

Council for Asia Europe Co-operation (CAEC)

Comparing Experiences with State Building in Asia and Europe: The Cases of East Timor, Bosnia and Kosovo

Successes, weaknesses and challenges: A Critical Overview of the Political Transition in East Timor

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Introduction

It was the results of the 30 August 1999 Referendum in East Timor that sparked the subsequent militia rampage throughout the territory and led the Security Council to pass resolution 1272/1999, the legal foundation of the current United Nations (UN) Transitional Administration in East Timor (UNTAET). This Transitional Government began its task in October 1999 and, just two months away from its second anniversary, held an election to elect members of the Constitutional Assembly on 30 August 2001. Has the political transition gone as planned? What are the factors (weaknesses and strengths) shaping this transition, and can the same political transition serve the foundation for a sustainable government?

This paper reflects on the first two years of political transition in East Timor through the eyes of an East Timorese. It identifies challenges and factors contributing to the work of UNTAET in the first two years and foresees a possible scenario after UNTAET. The paper is divided into four parts. First, it identifies the players involved in the political transition, explains their role and looks at the political character of the transition. Second, it explains some of the factors contributing to the work of UNTAET, and third, it addresses the dynamics within the relation between UNTAET and the East Timorese. This section highlights how UNTAET leaders, compelled by changing political circumstances, successfully oriented and adjusted themselves to comply with the greater demand for power-sharing by the East Timorese, thereby ignoring the elaborate and rigid rules drawn up in New York. Lastly, this paper looks into the challenges after UNTAET.

Players in the Political Transition

The political transition in East Timor is unique. Unique in the sense that on the one side, there is an international administration led by the United Nations Administration in East Timor (UNTAET), whose work is to prepare the foundation of a state. On the other side, in doing its work, UNTAET has to put up with local political dynamics in which different political communities (including political parties and civil society), the Catholic Church and a population of 800,000 are involved. To delve into this, let me explore the nature and character of the players whose roles are imperative in shaping East Timor's political transition.

- The first player (i) is UNTAET and its personnel; International staff and a Peacekeeping Force (Police and Military).¹ UNTAET is responsible to New York and not to the East Timorese, making it a separate institution despite its physical presence in East Timor
- The second player (ii) is the East Timorese political community. This includes political parties and civil society (women, youth organisation, NGOs, and so on). This group is actively involved in the political process, and acts in opposition to, but is complementary to and depends on, UNTAET for its role.
- The third player (iii) is the ordinary people, the population.
- The fourth (iv) player is the Catholic Church and other religions. Although often regarded as part of civil society, they are not politically active, maintain a high moral stance and play a decisive role in relation to their followers.

The first player (i) has a mandate from the Security Council to prepare a state. This group is well endowed with power, money and expertise. It operates like a government but does not maintain administrative links with the East Timorese. Being a separate institution, while it is physically present in the territory, many East Timorese view UNTAET as an exclusive body, acting as a separate political entity although claiming to work for the East Timorese. Since its inception, UNTAET has only recognised the National Council of East Timor resistance (CNRT) headed by José Alexandre 'Xanana' Gusmão, and offered to work with the body as partners but maintained no administrative links with it. In other words, CNRT and Xanana were there only to assist UNTAET on a voluntarily basis.²

The second player (ii), since the beginning, has assumed that UNTAET would establish both administrative and political ties with the East Timorese, yet it did not. This group started operating mostly through 'interest groups', but became involved in politics after agreeing that the first player (i) did not have any plan to involve the East Timorese in the Transitional Administration. Their task was to insist upon this 'participation' as well as to

prepare for future government. The withdrawal of Fretilin and UDT from CNRT marked the involvement of the first two in the chorus of local political community, which comprises political groups, interest groups and the civil society, all demanding greater participation of the East Timorese in the UNTAET's administration. Thus, the principal players in this group are these two political groups and the civil society. While Fretilin and UDT were very much concerned about their involvement in the political decision making process, the civil society emphasised the lack of consultation with the East Timorese as the target of their campaign. The latter was very much concerned with the 'neglect' of the East Timorese in the consultation process. It campaigned very hard and emphasised its work in pushing the East Timorese to 'talk' about their interests and their rights. The civil society is a group consisting of NGOs and voluntary organisations whose work, apart from providing assistance in the humanitarian phase, focused on training, advocacy and disseminating information to the population, a work left untouched by UNTAET in its first year in the country.

The third player (iii) is powerless and has no role to play in politics. Instead, this group relies on the second group (ii) to fight for its interests. Lately, it has begun pushing for greater participation (consultation) on issues regarding its members' rights (rights to control natural resources, to protect identity, etc). The fourth player (iv) is apolitical. Nevertheless, because of its moral standing, the Catholic Church often acts to provide moral guidance and sometimes acts as a 'bridge' between the first (i) and the second (ii) groups. The church also has the moral power to act as 'power broker' between groups within the second group (ii).

