along with David Ximenes, had a large following of supporters inside the country, both were unquestionably loyal to the government.<sup>994</sup> Similarly, Alkatiri argues there was no blackmail involved in Lobato’s ascendancy within government.<sup>995</sup> Lobato was appointed minister,

Because of the impression he made [and] because he represent[ed] a lot of people that support[ed] him and want[ed] him involved with government to do the best for the people.<sup>996</sup>

The explanations given by Alkatiri and Ramos-Horta flew in the face of the governments own commission findings that noted there had been political motivations underpinning

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<sup>990</sup> Xanana Gusmão, ‘Speech by H.E. President of the Republic, Kay Rala Xanana Gusmão at the Official Ceremonies Commemorating 28<sup>th</sup> November’ (Díli: 28 November 2002).

<sup>991</sup> Jill Jolliffe, ‘Gusmão Lashes Out At Politicians’, *Age*, 29 November 2002.

<sup>992</sup> Informant Number 29 (International Consultant).

<sup>993</sup> José Ramos-Horta interview, Díli, 16 January 2004.

<sup>994</sup> *ibid.*

<sup>995</sup> Mári Alkatiri Interview, Díli, 12 February 2004.

<sup>996</sup> *ibid.*

the co-opting of protestors. In downplaying the political dimensions of the December 2002 crisis, Ramos-Horta regularly criticised the media for “irresponsibly” exaggerating the event and presenting an image of a “country in flames”.<sup>997</sup> This formed part of a strategy of protecting the newly independent government from further damage at a sensitive period by providing time for the country’s internal rivalries to “settle”, which meant no action was taken to address the problems identified by the commission.<sup>998</sup> It essentially amounted to the hope that by ignoring the government’s commission findings the problems would resolve themselves. However, as late as February 2005 Timor Leste’s Prosecutor General Longuinhos Monteiro claimed his office could not mount cases against suspected perpetrators because UN reports “did not contain any concrete facts”.<sup>999</sup> Monteiro’s statements proved somewhat telling about the continuing political dangers surrounding Timor Leste’s internal rivalries. Several years after the incident, in a very small country where everybody in its capital seemed to know about everything else, no one proved willing to unravel the facts behind the December 2002 riot.

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<sup>997</sup> José Ramos-Horta interview, Díli, 16 January 2004. See also Press Conference Briefing, ‘Prime Minister Mári Alkatiri’, Díli, 5 December 2002.

<sup>998</sup> Manuel Tilman interview, Díli, 13 December 2003.

<sup>999</sup> ‘No Perpetrators for 4 December Incident’, *STL*, Díli, 4 February 2005.



*Picture 12.*

*José Ramos-Horta*

*CAVR Political Hearings  
Week*

*Picture provided by  
UNMISSET Public  
Information Office*

## **7.2 Cross-Border Threats to Internal Stability and Security**

Timorese government officials believed that the country's internal divisions would only give rise to minor protests and the occasional bit of "instability here and there".<sup>1000</sup> In their view, the greatest challenges to securing peace and internal security came from across the border with hard-line TNI elements and pro-Indonesian militia groups.<sup>1001</sup> The fear that militia would "come back" was heightened by economic declines in the wake of UN downsizing and the planned departure of peacekeeping forces along the border.<sup>1002</sup> Initial government accusations against CPD-RDTL of co-opting the December 2002 riots were quickly replaced by arguments that militia had been its masterminds, with Ramos-Horta suggesting: "It was carefully planned a few days before".<sup>1003</sup> Even SRSR Sharma

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<sup>1000</sup> José Ramos-Horta interview, Dili, 16 January 2004.

<sup>1001</sup> Elsina Wainright, *New Neighbour, New Challenge: Australia and the Security of East Timor* (Canberra: Australian Strategic Policy Institute, May 2002), p. 20.

<sup>1002</sup> Fernando de Araújo interview, Dili, 9 September 2001.

<sup>1003</sup> 'Timor Suspects Indonesian Militias Behind Dili Riots', *Reuters*, 6 December 2002. See also José Belo, 'East Timor's Foreign Minister Says Riots Were the Work of Pro-Indonesia Militiamen', *Associated Press*, 7 December 2002.

jumped onto the “militia bandwagon” by arguing that the attacks against symbolic targets of foreign wealth or the government were organised and suggested that “cross-border militants” were responsible.<sup>1004</sup>

As unlikely as an invasion of Timor Leste is, several incidents other than pro-Indonesian militia incursions demonstrated the country’s vulnerability to external military aggression. On the Restoration of Independence Day, 20 May 2002, Indonesian warships, without notice or permission, entered Díli’s harbour, ostensibly to provide protection to the then President Megawati Sukarnoputri who was attending as a visiting dignitary. At the end of 2003, Indonesian armed forces bombed the island of Fatu Sinai (off the coast of Oecussi) to lay claim to the territory. This is a disputed island between the two nations. In 2004, Indonesian police illegally crossed into Oecussi. Again in 2004, an Indonesian navy vessel chased an Australian tour dive boat operating off the coast of the island of Ataúro, which is located just outside Díli harbour and within Timor Leste’s sea boundary.<sup>1005</sup> Some observers suggest these actions were messages to the Timorese leadership that there was nothing which could stop the Indonesian military from entering Timor Leste when and if it so wished.<sup>1006</sup>

**Militia Threats.** The degree to which pro-Indonesian militia incursions were attempts to subvert Timor Leste’s state-building process as opposed to criminal acts was a contested matter. Across the border there were many “hungry and angry” young men living in camps under very poor conditions, which increased pressures for illicit cross-border smuggling activities.<sup>1007</sup> Presenting the December 2002 riots as being engineered from across the border had the benefit of externalising problems and deflecting attention away from Timor Leste’s internal political rivalries. This discourse built upon earlier claims made by de Mello that pro-Indonesian militia had been engaged in “probing” exercises to

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<sup>1004</sup> UNMISSET Media Briefing, ‘SRSG Statement on Current Situation in Díli’, Díli, 6 December 2002.

<sup>1005</sup> United Nations Security Council, *Progress Report of the Secretary-General on the United Nations Mission of Support in East Timor*. S/2004/888 (November 2004), para. 15.

<sup>1006</sup> Informant Number 31; Sid Astbury, ‘East Timor: Nation in Waiting for Oil Wealth’, n.d. 16 May 2003.

find inroads to destabilise the country.<sup>1008</sup> Moreover, though militia activity along the border decreased between October 1999 and December 2002 it did not come to a stop.<sup>1009</sup>

Cross-border fears were compounded by the unknown movements of repatriated pro-Indonesian militia following September 1999. After their repatriation it was not uncommon for them to experience social isolation or to be intimidated by village security groups.<sup>1010</sup> The UNHCR chose not to monitor the movements of returnees, making it impossible to pinpoint accurately their secondary movements. There was, however, significant anecdotal evidence suggesting that former pro-Indonesian militia in rural areas moved to seek the anonymity of urban Díli. In late 2001, Bill Graham, the Australian Deputy Commissioner of CivPol, claimed that many returnees had organised into definable groups and developed, or were re-asserting, significant political and social influence in both Díli and in rural areas.<sup>1011</sup> Jeff Caldwell, Australian Federal Police officer heading CivPol's Rapid Response Unit during 2001, specifically noted that these groups organised into gangs and were becoming "kingpins" of Díli's underground criminal network, hence the widespread view that "ninja" were all pro-Indonesian militia.<sup>1012</sup> Moreover, there remained strong hereditary links between militia leaders in West Timor and family members inside Timor Leste, though the scope and strength of those networks were a matter of speculation. Nevertheless, villagers feared that hereditary links

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<sup>1007</sup> Ludovic Hood interview, Díli, 13 November 2003.

<sup>1008</sup> Sérgio Vieira de Mello interview, Díli, 10 November 2001.

<sup>1009</sup> Incursions were reported up to the end of 2005. See, United Nations Security Council, *Special Report of the Secretary-General on the United Nations Mission of Support in East Timor*. S/2003/243 (3 March 2003), p. 2; United Nations Security Council, *Report of the Secretary-General...*, S/2003/449 (2003), p. 10; United Nations General Assembly, *Assistance for Humanitarian Relief, Rehabilitation and Development in East Timor: Report of the Secretary-General*. A/57/353 (August 2002), p. 12; 'Police Reserve Unit was Engaged in a Crossfire With an Unidentified Group', *Timor Post*, 19 January 2005; and 'Alleged Pro-Indonesia Militiaman Arrested', *Lusa*, 20 January 2005.

<sup>1010</sup> Dolan, Large, and Obi (2004), p. 56. See also United Nations Economic and Social Council, *Report of the United Nations High Commissioner...*, E/CN.4/2002/39 (2002), paras. 77-82.

<sup>1011</sup> Bill Graham, United Nations Civilian Police Deputy Commissioner UNTAET, interview, Díli, 31 October 2001.

<sup>1012</sup> Jeff Caldwell, Australian Federal Police, CivPol Rapid Response Unit UNTAET, interview, Díli, 4 November 2001.

combined with Timor Leste's internal political cleavages provided a clear avenue through which Indonesia, if so inclined, could foment instability.<sup>1013</sup>

### 7.2.1 "Hardcore" Militia

At the end of 2004, an estimated 28,000 Timorese remained in West Timor, none of whom were classified as refugees.<sup>1014</sup> Monitoring organisations such as the East Timor Action Network (ETAN) suggested that a number of those in West Timor had been coerced to stay.<sup>1015</sup> It was believed that *Uni Timor Aswain*, or the Union of Timorese Warriors (UNTAS), an umbrella pro-Indonesian militia organisation,<sup>1016</sup> failed in its efforts to create a power-base from which to mobilise people for the future destabilisation of Timor Leste.<sup>1017</sup> Following this, former pro-Indonesian militia leaders, some of whom had openly targeted CNRT figures for assassination during 1999, issued veiled threats to Timor Leste's government in the hope of escaping justice for crimes they committed in 1999. For example, militia leader Basilio Araújo openly wrote,

[P]unishment never promises peace...why should the East Timorese leaders follow the desires of the international community, if prosecution will only create long conflicts in East Timor, while an amnesty may promise peace in East Timor? [T]he only option to promise an eternal

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<sup>1013</sup> Discussions with villagers, Baucau 2001, Ermera 2001.

<sup>1014</sup> United Nations Economic and Social Council, *Report of the United Nations High Commissioner...*, E/CN.4/2002/39 (2002), p. 17; United Nations High Commissioner for Refugees, 'Country Operations Plan, Timor Leste. Planning Year: 2005' (Geneva: UNHCR, September 2004), p. 2. There were four listed categories of people: (1) Former Indonesian civil servants waiting for government payouts; (2) Former security personnel (Polri/TNI) waiting for government payouts and were unlikely to return; (3) Pro-Indonesian militia who were unlikely to return because they feared legal prosecution for actions in 1999; and (4) A small number of people that considered return but were not yet certain because of ongoing intimidation and misinformation campaigns conducted by hostile militia members.

<sup>1015</sup> 'ETAN/US: Correspondence with US Embassy on Refugee Registration', *East Timor Action Network* (n.d.).

<sup>1016</sup> For brief outline of historical development of militia groups in Timor Leste see International Crisis Group, *Indonesia: Keeping the Military Under Control* (Jakarta: ICG Asia Report no. 9, 5 September 2000), p. 19.

<sup>1017</sup> With the large number of refugee returns, UNTAS lost the control and levels of support it once enjoyed in refugee camps. The TNI also withdrew support for the umbrella group, leaving it fragmented and "toothless", see United Nations General Assembly, *Assistance for Humanitarian Relief, Rehabilitation and Development in East Timor, Report of the Secretary-General...*, A/57/353 (2002), para. 8.

peace fraternity and harmony in East Timor [is amnesty]. Otherwise, conflicts will prolong[.]<sup>1018</sup>

To alleviate Timor Leste's obvious security concerns, the Indonesian government proposed to resettle most of those individuals in camps across the border to other parts of the Indonesian archipelago.<sup>1019</sup> Instead, the Indonesian government moved some 12,000 to other parts of West Timor, while 16,000 remained along the border.<sup>1020</sup>

### 7.2.2 The Fragile Indonesian Democratisation Process

**Human Rights Investigations.** In response to international pressure calling for the prosecution of human rights violations committed in 1999, the Indonesian government set up the KPP Ham Commission to examine cases of human rights violations and prosecute suspected perpetrators. Crimes under its investigation included mass murder, torture, assault, forced disappearances, mass forcible deportations, destruction of property, and sexual violations committed against women and children.<sup>1021</sup>

In the eyes of some, the overall process turned out to be a ridiculous sham.<sup>1022</sup> Out of a total of 18 indicted suspects brought before the Indonesian commission only 6 were convicted: most of them Timorese inside Indonesia. In fact, several high-ranking TNI officers indicted by the Serious Crimes Unit (SCU), established inside Timor Leste to investigate human rights abuses, were promoted to more senior positions within the

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<sup>1018</sup> Basilio Araújo, 'Only Amnesty Promises Eternal Peace in East Timor, Open Letter', Distributed via East-Timor news list, July 2002.

<sup>1019</sup> United Nations General Assembly, *Situation of Human Rights in East Timor...*, A/56/337 (2001), p. 12.

<sup>1020</sup> United Nations Security Council, *Report of the Secretary-General on the United Nations Mission of Support in East Timor*. S/2004/333 (29 April 2004), p. 3.

<sup>1021</sup> Human rights Watch, *Justice Denied for East Timor: Indonesian's Sham Prosecutions, the Need to Strengthen the Trial Process in East Timor, and the Imperative of UN Action*, New York (2002), p. 1.

<sup>1022</sup> See Leonie von Braun and Monika Schlicher, *Rethinking Justice for East Timor: Position Paper on the Reform of the International Justice Process in East Timor and Indonesia* (Deutsche Kommission Justitia et Pax Watch Indonesia, February 2005); Dunn (2001); and Indonesian Human Rights Commission (KPP Ham), *Report on East Timor* (31 January) <http://www.jsmp.minihub.org/Resources.htm> (18 September 2004); and Amnesty International, 'Justice for Timor Leste: Victims Await Further Action from the Security Council to Ensure Perpetrators are Held to Account', Public Statement (29 April 2005).

TNI.<sup>1023</sup> Suspected human rights violators were referred to as national heroes who prevented the country's humiliation and for defending the territorial integrity of the state.<sup>1024</sup> The Indonesian Supreme Court overturned the only conviction of an Indonesian official, that of Timor's former governor, East Timorese Abílio Soares.<sup>1025</sup> The SCU provided the Indonesian government with indictments against a total of 362 people, 42 Indonesian nationals, and 320 ethnic Timorese, but Indonesian officials failed to assist with executing any arrest warrants, did not facilitate interviews with witnesses living inside Indonesia, nor did the Indonesian government provide documentation to assist with the prosecution of cases.<sup>1026</sup> Not only did human rights investigation amount to a "slap in the face" for the UN and international human rights norms, they also acted as a warning to Indonesian reformers inside the country not to challenge the strength of the military.<sup>1027</sup>

Of particular relevance here is that Timor Leste's vote for independence was portrayed as an attack organised by a United Nations mission infiltrated by "leftists" sympathetic to Timor's liberation struggle.<sup>1028</sup> From the outset, this political climate influenced the manner in which investigations and prosecutions proceeded. Defence lawyers typically argued that the anarchy of 1999 was a product of "large-scale dissatisfaction with the

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<sup>1023</sup> See Human rights Watch, *Justice Denied for East Timor...*, (2002), p. 2; UNMISSET, 'Information Release from the Serious Crimes Unit', 25 February 2003; and Jon Lyons, 'The Secret Timor Dossier', *Bulletin*, vol 117, no. 6199 (October 1999), pp. 25-29.

<sup>1024</sup> See Human Rights Watch, *Justice Denied for East Timor...*, (2002), p. 1; James Dunn, 'Crimes in East Timor Unpunished', *Canberra Times*, 7 January 2003; and 'Indonesia: A Separatist Murdered', *Economist*, vol. 361, no. 8248 (November 2001), p. 30.

<sup>1025</sup> Chris Brummitt, 'East Timor Ex-governor Acquitted', *Herald Sun*, 5 November.

<sup>1026</sup> United Nations High Commissioner for Human Rights, *United Nations High Commissioner Report on the Situation of Human Rights in Timor Leste*. E/CN.4/2004/107 (19 January 2004), p. 14.

<sup>1027</sup> See Chris Brummitt, 'Indonesia to Deny Entry for UN Experts', *The Associated Press*, 10 April 2005. For longer-term issues surrounding the democratisation process in Indonesia see Richard Robison, 'The Fall of Soeharto', in G. Forrester and R.J. May (eds.), *The Fall of Soeharto* (Singapore: Select Books, 1999), pp, 222-229.

<sup>1028</sup> See John Lyons, 'The Timor Truth Gap', *Bulletin*, vol. 117, no. 6202 (November 1999), pp. 24-32; Michael Maher, 'The Blame Game', *Bulletin*, vol. 117, no. 6195 (October 1999), pp. 32-36; Nisid Hajari,

vote and a situation of civil war”, thus reinforcing claims made by TNI military personnel in 1999 and 2002.<sup>1029</sup> Moreover, this was taken to strengthen justifications for Indonesia’s invasion of Timor Leste in 1975: as a half-island state it would be economically unviable, it was a communist threat to regional neighbours, and its people were caught in civil war and could only be rescued by Indonesia’s military intervention.<sup>1030</sup> A serious concern for Timorese policy-makers therefore related to the long-standing argument about the Indonesian government’s own fears: that a democratic and prosperous half-island state on its border would provide a model around which several resource rich provinces inside Indonesia would seek to gain independence.<sup>1031</sup> This, in turn, would lead to the territorial and political fragmentation of the Indonesian state.

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‘A New Day Dawns’, *Time*, 1 November 1999, pp. 24-30; and International Crisis Group, *Indonesia: Implications of the Timor Trials*. Indonesia Briefing (Jakarta/Brussels, 8 May 2002), pp. 4-13.

<sup>1029</sup> See John Martinkus, ‘The Thin Blue Line’, *Bulletin*, vol. 117, no. 6192 (September 1999), pp. 30-31; and Wayne Hayde, ‘Ideals and Realities of the Rule-of-law and Administration of Justice in Post-conflict East Timor’, *International Peacekeeping Yearbook*, vol. 8 (2002), p. 68.  
<http://www.internationalpeacekeeping.org/pdf/vol8.pdf>

<sup>1030</sup> See Geoffrey C. Gunn, ‘The Five-Hundred-Year Timorese Funu’, in R. Tanter et al (eds.), *Bitter Flowers Sweet Flowers: East Timor, Indonesia, and the World Community* (Sydney: Pluto Press, 2001); Sonny Inbaraj, *East Timor: Blood and Tears in ASEAN* (Chiang Mai: Silkworm, 1997), p. 23; John B. Haseman, ‘East Timor: The Misuse of Military Power and Misplaced Military Pride’, in James J. Fox and D. Babo-Soares (eds.), *Out of the Ashes: Destruction and Reconstruction of East Timor* (Adelaide: Crawford House Publishing, 2000), p. 187; and James Dunn, ‘Timor in International Perspective’, in P. Carey and G. C. Bentley (eds.) (1995). Jamie Mackie and Allison Ley, ‘The East Timor Issue: Differing Cultures, Values and Perceptions’, in A. Milner and M. Quilty (eds.), *Australia in Asia, Episodes* (Melbourne: Oxford University Press, 1998), p. 95; Inbaraj (1997), p. 31; Gunn (1997), p. 23; Anne Boothe, ‘Will Indonesia Break Up?’, *Inside Indonesia*, no. 59 (July-September, 1999), pp. 5-6; ‘The Russian Road’, *Inside Indonesia*, no. 59 (July-September 1999), pp. 7-8; and Gerry van Klinken, ‘Peacemaking for East Timor’, *Inside Indonesia*, no. 44 (September 1995), p. 11.

<sup>1031</sup> Prior to, during, and after Timor Leste’s Popular Consultation in 1999 there were growing demands among separatists in other restive Indonesian provinces for a referendum similar to the one being held in Timor Leste. For examples of commentary on the dangers of national disintegration see Donald K. Emmerson, ‘Will Indonesia Survive?’ *Foreign Affairs*, Volume. 79 no. 3 (May/June 2000), pp. 95-106; and International Crisis Group, *Impunity versus Accountability for Gross Human Rights Violations* (Jakarta/Brussels: ICG Asia Report no. 12, 2 February 2001), p. 19; Nisid Hajari, ‘Heading for The Exit: Jakarta Searches for a Way to Hang Onto Aceh- and to Hold the Republic Together’, *Time*, no. 47, 22 November 1999, pp. 30-32; Nisid Hajari, ‘Anger in Aceh’, *Time*, no. 50, 13 December 1999, pp. 52-53; ‘Aceh’s Violent Struggle to Secede’, *Economist*, vol. 354, no. 8161 (March 2000), p. 32; ‘Aceh’s Struggle for Independence’, *Economist*, vol. 356, no. 8180 (July 2000), p. 30; ‘Indonesia’s Other Separatists’, *Economist*, vol. 355 no. 8174 (June 2000), p. 26; ‘Indonesian Separatism’, *Economist*, vol. 352, no. 8133 (August 1999), p. 20; and David Liebhold, ‘Raging Inferno’, *Time*, 31 January 2000, pp. 56-61.

### 7.2.3 Border Control and Smuggling

By the beginning of 2005 Timor Leste reached agreement with the Indonesian government on 93 percent of the border demarcation.<sup>1032</sup> The border between the two countries is highly porous and virtually indefensible for the East Timorese. This makes cross-border smuggling for criminal and non-criminal groups on both sides a lucrative draw.<sup>1033</sup>

TNI personnel, having once considered Timor Leste as an economic fiefdom potentially viewed the border area as a new kind of economic fiefdom and used former pro-Indonesian militia to facilitate illegal smuggling activities.<sup>1034</sup> The resulting unregulated cross-border movements increased community fears about militia activity, particularly in western border regions.<sup>1035</sup> Officials from Timor Leste's Ministry of Interior, responsible for border management through the PNTL's Border Patrol Unit (BPU), only added to this problem. At the beginning of October 2004 the Timorese government introduced regulations requiring motorcycle riders to wear helmets to reduce the number of road accident fatalities due to head injuries. The legislation was preceded by an effective public information campaign informing the population of the new regulation that resulted in widespread community adherence to the initiative; thus demonstrating the population's willingness to accept legitimate government authority. However, problems arose when BPU personnel, seeing in this an opportunity to make a sizeable profit, facilitated the smuggling in of low-cost, poor quality helmets from Indonesia. These were then sold locally at a substantial mark-up from the purchase price.<sup>1036</sup> This relatively benign example of corruption practiced by some of Timor's government officials led to an

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<sup>1032</sup> Ministry of Foreign Affairs and Cooperation, Democratic Republic of East Timor, 'The Technical Sub-Committee Meeting Between TL-RI on Border Demarcation and Regulations', Press Release (Díli: Ministry of Foreign Affairs and Cooperation, Democratic Republic of East Timor, 21 December 2004).

<sup>1033</sup> Wainright (2002), p. 13.

<sup>1034</sup> International Crisis Group, *Indonesia: Keeping the Military Under Control* (Jakarta/Brussels: ICG Asia Report no. 9, 5 September 2000), pp. 15-17; 'Black Market Crossing Point Oecussi/West Timor', Direct Observation, August 2001, Oecussi.

<sup>1035</sup> Joaquim Fonseca interview, Díli, February 2004; Aderito de Jesus Soares interview, Díli, June 2004.

increase in unregulated cross-border movements. These further undermined the psychological security of the population and increased perceptions of a corrupt and self-interested bureaucracy. Moreover, as discussed below, BPU corruption fuelled competitive rent-seeking pressures between the PNTL and F-FDTL for control over potentially lucrative economic fiefdoms.

## **7.3 Emerging Political Pacts**

### **7.3.1 Timorese Elites**

The December 2002 riots led to a realisation among Timor Leste's leadership that the manipulation of disaffected groups could have dire consequences for the country. One foreign diplomat argued the riots were a wake-up call to the dangers of solidifying "one party rule" and the need for "moderation" of opposition party rhetoric fuelling popular discontent.<sup>1037</sup> This formative political moment translated into an understanding that in order to consolidate state-building greater cooperation was required. The riot led to greater acceptance by elites of the "democratic rules of the game", or perhaps more correctly, pacts between several key political leaders including Gusmão and Alkatiri. Citing the work of O'Donnell and Schmitter on the issues of regimes experiencing a political transition, Graeme Gill notes,

Pacts are an attempt to provide a greater degree of certainty during the transition by guaranteeing the interests of major parties and thereby assuring those parties that the transition will not have significantly adverse consequence for them...pacts may be of specific duration and seen as temporary, and may therefore need to be renegotiated.<sup>1038</sup>

Institutional mechanisms were introduced, or further strengthened, to promote leadership collaboration. Greater levels of cooperation between the Offices of Prime Minister and President emerged through formalised weekly meetings. These were designed to allow these offices a forum to discuss and develop strategies for addressing the problems confronting the nation. Moreover, there emerged a much greater focus toward technocratic state-building approaches, which emphasised building the capacity of state

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<sup>1036</sup> Informant Number 17 (Timorese National).

<sup>1037</sup> Jill Jolliffe, 'East Timor, One Year On', *Asia Times*, 20 May 2003.

institutions in order to address the country's development challenges. This marked a fairly clear transition into a constructive stage of political reconstruction for the country. However, behind this progress and beneath the veneer of a united leadership, political tensions remained close to the surface as was demonstrated by PD's and PSD's continuing rhetoric and hostility toward the government.

### **7.3.2 The Government's of Timor Leste and Indonesia**

Timor Leste's government had compelling reasons for normalising bi-lateral relations with Indonesia. These included promoting trade, ensuring access to cheap Indonesian manufactured goods, development assistance, promoting business investment, and securing membership in the Association of Southeast Asian Nations (ASEAN). However, the two major sets of issues driving normalisation efforts revolved around Indonesian fears of state fragmentation and the establishment of an international criminal tribunal to prosecute perpetrators of human rights violations. Ensuring cross-border security underpinned the importance of these issues because as long as neither occurred it was believed that Indonesian government officials would contain hostile militia and TNI elements.<sup>1039</sup> Examples of the TNI flexing its muscle and the Indonesian government's handling of its own human rights investigations added weight to this view. For these reasons, Timor Leste's government promoted a bi-lateral Commission of Truth and Friendship (CTF) to investigate human rights violations, rather than publicly advocating the establishment of an International Criminal Tribunal for Indonesia.<sup>1040</sup> The CTF arguably amounted to an immunity offered by Timorese officials to Indonesian civilian and military officials seeking to escape an international tribunal.<sup>1041</sup> In exchange, Indonesian officials offered cross-border security.

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<sup>1038</sup> Gill (2000), pp. 52-53, 58.

<sup>1039</sup> Informant Number 5 (Timorese National).

<sup>1040</sup> See 'Xanana and Yudhoyono Can Further Strengthen Relations', *STL*, 19 January 2005; and Republic of Indonesian and Democratic Republic of East Timor, 'Joint Press Release of Foreign Ministers of the Democratic Republic of Timor Leste and the Republic of Indonesia, On the Establishment of a Joint Truth and Friendship Commission', *Dfli*, 25 December 2004.

<sup>1041</sup> For further discussion on immunities offered during political transition see Gill (2000), pp. 52-53, 58. Canadian Professor and human rights investigator Richard Robinson, in his testimony to the CAVR, presented evidence implicating numerous Indonesian government and TNI officials; CAVR Political

Generally Timorese understand that power imbalances between Timor Leste and Indonesia limit their government's ability to advocate for an international tribunal.<sup>1042</sup> Nevertheless, the creation of the CTF gave rise to significant levels of discontent among Timorese victim groups that, at the very least, hoped to establish an accurate historical record to ensure future accountability of past human rights violations.<sup>1043</sup> Timorese NGOs argued it was a product of "political deals [or pacts] struck between the two states" that would only legalise impunity for human rights violations.<sup>1044</sup> Like the CAVR, the commission would be powerless to deal with "big fish". Moreover, because of power imbalances between the two countries the CTF would never establish a truthful historical record.<sup>1045</sup> This, in turn, would undermine efforts at promoting a "culture of respect" for the rule-of-law inside Timor Leste.<sup>1046</sup> Moreover it promised to give rise to vigilante justice and social breakdown because the Timorese population would further lose faith with an already weak formal state justice system (see below).<sup>1047</sup>

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Hearings Week 'Political Conflict, 1974-1979', 'Professor Richard Robinson Public Testimony', Direct Observation, Dfli, December 2003.

<sup>1042</sup> See Piers Pigou, *Crying Without Tears: In Pursuit of Justice and Reconciliation in Timor Leste: Community Perspectives and Expectations* (International Centre for Transitional Justice, August 2003).

<sup>1043</sup> *ibid.*

<sup>1044</sup> 'NGOs Criticise the Establishment of CTF', *Kompas*, 19 March 2005; Aderito de Jesus Soares, 'Justice in Limbo: The Case of East Timor', paper presented at International Symposium on the International Criminal Court (ICC) and Victims of Serious Crimes, organized by Faculty of Law, University of Tokyo, 29 March 2005.

<sup>1045</sup> Aderito de Jesus Soares, 'Justice Denied?', *ABC Asia-Pacific* 6 April 2005. In Cambodia one of the obstacles for bringing to trial perpetrators of human rights violations during the period of Khmer Rouge control in the 1970's is that the entire country's elite would be held accountable for the death of millions, see Pico Iyer, 'Into the Shadow', *Time*, no. 33, 16 August 1999, pp. 40-44. Similar arguments have been made regarding human rights violations committed by members of Timor Leste's resistance, particularly those from FRETILIN.

