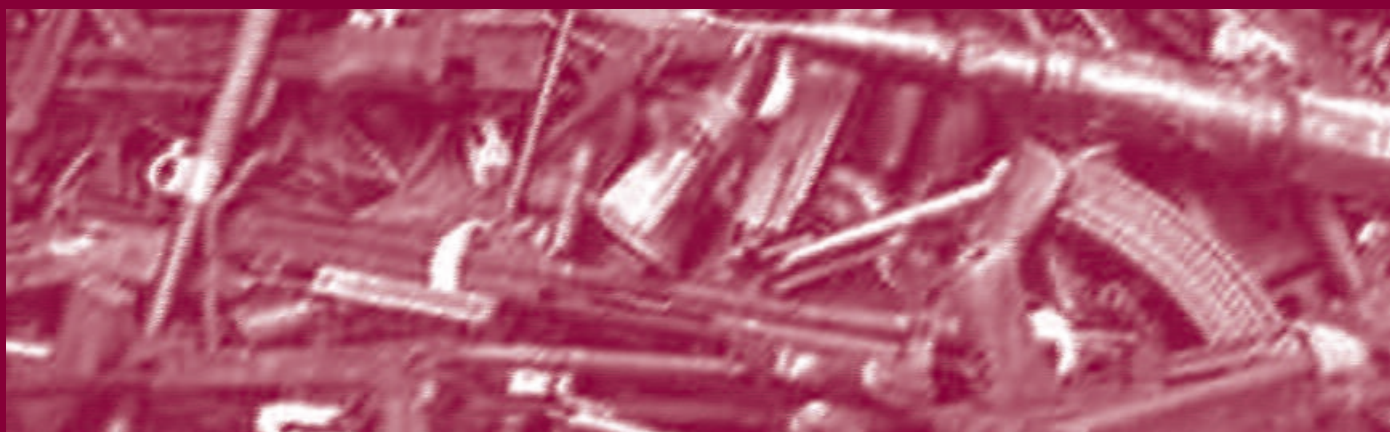


# The Crisis in Timor-Leste: Restoring National Unity through State Institutions, Culture, and Civil Society



Rebecca Engel

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Working Paper / Documento de trabajo  
August 2006

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# The Crisis in Timor-Leste: Restoring National Unity through State Institutions, Culture, and Civil Society

Rebecca Engel

August 2006

Rebecca Ellen Engel is an Associate Research Scholar with Columbia University's Center for International Conflict Resolution (CICR). Based in Timor-Leste since 2002, Engel opened the Center's first full-time field office. She is currently working on a broader research effort with support from the Ford Foundation in review of contributions to Timor-Leste from the international community.

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Felipe IV, 9 1º Dcha. 28014 Madrid – SPAIN

Tel.: +34 915 22 25 12 – Fax: +34 915 22 73 01

Email: [fride@fride.org](mailto:fride@fride.org)

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# Contents

The Context in Brief	1
Background and Overview	1
Looking Forward	3
Restoring National Unity	4
Disarmament	4
Reinvention of PNTL and F-FDTL	5
The National Constitution	6
Fortifying the Justice Sector	7
Elections	8
Conflict and Peace Capacity Assessment	8
Reaffirming National Culture	10
Economic Opportunity	11
Civil Society Strengthening	12
Good Governance	13
Contributions for Stability from Europe	14
Conclusion	14

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## The Context in Brief

Timor-Leste is in the throes of a national crisis. Over the past several months, tens of thousands of people have fled the capital, seeking refuge in family homes across the country or in the makeshift Internally Displaced Person (IDP) camps that sprang up virtually over night throughout Dili and the surrounding districts. International forces contributed by Australia, New Zealand, Malaysia and Portugal have reduced the use of small arms violence. While looting and burning of homes and businesses continues, it has decreased considerably. Many are quick to point out the East/West nature of the violence. The reality, however, is much more complex and the actors in this unstable situation are many.

Ultimately, systemic and structural causes of conflict must be addressed if future conflict is to be prevented. Political processes must become more transparent and, at the same time, the UN and international agencies must consider the post-conflict tensions and nuanced relationships among communities when designing development programmes. Today, in part, we are seeing the impact of the policies and programmes of the government as well as of the international community that did not adequately act upon such factors.

## Background and Overview

A series of events transpired over the past few months, leading to mass displacement and near paralysis of government. Following dissatisfaction with the government's commission set up to investigate charges of discrimination in the Falintil-Timor-Leste Defence Force (F-FDTL), a group of nearly 600 soldiers calling themselves the 'petitioners' came to Dili in protest.<sup>1</sup> In March 2006, these petitioners were sacked, ostensibly for failing to follow orders to return to barracks. These soldiers, as others, had been working without contracts and the decision to sack them was seen as highly political and had a significant impact on what is essentially a large network of families throughout the Western districts.

Violence eventually broke out on 28 April at the end of week-long demonstrations. Weapons were fired by the police and cars burnt by demonstrators in front of the government palace. Fighting continued later that same day and through the weekend, resulting in the death of between 5 and 60 as well as many burnt houses.<sup>2</sup> At the same time, rumours began to spread that civilians had been armed, hastening the sense of insecurity and the pace of displacement. This violence further consolidated already growing splits within the military and between the military and police.

Between 30 April and 22 May, an uneasy calm returned to the city in anticipation that the results of the Fretilin National Congress could provide solutions to the increasing tensions between the government and

<sup>1</sup> This is based on the petition submitted in early February 2006 to the President, Xanana Gusmao.

