



THE UNIVERSITY
OF QUEENSLAND
AUSTRALIA

Timor Leste Report

**Project: Addressing legitimacy issues in fragile post-conflict situations to
advance conflict transformation and peacebuilding**

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Brisbane, April 2013

This research project was supported by the Berghof Foundation

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Timor-Leste: Addressing legitimacy issues in fragile post-conflict situations to advance conflict transformation and peacebuilding¹

Introduction

Timor-Leste is an internationally recognised independent state, in contrast to the other cases in this study. This achievement has been the result of a lengthy, bitter and unpredictable process. With statehood being officially recognised only in 2002, however, it is also very recent. Indeed, while the struggle for independence from Indonesia runs over 24 years, the emergence in Timor-Leste of not only a formally constituted but even a broadly imagined or practiced state arena is extraordinarily recent. In Bougainville and Somaliland, by comparison, processes of ‘practicing’ at least some important elements of statehood, of negotiating the relationships between actors and institutions from which a state might be woven, have been underway for some years, undertaken not by a faction in exile, but by a range of actual decision-makers and nascent institutions working *in situ*. Whether or not Bougainville and Somaliland become internationally recognised states in the next decade or so, they have been operating within their own borders as self-governing entities to a much greater extent than was possible for Timor-Leste before the political revolution of 1999 and its emergence as a formally recognised state in 2002 (Boege and Wiuff Moe reports).

At the same time, the level and nature of international involvement in the three cases has been profoundly different. In part because they have no formal status as states, international engagement in Bougainville and Somaliland has been restrained and highly mediated. In Timor-Leste, by contrast, the United Nations missions managed the emerging state for two years following Indonesian withdrawal until formal independence in May 2002. This effort represented the most extensive role played by the UN in statebuilding at the time and left a deep imprint on the structure of the new entity (Chopra 2000, Matsuno 2008, Kingsbury 2009, Cummins 2010a). The UN retained a highly significant, if gradually diminishing presence there until the end of 2012, when the final UN mission (UNMIT) completed its mandate. Bilateral and multilateral aid agencies, as well as international NGOs, have been highly active and visible.

The forms and exercise of authority that come to characterise political communities, and the nature of the relationships within which that authority has purchase and effect, generally take shape through long histories of transaction, adaption and struggle. The nature and dynamics of legitimacy are thus embedded in the history of peoples and places and our socio-political cultures – our ways of living together and making some collective sense of our lives. At the same time, statehood, while highly varied in form, is nevertheless a particular range of institutional, societal and international arrangements and relationships – certainly if one aspires to some form of liberal or social democratic statehood (as East Timorese governments broadly do). Being a state is to be part of an international exchange; a state’s particularities are shaped and reshaped in part through international histories and globalised struggles for and flows of power, resources and ways of understanding the world. Questions of legitimacy for states draw from all these

dimensions: rooted in local struggles and regional histories, and in the demands, impositions and opportunities of international transactions.

There is nothing natural about being a state. ‘Practicing’ statehood, or indeed operating as a broadly self-determining political entity, involves processes of negotiating and testing legitimate forms of rule, particularly the forms that will make sense of the emerging political, social and economic life of this new entity. Becoming a broadly liberal democratic state – the kind of statehood to which the political leaders of Timor-Leste aspired and the leading voices in the international community required – involves the production of not only complex social, political, legal and economic processes and institutions but, at least as importantly, of networks of relationships between these institutions and people going about their everyday lives.

The state is sometimes understood as consisting of specific institutions of government and law that are distinct from, but ordering of, society (Cudworth, Hall and McGovern 2007; Weber 1994).² Questions of legitimacy can then be seen as focussed on the legitimacy of the state authority. The state can also be understood more broadly as a matrix of interleaving social and political institutions, practices and technologies which (among other effects) generate forms of order, and in which government and legal institutions play particular roles (Cudworth, Hall and McGovern 2007). According to this latter view, questions of legitimacy can be seen as addressing not only formal institutions, but a network of sites of authority. Whichever approach is emphasized in general, however, in the case of Timor-Leste, questions of legitimacy matter not only in regard to central government institutions – important though these are – but are pressing in relation to a wider distribution of societal institutions. Before becoming a state, Timor-Leste already had complex systems of social order, and of establishing and exercising authority. These were not dependent on, and frequently worked in opposition to, the apparatus of the Indonesian state; nor were they wiped out by that state (McWilliam 2005, 2008). Moreover, much of the stability, social order and food security upon which the contemporary state of Timor-Leste depends is provided, not by institutions of government, but through these forms of authority (Grenfell et al 2009). This situation is not likely to change fundamentally in the foreseeable future. Whether or not ‘the state’ is seen to include such forms of authority, the actual state of Timor-Leste in effect substantially depends on them for its operation and survival.

Questions of legitimacy bring clearly into view the relationships between governed and those who govern; they address the nature of the network of relationships between different institutions (societal as well as governmental) and between institutions and people, the processes and practices by which these relationships are enacted and change, and the context of broadly shared meaning and value within which these relationships and practices make sense. It is these networks of formalized and more fluid relationship, sometimes analogized as a social contract, rather than solely the institutions of government in themselves, that establish and shape the life of a political community. It is perhaps only when these relationships are operating relatively organically or seem ‘common sense’ to the observer that they fade from view. As Marc Galanter,

Martin Krygier and others have argued, addressing more specifically the rule of law, '[j]ust as health is not found primarily in hospitals or knowledge in schools, so justice is not primarily to be found in official justice-dispensing institutions' (Galanter 1981: 17). There is rather a mutual process of interaction, in which the prevailing forms of governance work in part because they are embedded in more extensive networks of social practice and norms, which institutions of governance in turn help to regulate. 'To pluck out of this dense thicket of institutions, cultures, traditions, mores and practices, merely the formal rules or architecture of legal [or other] institutions is simply to pick at leaves' (Krygier and Mason 2008, 11).

The dynamics of legitimacy thus draw directly on cultural understandings of what constitutes the person and community, and how patterns of authority, obligation and accountability are structured. In Timor-Leste, as in many states carrying legacies of colonialism or violent conflict, significantly different logics of governance, personhood, and of social, political and economic order have been drawn together by the exigencies of history (Hohe 2002; Trindade 2008; Brown and Gusmao 2009; Grenfell 2012, Wallis 2012). There are often significant gulfs between local understandings of appropriate relationships between a leader and community, for example, or appropriate behavior as a member of community and liberal models of leadership and citizenship. 'While leaders chosen according to local customary logic might appear "arbitrary, self-serving or parochial" to liberal thinkers, they are also perceived to be "effective and legitimate" by many Timorese (Wallis 2012: 12 quoting Trindade 2008: 172). This is a simplification, as these 'logics' are not monolithic or static; customary practice varies regionally and is changing across generations and with the interactions of globalization (Boege 2009; McWilliam 2012); liberal practices are often a jostle of different approaches and paradigms. Nevertheless, broad underlying orientations are quite differently focused. Moreover there is not simply a co-existence of two dynamics of governance: customary and liberal, but rather a multilayered interaction, bearing also the effects of Indonesian and earlier Portuguese practices. The everyday field of governance and values can thus be a context for confusion and friction and is ripe for manipulation and corruption. But there is also active exchange and mutual reshaping underway as people negotiate these gulfs in their day to day lives (Palmer and de Carvalho 2008; Yoder 2007; Wallis 2012). This is the space in which an East Timorese state is being negotiated.

One example of logics of accountability can be found in the local explanations of the serious political violence that erupted in 2006. Many local explanations included the kinds of points regularly made by external commentators, such as struggle within the leadership, pervasive poverty, high levels of urban unemployment, language group tensions and so on. But local explanations also prominently included what was seen as the failure of the country's leaders to keep faith with the ancestors (interviews Dili, Baucau, Caiseno July 2007, Same March 2008; see also Trindade and Castro 2007). In this context, 'keeping faith' concerned respect for the dead and for ways of life and values. During the battle for independence, resistance fighters called on ancestral powers (*biro*) for protection. This protection was given, but after the struggle

it needed to be returned, along with all ‘sharp’ things (things that cause injury – a reference to both the angry words of political division and unreturned arms). The *biro*, however, had not been returned and therefore the ancestors – including those who died over the 25 years of occupation – had not been respected. As a result the ancestors were not at rest and their unrest was destabilising the country.

When Fretilin fought Indonesia, fighters came to the *uma lulik* (sacred house) and held ceremonies. They took many things to give them protection: special water, leaves. The guerillas all believed in the traditional house. But now when independence has come they haven’t come back to offer thanksgiving; they have started to say that they don’t believe these things. The leaders are not unifying people; instead they are divisive because they have lost their source, so they create chaos and people fight. They haven’t come back to use the tools that are here to unify (Baucau diocesan employee, July 2007).

We used . . . the force of the *uma lulik* to mobilise people . . . but we haven’t returned this power to the house . . . all these leaders used this power, but they have not brought it back . . . In tradition, if you break promises this is a disaster, but in democracy it is not important. (community elder, Caiseno, July 2007)

These explanations turn on the failure of the national leadership to acknowledge the power of the ancestors, and therefore their failure to acknowledge the familial networks and ways of life that enabled the living to sustain social cohesion and support the resistance movement, and that underpin contemporary security and family for most people. The explanations also suggest a critique of the use of divisive politics among the leadership (they cling to ‘sharp things’ against the wishes of the guardians of life). These explanations refer to a *particular* vocabulary and grammar of values and relationships in which forms of accountability are demanded and the right to lead established – a vocabulary that can be overlooked or sidelined in efforts to build liberal institutions. This vocabulary sits alongside others, including fragmented accounts and partial practices of liberal democracy, which, depending where one might be in the country, are also in operation to greater or more commonly lesser extents.

Timor-Leste is undergoing a period of intense and rapid transition, in which different paradigms of governance, authority, and hence legitimacy are in play. The institutions of government are interwoven with and interpenetrated by different logics of social order, and vice versa (Wallis 2012). This entanglement is occurring in the at least equally demanding context of global market pressures and conflict, confusion and adaptation between subsistence and capitalist market economic relations (Nixon 2006). This is a fluid and regionally variable scene, which is easy to misread. This essay endeavours to draw attention to the complexity of these interacting logics, not as exotic and strange, nor as a polarised account of rational, progressive models frustrated by backward-looking tradition, but as intelligible, creative, but also varied efforts by people navigating the extraordinary challenges of trying to make sense of, survive, participate in and in

some cases benefit from reshaping the fabric of political community. It is an account of what in practice are hybrid forms of governance and of legitimacy (Boege et al 2009).

Because history and ways of being in the world generally captured as culture are important in shaping and understanding the relationships that constitute legitimacy, this essay will touch on both. Given the complexity of the scene, the essay will not endeavour to provide a survey across the scope of interaction (political, economic, social) or of all the different bodies that enjoy some legitimacy as political forces within the context of the state. It will rather look briefly at aspects of the central government and of the village or *suco*. Both could be regarded as fundamental in the processes of state formation³.

