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Rebuilding State-Society Relations in Post-War States: Assessing a Theory of Change Approach to Local Governance Reform in Timor- Leste

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Preface

We were invited by The Asia Foundation and the Justice and Security Research Programme at the LSE to analyse the *Theory of Change* underlying The Asia Foundation's local governance reform programme in Timor-Leste.¹ We were asked to establish the pathways along which their *Theory of Change* for local governance reform had evolved, and what the ideas were based on. We were also interested in how their approach to local governance reform had been used within the organisation, as well as if it had traction among its main partners in the community and government. We sought to analyse the interactions and tensions between the *Theory of Change* the organisation worked with, and the process of change, and resistance to it, in the wider social and political world.

We were hosted as Research Fellows at The Asia Foundation office in Timor-Leste between April and May 2013 in order to conduct our field research.² Our views on Timor-Leste's local governance conundrum, as outlined here, are based on the insights gained from this short period as participant observer-researchers, while also drawing on our prior research experiences in other post-conflict regions of Asia. We were observers, as we gathered data about situations, people and organisations we do not work for, but also participants as we were embedded within a team working directly on an intervention designed to bridge the Timorese "governance gap". With the assistance of the organisation, we were able to talk to many people involved in local governance reform efforts, at different levels of government and society, in a short space of time.

Our analysis and opinions expressed in this working paper are mediated by the perspectives of the staff of the organisation we were hosted by, the strength of their convictions, and their passion to engender positive change in Timor-Leste. What we write here bridges a respect for the work they do, with what we hope is an objective view on the context they work in and the methods with which they hope to achieve social and political change. We hope these observations contribute to the ongoing debate among policy makers and academics over how to make governance work better in post-war states. We look forward to receiving any comments.

Claire Q. Smith and Nicholas Rowland, University of York, 31 March 2014

¹ The Asia Foundation and the Justice and Security Research Programme (JSRP) at the London School of Economics and Political Science (LSE) produced a series of research papers on *Theories in Practice*. This series assesses the *Theories of Change* approaches in local governance programmes managed by The Asia Foundation, and supported by DFID, in a number of countries in South and Southeast Asia.

² We are the sole authors of this paper, and the views outlined here are those of us alone and not the organisations who sponsored and assisted the research – except where we quote them. Particular thanks are due to the following people who facilitated our research: Sr. Horacio Marques and Sr. Domingos Maniquin, at the Ministry for State Administration, Dili, Timor-Leste; Ms Susan Marx, Sr. Saturnino Amaral, Dr Deborah Cummins, Sr. Eurico Ediana da Costa, Sr. Sirilio Da Costa Babo, Sr. Joao Baptista, Ms. Cecilia Ribeiro Ximenes, Sr. Vicente Borges Maia, Sr. Hugo Fernandes and Sr. Tony Ku at The Asia Foundation Country Office, Dili; Matthew Arnold at The Asia Foundation, Bangkok; and Henry Radice and Wendy Foulds at the JSRP, LSE. Thank you for comments received from the participants at the LSE-JSRP-TAF workshop on July 1st, 2013, at the LSE. Two external reviewers also shared useful comments. Please send responses to Dr Claire Q. Smith, claire.smith@york.ac.uk; or by post to the Department of Politics, University of York, Heslington, York, YO10 5DD, U.K.

Acronyms and Abbreviations

ABC – Australian Broadcasting Corporation

Apodeti – Timorese Popular Democratic Association

ASDT – Timorese Social Democratic Association

ASEAN – Association of Southeast Asian Nations

BBC – British Broadcasting Corporation

CAVR – Commission for Reception, Truth and Reconciliation in Timor-Leste

DA – District Administrator

DNAAS - Department for *Suku* Administration Support

FGD – Focus Group Discussion

Fretilin – Revolutionary Front for an Independent East Timor

GEC – Governance, Elections and Civil Society Programme

JSRP – Justice & Security Research Programme

MP – Member of Parliament

MAE: Ministério da Administração Estatal (or MSA – Ministry of State Administration)

NGO – Non-governmental organisation

NDI – National Democratic Institute

PAGOS – Programa Apoio Governasaun *Suku* (*Suku* Governance Support Programme)

PNDS – National *Suku* Development Programme (Programa Nacional Desenvolvimento Suco)

RDTL – The Democratic Republic of Timor-Leste

SGPS – *Suku* Governance Performance Scale

TAF – The Asia Foundation

TOC – Theory of Change

UDT – Timorese Democratic Union

UN – United Nations

UNTAET – United Nations Transitional Administration in East Timor

USAID – United States Agency for International Development

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Introduction

When Timor-Leste gained independence in 2002, this predominantly rural, village-based society was governed by a highly centralised state, remote both geographically and politically from the general population. At the local level, governance instead took a hybrid form: with elements of formal governance inter-layered with colonial and pre-colonial institutions, remnants of guerrilla resistance organisations and other informal (that is, non-state), modes of governance. Successive post-independence governments have either failed to, or avoided, formally decentralising the state, despite a constitutional commitment to doing so. This decade of stalled reforms has exacerbated the political, developmental and social gap between the national government and the communities it serves.

In this paper, we examine the approach taken by The Asia Foundation, a development organisation with a long-term presence in Timor-Leste focused on addressing local governance reform. From the perspective of The Asia Foundation, the Timor-Leste government's top-down and highly centralised approach to governance has created a context where there is a failure of information and understanding about rural community needs at the central government level. As such, The Asia Foundation argues that rural development plans have - thus far - tended to be disconnected from actual rural needs. To The Asia Foundation, this situation - as expressed both in their formal reports, and in interviews with the authors of this paper - has led to government development programmes being short-term and ill-matched to rural community needs. In turn, they argue that this process had led to increasing frustration in rural communities and an even greater disconnect from the central government.

At the same time, a range of historically established 'traditional' political and social organisations, as well as some newly created village fora, hold a degree of (albeit unclear) formalised power at the local level.³ From these multiple sources of village authority, a number of informal (that is, *non-state*) community leaders negotiate and interact with both villagers and the official branches of the state as village representatives. So, while there is a definite governance "gap" between the formal and informal worlds of governance, it is *not* a vacuum: this governance space and role is filled and fulfilled by a range of local level actors. The Asia Foundation attempts to work with and within this ambiguous and evolving local political context to address local governance reform.

In determining that a "governance gap" lay at the heart of Timor-Leste's developmental and governance challenges, and recognising the important role informal community leaders played at the local level of governance, the Asia Foundation focused their governance reform programme at the local "interface" of formal and informal branches of governance. The programme makes an explicit attempt to bring village-level societal groups and their leaders into closer contact with formal state representatives and organisations. By working directly at the interface of formal and informal governance institutions and organisations, the programme attempts to connect and re-connect communities with formal state organisations. As such, the programme explicitly attempts to rebuild fragile state-societal relationships. This rebuilding concept lies at the heart of their theory of how positive social change can take place in Timor-Leste.

The "Suku Governance Support Programme" (known by its Tetun abbreviation as PAGOS) operates at multiple levels of government and society. The programme supports central government - by working with national level government organisations, and government

³ For detailed discussion of the 'traditional' roots and nature of pre-colonial and colonial era non-state village organisations, see Cummins (2010).

branches at the sub-national level. In communities, it works with the more informal – but no less legitimate - organisations of local governance at the local, or community, level. In both arenas, the programme focuses on driving the local demand side of governance, in particular the demand from community leaders for improved services, government response rates, and so on. It is this “demand side” and “local level” approach that underpins the programme’s core explanatory theory of how development and socio-political improvements could and should work at the local level: this is their foundational ‘*Theory of Change*’.

By supporting and developing the “demand side” of governance at the community level, The Asia Foundation argues that they can help improve state-society relations by working to “close” the “governance gap”. In particular, the programme works on supporting inter-village governance organisations. Here, the programme concentrates on actively mobilising communities – by promoting collective action among village leaders - to create what The Asia Foundation hopes are more accessible and responsive governance bodies at the local level. It is intended that these local bodies will then in turn communicate better with national government. The programme also encourages better communication between the community and the government through supporting inter-village articulation of their needs to the central level. The central practical activity organised by the PAGOS programme to reach these goals has been the creation of *Suku* - or Community Leaders – Associations. These Associations operate at the inter-village level, bringing village and other community leaders together (depending on the local context) in regular forums aimed at lobbying for and producing governance change.

Our first task here is to outline what the Timorese “governance gap” looks like, and how it has evolved in recent years. This then sets the context for assessing the evolution and relevance of the *Theory of Change* put forward by The Asia Foundation to address this gap. Our second task is to assess how this *Theory of Change* evolved, and how relevant it is to the local environment. Here we assess not only successful cases of intervention to reform local governance, but also the challenges and risks the programme faces as a result of contextual changes and dynamics. For a summary of our research methodology, please refer to the Appendix (A.1).

Core questions and outline:

We have structured the paper around the following core themes and questions:-

Section 1 provides a brief political and governance history of Timor-Leste. We summarise the main historical trajectories of local governance, some of the core political dilemmas, and how both are linked to the current challenges.

- Core question: What is the current political and governance context in Timor-Leste? How has the “governance gap” evolved as a result of this context?

Section 2 then explores the local governance *Theory of Change*, focusing on the evolution of the programme, and its relevance to the core programme staff and partners involved.

- Core question: What *Theory of Change* underlies The Asia Foundation’s local governance programme?

Sub-questions:

2.1: How explicit was it and how and by whom had it been developed?

2.2: How was this *Theory of Change* understood by the core programming team, among broader programme partners and others involved in local governance reform programme work?

2.3: Has this specific *Theory of Change* approach helped the organisation as a programming tool, and what kind of benefits or costs has it had to the governance programme at the organisation?

Section 3 considers the wider environment, how the programme's core *Theory of Change* has worked out in practice, and how relevant it has been at various levels of society and government. Here, we consider how the practice of the programme links up to its overall goals.

- Core question: What are the wider implications for the organisation from using this *Theory of Change* approach, and what challenges and advantages has the approach had for the organisation in tackling local governance reform in Timor-Leste?

Finally in Section 4, we summarise our overall findings, and consider how well connected the programme's *Theory of Change* is to the wider world of political and social change in Timor-Leste. We also consider the limitations to it, and suggest directions for further research to understand more thoroughly how local governance and politics is evolving in Timor-Leste.

- Core question: Overall, how well did the organisation's *Theory of Change* about local governance reform link to the reality of governance dynamics in Timor-Leste, in what ways, and with what tensions or impacts?

The paper thus discusses in detail how the governance gap operates. We highlight what is problematic about it, and for whom (and, indeed, who it serves), and in whose interests it is for this gap to be reformed (and, if so, by whom). We also raise several other related factors that may prevent government and civil society from overcoming Timor-Leste's governance gap, and that could be considered more explicitly by the organisations tackling this particular post-war, post-colonial and post-occupation governance challenge.

1. Contemporary local governance in Timor-Leste

1.1 Timor-Leste's recent governance history

Timor-Leste is in the midst of a process of dynamic and potentially dramatic governance reform. Only just over ten years old, by 2014, the new state was in the process of overhauling multiple aspects of its governance institutions – including the structures of the formal bodies of government, as well as the practice of government. Initial state structures were formed under Portuguese indirect rule, and these concentrated formal power in Dili, as well as among 'traditional' kings at the local level. The centralisation of power was compounded by Indonesia's nearly 25 year occupation, which was then reiterated by the UN administrative structures, leading to a highly centralised state that was embraced by the newly independent government in 2002.

Several aspects of the post-independence state and governance structures were contested from the outset, both at the highest levels of the state and government, as well as at the local – or village – level of society. The new Government of Timor-Leste started looking at the

prospects for decentralisation between 2004 and 2005, but no consensus was reached and the prospects for local government reform were stalled at that stage. Senior figures in the first government acknowledged that they did not pay sufficient attention to local governance in the early years, and this contention has continued through the first decade of independence.

It is in this dynamic context of evolving, hybrid and contentious local governance that The Asia Foundation has established a local governance programme aimed at bridging the “governance gap” between a highly centralised state, and a village-based society. Rather than pushing for a particular model of decentralisation at the centre, the programme works on the demand side, supporting local efforts for reform among village actors. In order to understand the evolution of The Asia Foundation’s local governance work, and why the organisation has focused on the demand side to bring about governance change, we first turn to Timor-Leste’s road to political independence. Mapping out the main trends in the country’s recent political history, and the contested nature of local governance reform, sheds light on the rationale for a donor to work at the local end of the governance spectrum.

In early 1998, following the devastating impact of the East Asian financial crisis on Indonesia’s economy, the long-standing military dictator of Indonesia, President Suharto, was forced to step down. In a moment of multiple and dramatic political transitions, the rationale for which is still puzzled over by political scientists and observers, the newly appointed President Habibie, authorised a referendum on the future status of East Timor. Overnight, Habibie overturned deeply rooted Indonesian state policy. On 30th August 1999, the Timorese population voted overwhelmingly for independence, with 78 per cent of registered voters choosing independence over greater regional autonomy within the Indonesian state (UN, 1999; BBC, 1999; Patrick, 2001: 50).

The 27th province of Indonesia had been occupied – by 1999 – for nearly 25 years by the Indonesian military and had been governed largely (except in the remote guerrilla held mountain areas) by the Indonesian state. East Timor had long sought independence, not only from the Indonesians. In 1974, following the collapse of over 400 years of Portuguese colonial rule after the Carnation Revolution in Lisbon, East Timor also collapsed into a brief civil war. Three core political factions – the remnants of which survive today – ASDT – later to become Fretilin - (the pro-independence group), UDT (the pro-Portuguese movement), and Apodeti (the pro-Indonesian alliance) fought for political control. Following the victory of the leftist pro-independence group, Fretilin, East Timor then briefly declared independence (CAVR, 2006: 53; Miller, 2010: 247).

Shortly after this moment of independence, and with the tacit support of the US and Australia, the Indonesian military invaded East Timor in a massive operation (CAVR, 2006: 60-74; Hopkins, 2000; Nevins, 2012: 65). From that point, Indonesia waged a political, military and civil campaign to incorporate East Timor within Indonesia; while the independence movement waged a political, military and civil campaign to resist it. The military, civil and political campaigns continued on both sides, with a devastating impact on the local population, for the following 23 years (CAVR: 70-123).

The Indonesians applied an iron-fist policy to ensure their new 27th Province, known as *Timor Timur* (East Timor), was sufficiently dependent on, and suppressed by, a highly centralised civilian government system, alongside a constant and aggressive military presence. Both the military and civilian strategies were designed to work against the campaign for independence, which only waned following successive enormous military operations but was never eliminated. The resistance ran a similarly dual policy, with military

insurgency waged from the mountains, and an external political campaign from outside the territory. When the East Asian financial crisis hit the region in 1997, subsequently triggering the resignation of Indonesia's then President Suharto, and following the appointment of the interim incumbent Habibie, the political space was created for the UN-sponsored popular consultation to decide East Timor's political future.

Despite another wave of violence and intimidation by the pro-Indonesian militia groups, with support from the Indonesian military (who were tasked by the UN to provide security), in the lead up to the referendum, a convincing majority of 78% was won by the pro-independence movement. The popular vote against a measure of greater autonomy from Indonesia effectively granted the small nation its independence. The violence that had been present throughout the consultation process was then escalated by the military and the militia, almost immediately the vote was announced, towards full-scale destruction of property, public infrastructure, massacres and widespread forced displacement. This destruction was expected in both camps - both within Fretilin; and in the pro-autonomy factions – but the resistance troops, the Falintil, were ordered not to respond (CAVR, 2006: 145). Villagers and city residents fled to the mountains and over the Indonesian border into West Timor as the Indonesian military and armed militia systematically destroyed the territory they had lost. Reliable reports find that 70% of the country's infrastructure was destroyed during this campaign, much of it burnt (CAVR, 2006: 60). Only when the UN Security Council authorised an intervention by Australian peacekeepers, ensuring the complete removal of both Indonesian military and militia, was stability then restored by late 1999. By November 1999, with the full withdrawal of Indonesian troops and pro-Indonesian militia, it is estimated that one quarter of the population had been displaced, and several thousand had died (ABC, 1999).

The UN Security Council then established the United Nations Transitional Administration for East Timor (UNTAET), to rebuild, govern and rehabilitate East Timor (UN Security Council Resolution 1272, 1999). Between 1999 and 2002, UNTAET was tasked with rebuilding East Timor's state organisations in the form of a modern, democratic republic (Hohe, 2004: 45; Chopra and Hohe, 2004: 297). In 2002, UNTAET handed over official governance of East Timor to the newly formed government of the Democratic Republic of Timor-Leste (RDTL). Although the UN administration had brought some degree of stability following the territory's violent break from Indonesia, UNTAET rule was highly centralised (Cummins, 2010: 10; Hicks, 2007: 14; Hohe, 2004: 46; Engel, 2013). This centralised mode of rule thus followed over 30 years of highly centralised Indonesian rule, which itself had been built on almost 400 years of indirect rule from Portugal that had concentrated power in particular elite factions as well as in "traditional" leaders. These governance legacies, not only from the recent UN-years of highly centralised rule, but from the long history preceding that, continue to affect in profound ways how Timor-Leste is governed in the post-independence period (Cummins, 2010: 12; Engel, 2013; Hohe, 2004: 46).

