

Trust, Authority, and Decision Making: Findings from the Extended Timor-Leste Survey of Living Standards¹

This briefing note examines perspectives on trust, authority, and responsibility for decision making in Timor-Leste, using findings from the justice module included in an extension of the 2007 Timor-Leste Survey of Living Standards (TLSLS2) and a review of relevant social-science literature.² It is hoped that this report will be a valuable resource for civil servants, civil society, and donor agencies working in Timor-Leste. The extension survey (TLSLSx) revisited a nationally representative subsample of the TLSLS2 between April and October 2008.³ The respondent for the justice module was randomly selected to be the household head or his/her spouse, and the TLSLSx revisited 1,716 respondents across Timor-Leste's 13 districts.⁴ Survey topics included: (1) access to information and decision making; (2) opinions and knowledge of the law; (3) trust and local institutions; and (4) dispute resolution. Findings from this survey have been summarized in three short briefing papers, one focusing on trust, authority, and decision making, and the others on youth perspectives and land.⁵

This note examines relationships among East Timorese, focusing on trust, views on authority, and decision-making power.⁶ It begins by discussing the relationships between individuals—specifically, trust in one's neighbors and perspectives on safety. While trust is essentially about these interpersonal relationships, research has shown that high levels of trust are associated with improved economic outcomes and better maintenance of public goods.⁷ Thus, trust within a society is important for a much wider set of outcomes. In later sections, the authors move to a discussion of individuals' relationships with institutions through the lens of community participation and beliefs about responsibility for dispute resolution. Throughout, the authors attempt to explain unusual

findings or trends, making reference to relevant social-science literature. However, the authors also note where satisfying explanations have not been found, and welcome additional feedback and discussion on these areas.⁸

Key Findings

- Thirty-one percent of households had experienced a dispute in the year prior to the survey. The lowest number of reported disputes occurred in Regions 1 (Bau-

¹ *Justice for the Poor* (J4P) is a World Bank program that focuses on mainstreaming justice considerations and conflict management into development processes. In Timor-Leste, J4P began in July of 2008 with the generous support of AusAID.

² TLSLSx is a supplement to the living-standards survey implemented by the government of Timor-Leste's National Statistics Directorate and the World Bank in 2007. Additional data and publications on the TLSLS can be found on the Timor-Leste National Statistics Directorate Web page, at <http://dne.mof.gov.tl/TLSLS/AboutTLSLS/index.htm>.

³ For additional information related to the survey module, including a breakdown of respondents by region and district, residence (urban or rural), gender, age, and other categories, please see "Justice Module of the Timor-Leste Survey of Living Standards Extension: An Overview" available at <http://go.worldbank.org/ZRKELPETD0>.

⁴ It should be emphasized that this report presents findings related to heads of household and their spouses, and these views are not necessarily representative of the population as a whole.

⁵ All *Justice for the Poor* Timor-Leste reports can be accessed at www.worldbank.org/justiceforthe poor.

⁶ A note on terminology: throughout this report, terms such as "disputes," "conflict," and "trust" are used. These terms should be understood as referring to relationships between individuals and/or households, and *not* broader relationships between groups (that is, regional, ethnic, and so forth).

⁷ Julien Labonne and Robert Chase, "A Road to Trust," World Bank Sustainable Development Network Policy Research Working Paper, No 4706 (Washington, DC: World Bank, 2008), http://www-wds.worldbank.org/servlet/WDSCContentServer/WDSP/IB/2008/09/02/000158349_20080902104941/Rendered/PDF/WPS4706.pdf. Accessed June 2010.

⁸ Feedback should be directed to Pamela Dale (pdale@worldbank.org) or j4p@worldbank.org.

This report was written by Pamela Dale (Consultant, J4P-TL), Kristen Himelein (World Bank, Development Economics Research Group), Denis Nikitin (Consultant, World Bank South Asia Human Development), and Angie Bexley (Anthropologist, Australia National University). Kristen Himelein, Geraldo Moniz da Silva (Consultant, J4P-TL), and the staff of the government of Timor-Leste's National Statistics Directorate participated extensively in the planning and implementation of the research. Lene Ostergaard (Coordinator, J4P-TL), Matthew Stephens (TTL, J4P-TL), David Butterworth (Consultant, J4P-TL), and Peter Lanjouw (Research Manager, DECPI) provided useful comments on drafts of this report.



cau, Lautem, Viqueque) and 2 (Ainaro, Manatuto, Manufahi), while the highest rate was reported in Region 4 (Bobonaro, Cova Lima, Liquica).