The central government is a new arena of leadership for East Timorese. Nationally and internationally it is the standard-bearer and face of independence and has been for East Timorese the intense focus of hopes for new life possibilities. The *suco* (village) has been a consistent and fundamental dimension of Timorese governance for many centuries, long predating Portuguese colonisation. Still today, in rural areas, where most people live, it is the *suco* that deals with day-to-day survival and security concerns. Urban areas are also, however, organized in *suco*, although in towns they are made up of people from many different families and are not concerned with the cycles of agriculture and hence are significantly different than rural village structures. The *suco* is where most East Timorese have some direct experience of governance, as the district centres, let alone the capital, are distant and inaccessible for many. The legitimacy of the leadership most directly relevant to everyday life is of national importance. *Suco* are also particularly interesting, however, because they appear to be the site of greatest interaction among local, often more customary forms of governance and state-institutional forms of governance.

CULTURE and EVERYDAY LIFE

East Timor is largely rural, with 70 to 80 per cent of the population dependent upon subsistence food production in a difficult natural environment that is often challenging for crops as well as people. Food security is an ongoing dilemma for many communities. In rural areas, most people live in small, often kin-based communities (*aldeia*, or sub-villages), with housing arranged in loose clusters. An *aldeia* may be close to a major road, or readily accessible, but many are not. One *aldeia* I visited in the mountains behind Baucau in 2007 had only recently had a basic dirt road pushed through, thanks to the fund-raising and bull-dozer capacities of the elderly Italian priest in the greater district. There was no public transport, and few living nearby had vehicles, but the road made walking easier for those struggling to carry produce many hours to the markets, made visits from local centres feasible and was a gesture of hope in the future. The community had established their own village primary school – a beautifully painted corrugated iron room, staffed by more literate local community members supported to teach by their

neighbours. Those wanting more than this must walk some hours to the village centre; secondary school would involve much longer distances, living away from home and greater funds. There was no sanitation, no health centre and no electricity. People lived in skillfully crafted wood, bamboo and thatch constructions. At a high point in the mountainous countryside, the inhabitants had rebuilt their traditional 'sacred houses': *uma lulik*. Along with other mountain communities, in 1975 these families had fled before the advancing Indonesian military, which forcibly cleared the mountain areas for strategic reasons. Their homes and *uma lulik* were destroyed and many lived in the bush, hiding from the military, for five years. Before they fled, however, they gathered all the many small relics that represented each forbear in the interior room of the *uma lulik*; these objects were kept safe and held in secret for 24 years. Some of the families began returning in 2000. Drawing on all the far-flung resources of the kinship network, they finally rebuilt their *uma lulik*, again placing the sacred objects that had been carried and hidden for so long into the secret interior. This then enabled them to practice a range of ceremonies, around the cycles of agriculture, kin and so forth.

Customary belief systems are embedded in extended family life. This gives them great power and durability, and means that the forms of social organization interwoven with those belief systems remain widespread. The extent to which customary patterns continue to directly shape village governance is changing and varies from village to village. Nevertheless, the importance of underlying values and patterns of relationship to governance means that it is important to give some overview of customary approaches. While to varying extents customary belief systems are enmeshed with or accompany other socio-political and cosmological values and practices, particularly Catholicism, a high degree of respect for custom has been shown in a number of studies, including in urban areas (Asia Foundation 2004, 2008A, 2008B; Leach et al 2012). Kinship-based forms of social order underpin much of the practical management of everyday life, and certainly form the basis of social welfare. In rural areas in particular, decisions around resource usage, food production and land management, conflict management, peace-making and justice rely to varying, but often significant, extents on local patterns of relations and values. There are variations in customary practices across the country, and among language groups, but there are also significant commonalities. Place and land are, however, fundamental touchstones of customary order (McWilliam 2008). In customary contexts authority of position and action is rooted in your own place and often may not extend beyond that place – this means that difference and particularity are often stressed over commonality. This can have implications for social order in urban places, where individuals may be outside what they understand to be the most compelling structures for upholding social order.

Kinship is structured through *uma* or 'houses', which are tied internally to place and shared ancestors, and networked through patterns of reciprocal obligation that flow from intermarriage. *Uma* includes living relatives, but also those who have died and the yet unborn; it includes the natural world, but also spirits (McWilliam 2005). This mystical web is given concrete form in

the *uma lulik* or *uma lisan*: the sacred or secret house, where the veneration of ancestors is focused and where *lisan*, that is, appropriate values, practices and relations are taught and given expression (McWilliam 2005: 32). Marshall Sahlins' description of Melanesian kinship patterns as forming a 'mutuality of being' where 'relatives live each other's lives and die each other's deaths' is relevant here (2011:2). As an East Timorese scholar commented, '[t]he *uma lisan* are full of natural power, and each person and family—particularly those who are members of the *uma lisan*—must believe in and respect this power. Because of this, the community considers *uma lisan* a central part of their identity, and they have significance in people's everyday lives. They take particular importance during ritual celebrations . . . that provide opportunities for people to gather together. The role and function of *uma lisan* is important throughout all of Timor-Leste, and the elders of each *uma lisan* continue to protect the *uma lisan* through passing down the sacred knowledge through each generation' (Tilman 2011). In the *aldeia* mentioned above, those fleeing the advancing military carried the objects symbolising all their ancestors (no matter how briefly they lived) for five years living on the run in the forest, and for almost twenty years living in camps and mixed or new villages on the coast. Only when the military left were they able to rehouse these precious relics. Ancestors, including those who died during the long struggle with Indonesia, have great importance in *uma*, and people may talk with the dead on a regular basis. This has fundamental significance for a society struggling to deal with large-scale loss of life. Houses continue to form the 'cultural and economic basis for the continuity of Timorese society' (McWilliam 2005: 38) although their pull is to some extent weakening in the capital (Trindade and Castro 2007).

Uma lisan is also important in conflict management and peacebuilding. This has been relevant to managing conflicts associated with domestic political competition. Mateus Tilman has noted that 'while the influence of political parties has created some deep divisions in national politics, this does not appear to have been the case in many local communities. As the *chefe suco* (village chief) of Tutuala commented, "in *suku* Tutuala even though the political parties have come and adopted the party system and some small conflicts have arisen, this hasn't become an obstacle that has torn apart our family relations". As he . . . explain[ed], it is relatively easy for the people to resolve problems that arise among themselves because the *lia-na'in* [elders] from the *uma lisan* usually use family relations to resolve any issues. The community considers family relations as the fundamental basis for communal identity, and the *uma lisan* has central importance in these relationships' (Tilman 2011, 2012). Before the material *uma lulik* is rebuilt, all members of the extended family must come together and settle any disputes among them (Tilman 2012).

The pattern of relations within and among kin groups also shapes structures of authority. The social order formed by kinship structures has traditionally been the foundation for *suco* (village) governance. Newer forms of *suco* governance (discussed below) as well as other social and

economic impacts, are changing but not necessarily eradicating these arrangements (Pereira and Kota 2012). Kinship structures retain considerable vitality and continue to play a major role in ordering social life more generally. The heads and elders of extended family houses can exercise considerable authority. The *uma lisan* has a range of authoritative roles including the *lia-na'in* or 'keeper of the words'. 'The role and function of the *lia-na'in* within the *uma lisan* structure is to lead, to look after and to care for all the families and descendents of the *uma lisan*. Through rituals, they pray to the ancestors to ask for help, asking that the ancestors always accompany the descendents of the *uma lisan* so they can carry out their work in a positive environment. Through carrying out these duties, they create a sense of trust and confidence among the members of the *uma lisan*. The people trust that the *lia-na'in* has a strong spirit of volunteerism, the strength and intelligence to resolve a range of problems that arise within families or between families, and that they will make a contribution to society more generally. As they safeguard peace and stability in the family, they also take on an informal role resolving problems or conflicts that arise at the *aldeia* [sub-village] or *suco* level' (Tilman 2011).

Longstanding *suco* are made up of a hierarchy of *uma*, with some, those believed to have arrived earlier in the land, regarded as more 'senior' than others. Housing tends to be widely dispersed in smaller, often kin-based sub-villages (*aldeia*) (Grenfell et al 2009). *Aldeia* leadership is thus quite often an element of extended family leadership (Cummins 2010b). In custom (and in contrast to images of the 'chief' in much popular English language fiction) there is a wide range of leadership roles within the village, covering political leadership, ritual leadership, justice and order, resource management and other supporting elders and positions of knowledge (Ospina and Hohe 2001; Yoder 2005). Different leadership roles within villages are often drawn from different family lineages. Consensus and collaboration are highly valued (Cummins 2010a). Others, however, may take leadership roles upon agreement amongst those with ancestral authority (Ospina and Hohe 2001). Without such agreement, communities can fear that disaster will befall them (dos Santos and da Silva 2012).

In a customary context it is not unusual for the most senior role to be a less public figure, who is responsible for the community's relationships with the unseen world of the ancestors, natural forces, and the spirit (Fox 2008; interviews Baguia 2007, Oecusse 2004, Trindade 2007). Senior figures can thus be easily overlooked by outsiders (interview Baguia, July 2007). Customary Timorese approaches to governance often draw a distinction between ritual (or spiritual) and political power, or what James Fox terms authority and power (Fox 2008; Trindade 2008). Authority, or ritual power, is the senior, the source, the centre or 'owner' of the sacred house, the lord of the land. Symbolically feminine, ritual power represents fertility and life; it is still, secret, interior and whole. By contrast, political power is symbolically masculine, assertive, potentially warlike; it is various, evident and armed both intellectually and materially. In customary cosmology, the hierarchy between them is important. 'Power can speak on behalf of authority,

but it is not that authority nor can it assume authority without relinquishing its recourse to force. Without deference to authority, even the most powerful of forces loses all allegiance' (Fox 2008: 121).

This distinction provides a way of articulating a range of customary leadership roles and relationships. The relation between authority and power has also worked as a framework for conceptualising relations between customary authorities and a variety of other forces and influences, including contemporary requirements regarding *suco* governance. The Portuguese, for example, were regarded to some extent as 'younger brothers' – powerful but nevertheless junior parties. Christianity can occupy a similar position, despite its extensive influence. 'From long before Christianity came we have had a place, a house (*uma*), we have had a name, and when Christianity came it existed through this house' (Interview, Baucau diocesan employee, July 2007).