The Political Character of the Transition

The political transition in East Timor has been characterised by intense interaction between the first (i) and the second player (ii), at least during the first two years of UN's mission in East Timor. This paper tries to depict the interplay between these two players in shaping the political transition in East Timor, an interplay that involves both "pressure and back down" by one or the other of the institutions throughout their ordeal in the process of making a new state. As will be explained later, while both (i) and (ii) maintain that they are fighting for the same objective (to set up a county) and for the sake of the same constituency (iii), their different hierarchical structures prevent them from working together. UNTAET is based in New York and the East Timor political and civil society, with no central political leadership, is based in East Timor. Prior to the election of the

Constitutional Assembly in August 2001, little efforts was made to link the two institutions ([i] and [ii]) in administrative terms although a symbolic and parallel administration, East Timor Transitional Administration (ETTA), was established to respond to local pressure for power sharing.³

Not surprisingly, dissatisfaction over UNTAET began to surface in the first few months. Dissatisfaction also grew against CNRT which has, for the most part, survived with the help of its charismatic figure, José Alexandre Xanana Gusmão, for its inability to pressure UNTAET to involve East Timorese in the administration. This dissatisfaction came mainly from the main political parties which helped establish CNRT namely Fretilin and União Democrática Timorese (UDT). In its first conference on 15-20 May 2000, Fretilin demanded the United Nations administration in East Timor consider Fretilin, instead of CNRT, when it comes to decisions regarding the political fate of the country. This was shown through one of the conference's resolutions which placed all Fretilin party members working for CNRT under its direct leadership.⁴ In the aftermath of CNRT's August 2000 Congress, Fretilin, and to a certain extent UDT, rejected all resolutions made during the said Congress and officially declared their withdrawal from CNRT.

However, this 'break down' should not be interpreted as a division leading to confrontation among East Timorese political groups. First, this division was necessary for each political party's internal interest. A number of political parties also started restructuring themselves, and some even broke up. Second, there was a sentiment that UNTAET was excluding the East Timorese, and that CNRT had failed to fight for the greater participation of the East Timorese in the government. It was therefore necessary to wage this fight in a different way. Third, finding their goals were similar to those in civil society, political parties started pushing for Timorization in the Transitional Administration.

Arguably, this political interaction is not necessarily antagonistic to UNTAET, but complementary in character, which in turn provides room for adjustment and improvement of their work in a mutually beneficial way. Put this way, the local political players (ii) can exercise their rights only if UNTAET (i) allows them to do so and, on the contrary, UNTAET can only operate if it actively cooperates with local political players. In conclusion, the political transition in East Timor is shaped by the interplay between

UNTAET and the East Timorese civil and political communities. To continue, let us delve into the character of UNTAET.

The Transitional Character of UNTAET

The UN mission in East Timor is unparalleled in the history of the world body. Unlike in Namibia, Somalia, Cambodia, Kosovo and other parts of the world where the UN had previously been involved,⁵ UNTAET was given full governing authority under resolution 1272 of 25 October 1999. Its task included the mandate to provide law and order, establish an effective administration, assist in the development of civil and social services, ensure coordination and delivery of humanitarian assistance, rehabilitation and development assistance, support the capacity to build self government, and assist in the establishment of conditions for sustainable development.⁶ With this power, UNTAET operates almost like a government. It fulfils all the attributes of a state and has functions equivalent to a government. It has:

A constitution (the authorising Security Council Resolution), an ideology (the formal objectives in UNTAET's mandate: democratisation, preparation for independence, sustainable economic development, efficient administration), a police force (ca 1600 UN-hatted international CivPol), a military force (some 8500 UN peace keepers), a flag (blue), a civilian administration (staffed almost exclusively by 1200 internationals) and a viceroy (the Special Representative of the Secretary General).⁷

While controlling a population of around 1200 internationals, UNTAET is also preparing a state for another 800,000 people (East Timorese). It is accountable to a legislative body located thousands of miles away in New York, the Security Council (SC). In executing its mandate, the body is required to report to New York every three, or sometimes six, months about the progress being made. It has an executive body and a military component consisting of troops from various nations to maintain security (UN-PKF and CivPol). As such, although UNTAET's work seems to progress slowly, it has faced no serious challenges in implementing its task. This has been facilitated further by the involvement of almost 200 International NGOs in the humanitarian relief effort since September 1999, and by the contribution of donors for economic recovery through the World Bank, which has been involved consistently since the early days.⁸

Thus, central in the tasks of UNTAET are 'peace-building', 'governance & public administration', and 'humanitarian relief & rehabilitation'. In this, peace-building, and

governance & administration are directed by UNTAET, whereas the humanitarian relief and (economic) reconstruction were provided by International Donors through the World Bank and Non-Government Organisations (NGOs). The question is how does UNTAET manage to implement its work and what are the challenges faced by the body during its mission in East Timor?

