

An Overview of FALINTIL's Transformation to FDTL and its implications

Introduction

FALINTIL, the Armed Forces for the National Liberation of Timor Leste (Forças Armadas da Libertação Nacional de Timor-Leste) was established by FRETILIN. Though FALINTIL's beginnings were as 'FRETILIN's Armed Forces', throughout its historical development it has faced a number of situations that have seen it separate from FRETILIN.

FALINTIL contributed significantly to Timor Leste's independence. It acted as the point of connection between the diplomatic and clandestine movement. The history of FALINTIL is an essential part of the history of this country's struggle for independence.

In professionalizing the armed forces, FALINTIL was transformed into 'FALINTIL-FDTL' (F-FDTL) under the UN with the mission to defend the sovereignty and independence of our country during peacetime. Throughout this transformation process, there were many obstacles that arose, for example, the political interests of Veterans and ex-combatants, during the process of recruitment.

This article looks at how FALINTIL struggled for Timor-Leste's independence and their existence, but it also looks at the implications of the transformation of FALINTIL to F-FDTL. *La'õ Hamutuk* also offers some alternatives to the problems addressed herein, to help contribute to the debate surrounding F-FDTL.

Background and Short History of FALINTIL

FALINTIL was established on the 20th of August 1975, as



a response to FRETILIN's conflicting political interests with the UDT. FALINTIL started their mission with an army of approximately 27,000 and was based in the jungle when the Indonesian Army (TNI) invaded Timor Leste in December of the same year. FALINTIL's most difficult period was between 1978-1982. Most of their bases were destroyed by the TNI (which received support from the UK, the US and Australia). As a result, FALINTIL was functioning without any leader and without a clear structure. Many FALINTIL were killed when the TNI attacked FALINTIL's bases, including Nicolau Lobato.

Xanana Gusmao was elected to be FALINTIL's Commander in a Secret National Conference in Lacluta, Viqueque in 1981. This conference was held in order to reorganize the struggling organisation. Some modifications were agreed on to change FALINTIL's internal structure, a first step on the path to restructuring and reorganizing FALINTIL.

Xanana's ideas for changes at the conference included first, introducing a change in the concept of FALINTIL as the main army of FRETILIN. This meant creating the idea of National Unity which meant that FALINTIL no longer operated independently, but with all *Maubere* (all people struggling) who wanted independence. The main purpose of this concept was to unify all political groupings to achieve independence. Xanana used a highly persuasive approach in negotiations towards this end with political organizations such as UDT, (Democratic Union for Timor-Leste) KOTA, (Fighters for Timorese Unity) *Trabhalista* (Labour party) and others.

The main goal of this policy was that FALINTIL should be a symbol of national unity, which would be open to everyone who wanted independence. Even though some of FRETILIN's Commanders disagreed with this idea, Xanana strongly wanted to accommodate all groups outside of FRETILIN. The major internal disputes in FALINTIL were because of this policy.

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The second change was the decision to have relations with the TNI (Indonesian National Army) leaders. As a strategy for negotiating a ceasefire, Xanana also negotiated with the leaders of the TNI, such as Gatot Purwanto, William da Costa and Moerdani. There was a subsequent recurrence of fighting though most of the strategies proposed by Xanana were overall able to unite the people. On the other hand, there continued internally to be major disagreements from some groups within FALINTIL that took a harder line.

Officially from 1987, FA-LINTIL was no longer under FRETILIN's command. This policy came about with the establishment of the National Council for Maubere Resistance - CNRM (Conselho Nasional Resistencia Maubere). CNRM also served as an umbrella organization to accommodate members from different national parties. As a result, FRETILIN lost any power to control FALINTIL who became CNRM's main army. The theme of the struggle at this time was National Unity. The cooperation between the clandestine, diplomatic and armed fronts continued until the referendum was achieved in 1999.

FALINTIL's contribution as an armed movement is not limited to the period of struggle. In this time of independence we still need a military. However since the situation has changed from war to peace it was thought that the name FALINTIL should be changed to F-FDTL.

The Transformation of FALINTIL to F-FDTL

The transformation of FALINTIL to F-FDTL happened on 1 February 2001. Though the transformation has long since been carried through, there are many consequences and it raises some important questions. Whose idea was it to carry out this transformation? Who was acting behind the scenes during this period? What are its consequences?

The leaders of the Resistance, including Xanana himself, used to advance the idea that if Timor Leste achieved independence, it would not have any armed forces. The reasoning was simple: "Because Timor Leste does not want any more war." This can be seen in the CNRM's Peace Plan where under phase two the territory was to have no army. Though there were concerns about possible militia

infiltration in the border area, it was hoped that maintaining good relations with Indonesia could prevent this problem.

However, the reality today is that these plans never came to fruition, and a military, F-FDTL was brought into existence. The important question is not so much 'do we need an army?' but 'who was behind the transformation process?' and 'what are the impacts of this transformation?'

The transformation of FALINTIL to F-FDTL was done during the UNTAET era. UNTAET's mandate made it responsible for administration, and legislative and executive authority enforcement, including justice.

In Resolution 1272 (1999), the UN Security Council gave UNTAET the mandate to maintain peace and the rule of law, facilitate humanitarian assistance, support capacity building for self-governance, and prepare conditions to facilitate development. Looking at this mandate, which was responding to the problems in East Timor, it only gave the mandate to restore security and uphold the peace and rule of law in the territory. It does not give a precise indication of what should be the future of FALINTIL.

The transformation itself was a long process. Under the 5 May 1999 agreements, the special policy of cantonment for FALINTIL was adopted, divided into four regions of Uai Mori in Viqueque, Atelari in Baucau, Poetete in Ermera and Aisasa in Bobonaro.

The role of FALINTIL was also unclear in the context of the arrival of INTERFET. UN Security Council Resolution No. 1264, stated that INTERFET had as part of its mandate the power to enforce a ceasefire. However, the resolution did not adequately specify who should be disarmed, nor did it give any clear clarification regarding the future of FALINTIL. Within FALINTIL there were various interpretations of this mandate, which was supported by CNRT leaders such as Ramos Horta and Xanana.

INTERFET considered that FALINTIL were a 'civilian' group which needed to be disarmed. This was clear from statements from INTERFET's spokesman Colonel Duncan Lewis, who stated "The policy is that we disarm any East Timorese who is not in the TNI [Indonesian armed forces]...we disarm them all".

This interpretation effectively defined FALINTIL as a militia, receiving criticism at the time from Xanana and Ramos-Horta. According to Xanana, FALINTIL was not a bandit group that needed to be disarmed. Horta also supported and emphasized that "what has been discussed by the Security Council in New York is in relation to the killing and destruction by militia groups. [The Security Council] have not adopted a resolution for disarming FALINTIL". Resolution 1272 for UNTAET also did not give any definition about the future of FALINTIL.

La'o Hamutuk consulted a number of references and documents, such as "The Legacy and the Lessons of the United Nations Transitional Administration in Timor Leste" by Paulo Goraz and "Independent Review on Armed Forces Options for Timor Leste" by King's College, London, which demonstrate that there was much confusion regarding FALINTIL's future. Under UNTAET, too, there appears to

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have been an absence of planning for FALINTIL's future.

Cantonment in Aileu

Under the 5 May 1999 agreements between Indonesia, Portugal and the UN, and the special policy of cantonment of FALINTIL, divided into four regions of Uai Mori in Viqueque, Atelari in Bau-cau, Poetete in Ermera and Aisasa in Bobonaro. Part of the terms of the cantonment - basically the result of a verbal agreement between INTERFET Commander Peter Cosgrove and Taur Matan Ruak - were that FALINTIL would be prohibited from taking weapons outside the camp.

