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Department of Political Science



Post-Conflict Reconstruction and Women's Security - analyzing political outputs in East Timor

Susanne Alldén
Department of Political Science, Umeå University

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Department of Political Science, Umeå University,
SE-901 87 Umeå, Sweden

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Abstract

Women's inclusion in the reconstruction of war-torn societies is important for sustainable peace and functioning democratic states. This paper specifically addresses women's security situation in East Timor, seven years after the country's vote for independence. The peace process is generally viewed as a success story but seven years later, women face several obstacles to enhanced political, economic and social status in society. What policy outputs, in particular in the political realm, can be detected, and what, if any, obstacles face women in their struggle for increased security? Are women acknowledged as important actors in the democratization or was the "gender-friendly" peacebuilding process simply a rhetorical instrument that later turned out to ignore women's situation when policies were to be implemented? The paper highlights several important political aspects crucial for building sustainable peace and for stabilizing democracy, and examines how these issues include or exclude women in East Timor.

Key words

Post-conflict political reconstruction, women, democratization, East Timor

Biography

Susanne Alldén is a PhD Candidate at the Department of Political Science at Umeå University, Sweden.

Contact Information

Susanne Alldén

Department of Political Science, Umeå University, SE-90187 Umeå, Sweden

Email: susanne.allden@pol.umu.se

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Post-Conflict Reconstruction and Women's Security

- analyzing political outputs in East Timor¹

Introduction

In 1999, national and international factors contributed to the end of the Indonesian occupation of East Timor.² Following the Timorese vote for independence, one of the most comprehensive international peacebuilding missions was deployed to establish a functioning administration and prepare the country for its independence in 2002. The 24-year long occupation naturally caused great suffering, but the violent situation also cleared the way for important societal changes - both for East Timor as a country and for specific groups, such as the heterogeneous group of women. In East Timor, as in most countries around the world, women and children are primarily categorized as victims of armed conflict, where stereotypes identify men as going of to war to protect the "vulnerable" (i.e. women and children).³ Contrary to this stereotype, violent conflicts can also open a window of opportunity for increased equality and transformation of discriminatory gender roles. How to maintain these new roles and priorities in the aftermath of conflict is a main challenge for post-conflict reconstruction policies.⁴ Indeed, post-conflict reconstruction (PCR) often establishes new rules, norms and institutions, making it possible to highlight women's rights and acknowledge the contribution women make in the reconstruction of war-torn societies.⁵ Krishna Kumar argues that,

[b]ecause the post-conflict era provides an opening to build on the progress made by women during conflict, it makes sense for the international community to capitalize on this opportunity by designing and implementing programs to ameliorate the negative conditions women endure and to help promote gender equality.⁶

To date, much research has focused on the scope and motives of peacebuilding/PCR initiatives, giving little attention to the impacts of these efforts on specific groups, for example women. Hence, the aim of this paper is to analyze political outputs of three post-conflict reconstruction policy instruments in East Timor and their implications for women's security. What results can be detected, and what, if any, obstacles face women in their struggle for increased well-being and security? The focus of this paper is on the development and mobilization of the women's

¹ Earlier versions of this paper were presented at the 20th IPSA World Congress in Fukuoka, Japan, 9-13 July, 2006, and at the 2nd Swedish Peace Research Conference, Gothenburg, Sweden 7-8 September 2006. All comments presented at these conferences are highly appreciated.

² East Timor formally changed its name into Democratic Republic of Timor-Leste when they officially became independent in 2002. However, the conventional short-form for the country is still East Timor and is used throughout the paper to avoid confusion.

³ J. Ann Tickner. *Gendering World Politics*. (New York: Columbia University Press, 2001), pp 49-57; Simona Sharoni, "Gendering conflict and peace in Israel/Palestine and the North of Ireland". In: *Gendering the International*. Ed. by: Odysseos and Seckinelgin. (Basingstoke and New York: Palgrave Macmillan, 2002), pp 181-182.

⁴ However, it should be pointed out that some women wish to return to pre-conflict gender roles. This "normalization" and return to patriarchal institutions and traditions is sometimes considered therapeutically and healing in times of insecurity. The important thing is that there is a choice available for women.

⁵ Elaine Zuckerman and Marcia Greenberg, "The Gender Dimension of Post-Conflict Reconstruction: An Analytical Framework for Policymakers". In: *Gender, Peacebuilding and Reconstruction*. Ed. by: Sweetman. (UK: Oxfam, 2005)

⁶ Krishna Kumar, *Women and Civil War - impact, organizations, and action*. (Boulder, CO and London: Lynne Rienner Publishers, Inc., 2001), p. 216.

movement and their political acknowledgement when it comes to the constitution-making process and in the elections to the Constituent Assembly in 2001. That is, the role played by individual women and women's organizations in these two processes is highlighted and is followed by a discussion about what conclusions that can be drawn for the future, specifically looking upcoming presidential and parliamentary elections in 2007.⁷

Establishing the context for post-conflict reconstruction

New international norms and values were established with the end of the Cold War, highlighting that real threats to international security were the lack of security of individuals, emphasizing the importance of democratization, human rights and good governance in order to stabilize societies. The redefinition of security was accompanied by a shift in the understanding of peace; from negative to positive peace. Positive peace is the presence of social justice, focusing on equality, rule of law, and fair distribution of power and resources. Peace ought to guarantee people their physical safety, protect their human rights and fundamental freedoms, and secure their economic and social well-being – that is, protecting human security. This has forced the international community, most notably the United Nations, to broaden its activities, focusing on their responsibility to rebuild as well as prevent and protect, introducing among other things the notion of transitional administrations as a peacebuilding strategy.

The international response to human insecurity

An unusual window of opportunity opened in the 1990s which provided the international community with the promise and the potential for addressing the global search for security and development through integrated peacebuilding approaches [...].⁸

Former UN Secretary-General Kofi Annan states that the UN is the world's only universal body that has a mandate to address security, development and human rights issues globally. This leaves the organization with a special burden and responsibility to protect the people of the world.⁹ This means acting with a responsibility to *prevent* and *react* to international crises, but also to *rebuild* and follow-through to a greater extent than was previously the case.¹⁰ This article focuses on the final phase of peace operations, that of (comprehensive) peacebuilding and the action of rebuilding societies. Post-conflict reconstruction usually begins with the signing of a peace agreement or other events that marks the official end of war, whereas peacebuilding can start before the official end of a conflict, although *post-conflict* peacebuilding is technically confined to the period after the official ending of a conflict.¹¹ Even though peacebuilding is generally a somewhat broader term, it

⁷ A few notes on what is not included in the paper are worth mentioning. No intention is made to evaluate the international community's involvement in East Timor, or to make any deeper analyses of the elections and the constitution-making process as such. Focus in this paper is on women's political inclusion on a national level and an analysis of the local level has been left out due to time and space limitations. Furthermore, the focus on political outputs leaves out the analysis of economic and social aspects as well as the discussion of outcomes. Finally, in March 2006, East Timor's (now former) Prime Minister fired about a third of the country's military, once again inflaming the fault-lines from 1999. This paper addresses this violence to a very limited extent.

⁸ Necla Tschirgi, *Peacebuilding as the Link between Security and Development: Is the Window of Opportunity Closing?* Studies in Security and Development, (New York: International Peace Academy, 2003).

⁹ Kofi Annan, *In larger freedom: towards development, security and human rights for all*. Report of the Secretary-General, (New York: United Nations General Assembly, 2005).

¹⁰ See for example ICISS Report: *The Responsibility to Protect*. (Ottawa: Report of the International Commission on Intervention and State Sovereignty, 2001).

