

II. The Interim Parliament of East Timor

Communication by Mrs Adeline SA CARVALHO
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1. Historical, economic and social facts of Timor

1.1. General facts

After being a Portuguese colony since 1511, the Revolution of April 1974 in Lisbon brought a succession of political facts in Timor, from which the most relevant were the declaration of East Timor independence by Fretilin and the Indonesian army invasion, followed by the integration into Indonesia on July 17, 1976.

In 1999, the people of East Timor were asked to determine the future status of the Territory: to become an autonomous region within Indonesia or an independent country.

The UN Security Council established, for the purpose of carrying out this vote, the UNAMET (UN Mission in ET) on June 11, 1999.

451,792 potential voters were registered among a population of **800,000 East Timorese** inside the country and abroad. 98% of voters went to the polls on August 30, 1999 and decided by **78.5%** to begin the process towards the independence of East Timor.

On October 19, the Indonesian Parliament recognised those results and on **October 25, Resolution 1272 (1999)** of the UNSC established the UN Transitional Administration in East Timor (UNTAET).

One important fact is the persistence and constancy of the traditional organisation and systems, which remained almost intact in rural East Timor, despite so many years of foreign domination. Organised in autonomous Kingdoms ("rai"), leaders called "liurai" ruled areas with several "sucos", each with various "Knua", formed by different clans. As mentioned by Xanana Gusmão, the East Timorese people are "rooted to their culture and traditions, they have their own concepts of life and existence, and they live to realise them".

The population lives essentially in Dili (the capital) and Baucau, but, in general, its geographical distribution is still dominated by the topography of the territory, which has a littoral area all around the island and an interior covered with mountains, what makes quite difficult to go from one village to the others. In fact, the distances are not measured in kilometers but in hours of trip.

1.2. Economic factors

Raw materials include oil, marble, gold, manganese, coffee (with USD 20 millions contribution, the biggest till now) rice, cotton, palm oil and bananas.

The agricultural sector involves subsistence farming. Lack of an agricultural plan means that strategic production areas, particularly rice, maize, vegetables and coffee (for which exporters pay a relatively low price to the coffee producers) are almost paralysed. This has led to a new culture of concentration of the population in Dili, for Dili has become the centre for the circulation of cash-money, and the sustenance of household economy is now based on "what can be sold at the market" in Dili.

Fishing is traditional, and there is till now neither a policy nor a plan of action for the sector.

The signature, on the 6 July 2001, after 15 months of fraught negotiations, of the **Timor Gap**, concerning the division of the reserves of oil and natural gaz in Timor Sea, will introduce in the country between 4.000 to 5.000 millions of USD during the next 20 years, beginning on the 2004. Till then, the income will be circa 10 to 15 millions USD by year. After independence, the first Timorese Government must formally approve this agreement, signed by the Cabinet of the Transitional Government of East Timor and the Government of Australia, but it guarantees the conditions permitting the people of East Timor to progress and improve their conditions of life.

1.3. Infrastructures

The infrastructures that should be rebuilt, particularly for the agricultural sector, tourism, highways, electricity, sewage and water, have not yet been evaluated or put into motion.

The lack of a plan to install electricity means that this sector has produced nothing in recent months, which led to what is now called "electricity distribu-

tion by shifts". There is therefore no street lighting, and households use generator sets to overcome the blackouts.

1.4. Demographic situation

From 16 March until 23 June 2001, the United Nations Transitional Administration in East Timor (UNTAET) made an initial register of the population of East Timor to ensure proper planning of personnel and material. It turned out that the number of residents, which was believed to be 813,000 as based on information given by the *chefes de sucos*¹ and the *aldeies*², is to be lowered to 793,000 residents. About 129,000 of them (18%) are living in the district of capital Dili, an other 94,000 (13%) in the district of second town Baucau. 50% of all population live in only 4 of the 13 districts.