Several problems arose during the cantonment in Aileu. For example, attitudes towards being cantoned differed considerably. A clear example of this was the decision by L-7, a prominent FALINTIL leader along with a group of followers to leave the cantonment. This was essentially the result of feelings of frustration and helplessness. It was also exacerbated by the unclear INTERFET mandate. Problems over distribution of resources also led to a near humanitarian crisis, caused by a shortage of food and medicine. As a result, incidences of TB and Malaria increased dramatically. The combination of all of these problems ensured that the relationship between FALINTIL and INTERFET was from the start troubled.

In March 2000, CNRT, INTERFET, UNTAET and FALINTIL conducted a number of meetings in order to discuss the future of FALINTIL. During the meetings, the possibility of integrating FALINTIL into the communities, the cooperation between FALINTIL and PKF during operations, the possibility of having armed forces, as well as the external threats East Timor faced after the end of INTERFET operations was discussed. As a first step, the UN, CNRT, INTERFET and FALINTIL decided to disarm 55 FALINTIL members and integrate them into normal civilian life.

Our research also indicates that this meeting formed the basis for the future process. The next step, in May 2000, was a study conducted by a team from King's College on the options for establishing armed forces in the new state. The results of the study were presented to UNTAET on 8 August, with three recommended options, outlined below. From these three options came the conclusion to create armed

forces.

Option I: This option is considered to be roughly commensurate with the FALINTIL 'vision', of what Armed Forces would constitute. It consisted of having an army of 3000-5000 ex-FALINTIL, with the remainder recruited under obligatory conscription. A small body would be set up with special duties to be enacted in the event of any social unrest. The Navy and Air Forces would be very simple.

Option II: Comprising 3000 soldiers, with approximately half made up of ex-FALINTIL, with the remainder made up of from obligatory conscription. There would be no need for any special unit to deal with social unrest, because all soldiers would be trained for this, while the Navy and Air Forces would be planned for the future.

Option III: Essentially the same as option II except without conscription. The remainder of soldiers to make up the armed forces would be drawn from a volunteer grouping. When needed for combat, they could join the regular army. The option for them to comprise a guerilla division of the existing army was also left open.

To legalize the establishment of the F-FDTL, UNTAET produced regulation No.1, 2001 (UNTAET/REG/2001/1) that was then passed by the *National Council (NC)* that at the time functioned as a mini parliament, on January 29th 2001. Two days later, on February 1st 2001, FALINTIL was officially transformed into the F-FDTL. As a first step, 600 personnel were recruited and others were integrated into different communities.

The recruitment process for these first soldiers was criticized at the time. The Sagrada, Colimao and Esnaco families that had had long histories with FALINTIL complained that recruitment was not democratic. This can partly be explained by the first 600 troops being taken from the ranks of existing FALINTIL members, with the remainder recruited later on. However, according to recruitment criteria, troops were to be under 21 years old. Given that most FALINTIL were well over this age, this precluded the involvement of many former FALINTIL troops. Instead many youths from the districts were recruited.

Moreover, the entire process was carried out confidentially and FALINTIL members in the cantonment were not informed, nor their ideas sought.

Those who played a role:

Of the institutions that played a key role in this process, UNTAET was the first and central institution. UNTAET had the overall role in the executive and legislation. The *East Timor Transitional Administration (ETTA)*, also established by UNTAET, had less power in the overall decision-making process.

National Council (NC) established during UNTAET, arguably had little legitimacy, because the process of its establishment - through UNTAET regulations - was non-democratic and, as is evident from the case of F-FDTL's establishment, served frequently to rubber-stamp UNTAET decrees. The NC's predecessor institution, the National Consultative Council (NCC) was also established through UNTAET regulations. The NC could not accommodate the demand placed on it. Draft regulations were usually written in a very short time, restricting the NC's ability to scrutinize details of regulations.

The second main actors were the **Donor Countries**. They are widely regarded as having played an important role in this process. Though 12 donor countries attended the donor's conference on the establishment of Armed Forces for Timor Leste, Australia and Portugal were the two countries most willing to provide training and supply weapons, while Thailand was also willing to provide defense





support, especially in rural areas. The U.S. and the UK were also involved in supporting this process.

The third actor was **King's College, London**. The team of advisers assembled was asked to conduct a study on the possibility of establishing Armed Forces for Timor Leste by UNTAET. Three tasks were given to this team, the most important being an examination of the future of FALINTIL. They were also charged with reviewing and suggesting options for an Armed Forces for Timor Leste, and to analyze the different aspects of governance in regards to the relationship between security issues and civil society. This team consisted of a number of military experts from Germany, Mozambique and the US. They arrived in Dili on July 7th 2001. The result of their study was to become the basis for Timor Leste's Armed Forces.

Number of Problems

Our main purpose in examining this issue is primarily to give clear information and clarification on the process of FALINTIL's transformation. Below, we aim to demonstrate that some of the problems that are currently occurring in Timor Leste, especially those pertaining to FALINTIL veterans, are both a direct and indirect result of this process.

The first problem was **INTERFET's mandate regarding weapon disarmament**. The establishment of INTERFET was a response to the serious security situation at the time, when widespread human rights violations were being carried out in the then territory. The INTERFET mandate stated that it should disarm 'civilian groups' though did not take into account the social and political conditions whereby FALINTIL had immense support from the vast majority of the population. The existence and actions of FALINTIL gave East Timor recognition and acceptance by the international community. The main question that arises from this is "was it right to categorize FALINTIL as 'armed civilians'?" This question was at the root of disagreements between local and INTERFET leaders. From the beginning of INTERFET's mission, the functions and role of FALINTIL were unclear.

The second problem is the mandate given to INTERFET by **the UN Security Council**. The mandate only requires that security be achieved in the entire territory. There are no specific regulations on INTERFET's mandate in relation to FALINTIL.

The third problem was a **lack of transparency in the process**. UNTAET, serving as the executive and legislative, made all key decisions. The NC had a consultative function, without decision-making powers, though was required to give legal legitimacy to UNTAET regulations. The overarching point in relation to this relationship was that these two institutions alone were able to go through the process of deciding key pieces of legislation without any transparency

or accountability to a) groups with interests in legislation, like FALINTIL or b) the people of East Timor.

The fourth problem is the **Veteran** issue. Most post-colonial countries face similar problems regarding the fate of demobilized troops. However, in East Timor's case, one of the key determinants of this situation was the transformation of FALINTIL and the failure to consider the social and political situation associated with its past. Any force that has recently emerged from fighting a war of national liberation must face the realities of becoming a professionalized force and adapting to

peacetime conditions, though ex-FALINTIL that expressed opinions regarding the future of the force did not have these taken into consideration.

Problem four was actually compounded by the programs to help reintegrate ex-combatants. The targets set for this program were not met; the same patterns of inadequate assistance for ex-combatants can be seen in the RESPECT program, (*See La' o Hamutuk Bulletin, Vol.5, no.3-4*) creating mounting frustration amongst the demobilized troops.

The fifth problem relates to attempts to **construct an army from a western perspective**. FALINTIL was an army that had a symbiosis with the people of East Timor, as seen in its concept of unity. It was felt by many in the wake of FALINTIL's transformation that it had changed beyond recognition.

The sixth problem, connected with point 5, is the **disappearance of FALINTIL's identity**. FALINTIL was a National Liberation force. Freedom was born from a desire to change the reality imposed by Indonesia at the time. In this sense, the struggle for freedom was not just related to territory, but also to social and economic liberation from poverty. With FALINTIL's professionalisation, its identity has faded substantially. It is clear that F-FDTL is no longer a popular national army, but one with a more elitist orientation.

