

Custom, Codification, Collaboration:  
Integrating the Legacies of Land and Forest Authorities  
in Oecusse Enclave, East Timor

A Dissertation  
Presented to the Faculty of the Graduate School  
of  
Yale University  
in Candidacy for the Degree of  
Doctor of Philosophy

by

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May 2005

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## **Abstract**

### **Custom, Codification, Collaboration: Integrating the Legacies of Land and Forest Authorities in Oecusse Enclave, East Timor**

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**2005**

Historical and contemporary practices of rural land and forest regulation demonstrate a wide range of interactions among customary and state authorities. In East Timor's Oecusse enclave, autonomous local authorities have long sought to access and to control forest products, including sandalwood and beeswax, through a political and ritual hierarchy that demonstrates a fluctuating relationship to state governance.

After centuries of mercantilism, Portuguese colonialism, Indonesian rule, and United Nations administration, the newly independent nation of East Timor bears the environmental and political effects of a long history of forest product extraction. Oral narratives and written accounts illustrate periodic forest abundance and decline in response to trade, customary regulation, state intervention, and changing agricultural practices. Political histories parallel popular environmental histories, particularly regarding the changing position of customary authorities and the decline or resurgence in accompanying practice of forest prohibitions. To counteract the forest losses that occurred when customary authorities lost power under recent administrations, the new government has supported collaborative initiatives to reinstate these figures and to revive the forest protection ceremonies, leading to new roles for customary authorities. Tracing the changing place of embodied local state and customary authorities in rural land and forest oversight is central to understanding the causes of change in forests and landscapes.

Successive states' efforts to formalize landholdings in East Timor, alongside modern codification of forest protection, demonstrate the complexities and ambiguities of efforts to codify existing land and forest practices. Different political regimes' rhetoric and laws about customary land recognition have variously emphasized a legally distinct status for East Timorese, regional commonalities, and urgency for the new nation to develop a modern land administration system, without offering substantive recognition of rural people's status as landowners.

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For Jeff  
and our little one,  
with me all the time

and

For farmers and government staff  
in Oecusse

*Au lasi ntu a le'i, ma  
heu ba le'i.*

## **Acknowledgements**

This research has been an extraordinarily collective affair, from preparation and execution through completion. Above all, I acknowledge that this endeavor would not have been possible without the unflagging support and confidence of my husband Jeff, who helped me decide quickly that East Timor was the right choice for my research. His engagement with the people and life in Oecusse, on levels different from mine, taught me much about the wonder of living in such a place, making the entire experience worthwhile in one way or another. A better companion I could not have found.

My primary advisor and chair Michael Dove gave steering counsel, suggested new avenues or angles on the research, and guided me through the corridors of social science research from beginning to end. Carol Carpenter contributed some of the most solid practical fieldwork advice I could have wanted, and enriched my theoretical understandings through the opportunities to assist with teaching her courses. Annelise Riles introduced me to new bodies of literature on comparative Asian law and anthropology, and her incisive insights at several critical points took me in profitable directions I would not have otherwise considered. Thanks to each member of my committee for encouragement in defining and refining the project, and in bringing it to this stage of completion!

The Oecusse research was made not only possible, but enjoyable and personally rewarding through the companionship and faithful assistance of my primary research counterpart, Calisto Colo, his wife Lico, and their extended families throughout Oecusse. Calisto fully took on the vision of this project and showed tremendous initiative in finding appropriate informants and exploring new topics as they arose. They welcomed me into their homes and family events

throughout my stay in Oecusse, even enduring a few weeks in Dili and the eastern districts. Calisto never once complained about our challenging walking or living conditions. Thankfully, Calisto was honest with me when I was on the wrong track and freely offered his helpful opinions on what areas I was neglecting or had overlooked. Beyond that, their good humor, gentle manners, and generosity made me feel quite at home in Oecusse. Special thanks to young Marcelo and Julio who often helped me on the trail, and in collecting leaves and flowers. May we travel together again soon.

It is obvious that this dissertation would not have been possible without a great deal of patience and openness from the many customary authorities in every village who welcomed me into their homes for interviews and multi-day visits, taking time to teach me about their fields, forests, and activities. It was indeed a privilege to get to know so many *tobe*, *naijuf*, and local political leaders with genuine commitment to moving Oecusse in good directions. Zeferino and his family kept me absorbed in conversations about Oecusse tradition and culture on many Sunday afternoons until sunset. I am particularly grateful to the kings and others involved in beeswax candlemaking, and to village leaders and government staff who organized the *tara bandu* program, for never failing to invite me to attend these events. To fellow faculty, administration, and all my students at Oecusse's nascent university, I am grateful for the opportunity to have taught and to have learned from you.

Like many other students of Timor, I greatly enjoyed and benefited from the insights of long-term expatriate church workers who have a depth of insight and understanding about the people and places they serve for a lifetime. A fellow Pennsylvania native living in western Timor since 1966, Father Richard Dashbach, SVD, has achieved such a rare mastery of the ritual language and understanding of people's traditions and faith that he is sometimes called upon to serve the role of a *tobe*. His wholehearted enjoyment of everyday life in the mountains was contagious, and I

gratefully acknowledge the hospitality and lively conversations we shared at his orphanages on many visits. A conversation with him never failed to give me new enthusiasm and motivation, and I have yet to dream up a cultural or historical question which he could not address in some way. The Topu Honis staff, especially Lily and Flora and Joana, always made me feel welcome in evening chats in the kitchen and in trekking around their scenic countryside.

I offer sincere appreciation to East Timorese and international staff of the land research and administration institutions, for their time, patience, and collegiality. Every single sector of the Oecusse district government helped me in some way with this research. In particular, each staff member of Land and Property, and Agriculture, spent many hours sharing their work experiences and helping me understand their field and office activities. Special thanks for Julio, Jose, Angelo, and their families. Their comments, experiences, and invitations made it possible to glimpse the “state” perspective on some of the central themes in this research.

In the Dili national government, I extend hearty thanks to all District Land Dispute Officers in Land and Property for the time we spent together in workshops, and special thanks to those who hosted me in subsequent visits to their districts. My many trips and conversations with national Land and Property director Pedro de Sousa Xavier were pivotal in my understanding of the land issues facing East Timor, and the alternatives being considered for addressing them. Pedro’s tremendous enthusiasm and personal support of my research provided impetus along the way and to finish quickly! I must thank Bu, Cath, Edwin, John, Rick, Rod and Warren for all the times when their interest in my research exceeded my own, and for pointing me toward key documents in my 2001 survey trip that enabled me to develop the research. Several staff in the Dili Agriculture map unit and Wine in the census office generously contributed Oecusse maps. Additional logistical and research support came from faculty at East Timor’s National University,

and NGO staff of Haburas, Oxfam, Caritas, and the International Rescue Committee in both Oecusse and in Dili.

I owe deep thanks to a host of friends—Ingvar, Bu, Keryn, Inga, Claudia, Ted, Janet, Douglas, Jill, Belinda, Liv, Carrie, Annette, Frank, Carlos, Erin, Alex, Filipa, Sebastian, Rebecca, Tanja, Antonio, Merita, Oscar, Wayne, Ana, Jen, Mateus, Ranmal and Hazel who made my trips to Dili actually enjoyable and brought news (and food!) on their visits to Oecusse. Martin and Carolyn offered gracious hospitality and friendship in Oecusse and Australia, as well as remarkable and scenic adventures in both locations. Judy was a fine guide to the neighborhood, swimming companion, and hostess. Thanks to the Portuguese teachers for lessons in making flan and for language help! Edward Rees held together a core of Oecusse-committed expatriates and was extremely generous with sharing his time and publications about the district. I also extend thanks to Betsy, Andrea, Nancy, Geoffrey, and the other attendees at the April 2002 East Timor conference for their pre-departure advice and interest in my project.

In Salatiga, I am grateful to Abang, Lilik, Dan, and Jeanne, and university faculty for arranging such remarkable access to the UKSW libraries and faculty. In Yogyakarta, National Land College staff lent assistance in using student theses.

I spent December 2003 through March 2004 at the Research School of Pacific and Asian Studies at the Australian National University in Canberra. The Anthropology Department offered unparalleled facilities and provided a welcome and productive respite from rainy season fieldwork. Jim Fox, Andrew McWilliam, Philip Taylor, and Ben Kerkvliet were all actively involved in the early stages of shaping my research, always attending my seminars and commenting on outlines and early research analysis with challenging questions. The “Timor group” offered tremendous support and insights, especially Pater Gregor, Lintje, David, and

Yoseph. Daniel Fitzpatrick provided many of the Indonesian resources. Michael Lickorish was an ideal officemate, and his curiosity about my project enabled him to see aspects of the project in a completely new light; he also assisted me in locating and translating some key Chinese texts. Mark, Alan, Nicole, Kathy, Faye, Ben, Luke, and Jenny welcomed me and smoothed the way. Anthony Bright of ANU's Cartography Unit spent weeks patiently assisting with map preparation and final presentation. One of the highlights of my stay at ANU was getting to know the other students in seminars, over meals, and on tea breaks—a rare and valuable chance to learn firsthand about their many and diverse projects throughout Asia and the Pacific region. Finally, I thank Lorraine, Trish, Donna, Molly, Will, Curt, Tracy, Michael, and the neighborhood kangaroos and cockatoos for brightening every day.

Two brief visits to Darwin made significant contributions to the present work. The section on Portuguese history, and many clarifying details from hard-to-access sources, simply would not have been possible without personalized guidance from bibliographer Kevin Sherlock. His commitment to Timor was a motivating force throughout my archival research and writing, and his comments eliminated many errors from this version. The day before submitting the exam copy, I received one of his typically awe-inspiring packets in express mail from Australia: nine full succinct pages of response to particular queries, with several inches of photocopied material from his personal archive, tailored to my exact research questions with more detail than I had thought to ask. Also in Darwin, I thank Cath Elderton for opening her home—a welcoming green oasis coming from Timor!—on several occasions, and for putting my scattered learnings in perspective. Library staff at Charles Darwin University generously permitted me special access to their restricted collections on both visits.

Back at Yale, many thanks to friends and fellows in the Dovelab who endured countless iterations of this research...especially the brave women who frequented Thai restaurants and bead shops

together throughout! Hearty appreciation to Kris Mooseker and Indriyo Sukmono for always welcoming me into the Southeast Asia office. I also want to recognize the colleagues in our Spring 2001 Southeast Asia reading course with Jim Scott, which formed a lively and cohesive cluster; thanks to Takeshi, Richard, Tim, David, Lin, Aya, Ehito, Tom, and Steve. See you all in the islands! Words are not enough to thank Elisabeth Barsa for always, always going the extra mile in answering questions and making the doctoral program possible. Many thanks to Ann Prokop for her daily encouragement in the final year of writing.

Friends and family provided exactly the right kinds of encouragement, interest, commiserating, and breaks when they were most needed at all stages and especially in the final months: parents, sisters, in-laws, nieces, Sarah, Peggy and Jeff, Christi, Ann Elyse, Charlton and Amy, and Jen and Murray. Thank you.

This dissertation is based on research conducted in East Timor, Indonesia, Australia, and the United States from 2001-2004, with generous support, gratefully acknowledged, from the Yale University School of Forestry and Environmental Studies, Research School of Pacific and Asian Studies at The Australian National University (Luce Southeast Asian Graduate Fellowship), Fulbright-Hays Doctoral Dissertation Research Abroad Fellowship, International Dissertation Field Research Fellowship of the Social Science Research Council and the American Council of Learned Societies, Mustard Seed Foundation, Yale Center for International and Area Studies, Yale University Southeast Asia Program, Yale University Program in Agrarian Studies, and the Charles Kao Fund of the Yale University Council on East Asian Studies.

## **Meto-English-Indonesian glossary**

**Adat** (Indonesian): tradition, custom

**Aen oek**: flooded rice field: sawah (metathesis of ane=rice)

**Ajanti, ajudante** (Portuguese): assistant to the Costa king

**Aldeia**: hamlet: dusun

**Amnasit**: elders

**Atoin kua tuaf**: literally, people who are settlement owners; native landowners

**Atoin anaomnemat**: an in-marrying male who settles in his wife's suco

**Auslear, auxiliari** (Portuguese): mandatory labor in Portuguese colonial era

**Bunuk**: an individual's temporary prohibition on harvesting fruit trees; curse

**Chefe (de) aldeia**: hamlet-level head: kepala kampung

**Chefe (de/do) suco**: head of administrative village (state-recognized): kepala desa

**Fatu (faut) kanaf, oel kanaf**: lit., (family) name rock, (family) name water; sacred sites for ritual activities of a given family name

**Kabo-oel**: water manager and overseer for irrigated areas

**Kanaf, kana'**: a family name or lineage: fam, marga

**Kase (kaes) metan**: lit., black foreigners; paddy-rice growing settlers in central Oecusse, originating from islands off western Timor

**Kelo/kero**: a village-level seasonal prohibition on harvesting fruit, trees, leaves, animals, or other natural resources

**Lele**: a large swidden garden growing annual crops: kebun/ladang

**Meto** (also known as Dawan or Baiqueno/Vaikeno): local language of Oecusse

**Naek**: Large, great, big

**Nael**: clan head or representative of a kanaf; term rarely used in northeastern Oecusse, common in southern and western Oecusse where nael serve as assistants to a tobe



**Nais le'u:** sacred forest: hutan adat

**Naija sona:** empty or unclaimed land: tanah kosong

**Naijuf:** political leader of a customary village

**Naijuf mnasi:** old naijuf

**Naijuf mnune:** young naijuf

**Nasi mnasi** (metathesized: nais): old forest

**Ninik-abas:** beeswax candles, especially used in tribute (ninik=beeswax, abas=cotton)

**Nuni:** (food) taboo

**Pah:** land

**Pentauf, penasu:** maize tributes to Oecusse kings

**Plenat:** government: pemerintah(an)

**Poan:** a small, mixed (home) garden including annual and perennial crops

**Seimu/Semu:** claimed agricultural land

**Sispa':** division/portion of meat (=sisi)

**Sonaf:** palace; residence of usif or (often) naijuf: istana

**Suco:** administrative village or customary unit under control of a *naijuf*: desa

**Sopu/Soupu:** land area; domain of a tobe (and sometimes naijuf): wilayah

**Tara bandu** (Tetum): seasonal restriction on harvesting natural resources

**Tepas:** muddy spring; refers to communal betel grove in northwest Oecusse

**Tobe:** customary ritual leader with authority over land, forests, and water

**Tobe ana:** small tobe

**Tobe naek:** big/great tobe

**Uem balef:** house place and yard, especially when referring to ancestral home location: halaman rumah (metathesis of ume=house)

**Usif:** king for the domain of Ambeno/Oecusse: raja

## **Preface**

### ***Beginnings and motivations***

I began this project to learn more about the practice of rural land and forest policy formation. The main subjects of this research are the successive governments in East Timor and the customary authorities in Oecusse, how each relates to land, and how they relate to each other.

Dissertation directions bear the imprints of both personal experiences and theoretical zeitgeist. In this case, growing up amid southeast Pennsylvania's urbanizing farmland, learning from highland farmers in Latin America, and working with forest-dwellers in Indonesia to secure their land claims against growing state interests (in park creation, forestry plantations, transmigration, and cattle ranching) gave me many guiding questions about social and landscape changes and the circumstances that influence them. In particular, my West Papuan experience working with rural people in mapping their forest resources and use made me appreciate the complexity of local boundaries and the diverse range of strategies people use to assert claims at multiple levels and in multiple forms.

These aspects resonated with contemporary research orientations querying the nature of boundedness and state-people relationships other than simple opposition (Bebbington 2000, Li 1999a, Tsing 1999). In these contexts where the state is one among several influential factors—and sometimes a minor one—in people's lives, what are the relationships between local land practices and implementation of government policy? If the existence and persistence of agricultural practices, or statecraft, are inseparable from their followers and leaders, what are the effects of changing leadership? With nested hierarchies of authority pertaining to land, what determines which direction land use changes actually take? My interests are political insofar as

they deal with matters of authority, and environmental as they consider tangible uses of land, water, and forests.

### *East Timor site choice*

At the time of this research, formerly Portuguese East Timor was newly independent from Indonesia and provided an ideal opportunity to examine these questions both historically and “live” as they were being determined in the new nation. I have particular concern for how rural people adjust, affirm, and stake their resource claims in contexts of conflict and displacement, and it seemed that research in East Timor, which had just come through a violent occupation and 1999 political separation, would expand my understanding of working with these conditions. My pragmatic side was also drawn by the possibility for my research process and outcomes to be of immediate utility to those forming East Timor’s land and forest policies. Archival and field research would be greatly facilitated by my knowledge of both Indonesian and Portuguese languages, and during a 2001 preliminary site visit I found government and university contacts extremely supportive of the research.

### *Oecusse site choice*

Choosing Oecusse as my principal field site resulted from the usual blend of strategy and serendipity. Oecusse is a lone pocket of East Timor on Timor’s northwest coast, surrounded by Indonesian West Timor. Captivated early on by Boxer’s (1947) intrigue of native kings, rebellious mixed-blood rulers, and two colonial powers warring over the island’s most famous tree, I thought that this one-time commercial hub of Timor, now turned neglected enclave, would be a fascinating research site. Issues of identity and development of this region, politically East Timor but linguistically linked to Indonesian West Timor, were also bound to be interesting.

Unfortunately, in 2001 erratic transport to Oecusse and habitable housing or materials to build it were said to be major limitations in working there, and I put my interest there on hold to consider other options.

Upon my 2002 arrival, my investigations into other land and forest research underway in East Timor revealed on-going projects in the major forested eastern region, the economically hopeful western coffee-growing districts and northern resettlement areas riddled with land conflicts, and several other candidate regions. I did not want to focus on the few regions nationally famous for violent land disputes. The major limitations to study in Oecusse were still getting to the enclave and finding housing (i.e., roofing) in the decimated district. After one month in Dili, my husband made NGO connections that addressed the immediate needs of transport and housing. We initially went to Oecusse uncertain how long we might be able to remain there. Once in Oecusse, we established affiliations that permitted us to remain in Oecusse throughout the fieldwork period. Through the goodwill of Oecusse-based UN staff we were able to travel to Dili as needed on UN flights and the sea transport improved sporadically, which permitted me to maintain my periodic contact with the Dili government offices and parallel research efforts at the national level.

My sustained interest in this remote, neglected location drew enthusiastic support from local people from all walks of life, as they saw the research as raising Oecusse's profile at the national level when I visited national offices in Dili and in what I would write about their region. Oecusse's small-town feel, relative lack of political unrest or violence, welcoming people, and natural beauty made life there far more enjoyable than it might have been in many other locations in East Timor during these years, fortuitous indeed for a researcher.

### *Research perspective*

Much that has been written about East Timor centers on the maneuverings of political and military actors on various sides. Even people in political crisis or dire circumstances have other elements important to their lives (Hann 1994, Pahl and Thompson 1994), but those fully humanizing perspectives seemed scarce in the East Timor literature. Recent scholarship and media have highlighted the critical and complex issue of political independence almost exclusively, and I wanted to learn about the place through a different lens, to see what aspects of life the conflict-centric focus might have obscured. I wondered, if it was thirst for Timor's forest products that drew Asian and European traders to Timor, leading to the island's political dramas, is there more to the story about sandalwood and beeswax? Not only did a "wood and wax" focus seem to have the making of a good environmental history, but I hoped in my research to bring out some of the characters and events outside of political and military life. And so, I set about to shape a tree-centric, beeswax-focused perspective on East Timor that might illuminate another side of people's relations with their land, with each other and with their various governors. In this process, I encountered a land and forest ritual authority called the *tobe*, and in learning about *tobes*, land and forests I was, in part, and inevitably, drawn into—what else—a political-environmental history of Oecusse on a different level.

## Chapter One: Introduction

### *Integrating the legacies of rural land and forest regulation*

The focus of this research is the interaction of customary and state authorities<sup>1</sup> on rural land and forest regulation.<sup>2</sup> While these figures are sometimes treated in separate spheres, this dissertation considers the *interaction* of these different types of authority, and a central query regards the reality of separation and overlap of customary and state authorities.<sup>3</sup> I posit that their significant mutual influence and the extent to which these authorities draw some of their legitimacy through connection to each other can challenge the distinction between them and provide a lens into their meaningful interactions. I question how real and how relevant these distinctions are when it comes to land and forest regulation under different regimes. Just as the state seeks to harness custom, to displace it, or to shape it, customary authorities bolster their own standing through their position vis-à-vis the state, and they aim to influence state administration through collaboration on customary regulation. At points in this dissertation, I treat “land and forest” as a single category for three reasons: 1) claim to one often amounts to some claim to the other; 2) states formerly governing Timor have made extensive land claims by classifying land as public

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<sup>1</sup> For definition, “customary authorities” are defined as those who hold their positions by virtue of socially recognized factors conferring special status (e.g., lineage, wealth, age, or abilities), play leadership roles in addressing community problems on a fairly localized scale, and are not accountable to implement government policy. “State authorities” are those who are elected or appointed to official positions by a government body, are charged with executing government policy, and receive some remuneration from the state for their work.

<sup>2</sup> My exclusive focus on rural land addresses a research gap as identified in the literature and by East Timor’s Land & Property Directorate, which prioritizes urban land issues and highlighted a dearth of information on rural landholding systems (Fitzpatrick 2002).

<sup>3</sup> Watts and Peet note the definitional challenges inherent here: “The community looms large...[but it] turns out to be—along with its lexical affines, namely tradition, custom, and indigenous—a sort of keyword whose meanings (always unstable and contested) are wrapped up in complex ways with the problems that it is used to discuss” (2004:24).

forest, regardless of tree cover; and 3) the unity of land and forests is under the control of a ritual figure, called a *tobe*, who features largely in this research.

East Timor demonstrates a complex history of state rhetorical support for recognizing customary property systems that is incongruent with practice, alongside local activities that constrain, reshape, or give rise to new land and forest policies. This dissertation queries why and how this is the case by exploring indigenous and international influences on land and forest control in East Timor for over a century. Focusing on East Timor's Oecusse enclave district, it examines the purposes and procedures of rural land and forest administration through four successive periods: Portuguese mercantilism and colonialism, Indonesian occupation, transitional United Nations administration, and the nascent independent government of the Democratic Republic of East Timor. It explores the political and ritual foundations for local land and forest authorities and regulation mechanisms, state engagement with these local institutions, and how national policy directions evolve through political transition.

### ***Land and forest policy in political transition: changing currents?***

This study began shortly after East Timor's separation from Indonesia in 1999, when much attention and activity was focused on governance for the new nation. East Timor had inherited a long history of forest product extraction and a century of land administration under Portugal and Indonesia, so addressing the multiple forms of land claims from earlier eras posed a complex political and legal challenge. Decisions on existing formal land titles or concessions, past injustices in land distribution, the fate of state land claims, and the place of diverse local practices and authorities in a national system were among the most contested issues in the nation (Fitzpatrick 2002).

Despite just over a century of state land administration, the vast majority of East Timor's land remains *de facto* under customary tenure regimes, mediated by multiple levels of local authorities. My initial interest concerned official treatment of customary tenure in the new state: what would be the rhetoric surrounding past or present forms of landholding, and would the new state replicate the common disjuncture between policy and practice regarding state recognition of customary tenure? How and why might the new administration adopt, jettison, or modify existing land and forest policies?

Many post-colonial or newly independent states have faced comparable dilemmas regarding how to treat the land institutions and policies of past regimes. Multiple internal and external factors shape each nation's response to its unique land legacies, including policy trends of the era in which a nation becomes independent, whether policies are a reflection of nationalist ideals or an assertion of local identity, who is involved in drafting new laws, and the conditions of political transition—which aspects of the past are to be undone, forgotten, preserved, glorified, or maintained?

Land and forest laws and policies serve a range of social purposes, alongside land administration: as indicators of modernity projected for an international audience (Grove 1997, Potter 2003, Thongchai Winichakul 1994), asserting official control over a domain (Peluso and Vandergeest 2001), and directing rewards to certain classes or political groups (Shadle 1999, West and Myers 1996). Accounts of colonial, post-colonial, and transitional land policy are replete with cases of diverse interactions among customary and state institutions, ranging from denial of existing tenure to attempted formalization of local mechanisms (Bernstein 1994, Brody 1982, Crocombe and Meleisea 1994, Doolittle 2001, France 1969, Larmour 1984, Lynch and Talbott 1995, Merry 2000, Moore 1986, Scott 1998, Shadle 1999, Soares 2001, Van Trease 1987, Ward and Kingdon 1995b, Zerner 1994). What ecological, social, and legal reasons have been offered for



formalization, and what have been its environmental effects? One of the approaches that draws on diverse sources to analyze environmental and political change in tandem is political ecology.

### *Theoretical framework of political ecology*

The interdisciplinary theoretical perspective of political ecology encompasses a range of strategies for analyzing interactions among multiple actors and their environments.<sup>4</sup> It examines how contestation over environmental issues brings into relief the interests and political agendas of different perspectives, applying an ecological analysis of interrelationship to people's discourse and practice related to natural resource claims, conflicts, and control. This field centers on the social elements of environmental problems, including cause, effect, benefit, risk, and response. A political ecology research framework queries the roles of both proximate and distant actors (Dove 1997, Harwell 2000a), discusses political motivations and effects of interventions (Brosius, Tsing, and Zerner 1998, Escobar 1992), questions standard environmental narratives (Kull 2000, Saberwal 1997), and draws on and re-analyzes disparate evidence to address causality in environmental phenomena (Fairhead and Leach 1996, Gupta 1998, Jarosz 1996, Thompson, Warburton, and Hatley 1986). Using multiple means, this literature demonstrates how local resource-related conflicts and the production of environmental knowledge are linked to politics and policies at broader levels (Dove 1986a, Ellen 1999, Goldman 2001, Guthman 1997).

In their histories of political ecology, Peet and Watts trace a course from political economy of land and forest degradation, through critiques of development and conservation, to poststructural analyses of knowledge and power in institutions, plurality of perceptions and definitions of environmental problems, and challenging common degradation discourses (Peet and Watts

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<sup>4</sup> Political scientists, anthropologists, historians, and geographers are among the disciplines using political ecology, and as such the approach combines an eclectic selection of sources and methodologies.

1996b, Watts and Peet 2004). While contemporary accounts of degradation used formulaic explanations of the poverty-population-development nexus, early political ecology framed environmental change in not only physical but also social and economic terms, often relocating blame through recontextualization of perceived problems (Blaikie and Brookfield 1987, Blaikie 1985, Dove 1993, Schmink and Wood 1987, Vayda 1983). Scholars highlighted plurality of perceptions and different actors' conceptions of environmental problems as they queried the politics and patterns of environmental change and resource access (Bryant 1992, Bryant and Bailey 1997, Dove 1986b, Fairhead and Leach 1996, Moore 1993, Zimmerer 1993).

Work within the past decade demonstrates the influence of post-structural frameworks, including emphases on discourse, representations, place, and identity (Brosius 1997, Bryant 2000, Escobar 1996, Escobar 2001, Harwell 2000a, Li 1996, Li 2000, Peet and Watts 1996b). Noting that environmental and social problems emerge from abundance as much as from scarcity, political ecological analyses have expanded from their early approaches examining resource use and property relations on multiple scales largely in tropical agrarian contexts (e.g., Neumann 1992, Peet and Watts 1996a, Peluso and Vandergeest 2001, Schroeder 1993), to treat wealthy, urban, and industrial contexts as well as non-land resources worldwide (Le Billon 2001, Peet and Watts 2004, Peluso and Watts 2001b, Watts and Peet 2004:11). Still, this analytical perspective continues to be applied to a tremendous range of problems and a diversity of circumstances. This dissertation engages current trajectories of political ecology and environmental history in three aspects: narratives of forest change over time, the role of intermediate authorities, and the dialectical relationship of national policies and local practices.

*Narratives of forest change over time: beyond degradation*

Political ecology is increasingly attentive to historical factors in its examinations of ecosystem change (de Jong, Lye Tuck-Po, and Abe Ken-ichi 2003, Grove, Damodaran, and Sangwan 1998, Watts and Peet 2004). As Watts and Peet note, long-term environmental histories can complicate “the clumsy unilinear models of agricultural and environmental change” that some would posit or assume (2004:15). From its inception, political ecology has had an overwhelming focus on degradation, and even a recent definition of this “academic trans-discipline” presupposes a worsening condition: “*a collective name for all intellectual efforts to critically analyze the problems of natural resource appropriation and political economic origins of resource degradation*” (de Jong, Lye Tuck-Po, and Abe Ken-ichi 2003:4, original in italics, underlining added). Such an explicit bias toward studying degradation may blind analyses to instances of and actors in environmental *improvements* and thus miss opportunities to examine causal factors for those cases (Fairhead and Leach 1996). Injecting some optimism into political ecology by considering cases, causes, and causers of forest resurgence rather than only degradation, Hecht (2004) posits that global factors are far from being an irresistible, inevitable hegemony and that “globalization is mediated by local institutional arrangements, local assets, and a wide array of ethnographic and household factors that modify larger processes” (Watts and Peet 2004:31).

Current-day discourses and historical data surrounding sandalwood in Oecusse, East Timor do not trace a unidirectional decline in sandalwood, but also include recurrent abundance and expectations for future increase in sandalwood populations. Written and oral narratives of periodic, multiple forest gains and losses in Oecusse are more compatible with recent orientations in ecology that attend to fluctuations over stability and disequilibrium over timeless ideals (Watts and Peet 2004:16). Political implications of contemporary forest narratives are also critical: present forest degradation narratives parallel recent political trends, in whom they blame or exonerate, more closely than they follow historical accounts of forest changes. There are also meaningful differences between historical written (Portuguese) and modern oral (indigenous)

accounts: while history books blame Oecusse kings for sandalwood loss, Oecusse people today credit these same lineages with sandalwood conservation.

*Intermediate authorities: mediators between levels of analysis*

For decades, political ecology has focused on micro-level and macro-level analyses of environmental problems linked to state policies and local impacts of distant or global agencies. In this research, I examine an intermediate social space sometimes neglected in political ecology analyses, that of the politically powerful customary authorities and district-level officials. These figures have multiple and variable sources of legitimation, dependent on and shaping factors including commercial interests, political status, transformations in belief systems, governance capacity, and access to forest resources. In Oecusse, customary figures have gained their hierarchical, territorialized positions by virtue of controlling land and forest products, and in turn this control has reinforced their positions. In West's words, these are the characters who are "betwixt and between" rural communities and colonial powers or governing states (1999).

Several ethnographies and historiographies that took a biographical approach for both customary and official authorities led me to focus on the figures who embody land and forest regulation (France 1969, Goodenough 1978, Riles 2001, Rodman 1987).<sup>5</sup> Closely considering the individuals involved lends some continuity to an apparently radical political transition; for example, when most civil servants or traditional rulers in a new administration already held those positions under the previous regime, it is likely that some common aspects of their identity and work will persist in the new iteration.

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<sup>5</sup> "The state" and "*adat*" (tradition) are not disembodied concepts, but incarnationally represented by the authorities who serve in those roles (Vasan 2002). Keys to bridging these dichotomies are the individuals or local authorities who serve in both realms. This is a point made eminently clear in fieldwork that is rarely mentioned in the literature.

Even with minimal state interventions in rural areas, as was the case in Oecusse, mutual influence among customary and state authorities shaped the present political and environmental landscapes. Colonial-era identification and fixing of social strata impacted subsequent land policy under indirect rule and into independence (France 1969, Ward 1995). Mechanisms of indirect rule used some form of existing power structures to accomplish governance, often empowering local authorities to comply with, to refuse, or to adapt orders from the central government. In turn, customary figures used their newfound positions to achieve some measure of political recognition for their traditional systems, lending them a permanence they might not otherwise enjoy.<sup>6</sup> In naming customary authorities as state officers or assigning military titles, governments could replace uncompliant individuals or supplant their roles with social categories more amenable to governance. Conflicts can render “traditional authorities” irrelevant, compromised, or absent through migration or death (West 1998). Customary-state interventions are partly responsible for today’s geo-political enclave status of Oecusse: local authorities’ quest for control over forest resources vis-à-vis the colonial governors led colonial representatives to flee Oecusse but caused the region to remain a nominal Portuguese outpost. Once a regional commercial and political center, Oecusse’s later marginality was both caused by and served to perpetuate strong, autonomous authorities.

Ribot (1998) described a form of state involvement in customary rule that gave rise to a post-colonial decentralized despotism of local rulers whose positions impeded community participation (Watts and Peet 2004:26). West (1998:143) notes that an appeal to “traditional authority” as either good or bad often ignores the changes in land use or in political legitimacy

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<sup>6</sup> Fox noted that all but four of twenty-seven domains named in the 1756 Paravicini treaty with indigenous rulers of Timor can still be found on a map (2000:11-12), and many still lend their names to administrative units on both sides of the island.

wrought by conflict, economic transformation, or changing political necessities and relationships between state and civil institutions (Ward 1995, West and Kloeck-Jenson 1999, Zerner 1994). In the Oecusse context, there is a need to understand the different histories, changing legitimations, and realms of influence for at least three local land authorities.<sup>7</sup> The introduction of village head elections caused a parallel system of village heads to emerge: one state-recognized (*chefe suco*), the other historically legitimate and economically privileged (*naijuf*), and when they are not the same individual, the two leaders still must coordinate their activities. Meanwhile, Oecusse's ultimate ritual land and forest authorities (*tobe*) hold their positions exclusively by right of inheritance, but with scant economic privilege and virtually no state contact, much less backing, until very recently. Examining how these various authorities gained power and popular legitimacy, and how their authority fluctuated as they intersected with different states through time, complicates and enriches current debates over intermediaries' roles in resource control. In doing so, this research also differentiates the "traditional community authorities" to better understand the dynamics of resource access and forest change (Watts and Peet 2004:24).

#### *Dialectical relationship of national policies and local practice*

This research is in part an ethnography of policymaking, broadly defined. While treating legal aspects of land and forest policies, it also examines policy formation in practice, framing policies as negotiated outcomes among disparate actors.<sup>8</sup> Legislation is made drawing on multiple sources (whether Portugal's contemporary colonial trends, Indonesia's extension of existing laws, or independent East Timor's expatriate advisors), then modified or only partially enacted in response to experiences of implementation. Recognizing the agency of local authorities in a newly independent state with a relatively weak government, I consider not only how national

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<sup>7</sup> This is detailed further in Chapters Three to Five.

<sup>8</sup> This is detailed further in Chapters Four to Six.

policies come to bear on local resource control, but also how local practices and decisions made by district-level officials and customary authorities are actively constructing hybrid policies about resource control.

Recent political ecology seeks to identify and to trace far-flung discourse linkages of environmental concepts over space and through time (de Jong, Lye Tuck-Po, and Abe Ken-ichi 2003, Dove et al. 2003, Grove 1997, Watts and Peet 2004). Tracing “discursive alterations over time” (Watts and Peet 2004:32), Zimmerer (2004) detected changes in various actors’ definitions of degradation problems and their proposed solutions. He found strong influences of extra-local discourses on environment, development, and political rights. In the evolution of rural land policy in Portuguese-East Timor, appropriate policy options for customary land have been drawn in part from economic and social discourses then circulating beyond Timor. For the past century, land policymakers have repeatedly portrayed their state-serving efforts as being in the best interests of a broad range of actors (rural people included), buttressing their positions with arguments that can resonate on wide geographic scales.

Finally, political ecology seeks to illuminate various actors’ multiple and sometimes unstated motivations for participation in environmental protection activities. Villagers are as adept and savvy as any group at deliberate projection of others’ expected ideals to attain desired outcomes (Tsing 1999, Watts and Peet 2004:42, n. 7, Zerner 2000). As in Rangan (2004), local Oecusse authorities’ participation in government conservation programs can be more related to their desire for political recognition within the new state than indicative of their enthusiasm for forest conservation. In consequence, local acceptance of proposed practices can feed back into policymaking at higher levels, affording customary authorities and district-level officials unanticipated opportunities to influence national policies.

### ***Oecusse enclave district description***

#### *A Portuguese remnant among the Atoni of western Timor*

The island of Timor is ethno-linguistically heterogeneous, with more than twenty Austronesian and Papuan languages and dialects spoken, with most of this diversity now found in the eastern half of the island (Fox 2000:3-5, Grimes et al. 1997:5-9, 33-55). In the era of anthropometrics, Timor attracted much attention for having varied and anthropologically puzzling racial classifications (Gonçalves 1961:7-9 for a bibliography). The Oecusse<sup>9</sup> enclave district, approximately 815 km<sup>2</sup> in size,<sup>10</sup> is politically part of Portuguese-East Timor (see Figure 1), but shares language, historical memory, and cultural traits with the Atoni, Meto-speaking group that has come to dominate Dutch-Indonesian West Timor (Fox 1996:139). Accordingly, I draw on historical and ethnographic literatures from both Portuguese (eastern and Oecusse) and Dutch (western) regions of western Timor. Alone among Portuguese holdings in western Timor, Oecusse never came under Dutch control when Portuguese power receded eastward under growing Dutch domination from the 1600s. Oecusse's unique portrait as a Portuguese remnant within the Atoni area is relevant for this study examining the interaction of customary and state authorities. Despite commonalities across the Atoni ethno-linguistic area, the religious and political differences resulting from a different colonizer, and the greater distance and autonomy

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<sup>9</sup> Historical and modern sources also call this region, kingdom, or district Oe-cusse, Oecussi, Oekussi, Okusi, Oecusse-Ambeno, Ambeno, Amabeno, or Ambenu. The historical Oecusse-Ambeno kingdom distinctions are discussed extensively in Chapter 3. "Oecusse" was the spelling most commonly used by the district government during fieldwork, and as such is the form used in this dissertation. Pronunciation is usually three syllables ending in -ee (oy-KOOS-ee) but sometimes also oy-KOOS or oy-KUIS.

<sup>10</sup> Indonesian sources name Ambeno's area as 814.66 km<sup>2</sup> (1997:3)). In December 2004, final border negotiations between East Timor and Indonesia regarding Oecusse remained unfinished, with several disputed sections remaining on Oecusse's southern tip, north-western border, as well as the Fatu Sinai or Batek island off western Oecusse.



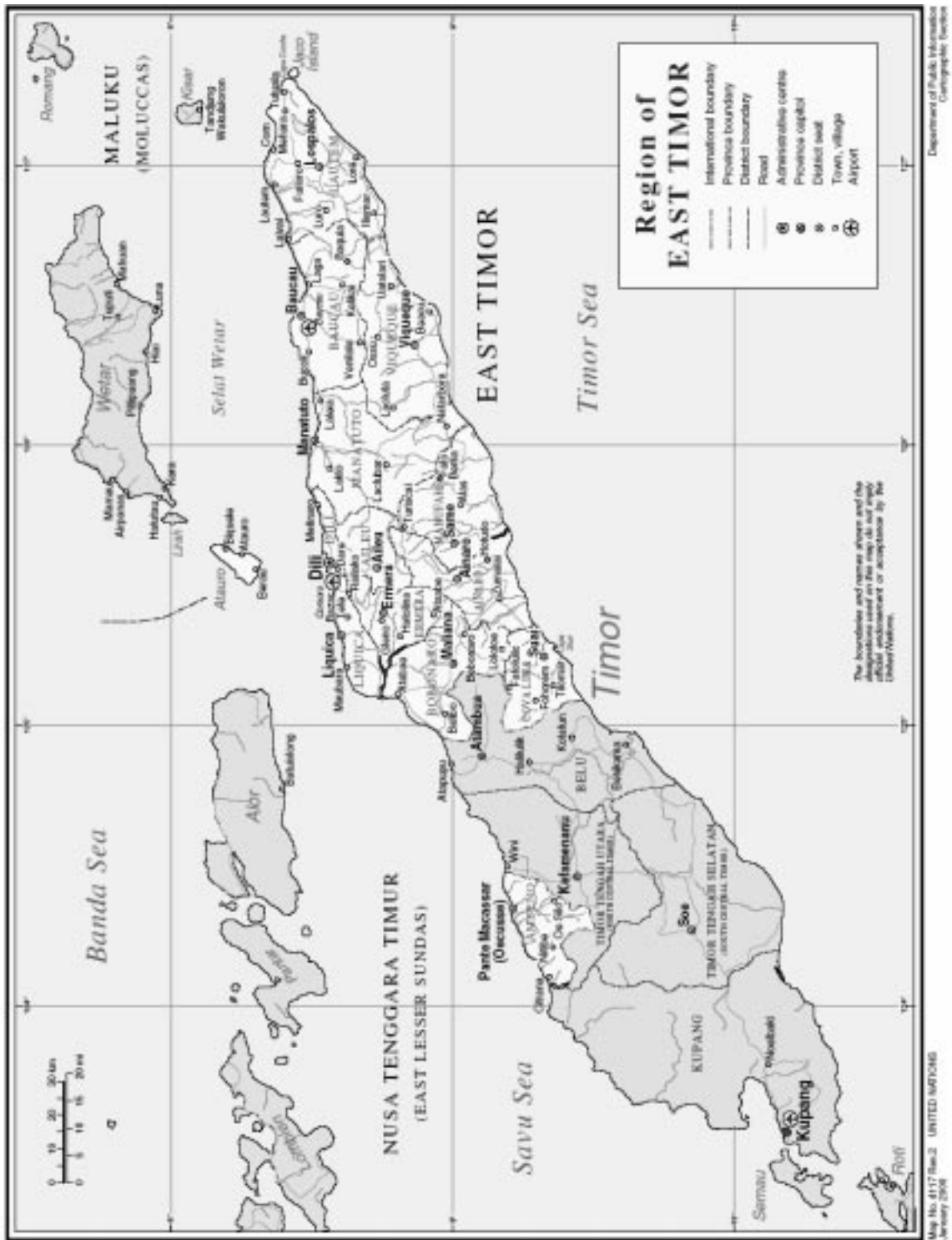


Figure 1. Political map of Timor

that Oecusse had from colonial governance relative to Dutch areas permitted, or necessitated, stronger customary authorities to persist in Oecusse than in Dutch-controlled areas.<sup>11</sup>

The common ethno-linguistic heritage, coupled with a long history of migration and historical-ritual connections of Oecusse with western Timor, made the ethnographies from Atoni areas of Dutch-Indonesian West Timor particularly useful in my study. Dutch administrator Schulte Nordholdt outlined socio-political aspects and agricultural practices, with substantial comments on the political and ritual authorities discussed further in this dissertation (1971). Middelkoop's analyses of ritual practices, belief systems, warfare, and identity highlighted important features of local authorities' roles in forest protection ceremonies (1960, 1963, 1968). Ormeling's discussion of agricultural practices and Dutch colonial experiences with sandalwood control both frames and contrasts to the context of Portuguese Oecusse (1956). Foni's thesis on agricultural rituals of the West Timor Atoni shows many similarities with terminology and practices in contemporary Oecusse, especially the highlands (Foni 2002). McWilliam's studies of authority-making, political alliances, sandalwood history, and modern forest management across Timor provided direction on key points of inquiry on forest authorities (1996, 1997, 2002a, 2003b, 2004). Ataupah's discussion of the West Timor Atoni contributed many points for comparison (1990). Neonbasu's treatment of ritual language and origin, as a native speaker with broad experience, far surpasses the limited understanding I gained about what traditional authorities communicate through their complex, deliberately opaque ritual speech (2005). All of the above authors make some brief mention of the traditional authorities (*tobe-naijuf*) discussed at length in Chapters 3

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<sup>11</sup> Many of the features of customary ritual and political life reported as declining by Cunningham (1962) and Schulte Nordholt (1971) in the 1940s and 1950s were still actively practiced in Oecusse during fieldwork. McWilliam, drawing on extensive experience throughout East and West Timor, described the ritual role of the *tobe* (or *a'na amnes*) as a feature of the past in Amanuban, West Timor, noting that this role declined sharply with [Protestant] Christian conversion from the mid-twentieth century (2003a:15). By contrast, the ritual activities of the *tobe* have diminished less in Oecusse with a more syncretic Catholicism (Daschbach 1988). Chapter Two will also describe how exclusive control of the sandalwood trade served to distance the colonial power and to strengthen local kings in Oecusse.

and 4. Fox's many individual and edited works provide comparative orientation to regional anthropological phenomena, migration, and agricultural transformations; in particular, the importance of precedence in authority-making became a central organizing principle in this analysis (1977, 1980, 1988b, 1992, 1995, 1996, 1997a, 1997b, 1999, 2000, Fox and Sather 1996, Fox and Soares 2003).

By comparison, ethnographies of eastern or Portuguese Timor are relatively scant; Pinto Correia wrote the first self-declared ethnography focusing on the Baucau region, with material gathered by military commanders throughout Portuguese Timor charged with learning about and documenting local cultural practices (Pinto Correia 1934:346-347, 352).<sup>12</sup> Traube's discussion of the centrality of ritual and outsiders' place in Mambai identity framed my investigations into these themes (1980, 1986). Hicks' descriptions of his fieldwork gave practical suggestions, and emphasis on the importance of rituals and ancestors alerted me to lines of questions about the spirit world I would have otherwise neglected (1976). Metzner's observations on land use and tenure formed reference points for my Oecusse research (1977). Friedberg's descriptions of agricultural ritual and plant classifications guided my observations of these aspects in Oecusse (1979, 1980, 1989, 1990). Other materials from Portuguese sources provided key insights into colonial governance, especially regarding land policy.

### *Landscape and rainfall*

Oecusse's sandy coastline, rimmed with coral reef, quickly rises into rugged mountains that extend inland, creating a dramatic and variable landscape. The topography is varied: steep mountains reaching over 1000 m.a.s.l. run from the north-eastern coastline inland; flat, irrigated rice-growing plains edge the Tono River that bisects Oecusse; and lower rolling hills, mountain

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<sup>12</sup> Earlier anthropological works from the 1860s onwards are listed in Gonçalves 1961:7-9.

ranges, and valleys cover the south-western areas. Rainfall is seasonal and sparse, falling mostly between November or December and February or March, averaging 1000 mm/year on the coast and over 1500 mm/year in the interior highlands (Fox 2002a:113); Oecusse's southern highlands receive rain significantly earlier and more abundantly than the north coast. During the rainy season, periodic Tono River flooding limits transportation around the district. Flash floods and landslides are common rainy season hazards, and many years see loss of human life and livestock from these events. One month after the rains end, the landscape loses its green cover, and the brown hills are again sparsely dotted with *Eucalyptus alba* trees for most of the year.

#### *Settlements, migration, and housing*

Until the early 1980s, the length of Oecusse's coast was largely unsettled. The coastal capital and port had few residents and the largest Atoni population concentrations were in the mountain towns and rural hamlets. Until three decades ago, most lowland residents were coastal migrants from southwest Timor or neighboring islands who primarily grew flooded rice in fields that flanked the Tono River. From the standpoint of fresh water availability and soil fertility for rain-fed agriculture, the mountains are more amenable to human settlement than the coastal lowlands. The highlands have earlier rains, more reliable harvests, and less malaria than the coast.

Coastward migration began in the 1960s in a few regions (e.g. Nakome-Usitasae; Bobos and Mekos hill tribes, facing increasing population, migrated to Lifau (Daschbach 1987)), but the major shift in population did not begin until Indonesian infrastructure development and policies gave impetus to massive coastward migration from the early 1980s onwards. This not only provided a draw for people to move to the coast for economic and educational opportunities, but also left the highlands materially disadvantaged relative to the coast. Chapter Four discusses migration and landholding patterns in greater detail for one administrative village (*suco*).

Mountain areas remain the focal point of many coastal dwellers' lives; family, fields, and ritual houses and sacred sites are still in the highlands. Schoolchildren who move to town for education, often without their parents, return periodically to their mountain homes (usually on foot) to carry corn and other foods back to their coastal houses. Town residents must return to their highland home areas for annual agricultural rituals and special events, such as repairing gravesites, sacrifices related to sickness, burying their children's umbilical cords near highland springs, and the village-level harvest rituals conducted before eating the new corn crop.

A great deal of attention has been given to the symbolic and genealogical elements of "the house" in the Timor region, and Atoni houses provide rich metaphors used in reference to marriage and a wide range of relationships and interactions (Cunningham 1962:329-434, Cunningham 1973, Fox 1980, Fox and Sather 1996, McWilliam 2002a).<sup>13</sup> I include this physical description here because housing reconstruction occupied a lot of villagers' time, investment, energy, and conversations during fieldwork, and acute housing material shortages played an important part in the forest resource restrictions discussed further in Chapter 5.

Traditional Oecusse houses on the coast and in the mountains have thick cylindrical roofs made of *Corypha elata* palm (I: *gewang*) or *Imperata cylindrica* (I: *alang-alang*) grass thatch, topped off with a thatch or bark cap. In a settlement, a special ritual house cannot be distinguished in external appearance from a normal residence (unlike the ritual houses in eastern Timor). Palm leaves must be obtained in the coastal lowlands, but they are sometimes used several kilometres inland as there is insufficient *Imperata* grass to supply the roofing needs in the interior. There is a palm/grass roof boundary of sorts at certain settlements along the main roads, above which

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<sup>13</sup> There are several detailed Atoni kinship studies from (Indonesian) West Timor (Cunningham 1962, Cunningham 1966, Cunningham 1967a, Cunningham 1967b, Fox 1999, McWilliam 2002a). The kin terms described by Cunningham (1967a) are used in Oecusse.

nearly all houses in the southernmost mountainous villages have grass roofs, as it is too cumbersome to transport palm leaves from the coast and it is possible to buy the long-lasting *Imperata* grass from highland sources.<sup>14</sup> The cylindrical roof extends almost to the ground over a low round base wall made of mud, sticks, bamboo, and rocks, and ducking through a small, low wooden door provides access to the dark, smoky, surprisingly spacious interior (diagrams and photographs are found in Cinatti Vaz Monteiro Gomes, Almeida, and Mendes 1987:207, Cunningham 1962, McWilliam 2000). Beds and baskets of rice or corn are around the outside of the walls, and the center contains a hearth with a constantly smoldering fire that blackens the inside of the roof and food crops stored above. Over the hearth is a platform ceiling<sup>15</sup> (or two) for storing corn and other produce.

Oecusse people's comments about housing indicate that they view their district as a large and diverse place, with perceptible regional variation—in contrast to the relative uniformity outsiders may see throughout Oecusse or across western Timor. People in the mountains view distant palm leaf or scarce *Imperata* grass collection for roofing as extremely burdensome, even meriting relocation to the coast to ease this task. Among those who moved to the coast in the 1980s, most mention their new relative ease of access to palm thatch as a prime benefit of relocation. Wall materials are usually mixed and variable even within a settlement, and the untrained eye does not perceive regional distinctions. Still, one feature that draws comment from Oecusse people who visit a new area is the “different” type of house wall construction in that region. During the 1980s, the housing types along the lowland road that runs through the main flooded rice area transitioned from a pavilion-type dwelling with hanging woven mats serving as walls (Cinatti

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<sup>14</sup> McWilliam (2000) discusses availability of and preferences for roofing materials in West Timor. *Imperata* thatch is generally preferred and can last up to twenty years, but the palm leaf thatches are “regarded as less attractive and effective” as well as being limited to settlements with leaves nearby due to their greater weight and bulk in transportation (460). The recent roofing shortage in Oecusse is described further in Chapter Five.

<sup>15</sup> This ceiling is called *tetu*, the term also given to the four-legged platforms used in agricultural rituals.

Vaz Monteiro Gomes, Almeida, and Mendes 1987:194-205), to the fixed-wall, cement-floor structures present today. Highland people point to this difference in housing style as a marker of the non-Oecusse origin of the lowland residents.

In highland Oecusse, a housing compound frequently consists of parents and individual houses for their children. While this was almost the rule throughout Oecusse during Portuguese times, where not only parents and children lived near each other but there were also sections of the region populated by certain name groups (*kanaŋ*), multiple relocations in Indonesian times changed the settlement structure. Today, most people live along the roadside and no longer adjacent to their closest relatives. Most compounds and even individual family plots now contain several houses in a variety of styles, often including a traditional round house, used for sleeping, cooking, and storage of food and other items, and a “modern” rectangular house used for guests and the same functions. Rectangular houses are made of a wide range of materials, from brick and cement to mud/stone blocks, wood, and bamboo.

Completion of house construction can be slow, and the rectangular house is often left for years as a pavilion, used for daytime weaving or sleeping, meeting with guests, and a shelter from sun and rain. The provision of zinc roofing kits (floor cement, poles, and zinc) by international aid agencies during 2001-2003 to most mountain families who lost their homes in 1999 has changed the upland landscape, with entire villages sporting new zinc roofs that in late 2004 were still mostly in the pavilion stage of construction while, the owners said, materials for the walls were still being collected or purchased. Families often proceed with construction one room at a time, and some families currently sleep in one tarp-enclosed section under the zinc roof on nights warm enough to stay outside the round house. However, given a choice, most highland villagers still prefer to cook and to sleep in their low-walled, cone-roofed thatched houses, citing familiarity and warmth, as well as the need to keep fires burning to protect the stored corn from pests.

### *Outsiders and introductions*

Outsiders and introduced goods play important roles in Timorese stories of origin and social change (Fox 1992, Fox 1995, Traube 1986), and this theme also runs throughout the Oecusse narratives in this dissertation, especially in relation to commodities (Dove 1996, Dove 1997). While beeswax and sandalwood are locally recognized to be of Timorese origin, myths posit that their use and value went locally unrecognized before the arrival of Chinese traders and Portuguese missionaries.<sup>16</sup> One elderly village head and local historian connected the advent of the sandalwood trade with the introduction of the Dutch, Mexican, and Chinese coins still used in Oecusse marriage exchanges, joking that in another century the U.S. quarters and nickels presently in market circulation will join the ranks of Timorese bride price items; Oecusse people are savvy selectors of outsiders' introductions. Teak and betel are said to have been brought in by outside powers, but both objects quickly became deeply embedded in the cultural, economic, and social fabric of Oecusse. More broadly, the complexities of early settlement and outsiders' power are central to the authority-making aspects of the political ecology of Oecusse's land and forests.

While Oecusse lowlanders assume for themselves a certain cosmopolitanism by virtue of their long history of contacts with multiple classes of outsiders, outsiders' knowledge of Oecusse's interior remains sparse to this day. Writers commented that no Portuguese was ever known to have crossed the region by the late 1800s (Dores 1901:774, 812). Oecusse priest Norberto Parada made the first concerted effort to reach hill people in the 1950s, including establishing lowland Oecusse people as the first in-residence missionaries to highland regions, many of whom stayed in their posts for three decades or more (Daschbach 1987:8). At that time, the Nitib subdistrict administrator only traveled around his region, considered a "wild" area, with six to ten armed

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<sup>16</sup> Stories of these introductions are found in Chapters Two and Three.



guards (8). Residents of many interior hamlets told me that no Portuguese or Indonesian government agent had ever entered their area; some long-time civil servants had their first visits to certain interior villages only in 2003.

### ***Contemporary situation in the Oecusse enclave***

#### *Oecusse in 1999 and under UN transitional administration: destruction and reconstruction*

The 1999 tumultuous political transition entailed the most widespread physical destruction and simultaneous population displacement Oecusse has seen. Oecusse was not subject to the same level of direct violence that occurred in other parts of East Timor under the Indonesian occupation (Aditjondro 1994, Budiardjo and Liong 1984, Taylor 1999).<sup>17</sup> East Timor's August 30, 1999 referendum resulted in a 78.5% nationwide vote to separate from Indonesia, with 98.6% registered voter turnout (Kingsbury 2000a, Kingsbury 2000b:76-77). The lead-up to and aftermath of this referendum involved much violence and destruction carried out by district-based militia groups. In response to this situation, Australian-led forces (InterFET) landed in Dili on September 20, 1999, causing the militia groups to flee or disband. At that point, some militia left the main body of East Timor and joined the Sakundar (T: Scorpion) militia already in Oecusse, and continued their operations until InterFET forces arrived to Oecusse on October 23, 1999 (Breen 2000:107). East Timor was under a transitional United Nations administration (UNTAET) from October 1999 until full political independence on May 20, 2002.

As a result of the extended period of militia activity in 1999, Oecusse was more materially devastated than many parts of East Timor. A 2001 survey estimated that 7,294 Oecusse

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<sup>17</sup> Oecusse people were still subject to surveillance, political imprisonment, the need to report regularly to military and police, and the population control or "development" programs that included relocation or migration to roadside and lowland areas. Although the clandestine movement was active in Oecusse, the armed branch of the resistance effort (Falintil) was not based in Oecusse.

homes—approximately two thirds of houses district-wide, although the violence affected some areas far more than others—were destroyed, plus nearly all public buildings (East Timor Transitional Administration 2001:34, 64).<sup>18</sup> More than 164 people were killed during the post-referendum violence in Oecusse, most of them in two October 1999 massacres, and others (including many children) died in the flight to West Timor. Metal roofs, solar panels, piped water systems, vehicles, household goods, teak trees, and livestock<sup>19</sup> were among the items looted and systematically taken from Oecusse into West Timor during these times.

Although my research began in Oecusse after East Timor formally gained independence in 2002, the presence of international shelter and food aid programs, United Nations peacekeeping forces and military observers, and the continuing return of refugees and physical reconstruction all place the research period within a post-conflict reconstruction era. Fundamental issues including the administrative structure of local governance and the first land laws were under formation during this time. The magnitude of change at the national level was mirrored in housing development (from emergency tarps to metal and thatch roofing) and some agricultural initiatives (expansion of flooded rice) at the district level over the two years of research. International agencies and private contractors reconstructed public infrastructure including government buildings and piped water systems, and two international NGOs ran shelter assistance programs providing housing materials until early 2003. Emergency food aid was distributed throughout the district from 1999 until 2001-02, when it was suspended. After drought resulted in massive crop failures in early 2003, the UN World Food Programme again responded with limited food aid, finally delivered in

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<sup>18</sup> The devastation suffered in Oecusse forced many families to start from scratch economically. The above-average demands on limited forest resources as most families had to simultaneously rebuild their homes led to the forest restrictions discussed further in Chapter Five.

<sup>19</sup> Nearly 70% of Oecusse's livestock were lost as a result of the violence (East Timor Transitional Administration 2001:65).

early 2004, and food distributions were scheduled to continue in 2004-05 due to storm-induced crop losses in March 2004.

During the research period, Oecusse had several hundred troops from South Korea and a Japanese engineering group until these United Nations Peace-Keeping Forces (PKF) left in mid-October 2003, replaced by sporadic Australian and New Zealand patrols and then a small number of encamped Fijian troops into 2004. In addition, there was a multinational team of unarmed United Nations Military Observers (UNMOs) with a particular mandate for monitoring border areas and maintaining cross-border communications beyond the PKF mandate. With the departure of the PKF, no East Timorese military were placed in Oecusse, so the enclave's security matters were in the hands of police and a small border control unit. While there were many incidents of theft (cattle, sandalwood, traditional treasures, etc.) and sporadic border incidents throughout my time in Oecusse, security concerns did not seriously constrain my travel anywhere in Oecusse.

### *Population change*

During September and October 1999, the vast majority of Oecusse's population fled the region and took refuge in West Timor, where many refugees were received and cared for by West Timorese families, returning to Oecusse from November 1999 onwards.<sup>20</sup> Several thousand Oecusse people remain in West Timor, including those there for family, work, or political reasons.

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<sup>20</sup> Indonesia forcibly relocated many thousands of East Timorese to West Timor in a matter of days after the referendum results were announced on September 4, 1999; many ended up in camps against their will (Kingsbury 2000b). Because of many family ties between Oecusse people and those in West Timor, nearly all Oecusse people I knew stayed with West Timorese families, relatives or not, who provided for them in the crisis.

Indonesian figures for 1996 showed the Oecusse population at 55,132 (1997:43). Oecusse's total population in 2001 was 45,042 in 11,355 households (East Timor Transitional Administration 2001:36), reaching 58,521 (13,016 households) by the July 2004 census (United Nations Population Fund 2004). This 29.9% increase in population from 2001-2004 was by far the highest for any East Timorese district after the capital Dili, reflecting the high number of refugees who returned to Oecusse even after 2001. Oecusse's southernmost subdistrict of Passabe nearly doubled its population (a 90.9% increase) during those three years, the highest rate of population increase in any subdistrict nationwide (United Nations Population Fund 2004). Oecusse's population density increased from 55 people per km<sup>2</sup> in 2001, close to the national average of 54 (East Timor Transitional Administration 2001:34), to 72 people per km<sup>2</sup> for Oecusse (against an average of 63 nationwide) using the figures from the 2004 census. By these figures, Oecusse represents 5.6% of East Timor's land area and has 6.3% of the national population.

***Center turned periphery: the isolated enclave after independence***

Oecusse could be considered a former center now spun off to the edge of the political periphery; this one-time economic hub is now the most neglected region of East Timor. Oecusse has long had a measure of autonomy from centralized governance and has maintained a strong regional identity and leadership. To today's East Timor, Oecusse is generally considered one of the "most traditional" districts, evidenced by local dress: home-woven fabrics are still the daily wear for both women and men outside the main town. Other measures bear testimony to Oecusse's isolation and lack of public services. The district has the lowest adult literacy rate in East Timor at just 31%, less than half the national average of 66% (Asia Foundation 2001:69, United Nations Development Program 2001:9).<sup>21</sup> According to the International Leprosy Mission, Oecusse has

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<sup>21</sup> The report states: "The reported level of illiteracy for East Timor is 34%. Some 41% of women are illiterate as compared to 31% of men. The recent [May 2001] Asia Foundation National Survey of Voter

the highest per capita rate of infection for this disease in the world (pers. com., Elsie Italia). In 2003, the incidence and severity of child malnutrition were higher than those reported for anywhere else in East Timor (Oxfam 2004).

Oecusse's enclave status and the ensuing challenges imposed by physical separation from the main body of East Timor are critical factors in the district's economy and identity, with important implications for two areas central to this dissertation: regional governance and the relative power of local authorities. Oecusse's political isolation has taken a new form under East Timorese independence. For centuries, Oecusse was a central hub for the lucrative sandalwood and beeswax trade in western Timor, credited with the introduction of the Catholic Church to Timor, site of the first Portuguese capital on Timor until 1769 and home to powerful kingdoms, earning Oecusse's Lifau port the designation "The Great Door" (Parada 1974).<sup>22</sup>

While the Portuguese enclave was a blank space on Dutch maps since the Luso-Dutch border definition began in earnest in 1859, Oecusse people's transit throughout western Timor for local trade and family matters continued unimpeded by nominal colonial boundaries. In the middle of the twentieth century, ritual beeswax tributes and local hierarchical relationships were still conducted across Oecusse's border without any barriers other than paying a small amount to border officials encountered on the way. While Oecusse was under Indonesian administration from 1975-1999, road-building strengthened Oecusse's infrastructure links with West Timor and East Timor. Following 1999's political separation, Oecusse people were still able to travel to West Timor for family events carrying an official letter, but once the passport regime was put in place (from 2002), Oecusse people experienced the international border as a hard boundary for

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Knowledge suggests that Oecussi has the highest illiteracy rate in the country at 69%" (United Nations Development Program 2001:9).

<sup>22</sup> The place of Lifau and Oecusse in Timorese trade is further described in Chapter Two.

the first time; undocumented trips into West Timor continue, but carry greater risks. In independent East Timor, the Constitution (Part 1, Section 5, Article 3) grants “special administrative and economic treatment” to Oecusse (Oecussi Ambeno), but the exact nature of the status remains undetermined.<sup>23</sup>

### *Transport, communication, and infrastructure*

One of the greatest challenges for Oecusse’s economic and political inclusion in East Timor is the lack of reliable transportation and communication between Oecusse and Dili, and by extension the rest of the nation. During Portuguese times, traders and residents relied on boat service and land routes between Dili and Oecusse to move goods and people. With the erasure of the colonial political border during East Timor’s incorporation into Indonesia, land transport from Oecusse throughout western Timor and into East Timor became common. The primary road built connecting Oecusse town on the coast with Passabe, the largest mountain city in southern Oecusse, passed through West Timor; this route became inaccessible after 1999.<sup>24</sup>

During the fieldwork period, most Oecusse people once again relied on limited sea or air transport to the main body of East Timor. They were fearful of travelling by land through the corridor where many people involved in the 1999 militias were still located.<sup>25</sup> A limited number

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<sup>23</sup> Defining and implementing a special border regime that will simplify travel and trade relations with West Timor are priorities of officials and political representatives in Oecusse. A locally appointed Oecusse team proposed that Oecusse should be governed by three types of law as part of its autonomous status: national law, [Catholic] Church law, and *adat* (customary) law (Anuno and Muni Salu 2003). Recurrent calls for national attention to overcome Oecusse’s isolation with a clear border regime and improved communications with Dili have not been answered (Bano and Rees 2002). Political autonomy can occur *de facto* with central government neglect.

<sup>24</sup> See Figures 1 and 5 for locations mentioned in this section.

<sup>25</sup> In February-March 2004, a five-week break in any sea transportation resulted in severe rice shortages in Oecusse; over one hundred Oecusse residents on supposedly brief trips to Dili remained in the capital even without adequate resources rather than risk a land trip home to Oecusse. Many people with close relatives

of approved civil servants, prisoners, NGO staff, and UN employees could travel on almost daily free airplane or helicopter service to Dili and other towns in East Timor.<sup>26</sup> A series of cargo ships and ferries provided weekly overnight service to Dili, with occasional suspension of service for a month or more due to high waves, lack of funds, mechanical problems, or loss of contract. The ferry remained the only option for most people who needed to travel to Dili for reasons of education, family, or marketing cattle.

The land border relaxed and tightened depending on cross-border criminal incidence, Indonesian political events including elections, new quarantine and tax regulations and enforcement on both sides of the border, and leadership styles of successive military post commanders. A large quantity of goods continued to enter Oecusse unrecorded through the many footpaths, and risks to people carrying these commercial items, largely food and fuel, increased over time. While in 2001 Oecusse people could visit West Timor for short family events carrying only a letter, by 2004 a passport and visa—obtainable only in Dili—were officially required at border points.

Public transportation opportunities within Oecusse grew from four to eighteen privately owned microlets (minibuses) over the October 2002-November 2003 period that served a limited area with paved roads around Oecusse town and to Oesilo; one full-sized bus that ran from Citrana to Oecusse town; and several trucks which carried passengers and goods between the Tono market area and mountain communities when not occupied on contracts. Other than the fleet of United

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in West Timor and those who formerly travelled frequently to West Timor's mountain city of Kefamnanu had not entered West Timor since returning to Oecusse in 1999.

<sup>26</sup> Direct transport between Dili and Oecusse was available by United Nations plane (30 minutes) or helicopter (50 minutes) that travelled over the water. Throughout my stay in Oecusse, the region between Oecusse and Dili was at the highest UN security risk (Level 4 or 5 of 5) and off-limits to land travel to UN and NGO personnel. Air service was reduced in early 2004 following the downsizing of the UN mission.

Nations and NGO vehicles, there were two privately owned cars. In 2004, Oecusse saw the appearance of motorcycle taxis.

After 1999, Oecusse received no East Timorese or Indonesian television reception. There was limited reception for hand phones, and the first publicly accessible telephone land lines were being installed in late 2004 or early 2005. Oecusse is served by a post office.

Infrastructure removal or destruction during 1999 meant that Oecusse had to start from scratch again regarding basic urban and rural public services. During 1999, many rural water systems were rendered unusable: militia or local residents dismantled some pipe systems and took the parts for sale to West Timor; many cement tanks and latrines were smashed; and some wells were contaminated by disposal of murder victims or livestock. Multiple NGO, UN, and community-initiative efforts did restore water systems, but much of Oecusse's rural population still has only seasonal access to piped water. In 2002, the Oecusse Agriculture Department reported 3855 hectares of flooded rice fields (Freitas Pinto 2002). However, the majority of these fields were not producing to capacity because damage done to several essential supplemental water pumps during the 1999 violence had not been repaired.

During Indonesian times, some highland Oecusse towns received electricity even before parts of neighboring West Timor. During late 1999, looters removed power lines and solar panels to West Timor. High-capacity enclosed Italian generators were provided to subdistricts in 2002, but fuel scarcity and other problems have left them idle. When fuel was available, Oecusse town alone had electricity from 7 PM until midnight; when fuel ran out, the district went weeks or months without electricity.



*Local economy, markets and income: agricultural livelihoods and trade*

Nearly all Oecusse people farm for all or part of their own consumption. Maize, upland and flooded rice, sorghum, sweet potatoes, cassava, and sago are the dietary staples, supplemented by pulses and fruit and leaf vegetables; most people eat meat only on ceremonial occasions.<sup>27</sup> The annually rotating swidden agriculture produces one major corn and rice harvest season per year from March-May. Farmers select the following season's field by June. Land clearing for swiddens begins in September or October, when felled vegetation is allowed to dry, burned, and re-burned as the ash is physically distributed completely across the field where ash is lacking, using long poles to slowly pull the burning tree trunks. Planting begins with the rains in November-January (later on the drier coast), followed by one or two rounds of weeding during the height of the rains. Guarding fields against monkeys is a daily task from the day of planting, and protecting ripening crops from birds can consume an entire village's labor from before sunrise to after sunset during the months before and during harvest. Women and men usually work together in their household's fields, with men taking most responsibility for felling trees. The dry months of July-October that do not have major agricultural activities are filled with family events (especially weddings), visiting, and other activities such as house-building.<sup>28</sup>

The primary agricultural items produced for cash sale in the six weekly markets held throughout Oecusse are as follows, in roughly descending order of numbers of sellers: the lime-pepper-areca elements of betel quid, palm wine, tobacco, tomatoes, up to fourteen species of leafy vegetables, shallots, garlic, corn, rice, dried fish, a small number of seasonal fruits, and eggs. Most food

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<sup>27</sup> The staple diet in the mountains consists of maize, which is often boiled with leaves and legumes. Both upland and paddy rice are now commonly planted and are more frequently eaten than in the past.

<sup>28</sup> Reasons for migration include better access to sago in the hungry season and better access to the palm leaves used for thatch roofing. People view transport of housing materials, procuring sago in the hungry season, re-burning of swidden fields, and weeding as the most burdensome, least favorite work activities.

items in the market are sold in units that cost ten to fifty cents; meat sells for \$2.50 per kilogram.<sup>29</sup> Occasionally, a market might contain a few carrots, cauliflower, large onions, cabbage, or potatoes, products usually imported from West Timor and priced as luxury items. The only handicrafts that might be for sale are colored betel boxes, weavings, and clay pots which are made in one village. Cash-scarcity is a major limitation in rural markets in particular; people frequently complained that they took their vegetable produce to the market and were only able to trade it for salt. Salt-making, weaving, mechanized rice hulling, small kiosks,<sup>30</sup> fishing, and home bakeries are other income-producing activities. A main source of income was livestock, especially pigs and cattle, taken by boat to Dili for sale where they fetch a higher price. Other than cattle, Oecusse's main export to West Timor and Dili is said to be distilled palm wine.

*Food insecurity: the hungry season and traditional foods*

Food security in Oecusse is tenuous. Accounts of Oecusse life within living memory include annual food shortage in the mountains, when labor was said to be insufficient to plant enough corn and upland rice for the full year.<sup>31</sup> The annual hungry season begins in October-November and lasts until the corn harvest in March-April. According to one survey, most Oecusse villages have insufficient food for four months in most years: 56% of Oecusse villages reported that families normally do not have enough food by November; this number rose to 88% in December,

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<sup>29</sup> The official currency of East Timor at the time of research was the US dollar (and widespread use of Indonesian rupiah and Australian dollars was thus phased out), and all costs are cited in US\$. US coins were used until the additional introduction of Timorese coins, with equivalent values to US coins, in 2003.

<sup>30</sup> While trade with West Timor alternately eased and tightened throughout these years, in 2004 a combination of border hardening and unfavorable exchange rates further reduced the already limited supply of goods available in Oecusse shops. Other items sold are Indonesian-manufactured products brought in from West Timor, such as cooking oil, cans of carbonated drinks, instant noodles, soaps, sugar, cigarettes, a wide variety of thread, clothing, kitchenware, and eggs.

<sup>31</sup> Today, many older people see their food security as improving when compared to the shortages of several decades ago, because they have more options for obtaining cash to buy food.

96% in January, 92% in February, 28% in March, and fell to zero in April, more severe figures than those reported as average for East Timor (East Timor Transitional Administration 2001:59).

