Introduction of a modern democratic system and its impact on societies in East Timorese traditional culture

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As a newly emerging nation, Timor-Leste is still in the process of seeking the most appropriate local governance system for its people. As part of this process and in accordance with their commitment to liberal democracy at all levels of governance, the East Timorese government created the institution of *konsellu suku* (*suku* council) to operate in the 442 *suku* (villages) of Timor-Leste. The *konsellu* is elected by the community and includes the *xefe suku* (*suku* chief), *xefe aldeia* (hamlet chiefs), one *katuas* (elder), two women's representatives and two youth representatives.

However, long before the introduction of *konsellu suku*, there were localised systems of authority that operated across Timor-Leste. The traditional local governing systems trace back to pre-colonial times, enduring through the various stages of Portuguese colonisation and Indonesian occupation, and they continue to operate in contemporary Timor-Leste. This makes a unique governing environment in which democratisation is now being pursued in East Timorese communities. Drawing on fieldwork that we conducted in twelve *suku* across the districts of Liquica, Ermera, Aileu and Oecusse, in this article we examine the impact of democratisation through the institution of *konsellu suku*, and the lessons that this holds for our understanding of democratisation and legitimacy in societies that operate according to customary modes of governance.

Setting the scene: the historical context

To understand local governance in contemporary East Timorese communities, it is important first to understand the governance history of Timor-Leste. According to Cardoso, before the arrival of the Portuguese colonisers, the island of Timor was politically divided into two large areas.[2] The eastern half, which approximately corresponded to the current territory of Replíca Democrática Timor-Leste, comprised forty-six different kingdoms and was under the control of the *Maromak Oan* (the 'Great Lord') in Wehali. The western half of the island, comprising sixteen kingdoms, was ruled by King Somba'i. The minor 'kingdoms' that were under the *Maromak Oan* and King Somba'i were ruled by the *liurai* (hereditary rulers, 'lord of the land') and *datu* (princedom governors who ruled below the *liurai*), and were often very small—with some of them approximately corresponding to the size of a contemporary sub-district. Within these smaller kingdoms

were the *suku*, which exercised significant autonomous power over local matters. Each of the traditional authorities had important responsibilities, and each was part of a complex web of interrelationships mediated through the *uma lisan* (sacred houses).[3]

Throughout over 450 years of Portuguese presence in Timor-Leste, traditional governance structures continued to guide the lives of East Timorese communities, with the Portuguese recognising and co-opting these systems for their own colonial purposes. The Portuguese policy of indirect rule distorted the authority of the *liurai* through changing the balance of power within communities and removing various checks and balances on the *liurai's* rule. Nonetheless, the belief structures that underpinned the *liurai's* rule remained. During the twenty-four years of Indonesian occupation, the *suku* of Timor-Leste were highly militarised, with military force dominating all aspects of community life, including the militarisation of the local governance system.[4] The Indonesian government introduced many changes to the local governance system, replacing the *liurai* with local leaders that were either elected or appointed, depending on the military situation in that area. Nonetheless, even though the government at that time established and extended local governance structures to the rural areas, the people still relied on the traditional structures that had existed prior to the Indonesian invasion.

Both the Portuguese colonising and Indonesian occupying governments used various strategies to force people to obey systems designed to dominate and exploit them. Despite these efforts, traditional governance systems continued to exist in the rural areas, where the majority of the population live. The role of the *liurai* throughout this history has been ambivalent, as many gave support to the Portuguese government to suppress their people, and did not allow the people to participate in debate or discussion on how to establish a local government structure that benefited the local people.[5] Nonetheless, despite the fact that the *liurai's* rule was feudal and oriented towards benefiting the elites, the *liurai* and the *liurai's uma lisan* continue today to have an important place in traditional systems of governance.

Since Timor-Leste has achieved independence there is now an opportunity to consider how to build a system of governance that respects communities' ongoing attachment to traditional systems but which also secures maximum participation of the people. However, for a variety of reasons, there has been insufficient consultation with those in the rural areas on what local government structures will be of most benefit to them. The results of this research indicate a need for open discussion on these issues, with the aim of deepening the process of democratisation for the people of Timor-Leste.