¹¹ Sanam B. Naraghi Anderlini and Judy El-Bushra, "Post Conflict Reconstruction". In: *Inclusive Security, Sustainable Peace: A Toolkit for Advocacy and Action*. (London and Washington D.C.: International Alert and Women Waging

is naïve to assume that post-conflict reconstruction efforts exist in a vacuum. Furthermore, the conflict might still be ongoing or recurring in parts of the country, even though the period is defined as *post-conflict*, blurring the distinction between peacebuilding and PCR even further.¹²

One of the most complex responses to the expanded peacebuilding agenda is the establishment of *international administrations* whose tasks range from supervision at one end of a continuum to direct governance at the other end. They differ from traditional peacekeeping missions through their interest in, and often also their responsibility for, the functioning of a state (or a territory). Richard Caplan argues that “[i]nternational administration of war-torn territories can be seen to be part of a larger trend that has witnessed states attaching increased importance to human rights and humanitarian norms as matters of regional and international concern”.¹³ He distinguishes five broad categories of activity of international administrations based on analysis of the consequences of armed conflicts: establishment of public order and internal security; repatriation and reintegration of internally displaced persons and refugees; performance of civil administrative functions; development of local political institutions; and economic reconstruction and development.¹⁴ This article focuses on selected issues within one of these five aspects of post-conflict reconstruction, the area of *political* reconstruction, analyzing the security situation of women specifically.

Political reconstruction

At the centre of political reconstruction are the establishment of democratic order and the creation of institutions that can prevent the outbreak of violent destabilization.¹⁵ These institutions should be accessible to all citizens, both women and men.¹⁶ Still, in 2004, women represented only 15.2 percent of national legislatures.¹⁷ Evidently, creating new democratic institutions does not guarantee women equal rights or enhance their status *per se*, but democracy, in theory, is of great importance for women since it provides mechanisms to increase their influence and participation in decision-making processes. This paper focuses on three aspects of democratic institution-building: broadening access to political decision-making by acknowledging

Peace, 2004). Lately, peacebuilding and PCR has become more and more about *nation-building* or *state-building*, as in Kosovo and East Timor. For a further discussion about the issue of nation-building and its consequences, see Simon Chesterman. *You, The People: The United Nations, Transitional Administration, and State-Building*. (Oxford, UK: Oxford University Press, 2004); Richard Caplan. *International Governance of War-torn Territories*. (Oxford: Oxford University Press, 2005).

¹² Derick W. Brinkerhoff. "Rebuilding Governance in Failed States and Post-conflict Societies: Core Concepts and Cross-cutting Themes." *Public Administration and Development* 25 (2005): 3-14.

¹³ Richard Caplan, *International governance of War-torn Territories* p.5.

¹⁴ Ibid. p.44.

¹⁵ This is related to the liberal peace theory, assuming that democracies do not go to war with each other and a more peaceful system will emerge through the development of democratic institutions both within and between states. For a further discussion on the importance of political development and democratic institutions, see John G. Cockell, "Peacebuilding and Human Security: Frameworks for International Responses to Internal Conflict". In: *Preventing Violent Conflicts: Past Record and Future Challenges*. Ed. by: Wallenstein. (Uppsala: Department of Peace and Conflict Research, Uppsala University, 1998), p.215; Albrecht Schnabel. "Post-Conflict Peacebuilding and Second-Generation Preventive Action." *International Peacekeeping* 9 (Summer)(2002): 7-30; Mark Malloch Brown, "Post-Conflict Transitions: The Challenge of Securing Political, Social and Economic Stability". In: *Human Security for All: A tribute to Sergio Vieira de Mello*. Ed. by: Cahill. (New York: Fordham University Press/The Center for International Health and Cooperation, 2004), pp.66f; Peter Wallenstein. *Understanding Conflict Resolution: War, Peace and the Global System*. (London: Sage Publications, 2002), pp.144ff.

¹⁶ *Universal Declaration of Human Rights*. United Nations, 1948), article 21(1); *Convention on the Elimination of All Forms of Discrimination Against Women*. (New York: United Nations Division for the Advancement of Women, 1979): article 7.

¹⁷ June Zeitlin and Doris Mpoumou, *No Human Security Without Gender Equality*. (Women's Environment & Development Organization (WEDO), 2004).

“new” politically influential actors; the role of national elections and access to participation in the electoral process; and finally, the constitution-building process and its internal validation in local communities. As has been mentioned earlier, these aspects are analyzed in relation to women specifically.

“New” Political Actors

One important task for post-conflict political reconstruction is to recognize the wide range of actors and to what extent their different roles are acknowledged. Democratic political reconstruction should, for example, ensure that the political system protects women’s rights and that women have access to the political process, both when it comes to influencing it and participating in it. Women’s positions in the aftermath of conflict are shaped by their former positions in society and their role/situation during the conflict.¹⁸ PCR strategies have to recognize within what areas women get political access and specifically acknowledge that the work conducted by non-governmental organizations does have political impact.¹⁹ Excluding women in these processes seriously risk undermining efforts to build sustainable peace and Sørensen argues that even though women have different needs and are not a homogenous group, excluding them altogether makes it even more difficult to get their interests acknowledged in post-conflict transition policies.²⁰

Elections

Fair and free elections are considered one of the cornerstones of functioning democracies and they are considered to confer local and international legitimacy.²¹ Post-conflict elections are not the panacea for the reconstruction of war-torn societies but they offer people the opportunity to participate in the democratic process. In order to reach this goal, however, efforts are needed to ensure all eligible voters the right to participate in post-conflict elections. Traditions may exclude women as eligible voters even though women’s right to vote and to be voted for often is constitutionally guaranteed. Other obstacles for women to vote can be limited experience of political participation, lack of time, illiteracy, or difficulties understanding the political information.²² The use of quotas can facilitate for women to at least *get access* to the political system, even though quotas do not necessarily solve the other obstacles mentioned. The use of quotas has placed many women in political decision-making positions, for example in Rwanda

¹⁸ Birgitte Sørensen, *Women in post-conflict reconstruction: issues and sources*. (Geneva: United Nations Research Institute for Social Development, Programme for Strategic and International Security Studies, 1998), p.3.

¹⁹ In a report from 2002, Kofi Annan concludes that the role of women’s organizations in peacebuilding has not always been sufficiently recognized and given support, see *UN Security Council, Report of the Secretary-General on women, peace and security*. (United Nations Security Council, 2002). On the discussion about the role of civil society in general, see for example Brinkerhoff, “Rebuilding Governance in Failed States and Post-conflict Societies”.

²⁰ Sørensen, *Women in post-conflict reconstruction*, p.9.

²¹ Scholars and practitioners have different opinions about the role of elections. A common understanding is that if a country is able to hold elections, democracy is on its way and the peacebuilding operation is completed. As true as this might be, Roland Paris argues that countries emerging from civil war are not ready to hold elections within three years as is most common today. Even if they were ready, the peacebuilders need to stay even after the elections, assuring that the country is able to consolidate democracy. Terrence Lyons, on the other hand, is more optimistic towards post-conflict elections, although also recognizing that timing is everything. See for example Roland Paris, “Peacebuilding and the Limits of Liberal Internationalism.” *International Security* 22 (2)(1997): 54-89; Roland Paris, “Wilson’s Ghost: The Faulty Assumptions of Postconflict Peacebuilding”. In: *Turbulent Peace: The challenge of managing international conflict*. Ed. by: Crocker, Hampson and Aall. (Washington D.C: United States Institute of Peace, 2001); Roland Paris. *At war’s end - the building of peace after civil conflict*. (Cambridge: Cambridge University Press, 2004); Terrence Lyons, “The Role of Postsettlement Elections”. In: *Ending Civil Wars: the Implementation of Peace Agreements*. Ed. by: Stedman, Rothchild and Cousens. (Boulder CO, and London: Lynne Rienner Publishers, Inc., 2002).

²² Sørensen, *Women in post-conflict reconstruction*, p.10.

where women now constitute 48.8 percent of the lower house. By creating a critical mass, women have increased their possibilities to influence decisions affecting their lives and that of their families.²³

Constitution-making process

Another significant role in building sustainable peace and establishing democratic societies is played by constitutional reform. Constitutions establish people’s political and civil rights, as well as economic and social rights, setting the tone for other legislative development. The constitution-building process should be inclusive, providing opportunities for people to influence the process. Establishing the legitimacy of the constitution is an important part of the constitution-making process. This includes creating awareness of what a constitution is about and its contents.²⁴ The new constitution should recognize women’s rights and serious efforts must be taken to incorporate them into the national legal system.²⁵ However, this process cannot be externally imposed without internal validation, meaning that civic education has to be prioritized and that the issue needs to be seriously promoted by the international community.