<sup>1046</sup> United Nations Economic and Social Council, *Report of the United Nations High Commissioner...*, E/CN.4/2002/39 (2002), para. 92; Antero Benedito da Silva, 'Reconciliation and Accountability in Post-conflict Societies: Human Rights in Theory and Practice' (Unpublished paper: Dublin, International Peace Studies, ISE, Trinity College, April 2005).

<sup>1047</sup> Neven Knezevic, *Timor Leste: Background Paper on Human Rights, Refugees and Asylum Seekers*, Report Commissioned by United Nations High Commissioner for Refugees, Protection Information Section (United Kingdom: Writenet/UNHCR, February 2005), p. 12. <http://www.unhcr.org/cgi-bin/texis/vtx/home/openssl.pdf?tbl=RSDCOI&id=4240091d4>

## 7.4 Institutions of State and Nature of the Political System

### 7.4.1 *Polícia Nacional Timor Leste* (East Timor National Police) PNTL

The 1999 World Bank led Joint Assessment Mission made no reference to local police development needs. However, since the December 2002 riots much has been written on Timor Leste's police services. To avoid needless repetition, only the key issues relating to UNTAET's strategies and obstacles encountered with creating a viable police service up to 2005 are discussed here.

UNTAET's efforts at building the Timorese police service followed approaches employed in Kosovo, Bosnia-Herzegovina and other countries stretching back to the early 1990s in Haiti.<sup>1048</sup> UNTAET was required to build the police service from scratch in virtually every respect: equipment, personnel, training, legislation, and infrastructure. One of UNTAET's first steps was to recruit Timorese personnel. Police training began on 27 March 2000, with the East Timor Police Service officially established over a year later on 10 August 2001. The transfer of all executive policing functions to an independent government occurred on 20 May 2004.<sup>1049</sup>

When beginning recruitment in 2000, UNTAET sought candidates with past working experience who then underwent a vetting process for human rights violations. By 2004 only some 12 percent of the nearly 3,500 strong PNTL force had previously served with the Indonesian police. Once having established a core of recruits, capacity-building

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<sup>1048</sup> Julian Harston interview, Díli, October 2001. For further discussion see Julian Harston, 'Civilian Police: The Case of Haiti,' in W. A. Knight (ed.), *Adapting the United Nations to a Post-modern Era: Lessons Learned* (New York: Palgrave, 2001), p. 148. Extensive literature is also available on the Department of Peacekeeping operations Best Practices website at <http://www.un.org/Depts/dpko/lessons/>

<sup>1049</sup> By 2005 the police service consisted of regular police and specialised units: Rapid Intervention Unit, *Unidade Intervensãun Rapida* (RIU); Border Patrol Unit, *Unidade de Patrulbamento de Fronteira* (UPF); Criminal investigation Unit; Maritime Unit; General Command; The Department of Traffic and Road Safety; The Community Protection Unit; The Migration Office; PNTL Intelligence Service; VIP Protection Unit; The Police Academy; and The Reserve Police Unit, see *Organic Law of the National Police of Timor Leste, Decree Law No. 8/2004, Art. 6* (5 May 2004) [http://www.jsmp.minihub.org/Legislation?legEng/07\\_Law\\_Internal\\_09Security03.pdf](http://www.jsmp.minihub.org/Legislation?legEng/07_Law_Internal_09Security03.pdf)

revolved around UNTAET's executive policing functions with a gradual transfer of responsibilities to local personnel. Training consisted of three months classroom activity, nine months of on-the-job training, followed by specialist training for units such as the *Unidade Intervensaun Rapida*, or Rapid Intervention Unit (RUI), and professional management and administration courses where appropriate. During the final phase of training, candidates returned to towns from where they were recruited and there were involved in on-the-job training under the guidance and supervision of CivPol/UNPOL counterparts. Once complete, recruits graduated to become professional police officers under the command of PNTL; but continued their learning through joint operations with CivPol/UNPOL.<sup>1050</sup>

UN capacity-building exercises were primarily directed at building the skills of individual recruits. According to Sandi Preisly, Australian Police Commissioner of UNPOL in 2004, training up to the beginning of 2002 had a very strong theoretical focus on human rights education.<sup>1051</sup> This meant that relatively little hands-on training occurred to prepare police recruits for real life situations. For any situation training that did occur, it was often undermined by UNTAET's international recruitment of CivPol personnel, which failed to ensure that the highest quality personnel were deployed to the field. For example, UNTAET civilian personnel argued that some CivPol did not care about doing a "good job". Neither language nor cultural sensitivity training was provided for CivPol officers, and their short six-month rotations meant there was little incentive to integrate with Timorese society. Moreover, personnel on six-month rotations knew fully that bureaucratic delays would prevent any disciplinary action being taken against them if they performed poorly.<sup>1052</sup> Lack of standardised training approaches meant that CivPol, and later UNPOL, brought with them conflicting policing approaches that confused Timorese recruits.<sup>1053</sup> Communication barriers between CivPol and PNTL sometimes

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<sup>1050</sup> For more details see, La'ó Hamutuk, *The La'o Hamutuk Bulletin*, vol. 4, no. 2, Díli, May 2003.

<sup>1051</sup> Sandi Preisly interview, Díli, 21 February 2001.

<sup>1052</sup> Alessandro Righetti interview, Ermera, 12 October 2001.

left “sign language” as the only method of communication.<sup>1054</sup> Even exceptionally good and committed CivPol officers encountered numerous difficulties with training because of their conflicting governance mandates of building local capacities and executive policing. These left them overburdened and unable to effectively train Timorese.<sup>1055</sup>



**Picture 13. PNTL Weapons Training, no date, picture provided by UNMISSET Public Information Office**

Further obstacles to building an effective police service arose from the politicisation of UNTAET’s merit-based recruitment of Timorese candidates by Rogério Lobato as discussed earlier.

By October 2001, PNTL was institutionally fragile, ill-equipped, poorly trained, and insufficiently supported for maintaining law and order in a socially unstable and

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<sup>1053</sup> During UNTAET there was a maximum of 1,640 CivPol drawn from over 80 countries. By 6 November 2002, there were 741 UNPOL officers drawn from 32 countries including China (76); the United States of America (58); Nepal (35); the Philippines (74); Portugal (14); and Australia (58).

<sup>1054</sup> See Hayde (2002), p. 76; and Wainwright (2002), p. 22.

<sup>1055</sup> International Policy Institute (2003), paras. 87, 100.

politically volatile climate.<sup>1056</sup> Moreover, the focus on individual police officer training meant there was no “complementary development” of the three other major pillars for the rule-of-law: (1) courts/judiciary; (2) law enforcement; and (3) prisons.<sup>1057</sup> As the PNTL evolved, it became confused regarding its own systems and procedures; there was weak civilian oversight and there was a lack of legislation to guide its overall operations.<sup>1058</sup> It was not until March 2003, after the UN had received widespread criticism for its failures with building an effective police service, that UNMISSET publicly released the findings of a Joint Assessment Mission for police development.<sup>1059</sup>

**Institutional Capacity-Development.** Following the December 2002, split of the Ministry of Internal Affairs the overall responsibility for the PNTL came under the authority of the Ministry of Interior headed by Rogério Lobato. Donor assistance from countries such as Australia and the United Kingdom began to pour into Timor Leste to address many of the problems noted above.<sup>1060</sup> An Institutional Strengthening Committee (ISC) was established in 2003 including representatives from NGOs, the Ministry of Justice, the Ministry of Planning and Finance and advisors from UNMISSET’s Human Rights Unit.<sup>1061</sup> A detailed institutional strengthening plan was developed that included: community outreach programs to build better relations with the public; harmonising Standard Operating Procedures and Standing Orders for the police in accordance with international human rights standards; the creation of an external

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<sup>1056</sup> Amnesty International, *Timor Leste: Briefing to Security Council Members...*, (March 2003), p. 1.

<sup>1057</sup> Amnesty International, *Timor Leste: Briefing to Security Council Members on Policing and Security in Timor Leste, 6 March 2003*. AI Index: ASA 57/001/2003 (March 2003), p. 1.

<sup>1058</sup> *ibid.*

<sup>1059</sup> Joint Assessment Mission, ‘Report of the Joint Assessment Mission Carried out by the Government of Timor Leste, UNMISSET, UNDP, and Development Partner Countries for the Timor Leste-Police Service’ (Dili: UNDP, January 2003).

<sup>1060</sup> In 2004 Australia announced an AUS\$ 40 million capacity-building assistance package for the Ministry of Interior and the PNTL.

<sup>1061</sup> See Institutional Strengthening Committee, ‘The *Polícia Nacional de Timor Leste* Institutional Capacity-building Workshop Conducted on 22 – 23 April 2003’, Report of Proceedings (Dili: n.d., April 2003); and Amnesty International, *The Democratic Republic of Timor Leste: A New Police Service...*, (2003), p. 85.

oversight body to review oversight procedures and the establishment of a formal coordination mechanism between the PNTL and the judiciary.<sup>1062</sup> There was a shift to “scenario training” that better prepared PNTL personnel to deal with real life situations and increased their “knowledge retention” through “doing”.<sup>1063</sup> Skills development focused on four key areas around which real life scenarios were constructed: (1) human rights; (2) use of force; (3) professional standards and (4) community policing.<sup>1064</sup> A new policy restricting the use of firearms was issued and a Disciplinary Code for police was passed into law.<sup>1065</sup> These initiatives all promised to strengthen the PNTL’s institutional structures and procedures.

The government also set about increasing the number of firearms available to the PNTL. Its objective was to enable police to respond to major internal security threats without having to resort to using the military.<sup>1066</sup> This initiative formed part of a strategic security plan that emerged following suspected militia incursions in early 2003. It was also informed by the government’s decision to keep the border with Indonesia demilitarised so as not to antagonise Indonesian officials.<sup>1067</sup> A notable development during this period was a growing consensus between President Gusmão and Minister of Interior Lobato. This followed the distribution of one-page flyers in July 2004 detailing weapons purchased by the Ministry of Interior and questioning the purpose of those acquisitions. Local NGOs subsequently directed criticisms at the government about the militarisation of the police. In October, the President Gusmão came out in defence of the

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<sup>1062</sup> Ministry of Interior, ‘*Polícia Nacional de Timor Leste* Strengthening Plan of Action, May 2003-May 2004’ (Díli: Ministry of Interior, East Timor, 2003).

<sup>1063</sup> Sandi Preisly interview, Díli, 21 February 2004.

<sup>1064</sup> *ibid.*

<sup>1065</sup> See Democratic Republic of Timor Leste, *National Police of Timor Leste Disciplinary Regulation*, Decree Law No. 13/2004 (08 June 2004) <http://www.unmiset.org/legal/RDTL-Law/index-e.htm> (28 September 2004); Democratic Republic of Timor Leste, *The Organic Law of the National Police of Timor Leste (PNTL)*, Decree Law No. 8/2004 (5 May 2004) <http://www.unmiset.org/legal/RDTL-Law/index-e.htm> (28 September 2004)

<sup>1066</sup> United Nations Security Council, *Special Report of the Secretary-General...*, S/2003/243 (2003), p. 7.

<sup>1067</sup> Preston Pentony interview, Díli, 22 December 2004.

government by stressing that a better equipped PNTL would assist in deterring cross-border militia threats, thereby helping to maintain internal security and stability.<sup>1068</sup> This incident demonstrated the ease with which Timorese civil society could become hostile towards the government based on flimsy accusations, but it also demonstrated Gusmão's potential to act as a moderating influence able to defuse potentially volatile political situations.

**Human Rights Violations Committed by Police.** Yayasan Hak, the most reputable Timorese human rights NGO, monitored cases of PNTL and F-FDTL human rights abuses between January and September 2004.<sup>1069</sup> During this monitoring period it reported 54 violations, two of which were attributed to F-FDTL personnel. Other sources also reported a low number of human rights violations committed by F-FDTL; but these included: accusations of rape, assault against returnees and the elderly, and the destruction of property.<sup>1070</sup> Yayasan Hak pointed out that most PNTL violations involved illegal arrests and detention, beating of suspects, and torture. It defined torture as gross forms of intimidation when suspects were in detention. Other PNTL violations included misuse of firearms and military style search and apprehension operations in villages during which people were either intimidated or injured. Although at other times Yayasan Hak argued the actions of Lobato were part of FRETILIN's attempts to control the state administration, it pointed out that the pattern of police violations did not support claims that police were politically motivated. None of the 52 documented cases suggested that the PNTL had targeted supporters of FRETILIN's opposition parties. Moreover, only seven cases involved individuals from CPD-RDTL. Given the history of

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<sup>1068</sup> See 'Ministro Rogério: Sosa Kilat Husi Orsamentu Estadu', *Timor Post* 25, October 2004; 'Rogério: "Se mak Dehan Kilat Lakon nee Milisia"', *A voz de Suara Timor Loro'sae*, 25 October 2004; and 'Xanana: NGO Labele Kritika Sosa Kilat', *Timor Post*, 25 October 2004.

<sup>1069</sup> Aniceto Guro Berteni Neves interview, Dfili, 16 October 2004.

<sup>1070</sup> See United Nations High Commissioner for Human Rights, *Report of the United Nations High Commissioner...*, E/CN.4/2004/107 (2004), p. 9; and United Nations High Commissioner for Human Rights, *Report of the United Nations High Commissioner...*, E/CN.4/2003/37 (2004), para. 21.

its confrontational tactics with the government, logic suggests that number would have been higher if police were acting as an “armed political wing” of a one-party state.<sup>1071</sup>

In a number of the cases monitored by Yayasan Hak, police failed to adhere to existing procedures and employed heavy handed tactics. Most accusations of excessive use of force were directed at the Rapid Intervention Unit, which Timorese regularly equated with the paramilitary wing of the Indonesian police, the Police Mobile Brigade (Brimob).<sup>1072</sup> The excessive use of force was a product of a police culture in which some PNTL officers viewed themselves as a “force”, rather than a “service” to the public.<sup>1073</sup> This approach was advocated by numerous government officials. Pointing to examples offered by the Portuguese police, government officials believed that only a forceful policing culture would command the respect of Timorese youth and criminal elements within society by instilling in them a sense of fear. This sat at odds with community policing approaches advocated by NGOs and Australian voices inside the country, which sought to promote trust and cooperative partnerships with citizens.<sup>1074</sup> While there was certainly merit in the arguments of Timorese officials, its acceptance was undermined by corrupt behaviour and drunken off-duty police officers who abused their status as government employees to threaten or extort locals.<sup>1075</sup> UN reports note that PNTL personnel were involved in criminal activity, bribery, and physical assault of citizens.<sup>1076</sup> Perhaps most damaging for the PNTL in this regard was that at no stage did it establish its credentials as a non-partisan state institution serving the public good. Every act of

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<sup>1071</sup> In its report on Timor Leste’s crisis of April to May 2006, *Rede Monitorizasaun Direitus Humanus*, a human rights monitoring groups, suggests that Lobato did in fact use the PNTL on several occasions to crush political opponents and points to the example of CPD-RDTL members, ‘Submission to the UN Independent Special Commission of Inquiry for Timor Leste on the Security & Political Crisis in Timor Leste’, Human Rights Monitoring Network, Dili, 15 September 2006, p. 14.

<sup>1072</sup> Amnesty International, *The Democratic Republic of Timor Leste: A New Police Service...*, (2003), p. 56.

<sup>1073</sup> Informant Number 26 (Aid Worker).

<sup>1074</sup> On community policing see UNDP, *Programming for Justice: Access for All, A Practitioner’s Guide to a Human Rights-Based Approach to Access to Justice* (Bangkok: UNDP, 2005), p. 127.

<sup>1075</sup> Direct Observation.

misconduct, whether it resulted from rent-seeking behaviour or simply poor training, was subjected to accusations of political motivation. Irrespective of which policing approach was adopted, these factors combined to work against the PNTL's ability to build its own professionalism or to build a culture of respect for the rule-of-law, either within its own ranks, or among the general population.<sup>1077</sup>

#### **7.4.2 *Forças de Defesa de Timor Leste,* East Timor Defence Forces (F-FDTL)**

Timorese peace plans developed in the mid-1990s did not propose building a standing army. CNRT's leadership imagined that an independent state would rely exclusively upon civilian police for ensuring internal and external security.<sup>1078</sup> In light of the 1999 militia violence, a consensus emerged that a defence force was needed to deter cross-border threats in the future.<sup>1079</sup> The UN, which had never delved into building armies, outsourced the planning functions for the F-FDTL to King's College London. King's College outlined three options for building an army, with the Timorese leadership deciding upon a two battalion option comprising 3000 soldiers, with approximately half made up of ex-FALINTIL.<sup>1080</sup> F-FDTL's formation was subsequently legislated by UNTAET Regulation 1/2001, passed by the National Council on 29 January 2001.<sup>1081</sup>

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<sup>1076</sup> United Nations Security Council, *Report of the Secretary-General...*, S/2003/944 (2003), para. 36.

<sup>1077</sup> For example, *Rede Monitorizasaun Direitus Humanus* reports that by 2006 there were at least four political factions within the PNTL: (1) former POLRI, (2) *Clandestinos*, former members of the clandestine resistance, (3) the Lobato camp, and (4) a diverse groupings made up of ex-Karate gang members. To varying degrees each was involved in or responsible for factional fighting in Dili, *Rede Monitorizasaun Direitus Humanus*, 'Submission to the UN Independent Special Commission of Inquiry...', (2006), pp. 13-14.

<sup>1078</sup> José Ramos-Horta interview, Dili, 16 January 2004.

<sup>1079</sup> *ibid.*

<sup>1080</sup> Rees (2004), pp. 12-13.

<sup>1081</sup> UNTAET Regulation No. 01/2001, *On the Establishment of a Defence Force for East Timor*, UNTAET/REG/2001/1 (31 January 2001) <http://www.eastimorlawjournal.org/UNTAETLaw/UNTAETREGULATIONS/untaetreg1of2001defenceforceforeasttimor.html> (30 August 2006)

During its formation, UNTAET took a hands-off approach by allowing FALINTIL's high command to control recruitment of the first 600 personnel into the new army.<sup>1082</sup>

From its beginnings, there was little donor funding allocated to building the capacity of F-FDTL. This reflected broader aversions among First World countries towards building standing armies in Third World donor-recipient countries and, by extension, UNTAET's own limitations in developing the military. For example, La'o Hamutuk points out that the two countries most eager to support the development of the army were Portugal and Australia. However, neither country invested heavily in the development of the F-FDTL. Portuguese bi-lateral aid for 2002 allocated US\$ 1.9 million for military cooperation, whereas Australian bi-lateral aid made no such allowances.<sup>1083</sup> After an initial investment in 2001 of US\$ 3.6 million to build a training center in Metinaro, Australian military assistance fell under a separate scheme referred to as the Australian Defense Force Cooperation Program. Among other things, the program consisted of an Australian Training Support Team, Australian advisers in Timor Leste's Office of Defense Force Development (ODFD), and leadership training for F-FDTL officers. By November 2002 there were 27 Australian advisors providing various forms of assistance either through Timor Leste's ODFD or by training soldiers in the F-FDTL's Metinaro and Lospalos bases. Total Australian bi-lateral aid for its military support program for the F-FDTL was estimated to be US\$ 4.9 million annually.<sup>1084</sup>

Following the army's formation, an argument emerged that establishing the F-FDTL had little to do with protecting Timor Leste against external military threats. Instead, recruitment into F-FDTL was a method of ensuring internal stability by providing employment and recognition to ex-FALINTIL fighters.<sup>1085</sup> Recruitment into the armed

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<sup>1082</sup> *ibid.*

<sup>1083</sup> See La'o Hamutuk, *The La'o Hamutuk Bulletin*, vol. 3, no. 7 (October 2002).

<sup>1084</sup> For more details see La'o Hamutuk, *The La'o Hamutuk Bulletin*, vol. 3, no. 7 (October 2002).

<sup>1085</sup> Fernanda Tavarez interview, Ermera, 18 October 2001; Dianna Baker interview, Díli, 16 January 2004. See also Wainwright (2002), p. 23.

forces removed incentives that would give rise to disaffection among veterans groups, some of whom could be easily manipulated toward undermining government authority.<sup>1086</sup>



*Picture 14. F-FDTL Weapons Training, no date, picture provided by UNMISSET Public Information Office*

**An Uncertain Mission.** The ambivalence behind the creation of an army led to an equal level of confusion regarding its institutional purpose. This was compounded by Timorese leadership attempts to placate Indonesia. In addition to the various pacts that were emerging with Indonesian officials Timor Leste chose to maintain a non-militarised border, as noted earlier. In the view of Australian Defence Force personnel, this was the best possible decision because a number F-FDTL were considered “mentally unstable” and prone to explosions of violence.<sup>1087</sup> Their volatility, combined with weak discipline

<sup>1086</sup> Caetano Guterres interview, Dili, 27 February 2004.

<sup>1087</sup> The 1<sup>st</sup> Battalion, stationed in Los Palos, was recruited almost exclusively from FALINTIL fighters cantoned in 1999. They tended to be older, less disciplined, and more volatile than members of the 2<sup>nd</sup> Battalion stationed in Metinaro, which was recruited from younger individuals, some of whom were also

and poor training, made it possible that any minor border threat could escalate into a major international incident that could invite an overwhelming response from the TNI. Moreover, deploying the military along border areas threatened to fuel violent institutional conflict with the PNTL for control of cross-border smuggling activities. This danger was highlighted by events in Indonesia where Indonesia police and military personnel struggled to carve out respective economic fiefdoms, resulting in several armed clashes. Instead, the F-FDTL's two battalions were stationed in two eastern camps far from the border, but capable of responding to any serious incursions.

On the rare occasion the army was called to action in response to suspected militia incursions, advocacy NGOs and human rights organisations raised concerns about the militarisation of internal policing, thus pushing F-FDTL back into its barracks.<sup>1088</sup> As a result, beyond training and parading F-FDTL personnel actually did very little. Inaction and an uncertain institutional mission gave rise to apathy among its ranks. Ultimately, F-FDTL felt stripped of what it regarded to be its legitimate function: ensuring security from external threats.<sup>1089</sup>

**Institutional Conflict with PNTL.** The policy-decision to maintain a non-militarised border was one of several factors generating institutional rivalry between F-FDTL and PNTL. Tensions between the two threatened to explode at the beginning of 2004 in Los Palos when F-FDTL personnel “left the barracks to go to the village and started shooting...as if they wanted to wage a war against PNTL and the population”.<sup>1090</sup> Incidents of this nature proved more widespread when it was revealed that nine other

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FALINTIL, but were considered to be more professional compared to older recruits in the 1<sup>st</sup> Battalion, Informant Number 19 (Australian Military Assistance Personnel).

<sup>1088</sup> ‘Taur: Victims are Not Protected, Perpetrators are in Fact Protected’, *STL*, 28 January 2003.

<sup>1089</sup> Rees (2004), pp. 23-24.

<sup>1090</sup> Xanana Gusmão, ‘End of Year Message’, Democratic Republic of East Timor, Office of the President, Díli, 2004. See also United Nations High Commissioner for Human Rights, *Report of the United Nations High Commissioner...*, E/CN.4/2003/37 (2004), para. 22.

cases of misconduct between PNTL and F-FDTL personnel were pending before the courts.<sup>1091</sup>

Rising tensions between the institutions was sometimes attributed to power struggles between FRETILIN and Gusmão, with PNTL and F-FDTL acting as armed wings of competing political factions.<sup>1092</sup> In support of this argument, Rees points to the initial recruitment of 600 F-FDTL personnel and suggests the process was surrounded by controversy because recruitment was controlled by Xanana loyalists. As pointed out by La'ó Hamutuk, this gave rise to feelings of resentment among groups such as *Sagrada Familia* and *Colimau* 2000,<sup>1093</sup> which during the resistance were considered strong fighters aligned to FRETILIN. Similarly, Garrison argues that the constitution solidified factional divides between a “second armed force” with the police loyal to the FRETILIN government and the army loyal to Gusmão.<sup>1094</sup> These arguments tended to simplify cross-cutting divisions into two neatly discernable camps, and perhaps inadvertently helped solidify factional divisions in the political realm outside the police and army.

Father Crispem Ximenes Belo, a Timorese Catholic priest from Baucau, argued that political divisions between the police and the army were a product of constitutional law that had made the president “commander in chief” of the army, whereas the police fell under the authority of the government through the Ministry of Interior. Both remained, first and foremost, institutions of the state.<sup>1095</sup> Lingering rivalries existed within middle and lower officer ranks framed around historical divisions in the jungle and post-1999 political competition among civilian leaders in parliament.<sup>1096</sup> However, irrespective of

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<sup>1091</sup> Xanana Gusmão, ‘End of Year Message...,’ (2004).

<sup>1092</sup> See Political Affairs Unit, UNMISSET, ‘Issue Paper: Institutional Tensions...,’ p. 6; Rees (2004), pp. 28-29; and ‘Rogério Tiago Lobato: “The Minister Known as the Strongman...,”’ (2004).

<sup>1093</sup> La'ó Hamutuk, *The La'ó Hamutuk Bulletin*, vol. 6, no. 1-2, Díli, April 2005.

<sup>1094</sup> Garrison (2005), p. 25.

<sup>1095</sup> Father Crispem Ximenes Belo interview, Baucau, 5 November 2003.

their personal, political, or ethnic ties, senior army officers were committed to defending the independence of Timor Leste.<sup>1097</sup> This seemed clear following the December 2002 riots when F-FDTL's Brigadier General, Taur Matan Ruak, stated openly in parliament that armed insurgents or groups attempting to bring down the government would be shot. In supporting efforts promoting national cohesion and strengthening the state, Falur Rate Laek, Commander of the army's 1<sup>st</sup> Battalion, argued that PNTL and F-FDTL needed to set a good example for the rest of the nation by "working together".<sup>1098</sup>

The potential for violent conflict between the PNTL and F-FDTL and grievances among army personnel led to a government inquiry. This was headed by the president's office to identify a wide range of institutional weaknesses within the army. The investigative commission listed numerous problems including: poor discipline; poor accommodation and pay; insufficient training; low moral; weak recruitment procedures; problematic procurement practices through the Ministry of Finance and Planning; inconsistent attendance of personnel; feelings of marginalisation relative to the PNTL; a poorly understood definition of its role; uncertain respect for authority and unresolved relations with ex-combatants.<sup>1099</sup> These problems were aggravated by the lack of civilian oversight and legislation creating a clearly defined framework for the military to perform security functions, which only began in early 2005 with the establishment of the Superior Council of Defence.<sup>1100</sup> Nevertheless, the commission's overall findings pointed to

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<sup>1096</sup> The most notable example was Major Alfredo Reinado, who lined up behind the "Xanana camp" against the government between April-May 2006 and who had somewhat murky ties with PSD vice-president Leandro Isaac, 'East Timor- Downfall of a Prime Minister', *Dateline*, Reporters, David O'Shea and John Martinkus, Producer, Mike Carey, SBS, Transcript, 30 August 2006.

<sup>1097</sup> Father Crispem Ximenes Belo interview, Baucau, 5 November 2003; Dianna Baker interview, Díli, 16 January 2004.

<sup>1098</sup> 'Falur Rate Laek: F-FDTL and PNTL Need to Complement Each Other', *Timor Post*, 5 February 2005.

<sup>1099</sup> See Cabinet of National President of Parliament, 'Preliminary Report IIC, Commission of Independent Inquiry for the F-FDTL', Statement to the Media (Díli: Cabinet of National President of Parliament, Democratic Republic of East Timor, 24 August 2004); and United Nations Security Council, *Report of the Secretary-General...*, S/2004/333 (2004), p. 2. Many of the non-institutional problems were concentrated in the 1<sup>st</sup> Battalion (e.g. discipline, morale, absenteeism, disrespect for authority, and unresolved relations with ex-combatants).

<sup>1100</sup> United Nations Development Programme, *UNDP Lessons Learned in Parliamentary Development* (New York: Institutional Development Group, Bureau for Development Policy, UNDP, October 2002); and

systemic problems within F-FDTL, rather than any alliances making the F-FDTL an armed wing of any clearly identifiable political factions.

### 7.4.3 The Rule-of-Law, Courts and Judiciary

The development of a credible system of justice in Timor Leste was a crucial benchmark for UNTAET's success in state-building by establishing the rule-of-law.<sup>1101</sup> Various streams of thinking within the UN system also believed that this was the cornerstone to building a democratic society, promoting social harmony and achieving sustainable economic development.<sup>1102</sup> In a post-conflict environment such as the one found in Timor Leste there were numerous challenges to achieving these objectives. These included: perceptions of bias on the basis of political and/or ethno-religious identities generating mistrust towards the courts; limited access for communities to claim rights through the formal courts; vigilante groups legitimizing local-level acts of violence and revenge; and an environment where small solvable disputes could lead to broader societal conflict.<sup>1103</sup>

UNTAET Regulation 11/2000 called for the establishment of four district courts, a court of appeal and the district court in Díli having exclusive jurisdiction over serious crimes.<sup>1104</sup> According to Mohamed Othman, former UN Chief of Prosecution in Timor Leste, developing the justice system was based on two considerations. Firstly, UNTAET's presence would be temporary; secondly, the contributions of the international community would be the formation of laws based on human rights, the creation of an

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'Parliamentarians to Meet With Government Members on the Establishment of Superior Council for Defence', *Timor Post*, 14 January 2005.

<sup>1101</sup> United Nations Security Council, *Special Report of the Secretary-General on the United Nations Mission of Support in East Timor*. S/2000/738 (2000), para. 68.