East Timor: The Setting

In general, apart from the 'still under negotiation' security issue in the border with Indonesia, UNTAET faces no serious challenge in carrying out its work. There are several areas of common ground that contribute to the work of UNTAET.

First, the territory has been internationally considered as a non self-governing territory since the vacuum left by the Portuguese in 1974. Its *terra nullis* status has made it an international question, and there is no international territorial dispute regarding East Timor. Since the 1980s, pro Independence factions embraced nationalist ideology and united to fight against Indonesia. As a result, the emphasis during the last 15 years has been on the 'illegal' occupation by Indonesia and efforts made to curb factional conflict. The most significant step was the recognition by the Indonesian Parliament of the August 1999 Referendum results, in which pro-Independence won a landslide majority, leaving no room for pro-Indonesian factions to claim any legal jurisdiction over the territory.⁹ This has made the job of Peacekeeping Mission and UNTAET easier.

Second, unlike in Cambodia where rival groups fought each other for power, Kosovo where ethnic antagonism remains, and in Afghanistan where factional tensions continue the East Timorese political community accepted, from an early stage, the involvement of UNTAET. Political discontent against UNTAET was often expressed in democratic ways through dialogue, peaceful demonstrations and in the media. There is no open factional confrontation being waged within the territory between different political factions. The existing and clear structure of East Timor political and non-political entities such as political parties and the civil society offered constructive, rather than confrontation, alternatives to the United Nations.

Third, at the time UNTAET came into being, no local political structure was ready either politically or financially to carry out the reconstruction task. UNTAET's presence was received wholeheartedly and not one single local political group contested the presence of this body. There is one group called *Conselho Popular pela Defesa, República Democrática de Timor Leste* (CPD-RDTL), which still continued to reject the presence of the UN and called for the UN's recognition of the proclamation of Independence in 1975. However, the latter issue was used by Fretilin as an issue in their campaign during the election in August 2001 and is now being debated to be included in the new Constitution. In addition, the participation of some members of CPD-RDTL in the said election and the fact that other elected political parties are also fighting for the same issue successfully brought 'CPD-RDTL' into the political mainstream, making it a national rather than a factional issue. In addition, the limited capacity of this group made its challenges largely irrelevant in East Timor politics.

Fourth, although CNRT, the resistance body, is not as solid as it is supposed to be since its main stakeholders began distancing themselves soon after the referendum in 1999, the body has relied most on the figure of its leader, José Alexandre Xanana Gusmão. Indeed, his role has been vital throughout the transitional process. Often referred to as the Independence leader, Xanana Gusmão possesses the charisma to unite all factions and is seen as a symbol of reconciliation.

Five, the people seem to have tired of the conflict and terror during the last 25 years. In all public speeches, political leaders regularly remind themselves and the public to exercise restraint and reject violent means of resolving differences. All public speeches have highlighted the importance of UNTAET, although frustration continues to be directed at the body.

Six, being a Brazilian, Sergio Viera de Mello, the Special Envoy of the Secretary General, shares most in common with East Timorese political leaders, including Xanana Gusmão and José Ramos Horta. They share the same cultural tradition (Latino-Iberian), speak the same language, follow the same religion (catholic), tell jokes and even tease each other in a friendly and mutually reciprocal manner. This Iberian cultural background facilitates an understanding of what constitutes limits and what constitutes sincerity when it comes to work.

This unique situation has indeed contributed to the accepted presence of UNTAET in East Timor. This was emphasised further by the supportive response of the other ‘pillars’ in East Timor society namely, the Church, the former guerrilla wing and the civil society in general.

Early Discrepancies: Failure to Understand Local Expectations

However, UNTAET began to encounter serious challenges after the first few months. The focus on its ‘imported’ administration (apparatus and expertise) and the ‘disinterest’ of the 800,000 residents proved unhelpful to the Transitional Administration. Having a state (UNTAET) not responsible to its constituents (the East Timorese) is not what the East Timorese wanted. Since the early days, East Timorese assumed that UNTAET would work to prepare a state together with the locals in the reconstruction process. Since no East Timorese political structure was in place, at least from September 1999 until January 2000,¹⁰ locals’ tolerance of UNTAET’s work was bearable in the first four months. However, after this time, dissatisfaction grew.

For one thing, the East Timorese were only recognised symbolically as a ‘partner’ through the National Council of the Timorese Resistance (CNRT).¹¹ Headed by its Independence leader, José Alexandre Xanana Gusmão, CNRT was credited by UNTAET for its capacity to embrace all factions fighting for Independence of East Timor.¹² What escaped UNTAET’s attention was that CNRT lacked the capacity to organise itself in the aftermath of the referendum. There were two reasons for this. First, the existing political parties that helped found the resistance body, mainly Fretilin and UDT, the two traditional political parties, began to distance themselves from CNRT and concentrate on preparing for the election. They did not think CNRT was eligible to claim any authority in the territory, for its mission ceased when separation from Indonesia had been achieved. Second, frustrated by the negligence of UNTAET, these political parties even campaigned, in a disguised manner, to oust UNTAET from the territory as quickly as possible. Consequently, differences within the resistance body were evident until CNRT was dissolved in late June 2001.

