

## Civil society in transition<sup>1</sup>

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Most development literature, including that about Timor-Leste, is concerned with the state and in a post-conflict context, with (re)building the state and creating the nation. Research we have conducted since 1999 focuses on the considerable role that civil society has played throughout this period. This paper traces the transformation of civil society, particularly the emergence of non-government organisations (NGOs), in Timor-Leste and explores the changes that have taken place in this sphere since before independence until the present. It asks, what is the direction for Timorese civil society organisations in the future?

By civil society we mean ‘the associations of citizens (outside their families, friends and businesses) entered into voluntarily to advance their interests, ideas and ideologies. The term does not include profit making activity (the private sector) or governing (the public sector)’ (Cardoso 2004:13). Howell and Pearce (2001) argue that there are two perspectives about the key role of civil society in development, the mainstream and the alternative approaches. The mainstream view sees the roles of civil society as primarily about service delivery and holding governments accountable. A strong civil society, according to this view, can counter corruption and misuse of aid, as well as build societal consensus, (valuable in peacebuilding) (Tobias 2012) and complement a state with low capacity. An alternative view sees civil society challenging dominant policies of the state and the market and promoting alternative development models. In practice, in a diverse civil society, organisational activities reflect both perspectives, but, as the experience of Timor-Leste demonstrates, there are sometimes different expectations among donors and civil society organisations.

### The emergence of Timorese civil society

Timorese civil society emerged in response to the oppressive Indonesian regime. During the Indonesian occupation Timorese civil society can be characterised as clandestine and an assertion of Timorese demands for human rights against repressive military rule. Complementing the FALINTIL military resistance, students, particularly the National Resistance of East Timorese Students (RENETIL), the Organisation of Catholic Youth and Students (OJECTIL), and the Always United Front of Timor (FITUN) played a key role in raising international awareness of human rights violations, and after 1989, courageously protesting on the occasion of significant international visits, such as that of the Pope (1989) and the US Ambassador (1990). Indeed, it was the military crackdown on student protestors that caused the 1991 Santa Cruz massacre, now viewed as a critical turning point in the struggle for self-determination.

While a few NGOs had formed considerably earlier, by the early to mid-1990s, a number were operating more openly, often with international support. In an extremely difficult environment they often had to work surreptitiously, playing an uneasy game with the military powers that monitored their movements. In particular, the Catholic Church and human rights NGOs played critical roles communicating with international human rights organisations as the pressure for change built through the 1990s. By late 1998 and early 1999 it was becoming almost impossible for the service delivery NGOs to function normally. Human rights NGOs nevertheless maintained their human rights activism, and with other NGOs, notably Caritas Dili, provided humanitarian support to the thousands of people being displaced by militia violence, a role which they continued after the arrival of the United Nations (UN) in May 1999.

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<sup>1</sup> An extended version of this paper is available online at: <http://www.tlstudies.org/>

## **The new international order**

The rampage and destruction of September 1999 dramatically affected Timorese civil society organisations. The arrival of the massive international agency response initially led to the almost complete exclusion of civil society from the humanitarian programs in which they had previously been playing a key role. It was only with considerable effort that some NGOs found a role in this changed environment. While some older NGOs were re-established by March 2000, what followed was a flurry of activity as new Timorese NGOs formed, more than quadrupling the 24 NGOs registered in December 1999 within a year (Hunt 2005a). However, there were many organisational capacity issues, including the tenuous links many had with communities they purported to represent (Patrick 2001). By late 2000, local NGOs had re-established the East Timor NGO Forum (FONGTIL) as a means to get their voice heard in an increasingly crowded political and humanitarian space, dominated by the enormous number of INGOs, bilateral donors and UN agencies now on the ground. For a while, the UN and World Bank, which were leading the aid response and managing the transition to independence, actively consulted with civil society players, albeit poorly at times, but until late 2001/early 2002, civil society voices appeared to be influential through various processes.

Indeed, civil society played a key role in educating the population about the election process for the Constituent Assembly, the body charged with developing the nation's constitution which went on to become the first Parliament. The NGO Forum also played a key role in monitoring political party campaigns and election monitoring. Civil society actively lobbied the six-monthly international donor conferences, and engaged as best they could in the very hurried preparation of the National Development Plan. It saw significant roles for civil society in service delivery and livelihood programs as well as advocacy, peace and human rights activities (Planning Commission 2002).

The period from late 2000 to mid-2002 was one in which civil society actively tried to advocate, influence and promote alternative policies and approaches to those being driven by the major international institutions. For example at the six-monthly donor conferences NGOs emphasised a participatory, rural-focussed approach to development and time-frames which would allow people to have a say in the shape of the new nation. Strong activism of women and women's groups was also notable. Policy proposals were advanced from the first National Women's Congress, advocating against gender-based violence and lobbying for women's quotas for the Constituent Assembly to promote political participation. While not achieving the quotas they desired, this activism led to a requirement that one in four candidates fielded by each party should be a woman, later increased to one in three for the 2012 elections (Wigglesworth 2013b).