<sup>1102</sup> United Nations Development Programme, 'Project Proposal, Enhancing East Timor's Good Governance Capacity Through Intensive Pre-service Training Programme for Judges and Lawyers' (12 July 1999).

<sup>1103</sup> UNDP, *Programming for Justice...*, (2005), p. 179.

<sup>1104</sup> UNTAET Regulation No. 11/2000, *On the Organisation of Courts in East Timor*, REG/2000/11 (6 March 2000) <http://www.unmiset.org/legal/UNTAET-Law/index-e.htm> (11 December 2004).

independent judiciary and the development of local investigative capacities.<sup>1105</sup> The role of the international community was to reinstitute the rule-of-law in a way that supported local capacities to build the justice system. Others argued that building a credible justice system involved two specific issues: the creation of a viable system and successfully managing that system.<sup>1106</sup>

To address dangers of post-conflict criminality, UNTAET rushed to create a human rights based legal framework to prevent “widespread criminal activity and human rights abuses”, particularly against weaker social groups and minorities.<sup>1107</sup> It created this legal framework by applying a hybrid combination of international human rights law, the Indonesian Code of Criminal Procedure (so long as it did not contradict international human rights standards) and UNTAET directives and regulations.<sup>1108</sup> UNTAET’s immediate capacity-building strategy was influenced by the experiences of the mission’s principal legal adviser who brought with him an institutional template from Kosovo and who aimed to recruit as many Timorese as possible into the court system.<sup>1109</sup>

The Timorese leadership did not appear opposed to these initiatives, or to the introduction of a hybrid transitional legal framework.<sup>1110</sup> Nevertheless, they had little real input into building the system. The Transitional Judicial Service Commission, established by UNTAET in 1999, was given the duty of selecting court personnel and assessing their ongoing performance.<sup>1111</sup> The commission was composed of five people: three East

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<sup>1105</sup> Mohamed Othman, Former Chief of Prosecutions Timor Leste, ‘Public Presentation’, Initiative Report, Rule-of-Law and the Legacy of Conflict, January 16-19, 2003, Gaborone International Convention Center, Gaborone, Botswana, Project on Justice in Times of Transition, Harvard University, p. 7.

<sup>1106</sup> Linton (2001), pp, 122-180.

<sup>1107</sup> Beauvais (2001), p. 1149.

<sup>1108</sup> Amnesty International, *Justice Past, Present, and Future*. AI Index: ASA 57/001/2001 (July 2001), p. 11.

<sup>1109</sup> Beauvais (2001), p. 1156.

<sup>1110</sup> *ibid.*, p. 1151.

Timorese and two international experts. When the selection of probationary judges began in early 2000, there were only some sixty East Timorese with law degrees, but only five were licensed legal practitioners; most were without any practical legal experience.<sup>1112</sup> Prior to 1999 East Timorese had little formal legal experience as they were excluded from holding positions of responsibility in the Indonesian court system. It was hoped that newly recruited local personnel would be able to gain the skills, experience and knowledge needed to contribute to the longer-term viability of the court system.<sup>1113</sup>

**Recruitment and Training.** One of the major challenges in developing the capacity of the local courts and skills of the judiciary arose from placing newly recruited Timorese into an “emergency court system” with “minimal training” and minimal court infrastructure.<sup>1114</sup> Inexperienced personnel were expected to deal with numerous persons who had been in detention from the referendum and post-referendum periods.<sup>1115</sup> The pressure of managing those cases was compounded by strategically incoherent ad hoc training related to “specific tasks” provided by UNDP or UNTAET’s Judicial Affairs Department.<sup>1116</sup> For example, CivPol investigators were required to mentor local court staff in investigative procedures, but CivPol themselves were “confused about what to do [and] tended to fall back on their national systems”.<sup>1117</sup> This reflected a lack of

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<sup>1111</sup> UNTAET Regulation No. 03/1999, *On the establishment of a Transitional Judicial Service Commission*, REG/1999/03 (3 December 1999), Articles 1 and 2 <http://www.unmiset.org/legal/UNTAET-Law/index-e.htm> (11 December 2004).

<sup>1112</sup> See United Nations Development Programme, ‘Project Proposal...’ (July 1999); and Beauvais (2001), p. 1153.

<sup>1113</sup> Beauvais, pp. 1158-1159.

<sup>1114</sup> Judicial System Monitoring Programme, *Justice in Practice: Human Rights in Court Administration, JSMP Thematic Report 1* (Dili: JSMP, November 2001), p. 3.

<sup>1115</sup> Linton (2001), pp, 122-180.

<sup>1116</sup> On the role of coherent strategic planning and coordination among national and international actors see, Scott N. Carlson, *Legal and Judicial Rule-of-law Work in Multi-Dimensional Peacekeeping Operations: Lessons-Learned Study* (New York: Department of Peacekeeping Operations, Best Practices Section, March 2006), p. 19.

<sup>1117</sup> Linton (2001), pp, 122-180.

standardised training which added to the confusion of probationary judges who regularly received “conflicting messages”.<sup>1118</sup> Training materials such as manuals or procedural guidelines were imported from foreign court systems via international advisors without being modified to local needs or context.<sup>1119</sup> Furthermore, East Timorese judges were absent from the country for months at a time after being sent for instruction overseas.<sup>1120</sup> According to Amnesty International a judicial mentoring program created in May 2000 experienced numerous problems, principally because of poor international recruiting and communication problems resulting from language barriers.<sup>1121</sup> Language barriers were compounded by the use of four languages during court proceedings: Bahasa, Portuguese, English and Tetun. Not only did this slow court processes, it required high levels of logistical support providing translators and the translation of countless documents.

Organisations such as the International Legal Assistance Consortium claimed there existed a “palpable disconnect” between key government ministers and UNTAET.<sup>1122</sup> At the same time, East Timorese court personnel often ignored advice from UN officials or were hostile towards personnel from UNTAET’s Judicial Affairs Department, whom Timorese believed were sent “to control their activities”.<sup>1123</sup> East Timorese agreed that UN personnel were ignored and that hostility existed for several reasons: most UN staff working in the justice system were young and inexperienced; they lacked sufficient academic qualifications and knowledge; they were themselves learning on the job; or sometimes they came from countries with terrible legal systems where gross human rights violations were occurring.<sup>1124</sup> While some UN officials claimed that Timorese

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<sup>1118</sup> Aderito de Jesus Soares interview, Díli, June 2004.

<sup>1119</sup> Judicial System Monitoring Programme, *Justice in Practice...*, (2001), p. 9.

<sup>1120</sup> United Nations Economic and Social Council, *Report of the United Nations High Commissioner...*, E/CN.4/2002/39 (2002), p. 8.

<sup>1121</sup> Amnesty International, *Justice Past, Present, and Future...*, (2001), p. 6.

<sup>1122</sup> International Legal Assistance Consortium, *Report on East Timor* (Stockholm: ILAC, 23 March 2002), p. 9.

<sup>1123</sup> Linton (2001), pp, 122-180.

were open to assistance from internationals with appropriate skills and attitude,<sup>1125</sup> as far as many Timorese were concerned UN personnel had no right to “mentor” anybody.<sup>1126</sup>

**Weaknesses.** As early as July 2001, Amnesty International pointed to the existence of a dysfunctional formal justice system.<sup>1127</sup> Numerous factors contributed to this: human rights inconsistencies in the hybrid law created “confusion, contradiction, and legal uncertainty”;<sup>1128</sup> there was a lack of sufficient administrative support staff; training of court personnel was poor and confused and there was inadequate drafting and approval of legislation.<sup>1129</sup> According to Susannah Linton, the three greatest weaknesses with the UN’s strategy that led to this situation were (1) the UN’s failure to consult meaningfully with Timor Leste’s leadership, (2) the inadequate training of local staff and (3) the inadequate funding for logistical development of the courts.<sup>1130</sup> However, the failure to consult with Timor Leste’s leadership meant the UN never addressed a problem that lay at the heart of building a viable system of formal justice: namely the element of class conflict between young Indonesian educated professionals recruited to the judiciary and the Portuguese speaking elite who had returned from the diaspora and were setting the government policy-agenda. Moreover, the objective of creating a separate national identity by making Portuguese the official state language along with Tetun, a “political decision from the top” when the constitution was drafted, was grossly at odds with building a hybrid legal system which retained Indonesian laws and language. This became clear when the Timorese government sent probationary judges to receive training

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<sup>1124</sup> Informant Number 13 (Timorese National).

<sup>1125</sup> Roland Laval interview, Díli, 26 February 2004.

<sup>1126</sup> Informant Number 13 (Timorese National).

<sup>1127</sup> See Amnesty International, *Justice Past, Present, and Future...*, (2001); and International Legal Assistance Consortium, *Report on East Timor...*, (2002), pp. 8-18.

<sup>1128</sup> Linton (2001), pp, 122-180.

<sup>1129</sup> Kamaleh Sharma, *Statement of Mr. Kamaleh Sharma, Special Representative of the Secretary-General For Timor Leste, To the Security Council*, 15 October 2003, para. 15.

<sup>1130</sup> Linton (2001), pp, 122-180.

in Portugal and when Timor Leste's Judicial Training Centre was established in September 2004: instruction was conducted almost entirely in Portuguese.

Court weaknesses resulted in numerous procedural delays, such as long periods of detention without due legal process. This gave rise to political dangers. Perceptions of political bias within the courts were fundamentally damaging for strengthening the rule-of-law. As noted by the UN Secretary-General, in post-conflict environments peace can only be sustained if,

Politically charged issues, such as ethnic discrimination, unequal distribution of wealth and social services, abuse of power, denial of the right to property or citizenship and territorial disputes between states, can be addressed in a legitimate and fair manner.<sup>1131</sup>

Claims of political bias within the courts undermined the PNTL's ability to maintain law and order by adding to perceptions that police acted either as an armed wing of factional groups in government, or that formal justice mechanisms could not uphold the rule-of-law.<sup>1132</sup> Adding to this dynamic were the frustrations of disaffected groups, such as CPD-RDTL, which questioned the legitimacy of the entire formal justice system because of its reliance on laws from the former occupying power Indonesia.<sup>1133</sup> Consequently, the recruitment of court personnel was prone to accusations that non-FRETILIN individuals or Indonesian collaborators received postings.<sup>1134</sup>

**Dual Legal System.** The overall capacity-building approach employed by UNTAET focussed on formal state institutions, which left a large disconnect with informal community-based justice mechanisms. Weaknesses with the formal system gave rise to

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<sup>1131</sup> See United Nations Security Council, *Report of the Secretary-General, The Rule-of-law...*, (23 August 2004), pp. 3-4.

<sup>1132</sup> Amnesty International, *Timor Leste: Briefing to Security Council Members...*, (2003), p. 5.

<sup>1133</sup> Aitahan Matak interview, Díli, 19 January 2004.

<sup>1134</sup> *ibid.*

alternative voices promoting the development of a dual legal system, which would link the formal justice system with informal justice mechanisms, or *adat*.<sup>1135</sup>

*Adat* is sometimes described as “community leadership and governance”, “values”, “customs and rituals”, and “identity and religious beliefs”.<sup>1136</sup> Others points out that it deals with “spiritual matters” geared at ensuring harmony between the physical and spiritual worlds.<sup>1137</sup> Matt Stephens, a World Bank official involved in various village-level justice projects in Indonesia, further notes that the practices and rituals of *adat* can vary greatly over extremely short distances.<sup>1138</sup> As law, it can be viewed as an informal system of justice employed to resolve local disputes based on traditional customary practices.<sup>1139</sup> The advantages of these systems are that they help to reduce backlogs in formal courts by providing cost-efficient and speedy methods for resolving community grievances. Since there are many variations found with *adat*, the terms customary law or local dispute resolution mechanisms are used to allow for a broader consideration of non-state administered local-level justice mechanisms.

Historically, the Portuguese allowed customary law to be practiced without much intrusion.<sup>1140</sup> The perceived corruption and injustices of formal justice mechanisms during the period of Indonesian occupation led most Timorese to rely more heavily on customary law and local dispute resolution mechanisms.<sup>1141</sup> Informal mechanisms

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<sup>1135</sup> Tanja Hohe, ‘Justice Without Judiciary in East Timor’, *Conflict, Security & Development* vol. 3, no. 3 (December 2003), p. 348. For a discussion on village-level dispute resolution mechanisms in Timor Leste see Mearns (2001); and Simon Butt, Natalie David, and Nathan Laws, *Looking Forward: Local Dispute Resolution Mechanisms in Timor Leste* (Sydney: Australian Legal Resources International, 2004).

<sup>1136</sup> World Bank, *Interim Report: Justice for the Poor Program: Research Paper on Community Access to Justice and Village Judicial Autonomy* (Jakarta: World Bank Social Development Office, 2004), pp. 2-3.

<sup>1137</sup> For examples see Ospina and Hohe (2001); and Daniel Fitzpatrick, ‘Disputes and Pluralism in Modern Indonesian land Law’, *Yale Journal of International Law* 171 (1997), pp. 178-179.

<sup>1138</sup> Matt Stephens, ‘Local-level Dispute Resolution in Post-Reformasi Indonesia: Lessons from the Philippines’, *Australian Journal of Asian Law*, 5 (3), 213 (2003), p. 222.

<sup>1139</sup> For further discussion see UNDP, *Programming for Justice...*, (2005), pp. 97-101

<sup>1140</sup> See Hayde (2002), p. 82; Tanja Hohe and Rod Nixon, ‘Reconciling Justice: “Traditional” Law and State Judiciary in East Timor, Final Report’ (Dili: Prepared for the United States Institute of Peace, January 2003); and Amnesty International, *Justice Past, Present, and Future...*, (2001), p. 8.

therefore offered important functions in facilitating social order and the emergence of a viable rule-of-law following 1999, particularly when considering some 80 percent of the population lived in rural areas. However, elements of local justice remained incompatible with international human rights standards. This includes the use of torture to solicit confessions from suspects, influential individuals escaping punishment, inappropriate application of sanctions, and discriminatory practices against vulnerable groups and women.<sup>1142</sup> Within Timor Leste specifically, local dispute resolution mechanisms could be manipulated by traditional hereditary leaders to preserve advantageous social hierarchies. It was also subverted by individuals from higher socio-economic positions in Timorese society to the disadvantage of individuals from lower standing.<sup>1143</sup> The most commonly cited examples were cases of domestic violence and rape that courts and PNTL personnel attempted to refer to local justice mechanisms for resolution.<sup>1144</sup> At other times, victims of crime were forced to accept traditional mediation processes, even though they had sought a criminal prosecution in the formal courts.<sup>1145</sup>

While some elements of local dispute resolution mechanisms were incompatible with international human rights standards, informal and formal mechanisms were not mutually exclusive. Timor Leste's social and political elites and educated youth expressed support for developing both, provided they complemented each other in a manner that would simplify the overall legal process. This required ensuring equality of justice and

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<sup>1141</sup> Hayde (2002), p. 82.

<sup>1142</sup> For further examples see UNDP, *Programming for Justice...*, (2005), pp. 103-104. In the specific context of Timor Leste Tanja Hohe points out that in cases of rape if a woman is unmarried the solution is simple: a man is expected to marry the woman and a bride price negotiation between the families begins, Hohe (2003), p. 341.

<sup>1143</sup> For a variation of this argument see Mearns (2002), p. 5; and United Nations General Assembly, *Situation of Human Rights in East Timor...*, A/56/337 (2001), p. 7.

<sup>1144</sup> United Nations High Commissioner for Human Rights, *Report of the United Nations High Commissioner...*, E/CN.4/2004/107 (19 January 2004), p. 15. Three local judges were allowed to continue sitting on the Special Panels for Serious Crimes.

<sup>1145</sup> See Amnesty International, *The Democratic Republic of Timor Leste: A New Police Service...*, (2003), p. 38; and United Nations High Commissioner for Human Rights, *Report on the Situation of Human Rights in Timor Leste*. E/CN.4/2004/107 (19 January 2004), p. 5.

adherence to human rights by, for example, defining categories of offences that would be referred to local systems and those that would be heard by formal courts.<sup>1146</sup> Nevertheless, up to the beginning of 2005 little progress had been made toward constructing a workable dual legal system.

**Serious Crimes Unit and the Special Panels Process.** The Serious Crimes Unit (SCU) created by UNTAET formed an important part of Timor's transitional court system. It was officially established in June 2000 with a mandate to investigate cases within the jurisdiction of the Special Panels for serious crimes.<sup>1147</sup> UNTAET set up Special Panels of the Díli District Court which retained jurisdiction over genocide, crimes against humanity, war crimes and torture, murder, and sexual offences committed between 1 January 1999 and 25 October 1999.<sup>1148</sup> It was modelled upon the War and Ethnic Crimes Court in Kosovo and initiatives in Cambodia established locally, rather than internationally, for investigating and prosecuting past human rights violations.<sup>1149</sup> However, according to Judge Phillip Rapoza, an international judge sitting on the special panels, unlike earlier models the mandate of the SCU was unclear and lacked focus (e.g. prosecuting senior leaders or low ranking individuals), which meant there was no distinct model for the SCU to follow.<sup>1150</sup>

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<sup>1146</sup> See International Legal Assistance Consortium, *Report on East Timor...*, (2002), p. 22; and Mearns (2002), p. 77. The CAVR and the government Land Law Program provided workable models around which to resolve such issues but those lessons were not applied to the court system.

<sup>1147</sup> Regulation No. 2000/16, *On the Organisation of the Public Prosecution Service in East Timor*, UNTAET REG/2000/16 (6 June 2000) <http://www.unmiset.org/legal/UNTAET-Law/index-e.htm> (11 December 2004).

<sup>1148</sup> Regulation No. 1999/01, *On the Authority of the Transitional Administration in East Timor*, Section 3, UNTAET REG/1999/01 (27 November 1999) <http://www.unmiset.org/legal/UNTAET-Law/index-e.htm> (11 December 2004).

<sup>1149</sup> Linton (2001), pp, 122-180.

<sup>1150</sup> Phillip Rapoza, 'The Serious Crimes Process in Timor Leste: Accomplishments, Challenges and Lessons Learned', paper presented at the International Symposium on UN Peacekeeping Operations in Post-Conflict Timor Leste: Accomplishments and Lessons Learned (Díli: 28 April 2005), p. 8.

The establishment of the SCU, as pointed out by Geoffrey Robertson, was inextricably linked to regional and international political realities in 1999.<sup>1151</sup> These realities gave neither the UN nor the Timorese many choices in how to move forward with human rights investigations. In 1999, the UN Human Rights Commission was divided on the establishment of an international tribunal because most Asian countries, including Japan, China, India, and the Philippines, did not want to embarrass Indonesia.<sup>1152</sup> Robertson points out that China was so opposed to an international human rights court that it threatened to veto any Security Council resolution approving UN peacekeeping in Timor Leste.<sup>1153</sup> In this context, Manuel Tilman claims the establishment of the SCU originated with proposals made by CNRT's leadership in 2000 to "replace the international court as a strategic manoeuvre to keep the issue [of Indonesian human rights violations] alive on the international stage".<sup>1154</sup> On the other hand, FRETILIN participants to the drafting of the constitution, such as Aderito de Jesus Soares, argue the UN applied pressure on the Timorese leadership to create the SCU and the special panels and to later formalise these arrangements in the constitution.<sup>1155</sup> It seems that both Tilman and Soares were correct: the Timorese were under pressure to establish the SCU because it provided the only mechanism for prosecuting Indonesian officials suspected of committing human rights violations.

The SCU and special panels sought to provide justice for human rights violations locally, but it amounted to a failed attempt at "getting international justice on the cheap".<sup>1156</sup> The closure of the SCU meant that future investigations would fall upon under-resourced local courts and inexperienced personnel. By April 2004, the SCU had 110 staff including 37 UN international civilians as prosecutors, investigators, forensic specialists

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<sup>1151</sup> Robertson (2002), p. 463.

<sup>1152</sup> *ibid.*

<sup>1153</sup> *ibid.*

<sup>1154</sup> Manuel Tilman interview, Dili, 13 December 2003.

<sup>1155</sup> Aderito de Jesus Soares interview, Dili, 5 November 2001.

<sup>1156</sup> 'International Law in East Timor', Public Seminar, University of Melbourne, 2003.

and translators together with eight UN police investigators. There were 34 national staff, 12 trainee staff, 17 PNTL investigators undergoing training with the SCU and two PNTL officers working on the SCU's witness management team.<sup>1157</sup> In the future these local staff would be required to handle some 1,500 unresolved cases including 800 murders, which only promised to compound problems within an already dysfunctional and poorly performing formal justice system.<sup>1158</sup>

As noted above, the SCU filed a large number of fruitless indictments against Indonesian officials. By April 2004, the SCU had only managed to convict 50 East Timorese.<sup>1159</sup> In statistical terms, the convictions supported the arguments made by Indonesian defence attorneys in ad hoc human rights prosecutions: that the violence and destruction of 1999 was the product of internal factional rivalry between pro-independence and pro-autonomy groups. Common wisdom held that suspected Indonesian perpetrators of human rights violations would never be held accountable for their crimes. The assumption that a UN mandated local court could provide justice for international human rights violations was thus exposed as fantasy disconnected from both post-conflict and geo-strategic realities. These included Indonesia's military strength relative to Timor Leste, its economic importance for international business, its forward position as a lynchpin against latent US fears of communist expansion by an increasingly prosperous China, and Indonesia's newfound strategic importance in the US "global war on terror".<sup>1160</sup> Factors such as these meant local courts in Timor Leste were powerless to prosecute Indonesian officials.

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<sup>1157</sup> Serious Crimes Unit, 'Serious Crimes Unit Update' (Díli: Office of the Deputy General Prosecutor, 30 April 2004), p. 1.

<sup>1158</sup> See United Nations Economic and Social Council, *Report of the United Nations High Commissioner...*, E/CN.4/2002/39 (2002), p. 24; and Braun and Schlicher (2005).

<sup>1159</sup> Serious Crimes Unit, 'Serious Crimes Unit Update...', (April 2004), p. 6.

<sup>1160</sup> On arguments relating to a new Cold War against China see 'Missile Defences: A Shield in Space', *Economist*, June 3<sup>rd</sup>-9<sup>th</sup> (2000), pp. 19-21; 'George Bush's Revolution', *Economist*, May 5<sup>th</sup>- 11<sup>th</sup> (2001), pp. 17-19; and Brad Roberts, Robert A. Manning and Ronald N. Montaperto, 'China: The Forgotten Nuclear Power', *Foreign Affairs*, vol. 70, no. 4 (August 2000), pp. 53-63. China's booming economy and gradual shift to free-market enterprise are among the few factors which counterbalance these Cold War arguments, see Joseph P. Quinlan, 'Ties That Bind', *Foreign Affairs*, vol. 81, no. 4 (August 2002), pp. 116-226; and John Gershman, 'Is Southeast Asia the Second Front?', *Foreign Affairs*, vol. 81, no. 4 (August 2002), pp. 60-74.

It was then no surprise that at the end of 2004 Timorese government officials, in order to protect their own national interests, began entering into pacts with Indonesia and essentially walked away from pursuing human rights prosecutions against suspected Indonesian perpetrators. This did little to help achieve one of the SCU's major objectives alluded to by Judge Phillip Rapoza: to deter "would be" human rights offenders.<sup>1161</sup> Instead, the perception that justice was denied because of political bartering did nothing to deter "would be" violators or help to build a culture of respect for the rule-of-law inside Timor Leste.

**Complete Failure?** By the end of 2003 there were 22 probationary Timorese judges.<sup>1162</sup> By the beginning of 2005, Timor Leste's court system had to "start from scratch" when all 22 of those judges failed to meet government testing criteria. The manner in which examinations were conducted raised suspicions that the process was a bureaucratic attempt to circumvent the constitutional independence of the judiciary and to remove probationary judges appointed by UNTAET.<sup>1163</sup> This left four international judges to sit in the country's courts while three Timorese judges remained sitting beside international judges on the special panels. To fill the resulting vacuum in the court system, the government proposed appointing additional international judges: an option that was considered and rejected by UNTAET in 2000.<sup>1164</sup> This cleared the way for implementing the government's language agenda and perhaps streamlining procedures in the in the formal courts.

One of the key weaknesses with the approach adopted by UNTAET and continued by UNMISSET was that neither mission provided sufficient technical support for building local judicial capacity. Instead, the UN installed "an interim system to create

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<sup>1161</sup> Phillip Rapoza, 'The Serious Crimes Process...', (2002), p. 7.

<sup>1162</sup> Sérgio Vieira de Mello interview, Dili, 10 November 2001.

<sup>1163</sup> For more detailed discussion see Judicial System Monitoring Program, *Justice Update*, Issue no. 4/2004, Dili, 10 to 23 May (2004).

<sup>1164</sup> Beauvais, pp. 1158-1159.

stability”,<sup>1165</sup> which could not survive when the international community began to leave. Moreover, the UN’s focus on formal state justice mechanisms tended to undermine its very development by ignoring customary law and local dispute resolution mechanisms. The resulting capacity-building and capacity-development weaknesses with both systems undermined the objectives of creating a viable, coherent, and sustainable overall legal system able to protect vulnerable groups, prevent human rights violations, and introduce a measure of social stability by building a culture of respect for the rule-of-law.

#### **7.4.4 Local Authority and Post-2002 Decentralisation**

As noted in Chapter 6, UNTAET’s efforts at developing local government were limited to creating an institutional shell upon which an independent government could build. This adhered to donor requirements of reducing layers of government bureaucracy from those which existed during the Indonesian period, thus hopefully promoting the development of a sustainable public administration.<sup>1166</sup> In practice, what emerged was a district administrative structure that resembled the one employed by the Indonesian government.

Fragmented local political authority and the regional strength of disaffected groups created concerns about state fragmentation based around local fiefdoms. These fears reinforced the centrist policy choices of the Mozambique clique in government. This sat at odds with the rationales for decentralising political authority and developing local government: (1) increasing local-level participation in political decision-making process; (2) reducing administrative costs; (3) raising returns on government service provision and development programming by its increasing relevance in local settings; (4) improving community access to government services and (5) making government more responsive to local needs.<sup>1167</sup> These rationales implied the state would be strengthened from the

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<sup>1165</sup> Mohamed Othman, Former Chief of Prosecutions Timor Leste, ‘Public Presentation...,’ (January 2003), p. 7.

<sup>1166</sup> Mári Alkatiri interview, Díli, 12 February 2004; Lino Torrensau interview, Díli, 22 November 2003.

bottom-up through localised institutional entry points able to promote community participation in governance and development at all levels of society.

Government critics ascribed the slow pace of decentralisation to FRETILIN's attempts to control the public administration by first consolidating its hold on national level institutions.<sup>1168</sup> UN advisors within the public administration argued that such claims more often than not amounted to baseless conspiracy theorising.<sup>1169</sup> Timor Leste's constitution recognised the importance of local government and decentralisation and the government saw tremendous merits in the rationales for decentralisation. However, it adopted a cautious approach in order to avoid the negative impacts hastily or poorly defined efforts have upon fragile or newly formed democracies.<sup>1170</sup> More simply, implementation was slowed by bureaucratic and technical delays associated with arranging donor funding, conducting implementation studies and analysing and fine-tuning options that emerged.<sup>1171</sup>

Turner and Hulme point out that decentralisation is an often used but poorly defined term.<sup>1172</sup> They list several forms of decentralisation and suggest that the basis for transferring power from the centre is often territorial, which can also be made along functional lines by transferring authority to a specialised agency. Functional decentralisation can take three forms: (1) from central government to local government structures; (2) transfer within public administrative or parastatal structures (e.g. from ministry to its district offices) and (3) from the state to non-state agencies.<sup>1173</sup> Devolution

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<sup>1167</sup> See complete Administration for Local Governance and Development, 'Local Government Options Study...', (2003); and Xanana Gusmão, 'Speech by President Kay Rala Xanana Gusmão on the Occasion of the National Dialogue II Theme: Local Governance,' Díli, 24 May 2003.

<sup>1168</sup> Informant Number 24 (Timorese national).

<sup>1169</sup> Alessandro Righetti interview, Díli, 6 February 2004.

<sup>1170</sup> For further discussion on these dangers see Addison (1998), p. 51.

<sup>1171</sup> Jill Engen interview, Díli, 30 October 2003.

<sup>1172</sup> For further discussion see Turner and Hulme (1997), pp. 152-159.

<sup>1173</sup> *ibid.*, p. 152.

of power is often a preferred choice because it carries with it the promise of local democracy and technical efficiency.<sup>1174</sup> Timor Leste's constitution envisaged that local government bodies would promote the participation of people in controlling their own destinies, whilst at the same time not prejudicing the central government's legal right to be represented, or to influence policy, at all institutional levels of the public administration.<sup>1175</sup> As with other governance competencies for the public administration, the constitution promoted a corporatist view of decentralisation and local government development (see Chapter 7 above).

In the absence of speedy reforms, District Community Development Committees (DCDCs) were established in 2003 by the government department now responsible for the administration of districts, DNAT. The DCDCs were to bring together donors, community representatives, and government officials working at district-level and below. Functions of the DCDCs included improving the coordination of development activities in rural areas, increasing government responsiveness to local development needs and responding to community disasters such as pest infestation or livestock disease. By early 2005, the government announced plans to divide the country into five administrative regions in order to concentrate the technical capabilities of the public administration, thus facilitating regional development activities by strengthening the overall institutional environment.<sup>1176</sup> After the release of the 2005 national budget, financing for development activities was to come from a proposed Local Development Fund with funds disbursement scheduled to begin in July 2005.<sup>1177</sup> Linking communities to this process was contingent upon the formation of village councils after local authority

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<sup>1174</sup> *ibid.*, p. 159.