As clearly to be seen all over the country, the population of East Timor is very young. 54% of the population are below of the age of 20. Those who might have been educated before the Indonesian annexation, which started on 17 July 1976, are over the age of 40 now. This group of population is only 19.3%.

| Age category | % |
|--------------|-------|
| 0-9 | 32.0% |
| 10-19 | 22.0% |
| 20-40 | 26.7% |
| 40-50 | 9.0% |
| 50-60 | 5.8% |
| Above 60 | 4.5% |

So, 46.7% of population has grown up under the Indonesian regime and has, at least at primary school, possibly been educated in Bahasa Indonesia. Figures for male and female population are quite identical.

¹ The leaders of the rural communities.

² The mayors of towns.

1.5. Education level

Little information is available on the skills and qualifications of the people of East Timor, especially those living in the rural areas.

In 2000, a survey³ has been conducted in each of the 13 districts by a new local NGO, the East Timor Development Agency, with a large support of AusAID⁴. Over 56,000 East Timorese people aged 17 and above participated, representing a 6% of the population. Women made up 40% of survey.

But a disclaimer in the report notes *"efforts were constantly made to ensure that the sample collected in this survey was as representative as possible of the East Timorese population as a whole. However, no sampling frame was implemented, and the data presented here is not statistically valid for the population at large"*⁵.

Nevertheless, the results of this survey may procure an indication of the education level in this country:

| Level | Male participants | Female participants |
|-------------------------|-------------------|---------------------|
| No formal education | 12% | 19% |
| Primary school | 23% | 19% |
| Secondary school | 27% | 23% |
| Certificate/Diploma | 2% | 1% |
| Undergraduate | 5% | 2% |
| Mastership | 0% | 0% |
| Not stated ⁶ | 31% | 36% |

The so-called "not stated" are not included in the "no schooling" or "illiterate" qualification, but there should be no great difference between those two qualifications.

³ East Timor Human Resources Survey, Final Report, ETDA, May 2001.

⁴ Australian Governmental Aid.

⁵ Final Report, ETDA, op. cit., p. 4.

⁶ Not stated means that participants on the survey didn't mark anything on their form.

Other sources indicate more than 80% of the population is illiterate. It is probably exaggerated. However, it is not impossible that a part of the primary school educated group has afterwards regressed into "illiterate" as they had no practice of reading or writing

It is clear that there is a real shortage of qualified human resources. However, there is a good cover in terms of basic education, but this also is affected by the language and infrastructure problems.

1.6. Human resources and Timorisation

In terms of the "Timorisation" of the administrative system, the Office of Civil Service and Public Employment (CISPE) is in charge, since July 2000, of Timorisation of the public administration, which for a Civil Service managed entirely by East Timorese. The CISPE has recruited (1 June 2001) 9,051 East Timorese civil servants (22.9% women), which represents 86% of the staff approved in the budget for this fiscal year.

From those 9,051, 27 belong to level 7, 65 to level 6, 186 to level 5, 2,883 to level 4, 4,637 to level 3, 493 to level 2 and 1,362 to level one.

So far, it has proved quite difficult to find East Timorese, either those that remained in the country or left during the diaspora, prepared or interested in taking up senior positions, which is due not only to the lack of qualified human resources but also, in particular, to the quite low salaries, which means that the Timorese with a certain degree of qualification prefer to work for private companies, NGOs or other areas. As an example of these low salaries, members of the National Council received monthly USD 250 and civil servants between USD 100 and 155.

1.7. The language problem

The language diversity problem and its impact on parliamentary processes and practice as well as on its Secretariat cannot be seen without the very specific demographic situation in East Timor, as referred in 1.6.

1.7.1. Languages spoken in East Timor

A lot of languages are spoken in East Timor. There are currently 4 main languages in use: Tetum is the most widely used local language, Portuguese and

Indonesian were introduced to the country during the previous periods of colonization (almost 500 years by Portugal) and occupation (25 years by Indonesia), and English is the main language used by the international community since the United Nations took over the administration of East Timor.