<sup>2</sup> An international independent Special Inquiry Commission has been established by the UN tasked with "establishing the facts and circumstances relevant to the violent incidents that took place in the country on 28 and 29 April, and on 23, 24 and 25 May. The mandate of the Commission includes clarifying the responsibility for the events, and recommending measures to ensure accountability for crimes and serious violations of human rights allegedly committed during the period." United Nations Public Information Office, Press Release of 29 June 2006.

the petitioners and those military and police members who defected in support of the petitioners. At the same time, three commissions were established to investigate the events surrounding: 1) the role of the military in domestic affairs; 2) the number of burnt houses and victims of violence; and 3) the original claims of discrimination. There was little faith that these commissions would be effective in bringing accurate information to light or that the investigation would be followed by a transparent legal process. During this time, the rhetoric was increasingly hostile and the leadership struggle within Fretilin pronounced.

The violence of 23-25 May altered the landscape in Timor-Leste significantly. Over three days, there was open shooting between military police and members of the defence forces. This violence included an attempt to get revenge for the events of the previous month's violence resulting in the massacre of unarmed police officers. A combination of police and military launched an attack on the Brigadier General of the Armed Forces and many targeted burnings and looting took place.

By the end, most armed dissidents from the police and military fled to neighbouring districts, concentrating in Ermera and Maubisse. Whereas they all are from the West, many are colleagues who are simply dissatisfied with the low wages and perceived corruption and lack of transparent promotions inherent in the system, particularly the police and military. The remaining police and military officers have been technically confined to barracks ever since.

Since April, youth gangs have often been led by those taking advantage of the fractures in government to achieve a local outcome in response to perceived grievances of a personal and/or political nature. Youth have been highly politicised during this crisis.

It is difficult to pinpoint a singular action that contributed to the stalemate leading to the resignation of the Prime Minister. The trigger that sent people running from their homes to makeshift IDP camps in Dili and to family homes in the districts was fear of

weapons in civilian hands. Only a court of law will be able to prove definitively where the weapons came from and who was responsible. That said, this is only a symptom of a larger philosophical question as to the model Timor-Leste is trying to emulate as a new nation in the twenty-first century.

These trigger factors in the outbreak of violence have faded in light of the macro-leadership and governance issues. The ex-Prime Minister is considered by some to be a scapegoat of an Australian (and American) driven plot to remove a difficult man with Portuguese affinities from power. Others are certain that there was a very strategic effort to create divisions within the military in order to weaken the institution considered more loyal to the President and/or to ensure it would defend the party interests as necessary. The ex-Prime Minister's ultimate downfall, however, was not altogether surprising given his unwillingness to address the people constructively prior to mass demonstrations in Dili.

What is more striking is that divergences of opinion that have existed for years have come to light. Beneath the cries of discrimination and the fear that has emerged between East and West, is a lack of agreement on the approach to government and a lack of mechanisms for communication and decision-making - not just for day-to-day policy but also with regards to fundamental issues of politics and the future of the State being built.

The lack of political agreements ensured that political divisions were reinforced and woven into the fabric of the State and has informed its formation up until the breaking point. Examples can be found in the formation of police and military, and the subsequent alleged politicisation of its leaders. Use of budgetary resources has also been contentious including the investment priorities and non-transparent/non-accountable tendering processes. The targeted linking of the State to the Fretilin party has left opposition parties always on the defensive and political appointees are at times more concerned with party politics than national service.

The challenges also tap into fundamental questions relevant to the transition from occupation through to independence. Should Timor-Leste have entered the world of independent nations with a government of national unity? Did it require a military force and if so, what was to be its mandate? As its Constitution was drafted, what was to be the role of the President, given the long-standing differences among the leaders (all of whom knew at that time who would eventually be sitting in the respective positions)? There was also a question as to the role of civil society and the political parties *vis-à-vis* the State.

The resignation of Prime Minister Alkatiri may serve to reduce tensions though the new government faces formidable challenges. It was unfortunate that steps were not taken earlier on to address rising tensions prior to their escalation and the militarization of the multiple police forces, the military and civilians. Efforts to reconcile with disenfranchised elements within the population could have prevented the current crisis. Instead, the ex-Prime Minister was unwilling to express empathy for those suffering in the current situation or to speak with some humility that perhaps the government could have prevented such an outbreak of violence in the future. His language has often been provocative and the choice to proceed in a business as usual manner was perhaps a miscalculation in terms of his public relations strategy.

Culturally, strong leadership coupled with respectful engagement is necessary to gain the respect and support of the people of Timor-Leste. The ex-Prime Minister had an obligation to act in the interest of the country and its citizens to end the paralysis of the State before the conflict spiralled out of control. His recent resignation, while highly unfortunate given the lack of clear legal proceedings against him, was the right thing to do in the interest of the nation and a return to stability and governability.

## Looking Forward

The new challenge created for Timor-Leste in its first years of democracy is that change was the result of violence and intimidation, coupled with mass demonstrations. One could argue that those accused of distributing weapons to party loyalists triggered the result we have today. There are many conspiracy theories as to the reasons behind the weapons distribution, including that there was an attempt to recreate an armed wing of the Fretilin party as Falintil had been before becoming a national resistance force. Others claim fear of defeat in the upcoming elections or power politics for individual party members were motivating factors for distribution.

What is known is that these weapons have been brought in over the course of several years and very few have questioned this policy, including the national Parliament. While it is not really possible to address this issue before the investigation is complete, the risk for any future government is that if there are dissatisfied elements, this crisis has demonstrated that young men can be easily mobilised to bring the system to a halt and force a leadership change. This is not a good sign for democracy.

One also needs to look for the organisers behind the scenes — those paying for the trucks, the diesel, the water and those who are leading the 'staff' of the demonstrations. What are their political interests? Can anyone with financial backing use the same tactics in the future? Similarly, it seems that politics also became a factor in the divisions within the military and police and the structural conditions allowing for such influence must be removed in the future if conflict is to be prevented in the long-term.