<sup>1175</sup> *Constitution of the Democratic Republic of East Timor* (Díli: March 2002), Article 72 (1).

<sup>1176</sup> Timor Leste's 2005 national budget was US\$ 250 million, 75 percent of government expenditures were met by contributions from donor agencies and bi-lateral funding sources. Donors pledged support for 17 Sector Investment Programs covering public works such as the construction of schools and hospitals and training activities for civil servants, 'Aid Donors Praise Impressive Progress, Pledge to Continue Support', *Lusa*, 5 April 2005.

<sup>1177</sup> Democratic Republic of East Timor, *The Road Map* (Díli: RDTL, April 2003), pp. 9-11.

elections in late 2004 and early 2005, commonly referred to as *suco* elections, which would provide the institutional mechanisms for grassroots participation.

As part of the government's national stability program released in early 2003, *suco* elections sought to legitimise village-level leaders through democratic means.<sup>1178</sup> Importantly, it aimed to address issues of fragmented or contested local political authority that existed following 1999.<sup>1179</sup> The modalities were set out in Decree Law 5/2004. This stated that local authorities would consist of elected *chefes de suco* and elected *suco* council members. It was hoped that *chefes de suco* would introduce the “best elements” of traditional practice by presiding over council meetings, coordinating the implementation of council decisions and promoting a participatory grassroots approach to planning and implementation of community projects. The initiative therefore sought to consolidate national cohesiveness while also providing community with goods and services in a way that would promote sustainable local development.<sup>1180</sup>

Critics of this approach argued the legislation and various studies which informed the process confused different Western models with local systems in Timor Leste. In turn, the entire strategy threatened to undermine the ability of traditional structures to ensure social stability.<sup>1181</sup> The result was that real local authority, or traditional local power, conflicted with the modern approaches to governance in the proposed *suco* councils as defined by law. Social anthropologist Dionísio Babo-Soares further argues that the initiative was influenced by FRETILIN's modernism, which was at the heart of its potential conflict with the traditionalism of rural society. In this light, local authority elections would only resolve the government's confusion, because “there is not confusion

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<sup>1178</sup> Democratic Republic of East Timor, *The Road Map, Annex 2- The Stability Program* (Díli: RDTL, April 2003), 24.

<sup>1179</sup> Alessandro Righetti interview, Díli, 6 February 2004.

<sup>1180</sup> Democratic Republic of Timor Leste, *Community Authorities*, Government Decree Law No. 5/2004 <http://www.unmiset.org/legal/RDTL-Law/index-e.htm> (6 April 2004); Democratic Republic of Timor Leste, *Election of Suco Chiefs and Suco Councils*, National Parliament Law No. 2/2004 (10 February 2004) <http://www.unmiset.org/legal/RDTL-Law/index-e.htm> (6 April 2004).

<sup>1181</sup> Manuel Tilman interview, Díli, 13 December 2003.

among the population, everyone in the villages know the legitimate leaders already”.<sup>1182</sup> These criticisms appeared valid in relation to traditional spiritual authority, rather than contested or fragmented political authority at local levels (see Chapter 6 above).

Government attempts to resolve issues of contested local political authority disproved notions that FRETILIN’s modernism threatened to destroy hereditary governance systems. In fact, it was quite the opposite. Writing about state-building efforts on the African continent, Larry Diamond notes that in the case of Botswana,

The ruling party has built on the tradition of the *kgotla*, a communal assembly to consult public opinion and mobilise public support, in seeking local approval for development policies before any implementation. It has also used the traditional chiefs, who retain popular esteem, to legitimate the new political structures and solicit community support.<sup>1183</sup>

The logic underpinning Timor Leste’s *suco* elections, subsequent formation of *suco* councils, and development initiatives through the proposed LDF, paralleled Botswana’s efforts. The government of Botswana consolidated political authority at local levels by working with hereditary leaders and village chiefs while at the same time introducing progressive notions of popular participation.

The first round of *suco* elections conducted in the western districts of Oecussi and Bobonaro during December 2004 offered interesting results regarding national level political parties.<sup>1184</sup> The only party registered to compete was FRETILIN, along with a number of independent candidates. According to President Gusmão, the lack of broader party involvement stemmed from “disinterest” until November 2004, even though the Law on Political Parties governing party registration and campaigning was publicly available months earlier.<sup>1185</sup> This was further testimony to the failure of opposition

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<sup>1182</sup> Dionísio Babo-Soares interview, Díli, 26 February 2004.

<sup>1183</sup> Diamond (1988), pp. 14-15.

<sup>1184</sup> Overall Local Authority elections saw FRETILIN win comfortable majorities around the country while PD made minor improvements relative to its performance during the Constituent Assembly elections.

<sup>1185</sup> Xanana Gusmão, ‘End of Year Message...,’ (2004).

parties to develop their internal mechanisms and organisational structures beyond the confines of Díli since August 2001.

#### **7.4.5 Open Government Program and Politics of Personality**

**An Alienated Government.** Public perception of an alienated government and public administration was yet another factor that contributed to the December 2002 riots. It was a view shared by many Timorese and foreign observers up to the beginning of 2005. These views held a somewhat common theme and were most readily identified by claims made by CPD-RDTL: *mestiço* elites had returned to “re-colonise” the country from within. It was an artificial construct that bore little relation to the realities of modern Timorese class structure, but was nevertheless used as a weapon against those setting the policy-agendas of the country. While typically directed at the Mozambique clique, it likely would have been used against any readily identifiable group in power from higher social standing.

Claims of an alienated government were not balanced by an understanding of the cultural, political, historical and geographic characteristics of the country and its people. The country’s small geographic size and population, limited number of individuals with senior leadership and decision-making skills, strong social hierarchies, together with weak institutions and poorly developed administrative procedures created a situation in which government stability and performance, in both the political and administrative realms depended on key figures. For example, in the Ministry of Foreign Affairs and Cooperation leadership positions tended to be filled by people best qualified to address the political and administrative challenges of the country. Moreover, senior positions in government were filled in a manner that paralleled leadership roles during the years of resistance. Gusmão with his personalised and highly informal style, made for a good “unifying” president, but those skills were not best suited for an administrator and prime minister. Alkatiri’s administrative skills and earlier academic background equipped him well to act as a prime minister, but his abrasive personal style did not make him particularly suited to act as a unifying president. José Ramos-Horta, with decades of experience lobbying the international community was certainly best-qualified to act as

the country's senior minister for foreign affairs, but his diplomatic skills did not prepare him to the tasks expected of a prime minister- although one must hope this assertion is incorrect. The nature of political resistance inside Timor Leste meant there was a natural societal tendency to politicise these realities, thus adding to social unrest during periods of internal political tension or rising community grievance.

**Open Government.** Following the December 2002 riots an Open Government Program beginning in early 2003, sought to address issues of government alienation and alleviate it as a source of social grievance. The program created vehicles through which to familiarise communities with government officials and to provide communities an opportunity to express their concerns to public officials.<sup>1186</sup> Secretaries of state and vice ministers were dispatched to serve in the districts for extended periods, while senior officials such as ministers, the prime minister and the president visited districts less frequently and for shorter periods.<sup>1187</sup> This built on attempts to introduce mechanisms of deliberative democracy inside parliament by promoting direct dialogues between government officials and community members, thereby allowing community views to inform government decision-making and policy-development.<sup>1188</sup>

According to Father Julió Crispem Ximenes Belo from Baucau, as the program evolved, it became akin to FRETILIN campaigning.<sup>1189</sup> Public administration and government officials, most often FRETILIN party members, usually told attendees about their plans rather than listening to people's problems. At the same time, the majority of attendees at meetings were FRETILIN party members or government bureaucrats, which made for "already supportive crowds". Because it failed to bridge the divide between government

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<sup>1186</sup> United Nations Security Council, *Report of the Secretary-General...*, S/2003/944 (2003), para. 4.

<sup>1187</sup> *ibid.*, p. 2.

<sup>1188</sup> Theorists on deliberative forms of democracy describe this as a method by which government policy-makers engage with community members in an "inter-active exploration of options in law and policy", see Uhr (1996), p. 11; and J. Bohman, *Public Deliberation* (Cambridge, Massachusetts: MIT Press, 1996), p. 244.

<sup>1189</sup> Father Julió Crispim Ximenes Belo interview, Baucau, 5 November 2003.

and communities, the program did not increase broad levels of community awareness, or solicit broad community inputs to policy-making. Moreover, the pattern of attendance at meetings, or “already supportive crowds”, resulted in government officials believing strongly that popular discontent was not so great. Because public discontent was not so great, there was no sense of urgency to redress community grievances.

The underlying paternalism of senior officials “going down to the people” fed into Indonesian era notions of “guided development”, which reinforced dependence mentalities among those attending meetings.<sup>1190</sup> Believing that problems could only be resolved by high-ranking government figures centralised the democratic process and reinforced the personalised nature of politics and public administration. United Nations Military Observer Group (UNMOG) officials, in constant daily contact with rural villagers, listed several noteworthy points.<sup>1191</sup> They observed a rise in community hostility towards senior government officials once communities realised that officials were unable to address community needs: described as an “erosion of public confidence”. This undermined the credibility of leaders whom villagers believed were making “empty promises”, which then undermined the legitimacy and credibility of the central government. These unintended consequences worked against virtually every one of the program’s objectives.

**Increasing Government Intolerance.** Deteriorating government credibility and its alienation from the general population was compounded by claims of growing government intolerance. Following independence on 20 May 2002, the government increasingly viewed organised protest as security threats and attempted to curtail public dissent with various pieces of legislation. The Immigration and Asylum Law was surrounded by controversy when the Court of Appeal decided that limitations placed on freedom of assembly and association for foreigners were unconstitutional.<sup>1192</sup> The 2003

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<sup>1190</sup> Jackie Pomeroy interview, Dili, 15 December 2003; Laura Bailey interview, Dili, 15 December 2003.

<sup>1191</sup> ‘UNMOG Field Patrols’, Direct Observation, November 2003.

<sup>1192</sup> Amnesty International, *Report 2004- Timor Leste* (London: 2004), p. 2.

Internal Security Act gave PNTL powers to request identification documents from any individual at any time without a justifiable legal reason.<sup>1193</sup> JSMP argued this was the sort of police power used in politically oppressive regimes to limit opposition to a ruling group, or “as a means of obtaining information about opposition members and civil society groups”.<sup>1194</sup> Draft laws in 2004 also proposed to limit public demonstrations inside Díli.<sup>1195</sup>

During 2004 there were several occasions that ministerial officials circumvented legal processes by issuing directives for police to disband a demonstration, or arrest those involved.<sup>1196</sup> In Suai, during March 2004, instructions were sent to civil servants not to attend a PD rally followed by orders issued to PNTL to disband the gathering once it occurred.<sup>1197</sup> The local police commander who refused the instruction was later transferred, while civil servants attending were either transferred or suspended from work without pay.<sup>1198</sup> The most notable examples occurred in July 2004 with the arrests of CPD-RDTL members who had organised “registration boycotts” of *suco* elections; and when executive orders were issued by the Prime Minister to disband a protest in Díli led by ex-FALINTIL commander Elle Sette.

Weak civilian oversight limited the government’s public accountability. The Professional Ethics and Deontology Unit (PEDU), an internal PNTL oversight body, was

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<sup>1193</sup> Democratic Republic of Timor Leste, *Internal Security Act*, National Parliament Law No. 8/2003, Section 15.2(a) <http://www.unmiset.org/legal/RDTL-Law/index-e.htm> (03 October 2004).

<sup>1194</sup> Judicial System Monitoring Program, *JSMP Report on the Internal Security Act (Bill)* (Díli: JSMP, October 2003), p. 16.

<sup>1195</sup> Human Rights Watch, ‘East Timor: New Law Aims to Stifle Political Dissent. President Gusmão Should Veto Bill Threatening Free Expression and Assembly’, 30 December 2004. The proposed law originally sought to prohibit public protest within a 500 meter radius of government buildings. When conducting a geographic mapping exercise of Díli locating existing government buildings and overlapping the exclusion areas, virtually all of Díli’s modern section would be a no-protest zone. The exclusion radius in the draft law was later amended to 100 meters.

<sup>1196</sup> Human Rights Officer, UNMISSET, Díli, October 2004.

<sup>1197</sup> United Nations Security Council, *Report of the Secretary-General...*, S/2004/333 (2004), p. 3.

<sup>1198</sup> Informant Number 11 (UN Official).

under-resourced, lacked institutional recognition with the police services and had little authority over its different branches. For similar reasons, the Human Rights Unit attached to the Prime Minister's office was poorly equipped to address issues of police misconduct. The *Provedor de Direitos Humanos e Justiça*, or Ombudsman's office, was established in 2004 to strengthen civilian oversight by investigating, among other matters, complaints of human rights violations and maladministration or corruption by the government.<sup>1199</sup> Like other oversight and accountability mechanisms it lacked sufficient resources to further its work and lacked institutional authority over other parts of the public administration. These sorts of weaknesses added to community perceptions that a state of impunity existed for police guilty of misconduct or who committed various violations of law; and that security mechanisms could serve vested political interests within government.<sup>1200</sup>

Claims that government officials had become intolerant and circumvented legal processes overlooked the political challenges confronting courts. Existing court weaknesses created significant scope for disaffected groups to politicise the judiciary and more broadly undermine court authority. As noted above, it was not uncommon for court personnel recruited by UNTAET, all of whom had graduated from Indonesian universities, to be confronted with politically sensitive situations that exposed them to personal danger.<sup>1201</sup> In this context, it was only leadership figures with high levels of "resistance legitimacy" that had sufficient political authority to address acts of dissent involving disaffected ex-combatants. The lessons of "leadership paralysis" and operational failures during the December 2002 riots appeared to convince senior officials

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<sup>1199</sup> Democratic Republic of Timor Leste, *Approving the Statute of the Office of the Ombudsman for Human Rights and Justice*, National Parliament Law No. 7/2004 (26 May 2004) <http://www.unmiset.org/legal/RDTL-Law/index-e.htm> (29 September 2004); Amnesty International, *The Democratic Republic of Timor Leste: A New Police Service...*, (2003), p. 35.

<sup>1200</sup> See United Nations High Commissioner for Human Rights, *Report of the United Nations High Commissioner...*, E/CN.4/2004/107 (2004), p. 7; and Judicial System Monitoring Program, *JSMP Report...*, (2003), p. 19; and Judicial System Monitoring Program, *Justice Update*, Issue no. 4/2004, 10 to 23 May (2004).

<sup>1201</sup> Probationary judges came under personal threat at several different points which undermined their ability to implement law, Informant Number 13 (Timorese National); Informant Number 7 (UN Official).

that decisive action in the face of dissent was required to maintain stability.<sup>1202</sup> Moreover ex-pro-Indonesian militia, known to have murdered pro-independence supporters in 1999, easily re-entered Timor Leste with falsified Indonesian documents roaming the streets of Díli, behaving disruptively and aggressively with little fear of being arrested.<sup>1203</sup>

Accusations of an intolerant government were never really balanced against the high levels of freedom the East Timorese enjoyed following 1999. In mid-2004, the French based organisation *Journalists Sans Frontiers* (Journalists Without Borders) ranked Timor Leste's level of media freedoms number 58 out of 167 countries.<sup>1204</sup> There were several local newspapers and community radio services, but only the state-owned media television and radio outlets reported government interference.<sup>1205</sup> Local NGOs did not report political interference or intimidation from government, nor were any reports received of arbitrary or unlawful deprivation of life or politically motivated disappearances.<sup>1206</sup> Nevertheless, institutional weaknesses and poor checks-and-balances against the abuse of state power meant that "positive" performance of the country's institutions was dependent upon the benevolence of senior leadership figures in the government and the bureaucracy.

## 7.5 Summary Discussion

During UNMISSET's planning phase UN personnel correctly argued that confused and contested structures of transitional authority could undermine the UN's executive policing functions and response capabilities. These fears were born out with rising levels

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<sup>1202</sup> See La'o Hamutuk, '4 December Disorder: The International Community Must Accept Responsibility', *The La'o Hamutuk Bulletin* vol. 3, no. 8 (December 2002), p. 7.

<sup>1203</sup> Direct Observation, October 2004, Díli.

<sup>1204</sup> Reporters without Borders, *East Timor- 2004 Annual*. <http://www.rsf.org> (19 September 2004).

<sup>1205</sup> *ibid.*

<sup>1206</sup> United States Department of State, *East Timor* (Washington: Bureau of Democracy, Human Rights, and Labour, Department of State, 28 February 2005), <http://www.state.gov/g/drl/rls/hrrpt/2004/41641.htm> (5 April 2005).

of social instability and political contestation which culminated in the December 2002 riots. The lessons drawn by Timor Leste's government was that failure to take decisive action in the face of protest could lead to explosive street violence. The event also demonstrated that UNTAET realistically could not have resolved the country's long-standing internal political divisions within a short 30-month period. Nevertheless, the riots acted as a wake-up call about the dangers of mobilising popular discontent for elite political agendas, which could explode into violence given a lack of democratic responsibility among more volatile segments of society. Popular discontent was no longer directed at the UN. It had shifted towards the newly formed elites who were accused of reaping the benefits of independence while the bulk of the population languished in poverty. At the same time, and in order to give space for elite rivalries to settle, the political factors underpinning the radicalisation of December's protests were put aside as a necessary trade-off to ensure stability; they were never resolved.

Across the border, political imperatives underpinning Indonesia's ad hoc human rights investigations, together with Timor Leste's own SCU conviction statistics, supported Indonesian claims that human rights violations committed during 1999 were the product of internal factional Timorese conflicts. It was no surprise that Timor Leste's government in an obvious attempt to promote territorial then abandoned the externally driven SCU by the end of 2004 in favour of a bi-lateral truth finding process with Indonesia. This angered victims groups who wanted justice for the crimes they endured, but also contributed to arguments that Timor Leste's new elites were more concerned about consolidating the state for their own benefits.

Weak training approaches together with limited logistical support to the courts and the PNTL left both institutions unable to fulfil their functions in maintaining law and order without significant external assistance. Weaknesses found in the courts were, in part, a result of UNTAET's experiment at introducing a hybrid court system that at one level sought to get international justice "on the cheap". This initiative further confused an inexperienced justice sector already struggling to reconcile the differences between formal and informal justice mechanisms and diverted resources from the development of

both. If creating a functioning justice system was one of UNTAET's key benchmarks for success, it certainly appeared to be a miserable failure by the beginning of 2005. This was most visibly demonstrated by the inability of all 22 of Timor Leste's probationary judges to meet requirements to continue work. Moreover, this failure threatened to increase the population's alienation from their government and undermine both the consolidation and legitimation of the new state through institutional peace-building. Timor Leste's government recognised the need to bridge the community/government divide and made moves to consolidate local authority through *suco* elections. However, the slow pace on local government development and the creation of institutionalised local-level political entry points left a large gap between state and society. Instead, through the Local Development fund and the creation of District Coordination Development Committees, the government introduced an instrumental approach to community participation and development that had parallels with the CEP. As with the CEP, this approach did not promise to promote the type of community involvement in politics and society that would build constructive citizenship.

The weakness found with state institutions promoted dependency upon the benevolence of individual leadership figures within government who sought to build a country that would benefit all. This increased the importance of individuals over institutions in political decision-making and development processes. Perhaps this was no surprise given the characteristics of the country, the point of departure for institution building in 1999, the nature of the clandestine resistance prior to 1999, and the weaknesses of UNTAET's capacity-development strategies. East Timorese leadership benevolence was a major strength in UN state-building efforts demonstrating the important role local actors play in internationally led multi-dimensional peacekeeping interventions. Timor Leste's leadership generally worked in such a manner that allowed time for the consolidation of newly constructed state institutions in order to ensure that emerging political freedoms outlive any one individual. This gave rise to various political pacts and a growing level of acceptance about the "democratic rules of the game" among Timor Leste's political elite, even if only temporarily. Conversely, a security-first approach to internal acts of

civilian disobedience threatened to smother democratic space that would allow legitimate acts of peaceful civil disobedience.

UNMISSET's operational failures in the lead-up to the December riots did not change the fact that its overall security role was one of the major reasons why Timor Leste experienced high levels of stability following independence. The mission's retention of a credible PKF deterrent along the border countered real and perceived threats of militia incursions. It also instilled a sense of "psychological assurance" to a population traumatised by years of violence.<sup>1207</sup> The presence of a UN mission continued to have a moderating influence upon the country's internal political divisions. It provided a sense of continuity and institutional stability once the transitional window of instability was reduced following December's riots. The transition to an assistance mission "model", rather than UNTAET's governorship model in place during the country's chaotic stage of political development following September 1999, also proved to be well-suited for the stages of political reconstruction that existed inside Timor Leste.

Underneath the surface of the elite pacts, there remained unresolved and potentially acute political divisions. This was most pronounced between the PNTL and F-FDTL which, combined with their institutional weaknesses, had the potential to explode into violent fighting. Working against the cohesiveness of the political system and elite political pacts was the continuing hostility of FRETILIN's opposition groups. These groups continued to explore "non-institutional" means of securing power, principally framing their arguments around the notion of an alienated government and claims that the state was dominated by a self-interested "left-wing" party. This continually undermined the legitimacy of the government. By the beginning of 2005 Timor Leste was a fragile state with yet to be consolidated institutions whose viability depended upon external assistance and the benevolence of the country's political leadership. Weaknesses with institutional peace-building meant there was no guarantee that the peace established in post-conflict Timor Leste could be sustained following any future withdrawal of UN peacekeeping.

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<sup>1207</sup> Kamaleh Sharma, *Statement of Mr. Kamaleh Sharma...*, (2003), para. 21.

## Chapter 8 – Conclusion

By May 2006 UN cynics and critics of Timor Leste's post-conflict political reconstruction had much to celebrate. An acute political crisis began when less than 200 soldiers mutinied in protest over claims of discrimination within the army.<sup>1208</sup> Few expected it would escalate to a perilous brink of civil war. The state slipped to the verge of collapse with the onset of running gun battles between factional civilian, police and army groups in areas around Díli; and in the areas most heavily affected by factional fighting entire neighbourhoods were left smouldering ruins.<sup>1209</sup>

As the drama initially unfolded in February 2006 petitioning soldiers refused to cooperate with a government led investigation to address their grievances. The lack of cooperation led army Brigadier General Taur Matan Ruak on 1 March to dismiss protesting soldiers for being absent from their posts for more than one month. In response the leader of aggrieved soldiers, Lt. Gastão Salsinha, indicated that his group would only accept a decision made by then president Gusmão, even if his decision supported Ruak's position.<sup>1210</sup> The president then described the dismissal of soldiers as "wrong and unjust". During March Gusmão also expressed public concerns about anti-democratic tendencies unfolding in Timor Leste, presumably in reference to the FRETILIN ruling party, and talked of "a natural tendency to do anything to retain power".<sup>1211</sup> Moreover, opposition parties such as PD began to manipulate public grievance by playing the "religious card". During the same period, PD's leaders promised to recruit Timor's Catholic Bishops as government advisors if PD won the next national election.<sup>1212</sup> ASDT's leader Xavier do Amaral also publicly stated that "if a Muslim person is chosen

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<sup>1208</sup> Ministry of Foreign Affairs and Cooperation, 'MEDIA RELEASE', Democratic Republic of Timor Leste, 28 April 2006, p. 1.

<sup>1209</sup> For a more detailed account see *Rede Monitorizasaun Direitus Humanus*, 'Submission to the UN Independent Special Commission of Inquiry...', (2006).

<sup>1210</sup> UNOTIL, 'Weekly Report, 16-22 March 2006', Díli, March 2006, p. 1.

<sup>1211</sup> UNOTIL, 'Weekly Report, 9-15 March 2006', Díli, March 2006, p. 2.

<sup>1212</sup> UNOTIL, 'Weekly Report, 30 March-05 April', Díli, April 2006, p.3

to lead the country, then this means we are against Christ”.<sup>1213</sup> During this period at least two high-profile figures aligned to PD emerged as key leaders among anti-government forces. These included Eduardo Barretto and a former FALINTIL commander dismissed from the F-FDTL, officer “Deker”.<sup>1214</sup> These events, together with the government’s own defensive manoeuvring in response, aggravated dangerous political cleavages within Timorese society and its security institutions.

A first bout of violence occurred on 28 April when a group of youths co-opted peaceful protests organised by disaffected soldiers.<sup>1215</sup> According to UN reports, subsequent rioting appeared planned with “western groups” from Timor Leste targeting “eastern groups”.<sup>1216</sup> According to government reports, those co-opting the protest were youth “opportunistic elements” linked to *Colimau* 2000; a group with bases of support in western regions of the country.<sup>1217</sup> While less certain of political affiliations, UN reports indicate that youth sympathisers for anti-government protests came primarily from the western districts of Maliana and Aileu.<sup>1218</sup> A government decision to deploy the military to restore public order was followed by sensationalist claims that up to 100 civilians were killed in a military crackdown (rumours circulated and presented as credible reports by individuals intimately linked to PD), which aggravated an atmosphere of fear and hysteria and contributed to a massive exodus of terrified people from Díli and the onset of a humanitarian emergency.

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<sup>1213</sup> *ibid.*

<sup>1214</sup> UNOTIL, ‘Weekly Report, 4 May-10 May 2006’, Díli, May 2006, pp. 2-3.

<sup>1215</sup> For a more detailed discussion of these events see International Crisis Group, *Resolving Timor Leste’s Crisis* (ICG Jakarta: Asia Report no. 120, 10 October 2006), pp. 6-9.

<sup>1216</sup> UNOTIL, ‘Weekly Report, 27 April-3 May 2006’, Díli, May 2006, p. 1

<sup>1217</sup> *ibid.*, pp. 2-3.

<sup>1218</sup> UNOTIL, ‘Weekly Report, 19-24 May 2006’, Díli, May 2006, p. 4.

On the international stage by the beginning of 2006 American foreign policy, with its focus on the global war on terror, had captured the failed state discourse.<sup>1219</sup> Political recovery and development assistance for post-conflict societies increasingly fell under the shadow of Western geo-strategic interests. Sovereignty, democracy, development and sustainable peace were secondary if not entirely trivial matters in comparison. American, Australian and Japanese pressure upon the UN to wrap-up its state-building activities in Timor Leste by May 2006 with UNOTIL, thus freeing UN resources for places such as Afghanistan, Iraq and Sudan, had disastrous consequences upon Timor Leste's fragile institutions and democratic system, which were still far from consolidated. As with earlier UN transitions, in the minds of Timorese this added to a sense of finality of the UN's involvement in Timor Leste, undermined external support mechanisms to the internal authority of the country's governance institutions, and created a vacuum of authority in which political opponents of the government sought to undermine its legitimacy.

Attacks against the government's legitimacy also came from abroad. For example, James Dun argues that the FRETILIN government under Prime Minister Alkatiri "proved itself to be a reasonably efficient manager at a difficult time for East Timor's weakling economy".<sup>1220</sup> However, the "aggressive" reporting of the Australian media added to tensions among a disgruntled population.<sup>1221</sup> Moreover, weaknesses with international capacity-development assistance seeking to strengthen the service delivery capabilities of Timor Leste's public administration fuelled social problems. By September 2006 Timor Leste managed to spend only some 31 percent of its 2005 to 2006 national budget. The resulting failures to implement development programs added to the grievances of poverty afflicted communities, alienation of the government from the population and increased public speculation of rampant government corruption. Unbelievably, observers such as Mark Aarons blamed Alkatiri and FRETILIN for creating a "cumbersome bureaucracy"

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<sup>1219</sup> For a brief discussion see Fukuyama (2005), pp. 125-133.

<sup>1220</sup> James Dunn, 'Dream of Democracy, Like East Timor's People, Broken', *Canberra Times*, 27 June 2006

<sup>1221</sup> *ibid.*

that undermined all development programs.<sup>1222</sup> This was perhaps the grossest simplification of complex problems that had their roots in the confused policy advice of donors, aid agencies and the conflicting cultures of governance within the Timor Leste's public administration. Nevertheless, finger-pointing exercises had a strategic purpose. They added to a de-legitimising discourse against FRETILIN's leadership and to a fairly simplistic line of reasoning: the country's problems sprang from the Mozambique clique and the divisive leadership style of Alkatiri. Therefore, the solution was quite straightforward: politically assassinate those FRETILIN leadership figures so that they could never reclaim meaningful positions to govern the country.

