

# A Long and Winding Road: A Brief History of the Idea of a 'Government of National Unity' in Timor-Leste and Its Current Implications



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## Introduction

In his inauguration speech on 16 February 2015, Prime Minister Rui Maria de Araújo announced the mantra of his new government: 'the members of the Sixth Government will put the interests of the people above any other partisan interests' (16/2/2015:2). Resorting to this rhetorical topos may be warranted by the major realignment of the parliamentary support for the new government (commonly referred to as 'National Unity' or 'National Inclusion') now headed by a member of what was until then the sole opposition party, but the implicit disjunction between 'people's' and 'parties' interests suggests a political discourse emerging from a populist, authoritarian ethos rather than from the tradition of liberal democracies. The Minister of State at the Presidency of the Council of Ministers, Agio Pereira, claims that the bold political move that accompanied the resignation of Prime Minister Xanana Gusmão midway through his term and led to the reconfiguration of the political landscape — by means of a new governmental formula that defied established assumptions imposed in the transitional period and in force after independence — represents a transformation of 'belligerent democracy to consensus democracy' (24/1/2014).<sup>1</sup> Formed in the national parliament and observing the basic rules of Timor-Leste's constitution, there is no reason to assume that Araújo's government contradicts formal prescriptions of a democratic polity. However, it can be scrutinised and the wisdom of its underlying assumptions called into debate from the perspective of the long and winding road that leads to the consolidation of democracy.

Prime Minister Rui Maria de Araújo made an explicit point by placing his political choices in the context of the history of the Resistance, saying:

In 1984, Kay Rala Xanana Gusmão chose a policy of national unity as the key strategy for liberating the Homeland. Although some comrades-in-arms disagreed at the time, national unity continued gaining momentum and, 15 years later, Timor-Leste finally achieved its desired goal. Thirty years later, history is now repeating itself ... (Araújo 16/2/2015:3)

I believe he was right in his assertion, and that we should contemplate the intricate problem of the relationships between a broad 'political entente' and the requirements of democratic performance in an institutional framework in the long run, going back to Xanana's leadership of the liberation struggle. Certainly, not only is there room in democracy for political institutions to accommodate partisan cooperation on a large scale in parallel with regulated competition, but for any democratic polity to stand on its feet there must be some form of such 'political entente' translated into actual forms of inclusion. At the very least, a communality of positions must occur on the foundations of public life, starting with the country's constitution and fundamental institutions, but eventually being far more comprehensive. The interesting point, therefore, is to question the manner in which 'political entente' can be formulated in practical terms, and how the normal tension between consensus and dissent among political actors can be framed. This comprises the current Timorese option for a 'Government of National Unity', but does not exclude other forms, complementary or alternative to such a solution.

In this Discussion Paper, I consider first the academic debate on the establishment of democracy and the role of political competition and cooperation as a background to the current Timorese government



formula. This is followed by a brief historical tour of the idea of institutional inclusion in the Timorese recent past (including actual opposition to it) in order to frame the following discussion of some problems that the inauguration of a new form of government may pose in the process of democratic consolidation. I shall then address the rationale for change that may explain the decision to revert to the new formula, whose merits and limitations will also be discussed. Finally, one and a half years after the inauguration of the new government, Timor-Leste has been shaken by political events that call into question whether the scope of ‘inclusion’ of its basis is actually so broad as to embody ‘national unity’, as important players (such as President Taur Matan Ruak) appear to be challenging critical decisions of Rui Maria de Araújo and his government. The end of History is not in sight.

### The Timor-Leste Path to Consolidation of Democracy: A Comparative Approach

One of the innovations brought to the public arena by the case of Timor-Leste was the decision to embark simultaneously on a process of state-building and democracy-building (Tansey 2009). If, in abstract, theoretical terms, there is no contradiction between those two processes, they are nevertheless interconnected and impinge one on the other (Linz and Stepan 1996:24–28). Alas, in the real world, not all good things always go together, and the promotion of democracy may entail the establishment of conflicting objectives with other concurring projects (Grimm and Leininger 2012:397–98). It is in the light of these considerations that I propose to reflect on the emergence of the ‘Government of National Unity’ in February 2015. Two aspects will be considered: the timing of its creation, and the relationship it establishes with the principle of political inclusion. This is a broad concept that, on a general level, refers to the capacity a given institutional framework exhibits to encompass the vast majority of political actors within its perimeter. In a narrower sense, as is currently being used in Timor-Leste, it designates a governmental solution that moves beyond the normal party competition, in which some assume executive power and other(s) form an opposition, to embrace the

major rival parties in a common platform. Party competition is therefore transferred, as it were, from the House — its traditional locus — to the council of ministers, and formal opposition tends to vanish from institutional life.

When considering the long history of the establishment of democracy, the debate about transitions from authoritarianism, or the most pressing issues in post-conflict societies striving to establish constitutionalism, the question emerges of the timing for the appearance of electoral competition — and its consequences. Fareed Zakaria (1997) has argued that the elaboration of institutional foundations for political competition and the establishment of the basic tenets of the rule of law have historically taken precedence over overt party contestation. Granting franchise to wide sectors of the population and forging mass political organisations came after the ‘liberal’ institutions that are incorporated in our notion of modern democracy were solidly implemented and sustained by restricted civic rights. For conservative thinkers, only this precedence could guarantee that the rule of law would not be overturned by ‘the mob’. For this reason, they tend to support delaying (and restricting) competition. This approach can be viewed as a form of taming the revolutionary effects of popular participation, that is, as ‘making democracy safe for the world’ (Maier 1992:126).

However, Miller (2013) has shown that an early enlargement of franchise and the staging of competitive elections has recently been favoured in several countries, namely during Huntington’s ‘third wave of democratisation’ (1991). Not all have been successful, and some ended up travelling the route of what Steven Levitsky and Lucan Way (2002, 2010) have termed ‘competitive authoritarianism’, that is to say, hybrid regimes that combine in a populist way a democratic façade that includes several procedures akin to the democratic devices, with a structural tendency to authoritarian solutions. In these cases, rapid electoral competition has gone hand in hand with limited respect for civil liberties (Miller 2013:8). For this reason, Zakaria places ‘paper power’ before ‘people power’, and adds:

It's crucial that before the first elections, before politicians gain enormous legitimacy through the polls, a system is put in place that limits governmental power and protects individual liberty and the rights of minorities ... The focus should be less on elections and more on constitutions ...