- Ninety-two percent of respondents reported feeling safe in their own and neighboring communities. Surprisingly, there was not a statistically significant difference in perceived safety between rural and urban respondents.
- Attendance at community meetings is very important to a sense of involvement in community life, though the direction of causality cannot be determined from these data. Forty-nine percent of respondents had participated in a community meeting in the year prior to the survey. Participation rates varied with the respondent's age, region, and residence (urban vs. rural).
- There were divergent perspectives on the role of state and nonstate authorities in decision making and dispute prevention/resolution, perhaps reflecting the changing roles of traditional leaders and greater penetration of state authorities throughout the country.
- Overall, respondents were satisfied with both state and nonstate dispute-resolution actors. Satisfaction was highest with *adat* institutions, *chefes aldeia/suco*, and national police, and lowest with the Provedor's office (the Ombudsman's Office for Human Rights and Justice) and international/UN police.

Relationships Between Individuals

Conflict and Safety

Over the past decade, Timor-Leste has experienced several bouts of communal violence, including strife in 2006–2007 that led to the displacement of nearly one-tenth of the country's population.⁹ Numerous reports have discussed the persistent frequency of and potential for violence, and the impact of that violence on the Timorese population.¹⁰ Against this backdrop, the TLSLSx found a lower-than-expected rate of disputes, with 31 percent of households experiencing a dispute in the year prior to the survey.¹¹ There was some regional variation in the incidence of disputes, varying from a low of 14 percent in Regions 1 (Baucau, Lautem, Viqueque) and 2 (Ainaro, Manatuto, Manufahi) to a high of 55 percent in Region 4 (Bobonaro, Cova Lima, Liquica).¹² The rate of disputes in urban areas of Region 3, which includes Dili, was consistent with the national average of 30 percent.¹³

Given Timor-Leste's recent experience with violence and the continuing threat of disputes, one might expect respondents to report feeling unsafe. Surprisingly, however, this was not the case. Overall, 92 percent of respondents reported feeling safe from threats or physical violence in their own communities, 90 percent felt safe in neighboring communities, and 91 percent believed that their belongings were safe.¹⁴ Overall, urban-rural differences were not significant, though there were

statistically significant differences between urban and rural areas within regions. In Region 4, for example, urban respondents were 10 percentage points less likely than rural residents to feel safe from physical threat in their own (88 percent vs. 98 percent) community, and 20 percentage points less likely to feel safe in neighboring (66 percent vs. 87 percent) communities.¹⁵ Urban respondents in Region 4 were also significantly less likely than rural respondents to trust that their belongings were safe (86 percent vs. 96 percent, respectively).¹⁶ This degree of difference may be linked to the higher incidence of disputes in this region; however, it is much higher than in other locations and calls for further analysis and response.

Trust in Neighbors

Related to a sense of safety is the degree to which respondents trust their neighbors. The survey asked respondents to rate the trustworthiness of people in their own and neighboring communities.¹⁷ Nationally, 82 percent of respondents indicated that they trusted people from their own communities, and 81 percent trusted those from neighboring communities.¹⁸ Given the strong localization of identities in Timor-Leste, it is notable that the data did not reveal a lower degree of trust in those from neighboring communities than from within one's own community. There were, however, differences in levels of trust between regions.¹⁹ The chart 1 depicts these differences for the question regarding trust in people from one's own neighborhood.

There were statistically significant differences in trust between urban and rural areas.²⁰ This is particularly true in Region 3, which includes Dili—perhaps unsurprisingly, as

⁹ International Crisis Group (ICG), "Timor-Leste's Displacement Crisis," Asia Report No 148 (Brussels: ICG, 2008), http://www.observatori.org/paises/pais_78/documentos/148_timor_lete_displacement_crisis.pdf. Accessed June 2010.

¹⁰ See for example, Small Arms Survey, "Groups, Gangs, and Armed Violence in Timor-Leste," *Timor-Leste Armed Violence Assessment Issue Brief 2* (Apr 2009), http://www.smallarmssurvey.org/files/portal/spotlight/country/asia_pdf/asia-timor-leste-TLAVA-IB2-En.pdf. Accessed June 2010.

¹¹ Ninety-five percent confidence interval (C.I.) (25–36). The question asked "Have you or anyone in your household experienced a dispute with [X] in the past year?"

¹² Ninety-five percent C.I.s are: Region 1: 14 percent (4–24), Region 2: 14 percent (9–20), Region 4: 55 percent (41–69).

¹³ Ninety-five percent C.I. (20–41).

¹⁴ Ninety-five percent C.I.s are: 92 percent (89–94), 91 percent (88–94), 90 percent (87–93). The question asked "How safe do you or other members of your household feel with respect to physical threat/violence in your neighborhood/in neighborhoods other than your own/How safe are the goods that you and other household members own?"