Following the worst period of factional fighting during May conservative Australian voices repeated a mantra entrenched since 2000 that attacked the legitimacy of Timor Leste's government. The Australian government was called upon to support efforts to remove "the clique of ageing, dogmatic Marxist-Leninists within FRETILIN [who] exacerbated every division within East Timorese society".<sup>1223</sup> This, it was argued, would allow Australia to shape Timor Leste's political development through new leaders; thus securing Australian national interests vis-à-vis countries such as Portugal and China. These dynamics were reflected by the refusal of several governments, including Australia's, to accept as SRSG António Mascarenhas Monteiro, former president of Cape Verde, to replace Sukehiro Hasegawa as leader of a new UN peacekeeping mission. There existed a perception that Monteiro would "favour interests aligned with 'lusaphone' (Portuguese-speaking) countries such as Portugal, Mozambique, and Angola".<sup>1224</sup> From the outset Monteiro had been undermined by a political campaign

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<sup>1222</sup> Mark Aarons, 'East Timor Drama Had No Hidden Agenda', *Australian*, 26 September 2006 <http://www.theaustralian.news.com.au/story/0,20867,20474700-7583,00.html>

<sup>1223</sup> For examples see 'The Strange Logic of Greg Sheridan'. June 2006, <http://www.asianlan.g.mq.edu.au/INL/Sheridan.htm>; Paul Kelly, 'Display of Power', *Australian*, 31 May 2006. Others such as Tim Anderson not that that all of Timor's recent political leadership was by coalition but it was a point ignored by the government's critics, see Tim Anderson, 'East Timor After Alkatiri: Nation or Protectorate?', *New Matilda*, Friday 30 June 2006 <http://www.newmatilda.com>

<sup>1224</sup> Lindsay Murdoch, 'East Timor Shock as New UN Chief Changes His Mind', *Sydney Morning Herald*, 29 September 2006

accusing him of being a Marxist sympathiser aligned to Portuguese speaking countries, and even China. Ultimately, Monteiro was left emasculated as an effective SRSG able to facilitate the peaceful resolution to Timor's internal factional divides; as a result he declined accepting the position. In a somewhat disingenuous attempt to distract public attention from these political dynamics right-wing newspapers in Australia simply argued that Monteiro was "told the job is not his" because he could not speak English.<sup>1225</sup>

Even voices sympathetic to Timor Leste, seeing in Timor's political crisis an opportunity to remove a government they did not favour, joined in on the act. Based on what was at best flimsy evidence, the Australian Broadcasting Corporation aired a program appropriately entitled "Stoking the Fires". The program implicated Prime Minister Alkatiri in criminal acts, illegal distribution of weapons and organising "hit-squads" to murder FRETILIN's political rivals.<sup>1226</sup> In short, Alkatiri was portrayed as the "bogey man" of Timorese politics responsible for all the country's woes. In reference to the work of journalist John Martinkus who investigated allegations of an anti-government coup and made equally flimsy accusations against President Gusmão, Mark Aarons argued that "he and his supporters are actually damaging the future stability and development of the nation they claim passionately to support".<sup>1227</sup> Aarons thus deflected attention from the manner in which Western media and divisive foreign commentary had already contributed to a climate of crisis and factional conflict inside Timor Leste.

Those aligned to the views of Aarons renewed their calls for a government of national unity to be headed by President Gusmão. In turn, this would realise the political aims of FRETILIN's opponents ahead of an election they were bound to lose. However, a government of national unity offered little hope for reconciling the country's divided polity. Rightly or wrongly the perception among FRETILIN's rank-and-file was that Gusmão was a key player who contributed to the crisis and to the political attacks against

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<sup>1225</sup> For example see Mark Dodd, 'UN Withdraws New E. Timor Envoy for Lack of English', *Australian*, 29 September 2006.

<sup>1226</sup> 'Stoking the Fires', *4 Corners*, Australian Broadcasting Corporation, Reporter Liz Jackson, 19 June 2006 <http://abc.net.au/4corners/default.htm>

their party. With tarnished credibility it was simply nonsensical that Gusmão could act as a unifier between FRETILIN supporters and their political opponents.

Timor Leste's post-crisis reality was that the country was split along potentially acute political fault-lines. In western regions supporters were divided between pro-FRETILIN and pro-opposition groups, but there was a distinct divide between those in the east of the country where support was greatest for FRETILIN, and the more diffuse support for opposition groups in western districts. In a manner similar to Monteiro, the credibility of all of Timor Leste's senior political leaders had been undermined by accusations of partisan loyalties. The army's leadership and its loyalist rank-and-file turned on their commander-in-chief President Gusmão, believing he betrayed them when he argued that the army used unjustifiable force during the crisis. In turn, FRETILIN was accused of fuelling factionalism by manipulating the democratic system to its advantage. Broader weaknesses with a modernist state-building project that had failed to create synergies between state and society led to calls for the introduction of traditionalism into politics. It was hoped this would promote greater social cohesion by ensuring the country's government institutions reflected the cultural values of the population. However, as with the calls for a government of national unity such initiatives offered little hope of resolving contested political authority at local levels, or uniting easterners with westerners; particularly when considering that regional cultural and ethno-linguistic differences underpinned the promotion of factional political divisions during the crisis. In fact, the danger with such strategies was that they could institutionalise local level ethnic and cultural divisions into the national political discourse through the leaders of factional political camps.

Seeds of more dangerous political divisions within Timorese society also emerged with the UN investigative commission. The commission succeeded in establishing a factual record of government decision-making errors as the crisis evolved, in identifying numerous actors involved in fighting and in identifying the manner in which divisive leadership commentary contributed to the political crisis. However, the commission's

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<sup>1227</sup> Mark Aarons, 'East Timor Drama Had No Hidden Agenda'.

duties required it to walk a politically dangerous tightrope. It did this by focussing on government decision-making errors. This approach divorced the crisis from the political context in which it occurred and failed to lay the groundwork for addressing the political factors that underpinned the crisis. Paradoxically, through its legalistic approach identifying the government's decision-making errors the commission sought to shape the country's political destiny. The focus on government decision-making errors could only attribute principal blame for the crisis to government mismanagement; thus making it next to impossible for key FRETILIN leaders to ever again legitimately govern the country. Ultimately, the most troubling aspect of the crisis and subsequent "blame game" fiascos was that they set a dangerous precedent for the governance of the country: if Western support is forthcoming then factional political groups can manipulate public grievance to secure political power outside the rule-of-law.

The political crisis in 2006 came as no surprise for many individuals acquainted with the evolution of Timor Leste's state-building process since UNTAET's intervention in 1999. Nevertheless there remained sharp differences of opinion as to its causes. As noted above, simplistic arguments suggested that it sprang from the Mozambique clique and Alkatiri's abrasive leadership style. Others pointed to weak institutions, failures with traditional authority, weak decision-making processes, poverty, or to the self-interest of various political actors who undermined social cohesion. None of the partisan explanations given in the aftermath of the crisis offered a holistic understanding of the country's governance problems. In fact, they added obstacles for a successful recovery. Moreover, few public explanations appreciated that the factors giving rise to the May to June 2006 crisis were firmly entrenched prior to 2005. Many of those factors can be located in the grounded theoretical chapter to this work that outlines the process of post-colonial state-failure and humanitarian emergencies of the 1990s. These include but are not limited to: policy decisions of the government, approaches to economic development, institutional weaknesses, attempts to displace traditional forms of justice by imposing a modernist national legal system (i.e. failure to build a viable dual legal system), the growing divide between government and society, a failure to build constructive citizenship by developing local government structures, a political discourse undermining

government legitimacy, political manipulation of popular grievance and a high degree of ethno-linguistic groups from which to mobilise support around competing elite level political rivalries. The events of May to June 2006 were merely the logical conclusion of various policy and institutional development failures that were ignored by actors who had benefited from both UN and Timorese state-building successes up that point in time

## **8.1. Some Tentative Findings**

Chapter 1 put forward a series of questions to be investigated guided by the grounded theoretical framework of state-failure and post-conflict institutional peace-building outlined in Chapter 2. The questions were adapted to make them relevant to UN post-conflict state-building and political reconstruction in Timor Leste.

1. How did the UN influence issues of security and state-building?
2. How did the Timorese community influence state-building?
3. How did the political landscape evolve under the tutelage of the UN?
4. Who benefited from the political system constructed and how does that impact upon peace and development?
5. How did the UN influence the evolution of local political and administrative dynamics?
6. Which institutions are best suited for creating “good” government and societal relations during post-conflict political reconstruction?
7. What types of institutional arrangements consolidate democracy and build constructive citizenship among a population in a post-conflict society?
8. Did institutional engineering change the behaviour of Timorese political actors and if so how?

### ***Question 1 – How did the UN influence issues of security and state-building?***

When UNTAET began operations in December 1999 Timor Leste was a UN protectorate in a chaotic stage of political development. There was no formal government administration, the population was in the middle of a humanitarian emergency and

security threats were high. These conditions changed the nature of the UN's involvement from one of assisting an orderly "decolonisation process" into a peacekeeping intervention in a situation of political anarchy.

UNTAET's initial focus was upon stabilising the humanitarian emergency and ensuring internal and external security through its peacekeeping and policing forces. This latter objective remained a central focus of the mission's work well into 2001. This proved crucially important for facilitating political reconstruction, state-building, and conducting free and fair elections to identify a legitimate government to which political power could be transferred upon the country's independence. The sense of security provided by UNTAET's PKF allowed for a relatively stable process of transition during the country's early period of political recovery. Moreover, it provided an important sense of "psychological assurance" to a population traumatised by years of violence.

The UN's influence on state-building is much more nuanced. The establishment of state institutions, which was a clear success, must be treated separately from their capacity-development. UNTAET established power-sharing mechanisms with representative Timorese leaders and a nascent Timorese public administration – ETTA. At the same time it retained executive decision-making responsibilities and control over key government portfolios (e.g. defence, security, finance). The creation of ETTA alongside UNTAET, a two-track administrative model, jump-started the institutional development process and insulated UNTAET from Timor Leste's internal power rivalries. This allowed UNTAET to oversee the state-building and political transition process as a relatively neutral arbitrator. The approach ameliorated dangers of dependency and provided experience to the Timorese in running their own country under UNTAET's tutelage.

The dual administrative approach adopted by UNTAET is sometimes touted as model to be followed by future UN peacekeeping operations.<sup>1228</sup> Prior to 1999 traditional forms of

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<sup>1228</sup> Gunn and Huang (2006), p. 179.

peacekeeping sat awkwardly beside new forms of multi-dimensional operations that delved into complex areas of social, political and economic reconstruction. As pointed out by Gunn and Huang, the evolution of peacekeeping in Timor Leste “formalised the marriage of UN peace-building and state-building operations as the standard way in which the international community engages post-conflict situations”.<sup>1229</sup> While most UN missions are consent-based and designed to “play a secondary role to that of the host government letting the countries in question take ownership of the transition process”, UNTAET was a mixed “protectorate consent-based model” deployed into a “smoking ruin”.<sup>1230</sup> No clear reconstruction blueprints existed for state-building in this sort of context. The model of UNTAET, which later was replaced by the clearly identifiable consent-based approach of UNMISSET and subsequent UN missions, emerged through significant experimentation and learning. This resulted in several problems for the future governance of Timor Leste. Many of these sprang from UNTAET’s decision to proceed with state-building using an administrative approach designed for managing humanitarian relief operations, as well as the manner in which institutional capacity-development proceeded once state institutions had been established.

The centralisation of UNTAET’s administration was based on the rationale of providing efficient and accountable emergency assistance. This would reduce corruption and conflict among local stakeholders who might otherwise have sought to control the distribution of donor assistance. At the same time, de Mello relied upon elite alliance building to help UNTAET implement its mandate. The reliance on elite actors brought with it the danger of skewing the development of legitimate local political authority and fuelling internal factional rivalries by promoting one local group over another. Of key relevance is that centralisation and elite alliance building significantly limited broader community participation with subsequent state-building and capacity-development efforts. In turn, this centralised political and administrative functions in a manner that prevented the development of constructive citizenship, which could have strengthened

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<sup>1229</sup> *ibid.*, p. 175.

<sup>1230</sup> *ibid.*, p. 176.

the overall system of governance and made the government more responsive to the needs of the state's citizens.

Planning, coordination and implementation functions for capacity-development were placed under the primary responsibility of UNDP. Although nobody was certain what capacity-development should entail, the UN, the World Bank and other international aid agencies brought to Timor Leste numerous and sometimes conflicting approaches. While couched in diplomatic niceties, UN Secretary-General Kofi Annan alludes to the sort of problems which ensued by noting: "many different elements of the United Nations system and the broader international community engage in some form of peace-building, they work too slowly and without adequate coordination".<sup>1231</sup> In Timor Leste, many organisations claimed adherence to the principles of local ownership and sustainable development, but competing objectives sidelined the East Timorese from setting the reconstruction agenda. At the same time, the political limitations found in UNTAET's mandate meant that UNTAET steered clear of overly intrusive institutional engineering. Instead, in the context of contested political authority the international community focused on short-term reconstruction needs and building the basic foundations of a public administration.

The combination of factors listed above meant that capacity-development focused on building the skills of individuals at lower levels of the public administration, rather than complex institutional systems or structures. These types of interventions proved the easiest to implement and demonstrate progress to donors. For example, Durch et al note that peacekeeping operations "have become much more milestone-driven and focused on institution-building".<sup>1232</sup> While they suggest there have been improvements with longer-term commitment to post-conflict reconstruction, all too often in Timor Leste the demands for speeding results led to quick implementation and overly zealous reporting

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<sup>1231</sup> United Nations General Assembly, *A More Secure World: Our shared Responsibility, Report of the High-level Panel on Threats, Challenges and Change*. A/59/565 (2 December 2004), para 226.

<sup>1232</sup> Durch, Holt, Earle, and Shanahan (2003), p. 33.

about the actual successes achieved with the nebulous projects comprising strategic programs. For example, training efforts at the individual level were flawed for a number of reasons not least of which the failure to identify and build upon existing skills among the Timorese population. In fact, capacity-development only highlighted tensions between the UN's conflicting governance mandates and international staff poorly equipped to transfer skills in a manner that would build the capacities of their Timorese counterparts.

***Question 2 – How did the Timorese community influence state-building?***

The violence leading up to and during September 1999, and the CNRT's need to work through the referendum's political obstacles, meant that CNRT's leadership focused on security and stability. At the end of 1999 and in early 2000 CNRT leaders remained focussed on issues of security, stability and stabilising the humanitarian emergency before state-building could begin. By May 2000 they sought to speed the state-building process in order to avoid a dependency model of government and agreed that there was a need to quickly build the foundations of a modern democratic state. The establishment of ETTA and the introduction of greater power-sharing mechanisms with UNTAET, which was a product of united Timorese pressure on the UN, achieved these objectives.

The evolution of CNRT's planning for the capacity-development of an independent state demonstrates that its long-term strategies were vague and focused mainly on creating core administrative structures. Complex capacity-development could only begin following elections for a constituent assembly and the drafting of a constitution. In other words, DPKO's strategic plan, which had been devised in response to TNI organised militia violence during and preceding Black September paralleled the strategic objectives of CNRT's leadership. These objectives were mapped along a "transition continuum" from a chaotic stage of political development to constitutive and constructive stages, in the hope of reaching a consolidative period of state-building.

Although a basic state-building consensus emerged among CNRT leaders, historical rivalries and internal power struggles were plenty. The early transitional period saw the rise of numerous internal competitions for control along political cleavages that existed within East Timorese society and the resistance prior to 1999 and new ones that emerged post-1999. In short, CNRT was politically fragmented and poorly suited to act as an institutional state-building partner with UNTAET. FRETILIN, well-established at the local level through its party structure, was confident it would win power through democratic elections. CNRT's non-FRETILIN groups, after having secured institutional leverage within CNRT and UNTAET, believed that they could engineer electoral victory. That FRETILIN was outmanoeuvred in those bodies later became a campaigning strength during the Constituent Assembly elections of 2001. The party was able to capitalise upon popular disaffection towards UNTAET by denying accountability for policy-decisions that had frustrated so many Timorese.

Through ETTA, FRETILIN's dominant Mozambique clique exerted a significant level of influence on developing the country's nascent public administration. This camp brought lessons of post-liberation state-building from the African continent and feared a repetition in Timor Leste of the failures they had witnessed while in exile. Those experiences led FRETILIN's policy-makers to focus on building central government institutions, which they believed would help to consolidate the newly independent state. The decision to centralise government functions paralleled UNTAET's rationales for centralising the functions of its transitional administration. These included limiting corruption at lower levels of the public administration and creating a coherent national level system of governance and public administration.

FRETILIN adopted a highly modernist state-building paradigm that did little to promote synergies between the state and society. This was most obvious with the government's designs for building the justice system. It was also manifested in the country's somewhat corporatist constitution and the government's approach to economic development, which looked to modernise the economy or begin grand development projects. Little was done to address the needs of average Timorese engaged in subsistence agricultural farming in

rural areas or to provide them with political voice. As the public administration evolved these approaches to state-building did not generate a sense of constructive citizenship among significant sections of the population, strengthen the overall system of governance, make the public administration more responsive to community needs or strengthen the legitimacy of the government.

Difficulties with building governance capacities were compounded by historical legacies from the periods of Portuguese colonial rule and Indonesian occupation. During the occupation many Timorese learned that violence was a justifiable method by which to gain or maintain political power. Indonesian administrative practices also led many to regard practices of collusion, corruption and nepotism, along with various forms of institutional violence as normal methods for self-promotion.<sup>1233</sup> Moreover, the layers of Indonesian public administration created dependencies upon government employment for social standing or cash incomes. This was contrasted against at least two competing cultures of administrative practice coming from African-based and Australian-based diaspora Timorese who had returned to work in the newly established public administration. These competing cultures met with attempts to reduce the layers of bureaucracy that existed during the period of Indonesian occupation, to centralise administrative control, and eliminate corruption as required by donor agencies. This gave rise to conflicts within the Timorese administration and politically charged claims that FRETILIN's leadership exercised dictatorial control, even when the public administration remained fragmented and incoherent.

UNTAET's elite alliance building and the lack of institutional mechanisms allowing for broader community input to state-building left the bulk of Timorese excluded from shaping the country's future. This pattern of exclusion continued with the independent government and throughout different UN missions up to 2005. Politically active members of Timorese society, notably those from the internal clandestine resistance, resorted to the only strategies they had at their disposal to influence state-building. Civil

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<sup>1233</sup> For the impact of these legacies within the PNTL see *Rede Monitorizasaun Direitus Humanus* (RMDH), 'Submission to the UN Independent Special Commission of Inquiry...', (September 2006).

society groups that supported independence became organised around a culture of “political resistance”. During the early transitional period under UNTAET these groups attempted to influence state-building couched in a de-legitimising discourse against power-holders. Although parliamentary mechanisms later existed to give voice to government opposition parties, this strategy for influencing state-building continued into the post-independence period.

There was also a significant level of ambiguity between well-intended civil society groups seeking to participate with state-building and self-interested groups looking to benefit from state-building. The nature of traditional Timorese society, the structure of the Timorese resistance and the Indonesian system of governance promoted the centralisation of power and dependency upon individual leaders. This allowed “rent-seeking” leaders to easily manipulate societal grievance, particularly among youth with “big man” attitudes and little regard for the rule-of-law, so as to extract various rewards from the government. As noted by Fukuyama,

[C]ivil society can degenerate into rent-seeking interest groups whose goal is not greater accountability but an increase in the scope of government subsidies or the substitution of government for civil society.<sup>1234</sup>

During the early period of political reconstruction, social pressures increased in part due to advocacy NGO criticisms about the neo-colonial control that UNTAET exercised over the Timorese people. While this de-legitimising discourse was deployed in an effort to constructively influence state-building, what emerged was a popular perception that the manner in which UN personnel governed was the greatest reason Timorese turned to protest. This distracted attention from the country’s internal political and social challenges. As a result, this reduced the likelihood that UNTAET and subsequent assistance missions would engage Timor’s internal political problems in a manner able to facilitate their longer-term resolution.

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<sup>1234</sup> Fukuyama (2005), p. 41.

### ***Question 3 – How did the political landscape evolve under the tutelage of the UN?***

As noted above, FRETILIN capitalised upon popular disaffection with early state-building for its own political ends. The party consolidated its power outside of CNRT at village-level, whereas its key political rivals focussed on controlling national level institutional structures. Contrary to claims that the process of democratisation would result in violence, the dissolution of CNRT and elections for the Constituent Assembly in 2001, as well as later presidential and *sucro* elections, proved to be peaceful, free and fair. Moreover, the dissolution of CNRT and the process of democratisation adhered to Timorese leadership commitments to building a democratic state; commitments that dated back to 1998.

Several key political parties that emerged in 2001 were FRETILIN, PD, PSD and ASDT. Each of these parties represented key groupings from Timor Leste's political spectrum that reflected competing and sometimes internally contradicting ideological positions. The election campaign for the Constituent Assembly saw each of these parties manipulate various forms of traditional symbolism, but failing to articulate clear platforms for governing an independent country. FRETILIN was by far the best organised and most widely recognised party in the country, but it had numerous internal factional fault lines. Those internal divisions made it more widely representative of Timorese society than any of its rivals. At the same time, its internal fault lines made it somewhat fragile and in need of strong leadership to keep the party disciplined and united. FRETILIN also dispensed various rewards to party cadres able to mobilise large voting-blocs in support of the party. Rather than promoting constructive citizenship under the rule-of-law, this strategy reinforced the hierarchical nature of Timorese society and potentially entrenched various client-patron relationships. Nonetheless, FRETILIN's electoral victory provided the party with a popular mandate to govern the country.

Elite political conflict crept its way into the drafting of the constitution. A fragmented opposition claimed that FRETILIN imposed its own version of a constitution upon the country, and that FRETILIN engineered control of the state by transforming the

Constituent Assembly into the country's first parliament. In fact, the constitution adhered to the basic principles set out in the Magna Carta of 1998 endorsed by CNRT and set out a good framework for promoting human rights and the rule-of-law. Upon its formation, the second transitional government, with assistance from UNTAET, sought to build national unity by crossing party lines when making appointments to government. Moreover, the semi-parliamentary system of democracy introduced following the ratification of the constitution was well suited to the social and cultural realities of Timor Leste. It was based upon a consensual decision-making model. Timor Leste's parliamentary mechanisms established a rule-based system in which different representative voices could provide input to legislative processes and for elected representatives of different social groups to shape the nation's development. The president took on an important role as the moral arbitrator of the nation with significant powers to act as a government "watchdog", thus becoming a key player in the country's entire system of governance.

Subsequently, the nature of parliamentary attacks against FRETILIN demonstrated that influential segments of Timor Leste's political elite had not yet accepted the democratic rules of the game. Instead, they used a de-legitimising discourse to undermine the authority of the government. The lack of institutional equilibrium in a context where the rules of deliberative democracy were not yet accepted attitudinally or behaviourally, widespread poverty and weak service provision by the public administration, provided significant opportunities for the manipulation of social grievance among disaffected groups and rising levels of factional political conflict.

The 4 December 2002 riot was a wake-up call to the Timorese leaders about the dangers of mobilising popular discontent for elite political agendas. Elite level rivalries that had contributed to the radicalisation of December's protests were, at least temporarily, put aside to ensure political stability and the continuing inflow of donor funding. The weaknesses of state institutions promoted dependency upon the benevolence of individual leadership figures within government who sought to build a viable independent state. Moreover, institutional weaknesses at all levels of government increased the importance

of charismatic individuals in political decision-making and development processes. At senior levels Timor Leste's leadership generally worked in such a manner that provided time for the consolidation of newly constructed state institutions. However, as in other developing countries the production of leaders remained in "the province of the broader society" and based on,

[P]atronage networks that bring the norms of the surrounding society into the organisation instead of creating a self-replicating system of leadership within the modern state.<sup>1235</sup>

As a result, patterns of cronyism, patronage, rent-seeking and the manipulation of social grievance at various levels of the government and the public administration undermined the more positive aspects of post-conflict state-building. Moreover, a security-first approach to internal acts of civilian disobedience emerged following December 2002 and threatened to smother democratic space that would allow legitimate acts of peaceful civil disobedience to counter negative governance practices.

Challenges for consolidating Timor Leste's political and institutional systems were compounded by lingering cross-border threats and the influence of hard-line TNI and Indonesian government figures. In order to consolidate the country's territorial security the government of Timor Leste entered into a political pact with the government of Indonesia. At the heart of this pact was an unwritten *quid pro quo*: Timor Leste will not push the international community to prosecute those inside Indonesia that were responsible for organising human rights violations against the Timorese; in return the Indonesian perpetrators will not push to destabilise Timor Leste. President Gusmão's popular support waned due to his advocacy for a truth finding process with Indonesia, which undermined demands by the Catholic Church and civil society groups seeking justice for past human rights violations. Tensions became so high that at one point Gusmão threatened to resign from his office if local NGOs staged a protest against a visit of the newly elected reformist-minded Indonesian President, Susilo Bambang Yudhoyono.<sup>1236</sup> The political pact underpinning these tensions contributed to common

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<sup>1235</sup> For further discussion see Fukuyama (2005), p. 91.

perceptions among Timorese that the FRETILIN controlled government and its elite were more concerned about consolidating the state for their own benefit, rather than the interests of society as a whole.

By April 2005, Catholic Church-led protests against the government, which ostensibly began over the place of religious education in state-run schools, quickly escalated into demands for the removal of Prime Minister Mári Alkatiri and the entire Mozambique clique from government. This protest marked a marriage of sorts between opposition parties such as PD and PSD with the Catholic Church. With weak party structures unable to reach the vast majority of the population, these parties were later able to work through church structures to mobilise supporters to good effect, particularly in western districts of the country.

***Question 4 – Who benefited from the political system constructed and how did that impact upon stability and development?***

Perhaps a good starting point is to list the obvious losers. These include pro-Indonesian Timorese militia groups that plundered Timor Leste during Black September; hard-line TNI personnel who believed they could engineer a referendum outcome in favour of autonomy, and the Indonesian government itself through the loss of a province; a loss that initially appeared to set a precedent for secessionist movements in others parts of the archipelago.

Between 1999 and 2002 the Timorese population as a whole benefited from the UN's intervention much more than has been acknowledged. The Timorese were freed of the repression that they had experienced during the Indonesian occupation and there was a tremendous blossoming of political liberties under UNTAET. The withdrawal of the Indonesian administrative, political and economic elite created a significant number of positions that needed to be filled. The returning diaspora elite, FRETILIN supporters and Indonesian educated Timorese received employment in UNTAET or ETTA. Local

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<sup>1236</sup> UNMISSET Daily Media Review, 'President Gusmão Threatens to Resign if Demonstrations are Held Against SBY Visit and Urges Timor Leste to Look to Future', Díli, 8 April 2005.

Timorese to be employed by international organisations, such as NGOs, were youth that had been part of the clandestine student resistance. As state-building unfolded traditional leaders and *chefes de sucos* took on increasingly important roles as guarantors of stability at the village-level. To this list can be added international Timor solidarity activists who received various types of rewards, which sometimes amounted to little more than an overwhelming sense of victory for a cause they had supported for generations. Others include academics, students, consultants and professionals from the Western world that established careers, or sought to do so, through analyses of the merits of state-building and institutional development in Timor Leste.

There were also some less obvious beneficiaries of state-building. Timorese think-tanks critical of UNTAET, FRETILIN, or the state-building process in general profited through numerous funding grants from organisations such as USAID or the World Bank. While difficult to know exact numbers, many Timorese received sizeable rents for illegally occupying homes and leasing them out to foreigners, particularly during the peak of UNTAET's operations when prices were highest. Timorese established restaurants or other service industries catering to foreigners, or won contracts from the UN and the Timorese government (e.g. infrastructure contracts or fuel transport). On the more "seedy" side, various smuggling operations into Timor Leste proved irresistible draws for Timorese officials and local groups. Similarly, protection monies demanded by police and government officials from foreign operated massage parlours and other businesses enriched a handful of senior Timorese officials and middle-ranking PNTL personnel.

Post-conflict state-building inevitably gave rise to a new elite class inside Timor Leste. This emerged as a significant source of political tension because it fed into the country's internal class divisions. These tensions combined with Timorese misunderstandings about UNTAET's ability to run the country. These were added to feelings of relative deprivation and the virtual non-existence of government services. In short, Timorese expectations of prosperity and improved material existence following 1999 mostly met with great disappointments.

Attempts to benefit from state-building were found among FRETILIN party members in particular. This was demonstrated by the ability of party cadres to extract rewards from FRETILIN's leadership, which attempted to balance these demands against the need to build effective and efficient government structures. Finding the balance remained a difficult task and politicised the government and the public administration. "Fiefdom building" and cronyism among FRETILIN ranks emerged as a significant problem. Officials attempted to increase their personal power by dispensing patronage, most notable in this regard was Rogério Lobato who regularly manipulated FRETILIN's fringe groups and unemployed youth. At other times, confused lines of authority and clashes of culture led to various power struggles within the public administration. This was compounded by institutional weaknesses and an administration lacking genuine capacities to implement development programs able to address economic causes of social discontent.

Significant "losers" were average Timorese, unemployed youth without access to education in order to improve their employment opportunities, and particularly villagers in rural areas engaged in subsistence agricultural livelihoods. The failure to build the local economy or invest in rural agriculture is often highlighted as a significant weakness with the UN's political recovery strategy in Timor Leste. Perhaps this is best evidenced by the fact that economically disadvantaged villagers in rural areas sometimes reminisced nostalgically about their better material existence under the Indonesian occupation. Following the transition to independence, continuing failures in the rural economy were ascribed to the capacity weaknesses within Timor Leste's administration and limited government funds. However, failures were as much due to the government's visions of development for an independent country. As noted above, it adopted a modernist outlook which ignored traditionalism and by extension the rural economy where most Timorese live. Instead, the government adhered to various streams of thinking found in modern government management theories, economic rationalism masked behind code-words such as "fiscally responsible government", as well as donor guidelines for limiting government bureaucracy to ensure the public administrations' longer-term economic viability.

Although the government demonstrated varying degrees of hostility towards the World Bank on what were presumably ideological grounds, Timor Leste's government ultimately adopted a development approach which fit the Bank's framework. In short, this meant the government would spend very little to fund development activities from public coffers.

***Question 5 – How did the UN influence the evolution of local political and administrative dynamics?***

UN personnel setting the early reconstruction policy agenda brought with them experiences from peacekeeping operations in which elite level factional rivalry undermined the emergence of viable national governments. As a result, UNTAET's relations with the East Timorese were heavily informed by "political crisis management".<sup>1237</sup> Within this framework it adopted a hands-off approach to all but a fraction of key political figures that could help implement the mission's mandate. This underpinned the political strategies of UNTAET's governorship model for elite level alliance building, gradually transferring administrative and authority to ETTA and later handing political power to an independent government. The approach was successful at creating space for the stabilisation of internal Timorese political contests at elite levels and facilitated successful free and fair multi-party democratic elections in 2001.

