

Playing with ambiguity: The making and unmaking of local power in postcolonial Timor-Leste

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Abstract

This article discusses the ambivalent status of local authorities in postcolonial state building in Timor-Leste. We deploy two sets of empirical data to analyse the role ambiguity plays in particular power dynamics: the East Timorese legislation on community authority, and ethnographic descriptions of a local form of conflict resolution at the village level. The ethnographic analysis points to the fact that local authorities see themselves and are seen by villagers as state representatives. However, the legal framework may be seen as an effort by the Timorese national authority to detach itself from local leaders, but it does so ambiguously. While the state positions local authorities as community representatives of the people it also assigns them an increasing number of functions over time, many of which would be elsewhere considered state responsibilities. We argue that this ambiguity plays a vital role in a long-term strategy to legitimise the state by appropriating local elements of political culture. That being so, local governance complexes are used to transpose and internalise modern practices and projects of social organisation and subjectivation, although they tend to be considered by many as longstanding cultural institutions.

KEYWORDS

development, law/human rights, local governance, politics, social change

1 | INTRODUCTION

Ambiguity characterises the relation between state-centred forms and local institutions of governance in the making of the Timor-Leste nation state. Palmer and McWilliam (2018) question the place of indigeneity or ‘nativeness’ in independent Timor-Leste, examining the role of nativeness in constructing the idea of nationhood during the fight for independence—for instance, by evoking native identity traits in the concept of a Timorese homeland (in Tetun, *Rai Timor*). However, contemporary conceptualisations of nativeness do not imply a sense of indigeneity as an ‘index [of] a movement or the emergence of a disruptive identity politics’ (2018, p. 9). Rather, a sense of citizenship and the presence of national state agents in local politics co-exist with local forms of legitimate power, such as the narratives of origin, the sacred houses and the spirits of the land.

Palmer and McWilliam argue that, although national authority is not in question, social order at the village level tends to operate through categories rooted in so-called *kultura*¹ (culture) or *lisan*, the local form of ‘custom’, such as the *rai nain* (indigenous land custodians) and *uma lisan* (customary house). In this scenario ‘customary communities and their attendant practices remain, for now at least, ambivalently entangled within a hard-won national identity’ (2018, p. 8), making it difficult to predict the ways in which state agents and institutions are locally legitimised.

In this paper we consider a different element of ambiguity—the status of local authorities, the elected leaders of the village and hamlet (respectively, the *chefe de suco* and *chefe de aldeia*, the smallest administrative units). We shift the focus from nation building to the dialectic between *kultura* and state institutional order, exploring how the status of local authorities has become ambivalent in the process of state building. To develop this idea, we rely on the notion of local governance complexes, assuming that legitimising governance practices at the village level are based on native conceptions of power and agency. Our view is that the legitimation of the state's authority must be seen as a long-term historical process, embedded in colonial experiences that remain in both postcolonial legislation and the behaviours of local political actors (Kammen, 2017; Roque, 2012).

Political actors, such as the *chefe de suco*, are important operators of these local–national connections, and analysing the way they are represented—either by national authorities or by local inhabitants—may cast some light on the challenges involved in building local power in Timor-Leste.² In this article we use two sets of empirical data to discuss the role ambiguity plays in local power dynamics: ethnographic descriptions of a local form of conflict resolution at the village level and the East Timorese legislation on community authority.

The description of a case related to local forms of conflict resolution in a village of the municipality of Liquiçá indicates that village community structures are frequently perceived as local faces of the state. By describing the performance of the village leader in these situations, we highlight the strategies he deployed to promote and legitimate state administration at the local level. The ambivalence of his role, as a mediator between *kultura* and state, is here explored to understand the blurred frontiers between local and state-based attributes in regulating social life.

In contrast to this grassroots perspective on local authorities, we analyse, in sequence, the legal framework for the village (*suco*) in public administration, following an idea previously raised by Kammen (2017, p. 140).³ The Timorese national authority has been pursuing a policy of decentralisation and municipalisation. Its 2016 law on villages (in Portuguese, *Lei dos Sucos*) may be seen as an effort to detach itself from local leaders, but in an ambiguous way. On the one hand, the state is turning what is locally understood as its local representatives, the *chefe de suco* and *chefe de aldeia*, into community representatives of the people – not to be considered part of civil administration. On the other hand, the law assigns to villages and their respective executive authorities an increasing number of functions over time, many of which would be considered elsewhere as state responsibilities.



The analysis of this legal framework suggests we should view ambiguity as a political asset in the state's strategy towards villages. In the long term, it reinforces the distinction between state and civil society, but it does so in an ambivalent way, which still allows village heads to be seen as state agents. We argue that this ambiguity plays an important role in a long-term strategy to legitimise the state by appropriating local elements of political culture. That being so, local governance complexes are used to transpose and internalise modern practices and projects of social organisation and subjectivation, even though they tend to be considered by many as longstanding cultural institutions.

2 | STATE FORMATION AND LOCAL POWER

Before delving into the ethnographical data, a brief contextualisation of East Timorese political history is useful. The polyarchic nature of governance dynamics in postcolonial Timor-Leste has been established in the literature. Boege et al. (2009), Brown (2012) and Cummins (2011), among others, have qualified this phenomenon as hybrid governance, which is characterised by the coexistence of institutions and mechanisms of power that originated from either secular and religious, or colonial and national state structures, and from indigenous dynamics and institutions of social organisation. These institutions simultaneously cooperate and dispute political space between each other and are subject to the discourses and power apparatuses of transnational governance agencies.

