

## Hybrid governance and democratisation — village governance in Timor-Leste

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In 2004, the Government of Timor-Leste introduced elections to villages (*suku*). Timor-Leste had only been formally independent since 2002<sup>1</sup>, after some centuries of colonisation by Portugal (variable in the timing and degree of penetration), almost twenty-five years of more systematic occupation by Indonesia (1975–99), and two years of centralised transitional administration by the United Nations. Elections, political parties and party political competition characterised the new space of the national arena since the withdrawal of the Indonesian military. An extension of elections to the village represented for law-makers and opinion-makers an opportunity to more fully introduce the country to internationally recognised democratic processes.<sup>2</sup> Village elections were held progressively around the country over 2004 and 2005.

This was not the first time there had been village elections, but the post-independence elections were markedly different from the military controlled affairs held during the Indonesian occupation. Most significantly, they were free, that is, without the oppressive oversight of military or other bodies.<sup>3</sup> Candidates in this first round of *suku* elections could stand as independents



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or as members of political parties, a number of which were operating in the national arena. Positions to be decided included both the chief or head of the village (*xefe suku*) and a newly established advisory village council (*konsellu suku*), which comprised the elected heads of all the sub-villages or hamlets (*aldeia*), two women's representatives, two youth representatives (a male and a female) and an elder who was often a *lia-na'in*. *Lia-na'in* (literally, keeper or master of the words) is an authority in ritual exchange in the customary social, cultural and spiritual order in Timor-Leste.<sup>4</sup>

The process of selecting village leadership by election and the experience of party competition in villages generated considerable debate. On the one hand, elections are closely associated with independence (as all the authors of the following articles demonstrate) and are a flag-bearer of democracy, irrespective of how democracy might be understood. Voting has a potent recent history in Timor-Leste. A referendum in September 1999 on autonomy within Indonesia was one of the key turning points in the country's path to independence and to a future without occupation by violent others. Despite months of intimidation, East Timorese voted by an overwhelming majority to reject autonomy status within Indonesia. This vote unleashed a wave of killings and destruction by Indonesian-backed militia and military, but also enabled the move to independence. Adult East Timorese have direct experience of the power of voting. Subsequent national elections have enjoyed consistently high voter participation – despite some violence associated with the aftermath of national elections – and national governing parties have lost and won office.

On the other hand, while the national government is a new field of endeavour and institution-building, villages by and large have been operating as administrative units for some centuries. This is not to suggest that villages and village governance have not changed, or should resist change; *suku* are often sites of difficult histories of local and external interaction, entanglement and adaption and have changed markedly over time.<sup>5</sup> Moreover, forms of village governance and participation vary significantly across the country, reflecting important differences in local history, culture and geography. While some individual villages have been operating as emplaced communities for many centuries, other new villages were created under Indonesian occupation as population was forcibly relocated away from the mountains.<sup>6</sup> Urbanisation has also created new villages and profoundly transformed the character of those already in place in the main towns (Dili and Baucau). These have been transformed from centres of integrated, communal subsistence farming activities, ritual activities and clan networks into centres of administration and organisation for urban mixed communities often working away from clan ties in numerous unrelated occupations, or not at all. In rural villages too, capitalist economic dynamics are reshaping social relations and potentials in complex ways. It is profoundly challenging for a state to devise a model of village governance that can hold and satisfy this degree of diversity.

To emphasise the long history of the village in Timor-Leste is to point to the reality that, despite change and difference, processes of social and political order and practices for establishing leadership and legitimacy already existed. There was no ‘blank slate’. The social order of the village and of the clan network that underpins it, as Mateus Tilman notes in his essay, ‘a message to East Timorese society and the international community that the formation of Timor-Leste as a nation did not begin from zero’.<sup>7</sup> To varying extents, this social order is customary – but it is not only customary. Other social and/or political forms also operate (including the church for example, or what remains of resistance networks in some areas or other local regional social formations). Earlier leadership positions have often continued under new names, so that, for example, the elected head of a sub-village is likely to be an elder of the hamlet clan. (Hamlets or *aldeia* often consist of members of an extended family.) Moreover, village governance has itself contributed fundamentally to East Timorese independence, as in many instances *suku* governance networks covertly supported forms of resistance or sustained community survival and persistence in the face of occupation.<sup>8</sup> Village governance in some ways enabled the 1999 vote.

