

## CHAPTER 29

### **Timor Leste: embracing resource governance through ritual in a post-conflict society**

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#### **Introduction**

After than a decade of United Nations and international agency oversight of its political and economic development, the young nation-state of Timor Leste is eager to unshackle itself and emerge as a fully self-governing nation state. As such it is fertile ground for an analysis of the ways in which social movements, local, regional and international practices and policy deliberations coalesce around the issue of the environment and natural resource management. Drawing out the tensions and transitions of this post-independence period, and framing them in the context of centuries of abject European colonial rule and a quarter of a century of violent Indonesian occupation, the story traced in this chapter is one drawn from the interplay of history, custom, environmentalism and the national body politic in Timor Leste. Examining the intermingling of complex ‘representational economies’ (Keane 2007) I seek to draw out and interrogate the ways in which players from differently configured, if co-constitutive, socio-environmental domains seek to communicate, translate and justify their aspirations and activities to themselves and each other.

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There is no word for ‘environment’ in the twenty or so Timorese local languages.<sup>1</sup> The national language Tetum draws on the Portuguese ‘*mieu ambiente*’ to capture the idea. For most Timorese the environment is not an abstract idea, but something engaged with in practice, most usually through ritual and use (Carvalho 2011). In this context, the object of discussion in this paper is a geographically widespread but locally enacted customary practice of ritualised prohibitions, or *tara bandu* as it is glossed in the national language of Tetum. While the practice is often referred to as ‘seasonal or periodic resource harvesting restrictions’ (Meitzner Yoder 2005: 249), it can also be more broadly interpreted as a practice which regulates a range of place-based social and environmental relationships. In historical continuity with policies first propagated by the Portuguese colonial government in the early twentieth century (Shepherd and Palmer 2015), it is often suggested that *tara bandu* can be harnessed as a pathway toward national forest and other local resource protections (Meitzner Yoder 2007a).

Elevated as a tool for forest protection at the turn of the twentieth century, *tara bandu* quickly became a favoured ‘indigenist ideology’ to which the state was prepared to surrender at least some control (Shepherd and Palmer 2015, McWilliam *et al* 2014). The favoured status afforded to *tara bandu* as an indigenous ‘environmental protection practice’, has to some extent been reinvigorated today and it is a ‘traditional’ mechanism which is garnering significant attention and traction in the development of formal resource management laws, many of which are drafted by ‘expert’ foreign advisors. Here *tara bandu* mechanisms are considered useful as community level tools ‘to conserve and

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promote the environment and the preservation and sustainable use of natural resources’ (Article 10 [2] of the Draft Water Resources Law, Ministry of Infrastructure 2012). Yet from a local standpoint what is today labeled as *tara bandu* is and arguably has always been more broadly interpreted as an agglomeration of practices drawn on to regulate place-based social and environmental relationships. Known across the region through a multitude of specific names and forms, it is in short as much about the management of people’s social interactions and behaviors and local governance systems as it is about environmental management (cf. Comissao Justica e Paz Paroquia Viqueque, 2005; Barnes 2011). Yet eliding the social and political complexities which constitute both its ‘traditional’ and ‘modern’ day character, past and present state engagements with *tara bandu* have in the main preferred to see it as merely a mechanism to advance nature conversation. The implications of this for local communities are at the core of the tensions dealt with in the following discussion.

### **Country background**

The newly independent East Timor is a post-conflict society facing complex social and economic challenges as it attempts to rebuild itself as a modern nation state (Fox 2001; Hill & Saldanha 2001, Philpott 2006). The occupation of the country by Indonesia from 1975, following centuries of Portuguese colonial rule, resulted in the disruption of traditional land uses and lifestyles through ongoing military surveillance and conflict with Timorese resistance forces (CAVR, 2006). The Indonesian occupation included large numbers of civil servants, troops, as well as armed militias and in some regions the

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implantation of transmigrants and the construction of new settlements through forced internal migration. The Timorese suffered abuses of human rights, and the widespread loss of life (approximately 200,000 individuals, CAVR, 2006) and property during and after their guerrilla campaign (Tanter *et al* 2006, Nevins 2005). Since that time, two United Nations peacekeeping and state building missions (1999-2002; 2006 to 2012) and the independent government of Timor Leste (2002-present) have struggled with enormous development and reconstruction challenges.