The present political administration in Timor-Leste is the result of a long-term process. Portuguese colonial rule was, for the most part, indirect, depending upon complex and often fragile alliances with local Timorese polities ruled by native authorities to legitimate colonial control of trade and people in the Portuguese half of the Timor Island (Kammen, 2015). Only as of the late nineteenth century was Portugal able to begin rolling out practices of direct rule across the colony—with diverse degrees of success—establishing the administration that would shape the present governing body (Kammen, 2017).

Portuguese rule was not only achieved with weapons but relied, in part, on the Catholic Church's missionary work, and the political strategy of incorporating local cultural institutions. The latter strategy is described by Roque (2012) as a 'parasitic' use of political and cultural systems for administrative purposes, (which) incorporated local meanings of authority and order in governance technologies and made use of ritualistic forms with local colour to impose new rules and prohibitions, as has happened with *tara bandu* (a practice to forbid an activity in a local area) rituals (Roque, 2012; Silva, 2016).

After World War II, the Portuguese authorities implemented different modes of political and administrative division of the territory, culminating, in 1973, with the establishment of 13 *conselhos* (councils), subdivided into *postos administrativos*, *sucos* (villages) and *povoações* (hamlets). Portuguese officials administered the councils and *postos*, while villages and hamlets were ruled by Timorese allies under the supervision of the former kingdom's local regent (*régulo*). The colonial administration gave the title 'Dom' (Lord) to the *régulo* while the village heads received the title of 'chefe de suco', and they were locally acknowledged as *liurai* (Figueiredo, 2018).

Much of this structure continued under Indonesia's occupation of the territory (1975–1999). The regime adapted it to the administrative structure of the Indonesian state, downplaying the role of local regents—some of whom were incorporated into the provincial parliament. The village leader (in Indonesian, *kepala desa*) became an administrative position by direct election and had the right to appoint the hamlet leaders (*kepala kampung*).

The state-building process pursued by the United Nations Transitional Administration of East Timor (UNTAET, 1999–2002) reinforced the values of a democratic state. It consolidated the



importance of local governance, with specific projects designed to reinforce local power and empower grassroots organisations, such as the Community Empowerment and Local Governance Project (CEP). However, the years following the restoration of independence in 2002 brought challenges.⁴ As we discuss further, a sequence of laws from 2004 to 2016 applied different statuses to local authorities. The laws began by emulating national governance and infusing a sense of democracy into the rule of these authorities. However, by extending direct elections to the positions of both village and hamlet heads and for positions on the village council, the laws gradually separated the roles from the structure of state administration.⁵

The push to decentralise national power took the form of a municipalisation policy (Law 11/2009 and Decree Law 3/2016), transforming the ‘districts’ into ‘municipalities’ to be managed by a civil servant appointed by the central government (*administrador municipal*), with advice from local councils (*Conselho Consultivo Municipal* and *Assembleia do Posto Administrativo*). Village and hamlet heads were no longer part of direct civil administration, although the former still has a seat on the subdistrict-level council (*Assembleia do Posto Administrativo*). This political structure is not yet fully implemented across the country, and its enforcement is currently uncertain.

It seems, however, simplistic to reduce those tensions to an opposition between the centripetal force of national administration (a ‘state’) and local forms of governance, as both have been intrinsically connected since colonial times. Silva describes this as a ‘local governance complex’.

Inspired by Dumont (1977, 1983), Elias (1993), Mamdani (1998), and other political sociology texts, Silva (2014) interprets state formation in Timor-Leste as the processes by which the state appropriates and subverts elements of local governance complexes to transform them into conduits for pacification, integration, reconfiguration and monopolisation of power. For Silva (2014, p. 124), local governance complexes comprise ‘a multiply constituted set of devices for the regulation of, control over, agency and reproduction of social groups and individuals, which often act as total social facts and ground the roots in various legitimate sources, manifested alone or in combination with each other’.

These ‘complexes’ do not form a political system per se: their constituent parts do not operate in a hierarchy but retain considerable autonomy and often run in parallel. They also vary in form and content from place to place—thus the idea of ‘local complexes’—reflects a particular historical configuration. Silva (2014, p. 125) identifies at least three main agents or forces as constituting local governance complexes:

1. structural institutions that shape local social organisations, such as the house (*uma* in Tetum);⁶
2. ritual knowledge and the associated techniques (sacrifices, the ritual use of words, for instance, to impose sanctions for governance purposes, life cycle rituals or rituals for conflict resolution and peace building);
3. authority figures in positions to mediate with the state or the Church (*chefe de suco*, *professor*, *catequista*, etc) and to mediate with spiritual forces (ritual priests, sorcerers, soothsayers).

From this perspective, governance emerges as a power effect of the relations between the constitutive elements of those local complexes. The very dichotomy between ‘culture’ and its cognates (*lisan*, *adat*, *usos e costumes*) and ‘state’ may be seen as part of the power effect created from these relations.

Therefore, referring to the ‘state’ may be tricky in our argument. It could refer to at least four different concepts or social phenomena: 1) the analytical concept forged by modern political science to describe a historical form of political organisation; 2) the civil administration (as in the government); 3) the three branches of national sovereignty (executive, legislative and the judicial system) and; 4)



the native term (*estadu* in Tetun) constantly used to evoke the image of those in power in the formal administrative structure.

