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Democracy in Timor-Leste

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Abstract

Timor-Leste has since 1999 been going through one of the most extensive processes of post-conflict peacebuilding undertaken by the United Nations up till today. Post-conflict peacebuilding entails comprehensive rebuilding of states emerging from violent conflict and aims to establish democracy and market economy. This thesis examines the state of democracy in Timor-Leste today, after almost ten years of post-conflict peacebuilding. The analysis is based on the theory of the five arenas of consolidated democracies by Linz and Stepan, and Diamond.

The findings of the thesis are that the current Timorese society suffers from many problems related to democracy. All five arenas, *political society*, *civil society*, *rule of law*, *bureaucracy* and *economic society* are quite frail and are still in much need of support from the United Nations and others. The fragility of the rule of law poses a major obstacle to further democratic development, as do the lack of a functioning bureaucracy and economic growth. Although the presidential and legislative elections held since 1999 have been somewhat successful the political society suffers from problems to adapt to democratic norms of government.

Keywords: Timor-Leste, democracy, post-conflict peacebuilding, United Nations

Contents

1   Introduction

Post-conflict peacebuilding is a term that describes the comprehensive process of creating and establishing peace in a state that has emerged out of a violent conflict such as a civil war. Post-conflict peacebuilding, however, entails more than merely keeping the peace or a cease-fire, it also entails a reformation of society with the aim to prevent the violent conflict from re-emerging even in the long term. A key aspect of this kind of reformation is the establishment of a democratic state in the country emerging from conflict. This encompasses not only the holding of elections for a new, post-conflict government, but also efforts such as drafting new constitutions and introducing market economy.

One of the most extensive processes of post-conflict peacebuilding yet was undertaken in Timor-Leste in 1999 when the United Nations oversaw the transformation of Timor-Leste, from a territory wrongfully occupied by Indonesia, into an independent state. The United Nations then administered the country until 2002 and has remained afterwards to support the rebuilding of the Timorese society.

1.1   Purpose

The purpose of this thesis is to undertake an analysis of the state of democratic development in the country of Timor-Leste, as it is after an almost ten year long peacebuilding process. The purpose is not to evaluate the peacebuilding effort, but to try to evaluate the "level" or "amount" of democracy in the current Timorese society. The thesis will aim to discuss the democratic content of the Timorese society on the basis of a framework of democracy theory.

1.1.1   Questions

This thesis will strive to answer two related questions;

After ten years of post-conflict peacebuilding, what is the state of democracy in Timor-Leste today?,

and,

What are the strengths and weaknesses, from a point of view of democracy, in Timor-Leste?

1.2 Method

The method used for this thesis is one where theory is used to examine and analyse a specific case, in this instance democracy in Timor-Leste. Therefore it is the case that is the focus of the thesis and the theoretical framework is meant to function as a tool in the analysis of this case. (Esaiasson and others, 2004 p.40)

The choice of case for this thesis is based on the fact that Timor-Leste has been through one of the most extensive and longest processes of post-conflict peacebuilding ever undertaken. It therefore presents itself as an appropriate case for studying the development of democracy in a country that has experienced this form of intervention.

Even though the case is the focus of the analysis, the theoretical framework according to which the case is to be examined must also reflect the subject of the thesis, in this instance "democracy". Democracy, as a theoretical concept, can be defined and used in many different ways. The academic discussion of democracy does, as David Beetham writes, include many, sometimes even incompatible, conceptions of democracy such as; democracy as institutional procedure or as normative ideal, elite versus participatory democracy, majoritarian versus consensual democracy and democracy as the realization of equality or the negotiation of difference. (Beetham, 1999 p.1)There is, therefore a need to choose which theory, or conception of democracy, that suits the purpose of the thesis.

This thesis will use a theoretical framework based on Juan Linz and Alfred Stepans', as well as Larry Diamond's theories of consolidated democracy. Because, even though Timor-Leste can not be considered a consolidated democracy, these theories offer a broad view of the mechanics of democratic societies, and the pieces that must be in place for democracy to function. The idea is to use these theories of consolidated democracy as an ideal to which the Timorese society can be compared and evaluated.

1.3 Material and Sources

The theoretical framework is mainly based on the works of Juan Linz and Alfred Stepan, and of Larry Diamond, on consolidated democracy, but supplemented by Susan Rose-Ackerman and Daniel N. Posner in the discussions of the rule of law and civil society.

The definition of concept of post-conflict peacebuilding and its connection to democracy is based on theory produced by scholars within this field, such as Roland Paris and He-Won Jeong, but some information is also taken directly from the United Nations.

The empirical data on Timor-Leste has been gathered both from organizations that collect information on the countries of the world, such as Freedom House, Transparency International and the World Factbook compiled by the CIA, and

from scientific articles written on the subject of Timor-Leste. This combination of sources will hopefully give a picture of the situation in Timor-Leste that is a as accurate as possible

1.4   Delimitations

The development that has taken place in Timor-Leste since 1999 is very extensive and multi-layered. Therefore, there is a need to choose which aspects to study and what to include and not include in an analysis of this development.

Two major delimitations are important to this thesis. Firstly, when discussing the democratic content in Timor-Leste, it is of course important not to assume that there was no democracy or democratic tendencies before 1999, or that the events after 1999 and up till now have not been influenced by the earlier history of Timor-Leste. This thesis does not presume that Timor-Leste was a "blank slate" prior to independence, but it will not consider past political and social conditions in the same detail as the current conditions as these are of more interest in this particular case.

Secondly, this thesis focuses on the United Nations as peacebuilder but it is important to remember that many other actors also are involved, and often work together on peacebuilding missions. These other actors will however not be dealt with in this text, given that the United Nations has had the main responsibility for the rebuilding of Timor-Leste.