¹⁵ T-stat for difference in trustworthiness with own community in Region 4: 2.44, t-stat for difference in trustworthiness for neighboring communities in Region 4: 2.14.

¹⁶ T-stat = 2.18.

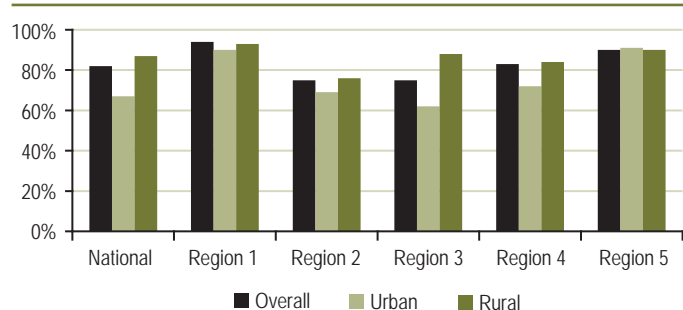
¹⁷ Specifically, the questions asked "In general, how trustworthy are the neighbors in your community/people from neighboring communities?"

¹⁸ Ninety-five percent C.I.s are: 82 percent (79–86), 81 percent (77–85).

¹⁹ Statistically significant differences were found between Regions 1 and 2 (t-stat: 2.87), 1 and 3 (t-stat: 4.05), and 1 and 4 (t-stat: 2.13), as well as Regions 3 and 5 (t-stat: 2.68).

²⁰ The difference between urban and rural areas is statistically significant both in trust in those from one's own community (t-stat 4.11) and trust in those from other communities (t-stat 4.72).

Chart 1: Trust in People from One's Own Neighborhood



Source: Regions are: Region 1 (Baucau, Lautem, Viqueque), Region 2 (Ainaro, Manatuto, Manufahi), Region 3 (Aileu, Dili, Ermera), Region 4 (Bobonaro, Cova Lima, Liquica), and Region 5 (Oecusse).

differences between “urban” and “rural” areas in Dili district are likely much more pronounced than in other districts.²¹ The lower levels of trust in urban areas may be related to the sociodemographic shift that many urban neighborhoods experienced due to internal migration, particularly after 2006, as a result of which people from diverse backgrounds have increasingly been brought into contact with one another. In some cases, such as in clashes over control of market areas in Dili, this has led to disputes between different groups.

Interestingly, there are no clear links between level of disputes, sense of safety, and trustworthiness. While the comparably low rates of trust found in urban areas of Region 3 (Aileu, Dili, Ermera) can most likely be attributed to the concentration of violence in Dili and surrounding areas during the 2006 crisis, the reasons for differences between relatively “high trust” areas such as Regions 1 (Baucau, Lautem, Viqueque) and 5 (Oecusse) and “lower trust” areas such as Region 2 (Ainaro, Manatuto, Manufahi) require further exploration.

Relationships between Individuals and Institutions

Community Participation

Community meetings have long played an important role in the lives of East Timorese. They are a forum for sharing information or current events, discussing and resolving disputes, and making decisions that affect the community. The TLSLSx survey found a clear correlation between attendance at community meetings and a feeling of involvement in the life of the community. Ninety-seven percent of survey respondents who had participated in a community meeting in the past 12 months indicated that they felt involved in decision-making processes within their communities, while just 4 percent of those who had not attended such a meeting felt included.²² While this strongly demonstrates the importance of these meetings for developing and retaining a sense of community, participation in meetings and the sense of involvement in

communal decision making do not necessarily equal control over the local political process.²³ Recent studies on the 2007 parliamentary election, for example, suggest that while members of the community, particularly youth, were involved in community meetings and the organization and implementation of the election, they were marginalized from central decision-making arenas that involved party and policy direction.²⁴

Nationally, 49 percent of respondents had attended a community meeting in the year prior to the survey.²⁵ Surprisingly, there was no statistically significant difference in attendance by gender.²⁶ However, there were differences between age groups, with respondents between 31 and 45 most likely to attend (56 percent) and those over 60 years of age least likely (32 percent).²⁷ For those respondents who did not attend a community meeting, lack of information, lack of time, or a feeling that one was a “common person” and not part of the community decision-making structure were among the most frequent constraints. The idea that one is just a “common person” reflects the complexity of Timorese societal structure and the hierarchical structures put in place during the resistance period. Information is often held by “gatekeepers”—usually traditional authorities or elders—who are also charged with guiding and making decisions on behalf of the wider community. Community members receive information according to where they are positioned in the hierarchy; the lower down the hierarchy one is, the less information that person is “entitled” to receive and the fewer decisions he or she is permitted to make.²⁸

Levels of attendance at community meetings also varied by both region and residence, as depicted in the chart 2. Residents in urban areas were significantly less likely to attend than those in rural areas (37 percent vs. 52 percent),

²¹ Much of the urban sample within Timor-Leste is in Dili district.