For the sake of clarity, we use 'state' to refer to the analytical concept, using 'central administration', 'national politics' or 'national authorities' to refer to the actual political forces that shape the institutional sources of governance at the national level (the government, the parliament and the courts). At the ethnographic level, we use the local term *estadu* (state) to refer to the emic concept usually mobilised by our interlocutors.

3 | FROM BELOW: THE *SUCO* AND A CASE OF CONFLICT RESOLUTION

Since the restoration of independence, the national authorities' discourses about and practices of so-called 'traditional justice' have changed significantly. From Hohe (2002) perspective of a 'clash of paradigms', to one of 'building bridges' (Simião, 2012), one could say the state's recognition of the plurality of conflict resolution methods is gradually resulting in a better definition of the different actors' roles and competences. In sharp contrast to earlier debates, when local adjudication practices were seen as competing with, opposing and challenging modern justice (Hohe and Nixon, 2003; Simião, 2005, 2011), the contemporary trend is to seek, enable and regulate local forms of dispute resolution.

There is a twofold movement in the judicial system. One approach is for courts to move closer to village life, conducting hearings on site via the Mobile Court program (Rocha, 2020). Another shift is that some judges have started referring civil cases to the village council to be settled, applying the idea that more appropriate compensation can be reached by local forms of conflict resolution than by the national codes. A report by the Commission for Law and Judicial Sector Reform on 'community structures for conflict resolution' (CRL – Comissão para Reforma Legal e do Sector de Justiça [Commission for Law and Judicial Sector Reform], 2017) reinforced the need for more awareness at the executive branch about the role of local authorities in settling disputes. This perspective suggests using local forms of conflict resolution as gateways for introducing and respecting modern justice principles and strengthening the national state.

Although there are now bridges between different justice practices, the idea of a division between practices respectively assigned to the *estadu* and to *kultura* persists with state justice operators. Despite appearances, the divide is far from natural. Colonial policies carefully constructed the separation, an inevitable consequence of the technologies of governance and administration over people and territory (Foucault, 2008). The same process that produced discourses on 'custom' and 'culture' yielded the idea of '*adat recht*'—'customary justice' or *justisa tradisional*—as a set of procedures and beliefs for 'making justice', as distinct from those implemented for white, 'civilised' and urbanised dwellers (Davidson and Henley, 2007; Mamdani, 1998).

At the village level, however, these representations make no immediate sense. Firstly, settling a conflict is embedded in the same mechanisms that regulate everyday life. From our field experience, people do not refer to settling a conflict as applying 'justice', which would require conceiving of 'justice' as an autonomous sphere of social life, a typical feature of modern ideology. In Lisadila, Maubara, people simply take their cases to the village or hamlet leader to 'get a decision' (*tesi lia*).

So, when the villagers meet at the *sede de suco* (the village's office) for *tesi lia*, they see themselves as appealing to neither a 'local justice system' nor to a 'village court'. Rather, they are deploying the same procedures they use to reach a decision that involves negotiation. These procedures include the invisible presence of the ancestors, the ritual calling of house names, offering betel nut (*bua malus*),



invoking the spirit of the land (another meaning of *rai nain*), and so on. They operate both according to culture (*tuir kultura*), applying social/cosmological technologies but in a place sanctioned by the national administration—the village's office. So, from the villagers' perspective they are also appealing to the *estadu*. In other words, these local forms of conflict resolution refer to state-sanctioned laws, but without legal enforceability. This ambiguity is what we describe and analyse in the section below.

3.1 | Here, at the 'estadu'

In January 2013, over a 2-week period, Lisadila village resolved four of many pending cases. Only one was settled within the family—thereby seen as 'according to *kultura*'. Two were settled in the hamlet's office and one in the village's office, through public discussions conducted by the hamlet or village head and mediated by the elders—the *lia nain*—whose duty it was to reach a decision and suggest sanctions.

The decision to take a case to the hamlet or village leader is not an easy one. Settling the case at the family level is usually faster and ensures family members have more control over the narratives. As it involves asking elders from other houses to mediate a solution, it is not a completely 'private' matter, but it does not constitute a public issue. Mediation is not performed in an open space and only the involved parties are present. However, when a case is taken to the hamlet or, perhaps, to the village, it assumes a different status. Officially making the case public means it is subject to rules locally perceived as bound to procedures established by the national authorities. A brief description of a case serving as a paradigm may be helpful.

Alberto and Lourença were two young villagers who had a short relationship but did not get married. After Alberto married another woman, Lourença discovered she was pregnant. Her family was offended and took the case to the hamlet's office. At that level, the local *lia nains* stipulated that Alberto's family should pay Lourença's family compensation in the form of traditional weaving (*tais*) and pigs, and USD 120 as child support. Her family considered the compensation was not proportional to the wrong doing and decided to take the case to the head of the village. Meanwhile, the hamlet leader, Lourença's relative, got drunk and behaved badly in Alberto's yard, offending him and his family. Alberto also complained that the hamlet head spread witchcraft accusations against him. So, the village leader was asked to coordinate a *tesí lia* to resolve the whole situation.