1.5   Outline

This thesis is divided into six main sections. This first introductory section is followed by an account of the history of Timor-Leste up to 1999 and the United Nations takeover of the country. The third section of the thesis focuses on the development of "peacekeeping" into "post-conflict peacebuilding", what this latter concept entails and how it connects to the idea of democracy. The fourth section presents the theoretic framework and the fifth section consists of a discussion of the current situation in Timor-Leste on the basis of that framework. The sixth section presents the conclusion of this thesis.

2 Timor-Leste

Timor-Leste is situated in Southeastern Asia, northwest of Australia in the Lesser Sunda Islands at the eastern end of the Indonesian archipelago. It includes the eastern half of the island of Timor, the Oecussi (Ambeno) region on the northwest portion of the island of Timor, and the islands of Pulau Atauro and Pulau Jaco. The country was formerly known as East Timor or Portuguese Timor, but today the conventional long form of the country's name is the Democratic Republic of Timor-Leste while the conventional short form is Timor-Leste[1]. The country's capital is Dili. Estimations of the size of the population range, according to the CIA World Factbook, from as low as 800,000 up to 1,108,777. The Timorese population is divided into three ethnic groups, Austronesian (or Malayo-Polynesian), Papuan and a small Chinese minority, and a majority of the population (98 percent) is Roman Catholic. There are about sixteen indigenous languages in Timor-Leste with Tetum, Galole, Mambae and Kemak being spoken by significant numbers of people. However, the official languages of the country are Tetum and Portuguese. Indonesian and English are also spoken. (CIA World Factbook)

2.1 History

The first inhabitants of the island of Timor probably came from Australia 14000 years ago and were followed by immigrants from the Indonesian islands and the Asian mainland. Portugal and the Netherlands started colonising the island during the 16th and 17th centuries and in 1859, after 200 years of fighting between the two colonial powers; the island was split into a western, Dutch part, and an eastern, Portuguese part. (Sweden Abroad) According to Freedom House the Portuguese did very little to develop their area. (Freedom House)

The domestic Timorese resistance to the Portuguese colonial power existed from the start of the colonisation but did not become truly organised until after the Second World War. In 1974 a coup d'état in Portugal led to a change of regime that had great consequences for Timor-Leste and the other Portuguese colonies. The new Portuguese regime started to de-colonise and supported Timorese independence. Prior to the independence several political parties were formed in Timor-Leste the most popular being the radical Frente Revolucianária do Timor

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[1] The names "East Timor" and "Timor-Leste" are both commonly used in literature today but this thesis uses only the latter, even when discussing events prior to the date of independence.

Leste Independente (Fretilin). However, Indonesia was worried by the developments in Timor-Leste, partly because Fretilin was seen as a communist threat, and partly because independence for Timor-Leste could lead to struggles for independence in parts of the ethnically divided Indonesia. The threat of an Indonesian intervention prompted Portugal to leave Timor-Leste sooner than planned and in August 1975 civil war broke out between Fretilin and two parties supported by Indonesia. Fretilin won the civil war and declared Timor-Leste as an independent state on the 28th of November 1975. In answer, Indonesia invaded the island on the 7th of December of the same year, and the following year the Indonesian government proclaimed that Timor-Leste had been incorporated as the country's 27th province. (Sweden Abroad)

Somewhere between 100 000 and 200 000 people is estimated to have been killed or to have died of indirect causes following the annexation, such as starvation and disease, during the first five years of the Indonesian occupation. Neither the Timorese, nor the surrounding world accepted the annexation and the military branch of Fretilin, Falintil, engaged in guerrilla warfare with the Indonesian military. Political means, such as student- and youth organisations, the Catholic Church and exiled Timorese, were also used in the battle against the occupational power. Indonesia retaliated mainly by military force, but also through transmigration- and assimilation politics. The living standard of Timor-Leste improved somewhat during Indonesian rule, but it remained the poorest province in the country. (Sweden Abroad)

The international pressure on Indonesia increased in 1991 when a massacre of a Timorese funeral procession, by the Indonesian military, was filmed and distributed outside of the island. The demands for Timorese independence sharpened after this incident, but it was not until 1998, when the Asian economic crisis, and its effects on the political life in Indonesia, hit that any major changes started to occur. A new regime in Indonesia allowed a referendum to decide whether Timor-Leste should be an independent state or an autonomous province of Indonesia. (Sweden Abroad) The referendum was overseen by The United Nations Mission in East Timor (UNAMET) which was established on the 11th of June 1999 and ended on the 25th of October 1999. (United Nations **1**)

Despite that the period leading up to the referendum was violent, the referendum was held on the 30th August in 1999 with the result that a little over 78 percent voted for independence. The result led to a new outbreak of violence where Indonesia-supported militia lay waste to large parts of Timor-Leste, destroying 80 percent of the infrastructure (including the burning down of 95 percent of the schools), killing 1400 people and forcing half a million people to leave their homes. The violence also made international aid agencies, including the United Nations, evacuate their personnel. Strong international pressure forced Indonesia to finally allow an Australian-led military force to restore order in Timor-Leste, after which the United Nations took control of the territory. (Sweden Abroad)

3   Post-conflict Peacebuilding

In the book *At War's End – Building Peace after Civil Conflict*, Roland Paris presents a terminology that differentiates between different types of peacekeeping and peacebuilding missions. According to this terminology, *peacekeeping* entails deployment of a lightly armed, multinational delegation of military personnel for non-enforcement purposes, such as the observation of a cease-fire. *Peace enforcement* refers to the threat, or use, of non-defensive military force to impose, maintain, or restore a cease-fire, while the term *peacebuilding* refers to actions undertaken at the end of a civil conflict to consolidate peace and prevent a recurrence of fighting. Peacebuilding missions, however, involve deployment of military and civilian personnel from several international agencies, with a mandate to conduct peacebuilding in a country that is just emerging from a civil war. (Paris, 2004 p.38)