(Zakaria 25/03/2013:33)

Processes of transition to democracy have resorted to different models which have caught the attention of political scientists since the 1980s (Linz and Stepan 1996; O'Donnell et al. 1986). The nature of the process, whether it is a 'pacted transition' (the model for which is the case of Spain in 1976–78, and that was also present in many eastern European nations at the end of communist rule), or else one that manifests itself by means of a 'rupture' (as was the case in Portugal in 1974 and, to a large extent, Timor-Leste), has important consequences for the ways in which the emerging democratic polity may evolve. Again, the existence of a new political consensus among the elites (at least) before the onset of open party confrontation that may enshrine some form of sectarianism seems to be a fundamental element in the whole process. Likewise, elections in post-conflict societies normally require special considerations and the previous consolidation of working arrangements amenable to all stakeholders that limit the powers of those fighting in the polls and adequately guarantee the protection of minorities (Reilly 2008).

Arend Lijphart's seminal piece on 'Constitutional Design for Divided Societies' (2004) argues that it is possible to draw some generic lessons from the myriad constitutional design experiments that the world has witnessed in recent times. One of the most critical constitutional provisions in young democracies in divided societies refers to the adoption of measures of political inclusion that promote power-sharing and limit the concentration of powers. These are far more vast than the government formula. But Lijphart also reminds us that '[t]he relative success of a power-sharing system is contingent upon the specific mechanisms devised to yield the broad representation that constitutes its core' (2004:99). At least three instrumental decisions

were taken by the Timorese constitutional drafters that fit into this mould.

First, the consecration of a truly universal franchise of all citizens aged 17 and above, without any sort of discrimination. Universal suffrage is increasingly the rule of the game, but not all countries have moved so swiftly and boldly into the incorporation of the younger generation in the life of the *res publica*.

Second, proportional representation as opposed to 'first past the post', or 'winner take all', electoral systems falls neatly in this category of instruments, and is widely considered to provide the best framework for democratic development. The need for inclusive electoral systems was also noticed by Larry Diamond who stated that '[i]f any generalization about institutional design is sustainable ... it is that majoritarian systems are ill-advised for countries with deep ... emotional and polarizing divisions' (1999:104). However, as Ben Reilly has remarked, 'electoral system choices to promote power-sharing are highly context-specific' (Reilly 2008:171), and the peculiarities of the Timorese choice are not relevant at the moment. Allowing for this reminder, the adoption of proportional representation is consistent with the overall goal of promoting power-sharing and limiting the excesses of majority rule. It contributes to an inclusive parliament at the core of the political system, open to the presence of significant minorities, with an in-built mechanism reducing incentives for excessive concentration of powers.

Third, the choice of semi-presidentialism as the government system is a factor that stresses both inclusiveness and power limitations. Gianfranco Pasquino (2007) relates that semi-presidentialism has been credited with helping democracies to contain and dismiss undemocratic challenges by significant political actors given the likelihood that some form of Lijphart's 'consensus democracy' (1984) — a combination of decision-making effectiveness and a fair amount of agreement among the political elites — will prevail in a system that does not live by the 'winner take all' rule. This retrieves Sartori's argument in favour of a flexible system (1997). The 'relative advantage' of semi-presidentialism is corroborated by Jorge Novais for whom 'flexibility'

translates into a better equilibrium and division of powers, a greater capacity to integrate different political and institutional actors, and an enhanced tendency to overcome blockages (2007:139). It has also been stressed that Timorese semi-presidentialism has created a tradition of choosing ‘independent’ presidents capable of defusing tensions and enlarging the circle of those who ‘sit at the table’, and as such has performed according to the necessity to reinforce the system’s capacity to be inclusive, that is, to create ways through which a vast array of sectors can find a place in public life (Feijó 2014). Rebecca Strating also views semi-presidentialism in a positive light as far as inclusiveness is concerned, claiming that ‘[t]his power-sharing distribution model can encourage consensus-oriented forms of democracy insofar as political leaders are required to negotiate’ (2016: 128).

All these features converge on the idea that Timor-Leste has built institutional mechanisms that simultaneously reveal a broadly inclusive nature of the organs of power; institute an effective system of checks and balances, based on the notion of limited power exercised by different actors in their respective independent branches; and reserve for the citizens an active voice in the process of political decision-making, through fair and regular electoral mechanisms. In this light, the political system prior to the creation of the ‘Government of National Unity’, in spite of an unequal rhythm of development of the different branches of governance, seemed to perform well in the framework of the constitutional ethos of an inclusive policy. No major change was required to meet the requirements of democratic government *pro tempore* (Linz 1998). However, several factors contributed to the emergence of this novel experience. Where did it find its roots?

### A Long and Winding Road: (1) First Steps

Oslo, Norway, 10 December 1996. In his acceptance speech for the Nobel Peace Prize that had been bestowed upon him and the Roman Catholic Bishop of Díli, Dom Carlos Filipe Ximenes Belo, José Ramos-Horta made known to the whole world the Timorese Resistance plan for the territory that had been widely agreed a few years before. This plan

had been devised by Xanana Gusmão in the mountains of Timor-Leste after his decision to break away from the revolutionary approach embraced by FRETILIN<sup>2</sup> and espouse a nationalist stance with an emphasis on the emerging and pluralist forms of opposition to Indonesian rule, opening up the Resistance organisation to new forces (Feijó 2016a: 85–87, 2016b; Niner 2009). It envisaged a three-step transitional process lasting up to 12 years before the issue of self-determination would be directly addressed. Among the elements of their common ‘vision for our country’s future’ should the option for independence prevail, Ramos-Horta included: ‘We will endeavour to build a strong democratic state based on the rule of law which must emanate from the will of the people expressed through free and democratic elections.’ (Ramos-Horta 1996)