The country is the poorest in Asia; poverty estimates indicate that 49.9 per cent of East Timorese live on less than US\$1 a day and adult literacy hovers around 50% (Directorate of National Statistics 2007). Most of the million or so Timorese live in rural areas, and they practice traditional near-subsistence agriculture, and depending on their geographical context, fishing, hunting, gathering and some cash cropping. Their half island state is characterized by ecological and cultural diversity: a collision zone for an array of little studied (hydro) geological formations and languages and a region of ever changing ecological habitats on which depend multitudes of small scale livelihood practices. Given its substantial oil and gas reserves, the Timorese government hopes that Timor Leste is now on the cusp of a transition from primary reliance on subsistence based natural resource use toward resource-intensive development driven by its sovereign wealth in fossil fuels and ambitious designs for mega-projects and new economic zones (Meitzner Yoder 2015). Yet despite these aspirations, it can be expected that rural settlements will remain characterized by subsistence livelihoods dependent on

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agriculture, forestry and forest products, and fisheries for some time into the future (Batterbury *et al* 2015).

A major challenge emerging for rural livelihoods is food and water security, particularly in the context of historical and ongoing environmental degradation and climate variability. Under Portuguese rule (1540-1975) there was extensive inland deforestation of sandalwood, teak and other hardwoods and establishment of coffee plantations, with many of the latter being now severely degraded and for this reason underutilized. Under Indonesian rule (1975-1999) there were many commercial development schemes centered on natural resource extraction including timber, marble and mineral extraction, agribusiness and fisheries operations (cf. McWilliam 2003; Meitzner Yoder 2007a). Today the country faces a suite of environmental challenges including ongoing deforestation for both agriculture and timber, with the latter used for both commercial purposes and domestic cooking needs, along with seasonal burning, soil erosion and gullying, water shortfalls, river sedimentation and coastal pluming, mangrove and coastal habitat destruction, high population growth, and incipient and largely unchecked urban and peri-urban development. Meanwhile, the country also has important tropical forests, some now protected as national parks or reserves, and other relatively pristine environments including reefs, lagoons and palm groves (Sandlund *et al* 2001, Cullen 2012). Timor is a signatory to the UNFCCC and Biodiversity convention (NCRD, 2008).

**Support for the resurgent practices of *tara bandu***

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In the independence era, across the nation people are reveling in their freedom to re-institute many traditional practices which were repressed during two and a half decades of violent Indonesian rule (Palmer & Carvalho 2008; D'Andrea *et al*, 2003; Meitzner Yoder, 2005; McWilliam, 2003). While practices such as *tara bandu* were not technically banned during the Indonesian occupation, they were effectively suppressed due to the consequences, potentially fatal, of congregating in large numbers to conduct unauthorized ceremonies. Since independence, however, *tara bandu* and other such practices have reappeared in many communities across the country. In some cases it has been reported that local community interest in the resurgence of *tara bandu* has stemmed from the need to address problems relating to resource exploitation and housing reconstruction in the wake of the 1999 violence and withdrawal of Indonesian troops (Meitzner Yoder 2007a). Anecdotally it is also attributed as being a result of a depressed post-independence economic environment which has led to increased stealing of crops, livestock and forest products. An increase in social unrest or 'post-conflict' community violence and a desire for peace-making is another reason why some communities are returning to this practice. The government is generally supportive of these 'revived' practices, and prior to the 2012 national presidential and parliamentary elections a community-wide *tara bandu* aimed at creating the conditions for peace and harmonious relations was held in the north central mountainous sub-district of Quelicai. Both the nation's then President and Chief of Police attended and witnessed the event, hoping to avert election violence that had the potential to stem from this area's notoriously 'troublesome' and migratory population.

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Given the renewed community interest in *tara bandu*, and with the assistance of district forestry departments (Meitzner Yoder 2007a), civil society organizations and individuals from the Timorese educated classes, some communities elsewhere have even begun to document their *tara bandu* practices in the form of written documents and agreements. As noted above the Government is now considering a draft National Water Resources Law which foregrounds the practice of *tara bandu* as a key mechanism for localized water resource protection.