The figure of the *liurai*, or hereditary *suco* ruler, has been an ambivalent one in Timor-Leste during the 20th century. While often a role carrying immense respect and reverence, the authority of particular lineages was to greater or lesser extents imposed on some *suco* by the Portuguese, as the colonial power removed or sidelined figures who opposed them, or as the established lineage proved unable to deal with the external power (discussed briefly below). In some areas, two lineages – 'black' and 'white' *liurai* – emerged, sometimes with a division of labour as noted above (Tilman 2011). Compliant *liurai* collected taxes and oversaw forced labour on behalf of the Portuguese, who backed up their authority with military force (Tilman 2011, Cummins 2010a). Not surprisingly, in some regions *liurai* developed a reputation as violent and exploitative. This was not everywhere the case however. Despite this ambivalence, the role of the *liurai* is also still widely respected in rural areas, perhaps because of the power often associated with it and because it is a strong symbol of culture. In some villages that no longer have *liurai*, for example, the symbols of the *liurai's uma lisan* continue to be used and regarded as meaningful (Tilman 2011). The kinship network operates with or without the *liurai*, but some key ceremonies, such as the *tarabundu*, a village agreement concerning social order which draws together a number of houses, still generally need a *liurai* to be conducted. One village visited literally 'borrowed' a *liurai* from a related village to conduct the ceremony, but this would not always be possible (Gusmao 2012).

Customary clan networks have enabled the survival of communities in the face of profound hardship, protracted violence, invasion, recurrent hunger and extensive displacement. As touched on below, they have contributed in significant ways to the resistance to Indonesian occupation (McWilliam 2005). Timorese culture was powerfully entwined with the drive for resistance and independence. As a businessman in Same noted: 'We need to maintain (customary practices) – indeed, we have to maintain them. Otherwise, what is independence? What were we defending; and what now are we standing on? In our struggle we defended our land, our culture, our forests;

if we don't now defend our culture our independence has no roots, no foundation' (interview Same, March 2008). A detailed study of selected communities found that despite extreme disruption, people in the communities studied 'have been able to maintain a collective sense of identity' with a strong sense of agency and interconnection (Grenfell et al 2009:157). '[N]arratives handed down from generation to generation' and 'the ability to draw connections across time to ancestors' were identified as critical to collective identity (Grenfell et al: 41). This sustainability has been 'achieved in part by . . . a clear recognition of those aspects of their culture that they consider crucial to the long-term durability of their community' (Grenfell et al 2009:157).

While this report has focused on customary ways of life, the influence of Catholicism can also be significant, particularly in its contribution to the resistance and now to peacebuilding (touched on briefly below). Some scholars, notably Joel Hodge (2012) argue that during the Indonesian occupation, Christianity provided motifs that enabled East Timorese to resist '[s]tructures of meaning – those of death, violence and torture – [which] were being imposed upon them, to which they were supposed to succumb' (Hodge 2012: 10). Informal Church organization also provided a context of support, as well as vital international linkages. Church activities were one of the few activities which enabled East Timorese to gather together in a spirit of solidarity and sharing, as many customary events were banned during the occupation. Pride in being part of the Catholic or other Christian faiths is evident in Timor-Leste and, even though other religions are present (notably Islam) East Timorese tend to be strongly self-identified as Christian. The relationship between indigenous and Christian spirituality is mixed, with many people seeing no or little tension, while some take a more derisory view of customary ritual and practice. Custom is however embedded in the actual structure of family life.

A BRIEF HISTORY

Timor-Leste is situated in the east of the island of Timor, on the south-eastern rim of the Indonesian archipelago. East Timorese cultures are substantially oral, particularly in rural areas, with complex traditions of story-telling and ritual poetry, as well as extensive knowledge of genealogical history, including stories of the land. Perhaps because of this, aspects of history that may seem to many outsiders to be long-passed can remain alive to Timorese.

Linguistic and archaeological evidence indicates that there had already been a number of migrations and invasions in Timor before the colonial era (Saldhana 1994). These migrations had meshed with and overlaid existing forms of social order, with some scholars arguing that they introduced a layer of hereditary rule (including the *liurai*, hereditary rulers or small kings) over existing kinship arrangements (Davidson in Cummins 2010b). This resulted in small 'kingdoms' containing, and demanding tribute from, a number of largely autonomous villages (*suco*)

managed through kinship systems. Primary allegiance, however, was ‘owed . . . to the clan or kin group’ (Davidson in Cummins 2010b: 82; Tilman 2012). By the time the Portuguese and Dutch arrived in the 16th century the island was home to a number of small, warring kingdoms bound by tributary arrangements into two larger ritual kingdoms. The eastern part of the island was colonised by Portugal, while the Netherlands very gradually extended control over the islands that became Indonesia, including the western part of Timor. The colonial competitors finally reached a border agreement in 1914 – borders that still stand today. A history of colonisation by Portugal rather than the Netherlands was thus a key factor determining that Timor-Leste was not part of Indonesia when that state’s declaration of independence was made in 1945.

Portugal established military control over the eastern part of Timor only over some centuries, facing periods of active and coordinated resistance until the twentieth century (Fox 2008). For much of this time, the colony served as a not particularly wealthy source of resources, including sandalwood and coffee, and a site for the exile of those Lisbon found troublesome. Portugal did not seek to ‘develop’ its colony beyond what was necessary for basic resource extraction, until some limited efforts after World War 2 (Dunn 1983; Saldhana 1994). Management from the colonial capital remained minimal. Portuguese Timor between the world wars was described as ‘the most backward colony in Southeast Asia, its living conditions often a subject of derision to the few who ventured into it’ (Dunn 1983:20).

From what became its centre in Dili, Portugal governed indirectly, restructuring but also relying on the compliance of local governance systems already in operation, backed by military force. They gradually broke down the *liurais*’ power bases, often pushing them down to village level, or introducing new, more compliant lines of leadership. (These two lines of leadership - in some areas called white and black *liurai* - continue in some regions (Tilman 2011)). Remaining *liurai* were given colonial rank and tasks of tax collection (Cummins 2010b, Tilman 2011). By the early twentieth century, the Portuguese had consolidated their military control and effectively eliminated or co-opted the higher levels of leadership. Where the Portuguese had a particular interest (e.g., coffee producing areas) colonial intervention backed the emergence of despotic local rule by *liurai*, and subverted local mechanisms for maintaining limits of power (Farram 2006, Cummins 2010).

In some regions in particular, *liurai* became associated with both despotic rule and colonial power. Throughout this, however, the *suco*, drawing on its foundation in kinship relations, remained the core site of governance, albeit in a much changed environment and with new limitations and pressures on internal and external patterns of authority. From the late colonial era, their boundaries were defined territorially and administratively, rather than necessarily following the lines of clan and clan land– a situation that continues to cause frustration in some places (Cummins 2010b; Grenfell et al 2009).

Portugal's sudden decision to withdraw from its colony after the Carnation Revolution in Lisbon in 1974 opened the way for the emergence of political parties. Fretilin was the party of young reformers and revolutionaries, seeking to give political voice to the mass of East Timorese, while Apodeti represented the interests of the *liurai* still identified with Portuguese power. The more centrist UDT became associated with Indonesian interests. Kinship loyalties also guided party affiliation. A shambolic decolonisation process by the Portuguese government in 1975 paved the way for a brief, chaotic and bloody civil war between Fretilin and UDT and their supporters. The civil war divided populations and provided the cover for invasion by the Indonesian military, anxious about instability and potential Communist influence in its strategically placed neighbour (Brown 2009a). This began a period of almost 25 years of annexation and brutal military occupation, met by armed and civilian resistance by significant sections of the local population.

While Indonesia expended significant development funds in what it regarded as a backward province (Taudevin 2000), an estimated 102,000 to 183,000 people died as a result of the occupation, whether as a direct result of military activity or as a consequence of major population displacement and associated famine. This is one of the greatest per capita death tolls in the twentieth century (CAVR 2005). Efforts at integration into Indonesia were dominated by 'the security approach' of the Indonesian military. Immensely powerful in the fabric of political, social and economic life throughout Indonesia during the period of the occupation, the security forces, as guarantors and icons of national unity, took a free rein in the 'twenty-seventh province'. Despite significant aid infusions, management of the territory was essentially a military operation characterised by punitive brutality, repression and military-dominated resource monopolies rather than by efforts to win trust. 'The armed forces, and in particular the military intelligence services, . . . ruled East Timor . . . almost as an institutional fiefdom, accountable neither to the law nor to the political apparatus in Jakarta' (Schwarz 1994: 197).

In the initial years of the occupation, when armed East Timorese resistance was most active, the Indonesian military embarked on an extensive program of forced relocation, clearing the rugged mountainous spine running along the centre of the island of the subsistence farmers and small communities who could help sustain the resistance. Entire communities fled in the face of the advancing troops, in many instances living on the run in the hills for years. Many villages, including the *uma lulik* or sacred houses of clan groupings, were destroyed. By the early 1980s, forced relocation to low-lying coastal regions, initially to military controlled strategic camps more readily subject to surveillance, was complete. According to some estimates 'the majority of East Timorese . . . [were] concentrated into strategically located resettlement sites' (Pyone Myat Thu 2008: 144).⁴ This was a drastic disruption of lives, socially, culturally and economically; unable to access sufficient fields, crops or water, many died of hunger. The upheaval also represented a massive change to human settlement patterns, including the creation of new, compound villages, mixing kin groups and mountain and coastal groups (Pyone Myat Thu 2008).

Local administration during this period was heavily militarised, with every village having a military position. ‘Military force dominated all aspects of community life, and included the militarization of the local governance system (dos Santos and da Silva 2012: 207; McWilliam 2008). ‘[T]he Indonesian government . . . replaced the *liurai* with local leaders that were either elected or appointed, depending on the military situation in that area’ (dos Santos and da Silva 2012: 207). Village elections not uncommonly resulted in the election of leaders from the relevant kinship line, with ‘the chosen power holders . . . usually compatible with both traditional and clandestine systems’ (Ospina and Hohe 2001: 6). At higher levels, ‘[a]lthough nominally democratic’ positions were ‘frequently filled by serving Indonesian military officers who tended to ensure that the government structures were . . . a conduit for central government directives and intelligence gathering’ (McWilliam 2008: 132). Elections during the Indonesian era were widely seen as times of fear and danger (interviews, Oecusse 2007, Ermera 2009/10, Liquica 2009/10).

Despite Indonesian efforts, clandestine resistance networks made up of a coalition of forces led by Fretilin were active throughout this period. Networks of resistance (armed but increasingly civilian) drew on wide-ranging sources of support, including students, churches and NGOs with international linkages. Within rural Timor-Leste, however, the clandestine movements drew on customary patterns of clan linkages and authority. These shadowed the Indonesian state system, creating ‘a strategic and increasingly effective source of logistical support and information for guerrilla activities’ and undermining the ‘authority of the Indonesian local government structure’ (McWilliam 2008: 132, 133). As Abel dos Santos and Elda da Silva note, ‘[t]hroughout Portuguese colonisation and Indonesian occupation, colonising governments used various strategies to force people to obey systems that were designed to dominate and exploit them. Despite these efforts, traditional governance systems continued to exist in the rural areas’ (dos Santos and da Silva, 2012). Andrew McWilliam draws from this history a warning concerning ‘the challenges for state systems that lack local legitimacy’ in Timor-Leste (2008: 133).

