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Peace Agreements as a Means for Promoting Gender Equality and Ensuring
Participation of Women

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Are women included or excluded in Post-Conflict Reconstruction?

A Case study from Timor Leste

Prepared by Emily Roynestad

Background

In answering this question from an East Timorese perspective, and probably from most other cases which we will discuss today, we might first ask the question which women are we talking about? Women are from most points of view not a homogenous category, and issues, which impinge on women are cross cut by other factors affecting their status, albeit marital status, age, class, race, and nation.

East Timor is an interesting case on a number of levels. It is frequently now cited by analysts of UN interventions and peace-keeping missions as one of the 1990's 'success stories', particularly, the InterFET intervention, but also the UNTAET administration which saw the country through its transition to independence between 1999/2000 and 2002. The role that the UN played in mainstreaming the gender agenda in the transition is also being commented upon as path breaking.¹ This case study will illustrate that whilst the UN certainly made an extremely helpful contribution in this domain, the process was nonetheless driven by East Timorese women themselves, without whose determination and persistence, progress would have been less far-reaching.

To introduce some perspective, let's be clear that in East Timor, the majority of women are illiterate, uneducated subsistence farmers. The majority live in rural areas, in an overwhelmingly patriarchal society shaped by centuries of indigenous cultures and religious beliefs, and influenced also by the overlaying gendered impact of Portuguese colonialism and (mostly) Catholic Christianity. They have been marginalized from politics, and collective community agency has been hampered not only by cultural norms, but also by colonial and neo-colonial obstacles, felt most acutely over the last 25 years during the suffocating and brutal Indonesian occupation.

Many feminist analysts of conflict, peace and reconstruction issues point out the fact that the extent to which women are included or excluded in post-conflict reconstruction depends heavily upon their involvement in earlier phases –during the conflict itself, as well as in peace-making initiatives/formal negotiations leading into the reconstruction phase.² This case to some degree bears this out, although there are cases from elsewhere which could arguably said to buck the trend.

East Timorese women activists were networking internationally ahead of the 1999 referendum, in anticipation of the result they knew would follow. They were keen to hear how women activists from other parts of the world had fared, and some of the pitfalls to

¹ See International Alert, 2001, Gender and Peace Support Operations: Opportunities and challenges to improve practice.

² See Meintjes et al, 2002, Zed.

beware of. A conference held by the Catholic Institute for International Relations at the end of 1998 had already provided some pointers.³

East Timorese civil society ownership over the peace negotiations had been very limited. Only one forum was open to East Timorese representatives, and this was heavily controlled. Only 4 women out of 38 East Timorese participants had managed to gain entry. The concern, given this reality was how to ensure that women's rights would receive both attention and guarantees in any resulting peace agreement. The danger was that abuses such as rape, which had gone unchallenged in the conflict, would not cease, but continue unchecked, particularly if the culture of impunity was not addressed.

East Timorese women have overcome significant barriers in securing the degree of participation that has been achieved over the past ten years in all of these phases. I should clarify though that I am talking about a relatively small elite group of educated women who have pioneered and led such endeavors. Significant gains were made at important junctures and so influenced the eventual outcome.

East Timorese women activists have pointed out the extent to which the entire resistance movement against the Indonesian occupation was dependent on their contribution. Not only were a small number of women combatants themselves, but they played an indispensable role in the clandestine networks which became the lifeline and courier service of the resistance fighters. The extent to which they were included at a decision-making level is an ongoing debate, but their role has been acknowledged by many men to have been decisive.

Throughout the 1990's, international legislation came into play supporting women's rights and entitlements such as the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW), the Beijing Platform for Action, the UN resolution against violence against women, the Rome Statute and the definition of rape as a war crime, leading up to UNSC Resolution 1325. These developments spurred on East Timorese women leaders, particularly activists working from the diaspora. These women, often active in the National Council for Timorese Resistance (CNRT) umbrella, were freer to network and organize politically than their sisters in East Timor, who were nonetheless organizing to counter pressing concerns such as violence against women. Here are some examples of their achievements. In enumerating this series of milestones, I want to point out that this case demonstrates the necessity of women *of the nationality in question themselves* being prepared to fight the battles to mainstream gender. The UN cannot do this for them (in fact cannot always be trusted to exemplify its own commitments), and their *own role* will make the difference.

