



## Democracy in Timor-Leste: Information is required!

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As a new nation, Timor-Leste is creating structures, laws, regulations and procedures to define how its government will work, what services it will provide for its citizens, and what responsibilities those citizens have to the government. Although Timor-Leste's Constitution provides a skeleton for governmental administration, the flesh, blood and skin of the Democratic Republic of Timor-Leste is still being designed.

### Democracy and Transparency

For centuries, Timor-Leste's people have been under autocratic rulers from afar; dictators who no interest in our views. Consequently, it is essential for Timorese people to participate in the decision making process in our newly independent democracy. Now that we are governing ourselves, our opinions are critical to keeping our government democratic, and those opinions must be as informed and well-thought-out as possible. Timorese civil society should participate fully in discussions about actions our Government and Parliament plan to take, and to do that we need good information about what they are considering. Unfortunately, such information is often kept from the public (see box) until after the critical decisions have been made.

This culture of government secrecy has a long history in Timor-Leste, and the pattern of secretiveness has severe implications for democracy, which requires transparency, openness, and participation by civil society in decisions made by elected representatives.

Article 40 of the Constitution of the Democratic Republic of Timor-Leste guarantees that "Every person has the right to inform and be informed impartially." Article 41 declares that journalists have "access to information sources." Yet such right and access has been the exception more often than the rule.

During the seven years since Timor-Leste became independent, *La'ó Hamutuk* has encountered more than a dozen instances where international institutions or civil servants would not release information or required approval by the Prime Minister or his high-level subordinates.

Some examples of this widespread pattern:

- ✓ International agencies avoid transparency about their activities, even if RDTL government approval is not considered necessary.
- ✓ Draft legislation, budgets and policy papers are not available until approved by the Council of Ministers, and even then they are not officially public.
- ✓ Grant contracts with foreign governments are censored by the RDTL government office which received the funding.
- ✓ Legal agreements between Timorese officials and international companies and agencies – signed and already in effect – are often kept secret. For instance, the MOU between the government of Timor-Leste and Petronas for the Sunrise Task Force.
- ✓ The procurement process is not transparent because information is not released after a contract is signed, such as for the \$385 million heavy oil power plant.

Although some agencies (such as the Banking and Payments Authority and the National Statistics Department) are better, many government institutions, such as EDTL, do not release annual reports or other information.

Draft legislation, regulations, and policy papers are kept from the media and the public until after they have been approved by the Council of Ministers, when it is often too late to make basic changes. Less fundamental information is concealed by civil servants at all levels, because they fear repercussions from their supervisors.

One definition of democracy is government with the consent of the governed. How can the governed – the people of Timor-Leste – give informed consent if we don't know what our government is doing? The electorate and their representatives in Parliament and Government must have a continuing dialogue, so that the public can give meaningful input before decisions are taken. This is the difference between “socialization” practiced by dictatorships and “consultation” in a democracy.

This can only work when information is freely exchanged, and when those in positions of power respect the experiences and views of others in the society. All too often, foreign consultants prepare proposals which are discussed in secret by the Council of Ministers, only to become public after they are enacted by the Council and/or sent to Parliament, and disclosed by Members of Parliament.

If rumors could be sold for money, Timor-Leste would be a very rich country. But we will be poor in democracy unless the media, civil society and the public have the facts necessary for accurate information, reporting and commentary. It will lead to confuse the people and the government will waste valuable time and energy countering false reports or rebutting uninformed opinions.

The lack of transparency is so pervasive that it must be addressed all levels, especially at the top. We urge the Prime Minister and heads of international institutions here to establish a policy and inform their subordinates that all information should be public unless there is a specific compelling reason, such as national security or personal privacy, to conceal it. This will not only make it easier for us to do our work, but will significantly strengthen the democratic foundations and long-term stability of the Democratic Republic of Timor-Leste.

This year marks the tenth anniversary of Timor-Leste referendum. During the past decade this country has experienced a few crises that almost turned everything over again. One of the root causes of the 2006 crisis was that neither the government officials, nor the politically active citizens, had confidence in Constitutional methods for resolving disputes. This is not surprising, as the great majority of Timor-Leste citizens have never lived in a

functioning democracy where issues are debated and decided legally and peacefully. Broad-based civic education is necessary not only to teach the mechanisms of electoral processes, but to persuade the population that such processes can be effective and serve the long-term interests of the entire society, regardless of what view prevails in the short term.

The limited effectiveness of internationally-provided civic education and political party development in Timor-Leste can be seen from the results. Political debates are conducted *ad hominem*, rather than about substantive issues. Politicians attack their adversaries' integrity, rather than suggesting alternative policies. Dissatisfied voters insult or give up on their elected representatives, rather than persuading them to change their views. Political leaders are beholden to their party or patron, rather than the electorate. Media coverage amplifies personal charges and counter-charges, without analysis or facts to help the reader or viewer decide what is true. And when tensions escalate, most people – journalists, police and other civil servants, political leaders – abandon their public responsibilities to respond to personal and family needs. These are fundamental problems, which must be addressed if Timor-Leste is to survive as a stable nation, where human rights are respected and disputes are resolved peacefully, legally and democratically.

Nation-building is always difficult, and Timor-Leste began with handicaps resulting from international criminality and deliberate ignorance prior to 1999. The millennium's first new nation was a “poster child” for successful (albeit belated) international intervention, but it has also been a guinea pig and training ground for experimental projects by the UN and other multilateral institutions, companies and organizations.

Celebrating this first decade after the referendum is an opportunity for both the international community and the Timorese leadership to reflect back and look forward, prioritizing the long-term needs of the million citizens of Timor-Leste, overcoming institutional practices and customary constraints to support our efforts to live in just, stable and democratic peace.