Following a change of leadership in Indonesia in 1998, the new government agreed to hold ‘an act of free choice’ in their 27th province. The East Timorese were to have a UN supervised ballot to vote for or against wide-ranging autonomy, but it was made clear that rejection would lead to reversal of the incorporation – in effect, to independence. The lead-up to the ballot was marked by serious violence and intimidation by Indonesian military-backed militias – ‘ninjas’ – and manipulation of food supplies, with ‘the army attempting to monopolise supplies and eke them out in return for a pledge of a pro-integration vote’ (Brown 2009a: 227). Despite the context of serious violence and intimidation, on 30 August 1999 East Timorese voted overwhelmingly to reject autonomy, and so for independence. Devastating violence by the occupying military and militias greeted this result. Estimates vary but approximately 1,4000 people were killed, 70 percent of the country’s economic infrastructure was destroyed and some hundreds of thousands fled as refugees. An international military force, INTERFET, led by Australia, intervened with

the acceptance of the Indonesian military in late September 1999. The Indonesian military withdrew and a period as a UN administered territory began.

United Nations Missions

The United Nations Transitional Administration in East Timor (UNTAET) has been discussed extensively (e.g., Chopra 2000, Hohe 2002, Richmond and Franks 2008, Kingsbury 2009). It is sufficient here to say that it took on the most extensive responsibilities for government of any UN mission until that time. Faced with this extraordinarily sensitive and complex task it adopted a highly centralist model of administration, focused in effect almost entirely on the capital, Dili, with very lightly resourced capacities for outreach (Chopra 2002). In conceptual and policy terms, UNTAET approached East Timor as in many respects a political vacuum, and their task as ‘nothing less than building a new nation from almost zero’ (UNDP 2000:92). But far from being a political vacuum, on the ground in the provinces it was the clandestine resistance movement that initially re-established working local governance processes following the devastation left by the departing Indonesian military (Local Government Options Report 2003). The resistance coalition was already meshed with and reliant upon customary clan networks. Together, these networks operated ‘a command and control structure that did not require modern communications . . . [and that was characterised by] a durability, coherence and local flexibility that were eminently suitable to the task of maintaining basic services and social order’ (LGOR 2003: 49). These structures also commanded significant local legitimacy. According to the Local Government Options Report (LGOR) ‘it is likely that this structure would have managed the transitional process in a relatively stable manner’ (LGOR 2003: 53). By contrast, UNTAET’s efforts to manage the regions was described by the LGOR as ‘agency governance’: managed to meet the reporting requirements of a range of UN agencies and answering to a centralised project management bureaucracy (LGOR 2003: 53).

In 2002, Timor-Leste formally became an internationally recognised sovereign state; while UN missions remained until the end of 2012, an East Timorese national government finally and for the first time took control of the country. It did this with a mere two years background of limited experience in being a state. This remarkable lack of opportunity to practice the human infrastructure of being a state should certainly not be equated with lack of political community, although this error was commonly made by international assistance efforts (Brown 2009b). Formal independence was greeted with joy across the country. Nevertheless, to comment only briefly on national political life, the long military occupation and violent withdrawal, the preceding civil war, and the effects of colonization had left legacies not only of resilience, survival and cooperation, but simultaneously of social and political fracture, trauma and erosion of trust. Notably, during the Indonesian occupation the resistance movement was riven by struggles that continued to polarize and undermine elite politics in the independent state (International Crisis Group 2006). Statebuilding efforts pursued by the new government, assisted

by international agencies, continued to be highly centralized and focused on institution-building (Brown 2009b). Relatively little emphasis was given to the rural majority, living in often dispersed and relatively inaccessible communities across mountainous terrain.

Many in rural Timor-Leste blame the central government for being ignored and for their traditions or cultures not being respected, but some in the central government, while welcoming the international intervention, nevertheless blame the UN and the changes that came with the money as well as the orientation of the international intervention. As an the Advisor to the Minister for Social Solidarity commented:

‘The traditional leadership system, it works. And when the modern system comes in, you can’t just wipe things out, using money. . . . Instead, you need to adjust between the traditional, bring in what is traditional, the good values, the good governance, some of them are already there. . . . Because it doesn’t matter how modern our society will become, at the end of the day the policies that we have are being fed by the norms that are practiced every day and the traditions that have been practiced for hundreds of years, that feeds into those policies. The issues or concerns around traditions diminishing, that’s because money talks.

‘. . . It was so good [the UN and the international community] came in. [But] . . . Between the world agencies and institutions, such as the UN, IMF, World Bank, [they implemented] cut and paste mechanisms. But something that works in Africa for sure won’t work in Timor. Something that works in Timor might not work in Africa, or the Middle East, or some other part of Asia. That’s why you can’t just come in with money and completely wipe out the traditional system. There are values in there, there are principles that you need to respect and adhere to. If it’s oral then put it into writing. Instead now with everything that is written, people say “oh, it’s malaes’, malae ninian” [it belongs to the foreigners].’ (interview Dili, June 2011)

The international community regarded the new state as a peacekeeping and peace-building success and in 2005 UN peacekeepers were withdrawn. By 2006, however, a dispute within the highly sensitive security sector intensified broader social divisions and was manipulated by competing factions within the leadership. When that dispute spiraled out of control, the capital fell into severe crisis. Dili became the focus of violent inter-communal conflict, leading to outflows of internal refugees and a new generation of displaced people (ICG 2008). The leadership was locked in a bitter political struggle. International forces returned. A national election in 2007 saw a change of government under conditions of much domestic dispute in the capital and some regions. Ironically, the shock of a near-fatal shooting of the President and an attack on the Prime Minister by a small breakaway group of the military on 11 February 2008 marked the beginning of a turn away from crisis. Some parts of the countryside were drawn into the dynamic of crisis. In much of rural Timor Leste, however, despite a strong sense of frustration and heightened tension, life continued as before.

There were many reasons for frustration and disenchantment following the high expectations that greeted independence. The failure of independence to relieve the pervasive poverty of the majority and the intense polarisation of national political life, particularly during the first seven or so years of independence, were particular problems. Divisive politics undermined the functioning of government, blocked initiative from below and encouraged a corruption of political life. The region's history and contemporary circumstances had left embedded patterns of injustice (land issues continue to be particularly difficult) while the long-term effects of trauma have also been important. As noted above, Timor-Leste is also marked by a deep gulf between urban and rural life that was intensified by the approach to statebuilding adopted by the UN and the early national government, leading to a sense of abandonment of culture on the part of some, particularly in rural areas (Brown 2009b).

The crisis of 2006, however, had not returned some seven years later. Changes of central government policy have meant greater disbursement of funds and some services to the provinces, even if government remains highly centralized and focused on Dili, and a greater openness to rural regions (Wallis 2012). Since the initial election of the National Assembly in the lead-up to independence there have been national elections in 2007 and 2012, with one change of government (2007). The most recent, in 2012, was peaceful – a significant achievement.

AGENTS and LEGITIMACY

There is a range of bodies concerning which questions of political legitimacy are relevant in Timor-Leste. Local NGOs and popular civil society movements can take vigorous action on political matters, particularly in urban areas. Millenarian style movements, drawing on magical aspects of custom married with additional influences, have been politically active. The most prominent societal body with political standing, however, is probably the Catholic Church, to which over 90 per cent of East Timorese belong.

The Catholic Church is not a monolithic institution. In Timor-Leste it is made up of two dioceses that can be headed by bishops with different political approaches. Particular priests can become prominent. The Church is also both local and international. A number of religious orders are locally prominent. These are international orders; the religious in them can be highly cosmopolitan in their attitudes and stand apart from diocesan positions; their lines of authority can link them back to very different places. Despite these differences, the Catholic Church provides a platform that takes the appearance of unity. The Catholic Church has not only socio-religious but political standing on a national level, partly as a result of its highly significant support for the population during the independence struggle (Hodge 2012). In 2005 the Church (or more accurately, a vocal sub-section of the institution) prominently entered the national political fray, in effect campaigning against what was seen as attacks on religion by the then

Prime Minister (who was seen to be implicitly questioning the role of Catholic faith and religious in surviving the occupation). The stand fed into the divisiveness of the time; the Church was widely criticised for its actions, and may have lost credibility as a result of being caught in a political power struggle.

The Church's political activities in 2005 and contemporary popular responses to those activities⁵ seem relevant to questions of legitimacy. While many supported the Church's stance, the level of popular criticism and possible compromise of Church credibility suggests that actors are relatively widely seen as having delimited zones of appropriate activity within the national arena. The Church may take strong positions on the national stage, and argue points, but only in certain ways and to certain extents. This is only one instance, but it suggests that while the nature of the boundaries is likely to be grey, a distinction is being drawn between leadership in the Church and in the state; legitimacy in one does not automatically translate into legitimacy in the other and indeed may be seen as countervailing. This distinction of zones is of course in principle the norm in established liberal democratic constitutions of the state, but it could not be automatically assumed to be a norm in Timor-Leste.

At the local level, parish priests and other religious have substantial social standing in their communities and can exercise considerable influence without being part of everyday community governance. There can be significant enmeshment between customary, religious and administrative forms of authority at ceremonial occasions and during times of crisis or difficulty. Community agreements, for example, including significant customary agreements, may be witnessed by local religious, whether or not they had anything to do with the actual agreement. Nevertheless, approaches to customary values and practices can vary significantly across the Church, depending on the priest or religious concerned.

Religious organisations or individuals can also play significant roles during conflict, in community peacebuilding and as moral and spiritual leaders, and can draw upon somewhat different circles of support than government, customary or NGO bodies. The houses of religious orders are seen as places of safety in times of upheaval, with refugees flooding into the grounds of orders in Dili during the height of the violence in 2006. Venilale is a rural area that suffered particularly badly from violence following the 2007 national elections, with numerous house burnings, beatings and intimidation. The priest himself was held at machete point by a group of young males. The priest was closely associated with the 2005 Church positions on national politics noted above, but by 2007 he was serving in an area strongly supportive of the party which was the object of those attacks and which lost office in 2007 (interviews March 2008, June 2011). In response the Church held a process across many regions of the country – the *Cruz Joven* or Youth Cross – which drew together customary leaders and symbols, *suco* chiefs and those known to be part of the violence (widely understood to be largely young people

manipulated by political actors). Three years after the *Cruz Joven* was undertaken in Venilale in 2008, in the sub-district administrator spoke of the process as pivotal:

“Now, in order to bring [the 2007 political violence in Venilale] to an end there was the Cruz Joven (Youth Cross). The Church organised that all the victims come... with the intention that those from Venilale asked for forgiveness from the community, and from the Church. We saw that when they worked together preparing for the Cruz Joven, the political leaders, and those who had political power, they sat together with the priests... This shows that the presence of the Cruz Joven, the priests also have force, they are also leaders who contribute to the community...”
(interview, June 2011, Venilale).