Numerous troubles found with UNTAET were reflective of systemic problems among the broader international aid community. Cronyism, manipulation, self-interest, political intrigues and the promotion of competing agendas did little to encourage "good governance" within the nascent Timorese public administration. This was compounded by a failure to create institutionalised mechanisms for broad-based community input to UNTAET's decision-making processes. Negotiations between the World Bank and

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<sup>1237</sup> Crisis management techniques include communications, negotiations and compromise with the aim of creating settlement between conflicting parties. A political crisis can be defined as "a short, intense period in which the possibility of war is perceived to increase dramatically", Brian White, 'Diplomacy', in J. Baylis and S. Smith (eds.) *The Globalisation of World Politics: An Introduction to International Relations* (Oxford: Oxford University Press, 1998), pp. 255-256. In the context of peacekeeping interventions, similar

UNTAET in early 2000 for the implementation of CEP demonstrated the extent to which senior UN and World Bank personnel sidelined Timorese from setting the reconstruction agenda. It also shows how external actors sought to manipulate Timorese groups to promote outside agendas, and in a manner that could have aggravated internal factional divisions. Factors such as this suggest that many of the early state-building successes attributed to the UN rightly belong to the Timorese people and its leadership, which for the most part preached patience and tolerance and recognised a need for unity against destabilising external forces. Overall, this created a highly enabling political environment for UNTAET's peacekeeping and state-building efforts.

The lack of guidelines for state-building under UNTAET's governorship model meant that early efforts were often ad hoc, responsive to local pressures and experimental in nature. Nevertheless, state-building remained wedded to a modernist legal-rationale paradigm. This offered little room for designing institutions in a manner that would help to promote a sense of constructive citizenship by establishing cultural linkages between the state and the Timorese population. Instead, UNTAET helped to create a neo-colonial structure of governance that was somewhat divorced from the population. At least two factors prevented this from becoming an acute problem during the UNTAET period. Firstly, UNTAET filled Portugal's historical position as a colonial power exercising executive control over the system, which had some cultural relevance in Timor's political history. Secondly, one of UNTAET's objectives was to help build an independent country rather than retain long-term control. However, the failure to reconcile the contradictions between these two points meant that UNTAET would hand authority to an elitist group of power-holders that would be in a structural position to exercise domination over Timor's political system if so inclined.

Rather than generating employment or implementing economic development projects UNTAET left these tasks to the private-sector, international and local aid organisations or NGOs. UNTAET also employed a large number of Timorese as translators, drivers,

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techniques are used to address acute pressures at elite political levels that potentially give rise to violent internal factional conflicts.

administrators, assistants or local consultants. The high wages UNTAET paid relative to ETTA created inflationary prices among NGOs and other bi-lateral organisations. This also led to a “brain-drain” which drew some of the most highly skilled Timorese away from the emerging public administration, thus undermining its longer-term capacity to effectively administer the country.

As indicated in various UNDP capacity-development documents for Timor Leste, UNTAET sought to create an enabling regulatory institutional environment for local development. Underpinning this strategy was the logic that the most effective role for government was to coordinate the activities of aid agencies, or to provide technical assistance for community-driven development initiatives. This had an enduring legacy upon Timor Leste’s public administration, which up to the beginning of 2005 promoted the idea of building a coherent national governance system able to carry out these functions. As noted above, throughout the same period the government committed few budgetary resources to actually address community development needs.

The transition in mid-2002 from UNTAET to UNMISSET’s consent-based model of assistance was not as complete as observers sometimes suggest. UNMISSET retained elements of governorship over a protectorate through its executive responsibilities for security and policing. This created ambiguity regarding the structures of transitional authority and UNMISSET’s legal powers to carry out executive policing functions. Rising levels of political contestation during the transition and weak PNTL capacities resulted in a short period of chaotic violence during December 2002. The lesson drawn by Timor Leste’s government was that a failure to take decisive action against volatile public protest could lead to political fragmentation and social violence able to undermine the new state.

Tensions between the UN’s governorship model and consent-based assistance model were evident among UN personnel required to hand over authority to Timorese administrators. UN personnel often found it difficult to step back from controlling state-building. Such personnel tended to be more comfortable and familiar with direct

implementation work practices commonly used in emergency operations. This should have come as no great surprise given already existing problems found with UNTAET's competing governance mandates, and the rather different nature of the UNMISSET mission. There emerged personalised power struggles as Timorese officials took greater levels of control away from UN personnel. This added to claims that FRETILIN was seizing control of the state apparatus. As a result, national ownership over development processes remained elusive even with the drafting of the country's National Development Plan.

By the end of 2004, the tensions between direct implementation and providing assistance were resolved in at least one key respect. In terms of authority struggles, the pendulum swung dramatically in favor of Timorese officials. With a handful of exceptions, UNMISSET personnel and those from bi-lateral agencies towed a "diplomatic line" that smothered constructive criticism against the government and the public administration. Critics were branded "anti-FRETILIN" or as "sensationalists" who possessed little understanding of Timor Leste's history, culture, or its people and as dramatizing the problems facing the country. As a result, the generally positive reporting that emerged about Timor Leste's post-conflict development provided a false sense of progress and allowed for business as usual among a host of actors.

From 1999 and throughout all stages of transition up to 2005, countless external voices provided policy advice to the Timorese for developing an independent state. It was not uncommon that this advice was contradictory in terms of approach and ideology. Moreover, standard practice for international agencies is to locate "agents of change" that will promote and implement a project from the inside of a society, thus increasing the chances of sustainable project outcomes by building local ownership. This entails identifying competent individuals, but all too often those aligned to the particular philosophical or ideological rationales underpinning a project and, by extension, the outside agency or actor. Although this raises questions about local ownership, the point of relevance is that such practices exposed Timorese to the less desirable aspects of the aid industry and drew them into competing agency or donor rivalries. Arguably, this did

little to promote post-conflict social and political cohesiveness among Timorese. On the contrary, it added to confusion within the bureaucracy by tapping into competing cultures of governance. Moreover, because of institutional weaknesses mitigating against constructive debate over the merits of competing policy options, it added to the local dynamics dividing Timorese society into factional political camps.

***Questions 6 & 7 – Which institutions are best suited for creating “good” government and societal relations, consolidating democracy, and building constructive citizenship during post-conflict political reconstruction?***

Questions 6 and 7 will be addressed together because of their overlaps. UN approaches to peace-building prior to 1999 were nebulous and all-encompassing. Clearer strategies for political reconstruction and “conflict transformation” did not begin to emerge until 2003, and still remain hotly contested in the field of post-conflict recovery.<sup>1238</sup> By the end of 2004, the consensus within UN policy-making circles regarding the sets of initiatives required to promote good government and constructive citizenship in post-conflict societies was,

[T]o build effective public institutions that, through negotiations with civil society, can establish a consensual framework for governing within the rule-of-law...[and]...investments in civilian security through police, judicial and rule-of-law reform, local capacity-building for human rights and reconciliation, and local capacity-building for public sector service delivery.<sup>1239</sup>

UNTAET contributed to this emerging doctrine through its efforts in several broad institutional areas of governance: the courts and judiciary; the public administration; civilian police services; and democratic structures, systems, and procedures.

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<sup>1238</sup> For examples see Commission on Human Security, *Human Security Now* (New York: United Nations Commission on Human Security, 2003) and Veronique Dudouet, *Transitions from Violence to Peace, Revisiting Analysis and Intervention in Conflict Transformation* (Altensteinstra: Berghof Research Centre for Constructive Conflict Management, 2006).

<sup>1239</sup> United Nations General Assembly, *A More Secure World...*, (2004), para, 229.

The sets of initiatives listed above remain somewhat vague, do not specify the sorts of institutional designs needed and do not prioritise which institutions are “most important”. In the realm of institutional peace-building as defined in this study, key institutions for building sustainable peace and development in post-conflict societies are thematically related to: (1) reducing volatile social pressures springing from economic hardship (e.g. QIPs followed by a mix sustainable livelihood programs and modernist development initiatives); (2) transferring political conflict into a rule-governed institutional setting (i.e. deliberative forms of democracy with strong parliamentary mechanisms allowing for broad inputs to policy-making); (3) citizenship-building and community empowerment (i.e. appropriate forms of local government and decentralisation); (4) the rule-of-law (e.g. police, courts, accountability for human rights violations through criminal prosecutions and a truth finding process such as CAVR); and (5) government accountability and civilian oversight. Underpinning the importance of developing institutional strengths in these areas is the need to create a system of governance that upholds equal citizenship rights under the rule-of-law. Excluding citizenship-building and community empowerment, the system which was built under the tutelage of UNTAET went a far way in meeting the institutional requirements for building sustainable peace and development. The various crises in Timor Leste following 2001 demonstrate that problems arose from the manner in which those institutions were later developed (i.e. capacity-development strategies rather than system design). There were two equally important factors undermining the effectiveness of the system: (1) a lack of complementary development between key institutions, and (2) the modernist state-building paradigm that prevented adaptation of the system to make it better suited to the cultural realities of Timor Leste.

Weaknesses are easily demonstrated by reference to problems within the PNTL. DPKO’s Peacekeeping Best Practices Unit identifies a number of key capacity-development areas for creating an effective police service. These include building a cadre of adequately trained personnel, establishing well-functioning administrative and financial management arrangements, accounting systems, effective and transparent procurement and asset management systems, strong internal accountability and oversight

mechanisms, external civilian oversight and clearly articulated regulatory frameworks.<sup>1240</sup> In Timor Leste weak civilian oversight, accountability, and disciplinary procedures for personnel abusing their powers undermined building a culture of respect for the rule-of-law within police ranks and among significant sections of society; particularly youth and disaffected groups. Moreover, development failures in the private sector and rural economy meant that community dependence upon public sector employment was widespread. As a result, it was an easy matter for disaffected groups to politicise recruitment patterns into the police service and the rest of the public service. Community dependencies upon public sector employment also increased the ability of senior officials to dispense patronage and carve out personal fiefdoms. Within the PNTL, political manipulation and the dispensing of patronage gave rise to internal factions aligned to groups outside the police service. In the context of an unconsolidated democratic system, this created dangerous cleavages upon which to base violent factional conflict within Timorese society.<sup>1241</sup> Although signs of progress with developing police capacities existed by 2005, PNTL remained institutionally weak, internally divided, and unable to fulfil its functions in maintaining law and order in a manner that could promote equal citizenship rights under the rule-of-law.

Problems were also widespread with building the formal justice system. These included human rights inconsistencies in the transitional legal framework created by UNTAET, lack of sufficient administrative support staff, weak and incoherent training of court personnel and the inadequate drafting and approval of legislation. Capacity-development weaknesses were clear by the beginning of 2005 when Timor Leste's court system had to "start from scratch" when all 22 probationary Timorese judges failed to meet government standards to continue work. To fill the resulting vacuum in the courts the government proposed appointing additional international judges. This cleared the way for it to implement its language agenda and perhaps exercise greater levels of control over the

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<sup>1240</sup> DPKO, *Handbook on United Nations Multidimensional Peacekeeping Operations* (New York: Peacekeeping Best Practices Unit, December 2003), p. 91.

<sup>1241</sup> Similar problems existed within the F-FDTL but were more pronounced because of the government's ambivalence about developing the army as a viable institution.

judiciary. In turn, this undermined court abilities to adjudicate cases in a way that would promote equal citizenship rights under the rule-of-law.

Weaknesses found in the courts were, in part, a result of UNTAET's experiment at introducing a hybrid court system with the SCU. The assumption that a UN mandated local court could provide justice for international human rights violations was somewhat disconnected from both post-conflict and geo-strategic realities. Local courts in Timor Leste were powerless to prosecute Indonesian officials. As a result, little was done to strengthen a culture of respect for the rule-of-law and address a culture of impunity for human rights violations found among various actors within Timor Leste.

The international community's focus on building the formal justice system was further evidence of the modernist state-building paradigm applied to Timor Leste following 1999. This led to a complete failure to build a dual legal system able to generate synergies between the formal system of justice and informal local level dispute resolution mechanisms based upon local customary practices. Even within the formal justice system UNTAET failed entirely to address cultural conflicts within Timorese society. In fact, it tended to add to problems by introducing a transitional legal framework that incorporated Indonesian law, international human rights law, and UN regulations. UNTAET's early control of state-building and failure to consult meaningfully with Timor Leste's leadership meant no action was taken to address a problem that lay at the heart of building a viable system of formal justice: the element of class conflict between young Indonesian educated professionals recruited to the judiciary and the Portuguese speaking elite who had returned from the diaspora and were setting the government policy-agenda. These unresolved tensions further alienated indigenous Timorese from the country's emerging political elites.

Contrary to numerous arguments, the design of Timor Leste's parliamentary democracy promoted deliberative forms of decision-making. Thus, it had a significant amount of cultural relevance to Timorese society. As noted above, problems with the democratic system were found in society more broadly and with the weaknesses of consolidating the

democratic system, not least of which were attitudinal and behavioural factors among key elites. In addition to several issues already listed, key failings with the parliamentary system related to its committees, which were meant to provide space for broad-based party inputs to government policy-making. Little attention was given to strengthening those mechanisms in a way that would encourage deliberation and create greater levels of elite political consensus. This was compounded by structural weakness among opposition political parties and their tendency to engage in a de-legitimising discourse to influence government policy-making. Moreover, parliament did not have concrete institutional links with communities. The links that did exist were often based on individual members of parliament and their client-patron relationships. This type of linkage was unable to promote bottom-up state-building and constructive forms of citizenship. As a result, the focus on elite level democratisation did not ameliorate political tensions arising from FRETILIN's preference for representative forms of democracy with those such as PD who preferred participatory forms of democracy.

The slow pace on local government development (i.e. creating institutionalised political entry points at local levels) left a large gap between state and society. To address this gap the government at one point launched an open government program, but it only appeared to centralise political authority and increase the populations' dependency on government and public administration officials. The program did not create an open political space for extending deliberative forms of democracy to community levels. By 2004, the government sought to encourage community participation and development through the Local Development fund and District Coordination Development Committees in a manner that paralleled CEP's instrumental approach to community development. These initiatives did not facilitate community involvement in political decision-making processes and development activities in a way that built constructive citizenship. Instead, proposals were corporatist in nature and underpinned by notions of building the government's "performance legitimacy". As a result, these programs offered little hope of building political cohesiveness at local levels or reconciling social cleavages between different ethno-linguistic groups. In turn, this made it easy for factional camps at national level to tap into regional ethno-linguistic cleavages to promote factional conflict.

## 8.2 Revisiting Arguments and Final Thoughts

*Argument 1* set out that UNTAET was a highly successful peacekeeping operation, but its role as a transitional administration overseeing state-building and institutional peace-building in Timor Leste was ambiguous. UNTAET managed to begin these latter two processes, but left in its wake weak institutions dependent upon the individual personalities and skills of Timorese leaders, senior level public administration officials and donor assistance, for their viability.

The findings herein suggest that there is some ambivalence surrounding this argument. Cases of sexual misconduct committed by personnel from various peacekeeping contingents, notably those from Jordan, did not change the fact that UN military peacekeeping was a tremendous success. Once fully deployed to the field, peacekeeping troops were able to protect Timor Leste's internal political space. This allowed for state-building to proceed in an environment of security, particularly relative to countries such as Sudan, the Democratic Republic of Congo, or Afghanistan.

Building the basic foundations of the state is best considered separately from their capacity-development. Several benchmarks can be used to measure the success of state-building. These include: (1) a political transition to independence with democratic elections; (2) the drafting of a constitution; (3) a financially sustainable administration and (4) a viable system of justice which protects human rights and strengthens the rule-of-law. The first two were certainly achieved, but were inevitably politicised by Timor Leste's internal power struggles. This should not distract attention from their successes. When considering the institutional weaknesses discussed above, the latter two benchmarks undermine claims that UNTAET succeeded with state-building. However, these two benchmarks are more correctly considered in the realm of capacity-development because UNTAET's working objective was to establish those institutions to take the country out of a chaotic stage of political development. Considered in this light, UNTAET was highly successful with building a state system during chaotic and constitutive stages of political development.

The creation of the “two-track” UNTAET/ETTA administrative system in 2000 helped to resolve some of the contradictions within the UN’s governance mandate. It allowed UNTAET to focus on peacekeeping while overseeing state-building and the creation of a future independent administration through ETTA. At the same time, ETTA provided Timorese an opportunity to begin managing their own affairs at a very early stage, thus giving them skills to administer an independent state. UNTAET and UNMISSET both facilitated a successful transition through different stages of political development, but neither mission was perfectly suited for the reconstruction challenges found in each period. This means that, as occurred under the leadership of de Mello, an interim UN administration must demonstrate sufficient flexibility to adapt itself to fluid operational and political changes in a post-conflict peace-building environment.

Significant failures occurred with capacity-development during latter periods of constitutive and consolidative political development. Worth restating is that rather than UNTAET or even UNMISSET the lead agency responsible for those tasks was UNDP, followed by organisations such as the World Bank: those which have a clearer development rather than peacekeeping mandate. As a point of broader significance, using a three stage model of post-conflict state-building articulated by Francis Fukuyama, the RAND Corporation argues that it is during the final institutional strengthening stage where success has “largely eluded” the UN and “the international development community as a whole”.<sup>1242</sup> UN failures with capacity-development during this latter stage have been discussed above. Further to those criticisms is that, aside from some emerging doctrinal principles, no real consensus exists as to what institutional peace-building entails or even as to whether such a concept fits the paradigms of organisations engaged with conflict and post-conflict societies.<sup>1243</sup> Arguably, this itself is a failure

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<sup>1242</sup> Dobbins et al (2005), p. xxxvii.

<sup>1243</sup> This sort of argument is fleshed out nicely by Ken Menkaus who discusses how traditional monitoring and evaluation tools for development projects are inappropriate for measuring successes and failures of projects in post-conflict environment, see Ken Menkaus, ‘Measuring Impact: Issues and Dilemmas, A Discussion Paper’, Commissioned by WSP, International Peacebuilding alliance (Ottawa: , International Peacebuilding alliance, 2003), pp. 5-10.

because without such understandings there can be little genuine cooperation and coordination among international agencies seeking to rebuild war-torn societies.

Ambiguity with this second argument is also found over the extent to which Timor Leste was dependent upon external assistance for its viability as an independent state. By 2006, the government's financial dependence upon donors had decreased because of revenues generated from Timor Sea gas and oil reserves. This was demonstrated during early 2006 when government officials appeared more assertive in setting the country's development agenda relative to the suggestions of various donors, with some foreign observers even describing the government's behaviour as "increasingly arrogant".<sup>1244</sup> The government also touted budgetary surpluses as a sign of its progress and adherence to donor requirements for it to be fiscally responsible. However, budget surpluses actually demonstrated significant capacity weaknesses with the public administrations' ability to spend money and implement development projects. It also indicated the extent to which leadership skills and confidence were lacking among senior public administration personnel who were afraid to take executive responsibility. Consequently, even though the government's financial dependency on external donors had decreased, the public administration remained dependent upon the assistance of UN advisors to carry out line-functions, rather than the skills of senior Timorese officials. Moreover, while political stability and adherence to the rule-of-law depended on the benevolence of senior political leadership figures, lingering cultural conflicts and clashes of personality within the public administration undermined its ability to govern the country effectively.

*Argument 2* set out that *one of UNTAET's greatest strengths was the sense of institutional stability (or "equilibrium) and security it provided for the Timorese population. Combined with its peacekeeping functions, UNTAET managed to create a "safe space" in the anarchy to which it deployed in December 1999. Within this safe space under the UN umbrella, East Timorese political authority began to constitute itself in a manner that facilitated the peaceful resolution of internal elite power contests that*

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<sup>1244</sup> Confidential United Nations Informant, Dili, September 2006.

*allowed for a new democratic political system to become “tentatively” consolidated. Two crucially important factors for this success was the constructive role played by the East Timorese political leadership and the introduction of a deliberative parliamentary system at the national level.*

The findings of this study strongly confirm some elements of this argument. Although extending the time-frame of this study, there were four identifiable periods of political crisis between 2000 and 2006. These include:

***Period 1***, rising crime and instability caused by high levels of poverty, unemployed, and a weak institutional environment during the immediate transitional period between December 1999 and June 2000. Once CivPol began to establish its authority and UNTAET had a meaningful presence on the ground, crime began to drop.

***Period 2***, December 2002 during the transition from UNTAET to UNMISSET. The political hand-over of power to an independent government whose authority was not yet consolidated and confusion over authority between UNMISSET and the RDTL created space for rising levels of political contestation and a short period of chaos.

***Period 3***, Catholic Church led protests in April 2005 which began over the place of religious education in state schools but escalated into demands for the removal of the government. Although resolved peacefully because of the moderating intervention of President Gusmão and concessions made by the government, if handled differently it could have turned into a crisis with violent dimensions.

***Period 4***, the political crisis of April to May 2006, which led to violent factional conflict and the near collapse of coherent political authority in Timor Leste.

The first period of crisis occurred in an environment of high poverty and unemployment and when no institutional structures for exercising governance authority really existed. Each of the latter three crisis periods occurred in the context of a UN mission transition. In the minds of many Timorese, each transition brought with it a sense of finality about the UN's involvement in the country. In turn, this undermined the ability of Timor Leste's government to exercise its authority because of political spaces that emerged and in which internal political competition increased.

If, as claimed by Jarat Chopra, the purpose of a transitional UN administration is not solely about promoting "the absence of short-term violence and elections to transfer power", but to "rebuild the country and to take control politically to break with the past",<sup>1245</sup> this was certainly achieved by UNTAET with the "two-track" administrative model of UNTAET/ETTA, even if haphazardly. Equally important, UNTAET and subsequent UN missions created a "safe political space" in which Timorese political authority could develop. Up to 2005, Timor Leste also made fairly successful transitions through different stages of political development because of the moderating influence the UN presence had upon internal Timorese political rivalries. Moreover, up to 2005 most of Timor Leste's political leadership worked to provide time for the consolidation of state institutions in order to ensure that emerging political freedoms outlived the benevolence of individual leadership figures.

Other elements of this argument were clearly wrong. Timor Leste certainly appeared to be moving into a consolidative stage of political development in early 2005, but many of its institutions remained weak and the democratic system was unable to facilitate the peaceful resolution of political conflict. Political authority in key institutions such as the PNTL and Ministry of Interior also constituted itself in a manner that promoted conflict between factional political camps. Therefore, not all of Timor Leste's political leadership worked to consolidate the democratic system in a manner that would guarantee equal citizenship rights. At the same time, other political leaders actively sought to generate political conflict in order to promote their standing. Each period of crisis following 2001

was accompanied by rising levels of political contestation and attempts by FRETILIN's political opponents to undermine both the legitimacy and credibility of the government. In this context, weak mechanisms for deliberative parliamentary decision-making and the lack of institutionalised political entry points for community members excluded Timorese from policy-making processes, thus adding to the dynamics giving rise to factional conflict. Moreover, the nature of reporting produced by the UN and multi-lateral agencies following 2003 tended to overstate the extent to which progress was made with consolidating the country's institutions. As a result, plans to withdraw the UN's peacekeeping and state-building presence from Timor Leste in May 2006 undermined consolidating the democratic system and the country's internal structures of governance authority.

*Argument 3* set out that *contributing to relatively peaceful state-building was the Community Empowerment and Local Governance Project (CEP), which neutralised the local level as a political battleground for Timor Leste's aspiring power holders. The foundations of citizenship-building and broad community participation with the state's decision-making processes were established with mechanisms found in the country's deliberative parliamentary system, but there remained a large gap between state and society. If state-building is to become fully consolidated in a manner that will promote long-term peace in Timor Leste, the country's government needs to introduce bottom-up political approaches that will build constructive citizenship among its population.*

Based on the findings of this study, this argument is only true in part. CEP distributed financial and material assistance to rural communities at village-level in a rule-governed framework. This prevented the rise of predatory conflicts over scarce resources as occurred between rival groups at the grassroots level in places such as Somalia or Cambodia. CEP also fostered, albeit tenuous, a sense of involvement for villagers with state-building through its national administrative structures. Additionally, the World Bank's control of the project insulated the fledgling government from unfair criticism that may have undermined its credibility at a highly sensitive stage of post-conflict

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<sup>1245</sup> Chopra (2002), p. 996.

recovery. The project's implementation demonstrated that in order to contribute to national stability local level initiatives should be controlled by outside actors during an immediate post-conflict period until elite level power contests have been transferred into a rule-governed institutional setting. This then neutralises the local level as a political battleground. The introduction of deliberative forms of parliamentary democracy therefore takes on significant importance for ensuring healthy post-conflict political reconstruction. However, CEP's contribution to creating a stable political environment during the early transitional period occurred in combination with a number of other important initiatives: a robust peacekeeping presence; regular UNMOG and CIVPOL patrolling; quick impact projects; and the stabilising role of key Timorese leaders. Moreover, the UN's institutional peacekeeping presence throughout different stages of transition allowed for social transformations to occur with some semblance of continuity.

The examination of CEP conducted here suggests that in order to facilitate a successful transition through different stages of post-conflict political reconstruction there is a need to sequence local government initiatives corresponding to different stages of political transition. Following an initial period of humanitarian assistance and stabilisation through peacekeeping forces there is the need for local level initiatives that provide immediate economic assistance to communities. Such efforts must be managed by relatively neutral outside actors in order to neutralise the local level as a political battleground for aspiring local power holders. Secondly is the introduction of a viable national level rule-governed democratic system that promotes dialogue between political rivals and that promotes constructive citizenship. Third, build local government structures in order to round off national level institutional peace-building initiatives. Building constructive citizenship then strengthens the overall legitimacy of a new state by creating political links between the "elite" and "popular" levels; promoting participation in political and development processes, and instilling a sense of democratic responsibility for the population as a whole. Moreover, this approach establishes cross-cutting horizontal connections among different groups in society, rather than exclusive factional camps. However, if local government development is framed principally around notions of instrumental community participation in development processes, then the sort of

constructive citizenship needed for the political, behavioural and attitudinal consolidation of a democratic regime is unlikely to emerge. Timor Leste's government failed to launch bottom-up approaches able to build constructive forms of citizenship among significant sections of the Timorese population.

## **Final Thoughts**

It seems reasonable to assume that students, observers and academics will continue to voice serious disagreements about the merits of UN state-building in Timor Leste. Here it is argued that no other organizations had the legitimacy to conduct such an intervention and succeed with post-conflict state-building. The UN's successes inside Timor Leste reinforce a well known lesson that such interventions are successful when the local leadership has committed itself to a process of political reconstruction, even if imperfectly. In the context of Timor Leste, this leadership commitment was contingent upon the fact that the UN would ultimately leave and had no clearly definable "state interest" that undermined its legitimacy as an intervening power. UNTAET's efforts reinforced another well known fact that modern state-building is a contested process. Even when considering the numerous institutional, operational and personnel problems experienced by the UN, UNTAET needs to be regarded as a major peacekeeping and state-building success.

Within Timor Leste there remains some ambiguity about the role and motives of key government figures. However, one of the country's greatest strengths has been its overall political leadership, which struggled for generations to win independence. Although advocating competing policy options in the past, they claim to be committed to consolidating the state's institutions in a manner that will ensure the democratic system outlives the benevolence of any single leader. Unfortunately, the near civil war in May 2006 dangerously undermined the credibility of all Timor Leste's political leaders and their ability to unite the country. Whether they will ever be able to regain that credibility, or help to move the country forward in a constructive manner, is not guaranteed. In this context, particularly complex challenges include external destabilisation efforts that can fuel internal tensions among a population that is not yet appreciative of democratic

responsibilities. Moreover, the population's overall lack of appreciation for democratic responsibility strengthens the government's need to build constructive citizenship through local government development. Finally, there is a danger that in response to Timorese factional fighting the international community will adopt a short-term security-first approach focussed on conducting elections, addressing weaknesses within the PNTL and F-FDTL and reconciliation efforts; thus neglecting a host of other problems. Inevitably, such a strategy will fail to resolve the broader institutional and governance problems that gave rise to violent factionalism.

Timor Leste remains fortunate to have the support and assistance of international solidarity activists who have invested tremendous energies in helping the country secure its independence. While differences of opinion abound, they profess a commitment to helping Timor Leste consolidate a viable independent state that will be able to improve the lives of its people. Equally important, as the best example of the UN's ability to manage modern peacekeeping and state-building operations the UN has a vested interest in Timor Leste's success as an independent country. This ensures that there will be numerous forms of long-term UN assistance. Timor Leste's diaspora community that returned to the country brought with it many useful lessons from governance systems in other countries that can help secure a prosperous future; but only if those lessons are appropriately adapted to Timor Leste's social, political and economic realities. Additionally, there is a potential for a bright economic future through eco-tourism, greater attention to developing the rural agricultural sector, the export of its gas and oil and perhaps even the export of labour. These potentials further increases the importance of addressing issues of corruption and promoting government accountability to the public, which in turn will prevent the rise of predatory political practices by the country's administrative and political elites.

Whatever Timor Leste's future holds, in the years to come it is likely that the Timorese people will forget the "misunderstandings" that emerged between themselves and UN personnel during the country's early periods of post-conflict state-building. Instead, the days of UNTAET and UNMISSET might be remembered with a sense of nostalgia; as a

“golden time” of blossoming political freedom when business was booming and the country was at the centre of the world’s attention. Ultimately, the UN’s real successes and whether the behaviours of the Timorese have been changed by state-building and institutional engineering will be determined by how the East Timorese themselves manage their internal affairs. Although the events of 2006 do not bode well, one can only wish them future success after having suffered for generations.