Frustrated by UNTAET’s slow process and the exclusion of the locals from the supposedly ‘local transitional’ government, new East Timorese local political parties and groups began organising themselves.¹³ Being so different from, and disregarded by, the transitional administration also shifted local perception about the Transitional

Administration from a ‘Angel Saviour’ to a stand-alone, if not a new colonialist, political enterprise in the territory. In the first year of its arrival, UNTAET deliberately copied the previous Portuguese and Indonesian government structures (see Table I). It slowly established the administration by posting the UN representative (Sergio de Mello) in the capital, District Administrators in each District, and Sub-Districts Administrators in Sub-Districts. Interestingly, most of the District Administrators remained mostly in the capital of the districts (or the country’s capital), leaving an administrative vacuum for almost all of the time. From the sub-district levels downward, locals were left to organise themselves. The East Timorese who are living in the sub-districts would, even now, hardly know what the administration is doing. The lack of information on political development in the rural areas has exacerbated the situation.

Portuguese Administration	Indonesia Administration	UNTAET Administration
Provincia	Propinsi	UNTAET
Distrito	Kabupaten	District
Posto	Kecamatan	Sub-District
Village Level	Village Level	Village level
Liurai	Kepala Desa	Nurep/ Liurai*
Dato	Kepala Rukun Tetangga	Selcom/ Dato*
Makair-Fukun	Kepala Rukun Keluarga	Makair-Fukun*

* Filled by CNRT and local rulers (liurai).

Tabel I: Administrative structure during three different administrations in East Timor.

Facing uncertainty, the CNRT held its first and open National Congress from 20 to 30 August 2000, after operating both clandestinely inside the territory and abroad for 24 years. The Congress, which brought together 500 participants from throughout the territory, witnessed the expression of frustration over UNTAET. Participants also complained about the inability of CNRT to convince UNTAET to be more accommodative towards the East Timorese. In its resolution, the Congress recommended UNTAET speed up the Timorization process and adopt a more inclusive strategy by staffing the Transitional Administration with East Timorese and reducing the number of International staff in the mission.¹⁴

Various demonstrations against UNTAET demanding greater consultation with the locals and a greater share of state power were common. In an act of defiance, many East

Timorese graduates opted to work for both local and international NGOs rather than joining UNTAET.¹⁵ This was further fuelled by the fact that some local political leaders regarded East Timorese graduates from Indonesia, who constitute 98 percent of Timorese university graduates, as lacking the standard quality to work as professionals. Discussions were held between local NGOs and the youth, covering issues such as the transitional process, the need to consult with the population about their rights, and the inclusion of East Timorese in the transitional government. Some activist groups which have become political parties –for example, the Socialist and the Labour parties– were actively involved in organising rallies against the administration. Slowly but surely, such grievances began attracting the attention of high UNTAET officials.¹⁶ As I will argue later, the ‘shift in the strategy’ of UNTAET to accept local demands was purely a push from inside East Timor rather than a blessing from the top.

In the meantime, the exclusivity of UNTAET with its ‘imported’ staff members from various nationalities, began experiencing its own internal problems, notably from December 1999 onwards:

- While previous UN military missions were small in size and military in character, the mission in East Timor is a combination of government and military. Surprisingly, the civilian mission turned out to be as costly as the military.¹⁷ The budget of the first 7 months (until 30 June 1999), not including humanitarian assistance financed under a separate inter-agency consolidated appeal process (CAP), amounted to US \$ 386 million which is also similar to the allocation of the next financial year (A/54/769,1999). This has raised concerns as to how the cost can be minimised and work can be done as effectively as possible;
- The headquarters in New York was largely preoccupied with the grand agenda such as security in the border with West Timor, relations with Indonesia, preparations to set up state infrastructure, and humanitarian relief; it gave very little attention to local social problems. Rising unemployment, slow disbursement of funds, slow recuperation of education and health services, together with the failure to set up a mechanism to consult with the East Timorese and the inability of UNTAET to solve social problems (eg, land conflicts) frustrated both ordinary East Timorese and local politicians. Interestingly, after securing a deal with the then Indonesian President, Abdulrahman Wahid, to recognise East Timor, UNTAET rushed to claim a great

success in the transitional phase. Some even claimed East Timor could be a model for “nation-building missions” in the future (SC/6799/3, February 2000);