Milestones

In the early 1990s, East Timorese women attempted to break into the All inclusive intra-East Timorese dialogue—a series of dialogues/peace negotiations which had, after the first initiative, been taken over by the UN. It was a hard battle, and progress, even by 1999, was slow. From one female participant out of 30 men they raised it to 4 over a six

³ See CIIR, 1999: [Humanising Peace: The impact of peace agreements on human rights](#)

year period. Neither the UN nor East Timorese male political leaders demonstrated very much seriousness in addressing this issue.

Women activists sought to bring women's issues up in key East Timorese resistance meetings from the mid-1990s onwards, but this was especially important from 1998 onwards. The notion of gender mainstreaming was introduced by Milena Pires at a key strategic planning conference held at the University of Melbourne in April 1999. Women activists pushed it relentlessly thereafter.

At key junctures, it still looked as if gender would be sidelined. It was East Timorese women activists who managed to retrieve the situation.

The first was in late 1999 when CNRT cadres gathered in Darwin to formulate new political structures for the transition. The first model they came up with contained plans for a prominent gender unit. When the plans changed so as to merge CNRT structures into a joint one with the United Nations Transition Administration in East Timor (UNTAET), the gender unit was temporarily lost, as the UN cadres involved did not see it as such a priority.

East Timorese women insisted upon its reinstatement, and originally it was to be placed in the office of the SRSG. But the plans were modified to save money, and it looked as if the unit would be abolished. Again East Timorese women campaigned furiously, and it was eventually positioned in the office of the deputy SRSG, under the Governance and Public Administration pillar. With an allocation of three staff it set to work to advocate for gender equity and equality according to the UN Beijing Platform for Action, and in light of an East Timorese version of the platform which had been agreed at a major women's congress held in Dili in June 2000.⁴

The First Congress of Women of Timor Loro Sa'e

REDE Feto Timor Loro Sa'e (East Timorese Women's Network)

Was formed at this Congress, which was the first post-conflict gathering of representatives of women's organizations. They discussed the most important issues in the reconstruction of their country, coming out with a Platform of Action and several key demands. The official statement from the Congress highlighted that although there has been a small increase in women's participation in the socio-economic and political spheres, women's absence from decision-making continues to result in the absence of a gender perspective. Women's empowerment and capacity building are vital to their full participation in and contribution to reconstruction, development, and nation building. The absence of clear structures and transparent decision-making process also means that women and men's opportunities and access to resources are reduced.⁵

⁴ See Sherrill Whittington, 2000, "The UN Transitional Administration in East Timor: Gender Affairs' Development Bulletin

⁵ Statement from the First Congress of Women of Timor Loro Sa'e, June 2000.

Several demands emerged from the Congress's Platform of Action:

- The demand for mechanisms to ensure transparency and accountability in government;
- A truly consultative process in constitution building;
- The need for resources to be available to empower women;
- Specifically, they requested that the UNTAET-established National Consultative Council have better representation of women;
- UNTAET to provide support for women's groups;
- And that women to fill a minimum of 30% of places in all sectors of the transitional government in order to participate in decision-making pertaining to nation building, constitution, system of government and national symbols such as the flag, national anthem, and language.
- Called for training and capacity building programs on women's leadership and political participation, as well as a public information campaign on discrimination against women.

UNTAET responded to the concerns raised in the Platform of Action. REDE members met with the SRSB to present their list of demands and he responded by circulating it as a policy and implementation document to every government department in the Governance and Public Administration pillar to determine the extent to which its issues were being addressed. The Platform eventually was incorporated into the work plan of Gender Affairs, and a consultative mechanism was established with REDE to monitor its implementation.⁶

Electoral and Constitutional Participation

In late 2000/early 2001 women began organizing ahead of the first free elections for the Constituent Assembly (CA). A temporary legislative body was set up containing 36 representatives called the National Council. REDE (East Timorese Women's Network) submitted a proposal to the National Council requesting that the Electoral Regulation for the election of the Constituent Assembly include a quota of at least 30% women in the Assembly. The proposal was defeated. Women activists involved alleged that UN Electoral Affairs, which had threatened to pull out if quotas were accepted, had colluded with their more traditionalist male political leaders in a conspiracy to defeat the proposal. Again it was East Timorese women who re-strategized and eventually succeeded in ensuring that 26% of candidates elected to the Constituent Assembly turned out to be women. This is a significant advance for East Timorese women, but one which now requires consolidation at many levels.