²² The relevant questions were: “Have you attended a decision-making meeting in the past 12 months?” and “Do you feel sufficiently involved in the community decision-making process?”

²³ It is also important to note that causality cannot be determined from these data. That is, participation in community meetings may lead respondents to feel more involved in their communities, or respondents who feel involved in their communities may be more likely to attend community meetings.

²⁴ Andrew McWilliam and Angie Bexley, “Performing Politics: The 2007 Parliamentary Elections in Timor-Leste,” *The Asia Pacific Journal of Anthropology* 9 no. 1 (2007): 66–82.

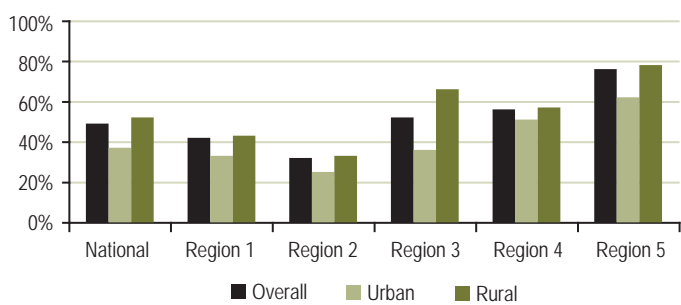
²⁵ Ninety-five percent C.I.: 49 percent (44–54).

²⁶ Fifty-two percent of men (C.I. 44–60) and 46 percent of women (C.I. 39–53) had attended a meeting.

²⁷ This difference is statistically significant at the 1 percent level, with a t-stat of 3.92.

²⁸ Douglas Kammen, “Master-Slave, Traitor-Nationalist, Opportunist-Oppressed: Political Metaphors in East Timor,” *Indonesia* 76 (2003): 69–85. Note that although age is often associated with additional power in Timor-Leste, attendance at community meetings was lowest for the oldest segment of the population. While this may be counterintuitive, the low attendance rates for individuals over 60 were likely due mostly to physical constraints and the distance from suco or aldeia headquarters. However, the small number of respondents over 60 (45 total respondents) prevents statistically reliable comparisons of reasons for nonattendance by age group.

Chart 2: Attendance at Community Meetings



and attendance varied from fairly low rates in Region 2 (32 percent) to very high attendance in Region 5 (76 percent).²⁹ Meetings addressed a wide range of topics, though community administration was the most common (43 percent of meetings).³⁰

Community and State: Shared Responsibilities

We now turn our discussion to the responsibilities of the community, both acting alone and in collaboration with formal state institutions. A considerable body of literature has discussed the limited reach of the state in Timor-Leste, and the continued prominence of “traditional” institutions, local authorities, and communities more generally in functions usually assigned to the state.³¹ The ongoing negotiations in authority between citizens, local institutions, and the state can be seen in the survey findings, which reveal divergent perspectives on the role of state and nonstate institutions in many aspects of community life.

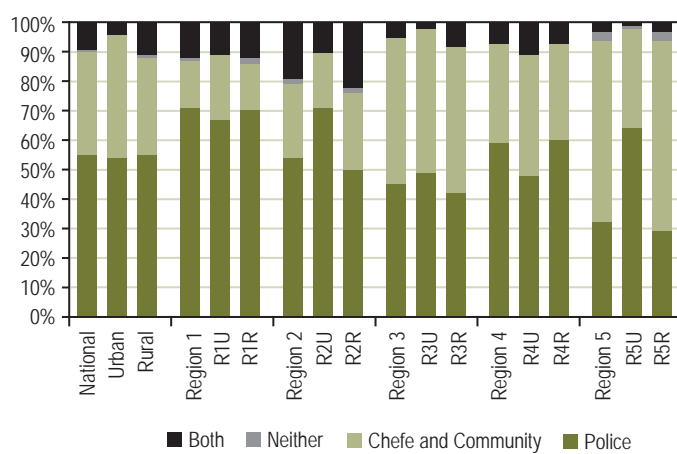
When asked who has the primary responsibility for maintaining law and order within communities, 55 percent of respondents indicated the police, while 35 percent responded that the responsibility rested with the *chefe suco*³² and the community itself (the remaining respondents answered “neither” or “both”).³³ This is consistent with a recent Asia Foundation survey of community perceptions of police, which found that public confidence in the commitment of national police to prevent crime is high.³⁴ While gender differences were not substantial, there were noteworthy differences both within and between regions in beliefs about responsibility for law and order, as shown in the chart 3.