Under the country's new constitution, the *suku* (village) level of government ceased to be the lowest rung on the state's bureaucratic structure, as it had been under Indonesian rule. It was instead referred to as 'community authorities or leadership.'⁴ The Village Chief, or *Xefe de Suku*, role therefore changed – in legal terms - from one of direct location within the official government hierarchy, to a role *outside* formal government. Despite this formal change, however, the *Xefe de Suku* and the *Suku* Councils were also then later *elected* by the people

⁴Democratic Republic of Timor-Leste, Decree Law No. 5/2004 and Law No. 3/2009 (see Appendix for full text).

residing in that *suku*. This change in law caused some confusion over whether village chiefs were part of the official government or not, and it continued to present challenges through 2013, as observed in this research study (see following sections for further details).

Therefore, the village level of governance and state authority had been first neglected by the UN Transitional Authority and then complicated by post-independence state legislation and major donor programmes at the community level, such as the World Bank's Community Empowerment Programme.⁵ As one Timorese member of the Inter-Ministerial Technical Working Group on sub-national government observed:

During the UNTAET period, the major concentration was on strengthening central institutions necessary for the establishment of a new State; this resulted in little or no attention being paid to sub-national units - either at District or at sub-district level.⁶

Under the RDTL's new constitution, the village – or *suku* - level of government ceased to be the lowest rung on the formal government structure. Instead village authorities were recast as 'community authorities or leadership.'⁷ Since occupation, the *Xefe de Suku* (or village chief) had been in direct formal correspondence with central government authorities. The new laws placed the village chiefs outside formal government, yet with a number of important responsibilities attached to their roles. Indeed, in some respects their position was strengthened by becoming both independent of government, and elected by the local population, as subsequent sections discuss. In other respects, their roles were now greatly complicated and undermined.

An important background to the new laws is that at the local level in Timor, there is a core difference between those who hold elected power and those with hereditary or community-based authority (Cummins 2010; 2012). At times, someone with traditional authority may deem it beneath them (or even burdensome) to have to campaign for an elected post.⁸ Traditional authorities are indeed challenging to define since some were perceived to have been co-opted by either the Portuguese or the Indonesian authorities. Prior to The Asia Foundation's programme, for example, the World Bank had developed a large local development project, known as the Community Empowerment Programme (CEP). This programme did not allow previously serving "traditional" authorities to serve on local village councils, for example, because of the problem of previous co-option and collaboration with former regimes. Yet, of course, some of these leaders remained authority figures in the eyes of the community - even through occupation - and were therefore resentful of being excluded by the CEP. These community leaders retained a degree of community respect beyond any role in government programmes. Multiple forms of community level authority were therefore simultaneously undermined, reinforced and reinterpreted in villages across Timor following the post-independence village governance legislation.

The new laws allowed for the *Xefe de Suku* and the *Suku* Council to be elected directly by the people in that *suku*, rather than being selected by central authorities. The *Xefe de Suku* continued to hold a great deal of informal authority outside of, and separate from, that

⁵ During the early years of independence the World Bank sponsored a village governance programme known as CEP (Community Empowerment Programme), which we will refer to several times through the paper.

⁶ National Democratic Institute for International Affairs (NDI), 2003:7.

⁷ See Law No. 3/2009 attached in Appendix A.4.

⁸ The following observations were raised in correspondence with Rebecca Engel, School of Oriental and African Studies, November 2013.

bestowed on them by being elected by the villagers. Traditional authorities also retained power over certain areas of village life. Thus, the sources of authority and lines of responsibility of village government bodies lay in some tension by 2013, with multiple sources of legitimacy and responsibility working in multiple directions.⁹ The confusion lay within both the government and the wider society at village, district and central levels of authority, and concerned the precise legal nature and the administrative and political roles, as well as the boundaries of village government authority.

By 2013, under the Fifth Government, Timor-Leste was striving to position itself regionally, including negotiating for ASEAN membership.¹⁰ But while ambitiously seeking a larger political role regionally, the government had not yet resolved the centre-local governance questions required to achieve their overall developmental goals.¹¹ A constitutional commitment to decentralisation developed into a decade-long national debate that – as of the end of 2013 – was ongoing (Fernandes, 2013: 1; *Suara Timor Lorosae*, 2013).¹² National programmes designed to stimulate local development have undergone several iterations, but still demonstrate limited success at reducing poverty rates and improving other national development indicators (Chopra, 2002: 992; Shoesmith 2010; World Bank/Directorate of National Statistics 2008). By 2013, Timor-Leste had a healthy national income from petroleum exploration in the Timor Sea and through this fund the country has ambitions to become a middle-income country by 2030. Yet the economic and political sustainability of Timor's reliance on oil raises many questions in the context of multiple and multi-directional local governance challenges (Shoesmith, 2011: 325).¹³

Reaching a consensus on decentralisation and local development policy remain two of the most contentious, yet most essential, policy decisions for the Timorese government. These two policies directly affect local governance and while they remain unsettled, undermine local confidence in the current government structures. This also means that the local policy environment is highly dynamic and unpredictable: political challenges to proposed policies are constantly reviewed and overturned.¹⁴

1.2 The current context of local governance

‘The government provides the bread, but we don’t have the teeth to eat it’.¹⁵

Timorese village frustration with the current local governance system – as identified during our fieldwork - is summed up in the quote above. While Law No. 3/2009 gives the *Xefe de Suku* considerable responsibilities, they also remain outside the formal government structure. By law, they are recognised as organisations with authority in their own right, but they also receive no formal reward for this role.

⁹ *Suku* Council: or “village council”, articulated in Law 3/2009 (See Appendix A.4 for the full text). The *Suku* Council is elected by residents of a village, but it is not part of the formal state government structure, and as such is frequently referred to as a ‘community authority’ by civil servants in the RDTL government.

¹⁰ Timor-Leste’s acceptance into ASEAN is complicated by Singapore. Indonesia, on the other hand, supports Timor-Leste’s application. (The Jakarta Post, ‘ASEAN considering Timor Leste bid for membership’, 30th April 2013 <http://www.thejakartapost.com/news/2013/04/30/asean-considering-timor-leste-bid-membership-secretary-general.html>)

¹¹ National Strategic Development Plan (2011), p.8.

¹² The short article from *Suara Timor Lorosae* was just one of many articles concerning decentralisation from the local press at the time of writing.

¹³ See the work undertaken by La’o Hamutuk, a Dili-based civil society organisation, www.laohamutuk.org.

¹⁴ Interview No.3, PAGOS Staff, Dili, 19th April 2013 – this is the term used by the PAGOS staff to refer to things like re-election, new appointments, changing relationships etc.

¹⁵ FGD No. 4, President of the Bobonaro *Suku* Association, Maliana, 7th May 2013.

During the Indonesian period of rule the formal village heads had direct links to the government.¹⁶ By removing this formal role, it implies to some village heads that their role is of lesser formal importance. However, in contrast, some *Xefe de Suku* enjoy their position outside the formal government, as they believe it gives them greater freedom to lead, and greater community authority as they are independent from central rule.¹⁷ The impact of the legislation on village leadership has thus created a fluid situation, where authority can be claimed, or rejected, depending on in whose interests this lies (the village or the central government). This issue is explored in more depth in the subsequent sections.

Village parliaments (or councils) experience similar ambiguities. *Suku* Council members are elected by the villagers to a position which still functions as the best day-to-day provider of authority and law for the village. As one report on the views of local Timorese puts it ‘they see a strong representative role for their village level office holders and their primary interaction with the government is through these local government officials’ (NDI, 2003:7). But these village parliaments are *not* an official part of local government, as the following quote establishes:

Although *Suku* Councils are not formally part of the Timor-Leste Government, their recognition as ‘community authorities’ is synonymous with their capacity to link Timorese communities with government and external actors.¹⁸

The current decision that village-level governance bodies – both the village head and village parliaments – fall outside formal government means they receive no salary for the local governance roles their leaders and members perform. The *Xefe de Suku* receive compensation, or an “incentive”, for their role, every three months from the Ministry of State Administration. However, the *Xefe* reported that this sum was inadequate and does not cover the full range of costs associated with the role. Even after the Ministry raised the incentive between 2013 and 2014, the *Xefe* still reported that it did not cover their costs. This leads some village chiefs and councillors to the view that they simply do not have the resources to carry out their expected range of responsibilities; it leads others to believe their authority is thus independent of government, and more genuinely community-based.

The village chiefs, the *Xefe de Suku*, are thus unable to act “officially” – in the formal sense – on behalf of their community, due to formal legal and practical economic constraints. Their power and authority is rooted in the community, not the central government. At the same time, the *Xefe de Suku* are expected by the government to enact governance legislation and to wield local authority on their behalf. The two practices are therefore not always in conjunction with and cohesive to functioning local governance. This dual policy has had an important, but ambiguous, impact on the already fragile and fractured state-society relationship within Timor-Leste, as it has created both negative and positive effects in relation to stable and legitimate local government.

By late 2013, the Timor-Leste government still teetered on the edge of implementing decentralisation, and the status of local governance remained an open question. This situation provides a highly volatile environment for external actors such as The Asia Foundation to

¹⁶ The Portuguese had previously co-opted local leaders to collect taxes and act as their proxies at the local level, but this was organised via indirect rule, unlike the Indonesian policy of direct rule. The Portuguese dealt more with *Liurai* (‘traditional’ local kings or royal family) and the *Liurais* then organized people under their influence at the village level.

¹⁷ Many of the *Xefe de Suku* have long-established authority at the village level, either via a role in the resistance movement or via being descendants of local *Liurai*. See Butterworth on the constitution of the *suku*.

¹⁸ The Asia Foundation Programme Partnership Agreement (2012:1), Dili, Timor-Leste.

work within, as they attempt to help bridge the governmental and societal divide. Yet such a fluid environment also enables a great deal of space for supporting democratic societal and political change, from the village, district, national and international organisations engaged with local governance reform, as the following discussion demonstrates.

2. The Asia Foundation's *Theory of Change* for local governance

This section explores the evolution of The Asia Foundation's *Theory of Change* for local governance reform in Timor-Leste. Our focus here is on how the programme's *Theory of Change* has been interpreted and organised within the Timor-Leste country office's programme, both in response to the local governance situation outlined above, and as a potential answer to it. The analysis here provides the basis for examining how the programme's underlying goals are mediated in practice with the key agents involved in local governance, in Section 3. This section does not analyse the success of the programme, but outlines its contextual and theoretical evolution. The relationship between the programme and the wider social world follows in Sections 3 and 4.

To introduce the programming approach used by The Asia Foundation in relation to local governance reform in Timor-Leste, we first provide a very brief overview of the concept and use of *Theory of Change* in development programming. We draw here on the wider *Theories in Practice* papers developed by the Justice and Security Research Programme (JSRP), which explore the concept of *Theory of Change* and its use in donor programming in more detail.¹⁹ Our focus here is on the evolution and use of the local governance *Theory of Change* within the Timor country office.

2.1 The evolution of the Timor office's local governance *Theory of Change*

Every development organisation has a theory of societal change underlying their programmatic work, whether an implied set of hunches, or an explicit argument about how social change will evolve. There is little consensus within the academic or policy literature to provide a single robust definition of the so-called *Theory of Change* approach to development programming, and we will not attempt to resolve this issue here.²⁰ While some development practitioners opt to use an explicit "theory of change" as a tool within the design of a particular project, others use it to help set up a more holistic approach to frame and guide multiple interventions on a particular social issue. When explicitly recognised and articulated, the underlying theory of societal change behind a programme is sometimes described as a specific *Theory of Change*. This phrase is a term of art in the development world, and it does not necessarily correspond to broader academic discourses around theories of societal change, although they can overlap and interact with each other, both in the development literature, and in practice.

The *Theory of Change* we discuss in this paper refers to a specific organisational rationale for working on particular thematic issues in relation to local governance reform in Timor-Leste.

¹⁹ One of the external reviewers of this working paper suggested further exploration and nuancing of the *Theory of Change* concept and its wider use in DFID programming, but this is already explored in separate papers in the series and was not the focus of our paper *per se*. See, for example, Stein and Valters (2012), and the other papers published on the JSRP website, <http://blogs.lse.ac.uk/jsrp/publications/>. Instead, we focused on how the organisation we analysed had developed and then used a specific *Theory of Change* for their local governance support work.

²⁰ See Stein and Valters (2012) for a detailed analysis of the concept and the core debates.

This *Theory of Change* underscored how The Asia Foundation organisation planned to provide the most optimal leverage for societal change, in the direction they aspired to, and while allowing for a constantly evolving programme given the highly dynamic local governance environment. In Timor-Leste, The Asia Foundation's commitment to using a *Theory of Change* approach was at least in part because of the scope it provided for flexible and responsive, rather than rigid, programming in a rapidly changing social, political, economic environment.²¹

Our field research in Timor-Leste noted a wide interest from developmental organisations working in the capital in using a *Theory of Change* approach to frame their development interventions in the governance sector. However, to the best of our knowledge, by the end of 2013 no specific organisations had done so apart from The Asia Foundation.²² Several major donors demonstrated an interest in seeing organisations put forward their explicit *Theory of Change*, for example by requesting that funding applications articulate specific *Theories of Change* within their funding proposals.²³ For example AusAid, the largest single aid donor to Timor-Leste, appeared to be moving towards framing its development work within an overarching theory of social change approach, but this had not yet been finalised at the time of our research.²⁴

The UK's aid agency, DfID, currently leads the use of *Theory of Change* as both a programming and monitoring and evaluation tool in development work in post-conflict states. In Timor-Leste, the "Programme Partnership Agreement" between DFID and The Asia Foundation encouraged a specific framing around specific *Theories of Change* for the programmes funded by the Agreement.²⁵ Prior to the DFID agreement, funding proposals did not seem to have required this approach and the change appeared to have come in over the last two years within the Timor-Leste development community.²⁶ The Asia Foundation staff we interviewed said they expressed the rationale behind their different areas of work in terms of "processes of social change", even when they had not specifically been required to do so by their individual donors.²⁷ It is in this donor context that The Asia Foundation's Timor-Leste office uses an explicit *Theory of Change* for the programming of its "Suku Governance Support Programme" or *Programa Apoiu Governasaun Suku* (known colloquially in The Asia Foundation programme team by its acronym, PAGOS).²⁸

The rationale behind the *Theory of Change* underlying PAGOS was relatively clear. Most key informants we interviewed made the argument that the state-community bond in Timor-Leste was incredibly weak, and programming documents supported this claim.²⁹ Formal government structures were reported to struggle to meet the needs of the population,

²¹ Sources: Interview No. 14, PAGOS Programme Manager, The Asia Foundation, Dili, 27th April 2013; Interview No. 13, Public Policy Adviser, The Asia Foundation, Dili, 26th April 2013. For more details on the reasons for this shift in programming approaches, see CARE International UK (2012).

²² Interview No. 13, 26th April 2013

²³ Ibid.

²⁴ This view was expressed by a member of staff at The Asia Foundation.

²⁵ The UK Department for International Development (DFID) Programme Partnership Agreement (PPA) is designed to support peace and stability through improved state-society relations across seven of the countries the Asia Foundation is working in. For further details, see the summary at <http://asiafoundation.org/resources/pdfs/PPA2012fourpagerfinal.pdf> (Accessed 13th June 2013).

²⁶ Interview No. 1, Country Representative, The Asia Foundation, Dili, 17th April 2013; Interview No. 13, Public Policy Adviser, The Asia Foundation, Dili, 26th April 2013; Interview No. 14, PAGOS Programme Manager, The Asia Foundation, Dili, 27th April 2013.

²⁷ Interview No. 13, 26th April 2013.

²⁸ *Suku* is the Tetun word for a village, usually composed of a number of sub-villages (or hamlets).

²⁹ The references on this point are wide-ranging and follow throughout the rest of the paper.

particularly those who lived in rural villages. The gap between *suku* (village) communities and the state was argued to result in a number of severe problems including:

...unsustainable and ineffective development, as rural development failed to connect with rural needs; (and) poor capacity of government to plan effectively due to lack of information from the community in rural areas.³⁰

The core group of local governance programme staff at the organisation shared the view that addressing governance at the local level was the best way to address the problems of the “governance gap”. This view was based on their experience working on prior governance programmes run by The Asia Foundation. Although it was less explicitly recognised, they had surely also been influenced by the experience and practice of other organisations working to build up local councils at the local level since the 1999 transition, and especially during the 2006 crisis.³¹

As such, the *Theory of Change* for the Suku Governance Support Programme was specifically designed to address the “governance gap”. This “gap” was argued by all the core programming staff to be the main issue undermining village progress and development in Timor-Leste. The “Improved Governance Interface Theory” therefore ran as follows:

By increasing the influence and capacity of *Suku* Councils, and strengthening the relationships between *Suku* Councils and different levels of government, the interface between formal government institutions and informal local governance institutions will become clearer and more widely accepted within the rural populations of Timor-Leste. This change will lead to improvements in government-led programmes and services, *Suku* Councils will be more effective in local governance functions, and the process of decentralisation in Timor-Leste will better reflect the interests of rural communities.³²

The Asia Foundation here makes a specific commitment to try to strengthen and improve the relationship between villagers and the government at the local level via supporting the *suku council* mechanism. In order to raise both the influence and the capacity of *suku* councils in a local governance function, the Foundation aims, first, to improve and develop the informal relationships across *suku* councils. It then addresses how these councils interact with higher levels of formal government at the district – and even central - level. To improve interactions between village leaders *across* villages, they supported the creation of *suku* associations, which bridge villages. By encouraging village leaders to participate in these associations, the programme intends to improve communication across villages around common problems, and to share skills and training in relation to improving the governance capacity of village leadership to solve or address local problems. This in turn is intended to encourage village leaders to play a more direct role in lobbying and influencing the formal bodies of government, centralised in Dili, with their official outposts in the rural district capitals.