In sum, as is presented in Table 1, political reconstruction needs to address issues relating to the establishment of a democratic political system. Increasing women’s access to and participation in decision-making is one important area, as are the issue of human rights and the creation of a new equitable constitution. Furthermore, women’s role outside official politics needs to be acknowledged as not just being charitable and a-political, but indeed having important political impact.

Table 1. Political aspects of a PCR framework

Political Institutionalization		
“New” Political actors	Elections	Constitution-making Process
<ul style="list-style-type: none"> ○ Civil Society / Recognizing women as political actors ○ Political impact NGOs ○ Capacity-building 	<ul style="list-style-type: none"> ○ Right to vote ○ Civic education and capacity-building ○ Quotas 	<ul style="list-style-type: none"> ○ Participation in process ○ Civic education ○ Internal validation

In the next section, the political aspects of the framework are applied to a specific case of PCR – East Timor. In the initial stages of reconstruction, what focus was put on civil society, in particular women’s activism, and were they acknowledged in the constitution-building process and in the national elections? In other words, what political outputs can be detected and to what extent are women involved in this process?

²³ However, quotas are a controversial issue that is widely debated and not always considered an ultimate solution to the problem of women’s exclusion from decision-making bodies. It is also common that the quotas are not taken seriously and it is hard to punish violations of the quotas, even if they are constitutionally guaranteed. On the issue of quotas, see for example Zeitlin and Mpoumou *No human security without gender equality*.

²⁴ Anthony J. Regan, "Constitution-making in East Timor: opportunities missed?" In: *Elections and Constitution-making in East Timor*. Ed. by: Soares, Maley, Fox and Regan. (Canberra: Pandanus Books, 2003) p.35

²⁵ Christine Chinkin, *Peace Agreements as a Means for Promoting Gender Equality and Ensuring Participation of Women*. Expert group meeting on "Peace agreements as a means for promoting gender equality and ensuring participation of women - A framework of model provisions", (United Nations; Division for the Advancement of Women, 2003); Tsjeard Bouta, Georg Frerks and Ian Bannon. *Gender, Conflict, and Development*. (Washington, D.C.: The World Bank, 2005), pp.77ff.

The road to democratization in East Timor

East Timor formally received its independence from Indonesia on 20 May 2002. By then, the small island-country (a Portuguese colony up until 1975) had experienced 24 years of Indonesian occupation, ending in 1999. The fight for independence is one of “the forgotten wars” of the Cold War era. The United Nations initially condemned the invasion in 1975 and recognized East Timor’s attempts at self-determination, but did not take any direct action against Indonesia and the issue was only referred to as “the East Timor question” within the international community until the late 1990s. The conflict in East Timor was not only prolonged but also deeply impacted the civilian population. During the 24 years of occupation, an estimated 183,000 Timorese lost their lives.²⁶ It was not until 24 years after the invasion that the newly appointed president of Indonesia, Habibie, announced that the people of East Timor were to decide for themselves if they wanted to gain full independence or become an autonomous region within Indonesia. A UN supervised referendum took place on 30 August 1999 with 78.5 percent of the Timorese voting for independence.

The result incited Indonesia-backed militia forces to mass-violence in East Timor, killing thousands of people, displacing hundreds of thousands in and outside of East Timor, and destroying over 70 percent of the infrastructure.²⁷ After two weeks of violence, an Australian-led multinational force (INTERFET) was deployed, giving support to the UN mission established to supervise the referendum (UNAMET). On 25 October 1999, the UN Security Council set up the United Nations Transitional Authority in East Timor (UNTAET), which was replaced by the United Nations Mission of Support in East Timor (UNMISSET) when Independence Day arrived in May 2002.²⁸ On 20 May 2005, the United Nations Office in Timor-Leste (UNOTIL) was deployed on a one-year political mission. In March 2006, 600 military officers were dismissed (about a third of the military), causing increased violence and severe unrest in the small country. As a result of the increased violence, the UN scaled up its presence in East Timor once again and an Australian-led multinational military mission was deployed to assist the Timorese leadership to regain control of the situation.²⁹ Security Council Resolution 1704 (2006) confirms the establishment of the United Nations Integrated Mission in Timor-Leste (UNMIT), a mainly civilian mission deployed to, among other things, support the Timorese government in the continued strive for democratic consolidation, support the country in the presidential and parliamentary elections in 2007, and to ensure the restoration of security.³⁰

²⁶ For more information about the struggle for independence as such, see for example James J. Fox and Dionisio da Costa Babo Soares, *Out of the Ashes: Destruction and Reconstruction of East Timor*. (Adelaide: Crawford House Publishing Pty, Ltd., 2000); James Dunn, "Crimes Against Humanity in East Timor, January to October 1999: Their Nature and Causes". In: *Masters of Terror: Indonesia's Military and Violence in East Timor in 1999*. Ed. by: McDonald, Ball, Dunn, van Klinken, Bouchier, Kammen and Tanter. (Canberra: Strategic and Defence Studies Centre, Australian National University, 2002); Michael G. Smith. *Peacekeeping in East Timor: The Path to Independence*. (Boulder, CO; London: Lynne Rienner Publishers, Inc., 2003); Irena Cristalis and Catherine Scott. *Independent Women: The story of women's activism in East Timor*. (London: Catholic Institute for International Relations, 2005).

²⁷ Several investigations have come to the conclusion that the militias were backed by parts of the Indonesian military, see for example Hamish McDonald, Desmond Ball, James Dunn, Gerry van Klinken, David Bouchier, Douglas Kammen and Richard Tanter, *Masters of Terror: Indonesia's Military Violence in East Timor in 1999*. Canberra Papers on Strategy and Defence no.145. (Canberra: Strategic and Defence Studies Centre, Australian National University, 2002).

²⁸ Fox and Soares, *Out of the ashes*; Smith, *Peacekeeping in East Timor*; Cristalis and Scott, *Independent Women*; Hilary Charlesworth and Mary Wood. "Women and Human Rights in the Rebuilding of East Timor." *Nordic Journal of International Law* 71 (2002): 325-348.

²⁹ See for example *UN Daily News*. (New York: United Nations News Service, 2006), June 5-9, 12.

³⁰ UN Security Council Resolution 1704 (2006). "UN Security Council Resolution 1704 ", [S/RES/1704\(2006\)](#).

The UN missions in East Timor have internationally been defined as success stories, especially the UNTAET mission. In a relatively short period of time, it managed to bring peace and stability to East Timor and set the country in the direction of democracy. Furthermore, the missions are commended for adopting a gender perspective early on in its work. However, in the peace negotiations leading up to independence and the arrival of UN forces, women were not guaranteed equal participation and only four of the 38 Timorese delegates were women.³¹ The mandate for UNTAET did not include a gender component as such, but the importance of training UN personnel in gender issues was stressed. The originally planned structure for UNTAET included a Gender Affairs Unit (GAU) but its deployment was delayed due to budget restrictions, as will be discussed further below. Hence, a closer look at the international community's involvement in PCR reveals that the praised work with gender mainstreaming was not as easily implemented as is sometimes argued. In fact, the successful work with gender in East Timor is best described mainly as a result of Timorese women's organizations persistent lobbying and commitment.