The hearing process, held in public, took an entire day in the village's office and involved five *lia nains*.⁷ The village head started hearing the reports from the hamlet *lia nain* and the parties themselves, so he could identify the three issues at the core of the dispute: namely, compensation to Lourença's family, the insults against Alberto and the hamlet leader's alleged witchcraft accusations.

Before giving the floor to the *lia nain*, the head of the village opened with a lecture on what was about to happen, reminding the audience that they were at the village office to deal with a conflict 'according to the codes, the penal and the civil codes'. He strategically displayed some books on a table, and constantly referred to them as 'the codes of the nation'. One of them was indeed the penal code, but the others were a booklet from a local political party, a guide for the previous year's presidential election and a magazine for kids. Nonetheless, they played a crucial role as signs of statecraft, evoked as a constant reminder that people were presenting their case in front of 'written law' (the leader's own words); that they were being watched by the *estadu*, and the conclusions of the process should have not only the blessings of the ancestors but also those of the *estadu* itself.

Each of the three issues was then discussed in sequence. At the start of each the leader of the *lia nain* asked the parties if they really wanted their case to be heard by the *estadu*: 'Would you



like to settle the dispute within the family, or in the *estadu*?' The *estadu* was, obviously, the village's office arena. If they decided to proceed with the case 'within the *estadu*', they needed to pay the fees and the process would start. Otherwise, they should return home and conduct the same procedure, but without the supervision of the village head and away from the village's public scrutiny—meaning to proceed *tuir kultura* (according to culture).

The procedures adopted to reach and enforce a solution followed the usual stages for many rituals of village life. The relation between the parties was established in the language of kinship and marriage, the level of offences was established, and the proper compensation adjudicated according to the positions of wife-givers and wife-takers (Simião, 2014). Besides the compensation payment, there was also a fine to be paid to the village's office for breaking the village's rules and regulations—the *ukun ho bandu*.⁸

The payment of compensation occurred a week later, in a *pás ho dame* (peace and reconciliation) ceremony—a ritual involving sacrificial food, prayers for the ancestors and the ceremonial exchange of gifts between the parties. At the end of the *pás ho dame*, the head of the village gave another important lecture. He delivered an hour-long speech reinforcing three ideas. Firstly, the parties should understand that the case was over and no more complaints could be made about the issues. Secondly, he appealed to the elders about the importance of observing impartial judgments in adjudicating cases. Here again he referred to the books on the table as representing the *estadu*'s legally binding codes. In reality, the procedures adopted had no relation to the East Timorese judicial system, but that was not the point. The assembly was constantly reminded that they were part of a wider community regulated by a law higher than the village's *ukun ho bandu*, and that they must adapt themselves to the national written laws.

People clearly associated the village council and its activities with the national administration, and the performance of the village leader was crucial to that. By the end of his lecture, the village head had strongly stated the roles assigned to each part of the village council, complaining that people still did not use the council as they should, giving examples of how to do so. These performances may be perceived as a pedagogic investment towards the legitimization of modern laws. By personifying the *estadu*, the village head promoted a two-way movement. One way was to transfer to the national authority (and modern law) the social recognition existing in local forms of conflict resolution: the law was not an alien construct far from the village, but operated alongside the usual ways of doing things. The other way was to guide and limit the usual procedures for conflict resolution by saying the villagers needed to comply with national laws.⁹

All these elements strongly suggest that the head of the village was seen as the representative of national authority at the village level. So, a case settled under his supervision was a case resolved by the state. Complaining to him was to complain to the state, and he gladly enacted this role.

4 | ENACTING LOCAL POWER IN TIMOR-LESTE

Despite the Lisadila village leader's efforts to incorporate national authority into daily life, national politics constantly try to establish clear frontiers between public administration and community authorities. This can be clearly seen in the legal framework on local power structures.

Since 2002, a pivotal challenge for Timor-Leste's national politics has been to set out a country-wide decentralised administrative and representative structure for promoting civic belonging as well as for enhancing state legitimacy. Part of decentralisation was to turn the districts into municipalities in 2009 (Law 11/2009), but their administrative structure was only defined 7 years later, by Decree Law 2/2016, as yet not fully implemented. A new law (Law 3/2009) associated with



decentralisation altered the original 2004 law on local authorities, and in 2016 the government created a law on the status of villages (*Lei dos Sucos*) (Law 9/2016), further specifying the role and attributions of village and hamlet leaders.

The administrative functions of the *chefe de suco* (head of the village) and *chefe de aldeia* (hamlet leader) have been fundamental devices for the territory's governance since colonial times. These authorities also had important roles in helping the resistance against the Indonesian occupation and in keeping social order under the UN administration (UNTAET). As a result, Timor-Leste's national administration has acknowledged the fundamental governance services undertaken by these authorities by enacting their roles, promoting elections for the positions, providing them with subventions, performing state ceremonies for inducting them, offering them vehicles, and so on.

However, a closer look at the roles of these local authorities, from the perspective of the East Timorese state, reveals an ambivalent position. Since the restoration of independence, three particular laws were created to set out their actions and obligations. The ambiguity of the attributed roles is a pivotal characteristic of these laws.

The East Timorese constitution endows local power with a civil nature. The Constitution declares that local power has no relation to state governance. On the contrary, the Constitution (RDTL Constitution, Article 72.1)¹⁰ states: 'Local government is constituted by corporate bodies vested with representative organs, with the objective of organising the participation by citizens in solving the problems of their own community and promoting local development without prejudice to the participation by the State'.