Even with the large number of Region 1 (Baucau, Lautem, Viqueque) respondents answering “both,” respondents in Region 1 were significantly more likely than those in all other regions to attribute responsibility for law and order to the police rather than to the community.³⁵ In Region 5 (Oecusse), a clear majority of respondents believed law and order to be primarily a community responsibility, though there were substantial urban-rural differences.³⁶ Note that these differences

are *not* due to variations in the availability of either police or community leaders, both of which are reportedly widely accessible (see the next subsection for more information).

Interestingly, differences were found in respondents’ views of dispute *prevention* vs. dispute *resolution*. When asked where nonviolent disputes should be resolved, equivalent percentages of respondents indicated the community (44 percent) and the court system (45 percent).³⁷ Regional differences were found, though surprisingly, regional views about responsibility for law and order were not a predictor of perspectives on resolution of nonviolent disputes. For example, while just 16 percent of Region 1 respondents believed that

Chart 3: Responsibility for Law and Order



Source: R1U = Region 1 urban areas, R1R = Region 1 rural areas, etc.

²⁹ T-stat for the difference between urban and rural is 3.28, and between Regions 2 and 5 is 4.72.

³⁰ The question asked: “Think about the *most recent* meeting you attended. What was the main subject of this meeting?” (Emphasis in original.)

³¹ See for example Volker Boege et al., “On Hybrid Political Orders and Emerging States: State Formation in the Context of ‘Fragility,’” Berghof Handbook Dialogue No 8 (Berlin: Berghof Research Center for Constructive Conflict Management, 2008), http://www.berghof-handbook.net/documents/publications/boege_etal_handbook.pdf. Accessed June 2010.

³² The *chefe suco* is the village chief, an elected community authority (not a member of the government) who is responsible for representing the village, facilitating resolution of small conflicts within the *suco*, and supporting development activities within the *suco*. While the *chefe suco* is currently elected, the role of *chefe suco* was traditionally assigned to certain families who held political authority in the *suco*.

³³ The two options were: “The **main** responsibility for maintaining law and order in the community is with the police” and “The **main** responsibility for maintaining law and order in the community is with the *chefe de suco* and the community itself.” Respondents could also respond “neither” or “both,” though these responses were discouraged.

³⁴ Liam Chinn and Silas Everett, “A Survey of Community-Police Perceptions” (San Francisco: The Asia Foundation, 2008), <http://asiafoundation.org/resources/pdfs/SurveyofCommunityPolicePerceptions.pdf>. Accessed June 2010.

³⁵ T-stats for the difference between Region 1 and other regions are 3.04, 3.63, 2.40, and 5.76, respectively.

³⁶ Region 5 respondents are statistically more likely to use the police than respondents in Regions 1, 2, and 4 (t-stats 5.76, 2.87, and 3.64, respectively).

³⁷ The relevant question asked respondents to choose the response closest to their view: “It is better for non-violent disputes to be resolved within the community” or “The formal court system is designed to be fair to all citizens, and is the best place to take non-violent disputes.” “Neither” or “both” were available but discouraged options.

Table 1: Use of Formal Authorities to Resolve Hypothetical Disputes

% Using formal authorities	Brother beaten up*	Land dispute with another household**	Land dispute with another village***	Conflicting land ownership****	Request for triple the price*****
National	48%	18%	46%	35%	84%
Urban	48%	26%	45%	31%	74%
Rural	49%	16%	46%	50%	87%
Region 1	70%	38%	61%	40%	91%
Region 2	48%	6%	31%	21%	79%
Region 3	48%	19%	52%	47%	80%
Region 4	39%	6%	33%	23%	83%
Region 5	8%	13%	33%	38%	84%

Source: “Formal authorities” refer to police, courts, lawyers, judges, prosecutor, Provedor’s Office, and district/subdistrict authorities. Note that this grouping was made by the authors during the drafting of this report; when answering the hypothetical questions, respondents named the institution specifically. Therefore, the authors’ classifications do not necessarily represent the respondents’ views on what is or is not a formal authority.

* Your younger brother was beaten up by someone from a neighboring village.

** Your household is experiencing a property-boundary dispute with another household.

*** Your village is experiencing a property-boundary dispute with another village, which involves part of the land that you farm.

**** Someone is claiming ownership over your land.

*****An official at the subdistrict level is asking triple the asking price to process government documents.

communities were primarily responsible for law and order, as shown in the preceding chart, 38 percent of respondents believed that nonviolent disputes should be resolved within communities.³⁸ In fact, in almost every region, respondents were more likely to see a role for the community in resolving nonviolent disputes than in maintaining law and order. The notable exception was Region 3 (Aileu, Dili, Ermera), where over half of respondents—and 62 percent of urban respondents—believed that the courts should be responsible for resolving nonviolent disputes. While the causes for this are unclear, this preference might reflect the tendency in Dili and neighboring urban areas for small, unresolved disputes to escalate into violence, more exposure to state dispute-resolution fora, or the difficulties of community-led dispute resolution in a more diverse city environment.