## **Independence and democracy – but what role for civil society?**

In May 2002 the new East Timorese Government took over the running of the country. Independence had become a reality. But for civil society this presented a new environment. Their relatively significant role in the UN period had been eclipsed and donors now focussed on supporting the new state to function effectively. During the UN Transitional Authority in East Timor (UNTAET) period, NGOs in particular lobbied to gain a voice; they achieved some clear avenues for input to decision making through the National Council (Ingram 2012:8) and used active civil society networks and working groups for formulating positions on key issues relating to UN and donor matters. They urged a culture of human rights and non-violence, and tried to set limits to state power while encouraging the state to set limits on other parts of society with a propensity to violence. It was in this period that NGO expectations about their roles in a more democratic setting were crystallised.

However, as the new democratic government settled in over coming years, the limit to NGO influence became evident. By 2004, a study of democracy and advocacy in East Timor found that while NGOs had 'insights and experiences ... valuable for national development and that they have the ear of the people' (CRS 2004:3), there were few channels for them to express their points of view or the views of people they represented. Despite efforts to mobilise citizens for advocacy, their efforts had been relatively unsuccessful because of the centrist nature of government and its weak capacity to respond. A few,

however, had taken advantage of the centrist approach to influence the legislative agenda (e.g. in relation to Domestic Violence legislation). Overall, however, in the early years, Government was ambivalent about NGOs, and NGOs which had only ever experienced the repressive Indonesian government, had no models or blueprints to follow for a different type of relationship with their own government (Hunt 2005b). While some NGOs and NGO people worked closely with particular parts of the new government, others may have found it hard to switch from their formerly oppositional roles, although in fact there was little open criticism of the government. In East Timor, personal relationships, family histories, the legacy of old power structures and resistance involvements all affected the extent of any influence. Relationships were best between NGOs and government personnel where personal relationships had been formed in the resistance between people now working in government and those working in NGOs. But by 2003, it seemed that the line between political society and civil society was beginning to blur as a few NGO people were perceived to be associated with different political parties. In 2006 more complex politics emerged as some NGOs became embroiled in conflict politics. Overall it seemed that in this early period, civil society, which had come to be encapsulated in NGOs, were vocal and critical but had little leverage or capacity to hold government to account. This suggests that the theory of civil society as an accountability mechanism was not borne out in practice here. However, over time, a small number of Timorese NGOs began to develop more influence, acting as watch-dogs over government practices.

### **Reconciling the old and the new**

Many NGOs attempted to promote alternative approaches to development, particularly when they worked collectively through the NGO Forum. The more vocal ones constantly argued for a more participative, human development approach with a strong focus on rural areas, rather than the neo-liberal model promoted by international financial institutions. In this, they were strengthening the first government's position towards these institutions, as the government itself had a strong human development focus, and disagreed with some donor driven economic approaches. NGOs drew attention to the risks of international borrowing and the dangers of the resource curse and some took a 'democracy through development' approach (Racelis 2000), trying to empower people and encourage a more responsive state.

The political crisis which enveloped the country in 2006 resulted in civil society immediately engaging in peace building activities. The NGO Forum established a National Unity Committee to organise a public information campaign, conduct reconciliation programs in the burgeoning IDP camps and monitor the emergency distribution program implemented by international agencies in the camps. Large amounts of money were allocated to peace-building activities by the Timorese government and international agencies, yet Timorese NGOs had difficulty getting support for their activities. During the political crisis, despite some conflict within certain NGOs where political differences among individuals surfaced, civil society activists from east and west worked together to promote peace and reconciliation. NGO initiatives to promote peace and reconciliation were little recognised or supported by the government and, perhaps consequently, by international donors providing emergency funding. Thus NGOs felt that the government wanted to maintain control and disregarded their contribution to peace (Wigglesworth 2013a). Emergency donor funding however enabled *international* NGOs to set up peace building and conflict resolution programs in communities where they had not previously worked. This angered some Timorese NGOs with considerable mediation experience. As well, Timorese activists were concerned that short term solutions were being put in place which often ran parallel to existing, but poorly funded, programs of local NGOs, turning local NGOs into sub-contractors for international agencies' programs rather than continuing their own initiatives (Wigglesworth 2013a). This whole experience had echoes of the exclusion of local NGOs during the 1999 crisis!

Despite this, the crisis was in some ways a defining moment for civil society. New approaches, such as the use of traditional forms of mediation, became widely accepted and an important response to the crisis. Civil society drew on the traditional practice of *nahe bitu* (spreading the mat) ceremony, which gained considerable credibility in conflict resolution efforts in the IDP camps in Dili as well as in communities that supported the later resettlement of IDPs. It has been found that within rural communities

traditional processes are generally more accessible, understood and accepted than national legal frameworks.

Another use of traditional practices by civil society organisations has been in response to top-down planning processes. Environmental NGOs have used the customary practice of *tara bandu*, a Timorese resource management system that imposes ritual prohibitions on the use of natural resources. The use of contemporary manifestations of ‘traditional’ processes re-established and enabled ‘outside’ concepts to be reformulated through the power of local customs and traditions. Thus while local NGOs are a modern form of associational life in Timor-Leste, they are contributing to the maintenance and renewal of certain customary practices. Some contradictions inevitably emerge between activist NGO values which promote (at least rhetorically) participation and gender inclusiveness, and customary practices which are both hierarchical and usually male-led.