While such locally based customary resource management practices have undergone resurgence in the post-independence era, a host of post-conflict and post-colonial issues remain which need to be thoroughly examined and addressed. Such issues involve the challenge of collaboration among diverse stakeholders due to colonial and post-colonial abuses and as selective engagement with ritual activities, the absence or loss of knowledgeable community members, livelihood and financial constraints, and failures of mainstream resource managers to fully link resource management into the realm of social and political rather than regulatory and scientific relationships. While for example in the Oecusse enclave in Timor Leste the process of collaboration between state and customary authorities over natural resource management has worked largely to the benefit of local peoples and the nation state (see Meitzner Yoder 2005), in other areas, particularly around the nation's capital there has been a problem of selective use of the process by government authorities (cf. Meitzner Yoder 2005: 252). In these cases the government has become involved with *tara bandu* ceremonies, provided money and animals for the rituals, but has not followed through the process beyond the staging of a ceremony. As

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result local peoples have also been encouraged not to take the process seriously, and prohibitions have been breached or set aside shortly after (pers comm. D. Carvalho 2008). In other cases collaborations have selectively focused on particular environmental elements of the *tara bandu* process, and this failure to engage with the full spectrum of what are usually social and environmental prohibitions has weakened the *bandu* implementation. In some areas, hostility toward such practices by representatives of the local Catholic church continues to actively undermine their implementation.

Intra-community issues can also be critical factors for the success or otherwise of these collaborative processes. An intra-community issue affecting some areas in Timor Leste is the loss or absence of knowledgeable ritual leaders to carry out such practices. While some of these people may have died during or subsequent to the Indonesian occupation, others may have been sympathizers with the Indonesian occupation and have since fled across the border into West Timor. Due in no small part to the societal disruptions of the Indonesian era, the death or departure of these community leaders has created a political and ritual vacuum at the local level. In Indonesian times when such community rituals were able and authorized to be carried out, the local Indonesian appointed authorities (such as the village head) are said to have chosen inappropriate people to lead the rituals. This resulted in both a desacralisation of the process and ineffective, if not dangerous, ritual practices. Today, community members are often hesitant to carry out rituals for which the necessary expertise is felt to be lacking.

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In these contexts some have been critical of what they perceive to be locally idealized representations of *tara bandu* and the tendency of this process to encourage invented traditions (Meitzner Yoder 2005: 252). Yet here I argue that it is more useful to think in these circumstances of local peoples and their advocates being, like others elsewhere in the region, engaged in an ambiguously shifting array of ‘representational economies’ and ‘different modes of objectification’ (Keane 2007: 269), as they speak and respond to equally shifting indigenous practices, intra and inter-community politics, regional, national and international conservation and development agendas. By this I mean to highlight the tensions of representing practices drawn from the customary realm as either unidimensional tools for nature conversation or pathways to an idealised past, eliding for the moment at least the social and political complexities which constitute both their ‘traditional’ and ‘modern’ day character. In reality such conversations and collaborations are at once situated, dynamic and opportunistic, and in many ways the outcomes will always either be unknown or uncertain.

### **The *tara bandu* process**

Today there is any number of reasons why a particular community may decide to carry out a ‘*tara bandu*’ or prohibition ceremony. These include primarily environmental and/or agricultural reasons such a desire for bans on cutting trees or burning the landscape, the need to protect water sources or particular forested areas, or to halt practices such as stealing from others’ fields or allowing livestock to roam unchecked. As well there may be more explicitly socially directed reasons such as bans on polygamy,

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community violence, sexual and domestic violence, or a desire to mediate land disputes, demarcate boundaries, or ‘regulate’ social exchange practices. As discussed below, as in the colonial past (Shepherd and Palmer 2015), today the primary reason for the *tara bandu* ceremony may stem from the initiative of an outside organization or the state, although even in these cases there will be local reasons for engaging with the process.

What is understood today as the *bandu* process is usually conducted at the *aldeia/suco* or sub-village/village level and may be carried out as many as 2-3 times per year or as little as once every 2-3 years or longer. While the ceremony is announced and co-ordinated by the local political leader (usually the *chefe de suco* or village head), the law making power emanates from the ancestral and ritual power of the sacred house or houses (*uma lulik*) of one or more of the area’s autochthonous or origin groups (*uma lisan*).

