

COUNTRY REPORT

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Timor-Leste

INTRODUCTION

Timor-Leste, the newest country in the world, became fully independent on 20 May 2002. This nation was first known as Timor-Portugal when it was a Portuguese colony during 456 years and Timor-Timur (East Timor) under Indonesian occupation during 24 years. After the independence, Timor-Leste was officially named as República Democrática de Timor-Leste (RDTL).

The independence of Timor-Leste from Indonesia was determined by a referendum which was coordinated by the United Nations (UN) in 1999. The UN then facilitated the process for independence through a number of missions such as UNTAET (United Nation Transitional Administration of East Timor).

After the independence, this nation has not only faced the huge damage in of infra-structure, however, there is necessary to build its own system towards economic development, human development, and infra-structure. Thus, the Government of Timor-Leste has been working hard to address the void left by previous government and develops the necessary system and human resources that needed to manage and build Timor-Leste as a nation.

Out of several systems that are required in this process of nation building, the system of preventing people from the corruption is really necessary to build from the beginning of forming this nation.

HISTORY

Portuguese and Dutch traders made the first western contact with Timor in the early 16th century. Sandalwood and spice traders, as well as missionaries, maintained sporadic contact with the island until 1642, when the Portuguese moved into Timor in strength. The Portuguese and the Dutch, based at the western end of the island in Kupang, battled for influence until the present-day borders were agreed to by the colonial powers in 1906. Imperial Japan occupied East Timor from 1942-45. Portugal resumed colonial authority over East Timor in 1945 after the Japanese defeat in World War II.

Following a military coup in Lisbon in April 1974, Portugal began a rapid and disorganized decolonization process in most of its overseas territories, including East Timor. Political tensions--

exacerbated by Indonesian involvement--heated up, and on August 11, 1975, the Timorese Democratic Union Party (UDT) launched a coup d'etat in Dili. The putsch was followed by a brief but bloody civil war in which the Revolutionary Front for an Independent East Timor (FRETILIN) pushed UDT forces into Indonesian West Timor. Shortly after the FRETILIN victory in late September, Indonesian forces began incursions into East Timor. On October 16, five journalists from Australia, Britain, and New Zealand were murdered in the East Timorese town of Balibo shortly after they had filmed regular Indonesian army troops invading East Timorese territory. On November 28, FRETILIN declared East Timor an independent state, and Indonesia responded by launching a full-scale military invasion on December 7. On December 22, 1975 the UN Security Council called on Indonesia to withdraw its troops from East Timor.

Declaring a provisional government made up of Timorese allies on January 13, 1976, the Indonesian Government said it was acting to forestall civil strife in East Timor and to prevent the consolidation of power by the FRETILIN party. The Indonesians claimed that FRETILIN was communist in nature, while the party's leadership described itself as social democratic. Coming on the heels of the communist victories in Vietnam, Cambodia, and Laos, the Indonesian claims were accepted by many in the West. Major powers also had little incentive to confront Indonesia over a territory seen as peripheral to their security interests. Nonetheless, the widespread popular support shown for the guerilla resistance launched by the Timorese made clear that the Indonesian occupation was not welcome. The Timorese were not permitted to determine their own political fate via a free vote, and the Indonesian occupation was never recognized by the United Nations.

The Indonesian occupation of Timor was initially characterized by a program of brutal military repression. Beginning in the late 1980s, however, the occupation was increasingly characterized by programs to win the "hearts-and-minds" of the Timorese through the use of economic development assistance and job creation while maintaining a strict policy of political repression, although serious human rights violations--such as the 1991 Santa Cruz massacre--continued. Estimates of the number of Timorese who lost their lives to violence and hunger during the Indonesian occupation range from 100,000 to 250,000. On January 27, 1999, Indonesian President B.J. Habibie announced his government's desire to hold a referendum in which the people of East Timor would chose between autonomy within Indonesia and independence. Under an agreement among the United Nations, Portugal, and Indonesia, the referendum was held on August 30, 1999. When the results were announced on September 4--78% voted for independence with a 98.6% turnout--Timorese militias organized and supported by the Indonesian military (TNI) commenced a large-scale, scorched-earth campaign of retribution. While pro-independence FALINTIL guerillas remained cantoned in UN-supervised camps, the militia and the TNI killed approximately 1,300 Timorese and forcibly relocated as many as 300,000 people into West Timor as refugees. The majority of the country's infrastructure, including homes, irrigation systems, water supply systems, and schools, and nearly 100% of the country's electrical grid were destroyed. On September 20, 1999 the Australian-led peacekeeping troops of the International Force for East Timor (INTERFET) deployed to the country, bringing the violence to an end.

