



# Strengthening Accountability and Transparency in Timor-Leste



The World Bank



Timor-Leste

# Strengthening Accountability and Transparency in Timor-Leste

## **Report of the Alkatiri Initiative Review**

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27 January 2006  
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## Acknowledgements

We are greatly obliged to the Prime Minister of Timor-Leste for having invited us to undertake this review. To him and to all those from every sector of the community who gave generously of their time to discuss frankly their concerns and priorities we are deeply grateful. We gratefully acknowledge the impetus for the Mission, and guidance, that was provided by Dr. Sukehiro Hasegawa, Special Representative of the Secretary General (SRSG) and Major General Anis A. Bajwa, Deputy SRSG, as well as Ms. Elisabeth Huybens, World Bank Country Manager and Ms. Naheed Haque, UNDP Country Director.

The Mission also wishes to thank UNDP and the World Bank for their support.

Finally, our mission could not have been achieved as well without the tireless and cheerful efficiency of the UNOTIL support team for the mission led by Ms. Felicia Gordon. The scheduling of appointments was comprehensive and well planned and was modified repeatedly and willingly in order to accommodate our changing requirements. Similar levels of thoroughness and good judgement were applied to an extensive desk review prepared before the arrival of the Mission, the selection and compilation of documents, and logistical arrangements, including office accommodation and transport. To her and to all the UNOTIL personnel who so ably cooperated with her to ensure that our time was used productively we are profoundly indebted.

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**Terhi Nieminen- Mäkynen**  
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Dili, Timor-Leste  
28 January 2006

## Foreword

The Democratic Republic of Timor-Leste is, at the time of my writing, barely four years old. But, a state does not need to be very old to adopt best practices of good governance. From the very beginning of our independence we resolved to establish the highest standards of transparency, accountability and integrity of public institutions. Our determination in that regard is evident from the fact that in these past four years, there have already been four such initiatives in various forms – one each in 2003, 2004, 2005 and this last one in January 2006, to assess the state of transparency and accountability in this new nation and search for ways to feasibly ingrain and incorporate its principles in the functioning of public administration. It is well understood that the success of these initiatives is of real benefit to the Timorese people, so many of whom are struggling with extreme poverty, for the rapid social and economic development of our country. We recognise and plan; for this reason, the clear objectives in this area figure prominently in Timor-Leste's National Development Plan.

The Alkatiri Initiative Review Mission of Experts on Transparency and Accountability was invited to Timor-Leste in January 2006 by the Government of Timor-Leste through UNOTIL, with additional support from UNDP and the World Bank. It was tasked to take stock of the current status and provide recommendations for us to further build upon the three prior initiatives, using a long-term framework for the development of key public institutions in which transparency and accountability is considered fundamental for the proper functioning of any democratic society. At the outset, I gave the team its direction and encouraged them to consult with as many as stakeholders as possible. Given the short two-week duration of its presence in the country, I am pleased that the Mission was able to consult widely with people, with entities and with relevant documents in furtherance of this Report. The experts' findings and recommendations, which I believe to be professionally sound and well focused, must nevertheless, be envisaged with a long-term and practically feasible approach.

With sound recommendations must come a practical timeframe. The next step is for the Government to analyse the Mission's recommendations and to develop actionable plans, in a realistic framework of time, based on the appropriate priorities, to strengthen the accountability, transparency and integrity of the public administration. I am grateful for the support of development partners in assuming a similar long-term perspective for Timor-Leste's development process that has been adopted by the Timorese leadership. I am also

grateful to the five-member Mission for its professional and thorough execution of the Terms of Reference as I outlined for them at the outset of the Mission's work. Finally, in the true spirit of transparency, I am grateful to UNOTIL, UNDP and the World Bank in offering their financial support for the work of the Mission and public dissemination of this Report.

A handwritten signature in blue ink, appearing to read 'Mari bin Amude Alkatiri', is positioned above the printed name.

**Dr. Mari bin Amude Alkatiri**  
**Prime Minister of the Democratic Republic of Timor-Leste**

## Executive Summary

1. In the short time since independence Timor-Leste has established much of the institutional infrastructure that constitutes the core of a democratic state and of good governance. As it moves into the next phase of its development, Timor-Leste will need to ensure that the few institutions that remain to be established, and those already established, should function in the ways intended by their mandates. This is a demanding and critical phase of the building of a democratic state that will require strong leadership and commitment in Government as well as significant support from donors and contributions from other governance actors in civil society and the private sector.

2. A crucial aspect of what remains to be done concerns the extent to which the key institutions of governance can be made more transparent and accountable. The Prime Minister's Initiative on Accountability and Transparency acknowledges both the significance of these aspects of good governance and the importance of ensuring that they are attended to sooner rather than later.

3. The electoral system is the bedrock of a strong democratic state. National elections are due to be held in 2007. It is vital that the electoral law, which is yet to be put in place, be developed in a consultative manner that takes account of the views of all segments of society. There are many issues to be considered, some of which we enumerate, and on others of which we make recommendations. For example, despite the greater financial costs, we believe that it would be helpful to voters to hold presidential and parliamentary elections on different days. In order to help ensure the transparency and validity of the electoral process, we recommend that the independence of the National Electoral Commission should be protected and that the body should be strengthened in a number of ways. We also consider it important that Government and donors begin now to mobilise the resources required to prepare for and conduct the elections.

4. The elections provide an opportunity for strengthening the operation of Parliament. Currently, the proper functioning of Parliament is constrained by a lack of office facilities and equipment; by an insufficient quantity and quality of translation and interpretation services; by capability limitations among parliamentarians; and by inadequate secretariat services. More importantly, however, parliamentarians are sometimes not given enough time to consider

draft legislation and the national budget; and there tends to be insufficient opportunity granted to parliamentary committees for questioning senior members of government about such matters. The Executive also has a significant role to play in correcting the way in which parliamentary practice appears on occasion to compromise its independence and authority. Suggestions for strengthening parliament in these respects include the necessity for the Executive to champion the independence and authority of Parliament, to require Ministers to attend committee discussions, and the desirability of providing various forms of capacity building support.

5. Considerable strengthening is also needed in the legal system. An important aspect of this is clearly access to justice for ordinary citizens. It should be possible for them to engage with the legal system in a language that they understand. To facilitate this we recommend that steps be taken to ensure that laws be published and legal proceedings be conducted in both official languages, even though the evolving language of Tetum has a limited technical vocabulary. Translation and interpretation services will need to be strengthened accordingly.

6. In relation to the protection of reputation and privacy we recommend that, as regards the Penal Code offences, the court should be satisfied that the defendant acted with intent deliberately to cause harm. We also recommend that the power to arrest for these offences should be reconsidered. Further, we suggest that the Civil Code should allow for civil defamation proceedings for redress and compensation.

7. Although there have been some improvements, the legal system is characterised by systemic bottlenecks, a significant backlog of cases, and work overload. These problems arise primarily from changes in the law since independence and the criteria applied to the selection and qualification of legal professionals, which resulted in the disqualification of a majority of Timorese legal professionals. In so far as the strengthening of the judicial system is concerned, we recommend among other things that the public defence system be improved; that the contracts of international legal professionals be extended for 12 months beyond May 2006; that more support be provided to language training for Timorese legal professionals and interpreter/translators; that the Superior Council for the Public Prosecution be formed as soon as practicable; and that the Superior Council for the Judiciary be reactivated.

8. A crucial aspect of accountability and transparency in the police service concerns the relations between civilian officials in the Ministry, and elsewhere in Government, and the PNTL command structure. According to the police discipline regulations, the disciplinary

authority of the Commissioner of Police is not paramount but is subject in line of command to the Minister of the Interior. The organic law of the Minister of the Interior states that the Ministry's own Office of Inspection "is the organ with disciplinary competence" over the police. As head of a disciplined service, the Commissioner of Police should be solely accountable for the conduct of his officers and should be their final disciplinary authority. As regards operational authority, the organic law of the Ministry of the Interior seems to give to the Ministry operational authority over the police in normal policing activities. In no circumstances should civilians exercise any operational authority over police officers in their normal policing activities.

9. The Office of the Inspector General plays an important role in ensuring the proper functioning of the Administration. The organic law for this institution needs to be put in place as soon as possible. Now that the Office of the Provedor has been established, the role currently played by the OIG in relation to combating corruption creates a duplication and confusion of roles. We therefore recommend that this function be removed from the OIG and left in its entirety to the Provedor. It is important also that close working relations be established between the Provedor and the OIG.

10. The Office of the Provedor is a central element of the national anticorruption strategy. It has the mandate to investigate all complaints of corruption as well as maladministration and human rights. Its role embraces investigation, prevention and education in relation to these matters. Currently, the Office has insufficient resources and expertise to carry out its responsibilities effectively. We therefore recommend that additional resources be supplied to the Provedor so that it can become fully operational by June 2006; that the implementation plan of the Office be endorsed by the Administration; that qualified expert expatriate staff be recruited as soon as possible to work alongside Timorese staff; and that independent surveys of citizen attitudes and perceptions be conducted to provide benchmarks against which progress can be measured.

11. Establishing respect for human rights and protecting them is part of the mandate of the Office of the Provedor. To help ensure that Government is kept fully informed of human rights issues, a human rights advisory position has been established in the Office of the Prime Minister. We endorse this position and recommend that the organic law of the Office of the Adviser on Human Rights be made. It is clearly important that the Office establish relations with the Provedor's Office and liaise with CSOs in order to keep abreast of community views.

12. Based on wide ranging and exemplary consultation, a Petroleum Fund has been established to receive and invest all funds derived from oil and gas resources and to ensure that the benefits are available for future generations. An Investment Advisory Board to the Fund was established in 2005. The Fund should continue to adhere to the principles of transparency agreed at its establishment, which correspond to those subsequently adopted by the Extractive Industries Transparency Initiative (EITI). The Independent Consultative Council, which will include representatives of civil society, should be appointed by Parliament as soon as possible.