Ceremonies are public events which announce the pre-agreed suite of prohibitions to the community as well as those present at the ceremony from outside the community. In the period preceding the event, external guests will be formally invited and these may include political and ritual leaders from neighboring communities, members of the clergy, government, police and civil society. The ceremony itself will be a multi-day event involving much preparation for the law making practices, specifically ritual speech, celebratory ritual dancing, drumming and singing, betel nut exchange, animal sacrifice (which animals and how many depend on the traditions and capacity of the village and the subject of the *bandu* itself) and divinatory techniques including an augury based on the sacrificed animal’s internal organs, and feasting. Prior to the community feasting, the relevant ritual elders must also come together to share in the consumption of specially

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prepared foods, which are also symbolically shared with the relevant ancestral spirits of the 'houses', lands and waters. In most areas, following the ceremony large ritual 'mother' posts and smaller 'child' posts will be placed around the locale and hung (*tara*) with relevant symbols (usually skulls of the sacrificed animals, forest foliage and crop items) of the prohibitions (*bandu*) now in place. The primary *tara bandu* post and its subsidiaries signal to all passing that the area is now subject to these prohibitions.

Depending on the sacred and ancestrally sanctioned nature of the prohibition, it is expected that anyone breaking the prohibition will be subject to supernatural punishment (sickness, death, infertility and other misfortune), and/or penalties such as fines imposed by local ritual and political authorities (ranging from a chicken to one or more buffalo or other material items depending on the seriousness of the breach). A ritually appointed team of area patrollers and law enforcers known in Tetum variously as the *kabuleha*, *kaburoda*, *kaburama* or *kabutesi* are drawn together from across the sub-village (*aldeia*) level and are led by a senior village level figure known as the *kabuleha boot*.<sup>2</sup> Together they will be responsible for the ongoing implementation of the prohibitions, and their activities will include frequent patrols to monitor local environs and refresh the materials which make up the *bandu* signage (usually done via the placement of fresh leaves on the *bandu* posts every few days) (cf. Carvalho & Coreia 2011).

As suggested above, a *tara bandu*'s power is established through its underpinning to a moral economy based in decision making practices which are carried out at the local rather than abstract level. In the fractious post-conflict environ of Timor Leste it is widely believed that the twin attributes of a community and ritually sanctioned prohibition will

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result in a higher level of compliance with the prohibitions than may be expected with the imposition of government laws and regulations. In some cases, the *bandu* may be more regional in its reach, and when this is the case the ceremonies and negotiations will involve the political and ritual leaders (*liurai* and *lianain*) of many villages. The newer forms of geographically contiguous *bandu* ceremonies are said to ensure that the ritual process is more effective and powerful, as well as less hampered by border discrepancies between participating and non-participating communities (see below). An appreciation and respect for the long history of each particular community's inter and intra community relationships and law making practices is believed to be of critical importance to both the *bandu* process and its long term outcomes. In this way, local ceremonial and decisions making processes will take into account the long remembered history of past community boundary and alliance making, as well as any intra community conflicts or changes brought about through colonial or more recent interventions.

### **What role for ritual in the management of resources?**

As noted above whilst local communities are able to attract support for and are encouraged to carry out *tara bandu* activities perceived as environmentally enhancing by the government and civil society, *tara bandu* is for local communities as much about the management of people's behaviours and local governance systems as it is about environmental management. In this sense there is no separation between a community's natural, cultural and economic resources.

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To demonstrate this point, here I discuss my fieldwork observations of a community initiative in the mountainous and coffee rich, but poverty stricken, Ermera district in Timor's western highlands. In April 2006, Haberan Kipasidadi ba Dezinvolvmentu (HaKDea), a student based NGO from the Ermera district capital, approached the leaders from local *sucos* (villages) with the idea of reinvigorating local customary ritual prohibition practices in order to tackle timber felling and other natural resource management issues in the region. The local leadership from all 52 *sucos* in the district agreed to participate in the initiative, yet they also made it clear they had other purposes in mind for the undertaking.