Two critical elements of this proposal require our attention: First, the need for a protracted transitional period before the final goal was achieved, justified by the desire to offer Indonesia enough time to organise a popular consultation and eventually an orderly withdrawal — a consideration that future events would not sustain, as the course of history was suddenly accelerated in 1999. Second, the realisation that the scars of the 20-odd years elapsed since decolonisation began in 1974, namely the profound divisions associated with the brief civil war of August 1975, itself regarded as an emanation of the creation of different political parties, still required time to consolidate their healing process. Efforts by Xanana to give an institutional base to what has been described as plural nationalism, in which historically antagonistic figures and organisations (FRETILIN and UDT,<sup>3</sup> Ramos-Horta and the Carrascalão brothers) converged and brought along emerging actors (the Catholic Church and RENETIL,<sup>4</sup> Bishop Belo and Fernando ‘Lasama’ de Araújo), would eventually turn into reality in the Resistance conference that took place in Peniche, Portugal, in April 1998, with the creation of CNRT (Conselho Nacional da Resistência Timorense; National Council of Timorese Resistance) as the umbrella organisation of all those who opposed Indonesian rule, and the approval of its Magna Carta. Contrary to many countries which achieved



independence with a single ‘liberation movement’ most often of a monolithic nature, Timor-Leste emerged into its new age equipped with a plural nationalism, and an organisation expressing this plurality and operating according to consensus rules. The amount of time required by this organisation in order to dispel the ghosts of the violent past did not subside with the Indonesian withdrawal, and can be persuasively argued to be still present after the referendum of 30 August 1999.

The Resistance plan had the implicit goal of attaining a democratic state based on free, fair and competitive elections among the different branches of Timorese opinion. This was envisaged as the end result of the transitional period during which the umbrella organisation would play a leading role and organise its decision-making process based on the principles of inclusion and consensus agreed in Peniche. Competitive elections were envisaged as following on from the establishment of sound consensual policies in structural domains of public life. The relevance of this stance was not prejudiced by the rapid demise of Indonesian domination in 1999. Rather, it did sustain the first decisions of CNRT after the referendum, even before the arrival of Xanana in Díli in late October: it was widely accepted that CNRT would henceforth play a critical role in the life of the nascent country, retaining its agreed method of decision making. In brief, the Resistance as a whole accepted the need for a form of political inclusiveness that much resembled the idea of a ‘Government of National Unity’ for the first stages of the new polity.

The agreement that permitted the creation of CNRT was short-lived. It did not survive the arrival of the ‘international community’ equipped with what Sue Ingram has described as its ‘peacebuilding template that had taken shape in the wake of the Cold War’, centred around the notion of a quick deployment of a competitive party political system, and which represented a clash with ‘local political culture’ (2015b). Much in the same vein, Tanja Hohe speaks of a ‘clash of paradigms’ in her analyses of the United Nations’ (UN) efforts at developing democratic forms of governance at the local level (2002, 2004). The influence of an international template was visible, for instance, in the failed

attempts at creating local power through the so-called Community Empowerment and Local Governance Project, but most noticeably in the process leading up to the elections for a Constituent Assembly (Feijó 2016a).

Regardless of its virtues and pitfalls, the approach favoured by the ‘international community’ and openly expressed by senior members of UNTAET<sup>5</sup> (Feijó 2013b) had an internal ally — FRETILIN, the largest and best structured party that was anxious to take the reins of power. The history of the years under UNTAET witnessed this confrontation, with serious implications for the transitional structures (e.g., the status of the National Consultative Council, later followed by the National Council), and in the design of the model for drafting the constitution. Xanana stood in opposition to the introduction of early forms of competitive party politics, and favoured the continuation of CNRT’s role for a transitional period extending several years to accomplish basic tasks of state-building, even after independence. However, Xanana and those who sided with him lost the battle for a comprehensive solution based on principles of consensual decision-making rather than by majoritarian vote. In August 2000, CNRT convened its conference in Díli, FRETILIN disagreed with what it considered its own under-representation and the decision-making methods advocated by Xanana and many others in the umbrella organisation, and decided to quit CNRT. Xanana responded by announcing the dissolution of CNRT. A rift was opened that would take 15 years to overcome. Meanwhile, the way was paved for FRETILIN to fight as an independent party in the 2001 election for the Constituent Assembly. That route eventually led to FRETILIN heading government at independence without having to form a coalition or accept any sort of ‘Government of National Unity’, as advocated by many — an option that many years later Alkatiri would regret when he told me that ‘political exclusion generates conflict’ (Feijó 2014).

Another instance with sensitive implications in which divisions within the Resistance movement surfaced was the process for developing the country’s constitution (Feijó 2016a:133–70). Two opposing positions were put forward: one arguing

for a Constitutional Convention along the lines of the National Council (in which all political forces were represented, mirroring to a large extent the composition of CNRT), which would prepare by consensus a draft text to be subject to a popularly elected assembly destined to put the final touches on the document. That position was supported by a large number of political actors, not least Xanana and Ramos-Horta and the hierarchy of the Catholic Church. On the opposing side, FRETILIN (with the support of the UN administration) argued that a Constitutional Assembly should be elected by competitive vote before the drafting of the document could start.<sup>6</sup> This position won. Competitive elections were held before a consensus on the basic tenets of the constitution could be agreed, and decisions by the classic majority rule were introduced. Some outspoken voices in Timor-Leste claimed that this model corresponds to the most common template for constitution drafting. Peter Galbraith, UN member of the transitional cabinet in charge of political affairs and the Timor Sea, spoke before a specialised committee of the National Council in early 2001, insisting that

UNTAET has an obligation to hold free and fair elections that meet the highest international standards and are open to all political parties and viewpoints. Only in this way can UNTAET be certain that it is turning power over to bona fide representatives of the Timorese people. (quoted in Feijó 2016a:147)

In fact, only 12 per cent of all constitutions in the world have been drafted in this way (Elkins et al. 2009). FRETILIN won the elections of August 2001. However, this party was unable to obtain the qualified majority necessary to dispense with negotiations, which actually took place, mostly with Francisco Xavier do Amaral's Timorese Social Democratic Association (Associação Social Democrática Timorense or ASDT). In the end, the new constitution was approved but most of the other political parties with seats in the House voted against it, offering the nascent country a less than perfect starting point. More than this, FRETILIN used its majority to impose the transformation of the Constituent Assembly into the first national parliament

without fresh elections, as was demanded by most of the parties and prominent figures in the Timorese society, thus obtaining the institutional conditions to govern alone for five years.