The United Nations main security activity during the Cold War was made up of *peacekeeping* and the first major peacekeeping operation took place in Egypt in 1956. During the beginning of UN peacekeeping there was much emphasis on the need for neutrality and objectivity on the part of the UN forces and personnel. Two years after the mission in Egypt, UN Secretary-General Dag Hammarskjöld stated that all future peacekeeping operations "must be separate and distinct from activities by national authorities" and that they must only address the "external (that is international) aspects of the political situation" (Paris, 2004 p.14). Hammarskjöld was thereby stressing the point that the UN should not become involved in local affairs, neither with local politicians nor with the public, as this was believed to jeopardise the effectiveness of the operations. These 'traditional' principles dominated peacekeeping until 1989. (Paris, 2004 p.13-15)

The end of the Cold War, however, brought a sudden change to the conditions for UN peacebuilding. In 1992 UN Secretary-General Boutros Boutros-Ghali issued a policy statement which offered a new classification of peace operations, suitable for the post-Cold War era. The policy statement differentiated between peacekeeping, peace enforcement, and *post-conflict peacebuilding*. (Paris, 2004 p. 18-19) Those missions that fit the UN Secretary Generals' classification as post-conflict peacebuilding tend, according to Bertram, to share four main characteristics. Firstly, they deal with conflicts within, rather than between, states. Secondly, the host government is one of the parties to the conflict. Thirdly, the aim of these operations is to develop and/or implement a political transition following or accompanying an end to military hostilities, and fourthly, they aim to reform or establish basic state institutions. Post-conflict peacebuilding operations therefore often involve a complex sequence of three core elements. The first element consists of the monitoring of ceasefires. The second element involves disarming and demobilizing one ore more armies as well as creating and training a

new integrated national army and/or police force, while the third element consists of supervising, or conducting national elections with the aim to install a new government. (Bertram, 1995 p.388-389) Keating and Knight writes that peacebuilding has been adopted, as a concept and strategy, by national governments as well as NGOs and IGOs, as a means by which the international community can contribute to the resolution of intrastate conflict, and to the reconstruction of a culture of peace in post-conflict situations. (Keating and Knight, 2004 p.xxxi)

Jeong argues that, although the operating goal of peacebuilding is considered to be to prevent the revival of violent conflicts, it should not be understood only as a short-term prevention strategy. The main goal is to gradually create conditions under which there no longer is any reason to go back to the use of destructive means. Thus, peacebuilding is a long-term activity that goes beyond the immediate goal to stop an armed conflict. However, to achieve this goal, the root causes of the conflict have to be tackled by structural transformation. For this reason, peacebuilding, has to be aimed at addressing 'the principal political, economic, social and ethnic imbalances that led to the conflict in the first place' (Jeong, 2005 p.4). Peacebuilding, therefore, can generally be characterized in terms of supporting 'structures which will tend to strengthen and solidify peace in order to avoid relapse into conflict' (Jeong, 2005 p.4). In cases where peacebuilding is applied to failed states, or for the creation of new states, direct international rule might be imposed during a transition period. In these situations, local groups are seen as incapable of exercising administrative authority due to political differences or a lack of administrative capacities. An international transition authority can in cases like these take over the administration and, not only get involved in restoring physical infrastructure and facilities, but also provide basic social services and other essential government functions. (Jeong, 2005 p.81) Paris writes that post-conflict peacebuilding missions therefore differ from traditional peacekeeping not only in their functional capacity, but also in their composition as they are characterized by a new and greater division of labour between the UN and other international organisations and agencies. (Paris, 2004 p.18-19) These organisations and agencies include civil society and NGOs, as well as national governments, international and regional organizations. (Keating and Knight, 2004 p.xxxiii)

Keating and Knight offer a summary of global politics since the end of the Cold War which they argue can be seen as marked by two distinct by interrelated trends. The first trend is made up of the persistence of violent conflict, much of it in the form of civil wars or internal repression where a majority of the victims are civilians, which have become matters of increased international concern. The second trend is the concern that actors within the international community have displayed for human rights, individual security and good governance, alongside an increased willingness among these actors to intervene in internal affairs of countries in support of these concerns. (Keating and Knight, 2004 p.xxxii) Francis Fukuyama also writes that the end of the Cold War brought about a much greater consensus within the world community over the principles of political legitimacy and human rights than before. These new post-Cold War circumstances have

made intervention by outside powers, in countries where human rights are violated to be seen as, not only a right, but an obligation. (Fukuyama, 2005 p.130-131)

3.1   Post-conflict Peacebuilding and Democracy

The first purpose of the UN, according to the UN Charter, is to save succeeding generations from the scourge of war. The second purpose revolves around the respect for human rights while the third purpose is to promote social progress and better the standards of life for people around the world. The word "democracy" does not appear in the UN Charter, and it is not one of the stated purposes of the UN to foster democracy, to initiate the process of democratisation, or to legitimise other actors' efforts in this field. Neither is democracy a precondition for UN membership, yet it propagates electoral democracy as the basic model of governance for countries to use. (Rich and Newman, 2004 p.5-10) However, since the beginning of the 1990s there has, as mentioned above, been a change in the nature of UN operations. This change entails, not only a move toward greater military involvement with aim of *enforcing* the peace, but also a move toward a prominent role for the UN as an agent of democratic transitions. (Bertram, 1995 p.388) Since 1988 most UN missions have taken the form of post-conflict peacebuilding and the common feature of these missions is, according to Paris, that they all used the same strategy to obtain the goal of stable and lasting peace in war-shattered countries, namely: democratization and marketization. This means that the usual formula for peacebuilding includes promotion of civil and political rights; preparing and administering democratic elections; drafting national constitutions; training or retraining police and justice officials; promoting development of independent "civil society" organisations and transformation of formerly warring groups into democratic political parties; encouraging development of free-market economies by eliminating barriers to the free flow of capital and goods within and across a country's borders; stimulating growth of private enterprises while reducing the states role in the economy.(Paris, 2004 p.18-19)