According to the programme documentation, the intended “impact” of the PAGOS approach to local governance, by creating the new inter-village forums, the *Suku* Associations, is threefold:

³⁰ Email communication with Asia Foundation staff member, July 2013.

³¹ As one of our external reviewers noted, at a minimum Belun/CICR, IOM, Care and CRS had all worked toward a similar objective with local councils in Dili during the 2006 crisis period.

³² The Asia Foundation, Programme Partnership Agreement Document, Dili, Timor-Leste, 2012, p.1.

- (i) to improve government responsiveness to *suku* priorities to more effectively link their programs with *suku*-identified priorities/needs,
- (ii) to strengthen collective action by *suku* leaders to organize themselves more effectively to collectively determine their interest at the district level,
- (iii) To increase *suku* leaders awareness of their mandate and their performance to engage communities in their respective village to have bottom-up pressure to inform and shape policies and government program based on community interest.³³

In practice, the PAGOS Programme intends to produce the following outcomes:-

- (i) improved engagement between *suku* councils and formal government to discuss and share experiences on various issues and challenges, as well as programme planning and implementation at *suku* and district level;
- (ii) strengthening of the *suku* mandate, with a greater ability for the *suku* to apply bottom-up pressure on government processes and programmes; and,
- (iii) an increase in the capacity of community leaders to “monitor, respond and shape” governance programmes.³⁴

The formation of *Suku* - or Community Leader – Associations, a new organisation at the inter-village (or sub-district) level, was the main forum intended to produce the goals outlined above.³⁵ These Associations are intended both to increase the *influence* of actors at the village (*suku*) level on higher levels of government, whilst also improving *relations* between *Suku* Councils and higher levels of government in Timor-Leste.³⁶ The practicalities of how such associations worked, and how The Asia Foundation established and supported them, are covered in the following section.

It is important to note that the PAGOS approach to local governance reform at The Asia Foundation emerged out of the experience of their previous governance programme called the “Support for Governance, Elections and Civil Society Programme” (GEC). The programmatic concepts and objectives outlined within the PAGOS programme documents were developed from the core *Theories of Change* underpinning this previous local governance intervention. Moreover, the core outcome of the *Suku* Governance Support Programme, the facilitation of the establishment of *Suku* Associations, was first mooted - and then formally requested - during the initial GEC programme.³⁷

Between 2008 and 2012, the GEC programme, funded by USAID, aimed firstly to support credible, peaceful and fair *suku* council, municipal and national elections; and second, to enhance the capacity of newly elected *suku* councils to strengthen citizen participation in

³³ The Asia Foundation, Programme Partnership Agreement Document, Dili, Timor-Leste, 2012, p.1

³⁴ Ibid.

³⁵ *Suku* Associations: a forum made up of all *Xefe de Suku* from a particular district. The creation of the *Suku* Association is the main output of the PAGOS Programme. Problems relating to the sustainability and nature of these new organisations at the inter-village level are discussed in the following two sections.

³⁶ The Asia Foundation, Programme Partnership Agreement Document, Dili, Timor-Leste, 2012, p. 30.

³⁷ As cited elsewhere in the paper, the majority of the team now working on the *Suku* Governance Support Programme had also been staff on the preceding GEC programme. This meant that the majority of staff members currently working on PAGOS could explain in some detail the decision-making and thought processes around the current programme. Interviews No. 13, 14, 19, The Asia Foundation, Dili, 6th May 2013; interview No. 24, The Asia Foundation, Maliana, 8th May 2013.

village governance (The Asia Foundation, USAID, 2012:8).³⁸ GEC was The Asia Foundation's first major programme focused on addressing the problems of local governance in Timor-Leste. Working across every village in four of Timor-Leste's thirteen districts meant the organisation was in a unique position among development organisation and agencies operating in Timor at that time: no other non-governmental organisation had implemented similar governance programmes with the same the depth and spread of GEC.³⁹ The *Suku* Governance Performance Scale (SGPS), which illustrated the impact of the programme, showed that 17 out of 20 governance indicators had demonstrated improvement of 50 per cent or more as a result of the programme's interventions.⁴⁰

The GEC Programme built valuable social and political capital at the national level, particularly with the Ministry of State Administration and Territorial Management (known by its shorthand name of *Estatal*). Informants in this research study argued that one of the key achievements made by the GEC programme was that *Suku* Councils gained an improved understanding of what their role was meant to be in local governance.⁴¹ One staff member reported to us that while this may seem a very simple improvement, an increased awareness of village council members of their own roles was very low before the programme. As such, the increased awareness of their official role was an important step towards improving local governance overall.⁴² For example, *Suku* Councils were found to have limited understanding of their role in waste management, as well as other roles such as the referral of cases of domestic violence: both of which come under their official jurisdiction.⁴³ Assisting village council members to understand their own roles had been seen as a big step forward for improving local governance.

The Asia Foundation's advances in local governance programming in Timor-Leste during the GEC programme therefore put the organisation in a good position to negotiate their next programme to address local governance. First, they had the depth and breadth of understanding of the local governance context, which gave them legitimacy with the central government. Second, the impact of the first programme created the space for them to push for making further local governance changes via a new programme, in PAGOS. As such, The Asia Foundation team explicitly viewed PAGOS as a continuation of the GEC programme, and not something separate to it. The main government stakeholders were also identical in both programmes.⁴⁴ The greatest practical evidence of a direct link between the two programmes was the identified need for *Suku* Associations by GEC staff – recorded at a series of inter-*suku* cooperation meetings between *Xefe de Suku* and directors of different line ministries at the district level. The demand from village chiefs and district administrators for

³⁸ The 'Trends of Local Governance in Timor-Leste: *Suco* Governance Performance Scale' was published in March 2012 as a final evaluation report of the GEC programme.

³⁹ See Appendix B.2 for maps of The Asia Foundation's sites of operations in Timor-Leste.

⁴⁰ The SGPS is a qualitative study showing village-level governance improved after three years of the GEC programme. The programme worked in the four districts of Ainaro, Baucau, Bobonaro and Oecussi, with Ermera and Manatuto as control districts. The current *Suku* Governance Support Programme now works in each of these six districts.

⁴¹ See the Executive Summary of the GEC Final Evaluation mentioned above.

⁴² Interview No. 19, Programme Manager, The Asia Foundation, Dili, 6th May 2013.

⁴³ Interview No. 13, Advisor for Public Policy, The Asia Foundation, Dili, 26th April 2013.

⁴⁴ Interview Nos. 19, 24, 30 and 14 (see Appendix A.2 for the interview list). One change, however, was that under the new PAGOS Programme, most training activities are implemented by a core team of six, based within the country office, whereas under GEC these had been contracted out

some kind of inter-*suku* governance forum was then built into the PAGOS design.⁴⁵ The following section considers the practical design of PAGOS in more detail.

2.2 Programme design and understanding of the Local Governance Interface Theory

The PAGOS programme generates some potentially important implications for village communities in Timor-Leste, as subsequent sections explore in detail. It operates in a fluid and contentious institutional environment at the local level but it has been designed to function in precisely that environment. It is certainly not the only donor or NGO-supported programme working on local governance issues, and attempting to bridge the national-district-community divide, but it was the only programme currently in operation across such a wide spread of village communities (229 out of 442 villages). It was also the only organisation *explicitly* attempting to reform local government practices in each of these locations (at least, that we could identify during our fieldwork).

Village communities currently exist without any formal means to communicate with any branch of their government. The programme has two modes by which it intends to improve this aspect of village governance. First, the programme aims to support *suku* chiefs and village councils by capacity-building activities, including training *Xefe de Suku* on the legal aspects of their role as village leaders. Second, it supports the *Xefe de Suku* to establish the aforementioned *Suku* Associations: this forum is designed for them to discuss “priority local issues” such as development needs, to share “good practices” of governance, and, where possible, to assert influence on government at the district and national level.⁴⁶ PAGOS specifically works on developing the *Suku* Associations in order, “to enhance their capacity to act collectively on behalf of village communities”.⁴⁷ The creation of *Suku* Associations was intended to provide “space for collective action” by *Xefe de Suku*. Via the Associations, *Xefe de Suku* would (in theory) begin to share good practices and problems, as well as having an “umbrella” for all village leaders to build a “bridge” between governance at the (informal) village and (formal) district level.⁴⁸

The *Suku* Associations were originally established in the four districts where the former Asia Foundation-supported governance programme, GEC, had run. The programme then expanded to cover two previous ‘control’ districts of Ermera and Manatuto in 2013.⁴⁹ The Asia Foundation works with two primary partners, or stakeholders: the Ministry of State Administration at the national, district and sub-district levels; and the *Xefe de Suku* of 229 out of Timor-Leste’s 442 villages.⁵⁰ In interviews, staff reported that there had been a relatively solid rationale for the site selection in terms of the following criteria: geographical spread, population and *suku* density; and accessibility from Dili, due to the organisational need for the majority of programme activities – for example, the trainings for village chiefs - to be run

⁴⁵ Interviews No. 13, and 14, PAGOS Programme Manager, The Asia Foundation, Dili, 27th April 2013; also see The Asia Foundation, ‘PPA Year Two Research: Review of State-Society Context’, The Asia Foundation internal document.

⁴⁶ Interview No. 3, PAGOS Programme Manager, The Asia Foundation, Dili, 19th April 2013

⁴⁷ The Asia Foundation (2013), PPA Year Two Results, unpublished report.

⁴⁸ These primary objectives were expressed in every interview and FGD conducted at the village-level.

⁴⁹ One of the co-authors, Nicholas Rowland, attended the official launches of both these *Suku* Associations. Notable attendees included the Director for the Support to the Administration of *Suku* (DNAAS) directorate, Ministry of State Administration (MSA); the District Administrator (and representatives); certain Members of Parliament (in Ermera district); and senior representatives of The Asia Foundation from Dili.

⁵⁰ The data on villages is acquired from a 2010 report by the National Directorate of Statistics, ‘Timor-Leste in Figures, 2010’, <http://dne.mof.gov.tl/upload/Timor-Leste%20in%20Figures%202010/Timor-Leste%20in%20Figure%202010.pdf>, p. 8, accessed 8th May 2013.

by Dili-based staff.⁵¹ As a result, whilst only working in six districts, The Asia Foundation has been able to cover over half of the nation's villages, or 59 per cent of the rural population, including Timor-Leste's second-city of Baucau.⁵²

The core programme documentation recognises that the Baucau District *Suku* Association is the most active in the programme, going outside and beyond the core programme activities, whilst the others "mainly appear to have limited themselves to the activities that have been initiated and supported by The Asia Foundation".⁵³ Ermera and Manatuto Districts became part of the programme in early 2013, so these districts were only newly involved at the time of our study. As such, we conducted research in Manatuto as a "control" site for our analysis to compare with Baucau (see Appendix A.1 for methodology).

The PAGOS programme is the first time an explicit use of a *Theory of Change* has featured in the design of a governance programme by The Asia Foundation's local team in Timor-Leste. One key informant reported that while the initial demand came from the core donor (DFID) to use a *Theory of Change* approach, it had been beneficial. Our informant stated that it, "requires us to revisit the 'why' of what we are doing – moving beyond 'outputs' to real impacts. It also has a cohesive effect, naming the issue we are trying to address ('the gap') and keeping it front and centre, which staff then pick up on and repeat – both in PAGOS and in other programmes".⁵⁴

Our research indicated that The Asia Foundation country office uses the *Theory of Change* approach as part of its senior level strategic planning, rather than simply as a monitoring or evaluation tool. The wider literature reports that the approach can help organisations practically map the "change process" and its expected outcomes, and thus facilitates project implementation.⁵⁵ *Theory of Change* approaches can therefore be used in conjunction with and to support conventional log-frame approaches.⁵⁶ The senior Asia Foundation programme staff we interviewed regarded the specific *Theory of Change* used in their programme as a strategic "tool", to support other forms of programming.⁵⁷ In this context, the *Theory of Change* approach was viewed as a positive addition to their local governance programming, yet the 'usual' mechanisms for organising their core programme activities and the use of specific measurement indicators were still seen as appropriate.⁵⁸

Among more junior staff, we observed some gaps in knowledge of the specific *Theory of Change* behind the local governance programme, but this was a detail rather than a substantive issue.⁵⁹ The team's Programme Manager commented that using a *Theory of Change* approach to design the programme had made it easier for the whole the team to understand the purpose of the programme – from senior management to administrative staff.

⁵¹ Interview No. 19.

⁵² National Directorate for Statistics (2010).

⁵³ The Asia Foundation (2013) PPA Year Two Results, unpublished report.

⁵⁴ Email correspondence with programme staff member, The Asia Foundation, July 2013.

⁵⁵ UNIFEM (2010); DFID. (nd); Bill and Melinda Gates Foundation (2011); Jones (2011); Ellis et al. (2011); Rogers (2012); GrantCraft (n.d.); Lederach et al (2007).

⁵⁶ Lederach et al. (2007)

⁵⁷ From the closing meeting with the Country Representative and Public Policy Adviser, The Asia Foundation, Dili, 14th May 2013.

⁵⁸ Interview No. 14, 27th April 2013.

⁵⁹ During interviews with PAGOS Programme Officers, more junior staff were less comfortable in discussing the specific *Theory of Change* behind their programme, but were able to fluently discuss the core concepts in their own terms. As well as interviews, evidence on this statement was gained throughout the eight weeks of organisational participatory observations. Interview No. 24, 8th May 2013 and Interview No. 30, The Asia Foundation, Dili, 13th May 2013.

However, there was still a gap in understanding of what the literal statement of change meant.⁶⁰ In our view, this gap in understanding came about because the *Theory of Change* had not been translated into the local language of *Tetun*, rather than because the ideas behind it were incoherent to the full team. Despite proficient English language skills, some of the programme team struggled to understand the specific theory when it was solely presented to them in English. Nonetheless, despite the linguistic barrier to understanding the written version of the “Governance Interface Theory of Change”, the team’s staff engaged directly with the *key concepts* involved in it. Thus, despite the fact that the *formal written* presentation of the *Theory of Change* was inaccessible to the broader team, the ideas and content within in were widely understood and supported.

During interviews about the programme, and during participant observation of the programme in practice, we observed that all the PAGOS programme staff had understood the key conceptual objectives of the programme.⁶¹ We are therefore confident in claiming that even for those programme staff not involved in the programme planning stages, who had not participated in the original conceptual discussions, and who, furthermore had not yet acquired a theoretical knowledge of the use of *Theory of Change* in general, they had still acquired a strong sense of the core programmatic objectives. In individual conversations (conducted in both English and Indonesian) all programme staff spoke fluently and confidently about the programme’s core conceptual goals.⁶² As the Programme Manager reported,

Theory of Change is new to us. It wasn’t until the end of Year One, (when) we went to present the findings of the assessment and our *Theory of Change*....only then did I learn it is a good tool.⁶³

In our view, therefore, the local programme team had a substantive understanding of the objectives of the *Theory of Change* behind their programme. This came from the ability of the Programme Manager and Public Policy Adviser on the team to articulate the context and goals of the programme to their staff. During interviews with wider staff members it was evident that minimal formal training had been provided on the production of their programme’s *Theory of Change*. The Theory had emerged instead via a combination of empirical knowledge and theoretical insights of the core advisory and management staff. These staff members had, first, produced a coherent theory and set of sub-theories, and, second, communicated this to the programme team over time, and in the local language, with a substantive result.⁶⁴ Such an approach meant that the practical “translation” of a fairly complex set of theoretical ideas behind the programme was understood and supported by a full range of the team’s members.

In the abstract, however, the *Improved Governance Interface Theory* had been written by a policy advisor to the team with the aim of being deliberately “abstract” and “nebulous”,

⁶⁰ Interview No. 14, 27th April 2013

⁶¹ Eight weeks of observation in the office and during field visits to the district when neither the Programme Manager nor the Public Policy Adviser was present.

⁶² See Appendix for interview methodology and relevant points on language.

⁶³ Interview No. 14, 27th April 2013. In the same interview, the team’s author of their *Theory of Change* reported that The Asia Foundation Staff in Bangkok had explained that using this approach was going to be a “learning experience” for all of them from the beginning.