State institutions

The formal system of government in Timor-Leste follows a semi-presidential democratic model with a President as Head of State and a Prime Minister as Head of Government (Shoesmith 2003). While a somewhat symbolic position, the Presidency is also directly elected and potentially highly influential; the President retains veto rights over some legislation and reserves a somewhat ambiguous level of authority in regard to national security. The Prime Minister, who is the leader of the majority party or coalition in the Parliament, presides over a unicameral National Parliament and over cabinet. Voting is by a closed list proportional system; members do not represent electorates (the whole country is in effect one electorate). In principle at least, this encourages voters to choose parties rather than individuals (although the presidential election is clearly focussed on personalities). Elections for President and Parliament are held every five years, with the most recent in 2012. The 2012 parliamentary elections registered almost 650,000 voters, with 18 parties vying for 65 seats. In sharp contrast to the 2007 elections, all three electoral processes held in 2012 (two rounds of presidential election and one parliamentary election) were without significant incident.

Timor-Leste is divided into thirteen administrative districts and 65 subdistricts. These districts formally operate as administrative hubs; district administrators are not chosen by election. The character of the district administration, however, can have real effects on life in the district. Timor-Leste is formally centralised; the challenges of transport and communication mean that in many practical respects, it operates in a highly decentralised manner.

Significant national and international attention has been directed towards state-building in Timor-Leste. Much of this has been centralised in Dili and focused on building national government institutions (Chopra 2002; Soux et al 2007). State institutions, however, have little reach beyond the capital, and there remains a deep disconnection between urban and rural life. Dili can seem ‘a metropolitan bubble separated in significant ways both culturally and materially from the remainder of the nation’, despite the high level of rural migration into the town (Toome

et al, 2012). The rural majority of the population received little attention, although there are now greater efforts to extend education and health services, and government administrations were built with little if any reference to the systems of social order or value actually in operation for the majority of people. This has meant that institutions that can work to bind and constitute a state, such as the justice system, for example, tend to operate according to a dis-articulated or fractured rhetoric. Thus, for example, according to standard explanations of justice processes, criminal or other serious cases go to court, while minor cases are dealt with by customary processes. However, after noting this, one district administrator went on to explain that . . . ‘in reality the justice system doesn’t work, so we must use traditional methods for both, and this has deep roots in society – it is from our ancestors . . . [and] is more effective . . . Since I have been District Administrator I have announced . . . that given that the justice system is so weak, let’s use the traditional system. Now . . . the crime statistics are very low . . . It is not because there are no problems but because we use traditional houses to resolve them’ (interview with District Administrator, March 2008). This kind of response is not unusual at the local or regional level. An effect of this, however, is that communication about fundamental social and political goods – in this case justice, what it means and what people seek in it – is unintentionally subverted. It is arguably exchanges around fundamental questions such as this, and not solely elections, that establish political community and constitute the web of relations between governed and governing.

Inclusion of rural people into the exchanges and processes that could make up an emerging national political community has been approached largely in terms of national elections, then extended into *suco* elections, and more recently pursued through increased (but still very limited) efforts at service delivery and poverty alleviation. In the context of the gulf between rural and urban life, and between the newly constructed state institutions and society more broadly, this remains a ‘thin’ form of communication and participation – one unlikely to be capable of bridging the disjunctures of local and liberal institutions and values. Rural regions and communities are too easily included only reductively, as recipients of (hoped for) services, rather than also as participants in political life (Brown 2009b). Since 2007 the Government has undertaken more regular public consultation processes; ‘however, consultation periods are usually short and little information is disseminated beforehand’ (Wallis 2012:11; see also Brown 2012). Nevertheless, there are important efforts at local and district level, and to a lesser extent at national level, to establish collaborations between government and local, more customary ways of doing things. Some districts and some departments have been particularly active in this regard (Palmer and de Carvalho 2008; Yoder 2007; Wallis 2012). Deeper forms of articulation may emerge from these developments over time (Trindade 2008; Wallis 2012; Pereira and 2012; Gusmao 2012).

National Elections

As Tanja Hohe's study of the election of 2001 in Timor-Leste argues, electoral processes that in the socio-political conditions of wealthy, long-established democracies produce certain forms of relationships between voters, candidates, parties and government may produce rather different outcomes in the context of the discontinuities between rural and urban life and between liberal state forms and local societal forms in Timor-Leste (Hohe 2002). Because the country constitutes one electorate, there is less structural incentive, through this pathway at least, for an on-going or representational link to develop between a region and a member of parliament. Parliamentarians can, however, develop strong links with particular regions, often through family affiliation (Wallis 2012). In this context it is noteworthy that 'the majority of members of the parliament come from *liurai* families' (Wallis 2012: 12). The central government uses the local customary status of government parliamentarians strategically, to drive the government's agenda (interview local NGO, Dili, 2010). Membership of parties can also be strongly associated with extended families, although this is certainly not always the case.

National elections in Timor-Leste function as 'one of the most significant points of connection and engagement between [ordinary people] and the new state' (Toome et al 2012: 8). In important respects, this may reflect the general lack of relevance and exchange, with most people's day-to-day lives lying 'beyond the limited reach of state-based mechanisms and processes' (Toome et al 2012: 8). Despite this, many Timorese have personal experience of the potential power of choice from the 1999 vote that led to independence. Not surprisingly, free elections stand for many as a strongly-held symbol of the rejection of the oppression of the Indonesian era and an assertion of independence and hope. That experience remains critically important and the sacrifice for independence itself stands as a form of connection between the state and the population. There is a high level of participation in national elections, with approximately 75% voter turn-out in the 2012 Parliamentary elections and over 80% in 2007. This level of participation is notable given the physical challenge posed to voting by poor transport and infrastructure. The state itself could be seen as a performance of independence and a statement of being East Timorese, and people want to be part of it (McWilliam and Bexley 2009). Voting is an assertion of citizenship as independence (Toome et al 2012). According to a study of voters' decision-making in national elections in Timor-Leste (undertaken in Dili and one rural region), people valued being able to choose their leaders whether or not, for the time being at least, the choices made a difference in the context of people's lives or communities (Toome et al 2012). As one interviewee commented 'for me what is most important is that I participated in the election' (in Toome et al 2012: 37).

Despite this commitment to participation, significant disconnection between government and people's lives remains evident, including regarding elections. If legitimacy concerns the relationships between governing and governed, a sense of engagement or relevance is

fundamental. The Toome survey followed the highly contentious 2007 elections, at a ‘time of political upheaval’ which was ‘informed by competition between different parties, and . . . treated as an important opportunity to restore the legitimacy of the state’ (Toome et al 2012: 37). Despite this context only ‘37.5 per cent of people in Dili and 42.1 per cent of people in Venilale [a rural region, where electioneering was intense and election results were greeted by violence, including house burnings, beatings and intimidation] thought that the election in question would have any impact of any kind on their own lives’ (Toome et al 2012: 37).

Elections involve not simply voting, but the also the campaigning process. For many in rural areas, where access to media and information about political developments or parties is sparse, and where models of political exchange are community-based and turn on face to face exchange, direct experience of party candidates, or at least party workers, during campaigning is highly valued (McWilliam and Bexley 2009, Toome et al 2012). Electioneering brings both spectacle and actual presence (McWilliam and Bexley 2009). On the importance of directly seeing or hearing a candidate, one person commented, “‘You go to Dili and see [and] listen with your eyes and ears.’” If you say, “‘Oh, this party is like this’” they [back home in the village] believe you immediately. Even more so if you bring back a paper or a picture of the person” (Toome et al 2012: 23).

While participation in choosing leadership is valued, however, party competition is viewed more negatively, leading to considerable ambivalence regarding the conduct of elections. Cultural ideals and expectations of leadership emphasize cooperation within the community—the kind of cooperation that has enabled survival through hardship, natural disaster and political upheaval (Cummins 2010b). While this expectation may be much stronger regarding the *suco* than the ‘new’ arena of the state, it remains relevant in national elections. Ideals and expectations of leadership are associated with unity; by contrast, elections can act as a conduit for the polarisation of national level politics to penetrate to the grassroots. This was particularly evident around the time of the political violence of 2006, which was sparked and manipulated by elite politics. One young woman from Dili noted people’s fear of joining in party campaigning activities, explaining that ‘one party loses and the other wins, so there is . . . this kind of contradiction present. The contradiction is always there’ (in Toome et al 2012: 39). Electioneering and elections can bring the threat, and sometimes the reality, of violence. National elections during the Indonesian era were not an opportunity for choice, but an experience of intimidation, while the 1999 referendum demonstrated not only of the power, but also the danger, of choice. During the civil war, families lost members in fighting between parties that are still politically active. The turmoil of 2006 only refreshed these fears. The process of electioneering can be divisive, sometimes bringing humiliation, intimidation and violence, and breaking down relationships within communities where people need to rely upon each other (Cummins 2010b; Toome et al 2012, dos Santos and da Silva 2012; Gusmao 2012). As one Dili

student noted, 'It's the people who become the targets, not them [the politicians]. They have wings to fly, but pity the little people' (in Toome et al 2012: 39).

Based on research conducted over a number of years in the east of the country, Alex Gusmao commented

'(t)he experience of electoral competition led many interviewees to express feelings of insecurity and anxiety about the future of their village. Some have particular concerns about political parties, which were seen as rooted in a violent history. The struggle between political parties in the period of 1974-1975 was seen as having ushered in a disaster in which almost one third of the population was killed or died of hunger. Today the same parties were regarded as again playing politics in Timor-Leste under the name of reconciliation and democracy. In addition, some of the new political parties had emerged through crisis, or from the fracturing of other parties, particularly Fretilin. Political parties were considered by some as inherently divisive and conflict ridden, so that even if "God sends all His Angels" they will not stop fighting. These people felt trapped by political division' (Gusmao 2012: 183).

National elections do appear to express and confer an important element of legitimacy on national political leaders in Timor-Leste. People explicitly value being able to participate in the choice of leadership. The outcomes of elections, which have included a change of government, have been largely accepted (despite some problems following the 2007 elections) on both occasions they have been held. Elections, however, only open the door to a wider set of relationships and exchanges, which are needed to provide more substantive forms of ongoing legitimacy. Without these relationships and exchanges, the legitimating power of elections could weaken.