The election of Xanana to the presidency with 83 per cent of the popular vote and a high turnout at the polls put his appeal for the formation of a government of 'National Inclusion' back on the political agenda. Mari Alkatiri, sitting on an overall majority in the House, refused to comply with the president's wishes, and formed the First Constitutional Government clearly dominated by FRETILIN, inviting only two non-partisan figures (José Ramos-Horta as foreign minister and Rui Maria de Araújo as minister for health). Again, the principle of majority rule was adopted at an early stage of the political life of the new nation, and the opposition to the idea of an 'inclusive government' won the day. Those who espoused the dissenting view that plural nationalism should be represented in the government of the new nation, arguing that democratic state-building required inclusive political solutions which would also be in line with deep-rooted principles of Timorese political culture (such as the *nahe biti boot* of community governance — see Babo-Soares 2004), did not give up on their beliefs, and waited until conditions were ripe for their stance to resurface.

The severe crisis that rocked Timor-Leste in the first half of 2006 led to the resignation of Mari Alkatiri. However, changes to the composition of the government were limited. Although the new prime minister was a non-partisan figure (Ramos-Horta) who chose as his deputies another non-partisan politician (Rui Maria de Araújo), alongside a member of FRETILIN (Estanislau Aleixo da Silva), the government continued to be based solely on FRETILIN's support in the House, without any gesture of openness to the opposition. This attitude of continuously erecting a barrier between the two sides of the national parliament could be witnessed in the preparation of the vital electoral legislation that would enable Timor-Leste to go to the polls in 2007; an area in which consensus was desirable in order to generate enhanced legitimacy: those laws were approved by the government majority and rejected by the parliamentary opposition.

The year 2007 brought new facts to the political landscape of Timor-Leste. First, in April, Ramos-Horta was elected president as an ‘independent’ who had allegedly good relations with all sides of the political spectrum. Later on, in August, the parliamentary elections would return a FRETILIN plurality but far from the majority it had enjoyed previously. It was up to the president to take a decision as to whom should be appointed as prime minister, as the wording of the constitution kept several doors open. Ramos-Horta made an appeal to all parties to join forces in a ‘Government of National Unity’, retrieving Xanana’s old position. Only this time the former opposition and the newcomers to the national parliament were not interested in negotiating with a party that had shown sectarian tendencies while in power (as independent observers — Simonsen (2006), Siapno (2006), Kingsbury and Leach (2007), or Bacelar de Vasconcelos and Sousa da Cunha (2009) — have confirmed). The time was ripe for a political turnover, and the former government party was consigned to a period in opposition. Majority rule as advocated by FRETILIN since the first elections, forcing a large political force to sit in the opposition, now turned against its main proponent.

### A Long and Winding Road: (2) Preparing for Change

Xanana was the clear winner of the 2012 elections. First, Major-General Taur Matan Ruak (aka TMR),<sup>7</sup> his candidate for the presidency, was elected, defeating the incumbent Ramos-Horta in the first ballot, and FRETILIN’s Lu Olo in the decisive round. Among the leaders of this historical party serious consideration had been given to the possibility of supporting TMR instead of filing their own candidate, as they believed he might be in a position to influence political developments conducive to FRETILIN achieving new places of responsibility. In a sense, their opposition at the polls was more formal than substantial, and the channels of communication between FRETILIN and TMR at the time seem to have been quite good. In the legislative elections, Xanana’s party became the largest; dispelling any doubts as to his legitimacy to be prime minister. On the surface of the political real-

ity, the framework seemed set for another five years of majority/opposition divide along a fault line that would keep FRETILIN in the wilderness. However, Xanana (and most certainly TMR) thought otherwise — and they were not alone in that.

As from 2012 Xanana felt free to consider, from a strong political position, a return to his original vision for a government that would embody the Timorese plural nationalism, and to guide a controlled process of generational turnover in which he himself was to be included if it was to gain momentum after the election of TMR for the presidency. In order to prepare for his own succession in the course of the Third Legislature, Xanana — allegedly with the discreet backing of TMR — made the opposition two new political offers. First, he agreed to discuss the state budget with FRETILIN in a manner that eventually led to its approval by unanimity, a vote that would be repeated in the following years up to the present. This parliamentary entente implied the lowering of spending limits and offered members of parliament (MPs) across the board increased access to the monitoring of public expenses. A major concession had been made in order to build confidence between the rival parties. Second, he sought to create the conditions for the leader of FRETILIN to be associated with an important project away from the realm of government: offering him the leadership of the ‘Special Zones for Social Market Economy’ in Oecusse and Ataúro, together with generous funding for the project.

Having secured a political agreement on the budget and Alkatiri’s permanent occupation away from government through what has been labelled a ‘CNRT-FRETILIN love affair’ (Guterres 2015), the time had come for Xanana to step aside himself and open the door for the emergence of a Government of National Unity — perhaps his most cherished dream of 20 years or more. Alkatiri, on his side, argued within FRETILIN that the new solution offered his party the possibility of combining the continuation of formal opposition with the capacity to intervene in the process of government to advance important positions (Ingram and Maia 2015). These were exactly the sort of dubious conditions he had refused to accept when various par-

ties negotiated with him in 2002 (Alkatiri 2014). And so the doors were open for Dr Rui Maria de Araújo — a well-credentialed nominee who had been minister for health (under Alkatiri), deputy prime minister (in Ramos-Horta's cabinet), member of the council of state (again with Ramos-Horta), advisor to several ministries, and a member of FRETILIN since 2010 — to be anointed to lead the first all-inclusive executive of Timor-Leste.

### In Search of a Rationale for Change

Political institutions and established governmental solutions possess qualities of inertia that evoke Newton's First Law of Motion ('Every object in a state of uniform motion tends to remain in that state of motion unless an external force is applied to it'). In this light, what needs to be explained is the motive that led to the introduction of a substantial change in the governmental formula and the concurring alteration of the nature of inter-party relations embodied in Rui Maria de Araújo's cabinet. Several possibilities emerge to account for such a major innovation in Timorese politics.