13. According to the Constitution the financial audit function of Government is to be performed by the High Administrative, Tax and Audit Court. This Court is yet to be established, and we recommend that this should be done as soon as suitably qualified personnel become available. The organic law of the Court will be able to ensure the independence of the Court in carrying out its functions. Until the Court is constituted, the Government – through the Ministry of Finance and Planning – should continue to engage an international firm of accountants to audit the State accounts. The Government's arrangements for transferring the responsibility for the contract of the external auditor to the Court of Appeals should be completed, as intended, in 2006. The consequential capacity development of the Court of Appeals should be carried out at the same time.

14. Building the strength and integrity of the civil service should be accelerated by approving subsidiary regulations under the Civil Service Act that address, among other things, recruitment and selection, performance appraisal, and career development. Government should give consideration to the creation of an entity that has overall authority over these matters, which would play the role of a Public Service Commission. The strategic management of capacity building within the civil service could be improved by reviewing the (potentially overlapping) roles of the disparate entities involved, and possibly rationalising them. Priority should be given to civil service wide training on ethics and codes of conduct and management methods involving delegation of authority. Downward accountability can be enhanced by the diffusion to other parts of the country of the limited form of decentralisation that is being tried, which allows for citizen participation through local level committees in such areas as health and education. Allied to this, elected local government representatives should be made more aware of the importance of community involvement and representation and informed of means for bringing this about.

15. Freedom of information and the timeliness, comprehensiveness and validity of information that is made available to the public by Government are central to the functioning of society and the economy. Conscious efforts at maintaining an effective dialogue between government and civil society organizations are essential to promoting a culture of accountability and transparency in society as a whole. Inadequate or insufficient information can lead to mistrust of the intentions of government and the circulation of rumour and misinformation. We recommend that a freedom of information law be put in place and that Government publicise its policies and programmes more vigorously; that requirements for the registration of CSOs be publicised more widely and that consideration be given to extending the deadline for their registration; that consideration be given to including CSO representatives in national commissions such as the National Electoral Commission; that capacity building support to CSOs from external donors should be encouraged; and that the coverage of the national broadcaster should be expanded to the whole country. We also support the formation by members of the media of a press council, which should set professional standards and provide advisory services to the profession. Journalists are in desperate need of training on investigative journalism and on ethical conduct, and we encourage Government to endorse the channelling of donor assistance to them for these purposes. We also feel that there could be some merit in the making of a media or press law that defines the rights and responsibilities of the media and confirms their right to freedom of expression guaranteed under the Constitution.

16. The Mission's work closed in Dili on 27 January with a UN Office in Timor-Leste (UNOTIL) Consultative Group Meeting chaired by Prime Minister Mari Alkatiri. The meeting was designed to expose the Mission's findings to a wider audience and to provide a final opportunity for gaining feedback. In his opening remarks, the Prime Minister portrayed the country as one that was striving to be a model of good governance and transparency and accountability - for the region and possibly more widely. At the same time, he acknowledged the considerable challenges posed by such ambition, reiterated his Government's strong commitment to the ideals of transparency and accountability and to taking forward the recommendations contained in the Mission's report.

## Introduction

1. With the approval and guidance of Dr. Mari Alkatiri, the Prime Minister of the Democratic Republic of Timor-Leste, the primary objective of the Mari Alkatiri Initiative on Accountability and Transparency was to review the current status of accountability, transparency and integrity among key governance institutions and actors in Timor Leste and to make recommendations for strengthening them.

2. The Mission, which was conducted over the period 16-27 January 2006, comprised Shabbir Cheema, Principal Adviser and Programme Director, UN DESA (Mission Leader); Peter Blunt, independent consultant, appointed by UNDP; Bertrand de Speville, independent consultant, appointed by the World Bank; Terhi Nieminen-Makynen, appointed by the Government of Finland; and David Mattiske, representing Transparency International.

3. The mission relied on two main sources of data: first, a wide range of relevant background documents, including legislation, national planning documents, technical reports, and reviews; and second, extensive consultations with national stakeholders from the executive branch of government (including representatives of local government), parliament, the judiciary, law enforcement, regulatory institutions, civil society organizations, political parties, the private sector, and the media. The Mission also met with a sample of international bilateral and multilateral development partners. Early discussions with the Prime Minister and a number of other senior Ministers in Government, the President, the National Election Commission, and the SRSG and the DSRSG, gave important direction to the work of the mission.

Limitations of time made it impossible for us to consider all relevant institutions in or outside of Government. The time available also did not allow us to meet all those we would have liked to meet or who expressed a wish to meet us. We had to be selective and we hope that those who felt omitted from our consultations will understand. Our report and its findings are necessarily selective for this reason. They are restricted to the institutions and actors we considered to be central to fulfilling our mandate.

## Key Institutions and Actors

1. An overarching objective of the National Development Plan of Timor-Leste is to “promote good governance through popular participation; a responsible and responsive government including a lean, efficient, effective, accountable and transparent civil service and effective, professional, non-political police forces; a decentralised administration with simple and transparent norms, so that governance and administration is closer to the people; a socially responsible private sector, transparent and accountable civil society organisations; and responsible, independent and effective media”
2. Timor-Leste has moved a considerable distance in a short time towards the achievement of these ideals. Four years after the declaration of independence, and the ‘ground zero’ of the then post-occupation East Timor, the extent of physical and institutional rebuilding is remarkable. Despite severe capacity constraints, Government has managed to establish central planning and resource management functions and has made considerable progress with respect to the delivery to citizens of basic services in health, education, agriculture, fisheries, forestry, infrastructure and communications. It is also creating a regulatory environment that is conducive to foreign direct investment and the development of the private sector.
3. The Government of Timor-Leste and the development community deserve great credit for this. Recent, detailed accounts of these achievements are available elsewhere and will therefore not be repeated here. Sufficient for the purposes of this report is a summary of the progress made in relation to the establishment of state institutions described in the constitution, which is set out in Box 1.
4. Together with the electoral and law enforcement institutions these institutions constitute the strategic instruments for the management of the state in a democratic system of governance.
5. The Prime Minister recognises that the consolidation of the achievements since independence and, in particular, the strength and integrity of the key institutions that underpin these achievements, will be determined to a considerable degree by the extent to which key governance institutions and actors are perceived to be genuinely accountable and transparent.

6. Transparency and accountability are complex and multifaceted notions but can be clearly and simply expressed, as the President did at the Government's accountability and transparency workshop in May 2004 – transparency is “being open to scrutiny” and accountability is “officials in Government and State Institutions having to justify their actions to the public or to those charged with the responsibility of monitoring the actions not only of officials, but of all ours as well.”

7. Among other things, a society is open and an institution is transparent to the extent that its workings are open to public scrutiny and can be easily understood by citizens or explained to them. Accountability is downwardly effective to the extent that institutions respond to and represent the interests of citizens. Upward accountability arises when institutions function in accordance with their mandates, rules of operation, and legitimate authority.

8. Accountability and transparency in these institutions can be strengthened by the actions of the other principal governance actors - the private sector and civil society - providing that they too are adequately accountable and transparent and responsible. The performance of the media in particular is crucial.

9. Institutional strength is also clearly a function of capacity - in its broadest sense. Capacity has organisational or systemic dimensions, infrastructural or physical dimensions and, most important of all, human dimensions. Where people are concerned, capacity is a matter of a sufficiency of appropriate capability located organisationally in the right places. But it is also (and perhaps more) a matter of attitudes and values: concerning power and authority, concerning the notion of 'service', concerning integrity, and concerning transparency and accountability.

10. However, the sine qua non of institutional strength is a sufficiency of institutional independence and authority - that is, a level of independence and authority that is commensurate with the mandate of the institution and its functional responsibilities. In particular, conventional views of good governance require that a reasonable balance be struck between the power of the Executive and the constitutionally based powers of other key governance institutions. It may be worth noting here that in many respects significant gains in political legitimacy can be realised from apparent concessions of Executive authority.

### **Box 1: State Institutions as foreseen in the RDTL Constitution**

**Office of the President** - established.

Council of State - established.

Superior Council for Defense and Security - established.

**Government** - established.

**Electoral System** - National Electoral Commission established.

**Parliament** - established. The Parliament currently has 88 members, based on the Constituent Assembly elections, but membership will eventually be reduced in line with the constitutional stipulation that Parliament have between 52 and 65 members.

**Courts and Judiciary** - established.

Superior Council for the Judiciary - established.

Supreme Court - not yet established.

Court of Appeals - established.

Dili, Baucau, Suai, and Oecussi district courts - established.

High Administrative, Tax and Audit Court - not yet established.

Military Courts - not yet established.

Maritime Courts and Arbitration Courts - provided as a possibility under the Constitution; not yet established.

**Office of the Prosecutor General**

Superior Council for the Public Prosecution - in process.

**Office of the Provedor**

Provedor and deputies appointed. Office opened, but not yet functional.

*Source: World Bank (January 2006).*

*Strengthening the Institutions of Governance in Timor-Leste. Dili: Revised Draft, mimeo.*

## The Electoral System

1. Free, fair and regular elections constitute the foundation stone of accountable and transparent governance. The requirement for free and fair elections is enshrined in the Constitution of the Democratic Republic of Timor – Leste. The 2007 elections for the Parliament and the President are therefore crucial to the institutionalization of accountability and transparency in the country and to the establishment of a stable democracy. The extent to which these elections are considered legitimate by all segments of the society will determine the future course of Timor – Leste's nascent democracy.

2. Successful elections for local authorities were conducted in October 2005. The elections, which were held in 442 suco councils and 2,228 aldeias, are generally regarded to have been free and fair. This experience should be beneficial to the conduct of the elections that are scheduled for 2007, which will be overseen by the National Electoral Commission (CNE) with technical support from the Technical Secretariat for the Administration of Elections (STAE). Nevertheless, the challenges posed by the forthcoming elections will be of considerably greater magnitude, requiring contemporaneous balloting in about 700 locations across the country.