Today, there is a perception among many that jobs are only available to ruling party followers and their close relatives and friends. There is a concern among many that, despite significant foreign and national resources, not enough is being done to support people in their

daily lives in Dili and in the districts. There is at the same time strong centralisation and distrust of civil society and yet non-governmental actors and donors are perceived to be the ones bringing services such as water and sanitation systems to the people.

While it is critical that foreign efforts to provide security are effective so that people can return to their homes, alone this would remain a superficial and impermanent measure. Real security will come once underlying factors contributing to instability are addressed at the national and community levels. At the outset, at the level of the State, it is necessary to review the National Constitution, reform the justice sector, repair relationships within and reinvent the F-FDTL and the National Police Force of Timor-Leste (PNTL), as well as reconsider the meaning of decentralisation and the overall approach to governance.

At the same time, mechanisms are needed to facilitate national reconciliation and the reintegration of victims of violence within their communities once they are secure enough to return. A question remains as to whether or not people will want to return to live in houses recently destroyed by others within the community. For those that do return, strategies to help rebuild not just the physical infrastructure but also the fractured relationships are necessary as well as those that prevent the cycle of violence from continuing.

Civil society strengthening is further required throughout the country. As much as the government is fragile, civil society has no means for communicating or consolidating its position with regards to any issue of national relevance. Civil society represents a broad range of actors and interest groups throughout the 13 districts. Efforts to enable these groups to communicate in regards to matters of national interest, with each other and with the government, are required.

The UN must also revisit its role in both contributing to the current state of instability in Timor-Leste, as it has been a major actor in the transition from occupation to independence and beyond. Review of its

mandate and ability to contribute to the needs for the future of Timor-Leste are required. In particular as concerning elections, peacekeeping, justice, civil society, and development strategies.

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## Restoring National Unity

### Disarmament

Much of the serious looting and burning has stopped but given that violence has for the most part been targeted, those still sheltering within Churches, UN compounds or in the districts, do not yet feel safe to return home. Behind this fear is not just the machetes and arrows in use by youth gangs. The fear is of automatic rifles, grenades and other sophisticated weapons that are rumoured to be in civilian hands.

Security cannot be achieved before civilians are disarmed and the security institutions of the State reconfigured. Even as relative calm has been restored, the fear of persons with weapons and armed intimidation in certain areas continues. In some areas, young men actively threaten their neighbours by claiming that as soon as the international police and military leave, they will return to continue the violence.

In co-operation with appropriate authorities, international forces will be required to actively encourage people in all 13 districts to hand in their weapons. To achieve this end, all political leaders will need to make a joint appeal for the people to do so. This appeal must be deemed credible and must be reinforced behind the scenes by party and government representatives.

A strict timeframe should be determined for the return of weapons and anyone found concealing weaponry after this date would face serious legal consequences. Laws regulating the use of agricultural tools easily

used as weapons must be enforced as well. Given that anonymity is challenging in such a small country and that fear of reprisals may be significant, a national hotline could be established so that information about weapons can be submitted to relevant officials anonymously. National police officers must adhere to the legal norms of the country and not abuse those who have been reported on through the hotline. At certain critical intervals and as weapons are gathered, ceremonial burnings can be conducted in Dili and the districts in which guns are collected.

In addition, the President, government, Parliament and the court must agree that specified advanced weaponry will not be pursued in the future by the State and that all efforts will be made to prevent importation of such items, be they through black market channels or formal government purchase. Traditional leaders should further reinforce it during community level dialogues and establish a national *Nahé Biti Bo'ot* process (discussed below) to ensure all understand that this is a serious request with consequences if not adhered.

## Reinvention of PNTL and F-FDTL

The police and military have suffered from dangerous divisions between the two institutions responsible for maintaining public security. These institutions have further suffered from divisions within. Today, an investigation into the actions of individual police officers both during and prior to the crisis is recommended so that the reputation of the National Police Force can be repaired. Officers involved in criminal offences or corrupt practice must be charged and prosecuted accordingly in a court of law.

It is also suggested that clear guidelines are developed should a new recruitment phase be launched. Selection criteria and mechanisms must be public and transparent. The government should commit to ensuring only small fire arms are purchased for the police force as it should be clear that this force will

only be taking action against other Timorese and so large arms will not be necessary.

With regards to morale within the force, it is important that there is a perception that position, rank and promotion within the force is related more directly with experience and performance rather than affiliation. In every institution of the State, work must be done to separate the party from the government so that one is rewarded, or not, based on merit rather than position *vis-à-vis* any party. More work also needs to be done to support the police in their efforts to serve the country as too often there is a perception that personal ties to individual officers result in special treatment.

On the other hand, the existence of the institution of the F-FDTL should be very seriously considered. There exists today a high degree of tensions within the military and there is a need to assist in the disentanglement of issues ranging from personal to political to geographical and historical. Mediation may be necessary to bring various elements within the military together and to ensure grievances are not acted upon with violence in the future. Efforts to restore internal relationships may increase public confidence in the F-FDTL. The government should resist attempts to bring the force into public prior to an internal review and reconciliation.

Following review, any member of the armed forces who committed a criminal or other offence during the crisis must be investigated and charged accordingly. Similarly, individuals who have grievances with either members of the police or the military must be able to take these to an appropriate authority so that action can be taken. To date, this has not been perceived possible and some of the violence can be attributed to anger at perceived preferential treatment by security force members of some citizens.

If it is deemed necessary to have a military at all, it will be important for the military to have an additional civil role so that during times of peace, morale remains high and its members do not become idle. The

government of Timor-Leste may consider reforming the force into a civil engineering corps which could eventually become responsible for bridge and road building. Alternatively, other projects in service of community/national interest throughout the country could be imagined.