The adoption of a model for political organisation based on principles easily recognisable by the international community and substantially derived from established templates of Western-style liberal democracy was made possible with the considerable influence of external actors and the support of a part of the elite, mostly those who had recently returned from exile. This model has been found to contrast with critical elements of autochthonous notions of legitimacy, with which it may have entertained a 'clash of paradigms' (Hohe 2002, 2004). As time passed and the presence of the international actors subsided in Timor-Leste, ultimately resulting in the withdrawal of the UN mission in late 2012, the terrain was left clear for 'local political culture' to prevail, and for electoral competition — the *ne plus ultra* of liberal democracy-building — to give way to 'party competition [being] subordinated to an elite bargain about the organization of political power'. In this perspective, '[a]lthough the UN succeeded in influencing the institutional design of the electoral system, it did not succeed in locking in the rules of competitive party politics and local political culture has prevailed in reshaping the way the sys-

tem operates on the ground' (Ingram 2015b). The idea that 'Timorese values' had been unduly forgotten and relegated to a trivial status during the first phase of the political process after independence, a process regarded as being dominated by 'politically correct' notions imported from the international community, was prominent in the 2012 presidential election. Ramos-Horta and his cosmopolitan persona associated with the classical values of an expatriate elite, who had ably performed his role as prime minister and later president, helping to pacify social unrest after the violent crisis of 2006, and had exerted his influence on behalf of Timor-Leste in international arenas (UN, ASEAN, CPLP<sup>8</sup>) was defeated. The two candidates who proceeded to the second round of that election (Taur Matan Ruak and Lu Olo) both made a point that they had always lived inside the territory and were closer to the 'Timorese values' which they wished to bring to the fore in the ensuing political cycle. This set of considerations renders it plausible that key players like Xanana Gusmão, who had exercised political power both as president and prime minister without ever being able to match those experiences with his fundamental belief on the nature of the desirable solutions that gave justice to the plural form of nationalism he had championed since the mid-1980s, found new allies (namely, in the new president) to finally combine in an original formula the requirements of liberal democracy and local political culture.

A second argument hinges on the necessary generational turnover. Few countries in the world have a political elite that travelled all the way from the times when Portugal opened up the way for decolonisation in 1974. Forty-odd years on, a very substantial number of the top politicians in the country continue to be the members of the so-called *Gerasaun Tuan* (Old Generation) — Xanana, Ramos-Horta, Mari Alkatiri, Mário Carrascalão — whereas the generation that was formed under Indonesian occupation — the *Gerasaun Foun* (New Generation) of the likes of Rui Maria de Araújo, the late Fernando 'Lasama' de Araújo, Dionísio Babo, José Teixeira — was left in waiting and relegated to supporting roles. The generation of *Katuas* (old men) had for some time



contemplated the need to initiate a handover to the younger one (Alkatiri 2014). As Michael Leach has argued, '[t]his extraordinary remaking of the government ... is clearly designed to smooth the transition from the 1975 generation of leaders that has dominated post-independence politics' (18/2/2015). Of course, the elders remain active, but the younger men were given their fair chance to promotion in a sort of 'pacted transition' (to use here a parallel with some processes of transition to democracy). Prime Minister Rui Maria de Araújo addressed this issue head-on in his speech:

If our older brothers and sisters, who one day decided that national unity was vital for ensuring the survival of our Nation and who led us to our freedom, now tell us that it is once again necessary to converge ideas, policies, actions and priorities around the common cause of the consolidation and development of Timor-Leste, then we, the younger generation, must say that we are indeed ready to take on this responsibility! (2015:3)

Only one element is missing in the original plan circulated informally in Díli: the formation of a 'Council of Katuas' to oversee the government. This encountered insurmountable constitutional obstacles, as it would represent an official but unelected organ of power, and therefore run contrary to the ethos of the system. The need to address generational turnover was thus an element present in the decision-making process, even if it could have been done in ways not necessarily entailing the formation of a government of 'inclusion'. Perhaps the one factor explaining why this solution was contemplated was that Xanana needed to choose a prime-ministerial candidate whom he could support. He made it known that within the ranks of the prevailing majority coalition he could see no one to step into his shoes — a decision that 'did not sit well with the heads of Gusmão's coalition partners nor his own party, CNRT' (Guterres 2015; Ingram 2015a).

Thirdly, one should not exclude pressing external factors at play in the decisions that were made. The restoration of internal peace after the crisis of 2006 had been achieved by Xanana's administration by virtue of generous public spending made

possible by the revenues of the Petroleum Fund. Two policies stand out: one is the introduction of expensive social transfers, most notably for the 'veterans' who became key beneficiaries of very broad and generous social policies (about 7 per cent of the national budget is allocated directly to the 'veterans pensions', excluding other fringe benefits — more than the amount allocated to the health ministry), as well as influential actors in the political process (Roll 2014). The second is the Strategic Development Plan (2011–30) — 'a twenty year vision that reflects the aspirations of the Timorese people to create a prosperous and strong country' (RDTL 2011) — aiming to transform the country's economy into a mid-level income one in 20 years, and based on heavy infrastructural investments. Xanana Gusmão has been deeply involved in both policy areas. However, for a significant number of observers, the levels of budgetary spending were alarmingly high in view of the sustainability of the public finances. Not only were the prices of oil plummeting in the world market with important consequences for the prospects of the Timorese own fund (the year 2015 ended with the fund at its lowest since May 2014, and \$389 million below its level on 1 January), but after the Petroleum Fund was established successive governments had withdrawn amounts in excess of the Estimated Sustainable Income that it generates. The local non-government organisation [Laõ Hamutuk](#) is well known for articulate arguments in sharp criticism of the government budgetary options. A new course of action was deemed necessary, and this was made all the more pressing since the Fifth Constitutional Government was 'bloated and underperforming' with its 54 ministers, vice-ministers and secretaries of state (Ingram 2015a) — almost as many members of government as parliamentarians (60). It is arguable that Xanana was aware of the situation, and he devised a strategy to initiate a political hand-over that guaranteed his remaining on board to take part in the monitoring of any new developments that might be required. But clearly the opposition should be brought to share government responsibilities in order to face the problem without being hampered by factionalism in parliament. Political bargaining among a restricted elite took precedence

over normal channels of institutional political negotiation.

Expectations of a political shift of priorities, as some had harboured (including President Taur Matan Ruak), may have been exaggerated. If the new prime minister's inauguration speech is a barometer to test those suppositions, he only made a very cursory reference to the controversial issue of veterans' privileges (as if acknowledging this would be a matter for further consideration away from the limelight of a public ceremony). He also reiterated his commitment to the Strategic Development Plan — as is congruent with the decision to keep Xanana as Minister for Planning and Strategic Investment. The first test came in the form of the first state budget under the helm of Rui Maria de Araújo, which is one of continuity.