3. In relation to the forthcoming presidential and parliamentary elections, we endorse the findings and most of the recommendations of the recent (December 2005) needs assessment mission of the Electoral Assistance Division, Department of Political Affairs of the United Nations.

4. In particular, we endorse the recommendations concerning the need for an electoral policy-making process that is integrative or inclusive of community views, which should be started as soon as possible. It is vital that the electoral law, which is yet to be put in place, be developed in this way. Critical aspects of such policy discussion should include:

- a. The independence, composition and mandate of the electoral supervisory body, that is, a form of electoral administration that is independent and seen to be independent from government influence;
- b. The question of 'how votes will be converted into mandates' and whether this will depend solely on proportional representation or some combination of proportional representation and first-past-the-post;

- c. Whether party candidate lists will be open or closed and to what extent they might be subject to change by the party;
- d. The promotion of the candidacy of women;
- e. Whether members will forfeit their seats if they change parties;
- f. The system of seat allocation and whether there will be a threshold for it;
- g. Certification of the regularity and validity of the acts of the electoral process;
- h. The presidential election and, in particular, the openness and transparency of the nomination process;
- i. The timing of the two elections;
- j. Terms of office for the President and for parliamentarians, with consideration being given to the contemporaneous vacation of the President's Office and the dissolution of Parliament;
- k. Mechanisms for the nomination of candidates for the office of President, and for the submission of party lists;
- l. The provisions to be made for observers and whether distinctions will be made between national and international observers;
- m. Codes of conduct for political parties and their supporters and whether the STAE and/or CNE should have jurisdiction over this.

5. We recommend that:

- a. An electoral law that is based on wide consultation should be put in place as soon as possible.
- b. A new and autonomous electoral body/commission should be established as soon as possible that has sufficient capacity to supervise the whole electoral process for the 2007 Presidential and Parliamentary elections.
- c. The Commission should consist of eminent persons drawn from all segments of society and organs of the state. The Commission's independence should be reflected in its composition, the security of tenure of its members, and in its financing.
- d. Capacity building support to the proposed new Commission should include training of the new Commissioners that covers the whole electoral process; adequate logistic support, including transportation to carry out their functions effectively; and a permanent legal adviser. The Government should consider the establishment of a full-time, paid Electoral Commission for the 2007 elections as opposed to a part-time, voluntary one.

- e. The new electoral administration should clarify relationships between the Technical Secretariat for the Administration of Elections based in the Ministry of State Administration and the proposed new electoral body. One option the Government should consider is to have the STAE report to the full time Electoral Commission (CNE). Another option would be to prepare a protocol that outlines the relationship between the Ministry, the future independent commission, and the STAE. Such measures would contribute to the perception by all stakeholders that the elections were free and fair.
- f. The Government should establish general regulations and domestic procedures and manuals for electoral staff, political parties, observers and voters.
- g. The Government and development partners should initiate early discussions to mobilize resources required to organize the 2007 elections. Carrying out the activities in the electoral process for the 2007 elections is going to be complex and expensive. It is important therefore for both the UN and the Government to start now to assess the needs for financial resources and expertise for the elections.

## Parliament

1. On 30 August 2001 Timor-Leste's first national election was conducted under the auspices of UNTAET's Independent Electoral Commission (IEC). The 88 elected members of the Constituent Assembly were tasked with drafting RDTL's constitution. The Assembly election was based on a mixed electoral system. Of the 88 elected Deputies, 13 were elected on a majority basis as district representatives and 75 Deputies were elected on the basis of a nation-wide proportional representation system. 384,248 votes were cast at approximately 248 polling centres and 818 polling stations throughout the country. The result of the election gave FRETILIN about 57% of the vote; PD obtained about 9%, PSD about 8% and ASDT about 8%. In May 2002, the Constituent Assembly transformed itself into the national parliament.
2. As in many other democracies, the representative, legislative and oversight functions accorded to Parliament through the constitution give it a pre-eminent position in the national system of governance.
3. Our discussions with parliamentarians and others suggest a number of important avenues for strengthening the functioning and influence of Parliament.
4. At the most basic of levels parliamentarians have neither sufficient equipment nor office facilities to conduct their business. The availability and quality of translation and interpretation services is highly variable but generally low, which inhibits understanding of documents and the quality of debate and discussion based upon them.
5. Many parliamentarians have difficulty understanding more technical matters concerning the law and the national budget and are probably unsure of their rights and responsibilities under the Constitution. Secretariat services in some respects are inadequate, and the legislative drafting services envisioned under the new draft organic law for the Parliament have yet to be established.
6. More fundamental constraints arise from the variable, but usually limited, lead time allowed for the consideration of draft legislation prepared by Government, and for the critical review of the national budget. Insufficient information is provided for the proper analysis and review of the budget. Allied to this are the limited opportunities for discussion between

parliamentary committees and senior members of Government, which inhibit parliamentary ability to scrutinise properly the national budget and draft legislation.

7. Another consideration is the extent to which Parliament's independence and authority may be subject to compromise by what appears to be a developing tradition of practice that sometime entails seeking the approval of the Executive for amendments. We suggest that the Executive could help to correct this tendency by championing parliamentary independence and authority and requiring that senior members of government behave in a manner that is consistent with this.

8. We recommend that:

- a. Ministers should be encouraged to make themselves available at frequent intervals to parliamentary committees – or at their request - so they can respond to questions.
- b. Parliamentary practice should reflect more closely the constitutional authority and independence of the institution.
- c. The national budget and draft legislation should be presented to Parliament with sufficient lead-time and in sufficient detail for their thorough consideration.
- d. Draft legislation that is submitted to the Parliament should be made publicly available.
- e. Interpretation and translation services and other forms of technical and capacity building support should be strengthened.
- f. The possibility of establishing a Central Legislative Drafting Unit attached to the parliament (as is the case in New Zealand) should be considered.
- g. The hour set aside for the raising by parliamentarians of issues perceived by them or brought to their attention by their constituents should be restored.
- h. Office facilities and equipment for parliamentarians should be improved.
- i. Committee chairmen should make use of their ability under the Rules of Procedure to invite civil society representatives and specialists to join in committee discussions.

## The Legal, Judicial and Law Enforcement Systems

1. In all States that are based on the rule of law, the framework of laws, the method of resolving disputes between citizens, commercial entities and the organs of the State, and the means by which the norms set out in the laws are observed and enforced are the realities that give meaning to the expression "rule of law". The first section of the Constitution of Timor-Leste proclaims the State to be based on the rule of law. The aspects of the legal, judicial and law enforcement systems referred to in the following paragraphs have, in our view, particular significance at this stage of Timor Leste's progress.

### **Access to Laws and to Justice**

2. The Constitution provides that the official languages are Tetum and Portuguese. The Constitution also provides that Tetum and the other national languages are to be valued and developed by the State. The Law on the Publication of Acts (No 1/2002) provides that the Official Gazette is to be published in the two official languages, and that acts to be published in the Official Gazette include laws, decrees, orders and resolutions 'under pain of being legally ineffective'.

3. We understand that the Official Gazette is published in Portuguese only and that there is no official system in place for translating the contents of the Official Gazette into Tetum.

4. The great majority of the population does not yet speak or read Portuguese. We understand that the majority of the population will take years to achieve fluency and literacy in Portuguese. There is general agreement that Tetum is as yet insufficiently developed for accurately expressing technical or legal language and that there is a scarcity of skilled Portuguese/Tetum translators. However, we also recognise that it is essential for people to be able to read, if not the laws themselves, at least an explanation of the purpose and effect of the laws. The same applies to the other communications of the State addressed to its citizens.

5. We recommend that:
  - a. The laws should be published in both languages as required by the Law on the Publication of Acts even if the Tetum versions would, for the time being, be far from perfect.
  - b. A law dictionary in Tetum should be published as soon as possible.
  - c. Summaries of the laws affecting the daily lives of the community should be prepared in Tetum and widely distributed.
  - d. The development of the corps of Portuguese/Tetum translators should be accelerated by recruitment and training
  
6. We understand that draft laws presented to Parliament for enactment are presented only in Portuguese. Many Members of Parliament have an insufficient grasp of Portuguese to enable them to consider the provisions of these drafts. If they are effectively to perform their role of considering and discussing draft laws, it is essential that they receive them in Tetum as well as Portuguese.
  
7. We recommend that draft laws presented to Parliament should be in both official languages.
  
8. It is a fundamental precept of good administration that there should be effective communication both within the Administration and between the Administration and the community. That precept finds expression in the Law of the Publication of Acts, which list a number of other official documents that are required to be published in the Official Gazette. The Civil Service law (Law No. 8/2004), which contains the Code of Ethics for the Civil Service, is one example of such documents. We recognise the constraints on translation capacity but it seems to us that a law regulating the conduct of civil servants and setting the standards of their conduct should be gazetted in both official languages.
  
9. We recommend that the Code of Ethics for the Civil Service and other documents required to be published in the Official Gazette should be printed in both official languages.
  
10. It seems that the concerted effort to use the official languages in the judicial system dates from February 2004 when the Superior Council of the Judicial Magistrates adopted the Directive on the Use of Official Languages in the Judicial System. The Directive requires all court documents to be written in the official languages. It is to be expected that achieving

that objective will take time, but it is necessary that indictments and court orders to defendants and litigants should be given priority if the fundamentals of natural justice are to be observed. We note that some language training for court staff is being done and that an interpreter is included in the judicial team of judge, prosecutor and public defender that travels to the courts. Strengthening the team of judicial translators and interpreters is a necessary consequence of the Directive.

11. We recommend that:

- a. The team of judicial translators and interpreters should be strengthened.
- b. That priority should be given to translating all indictments and court orders into Tetum.