FALINTIL, the Current Situation

F-FDTL's existence is guaranteed in the RDTL constitution, Part V. Point 146 and 147, which explains its functions. Point 146, section 2 defines F-FDTL duties to guarantee the independence of the nation, its territorial integrity, and the freedom and safety of the population against aggression, which does not respect the constitutional order.

The basic interpretation of this section is that F-FDTL's role is to defend the nation and independence of Timor Leste. If we look at the current context, this begs the question: "to what extent is there any external threat to Timor Leste?" Given the geographical proximity of Indonesia the obvious threats are through militia infiltration from West Timor, as well as from Australia.

Professor Alan Duppoint of the Australian National University, in a seminar on "Security Options for Timor Leste 2002", outlined external threats for Timor including the threat of military invasion, surmising that this was no longer a major threat for Timor-Leste, identifying 'global terrorism', the trafficking of people, and money laundering as the main threats to the country. He posits the need for a diplomatic approach in order to anticipate threats by having good relationships with both Indonesia and Australia.

By looking at the current situation, in the context of Timor Leste's government policies on security, a good diplomatic relationship with Indonesia is important. Still, in relation to

external threats, we wonder why it is only the police patrolling the border area.

Indonesia/Timor Leste expert Douglas Kammen by contrast told *La' o Hamutuk* that domestic security will be the greatest challenge to the Government. Issues of social injustice, such as an unbalanced distribution of income and large unemployment figures will always have the potential to cause internal conflicts for the government.

After Timor Leste's 3 years of independence, F-FDTL has only had one security issue to deal with, in the sub-district of Atsabe. To date, there is still a lack of clarity over F-FDTL's involvement in the incident. Due to this and other important issues, F-FDTL currently has no clear function even though F-FDTL is responsible, based on the constitution, for the security of the country from any external threat. Timor Leste's government relies on the police rather than F-FDTL for the security problems it faces.

Conclusion

We believe that there are some important alternatives to the current situation that need to be considered :

First, the transformation process to F-FDTL was not transparent and was closed to the public. It is very important for the public to know and understand this process, for reasons including and beyond FALINTIL's huge importance in our countries' history. This kind of process must involve all parties. We accept that there must be changes, but the changes must be democratic, transparent and accountable in order to avoid future conflicts of interest. The involvement of the international community in this process is very important as well, specifically when UNTAET is still in Timor Leste.

Secondly, the veterans issue needs to be solved in an accommodating and inclusive way. As we have stated,

problems surrounding ex-combatants exist in many post-conflict, and/or post-colonial countries. In Timor-Leste, the process of transformation was not conducted transparently and with accountability, which has led to very disenfranchised and frustrated groups of people. If this situation is not taken seriously, it could turn into a serious political problem used by groups to forward their own interests.

Thirdly, those who struggled should be respected, recognized and assisted by the go-vernment. We realize that this might be a long process, but the government, through the Secretary of State for Labor and Solidarity, should take responsibility for helping ex-combatants. This issue should not only involve the Government of Timor Leste, but also the broader international community.

Fourthly, from our research, we believe that programs that have been developed for those who struggled haven't really been used for them. We question whether these programs, given their track records, are essentially intended to help ex-combatants. For example, it is important not to use the FALINTIL and Ex Combatants' names as slogans. If these programs are really for them then the importance of their involvement cannot be overstated, especially in the decision-making process. This way they can define their own future and lives through genuine cooperation. This suggestion comes from the different experiences that we have heard from various people who struggled and feel frustrated because their opinions have never been taken into consideration.

Fifthly, a regulation on the function and task of F-FDTL should be created in order to avoid the overlapping responsibilities between F-FDTL and the Police. The existence of regulations besides those in the constitution is important and pressing. *

"Agrarian Reform": An Intercambio/Exchange with Activist Groups in the Philippines



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Agrarian conditions in East Timor

East Timor underwent three periods of colonialism, with the Portuguese extending over 450 years (from 1525-1974) the Japanese more than three years, and the Indonesian for 24 years from 1974-1999. These periods of colonialism created huge problems for farmers. The Portuguese and Indonesian periods had a particular impact on cultivation, traditional local leadership (Liurai), and the Church via the support of the colonial government took the productive land of several areas. The colonial government made land certificates to the Liurai and church, creating an elite class in the territory.

One of the negative consequences of colonialism was the capitalization of land, bringing farmers to plantations to become farm laborers such as in Sacoco and Liquisi, Ermera District. Beyond the problems with plantation farm labor, many of the

Introduction

From November-December 2004, *La' o Hamutuk* and 15 other civil society groups from Timor Leste organized an exchange ("Intercambio") focusing on Agrarian Reform with Initiatives for International Dialog (IID) and the Philippines-based Partnership Agrarian Reform and Rural Development Service (PARRDS).

On November 15th 2004, *La' o Hamutuk* sent eight activists from Timor Leste to the Philippines for a month of learning and exchanging information with Filipino activists and farmers involved in agrarian reform. The Timorese participating were

small land holding farmers near the plantation sites lost, or sold their land to the larger property industry. This happened with farmers in Comoro-Dili, Suai and Lospalos.

After Independence, the RDTL government passed Law 1/2003 regarding immovable property, favoring government ownership of former colonial assets. Agrarian justice is a basic need for farmer's economic life, and is clearly raised in Article 54 No. 4 of the Republic Democratic of Timor Leste Constitution, but land issues continue to create conflict in some areas of Timor Leste.

The weak agrarian structure left several farmers landless as the more productive lands were used for coffee plantations to service the demands of European markets (such as in Ermera, Same, Aileu and Ainaro), the expansion of urban lands (Bairopite, Comoro and some districts) and the expansion of Church missions (Lospalos, Viqueque and Dili).

The concentration of land ownership into fewer hands has already upset some workers movements – one example is the Ermera plantation workers in the 1980s who destroyed fences, coffee plants and attacked plantation guards. In 2000 they began occupying the coffee plantation and dividing the land amongst themselves.

A short history of Agrarian Reform in the Philippines

Like Timor Leste, the Philippines has a history of years of colonialism. The Philippines was subjected to Spanish and U.S. colonialism. The countries resemble each other in having capitalist development of the land bring farmers into poverty.

In 1970 the Philippines was a country with economic growth of 7% per year. Then, under Ferdinand Marcos, it fell into an era of dictatorship and economic crisis. Many farmer activists lost their lives under Ferdinand Marcos's regime. This condition got worse when Martial Law was initiated in 1972, with the aim of eliminating people's resistance against Marcos' regime. Martial Law also destroyed the democratic process and denied people's political rights. Many parts of the political and government elite used Martial Law to oppress farmers and took productive land by force. This

produced a situation whereby capital was concentrated in the hands of businessmen and wealthy proprietors. The farmers were subject to poverty, becoming farm laborers. According to Pe. Anoran (a Pastor and the Executive Director of NCPERD in Negros Osidental), agrarian reform has been implemented for 16 years but the land is still concentrated in the hands of a few rich Filipinos, and 80% of the people are living in poverty without farmland and landless poverty of the people has been increasing.

In 1986 farmers, workers, churches, academics, students and leaders who had split with Marcos launched the People's Power revolution and the Congress for People's Agrarian Reform. President Marcos was overthrown and Corazon Aquino came to power. In 1988, President Aquino issued a law on agrarian reform called Comprehensive Agrarian Reform Program (CARP) which was implemented through Republic Act (ARL/RA 6657). This law was introduced in order to increase social justice in the Philippines.

In the same year (1988), the Aquino government implemented the Comprehensive Agrarian Reform Program (CARP). The program was originally planned to last only ten years (until 1998). However, it has not reached the targets of CARP yet so it was extended for another ten years (until 2008).