Impacts of the introduction of a modern democratic system on rural communities

One of the key challenges for Timor-Leste is how best to introduce liberal democratic institutions so that they are reflective of, and responsive to, the

reality of people's lives. This issue is integral to broader international debates on democratisation. According to Case, democracy can be understood either substantively or procedurally.[6] While substantive democracy is closely linked with social justice, involving issues of equality based on class, gender or other forms of identity, procedural democracy instead focuses on the participation of citizens in free and fair elections.[7] Both are important aspects of democracy as understood across the world; however, they do not always relate easily in practice.

Procedural democracy involves introducing and promoting a modern democratic system through formal institutional transfer, with particular focus on developing institutions that reflect various global interests in democratisation. Definitions of the procedural approach to democracy emphasise the importance of honest, open and impartial elections for change of government.[8] According to Lipset's understanding, procedural democracy is a mechanism that offers an opportunity to the majority of people to influence the decision-making process at the highest level through periodically choosing their representatives.[9] Procedural definitions of democracy have the important strength of measurability, for instance the frequency of elections, or the number of voters or votes cast. However, a weakness in this approach is that the role of the people is not clearly defined beyond their participation in electoral procedures. By contrast, a substantive approach to democracy shifts attention to the results that ideally emerge from democratic institutions, for example Bollen's definition of democracy as a means to minimise or limit the political power of elites and to maximise the interests of non-elites.[10] In focusing more on results than procedure, substantive definitions emphasise that the political process must work for the people as a whole, rather than a small group of elites who hold decision-making power.

Perhaps because of its measurability and the consequent favour it has attracted in the international community, the process of democratisation in Timor-Leste has focused more on the procedural approach, in particular on the electoral process. However, while there has been strong participation in elections thus far, our research indicates that many people believe that the processes of state-building and democratisation are failing to respond to their needs. In contrast to the procedural approach taken, an emphasis on substantive democracy would suggest that state formation must start with a consideration of East Timorese history and socio-cultural identity, in order to better reflect the culture of East Timorese societies. In terms of how democracy is implemented in communities, these two approaches involve fundamentally different activities.[11]

Nonetheless, the introduction of an electoral system has had a clear impact on local governance. According to many communities and our own observations, in many places the new democratic electoral system has transformed local traditional institutions, and in particular has modified the

role of the *liurai*, which previously was considered sacred and unchangeable. Concurrent with limiting the authority of the *liurai*, the new system has opened up positions of local authority to sectors of the community who were previously unable to take up the post. In the past, only a small group of elites was empowered through the *liurai* system to make decisions. By contrast, the new system is based on the idea of majority rule, opening up the possibility for people to make decisions collectively, and in principle enabling people to become owners in the processes and results of local governance. This ideally will work to encourage people's self-confidence to voice their rights for transformation of their communities, and will provide greater opportunity for the people to organise themselves to meet their daily needs and to criticise their leaders' decision if it does not benefit them. While we are only just beginning to see the results of the change in the system, it has given birth to the formation of new local elite groups that now include educated people and political leaders, rather than preserving local leadership only for the *liurai*, landlords and the wealthy. In addition, the new system has transformed the possibility for women to exercise leadership in their communities.[12]

These changes are having a direct influence on communities' ideas of legitimacy regarding local leadership. When we consider the changes that have occurred since the introduction of *suku* elections, it appears likely that as education and access to technology continues to advance in the rural areas, the system that places the *liurai* at the centre of decision-making will slowly decrease and the modern system will become stronger. While in the past the *liurai* had singular power and privilege, already in many *suku* their role is limited to functions that are more ceremonial. Nevertheless, as discussed later in this article, the relationship between leadership and authority—through custom and through election—is complex and variable across *suku*.[13] Our research also indicates that the introduction of the democratic system can create high social tensions, which can have both vertical and horizontal elements.[14] As communities are responding to new external influences, people who used to live together peacefully in the past are sometimes now separated and grouped according to their political parties, which can have a divisive impact on communities. It appears likely that as the new system progresses, it will help to limit the mystification of power through which traditional authorities gain their legitimacy—however, what emerges in its place is highly dependent on how democratisation is pursued in Timor-Leste.