When asked about the appropriate forum to resolve various hypothetical disputes, respondents’ answers again revealed the ambiguity of state and nonstate roles in Timor-Leste, as well as the importance of the dispute types in determining where the dispute should be resolved. In cases where subdistrict officials hypothetically asked triple the asking price to process government documents, respondents showed a clear preference for taking the dispute to representatives of the formal justice system (police, courts, lawyers, judges, prosecutor, Provedor’s Office, or district/subdistrict authorities).³⁹ Nationally, 84 percent of respondents selected formal dispute-resolution authorities; respondents in rural areas were more likely than urban respondents to choose formal authorities (86 percent vs. 74 percent, respectively).⁴⁰ In a case where a respondent’s household is experiencing a boundary dispute with a neighboring household, however,

just 18 percent of respondents indicated that they would take this dispute to a formal authority. There was substantial variation between men and women (16 percent vs. 21 percent, respectively) and urban and rural areas (26 percent vs. 16 percent), and within and between districts (ranging from a high of 38 percent using formal authorities in Region 1 to a low of 6 percent in Regions 2 and 4).⁴¹ As shown in the table 1, Regions 2 (Ainaro, Manatuto, Manufahi) and 4 (Bobonaro, Cova Lima, Liquica) were consistently among the least likely to take a land-related dispute to formal authorities, whereas Region 1 (Baucau, Lautem, Viqueque) respondents sought help from formal authorities in many dispute types. However, what stands out most of all from this table and the survey findings on dispute resolution is the variation in responses.

Overall, what these questions have made clear is that there is no obvious majority view among respondents on responsibility for law and order in Timor-Leste. Respondents recognize a role for both state and nonstate actors, a finding

³⁸ In Region 1, 38 percent of respondents answered “community,” 43 percent “courts,” 2 percent “neither,” and 15 percent “both.”

³⁹ Specifically, the question asked “I am going to ask you about a series of hypothetical situations. I would like you to imagine yourself in the situation that I describe, and answer the questions about how you would proceed in trying to resolve the situation. Where would you take this dispute: An official at the sub-district level is asking triple the official price to process government documents.” Note: the classification of responses as “formal” or “traditional” is that of the authors. Respondents named the specific individual or institution to which they would take the case.

⁴⁰ T-stat = 2.71.

⁴¹ Region 1 respondents were statistically more likely to take disputes to formal actors than all other regions. At a minimum of the 10 percent level, all areas except for Regions 2 and 4 are statistically different from one another in their responses. T-stats are equal to 1.50 for gender differences, 1.97 for urban-rural differences, 4.03 between Regions 1 and 2, and 4.06 between Regions 1 and 4.

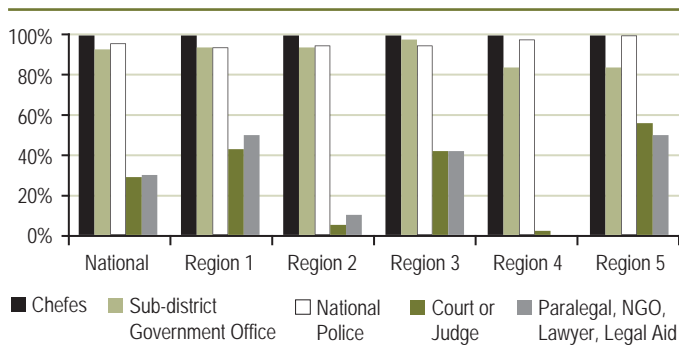
consistent with previous social-science research on Timor-Leste. A recent study of natural-resource management in Oecusse, for example, found that state and customary authorities worked closely together to control land and forest access, with the state offering a new level of legitimacy to displaced customary figures, who then drafted regulations that were transcribed and acknowledged by the district government officials who witnessed the ceremonies.⁴² In turn, the state “drew a measure of legitimacy from embracing a highly valued local institution.”⁴³ In the next section, we further examine the question of trust and the legitimacy of state and nonstate authorities, looking through the lens of dispute resolution.

Legitimacy of and Satisfaction with State and Nonstate Authorities in Dispute Resolution

Despite the slowly expanding reach of formal state authorities in Timor-Leste, traditional practice and customary authorities still play a substantial role in East Timorese life. Article 2.4 of the Constitution of Timor-Leste provides that “[t]he State shall recognize and value the norms and customs of East Timor that are not contrary to the Constitution and to any legislation dealing specifically with customary law.”⁴⁴ Among these norms are traditional, and often comparatively inexpensive, mechanisms for resolving disputes.