“New” Political Actors

Timorese women started to organize long before the UN arrived in East Timor in 1999, in particular through the resistance movement. One of the first organizations was *Organizaco Popular de Mulher Timor* (OPMT - the Popular Women's Organization of East Timor - established in 1975³²), the women's organization of *Frente Revolucionria do Timor-Leste Independente* (Fretilin - the East Timor resistance movement). Through OPMT, the issue of women's rights was occasionally discussed during the 24 years of Indonesian occupation.³³ OPMT's aim was to promote the emancipation of women in all aspects of life, for example through helping displaced persons, by setting up literacy programs, and establishing crches, but they also had two specific goals: to participate in the struggle against colonialism, and more specifically to fight the violent discrimination Timorese women faced in the colonial society.³⁴ With the Indonesian occupation, the OPMT changed its activities, turning into a strict support group of the armed resistance movement. Women carried weapons alongside men, provided logistical support, participated in a variety of resistance activities, and took care of their communities and families. From the 1980s and onwards, women and children were essentially the backbone of the resistance movement since they could more easily pass through Indonesian military check-points without being suspected of liaison with the guerrilla movement.³⁵

In April 1998, an “East Timorese National Convention in the Diaspora” was held in Portugal and a working group was designed to discuss the “feminine condition” of East Timor. Parallel to this Convention, a group of thirteen Timorese women activists from both Fretilin and *União Democrtica Timorense* (UDT - Timorese Democratic Union - the main competitor of Fretilin) wrote to the organizers to propose mechanisms to facilitate the direct participation of women in decision-making at the Convention. The Convention adopted a “Magna Carta” on freedoms, rights and duties, and guarantees for the people of East Timor. The Magna Carta endorsed the CEDAW and it supported maternity- and widows' rights. The Convention was nonetheless regarded as a great disappointment for the women's lobby since women ended up without any

³¹ Emily Roynestad, *Are Women Included or Excluded in Post-Conflict Reconstruction? A case study from Timor-Leste*. Expert group meeting on "Peace agreements as a means for promoting gender equality and ensuring participation of women - A framework of model provisions", (United Nations; Division for the Advancement of Women, 2003).

³² The organization later on turned itself into OMT (Organization of Timorese Women)

³³ Charlesworth and Wood, “Women and Human Rights in the Rebuilding of East Timor”; Roynestad, *Are Women Included or Excluded in Post-Conflict Reconstruction?*; Cristalis and Scott, *Independent Women*, pp27-28.

³⁴ Cristalis and Scott, *Independent Women*, pp28-28.

³⁵ *Ibid.*, pp27ff.

say, leaving only male political elites with decision-making power. The National Convention established *Conselho Nacional de Resistência Timorese*³⁶ (CNRT - the National Council of Timorese Resistance) and regardless of the disappointment for women's empowerment at the Convention as such, women activists eventually managed to persuade the CNRT to push for the establishment of a gender equity commission as part of the transitional structure.³⁷

In mid-2000, *Rede Feto Timor Lorosae* (the East Timorese Women's Network) was established and brought sixteen women's organizations together under one name to lobby for their common interests. The new organization represented the Timorese women in the joint CNRT/UNTAET administration. Rede Feto lobbied successfully for women to be included in the establishment of the National Council – NC – in 2000.³⁸ In June 2000, a "Women's Congress of East Timor" was organized in Dili. The Congress analyzed the situation of women in East Timor and concluded that even though women constituted more than 50 percent of the population, they did not participate proportionally in political decision-making nor enjoy the same rights as men.³⁹ The Women's Congress established a national plan of action for women's rights based on the Beijing Platform for Action from 1995 and on the commitments outlined in the 1998 Magna Carta. The "Platform for Action for the Advancement of Women of Timor Loro Sae" was the first national attempt to analyze women's situation in East Timor and to adopt strategies to promote women's rights and empowerment.⁴⁰ Rede Feto presented the Platform for Action to the Special Representative to the Secretary-General (SRSG) and it was circulated as a policy and implementation document to all departments within the Governance and Public Administration Pillar (GPA) of UNTAET.⁴¹

Women used the momentum gained at the Women's Congress to speak up at the CNRT Conference held in August the same year. The CNRT decided to recommend the UNTAET to ensure thirty per cent representation of women in the Timorese contingent of the international mission.⁴² The CNRT Congress also adopted a general "Resolution on Women's Rights" negotiated at the Women's Congress. The Resolution encouraged elected members of the CNRT to put pressure on UNTAET to consider the allocation of sufficient resources for the development and empowerment of women; to establish laws prohibiting violence against women; to establish national mechanisms to ensure gender equity; and to develop and implement an education campaign on the rights of women and children to eradicate discrimination.⁴³ Women's involvement and pressure helped the UN to keep its focus on gender. As mentioned earlier, the

³⁶ CNRT was seen as representing the Timorese people, although the UNTAET was reluctant to see CNRT this way to begin with since it was not an elected sovereign authority.

³⁷ Cristalis and Scott, *Independent Women*, pp56, 76. As will be discussed regarding the gender equity commission, this plan was later put on hold as the joint CNRT/UNTAET structure was established and it was not seen as a priority.

³⁸ Cristalis and Scott, *Independent Women*, p76; Charlesworth and Wood "Women and Human Rights in the Rebuilding of East Timor". The NC was a temporary legislative body that replaced the National Consultative Council (NCC) which was established in December 1999. The NCC was a purely advisory body, composed of 15 members, both from CNRT and UNTAET. The NCC was criticized for not allowing Timorese input, despite their presence in the council, and in 2000 it was restructured into the NC. For a further discussion, see for example Randall Garnson, *The Role of Constitution-Building Processes in Democratization: case study East Timor*. (Stockholm: International Institute for Democracy and Electoral Assistance, 2005); Chesterman, *You: the People*, pp138f; Tanja Hohe, "Delivering feudal democracy in East Timor". In: *The UN Role in Promoting Democracy: Between Ideals and Reality*. Ed. by: Newman and Rich. (Tokyo: United Nations University Press, 2004), p.133.

³⁹ Milena Pires, "East Timor and the Debate on Quotas", Regional Workshop on the Implementation of Quotas: Asian Experiences. (Jakarta: International Institute for Democracy and Electoral Assistance, 2002).

⁴⁰ Charlesworth and Wood "Women and Human Rights in the Rebuilding of East Timor".

⁴¹ Roynestad, *Are Women Included or Excluded in Post-Conflict Reconstruction?*

⁴² Charlesworth and Wood "Women and Human Rights in the Rebuilding of East Timor"; Cristalis and Scott, *Independent Women*, p.77.

⁴³ Charlesworth and Wood "Women and Human Rights in the Rebuilding of East Timor"; Chinkin, *Peace Agreements as a Means for Promoting Gender Equality and Ensuring Participation of Women*.

original structure of UNTAET planned to establish a Gender Affairs Office in the Office of the SRSG. However, the plans for a gender unit were later abolished due to lack of resources. Timorese women lobbied persistently and, with international support from UNIFEM and the Special Adviser to the Secretary-General on Women's Advancement, finally experienced the establishment of a separate Gender Affairs Unit under the Deputy Special Representative of the UN Secretary-General for GPA.⁴⁴ The former UN Special Representative of the Secretary General for East Timor, late Sergio Vieira de Mello later confessed that:

I was against the creation of a Gender Affairs Unit for the UN Transitional Authority in Timor-Leste. I did not think a Gender Unit would help rebuild institutions from the ashes of what the militia left. I was wrong. The first regulation I passed guaranteed human rights standards, including CEDAW as a foundation of all new government institutions we created. The Unit brought this to life reaching out to East Timorese women, and, together with UNIFEM, provided support that resulted in a higher percentage of women in the Constituent Assembly than in many other countries.⁴⁵

In another statement, de Mello argued that “[a]s head of the UN effort in Timor-Leste, I saw the remarkable impact that promoting the participation of women can have in peacebuilding and development [...]”.⁴⁶ However, it is likely that the initial abandonment of the GAU impeded its efficiency and access to resources once it was established. The resources originally earmarked for the GAU had mainly been redistributed and few additional resources were available for the unit's programs and operations. The aim of the unit, once in place, was to promote equality and women's right to equal participation and beneficiaries of sustainable development, peace and security, governance and human rights. GAU and Rede Feto conducted consultations regarding the development of draft legal instruments, and in cooperation with key partners in UNTAET, GAU facilitated capacity-building for gender mainstreaming within the transitional administration. They worked hard to guarantee women's leadership training and oversaw the implementation of gender mainstreaming policies in different ministries.⁴⁷

The Gender Unit ceased to exist six months after the election to the Constituent Assembly in 2001. A successful campaign to secure the establishment of its successor organization was conducted and the Head of the Gender Affairs Unit and the Transitional Administrator (moreover the SRSG) argued for the need to establish a ministry of women located at the highest level of political decision-making. The Office for the Promotion of Equality (OPE) was eventually set up in the Office of the Prime Minister.⁴⁸ Some success was recorded in an evaluation of the OPE in 2003, such as increased awareness-raising of, and improved legislation on, domestic violence and women's access to political decision-making.⁴⁹

⁴⁴ Sherrill Whittington. "The UN Transitional Administration in East Timor: Gender Affairs." *Development Bulletin* 53 (2000): 74-76; Roynestad, *Are Women Included or Excluded in Post-Conflict Reconstruction?*. Furthermore, the GPA was replaced by East Timorese Transitional Administration (ETTA) in 2000 and was to be considered the "government" until the Constituent Assembly election made it possible to establish an elected government.