Community responses to the introduction of the democratic system

Community responses to the introduction of elections in the *suku* we studied can be grouped around four major themes. First, an issue that was repeatedly raised by members of the villages was that the focus for nation-building needed to be on meeting people's basic needs and responding to their priorities, rather than on the formal mechanisms of democracy. Second, there were concerns in some *suku* about the potential of political parties to create or exacerbate conflict in communities. A third theme was the different

ways in which communities have creatively incorporated the new democratic system into their pre-existing systems of community governance, to create various forms of hybrid local governance. The final theme considers what the coexistence of democracy and *lisan* means for communities—and for Timor-Leste more generally—when considering issues of legitimacy according to liberal democracy and according to *lisan*.

The new suku *electoral system is neither important nor a priority*

Across the *suku* in which we conducted research, the majority of research participants stated that although there was an election for the *konsellu suku* and *xefe suku* in 2004 or 2005, and they recognised these as successful, the introduction of democracy at the local level has not made a significant impact on people's lives. Many people stated that in the early days of independence, rather than prioritise the introduction of a modern democratic electoral system for local leadership, the government should have prioritised the existing social crisis that followed the violence in 1999, with hunger, poverty, lack of access to clean water, health and the availability of farming land requiring immediate attention. As they explained it, the system is less important than the people who implement it—and their priority was on getting a commitment from community leaders to find a better solution for their people. As an elder from *suku* Maubara Lisa within the Liquica district argued:

> A *xefe suku* being elected by people is better than being directly appointed by the *liurai* as happened in the past. But either appointed or elected, both will not give significant changes to people's lives if they don't work for the interests of the people. We have seen many *xefe suku*, they keep changing but people still suffer from poverty. The system has changed from direct appointment by the *liurai* to elections, but still they cannot resolve problems that the community is facing. Is it the system or the people who implement the system? For me, it is not the system but the people who implement the system, who must have high dedication and commitment to work for the people.[15]

Throughout our fieldwork, we heard comments such as these repeated many times. While people did not question the introduction of the modern democratic system, they were frequently more concerned about issues of government responsiveness to their basic needs. Clean water, education, health and, in particular, access to land were reported as ongoing needs.[16] In the absence of state or other support, in parts of Ermera various community leaders have come together by establishing a union, *Uniao Agricultores Ermera* (UNAER). This has become a base from which to mobilise their activities to demand access to agricultural land and to respond better to their community needs. UNAER, however, also draws on local tradition and custom to motivate, strengthen and legitimate their work, and they receive strong support from the community *lia-na'in* in their activities.

We spoke with a *xefe suku* within the Ermera district who was one of those who actively organised community members to fight for land reform. He

argued that the new electoral system is good, but the most important issue within the area has to do with people's access to land. As he put it, 'I was elected as *xefe suku* because I have had commitment to fight together with community members to get access to land. It is no good being independent but people do not have access to land'.[17] Endorsing this view, a senior resident in Maubara Lisa stated that 'whoever is elected as *xefe suku* here, he must fight together with us to get access to land'.[18] Comments such as these highlight a gap between the formal process of democratisation in Timor-Leste, and the reality of people's lives. What appears to be at issue is that the procedural approach to democratisation is seen to have prioritised institutions such as electoral systems over the fundamental realities of people's lives, and has therefore failed to address the gap between the decision-makers in government and the needs of rural communities.

Concerns regarding political parties

According to the majority of research respondents, the introduction of the modern democratic system—and particularly the introduction of political parties—has not contributed to strengthening communal solidarity, collectivism and peace, all of which are important cultural principles enshrined in *lisan*. By contrast, respondents suggested that the new democratic system creates individualism and divisionism, which run against the needs of a subsistence-based, agricultural community. Their rejection of political parties in local elections did not represent a disagreement with democratic principles in themselves, however. Across a number of *suku*, the majority of research respondents clearly preferred the use of independent candidates so that people could choose the most appropriate and qualified candidate to be their *suku* chief. As they saw it, a *xefe suku* who is independent of political parties is more likely to work directly to improve people's lives, as he is not beholden to his party. The experience of political parties in these *suku* has not been positive, with a number of people accusing party officials from outside the community of having lied to them or not followed through with promises. As a result, a *xefe suku* within the Aileu district noted that people in his community were losing enthusiasm for the democratic process.[19] The preference for an independent candidate was made very clearly by a *xefe suku* within the Liquica district:

> I disagree with the involvement of political parties in *xefe suku* election. Political parties should exist in urban areas only but not in rural areas because they can separate us in the rural areas. During the campaign, people are separated according to their political parties; this is dangerous because history has shown that the mentality of people on different [political] ideas is still low. This may lead to violent social conflict within the community members. For example, my deputy and I: we are from different parties and do not cooperate well. When I convene meetings to discuss development within the community, he and others many times did not show up.

