

Negotiating modernisation and gender in the post-conflict reconstruction of Timor-Leste

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Since achieving national independence in 1999, gender has been a priority area within the wide-range of development projects undertaken in Timor-Leste. Considerable effort has been put into improving not only the rights of East Timorese women, but also into addressing their position within broader gender-based relations. Government, international aid agencies and civil society organisations have sought to address deep-seated gender inequality, improving women's access to political participation, services, income generation and education, as well as addressing issues such as domestic violence and insecurity. The implementation of numerous gender programs can be seen as part of a broader social transformation towards the post-independence fulfilment of modern democratic ideals, universal human rights and equality.

At the state level, these attempts have been institutionalised through international treaties such as the United Nations Convention on the Elimination of Discrimination against Women (CEDAW), as well as the establishment of the Office for the Promotion of Equality (OPE) in 2002, now known as Secretary of State for the Promotion of Equality (SEPI). To ensure that gender is taken into account in government policy and legislation, SEPI has attempted to facilitate processes of gender mainstreaming and encourages women's political participation.¹ In addition, the passing of the Law against Domestic Violence in July 2010² has been one of the most significant achievements of gender advocacy, seeking as it does to address the toll domestic violence has on women's rights and equality in Timor-Leste.³

While many efforts have been made to improve gender equality at the state level, it is less clear what success there has been within local communities. In local and often rural communities, gender-development organisations are challenged by the tensions between the process of promoting universal rights on the one hand, and the pre-existing culturally embedded traditional structures on the other. Where traditional social structures⁴ remain dominant, they are often viewed as a barrier to social change and as restricting female participation in social and political life.⁵ In exploring this tension between the modern and the customary, this article wishes to consider how attempts to improve gender-based relations are negotiated and constituted at the local community level, by women themselves, in conjunction with local development organisations.

Challenges to gender reform

The push towards greater gender equality, particularly viewed in terms of women's increased political participation, has brought into focus significant tensions between processes of modernisation and customary structures at the local level.⁶ For instance, in the initial CEDAW report the government of Timor-Leste recognised that the predominantly patriarchal foundations of customary law and social structures continue to pose significant challenges to women's political participation at all levels.⁷ Despite a growing acceptance of greater female political participation within the state, to some extent traditional gender roles and leadership structures continue to dictate ways in which women engage with their local communities.⁸ Tellingly, the report notes, 'Women are more likely to be found preparing food and serving dignitaries at community meetings rather than actively participating at these events'.⁹ Furthermore, the difficulty in challenging deep-seated gender inequality is emphasised by the fact that it is often women themselves who reinforce traditional gender values and roles.¹⁰

Attempts at achieving greater gender equality instituted from the top-down, especially via the state, may also exacerbate local challenges; as Cummins notes while the intent may be commendable, the instrumental focus given to establishing gender quotas at the parliamentary and *suku* (village) levels of governance has failed to consider how altering these institutional structures will impact on the local political environment.¹¹ The impacts of social change of this nature may have significant negative implications on people's sense of continuity, security and empowerment.¹² In such circumstances, an apparent dichotomy can be seen to have developed between the agendas of modern state institutions and organisations on the one hand, and local communities trying to maintain the legitimacy of custom and leadership on the other. Hence, it is important that interventions aiming to transform the ways in which men and women engage socially and politically must also be accompanied by deeper reflection on how these changes will impact at the local level.¹³ This is vital for a range of reasons, not least for challenging deeply embedded gender norms in a way that does not alienate traditional leadership structures through creating a perceived loss of power over basic norms.

Negotiating at the local

Despite these tensions being evident at different times, there are examples of gender programs that demonstrate considered negotiation of the intersection between modern institutional processes and existing customary structures. For instance, since 2007 Caritas Dili has been running the *Women in Transitional Justice* program in two *suku*, one each in the districts of Lautem and Oecusse. Central to the program was a comparative study tour involving twelve women from each *suku* who travelled to the capital Dili to visit various institutions that are part of the formal justice system. The women visited Parliament and courts, as well as a variety of civil society organisations and community leaders. The more immediate aim of the

program was to provide local women with opportunities to learn about the formal justice system so that they might more effectively participate in community decision-making. However, and more broadly, the process has also created opportunities for communities to engage with changing social imperatives, including allowing community members to identify points of negotiation and contestation between both *adat* and formal justice.

From the perspective of Caritas Dili, the impact on these women and their communities has been positive.¹⁴ Study tour participants have become more confident in speaking on and debating matters of importance in their communities. Furthermore, on returning to their home *suku*, the women were encouraged to share and contextualise their knowledge, allowing for a more organic form of social transformation and development. In this sense, the program is underpinned more by local engagement in the process of learning and social transformation rather than strictly from outsiders coming into communities. Change is, in effect, facilitated (but not mandated) by the support provided by the development organisation, such that the process of adaptation and contestation of modernity comes from within the communities themselves.