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## **Confidential Informants**

Informant Number 1 (Activist Community)

Informant Number 2 (Activist Community)

Informant Number 3 (Activist Community)

Informant Number 4 (Activist Community)

Informant Number 5 (Timorese National)

Informant Number 6 (Timorese Diaspora Community)

Informant Number 7 (UN Official)

Informant Number 8 (Aid Worker)

Informant Number 9 (UN Official)

Informant Number 10 (UN Official)

Informant Number 11 (UN Official)

Informant Number 12 (Timorese Diaspora)

Informant Number 13 (Timorese National)

Informant Number 14 (UN Official)

Informant Number 15 (Ex-Pat)

Informant Number 16 (Aid Worker)

Informant Number 17 (Timorese National)

Informant Number 18 (International Consultant)

Informant Number 19 (Military Assistance Personnel)

Informant Number 20 (Timorese National)

Informant Number 21 (International Consultant)

Informant Number 22 (UN official)

Informant Number 23 (UN official)

Informant Number 24 (Timorese National)

Informant Number 25 (Timorese Diaspora)

Informant Number 26 (Aid Worker)

Informant Number 27 (Timorese National)

Informant Number 28 (International Consultant)

Informant Number 29 (International Consultant)

Informant Number 30 (UN Official)

Informant Number 31

## Appendix One – Methodological Design

Here I explain the research approach adopted in this study because the strengths and weaknesses of qualitative case studies are usually poorly understood. This is particularly true for a study that looks to investigate the impact of UN peacekeeping operations on post-conflict recovery. There tends to be a “hollow” consensus in the field of post-conflict recovery, which is often due to the particular academic tradition from which one approaches the study of peacekeeping and post-conflict recovery.<sup>1246</sup> As a direct consequence of the competing academic traditions “the case study approach has not been universally accepted by researchers as reliable, objective and legitimate”.<sup>1247</sup> As a result there is a danger that this type of study will be “inappropriately assessed according to positivist criteria” when in fact there is not a generally established set of guidelines for evaluating works of this nature.<sup>1248</sup>

Additionally, the politicisation of Australian solidarity groups along competing alliance networks to different Timorese groups, for either ideological or personal reasons, exposes a work of this nature to various attacks where arguments do not accord with the political views or interests of individuals and their allegiance networks.<sup>1249</sup> By providing this explanation on methodology, this work seeks to defend itself from either poorly-informed methodological critiques, or politically motivated attempts to ensure that only an “acceptable” discourse on Timor Leste is produced. Additionally, given the scope of this study it is necessary to explain the theoretical rationales and methodological tools used to weave together the intricate webs that shaped Timor Leste’s political development up to the beginning of 2005.

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<sup>1246</sup> Ken Menkhaus, ‘Measuring Impact: Issues and Dilemmas, A Discussion Paper’, Commissioned by WSP (Ottawa: International Peacebuilding Alliance, 2003), pp. 3-9.

<sup>1247</sup> David E. Gray, *Doing Research in the Real World* (London: Sage Publications, 2005), p. 125.

<sup>1248</sup> See Zina O’Leary, *The Essential Guide to Doing Research* (London: Sage Publications, 2005), p. 114; and Gray (2005), p. 346.

<sup>1249</sup> Put differently, it is a method of providing external legitimation to political allies/networks inside Timor Leste.

## 1. The Case Study Approach

According to Gray, case studies generally focus on “collecting up-to-date information” from contemporary documentation, direct observations and systematic interviewing.<sup>1250</sup> Implicit in this is that historical analysis is not central to this approach, but historical data can be used to explain contemporary phenomenon where the researcher believes such insights (even if contested) help to shed understanding on contemporary dynamics to show “how during a restricted period of time – people interact and relate to their physical/social environments”.<sup>1251</sup> A more generic definition of case studies is provided by Zina O’Leary,

A method of studying elements of the social through comprehensive description and analysis...emphasis is often placed on understanding the unity and wholeness of the particular case...The goal is authenticity and a richness and depth in understanding that goes beyond what is generally possible in large-scale survey research.<sup>1252</sup>

David Gray further outlines several types of case study including “single-case studies” and “holistic case studies” which look to examine an entire phenomenon.<sup>1253</sup> This latter type, which can also be referred to as holistic, analytical or enhanced is the approach employed in this work and is one referred to herein as an “analytical case study”.

This approach was taken at an early writing stage for several reasons. First among these was to build a rich understanding of the UN’s involvement in Timor Leste following 2000. For example, Thomas and Brubaker note that this type of case study seeks to,

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<sup>1250</sup> Gray (2005), p. 125.

<sup>1251</sup> Murray R. Thomas and Dale L. Brubaker, *Theses and Dissertations: A Guide to Planning, Research, and Writing* (Westport: Bergin & Garvey, 2000), p 102. See also Robert K. Yin, *Case Study Research: Design and Methods* (California: Sage Publications, 1994), pp. 9, 13-14.

<sup>1252</sup> O’Leary (2005), p. 115.

<sup>1253</sup> Gray (2005), pp. 131-132. Daniel Druckman also notes that ethnographies and case studies are becoming increasingly popular in the field of conflict analysis, and as a way of providing data points for future comparative analysis, Daniel Druckman, *Doing Research: Methods of Inquiry for Conflict Analysis* (London: Sage Publications, 2005), p. 227.

[T]race the dynamics of a group's inner workings-exposing the roles different people play, the power and prestige relationships among group members, interpersonal problems that arise, strategies adopted to resolve problems.<sup>1254</sup>

Second, and as will be outlined further below, the use of more “traditional” empirical and statistical data analysis methods did not appear well-suited to the purpose of understanding the impacts of UN state-building and institutional development in a post-conflict environment such as the one found in Timor-Leste.

Gray argues that case studies can benefit “from the prior development of a theoretical position to help direct the data collection and analysis process”.<sup>1255</sup> While this implies a deductive approach to theory formation, an inductive approach can also be used to develop a “grounded theory”.<sup>1256</sup> The deductive approach first involves the elaboration of a set of principles/ideas that are operationalized for empirical testing/measurement.<sup>1257</sup> It then moves towards hypothesis testing that will confirm, reject or modify initial principles or ideas. The deductive approach therefore rules out the use of subjective or intangible forms of evidence. Conversely, the inductive approach does not set out to test theories or hypotheses. Instead, through a process of gathering data it “attempts to establish patterns, consistencies and meanings” from which generalizations and theories can be constructed.<sup>1258</sup> According to O’Leary, a grounded theory emerges through inductive reasoning after research questions or topics are defined, a methodology has been outlined and data is coded and analysed.<sup>1259</sup> Although the two starting points are not mutually exclusive and can have overlaps, understanding their differences is central to appreciating the value of the case study approach employed in this work. The former

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<sup>1254</sup> Thomas and Brubaker (2000), pp. 102, 106.

<sup>1255</sup> Gray (2005), p. 124

<sup>1256</sup> *ibid.*, p. 126.

<sup>1257</sup> *ibid.*, p. 6.

<sup>1258</sup> *ibid.*

<sup>1259</sup> O’Leary (2005), pp. 96, 198.

means the quality of a work should be measured through a positivistic lens, whereas the latter implies different methods of determining credibility, reliability and validity (or any other form of “quality indicator”) for which there are no generally established sets of criteria.<sup>1260</sup>

The development of a grounded theoretical framework is also important. According to Daniel Druckman,

An investigator must develop a conceptual understanding of the phenomenon to be explored. Literature reviewing is a necessary part of this process. It is not, however, sufficient. Also needed is a way of organizing the knowledge accumulated to date and providing an abstract representation of that knowledge.<sup>1261</sup>

The analytical structure provided by a grounded theory focuses attention on those aspects of a case that address theoretical questions guiding the research process. They also show how qualitative information can be used to evaluate a specific theory.<sup>1262</sup> For example, though a case study might seek to explore the details of a single situation, it is not the same as,

[C]laiming that each situation is unique or even that the differences between situations are more important than their similarities...abstract concepts are essential for understanding the way that conflicts unfold in particular settings.<sup>1263</sup>

Gray notes that,

[G]rounded theory is an action/interaction method of theory building which is concerned with the ways in which people manage and respond to phenomena, existing within a specific context or conditions...action and interaction also has consequences that may be predictable or unanticipated.<sup>1264</sup>

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<sup>1260</sup> Gray (2005), p. 135-138, 346.

<sup>1261</sup> Druckman (2005), p. 31.

<sup>1262</sup> *ibid.*, p. 164.

<sup>1263</sup> *ibid.*, p. 4.

<sup>1264</sup> Gray (2005), p. 335.

This has given rise to what I consider an inductively inspired grounded theoretical approach that is outlined in Chapter 2; Gray or Druckman might refer to this “data collection guided by its theoretical underpinning”.<sup>1265</sup> While the choice of this approach does not allow for statistical generalizations and comparisons against other cases because “we would not be comparing like with like” (e.g. UN peacekeeping operations), it does allow for analytical generalizations that can be used to compare and contrast findings with an accepted set of principles or theory.<sup>1266</sup>

Like ethnography, the analytical case study seeks to generate “thick descriptions” that build understanding from the point of view of research participants.<sup>1267</sup> Like ethnography, this involves the “attempt to suspend judgement and understand from the perspective of the researched” or “switching off interpretative filters and actually noting what is being said, or done”.<sup>1268</sup> Therefore, at times this study accepts dichotomous generalizations made by interview participants and only explores them as the work evolves. The reason is simple: the sort of generalizations made by research participants, while at times simplistic and even misleading, shaped the behaviours, beliefs, and actions of groups and political actors inside Timor Leste during the period of study. Druckman refers to this as adopting constructivist “interpretations given by the subjects or respondents themselves” and a reliance on “reflections, perceptions, and stated beliefs of the actors” (whereas positivists “prefer analyst or outside observer interpretations of data”).<sup>1269</sup> Moreover, it is arguable that some of the greatest understandings of contemporary political and social dynamics in post-conflict environments are drawn from understanding how contested histories and subjective (or constructivist) interpretations,

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<sup>1265</sup> See Gray (2005), pp. 138, 139, 340; and Druckman (2005), p. 32.

<sup>1266</sup> Gray (2005), p. 127.

<sup>1267</sup> O’Leary (2005), p. 118-119.

<sup>1268</sup> See O’Leary (2005), pp. 118-119; and Gray (2005), p. 125.

<sup>1269</sup> Druckman (2005), p. 5.

which some academics might think are “sinful or baseless”, impact upon the actors/groups during the period of study.<sup>1270</sup>

Like others that employ this type of methodology, a principal justification for its use is that “nuance is missed or masked by quantification” that comes with larger comparative studies (e.g. comparing several different UN peacekeeping operations).<sup>1271</sup> As a result, such studies offer little real explanatory power for understanding the dynamics underpinning political and institutional development in a post-conflict society, why there have been successes and failures or how modern peacekeeping interventions impact such societies.<sup>1272</sup>

## **2. Methods of Fieldwork (Australian and Timor Leste)**

I consider the spirit of the research as participatory, underpinned by an attempt to incorporate the genuine views of people that gave their time to this study.

***Australia Based Research.*** This study began in early 2000 with an exploratory review of literature relating to Timor Leste’s history of resistance to Indonesian occupation, to UN peacekeeping operations and various academic streams of development and democratization thought. During this period I attended as many seminars as possible relating to Timor Leste or international development, which included two trips to conferences held in Sydney – the first in 2001 and the second in 2002. Towards the middle of 2000 I began networking with members of the Australian East Timor solidarity community based in Melbourne. This contributed to my evolving understanding of

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<sup>1270</sup> On the impact of “myth making” and psychological factors fuelling violent conflicts see Joshua G. Smith, ‘Fighting Fear: Exploring the Dynamic Between Security Concerns and Elite Manipulation in Internal Conflict’, *Conflict, Peace and Development*, Issue 8 (February 2006), pp. 1-32.

<sup>1271</sup> Druckman (2005), pp. 8, 43.

<sup>1272</sup> Ken Menkaus and Bush provide further insights as to why “traditional” methodological approaches relying on quantitative forms of analysis are problematic for conducting post-conflict research and assessing the impacts of peace-building activities. See Ken Menkhaus (2003) and Kenneth Bush, ‘A Measure of Peace: Peace and Conflict Impact Assessment (PCIA) of Development Projects in Conflict Zones’, Working Paper No. 1 (Ottawa: The Peacebuilding and Reconstruction Program Initiative & The Evaluation Unit, Ottawa, 1998), pp. 6-20.

Timor Leste's politics and the impact external actors had upon the country's emerging political landscape following the events of 1999. Having developed a fair sense of the issues to explore, interviews with research participants began in early 2001 after the research plan for this study was approved by the university ethics committee. These early interviews were conducted with members of the Timor-born Australia diaspora involved with the CNRT, Timorese students from Timor Leste in Australia on Australian Assistance for International Development (AusAid) funded scholarships and Australian nationals that worked in different capacities inside Timor Leste after 1999. I was also fortunate that International Development Support Services (IDSS), the implementing agency for the CEP, was based in Melbourne. This gave me a head-start on investigating local government development and decentralization issues. Similarly, Australian Volunteers International (AVI), also based in Melbourne, facilitated my access to personnel who worked with the UN and who were willing to participate in this study.

At a very early stage of my candidature I became a member of the Australia East Timor Association (AETA) to facilitate networking among the Melbourne-based solidarity community. AETA also proved an invaluable source of historical documentary information regarding Indonesia's occupation of Timor Leste (most of that information was culled from earlier drafts of this work). In 2001, while still in Melbourne, I conducted a focus group with ten East Timorese scholarship students from Timor Leste, along with three East Timorese students from the Australian diaspora. The discussion revolved around Timor Leste's language policy (i.e. the introduction of Portuguese and Tetum as official languages and the usage of other languages in the country), post-conflict community security and development and governance issues.<sup>1273</sup> Though a relatively small number of participants, they represented a fair cross-section of Timorese society. Some were FRETILIN supporters, others aligned with figures that later formed *Partido Democratico* (PD, Democratic Party), while others did not state a political preference. Participants included Hakka Chinese, *mestiços*, indigenous Timorese and

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<sup>1273</sup> The focus group was co-chaired by Mike O'Halloran, then a Masters student at VUT, and I. Dr. John Dalton acted as an official observer to the group discussion. The format we employed in conducting the discussion followed a semi-structured question approach.

diaspora Timorese, virtually all of whom claimed to be part of the clandestine resistance in one form or another. Towards the end of 2001, after the first stint in the field, I became a member of the East Timor Student Association (ETSA), a Victoria University based student group. The group sought to provide a support network for Timorese scholarship students studying in Australia and took a non-politically aligned stance; although some outside observers considered it sympathetic to FRETILIN. My own association with ETSA was limited to moral support and providing Timorese scholarship students from Timor Leste with a sense of community upon their arrival in Australia. I did not consider my involvement with the group to be a form of data collection, but in practice ETSA members proved to be among my most valuable research facilitators in the field. Through their friends and families I was provided with “instant” networks I could turn to for help, for moral support, as well as with providing a sense of community in a foreign country. When needing translation assistance they were quick to offer aid or arrange for someone to provide the assistance needed.

As part of my Melbourne-based study I set about learning to speak lingua franca Tetum, the most widely spoken and understood language inside Timor Leste. Other Australian researchers with whom I became acquainted sometimes chose to learn Bahasa Indonesia because it is the most widely understood written language in the country, and most village *chefes de sucos* (village chiefs) had fair Bahasa language skills. Developing this language skill was therefore valuable for understanding report material produced in that language and communicating with *chefes de sucos*. Some researchers also expressed the view that learning Indonesian brought with it better long-term employment prospects inside Indonesia with organizations such as the World Bank or the UN, and thus felt learning Tetum would be less rewarding over the long-term. For the purposes of my research, I felt it important to develop Tetum language skills, because it would allow me to solicit wider community views about local government development, security concerns, grievances, and so on, whereas a knowledge of Indonesian could not do this to the same extent.

***Timor Leste Based Research.*** During the fieldwork planning stage I decided that in order to develop a fair understanding about the impact of state-building and the direction in which the country was heading, it would necessitate spreading the fieldwork over an extended period of time (sometimes referred to as a “longitudinal study”). My first visit to Timor Leste was for a period of three-and-a-half months around the time of the Constituent Assembly elections in 2001.<sup>1274</sup> The intention was to observe “mission practice” first hand, get a feel for how the UN went about the business of building a state and how its personnel dealt with local stakeholders. As I believed most UN staff would be gone upon my return to the country, there was a conscious effort to solicit the participation of as many UN personnel as possible during this first trip. This entailed numerous visits to UNTAET headquarters and the UN Agency House where the United Nations Development Programme (UNDP) and United Nations Operations (UNOPS) were based. I also canvassed local non-government organizations (NGOs) (Yayasan Hak, Caritas, La’o Hamutuk, Sahe Institute, and so on), all of whom offered whatever time and assistance they could to informing this study (e.g. interviews, statistical information, reports). There were several NGO seminars I attended at the La’o Hamutuk/Sahe and Timor Aid compounds. Before heading to the field, I registered with the Australian Journalists Association and through them was given an International Federation of Journalists (IFJ) press identification, with which I was able to secure a UN press pass. It was hoped this identification card would facilitate data collection from areas and sources that would otherwise be inaccessible. Having a UN press pass made it infinitely easier to attend media briefings, arrange interviews with UN officials, or simply

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<sup>1274</sup> During this first trip I acted as an Independent Electoral monitor for the Constituent Assembly elections with a Victoria University monitoring delegation. Other delegation members included Dr. Helen Hill, former Labour Party MP Jean McClean, successful VUT doctoral student Dr. João Cancio Freitas who is currently the director of Díli Institute of Technology, Brian Fairman, and Northern Queensland doctoral candidate Rod Nixon. Rod Nixon and I split off from the original delegation to act as monitors in the district of Oecussi. The UNDP requested volunteers travel there because there were only three international monitors in the entire district (issues relating to logistical difficulties and security concerns). It was an exciting and interesting experience. Rod Nixon wound up sleeping on the roof of a gutted high school along with dozens of Timorese, at one polling station location. I based myself at Passabe subdistrict polling station- the sight of a massacre in 1999. The Indonesian national flag at the TNI border checkpoint was visible to the naked eye from the Passabe polling station. I was set to spend the night before the vote in an unused jail cell until Ghurkhas with the Singapore CIVPOL contingent offered me accommodation for the evening. At midnight they received a call from their commander and rushed off. Rod Nixon later reported suspected militia movements in the border area close to his polling station.

walk into UN buildings. It was, however, a double edged sword. There were times when being identified as a journalist was a deterrent for some UN officials, but overall the membership made entry easier to various locations than would have otherwise been the case. Given the relatively short timeframe for this first visit, I structured my research activities rigidly and distributed my explorations evenly between the districts of Baucau, Ermera, and Díli.

The districts of Baucau and Ermera were selected as focus sites for examining the CEP and issues surrounding local government development and decentralization, or lack thereof. These districts were chosen because reports suggested the project fared better in Ermera than it did in Baucau. I believed it would be useful to understand why, and see what inferences could be made about endogenous and exogenous factors in this regard. Thanks to the kindness of Timorese associates, I lived in a village just outside old town Baucau, which gave me a very different perspective of “life reality” at village-level. In Ermera district I relied more on luck and the charity of UN personnel. There I stayed for a month in a house just outside Gleno town with a United Nations Volunteer (UNV) and an Australian that worked for the International Organization for Migration (IOM).

Activities in Ermera and Baucau included observing the refugee reintegration process with CIVPOL personnel and the patrolling activities of United Nations Military Observer Group personnel (UNMOG) during their visits to remote villages. Due to the good offices of Timorese Project Management Unit (PMU) staff working on the Community Empowerment and Local Governance Project (CEP), I was able to attend village workshops and meetings regarding the CEP, as well as conduct numerous project inspections in twenty seven sites. This included brief project inspections in the districts of Viqueque, Los Palos, Aileu, and Liquiçá. These activities entailed a significant amount of sitting and listening to people express views and concerns about the CEP, issues relating to the development of the country, security concerns and “well-being”. PMU staff often acted as translators and provided transportation for these activities, which was an infinite advantage because they had already developed high levels of trust with community members and village *chefes de sucos*. This meant ritual ceremonies did

not appear to be necessary in order to begin discussions. I refrain from using these experiences to generalize about the strength of traditional practice, but took it as an indicator of variation that was perhaps related to “positions” of outsider/insider and levels of trust/familiarity. UNV’s also provided tremendous levels of assistance, particularly in Ermera. I tagged along with several of them to civic education workshops, development planning workshops and as an observer to conflict mediation processes they oversaw with *chefes de sucos* and community members.

This first period of fieldwork was a very proactive “seeking of information” following the grounded theoretical approach outlined in Chapter 2. Data collected was in the form of interviews, observations, drawing diagrams, collecting documents (reports, memos, statistical information, and so on), taking photos and a daily journal of observations and reflective thoughts. These activities entailed wearing a “researcher’s hat”, by which I mean active research meant it was obvious to anyone observing my actions that I was seeking information. The strength of this active research was that clear fields of data needed for the study were in place as was a plan to gather information. The weakness was that the “researcher’s hat” meant participants were sometimes guarded about information, or attempted to put forward their “best face”. This dynamic often increased with participants in more “important” positions of authority, which meant locating “truth” was difficult, contested and needed to be managed carefully (e.g. *via* data triangulation).

I returned to conduct follow-up research for six months between October 2003 and March 2004. Upon returning I found a very different country compared to the hectic bustle of 2001. UN personnel were much more in the background as secondary actors. It simply seemed more of a “normal” and quaint backwater as sometimes described in nostalgic writings of Timor Leste prior to the Indonesian invasion. The time between the two visits provided sufficient distance allowing for a meaningful contrast. I repeated the same field data collection process employed during 2001 with some variations. A press pass was not used because I did not feel it necessary given the reduced UN presence. UNV District Field Officers (DFOs) were not included in the new UNMISSET mission structure, which meant I relied more exclusively upon the facilitation assistance of

Timorese PMU staff when in districts. Improved Tetum language skills meant it was possible to explore more independently and to seek broader community level views than was the case during 2001. There was a much greater focus on seeking input from senior Timorese officials and other political actors and attempting to reconstruct their views about UNTAET state-building. In a number of cases I sought translation assistance from Timorese student friends to ensure accuracy in the questions put forward. Staff at the Díli Institute of Technology proved most helpful and supportive during this follow-up research by offering use of their computer facilities and additional accommodation when required. There were numerous visits to the CAVR compound to observe hearings and to seek the assistance of international personnel who, even with their incredibly hectic schedules, found time to participate with this study. UNMISSET's Public Information Office (PIO) kindly gave permission to sift through their database for photos spanning the different phases of UN peacekeeping operations in order to visually represent Timor Leste's transition from 1999 up to 2005.

More important than the planning of this second trip was a stroke of good fortune which made the fieldwork enjoyable and productive. While waiting in the Darwin airport after catching the red-eye express from Melbourne, a standard mode of travel for typically under-funded Australian research students going to Timor Leste (or any other country), I ran into a former VUT student, Gil Santos. On behalf of the Victorian State government, Gil was there to organize the 2003 Balibo commemoration of the journalists killed by Indonesian forces during the invasion of 1975. We discussed various issues relating to Timor Leste's politics at great length, which offered more insights than the whole six months leading up to that trip. As sometimes happens in Timor Leste because of problems with mobile telephone connections, I was unable to contact the Timorese family I planned to stay with in Díli. Gil's family basically adopted me as a "Timorese son with a pigment problem". Without their early intervention it is not at all certain I could have stayed in the country for more than a month, which would have translated into a far less productive or insightful study than was the case. During October and November I travelled to and from Baucau, where I stayed with the same family with which I lived during 2001. To facilitate research activities I purchased a motorcycle.

During 2001 the greatest frustration in the field was a lack of mobility and reliance upon others to travel to different research sites outside of Díli, and to gruelling walks to different locations in Díli and when in the Districts under Timor's scorching sun. The new motorcycle purchase with 0 kilometres cost US\$ 800 on my credit card, but ultimately proved much cheaper than renting a vehicle or motorcycle. I used it for the six months of fieldwork and for a further three months when writing a report for the World Bank. Upon my departure in August 2004 the odometer read 6,574 kilometres.<sup>1275</sup> Throughout this period I also made a habit of monitoring daily media reports to track political developments.

After a three week visit to Australia I returned to Timor Leste, toward the end of March 2004, to write the CEP final implementation report for the World Bank. The report writing consumed virtually every waking moment for the better part of three months, after which I "hung out" in Díli and the districts. During my "hanging out period" I continued with my fieldwork in what amounted to passive observations of individuals (June to August 2004), which meant the "researcher's hat" was not apparent to anyone. I was, for all intents and purposes, just another *malais bulak*- crazy foreigner. There were similar opportunities in 2001 to make such observations given the plethora of foreigners in the country, but during the passive phase those I observed were not obviously being studied and perhaps were more true to their normal behaviour. This was a crucial "rounding off" to the study that made it possible to identify inconsistencies between "officialdom" and "on the ground" reality. I returned again to Timor Leste at the beginning of October 2004 and stayed for just under a month to gather information for a UNHCR report commissioned through Writenet, a firm based in the United Kingdom which solicits the services of independent researchers to write reports for the United Nations High Commissioner for Refugees (UNHCR).

***Data Collection Cut Off Point.*** As a matter of pragmatism and manageability every piece of research must have an end point. Data collection ended in December 2004. I believed

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this to be a logical point following completion of the UNHCR report that examined continuing issues of concern for Timorese returnees from the 1999 exodus. However, events in May to June 2006 and the chance to see old friends drew me back in September 2006, which allowed me to confirm the accuracy of various arguments in this work.

### 3. Sampling Method and Interviews

*Sampling Method.* The selection of interview participants for this study followed a “purposive” or “theoretical” sampling method. This is when,

[I]nterviews are conducted with representatives of each category, stakeholder, or socio-economic group of interest to the objective of the study, but without random selection of the particular subjects who are studied in each group.<sup>1276</sup>

I found this to be the most effective way of working around field constraints that meant it was only possible to solicit the participation of representatives from different groups in this study.<sup>1277</sup> The categories of participants sampled for this study were drawn from the different levels of analysis (discussed below) and included: Timorese villagers from western, eastern and central regions of Timor Leste; Timorese students and youth; Timorese resistance leaders; resistance solidarity supporters from Australia aligned to various political groups inside Timor Leste; diaspora Timorese; representatives from several political parties inside Timor Leste; local governance figures; Timorese and international NGOs; UNTAET officials and staff; and World Bank officials and project staff. This approach reduced “data biases” emerging from reliance upon any single network of informants or skewed sampling frames and, I argue, thus increased the reliability of the research findings.<sup>1278</sup> Since this argument contradicts conventional orthodoxies on sampling methods some explanation is in order.

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<sup>1275</sup> Upon my departure in August 2004 I sold the motorcycle to the owner of Beer.net internet bar for US\$ 500. Transportation therefore cost me US\$ 300 for some ten months (which was less than US\$ 10/week, not including petrol and maintenance).

<sup>1276</sup> Michel Bamberger (ed.), *Integrating Quantitative and Qualitative Research in Development Projects* (Washington: The World Bank, 2000), p. 10.

<sup>1277</sup> *ibid.*, pp. 10-15.

Sampling methods are important because they indicate the extent to which research findings represent a population as a whole.<sup>1279</sup> Adhering to conventional arguments, Gray argues that random sampling techniques are best for ensuring non-biased representation: “the selecting of a random sample such that each member of the population has an equal chance of being selected”.<sup>1280</sup> Ideally, participants are drawn from a sampling frame that lists elements of the populations selected. According to Gray, instead of purposive sampling, random stratified sampling methods should be used (i.e. random samples drawn from sampling frames of different segments or strata of the society you wish to study).<sup>1281</sup> Similar to Gray, O’Leary notes that non-random sampling methods are inferior or last resorts when compared to random sampling methods; one reason being that findings cannot be statistically assessed for representativeness and are unable to make a contribution to broader understanding.<sup>1282</sup> Specific problems associated with non-random samples include unwitting bias (a tendency by researchers to act in ways that confirm suspicions) and erroneous assumptions (sample selections premised on incorrect populations or elements of a population leading to findings that cannot be generalized).<sup>1283</sup>

Gray argues that a common source of research error springs from sampling biases caused by flawed sampling frames. For example, relying on a telephone book directory in a

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<sup>1278</sup> Although it is believed that random samples yield accurate non-biased findings compared to non-random samples, I have found that this is not always the case. For example, while working with UNDP in Aceh on a justice assessment our research team came across one such case; an IOM funded report on public perceptions of the police services. Using a random sampling technique one of the report findings was that community levels of trust and confidence in the police services were generally high. Of course, this finding came as a tremendous shock to Acehnese. Our work, which used a non-random sampling method, yielded very different findings that, according to Acehnese voices, more accurately reflected public perceptions.

<sup>1279</sup> Gray (2005), pp. 83, 105-106. In a post-conflict context such as the one confronting Timor Leste following 1999 where most public administration records had been destroyed it was not possible to locate accessible sampling frame.

<sup>1280</sup> *ibid.*, p. 84.

<sup>1281</sup> See Gray (2005), p. 87; and Druckman (2005), pp. 147-148.