⁴⁵ "Women, War, Peace: Country Profile Timor-Leste". (UNIFEM, 2005).

⁴⁶ *No Women, No Peace: The Importance of Women's Participation to Achieve Peace and Security*. UN Secretary-General's High-Level Panel on Threats, Challenges and Change, (2004).

⁴⁷ Whittington, "The UN Transitional Administration in East Timor: Gender Affairs"; Roynestad, *Are Women Included or Excluded in Post-Conflict Reconstruction?*

⁴⁸ Roynestad, *Are Women Included or Excluded in Post-Conflict Reconstruction?*

The OPE is tasked with developing strategies to mainstream a gender perspective in policies and programs, to promote increased participation of women in politics and development, and to develop a gender-sensitive perspective in policy and law reform programs. Besides the establishment of OPE, each district has a person appointed to supervise the implementation of gender mainstreaming strategies at the district level.

⁴⁹ Cristalis and Scott, *Independent Women*, pp.78ff; *Gender and Nation-Building in Timor-Leste: country gender assessment*, (Manila: Asian Development Bank and UNIFEM, 2005).

In July 2004, the second Women's Congress in East Timor was organized. Five hundred Timorese men and women participated in the Congress, representing the government, the Church, youth, women's groups, religious congregations, police, ex-combatants and a few women parliamentarians. The Congress was preceded by a number of regional congresses to ensure the inclusion of as many women and views as possible. The Congress developed a "Women's Platform for Action", based on the plan drawn up at the first Congress in 2000. The Platform addressed, among other things, strategies on how to best lobby the government for the implementation of various UN treaties and resolutions regarding women's rights, how to improve women's everyday lives, and the importance of increased women's participation in politics.⁵⁰

As discussed, the women's movement managed to push the issue of women's rights and participation quite successfully. One of the main issues they advocated was to ensure that women managed to gain sufficient political representation to raise their concerns and interests themselves. One step for this development to succeed was through the use of quotas. This issue was widely debated ahead of the 2001 election to the Constituent Assembly.

Elections

The first Timorese national election after the 1999 referendum was held on 30 August 2001. The Timorese were to select members of the Constituent Assembly (CA), tasked with the drafting of the Constitution (see further below).⁵¹ A mixed electoral system was used in the elections, with 75 seats distributed through a proportional system and thirteen seats reserved for each of the districts through a first-past-the-post system. Sixteen parties and five independent candidates competed over the 88 seats in the Assembly and Fretilin won 56 seats. An impressive 95 per cent of registered voters participated in the election. Several measures were promoted to facilitate the election as much as possible; one of them was the promotion of a civic education campaign. Despite this, some reports released before the election argued that a majority of the population did not completely understand the purpose of the election. The daily newspapers were only circulated in major towns, excluding a major part of the country from updated information. A civic education campaign initiated in May 2001 placed much emphasis on getting people to vote but did not discuss issues such as the purpose of the election or the rules and procedures regulating the process. Misinformed voters (61 per cent), asked only a few months before the election, thought they were about to elect a president.⁵² On election day, nonetheless, it is argued that the voters took full advantage of the opportunities offered through the use of a mixed electoral system and that they indeed realized what they voted for.⁵³ Ahead of the 2007 presidential and parliamentary elections, the National Electoral Commission (CNE) announced in late January that they would commence civic education programs to help voters understand the election process.⁵⁴ The media was once again highlighted as crucial for the dissemination of information, but the problem identified in the 2001 election persists; the distribution of media resources is limited throughout rural East Timor.

⁵⁰ *East Timor: Second All East Timorese Women's National Congress*. PeaceWomen, (Women's International League for Peace and Freedom, 2004); Cristalis and Scott, *Independent Women*, p.183.

⁵¹ The CA later voted to turn itself into the first parliament of East Timor in February 2002, a transformation which was in accordance with UNTAET Regulation 2/2001, section 2.6 on the establishment of the Constituent Assembly.

⁵² Dionisio da Costa Babo Soares, "Election in East Timor: some unresolved issues". In: *Elections and Constitution-making in East Timor*. Ed. by: Soares, Maley, Fox and Regan. (Canberra: Pandanus Books, 2003b)

⁵³ Garnson, *The Role of Constitution-Building Processes in Democratization: case study East Timor*.

⁵⁴ "CNE Will Start Civic Education Programs", *Timor Post*, January 24, 2007.

An Independent Electoral Commission (IEC) was established by UNTAET to prepare and oversee the 2001 election. The IEC provided, among other things, gender-oriented voter education material, promoted gender-sensitive timing for all of its training activities, and designed special training for women's groups on electoral issues and conducted special training for the women running for office.⁵⁵ One of the main questions prior to the election was the issue of quotas. Women activists highlighted the importance of ensuring women's political representation and Rede Feto campaigned for the inclusion of mandatory quotas in the election rules developed by the NC. A thirty percent representation in political decision-making was called for, based on the discussion in The Platform for Action developed in 2000.⁵⁶ More specifically, at least thirty percent female candidates were to be placed on the party lists with every third candidate listed from the top being female. Ensuring women thirty percent representation was seen as a way to fast-track women's participation in political decision-making and it was proposed only as a temporary measurement.⁵⁷ Moreover, since the Constituent Assembly was tasked with drafting a new constitution, including both women and men would make the process more representative and legitimate.

As was mentioned briefly above, UNTAET had already implemented quotas to ensure female representation in the transitional administration. Women's lobbying also managed to establish a "one-man, one-woman" policy in the regulation for development council elections, establishing the Community Empowerment Project (CEP).⁵⁸ UNTAET's work on gender mainstreaming was also shown in the establishment of the NC. The UN Administrator issued a directive requiring that at least two of the four nominees from each district and civil society organizations were women, resulting in a NC consisting of thirteen women and twenty men. Furthermore, a thirty percent quota was used to ensure women's participation in public administration and measures to ensure female participation in the newly established police force resulted in forty percent women in the first wave of new recruits.⁵⁹ Nevertheless, the issue of quotas ran into opposition when it was raised in relation to the Constituent Assembly elections. The NC delegates initially supported the proposal, but the question was later subject to a vote in the Council. The quota-question divided East Timor as well as the international community. Whereas proponents emphasized the need to ensure women's participation, opponents argued that it was degrading for women and that their inclusion should be based on merit. Some argued that it contradicted parties' rights to freely choose its candidates, whereas others stated that there were no competent women to put on the party list. Another argument was that it would prevent smaller parties to participate in the elections. In the end, the NC voted against the use of quotas. Interestingly enough, many women in the NC, who themselves obtained their seats through the use of quotas, voted against the use of affirmative action in the elections to the CA.⁶⁰

When the use of quotas failed to get enough support in the NC, new strategies had to be developed to promote women's political participation. Rede Feto lobbied to convince political parties to place female candidates high on their lists and UNTAET provided extra radio airtime

⁵⁵ Milena Pires, *Enhancing Women's Participation in Electoral Processes in Post-Conflict Countries: experiences from East Timor*. Expert Group Meeting on "Enhancing Women's Participation in Electoral Processes in Post-Conflict Countries", Conference (Location, United Nations Office of the Special Adviser on Gender Issues and Advancement of Women (OSAGI), 2004)

⁵⁶ Pires, "East Timor and the Debate on Quotas"; Cristalis and Scott, *Independent Women*, p.79.

⁵⁷ Pires, "East Timor and the Debate on Quotas"; Pires, *Enhancing Women's Participation in Electoral Processes in Post-Conflict Countries*; Cristalis and Scott, *Independent Women*, p.79.

⁵⁸ The CEP created village and sub-district development councils. See Hohe "Deliveribg Feudal Democracy in East Timor" for a discussion about CEP.