Throughout the year but especially during the hungry season, people rely on a range of dishes identified as traditional Timorese foods to bridge the months with insufficient maize, rice, or cultivated root crops. Most families prepare for annual food shortages by collecting and storing a variety of wild or uncultivated famine foods to eat in lean months, including dried wild beans (broad beans (M: *coto*); *Mucuna* sp. (M: *ipe*)), cycad seeds (M: *peta*),<sup>32</sup> sago,<sup>33</sup> tamarind seeds, tree seeds, and fruits for the predictable hungry season. The wild beans and cycad seeds require extensive washing to render them safe for consumption. In a poor harvest year (as 2002-03), people begin gathering and storing these foods as early as June or July, waiting until September or October to begin gathering in a good harvest year.

Both rain-fed and river-irrigated agriculture are subject to effects of insufficient rain. In a drought year, the rice produced in Oecusse is insufficient to supply the internal needs, making the district vulnerable to seasonal shortages. Flooded rice fields are seen as demanding less, and less burdensome, labor for more stable harvests than swidden fields, since they require no felling of trees after initial establishment.

### ***Research methodology and issues***

This study is based on twenty months of research in East Timor from 2001 to 2004. Based in East Timor's capital Dili during July 2001 (still under the United Nations Transitional

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<sup>32</sup> See Sacks (1996:118-126) for more on the distribution and processing of this toxic food.

<sup>33</sup> On the coast, people eat sago throughout the year and some prefer it, while in the mountains sago is rarely eaten when other foods are still available, especially since it must be brought from the coast.

Administration) and September 2002 (after full independence of May 20, 2002), I established government and academic contacts, collected documents, practiced Tetum language, and visited potential field sites in rural districts. From October 2002 to November 2003, I was based in Oecusse district with brief monthly trips to Dili. After beginning data processing and writing at the Australian National University (November 2003 to March 2004), I returned to Oecusse until June 2004 to continue writing and to review my initial research results with key figures in Oecusse. During a November 2004 visit, I collected recent reports and observed preparations for the planting season.

Upon arrival to Oecusse, I focused primarily on government activities, both in the district office and on visits to rural areas. I spent several days each week in the office and in the field with government staff from Land and Property (DTP) and Agriculture, Fisheries, and Forestry (MAFF), and on field visits they introduced me to traditional leaders and translated initial interviews. In November 2002, the Agriculture Department began to sponsor a series of forest protection ceremonies (*tara bandu*), formalized in April 2004 with the formation of village-level *Asosiasaun Cultura*, which government staff translated to communities as meaning both “agricultural” and “cultural” association, or tradition (*adat*). The district government asked me to provide photo documentation of the events, so I was always informed and invited to the ceremonies (where I invariably had a front-row seat for the animal sacrifices), at which the government-recognized identity and structure of the traditional leadership of each administrative village (*suco*) was evident. I was often the only woman present (except those cooking) at these discussions and ceremonies. These observations are the subject of Chapter Five.

With the daily research assistance of Calisto Colo<sup>34</sup> in all but the initial months of my fieldwork, I travelled to each village of Oecusse, staying overnight in each one except the villages closest to my home in town. Based in Oecusse town, we spent several days most weeks in rural mountain villages, travelling by truck, foot, bicycle, or motorcycle. We met with traditional leaders, often visiting forested areas during the day and discussing local history with a village group at night. Amidst the visits on our own and still occasionally with government officials, we came to focus on one region which I have named Lekot (Chapter Four). As each region is proud of its particular historical characteristics and has a unique traditional hierarchy, we chose Lekot for multiple reasons: it had both coastal and highland areas, it offered distinct logistical and relational advantages over others, it was not a site of intense intra-community conflict over the 1999 political transition, and it was known to be among Oecusse's top sandalwood producers.

I eventually visited about half of Oecusse's villages in conjunction with some government event, and one of the officials always introduced me in village meetings as a student interested in Oecusse traditions and forests.<sup>35</sup> On our independent visits, I met with traditional leaders,

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<sup>34</sup> I met Calisto Colo as he was working on a water system rehabilitation program in the highlands. Calisto had a high school education and had been put in charge of record-keeping for project materials. There was an incident in one highland town in which the village leader designated to guard the pipes and other materials masterminded the theft of most items over a weekend when no project staff were present. Upon discovering the loss, Calisto calmly went about asking children and uninvolved adults what had happened, eventually piecing together an incredibly detailed report describing how many and which pieces each perpetrator had taken, who transported the pipes and other materials, and the exact locations where the stolen products were hidden or buried (and disguised with a thick cover of burnt leaves) in the forest near the Indonesian border, ready for sale to West Timor. All materials were then recovered within a day, based on Calisto's detailed report. When the water system was finished, the project manager highly recommended Calisto to me for his initiative, his integrity, his meticulous attention to detail, and—critically—for his unusual and diligent writing habits. Combined with a very agreeable character, it seemed that Calisto had the ideal skills to assist in my research. He grew up in the highlands until his late teen years; had much firsthand experience in Oecusse swiddens, flooded rice, and forests; and had lived on Oecusse's coast for several years, providing an atypical breadth of knowledge.

<sup>35</sup> Community members who first saw or met me at government events clearly understood (confirmed in later individual meetings) that I was a guest, rather than staff, of the local government; after several months of frequent travel throughout the district and my attendance (with Calisto) at anything that was happening, people in many locations recognized us as a team interested in learning about Oecusse history, traditions, and forests.

widows, youth, and others we met through a variety of circumstances. When meeting with traditional leaders, we discussed history, rituals, and current issues in governance. We accepted nearly all invitations to attend ceremonial occasions, and were participant observers in a range of household and agricultural tasks. We conducted limited sketch mapping and aerial photo discussions with small groups to identify or confirm observed landholding patterns. Calisto also conducted brief surveys on landholding at the household level in Lekot settlements.

In early 2003, the national office of Land and Property (DTP) invited me to attend three week-long series of seminars in land dispute resolution, attended by staff designated as Land Dispute Officers from each district. In June 2003, I visited the DTP office in each rural district to learn more about dispute settlement practices of traditional leaders and of government staff, spending 1-4 days in each district (Meitzner Yoder 2003).

Many of my topics and much timing of my activities were suggested or determined by Oecusse people in the course of the research. I adjusted my visits and schedule around the agricultural calendar; during times when days were fully occupied with preparing fields, planting, or guarding crops against birds, we had meetings at night.

Toward the end of my fieldwork, I spent several months at the Australian National University in Canberra, Australia, as a doctoral fellow in Southeast Asian Studies. In addition to initial data review and writing, I was able to access material in library and rare book collections at the ANU libraries, the Australian National Library (Canberra), Charles Darwin University (Darwin), Mitchell Library (Sydney), and Timor bibliographer Kevin Sherlock's private collection (Darwin). I was also able to contact several key Oecusse figures who are now Australian residents. I benefited greatly from interaction with the group of Timor scholars based at the

ANU, including attending and giving two seminars, soliciting feedback and direction on my fieldwork, and gleaning new ideas for avenues my dissertation could explore.

From March to June 2004 I returned to Oecusse to conclude my fieldwork. This timing permitted me to be present for a second Easter beeswax tribute and harvest season, and to follow up on the continuation of the government programs. By this time, the United Nations presence had been greatly reduced in Oecusse. The district government's forest protection ceremony program (*tara bandu*) continued, with one event held in town and several villages still holding discussions about their participation in the program.

I compiled a reader of several hundred pages on Oecusse history from Portuguese sources commonly available in university libraries. I gave copies as gifts to three Portuguese-speaking Oecusse leaders from different regions and political affiliations who were particularly keen on local history, and submitted one to the Dili Institute of Technology library in Oecusse. They appreciated receiving these readers, and looking at the materials together with these individuals sparked affirmations, corrections, clarification, and vigorous denials of what they found in the texts. In particular, their responses to reading Inso's account of the 1912 rebellion in Oecusse enabled us to discuss this critical, sensitive subject in new ways. Their reading of some Portuguese versions of Oecusse history highlighted some of the differences in emphasis and interpretation between indigenous and foreign historians, and historical and modern subjects; for example, they clarified their distinctions of Oecusse and Ambeno for me, using Portuguese documents as a foil.

*Research during reconstruction*

The post-emergency context impacted my fieldwork in significant ways. Minor, intermittent border unrest and strong social tensions in the southernmost subdistrict of Passabe, known in Oecusse as a militia stronghold, caused me to visit that region less frequently than its historical importance (as Abani is widely recognized to be one of the original settlements of Oecusse) would merit under political stability; in total, I spent just two weeks in Passabe, while under “normal” circumstances it could have well become a focus area for research on Oecusse authorities. For similar reasons, considering the comfort levels of my Oecusse hosts and international peacekeepers responsible for tracking expatriates, I did not seek to spend extended periods living next to the eastern and western Indonesian borders.

Persistent food shortages meant that I always carried enough food for Calisto, my hosts, and myself when we stayed in people’s homes. They much appreciated this courtesy, but it meant that I had less opportunity to eat the dishes Oecusse people eat everyday. As a result, my knowledge of “normal” Oecusse cuisine is mostly seasonal, from March to September, after the harvest when food was abundant. Villagers are reluctant to serve mature maize to guests; only after frequent visits did people serve me maize, and even then always with profuse apologies for not having any rice. People normally keep a small stash of rice on hand in the event that guests visit them in their homes.

Making every effort to maintain good relations with all people in a politically charged environment, I talked to representatives from all villages, political parties, and on both sides of land disputes. However, avoiding direct, detailed questions on political affiliations meant that much of my understanding of local politics is piecemeal or second-hand.

My proposed schedule was frequently adjusted around exceptional events, such as meetings regarding possible relocation for the burial ground of the Tumin massacre victims, grave



renovations from 1975 or 1999 victims, or the UN forensics exhumation of Maquelab massacre victims during one of my planned visits to that village.

Oecusse people take matters of leadership and legitimacy seriously, and these topics are not to be discussed lightly or out of proper bound of scale or the speaker's authority. Certain sensitive, dangerous levels of information require increasingly complex rituals and animal sacrifices. Many customary leaders (*tobe* or *naijuf*) were unable or unwilling to discuss historical topics unless some quantity of palm wine (or a bottle of beer) was visible, or sometimes placed in the speaker's ritual house. Telling certain origin stories required prior sacrifice of chickens, and delineating ancestry might entail several pigs being killed in multiple locations over a period of days. In general, the size of the requisite sacrifice was commensurate to the sensitivity of the subject. Rather than gaining "insiders'" access through sacrifices (as a few suggested I could do), I learned more on multiple visits to people I knew well. Bearing in mind the risks associated with sharing certain types of information (see Chapter Three), I discussed a subject as far as individuals were able to do so openly. At the outset of my research, sensitivity of this nature was unpredictable, but I gradually came to know the approaches and subjects that were of marginal risk. On some topics, I erred on the side of caution, primarily not wanting to endanger the speakers or to bring undue blame on my research assistant or myself for causing people to answer out of bounds.<sup>36</sup>

Discussing matters of leadership following a politically polarized conflict was even more sensitive than the subject would be without these recent events. The entire issue of legitimate king (*usif*) and village head (*naijuf/chefe suco*) succession is wrapped not only in long-ago

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<sup>36</sup> For example, another short-term researcher visiting Oecusse was said to have caused a crippling car accident when a village leader answered the researcher's question about how many customary village heads (*naijuf*) were in the village, a question that the respondent (with no distinguishing customary status) had no authority to answer.

historical events that seem to have barely faded from people's minds, but also bound up in recent allegiances and actions of various leaders. The reality of relatives, neighbors, and leaders being absent from Oecusse was an important consideration during the research period. Several *naijuf* (village heads in the traditional hierarchy) had not returned to Oecusse after 1999. On many occasions, "the right person to talk to" on some subject was over the border, inaccessible, and was often represented (apologetically) by a brother or other relative who said he could not speak with the same authority. An absent pro-Indonesian *naijuf* might be absent, or simply go unmentioned, while some clandestine leaders laid claim to long-contested traditional authority, with their claims authenticated by their proven leadership in the independence movement.

#### *Language uses and transitions*

Language has been a contentious and much-discussed topic during the post-1999 period. On a national level, the Constitution mandated that Portuguese (P) and Tetum (T) are East Timor's official languages, designating Indonesian (I) and English as working languages. During the period of fieldwork, Portuguese knowledge was largely limited to older educated individuals and those who were in the diaspora during the Indonesian era.<sup>37</sup> The independent government launched programs to introduce Portuguese as the language of instruction for the first three years of school, although this effort was limited by the number of Portuguese-speaking teachers available. The national Parliament was also engaged in daily Portuguese classes. All laws and much official correspondence were required to take place in Portuguese; in some cases (e.g., land legislation), an official translation of legislation into any other language took months.

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<sup>37</sup> Approximately 7% of East Timor's population knew Portuguese just after independence (Asia Foundation 2001).

Tetum (both urban-Dili and rural variants) is widely used orally throughout much of East Timor, and there are several efforts underway to standardize its spelling and usage to develop its use in writing and its geographic range. Indonesian is widely known by most youth and educated people, and continued to be used in writing, and as the main language of instruction for all education above primary school; many educated in the Indonesian system were reticent to accept Portuguese. English was used largely in connection with the international presence but decreased in importance when the UN presence declined. East Timor is home to more than twenty local languages and dialects which continue to be used as the primary languages throughout much of East Timor. In practice, several languages are used in most settings. For example, in the nation-wide campaign to publicize the first land and property law, the visual and written materials used were written in Portuguese (for the law itself) and Indonesian (for the explanations); the oral presentation was conducted in Indonesian and Tetum; and the question-answer sessions were conducted in Tetum mixed with Indonesian and local languages.

In Oecusse, people in all settings primarily use the local language locally referred to as *uab meto* (M; used primarily in mountain areas; *uab*=speech, *meto*=dry/highland), *bahasa dawan* (I), or *baikeno*, *baiqueno*, or *vaiqueno* (M, P). Portuguese sources almost universally use *baiqueno* (or some variant) to refer to the language (e.g., Martinho 1945, Vaquinhas 1883c), and there are several explanations for the origin of this term. Within Oecusse, some speakers say that *baiqueno* refers to the lowland Oecusse variant, largely spoken by in-migrant paddy rice cultivators;<sup>38</sup> others say that *baiqueno* is an equivalent term for *bahasa dawan* or *uab meto* that is spoken throughout Oecusse (Hull 2001:1). Despite other observers' attributions of various meanings to

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<sup>38</sup> Some observers support a lowland *baiqueno*/highland *atoni-meto* distinction (Cinatti Vaz Monteiro Gomes, Almeida, and Mendes 1987:195-207). Some internal distinction exists, with pronunciation of L/R (highlands favor R, lowlands use L). Highlanders sometimes good-naturedly refer to the lowland accent as *baiqueno* as used by *kaes metan* (see Chapter Two), in contrast to their own *uab meto*. Regional differences within Oecusse are strong enough to impair a native speaker's understanding from one village to another (Grimes et al. 1997:36).

the term “baiqueno,” I never elicited any meaning for the term other than the language itself.<sup>39</sup>

Non-Timorese speakers and linguists have strong opinions about which of these three names should be used to refer to the language spoken in Oecusse, but Oecusse people themselves seem much less particular about the language’s name, often using all three names interchangeably, depending on the language they are using, and without taking offense at any of the names.

The Meto spoken in Oecusse is reportedly less mixed with Indonesian loan words and sentence structures than that used throughout Indonesian West Timor. Meto is the largest language group on Timor, now used widely throughout the western half of the island, and expanding.

Pronunciation and vocabulary of local dialects within Oecusse are different enough to impair understanding of a native speaker who travels several kilometers from home. Oecusse’s extreme localization of knowledge is mirrored in language: Meto is said to have “[m]uch dialect variation, requiring speakers up to several weeks to adjust for effective communication to take place.

Ethnographic and linguistic differences are encountered in nearly every valley, but the details and over-all patterns have yet to be studied” (Grimes et al. 1997:36). A very common feature of Meto is metathesis, which inverts a final consonant and vowel to shorten the word by a syllable, especially when followed by a modifier (Hull 2001:25-26): rock *fatu* becomes *faut*; man, person *atoni* becomes *atoin*; stranger, foreigner *kase* becomes *kaes*.

Other than a 1956 catechism and the Bible (in West Timor dialect), Oecusse people have few writings available in Meto and native speakers often say it is difficult to write and to read correctly. Second to Meto, Indonesian is widely used as the language of instruction and in writing, frequently heard in offices and public meetings. While most people in Oecusse town understand basic Tetum, their level is rarely sufficient to operate fluently in the main body of East

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<sup>39</sup> Others have observed that *baiqueno/baikeno* means “people’s language” (Hull 2001:1), “strangers to us” or “separate from us” (Ataupah 1990), and derived from the Portuguese for small, *pequeno* (Parada 1956).

Timor; Oecusse natives are quickly identified in other districts by their partial command of Tetum. Outside of Oecusse town, Tetum is barely known.<sup>40</sup> Trying to comply with government requirements to use Tetum or Portuguese in official correspondence, Oecusse civil servants often needed to consult others in drafting a memo or letter in Tetum. Throughout the fieldwork period, Oecusse school curricula included English, Tetum, and Portuguese as required subjects, with Indonesian and Meto as primary languages of instruction. In Oecusse town, most parents report using Meto, some Tetum, and some Indonesian with their young children. The Oecusse newspaper *Lifau Post* featured a Baikeno-Tetum vocabulary list to assist people in learning Tetum.

In my Oecusse research, I primarily used Indonesian with increasing amounts of Meto as my language abilities developed. I used Tetum and Indonesian in Dili and in listening to public meetings or radio programs, and Portuguese for reading history, recent laws and government documents, and occasionally with older Oecusse people who knew Portuguese better than Indonesian, or relished the chance to practice their Portuguese.<sup>41</sup> Non-English terms used here are labelled according to their language of origin as P (Portuguese), I (Indonesian), T (Tetum), or M (Meto).

### *Telling history*

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<sup>40</sup> In October 2002 and November 2004, public presentations by Tetum-speaking Dili natives met with immediate protest by an audience of several hundred villagers who claimed they could not understand Tetum and requested the presenters to switch to Indonesian for better comprehension. When non-Oecusse visitors used Tetum in villages, local people almost always provided a Meto translation. Living only in the highlands, one needs no language but Meto; it is in the intersection with officials, written documents, formal education, and Church in the lowlands that people are forced to confront the newly increased linguistic diversity.

<sup>41</sup> One elderly man on Oecusse's southern border spoke fluent Portuguese, having attended four years of Portuguese school, but virtually no Indonesian. He said that in 1975, Portuguese-speakers were suspected Communists and at risk; of himself and fellow Lusophone Oecussians, he said: "We hid this language in our shirt pockets, and only now can we take it out again to unfold it."

As Fox observed for Roti (1977:ix-x), history is one of Oecusse people's favorite topics of discussion. Atoni histories often collapse time and condense stories; accounts rarely follow a linear sequence (McWilliam 2002a, Middelkoop 1968). Events and people of the mythical era, recent past, and ancestral actions are seamlessly blended, and both forward and backward leaps of decades or centuries are common. Practices that last occurred forty years ago can be recounted as if they are imminent or have just occurred, without any mention of the historical nature of the experience. Referring to how people relate warfare in the traditional political structure, Schulte Nordholt (1971:326) writes: "The danger involved is that the pattern which emerges is highly idealized, the ritual invariably representing the conditions as they *ought* to be." This caution can be generalized to both modern and historical accounts. People frequently relate idealized accounts of rituals or events in great detail, sometimes remarkably uniform across villages, of formerly common practices that were last practiced two generations ago; for example, in most of Oecusse people tell how it is a horse that must be sacrificed in the ritual before honey/beeswax collection—and only when asked specifically about the practice this year, or during Indonesian times, do people say that now smaller, more common sacrificial animals (goats, pigs) are used, because of a horse shortage in recent years.<sup>42</sup>

Father Richard Daschbach, who has lived among highland people of western Timor (both formerly Dutch and Portuguese areas) since 1966, characterizes Atoni (Meto-speakers') worldview as "focused on the past," that in people's minds the lives of their ancestors are very much involved in the lives of the living, giving guidance and punishment (pers. com.). This easy,

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<sup>42</sup> While many events can use any kind of animal in the sacrifice, certain rituals require a particular species. For example, in the multi-stage sacrifices in Lekot's great *tobe*'s harvest ritual, the first several animals can be any combination of goats, chickens, or pigs, but the final sacrifice closest to the sacred site must be a pig. By contrast, cattle or water buffalo are the only acceptable species for the small *tobe*'s annual sacrifice in Lekot. These patterns vary enormously across Oecusse, using different animals for different rituals, or in some cases having no specified species and just using whatever animal is available. In the *tara bandu* ceremonies (Chapter Five), villagers used goats, pigs, cattle, water buffalo, or some combination of these animals. Rarely, the age or color of an animal is specified, e.g. for chickens in a dawn ritual related to the irrigation system described in Case 2 of Chapter Four.

unproblematic intermingling of the worlds of the living and the dead expresses itself in the collapsed time of storytelling (Hicks 1976, Middelkoop 1968:51). Many people say they have some communication with ancestors at least on a weekly basis.

Most histories are partial, and expert story-tellers can re-tell a story in multiple ways, drawing in different aspects in each re-telling. Richard Daschbach notes that masters can create even ritual language, which often preserves memorized, rehearsed histories verbatim, for a certain occasion. He once recorded a ritual telling of history by a *tobe*, transcribed it, and upon reading it back to the *tobe* several years later, the *tobe* had no recollection of having created that narrative. Schulte Nordholt (1971) describes some ritual speech as inviolable, but there are many occasions on which a highly proficient ritual speaker may invent complete narratives on the spot, which might never be repeated and could even be forgotten in their verbatim form. Linguists note that parallelism is appreciated in everyday as well as ritual speech on Timor (Fox 1988b, Grimes et al. 1997:15-31). Conversations and performances are peppered with set dyadic phrases, which draw audience response in unison (Schulte Nordholt 1971:54). The degree of young children's understanding the unison couplet responses in ritual speech can be used as a measure of ritual speech knowledge (Kuipers 1998:2); in Oecusse, when I showed a ritual speech video taken in eastern Oecusse, I noticed that more than a dozen Western Oecusse children aged twelve and under spontaneously joined in the response to every line.

The historical knowledge within Oecusse is often remarkably localized, and held by very few people. Ritual language and historical specialists who know the histories of their own region may be unaware of even the roughest political or historical outline of other regions. Likewise, those from the eastern section of Oecusse had little knowledge of the political make-up of the southern and western parts. It is not uncommon for adults to have visited only their own villages and perhaps the neighboring ones; even urban-dwellers may know only the town and their home

villages. For many adults involved in post-1999 reconstruction work, delivering food aid and relief materials around Oecusse provided their first opportunity to visit other parts of the district. This provinciality is also reflected in language and the traditional structure; my research assistant encountered new words or accents in almost every village we visited. He was also amazed by the variation in *adat* structure, discovering a level of hierarchy (*nael*) important in the west but not significant in the eastern areas he knew well. Names, timing, and practices for agricultural rituals vary widely throughout Oecusse.

There are restrictions on telling histories of other regions, and on Oecusse's two "female villages" telling history at all.<sup>43</sup> Within a village, the history is often coherent, but across villages the variations become so vast that it is impossible to correlate the same events as told in one village and another. At this level too, the localized layering of land and forest authority is evident in the bounds of permissible spoken knowledge, treated further in Chapter Three. Land divisions also represent limits of authority to relate history: common people are unable to tell about origins of a *tobe*; a *tobe* can tell his own history but refers us to the customary village head (*naijuf*) for village-level information; and very few people have authority to speak regarding kingdom origins.

### *Precedence and storytelling*

As the account in Chapter Three demonstrates, Timorese authority is commonly legitimated by precedence, which can be expressed as actual or portrayed early arrival to or first settlement in a

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<sup>43</sup> The "gender" of a village is related to the specific role that village takes in palace events; e.g., a female village may set out woven mats and pass out betel to guests, typical female tasks. However, each village gives a slightly different list for which are the male and the female villages, and customary authorities could not always agree on this among themselves. It may also be a relational category of one village to another, which would account for some variability; however, it is more likely that a given village simply is not certain about the classification of distant villages with whom they have little contact. In any case, only a few of Oecusse's villages are classified as female.



region.<sup>44</sup> Other than those who claim supernatural origins (e.g., emerging from a crevice or transforming from an animal), no one claimed to be native to Oecusse; all came from somewhere else. As a consequence, people have a vested interest in featuring themselves as early occupants, prior and therefore superior to other, later residents.<sup>45</sup> This is a feature of history-telling at multiple social levels which complicates any ordering of settlement. The accounts in Chapters Three and Four give a composite overview of Oecusse settlement and one location-specific example to illustrate the development of authority hierarchy. In seeking to sort these accounts, we must not be too bothered by what seem to be contradictions: where we may seek to impose order and certainty, Fox reminds us that “Austronesians tolerate—or, rather relish—the notion of multiple origins”(1995:216).

### ***Outline of the chapters***

Chapter Two blends oral and written histories to outline the land and forest context of Oecusse. From early Asian trade through Portuguese colonialism and incorporation into Indonesia, Timor’s forest products played a key role in its economy and politics. Local rulers’ quest for control over the lucrative sandalwood trade established and reinforced strong customary authorities and increased Oecusse’s autonomy from colonial rule.

Chapter Three describes the dynamic evolution and roles of the customary authorities who regulate land and forests in Oecusse. After introducing the district-level kings and village-level leaders involved in original land division, I focus on the ritual figure of the *tobe*, Oecusse’s

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<sup>44</sup> Fox (1996) describes precedence as a relational opposition with implied hierarchy, developed and adapted through ongoing mutual exchange (1999). For a full exposition of how precedence is developed and expressed in West Timor, see (2002a).

<sup>45</sup> Claims to being first take many forms, e.g. several groups or individuals claimed to be the first to accept Catholicism (after other local groups rejected it).

primary land and forest authorities, and the range of activities in which they are involved. The discussion illustrates the progressive addition and changing roles of local authorities, as well as the variability present among local leadership within Oecusse.

Chapter Four discusses landholding practices and principles in Oecusse, featuring the migration and modifications of a region in one administrative village. This case describes the process of making initial claims and the durability of existing land and forest claims. A description of both dryland swidden and irrigated agricultural practices illustrates the link between agricultural uses and landholding. Several case studies of land transfer highlight how underlying tenure principles impact and are transformed through agricultural change.

Chapter Five traces successive states' engagement with customary authorities and institutions from the early sandalwood trade until the present time, including narratives of forest decline and expansion. A central point of this discussion is the Oecusse district government-sponsored program of seasonal restrictions on forest products (*tara bandu*) and the formation of "Cultural Associations" of local leaders. This section concludes with a discussion of how villages use these forest protection measures to assert claims to land and political identity, and how they address the disputes that arise.

Chapter Six considers the theory and practice of land policy in Portuguese/East Timor, spanning over a century of formal land policies (1897-2004) through four successive administrations. It queries the discontinuities in the states' stated desires to consider custom in land laws and the resulting legislation which does not reflect local conditions. International influences on land formalization have been present since land legislation's earliest application in East Timor. This section describes how both internal and external factors come to bear on policy directions.

## **Chapter Two: Of wood and wax: Shaping the political-environmental history of Oecusse enclave, East Timor**

### ***Introduction: forest products, trade, and autonomy***

For centuries, control over sandalwood and beeswax has served to establish and to reinforce both governing and customary authorities in Oecusse. Oecusse's early centrality in regional commerce gave rise to powerful local authorities insistent on maintaining control over the trade, which eventually led to the region's political marginality that further necessitated autonomous governance. This chapter traces written and oral accounts of Oecusse history with a forest focus, weaving published accounts of political and environmental changes with oral narratives of these two important forest products. It demonstrates the role of resource extraction and trade in developing the layers of governance that made their mark on modern East Timor; at multiple points, the abundance of wood and wax both effected and was affected by changes in governance.<sup>46</sup> This account illustrates Oecusse's long history as a politically autonomous region with influential local authorities, whose positions evolved in tandem with trade and successive governments. Contemporary Oecusse-Ambeno was formed in part through struggles over wood and wax, two forest products that continue to outline the political and religious allegiances that have existed in the enclave. Sandalwood regulation and beeswax collection are two of the most prominent responsibilities of the ritual land/forest authorities (*tobe*), discussed extensively in subsequent chapters. Sandalwood was explicitly for use in external trade and much beeswax was channelled through the king(s) for Church use.

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<sup>46</sup> McWilliam (2002a:50-61) discusses the interplay of sandalwood control with colonial and indigenous politics in western Timor.

### *Border conflicts over wood and wax*

Commentators have long linked sandalwood and beeswax to indigenous conflict and borders in Timor. Leitão wrote that sandalwood interests caused many of the otherwise incomprehensible intrigues on Timor (1948:173). Dutch geographer Ormeling noted that Timorese wax was used for Javanese batik in the early 1500s, with a significant trade continued by European companies into the late 1700s (1956:115); he continued, “The value of this product [beeswax] is evident from the fact that swarms of bees often caused violent border disputes in the past. Formerly worthless areas were suddenly quarrelled about when the bees made their nests there. Borders frequently moved with the bees” (115-116).<sup>47</sup> Writing from his experience as a Dutch administrator during the 1940s, Schulte Nordholt commented that boundary disputes for agricultural and pasture land were rare, but that “[f]riction is more likely to arise in issues concerning rights of disposal over sandalwood and the yields of ‘bee trees’—besides cattle thieving, sandalwood and bees’ wax are the most frequent causes of disputes and wars” that became increasingly serious if they crossed traditional authorities’ boundaries (1971:225). Castro (1950:160) and Felgas (1956:129) also mentioned conflicts arising over bee trees.

Colonial borders were also subject to resource-related disputes. Eastern Oecusse’s formal colonial border remained contested once the rest of the zone had been demarcated in part because both the Dutch and Portuguese sought to control this sandalwood-rich area (Durand 2002:51, Farram 1999:47-51). European disputes overlaid and reshaped, if not exacerbated, persistent indigenous land conflicts in this region that recur to this day. Ormeling noted that although sandalwood was rarely mentioned in relation to the century-long Dutch-Portuguese boundary negotiations, it was partially both sides’ economic interests in this product that caused their

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<sup>47</sup> Zaman (1991) describes the power structures and property relations that arise on accretion land in the Bengal delta, in which the resource of interest (land) is similarly mobile to the bees(wax) in Timor.

protracted deliberations over demarcating the remote, problematic, and unprofitable colonies through the 1800s (1956:98-99). Meto-speaking West Timorese refer to sandalwood as *hau lasi* (tree of conflict or dispute) (McWilliam 2003a), *hau nitu* (devil/spirit tree) and *hau plenat* (government tree) (Sa'u 2002:14-15). This chapter discusses how trade histories and resource control shaped early Oecusse leadership; subsequent chapters highlight the local authorities' roles in regulating these forest products.

### ***Ecologies of wood and wax: differences in disturbance, tenure, and regulation***

This history describes the importance of both sandalwood and beeswax in the formation of Oecusse's economy, politics, and social structures. Traders often obtained both these interior forest products at the coastline through dealing with local authorities, a transaction that strengthened these intermediaries and motivated them to impose the controls on wood and wax still evident in Oecusse today. However, at a local level, the different ecologies of each product led to different local tenurial regimes that influenced the forms of control the Oecusse authorities could impose on them.

Sandalwood (*Santalum* sp., primarily *S. album* for Timor) is a root-parasitic tree that thrives in ecologically diverse regions throughout the Asia-Pacific region, with a broad range spanning Hawaii to India (1990, Burkill 1935a:1952, Watt 1908:976).<sup>48</sup> Sandalwood thrives on poor, dry soils, in Timor often in stony and alkaline conditions (1990:2). All species are fire-sensitive (2), an important factor in the tree's association with fields in Oecusse discussed later. The tree is prized for its extremely valuable oil, and *Santalum album* yields the highest quality oil of all

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<sup>48</sup> Although reports of the species' parasitic nature and broad range of host plants were published in 1871 (Watt 1908:976), it took decades for those involved in its propagation to learn of this trait (Burkill 1935a:1953); for Portuguese Timor, Cinatti discovered the parasitism when investigating a failed 1946 sandalwood cultivation project (1950:16-17).

species (6-7%), although oil-producing heartwood content varies significantly among trees and stands for reasons not yet well understood by science (4). Water stress and slowed growth contribute to higher oil yields, and genetic variation (within species and regarding the age of heartwood development) plays an important part in oil production for an individual tree (4); early studies noted that poor soils improve the quantity or quality of the oil in the heartwood (Watt 1908:976) or even oil content of the roots (Burkill 1935a:1956). The broad range of ecological and genetic variability affecting heartwood production for a given tree are reflected in the *tobe*'s individual tree selection for harvest in Oecusse, described further in following sections.

Sandalwood is closely linked to cultivation.<sup>49</sup> Oecusse farmers commonly know that sandalwood occurs most abundantly in abandoned swidden gardens; it is frequently found in disturbed habitats, such as pathsides, land subjected to road-building, and edges of new terraces. Deliberate planting from seed of this semi-parasite is challenging (although the focus of current propagation efforts (1990)), but propagation by cutting roots is quite effective for its increase. Birds are also credited with sandalwood seed dispersal in swiddens as they feed on the tree's fleshy fruits (1990:8). Farmers tell how they sometimes find a distant field, last used for swidden farming ten to twenty years ago, thick with sandalwood trees every meter or so—a circumstance that brings them dismay, given the local restrictions imposed on cutting the trees to use the land as planned for agriculture.<sup>50</sup> Maturation time ranges from 30-40 years. The trees are commonly found on privately claimed land.<sup>51</sup> Where sandalwood does occur in sacred or protected forests, some say

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<sup>49</sup> Ormeling (1956:173-174) and McWilliam (2004) comment on the close association of sandalwood and fallowed swidden fields. McWilliam (2004) suggests that sandalwood is dependent on swidden agriculture.

<sup>50</sup> Encountering such a field is said to require one of three actions: leaving it alone for the sandalwood to mature; quickly cutting all the trees and disposing of them before local forest authorities (*tobe*) discover their existence and enforce their protection; or, if the sandalwood's presence is already known to the *tobe* and the trees are not too close together, the laborious work of carefully clearing the brush and ground around each tree and wrapping each one in banana stalks before burning the garden in preparation for planting. Sandalwood is extremely susceptible to fire damage.

<sup>51</sup> See Chapter Four for more detail on characteristics of claimed and unclaimed land.

its existence there proves that those areas must have been gardens in former times. Control of this primary trade product is by the local *tobe*, under the authority of the customary village head (*naijuf*) who answers to the king (*usif*). Individuals with sandalwood on their property rarely view this state favorably or as a source of profit to them (McWilliam 2004).

While sandalwood usually occurs as a result of human action, wax-yielding beehives occur primarily and spontaneously in large trees in relatively undisturbed forest. While certain trees are said to house bees year after year, with bees rebuilding their hives after a honey and wax harvest, disturbing bees too much (such as gesturing or loud speech near their hives) is feared to incite stinging as well as possibly cause them to relocate—so there is some limited human agency involved in the continuing presence of the bees.<sup>52</sup> Bee trees are nearly always subject to individual ownership across Timor (Metzner 1977), but these large trees are often found on common land, including protected or sacred forests. The valued products from a beehive harvest include honey (often consumed on the spot), bee larvae (made into a spicy side dish), and wax (scarce enough now to reserve most of it for Easter use). A small measure of wax oversight comes from the *tobe* and king's assistants (*ajanti*) responsible for pre-Easter wax collection for Easter candles, but wax regulation is more linked to ensuring adequate supplies for Church use than for controlling trade beyond Oecusse. Individuals discovering beehives in their trees, or claiming a tree where bees have begun to settle, can decide how the hives will be harvested without regulation by the *tobe*, and will anticipate profit from this event. See Figure 2 for a comparison of some ecological and tenure associations of these products.

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<sup>52</sup> Tsing wrote about songs used to calm bees and to entice them to remain and to return in Kalimantan (2003), portraying a much greater role for human action in relationship to this “wild” resource. I did not have the opportunity to investigate such songs or bee-luring actions in Oecusse, and doing so might yield a greater role for human actions than I have understood to this point.

Figure 2: Sandalwood and beeswax associations in Oecusse

	<b>Sandalwood</b>	<b>Beeswax</b>
<b>Incidence associated with</b>	Cultivation	Undisturbed forest areas
<b>Occurrence</b>	Disturbed land	Large trees in undisturbed forest
<b>Disturbance</b>	Encourages propagation	Causes bees to leave
<b>Ownership</b>	Common (sacred forests), king, individuals	Individual who claims tree
<b>Current impression of abundance</b>	Less than before	Less than before
<b>Reasons for decline</b>	Indonesia in late 1970s	Loss of large trees (progressive)
<b>Discovery meets with</b>	Dismay	Excitement of a new claim
<b>Profit</b>	To king	To tree owner
<b>Causes for occurrence</b>	Agriculture, birds, cutting roots	Suitable trees
<b>Land tenure</b>	Private, or less commonly public	Public, or less commonly private
<b>Tree tenure</b>	King, village, individual	Individual
<b>Key authority for regulation</b>	Tobe	Tree owner
<b>Harvest initiative</b>	King and <i>tobe</i>	Owner
<b>Recipient of product</b>	King, <i>naijuf</i> , <i>tobe</i> , individual	Owner, harvester, anyone who attends
<b>Product use</b>	Trade/external sale	Consumption, Easter candles, sale



### *Historiographies and ethnographies of East Timor*

This history draws on perspectives from diverse historiographic models. Lieberman (2003:6-23) recently outlined various scholarly approaches that have been applied to Southeast Asia. “Externalist” writing naturalized colonial-era divisions and portrayed the island region’s history as one of “Portuguese, Dutch, Englishmen, and Spaniards in Asian waters—their wars and trade, their refashioning of local societies—with indigenous people reduced to European foils,” a history from the deck of a European ship (8). Subsequent “autonomous” historiography highlights indigenous agency and supported Southeast Asian nationalism (9-10), using emic periodization and seeking to demonstrate “how local peoples had been able to absorb, translate, and recontextualize external forces...to maintain control of their environments” (11). More recent approaches emphasize regional (15-21) and global (21-23) commercial and political integration of Southeast Asia (Reid 1988). In tracing a history of forest resources and their regulation, I draw on colonial sources—noting their coastal biases and narrow economic-political interests—and complement those accounts with oral histories, myths, and other materials that highlight alternative and local perspectives.

Modern bibliographers and historians classify East Timorese historiography into early Portuguese (1500s-1700s, followed by a relative gap until the twentieth century), Indonesian era (1975-1999), and resistance/independence genres (Gunn 1999:17-28). Portuguese sources until the twentieth century focus on the military and political exploits of the mercantile and colonial power,<sup>53</sup> with scant mention of indigenous social or political realities; Portuguese historians

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<sup>53</sup> Affonso de Castro’s history (1867) is hailed as one of the classic historiographical works for Portuguese Timor. The historian Boxer named Castro as “one of Portuguese Timor’s more successful and conscientious governors, and the lapse of nearly a century has not diminished the value of his [1867] book in many respects....; and on the historical side nothing of importance was added until 1934” (1949:63). Some hailed Castro as Portuguese Timor’s greatest governor (1961), although Vaquinhas criticized that he never became conversant in any Timorese languages (1883c).

subdivided their work into periods of political transition and economic activities, defining historical periods according to relative influence of colonial governors (e.g., Castro 1944, Martinho 1938). Approaching and during the twentieth century, more scientific and humanistic reports appear, ranging from physical anthropology, botanical surveys, and development planning to works of poetry and collections of Timorese legends (Gonçalves 1961). Indonesian-era accounts largely feature state development activities associated with political integration; sources discussing the independence/resistance movement generally focus on the clandestine structure and events with little mention of agricultural livelihoods, forests, or local customs (Rabbitt Roff and Lambourne 1994).<sup>54</sup> Ethnographies of Portuguese Timor are few, from the self-proclaimed first ethnography of Portuguese Timor (Pinto Correia 1934) to the end of Portuguese rule (e.g., Hicks 1976, Traube 1986). With foreign research restrictions imposed by East Timor's special military status during the Indonesian period, Indonesian research and government reports provide most ethnographic materials available, bringing East Timor—briefly—within Indonesian anthropological scholarship (Mubyarto et al. 1990/91). With the influx of foreign researchers accompanying the U.N. mission and political restructuring after 1999, much post-independence attention has been focused on political organization and function alongside the economic aspects of reconstruction and poverty alleviation.

Oecusse people and their land and forests make rare appearances in any of these literatures. By comparison, oral histories of Oecusse feature many of the same events marked in history books—Asian and European arrival and trade, the activities of the Catholic Church, successive government administrations, kingdom transitions and migrations—but place the interaction with

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<sup>54</sup> In discussing some environmental and social impacts of conflict and demographic policies, a notable exception is Aditjondro (1994).

Oecusse people at the center of these events.<sup>55</sup> The synopsis here draws on two levels of oral histories: accounts by publicly recognized local historians,<sup>56</sup> and generalized knowledge gleaned from ordinary people's experiences of government and traditional practices. Written sources on Oecusse include Portuguese histories and some of the extensive Dutch writings on West Timor, relevant to Oecusse because the colonial partitioning of the island is relatively recent and because the Oecusse people are closely related by language and kinship to the West Timorese. To complement the many historical approaches to East Timor which feature a political history of resistance to outside rule (e.g., Gunn 1999), this account takes a political ecology bent, exploring instead the influence of Timor's own forest resources on historical developments in the region.<sup>57</sup>

### ***Politics and authorities in the sandalwood and beeswax trade***

#### *Timor's Asian sandalwood trade and European fame*

Documented presence of sandalwood in world trade suggests that Asian traders may have visited the island of Timor as early as the eleventh century A.D. and certainly by the thirteenth century,

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<sup>55</sup> Schulte Nordholt (1971) notes that historical events are assigned place in Atoni myth. Listeners to oral history will often find that the new—colonial structures, Catholicism, etc.—“has all been fitted into the existing categories of Timorese thinking” (451). Others have noted a remarkable Timorese facility for incorporating the outsider (Fox 1997a, Traube 1980). Sahlins noted that this “stranger king” phenomenon is widely present throughout the Asia-Pacific region (1985).

<sup>56</sup> Fox (1977:ix-xi) and McWilliam (2002a:6-7, 74-75) related their experiences in selecting (or being selected by) key historical narrators. In Oecusse, there are a small number of local historians, sometimes just two or three in a village (*suco*), who have acknowledged authority to discuss early development of the entire region. Within each village, usually only the designated traditional authorities can speak to matters concerning their immediate areas or ritual activities; on the family, village, and kingdom levels, most people are vigilant to not speak beyond their own geographic or historical realm of authority. With few exceptions, all accounts of origins and events more than sixty years old were related by older men. For events that occurred within living memory, hundreds of conversations with men, women and youth from all walks of life provided the details for this discussion.

<sup>57</sup> Here, I acknowledge the encouragement of historian Dr. Geoffrey Robinson and others at the April 2002 Northern Illinois University conference (“East Timor in Transition: Past, Present and Future”) for their enthusiastic response to my nascent idea that using the lens of the beeswax trade could offer a refreshing new angle in Timorese historiography.

seeking the highly profitable wood abundant there for trade to India and China, where it was used as medicine, perfume, incense, and flavoring (Burkill 1935a:1954, Gunn 1999:52, Ormeling 1956:95, Villiers 1985:59-61). Chinese writers mention Timor's abundant sandalwood from the 1200s (Ptak 1983:37), and Javanese and Malay traders were increasingly involved from the 1300s to the 1600s, with the rise of the Macassar port (Gunn 1999:52, Ptak 1983, Ptak 1987b:106). Sandalwood trade, although risky, was known to bring spectacular profits (Boxer 1948:197, Ptak 1987b:105, Reid 1995, Villiers 1985); a 1529 map of Southeast Asia mentioned only Sumatra, Timor, and the Spice Islands, omitting Java (Schulte Nordholt 1971:50).

Early traders obtained sandalwood through dealing with local authorities who commanded the wood to be brought to them (Ormeling 1956:177, n.2). The earliest Chinese description of Timor (circa 1350) stated that sandalwood was a dominant and abundant species on Timor, traded for metals, porcelain, and cloth at twelve ports (one source names Mena, just east of Oecusse<sup>58</sup>). It mentioned indulgent local chiefs, local sale of spirits and meat, high incidence of contagious disease, and great risk taken for profit (Ptak 1983:37, Ptak 1987b:89). This source informed subsequent Chinese writing on Timor until Chang Hsieh added detail to the coastal interactions and hints at local authority roles in his 1617/18 publication about events before 1600, in an unspecified location on Timor (Ptak 1987b:100, Zhang Xi 1981). He mentioned a tribal chief (*qiu zh ng*) who mediated conflicts, and that dispute settlements involved the guilty party losing the goat brought to the hearing. There was also a king (*wáng*) who performed sacrifices which were eaten by a snake that emerged from a mountaintop cave. Chang Hsieh described this king's essential involvement in sandalwood trade before 1600 as follows: when a merchant ship landed, the king and his entourage of family and guards travelled from his home to the market place to

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<sup>58</sup> Mills (in Gunn 1999:53) interprets the landing points described in a 1400s Chinese nautical guide as including Wini, on the eastern coastal border of modern-day Oecusse, as well as the small Batek (or Fatu Sinai) island off western Oecusse and which is co-claimed by East Timor and Indonesia.

meet the visitors and to collect a moderate daily tax (Groeneveldt 1960:117, Ptak 1983:40-41). Timorese people brought their sandalwood to trade until the king departed; trade could only be conducted in the presence of the king, to avoid disputes (Ptak 1983:41). This “king” figure who performed ritual sacrifices and mediated sandalwood trade presaged some of the activities of the local authorities discussed in subsequent chapters.

Early Portuguese travellers noted the presence of Asian traders and local rulers connected to sandalwood trade. On Magellan’s expedition in January 1522, Antonio Pigafetta (1969 [1522]:139) went ashore Timor to secure food and negotiated with “the chief man of a town named Amabau [Ambeno (178, n. 3)].” Since Pigafetta deemed the asking price too high, the travellers held a local leader and his son ransom on the ship until achieving more favourable terms (139). Pigafetta noted the lord’s elaborately ornamented female servants (139) and that “[a]ll the sandalwood and the wax which is traded by the people of Java and Malacca comes from this place, where we found a junk of Lozzon [Luzon, Philippines (178, n. 16)] which had come to trade for sandalwood” (141). Significantly for this discussion, Pigafetta’s account contains early descriptions of sacred and ritual elements surrounding sandalwood; he noted that sandalwood had to be “cut at a certain phase of the moon, for otherwise it would not be good” (141).<sup>59</sup> In addition, “when they go to cut the sandalwood (as they told us) the devil appears in divers forms, who tells them, if they have need of anything, to demand it of him. Because of this apparition they are sick for some days” (141). Although people observed rituals around cutting sandalwood, they still met with supernatural consequences (Villiers 1985:66).<sup>60</sup>

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<sup>59</sup> This is reminiscent of the oft-stated Oecusse belief that sandalwood cut without proper ritual will not contain aromatic heartwood, even if the tree is large and should by then have ample development. At present in Oecusse, there seems to be no ideal lunar time for sandalwood harvest. Evidently, in 1833 a Portuguese official in Mangalore also suggested that sandalwood trees should be cut in the waning moon (Cinatti Vaz Monteiro Gomes 1950:11-12).

<sup>60</sup> This early mention of rituals and restrictions on sandalwood harvesting supports some Oecusse people’s assertion that the tree has long held special significance in Timor, and that special sandalwood protection

Names of seasonal settlements of Asian traders who stayed in Oecusse until the winds shifted persist in Oecusse today, in the regional Malay trade language: Kolam Sina (Chinese pool) is just west of Lifau,<sup>61</sup> and Pante Macassar (Makassar beach) is east of Lifau, once a large colony of seasonal sandalwood traders that still lends its name to the subdistrict containing Oecusse town (Gunn 1999:103). For centuries, Chinese traders were the only non-Timorese who travelled throughout Timor's interior (Fox 2000:18-19), even at significant personal risk (Ormeling 1956:132-135), and Portuguese travellers frequently mentioned the presence of Chinese residents in Oecusse (de Oliveira 1950:282, 284, Teixeira 1974b, Vaquinhas 1883a).

*Oecusse accounts of early Asian sandalwood discovery*

Oral histories in Oecusse make clear mention of pre-Portuguese activity by Chinese traders in the region. The scope of the known trade was very localized: the events highlight actions of the existing villages and there is no knowledge of (or concern over) the sandalwood's ultimate destination beyond the shores of Timor (cf. Dove 1997). Narrators from eight villages (*sucos*) agree that before external trade, there were no local uses for the abundant sandalwood, and that Oecusse people did not know the purpose of this tree.<sup>62</sup> These narratives illustrate a merging

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predated European control of Timor's sandalwood trade and authority within Oecusse's local authority structure. This seems to contradict my suggestion that it was the quest for trade monopoly that gave rise to the local authorities' close involvement in restricting sandalwood, based on the below narratives that insist that Oecusse people had no useful knowledge of or uses for the wood before trade. In good Oecusse style, one can simultaneously hold both views: that sandalwood held some special local status before its entry into regional trade, and that brisk commerce in the wood reshaped the roles of Oecusse authorities.

<sup>61</sup> Parada (1974:557-559) noted that the name Lifau was derived from the Meto *lé'ál* (people) *faun*, *nanfaun* (many), or many people. It earned the name "énò naek," or great door, because there was so much trade along the coast. Daschbach described Lifau as taken from the Meto *liatnamfau neitin*, many friends who come to talk (1992:46).

<sup>62</sup> McWilliam (2004:12) noted that West Timorese use inner bark of sandalwood as a betel (*Areca* sp.) substitute; in Oecusse, people chew a wide variety of bark and palm (rattan) seeds but do not mention using sandalwood. Sandalwood is not traditionally used in any ornaments or implements other than rosaries in Oecusse, for common people or for local authorities. Two notable exceptions relate to kings' deaths: the

between disparate local and external knowledges and the importance of exogenous sources of change (Ellen 1999, Lieberman 2003).<sup>63</sup>

In one common version of the story, sandalwood's use became known and its value was revealed only when visiting Chinese traders appeared on Oecusse's shore with a sandalwood twig bearing leaves<sup>64</sup> that they showed people, instructing them to cut and bring this plant<sup>65</sup> for trade to the coast. The Chinese acquired the sandalwood through local leaders: the order to cut trees went from the king (*usif*) to the village heads (*naijuf*) to the ritual authorities (*tobe*). In a comment linking the future Costa king to the sandalwood trade, one narrator mentioned that Costa brought the Chinese to weigh the sandalwood for purchase.

A second version of sandalwood's "discovery" in Oecusse focuses on the aromatic quality of sandalwood roots and sandalwood's place in swidden fields. One *tobe* narrator explained that sandalwood's purpose was discovered early—at the time when there was only one village head (*naijuf*, in Passabe) and one king (*usif*, in Tulaica, the native Ambeno king); only after

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Lifau grave of the Cruz-Ambeno lineage king (Carlos da Cruz) who died in 2001 is topped with a sandalwood cross, and there reportedly was a large sandalwood tree reserved to make the casket for Oecusse king José Hermenegildo da Costa, but the tree was inaccessible at the time of his death in October 1999 due to militia activity throughout Oecusse.

<sup>63</sup> Lévi-Strauss (1969:12) noted that variations in myths are commonly accepted by local people with equal confidence, rather than being treated as problematic discrepancies.

<sup>64</sup> One narrator clarified that the branch was from Timor, not from abroad, but that it was the Chinese who first knew what its purpose was.

<sup>65</sup> There is even a joke about how only two sucos managed to correctly identify the sandalwood tree that the traders desired, while other sucos brought a similar tree (M: *papi*, *Exocarpus latifolia* (McWilliam 2004:13). This story as told with self-deprecating humor revolves around people's complete lack of knowledge about the tree such that it was not immediately evident what the first traders were seeking, although the tree was everywhere around them. It is also a commentary on the difference between what Oecusse people and the traders deemed rare, valuable, or interesting. Ironically, the *papi* tree (also semi-parasitic) was commonly used during Indonesian times in Oecusse as in West Timor "to bulk up supply by adding the pulp and heartwood of substitute tree wood from other species that have scented timber somewhat reminiscent of sandalwood" (McWilliam 2004:13), suggestive of similar mischievous response to the Chinese request.

sandalwood's discovery did the Costa king come to Oecusse and the other *naijuf* were formed.<sup>66</sup> In this story, sandalwood was so abundant that Tua Kole,<sup>67</sup> of the Ambeno-Cruz kingship, ordered the male and female monkeys to cut the sandalwood and to gather it together,<sup>68</sup> and for this he was punished by the Chinese from Macau. While the Chinese were guarding him, Tua Kole's knife fell into the fire, and the handle made of sandalwood was singed. The Chinese observed that the knife handle was made of fragrant wood, and they asked where it was from; when he responded, "Ambeno," they released Tua Kole to return home and to collect sandalwood for them. Although large Chinese ships came and much sandalwood was cut, it was inexhaustible and the supply never ran out.<sup>69</sup> A variation of this story relates how a Chinese visitor smelled the sandalwood handle on his Oecusse companion's knife (or smelled the sandalwood his companion was carving), asked to see its source, and was taken to the farmer's swidden field that had been invaded by roots from a neighboring sandalwood tree [again pointing to the sandalwood-cultivation link described above]. The farmer indicated the spot and the roots he used to make his knife, and together they traced the root back to the sandalwood tree which was outside of the field's fence, again highlighting the link to cultivation.

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<sup>66</sup> This myth reflects the common statement that Oecusse's multiple kingship resulted from the sandalwood trade, collapsing centuries: Costa came as a trader (1500s), married the daughter of the Ambeno king (multiple such alliances over centuries), and became king of Oecusse (late 1800s or after the 1912 conflict).

<sup>67</sup> Tua Kole, who figures in a wide variety of Oecusse myths, was the son born to the virgin daughter of the Ambeno king who was left alone in Ambeno when her family fled during a war. One story recounts how she was protected by mountain people, and became pregnant by living off of coconut water while hiding in a tree. Other versions describe how all her suitors were crocodiles and points to crocodile-human origin of the kingship. (While crocodiles are mythologically sacred creatures across Timor, some people in eastern Oecusse claim to have eaten captured crocodiles in recent decades.) Tua Kole was also a nickname for later Ambeno kings. Sometimes, the character with the knife goes unnamed or is portrayed as a common person.

<sup>68</sup> The king's motive for cutting the sandalwood is not stated, but reflects the extreme abundance of the wood that later came to be so closely regulated. Other myths recount monkeys carrying out activities that humans later came to do (cf. Lévi-Strauss 1969:127).

<sup>69</sup> The narrator continued, highlighting the central role of Chinese traders: Portugal later came to govern the land, but not to take the wood; the Portuguese forced Oecusse people to dig a harbor out of the Lifau mountain for their ships, but the people killed the Portuguese and they left [referring to a later uprising].



*Portuguese mercantilism and missionary movements*

The Catholic Church plays a critical role in Oecusse history because its presence was key in developing the area's trade, governance, and modern syncretisms with local beliefs; Catholicism is also a central facet of current regional identity in Oecusse. From the early sixteenth century, Portuguese presence in Oecusse consisted of seasonal trade and periodic visits from Dominicans who established a Church base on the nearby islands of Flores and Solor.<sup>70</sup> The Dominican order established a base on Solor in the mid-1500s, Flores later became a primary entrepôt for Portuguese traders in the region, serving as bases for the monsoon-determined trade (Boxer 1947:1, Villiers 1985).<sup>71</sup> The Dominicans and traders operated on Timor for centuries with scant oversight from their political and religious authorities in Flores, Goa, or Macau (Villiers 1985). Priests were involved in sandalwood and beeswax trade alongside Church activities, and at various points became involved in civil rule of settlements as well (Villiers 1985). A later Timor Governor commented that the conquest of Timor was a work of the religious orders and Timor was governed by the head of the mission, with the first separation of spiritual and temporal matters occurring only when Lifau became the seat of government in 1701 (Castro 1867:53).<sup>72</sup>

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<sup>70</sup> A monument at the Lifau, Oecusse beach park states that “the Portuguese landed here on 15 August 1515,” but historical texts are less certain about an exact arrival date of the Portuguese to Timor and to Lifau. In any case, Kammen (2003:71) rightly points out that the oft-quoted figure that East Timor had over four centuries of Portuguese colonialism both lengthens and glorifies the nature of early contact.

<sup>71</sup> There are ample sources on this mercantile period in general Portuguese histories (Castro 1867, de Oliveira 1949, Leitão 1948, Ptak 1987a). Sherlock noted that Portuguese historiography of this early period is more extensive than some later periods (Gunn 1999:17). The literatures on Asian trade at that time are vast, exploring linkages with China, within the archipelago, and with Indian Ocean and European trade destinations (Lach 1965, Lieberman 2003, Reid 1988, Reid 1993).

<sup>72</sup> There are many interesting sources on Church involvement in Oecusse political intrigues. Teixeira (1974b) describes anti-Dutch alliances of the Oecusse-Ambeno kingdoms, with reference to relics of the Catholic Church from the earliest Lifau Fathers. De Oliveira (1950:284) and Forjaz (1893) query Church and Oecusse king involvement in several assassinations.

While Church growth was slow, early allegiance from Lifau rulers was influential in making Oecusse an economic center and maintaining Portuguese linkages and influence (Villiers 1985). In 1641, the queen of Mena (just east of Oecusse) and the native Ambeno ruler were baptized into Catholicism (Castro 1867:27-28).<sup>73</sup> Baptism made them subject to the King of Portugal, and rapid conversions were more political than religious, deemed nominal in spiritual sincerity by some (Castro 1867:28-29, 51). In 1670, the Lifau leaders<sup>74</sup> killed a zealous priest who insisted on Christian burial practices for the king (Castro 1867:51).

Sporadic and thin Church presence yielded few converts; census figures (discussed later in this chapter) indicate a gradual, localized, and coastal increase in church membership, until a rapid increase largely during the mid-twentieth century.<sup>75</sup> Mission activities centered on education. The bishop of Malacca founded Timor's first seminary in Lifau in 1734 (Martinho 1945:187) [or 1738 (Gunn 1999:76)], but it faltered due to local strife and regional warfare, lack of support sent from the central authorities, and, "more than all this, the discord between military and religious authorities for temporal power" (Martinho 1945:187). In the 1860s, the Father Barreto, Superior

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<sup>73</sup> Parada (1974:560-61) names the Queen of Mena in 1641, and in Lifau (on 1 July 1641) the king, his family, and people were baptized, naming the king as Francisco Ornai and his wife Agostinha. (This brings into question whether this was the native Ambeno ruler or a part-European trader.)

<sup>74</sup> Castro uses the term *dato*, which is not used at present in Oecusse but is widely used in eastern Timor. It is derived from Malay but also thought to be a native word in Tetum (Thomaz 1974:270) to refer to the highest levels in Timorese indigenous hereditary hierarchies (Pascoal 1967:98-99).

<sup>75</sup> The Church presence on Timor remained sparse and declined during the 1700s. Schulte Nordholt mentioned that the Dominican mission in Noimuti, a Larantuqueiro stronghold with links to Oecusse, declined since uprisings in 1720--leaving no priests by the end of the century--and that there were only a few clerics in Portuguese Timor in 1811 (1971:450, 450 n. 49). The religious orders were expelled from Timor briefly in 1834 (Martinho 1945:187). Church estimates (or overestimates) from 1882 indicate that Oecusse-Ambeno was 12% Catholic (Ferreira 1902). The Church reported a strong movement of conversion after the Japanese occupation of the Second World War, and in 1954 identified 39% of the Oecusse population as Catholic (Procuradoria da Diocese da Dili em Lisboa 1956:xix). In 1956 when the Catholic Church published the first catechism in the local language, Oecusse had 3 priests, 6 Dominican nuns, and 41 indigenous catechists, with two Church schools educating 86 male and 88 female students (Procuradoria da Diocese da Dili em Lisboa 1956:xx). Between 1941 and 1972, under the leadership of one priest, Norberto Parada, the Catholic population increased to 19,000, about 76% of the population (Teixeira 1974a:482).

of the Oecusse mission, was known to teach many native people to read and write, and also to travel to the interior and to conduct baptisms there (de Oliveira 1950:56). Daschbach (1987:8) credited Parada with making a concerted efforts to reach mountain-dwellers in the 1950s, in a period when the subdistrict administrator only travelled throughout the region with a team of armed guards. During this time, lowland Catholics also moved to highland regions around Oecusse to serve as long-term local Church workers.

### *Beeswax trade*

Timorese beeswax was an important item of regional commerce before the rise of Portuguese trade on Timor, as cited in Pigafetta's 1522 account of Asian traders in Ambeno (1969 [1522]:141), and it continued as an important trade item during the Portuguese era even after sandalwood's decline.<sup>76</sup> As a wild-collected forest product with gathering almost entirely managed by Timorese in a decentralized, individualized manner by tree owners (in contrast to the hierarchically regulated sandalwood), beeswax makes regular but minor appearances in the Portuguese literature, its scant mention seemingly out of proportion to its significant contribution to colonial income. Although local authorities in Oecusse imposed some restrictions on beeswax harvest and use, beeswax was even further removed from European or state purview than sandalwood.<sup>77</sup> The government's relative lack of regulatory power over beeswax may have obscured their attention to its importance, a phenomenon discussed further regarding customary land in Chapter Six.<sup>78</sup>

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<sup>76</sup> Colonial government figures do not differentiate the beeswax trade by region, so this discussion concerns the whole colony, not just Oecusse.

<sup>77</sup> The English naturalist Wallace (2000:153-154) provided a rare eyewitness description of wild beeswax and honey harvest on Timor [but not in Oecusse] from his 1861 visit.

<sup>78</sup> For more on how state interests can obscure the contribution of villager activities and discount factors important to rural people, cf. Dove (1996) and Dove (1986b).

Raw wax was exported to Macau to be refined, and the Timor government made some payments to Macau using beeswax (Villiers 1985:69). Castro (1867:304) mentioned that sandalwood had recently gone from great commercial importance to insignificance; meanwhile, from 1858 to 1865, export charts indicate that beeswax provided 47-63% of Portuguese Timor's customs export earnings before the rise of coffee initiated during this period, after which the beeswax share dropped relative to coffee (Castro 1867:340-354, Cinatti Vaz Monteiro Gomes 1950:13). Yet, the governor made no textual mention of beeswax supplying at least half the government's export earnings for eight years, focusing instead on increasing the coffee production which came under direct control of colonial state agents (unlike wild beeswax, with decentralized collection managed by individual Timorese tree owners). Over a three-year period, both wax and sandalwood exports were dwarfed by coffee (Montalvão e Silva 1910:18). Yet, in 1916, a promoter of apiculture who lamented the unsustainable Timorese harvesting methods noted that Timor exported 25,000 kilos (about 400 *picos*<sup>79</sup>) annually (Panão 1916), at least the same quantities exported in Governor Castro's time.<sup>80</sup>

#### *Church link to beeswax and customary authorities*

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<sup>79</sup> 1 *pico*=60.5 kg (Leitão 1948:175, n.5). Governor Castro noted that the price of one *pico* of wax in 1862 averaged 100 *rupias* (1867:347). Another unit used for beeswax is the *cate*: 1 *pico*=100 *cates*=133 *arrateis* (Castro 1867:340). Thomaz (1974:268) attributes the 62 kg *pico* to Malay origins (*pikul*) and the 620 gm *cate* to Malay *kati*, noting that both measures fell into disuse with the rise of the metric system.

<sup>80</sup> Beeswax remained an important Timorese export trade item to the twentieth century. The 1882 listing from a Portuguese museum collection noted that there was significant beeswax production in Timor, and that export was primarily to Dutch areas for cloth production, valued at eighty *rupias* per *pico* (1882:70); sandalwood was listed as also abundant on Timor but with no local uses, and was valued between five and fifteen *rupias* per *pico* (74). Vaquinhas, who helped assemble the museum items from Timor (1882), listed wax among Oecusse's exports (1883a:327). Exports from 1919 to 1925 show a rapid decline in sandalwood alongside a more sustained supply of beeswax during this period, with greater total income from wax than from sandalwood during this period. (P.:148). Felgas noted that before the Second World War, Timor normally exported 35-45 tons of wax, and that in 1952, wax exports added up to 16 tons (1956:129).

Although beeswax trade was active before Portuguese arrival, Oecusse oral narratives about the arrival of Dominicans to Oecusse link Catholic worship to beeswax collection. While sandalwood is in the realm of political and ritual authorities, the religious domain dominates discussions of beeswax. Although beeswax is no longer a major Oecusse export, the Church-beeswax link persists in the pre-Easter beeswax tribute (*ninik-abas*, beeswax-cotton), in which some beeswax given to the Oecusse-Ambeno kings is used for Good Friday candles (see Chapter Three). When highlanders narrate the origins of *ninik-abas*, the beeswax candle tribute items for the kings, the story goes that the Portuguese friars arrived to Oecusse's coast, and the newly converted Ambeno king sent word to the village head (*naijuf*) of Oecusse's southern highlands to bring beeswax and string to the coast for candles, to fulfill the ritual needs of Church worship.<sup>81</sup> From that point, beeswax collection was intimately tied to church demand, and to this day most of the beeswax supplied to the Church is given first to the kings, who distribute a portion of the candles to chapels and churches.

Kings have long had involvement in beeswax collection in western Timor, with some of the same exclusive rights to trade sandalwood applying also to beeswax as a tribute item (McWilliam 2002a:144, Middelkoop 1960:128). Middelkoop (1968:77) noted that disks of wax and balls of cotton thread, the *ninik-abas* offering, were part of the kingly inheritance in Noi Muti. An extensive forest on Oecusse's southwestern border (in *Suco* Lele-Uf) has been protected by *tobes* since the king(s) designated that forest specifically as a beeswax-producing zone—Oecusse's primary beeswax production forest—including strict restrictions on entry to the forest even by

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<sup>81</sup> Non-Church rituals remain strong surrounding beeswax production and harvest in Oecusse, although by all accounts the amount of wax produced now is far less than what it used to be. Those individuals charged with collecting Easter wax spend much time lamenting its high cost and current scarcity in Oecusse. Pre-harvest ceremonies for wax and honey, said to be unique among ceremonies throughout Oecusse for requiring the sacrifice of a horse, are intended to induce the bees to come back to that same place every year (cf. Tsing 2003). Nowadays, with the scarcity of horses, a goat or other small animal is used. It is also possible that the requisite (high-value) horse is symbolic, but always negotiable and normally substituted for a lesser animal (cf. Fox 2002b).

village residents.<sup>82</sup> Beeswax production requires large trees, which are no longer found in Oecusse villages without protected forests. Among those known for having much beeswax are *Sucos* Ben-Uf, Lel-Uf, and Cutet. A pre-Easter flurry of beeswax acquisition requires long trips to source villages.

*Costa-Hornay: sandalwood traders and mixed-blood rulers*

Most Portuguese histories feature the colorful, troublesome figures of the Costa and Hornay families, whose quest for control of Western Timor's sandalwood trade from the early 1600s ultimately forced the Portuguese to relocate from Lifau to Dili in 1769 and served to contain the Dutch expansion; the Costa-Hornay legacy still figures largely in Oecusse's political landscape. At the same time, their prolonged, if variable, associations with Portugal and the Catholic Church maintained the linkages that made Oecusse persist as a Portuguese enclave, albeit largely autonomous from the central government.

After the Portuguese capture of Malacca in 1511 and their establishment on Macau after 1555, European traders became increasingly involved in sandalwood purchasing forays to Timor, concurrent with an increased Dominican presence in Solor that also served as a sandalwood trade center long before settlements were established on Timor. Portuguese writings mentioned Timor by name from 1513-14 as a sandalwood trade destination for Portuguese ships (Ptak 1987:94-95). With common political and religious ties, Timor's history was inextricably linked to Solor and Flores for several centuries.

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<sup>82</sup> Anyone entering the forest must add a stick to a large pile near the path on the way in, and no one is allowed to remove anything from the forest without permission, including dead wood, fallen fruits, or dried leaves. In striking contrast to the bare, dry land surrounding all nearby settlements that face water scarcity, the forest is humid enough to host abundant mosquitoes.

Boxer gave a lively description of the Topasses or Larantuqueiros<sup>83</sup> whose involvement with sandalwood trade took them from Flores to Timor in the early 1600s: the descendants of part-Portuguese Mateus da Costa, who married a daughter of a native Timorese king, and of Jan [Joao] de Hornay [Hornai], a Dutch defector who converted to Catholicism and married a local woman from the Portuguese settlement (Boxer 1947). The two families Costa and Hornay had dramatic, extended, alternating rivalry and collaboration over political and economic control of Timor, with representatives of one or both families continuously challenging Portuguese and incipient Dutch authority in the region.<sup>84</sup> Boxer writes that just before 1700, the Costas controlled all sandalwood trade from Timor through the port at Lifau (1947:9).

The Costa-Hornay dominance on Timor was said to expand after another Larantuqueiro, accompanied by Dominicans and Portuguese soldiers, marched through Timor to the traditional center of Wehali (in south-central Timor) and destroyed it in 1642 (Francillon 1980). Fox posits that many indigenous kingdoms shifted their alliances to the Larantuqueiros at that point, strengthening their control of trade and leaving little room for colonial government (2000:9). Political and economic alliances converged to make Lifau one of the most prominent commercial centers on Timor, and fostering there the establishment of the first permanent Portuguese

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<sup>83</sup> See Boxer (1947) for a discussion of possible origins of the term Topasses. Gunn (1999) points out that there were many communities called Topasses, suggesting that the term Larantuqueiros is more specific to identify the part-Portuguese group originating from Larantuca on Flores.

<sup>84</sup> A few vestiges of this era's Costa-Hornay competition remain in Oecusse. In Oecusse, it is said that the Hornay lineage disappeared due to having no further descendants (as in Schulte Nordholt 1971:455), but Hornay is still recognized at the Good Friday celebrations in Oecusse town. At that time, there are three bamboo pillars (*um-uma*) with beeswax candles erected to the three kings of Oecusse: Costa in front (beachside) of the coastal church, with one pillar each to Ambeno and Hornay behind the church, with groups of villages responsible for each pillar. In 2003, some farmers in Suco Lifau stated that they still pay a portion of their rice harvest to the Hornay king, but that share is now accepted by Costa, in addition to Costa's own share. One individual named a river in Oecusse town as a former border between Costa and Hornay domains. Fox (2000:9 n. 5) noted that the Hornay family became established in Anas (West Timor).

settlement on Timor during the second half of the seventeenth century.<sup>85</sup> Since sandalwood sources were in Timor's mountainous interior and not on the coast, the Larantuqueiros established trade relationships with native groups. Schulte Nordholt wrote that after the Topasses destroyed the Sonba'i realm in 1642, they established themselves in interior Noimuti and used Lifau in Ambeno as their primary port, and he indicated that Noimuti was an important town when it was attacked by Dutch forces in 1760 (1971:449-450).<sup>86</sup>

To the Portuguese, the Costa-Hornay leaders were of variable loyalty at best, and rebellious instigators at regular intervals. They accepted neither Dutch nor Portuguese rule; after the families' persistent rebellion achieved Portuguese administrative flight, the two families continued to control the sandalwood trade for some time. Whenever possible, the Portuguese sought to bring the renegade figures under their control, conferring titles on them, as with the "tenente general rei of Okussi" (lieutenant general king) for Francisco Hornay while the Portuguese capital was in Lifau—the same individual who drove out the Portuguese governor in 1726 (Castro 1867:59).

The rise of the Dutch presence, radiating out from the western tip of Timor, threatened and reduced the Portuguese realm. Different from the rest of western Timor which was initially under Portuguese influence with increasing Dutch presence through the 1800s, Oecusse remained Portuguese, albeit nominally, even when the Dutch came to control western Timor (Castro 1867:78). Because the Costa-Hornay clan resisted interference from colonial government that

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<sup>85</sup> Gunn notes that in 1650, Lifau had no settlement, but housed an impressive settlement by 1700 (1999:78-79). Sketches of the Lifau settlement in 1703 are found in Boxer (1948) and Leitão (1952).

<sup>86</sup> While some branches of the Costa-Hornay lineages settled in Noimuti, others were established in Oecusse (Fox 2000:9 n. 5, Middelkoop 1968:100, Schulte Nordholt 1971:450 n. 52); today, the Oecusse Costa lineage denies that their forebears moved to Oecusse from Noimuti [or indeed ever lived there], but that they settled in Oecusse when first arriving to Timor. Middelkoop (1968:55) distinguished the "Old Benu" who stayed in Oecusse from the "Young Benu" who settled elsewhere.



would interrupt their trade, Oecusse remained a largely autonomous zone under the influence of traders-cum-rulers. The Larantuqueiros prevented full European dominance in the region.