     One of the reasons behind the change in the nature of UN operations and the international community's attitude towards intervention in internal affairs was, as mentioned before, the end of the Cold War and the demise of the tensions between the superpowers of this time. The new conditions of the 1990s meant that there no longer was any apparent disagreement in world politics over the definition and appeal of democracy and "liberal democracy" came to be the conventional and "correct" definition of democracy. (Paris, 2004 p.21) However, the appeal of democracy for peacebuilders also rests on the theory of the "liberal peace thesis". This thesis is derived from the general conclusion that has emerged around the finding that market democracies seldom go to war against one another, and on similar studies that concluded that market democracies are less prone to

civil conflicts. (Paris, 2004 p.42) Former United Nations Secretary-General Boutros Boutros-Ghali, for instance, observed that 'a culture of democracy is fundamentally a culture of peace'. (Diamond, 1999 p.5) In 2005, in a follow-up to the outcome of the Millennium Summit, United Nations Secretary-General Kofi Annan said that the prevention of war is the most important of the UNs efforts, and that it must be achieved through the combating of poverty and promotion of sustainable development, including the promotion of democracy and institutional capacities. The Secretary-General also argued that democracy is a universal right, not reserved for any country or region in the world. (United Nations **2**, 2005 p.29, 38)

4 A Theory of Democracy

As Jeong writes, holding elections is only the first step toward the establishment of a functioning political system and multiparty democracy through post-conflict peacebuilding. Democratic elections can be an important condition for fulfilling a fundamental human right, as well as a way to seal the legitimacy of new power structures, but elections are not by themselves sufficient to structure a viable and sustainable democratic order. Thus, elections can not be viewed as being equal to, or the same as, democracy without established rules accepted by all players. (Jeong, 2005 p.114)

This is also in accordance with the definition of a consolidated democracy, meaning a situation where democracy has become "the only game in town". (Linz and Stepan, 1996a p.4) According to Juan J. Linz and Alfred Stepans definition of a consolidated democracy, consolidation happens on three different levels; a behavioural level, an attitudinal level and a constitutional level.

For a democratic regime to be seen as consolidated on a behavioural level, there can be no significant national, social, political, or institutional actors, within the territory, that spend significant resources attempting to achieve their goals through nondemocratic means or turning to violence or foreign intervention to secede from the state. Attitudinally, a democratic regime is consolidated when a strong majority of the public believes that democratic procedures and institutions are the most appropriate way to govern the collective life of their society, and when the support for alternative antidemocratic systems is small or more or less isolated. Lastly, a democratic regime is seen as constitutionally consolidated when governmental and nongovernmental forces alike, throughout the territory, become subjected and habituated to forms of conflict resolution that adhere to specific laws, procedures, and institutions that are sanctioned by a democratic process. (Linz and Stepan, 1996a p.6)

Larry Diamond writes that consolidation is most usefully construed as the process of achieving broad and deep legitimatization, in such a way that all significant political actors, at both elite and mass levels, believe that the democratic regime is the most right and appropriate for their society. This legitimatization involves more than normative commitment to democratic values as it must also be evident and routinized in behaviour. Consolidation therefore encompasses "habituation", in which the norms, procedures, and expectations of democracy becomes so internalized that actors routinely and instinctively conform to the written rules of the game, even when they engage in conflict and competition with each other. (Diamond, 1999 p.65)

4.1   Arenas of Democracy

Linz and Stepan also writes that, since democracy is a form of governance no modern polity can become democratically consolidated unless it is first a state. If a functioning state does not exist, neither can a consolidated modern democratic regime. However, if a functioning state does exists, five other interconnected and mutually reinforcing conditions must also exist for a democracy to be consolidated. Linz and Stepan denotes these conditions the five arenas of a consolidated democracy. These arenas are; 1) civil society 2) political society 3) rule of law 4) state bureaucracy and 5) economic society. (Linz and Stepan, 1996a p.7) So, according to Linz and Stepan, a modern consolidated democracy can be conceived of as being composed of five major interrelating arenas that each has their own primary organizing principle. Democracy should therefore be seen as an interacting system, where no single arena can function properly without some support from one, or all, of the other arenas. Each arena also has an affect on the other arenas, which means that there are constant mediations between arenas. (Linz and Stepan, 1996a p.14-15)

4.1.1   Civil Society

Linz and Stepan describes civil society as an arena of the polity where self-organizing groups, movements, and individuals, relatively autonomous from the state, attempt to articulate values, create associations and solidarities, and advance their interests. Civil society can therefore include many different social movements and civic associations from all social strata. In addition to this range of organizations and organizations, including religious communities, student associations, and trade unions, civil society is also made up of ordinary citizens who are not part of any organization. These citizens are also important as they take part in protests and demonstrations and express their opposition or support of specific measures and challenge the regime. (Linz and Stepan, 1996a p.7-8)

Diamond defines civil society as a realm of organized social life that is open, voluntary, self-generating, at least partially self-supporting, autonomous from the state, and bound by a legal order or set of shared rules. Civil society also organizes the public so that it is committed, not just to its many narrow interests, but to larger, common, so called "civic" ends. Civil society stands as an intermediary phenomenon between the private sphere and the state. Diamond writes that a vibrant civil society serves the development, deepening and consolidation of democracy in many ways. The first, and most basic, of these is the way in which civil society provides a basis for the limitation of state power, as it functions as control of the state by society. (Diamond, 1999 p.221, 239)

Those groups that make up civil society in a country can be both formal and informal and, as mentioned before, include many different organizations from cultural, civic and educational to economic, issue-oriented and developmental. (Diamond, 1999 p. 222) Furthermore, civil society, as Daniel N. Posner writes, can be seen as empty vessel, and can therefore be filled with groups that either foster social cooperation, and improve the lives of the citizens, or with groups that show distrust and encourage violence, such as warlord gangs, paramilitary groups and mafia organization. Groups of this kind of civil society groups can of course have negative effects on the consolidation of democracy. (Posner, 2004 p.237)