12. The National Development Plan states the policy objective to “Facilitate access to justice for women and develop the legal means to fight violence and other crimes perpetrated against women ...” Women face a number of sex-specific obstacles. They have lower literacy and fluency rates in Tetum and Portuguese than men. Women also have greater restrictions on travel away from home and they may fear domestic or sexual violence. We understand that examination of the performance of the justice system shows that cases brought by women are moving particularly slowly through the justice system. There remains a substantial backlog of cases of rape and violence against women. Given that such crimes tend to be under-reported, the slow processing of cases in which women are victims will act as a deterrent to women victims approaching the formal justice system. The challenges surrounding the justice system significantly constrain the ability of women to seek and receive justice. We noted the existence of a domestic violence unit at a police district office but we believe further special measures should be taken to improve access to justice for women.

13. We recommend that Government should appoint a team led by the Adviser on Gender and Equality to assess whether, why, and to what extent women's access to the formal justice system is disproportionately constrained, and to develop a strategy for improving women's access to justice.

## **The Protection of Reputation and Privacy**

14. The individual's right to his or her good name needs the protection of the law, and the Constitution recognises the right of every individual to his or her honour, good name, reputation and privacy. The approved Penal Code contains provisions<sup>1</sup> that make it a criminal offence to impugn the honour of another person or to intrude into another person's private life by publicising details of that private life. Other countries have such laws but it is often a feature of such laws that the court must be satisfied that the defendant acted with the deliberate intention of causing harm to the reputation of the victim. The equivalent criminal offences in the approved Penal Code of Timor Leste do not contain that requirement. Furthermore, the laws of most countries protect reputation and privacy by enabling the injured person to bring civil proceedings for redress and compensation against the person who has unjustifiably attacked their reputation or intruded into their privacy. A usual form of redress is the publication of a retraction of the defamatory words and a full apology. In most cases the victim is content with retraction and apology, particularly if made immediately after the defamation and before court proceedings are started. In most societies the right to seek compensation and retraction is regarded as adequate protection of reputation and honour. It is not yet clear whether the proposed Civil Code of Timor Leste will provide a similar right.

15. In our experience of other countries the protection of reputation is normally ensured by the use of civil proceedings for compensation and that criminal proceedings are brought only very exceptionally.

16. There is growing concern that the Penal Code provisions as approved will have the effect of unduly restraining freedom of expression for fear of being prosecuted and particularly for fear of being arrested. We understand that the police will be able to arrest for the defamation offence as presently approved. The fact that the police would be obliged to release the person arrested if the victim of the alleged defamation does not lodge a formal complaint will not lessen that fear. We believe the likelihood of arrest would be increased if the only means of protecting reputation or privacy is provided in the criminal law.

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<sup>1</sup> Sections 175-182 of the Penal Code

17. We recommend that:

- a. These Penal Code provisions should contain the requirement for the court to be satisfied that the defendant acted with the deliberate intention of causing harm to the reputation of the injured party.
- b. The power to arrest for these offences should be reconsidered.
- c. The proposed Civil Code should provide for the right to bring civil proceedings for redress and compensation.<sup>2</sup>

### **The Judicial System**

18. Independence of the courts: The Constitution establishes the independence of the courts and judiciary and a framework for safeguarding this independence, including two independent oversight bodies – the Superior Council for the Judiciary and the Superior Council for the Public Prosecution. The Constitution further establishes a system of courts for the delivery of justice.

19. Training of Timorese court actors has been, and continues to be, a key priority in the justice sector. The Directive on the Use of Official Languages in the Judicial System has necessitated language training for almost all the Timorese court actors – judges, prosecutors, public defenders, court clerks, translators and interpreters. With all of the Timorese public sector legal professionals in training, the justice system is currently dependent on international court actors. That situation will soon change, however, when the first batch of Timorese legal professionals complete their training and return to their normal work.

20. Office of the Prosecutor General: The Office of the Prosecutor General faces particular challenges, including a large backlog of about 2,750 cases that is reducing only very slowly, given the incoming flow of new cases at the rate of about 130 a month. Since September 2004 some reduction of the backlog has been achieved. The return from training of Timorese staff will be offset by the start of training of the Timorese acting prosecutors. Reducing the backlog

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<sup>2</sup> There is considerable urgency in this matter because the Penal Code is being enacted by way of a decree-law. We understand that the draft Penal Code has been sent to the President by the Government for the purpose of its promulgation as law. Section 88.4 of the Constitution makes the position clear: "Within forty days after receiving any statute from the Government for the purpose of its promulgation as law, the President of the Republic shall either promulgate the instrument or exercise the right of veto by way of a written communication to the Government containing the reasons for the veto."

also depends on a greater rate of translation of the case files. Since November 2005 the Law on the Office of the Prosecutor General (No. 14/2005) has been in place and enables staff to be recruited. Some improvement has occurred in the case management system but more remains to be done.

21. The public defender corps at present comprises about 7 expatriate lawyers, since the Timorese public defenders are undergoing their training. A similar situation applies to magistrates – the Timorese are in training and formal justice is being dispensed by expatriate judges whose contracts are expected to end with the expiry of the UN mandate in May 2006.

22. It will be necessary for the international prosecutors to remain for at least another year if the backlog of cases is to be reduced significantly. Dealing with the backlog necessitates the translation of case files. There is therefore an urgent need to strengthen the pool of translators working in the Office. Further development of the case management system is a priority.

23. Other aspects of the judicial system: The weaknesses of the justice system particularly affect civil cases and, as noted earlier, significantly constrain the ability of women to seek and receive justice. Despite the current reliance on international legal professionals, the establishment of the Superior Council for the Public Prosecution is needed to improve discipline, attendance, and accountability. Improved court administration and enhanced information and scheduling systems will help reduce the time required for cases to move through the system.

24. Since the restoration of independence there has been significant progress in some areas of the justice system. Despite these improvements, the justice system remains arguably the weakest branch of Timor-Leste's governance architecture.

25. In many parts of the country, customary justice mechanisms are widely used as access to the formal justice system is very limited.

26. In relation to other aspects of the judicial system, we recommend that:

- a. The public defence system should be improved by the continuing training of public defenders.
- b. The case management system should be further developed.
- c. The international legal professionals should be enabled to remain for 12 months beyond the expiry of the UN mandate.

- d. Professional and language training for Timorese legal professionals should continue to be strengthened.
- e. The corps of translators and court interpreters should be increased as a matter of priority.
- f. The Superior Council for the Public Prosecution should be formed as soon as suitably qualified Timorese can be identified.

### **The Police Service**

27. The National Police of Timor-Leste (PNTL) is answerable to the Minister of the Interior. The service is expected to number just over 3,300 when the current recruitment exercise is completed. Some 600 officers are women.

28. In accordance with the organic law of the PNTL, the Professional Ethics Office (PEO) provides a complaints mechanism for the public and undertakes investigations. Minor breaches of discipline are handled within districts, while serious offenses are referred to the PEO. However with respect to disciplinary review and appeal, there is some ambiguity and overlap between the Inspectorate, established by the organic law for the Ministry of Interior, and the Superior Police Council, mandated by the organic law of the PNTL to be the final determining body on police complaints. More specifically, the police discipline regulations make clear that the disciplinary authority of the Commissioner of Police is not paramount but is subject in line of command to the Minister of the Interior. As head of a disciplined service, the Commissioner of Police should be solely accountable for the conduct of his officers and, as chairman of the Superior Police Council, should be their final disciplinary authority.

29. Professionalism and accountability on the part of the police service is an essential element of governance. Internal security is an ongoing concern of the community. The discipline and professionalism of the police are critical to providing security, upholding the rule of law, maintaining good relations with other disciplined services, and generating public confidence. Any gains which may be made in establishing better relations between the police and the community would quickly be lost if there were a perception of impunity for those officers who commit disciplinary or criminal offences. While there has been commendable progress in the institutionalization of disciplinary systems for the police service, these could be further strengthened by a clearer articulation of roles.

30. Finally, clarification of the lines of operational authority between civilian officials in the Ministry and the PNTL command structure will reinforce the independence of the police

force. As regards operational authority, the organic law of the Ministry of the Interior seems to give to the Ministry operational authority over the police in normal policing activities. As a disciplined service, the police should have clear lines of authority and accountability for its officers that culminate in the Commissioner of Police. There should be no question of civilians of the Ministry of the Interior having any operational authority over police officers.

31. We recommend that:

- a. The Government should make clear that the Superior Police Council, mandated by the organic law of the PNTL to be the final determining body on police complaints, is exactly that.
- b. Operational authority over police officers in normal policing activities should rest with the Commissioner of Police and no one else.
- c. The Commissioner of Police should remain solely accountable for the performance and conduct of his officers.

## Office of the Inspector General

1. As part of the Office of the Prime Minister<sup>1</sup>, the Inspector General has the responsibility for inspecting the departments and agencies of the Administration to see that they are performing their functions in accordance with their respective mandates. He reports directly to the Prime Minister and is subject to his instructions. Reports containing his recommendations go from the Prime Minister to the Ministry, department or agency concerned for any further action to be taken.
2. The Inspector General's terms of reference are contained in an UNTAET directive of 2001, the first item of which requires him to carry inspections to ensure that the administration is acting in accordance with legislation, regulation and approved procedures.
3. The Inspector General has drafted an organic law in respect of his office. Although in draft since September 2004, the organic law has not been made. In the preamble to that draft law the Inspector General is described as "an institution ... for leading fight against corruption, assuring that administrative and financial operations of the Government shall be fulfilled with transparency, efficiency and effectiveness, within the law."
4. In the course of its existence the Office of the Inspector General has produced 70 reports, of which 6 have concerned possible criminal offences including corruption. Of those 6, five have been referred to the Prosecutor General on the direction of the Prime Minister. The other 64 were either financial audit reports or misconduct investigation reports. The Inspector General told us that none of his 70 reports was an inspection report - an inspection report being a report on whether the government institution or agency under inspection is discharging its responsibilities in accordance with its mandate and procedures.
5. Eight professional officers, two international advisers and three administration and support staff assist the Inspector General. The post of Sub-Inspector General is vacant at present.

