

Governance and Institutional Development Strategic Sector Development Partner Perspective (Mikiko Tanaka, UNDP) Wednesday, 19 June, Session II (1400-1600)

→The Development Partners welcome the structured partner dialogue and coordination under DPCM and commit to working together to achieve results under the Government's leadership and in line with New Deal principles.

The Timor-Leste Strategic Development Plan states "achieving the goals of stability, security and socio-economic development will require the development of transparent, accountable and competent institutions across our civil service, our security sector and our justice system".

In effect, Governance and Institutional Development is a means to inclusive, equitable and sustainable development and to Peacebuilding and Statebuilding Goals (PSGs).

→Four of the five PSGs are related to this Strategic Sector. Last year's consultative fragility assessment showed that according to indicators defined by Timorese stakeholders, three goals of legitimate politics, security, and revenues and services are in the third stage in the fragility spectrum of *transition*, with security slightly ahead towards *transformation*. Justice is in the second stage of *build and reform*. The objective is to strengthen the state institutions towards resilience.

→Here are some key milestones that Timor-Leste has achieved.

Timor-Leste today enjoys peace and security, with PNTL fully assuming its responsibilities and introducing a community policing approach. Training for both PNTL and FDTL have become more systematic and comprehensive, for example through standard curricula at the Police Training Center.

Free, fair and peaceful elections in 2012 have strengthened democracy and brought legitimacy and stability in political processes and institutions. Furthermore, women's representation in Parliament is now at 38% and highest in Asia.

The formal justice system is operational with 51 Timorese judges, prosecutors and public defenders delivering justice in four judicial districts. The Judicial Training Center is now training 38 more trainees that will enter the judiciary in the next two years. Thanks to good coordination between all justice institutions and police as well as between development partners, one integrated case management system is used by all institutions to record and track cases.

For transparency, accountability and oversight, several important institutions and systems are in place such as the Anti-Corruption Commission, Public Service Commission, the public financial management system, Provedoria for Human Rights, National Commission on the Rights of the Child and more recently, the Chamber of Audits. Timorese civil society is engaged in monitoring and advocacy and interacting with Government, Parliament and other state institutions.

Timor-Leste has also been very active on the global stage. Its leadership role in g7+ has energized fragile and conflict-affected states and gave birth to a new paradigm of the New Deal. It is also active in CPLP and post-2015 agenda setting and is now preparing for full ASEAN membership. Timor-Leste was positively reviewed by the Universal Periodic Review of the Human Right's Council. Timorese

police and military have joined peacekeeping missions in Liberia, Kosovo, Guinea Bissau and South Sudan.

→Notwithstanding the progress made, there are challenges that development partners observe or face in building capacity and achieving results. We believe these merit attention and reflection in moving forward to strengthen governance and institutions. We raise two challenges here: institutional constraints and specific challenges for the justice sector.

We recognize that capacity building is a process of learning and adapting from experience that takes time but there are some commonly seen institutional constraints in the public sector. Overlapping mandates between multiple institutions create confusion, necessitate more coordination and spread thin human resources. Managers and decision makers are busy with many priorities and urgencies and there are bottlenecks in follow-through actions after decisions are taken. Supporting financial and physical resources are often not available for civil servants to carry out their tasks. Some civil servants themselves do not feel responsible or motivated to do their job. Performance management is not systematic and the institutional culture does not facilitate corrective management action. Personnel trained in one institution transfer to other units and institutions, and capacity building has to restart. Another constant challenge is to ensure national capacity building while also delivering results and services to citizens. Local level capacity for service delivery is particularly challenged in rural areas. Decentralization can be an opportunity to bring focus to strengthening these services. Both currently functioning capacities and location-specific and systemic constraints need to be taken into consideration in preparing for decentralization.

The justice system carries many complexities and with that challenges. Language barriers across Portuguese, Tetun and the many mother languages are well known and while legal training in Tetun is being strengthened for justice personnel, Timorese society as a whole will need to boost its language capacities. As Timor-Leste develops and becomes more integrated in international and regional transactions, economic and criminal activities become more complex, requiring more specialized knowledge. Public defenders who provide free legal aid are important for access to justice but they are solicited by both government officials and poorer citizens and there is very little free legal aid available outside the state. There are still gaps between formal justice and informal and traditional practices. A law on customary practices is underway to bridge this gap but citizen education is also critical. Other important laws are still in the making - land, anti-corruption, procurement, access to information and child protection. Drafting and passing laws is one major step but the application of laws is another step that requires the understanding of law enforcement, justice personnel and citizens.

Finally, the diversity of development partners can be a useful source of advice and assistance for the Government, but can also bring upon additional challenges. If not well coordinated, multiple approaches, advisors, procedures and activities can burden capacity constrained national institutions. We development partners need to be aware of these effects and endeavor to better coordinate and align our work with country needs and systems.

→The way forward requires a two-way commitment, on the part of the Government institutions to take the lead in defining its priorities and managing the implementation,

and on the part of development partners to be better listeners, to understand the needs and constraints and to respond and assist in an effective and coherent manner.

It would be useful for the line ministries and institutions to invite development partners to jointly develop costed operational plans from the DPCM matrices with an accompanying capacity building strategy. The operational plans should be action-oriented and tied to results. One of the most difficult but strategic tasks in planning is prioritizing, sequencing priorities and pacing activities in line with human resource capacity and allowing time for quality results. Consideration should be made for gender equality, for poor and vulnerable groups, and for conflict sensitivity towards actions that may risk social tensions. Planning for data collection and analysis will enable stronger monitoring of progress and results that are based on evidence. Taking the time to plan now will help make plans more realistic and help us development partners to better align our assistance with Government actions.

Many sub-sectors under the Governance and Institutional Development Strategic Sector involve or impact other strategic sectors. Therefore, it would be necessary to identify inter-sectoral linkages and trade-offs. The DPCM is an excellent platform for coordination between government institutions and between Government and development partners. We look forward to regular meetings at sectoral and sub-sectoral levels for planning, coordination and monitoring.

We thank the Government for bringing us together at TLDPM to discuss the strategic priorities of the Government and for setting the stage for us to work more effectively with you to operationalize the Strategic Development Plan towards the developmental objectives of this country.