Though there has been substantial progress since independence, the reach of Timor-Leste’s formal justice system is still limited. The nation has just four courts (located in Dili, Baucau, Cova Lima, and Oecusse), and serious backlogs prevent virtually all but the most serious criminal offenses from being heard in the formal court system. Given the limitations of the formal justice system, nonstate systems are likely to remain a central feature of conflict resolution in Timor-Leste for the foreseeable future.⁴⁵ With this in mind, the rest of this section discusses survey findings related to respondent perspectives on the legitimacy and efficacy of different state and nonstate actors providing justice and dispute-resolution services in Timor-Leste.

Chart 4: Availability of Dispute-Resolution Actors



Survey respondents reported the availability of a variety of justice institutions, though this varied widely by residence (urban vs. rural) and region.⁴⁶ Nonstate institutions (traditional *adat*⁴⁷ authorities, *chefes suco/aldeia*) were available to most or all respondents, and the penetration of national police and subdistrict government officials was also high.⁴⁸ In contrast, just 22 percent of respondents reported the availability of the Provedor’s Office, 29 percent reported courts or judges, and 30 percent reported paralegals, lawyers, legal aid organizations, or justice nongovernmental organizations (NGOs). However, as shown in the chart 4, the reported availability of key institutions such as courts or judges ranged from a low of 2 percent in Region 4 to a high of 56 percent in Region 5.

Within-region variation was also very large, mainly reflecting differences in availability in urban and rural areas. The chart 5 shows the availability of key institutions by residence.

Residence type and region also played an important role in the usage of institutions. Respondents who reported the availability of an institution in their area were asked whether they or another household member had ever had a personal experience with that institution. For example, residents in rural areas of Region 3 (Aileu, Dili, Ermera) who reported the availability of these institutions reported particularly high usage rates for *adat* authorities (70 percent vs. a national rural average of 44 percent) and *chefes suco/aldeia* (65 percent vs. an average of 39 percent).⁴⁹ Respondents in rural areas of Region 1 (Baucau, Lautem, Viqueque) seemed to report surprisingly high usage rates for formal justice institutions where they were available—32 percent had reported

⁴² Laura Meitzner-Yoder, “Hybridising Justice: State-Customary Interactions over Forest Crime and Punishment in Oecusse, East Timor,” *The Asia Pacific Journal of Anthropology* 8 no. 1 (2007): 43–57.

⁴³ Ibid., 47.

⁴⁴ Government of Timor-Leste, Constitution of the Democratic Republic of Timor-Leste.

⁴⁵ See Carolyn Graydon, “Local Justice Systems in Timor-Leste: Washed Up, or Watch this Space?” *Development Bulletin* 68 (2005): 66–70; Tanja Hohe, “Justice without Judiciary in East Timor,” *Conflict, Security & Development* 3 no. 3 (2003): 335; and David Mearns, “Looking Both Ways: Models for Justice in East Timor” (Sydney: Australian Legal Resources International, 2002), <http://www.jsmp.minihub.org/Reports/tradjust/ET%20ADR%20Pub.%20ENG%20V2.pdf>. Accessed June 2010.

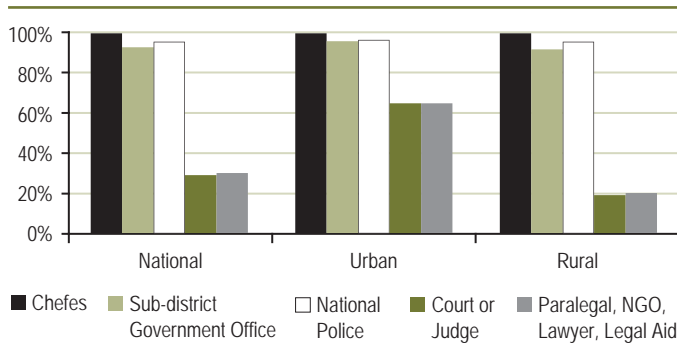
⁴⁶ An institution is considered available if the respondent did not answer “not available here” to a question on satisfaction with the institution in question. It should be noted that the question of whether an institution is or is not available is open to interpretation by the respondent. The prevalence of courts is very low in Timor-Leste—just four are available nationwide—and the numbers are similarly low for some other representatives of the formal legal system. Thus, respondents were most likely not stating that (for example) the Provedor’s Office was available in their community specifically, but rather that they recognized that it was available to them.

⁴⁷ Local or traditional laws and dispute-resolution procedures. These are often widely known within communities, but are not necessarily known or accepted outside of one’s own community.

⁴⁸ Ninety-six percent of respondents reported that national police were available, and 93 percent reported the availability of subdistrict officials.