⁶ Whittington, Sherrill.

The activists interacted effectively with internationals in their strategy. When the quota campaign failed, they enlisted the direct support of the SRSG, who astutely refused air-time to political parties registering for the election unless they could demonstrate their commitment to gender equity in the positioning of candidates. Having internationalized their campaign for quotas early in the year, they were able to capitalize on a ready made international supporter group, which lobbied the UN at critical junctures.

Key international staff placed in the UNTAET gender affairs unit also worked hard and effectively to ensure that women's leadership training took place, and that key ministries were encouraged to mainstream gender. Gender issues were pushed in relation to the national development plan. Most UN agencies operating in East Timor included gender considerations in their planning. Most importantly of all, women campaigned to ensure that constitutional clauses were incorporated enshrining women's equality and commitment to international legal norms that will guarantee this.

Constituent Assembly Election

In the months leading up to the election, a Women's Caucus was put in place to establish an effective network that worked to increase the number of women registering as candidates. They also provided support and training for East Timorese women candidates, particularly at the district level. Limited information has been found regarding the policies of the political parties on gender and constitutional issues, or how each party promoted women candidates in their campaign at national, district, and village levels. Most parties did not prioritize the needs of women in their programs and many party leaders did not know what their party policies were on gender.

With the failure of the quota, UNTAET put in place affirmative action measures to ensure a high representation of women to the first CA, which would have the task of drawing up the constitution.

The SRSG, Sergio Vieira de Mello, met with party leaders and offered incentives such as campaign materials and twice as much broadcast time to those parties that placed women in winnable positions on their party lists.

The Gender Affairs Unit, in conjunction with UNIFEM, conducted training workshops for 150 potential women candidates, with participants from every district. It was during these workshops that the Women's Caucus group was created to support potential women candidates. One of the Caucus's main objectives was to increase the number of women registering as independent candidates and providing them with support and training women's groups at the grassroots level.

Sixteen political parties and a number of independents stood for election to the CA. Twenty seven percent of the political party candidates were women. Sixty percent of the national independent candidates were women and 27 percent of independent district candidates were women. The East Timorese Women's Network (REDE), an umbrella organization encompassing 18 women's NGO's and women's groups put forward three

national independent candidates, none of whom were elected. The 24 elected female members of the Constituent Assembly represent the country's dominant political parties, including Fretilin and the Timorese Socialist Party (PSD).

Following the results of the elections, a new East Timorese government was announced on 15 September 2001 composed of eleven ministers and a Chief minister. Two women were appointed to the ministerial portfolios of Justice and Finance while a third was given the position for Vice Minister for Internal Administration. Two women Advisors to the Prime minister were appointed, one for the OPE, the other for Human Rights.

The Independent Electoral Commission (IEC) formed a gender equity working group and took concrete actions to ensure that women participated in the process, not only as candidates and voters, but also as electoral administrators. The IEC with the Gender Affairs Unit took up the role of providing names of unemployed female teachers for consideration. Gender sensitive timing for training activities, materials avoiding sexist messages or images, creation of texts that empower women, and special training for women's groups on electoral issues were included in IEC's activities.

A National Steering Committee for Civic Education conducted a nation-wide program of civic education. The Gender Affairs Unit worked with the Committee to ensure equitable female representation/participation. This involved a training of trainers from key CSOs to focus on developing techniques to increase women's access to information and participation in all aspects of the political process. The team was 40% women, with twelve women from REDE (Women's Network), who participated in the training and were active participants in the civic education teams.

Women and the Constitutional Process

In addition to the important role played by Gender Affairs in preparing women for leadership and mainstreaming gender issues, East Timorese women were campaigning to make sure that the constitution would include key clauses which would enshrine forever, at least in law, women's equality and commitment to international legal norms which could be used in the future as guarantees.

Constitutional Commissions were established to consult with the East Timorese people on the future constitution and at least 40 percent of the Commissioners were women. Women were also represented on the Constitutional Commissions, which held public hearings at the village level and submitted the people's views about their future constitution to the Constitutional Assembly. Despite such affirmative action measures, women were less visible than men on voter registration and polling teams, many of which had no or only one or two women members. This was in part due to educational criteria that implicitly introduced a bias against women, with their higher rates of illiteracy and lower rate of English speaking than men.