> We should serve the people not political parties. If we serve the
> political parties then it is a big mistake.[20]

While the primary reason for rejection of political parties concerned the divisive impact that they can have, there was also a second interesting point raised in a different *suku* within the Liquica district. In this *suku*, the *liurai* were historically very powerful and the people have no desire to return to their rule. However, in the new system of governance political parties now represent a powerful avenue through which local elites can promote their own interests. Some community members were concerned that the *liurai* of the area could use their economic power to regain political power, in particular through the mobilisation of political parties. These concerns raise a very interesting point regarding the procedural approach to democratisation as it has been implemented in Timor-Leste. While it is commonly presumed that the introduction of liberal democratic institutions, including political parties, would work against the power the *liurai* and promote equality of citizenship, the power that is posed by access to wealth can create new forms of patronage and dependency and serve to promote old elites under new guises.

Another very important theme that emerges when discussing the issue of political parties in Timor-Leste revolves around past violence and trauma. Beginning with the civil war in 1975, the history of political parties in Timor-Leste has been a traumatic one. As with other countries that have introduced democratic processes following a period of conflict, competition between political parties has posed a direct threat to post-conflict reconstruction[21], and party politics continues to be identified as one of the most important sources of conflict and potential conflict in Timor-Leste.[22] Recent incidents of party-political violence have deepened fracture lines within East Timorese communities and added to the traumas of the past. Because of this history, many people are fundamentally against the involvement of political parties in the election process, particularly at the local level.

The impact of trauma was clearly evident during an interview with a *lia-na'in* in the Liquica district. During the interview, we noted that he seemed afraid to answer some of our questions. When asked about his opinion on the *suku* election and various political activities within his village, he answered:

> I don't want to talk about elections and political parties. I am just
> an old man. I just want to live in peace and tranquillity and enjoy
> my last days on the Earth. I don't have a party, and if I do have, it is
> similar with yours. Please do not talk about political parties in this
> place, I don't feel safe.[23]

The violent social conflict caused by political parties in the past, together with the potential for party politics to lead to violence in the future, has led many people to argue against party-political affiliation for *xefe suku* and *konsellu suku*.

However, the *xefe suku* of a third *suku* we visited within Liquica has a different view on the influence of political parties. While he recognises the

high social tension in his village due to different political backgrounds, which was particularly a problem during the 2006 crisis, he supports the involvement of political parties in the *xefe suku* election. Although he concurred that elected members of *konsellu suku* often did not work effectively if they came from different political parties, he argued that this is due to a lack of genuine political consciousness. In addition, he stated, the political parties often did not communicate effectively with their membership between elections, or give information regarding their policies to the people in the communities. As he explained:

> It is true that many people are still traumatised by the involvement of political parties, but if we talk about and accept democracy then it must cover the roles and function of political parties within the societies as well. One of the many roles of political parties is to provide political education to its members or followers. This role is still not working well yet in the community. Political parties come to see their members whenever there is an election or when the election date is coming closer. This process quits once the election is already done. They lose contact with their members after that.[24]

By this analysis, political parties should be encouraged to provide better information to their members, allowing a constructive dialogue to take place between political parties at the local level. In his view, this requires better civic education on the different policy platforms of competing political parties, in order to raise the consciousness of the people to live with competing political ideas. As he goes on to explain, people must live together despite their different political backgrounds:

> Different ideas [and] political parties are normal to democracy. Democracy cannot exist if we all have the same opinion. Democracy guarantees freedom. Everybody should have freedom in mind or thought, freedom of speech and freedom of choice. We must realise that different ideas must exist; without it, it is not democracy.[25]

However, currently attitudes such as these appear more aspirational than reflecting the reality of local politics. The present lack of civic education, together with the conflation of democracy with party politics and the electoral system, appears to have created a great deal of confusion at the local level where people are unable to disentangle political violence from party politics in their village. Only a few research respondents, however, thought that the party-political violence of the past was due to a lack of understanding of democratic principles. Most laid the blame squarely on political parties.