Performance, persona and identity

A government's ability to provide people with some of the underpinning systems, processes and resources needed for basic well-being functions as a fundamental form of relationship between government and people. The 'performance' of responding to certain kinds of societal needs, problem-solving and articulating national directions or collective action is an important dimension of legitimacy. Responding effectively to material needs is a highly challenging task for a new government working in conditions such as Timor-Leste's.⁶ Performance, however, appeared as an important element of electoral decision-making for those interviewed in the Toome survey, with capacity and policies, both related to performance, the leading reasons given for electoral choice (Toome et al 2012: 24-28). The importance of performance was also expressed in the negative, as frustration at the apparent lack of understanding of or response to people's needs, or as hope that people's choices could make a difference: ' . . . they all talk about the same things but none of them talk about people's everyday lives in the *suco* or *aldeia*' (male *chefe aldeia* in Toome et al 2012: 36). 'If the leader is not good, we have to take part in elections

. . . My hope is that there is always change. . . Indonesia for 24 years smashed us every day, now we're independent but still [the same fate]. Who wants that? . . . There has to be positive change' [unemployed male, Dili in Toome et al 2012: 36).

Societal needs also include inter-subjective, psychological and/ or spiritual needs. Legitimacy here involves a sufficient sense of identification and connection regarding broader identity, values, and shared history. This may be regarded as an element of the representative function of government, (ref) but implicitly encompasses the existence of a broadly shared language of political community, in which matters of common concern can be at least canvassed. Shared history remains a powerful legacy linking the population with government in Timor-Leste, but as noted above, there is a significant disjunction between the model and conceptual frameworks of national government and the values and systems of governance and authority that are socially widespread. Linkages here are still nascent.

The person of individual leaders provides another potential form of connection. A number of national government leaders can make such a connection with elements of the population. While this could be regarded as charismatic legitimacy, in this context it draws on and links with a wider range of exchange. These individuals have brought their standing to roles within the state, bringing perhaps greater depth to these state roles and to the enactment of being a state. Their contemporary prominence, however, also relies to some extent upon the platform provided by the state. The resistance struggle is still close enough in personal experience and historical memory to be a powerful source of legitimacy. Moreover the resistance struggle drew on a strong network linking various dimensions of society and social experience: resistance leaders, but also the clan system of *uma lulik*, the Catholic Church, guerrilla fighters, the contemporary student movement and underground civil resistance, local NGOs and international networks. There is a wide potential constituency (although the politics of identification with resistance have in practice become divisive). Even when individuals with such credentials are criticised, the strength of their resistance contribution continues to command respect.

The Prime Minister, Xanana Gusmao, is by far the strongest example of this dynamic. Xanana Gusmao can call upon a number of sources of legitimacy. A longstanding leader in the resistance, he has proven capacity in a complex array of attributes called forth by that struggle. He is a charismatic figure, but has brought this charisma into the field of the state. In comparison to some of his colleagues (many from the diaspora), Xanana is a bridge-builder and a communicator, who is able to reach out to and at times embody Timorese cultural values and symbolism (ICG 2006). Although he is also criticised for manipulation on this score (Trindade 2008, and see the earlier comment about 'not giving back sharp things') and indeed on many other counts, Xanana can appeal powerfully to a shared symbolism – because to some extent he inhabits it. The warrior remains an element of Xanana's persona and this role is part of the cosmology of indigenous ancestor veneration (Hohe 2002: 75). The mystique surrounding his

survival of an assassination attempt in February 2008 points to this ambiguity of authentic and manipulative expressions of custom. Interestingly, as well as being esteemed for his role in the resistance and his ability to “hear the voices of the people” Xanana Gusmao is valued for his international connections (in Toome et al 2012: 27). Awareness of the importance of international recognition – which was vital to the tactics and success of the resistance movement – may in this context be an aspect of awareness of the state arena. The success of the party he leads (CNRT) rests substantially on his stature – others in the party are not necessarily well-recognised – and Xanana’s image dominates campaigning and may give some sense of the face-to-face leadership valued in more local settings.

Not only individuals, but also parties, can draw on their history during the resistance. Timorese scholars sometimes talk in terms of revolutionary legitimacy (and did so during discussions feeding into this paper). As a political party, Fretilin was formed in the period leading up to Portuguese withdrawal; it was a leading actor in the civil war and was the party that declared independence in 1975. But Fretilin also spearheaded resistance to Indonesia, taking its connections beyond those who might have initially supported it. “You could belong to whatever party, but if you showed a bit of resistance or anything, [you were] Fretilin” (quoted in Toome et al 2012: 29). As such it is sometimes referred to as ‘the historical party’ or the ‘party of history’ and carried ‘revolutionary legitimacy’. This has particularly been the case in the rural east of the country, where resistance fighters were able to survive in the rugged mountains throughout the occupation. ‘For the many who endured the long years of the resistance struggle, Fretilin stands as a symbol of their shared suffering and eventual victory. In their minds, to vote against Fretilin would be an act of disloyalty, no matter how unsatisfactory or delayed the wider restoration of social services and economic benefits’ (McWilliam and Bexley: 75-76). Here the sense of shared struggle may blend with the customary significance of shared dead. Tanje Hohe observed this dynamic in the 2001 campaign for the proto-parliamentary Constituent Assembly, where ‘Fretilin went so far as demanding that “people should not vote for themselves but for the ones that fell in the struggle”’, so appealing to a fear of ancestral sanction (Hohe 2002: 76). This linkage does not now seem evident in voter sentiment in the capital, however (Toome et al 2012: 29) while the split between key resistance leaders (most notably, Xanana Gusmao) and Fretilin may have helped disperse Fretilin’s, but also Gusmao’s, electoral weight.

Sucos

In terms of the contemporary state structure the *sucos*, including its *aldeia*, are the most grassroots administrative units. There are 442 *sucos* and 2,225 *aldeias*. The *suco* is not classified as one of the formal institutions of the state, however, but as a ‘community organisation’. In 2004, the government passed legislation introducing village elections and establishing formal *suco* councils. The positions open for election are the village chief or *chefe suco* and the council, consisting of the head of each *aldeia*, two women representatives, two youth representatives (a

male and a female) and a custom elder. Elections began in 2005 with a subsequent round in 2010. In the 2005 elections, the campaign was open to political parties. Due in part to widespread disquiet concerning the impact of electioneering at the village level, legislation in 2009 removed direct party competition from *suco* elections. It also changed the system of voting from direct ballot of each office holder to the election of a ‘ticket’, whereby the voter casts a ballot only for the village chief and his (or occasionally her) ticket. The *chefe* selects and can dismiss others on the ticket. This was in part a response to the problem of council dysfunction, as councilors from different parties did not necessarily cooperate with each other or with the *chefe* (Gusmao 2012, Pereira and Koten 2012).

If the central government institutions and services have relatively little reach into the regions, *suco*, and the clan networks which largely underpin them, provide the social order and food production for most Timorese and the security upon which the state depends. The well-being and so the governance of villages is fundamentally important to Timor-Leste. The introduction of major changes such as elections into this dense and highly variable world is a significant and challenging development, with real risks and opportunities. In keeping with this significance, the Toome survey suggests that *suco* elections have been more meaningful to community members than national elections, since they actually make a difference to people’s lives. One *chefe aldeia*, commenting on the comparison of Parliamentary and village elections, asked ‘How can we know what they [in Parliament] do? So it’s not the same, the national ones we don’t see them but the *chefe suco* the population can vote for directly and they know how he works. This is a big impact”’ (in Toome et al 2012: 38).

As noted above, the *suco* is an ancient form of social and political organisation and the history and structures of *sucos* are embedded in local culture. The capacity of *suco* and the kinship networks which have underpinned them to contribute to survival in the face of great hardship points to the significance of culture, as collective ways of being in the world, to governance and the management of everyday life. While the nature of the macro governance structures have changed radically, *suco* have persisted as a fundamental governance unit from long before Portuguese colonisation. Their arrangements have nevertheless changed in some very important respects (and sometimes differently across regions) often reflecting the impact of interaction with the different forms of macro government (Cummins 2010a). Indeed, *suco* may be the key point of articulation between indigenous governance practices and successive waves of occupation by or interaction with exogenous peoples and practices—a remarkably enduring site of resistance, accommodation and re-interpretation.

The traditional village was constituted by a network of kinship groups; this is still broadly the case for many *suco*, although historical circumstances have shifted some boundaries (and so disrupted the patterns of the inclusion or exclusion of *aldeia* and by extension, of clan groups), marriage patterns are more fluid, and temporary and permanent out-migration seems likely to be

easier and more common, among other changes (McWilliam 2012; Cummins 2010a). ‘New’ villages made of more heterogeneous family groups and sometimes mixed language groups have also emerged as a result of urban migration or of major population displacements under Indonesian rule (Pyone Myat Thu 2008). Towns are also organised into *suco*. Many established coastal villages accepted inflows of migration from the mountain villages during the occupation, creating a mixture of ‘old’ and ‘new’ village patterns. These ‘new’ villages represent profoundly different arrangements; while residents are still part of *uma* networks, the linkage between these networks and *suco* structure becomes more tenuous or in some cases is lost altogether. In genuinely urban *suco*, the need to organise around food production no longer shapes shared activities. Between villages where customary patterns continue to a substantial extent and those with largely new arrangements, however, there is a spectrum of difference and change. Perhaps most significantly, the growing impact of capitalist economic dynamics is reshaping social relations and potentials in complex ways. Another differential is that in some *suco*, while the *uma* network remains strong, the elders who kept the ritual knowledge necessary for holding key ceremonies have all died during the Indonesian era without the opportunity to pass on their knowledge. This can mean, for example, that *suco* leaders can no longer claim certain forms of ancestral authority, even if they continue to function as leaders (discussion with East Timorese scholars 2010).

Suco elections and leadership

Because of this long history of indigenous governance and because the network of relationships in which authority operates is generated by the local culture, *suco* elections arguably belong in a different category of expectations than elections held in the new arena of the state. In rural areas, agricultural, cultural and kinship cycles shape social order (McWilliam 2008). Election is not in itself a pathway to authority in these social orders. Being able to stand for and being elected into office does not in itself always ensure authority. In some villages ‘local leaders without *liurai* heritage have had difficulty maintaining their authority in carrying out their daily activities’ (Pereira and Koten 2012). This is a challenge faced particularly, but not only, by women elected to *suco* councils (Cummins 2010b). Women can command substantial legitimacy in formal roles within the *suco*, although this is not common, but their standing comes through other sources, whether through lineage or profile in the resistance, combined with strong community organization (Cummins 2010b). New *suco*, however, or *suco* where customary systems have substantially weakened for one reason or another, pose new governance questions. Customary systems are no longer available in these cases, without major adaptation, even if they were desired.