### What's to be Expected from the New Government Formula?

'Governments of National Unity' are extraordinary solutions that tend to emerge at very critical moments in a country's life, not as a regular form of solving the problems of governance. Recent independence (Timor-Leste in 2002), the conduct of war (Britain in 1940–45) and a severe economic crisis (Portugal in 1983) are examples of exceptional circumstances in which governments with very wide parliamentary support bases subordinate political competition in the name of a superior goal for a limited time. Unless one believes that the nature of the political problem in present day Timor-Leste is of a similar magnitude, the form of the Sixth Constitutional Government appears ill-fitted to the circumstances. Alternatively, one may consider that it represents a by-passing of the conventional process and the benchmarks of democratic consolidation and a manifestation of a novel 'Timorese way to democracy' that requires serious consideration. Without pre-empting the need to offer an answer to these vexed questions, one should analyse the positive aspects associated with the emergence of this government formula, and discuss some of its eventual pitfalls. I shall focus on three on each side of the argument.

The new formula contributed to lowering the heat of the political struggle between CNRT and

FRETILIN that was often rather high. As recently as 2012, the aftermath of the parliamentary elections had seen an outbreak of verbal struggle, with events escalating to street confrontations resulting in one casualty. Political debate is now more vigorously set within the framework of the country's institutions and their urbane rules. However, it should be noted that the emergence of an actual government solution encompassing FRETILIN members was preceded by two and half years of a rapprochement process, evidenced in the unanimous approval of state budgets as from 2012 — a symbol of a rather civil form of political confrontation.

Michael Leach has argued that this formula, which seems to have been concocted in the seclusion of an old elite bargaining room, brings with it 'an attempt to move to a different type of political legitimacy, rational-legal in orientation, less reliant on the incumbent's personal history and more dependent on performance and outcomes' (18/2/2015). It is also accompanied by a positive move away from Weberian charismatic forms of leadership to a model that is entirely compatible with commonly accepted democratic means of political power legitimisation.

The new solution responds to widespread notions of Timorese political culture that stubbornly survived through the years and disregard party competition in favour of other forms of settling disputes. This element of traditional political culture was relegated to a secondary position by the international community's template for democracy, but it retained sound roots in the Timorese population and in some of its leaders, and seems to have made a successful comeback. In this sense, it can be argued that the underlying assumptions sustaining this government reinforce the sense of ownership of the political process without which institutions risk being hollow, like a phantom state which may endow its organs of sovereignty with material resources but insufficient means of social legitimacy (Lemay-Hébert 2012:476). Even if we supposed that the establishment of the democratic regime owed more to external impositions than to internal forces — which is not the case — the issue remains that democratic consolidation cannot avoid being a process based on the mobilisation of internal, national

forces. The underlying assumption is that regardless of the nature of the actors in the play, the ownership of the show belongs to the nation's citizenry, who must feel comfortable with the instruments deployed to guarantee their self-determination and the free expression of their options. Democracy as an institutional means to empower citizens at large cannot ignore the language they speak.

These positive aspects must not divert us from some serious challenges that the new political solution is bound to face in the coming years. First, it is well known that the institutional development of the different organs of national sovereignty is quite uneven. On top of the list one finds the government, always considered the one better equipped to discharge its functions. Conversely, at the bottom of the list, the judiciary suffers from severe weaknesses. In between those extremes, the presidency managed to establish itself as a competent institution, granted with basic conditions to fulfil its mandate, after long and painful years during which its institutional capacity was quite low. As for the national parliament, even if conditions have improved, it still lacks the know-how that only time brings, and remains the fragile institution described by Shoemith in 2008 (a,b). The semi-presidential regime that Timor-Leste adopted accords a major role to parliament in the monitoring and control of government action, which presupposes a substantial degree of independence between the two bodies. In this framework, the actual interplay of institutions supposed to offer a system of checks and balances is in practice significantly different from the constitutional model, which presumes an equal development of all components. The fact that there is no real opposition in the House given that all parties now sit in government raises doubts as to the capacity of the national parliament to rise above rubber-stamping government decisions and discharge its functions of controlling and monitoring the action of government. This situation places a great burden on the shoulders of President Taur Matan Ruak. Unlike some semi-presidential countries, like France, where the president is supposed to be a party member and thus either to lead the support to government or the opposition to the executive, Timor-Leste falls in the category that

Maurice Duverger called of 'presidents without majority' who are called to perform their mandate as 'independent' figures above party competition (Duverger 1996:516–17; see also Elgie 2011:185–86; Feijó 2014, 2016a:233–42). This was, by and large, the legacy of Xanana and Ramos-Horta as presidents. New circumstances offer the president an increasingly central role in monitoring and controlling the activities of government, as an overvalued executive branch may have a tendency to tilt the balance of power in one direction at the expense of the equilibrium required by a sound democratic practice. A major test to the semi-presidential system is thus on the cards. Recent developments as from late 2015 (presidential veto to the budget, clash over the military command, opposition to changes in the National Electoral Commission) suggest that the president is assuming a new high-profile role in competition with the governmental majority, with implications on the stability of the system.

If the government is poorly monitored, and the dissatisfaction that some of its decisions inevitably generate in the electorate are not addressed within the system, especially in parliament (but eventually through the voice of the president), the risk exists that public dissatisfaction will instead be expressed outside the boundaries of the institutions. One has to bear in mind that in the 2012 parliamentary elections 20 per cent of the electors voted for political parties that could not elect a single MP — an extremely high proportion of effectively disenfranchised Timorese. Phenomena such as the one embodied by the late Mauk Moruk,<sup>9</sup> who is supposed to have expressed the anger of some Timorese that feel unprotected by the current state of affairs, may be repeated, under unforeseeable forms and with dire consequences to the stability of the regime. Both parliament and president must make a serious effort in order to maintain some forms of control and monitoring of the government activity in the public domain in order to avoid these perils. Institutional unanimity on issues of political controversy may be a nicely decorated façade hiding the erosion of the public perception of the legitimacy of institutions. The recent creation of a new party (PLP — Partido da Libertação do Povo; People's Liberation Party) with the unofficial

support of the president may be regarded as a move destined to occupy some political vacuum in the ranks of the opposition, made easier by the agreement between CNRT and FRETILIN, and thus to redress a lost balance in the party system after the 'eclipse' of the opposition.<sup>10</sup>