Central reasons for the alarmingly high rates of poverty in the region are widespread chronic illiteracy and poor school attendance. While the region is relatively rich in coffee, excess wealth has traditionally been allocated to fulfilling the elaborate ritual obligations associated with harvests and life cycle rituals. Such a focus leaves little available income to cover other necessary expenditures, particularly children's educational costs. In Ducurai, the first *suco* to undertake HaKDea's *tara bandu* initiative, local leaders decided to use their customary ritual prohibition laws to shepherd in a ritually sanctioned reduction in the exchange of goods and offerings associated with these ceremonies and customary exchanges. This included a five year ban on the elaborate ritual offerings and a reduction in the currently onerous levels of marriage exchange goods which occur between *omane* (wife giver) and *fetosaun* (wife taker) groups across the full spectrum of life cycle ceremonies. Other aspects of the *tara bandu* involved prohibitions on cutting young trees, burning the land, sexual violence, gambling, and obligations to respect each

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other's fields and borders and seek permission before taking crops/forest products which belong to others.

Under the banner of a nature protection initiative, the community and their NGO collaborators invited to the two day ceremony an array of government officials, church clergy and the national media. Here the *bandu* was danced, sung and even signed into 'law' with a formal agreement<sup>3</sup> designed for the occasion by the local student based NGO. Both the government's participation in the event and the agreement itself were seen as small steps forward in encouraging the government to implement the as yet largely dormant recognition of customary law in Section 2.4 of the 2002 Timorese constitution. For their part the local community also believed that they were taking the lead in implementing one of the national development plans' central objectives—poverty reduction. Although the highest ranking central government representative who attended the event, the Secretary of State for Youth and Culture, stated on the day that he was not authorised to sign such an agreement, he did commend the initiative, particularly as it related to the implementation of the national development plan. The local sub-district administrator did sign the agreement (along with an array of local community representatives), but did so on the proviso that the responsibility for the implementation of the *tara bandu* prohibitions lay with the Ducurai community. Representatives of the church who were present were somewhat ambivalent in their support of the event. For instance, while a blessing of the *kabuleha* was carried out at one point in the ceremony by a foreign priest with long standing connections to the Timorese church, the local church

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representative, a seminarian, was vocal in his opposition to what he saw as ‘pagan’ practices such as nature spirit worship.

The stated community aims of the *tara bandu* were to revitalise culture, protect the environment, improve education and health outcomes and decrease the burden/abuse of customary laws. In relation to the latter, people in the area had complained that some people have been abusing the wifegiver/wifetaker house traditions by asking for too much in the customary exchanges between these sacred house groupings during *lia mate* (death related ceremonies) and *lia moris* (life related ceremonies). Hence this *tara bandu* was effectively a case of tradition being used to manage its own excesses.<sup>4</sup> It was also an especially significant event as it was attended by a total of nine villages, all of whom participated in, witnessed and legitimised by their presence the *tara bandu* law making process.

### **Resourcing and governance dilemmas**

In such cases, a major issue emerging in the independence era and relating to *tara bandu* activities is the considerable financial resources needed to carry out the requisite ceremonies. This is also important as the greater the number and size of the animals sacrificed in the *bandu* ceremony, the higher the breach penalty and the greater the breach deterrent will be. In cases where the protection of commercially productive plantations and cropping areas is the aim of the *tara bandu* the costs of the ceremony can be borne by community members willing to give financial assistance to obtain the

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benefits of the *bandu* for their own properties. In some cases, as in Ducurai, some support for the organization of the event may be available through civil society groups. However, in other cases where there is no outside source of financial support and when the subject of the *bandu* is large areas of forest and areas with no immediately obvious economic benefit to local landholders, raising the necessary resources for the ceremony will be a much more difficult task. In the Viqueque region in 2005 the local Catholic church sponsored an information gathering activity which aimed to document extant *tara bandu* laws and customs and encourage a district wide program focused on environmental protection of forests and wildlife. However, since the initial meetings with elders and collation of the data in to a publication (Comissao Justica e Paz Paroquia Viqueque 2005) there have been no financial resources forthcoming to carry out the planned district wide process.<sup>5</sup>