A working group on Women and the Constitution, composed of several civil society organizations was formed and, in consultation with Gender Affairs, organized

consultations with women's groups all over the country on basic issues affecting women in East Timor.

The result of this process was a Women's Charter of Rights in East Timor, with eight thousand signatures collected mostly from women all over the country supporting the Charter. The Charter was presented to the SRSG on 25 September 2001 by the working group and later was presented to the members of the Constituent Assembly. Despite limited time and financial resources a nationwide campaign collected over 10,000 signatures in support of the Charter. Written by East Timorese women, it represented different districts and organizations, and was one of the first documents to be submitted to the newly elected Constituent Assembly.

The Constituent Assembly was tasked with drafting the Constitution of the new country from September 2001 until March 2002. While numerically women have a significant presence in the CA, there are claims that not all the women are vocal, and only some advocated for the full inclusion of women's rights into the constitution.

Women in Parliament

Today, women elected in the parliament are floundering. Whilst more than a quarter of elected parliamentarians turned out to be women, most are Fretilin, the dominant political party. If they do not toe the party line, they are out. As for women from minority parties, they are powerless, and at least one has relinquished her seat in total frustration.

The Parliament itself is under-resourced, under-trained, and dominated by factional agendas. Parliamentary business is conducted in Portuguese. There is little logistical support, and party whips often prevent them from voting according to their own consciences and priorities.

Lack of experience combined with lack of confidence has so far prevented women from uniting across party lines in the interests of women. Women parliamentarians run a serious risk of being perceived by society at large as a failed experiment, with the consequence of further marginalization at subsequent elections.

The resulting Constitution of East Timor, of March 2002, has among the fundamental objectives of the State

To promote and guarantee the effective equality of opportunities between women and men and the principle of non-discrimination on grounds of gender is a fundamental principle.

Equality between women and men is included with
Women and men shall have the same rights and duties in all areas of family life and political, economic, social, and cultural life.

It also states that *Marriage shall be based upon free consent by the parties and on terms of full equality of rights between spouses, in accordance with the law.*

Maternity leave for working women is upheld, *without the loss of remuneration or any other benefits, in accordance with the law, and every citizen, regardless of gender, has the right and the duty to work and to choose freely his or her profession.*

In the area of political life, the Constitution upholds that, *Direct and active participation by women and men in political life is a requirement of, and a fundamental instrument for consolidating the democratic system. The law shall promote equality in the exercise of civil and political rights and non-discrimination on the basis of gender for access to political positions.*

National Mechanisms for Women at the Government Level

Office for the Promotion of Equality (OPE)

Following the 2001 election, the final phase of the transitional administration, the East Timor Public Administration (ETPA), the model for the independent government, appointed an Advisor for the Promotion of Equality.

Fretilin, the most prominent political party was lobbied specifically with regard to the positioning of a future women's ministry. Assurances were given that this would be placed in the office of the prime minister. These were honored, and Maria Domingas Alves Fernandes, East Timor's gender advisor to the prime minister heads up the Office for the Promotion of Equality. Her appointment was a direct result of women's lobbying.

The Advisor, a long-time activist for women's rights in the executive of OMT, head of FOKUPERS (women's ngo), director of the First Women's Congress, and independent candidate on the platform of women's rights in the elections, took over the head of the OPE, the women's national machinery. Ms. Fernandes has the task of ensuring that government institutions mainstream gender. She is working to set in place a dual strategy, which empowers both women in Government and the civil service as well as women in civil society. Both areas require considerable and ongoing investment in terms of funding, resources, and capacity building.

East Timorese women have been effective at countering cultural relativist arguments that gender equity is a foreign imposition. They have pursued a rights based approach, and armed with a succession of pro-gender resolutions obtained at a series of CNRT resistance conferences between 1998 and 2000, were successful in gaining governmental assent to the signing of CEDAW. This took place on 16th April this year.