The wellbeing and governance of villages is fundamentally important to Timor-Leste. The majority of the population live in rural areas and depend on subsistence food production, organised to a significant extent around the village. These are self-help communities, supported by extended clan networks, but only marginally by government. In sharp contrast to, for example, local councils in Australia, the *suku* is the fundamental and probably the most important and meaningful source of everyday governance and decision-making for most people’s lives (alongside the extended family). The introduction of elections and electoral competition into this dense and highly variable world then is a highly significant and challenging development, with real risks and opportunities.



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In local discussions around the introduction of village elections, two areas of concern seemed particularly evident. How would the new forms of electoral leadership interact over time with the already established, often customary forms of leadership and governance? Would 'democracy' undermine 'culture', as some phrased it, or would a marriage take place? The structure of the advisory village council, for example, sets out an interesting image of such a 'marriage', in principle bringing together clan elders with women and youth on one board. Would elections in time open new pathways and opportunities for the more marginalised, and particularly for women? What effect did competition between political parties have on the social cohesion of the *suku*, upon which many people's livelihood, basic survival and social order depended? This latter question was pressing in view of both the cultural emphasis on co-operation and consensus and the legacy of violent conflict marking the life of many people and communities. In the words of one elderly *lia-na'in* 'political parties come and create problems. At the same time they spread the spirit of democracy; they say "I have a right" and start to fight'.<sup>9</sup>

The following five essays<sup>10</sup> explore some of these questions around the interaction of customary and electoral means of establishing leadership, and the impact of party competition on social cohesion. They draw on research conducted by the authors in different parts of the country, with two researchers investigating villages in three or four districts each (with most undertaking research in Dili, the capital city, and in the exclave of Oecusse).<sup>11</sup> The different experiences and approaches predominating in different villages are to some extent evident within but also among the essays. Across this diversity, all the essays are concerned with the question of how to embed genuinely democratic governance in village life, as well as (implicit) questions of what constitutes democracy. As Jose Magno and Antonio Coa's article notes, however, 'democracy is grounded in the community, and communities live within their culture'. Each of the following articles endeavours to understand the evolving hybridity of the different kinds of leadership pathways emerging in the varied lives of villages; each reflects on the effects of these developments, and on their meaning for grassroots democratic community.

Far from pitting 'custom' against 'democracy', some of the essays explicitly underscore the democratic potentials of customary governance and also, implicitly, its scope for flexibility. As the title of his article indicates, Mateus Tilman underlines both the persistence and the transformation of customary order in the village and the dynamism of its relationship with changing governance norms and entities. In particular, he emphasises the participatory and community regulated elements of customary governance, which he argues constitute an 'organic democracy' specifying rights and obligations. Tilman discusses briefly some of the key cultural forms for generating community life and negotiating order in the *suku*, looking at *nahe biti bo'ot*, for managing and resolving disputes, and *tarabandu* for regulating a range of

social relations and human relations with the natural environment. *Tarabandu* needs to be renegotiated at regular intervals; Tilman offers an example of one village where the community renegotiated their *tarabandu* making specific reference to human rights, democracy and religious ideals, in a deliberate effort to revitalise cultural practices but at the same time align them with the newly articulated national principles. Tilman does not elaborate on how this particular experiment is working, but the effort is indicative of the vitality of local political life and a desire to link with the national entity of Timor-Leste.