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<sup>1</sup> Article 8.1 of Decree-Law 3/2005 on the Restructuring of the First Constitutional Government

6. In Timor Leste and abroad, the Office has publicised its activities, including the launch of a website in 2005.

7. In the absence, until now, of any credible body capable of investigating allegations or suspicions of corruption, the Inspector General has made a commendable effort to fill the void. We note that the first item of the Inspector General's existing mandate under the UNTAET regulation sets out exactly the expected role of an inspector general, namely to inspect on behalf of the Head of the Administration the ministries, departments and agencies for which he is responsible and to report directly to him. We note that the draft organic law for the Office sets out in article 1 a similar mandate and requires the Inspector General to work "under the direct purview of the Prime Minister."

8. In the course of inspections, malpractices including possible corruption are bound to be uncovered. We make the observation, however, that investigating suspected corruption is not the normal responsibility of an inspector general and that in Timor Leste the Inspector General has found himself having to take on that responsibility for lack of an institution specifically mandated to address corruption. Such an institution, the Office of the Provedor, is now in place.

9. It is essential that the responsibility for investigating corruption should lie with one authority. That responsibility and the coordinated implementation of the two other elements of the national anticorruption strategy, namely prevention and public education and support, have by law been placed on the Provedor, not the Inspector General.

10. The Inspector General's role of inspection on behalf of the Head of the Administration is crucially important in ensuring the proper functioning of the Administration. We believe it is correct that, in performing his role, the Inspector General should be backed by the authority of the Prime Minister and should report to him.

11. As with other institutions of the Administration, the Provedor will need to develop operational links with the Inspector General. Furthermore the Provedor will need the Inspector General's advice on corruption prevention and educational matters.

12. We recommend that:

- a. An organic law for the Office of the Inspector General, as required by the Decree-Law on the Restructuring of the First Constitutional Government (No. 3/2005), should be put in place.
- b. That law should specify the inspection role of the Inspector General and should not make him responsible for dealing with corruption.
- c. From the time that the Provedor's Anticorruption Division becomes operational, the Inspector General should hand over to him the anticorruption duties he has had to undertake up to now.
- d. The Inspector General should convey to the Provedor his willingness to establish operational links between their offices and to offer his advice as required.

## Office of the Provedor

1. The Ombudsman is an independent office provided for in the Constitution of Timor-Leste. The Law Approving the Statute of the Office of the Ombudsman for Human Rights and Justice was enacted and came into force on 26 May 2004. The first holder of the office, known in Portuguese as “Provedor”, was appointed by Parliament on 16 June 2005. Two Deputy Provedors who were appointed in early July 2005 assist him.

2. The Provedor Law contains a number of important and positive features:

- a. The law establishes an independent and accountable body.
- b. It gives the Provedor three distinct areas of responsibility: maladministration, human rights protection and anti-corruption.
- c. As regards the area of anti-corruption, the Provedor is made responsible for taking forward the three elements of the national anti-corruption strategy, namely enforcement, prevention and public education and support.
- d. It provides the Provedor with powers to investigate, and leaves the prosecution and trial of offences to the organs of state normally responsible for those functions.<sup>1</sup>
- e. It provides an autonomous budget from public funds voted by the Legislature and allows the body to accept funds from other suitable sources.
- f. It provides for the appointment and tenure of the Provedor and Deputy Provedor.
- g. It makes the Provedor the appointing and disciplinary authority of the staff of the Office.

3. The Provedor’s three distinct areas of responsibility (human rights protection, complaints of maladministration and anti-corruption) give this institution a pivotal role in ensuring that:

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<sup>1</sup> As regards the power to investigate, UNTAET Regulation 2001/16, which gives Public Prosecutors exclusive competence to investigate, appears to have been superseded by section 132 of the Constitution, which, in specifying the competencies of Public Prosecutors, makes no mention of the power to investigate.

- a. The constitutional guarantees of protecting fundamental human rights are respected in practice by the agencies of the State;
- b. A citizen's justified complaint of mistreatment by an agency of the State are rectified;
- c. The standards of integrity of all sectors of the community are developed and maintained;
- d. Opportunities for corrupt conduct in the systems and procedures of administration are reduced
- e. Those behaving corruptly are held accountable to the community through the due process of law.

4. The Provedor is establishing his Office, which comprises three divisions to carry out the three areas of his mandate. He has been provided by the administration with an establishment of 16 posts, premises in Dili and a small capital and recurrent budget for the financial year 2005/06. In addition, he has received some financial and technical support from the international donor community. He and his senior officers have undergone induction in anticorruption and human rights. They have made a number of operational policy decisions and prepared their implementation plan for operationalising the Office, which they presented and discussed in draft at a consultative conference of government officials, Members of Parliament, and representatives of the international community, civil society and the media. They are seeking Government endorsement of that plan, which was finalised in light of the comments received at the conference. They are recruiting to fill the established posts. They expect to become operational in Dili district by 30 June 2006.

5. The Provedor gave the operationalisation plan to us. We consider the plan is sound and agree with the steps he proposes to take.

6. We concur with the Provedor's adoption of an operating policy that the Office will be open and transparent in everything that it does except where it is necessary to be confidential. That policy is consistent with the obligation of confidentiality imposed on him and his staff by the Provedor Law.

7. As an independent constitutional body, the Provedor has been given a comprehensive mandate to lead the implementation of the national anticorruption strategy, including the investigation of all complaints of corruption. The Provedor is made accountable for discharging that mandate. The mandates of other public institutions should not overlap

with the Provedor's mandate, nor his with theirs. In consequence, the Provedor will not involve himself with complaints that should rightly be dealt with by other agencies of the administration. He will refer such complaints to them. Conversely, other agencies that receive complaints of corruption should refer those complaints uninvestigated to the Anticorruption Division of his Office.

8. The national strategy against corruption is intended to embrace all sectors of the community. The law setting out the community's values against corruption should contain a bribery offence that applies to everyone, not only public officials.

9. In respect of his anticorruption mandate the Provedor has decided that he will appoint advisory committees of citizens to work closely with each of the three operational departments of his Anticorruption Division. We believe that the involvement of those committees will not only bring to those departments the benefit of experienced advice but will provide an important mechanism of transparency and accountability. We are pleased to note that the Provedor intends that these committees should each provide annual reports of their work separate from his own annual report to Parliament.

10. The resources granted to the Provedor are insufficient to enable him to discharge his responsibilities. He faces a huge task in operationalising the Office by 30 June 2006. The Government has rightly raised public expectation of the Office. We acknowledge that there is no alternative but to invest substantial resources in the fight against corruption. The Provedor is right not to become operational before the necessary personnel, financial and material resources and operating systems and procedures are in place. Since the Office is an institution of public administration funded by public monies, albeit constitutionally independent of the Executive, Government endorsement of the Provedor's operationalisation plan is necessary.

11. We note that initially the Office will operate in the Dili district and that a programme of phased development to all the main centres of population will follow over the next four years. We think it is necessary for the Office to have a presence in the whole country, not only in Dili.

12. People of quality and experience need to be recruited. They should come from both the public and non-public sectors and on sufficiently attractive terms of employment. Although the Provedor intends for the time being to offer rates of pay similar to those of the civil service, successful applicants will need to be offered good terms and conditions.

13. We recognise the reality that the skills and experience needed in fighting corruption is limited at present in Timor Leste. If those skills are to be acquired before corruption problems become overwhelming, we think it is necessary to import experienced personnel, especially investigators, on limited term contracts to work alongside their Timorese colleagues.

14. We confirm that it is essential for the Provedor to put in place a number of performance measures, in particular the regular and independent surveying of the population's perception and attitude regarding corruption and its support for the Provedor's Office. We agree with his decision to publish those measures.

15. We recommend that:

- a. The Provedor's anticorruption implementation plan should be considered and endorsed by the Government at the earliest opportunity so that the Office can become operational in the shortest time possible.
- b. A special budgetary allocation should be made for the Provedor's Office for the remainder of this financial year to enable his Office to become operational by 30 June 2006.
- c. The budget allocation in the next and subsequent financial years should be sufficient to ensure the planned development and effective operation of the Office.
- d. The terms and conditions of service in the Provedor's Office as outlined in his implementation plan should be agreed with the Administration.
- e. The Government should facilitate the employment by the Provedor of suitably skilled and experienced expatriate staff on fixed term contracts.
- f. The proposed performance measures should be put in place, in particular the regular and independent surveying of the population's perception and attitude regarding corruption and its support for the Provedor's Office.

## The Prime Minister's Adviser on Human Rights

16. Also within the Office of the Prime Minister is the Office of the Adviser on Human Rights. The organic law setting out the competencies of the Office has not yet been made, but it is clear that the Adviser's main function has been, and presumably will continue to be, to advise the Prime Minister on the human rights policy to be applied in Timor Leste. The incumbent was instrumental in preparing the law establishing the Office of the Provedor and in advising on the initial staffing complement and budget for that Office.

17. In a new democracy there is clearly a continuing need for the Government to be advised on human rights policy and its application to the various sectors of the community. There is also a need for a link between the Government and the Office of the Provedor, in particular with the Human Rights Division of that Office which has the responsibility to "protect and promote human rights and fundamental freedoms of natural and legal persons throughout the national territory." Promoting a culture of respect for human rights, as the Provedor is mandated to do, requires a permanent line of communication with the Government. The Office of the Adviser on Human Rights provides that link. It is also important that the Office should liaise with CSOs in order to keep abreast of community views.

18. We recommend that:

- a. The organic law of the Office of the Advisor on Human Rights should be made.
- b. The Advisor should continue for the foreseeable future to advise the Government on human rights policies and their application.
- c. The Office should provide the link between the Government and the Human Rights Division of the Provedor's Office and work closely with that division on implementing a continuous programme of promoting a culture of respect for human rights throughout the public service and in the wider community.
- d. The Office should regularly liaise with CSOs to receive community views.