4.1.2 Political Society

The second arena of democracy that Linz and Stepan present is political society. This is the arena in which the polity arranges itself to compete over the legitimate right to exercise control over public power and the state apparatus. The formation of political society must include serious thought and action concerning the development of the core elements by which a democratic society selects and monitor government, meaning political parties, elections, electoral rules, political leadership, interparty alliances, and legislatures. (Linz and Stepan, 1996a p.8) Democratic consolidation requires political parties to aggregate and represent the differences between citizens and it also requires habituation to the norms and procedures of democratic conflict-regulation. Political society should serve as an intermediary between the state and civil society and as a tool for structuring compromise between the two. (Linz and Stepan, 1996b, p.18)

Larry Diamond introduces the concept of "political culture" and writes that it is made up of a people's predominant beliefs, attitudes, values, ideals, sentiments and evaluations about the political system of their country and the role of the individual in that system. The components of political culture can furthermore be classified into three types of orientation: 1) cognitive, involving the knowledge of and beliefs about the system 2) affective, consisting of feelings about the system and 3) evaluation, including commitment to political values and judgement about the performance of the political system relative to those values. Diamond writes that while political culture affects the character and viability of democracy, it can be shaped and reshaped by many factors. Those factors include not only political learning (from historical experience, institutional change and social structure) but also changes in economic and social structure, international factors as well as the functioning and habitual practice of the political system itself. (Diamond, 1999 p.163, 165)

4.1.3 Rule of Law

The third arena of democracy is the rule of law. In a consolidated democracy civil and political society need to be embedded in and supported by the rule of law to secure their autonomy and independence. All significant actors, including the government and the state, must respect and uphold the rule of law. The rule of law must also be embodied in a spirit of constitutionalism. This entails a relatively strong consensus over the constitution and especially commitment to "self-binding procedures of government that require exceptional majorities to change. It also requires a clear hierarchy of laws, interpreted by an independent judicial system and supported by a strong legal culture in civil society. (Linz and Stepan, 1996a p.10)

Susan Rose-Ackerman writes that the rule of law has two fundamentally different aspects. The first aspect concerns legal limits, both civil and criminal, on private interactions. The second concerns limits on the political regime. (Rose-Ackerman, 2004 p.182) This second aspect of the rule of law therefore concerns the legal accountability of public officials. Rose-Ackerman writes that a political compromise that settles a civil war or accompanies a change of regime must include not only provisions for popular elections but also constraints on the behaviour of elected officials as well as career bureaucrats. Accountability can be established both through limitations on the power of politicians and political institutions and through the creation of independent monitoring and enforcement organizations. However, the citizens can only function as a check on the government and the state if these provide the citizens with information on their actions.   There must also be convenient means for citizens to lodge their complaints and a protection for citizens against possible reprisals. Lastly, government officials must find it in their interest to respond to complaints. (Rose-Ackerman, 2004 p.196-197)

In states which have emerged from violent conflict truth commissions can be designed to create better conditions the establishment of a new rule f law. Rose-Ackerman writes that these types of commission can provide some accounting for past wrongs, as well as shed light on the institutional practices and networks that maintained the former system. (Rose-Ackerman, 2004 p.186)

4.1.4 Bureaucracy

A functioning and usable bureaucracy is the fourth arena of the consolidated democracy. Civil society, political society and the rule of law are much more likely to function if the democratic leaders have the help of a working bureaucracy. Linz and Stepan argues that to be able to protect the rights of citizens and to deliver other basic services, a democratic government needs to be able to exercise effectively its claim to the legitimate use of force in the territory. And even if the state had no other functions than these, it still has to be able to extract taxes to pay for police, judges and basic services. Modern democracies, therefore, need effective bureaucracies to command, regulate and extract taxes. (Linz and Stepan, 1996a p.10-11)

4.1.5 Economic Society

The fifth and final arena that a consolidated democracy requires is the arena that Linz and Stepan denotes economic society. Economic society is made up of socio-politically crafted and socio-politically accepted norms, institutions, and regulations that mediates between state and market. Consolidated democracy is therefore impossible in both pure command economies and in pure market economies. (Lin & Stepan, 1996a p.11) A democracy needs to produce policies that generate government-mandated public goods in areas of education, health and transportation, and it also needs to provide some economic safety net for citizens as well as some alleviation of gross economic inequality, or else they would not function. Therefore, even the most pure market economies must be transformed into mixed economies (with the norms, regulations, policies and institutions of economic society) in order to become viable democracies. (Linz and Stepan, 1996 p.22)

  Rose-Ackerman writes that economic conditions of a newly established state are unlikely to improve unless the legal building blocks for private economic activity are in place. In countries that have just become committed to democracy and the free market, laws governing the private market either do not exist or are likely to be vague or contradictory. As a result of this many new democracy need to create new law, in addition to publicizing the existing rules. Other aspects of economic law include laws of private organizations such as for-profit corporations, banks, and labour unions; laws governing financial markets and bankruptcy; and basic rules concerning environmental protection, working conditions, and the safety of products and workplaces. (Rose-Ackerman, 2004 p.189-190)

4.2 Summary

Democracy is more than holding free and public elections, as Linz and Stepans' and Larry Diamond's theories of consolidated democracy shows. A consolidated democracy is a society in which democracy is "the only game in town", meaning that no other system of government is a real alternative, and when no particular group or faction of society strive to undermine the democratic system. Democracy is, as Linz and Stepan put it, consolidated behaviourally and attitudinally, as well as constitutionally. Therefore, society as a whole must be working together to build and uphold the democracy.

Linz and Stepans' theory of the five arenas of democracy offers an illustration of how this functions and it also offers a way of studying the democratic content of a society. Political society, civil society and the rule of law are the three arenas that receive the most attention in the literature and are more thoroughly described than bureaucracy and economic society. Diamond also focuses on civil society and "political culture" as two important dimensions of democracy that are reinforced by the rule of law. However, it is important to remember that all five arenas interact and have an effect on each other. For instance, political society, civil society, bureaucracy and economic society are all bound by the rule of law, political society and civil society both help to strengthen as well as limit one another and a functioning bureaucracy is needed for a functioning rule of law.