Conceiving of local governance institutions in such a way is reaffirmed in the laws enacting local power roles from 2004, 2009 and 2016.¹¹ Although the main focus of Law 2/2004 was the election for the *chefe de suco*, as well as the configuration and choice of the village councils (*conselhos de suco*), the law recognised the importance of what it called *local authorities*¹² for state and nation building in Timor-Leste:

The election of suco chiefs and suco councils is of paramount importance to legitimise community authority and develop the basic structures of such authority ... The purpose of local structures is to organise the citizen's democratic participation in solving specific problems of his or her community, thereby contributing in a decisive manner to the sustainable and smooth development of the country ... By recognising the existing organisation, the electoral law will facilitate the legitimisation of such organisation through local elections (Law 2/2004, preamble).

It is worth noting that while the national authority recognises the *chefe de suco* and *conselho de suco* as communal/community positions, the people themselves do not. The main functions assigned to such institutions are to promote civic participation and solve local problems in order to control conflicts and promote sustainable development, whatever that has come to mean. Here is a process in which the state is delineating civil society. It is as if the law was trying to produce the idea of civil society at the village level by promoting the perception that local forms of social organisation are detached from public administration and assigning to them a role in constructing citizenship. In other words, the law makes local leaders responsible for organising people's participation in the national political life, acting as mediators between two spheres of civic life, still to be consolidated in people's mind: a local and more autonomous sphere of political participation ('civil society'); and a more distant and institutionalised form of political organisation (the 'state').

Law 3/2009, in turn, makes an effort to define the local authority's functions and, at the same time, clearly characterises them as communal representatives or leaders. Of note is that the



law changed the reference from 'community authorities' (*autoridades comunitárias*), as used in 2004, to 'community leadership' (*lideranças comunitárias*). According to the new law, local leadership does not participate in or belong to the state administration at any level, even though certain typical state executive functions were assigned to them. For instance, the law defined the *chefe de suco* as the following:

The suco head is the community leader elected to direct the activities carried out by the community within a given suco, in fields contributing to the national unity and the production of goods and the provision of services aimed at satisfying the basic life and development needs, in close cooperation with the Suco Council (Law 3/2009, Article 4).

That same law attributed to the *chefe* and *conselho de suco* the following range of activities:

a) Peace and social harmony; b) Population census and registration; c) Civic education; d) Promotion of the official languages; e) Economic development; f) Food safety; g) Environmental protection; h) Education, culture and sports; i) Assistance in the maintenance of social infrastructures, such as housing, schools, health centers, opening of water wells, roads and communications (Law 3/2009, Article 10, paragraph 1).

That law nourished ambiguities regarding the roles and positions of local leadership vis-à-vis the state. On the one hand, by qualifying them as community representatives, the law formally places local authorities outside the state administrative structure. On the other hand, by assigning certain executive functions to them, it allows these presumed people's representatives to be perceived as embodying or being part of the state itself. Such ambiguity enables the central administration to use local leaders for its own objectives.

Such a trend is radically reinforced in the newer law of 2016 (*Lei dos sucos*). This law labels village and hamlet heads as 'community representatives', and the *sucos* and *aldeias* are not acknowledged by the state as administrative units. They are considered a kind of spontaneous association, as if the state apparatus for governance had nothing to do with their present form. These are the ways in which Law 9/2016 qualifies such institutions:

1. Sucos are legal persons under public law, of an associative character, created on the basis of historical, cultural and traditional circumstances, whose members are connected by family or traditional links, in a given space.
2. Existing Sucos in cities are legal persons under public law, of an associative character, created on the basis of social and historical processes marked by the migration of different ethnic groups, throughout the periods of colonisation, that dissolved the familiar nature of previously existing links, in a given space. (Law 9/2016, Article 3, translated from the original Portuguese).

Before qualifying the *sucos* in this way, the law's introduction presents a deferential description of the *sucos*, attributing a series of important functions to them. In fact, it almost seems as if the introductory paragraphs are apologising for the ways the law goes on to disregard the *suco*, *aldeia* and their respective authorities by casting them out of the state structure:

Sucos have had throughout history a determinant role in our cultural identity and in the mobilisation of our local communities for the collective effort of national reconstruction.



Besides the aforementioned important functions, Sucos currently play a determinant role in the mobilisation of our local communities for the achievement of projects of collective interest, in the preservation of peace and social stability, in the mediation of disputes and controversies that oppose individuals, families or village and contribute indelibly to the improvement of the living conditions of the populations and the socioeconomic progress of the country.

The central importance of Sucos in our national life cannot go without recognition and affirmation, namely through the development of a legal framework that allows community organisations to live up to the expectations placed on them and, in this way, contribute to the valorisation of authority functions that are traditionally associated with them. (Law 9/2016, preamble, translated from the original Portuguese).