Civil society promotion of gender equality, on the other hand, challenges traditional structures, processes and beliefs particularly in relation to the customary limitations ascribed to women’s roles. In Dili, a network of women’s organisations, *Rede Feto*, was established in 2001 as an outcome of the first National Women’s Congress which saw the need to present a united women’s perspective in the political arena and a number of women’s NGOs promote gender equality (Wigglesworth 2012).

Gender equality measures were supported by the Gender Affairs Unit of UNTAET in the early years; its staff worked closely with this strong lobby of local women’s NGOs. Their activism, eventually supported by the Secretary General’s Special Representative (Hunt 2008, Pires 2002), gave Timor-Leste the highest proportion of female parliamentary representatives in Southeast Asia (30 per cent). Nevertheless, Timorese NGOs in the districts continue to be male-dominated, while more educated women concentrate in Dili where they can work as activists freely and effectively. According to FONGTIL, women are largely found in financial roles, and in ‘women’s’ activities such as health and education, but rarely in other positions (Wigglesworth and Soares 2006).

### **Government and civil society in a cash rich society**

Revenues from oil started to flow around 2005-6 making dramatic impacts on Timor-Leste’s ability to finance the national budget. La’o Hamutuk reports that oil and gas exports contributed 97 per cent of state expenditures by 2011.<sup>2</sup> At the same time, the withdrawal of the UN at the end of 2012 and the departure of various development agencies reduced funding options for local NGOs. This changed environment had consequences for civil society.

A government Civil Society Fund has been established to make grants to local organisations. These grants are reportedly predominantly allocated to church activities, including church infrastructure, and to social organisations of the church. There is an argument that the Civil Society Fund is reducing criticism of the government as some NGOs feel they can’t criticise government if they seek project funding from it.

Decentralisation processes have been established slowly, starting with the Local Development Program (LDP) pilot projects in 2006 to implement locally conceived infrastructure projects. LDP funding enabled sucos to prioritise infrastructural projects which were contracted to the private sector. Community development processes were not supported and NGO skills have been overlooked as a potential resource to strengthen community based organisation. In the post-2012 period transitioning to municipality-level governance, the knowledge and skills of some young educated civil society members has been sought in the process of defining how municipal structures will work.

Many NGO staff who have built skills over years of civil society work have been enticed into better paid government or international organisations leaving serious management and vision vacuums in many organisations. The difficulty of finding good staff and retaining them once they are well trained is a perennial problem of local NGOs globally; it is not a problem exclusive to Timor-Leste. Since early on, capacity building activities have tended to reflect donor needs rather than develop the broader range of skills and capacities NGOs need to work successfully with communities. Some NGOs

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<sup>2</sup> <http://www.laohamutuk.org/>

have struggled with maintaining administrative and financial systems and accountability that would enable them to receive continuous donor funding and grow especially as competent staff are quickly lured towards better paid organisations. Donors in Timor-Leste have mostly provided only short term funding, while a lucky few NGOs operate on three-year funding cycles. Overall, only a small number of donors have supported civil society with multi-year grants. Excessive workloads due to constant proposal writing and diverse donor reporting requirements often in English have placed huge demands on the still small number of NGO staff able to do this. In essence, donor funding has become depoliticised now and expectations are higher; donors often view NGOs as subcontractors to fulfil specific inputs of larger projects; a few notable INGOs offer support with the explicit objective to strengthen the local NGO capacity. For many international agencies, and the local NGOs that work with them, the ‘service delivery’ approach has become the expected role for NGOs. Concern arises if civil society groups playing other roles, such as advocacy or policy development, find it harder to gain ongoing funding.

### **Future prospects?**

The question now is how civil society, and NGOs in particular, will evolve and transform itself in the still-changing environment following the UN mission’s departure. A movement which began in response to military repression, which has played some strong advocacy and educational/mobilisation roles among the population, may now find itself largely concerned with service delivery in order to survive institutionally. With some notable exceptions, the advocacy role seems to be reducing, and NGOs may have lost their way a bit, due to significant staff changes within a very changed political and funding environment, in which both donors and the Timor-Leste government are expecting more development activities to be internally funded. There may still be uncertainty and ambivalence within government about how it views the roles civil society can play, as well as some criticism of their advocacy; whilst it may seek to use certain parts of civil society, notably the church and its organs, to deliver services to the population, it may feel more uneasy about the accountability demands from some parts of the NGO movement, as many governments do! The challenge to NGOs is to retain their values and maintain their emphasis on alternative development approaches. NGOs need to continue to seek ways to bring customary practices and modern development into dialogue to develop genuinely Timorese approaches to development which will benefit the poorest people and promote greater equality in the next decade. In particular, NGOs and women will have to reconcile the hierarchical Timorese customary power structures with its ascribed male leadership, with the nation’s commitment to gender equality and universal human rights in the context of declining donor funding.

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