Recent events have been particularly demoralising for police and military officers, particularly those engaged directly in gun-fights or who have lost close friends and colleagues. The psychological impact of recent events cannot be underestimated when considering restructuring and training options. Individual counselling may be necessary as well as dialogue in which sensitive issues can be raised. It is important that any facilitator of such dialogue must also work to ensure that specific grievances aired are followed-up with an appropriate response/action. In addition to individual grievances, efforts must be taken to reform the structural imbalances within the institution that led to the petitioner's claims of discrimination.

It is also suggested to raise the salary scale for those serving in the police and the military. The current wage of under \$100/month provides too much of an incentive for corruption and undervalues the significant role played by these institutions in providing security for the citizens of Timor-Leste. At the same time, pension schemes and funds for the families of officers killed on duty, or educational trust funds for the children of officers could also be considered separately from any pay hike.

The next UN mission should include a robust security mandate as the police and military forces in the country will need to be reconsidered. In the meantime, UN support to maintain law and order will be required. This support should consider as well how to operationalise the laws and investigation mechanisms already in place in the country but which clearly need strengthening and experience in implementation. Unfortunately, the international police presence represents a superficial guarantor of security and if the root causes of violence are not addressed, violence will return upon the departure of foreign forces. That said, if people in the immediate term are to feel safe and

even consider returning home, a robust police presence with capacity to arrest and investigate crimes is required.

## The National Constitution

The events surrounding the sacking of the petitioners set into motion a constitutional crisis in Timor-Leste. First, there is no political agreement as to the decision-making hierarchy with regards to the military as elucidated by the absence of approval of the Supreme Commander in the decision to fire over one third of the force. Subsequently, the F-FDTL became embroiled in a domestic security issue, contradicting their previous order to remain in barracks. This order to engage with demonstrating petitioners was made without previous consultation with the President and Supreme Commander of the Armed Forces. An investigation of the details of these events has already been proposed by Prime Minister Ramos-Horta and is underway.

These events represent the manifestation of ambiguities present in the Constitution which have contributed to the current crisis. On the one hand, the Supreme Commander is responsible for the execution of its competencies with regards to the defence force. At the same time, the Minister of Defence is a member of the Council of Ministers accountable to the Prime Minister. It is also necessary to establish political agreement as to the threshold for the "regular functioning of the democratic institutions" of the State as set out in Article 112.

A high-level international seminar should be convened by the Office of the President and constitutional scholars invited to chair a session with representatives from the government, Parliament, court and other local experts. The strengths and shortcomings of the current Timor-Leste Constitution should be explored, and recommendations made as to how, through constitutional improvements and agreements on interpretation, can future tensions and the escalation of the crisis be prevented. This seminar could provide a

further opportunity to address the challenges presented by UNTAET, the first UN transitional administration in Timor-Leste, when it decided not to hold governmental and parliamentary elections favouring to transform the Constituent Assembly into a parliament rather than preparing a vote for the first democratic government of the independent nation.

## Fortifying the Justice Sector

Among the greatest challenges to Timor-Leste today is that neither citizens with grievances nor politicians have considered recourse within the justice sector a legitimate alternative to resolving disputes. During the 24 years of resistance to Indonesian occupation, the people united for liberty in a fight against injustice. It should not be surprising today to see people uniting again in the face of what they perceive to be injustice. The fact that these individuals are using weapons to support their cause again reflects the need to strengthen the legal mechanisms of the country. These mechanisms must be perceived as a viable option for small and large offenders alike, regardless of their position.

Throughout Timor-Leste there is a resounding call for justice. Sadly, faith in the capacity of the Judiciary does not exist. Cases continue to be brought against small criminals but high-level cases involving prominent figures are never pursued in a court of law. The Minister of Justice consulted with the former Prime Minister before taking any policy decisions and at times would not consent to sign land lease agreements without prior approval. The Prosecutor-General is not empowered to act and there is a perception that all high-level cases are stalled and/or settled outside the formal justice framework. Outside the capital, murder and rape cases are often referred to local elders rather than brought before a court of law.

The United Nations and other international donors/agencies have been working in support of the

justice sector for 6 years. It is now the time to bring a test case through the process from investigation to trial. As the conflict has escalated, many new issues have emerged that will eventually require legal recourse. Whereas one of the most important cases will be investigated by an international commission concerning accusations of weapon distribution to civilians as ordered by senior officials using the ruling party's infrastructure as a vehicle, this and other cases need to reinforce the relevance of the justice sector by being brought through the process transparently and with a legitimate outcome. In addition to smaller crimes, those who led armed groups into the hills should not be allowed to remain above justice.

Before people will return home from IDP camps they will need assurances that their neighbourhoods are secure. Once this transpires, in order that the current conflict does not reignite, justice is required. The looting and burning of houses has for the most part been targeted and the causes for such action vary case by case. Each victim requires that their grievances be heard and that crimes committed are taken, where desirable for the victim, through a legal process with a just end. If there are biases perceived in the meting out of justice, the system will break down and conflict will certainly return when circumstances permit. Village councils can take the lead in convoking community dialogue regarding grievances and ensure that individual and community level needs are addressed appropriately. International organisations and UN agencies can support these micro-processes across the country.

The UN should further make justice sector strengthening a priority in the follow-on mission. The government should set a clear direction, advisers should be empowered to ensure legislation and policies within the sector developed in accordance with international standards without regard to party or other interests. To date, there has been little coordination in this sector and often 2-3 advisers will be brought into work on a particular piece of legislation, in most cases without knowledge of earlier efforts. There should be co-operation among the

various ministries to ensure legislation with impact on multiple sectors is not drafted in a vacuum. Over the past few years, it has been common to bring laws in operation in other countries directly into Timor-Leste. In the future, it is important that an oversight body ensures legislation is relevant to the context of a small country that does not need endless layers of bureaucracy.

## Elections

Given that the new interim government is not very different from the previous government, announcement of a clear and relatively soon timeframe for new parliamentary and presidential elections should be considered. Once dates are set and the people informed, it will be critical to ensure that election officials are independent and that campaigning criteria are clearly enforced.