It's not that East Timor's women activists want to ditch East Timorese culture – its diversity and richness still provides East Timorese with strong senses of identity both as Timorese and as members of the various tribes, which live there. Olandina Caeiro, prominent East Timorese women's activist puts it quite simply: 'I like my culture, but some things have to change...'⁷

⁷ Marcelo Carvalho, Ibase, 2001 www.ibase.br/paginas/timor_mulheres 'Os dois lados da moeda' translation – Catherine Scott

Men Changing

Some initial work has been undertaken by a small number of NGOs with men to look at constructions of masculinities, challenging men to look at the causes and consequences of domestic violence, and the roots of male violence. The Men's Association Against Violence (AMKV) now meets to take forward these issues at the grassroots level. AMKV also counts as the first male-headed organization active in the REDE Women's Network.

The Role of the International Community

These examples have illustrated a number of occasions where UN practice hampered rather than helped East Timorese women. The message sent out when the UN appoints nearly all the key positions in UN administrations to male internationals severely undermines the potency of UN agreements on gender equity. It also sends out a powerful signal to indigenous men. This was overwhelmingly the case with the UNTAET administration. The ET women's organization Fokupers, also complained about the lack of female personnel available in the UN police force to deal with the huge number of cases of sexual violence. Analyses of these issues conducted by organizations such as International Alert and even by the UN itself have recommended much higher levels of female recruitment to peace support operations, but the reality and actual practice lags far behind. So governments such as our own really must lead by example. News this week that the new UN police chief in East Timor is to be a woman is a welcome development. We need many more of such announcements however, before the gender equity message begins to be taken seriously.

The future of gender mainstreaming in East Timor

Post independence East Timor boasts 5 women in ministerial positions, and 26% of the parliament are women. But we all know that it takes more than positioning women in decision-making positions to make real progress on gender-mainstreaming. Indeed some women in positions of authority still have little understanding of gender concepts, and are susceptible to being over-ruled by their male counterparts. There remains a huge need for capacity building and training. Donor governments can ensure that they contribute both commitment, funds and expertise to these initiatives. East Timor's women parliamentarians have so far been unable to unite across party lines in favor of policies which will favor them, and it will take sometime for the need for this to become apparent and for women to find the appropriate mechanisms. Again, both practical and financial support in building the capacities of women parliamentarians is crucial.

Civil Society

But government initiatives need in turn to be supported by non-governmental forces. There is a wider need for those in these positions to be supported and encouraged by a vibrant, well-informed and constructively engaged civil society.

One important point was that the content of peace agreements was sometimes not so important as the democratic space, which is opened up for civil society in the wake of their preparation and implementation. In East Timor's case civil society organizing had moved up several gears following the demise of General Suharto in 1998. Women's

organizing was an increasingly important part of this. 25 years of oppression had taught activists, male and female, just about every trick they needed to know about how to organize against adversity.⁸

Despite the unified focus in 2000/2001, the East Timorese women's movement is in 2003 a disparate and relatively disunited entity. Fault-lines are both generational and geographical. Those who remained in East Timor during the occupation organized with determination and ingenuity both in support of the independence movement through clandestine activity, and in relation to their own issues, particularly in the later 1990s, violence against women. Their spokeswomen tend to be older women such as former Falintil fighters, and long-standing activists such as Maria Domingas Alves and Olandina Caeiro. Women in the diaspora fought more through UN structures, and linked in both with the international solidarity movement and the feminist movement. In general these were a younger generation. Given how spread out they were – throughout Australia, Europe and Asia, they managed to network increasingly effectively, facilitated from the second half of the 90s onwards by email. Although they kept in touch with their colleagues and compatriots inside East Timor, their experience of activism was quite different. When the different wings of the movement joined up from post 1999 onwards, when a lot of the diaspora based activists returning to East Timor, the immediate requirements to work together urgently to promote women's rights in relation to political representation and constitutional guarantees provided a strong basis of unity. A women's civil society umbrella was formed (REDE), UN support in terms of a Gender Affairs Unit set up, and a succession of initiatives launched.

After the 2001 elections the fault-lines in the women's movement began to expose themselves again. The momentum and focus that allowed for the women's umbrella (REDE) to be formed began to deal with the uneven mix of member organizations and personalities, some new some old, some internationally linked and focused, some linked to political parties. Generational incomprehensions joined insider/diaspora tensions, mixed in with a good measure of simple interpersonal/inter-family or party political rivalries.⁹

Working Towards Unity

Many challenges now face the East Timorese women's movement. As the unifying ties of fighting a liberation struggle fade, the fractures and fault-lines underlying the movement have been exposed. It should be pointed out that this is true of the whole of East Timorese civil society, not only the women's movement. But there are real challenges to be overcome. East Timor is accustoming itself to democracy for the first time in its history. Party political divisions dating back to the 1970s strongly colored the first elections. Old scores are still being settled. The divisive nature of the occupation and conflict qualify the potential for new alliances.