The effects of *suco* elections, including the impact of legislative changes to village electoral laws introduced in late 2009, are still unfolding. Villages are dealing with a complex set of competing desires, requirements and realities as people seek to craft ways of bringing together different kinds of leadership pathways and different forms of authority and legitimacy, and as different

interests and new winners and losers battle through the changes. Within *suco*, people are trying different pathways or ‘hats’ to pursue the needs and desires of the time, whether survival, spiritual or political. In interviews conducted across *suco* in 2009 and 2010, the fundamental value of custom was emphasized, including in urban areas, but for most this did not rule out adaptation and change (see also Leach et al 2012). There was a notable desire to be part of and attuned to the new state and in some areas a wish to be ‘modern’. As with the national elections it was common, although not universal, for people interviewed to regard choice of village leadership positively. Competition, however, was not viewed so positively. While all *suco* are covered by a single set of legislation, different *suco* are taking some very different paths in the evolving hybridity of leadership and legitimacy at this most important point of governance.

In some *suco* customary forms of legitimacy play little role. Even though families may still largely operate as part of an *uma*, that network is more geographically dispersed and not tied to the *suco* in question. In the urban *suco* of Bairopite in Dili, for example, custom plays no part in the choice of *chefe*. Nevertheless, the *uma lisan* of the original inhabitants of that land is still called upon to play a ‘role in . . . development, peace and stability in the *suco* . . . through the implementation of *tarabandu*’⁷ (Tilman 2011). The wide mix of people in Bairopite, however, severely reduces the effectiveness of this form of social order, as inhabitants’ *uma lisan* are generally centred in any number of rural villages across different regions.

In some mixed villages where there is nevertheless greater linkage among kin groups, the *chefe* is elected but may then be in effect ‘anointed’ by the elders of the various *uma lisan*, perhaps using the symbols of the *liurai* (of the original inhabitants), so endowing the community’s choice with customary legitimacy but enabling a full selection of candidates. In a Los Palos *suco*, for example, the *liurai* ceremonially hands power over to the elected *chefe*, and the two collaborate drawing on different bases of legitimacy and a division of labour. This action is not a formal gesture for a secular society; it is a ritual hand-over of authority that carries meaning for the community. Without this it can be very difficult in some communities for the *chefe* to operate (interviews Los Palos 2009). By contrast, in a *suco* in Manatuto the *liurai* and *lia-nain* take leading roles in agricultural and ritual ceremonies – roles which have significant practical and other meaning within the village – but the positions of the *liurai* and of the *chefe* are kept distinct: ‘the *rota* [a symbol of the *liurai*] is only used for custom’ not for elected authority (interview with *suco* teacher, June 2010).

Forms of collaboration emerged as a strong theme in interviews. Ability to work closely with senior customary leaders can be an electoral advantage. In two *sucos* visited in Venilale (2011), the elected *chefe* works more closely with non-elected customary *lia-nain* than with elected members of his own council. This reflects the community legitimacy of the *lia-nain*. One *chefe* commented:

‘cultural law is very strong in the *suco*, and everyone respects this law. Also . . . sanctions through cultural law are very strong, even though we don’t see [them], and maybe they are not rational, because cultural law connects with people’s beliefs. Because of this, I will often ask ideas from them regarding how to resolve problems in the *suco* and also regarding *tara bandu*’.

A small number of *suco* simply elect their traditional *liurai* as *suco* chief (e.g., in Viqueque and Oecusse, see Gusmao 2012). It is more common, however, for the process to be less direct and more flexible, but still produce results consistent with customary practices. Some communities used what could be regarded as more customary processes (which on the ground may be experienced simply as local networks) to identify leaders who were then ‘confirmed’ through a voting process. For example, there may be a number of people of standing in the community from the senior customary lineage. The selection of *chefe* from amongst them may then be described as the electoral system at work while the individual chosen was at the same time from the appropriate lineage. (By contrast, in Ermera there was concern that elections would enable the former, feared *liurai* clan to reassert control through use of economic influence and party positions.) Alternatively, those from the senior clan may not stand for election themselves but customary authorities in the *suco* may nominate a person (or persons) who would work closely with them (McWilliam 2008; dos Santos and da Silva 2012). Building on earlier practices described by James Fox (above), a division of labour between ‘ritual’ and ‘administrative’ authorities may be utilised. In a process of ‘wrapping up the old system in the new’, customary authorities might select a leader (of their own choice or from candidates put forward by the *aldeia*) and then promote him (or sometimes her) to the electorate (de Santo and da Silva 2012). In a *suco* in Ermera for example an interviewee commented that ‘people still trust the words of the *lia-nain*. People in this *suco* want the old system to remain’ (interview, community elder Emera 2009).

Lia-nain can also be a source of advice regarding national elections. As one *chefe aldeia* commented: ‘Here we have to follow the *lia-nain* who are the elders, they say we have to be very careful . . . they give ideas to people so that they choose a good party to serve [but they say] “I am not forcing you to choose a particular party, you have the freedom to choose” (in Toome et al 2012: 22).

Being from a particular family line on its own is generally not a sufficient basis for legitimate authority – capacity is also important. In Uma Wain Kraik (a *suco* where the *liurai* is elected as *chefe*) people nevertheless choose the *lia-nain*: “many, many people sit together . . . [the *lia-nain* is chosen] according to the support he gets, according to *lisan*” (interview 2010). In another *suco* in Vikeke the community puts forward candidates and chooses *lia-nain* from amongst them. As the male youth representative on the *suco* council explained, this is a matter both of appropriate lineage and of capacity: ‘[We chose] some because they cut the words well [have good judgment, speak well and carry authority]’ but customary authority is important ‘because if you just choose randomly, the people will not trust him . . . Then later, when there is a problem, he

will call the people together to resolve the problem and the people won't come. In the past this happened a lot—because the *lia-na'in* was not of the right family, sometimes he would call the people together and the people would not go' (interview June 2011).

There are a number of sources of legitimacy operating in the village arena. Capacity, effectiveness and commitment are important factors in legitimacy at the village level; in older *suco* capacity needs to be complemented by other sources of legitimacy. What capacities people are seeking in the *suco chefe* may be changing, however, suggesting the stronger emergence of divisions of labour between those who can organize agricultural work and community peacebuilding for example, and those who can organize the newer tasks of bringing in development projects from the centre (interviews Emera, 2011). Another significant source of legitimacy is leadership during the resistance (Gusmao 2012, interviews 2010). An individual not from the relevant lineages may have demonstrated leadership during the occupation and continue to hold the authority and respect to be chosen as *chefe*. In villages where there is a very strong association with a particular party, standing within that party may also be a source of legitimacy. Factors rooted in regional histories are also important. In Emera, for example, where early cash cropping and colonial reshaping of local power relations was relatively extensive, labour unions and land conflicts are prominent (interviews 2010, Emera). The effectiveness of local leaders in land and labour struggles is an important element of legitimacy in this context. As an Emera *chefe* noted 'I was elected *suco* chief because I have shown commitment to fight together with community members to get access to land' (dos Santos and da Silva 2012: 210).

While forms of accommodation between customary and electoral approaches to identifying leaders are diverse there are also many instances where effective accommodation has not been established. One *chefe* in Oecusse described how his *suco* ignored his efforts to organise necessary agricultural activities, with similar accounts from villages in Manufahi and Liquica (interviews Oecusse November 2010). 'When there is a problem in the village, people will still listen to the *liurai* . . . [but regarding the *chefe*] when he speaks people don't listen' (interview community leader, Manufahi, March 2008). Elected leaders who fail to respect traditional norms may 'face difficulties in maintaining and exercising authority' (dos Santos and da Silva 2012: 2018). At the same time, customary leaders who stood for election in 2005 and associated with a particular party in communities with a range of different party loyalties were sometimes discredited through association with the interests of one section of the community rather than with the village as a whole (interview community leader Manufahi March 2008). (There can be dangers with customary authority, which appeals to certain models of community and leadership, to become involved with intense electoral competition, particularly when identified with a party, as these appeal to different models or aspects of community life.) Inability to articulate customary and electoral forms of leadership can generate confusion and dysfunction. For villages that are largely self-help, subsistence communities, this outcome can represent a heavy burden.

Parties and the *pakote*

As noted above, the introduction of political party competition, which was part of the first round of *suco* elections was widely seen in *suco* as negative, encouraging division and anxiety and making *suco* leaders beholden to those outside the village, instead of to their own communities (Cummins 2010b). Legislative changes (Decree Law 3/2009) then removed political parties from direct involvement in the second round of *suco* elections (late 2009-10). They also introduced a *pakote* or voting ticket system, where the elector votes for a leadership team rather than for individual members of council. In this system, the candidate for *chefe* chooses the other members of the team and can remove them.

Despite changes to the level of formal party involvement, a common theme in interviews held shortly after elections under the new laws across nine *suco* in three districts was that political parties continue to be important. Some considered the *pakote* system worked to promote the influence of political parties, but also reduced the level of community choice. One metaphor that was used repeatedly was that the *pakote* was ‘like a curtain’ which covers the continuing influence of political parties, and reflects the government’s agenda. According to one subdistrict administrator:

‘According to my observation, the preparations for the 2009 elections in general reflect the politics of government. In the past, leaders came through political packages. Now they [the government] say that the *pakote* replaces the parties. [Candidates] come as an individual. But if you look at it practically, you can say that people did not carry their party flags, but you can see that they come from political parties...’

A former *chefe* noted:

‘On paper, it was the *pakote*, but inside all of them were the political parties. I see it like this. If in the elections for community leaders the law said political parties, then that is better. So if they say *pakote*, so ok. We can, but I see that it doesn't really happen. Why not? Because of our politics...’ (interviews June 2011)

The *pakote* system was repeatedly associated with reduced accountability of the *chefe* to the community, although it was also seen to avoid the problem of councils that were unable to act because of political division along party lines, which had been a major problem with earlier councils. Nepotism was identified as a major problem: ‘in our *suco*, the *ansiaun (lia-na'in)* is the *chefe suco*’s father. The *chefe aldeias* are his family, because they are married to his sisters. The *pakote* system is not good, because we bring down a *liurai* [but] raise again the whole family to become *liurai*. How does this work?’ (interview union leader, Emera June 2011) One sub-district administrator summed up commonly expressed views on this topic:

“*pakote* is good because they can work as one. But there are many negative aspects. It’s no good that people can just put in the family. It’s no good that I receive the votes, I carry the power, then

I can just speak and it's all done. The [*chefe suco*] is responsible for all activities in the *suco*, the money that comes in. People hear about it only in general terms. So what does this mean? The *chefe suco* can use the money. Because some don't trust him, some feel that he just takes it. It's like I was saying earlier, the *chefe suco* spends the money silently. But in order to speak about the facts, it would be much better to have a report. The question is this: because there is no report from us, on the finances... If I am *chefe suco*, I am the one who is responsible for the money, this is a problem. It is better to give other people the responsibility, and then we can see how they spend it..."

In one *suco* in Baucau, a community figure noted the decreasing legitimacy of the *suco* council as a result of these problems while a number noted that participation in council meetings in their *suco* had significantly decreased (interviews Baucau June 2010, Pereira and Koten 2012).