## The High Administrative Tax and Audit Court

19. In Section 129 of the Constitution of the Republic of Timor-Leste provision is made for the establishment of the High Administrative, Tax and Audit Court. The regular auditing of public accounts by a constitutionally independent institution is an essential part of the good governance of the state. Among its functions is the requirement to 'monitor the lawfulness of public expenditure and to audit State accounts'. This Court is yet to be established. In the meantime, the Government – through the Ministry of Finance and Planning - has engaged an international accounting firm to audit the State accounts. The organic law of the Court will ensure the independence of the Court in carrying out its functions.

20. Sometime during the course of 2006, the Government plans to transfer the responsibility for the contract of the external auditor to the Court of Appeals, which we endorse. Capacity development for the Court of Appeals should be carried out at the same time.

21. We recommend that the High Administrative, Tax and Audit Court should be established as soon as suitably qualified personnel become available.

22. On 3 August 2005, the Government of Timor-Leste established by law a Petroleum Fund. The purpose of the Fund is to receive and invest all funds derived from oil and gas resources being exploited from the Timor Gap and any other areas where oil or gas may be discovered within the territory of Timor-Leste.

## The Petroleum Fund

23. The law gives the responsibility for the operational management of this Fund to the Banking and Payments Authority (BPA). The Governing Board of the BPA has determined that the Fund shall be managed by a new Department, headed by an Executive Director and supported by eight staff in the areas of Dealing and Trading, Risk and Performance Management, and Settlements and Accounting. Appropriate accounting arrangements and software systems, including Bloomberg, have been installed and an agreement reached for the BPA to become a member of SWIFT in order to exchange financial messages with its banking correspondents and agents.

24. Under Article 11 of the Law, the Government is responsible for the overall management of the Petroleum Fund, and the Ministry of Finance and Planning has appointed External Investment Managers. An Investment Advisory Board was established in 2005.

25. Every six months, the accounts of the Fund are required to be audited by an internationally recognized accounting firm. The Director of the Treasury is responsible for the maintenance of records and accounts of the Petroleum Fund in accordance with International Accounting Standards and to produce Quarterly Reports.

26. The Fund opened its account with US\$205 million on 9 September 2005, which was invested in US Treasury Bonds with maturity dates up to five years. It has published a Quarterly Report for the period ending 30 September 2005.

27. At its establishment, the Fund also agreed to adhere to certain principles of transparency, which correspond to those subsequently adopted by the Extractive Industries Transparency Initiative (EITI). We endorse the Fund's continued observance of these principles.

28. An Independent Consultative Council to the Fund is to be appointed by Parliament, and will include members of civil society.

29. We recommend that the Independent Consultative Council should be appointed by Parliament as soon as possible.

## The Civil Service

30. The probity and integrity of civil servants, their responsiveness to the public, their attitudes to service delivery, and their willingness to delegate authority and responsibility are all critical ingredients of a strong civil service. Strong and authentic leadership, that is, leaders who do as they say, is required for this. The prime Minister recognises the importance of good leadership at all levels of society. His replacement of leaders who fail to meet expected standards of honesty and diligence with those who do demonstrates his commitment to these precepts.

31. A number of additional measures have been taken, and others are in train, that are necessary conditions for the realisation of these ends, and responsibility for addressing them is distributed across several government agencies, including: the Capacity Development Coordination Unit (CDCU) in the Office of the Prime Minister, the National Directorate of Public Service (NDPS), the National Institute of Public Administration (INAP), and the Sector Investment Programme (SIP) Coordination Unit in the National Directorate for Planning and External Assistance.

32. A Civil Service Act was passed in June 2004, which includes a code of ethics and contains conflict of interest provisions, and disciplinary procedures. Subsidiary regulations governing recruitment and selection, performance appraisal, career development, safety, gender equality, and remuneration await approval. In many countries a Public Service Commission has authority over these matters, and we suggest that Government should consider the establishment of a similar entity.

33. In some ministries, such as the Ministry of Health, there is evidence of delegated authority and responsibility for (bottom-up) planning and budgeting, and the development and use of performance indicators for management purposes, that is, as a means for holding staff accountable for their performance. However, in many parts of government authority is highly centralised.

34. The National Development Plan is implemented through Sector Investment Programmes, which include an ambitious Public Sector Management SIP that is estimated to require USD\$109 million of funding over the next five years. Its stated vision is 'to provide for the delivery of the highest quality and value-for-money services possible, within an environment of open, honest, structured and reliable government'. One of four policy objectives of this SIP is to 'define and disseminate information on the rights and obligations of citizens and public servants'.

35. A 'three pillars model of capacity building' has been developed and is being applied by government. This comprises: knowledge and skills, systems and procedures, and attitudes and behaviours.

36. A number of agencies have (in some respects potentially overlapping) responsibilities for capacity building in government. The Capacity Development Coordination Unit in the Office of the Prime Minister has responsibility for developing capacity building strategy for government and for coordinating activities that result from it. The National Directorate of

Public Service in the Ministry of State Administration (MSA) is responsible for developing and implementing civil service policies and for developing regulations under the Civil Service Act. The National Institute of Public Administration (currently part of the MSA) is the main provider of civil service wide training, but has significant capacity limitations. The SIP Coordination Unit of the National Directorate for Planning and External Assistance is responsible for driving the SIPs. Significant capacity building activity also takes place within certain Ministries, particularly the Ministries of Finance and Planning, Agriculture, Forestry and Fisheries, and Labour and Solidarity.

37. Pilot projects for a limited form of decentralisation have been initiated - for example, in Bobonaro district. However, financial management and disbursement limitations at the local level have inhibited the diffusion of these trials to other areas. Nevertheless, results to date show some promise and, providing there is genuine devolution of authority, could lead to greater downward accountability through local level committees dealing with such matters as health, education and agriculture.

38. We recommend that:

- a. Subsidiary regulations under the Civil Service Act should be made that address, among other things, recruitment and selection, performance appraisal, and career development.
- b. Consideration be given to the establishment of an entity whose role would be similar to that of a Public Service Commission.
- c. The roles and functions of agencies with civil service wide responsibilities for capacity building should be reviewed and, if necessary, rationalised.
- d. Priority should be given to civil service wide training on ethics and codes of conduct and on management systems involving the delegation of authority and responsibility.
- e. Limited forms of decentralisation to other districts should be expanded and citizen participation through local level committees should be promoted.
- f. Elected local government officials should be made aware of the importance of community involvement and representation and the means for encouraging these things to happen should be provided.

## Civil Society and the Media

39. International experience demonstrates that civil society can play an important role in the establishment and maintenance of 'good' governance. It can provide or enhance 'voice' (in an 'upward' direction) for different segments of society and thereby exert an influence over the formation and implementation of policy; it can carry out a watchdog role in relation to the implementation of policy; and it can serve as one of a number of means for amplifying 'downward' communication from government to citizens. As an example of the former, civil society could be invited to assist the deliberations of parliamentary committees, a matter we referred to earlier in our recommendations regarding Parliament.

40. It is understandable that at this relatively early stage of its independence Timor-Leste possesses few civil society organisations (CSOs) of sufficient strength to carry out these functions effectively.

41. A decree law on Non-Profit Making Corporate Bodies was published in mid-2005, but has not been widely disseminated and seems not to have been based on sufficient consultation.

42. Vital to the functioning of society and the economy is freedom of information and the timeliness, comprehensiveness and validity of information that is made available to the public by government. Conscious efforts at maintaining an effective dialogue between Government and civil society organizations are essential to promoting a culture of accountability and transparency in society as a whole. Inadequate or insufficient information can lead to mistrust of the intentions of Government and the circulation of rumour and misinformation.

43. The Government of Timor-Leste has established a public information office, which demonstrates its understanding of the significance of communication and information sharing. One possibility here would be to distribute quarterly budget execution reports and budget books to the Districts.

44. There have also been a number of notable examples of good practice in which policy-making has been based on public consultations – for example, on policy concerning the use of petroleum revenue savings.

45. Telecommunications, electronic, radio, and print media have limited reach and capacity. Radio signals cannot be received in many parts of the country and TV is restricted to Dili.

46. The independence of the media is guaranteed in Section 41 of the Constitution of the Democratic Republic of Timor-Leste. Press reporting is of variable but generally low quality, reflecting a lack of capability and experience among journalists.

47. The imminent criminalization of defamation is the cause of considerable concern in journalistic circles and is likely to suppress critical comment in the media.

48. We recommend that:

- a. More frequent and comprehensive information sharing campaigns should be made, dealing with government's on-going and planned programmes.
- b. A freedom of information law providing access to information as enshrined in Section 40 of the Constitution should be made.
- c. Quarterly budget execution reports and budget books should be distributed to the Districts.
- d. The requirements for the registration of CSOs should be more widely publicised and, if necessary, the existing deadline to register should be extended.
- e. Representatives of civil society should be included in national commissions such as the Electoral Commission.
- f. Members of the media should create a press council. It should not be an executive body but an advisory one that sets standards of professionalism.
- g. A press law should be created to define the rights and responsibilities of the Press, and which confirms rights to freedom of expression guaranteed under the Constitution.
- h. Government should encourage international donors to support capacity building in the media with particular attention being given to the training of journalists. The training of journalists should include basic concepts of a free media in a democratic society, investigative journalism and ethical conduct.
- i. The flow of resources from international development partners to develop the capacity of civil society organizations should continue to be encouraged.
- j. The coverage of the national broadcaster should be expanded to the whole country.

## Conclusion and Next Steps

1. The transition from fledgling to fully-fledged democracy is rarely straightforward or without setback. Timor-Leste's nascent democracy has made unusually good progress in a short time, primarily through the establishment of the major institutions of good governance.