*Early Portuguese colonialism: The capital at Lifau (1701-1769)*

The 1700s were a tumultuous time for the nascent Portuguese administration, when the Portuguese moved their center from Larantuca, Flores to Lifau on Timor in order to regulate the power of the local authorities and to make them dependent on Portuguese rule (Castro 1867:xx, Dores 1901:764). The first governor, appointed in 1695, was expelled by the Topasses; the second met a similar fate. Successive governors encountered similar hostilities from the Topasses; there were at least seventeen Lifau-based governors before the capital was finally moved to Dili in 1769 (Castro 1944: 24-38). A governor took up his post on Timor in 1701, only to leave in late 1704, frustrated by the privations and resistance of the Topasses and natives. Subsequent governors faced similar trials or relentless disturbances for the challenge the government posed to the sandalwood traders. Portuguese presence was a poor match for the trader-kings and their local recruits; in 1727, there were 46 Portuguese and 141 soldiers from India, Macau, and Timor present in Lifau (Martinho 1938:4).

As the Dutch expanded eastward from their settlement on Timor's western tip, Oecusse remained under Portuguese influence due to the persistent and exclusionary dominance of the Costa-Hornay leadership. In 1759, a Portuguese interim governor passed Lifau to the Dutch, but Francisco Hornay and others killed the would-be governors who came to rule, effectively returning Lifau to Portuguese rule under a new governor (Castro 1867:77-78, Gunn 1999:101).<sup>87</sup> Colonial loyalty was short-lived, however, as the Costa-Hornay "chiefs of Okussi" were among

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<sup>87</sup> In a rare show of colonial solidarity, Fox notes that at times "the Dutch and Portuguese co-operated in their efforts to control the Black Portuguese, but the Larantuqueiros kept the Dutch at bay by assassinating their emissaries, and so the Dutch left Oecusse alone (Fox 2000:10).

those implicated in the poisoning death of the new governor in 1765 (Castro 1867:78-79, de Oliveira 1949:196), to be succeeded by Francisco de Hornay, who vowed to expel the Portuguese (Castro 1867:80). During this time, *moradores* militia almost exclusively inhabited Lifau, and they were not amenable to foreign rule (Castro 1867:78).

In a final effort to gain control of Lifau, Francisco Hornay surrounded the Portuguese, who received aid from Manatuto in eastern Timor, the only area with intact ties to the Portuguese (Castro 1867:80). The beleaguered Portuguese, faced with rebellions on many sides, inadequate defenses for their settlement, Dutch-instigated revolts, and out of funds, food, and weapons, abandoned their base at Lifau by ship to found a new capital in Dili, where it remains to this day<sup>88</sup> (Castro 1867:81-87). Later governor Castro wrote that abandoning Lifau was a necessary, if desperate act, that lowered the Portuguese in the eyes of the native people but was ultimately advantageous for the future of the colony, because of Lifau's poor harbor (86), a move that avoided the Portuguese being thrown out of the colony someday with shame (290).

After this point, Oecusse largely dropped out of the written record as communication by sea was often impossible, and Portuguese state involvement in the region declined relative to other areas (Castro 1867:86, 101). This left the Eurasian rulers, who opposed colonial governance by either European power, politically and economically in charge of the autonomous region, with little oversight or interference from colonial authorities for nearly a century. Contrary to the importance these events take in the largely coastal, military, colonial Portuguese accounts, they are not detailed in oral histories; at the point where many written histories of Oecusse end, oral

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<sup>88</sup> From 1695-1863, Timor's governance was linked to Solor, and at times with Macau, under various administrative regimes. From 1863-1866, Timor itself was an "overseas province," then rejoined with Macau province until 1896, when Timor stood on its own as an "autonomous district" (1896-1909), a "province" (1909-1926), a "district" (1926-1930), a "colony" (1930-1951), then again a "province" (Leitão 1948, Vaz 1964).

accounts chronicle the rise and definition of local authorities, discussed in Chapters Three and Four.

Portuguese control over Oecusse remained tenuous, but neither did the region become incorporated into the Dutch sphere. Oecusse-Ambeno had variable loyalty to Portugal; the Timor governor conferred the title of “*tenente general*” on successor Pedro Hornay, who then offered homage in Dili together with his brother-in-law the king of Ambeno, as arranged by a priest; the Oecusse-Ambeno kings even agreed to send people to fight another rebellious, independent kingdom (Castro 1867:102). However, loyalty was short-lived as the Oecusse-Ambeno kings were soon said to be on the verge of revolt themselves (113). What Fox stated regarding Timor was certainly true for Oecusse: “Timor was never colonised as were other parts of the Indies. For most of the colonial period, control was a matter of pretence and veneer. The Portuguese claimed to have pacified their territory by 1912, the Dutch theirs by 1915” (2000:11).

#### *Sandalwood abundance and decline*

In the early centuries of Asian and European trade, the abundance of Timor’s sandalwood was legendary. Early Chinese visitors proclaimed that Timor’s mountains were covered in sandalwood, and that the wood was so uniquely and inexhaustibly plentiful that the Timorese used it as firewood, a practice which sickened visitors—a comment echoed by Europeans in the sixteenth and seventeenth centuries (Groeneveldt 1960:116, Ptak 1983:37, 40, Ptak 1987b:105, Reid 1995:100, Villiers 1985:64).<sup>89</sup>

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<sup>89</sup> This varies from the current practice of burning small amounts of sandalwood to cure sick people, especially children, in enclosed spaces. Oecusse people also report burning sandalwood to repel mosquitoes and to scare away bad spirits (raising the question about what Timorese might have feared when they saw boatloads of foreigners). Burkill (1935a:1955-1956) lists further uses of sandalwood.

Drawn by the enormous profitability for which sandalwood was fabled in early trade reports, European traders added sandalwood to the expeditions that primarily sought the high-value but lower-volume spices. Sandalwood trade increased through the 1600s with the rise of Macassar port (Ptak 1987b:106) and the increasing involvement of Dutch traders (Reid 1995:100). The political maneuverings of Larantuqueiro and colonial powers were intended to gain exclusive control over this lucrative trade. Even in the late 1600s, some blamed Antonio Hornay for decimating sandalwood (Leitão 1948:248-9). In 1789, Bligh noted that the wood had become so scarce that it was no longer worth obtaining from Timor (1789). Governor Castro viewed sandalwood as insignificant to Timor's trade in the mid-1800s (Castro 1867:304).

Colonizers' or traders' notes about the decline of sandalwood may indicate more their own share of profitable market access or preferential politics rather than an empirical assessment of sandalwood quantity (Gunn 1999:84-85). In a competitive trade environment, it is also possible that some writers hoped to discourage their contemporaries from involvement in sandalwood trade. Traders gained and lost access to Timorese sandalwood for many reasons, including shifting allegiance on Timor, discovery of alternate sources (Shineberg 1967), and market displacement by another power; in any case, decline was slow and incomplete. Ptak suggested that the rise of the Javanese Majapahit empire and the growing prominence of Malacca may have eclipsed direct Chinese trade routes in the late 1300s, increasing the non-Chinese merchants in the trade and strengthening western routes (1987:90-93). Macau ships voyaged to at least two ports in Oecusse-Ambeno (Lifau and Citrana), and rebellions in Lifau in the late seventeenth century disrupted this trade that was essential in Macau's economy (Gunn 1999:84-85).

Ormeling recounted the effects that competition and corruption had on edging the Dutch out of the trade in the late 1600s (1956:99-103): Dutch complaints about limited access to sandalwood alongside booming Chinese and Portuguese trade were due in part to uncompetitive pricing and in

part to “clandestine trade by the Company’s servants” (102, n. 1); Dutch profits never matched those of Asian and Portuguese traders (103).

Following a trade slump in the mid-1800s, there was increased sandalwood demand for European pharmaceuticals,<sup>90</sup> and the turn of the twentieth century once again saw peak exports of Timorese sandalwood (Ormeling 1956:136). In 1901, Governor Silva noted massive sandalwood exports from Timor’s north coast that had depleted mature tree stocks and blamed native leaders (P: *chefes indígenas*) for not even sparing the roots so that new trees might grow (Cinatti Vaz Monteiro Gomes 1950:14). Aiming to prevent the extinction of the colony’s important tree, Silva forbade sandalwood cutting in ten named regions--not including Oecusse (14). Subsequently, Governor Câmara legislated further sandalwood control in 1911 (14).<sup>91</sup> These measures were ignored and exports continued unabated until decline in supply during the early 1920s was followed by a ban on sandalwood export in 1925, again with special legislative mention of sandalwood root extraction as preventing offshoot development (Cinatti Vaz Monteiro Gomes 1950:14-15, Duarte 1930:161-162). There was a 1929 revision to the prohibition regarding Oecusse: as the government was unable to supervise compliance with the sandalwood ban in Oecusse, and the trees continued to be cut in vast amounts, illegally exported to West Timor, and sold in Dutch territories which did not have export restrictions,<sup>92</sup> the governor decreed that Oecusse natives were permitted to cut mature sandalwood, but were required to avoid immature trees and live roots (Cinatti Vaz Monteiro Gomes 1950:15-16). Further sandalwood legislation

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<sup>90</sup> The period of reduced trade in the second half of the nineteenth century permitted Timorese sandalwood trees the 30-40 years required to reach maturity (Cinatti Vaz Monteiro Gomes 1950:13).

<sup>91</sup> See Chapter Six for more on these two governors’ land legislation.

<sup>92</sup> However, there actually was a Dutch prohibition on sandalwood export in 1925. Ormeling described the 1925 Dutch sandalwood ordinance and tree enumeration-registration programs that met with little success and reportedly decreased people's interest in the product, so people sought to cut down the trees to avoid getting fines or losing profit. Dutch Timor had far more Forestry offenses than other nearby Dutch possessions, with 102 of 247 cases in 1950 regarding sandalwood damage (1956:175, 178). At that time, Oecusse had no such organized government Forestry Service.

followed in 1934 (16). In 1939, Felgas called sandalwood a “botanic relic” on Timor (Gunn 1999:198).

Most of these written accounts of sandalwood decline refer to Timor as a whole, and do not account for regional variation<sup>93</sup> in sandalwood abundance. Historically, Oecusse was known as one of the best sandalwood-producing regions (Cinatti Vaz Monteiro Gomes 1950:7, Duarte 1930:161-162). In the early twentieth century, Oecusse was still known to be one of the richest sources of sandalwood.<sup>94</sup> In 1937, Portuguese Timor’s agriculture and forestry director noted that it was then difficult to find sandalwood anywhere, except in Oecusse; once abundant in the eastern districts, overharvesting had made it disappear there (Cardoso 1937b:13). In 1950, Ruy Cinatti still named Oecusse as the primary location for sandalwood in Portuguese Timor, associated with rotating swidden fields (Cinatti Vaz Monteiro Gomes 1950:17). While sandalwood trade Timor-wide was in serious decline by the 1800s, followed by another trade peak in early 1900s, Oecusse’s sandalwood history seems to vary slightly from this generalization. A center of intense trade for centuries, Oecusse was still known for its abundant stocks when other regions were depleted; Oecusse alone had legal sandalwood harvesting and export after 1925; and there were sufficient Oecusse stocks remaining in 1975 to permit a tenfold increase in sandalwood trade from Oecusse in the early years of Indonesian rule (see Chapter Five).

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<sup>93</sup> Indeed, it is the micro-variation in sandalwood occurrence of most importance to Oecusse people: some villages are widely known to contain more than others, and within those villages local residents and *tobes* can name which protected forests or areas contain the most sandalwood. An exception is increased interest in sandalwood quality in 1578, naming Mena, just east of modern-day Oecusse, as a prime source of high-quality wood (Ptak 1987b:104).

<sup>94</sup> Oecusse was known for sandalwood, even in its absence: Martinho blamed Oecusse’s poverty on its sandalwood loss, commenting that Oecusse’s economic value to the Portuguese was deemed to be null since the impoverishment of its sandalwood (1945:38).

The centuries of sandalwood decline chronicled by traders, governments, and travellers regarding Timor do not appear in Oecusse oral narratives; rather, the only notable sandalwood decline was the recent one that occurred in the early years of Indonesian rule, preceded by decades of abundant stocks of protected trees.<sup>95</sup> While history books portray the Costa-Hornay traders as responsible for the precipitous *decline* in sandalwood stocks, in Oecusse today the local authorities—including kings and *tobes*—are credited with an historic role in forest *preservation*. The colonial-era sandalwood trade was said to be jointly controlled by the colonial government (M: *plenat*), the king (*usif*), and the Chinese traders. When the king and village head (*naijuf*) ordered people to cut the trees, people always gave one trunk to the king, and for the rest they received payment in silver coins.<sup>96</sup> The king made agreements on how many trees could be cut from each village, and how many trees each *tobe* could cut, which were observed until Indonesian times. Each time the people cut sandalwood, one to two lengths of wood went to the king, with similar quantities given to the *naijuf* and the *tobe*. A primary Oecusse-based sandalwood trader noted that from the 1950s to 1970s, he obtained wood from Indonesian West Timor for export to Dili by ship, as harvesting within Oecusse was strictly prohibited by the Costa king--although

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<sup>95</sup> There are many possible reasons why people do not mention earlier declines: an idealized past; political interest in making destructive Indonesian actions seem unique; but most likely, simply the distance of the past and relative lack of concern about foreigners' difficulties in sandalwood access. Their insistence on pre-1975 abundance is probably relative to the 1980s, not compared to 1400. It is also possible that by local standards, the tree was not perceived to be in serious decline, if its propagation was as weedy then as it seems to be now.

<sup>96</sup> By all accounts, the beginning of the sandalwood trade marked significant changes in Oecusse culture. This trade introduced the Dutch, Mexican, and Chinese coins that are still central in marriage negotiations in Oecusse. There were many types of silver coins: *pata colo* was Dutch, *satenah* was Portuguese, and these are still used in bride payments. The Portuguese *escudo* came much later and was only used in the market, not in bride payments, and the *escudo*'s value was always relative to the silver coins' standard values. Vaz (1964) discusses the introduction and circulation of coins in Timor. Prior to the introduction of Catholicism and Church-mediated marriage, said by some to be concurrent with coins' appearance in Oecusse, bead and gold necklaces were used in bride payments. Oral accounts in Oecusse state that beads first came to Timor with the Chinese sandalwood trade; other sources attribute them to Malay, Chinese, or Japanese origin (Carmo 1965:103, Pascoal 1967:99).

presumably legal—at that time.<sup>97</sup> Indeed, many of Oecusse’s notable forests are said to exist *because of* the Costa king, including the communal betel grove near Citrana<sup>98</sup> in western Oecusse and the protected beeswax-producing forest that spans two villages near Oecusse’s southwestern border. The exceptional, anomalous abundance of Oecusse’s sandalwood is said to be a direct result of the harsh punishments that unauthorized harvest could incur during Portuguese times. During the past century at least, the Costa king and his accompanying traditional structure are portrayed as extremely parsimonious with requests for sandalwood—often in explicit contrast to the insatiability of Indonesian-era extraction which “took even the roots” of the trees.

Oral histories emphasize a radically different harvesting pattern taking place under Indonesian rule than under Portuguese governance. Modern accounts of sandalwood root extraction treat the removal of sandalwood roots as an astonishing novelty upon Indonesian rule. However, the aromatic quality of sandalwood roots has long been known in Oecusse: the roots play a key role in the Chinese “discovery” myths; Montalvão e Silva (1910:18) listed sandalwood root and wood exports separately; and the 1929 Oecusse-specific legislation required people to avoid harvesting live roots (Cinatti Vaz Monteiro Gomes 1950:15-16). In western Timor, Ormeling mentioned roots as a trade item and implicated root harvest in sandalwood decline (1956:171, 171 n. 1); in the late 1800s, Noimuti was known to export much sandalwood and roots via Oecusse (Dores 1901:812). This modern insistence on a recognizably destructive practice as recently introduced, when it clearly was not, sharply signals the moment local people view sandalwood decline to have begun in Oecusse.

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<sup>97</sup> Before 1975, his trade consisted of wood obtained from West Timor, sent to Dili by ship. After 1975, his trade was entirely sourced from Oecusse, with a tenfold increase over previous amounts originating from the much larger region of West Timor. This trader noted that one of the most commercially profitable times in Oecusse was during the 1965 political transition in Indonesia, when West Timorese found it difficult to obtain basic necessities. In that time, Oecusse traders were able to import goods from other ports, and for a brief time Oecusse served as an exporter to neighboring West Timor.

<sup>98</sup> The Costas frequently carried out their contraband trade in Citrana (Dores 1901:818). Citrana also had a port that exported rattan and other products, some directly to Macau (Gunn 1999:84, Vaquinhas 1883a).



For centuries, knowledge about sandalwood trade in Oecusse stopped at the shoreline: just as most merchants and administrators little understood Oecusse's interior, the trade beyond Oecusse's shores plays no part in Oecusse narratives of sandalwood trade. Instead, local experience of controlled access to sandalwood is embodied in the quasi-traditional figures of the in-married Eurasian Costa king and his associated hierarchy of village-level authorities, whose actions were simultaneously responsible for monopolizing sandalwood and beeswax trade, and for these products' continued abundance.

***Of kingdoms and enclaves: Defining territories and loyalties of Oecusse-Ambeno***

The above section illustrated the importance of local authorities, both native and Eurasian, in mediating European and Asian commercial interests on Timor; merchants depended on these figures to acquire trade goods, even as the local kings regulated trade to maximize their own profit. Fox noted that one of the persistent problems Europeans faced on Timor “was how to conceptualise these native ‘polities’ to be able to deal with them through their rulers,” which proved a challenge in both mercantile and colonial eras as the shifting relations and alliances among multiple rulers was “bewildering to European officials” who had scant direct contact beyond the coastline (Fox 2000:17).

This section illustrates different aspects of colonial Portuguese efforts to govern the Oecusse region through indirect rule from the mid-1800s, and how the colonial government sought to know and to control indigenous polities (Silva 1898), with little success. Strategies included granting military status titles to identified authorities; securing vows of vassalage from the two discrete kingdoms of Oecusse and Ambeno; imposing Luso-Dutch political boundaries which did not reflect, but came to influence, indigenous boundaries; and estimating population through

census of the region. Finally, Portuguese recognition of acceptable customary authorities after the 1912 uprising partially reshaped the political landscape of Oecusse in ways that are still reflected in customary practices today. This is set forth in detail because some of these governance initiatives reported here are similar to those evident in modern state efforts at land and forest regulation (Doolittle 2004), revisited in Chapters Five and Six.

*Governance through (re)naming indigenous polities*

In principle, indirect rule relies on local authorities as identified and approved by the state to carry out its governance, in the process often redefining political entities from earlier customary divisions to units of administrative convenience (Henley 1995, Mamdani 1996). This phenomenon is widely implicated in colonial-era modifications of customary authority systems (Cunningham 1962:162ff., Henley 1996, Mamdani 1996:22-23, Sumardjono et al. 1994/1995, Ward 1995, West and Kloeck-Jenson 1999), but this procedure is still practiced by independent governments, non-governmental organizations, and others concerned with social and regional regulation (Hooper and Ward 1995:252, Ospina and Hohe 2001, Zerner 1994).

The Portuguese had ambivalent relationships to local authorities and practices, at times using them out of necessity and at times frustrated that they could not completely supplant them. In the case of Oecusse-Ambeno, the state faced perennial difficulties in securing loyalty and tribute, blamed on the region's geographic isolation and strong local authorities. Vassalage agreements were made and broken, but even in the 1880s these kingdoms were said to be of dubious fidelity to Portugal and known for not paying any taxes (Vaquinhas 1883a:327). The Portuguese met these challenges by attempting to draw existing leaders into the colonial structure by assigning them titles of position, and by appointing individuals amenable to their rule. These practices

appeared to recognize or to legitimize the colonially reified categories and levels of leadership, even as their interaction restructured the local hierarchies through simplifications (Scott 1998).

#### Choosing the leaders: Granting titles as a tool of indirect rule

The Portuguese introduced military titles<sup>99</sup> throughout western Timor early in their presence on Timor (Martins 1889b, Middelkoop 1960:21); titles of Portuguese origin persisted into new administrative divisions when Indonesia created administrative boundaries in formerly Dutch West Timor (Ormeling 1956:11). While it is still common to see individuals use titles such as *Cornel* or *Tenenti* in the eastern portion of Timor and in West Timor, these titles are rarely heard in Oecusse today.<sup>100</sup>

When the Portuguese government established its seat in Lifau, the first governor granted military commission or rank (P: *patente*) on existing authorities in an effort to “equalize all the kings of the island in power, making them immediately dependent on the superior Portuguese authority, which abolished the supremacy of some” in winning their obedience to the colonial government; the king (P: *rei*) of Oecusse was named “*tenente general*” (Castro 1867:54, my translation).<sup>101</sup>

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<sup>99</sup> Many of the same titles and practices were applied in Portuguese Mozambique, resulting in similarly ambiguous impacts on local authority structures after a period of conflict (West 1998, West and Kloock-Jenson 1999).

<sup>100</sup> This could be because their use diminished after the administrative center was moved to Dili from Lifau and the succeeding rule by Costa-Hornay used native positions of authority rather than these colonial civil designations. Recent descriptions of traditional positions in the main body of East Timor make frequent reference to the military titles (e.g., Gunn 1999, Pereira 1996, Sousa Xavier 1997), but there are rare mentions in relation to Oecusse. The Oecusse author Lelan ([2000]:11) mentioned *vetor* (=fettor in West Timor) as equivalent for *usif* (king).

<sup>101</sup> Martinho (1943:173) wrote that the first Portuguese governor conferred the title of “*imperador*” (emperor) on the two highest authorities in western Timor—Bé-Hále (Wehali) and Senobay (Sonba’i). In the process of “militarizing the colony” he also gave official titles to the *dato* (referring to a customary authority with recognizable land and people (174)), who were Léo-Ray (T: *liurai*) as *coronel* and *tenente-coronel*; village heads (*chefes de súcu*) as *major*, *capitão*, and *tenente*; and to settlement heads as *alferes* when they were also *dato*. Military guards for the kingdom were named *sargento-mór*. Acts of bravery

Citing a Dutch source, Boxer (1947:14) listed Portuguese military titles for some early Costa Topasses who attacked the Dutch (and lost) in 1749. Martins (1889b) reported the use of titles in Oecusse-Ambeno (*regulo*, general), as did Inso in 1912 (*mor*, settlement heads) (1939:73).

By Governor Affonso de Castro's time (1859-1869), the colonial government settled on the category of *liurai*, or king over a collection of *sucos*, as the central local customary authority for governance purposes. Despite some recognition that real power over land and people lay at the lower village (*suco*) level,<sup>102</sup> there may have seemed too many village heads to use them exclusively in colonial indirect rule. Assigning military titles and identifying governable social units was part of a larger effort to extend colonial governance, that advanced principally under the leadership of Governor Castro. This included forming eleven administrative districts made up of grouped member kingdoms<sup>103</sup> to facilitate governance (in 1860, and adding Oecusse as a military district by 1863), calming local conflicts, and education for natives in the Oecusse-Ambeno

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could be rewarded with additional titles, such as *brigadeiro*. Timorese militia or *moradores* were called *sargento* or *cabo* (176). Martinho noted that titles fell into disuse, and acknowledged that some *dato* (called *principe*, prince) held positions as “remains of an old aristocracy” while others never had gone by that name, used by both men and women (174, my translation). Governor Silva (1897:36, 38) similarly used titles during his military campaigns.

<sup>102</sup> In the mid-1800s, Governor Castro's understanding or projection of Timorese social organization (Castro 1867:18) was that the most important power rested not in kingdoms, but in villages (*sucos*), independently governed by *datos* or village-level lords of the land, the true origin of native authority, who had power over land and people. He posited that *dato* expansion developed the kingdoms, eventually headed by the kings or *liurai* (both Tetum terms are commonly used in eastern Timor today). Castro viewed the *datos*' great power over people and land as indicative that Timor had been divided not in kingdoms but in *sucos*, independently governed by *datos*. *Datos* subjugated other *sucos*, eventually forming the kingdom headed by *liurai* in a form of an elected, hereditary monarchy, in which the *datos* selected one of their equals to be the *liurai* (18). Although the term *dato* is not presently used in Oecusse, Castro (1867:51) mentions *datos* in Lifau killing a priest. Comparing the land authority roles of Oecusse *tobe* with *dato* in Viqueque in eastern Timor, the national director of Land and Property believed the two figures could be similar in some aspects, although *dato* today seem to be more administrative than Oecusse's ritual *tobe* (pers. com., Pedro de Sousa Xavier, June 2003). *Dato*, like *tobe*, must be autochthonous or early settlers to a region, but *dato* are more politically involved than *tobe* in village affairs. In western Timor, Meto language terms for authorities include *usif*, *naijuf*, and *tobe* (Schulte Nordholt 1971), but these terms were not used by the Portuguese in regard to Oecusse; rather, the Portuguese applied Tetum terms from eastern Timor.

<sup>103</sup> Decades later, Martinho (1945) proposed a new administrative division based on regional dialects.

region (de Oliveira 1950:7, 44, 56-65). Still, Dores wrote that outside the capital Dili, the traditional kingdom-*suco* structure and authorities persisted into the late 1800s despite various governors' efforts to organize them into districts (1901:764). One of the most influential controls the Portuguese exercised was in naming *suco* leadership: either in validating existing leadership, appointing village-level customary authorities (*naijuf*) to government positions over their village domains (as *chefe de suco*),<sup>104</sup> or in selecting individuals more amenable to colonial rule (Cinatti Vaz Monteiro Gomes 1974:99).<sup>105</sup>

### Vows of vassalage

Conferring titles was linked to soliciting vows of vassalage from local authorities, a means to bring wayward or rebellious leaders into the colonial fold. Following the government's 1769 relocation from Lifau to Dili, a new governor appointed in 1785 named Oecusse's Pedro Hornay "*tenente general*" and after 1790, an Oecusse priest swayed Hornay and his brother-in-law, the Ambeno king (*rei*), to make vows of loyalty on a trip to Dili and to supply fighters against a rebellious region (Castro 1867:102-103, Castro 1944:41, 43). The late nineteenth century saw renewed efforts to win over and achieve fidelity of the local leaders that included vassalage

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<sup>104</sup> In some *sucos* of contemporary Oecusse, this bifurcated local political leadership into customary and state-appointed; claimants to be the true village head may draw their authority from the time before the Portuguese designated *suco* leadership, or from their (great-)grandfather's Portuguese appointment as *chefe de suco*. It is notable that while customary village heads (*naijuf*) were often named as *chefe suco* in Portuguese times, the king (*usif*) and ritual figures (*tobe*) were not always named to an administrative government position.

<sup>105</sup> Cinatti wrote that after the 1912 rebellions, "the substitution of the rebellious *chefes*, linked to the recognized hierarchy, with others arbitrarily chosen, without prestige of genealogy or politics in the local society, contributed much to the weakening of the internal organization of Timorese institutions" (1974:99, my translation). Later when the Portuguese tried to correct their error, it was too late: "the precedent was set: the true *chefes*, living supports of the political and economic institutions, had been depreciated by external agents" (99, my translation). The Timorese went on to create their own secondary institutions, like council of elders, from the original hereditary hierarchies. In 1960, administrative reorganization legalized the council of elders and gave it a place in the political system, allowing the hereditary *chefes* a place in the new structures (99).

agreements, although one officer lamented that a *regulo*'s declaration did not obligate the people in any way (Martinho 1938:4).

The kingdom (P: *reino*) of Ambeno and the kingdom of Okusse made separate pledges of allegiance to the King of Portugal, recorded in two documents that recount the “terms of vassallage” during representatives’ August 1879 visit to Dili (Governo de Timor 1879). The Timor governor explained that these kingdoms last offered their pledges in 1861; the kingdoms’ willingness to offer the 1879 pledge is credited to the work of Father Xavier,<sup>106</sup> who “has achieved the most brilliant results for morality and public order” by guiding them into obedience to the authorities (264, my translation). Two princes (*principaes*) of Oecusse, Domingos da Costa and Alexandre Hornay dos Santos Cruz, representing the king (*rei*) of Oecusse<sup>107</sup> made the vow of vassallage, and the document was signed by forty-nine provincial government, church, and Oecusse-Ambeno figures assigned military titles, including five princes of Ambeno.<sup>108</sup> A simultaneous vow was made by the head of the kingdom of Ambeno, Pedro Paulo dos Santos Cruz, designated as *coronel rei* (of lower rank than the *rei* of Oecusse); this document is signed by fifty-two individuals, including the same five princes of Ambeno, but no named representatives of Oecusse. The distinction between a *rei* of Okusse and a *coronel rei* of Ambeno implies a Portuguese-recognized, or perhaps Portuguese-imposed, nested hierarchy between the two kingdoms; Chapter Three further discusses Portuguese recognition of distinct native kingdoms.

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<sup>106</sup> This was presumably Francisco Xavier de Mello, who signed both documents and is listed as “parcho e missionario de Okusse.” This may be the individual mentioned in the first narrative in Chapter Three.

<sup>107</sup> The king, João Hornay Madeira, could not travel to Dili due to poor health.

<sup>108</sup> The five Ambeno princes were Antonio dos Santos Cruz, Carlos Hornay da Cruz, Simão da Cruz, Paulo de Cruz, and Bartholomeu Fernandes.

### *Eliminating enclaves, governing Oecusse*

Over the eighteenth and nineteenth centuries, the Dutch presence strengthened and expanded throughout western Timor from their base on Timor's western tip in Kupang, while the Portuguese escaped both Dutch pressure and Costa-Hornay resistance by relocating their capital, and colonial focus, eastward. It is notable that neither European power exercised secure governance over their sectors until the early twentieth century. Nevertheless, the Dutch and Portuguese undertook protracted colonial border definition over nearly a century, until full implementation in 1916. The negotiations eventually met their objective of eliminating most colonial enclaves, leaving Oecusse-Ambeno as the only Portuguese territory in western Timor.

#### Colonial border definition: creating the enclave

The Dutch maintained a small, contained presence at Kupang from the mid-1600s until after 1800, reluctant to risk additional defeats at the hands of the Costa-Hornay powers (Fox 1977, Fox 2000:10). In 1756, the Dutch East India Company commissioned the Italian envoy Paravicini to secure a contract with the rulers on Timor and neighboring islands, producing a document that outlined local political circumstances even as it "asserted Dutch claims to large areas of the island claimed by the Portuguese," although in actuality it was the Topasses who controlled western Timor (Fox 2000:12). The Paravicini treaty lists Nay Kobe [Nai=lord] as king (koning) of Taybenoe (Ambenu) and Sitenomie as king of Liphoea [Lifau] (Stapel 1955:88). At that time, Timor's colonial claims were a collage of enclaves across the center and west of the island. The Portuguese claimed a Topasses-controlled area that extended far south of present-day Oecusse and through interior mountain ranges; figures from this period estimate the size of the Oecusse region at 2461 km<sup>2</sup> (de Oliveira 1949:15), certainly not an accurate figure given the undefined

border and lack of Portuguese knowledge about the interior, but still a number more than three times greater than the current size of the Oecusse enclave.<sup>109</sup>

The impetus to clarify colonial boundaries began soon after the end of the Napoleonic Wars, during which the British occupied Dutch possessions, including Kupang (1812-1815). In that period, the Portuguese opportunistically claimed formerly Dutch Atapupu (Farram 1999:42), located between Oecusse and Dili and home to a well-known port. The Dutch re-took Atapupu in 1818 and similar incidents occurred through the first half of the nineteenth century. But in 1847/48, native leaders on neighboring Dutch-claimed islands (Pantar and Ombai/Alor<sup>110</sup>) requested that the native ruler of Oecusse intervene in settling a conflict (Ezerman 1917:872-873, Heyman 1895:19), and the Oecusse ruler subsequently declared Portuguese authority over the region, in spite of official Portuguese rejection of this move from Dili (Farram 1999:42-43, Gunn 1999:147).

These incidents, in which Oecusse and other customary leaders acted autonomously and without regard for nominal colonial land divisions or alliances, precipitated a push to settle colonial boundaries. In 1851, the Dili governor declined the Dutch offer to buy all Portuguese territories, but did accept a much-needed cash payment and several Dutch claims on Timor in exchange for Portuguese areas on Flores and Solor (Farram 1999:43). In 1859, the European powers ratified a demarcation treaty “based on a division of native states whose mutual boundaries were not determined. The size of the different enclaves and exact boundary between East and West Timor

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<sup>109</sup> The 1893 treaty named the kingdoms of Ocussi and Ambeno as covering 2461 km<sup>2</sup> (de Oliveira 1949:15); modern Oecusse is approximately 815 km<sup>2</sup> (1997:3). In 1898, the first European measurements of Timor’s south coast revealed that “the island turned out to be about one-eighth smaller than previously thought” (Farram 1999:46). For East Timor’s area as a whole, Sherlock’s compilation reveals that Portuguese statistical sources described East Timor’s area as around 18,990 km<sup>2</sup> until a figure of 14,925 appeared since 1954; publications in recent decades still vary by over 4000 km<sup>2</sup> (1999).

<sup>110</sup> Some residents of Alor retained tributary alliances to Oecusse until at least 1879 (Farram 1999:45).



came to rest on a variety of local traditional claims to territory” (Fox 2000:14); the colonial agreement was in essence “a realignment of many of the same territories nominated in the [1756] Contract of Paravicini,” entities constantly rearranged through ritual warfare, seasonal raids, and migration (17).<sup>111</sup> Although several substantial enclaves were swapped in this agreement, Dutch efforts to obtain the Oecusse-Ambeno region, including the Topasses’ stronghold of Noimuti, proved unsuccessful.<sup>112</sup> Indeed, Oecusse’s Portuguese status strengthened as the Dutch ceded the heavily forested western coast of Citrana<sup>113</sup> to the Portuguese, having struck a Dutch alliance with the local ruler in 1817 (de Oliveira 1949:322, Farram 1999:43-44).

With the rise of Portuguese statecraft in the late 1800s, the two colonial powers on Timor again conspired to do away with the remaining contraband-ridden enclaves<sup>114</sup> scattered across the island by exchanging territory to form contiguous areas (de Oliveira 1949:14). In 1893, both European parties agreed to demarcation (Fox 2000:14, 16, Heyman 1895). In 1898, problems with fixing hard colonial borders on mutable traditional boundaries under nominal colonial rule surfaced during the initial border surveying (Farram 1999:46). In 1899, surveyors encountered local, armed opposition to defining Oecusse-Ambeno’s eastern border (Tunbaba) by native groups on both sides enmeshed in a long-term conflict (Farram 1999:47). Then, the Oecusse ruler claimed

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<sup>111</sup> Ormeling (1956:11) believed that existing administrative boundaries represented the domains of native states.

<sup>112</sup> Regarding territorial distinctions, Article 3 of the 1859 demarcation of Dutch and Portuguese territories divided what they understood to be the native state of Ambeno, stating that “the enclave of Oecusse includes the state of Ambeno in all the parts which have flown the Portuguese flag, the state of Oecusse properly said, and that of Naimuti” (de Oliveira 1949:322, my translation).

<sup>113</sup> Portugal and Indonesia again disputed Oecusse’s western border in 1970 because of a changed rivercourse (Farram 1999:52). From 1999 to 2004, ownership of this portion of the Citrana region was repeatedly contested between East Timor and Indonesia.

<sup>114</sup> Citrana was known in the early 1870s (Dores 1901:767, 818) as a settlement in the kingdom of Ambeno “where the kings of Okussi have always dealt in contraband” (818, my translation). Silva warned his troops to be on guard against opium contraband (1898:104); around this time, an Oecusse priest wrote about opium use in Oecusse (Teixeira 1974b:256).

Noimuti as joined to Oecusse by the Bikomi strip<sup>115</sup> which was also claimed by an adjacent kingdom, bringing border definition in eastern and southern Oecusse to a halt (Farram 1999:47-48).

In 1899 (as in 1817, 1847/8, 1851, 1859, and 1891), the Dutch again offered to purchase Oecusse, but were turned down (Farram 1999:42-45, 48). A prime agenda item at a 1902 conference was Oecusse's eastern boundary, and expansive Portuguese claims caused the Dutch to threaten arbitration on the existence of Oecusse as an enclave, deemed unacceptable after the 1893 treaty (Farram 1999:48-49). In a 1904 treaty, the Dutch kept the disputed Tunbaba region, and were to acquire both Noimuti and the Bikomi corridor once the Oecusse borders were surveyed, a process resumed in 1909 that again stalled when Dutch and Portuguese surveyors disagreed on which river constituted the border (49).<sup>116</sup> In 1913, both sides agreed to allow the Permanent Court of Arbitration to settle the dispute over Oecusse's boundaries, with judgment issued in 1914 and finally ratified in The Hague in 1916 (49-51). The Court had to rule on boundaries contested by native residents and colonial representatives alike, in the end upholding the border agreed to in 1899 that reflected a colonially-recognized partitioning of the Ambeno kingdom in 1859, based on the political geographies as set forth in Paravicini's 1756 document (50). Ironically (after a century of Luso-Dutch disagreements), the Court viewed *native* testimonies as so conflicting, and Timorese treatment of territorial boundaries as so mobile, that the outcome favored existing divisions (50). Years later, a military administrator noted that political borders were of little practical importance to the Oecusse residents, since in the delimitation the Portuguese had ceded

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<sup>115</sup> Durand (2002:51) illustrates the disputed Bikomi corridor. Oecusse oral histories recount that during WWII, some inter-*suco* offenses were compensated by transferring portions of sandalwood-rich border land from one *suco* to another, a very unusual case of a *suco* giving up land; recurrent disputes on that land still occur today.

<sup>116</sup> A 1911 map illustrates that the borders remained contested in several regions, most notably the entire northeastern portion (Tunbaba) and parts of Passabe on Oecusse's southern tip (Negócios Externos 1913); during 2002-04, land disputes persisted in these same locations: the sites of inter-colonial border uncertainties were still sites of the most intractable land disputes in the independent state.

to the Dutch some regions settled by friends and relatives of Oecusse people (Martinho 1945:267-268).<sup>117</sup>

Swapping Oecusse?

It seems remarkable that Oecusse alone remained a Portuguese enclave, however nominal colonial authority was in the region. Farram posits that the long negotiations dedicated to this relatively small region were related to the sandalwood wealth in eastern Oecusse (1999:50-51), still popularly known in 2004. Ormeling noted that Dutch surveyors took special note of sandalwood along the border in 1915, subsequently cut by the colonial forestry unit in the 1930s (1956:99, n.1).

Even so, Portuguese insistence on retaining the enclave seemed far out of proportion to Oecusse's economic value at the border negotiation stage. Although Oecusse people have strong language and kinship ties to Dutch/Indonesian West Timor, Oecusse authorities' resistance to politically join West Timor served to maintain Oecusse's links with distant eastern Timor. Throughout the twentieth century, Oecusse remained a political enclave in part because powerful customary leaders fostered a regional identity with ritual Catholicism and nostalgia for Portuguese heritage at its core—recently magnified through the independence struggle—thus ensuring an affiliation with a distant central government that permitted them to maintain their privileged autonomous positions. Such identity and strategy have proven resistant to centuries of opportunities to ally with any other authorities, or to submit fully to the remote ruling administration.<sup>118</sup> Historically,

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<sup>117</sup> The Oecusse-West Timor boundary barely impeded local people's travel in the region during Portuguese rule, and was eliminated under integration with Indonesia. Post-independence resurrection of this border has brought economic and social hardships on the Oecusse people, as described in Chapter One.

<sup>118</sup> Portuguese control in Oecusse was tenuous while Lifau was the center of Portuguese government on the island, and even looser when the capital transferred to Dili. In the early 1870s, neither Ambeno nor

in controlling sandalwood trade and other practices of power, local authorities derived some economic and political benefit from Oecusse's enclave status as largely beyond the reach of the state.

Colonial powers had once anticipated exchanging their possessions on the island of Timor for African islands (1888, Almeida 1888), and territorial exchanges were regionally common among colonizers (e.g. on Timor, de Oliveira 1949:320-326). Many Portuguese considered Oecusse a possession of dubious loyalty and a bureaucratic inconvenience, and they called for its exchange for some suitable portion of Dutch claims. Yet, at critical points Oecusse remained Portuguese not only because of its historic value, but because the leadership contributed troops to the Portuguese cause. Governor Celestino da Silva (1894-1908) wanted to swap Oecusse, Ambeno, and Noimuti for Atapupu on Timor's north coast, but this did not occur because these kingdoms contributed so many useful forces to the Portuguese side during the 1896 conflicts and in other wars around the time the Dutch-Portuguese border definition was underway, and because of their strategic utility to Portugal<sup>119</sup> (de Oliveira 1950:348).

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Oecusse paid tax (despite various governors' efforts to secure it) nor sent auxiliary troops to the Portuguese, whose authority was nominal (Dores 1901:767, 774, 814). As throughout Timor, the colonial government sought vassalage agreements that were repeatedly disregarded in new rebellions (Governo de Timor 1879). The Dutch were equally unable to gain and to hold Oecusse (Fox 2000, Gunn 1999). After the crushing 1656 defeat, the wary Dutch position on Timor was one of avoiding confrontation with the Topasses until about 1800; the Topasses tried to eliminate the Dutch in Kupang in 1735, 1745, and 1749 (Fox 2000:10). After the Portuguese flight to Dili in 1769, "Francisco de Hornay offered the Dutch East India Company the possession of Lifao, an offer that was officially considered and declined" (Fox 2000:10-11). Later, despite at least six formal efforts to purchase Oecusse during the 1800s, the Dutch never managed to control it in even a nominal administrative sense.

<sup>119</sup> Around the critical treaty-making years when the enclave could have been traded to the Dutch, Oecusse-Ambeno made significant military contributions to the Portuguese pacification efforts in eastern Timor (Silva 1897). Okussi and Ambeno sent 860 auxiliary forces, under the command of Brigadier and *regulo* D. Bernardo of Ambeno, to combat rebellions in south central Timor (Silva 1897:112-113, 122). The *chefe* of Okussi, D. Antonio dos Santos Cruz, was seriously injured in battle (117). The Okussi-Ambeno troops were said to be brave, valiant, and tireless in battle, if less disciplined than their eastern counterparts (122); their leader D. Bernardo was recognized for bravery and loyalty, although his Liquiça counterpart was deemed "many times superior" in these respects (122). Others receiving special distinction included a prince of Okussi, José Antonio da Costa (son of the *regulo* D. Domingos) and the brothers of the Ambeno *regulo*, named here as D. Antonio dos Santos Cruz (122; on 177 as of Okussi).

Even after the formal border agreement in 1916, colonial calls to trade Oecusse persisted. After four years in Oecusse, Tenente Coronel Correia suggested that the enclave be swapped for a more accessible portion of the island (1933). Capitão Martinho, who served in Timor for 25 years (Viana 1943:XIX), noted that Oecusse's economic value to the colony was null after the decimation of sandalwood stocks, even calling the enclave "a stumbling block for our administration" that should be traded for the central portion of the island as part of colonial house-keeping (Martinho 1945:38, n.1, my translation). But he explained that Oecusse was nevertheless of political value, and that the Portuguese conserved a national fondness toward Oecusse as the founding place of Portuguese presence on Timor—a curious sentiment, given the ignominious efforts at governance in Lifau. He expressed nostalgia alongside appreciation for the fidelity of contemporary rulers: "There [in Oecusse] are still our most ancient traditions of merchants and warriors, and the foundation of the old kingdom of Oê-cússi by the settlers from Malaca, whose descendants there maintain, more than do the religious orders, sufficient defense of our dominion, to consider this *jurisdição* the most important from the political viewpoint" (Martinho 1945:38, my translation).

It seems that the good relations between the long-reigning Oecusse *regulo* Hugo da Costa (died c. 1950)<sup>120</sup> and the Portuguese in the early twentieth century also contributed to Oecusse's continued inclusion in Portuguese Timor. Writers noted his allegiance with the Portuguese in the 1912 rebellion (Inso 1939:57-86, Parada 1974:567), praised his remarkable and unique ability to continue to collect taxes even during the Japanese occupation and to avoid privations during the Second World War (Carvalho 1947:457), calling him "the always faithful *regulo* [who] knew how in this difficult moment to keep himself in his post, thanks to political dexterity and to the

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<sup>120</sup> The year Oecusse people mentioned for his death ranged from 1948 to 1952; a 1956 source mentioned the "recently deceased" *chefe* (Procuradoria da Diocese da Dili em Lisboa 1956:XX).

prestige he held among his people” (459, my translation). The Costa family was also credited with preserving Christian traditions alongside fidelity to Portugal in the enclave (Procuradoria da Diocese da Dili em Lisboa 1956:XX). The Costa family is still responsible for a central Catholic tradition in Oecusse, the Good Friday procession of Senhor Morto around Oecusse town, further described in Chapter Three.

After East Timor came under Indonesian rule, some proposed that Oecusse be administratively unified with the province of West Timor, but Oecusse political leaders, including those active in the resistance movement, vigorously opposed this suggestion on historical and religious grounds, and Oecusse remained an enclave of the province of East Timor and reported to Dili.<sup>121</sup> Early in East Timor’s independence, international efforts to secure reliable transportation and communication between Oecusse and the main body of East Timor met with difficulties.

Remarkably, the suggestion to swap Oecusse resurfaced even after East Timor’s independence: MacIntyre, an Australia-based academic, regarded the enclave as a problematic “historical anomaly...costly to service and defend. Given that relatively few people live there and it has no major economic significance, it may well be that East Timor should consider trading this small

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<sup>121</sup> According to one political leader in Oecusse, there was some pressure for Oecusse to merge with the province of West Timor, but the rapid, temporary multiplication of the administrative units in Oecusse permitted the district to qualify as a *kabupaten* within East Timor. As East Timor was incorporated into Indonesian national governance structures, Oecusse became a regency (*kabupaten*), and administrative divisions largely followed those in existence during the Portuguese era; Oecusse’s eighteen *sucos* listed in 1952 became the eighteen *desas* under Indonesian administration (Sherlock 1983).

Portuguese era	Indonesian era	CNRT, Independence	Head’s title
Distrito/circunscrição	Kabupaten	Distrito	Bupati
Posto	Kecamatan	Subdistrito	Camat/chefe de posto
Suco	Desa	Suco	Kepala desa/chefe suco
Aldeia	Dusun	Aldeia	Kepala dusun/chefe aldeia

\*CNRT=National Council of Timorese Resistance

(In practice, Oecusse people use terms interchangeably, e.g., in Oecusse the top government official is officially known as District Administrator (English, introduced during the transitional UN administration) or *Administrador Distrito* (T, P), but he is usually referred to with the Indonesian term *Bupati*. The Subdistrict Coordinator continues to be called *Camat* (I), but the terms *chefe suco* and *chefe aldeia* have completely replaced their Indonesian-era counterparts.)

geographical outpost with Indonesia for some suitable territorial or policy concession,” hinting that Oecusse might even be used as leverage in resolving the maritime boundary issue with Australia and Indonesia (2003:225-226).

Citing Lifau as the site of Portuguese landing on Timor and pointing to Oecusse’s role in the introduction of the Catholic Church to the island remain significant modern points of pride among Oecusse people. “Without Oecusse, there would be no East Timor” is a common refrain. History provides the justifications for their enduring identity as part of Portuguese/East Timor, even as it relegated them to an enclave, peripheral to central administration and relatively neglected by the Dili-based government.

#### Census of the unknown

From the mid-nineteenth century, Portuguese censuses reveal the scope of colonial knowledge about the regions under nominal control (cf. Anderson 1991, Cohn 1987). It is notable that Portuguese documents focus almost exclusively on the Oecusse kingdom and leadership under the Larantuqueiro Costa family, while even the roughest estimates at census for Oecusse and Ambeno<sup>122</sup> indicate that Ambeno was by far the larger kingdom. But without colonial visits, Ambeno could not take its place in the history books (Dores 1901:774, 812). The census summaries below illustrate the diverse colonial conceptions of the region as one, two, or three kingdoms, some possessing their own enclaves in eastern Timor; the variability may reflect both the colonial bewilderment regarding native politics and dynamic realities of changing alliances (Fox 2000:10). Chapter Three contains further discussion of Oecusse-Ambeno kingdom distinctions.

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<sup>122</sup> Portuguese place the Noimuti enclave, which was traded to the Dutch in 1904, as part of Oecusse, part of Ambeno, or as a kingdom on its own. See chart in Figure 3.

Catholic Church statistics from 1856 mention that the kingdom of Ambeno had two poorly equipped churches in Citrana (Suritana) and Nunheno [both still coastal/lowland locations for a largely mountain kingdom] with 220 Christians, who received baptism in Oecusse because they had not had a priest in more than fifty years (Barreto 1858:480). Naimuti had just over 300 Christians. At that time, Oecusse had more than 1100 Christians and a fuller complement of religious implements (480).

From data collected during visits to Oecusse-Ambeno in 1871-1873 (Dores 1901:767), the three kingdoms (P: *reino*) of Ambeno, Naimute, and Oecusse were only nominally under Portuguese control, not paying any taxes or sending labor, and not respecting Portuguese authority; all three kingdoms were known to export much sandalwood through Oecusse, both the wood and roots (774, 812, 814). While the Oecusse population was reportedly 5000 households with 35,000 individuals (814), for Ambeno and Naimute it was considered impossible to calculate the populations, since no Portuguese was known to have traversed the interior regions (Dores 1901:774, 812).

Vaquinhas (1883a:327) wrote that the (singular) kingdom of Oecusse and Ambeno was divided in two parts:

Okusse has 8 sucos, 2 of which belong to the regulo...and they contain 49 settlements.... It has a territory [*jurisdicção*], called Fatomasse, enclaved in the kingdom of Montael, near Dili...[that] produces much coffee. The population of Okusse and of its territory is 7,917 persons and 5,468 heads of cattle. The population of Ambeno, with its territory Noimute, is not less than that of Okusse, neither in inhabitants nor in cattle, again offering no figures for Ambeno or Noimute (327). He noted that “the kingdoms produce in abundance much sandalwood and some wax which is exported, and in Sytrana [Citrana] much



rattan” (Vaquinhas 1883a:327), but that the “fidelity of these peoples to the government is doubtful, [as] they do not satisfy tax or other obligations” (328, my translation).

From an informal 1881-1882 census conducted in the course of Church visits,<sup>123</sup> Ferreira presented a different kingdom structure. He listed Oecusse with Noimuli [Noimuti] as one kingdom; Oecusse reportedly had approximately 2000 Vaqueno-speaking persons (including 1500 Christians), while Noimuli had 12,000 individuals (including 100 Christians) (1902:130). Additionally, Oecusse had two territorial enclaves: Fatumasse [in present-day Liquiça district], with 600 Toco-dede speakers (including 20 Christians), and Seixal [in present-day Baucau district], with 800 Maca-sai speakers (including 50 Christians). By contrast, the Ambeno kingdom reported 18,000 Vaqueno-speaking individuals, including just 1000 Christians.

Schulte Nordholt noted that at Noimuti’s cession to the Dutch in 1910, there were 110 adult Christians and 57 children who had been christened by the Oecusse priest on his occasional visits (1971:456). The religious practice bore few marks of Portuguese influence: “an integration of the old and the new had taken place which had left remarkably much of the old intact” (456).

At the time of the 1912 rebellion, Inso reported that *Regulo* D. Hugo [da Costa] related that his kingdom had been much larger, but “after the partition with the Dutch, it had been reduced to a very narrow strip of land at the foot of the sea, where there were 4 *sucos*—groups of families or settlements governed by a chefe, or *Mor*—with a population of around 3000 individuals” (Inso 1939:73, my translation).

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<sup>123</sup> Ferreira (1902:131) noted that the figures were given by *regulos* and other indigenous authorities, and were not necessarily reliable as mistrusting or fearful individuals tended to reduce the figures in reporting.

Martinho explained that Ambeno supported larger settlements than Oecusse because Ambeno had better agricultural soils (1945:268). Oecusse had 7623 inhabitants in 64 settlements, with just one settlement over 300, 6 over 200, 12 over 100, 18 over 50 and 27 under 50 residents. Ambeno had 37 settlements with distribution as follows: 2 over 700, 2 over 400, 4 over 300, 4 over 200, 16 over 100, 6 over 50, and 3 under 50 residents; Martinho gives no population total for Ambeno, but with this distribution it was at least as populous as Oecusse (268).

Figure 3. Oecusse-Ambeno populations as given in sources

<i>Source: year of estimate; publication; position</i>	<i>Population Oecusse</i>	<i>Population Ambeno</i>	<i>Population Noimuti</i>	<i>Notes</i>
1871-1873 Dores, (1901:767)	5000 households, 35,000 individuals	Cannot calculate	Cannot calculate	
1883 Vaquinhas (1883a:327): (long-term) Portuguese administrator	7,917 persons and 5,468 heads of cattle	More people and more cattle than Oecusse	Territory of Ambeno	8 <i>sucos</i> (2 of the <i>regulo</i> ), 49 settlements; Fatomasse enclave in Montael kingdom
1881-1882; Ferreira	2000 (1500 Christians); 2	18,000 (1000 Christians)	12,000 (100 Christians); part	

(1902:130); visiting Catholic Church representative	enclaves: Fatumasse, Toco-dede population 600 (20 Christians), and Seixal, with 800 Maca-sai (50 Christians)		of Oecusse kingdom	
1912 Inso (1939:73): Portuguese military, from <i>Costa regulo</i>	Population 3000			4 sucos (Fulica, Acumata, Sabos, and Oekussi)
1945 Martinho (1945:268): long-term Portuguese administrator	7623 residents, with one settlement over 300; 6>200, 12>100, 18>50 and 27<50.	2>700, 2>400, 4>300, 4>200, 16>100, 6>50, and 3 <50.		Ambeno land better than Oecusse land, for rice and corn
1954 Procuradoria da Diocese da Dili em Lisboa (1956:XIX)	17,394 inhabitants (6771 Catholic)			

1972 Parada (1974): Oecusse priest 1941-1972	25,000 inhabitants (19,000 Catholic)			
1950s/1987 Daschbach (1987:10): priest in western Timor since 1966	[1987] 43,000 people (42,500 Catholic)			[1950s] 17,000 people (6000 Catholic)
1996 (1997:43): Indonesian government statistics	Population 55,132			

Population figures given are summarized in Figure 3. While the figures themselves should not be taken as definitive—indeed, as Ferreira (1902:131) noted, his figures were based on information from *regulos*, who in his estimation tended to give lower numbers for their populations, although inflation or random guessing may also be possible—in their comparisons they do indicate some salient points regarding Portuguese conceptions of local populations. From the 1871 and 1883 calculations, the Ambeno and Noimuti regions could not be estimated, as Portuguese had not entered the areas (1901:774)—the regions being known chiefly for their forest exports, almost certainly mediated by local authorities. In the late nineteenth century, Oecusse evidently had authority over one or two distant locations, and large numbers of cattle (Ferreira 1902, Vaquinhas 1883a). From 1883, the populations of the highland regions of Ambeno and Noimuti were known to be greater, and with far less Church influence, than that of coastal Oecusse. In the early

twentieth century, interior highland Ambeno was believed to have many large settlements (P: *povoações*), compared to coastal Oecusse's numerous smaller settlements; Oecusse had one settlement larger than 300, to Ambeno's eight, and Oecusse had forty-five settlements under 100, against Ambeno's nine.

### *The 1912 uprising and local political transitions*

Between 1847 and 1913, the Portuguese launched at least sixty expeditions to subdue the Timorese in their territories (Fox 2000:16), but in Martinho's list of military campaigns of occupation from 1807 onward, there is no mention of Oecusse-Ambeno until 1911 (1938:7). Martinho stated that the 1911-12 military campaigns "marked the definitive ruin of the *regulado* [kingdom structure] of Timor," and that some *regulos* fought bravely on the Portuguese side, while others lost or fled with their subjects (1938:6, my translation). Martinho (1943:176) pinpointed the 1911-1912 military campaigns as decisive in diminishing the prestige of the customary authorities and raising the status of the *liurai* selected for their loyalty in the 1911-1912 wars. Leaders faithful to the Portuguese received the title of *Lyorai* (*liurai*) over conquered zones, "but their prestige never reached the height of their predecessors" who had held positions of power based on inherited authority (1938:7, my translation).

The 1912 uprising brought about one of the most significant major transitions in Oecusse-Ambeno leadership. Following the Manufahi Rebellion (Pélissier 1996), the Ambeno king<sup>124</sup> and several suco heads attempted to expel the Portuguese, prompted by the introduction of a new head

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<sup>124</sup> Inso (1939:73) distinguished the Oecusse-Ambeno kingdoms territorially, stating that the rebellious Ambenos crossed into Oecusse territory. Inso indicated a geographic boundary between the two kingdoms, citing the Costa king's own interpretation of his realm. It was "the Ambenos" who revolted, crossing the border of Oecusse and causing nearly all of the residents to flee, except a few families related to the king who boarded the Portuguese ship and fled.

tax and growing resentment of colonial domination and *corvée* labor.<sup>125</sup> Native warriors (*meob*) and *suco* leaders (*naijuf*)<sup>126</sup> took all non-Church Portuguese in Oecusse to the then-palace area of Ambeno, Nunheno, and killed them (mentioned in Martinho 1938:10). Portuguese forces responded by bringing ships. Jaime do Inso described the Portuguese response, bringing African soldiers,<sup>127</sup> eventually destroying Oecusse town (Inso 1939); Oecusse's coastal church was destroyed in the fighting, and Oecusse accounts of the fighting describe many *meob* killed fighting on the beach.

In the course of this rebellion, the Ambeno king (João da Cruz) fled to Dutch West Timor and was later replaced by Oecusse king Hugo da Costa, who was loyal to the Portuguese and left Oecusse by boat with the Portuguese during the conflict.<sup>128</sup> Returning to Oecusse after the rebellion had been quelled, Hugo Hermenegildo da Costa came to be recognized as the ruler of

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<sup>125</sup> Inso proposed that the Ambeno rebellion resulted from a different motivation than the Manufahi and other rebellions at that time (Pélissier 1996), attributing the troubles in Oecusse to a romantic intrigue involving the Costa-Hornay families, or that military commanders mistreated native people (Inso 1939:71). Modern Oecusse versions of the events explain burdensome Portuguese practices as the seed of the anti-colonial events. Martinho (1938:5) stated that those *regulos* who had lost prestige during the transition to formalized colonial governance were behind the revolt.

<sup>126</sup> Schulte Nordholt (1971) noted that Bobometo participated in the revolt. Parada implicated two traditional leaders in the revolt, alongside the Ambeno king (1974).

<sup>127</sup> Martinho (1938:10) noted that the Portuguese response was under the command of capitão Pimenta de Castro, and consisted of African soldiers and 150 *moradores* (Timorese militia) from various places in eastern Timor.

<sup>128</sup> When Portuguese soldiers arrived, Hugo da Costa told them that his kingdom consisted of 4 *sucos*--Fulica [Tulica, Lifau], Acumata [Aen Mat=Cunha?], Sabos [Lalisuk?], and Oékussi [town]--with 3000 inhabitants (Inso 1939:73). Hugo da Costa told them that his kingdom had previously been much larger, but lost land through the divisions to the Dutch. The interpretations of these names in brackets come from interviews in which I mentioned the now-displaced names in Inso's account and Oecusse leaders responded immediately with the modern *suco* names. Acumata-Sabos is now called Cunha-Lalisuk, although the border between these two *sucos* is said to be unclear. A *naijuf* of Cunha [note: all other *sucos* say Cunha has no *naijuf*, but he is self-identified as such and by Cunha residents, as son of the former *chefe suco*] vehemently denied that the name "Sabos," derived from "Savu" and denoting Cunha residents' origins as the small island by that name off Timor's west coast, had ever been used for Cunha. Instead, he proposed that the origin of the *suco* name Cunha is from Coimbra, in Portugal, the Cunha residents' purported land of origin, before they accompanied the Costa king from Portugal to Oecusse.

Oecusse-Ambeno.<sup>129</sup> Although intermarriage among the Costa-Hornay-Ambeno royal families occurred since the 1600s (Heyman 1895:33, Middelkoop 1968:50-51, 54), many say it was Hugo da Costa’s (second) marriage to Anita da Cruz, daughter of the Ambeno king, that legitimated his rise to control the entire Oecusse-Ambeno region. After this rebellion, Nunheno ceased to be the Ambeno palace, and a relative of the Ambeno king was named, with the new king’s residence on the coast at Tulaica (Tula Ika).

During the rebellion and until 1914, many of the former *naijuf* fled Oecusse for Dutch West Timor, and they were replaced by *suco* leaders acceptable to the Portuguese administration. These new *suco* leaders were taken to Dili to swear allegiance to the Portuguese state. In some villages, the coexistence of two *naijuf* can be traced to this event.

Figure 4. Some pre-1912 associations of Oecusse-Ambeno kingdoms

	<b>Ambeno</b>	<b>Oecusse</b>
<b>Palaces, locations</b> <sup>130</sup>	Nunheno, Tulaica	Oesono
<b>Family name</b>	Uis Beno; Cruz	Costa, Hornay
<b>Region</b> <sup>131</sup>	Mountains, rural, south and west	Town, coast, northeast

<sup>129</sup> Since Costa-Hornay influence extended over centuries, it is difficult to date oral history accounts, such as that in Chapter Three. The arrival of the Costa lineage in particular figures largely in oral histories as a culturally transformative event. While the Costa line is said to have replaced the native ruler as “king of Oecusse-Ambeno” after the 1912 rebellion, Portuguese documents name a Costa-Hornay line as king during the 1800s; there may have been local recognition of a dual kingship during that time as well. Martinho clearly states that the Portuguese founded the kingdom of Oecusse, with Ambeno’s permission; initially a commercial venture, it soon took political form as well (1943:4). Then, “[o]nly in 1912, Ambeno entered the limits of the kingdom of Oecusse” which had existed for four centuries (7, my translation).

<sup>130</sup> See Figure 5 for locations mentioned here.

<sup>131</sup> It proved difficult to discern past Oecusse-Ambeno geographic or land divisions beyond what Inso wrote from Hugo da Costa, which indicated that a small portion of the north coast belonged to Oecusse,

<b>Agricultural system</b>	Maize, upland rice, swidden	Flooded rice
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While the matter of proper succession remained the subject of much discussion in Oecusse, *de facto* in 2003 and 2004, *naijuf*, *tobes*, and *ajanti* took pre-Easter tributes to the Costa home in Oesono, and *naijuf* and *tobe* took tribute to the Ambeno palace in Tulaica. Many believe that the era of kingdoms has passed; others insist that one or both of the king lineages should be formally recognized; and still others from various Oecusse families declare that their service or leadership in the resistance movement should be recognized in this era of independence with king-like authority in the enclave. Some tributary relationships beyond Oecusse persist; in 2002, people from West Timor also brought tribute to Tulaica, for the Ambeno lineage.

*Acculturation, identity, and non-autochthonous leadership*

One of Oecusse's frequently heard social distinctions<sup>132</sup> is that of *kaes muti* (metathesized form of *kase*=foreigner, stranger; *muti*=white) and *kaes metan* (*metan*=black). Social commentators have posited a wide, contradictory, and racialized range of meanings for these terms in western Timor (see Appendix A). This semantic matter points to larger issues of autochthony, origin, and identity that are central to leadership and legitimacy in Oecusse.

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and presumably the remainder of the interior mountain areas and western coast were part of Ambeno. At one stage, a river adjacent to the Costa king's palace in Oecusse town is said to have served as the border between Costa and Hornay territories, but once the Hornay line disappeared, Costa inherited the coastal land extending westward to Lifau. In any case, any past geographic division of land between the indigenous king and the Topasses has been obscured by the Costa's rise to prominence, following the colonial Portuguese recognition of a Costa kingship and the premier political position of *regulo*, or *liurai*, in the district (Sherlock 1983:36).

<sup>132</sup> Another distinction is made for *Belus*, all those non-Atoni Timorese east of Oecusse; not just from the Belu region of central Timor, but extended to those in the main body of East Timor, including speakers of Tetum and other languages.



McWilliam (2002a:91-92) noted that in West Timorese ritual speech, the trade items of “the white head of wax” and “the white money wood” (sandalwood) are portrayed as white, since “Meto perceptions of the geopolitical history of Timor are strongly coloured with the contrasting conceptions of white and black.” Allegiance to the Dutch *kaesmuti* was visible in white bands incorporated into textiles, different from the black representing *kaesmetan* of Portuguese descent who controlled Timor’s interior and the symbolic color of the ancient center of Wehali (91).

White is associated with the outside, and black with the inside; Daschbach (1988:10) noted that in Oecusse ritual use black attracts and white repels, e.g. waving a black cloth to bring rain and a white cloth to make rains cease.<sup>133</sup>

Current usage of these terms in Oecusse uses the term *kase* less as an indicator of skin color than as a mark of acculturation to non-Timorese ways, and the term *kaes metan* is reserved for Timorese lowlanders. Just as Vaquinhas noted that anyone wearing European dress is called *malai* (1885:63), McWilliam in West Timor (2002a:43 n. 14), Daschbach in Oecusse (1992:45), and Traube in Mambai East Timor (1986:252, n. 2)<sup>134</sup> noted that any Timorese wearing trousers rather than the traditional woven cloth (*beti*, for men in Oecusse) could be called *kase* or *malai*.

*Kaes muti* can refer to non-Timorese of any skin color; in early days of independence, even dark-

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<sup>133</sup> By contrast, for the Mambai in eastern Timor, Traube (1980:299) noted that black rituals deal with death and the sending away on a voyage, while white life and fertility rituals signal the arrival from the sea. She continues on to describe the complex relationships between the two elements (299-314). In central Timor, cutting through black cloth symbolizes divorce and black cloths are associated with death and warfare (Middelkoop 1968:64-66).

<sup>134</sup> To the Mambai, *malaia* designated “all those who, by virtue of birth or upbringing, are conceptually located beyond the boundaries of the indigenous cultures” (1986:252, n. 2). Dress was a distinguishing marker of identity. They referred to Africans as *malai-metan*, a subset of *malai-taisa* (sea malaia), in contrast to *malai-rai-klian* (dry land malaia), Timorese who wore Western dress and had Portuguese educations. Governor Câmara argued that the level of property rights legally afforded to natives could not be converted wholesale to the *propriedade perfeita* (freehold) allowed to Portuguese “with the same facility with which the native can substitute a sarong for a pair of trousers...or a skirt” (1924:153, my translation). When the Portuguese arrived to quell the 1912 rebellion in Oecusse-Ambeno, they took time to note that Oecusse *régulo* Hugo da Costa “presented himself dressed in European style and acting like any civilized man” (Inso 1939:62-63). For the Portuguese, those Timorese who “acquired European mentality and customs, become citizens” (Caetano 1951:30).

skinned African or Pacific UN Peacekeeping forces were sometimes called *kaes muti*, white foreigners. Daschbach noted that in Oecusse, *kase* connotes one who is different and in some sense elevated, as a woman might speak to her husband, or a villager might refer to a local civil servant or resident of another settlement; the coast-dwelling *kaes metan* means different from us, but also black (Daschbach 1992:45).

At present, *kaes metan* refers to Oecusse lowlanders, especially those who populate the villages of Cunha and Lalisuk and said to originate from Roti and Savu to settle the uninhabited coastal lowlands (Daschbach 1987:8, Daschbach 1992:45), in agreement with the Ambeno king that they would be subject to him and guard that area for his kingdom.<sup>135</sup> While lowland settlers soon assimilated to Oecusse language and lifestyles and became fervent Catholics (Daschbach 1987:8), there is a persistent distinction between the majority highlanders and the lowland *kaes metan*, a source of minor, continuing social tension within Oecusse (Daschbach 2000:1). While highlanders sometimes use the term in a mildly derogatory manner to emphasize differences between themselves [*atoni*, people] and lowlanders, *kaes metan* occasionally use the term to refer to themselves, as when explaining how their customs differ markedly from the rest of Oecusse.<sup>136</sup> Social distinction persists between highlanders and *kaes metan*, sometimes in generalized forms;

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<sup>135</sup> As noted above in the description of the 1912 uprising, some of these *kaes metan* insist that they originated from Portugal, rather than Roti or Savu, and came to Oecusse as they accompanied the Costa king—all associations from beyond Timor.

<sup>136</sup> The vast majority of agriculture in *kaes metan* areas is irrigated rice, rather than rainfed mixed cropping as in most of Oecusse. In contrast to other areas of Oecusse, *kaes metan* inheritance of land and goods can be in the female line, and residence is usually uxorilocal. Until this generation, it was extremely unusual for Cunha-Lalisuk women to marry and to move outside of their regions. One couple (a *kaes metan* woman and a part-Portuguese civil servant man) who married in the mid-1970s and relocated to another region for the husband's work said that their arrangement was almost unheard-of at that time, only permitted because the woman was an orphan; even in this case, the woman retained some rights to rice fields in her home area. I did not collect data on central lowland rice field ownership, but some farmers estimated that more than half the irrigated rice fields near Lifau are owned by *kaes metan* women. Some *kaes metan* also noted that *kaes metan* inheritance favors the youngest child rather than the eldest, as is frequent in the highlands, but there is now considerable variability on this point as well as inheritance division among male and female children.

for example, some highland families prohibited from marrying a certain lineage of *kaes metan* because of past disputes between the groups extended the restriction to all *kaes metan*. The most notable difference is in spoken accents, with some highlanders using the term *baikenu*, favored by the Portuguese, to refer to the language of the lowlanders, distinct from the *uab meto* of the mountain regions. The *kaes metan* label is retained even when people move; a grandchild of Cunha-Lalisuk descent (usually on the mother's side) can still be referred to as *kaes metan*, even after long residence in the highlands.

At present, the core retinue of the Costa kingship draws largely from the *kaes metan* of central lowland Oecusse, with the headship of the Costa *ajantis* (assistants, palace guards) rotating annually among four individuals from Cunha and Lalisuk. The Costa lineage itself has been associated with this intermediate, liminal socio-political space: Portuguese, yet black; maintaining linkages to the outside but drawing legitimacy by in-marriage to indigenous rulers over centuries.

### ***Land and forest governance in the twentieth century***

#### *Japanese occupation and Portuguese forestry administration*

The Japanese wartime occupation (1942-45) serves as an important marker for events in Oecusse. In Oecusse, it is primarily discussed with reference to expanding the irrigated rice cultivation area, as well as the heavy—sometimes total—proportion of people's harvests that they were required to give to the military present, as well as filling difficult demands for massive quantities of wood and bamboo. Timor served as a buffer zone for Australia, leaving the island devastated and an estimated 60,000 East Timorese (13% of the population) dead during the Japanese occupation; there was widespread relocation, starvation, decimation of livestock, and abandonment of plantation crops begun under Portuguese rule (1949, Dunn 1983:26, Taylor

1999:12-15, United Nations Development Program 2002:70). Taylor noted that the indigenous political system that had long resisted colonial rule also served to fight the Japanese invasion, and key elements of the customary framework persisted through all these conflicts (1999:15). After the Second World War, the Portuguese again administered East Timor (1949, Carvalho 1946). Post-war recovery was slow, with economic growth only picking up after 1960; still, by 1974, per capita incomes in Portuguese Timor were US\$98 per year, and coffee accounted for three quarters of the export income (United Nations Development Program 2002:70-71). It is telling regarding the extent of people's interactions with Portuguese administrators that in everyday conversation, people frequently date the "Portuguese era" as occurring *after* the Japanese occupation, discounting centuries of earlier contact.

The modest colonial Portuguese agriculture and forestry services got underway at the beginning of the twentieth century, with a government farm in Oecusse in 1909 and the formal establishment of the colonial agricultural service in 1911 (Cardoso 1937a:31).<sup>137</sup> Tree planting was a priority, carried out with mandatory labor,<sup>138</sup> but by the director's assessment decades later, the program's initiatives largely met with failure (34, 44). State plans for creating tree nurseries and replanting sandalwood began in 1934 and were to be initiated in 1939, but went unrealised due to the war (Cinatti Vaz Monteiro Gomes 1950:16). Cinatti Vaz Monteiro Gomes (1950:16-17) described a failed 1946 sandalwood-planting project throughout Portuguese Timor in which the administrators were not aware of the species' semi-parasitic requirements for host plants, a

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<sup>137</sup> Other government activities also remained minimal in Oecusse until the end of Portuguese rule. In 1956, education in Oecusse consisted of just two Church schools (Oecusse town, and Padiæ), with military-run schools throughout the mountain regions in rural areas. Land titling was very limited; figures from independent East Timor indicate that Portugal issued just twelve *alvará* (certificates) in Oecusse, the lowest number of any district (Land and Property 2002).