Since independence, the speed with which competitive electoral processes have been introduced into Timor-Leste appears to have resulted in a type of 'social shock' in the *suku*. While people have embraced democracy, the competition of political parties is in direct opposition to the imposition of

uniformity during Indonesian times and the emphasis on consensus that exists according to *lisan*. Unfortunately, the process of democratisation has not taken this into account and the counter-response of the people has sometimes been expressed through violent acts and conflict. It is clear that the democratisation process needs more time in areas where uniformity and consensus have existed for a long time.

Introduction of the new, continuation of the old

While *konsellu suku* elections have been operating since 2004–05, across the *suku* of Timor-Leste communities continue to govern themselves according to the requirements of *lisan*. This is in part a reflection of the fact that democracy is still new, but also demonstrates the strength of traditional governance practices in these communities and the fundamental importance *lisan* holds in many people's lives. In many of the communities in which we conducted research, respondents stated that while they welcomed the new democratic system, they were also concerned that it could potentially threaten the existence of their traditional culture. What they wanted for their communities is that both systems grow together. As a senior resident in *suku* Lihu, Ermera district, explained:

> Culture is our identity, therefore we cannot destroy all the values that already exist and that guide our lives. Our lives have a strong relation with these cultural values. We should not immediately introduce a new system to the community because the people might be shocked by it [the change] and this may bring negative impact to the people. Any new system introduced must be in accordance with the local system, to avoid collision between the two systems, which may lead to violent conflict within the societies.[26]

In almost all of the *suku* in which we conducted research, we heard similar comments. To avoid collision between the two systems, communities are coming up with creative ways of incorporating both at the same time.

In *suku* Kosta, within the district of Oecusse, the community puts much weight on the traditional *liurai* system. Three traditional organs of governance continue to operate: the *Naijuf*, who is the 'king' or local *liurai*, and who acts as the executive organ; the *Tobe*, who is responsible for establishing *tarabandu* for agriculture-related purposes; and finally the role of *Meo*, who provides security for the land. According to an elder resident from *suku* Kosta, this system of traditional leadership continues to operate because it is important to the people. As he put it:

> Tradition is like a strong root, it is a natural intelligence that has existed since long time ago such as traditional sacred house, sacred rock and sacred water. These three components strengthen our lives. Therefore whoever is elected to lead must respect the traditional culture so that people can live peacefully.[27]

According to this resident of *suku* Kosta, the elected *xefe suku* must be a descendent of the *Naijuf*. [28] Those descended from *Tobe* and *Meo* may also put

themselves forward as a candidate for the position of *xefe suku*, however they must first ask permission from the *Naijuf*, otherwise they may get sick. When asking permission from the *Naijuf*, the *xefe suku* candidates must bring with them a cow, a pig, a piece of bronze and speak the ritual words, 'I don't take over your right, but in your name I serve the community'. This traditional system continues to command great legitimacy within the community, and there is a very real fear as to what will happen if the traditional system is lost. As the elder quoted above explained:

> In the past we had a cultural structure which operated as a local governance system, we trust more in our custom and culture than in democracy which has come from outside [the community]. There are negative impacts from modern democracy, as now people no longer obey the *liurai's* orders; in the past, people were afraid to fight each other, but now they are not afraid to fight—for example in 2006, when people fought and killed other people.[29]

A youth representative also stressed the importance of the traditional system of leadership for the Kosta community as a whole, and the significance it has for maintaining communal cohesion. As he argued, 'because of them [*Naijuf, Tobe* and *Meo*], there is no theft and people really respect this tradition. Therefore, government must respect any traditional system prior to introducing any new system'.[30] As he saw it, the roles of the other elected *konsellu suku* members are limited because the government has not involved them directly as representatives of the people in the community. As a result, they are not needed in the day-to-day business of the community and tend to only be required when outsiders such as representatives from the central government or non-government organisations visit their *suku*.