Yet, while casting the *suco* and respective representatives absolutely outside the state (even if apologetically), it simultaneously assigns to these institutions a wide range of state responsibilities. The 2016 law designates many more duties to local leaders than that of 2009, so as to define them more precisely. Apart from protecting local customs and institutions, it assigns to the *suco* leadership a range of functions, from conflict resolution to conducting agricultural and livestock census, including the dissemination of national policies and practices concerning health, hygiene and education.¹³

In practical terms, the law makes the *suco* a local institutional branch of the state. The law assigns local institutions responsibilities typical of a state and national consciousness, such as disseminating laws and modern values related to gender equality, keeping children in schools, collecting data for state control and management, paying tax obligations, among others. This creates an ambiguous position for the local leaders, as they may be seen both as leaders of a civil organisation and representatives of the national authority.

Simultaneously, the law seems to bind the village administration to the rules and procedures of public function. As the *suco* is formally supported by public funds—including a wage for the *chefe de suco*—one entire chapter of the law (Chapter IX) defines the legal provisions for government supervision of the *suco*, establishing that ‘administrative supervision is a competence of the Government, articulated by the inspection services of the Ministry responsible for ensuring the operationalisation of the mechanisms for support and collaboration with the Suco organs’ (Article 85). The law still restricts the autonomy of villages as civil organisations in many senses. It states, for instance, that the *suco* cannot raise taxation or funds that are not authorised by law (Article 80). The impeachment of the village leader during their term is possible, but under restricted procedures conducted by the government and based on the misuse of the *suco*'s public funds.

The law has a dual purpose: it clearly casts local authorities out of the state administrative structure, while also ensuring that these authorities act under the close supervision of the national administration on its terms. On top of that, it assigns typical state functions to local leadership, contributing to the local perception that village leaders are representatives of the *estadu*, rather than of the villagers. This establishes an ambiguous position for local authorities—sometimes they are the hands and eyes of the national administration, sometimes the leaders of a civil popular organisation.

It is our position that this ambiguity should not be taken as the national authorities' and law makers' lack of clarity, but instead reflects the multivocality that constitutes local power dynamics in Timor-Leste. This may become clearer if we consider local power as an effect of local governance complexes (Silva, 2014), rather than as a single local projection of the state or as an autonomous cultural sphere.



5 | FINAL REMARKS: RESHAPING LOCAL POWER IN INDEPENDENT TIMOR-LESTE

Through the eyes of the Lisadila villagers, the village head and members of the *suco* council continued to represent the *estadu*. In 2019, 3 years after the *sucos* law and the decree-law for municipal authorities, a separate place (a particular hut) was set aside for the local authorities to use, next to those for wife-givers and wife-takers, which was proudly referred to as '*fatin estadu*', (the state's place). Local authorities (and even the municipality) requested prior notice for some funeral practices, thus *estadu* representatives, which invariably included the community police (*oficial de policia de suco*), were all solemnly present in the 'the state's place' during the respective ritual periods.

It seems the government has not made much effort to clarify the position of local leaders in relation to the state administrative structure in their communities. Even if there was clarification, how would the government justify that someone carrying out typical state functions under strict state supervision is not part of civil administration? The ambiguities that surround the political status of village and hamlet heads may signify both the state's attempt to delineate between state and civil society, and recognition that state governance cannot prevail without mediation from local leaders.

Establishing a model of governance based on the state/society dichotomy is a feature of modern political ideologies. It is a major theme in nineteenth century European political philosophy and has particular political implications in the twentieth century's Gramscian concept of 'civil society'. Since colonial times the legal efforts to separate 'community' and 'state' authorities seem to be one of the challenges of Timor-Leste's modernisation/purification project (Latour, 1994).¹⁴ In relation to conflict resolution, for instance, this challenge involves ruptures and continuities to colonial policies. It shares the colonial legacy of producing the idea of a 'traditional justice system' or 'customary law', projecting modern representations of 'law' and 'justice' where there are none. More broadly, it defines the municipal administration and the *suco* leadership according to very different legal statuses.

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ENDNOTES

- ¹ *Kultura* or *lisan* is a floating signifier used to refer to the practices or values that are perceived to be indigenous or those that are simply different from others deemed 'foreign'.
- ² Since the nineteenth and twentieth centuries, the central administration has granted village heads (*chefe de suco*) the role of mediation between local and central power institutions. Village heads also had a twofold status from the central colonial power: they were people's representatives and leaders, and military officers in the second line military (Kammen, 2017, p. 134).
- ³ Kammen's analysis presented just such a legal ambiguity, glossing it as a paradox.
- ⁴ In the brief time between the end of Portuguese rule in 1974 and the Indonesian invasion, East Timorese leaders declared the country independent on 28 November, 1975.
- ⁵ One of the political reasons mobilised by the state for the separation was the phenomenon called *sucuísmo* ('villagism'), a stronger sense of belonging and loyalty to the *suco* than to the nation.