<sup>138</sup> *Auxiliar* (M: *auslear*) was required labor to pay tax that took on different forms in Portuguese colonial governance (Castro 1867:430-432). Memory of *auslear* service is still strong in Oecusse; evading it carried heavy penalties including physical punishment for both the individual and the village head responsible for ensuring labor supply.

characteristic which Cinatti then discovered in a 1922 Australian botany textbook and confirmed by observing intertwined roots in Oecusse. By 1950 in Oecusse, the Forestry service established teak plantations near the town centers in each of the four subdistricts, using the mandatory labor.<sup>139</sup>

### *Indonesian era*

There are many incisive analyses of the East Timorese independence movement, the 1974 revolution in Portugal that led to colonial withdrawal from East Timor, a brief civil war involving multiple political parties in late 1975, and subsequent Indonesian invasion of East Timor on December 7, 1975, with Indonesia's formal incorporation of East Timor into Indonesia in 1976 (Budiardjo and Liong 1984, Gusmão 2000, Jolliffe 1978, Pinto and Jardine 1997, Rabbitt Roff and Lambourne 1994, Ramos-Horta 1987, Taylor 1999, Walsh 1999). In mid-1975, Indonesian troops and officials entered Oecusse, and integrated the district into Indonesia in December 1975, earlier than the main body of East Timor (Subroto 1997:202-203).

While there were no resistance troops (Falintil, Armed Forces for the National Liberation of East Timor) permanently based in Oecusse under Indonesian rule, there was a broad clandestine network that operated in the district. State political surveillance and restrictions operated in Oecusse as throughout East Timor, although the extent of military operations was not on the scale as in the eastern sector (Budiardjo and Liong 1984). People involved in the clandestine movement frequently cite nationalism, solidarity with eastern districts which suffered far more

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<sup>139</sup> At planting, people understood that the trees belonged to the government, for the eventual public use by the people of that subdistrict, e.g. for church buildings or schools. Seedlings were provided by the government and hand-watered using long bamboo tubes for several years until they were well established. In 2002, there were extensive teak plantings only around Oesilo subdistrict, although they were largely removed during the militia rule of October 1999. The well-established teak plantation near Oecusse town was cut in the final years of Indonesian rule and exported to Java. A few relic trees remained around Passabe, and nothing was left of the Nitibe plantation, reportedly lost to lack of care and damage by cattle.

than Oecusse under Indonesian military presence, and protection of their Catholic identity as the main factors leading them to be involved in resistance to Indonesian administration. At the same time, even those who actively resisted Indonesia's presence point to the efforts in education, infrastructure development, health programs, and opened trade and travel relations with West Timor as improvements over life under Portuguese colonialism. Following chapters further discuss the social and political elements of sandalwood decline in Oecusse under Indonesian rule.<sup>140</sup>

### ***Conclusion***

This history outlines the political changes in indigenous leadership and introduced authorities that background decision-making on land and forests in Oecusse today. Sandalwood and beeswax drew Asian and European traders to Timor, and subsequent efforts to control these items have shaped the political landscape of Oecusse. Native, local Eurasian, and colonial authorities all asserted, protected, and reinforced their positions through regulation of wood and wax. Intermediaries—Chinese merchants, Dominican missionaries, Eurasian rulers, Portuguese administrators, indigenous authorities, Indonesian forces—have long played significant roles in harvesting from Oecusse's forests.

The colonial state sought to manipulate indigenous polities through controlling Oecusse's leadership and defining its land area, but the state never gained sufficient knowledge of the region

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<sup>140</sup> Environmental devastation that occurred in East Timor is an important part of the occupation's history. Regarding general forest loss covering a portion of eastern Timor (not including Oecusse), researchers found that "the forest-covered area in East Timor has decreased by nearly 30% over the period 1972-1999, i.e. roughly the period of Indonesian occupation" (Sandlund et al. 2001:16). Pointing to decreased density of vegetation cover between 1989 and 1999, another analysis (including western districts and eastern Oecusse) cited more than 90% decrease in dense forest and in woodlands in Oecusse, alongside a 241% increase in degraded woodlands (Bouma and Kobryn 2004:5). The same study reported 18% total deforestation over the last decade of Indonesian rule (6).

to overcome its reliance on local authorities to enact its project of indirect rule. While powerful local figures maintained persistent resistance to centralized rule, their authority evolved alongside market and state forces, forming Oecusse into the autonomous region it is today. Once an economic center beyond administrative control of any state, Oecusse's geographic and political separateness have been enforced by historical linkages that permitted, even required, the continued presence of powerful local authorities in an autonomous zone. The following chapters discuss the origins and changing roles of these local figures in shaping Oecusse's political and environmental landscapes.

### **Chapter Three: Boundaries of authority: Origins and evolution of Oecusse land and forest authorities**

#### ***Introduction: Embodying customary authority***

There is much debate surrounding “traditional land systems” or “customary law principles” without mention of the individuals involved and local justifications for their power over land and forests. Customary systems, like state legal apparatuses, do not exist disembodied, but are bound up in the knowledge and authority of specific local figures and their interaction with the broader community.<sup>141</sup> I set out to understand the mythological, historical, and practical underpinnings of the existing land authorities<sup>142</sup> and their domains in Oecusse to understand their relation to modern governance—as Timorese are prone to do, tracing modern land problems and issues to their historical foundations.<sup>143</sup> Inquiring about Oecusse landholding, I quickly encountered bounds that pointed to authority regarding land. This chapter describes the origins and development of the existing land and forest authorities in Oecusse as evolving in tandem with multiple, successive internal and external influences. There are overlapping layers and forms of authority that relate to rural land, established by various means. This investigation highlights the

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<sup>141</sup> Riles (2001) demonstrates the promise of a biographical approach for raising new issues in legal development. Fields focusing on the role of individual figures in social phenomena have included political anthropology, cultural anthropology, and anthropology of law (Godelier and Strathern 1991, Moore 1992, Rodman 1987, Vargas 1985, Vasan 2002), but studies of the place of particular figures are still relatively uncommon.

<sup>142</sup> Throughout Oecusse, all land authorities as discussed below are male, with one individual exception as mentioned below.

<sup>143</sup> As with Fox (Fox 1977:ix), once local authorities knew of my interest in land and history, they were eager for me to learn about and to record their particular versions of history of their own positions; nearing the end of my most extended time in Oecusse, I found my notes and my deepening questions revolving around the very matters of political legitimation that are so contentious throughout Oecusse, and of great interest to both state and customary land authorities.



authorities' evolution: the roles have changed forms, tasks, and stature throughout their history, in dynamic response to local political change, trade, and degree of external attention.

### ***Dynamism and traditionalism in customary systems***

There is a robust coexistence of dynamism and traditionalism in customary land systems. On one level, the customary seems to value all that is old:<sup>144</sup> elders making decisions, appealing to long-ago agreements or events, with past actions of ancestors playing a key role in outcomes of modern disputes. Yet it is the modern practice of tradition that is central: it may seem “that customary law is about nostalgia for a remote past. This could not be further from the truth... ‘custom’ consists of contemporary practices, and they are practices which draw on tradition insofar as tradition is part of the present” (Strathern 2004:2). A degree of dynamism is built into customary landholding, as forms and identities of land and forest authorities are always changing. This chapter illustrates some causes and expressions of change in customary authority in Oecusse, and following chapters highlight further implications: how practices adjust to accommodate new realities (Chapter Four), old systems taking new forms (Chapter Five), and the complexities surrounding interaction with state systems (Chapter Six).

Lawson (1996) distinguished “tradition” from “traditionalism” in Pacific and Western societies, describing traditionalism as an ideology that “exhorts its participants to an attitude of reverence and duty towards the practices and values that have been transmitted from the past” (17).<sup>145</sup>

Traditionalism is a common expression of normative political conservatism, naturalizing established authorities and institutions as legitimate to the exclusion of other powers (17, 173).

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<sup>144</sup> Cunningham noted that the frequently used Meto word *mnasi* means “‘ancient’ in past time, ‘old’ among living people, or ‘superior’ in a relationship” (1962:76).

<sup>145</sup> Lawson (1996:25) adds that “anthropologists have fostered the tendency to view the legitimacy of a practice primarily in terms of its longevity.”

Seeking to cement their positions of prestige, traditionalists may elaborate how their power emanates from divine sources (19), or seek to reify their projections of the customary through legal codification or other formalizations (Eisenstadt 1973, Hobsbawm and Ranger 1983, Ward 1995). This stance frequently finds expression among local elite concerned with establishing or preserving their privileged positions and legitimizing their control (Keesing 1989, Keesing and Tonkinson 1982, West and Kloeck-Jenson 1999). Traditionalism's resonance may derive from the appeal of the idealized, pristine mirage its proponents project more than from its historical accuracy (Harris 1996, Hobsbawm 1983, Keesing 1989, Lawson 1993, Rodman 1987, Weber 1947).

The widely observed Timorese fondness or affinity for what observers classify as “the past”<sup>146</sup> does not fit wholly or neatly within this concept of traditionalism, although histories are essential in legitimating today's customary authorities. The Atoni portrayals of former times, discussed below, are rarely idyllic or static (cf. Hutchinson 1996);<sup>147</sup> narrating change at every turn, they often cast long-ago introductions ambivalently or in a positive light, and they are quick to point

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<sup>146</sup> Important for appreciating the place of “tradition” in Atoni thought, Cunningham commented that the West Timorese emphasis on *mnasi* (old) “expresses a close link to the past, past places and past events, which are ‘past’ in respect to the human sphere but remain ‘contemporary’ in the supernatural sphere” (1962:76-77). Many ethnographers have noted deep Timorese appreciation for questions of origins and history (Fox 1977, Fox 1999, Fox and Sather 1996, Francillon 1980, McWilliam 1997, McWilliam 2002a, Neonbasu 1992a, Traube 1986, Traube 2003).

<sup>147</sup> Schulte Nordholt (1971), reflecting in part the predominant views of his time regarding social stability (Dove 2001, Hutchinson 1996:28), insisted that the Atoni's *own* cultural perspective was both idealized and static, although examples of abandoned traditions peppering his text give evidence of ongoing social change; the static past was idealized, if unrealized. “In [Atoni] culture the past is normative and is considered the ideal situation--it cannot but have been better than the present” (61). “In principle the Atoni sees his own culture as a static one. It was given to man in primeval times, and it is only fit and proper that it should remain constantly the same now and for ever, from primordial times until all ages to come” (448). He continued, “The Atoni lacks historical perspective, i.e. past events by which changes can be discerned. For this reason it is impossible to write a history of the Atoni from his own perspective. All traditions are drawn into the one plane” (448). Regarding environmental change, Schulte Nordholt cited two site descriptions from 1663 and 1941 that still captured those landscapes at his writing (35-36). He posited that little environmental change had occurred since those times—but conceded that swidden agriculture had already shaped the Timorese landscape for centuries before the 1600s (36). He viewed potential social change as resulting from the coexistence of contradictions and synthesis of the new with the old (448-449).

out the perceived deficiencies in earlier local life and traditions. In contrast to the traditionalists' invented projections, Oecusse historians do not esteem an authentic ideal as a fixed point, instead relating a past of near-constant adaptation that defies a single form of authority over land while preserving the means to establish legitimacy.<sup>148</sup> Among the critical factors legitimizing Oecusse land authorities are early settlement, special knowledge of a given area, and recognition by the king(s).<sup>149</sup>

Evolution in land authorities is both structural and geographic. In Oecusse, there is a progressive, on-going division of land and accumulation of tiered leadership, adding authorities in response to new domain divisions, as populations increase and settlements expand in a downhill, coastward flow. Local authorities shape settlement patterns by inviting new residents to settle their regions and by allocating land. They also rearrange their geographic domains and ritual responsibilities to reflect demographic and agricultural changes. The identity and legitimacy of local authorities is contingent on precedence in settlement origin or ritual expertise. The existing nested hierarchies in land authority resulted from settlement histories and agricultural use (Geertz 1972, Lundsgaarde 1974, Peluso 2003, Rodman 1987, Schulte Nordholt 1971, Van Trease 1987, Ward and Kingdon 1995b).

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<sup>148</sup> Cunningham (1962) chose the Insana region to outline Atoni political organization because it was the most structurally coherent, stable, and intact region he visited (53-54), choosing it as the political model for his ethnography although he spent only one month there (ii). Not surprisingly, he described a political "model [that] pictures permanence, not change" (160) and noted its broad social applicability to Atoni house, cosmology, territorial organization, family relations, and religious beliefs (160-161). McWilliam (2002a:10-12) points out that the archetypal Insana of both Cunningham and Schulte Nordholt had atypical political stability for western Timor.

<sup>149</sup> Schulte Nordholt (1971:288) reflected on which aspect carried more weight in origin myths: autochthony or connections to royalty, and concluded that "[b]oth elements are invariably present."

*A society on the move: Migration, accommodation, and branching*

Accounts of settlement and migration in western Timor portray the Atoni as a people on the move. There is always motion present in Oecusse histories; settlement narratives offer no historic reference point of stability. Atoni narrative “topogenies” describe the movement of a group—ancestors, families, large populations, or people on a religious procession—in a series of place names that can cover large areas (Fox 1992, Fox 1997b). These place names are used to mark family origins, as Meto genealogies are often<sup>150</sup> “measured or recorded in terms of sequential places rather than a sequence of people” (McWilliam 1997:106). When Oecusse people talk about their past, they mention multiple relocations during the past few generations, including both movement from afar and localized shifting from one settlement to another or building new houses in various sites within a settlement.

Many have noted that Timorese have a remarkable facility to incorporate outside influences (Fox 2000, Fox 2002b, Ospina and Hohe 2001, Traube 1986, Traube 2003).<sup>151</sup> An analysis of Meto language [*uab meto*] diffusion throughout western Timor over the past four hundred years attributes this language group’s dominance and expansion in part to their widespread adoption—and subsequent dissemination—of introduced crops, including maize (Fox 1988a, Fox 2002a).<sup>152</sup> Oecusse historians indicate that the authority structure of the Ambeno kingdom was already

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<sup>150</sup> Often but not always: see genealogy information extending back ten generations discussed in Chapter 4.

<sup>151</sup> Traube (1980:51-54) has noted the complex impact of outsider influences on authority among the Mambai in central Timor, in which even [Portuguese] people who came from abroad and gave the symbols of political power to the Timorese are ultimately autochthonous, returned younger siblings of the Timorese (cf. Sahllins 1985).

<sup>152</sup> Fox suggests that the Dutch introduced maize to Timor soon after 1672, and this crop rapidly displaced the native millets because of its greater productivity (1988). This diffusion of maize was a key factor in Atoni expansion throughout western Timor. Cassava appeared only in the late 1800s, but maize remains the staple crop for much of Timor’s highland population.

under formation at the arrival of the Portuguese (and the rise of the Larantuqueiros),<sup>153</sup> and that existing local leadership including king (*usif*), village head (*naijuf*), and in most accounts *tobe* greeted the Europeans. The Portuguese newcomers and lowland settlers from other islands occupied the (heretofore unpopulated) coastal lowlands, and were granted land by the mountain inhabitants.<sup>154</sup> Mixed-blood traders and migrants from nearby coastal areas became incorporated into Oecusse society, with the part-Portuguese leadership and Catholicism coming to feature largely in syncretic religious practices and tribute still present. The below narrative demonstrates how people often, sometimes surprisingly, mention positive effects of interactions with outsiders: rulers bringing light, new knowledge, and betel; colonialism as useful for reducing local warfare; and [Japanese] military occupation as spurring on social or infrastructure development.

Alongside these intersections with outside influences, pervasive branching occurred within Oecusse authority structures.<sup>155</sup> The following account of local land authorities' evolution is one of progressive reshaping with frequent splitting at all levels: kingdoms are divided; village heads' areas are designated and further subdivided into *tobe* domains; landholding *tobes* allocate regions and/or responsibilities to lesser *tobes*; and families branch in response to conflicts, migration, or population growth.

***Early settlement and land division: origins of usif, naijuf, and tobe***

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<sup>153</sup> This refers possibly to the Portuguese landing in the 1500s, or at least by their “perceived presence” in early colonial administration in Oecusse from the 1700s. In any case, at that time most of the Oecusse population lived in the interior highlands, removed from the Portuguese activities on the coast; nevertheless, all narratives mention how the Ambeno king and specific village heads had early contact with the Portuguese.

<sup>154</sup> For example, Bobocasse highlanders granted land to immigrants who settled in the lowland regions of Cunha, Lalisuk, and Lifau.

<sup>155</sup> The botanical metaphor of branching from a common origin, found throughout Austronesian societies (Forth 1998, Fox and Sather 1996, Molnar 2000), is known as *uf* and is frequently used at family and village levels in Oecusse.

What follows are extracts from a day-long description of the evolution of local authorities in Oecusse, as related by one elderly man of *tobe* lineage in the eastern highlands. While each Oecusse storyteller-historian highlights different aspects (e.g. in emphasis on intersections with Catholicism), these selections relate a broad overview of the events that created the local figures discussed in the following chapters. Unusual among Oecusse oral historians, this man included markers of time that allow some measure of sequencing and date approximations; typical of the non-linear history-telling style in Oecusse,<sup>156</sup> the story repeatedly returns to earlier points in time to pick up new themes. Different versions, specialized expansions on these events from other speakers, and commentary are highlighted in footnotes to the following account.

### *Kings and the division of the island*

Despite their variability, most Oecusse histories<sup>157</sup> begin at and agree on one point, after which they diverge into localized accounts that highlight the importance of one's own group or region: that there were four kings of the island of Timor.<sup>158</sup> The land of Timor island was divided among the four on Mount Mutis in West Timor, and each went to his area to live: Liurai-Sila to the east,

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<sup>156</sup> This calls to mind the comment by Schulte Nordholt (1971:448) about the Atoni drawing history into one plane. Middelkoop (1968:51) noted the impossibility of ordering accounts chronologically. McWilliam (2002a:76-78) described a narrative style that can compress the past and expand on various points in different tellings.

<sup>157</sup> Local historians in several regions mention the prior settlement in northeastern Oecusse by the Mecos clan or kingdom, which came to be included within the kingdom of Ambeno, as recorded by Parada (Parada 1974). The Mecos domain had six *naijuf* and covered an area extending across Oecusse's modern border into West Timor, and in Oecusse from the region of Naimeco, east and coastward to Nipani, and by some accounts westward to Lifau. An exceptional trans-village-boundary *tobe* structure, still in existence for eastern Oecusse, substantiates these past kingdom claims. The priest Parada, who interviewed many in the eastern Mecos region during his time in Oecusse (1941-1970s), noted from his oral histories that the Mecos settled the region before the Ambeno king, but they were willing to remain lesser kings, within or joining the surrounding Ambeno kingdom (1974). Some descendants of the Mecos rulers still claimed the authenticity of their leadership in Oecusse during the fieldwork period, pointing to the enduring strength of settlement precedence in legitimizing authority. This adds another one to the three possible kingdoms described in Chapter Two.

<sup>158</sup> Origin stories of Timor kingdoms are widely recorded (McWilliam 2002a, Middelkoop 1968, Neonbasu 2005, Parada 1974, Schulte Nordholt 1971).

Sonbai-Sila to the south-central region, Afoan-Sila to the west, and Beun-Sila to the area now known as Oecusse-Ambeno (Am+Benu=Father, Elder Benu).<sup>159</sup> Histories associate Beun-Sila with the lowland, coastal area, in Nunheno (and, later, in Lifau/Tulaica—all symbolic centers of the Ambeno kingdom). As the youngest of the four brothers, it is said that Beun-Sila was given the task to stay at home and to watch the house. The next figures to appear are several village heads from the southern highlands of present-day Oecusse, who migrated from other, usually eastern areas of Timor.<sup>160</sup> Here we pick up the eastern narrator’s version:

*Before, there was only one king of Ambeno who lived in Tulaica. Back then, the people and the king did not know cooked food. They only ate uncooked food,<sup>161</sup> such as raw meat, uncooked maize, and all other foods only raw. And so they ate raw food because back then, the king and the people did not know God; they had no religion, no fire, and no education.*

*After the arrival of the da Costa king from Alor/Larantuka, he saw that the people were still living in warfare, that their food was raw, and that they had no religion. Da Costa was not yet*

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<sup>159</sup> According to this narrator alone, these four were each accompanied by a younger sister (Boet Sila, Sanan Sila, Naot Sila, and Nub Sila, respectively). The younger sisters are not mentioned again in the story.

<sup>160</sup> Several prominent *naijuf* families trace their origins to Manatuto, which is currently a large district east of Dili. Manatuto is the home district of East Timor’s popular president Xanana Gusmão, and it also contains the renowned seminary at Soibada and the sacred Timorese mountain Ramelau. But there are more direct historical ties to Oecusse that might account for some of the migration histories: Vaquinhas (1884) mentioned that Oecusse and Lacló (in Manatuto) were the only two regions that had administrative divisions different from the other areas, and the reason for this is that the king of Oecusse had introduced the unique settlement/chief structure to Lacló when he governed Lacló. (Vaquinhas further notes that the Portuguese introduced this structure to Oecusse when they governed Lifau, and that the natives retained the structure.) Oecusse had 8 *sucos* and 34 numbered settlements; Lacló had 36 numbered settlements each called a *suco* (Vaquinhas 1884). Later, people from Oecusse fought alongside those from Manatuto with the Portuguese (Silva 1897:122).

<sup>161</sup> McWilliam (1994) notes the symbolic civilizing, domesticating purpose of cooking in Meto society: new mothers and their babies are “roasted” over a fire, freshly circumcised men are “steamed,” and cooked and raw foods are key in prestations. Throughout Oecusse, people frequently mention raw food in discussing days before Portuguese influence. Friedberg described the place of cooking and fire in Bunaq society, central Timor (1980). Lévi-Strauss discussed this ‘civilizing’ quality of fire (1969).

king then, but he wrote a letter<sup>162</sup> to Japan and Portugal to come and to make Timor secure, so they came with the Dutch and secured the island.<sup>163</sup> After that point, warfare began to be reduced.<sup>164</sup> After that, da Costa went back to Alor/Larantuka to get the *Senhor Morto*<sup>165</sup> and Virgin Mary [statues] and made the people to have religion and to believe. When he returned, da Costa also showed the people that this is fire and these are matches to make fire, which is used to cook food. He also showed them coins to trade and to buy things. Then he also taught people that this learning can change people's minds from ignorance to being smart and studying in school. Then da Costa gave religious teaching, and said that this is what makes us believe and have faith. But all this was rejected because the people of Ambeno and their king were still at war. Only once da Costa sent the letter to Japan and the Dutch to come and to take control of Timor, and once the Japanese were in Ambeno, did the people begin to change little by little, meaning that the warfare reduced and people began to follow these teachings.<sup>166</sup>

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<sup>162</sup> Writing a letter is a classic outsiders' activity. Traube describes how the "book and pen" symbolize outsiders' ways for the Mambai (Traube 1986:xviii-xix). Middelkoop (1968:74) noted how "pencil-written letters" are associated with questioning or orders from military officers, and also with the arrival of written religious texts. One of the most important and sought-after aspects of government presence at village forest protection events described in Chapter Five was the production of a letter that villagers could not produce themselves.

<sup>163</sup> Note the collapse of time, spanning Costa's sixteenth century arrival to the Second World War.

<sup>164</sup> The association of early colonialism with a reduction in local violence is common.

<sup>165</sup> *Senhor Morto* is a representation of the dead Christ, over two meters in length, that is kept in the "Old Church" in Oecusse town, and brought out for a much-anticipated procession on Good Friday. The body is carried in an open wooden casket and covered with a white sheet, decorated with flowers that people remove and save to use in rituals and prayers. After the procession, the statue is kept all night in the Old Church, and troublesome children and sick people pass under the casket to be cured. Women of the Costa family have responsibility for preparing the statue for its procession, including bathing it in coconut oil or egg whites. People in Oecusse consistently mention that this statue is among the largest of its kind in Asia, and that it originated from Portugal, coming to Oecusse via the Vatican, India, Malacca, and other nearby islands, all places associated with Portuguese colonialism and Catholicism.

<sup>166</sup> Oecusse people commonly associate the Japanese occupation with the expansion of the flooded rice fields in central Oecusse, a significant change to the local agricultural system. In his local-language catechism, Parada (1956) mentioned the rapid expansion of Catholicism in the post-WWII years. This places the social changes wrought by outside introductions as quite recent.



*After a long trip, the priest Francisco Xavier<sup>167</sup> arrived to Tulaica and Aen Mat<sup>168</sup> via Mount Mutis<sup>169</sup> and asked the people if they wanted to receive religion. The people answered that they rejected it, so he asked to see the house of the king. And he learned of two people who had become king, the first was Tua Cole and the second was Tua Haem Nanu. Tua Cole was the Ambeno king and Tua Haem Nanu was the da Costa king who had just been designated.<sup>170</sup>*

*The da Costa king was designated because he brought matches, education, religious teachings, and coins, and all this brought the people out of a [bad] life into a good life.*

*So the priest Francisco Xavier ordered the two kings to gather together all the sucos and ask them whether they wanted to receive religion. At that point there were nine najuf. The first called were Bobo [and] Banafi, who did not accept the religion. Then he called Abani who answered that he would not accept it. Then he called again the najuf of Suni Ufe, who did not accept it. Then he called again najuf Cutet [and] Bobocasse, and none of them accepted it.*

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<sup>167</sup> An Oecusse-based priest named Francisco Xavier de Mello mentioned in Chapter Two was a signateur to the vow of vassallage that the Ambeno and Oecusse kingdoms signed in 1879 (Governo de Timor 1879). The mention of this name in association with Oecusse provides a rare possibility of setting a date on the associated events. Although it is possible that there was another, earlier priest by this name, the rise of Costa's kingship and late reception of Catholicism occurred around the turn to the twentieth century, and there has rarely been more than one priest in Oecusse.

<sup>168</sup> These are the centers for the Ambeno kingdom; the Ambeno king was said to reside in Aen Mat or Nunheno until about 1911, and following that in Tulaica. The paired phrase of the names "Tulaica-Aen Mat" is common in ritual speech throughout western Timor (e.g. Cunningham 1962:83, Middelkoop 1968:54, Neonbasu 2005, Schulte Nordholt 1971:65).

<sup>169</sup> Note that this is given as the same inland route into Ambeno that the king Beun Sila had, after dividing the island; this contrasts to the Portuguese, who came by sea.

<sup>170</sup> Haem Nanu is also the name of an adat *suco* adjacent to Passab/Abani, the home of the older brother of the first *najuf*, and arguably a first king of Ambeno. Here, it apparently refers to Costa.

*After the religion was established, Senhor Morto was brought from Solo-Larantuka to Ambeno<sup>171</sup> because there were already schools and security was guaranteed.*

...

*Ambeno was made king and given power over the area with borders from Loes [eastward, in East Timor], Suai, Covalima, Musin/Aileu, Bitauimi Church, Noe Muti [southward], Nunuh Koba/Lau Lasi, Noel Satoto, Nete Teme, Nete Tem Ana, Nete Tem Naek, Mutis Tun, Noel Fael, and Naktuka [westward]. After that, there was a war and these borders were appropriated by the Dutch, in which Loes was moved to Wini and Noe Muti was moved to Bobometo and Abani. After the borders were moved,<sup>172</sup> the region was secure and the king of Ambeno wanted people to stop fleeing. Since Ambeno was secure, he invited them to divide the areas and tasks. So the people gathered at Tulaica and the king divided the area into four: Naimeco, Bobo[meto], Banafi, and Abani. [see Figure 5]*

*After this division, they saw that the areas were still extensive and the population was growing, so the people gathered again and divided other areas to form nineteen<sup>173</sup> areas that were called najjuf.<sup>174</sup> When the king chose the najjuf, each area was controlled by only one najjuf. Then the king said that the najjuf tasks were to annually bring food and to always help the king in any work. The najjuf were chosen and named by the king and given named areas to rule, and the king gave them each a gun and a string of mutin beads as symbols of their instruments to control the*

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<sup>171</sup> Most people date the arrival of Senhor Morto to at least two to three centuries ago. The Costa family guards written historical information about the statue.

<sup>172</sup> The extent of early Oecusse-Ambeno was larger than it is today, notably on the eastern and southern regions. This mention provides one of the only occasions on which the timing of village (*suco*) divisions within the kingdom can be approximated. While Portuguese-Dutch conflicts were intermittent for several centuries, this reduction of the eastern border to its present location could have occurred from the 1700s, or as late as the 1859 convention or its implementation by 1916.

<sup>173</sup> Or eighteen.

<sup>174</sup> The term for a customary village head, *najjuf*, is related to lord (*nai*), land (*nain*, *naija(n)*), and uf (*trunk*, *origin*).

# OECUSSE

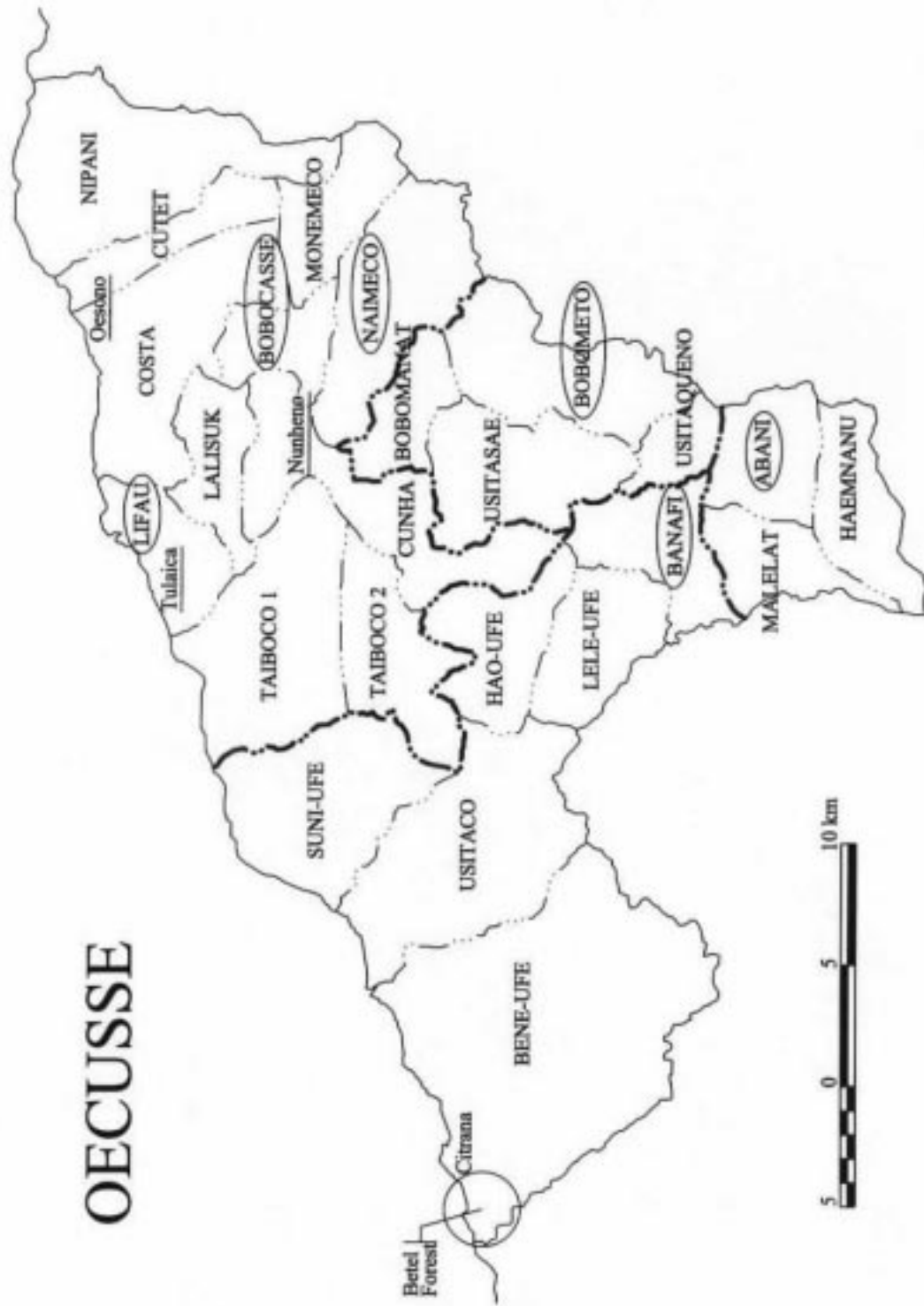


Figure 5. Oecusse villages and hamlets mentioned in early settlement narratives

area. In prior times, the king was called *usi mnatu* [golden king/lord], meaning that he had power over all the land, and the *naijuf* was called *usi muti* [silver king/lord], who controlled a [named] area [sopu].

#### *Formation of the naijuf and villages*

The above narrative describes the *naijuf* as being added in a stepped manner, with the first division by the Ambeno king into four domains in southern Oecusse. On this point and on what happened next--subsequent divisions into the village regions present today--histories differ depending on the location of the storyteller. Other than the matter of the (prior) Mecos kingdom, most villages agree that Passab/Abani, Bob-Uf, and Banafi on the southern tip of Oecusse were among the first to settle the region, with subsequent division of named areas to other *naijuf*. Some of the detailed variations in direct authority of the king vs. early *naijuf*, ordering of division, and legitimation through marriage are highlighted in Appendix B.

The critical factor in *naijuf* formation for modern land claims discussed in the following chapters is that each *naijuf*—and, importantly, his domain of the *suco*—received direct legitimation by the Ambeno king. In all these accounts, the process of naming *naijuf* is nearly concurrent with the formation of the *sucos*. Thus, the *suco* unit which became formalized into Portuguese and Indonesian administrative villages is a meaningful political-geographic category in Oecusse. I emphasize this issue here and below because it is sometimes believed that the *suco* is a colonial imposition and should be abolished in modern governance. While Indonesia did create a number of novel “artificial” units intended to facilitate military rule (and traditional and state boundaries are not always congruent), that was not the case in Oecusse, where village units are now a pivotal

unit of governance in the customary system, in most cases reinforced through decades of state recognition.<sup>175</sup>

But while many Oecusse narrators state up-front that there have always been eighteen villages, the detailed tellings reveal that the creation of political and geographical land areas was a gradual progression, with land division and accompanying local authorities cascading from the southern highlands in a northerly, downhill direction. For the purposes of this discussion, it is important that the original *naijuf* were early arrivals but still outsiders, and that it was the native king of Ambeno who granted them jurisdiction over specified land areas. This contrasts to the *tobes*—selected by *naijuf* and local residents because they were native to that area, and later legitimated by the Ambeno king—as described in the narrative portion continued below.

#### *Formation and increase of the tobe*

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<sup>175</sup> Whether the *sucos* should be controlled by the state is another matter. Five of the six options proposed to the East Timorese government by a national study eliminated the *sucos* as a state administrative unit; the *sucos* council would be a community institution, but not part of the governance structure and without hierarchical control (Grupo Técnico bagi Studi Reformasi Pemerintahan Lokal 2003:3). The study commented that if *sucos* were to be part of formal governance, it would be necessary to clarify the total number and their borders (11). The difficulty of accomplishing this stems from a long history of dual customary-state meaning for this unit. The Portuguese and Japanese used (and modified) the *sucos* as the foundation for their indirect rule. The subsequent Indonesian government combined some existing *sucos* and created others to suit administrative control over relocated populations. Throughout East Timor, many political divisions followed *sucos* lines, and still other areas insisted on creating new *sucos* in 1999 to separate themselves from portions of their *sucos* with political differences from themselves (Meitzner Yoder 2003). Thus the possible bases for being a *sucos* today are multiple. Perhaps independent government reluctance to rule on a self-proclaimed *sucos*' existence—forcing the state to legitimize (and to select among highly contested) customary claims, or earlier governments' divisions, or popular but unofficial units based on political allegiances—led those officials suggesting options in the study to avoid this controversy by side-stepping the *sucos* recognition issue in modern state governance, returning it to the realm of an unregulated customary institution. In a ministerial diploma on fixing the number of *sucos*, the Oecusse/Ambeno *sucos* units are preserved at eighteen, as they were for most of Portuguese and Indonesian times (Ministério da Administração Estatal 2003). After multiple postponements, Oecusse *chefe de sucos* elections were scheduled to be held in the final weeks of 2004.

Some caution is in order regarding use of the term “sucos” in today’s sense only. The *sucos* unit is not listed in the 1917 census (República Portuguesa Ministério das Colónias 1917). The *sucos* gained some bureaucratic recognition in the early development of Portuguese administration.

*Then the population grew and the tasks became too burdensome. So every naijuf asked the king, Who will help us in carrying out rituals and in bringing food and tribute to the king? So the king called the naijuf again to divide their tasks to one person as an implementer, that is, the tobe. With this division of tasks, each naijuf and the people [amaf, fathers] said, If we are each to divide our tasks with person called a tobe, it is better that each naijuf choose the person himself, because we must choose the correct person whose ancestors have lived there since before [we came], and who can communicate with nature [fatu-haub, rock-tree] and with the ancestors.<sup>176</sup> And the king agreed. So each naijuf chose one person as his assistant called a tobe, who received full power from the king symbolized by giving him one small clay pot filled with water, mutin beads, and other traditional instruments. These were given to each tobe according to his own area. After the selection, the king said that each year, the naijuf and the tobe that he had recognized had to take food to both the da Cruz [Ambeno] and da Costa kings, to ensure rain and productive harvests. The harvest products of maize and rice brought to the king were divided because the da Costa king was already here; he was designated as king because he brought the people from darkness into light.*

*After da Costa was also made king, there was religion. So a new task given to the tobe and naijuf was that of ninik abas [beeswax candles],<sup>177</sup> since the people already had religion and Senhor Morto had already arrived to Ambeno. So every year the tobe and naijuf take beeswax and*

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<sup>176</sup> Here we see that the critical basis for being named as a *tobe* is autochthony or early settlement. While the king appoints the *naijuf* directly, it is the local residents, together with the *naijuf*, who choose the *tobe* of their domain. This is important below as we consider how the modern place of the *tobe* differs from that of the *naijuf*.

<sup>177</sup> Some narrators place the advent of the *ninik-abas* (beeswax-cotton thread; beeswax candle) responsibility at the outset of Portuguese presence in Oecusse. One southern highlands version relates how the Portuguese priests landed in Oecusse, and immediately sent a messenger to the *naijuf*, who went down to greet the Portuguese, and then commanded that beeswax candles be brought to the coast for use in religious ceremonies as required by the priests.

*cotton wick to the palace<sup>178</sup> to use in church. All these tasks were given to the najuf and tobe of each area, and each tobe felt that his tasks were too numerous, so the tobe himself and the najuf chose another small tobe and others, and once that was done they went to inform the king.<sup>179</sup> The tasks of the tobe are as follows: to protect nature and communicate with nature to ask for rain, to reduce the sun's heat, and to reduce high winds.<sup>180</sup>*

*After the arrival of da Costa and trade was bringing things in and out, then the people knew the purpose of sandalwood, which was plentiful on Timor. Da Costa went and told the Chinese to come and get sandalwood from Timor, but it had to be taken with the correct rituals. Because after da Costa knew this product, he<sup>181</sup> called all the tobés and gave them power to protect the existing sandalwood trees by giving each tobe a chisel [paha'].<sup>182</sup> So when the king requested sandalwood, then the tobe himself would perform a ritual in his sacred house, then go out with*

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<sup>178</sup> The modern practice is described further below.

<sup>179</sup> As addition of *tobés* and their role definitions happened on the village level, each Oecusse village has a unique arrangement regarding land area and task divisions.

<sup>180</sup> Much research has been done on agricultural rituals across Timor (Foni 2002, Friedberg 1989, Hicks 1990, McWilliam 2002a, Neonbasu 1992a, Schulte Nordholt 1971, Traube 1986).

<sup>181</sup> The relative involvement of the Costa and Ambeno/Cruz kings in sandalwood is a matter of debate. While all stories indicate that there were no local uses of the tree before traders made Oecusse people aware of its value, some insist that the wood has always been a sacred symbol and protected by the native kings. Others, as here, clearly indicate that the Costa king gave the *tobés* a chisel to regulate access to the wood, thus protecting his own trade monopoly, as primary sandalwood merchant in the region. When *tobés* were asked who gave them their chisels, they replied that it was Costa or both Costa and Ambeno kings. Members of the Ambeno king's lineage state that the Ambeno king conferred the chisels. When asked about this variability, one *tobe* responded that it was the Costa king who actually conferred the chisel, but with the permission and knowledge of the Ambeno king.

<sup>182</sup> *Tobés* possess objects that evidence their authority, including small woven palm-leaf baskets (from which they derive their name) used to hold rice thrown on ancestral shrines and other sacred objects during ceremonies, weavings used to hold rice, and bead necklaces. Among those *tobés* with authority over sandalwood, the *tobe's* most important symbol and tool of power is the chisel used to check for adequate presence of the valuable aromatic heartwood in a given tree before cutting. People insist that only wood that the *tobe* approved in the proper manner could yield the desired product; wood taken without observing the requisite rituals and authorities would not yield heartwood, even in a very old, large tree. And so the *tobe's* ritual power became tied to efficacy in wood harvesting. The metal chisel, as a trade item imported to Timor, also bears some linkages to the outside—including its conferral by the non-native Costa king.

*the people to find sandalwood. The tobe would arrive to the trees first and check them with the chisel to determine whether they already had enough aromatic heartwood to be cut or not. The king also warned people that anyone who stole sandalwood would face severe consequences. The same was true for beeswax; it could only be harvested with permission of the tobe, and after the tobe performed a ritual.<sup>183</sup>*

*So the origin of the tobe and the najuf is that the king chose them and gave them each their power. Sometimes we hear that the tobe has supernatural origins.<sup>184</sup> This is true, and when the tobe was chosen by the king, the elders, and families together with the najuf, they were the ones who chose those people as tobes, because before there were orders from the king, their ancestors already lived in that location, and he was already very accustomed to the communication between people and nature. The najuf is the same, meaning that he was chosen by the king to inhabit an area.<sup>185</sup>*

#### ***Administrative divisions in Oecusse-Ambeno: How many kingdoms and villages?***

Historical accounts and maps since Portuguese times use Oecusse, Ambeno, or Oecusse-Ambeno (or their many orthographic variants) to refer to the district area here called Oecusse. Some Portuguese maps identify Oecusse as a coastal urban dot within the wider region called Ambeno (Leitão 1948, Negócios Externos 1913), and others display the two names in equivalent fonts as adjacent kingdoms (Castro 1944, Pinto Correia 1934, Pinto Correia 1943) or as distinct dots,

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<sup>183</sup> Today, beeswax harvest rituals, including sacrificing an animal at the base of the comb-holding tree, can be performed by the tree's owner rather than the *tobe*.

<sup>184</sup> In several villages, one of the primary landholding *tobes* is credited with supernatural origin and the ability to transform himself into other objects, including stones and animals, which adds to his credibility as closely linked to that land.

<sup>185</sup> This is treated in more detail in Chapter Four.



coastal Oecusse and interior Ambeno (Castro 1867). Signs on public buildings persisting from the Portuguese and Indonesian administrations show all of these name combinations. When referring to the two kings, people distinguish the native king as Uis/Usif Beno, or Raja Ambeno (sometimes clarified as Raja da Cruz, with associated locations or palaces of Aen Mat, Nunheno, and Tulaica), and the part-Portuguese trader-king as Uis/Usif Costa or Raja Oecusse (associated with Larantuka and Oe-Sono), also called Uis Bifel (female king).

This historical separation of Oecusse and Ambeno contrasts sharply with modern usage, in which the names are used interchangeably or hyphenated to refer to the whole region as one unit.<sup>186</sup> Oecusse people today are publicly insistent that there is only one Oecusse-Ambeno, without any internal division of geography or of allegiance between Oecusse and Ambeno. The uses and meanings of the two names have shifted through time according to political realities and necessities.

### ***Problematic boundaries***

#### *Expressions of authority: naming boundaries and boundaries of knowledge*

Timorese land claims are expressed and proven by speaking a series of names outlining or describing the domain in question (cf. Edmunds 1994, Fox 1997a, Fox 1997b, McWilliam 1997, Myers 1986, Roseman 1998). As an administrator, Schulte Nordholt (1971:225-226) had occasion to hear land disputes between groups. In border disputes, disputants needed an exact knowledge of the border and the capacity to name it in detail; place knowledge was intimately linked to ownership and the strength of a claim. He commented, people “would know all the

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<sup>186</sup> The East Timorese Constitution refers to “Oecussi Ambeno,” the legislation on administrative units calls the area “Oecusse/Ambeno” (Constituent Assembly of East Timor 2002, Ministério da Administração Estatal 2003).

names, from rock to spring, from grove to hill-top, alongside creek-beds and across mountain ridges, so that the border of a territory could be summed up ‘from name to name’” (225). He described a 1947 border dispute just east of Oecusse in which “the strength of the evidence furnished by a knowledge of the names was clearly demonstrated” (225). Hundreds of villagers assembled at a good vantage point, and each side tried to best the other (and assert claims to each other’s land) with stunningly long and detailed strings of place names (226). The losing party disputed the ruling months later, stating that the leader “had been absolutely dumbfounded and had been at a loss to think on the spot of any names with which to counter [the opponent’s] claim” (226). Schulte Nordholt deemed that “knowledge of the names is regarded as constituting an important part of the conclusive evidence in support of a claim to the rights to a certain territory. The opposing party...will try to define its border with even more convincing accuracy. Strings of names will coincide up to the critical point around which the dispute is centred” (225).<sup>187</sup>

Matters of land and forest control are tied to intricate and contested boundaries of local authority. Knowledge and its accompanying authority to choose to speak at one’s appropriate level—or to remain silent<sup>188</sup>—derive from the history of land settlement that shaped a hierarchy of customary authorities. My efforts to understand the areas and nature of land authorities gave rise to many questions regarding the extent of one’s domain. Very quickly, I discovered well-defined (and

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<sup>187</sup> Naming a place both protects and asserts a claim; some villages used the strategy of naming a neighboring village’s land areas in their own *tara bandu* letters (Chapter Five), thus staking a novel claim to a given location.

<sup>188</sup> One classic Atoni leadership figure, the prince or *atupas* (derived from *tup*, sleep), is inactive and is not one to speak (McWilliam 2002a:149, Schulte Nordholt 1971:200). There are many other speaking or noise-making taboos in Oecusse, including the absolute silence required (until the present in parts of Oecusse, with breaches bringing high penalties) during rice harvest (cf. Schulte Nordholt 1971:84); avoiding loud noises after a certain agricultural ritual during the rainy season; and the prohibition on *tobes* using words when going out to check sandalwood, when they are required to communicate using animal calls. McWilliam (2003a:6) noted that women were required to remain quiet during warfare and headhunting, likening that to Hoskins’ (Hoskins 1996:227) observation for Sumba that women’s silence and seclusion balance the contrasting activities of her husband.

eventually, predictable) social bounds of authority to discuss topics related to land areas: despite eagerness to relate their experiences, individual villagers constantly referred me to the *tobe* for the answer to a question; *tobes* indicated that they had reached the limits of their knowledge and the *naijuf* needed to clarify that border for me; one *tobe* insisted I accompany him to visit another *tobe* so that he could relate a myth only as permitted in the second *tobe*'s presence; and at a certain scale *naijuf* would refuse to answer, claiming inadequate knowledge or authority to respond without assent of the king.

Throughout Oecusse, the matter of internal, or *suco*, borders is one of the most sensitive issues, viewed as extremely dangerous to discuss. Authority to discuss *suco* boundaries is held only by the king(s) (for Oecusse-Ambeno as a whole) and *naijuf* (for their own domains), as the positions involved in the original land divisions.<sup>189</sup> In several inter-village border disputes, a *naijuf* refused to even meet with a delegation of *tobes* and elders about the issue, saying that he would only discuss the matter with their *naijuf*. When the matter of village borders was raised without these figures present, someone always promptly cut short the conversation, saying that those present did not have the authority to discuss such topics. A *tobe* can freely discuss the internal bounds of

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<sup>189</sup> In a district-wide meeting of traditional *suco* authorities held at the (Ambeno) king's home in Tulaica/Lifau during the 1980s, the king distributed letters, written in Baikenu (Meto), to each *suco*, naming the *suco* boundaries. Several *sucos* not included among the eighteen administrative *sucos/desas* recognized by Portuguese and Indonesian administrations also received letters, which they hold as proof of their true political legitimacy. Even this meeting is rarely mentioned, and throughout Oecusse, local authorities stop themselves before discussing too much about it. In many cases, the main *tobe* keeps and guards this letter. Opening of these letters is only possible with a series of rituals; individuals other than those of *tobe-naijuf* lineage would be endangering their lives to touch or even to view the letters.

Toward the end of my research, I was asked to help laminate one village's letter to protect it from deterioration while in storage in the ritual house. I was to demonstrate use of the laminating machine and the *tobe* would carry it out himself on the letter. I heard that the process of extracting the letter from the *tobe*'s ritual house required the well-timed sacrifice of two goats, a large pig, and many chickens over the course of two weeks. That done, the letter had to be transported to my house at a certain time, but no one could be found who was willing to transport the *tobe* carrying the letter for fear of having a vehicle accident. The next day, the *tobe* set out walking to my house, but turned back when he realized he would be arriving after dark, considered too dangerous while carrying the letter. Unseasonal rain the following two days again prohibited his departure. In the end and with just days to go before my departure, he decided the lamination was too risky and returned the letter to the ritual house. Several local friends who knew of this plan were relieved that I had been spared the danger of getting involved just before I travelled.

his domain in relation to other *tobes* within his *naijuf*'s domain, but he is reluctant to name the limits of his region where those boundaries also indicate *suco* (i.e., *naijuf*) boundaries.

I had been alerted to sensitivity regarding detailed questions of personal property by Fox for nearby Roti island (1977:x-xi), whose inquiries into matters of property ownership were rejected as inappropriate “police questions”; although property ownership was a matter of great public interest, it was “not a subject for open inquiry” and thus met with artful evasion (x). In Oecusse, similar sensitivity seemed to apply to village-level boundaries. Avoiding these questions or finality in answers points to the social value of intentional ambiguity in allowing disputes to persist as part of maintaining a social relationship (or truce), even over long periods of time (Fox 2002b:9-11, Gordon and Meggitt 1985).<sup>190</sup>

Other observers have interpreted an apparent lack of clarity on defining local boundaries as indicative of a lack of precision. Cunningham (1962) noted that elders related kingdom boundaries as marked by planted palm trees and fields, concluding that “[p]olitical boundaries for Atoni are recognised generally in the trees and fields of the subjects of a prince; thus, they are shadowy areas in many cases. Men of Insana are uncertain now where the traditional boundary areas lay, but they do know that the boundary divided the island in half and that Insana was a border area” (55, emphases added). Schulte Nordholt (1971) commented that “the territory of a *tobe* is the smallest territorial unit of which the boundaries are accurately defined” (227), and yet: “Each *tobe* has a particular, well defined area inside the territory of the *tobe naek* [great *tobe*]. The boundaries are not well defined, however—though people are aware of them they hardly ever mention them” (225, emphasis added).

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<sup>190</sup> Holston (1991) notes that state legal systems can also foster irresolution of land conflicts.

Unwillingness to discuss boundaries, as Fox pointed out (1977), can have many causes other than lack of boundary definition. None of my conversations about borders on personal and village landholdings gave any indication that Oecusse people were unconcerned about exact borders. Many conversations about individuals' land areas included detailed accounts of matters concerning less than a meter, and major disputes over village limits could erupt over a very small area. The extreme divisiveness, complexity, and sensitivity of boundary claims may lead to deliberately preserving a degree of ambiguity regarding stated land borders that resists easy fixity of borders.

#### *Village boundaries undefined*

This ambiguity is protected by taboos prohibiting certain forms of clarification regarding land boundaries. While people openly discuss some changes in kingdoms and villages using place names, it is exceedingly difficult for people to represent these changes visually or with cartographic precision by indicating the spoken places on a map, either commercially printed or of their own making. Transgressing one's appropriate land knowledge boundaries is deemed highly risky, whether through touch (e.g., regarding the letters in the previous footnote), speaking, hearing, seeing, or physical presence. Observations on these taboo forms regarding *suco* boundaries follow.

An individual of royal lineage cautioned me about how an anthropologist did not heed warnings to abandon his insistent studies on village boundaries and met an untimely end. On the way home from that meeting, I learned that my research assistant had been sacrificing a chicken at home each time I raised the matter of village boundaries during interviews, deemed to be an

inappropriate topic for me to be raising and for him to be hearing.<sup>191</sup> People involved in a land dispute are unwilling to locate the contested area on a map, to sketch the area for clarification, or to point anything at the contested borders within sight during a discussion. In one heated mountaintop inter-village discussion overlooking a border area where unresolved political grievances from 1999, wandering cattle, and agricultural land appropriation converged in a dispute, dozens of people viewing the location stood arguing about the matter—with arms crossed to prevent themselves from gesturing in that direction.<sup>192</sup>

Although village borders are well-defined to the local populations, the restrictions against their visual representation inhibit state recognition of traditional boundaries, contributing to the approximate but imperfect alignment of traditional and state village boundaries.<sup>193</sup> While Indonesian-era Land Office staff in Oecusse and Manufahi districts related how villagers' unwillingness to indicate village boundaries frustrated government efforts to cartographically define the villages, they admitted that they themselves were reluctant to run the risk of border definition. In Oecusse, many—including government staff involved in boundary issues—believe that clarifying a village boundary (and in some cases land boundaries between two families) by indicating the border with the hand or foot would cause leprosy in the limb thus used.

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<sup>191</sup> Once aware of the extreme sensitivity of this topic, I was more conservative in asking direct questions on the matter, learning primarily through evidence of public inter-*suco* interactions (including disputes and development projects), to minimize the danger to themselves that people felt in discussing this topic.

<sup>192</sup> There is no generalized prohibition on pointing at people or objects.

<sup>193</sup> Recall Farram's (1999) note that colonial attempts to define Oecusse's eastern boundary met with armed resistance by Timorese on both sides. Further complicating definitive village boundaries, approximately ten small internal enclaves persist throughout Oecusse. An enclave in this sense is a land area and/or population located within one village that belongs to another village. Each enclave has a different history: some derive from old allegiances, migrations, warfare, or rivalries and splits in customary hierarchy. Some of the most prominent enclave relationships include Sacato/Hao-Uf, Na-Kome/Usitaco-Usitasae, Maunaben/Cunha, Lifau/Poas-Bot, and Poas-Bot/Usitaco in which the village's *tara bandu* sacrifices were held in both locations.

Protecting or permitting some ambiguity in domain boundaries may serve to mute potentially inflammatory differences among neighboring villages. One traditional leader, discouraging me from asking about village boundaries, said that too much focus on divisions among villages threatened the internal political unity of Oecusse. Recent scholarship in the Asia-Pacific region and elsewhere has placed new emphasis on the relational aspects of ownership (Benda-Beckmann and Benda-Beckmann 1999, Hann 1998, Kalinoe and Leach 2004). Strathern (1998) stresses that transactions are part of how people organize their relationships, not just to property but also in their social spheres, and queries what meaning transactions have for people. Citing Hann (1998), Leach reminds us that “ownership is a function of relations between persons with reference to things, and not between people and things” (2004:43). Kalinoe asserts that most of customary land claimants’ evidence is relational, including knowledge of land features, genealogies, and ancestral connections to land ranging from cultivation and warfare to gravesites (2004:62). Throughout western Timor, the relational aspect of claims to ownership is essential; intermittent contestation over land may serve to maintain or renew social linkages (Fox 1977, Fox 2002b), and indeed some disputes are not meant to ever be settled even over centuries (Fox 2002b). Just as purposefully leaving the oft-discussed final instalment of bridewealth unpaid, maintaining some perpetual indebtedness on the part of the groom, serves to ensure good relations between the families linked by marriage in Oecusse (cf. Cunningham 1962:251), intentionally preserving a degree of ambiguity regarding village boundary claims leaves relationships productively open (cf. McWilliam 2003a).

### *Kingdoms of Oecusse-Ambeno*

Early Portuguese sources contain little mention of a traditional kingdom structure in Oecusse-Ambeno, perhaps because the commercially and politically powerful Costa-Hornay families eclipsed the original Ambeno king from Portuguese view by the 1600s, and mercantile interests

did not require further investigations.<sup>194</sup> Nevertheless, from the 1700s, the Portuguese<sup>195</sup> treated Oecusse and Ambeno as two separate kingdoms (P: *reinos*) (Martins 1889a), a kingdom divided in two parts (Vaquinhas 1883a), or the Oecusse-Ambeno region. Referring to the early 1700s, ex-Governor and noted historian Affonso de Castro referred to Francisco Ornay as *tenente general rei* of Okussi (1867:59), and the later Pedro Ornay as brother-in-law to the king of Ambeno, in a two-king context (102). Regarding territorial distinctions defined in the 1859 colonial border negotiations, the demarcation recognized that the treaty was dividing the Ambeno kingdom, giving part of it to the Portuguese alongside the claim to Oecusse itself (Farram 1999).

In an August 1879 visit to Dili, the kingdom of Ambeno and the kingdom of Okusse made separate pledges of allegiance to the King of Portugal, recorded in two documents that recount the “terms of vassallage” (Governo de Timor 1879). Writing in 1883 after 18 years of residence in Timor, Major José dos Santos Vaquinhas wrote that Okusse had 8 *sucos*, each headed by a *chefe do suco*,<sup>196</sup> with 34 settlements, each headed by a *capitão* (Vaquinhas 1883b). In 1889, the Reverend Father João dos Reis Martins wrote of the two kingdoms of Okussi and Ambeno, both of which were Catholic (Martins 1889a). The [1904] map delineating Dutch and Portuguese territories shows the region as “[O’kussi] Ambenu,” listing 9 *sucos* adjacent to the Dutch borders (Lynden 1913). In his account of the Portuguese military actions during the 1912 rebellion, Jaime do Inso clearly indicated a geographic boundary between the two kingdoms, citing the

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<sup>194</sup> Early Portuguese sources make scant mention of the *usif-naijuf-tobe* figures by these names, so prominent in today’s traditional hierarchy in Oecusse.

<sup>195</sup> Colonial recognition of Costa’s Oecusse kingdom is considerably earlier than that in oral histories, which generally place Costa’s definitive acknowledgement as king around the 1911 rebellion that caused the Ambeno king’s departure from the district. The 1756 (Dutch) Paravicini document, which reputedly made treaties with kingdoms across Timor, lists among the kings Nay Kobe as king of Taybenoe (Ambenu) and Sitenomie as king of Liphoea (Lifau), implying a division but without recognizing Larantuqueiro leadership (Stapel 1955:88).

<sup>196</sup> Bibliographer Kevin Sherlock noted that this is among the earliest mentions of the term “chefe de suco” being mentioned in relation to Oecusse (pers. com.).



Costa king's own interpretation of his realm as consisting of four *sucos* with 3000 inhabitants (Inso 1939:73). It was "the Ambenos" who revolted, crossing the border of Okussi.<sup>197</sup>

It is difficult to discern precise Oecusse-Ambeno geographic or land divisions beyond what Inso wrote from Hugo da Costa, which indicated that a small portion of the north coast—settled largely by in-migrants from other regions—then belonged to Oecusse, and presumably the remainder of the interior mountain areas and western coast were part of Ambeno. In any case, any past geographic division of land between the indigenous king and the Topasses has been obscured by Costa's contested rise to prominence, following the colonial Portuguese recognition of a Costa kingship and the premier political position of *regulo*, *liurai*, in the district (Martinho 1943:7).

While the historical political landscape of the indigenous Ambeno king alongside the Costa-Hornay families is still evident in ritual events [below] and modern debates about proper succession of the kingship, current accounts of this royal topography harmonize the past by stating that "Ambeno has always had two [or three] kings." The multiplicity is unproblematic, and this exemplifies the pervasive tendency to add new authorities rather than to supplant previous ones. While the Ambeno kingship diminished after Costa's recognition following the 1912 rebellion, it did not disappear, especially given the enduring marriage ties between the two families. The dual entities continued to serve important roles in the social, ritual, and political life of Oecusse.

Resisting the distinctions that dualism could impose, current reference to Oecusse-Ambeno stresses territorial and political unity rather than division, blurring rather than reinforcing an old

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<sup>197</sup> See Chapter Two on the 1912 uprising for more details.

mountain-coastal separation.<sup>198</sup> In a March 2003 public meeting that discussed implementation of Oecusse's special status, a local working group on Oecusse culture submitted the statement that "Oe-Cusse is the area controlled by the king Beno Sila, commonly called Ambeno, and because of that, the proper name is ...Oe-Cusse-Ambeno" (Anuno and Muni Salu 2003:15). This reflects one of today's common local explanations for the district's two names—quite at odds with the historical Portuguese conception of two kingdoms—that Oecusse refers to the land area (place), and Ambeno refers to the original authority (person), without any definitive allegiance of certain villages with one king over the other.<sup>199</sup> Emphasizing political-spatial unity is not only in keeping with ideological and practical imperatives of an autonomous zone in new nation, but also echoes the aforementioned warning that too much emphasis on territorial division endangers the internal coherence or integrity of Oecusse (cf. Ward and Kingdon 1995b).

#### *Village identity*

In Oecusse, the administrative village (P, M: *suco*, I: *desa*,) is a socially meaningful unit where state and local authorities intersect.<sup>200</sup> Within the indigenous political hierarchy, villages encompass a defined land area within the control of a *naijuf*, subdivided among the *tobes* under that *naijuf*. Oecusse people apply the term "sucos" to any recognizable *naijuf* domain, whether state-recognized as such or not.

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<sup>198</sup> McWilliam (1997:107) writes that using paired names in ritual speech represents completeness and alliance, "evok[ing] a complementary dualism between people as political communities and places as political domains."

<sup>199</sup> This again calls to mind the notion of topogeny, in which genealogies are expressed in place names, linking people and place in distinctive ways.

<sup>200</sup> See above footnote concerning formation of the *naijuf* and *sucos*.

The *suco* represents boundaries regarding access to land, forests, and ritual responsibilities for land use within a bounded area. Individuals of the same family name (*kanaf*) resident in adjacent villages do not have rights to each other's communally-held land in the other village.<sup>201</sup> The arrays of taboos<sup>202</sup> are village-specific; a Colo-Sasi in one village has different taboos from a Colo-Sasi in another village. Positions of traditional authority are also unique to each village: the *naijuf*, *tobe*, *meob*, and other leaders are likely from different sub-*kanaf* within a village, and different again from those same positions in an adjacent village.<sup>203</sup> People from a neighboring village may not know the identity, place of residence, or activities of the traditional leaders of an adjacent village. The *naijuf* domain defines access to trees or grazing in unclaimed land areas:

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<sup>201</sup> Tallying the total number of *kanaf* present in two regions yielded twenty-one sub-*kanaf* (or M: *kana'*, I: *marga*, *fam*) in a population of 1370 (my data) and twenty-three sub-*kanaf* present in a population 918 (Ote 2003a). Exact numbers of sub-*kanaf* are difficult to determine; some sub-*kanaf* of more recent separation claim to have closer relationships than long-separated sub-*kanaf*, and they are reticent to be counted apart from their main *kanaf* although they already have separate taboos and names. In the region with twenty-three sub-*kanaf*, there is one *kanaf* that contains six sub-*kanaf*, one *kanaf* with three sub-*kanaf*, three *kanaf* split into two sub-*kanaf*, and the remaining eight sub-*kanaf* stand alone in their *kanaf* names (Ote 2003a). This pattern repeats itself throughout Oecusse: each village generally has two or three dominant *kanaf* names split into village-specific sub-*kanaf*, with remaining families on their own.

<sup>202</sup> The group of people who share a given array of taboos (I: *pemali*; M: *nuni*) are those who form a sub-*kanaf* and also share a ritual house. The *kanaf* Colo, which means bird, is found throughout Oecusse, and each Colo has a hyphenated name that identifies the sub-*kanaf*: Colo-Metan, Colo-Sasi, Colo-Pui, etc. Each sub-*kanaf* has a different array of taboos, including the item—usually an animal—mentioned in the name; in the case of the Colo *kanaf*, the sub-*kanaf* identifies different bird species with historical relationships (usually a form taken supernaturally by an ancestor, or a story in which that animal helped or harmed an ancestor) to the *kanaf* thus named. Taboos are usually symbols of some everyday interaction that ancestors had with plants and animals. One sub-*kanaf* may have taboos against eating chicken, pineapples, and palm seeds; touching sugarcane; and against killing the named sparrow or any snakes. A related sub-*kanaf* can have taboos against eating pork, pumpkins, and cassava; against killing or seeing the blood of a monkey; and against harming or eating the named bird.

Most Oecusse sub-*kanaf* have between one and ten taboo items. Taboos against fish, or even all sea creatures, are common (but not universal) throughout highland Oecusse (and among highlanders who now live on the coast); during emergency food distributions of 1999 and 2000 which included canned fish, people in southern Oecusse did not even permit the truckloads of fish to unload in their villages. At marriage, a woman drops her father's taboos and takes on those of her husband; in the intermediate period (often years) between the adat wedding and the Church wedding, both members of the new couple observe both of their *kanafs*' taboos. While some urban residents have abandoned the taboo in practice, most still make an effort to avoid the taboo foods. The one animal in Oecusse reportedly not taboo to any sub-*kanaf* is the cow. Timorese food taboos seem more strongly linked to family identity than to cooking processes or garden location (cf. Pollock 1992:35-38).

<sup>203</sup> Formerly, all *naijuf* of western Oecusse were reportedly all from one *kanaf* (Coa), but that is no longer the case (Daschbach 2000).

village residents may use wood or develop springs with permission of the local authorities, but a non-village resident is usually denied such use. When non-village residents join an annual swidden group in another village, they are required to participate in the agricultural rituals of the *tobe* in whose domain they are farming, although it is not their own village.

In most cases, state-recognized administrative villages approximate<sup>204</sup> these areas held by a *naijuf*. The Portuguese practice of appointing the *naijuf* as *chefe suco* further strengthened this unit. Since Portuguese times, activities including villagers' labor requirements, taxes, and kings' tributes were organized along the lines of the village. From the standpoint of governance, inter-village issues, whether land disputes or transboundary water use, are among the most intractable cases facing the district government. Personal conflicts between two individuals of different villages can quickly escalate into village-level rivalries.

#### *Village numbers and recognition*

The earlier narrative demonstrates how the number of villages grew through division of land and *naijuf* authorities, followed by fragmentation and integration of political units by Portuguese<sup>205</sup> and Indonesian governments and the clandestine movement, from an original one or two to a high of twenty-six. By 1952, the number of *chefes de suco* and village names were fixed at the eighteen that persist with official recognition to this day (1997, Ministério da Administração Estatal 2003, Sherlock 1983:36).

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<sup>204</sup> The occurrence and effects of incongruences are discussed further below and in Chapter Five.

<sup>205</sup> In an early mention of *sucos* in Oecusse, Vaquinhas cited eight [Okusse] *sucos* in 1883 (Vaquinhas 1883a:327); the 1911 map showed nine *suco* names inside Oecusse adjacent to the Dutch borders (Lynden 1913); after the conflict ended in 1914, informants say that eight *chefe sucos* went to Dili to vow loyalty to Portugal. The administrative advance of the Portuguese government during the 1920s included formal development of *sucos* (Metzner 1977). Oecusse informants recall that there were 20 *sucos* in Oecusse until 1945, when sparsely populated Maunaben and Kutet, which have their own *tobe-naijuf*, were joined to *sucos* Cunha and Costa, respectively.

Upon integration with Indonesia (1975/6), there was discussion about incorporating Oecusse with the existing province in West Timor, rather than keeping Oecusse as an enclave of the (new) province of East Timor. To avoid this, the Oecusse administration eliminated the level of *aldeia* (hamlet), temporarily converting the 56 Portuguese-era *aldeias* into 56 villages, which served to preserve Oecusse as an enclave regency (*kabupaten*) within the province of East Timor (Ote 2003b). After the transition was finalized (by 1982), the distribution returned to 56 aldeias in 18 villages. Throughout the 1980s, there was sporadic pressure for Oecusse to join other provinces, but Oecusse government representatives did not agree and the suggestion was ultimately abandoned.

During the recent transitional administration and independence, village numbers fluctuated again. At the outset, UNTAET used the CNRT structure:<sup>206</sup> in Oecusse, there were 111 aldeias in 26 villages, each headed by a *nurep* who was often not a figure in the customary or government systems, inserting another layer of leadership (Ote 2003b). A district map produced by the Geographic Information Systems Unit of the Agriculture department in 2001/02 reflects the CNRT divisions, which divided populous areas into new villages (see Figure 6). It is easy to spot the “new” divisions that increased the village total from 18 to 25 or 26: the exceptionally straight lines dividing Costa/Cutet, Costa/Monemeco, Taiboco 1/Taiboco 2, Abani/Haemnanu, Lele-Ufe/Hao-Ufe, Costa/Tibal Pah [not shown on map, east of Lifau], and Bobometo/Bobomanat

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<sup>206</sup> UNTAET was the United Nations Transitional Administration in East Timor. CNRT was the National Council of Timorese Resistance. These differences are reflected on a national level. Page 107/93 of the village survey outlines these discrepancies. Nationally, the village survey used 498 *sucos*, with 25 for Oecusse. By contrast, CNRT listed 490 *sucos*, and the official UNTAET list included 450 *sucos* (East Timor Transitional Administration 2001).

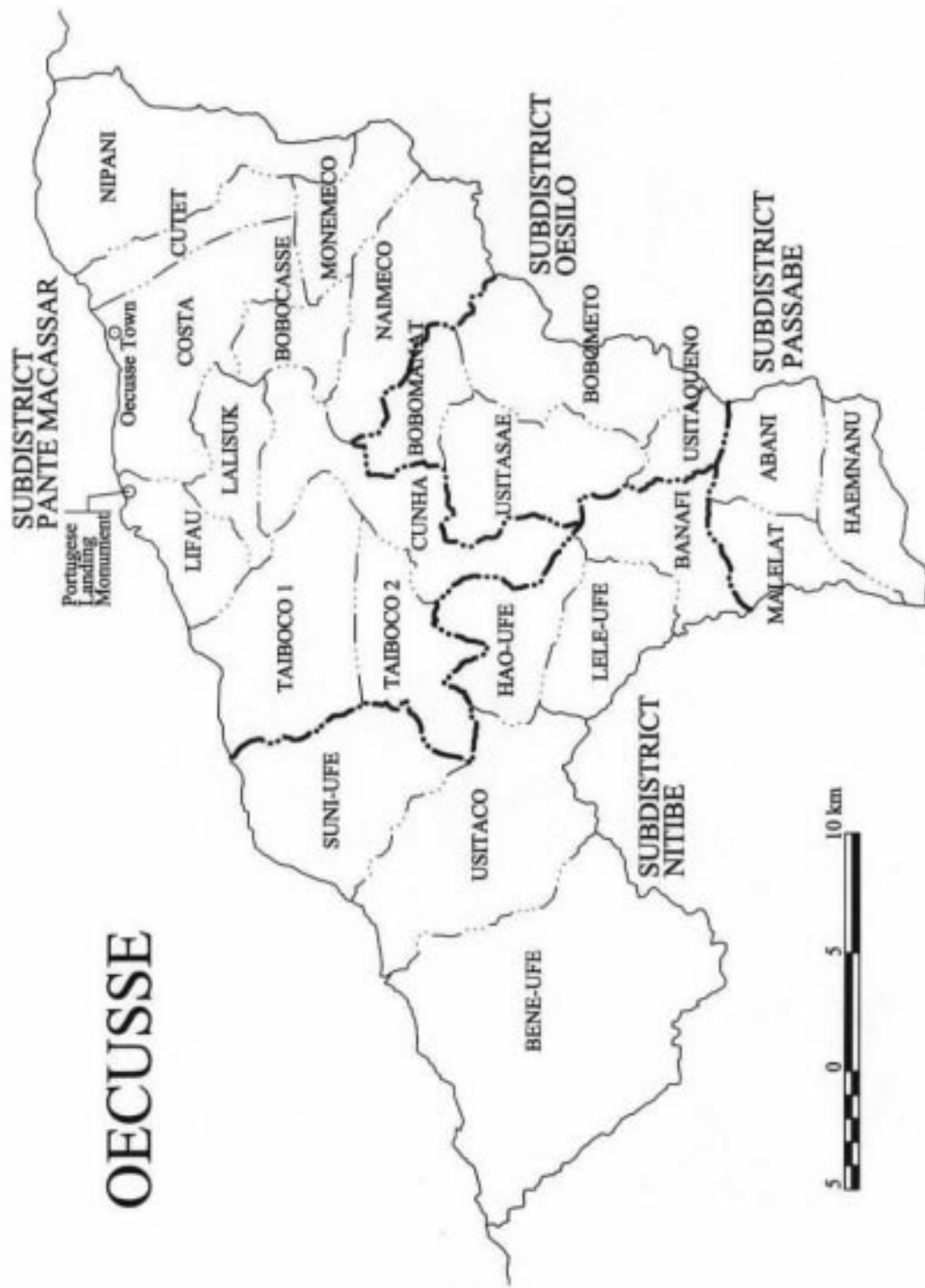


Figure 6. Oecusse village map, derived from Agriculture Department map, reflecting 25 village divisions

indicate that these *sucos* were drawn without borders determined from Indonesian maps available for their geographic definition.<sup>207</sup> In 2003, the East Timor Public Administration (ETPA) officially recognized 111 hamlets in 18 *sucos*, returning to Indonesian figures, although the actual number of units treated as separate *sucos* ranged from 21-24 in most district government activities (see Chapter Five). The Diploma Ministerial #6/2003 of July 29 (Ministry of State Administration) fixes the number of *sucos* in East Timor as 443, with 18 in Oecusse/Ambeno (Ministério da Administração Estatal 2003).<sup>208</sup>

In the debate over how many villages should be administratively recognized in Oecusse, people use both the government guidelines and the traditional structure as arguments for why one village should or should not be recognized. The government guidelines require that a new village have “area and people” as defined by future law, and the traditional argument states that if a region “has *tobe*, has *naijuf*” it should be formally recognized by the national government structure as a village.<sup>209</sup> During public consultations on the forthcoming village law, there were clear expectations that the traditional structure would be reflected in the national governance decisions (or, failing that, in the allowances made by the Constitutionally guaranteed district autonomy for Oecusse).