In *suku* Maubara Lisa, Liquica, there is a similar system of authorisation for elected *xefe suku*, even though the structure of *liurai* rule is no longer as clearly defined as in *suku* Kosta. Because of a change during Indonesian times, non-*liurai* descent people can now become leaders of the *suku*, for instance as *xefe*, as long as they first seek permission and consecration through the *liurai's uma lisan*. Through a ceremonial blessing the candidate *xefe suku* states that he will serve as a representative of the *liurai*, on whose behalf he will perform his work, but will not take over the *liurai's* position. By contrast, the people from *suku* Lihu in Ermera have developed a different way of incorporating the new electoral system into their community. Here the *lia-na'in* take a very active lobbying role prior to election for members of the *konsellu suku*, and it is they who decide the *xefe suku*. As a community member explained:

> Sometimes we think that the old system has already disappeared but in reality it has not, it still exists. In this *suku* we have many candidates for the *xefe suku* but the *lia-na'in* will decide who should sit as the *xefe suku*. Whenever and whoever the *lia-na'in* decide to be the *xefe suku*, he will be elected in the election. People still trust in the words of the *lia-na'in*. People in this *suku* want the old system

to remain. It is well known that the *xefe suku* always comes from *liurai* descent and the male clan. Before an election for the *xefe suku* takes place, usually the *lia-na'in* call and meet the ongoing or active *xefe suku*. During the meeting, the *lia-na'in* ask the *xefe suku* if he still wants to continue being the *xefe suku* or to retire. If the *xefe suku* says that he wants to retire, then he must secretly appoint someone to become his successor. He will tell the name of his candidate to the *lia-na'in*. Following this, the *lia-na'in* will call a secret meeting with all *xefe aldeia* within the *suku*, informing the name of the candidate suggested by the *xefe suku*. The *xefe aldeia* will then do a door-to-door campaign to community members, influencing them to vote for the proposed candidate. The proposed candidate normally is elected as the new *xefe suku*.[31]

The people developed this method during Indonesian times, and describe it as 'wrapping up' the old system in the new one. Because of the strength of this practice, even though the people actively participate in elections, it is still the *lia-na'in* who effectively decide their *xefe suku*. Community members explained that they must listen to the words of the *lia-na'in* because culturally the *lia-na'in* are responsible for looking after their *uma lisan*: if they go against the words of the *lia-na'in*, they are going against the traditional system and they may suffer or be cursed. Across almost all of the *suku* in which we conducted fieldwork, research respondents stated that even though the old monarchical system of the *liurai* did not provide a full opportunity to people to express their opinions, it had been with the people for a long time and was closely interwoven with their traditional values. Nonetheless, there was also a strong commitment to using the new system to elect their leaders, as it gives a greater opportunity to vote in new leaders based on their capability to lead, rather than hereditary relations.

Democratisation is an ongoing process, and there are many lessons to be learnt from examining how it has been implemented in East Timorese *suku*. The approach taken in Timor-Leste has been mainly a formal, procedural approach. However, when we examine the various ways in which communities have responded to the introduction of *konsellu suku*, a major lesson to be learnt is that responsible authorities need to first prepare the conditions for the democratic system to be introduced into communities, in order to avoid a clash with the forms of governance that already exist. Many people, particularly in the rural areas, value the traditional system, as they believe it unites them and makes them respectful of each other. This situation indicates a need to take a more nuanced approach to democratisation in East Timorese *suku*.

Legitimacy of leaders

The issues that are faced by communities as they negotiate the dual requirements of *lisan* and democracy raise the question of the different types of legitimacy that exist in East Timorese communities. According to Weber,

three different types of legitimacy exist in most societies.[32] First, there is traditional legitimacy, which comes from beliefs and traditions that exist within a society. Second, there is charismatic legitimacy, which comes when a specific individual is given the power to govern because that individual has special characteristics, and the people therefore respect and trust them to exercise good leadership. Third, there is legal-rational legitimacy, based on ideas of normative rule and rational principles, through which individuals are elected to represent the people through a formal process of election. While Weber provides a useful framework through which to understand legitimacy, these three types of legitimacy should be understood as ideals; in practice, they will often work together in various ways. As has also been recognised in other studies[33], individual leaders often draw on various combinations of these different types of legitimacy and the authority that they gain to rule is never absolute.