- On the issue of planning for reconstruction, bringing together hundreds of different nationals to work together as a team for a period of three to six months proved far from easy. Different ways of thinking often caused a ‘task’ to be postponed for days, whereas strong demand for involvement in the administration continued to mount from the East Timorese. Some UNTAET staff members did not even speak English when joining the mission and this sent a wrong signal to the East Timorese that the UN was teaching foreigners English in East Timor. As one UNTAET staff member told me;

The heavy centralised bureaucracy in the hands of a small elite within the Transitional Administration, and the elaborate and rigid rules of the mission often constrained the small units to take decisions deemed adjustable to the demands of the local people;¹⁸

- In January 1999 the Transitional Administrations successfully established a district court in Dili, the capital, swore in a number of local judges and prosecutors and appointed some public defenders. However, the newly recruited and inexperienced judges find it difficult to carry out their tasks. Apart from mismanagement and mishandling court cases, the overwhelming ‘intervention’ of the Justice Department in the court proceedings and decisions made the court’s work difficult.¹⁹ When trying to protest, the local judges risked losing their jobs. Some prosecutors resigned afterwards and a local investigating judge was recently sacked for protesting against the bureaucratic procedure in the court.²⁰

Facing these political dynamics, UNTAET was ‘compelled’ to orient itself to adjust to the changing environment and the increasing demand for a rapid ‘Timorization’ in the administration. If understood correctly, UNTAET was asked to surrender some of its powers to the East Timorese.

The First Phase of Timorisation in the Administration

In around May-June 2000, at a Development Conference held by the CNRT, Sergio de Mello (the Head of UNTAET) and Peter Galbraight (Head of Political Affairs) agreed to involve the East Timorese in the cabinet. This self-oriented interest was of course a

challenge to UNTAET's original mandate, which did not include any parallel structure alongside the one designed from New York.

While this 'strategy-shift' might have been seen as a natural change in the transitional administration, for which UNTAET leaders have to be given credit, in fact it was a response to the exigencies (the needs and demands) of the East Timorese rather than a pure management approach from the top. The Special Representation had no option but to conform to 'field exigencies'.

A Transitional Authority known as ETTA (East Timor Transitional Administration) was created with Sergio de Mello remaining as the executive administrator. At this stage, UNTAET's structure had not been dissolved and the existing cabinet ministers were maintained (Political Affairs and Sea, Civil Policy and Emergency Services, Justice and Finance) but four ministerial portfolios were added and given to the East Timorese (Social Affairs, Economic, Internal Administration, and Infrastructure). The Head of the General Inspectors Office was also an East Timorese. Sergio de Mello later appointed José Ramos Horta as the minister of Foreign Affairs of the Transitional Government, both UNTAET and ETTA.

Along with this cabinet, a 'symbolic' parliament known as the National Council was set up. With the power vested in him under SC Resolution 1272/1999, Sergio de Mello appointed 33 political figures along with some additional members to the body, claiming it represented all sections in East Timorese society. This Council, although not elected, discussed and gave consent to the (draft) regulations proposed by the Transitional Administration. While the Special Representative retained his prerogative to veto any decision deemed contradictory to the Transitional Administration's mandate, with the figure of Xanana Gusmão placed as the head of this Council, the East Timorese received it with enthusiasm. Their approval of the body can be seen in various discussions in the media during that period, although the middle-class East Timorese only cautiously welcomed this political gesture.

The Second Phase of Timorization in the administration

On 30 August 2001, an election was held to elect 75 national and 13 district candidates to write the Constitution for the nation. Prior to the election, some political party candidates

who held ministerial portfolios (Economy, Civil Service and Infrastructure) were asked to resign from their posts in order to run in the elections. In effect, during this period, the first ETTA cabinet was dissolved. Of the 16 contesting political parties, the veteran political party Fretilin won 57%, or 56 seats out of 88 (see Table II).²¹ The members of the Assembly have been sworn in and are now drafting the Constitution for the new nation. The second ETTA ministers covering 12 ministerial portfolios, all of whom are East Timorese, is established and was dominated by Fretilin (Canberra Times, 21/09/2001). Most significantly, all district administrators are now comprised of East Timorese. A complete transfer of power from the UN to the local government is due on 20 May 2002.