⁵⁹ Pires, "East Timor and the Debate on Quotas"; Pires, *Enhancing Women's Participation in Electoral Processes in Post-Conflict Countries*.

⁶⁰ Pires, "East Timor and the Debate on Quotas"; Cristalis and Scott, *Independent Women*, p.80.

to parties who supported at least thirty per cent women on their lists.⁶¹ Furthermore, the Gender Affairs Unit and UNIFEM conducted training workshops for approximately 150 potential female candidates from all thirteen districts.⁶² Three-day workshops were held to increase women's awareness of themselves as important actors for national development, to increase women's understanding of politics from a gender perspective, and to raise awareness of their ability to participate in politics. Ten percent (26 candidates) of the participants in the workshops later registered as candidates for the election. All in all, 27 percent of all the party-affiliated candidates were women (260 of 963), 60 percent (three out of five) of the independent candidates were women, and women comprised seven percent (seven out of 94) of the district candidates (four were linked to political parties and three were independent candidates). The election to the Constituent Assembly resulted in a 26 percent female representation in the Assembly. One of the 23 elected women had participated in the UNIFEM/GAU workshops. Another result of the workshops was the establishment of a *Timor Loro Sa'e Women's Political Caucus* who supported all female candidates regardless of their party affiliation. One of the main objectives of the Caucus was to increase the number of women registering as independent candidates and it also conducted training sessions on "Women and Politics" in six districts ahead of the election, aimed at providing training for women's grassroots groups. Other women's groups also organized themselves prior to the election to engage in, among other things, civic education for female voters.⁶³

A new Timorese Government was announced two weeks after the elections. It was composed of eleven ministers and a Chief Minister. Two women were appointed the ministerial portfolios of Justice and Finance and a third woman was appointed vice minister for Internal Administration. Furthermore, two female advisors to the Prime Minister were appointed, one for the OPE as was discussed above and one for Human Rights.⁶⁴ In 2007, women held several major positions in the government, for example: Minister of Internal Administration; Vice-Minister of Internal Administration; Minister of Finance and Planning; Vice-Minister of Finance and Planning; and Minister of Education, Culture, Youth and Sport.⁶⁵

In sum, despite some obstacles before the election in 2001, individual women and women activists, with international support, managed to campaign successfully and ended up with 26 percent representation in the Constituent Assembly. The successful election result for women also made their presence in the process of drafting a constitution rather visible. The constitution-making process and to what extent women mobilized and were acknowledged as actors and beneficiaries are discussed in the following section.

Constitution-making process

When Indonesia withdrew, East Timor was left with no functional judicial system and no constitution. Hence, drafting a new constitution was prioritized and it was to be completed by the newly elected Constituent Assembly. UNTAET also played an important role in this process and it has been argued that the constitution was the "most concrete political legacy that UNTAET

⁶¹ However, Milena Pires (2004) reports that most of the messages read out by female candidates did not make reference to women's rights and only repeated general party messages.

⁶² Pires, "East Timor and the Debate on Quotas"; Roynestad, *Are Women Included or Excluded in Post-Conflict Reconstruction?*; Cristalis and Scott, *Independent Women*, p.80.

⁶³ Roynestad, *Are Women Included or Excluded in Post-Conflict Reconstruction?*; Cristalis and Scott, *Independent Women*, p.80.

⁶⁴ Roynestad, *Are Women Included or Excluded in Post-Conflict Reconstruction?*

⁶⁵ Official Web Gateway to the Government of Timor-Leste: Ministries, <http://www.timor-leste.gov.tl/ministries/min.htm>, accessed February 28, 2007.

left East Timor [with]”.⁶⁶ For women, the Constitution can be seen as an important instrument to enhance women’s rights and equality.⁶⁷ Throughout the process, Timorese women campaigned to ensure that the final constitution included key clauses on women’s equality and the commitment to international legal norms. Including this in the constitution would serve as future guarantees to gender equity and women’s rights.⁶⁸

In an attempt to encourage local involvement in the drafting process, thirteen all-Timorese Constitutional Commissions were established with logistical support from UNTAET. The Commissioners were selected by UNTAET, causing debate about their legitimacy since they were not elected. Through the commissions, the Timorese were given the opportunity to express their views on the future of East Timor. The commissions were required to hold hearings in each of the 65 sub-districts and to consult local leaders, the church, and various NGOs. At least forty per cent of the Commissioners were women and special efforts were made to encourage women to participate, including special hearings for women. The commission hearings gathered villagers to discuss issues like structure of the government, administration, political system, the economy, official language, currency, issues of citizenship, and so forth. A total of 205 public meetings were held and 38 000 Timorese directly participated and even more took part in the hearings through local community discussions. The results of the local hearings were delivered to the Constituent Assembly in September 2001, although little attention was given to the results of the meetings.⁶⁹ The deployment of these constitutional hearings was not meant to be part of a civic education program but they encouraged people to discuss issues relating to democracy, at least as they understood the concept.⁷⁰ The “negative” impact was that because of a lack of understanding of the terminology addressed in the drafting of the constitution, people discussed issues relevant to their daily lives more than what executive powers the president should possess.⁷¹

Other attempts to increase legitimacy for the constitution-making process were through media and through public meetings after the draft had been presented. Throughout the drafting process, CA debates were aired through local television and radio stations to give the people an opportunity to oversee the debates. The public were allowed to forward their inputs to the CA, but although thousand of commentaries were submitted, none were considered by the Assembly.⁷² In fact, individuals and civil society organizations wishing to comment on the drafting process had to go through a political party in order to get their voices heard.⁷³ When the draft constitution was finalized, members of the Constituent Assembly toured the country to get public feed-back on the draft.⁷⁴ However, the draft constitution existed only in Portuguese, with versions in Tetum and Bahasa Indonesia submitted rather late in the process, immensely

⁶⁶ Chesterman, *You: The People*, p.140

⁶⁷ Pires, “East Timor and the Debate on Quotas”

⁶⁸ Roynestad, *Are Women Included or Excluded in Post-Conflict Reconstruction?*

⁶⁹ Regan, “Constitution-making in East Timor”, p.138; Hohe “Delivering Feudal Democracy to East Timor”, p.312; Garnson, *The Role of Constitution-Building Processes in Democratization*.

⁷⁰ According to the Asia Foundation Survey 2001, approximately 37 percent of the Timorese were unable to give an answer to what “democracy” is and 43 percent gave no answer to what democracy could bring them personally. Not a single person cited elections as an important part of democracy. See also Hohe for a discussion about the problems of translating “democracy” into Timorese society.

⁷¹ Hohe “Delivering Feudal Democracy to East Timor”, p.312.

⁷² Dionisio da Costa Babo Soares, “The Challenge of Drafting a Constitution”. In: *Elections and Constitution-making in East Timor*. Ed. by: Soares, Maley, Fox and Regan. (Canberra: Pandanus Books, 2003a), p.30.

⁷³ Garnson *The Role of Constitution-Building Processes in Democratization*.

⁷⁴ Regan, “Constitution-making in East Timor”, p.39; Soares, “The Challenge of Drafting a Constitution” p.26; Garnson *The Role of Constitution-Building Processes in Democratization*.

decreasing popular access to the draft. The meetings ended up informing the public what was in the draft and left little room for public input.⁷⁵

A gender-specific initiative in the constitutional process was the formation of a “gender equity working group”, established by the Independent Electoral Commission (IEC) to ensure full participation of women in the process. UNIFEM also sponsored a project called “Engendering the Constitution Process” which reached out to 35 women from eight districts and trained them in constitutional and legal issues from a gender perspective.⁷⁶ A working group on “Women and the Constitution” composed of several civil society organizations was established as well and it cooperated with the GAU to organize consultations with women’s groups all over the country. This eventually resulted in a “Women’s Charter of Rights”, and the Women’s Caucus and several other Timorese women’s groups lobbied for it to be included in the constitution.⁷⁷ Ten specific points were raised to be included in the final text of the constitution. They argued for the Constitution to: 1) prohibit all forms of discrimination; 2) protect women’s right to live free from any form of violence; 3) guarantee equal rights for women in political activities and public life; 4) protect all people’s right to basic health care of the same equality; 5) guarantee equal rights to formal and non-formal education; 6) guarantee the rights to livelihood, shelter, sanitation, electricity, water, transportation and communication, health and education, and social security; 7) guarantee equal pay for equal work; 8) guarantee equal rights to inheritance, and regulate the dowry system to prevent violence against women; 9) prohibit prostitution and slavery; and 10) protect children’s basic rights.⁷⁸