So rightly, there is a great deal of assistance currently being extended by international actors in East Timor in the field of gender equality and gender mainstreaming. Ranging

⁸ See Scott, Catherine and Irene Cristalis, 2003.

⁹ See Scott, Catherine and Irene Cristalis, 2003.

from the World Bank's community empowerment program which sought to set up local governance structures which built in gender equitable representation, to interventions by UN agencies such as UNDP, to financial support of the Office for the Promotion of Equality to international NGOs supporting capacity building initiatives with women's organizations, a huge investment is being made.

Nonetheless, I see a need for international agencies to beware of creating more tensions than they defuse, in the judicial allocation of resources. Tensions can easily be exacerbated by funding allocations, and the women's movement includes populous networks still attached to political parties such as the Organicao Popular Mulhers Timor Lorosae/Fretilin link. The OPMT has been sidestepped by many international funders because of its political links, fuelling resentment and jealousy of women's groups, which do well with foreign funders.

The REDE women's network is now gearing up for the Second East Timorese Women's Congress in 2004. Recognizing that the context four years later is much changed, they are challenged with questions as to their legitimacy as a "national" women's network. Not taking this issue lightly, REDE responded with shock at such a posturing, yet took it as a sobering realization that because key male elites are no longer pushing them towards a national congress as in 2000, their legitimacy should be questioned. Could this be an inkling of what is to come when the UNMISSET leaves next year?

Women and voice in Government

The challenge for East Timorese women then, is whether their organizations and movements can transform into powerful new lobbying entities to ensure that the gains of 2001, particularly their representatives in government can be preserved and consolidated as democracy beds in, and the involvement of the international community gradually diminishes.

Wider issues immediately crowd in. How will the ruling party manage the economy in the long term? Will national security be maintained—will East Timor's fledgling police be about to deal with ongoing militia incursions from across the border, for example? How will the oil wealth be managed when it finally arrives? Will government be transparent or will corruption and nepotism grow? All of these issues are critical in terms of securing a terrain where women can consolidate their gains, and all of them are matters for real concern.

An enduring sore hampering East Timorese progress is reconciliation in the face of immense violence. Resolution 1325 specifically refers to impunity. East Timorese women, like many women victims of conflict suffered appalling levels of sexual and other violence during the Indonesian occupation, and now face rising levels of domestic violence, a point referred to prominently in Ramos Horta's very first speech to the UN Security council following independence.

Last month, the East Timorese Commission for Reception, Truth and Reconciliation heard testimonies from 14 East Timorese women who were victims of widespread violence and humiliation by the Indonesian military during the 25 year occupation of their country. The report made of it afterwards summarized their collective experience pithily in the sub-title “there wasn’t a day without rape.” Olandina Caeiro, long time women’s activist and one of the commissioners summed up the hearing by saying that the world should know about what had happened...so that it may never happen again either in Timor or in other places.

Sadly we know it is, among other places, in Aceh right now, and the perpetrators are the same members of the Indonesian military which brutalized a generation of East Timorese women. Recently there have been efforts to bring high ranking offices responsible for atrocities and the use of rape as a weapon of war to justice through human rights trials in Jakarta. They have been a dismal failure, but the international community has done little either to recognize this, or to call for alternative justice mechanisms to be brought to bear. Far from deterring impunity, the message to the Indonesian military seems to be “carry on as usual.”

Women and Autonomy

Other initiatives receiving international as well as domestic support from both governmental and non-governmental funders are projects such as animal raising, restaurateering, and tais weaving designed to promote women’s economic autonomy. This will contribute to freeing women from male control, and give women greater space in which to operate, and assert greater independence. Work with important societal influences such as the Catholic Church in East Timor is also important, and some women are thinking through how to do this by engaging with international movements of Catholic women. They are also challenging the church directly to address domestic violence issues from the pulpit.