- ⁶ The house (*uma*, in Tetum) is a group of origin that consists of a moral–religious community focused on ancestor worship, endowed with material (ancestral relics) and immaterial (ritual techniques) heritage, and marriage between its members is forbidden. The house is the basic unit of people's belonging being imagined, in a patrilineal society, as a collective of people who descend from a founding ancestor. In addition to its ritual/religious role, the house is also an institution that regulates property relations, labor, consumption, power, etc. Various other dimensions of social organisation are derived from, or combined with, the house.
- ⁷ The *lia nain* involved were appointed by the village leader and the *lia nain* of the *suku* (a formal position in the *suku's* council) amongst the village elders. Usually, they are appointed for acting in every case discussed during the mandate of the village leader.
- ⁸ These rules are not usually written down. When they are in writing and ritually inaugurated, they constitute the village *tara bandu*, an important form of social regulation (Silva, 2016).
- ⁹ We are not saying this compliance really happens, but the idea that it should happen is what is produced in these performances, that is to say the idea of a national law above local procedures is symbolically legitimised.
- ¹⁰ Constitution of the Democratic Republic of Timor Leste. Available at: http://timor-leste.gov.tl/wp-content/uploads/2010/03/Constitution_RDTL_ENG.pdf (accessed 12 Feb 2020).
- ¹¹ Law 2/2004. Election of the Suco Chiefs and Suco Councils. Available at: <http://mj.gov.tl/jornal/lawsTL/RDTL-Law/RDTL-Laws/Law-2004-2.pdf>; Law 3/2009. Community Leadership and the Election. Available at: <http://mj.gov.tl/jornal/lawsTL/RDTL-Law/RDTL-Laws/Law%203-2009.pdf>; Law 11/2009. Territorial Administrative Division. Available at: <http://mj.gov.tl/jornal/lawsTL/RDTL-Law/RDTL-Laws/Law%2011-2009.pdf>; Decree Law 3/2016. Estatuto das Administrações Municipais, das Autoridades Municipais e do Grupo Técnico Interministerial para a Descentralização Administrativa [Statute for municipal administration, municipal authorities and for the interministerial taskforce for the administrative decentralization]. *Jornal da Republica* 1(11): 8,950 – 8,998. Available at: http://mj.gov.tl/jornal/public/docs/2016/serie_1/SERIE_I_NO_11.pdf; Law 9/2016. Lei dos Sucos. *Jornal da Republica* 1(26): 10 – 29. Available at: http://www.mj.gov.tl/jornal/public/docs/2016/serie_1/SERIE_I_NO_26A.pdf (accessed 12 Feb 2020).
- ¹² The term '*autoridades comunitárias*' (community authorities), used in the law, was even the object of a subsequent decree law (05/2004), which defines the authorities as the head of the village and the members of the village council, including the hamlet leaders.
- ¹³ This is part of the attributions defined by law to local leadership: 'a) Promote the resolution of conflicts that arise between community members or between Aldeias, in accordance with the traditions and practices of the community and respect for the principle of equality ... f) Disseminate the laws, regulations, deliberations and decisions produced by the organs of the State, as well as the customary law rules, that are of interest to the community; g) Promote the adoption of healthier life styles among community members and sensitize them to the need to prevent diseases such as cholera, meningitis, diarrhoea, malaria, AIDS, tuberculosis and dengue fever; h) Sensitize and mobilize community members to the importance of maternal and child health, and participation in vaccination campaigns; i) Sensitize and mobilize community members to the eradication of domestic violence within the community; j) Sensitize community members to the importance of schooling for children and mobilize the community to fight against early school withdrawal; k) Inform the Municipal Administration about the existence of underage children at risk in the community, as well as individuals in social exclusion or vulnerable situations; l) Disseminate and stimulate the participation of community members in solidarity and social protection programs set by the State and the Municipalities; m) Inform the registry services, social services and electoral registration services about deaths occurring in the Aldeias of the Suco; n) Identify community members, namely by filling in the "family form" and inform Local Administration services of the results obtained; o) Certify that community members have habitual residence in one of the Aldeias of the Suco; p) Certify the personal integrity of community members; q) Sensitize and mobilize community members to adopt good hygiene and food-production practices; r) Sensitize and mobilize community members to comply with food safety rules; s) Mobilize community members to participate in civic education activities, electoral education, and in elections and referenda; t) Mobilize community members to practice sports and participate in sporting events; u) Sensitize community members to comply with their tax obligations; v) Sensitize and mobilize community members to maintain hygiene, salubrity, conservation and the quality of public spaces; w) In collaboration with Local Administration services, carry out the agricultural and livestock census; x) Sensitize and mobilize community members to the importance of environment protection; y) Support the activities of the Community Policing Council



of the TLNP; z) Support the activities of the cadastral services; aa) Promote the creation of community cooperatives (Law 9/2016, Article 6)'.

¹⁴ Latour (1994, p. 16) stated that purification consists of processes of separation and the imposition of exclusive ontological frontiers and limits of power among the various experiences, beings and domains that comprise social life. Through these processes of separation, these agencies are either ascribed to certain typical ideal places for their existence, or configurations considered legitimate are projected onto them. In this context, purification processes are political instruments that produce multiple power effects. Oppositions, such as nature and culture, religion and popular beliefs, traditional and modern, politics and science, justice and power, human and non-human, civilised and uncivilised, are examples of separation processes. He also suggests that modernisation, overall, has entailed purification.