While legal-rational legitimacy is understood to provide the motivation for implementation of the modern state-based system[34], the question remains how to understand democratisation in communities where other forms of legitimacy based on beliefs and tradition continue to be strong. As mentioned above, to fulfil the dual requirements of *lisan* and democracy, many communities have responded by electing *xefe suku* who are also of *liurai* descent, and therefore are able to claim both legal-rational legitimacy and traditional legitimacy. However, in other places there are elected *xefe suku* who are not of *liurai* descent, and who hence can only claim legal-rational legitimacy. For example in some of the *suku* visited it was explained that during *tarabandu* (ruling through prohibition) ceremonies while it is normally the *xefe suku* who leads the proceedings, he does not have the legitimacy or cultural power to issue a forbiddance order unless he is also of *liurai* descent.[35] This has tended to make governance in these *suku* a difficult proposition.[36]

In addition, many communities have implemented a separation of powers whereby the traditional system has legitimacy for culture-related matters, while the new system is used to deal with matters of government or administration. For example, a senior resident in *suku* Ponilala, Ermera district, described explaining to his people that the *liurai* or *lia-na'in* can deal with issues of culture, but if an issue relates to government, for example if people are involved in land disputes, then it is the *xefe suku* who has the authority to resolve the problem.[37] However, as land is of central importance in both customary and formal systems, making a clear division between the two systems is not as easy as it may appear. In *lisan*, everything is integrated and traditional governance operates through a mystification of spiritual sanctions that entwines governance and culture. By contrast, according to modern political theory, government is considered to be 'rational' and separate to culture. In reality, it is often not clear in community situations what belongs to 'culture' and what to 'government', as both involve important aspects of community governance. Despite efforts undertaken

by rural communities to define which issues belong to which governance systems, many aspects of local governance are mixed and lack clear definition or separation.

These complicating factors are also evident in local dispute resolution processes, whereby many people across *suku* in Timor-Leste still bring their cases to *lia-na'in* for cultural resolution. In a number of *suku* nearly all of the research respondents stated that they preferred that their *lia-na'in* resolve culture-related matters. However, the definition of which disputes should be resolved through the state-based system and which through the traditional system is often not clear. This is of particular concern in cases of domestic violence, which is one of the weaknesses of using *lisan* for dispute resolution in communities. The traditional system tends to view domestic violence cases as 'small' matters to be resolved culturally, which further compounds the victimisation of these women. A number of *xefe suku* stated that if a conflict arose, they would first call the *lia-na'in* to resolve it and only later may forward the case to police. Disentangling different ideas of legitimacy and dealing with this situation in communities poses a real challenge for communities and for the government.

Conclusion

In many newly independent countries, the indicators of democratisation processes are based more on formal procedure than on the substance of democracy itself. This has been the experience in Timor-Leste, where the government has busied itself with building political institutions, introducing electoral processes and promoting political parties, but has neglected the substantive issues regarding how people are to engage actively in decision-making processes. While the constitutional state is established and run by formal rules and gains legal-rational legitimacy from the people, this does not mean that the formal, procedural approach to democratisation can be easily implemented in the whole of the country as the traditional system still exists and functions well in some areas. In these places, legitimacy arises from the belief systems of the community, which act to strengthen and enforce the functioning of the traditional system. Sometimes this can result in a clash of cultures, which works directly against the aims of the modern system—illustrated, for example, in situations of domestic violence.

Although the government has introduced the modern democratic system, the new system does not yet function well because it does not respond to the needs of the people as a whole. By contrast, because people still see the traditional system as responsive to their needs, it retains a strong presence in rural communities that believe it better able to facilitate their lives. Because of the strength of traditional governance, elected local leaders sometimes cannot work well and face difficulties in maintaining and using their authority if they fail to follow the rules of the traditional system. It is important, therefore, that the government try to establish good mechanisms on how to incorporate the traditional system into the modern system, so that in the end

the systems can help facilitate transformation within the *suku* — effectively capitalising on the strength of the old system in responding to the needs of the people. Across the *suku* in which we conducted research, cultural values continue to be central to people's lives. As such, it is profoundly important to continue to study the reality of people's lives and to use this as the basis for the ongoing pursuit of democratisation in Timor-Leste.