Political Party/	Total Votes	Percentage	Seats
NATIONAL - SEATS			
P. Demotrático Cristão	7181	19.82	2
União Democrático Timorence	8581	23.62	2
Partido Democrático	31680	87.27	7
Apodeti Pro-Referendo	2181	0.6	0
Fretilin	208,531	57.37	43
Kota	7735	21.3 2	2
Parentil	1970	0.54	0
P. Nacionalista Timorence	8035	22.12	2
P. Trabalhista Timorence	2026	0.56	0
P. Democrático Maubere	1788	0.49	0
P. Sosial Democrático	29726	81.86	6
União Democrático Cristão /PDC	2413	06.61	1
P. do Povu de Timor	6483	17.82	2
P. Sosialista Timorence	TBC	20.11	1
ASDT	28495	78.46	6
Partido Liberal	4013	11.01	1
District/ Candidates/Affiliation			
DISTRICT - SEATS			
Aileu/ Alfredo Frente FRETILIN	5118	57.47	1
Ainaro/ Mário Ferreira FRETILIN	6050	34.63	1
Baucau/ Elias Freitas FRETILIN	38525	85.97	1
Bobonaro/ José Andrade FRETILIN	18743	60.34	1
CovaLima/ Gervasio Silva/ FRETILIN	13961	65.74	1
Dili/ Cipriana da Costa Pereira/ FRETILIN	47855	72.49	1
Ermera/ José Soares/ FRETILIN	14724	39.79	1
Lautem/ Armindo da C. Silva/ FRETILIN	12766	54.93	1
Liquica/ Joaquim Barros Soares/ FRETILIN	16249	78.43	1
Manatuto/ Flávio Maria Guterres da Silva/ FRETILIN	8501	55.04	1

Manufahi/ Aréo Amaral/ FRETILIN	10235	75.12	1
Oecussi/ Antonio da Costa Lelan/ Independent	8207	36.06	1
Viqueque/ Januario Soares/ FRETILIN	22721	81.62	1

Table II: Results of August 2001 Vote. Total Votes Cast: 384,248 - Total Valid Votes: 363,501 - Invalid Votes: 20,747.

This Constitutional Assembly, while writing and debating a constitution, has the power to transform itself into the first parliament of the new nation.²² Consequently, it can automatically form the first government, should the French Semi-presidential system of government be adopted. The president will be elected, following the tradition in this system, through a separate presidential election. The UN – with the consent of the East Timor Constitutional Assembly – has endorsed 20 may 2001 as the date for the transfer of power to the East Timorese.

Prospects for the Future

The political transition in East Timor seems to have proceeded with various changes during the last two years. On 15th of September 2001, the Transitional Administration announced the formation of the new cabinet whose members were all East Timorese. This cabinet is expected to work until UNTAET completes its term and the new East Timor government takes office.

Some international observers agree that UNTAET has performed a good job. Indeed, with the modalities that it possesses (money, power and expertise), coupled with the conducive situation on the ground (see section East Timor: the Setting), it slowly but strategically worked out the ways to deal with increasing demands for power sharing from the grassroots level. However, to most East Timorese, much remains to be seen. While it is not wise to compare the UN mission in East Timor with other previous UN missions, history has taught us that no post-UN administrations were left without problems. When the previous UN mission in Cambodia completed its work, it left much to be done. As a result, limitations on a complete recovery of the country remain enormous even after several years. In Kosovo, the UN continues to witness fighting between two ethnic groups, Serbs and Albanians, and an effort to bring peace to this territory still has a long road ahead.

East Timor is not without problems. The real concern is the ability to stand alone as a nation, either from a political or an economic perspective, in the first few years of Independence. At the moment, economic disparity between internationals and locals are huge. While inflation is uncontrolled and has weakened the purchasing power of the locals, unemployment is incredibly high. Perhaps, for the next five years, this country will still have to rely on international donors for most of its expenditure. Border security with West Timor remains a problem, the economic infrastructure was destroyed in 1999, inflation is high, the mobilisation of revenue is low, the modern economic structure has yet to be developed, the social infrastructure is shattered, and the main institutions are weak (Haughton, 2001:289-294). Any future government will face a huge task in rebuilding the country.

Apart from that, there are still other unresolved social and political problems that UNTAET is either unable to deal with or simply does not want to be involved in. These remain worrisome. Some of these problems are:

Ideology & Symbolic Identity

One of the most critical issues is ideological in character and concerns the choice, the issue of the flag, national anthem and the date of independence. On 28 November 1975, Fretilin declared the Independence of East Timor, which prompted the invasion and 24 years of annexation by Indonesia. In 1986, when the orientation of the resistance shifted from a factional to nationalist approach,²³ a new generation of nationalists came into being which has become involved actively in the nationalist struggle. While some of this generation continues to adhere to Fretilin, others are simply non-political. Being more familiar with the attributes and symbols of the National Unity Pact, this latter group see the date of the referendum in 1999 as the day of the nations' liberation, the CNRT's flag as the national flag and the latter's anthem as the national anthem. Can this generation accept Fretilin's idea to 'reinstate' (known locally as *restauração*) the 28 November 1975 declaration of independence and adopt its attributes and emblems as the nations' symbols?²⁴

Justice

Many perpetrators of the post-referendum mayhem have returned or are now returning to East Timor. Under the presence of the United Nations, safety for these people is guaranteed. However, there are two issues that need to be resolved in this connection.

First, many victims of the post-referendum anarchy are dismayed by the fact that political leaders are not preaching ‘justice’ when advocating reconciliation. To this group, as long as justice is not upheld, reconciliation is only a vague term. Second, legally, if the perpetrators go unpunished, that will set bad precedent for the new East Timor legal system, and a lack of proper definition of crimes (war crimes, crimes against humanity, ordinary crimes) will make it difficult for justice to be upheld.