Opportunities were lost in the previous village chief elections to ensure independence of the National Election Commission which was quasi-governmental and so not trusted as an independent arbiter of election regulations, despite this guarantee in the Constitution. Campaign rules were ill-enforced at that time, including the use of public vehicles and the time of public officials for campaigning, giving Fretilin an advantage in their ability to campaign throughout the country. Cases of public officials losing their jobs for supporting opposition parties were also evident in the previous elections. All in all, local elections proved very divisive and created significant tensions at the community level.

The UN should ensure measures are taken to publicise and enforce campaign rules and regulations. It must be recognised that the instability is in part a result of the failure of State institutions to appear to operate in the national rather than in the personal or party's interest. As such, all efforts to strengthen these institutions should be made.

Civic education programmes and electorate education should be more nuanced than they were in previous

elections. Often, workshops are too theoretical and do not provide participants with a clear understanding of the process and the implication of the vote. Educational programmes should also ensure that it is not just the voting day itself that is important but how this connects to the overall political reality of the country. One possibility is to have those providing civic education elicit priorities within communities and work to identify the most appropriate avenue of response. Communities need to better differentiate between personal responsibilities, government (local or national) responsibilities and those areas where non-governmental or other agencies may be best suited to provide support. As such, educational programming may further serve to reduce tensions associated with elections by substituting party identification with demand for service delivery tested on election day.

Candidates must also be supported so that they too can better connect with constituents. It could be useful to consult party leaders to know if they would like to be assigned political strategists who can help all parties to develop the tools of campaigning and platform design. To date, it is difficult to know the position of any given party or the party platforms/priorities with regards to substantive issues.

## Conflict and Peace Capacity Assessment

Despite most people's perception that the East/West issue was no more than a stereotype, there are historical grievances that have existed between certain groups in the East and others in the West. At times there has been tension among *Makasae* traders from the East who have a traditionally strong presence throughout the country's markets. Similarly, following the Indonesian invasion, many in the West were killed, leading the resistance to seek out the more secure base in the *Matebian* Mountains of the East. The rich agriculture lands of the Western districts enabled farmers to contribute financially to the resistance through their coffee and rice sales. At the same time,

the Indonesians had a particularly pronounced presence in the West of the country stemming from their invasion over the mountains along the border.

Unfortunately today, what may have been small prejudices held by some within Timor-Leste, can no longer be assumed to be irrelevant. Whatever the initial motivation of the youth that went on a rampage throughout the capital, the impact has been an increase in fear and anger. The cleavage between East and West exists perhaps in a way it did not before as some people reference this as a rationale for threats and violence. It may be useful to explore this issue more systematically to ensure that divisions within society are not unwittingly being reinforced in the future.

At the same time, to focus alone on East/West cleavages is insufficient. Evidence suggests that there is not one motivating factor behind the violence and destruction. Rather, it appears that each neighbourhood has its unique challenges and issues. Certain families have been targeted because of their political or familial association, others are targets of socio-economic jealousies couched in ethnic sentiments. Yet others are victims of random gang violence, land and property disputes, or historical political tensions that are just now re-emerging as the conditions are ripe. Much of the destruction has occurred on government land occupied in 1999 with the withdrawal of Indonesians; the motivational factors for violence are relevant as strategies to rebuild the destroyed homes and kiosks are developed.

In co-operation with the International Organisation of Migration (IOM), BELUN, Columbia University's Center for International Conflict Resolution (CICR) and PRADET have begun a thorough Conflict Vulnerability and Peace Capacity Assessment to identify the underlying motivations for violence in targeted communities as well as individual/community requirements for future stability and unity.<sup>3</sup> These

assessments, conducted in selected IDP camps and villages in Dili and the districts, indicate that the nature of violence in each area is the result of a multiplicity of factors that may vary from community to community.

The assessment process seeks to further identify the underlying causes for certain neighbourhoods to have gone unscathed by violence, looting and burning. We must learn more about the reasons behind the relative stability. Was there a particularly strong local leader or religious figure? What contributed to the cohesion and how does this relate to areas where destruction was more rampant? Such information can further inform strategies for repairing trust and community mechanisms necessary to prevent such outbreak of violence in the future.

The conflict vulnerability assessments will inform priorities and programming options in targeted neighbourhoods in Dili and in the districts. The risk is that the government, UN agencies and international NGOs will rush to develop proposals for short-term vocational training, reconciliation dialogues and other activities, for youth for example, that will not address the underlying causes for violence. A single development and reconciliation model for all neighbourhoods is likely to miss the nuances present within different communities, particularly those that we see re-emerging throughout time when the political climate permits.

The government of Timor-Leste must consider developing a policy that will enable each *bairro* to address the causes for violence in a manner that will resonate with the inhabitants of the neighbourhood — particularly those who have lost their homes to local gangs. This may be a good opportunity to engage Suco Councils to convene meetings of community members, elicit issues of particular concern and identify strategies for addressing these one by one. These councils were recently elected and while in some cases traditional leaders are not the elected leaders, the councils can serve as administrative entities that can ensure needs are identified and the appropriate actors engaged to address those needs.

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<sup>3</sup> BELUN is a national organisation supported by ACDI/VOCA, Care International and CICR. PRADET is the only national organisation providing psychosocial and trauma counselling services.

The international community can provide support to the new councils to ensure that they are able to manage the heavy case-load and respond in a timely manner to grievances. Special consideration will also be necessary in cases where village leaders were engaged in violence or other offensive acts. In addition, attention will be required in support of the councils to ensure their efforts are transparent, unbiased, action-oriented and monitored effectively.