The Charter received 8 000 signatures and some of the ten points were incorporated in the new constitution, although not nearly as detailed as they were formulated in the Charter. One of the originally stated objectives of the constitution was to promote and guarantee equality between women and men, and non-discrimination was to be a fundamental principle. The constitution, which was adopted on 22 March 2002, states, among other things, that women and men shall have the same rights and duties in all areas of family, political, economic, social and cultural life”.⁷⁹ It also states that “marriage shall be based upon free consent by the parties and on terms of full equality of rights between spouses, in accordance with the law” and some maternity leave without loss of salary is supported in Section 39. Furthermore, “[E]very citizen, regardless of gender, has the right and the duty to work and to choose freely his or her profession” (section 50). In the area of political life, the Constitution states that men and women’s participation in political life is a requirement for a consolidated democracy (section 63). To many women’s discontent, the constitution does not raise the issue of bride price (barlaque) or prostitution, two major causes of gender-based violence according to the women’s movement.

In general, the Timorese Constitution enforces modern human rights thinking quite extensively. In terms of law, rules and regulations, it seeks legitimacy in international law, indicating a greater commitment to international standards than constitutions usually display. Soares underlines that the constitution should accommodate local requirements and adopt policies that fit the needs and priorities of the Timorese society.⁸⁰ Similar discussions are found within the area of human rights

⁷⁵ Regan, “Constitution-making in East Timor”, p.39; Garnson *The Role of Constitution-Building Processes in Democratization*.

⁷⁶ *Gender Equality Promotion*. Fact Sheet 11, (Dili: United Nations Transitional Administration in East Timor - Office of Communication and Public Information, 2002); *Support for Women in 2001 Elections in East Timor*. (UNIFEM, 2003).

⁷⁷ Roynestad, *Are Women Included or Excluded in Post-Conflict Reconstruction?*; Cristalis and Scott, *Independent Women*, p.80.

⁷⁸ Torben Retboll, “The Women of East Timor”. In: *East Timor: Nationbuilding in the 21st Century*. Ed. by: Jonsson. (Stockholm: Center for Pacific Asia Studies, Stockholm University, 2002), pp.27-28.

⁷⁹ “Constitution of the Democratic Republic of Timor-Leste”, 2002; part II, section 17.

⁸⁰ Soares, “The Challenge of Drafting a New Constitution”, p.32.

and their co-existence with local particularities, where scholars argue that human rights have to be translated into cultural familiarities in order to be applicable in local contexts. The process needs to be internally validated in order to challenge discriminatory popular beliefs and attitudes, and to change common practice. International actors should support and promote such a development, but human rights need to be developed and understood through an internal process if they are to be accepted.⁸¹ Translated into the constitution-making process in East Timor this means that failure to accomplish internal acceptance of the constitution will leave East Timor with a constitution that embraces fundamental human rights but is alien to Timorese society. To what extent this is actually happening in East Timor is hard to determine, but Swaine argues that “standards of human rights [in East Timor] are being both understood and completely lost due to the massive gap between international concepts and the realities on the ground”.⁸² International rights’ standards are still alien to many Timorese and they are commonly understood as something that is externally imposed, not relevant for the Timorese society.⁸³

Political gains and the problem of consolidation

East Timor has come a long way since the popular consultation in 1999. A new country has been established, although it still has much to accomplish before democracy is consolidated, the economy fully recovered and justice achieved. In this process, both positive and negative developments can be detected. The paper has highlighted possibilities and some obstacles facing East Timor’s road to democratization. One positive development for women since 1999 is the impressive result in the election to the CA. Although the women’s movement did not succeed in the establishment of a thirty percent quota to ensure women’s political participation, women nonetheless won 26 percent of the seats in the Assembly. New strategies to succeed when faced with setbacks led to, among other things, the development of gender workshops to educate women about politics and their important role in it. As for the 2007 parliamentary election, the Election Law approved in 2006, states that: “[J]ists of effective and alternate candidates must include at least one woman per every group of four candidates, under pain of rejection”.⁸⁴ It remains to be seen to what extent this article is enforced and if women manage to repeat their success from 2001.

Timorese women played a significant role in the initial stage of post-conflict transformation and they were acknowledged as important actors in different parts of the political establishment. In East Timor, the international community prioritized the “responsibility to rebuild” and internationally accepted norms and values were promoted. This is one common explanation to why the Timorese process has been gender sensitive. However, the Transitional Administration sometimes worked against the promotion of women’s rights and it was essentially Timorese women themselves who were the driving force behind mainstreaming gender (although with some international support).⁸⁵ It can be argued that Timorese women, through their strong

⁸¹ Abdullahi Ahmed An-Na’im, "State Responsibility Under International Human Rights Law to Change Religious and Customary Laws". In: *Human Rights of Women: National and International Perspectives*. Ed. by: Cook. (Philadelphia: University of Pennsylvania Press, 1994), pp.174ff; Radhika Coomaraswamy, "To Bellow like a Cow: Women, Ethnicity, and the Discourse of Rights". In: *Human Rights of Women: National and International Perspectives*. Ed. by: Cook. (Philadelphia: University of Pennsylvania Press, 1994), p.44; Robert Paul Churchill. *Human Rights and Global Diversities*. (Upper Saddle River, NJ: Pearson Education, Inc., 2006), pp.108ff; Sally Engle Merry. *Human Rights and Gender Violence*. (Chicago: The University of Chicago Press, 2006), pp.179ff.

⁸² Aisling Swaine, *Traditional Justice and Gender-based Violence*. (International Rescue Committee, 2003).

⁸³ Swaine, *Traditional Justice and Gender-based Violence*; Cristalis and Scott, *Independent Women*.

⁸⁴ "Law on the Election of the National Parliament", Law 6/2006, article 12.

⁸⁵ See for example, Caplan, *International Governance of War-Torn Territories*, pp.170-171, for a discussion of the establishment of development councils and how UNTAET actually argued against gender balances on the councils

advocacy for women's rights and gender equality, managed to (at least among themselves and to some extent internationally) counter cultural relativist arguments that gender equity is a Western imposition, not translatable to Timorese society.⁸⁶ Nonetheless, as was mentioned above, the introduction of women's rights and its transmission into the local context has been somewhat alien to parts of the Timorese society and has been criticized by, among others, President Xanana Gusmao. In 2001, he stated that "standards relating to the rights of women, particularly the right of women to determine their own lives, did not find *natural affinity or reflection* in East Timorese culture".⁸⁷ He went on to criticize the way certain international standards, in particular when it came to women's rights, were introduced in East Timor. Milena Pires, on the other hand, argues that:

[c]ultural discourse is invoked frequently to quash attempts to introduce discussions on women's rights into the East Timorese political equation. The incompatibility between East Timorese culture and what is popular cited as western feminist imposition is used to dismiss even the notion that Timorese women's rights may need to be nurtured and defended so to become a reality [...].⁸⁸

Thus, translating the concept of human rights into a Timorese context is important to avoid a further distancing between traditional local understandings of human rights and the internationally advocated course of action. Despite the development for Timorese women in the last five to ten years, women still face many obstacles to political participation and to what extent women's political security has really increased is hard to determine. East Timor is a patriarchal society with tradition and customary laws favoring men over women and the acknowledgement of women as political actors with equal rights is still not fully rooted in Timorese society and will have to be promoted continuously in order to gain support.⁸⁹ For example, reports warn that many of the female politicians feel powerless and they testify about fear of speaking up against the party-line. This is relevant both for women belonging to Fretilin and for female representatives of minority parties who are basically powerless. In general, women seldom speak out and are not able to form their own alliances; in fact, women have only managed to unite across party lines to a small extent and no women MP caucus has developed.⁹⁰ How much political space women will manage to keep after the next national election in 2007 is uncertain. The Women's Caucus continues to educate women to participate in local and national politics and also focuses on political parties to persuade them to endorse women candidates.⁹¹ The OPE, co-sponsored by USAID, organized a workshop in February 2007 to promote women's participation in the general elections.⁹² Women's participation in the years to come depends a lot on how well the women's movement manages to organize and mobilize its resources ahead of future elections and if international support is provided. The women's movement was unified

as it was deemed "culturally inappropriate". UNTAET later had to yield under lobbying and pressure from Timorese women.