In addition, a lot of totally different languages are used all over the country.

All data mentioned here were found in the Final Report of ETDA. They are "*not statistically valid for the population at large*", and only could give an indication.

1.7.2. Indigenous languages

The principal indigenous language is Tetum, spoken by about 80% of the people. It seems to be a Melanesian language - Timor is part of the East Lesser Sundae -, mixed with a lot of Portuguese or, depending on the generation, Indonesian words. It doesn't have any vocabulary covering modern concepts.

At the very beginning of Indonesian occupation, the Catholic bishop of Dili convinced the Pope in Rome to accept Tetum as an accepted language for liturgy and changed immediately his working language from Portuguese into Tetum. The Indonesian administration tried to obtain the same for Bahasa, but came to late. So, the bishop's action certainly had more then only a liturgical purpose.

East Timor is indeed very Catholic and the influence of the Catholic Church⁷ is tremendous. The bishop of Dili, Mgr Carlos Ximenes Beló and Dr. José Ramos Horta, present Cabinet minister for foreign affairs, both received the Nobel Prize for Peace in 1996. Mgr Beló is a highly respected and influential man.

Tetum has not been fully developed as a written language and there are currently many inconsistencies in word use and spelling. There are no standards for it. Because of the isolation of most of the populations, there are a lot of dialects.

15% of the population, about 120,000 people, does not speak Tetum:

- Bunak is spoken by 8%;
- Baikeno (6% of the population) is spoken in the region of Pante Macassar (Oecussi), an enclave on the north coast of Indonesian Propinsi Timor (West Timor);

⁷ There are 2 bishops in East Timor: in Dili and in Baucau.

- Mambae is spoken by 6%;
- Tocodede, spoken by 5% in the region of Liquicá, a small village 25 km away from Dili;
- Dawan, spoken by 4%;
- Kemak, spoken by 2%;
- Further on very small dialects are spoken by groups representing about 2% of the people: Kai Rui in the region of Venilale, Makassae in the region of town Baucau, Fataluco in Lospalos, Makroni, Makalero, Tetum Terik, Naueti, Galole, Nanaek, Makili, etc.

1.7.3. Other languages

Bahasa Indonesia, a form of Malay, has been the principal medium of instruction in the state school system the last 25 years under the occupation of the country by the Indonesian Republic. About 45% of those younger than 30 years old and 32% of those older than 30 speak Bahasa Indonesia well. For reading and writing, the average is lower.

Portugal began trading in Timor in about 1520 and stayed in the island until 1976. The Portuguese language was the principal medium of instruction, culture and business in those times. About 2% of those younger than 30 years old and 10% of those older than 30 speak Portuguese well. For reading and writing, the average could almost be doubled. Older and better-educated people speak Portuguese fluently.

English has never been a medium in this country. Since 1999, the language has been used by the UNTAET during its transition to independence. About 3% of the younger and 1,5% of the older population is able to speak English. For reading and writing it, the average might almost be doubled.

Illiteracy does not mean that illiterate people are not interested in politics. They really do care about it. Illiteracy does not mean either that they do not speak or understand any other language: in the last 25 years, everyone had to know at least enough Bahasa for surviving as it was the only language accepted and even tolerated in public by police and the administration.

1.7.4. Current language situation in the National Council

The National Council is conducted in 3 languages: Portuguese, Bahasa and English. The sessions are simultaneously interpreted by two Portuguese interpreters from UNTAET and a number of Bahasa Indonesia interpreters (three

from UNTAET staff and one local staff member). They are assigned on a rotating basis 25 minutes on 25 minutes off.

English is used the central language for translation and interpreting, because there are no specialists covering Portuguese as well as Bahasa.

What is said or written in Portuguese, is first translated into English and that version is then translated into Bahasa. Translation control of accurateness is at this very moment only available in New York.