⁶⁴ Interviews indicated that regional staff from The Asia Foundation Bangkok office had spent several days assisting the writing of the specific *Theory of Change* for the programme, but there had not been any formal workshop or other setting in which training had been given on how to develop a *Theory of Change* for wider programme staff.

looking towards a “long-term and blue-sky vision” of societal change for Timor.⁶⁵ The key author of the *Theory* observed that their *Theory* required constant revisiting to keep it relevant over time:

[For] those [*Theories of Change*] that are really specific, it is important to come back [and review them]... [The] work we do is much more long-term, segueing from GEC in to PAGOS....We have to think long-term and think strategically where - and where we don't - put our resources. If someone had said to me that you could completely close the governance gap within a short period of time, I would have laughed...⁶⁶

...a country office MUST think long term. That's our job. The tension is between programme financing for a limited number of years, and the reality that all change takes longer periods of time. What we can do is achieve some change within the life of the programme, which gets us closely to the long-term vision.⁶⁷

The same informant also reported that the aim of the *Theory* had been to “produce flexibility”, which was essential in the “dynamic and fragile context” in which the programme operates.⁶⁸ Taking the rationale for social change underlying the programme to a highly abstract level - along broad themes rather than specific outcomes - the team had been able to create a deliberately “flexible” programme.⁶⁹ Such abstraction is valuable, the *Theory of Change* author reported, and

...an important reason for needing flexibility (is) to ensure we can adapt approaches if evidence shows that our way of working is not going well.⁷⁰

The flexible nature of a *Theory of Change* approach was thus widely appreciated by the senior programme team. However, on another note, during our research some members of the local governance team also expressed the need for further guidance on how to develop their evaluations of their programme. Given the flexible and abstract way in which the goals had been deliberately constructed this made monitoring and assessing their programme's impact similarly abstract. We sensed a need for further reflection on this issue and it is perhaps an area for further research and advice, but it was outside the scope of our assignment.

2.3 Impact of the *Theory of Change* on the organisation

The Asia Foundation is working within an extremely dynamic governance environment in Timor-Leste. At the time of research, even the immediate future of Timorese governance structures at the local level were unclear in terms of how central government policy would evolve, for example, on the structure of decentralisation, or the formal role of village chiefs and councils. These political issues constantly challenge how a governance reform programme can be applied, in what is still a highly fragile and potentially conflict-affected state. During the research it was explained to us that a policy approach which offered a

⁶⁵ Descriptions taken from interviews with the programme's Public Policy Adviser and the author of the programme's *Theory of Change*.

⁶⁶ Interview No. 13, 26th April 2013.

⁶⁷ Email correspondence with the programme's Public Policy Adviser, July 2013.

⁶⁸ Interview No. 13, 26th April 2013.

⁶⁹ Descriptions from interview with Public Policy Adviser and the lead author of the *Theory of Change*.

⁷⁰ Email correspondence with the programme's Public Policy Adviser, July 2013.

greater degree of flexibility was a positive thing, even if it was not clear how such a programme could then be formally evaluated in terms of concrete outputs.⁷¹

While being grounded in an abstract theory, the programme itself operates - at the local level - in a straightforward and concrete fashion. Team members explained to us that a certain degree of this broader “environmental” uncertainty about future government policy had been mitigated by focusing on immediate village level concerns, and lines of communication already in place, to some extent,

PAGOS gets around these [political] challenges by focusing on providing what people really need, what is there, what is tangible. [We look to] where...the existing lines of communication [are] and then use this as a grounding for the work. [It's] a better place to ground the programme.⁷²

The *Theory of Change* underpinning the “Local Governance Programme” therefore does not seek to change existing Timorese governmental structures in specific ways, but, instead, seeks to build village demand for changes they themselves wish to see. The PAGOS programme also seeks, “to build up a body of evidence of what works and what doesn’t, which can be shown to decision-makers”.⁷³

The approach taken by the PAGOS programme therefore aims to avoid *directly* changing governmental structures in particular ways, instead working to “assist” change by “engaging” with different levels of government and informal governance bodies via an advisory and “support” role.⁷⁴ The goal and nature of these discussions with government is implicit, rather than explicitly stated. In discussion with the lead author of *Theory of Change*, it was suggested that there *is* an implicit theory of change with regards to working on changing government policy towards villagers, but it is not directly stated:

There [is] some *Theory of Change* [when] looking to change the behaviour and knowledge of the Government... adapting their policies and [they can] learn... a lot from TAF. TAF is one of the only NGOs working so closely with Estatal as a result.⁷⁵

The PAGOS programme aims to mobilise change on two levels, both via indirect means: by supporting village head to develop the capacity to lobby for the changes they seek, and to lobby for the relevant changes at the national level by presenting them with evidence from the local level. Sections Three and Four explore the former activity in more depth. Our research did not focus on the national level (see the methodology in Appendix A.1), so we did not study in any depth the PAGOS team’s work with national government on reforming local governance. We were conscious that this work was – of course – highly political, implicit and largely conducted behind the scenes. We return to touch on this point in Section Four in presenting our insights into the programme’s engagement with the political world in Timor-Leste, and the potential drawbacks of this implicit and indirect approach.

The flexibility of the chosen *Theory of Change* approach was recognised all round by the local Asia Foundation Staff as a positive way to respond to an unpredictable environment.

⁷¹ Greater recognition by donors of the challenging and sometimes unpredictable environments in which development projects occur was discussed as a challenge by the majority of The Asia Foundation staff.

⁷² Interview No. 3, The Asia Foundation, Dili, 19th April 2013

⁷³ Email correspondence with TAF’s Public Policy Adviser, July 2013.

⁷⁴ Correspondence and discussion with TAF’s Public Policy Adviser: April - July 2013.

⁷⁵ Interview No. 19, The Asia Foundation, Dili, 6th May 2013.

The flexible nature of the DFID funding, welcomed unanimously by the local governance team, allows for a strategic moving of the goal-posts within the programme period, according to changes in the broader institutional environment.⁷⁶ The design has meant the local staff team has been able to make changes in direct response to how the programme evolved, or indeed to events surrounding it.⁷⁷ The programme staff in the country office voiced their wish for the flexible approach enabled by a *Theory of Change* to be preserved, in order that they could adapt the programme as the context evolved.

Overall, then, the programme staff felt positively towards the use of a *Theory of Change* approach. There were also signs that the rhetoric used within the approach had begun to show traction within the office environment - and further afield - in terms of leverage to implement further changes. For example, the Programme Manager highlighted how unusual it had been in the past to carry out research alongside a running programme, but that this was now possible by using a *Theory of Change* approach, as well as developing his staff capacity:

We still need the academic insight research gives – [it shows] what needs to come next [in the programme].⁷⁸

The team have now carried out three separate research projects, looking at the programme and its effect on state-society relations, the findings from which feed directly into the design and implementation of the next phases of the programme, and to their (indirect) lobbying approach at the national level.⁷⁹

In an interview with one member of The Asia Foundation staff, it was reported that another international non-governmental organisation in Dili had stopped using a log-frame approach, and had started to articulate its outcomes using a *Theory of Change* approach, following the PAGOS programme.⁸⁰ Within The Asia Foundation Office, we were told the use of the specific *Theory of Change* for local governance reform has forced others working on non-related programmes to identify the fundamental issue they were trying to address: which, they argued, was for the most part, the critical “gap” between the Timorese state and its people.

Issues creep in to everyday language [whilst we continue to learn] from the activity level... At a philosophical level, the *Theory of Change* is (creating) learning across programmes.⁸¹

Conclusion

In this section, we have discussed the specific *Theory of Change* used within The Asia Foundation’s “Suku Governance Support Programme” in Timor-Leste, both in terms of its

⁷⁶ Interview No. 14, The Asia Foundation, Dili, 27th April 2013.

⁷⁷ One example of this has been the establishment of a small fund for proposals submitted by each of the *Suku* Associations. Association Officers have to demonstrate a clear understanding and use of the training they received as part of the Suku Governance Support Programme and must submit a well-constructed and budgeted proposal to the Foundation. A grant can then be awarded to the Association in order to run an event such as a community dialogue. Another example is a programme in Liquica District which requested support, which The Asia Foundation then supported. The risks in funding this kind of activity are discussed further in Sections 3 and 4.

⁷⁸ Interview No. 14, 27th April 2013.

⁷⁹ Interview No. 14, 27th April 2013.

⁸⁰ Ibid. *Care International* explained its approach at a programming training event in Dili.

⁸¹ Interview No. 13, 26th April 2013

practical programmatic roots and local theoretical evolution within the country team and context. The Asia Foundation recognises the gap between state and society in Timor-Leste as the country's major developmental problem, but has not pushed a *specific* governance reform approach onto resolving this problem. The "Support for Local Governance Programme" is instead designed to attempt to bridge this gap in an open-ended way, by building up the lobbying capacity of villagers to communicate with their own government about their own issues. Overall, the flexibility of the programme appeared to correspond well to the dynamic and fragile governance environment in place, and the programme staff members appeared confident in the benefits of this approach. The next section considers how the programme operated in practice at the local level.

3. The "Improved Local Governance Interface" Theory in practice

In this section, we consider how the "Local Governance Support" Programme operates in practice towards improving state-society relations, via the application of the "Improved Local Governance Interface" approach. It is our finding that the establishment of strong relationships between Programme staff, administrators at the Ministry of State Administration in Dili, line ministry representatives at the district level, and local community leaders (village chiefs and their deputies) has been a major contribution to the Programme having traction on local governance reform initiatives to date. The Programme has also been aided by the continuity of staffing within the local governance team in the country office, from the GEC programme onwards, with largely the same individuals continuing to work on the new Programme. This has built trust at various levels of government, and enabled programme staff to secure access to different actors within government organisations.

At the district level, our field research showed that allowing sufficient time for relationships to be established across and between different levels and bodies of government had been a contributing factor for *Suku* Associations to become relevant and useful bodies of governance for local communities. We identified this feature by comparing the response to, and views of, the Associations from informants across the new and established programme districts.⁸² In districts where the programme was new, misunderstandings over the role of the *Suku* Associations were rife and the purpose of the Associations was unclear. However, in those districts where the programme had been established for a longer period, based on interviews with *Suku* Association members, all of whom are village chiefs, several emergent roles for the *Suku* Associations were reported to us.⁸³

One role that was frequently reported was the use of the Associations as a monitoring body over government-administered development programmes. At the village-level, our data highlighted that *Xefe de Suku* were struggling to manage the large number of responsibilities assigned to their role, whilst at the same time suffering from a lack of formal compensation for these roles. In some cases, the *Suku* Association had provided them with an outlet to seek advice and support from other *Xefe de Suku*, and to work collectively to address their problems. Here, we consider this and other relevant findings on the programme's effects, in more detail.

⁸² We have used the control/treatment terminology and methodology practice in a qualitative sense, borrowing from the quantitative method of comparing control and treatment sites of specific interventions to measure their effect. Our findings are therefore only indicative of particular effects. See the methodology in Appendix A.1.

⁸³ See Appendix A.1 for details on our interview methodology.

In this section, we outline four different levels at which the *Suku* Associations appear to be playing a role in addressing some of the structural problems inherent in the current governance system, and where some traction towards the Programme goals of improving local governance have been established. We start with the national level of government, followed by the district level, we then discuss the inter-village level, at which the *Suku* association operates, and we finally consider the village level.

3.1 The national level

Our research focused at the activities of the Programme at the district and village level, thus our reflections on the impact of the programme at the national level are preliminary only. Nonetheless, we conducted some key informant interviews at the national level, and gained a range of perspectives on the programme's impact. We did not have access to observing or recording "behind-the-scenes" efforts by Asia Foundation staff to lobby government on village level concerns, via the presentation of research reports, and the participation in closed round-tables on local government policy, among other activities.⁸⁴ Our research focused more, therefore, on the explicit governance reform work conducted at the district and village level, via the establishment of *Suku* Associations - the most concrete creation and partnership of the Programme to date.⁸⁵

Within the Ministry of State Administration, the key ministerial partner to the PAGOS Programme, the establishment of *Suku* Associations was generally viewed as a positive step towards improving relations between the government and rural society, with some interesting caveats. The Directors of the two key government directorates in the Ministry of State Administration working with The Asia Foundation expressed generally positive views on the role of *Suku* Associations to date. However, they also questioned the emergent role of *Suku* Associations as "monitoring groups", who were taking a lead in alerting the central government (and their representatives at district level) to financial and other irregularities in development programmes.⁸⁶ The senior government staff interviewed questioned the capacity of the *Xefe de Suku* to play this kind of monitoring role, as well as questioning its rightful place in the programme.⁸⁷

The flipside to this view of course is that such a programme effect was beneficial to local governance: if *Xefe de Suku* were able to criticise the central government, via their village leader Associations, this brings the central government under greater scrutiny. This process of "improving" the capacity of village leaders to criticise the government is not in the direct interests of the central administration, although it might help overall governance improve. Questioning the capacity of *Xefe de Suku* to play a monitoring role is thus an easy way for the central government to de-legitimise village leaders, when in fact their criticisms of central

⁸⁴ Approaching this national level political work would have required greater time in the field to establish trust and access to national level actors operating in the highly sensitive political arena of decentralisation and government reform policy. As the national level programme work is conducted largely behind the scenes via lobbying, and implicit reform work, rather than explicit approaches, measuring the process and impact of those activities would also require a more embedded approach with a greater timeline. We therefore made the strategic decision – given the time and budget allowed – to focus on the district level, to which we could secure access more readily, and where we could observe concrete activities (via the Associations). See the Methodology for more detail in Appendix A.1.

⁸⁵ At a later stage of the PAGOS programme, once it is more established, it may be possible to observe national level activities without triggering access and political sensitivities. But at the time of research, this was not deemed appropriate.

⁸⁶ Interview No. 16, Estatal, Dili, 29th April 2013.

⁸⁷ Interview No. 2, Estatal, Dili, 18th April 2013.

government show that they are playing an improved role in local governance.⁸⁸ The issue of whether *Xefe de Suku* should be criticising the central government was repeated across our interviews with national and district level administrators. From their perspective, this was a failure of the programme. From the perspective of the *Xefe de Suku* we interviewed (as well as from The Asia Foundation staff), this was instead a significant and positive impact of the programme on local governance.

However, the story is not so straightforward. Other observers of the programme noted that the ability of the Programme to raise the governance capacity and to educate community leaders about the scope for taking greater initiative within the current government structure was a mixed blessing. One key informant highlighted that encouraging village leaders to criticise the government could backfire, if the Associations ceased to exist (for example, when donor funding ran out).⁸⁹ Creating Associations that cannot genuinely stand independently of donor support, which this informant did not feel the Associations could do, runs the risk of putting those leaders in vulnerable positions if they find themselves back in their original position – acting alone – with the wrath of the central government against them. This risk increases if the current coalition government begins to feel more insecure in its hold on power, and seeks to reverse any increase in the role of village leaders.

The point raised above on the risk of encouraging local dissent against the central government is not a small risk, given Timor-Leste's recent history of centralised oppression of village leaders, as well as ongoing political tensions between the coalition government and their major opponent, Fretilin. We find that such risks need recognising explicitly in the programme design, as well as clearer articulation of the points at which the programme should be revised or rolled back, if those risks escalated. Section Four returns to this point in more detail and with further reflections.

What was clear throughout the research was that the successes of the Programme were attributable to the strong relationships established between staff at The Asia Foundation and within Estatal. As the Director of a local NGO, based in Baucau District, reported:

This arena (governance reform) is difficult for us to enter if there isn't a good relationship between our organisation and the government.⁹⁰

The generally positive working relationship between the Ministry of State Administration and The Asia Foundation meant that each organisation was familiar with the other, from the design and concepts behind the Programme, through to the individual members of staff. An unfortunate side-effect of this close working relationship, however, was that the government now views the creation of the *Suku* Associations as a part of The Asia Foundation programme arrangements, rather than a community-led venture.⁹¹ According to the same informant, one District Administrator - from one of the districts we researched for this study – had commented to him that the *Suku* Association was a mechanism for The Asia Foundation to implement its governance programmes and nothing more.⁹² We can apply here the same caveat that we applied to the comments from the key directorate staff: central administrators do not appreciate being made more accountable to the community level, and dismiss the

⁸⁸ Discussion and correspondence with senior programme staff, April to July 2013.

⁸⁹ Interview No. xx, informant to remain anonymous, Dili, xx xx 2013.

⁹⁰ Interview No. 11, CDC, Baucau, 24th April 2013. *Centro Dezenvolvimentu Comunitario* (CDC) is a local Timorese NGO, based in Baucau Vila.

⁹¹ Interview No. 27, informant to remain anonymous, Dili, 9th May 2013

⁹² Ibid.

programme when it appears to do so. Nonetheless, if, the Programme's design raises such critiques (that is, as being an Asia Foundation-driven exercise, rather than coming from the community) this poses a problem for its legitimacy and longevity should the political tables turn against the Programme at higher levels of government. We touch on this risk again in Section Four.

During the research, we found evidence that the continued running – or expansion - of the *Suku* Associations was highly dependent on the resources provided by The Asia Foundation.⁹³ Of course, one of the major limitations to the *Xefe de Suku* carrying out their extensive governance roles, as mentioned earlier, is their financial limitations. The unknown future status of the *Xefe de Suku* and *Suku* Councils, under an increasingly decentralised state, or even under a more centralised one, will of course determine the longevity of any changes to their roles. The political space in which the *Suku* Associations now work may become more constrained in the future if the current government attempts to raise (rather than reduce) political control of village leaders.

One Ministry official stated that The Asia Foundation must consider the potential for these political changes to come into play in the future and had, “asked the organisation to currently pause” the establishment of further *Suku* Associations, “until the future direction of formal government structures is clarified by a new law on decentralisation”.⁹⁴ With legislation on decentralisation currently still in draft form, and the process dependent on several other laws needing to first pass parliament, the political space in which the *Suku* Associations are currently operating could easily disappear. One Asia Foundation staff member noted, “the devil will be in the detail (of the legislation) and until this is known we can only go on supporting our programme in the way we already do”.⁹⁵ As long as the working relationship between the Ministry and the *Suku* Associations is dependent on the Asia Foundation for survival, the process towards genuine state-societal change – and greater accountability between citizen and state - will be a difficult one. Again, we return to this point in Section Four.