Second, a super-majority government may be tempted to manage the newly acquired wealth of the country in a neo-patrimonial way, involving all major political actors in 'pork barrelling', or even going beyond the legal (but legitimately dubious) allocation of public resources by deploying a system of social hierarchy where patrons use state resources in order to secure the loyalty of clients in the general population based on an informal patron-client relationship — a form of political behaviour that is not alien to local mores. Timor-Leste's record on the issue of corruption and clientelism is not brilliant, and it has not improved in the course of recent years. Transparency International's Index of Perceived Corruption (2014) ranks Timor-Leste at 133 in a list of 175 countries, with a score of 28 (in which 0 is the most corrupt and 100 the least) — but the country has been sliding down the scale in the last three issues of this index. Of course, this is not a country-specific phenomenon, as it compares with most of its Southeast Asian neighbours. But then again, democracy is not one of the hallmarks of this part of the world.

This peril is compounded by the fragility and lack of perceived independence of the judicial system in the country. Again, the context of uneven development of the various branches of power generates a situation in which a perfectly legitimate solution emerging from parliament may paradoxically stimulate behaviours that are in breach of the best practices of democracy, exacerbating the concentration of executive powers at the expense of those normally consigned to controlling bodies. Action is urgently required on this front — namely, in the strengthening of the Court of Audits whose role in the control of public tenders in particular, and of public spending in general is critical — so that the judicial system may offer a substantial contribution to lowering negative impacts of clientelism on socioeconomic development.

Thirdly, a word about the solidity of the party

system that sustains the new executive. There is no formal coalition pact sustaining the current government, which is based on a gentlemen's agreement. Moreover, the nature of the essentially political compromise has been publicly disguised under the veil of the 'technical competence' of the FRETILIN cadres appointed who do not 'officially represent' their party — a stance that is blatantly denied by the portfolios entrusted to those politicians: the premiership, a minister of state in charge of economic coordination, the minister of foreign affairs — all essentially political rather than 'technical' jobs. This cover-up of reality, even if the 'acceptance' by FRETILIN to offer its cadres was acknowledged in the prime minister's inauguration speech, does not bode well for future developments, as it reveals frailty in the whole process. The fact that the government is led by a political figure emerging from the previous opposition, rather than by someone from the largest party in the House, although it is not uncommon in parliamentary democracies, owes a lot to the fragility of CNRT leadership, extremely dependent on the towering figure of Xanana Gusmão. He made it public that he did not consider any of the key figures from the coalition that supported his government were fit to replace him, adding fuel to the suspicions that this party would face difficulties in surviving his departure. A clarification of the situation is bound to occur before the end of the current legislature, and there are several alternatives to consider: will a pre-electoral coalition be formed? Will the parties go it alone and pledge to re-establish a similar government after the elections? Will a new leader emerge in CNRT who will be in a position to establish an imprint on the party independently of Xanana and compete for the top job? Would FRETILIN still support a government in which its position was reduced in the face of the electoral results? Or will they repeat this experience if the electorate awards them a majority? What will be the effect of the next election on the behaviour of the parties that have committed themselves to a new political solution that has been presented as the basis for a long period, not just as an intermediate solution to last till 2017, but so far failed to elaborate a sound political agreement regarding critical issues?



In brief: the political basis of support for the current government, despite appearing very broad, may prove to be fragile until such time as the leaders of the two major parties face their party members and have their party conferences choose a new leader who is not a member of the 'generation of '75' (thus incorporating into their party's internal organisation the same sort of shift that was produced at government level), who can then fight a popular election to legitimise the current arrangements (or devise some new one). The situation may be further complicated if the new party emerges with important support, proposing a clear turn away from the strategic orientations that have been pursued (namely the heavy investments in the National Strategic Plan which are financially burdensome and produce few short-term returns), and rallying around a popular figure from the not so small set of those who are not aligned with the current majority. The Timorese party system has shown a high degree of volatility, and each new election has brought a different configuration to its structure (Feijó 2016a:190–92). The stability of the new formula is contingent on the resilience of the existing parties — a condition that is far from guaranteed.

The stakes are high and call for our continuous attention over the coming years.

### One and a Half Years After: A New Challenge

Ever since Aristotle's *Physics*, it has been received wisdom that 'nature abhors a vacuum'. Politics can also be said to react to the *horror vacui*, and tends not to let formalities supersede socially grounded realities, harsh as they may be. As stated above, the formation of a government including all parties in the national parliament reduced the ability of this institution to harbour dissenting views on the policies being pursued and to voice criticism that permeates society, forfeiting a major purpose of the central institution of democratic life. Eventually, this change of circumstances has led to the amplification of a gulf between the plurality of popular sentiments and the narrowing of the institutional expression of alternatives, which President Taur Matan Ruak seems to have attempted to capture. It is in the nature of democracy that alternatives exist to any policy, combining differently the associated

costs and benefits. Timor-Leste is no exception to the rule. What came as a surprise to many was the voice that rose to challenge the political option of the new government: President Taur Matan Ruak, widely credited with a positive contribution to the negotiations that culminated in the inter-partisan deal that sustains Rui Maria de Araújo.

The first serious intervention of President Taur Matan Ruak was made in the preparation of the state budget for 2016, when he argued that the vast number of visits he has paid to *sukus* (or villages: he claims to have travelled to three-quarters of them all) had convinced him that a change of course was required with more resources made available for health, education, rural extension and other specific policies. In parallel, he raised doubts about veterans' privileges and the mega-projects of investment in heavily concentrated development sites, such as the Suai Supply Base (whose initial contract was vetoed by the Court of Accounts) or the Oecussi venture. These are massive public investment projects, inscribed in the Strategic Development Plan running up to 2030, dependent of a continuous, high level of revenues from petroleum, and which have attracted critical reviews. Matters came to a head when the president vetoed the state budget approved by unanimity in the House, sending parliament a very critical letter with his objections that echo an altogether different approach to the government's (TMR 29/12/2015). The government refused to accept any of the president's suggestions and submitted the budget to a new vote in the House without changing a single cent — and it was again approved unanimously. Under the constitution, the president could not refuse to promulgate the returned budget law, but he did exercise his power to refer the matter to the Constitutional Court for 'successive appreciation'. The first round thus found its way into the courts and scars were undoubtedly left on both sides.