At this moment, the National Council has two simultaneous interpreters, both internationals coming from Angola. They translate as well. They are working very hard and at a very high quality level, but there is too much work and they do not cover Bahasa. Written English texts to be translated into Indonesian Bahasa the Secretariat sends to UNTAET Jakarta Translating Pool in Jakarta. Obviously, this can only be done transitionally.

Tetum was not used in the National Council due to the following reasons:

- A lack of competent local interpreters able to interpret adequately into English;
- A lack of competent local interpreters able to "interpret adequately into Portuguese;
- A lack of technical vocabulary in Tetum; no interpreters were able to understand these gaps which are filled by terms sourced from Bahasa or from Portuguese, depending on the speaker or member.

1.8. Human resources available in East Timor

Transitional Administration says it was unsuccessful in attracting educated and well-trained members of the East Timor Diaspora, most of them living in Australia and in Portugal. It abandoned the illusion that they might come back and accept to be paid at the same level as the Timorese people that stayed at home during the Indonesian occupation.

Australia (AUSAid) has procured a lot of specific training for secretariat and procedures⁸, especially for the National Council, and is intended to continue these efforts. Where needed, interpreters assisted the trainers.

⁸ It is understood those procedures are of the Anglo-Saxon type, which is very different from the "Latin" type as used in Portugal, France, etc.

In 2000, Portugal sent some 170 Portuguese language teachers all over the country. 85% of them prolonged their contracts. Brazil also sent language-training teachers in support reaching a group of 5,000 people.

The National University Timor, Dili, reopened in 2000 and is now teaching in 3 languages: 50% in Bahasa by professors in charge during the Indonesian period; 25% in Portuguese and 25% in English, depending on the country that is giving support. There are 5 faculties with some 4,500 students:

- Social and political sciences; this faculty is being reshaped;
- Economics;
- Agriculture (supported by Australia);
- Education and training for high school teaching (supported by Portugal);
- Civil and mechanic engineering and electrotechnics (supported by Japan).

The university of Dili doesn't have any faculty of linguistics and there is no training school for translators or interpreters.

2. United Nations Transitional Administration in East Timor - UNTAED

Resolution 1272 (1999) of the United Nations decided to establish a United Nations Transitional Administration in East Timor (UNTAED), endowed with overall responsibility for the **administration** of East Timor and with the power to exercise **all legislative and executive authority**, including the administration of judiciary.

The Transitional Administrator, who should consult and closely cooperate with representatives of the East Timorese people, has exercised that authority.

Performing those duties, the Transitional Administrator was entitled to issue legislative acts in the form of **regulations** and **directives**.

Those regulations and directives have been the legal frame for the application of the laws existing in East Timor before 25 October 1999; of those, 6 were immediately abolished (anti-subversion, social organisations, national security, national protection and defence, mobilisation, and defence and security).

3. The National Consultative Council

The NCC was established by Regulation No. 1999/2 to provide advice to the Transitional Administrator on all matters related to the exercise of his executive and legislative functions.

That Council acted as a primary mechanism of participation of the people of East Timor through their representatives, who were expected to represent the views, interests, concerns and traditions of the East Timorese. Nevertheless, the Council was not to interfere with the final authority of the Transitional Administrator.

This Council consisted of 15 members appointed by the Transitional Administrator (7 representing the CNRT - National Council of East Timorese Resistance, 3 representing the political groups outside the CNRT, and 1 representative of the Catholic Church in East Timor, and included, in addition, the Transitional Administrator, who chaired, and 3 UNTAET members).

The Council made recommendations on significant legislative and executive matters.

4. The Cabinet of the Transitional Government

The Cabinet of the Transitional Government was established by Regulation No. 2000/23, 14 July, to formulate policies and programmes for the Government of East Timor, supervise the Administration, recommend regulations for consideration of the national Council (established the same day), recommend to the Transitional Administrator the approval and promulgation of regulations as adopted by the National Council and recommend the approval of directives.