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<sup>207</sup> The additional 8 *sucos* include a restitution of villages that had been incorporated into other villages during Portuguese and/or Indonesian times (Cutet, Hao-Uf, Haemnanu), those that were previously incorporated but due to political conflicts with the joined village now desire to be separate (Monemeco: since WWII), unclear (Maunaben), those that were apparently new administrative creations based on administrative convenience for populous areas (Tibal Pah or Bael-Pah: many people who live in “*Suco Tibal Pah*” have never heard of it), and two that divided a large village into two (Taiboco and Bobometo). Taiboco does not have a separate customary hierarchy for the two new villages, while Bobometo does.

<sup>208</sup> This law also contains a stern warning against the extra-legal formation of *sucos*, stating that final determination of governance units was pending studies and further laws on administrative divisions, and that a future law (and not local initiative, as was occurring nationwide) would determine the minimum number of residents necessary to form an *aldeia* (hamlet), how many *aldeias* to form a *suco*, and the territorial expanse of a *suco*.

<sup>209</sup> As discussed below, if the legitimizing evidence is that an area has *tobe* and *naijuf*, some lowland villages might not meet these criteria.

Because of the villages' relative congruence to traditional *naijuf* domains in Oecusse, the Portuguese, Indonesian, and current recognition of the idealized, official eighteen villages has taken on a powerful rhetorical resonance. In a proposed law to the national Parliament on Oecusse's special status, authored by several leading Oecusse figures and refined through multiple public seminars,<sup>210</sup> Anuno et al. (2003:14) describe Oecusse's "18 *sucos*, historically named in the traditional government; paternalistic and homogeneous population." However, in practice the district government does not adhere to this number of villages,<sup>211</sup> and neither do leaders in the customary system.

Although each state-recognized village has equal status within the government structure, the land transaction histories give some villages authority over others in the traditional authority structure. While on a day-to-day basis the villages function as autonomous political and ritual units, on matters concerning the overall adat structure of Oecusse, other villages acknowledge the Bobo-Banafi special status. An example from the lowlands explains some of the modern ambiguities present in inter-village autonomy. As the original *naijuf* of Bobocasse had a "younger brother" relationship to the *naijuf* of Bob-Uf (Bobometo), suco Bobocasse at one point controlled a large area of coastal land. With the arrival of newcomers from other nearby islands and coastal areas (*kaes metan*), Bobocasse granted them land<sup>212</sup> in the areas where *sucos* Cunha, Lalisuk, and parts

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<sup>210</sup> This proposal sought to formalize official recognition of the existent, indissoluble traditional leadership entities as named positions with specific qualities and functions that cannot be replaced except by someone of the same status (Anuno and Muni Salu 2003:8).

<sup>211</sup> For example, in 2004 the district Health Department kept population data on 22 *sucos*. In the practice of forming Cultural Associations and holding *tara bandu* forest protection ceremonies, the Agriculture Department treated customary or CNRT *sucos* as official *sucos* (see Chapter Five). In inviting traditional leaders to government events, recognized official political or traditional boundaries are each used on different occasions.

<sup>212</sup> The Bobocasse *naijuf* explains that at that time, highland areas were preferred zones both for (dryland) agricultural production and for security, so giving away the lowlands was little sacrifice. With the expansion of irrigated rice agriculture in that zone from the 1940s, the lowland areas given to the *kaes*



of Costa and Lifau exist today. The *kaes metan* had and maintain a close relationship to the da Costa king.<sup>213</sup> As a consequence of Bobocasse's historic connection to this land, the *naijuf* still maintains some claim and authority to be involved in land issues in the villages to which it granted land, for example settling disputes and speaking of boundaries.<sup>214</sup> Because their land was subdivided from Bobocasse and not among the original divisions by the Ambeno king, Cunha and Lalisuk do not have a clear traditional boundary between them, and are often represented together as a unit (some rivalry notwithstanding). All other villages state that Cunha-Lalisuk alone do not have *tobe-naijuf* as in the leadership structure found throughout Oecusse, but only *amnasit* (elders); however, in Cunha and Lalisuk there are individuals who identify themselves as *naijuf*, descendants of the former *chefe suco*,<sup>215</sup> and there are individuals internally recognized as *tobe*. Unique histories of land acquisition could be told for each village, briefly mentioned in Appendix C.

### ***Modern roles and activities of local land and forest authorities***

Despite the complexities and ambiguities of whom occupies the positions of king, *naijuf*, and *tobe*,<sup>216</sup> the hierarchy of local authorities remains an active and central aspect to everyday life in

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metan have become the prime agriculture zones in Oecusse, and Bobocasse now regrets having lost that land to another *suco*.

<sup>213</sup> This is evidenced not only in oral accounts but also in the payment of tribute and activity of the *ajantis* (Costa king's assistants/palace guards), for example in the beeswax candle-making at Easter and mediating the traditional *noni nakaf* payments with Bobo-Banafi on behalf of the Costa family.

<sup>214</sup> Bobocasse's involvement in Cunha-Lalisuk land matters was publicly stated and exercised when boundary issues arose during Bobocasse's *tara bandu* ceremony.

<sup>215</sup> So, just as the Portuguese administration named *naijuf* to the position of *chefe suco*, so sons of Portuguese *chefe sucos* adopted the name *naijuf* for themselves.

<sup>216</sup> Several factors complicate investigation of this delicate matter. The storytelling style means that leaps of decades or even centuries occur without indication; a king mentioned in the first part of a sentence may be different from a second king mentioned, or an event from centuries ago may sound imminent. As transitions in kingdom and village leadership often involved displacement through war or crime, people are reluctant to tell parts or versions of a story that are unfavorable to their own ancestors, and relative

Oecusse. For the 2004 population of 58,000 people, there are between 100 and 150 people occupying the three positions with primary oversight of land and forests: 1, 2, or 3 kings (plus contenders); 1, 2, or rarely 3 *naijuf* per suco (for 18-24 villages); and 1-7 *tobe*, usually 2-4, within the domain of each *naijuf*.<sup>217</sup> While these figures have frequent interactions, each position has well-defined roles described below, followed by additional positions.<sup>218</sup>

Figure 7. Local land authorities, their regions, and the nature of their authority

<b>Local land authority</b>	<b>Region of control</b>	<b>Nature of land/forest authority</b>
<i>Usif</i>	All land within the district	Historically, land allocation and initiating sandalwood harvest; <i>suco</i> boundaries; legitimization of lower authorities
<i>Naijuf</i>	All land within his domain, approximately the administrative village ( <i>suco</i> )	Inter-village land matters; legitimization of <i>tobe</i> ; land disputes; outsiders' use of land; relate to state organization
<i>Tobe</i>	All land within the subset of <i>naijuf</i> domain ( <i>sopu</i> )	Regulate use of <i>kanaf</i> -held land and new claims; oversight of forest and unclaimed

newcomers to positions of power may insist that their lineage has occupied that role since time immemorial. Villages with historical precedence have lingering claims to higher status than they presently enjoy. Several villages have multiple claimants to being the "true" *naijuf* or *tobe*, based on historical displacements, individual ambitions, or political differences during the 1999 transition.

<sup>217</sup> There are strict boundaries of authority to discuss customary hierarchy. In the course of some Oecusse development research, a short-term visitor inquired about the number of *naijuf* in a village. The individual who answered suffered a crippling accident shortly after; village residents blamed the accident on the villager's transgression of proper boundaries in answering a question beyond his authority. Mindful of these types of local sensitivities and at the request of some key informants, I do not list precise land areas or numbers of local authorities per village.

<sup>218</sup> Ethnographies of western Timor provide comparisons (Ataupah 1990, Cunningham 1962, Foni 2002, McWilliam 2002a, Middelkoop 1963, Neonbasu 1992b, Neonbasu 1992c, Schulte Nordholt 1971).

		land; agricultural rituals; witness land transactions
<i>Kabo-oel</i>	Irrigated land	Develop irrigation scheme on own or others' land and allocate use while the irrigation continues
<i>Kanaf/sub-kanaf</i> head	Land acquired through swidden agriculture or residence	Use, lend, and allocate land
Individual	Individualized agricultural land; house yard	Use, lend, allocate, rent, and sell land

There is great diversity of local hierarchies among the villages of Oecusse. Variations in naming, practice, and structure point to the extreme localization of the traditional authority structure. A glimpse of these authorities' roles and relationships is first seen through the following discussion of an annual tribute.

*Tributes of beeswax and maize: Ninik-abas and pentauf/penasu*

While many Oecusse people and the royal families themselves sometimes mention that there is no place for local royalty in a modern democracy, the continued giving of tribute serves as one indication of popular recognition of kingship.<sup>219</sup> Nearly all *sucos* still bring annual harvest tributes to the *usif* in recognition of this position as the ultimate landowner(s) for all of Ambeno.<sup>220</sup> People's participation in this event provides a rare concrete opportunity to discern

<sup>219</sup> Beeswax and cotton thread have long been common tribute items throughout western Timor (Foni 2002, McWilliam 2002a:44, Middelkoop 1968:77, Schulte Nordholt 1971).

<sup>220</sup> Despite other contenders for the Costa kingship, in 2003 and 2004 tribute taken to the sonaf Oe-Sono was received by Antonio Hermenegildo da Costa. Marcarius da Cruz received tribute taken to Tulaica.

forms and realms of responsibility within the *adat* structure across the district. The pre-Easter tribute<sup>221</sup> of *ninik-abas* (beeswax and homespun cotton thread, or beeswax candles) and *pentauf* or *penasu*<sup>222</sup> (dried ears of maize still on the stalk, usually tied in bunches of eight) is also intended to ensure social harmony within the kingdom and good harvests for the coming year. It also illustrates the close relationship between the traditional hierarchy of *usif-naijuf-tobe* and the Catholic church. In contrast to the decline in many aspects of kingdom life after Portuguese rule, this practice continued uninterrupted throughout the Indonesian era.

Beeswax, at one time one of the main trade products from Timor, is now a relatively scarce commodity in Oecusse.<sup>223</sup> Unlike sandalwood, beeswax trade does not appear in oral histories, but both sandalwood and beeswax were subject to the same regulation by local authorities: a *tobe* had to conduct preliminary rituals and oversee the wood and wax harvests, and a portion always went to the king via the *tobe-naijuf*. The wax has several colors ranging from white and yellow to pink and dark brown, said to depend on the type of tree flowers the bees visited. The matter of obtaining wax is the main topic of discussion at the events involving candles. The few *sucos* with extensive forests—including Ben-Uf, Lel-Uf, Cutet, and Malelat—have abundant wax, which is harvested around June and stored for the following year. Certain forests, such as one in Suco Lel-Uf, are under special protection by the kings specifically to ensure wax production, and these forests are a source of village pride. *Tobes* or king's assistants (*ajantis*) from the other villages travel to source villages or purchase wax in the markets, which is considered expensive; a wax disk of 8 cm diameter and 3 cm height can cost US\$2.50.

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<sup>221</sup> Other tributes, e.g. at the rice harvest in August (*ka'ot*), were offered sometimes in connection with the state tax, but are no longer practiced to the extent they were during Portuguese times.

<sup>222</sup> While most villages use the terms *penasu* and *pentauf* interchangeably, some villages distinguished *penasu* as the maize tribute taken to the *naijuf*, while the *pentauf* was taken to the king.

<sup>223</sup> See origins and history of the beeswax trade in Chapter Two.

In the weeks preceding Easter, coinciding with the main swidden food crop harvest time, the *tobes* and *ajantis* oversee the village-level collection of wax and thread, coconut oil, betel, and maize. Each household must provide a small amount of these items, or contribute money (usually 5-10 US cents) toward their purchase. Village delegations of *tobe*, *naijuf*, *ajanti* (Costa king assistants), or elders take these items to the two kings' residences (M: *sonaf*, palace) in Oe-Sono and/or Tulaica in the week before Easter, for church and personal use by the kings. The wax and thread (wick) are used to make Easter candles, and the coconut oil is used in half-shell coconut lamps around the churches. The betel is shared with those who monitor and replace the candles burned overnight<sup>224</sup> after the Good Friday services. Extra cotton thread is used to weave the cloth that both women (*tais*) and men (*beti*) usually wear, and the maize is placed in the palace for consumption or distribution by the royal family. The amount of maize varies from village to village and year to year, depending on the quantity of harvest; some villages bring one ear from each family, and others bring one bundle of maize for each local leader who goes to the palace.

The beeswax candles are central to this event, and there are historical assignments of each village to take *ninik-abas* to one or both palaces. While the eight villages of northeastern Oecusse<sup>225</sup> go primarily to the Oe-Sono *sonaf*, some other villages contribute wax to Oe-Sono through the two

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<sup>224</sup> Three kings receive recognition in the *um-uma* bamboo poles on which candles are burned throughout the night: in front of the church, the Costa *um-uma* is maintained by the Costa king's *ajantis*; behind the church, two poles represent the Ambeno king (west) and the Hornay king (east), and their candles are maintained by two groups of *amnasit* elders from the eight closest *sucos* (Taiboco, Lifau, Bobocasse, Tunbab [=Sacato/Nipani], Cutet [=Costa], Naimeco, Cunha, Lalisuk), headed by Bobocasse and Naimeco, respectively.

<sup>225</sup> Costa, Kutet, Nipani, Cunha, Lalisuk, Lifau, Naimeco, Bobocasse; the narrator who opened this chapter mentioned that *Naimeco, Bobocasse, Cutete, Nipani, Cunha, and Lalisuk always take ninik abas, pentauf, and etu to the Raja da Costa, and the other sucos take them to the Raja Tulaica*. During Portuguese times and until the late 1980s, people in each *suco* cultivated some fields for the king, called *etu*, of which the king received the entire harvest. Usitaqueno, Lifau, and Lele-Uf/Hao-Uf also reportedly go to Oesono. I compiled these listings of which villages take *ninik-abas* to which palace partly from personal observation and partly from oral accounts, which tended to vary a bit from speaker to speaker. Asking a group of *tobes* in a given village about their practices did not even always achieve a clear answer to this distribution.

villages closest to the Costa kingship, Cunha-Lalisuk. Although not all villages attend the Oe-Sono ceremony<sup>226</sup> of delivering, counting, submitting the candles to the Oecusse church where Good Friday activities are centered, it is said that all villages are represented in this event. Villages that take *ninik-abas* primarily to Tulaica include Malelat (usually early), Lifau, Usitaco/Poas-Bot (enclave), Bobocasse, Taiboco, Suni-Uf, and Abani-Passab. Several villages take *ninik-abas* to both Tulaica and Oesono, usually assigning customary leaders from different regions, *divided along the named tobe domains of authority (and not settlement zones)*, to one palace or the other: Usitasae, Bobometo, Banafi, and Ben-Uf. Naimeco is unique, taking already-made candles to both kings, given to both of them on Good Friday at the church, rather than delivered (in raw form) to the palaces. At the church, a *naijuf* of each (of eighteen) villages also receives one candle from the Tulaica palace, whether they brought wax or not. A few distant villages, e.g., Ben-Uf, also take candles directly to their local chapels.

Any village that neglects its responsibility receives a fine that must be paid on the spot or in the following year; three different villages paid fines of cash and animals in 2003 and 2004 for failing to bring wax of adequate quantity or quality. Villages that take *ninik-abas* to Oe-Sono can bring rounds of beeswax to the palace the week before Easter, which is then made into candles<sup>227</sup> at the palace by the Costa king's assistants. However, most villages' *tobes* or *ajantis* make the candles in the village and bring them to the ceremony before Easter, in 2003 and 2004 collecting more than several hundred candles, which were carried to the church for presentation to the Oecusse

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<sup>226</sup> This ceremony is held in the afternoon of the Wednesday before Easter.

<sup>227</sup> There are three sizes of candles used on Good Friday: the king's candle, one meter long, held by a selected *ajanti* from Cunha-Lalisuk; candles used inside the church, 30-40 cm; and the *ajantis*' and *annasits*' candles, 15-20 cm, which they tie to the raised poles (*um uma*) around the church and change throughout the night. The melted wax is poured over wicks suspended from a notched palm rib until the candles reach the proper size. The candles are then cooled in water, rolled along a board to smooth the surface, and trimmed so they have a flat base.

priest. The Tulaica palace receives primarily rounds of wax and string, and men who live close to the palace make the candles at the palace.

*King (usif): protection, boundaries, legitimation, and tribute*

Earlier sections discuss the proliferation and elimination of multiple kings, and their territorial (in)distinctions. As the ultimate authority over Oecusse-Ambeno, the king is frequently referred to as the protector, one under whom the people take shelter and find shade.<sup>228</sup> Sometimes the *usif* is called the *naijuf mnatu* (golden *naijuf*), while village-level *naijuf* are called *naijuf muti* (silver *naijuf*). As the *Usif* Beno was originally responsible for allocating domains to the *naijuf*, the *usif* retains the unique authority to determine inter-*suco* boundaries but is not involved in everyday decisions relating to land use at lower levels. When *naijuf* and *tobe* discuss their roles and their appointments, they always make mention of their legitimation by the king, often with reference to items the king gave them as symbols of their authority.<sup>229</sup>

*Village head (naijuf): political representation and inter-village matters*

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<sup>228</sup> A variety of metaphors for the king referring to this role are used in ritual speech, such as “Toko mnaut a es nunuh tuakini, lete tuakini”: The one who sits in the golden chair is the owner of the fig tree, the owner of the lete tree. Shade and coolness are generally positive, sought-after qualities (Daschbach 1988, McWilliam 2002a).

<sup>229</sup> *Naijuf* symbols include rifles, mutin bead necklaces, and swords; for *tobe*, there are woven baskets, clay pots, and chisels.

The next layer is that of the *naijuf*, the *suco*-level political authority<sup>230</sup> that is usually an inherited position within a lineage (father-son/nephew). Each Oecusse village has 1-2, rarely 3 *naijuf*. Multiple *naijuf* have a division of tasks rather than land areas: the *naijuf mnasi* (old *naijuf*) usually has a more ceremonial role, and the *naijuf mnune* (young *naijuf*) is more active in everyday governance. *Naijuf* can be among the original settlers or they can be brought in from outside to head a *suco*, receiving legitimation from the *usif* and from the Portuguese administration.<sup>231</sup> While *naijuf* are recognized as the highest *suco*-level leader and in some sense heading the entire village's domain, many *naijuf* have little or no land that belongs specifically to their *kanaf*: some allocated land to the village residents and received harvest tributes, and others were outsiders brought in who had no original *kanaf* claims in the region.<sup>232</sup> *Naijuf* serve as intermediaries between the village population and formal government, must be involved in inter-village matters, and usually participate in settling land disputes within their domain. Like the kings, their residence can be called a *sonaf* (palace), and until the Indonesian era they received annual tributes from their populations.

The common phrase “*tobe-naijuf*” serves as shorthand for the village-level traditional system, and there is a strong relationship between these two figures. As in the above narrative, village

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<sup>230</sup> Van Wouden's (1968) essays on social structure in the region reflected and disseminated the notion of dualistic political and ritual authorities in the Timor region, a subject broadly treated in ethnographies (Cunningham 1962, Fox 1980, McWilliam 2002a, Schulte Nordholt 1971). While Oecusse *tobe* and *naijuf* clearly explain their unique roles in village life, they more frequently emphasized (and demonstrated) their cooperation in carrying out ceremonies and other tasks. Still, I conserve the “political-ritual” frame here based on the very different types of interaction that *tobe* and *naijuf* have had to government authorities: while *naijuf* were often named as government functionaries and carried out state business, the *tobe* resided in remote areas and was almost unknown to the state authorities, with primary responsibility for carrying out agricultural and other rituals.

<sup>231</sup> This resembles the forms for naming a *liurai* in eastern Timor, either choosing from among those with status or selecting a leader from the outside (Sousa Xavier 1997).

<sup>232</sup> Some *naijuf* seemed to revel in the paradox that they claimed to own no land, yet the whole *suco* belonged to them.



settlement histories often mention an early alliance between the *tobe* and the *naijuf*, sometimes agreeing to co-govern a territory with a division of roles (inside/outside, ritual/political) in order to attract more people to settle their area. There is little rivalry between the *tobe* and the *naijuf*, since their domains of power are separate. On most activities, such as tribute collection, land disputes, or rituals/sacrifices (speaking, killing the animal, reading the liver), *tobe-naijuf* work together (see Chapter Five). During Portuguese times, orders to cut sandalwood were channelled from the government (M: *plenat*) and/or the king, to the *naijuf*, to the *tobe*, to the people. While *tobe-naijuf* comment on the hierarchy and their usual practice of working together, the two roles are most obviously distinct in that the *naijuf* (never the *tobe* alone) relates to the state, and the *tobe* (never the *naijuf* alone) oversees rituals. *Naijuf* (unlike *tobes*) can be absent from their villages and remain *naijuf*; some were in West Timor, living in Dili, or in Oecusse town.

The insider-outsider distinction is an important one for the place of this figure in modern governance (Ospina and Hohe 2001). After the 1911-12 rebellion, many Oecusse *naijuf* were replaced with those acceptable to the Portuguese administration; the colonial practice of appointing *naijuf* as *chefe de suco* further associated the *naijuf* with state government. Similarly, a number of *naijuf* who sided with Indonesia during the 1999 transition had not returned to Oecusse by 2004, with the vacancy usually being filled “temporarily” by a male relative. People dissatisfied with today’s political hierarchy—related to the history of resistance—may reject the politically-aligned power of the *naijuf* along with that of the king, while preserving the ritual powers of the less politically involved *tobe* (cf. West and Kloeck-Jenson 1999).<sup>233</sup> While there is intermittent popular sentiment to reduce or to do away with, or transform, the power of the king and the *naijuf*, the role of the *tobe* seems largely exempt from those discussions at the village level. In contrast to modern intolerance of the *naijuf*’s power to wield power unjustly, *tobes* are

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<sup>233</sup> Others imply that the entire customary structure needs to be preserved “intact” (Anuno and Muni Salu 2003).

rarely resented by the population, and seen as conducting a critical role in preserving favorable relationships with ancestors, smoothing the way for favorable harvests. Not all *tobe* have economic advantage relative to other villagers, but all *naijuf* do.<sup>234</sup> Even where *tobes* are relatively large landowners, it is seen as legitimate because they were the original inhabitants of the land, historically selected from among village residents and drawing their legitimacy from locally agreed-upon principles in the above origin narrative, rather than from state governments as has occurred with some *naijuf* (cf. Cinatti Vaz Monteiro Gomes 1974, Ward 1995).

*Ritual land and forest guardian (tobe): agricultural rituals, land use authority, and forest control*

Within a village, the central land and forest authorities are the *tobe*, ritual figures with specific jurisdiction over matters of land allocation and use, tree products, and agricultural rituals. The name *tobe* derives from the small woven basket of lontar leaves used in rituals; it also means “cover” or “lid,” again playing a protective role for the people. As *tobes* had little if any direct contact with colonial rulers, their role is scarcely mentioned in Portuguese sources. Schulte Nordholt (1971:224) called them ritual custodians of the land, and Middelkoop (1960:22) considered this ritual leader a complicated figure; several intersections of their observations on *tobe* activities with modern Oecusse practice are highlighted below. In 2003, each *suco* in Oecusse had between one and seven *tobes*, with most villages naming two to four individuals as the *tobes* of that village. Nearly all<sup>235</sup> of Oecusse’s land was fully divided among about 70

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<sup>234</sup> See Cases 1 and 2 in Chapter Four for how *tobe*’s land is treated the same as a villager’s; not so for the *naijuf*. Villagers were required to prepare gardens and plantations for the *naijuf*, but not for the *tobe*.

<sup>235</sup> The only areas that do not fall within an active *tobe* domain are about 10 km<sup>2</sup> of Oecusse town and possibly portions of the central rice-growing areas settled by coastal in-migrants. On irrigated land growing flooded rice or betel, the *tobe*’s authority may be secondary to that of the *kabo-oel*, or irrigation overseer. When urban residents held a tara bandu to forbid harvesting of fish from the wetland area that runs through Oecusse town (*suco* Costa), aldeia elders and the *chefe suco* filled the roles of *tobe* and *naijuf*. While other *sucos* usually name Cunha-Lalisuk as exceptions to Oecusse’s traditional hierarchy as not having *naijuf* and *tobe*, within those villages there are some individuals identified by themselves and other village residents as *naijuf* and *tobe*.

*tobes*<sup>236</sup> who had contiguous borders covering the landscape. As discussed below, the division of task and land areas among *tobes* is specific to each village. In general, a *tobe*'s claim to authority was one of precedence over later settlers and legitimation from higher powers, and he still held broad authority over specified land areas. The *tobe* can permit or deny land use, including agricultural use of *kanaf* land in a given year or opening unclaimed land that would lead to an enduring claim. *Tobe* domains (*sopu*) have clear perimeter boundaries, usually natural features such as rivers or mountain ridges. Thus, throughout Oecusse, the land under the authority of each *tobe* forms a subset of the land under a *naijuf*.<sup>237</sup>

*Tobes* have a number of responsibilities, including the following: 1) agricultural rituals to control natural phenomena in the upland/dryland planting cycle, including ceremonies to regulate rain, wind, and temperature; 2) harvest rituals, before eating new crops (see Chapter Four); 3) protection of sacred forests, including ceremonies to prohibit and re-open use (see Chapter Five); 4) reporting transgressions and assessing fines; 5) approving cutting of trees and use of agricultural land;<sup>238</sup> 6) gathering and conveying beeswax candles and other tribute items to the king(s); and 7) regulation of sandalwood harvest. As spiritual figures, *tobes* mediate among the creator, ancestors, and villagers regarding agricultural activities. In his treatise on indigenous political systems in West Timor, Schulte-Nordholt (1971) wrote one of the most thorough descriptions of the *tobe*. Their ritual role was similar to that described above for Oecusse (Foni

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<sup>236</sup> This figure includes other ritual land/forest authorities who may be identified by other names (e.g., *tobe tonene* and *tua sufa*, *kabuk sufa* of Chapter Four) and those who have ceremonial responsibilities without designated land areas.

<sup>237</sup> However, a *tobe*'s domain is unrelated to the (sub-village) administrative hamlet division called *aldeia* (I: *dusun*).

<sup>238</sup> Before farmers open their annual gardens, they usually inform the *tobe* of their plans (and until the 1980s enlisted his participation in planting rituals). In 2003, one Lekot *tobe* forbade three groups of farmers to make swidden gardens on their *kanaf* land on the grounds that the proposed areas were too steep and should be allowed to return to forest; the one group that transgressed this prohibition subsequently paid a fine to the community. The *tobe* does not allocate land directly, but oversees its distribution and acts as a witness in land transactions.

2002, Middelkoop 1960). In the *tobe*'s practice of agricultural rituals and controlling the elements of rain, wind, and heat that influence harvests, his role—in current terms—centers on “food security” for the village. Schulte-Nordholdt (1971:77-78) mentions that the *tobe* also oversaw storage of a quantity of the harvest set aside for emergency needs, although this practice had diminished by the time of his study in the 1940s.<sup>239</sup> This description notes the progressive adaptation of the *tobes*' roles, past and present.

Tobe geography: divisions of domains and of ritual responsibilities

*Tobe* domains and activities are village-specific. In some villages, each *tobe* has exclusive control over all land and forest practices within a given region; in other villages each *tobe* has specific responsibilities (e.g., sandalwood protection or rain rituals); and most villages demonstrate some combination of these task and area divisions<sup>240</sup> among the *tobes* of that village. While many villages identify one “great *tobe*” (*tobe naek*) and one or more “small *tobe*” (*tobe ana*), other villages designate all *tobes* by their named areas only, without any hierarchy or superiority in land area implied among the *tobes* of the village. While *tobe* domains, defined by named<sup>241</sup> perimeters, are largely fixed, land area divisions can change in practical adaptation to new circumstances. For example, when the entire population used to live in the highlands, the *tobes* of one western village used to divide ritual responsibilities within the same land area, but

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<sup>239</sup> This role was revisited during 2003 in Oecusse with one village's payment of a fine for cutting forest declared off-limits in a government-sponsored tara bandu; seven of the eight two-year-old cows paid by sixteen villagers were sold, with the income of over US\$800 stored at the government office [in the absence of a bank in Oecusse], to be withdrawn by a committee headed by the *tobes* to purchase rice for the population during the end-of-year hungry season.

<sup>240</sup> For example, the Lekot region featured in Chapter Four.

<sup>241</sup> Domain naming is variable. Some *tobes*' domain names correspond to a land area; others (as in Chapter Four) refer to internal *tobe* hierarchy or to the relative size of the land area under their control; one village has two sets of names for their four *tobes*: one refers to the land areas under their control, and the other one of ritual specialities (e.g., rain, sandalwood).

with significant coastward migration, during 2002-04 two *tobes* were negotiating a new division based on land area to better cover the newly populous coastal region. *Tobe* authority is rooted in a geographic land area; a *tobe* who moves from one location has no authority to be a *tobe* somewhere else.

Three exceptions to the “rule” of *tobe* domains as subsets of a single suco or *naijuf* domain offer important clues to the history and evolution of this position. *Tobe* domains cross existing village boundaries in the following three cases: in urban Oecusse, in one location where a *tobe* domain represents much earlier customary territorial divisions not reflected in later government village creation, and for Oecusse’s top “rain *tobe*” whose ritual domain extends throughout western Timor. The last two cases are particularly striking, since they represent the only supra-suco *tobe* hierarchy in Oecusse, where the *tobes*’ responsibilities supersede *naijuf* boundaries. In these cases, *tobe* domains cover regions predating the present administrative division of villages; importantly, the figures involved only regulate land and agricultural rituals, suggesting that the sandalwood and beeswax oversight was added to the *tobes*’ responsibilities later, related to these items’ role in trade and Church use.

The first instance is in several southern residential neighborhoods of Oecusse town, suco Costa, whose *tobes* are in Suco Bobocasse. This reflects how Bobocasse’s prior domain extended to the north coast, as described above. Some urban residents in these neighborhoods still contribute to the Bobocasse *tobes*’ pre-Easter tributes.

The second instance is in northeast Oecusse, where one original *tobe*, still resident in the original sacred location, has a domain extending across the current Oecusse villages of Naimeco, Monemeco/Costa, Nipani, and into Indonesian West Timor regions of Manamas and Suinsea.

This eastern region<sup>242</sup> once comprised the Mecos kingdom, with elder/younger relationships among the villages. In the process of dividing land areas and tasks, a great *tobe* was added.<sup>243</sup> Still with too many responsibilities across a large domain, four additional small *tobe* were added in the Oecusse regions, and a great and small *tobe* were also designated for the areas now in West Timor. Although there have been many small *tobe* assigned to various areas for several generations, each year the most important annual harvest ritual was celebrated together, headed by the original *tobe*. Throughout the Portuguese and Indonesian periods, people from the full extent of the original *tobe*'s traditional domain brought animals to the event; but since 1999, for the first time the people resident in West Timor are unable to attend the ritual due to new international border restrictions. Relevant to the next case, the original *tobe* only has responsibilities in guarding the ritual house, receiving maize tribute, and rain and wind regulation—he is not involved at all in beeswax collection or in sandalwood control, suggesting that these two tasks were relatively late additions to the array of *tobe* responsibilities.

The third instance is that of the main “rain *tobe*” for all of Oecusse, located in the highlands of village Suni-Uf. Among the most sacred sites in Oecusse, there are strict limitations on outsiders’ access to the ritual house and use of recording equipment or music around the yard. The ritual house guard (called *tobe nakaf*, head *tobe*) is not permitted to speak of ritual matters himself, but he has a representative authorized to speak when he is present. This case is also exceptional in other aspects: it is the only instance of a woman holding the position of *tobe*, and since the head

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<sup>242</sup> Aside from the Mecos’ incorporation into the Oecusse-Ambeno realm, this sandalwood-rich eastern region was the most contentious division between the Dutch and Portuguese powers: the 1911 map shows the entire eastern border, running from the coast inland as a dashed, contested line, and the colonial negotiations over this region were what delayed the treaty settlement nearly 50 years.

<sup>243</sup> Even where the village population was relocated to the coast in Indonesian times, the first two *tobes* cannot abandon their ritual sites and still occupy the only two residential houses remaining in the original interior locations, accessible only by treacherous paths.

rain *tobe* is not allowed to marry (or engage in sexual intercourse), the position cannot pass from father to son, as is nearly always the case with *tobe* transitions.

The head rain *tobe*'s location is mentioned in rain recitations across Oecusse and reportedly throughout Indonesian West Timor. It was from this house that the *tobe tonene* ("agriculture *tobe*") described in Chapter Four purchased the ritual knowledge (before the Japanese occupation, three generations ago) to hold his *tobe*-like position in Lekot. In earlier generations, siblings held this head *tobe* position, one (married but childless) brother followed by his two sisters<sup>244</sup> and one brother, whose nearby graves are also sacred sites. After all had died, the lineage purchased a young child ("sos atoni") from an unmarried sister in another village to replace the head rain *tobe*; as the child's father was unknown, the lineage gave the child the rain *tobe* name (*sub-kanaf*). That child had to remain unbaptized in order to serve as head rain *tobe* himself.<sup>245</sup> At present, all families of the *tobe nakaf* *sub-kanaf* must designate one of their children (male or female) as a potential candidate to guard the ritual house; as living too close to the ritual house is said to impair fertility, members of the *sub-kanaf* must live at sufficient distance. Each year when rains are considered unfavorable or insufficient, all rain *tobes* (e.g., *tobe tonene*) from various *sucos* travel to the head rain *tobe*'s ritual house, bringing animals for a ceremony said to precipitate rain immediately. In this ceremony as at other times, the ritual house guard is not permitted to speak, only lighting a fire; the accompanying speaker is the father of the next replacement. Between 1999 and 2004, the rain *tobes* (*tobe tonene*, more generally called *tobe ulan*, rain *tobe* throughout

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<sup>244</sup> Villagers mentioned that as the head rain *tobe* cannot marry, this position is unpopular and that partly explains why women are permitted to hold this post.

<sup>245</sup> Until the present generation, *tobes* (alone of all traditional leaders) were not baptized in the Catholic Church, and they did not have Catholic names. At present in Oecusse, all *tobes* and their children are permitted to be baptized, with the exception of this head rain *tobe*. In 2004, a seventeen-year-old male who attended school in town was the next candidate to become *tobe nakaf*, and he was unbaptized and clearly prohibited from marriage.

Oecusse) gathered at the head rain *tobe*'s in three of the five years, to perform the ceremony. The young, future head rain *tobe* is always present at the ceremony.

The original rain *tobe* was said to have emerged supernaturally from the ocean, without human ancestors (“*Ama, Ena es tasi*”: father, mother are the sea), found on the beach and raised by an Oecusse family. They took the child to the Ambeno king in Nunheno,<sup>246</sup> creator of the seeds (*pen fini, aen fini*=maize seeds, rice seeds) and water (*luma aku*=ritual term for dew, rain) from whence he emerged.<sup>247</sup> Once people accepted the seeds, this added another *tobe* to the pre-existing *toeb pah* (*tobe* of the land, e.g. suco-level great and small *tobe*<sup>248</sup>), so that each accepting suco then had three *tobes*. At first, only three *sucos* accepted the seeds and ritual. Other locations later received it after seeing its success in the initial acceptor *sucos*, spanning the east-west range of Oecusse. There are four other houses in (Indonesian) West Timor that also use the same ritual system.

There is no equivalent, cross-village *tobe* for any other aspects of agricultural ritual, sandalwood, or land oversight. This supports the oral histories that one of the earliest *tobe* responsibilities was

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<sup>246</sup> The four original brother kings of Timor had evidence that Beun-Sila had the creator of the seeds, which is why he received the land located in the middle of Timor, placing this event early in the settlement narrative of Oecusse.

<sup>247</sup> The adopted child had his Oecusse father chop up his own natural son and daughter, spread the pieces of their bodies over the ground, and four days later the pieces had turned into all kinds of plants: maize, cucumbers, rice, and beans. Then the adopted child was acknowledged as the creator, and went out and tried to give seed to other *sucos*. At first, the other *sucos* rejected the seeds, but finally they adopted them and then came to believe in his adat system. When he distributed the planting seed, he also told them the proper ritual words to use in the ceremony to ask for rain and to increase harvests. Similar seed crop origin stories are found throughout Asia (Friedberg 1980, Mabuchi Toichi 1974, van Wouden 1968).

<sup>248</sup> The head rain *tobe* made it clear that the *toeb pah* is charged with protecting (*namaof*) the people, while the *toeb ulan* (rain *tobe*) is only responsible for water (*luma aku*), without any relation to sandalwood, wax, or other items.



in rain regulation, perhaps before beeswax was collected for use in Church rituals or sandalwood trade was controlled.

New tasks for the *tobe*: beeswax and sandalwood

Chapter Five describes how the independent district government seeks to recognize and to administratively reinstate the *tobes* in an effort to extend its reach into rural areas. This new role of the *tobe* can be seen as a continuation of their progressive adaptation to different tasks acquired as they have interacted with various ruling authorities.

Oral histories describe the collection and use of beeswax candles, overseen by the *tobes*, as a new task with the arrival of the Catholic Church and the Costa king. Although candles are currently used in *adat* ceremonies in the same way they are used in Church rituals, people report that beeswax collection was not done previously for the Ambeno king or for trade before Costa's arrival.

Similarly, the above story indicated that in giving the *tobes* a chisel, the tool and symbol of their sandalwood authority, the Costa king added this element to their other ritual tasks of land and forest control in agricultural rituals. With the arrival of traders from Asia and Europe, sandalwood went from an abundant, unused species to the rapidly depleted primary target of overseas visitors to the island. This abrupt change in importance and value may have prompted the Oecusse king to create the *tobe's* special, exclusive role in overseeing and controlling sandalwood harvest. This begs the questions: Did the *tobe* have any protective role over sandalwood before the arrival of the traders? In the days when sandalwood was abundant, unused, and unknown, was anyone responsible for protecting it? Perhaps *tobes* were only assigned this role when sandalwood became a scarce, sought-after commodity? Is it possible that

*tobes* had earlier roles in ritual communication with ancestors, but their position changed with the formalization of the *naijuf* hierarchy, and from that time they acquired the roles of sandalwood protectors?

When I discussed this theory individually with several Oecusse political leaders also recognized as *adat* authorities, they rejected my interpretation. They insisted on principle that *tobes* have always protected sandalwood since the beginning of time, and that the earliest kings placed prohibitions on the aromatic wood for spiritual reasons alone. In their view, it was this innate protection that led to sandalwood's abundance and lack of local uses in the first place, rather than my suggestion that their protective role arose in response to a king's desire to control sandalwood harvest. From the earliest of times, active local authorities were responsible for shaping and fostering Oecusse's forests, attributing a high degree of human agency to sandalwood's growth on Timor. These leaders were unwilling to portray the *tobes*' roles as changing and merely responsive to outside trade. Akin to the traditionalism discussed at the opening of this chapter, spiritual justification and a changeless model of traditional authorities' past responsibilities—even if unsupported by any local histories, such as the above narrative—bolster the legitimacy of their interest in restoring power to local customary authorities. They explained that the Costa king's conferral of chisels to the *tobes* merely lent official recognition to the *tobes*' existing roles, rather than initiating a new aspect of the *tobes*' position.

The above story of the rain *tobes* and Chapter Four describe how new land/forest authorities were progressively added on an as-needed basis. The advent of their role in sandalwood protection points to a fundamental development of a dynamic property system. Just as *tobes* were added when populations got large enough to require additional assistance in land matters, so their

official tasks were expanded to include protection, or exclusive access, to beeswax and sandalwood.<sup>249</sup>

Becoming a *tobe*: inheritance, lineage, and exceptions

The opening narrative demonstrated how in stories, the chronology of appointment is made to correspond to the hierarchy of *usif-naijuf-tobe*, although the above narrative and Chapter Four accounts clearly identify the individuals who became *tobes* as early residents. Justifications for why a given lineage is named as *tobe* include the following: precedence (eternal or earliest residence in an area); supernatural ties to the land (including original or continuing abilities to take forms of animals or stones at will); winning the land through warfare (driving out the native inhabitants); appointment to the position by the Ambeno king, *naijuf*, and selection or recognition by the suco residents as having original rights to the land; and forming an alliance with a *naijuf* to settle together and to populate or govern an area by inviting people into that area to come together in a unit, and then dividing up the responsibilities. One man identified as a *tobe* said he received his position in exchange for helping pay a *tobe*'s bride price.

Because of these crucial ties to a local place, it is important that the position of landholding *tobes*<sup>250</sup> (great/small *tobe*) remain within a lineage, ideally passed from father to son. People

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<sup>249</sup> I have not uncovered any Portuguese sources that mention the *tobe* by name, much less in connection with sandalwood monitoring. Since the Portuguese traded on the coast and knew relatively little about the interior in general, they may not have known about this local figure involved in native ritual. But in recent accounts, a *tobe*'s main role is in sandalwood protection, and if in the past they had similarly critical roles in sandalwood prohibition and acquisition as they do now, they might have made an appearance in Portuguese histories.

<sup>250</sup> The lesser or non-landholding *tobes* assigned specific tasks but without land area (like agriculture, sandalwood, or certain rain *tobes*) are also usually also gained by inheritance, but they can clearly be changed to another lineage when people are dissatisfied with their performance or for other reasons. As described in Chapter Four, in 2004, the massive harvest loss in Lekot was blamed on a careless error the *tobe* tonene made in timing and choice of animal for the 2003 sacrifice. In response, many people called

frequently state that while government positions can be changed, the *tobe* position must remain in the family line, and cannot be replaced carelessly. This is even more important for *tobe* than for *naijuf*, whose positions in the last century were often tied to the administrative government position of village head. If a *tobe* does not have sons, or the sons are unwilling or unable to replace the father, a suitable candidate from the same lineage (e.g., a son of the current *tobe*'s brother), can be named and trained to take on the ritual responsibilities. The *tobe* must be resident in the village to carry out the day-to-day tasks and responsibilities. If an individual who is "in line" to become a *tobe* moves away from the domain, e.g. to take a job in town or to pursue higher education,<sup>251</sup> he will forfeit the role to another suitable relative who continues to live in the domain. By contrast, a *naijuf* may retain his position even though he lives away from the village. In a few cases, several brothers of a *tobe* lineage may share the role, each filling in if the primary *tobe* is not present. There is also an element of skill in ritual speech, personal ability, and interest that figures into the decision to become or to decline becoming a *tobe*, within the family (Rodman 1987).

During fieldwork, there was one Oecusse *tobe* who did not have natural children, but adopted an orphan girl and the son of an unmarried neighbor woman who did not reveal the identity of the child's father. Both children took the *kanaf* name of their *tobe* adoptive father. Discussion of who might replace the aging and infirm *tobe* was underway, and after almost two years of discussion, the village residents decided that the adopted son could be permitted to take on the role of the *tobe*. Alternatively, the *tobe* position could pass to a man chosen from another *kanaf*, with no identifiable blood or marriage ties to the present *tobe*, but whose ancestors had lived in

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for his removal as *tobe*, and said he should be replaced by someone from another *kanaf*; this move was averted by an additional sacrifice to correct his previous mistake.

<sup>251</sup> Chapter Five describes how *tobes* have lower literacy than *naijuf*, and are sometimes discouraged from pursuing formal education. In two instances in which a younger relative took the place of an older *tobe* candidate who chose to go to school in town, the new *tobe* candidate remained unschooled and illiterate, although his older relative continued on to university.

the same residential house (not shared a ritual house). In 2002, the adopted son, a young adult, learned the identity of his father and wished to return to his birth father's *kanaf*, changing his name and his taboos to that of his birth father. This would make him ineligible to become *tobe*, but as a "modern" youth seeking higher education he was not attracted to the highland village residential requirement and heavy ritual responsibilities that the position would entail. This transition was not acceptable to the *tobe*, who asked a heavy payment from his adopted son's birth *kanaf* if the young man was to return to them, as compensation to the *tobe* for the loss of his son and to replace the expenses used in raising him. While unresolved by the end of fieldwork, it seemed likely that the *tobe* position would indeed pass to the other *kanaf*.

*Warrior (meob): defending borders*

The position of head-hunter or traditional warrior (*meob/meo*, cat) in Atoni society has been examined in a rich literature.<sup>252</sup> Warriors are not regular land authorities, except that they take the leading role in defending borders in times of crisis; people often describe them in terms of security guards. Several Oecusse villages (as seen in Chapter Four) mentioned that their primary warrior families were appointed to guard the borders of the village, and to this day these families usually have significant land holdings adjacent to village borders, or borders of the highlands to (less secure) lowland areas.<sup>253</sup>

*Other authorities: elders, king's assistants, village and hamlet heads, and house*

Other village-level authorities include elders (*amnasit*), Costa king's assistants (*ajantis*), *kanaf* family representatives (*nael*), and the government positions of village head (P: *chefe suco*, I:

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<sup>252</sup> See Cunningham (1962:120-146), Schulte Nordholt (1971:338-345) describing the symbolism and activities of the *meo*, McWilliam (1996), and Middelkoop (1960, 1963) on Atoni warfare.

<sup>253</sup> Gregorius Neonbasu (pers. com.) suggested that the *naijuf* of Oecusse's southern tip were originally warriors to the king of Ambeno.

*kepala desa*) and hamlet head (P: *chefe aldeia*, I: *kepala dusun*). While elders are usually involved in low-level land dispute settlements, they do not hold ritual status. *Ajantis* assist in collecting and delivering the pre-Easter beeswax tribute to the Costa king, but they do not have direct control over any aspects of land use. The term *nael* is used, chiefly in western and southern Oecusse, to describe the heads of each *kanaf* resident in a *suco*; in some *sucos*, *nael* serve as assistants to the *tobe* in ritual activities and in organizing or implementing activities.

The government village head (*chefe suco*) is often linked to the position of *naijuf*, since in Portuguese times (c. 1915 onwards), the *naijuf* was necessarily named to this administrative position responsible for tax collection, organizing the population for work, and any other activities as required by the colonial government.<sup>254</sup> The position of *tobe* was not similarly converted into a civil servant position, but nevertheless the *tobe* worked together with the *naijuf* to achieve some aims of the Portuguese rulers. During Indonesian times and after independence, many people still believe it necessary for the *naijuf* to legitimate a (non-*naijuf*) village head; many villages offer a litany of sudden deaths and accidents that befell their Indonesian-era and post-1999 village heads who undertook their posts without proper recognition and assent from the *naijuf*.<sup>255</sup> During most of the fieldwork period, only three or four villages had the *naijuf* serving as *chefe suco*,<sup>256</sup> but more than half the remaining villages emphasized that their *chefe suco* had sought and received permission and legitimation from the village's *naijuf*. Settlement residents

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<sup>254</sup> The above narrator related the following: *In olden times, there was no chefe suco. Only in the Portuguese colonial era did they form the position of chefe suco, but only giving this position of power to the naijuf. Back then, Cunha and Lalisuk were understood to be the king's assistants, closest to the palace, so they had no naijuf and no tobe. Only in Portuguese times, the structure of government changed with the chefe suco, so Cunha and Lalisuk each had one chefe suco. But Cutete and Maunaben had small populations, so their chefe suco was erased, but their naijuf and their tobe still exist and each year they are still active in taking ninik abas, and tributes of maize [pentauff] and rice [etu].*

<sup>255</sup> A study of local political structures found this phenomenon common throughout other districts of East Timor (Ospina and Hohe 2001). One Oecusse village felt so strongly about this that they selected a woman to serve as village head under Indonesia, in part because she was of *naijuf* lineage.

<sup>256</sup> A single individual *naijuf* who served as *chefe suco* during Portuguese times was still alive.

select the hamlet head for leadership and everyday implementation of local activities, and as such the hamlet head does not hold enduring or ritual authority over land issues.

One of the central features of Atoni and Timorese social organization, the *kanaf* or sub-*kanaf* is the most important social level for communal landholdings and activities focused on a set of ritual houses (*ume*: house as physical and social unit).<sup>257</sup> For decisions relating to *kanaf* land use, an elder male or son of the most direct *kanaf* land user would lead these discussions.<sup>258</sup> *Kanaf* split in response to migration, conflict, or population growth. The majority of intra-village land disputes are settled by *kanaf* heads. The *kanaf* is also an important identifier for property: animals receive *kanaf* markings, along with village symbols.<sup>259</sup>

#### ***New interactions of customary leaders and state authorities***

This focus on the development of authorities who oversee land and forest regulation demonstrates how they accrued their political and ritual functions. Oral histories convey a dynamic expansion of their positions, responsive to local needs and other factors including trade and state governance. This chapter has introduced the cast of customary characters and several of the themes of boundaries, political recognition, claims-making, and identity that surface in contemporary state initiatives to control land and forests. As the new nation seeks ways to draw on its past in forming a new identity, the state has recast these traditional leaders as part of the modern governance apparatus, reshaping their authority and putting it to the service of new ends.

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<sup>257</sup> There is an extensive literature on the “house” (Amsikan 1992, Cunningham 1973, Fox and Sather 1996, McWilliam 2002a, Tilman Soares 1998).

<sup>258</sup> In parts of Oecusse, the *kanaf* heads may be designated as *nael* who serve as assistants to the *tobe*.

<sup>259</sup> People often brand large animals with the *suco* symbol, and cut the ears or toes in patterns that indicate the *kanaf* to which the animal belongs—both facilitating return in event of wandering or theft of the animal, and in addressing repayment for animals that break into cultivated fields and destroy crops. *Suco* and *kanaf* symbols are also carved into trees.

## **Chapter Four: Settlements, ownership, and changing landholding practices in Lekot**

### ***Introduction: Ownership and changing landholding practices in Lekot transect***

The purpose of this chapter is to explore the nature of land ownership in one coastal-highland transect, focusing on transactions including initial land claims, transfer to other persons, and agricultural modifications that influence the type of claim applied in a given context. Bearing in mind that “ownership is a function of relations between persons with reference to things, and not between people and things” (Leach 2004:43), this discussion highlights different types of people’s varying access to land, from the customary authorities described in the previous chapter to non-landholding outsiders. Land borrowing, for both landowners and non-landowners, is central in the existing swidden agricultural system. While ownership forms and norms undergo significant change through migration and agricultural investments, new practices still bear the imprint of the old even as they lead to new relationships.

This chapter outlines the development of landholding and land use patterns in one Oecusse region here named Lekot, that is contained within one administrative village (*suco*), but with boundaries not congruent to village boundaries, and covers approximately 43 km<sup>2</sup>. In early mountain settlements, people established landholding patterns through agricultural use, within the local authority structure that evolved in response to agricultural and demographic change. Forms of land claims in later lowland settlements largely replicate those of highland areas, with some modifications in periurban settlements subject to land titling. This account analyzes how land ownership is linked to agricultural land use and *suco* membership; the conditions in which both



landowners and non-landowners acquire, borrow, and use land; and how land ownership and authority are transformed through agricultural change.

### *Describing customary property systems and codification*

Property systems have long been viewed as discrete entities, classified as traditional, customary, formal, modern, or by other measures. Administrators, anthropologists,<sup>260</sup> and lawmakers have described and classified these systems; description has often served the purpose of moving people from one system into another, or in order to transform one type of system into another. Land titling efforts have sought to bring people from “traditional” to “modern” systems, and codifications of “customary law” have purported to move the realm and modalities of “modernity” and “formality” into the “customary” or “informal” sphere. This chapter and the two following call into question the possibility of neat distinctions, raise some of the problems encountered in codification, and highlight a range of interactions, factors, and relationships that cause various parties to push for codification or to prevent it (Shadle 1999).

The past century has seen many efforts to record and to codify customary property systems in great detail (Hobsbawm and Ranger 1983, Holleman 1969, Holleman 1981, Vargas 1985, Ward and Kingdon 1995b). Notable projects in the Asia-Pacific include Van Vollenhoven’s multi-decade effort to codify the customary laws of the Dutch East Indies (Burns 1999, Holleman 1981), Goodenough’s studies of property holdings on Truk (Goodenough 1978), and efforts to fix and to codify into law what some presumed to be Fijian tradition (France 1969, Larmour 1984, Lawson 1996, Ward 1995). A recent conservative economic revival of interest in customary

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<sup>260</sup> In a recent book, Strathern felt it necessary to make explicit the authors’ intent with regard to codification: “Ethnography of the kind encountered in these chapters is not just a mode of documentation...it does not pretend to a codification of ‘customs’” (2004:2). Riles (2004b) examined the different ways that lawyers and anthropologists have treated property knowledge.

property systems posits that they are not only efficient and of potential use to the state, but ultimately, evolutionarily self-codifying in forms recognizable to “formal” property systems (de Soto 2000, World Bank 2003).

Revisiting these early ambitious initiatives decades later revealed many “problems” with the data gathered or with its transmutation into state law. After a second round of fieldwork, Goodenough concluded that it is impossible for a researcher to accurately record every detail, discovering major changes from his initial study and a great deal of influence from his personal relationship with certain informants, whom each held specific places in the system he tried to capture (1978). One conceptual lesson that emerged decades ago was that customary systems are not static, as some had earlier presumed (Hutchinson 1996). The stunning complexity of customary land and forest regulation, in which ownership norms can be specific to each resource, family, or location, is understandable when we consider that the bases of claims and the possibilities of ownership are embedded in social relationships and the identity of the would-be owner(s). Studying disembodied stated rights and practices is inadequate for understanding decision-making regarding land if positions of relative power and relationships define the outcomes. Where “claims rest on demonstrable relationships” (Strathern 2004:9), customary ownership is tailored to each case, better visualized as a constellation of practices or cases than a single coherent system. This discussion of one region’s authority structure with respect to land use and land tenure illustrates the specificities, stabilities, and mutabilities inherent in rural land ownership

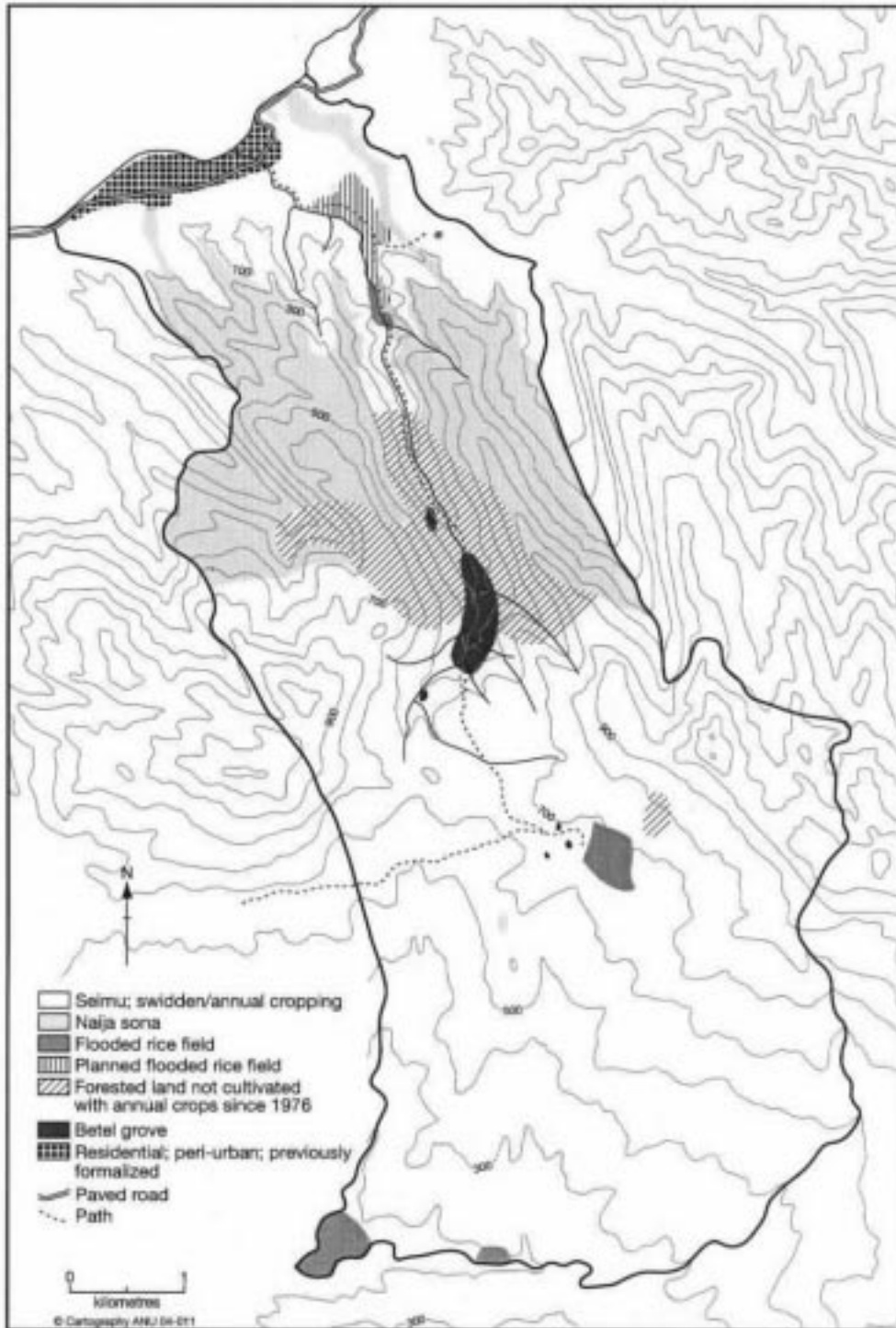
*A changing landscape: topography of a transect*

The most-travelled path<sup>261</sup> through Lekot follows a north-south transect connecting the highland and coastal settlements, with a branch to the inland lowland settlements. Residents regularly journey by foot between the two settlements, as both family ties and material needs between the two locations necessitate frequent travel. News also travels this corridor: it is said that whatever happens in one settlement is known in the others within hours. Without stopping, those accustomed to the trail claim to cover the [crow-flies] distance of 8 km in just over an hour, but travellers often stop at several established resting-points (especially when carrying heavy loads), always at an intersection with water, along the way; walking at a medium pace with periodic stops, the walk takes three hours or more. Along the way, many travellers also take the opportunity to pick betel or other fruits and to talk with others they meet on the trail. (See Figure 8.)

The landscape changes that occur along this main trail from the coastal settlement to the mountain settlement of Lekot illustrate the wide range of land uses in the transect. Walking a north-south transect uphill the length of the region during the dry season, we depart the coast and follow a trail through a dry riverbed filled with fist-sized stones. The riverbed, eight meters wide near the mouth, has steep sides over one meter high for much of its lowland length, evidence that the sudden, short seasonal floods carve the bank. Close to the settlement, there are multiple trails to choose from: people can use the one that follows along the riverbank when the riverbed carries water after a rain, or those that cut through the main individually-owned swidden agricultural fields close to the settlement, which are annually re-routed to avoid walking through areas with standing crops to prevent crop damage. Two kilometers inland, the riverbed still holds some water; nearing the end of the flat lowlands, both sides of the river have areas suitable for flooded

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<sup>261</sup> It is sometimes possible to reach the mountain settlement of Lekot by truck during the dry season along a much longer road that follows the main trans-Oecusse paved road inland, then a dirt path uphill. However, frequent landslides close this road, and the rocky condition of the mountain road makes the journey hazardous, uncomfortable, and only marginally faster than walking along the river route described.



**Figure 8. Land use map of Lekot region**

rice. Past this area, all trails converge and begin a gradual ascent, crossing low hills before re-joining the river, which travellers wade through for 400 meters. In the dry season, very little green vegetation is present through this region other than streamside trees. The first resting-point for this segment, which lends its name to the river as a whole, is 3 km inland and marks the departure from walking in the river; this spot also marks the inland, uphill border of the currently cultivated coastal land.

From this point, the path climbs steeply through closed-canopy, seasonally deciduous forest, and continues to follow alongside the now-hidden river from a height of over 40 meters.<sup>262</sup> Nearing the top, the trail passes through several betel groves, which are meticulously irrigated in the dry season by springs with an elaborate network of ditches and bamboo pipes. In these sections, the path follows the low walls of irrigation ditches and in sections crosses a flooded muddy area. Through this section, there are two resting points when crossing streams where people collect rattan seeds used as a betel substitute, and at the end of this segment is a third stopping point at the final stream crossing that also serves as the downhill, coastward boundary of the mountain land currently cultivated for annual crops. This point is used for quick bathing for those en route.

This two-kilometer forested section of the walk is a rare oasis in Oecusse. Individuals from seven Lekot *kanaf* farmed the area during Portuguese times, but early in the Indonesian administration the Forestry Department prohibited agricultural use by declaring the land protected forest. The Forestry Department paid village youth to carry pre-made cement pillars up to the forest to mark the government-mandated protected area. Initially, some villagers continued to burn and to plant in that area, but over time people relocated to the coast and the area was largely left to return to

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<sup>262</sup> In May 2004, trailside collection of trees, shrubs, and woody vines along the upper 5 km of this trail yielded over 115 species, but several older Lekot residents locally known for their plant knowledge were able to give names for at most 68 species; most children and young adults could easily name about 40 specimens.

forest, and most *kanaf*-level landowners state that no one has planted in their sections since Portuguese times. Despite the return to forest cover after nearly three decades without planting, the *kanaf* maintain their respective claims and can still indicate boundary markers between sections. With dense forest cover, the high population of monkeys makes agriculture difficult, so many family heads discourage family members who want to make swiddens in this region. In 2003 a *tobe* enforced the ban on farming in this area, stating that it should remain forested since gardens there were unlikely to meet with good harvests.

Ascending from the forested area that ends at the second main resting-point, travellers are immediately on a treeless, very steep, zig-zag switchback gravel trail lined only with meter-high *Lantana camara* on both sides.<sup>263</sup> Villagers often time their walks to avoid traversing this section in full sun, even waiting at the final resting-spot until the sun is hidden below the western mountains before making this climb. At the top, there is another shaded resting area, but as the remaining distance to the village is short, people often continue without stopping. The main tree species scattered sparsely throughout this area and the southern area of Lekot are sandalwood (*Santalum album* L.), *Eucalyptus alba*, *Eucalyptus* sp., and *Casuarina* sp. The final segment through swidden fields has rolling hills and short climbs, entering one end of the settlement at various points and joining the main road that vehicles can travel. As there is no central focal point to the multi-clustered settlement, people continue directly to their destinations.

***Early highland settlement: land claimed through warfare and agricultural use***

Lekot, as elsewhere in Timor and throughout Southeast Asia, originally had its major settlements in the mountainous interior rather than on the coast. Reid proposes that for most of Timorese history, the island may have been ruled from the “inside out” (1997:61-62), and ethnographies

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<sup>263</sup> See McWilliam (2000) for a history of *Lantana* and its decline in Timor.

from Timor substantiate this assertion with descriptions of pre-colonial interior political systems and relatively recent relocations to the coast (Fox 1977:63, Francillon 1980, McWilliam 1996, Schulte Nordholt 1971, Traube 1986). The name of Lekot's suco derives from the words for "settlement" and the onomatopoeic "to dice/chop [meat] into small pieces," which villagers say substantiates the importance of warfare in establishing the current residents in the region. The story below relates how the *tobes* and *naijufs* came to be established by chasing out nearly all native inhabitants, with *tobe* domains named after warrior ancestors. It describes how residential precedence is one aspect of land authority: the old *naijuf* (*naijuf mnasi*) and great *tobe* (*tobe naek*) were two of the original (re-)settlers, and the small *tobe* (*tobe ana*) was given that land because he alone survived of the original inhabitants. This narrative also explains the major family groupings for landholding and ritual responsibilities that presently exist in Lekot. The possibility of landholding and (partially) the current location of swidden fields still reflects this settlement history and *tobe* divisions. This story is compiled from multiple tellings of the history of Lekot settlement by different families:

*Long ago (afi neno unu), there were only a few people in Lekot, but the Ambeno king told our tobe-naijuf ancestors to go attack the people who were then living in the area. So the tobe and naijuf and the people attacked these enemies and won, and the former inhabitants left because a lot of them had been killed.<sup>264</sup> When they had all fled, there was still one person left hiding in a tree, who also cooked and ate up in the tree. After our ancestors won, they went back to report to the king that the area had been cleared of enemies, but at night the king himself looked up and saw a fire burning in a tree, and asked, "Whose fire is that burning in the tree?" The people answered, "We don't know." So the king ordered the people to go again to find the person building the fire, and when they did it wasn't a person at all, but a civet cat (M: makan) making*

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<sup>264</sup> Note that the current authorities (*tobe-naijuf*) won their authority and do not claim to be autochthonous.

*the fire. The people caught it to question it, but once it was captured, it was no longer a civet cat but a person, so he answered them: "Do not kill me, because I guard and control this area (au es atukus ma anonet bi kuan bale)." So the people did not kill him. His name was Tabal Pah,<sup>265</sup> meaning that he alone was left alive after the other enemies had been killed or fled from Lekot. So that person originated from the animal, from nature, and the people made him the small tobe (tobe ana) because he knew how to communicate very well with the spirits in the area.<sup>266</sup> However, our ancestors did rituals to ensure that he would not have many descendants who might chase us out in return; indeed, the small tobe never has more than one son, usually born when he is old.*

*In this war, the people of Lekot were successful in the struggle for land, so they settled it and made gardens (swiddens). The great tobe (tobe naek) was chosen by the king and naijuf to control the largest land area, because he had a large family and they lost the most people during the battle.<sup>267</sup> The old naijuf (naijuf mnasi) was also there before other people came. Later, it was the naijuf and the great tobe who chose the small tobe and gave him his domain. Then the tobes received more newcomers (refugees), and those people followed the activities of that tobe. Land belonged to the person who opened a garden there, and their descendants, who could divide up the various locations they inherited from their father, until Lekot was filled with abandoned garden sites. Each family can own many seimus [claimed land area used for agriculture], but separated in different locations. All landowners also got land in the tobes' domain divisions.*

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<sup>265</sup> An ancestor called Tabal Pah with supernatural origins, as in this narrative, is also found elsewhere in Oecusse, though not always associated with a given *tobe*'s lineage as told here.

<sup>266</sup> Note here some of the basic features of *tobe* authority as described in Chapter Three: autochthony, supernatural origins, facility with ritual communication, and chosen by the (newcomer) local residents to be the *tobe*. Throughout Oecusse as elsewhere in the Asia-Pacific region, settlement histories often feature total or partial displacements of autochthones.

<sup>267</sup> One key basis for land acquisition is sacrifice or loss in warfare, a theme repeated after 1999 with auto-compensation for wrongs committed by militia families and individuals.



*The area of Lekot is divided into three domains [sopu]. The first, in front, is called T—L—N—K—, the area controlled by the great tobe. The second, behind, is called O—T—K—ma S—, which is controlled by the small tobe and the other tobes (tobe tonene [agriculture], or tobe ulan [rain]), who were chosen later. The names for the domain areas are the names of the ancestors of each tobe, who fought their enemies and gained power over the area. The third [the region as a whole] is controlled by the old naijuf and young naijuf, but that does not have any land of its own. Each domain has other families which belong to it, and have most of their land there. The tobes and naijufs chose assistants, who became the warriors (meob).<sup>268</sup>*

*The agriculture tobe (tobe tonene) was chosen during the Japanese time when the young naijuf took a wife from Suni-Uf in western Oecusse [the place of the main rain tobe described in Chapter Two] and the naijuf learned of new agricultural rituals from that region that would improve the harvests in Lekot. Returning to Lekot with his wife, the naijuf discussed gaining and using these rituals with the Lekot elders. They agreed, and each family contributed mutin [bead necklaces] according to the groups that divide meat (sispa')<sup>269</sup> at the great tobe's ritual (fua oel naek). They went there learn these rituals and to buy seed,<sup>270</sup> giving a payment to the leaders*

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<sup>268</sup> In Lekot, two sub-*kanaf* are known as the primary meob for the region. These two groups lived in adjacent areas high on a mountain long after other families settled the flat land where Lekot's highland settlement is today. Genealogies and oral histories from all Lekot *kanaf* agree that the meob *kanaf* were resident in Lekot before the *tobe-naijuf* structure described in this story came to be. The majority of their agricultural land borders an adjacent suco, in keeping with their roles as guardians.

<sup>269</sup> See Appendix D on *sispa'*.

<sup>270</sup> The phrase used is “*sos pin [fin] pena, fin ane*”: to buy the maize seeds, the rice seeds. Like the “civilizing influence” of Costa in Chapter Two, this is another example of new ideas coming from the outside, in this case connecting rituals and seed, knowledge and material, to the marriage transaction. This linkage of cultural and agricultural knowledge is similar to the effort of the Oecusse district Agriculture Department intentions regarding the (Agri)Cultural Associations and *tara bandu* ceremonies (Chapter Five).

there,<sup>271</sup> and the *naijuf*, great *tobe*, and the people appointed one family as the *tobe tonene* to carry out these planting rituals henceforth.

This account illustrates some key principles of land authorities and land claims found throughout Oecusse. Amidst the wide variability present among Oecusse *sucos*, in all cases a *tobe* with a defined land domain (e.g., great *tobe* or small *tobe*) is said to be of supernatural origin and/or among the earliest settlers to an area, which lends the requisite facility in communicating with ancestors and other spiritual elements in an area. This is not necessarily so for those *tobes* with ritual responsibilities but no domain (e.g., *tobe tonene*). In these accounts, authority closely follows a pattern of precedence—inherently relational<sup>272</sup>—as discussed in Chapter Two: the first to arrive has the highest authority, followed by later arrivals. But settlers rarely encounter an uninhabited area: autochthones are eliminated or displaced to make way for the new settlers, and when they are permitted to remain (e.g., in Lekot, the small *tobe* and the two warrior families), they only hold their present positions by virtue of the conquering settlers granting them those roles. The remnant figure of the lone survivor who became the small *tobe* is feared, respected, and controlled to avoid rising to dominance.<sup>273</sup> Superiority in warfare trumps autochthony—but not completely.<sup>274</sup>

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<sup>271</sup> The price paid for this knowledge was one mutin bead necklace and one horse. Strathern (2004:6) noted that for some groups in Papua New Guinea, displaying the “foreign, exogenous—sources from which they have purchased the rights to perform a piece of ritual” in a festival adds value to the event, as it demonstrates the advantageous external relationship they formed.

<sup>272</sup> Fox defines precedence as “an oppositional notion based on the assertion of a relational asymmetry...a socially-asserted claim to difference that generally involves an affirmation of some form of ‘superiority’ and/or ‘priority’. ...invariably applied recursively to create a concatenation of relationships” (1996:131).

<sup>273</sup> Relating the origin myth of Tunbaba, just east of Oecusse, Schulte Nordholt (1971:287) also noted “a certain ambivalence inherent in this story, as the two founders came with Sonba’i...while on the other hand they ‘were already there’”—again indicative of the importance of autochthony in claims to authority.

<sup>274</sup> There is no *terra nullis* in Oecusse settlement stories (cf. Griffiths and Robin 1997).

*Suco*-level authorities make frequent reference to their legitimation from the Ambeno king. In this case, the king commanded the people to eliminate any existing inhabitants and to settle the region from scratch: a combination of strength and precedence bolsters the great *tobe*'s power, exercised in selecting and appointing additional *tobes*, including the sole native survivor. Each family's ritual responsibilities are defined by groups visible in their participation at the great *tobe*'s main ceremony that closes the agricultural season (see Appendix D on *sispa* ).