An interesting case to contrast with the PAGOS-supported *Suku* Associations came out of interviews with the Dili Forum, also a collective group of *Xefe de Suku*, from the district of Dili. The Forum is funded by Caritas (Australia), and is chaired by a former *Xefe de Suku*. This particular Forum was initially used as a case study by The Asia Foundation during the investigatory stages of PAGOS. It has never directly received support or assistance in the way the other *Suku* Associations have done from The Asia Foundation. Established in 2008, the Forum appears to have a good grounding, employing two administrative staff and offering training courses from its base in *Suku* Bairro dos Grilhos. The Forum has stronger links to the local community than the *Suku* Associations as a result, but it does not enjoy the same positive relationship with the central government. According to the President of the Forum, its legitimacy has been questioned by the government, in a similar way to a case we mention below in Bobonaro, but without the support and coverage provided by The Asia Foundation's assistance.⁹⁶

⁹³ Observations made at the launches of both Manatuto and Ermera District *Suku* Associations. The Asia Foundation provided costs for all *Xefe Suku* to attend in both cases. In the case of a public consultation on decentralisation in Baucau district, the lunch provided was paid for by TAF, as well as organised by a former District Coordinator from the GEC programme, who is now working in the same role under the HAKOHAK programme.

⁹⁴ Interview No. 2, 18th April 2013.

⁹⁵ Interview No. 13, The Asia Foundation, Dili, 26th April 2013.

⁹⁶ Interview No. 14, The Asia Foundation, Dili, 27th April 2013.

The Dili Forum case raises an important question; if village leadership associations can only survive and pressure central government effectively with donor support, then if and when political winds or structures change, the impact of any governance reform programme on genuine state-societal restructuring, and the empowerment of village leaders, will have been only fleeting. Of course, this is a problem for many donor-supported governance programmes in weak and fragile states, and Section Four returns to reflect further on this macro-political environment point.

3.2 The district level

Overall, we found that in the “treatment” (that is, more established) district sites, where the Programme had been established for over one year, the PAGOS Programme showed signs of contributing to positive changes in the way *suku* leaders coordinated and communicated with different levels of formal government. The Programme is still in its very early stages, so the longer run impact and survivability of these effects cannot be judged yet; but nonetheless there are indicative findings of positive effects.

We found evidence of the Programme establishing a better understanding of village leaders’ roles, and aiding better communication between different levels of government - for example, between the *Suku* Association and District Administrator. An interview carried out with a local NGO in Baucau also showed they had a good understanding of the role of the Baucau *Suku* Association, despite not playing a formal or major role in its activities – news of the role the Association was playing had begun to spread among the wider community.⁹⁷

From observing and interviewing in areas where the programme had been running for several years, in contrast with where it had just started, it was clear that *Suku* Associations required time to become established and for village leaders and the wider community to understand their potential roles. More time had also allowed different parts of district government to get to know the Associations and their objectives. PAGOS programme staff found it was necessary to continually reinforce the role of the *Suku* Associations via maintaining regular contact and engagement with local leaders and officials for the first year, at least.⁹⁸ In areas where communication had been going longest, like Baucau, and where village leaders, district administrators, and other local interested parties, had been communicated with regularly and repeatedly, the programme appeared to have taken its strongest hold.

To provide further evidence of these points, the situation in Manatuto district, one of the more recently established programme sites, (our “control” research site) can be contrasted with Baucau, one of the more established programme sites (our “treatment” site). Manatuto was one of the two districts originally used as a “control” district under the GEC programme, thus the GEC programme had not been in operation there. It therefore entered the PAGOS Programme at a later date. At the time we visited, in April 2013, the Programme had only just opened. Here, in contrast to Baucau, representatives of the district and sub-district government were critical of the lack of activity organised so far by the *Suku* Association. While they knew of its existence and, indeed, the District Administrator (DA) attended the launch of the Association, they were unclear as to its purpose and standing. The DA stated his confusion over the role of the Association,

⁹⁷ On reporting back on this interview to the Dili office, this information had not yet recorded by the TAF staff, demonstrating that the programme is generating new effects that have not yet all been observed and monitored.

⁹⁸ Interview No. 3, The Asia Foundation, Dili, 6th May 2013.

You're not part of the government (in the Association), but you need to bring community needs to the government – you are not opposition but an everyday check or critic of actions by the government.⁹⁹

Both the Manatuto District Administrator and the local Sub-District Administrator (SDA) for Manatuto Vila were concerned that the Association could potentially act as a force of “opposition” to the central government. From their perspective, this was not a helpful situation as they tried to “carry out their activities”.¹⁰⁰ This “force of opposition” to central government can of course be seen in the contrasting light, in positive terms, as it provides scope for communities to respond to their government’s policies in a critical way. Nonetheless the suspicions of the Programme’s scope for creating “opposition” to local government authorities suggested it needed to be handled carefully. The local government could potentially create sustained administrative resistance to the programme, and in turn, this could create related problems for local leaders. We return to these points in Section Four.

The Manatuto District Administrator also stated that the idea behind a *Suku* Association was important in order to “coordinate” the actions of the central government at the *suku* level, and that the *Suku* Association could represent the different ideas of all the *suku* in that region. In his view, the district and *suku* levels could “work together” to present ideas to the national government. But within the interview there was a sense that this “working together” implied that communities should always be in agreement with the District government, which is of course not at all the point behind the Associations. The other official interviewed in Manatuto was less positive about scope for coordination,

I know [the *Suku* Association] is comprised of individual *Xefe de Suku*, but it is not a mechanism for better communication (with the government). The DA communicates with the *Suku* Council, so the *Suku* Association should communicate with the DA.¹⁰¹

We can interpret the confusion about, and resistance to, the PAGOS programme in Manatuto as evidence of the pre-PAGOS intervention governance situation, where village leaders are seen as vessels for receiving information, and coordinators, rather than active “leaders”. Such a site demonstrates the potential for the *Association* to have an important impact on creating political and administrative space for village leaders. It also demonstrates the risks and resistance from the official government sphere at the district level to increased village autonomy and voice.

In the more established programme district of Bobonaro, the role of the *Suku* Association had also been resisted by the district level administration – not out of fear of its potential to criticise the government, but because the Association had already *directly* criticised the district government. Much of the District Administrator’s hesitancy in these interviews towards the *Suku* Association was grounded in a reported incident where the *Suku* Association had exercised its right to appeal to the government for clarification over the use of finances.¹⁰² The District Administrator here viewed the *Suku* Association as currently “unconstitutional” and therefore illegitimate as it has not registered with the Ministry of Justice as an official organisation. Despite stating there was no “conflict” between his office and the *Suku* Association, he was cautious about supporting the establishment of *Suku*

⁹⁹ Interview No. 5, Manatuto, 22nd April 2013.

¹⁰⁰ Interview No. 5, Manatuto, 22nd April 2013.

¹⁰¹ Interview No. 21, Maliana, 7th May 2013.

¹⁰² Interview No. 21, 7th May 2013; FGD No. 4, Maliana, 7th May 2013.

Associations even further. In this contest, the *Suku* Association had gone directly to the central government to make a complaint on corruption, which led to an official investigation by the Anti-Corruption Commission.¹⁰³

The case from Bobonaru demonstrates an increasing confidence in village leaders to criticise the government over its policies, or failed policies, and a growing understanding of their capacity to play a role in changing government policy outcomes. This appears to have stemmed from their participation in the PAGOS programme. According to Law No. 3/2009, *suku* councils are not a direct part of the government and *suku* councils are not appointed by the government; they are directly and democratically elected by their respective community as community leaders. Therefore, *suku* councils cannot officially be controlled by the government and *suku* councils are (in principle) genuine community representatives that should represent their community's needs to the government and other stakeholders. This includes playing a role in requesting information over financial expenditures and misuse.¹⁰⁴ Of course, as *suku* leaders are informed of their new role, legally enshrined in Law No. 3/2009, by their participation in the PAGOS programme, they can feel empowered to criticise the government, which the government then resists: as was the case here. To village leaders in this district, the programme has therefore had a positive effect on their relationship with government, and had therefore improved local governance. To the criticised administrator, the programme was detrimental to their position and role in local governance.

At this early stage of the programme, whether such a village leadership “empowerment” process widens, or closes, the gap between civilian and state, overall, depends on which side of the gap the observer is sitting. That the DA is losing power in this situation, and will therefore resist the programme, shows that while the process is beneficial to village leaders, it is not a win-win scenario for all partners involved, and may not “build” community-state relations, it may instead undermine them. The facilitation of criticism of government may well be resisted fiercely by the district level of government, and possibly undermine overall programme goals of “bridging” the governance gap.

The “cost” of the programme to the government, while providing potential gains to the community leaders, is not necessarily reflected in the *Theory of Change* underpinning the programme. The *Theory of Change* seems to view the process of village leader empowerment as beneficial to *all* involved. However, increasing village-level criticism of the government may enhance rather than bridge the governance gap. We reflect more on this potentially two-way process in Section Four.

Another example we found of the *Suku* Association working to bridge the “gap” between village leaders and the district government was in Baucau District. Here, the District Administrator (DA) had worked with great enthusiasm to cooperate with the *Suku* Association, as reported by a range of sources from different standpoints.¹⁰⁵ Observations during the research showed that the DA had a good relationship with community leaders, including the *Suku* Association, and was keen to attend events organised by them, including a dialogue on decentralisation in advance of the Prime Minister's visit (this was part of a 13-district tour by the PM to “socialise” the population on the proposed plans for decentralisation, which took place during our field research). The constructive relationship, and a solid understanding of the DA in Baucau as to how his office could work with the *Suku*

¹⁰³ Interview No. 21, 7th May 2013.

¹⁰⁴ Based on correspondence and discussion with Programme Manager, PAGOS, April-July 2013.

¹⁰⁵ We used a triangulation process to cross-check reports of this nature from different sources, so we would not be reliant on one source of information for particular viewpoints.

Association, in collaboration, had led to greater communication and cooperation – rather than conflict - between village leaders and from the DA towards them, in this particular situation.¹⁰⁶ Thus, in contrast to the Bobonaro situation, Baucau appeared to have found a genuinely win-win formula, where both district government and village leaders felt the governance benefits of the programme. To determine whether this scenario was dependent on having less corrupt local government officials in place, or whether it required an active role of particular leaders to broker relations with the district government, or other related factors, further research would be required.

During the field research, it was also reported to us that the influence which *Suku* Associations have enjoyed with line ministry offices, as opposed to the District Administrators, at the district level remains “limited”.¹⁰⁷ In Oecussi district, for example, it was reported that the *Suku* Association has yet to have any sort of communication with the district level Ministerial directors.¹⁰⁸ The gap between village leaders and district government offices cannot close if there is no communication between them. In the districts of Baucau and Bobonaro the directors of various ministerial directorates were found to be quite knowledgeable of the existence and role of the *Suku* Associations, although it was not clear that there was any deliberate communication or collaboration with them.¹⁰⁹ When *Suku* Associations run events, even in Baucau district, representatives of the Ministry of State Administration at the district and sub-district level were reported to be likely to attend, but it was also reported that it was much rarer for representatives of other Ministries to attend. This problem of communication across district level bodies of government reflects not only a gap between these ministries and the village leaders Associations, but also the fact that district level governance is itself a “messy” governance space in Timor-Leste, with competition for power between different line ministry representatives and no clear hierarchy between the District Administrator and the line ministries. In terms of improved governance at the district level, there is still much progress to be made.¹¹⁰

3.3 The *Suku* Association as an inter-village organisation

The *Suku* Associations are often described as a “development partner” of the government.¹¹¹ As explained by one of the *Suku* Association boards, they should develop a strategic plan which includes short, medium and long term objectives for each Association. They strive to be a centre of knowledge for villagers in each *suku*, with new information from the government communicated, where possible, via the Association’s members. In such cases, the Association’s board also sets an objective of “capacity-raising” for all community leaders who have a role within the *Suku* Councils. This board also sees is also meant to be “bottom-up”, not only distributing information from above, but collecting issues from the local-level and raising them with informal government structures. Usually, this means speaking to officials at the sub-district or district level, on behalf of villagers, but some topics requiring more urgent attention were also taken directly to Dili and the relevant line ministries.

With respect to the PAGOS Programme, the *Suku* Associations have indeed been used as a mechanism to create better access for the village level to higher levels of government. For

¹⁰⁶ Interview No. 9, Baucau, 24th April 2013.

¹⁰⁷ Interviews with Asia Foundation staff, April-May 2013.

¹⁰⁸ Ibid.

¹⁰⁹ Interview No. 8, Manatuto, 23rd April; Interview No. 10, Baucau, 24th April 2013.

¹¹⁰ Participatory observation made by researchers, and observed by TAF staff in interviews and follow up correspondence, April-July 2013.

¹¹¹ FGD No. 2, Baucau, 25th April 2013.

example, the “Training of Trainers” activity for *Xefe de Suku* had taken shape in a few different areas. We found consistent references in our interviews to the search by village leaders for improved understanding of national legislation, such as that on domestic violence, as well as more broadly developing their knowledge of their rights and responsibilities under the new legislation.¹¹²

The *Suku* Association, as defined by one Association member, is also an “umbrella” for both current *Xefe de Suku*, and for ex-*Suku* Council members. During the research at the village level, some informants pointed out that while ex-Council members have good ideas and experience as village leaders, there is no formal place for them to promote them when they are no longer on the Council. The *Suku* Association was therefore seen in some areas as a forum where different ideas from different village leaders – past and present - could come together.¹¹³ In some regions, a broad membership clause had been written into the statutes of separate Associations, as a result. In other areas, not all *Xefe de Suku* had signed up.¹¹⁴ Each Association’s statute comes about because of the demands of its Association members in that area, hence some district’s statutes reflect a broad membership and others do not, depending on the local composition and interests of the group.

During our research, members of *Suku* Associations were keen to share some of the positive impacts they had already experienced via being members of the Associations. One of the achievements reported was that the Association in Bobonaro had successfully monitored the implementation of a government funded “mini-market”, which had been built by the district government, but had not been used, as it was not well located. A new technology school in the district was also yet to open due to the poor quality of the buildings, and the Association were actively pursuing their reporting on this issue.¹¹⁵

According to the *Suku* Association board in Baucau District, at their own instigation they had issued a call preceding the 2012 elections to make a joint statement, together with other local actors, against violence during the election period. A so-called “Unity Pact” was established by the Association, spelling out that if a political party was responsible for any “negative act”, such as violence, it would have to explain why to the community.¹¹⁶ Baucau, a district at the rebel frontier during Indonesian occupation, has struggled to shake off a general perception that local people respond with violence to political competition. However, during the 2012 election campaign, the district stayed largely peaceful. The *Suku* Association felt its actions towards establishing the inter-community peace statement had contributed directly to this positive outcome.¹¹⁷ We did not have time to investigate this finding on the broader impact of the *Suku* Association’s collective action efforts, but it demonstrates the capacity for inter-village collective action to prevent violence during political campaigns and elections, which is highly relevant for Timor’s democratic future.¹¹⁸

The PAGOS Programme will run for a fixed number of years and, as we have already examined, the likelihood of each *Suku* Association currently surviving without support from The Asia Foundation was questioned by staff within the core programme team, as well as those in the main government partner at Estatal. However, as was also pointed out to us by a

¹¹²FGD No. 2, 25th April 2013.

¹¹³ FGD No. 2 25th April 2013.

¹¹⁴ Interview No. 30, The Asia Foundation, Dili, 13th May 2013.

¹¹⁵ FGD No. 4, Maliana, 7th May 2013.

¹¹⁶ FGD No. 2, 25th April 2013.

¹¹⁷ Ibid. An account of this ‘unity group’ was also repeated in Interview No. 17, Baucau, 3rd May 2013.

¹¹⁸ For more on the 2006 violence and the clash between different government and community factions, see the selection of ICG reports.

member of staff, the organisation cannot dismiss outright the potential long-term outcomes of this targeted intervention at the inter-village level, even if they are modest to date. The Bobonaro *Suku* Association told us that one of their successes had been meeting in Dili with other districts to discuss the land law with MPs, as well as to attend training on monitoring private implementation.¹¹⁹ The fact that the *Suku* Associations had been given – and have taken up – this independent platform is a positive change in itself in terms of community level empowerment.

Members of several *Suku* Associations also believed they were bridging a gap across villages within the same district, and not only between communities and the district and central government. As the Secretary of the Baucau *Suku* Association reported, before the establishment of the *Suku* Association, the community in his village, Fatulia, would fight violently to resolve issues, and this also happened across village boundaries. He stated,

People might not always know what is happening, but they try to defend their family, the people and the village. This conflict happens because they have perhaps never met each other before. Since establishing the Association, the *Xefe de Suku* are together and will meet, therefore the relationship between them is much tighter. This has helped resolve unknowns and tension between villages. When conflict happens in another village – even though he may not be from that village, he can go there as Secretary of the *Suku* Association and help resolve the dispute.¹²⁰

The impact of the *Suku* Association, in this case, has been to have aided increased communication between village leaders, which in turn aided conflict prevention at the intra-village level according to one of their members. Again, this is no small improvement in the context of such fragile and fractured intra-governmental and state-society relations.