REFERENCES

- Boege, V., Brown, M.A. & Clements, K.P. (2009) Hybrid political orders, not fragile states. *Peace Review: A Journal of Social Justice*, 21(1), 13–21.
- Brown, M.A. (2012) Entangled worlds: villages and political community in Timor-Leste. *Local-Global: Identity, Security, Community*, 11, 54–71.
- CRL – Comissão para Reforma Legal e do Sector de Justiça [Commission for Law and Judicial Sector Reform] (2017) *Para uma justiça de matriz Timorese: O contributo das justiças comunitárias* [Towards a Timorese based justice: the contribution of Community based justices]. Dili: CRL/CES.
- Cummins, D. (2011) The problem of gender quotas: Women's representatives on Timor-Leste's suku councils. *Development in Practice*, 21(1), 85–95.
- Davidson, J. & Henley, D. (2007) *The Revival of Tradition in Indonesian Politics: The Development of Adat from Colonialism to Indigenism*. London: Routledge.
- Dumont, L. (1977) *From Mandeville to Marx: The Genius and Triumph of Economic Ideology*. Chicago: University of Chicago Press.
- Dumont, L. (1983) *Essais sur l'Individualisme: Une Perspective Anthropologique sur l'Idéologie Moderne* [Essays on Individualism: An Anthropological Perspective on the Modern Ideology]. Paris: Seuil.
- Elias, N. (1993) *O Processo Civilizador* [The Civilization Process]. Rio de Janeiro: Jorge Zahar.
- Figueiredo, F. (2018) Administração e Justiça. In F. Figueiredo (Ed.), *Timor-Leste. A Presença Portuguesa desde a Reocupação à Invasão Indonésia (1945–1975)* [Timor-Leste. The Portuguese Presence from Reoccupation to the Indonesian Invasion (1945–1975)]. Lisboa: Âncora Editora.
- Foucault, M. (2008) *Segurança, Território, População* [Security, Territory, Population]. São Paulo: Martins Fontes.
- Hohe, T. (2002) The clash of paradigms: International administration and local political legitimacy in East Timor. *Contemporary Southeast Asia*, 24(3), 569–589.
- Hohe, T. & Nixon, R. (2003) *Reconciling Justice: 'Traditional' Law and State Judiciary in East Timor*. Washington, DC: United States Institute of Peace.
- Kammen, D. (2015) *Three Centuries of Conflict in East Timor*. New Brunswick, NJ: Rutgers University Press.
- Kammen, D. (2017) Fantasy and fossilization in the study of Timor-Leste: Territoriality, demography, and status. In: Nygaard-Christensen, M. and Bexley, A. (Eds.) *Fieldwork in Timor-Leste: Understanding Social Change through Practice*. Copenhagen: NIAS Press, pp. 125–143.
- Latour, B. (1994) *Jamais Fomos Modernos* [We Have Never Been Modern]. Rio de Janeiro: Ed. 34.
- Mamdani, M. (1998) *Ciudadano y Súbdito: África Contemporánea y el Legado del Colonialismo Tardío* [Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism]. Mexico: Siglo XXI Editores.
- Palmer, L. & McWilliam, A. (2018) Ambivalent 'indigeneities' in an independent Timor-Leste: between the customary and national governance of resources. *Asia Pacific Viewpoint*, 59(3), 265–275.
- Rocha, H.R. (2020) Encounters with justices: Transpositions and subversions of modernity in contemporary East Timorese legal practices. In: Silva, K. (Ed.) *Performing Modernities: Pedagogies and Technologies in the Making of Contemporary Timor-Leste*. Brasília: ABA Publicações.
- Roque, R. (2012) A voz dos bandos: Colectivos de justiça e ritos da palavra portuguesa em Timor-Leste colonial [The bandos' voices: Collectives of justice and rituals of Portuguese words in colonial Timor-Leste]. *Mana*, 18(3), 563–594.



- Silva, K. (2014) O governo da e pela kultura. Complexos locais de governança na formação do Estado em Timor-Leste [The government of and through *kultura*: Local clusters of governance in Timor-Leste state building]. *Revista Crítica de Ciências Sociais*, 104, 123–150.
- Silva, K. (2016) Administrando pessoas, recursos e rituais. Pedagogia econômica como tática de governo em Timor-Leste [Managing resources, persons and rituals. Economic pedagogy as government tactics in Timor-Leste]. *Horizontes Antropológicos*, 45, 127–153.
- Simião, D.S. (2005) *As donas da palavra: gênero, justiça e a invenção da violência doméstica em Timor-Leste* [Dames of the word: gender, justice and the invention of domestic violence in Timor-Leste]. PhD Thesis, University of Brasília, Brazil.
- Simião, D.S. (2011) Sensibilidade jurídica e diversidade cultural: Dilemas Timorenses em perspectiva comparada [Legal sensibilities and cultural diversity: Timorese dilemmas in a comparative perspective]. In: Silva, K. & Sousa, L. (Eds.) *Ita Maun Alin. O Livro do Irmão Mais Novo: Afinidades Antropológicas em Torno de Timor-Leste*. [We Are All Brothers. The Younger Brother's Book. Anthropological affinities around Timor-Leste] Lisbon: Colibri, pp. 113–129.
- Simião, D. (2012) Sé mak sala tenkeser selu sala: desafios de justiça, direitos e diferenças em Timor-Leste [Who is wrong must pay the penalty: challenges on justice, rights and difference in Timor-Leste]. Documentary NTSC, cor. 39 min. Brazil, Timor-Leste. Available at: <https://www.youtube.com/watch?v=CyKw2Vgz6M>. [Accessed 12 February 2020]
- Simião, D. S. (2014). Sensibilidades jurídicas e respeito às diferenças: cultura, controle e negociação de sentidos em práticas judiciais no Brasil e em Timor-Leste [Legal sensibilities and the acknowledgment of differences: Culture, control and negotiating meanings in legal practices in Brazil and Timor-Leste]. *Anuário Antropológico/2013*, 39, 237–260.

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