Origins and migrations are important aspects of land claims establishment. The current generation is the ninth or tenth<sup>275</sup> since the two oldest resident *kanaf* as acknowledged by all Lekot residents, AA and BB, had ancestors move to Lekot from Biboki, West Timor, placing that migration 225-250 years ago, circa A.D. 1755-1780. These two families are now the primary meob families of Lekot, with unique authority to call the people to warfare using a buffalo horn, exercised during conflicts of 1987 and 1999. Their landholdings concentrate in adjacent sections of a high mountain with a rock-cliff base, originally chosen for settlement because of its inaccessibility and easy defense from approaching enemies, where the first four generations were buried and where the meob families still take sacrifices or conduct prayers.

It is now the sixth or seventh generation since the great *tobe*'s ancestor moved from Manatuto [a district in the main body of East Timor] to Lekot,<sup>276</sup> placing the arrival of this lineage approximately 150-175 years ago, circa A.D. 1830-1855.<sup>277</sup> When the great *tobe* lineage (GT)

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<sup>275</sup> In opening most rituals, people speak the names of their parents' parents on both sides, but many people do not know names beyond that generation; often only one or two older men of a lineage can name further back.

<sup>276</sup> Several members of this lineage can name the male line extending back to the individual, T—A—N—, who left Manatuto to move to Lekot, but no further back than him. Manatuto-Oecusse linkages of governance and military service are found in Portuguese sources as well (Silva 1897, Vaquinhas 1884).

<sup>277</sup> Current average marriage age for Lekot men, and birth of the first child, is about twenty-seven years old. Women are usually considerably younger than their husbands. Of 83 couples in highland Lekot, only 9

arrived, they gave the symbols of power that they brought with them from Manatuto (gongs and rattan) to the old *naijuf* lineage (ON), because as *tobes* they were not permitted to keep those items.<sup>278</sup>

Other settlers were accepted into the domains of the *tobes* and claimed land by opening gardens; the present eleven landowning sub-*kanaf* present in Lekot each describe how their ancestors originally farmed the scattered areas now owned by members of the *kanaf*.<sup>279</sup> While some *kanaf* can relate narratives of their journey from other points in Timor, e.g. the young *naijuf* (YN) who moved to Lekot from Manamas (West Timor), many Lekot families could identify no history of their in-migration, simply stating that they had forgotten or that some of their ancestors emerged from a deep hole atop a mountain or near a sacred rock (still visible and site of their family shrine), or are associated with supernatural or animal origins as in the above story. Taboos (M: *nuni*; I: *pemali*) sometimes serve as a mnemonic device for history of family migration: asking the history of a family's *nuni* array can evoke their geographic voyage through various points, where events occurred and taboos were acquired along the way.<sup>280</sup> The possibility of being included among the original—and thus current-day landholding—*kanaf* in highland Lekot was

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women are older than their husbands (average of 5.1 years, mostly second marriages later in life), 4 couples are the same age, and 70 husbands are older than their wives (average of 7.7 years). People say that men are marrying younger now than they did in the past.

<sup>278</sup> These items as symbols of power, brought from Manatuto, are not as common in Oecusse. Gongs are used in dances and the rattan may have served as a type of staff or sceptre. The great *tobe* lineage claims that they were *liurai* (village kings), not *tobe*, in Manatuto. Such regalia and symbols of power are common throughout the region (Forth 1998, McWilliam 2002a, Molnar 2000, Schulte Nordholt 1971, Traube 1986).

<sup>279</sup> Once claimed, land owned bears little relation to land farmed, as described further below.

<sup>280</sup> For example: The ancestor of the great *tobe* originally came from Manatuto to Lekot, six generations ago. He came through Nekus Asuan (near Wini [in West Timor just east of Oecusse], where he put his bamboo walking stick into the ground near a spring and it grew right away; consequently, the great *tobe*'s sacred name spring (*oel kanaf*) is there, and one of their family names is Asuan, and they are forbidden to use bamboo. Then they went to the highland Lekot forest called PP, and they saw a monkey there weaving a *beti* [man's woven garment], who taught the *tobe*'s family to weave, so they are also forbidden to kill or eat monkeys, which is why they have to ask other people to trap the monkeys in their gardens. To this day, PP is the family's sacred forest (*nais le'u*). This calls to mind the notion of topogeny (Fox 1997a:8).

determined by at least the late 1800s or early 1900s; *kanaf*<sup>281</sup> who moved into Lekot after the 1912 war are still considered newcomers, and are not permitted heritable land rights in the transect (described further below).

Taken one level down, the *kanaf*-level landholdings were established by various means: while some accounts indicate that the *tobe* relegated different areas to different individuals or families to cultivate, most accounts state that the *tobe* did not divide up the land, but that the land became divided and claimed through the process of cultivation, without intervention or direction from any higher authority. A family selected a garden location, cleared and farmed it, and since that point that land has been claimed by descendants of the original farmers.<sup>282</sup> Mechanisms of inheritance and land transfer<sup>283</sup> vary by *kanaf* and region, but this accounts for the island-like pattern of land claims present today. Clearly, the king and *naijuf* were never involved in directly dividing up land to individuals.

### ***Coastward migrations***

Lekot, like much of East Timor, has undergone dramatic demographic shifts during recent decades. Before World War II, most people in Lekot lived in dispersed sub-*kanaf* clusters in the highlands; only four households lived on the coast, including the great *tobe*. From 1945 to 1975,

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<sup>281</sup> After this time, even in-migrants with the same *kanaf* name as an existing family were excluded from full membership and landownership. For example, there are three branches of *kanaf* EE and two branches of QQ, not distinguishable simply by sub-*kanaf* name differences; one branch of each *kanaf* cannot own land, while the others can.

<sup>282</sup> This is the most common means of establishing land claims (Rodman 1987, Vargas 1985, Ward and Kingdon 1995b, Zerner 2003a).

<sup>283</sup> In general, male children inherit land, and a father's land is divided among all sons. The father determines the pattern of equal or unequal land division: while all sons often receive equal shares of subdivided land or equal rights to use undivided land, some fathers designate a larger share of land to the oldest son or the son responsible for maintaining the family's ritual house. Daughters rarely inherit swidden land; land from a couple without sons will be inherited by male relatives of the father. In theory, women may own and inherit flooded rice fields, but no such cases were found in Lekot during fieldwork.

the Portuguese administration encouraged people to move to the coast for purposes of schooling, but people were reluctant to do so for fear of physical punishments and additional labor demands made on coastal residents. A few families moved to the coast during the 1960s, but by 1975 the vast majority of the population was still living in family clusters in the highlands or inland lowland settlements. From 1976 to 1981, the Indonesian planned development of settlements, roads, and schools attracted a few families, and there has been a steady trickle of migration to the lowlands since the mid-1980s. After every house but one in Lekot was burned during September and October 1999, most people returned to their same places of residence to rebuild homes. By 2004, Lekot had 1370 residents, just over half of them now in the lowlands: 120 households (640 residents) in an inland settlement at 700 m.a.s.l., and 140 households (730 residents) in one periurban coastal and three interior lowland settlements.

Lowland Lekot residents consider themselves to be mountain people who happen to live on the coast; few have lived there for more than a generation. Although some now rarely visit their former settlement area, many still regularly farm and worship in the highlands, and make weekly trips to see family. Lowland land practices replicate the upland models in which the *tobe* and *naijuf* play key roles relating to land, at times unbeknownst to state authorities. In Lekot, the first hamlet head in 1976 was the small *tobe*,<sup>284</sup> although he was illiterate and from the mountain region, he was responsible for an extensive lowland land allocation program, designating each highland family grouping a specified plot of land, which very few families took as their residence. Ten years later, the *naijuf* re-allocated many of these plots to outsiders, including Indonesian civil servants and church workers, following the pattern of land allocation, in the form of grants (not sale) to outsiders made by the *naijuf*. Methods of claiming unclaimed land (*naija*

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<sup>284</sup> Villagers joked that the Indonesian government did not know that the man they selected as hamlet head was a *tobe*—an appropriate person to serve as overseer for the state-sponsored land distribution program.

sona) and restrictions on land ownership in the lowlands closely resemble these practices in the highlands.

### ***Lekot authorities***

#### *The two naijuf, old and young*

There are two *naijuf* lineages in Lekot. One is called old or black (*naijuf mnasi, naijuf metan*), originally from Manatuto in the main body of East Timor. The other is young or white (*naijuf mnune, naijuf muti*), which came later from Manamas, West Timor adjacent to Oecusse's eastern border. Both formerly received the maize tributes (*pentauf*), but they fought about this and the young *naijuf* killed the old *naijuf* during a dance, with the result that the young *naijuf* alone thereafter received all the *pentauf*.<sup>285</sup>

At present, the two *naijuf* lineages have separate roles, which Lekot people describe using the common pairing of *adat-plenat*, tradition-government.<sup>286</sup> The displaced old *naijuf* still oversees some adat ceremonies, while the young *naijuf* has primary responsibility for *suco* governance. Although the young *naijuf* was living outside of Oecusse during my fieldwork, he was called to make short visits to Lekot on several occasions, including a family funeral, an all-Lekot celebration when taking his new wife to his family's ritual house in the highlands, and negotiating two *suco* boundary conflicts, which he alone had authority to settle.

Regarding the *naijufs'* landholdings, as an original settler the old *naijuf* has landholdings as do the other village member *kanaf*, and the lineage's land is treated the same as any other family.

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<sup>285</sup> Genealogies place this change as occurring three or six generations back.

<sup>286</sup> Paired phrases are essential in ritual speech and very common in everyday speech, carrying a sense of opposition, complementarity, or simply synonym (Andaya 1993, Cunningham 1973, Forth 1996, Fox 1988b, Grimes et al. 1997, Kuipers 1998, McWilliam 1994).

The young *naijuf*, however, has very little land as a relative newcomer; in most discussions about land, Lekot residents state that the young *naijuf* has no land, other than that taken from the people, or other than what people gave the *naijuf*.<sup>287</sup> An earlier young *naijuf* appropriated some of the choicest land in Lekot for himself, taking advantage of the Portuguese labor practices and Indonesian land formalization to acquire exclusive and permanent private rights to some of the most valuable land. This included declaring the largest existing irrigated rice field owned by several local families, stone-fenced with village labor, to be his own during the Portuguese era; acquiring a private Indonesian title (while village head) to a large coconut grove planted with community labor while he was the Portuguese-era village head; and personally claiming a former public recreation beach site after 1999 by having his resident assistant construct a fence around the area.

These actions do not diminish the current young *naijuf*'s power over the population, or the respect and affection the people feel for him: his visits to Lekot suspend all other activities, as nearly all residents visit his home to exchange news. While people speak openly of their resentment toward these losses of land (of the rice field and the beach) and access to the tree resources they worked to produce (of the coconuts), most now see little chance of this land returning to its original owners, or even to public or residents' access. One family, however, was able to retake half of a land area appropriated in the 1950s by the young *naijuf* after it had been used for a communal garden under his authority, through negotiations during the Indonesian era.

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<sup>287</sup> The phenomenon of the landless *naijuf* is heard throughout Oecusse but not uniformly: in four other sucos, the *naijuf* does retain a domain of his own, though small. *Naijuf* sometimes state that they have no land because they divided it all out to the *tobes*. One *naijuf* gleefully tells of how his lineage gave out all the meat and was left with only the bones, handing out all the land to the *tobes* and the population, except a sacred mountain adjacent to his house. This is a paradoxical display of power: owning it all so he doesn't need to own any.

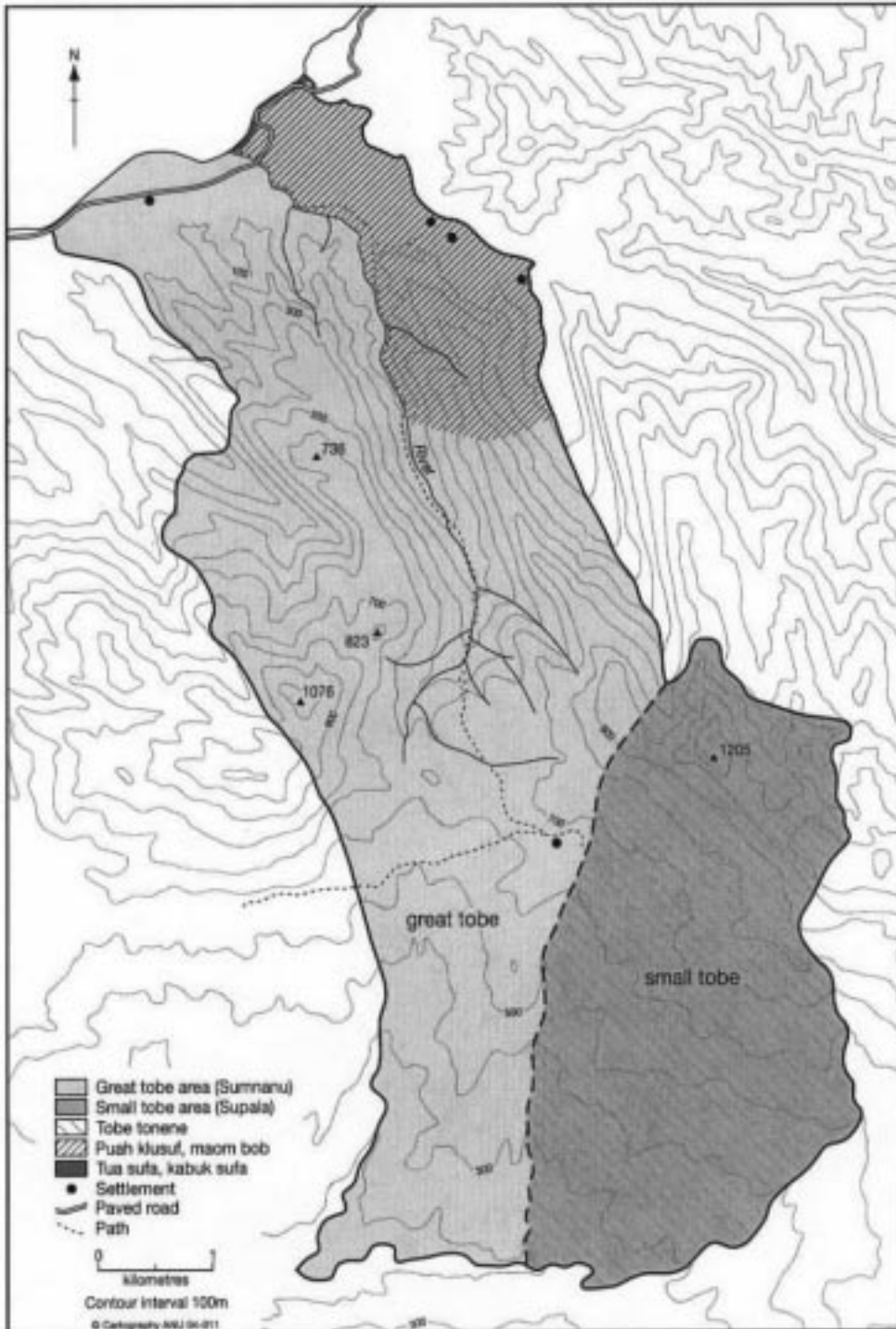


While precedence and the oft-stated ordered hierarchy king-*naijuf-tobe* holds for most cases, on matters relating to land and forests or within the ritual sphere, the *tobe* has more authority than the *naijuf*. The *naijuf* and *tobe* usually work in tandem in village events, including ritual sacrifices. However, their landholding reflects levels and spheres of their authority too: the *naijuf* could appropriate land from the people, while the *tobe* did not; many say that the *tobe* used to have all the land and then gave it out to others, while the *naijuf* didn't have any land and keeps accumulating it from others, by force or deceit. The *tobe* is clearly the land authority, but the political authority of the *naijuf* enables him to usurp land and then keep it. As discussed below in the case studies on land tenure rearrangement, the *naijuf* alone of all the people (including *tobes*) involved in new flooded rice field construction was exempt from dividing his land with contributing laborers. His exceptional landholding permits some flexibility in cultivating these rice fields, allowing those without land or those with extra requirements to use his land under reasonable conditions.

*The tobes: division of land and of tasks*

Lekot has five land and forest authorities under the *naijuf*, two who oversee bounded land areas and three who have related ritual responsibilities. This section illustrates how they divide land areas and tasks, demonstrating the inter-village diversity of *tobe* responsibilities.

The land area of Lekot is divided between two landholding *tobes* (see Figure 9). The great *tobe* has an area (*sopu*) 11 km long extending to the coast, the Sopus Amnanut (longer, higher, expansive), usually called Sumnanu. The small *tobe* has an area 7 km long, the Sopus Apalat (lower, shorter, restricted), usually called Supala. The two areas are internally divided by a north-flowing river (a dry riverbed most of the year), a high mountain ridge, and a south-flowing river, a boundary clearly known by village residents. The *tobes* are reluctant to indicate the external



**Figure 9. Land authority domains in Lekot transect**

borders that consist of rivers/dry riverbeds and mountain ridges, since some of these other borders constitute village boundaries (a sensitive matter, as discussed in Chapter Three).<sup>288</sup>

As described above, the great *tobe* came to control the entire region, and subsequently divided the land with the small *tobe*. As the primary land authority, the great *tobe* maintains a level of control over the entire domain; for example, in 2003 the great *tobe* denied a farming group permission to open a garden in part of a claimed agricultural region (*seimu*) of the small *tobe*'s area on the grounds that the area was too steep and should be allowed to revert to forest. When the group disobeyed this prohibition and opened gardens in that location anyway, mistakenly burning a portion of a betel grove, the great *tobe* assessed a fine<sup>289</sup> subsequently paid jointly by all members of the group, which included one of the agricultural *tobes* described below. While the *tobes* say they always work together to carry out rituals and decisions on land/forest use, occasionally there are minor disputes such as this over the relative extent of each *tobe*'s authority within a given area. Precedence confers special status: as "landholding *tobe*" with defined areas, individuals in these positions occupy them by virtue of their early residence; as such, people emphasize that they cannot be replaced by another lineage, unlike the later *tobe* described below.

Both the great *tobe* and small *tobe* describe their Lekot-wide agricultural rituals as central to their roles as *tobes*. They also have responsibility for guarding old forests, protecting sandalwood, and controlling natural forces (wind/rain/heat). While they do not directly mention their assent to open swidden gardens in a particular location among their ritual roles, villagers name this as an important aspect of their authority.

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<sup>288</sup> They will not point to them precisely on a map or aerial photograph, although they can name the locations.

<sup>289</sup> This was independent of the government *tara bandu* program discussed in Chapter Five.

*Other ritual and land/forest authorities*

In addition to the two main *tobes* in Lekot, there are three individuals with specific ritual responsibilities in defined areas. Two have tasks related to agriculture, and the third has responsibility for spiritual activities along the coast. These individuals do not have primary authority over a defined land area, although they do have designated regions as their domains. Since these individuals do not have particular precedence in settlement legitimizing their positions of authority, their places are more tenuous and they could be subject to removal.<sup>290</sup>

The first is called *tobe tonene*, primarily responsible for the opening annual agricultural ritual (M: *ton*, year). He lives in the highland settlement near the border of the two main *tobes* and describes his land area and role as “standing between” and “linking hands with” the two main *tobes*, with a stronger connection to the small *tobe* area. The second is called *puah klusuf, maom bob* (small betel fruit, sirih leaf). He lives in the lowland settlement and has specific responsibility for a section of the small *tobe*'s area near his residence, bounded by two rivers and a named line across mountain ridges. In explaining the roles of these two individuals, people sometimes refer to them as “agriculture *tobes*.” The agricultural *tobes* were established during the Japanese occupation, as described in the narrative above. They have general oversight of rituals for regulating rain and the planting rituals.

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<sup>290</sup> For example, after a catastrophic storm immediately preceding harvest struck in March 2004—which affected the entire island—Lekot people traced their yield losses to a ritual error by the *tobe tonene* (in failing to correctly read the signs given in a dream, and sacrificing the wrong animal), with many people calling for his replacement in a heated discussion during the great *tobe*'s harvest ritual. The *tobe tonene* was able to correct his mistake by another sacrifice, and thus remained in the position. Ritual error is a serious matter often thought to cause calamity (Daschbach 1988, Schulte Nordholt 1971:55, 71).

The third individual is called *tua sufa, kabuk sufa* (palm [wine] flower, jujube flower), and he has responsibility for regulating rain in the lowland area along the coast.<sup>291</sup> Formerly this domain extended into land now part of the neighboring village, but when that land was lost through an inter-village dispute during WWII his area was reduced.

The individual in Lekot in this position is of Portuguese descent and claims origin from the Moluccan islands; his Portuguese family name has no local *kanaf* equivalent, and the family has no sacred family sites (*faut kanaf, oel kanaf*; family name rock, family name spring). This family was among the first settlers of coastal Lekot, preceding the great *tobe*, and might have become the *tobe* if they had sacred sites in Oecusse. They were among the first to receive Catholic religious teaching, as coastal residents. In the event of inadequate rain, the *tua sufa, kabuk sufa* takes a small clay water pot out to the ocean as a means of inviting rain to the coastal regions; in another village,<sup>292</sup> this ritual is called *tuit ul tasi* (calling the seaward/ocean [northern] rains) and is performed together with the *tobe*. In Lekot, the ritual aspect is actually carried out by the lowland agriculture *tobe*, and the *tua sufa, kabuk sufa* has oversight of a location where one of Oecusse's first chapels was built,<sup>293</sup> with responsibilities more linked to Catholicism than traditional beliefs.<sup>294</sup>

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<sup>291</sup> This position is an exception to the "rule" that Timorese pay no attention to the coast/ocean (McWilliam 2002b).

<sup>292</sup> This position is found in at least three villages with coastline in eastern Oecusse, and the others claim direct appointment by the Ambeno king.

<sup>293</sup> The ruins of the small chapel, still visible today, was said to be constructed on human skulls, and is found near a massive fig tree where enemies' heads were displayed until the late 1960s. McWilliam (1994:65) noted that in West Timor, smoked heads could be displayed on poles around a cult house or secured high in a "head tree" nearby.

<sup>294</sup> In Lekot's case, this position recognizes the family's long residence in this coastal area, conferring a Catholic meaning rather than traditional authority. In other regions, villagers commented that the term *tua sufa, kabuk sufa* can also be applied to any coastal resident who owns a lot of cattle, without ritual status.

### *Agricultural rituals*

There are three main Lekot-wide agricultural rituals presently practiced, each under the primary oversight of a different *tobe*, although all attend and work together in each.<sup>295</sup> These annual events constitute the ceremonial focal point of each *tobe*'s activities.<sup>296</sup>

The first, pre-planting *suco*-wide ritual in the agricultural cycle is conducted by the *tobe tonene* (and by the *puah klusuf*, *maom bob* for his area) in November. This ritual is called the *fua tetu*; *fua*=offering/sacrifice, *tetu*=platform/ceiling [where food is stored inside the round houses, thus the connection of *tetu* as offering table and *tetu* as symbol of food/abundance]; this refers to a two-meter-high (wooden/bamboo) platform in the forest, like a small table with very long legs, where the *tobe* holds the ritual. It is held at a spring near the border of the two *tobes*' domains. These *tobes* must be attentive each year as people prepare their land for planting, and they hold Lekot-wide planting rituals in two stages. When people have prepared their gardens and seeds and are ready to plant, each agriculture *tobe* conducts a ceremony in his own ritual house to invite the rains to begin. Once people have planted and are ready for the main, often only weeding (January/February), both agriculture *tobes* hold a festive ceremony (*eka' ho'e*, to close/limit the rain water flowing along the ground) at a location near a spring in the great *tobe*'s area, which can be attended by all Lekot residents. After this ceremony, people are restricted in cutting leaves for

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<sup>295</sup> While each Oecusse *suco* has slightly different timing, meaning, and names for the agricultural rituals, most locations have a similar array as those described below. The timing for rituals and their associated prohibitions are *suco*-specific and dependent on the local climate; southern highland areas with early and abundant rains generally plant and harvest about one month earlier than drier areas in the north lowlands.

<sup>296</sup> Much has been written regarding agricultural rituals for various ethnolinguistic groups on Timor (Foni 2002, Friedberg 1980, Friedberg 1989, Hicks 1984, Schulte Nordholt 1971, Traube 1986). Daschbach (1988) analyzed the fluctuation in meaning for participants in agricultural rituals in Oecusse. In all these cases, there are ritual specialists (hereditary or non-hereditary) who carry out some rituals on behalf of a larger group. There are also rituals carried out for individual fields, that the household farming a field may conduct on their own without a special authority present.

any purpose until the next ritual is held in February, and residents are supposed to observe a measure of silence, and refrain from noisy outbursts or calling a long distance.<sup>297</sup>

The small *tobe* oversees the second pre-harvest ritual, called *fua fatu* (*fatu*=rock), held in February when the young maize (*pen fe 'u*)<sup>298</sup> is ready for harvest.<sup>299</sup> This ritual is held at a rock outcropping on the highest mountain peak in Lekot, and only the *tobe* with a few other men are allowed to proceed to the ritual area, wearing defined clothing and sacred objects. Throughout Oecusse, the timing of the *fua fatu* (also called *fua pah*, *pah*=land) is a much-discussed topic. Village residents are not permitted to eat this much-anticipated food—favored for its good flavor and for ending the hungry season—before the *fua fatu* has been held in their own *suco*; even most non-farming town-dwellers observe the restriction until the ceremony has been conducted by their *tobe*, even when others are eating young maize in their presence. Children are allowed to eat maize before the *fua fatu*, although they should bury the empty husks. After the Lekot-wide ceremony, there are two more rituals before people can eat maize: each sub-*kanaf* holds a *kanaf*-level event at its ritual house, followed by a smaller ceremony (usually requiring only a few chickens) at each individual dwelling, for the family members who live there. The *tobes* cannot eat young maize until all sub-*kanaf* in their domains have completed the household-level ceremony, by which time the young maize season has usually passed.

The great *tobe* has responsibility for the third ceremony, a *suco*-wide harvest ritual held in March (*fua oel naek*), an all-day event held at a spring now located within a Costa king's forest that also

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<sup>297</sup> Cf. taboos against speaking in Chapter Three.

<sup>298</sup> Unusual for Oecusse, one Lekot sub-*kanaf* has this restriction not for maize, but for upland rice.

<sup>299</sup> Elaborate maize rituals are found throughout regions where this American crop was introduced (Fox 2002a, Friedberg 1989, Schulte Nordholt 1971).

serves as the sacred family spring (*oel kanaf*) of two Lekot *kanaf*. This is considered the most important ritual in the agricultural cycle, attended by all married males resident in Lekot, with contributions of meat and rice required of each non-Lekot household participating in garden groups within Lekot's territory. There are three stages of animal sacrifices in which the participants sit separated into nine groups according to the ritual groups (see Appendix D on *sispa'*), progressively closer to the great *tobe's* altar above the sacred spring. Each family farming in Lekot must present a small, covered woven basket (M: *oko*) filled with upland rice seed or cooked rice from their harvest; these baskets are placed around an altar holding the most sacred stones, one male and one female, for Lekot. A *tobe's* assistant places one small stone on each *oko* lid, then collects the stones to keep a record<sup>300</sup> of how many households<sup>301</sup> made swiddens in Lekot and participated in the ceremony that year. This ceremony must be held before Lekot adults can eat the mature maize or other products of that season's harvest; as with the *fua fatu*, following the *fua oel naek*, each *kanaf* holds a similar ritual at its sacred house, followed by a final ritual at each residential house before that household can eat the new harvest. This ritual is intended to separate the rainy and dry seasons (Foni 2002, Schulte Nordholt 1971).

### ***Ownership, land uses, and changing patterns of rural landholdings in Lekot***

Recent property scholarship focuses on the human relational aspects of ownership and use of land alongside other forms of claims to what is named as physical, cultural, and intellectual

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<sup>300</sup> Piles of stones are commonly used in counting and sorting. For example, siblings dividing up responsibility for bridewealth payments discuss the subject and negotiate individuals' contributions while rearranging stones representing certain units (e.g., cattle, coins, beads, etc.). McWilliam (1994:67) reports that before circumcision, men make a pile of stones representing the number of sexual partners they have had.

<sup>301</sup> The assistant stored the stones from each year in his house. In 2002, more than 200 households brought an *oko* to the *fua fatu*, marking a year in which many residents of the neighboring suco joined Lekot garden groups near the suco borders. Numbers were reduced in 2003 and 2004, since many lowland Lekot residents did not participate in the ceremony and some sibling groups prepared one *oko* for several households, since the harvests were so poor.



property.<sup>302</sup> The oral narratives excerpted in Chapters Two and Three describe the bases for claims to legitimate authority, which is grounded in the notion of precedence, contingent on one's place vis-à-vis others' places in settlement histories. Land use patterns are significant because use shaped the initial ownership claims, and of broader significance, the village membership that permitted a family to become landowners. But for already claimed swidden agricultural land, ongoing use can be surprisingly unrelated to ownership or membership. This overview of the everyday land claims assertion and validation highlights how family (*kanaf*) identity, neighborly relations, individual initiative, membership, and land authorities' permission circumscribe the possibilities for different forms of ownership in Lekot's varied agricultural landscape.

Lekot has both mountain and lowland inland settlements and periurban coastal areas. Land and resource tenure vary according to location and land use; each of the below land use categories has specific patterns and norms of acquisition, purchase or temporary use, levels of ownership, and authority on decision-making about that land.<sup>303</sup> Lekot's coast was almost unpopulated until the 1980s, leaving it with the uncommon phenomenon of unclaimed land even today; much land has been converted from unclaimed land to individual holdings within the last decade. The significant, recent coastward migration demonstrates land claims which resemble upland patterns. As the growing coastal population addresses food needs and preferences in converting land to flooded rice, there is also conversion of land from periodic swidden cultivation to annual irrigated cultivation, with accompanying changes in landholding structures. People in Oecusse use the

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<sup>302</sup> The past decade has seen an increased interest in property broadly defined, with particular attention to how definitions of ownership reflect or exclude the relational and identity factors at the core of many land claims (Hann 1998, Kalinoe and Leach 2004, Peluso 2003, Roseman 1998, Shamir 1996, Strathern 1998, Strathern 1999, Tsing 2003, Weiner 1999, Zerner 2003b). The collection of cases in Zerner (2003a) highlights the disjuncture between rural people's forms and evidence of claim vis-à-vis supposed state expectations or requirements to claim natural resources.

<sup>303</sup> Published land and tree tenure information for rural East Timor is scant (e.g., Metzner 1977, Saldanha and Guterres 2002, Sousa Xavier 1997, Susanto 1994/1995, Ubbe 1995/1996), and few accounts indicate the effects of migration and infrastructure development on changes in tenure patterns (Aditjondro 1994, Fitzpatrick 2002).

following classifications for land; discussion of the tenurial status of each land type follows the description, including highland and peri-urban differences where relevant.<sup>304</sup>

It is well worth comment here that much Southeast Asian historiography, particularly that of the mainland, posits and explains a sharp divide between highland swiddening animists and lowland paddy-rice farmers who adhere to world religions, often implying a unidirectional move toward lowland livelihoods and identity (and perhaps reflecting some bias toward a particular notion of “civilization”) (Burling 1965, Leach 1954, Leach 1960, Wolters 1999). Scott (2003:3) has noted that the migration moves in both directions, from hill to valley and valley to hill, and that there are intermediate cultural-ecological categories. I am interested in the similarities and differences of these distinctions in insular Southeast Asia (e.g., Reid 1997), but that topic ranges far beyond the scope of the present work. However, throughout this section I highlight some of these “intermediate” factors that transgress these standard categories, e.g. swidden farmers who start flooded rice cultivation on their own; highlanders who move to the lowlands and take their systems and norms of land claims with them, or live in the lowlands but still farm in the uplands; and how farmers’ attempts to apply new land division schemes can function or fail based in part on prior norms of land tenure.

#### *House yard*

Description. In both mountain and coastal settlements, the land or yard closest to the house (M: *poa ume, uem balef*; I: *halaman rumah, pekarangan*) is used for annual mixed gardens of root

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<sup>304</sup> This section aims to highlight some of the complex local aspects of ownership and claims that rarely appear in state consideration of customary systems, whether their replacement, “refinement,” or codification (Dove 1985:2), discussed further in Chapter Six. Still, we should not expect that this type of data will automatically influence lawmakers’ blueprints: “Realistically...it is likely that the future of [traditional agricultural systems] will be decided not on the basis of such fine definitions and evaluations, but on the basis of political considerations” (Dove 1985:384).

crops, maize, and vegetables, as well as fruit trees and animal pens. It usually has a perimeter fence constructed of stone, branches, palm ribs (M: *beba*; I: *bebak*), or living fences of several tree species to enclose the house(s).

Tenure. The house yard is held at the individual level. Fenced borders are precisely maintained; shifting one's yard fence even half a meter draws immediate attention, and people who get permission to make small temporary incursions into a neighbor's yard (e.g., to expand an animal pen) are regularly reminded of the impermanent nature of their borrowed land use.

In highland areas (past and present), building a house and planting trees<sup>305</sup> associated with the house form one of the most enduring possible claims. If one's ancestors were known to live on a given plot of land (*uem balef*), that land and its planted trees may remain as *kanaf* property for several generations even when the descendants move to another *suco*--an action that diminishes claims to other (agricultural) types of land.<sup>306</sup> This principle is so important that allowing members of another *kanaf* to build a house on one's land, with explicit permission, usually entails a permanent forfeiture of one's claims to that land as it transfers to the new residents' *kanaf*.<sup>307</sup> Even when the new resident moves from that site, the former owner usually has no right to reclaim the land, and any other household subsequently wishing to build a house on that land

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<sup>305</sup> Generally, trees remain the property of their planter (or descendants) for the life of the tree. In urban and rural land transfers, the original tree/landowner may choose to retain harvesting rights to the trees or to sell the trees, separately from the land, to the new landowner. Trees and land are always transacted separately, whether land is purchased or borrowed, known in legal terms as horizontal separation (cf. Peluso 2003, Rodman 1987, Van Trease 1987:11, Vargas 1985).

<sup>306</sup> Over time, *kanaf* members remaining in the former *suco* will absorb the rights to the house land, but rights to the trees remains with the original owner (or descendants) even after that point.

<sup>307</sup> In more densely populated rural areas (e.g, southern Oecusse), such land grants for residential use are reportedly becoming less common, sometimes now replaced by outright sale as practiced in urban areas.

would negotiate with the most recent resident (or their *kanaf* descendants).<sup>308</sup> In past times, *kanaf* clusters moved frequently, so there are many such sites for each *kanaf* across a *suco*'s landscape. This frequent localized migration contributes to the patchwork nature of land ownership in rural regions. The permanent nature of these land transfers makes landowners reluctant to release fertile or well-situated land to another *kanaf*, but requests for agriculturally marginal land for house-building are usually still granted.

Despite the strength of the land claim resulting from residence, highland dwellers show no preference for living on their own *kanaf*'s land over asking for better-situated yard land from another *kanaf*. Until 1975, the highland Lekot residents lived in widely scattered clusters with members of their own sub-*kanaf*. During 1975-1999, most moved their houses 2-4 times to comply with changing government requirements on proximity to roads (twice rerouted) and schools (relocated three times), creating a mixed-*kanaf* settlement. After independence in 2002, the hamlet head initiated a program to relocate all residents adjacent to a new road and piped water system, mandating that each family select a 25m<sup>2</sup> plot to build a house along a stretch of road that primarily runs through land of four sub-*kanaf*. As a result, most households are again relocating to another *kanaf*'s land. The village head felt that formally limiting the plot size would reduce any potential complaints the original landowners would have about losing so much of their land, and the resettlement has proceeded smoothly as thus far each family has received permission from the *kanaf* landowners of their proposed house site. These transfers of residential land are made without any form of payment or ritual debt. Highland residents report that there have never been land sales, land titling or measurement activities in the region.

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<sup>308</sup> There are exceptions, as happened in Lekot during 2003 when *Kanaf A* wanted to reclaim their hillside land below a spring that had been settled in the 1930s by *Kanaf B*, by now home to 30 households, in order to develop a nearby water source into flooded rice fields. The decision, mediated by elders from each *kanaf* and the hamlet head, involved *Kanaf A* giving an equivalent land area just above the water source for *Kanaf B* to relocate their houses, as well as a share in the new rice field. This was permitted because *Kanaf B*'s relocation was necessary for the irrigation development that would benefit all Lekot *kanaf*.

The Indonesian government created Lekot's coastal periurban housing settlements on unsettled, densely forested land in the early 1980s. As products of state planning, they were subject to some formalization. Of 67 households living in the coastal Lekot settlements since 1992, only 48% reportedly held certificates in Indonesian times, although most households (94%) paid land tax annually from 1992-1997. Although the state oversaw the land allocation, people frequently selected a Lekot *tobe* to witness their formal land acquisition or subsequent transactions (following the *tobe*'s highland role), and villagers selected a *tobe* to serve as the administrative official who managed the land division. After the initial allocation, land that is sold follows state land administration conventions of permanent transfer. Residential land borrowing rarely happens in this region, with the exception of land used (rent-free) by outside settlers during the Indonesian era that reverted to former claimants when vacated in 1999.

#### *Swidden agricultural fields*

Description. *Seimu* (land, M: *seimu*, I: *tanah*; swidden fields, M: *lele*, I: *ladang*) refers to any land that has been used in the past for swidden gardens, and therefore claimed by a given *kanaf* or individual. *Seimu* land can be used for agriculture or left fallow for years or decades, even to return to forest, without losing its status as claimed land belonging to a given *kanaf*.<sup>309</sup> As the land underpinning the subsistence livelihoods in Oecusse, a large percentage of the land area in Oecusse, probably approaching 90%, is recognized as *seimu* (including both irrigated and dryland agricultural fields, fallowed and cultivated).

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<sup>309</sup> Farmers usually establish original land claims through cultivation and maintain those claims through repeat cultivation, periodic maintenance of fallows, visits to the fallow site, establishing markers or fencing, and speaking about claimed land (or trees). The actual procedures, time to claim establishment or disappearance, and relative strength of claims are dependent on vegetation types, status of the claimant, and agricultural practices as discussed further throughout this chapter (Conklin 1954, Conklin 1957, Dove 1981:88-101, Dove 1985, Ormeling 1956, Vargas 1985, Ward and Kingdon 1995a).

Swidden gardens provide the most extensive land use and are an important food source for both highland and lowland residents.<sup>310</sup> Swidden cultivation consists of cutting standing vegetation, allowing the material to dry, initial burning, and spot burning (using a long pole to gradually roll burning wood across the field) to ensure an even coating of ash over the soil. Trees cut in the swidden field are not removed to be used for timber or fuelwood, since they are usually too far from the houses. These fields rotate annually, with fallow periods of at least 4-5 years or more, and produce maize, upland rice, sorghum, millet, root crops, beans, and fruit and leaf vegetables.<sup>311</sup> People rarely plant perennials in gardens before abandoning them (whether using their own land or others' land); the most intensive fallow management, found only in the lowlands in short rotation areas, is broadcasting some leguminous tree (e.g., *Sesbania* sp., *galaga*) seeds through the plot and hoping they establish.

Most people prefer to make contiguous gardens that share a common perimeter fence with neighboring farmers to reduce fencing labor, as making the sturdy 1.5-meter-high wood/stone fences required to protect gardens from free-ranging livestock is one of the most labor-consuming activities in creating a new garden (cf. Fox 1977:34).<sup>312</sup> Group gardening also confers yield

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<sup>310</sup> As population density increases, ease and frequency of land borrowing decrease. With 32 people/km<sup>2</sup> (and 3.2 ha/person), Lekot's population density was less than half the average for Oecusse. In populous southern highland Oecusse, rotating swiddens are slowly giving way to the annual cultivation of settled agriculture, including tilling (I: *balik tanah*), not yet practiced anywhere in Lekot outside of some house yards. Swidden, permanent dryland, and irrigated practices coexist throughout the region (Dove 1984).

<sup>311</sup> There are very detailed descriptions (Conklin 1954, Conklin 1957, Dove 1981, Dove 1985, Weinstock 1979) to complement overviews of swidden agriculture on Timor (Metzner 1977, Ormeling 1956, Panão 1915, Schulte Nordholt 1971).

<sup>312</sup> Mathematically, the labor savings in group fencing is substantial; for example, 10 people farming together must each build only 32% as much fence when compared to farming (and fencing) the same land area alone. The ratio of the perimeter when fencing alone to the perimeter when fencing with a group is  $1:1/\zeta N$ , where  $N$ =number of people fencing together. Thus, the benefit of reduced individual labor increases with each additional member. This strong preference for having a common perimeter fence contrasts to situations in which households prefer having separate, if nearby, gardens, e.g. Dove (1981:113ff.)

benefits as neighbors assist in guarding ripening crops from birds and monkeys.<sup>313</sup> Throughout Oecusse, sometimes an entire village will plant their crops on one mountain in a given year, on contiguous land owned by several different *kanaf*, with a single fence constructed around the mountain's base. Each year, farmers form different groups that will clear vegetation, burn, fence, and plant a chosen area. Anyone can join a farming group, regardless of one's status as landowner or kin relationship to others in the group. A household may have one large or several smaller garden locations per year.

Groups form when a landowner decides that a given area is appropriate for cropping and indicates this decision by chipping the tree bark along paths near the chosen area (*tae pait*), usually by May. This step is usually only taken after informing the *tobe* with jurisdiction over that land and receiving his assent. Seeing this sign of intention to open a swidden, others interested in farming there approach the landowner and make a request to join the group, which is usually granted. People continue to join the group until the planned area is full; farming groups of 15-40 households are common throughout Oecusse, and people very rarely make a garden individually.<sup>314</sup> The landowner allocates internal boundaries for each farmer, which the farmers

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<sup>313</sup> Other potential benefits of group gardening include pest saturation and labor exchange, as in shared fencing. Labor exchange for planting and harvesting is minimal in Lekot, however (cf. Dove 1981:117, Vargas 1985:19, 112). In general, the planters are fully responsible for all aspects of land preparation, planting, and harvesting within their own boundaries. I have seen huge losses in individual sections of communally fenced swiddens because the planters were ill, otherwise occupied, or away and their crops went far past optimal harvest time; meanwhile, neighboring farmers observe the losses and comment on it, but do not assist in harvesting. This is true of swiddens and of vegetable gardens promoted by development projects: the fencing labor is divided among all members, responsible for equal sections, and the members designate individual plots within the fenced area for which each member bears full responsibility for planting, watering, and harvest; people hardly ever "take turns" on watering, for example. Schulte Nordholt (1971) reported a greater degree of labor sharing in western Timor.

<sup>314</sup> Those who do make gardens individually often take the unusual step of planting there for two or more years, to make the fencing labor worthwhile.

mark in four ways.<sup>315</sup> Each household is then responsible for managing the crops within its plot, from clearing and planting to harvest.

While new internal boundaries on swidden fields are created and marked each time people use that land, *seimu* boundaries between *kanaf* are permanent and usually follow landscape features, such as ravines, streams, paths, or lines between prominent stones/trees. *Seimu* on individualized plots, such as those surrounding the coastal settlement, are often farmed in shorter rotations of three years' fallow (using leguminous trees, e.g. *Sesbania* sp., *gala-gala*, to improve soil fertility); these *seimu* usually have constructed (palm rib) or planted (with living fence tree species, e.g. *reo*) boundaries that owners maintain even while the fields are fallow.

Tenure. As described above, land acquisition is based on agricultural use. On land that already has established *kanaf* claims, making a swidden garden on borrowed land confers no rights to the land user beyond that season's harvest (cf. Vargas 1985:74ff.). With the labor advantages of this farming system, people more frequently join a group and plant on borrowed land than on their own land; during fieldwork, about 30% of highland swidden fields were farmed by the landowners. There is no preference for planting annual swiddens on one's own land over planting on someone else's land.<sup>316</sup> Even individuals with extensive *kanaf*-level landholdings borrow land for swiddens if they favor a certain location (e.g., proximity to another field or their home). It is also common for groups to farm land even without the landowner as a member of the group; for example, if a group begins forming around one land area and the planned garden

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<sup>315</sup> First, when clearing the land, vegetation along the boundaries is cut to one meter high, while all other vegetation is cleared to ground level; second, after burning the field farmers place wood or rock lines around their areas; third, farmers plant a row of maize or sorghum (different from the irregular spacing inside their plots) along the boundaries; and fourth, farmers may plant a short-season variety of maize along the borders of their area.

<sup>316</sup> This point becomes important when landholdings are subject to titling. For example, Ward (1995:219) noted how this problem arose in Fiji with the government "assumption that the registered owners of the land would also be the users," when "in fact ownership and use were often not in accord."



extends to land held by an adjacent *kanaf*, additional members can continue the swidden into those areas with permission of that land's *kanaf* landowner. Group composition changes annually, but during the growing season the group members have responsibility to each other; for example, if one member of the group clears or burns a protected area, the entire group must assist in paying any fine assessed by the *tobe* and/or *naijuf*.

When borrowing land for swiddens, residents of the landowner's *naijuf* domain (or *suco*) pay no form of rent or share of their harvest to the landowner.<sup>317</sup> Where a swidden area is distant from a *suco*'s settlement and close to the *suco* border, members of the neighboring *suco* are (reluctantly) permitted to join the farming group in an effort to increase the number of group members to contribute to the fencing, and to enlist their cooperation with protecting the swidden area from grazing animals. In these cases, members from the neighboring *suco* must pay a negotiated amount (e.g., 1 small basket of rice and 120 ears of maize) to the landowner—even if they are members of the landowners' own sub-*kanaf*, as *suco* boundaries are stronger than any sub-*kanaf* affiliation. It is common for multiple land use or rental arrangements to exist within one fence. All farmers are required to participate in the harvest rituals of the *tobes* in whose domain they make gardens; contribution to this ritual activity depends on the physical location of one's garden, not one's residence or belonging to a given *tobe* or *naijuf* domain.<sup>318</sup> Since most farmers practice similar land preparation and none carries out improved fallow management, landowners do not identify soils problems or damage to their fields resulting from other people's use of the land; at this stage, no farmers were considered better than others regarding knowledge or skill in soil improvement.

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<sup>317</sup> At most, each local resident in a group will contribute a small animal toward the planting and post-harvest feasts, but a land borrower's contribution is the same as a landowner's contribution in these events.

<sup>318</sup> As part of Lekot is frequently farmed by members of a neighboring *suco*, the number of participants in Lekot's primary harvest ritual usually exceeds the number of Lekot households. See *fua oel naek* above.

A *seimu* can be owned at a variety of social levels: by single households, among siblings, or at the sub-*kanaf* or *kanaf* levels,<sup>319</sup> according to the nature and frequency of its use. (These classifications are not absolute and are discussed further below; no local language terms distinguish these levels.) There are very few household-held *seimu* in highland Lekot (other than flooded rice fields). Household-held *seimu* in coastal Lekot include most land outside of the house fences but still near settlements, planted to maize, dry rice, and root crops in (minimally) three-year rotations, as well as flooded rice fields. *Seimu* held among siblings are usually planted to maize and rice in rotations of three years (with green manures planted) or more (bush fallow), and include the fields further from settlements than household-held land. Both household and sibling-held *seimu* are usually farmed by the landowners themselves, rarely borrowed by others.

Much *seimu* held at the sub-*kanaf* or *kanaf* level is farmed with rotations of ten years or more. When *kanaf seimu* are farmed, it is almost always as part of a multi-*kanaf* farming group. In Lekot, the largest contiguous forested area of *kanaf*-level land (described in the opening topography section above) runs two kilometers between the highland and coastal settlements through which the main path crosses, adjacent to a river. Individuals from many *kanaf* farmed that land (i.e., claimed and converted to *seimu*) during Portuguese times, but early in the Indonesian administration the forestry department prohibited agricultural use by declaring that land protected forest. The area was largely left to return to closed-canopy forest since the 1970s, but despite its return to forest cover, the *kanaf* maintain their respective claims and can still indicate the boundary markers of planted and non-planted trees, rocks, or ravines between *kanaf*

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<sup>319</sup> In small families, sometimes all members of a *kanaf* or sub-*kanaf* are also siblings. *Kanaf* are small, well-defined units, limited to members of a group. It could be misleading to call this land “communally owned,” as all with claims are within one (extended) family. See Fox (1999) for more on the intricacies of different ways to gain membership in a given *kanaf*.

sections. In some families, land claimed by the *kanaf* bears some measure of internal, individualized, heritable division among family members over a given land area.

On sibling-held and *kanaf seimu*, different members can have unequal levels of authority over using land (for access to trees, cf. Peluso 2003). There are informal gradations of rights according to residential proximity to a given plot of land. For example, with the coastward migration over the past three decades, people now living on the coast will usually ask permission or inform their highland-dwelling siblings before planning a garden on highland *kanaf* land. This would not necessarily be done among siblings who all live in the highlands. Land claims can diminish over time when an individual moves away from the settlement and there is competing use by other members of one's own *kanaf* who live closer to the land. An individual who voluntarily moves to another *suco* would not expect to return to reclaim full land rights after one generation of absence; that land<sup>320</sup> would have become controlled by the remaining members of the *kanaf*. *Seimu* held at the *kanaf* level are very rarely sold; most people take extensive measures to prevent land from leaving their *kanaf*.

### *Irrigated systems*

Installing irrigation modifies the tenorial regime of the land and adds a layer of land authority that is based on special skill or initiative rather than customary status (cf. Fujimoto 1996, Geertz 1972).

Irrigation overseer (*kabo-oel*)

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<sup>320</sup> Planted trees, however, do not transfer to fellow *kanaf* members.

The *kabo-oel* (literally, “water chief/head”) is not an inherited position in the traditional hierarchy, but has authority over irrigated land use.<sup>321</sup> A *kabo-oel* is the person who originates and oversees an irrigation plan for a given flooded rice field or a fruit tree grove, thus becoming the one who controls the land that receives irrigation water. Importantly, the *kabo-oel* is not necessarily the landowner, but attains broad, long-term use rights for the duration of an irrigated system.<sup>322</sup> A *kabo-oel* can be from another *suco*, and does not necessarily have any kin relation to the customary landowner on whose land the improvements are made.<sup>323</sup> Irrigation impacts tenure in giving a measure of authority over land use and land distribution to the *kabo-oel*, and in giving other non-landowners enduring rights to use the land for at least as long as the irrigation continues. In any irrigation project, the *kabo-oel* obtains use of the land closest to the water source, followed (downstream) by the landowner. Beyond that, anyone interested in joining the irrigated scheme can approach the *kabo-oel* and request to be given space, subject to approval by the *kabo-oel* (not the landowner). The *kabo-oel* and landowner may also recruit individuals to participate in the irrigated scheme (cf. Fox 1977:34). Significantly, for land use decisions in irrigated areas, the *kabo-oel*’s authority supersedes that of the *tobe*.

There are also *kabo-oel* who serve as guards and overseers for fruit tree groves owned by the Costa king and some *naijuf*, appointed by those individuals. The Costa family appointed the original *kabo-oel* for one betel and coconut grove covering several hectares<sup>324</sup> for his horticultural

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<sup>321</sup> The Portuguese term *kabo/kabu*, head, carried a wide variety of connotations. In the context of forest regulation in central Timor, one defined the term as “a type of forestry police” (Coimbra 2002:12). Referring to Portuguese times in Oecusse, a *kabu* was sometimes a hamlet-level figure who would inflict any physical punishment mandated by state authorities. These connotations do not apply to the *kabo-oel*.

<sup>322</sup> In Oecusse, individual springs not used for agricultural purposes fall under the authority of the *tobe* rather than a *kabo-oel*, differentiating the *kabo-oel* from the *kabo-be* [*oel=be=water*] in other districts of East Timor.

<sup>323</sup> Case Three below concerns one man from the rice-growing area of central Oecusse—renowned for expertise in irrigation and rice field development—became a *kabo-oel* in lowland Lekot when he took initiative to contact a local landowner about developing a small area for rice.

savvy and past mythological assistance to the Costa family. The *kabo-oel* for the young *naijuf*'s coconut grove (mentioned above under Lekot authorities) was appointed to guard against villagers' access to the trees, and given a residential plot adjacent to the grove for this task. Both these *kabo-oel* mediated the relationship between the landowners and the villagers who were required to work in the groves, and were responsible for measuring the harvest and ensuring its intact transport to the king or *naijuf*; they are each now in their third generations as *kabo-oel*.

Irrigation development, and subsequent conversion to fruit tree and/or flooded rice land use, inserts the layer of *kabo-oel* into the land authority structure. For the period that the irrigation scheme remains actively maintained and productive, the *kabo-oel* has superior authority to the customary landowner. If the scheme fails or falls into disuse, the *kabo-oels*'s rights are relinquished to the previous owner. Throughout Lekot, abandoned rice terraces and discontinued fruit groves follow this pattern. Converting land from swidden to irrigated land use also reduces the relative influence of the *tobe* over use and distribution of that land, in relation to the *kabo-oel*.

### Fruit tree groves

Description. Fruit tree groves (M: *oel, poan*; I: *kebun*) of betel and coconut palms are located near water sources, allowing them to survive productively through the long dry season. Even where no other crops receive irrigation, the betel groves contain impressive and extensive water routing to ensure production. These groves are an essential source of household cash income, especially from betel and coconut oil, for people who sell none or little of their staple food crops. Fruit tree groves are found irregularly throughout Oecusse, wherever water is available, near settlements or in remote locations. They are unfenced and without visible borders between

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<sup>324</sup> This grove is on land appropriated from six Lekot *kanaf* by the Costa king during the early 1900s as compensation for theft. It also contains cinnammon, sandalwood, and other valued species.

individuals' areas, although some people carve their family symbol or initials into one of their trees; villagers know who owns each individual tree in a grove.

Tenure. As described above for the *kabo-oel* authority, irrigation changes the land control in giving a non-landowning irrigation overseer rights to grant or deny other individuals' participation in the tree grove scheme. The *kabo-oel* has rights to plant trees on the land closest to the water source, followed by the landowner, then others. Tree planters' harvest rights continue for as long as their trees (original or replanted) remain alive in the area. Upon closure of an irrigation network (which rarely occurs due to the high value of the tree crops) and subsequent death of the planted trees, all the land would revert to the original landowner, regardless of the number of years the land has been used by the *kabo-oel* and others. No rent is paid to the landowner or the *kabo-oel*.

#### Flooded rice fields

Description. Irrigated rice fields (M: *aen oek*; I: *sawah*) are one class of *seimu* or claimed land, but since the tenure and use arrangements are quite different from unirrigated fields, they are treated separately here. Flooded rice fields (*ane*=rice, *oek*=water/wet) are not widespread throughout Oecusse, as most of the district highlands do not have sufficient water to support this use. There are extensive fields along the lowland rivers, especially in the center of Oecusse's north coast, where the main crop grown is flooded rice.<sup>325</sup> These primary flooded-rice fields occur in areas not previously settled by Oecusse natives, and in these regions the *tobe-naijuf* authorities are not as well-defined as in the highlands. As these fields are always individually owned, people from distant *sucos* may purchase or sharecrop land in these areas. Irrigated rice

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<sup>325</sup> Significant rice field development occurred using forced labor during the Japanese wartime occupation, with continued expansion to the present day.

fields are surrounded by constructed wood/stone fences as for swidden gardens; internal borders are clear with the low irrigation ridges that bound each plot.

The unusually abundant water in Lekot has allowed expansion of this land use near both mountain and coastal settlements, initiated in one site during the 1960s (irrigated but not terraced) in the mountains, with the first irrigated, terraced rice field constructed in 1975. In 1975, one Lekot farmer who observed the *kaes metan* methods of rice production in lowland central Oecusse decided to terrace a tiny plot adjacent to a spring. Despite ridicule from other villagers, he persisted and planted that area three years in a row, by which time others believed it was possible and began to make small terraces for flooding on their own land. The technology caught on and the community slowly converted several areas into flooded rice fields over the past decades.<sup>326</sup>

To this day, all of the flooded rice fields in Lekot were conceived and constructed entirely with farmer initiative; none have ever received outside financial or technical assistance from the national government or international agencies.<sup>327</sup> By 1999, there had been many hectares of rice fields constructed in six locations in Lekot, but more than half of that area was not in use as the terraced land or the irrigation systems had been made unusable by landslides.<sup>328</sup> Anticipating

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<sup>326</sup> Lekot villagers insist that they are still unskilled wet rice cultivators, and that their planting style is slow and cumbersome. They say that when working side-by-side with people from primary rice-growing areas of central Oecusse, their relative lack of familiar dexterity in transplanting the rice is humorously obvious. To them, it is still largely a *kaes metan* technology.

<sup>327</sup> Oecusse Agriculture department staff had never visited Lekot during Indonesian times, and they were amazed to learn after independence of such extensive flooded rice development in the highlands. This lack of government intervention is notable, given Indonesia's many programs, from transmigration to agricultural subsidies and farmer incentives, designed to promote wet rice cultivation in places with swidden cultivation or other crop staples (Aditjondro 1994, Li 1999b).

<sup>328</sup> There are many abandoned terraces in highland Lekot, by some estimates twice as many abandoned terraces as productive terraces. One farmer likened Lekot people's treatment of terraces like swiddens, that without purchased fertilizer they needed to be left fallow.

food shortages from 2000-2002 onwards, existing sites were expanded and three new sites were opened; in 2004, a major new scheme is under construction in the highlands that is planned to convert over 200 ha of former swidden areas to flooded rice fields, encompassing land owned by all of the Lekot *kanaf*. People in Lekot are expectant that this agricultural development will transform their farming systems and reduce dependency on swidden fields, which many view as more subject than irrigated rice to the vagaries of weather that destroy their crops (especially drought and lodging in high winds). While irrigation construction and initial field terracing is labor-intensive, subsequent farming is considered much easier—and more productive—than making swidden gardens.

Tenure. Highland and lowland flooded rice fields are individually owned and can be sold for cash. In the extensive rice fields of central Oecusse (but not Lekot), there are no restrictions on ownership and transaction by outside-*suco* residents or natives of other *sucos*. Flooded rice fields also have unique gender representation among owners: many individual Lekot women have their own plots, in Lekot and in the rice-growing *sucos* of central Oecusse. More detail on changing tenure on flooded rice fields is given below in the case studies on transactions.

*Sacred forest, old forest, and family sacred sites*

Description. Sacred areas (sacred forest (*nais le'u*); old forest (*nasi mnasi*); family sacred sites/rock-spring (*faut kanaf/ael kanaf*)) containing ceremonial locations usually have tree cover, sometimes with a single large tree but often as part of a more extensive natural forest also containing cultivated fruit tree groves (McWilliam 2001). These forests, which are home to the ancestral rock/tree and/or sacred springs, are the sites of agricultural and other rituals of one or more *kanaf* and community-wide rituals usually headed by the *tobe*. Some sacred forests belong to one *kanaf*, while others are shared among the *tobe* or *naijuf* domains. These sites are often said



to be the original settlement areas of a *kanaf*'s ancestors, and are revered for their historical and ritual importance. Other areas with large trees are said to be primary forest, never yet cut and cleared to create gardens, and thus unclaimed by any *kanaf*. Many old forest areas consist almost exclusively of *Eucalyptus alba* scattered along very steep slopes; they are undesirable for agriculture both because of the extra labor involved in felling large trees, lack of nearby fencing material, and the spiritual risks of illness or death associated with disturbing old trees. Sacred and old forests are usually left unfenced.

Tenure. Sacred areas belong to the *kanaf*, *tobe* domain, or *naijuf* domain for which they are significant. There are harsh penalties or consequences for disturbing these areas, including the removal of firewood. They are not subject to sale or conversion to other land uses. Old forests are potentially available for clearing and claiming upon permission from the *tobe*, but most people prefer to avoid the potential risks and leave old trees undisturbed. These areas are the focus of the district government *tara bandu* program discussed in Chapter Five.

#### *Village commons or unclaimed land*

Description. Unclaimed land (M: *naija sona*; I: *tanah kosong*) is that which has not yet been claimed by any *kanaf*. Land remains *naija sona* only if it is bare, grassland, inaccessible, infertile, landslide-prone, or otherwise unsuitable for farming; even steep forested ravines are always claimed by a *kanaf*.<sup>329</sup> There is very little *naija sona* in the Oecusse highlands, mostly small landslide areas or patches of infertile soil considered useless for agriculture. Since Oecusse's coast was sparsely settled before the Indonesian era, some *naija sona* persists on mountain ridges near the coast. This pattern is a relic of the former interior-centric settlement pattern, which left distant coastal lands unused, while fully occupying and using the highlands.

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<sup>329</sup> This term is sometimes also used for infertile, unused claimed land that is left bare.

*Naija sona* is not necessarily distant from settlements; on the coast, *naija sona* can be adjacent to houses, where it is gradually claimed by individuals (through farming, planting trees, building structures, or fencing) and converted to *seimu*; in coastal Lekot, more than two km<sup>2</sup> of *naija sona* have been converted to individually-held *seimu* since 1985. Along Oecusse's coast, *naija sona* is receding inland as lowland settlers continue agricultural expansion. Some *naija sona* areas are considered dangerous, home to troublesome spirits and best left undisturbed. It is never fenced.

Tenure. Members of the village (*suco*) use *naija sona* as common land for grazing animals, gathering firewood or construction materials; one *naija sona* patch in highland Lekot cannot grow annual crops but is the source for a hard wood (M: *tas tasi*) preferred in house construction. People from outside the village cannot use *naija sona* or its products without explicit permission from village authorities, either a local government functionary (hamlet head, village head) or traditional leader (*tobe, naijuf*). All this land has a local authority to approve its use by those outside the village or conversion to *seimu* by village members. Aware that Timorese planting trees would later consider that land as their own, the Portuguese administration forbade villagers' unauthorized tree planting along coastal areas of Lekot until the late 1960s in an effort to reduce people's claims to lowlands areas the state wanted for plantations or other purposes.

### ***Transactions and change in landholding classifications***

As landownership is closely tied to agricultural practices, land can be reclassified with changing agricultural or residential use. The most common transitions are as follows:

Unclaimed land (*naija sona*) to individual/household claim. Once land has been claimed through use, it does not revert to *naija sona*, even if left uncultivated for many years.

Household *seimu* to family (*kanaf*) *seimu*. Initial claims to *naija sona* result in household ownership of a given plot of land, which the next generation may inherit and hold as sibling-level ownership, and with the increase of descendants after several generations may be recognized as *kanaf*-wide land. The prevalence of individual-level ownership near the recently settled coast links to debates over whether this indicates an individualizing trend in landholding that has received much attention in ethnographies and land administration (Healy 1971, Lea 1997, Martin 2004, Simpson 1971, ter Haar 1948, Ward and Kingdon 1995b). Observers have long reported, and legislated, a move away from (presumably) communal toward individual landholdings in Timor (1924, Gonçalves 1937, Martinho 1943, Martinho 1945, Sumardjono et al. 1994/1995, Suryosuwarno 1993, Ubbe 1995/1996). By contrast, some lowland Lekot residents point out that individual claims are always the necessary first step to creating *kanaf*-level landholdings out of unclaimed land, and they expect that today's first-generation coastal household claims will over time evolve—communalizing—into the sibling- or *kanaf*-level claims that fill the highlands. They point out that earliest residents of lowland Lekot have more *kanaf*-level claims than recent settlers, as an individual's claim is shared among his sons. Most Lekot people describe a *communalizing-individualizing cycle* in landownership through changes through inheritance, migration, and other factors (cf. Hooper and Ward 1995, O'Meara 1995:113).

Family (*kanaf*) *seimu* to household *seimu*. Land held among members of a *kanaf* can be individualized in various ways. With inheritance of numerous *seimu*, some parents divide the plots among their (usually only male) children, with the eldest or the one responsible for maintaining the *kanaf* ritual house often gaining a larger share. With very large or few *seimu*, *seimu* areas are occasionally subdivided into individual holdings for children. Where land is to transfer to another *kanaf* (a rare occurrence, e.g., in debt payment), individual responsibility for the land in question may be clarified before the land is lost from the *kanaf*.

Dryland *seimu* to irrigated rice/fruit tree use. Wherever possible, people seek to convert dryland areas to more valuable, intensive irrigated uses; this usually adds the *kabo-oel* authority and modifies the underlying landowning structure and/or land use.

***Land acquisition and transactions***

The most common practices of land acquisition and borrowing are summarized below.

Figure 10. Summary of land ownership and possible transactions by land use categories.

	<b><i>Level of ownership</i></b>	<b><i>Can be sold? If yes, what payment?</i></b>	<b><i>Can be rented? If yes, what payment?</i></b>	<b><i>Can be lent? If yes, what payment?</i></b>	<b><i>Notes</i></b>
<i>House yard</i>	Individual, household	Highlands: No Coast: Yes; cash, labor, or animals	Highlands: No Coast: Yes; cash	No	Highland use implies permanent transfer; Coast previously titled
<i>Unclaimed land (including some forested land)</i>	<i>Suco</i> ( <i>naijuf/</i> <i>tobe</i> or <i>suco</i> government)	No	No	Yes; outsiders may use (free) but not own	Several Oecusse <i>sucos</i> have no unclaimed land

<i>Dryland swidden</i>	Household, sibling, or sub-kanaf	No	No, <i>suco</i> members; Yes, <i>suco</i> outsiders, specified portion of harvest	Yes; no payment by <i>suco</i> members	Frequently lent; all users must participate in <i>tobe</i> 's harvest ritual
<i>Flooded rice</i>	Individual, household, or siblings	Yes; cash, cattle	Yes; cash or portion of harvest	Same as rental	
<i>Fruit tree groves</i>	Individual (of trees)	No	No	Yes; no payment	Separate tree/land owners
<i>Sacred sites</i>	Relevant <i>kanaf</i>	No	No	No	

Three important aspects of land transactions include family land transfers, perpetual landlessness of outsiders, and exceptional loss of land.

#### *Family land transfers*

In most<sup>330</sup> of Oecusse, at marriage a woman leaves her birth *kanaf* to join her husband's *kanaf*; accordingly, *seimu* land is inherited by sons and remains largely within the *kanaf*.<sup>331</sup> Widows

<sup>330</sup> An exception is the central flooded rice-growing region of Padiae (*sucos* Cunha and Lalisuk), settled by Savunese and Rotinese in-migrants still called *kaes metan* by Oecusse highlanders, in which most land is held and passed from mother to daughter. Until about thirty years ago, a new couple's residence was exclusively uxorilocal, and the wife's family took responsibility for providing the new family with land. Unlike other parts of Oecusse, Padiae inheritance frequently favors the youngest child with a larger share of family land and eventual ownership of the parents' house.

retain land rights to their husband's *kanaf* land, but for an older widow the land may pass directly to her sons. Unmarried daughters retain rights to their father's *kanaf* land. Women (regardless of marital status) frequently inherit individualized flooded rice land. In some areas of Oecusse (but not Lekot: this seems to occur in sucos with more recent and numerous immigration from beyond the suco), a man who marries into a landowning *kanaf* and fully transfers his *suco* membership<sup>332</sup> to his wife's *suco* of residence may be able to acquire heritable<sup>333</sup> rights to a strictly limited portion of his wife's *kanaf* land after multiple years of farming a plot, subject to approval by the *tobe* and/or *naijuf* and some payment to both figures.

#### *Perpetual landlessness of outsiders*

Land access by male in-migrants to a *suco* is often problematic.<sup>334</sup> Before a new household of an outside husband (not native to that suco) and local wife is allowed to settle in the *suco*, the *suco*'s local leaders and members of each landowning *kanaf* (*atoin kua tuaf*) meet to consider how the land requirements of the new family can be met. As land is almost never permanently transferred to in-migrants (*atoin anaomnemmat*, wandering people), the new couple may be guaranteed rights to borrow—but never to own—land, sometimes for a specified number of generations (cf.

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<sup>331</sup> It is worth comment that the subject of land tenure has been barely mentioned in the vast and detailed ethnographic literature analyzing marriage, bridewealth, and kinship alliances around Timor, perhaps influenced by van Wouden's (1968) widely influential study (Fox 1980).

<sup>332</sup> In these cases, it is essential for the man to contribute animals to local ritual events, and sometimes give the local land authorities gifts of animals.

<sup>333</sup> Even in these cases, the land retains links to the wife's *kanaf*.

<sup>334</sup> Customary restrictions on outsiders' land ownership has long been amply documented in Timor (Castro 1867, Metzner 1977, Sousa Xavier 1997, Vaquinhás 1883a). Even access to unclaimed or common land can be unequal (Baumann 1997).

McWilliam 2002a:162-167).<sup>335</sup> As this disadvantages the couple's children, the new pair is encouraged to move back to the husband's home *suco*, where future land rights are secured.<sup>336</sup> When a couple does move to the husband's land, the wife's relatives may express relief that the couple and their children are "freed" from being landless borrowers.

If the couple remains in the wife's *suco* for a generation, it is possible that their children or grandchildren might not be received back as land-owning "*kanaf* insiders" when trying to relocate to the father's home *suco*. This creates the most socially undesirable status with regards to land, a perpetual borrower, not accepted as a *kanaf* landowner in one's paternal landowning *suco*, and unable to acquire heritable land rights in one's *suco* of residence. Some villagers describe this state as "atoin matustanab," meaning someone being sent back and forth in the middle (as a ball in a ball game), without a definitive home or stopping place. In 2004, 14 of highland Lekot's 120 households (12%) are in these circumstances.<sup>337</sup> Twelve of these families (in two *kanaf*, each now with six households) are descendants of people who relocated (as "political refugees") to Lekot during the 1912 and 1975 conflicts. They have attempted to return to their former *sucos* without success, and they are now permitted to remain in Lekot because they have intermarried with local women, but they still cannot make permanent claims to any land; they have no *seimu*

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<sup>335</sup> The wife's *kanaf* takes responsibility for ensuring that the couple will have access to enough land to meet their housing and subsistence needs, and the couple will participate in the same system of swidden land borrowing as *suco* members.

<sup>336</sup> The difficulty in outsider men obtaining land is reflected in numbers of local and outsider marriages even in coastal, periurban Lekot: 57% of couples have both husband and wife from the same *suco*; 33% are a local husband and an in-migrant wife; and just 9% represent a local wife and an in-migrant husband, classified as *atoin anaomnemat*.

<sup>337</sup> In addition to these fourteen households, highland Lekot has three cases pending since 2001/02, indicating the villagers' reluctance to accept in-migrant males, called "the seeds of land-borrowing," as members of their settlement. In one pending case of outside people not being accepted, a widowed mother of a local married woman [now with her husband's *kanaf*] was not permitted to move in because she was accompanied by an orphaned grandson; they say, if the orphaned child had been a granddaughter or the old woman were alone there would be no problem, but a landless boy must not be permitted to settle in Lekot. Village authorities, including the hamlet head and *tobe*, serve as gatekeepers to *suco* land access.

of their own. They do gain permanent rights to their house yards, as described above, although local *kanaf* are somewhat reluctant to give them land.

The accepted disparity between *de facto* and *de jure* land availability is important in supporting the livelihoods of these landless people. With unlimited access to free borrowing of land for swidden agriculture in the present system, “*atoin matustanab*” are not more economically vulnerable<sup>338</sup> than their landowning neighbors. However, if landholding formalization or agricultural change reduced their access to land borrowing, this group would be economically disadvantaged.

#### *Exceptional loss of land*

Occasionally, people lose land due to debt incurred in emergency situations, and can only regain land by inflated repayments. For example, during the 1960s, one man needed immediate assistance in fulfilling his tax obligation: in exchange for about two kilograms of rice, he traded one hectare of irrigated rice land, which was only regained by his son in 2003 for the price of two large cows (US\$300). Families borrowing maize during hungry times may pay a high price in land lost that may take decades to regain, a debt they work steadily to cancel.

In rare cases, land ownership is not entirely place-based, but may be linked to the actual soil of claimed land. Annual flooding rearranges landholding alongside seasonal rivers. Flood may remove tens of meters inland for stretches of a hundred meters or more; where that soil is deposited further downstream, the upstream person who lost land may be able to claim the “new”

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<sup>338</sup> However, on occasion the *atoin matustanab* alone will clear the most marginal patch of unclaimed land (*naija sona*) in highland Lekot to plant low-yielding root crops—without converting that land to heritable *seimu* as a local *kanaf* would—when unable to get sufficient space in a group garden. Vargas (1985:18) demonstrated that non-landowning “newcomers to the village made smaller fields [than other residents], indicating that they were not free to borrow as much land as long-term village residents were able to borrow.”



land created, even on the other side of the river. This permits the highly unusual phenomenon of people owning land in an adjacent *suco*, when literal land transfer occurs on rivers that mark *suco* boundaries.