The issue of financial resources is also relevant to the implementation of the *bandu*. While they were not paid a salary for their activities in past times, the sustainability and effectiveness of the *kabuleha* institution was assisted in most cases with individual *kabuleha* receiving rights to a share of either participating farmers' harvests or to the penalties imposed for a breach of prohibition. With the lapse of *tara bandu* practices since at least the Indonesian era and their reconstitution in very different and very difficult economic circumstances, such 'in-kind' payment is today either absent or insufficient for the *kabuleha*'s livelihood needs. As a result *kabuleha* are required to focus their daily activities in the first instance on meeting the livelihood needs of their own families and the required patrols, particularly to remote areas, may not be done in a

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timely, consistent or effective manner. In addition to this, local people are all too well aware that poverty is a major facilitator of illegal resource exploitation particularly in border regions and are seeking additional enforcement and livelihood assistance from relevant government sectors in order to address such issues (cf. Meitzner Yoder 2007b). Particularly when there is an absence of traditional enforcement mechanisms, some segments of a community may feel justified in ignoring the *bandu*.

Given that the *tara bandu* process is underpinned by a need for the strong and timely enforcement of penalties, another issue of local concern is the lack of a coordinated approach to law enforcement between the formal and customary legal systems. Hence when there are two legal systems effectively operating in isolation from one another there is ample opportunity for legal ‘institution shopping’ (Benda-Beckmann 1991; Lund 2003). While in some areas police do actively work with the community and *informally* refer cases back to the traditional system for resolution, in other places people breaching a *bandu* prefer to present themselves to the quagmire of an under-resourced and over-stretched formal justice system rather than face the immediate customary penalty (Carvalho *et al* 2008).

In one reported case a *bandu* in a famed lagoon area on the country’s northwest coast was conducted with the support of a senior fisheries bureaucrat who was also a member of the clan responsible for the ritual management of the area. However the inter-clan negotiations necessary for the successful conduct and implementation of the *bandu* were not carried out (Thomson 2005). Yet such active government interventions also create

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within communities an expectation of continued government support and leadership in relation to *bandu* processes. In this case it also created a segmented fisheries project based rather than a whole of community approach to the *bandu* process. In reality *tara bandu* processes require much time, skill and networking to negotiate, carry out and implement. Treating such processes as merely project or event (single ceremony) based does not bode well for long term outcomes. Indeed it is local political leadership that is critical to the success of a *bandu*, it is this that can steer and most impact on a community's respect for and acceptance of process.

### **Dangers, obstacles and possibilities in the formal recognition of *tara bandu***

More than a decade on since independence and the beginnings of the revival of *tara bandu* practices across Timor Leste, the state is, as noted above, now indicating it may move toward the formal legislative recognition of *tara bandu* as a customary resource management practice. Obviously there are potential dangers for communities in pursuing such pathways. Elsewhere in the archipelago, Zerner (1994: 1107) has written of the risks for customary systems of becoming beholden to external regulatory control whereby 'the complicated ritual nexus in which these practices are embedded has been reduced to a sparse, functional system...'. Given such warnings of co-option, the continuing absence of formal legislative recognition may well be considered by some to be the most desirable state of affairs.

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However, this is not a sentiment shared by many local peoples who are keen to see state recognition of their customary laws (cf. Carvalho *et al* 2008). Community leaders across Timor express a desire for the government to formalize its recognition and support for practices such as *tara bandu*, with some advocating that legislative form needs to be given to the constitutional recognition of traditional laws and customs. However, questions as to how this recognition should be activated and whether or not such laws need to be written down or codified need to be carefully considered. As noted above, already there are some civil society groups who are actively supporting the documentation of community specific *tara bandu* processes in the hope of pushing forward with governmental recognition. In other cases, initiatives have stemmed from within the community itself, encouraged by the presence in that community of educated individuals familiar with the formal recognition and codification of customary law in other jurisdictions (pers comm. D.A. Carvalho 2008). In the Oecusse enclave, the formal collaboration between customary and government forestry officials has been underpinned in each instance by the creation of formal 'letters' documenting the combination of traditional practices and state forestry laws which comprise that particular *tara bandu* (Meitzner Yoder 2005, 2007a, 2007b). Yet it is unclear in the *tara bandu* documents that are emerging whether these documents are intended to be guides to practice in the relevant community or definitive accounts which must be applied and referred to from now on in spite of ever changing contexts and circumstances.<sup>6</sup> The dangers implicit in a tendency towards static and mechanistic rather than dynamic and adaptive customary practices are issues have been documented elsewhere (cf. Zerner 1994). Similarly