<sup>1282</sup> O’Leary (2005), pp. 109, 111

<sup>1283</sup> See O’Leary (2005), p. 109; and Gray (2005), pp. 116-117.

country where only five percent of the population have a telephone. The resulting error is over-representation of one group and under-representation of another.<sup>1284</sup> Linda Seligmann further notes that with qualitative studies there is a tendency for researchers to “superimpose their own grouping devices on already existing groups and fail to take into account the potential significance of existing clusters”.<sup>1285</sup> Perhaps a good example of this occurring in Timor Leste has been a tendency of political observers, and the mainstream Australian media in particular, to simplify political divisions in Timor Leste to pro-Gusmão or pro-Alkatiri camps: thus failing to recognize the divisions within these two broad groups or the overlaps that existed between them.

However, the critics of non-random sampling methods also point out that when used carefully and appropriately non-random sampling can overcome the dangers listed above to yield fruitful research results; especially in relation to qualitative studies.<sup>1286</sup> Importantly, Druckman notes that non-random sampling methods are “widely used in certain situations – especially those relevant to conflict”.<sup>1287</sup> This is a particularly useful point for understanding methodological limitations in a place such as Timor Leste where, following 1999, public records had been destroyed, statistical data collated by UNTAET and ETTA was at best limited and highly unreliable, and there was no research infrastructure in place to gather statistical information to conduct various forms of econometric or statistical trend analyses. O’Leary also argues that non-random samples can credibly represent populations if participants are selected with “the goal of representativeness in mind”.<sup>1288</sup> Methods for ensuring generalizability include ensuring that there is a “fit” between the sampled population with broader cross-sections of society and using a systematic selection of cases to ensure that those selected are typical of the

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<sup>1284</sup> Gray (2005), pp. 116-117

<sup>1285</sup> Linda J. Seligmann, ‘Ethnographic Methods’, in Daniel Druckman, *Doing Research: Methods of Inquiry for Conflict Analysis* (London: Sage Publications, 2005), p. 246.

<sup>1286</sup> See O’Leary (2005), p. 109; and Gray (2005), pp. 87-88, 323-324.

<sup>1287</sup> Scott Keeter, ‘Survey Research’, in Daniel Druckman, *Doing Research: Methods of Inquiry for Conflict Analysis* (London: Sage Publications, 2005), p. 141.

<sup>1288</sup> O’Leary (2005), p. 109.

population.<sup>1289</sup> Rather than statistical relevance, credibility springs from: data saturation (when further data does not add to richness or understanding); crystallization (building a rich and diverse understanding of a single situation); prolonged engagement (investment of time sufficient to learn the culture and understand context); broad representation (representation wide enough to ensure that an institution, cultural group, or phenomenon can be spoken about confidently); triangulation (using more than one source of data to confirm the authenticity of each source); and a full explanation of method (providing readers with sufficient methodological detail so that studies are auditable and/or reproducible).<sup>1290</sup> Finally, a key feature of grounded theory, as employed in this study, is the use of “theoretical sampling” which, according to Gray, “helps to make the emerging theory more generalizable”.<sup>1291</sup>

How do you weight the importance of a single interview from these different categories of respondents? Implicit in such an approach is that the “elite” or most influential figures carry the greatest influence in shaping research findings. This sits terribly at odds with the philosophical underpinnings of this study: building constructive citizenship in post-conflict societies. Moreover, the “weighting of importance” can be disempowering for weak or marginalized social groups because it implies that only the elite, or the best educated, or the best connected are worth hearing. Such a view can also lead to erroneous findings because the “weighted inputs” of the elite and influential are applied to a population broadly (e.g. applied those that feel marginalised by the powerful – thus meaning that new patterns of social conflict are undetected or simply ignored). This study rejects attempts to “weight the importance” of different voices. Implicit with the constructivist approach is the argument that different voices, including those of the socially weak and marginalized, are equally important for understanding the political dynamics of a society. In fact, it is arguable that the voices of the weak, the voices of the marginalised and alternative voices are the most important if seeking to consolidate

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<sup>1289</sup> Gray (2005), p. 137.

<sup>1290</sup> See O’Leary (2005), p. 115; and Gray (2005), p. 33.

<sup>1291</sup> Gray (2005), p. 336.

political institutions in a manner that will lead to successful and “peaceful” post-conflict state-building (e.g. increasing government responsiveness and efficiency, making for relevant development planning, empowering communities and eliminating community grievances as a resource for elite level conflict mobilisation).

***Ethical Concerns, Interview Format and Participant Reliability.*** Participation in this study was voluntary and in accordance with research ethic guidelines outlined by Victoria University of Technology. Informants were made fully aware of the purpose of the study, and the information required. Participants were asked for consent to be cited as sources. In cases where consent was given, interviews were recorded with a tape recorder and later transcribed or summarised to ensure accuracy. There were also a handful of participants that gave consent but requested that no recordings be made. In some cases participants agreed to be recorded on tape but requested they not be referred to by name. Participants that requested confidentiality are listed as Informant 1, Informant 2, and Informant 3; along with a categorisation of the group they represent (Timorese, UN, Aid Worker, international solidarity group, etc). There were also some of those who gave consent that I have listed in a similarly anonymous fashion, fundamentally because of the sensitive nature of information they provided and the possibility of professional or physical repercussions they might experience, if identified.

To address issues of participant reliability and ensure interviews proceeded smoothly, coded questions investigating the different research questions were repeated at various intervals to validate response consistency. When the schedules of participants allowed, a semi-structured interview format was used. Responses were allowed to be open-ended, which sometimes entailed response guided questioning to follow-up on relevant information. The approach allowed participants to become comfortable with discussion, rather than feeling subject to an interrogation. Once respondents were comfortable with the semi-structured response guided approach, I typically used a converging question technique to refocus interviews on areas most crucial to the study or points that were not yet addressed.<sup>1292</sup> There were also a number of interviews that had time constraints

placed upon them by the schedules of informants. In such cases a tightly structured questioning format dealing with primary questions was used, typically followed by attempts to extend interviews as long as possible to address secondary questions.

As a newcomer to the study of Timor Leste, I found an effective method of ascertaining the reliability of respondents rested with “playing it dumb”. This ploy worked to disarm Timorese participants such that they did not look upon me as a “threat” in the highly politicised social environment that existed in 2001 or the slightly less politicised environment of 2003-2004. It avoided the possibility of argument, made it easier to detect when an informant tried to influence my own thinking and allowed for all questions to be delivered. Towards the end of 2003, with more probing questions in hand, this method was refined so that interviews would begin with one or two fairly sensitive inquiries, about matters that I was already informed and that only “insider’s” could answer. If an “incorrect” answer was given clarification was sought by providing the “correct” answer and asking, for the record, if the respondent was saying the “correct” answer was “incorrect”. This served several purposes: it allowed the veracity of a respondent to be established fairly quickly and the reliability of information they provided; identifying inconsistencies could be correlated to the positions of participants and possible motives; it was an incentive that reduced distortions during interviews; and it allowed for the verification of “correct” answers or further elaboration. This method of questioning was slightly more confrontational and risked putting off participants, or leading to concerns about personal safety. In such cases, asking for the participants’ views on a contested issue, thus offering equal opportunity to inform the final study, proved sufficient to defuse volatile situations that emerged.

As a final point, a criterion for the reliability of a qualitative case study is its “auditability”. Therefore, all interviews that were tape recorded have been listed as such and copies of all tape recorded interviews remain stored with the author. Similarly, all

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<sup>1292</sup> Numerous guidelines exist on interview techniques, see Thomas and Brubaker (2000), p. 152. Additionally, the considerations given to structuring question techniques, question content and dealing with research participants works to strengthen the validity and reliability of interviews and reduce the likelihood that different types of biases will undermine findings drawn from interviews, see Gray, pp. 219-221.

primary documentary materials collected during the course of this study that have been cited in the body of the work remain stored by the author. This allows for any audit of the materials upon which the findings of this study are based.

#### **4. Data Sets/Units of Analysis, Levels of Analysis, Methods of Analysis**

*Data Sets and Units of Analysis.* A key issue with designing a successful case study is ensuring that a “unit of analysis” is defined and that it fits with the research objectives.<sup>1293</sup> In order to create data sets one must first have a fairly clear idea about the type of data to be collected. When beginning this study I relied on a methodological approach influenced by theoretically variables pointed to by several authors. This gave rise to the grounded theory in Chapter 2 that helped to guide data collection and a framework for analysis based upon the World Bank’s Conflict Analysis Framework (CAF).

Goodin and Klingemann note several factors to consider in the analysis of political institutions,

1. The legacy of history
2. The embedded nature of social rules and regimes, practices and possibilities
3. Socio-economic constraints
4. Belief systems and their origins (i.e. constraints on the exercise of reason)
5. The impact of ideas such as democracy
6. Normative values of actors- those that are currently held and those that might develop.<sup>1294</sup>

From a theoretical perspective Lane and Ersson point to several types of variables upon which to focus when considering issues of state stability,

1. Economic conditions

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<sup>1293</sup> Gray (2005), p. 128.

<sup>1294</sup> Robert E. Goodin and Hans-Dieter Klingemann, ‘Political Science: The Discipline’, in G.R. Goodin and H. Klingemann (eds.), *A New Handbook of Political Science* (Oxford: Oxford University Press, 1996), p. 17-20.

2. Social structure
3. Cultural factors
4. Elite behaviour and
5. Institutional structure<sup>1295</sup>

Dahl further notes it is important to consider,

1. Paths to the present
2. The socio-economic “level” or degree of “modernity”
3. Distribution of political resources and skills
4. Bases of cleavage and cohesion
5. The magnitude or severity of conflicts
6. Institutions for sharing and exercising power<sup>1296</sup>

Diamond, Linz, and Lipset, in their seminal study on democratisation, use “ten theoretical dimensions” around which they frame their inquiry,

1. Political culture
2. Regime legitimacy and effectiveness
3. Historical development
4. Class structure and the degree of inequality; national structure (ethnic, racial, regional, and religious cleavage)
5. State structure- centralisation, and strength (including the state’s role in the economy)
6. The roles of autonomous voluntary associations and the press, federalism, and the role of the armed forces
7. Political and constitutional structure (parties, electoral systems, the judiciary)
8. Political leadership
9. Development performance
10. International factors<sup>1297</sup>

I found that the methodological reasoning provided by Dahl and the theoretical dimensions outlined by Diamond, Linz and Lipset were the most “holistic” for selecting factors to answer the questions considered in this thesis; and what types of data I would need to collect while in the field. Robert Dahl also argues there are countless differences between political systems and there are no “neat” classifications.

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<sup>1295</sup> Jan-Erik Lane and Svante Ersson, *Comparative Politics: An Introduction and New Approach* (Cambridge: Blackwell Publishers, 1994), p. 109.

<sup>1296</sup> *ibid.*, p. 61.

<sup>1297</sup> Diamond, Linz and Lipset (1988).

According to Dahl, “system is an abstract way of looking at concrete things” and to determine what lies within a particular system one must specify its boundaries and which of the subsystems one is looking at.<sup>1298</sup> Chapter 2 outlines fairly simple classifications of political systems in countries that have experienced intrastate conflict or humanitarian emergencies. This was done as part of the inductive approach to constructing a grounded theory.

Dahl makes two further points useful for analysis. First, individuals often seek influence to further their own personal or political goals and; second, the manner in which a political system behaves is influenced by the existence of other political systems.<sup>1299</sup> This brings with it elements of political economy analysis that others have used to examine “the behaviour of ruling elites during periods of Darwinian pressures and food crises”.<sup>1300</sup> In the context of the case study methodology used in this study and in an environment of unreliable statistical data political economy analysis has been used insofar as it 1) considers how levels of poverty have given rise to violent competition and 2) how outlooks regarding economic development shape political action and impact upon human security (e.g. low levels of government expenditure giving rise to hostility to an incumbent government and new patterns of horizontal conflict). Rather than using different forms of statistical analysis this study attempts to understand how and why various interest groups seek, or have sought, to influence political development in Timor Leste.

***Levels of Analysis.*** Druckman argues that the field of conflict analysis is interdisciplinary and seeks larger perspectives on issues studied. This can include,

[L]inking analyses at micro levels (individual, small groups) to macro levels (organizations, institutions, nations)...where no particular methodology (experiments, surveys, or case studies) has a corner on this market....and conceptualizing theoretical patterns, first from the

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<sup>1298</sup> Robert A. Dahl, *Modern Political Analysis* (New Jersey: Yale University Press, 1991), p. 7.

<sup>1299</sup> Dahl (1991), p. 53, 57. The arguments of Paul Collier discussed in Chapter Two regarding the rise of intrastate violence, criminality, and elite mobilisation of popular grievance to serve elite political interests is best understood from this perspective.

<sup>1300</sup> Nafziger and Auvinen (1997), pp. 60-61.

intervention to the micro-objectives and then from the micro-objectives to the macro-goals...[that]...moves us closer to answering the questions about which intervention procedures work in what types of conflict, at what stage of the conflict, and under what societal or international conditions.<sup>1301</sup>

Marsh and Stoker also point out that,

If one is utilising a number of approaches, it is imperative to ensure that they are articulated: to be clear and precise as to how the different approaches are being used and integrated into a fuller explanation.<sup>1302</sup>

In order to appropriately aggregate different levels and make valid inferences as outlined by Druckman, the data for this study was drawn from the local, national and international level, or what Marsh and Stoker refer to as micro, meso and macro levels.<sup>1303</sup> This allows for a logical link between different governance institutions that can be assessed by using the UNDP's Institutional Capacity Development Matrix; which is specifically designed to examine the functioning of governance systems at these levels.<sup>1304</sup> The study is thus framed around UNTAET's national institution building efforts and the Community Empowerment and Local Governance Project at the local level. This was done in order to link the ideas of building citizenship with "elite" state-building and consider the role of both in creating a viable post-conflict/post-colonial state. The institutions and administrative structures examined in this study include: the former CNRT, UNTAET and its Office of District Affairs (and subunits), local governance structures, the Offices of the President and the Prime Minister, Parliament, Constitution, Courts, Police, Army, Ministry of Interior and Ministry of State Administration (and subunits). The international level, of course, is built-in through the involvement of the World Bank and the UN.

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<sup>1301</sup> Druckman (2005), pp. 13, 328.

<sup>1302</sup> David Marsh and Gerry Stoker, *Theory and Methods in Political Science* (New York: St. Martin's Press, 1995), pp. 291-292.

<sup>1303</sup> Marsh and Stoker (1995), p. 293.

<sup>1304</sup> UNDP, *Capacity Assessment and Development in a Systems and Strategic Management Context* (New York; United Nations Development Programme, 1998).

Below is a precise list of questions guiding inquiries by levels employed to consider how the state and political system in Timor Leste evolved by 2005.

***Local Government Development: CEP and ODA/DNAT***

1. Did the CEP build local governance capacity?
2. What tensions emerged during project implementation and why?
3. What problems occurred with project implementation and how was it implemented?
  - a. How did the project assist villagers?
  - b. What did villagers think about the project?
4. What ideas did the World Bank, UNTAET, and the Timorese leadership have regarding local government development and how did that impact the CEP?
5. How does local government contribute to institutional peace-building?

***National Level Institution Building***

1. What tensions existed inside Timor Leste during the early post-conflict transitional period (historical, economic, political, security).
  - a. How did Timorese leadership figures shape state-building?
2. Which institutions are best suited for creating “good” government and ensuring successful peace-building through institutional means in Timor Leste?
  - a. Has institutional engineering changed actions, attitudes, and the behaviours of Timorese in a manner that will promote social and political stability?
3. Who controls, or benefits from, the state apparatus?
4. How inclusive is the government?
5. What political and social divisions exist inside Timor Leste?
6. How do political and social divisions impact government performance?
7. What security concerns threaten social and political stability?

***International Level***

1. What tensions existed between different international institutions and within the UNTAET during the early state-building period?
2. How did policy contests shape state-building?
3. What operating framework did the UN bring to Timor Leste, and how did that impact institutional development?
4. What view did international aid workers (UN and others) bring to the mission about Timor Leste and its people?
5. What operational constraints confronted UNTAET?
6. Did UNTAET maintain a stable and secure environment?
7. How did the local political landscape evolve under UNTAET?
8. How did UNAET personnel go about building local institutional capacity?

***Data Set for Analysis.*** Several different forms of data were collected that can be categorised under the following headings: existing documentation (reports and secondary literature, newspapers, journals, etc); interviews; direct observations and participant observations; pictures, diagrams, existing survey data and focus group discussions.<sup>1305</sup> Data from the above listed levels of analysis were then organized into an analytical framework based upon the World Bank’s Conflict Analysis Framework (CAF), which is outlined in the following box.

<b>Conflict Analysis Framework (CAF) Variables Used in this Study</b>			
<b>Category of Variables</b>	<b>Indicators of Warning</b>	<b>Indicators of Increasing Intensity</b>	<b>Indicators of Situation De-escalating</b>
Social and Economic Cleavages	- Pre-existing social and economic division causing increasing tension between groups	- Sharpening social and economic divisions	- Fostering cohesion  - Establishing respect and collaboration between groups
Ethnic or religious Cleavages	- Pre-existing ethnic, religious and economic divisions causing increasing tension between ethnic and	- Sharpening social or political divisions causing violence  - Increasing political	- Fostering cohesion  - Establishing respect and collaboration

<sup>1305</sup> For a more detailed typology of different data sources see Yin (1994), pp. 80-90.

	religious groups	consciousness among ethnic and religious groups	
Differential Social Opportunities	- Limited access to or exclusion in education and employment	Increasing biases in education and employment (reservation of jobs for one group, language of a dominant group needed for government/civil service work)	Introducing reforms to give disadvantaged groups equal opportunity
Group Identity Building	- Organizing along ethnic/religious/social lines - Politicizing ethnic/religious/social issues - Anti-minority/majority speeches	- Highlighting and politicizing differences - Language/religion as a tool of division	- Focusing on commonalities - Willingness of factions to talk peace - Punishing anti-minority/majority crimes
Culture/ Tradition of Violence	- History of tensions - History of dispute resolution	- History of violence	- History of respect and peaceful conflict resolution - Historical Political processes not violent
Governance and Political Institutions	- One group dominating governance and military - Groups excluded from government institutions - Weak and hurried political transitions - Rigging of elections - Institutions cementing divisions - Limited public services such as health and education, unaffordable costs	- Increasing single group dominance - Increasing exclusion of opposition from government - Denying constitutional rights on ethnic/social grounds - Incomplete political transition with limited focus on democratization - Increasing cost of public services accessible to handful of political or social elite	- Establishing power sharing institutions - Encouraging inclusive government - Non-violent political transition - Ensuring free and fair elections - Strengthening minority/majority rights - Political institutions designed to overcome cleavages and bridge differences - Improving public service delivery capability on a sustainable basis accessibly by population

			irrespective of political affiliation
Stability of Political Institutions	<ul style="list-style-type: none"> <li>- Weakening democratic system</li> <li>- Widespread corruption accepted</li> </ul>	<ul style="list-style-type: none"> <li>- Failing democratic system</li> <li>- Escalating corruption</li> </ul>	<ul style="list-style-type: none"> <li>- Moving to deliberative democracy and power sharing</li> <li>- Devolution of power</li> </ul>
Links Between Government and Citizens	<ul style="list-style-type: none"> <li>- Lack of accountability of political leaders and institutions</li> <li>- Excluding groups in political sphere</li> </ul>	<ul style="list-style-type: none"> <li>- Increasing lack of accountability</li> <li>- Increasing exclusion of groups in the political sphere, excluding them from consultation/dismissing their opinions in decision-making</li> </ul>	<ul style="list-style-type: none"> <li>- Encouraging inclusive government with accountable leadership</li> <li>- Attempts to build trust in government and involve stakeholders in consultation and decision-making</li> </ul>
Role of Media and Freedom of Expression	<ul style="list-style-type: none"> <li>- Media increasingly politicized along political lines</li> <li>- Media reinforcing negative attitudes towards other groups</li> <li>- Limited press freedom</li> </ul>	<ul style="list-style-type: none"> <li>- Growing media censorship</li> <li>- Media divided along ethnic/political lines</li> <li>- Media reinforcing negative stereotypes</li> <li>- Increasing restrictions on media</li> </ul>	<ul style="list-style-type: none"> <li>- Encouraging neutral and fair media</li> <li>- Media serving as tool of reconciliation</li> <li>- Strengthening of freedom of the press</li> </ul>
Security of Civilians	<ul style="list-style-type: none"> <li>- Sporadic acts of violence</li> <li>- Armed robberies and rise and inability to protect civilians</li> </ul>	<ul style="list-style-type: none"> <li>- Increasing cases of systematic violence</li> <li>- Rising number of armed robberies and increasing inability to protect civilians</li> </ul>	<ul style="list-style-type: none"> <li>- Controlling the law and order situation</li> <li>- Increasing determination to protect civilians</li> </ul>
Economic Growth	<ul style="list-style-type: none"> <li>- Slowing economic growth rates</li> </ul>	<ul style="list-style-type: none"> <li>- Negative or falling economic growth rates</li> </ul>	<ul style="list-style-type: none"> <li>- Rising economic growth rates</li> </ul>
Income Disparities	<ul style="list-style-type: none"> <li>- Disparities along ethnic/religious/regional lines</li> </ul>	<ul style="list-style-type: none"> <li>- Increasing disparities along ethnic/religious/regional lines</li> </ul>	<ul style="list-style-type: none"> <li>- Lowering disparities along ethnic/religious/regional lines</li> </ul>
Inflationary Trends	<ul style="list-style-type: none"> <li>- Inflationary trends</li> </ul>	<ul style="list-style-type: none"> <li>- Uncontrollable inflation</li> </ul>	<ul style="list-style-type: none"> <li>- Inflation control</li> </ul>
Employment and Access to Productive Resources	<ul style="list-style-type: none"> <li>- Limited access to employment along ethnic/religious/social lines</li> <li>- Control of business along ethnic/religious/social lines</li> <li>- Development programs favour one group</li> </ul>	<ul style="list-style-type: none"> <li>- Deliberate discrimination along ethnic/religious/social lines</li> <li>- Control of business along ethnic/religious/social lines</li> <li>- Development programs favour one group</li> </ul>	<ul style="list-style-type: none"> <li>- Reforms leading to equal opportunity</li> <li>- Demobilization programs providing veterans equal opportunities to education and employment</li> <li>- Development programs do not discriminate in favour of one group</li> </ul>

Conflict-Induced Poverty	<ul style="list-style-type: none"> <li>- Population movements in search of employment</li> <li>- Disruption of productive activity</li> <li>- Lack of access to markets and loss of means of production</li> </ul>	<ul style="list-style-type: none"> <li>- Rising population movements</li> <li>- Increasing disruption of productive activity</li> </ul>	<ul style="list-style-type: none"> <li>- Fostering resettlement and reintegration</li> <li>- Ensuring resumption of productive activity and broad participation</li> </ul>
Role of Kindred Groups Outside Country	<ul style="list-style-type: none"> <li>- Rising political support from kindred groups</li> </ul>	<ul style="list-style-type: none"> <li>- Growing material and political support from kindred groups</li> </ul>	<ul style="list-style-type: none"> <li>- Kindred groups supporting political, economic, social interactions</li> <li>- Resettling refugees</li> </ul>
Role of Diaspora and external actors (media, foreign governments, “kindred groups”)	<ul style="list-style-type: none"> <li>- Pro- and anti-government Diaspora</li> <li>- Diaspora increasingly organized with strong networks abroad and close links with native country</li> <li>- Diaspora politicized on issues of home country</li> <li>- International media/political groups undermining internal legitimacy of an incumbent government</li> </ul>	<ul style="list-style-type: none"> <li>- Rising pro- and anti-government propaganda and political voices abroad</li> <li>- Increased funding of groups engaged in conflict</li> <li>- Diaspora actively raising funds and remitting money to government/rebels to attain political goals</li> </ul>	<ul style="list-style-type: none"> <li>- Increasing number of associations across ethnic/religious lines committed to peace and reconciliation</li> <li>- Diaspora reducing funding of activities for political causes</li> <li>- Diaspora serving as economic and political power-brokers encouraging investment, political negotiations, and stability</li> <li>- Commentary from international media/political actors strengthening the internal legitimacy of an incumbent government</li> </ul>

**Methods of Analysis.** Several methods were used to analyse the data.

**Content analysis** – A qualitative form of content analysis called “reflected attitude” was used to examine interview transcripts and various reports.<sup>1306</sup> This refers to a

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<sup>1306</sup> Thomas and Brubaker (2000), p. 140.

communications' general emotional or judgemental tone. The purpose is to reveal attitude similarities and differences towards a particular issue (e.g. UN actions, CEP, local government, World Bank actions and so on). It can be tied into a quantitative approach – i.e. how often do those meanings repeat themselves, at what times, and what does that reflect about life situations. Druckman describes this as a form of analysis that “addresses question of why something was said, how it was said, and with what effect” in order to provided interpretation and “inferences about speakers intentions and impacts that confer meaning on the interactions”.<sup>1307</sup> For example, what links exist between political statements and support for various actions (process leading to an outcome).<sup>1308</sup>

**Explanatory Interpretation** – The purpose is to detect the influence of earlier events on subsequent events. Implicit in this form of analysis is the notion that independent variables do not require elaborate exploration (a defined boundary of inquiry) but are important so far as they influence the dependent variables being considered. For example, at several points this study uses a constructive approach to consider how contested histories (independent variables) impact on political divisions/actions (dependent variables) during the case study period.

**Comparing and Contrasting** – Meaning derives from recognising how two or more phenomena are alike or different. Comparing involves identifying similarities among particular sets of issues, while contrasting is recognising differences between them; anything can be compared and contrasted (e.g. institutions, belief systems, people, emotions). This method of analysis is used for identifying post-conflict social dynamics in Timor Leste similar to those found in other UN peacekeeping missions and how that shaped UNTAET's early state-building efforts.

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<sup>1307</sup> Druckman (2005), p. 258.

<sup>1308</sup> Marsh and Stoker (1995), p. 157. In Timor Leste an obvious causal link using content analysis can be found with statements issued by Catholic Church officials in March 2005. Church officials demanded that Prime Minister Mári Alkatiri and the entire government resign. This led to broader public protests during which demonstrators made similar demands.

**Causal Analysis** – Some academics argue that the process of “thick description” with this type methodology brings with it analysis and potential understanding of patterns of causation between different variables and “explaining why they occur”.<sup>1309</sup> In fact, causal analysis is an analytical method I have used to some degree of success in forecasting various outcomes in Timor Leste through earlier professional assessments. Forms of causal analysis, which are found in various sections of this work, are “suggestive” rather than “conclusive”.<sup>1310</sup> The process includes identifying a correlation between two or more phenomena and providing a line of logic which suggests that one of those phenomena is the result - at least partially, of the other. In single case studies such as the one here, this form of analysis is not probabilistic (likelihood of outcomes based on statistical analysis) but rather descriptive and deterministic (if x is in place then y will occur).<sup>1311</sup> Lane and Ersson argue that establishing causality is tentative at best, but helps identify “pattern types” of conditions that impact upon a state.<sup>1312</sup> Pattern types can then undergo a process of “pattern matching”, which means that patterns emerge from the data that match, or fail to match, those that were expected.<sup>1313</sup> For example,

If...a number of predictions about the expected dependent variables are made, and are subsequently found, then this supports the internal validity of the study.<sup>1314</sup>

Another accepted method for establishing causality is time-series analysis, which is possible over longer-term studies or studies that cover longer-time frames. This is when,

[D]ata on dependent or independent variables are traced over time so that predicted patterns can be compared with the actual patterns that emerge and inferences drawn.<sup>1315</sup>

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<sup>1309</sup> See Gray (2005), pp. 338-340; and Druckman (2005), pp. 48-49.

<sup>1310</sup> Gray (2005), p. 344.

<sup>1311</sup> *ibid.*, p. 137.

<sup>1312</sup> Lane and Ersson (1994), p. 109.

<sup>1313</sup> Gray (2005), p. 139.

<sup>1314</sup> *ibid.*, p. 139.

This can take the form of a chronology tracing events over time that is compared to a chronology of predicted events “with what actually occurred” and thus analysis of causes.<sup>1316</sup>

**Triangulation**<sup>1317</sup> – A process of ensuring the consistency and validity of data, and is done between the different forms of data collection (e.g. interviews), reports, and secondary source material so as to identify divergence, and allow for the formulation of explanations. When possible, follow-up interviews with participants were also conducted during 2003-2004. The use of multiple research methods is another form of triangulating data that increases the construct validity of research “because the multiple sources of evidence should provide multiples measures of the same construct”.<sup>1318</sup>

**Research Limitations** – It is widely recognized that all research confronts various limitations. To consider otherwise is foolhardy, misleading when assessing the value of any given work and is an impossible burden to place on researchers in any field of study. In addition to limitations with the reliability of statistical data, gathering statistical data (both noted above) and other fieldwork limitations already identified in this appendix, Druckman points to several limitations with theory driven analytical case studies. These include: opportunistic evaluation of theoretical concepts to verify relationships between variables/factors; the failure to eliminate counterfactual explanations due to missing control groups; a difficulty in separating concepts from the case and overlooking other contributions to the way a process unfolded or to how an outcome occurred.<sup>1319</sup> The methodology outlined above has sought to address these limitations.

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<sup>1315</sup> *ibid.*, pp. 142-143. See also Druckman (2005), pp. 200-205.

<sup>1316</sup> *ibid.*, p. 143. See also

<sup>1317</sup> Bamberger (ed.) (2000), pp. 14-15.

<sup>1318</sup> Gray (2005), p. 129.

<sup>1319</sup> Druckman (2005), p. 170.