2. However, in many ways, it is during the post-establishment period that the complexities and challenges of nation building become most apparent. Once established, making governance institutions function as they should places considerable demands and strains on government and on civil society and the private sector. Taking the sometimes-difficult steps necessary to ensure that momentum is maintained and developments remain on track is critical at this stage. The mounting of this mission by the Prime Minister is therefore timely and opportune.

3. The recommendations contained in our report are designed to help the Government of Timor-Leste direct its attention to those institutions that are most crucial to the building of a strong democratic state and most in need of its support. We believe it would be helpful to the Government and to the international donor community if we indicate in the following points those of our recommended actions that we suggest need most urgently to be carried out, and the reason for the urgency:

- Review of the defamation and privacy intrusion provisions in the draft Criminal Code and the inclusion of a civil remedy in the draft Civil Code: The time limit for Presidential promulgation of the Penal Code under section 88 of the Constitution is due to expire in a few days.
- Enactment of the electoral law and the strengthening of the independence of the National Electoral Commission and the technical support team: Presidential and parliamentary elections are due in 2007. The electoral law and the election arrangements to be made will take many months.
- Consideration and endorsement by the Government of the Provedor's implementation proposals and the allocation to his Office of supplementary resources by Government

and the donor community: The Anticorruption Division of the Provedor's Office is due to become operational by 30 June 2006. The Provedor is unable to carry out his proposals for operationalising that Division until they are endorsed and funded.

- Extension of the contracts of the international advisers in the justice sector: Most of those contracts are due to expire in about May 2006 when UNOTIL leaves. The process of contract renewal or extension can take many weeks.
- Intensification of efforts to recruit and train interpreter/translators in the official languages: Laws, government communications and court documents cannot be understood by the majority of people nor by international advisers in the justice system without the assistance of interpreter/translators. The current number of them cannot cope with the workload.
- Amendment of laws and regulations to ensure that operational and disciplinary authority over the police service is exercised solely by the Commissioner of Police: In the weeks and months leading to the 2007 elections there is a serious risk of the political impartiality of the PNTL being seen by the public as compromised if operational and disciplinary control over police officers does not rest solely with the Commissioner of Police.
- Expansion of the coverage of the national broadcaster to cover the whole country: In the months leading to the 2007 elections radio will probably be the most important means of communicating with people in all parts of the country. At present radio coverage is limited. The funding and technical arrangements for extending the coverage are likely to require several months.
- Mobilising international funding and technical support for these activities: Early action is needed by the international community in view of the lengthy lead times usually involved.

4. In listing these recommendations we do not wish to imply that our other recommendations are any the less important to the continued well-being of Timor-Leste. It is simply that those listed, in our view, should be addressed at the first opportunity.

## Annex 1: List of People Met

1. H.E. Mr. Kay Rala Xanana Gusmão, President of the Republic
2. H.E. Mr. Francisco Guterres "Lú-Olo", President of the National Parliament
3. H.E. Dr. Mari Alkatiri, Prime Minister
4. H.E. Dr. José Ramos-Horta, Senior Minister and Minister for Foreign Affairs and Cooperation
5. H.E. Dra. Ana Pessoa, Senior Minister and Minister of State Administration
6. H.E. Dr. Sukehiro Hasegawa, Special Representative of the Secretary-General for Timor-Leste
7. Maj. Gen. Anis A. Bajwa, Deputy Special Representative of the Secretary-General for Timor-Leste
8. Mr. Cláudio Ximenes, Chief Justice
9. H.E. Dr. Sebastião Dias Ximenes, Provedor
10. H.E. Dr. Antoninho Bianco, Minister for the Presidency of the Council of Ministers
11. H.E. Dr. Domingos Sarmiento, Minister of Justice
12. Mr. Mariano Lopes da Cruz, Inspector-General
13. Mr. Alcino Barris, Vice-Minister of Interior
14. Mr. Manuel Abrantes, Vice-Minister of Justice
15. Ms. Isabel Ferreira, Adviser to the Prime Minister on Human Rights
16. Mr. Benevides Mendonca, Deputy Provedor
17. Mr. Silverio Baptista, Deputy Provedor
18. H.E. Mr. Grover Joseph Rees, Ambassador of USA
19. H.E. Ambassador Farita Aguilucho-Ong, Philippines
20. H.E. Ambassador João Nugent Ramos Pinto, Portugal
21. H.E. Ambassador Tina Redshaw, United Kingdom
22. Ms. Carol Hannon, Head of the Embassy of Ireland
23. Mr. Primanto Hendrasgoro, Counsellor, Embassy of Indonesia
24. Ms. Yukako Sakabe, Political/Economic Officer, Embassy of Japan
25. Ms. Elizabeth Wharton, Political/Economic Officer, Embassy of the USA
26. Mr. João Saldanha, Timor Institute of Development Studies
27. Mr. João Boavida, Counselor, PD Party
28. Mr. Mariano Sabino, Secretary-General, PD Party
29. Mr. João Goncalves, Vice President, PSD Party
30. Mr. Florindo Perreira, Director, National Institute of Public Administration (INAP)
31. Mr. Francisco Xavier do Amaral, President, ASDT Party and Vice President of the National Parliament
32. Mr. Gil Alves, Secretary-General, ASDT Party

33. Mr. Manuel Tilman, President, KOTA Party
34. Mr. Christiano Da Costa, Spokesperson, UNDERTIM Party
35. Mr. Cornelio Gama-L7, President, UNDERTIM Party
36. Mr. Antônio Cepeda, President of Committee C, National Parliament
37. Mr. Vicente Guterres, President of Committee A, National Parliament
38. Dr. Longuinhos Monteiro, Prosecutor-General
39. Mr. João Carreira, Deputy Prosecutor-General
40. Mr. Gregório da Silva, Chief Procurement Officer, Ministry of Planning and Finance
41. Mr. Uldarico Rodrigues, Director, Customs Service, Ministry of Planning and Finance
42. Bishop Basílio do Nascimento, Baucau Diocese
43. Fr. Albino Martins, Parish Priest, Sub-District of Maubisse
44. Mr. Virgilio Smith, Secretary of State for Region II
45. Mr. Martinho Matos, District Administrator, Aileu District
46. Mr. João Corte-Real, District Administrator, Ainaro District
47. Mr. João Mendonca, Sub-district Administrator, Maubisse, Ainaro District
48. Mr. Luis Barreto, Sub-district Administrator, Christo Rei Sub-District, Dili District
49. Mr. Arthur Henrique, Sub-district Administrator, Vera Cruz Sub-District, Dili District
50. Mr. Augusto Soares, Court Administrator, Baucau
51. Mr. Pedro Belo, PNTL Commander, Baucau
52. Mr. Geraldo Soares Sarmento, PNTL Deputy District Commander, Aileu
53. Ms. Carmelita Moniz, Commissioner, National Electoral Commission
54. Ms. Joana Maria Dulcie Vitor, Commissioner, National Electoral Commission
55. Mr. Faustino Cardoso, Commissioner, National Electoral Commission
56. Mr. Marito dos Reis, Commissioner, National Electoral Commission
57. Mr. Manuel Bucar, Commissioner, National Electoral Commission
58. Mr. Antônio Delicado, Legal Adviser to the Ministry of Justice
59. Mr. Virgilio Guterres, Director, Radio and Television Timor-Leste
60. Mr. José Souza, International Adviser, Radio and Television Timor-Leste
61. Ms. Elisabeth Huybens, Country Manager, World Bank
62. Mr. Flynn Fuller, US Agency for International Development
63. Ms. Naheed Haque, Country Director, UNDP
64. UNOTIL Senior Management and Security Implementation Group
65. UNOTIL Political Affairs, Legal Affairs and Human Rights Units
66. UNOTIL Police Training Advisers
67. UNOTIL National Professional Officers
68. Representatives from the National and International Non-Governmental Organizations LABEH, HAK, JSMP, ETPA, SAHE, LUTA HAMUTUK, OXFORD Australia.
69. Public and Private and Media Representatives Diario Tempo, Diario Nacional, KYODO News, and Radio and Television Timor-Leste (RTTL)
70. Private Sector Business Representatives Mr. Oscar Lima and Mr. Julio Alfaro.

## Annex 2: List of Documents

1. Terms of Reference, Mari Alkatiri Initiative Review Mission of Experts to Timor-Leste (final version 16 January 2006)
2. Desk Review by the United Nations Office in Timor-Leste (December 2005)
3. Strengthening the Institutions of Governance in Timor-Leste, World Bank (April, 2004 and January 2006 update)
4. Constitution of the Democratic Republic of East Timor (March 2002)
5. RDTL Laws applicable in Timor-Leste, and pertinent UNTAET Regulations
6. Timor-Leste National Development Plan, developed by the G-RDTL
7. Report on the International Conference on Transparency and Accountability (13-14 November 2003), by the G-RDTL, UNDP and UN Mission of Support in East Timor
8. G-RDTL Transparency and Accountability Enhancement Workshop Presentation of Draft Action Plans (May 2004)
9. Conclusions and Recommendation of Steering Committee, International Workshop on the Integrity in the State, (11 March 2005)
10. Summary Record, UNOTIL Policy Review and Coordination Meeting on Transparency and Accountability (8 July 2005)
11. Summary Record, UNOTIL Policy Review and Coordination Meeting on International Assistance to the Capacity Building of the Ministry of Planning and Finance: Accomplishments and Challenges (29 July 2005)
12. Summary Record, UNOTIL Policy Review and Coordination Meeting on Transparency and Accountability – International Studies and Identification of Best Practices (23 September 2005)
13. Summary Record, UNOTIL Policy Review and Coordination Meeting on Transparency and Accountability – Making Oversight More Effective (30 September 2005)
14. Lalenok Ba Ema Hotu (LABEH), Report on Indications of Corruption in Public Administration in Timor-Leste (7 June 2005)
15. Petroleum Fund of Timor-Leste Operational Management Agreement between RDTL Ministry of Planning and Finance and RDTL Banking and Payments Authority (2005)
16. Quarterly Report, Petroleum Fund of Timor-Leste for the Quarter ended 30 September 2005, Banking and Payments Authority of Timor-Leste