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Fitzpatrick *et al* (2008) write in their discussion of customary land issues and the development of a formal land law in Timor Leste that:

[w]hile the law should provide legal space for custom in rural areas, it is not necessary to define either the nature and rules of "customary law", or to identify specific types of customary authority. There are few benefits and too much diversity across Timorese customary systems to justify this approach (2008: 8).<sup>7</sup>

It has been suggested also that land rights issues are a primary concern of some state actors in relation to the resurgence of *tara bandu*, with some people in the Ministry of Justice's Directorate of Land and Property viewing 'state support and tacit recognition of such traditional elements as potentially problematic for the government's work of sorting land claims...' (Meitzner Yoder 2005: 251). Indeed, the state in the first instance invested the bulk of its legislative and bureaucratic attention in pursuing a development oriented program of formal land surveying, registering and titling (ARD 2008). This is a program which aims as well to demarcate large areas of 'vacant land' as 'state-owned land' for development purposes (Anderson 2008), despite the fact that these same large swathes of land have long been understood by local communities to be their own communal lands (Batterbury *et al* 2015, Rede Ba Rai 2013, Meitzner Yoder 2015). In this sense, resurgent *tara bandu* activities are an important way of communities continuing to exercise *de facto* governance and ownership rights over these areas of 'social tenure' (Wallace 2007).

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In such instances, acknowledging through resource management regulations the role of broadly interpreted customary governance mechanisms for the regulation and sharing of resources may well be a fruitful approach to the management of communal lands. For example legislative processes could give recognition to locally relevant institutions of resource governance, whilst refraining from the specific definition and ‘capture’ of such practices. In Oecusse, for example, Meitzner Yoder notes that the formal collaboration between the state and customary authorities was built around the recognition and formal legitimation of a specific type of customary authority in the village known locally as the *tobe*. The *tobe*’s role involves the ritual management of ‘land and forests, including agricultural rituals, approval for swidden sites and sandalwood harvesting’ (2007b: 46). The program put in place by the district forestry authorities was based on the creation of new institutional forms, specifically the five member (Agri)Cultural Associations created in each participating village to support the role of the *tobe* and established social mechanisms to institute the emerging mix of customary and forestry authority rules. It was a program which demonstrated ‘a decentralization of decision making as well as of management responsibility’ (Meitzner Yoder 2007b: 53). Yet Meitzner Yoder (2007b: 45-46) also writes that that while participation in the government initiated programme was voluntary:

Once the Agriculture Department programme was under way, villages were expected to participate by forming associations and holding a *tara bandu* in order to benefit from government programmes including extension, experimental project funding, livestock vaccinations and other departmental activities. Villages

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unable or reluctant to follow the mandated model risked exclusion from desirable programmes.

While the Oecusse program has been a ‘customary/modern’ collaboration with generally beneficial outcomes for local peoples and the state, two crucial factors to consider prior to the expansion of collaborative ventures such as this, are the issues of control over the environmental governance model and the provision of adequate resources. Rather than being prescribed externally, engagement with the government and non-government agencies could be an option which local peoples can voluntarily choose to ‘opt into’, when and if they believe this can assist them in achieving particular land management and livelihood goals (Langton *et al* 2005). Such a program would be based on a model of *community control* rather than what are more commonly applied strategy of *community-oriented* conservation. While the risks and uncertainty of such an approach are ever present, the potential benefits of devolved control of decision making *and resources* are critical to engaging and sustaining local place-based livelihood and governance practices (see Langton *et al*, 2005; Muller 2008; Palmer and Carvalho 2008).

In the Oecusse program there is little direct funding or material assistance provided by the government for local peoples to manage their own resources. Yet the provision of resources would seem an essential step toward local peoples being able to exercise management and decision making control over their lands. Dynamic and adaptive local traditions can only be truly effective when there is a long term commitment to support and commit resources to the process by those from outside the immediate community

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who also stand to benefit from the outcomes of such practices (environmental protection, social cohesion). Yet given the embeddedness of these roles in a complex and ancestrally sanctioned ritual governance complex, the actual resources and livelihood assistance which could be provided by outside agencies would need to be carefully thought through and negotiated. Material and in-kind assistance with livelihood activities, transportation to remote areas and other means of indirect assistance with costs may be more appropriate than the payment of direct wages as received by government forest rangers for example. Such arrangements would also need to be carefully considered and negotiated by the range of actors involved. If proactive governance arrangements instigated by local peoples themselves can be acknowledged as legitimate, governments and others can begin to trust in capacity of local communities to manage themselves and their territories. This includes assisting to some extent at least with the financial resources needed to carry out these locally relevant practices.