Women in Peace-Building

There are two female national commissioners out of seven appointed to the East Timorese Reception, Truth, and Reconciliation Commission. This is an important recognition of the role that East Timorese women have played and continue to play in the area of peace-making and reconciliation. Nonetheless, that recognition needs to continue. Peace processes take many years, and are artificially constrained by NGO and international funders who try to confine their support of them to short-term funding cycles. This can indeed be damaging to sensitive processes, which require time and space to conduct their findings if they are to be effective. The TRRC which has been set up to deal with less serious crimes in East Timor must take into account the special needs of women, if they are to gain closure by recounting their experiences of occupation.

Women’s use of Justice Systems in Timor Leste

Attitudes towards violence as a whole are debilitating to a woman’s chances of obtaining justice for gender-based violence. Two justice systems, one traditional and one formal, operate alongside of each other in East Timor. Usually local justice processes are initiated by a woman’s family. They “call” members of their own family to solve the

problem, often calling in elders or members who hold cultural power to solve cases.¹⁰ Women cannot be guaranteed that justice will be delivered by local justice mechanisms, given that women have minimal and often superficial participation in the justice hearings and find that the rulings passed are often based on the justice administrators' own biases and beliefs regarding women's status. Furthermore, local justice has little power to enforce its rulings. Men are not forced to take responsibility for their violence while women are assigned blame for causing the violence. Accessing police services is often complicated and can negatively impact the woman's safety and livelihood because the experience of going to the police does not guarantee their safety from their violent husbands, and instead, their cases are not taken seriously and women withdraw their complaints. Some women prefer to solve problems through local justice due to fear of losing their economic security should their husbands be jailed.¹¹

The two justice systems, which are currently running alongside each other are failing to adequately and fairly deal with cases of gender based violence. Both inherently patriarchal, they do have positive traits, which could be built upon. What is lacking is a process of reform that can formally engage the two systems.

Reconciliation

East Timorese women are clear that they want to see peace-making go hand in hand with the administration of justice. The crimes against humanity, including specific crimes against women, including rape, committed by the Indonesian army and its proxy militias have gone largely unpunished, in spite of the recommendations made by various UN enquiries, special rapporteurs, and the Indonesian government's own commission of enquiry. The judicial system in East Timor has been inadequately resourced by the UN and its member governments with the result that it is unlikely even to complete the limited number of prosecutions it has set itself to conclude by the time the UN withdraws its last support mission, UNMISET. In addition, the Indonesian judicial system, as feared, has proved itself utterly incapable of bringing the perpetrators of violations in East Timor for justice. Because of the failure of both processes, East Timorese women have joined other East Timorese organizations in calling for an international tribunal. Other organizations are looking towards ways to push for change in the traditional justice system, which remains overly patriarchal, shunning the use of the formal justice system for cases of domestic violence, which are seen as matters to be resolved within traditional village structures.

Lessons from the East Timor case

To extrapolate key lessons for the benefit of our wider discussion, I believe the East Timorese experience teaches us the following:

- Women in most cases are more likely to be included in post-conflict reconstruction if they have already organized themselves and have succeeded in having themselves included in previous stages of the peace process.

¹⁰ Swaine, Aisling. "Traditional Justice and Gender Based Violence," August 2003. IRC.

¹¹ Swaine, Aisling. 2003.

- Women nonetheless have to have key allies in male elites, both indigenous and international in order to facilitate the above.
- UN covenants, conventions, and resolutions can help, but UN personnel have to back the language with the deeds rather than contradict them—and international civil society pressure on the UN to act is usually needed.
- Individual governments placing enough women among police, military and public administration personnel in peace-keeping missions reinforces gender mainstreaming messages.
- Female nationals in post-conflict reconstruction situations have to take the lead, and cannot rely only on the UN and the international community to push gender mainstreaming on their behalf.
- Links with international support networks can be extremely useful and mobilized to strategic effect.
- Cultural, social and religious factors also have considerable influence in aftermath situation when men begin to push for a return to the status quo ante.
- Women therefore need to engage with cultural and religious authorities in order to build support for lasting change.
- Such milestones as the Women’s Platform for Action must be backed up by support to women’s organizations themselves so that they can play an active role in the implementation and monitoring of the plan.
- The civil space opened up for women during the peace process was as important as the contents of the agreements themselves.