Language

Fretilin and some political parties have decided to adopt Portuguese and *Tetum* (local lingua franca) as the official languages for East Timor. In the draft Constitution being debated by the newly elected Constitutional Assembly, it is proposed that English and Bahasa Indonesia be used as working languages. This means that, while Tetum and Portuguese will be the medium of instruction in education, government affairs and diplomacy, English and Bahasa Indonesia can still be used whenever it is necessary. However, most generations since the 1970s do not speak Portuguese. Tetum is not a written language and needs work to fulfil the requirements needed for written language. Strategically, such a language decision will help curb dissatisfaction by some sections within the East Timorese society, however, the future government will have an extra task to sort out.

Unemployment & Unskilled Civil Servant

Unemployment is one of the main problems. UNTAET has been recruiting a very tiny portion of the potentially 195,707 educated East Timorese into the work force.²⁵ This number has yet to include former guerrillas, members of the clandestine movement and the yet uncounted population aged between 15 and 55. It is estimated that 90% of the workforce are unemployed or lack the skills to become self-employed.

Despite the Timorese political leaders’ claim to have experienced civil servants from the Indonesian administration, shifting from a provincial bureaucratic atmosphere into an Independent State administration requires not only experience but also a certain degree of education and skills.

Land Conflict

Three administrations in three consecutive periods have led to ‘chaos’ in relation to land entitlement. Most of the land in East Timor is not registered. Entitlements to land on the

basis of customary practices are still held widely among East Timorese rural communities. During the Portuguese administration, only around 2,843 land titles (alvára)²⁶ were issued, but during the 24 years of Indonesian occupation more than 20,000 entitlements (*Hak Milik*) were issued. Nevertheless, thousands more land titles remain under customary practices. In the towns and cities, especially in Dili, locals now occupy almost 90 percent of the houses left by either East Timorese refugees or Indonesians in September 1999. The rest, especially government buildings, have been taken over by the Transitional Administration. It will not be an easy task for the new East Timor government to confiscate the illegally occupied houses.

The 'euphoria' of Independence and the 'entertaining' presence of internationals in East Timor will soon fade when the UNTAET leaves. Given all sorts of questions, will the future government of East Timor be able to deal with such problems?

Closing Remarks: The Task Ahead

This paper has critically outlined the strengths, weaknesses and challenges of the political transition in East Timor and related issues from an East Timorese perspective. The United Nations Transitional Administration in East Timor is about to complete its task, the setting up of an East Timor State. With the backing of all necessary resources (Money, Professional Staff, Peacekeeping Force), it has been able to address *governance* and *security* issues unchallenged. Indeed, East Timor is freer and safer than in the last twenty-four years. In addition, humanitarian relief has been able to help the East Timorese to recover slowly from their 'deadly' economic illness.

As UNTAET approaches the end of its term, efforts need to be made to tackle the remaining problems. There are still many unresolved social and political issues that might renew factional conflict if steps are not taken to deal with them now. The economic situation is another issue. High inflation and unemployment have exacerbated the situation since UNTAET has not been able to deal with these issues thoroughly but will leave them as homework for the first local government.

The new Constitutional Assembly is drafting a Constitution for the new nation and is expected to complete its work by the end of 2001, and then prepare for the hand over

of power from the UN on 20 May 2002. If everything proceeds as scheduled, the new government must begin to ponder ways to deal with stability for the new nation in the first years after Independence. Policies must be made to resolve political disputes and guarantee that law is upheld. Restoring relations with Indonesia and seeking deals with the latter to control illegal trans-border trade and preventing smugglers from operating freely are highly imperative since East Timor shares an island with Indonesian West Timor. Ensuring stability will bring investors and in turn create jobs for the population. A conducive political atmosphere will enhance market confidence and help to tackle some of the existing social problems such as crimes.

While trying to embrace new democratic values, East Timor is still a highly subsistence society where traditional values are highly respected. In the first years of Independence, East Timor needs appropriate and balanced policies to prevent certain sections within the community from being marginalised. If policy makers do not intend to embrace such differences and guarantee the wellbeing of the people in general, internal conflict is always a potential issue to be expected.

In order to cope with these problems, International assistance in terms of money, expertise and security are indispensable.

Notes

¹ The authorised maximum strength of UN-PKF in East Timor is Military 9,150; Civilian Police 1,640. Current strength, as of 31 August 2001: 9,614 total uniformed personnel, including 7,998 military, 1,489 civilian police and 127 military observers supported by some 972 international civilian personnel and 1,859 local civilian staff. Source: <http://www.un.org/peace/etimor/UntaetF.htm>

² CNRT was dissolved officially in June 2001, or two months before the August 2001 election of the Constitutional Assembly.