Tilman reflects on the distinctions between traditional rulership in Timor-Leste (through the *liurai*) and the network of clan relations (the *uma lisan*) – potentially a fundamental distinction if considering the forms of persistence of customary governance.<sup>12</sup> The essay considers different levels and kinds of customary governance active in different villages, from villages where direct governance is entirely the business of an elected leadership, but which may seek to draw on some cultural practices, to those where customary leadership remains explicitly central, to the more common pattern where customary governance is somewhat indirect but still fundamental to the life of the *suku*.

For Abel dos Santos and Elda da Silva the question of how East Timorese villages engage with democracy revolves around the capacity of village governance to empower communities to work to meet their needs. dos Santos and da Silva point to the distinction between substantive and procedural democracy and argue for greater emphasis on substantive democracy in the context of East Timorese villages; that is, a focus less on the process of voting in elections, and more on enabling people to participate more effectively in the decision-making and dynamics of power which shape their lives and communities.<sup>13</sup> They note that ‘while there has been strong participation in elections thus far, our research indicates that many people believe that the process of state-building and democratisation is failing to respond to their needs’. Elections, they suggest, do not in themselves empower communities; nor do they automatically link the nature of the resulting leadership with the socio-cultural identities of the community. (Elections can, however, be part of a broader effort to strengthen people’s confidence and ability to take ownership of community decision-making.) In asking how to build democratic institutions and processes that respond to community needs and values, this essay points to the importance of starting with an appreciation of the community’s history and socio-cultural identity – an argument running through all the essays. For this reason, paying attention to customary life is important. Nevertheless, dos Santos and da Silva are critical of the mystification of power in custom, which veils its own operation and thus obstructs participation. Equally, they are critical of the formalisation and abstraction of power and political order in the predominant, procedural approaches to democracy.

Many of the villages dos Santos and da Silva researched are in coffee producing areas. Historically, Portuguese penetration was generally more

aggressive in the regions where they had direct economic interests – such as those converted to cash cropping – and colonial reshaping of local power relations were more extensive.<sup>14</sup> Labour unions and land conflicts are prominent in these areas. Interestingly, compared to some other rural regions with longstanding villages, in these areas authority and legitimacy in the village seem to be grounded less in either customary standing or local prominence in the resistance (though these remain important) and more in the effectiveness of local leaders in land and labour struggles. dos Santos and da Silva see the role of the customary hereditary ruler, the *liurai*, continuing to diminish and a new elite emerging. The nature of governance, and of the new elite, will depend on how political change is pursued across the country.

Martinho Pereira and Maria Madalena Lete Kote's essay also considers questions of participation and of violence or division in the context of elections. The article welcomes the elections and the opportunities they introduce, including 'promoting the potential for social and political participation' and opening access to positions of leadership, notably to women. As a number of the essays observe, however, being able to stand for and being elected into office does not in itself ensure authority. This is a challenge faced not only by women. As Pereira and Kote make clear, in some villages 'local leaders without *liurai* heritage have had difficulty maintaining their authority in carrying out their daily activities'. (By contrast, Alex Gusmao's essay contains an interesting account of a female *xefe suku* who clearly enjoys considerable legitimacy, but through standing in custom and the resistance.)

Pereira and Kote observe that, while *suku* elections have been conducted without violence and can be regarded as a success, in a number of cases they researched, participation, co-operation and mutual trust have not increased but may have weakened as a result of the electoral process. While some villages have a long history of supporting one political party, many have mixed party allegiances. Competition, particularly party competition, during campaigns can cause division and erode co-operation in villages with mixed party allegiances, leading to withdrawal from community life. Initiatives and programs introduced by the elected leadership are in certain circumstances now perceived to be in the interests of one party or group, rather than of the whole community. In some villages, the village council did not function due to such internal division. Election-related violence is a problem confronting some communities, although around national rather than *suku* elections. It is generally the result of 'divisions between national political elites being driven down to the local level' through the mechanism of political parties. For Pereira and Kote, greater integration of customary life into elected forms of leadership, perhaps building upon the positive articulation that has emerged spontaneously in some *suku*, could help sustain the co-operation fundamental to the wellbeing and survival of village populations.