In the Philippines agrarian reform has aimed at transferring land from landlords to farmers. CARP policies include compulsory acquisition, with the government through Agrarian Reform Department: 1) directly transferring land from landlords to the farmers; 2) voluntary land transfer, with the landlords volunteering land to the government or to the farmers; and 3) stock distribution option/sharing production profit, with the 4) landlord and farmers agreeing to divide the profits from the land. Based on those alternatives government can make a decision to distribute land to the farmers. This process of land transfer controlled and monitored by the President through the Department of Agrarian Reform/DAR at the national levels and the Department of Agrarian Reform



Beneficiaries/DARB at district levels as a department that could stimulate agent of CARP's implementation in districts such as a national program in the Philippines.

Activities in the Philippines

The Intercambio visited three islands of the Philippines: Luzon (Tarlac, Pampanga, and Zambales Districts), Visayas (Negros Osidental) and Mindanao (Cotabato and Bukidnon).

IID (Initiatives for International Dialogue) East Timor Field Officer Ruby Lora and Philippines Program Officer for PARRDS (Partnership Agrarian Reform and Rural Development Service) Alejandro P. Soto, who served as the Intercambio program coordinator in the Philippines, accompanied the participants. Their substantial knowledge and experience with agrarian reform in the Philippines proved invaluable for the Timorese participants.

These two people also coordinated meetings with civil society organizations in Luzon, Visayas and Mindanao. Among the groups the Timorese delegation met with were: UNURKA, Philippine Ecumenical Action for Community (PEACE) Foundation, Project Development Institute (PDI), Partnership Agrarian Reform and Rural Development Services (PARRDS), Initiatives for International Dialog (IID), Task Force Detainees of the Philippines (TSDP), Alternative Community-Centered Organization for Rural Development (ACCORD), Philippine Human Rights Information Center (Philrights), Philippine Alliance of Human Rights Advocates (PAHRA), tungo sa Kaunlaran ng Kanayunan at Repormang Pansakahan (KAISAHAN-an organization working to end institutional discrimination against farmers), The Negros Center for people's Empowerment and Rural Development Foundation (NCPERD) and the Farmers Association of Davao City (FADC) and others community organizations.

La'o Hamutuk received funding support from FIM (Frontier Internship Mission) Switzerland for the Intercambio.

Results

From the Intercambio with the Philippines, *La'o Hamutuk* has found some important aspects to agrarian reform, such as the following:

(1) A movement encompassing farmers, workers, fisher folk and indigenous people is the base of agrarian reform in the Philippines; the participants heard, saw and discussed with civil society organizational models, mobilizing alliances and capacity building for farmer leaders. The participants later met directly with the farmers' organizations.

(2) Filipino leaders changed the political scene with the approval of the Agrarian Reform Law; the participants met with members of congress and the Agrarian Reform Department to discuss government policy.

(3) Civil society organizations have a role in implementing the Comprehensive Agrarian Reform Program (CARP) as a follow-up to the implementation of the government's Agrarian

Reform Law; the participants met with civil society organizations working on a variety of issues involved with CARP including labor, production services, capacity building, justice, democracy and human rights.

(4) Civil society movements had to realign themselves in response to political policies. CARP implementation has been going on long enough for the movement to be more familiar with farmers and how to respond to their needs. Examples can be seen of several individuals and political groups abandoning political violence and joining social-democratic groups.

(5) The gender roles of people organizers (PO) and community organizers (CO) have changed as the result of land being transferred to the farmers. The participants saw changes in the gender movement as a strategy of bringing a feminist approach into the farmer and labor struggle.

(6) Transnational corporations/international agencies have assumed a prominent role in the CARP program. They are changing the agricultural structure to a capitalist production model, including the promotion of "monocrops" (sugar cane, mango, banana, coffee and others) aimed towards a global market. The farmers are not moving towards self-production but becoming the farm laborers of inter-national companies expanding throughout the Third World.

(7) Indigenous peoples continue to try to maintain their culture. Indigenous peoples are defined as those in the Philippines who continue to struggle to maintain local structures and culture. The Indigenous People Republic Act (IPRA) of 1994 increased the protection of indigenous rights.

These seven aspects are complex and certainly require a long time to comprehensively study and understand. This Intercambio is only the first step for the participants to begin to familiarize themselves with agrarian reform and apply their knowledge to Timor Leste in the future.

Lessons Learned

Any plans or strategies to achieve agrarian reform in East Timor must be based on the values of the Timorese people. The needs and capabilities of the people and grassroots organizations should guide current and future action.

The participants need to take their experiences from the Intercambio and adapt them to their own reality. We have much to learn from the organizing done by farmers, workers, fisher folk and indigenous people under the Marcos dictatorship. The peaceful struggle continues in the Philippines. In the words of Loida Rivera, an activist farmer and peoples organizer with the Project Development Institute (PDI), "We will continue to struggle for the future of our grandchildren. We are ready to return to the streets, and not to beg for money and food. Revolution is still our ultimate goal, the poor still dream of democracy and justice." After 16 years of implementing the Agrarian Reform Law, many of her fellow farmers still have no land.*

Who is La'o Hamutuk?

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Reflection on Tsunami

*let us reflect on the tragedy of tsunami
are there any mistakes that we have made
or has God acted as His own desire?*

*let us observe all the dead things and bodies
laying sprawled in the same place
our humanity has been strongly warned
the powerless poor were the ones who were first
struck by the disaster*

*God, I have misinterpreted life
that human relations is far more important
than merely praising You*

*God, I swear I will no longer
try to show off before You
while ignoring the powerless poor*

Banda Aceh, 4 January 2005

The Last Dialogue of a Terrorist

*people accused him as a terrorist
however, his intention was to fight against the oppression
therefore, the terrorist was chased after
in cities, villages, mountains and rooms in houses
even in places where he was,
the roads were full of signs
armed people in great numbers attacked him
the terrorist's only gun was a piece of his faith*

*then, the terrorist continuously fought
in the jungle, transforming himself into a lion
in villages he acted normally
in cities he changed his appearance
he cleared away every oppression
with a piece of sword of his faith
the terrorist was continuously chased after
he was detected to what direction he took
he was continuously chased after with a trap*

*in a lonely place no one knows where it was
the bullet pierced the back of the terrorist
he collapsed while his hand was holding tightly a piece of rosary
in his last breath the terrorist said, " the tyranny is a colonizer,
and the colonization is tyrannical, O Lord, the Great..."*

*the earth stood still
and the cloud suddenly disappeared*

Banda Aceh, 9 September 2002

By: Din Saja

Translated from Indonesian into English by Abé Barreto Soares

La'ó Hamutuk needs you!

We are looking for both East Timorese and International activists to join our staff collective.

National Researcher:

- Justice and Human Rights
- International Financial Institutions

International Researcher:

- Justice and Human Rights
- Natural Resources

Each staff member at *La'ó Hamutuk* works collaboratively with other staff to research and report on the activities of international institutions and foreign governments operating in East Timor. Staff members share responsibilities for administrative and program work, including our *Bulletin* and *Surat Popular* publications, radio programs, public meetings, advocacy, popular education, coalitions with other East Timorese organizations, and exchanges with people in other countries. Each staff member is responsible for coordinating at least one of *La'ó Hamutuk's* main activities.

For more information about *La'ó Hamutuk*, see back page of this *Bulletin* or our website at www.etan.org/lh.