#### *Village border disputes and land transfer*

There are two main causes of the frequent and recurrent village border disputes in Lekot: differences between areas as recognized in customary and government systems, and land areas gained and lost through inter-village conflicts (Meitzner Yoder 2003). According to Lekot villagers and *tobes*, the eastern and western boundaries of their village differ along their entire length from their locations on Indonesian maps; only the southern border, a short length along a river, agrees with the official location. Even slight differences in adat and administrative classifications of a given land area can cause village-level conflicts, usually intensified when land use jurisdictions must be clarified around gardening or infrastructure development (cf. Martin 2004, Rodman 1987, Vargas 1985:99, Ward and Kingdon 1995b). In 1987, a road-building project precipitated a border dispute incident between Lekot area and a neighboring *suco*, and one man from the neighboring *suco* died in the resulting conflict.<sup>339</sup> In 2004, an internationally-funded job-creation project began activities in Oecusse *sucos* that submitted successful proposals. Lekot's proposal for rerouting the main road received funding, and the neighboring *suco* through which the road to Lekot passes did not, causing a recurrence of the 1987 border dispute. In 2003, a neighboring village claimed the same area in their government-sponsored forest protection ceremony, prompting an immediate reaction from Lekot leadership: they held an all-night strategy meeting and sent a delegation to confront the other village's *naijuf* the following morning.

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<sup>339</sup> People interpret these conflicts and respond as to traditional warfare threat: the warriors (*meob*) performed rituals and rapidly carried out a protective role against the neighboring *suco*.

Aside from border disputes precipitated by or intensified through interaction with government programs, there have been more than ten border incidents through which Lekot has gained and lost land to neighboring villages over the past century. Mapping these conflicts reveals that much of Lekot's boundary has shifted slightly during this time. Two cases illustrate the nature of these land transfers. 1) During World War II, Lekot and a neighboring *village* were required to cut a large quantity of bamboo for the Japanese occupiers to take by ship to other ports. When Lekot failed to bring adequate bamboo, the neighboring village was punished by the Japanese forces, and in compensation the neighboring village claimed a stretch of Lekot's coastal land, with those new borders intact to this day. 2) Sandalwood theft is one of the few offenses that can cause inter-*village* transfer of land as fine/debt payment. When residents of a neighboring village were caught stealing sandalwood from Lekot's highlands in the early 1900s, Lekot extended its land boundary into the adjacent zone, which also contains sandalwood. Most villages have individuals designated as "border guards" whose houses are located near village boundaries, certain families charged with living on the border (*faut nakat, hau nakat*; rock boundary, tree boundary) for vigilance and rapid response to border incursions.

Aside from disputes among family members, which are usually resolved with assistance from the family elders, people do not feel that their landholdings are under threat from others within their own village. It is uncommon that one *kanaf* would dispute ownership of another *kanaf*'s land within the *village*; Schulte Nordholt noted that villagers "residing in the territory of one *tobe naek* [great *tobe*] will not hastily resort to violence against each other" over property disputes (1971:225). But where even small areas are under use by people from a neighboring *village*, with less binding relationships, the threat of land expropriation can be subject of public discussion and concern far out of proportion to the amount of land in question, including high potential for violent responses.

### *Four case studies on land tenure conversion through agricultural change*

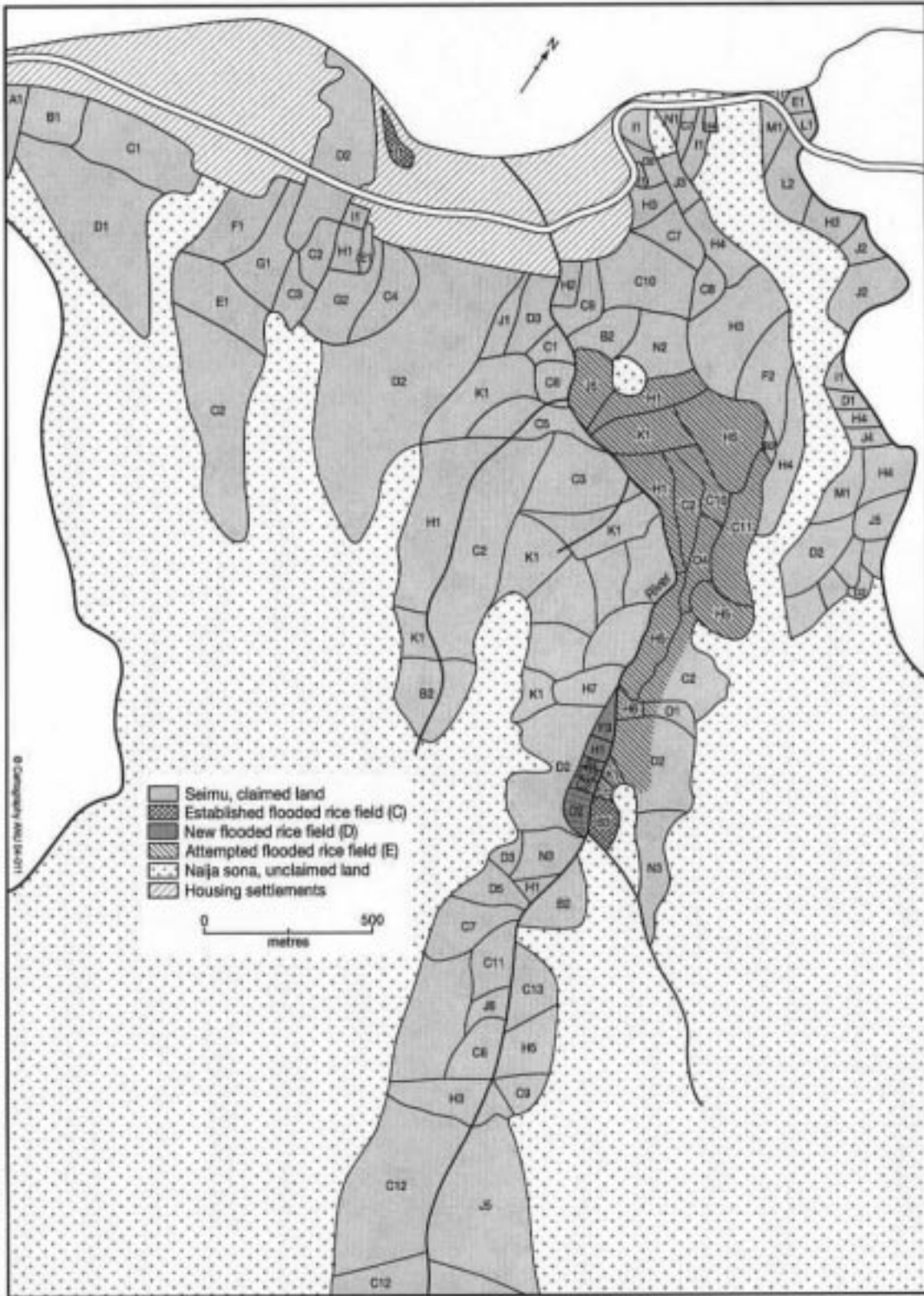
The preceding discussion demonstrates some of the features of customary land ownership as linked to social identity, place, and historical and ritual connections. Of course, these factors are not fixed, but are constantly redefined in tandem with migration and changing circumstances. Agricultural developments, including irrigation or tree planting, are significant factors in rural landholding transformations. Although rarely practiced at present in Oecusse, tethering or fencing of livestock (rather than fencing gardens to keep out free-ranging livestock) could eliminate a primary reason for group farming, changing the structure or frequency of the current land borrowing system.<sup>340</sup>

The following four case studies of converting swidden land to irrigated rice fields<sup>341</sup> illustrate some underlying principles of land tenure and land/water authorities in the reorganization of landowning that accompanies agricultural change. Widespread interest in conversion to paddy rice cultivation is a recent phenomenon in lowland Lekot, with several substantial community initiatives occurring after 2000. These sites are on a mostly flat, lowland area bordering a seasonal river, 1-3 km inland from the north coast (see Figure 11, and explanation of the map below). Cases 1 and 2 demonstrate a fundamental difference between the *tobe* and the *naijuf* with respect to landowning: while the *tobe* must divide his land just like other villagers, the *naijuf* alone is exempt.

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<sup>340</sup> During the 1970s, cattle fencing laws were implemented in parts of Mexico that rapidly impacted agricultural systems as farmers no longer needed to fence their maize fields (John Tuxill, pers. com.).

<sup>341</sup> Why convert to flooded rice? People view flooded rice cultivation as easier and less work throughout the year compared to swidden maize cultivation (cf. Conklin 1957). Unreliable rains and maize lodging in high winds cause low maize harvests many years, and flooded rice is less affected by these vagaries of weather. Maize and upland rice remain the staples since there are few springs with sufficient water for irrigation, but in poor harvest years people seek to expand flooded rice plantings for food security. It seems to be the relatively higher risk of swidden crop failure in Oecusse's low-rainfall and windy setting that makes flooded rice appear appealingly stable and its harvest assured.



**Figure 11. Land uses and ownership in coastal Lekot, showing fields C, D, and E in the case studies**

Figure 11 is included here primarily to illustrate the relative locations of the three lowland rice fields along the river mentioned in Cases 1 and 2 below. There are other notable elements illustrated on this map that deserve comment. The codes shown (e.g., D2) represent individual or primary landowners of agricultural land, with the letter representing a family name (*kanaf*) and the number representing an individual member of that family. So C1, C2, and C3 are all different members of the same *kanaf*; they could be siblings, cousins, or some other relationship within that family. Other than the small flooded rice fields C and D near the map's center, all the claimed agricultural land shown here is used for dry rice, maize, and root crop swiddens with short rotations.

This map illustrates the phenomenon of *new* claims; the vast majority of these claimed areas were only established within the past generation or two, as people moved to lowland Lekot from the early 1980s; many are still owned by their original claimants who converted the land from unclaimed to claimed status. The *naija sona*, unclaimed land “intrusions” largely follow contour lines; for example, the D1, C2, and D2 fields in the upper left (northwest) end precisely at the edge of a very steep hill. (My queries of whether someone might like to claim the hill land so nearby the settlement were consistently met with outrageous laughter and disbelief: “Who would want *that* [steep, bare] land?!”) The small patches of *naija sona* in the upper right (northeast) represent one sacred site on a small forested knoll, one bare patch of land believed to be inhabited by evil spirits, and an ancient cemetery. Most of the claims bordering the easternmost “intrusion” of *naija sona* are less than fifteen years old, occurring only as people moved their houses eastward in recent years. Although that “intrusion” is a steep hill, most residents believe that it too will be fully claimed within a generation or so.

I should also comment on what this map does *not* show. It does not differentiate land owned by one individual as opposed to land shared among siblings but under primary oversight of one person, for example; both are classified here as *seimu*, claimed land. The visual uniformity of unclaimed *naija sona* may not reflect incipient claims, or some differential rights to collect wood or graze animals in certain locations among Lekot individuals. Importantly, from just south of this map extending throughout the rest of highland Lekot, claimed land areas would be larger units generally worked by siblings together, and in most cases not as strictly belonging to an individual; the vast majority of highland claims would be better represented by a letter alone than a letter-number as shown here. The existence of such individualized plots is an exception rather than the rule in modern Lekot. It is worth repeating that the modern persistence of unclaimed land as shown here is a rarity in Oecusse, only occurring on extremely undesirable land near the recently settled coast; most southern interior villages would have very little, if any, unclaimed land remaining. As emphasized throughout the text, even the so-called “unclaimed” land is clearly under the jurisdiction of village-level customary authorities. In short, while this map may appear to resemble a deceptively homogenous cadastre, with neat lines delineating one owner’s area from another’s, in practice the would-be land registrar would immediately encounter ambiguities, exceptions, and layered authority that would frustrate her ability to distill this picture to certificates of individual ownership.

People undertook the lowland rice field construction without any technical, financial, or administrative assistance from any agency, and to the farmers’ knowledge, no government staff have ever visited the sites. On a first-ever visit to highland Lekot during 2003, government agriculture staff were amazed to learn of the existence of such extensive irrigated rice fields in the mountains; according to a 2002 Oecusse-wide survey of irrigated rice fields, Lekot grew no flooded rice (Freitas Pinto 2002). People undertook these rice projects after independence in response to widespread concern about worsening food shortages after the end of emergency food

aid. With severe damage to swidden crops in 2002-03 (mid-season drought) and 2003-04 (lodging due to pre-harvest typhoon), farmers felt that their diversification had been worthwhile.

*Case 1: Successful conversion from dryland to irrigated rice*

Field D's conversion from swidden cultivation to irrigated rice field was undertaken in 2001 at the initiative of the *naijuf*. The major labor input for this conversion was in extending the irrigation, including the massive, three-day task of placing a nine-meter, hollowed-out coconut tree trunk across the banks of the river at a height of four meters, to serve as a bridge channel for the irrigation water from Rice Field C across the river (see Figure 12). People also dug a short distance of irrigation ditch, levelled the fields and created the ridges that would also serve as internal boundary markers.

The original landowners, beginning closest to the river intake, were the *naijuf*, the *great tobe*, and two local sub-*kanaf* (see Figure 12a). Upon creation of the flooded rice area, the *tobe*'s land and the land of the two landowning *kanaf* were redistributed in equal parts to the five people who worked to build the irrigation and terraces (see Figure 12b). Thus, by contributing labor to the project, two individuals who previously had no land in that area acquired heritable individual rights to a defined plot of land, equal in area to the land now held by the original landowners in the rice field. The irrigation overseer (*kabo-oel*) for this area was the *kabo-oel* for the existing Rice Field C located on the other side of the river. As the person who originally controlled the water source, he had to be consulted and give permission for the development of the field that was to use water from that same source.

Unlike the land originally owned by all the other individuals, the *naijuf*'s land was not parcelled out to the individuals who worked on the project. Instead, that land remained property of the

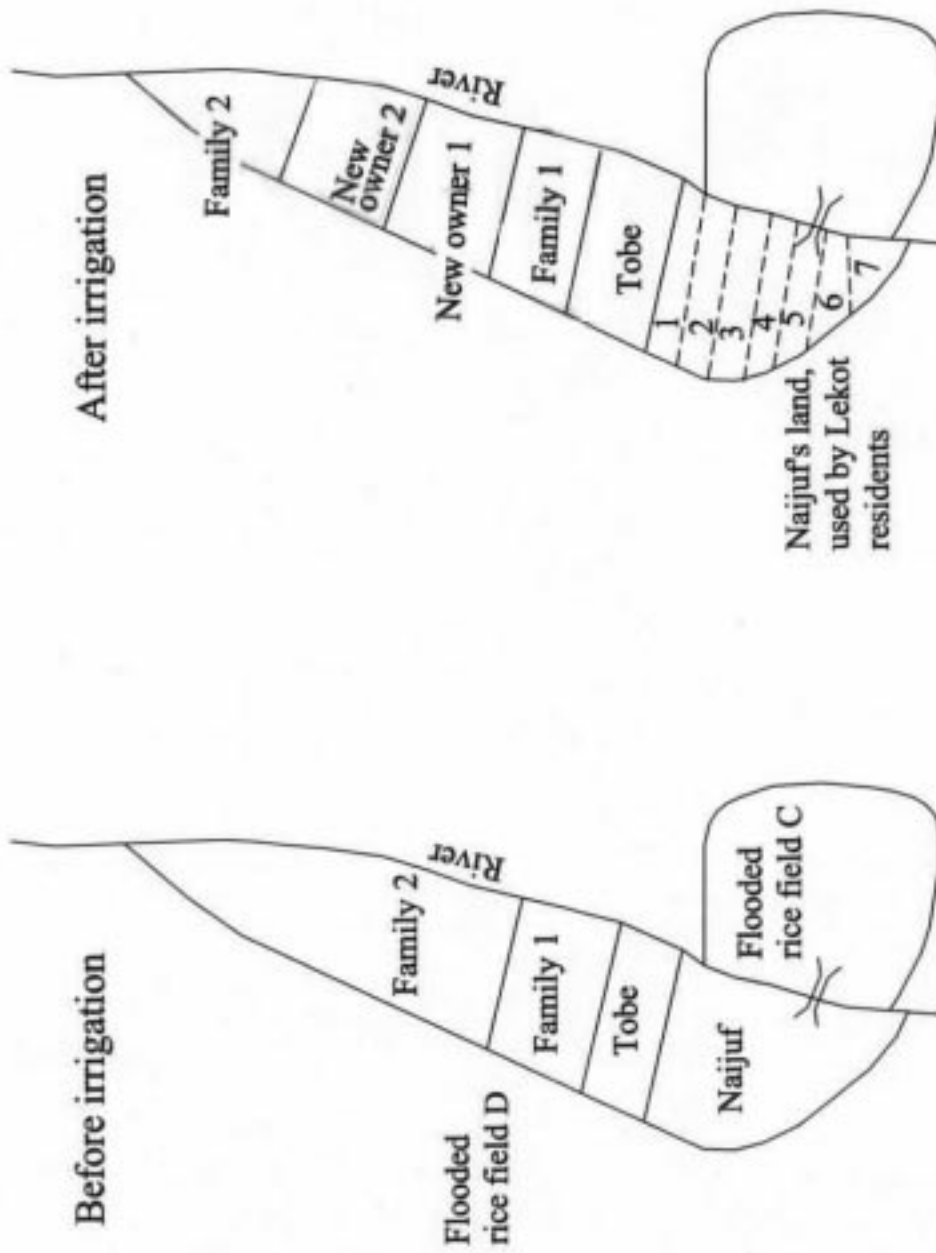


Figure 12b

Figure 12a

Figure 12. Case 1: Successful conversion from dryland to irrigated rice in Field D



*naijuf*, who did not personally work on the project. Instead, seven people who joined the project late approached the *naijuf* and were granted rights to develop a given portion of the *naijuf*'s land, and in exchange for their labor were allowed to farm their plots for 3 planting seasons without any payment to the *naijuf*; after that they should give 10% of their harvest to the *naijuf* as payment for use of the land. Unlike all other farmers in the rice field, those planting on the *naijuf*'s land do not have heritable rights to the land, and if they discontinue using the land, it reverts to full control by the *naijuf*. The seven farmers in this arrangement stated that payment for the *naijuf* is also dependent on harvest; if they have an abundant harvest, they may give more, but in a poor harvest year, they would not be required to give any of their yield to the *naijuf*, and there are no consequences for non-payment in that case.

If the land were to be converted to another use or revert to swidden cultivation, the land would remain property of the five individuals who acquired rights through the flooded rice conversion (different from the use-linked tenure in fruit tree groves, above). The *naijuf*'s land would remain completely with the *naijuf* and not with the farmers planting his land. However, in highland Lekot, where landslides have destroyed irrigation to three such fields, the land has reverted entirely to the original landowners, so the rearranged tenure did not outlast the agricultural improvement.

#### *Case 2: Stalled conversion from dryland to irrigated rice*

Field E's (see Figure 13a) conversion to flooded rice field began in early 2002 in response to concern about food shortages following the end of emergency food aid. This is an area of nearly 100 ha across the river and downstream from Field D, which also draws on irrigation water from the original rice Field C. After physical preparation was complete, implementation was stalled due to intractable difficulties in rearranging the land tenure; nearly identical situations have

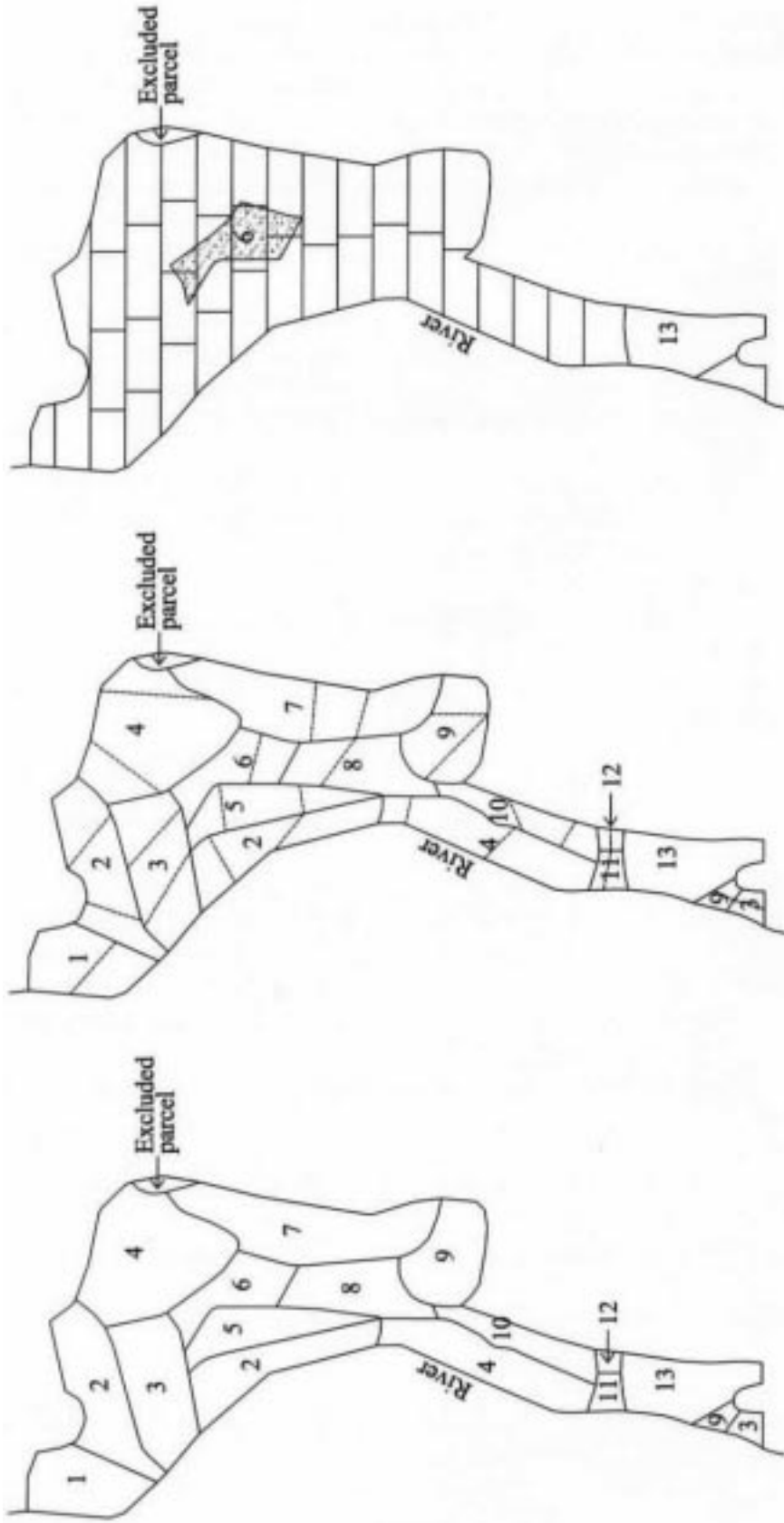


Figure 13a. Original dryland division among 13 landowners.

Figure 13b. First proposed land division for irrigation scheme: each original landowner divides his own parcel with his own recruited laborers.

Figure 13c. Second proposed land division, with equal parcels to all landowners and laborers. Owner #6 refused.

Figure 13. Case 2: Stalled conversion from dryland to irrigated rice in Field E

occurred in at least two other locations in Lekot. If used, this would be the largest rice field in the region.

The thirteen original landowners of Field E (including the great *tobe* and the *naijuf*) held different-sized plots of this land individually, on land originally demarcated for houses before the primary settlement was established along the coast. The individual owners and internal boundaries of the plots were known to all people in the coastal settlement; even children could accurately indicate where the boundaries were for each person. Most of the boundaries were marked with deteriorating palm rib fences left from the most recent swidden use of that field, but many areas that were usually fenced in common and did not have dividing fences were delineated by straight lines sighted between border trees. One individual whose land was on the most downstream edge of the area did not wish to participate in the scheme, so he excluded his parcel from the project on the understanding that he would never be able to use the irrigation water from the project for his land. The irrigation canal to be dug alongside the river was substantial work: several hundred meters in length, and at points where it cut into the mountain, the canal was dug as much as 3 meters deep. Each landowner recruited one to four other individuals to work on the project with the understanding that they would later attain heritable landholdings similar to that in Field D (in Case 1 above), although the detailed arrangements were not clarified at the outset. The people recruited were not necessarily relatives of the original landowners; in several cases, landowners sought assistance and offered the work to close friends and people known to be diligent workers who would ably contribute much-needed labor to the project.

The twelve participating landowners and their twenty-five recruited laborers worked full-time for three months to construct the irrigation canal leading to the site. Before the work began, all group members contributed cash and small animals to a ritual held with the *kabo-oel* from Field D who controlled the irrigation water. Along the canal, there were several sections that required

reinforcement, and the group members each contributed cash for the purchase of cement. Once the canal was completed, they opened the irrigation channel to test the system, and it worked perfectly, evenly flooding the intended area. Before preparation of the fields could begin, other ceremonies were held for the group and individually by each original landowner who would be transferring his land to other individuals, with the individual rituals' costs borne by the laborers who were to acquire the land.

At the point of preparing the land and constructing earthen boundaries, the group encountered difficulties in dividing up the land. The original understanding was that each landowner would divide his original plot of land with the individual(s) he recruited to work on the project (see Figure 13b). As with Field D, the land owned by the *naijuf* (landowner #13) was never intended to be permanently transferred to any other individual's ownership. In Field E, unlike Field D, the *naizuf*'s land, again at the top of the irrigation system and the first to receive water, could be cropped by any individual with permission on an annual basis who had special need for extra food (e.g., no access to other rice fields that year, or anticipating a large feast), optionally giving the *naijuf* a token portion of the harvest.

The impediment was discovered when the *kabo-ael*, who by controlling the irrigation water had a right to acquire some of the proposed rice fields, approached several individuals to request some of their land, and he was denied on all requests. The group met again and drew up a second plan for land distribution, similar to that practiced in Field D: all original landholdings (excluding the *naijuf*'s) would be pooled and then divided equally among all thirty-eight members (original landowners, laborers, and the *kabo-ael*), without regard to the prior landowning status of the individual (see Figure 13c). All initially accepted this plan, but shortly after the agreement, one landowner whose plot was in the center of the site (see #6 on Figure 13c) objected on these grounds: in recruiting laborers, he only worked with his own sons, and thus under the first

agreement he would only be transferring his land to his own sons, which would occur eventually anyway upon his death. With the second agreement, he would be required to divide his land with the laborers that other people had recruited, which would reduce the total amount of land that his own sons would inherit. Since his land was in the center of the proposed site, the project could not proceed without his agreement, and negotiations were stalled. Eventually, many other original landowners also withdrew their agreement to the second land division plan, and the plan to use the area for flooded rice was abandoned. The laborers who had invested in materials and the common and private ceremonies were left with nothing. In 2004, no one involved in the project had any expectations that the project would be revived.

*Case 3: Outsider kabo-oel*

A man from the flooded rice center of Oecusse, Padiæ, who had experience opening rice fields in many different locations approached the people of interior lowland Lekot about the possibility of opening a field in their settlement. The man had no family linkage to the settlement.<sup>342</sup> The people agreed and prepared the necessary irrigation canal, terracing, and fencing. Under the technical direction of the Padiæ man, the villagers planted one season (2003), but the rains were exceptionally sparse that year and irrigation water proved inadequate, so people were discouraged with the results and were not committed to continuing with that project. The Padiæ man was the *kabo-oel* but the land remained owned by the individuals who farmed it. This field was very small, and as the project was in expansion, permanent transfers of landownership had not yet been made and the meager harvest was merely divided among those who worked in the fields. If the project discontinues, the land will revert to full ownership by the original owners, without any continuing claims by the *kabo-oel*.

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<sup>342</sup> In fact, marriage between people from Padiæ and Lekot is strictly forbidden due to past reciprocal murders between the two groups.

*Case 4: Residential land converted to flooded rice fields*

In highland Lekot, plans to develop a spring above a gradual slope into flooded rice fields in late 2003 were impeded by an extensive family settlement located just below the spring. The land was originally owned by *Kanaf P*, but *Kanaf R* had been living in that area for several decades. When *Kanaf P* decided to develop that area into rice fields, *Kanaf R* was unwilling to relocate, and threatened to evict several members of *Kanaf P* and other Lekot *kanaf* who were living on *Kanaf R*'s land in another location, in order to resettle there. The settlement, mediated within two months by the hamlet head and both landholding *tobes*, required *Kanaf P* to provide the relocated households from *Kanaf R* with an equivalent land area just above the spring, with most houses moving fewer than 100 meters uphill.<sup>343</sup> By mid-2004, there were already 3 ha planted to terraced rice fields, with development continuing steadily downhill. The newly terraced land went to members of *Kanaf P*.<sup>344</sup> People contrasted this smooth land distribution to the difficulties encountered in Field E (Case 2 above), attributing the successful resolution here to two factors: first, the eventual division of land was clear from the outset, and all recipients contributed work equally; and second, all farmers are part of the same *kanaf* by birth or marriage.

***Conclusion: Central aspects of customary rural landholding and transactions***

These cases and the above discussion illustrate the following core features of rural landholding in Oecusse.

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<sup>343</sup> There is much recent literature on the role of customary land authorities in mediating Timorese land disputes (McWilliam 2003a, Mearns 2001, Meitzner Yoder 2003, Pereira 1996, Sarmento 2003, Tilman Soares 1998).

<sup>344</sup> Note: this is an exception to the general principle of residential use conferring permanent land rights.

Layered authority. All rural land, claimed or unclaimed, is under the responsibility of at least two customary and/or state authorities who mediate land use and acquisition in changing circumstances. The *tobe* and/or *naijuf*, other members of a *kanaf*, and *kabo-oel* may all need to be included in making land management decisions. Even today in peri-urban areas, land transactions usually involve the approval and legitimation of the relevant *tobe* and/or *naijuf*. Claimed land can be under the authority of individuals or sibling, sub-*kanaf*, *kanaf*, or *suco*-level groups; it is complex to correctly identify the socially relevant level of landownership (cf. Geertz 1972, Ward 1995, West 1998, West and Kloeck-Jenson 1999, Zerner 1994).

Persistent land claims established through agriculture, settlement, and labor. While initial landholding patterns are determined by agricultural use, land ownership is subsequently rearranged through investments such as house building and installing irrigation or planting trees. Migration histories can help distinguish whether land is individualizing or merely newly claimed. People have an extreme reluctance to relinquish *kanaf* land. The validity of a given claim is contingent on evidence of the claimants' past acquisition and inheritance, recent use, customary or government positions, political allegiances during recent conflicts, skills, initiative, and labor contribution to group projects.

Highland land use reflects current agricultural practices more than land ownership. Farming in groups that form to fence swidden gardens means that landowners may not plant on their own land, and that non-landowners presently enjoy unproblematic borrowing of land for annual cropping.

Landowners' precedence and landowning restriction on in-migrants. The ease of temporary land borrowing contrasts sharply to the near-impossible permanent acquisition of land by outsiders. Early settlers became established as eligible landowners, but the range of eligible land-owning

*kanaf* has closed. Newcomers, defined as people not native to the local *naijuf*'s domain, can be excluded from acquiring heritable rights to land even after four generations of residence.

Tenure responsive to agricultural and demographic change. As people move closer to urban areas and develop irrigation, they modify underlying land tenure and practices (e.g., permitting sale of residential and rice field land) to accommodate the different requirements of permanent settlements and settled agriculture. Increasing population density also leads to agricultural change, which in turn modifies land use and tenure across a diverse landscape.

This chapter analyzed how intra-village claims to authority and agricultural patterns have shaped land ownership, highlighting the relationships among residents within a *naijuf* domain. The following chapter takes up the question of customary and state interactions regarding claims to authority regarding land and forest ownership under the newly independent government.



## **Chapter Five: The *tobe* and *tara bandu*: Government engagement with local authorities and institutions over land and forest use in Oecusse**

### ***Introduction***

This chapter discusses historical and recent interactions among state and customary authorities regarding land and forest use in Oecusse. The focus is on forest prohibitions and protection, emphasizing sandalwood as an important symbolic and economic element of Oecusse forests. Oecusse residents closely associate the changing extent of sandalwood stocks with the relative status of the *tobe*: they cite a parallel decline of *tobe* power and sandalwood during Indonesian times, and hope that reinstating the *tobes* may lead to forest recovery. Periodic tree or forest product prohibitions of different types have played an important role in access to and use of forest products, as well as being a focal point of activity for a range of local authorities.

In an effort to extend the limited reach of the district's agriculture and forestry program, the Oecusse government launched an initiative to form "(agri)cultural associations" of local customary leaders in each village to oversee a government-sponsored program of *tara bandu*, or periodic restrictions and consequent fines as determined by the local association. This form of state involvement with local leaders signalled a different relationship than that of the Portuguese or Indonesian eras. Some of the tensions encountered in this process demonstrate how villages use forest protection as a form of land and authority claim, seeking recognition for their political areas and identities.

### ***Forest narratives: protection, decline, and hoped-for recovery***

As Oecusse people narrate their historical experiences, personal memories, and local mythologies of sandalwood, teak, betel, and gewang palm,<sup>345</sup> the changing fates of these forest products are intertwined with customary authorities' changing status through political transitions. The fame of inexhaustible quantities of unused sandalwood first attracted Asian and European traders to Timor,<sup>346</sup> and the path from its legendary abundance under strict hierarchical control to its subsequent scarcity figure largely in local histories of the 1970s shift from Portuguese to Indonesian rule. Teak planted using local labor during the 1930s by the Portuguese forestry department was cut for private profit just before East Timor's independence, causing a public outcry about the misuse of this resource intended for public good. A communal betel forest, initiated by the Costa king, saw harvesting restrictions decline as government-sponsored resettlement and flooded rice development eroded the earlier controls. And the coastal gewang palm forests, primary suppliers of roof thatch, were reduced with Indonesian beachfront development of civil servant and resettlement housing—only to be exhausted as Oecusse people had to rebuild their burnt homes after the transition to independence.<sup>347</sup>

This chapter draws on degradation narratives of these four species to demonstrate how Oecusse people closely associate strong customary authorities with forest product abundance. The loss of *tobe* control over sandalwood during the Indonesian administration is the quintessential case villagers use to illustrate how decline in customary authorities led to locally perceived environmental degradation. This linkage of *tobes'* forest control with forest abundance backgrounds the modern expectations that restoring local authorities' powers within the evolving

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<sup>345</sup> These species are *Santalum album*, *Tectona grandis*, *Areca catechu*, and *Corypha elata*, respectively.

<sup>346</sup> See Chapter Two for accounts of the local “discovery” of sandalwood’s value that accompanied trade.

<sup>347</sup> The fate of forests and livelihood impacts of state-sponsored “development” (in Ferguson’s sense (1997)) in East Timor (Aditjondro 1994, Bouma and Kobryn 2004, Sandlund et al. 2001) is a little-told story that deserves comment alongside the more abundant documentation on other forms of human rights violations (Aditjondro 1994, Harwell 2000b, Peluso and Watts 2001a, Peluso and Watts 2001b, Tsing 1996).

national governance might permit the recovery of sandalwood stocks and afforestation with other species in Oecusse.

*The fall and rise of sandalwood under Portuguese rule?*

Chapter Two describes early traders' impressions of Timor's abundant sandalwood, and how both Asians and Europeans obtained the wood through local rulers (Ptak 1983, Ptak 1987b, Villiers 1985).<sup>348</sup> While written trade records are unfortunately generalized, preventing the analysis of location-specific data (e.g., quantities traded at Oecusse ports), oral histories and place names indicate that Lifau was a significant and active trade center, although there were multiple ports on both northern and southern coasts of Timor (Ptak 1987b). Archival accounts and trade records indicate that the Portuguese, Dutch, and Chinese carried out a brisk trade that severely, rapidly depleted the accessible sandalwood stock on Timor from the 1600s to the 1800s to the extent that some trading ships no longer found it worth stopping in Timor (Bligh 1789, Castro 1867, Fox 1977:73). In 1926, in response to reports of the species' imminent extinction on the island, Portuguese law prohibited sandalwood export, making exception for Oecusse (Cinatti Vaz Monteiro Gomes 1950).

Written accounts and oral histories of sandalwood abundance on Timor differ regarding the historical depletion as described in traders' reports: oral histories of sandalwood in Oecusse include no such memory of a trade decline brought about by several centuries of excessive harvesting. Instead, they consistently recount a sparing use of sandalwood by the Portuguese (possibly drawing on living memory of the 1900s by which time the trade had declined). *Tobes*, members of the royal families, *naijuf*, and elders all reported that only when the Costa king or the

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<sup>348</sup> These two historians have conducted thorough reviews of archival sources: Ptak on Chinese records and Villiers on Portuguese material.

Portuguese administration requested some sandalwood, the order would go out from the colonial administration, via the Costa king, to the *naijuf* (*chefe suco*), who would instruct the *tobe* to present a given quantity of sandalwood. The *tobe* would in turn carry out the procedures<sup>349</sup> for selecting and collecting the wood. Throughout Oecusse, local leaders and elders tell how the Costa king infrequently requested sandalwood, but when he did, it was always in small quantities, often just one or two large trees from each *naijuf* or village. The best part of the tree trunks went to the king or government, while the *tobes* and villagers kept the less valuable branches or blemished sections of wood. Villagers did not resent this sporadic harvest and considered the request reasonable. By all oral accounts, Oecusse had abundant sandalwood, including old (valuable) trees, at the end of the Portuguese era in 1974.<sup>350</sup>

Beyond these royal and state requests for sandalwood, in Oecusse it was extremely unusual for villagers to harvest sandalwood during the late Portuguese era. The *tobe* monitored sandalwood stocks and administered punishments to those who cut the species without permission. Only in a family crisis situation requiring emergency cash might an individual approach the *tobe* and request permission to cut a tree for sale. Those caught cutting mature trees without permission or

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<sup>349</sup> Sandalwood harvest began with the *tobe* performing a ceremony in his ritual house where the chisel was stored, then proceeding out of the house with the chisel, and into the areas with trees to be selected for harvest. The *tobe* tapped the chisel into the bark. After selecting the trees, the *tobe* called the people out to cut the trees and take the wood to the king or colonial administration. See Chapter Two description of how sandalwood heartwood quality is variable for individual trees (1990); given this characteristic, a “specialist” responsible for ensuring that felled trees have adequate heartwood seems a valuable feature.

<sup>350</sup> This Oecusse view contrasts sharply with observers in other regions around that time, e.g. Fox who wrote that the sandalwood stock “had been irreversibly diminished” to the point that now the species “became a symbol of Timor’s past rather than its future”(1977:73). It is possible that Oecusse people recall and recount the mid-1970s abundance in comparison to the scarcity that soon followed, but it is also possible, as the Chinese trader and Oecusse residents suggest, that Oecusse did indeed have exceptional quantities of sandalwood relative to other areas of Timor, due in part to the strict regulation of sandalwood harvest by the Costa king and associated customary hierarchy. (Recall from Chapter Two that there were many published reports naming Oecusse as having abundant sandalwood when it had been depleted elsewhere on the island.) It is also possible that the abundant trees Oecusse people recall were scattered throughout their private fields and forests, out of the view of a state that barely penetrated the mountains: where the state perceived scarcity, farmers knew of abundance.

damaging sandalwood seedlings on their land were subject to heavy fines, physical punishment, and potential exile from the kingdom.<sup>351</sup> Farmers were responsible for protecting sandalwood seedlings that emerged in their swidden fields; while preparing fields for burning, they carefully cleared all ground vegetation for more than one meter surrounding sandalwood trees, then encased the tree in layers of fire-protective banana stalks during the burn. The leading Chinese sandalwood trader in Oecusse from the 1950s to 1990s reported that he sold sandalwood to Dili from Oecusse during that entire period, but during the Portuguese era nearly all of his wood was imported from Indonesian West Timor; only after 1976 did his sandalwood come from Oecusse sources, increasing his annual sales tenfold over the Portuguese era until stocks diminished. Sandalwood theft between villages was a serious offense, one of the few crimes that could be compensated by land appropriation. Sandalwood's special status is still evident, as violating its protection in the district *tara bandu* ceremonies usually receives a higher penalty than that assigned to other species.

The relationship between the few Portuguese colonial government representatives in Oecusse and local *adat*<sup>352</sup> authorities is described as close, often mutually reinforcing. When speaking about harvest tributes and sandalwood access under Portuguese rule during the last century, people link the categories of the Costa king and colonial government into the paired phrase "*adat-plenat*," tradition-government.<sup>353</sup> *Plenat*, derived from the Malay *perintah/pemerintahan* (order,

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<sup>351</sup> Some cite "Atauro," the island off Dili where prisoners were sent, as the destination of those who dared to cut sandalwood privately.

<sup>352</sup> *Adat* was a term used broadly in the Dutch East Indies and in modern Indonesia to refer to tradition or custom, often encompassing the leaders and institutions within the "traditional" realm; Portuguese Timor's Governor Castro defined the "*adat* of the Malays" as "estilos" or tradition (Castro 1867:18). The Meto language equivalent would be one of several phrases meaning "the way we do things" or "the way things have been done," but the use of the term *adat* before and during Indonesian times was so pervasive that even non-Indonesian speakers easily and frequently use this term. Schulte Nordholt (1971:502) equates *adat* with the Meto term *lasi* (also "word, matter, ritual, . . . rules, tradition, case, issue, matter in dispute"). Burns (1999:xi) and Holleman (1981) offer further etymology of *adat*.

command/government) refers to the higher, central levels<sup>354</sup> of political governance structure of the time. When referring to the demand for sandalwood harvest during the Portuguese time, people say that the command to harvest went out from “*adat-plenat*,” with the request of the colonial government inseparable from the Costa king’s command.

*Teak: state plantings misused for private profit*

The Portuguese colonial government established small teak plantings during the 1930s in each of the four subdistricts (*postos*) of Oecusse. While the planting in Nitibe did not thrive, reportedly due to destruction by animals, there were approximately 35 hectares planted around the settlement of Oesilo, and additional teak plantings of 25 ha near Oecusse town that survived until the late 1990s. These plantations were planted using labor from surrounding villages, who carried water in long bamboo tubes to irrigate the seedlings in their periodic *auslear* service. Uncut during the entire Portuguese era, the trees in town were first clear-cut (amidst accusations of corruption made against local officials and the Indonesian President’s family business involvement) just before (1997/98) the transition from Indonesian rule to independence in 1999. Militia and Indonesian traders felled much of the Oesilo plantation during the post-referendum chaos and refugee crisis period of September and October 1999 before Interfet forces landed in Oecusse. Reportedly, chainsaws ran almost nonstop and continuous traffic of trucks carried the logs across the West Timor border a few kilometers away; stockpiled wood from Oesilo was reportedly still present in West Timor border towns in 2002.

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<sup>353</sup> See Chapter Four for comment on the range of relationships that paired terms can carry (Fox 1988b, Grimes et al. 1997, Kuipers 1998). From Oecusse usage, *adat-plenat* often implies complementarity rather than opposition. This differs from the opposition of customary and government authorities in (Dutch) Indonesia, where state authorities do not complement customary figures (e.g., Warren 1993).

<sup>354</sup> Settlement-level government officials, such as hamlet heads, are not considered *plenat* (unlike village heads, *chefe suco*), because they are selected by residents and do not receive government salary.

Regarding both plantations in Oecusse town and Oesilo, villagers stated that the Portuguese made it clear that the trees were planted for the common good, and that everyone understood that the wood would be used for schools, church benches, or other constructions for community benefit. These promises and expectations of common use, together with the planting conducted through *auslear* service (as labor investment normally gives a measure of future rights in the local agricultural system), created in Oecusse a widespread understanding that they planted the trees for use by the people of Oecusse. Reportedly, permission to harvest a few trees for church construction materials was denied during the Indonesian period, an oft-cited cause of resentment concerning use of the trees. While few villagers disputed state claims to the relatively small areas of land<sup>355</sup> used for the teak plantations, most people protest the misuse of the trees. As teak was not harvested during the Portuguese period, *tobes* were not involved in any harvest rituals or directly in their protection; however, teak is among the economically important species the *tobes* are charged with protecting in the modern *tara bandu* ceremonies (below). An important aspect for both sandalwood and teak is that people credit the trees' survival during the Portuguese era to the existence of strict controls by specific authorities—the *tobes*, and the state—for each one.

*Indonesian era: state disregard for tobes paralleled sandalwood decline*

The beginning of the Indonesian period precipitated a steep decline in the power of the *tobe* to control sandalwood harvesting, paralleling a rapid exhaustion of sandalwood in Oecusse. Local accounts contrast a restrained, parsimonious Portuguese *adat-plenat* use of the wood with the insatiable, aggressive Indonesian commercial need which only diminished when supplies were nearly exhausted. A very popular Indonesian-era village head (with no *adat* position) described

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<sup>355</sup> Some villagers stated forthrightly that the land belonged to the state as a result of the 1930s plantation establishment. During 2002 and 2003, people who settled on or farmed the stump-filled land where teak trees had previously stood stated that they intended to use the land only until the state had need of it again for another tree plantation.

the Indonesian relation to traditional authorities thus: “The government didn’t even know who they [I: *tokoh adat*, traditional leaders] were. The people still respected [I: *menghargai*] the *tobe*; it was only the government that didn’t respect them.” He also mentioned that in the mid-1980s, the people of Lekot still told government officials to ask the *tobe* for permission to cut sandalwood for sale to [elsewhere in] Indonesia. The most immediate, observable effect of Indonesian “disregard” for traditional leaders was the loss of *tobe* authority and concomitant loss of sandalwood stocks.<sup>356</sup>

Commercial sandalwood purchasing in Oecusse began less than one year after political integration into Indonesia (1976/77). Ethnic Chinese businessmen became the primary merchants, overseeing village-level purchase and transport to Oecusse town, where the sandalwood was transported by ship to Dili for processing in an Indonesian-owned factory.<sup>357</sup> According to those involved in the purchase and transport, by 1977 the enterprise had a massive operation charged with the difficult task of collecting the wood. Poor vehicle access to the remote, sandalwood-rich interior locations meant that each purchasing team included individuals prepared to build bridges and to clear or repair roads along the way. They would spend several hours to several days—depending on the quantity gathered by the villagers—in a community, authenticating<sup>358</sup> and weighing the debarked wood and roots<sup>359</sup> on-site and paying people on the

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<sup>356</sup> By comparison, Andaya (1993:148) noted that decline of a trade product’s importance *preceded* loss of a local land authority’s power; the product’s decline was not a consequence of the figures’ loss of power. Malukan “lords of the land” were displaced by the port overseers as the international sea trade rose in importance relative to the earlier land-based resources. By this interpretation, perhaps *tobes*’ power to control sandalwood harvest declined once sandalwood was no longer a source of wealth; however, Oecusse interpretations consistently convey the causation as presented in this chapter.

<sup>357</sup> Aditjondro described the military connections of PT Denok, the corporation that oversaw sandalwood operations in East Timor (1994).

<sup>358</sup> Villagers and merchants alike relate various means villagers used to increase their profits in the chaos and heavy volume of the purchasing, including hiding look-alike roots of the *papi* tree among a tangle of sandalwood roots and pulling already-weighed (and paid) wood out of the stack and processing it again.



spot. People remember the initial prices clearly: they were paid 250 rupiah/kilogram in 1977, at a time when sandalwood sold for many times that price on nearby Indonesian islands. The price paid inside Oecusse was significantly lower than that paid across the border in West Timor, and Oecusse villagers caught smuggling their wood over the border to obtain a better price faced severe physical punishment and sometimes imprisonment. By the early 1980s, the village-level purchasing diminished but people could still carry and sell wood to a storage warehouse in Oecusse town.

Villagers, government officials, and *adat* leaders alike make a sharp break from the close *adat-plenat* relationship under Portuguese colonialism at the beginning of the Indonesian administration. People indicate that the swift evaporation of the *tobes'* power in sandalwood control occurred because the local authorities were no longer supported by the state, causing people to “not listen to,” “did not respect,” or “ignored” local leaders anymore.<sup>360</sup> In Oecusse as elsewhere<sup>361</sup> in East Timor, this led to a bifurcation of traditional and government political

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<sup>359</sup> Sandalwood roots contain high content of the valuable oil, and early Portuguese written sources on sandalwood mention the roots' value and use (see Chapter Two). However, in Oecusse people report the Indonesian-era practice of “taking even the trees' roots!” as new to them, an extreme measure symbolic of the all-consuming nature of the Indonesian commercial hunger. State authorities and farmers commonly know that sandalwood resprouts from disturbed roots (see Chapter Two for state prohibitions on root removal). The aromatic quality of sandalwood roots is described in some versions of the story of sandalwood's “discovery” in Oecusse (Chapter Two), in which the Chinese visitor smelled the sandalwood handle on his Oecusse companion's knife, asked to see its source, and was taken to the farmer's field that had been invaded by roots from a neighboring sandalwood tree—thus initiating the Chinese sandalwood trade to Timor. Nevertheless, in Oecusse no one reported Chinese or Portuguese purchase of sandalwood roots, only of wood, in contrast to trade reports.

<sup>360</sup> An unpopular state's disregard for customary leaders could have been irrelevant to traditional authorities' local standing. However, two Indonesian activities actively undermined the *tobes'* authority: first, the aggressive village-based sandalwood purchasing, and second, “replacing” the *tobes'* former forest monitoring role with civil servants. Those customary leaders with a long history of support by the Portuguese state—more commonly the case with *naijuf/chefe suco* than with *tobe*—lost this special standing under Indonesia.

<sup>361</sup> Concerning Bali, in *Adat and Dinas*, Carol Warren (1993) discusses how the state interactions with local authorities transformed customary institutions and practices, and how villagers tried to use these local institutions to keep the state at a distance. With the state seeking to serve as *adat* patron, Balinese reaction led to efforts to write and to codify *adat* law, in an effort to strengthen local authorities against the state, concomitant with efforts to secure legal recognition for customary ownership of village lands. Warren

leadership widely perceived as problematic (Ospina and Hohe 2001); the *naijuf* (village head) who was always appointed *chefe suco* was no longer automatically selected as *kepala desa* under the Indonesian system. Some members of the royal families and political leaders in the resistance movement<sup>362</sup> name East Timor's integration with Indonesia as the end of the era of kingdoms and the beginning of a modern or democratic<sup>363</sup> political system, however flawed; as representatives of a bygone era's governance, the *tobe* decline was inevitable. Many explain that under the Indonesian system, *tobes* were "replaced" with Department of Forestry officials, who took over the forest control functions *tobes* had served. In contrast to the days when *adat-plenat* together guarded the aromatic wood from frivolous, unregulated harvest, sandalwood even came to serve as a currency during the Indonesian era: political favors and civil service positions could be purchased with standard lengths of sandalwood.

How did the villagers experience and reconcile themselves to this change in the power of the *tobe* and begin cutting the long-prohibited sandalwood? Some people related how in the first months of the Indonesian purchasing expeditions, they cut and transported the aromatic wood under cover of darkness, carrying it well-wrapped in leaves and sacks to avoid detection by the *tobe*, sometimes choosing a longer route to minimize the chance of contact with the *tobe* on the trails. People were willing, even eager, to sell the wood due to their dire economic need, an already

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posits that *adat's* institutionalisation under state tutelage marginalizes and displaces the power of local authorities: "If *adat* was reified and artificially systematized by the Dutch...New Order [Suharto-era Indonesia] policy would render it vestigial" (297). One important difference between the situation Warren describes and post-independence Oecusse is that the New Order had a powerful centralized government with enough staff to effect some control over *adat* institutions, whereas East Timor's lean nascent government seems to be relying on *adat* institutions to reach where it cannot, as discussed further in this chapter.

<sup>362</sup> This is an interesting phenomenon: in rejecting the old kingdom system for its closeness with Portuguese and Indonesian governments, resistance leaders were complicit in the decline of the *tobe-naijuf*, whom they now seek to reinstate in order to bolster their own authority derived from customary positions.

<sup>363</sup> Despite the oppression of the Indonesian era, people sometimes refer to how they were freed (I: *bebas*) from the heavy hand of Portuguese rule, which was deemed even worse in some respects.

precarious existence worsened by the disruptions of several years of political uncertainty and conflict since the Portuguese revolution in 1974.

A few regions experienced even stronger pressure to sell wood. The Chinese trader usually had military or police escorts to purchasing sites, cited as necessary for guaranteeing security for the cash payments taken to the villages. Outside of this commercial relationship, some communities and individuals were threatened for non-cooperation with cutting the sandalwood. In at least three villages, military representatives gathered wood on their own, taking wood without any payment or giving only token amounts of household goods in exchange for the sandalwood. One southern village received orders from their district legislative representative to cut a certain quantity of sandalwood for sale; several individuals who resisted the order were informed that if they did not cut the wood themselves, the state would hire other people to remove the wood from their gardens and they would face consequences for non-compliance. Under these circumstances, people did not fear fines from the *tobes*, who were socially powerless to control state-mandated sandalwood harvests of this magnitude.

### ***Forest prohibitions***

Oecusse people describe a range of seasonal or periodic restrictions on forest harvesting, fishing, and hunting activities, most of which were gradually discontinued within the past thirty years, with the decline of the traditional authorities.<sup>364</sup> Moments for lifting these restrictions were much-anticipated festive occasions, when people got together to obtain meat or other prized items. In Portuguese times, a portion of the catch, hunt, or harvest was always given to both local kingdom and colonial government authorities. This section describes these practices,

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<sup>364</sup> Villager-designed seasonal restrictions on natural resources are widespread. In Indonesia's Moluccan islands, the form known as *sasi* has been much documented, including commentary on its institutional decline, irregular enforcement, weakness in the face of economic pressures, and manipulation by outside actors (Benda-Beckmann, Benda-Beckmann, and Brouwer 1995, Ellen 1993, Thorburn 2000, Zerner 1994).

highlighting the changing role of governing authorities and what these restrictions illustrate about tenure and local authorities.

### *Kelo and bunuk*

Two practices which are still widely known, and occasionally practiced, are temporary community-level restrictions on harvesting from a given region (M: *kelo*; variant: *kero*) and individual-level prohibitions on harvesting ripening fruit from a marked tree or cluster of trees (M: *bunuk*).<sup>365</sup> *Kelo* is explicitly intended to allow a large area, usually of communal use, to grow or produce until such time as members of the community can benefit from its simultaneous harvest, while *bunuk* aims to prevent casual theft of an individual's fruit. Both mechanisms are initiated by ceremonies, include enduring physical signs of the restriction, and carry sanctions for transgressors.<sup>366</sup> As temporal restrictions, *kelo* and *bunuk* are different from the permanent, "standing" prohibitions on sacred forests (*nais le'u* or *nasi mnasi*, Chapter Four) which forbid removing firewood, fruits, or meat from these forests, which also carry heavy penalties. An important distinction regards implementing authorities: only a *tobe* can mandate a *kelo*, while any individual farmer can place a *bunuk* on his or her trees.

Today, *bunuk* is usually used only in theft-prone circumstances, such as in a pathside grove of the highly valued betel (*sirih-pinang*: *Piper* sp., *Areca* sp., often grown together) plants or on a fruit tree outside of the owner's normal view. In placing a *bunuk* on a tree, the tree owner

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<sup>365</sup> Manehat (1990) described the different symbols used to signify the restriction, as well as the process to place and to remove *bunuk* and *banul* (= *kelo*, *banu*) in West Timor.

<sup>366</sup> The Portuguese commented on these practices as well. Vaquinhas (1885) mentioned that objects hung along the road indicated prohibitions. Silva (1898:106) instructed the military commanders not to allow the native chiefs to place (or order to have placed) the "*quero*" (possibly *kero*) on lands or roads without permission.

determines the consequences that will befall an individual thief, and specifies the curse<sup>367</sup> while placing the symbol on the tree. Curses are detailed and graphic, for example specifying that the perpetrator will be affected by a given disease with named symptoms or that his/her crops will be affected by wind or landslides. These effects can only be overcome by admitting to the theft and paying some compensation to the victimized owner. Most people report that *bunuk* is rarely necessary, and that it is now practiced less than it was before. However, in Lekot's main betel grove (distant from any homes, midway between highland and lowland settlements along an oft-travelled path), concern that crop failures in 2002-03 and 2003-04 seasons might lead some travellers to steal the highly marketable betel fruits out of economic desperation prompted most betel owners to reinstate *bunuk* on their trees along the trail after the (failed) 2004 harvest.<sup>368</sup> While in 2002 and 2003, only one *bunuk* was visible in the grove along the path, in 2004 more than fifteen were in place by June, well before the onset of the normal hungry season.

*Kelo* was used in specific, named, bounded sites throughout Oecusse, e.g. for seasonal restrictions on fishing, hunting deer and pigs, and harvesting betel from the communal betel forest in Citrana, western Oecusse as described in the next section. Different from *bunuk*, there is no secret or private curse placed on *kelo* transgressors; the sanctions for violating a *kelo* restriction are publicly payable to the group of people observing the *kelo*, often the entire community of residents of an area. In the following case of the Citrana betel forest, this difference points to obvious differences in tenure: the fine for stealing from an individual's tree is payable to the wronged individual, while taking betel outside of the allowable time is payable, in theory, to all

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<sup>367</sup> Middelkoop (1960:50) lists *bunuk*, translated curse, as among his multi-faceted "curse complex" for Atoni areas of West Timor, noting its similarity to curses placed on thieves as noted by Malinowski. *Bunuk* is not limited to tree product theft.

<sup>368</sup> In May 2004, the hamlet head and several *kanaf* leaders undertook a complete inventory of individual betel tree owners and publicized the tally of the number of productive trees owned by each person. This was said to reduce treeless people's temptation to steal fruit for sale in town, and their theft would be obvious if they appeared with betel to sell in the market.

the people of Oecusse. *Kelo* is the nearest Meto translation for the Tetum term *tara bandu*, though when referring to the well-known government program in Oecusse people always use the phrase *tara bandu* (or the Meto word *banu*, prohibition) rather than *kelo*. Manehat (1990:76) echoed this connection of government with *banu*: while an individual establishes a *bunuk*, the normal process now to establish a *banu* (*kelo, tara bandu*) in West Timor is for the top sub-district government official (I: *camat*) to declare it after discussion with hamlet heads and *adat* leaders.

*Communal betel forest: Tepas ana, Tepas naek*

Context

East Timor's westernmost village of Ben-Uf (hamlets of Citrana and Manan) contains two adjacent communal forests prized for the fruit of the betel palm (I: *pinang*, M: *puah*).<sup>369</sup> These closed-canopy forest areas, called *tepa ana* and *tepa naek* (M: *tepas*=muddy spring; *ana*=small; *naek*=large), are separated by the river Noel Besi, and together cover approximately five square kilometers near the coast. Throughout Oecusse, people speak of these unique forests as communally owned by all the eighteen<sup>370</sup> villages of the district, giving them a unique status resulting from a long history of communal planting, harvesting, and oversight. Though management of these forests has evolved for perhaps a century or more through successive political periods, people in Oecusse still value these areas as creators and symbols of unity among

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<sup>369</sup> This region is part of a boundary dispute between Indonesia and East Timor, who both lay claim to this triangular section bounded by two rivers. The land claim to the *tepas* region is related to ownership of a small rock island (Fatu Sinai, or Banam) off the coast. Ambiguity in ownership of the island extends back at least as far as the 1911 convention, which shows a line drawn from the coast out to the island (indicating co-equal claim). Indonesia exercised its claim to the island in late 2003 by erecting a flag and several structures there, and in December 2003 by shelling the island during military exercises. In June 30, 2004 negotiations with Indonesia, Oecusse nearly lost the *tepas* area to Indonesia. Around the *tepas*, there are some pockets of sacred forest groves where people are completely prohibited from entering.

<sup>370</sup> In reality, two of the eighteen villages never planted betel there and to this day have no claims in the *tepas*.

the district's villages. This region exemplifies the multiple, changing layers of tree and forest tenure that exist in Oecusse.

### Origin of the betel forest

Stories of these forests recount how the betel plant was introduced<sup>371</sup> to Oecusse by a Costa trader of Portuguese descent,<sup>372</sup> who eventually married the daughter of the native king and himself became king of Oecusse. After asking Oecusse people whether they would like to try chewing this new seed (following their existing practice of chewing several types of tree bark and rattan seeds<sup>373</sup> together with sirih and lime), Costa brought several sacks of betel seed from the neighboring island of Alor. He delivered the seeds to two villages (Cutet and Naimeco) for planting, but those sites had insufficient water or space to create a betel grove, so leaders from all eighteen Oecusse villages met to determine a suitable location, settling on Ben-Uf's two coastal

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<sup>371</sup> Burkill (1935b:223) states that the betel palm is “undoubtedly Malaysian in origin,” and spread widely throughout the Indian Ocean and Pacific regions over a thousand years ago through trade. Timorese have been reported to be enthusiastic betel chewers for a long time, as mentioned in late 1700s accounts of the mutinous *Bounty* (Bligh 1790:62); the description of the four-cornered betel-carrying bag Bligh described is still valid today. The reference to Costa's betel introduction echoes the Chapter Three narrative about all the positive new culture-transformative elements that came to Oecusse with Costa's arrival (fire, education, religion) and foreign origins of the important beads and metals used as exchange items. Just as the native sandalwood's “discovery” (Chapter Two) involved foreigners, so betel's advent in Oecusse was at the hands of an outsider. By this telling, the introduction of betel was contemporary with the authorities' (future Costa king, along with *naijuf* of each village) control over it; it is not a story about how authorities gradually evolved to monitor the region. From the betel grove's inception, customary figures have been involved. For more on Timorese assimilations of outside influences into their explanatory narratives, see Traube's analyses of Mambai cosmology (1986, 2003) and sources on individual trade items (Carmo 1965, Pascoal 1967, Rouffaer 1899).

<sup>372</sup> It is unclear whether the narrators are referring to the Costa lineage, or one individual who introduced betel, married an Ambeno princess, and became king; if one individual, it could be Hugo da Costa who took over after the 1912 conflict until after WWII, with betel grove planting dating to the early 1900s. Since Costas married Ambeno princesses through several centuries, this could refer to a much earlier time.

<sup>373</sup> One rattan seed, locally called *ka bwel*, is still widely used in the Citrana area as a “betel substitute” (although according to the story, betel came later but it is still preferred). In the ubiquitous sirih-pinang box (*aluk mama*) used personally and served to guests in Citrana, *ka bwel* is often present alongside betel. Western Timorese chew a wide variety of tree seeds and roots and barks—McWilliam (2004) even notes that West Timorese chew sandalwood's pulpy inner bark, though this is not reported in Oecusse—but none is as sought-after as betel.

*tepas* forests which had ample water and no competing uses which limited the land area.<sup>374</sup> At that point, only a few villages and special assistants to the Costa king went to the chosen location and planted the trees in the two designated areas; only when the trees fruited and people from other villages tried (and liked) the betel did they purchase seeds and continue to extend the plantings throughout the designated areas in Ben-Uf. Eventually, all but the two most distant villages had planted sections of betel throughout the *tepas*, and the forests came to be recognized as belonging to all the villages of Oecusse.<sup>375</sup>

#### Harvesting activities and restrictions

Since Portuguese times, the focal point for the *tepas* forest was one annual highly regulated two-day harvest in which all villages picked their betel simultaneously. This legendarily festive event occurred when the *kabo-oel* of Ben-Uf, a position appointed to oversee and guard the betel trees, informed traditional leaders of Ben-Uf that the betel was ready for harvest. The village leaders sent an emissary to the da Costa king carrying two bunches of ripe betel, and the king himself would set the date for the harvest and extend invitations to all the villages to attend. Several days before the appointed harvest day, leaders and community members of all villages would gather in Ben-Uf near the *tepas* forests, preparing for the celebration with dancing, eating, and hunting deer and pigs which were plentiful near that region. The night before the harvest, all villages publicly presented required gifts of palm wine and money to the *kabo-oel*, other traditional leaders of Ben-Uf, and gathered guests including the king and district government officials. At this event, the

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<sup>374</sup> Importantly, the initial suitability of Ben-Uf as the communal betel site depended on its *distance* from the village's interior settlements at the time, a demography reversed when Indonesia compelled the majority of the Ben-Uf population to resettle on the coast.

<sup>375</sup> Here as in other circumstances, tenure is based on tree-planting: the communal ownership resulted from (nearly) all villages' participation in creating the betel grove.



timing and rules for the harvest were repeated: just after sunrise, all people would assemble and on a signal be permitted to enter the *tepa ana* to harvest until late afternoon the first day; the same process was repeated the second day for the *tepa naek*. All members of the communities could assist with the harvest, with children frequently harvesting the fruits and both women and men as active participants. All villages would remain in Ben-Uf long enough to submit a betel tribute to the king and to peel the betel fruits harvested from the king's trees, then return home carrying their own fruit.

Harvesting outside the approved time or location was strictly forbidden and rarely transgressed during Portuguese times. Elders gleefully recount the fate of those few individuals caught harvesting early—some now prominent members of Oecusse society—who had to scramble to obtain and to present compensatory animals during the feast. After the second day of harvest, people gathered to witness a *kelo* ceremony presided by the king closing access to the betel until harvest the following year.

#### Regulation by customary authorities

Local authorities of village Ben-Uf hold most of the responsibility for the betel plantings. When the *tepas* were designated by all villages to receive the seed, two critical traditional village-level leaders who hold their positions by inheritance had to grant permission to plant in that location: the *naijuf*, a political leader, and the *tobe*, a ritual authority with jurisdiction over land and forest resources. To this day, both the *naijuf* and the *tobe* are involved in oversight of the *tepas* forests. All non-betel forest resources throughout Ben-Uf, including the *tepas* areas, are under the responsibility of the *tobe*, who can grant or deny permission to harvest palm leaves, rattan, wood, and other products. Originally a few individuals from the mountains, the current irrigation overseers (*kabo-oeI*) are now twelve men chosen from among neighboring hamlets and assigned

rotations to guard the betel trees in the *tepas*. Accounts of events surrounding harvesting evidence a close working relationship of traditional and government authorities through successive political changes.

#### Changes after the Portuguese era

With the transition from Portuguese colonialism to Indonesian rule in 1975, population migrations and transitions in political authority abruptly changed the management of the *tepas* forests. During Portuguese times, the vast majority of the population lived in the mountainous interior; from the late 1970s onwards, Indonesian policies encouraged people living in the mountains to move to the coastal lowlands, causing a sudden and marked increase in the number of families living and farming near the *tepas* forests. Whereas people tell how the absence of walking trails, multiple springs flowing in many directions, and the darkness of the tree canopy cover used to make people fearful of getting lost inside the *tepas* during Portuguese times, now there are well-established trails throughout the *tepas* that local residents regularly use as shortcuts between fields and settlements. The combination of many people entering the *tepas* to find housing materials, clearing annual gardens nearby, creating adjacent rice fields that are irrigated by *tepas* water, and making trails through the forest led to increased theft of betel. With the need to appoint more local *kabo-oel* to guard the betel during Indonesian times, Ben-Uf proposed that each village appoint an individual to serve as *kabo-oel* in the *tepas*, but the other villages deemed the location too distant and decided that the people of Ben-Uf would be responsible for selecting the *kabo-oel*, with payment in palm wine and money for the *kabo-oel* and other local leaders for their work of controlling and guarding the betel groves throughout the year.<sup>376</sup>

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<sup>376</sup> Note that here, as in the Chapter Three narrative regarding selection of the *tobe*, there is a preference and requirement that the people responsible for land and forest regulation be local and live physically near to the resource in question. While political power can be exercised from afar (by non-native kings and *naijuf* who reside far from their villages, forest oversight (of *tobe* and *kabo-oel*) requires proximity.

In Portuguese times, the harvest was held in July or August, which was moved forward to May or June in Indonesian times since a late harvest risked losing many fruits to theft. Some years, the final *kelo* restricting continued picking was not held publicly at the close of the harvest, but postponed and involved only local customary leaders. With the population center moved to the coast, more people were harvesting honey and wax (for Easter candles) in the *tepas* rather than in the mountains, so from the 1980s onwards, the *kelo* was delayed until the end of the wax harvest in December.<sup>377</sup> With the general waning in the power of the king under Indonesia, the tribute portion of each individual's harvest (*losu*) was abandoned, and some report that the productivity and extent of the king's groves in each location have declined without the regular care they once enjoyed. Since Indonesian times, government officials and the king only attended the ceremonial opening, not remaining for the entire harvesting event.

In the emergency phase of 1999-2000, all harvesting restrictions were suspended, in the absence of local governance and the unstable population movement through this area which borders Indonesia.<sup>378</sup> Since 2001, the *kelo* has been practiced annually, but most people still report out-of-season harvesting of fruits as common at the present time, mostly attributed to frequency of many people walking through the forests and farmers in adjacent fields taking betel in small quantities. In late May 2003, the District Administrator of Oecusse opened the betel harvest for the first time since East Timorese independence and several villages attended, but others vehemently protested that the new procedures, structures, and fines had not yet been decided jointly by all the villages.

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<sup>377</sup> With its extensive forests, *Suco* Ben-Uf is known as one of Oecusse's main beeswax-producing villages, much to the envy of those from areas where wax is scarce.

<sup>378</sup> The *tepas* and surrounding palm forests were a key source of palm thatch leaves used in housing reconstruction, mentioned in the following section.

## Transactions, ownership, and fines

Betel trees are primarily owned by individuals, but the *tepas* land and forest as a whole remain the property of the *suco* Ben-Uf, under the control of the *tobe* and *naijuf* of the village. People from other villages are permitted to buy and sell standing betel trees and areas for planting new groves, but not to purchase the land itself or to use the land for anything other than growing betel. Originally, individuals from different villages planted in designated village areas, but these divisions have diminished through decades of transactions and replanting empty spaces so that now individual holdings from different villages are mixed throughout the forests. Some sections of the grove are marked with a village symbol carved into the trunk of a tree. People without trees can either buy existing trees or groups of trees, or get permission to plant new trees within someone else's area. Individuals make transactions at harvest time with members of any village, without any involvement of the local leaders. Inheritance of betel trees is individual, with trees passing to a spouse or children.

Most *tepas* trees other than betel are not individually owned, except large trees containing beehives. Rights to harvest honey and wax from a given tree are inherited from parents, while (non-betel) fruit harvesting is not an individualized privilege (cf. Peluso 2003). Rights to harvest fruit, palm leaves, nuts, timber, and wax/honey from (unplanted) trees other than betel remain exclusively with people from *Suco* Ben-Uf; requests from members of other villages to take forest products may be denied at the discretion of the *tobe*. Picking up fallen betel fruits for personal use (but not for sale) is now tolerated.<sup>379</sup>

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<sup>379</sup> Villagers throughout Oecusse make many jokes about how picking up fallen fruits is permissible, saying that a lot more betel seems to fall on its own now than it used to!

Differential payment of fines for stealing from the *tepas* illustrates the multiple tenure regimes and authority structures that coexist in the forests. Anyone caught stealing betel fruits is reported by the *kabo-oel* to the *tobe*, *naijuf*, and elders of *Suco* Ben-Uf, who set a fine of livestock and rice which must be publicly paid to all villages—not to the individual owner of the affected trees—as they eat together at the commencement of the next communal harvest. Theft of honey and wax from an individually claimed tree results in a fine paid to the individual owner of that tree. People from Ben-Uf or other villages who take other forest products (without individual claims) without permission from the *tobe* could pay a fine to the local village through the *tobe*. At any point in the year outside the official harvesting dates but before the *kelo* restriction is in effect, tree owners from any village should inform the Ben-Uf *tobe* of their intention to harvest from their own trees before entering the *tepas*, or risk being fined if caught by the *kabo-oel*. The district-level communal oversight, private tree ownership, and local traditional and appointed authorities present in the Ben-Uf *tepas* demonstrate the multiple layers of natural resource management in customary forests.

### ***Tara bandu and the (Agri)Cultural Associations***

With the small-government mandate of the new East Timor administration,<sup>380</sup> the district-level government is seeking to recognize and to revive the traditional institutions of the *tobe-naijuf* in land and forest oversight in order to extend the reach of the district's few agriculture officers through collaboration with these authorities. To this end, the district government began promoting a series of "traditional ceremonies" throughout Oecusse intended to reinstate customary power of the local leaders (*tobe-naijuf*).<sup>381</sup> These ceremonies specify and document

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<sup>380</sup> The new independent government has been restricted to a lean civil service (United Nations Development Program 2002:32-38).

locally-determined, state-enforceable sanctions for cutting the named sacred forests or violating protective practices around water sources, while also introducing additional measures taken from a national forestry law limiting tree harvest and sale. These ceremonies illustrate how a new government-*adat* dynamic is developing in relation to natural resource control, with *adat* leaders seeking recognition from the state, and government programs enlisting the assistance of traditional leaders in monitoring and regulating forest use.