There are currently five East Timorese Cabinet Members.

5. The National Council

The National Council was established by Regulation No. 2000/24, 14 July, to intensify the participation of the East Timorese people in the decision-making process, during the period of the Transitional Administration in East Timor.

It is composed of representatives of relevant organisations and replaced the N.C.C. The National Council ended its activity on the 15 July 2001.

Its powers are:

- To initiate, modify and recommend draft regulations;
- To amend regulations;
- At the request of a majority of the Council, to require the presence of Cabinet officers to answer questions.

The Council consists of 33 East Timorese members appointed by the Transitional Administrator (7 representatives of CNRT, 3 representatives of political parties outside CNRT, 1 from Catholic Church, 1 from the Protestant Church, 1 from the Muslim community, 1 from the Women's organisations, 1 from the students/youth's organizations, 1 from the East Timorese NGO forum, 1 from the professional associations, 1 from the farming community, 1 from the business community, 1 from the labour organisations and 1 representative from each of the 13 Districts of E.T).

The Council was empowered to adopt its own rules of procedure and to control, regulate and dispose of its own affairs.

All the decisions are made by a simple majority vote, exception made to the election of the Speaker and Deputy Speaker, who should be elected, from among the members, by a majority of two-thirds of members voting.

The Council is supported and assisted by a **Secretariat** and adopted its own **rules of procedure**, drafted by an Australian team.

In the 23 October 2000 took place the first Session of the Council, and Xanana Gusmão was then elected Speaker; after President Xanana's resignation on the 28 March 2001, João Carrascalão was elected as Speaker.

It is clear that the establishment of the National Council represented an important step in the "Timorisation" of the East Timor Administration.

During the last 10 months, 79 sittings took place and **16 Regulations** were examined and 90% passed and were approved by the Transitional Administrator. On the day the IPU Mission left East Timor, 9 more regulations were expected to come to the N.C.

On the 11 December 2000, the NC approved the implementation of **7 Permanent Committees**, with 5 to 9 members each.

The decisions inside the Committees have been taken by simple majority vote. Those Committees are: Budget and Finance, Political Affairs, Foreign Affairs and Defence, Infrastructures and Economic Affairs, Internal Administration and Social Affairs, Judicial Affairs, Security and Civil Protection, and Procedures.

The **Secretariat** of the N.C is composed by the Head of the Secretariat, Ms. Glória de Castro Hall, an East Timorese of the Australian diaspora, and 13 Timorese staff members (4 legislative assistants, 4 administrative assistants, 1 technician, 2 receptionist and 2 drivers):

II. On going Initiatives

1. The Constituent Assembly

The elections to the Constituent Assembly took place on the 30th August and, as it was expected the participation of the East Timorese people was effective and massive - 93! Fretilin got an absolute majority but it will need the support of another party to reach the 2/3 of votes needed to approve the Constitution.

It is expected that, even so, the political divergences the participation of the East Timorese people was effective and massive and that the political divergences will be surpassed to contribute to a wide consensus in East Timorese society as what concerns the challenges the country is and will be facing.

As an example of this consensus, the 16 parties candidates to the elections of the August 30 agreed, on July 4, on a National Union Pact, according on the basis principles of support to the national unity, promoting the equality of rights and the principles of non-discrimination and non-exclusion, reinforcing the role of the political leaders.

1.2. Members

The composition of the Constituent Assembly comprise **88 members elected: 75** representatives elected on the basis of one **single nation-wide constituency** and **13 representatives** elected one the basis of the existing **13 administrative districts**, one representative from each district

1.3. Voters and Candidates

The persons, aged 17 or more, born in East Timor or born outside East Timor but with at least one parent born in East Timor and those whose spouses fall under one or other prevision above, were **eligible to vote** in the election to the Constituent Assembly. Only those who were present in East Timor on polling day may vote for the national representatives.

