

The Use of Traditional Conflict Resolution: A Case Study of Timor Leste

A A Azis

Department of International Relations Universitas Brawijaya

a.azis@ub.ac.id

ABSTRACT

Timor Leste or previously known as East Timor is one of the youngest democracies in the world. It has faced numerous challenges in its journey to build sustainable peace. Recognized as an independent country seventeen years ago, Timor Leste has gone through serious political crises, violence, and land disputes. Despite these problems, the Timorese have reached important achievements in the past few years: a decent economic growth, a decrease in child mortality rates and peaceful elections. Although there are some challenges, such as the unemployment and poverty rate which is still quite high, Timor Leste has managed to emerge from a war-torn country into a stable peaceful nation. This has been achieved, so far, by the use of traditional conflict mechanism that has been deeply rooted in the Timorese society. This paper briefly explains development of Timor Leste conflict, approaches to dealing with those conflicts, and several examples of traditional conflict resolution done by the Timorese. It suggests that empowering local people to resolve their own conflicts through traditional mechanism is seen as more powerful to resolve disputes and re-establish harmony and bringing lasting peace to the young nation.

Keywords: Timor Leste, traditional conflict resolution, conflict and dispute

1. INTRODUCTION

Timor Leste is a country in the Pacific which gained full independence in 2002 from Indonesia through a process which was marked by conflict. After independence, this newly independent country faces a number of risks to its security. According to ASPI Policy Report there are three major security issues faced by Timor Leste; which is internal security, border security, and external security[1]. This essay will mainly discuss conflict, which I argue, as the major risk to Timor Leste's internal security and will offer traditional conflict resolution to address this issue.

There are number of issues which may lead to conflict in Timor Leste. Those issues are organized gangs challenging central authority, border security issue such as fuel smuggling, black market trade and trafficking. The underlying threat that militia will resume infiltration from West Timor at any given time, and the risk that security forces will be dragged into politics. Furthermore, growing poverty and unemployment make a dangerous mix which may lead to violent conflict[1].

On the beginning of her independence, the new Timor Leste Government's security apparatus was ill equipped to deal with these problems. The police force were badly trained,

they have no adequate equipment to enforce the law and they are poorly funded. The justice system was still fragile, with a court system that is barely functioning. The Timor Leste Defense Force (EDTF) had inadequate capabilities and no clear responsibility in meeting Timor Leste's existing security problems. During those times, there was some uncertainty that Timor Leste would have the ability to finance the police and defense forces as it was planned, and the risk that the defense force might perhaps be forced to operate beyond what its constitutionally mandated[1].

With the help of foreign donors Timor Leste government has established a substantial post-independence development projects which cover education, health, infrastructure and governance, water supply and sanitation and rural development. The UN and the Australian government also assist to provide support to Timor Leste's Defense and Police Force. These efforts are important, but they are not addressing Timor Leste's most urgent security needs, which addressing issues that may lead to violent conflict.

2. CONFLICT DEVELOPMENT IN TIMOR LESTE

Conflict in Timor Leste or previously known as East Timor has been continuing since Portugal withdrew in 1975. On that year, Indonesian troops penetrated in the midst of fighting among Timorese political groups. One year after that, Indonesia declared Timor Leste as its 27th province. Since then, many people in East Timor could not accept to subjugation under the Indonesian government because East Timorese have developed a unique culture and accepted a different religion from the rest of Indonesia. As a result, they formed a group to fight the Indonesian government named the *Revolutionary Front for the Liberation of Timor Leste (FRETILIN)* and the *Armed Forces for the National Liberation of Timor Leste (FALINTIL)*. Over the years, as much as one-third of the 650,000 population may have been killed in fighting. Crisis in Timor-Leste's history is still far from over even after the intervention by UNTAET (United Nations Transitional Administration in Timor Leste) and Australian-led International Force in Timor Leste (INTERFET) in 1999[2].

This conflict was seen as intrastate conflict by some countries while other countries believe it to be an interstate conflict because according to International law, Article 1 of United Nations Resolution 3485 clearly declares that annexation by Indonesia in 1975 was a breach of international law.

"The General Assemblycalls upon all states to respect the inalienable right of the people of Portuguese Timor to self-determination, freedom and independence and to determine their future political status in accordance with the principle of the Charter of the United Nations and the Declaration on the granting of Independence to Colonial Countries and Peoples"[3].

However, in this essay this conflict will be analyzed as intrastate conflict. In the late twentieth century, intrastate conflicts have been perceived as a fundamental threat to international peace and security because they have led to greater destruction, collapsing states, environmental devastation, regional instabilities, growing numbers of refugees and internally displaced persons, and a high loss of civilian lives[4]. According Leatherman international community is "ill equipped" to overcome intrastate conflict, as international community has been reactive rather than proactive in dealing with these conflicts. He argues that there should be early attention and efforts to extinguish conflict before violence erupt because in intrastate conflict the methods of early warning and prevention systems are much different than those for interstate conflicts[4].