Timor-Leste became a fully independent republic with a parliamentary form of government on May 20, 2002, following approximately two and a half years under the authority of the UN Transitional Administration in East Timor (UNTAET). The country's first parliament was formed from the 88-member

Constituent Assembly chosen in free and fair, UN-supervised elections in August 2001. The FRETILIN Party won the majority of Assembly seats. Mari Alkatiri, FRETILIN's Secretary General, became the first Prime Minister, and the country's 29-member cabinet was dominated by FRETILIN. Xanana Gusmao was elected in free and fair elections on April 14, 2002 as President. UNTAET's mandate ended with East Timor's independence, but a successor organization, the UN Mission for the Support of East Timor (UNMISSET), was established to provide additional support to the government. UNMISSET's mandate expired on May 20, 2005 after the UN Security Council unanimously approved the creation of a small special political mission in Timor-Leste, the UN Office in Timor-Leste (UNOTIL), to take its place. Under the constitution ratified in March 2002, "laws and regulations in force continue to be applicable to all matters except to the extent that they are inconsistent with the Constitution." Many Indonesian and UNTAET laws and regulations remain in effect, but are set to be replaced by new civil, criminal, and penal codes, which are currently under review by the government.

In February 2006, approximately 400 military personnel (from a total military strength of 1,400) petitioned President Gusmao to address their complaints of discrimination. The commander of the country's armed forces (F-FDTL) dismissed the petitioners, who reacted with a demonstration that flared into violence on April 28. In response to the escalating unrest, large numbers of people began to flee their homes for internally displaced persons (IDP) camps or the outlying districts. The violence mounted with a series of deadly clashes among the F-FDTL, dissident military forces, civilians, and some police occurring on May 23-25. After these clashes civil order collapsed. Mob and gang violence took over the capital, resulting in additional deaths, widespread destruction of property, and the continued displacement of thousands of Dili residents. At the peak of the crisis, there was a national total of about 150,000 IDPs.

Facing a full-scale collapse of civil order, the Government of Timor-Leste on May 28 requested the Governments of Australia, Malaysia, New Zealand, and Portugal to send security forces to stabilize the country. Under heavy domestic political pressure due to his handling of the crisis, Prime Minister Alkatiri resigned on June 27. Jose Ramos-Horta--the Foreign and Defense Minister in the Alkatiri government--became Prime Minister on July 10, and a new cabinet was sworn in on July 14, 2006.

On August 25, 2006 the UN Security Council passed Resolution 1704, creating the United Nations Integrated Mission in Timor-Leste (UNMIT). UNMIT's mandate was to assist in restoring stability, rebuilding the institutions comprising the security sector, supporting the Government of Timor-Leste in conducting the 2007 presidential and parliamentary elections, and achieving accountability for the crimes against humanity and other atrocities committed in 1999, among other aims. UNMIT also has a policing component of about 1,500 foreign police personnel. In May 2009 UNMIT police began transferring primary policing responsibility to the Timorese Police Force (PNTL) on a district-by-district basis. As of August 2010, the PNTL had resumed policing authority in six of 13 districts. The UN Security Council has extended UNMIT's mandate on an annual basis since 2006. (UNMIT's own website provides additional information: <http://www.un.org/en/peacekeeping/missions/unmit/>)

GEOGRAPHY AND PEOPLE

Timor-Leste is a small country with the total area of 14,900 sq. km. This country is located in Southeast Asia and lie between two big countries of Indonesia on the southern and Australia on the northwest. The country includes the eastern half of Timor island as well as the Oecussi enclave in the northwest portion of Indonesian West Timor, and the islands of Atauro and Jaco. While the half part of the west of island is belong to Indonesia.