Continuing the themes of participation, conflict management in the context of electoral competition, and governance hybridity, Jose Magno and Antonio Coa also observe that direct hereditary rule (rule by *liurai*) is diminishing and people do not seek its return. Nevertheless, fundamental dimensions of customary governance, such as the extended family networks that have an almost mystical significance, remain central to community life for most villages. Customary leadership by the *liurai* often did not work to meet community needs. Elections introduce important opportunities to reshape community leadership and create a political culture responsive to community needs. They also, however, bring challenges that need to be managed: in particular, destructive community conflict. For Magno and Coa, it is the extended family networks that have maintained social peace in the face of the potentially divisive impact of electoral competition. Nevertheless, communities remain vulnerable to external manipulation. Magno and Coa discuss some particular methods adopted by villages to reduce potentially divisive impacts of establishing leadership through election. In one interesting case (Cassa Bauc) all candidates were involved in contributing to the village plan, whether or not they had won positions, in a clear effort to build a sense of communal, rather than factional, interest and consensus.

Building on questions of substantive participation, Magno and Coa point out that while elections may in principle offer new opportunities for the creation of a responsive political culture, there is little guidance on how the village council and village chief might actually engage with the community or involve them in development activities once elected. The focus of 'democratisation', as Magno and Coa argue, is on the election. This exacerbates the problem of decisions being, or being perceived to be, in the interests of factions rather than of the whole community. 'While in some *suku* the elected *xefe suku* has been very active in involving community members in various development activities, in other *suku* significant portions of the community have been marginalised . . .'

Alex Gusmao frames Timor-Leste firmly in a post-conflict context. Anxiety and distrust around political party competition reflect not simply culture, he suggests, but a long experience of violence and threat. National political parties were embraced by some, but seen by others as 'inherently divisive' and 'playing politics under the name of reconciliation and democracy'. Local violence was prevented, according to this study, in villages with strong leadership. In the *suku* researched for this essay, such leadership drew on at least one of three sources of legitimacy, depending on circumstances: customary standing, prior leadership in the resistance, or being a locally prominent member of a national political party (FRETILIN, in the regions concerned, and when the entire village supported that party). Leadership capacity was also important, however.

Gusmao's essay emphasises the diversity of the villages studied. Beginning as a brief glimpse into the particular communities visited, this point becomes

a reflection on how to work with both the different logics of electoral and customary paths to leadership and with the social, cultural and historical diversity of the country. The essay grapples with the question of how to establish a democracy that is sensitive to this difference, but that also does not fix communities into a static historical and cultural moment. Rather than the adoption of a single national model, the article recommends both drawing on a series of models for *suku* governance (with those proposed in this case being based on the preferences emerging from discussion in the villages studied) and a process of 'continuing exchange' whereby communities, or communities and districts or the national government, can work with the tensions inherent in such diversity. Gusmao suggests this would allow communities to more openly craft their own balances and accommodations regarding leadership and participation, while still accepting the oversight of the national government 'to ensure that all processes support human rights and do not foster division'. For Gusmao this constitutes a 'living democracy', grounded in the complex realities, identity and uniqueness of Timor-Leste, and development as the freedom to choose how you want to live.

The research on which these essays are based was largely undertaken before changes to the *suku* electoral legislation passed in late 2009 were put into practice throughout 2010. Political parties, seen by many in these studies as a source of division, have been removed from direct campaigning in villages following the 2009 decree. If political parties do genuinely step back from village elections, this could well reduce tensions around campaigning. It would be a welcome step to many of those interviewed in the following articles.<sup>15</sup> The fundamental issues discussed by the following essays, however, remain equally relevant under the new legislation.