⁸⁶ It should be noted, however, that there is a slight difference between the women who returned to East Timor after the violence in 1999 and the women who stayed throughout the entire occupation. The women in the Diaspora were heavily influenced by the international acknowledgement of gender issues and women's rights (and the development of the feminist movement), whereas the women who stayed in East Timor found these issues somewhat alien and "Western" to begin with.

⁸⁷ Paraphrased in Charlesworth and Wood, "Women and Human Rights in the Rebuilding of East Timor", emphasis added.

⁸⁸ Cited in Charlesworth and Wood, "Women and Human Rights in the Rebuilding of East Timor".

⁸⁹ Swaine, *Traditional Justice and Gender-based Violence*; Cristalis and Scott, *Independent Women*, p.20

⁹⁰ Roynestad, *Are Women Included or Excluded in Post-Conflict Reconstruction?*; Cristalis and Scott, *Independent Women*, p.82.

⁹¹ Cristalis and Scott, *Independent Women*, p.82.

⁹² "Women Participation in Elections", *Timor Post*, February 10-12, 2007.

back in 2000/2001, but is more divided today. The issues that used to unite women – resistance, independence, women’s space in the transition etc. – are not as visible today.⁹³

Many of the PCR strategies in East Timor have faced implementation problems, not only policies aimed at gender mainstreaming. One example is the UNTAET-sponsored civic education program to inform the people about the 2001 election to the Constituent Assembly which started too late, resulting in some confusion about the objective of the election. Furthermore, the UNTAET-appointed Constitutional Commissions were not recognized as legitimate by a majority of the political elite, resulting in little attention given to the result of the constitutional hearings. Finally, the public hearings on the draft constitution turned out to exclude a large part of the population, a majority of them women, as the only copies available initially were in Portuguese, understood by very few and to an even less extent by women (nineteen percent men and eight percent women can read Portuguese according to the Asia Foundation Survey 2001).⁹⁴ As discussed above however, women’s organizations worked persistently to get their message across to Timorese women, trying to educate them about the elections, their role in politics and also about the Constitution.

When it comes to implementation of gender mainstreaming policies, much of the development in East Timor should be ascribed to Timorese women’s lobbying; both through their organization and by individual women. However, real progress in gender mainstreaming requires more than just placing women in decision-making positions. Many women still feel that their concerns are not adequately addressed.⁹⁵ The OPE has an important role in developing strategies for gender mainstreaming and has so far been rather successful. However, the OPE only provides the tools and guidelines for departments and ministries who then have the responsibility to put words into action. So far, gender mainstreaming is paid lip service but is experiencing severe implementation problems. Roynestad argues that even some women in top-ranked positions still have little understanding of what gender mainstreaming means and limited understanding of gender concepts as such. Furthermore, there remains an urgent need for continued capacity-building and training, both of women in general, women in politics and of Timorese society at large.⁹⁶

The urban-rural and East-West divide between women has resulted in much focus on Dili and some larger cities whereas many rural women continue to be marginalized and feel neglected by political development. They still live in extreme poverty, without access to health care or education, or to the few employment opportunities available. The promising outputs for women’s participation in political decision-making have not trickled down to the local rural levels, leaving many women disempowered and with few opportunities to use their constitutionally guaranteed rights. For example, several rural women testify that they did not have the choice to choose freely in the 2001 election, as they were told by their village chiefs who to vote for.⁹⁷

⁹³ Roynestad, *Are Women Included or Excluded in Post-Conflict Reconstruction?*

⁹⁴ Related to this is the high illiteracy rate, 34 percent nationwide in 2001 - 41 percent women and 31 percent men (Asia Foundation Survey 2001), and as high as 43 percent in 2005 (52 percent women) according to the ADB Gender Assessment for Timor-Leste.

⁹⁵ Garnson, *The Role of Constitution-Building Processes in Democratization.*

⁹⁶ Roynestad, *Are Women Included or Excluded in Post-Conflict Reconstruction?*

⁹⁷ See for example Natércia Godinho-Adams, *East Timorese woman addresses UN Security Council.* United Nations Security Council Arria Formula Meeting on the Implementation of Security Council 1325, East Timor Action Network News Report, 30 October, 2001.

Conclusion

This paper has analyzed political outputs in the reconstruction of East Timor and the role played by women in this process. The political development should be seen as one important aspect of PCR, where consequences of conflicts and attempts to build sustainable peace can be divided into three categories: political, economic and social issues. Broadening the agenda for peacebuilding and reconstruction is part of a changed security discourse where new threats and actors are identified and where the international response is becoming more and more comprehensive and complex. A comprehensive peacebuilding agenda includes acknowledging new actors and beneficiaries, opening up for the inclusion of a previously neglected agency group – women.

The paper has revealed that it is impossible to talk about an equitable consolidated democratic society in East Timor, despite the initial developments for both women and society at large. Consequently, democracy and gender equality are not consolidated yet, but the initial developments have not been completely lost and the process can still be put on track. One major problem is the fact that few people can define “democracy” and even fewer can identify any positive outcomes of democracy for them personally. East Timor is a good example of the discrepancy between what is advocated internationally as important for democratic development and what people in a different context expect. For example, asked in 2001, none of the respondents in the Asia Foundation Survey cited elections as an important part of democracy, although this is usually highlighted as one of the foundations for democracy. Elections are often seen as an exit strategy for international missions, leaving many countries on their own without the necessary institutions or local understanding of how people can influence the political outcome through the democratic process. In East Timor, people expected development, security, and justice with independence, but many still live in extreme poverty and the justice system is very fragile. Most people experience insecurity; a feeling that has increased with the recent widespread violence causing several casualties and mass displacement. The dismissal of approximately a third of the nation’s military by former Prime Minister Alkatiri in March 2006 triggered clashes with loyalist forces that resulted in gang warfare between East and West, where the Western parts are considered to be more pro-Indonesian than the rest of the country. The failure to deal with this division to an adequate extent earlier on in the peacebuilding process has probably caused more casualties and greater displacement. Essentially, the democratic system is not stable enough to reduce the possibility of a similar violent situation, or even handle them if it were to reoccur.

The divide between the East and West, and the elite and the grassroots is perhaps the most pressing issue that needs to be addressed in the near future. This is not only relevant for women’s activism but necessary for the entire Timorese population. The 2007 presidential and parliamentary elections are of utmost importance. East Timor is still one of the most impoverished countries in the world with a very fragile justice system with transitional justice issues yet to be resolved. Women are important for these developments, but they are faced with continued political marginalization, lack of economic opportunities and a fragile justice system and traditions denying them justice for crimes committed against them.⁹⁸ This together with a

⁹⁸ A survey on gender-based violence conducted in 2002 found that 46 percent of women in intimate relationships experienced some form of partner violence; see UNDP Human Development Report, Timor-Leste (2006), "The Path out of Poverty - Integrated Rural Development". Also, gender-based violence is the most common crime committed against women in East Timor today and in 2001, cases of domestic violence constituted 40 percent of all reported crimes. Still, a study undertaken by the Judicial System Monitoring Program in Dili during two months in 2003 revealed that even though cases of domestic violence were a majority of the cases presented at criminal hearings, only 16 percent were actually brought to trial. As presented by Cristalis and Scott (p.99), despite some cases making it to court, the court did not reach a decision on any single case during the two months.

fractioned women's movement risk putting gender issues in the dark once again. These are all issues that need to be addressed, both within East Timor and by the international community. The developments in East Timor shows that even though the political outputs of PCR initially are somewhat gendered and provides the tools to enhance human security for all, the outcomes can nonetheless actually be moving in the opposite direction. And as recent developments indicate, East Timor's democracy is still very fragile and it is too soon to celebrate the success of post-conflict reconstruction, both for women and men.

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