Endnotes

1   This article draws on research undertaken for and funded by an AusAID Development Research Award. The authors would like to express appreciation to AusAID for making this research possible. A longer version of this article is available in Tetum on the *Local-Global* website.

2   F.G. Cardoso, 'Governasaun lokal Timor-Leste: espetativa, realidade no desafius', seminar paper, Hotel Timor, Dili, UN Day, 24 October 2003.

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4   A. McWilliam, 'Houses of resistance in East Timor: structuring sociality in the new nation', *Anthropological Forum*, vol. 15, no. 1, 2005, pp. 27–44.

5   See also M. Tilman, this volume, for discussion of the *liurai*.

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8   R.A. Dahl, *Perihal Demokrasi: Menjelajahi Teori dan Praktek Demokrasi Secara Singkat*, Yayasan Obor Indonesia, Jakarta, 2001.

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10 K.A. Bollen, 'Political democracy: conceptual and measurement traps', *Studies in Comparative International Development*, vol. 25, no. 1, 1990, pp. 7–24, cited by D.Y. King, 'Membandingkan pengalaman demokrasi negara-negara maju dan kurang maju: seberapa relevan bagi Timor-Lorosae baru?', seminar paper presentation, Dili.

11 M.A. Brown, 'Security, development and the nation-building agenda — East Timor', *Conflict, Security & Development*, vol. 9, no. 2, 2009, pp. 141–64.

12 For example, 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. 85–95; also see L. Woon, this volume.

13 See also M. Tilman, this volume.

14 For elaboration see A. Gusmão, this volume.

15 An elder speaking during a focus group discussion, *suku* Maubara Lisa, Liquica district, 8 August 2009.

16 Focus group discussion, *suku* Maubara Lisa, Liquica district, 8 August 2009.

17 Interview with *xefe suku*, Ermera district, 21 November 2009.

18 A senior resident speaking during a focus-group discussion, *suku* Maubara Lisa, Liquica district, 8 August 2009.

19 Interview with *xefe suku*, Aileu district, 29 September 2009.

20 Interview *xefe suku*, Liquica district, 28 July 2009. The new electoral regulaltions, progressively introduced from November 2009 onwards, now require all members of the council to be from the one 'ticket'.

21 See, for example, E.D. Mansfield and J. Snyder, 'Democratisation and the danger of war', *International Security*, vol. 20, no. 1, 1995, pp. 5–38.

22 D. Shoesmith, 'Country report — East Timor', *Countries at the Crossroads 2010*, Freedom House, 2010.

23 Interview with *lia-na'in*, Liquica district, 17 July 2009.

24 Interview with senior resident, *suku* Dato, Liquica district, 15 September 2009.

25 ibid.

26 Interview with senior resident, *suku* Lihu, Ermera district, 21 November 2009.

27 Interview with elder, *suku* Kosta, Oecusse district, 8 December 2010.

28 ibid.

29 ibid.

30 Interview with youth representative, *suku* Kosta, Oecusse district, 8 December 2010.

31 Interveiw with senior resident, *suku* Lihu, Ermera district, 21 November 2009.

32 M. Weber, in H.H. Gerth and C. Wright Mills, eds and trans, *From Max Weber: Essays in Sociology*, Routledge, London, 1991.

33 See, for example, D. Cummins and M. Leach, 'On democracy old and new: the interaction of modern and traditional authority in local government in Timor-Leste', *Asian Politics and Policy*, vol. 4, no. 1, 2012, pp. 89–104.

34 F.M. Suseno, *Etika Politik: Prinsip-prinsip Moral Dasar Kenegaraan Moder*, Gramedia, Jakarta, 1991, pp. 58–9.

35 *Tarabandu* is an important part of traditional governance. Any entity involved in or who engages with the *tarabandu* activity must follow and obey the requirements and prohibitions accordingly. The people use *tarabandu* to resolve many of their problems, with the exception of criminal cases such as murder. *Tarabandu* regulates the relationship between different people, and between people and animals or the environment, including water and plantations.

36 Also see D. Cummins and M. Leach, 'On democracy old and new'.

37 Interview with senior resident, *suku* Ponilala, Ermera district, 21 November 2009.