Requirements

- √ Activist background, experience and orientation
- √ Strong commitment to making the development process in East Timor more democratic and transparent
- √ Commitment to share skills and help build other staffers' capacity
- √ Responsible, with a strong work ethic and willingness to work cooperatively and creatively in a multi-cultural setting
- √ Understanding of and willingness to work against gender discrimination
- √ Strong written and verbal communication skills
- √ Ability to present factual information from investigative reporting
- √ Sound physical and psychological health
- √ Experience in one of the areas cited above
- √ Work experience in international development, policy research, and/or international solidarity desirable

Additional requirements for internationals

- √ Fluency in written and spoken English (native speaker preferred)
- √ Strong organizational and computer skills
- √ Knowledge of East Timor's history and politics
- √ Experience living and working in a developing country; interest and capacity to live simply
- √ Fluency in or willingness to learn Tetum
- √ Indonesian and/or Portuguese language skills desirable

Additional requirements for East Timorese

- √ Fluent Tetum and Bahasa Indonesia, and ability to write and translate between these languages
- √ Basic organizational and computer skills, and willingness to expand those skills
- √ Investigating skills, with the ability to write factually and clearly, desirable
- √ English and/or Portuguese language skills desirable.

To apply, please bring the following documents to our office in Farol (next to Perkumpulan HAK and the Sahe Institute for Liberation) or email them to laohamutuk@easttimor.minihub.org

1. Cover letter explaining your reasons for wanting to work with *La'ó Hamutuk*
2. Curriculum vitae (CV)
3. Two professional references from previous employers or organizations
4. Writing sample about the development process (one or more pages).

Applications will be considered as we receive them.



Response Letter from UNDP to La'o Hamutuk regarding RESPECT article, December 2004

First of all, I would like to thank you very much for La'o Hamutuk's interest in the RESPECT Programme as well as for the extensive consultations that La'o Hamutuk had with the RESPECT staff prior to the drafting of the article mentioned here in the subject. I appreciate very much the fact that many of the comments that my colleagues provided to you previously have been fairly reflected. I also appreciate your preoccupation for issues such as government ownership, transparency, accountability and the participation of women, especially in a nation-building context such as that of Timor-Leste. I understand your concerns that the RESPECT programme may have not been able to properly address these fundamental issues. Therefore, I would like to take this opportunity to focus on some of these concerns, thus also helping your readers to better understand the work of the RESPECT programme in Timor-Leste.

RESPECT is now approaching its end after almost two years implementation. I acknowledge that it had some weaknesses, particularly at its very early stage, however, I also recognize that the programme has been able to address most of the issues that have arisen in the course of its implementation, and has strived to maximize its impact on the lives of the Timorese people, especially those who have most suffered from the twenty four years of struggle.

As you have rightly reflected in your article, the RESPECT programme structure encompasses a number of decision making bodies, such as the Programme Steering Committee (PSC), the Programme Working Committee (PWC) and the District Respect Committee (DRC), which are all chaired by, and composed of, Government representatives. The participation of RESPECT staff in these committees only provides technical advice and secretarial functions. The PSC, the PWC and the DRC, at different level (national the first two, and district the latter), provide policy guidance and supervision to the RESPECT Programme Implementation Unit (PIU), which is a mere executor of the decisions taken by the three committees. This structure has been introduced and adopted to ensure full ownership of the programme by the Government.

Full government ownership of the RESPECT programme is particularly ensured in the process of micro projects approval for the allocation of funds. At the district level, the DRCs, chaired by the respective District Administrators, approve for funding those micro project proposals, prepared by the local communities, which seem to better address the needs of the most vulnerable groups of society. The evaluation of these micro project proposals by the DRCs is not arbitrary, but is made on the basis of established criteria. At the national level the funds allocation process is controlled by the PWC, which is co-chaired by the Vice Minister of Development and Environment and by the State Secretary for Labour and Solidarity, or their representatives. Micro project proposals submitted by different Government Ministries are evaluated by the PWC on the basis of established criteria and funds are allocated to those projects that are considered a priority.

It is useful to clarify here that, while the process of funds allocation is owned by the DRCs and the PWC respectively for district and national level micro projects, the actual disbursement of funds is administered by the RESPECT PIU, which transfers the funds directly to the interested Ministries and DRCs once the micro projects are approved. As of today, of USD 1,300,000 earmarked for district level micro projects (USD 100,000 per district), USD 1,287,193 (which represent the 99% of total funds) have been allocated by the DRCs to community micro projects. Of the thirteen districts, nine have allocated all the USD 100,000 initially earmarked. The remaining USD 12,807 will be allocated and disbursed by the DRCs in Baucau, Viqueque, Los Palos and Ermera by the end of May. At the national level, the total amount (USD 1,184,039) earmarked for national level projects has been allocated by the PWC.

La'o Hamutuk has rightly pointed out that the RESPECT programme has committed to the principles of transparency and accountability. However, concerns have been expressed on the mechanisms in place to ensure that those principles are fulfilled. In this regard, I would like to clarify that a series of procedures put in place by UNDP do ensure transparency and accountability in the context of the implementation of the RESPECT programme. These procedures are what La'o Hamutuk has referred to as '*bureaucratic decision making structure*', which for as cumbersome and as lengthy as they may seem, they are the only mechanism that can ensure that the programme is implemented with transparency and accountability. There is, therefore, an inevitable trade-off between a high degree of assurance of these principles and the level of complexity of bureaucratic procedures.

As you know, the RESPECT programme was formulated to respond to the appeal from the Government to the donor community, in August 2002, to address the critical needs of vulnerable groups, including ex-combatants. The formulation of the programme took into account the circumstance that, at that time, the President of the Republic was establishing two Commissions for the definition and identification of Veterans and Ex-combatants of the resistance struggle. In this context a definition of Ex-combatants could not have been adopted independently from the Presidential Commissions. Since the need to address the issues of the most vulnerable members of society, including ex-combatants, was urgent and could not wait until the completion of the work of the Commissions, RESPECT proposed to adopt the mechanism of community self-targeting, thus empowering the people of Timor-Leste to identify the most vulnerable individuals within the respective communities.

The same self-targeting mechanism applies to the issue of participation of women. While the RESPECT programme very much promotes the participation of women, it leaves to the communities the responsibility to involve women in the implementation of the micro projects proposed for funding. It is, however, important to clarify that women participation is one of the criteria applied by the DRC for the selection of the micro project proposals. Please note that the magnitude of women's participation should not be judged only by the number of female groups getting funding from the programme, there are for example women who are part of the community groups headed by men. For your information, the preliminary record maintained by RESPECT indicates that out of the total number of beneficiaries of 306,476 people so far, 149,519 (which represent the 49% of the total) are women. The total number of beneficiaries include the people directly employed and trained by RESPECT micro projects, as well as the community members at large who have indirectly benefited from RESPECT micro projects, such as gaining access to newly constructed infrastructure facilities, both at national and districts level.

Naheed Haque
Country Director

First of all, we would like to thank the UNDP for the attention, and response given on our observations regarding the RESPECT program. We recognize that some of your comments are true, but we feel it is necessary to respond, not in defense, but to clarify.

- √ While it is very important to recognize that we held interviews with some RESPECT staff, It must be understood that we do not rely on information given by the RESPECT office only, but also from interviews from other sources. This including some Ministers of government, local leaders, former FALINTIL members, as well as grassroots organizers from Dili, Liquica, Ermera, Manatuto, Baucau and Aileu.
- √ In regards to the bureaucratic system that makes the process difficult and confusing to the community, UNDP argues that this system is the only manner to guarantee transparency and accountability. We think that it is not the only method that is able to guarantee transparency and accountability. One alternative that we suggest is to involve the people at the grassroots level (for example Suco and Aldeia) in the decision-making process, as well as the implementation and monitoring. In addition, the UNDP needs to account for reasons why the process has been so slow. In our view, transparency and accountability mean that there should be an appropriate mechanism to share information to all communities and for them to have a good understanding of the whole process.
- √ We agree that we are not able to judge based on the quantity of women participation in the program, but also the quality of participation. However, what must be underlined is that women's participation is not only as working within the RESPECT project, but also their participation in the whole decision-making process, as well as being implementers of the project. When we held interviews with women organizations at the grass root level, their complaints were that women's voices were not considered. Even when they participated in meetings, their opinions and ideas were disregarded. Hence our reasoning behind arguing that women's participation in the RESPECT program was low. *

In Brief ...