To describe situation in Timor Leste, it is helpful to integrate the Timor Leste conflict into the Bloomfield-Leiss's Dynamic Phases of conflict model below[5].

<u>DISPUTE</u> <u>CONFLICT</u> <u>HOSTILITIES</u>										
1	Phase	2	Phase	3	Phase	4	Phase	5	Phase	Settle ment
	Dispute Quarrel about an Issue Factors → ←1975	Conflict Military Option Develops Factor ← →1985	Hostilities Fighting between Organized Units Factor ← →1999		Post-Hostilities Conflict Remains Factor ← →2002		Post-Hostilities Dispute Remains unsettled Factor ← →now		Dispute Settled	

This table is a simplified description of conflict phases where in the first and second phases, the Indonesian government persistently enforced its right over Timor Leste. In 1985 conflict escalated into wider hostilities where TNI and Falintil fighters were involved in military confrontations. It is widely known that Indonesian aggression and expansion was supported by Western Allies, who were consolidating their strength during the cold war against a communist threat from left-leaning elements coming to power in Timor Leste. With the overthrow of Soeharto in 1998 and the political and economic instability of Indonesia, the issue of East Timor surfaced, and its fate reconsidered.

In 1999 President B.J. Habibie granted a referendum option for East Timor to vote for independence or special but limited autonomy arrangements within the context of the Indonesian state. After the referendum in 1999, which was organized by United Nations, 78.5% of all voters chose independence rather than autonomy under Indonesia[6]. In this phase gross violence widely took place where some pro-Indonesian elements backed by members of Indonesian security forces wanted to intimidate the other East Timorese who were pro-independence by campaigning violence and destruction across the region. Eventually that same year, an Australian-led multinational force was dispatched to East Timor to restore order. On the 20th of May 2002 East Timor then changed her name to Timor Leste declared their independence. Although the conflict has subdued, the people of Timor Leste were still in a vulnerable condition due to the inability of their leaders to bring stability to their country.

The United Nations sent a group of people to Timor Leste to assist the country transition from a province into a nation. However, Timor Leste was then facing poverty and very high unemployment rate which also cause a threat to the lives of many as they did not have enough money to buy food. As a result, in 2006, violence erupted among militias and gangs in Timor Leste because among other reasons, the government failed to manage FALINTIL fighters who are unemployed after the independence of Timor Leste. Many youngsters in the martial art gangs mostly unemployed also played a role in the chaos of Timor Leste. In 2007, rice shortage, attempted assassination towards political leaders fueled by jealousy escalated the conflict even further[2].

3. APPROACHES TO DEALING WITH CONFLICT IN TIMOR LESTE

There are several terms which are used by scholars and practitioners of various approaches to dealing with conflict, such as prevention, reduction and settlement. In addition there are the other terms such as conflict resolution, management and transformation [2]. Conflict that happened between Indonesian governments with the Timor Lestian was ended successfully in 2002 where the United Nations played an important role as the third party that facilitated and set the framework towards conflict resolution between both parties.

According to Pruitt and Carnevale [7] there are three broad ways of categorizing conflict management. The first is Joint decision-making which involves negotiation and mediation, and the second is Third Party decision-making such as adjudication or a legal system where the third party not only facilitates but also makes the relevant decision. The Last is Separate action where parties make their own decisions such as retreat, struggling and tacit coordination.

During the conflict between the Indonesian government and Timor Leste, the negotiation process has been done by both parties when Indonesian government offered wide-ranging autonomy as early as June 1998 [7]. However, it did not satisfy the needs of Timor Lesteese who insisted to be given independence as a sovereign country. Since this negotiation failed, Timor Leste asked the United Nations to intervene as the third party. Eventually after some pressure from the UN and the International community, the Indonesian government gave the East Timorese an opportunity to decide their own choice through referendum.

At that time, there were critiques from Indonesian public figures such as Abdurrahman Wahid and Megawati who saw Timor Leste as an integral part of Indonesia. They argued that, by letting them be independent it would create more problems because it would open the gate for other provinces such as Aceh, Maluku and Papua to ask for independence. They argued that Habibie as a transitional government did not have the right to decide on such fundamental issue[8].

However, despite domestic criticism on fear of further disintegration, Indonesia and Timor-Leste have mostly managed to establish good bilateral relations. This is reflected on March 2005, where both governments initiated a traditional system of dispute resolution through the Commission of Truth and Friendship which signed in Jakarta. This gave new hope on the dispute settlement between both countries. The system brought by the International Criminal Court (ICC) on June 2005 by stating that "traditional mechanism of dispute resolution may also fulfill the need for justice". This statement opens initiatives for the international legal community to address peace and justice issues by incorporating established conflict resolution mechanism with local wisdom. They can explore a new mechanism in which a tribal and traditional system of dispute resolution may create a new contribution and a window of opportunity to resolve legal issues stemming from crime driven conflicts.