Caritas Dili has engaged with local traditional and community leaders who recognise the value in greater gender equality as also being within their own interests, as part of 'keeping up to date with what was happening in the rest of Timor-Leste'.¹⁵ Traditional leaders are increasingly seeking ways to maintain the legitimacy and relevance of their position and of traditional justice by adapting to changing social attitudes and participating in processes that promote more positive gender outcomes. This sentiment was emphasised in an interview with the Caritas Dili Program Director who noted that while it is certainly important that women realise they have a place in local decision-making, it is also vital that communities as a whole acknowledge they have an opportunity to become 'more fair, more just and more equal'.¹⁶ In this sense, Caritas Dili has sought to create spaces that allow for the adaptation and contestation of new ideas and relationships through which people are able to define new roles for themselves in a changing political landscape.

However, by no means has the approach of Caritas Dili resulted in a complete and even transformation of gender relations within – let alone across – different communities. Changes are often small and incremental, and face many challenges along the way. While there are attempts by women to engage more in decision-making processes within their communities, deep-seated gendered values and disparities of course remain. As such, in the case of Caritas Dili's work, while women were included in community discussions on traditional justice and the impacts on women, they were still not necessarily involved in the actual making of decisions.¹⁷ There is also the danger of women's inclusion in consultation processes being gendered, for instance restricted to particular areas deemed "women's issues" and incidents of domestic violence.

As part of a process of ongoing engagement, the Caritas Dili program does however demonstrate ways in which communities are effectively negotiating the myriad social and political transformations brought about by rapid modernisation via development. The program moves beyond tokenism and rhetoric to engage communities in active learning and adaptation, and in doing so demonstrates the dynamic nature of customary communities when presented with development that is sensitive to existing and vibrant social structures. In such circumstances, women take up opportunities to be more informed and vocal about issues affecting them, and traditional leaders seek ways to adapt and remain a relevant source of authority. Together, such an approach helps facilitate and strengthen the means through which communities are able to negotiate the rapidly changing social values that are part of the process of modern nation-formation.

Endnotes

- 1 Increasing women's political participation has featured as a fundamental aspect of improving gender outcomes in Timor-Leste. Following the 2007 elections for National Parliament, women held over 21 per cent of parliamentary seats, with over 1,300 women also holding reserved seats on the 422 *suku* councils across the country. D. Cummins, 'The problem of gender quotas: women's representatives on Timor-Leste's *suku* councils', *Development in Practice*, vol. 21, no. 1, 2011, pp. 86-8; In the most recent Parliamentary elections in July 2012, 671 women stood as representatives for twenty-one political parties. UN Women, *Democracy Blossoms as Timor-Leste Opens Doors for More Women in Politics*, 7 July 2012, accessed 12 August 2012, <http://www.unwomen-eseasia.org/Timor-Leste/Democracy_blossoms_Timor_Leste.html>.
- 2 Republica Democratica Timor-Leste (RDTL), *Law Against Domestic Violence*, RDTL Law No. 7/2010, 2010.
- 3 Judicial System Monitoring Programme (JSMP), *The Importance of Having Domestic Violence Law in Timor-Leste*, JSMP, 2010, accessed 12 August 2012, <<http://www.jsmp.minihub.org>>.
- 4 By 'traditional social structures', I refer to structures at the local community level that continue to be governed by *adat* or customary law, characterised by hierarchical social relationships in which leadership structures are almost exclusively male.
- 5 For example, the custom of *barlake* (bride price) which still occurs across Timor-Leste. Involving women moving from the control of their fathers to their husbands through a system of exchange, *barlake* restricts women's access to economic and social rights. The continuing practice of *barlake* is indicative of the significant tensions between institutionalisation of modern international norms of gender best practice and deep-rooted cultural norms. S. Allden, *How do International Norms Travel? Women's political rights in Cambodia and Timor-Leste*, Research Report, Department of Political Science, Umea University, Sweden, 2009; S. Ospina, *Participation of Women in Politics and Decision Making in Timor-Leste: A Recent History*, United Nations Development Fund for Women, Dili, 2008;
- 6 A. Trembath, D. Grenfell and C. Moniz Noronha, *Impacts of National NGO Gender Programming in Local Communities in Timor-Leste*, Globalism Research Centre, RMIT University, Melbourne, 2010, p. 11.
- 7 D. Cummins, 'The problem of gender quotas', p. 87.

- 8 Republica Democratica Timor-Leste (RDTL), *Initial Report: The Convention on the Elimination of All forms of Discrimination Against Women (CEDAW)*, CEDAW /C/ TLS/1, 2008, p. 61.
- 9 *ibid.*
- 10 Interview with Caritas Dili Program Director, 8 November 2011; S. Allden, *How do International Norms Travel?*, p. 214.
- 11 D. Cummins, 'The problem of gender quotas', p. 88.
- 12 A. Trembath, D. Grenfell and C. Moniz Noronha, *Impacts of National NGO Gender Programming*, p. 11.
- 13 D. Cummins, 'The problem of gender quotas', p. 88.
- 14 Interview with Caritas Dili Program Director, 8 November 2011.
- 15 *ibid.*
- 16 *ibid.*
- 17 *ibid.*