Panel Discussion held by the East Timor National Alliance for an International Tribunal

On February 11th 2005, the East Timor National Alliance for an International Tribunal held a panel discussion called: “**What purpose is the Commission Truth and Friendship based on?**”. The panel was held in the Conference Room of CAVR in Dili over the course of a day. The speakers of the panel discussion were : Vicente Faria,, member of the National Parliament from Fretilin Party, Tiago Sarmiento from JSMP, Nugroho Katjasungana from CAVR and Maria Afonso, a representative of the victims and who also represented the National Alliance for the International

Tribunal.

Other Participants in the discussion included International NGOs , families of the victims from 9 districts, (the respective districts were Viqueque, Lospalos, Manatuto, Suai, Ermera, Liquiça, Maliana, Baucau and Dili.) Additionally there were student representatives from secondary schools, and several Universities, members of the National Parliament, as well as other individuals. Overall about one hundred people attended/ participated in the panel discussion.

The result of the panel discussion was an agreed upon statement for public release, stating that the National Alliance did not agree with the government's proposal to establish the Commission of Truth and Reconciliation (*Komisi Persahabatan dan Kebenaran (KPK)*). The National Alliance is very concerned with the capability of the *KPK* in granting justice for victims of human rights abuse (serious crimes and crimes against humanity) in Timor Leste. The Alliance holds the view that *KPK* will give immunity to those who committed crimes against humanity, most of whom reside in Indonesia. Many of these individuals are Leaders and ex-Leaders of the Indonesian Army (*TNI*). *



National Workshop on Agrarian Reform

On 17 - 18 February 2005, the Filipino exchange delegation, together with the Land and property NGO Forum Working Group, and also many students held a **National Workshop for Agrarian Reform** over two days in the University of Dili (UNDIL). This workshop had the theme of “*Agrarian Policy for Sustainable Development in East Timor*”. Attendees of the workshop were speakers from the government (Land and Property section of the Department of Justice), farmers from Ermera District, ARD (Associated Rural Development) an institution for drafting regulations for land which is funded by USAID. The workshop was open to everyone, and was also attended by farmers from the 12 Districts, pro-democracy activists and university students. In total 154 people from 36 farmer’s groups and civil society organizations attended the workshop.

The first day of the workshop was enthusiastically

participated in, based on the discussion sessions. The workshop participants had many questions on agrarian reform in other countries, including different regulations, ideas and concepts on agrarian reform and re-commendations, as well as the future of agrarian reform. During the second day of the workshop, together the student groups, farmer’s groups and non-governmental groups spent the day defining a strategy and plan in order to stimulate agrarian reform in Timor Leste.

During this occasion, the organizers also encouraged farmers consolidate and organize, to focus their attention on the issue of land in Timor Leste. A challenge that arose from this national workshop was how to reconstruct the farmer’s movement which has been exploited. The next target set is to develop a farmer’s collectivist movement that is community based with the involvement of students. *

The Reconstruction of Aceh in the Post-Tsunami Era

On 7, 8 and 9 February 2005 in Medan, a workshop was held on the theme of ‘Civil Society Perspectives on the Reconstruction of Aceh’. The workshop was facilitated by international and national NGO’s. The aim of the workshop was to restore and repair the livelihoods of the people of Aceh which were destroyed by the earthquake and tsunami that struck Aceh.

Participants at the conference came from approximately ten different communities in the region, as well as Acehnese activists who came from overseas. Apart from domestic participants there were also international participants such as those from Forum Asia, CAFOD, HAK Association and La’o Hamutuk from Timor-Leste.

At the workshop we listened to and discussed the latest reports about the situation in Aceh and developments there. The reports were conveyed by representatives from the ten communities attending the workshop, and each community presented the situation as it exists in their respective communities. These reports included information on the previous population numbers, those who had died and those who had left the area due to economic difficulty; the condition of the land; access to aid; and the security situation. After the presentations, we tried to classify the existing problems and to sort them into a long-term program that was as simple as possible.

The presence of Timor-Leste at the workshop was considered very important and a great help to the people of Aceh, as we were able to share Timor-Leste’s experience in the post-referendum and transition period of reconstruction. This included an analysis of Timor-Leste’s

experience with international institutions like the United Nations, the International Financial Institutions, the UN Agencies, as well as international NGO’s. Timor-Leste’s experience in returning refugees after 1999 was also considered very important.

Several recommendations arose from the workshop, including:

- A monitoring and analysis institution along the lines of Timor Leste’s “La’o Hamutuk” is very much needed as soon as possible, in order to monitor the international institutions currently working in Aceh.
- There needs to be assistance provided to the refugees still in the refugee camps to return as soon as possible to their villages.
- The reconstruction of Aceh must be based on the wishes of the majority of the people of Aceh, not on the desires of a small group of political elites based in Jakarta.
- Solving the Aceh problem must not only be based upon humanitarian issues but also on the historical and cultural values of the people of Aceh, meaning that the long and drawn-out political conflict must be reassessed and a solution found.

The people of Aceh do not want to be seen as unable to act to repair their lives in the wake of the tsunami with all trauma that it has brought. Instead, it is best if the international community and the Jakarta elites put trust in the people of Aceh to rebuild their lives and their region. The reconstruction will only be successful if it is carried out by the people of Aceh themselves. *

Solidarity Statement from La'õ Hamutuk: Workers Strike at the Central Maritime Hotel



The strike by 71 employees of Central Maritime Hotel, from Saturday March 12th 2005 until approximately March 22nd was a powerful act with potentially effects on the future of workers in Timor-Leste. It is our hope that this dispute has been resolved in a just and equitable way for the workers concerned.

Under International Labour Standards and the national Labour Code, the working day is a maximum of 8 hours, totaling 40 a week. Since 2002, the employees of Central

Maritime Hotel have been working 48 hours a week, without overtime pay. After Central Maritime workers' attempts to negotiate with management numerous times, Central Hotels decided to reduce working hours, though reduced wages as well. La'õ Hamutuk hopes this dispute will not set a precedent for the pattern of industrial relations between large, transnational investors like Central Hotels and our countries' workforce. No company or employer should be exempt from the laws of the countries in which they invest.

Given the current realities of throughout the country, the strong likelihood of the creation of an 'export processing zone' by the government and efforts by the International Financial Institutions to push for fast, efficient means of allowing foreign investment, we have serious concerns over the disregard of labour laws.

La'õ Hamutuk is committed to promoting just and participatory development and reconstruction in our country and we therefore commend the workers of the Central Maritime Hotel in taking this courageous step by demanding their rights.

The international presence in our country includes transnational companies, as well as international institutions. We expect the Central Maritime Hotel to live up to the responsibility of being an employer in Timor Leste by ensuring all its employees' rights are met. *

Position Statement: Peoples's Front for the Defence of Justice

Today we would like to express our welcome to the President of the Republic of Indonesia, Susilo Bambang Yudhoyono, to our country, Timor-Leste. This is the third such visit by an Indonesian President to Timor-Leste since the end of Indonesia's occupation, after previous visits by Presidents Gus Dur and Megawati Sukarnoputri several years ago.