17. Draft RDTL Decree-Law on the Organic Law of the State Inspector-General (2004)
18. Draft RDTL Decree-Law on the Penal Code (December 2005)
19. RDTL Court Statistical Data 2000 – October 2005, RDTL Court of Appeal
20. Report of the Electoral Needs Assessment Mission to Timor-Leste, United Nations Electoral Assistance Division, Department of Political Affairs (December 2005)
21. World Bank Country Assistance Strategy for Timor-Leste FY 06-08, International Development Association (August 2005)
22. Program document for a Proposed Grant in the Amount of SDR 342,000 to the Democratic Republic of Timor-Leste for a Consolidation Support Program (CSP I), International Development Association (September 2005)
23. UN Security Council Resolution 1599 (28 April 2005)
24. Background presentation document, United Nations Development Programme's International Support to Democratic Governance in Timor-Leste as of 1 November 2005
25. Democracy and Governance Assessment of Timor-Leste, Final Report, US Agency for International Development (March 2004)
26. Conflict Assessment: East Timor, Final Report to US Agency for International Development, MSI (May 2004)
27. Timor-Leste Background Paper, UNOTIL Political Affairs Unit (January 2006)
28. Drafting of Legislation and Harmonization of the Legal Framework, briefing paper, Antonio Delicado, Legal Adviser, Timor-Leste Ministry of Justice (September 2005 – February 2006)

## Annex 3: Terms of Reference

### **Mari Alkatiri Initiative on Transparency and Accountability**

#### **Background**

The Constitution of Timor-Leste provides for a number of transparency and accountability provisions, including checks and balances between the main arms of the government, with special emphasis on the accountability of the Government to the representatives of the people, as vested in the Parliament and the President. Moreover, the Constitution directs the main governance institutions to execute their functions using participatory and transparent methods.

In accordance with the Constitution, in the area of Public Administration and Governance the National Development Plan establishes a number of specific programmes aimed at promoting transparent governance; developing institutional and human resources; decentralization and an efficient and merit based civil service. In addition, the recently adopted Civil Service Act includes a disciplinary code and a code of ethics which, if implemented, would provide a solid basis for improved integrity.

Several international conferences have taken place on this topic in Timor-Leste. Most notable were the international conferences organised in November 2003, May 2004 and March 2005 (International Workshop on Integrity). In these conferences a wide range of international stakeholders participated under the leadership of the Inspector General and the Prime Minister's office to reinforce their support to this area that is of great importance for the future development of Timor-Leste.

Conscious of the importance of transparency and accountability for the establishment of correct norms of good governance, and of its impact on social and economic development of the Timorese nation, the Prime Minister of the Democratic Republic of Timor Leste, Dr. Mari Alkatiri has decided to invite a Senior Experts Mission to assess the current status of transparency and accountability in the public administration and to make recommendations on the way forward. The mission will comprise senior experts from the United Nations

Department of Economic and Social Affairs (UNDESA), the World Bank (WB), the United Nations Development Programme (UNDP); Transparency International (TI), and the Government of Finland.

The United Nations Office in Timor-Leste (UNOTIL), UNDP, World Bank, the United States of America, Australia and other development partners are supporting many key accountability institutions in the country, including the National Parliament, Council of Ministers, Inspector General, Provedor, Prosecutor General, Chief Justice, Ministry of Justice, Ministry of Planning and Finance, Police, and civil service administration. The intention of the proposed mission is to further build on the success of these initiatives, particularly in the public administration sector, map the progress that has been made, and recommend measures to further strengthen transparency and accountability, particularly with reference to the possible consequences of the end of the UN mission (UNOTIL) in May 2006. For that reason, the said mission will be invited in January 2006.

### **Objectives**

The objectives of the mission are to:

1. Assess the current status of transparency and accountability and integrity in public administration in Timor-Leste, and the support being provided by partners;
2. Provide key specific recommendations on measures to be taken by the Government in priority areas for reform, based on a long-term, integrated framework for institutionalising accountability, transparency and integrity in the public administration;
3. Identify additional support required, before and after the departure of UNOTIL in May 2006; and
4. Initiate a multi-sector dialogue and partnership on transparency and accountability.

### **Activities**

To achieve the above objectives, the mission will conduct the following activities:

- Desk Review – By UNOTIL, preparatory to the arrival of the Experts Mission
- Government's policy statements and legislations relating to transparency and accountability;

- On-going assistance from bilateral donors, multilateral agencies, and civil society organizations in this field; and
- Outputs/initial results from various interventions.

#### Document reviews and consultations – 1st week in Dili

- Review existing relevant documentation, including background papers, briefing notes and concept notes on the issue of transparency and accountability in Timor-Leste;
- Consult with the relevant government officials and other state institutions (including with the Offices of the President of the National Parliament, Minister in the Presidency of the Council of Ministers, Inspector General, Provedor, Chief Justice, Prosecutor General, Ministers of Justice and of Planning and Finance, Chief of Police, Minister of State Administration/Director of the National Department of Public Services), local Government institutions, UN agencies and other organizations (e.g. NGOs) active in the areas of transparency and accountability, particularly in the public administration;
- Liaise with the donor community and civil society organisations to explore ways to sensitise and involve them in transparency and accountability programming and monitoring

#### Needs identification and formulation of recommendations and strategy – 2nd week in Dili

- Identify and prioritise the needs for policy, legal and regulatory framework development;
- Assist the national authorities in identifying and developing transparency and accountability strategies, particularly in the public administration;
- Provide advice and assistance in mainstreaming transparency and accountability measures in the on-going projects and new initiatives;
- Identify key 'champions' within government, transparency and accountability institutions, civil society and the private sector with a view to forming a coalition of stakeholders who would lead and monitor the transparency and accountability effort;
- Other duties relevant to transparency, accountability and integrity in public leadership, as requested.

Consultative Group Meeting – 27 January 2006, Dili

- At the end of the assessment mission, UNOTIL will hold a Consultative Group Meeting on transparency and accountability in the public administration during which the team of senior experts will present its findings and recommendations to all relevant stakeholders.

### **Expected Output**

The expected output of the mission will be a report that will contain an analysis of the current situation and recommendations to the government, national institutions, civil society and development partners on institutionalisation and strengthening accountability, transparency and integrity in the public administration.

### **Time Frame**

The two-week mission will be fielded in mid January 2006. Prior to arrival in Timor-Leste, the mission members will prepare by studying the Desk Review, prepared by UNOTIL, as well as an update to the April 2004 paper "Strengthening the Institutions of Governance in Timor-Leste", published by the World Bank, and other documentation available on transparency and accountability issues in Timor-Leste.

### **Implementation Arrangements**

The team of senior experts will assemble in Dili, if possible on Sunday, 15 January 2006. It will review documentation and hold consultations in the first week, followed by needs assessment and strategy formulation. It will present its report to the Consultative Group, in Dili, on 27 January 2006. During its work, the team will receive guidance from the Prime Minister and other officials of transparency and accountability institutions, including the President of the National Parliament, Minister in the Presidency of the Council of Ministers, Inspector General, the Provedor, Prosecutor General, Chief Justice, Minister of Justice, Minister of Planning and Finance, Minister of State Administration, Director of the National Department of Public Services as well as the SRSG/UN Resident Coordinator/UNDP Resident Representative and other stakeholders.

## Annex 4: List of Acronyms

AAP	Annual Action Plan
ASDT	Associação Social Democrática Timorence
BPA	Banking and Payments Authority
CDCU	Capacity development Coordination Unit
CNE	National Electoral Commission
CoM	Council of Ministers
CSO	Civil Society Organization
DESA	Department of Economic and Social Affairs
DRTL	Democratic Republic of Timor-Leste
EITI	Extractive Industries Transparency Initiative
FRETELIN	Frente Iha Timor Unidos Nafatin
IEC	Independent Electoral Commission
IMF	International Monetary Fund
INAP	National Institute for Public Administration
JICA	Japanese International Cooperation Agency
LABEH	Lalenok Ba Ema Hotu (The Mirror for the People)
MDG	Millennium Development Goal
MoPF	Ministry of Planning and Finance
MoJ	Ministry of Justice
MSA	Ministry of State Administration
NDJAL	National Directorate for Judicial Assessment and Legislation
NDP	National Development Plan
NDPS	National Directorate of Public Service
NGO	Non-Government Organization
OIG	Office of the Inspector-General
PD	Partido Democrático
PEO	Professional Ethics Officer
PNTL	National Police of Timor-Leste
RDTL	Democratic Republic of Timor-Leste
SCJ	Superior Council for the Judiciary
SIP	Sector Investment Programme
SSCoM	Office of the Secretary of State for the Council of Ministers

STAE	Technical Secretariat for the Administration of Elections
SWIFT	Society for Worldwide Interbank Financial Telecommunication
TSP/CSP	Transition Support Program/Consolidation Support Programme
UNDP	United Nations Development Programme
UNMISSET	United Nations Mission in East Timor
UNOTIL	United Nations Office in Timor-Leste
UNTAET	United Nations Transitional Administration in East Timor
USAID	United States Agency for International Development
WB	World Bank



The National Development Plan of Timor-Leste seeks to “promote good governance through popular participation; a responsible and responsive government including a lean, efficient, effective, accountable and transparent civil service and effective, professional, non-political police forces; a decentralised administration with simple and transparent norms, so that governance and administration is closer to the people; a socially responsible private sector, transparent and accountable civil society organisations; and responsible, independent and effective media”.

*National Development Plan Development Goals Executive Summary*



*Produced by the United Nations Office in Timor-Leste (UNOTIL) in collaboration with the government of the Democratic Republic of Timor-Leste (DRTL), the World Bank and the United Nations Development Programme (UNDP) in Timor-Leste*