5   Democracy in Timor-Leste

According to Linz and Stepans' and Diamond's definitions Timor-Leste probably can not be said to be a consolidated democracy. Nevertheless, the country has undergone an almost ten year long process of post-conflict peacebuilding, of which one aspect is to create conditions for democratic society in countries where this has been absent before – or destroyed by – violent conflict. As such an assumption could be made that some democratic development should have taken place in Timor-Leste since 1999.

The analysis section of this thesis will try to examine this assumption by using the theory of the five democratic arenas: political society, rule of law, civil society, bureaucracy, and economic society. As theoretical concepts these five arenas are very broad and encompass many different aspects and as such they open up for an extensive analysis of societies. Yet, this also means that perhaps not all aspects of the different arenas can be included in an analysis, but that some aspects might be chosen over others, depending on the country of study or the access to information relating to the arenas. The analysis below will therefore focus on certain aspects of the different arenas, to try to shed light on democracy in Timor-Leste, while some aspects will be left out.

5.1   Political Society: Elections and Political Parties

The analysis of the political society in Timor-Leste will focus on the two presidential and legislative elections held in Timor-Leste since 1999 and the development of a multi-party system.

On the 25th of October 1999 UNAMET was succeeded by The United Nations Transitional Administration in East Timor (UNTAET). UNTAETs mission was to administer the territory and to support legislative and executive authority during the transition period as well as capacity-building for self-government. (United Nations **3**) The first election held in Timor-Leste was the election of an 88-member Constituent Assembly (later turned in to Timor-Leste's first parliament) that was held in August 2001. The election used a mixture of district plurality and proportional representation as each of the country's administrative districts elected one representative through plurality, while the remaining 75 seats were filled through nationwide proportionality. (King, 2003 p.746) More than 91 percent of the electorate participated in this first election and of the sixteen political parties and five independents that contested at the national level, twelve parties won seats. Four parties accounted for 82 percent of the vote and Fretilin received the largest share with 57 percent. All of the candidates elected for the

district representative seats were candidates who identified with Fretilin. (King, 2003 p.747)

The fact that Fretilin had such strong support in the election did not come as a surprise. Fretilin was closely associated with the struggle for independence and could therefore claim legitimacy as the best representative of the new country. (King, 2003 p.750) It was also one of the few parties that had time and resources to establish itself in the local arena in time for the election and create a countrywide structure. (Hohe, 2003 p.308) However, Fretilin itself and many others had predicted that the party would get as much as 80 to 85 percent of the vote. The fact that Fretilin did not reach this goal showed that the Timorese electorate had more political savvy than most experts believed before the election. King writes that two types of strategic voting occurred in this first election. Some Timorese voted for Fretilin in local elections but chose another alternative in the national election while some voted for the second largest party, ASDT, at national level and cast an invalid (blank) vote locally. The number of people who voted for Fretilin also varied across geographical regions. (King, 2003 p.749-757)

The first presidential election was held in April 2002 and was won by former Falintil leader Xanana Gusmao. The voter turnout for this election was 86 percent, slightly less than the election for the Constituent Assembly. (King, 2003 p.747-749) Timor-Leste then became an independent state in May 2008 (Freedom House)

These two elections, the election for the Constituent Assembly (Parliament) and the election for president, were both held prior to independence and with support of the United Nations. The voter turnout was very high which could be said to indicate that the Timorese electorate accepted this new form of multi-party system. However, the time between the United Nations intervention and the first legislative election was perhaps not enough for new or smaller parties to gain support from the electorate, resulting in the high number of votes for the well known Fretilin and its representatives. It could therefore be argued, that although the electorate accepted the system of democratic multi-party elections it did perhaps not vote on the basis of their knowledge of the different political agendas, but more out of tradition and a sense of allegiance to Fretilin as a former leader in the struggle for independence. This could also be seen to have given Fretilin the advantage to establish itself as the country's leader even before independence in relation to other political parties, and shape the future political competition in Timor-Leste.

The political savvy shown by the Timorese electorate in this first election is however an indication on the potential of a democratic multi-party system of government in Timor-Leste. Nevertheless, it is clear that the political elite in Timor-Leste are those that are connected to the independence struggle as the first elected president Gusmao, was also one of the best know profiles during the Indonesian occupation. This development of the political life is perhaps not very surprising, and the two early elections clearly reflect the will of the people, but it means that former combatants of an occupation now are supposed to compete against each other and other parties according to the rules of democracy, or the

norms and procedures of democratic conflict-regulation as Linz and Stepan puts it.

The difficulties of transforming the political society into a democratic political society became more apparent by the second legislative election in. Fretilin won solid victories in the country's first local elections in 2004 and 2005 but the presidential and legislative elections in 2007 revealed a significant decline in public support for Fretilin. The presidency was won by the Prime Minister, the independent José Ramos Horta, and he assumed office on the 20th of May 2007. The legislative elections, however, yielded no clear winner and deadlock ensued between Fretilin and the Alliance of Parliamentary Majority (AMP), a coalition of four political parties. In August, President Horta made former president and AMP-leader, Gusmao, prime minister and granted authority to the AMP. This led to eruptions of violence among Fretilin supporters but, by early fall, they took their seats in parliament. (Freedom House)

Although this election showed an increase in the actual political competition between political parties (Fretilin not receiving an overwhelming majority of votes), that resulted in a change of regime, the conflict that ensued could not be solved through peaceful, democratic means. This demonstrates that the political society in Timor-Leste is still not fully developed to handle deeper conflicts according to democratic norms.

5.2 A Fragile Rule of Law

The justice sector is, according to Grenfell, considered to be one of Timor-Leste's frailest sectors. (Grenfell, 2006 p.306) The analysis of the rule of law will focus partly on this, but also on the problem of upholding peace and security and the presence of political violence in the country.