As determined by participants in the Suco Council meetings, for certain individuals, a traditional dialogue process may be useful towards restoring relationships, outside a court of law. Through a traditional judgment process, specified actions may be identified so that victims' needs are met. It is important, however, not to stop at the level of individual but also to continue to ensure that at the level of community and the State the underlying structural or systemic factors contributing to anger or resentment are addressed accordingly. Special attention to women's concerns are required as often women have little voice among the male leaders and male perpetrators.

For any strategy on return and re-integration to be effective, the government needs to further agree on a policy with regards to land and property rights for those who occupied Indonesian homes following their departure in 1999.<sup>4</sup> Without such guidance, the re-emergence of violence in the future is likely.

Results will not be achieved in a short timeframe. Some sense of normalcy will need to be restored and gradually relationships may be strengthened in the process. A lesson of previously implemented processes reveals that reconciliation cannot be achieved in one-day community ceremonies but rather, require a unique combination of formal and traditional processes over time. If not, the next time there is a sense of instability, people will use it as an opportunity to respond in kind to the actions undertaken during these past weeks just

as some have used this opportunity to respond to grievances from 1975-1999.

In the districts, efforts to integrate those who do not return to Dili in the near term are suggested. As the crisis has illustrated, many differences in expectations and culture exist between those living in remote rural areas and those accustomed to city dwelling. These, among other issues, contributed to tensions in communities throughout Dili after many moved from rural areas to the city after 1999. Should those from Dili decide to remain in the districts, open discussions may be considered to address potential disagreements over land and property rights and to ensure social differences are not left to linger as they were in the capital.

## Reaffirming National Culture

After the Suco Councils begin to respond to the grievances in each community in Dili and impacted communities in the districts, and once people are feeling that their immediate needs are being met in terms of security and trust building, a national reconciliation process can reinforce these gains and the need for national unity. Such a process could be envisioned to mark independence on 20 May 2007.

Within the cultural traditions throughout the country, a process exists, the *Nahe Biti Bo'ot*, that has been used for centuries to open discussion on particular disputes to be able to come to a judgment. This traditional mechanism is not generally used nationally, however, invocation of a *Nahe Biti Bo'ot* on a national level would serve to expand the dispute resolution options available within the country, would reaffirm the principle of national unity and compliment community and district level reconciliation processes.

Whereas there have been many dialogues in the past several years, it is suggested that a more traditional process be used to restore faith in the country, its people and its heritage. By involving traditional elders (*Lianain*) and, where different, spiritual guides (*ema*

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<sup>4</sup> It is important to note that return must be voluntary and in some cases people may choose not to return and so may need to be integrated into another community in Dili or in the districts.

*Lulik*), in the dialogue process you will simultaneously ensure that national representation is achieved while also depoliticising the discourse. The process traditionally referred to as *Nahe Biti Bo'ot* can be convoked by the President, Xanana Gusmao, in cooperation with the Prime Minister, Jose Ramos-Horta.

From Oecussi to Lautem, the *Nahe Biti Bo'ot* is used to address conflicts and challenges that threaten communal or national unity. Use of this traditional mechanism to facilitate dialogue will serve to engage not just residents of Dili in a form of communal reconciliation but will provide the needed involvement of those based in the districts and often not engaged on national issues. These district-based representatives can also convey the challenges faced outside the capital during this national moment of suffering. At the same time, it will bring those in Dili who are often removed from their traditional heritage closer to those roots.

This unprecedented event will bridge culture and tradition with challenges of modernity and independence. *Nahe Biti Bo'ot* is not a substitute for political or judicial processes. Rather, it is a culturally appropriate mechanism through which grievances can be aired and judgments brought by those who have moral authority in the country. Youth and others who are not usually engaged in political or social discourse will have an opportunity to bring issues forward, and will subsequently be linked back to their traditional roots. As a nationally recognised process, it will broach the East/West divide, as the concept exists throughout the country.

This process will need to involve active participation on behalf of the Church as well as youth organisers, marital arts groups, clandestine and veterans groups and other targeted civil society representatives. It will be important to engage women in the peacebuilding process and in doing so the community dialogues as well as the National *Nahe Biti Bo'ot* will also serve as a bridge between past and future.

The UN should take note of these nuances in the planning for any follow-on mission. Over the past six years, there has been a tendency to identify simplistic

solutions to complex issues. Rather than throwing money at short-term income generation schemes, policy support can be given to government so that national income generation programmes can be developed and international support to the sound management of these programmes can increase chances of success.

## Economic Opportunity

The government must also consider the importance of linking any return and reconciliation strategy to economic development initiatives such as rural employment schemes. The first could be for juvenile offenders who have been caught in the process of looting or burning homes or businesses during the crisis. These offenders, rather than being sentenced to time in jail, can be sent to work on government land or to community service. This may include the cleaning of streets and beaches or the rebuilding of roads or houses destroyed or any other service of value to the community. During the time of service, food and basic accommodation would be provided by the State but wages would not be given for work hours completed.

A second programme could be designed for youth more generally. It would involve similar kinds of activities and may range from public works (such as road and bridge building) to agriculture efforts on government property. Wages would be paid and trainers brought in to ensure that skills are developed. The long-term aim of any employment scheme would be for young workers to gain certification in the area of work and increase their skill levels enough to be able to eventually move to the private sector.

The State must be careful not to replicate Indonesian era employment practice where salaries are paid regardless of effort. These new employment schemes must be well managed, involve job training so that one does not remain in the same position for many years on end, but rather, opportunities for advancement based on achievement and commitment are built-in. An

international adviser could also be seconded to the responsible ministry and given responsibility to manage these programmes in the medium term to ensure success.

At the district level, more needs to be done to develop economic centres as separate from Dili. More internal trade needs to be encouraged to increase nutrition levels and income generation including the sales of lowland growing produce in highland areas and vice-versa. To realise this, the government needs to realise electricity and water needs in regional centres as soon as possible. The new budget for this fiscal year should consider inclusion of some social safety net provisions, for single female-headed households for example, so as to increase monetary flows outside of Dili.