4. TRADITIONAL CONFLICT RESOLUTION MECHANISMS IN TIMOR LESTE

According to Mayer[9], a big challenge for conflict resolution practitioners is to transform conflict resolution to constructive conflict engagement and also change our point of view from neutral conflict resolver to specialist conflict engagement. He goes on to say that by making this change, we could be a more powerful and accepted force for changing the way conflict is handled. Therefore, a broader perception of conflict resolution is very important to preserve peace in this world. Alex Morrison [7] also argues that conflict resolution must be approached from a very broad perspective; it must involve many disciplines and organizations.

According to Ellis [10], traditional conflict resolution seeks to produce acceptable political agreement and is mostly relegated to the realm of political science.

Timor Leste has more than 32 different ethnic groups, languages and dialects. Oral tradition or *Lisan* is very rich, in which mythology, folklore and legend play a significant role in passing on knowledge to the next generation on the pre-colonial history and the later evolution of the kingdoms. There is also a widely-believed tradition of animist spiritualism in Timor which remains powerful until today. Since Timor Leste is composed of mostly rural and tight-knit communities, local elites felt as if they were ready to overcome their internal conflict through traditional means of justice known as *lisan*[11].

Lisan as a form of traditional justice has been practiced by East Timorese for long time even before Portuguese colonialism. It is used in a range of contexts in order to resolve disputes and re-establish harmony not only between the parties in disagreement but the community at large[12]. For example when police could not resolve the problem in Manufahi, *Lisan* tradition was used to resolve this conflict. Traditional beliefs maintain a major part in day to day life of most East Timorese. People in the community depend on traditional conflict resolution practices that let a distressed person to seek help and resolve a dispute through the intervention of elders known as *lia nain*. These practices gather all parties involved, their families, and sometimes other members of the community to present and give insight in a ceremony to settle a dispute. The way the ceremony is held is by having all parties concerned to sit on a mat (*biti in Tetum*), hence the term *nahe biti boot* which literally means “spreading the large mat” in Timorese. The act of spreading the mat symbolizes the opening of the process of resolving conflict. As a rule, the mat should not be rolled up back to its place until an agreement has been met. They believe any failure to accept the result of the meeting may cause serious repercussions.[12].

According to Soares [12], once you begin searching for evidence of the existence of conflict resolution mechanisms in non-'western' cultures, you most likely come across those local wisdoms just about everywhere. For example, In Javanese culture, there is a traditional mechanism of conflict resolution which is known as *Sumpah Pocong* (Strong Oath) mediation. This practice is widely known and has been practiced since the era of *Kerajaan Majapahit* (Kingdom of Majapahit) in 1292. *Sumpah Pocong* (Strong Oath) is a sacred statement about the truth, testimony or promise, which is stated in front of a judge or religious leader as a third party who facilitates this process and sometimes performed in public. People who perform this oath believe that if they are not telling the truth they will obtain dangerous outcomes such as severe illness or even death [13].

There is also a similar mechanism in the practice of modern justice in Canada by using the traditions of the native peoples of western Canada. This mechanism is called “Community Circles” where participants form a circle and pass something around the circle such as feather or stick; the person who holds the object is allowed to speak. This process is a sacred or spiritual event and open for public like *Sumpah pocong and Lisan*. Moreover, in Hawaii, Polynesian culture combines reconstruction, reconciliation, and resolution in a process called *Ho’o ponopono* (Setting straight). This mechanism has four phases: facts, sharing responsibility, joint reconciliation and closure. In this mechanism, people sit together after a case and they usually choose the wisest man or woman among them a mediator[14]. Looking at these traditional conflict resolution mechanisms illustrates that every culture has its own way of approaching a conflict. According to Sutardja, naturally, every ethnic group has their own mechanism that they inherited from their ancestor to solve their socio-cultural problems.

Many people think that these culturally-specific practices are unacceptable because they are primitive practices and they are not applicable in this modern era. However, there are many

benefits of using traditional mechanisms of conflict resolution. Firstly, it is a low cost and a more practical process. For example, people do not have to spend a lot of money to pay a lawyer. Also in the modern legal system there is a lot of emphasis on “due process” such as the use of procedures and terminology which is a complex set of rules[14]. It is also more suitable with local culture because it is performed in the local language, and therefore it can avoid misunderstanding due to different languages. Lastly, this practice is more flexible in their practice because it is evolving over time.

5. CONCLUSIONS

In weaving a future for a new Timor Leste, empowering local people to resolve their own conflicts through traditional mechanism is seen as being able to resolve disputes and re-establish harmony among them and bringing peace at international, regional and national levels. These discourses provide both challenges and opportunities. The opportunities rest mainly in the field of being able to identify, adapt, and support the non-western forms of conflict-resolution mechanisms that many societies still have. But the opportunities are only realized if there are some intensive efforts among concerned people of the world to create syntheses that would be able to limit these conflicts’ destruction effects through communication in cultural, commercial and political conditions to create better understanding among human beings. One of the syntheses would be the recognition of social, cultural, tradition and religious pluralism among peoples and nations.

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