As part of our welcome to your arrival, we would like to remind you that you will be visiting two monuments of differing significance to your government and to our people. You are visiting the Indonesian Heroes' Graveyard, which is located beside the Santa Cruz Cemetery, an important monument for the independence struggle of the people of Timor-Leste. Fourteen years ago, on 12 November 1991, at this place (Santa Cruz, Dili) a tragedy occurred, an attack on the people of Timor-Leste by the Indonesian military under the Commander-in-Chief of the Indonesian Armed Forces, General Soeharto, who at the time was President of Indonesia. At that time also, Kay Rala Xanana Gusmão, President of Timor-Leste who is currently escorting you to the Heroes Graveyard, was the Commander in Chief of FALINTIL, and the leader of those who were attacked at this place fourteen years ago.

Through this welcome, we would like to convey our reflections and aspirations as the people of a nation that was once colonized by the Indonesian government during the New Order period:

· We fully support the friendly relationship between Timor-Leste and Indonesia based on a foundation of justice and equality between two sovereign nations. We also hope that this relationship will extend to a friendship between the people of these two nations.

· This relationship should be based upon the courage to

acknowledge the mistakes of the past and to take responsibility for those mistakes, as well as to destroy a prevalent culture of impunity for those seeking to evade these responsibilities.

· Holding to account those who committed crimes against humanity by bringing them in front of a credible court, as well as justice for the victims, is the responsibility of these two nations. We demand that these two nations cooperate with the United Nations and the international community to establish a truly independent court, to hold accountable those responsible for crimes against humanity. We demand the establishment of an international court ... !!

· The attitude of the Indonesian government regarding the process of the *ad hoc* Human Rights Court in Indonesia, as well as Indonesia's rejection of the UN Commission of Experts application for visas to carry out their investigations does not reflect Indonesia's good will to support a process of international accountability for Crimes Against Humanity in Timor-Leste.

Perpetuating impunity for those guilty of Crimes Against Humanity is a betrayal and affront to the humanitarian values embodied in the 1945 Constitution of the Republic of Indonesia and the 2002 Constitution of the Republic of Timor-Leste. We hope that your visit to Timor-Leste, in particular to the Indonesian Heroes' Graveyard and the Santa Cruz cemetery, representative of Timor-Leste's struggle, represents the beginning of a process of reflection for the President of Indonesia in the interests of the promotion of justice for the people of Timor-Leste. *

Santa Cruz-Dili, 9 April 2005

Editorial:

Extractive Industries Transparency in Timor-Leste: Limitations in Practice

On 2 and 3 February, the World Bank organized the Extractive Industries Transparency Initiative (EITI) Implementation Meeting, in Paris, France. The EITI was founded in June 2003, in London, UK, with the objective of “increasing transparency over payments and revenues in the extractives sector in countries heavily dependent on these resources.” Almost two years later, the meeting in Paris was intended to assess the implementation of EITI principles in many countries which have signed it, including Timor-Leste.

The World Bank invited a representative from *La'o Hamutuk* to make a presentation on the implementation of EITI in Timor-Leste up to now. *La'o Hamutuk* declined the invitation for several reasons, including time and staff limitations, but also because we are not persuaded that the World Bank and EITI decision-makers are sincerely interested in perspectives from civil society which differ from their prevailing views. In our experience with World Bank meetings, we have observed that the Bank often uses civil society to legitimize its own policies, with little concern for genuine participation.

However, *La'o Hamutuk* did prepare a paper entitled *Extractive Industries Transparency in Timor-Leste: Limitations in Practice*, which was distributed during the meeting by friends from Global Witness. In this paper, *La'o Hamutuk* shares its ideas and concerns about the effectiveness (or otherwise) of the implementation of EITI principles in Timor-Leste up to the present, as well as some of the problems with the measures being discussed by Timor-Leste's government.

EITI is not enough

La'o Hamutuk supports EITI's goals of transparency and accountability. We share the understanding that they are necessary to ensure that the resource wealth of a nation benefits its people and to prevent money from being stolen by corrupt company or government officials. However, EITI's voluntary, part-way measures fall far short of what is needed. Of course transparency is important, but it should be mandatory. Governments should publish revenues they receive, but companies must also be held accountable. Democracy is essential at a national level, but involvement and revenue sharing at the local and community levels are also necessary.

At the same time, transparency and accountability are necessary not only for poor countries' governments, but for rich ones and large corporations as well. Some of the most publicized financial crimes in recent years have involved top officials of European and U.S. oil companies, as well as the United Nations. Repression and corruption in Third World oil-producing countries is often initiated, facilitated, or exploited by oil companies based in rich countries. We ask for a binding, global regime which requires not only transparency and accountability, but respect for democracy, the local and global environment, community needs and human rights.

One of EITI's principles “recognize[s] that achievement of greater transparency must be set in the context of respect for contracts and laws.” We are concerned that this could allow existing, secretive contracts and outmoded, anti-democratic laws to conceal information from the public. If EITI is to be effective, it must override current practices

that tolerate an opaque environment where corruption and misuse of money flourish.

The EITI is a very small step in the right direction. If, though, it becomes a substitute for meaningful measures, an excuse to avoid truly effective policies which might be uncomfortable for mining companies or oil-consuming countries, it will be one more curse against people like the citizens of Timor-Leste. We must move beyond the baby steps of EITI to implement mandatory controls on petroleum companies and petroleum-consuming economies to protect current and future generations of people in petroleum-producing countries, as well as the future habitability of our planet.

Timor-Leste and the EITI: Practice falls short of principle

During the EITI founding conference, nearly two years ago, Timor-Leste's Prime Minister Mari Alkatiri stated that: “We recognize that success will only come with good governance ...” “Strong institutional culture and good governance can only be achieved through accountability and transparency in all levels of Government and the public sector.”

Timor-Leste is currently developing its petroleum legislation, and the Government is clearly having difficulties implementing its and EITI's stated goals of transparency and accountability in practice. The EITI goals require involvement of civil society, as well as informed, democratic decision-making.

La'o Hamutuk has detailed our recommendations for the Petroleum Regime and Petroleum Fund in two extensive submissions to the government in late 2004 (see *La'o Hamutuk's submissions in our website: www.etan.org/ lh.*) Although our submissions mention the EITI, we recommend many stricter and more specific measures to ensure transparency and accountability.

One of the EITI principles is that “an informed public understanding of government revenues over time could help public debate and inform choice of appropriate and realistic options for sustainable development.” Unfortunately, Timor-Leste's Government is, as so many other governments of oil-producing countries, heavily influenced by oil companies, immediate revenue desires, foreign governments and IFIs, and those powerful pressures often outweigh public wishes, rights and best interests, especially for the long term. Timor-Leste's Prime Minister wants to issue petroleum licenses in ten months, and as a result, the Government is rushing legislation through without adequate public consultation or debate. They are contracting and conducting seismic exploration before the relevant laws have been enacted.

The Government claims that a “thorough public consultation” was conducted on draft legislation to manage and tax petroleum development. In fact, this consultation was far from thorough, and closely to socialization than true consultation. The draft petroleum laws reflect a priority of facilitating petroleum development, unfettered by significant environmental protection, community consultation, mandatory open and competitive bidding, checks and balances, transparency, oversight, accountability or democratic practice.