³ This administration (ETTA) was set up around June 2000 through a share-power formula in which six East Timorese were appointed as ministers, namely Ana Pessoa (Internal Administration), João Carrascalão (Infrastructure), Mari Alkatiri (Economic Affairs), Father Filomeno Jacob (Social Affairs) and Mariano Lopes da Cruz (Inspector General and Chairman of the Public Service Commission).

⁴ RESOLUÇÃO N° 4/CGQ/2000 about the relationship between FRETILIN and CNRT on 15 - 20 May 2000, in Dili. While recognising the importance of maintaining National Unity it states that while CNRT should continue to initiate dialogue among the existing political forces in East Timor (point 2) the members of FRETILIN who are in CNRT should be placed under FRETILIN's leadership (point 3).

⁵ For an in depth grasp of the UN mission in East Timor, Kosovo and Cambodia see *Reason and Reconstruction: The Multiple Logics of UNTAET*, a paper prepared by Astri Suhrke of Chr. Nichelsen Institute for the NFR Conference, Oslo 18-19 January 2001 (Draft version, cited with the permission of the author).

⁶ Security Council Resolution 1272, 25 October 1999

⁷ Opcit. Suhrke, 2001.

⁸ For this purpose, the World Bank set up the World Bank Trust Fund (WBTF) to manage contributions from donors through various venues such as a Consortium Group (CG) and others, and the East Timor Trust Fund (ETTF) to administer voluntary contributions from donor countries.

⁹ The activity of the former militia has been kept at bay and is limited only to the border with West Timor where the presence of the International Peacekeeping Force is obvious.

¹⁰ This was due to the fact that the September 1999 mayhem that saw the destruction of major infrastructure and the massive exodus of people into West Timor and the mountains, paralysed local political direction. Not even the now dissolved National Council of the Timorese Resistance (CNRT), was able to maintain the territory's security and establish a proper government structure.

¹¹ This political body was dissolved in June 1999. Xanana Gusmão claimed that CNRT had completed its main task which was to bring the country to Independence.

¹² In fact, while Xanana Gusmão is seen as a nationalist figure and a political leader in the resistance, CNRT is not at all a solid body. Previously, the body was known as the Council of Maubere Resistance and was a subject of dispute among various factions within the resistance. Formed only in 1998, after long years of internal dispute, to respond the crisis in Indonesia at the time and for the sake of national political interest, it is a 'fragile' rather than the 'solid' organisation most outsiders have often referred to.

¹³ Detection of growing dissatisfaction of UNTAET's slow progress and some 'negligence' became obvious as early as December 1999.

¹⁴ CNRT, Outcomes of the CNRT National Congress – 21st – 30th August 2000.

¹⁵ Interview with an international staff member working for UNTAET, September 2000.

¹⁶ Pers. Comm. with Andrew Whitley, then head of Civil and Public Service Department, now head of Political Affairs of the Mission, September 2000.

¹⁷ For example, 35% of the US\$ 592 million of the budget for 2000-2001 was used for civilian personnel and 39% for the military (A/55/43,2000).

¹⁸ Interview with an international staff member from the Land and Property Unit of UNTAET, March 2000).

¹⁹ See Carlos Vasconcelhos, *Briefing to the Annual Conference of the International Association of Prosecutors*, Sydney, 2-7 September 2001. Mr Vasconcelhos was a senior prosecutor for the 'Serious Crimes Unit' of UNTAET from June to September 2000.

²⁰ See also Amnesty International, *East Timor Justice: Past, Present and Future*. Source: <http://web.amnesty.org/ai.nsf/Index/ASA570012001>

²¹ Fretilin received 43 seats at the national level, 12 seats at the district level plus the seat of one Independent candidate who later declared his affiliation with the party.

²² In the draft Constitution proposal, Article 151 states that the current Constitutional Assembly will be transformed into the first parliament of East Timor.

²³ Xanana Gusmão, *Timor Leste: Um Povu Uma Patria*, Edições Colibri, Lisboa 1994

²⁴ In the draft Constitution being debated by members of the Constitutional Assembly it is proposed in Section 2 that: November 28th 1975 is the Day of Proclamation of Independence of the Democratic Republic of East Timor.

²⁵ See *Perencanaan Kesempatan Kerja Daerah, Repelita VII, Propinsi daerah Tingkat I Timor Timur*, Kerjasama Kanwil Depnaker Timor Timur Dengan Universitas Timor Timur, Dili 1996

²⁶ da Cruz. P. (1999), *Study Tentang Penguasaan dan Penggunaan Tanah Bekas Hak Portugis yang Ditunda Konversinya Dengan PP No 34 Tahun 1991 di Kabupaten Dili Propinsi Timor Timur*, Honours thesis, Yogyakarta: Sekolah Tinggi Pertanahan Nasional Yogyakarta

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