The current legal system in Timor-Leste was drafted by UN and based on Indonesian law, but is to be replaced by civil and penal codes based on Portuguese law that have been passed but not promulgated. (CIA World Factbook) The judiciary has three levels: local courts, three district courts and one court of appeal. (Nationalencyklopedin) UNTAET was succeeded by the United Nations Mission of Support in East Timor (UNMISET) on the 20th of May 2002 and its mission was to provide assistance to core administrative structures that were seen as critical to the viability and political stability in the new country. (United Nations **3**) This entailed the provision of interim law enforcement and the development of a law enforcement agency, and the maintenance of external and internal security. The phase of UNMISET was originally meant to last for two years but was extended by two periods of six months each, and was finally ended on the 20th of May 2005. (United Nations **4**)

Freedom House states that Timor-Leste "suffers broadly from weak rule of law, a prevailing culture of impunity, and inadequate security forces." (Freedom

House) In early 2006 widespread rioting and violence erupted in Dili in response to the firing of 600 defence force troops as well as to high levels of corruption and unemployment, which resulted in the deployment of an Australian-led foreign troop to restore peace and security. (Freedom House) This fragile security, political and humanitarian situation prompted the UN Security Council to establish a new and extended operation in Timor-Leste in August of 2006. The mission, The United Nations Integrated Mission in Timor-Leste (UNMIT), was meant to help the Timorese government in "consolidating stability, enhancing a culture of democratic governance, and facilitating political dialogue among Timorese stakeholders, in their efforts to bring about a process of national reconciliation and foster social cohesion". (United Nations **5**)

The presence of United Nations and Australian-led forces has thus both been needed to maintain, and enforce, peace and security in Timor-Leste since 1999. But the weakness of the Timorese rule of law became even more apparent two years ago after the unrest in early 2006. The then Prime Minister, Mari Alkatiri, was suspected of having formed a hit squad to kill of political opponents, and Alkatiri was forced to step down in late June. The allegations against Alkatiri were dropped in February the same month, but in March, former Interior Minister Rogerio Lobato was found to have armed another hit squad in the prelude to the 2006 riots. Lobato was sentenced to 7.5 years in jail. (Freedom House)

Although the sentencing of Lobato and the dismissing of Alkatiri showed that there is some possibility to hold politicians accountable when they break the law, it also showed that the political elite does not necessarily respect and uphold the laws of the country or abide by the constitution, which is, as Linz and Stepan writes, essential to a strong rule of law.

But, as Freedom House writes, many of the problem that afflict the Timorese rule of law stem from a lack of accountability for abuses committed during the Indonesian occupation and the struggle for independence. (Freedom House) A truth commission was formed at independence and its task is to gather witness statements concerning earlier conflicts and to organize processes for conflict resolution. When a consensus on how the conflict should be resolved is reached, the matter is then brought to one of the district courts that will confirm the resolution. (Nationalencyklopedin) But the process is complicated by the fact that the courts lack resources and trained personnel. (Freedom House)

So, even though a truth commission has been established the weak justice system puts constraints on what the commission can achieve and at the same time more current instances of abuse and violence, as those committed during 2006, might not be addressed.

In February 2007, UNMIT's mandate was extended until February 2008. (Freedom House) After attacks on the president and prime minister on the 11th of February of 2008, the UN Security Council requested UNMIT to continue its efforts in Timor-Leste. (United Nations **6**) The United Nations police force (UNPOL) assumed full control of national policing in September 2006, and UNMIT have been charged with reforming and rebuilding the national police force (PNTL). But as Freedom House writes, neither the military nor the PNTL has the trust and confidence of the Timorese people and an Australian-led

International Stabilization Force (ISF) has been supporting UNMIT in the maintaining of security since 2006. The Timorese government has also requested that UNMIT should remain until the end of 2012 in order to fully restore security. (Freedom House)

5.3   Civil Society

As mentioned earlier, civil opposition during the Indonesian occupation came mainly from student- and youth organizations, the Catholic Church and from exiled Timorese. (Sweden Abroad)

Both student- and youth organizations as well as religious communities can function as actors within civil society. But Aurel Croissant writes that Timor-Leste did not have a tradition of civil society at the point of independence. (Croissant, 2008 p.656) And it is probably true that those organisations that were active during the occupation did not adhere to a legal order or a shared set of rules, and as such they could not be counted as civil society in the sense of it being an arena of democracy. Today, freedoms of association and assembly are guaranteed in the new constitution but the Law on Freedom, Assembly and Demonstration, passed in 2004, regulates political gatherings and prohibits demonstrations aimed at "questioning constitutional order or that disparages the reputations of the head of state and other government officials". (Freedom House)

Timor-Lestes labour code is based on International Laobor Organization standards and permits workers other than police and army personnel to form and join worker organizations. The labour code also guarantees the rights to bargain collectively and to strike. Today, unionization rates are low due to high unemployment and because more than 80 percent of the working population is employed outside of the formal sector. (Freedom House)

Rebecca E. Engel writes that the number of civil society groups grew very fast after independence in 1999. Furthermore, Engel writes that two types of civil society groups are particularly relevant to responding to community needs in Timor-Leste, non-governmental organizations (NGOs) and community-based organizations (CBOs). However, civil society actors are often neglected in the decision making process because they can be very difficult to consult, as consulting requires significant time and resources. National civil society groups therefore are highly reliant on donors and international nongovernmental organizations for support of their activities. (Engel, 2003 p.173-174)

Even though there obviously are civil society groups present in Timorese society it is difficult to say whether they fulfil the definition of civil society as arena for democracy. The fact that there is a limited ability to include civil society in decision making processes, the function of civil society as a check on political society, and its role as an intermediary, is diminished. The self-supporting and autonomous aspect of civil society, that Diamond emphasizes, is also restricted as

many groups within civil society has to rely upon others, such as donors and international organizations.