Until this day, even after the Council of Ministers has

approved the draft laws, neither the public nor the parliament has been allowed to see the revised versions, even though parliament will be asked to “endorse” them in a few short weeks. After repeated requests by *La’o Hamutuk* to see the revised laws, interim Petroleum Minister José Teixeira told us that “*Once a draft law has been sent to parliament, the release thereof or otherwise to the public is a matter for them.*”

Fortunately the process for designing of the Petroleum Fund has been more transparent and more consultative than the Petroleum Regime, although we are concerned that this process too is heavily influenced by international experts from rich countries, often with limited or biased experience (see *Editorial on page 20*). The pattern of the public consultation meetings still tended towards socialization,

though the process started in an earlier stage, before the law was drafted. Although there was little change from what was mooted in the discussion paper to the proper draft law, the submissions and draft law were readily made public. Another consultation process is in place before the draft is sent to the Council of Ministers, with more opportunity for submissions and new revisions.

We believe this public consultation process is a first step for the Government to prove that “transparency” and “public consultation” won’t be implemented only by repeating the words as mantras, but rather through actual practice. *

(*La’o Hamutuk’s paper Extractive Industries Transparency in Timor-Leste: Limitations in Practice* is accessible in our website: www.etan.org/lh)

Editorial: Tsunami Solidarity (Continued from back page)

training and weapons sales are still banned by the U.S. Congress, due to Indonesian atrocities and impunity in Timor-Leste and West Papua. But the tsunami has not changed the TNI’s human rights record, and Washington still needs to refrain from supplying the tools to make TNI repression more effective.

The tsunami also gave the U.S. military an opportunity to practice operating from ships without on-shore facilities. Interestingly enough, many of the occupation forces’ assaults on Iraq were launched from ships in the Persian Gulf. Although Aceh was a humanitarian operation, this newly-developed capability will be useful for future unilateral wars, as countries are increasingly reluctant to allow U.S. military bases on their territory.

For the love of government

Governments around the world, pressured by their citizens, promised money to help tsunami survivors. Timor-Leste gave \$50,000 to the UN for humanitarian relief, equal to 94 minutes of our Gross Domestic Product (GDP). (By comparison, the U.S. pledge of \$350 million is 15 minutes of theirs.) The World Bank and IMF are allowing Indonesia to delay its debt payments for three months.

Such generosity could enable the Acehnese people to rebuild their lives and communities. But the debt moratorium and many of the donations are not going to the Acehnese people, but to the government in Jakarta. President Xanana Gusmão’s “Operasaun Domin” (Operation Love) collected \$77,000 from Timor-Leste people for tsunami victims, and then presented it as a personal gift to President Susilo Bambang Yudhoyono. To our knowledge, SBY and his family did not suffer from the tsunami.

Operasaun Domin takes advantage of the Acehnese people’s tragedy to ingratiate the government of Timor-Leste with Indonesia. But governments do not love, they only have diplomatic relations. Unlike human feelings of trust, affection and generosity, governmental relations are based only on self-interest.

During the Indonesian occupation of Timor-Leste, nobody

confused a gift to the Suharto regime with benefits for victims in Timor-Leste.

Genuine solidarity

True solidarity is people-to-people. It builds communications and support between the people of other countries and the people of Aceh. Such solidarity can be facilitated by grassroots organizations, but not by governments and international agencies.

After the tsunami hit, activists in Britain, the U.S. and Australia started collecting donations directly for grassroots Acehnese organizations. In contrast with international agencies and NGOs which arrived in Aceh after the destruction, these local groups know the people and the land.

They are trusted by the Acehnese people and can work without paying bribes or getting approval from Indonesian officials. Having lived through years of war and displacement, these groups have experience with refugees and emergencies. They will be in Aceh long after it has faded from the headlines.

The immediate emergency in Aceh is winding down, with most of the dead buried, and temporary shelter and food provided for the survivors. The harder tasks of rebuilding lives, communities,

buildings, infrastructure and society are just beginning. This work will take many years, and should be managed by Acehnese people and organizations, with financial and other assistance from outside.

Over the past five years, people in Timor-Leste have learned much about reconstruction from widespread devastation: what works and what doesn’t, who to rely on and who has their own agenda. Many of the agencies and international NGOs which worked in Timor-Leste are now in Aceh. We look forward to growing cooperation between the people of Timor-Leste and the people of Aceh, as we share our experiences to help in their time of need. This grassroots solidarity will enable trust, peace and human-centered development, restoring dignity and self-sufficiency to survivors of the tsunami. *



Editorial: Tsunami Solidarity

On a single day last December, the earthquake and tsunami killed as many people in Aceh as Indonesia had during a quarter-century of war in Timor-Leste. Natural forces destroyed more buildings and infrastructure than TNI-directed militias did in Timor-Leste in September 1999. The devastation of lives, homes, communities and livelihoods in Aceh is unimaginable, even to those who experienced Black September here.

Before the tsunami, the Acehnese people were already suffering brutal repression by Indonesian military and police. After a brief ceasefire, negotiations collapsed in early 2003, and Indonesia arrested the negotiators and expelled international journalists from Aceh. Martial law and civil emergency in Aceh killed thousands and displaced tens of thousands, mostly civilians with no connection to the GAM independence movement. (*See Editorial, La'ó Hamutuk Bulletin Vol. 4, No. 3-4: August 2003.*) After the tsunami, GAM suspended military operations, but the TNI has continued to fight, killing more than 120 people.

As in Timor-Leste after September 1999, international agencies rushed into Aceh, bringing emergency food, shelter and health care, saving many lives. Aceh is now beginning to rebuild, a process Timor-Leste people know will take a very long time. We also know about the often misguided programs of international multilateral and aid agencies, and their difficulties in listening to the needs and desires of local people.

There is one critical difference between Timor-Leste and Aceh – the continuing presence of the Indonesian military (TNI). The TNI left Timor-Leste after destroying it, allowing us to reconstruct as an independent nation. In Aceh, the military presence remains pervasive, and the Indonesian government suppresses any public expression for self-determination.

The tsunami has brought Aceh to the world's attention, forcing Indonesia to allow international aid workers, journalists and soldiers into the territory. People around the world now know about the military and political issues there. It will be difficult for Indonesia to isolate Aceh again (although they will undoubtedly try), and international interest could help bring a negotiated settlement to the conflict.



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Assistance and opportunism

From all corners of the globe, aid agencies, the United Nations, governments and solidarity activists came to help tsunami survivors. Foreign military forces provided invaluable assistance in reaching remote areas. Many of the foreign soldiers and aid workers were unaware of the hostile relationship between the Acehnese people and the Indonesia government. They thought Indonesian government limitations on their work resulted from nationalism or ingratitude, but the TNI was actually using foreign workers to facilitate its control of Acehnese communities.

Although Jakarta initially resisted foreign assistance, the Indonesian government soon realized that it could not manage this disaster without outside help. Some officials envisioned corruption possibilities in the large inflows of aid. Corruption has, since the beginning of January, been widely reported.

At an international level, Jakarta and Washington want to exploit the tsunami to restore full military relationships between Indonesia and the United States. Some military

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What is La'ó Hamutuk?

La'ó Hamutuk (Walking Together in English) is an East Timorese non-governmental organization that monitors, analyzes, and reports on the principal international institutions present in Timor Lorosa'e as they relate to the physical, economic, and social reconstruction and development of the country. *La'ó Hamutuk* believes that the people of East Timor must be the ultimate decision-makers in this process and that this process should be democratic and transparent. *La'ó Hamutuk* is an independent organization and works to facilitate effective East Timorese participation. In addition, *La'ó Hamutuk* works to improve communication between the international community and East Timorese society. *La'ó Hamutuk's* East Timorese and international staff have equal responsibilities, and receive equal pay. Finally, *La'ó Hamutuk* is a resource center, providing literature on development models, experiences, and practices, as well as facilitating solidarity links between East Timorese groups and groups abroad with the aim of creating alternative development models.

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