The second round came a few weeks later when President Taur Matan Ruak refused to renew the appointment of the General Chief of Staff of the Armed Forces, Major General Lere Anan Timur, who had been proposed by the government, and insisted on nominating for the job someone of his own choice. Once again, the government responded

in the most severe way by deciding the

interposition of an appeal [to the Court of Appeals acting as Constitutional Court] for the annulment of the [presidential] decision to dismiss the General Chief of Staff of the Defence Force and the Deputy General Chief of Staff of the Defence Force, as well as the subsequent decision to appoint a new General Chief of Staff of the Defence Force ... (PCM 24/2/2016)

President Taur Matan Ruak asked to be heard in the national parliament, where he appeared to stage a personal attack on Xanana Gusmão and Mari Alkatiri, associating both with the spread of the 'virus of corruption' and nepotism, and reiterating his criticism of the financial options inscribed in the budget (Alvarez 25/2/2016). The immediate response of Xanana's CNRT was to consider moving impeachment procedures against the president for the 'violation of his constitutional mandate' (Lusa 2016). The president backtracked and engaged in conversations with government. This process dragged on for months and witnessed several provisional solutions being successively dismissed by some stakeholders.

More recently, another important front was opened in the opposition between the president and the government; in this case regarding the composition and functions of the sensitive National Electoral Commission, a piece of legislation vetoed by Taur Matan Ruak who was once again forced to sign it after a second vote in parliament.

It is now clear that the president has taken a bold attitude in voicing the discontent that the current government policies — namely, the persistence of high levels of poverty, the apparently weak fight against corruption and the obscure nature of the decisions on major investment plans such as the Taci Mane or the Oecussi projects — generate in public opinion. At present, President Taur Matan Ruak is the visible face of the opposition that has vanished from the national parliament. The evolution of the relative positions of the main political actors and the scope of the political crisis that the succession of clashes between president and prime minister has generated call for a reconsideration of the merits of the Timorese form of semi-presidentialism. This government system has permitted the emergence of

competition over the definition of powers between the heads of state and government, including the sensitive issue of the armed forces — as happened back in 2006, prompting Lydia Beuman to claim that the issue of defence policy was the Achilles heel of the system (2013:20; 2016) — an issue made more sensitive by the fact that the current president is the previous leader of the armed forces.

To add a new dimension to the issues at stake, a new political party (PLP) has been formally registered, and rumour has it that it may serve as the launching pad for Taur Matan Ruak to fight for the premiership in the legislative elections due in mid-2017, after his term as president expires. This eventuality would replicate what Xanana did back in 2007, creating CNRT in time to assume its leadership in between the two elections.

Given these developments, the move to bring into the executive the party that occupied the seats of the opposition in the House in order to generate a 'Government of National Unity' must be viewed sceptically. It did add an element of 'national inclusion' to the government, but it seems to have fallen short of the aspired 'national unity'. On the contrary, failure to address strategic decisions that were for some actors important aspects of the hopes with which they welcomed the formation of the Sixth Constitutional Government, and which could be larger than the 20 per cent of electors who had failed to secure a representative in the 2012 elections, may have contributed to opening up a serious rift in the central institutions of the country now present in the open confrontation between President Taur Matan Ruak and the forces that sustain the Sixth Constitutional Government. It is still to be determined what Timor-Leste has gained with its decision to recast some of the rules of the game, such as the new government formula.

### Conclusion

The emergence of a government of 'national inclusion' raises the question of the concentration of powers that only the improved performance of the other organs of sovereignty may counterbalance. As Anthony L. Smith judiciously remarked back in 2004 when referring to the nascent political situation in Timor-Leste, a strong government may be

the other side of the coin of a weak state — exactly the reverse of what the consolidation of democracy actually requires. The paradox that an ‘all-inclusive’ government may after all not contribute to ‘national unity’ (as new forms of expressing opposition emerge) nor to an equilibrium of powers at the core of the system of checks and balances that is a hallmark of democracy by stretching executive privileges too far will only be solved by the passage of time.

### Author Notes

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### Endnotes

- 1 The idea of qualifying ‘democracy’ with adjectives has a long tradition in political literature. Collier and Levitsky (1997) have found more than 500 examples of such proposals. Agio Pereira’s classification is not necessarily based on established academic concepts, as the qualification ‘belligerent’ is mostly associated with the relationships between democracies and war (‘There is no such a thing as belligerent democracy’, Sharansky and Dermer 2004: 94; see also Narang and Nelson 2009), and ‘consensus’ democracy (in the sense of ‘consociational democracy’) is a hallmark of Arend Lijphart’s work (1969, 1999). These terms should rather be broadly interpreted as form of opposing political competition to inter-party arrangements.
- 2 Frente Revolucionária de Timor-Leste Independente (Revolutionary Front for an Independent East Timor).
- 3 União Democrática Timorense (Timorese Democratic Party).
- 4 Resistência Nacional dos Estudantes de Timor Leste (National Resistance of East Timorese Students).

- 5 The United Nations Transitional Administration in East Timor.
- 6 It should be stressed that after the constitutional elections of 30 August 2001, FRETILIN opposed the organisation of fresh polls after the completion of that assembly’s work, in fact postponing for at least five years the introduction of party competition in what was a para-constitutional provision with serious implications for the acrimony between the main actors.
- 7 José Maria Vasconcelos is commonly known by his Tetum nom de guerre Taur Matan Ruak (Two Sharp Eyes).
- 8 Community of Portuguese-speaking Countries.
- 9 Mauk Moruk was a guerrilla fighter who broke up with Xanana’s leadership in 1983 and was caught by the Indonesians. After being paraded in Timor as a trophy in the struggle against the nationalist forces, he was allowed to migrate to Holland where he lived until 2012. Then he returned to challenge Xanana’s leadership again. He set up a group of disgruntled Timorese and strongly opposed the constitutional order. After a time of tension, he was eventually killed in a shootout with police forces in his native Laga, in the east of the country.
- 10 After the inauguration of the sixth government, PD (Partido Democrático) was forced to leave the all-inclusive formula but has not assumed a strong opposition stance, although it is expected to side with the new PLP in the next elections.

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