5.4 Bureaucracy

Croissant writes that there was no state or incumbent regime in Timor-Leste when the United Nations took over the territory. These vanished after the Indonesian military withdrew and so there was no working bureaucracy in Timor-Leste and no authority had sole control over the means of violence. (Croissant, 2008 p.655) UNTAET took over a country in which 70 percent of the buildings, including all of the government buildings, had been burned and where nearly half of the population had become refugees. (Klein, Galbraith, Wilde, 2003 p.211)

According to Richmond and Franks, the responsibility of rebuilding governance at the central and district levels, as well as regenerating public and social utilities fell on Government and Public Administration, one of the pillars of UNTAET. Richmond and Franks cites the World Bank which stated that "Public administration needed to be built from scratch because 80 per cent (until 1999) had been Indonesian". (Richmond and Franks, 2008 p.188)

Tanja Hohe writes that The United Nations interim administration did manage to establish some basic institutions of governance and administration within its two-and-a-half years. (Hohe, 2004 p.302) And when UNTAETs mission was ended, UNMISET continued to offer assistance to core administrative structures. (Richmond and Franks, 2008 s.189) The United Nations still offer support to the Timorese state through UNMIT. (Freedom House)

As with the case of upholding the rule of law, the United Nations have had a great deal of responsibility with rebuilding of the Timorese bureaucracy. And the weakness of the bureaucracy can also be said to be one of the reasons behind the fragility of the rule of law in the country. Since the rebuilding of the bureaucracy had to begin from almost nothing, it is perhaps no wonder that some of the basic functions of the bureaucracy, such as paying for law enforcement services to uphold the rule of law, still lack in effectiveness.

5.5 Economic Society: Poverty and Corruption

The ability to provide economic safety and to alleviate large economic inequalities is, as Linz and Stepan writes, also one of the features of a democratic society. This is of course problematic in a poor country and Timor-Leste is still the poorest country in Southeast Asia. The unemployment rate is 50 percent and

40 percent of the population live under the poverty line. (Freedom House) Richmond and Franks writes that there has been little socio-economic improvement since independence, and Timor-Leste ranks very low on the Human Development Index. (Richmond and Franks, 2008 p.189)

According to Richmond and Franks, several schemes have been introduced in Timor-Leste to alleviate social distress, including pension plans for veterans as well as a World Bank "social security net" strategy which encourages people to work for cash and food. Nevertheless, there is not much in the area of direct financial assistance to those who need it the most. (Richmond and Franks, 2008 p.196)

Timor-Leste has vast revenue-generating potential in gas and petroleum reserves, according to Richmond and Franks, little of the income from these reserves filters back to the population. (Richmond and Franks, 2008 p.189) In June of 2005 the Timorese Parliament approved the creation of a Petroleum Fund meant to serve as a repository for all petroleum revenues and to preserve the value of Timor-Leste's petroleum wealth for future generations. As of September 2007, the Fund held assets of US$1.8 billion. (CIA World Factbook) However, in 2005, the World Bank identified corruption as one of Timor-Lestes greatest challenges, especially as it affects the allocation of the oil revenues. (Freedom House) The 2008 Corruption Perception Index, presented by Transparency International, ranks Timor-Leste as 145 out of 180 countries, and the country has a score of 2.2 (out of 10) on the index. (Transparency International)

Even though there is potential for Timor-Leste to collect revenue from their natural resources there seem to be problems of bringing this revenue back to society and raising the standard of living for people. Corruption is of course a big problem here, which also connects to the weak rule of law and perhaps a lack of proper economic law to regulate the economic transactions. Because, as Rose-Ackerman writes, these type of law is often contradictory or non-existent in new democracies.

6   Conclusion

This thesis has strived to answer to questions regarding the current situation of in the country of Timor-Leste;

After ten years of post-conflict peacebuilding, what is the state of democracy in Timor-Leste today?,

and,

What are the strengths and weaknesses, from a point of view of democracy, in Timor-Leste?

Tanja Hohe writes that the institutions of Western democracy have not taken root in Timor-Leste. (Hohe, 2004 p.303) And by looking at the five arenas of democracy, as presented by Linz and Stepan, it is possible to argue that democracy in Timor-Leste is suffering in many ways. The political society, in the sense of multi-party politics and public elections, has functioned somewhat well, with high voter turnouts and a degree of political competition between parties. However, there is still tension between actors and without a strong rule of law this threatens to undermine further development of democratic norms and conflict-management. At the same time civil society does not function well enough to fulfil its role as a check on political society. Both the arena of bureaucracy and the arena of economic society suffer from problems of efficiency.

On the basis of this it is quite clear that it is easier to identify the weaknesses than the strengths of the current Timorese society. Although the initial success of the multi-party system, it seems as though there are weaknesses in regards to the political leaders ability to adapt to the rules of democracy, even resorting to the use of violence to exercise their power.

It seems as though the deteriorations of the rule of law during the last two or three years is one of the major problems of the Timorese society, and this is of course troubling from the perspective of democratic development as this arena helps regulate not only political and civil society but also economic life. There have been some success in holding politicians accountable for criminal behaviour but the weakness of the rule of law, and the fragility of the justice sector, also means that the tension that still remain between different actors leads to the re-occurrence of violence, instead of being handled through legal or political processes.

As mentioned above, civil society in Timor-Leste, does not function as an ideal arena of democracy. Much of civil society is dependant on the help and support of donors and international organization resulting in a lack of autonomy

and self-sufficiency. However, civil society in Timor-Leste is still developing and at this stage the support of outsiders may be considered a strength, if it can provide the Timorese civil society with appropriate tools to become a better check on the political society in the future, and to fulfil those tasks that these groups already do carry out in their communities.

The weakness of the Timorese bureaucracy is a particular weakness as it also contributes to the weakness of the justice system and the rule of law. The fact that the bureaucracy in Timor-Leste is still supported by the United Nations might be considered as positive for the development of this arena, but this is not enough if the capacity of the United Nations is not transferred to the Timorese themselves.

The arena of economic society in Timor-Leste is of course limited by the fact that Timor-Leste is a very poor country and the inability to alleviate this poverty also puts a strain on the development of democracy. Whether the Petroleum Fund can become a true source of revenue for the entire Timorese society is probably a question for the future, but to do so the level of corruption must surely decrease and proper regulations must be put in place.

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