People will also have to be more proactive and entrepreneurial in the search for new linkages to private sector support. This is also important as a means to reducing internal migration from the rural areas to Dili where an already exploding unemployed youth population is contributing to today's violence.

International agencies need to be cognisant that its short-term income generation projects of the past have been unsuccessful in terms of reducing tensions through cash disbursements. Employment generation programmes need to either be firm in the private sector or the government sector and not *ad hoc* short-term employment schemes that provide no future potential opportunities. There has already been a tendency during this current emergency response towards arbitrary job creation that is unconnected to a longer-term strategy to get youth into work. Such efforts may undermine the government and could be more likely to create conflict, between those with opportunities provided by the international agencies and those without, than to respond to the overarching challenge that youth provide today.

The international community can also work with the government ministries to reduce the sense of competition and distrust that exists between the government and civil society and the national level government with local government officials. UN

advisers should support the mechanisms necessary to reduce concerns of national government with regards to decentralisation so that local officials are empowered to act on behalf of the needs of their districts. Similarly, decision-making in Dili with regards to simple bureaucratic procedures, such as removing items imported through the port, need to be streamlined so that ministers do not lose time and energy over such trivial matters.

Ultimately, it is also necessary to move away from a project-based mentality as has evolved over the past six years. As funding has been available for NGO and community group activities for primarily short-term initiatives, it is difficult for many to correlate international assistance with future planning. Instead, many use assistance for one-off trainings, agriculture or other projects that end when the assistance ends. It is rarely if ever the case that assistance is channelled to support a livelihood strategy that becomes sustainable following initial financial or material support.

## Civil Society Strengthening

At present, the mechanisms for operationalising any consultative process that engages civil society and government do not exist in Timor-Leste. Past attempts have failed; such as the High Level Mechanism initiated by the GoTL a few years ago because there was no systematic attempt to attain buy-in from all relevant stakeholders. Rather, an *ad hoc* assortment of NGO representatives was invited to participate and large sections of civil society were excluded. This crisis has provided an ideal opportunity to contribute systematically to the human security of the Timorese population and prevention of future escalation of tensions through enhanced mechanisms for civil society, government and donor collaboration, while also decreasing the potential for conflict through expanded support for community responses to critical economic, social, cultural, civil and political development needs. BELUN, a national organisation with support from Columbia University's Center for International Conflict

Resolution, is proposing to establish enhanced coordination within civil society as well as between civil society and government through the creation of a civil society council.

The establishment of a civil society council will serve to recognise the breadth of civil society actors and networks including but not limited to: youth, martial arts groups, veterans, widows, students, women's networks, media, church, community-based organisations, NGOs, and the private sector.

The result will be the strengthening of each branch within the council as these sectors will need to come together in order to designate respective representatives. In so doing, these representatives will further be charged with ensuring that they in fact represent the needs and concerns of their 'constituents' and so will be required to develop communications strategies. To do so responsibly will require systematically strengthened communication mechanisms across all 13 districts.

## Good Governance

What the thousands of kids that drove around Dili during the mass demonstrations in late June may not have realised is that change in leadership will not necessarily result in change on the ground. Institutions take time to build. Capacity development is a slow learning process. International advisers still drive much policy development and this is not always strategic in its direction. This year the budget set aside resources for many of the areas people are asking for, including investments in infrastructure and jobs. Finances though, have not been a challenge for Timor-Leste. The real obstacles have come in terms of budget execution, transparency and empowerment of the civil service.

The government has worked assiduously to develop sector investment priorities and donors have been eager to support these. At the same time, there is a need to balance control and accountability with the liberty to act and to develop and implement

programmes throughout the country. Government offices should be oriented to serve the population and the international community has to provide coherent support throughout the different sectors to ensure that constructive engagement is the operating norm.

Challenges in governance arise in part because of intense centralisation and in part because there is no trust between senior and junior government officials. Similarly, there is little trust between the government and international agencies serving development needs in the country. This is in part justified given the lack of coordination among the plethora of international actors who have been working in Timor-Leste over the past six years.

At the same time, the international community and government have not yet clearly defined the distinction between what is the competence of the government and what is the competence of civil society. This ambiguity fosters a sense of competition between governmental and non-governmental actors.

The bureaucracy of working in Timor-Leste is also extraordinary, in part fuelled by distrust and the assumption that NGOs are seeking to avoid paying taxes.<sup>5</sup> There is little room for small and local organisations to enter into the process of developing sector investment programme priorities, in part because there is no mechanism for consulting civil society actors. As such, the priorities elaborated by government are developed in part by those organisations (often serving on working groups or as government consultants/advisers) who then are able to secure donor support for the ideas precisely because they are in the government's planning document. Creative ideas from small organisations that fall outside of that process may never gain recognition and support.<sup>6</sup>

<sup>5</sup> This is not altogether unreasonable. After the donor funding started pouring into Timor-Leste in 1999 and once people realised that money could only be accessed by NGOs, the creation of NGOs skyrocketed.

<sup>6</sup> That said, there is no alternative for those organisations providing services other than becoming NGOs. In other countries these may be private sector oriented (such as wat/san, rehabilitation of infrastructure, agriculture input providers). As the community itself cannot pay, it is up to a donor and donor requirements do not traditionally allow for support to businesses or individuals.

The new government must further take the opportunity of the international military presence to remove corrupt officials and others who are only serving the party's interest. There are too many stories in circulation regarding direct misappropriation of resources or power to disregard. The new government may consider empowering the *Provedor* (Ombudsman) to investigate all accusations more vigorously to ensure this culture is not perpetuated into the next government.