Any person eligible to vote was able **to be a candidate** to the same Assembly. Only those who are residents of the constituency for which they run could be candidates as district representatives.

Independent candidates could stand for election as national representatives or as district representatives.

According to the latest and consolidated information, 737,811 people (93% of the population) were registered in East Timor, from which 380,000 were potential voters. This confirmed too that the population of East Timor is young, as 54% of the population is less than 20 years old and only 2,4% are 65 years old or above. Between 20 and 35 years, are 21.2% of the population, and 25.2% have between 25 and 45 years. 50.3% of the residents are men.

Those data do not include information referring to the East Timorese who are in the camps of West Timor.

It is important to note that this procedure of registration of the population of East Timor entitled the Timorese with a provisory identity card, which did not exist before.

1.4. Political Parties

Sixteen **political parties**, were registered and entitled to participate in the elections in August.

Those parties are, in alphabetic order:

- Apodeti - Pró-referendo
- Associação Social-Democrata Timorense (ASDT)
- Frente Revolucionária do Timor Leste Independente (Fretilin)
- Klibur Oan Timor Asuwain (KOTA)
- Partai Demokratik Maubere - Partido Democrático Maubere (PDM)
- Partai Republik Nasional Timor Leste (Parentil)
- Partido do Povo de Timor (PPT)
- Partido Democrata Cristão (PDC)
- Partido Democrata Cristão de Timor (UDC/PDC)
- Partido Democrático (PD)
- Partido Liberal (PL)
- Partido Nacionalista Timorense (PNT)
- Partido Social Democrata (PSD)

- Partido Socialista Timor (PST)
- Partido Trabalhista de Timor (PTT)
- União Democrática Timorese (UDT)

Those 16 parties presented 1,048 candidates at national and district level: 963 at national level, including 255 women (27%) and 85 at districtal level (5 are women).

Four parties - Fretilin, Kota, ASDT and PSD - presented complete lists of 75 national candidates and 13 candidates on district level.

1.5. Independent Candidates

On the total of candidates - to the election of 30 August -, 16 were independents, 11 of them ran in 7 of the 13 districts and 5 at national level; 6 independent candidates were women, 3 at national level and the other 3 at district level.

1.6. The Constitution

The **Constitution** shall be adopted by an affirmative vote of at least 60 representatives of the 88 elected, within 90 days of the first day of sitting of the Constituent Assembly (CA), which will take place next 15 September.

It is not clear if this stated period would be long enough. But as Fretilin reached such a good electoral result, and as it has already a draft Constitution, it is expected that 90 days will be enough.

It is expected too that Portuguese will be chosen as the official national language

The Constitution can provide for the Constituent Assembly to become the Legislature of the independent East Timor.

The Constitution will enter into force on the date of East Timor's independence, but the Transitional Administrator can consent the Constitution or relevant provisions (such as those concerning elections) to enter into force prior to that date.

2. The Future Parliament

The name, structure, role inside the sovereignty organs, organisation, powers and competencies of East Timor future Legislative Assembly is matter to include in the Constitution and task, in consequence, of the Constituent Assembly.

The achievement of new legislative elections in such a short time is hardly comprehensible for the East Timor people. It is possible that the future Constitution, as already foreseen in Regulation no. 2001/2, will determine that the Constituent Assembly will become the Legislative Assembly of independent East Timor.

The installation of the new Legislature in 2002 is foreseen; for that reason, an appropriate functioning, of the staff of the Secretariat, must be taken in consideration in the training projects to be organised. For those reasons, the relevance of the results of the first elections is clear.

As far as the members of the future Assembly are concerned, depending or not on the possibility that members of the Constituent Assembly will become members of the Parliament (MP), experience shows that special attention must be given to the preparation of the legislative decisions, providing the members not only with the technical expertise but also with studies on the issues to be discussed.