Finally, despite the question already raised over the long-term sustainability of the *Suku* Associations, we found it compelling to hear officers from the Baucau *Suku* Association talk of the commitment they had to continue running the Association. They reported that they wanted to do this even without further funding from the Asia Foundation, and even though the current structure of governance in Timor-Leste makes this a huge challenge for them.¹²¹ Overall, then, at the inter-village level of research, we found an overwhelmingly positive response to the impact the *Suku* Associations had had, so far, on improving and developing relationships between village leaders, and relationships between village leaders and higher levels of state authorities.

3.4 Other village level concerns

The governance and development needs and priorities expressed by village leaders in our interviews were similar across the different informants we spoke to and reflected the findings from wider research undertaken by The Asia Foundation. The focus of village needs tended to be on the demand for improved physical infrastructure. The majority of development programmes which are due to take place under the new village development scheme, the PNDS, also reflect this perception. Developmental needs expressed by members of the rural population *and* the government did not concern education, training, skills-based learning or even health. As one observer noted, within the country's strategic plan, development is

¹¹⁹ FGD No. 4, Bobonaro, 7th May 2013.

¹²⁰ FGD No. 3, Venilale, Baucau District, 25th April 2013.

¹²¹ FGD No. 2, Baucau, 25th April 2013.

categorised only as physical development.¹²² But this does not necessarily mean villagers only seek to improve their physical environment, much deeper problems may be at play.

A World Bank advisor in Dili explained how the so-called “governance gap” creates “regular” development issues.¹²³ Often, the gap means the needs at the village level are misunderstood by governmental organisations, or that community representatives struggle to articulate what it is they require, and do so only via particular leaders – who themselves may not be aware of what development possibilities are out there. The same informant expressed his concerns at whether the *Suku* Council is

...ready to be put under so much pressure, (which is) bound to increase under decentralisation and the PNDS programme. The local development programmes have the aim to increase local capacity, but in reality powers are usually only with a few people, the *Xefe de Suku* and *Xefe de Aldeia*.¹²⁴

As we have already explored, the *Xefe de Suku* has considerable responsibility, but without a commensurable reward from the government to cover their costs. They receive a small stipend, but all the village chiefs we interviewed found it was inadequate to cover their related costs. This means that individual *Xefe de Suku* are forced to prioritise the role and responsibilities they have – some of course manage this well, and others may fall into a trap of being influenced by, or will work towards, the interests most important to them, rather than the wider community.

On the subject of the focus on physical infrastructure, it was noted by one informant, that a principle reason why *Xefe de Suku* are so ambitious when it comes to improving physical infrastructure is twofold: one, a tangible “something” will remain as their legacy; and, two, it is possible, with the contracting of local firms, for multiple actors involved in these projects to draw off funds from the project as a means of payment, or rent.¹²⁵ This problem highlights how dependent any programme is on the individuals who work directly with the project or in that geographical location, as well as the system-wide set of incentives in place that encourage only physical infrastructure projects to be requested.

During the research, it was also noted that *suku* organisations and leaders may not be the best representative of the village population,

The *suku* (meaning village authorities) has very little to do with people’s day-to-day lives – apart from interventions from outside being pushed through this level, most life still happens at the *aldeia* (hamlet) level. The *suku* was an instrument of the Portuguese. In terms of customary livelihood etc, the *aldeia* is much more significant.¹²⁶

One of the changes to the law on community leadership in 2009 (Law No. 3/2009: see the Appendix for the full text) was the introduction of a “packet”, or *pakote*, system whereby the *Suku* Council campaigns - and is elected - as a single bloc. The reasoning for this new system was unclear amongst the majority of our informants. Wider interviews revealed that it was most likely enacted in order to reduce the likelihood of “conflict” amongst individually

¹²² Interview No. 27, informant to remain anonymous, 9th May 2013; The National Strategic Development Plan: 2011-2030 (2011).

¹²³ Interview No. 12, 26th April 2013.

¹²⁴ Ibid. *Xefe Aldeia*: a chief of the sub-villages which make up the larger village.

¹²⁵ Interview No. 27, 9th May 2013.

¹²⁶ Interview No. 12, 26th April 2013

elected members of the Council, thereby allowing it to work as a more effective “collective” organ of local governance. It would also restrict the role of political party activism at the village level – a problem we return to in Section 4. It was also probably a cost-cutting measure for the central government, intending to save on individual election campaigns.¹²⁷ The new system has led to – as was publicly acknowledged by the *Xefe de Suku* interviewed – a weakening in capacity within the *Suku* Council, as those individuals with a better standard of education or experience pitch themselves against one another in separate packets, and cannot each be elected.¹²⁸ Such a system contributes to the further weakening of village governance, leadership and representation, which the establishment of *Suku* Associations cannot possibly address on its own.

Conclusion

In this section we separated out different perspectives of how the PAGOS programme works in practice at the relevant levels of government and governance in Timor-Leste. We have illustrated how changes to local governance interact with the Programme’s new organisations and institutions, including how the *Suku* Associations operate differently at the district-level across different locales. Drawing largely on our field research findings, this section has summarised the views of those working at each different level of governance. We have highlighted some of the positive impacts of the Programme in terms of addressing problems caused by the “governance gap”. We have also demonstrated that the programme can indeed widen this gap at times, though perhaps for good reason, and in the short-term. We have also framed the analysis in some of the wider issues of the broader governance environment, which we now return to discuss in more depth in the next section.

4. Conclusion

In this concluding section, we summarise several key points. First, we summarise the major governance challenges faced by the Timor-Leste government at the local level. Second, we discuss the successes of The Asia Foundation’s local governance programme, via its use of a flexible *Theory of Change*. We focus on the correspondence between the political and governance environment and the programme’s design and approach. We also discuss how the organisation manages risk by lobbying for relevant changes at the national level, whilst not addressing them specifically in the programme’s activities, instead focusing much of its concrete programme work at the local level.

We then, in the third part, address some of the tensions within the programme, which come from how it interacts with the current governance and political environment. In particular we question the dependency of survival of the reform initiatives on external (non-Timorese) funding and management to provide the political space for it to continue. We also discuss here two critical tensions within the programme.

The first programmatic tension lies in the goal of raising village activism and therefore potential criticisms of central government projects and activities, which (for some of those involved) widens rather than reduces the state-societal gap, creating conflict not consensus. It cannot be assumed that increasing village activism will create harmonious governance (and

¹²⁷ Interview No. 27, 9th May 2013

¹²⁸ FGD No. 1, *Suku* Council Cribas, Manatuto Vila, Manatuto District, 23rd April 2013

neither should it, necessarily, seek to do so). Yet this assumption seems to be embedded within the design of the programme.

The second tension lies in the organisation's attempts to narrow the governance gap, while some key actors and partners in the programme – at both the national and local level – have a deep seated interest in maintaining the distance between central authority and the community level. We argue that these tensions need to be recognised by the programme, and worked around, even if they cannot be reconciled.

Finally, we reflect on how the central goal of the programme - that is, the reform of state-society relations - cannot be achieved via a solely technical approach to local governance, as it is currently outlined, but requires both deeper and wider *political* engagement across society and state as a whole.

4.1 The major governance challenges

Barely a decade into the country's independence, Timor-Leste now provides academics and practitioners with an example of incredibly rapid state-building in a postcolonial, post-war and post-occupation setting. Asia's newest - and one of its most rapidly growing - nation states continues to struggle not only with the governance legacies of colonisation, occupation and war but also, by the act of independence itself, the profound impact of the short but intense period of UN-administration. Between 1999 and 2002 the UN Administration, UNTAET, set about rebuilding state organisations destroyed in the violence that followed independence, but, even more significantly, it attempted to build democratic institutions which were largely new to the previous political structures. Democratisation came into conflict not only with colonial and "traditional" legacies of governance, but also with the occupation and resistance governments' structures and modes of rule.¹²⁹

The gap between the centralised and geographically-removed state and rural village society in Timor-Leste is widely recognised. One member of an influential Timorese non-governmental organisation, La'o Hamutuk, reported that this governance gap was "huge" and spanned all political organisations. National civil society organisations – which also tend to be largely based in Dili – are also separated from villagers, in similar ways to the government structures, although there are many district level local civil society organisations addressing local governance issues where they can.¹³⁰ The gap between civil society organisations and the state, and of both these organisations from villagers, was already well established prior to the post-1999 period of international government administration. But this gap was exacerbated by the UN period which saw the total concentration of development efforts in Dili, and the neglect of village governance and development needs. This tendency to a centralised and urban-based approach has continued under Timorese self-government.¹³¹

Since independence, successive governments have attempted governance reform, but the direction of these reforms in either ideological or practical direction remains in flux. An institutional status quo and common vision has not yet been reached at the central level of government, let alone at the local level.¹³² Perhaps this explains the continually delayed approach to reforming local governance. It should not be expected that such a new and

¹²⁹ See Cummins (2010) for a full exploration of the emergence of contemporary local governance structures in Timor-Leste.

¹³⁰ Interview No. 20, La'o Hamutuk, Dili, 6th May 2013. This was a common perception amongst many informants.

¹³¹ Interview No. 1, The Asia Foundation, Dili, 17th April 2013.

¹³² See Engel (2013) on the failure of a political settlement in post-war Timor-Leste.

contested state, dealing with the legacies of highly centralised and hybrid government - through colonialism, occupation and then UN-administration - can set a quick course to reform local governance. Narrowing, or redefining, the deep gap between those holding central power, and the communities living largely in rural villages, will be impossible so long as there is no central political settlement over how the state will govern centrally and nationally.¹³³

It is in this uncertain and rapidly evolving and hybrid governance context, where the gap between state and society looms large, and both traditional and formal organisations hold authority at the local level, that multiple international organisations have attempted to support “good governance”. They have done this via addressing both development and democratic concerns, but largely from the top-down and in a highly centralised and technical manner.

4.2 The strengths of The Asia Foundation’s approach to local governance reform

In contrast, the PAGOS governance programme we have described and analysed here is explicitly aimed at improving state-society relations via operating largely at the local level and working most directly on the inter-village level of governance. This level of governance is, almost by definition, a hybrid organisation and the PAGOS programme explicitly recognises this. The attempt to bridge informal and formal organisations and modes of governance, as well as linking informal community leaders to higher former levels of government, reflects a deep understanding of the complex nature of local governance. As such, we found the programme’s design at the local level was well matched to its environment in terms of both its structure and approach.

The uncertain direction the state is heading towards – and the rapid pace of change in all areas of social life - in Timor-Leste, underpins the open-ended and flexible approach The Asia Foundation has taken to its local governance programme. We find this to be a well-founded approach in the current political context. The strong sense of the “unknown” surrounding the current government’s attempts to fulfil a constitutional commitment to decentralise makes governance support work by The Asia Foundation both unpredictable and risky. Yet, in the same vein, the approach also defines the “Suku Governance Support Programme” as something unique: it is an open-ended campaign to strengthen weak state-society relations via providing space and funding for village leaders to organise themselves collectively, and to lobby for change in their own ways.

The Asia Foundation in Timor-Leste openly appreciates that a sudden change in government policy could dismantle their programme, even while it is already entering its third year. We have highlighted earlier the strong relationship The Asia Foundation maintains with their key government partner, the Ministry for State Administration (Estatal), and this can only improve the preparedness of the organisation to cope with change. A clear demonstration of the partnership is how, in 2013, The Asia Foundation cooperated with Estatal to provide evidence-based research on the future status of village-level governance. By working explicitly at engaging reformers at the community level, and by implicitly approaching reform at the national level, it appears likely that the organisation can continue to influence policy decisions on government structures for the near future.

In the formal programme documentation, the organisation maintains that directly changing government structures is something out of their control: a risk rather than something they can work directly to change. But informally, the organisation is lobbying for structural change.

¹³³ Engel (Ibid).

While the organisation cannot directly change government policy, it can wield influence, especially by using the evidence it generates directly from its community work. As such, the organisation works to implicitly support reform initiatives at the top, but can do so more explicitly from below in its programme work with village leaders. The organisation thus makes an important contribution to developing governance capacity and awareness at the village-level; while the impact at the top is less tangible.

4.3 Challenges to the programme's approach

We have also identified what we find to be some core tensions inherent in The Asia Foundation's local governance reform approach. First, because the programme is designed, managed and resourced internationally, it risks producing new village governance institutions which cannot stand on their own feet and are not embedded within any particular local governance organisation that already existed (whether "traditional", former-resistance, political party, or other organisation). Observations as well as interviews with informants during our research raised concerns over the longevity of the programme in respect of its external financing, and the fact that it was not embedded in other forms of already existing political or social organisation.

We noted the full range of initiatives the individual *Suku* Associations had made, in order to better represent their local communities in each district. We heard of many successes, with Associations holding stakeholders to account or showing an ability to better articulate the needs and priorities of villages at the district and national level. But there will always be resistance to these initiatives from those who stand to lose out: whether the officials who are criticised, or the authorities who stand to lose power. The degree to which these new "good governance" institutions and activities - i.e. politically independent organisations - remain both intellectually and financially propped up by The Asia Foundation is of concern. This then begs the question of how any of these new and tenuous contributions to addressing the gap between state and society can be maintained *beyond* the programme's cycle and the strong presence of the international organisation behind them. We do not see this risk as one that is outside the organisation's control: rather, it is embedded within the current programme's design and organisational structures, and, as such, should be reflected upon as an internal risk.

In an interview with a Timorese non-governmental organisation in Baucau, members thought that recent reforms to village government, especially with the creation of elected councils, combined with the promise of further reforms, meant the political moment was ripe to address the governance gap. Through the promise of new village-level development programmes, such as PNDS, and the long-debated plans for decentralisation, they argued that "the village level will become subjects of the development, not the objects".¹³⁴ The scope for positive change, for the governance of the rural population, and for increased activism by village leaders, appears to have grown in recent years.

At the same time, the legislation detailing the role of the critical leaders of the village, the *Xefe de Suku* at the village-level remains "unclear", even to government administrators tasked with organising government structures.¹³⁵ This lack of clarity is not necessarily a bad thing for villagers and in some ways allows them greater independence from government. The approach of the current fifth government is set within the parameters of Law No. 3/2009,

¹³⁴ Interview No. 11, Baucau, 24th April 2013.

¹³⁵ Interview No. 2, Estatal, Dili, 18th April 2013.

which currently excludes the *Xefe de Suku* from formal government.¹³⁶ Instead, each *Xefe de Suku* has the position of “community leader” with his or her *Suku* Council as a “community authority”, subordinate to the district and sub-district levels of government, but with the power to represent their communities. The *Xefe de Suku* therefore has responsibilities of village governance under Law No. 3/2009, although they do not have the power to administer state policies.

The current Prime Minister Xanana Gusmao was reported as wishing to promote a system derived from Indonesian government structures. In that way, the *Xefe de Suku* would be elected, but would also serve as civil servants. He or she would receive a salary and serve in a particular location, and would then return to work in the government.¹³⁷ This is one possibility for the new legislation, but there are others: such as formalising the independence of village chiefs from government in even stronger ways. The challenge will be for the current government to find a model for local governance to which stakeholders will agree at both the central *and* the village levels.

During field research, we gained the impression that while there was now scope for greater participation in governance decisions from the villages, it was far from guaranteed and protected. The current legislation, preventing community leaders from being part of the formal government structure, poses a challenge as they are expected to carry out government activities without any formal incentives for doing so: a heavy burden without compensation. But there are advantages to the village chiefs in being *outside* of the formal government system, as they are not formally controlled by it and can maintain their independence – and therefore, perhaps, represent their communities more effectively in their negotiations with the state.

Concluding remarks

To conclude, we wish to highlight a wider problem of how local governance is articulated within The Asia Foundation’s approach. The geo-political gap between village communities and the Timor-Leste government is treated, for the most part, as a technical problem of governance. If the structures and institutions of government could be reformed, decentralised and made more accountable to the population, the argument goes, then development itself would be improved, in overall economic, social and political terms. The identification of the *problem* is not the issue – there is common agreement across multiple sources, and from multiple perspectives on that. But the *cause* of this problem cannot only be treated as a technical one, which by changing structures to increase participation, and improving local governance systems, will resolve.

What such a technical perspective overlooks is that along with a system of highly centralised governance, with a recognised low capacity to manage local issues, there is also a two-way process actively *promoting* the governance gap. At the central level, the government administration does not currently gain from communities actively criticising and attempting to change government policy. Government representatives at the district level stand to gain even less from increasing the active involvement of villagers in their activities, if they are not up to scratch. In the districts we studied, where the *Suku* Associations had actively criticised the district level of government, or where officials were suspicious of these inter-village associations, the officials concerned could only see the disadvantages posed to them by these new village leadership organisations. In such scenarios, it is not true that increasing village

¹³⁶ See Appendix for the full text of Law No. 3/2009.

¹³⁷ Interview No. 2, 18th April 2013.

voices creates a win-win situation: those officials who are criticised do lose authority, and, potentially, power. It would be expected, in such a situation, that they would resist increasing activism by villagers, and seek to undermine it.

Then, at the village level, while most informants we spoke to were actively supportive of the *Suku* Associations, we were only speaking to the converted. Had we been able to conduct a wider survey, it would likely have identified communities quite used to keeping the central government machine at a long arms-length and preferring to keep it that way. As Cummins (2010) writes on local governance in Timor-Leste, the Timorese community is as resistant to the central government, which delivers so little to it, as the government is resistant to improving its relations with the community.