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## Contributions for Stability from Europe

The European Union was initially the largest contributor to Timor-Leste and more recently the second largest. Having provided support to many areas including disaster relief, rural development, health and direct budgetary support, this year there are two new mechanisms available to Timor-Leste. As a result of the emergency, the Rapid Reaction Mechanism has become available. In addition, Timor-Leste has acceded to the Cotonou Agreement.

The Rapid Reaction Mechanism ensures emergency support for a maximum of six months. These funds are designed to address conflict factors in crisis situations and can be mobilised on short notice. It is advised that these funds are applied with great caution to ensure that initiatives supported actually connect to government or other agency programming following the disbursement. Lessons from 1999 indicate that *ad hoc* quick impact project support can have unintended consequences that increase fragility within the State. Whereas there is great interest in using this fund for cash-for-work schemes, these should be designed in close coordination with the Minister of Labour, the Prime Minister and the Minister of Finance so that those hired under the scheme can use this experience as a stepping stone to future activities or employment opportunities.

Timor-Leste has further ratified the Cotonou Agreement thereby joining 78 African, Caribbean and Pacific countries and 25 EU countries in the fight against poverty. Within the mandate of Cotonou is the provision of support to non-State actors in coordination with the State. Europe can fill the void that exists by supporting the establishment of a mechanism, such as a civil society council, through which non-State actors and government representatives can meet on a regular basis, exchange views and strategise for the resolution of national challenges. As such, civil society can be strengthened while the government is able to consult non-State actors more readily.

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## Conclusion

Timor-Leste is at its tipping point. Lack of security has led to a near complete shut down of government, non-governmental and private sector actors. International troop and police presence must be increased and empowered to arrest and investigate offenders so that the need for large IDP camps is mitigated and a minimal sense of normalcy can be returned.

Without disarmament and the initiation of a robust investigation by joint international and Timorese defence and prosecution teams, people will remain insecure. The institutions of the State must be reconsidered so that they can respond to the needs for maintaining law and order within the context of a small State. Large weapons should be banned from the country and every effort should be made to create educational programmes aimed at introducing communication and conflict prevention mechanisms so that alternatives to violence can be found for disputes within the home, community and beyond.

As people begin to feel secure and as foreign police begin to detain offenders and investigate crimes, people will also start to return home. It is critical that an appearance of normalcy does not create a false sense of

security. The Conflict Assessments currently being conducted must inform a government-led strategy to build the confidence of the people and a renewed sense of national unity. Starting from the community level and moving towards the national level, Suco Councils must work to address the root causes of conflict while being supported by civil society actors, the international community and the government itself. This is the window of opportunity for the government of Timor-Leste to make some difficult decisions on land and property and with regards to economic development so as to set a firm foundation for the future.

A clearer understanding of the direction of the country should be established among the leaders, the people and the international agencies and NGOs working in the country. To date, each ministry, each international organisation and each adviser brings their own visions for Timor-Leste to the table. No opportunity has existed to date to ensure the policies recommended and the programmes implemented are in fact responding to the model of democracy Timor-Leste is building.

Transparency and humility should be the mantra of the next era of government, regardless of the outcome of the current standoff. Whereas many in the country are eager for strong leadership, there is a need for improved information flows out of the capital to the districts. At the same time, respect is critical in Timor-Leste and the government representatives must convey an interest in the needs of people or it will surely fail. The best strategies will suffer if there is a perception of non-engagement with the population.

Small efforts to increase jobs, improve electricity, water supply, roads and bridges will go a long way to keeping people in the districts, working, and providing educational opportunities for their children. These tangible initiatives will need to be coupled with symbolic messages and communication/information to prevent a repetition of today's events. A challenge for the future will be to instil a sense of responsibility and accountability into people's awareness. Strengthening of rule of law processes will secure the foundations created in other sectors.

Civil society must become stronger so that it can compliment the role of the State including the gradual growth of a stronger private sector as well. To optimise co-operation and coordination among civil society actors and between these actors and the State, European support towards the creation of a civil society council is recommended.

The UN and international agencies operating in Timor-Leste must not come into this post-conflict phase as if there were no State institutions, each defining its own priorities without consultation with those State and non-State actors who have been working for many years towards the development of the country. Rather, it should develop its policy positions slowly and in consultation. Donors should ensure the programmes supported are not unrealistic in terms of outcomes desired within a short timeframe. Donors also need to reflect on why support to non-State actors has failed to contribute to a vibrant civil society and how its guidelines hinder rather than foster such an evolution.

The UN should move beyond its common six-month contracts to ensure those working are in Timor-Leste long enough and with enough job security to do the work at hand. Relationship building, trust and ability to communicate in one of the local languages are critical to successful programme implementation. It will not be easy for many to move forward given the degree of fear that pervades the country today. International agencies should ensure that these interpersonal dynamics are considered in their programming.

There is no guarantee that the new government will effect change within the timeframe expected by the citizens of Timor-Leste. All efforts will be necessary to counter tendencies towards corruption and favouritism while promoting initiative and responsibility. Too many people in Timor-Leste identify themselves as small and powerless, suffering at the hands of the people at the top. This mentality also must change. Each citizen must recognise the potentially positive role to be played by all individuals – not just the leaders.

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Timor-Leste is at its tipping point. Over the past several months, tens of thousands of people have fled the capital, seeking refuge in family homes across the country or in the makeshift Internally Displaced Person (IDP) camps that sprang up virtually over night throughout Dili and the surrounding districts. Lack of security has led to a near complete shut down of government, non-governmental and private sector actors.

Ultimately, systemic and structural causes of conflict must be addressed if future conflict is to be prevented. Political processes must become more transparent and, at the same time, the UN and international agencies must consider the post-conflict tensions and nuanced relationships among communities when designing development programmes. Today, in part, we are seeing the impact of the policies and programmes of the government as well as of the international community that did not adequately act upon such factors.

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