Timor's relief is broadly characterized by a core of rugged hills and mountains. The land rises to 2,000 meters and above, including Mount Tatamailau at 3,000 meters. Around 44% of Timor-Leste may have a slope of approximately 40%, which, combined with heavy rainfall, encourages soil erosion.

The climate is hot, with an average temperature of 21°C and around 80% humidity. During the dry season, Timor-Leste has moderate winds and slightly milder temperatures—18°C on the coastline and 10°C or lower in the mountains. But between November and April, in the monsoon season, the rivers become torrents due to extremely high precipitation. During this period, the average temperature on the coast is about 25°C. On the northern coast, the rainfall ranges from 500 to 1,000 millimeters per year and there is only one harvest. The southern coastal plain, however, can receive over 2,000 millimeters and has two wet seasons and two harvests.

Timor-Leste's population has grown rapidly after the independence. From the 1990 to 2001, for example, the population increased from 747,547 to 787,342 or increased 0.47% per year. However, there was a big increase from 2001 to 2004, where was up to 5.31% per year. Thus, the total population was 923,198 in 2004 (Census, 2004). In 2009, the total population is approximately increase to 1,087.00 (http://id.wikipedia.org/wiki/East_Timor).

On the other part, the mixed Malay and Pacific Islander culture of the Timorese people reflects the geography of the country on the border of those two cultural areas. Portuguese influence during the centuries of colonial rule resulted in a substantial majority of the population identifying itself as Roman Catholic. Some of those who consider themselves Catholic practice a mixed form of religion that includes local animist customs.

As a result of the colonial education system and the 24-year Indonesian occupation, approximately 13% of Timorese speaks Portuguese, 43% speak Bahasa Indonesia, and 6% speak English, according to the 2004 census. Tetum, the most common of the local languages, is spoken by approximately 91% of the population, although only 46.2% speak Tetum Prasa, the form of Tetum dominant in the Dili district. Mambae, Kemak, and Fataluku are also widely spoken.

This linguistic diversity is enshrined in the country's constitution, which designates Portuguese and Tetum as official languages and English and Bahasa Indonesia as working languages.

POLITICAL SYSTEM

Government system of Timor-Leste is Semi-Presidential. The Head of State is the President of the Republic, who is elected by popular vote for a five-year term. The President guarantees the respect for the Constitution and for State Institutions, and when necessary, can act as a mediator for conflict resolution. He can also exercise the right to veto legislation put forth by the government and approved by the National Parliament.

Following legislative elections, the president appoints as prime minister the leader of the majority party or majority coalition. As Head of State the President also presides over the Council of State and the Superior Council of Defense and Security.

The unicameral Timorese parliament is the National Parliament or Parlamento Nacional, whose members are also elected by popular vote to a five-year term. The number of seats can vary from a minimum of 52 to a maximum of 65. All legal political parties can run to the legislative elections, organizing to that effect their list of candidates to the National Parliament. The Government is the Executive body of the State and is responsible for the development and implementation of the Government Program for the 5 year term. The Head of the Government is the Prime-Minister. (<http://timor-leste.gov.tl/?p=91&lang=en>)

ADMINISTRATIVE DIVISION

As far as administrative division is concerned, Timor-Leste is split into 13 districts: Bobonaro, Liquiçá, Díli, Baucau, Manatuto and Lautém on the north coast; Cova-Lima, Ainaro, Manufahi and Viqueque, on the south coast; Ermera and Aileu, the two landlocked districts; and Oecussi-Ambeno, the enclave in Indonesian territory. The borders determining the 13 districts have been more or less the same since the last years of Portuguese administration. Each district comprises one capital city and various subdistricts whose number can vary between three and seven, with an average of five subdistricts per district. Demographically, Dili is the district where the majority of the population is concentrated, while Aileu registers the lowest population rate, although its area is superior to Dili's.