The situation regarding legitimacy and leadership in *suco* is fluid and evolving. It seems unlikely that leadership in the resistance will remain a major source of community legitimacy indefinitely. Fundamental dimensions of customary governance such as the extended family networks seem likely to remain central to community life for most villages and for social order more generally. By contrast, the role of the customary hereditary ruler, the *liurai*, may continue to diminish as new elites emerge (Dos Santos and da Silva 2012). Customary roles may continue to be fundamental in some regions, however, but increasingly take up positions (ideally) alongside elected roles. As legislation changes, new opportunities and pressures will take shape – these changes can have a profound impact. While the *pakote* system may mean that the council operates better as a unit, if current trends continue it also weakens the council members' independence and the *chefe*'s accountability, and may encourage domination by a single family. (In customary arrangements, in some regions at least, different kin groups dominate different roles.) There is a danger of reducing respect for the office of *chefe suco*, and thus weakening the legitimacy and effectiveness of *suco* leadership. This would be a big price for local communities to pay.

Suco elections were in principle introduced to enable greater democracy and participation, particularly by those who have previously been marginalized. Elections in themselves, however, do not necessarily create more democratic or participatory local institutions or practices, although they can be an important part of broader efforts to do so. Competition during campaigns can cause division and erode cooperation in villages, 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 group (those who voted for the successful candidate), rather than of the whole community. While elections may 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 (Magno and Coa 2012). The central government's focus on

democratisation has been on elections per se rather than processes for substantive engagement (dos Santos and da Silva 2012).

The *chefe* of Wa'imori, active during the resistance, from the *liurai* clan, committed to electoral systems as part of democracy, but equally committed to upholding the ethics and identity seen as held by community elders, is indicative of the delicate interplay of culture, history, and the significance of the new national reality that communities are struggling to shape.

'I refuse to say *liurai*, otherwise people will say I am arrogant; I leave it up to the people to decide . . . It is best if the *liurai* and those who are not *liurai* cooperate to do good work for the future. The *liurai* position passes from the old generation to the new generation. My interest is in continuing to respect the elders so that my leadership is strong. A leader who does not respect the elders will at some stage have to step down, and the elders will not choose someone who does not respect them. (Interview in Tilman 2011: 9, see also Tilman 2012: 202)

Conclusions

As Martin Krygier has commented regarding statebuilding in East Europe: 'The adoption of an array of institutions, even when they are apparently operating efficiently enough, does not guarantee that they are connected with the social reality of communities' (check ref: 'Spreading Democracy'). Institutions in themselves do not generate legitimate rule, let alone democratic government. The legitimacy and authority of government and other fundamental governance institutions is rather derived to a significant extent from their relationship to social practices – to the people of the community concerned, their values, expectations and activities. The resilience of governance depends in large part on the formal and informal networks linking arms of government, other fundamental social institutions or forces such as custom and church, and civil society.

Legitimacy provides a way of conceptualising and underscoring the significance of the multi-dimensional and dynamic relationship between governed and governing. Once seen in terms that prominently include relationship, rather than as a quality that inheres solely in the governing institutions or persons, the broader field of political community and state formation comes more clearly into view. This does not reduce the importance of the structure of institutions and the approaches of leaders, but it helps to frame issues of structure, approaches and quality within the context of the 'social reality of communities'.

Moreover, the social realities and needs of communities, or at least the ways these realities and needs are articulated – the yardsticks of 'performance' – are not entirely or even substantially readable in advance, even if some of the broad categories are clear enough. In the case of Timor-Leste, while *liurai* may have often not been responsive to the needs of their communities

customary forms of governance, based significantly on inter-linking kinship networks, have underpinned the survival of communities under extraordinarily harsh and often violent conditions. The ritual needs of a community – their collective emotional, psychological and spiritual needs – are seen to bind the community of the extended family, in life and beyond it, and connect it with other kin groups. The ability to care for these needs can be an essential element of maintaining the practical and social bases of existence, as well as communities' and individual's resilience. 'Performance' at the level of the *suco* can include the capacity to fulfil these ritual needs. With increasing migration and other changing social dynamics, the nature of the linkage between *uma lisan* and *suco* are continuing their historical processes of adaptation. In some, particularly 'new' or mixed *suco* these linkages have weakened substantially; in others, forms of division of labour have yet again emerged between those who deal with the (to most obscure) administrative realities of the new state and those who maintain the linkage with the worlds of the unseen. These articulations, however, are not easy, do not always work, and can work in ways that serve to marginalise parts of the community (Cummins 2010a).

The arena of the nation state is at an early point of development in Timor Leste. The level of participation in national elections suggests that there is a sense of the state in the country; the achievement of independence is too great a touchstone for the standard bearer of independence not to have strong resonance at a symbolic level. The more concrete nature of government and of its relationship with communities are still very much taking shape, however. The government enjoys the democratic legitimacy conferred by a voting process but the substance of what Scharpf terms 'input legitimacy' (or providing people with the avenues to govern – government by the people) or 'output legitimacy' (providing effective problem-solving capacities – government for the people) is yet to develop (Scharpf 1999). This more substantive legitimacy, and the exchanges between government and people on which it rests, seems likely to require a longer process of hammering and shaping, but it is fundamental to a strong, ongoing democratic legitimacy.

There are some profound challenges to establishing a more substantial, ongoing relationship between government and people. One of these challenges is that the experiences and stories upon which most people (including many officials and politicians) can draw on which to base expectations of central government come from the era of colonial power and Indonesian occupation, or from their experiences of *suco* governance. But for the first two, legitimacy was not a central requirement, since their operation was underwritten fairly directly by force, while the latter establishes expectations, for example, of face to face access, that are almost impossible for a national government to fulfil. This situation is further complicated by very weak infrastructure (and significant obstacles to improved infrastructure), whether covering transport or media, which makes outreach beyond the capital challenging (Toome et al 2012). Nevertheless, people do have expectations, particularly including improved living conditions.

The second challenge to a substantial relationship between government and population is the very low base from which exchanges are beginning. The ‘thin’ connection between state and communities in part reflects the disjunction between a borrowed model of the state, and the values and culture animating much of the population. The reality that many negotiate these different if entangled worlds every day, and live across both, does not in itself create constructive linkages and forms of communication and accountability. Building a more complex and dense set of relationships, about how justice might work, for example, or food security, health, education, land issues and a range of locally significant issues, will take a great deal more communication and exchange (Brown 2012). Food security, justice and so forth are not simply services existing in a vacuum. They are part of contexts of value and inter-subjective meaning, and go to the root of our expectations of each other as participants of intersecting and overlaying communities; they too involve debates across communities and with government, about what is needed, what is meaningful and what is feasible. They are a necessary part of democratic exchange. What happens at the ‘middle’ levels of the district and at the *suco* is critical to these processes of exchange and conversation. There are efforts across the country to articulate central institutional requirements and policies with local forms of social order and organisation, including customary authorities (Yoder 2007, Wallis 2012). These need to be two-way exchanges, and not simply ‘messages’ from state institutions to supposedly compliant *suco*.

Significant disjunction between state and communities seems likely to create serious problems for legitimacy and, if it persists in the long term, problems for governance, accountability and security, as there is less shared language of governance within which exchange can occur. The state may remain distant from most people’s lives, but it needs to be meaningful and at least to protect and avoid seriously harming or disrupting people’s ability to manage local forms of governance (as it did in 2006). Nevertheless, there has been sufficient connection between the state and communities for an election to bring about a change of government, and for this (close and for some, ambiguous) result to be accepted, albeit with some violence and tension.

Deepening the linkages between state and communities does not require the integration of custom into government, but it does point to the need for flexible, on-going mechanisms for exchange between different approaches to governing and different levels of governance over issues of common concern. Food security would be likely to be a leading matter upon which *chefe suco* and customary authorities could have considerable input and weight. They could be part of discussions at a regional or even a national level. Some district administrations and district offices of central ministries have linked effectively with local customary governance mechanisms over issues such as resource management (Yoder 2007). Such linkages could be acknowledged and valued at the central level, so they can be reviewed, learnt from and built upon by middle level administration and by the central government, without being closely centrally managed. This could provide a process of state formation from the bottom up, to complement the top down models currently predominating. Customary governance offers

important resources of stability and social order upon which the state already implicitly draws. This and other functions of cultural and moral authority, resilience and identity could be explicitly acknowledged and valued. Some ‘shared language’ of political community needs to develop; this does not mean there is not serious disagreement and real difference – or that all aspects of how political community is understood are shared – simply that there are ways that members can continue to talk with each other. The process of such exchanges can itself change participants, subtly or more radically.

Legitimacy is both part and product of the multilayered relationships between government, other networks of governance and leadership, and communities. Such exchanges are integral to the slow, messy, processes by which populations come to understand themselves as sharing in the political community and order of the state and by which the structures and mechanisms that enable and manage that order evolve. The degree of stability of democratic governance in Timor-Leste may be significantly located here, in how these experimentations and negotiations take shape. The evolving nature and bases of legitimacy will be shaped by such exchanges, or the lack of them.

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¹ While this report was written by the author, it draws extensively on interviews conducted not only by the author over a number of years, within this study but also preceding it, but also upon the work of a team of research associates, nearly all of whom were from the National University of Timor Leste. Some of these associates were integral to the research, others have been key in preceding research projects. All were part of a group of colleagues discussing the issues at hand. They are: Snr Martinho Pereira, Dean; Snr Jose Magno, senior lecturer, politics; Snra Maria Madalena Lete Koten, lecturer, politics; Snr Alex Gusmao, lecturer, Community Development; Snr Abel dos Santos, Director, Community Development; Snr Mateus Tilman, lecturer, politics; Snra Elda da Silva, lecturer, politics; Snr Antonio Coa, lecturer, politics; Dr Deborah Cummins, University of Queensland. Of these Martinho Pereira, Alex Gusmao, Abel dos Santos and Deborah Cummins were particularly involved in this project. This work could not have been undertaken without them.

² This approach is grounded in the study of the emergence of the modern state in Western Europe.

³ As well as the central government and the suco, there is also a district level of governance. This, however, is currently an administrative post, although it can provide an important platform for linking suco with central government. Legislation for establishing municipalities with elected councils has been considered but not yet passed.

⁴ Pyone Myat Thu, 2008. 'Land Forgotten: Effects Of Indonesian Re-Settlement On Rural Livelihoods In East Timor' in David Mearns (ed.) *Democratic Governance in Timor-Leste: Reconciling the Local and the National*, Darwin: Charles Darwin University Press, p. 144.

⁵ On the basis of interviews in by the author in Dili, 2005, and Dili, Vemasse and Bacau, 2007.

⁶ Nevertheless there has been a gradual trend upwards in Timor Leste's Human Development Index (from a very low 0.4 in 2000 to 0.49 in 2011, UNDP, International Human Development Indicators, <http://hdrstats.undp.org/en/countries/profiles/TLS.html>).

⁷ *Tarabundo* is a ritual contract governing social order and resource usage in the area.