The governance gap is therefore, quite simply, not in everyone's interests to dismantle. A complex hybrid system of government at the local level, interweaving multiple sources of authority and institution, cannot therefore be dismantled by purely technical interventions to open up political space for local leaders. Local governance programmes, designed to bridge this gap in the interests of improving governance for all, but especially for poor villagers, may be undermined by the assumption that every partner involved – whether villager or Minister - has the same vision of what “good governance” is. This assumption may be impossible to avoid, but it is crucial to understanding some of the potential flaws in the PAGOS programme we have explored here.

What this paper illustrates is that the gap between central and local governance is not only a flaw, or an undermining of development goals, it is also an actively created means of control, from top to bottom, and a means of resistance, from bottom to top. While there are democrats in the centre seeking to make central government closer to its people, there are also demagogues who require the distance to maintain control. While there are activists in the villages and districts, seeking better provision of services and greater accountability, there are also village and district elites whose authority derives from their distance from both the centre, *and* villager: those who negotiate that gap can also protect and benefit from it.

At the heart of the protracted process of stalled governance reform is therefore not purely a failure of governance, an omission, but a complex set of political tensions and interests working to actively preserve this gap. These political tensions and interests work from the top down, the bottom up, and in myriad ways in between. Such a situation thus demands, to our view, a more *political* approach to resolving or negotiating this gap. It is this political tension – between a *common* understanding that the governance gap underpins Timor's development problem, and a *contested* understanding that this is something that it is everyone's interests to fix – that runs through the difficulties faced by The Asia Foundation's approach. This is true, even as they make progress in supporting improvements to local governance in many realms and at multiple levels in some significant ways.

While newly independent villagers are increasingly vocal about their needs, and are beginning to mobilise for change, they are also simultaneously held back by their formal distance from central political and governmental leadership, and the ambiguous role of their informal leaders at the community level. However, village and local leaders have *also* achieved a significant degree of power via their separation and independence from central government: it is not something they necessarily want to lose via formal incorporation into a decentralised government. Some of them wish to remain independent, critical and troublesome to the central government. Any government seeking to remain in power in this

context will seek either to crush this resistance (which has been the historical tendency), or to incorporate it, somehow, via limited reforms.

It is at this dynamic interface between the demand for reform, and the resistance to it, that local governance improvement programmes operate. To achieve a greater understanding of the creation, and therefore preservation, of this gap, more research is needed into the political side of the active and passive disconnects between the state and Timorese society. This gap is mediated via party organisations, former resistance groups, diaspora communities, the bureaucracy, veterans' organisations and other hybrid political groups in Timor-Leste. It is only by understanding the roles of these multiple political groups in creating, and bridging, the governance gap that a more conclusive and holistic answer can be provided on the prospects for improved local governance and a genuine reconnection between state and society in Timor-Leste.

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Appendices

A. Methodology

A.1. Research methods overview

Our *Theories in Practice* working paper on The Asia Foundation's use of a *Theory of Change* approach to local governance reform in Timor-Leste was conducted via a qualitative research methods approach. We conducted the desk research on relevant programme documents and background contextual literature in York between February and June 2013. As part of the *Theories in Practice* series, the paper is indebted to the literature review on *Theory of Change* created in advance by Stein and Valters (2012).¹³⁸

Between March and May 2013 we were hosted by The Asia Foundation's office in Dili, Timor-Leste, which enabled us to conduct primary field research on their local governance programme, known as PAGOS. The country office hosted Nicholas Rowland, the Junior Research Fellow, for seven weeks, and Claire Smith, the Senior Research Fellow, for two weeks of field research.

Our task was to investigate the evolution, process and effects of Asia Foundation-supported local governance reform efforts that were based in an explicit theory of societal change. We were interested in establishing the evolution of the programme's core ideas around social change, and how this had been informed by, as well as translated into, different parts of government and civil society through the programme. Such research questions – tracing the process of policy evolution and the potential effects on wider society - lend themselves towards a qualitative methodology.

As such, following our initial desk review, our research involved key informant semi-structured interviews around thematic topics, focus group discussions with core social groups (including beneficiaries and non-beneficiaries to the programme), and participant observation of programme staff in action at the community level. We also collected secondary documentary sources, including reports produced by government and non-government sources and local newspaper articles on relevant topics. These documents enabled us to compare public reports, statements and observations, with those reported to us and observed by us in the field.

Early on, in consultation with core PAGOS staff, we made a strategic decision to focus the field-based research on the operations of the PAGOS programme at the district level. One of the main objectives of the programme is to increase the capacity of village leadership, especially that of the village chief and village council. To do this, much of the programme's actual activities are conducted at the inter-village, or district, level of governance, through the mechanism of an inter-village (*Suku*) Association. Within our 7-week timeframe, we decided that it was at the inter-village, or district, level, that we would also be able to achieve

¹³⁸ Stein and Valters (2012)

maximum observations and insights in terms of analysing the possible effects of the programme's approach to improving state-society relations.

More research at the village level and sub-village level would have been ideal, especially given the travel distances between many villages and district capitals – signifying significant problems for governance of local communities. But for external researchers visiting Timor for less than two months, this was not realistic, and would not have allowed us a broad spread of observations across different communities. We therefore chose to focus on inter-village, or district, level activities, which are more accessible to an outsider in both logistical and empirical terms. We were also able to interview, observe and discuss the research issues with several village communities, via organised focus groups, which greatly assisted our insights into the presence and impact of the programme on village-based governance activities.

We engaged a form of quantitative selection for our field research sites, by deliberating contrasting “treatment” and “control” programme sites. This enabled us to compare a district where the programme was already believed to have had some effect and another where it had only just started, so we would be able to see only minimal effects. We selected Baucau district, as the programme was more solidly established and monitoring and evaluation reports and staff verbal reports stated that this site had seen some of the more significant effects from the programme. We also visited Manatuto, a site where the PAGOS programme had only been implemented recently, within the previous month. It had also been a “control district” under the previous GEC programme so it had had no local governance interventions applied by the donor since independence. We were also able to access a third district site, Bobonaro, as the PAGOS team were travelling to support and monitor their programme, which allowed the researchers to accompany them on their visit. This district had a more mixed reputation in relation to the successes of the programme to date, with some positive and also some neutral effects of the programme reported by programme staff.

Field interviews, observations and FGDs therefore took place in three of the six districts in which the Local Governance Support Programme (PAGOS) operates: Baucau, Bobonaro and Manatuto (see Appendix B.2 for the location maps). Other semi-structured key informant interviews took place in the capital, Dili. Of course, it would have been ideal to conduct field research in each programme district, but within the timeframe and budget for the research this was not feasible. The three districts therefore represented a good sample across two “treatment” sites, with reported mixed success and impact of the programme, and one “control” site, where the programme was not yet fully operational.

There are few direct partners to the PAGOS programme outside of national and local government, and community authorities. The Asia Foundation themselves implement and support the majority of programme activities directly with their government and community partners. We therefore interviewed a number of individuals from the key partner organisations, primarily from the Ministry of State Administration at the national, district and sub-district levels. Our other key informants were *Suku* Chiefs and members of the *Suku* Councils. Interviews were also conducted with representatives from civil society organisations and independent researchers, in district capitals and in Dili. These interviews

helped us to nuance and contextualise our understanding of local governance reform more broadly in each district, and nationally. We also interviewed other major donors to governance reform in Timor-Leste, all of whom were based in Dili.

In terms of our secondary data, because Baucau, Bobonaro and Manatuto Districts were also included in the final evaluation of TAF's previous local governance programme, GEC, a broad amount of research had already been documented in the Foundation's internal publications. These sources therefore enabled us to get an impression of local governance patterns over time.

It is important to reinforce that this research was not undertaken independently of The Asia Foundation and much of the primary research sites and informants were suggested by members of the PAGOS team. As we were invited to conduct the study by the Asia Foundation, about their ongoing programme, it was necessary to be embedded within the organisation. Indeed, for the majority of the visit, we used a member of the PAGOS team as an interpreter for all the field interviews conducted in Tetun. A number of interviews with elites in Dili and in district capitals were also conducted in Bahasa Indonesia by one of the researchers.

A.2. List of Key Informants

Note: All informants were offered anonymity as the default option. Those informants named here did not wish to be anonymised. This process was agreed via the signing of a Research Consent Form, following a review of the Research Project Information Sheet, which was translated orally into Tetun where required, before all interviews and FGDs opened. This process follows the York University Ethical Research Protocol, and was approved by the appropriate University Ethics Committees in April 2013.

Interviews

1. Ms Susan Marx, Country Representative, The Asia Foundation, Dili: 17th April 2013
2. Sr. Horacio Marques, Director of DNAAS, Ministry of State Administration and Territorial Management (Estatal): 18th April 2013
3. Group interview with The Asia Foundation PAGOS Staff Team, The Asia Foundation, Dili: 19th April 2013
4. Sr. Hugo Fernandes, Programme Manager for Parliamentary and Ministerial Support, The Asia Foundation: 19th April 2013
5. Sr. Aleixo Soares, District Administrator, Manatuto District: 22nd April 2013
6. Sr. Antonio da Silva Soares, Sub-District Administrator, Manatuto Vila, Manatuto District: 22nd April 2013
7. Sr. Eurico Alves, Vice-President, *Suku* Association (ALKDM), Manatuto District: 23rd April 2013
8. Sr. Eduardo Guterres, Director of Education, Manatuto District: 23rd April 2013
9. Sr. Antonio A. Guterres, District Administrator, Baucau District: 24th April 2013
10. Sr. Januario Nataliano Cabral, Director of Education, Baucau District: 24th April 2013
11. Centro Desenvolvimento Comunitario (CDC), Baucau District: 24th April 2013
12. Dr. David Butterworth, Local Governance Advisor, World Bank, Dili: 26th April 2013
13. Public Policy Advisor, The Asia Foundation, Dili: 27th April 2013
14. Programme Manager, PAGOS, The Asia Foundation, Dili: 27th April 2013
15. Sr. Agapito Fatima Martins, President, *Suku* Association (ALKDA), Ainaro District: 29th April 2013
16. Sr. Domingos Maniquin, Director, Ministry of State Administration and Territorial Management (Estatal): 29th April 2013
17. Pd. Justiniano de Sousa, Parish Priest, Baucau Vila, Baucau District: 3rd May 2013
18. Sra. Francisca Monica, *Suku* Chief, Baucau District: 3rd May 2013
19. Sr. Vicente Maia, Programme Manager, The Asia Foundation, Dili: 6th May 2013
20. Sra. Ines Martins, La'o Hamutuk (NGO), Dili: 6th May 2013
21. Sr. Domingos Martins, District Administrator, Bobonaro District: 7th May 2013
22. Sra. Maria, *Suku* Chief, Bobonaro District: 7th May 2013
23. Sr. Aleixo Lay, Director of Agriculture, Bobonaro District: 8th May 2013
24. Senior Programme Officer, PAGOS, The Asia Foundation: 8th May 2013
25. Sra. Rince Nipu, *Organisaun Haburas Moris* (OHM), Maliana, Bobonaro District: 8th May 2013
26. Sr. Luis Ximenes, Director, *Belun* (NGO), Dili: 9th May 2013

27. Lecturer, National University of Timor-Leste, Dili: 9th May 2013
28. Sr. Martinho Freitas, President, Dili Forum, Dili: 13th May 2013
29. Senior Program Coordinator for National Program for Village Development (PNDS), AusAid: 13th May 2013
30. Sr. Eurico da Costa, Programme Officer (PAGOS), The Asia Foundation, Dili: 13th May 2013

Focus Group Discussions:

1. *Suku* Council, Cribas, Manatuto, Manatuto District: 23rd April 2013
2. Officers of *Suku* Association, Baucau (ALKDB), Baucau District: 25th April 2013
3. *Suku* Council, Fatulia, Venilale, Baucau District: 25th April 2013
4. Officers of *Suku* Association, Bobonaro (ALKODIB), Bobonaro District: 7th May 2013

A.3. Example of Guiding Questions from a Semi-Structured Interview

Example: Interview with District Administrator

Note: Each set of semi-structured interview questions was reviewed with the core programme staff before the field research started at the district level. The question order, nuance and sub-questions were adapted for each interview, depending on the context. Each set of questions was discussed carefully in advance of the interview and then adapted for each subsequent interview in that location.

Following formal opening of interview, introductions and overview of the research project, we asked the following set of questions.

1. From your perspective, how do you see your role in connecting national government and the village communities?
2. How do you communicate with or talk to the central level of government
 - i. E.g. How often do you visit Dili, does Dili visit you
3. How do you communicate with or talk to the sub-district level of government
 - i. E.g. How often do you go to the sub-districts
 - ii. How often do sub-district officers visit you
4. How do you communicate and consult with the village level authorities
 - i. E.g. Do *Xefe suku* visit you
 - ii. E.g. Do you visit them
 - iii. E.g. How do you get information about village needs
 - iv. E.g. How does the village tell you about their needs
5. How do you communicate/consult with the line ministries about village needs?
 - i. Do you tell them about village needs and how?
 - ii. What do they tell you and how?
6. One of TAFs main programmes is to support the creation of the *Suku* Association (if this has not been mentioned already):
 - a. Do you know about these Associations? What do you know about them? What is their role?
 - b. (if very little knowledge, any views as to why they do not know about them)
 - c. What do you think are the main purposes of the *Suku* Associations?
 - i. Eg. Is it to capacity build *xefe suku*?
 - ii. E.g. Is it to improve service delivery to villages?
 - iii. E.g. Is it to help district government understand village needs?
 - iv. Or other/ all of these....
7. In your opinion, (if they know about it...) does the *Suku* Association represent the views of all the *suku* in the district, or only some sub-district areas or some *suku*?
 - i. If all/some, why is that? (e.g. distance from district capital, dominant sub-districts, strong *suku* leaders in some areas but not others)

8. Have the *Suku* Associations contributed to a change in how you communicate with the *suku* chiefs?
 - i. For the better?
 - ii. For the worse?
 - iii. Not at all?
9. How do you access/contact or use the *Suku* Association?
10. What do you see as the future for *Suku* Associations? What are the challenges/risks for you, and/or for them?
 - i. E.g. implementation of decentralisation and/or PNDS and/or other change in local government or development policy
 - ii. E.g. playing a more active/less active role in monitoring government

If the interviewee is informed about *Suku* Associations, continue with the following questions:

1. Who is a member of the *Suku* Association and how are they chosen and organised?
2. Do you think the Associations represent communities? If so, which ones?

A.4. Local Governance Legislation (Law No. 3/2009)

LAW 3/2009, of 8 July 2009

Community Leaderships and Their Election

The community leadership structures in Timor-Leste have undergone elections in 2004 and 2005 for the choice of the Suco Leaders and the Suco Councils, in accordance with the provisions of Law 2/2004, of 18 February 2004. As new elections approach, the need has arisen to establish a better definition and the action limits of the community leadership structures. The experience accumulated in managing the previous electoral process and that of the 2007 presidential and legislative elections is also used in this instance to promote changes aimed at improving the electoral process, by ensuring the democratic change-over in said structures.

Therefore the National Parliament, pursuant to Articles 92 and 95.2(h) of the Constitution of the Republic, enacts the following into law:

CHAPTER I

SCOPE AND GENERAL PRINCIPLES

Article 1

Scope

This law defines and governs the action limits of the community leadership structures, as well as the organization and implementation of the process for their election.

Article 2

Definition of community leadership

1 Community leadership is the collegial body the purpose of which is to organize the community's participation in the solving of its problems, to uphold its interests and to represent it whenever required.

2 The community leadership is exercised by the Suco Leader and the Suco Council, within the limits of the Suco and the relevant villages, elected in accordance with the provisions hereof.

3 The community leaders are not included in the Public Administration and their decisions are not binding upon the State.

Article 3

Definition and delimitation of *suco* and village

1 The *sucu* is a community organization formed on the basis of historic, cultural and traditional circumstances, having an area established within the national territory and a defined population.

2 The village comprises a population cluster united by family and traditional bonds and connected to the *sucu* by historical and geographical relationships.

3 Powers to delimitate the number and areas of the *sucu* and the relevant villages shall lie with the Government.

Article 4

Suco Leader and Suco Council

The Suco Leader is the community leader elected to direct the activities carried out by the community within a given suco, in fields contributing to the national unity and the production of goods and the provision of services aimed at satisfying the basic life and development needs, in close cooperation with the Suco Council.

Article 5

Suco Council

1 The Suco Council is the collegial and advisory body of the Suco, intended to assist and advise the Suco Leader in exercising its duties, and shall operate for the benefit of the local community interests and without prejudice to the national interests.

2 The Suco Council comprises the Suco Leader, the leaders of all the villages comprising the suco and also the following members:

- (a) Two women;
- (b) Two youngsters, one of each gender;
- (c) One elder;
- (d) One liannain.

3 The liannain is not elected, but rather appointed by the Suco Council in its first meeting.

4 For the purposes of this law, "youngster" shall mean anyone who, on the Election Day, is between seventeen and thirty years old and "elder" shall mean anyone who, on the Election Day, is more than sixty years old.

Article 6

Elections

1 The Suco Leaders and the members of the Suco Councils shall be elected by universal, free, direct, secret, personal and periodic suffrage.

2 Men and women without discrimination may be candidates and be elected as Suco Leaders and members of the Suco Councils, provided they reach the age of seventeen until the time of submission of the candidacies.