⁴⁹ The t-stat for urban-rural differences is 2.43 for usage of *adat* authorities and 2.00 for *chefes*.

Chart 5: Availability of Key Institutions, Rural vs. Urban Areas



personal experience with the Provedor's Office, 26 percent with a court or judge, and 18 percent with a paralegal, lawyer, legal aid institution, or justice NGO. In contrast, usage rates in Region 2 (Ainaro, Manatuto, Manufahi), even when institutions were widely available, were consistently low. However, given the minimal availability and uneven coverage of all formal institutions throughout the country, sample sizes are insufficient to draw any firm conclusions regarding these relationships.

While the reasons for these differences in institutional usage are not clear, they do *not* seem to be related to satisfaction with institutions. Satisfaction was generally high across institutions, with 95 percent or more of respondents reporting satisfaction with *adat* processes, *chefes aldeia/suco*, and national police, and more than 80 percent reportedly satisfied with paralegals/lawyers/legal aid institutions/justice NGOs, courts/judges, and subdistrict government officials.⁵⁰ The lowest rates of satisfaction were with the Provedor's Office (61 percent) and international/UN police (72 percent).

Conclusions

An analysis of the TLSLSx data on trust, authority, and decision making yields many interesting findings, particularly related to regional and urban-rural differences. Overall, it shows an impressively high rate of trust and feeling of security in communities throughout Timor-Leste. Particularly in the context of a recent conflict state, this was an unexpected but welcome finding. The survey data also showed strong satisfaction with the performance of institutions of justice and conflict resolution.

The analysis also raises many questions for which answers are still unclear. Why do respondents in Region 2 (Ainaro, Manatuto and Manufahi) have a lower level of trust in neighbors, community participation, and interaction with dispute-resolution institutions? How can we explain the substantial differences between urban and rural respondents in Oecusse on questions of main responsibility for law and order? What factors have led to the comparatively high trust and usage of formal justice institutions in Region 1 (Baucau, Lautem, Viqueque)? Why are there such noticeable divisions among respondents about responsibility for dispute resolution?

To design and support programs and institutions that are responsive to citizens' needs, it is essential to understand how they perceive and interact with one another, their wider communities, and formal and informal governance bodies. International institutions and others working in Timor-Leste must also recognize how regional, interregional, and urban-rural differences impact programming and the effectiveness of messaging. With this in mind, the authors hope that this brief note will provide some answers and provoke additional discussion and follow-on research that will allow us to better understand and explain perspectives on trust, authority, and decision making in the communities in which we work.

⁵⁰ Note that satisfaction is not necessarily based on individual experience with an institution. Any respondent who reported that an institution was available was asked to rate his or her satisfaction, regardless of whether s/he or a member of his/her household had a personal experience with this institution.

Other Justice for the Poor Briefing Notes

- *Women, state law and land in peri-urban settlements on Guadalcanal, Solomon Islands* by Rebecca Monson, Volume 4 Issue 3, March 2010
- *Expanding State, Expectant Citizens: Local Perspectives on Government Responsibility in Timor-Leste* by David Butterworth, Volume 4 Issue 2, February 2010
- *Women's Access to Land in Kenya* by Andrew Harrington, Volume 4 Issue 1, January 2010
- *Contracts, Land Tenure and Rural Development in Timor-Leste* by Rod Nixon, Volume 3 Issue 3, November 2009
- *Mapping Indigenous Communal Lands: A Review of the Literature from a Cambodian Perspective* by Daniel Adler, Jeremy Ironside and Mean Ratanak, Volume 3 Issue 2, October 2009
- *Coercion to Conversion: Push and Pull Pressures on Custom Land in Vanuatu* by Justin Haccius, Volume 3 Issue 1, March 2009
- *Legal Aid Days as a Research Tool: Experiences from Northern Kenya* by Benita Ayuko and Tanja Chopra, Volume 2 Issue 4, September 2008

What is Justice for the Poor?

Justice for the Poor (J4P) is a global research and development program aimed at informing, designing and supporting pro-poor approaches to justice reform. It is an approach to justice reform which:

- Sees justice from the perspective of the poor/marginalized
- Is grounded in social and cultural contexts
- Recognizes the importance of demand in building equitable justice systems
- Understands justice as a cross-sectoral issue

Justice for the Poor in Timor-Leste is part of the AusAID-World Bank collaboration on the East-Asia and Pacific Justice for the Poor Initiative. This Initiative includes work in Solomon Islands, Vanuatu, Papua New Guinea, Timor-Leste and Indonesia, as well as regional thematic activities.

Contact us at j4p@worldbank.org and visit our website www.worldbank.org/justiceforthe poor for further information.