The 13 districts are subdivided into 67 sub-districts, with one designated as the capital, and administrative subdivisions – the so-called *sukus* (villages) – which vary between 2 and 18 per subdistrict. The largest subdistrict is Lospalos, in Lautem, with an area of 635 km², while Nain Feto in Dili is considered to be the smallest, with 6 km². Fatululik, one of the smallest subdistricts, is the less populated with approximately two thousand inhabitants. The subdistricts which present higher demographic rates are the ones belonging to the district of Dili, specifically those surrounding the national capital.

The smallest administrative division in Timor-Leste is the *suku* (village), which can comprise one or many *aldeias* (hamlets). The territory is divided into 498 villages, an average of seven per subdistrict. Baucau has more villages (63) than any other district, while Ainaro is the district with the least divisions (21 villages). Based on the average number of villages per subdistrict, the most central districts are the ones with more administrative segments. Aileu and Ermera have the highest average number, 11 villages per district, and Ainaro and Oecussi-Ambeno the lowest, with five villages per subdistrict. The most

central and mountainous subdistricts with the highest number of villages are: Aileu, in the Aileu district, and Bobonaro, in the Bobonaro district, with 18 divisions each; however, the subdistricts of Hato Udo, in Ainaro, and Tutuala, in Lautem, which lie near the coast, have only two villages each.

ECONOMIC

The main sources of Timor-Leste is coffee, rice, corn, cassava, sweet potatoes, soybeans, cabbage, mangoes, bananas, vanilla, oil and gas. Different district has different sources. Coffee, for example, mainly is in part of central of Timor-Leste. While oil and gas mainly is in part of east and south of Timor-Leste.

Although there are several sources, since it is a new country, Timor-Leste is still remain as one of the poor country in the world. Both infrastructure and resources are lacking in urban and rural areas. Unemployment and underemployment combined are estimated to be as high as 70%. Half of the country's population lives below the poverty line.

Oil and gas revenues have surged since 2005 as major projects in the Joint Petroleum Development Area that Timor-Leste shares with Australia have come online. The government set up a special Petroleum Fund in 2005 to facilitate the sustainable use of its revenues over the long term. Petroleum Fund assets reached \$6 billion in 2010.

The economy is dependent on government spending (financed by petroleum revenues) and assistance from international donors. Private sector development has lagged due to human capital shortages and an inefficient regulatory environment.

KEY INSTITUTION OF ANTI-CORRUPTION

1. Office of the Inspector General

The inspector General is an institution that establish under the Prime Minister office. As part of the Office of the Prime Minister, the Inspector General has the responsibility for inspecting the departments and agencies of the Administration to see that they are performing their functions in accordance with their respective mandates. The Inspector General reports directly to the Prime Minister and is subject to his instructions. Reports containing his recommendations go from the Prime Minister to the Ministry, department or agency concerned for any further action to be taken.

2. Office of *Provedor* (ombudsman)

The Ombudsman is an independent office provided for in the Constitution of Timor-Leste. The Law Approving the Statute of the Office of the Ombudsman for Human Rights and Justice was enacted and came into force on 26 May 2004. The first holder of the office, known in Portuguese as

“Provedor”, was appointed by Parliament on 16 June 2005. Two Deputy Ombudsman who were appointed in early July 2005 assist *Provedor*.

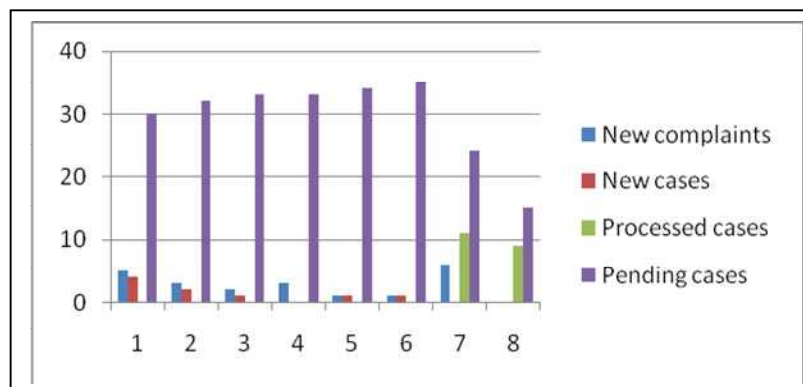
The Provedor Law contains a number of important and positive features:

- The law establishes an independent and accountable body.
- It gives the Provedor three distinct areas of responsibility: maladministration, human rights protection and anti-corruption.
- As regards the area of anti-corruption, the Provedor is made responsible for taking forward the three elements of the national anti-corruption strategy, namely enforcement, prevention and public education and support.
- It provides the Provedor with powers to investigate, and leaves the prosecution and trial of offences to the organs of state normally responsible for those functions.
- It provides an autonomous budget from public funds voted by the Legislature and allows the body to accept funds from other suitable sources.
- It provides for the appointment and tenure of the Provedor and Deputy Provedor.
- It makes the Provedor the appointing and disciplinary authority of the staff of the Office.

In order to provide access to district residents to make complaints on violations of human rights, good governance and anti-corruption, the Provedor has 4 (four) regional offices in Oecusse, Baucau, Bobonaro and Ainaro Districts was open on 16 July 2009.

Report on corruption cases up to 14 August 2009 as shown in the table below:

Corruption Cases	2009											
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
New complaints		3	2	3	1	1	6	0				
New cases	4	2	1	0	1	1	0	0				
Processed cases	0	0	0	0	0	0	11	9				
Pending cases	30	32	33	33	34	35	24	15				



Source : Monthly Governance Report, October 2009

Since the Creation of the Anti-Corruption Commission, new cases related to corruption will no longer be part of the mandate of the Provedor. The cases presented in this section are up to 14 August 2009.

3. Office of Anti-Corruption Commission

In 2009, Parliament adopted a law “Creating the Anti-Corruption Commission” that repealed key portions of the law on the Provedor and transferred competence for corruption issues to a newly created Commission. A principal (if unconvincing) argument for establishing the new body was that because the Provedor was charged with both human rights protection and investigation of corruption, he could face a conflict in a case where investigators violated a suspect’s human rights.

The new Anti-Corruption Commission (ACC) is intended “to provide the State with a specialized and independent criminal police body, the authority of which is guided only by legality and objectivity criteria, in articulation with the competent authorities, as is indispensable for its credibility while mechanism for fighting corruption.”

The ACC has powers similar to those of the Provedor, but with expanded police authority, including (with appropriate judicial approval) arrest, search, seizure of assets, surveillance, and wiretapping. As with the Provedor, the ACC can forward cases to the Prosecutor General, but cannot directly prosecute a case. The law provides additional definitions relevant to corruption, including: *Passive corruption for illicit act* means, under article 292 of the Penal Code, an officer who, by himself or through a third party, with his consent or ratification, requests or accepts, for himself or for a third party, an undue patrimonial or non-patrimonial advantage, or the 6 Act no. 7/2004 of 26 May, Approving the Statute for the Provedor for Human Rights and Justice, Article 5.3. While the Provedor is no longer tasked with corruption issues, the above definitions remain in the law, and should provide guidance to the new Anti-Corruption Commission. Act no. 7/2004 of 26 May, Approving the Statute for the Provedor for Human Rights and Justice, Article 1. It is not clear why it is so widely assumed that a legal investigation would necessarily violate human rights (http://pdf.usaid.gov/pdf_docs/PNADQ697.pdf)

NATIONAL INSTITUTE OF PUBLIC ADMINISTRATION

National Institute of Public Administration, known in Portuguese as “Instituto Nacional da Administração Pública (INAP)”, is a Government Institution under the Ministry of State Administration and Territorial Management.

The major function of the National Institution of Public Administration (INAP) in Timor-Leste is to address the capacity development needs of Timor-Leste civil servants at National and Local Government Administration levels, design and deliver short-term training programs to ensure good governance for the benefit of the people of Timor Leste.

MAP OF TIMOR-LESTE