These essays represent an important and timely contribution to thinking about the effort to shape democratic community in a largely customary social and economic environment. It is an environment, moreover, that has relatively recently emerged from violent military occupation, and that is grappling with a confusing array of economic and social pressures for change, from within and without. The questions and challenges that these East Timorese authors are investigating are deeply relevant to their own country but they are also relevant more broadly to other regions where state-building processes are implanted into customary or traditional cultural, social and economic relations. Villages in Timor-Leste could be regarded as the foundation of the country and the state, not simply in principle, but as the places where the majority of people seek the sources of their survival, their welfare, and their identities. What happens here is vital to the stability of the country. For those thinking about the meaning of democracy or seeking to support participatory, inclusive governance at the grassroots, there are important insights in these essays. The essays (and the process of research itself) are themselves part of the exchanges, within villages and among villages, larger administrative centres and the capital, that are shaping political community in Timor-Leste.



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## Endnotes

- 1 Independence was declared in 1975, but only lasted some months before the Indonesian invasion.
- 2 For example, see M. Pereira and M. Korten, this volume.
- 3 It is nevertheless worth considering Tanja Hohe's study of the earlier national elections for a fuller account of some of the factors shaping voting: T. Hohe, 'Totem polls: indigenous concepts and 'free and fair' elections in East Timor', *International Peacekeeping*, vol. 9, no. 4, 2002, pp. 69-88.
- 4 For a fuller description of Timor-Leste's customary order see Mateus Tilman's paper in this volume, or A. McWilliam, 'Customary governance in Timor-Leste', in D. Mearns, ed., *Democratic Governance in Timor-Leste: Reconciling the Local and the National*, Charles Darwin University Press, Darwin, 2008.
- 5 See A. McWilliam, 'Customary governance in Timor-Leste', for a closer discussion of one village, or for a discussion of the effects of forced resettlement in one region see P. Myat Thu, 'Land forgotten: effects of Indonesian re-settlement on rural livelihoods in East Timor', in D. Mearns, ed., *Democratic Governance in Timor-Leste: Reconciling the Local and the National*, Charles Darwin University Press, Darwin, 2008.
- 6 See P. Myat Thu, 'Land forgotten' for a discussion of this dynamic.
- 7 M. Tilman, this volume.
- 8 For example, see A. McWilliam, 'Customary governance in Timor-Leste'.
- 9 Interview with author, Caisegu, March 2008.
- 10 Tetum versions of these essays, in most cases longer and more detailed than the English versions, will be available on the journal website and in soft-bound printed versions in university libraries in Dili.
- 11 For more information on the research methods, see A. Brown, this volume.
- 12 The *uma lisan* (or clan network) of the *liurai* is also important in this distinction, however. See also K. Davidson, *The Portuguese Colonisation of Timor: the Final Stage 1850-1912*, unpublished PhD thesis, University of New South Wales, Sydney, in D. Cummins, *Local Governance in Timor-Leste: The Politics of Mutual Recognition*, unpublished PhD thesis, University of New South Wales, Sydney, 2010.
- 13 See D. Held, *Models of Democracy*, Stanford University Press, Stanford, C.A., 1987.
- 14 H. Hagerdal, 'The exile of the *liurai*: an historiographical case study from Timor', in H. Hagerdal, ed., *Responding to the West: Essays on Colonial Domination and Asian Agency*, Amsterdam University Press, Amsterdam, 2009, in D. Cummins, *Local Governance in Timor-Leste*.
- 15 Return visits to nine communities did allow some initial investigation of the new arrangements. The other major innovation was the introduction of a 'packet' system, whereby the village chief and council are elected as a team (to maintain co-operation) but where the chief chooses and can dismiss councillors. Initial interviews conducted in the nine villages to which researchers returned suggested this undermined council members' independence, weakened the chief's accountability, encouraged domination by a single family and reduced respect for the office.