## **Conclusion**

While the full suite of complex and inter-scalar customary relationships relevant to the management of local resources in villages across Timor Leste may be struggling to emerge in the post-independence environment, this paper has shown that many of these relationships are still celebrated and adhered to in the practices glossed today as *tara bandu*. While issues of local governance are critical to *tara bandu* implementation processes, so too is the extent and style of engagement by other environmental governance actors in Timor Leste. While there is a remarkably widespread level of

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community support for *tara bandu* like processes, this support is activated most usefully when it is accompanied by strong and effective leadership at the community, sub-district and national levels (Carvalho *et al* 2008; Palmer & Carvalho 2008).

My concern here has been to chart the pathways and processes which are influencing the Timorese body politic's enthusiasm or otherwise for the formal recognition of these customary practices. In this notion of a body politic I include actors from communities, government and the international aid and non-governmental organizations which make up Timorese civil society. I have considered what risks such actors have been willing or compelled to take in the pursuit of such recognition. On the other hand, despite my interest in the politics of these engagements, I argue too that overly refined attention to such matters, and the 'representational economies' (Keane 2007) which emerge out of them, risks being both obfuscatory and paralyzing. I argue instead for a hopeful embrace of such engagements and through this for the creation of a dynamic and adaptive formal and informal resource management culture that is prepared to risk uncertainty and complexity and embark on programs of fulsome rather than piecemeal engagement with local communities. As such issues of decentralized decision-making and adequate resourcing of local governance practices are of critical concern. Rather than seeking to purify and control these complex domains of governance (Latour 1993; Keane 2007), what is needed I argue, are creative mechanisms through which people and ideas can come together, share resources and pursue outcomes which benefit in a tangible way the many thousands of disparate and culturally unique communities scattered across the country (cf. Hicks 2008). For Timor Leste *tara bandu* represents an opportunity,

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however difficult or compromised at present, to refashion an external notion of 'environment' and foreground localized and context specific customary practices and relationships as central tenets of a national approach to environmental governance.

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<sup>1</sup> *Rai*, the word for land in the national language of Tetum, can be understood in this way. Alongside the physical landscape it is also a term redolent with affect. In some local narratives it was the sacred and ancestrally powerful qualities of the land itself, Rai Timor, which ultimately led to the withdrawal of the Indonesian occupiers in 1999.

<sup>2</sup> *Kabu* is most likely derived from the Portuguese word *noscabo* meaning a low ranked military officer.

<sup>3</sup> *Lei Tara Bandu Suco Ducurai 25 April 2006*

<sup>4</sup> Cf. Fox 1979. Fox discusses an example from the island of Roti (off the south west coast of West Timor) where there are long standing instances of local political rulers intervening to decree a schedule for bridewealth payments. Meitzner Yoder 2007b:47 also mentions that some post-independence *tara bandu* ceremonies in the Oecusse enclave involved 'reducing certain social practices and traditional festivals'.

<sup>5</sup> In 2011 with the support of the government and international donors, such as Birdlife International, a large community *tara bandu* ceremony was carried out in Viqueque's Mundo Perdido mountain range.

<sup>6</sup> Meitzner Yoder (2007b: 48) writes the formal documents known as 'letters' which are produced as an outcome of the customary-state collaborations in Oecusse have over time become increasingly detailed and elaborate in terms of identifying the objects of prohibition and the fines associated with particular breaches. She notes, however, that in most cases following a breach protracted community negotiations were still the norm to settle on a specific fine, 'indicating that the quantities outlined in [stipulated] fines often serve a symbolic function' (2007b: 49).

<sup>7</sup> Indeed over specificity in relation to the legal recognition of custom and tradition can lead to a range of negative outcomes for indigenous/local groups (Young 2008).