Article 7

Loss of office

1 The Suco Leader and the member of the Suco Council who, during their term of office and without the authorization of the Suco Council, do not reside for more than three consecutive months in the suco or village for which they were elected, shall lose their office.

2 The Suco Leader and the member of the Suco Council who are convicted by a court decision with the condition of res judicata for a wilful crime to which an imprisonment sentence corresponds, regardless of the duration thereof, shall also lose their office.

3 The Suco Leader or any member of the Suco Council who lose their office, resign or decease shall be replaced by the alternate indicated in the candidacy list.

4 The alternate Suco Leader or member of the Suco Council shall complete the term of office of the Suco Leader or member of the Suco Council being replaced.

Article 8

Temporary replacement

1 In the event of impediment or prolonged disease of the Suco Leader or a member of the Suco Council, they shall be temporarily replaced by another member or their alternates.

2 The decision on who shall temporarily replace the Suco Leader shall be taken by the absolute majority of the members of the Suco Council, in a meeting called and chaired by the eldest member of the Suco Council.

Article 9

Term of office

1 The term of office of the Suco Leaders and the members elected for the Suco Councils shall have duration of six years, and they may be re-elected once.

2 The term of office shall commence upon the taking of office, which shall occur within thirty days of the announcement of the results.

3 The Suco Leader and the members of the Suco Councils shall be assigned to their offices by the Mayor, or the Government representative, until such time as the municipality is instituted.

CHAPTER II

FIELD OF ACTIVITIES, RESPONSIBILITIES AND FUNCTIONING

SECTION I

FIELD OF ACTIVITIES AND RESPONSIBILITIES

Article 10

Field of activities

1 The activities of the Suco Leader and the Suco Council may be carried out in fields such as the following:

- (a) Peace and social harmony;
- (b) Population census and registration;
- (c) Civic education;
- (d) Promotion of the official languages;
- (e) Economic development;
- (f) Food safety;
- (g) Environmental protection;
- (h) Education, culture and sports;
- (i) Assistance in the maintenance of social infrastructures, such as housing, schools, health centers, opening of water wells, roads and communications.

Article 11

Responsibilities of the Suco Leader

1 The Suco Leader shall represent the Suco and chair the meetings of the Suco Council, and shall act with impartiality and independence in exercising their duties.

2 The Suco Leader shall also:

- (a) Coordinate the implementation of the decisions taken by the Suco Council and, in cooperation with the other members of the Suco Council, promote a continuous consultation and discussion process with the whole community on the planning and execution of community development programs; Cooperate with the Municipal Administration and the Government representatives on the procedures to be adopted in carrying out the Suco's activities;
- (b) Favor the settlement of minor disputes involving two or more of the Suco's Villages;
- (c) Promote the creation of mechanisms for preventing domestic violence;
- (d) Support such initiatives as are aimed at monitoring and protecting the victims of domestic violence and at dealing with and punishing the aggressor, in such a way as to eliminate the occurrence of said situations in the community;
- (e) Request the intervention of the security forces in the event of disputes which cannot be settled at local level, and whenever crimes are committed or disturbances occur;
- (f) Submit to the approval of the Suco Council the annual financial report and the annual report on the activities carried out;
- (g) Exercise such other duties as are consistent with the nature of their duties, or as are assigned by the Government or the Municipal Administration.

Article 12

Responsibilities of the Suco Council

The Suco Council shall:

- (a) Assist the Suco Leader in preparing an annual development plan for the Suco;
- (b) Advise the Suco Leader in finding solutions aimed at the carrying out of activities within the Suco;
- (c) Identify, plan and monitor the carrying out of the activities in the fields of health, education, environment, employment and food safety promotion, amongst others to be carried out to favor the development of the Suco;
- (d) Call ordinary meetings at the Suco level, for the purpose of discussing development plans and activities;
- (e) Promote the respect for the principle of equality;
- (f) Promote the respect for the environment;
- (g) Ensure the respect for the Suco's customs and traditions; Cooperate with the Government and the Municipal Administration in implementing plans and activities aimed at promoting the development of the Suco;
- (h) Account to the Ministry of State Administration and Territorial Planning for the resources received from the General State Budget.

SECTION II

FUNCTIONING

Article 13

Functioning of the Suco Council

1 The Suco Council shall hold ordinary meetings once a month and special meetings at the request of the Suco Leader or of one-quarter of the members of the Suco Council.

2 In order to transact business, the Suco Council shall require the attendance of more than half its members, and its resolutions shall be adopted by the simple majority of the members attending the meeting.

3 In the event of a tie, the Suco Leader shall have the casting vote in their capacity as chairman of the Suco Council.

4 The Suco Leader may invite any citizen to participate in the meetings of the Suco Council, under the same terms as provided for in Article 10.3 above.

Article 14

Village Leader

Without prejudice to the responsibilities to be provided for in the law, the Village Leader shall, in their capacity as member of the Suco Council:

- (a) Be a member of the Suco Council in representation of the Village;
- (b) Implement such decisions approved by the Suco Council as have implications as regards the Village;
- (c) Provide the Suco Leader with such data as requested by them which are required for the coordination with the Ministries and the Local Administration;
- (d) Favor the creation of base structures for the settlement and resolution of minor disputes occurring in the Village;

- (e) Promote the respect for the law and cooperate in the pursuance of social stability;
- (f) Ensure the creation of mechanisms for the prevention of domestic violence, including by means of civil education campaigns in the relevant village;
- (g) Facilitate the creation of mechanisms for the protection of the victims of domestic violence and for the identification of the aggressors, in keeping with the seriousness and circumstances of each case;
- (h) Promote the consultation and discussion between the Village inhabitants on all matters in connection with the community life and development, and report to the Suco Council;
- (i) Exercise such other responsibilities as are consistent with the nature of their duties.

Article 15

Rights of the Suco Leaders and members of the Suco Councils

In exercising their duties, the Suco Leaders and the members of the Suco Councils shall have the following rights:

- (a) The right to receive an incentive, the value of which shall be proposed by the Ministry of State Administration and Territorial Planning, as follows:
 - (i) The Suco and Village Leaders shall be entitled to a fixed allowance and to attendance fees in the meetings;
 - (ii) The members of the Suco Councils shall be entitled to attendance fees in the meetings;
- (b) The right to such material resources as allow them to duly exercise their duties;
- (c) The right to education and training aimed at enhancing their skills;
- (d) Right to a compensation from the State for any accident in connection with the exercise of their duties.

Article 16

Incentives from the Government or the Municipality

1 The Government or the Municipality shall provide the Sucos with material and financial resources with a view to ensuring their proper functioning and development.

2 The amount to be granted to the Sucos shall be proposed by the Ministry of State Administration and Territorial Planning or the Municipal Assembly, taking into consideration the proposal submitted by the Suco Council.

CHAPTER III

ELECTORAL CAPACITY AND CANDIDACIES

Article 17

Active electoral capacity

The national citizens aged seventeen or more are entitled to vote for the Suco bodies, provided that they are enrolled in the list of voters of the Suco or Village in which they registered themselves.

Article 18

Passive electoral capacity

The Timorese citizens who:

- (a) Are fully entitled to their right to vote;
- (b) Reside and are registered as voters in the Suco or Village to which they submit their candidacy, may be candidates.

Article 19

Candidacy limits

The following persons may not be candidates to the Suco bodies:

- (a) The President of the Republic;
- (b) The Members of Parliament;
- (c) The members of the Government;
- (d) The judicial magistrates and those of the Public Prosecution Office;
- (e) The religious authorities;
- (f) The members of the FALINTIL-FDTL;
- (g) The CNE commissioners;
- (h) The members of the PNTL;
- (i) The Human Rights and Justice Ombudsman and their assistants;
- (j) The public servants.

Article 20

Incompatibilities

One cannot submit a simultaneous candidacy for Suco Leader and member of the Suco Council, nor be a candidate in more than one list.

Article 21

Submission of candidacies

1 Candidacies shall be submitted by means of complete lists, at such time and place as defined by STAE, from amongst the citizens residing in the relevant suco or village, and registered thereat.

2 Together with the list, the candidates shall indicate their alternates and submit the candidacy acceptance letter.

3 No candidacy lists may be submitted by political parties.

4 The public presentation of the candidates shall be made in a community meeting called by STAE under the terms of the law.

5 The additional procedural rules shall be comprised in regulations to be prepared by STAE and approved by CNE, at least sixty days prior to the date set for the election.

Article 22

Requirements for the submission of candidacies

1 Candidacy lists shall be accepted provided that they are subscribed by at least 1% of the voters residing in the Suco.

2 As regards the sucos with less than three thousand voters, the lists shall be accepted with at least thirty signatures from voters residing in the Suco.

3 Candidacy lists shall be complete and comprise:

- (a) Candidates to Suco Leader, Village Leaders, Suco Council and their alternates;
- (b) A candidacy acceptance letter signed by each candidate and alternate.

CHAPTER IV

ELECTIONS PERIOD AND VOTING

Article 23

Electoral campaign period

The electoral campaign shall have a duration of seven days and shall end forty eight hours prior to the Election Day.

Article 24

Electoral campaign principles

1 The electoral campaign shall be conducted in observance of the following principles:

- (a) Freedom of electoral propaganda;
- (b) Prohibition of the candidacy being bound to a political party;
- (c) Equal opportunities and treatment of the various campaigns;
- (d) Impartiality from the public entities as regards the candidacies;
- (e) Transparency and inspection of the electoral accounts.

2 CNE shall monitor the observance of the above principles and shall adopt measures conducive to encourage the peaceful functioning of the campaign.

Article 25

Functioning of the electoral campaign

1 The candidacies of the lists accepted shall be granted an allowance from the General State Budget to finance the electoral campaign.

2 The amount of the allowance shall be proposed by the Government and approved by the National Parliament.

3 The candidacies shall account to CNE for the expenses incurred.

Article 26

Electoral time schedule

STAE shall propose the electoral time schedule, which shall be approved by the National Elections Committee (CNE) at least sixty days prior to the elections.

Article 27

Voting center

1 At least one voting center shall function in each suco, and STAE may, in keeping with the number of voters or the distance between the villages, open more voting centers.

2 Each voting center shall comprise one or more voting stations.

3 The location and number of the voting centers shall be disclosed together with the candidates' lists.

Article 28

Electoral officials

In each voting station there shall be five local electoral officials, selected, recruited and trained by STAE.

Article 29

Ballot paper

The ballot paper shall contain the names and pictures of the candidates for Suco Leader heading the list.

Article 30

Functioning of the voting center and voting process

The functioning of the voting center and the voting process shall be the subject of specific regulatory rules proposed by STAE and approved by CNE.

Article 31

Doubts, complaints and objections

1 Any voter or candidacy inspector may raise doubts, submit complaints or present objections relating to the electoral operations.

2 The doubts rose, complaints submitted and objections presented during the voting or after the closing thereof shall be immediately reviewed by the electoral officials, who may consult with STAE if so required.

3 The complaints shall be the subject of a resolution from the electoral officials approved by at least three of their numbers.

4 The resolutions shall be notified to the claimants who, should they so wish, may address the complaint to CNE, which complaint shall be delivered at the same voting center or station and shall be filed together with all the documentation in connection with the relevant voting center.

CHAPTER V

COUNTING OF VOTES AND ESTABLISHMENT OF RESULTS

Article 32

Counting of the votes

The counting of the votes, made by the voting station, shall commence immediately after the closing of the voting center and the reviewing of the complaints, and shall be made by the electoral officials, in the presence of the observers, electoral inspectors and members of the media, in accordance with such regulations as proposed by STAE and approved by CNE.

Article 33

Validation and announcement of the results

1 In the sucos where only one voting center exists, upon conclusion of the counting and review of the complaints, the final results shall be established and minutes shall be drawn up with the general list of the results established, to be affixed on the outside of the voting center.

2 In the sucos where more than one voting center exists, the votes shall be counted and the results partially established, and the final results shall be immediately established in such voting center as defined in advance by STAE.

3 The final minutes and the complaints filed shall be forwarded to STAE in the capital of the district which, upon conclusion of the district electoral process, shall enclose the documents relating to the voting in each suco and shall deliver the same to CNE for review of the process.

4 CNE shall review the process as well as the complaints addressed to it, and shall resolve within one week in the form of recommendations to the court of competent jurisdiction.

5 CNE shall forward all the documentation in respect of each suco to the court of competent jurisdiction, which shall validate and announce the results of the electoral process within thirty days.

Article 34

Annulment and repetition of the annulled elections

1 In case the election was declared void in a suco, the election shall be repeated within fifteen days.

2 The elections shall only be annulled if the irregularities detected have an influence in their results.

Article 35

Winner candidates

1 The list obtaining the higher number of valid votes shall elect the Suco Leader and the members of the Suco Council.

2 In the event of a tie, a second vote shall be taken within fifteen days between the two most voted lists.

CHAPTER VI

FINAL AND TRANSITIONAL PROVISIONS

Article 36

Revocations

1 Law 2/2004, of 18 February 2004, governing the elections of the Suco Leaders and the members of the Suco Council, and Decree-Law 5/2004, of 14 April 2004, on the community authorities, are hereby revoked.

2 All provisions inconsistent with the provisions hereof are likewise revoked.

Article 37

Effective date

This law shall become effective on the day following its publication.

Approved on 4 June 2009

The Chairman of the National Parliament,
Fernando La Sama de Araújo

Promulgated on 8 July 2009.

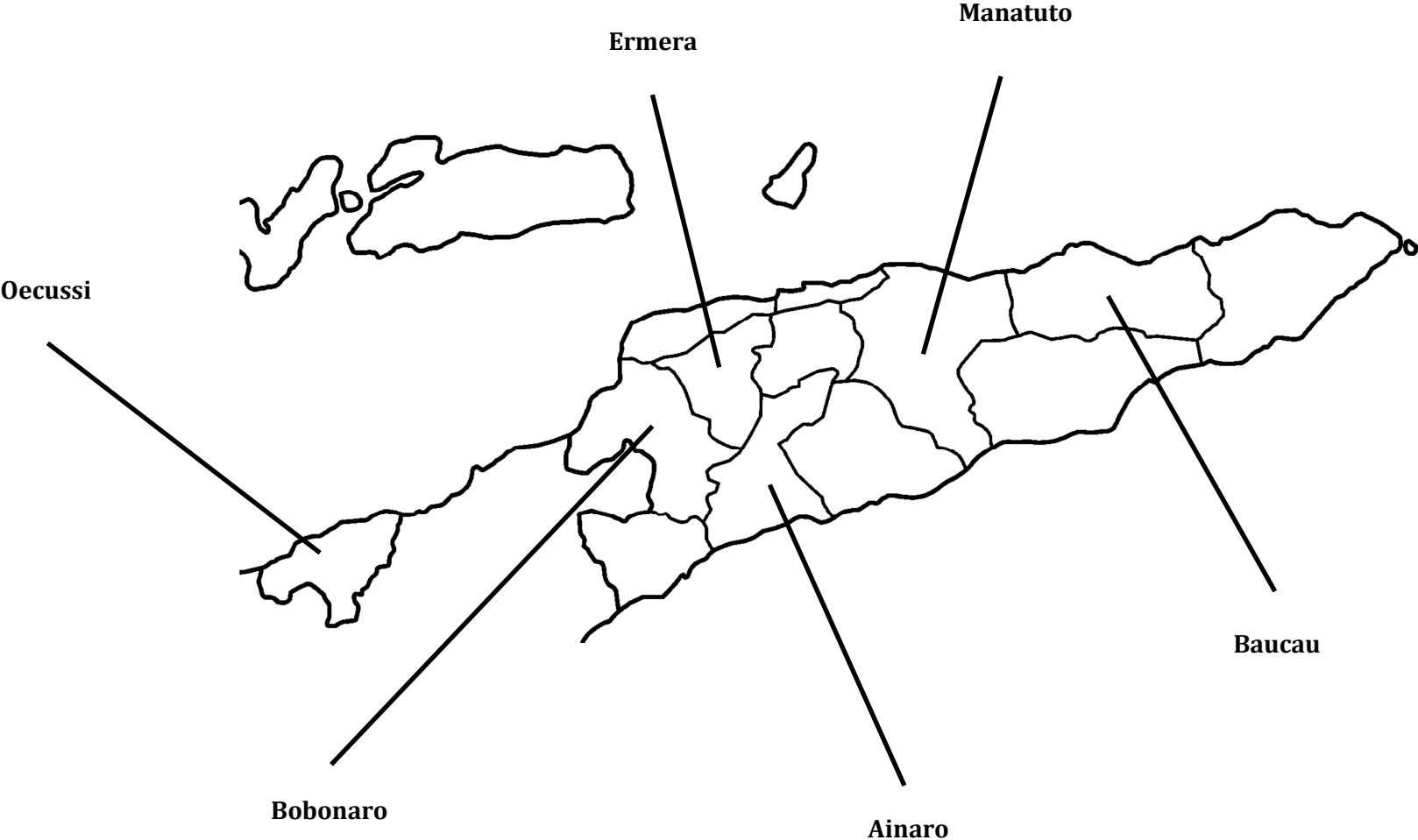
Be it published.

The President of the Republic

B.1. Map of Timor-Leste



B.2. Map of PAGOS Programme Districts and Research Sites





Baucau



Bobonaro



Manatuto



This publication is an output of a research programme funded by UK aid from the UK Government. However, the views expressed do not necessarily reflect the UK Government's official policies



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