#### *Tara bandu throughout East Timor*

*Tara bandu* is a Tetum-language phrase referring to seasonal or periodic resource harvesting restrictions, akin to *kelo* mentioned above. *Tara* means “hanging” and *bandu* (M: *banu*) means “prohibition,” referring to the normal physical symbol of a *tara bandu*: an inverted branch or a cluster of leaves tied to a protected tree or hanging in a visible spot to inform, and to remind, passers-by of the prohibition in force. Using the term in Tetum, one of East Timor’s national languages that is not widely spoken in Oecusse’s highlands (requiring government staff to translate it for community groups), signals the linkage this ceremony has to the national level and Oecusse’s attempt to participate in this aspect of national life and modern identity. The term *tara bandu* is similarly used in other regions, along local terminology (Coimbra 2002).

With East Timorese independence, *tara bandu* gained recognition and popularity in the government, academic, and NGO sectors as a high-profile “traditional” activity that can and

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<sup>381</sup> States and other actors commonly use this strategy, a mainstay of indirect rule, to influence areas or events beyond their control—often with disappointing or catastrophic results. The UN sponsored “traditional” reconciliation ceremonies surrounding East Timor’s 1999 referendum that Fox deemed a “prelude to violence” (Fox n.d.). In 1999, pro-Indonesian militia leaders in Oecusse forced pro-independence customary leaders to drink blood and palm wine from a common cup in public political rallies, a normal part of traditional reconciliations, to “symbolize” their vow of loyalty to Indonesia. The Indonesian government also used this strategy in attempts to settle recent Dayak-Madurese violence (Harwell 2000b, Peluso and Harwell 2001).

should be revived and put to the modern task of environmental protection,<sup>382</sup> with frequent mention in organizational newsletters, national radio programs, government and academic reports, and the popular press (Anuno and Muni Salu 2003, Azerino 2001, Babo-Soares 2001, D'Andrea and Meitzner Yoder 2003, Haburas Foundation 2001/2002, Rio and Carvalho 2003, Sandlund et al. 2001, Soares 2003). Government involvement has taken different forms in different regions of East Timor. In Covalima and Lautem districts during 2002-2003, a small number of communities planned localized ceremonies in coordination with the district Forestry officer, in the pattern described below for Oecusse. In Bobonaro district, *tara bandu* sponsors from a local NGO stated that the government were invited and attended multiple *tara bandu* ceremonies that covered most of the district's area (Coimbra 2002). In October 2003, the national director of Forestry widely distributed data-gathering forms to non-governmental institutions soliciting their assistance in gathering and reporting information about *tara bandu* initiatives that occurred in their areas of work (including location, frequency, results, difficulties, and environmental impact).

Some suggested that *tara bandu* form the backbone of a nationwide government program aimed at forest protection. A Draft Forestry policy (Ministry of Agriculture Forestry and Fisheries 2003), prepared with assistance of an international advisor but reflecting comments of Timorese Forestry staff, described *tara bandu* as an age-old tradition "rooted from the animistic belief of Timorese people" (5), that includes a feast, appointing authorities, developing local regulations including duration of the prohibition and penalties, public announcement, and hanging visible symbols of the prohibition, called *horok* (in Tetum) (5-6). It declared that *tara bandu* happened before and during Portuguese times but "was heavily interrupted during Indonesian occupation," and that traditional leaders are seeking to re-establish the practice after its recent weakening under

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<sup>382</sup> This echoes recent uses of *sasi*, as Zerner described for Sulawesi (1994).

Indonesian government policies (6). The Forestry policy posited that *tara bandu* works best in four circumstances: with remote rural areas, among older and uneducated community members, where local government strongly supports local authorities in the prohibition and treats it as an enforceable local ordinance,<sup>383</sup> and when people are not economically pressed to transgress the prohibitions (6). The policy commented that *tara bandu* remained significant despite “the traumatic experience that the country had gone through,” and noting that “revival of this tradition calls for active involvement of various stakeholders, particularly the Local Authorities and the academe” (6). These perspectives portray *tara bandu* as not quite suited to modern (urban, educated) circumstances, but still strongly impacted by government policy—especially implicating the *Indonesian* government in *tara bandu*’s decline.

State involvement in *tara bandu* is not uncontested. Many district and national level staff from the Directorate of Land and Property (in the Department of Justice) view state support and tacit recognition of such traditional elements as potentially problematic for the government’s work of sorting land claims—a concern borne out in the *tara bandu* program in Oecusse, discussed below. East Timor’s most prominent Dili-based environmental NGO, Haburas, supports the revival of an indigenous *tara bandu* movement,<sup>384</sup> one in which government staff attend only as observers and not as guests of honor, and in which the full spiritual-ritual dimensions of the ceremony and prohibitions are not lost in the conservation-oriented practical function of the *tara bandu* if it becomes a tool of the government.

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<sup>383</sup> In promoting the *tara bandu* initiatives, a youth representative stated that “although we have already become a new nation with a Constitution, the base communities believe customary law (I: *hukum adat*) more than the Constitution” (Coimbra 2002:13).

<sup>384</sup> In 2000, Haburas began research for an on-going book project about *tara bandu* history and practices throughout East Timor. *Tara bandu* is a central focus of this environmental group (Haburas Foundation 2001/2002). They have published a series of articles describing the local terms and practices of *tara bandu* among the different language and culture groups throughout East Timor (Azerino 2001, Coimbra 2002), and they also sponsored some *tara bandu* ceremonies. One of the founding leaders of East Timor’s primary environmental organization, Haburas, won a prestigious regional environmental award in 2004.



Haburas fears that government involvement could compromise *tara bandu*'s spiritual authenticity, ultimately undermining its efficacy as people could view the event as a non-binding government initiative. On this point, some government staff cited the case of a "national *tara bandu*" held in Fatu Ahi, Camea, near Dili on May 25, 2001, in which the Dili Administrator placed a "horok" (Tetum; similar to Oecusse's *bunuk*, hanging curse) in a tree to symbolize a national ban on burning hillsides; the site of the *tara bandu* was reportedly burned not long after the ceremony. Such national-level display, without any plans or structures for local implementation, or grounded impetus, is what Haburas rebelled against: holding up a village ceremony to wait for tardy government officials to show up deprives the ceremony of its "true" spiritual nature, the aspect deemed most likely to give *tara bandu* its efficacy in forest protection. Bearing many of the features observed in critiques of the reinvention of tradition (Hobsbawm and Ranger 1983), the Haburas portrayal of *tara bandu* is somewhat idealized, a product of the time when "customary laws...enhanced mutual respect among people" and *tara bandu* protected collectively owned natural resources and endangered species (Haburas Foundation 2001/2002). Placing blame for *tara bandu*'s decline further back than the Draft Forestry Policy, Haburas notes that "continuous colonisation of East Timor has resulted in the loss of traditional cultural values and practices such as *Tara bandu*"; and tying revived practice to political independence: "in this early era of freedom, *Tara bandu* needs to be *developed and preserved* as a solution to guarantee human survival in the future" (Haburas Foundation 2001/2002, emphasis added). The emphasis is not entirely on some imagined past "authenticity," but has an eye on change and future direction, even "hybridity" with contemporary political circumstances (Jolly 1992, Lawson 1993:11, Lawson 1996:21-26, Shalakany 2001).<sup>385</sup>

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<sup>385</sup> The concerns about "authenticity" are of the Dili-based NGO, not heard commonly in Oecusse. However, in one case, after holding a *tara bandu* in conjunction with a government project (in which project funds supplied the sacrificial animal, rather than the villagers), *tobes* asked me on a subsequent visit to convey their request that the government hold another "general" *tara bandu* in their village—but again

As noted in the Ben-Uf betel grove case above, district government staff attended Oecusse's more prominent *kelo* during Portuguese, and Indonesian, times. As the betel grove's *kelo* was on an area planted with betel, reportedly introduced to Oecusse by the (part-Portuguese) Costa king, there is no mention of pre-Portuguese practice of *kelo*. It is interesting to consider whether the impetus for such prohibitions came from the Portuguese administration, or even related to Portuguese ideas about conservation (Grove 1995, Grove 1996), linking conservation with periodic hands-off policy and limiting access? This may illuminate the development and evolution of new forms of property systems.

*The origins of post-independence tara bandu in Oecusse*

The first post-independence *tara bandu* in Oecusse was a community initiative, held in response to the massive depletion of palm leaves used for roof thatch. Following the widespread destruction of houses in September-October 1999, the majority of households in Oecusse needed to rebuild their homes,<sup>386</sup> replacing the temporary emergency structures of plastic tarps with their familiar rectangular and round houses. Two international aid agencies were primarily responsible for distributing relief roofing supplies throughout Oecusse from 2000 to early 2003. While one immediately established a shelter kit consisting of corrugated metal sheets, cement, and poles, the other program initially attempted to furnish local thatch roofing materials, providing

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supplying the meat. Literature on reinvention traditions highlights the actual discontinuity with past practices and strategic nature of the activities (Fried 2003, Hobsbawm 1983, Zerner 1994). Must "strategic" make them ineffective, or can the linkage enhance their utility? Many Oecusse villagers do not see the "revived" element of the practice's revival as negative. The "restoration" aspect implicitly appeals to a past state.

<sup>386</sup> One survey estimated that approximately two thirds of Oecusse's houses were destroyed in the 1999 post-referendum violence (East Timor Transitional Administration 2001). An Oecusse shelter program administrator noted that over 9750 total roofing kits were distributed by the two organizations, commenting that in some locations only "vulnerable" households (e.g., widows, elderly) received kits, so actual numbers of destroyed houses were much higher than the kits distributed (Ingvar Anda, pers. com.). By these figures, the published 2001 ETTA estimate of destroyed housing was below actual levels; Oecusse staff of the shelter programs estimated that closer to 90%, or more, of Oecusse's houses were destroyed in 1999.

transportation for palm leaves. This second organization encountered difficulties with this program—the slow rate of transporting the volume of leaves required, the close proximity of the largest thatch source to the porous western border with Indonesia, and unanticipated levels of depletion of the leaf supply—and eventually adopted a shelter kit similar to the first.<sup>387</sup>

After near-total defoliation of the palm forest belonging to one community in the central lowlands, during 2001 community leaders instituted limits and imposed a schedule on leaf harvesting, regulated by a local committee.<sup>388</sup> They placed a three-year total ban on harvesting any leaves from a highly visible area between the central Tono river and rice fields. After that time, a limited number of families from the adjacent settlement would be permitted to harvest enough leaves to repair their roofs, upon application to a panel of local leaders who would evaluate the relative merit of each request. No government officials attended the *tara bandu* event, but it was reported to the nascent Forestry unit and people throughout Oecusse heard of this action. One individual was subsequently caught cutting leaves and assessed a fine. In 2003, the district government cut more than seventy of the protected trees in the process of making a road through the area using community labor, and was assessed a fine, paid by the District Administrator.

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<sup>387</sup> At the time of reconstruction, roofing materials were understandably at a premium; the *Imperata cylindrica* grass used for roofing in mountain areas became so scarce that some families purchased the grass for their roof from Indonesian West Timor, at the cost of one to two cows per house (\$120-400). Even into 2004, people receiving the corrugated metal roofing and poles to build a house frame usually continued to use that structure as an open pavilion, explaining that they were still gathering materials to complete the walls. However, many such pavilions stand next to the traditional round or rectangular houses that are gradually being reconstructed using thatch roofing materials, where people prefer to sleep and to store grains. Several years after rebuilding, the coveted metal roofing supplemented rather than supplanted the local roofing materials.

<sup>388</sup> There have been many recent quantitative studies regarding the ecological effects of harvesting non-timber forest products (e.g., Endress et al. 2004, Ticktin 2004). Endress et al. (2004) studied leaf harvest of a different palm species, and found that while intense leaf harvesting did increase leaf production, after two years leaf length was reduced by 41-68% compared to the control, making the leaves too short to be marketable. Concerns about the effects of overharvesting in Oecusse were more general, focused on sustaining the productive life of the palms and having sufficient supplies for the future.

A second *tara bandu* was held in 2002 in response to opportunistic, commercial logging of 329 trees in a sacred forest near Oecusse's western border. After the Oecusse perpetrators were fined by the interim administration, local residents collected a high penalty paid in meat and drink for the affected community. This previous fine became a focal point of discussion during a subsequent fine assessed and collected after a farming group transgressed the *tara bandu* prohibitions in another region of the village.

The third and fourth *tara bandu* ceremonies were related to two individuals' payments for cutting a small amount of protected forest to create swidden gardens. During November 2002, district Agriculture and Land & Property government staff attended two fine negotiations of individuals charged with cutting sacred forest. At both of these events, the district staff served as mediators and observers alongside *tobe*, *naijuf*, and elders, and an important part of the community request was that the district government prepare a letter (*sulat*; in Indonesian, *surat pernyataan tara bandu*) describing the *adat* punishments, naming the protected locations and the subsequent fines for future transgressors. The later payments of these fines were public events, where the person paying the fine provided the food consumed (meat, rice, and distilled palm wine). Restoring the broken restriction was an important part of these payments. Traditional leaders signed or thumb printed the letters, then signed as witnessed by district government officials from Agriculture, Land & Property, Education, the District Administrator's office, and sub-district staff.

The fifth and sixth ceremonies were held to initiate an internationally funded Agriculture Department rehabilitation-development project in two selected villages. In these cases, the *tobe* and *naijuf* of each village drew up a list of protected areas and fines and prepared a document, as in previous *tara bandu* events. Some of the project funding was used to prepare the feast, and the

government staff and villagers discussed the upcoming project during a question-and-answer time.

*Beginnings of a district government tara bandu program*

After these six events, in December 2002 the district Agriculture program called an all-day meeting with the *tobe* and *naijuf* of Oecusse, and personally invited forty named representatives from eighteen villages.<sup>389</sup> Twenty-eight customary authorities from thirteen villages attended,<sup>390</sup> some walking overnight to reach the government building before the meeting's 8 AM Saturday<sup>391</sup> beginning. Top political/resistance, Catholic church, and government leaders made short presentations on the value of having district-wide *tara bandu*, followed by seven hours of lively questions and answers, held entirely in the local Meto language. Participants discussed the relationship and relative hierarchy among traditional leaders and the government and the church, rights to forest use, and mutuality of state and traditional leaders in supporting each other's roles, often referring to the close *adat-plenat* collaboration during the Portuguese era. The Agriculture Department proposed a program of *tara bandu* to be carried out throughout Oecusse, in each village. Initially, this idea met with protest; the *tobe-naijuf* insisted that they were supposed to receive their orders from the king of Oecusse, from whom they drew their authority, but since the king's (or kings') death(s) several years ago, the *tobe-naijuf* could not fully carry out their

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<sup>389</sup> The process of preparing and delivering the invitations made clear the village-specificity knowledge of customary authority structures. To draw up the list of names and locations of invitees, the Agriculture staff asked government staff working in Oecusse's main office who should be invited, the names and residences of the *tobe* and *naijuf* and other prominent figures.

<sup>390</sup> Several individuals invited who did not attend later reported that their invitations arrived after the meeting (a common occurrence in Oecusse, where invitations are often issued the day before an event), and one village reported never having received their invitations at all. The five unrepresented villages are the most distant from town in Oecusse's southern tip.

<sup>391</sup> This should not have been a workday, but the government was eager to hold this meeting before the Christmas break and the rainy season onset which would complicate travel from the mountains.

functions. After a heated discussion about kingly succession, people agreed to take the idea of a *tara bandu* program home to their villages for discussion.

In the following months, the Agriculture Department initiated formation of *tobe-naijuf*-centered “Cultural Associations” (T: Asosiasaun Cultura) throughout the district, which gave government recognition to individuals named as traditional leaders. While Indonesia had formed a plethora of village-level groups, many commented that these groups were different from those of the Indonesian era, since they included the *tobe*, a figure not normally included in similar farmer groups in recent decades. These structures also gave the government a defined body through which programs and information could be channelled to villages, and requests could be brought to the government. Although *tara bandu* ceremonies were also held in other districts of East Timor and later promoted in the national Forestry plan, the isolated Oecusse agriculture staff had little contact with those districts and little knowledge of the other initiatives, and they undertook the *tara bandu* program and accompanying formation of the Cultural Associations more in response to local momentum than as implementation of a nationally-mandated program.<sup>392</sup>

Figure 14. *Tara bandu* ceremonies held in Oecusse 2001-2004, in order of their occurrence.

Names of the three nationally unrecognized villages that held their own ceremonies are shown in bold, using the name given in the signed document.

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<sup>392</sup> With research assistants, I had the opportunity to travel throughout eastern Timor in mid-2003 and brought information about *tara bandu* in other districts back to Oecusse. Meeting with national-level Agriculture and Forestry officials in Dili, none were aware of the extent of Oecusse’s autonomous *tara bandu* program. It is worth noting that international and Timorese officials who work with all districts often name the Oecusse district Agriculture program director as one of the most active and committed individuals to hold that post across East Timor, so it is not surprising that Oecusse’s *tara bandu* program was exceptional on a national level.

<i>Suco/region</i>	<i>Tara bandu ceremony</i>	<i>Cultural Association formed</i>	<i>Notes</i>
Aen-Mat (Cunha-Lalisuk)	2001	--	Community initiative, held in response to palm thatch shortage
Citrana (Ben-Uf)	2002	--	Community initiative, held in conjunction with fine payment for unapproved logging
<b>Bob-Uf</b> (Quibicelo)	9 Nov 2002	22 April 2003	Community initiative, held in conjunction with fine payment for cutting protected forest; government provides letter (from this point onward)
<b>Bob-Manat</b> (Oe-Noah)	25 Nov 2002	--	Community initiative, held in conjunction with fine payment for cutting protected forest
Ben-Uf	28 Nov 2002	28 April 2003	Held in conjunction with district agriculture development program
Taiboco	7 Dec 2002	8 April 2003	Held in conjunction with district agriculture development program
Usitaco (in two locations)	6 May 2003	19 April 2003	District <i>tara bandu</i> program
Usitaqueno	9 May 03	--	District <i>tara bandu</i> program
Usitasae	23 May 03	15 April 2003	District <i>tara bandu</i> program
Bobocasse	28 May 03	1 May 2003	District <i>tara bandu</i> program
<b>Hao-Uf</b>	29 May 03	29 May 2003	District <i>tara bandu</i> program
Lel-Uf	5 Jun 03	17 May 2003	District <i>tara bandu</i> program

Banafi	20 Jun 03	--	District <i>tara bandu</i> program
Malelat	30 Jun 03	25 Apr 2003	District <i>tara bandu</i> program
Cunha	22 Nov 03		District <i>tara bandu</i> program
Oe-Bau (Costa)	1 Apr 2004		District <i>tara bandu</i> program; for flooded area only; letter not finalized since forests were excluded from agreement

Between Nov 2002 and April 2004, fourteen *sucos* (including *sucos*-in-preparation) held government-sponsored *tara bandu* ceremonies as part of this program. Government support included preparing a letter to be signed by traditional and government leaders, printing and distributing invitations, providing transportation, attendance of district officials, and donating for the meal. In the December 2002 meeting, the Agriculture Department agreed to provide fifty kilograms of rice (worth US\$14-20) for each ceremony, but not sacrificial animals/meat (valued at US\$70-280) for the ceremonies. except in the two agriculture development projects where the animals were included in the project budget. Throughout the program, village leaders frequently raised the issue of which party should provide the animals: some maintained that the government should provide animals, since the *tara bandu* was part of a government program, while other villagers and the government viewed the village's or *tobe-naijuf* contribution of meat as critical to the legitimacy of the local leaders and ultimate popular acceptance of the established prohibitions. In some villages, the provision of each animal killed in the *tara bandu* ceremony established the level and pattern of fine payments: any future perpetrator would need to "repay" the animals personally provided by the *tobe-naijuf* members of the Cultural Association for the *tara bandu* feast.

*Practicality, nostalgia, nationalism: Why focus the district program on tara bandu?*



The district government cited financial, ideological, legal, and social reasons as impetus for its *tara bandu* program and a formalized relationship with village-level leaders. An immediate motivation was to frugally stretch the limited personnel and declining budget in the Department of Agriculture. Until 1974, there were just two Agriculture staff in Oecusse, which grew to more than seventy staff during Indonesian times, and was reduced to six full-time individuals<sup>393</sup> under the independent administration. The staff acutely felt a lack of adequate personnel to carry out their field-level mandates, so working together with *adat* leaders could extend the limited reach of the Agriculture unit and help to channel its programs into each of Oecusse's villages.

Ideologically, district government staff supported the local influence of traditional leaders—in the spirit of nationalism, restoring what had been lost under Indonesia, and in the spirit of regionalism, recognizing Oecusse's *tobe-naijuf* structure as distinctive and valuable. Bolstering their justification for state support of traditional practices on legal grounds, in public meetings both government officials and village leaders often cited the opening phrase of Part 1, Section 2, Article 4 of the East Timorese Constitution: “The State shall recognise and value the norms and customs of East Timor [that are not contrary to the Constitution and to any legislation dealing specifically with customary law]” (Constituent Assembly of East Timor 2002).<sup>394</sup>

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<sup>393</sup> There was one staff member representing each of five units/divisions (Forestry, Irrigation, Field/Horticultural Crops, Fisheries, and Livestock), plus a department head. With one truck available to the department, all staff usually attended community meetings together. In late 2003 and early 2004, five temporary contract staff were added funded by project contracts, including three forest guards and two staff to oversee the externally funded agricultural development projects.

<sup>394</sup> The phrases “norms and customs...customary law” are “as normas e os usos costumeiros...direito costumeiro” in the Portuguese version, and “norma no lisan rai-Timór nian...direitu ne'ebé mai husi lisan no toman” in Tetum. By my reckoning, this is the best-known line in the Constitution given the frequency of its mention. In an early speech, East Timorese President Gusmão (2002) cited this phrase as he indicated an important role for customary authorities:

In the process of decentralization and local government and safeguarding the democratic spirit in the elections of the hamlet and village chiefs, the traditional authorities can and must continue to play a role of cooperating, persuading and clarifying the people. It is for this reason that Section 2 of our Fundamental Law acknowledges the importance of the ‘customary norms and practices’ and recommends that legislation is drafted to give value to these.

Government staff also point to the social legitimacy of local leadership, especially that of the *tobe* (see Chapter Four), as a unique and enduring asset to their authority which is not shared by the state. A government staff member stated simply, “Villagers believe in them [the *tobes*].” The central and specialist ritual aspects of the *tobe* lend critical legitimacy to the government *tara bandu* program. Another staff member closely involved in the *tara bandu* and Cultural Association programs believes that villagers in Oecusse do not have any intrinsic aesthetic appreciation of the forest or innate interest in forest protection. Rather, people are willing to obey the restrictions of the *tara bandu* solely because they fear the supernatural powers of the *tobe* to cause severe consequences (e.g., illness, snakebites, or environmental disasters leading to crop failure) for people who disregard his authority. Thus, he said, since villagers do not transgress the *tobe*’s restrictions out of fear, the state can reinforce the authority of the *tobe* to achieve the ends of forest protection—a concept (if not a practice) seen to be recently introduced by Indonesia. This transformed the *tobe* into a “modern” figure—largely non-literate, intentionally not cosmopolitan, yet putting their authority to the decidedly “modern” use of the proudly nascent government in forest regulation.

While villagers and government staff described how government officials attended *tara bandu* ceremonies in Portuguese times, they state that the independent government’s active support of *tara bandu* is a new phenomenon, usually contrasting the current policy with the Indonesian-era malignment of such traditional practices. Adding to the appeal of reinstating the *tobes* is the Oecusse-wide nostalgia that during Portuguese times, the strength of the traditional authorities was responsible for the remembered abundance of sandalwood trees and smooth functioning of traditional practices that ensured favorable harvests and checked environmental chaos of high winds, drought, and unfavourable rains.<sup>395</sup> There is some expectation that the *tobes*, with their

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<sup>395</sup> The ritual responsibility of the *tobes* for regulating the elements is a serious matter among urban and rural Oecusse residents alike. When the rainy season was delayed, many government staff grumbled that

remnant legitimacy and officially reinstated, will have the power to once again aid the state to effect control over the forests within their regions.

*The (Agri)Cultural Association: recognizing traditional agents of the state*

In early 2003, the Oecusse district Agriculture unit decided to form an “Assosiasaun Cultura” (cultural association) in each village, responsible for two-way communication and assistance with program implementation between rural communities and the Agricultural unit. The Association was intended to carry out government programs in the villages, including publicity and enforcement of forest restrictions. They were also meant to collect and to communicate village requests and needs to the Agriculture unit, simplifying communication to the villages as representatives were readily identifiable. There was also the implication that villages without a Cultural Association would have difficulty participating in or receiving benefits of government programs.

The Agriculture Department staff initiated the Cultural Association during a series of one-day visits to each village, aimed at viewing on-going agricultural activities,<sup>396</sup> hearing village needs and priorities, and discussing the purpose and procedures for the *tara bandu* program. In most

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fault lay with the *tobes* of a certain village who had been late in “burning candles” or conducting their rituals properly. At the village level, *tobes* were constantly called to perform ceremonies at the beginning of the planting season, and when any irregularity or disruption to the rains occurred—such as several dry weeks during the rainy season—the entire village got involved in righting whatever ritual wrong the *tobe* must have committed, sometimes by collective recollection of misspeaking ritual lines or some other fault revealed in a dream to a villager. High winds were also blamed on the *tobes*. Villagers perceive this ritual regulation of the weather as a delicate matter, particularly as crops mature—thus the restrictions on loud speech and cutting of leaves imposed in the final months before harvest (Schulte Nordholt 1971:71, 84). There is a desire to quietly reach the harvest, undisturbed by not disturbing or drawing attention to oneself or one’s community by forces that could ruin the crops at the very end—as a typhoon did just weeks before harvest in 2004.

<sup>396</sup> As described in Chapter Four, for some Agriculture staff who had been civil servants since the 1980s, these village visits provided their first opportunity to visit mountainous regions not accessible by vehicle, and they returned to town amazed at the existence and extent of farmer-initiated flooded rice fields and other activities present in the highlands.

villages, the meetings were well-attended, with representatives from most households.

Introducing the planned Assosiasaun Culture, the staff had to explain the Tetum term to village residents, most of whom have a very limited understanding of Tetum/Portuguese. *Cultura* was translated into the Indonesian term *adat*, which instantly identified its membership and activities to village listeners. Then the staff explained that *cultura* formed part of the word *agricultura*, which was appropriate since tradition is an important aspect of the Oecusse agricultural system and traditional leaders, naming the *tobe*, are essentially involved in agriculture. They reminded people of the environmental problems (especially sandalwood loss) that accompanied Indonesia's disregard for Oecusse's *tobe-naijuf* system, and emphasized that the independent government supported the traditional village hierarchy. In well-attended meetings, villages named five members to the Cultural Association on the spot, while sparse gatherings usually chose to defer the decision until more people could be consulted, after which the village leaders submitted a list to the Agriculture Department.

Both government officials and *adat* leaders spoke positively about the formation of these organizations upon their genesis, though still relatively new and thus their effectiveness unproven. They contrasted the current endeavor to similar efforts during Indonesian times, when the government formed "*adat* councils" and promoted farmers' groups of various types, which Oecusse villagers viewed as largely ineffective because their structure did not reflect or preserve the existing Oecusse hierarchy. Traditional leaders and government officials believed the Cultural Association was different from the Indonesian era and could be an appropriate mechanism for extending the reach of the Agricultural unit in Oecusse. They named the following four reasons why the new program was superior to similar past attempts: 1) the new state's support for the current social, religious, and political power held by *adat* leaders; 2) the Association built on the strong identity of the village, with its internal hierarchy, still present; 3) there was now frequent contact between government officials and traditional leaders, both in the

district office and on field visits; and 4) the program generated interest among village constituents for gaining recognition and official attention for traditional leaders, as a class that they feel was deliberately marginalized by government departments under Indonesian administration. In the same vein, the leading woman's non-governmental organization in Oecusse frequently stated that strengthening village-level leadership, based on local hierarchies, was critical for district development as a whole. Issues of authority and state support that arose in early implementation of the Association are discussed further below.

#### *Growing state knowledge of local leadership*

The formalization and expansion of district government knowledge of village-level leadership was an important aspect to this program. Since most Oecusse people only know the *tobe-naijuf* for their own villages, prior to the formation of these groups in each village, the Agriculture Department's knowledge of the identity of *tobe-naijuf* throughout Oecusse was limited to villages of origin of Department staff. When sending letters of invitation to the December 2002 meeting, staff consulted other civil servants from all villages of Oecusse regarding the names and residences for *tobe-naijuf* from each village that should be invited. Once a *tara bandu* ceremony was held, names of *tobe-naijuf* were listed as signateurs to the document, and the name and hamlet residences of all members for each Cultural Association were recorded on a page posted on the office wall. Since titles and tasks of *tobe-naijuf* for each village are unique,<sup>397</sup> government staff were curious about how these figures functioned in villages other than their own, and often commented on the arrangements present in a given village.

Growing district government knowledge about the differences in village authorities was reflected in the letters prepared for each *tara bandu*. While the early *tara bandu* letters identify each

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<sup>397</sup> To take just two examples: One *suco* listed a "Yellow *Tobe*" and a "Black *Tobe*," and another listed the *naijuf* as having distinct named domains.

signateur as “traditional leader” (I: *tokoh adat*), later letters specify the traditional status of the individual as *tobe*, *naijuf*, *amnasit*, etc., at times even distinguishing/differentiating different types of *naijufs* and *tobes* present within the village. Occasionally, these labels were “incorrect” according to a prior or later consultation with village authorities; this occurred at least three times when a charismatic individual managed to have himself included on the *tara bandu* letter listed as “*tobe*” or “*naijuf*” when he had no such villager-recognized status, and in other cases where titles were written inaccurately in the document (e.g., *amnasit*, elders mistakenly called *tobe*). For several villages with unclear and strongly contested *adat* structure, some villagers used the opportunity to garner support or state recognition for the legitimacy of their own claim to local leadership.<sup>398</sup>

The five members of the Cultural Association (not paid by the state) were usually drawn from the village’s *adat* leaders, with the president frequently and “ideally” the *naijuf*, and the other members (vice-president, treasurer, secretary, and auditor) often holding *tobe* or other *adat* status. Due to need for literacy for the treasurer and secretary in their government linkage roles, some youth not from *adat* classes occupied these positions as well. Of all the Association members, there was one woman who served as treasurer. In November 2003, the Forestry officer prepared a partial/working list of traditional leaders in Oecusse that identified their status as *naijuf* or *tobe*.<sup>399</sup> While the state had always known and often worked through the *naijuf*, the *tobes*

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<sup>398</sup> In one *suco*, the *tara bandu* letter names two *naijuf*, a subject of local comedy since the people acknowledge only one. The local *tobe* explained to me that the second *naijuf* appealed to have his name listed on the letter as a *naijuf*, in an effort to gain status as a *naijuf* to advance the cause of village recognition of an adjacent village, but that he has no traditional standing as a *naijuf* or as anything at all in the village where he signed the letter. Similar claims were made in another *suco*, where the government-recognized coordinator of the *tara bandu* is disparaged within the village as a usurper without authentic authority, who additionally holds dangerous views that include the elimination of the kingship in Ambeno.

<sup>399</sup> Comparing this list to the membership of the Cultural Association and the signateurs of the *tara bandu* letters reveals that the Cultural Associations were not entirely composed of traditional leaders; in eight villages that had both finalized *tara bandu* letters and Cultural Associations, just under half of the customary leaders who signed the letters were members of the Cultural Association in their villages.

remained largely separate from state activities under Portuguese and Indonesian administrations. Through the *tara bandu* and Cultural Association programs, the government department was able to compile a list of largely *locally-identified* customary leaders, with all their diversity of title and position. Over the course of several years, this learning allowed the new government representatives to identify and to know the individuals of ritual as well as political importance in each village.

### *Changing, unchanging role of the tobe*

As discussed above, the weakening of the *tobe* during Indonesian times is closely linked to the loss of sandalwood and generalized environmental decline, including a dramatic decrease in bird populations and a perceived increase in burning to clear for gardens.<sup>400</sup> *Tobes*, villagers, and civil servants all point to how the *tobes'* functions and authority were supplanted by civil servants in the Indonesian period. Most notably, Forestry officers took over the tasks of delineating and marking forestland that was to be off-limits to agriculture, and had sole authority to grant or to deny permission to cut trees. Although forest monitoring functions waned, the institution of the *tobe* did not disappear entirely, since they did not abandon the practice of agricultural rituals throughout the Indonesian period.

A return to the *tobe*-centric forest authority structure in newly independent Oecusse reflected the Agriculture and Forestry Department hope that the *tobe* provide a readily recognized, district-wide role with historic links and fundamental, often uncontested legitimacy to rule on matters of land and forest. For their part, traditional leaders often expressed their current aspirations for a return to their Portuguese-era power in terms of restoring the region's forest cover (with specific reference to sandalwood) and an orderly procedure for cutting trees planted communally for

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<sup>400</sup> Villagers report that many birds were caught to be sold in bird markets elsewhere in Indonesia.

public use, as was the case with the teak plantings.<sup>401</sup> For villagers, the role of the *tobe* is an adaptable constant, a ritual anchor through tumultuous times of political transition—many commented that they had lived through four very different government administrations, but that through it all the same *tobe* had continued to make the rains start and stop each year.

These various interests—forest protection, environmental regulation, social status, official recognition, reliable harvests, civil security, political stability—found some expression in the new government support of customary authorities. Critical to this phenomenon, and highlighted throughout this dissertation, is people’s acceptance that the *tobe* can shed and accrue political and ritual functions and identities. From the figure’s origins as rain regulators, they came to control the sandalwood and beeswax which were of economic and ritual interest to other entities. Although their forest regulation role diminished under Indonesia, their ritual importance and spiritual authority did not. While they have continually adapted their roles, the underlying legitimacy of their inherited roles as ritual leaders plays a key part in their inclusion within the new nation.

*Prohibition as the means to forest recovery*

The operational purpose of *tara bandu* is merely to limit harvest of or damage to particular species or areas in order to allow their increase. This is a modest intervention in “natural” forest systems: offenders are not required to establish seedling nurseries or to replant cut trees, but just to protect the trees that do come up so they may persist. Both sudden declines in sandalwood and *gewang* palms were answered by returning to forest oversight by traditional authorities, establishing the human structures that support management with virtually no attention to technical

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<sup>401</sup> This argument obviously favors those who support, or serve to benefit from, strong centralized control over natural resources (Peluso and Vandergeest 2001).



inputs or activities that would foster forest expansion; a local priority for forest protection concerned social factors rather than agronomic interventions or fencing materials.<sup>402</sup> The same response—absolute, temporary prohibition—was given for losses in both species: for sandalwood, with its key historic and trade value and elaborate ritual protections; and for gawang palm, chiefly used for domestic roofing, without specific ritual importance and meriting no special attention by *tobe* in the past. Neither species is normally planted;<sup>403</sup> yet both are known to emerge on their own in abandoned swidden fields, conferring a status as semi-domesticated, economically important species suitable for regulation by customary mechanisms (see also Ellen 1999). The *tara bandu* program extended the known forms of forest protection already practiced in Oecusse, over forested areas and individual species, to include a broader range of individual species under control by the village authorities.

#### ***Overview of a tara bandu ceremony***

The *tara bandu* process begins when Agriculture staff and village-level leaders discuss the event, initiated by either party. Government staff call a village-wide meeting or meet privately with traditional leaders to discuss the content of the agreement, the contents of the letter including named places to be protected and the fines to be listed, and the place and time of the ceremony. In the week prior to the ceremony, the Forestry officer usually uses a computer to prepare the letter, which developed into a standardized format with contents unique to each village.

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<sup>402</sup> This approach stands in contrast to some development projects that promote aggressive tree-planting with scant attention to the social aspects needed to support seedling survival.

<sup>403</sup> Indeed, government Forestry efforts in Timor have a long history of failure with efforts to plant the semi-parasitic sandalwood (Cinatti Vaz Monteiro Gomes 1950, McWilliam 2004); farmers report that sandalwood emerges so abundantly in some abandoned swiddens that there is no need to plant it.

The formal ceremony usually begins mid-day and lasts about six to seven hours. Government staff leave the town at 9 or 10 AM, after arranging transportation for all those from town who are to participate, and arrive at the location within three hours (as far as a vehicle can travel inside Oecusse). On the spot they prepare an order of the meeting, beginning with Catholic prayer, followed by ritual speeches, killing the animals, reading the letter, short speeches by officials present, reading the animal organs, discussing the letter and *tara bandu* restrictions, a small ritual meal, and then the meal.

After an opening prayer led by the settlement's Catholic religious teacher, those in attendance move to the spot where the animal is to be killed, and observe while the traditional leaders speak ritual language around an altar or sacred site while others kill the animals outside the circle of the group. While the women prepare a meal in a separate location, the men (and sometimes a few women) return to the first location to discuss the letter and prohibitions and to wait for the meal. The letter, composed with traditional leaders but provided by the government, is read in Indonesian, translated into the local language and (once) Tetum or Portuguese, explained in Meto, and signed or thumb printed. The Agriculture department emphasizes that the state is present merely as a witness to the *adat* event. Sometimes, the *tobes* name their boundaries or areas.

Discussion is lively, and takes a question-answer format for several hours, until the food is ready. Unlike the opening ritual speech, heard only by a few men and directed at visitors and/or ancestors, the discussion draws women and youth as well. Most questions were initially directed to the Agriculture and other government staff in attendance, but after the initiation of the government *tara bandu* program, the government staff redirected the questions to the local traditional leaders and members of the Cultural Association. Agriculture staff stated that the village leaders would be the ones to enforce the *tara bandu* and thus, they should be the ones answering the questions from the villagers. The discussion was a time of hundreds of people

getting together and debating their land, water, tree, and livestock arrangements, often bringing up matters of history and politics that influence current issues. People challenged their village leaders and got public responses that could be debated and resolved.

Within fifteen minutes, plates of parboiled meat or meat and rice are brought to the guests to eat, often from baskets and eaten using the hand. The eating of barely-cooked meat from a common basket plate using the hands is explained as sharing food with ancestors, a traditional way of eating. Once the meal is prepared, government staff take food first buffet-style, using plates and spoons and sitting on chairs, while the traditional leaders wait to be served individually, seated in a U-shape on the ground and using clay implements with coconut shell spoons.<sup>404</sup>

#### *Content of the agreements in the letters*

*Tara bandu* letters combine traditional prohibitions and state laws, name and recognize traditional authorities, describe fines, and give local figures the authority to punish perpetrators. The letters (M: *sulat*; I: *surat pernyataan tara bandu*) follow a standard format and are written in Indonesian. They combine UNTAET-era government forestry laws and locally-defined prohibitions on named areas. The letters open by stating, “We forbid [I: *melarang*] traditional forest, protected forest, and wild animals in the following locations...” and go on to name forest areas and springs, specifying a distance from the springs that can be cultivated, a concept drawn from previous environmental laws but with a numerical figure often negotiated among village leaders. Elements drawn from Indonesian or UNTAET regulations were sometimes listed in the opening paragraph (for example, limitations on harvesting trees above a certain altitude and prohibition of timber sales). The number of named locations protected by *tara bandu* in the 10 villages with finalized

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<sup>404</sup> On some occasions, all in attendance sat on the ground and used the traditional implements and serving style, but often the number of clay implements was limited in a village and this was not possible.

letters ranged from 10 to 63 sites per village, and totals 374. So, presumably Oecusse could have over 700 such named, protected sites if the remaining villages had similar figures.

The documents also forbid irresponsible swidden-making, including letting escaped fires burn forest, farming marginal land, and farming on land containing natural forest and landslides. They prohibit cutting down trees with economic value, by name: sandalwood (cannot be cut or burned), and other named species which vary slightly from village to village but include “species like” the following: teak, tamarind, rose apple, *Eucalyptus* sp., *kayu merah* (*Pterocarpus* sp.), *nismetan* (*Terminalia* sp.) and *nitas* (*Stercolia* sp.). Some contain a restriction on hunting, killing, or selling productive livestock; one village used the opportunity to ban three named feast practices (I: *pesta adat*). Each letter specifies the consequence of the fine according to customary law (I: *hukum adat*; T/P: *lei cultura*). Fines always consist of the elements for a feast at which the fine would be paid and also list additional items: one or more animals (of specified type and age), some quantity of palm wine, and some combination of rice, cash, and traditional exchange items like coins, weavings, or bead necklaces. Many villages apply different penalties for heavy and light offenses. Invariably, the heaviest offense was cutting sandalwood. In one example, cutting or burning sandalwood was punishable with 35 cm of bead necklace, while all other, lesser offenses call for a two-year-old cow, 4 liters of palm wine, and 20 US dollars.

As more villages did *tara bandu*, the fines became increasingly specific and elaborate, specifying monetary values acceptable instead of animals, different dollar amounts for each tree species, and differences according to intentionality of breaking the prohibition. The most specific and longest letter of all came from a village that composed and typed their own letter in the village, without government assistance. For example, cutting a tamarind tree on purpose results in a \$5 fine, but only \$1 if unintentionally burned from an escaped fire. They also specify five-for-one fines for livestock theft (steal one, repay five), and fines for killing wild animals, birds, and river fish.

Finally, the signatures and thumbprints give a glimpse at the hierarchy of village authorities, as they were generally called to sign the letters in descending order of their customary status. Regarding literacy levels, of the 10 villages with *tara bandu* letters, there were 66 signateurs who were named as “traditional leaders” (*tobe*, *naijuf*, *tokoh adat*, *tokoh masyarakat*, *conselho*, or *nael*). Of these 66, half the *naijuf* (8 of 16) and just 18% of the *tobe* and other leaders (9 of 50) signed their names.<sup>405</sup> Importantly, the *tara bandu* letters serve to codify not only which areas of a village were protected and some named fines for transgressors (which, in any case, were rarely followed precisely in punishments), but also afforded a degree of the sought-after official recognition for customary authorities’ positions (and for the named individuals involved).

#### *Content of the discussion*

As each village established a unique set of regulations on protected forest use, topics usually raised during the question/answer time included matters of practical concern to the villagers regarding the regulations’ implementation. The main issues that follow reflect some of the ambiguities resulting from previous land policies, the integrity of the village in opposition to neighboring villages, and uncertainties in various authorities’ ability and legitimacy in enforcement.

First, loss of farmland to protected forest status, when a farmer’s *seimu* was incorporated into a protected area, was almost invariably the first point raised in discussion. An individual who had obtained heritable rights to land by farming it stood to lose that land as it was named to be incorporated into the protected areas. There was little sympathy among leaders and the audience

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<sup>405</sup> This gives a literacy rate of less than 26% for Oecusse’s traditional leaders, especially considering that several “sign” their name but have no reading or writing skills beyond making that mark. Oecusse’s adult literacy rate was East Timor’s at just 31%, less than half the national average of 66% (Asia Foundation 2001).

for individuals thus affected; the consensus was that they were farming land<sup>406</sup> that should have been protected all along. In these situations, the *tobe* or Cultural Association appealed to that land's status in Portuguese times, protected and unfarmed, as the way it should be. Often, those answering these questions replied that since some time in the past, that land was protected and people farming there now are in breach of a prior, but still valid, prohibition established by the *tobe*. In a context that values that past as a normative state that can rarely be superseded, these appeals to past values are usually successful in achieving agreement—sometimes with audience applause—to the renewed imposition of protection to the named areas.

Second, people always raised cattle and fodder issues related to forest protection. Key points included cattle damage to forest areas, but more importantly the risk of theft: loss of cattle if they go into areas where people are not allowed to pursue and recover them, and also theft of wood that occurs when people go into forests to recover wandering livestock. Most villages held long discussions of what animals and which people are permitted to enter protected forests, and whether a “finder’s keeper’s” rule might apply to certain wandering animals in protected zones. People also usually ask how prohibitions on cutting trees impacts fodder access (cutting leaves for animal feed) from their own village or neighboring villages.

A third critical issue is border encroachment, or lack of respect for the *tara bandu* by people from neighboring villages. There is much less sense of threat of theft and/or *tara bandu* violation from people within one’s own village than from neighboring villages. Some villages asked the government to establish perimeter fences or markers around each village so the borders would be clear. Early on, discussions centered on this issue, with the government eventually agreeing to

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<sup>406</sup> While people talk about division of land into restricted areas and agricultural fields as a long-ago, completed process, in practice there are still areas that people are able to acquire. See Chapter Four for a description of the on-going nature of unclaimed land conversion to claimed agricultural land.

distribute the *tara bandu* letters to traditional leaders in neighboring villages so they too would be aware of the restrictions in place. Eventually, the policy came to be that leaders from neighboring villages must be invited to the *tara bandu*, so they too could witness the event and return home to publicize which areas were under restriction.

A fourth subject of discussion is enforcement, directed to district government officials: (how) will the state back up the *tara bandu* penalties? The general answer was that punishment or fines would be handled by traditional means, that is, through the Cultural Association. District government officials promised that in the event of a recalcitrant individual refusing to pay the fine, police and courts could get involved to enforce the customary law established by the Cultural Association. People generally seemed to agree with this proposal, although one community rejected the government's proposal of village-level settlement and begged the state to take an unrepentant, repeat offender local forest perpetrator directly to jail. Given villagers' strong preference to resolve conflicts at the lowest possible level and the state's limited capacity in formal dispute management (Meitzner Yoder 2003), the scenario of state enforcement of regulations established by traditional leaders seemed satisfactory for most villagers, and in some cases deemed necessary for adequate compliance.

Some *tara bandu* discussions included detailed deliberations over what was to happen to animals, cash, coins, and other items paid as fines: did they become private property of the *tobe*, the *naijuf*, and the Cultural Association, or were they to be used for community consumption? In half the ceremonies, there were debates and negotiations among neighboring villages about rules concerning livestock and farmers entering protected areas. In at least two instances, the ceremonies became fora for discussion of unresolved grievances from political differences and massacres from 1999.

If village residents quibbled with the content of the letter during the discussion time, they were usually told that it was too late, the letter had been signed and it was already final and binding. In one very productive meeting, however, while waiting three hours for the arrival of a top government official, a long discussion attended by almost every person in the village happened before killing the animal, and they negotiated a number of important details, including use of future fines, unclear borders with a neighboring village, the width of buffer zones for agriculture around the named protected areas, and a one-season exception for an individual whose scattered agricultural fields were all going to be incorporated into the protected areas.

### ***Forest protection as a form of land and authority claim***

Colonial government, modern states, indigenous elites, and other entities have provided ample examples of how claims to “protect” citizens, land, and forests can serve as claims to authority and jurisdiction over those people and places. Conservation objectives are projected as a noble and worthy cause to gain control at many scales and in many circumstances (1924, Chapin 2004, Li 1996, Neumann 1995, Peet and Watts 2004, Peluso and Vandergeest 2001, Tsing 1999, Zerner 2000). This phenomenon is replicated on a micro-scale with village claims to neighboring villages’ land in the Oecusse *tara bandu* program.

Why do communities embrace or reject *tara bandu*? Village leaders that initiate or accept *tara bandu* are enthusiastic about the recognition that accompanies it, i.e., recognition vis-à-vis neighboring villages and from the state. Forest protection, the state’s stated purpose for *tara bandu*, is at least secondary in villagers’ minds regarding this event. From the outset, village leaders seek state validation of their internal structure and geographic domain: the *tobe-naijuf* hierarchy is seen as the defining characteristic of a village’s existence, and cooperating with the district government *tara bandu*/Cultural Association program is a means to solidify and to



formalize a place for the village leadership in the new government. During a district government event in highland settlements, village residents frequently mentioned that this was the first time government officials of any administration have visited their community; they welcomed the attention and activities.

Villages that delayed or rejected the *tara bandu* gave a variety of reasons for their decision. A few cited logistical difficulties in obtaining sufficient animals or in coordinating dates for the event with government and village authorities involved. Some declare that making certain tree crops or areas off-limits would impose economic hardship on the population. One village intended to hold a *tara bandu* only after the main harvesting season for palm ribs and leaf thatch that are a major source of income for that village. Another village, aware that the Monday *tara bandu* ceremony would impose restrictions on the areas they could cultivate, had massive land clearing and burning over the preceding weekend, months earlier than they normally would, to get garden preparation underway before the restrictions were in place. One unrecognized village actively seeking official recognition as an independent unit refused to hold a *tara bandu* before achieving this status, holding the Agriculture Department program hostage to this political aspiration.

#### *Seeking district government recognition of traditional villages*

While an East Timorese law names the villages of Oecusse as preserving the exact structure from Indonesian times, explicitly prohibiting the extra-legal addition of villages (Ministério da Administração Estatal 2003), the numbers and locations of *tara bandu* ceremonies in Oecusse have largely followed traditional lines rather than administrative divisions. The third and fourth post-independence *tara bandu* ceremonies, held as individuals paid forest fines and before the formal launch of the government program, were held in two parts of one populous mountain

village (*Suco Bobometo*) that was administratively joined since Portuguese times through to the present system. In the letters prepared by the Agriculture department, the locations are identified as “*Suco Bobo-Ufe*” and “*Suco Bob-Manat*,”<sup>407</sup> a division based on a still-contested traditional division and political primacy of two *naijuf* for this region.<sup>408</sup> In practical terms, this large administrative village functions as two independent units based on the older divisions.

Other examples demonstrate how villages used the *tara bandu* ceremony to assert their village identity or specific land claims. *Suco Hao-Uf* is administratively part of *Suco Lele-Uf* but has its own complete traditional structure of *tobe-naijuf*, though its letter refers to “*Suco Persiapan Haouf*” (village-in-preparation); holding their own *tara bandu* achieved a measure of recognition for their independent political status. *Suco Usitasae* held its ceremony in the distant, now-enclave area of origin officially located within *Suco Abani*, rather than in the larger lowland body of *Suco Usitasae* where people were moved during Portuguese times. *Suco Usitaco* held two ceremonies, the first in its enclave region, immediately followed by the second in its village capital. The large *Suco Taiboco*, split in two under CNRT administration, insisted on holding just one village-wide *tara bandu*, although the *tobes* later requested additional ceremonies to be held in each of the four *tobe* domains. While Cunha-Lalisuk have historically close links of intermarriage, they planned separate *tara bandu* events but were both involved in a fine settlement at Aen-Mat. The largely urban *Suco Costa*, formed around 1982 by joining four adjoining traditional villages, does not

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<sup>407</sup> Early in my fieldwork, my unwitting presentation of photograph collections from each *tara bandu*, labelled with the “village” names used on the government invitation letters and *tara bandu* agreements, elicited much surprise and nervous laughter from some government officials who did not acknowledge the separation of this official village into two parts.

<sup>408</sup> Three or four generations ago, one *naijuf* was deemed unable to continue his leadership, and so the position of village head was passed to another family more acceptable to the Portuguese rulers. The new village head’s house, built while he was serving during Portuguese times (Sherlock 1983:36), is still standing with its original corrugated metal roof and unusual stone architecture, and Portuguese-era teak flagpole (for significance of the flag, cf. Traube 1986). The original *naijuf* does not fully acknowledge that the authority has been passed from his region. While the division of *tobe* domains and tasks in the three settlements of the older center is clear, the identity and function of the *tobes* in the six settlements of the new region are newer and less defined.

have *suco*-wide *tobe-naijuf*, so the district Forestry officer tapped the village head and hamlet heads to host a *tara bandu*. However, Agricultura staff held multiple meetings to plan a *tara bandu* with *Suco*(-in-preparation) Cutet, administratively part of *Suco* Costa, and the ceremony met with recurrent delays because several influential individuals want formal recognition of Cutet as a full village before agreeing to participate in what is perceived as a government program, leading to several last-minute cancellations of the *tara bandu*.

*District government recognition of village boundaries: tara bandu precipitates land conflict*

Besides vying for village-status recognition with the national government,<sup>409</sup> many villages used the *tara bandu* as an opportunity to assert claims to disputed land. The most common form of making these claims was by listing a protected spring or forest on the village's *tara bandu* letter, indicating that it is within the domain of a given village. Where district government officials do not know the location of the named places in the *tara bandu* letter, their signatures to the letter lend unwitting support to these claims, and the state-recognized legitimacy this imports led to immediate, large-scale conflict with the neighboring village that also claimed that region.

For example, months after the second government-attended *tara bandu*, another village learned that one location they also claimed was included in that letter. The reason for the co-claim was that the site traditionally belonged to the first claimant who still had an interest in several sacred sites, but residents from the other region had farmed portions and developed flooded rice fields, and they hoped to acquire that valuable land fully for themselves. When the second village demanded the letter be revised, the Agriculture department recommended that the traditional leaders resolve the problem. After several failed attempts, Agriculture and Land & Property staff

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<sup>409</sup> Throughout East Timor, a popular consultation on local administration showed that most regions sought proliferation of villages, a fragmenting of administrative units, in an effort to garner more resources and have more direct access to the center and sources of power, attention, and funding for local projects.

hosted an attempt at resolution attended by several hundred people, in which each side mocked the historical evidence offered by the other side; no progress was made, with the concluding recommendation to again return to settlement among the leaders of each village without government assistance. Months later, the groups reported their stalemate and requested that the District Administrator intervene to resolve the dispute. After two years since the original claim, they had not reached resolution.

In a similar case, *Suco Bobocasse* named in their *tara bandu* ceremony more than five locations which were claimed by two adjacent villages, A and B, on administrative and/or traditional grounds. Two of the sites in Village A were immediately questioned by members present, with the silencing response that Bobocasse had originally given that land (administratively) to Village A and to other villages largely populated by lowland in-migrants, and therefore maintained a permanent interest in, and an inextinguishable measure of authority over, those sites. While no Village B resident in attendance was sufficiently senior to publicly raise the issue of the three B-claimed sites, those individuals reported Bobocasse's claim to their own traditional leaders within hours of the event, prompting a delegation to form and to hold at least three meetings with the *naijuf* who made the claims.

The recurrence of this problem led the Agriculture staff to require neighboring villages to be invited to *tara bandu* events, so that any discrepancies in domain claims could be worked out on the spot. In several instances after this policy was implemented, fruitful discussion among villages about how residents of a neighboring area could avoid inadvertent transgression led to detailed plans for *tobes* marking the limits of the protected areas or clear instructions for permission and prohibitions on matters like roaming animals and firewood gathering. After some time, the Agriculture department also halted the preparations to hold separate *tara bandu* ceremonies in unofficial villages.

When government staff were aware of co-claims to the place names contained in a *tara bandu* letter due to personal knowledge of the sites listed, they intervened to mute conflicts of this nature. In one case, the village adjacent to the home village of a top district official listed a disputed area in their *tara bandu* letter from a ceremony he did not attend, and without public explanation he refused to sign the letter handed to him back in the office. This left the village leaders anxious about the status of their *tara bandu* recognition, and ultimately the authority of the Cultural Association members to assess fines to some individuals who transgressed the prohibitions.

For these reasons, Land and Property officials at national and district levels were less enthusiastic about government-sponsored *tara bandu* than the Agriculture and Forestry department, although district-level staff usually attended the events in their regions. Many Land and Property staff in national and district offices view government involvement in these events as a potentially problematic state endorsement of traditional claims. Both village leadership and government officials recognized the potential for *tara bandu* ceremonies to precipitate village border disputes.

*Does tara bandu work?: Transgressions, fines, and social negotiations*

Is it realistic and practical for district government to expect that state-backed restoration of the ritual authority of the *tobes* might hold any empirical consequences for forest cover or increase in sandalwood populations? By June 2004 there were at least four cases in which people paid fines for clearing land protected by *tara bandu* or *tobes*—evidence that *tara bandu* does not halt all forest incursions, but an indicator that people treat these restrictions as somehow binding. In the November 2004 pre-planting season, villagers and government officials throughout Oecusse agreed that the *tara bandu* had noticeably reduced “escaped burns” in swidden field preparations,

but that it had not reduced the amount of burning for normal swidden gardens, and that some intra- and inter-village sandalwood theft continued.

When members of the Cultural Association learned of the breaches, they reported the incidents to the Agriculture Department, expecting that the district government would handle the situation, but Agriculture staff reminded the Cultural Association members that they had primary responsibility for enforcing the *tara bandu*. In three of the four cases, village residents then discussed settlements over the course of several days, only inviting the district government staff to attend the final payment (and feast) that was to restore the restrictions in place.

The district government paid one fine to the people of Aen-Mat who conducted the first *tara bandu* to protect their palm thatch leaves, before the government program was in place. In the course of improving a roadway, people on government daily wages cut protected trees, and so the district government had to pay the community-indicated fine of a large cow, 50 kg rice, and palm wine. This was striking in that the state paid a fine mandated by traditional leaders and imposed by a community group, a circumstance that would not have happened under previous administrations.

The other three cases involved groups of villagers who crossed the protected area boundary line in preparing a group garden. In each case, although just a few of the group members went over the line, even against warnings from other members of the group not to do so, the entire group had to contribute to the fine.<sup>410</sup> In one group with sixteen members in which two members transgressed the boundary where the fine was one cow per perpetrator, they negotiated the fine down to eight cows. In two of the three cases, a *tobe* was a (non-perpetrator) member of the group, and he also had to pay the fine. In one instance, the total fine was one cow that was

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<sup>410</sup> Chapter Four describes the mutual responsibility of annual gardening group members.

consumed on the spot, and in the other case of the eight cows, one was eaten and seven were sold, with the money (up to US\$1000) stored in a Cultural Association account at the government office, to be used for purchasing rice during the hungry season.<sup>411</sup> While the *tara bandu* ceremonies themselves left many details unanswered, when people were assessed fines, they raised the finer points of the agreements and discussed them in detail, including extended negotiations over handling money and goods paid as fines. An immediate issue for discussion was clear demarcation of a protected area's boundary, although in no cases did the people assessed the fine claim innocence through ignorance of the boundary or the prohibition (except the government). Communities killed animals and held feasts along with fine payments to "remind" villagers of the prohibition, but new letters were not drawn up on these occasions.

Some *tobes* acted outside of the *tara bandu* program. A *tobe* in a village that had held a *tara bandu* discovered that someone had cut sandalwood from his land.<sup>412</sup> Since the perpetrator's identity was unknown, the *tobe* first applied a number of specific curses that would bring the thief to light; the *tobe* did not intend to apply the fines as in the *tara bandu* letter once the perpetrator was caught, but had devised a number of lesser punishments. In another village that had delayed its *tara bandu*, one *tobe* assessed fines for cutting forest he intended to protect. This *tobe* had denied several requests to open gardens in a given region, which the farmers largely accepted, but one group infringed slightly on the prohibited area anyway. While villagers (both those fined and those not fined) protested giving this fine before the government program had been carried out, they did pay it. In this case, the district government officials all attended the fine, and the matter

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<sup>411</sup> This is reminiscent of Schulte Nordholt's description of how *tobes* formerly stored rice for distribution during the hungry season (1971:77-78).

<sup>412</sup> Since the tree was close to the border, he was unsure whether the thief was a resident of his village or had taken the wood for sale to Indonesia.

of formal village recognition was repeatedly raised in the context of holding a *tara bandu* for the village.

The division of authority between state and customary authorities as represented in the Cultural Association was uneasy in several instances. When Cultural Association members initially reported *tara bandu* violations to the Agriculture Department, they expected that the government staff would take the lead in resolving the issues. Instead, the Agriculture department informed the villagers and the Cultural Association members that they now had primary responsibility for implementation of their own *tara bandu*. In the unresolved dispute over land claims discussed in the second *tara bandu* above, the Cultural Association was unable to settle the dispute, and the case was referred back to the district government, which in turn sent it back to village leaders for settlement, which again failed.<sup>413</sup> At the payment for the violation in one village, the Cultural Association head threatened to resign and to disband the cultural association because the district government undermined the Association's power within the village by directly granting exceptions to the protected area ban. When customary leaders attempted to apply their *tara bandu* fine to a cross-border West Timorese (Indonesian) sandalwood thief, they had direct negotiations with the *tobe* and *naijuf* on the other side, but the matter of paying the cattle was problematic because of a prohibition on cross-border transactions of the animals.

### ***Conclusion***

This chapter illustrates how Oecusse people link the authority of the *tobe* to a welcomed control over forests. This extends the role of the *tobe* from a ritual figure with ancestral and spiritual powers over resources and domains to a key character in the modern administrative structure.

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<sup>413</sup> Some have called this “legal institution shopping,” in which parties with multiple settlement alternatives at their disposal may continue to take their case to various fora until reaching a settlement in their favor.



*Tara bandu* serves as a forest protection activity and a political legitimation tool. The Cultural Association and *tara bandu* program are significant markers of a different relationship developing among state officials, village leaders, and village residents, as they collaborate to find ways to reconcile the importance of the past with modern imperatives.

## Chapter Six: The formalization imperative: Rhetoric, laws, and practice on registering customary land in Portuguese/East Timor, 1897-2004

### *Introduction*

For more than a century, those governing East Timor have proposed various forms of land formalization,<sup>414</sup> with the stated aims of increasing agricultural productivity, improving civil security, guaranteeing Timorese property rights, and enabling the state to secure land tax revenue from the population.<sup>415</sup> However, despite just over a century of state efforts to register East Timor's land, the vast majority<sup>416</sup> of land—over 99%—has remained untitled, in the *de facto* realm of customary systems, state claims notwithstanding. Nevertheless, in recent political transitions, most attention has focused on the legal legitimacy of previous administrations, loss or conversion of property records, and conflicting claims with regard to previously titled, largely urban or plantation land. In the early independence era, this skewing of attention toward a small amount of previously titled land portrayed the major land issues as duelling Portuguese-

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<sup>414</sup> “Formal” here refers to the whole range of state-mediated land administration activities, including making laws, granting concessions, cadastral surveying, issuing certificates, and implementing state oversight of activities carried out by non-state actors, e.g. customary authorities conducting land dispute resolution. Formalization includes, but is not limited to, codification.

<sup>415</sup> The importance of this final objective is evident in the regions targeted for registration: valuable plantation land under Portuguese colonialism, and urban areas under Indonesian, UN, and independent administrations.

<sup>416</sup> This study in land registration demonstrates how a state can doggedly pursue standardized bureaucratic procedures, persisting even when they do not reach stated aims or have extensive coverage, sometimes even at the expense of attention to issues of broader relevance. Figures from 1996 indicate that just 0.807% to 0.986% of East Timor's land area was subject to formal Indonesian title of any variety (Baisaku 1996:82, Fitzpatrick 2002:94-96). Fitzpatrick (2002:96) noted that the figure is “inflated considerably by 13 titles covering more than half of the titled area,” largely for commercial use. Sousa Xavier (2001:102) noted that just 4.4% of privately owned land parcels in East Timor had received certificates. Slaats (1999) and Evers (1995) cite similarly low figures for land registration nationwide in Indonesia by the mid-1990s, around 5-8%; as was the case with East Timorese registrations, titles went largely to urban and estate land (Parlindungan 1994).

Indonesian registration systems, obscuring two important issues affecting far greater tracts of land: underlying customary claims, and extensive state claims to land. Rhetoric and practice of successive state interventions in rural land oversight have attempted a measure of control over customary land systems even without registration by lending government assent to the procedures and authorities of non-state land governance.

This chapter focuses on how state projections of customary law serve to justify and to effect state intervention in customary systems, analyzing some legal aspects of the official treatment of state-perceived—or state-conceived—Timorese land customs through successive administrations in Portuguese/East Timor’s history. Earlier chapters focused on embodied customary authority to elucidate land and forest regulation in Oecusse. The previous chapter described one form of interaction among state and customary authorities. This chapter specifically investigates a century of state discourse and practice surrounding custom and land registration in East Timor. It considers colonial Portuguese, Indonesian, UN, and (briefly) independent administrations, highlighting some of the commonalities across regimes with respect to rural land governance (cf. Doolittle 2004).

This study demonstrates how from the inception of state land administration, ruling authorities have sought to define and to address issues of pre-existing native land law and practice. Each regime has reformulated the need to consider local systems in land administration to reflect broader political objectives. There are certain striking commonalities among different states’ practices. First, for different reasons, each administration lends some *rhetorical recognition* to customary landholding; yet, often the state contradicts customary claims, making its own claims to vast expanses of rural land. Importantly, state acknowledgement of some type of customary land system projects an assertion of state knowledge about the areas beyond its control; such classification serves to justify making indigenous lands and people objects of state interventions.

I highlight discontinuities between stated intentions of considering custom in land laws and the resulting legislation and implementation.

Second, in pursuit of pragmatic simplifications (Scott 1998), each administration has sought to describe some key features of customary systems and to *create a defined slot* for them in the social and legal milieu. Thus circumscribed, the state can delineate “what is customary” as a type, then seek to protect it from alteration, to regulate it, or to supplant it with what is contrasted as modern, improved governance, according to state purposes.<sup>417</sup> Third, *strong outside influences* on land policy are evident in each administration, despite recurrent state rhetoric about making land laws congruent with local practice: Portuguese took cues from the Dutch and other colonies; Indonesians drew Timor into the scholarly and legal framework of Dutch-inspired land categories; and a wide range of international advisors shaped land policies in recent years. Fourth, each administration has sought to apply standardizing techniques of *land demarcation and registry*, which have been repeatedly frustrated on social, technical, legal, and economic grounds in East Timor.

One theme continued here from earlier chapters is the ongoing dialogue and an apparent lack of distinction between categories often portrayed as oppositional. In particular, the neat categorical divisions that pepper discussions of land regulation, such as state/customary systems or formal/informal laws, break down at multiple turns. If “informal, customary” practices gain their legitimacy from communities (Elderton 2002), why do “formal” laws examined here claim fidelity to customary systems to bolster their authority? If what is “customary” is portrayed as ancient, timeless, or unchanging, why does the state continually seek to intervene to modify it? There is wide liminality in these social categories: “unauthorized” voluntary native recording of

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<sup>417</sup> It is because of ethnography’s historic and potential utility to governance that Strathern emphasized that a recent collection of land studies was not intended to facilitate codification of such systems (2004:2).

land transactions, state-customary cooperation in land dispute settlements, and elaborate land registration “simplifications” that increase uncertainty are a few examples in this chapter of how boundaries between oppositional categories are blurred.

### *Distinguishing customs under Portuguese administration*

Portugal had a thin presence on Timor from the 1500s; European control on the island was largely “a matter of pretence and veneer” (Fox 2000:11) over the kingdoms that divided the island’s territory. Colonial administration began in earnest during the mid-1800s, when the Portuguese undertook Luso-Dutch border definition (1859) and enacted the Civil Code in Portugal’s overseas possessions (1869) (Castro 1867, Farram 1999, Gonçalves 1937:443, Gunn 1999). Legal and anthropological developments accompanying the strengthening state presence emphasized difference between indigenous residents and those who settled in Timor as part of colonial rule and commerce. One effect of this focus on the distinctiveness of local systems was to classify indigenous lands and people as special objects of state development and economic activities, excluding them from the types of formal private ownership permitted for non-Timorese people.<sup>418</sup> While customary land authority privileged the autochthonous or earliest settlers over newcomers (Chapter Three), the colonial state afforded stronger landholding rights to non-natives than to natives.

### *State acquisition of plantation land*

The first colonial efforts to formalize landholding centered on state land acquisition for plantations. Motivated by a governor’s vision that coffee production would transform Timor

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<sup>418</sup> For an overview of modern issues surrounding the social and legal aspects of Portuguese land administration, see Fitzpatrick (2002:141-166).

from a “miserable colony...to become one of the most important possessions of Portugal” (Castro 1867:436, my translation), the colonial government introduced regulations concerning land concessions in the late 1800s (1924, Gonçalves 1937). Governor Castro (1859-1869) took the Dutch experience in Java as a model for his economic development aspirations, but admitted that Timor was far from being able to reach Java’s level of production (Castro 1867:426-431). In 1871, the Macau-based governor of Macau and Timor composed a questionnaire regarding state land acquisition for agricultural development in Timor (1874). After soliciting details regarding arable state land holdings, one question asked: “If there is no land at the state’s disposal, would there be any that belongs to the kingdoms which could be obtained for a modest price?” (162, my translation).

The published replies, sent from Timor in 1872, were “discussed and unanimously approved” by the governing council after consultation with many invited experts (1874:162). The opening reply stated, “The state has areas of land in...[the capital] Dilly, and can take many others in each of the kingdoms in which the district is divided, because the local rulers and the people accede to this” (163, my translation). Further correspondence indicated that peri-urban state holdings totalled approximately thirty square kilometers around the capital, but that in the vassal kingdoms the state possessed no land. However, the administration believed that necessary kingdom land could be obtained, as the local rulers of those areas seemed willing to cede the land, perhaps even without reimbursement (163). This 1872 reply indicates a clear recognition that the vast majority of land belonged to the Timorese, and that *the state would have to acquire land from them* by purchase or by request. Just a few decades later, this stance would change with the introduction of sweeping state claims to land that accompanied a turn-of-the-century rise in statecraft on Timor.

Over the following decades, the state established plantations that met with many technological, social and economic obstacles (1918, Cardoso 1937a, Martinho 1945, Silva 1897). Still, the focus of the colonial government's land administration remained on plantation crops, primarily coffee and coconuts, although the government introduced and trialled a wide range of other export crops and forestry species (Martinho 1945:135-149). The fact that three quarters of the coffee was owned and produced by native Timorese was a key motivation to develop a land- or tree-based tax rather than the head tax that was in place (123-127). From the later 1800s to the middle of the twentieth century, Portuguese land administration remained largely focused on controlling the labor, production, and tax in the productive coffee zones scattered throughout the district wherever sufficient rainfall and a suitable climate permitted.<sup>419</sup>

*Knowledge for governance: Governor's call to base Timor-specific land laws on local property regimes*

With anthropology's rise approaching the turn to the twentieth century, colonial powers demonstrated keen interest in local customs and how this newly gathered knowledge might facilitate governance (Cohn 1996). Notably, colonial contemporaries in British India and the Dutch East Indies married the goals of knowledge and governance, undertaking massive customary law and ethnography projects to document local traditions and to create a legal slot for them (Burns 1999, Cohn 1996, Furnivall 1956, Heesterman 1986, Tarling 1999). Increased perception of cultural difference led to a concern for the specificity of law and legal pluralism in colonial settings (Riles 2001), giving further definition to the distinction between natives and others. An important consequence of this attention to custom was "to demonstrate and validate difference" between European and native systems on many levels (Harwell 2000b:11), creating

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<sup>419</sup> The mountainous western districts of Ermera and Liquiça had (and have) the greatest concentration of coffee plantations, rural land certificates, and notorious multi-party disputes around titled land.

an enduring dichotomy expressed in distinct legal status and privileges based on race, origin, and acculturation (Furnivall 1956, Hooker 1978, Mamdani 1996, Young 1994).

In Portuguese Timor, similar ideas about the uniqueness of local practices and the utility of such knowledge for governance gave rise to rhetoric favoring Timor-specific land laws. In 1896, the broadly influential and controversial<sup>420</sup> governor José Celestino da Silva (1897), who was to be in power for an unusually long fourteen years (1894-1908), summarized the previous year's activities, describing recent military defeats, priorities and efforts in agriculture and coffee, and the recurrent rebellions and security challenges. He explained the Portuguese struggles to maintain control despite persistent Timorese resistance in a landscape and climate that favored the Timorese in conflicts (1897:3-36). In his view, it was necessary for the government to educate the natives and to teach them to grow coffee, which would reduce the uprisings (41-42). Nearing the close of the account, Silva linked culturally appropriate and Timor-specific land laws to economic growth and social stability when he stated:

But to give all the necessary development to agricultural progress, to maintain order, and to do away with warfare, more is needed than creating schools and model farms; we need to study the customary law of the people, the property regime; the practices and customs, and to promulgate special laws for them, because it is a grave error to believe that the laws that govern us or govern the kingdom can be applied to the blacks of Africa, to the Indians and to the Timorese; the social conditions, the property regime, the customs in Timor are quite

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<sup>420</sup> Governor Silva's activities elicited both accolades and scathing recriminations. Decades after his administration had ended, some hailed him as "the greatest governor that the colony has had to date" (Pinto Correia 1934:349) and credited him with the "definitive occupation and pacification" of Timor that permitted agricultural development and aimed to impede the deforestation that he presumed to be caused by indigenous swidden agriculture (Cardoso 1937a:30). A 1939 bust statue of him still found in a coffee processing plant courtyard in Fatubesi, Ermera district reads: "Creator of Development and Economy of Timor, Initiator of European Colonization," crediting him with the "Reconquest and Pacification of Timor" during 14 years of sacrifice (my translations). A severe critic detailed Silva's questionable land acquisition, sales, and personal profit, among other activities (Correia 1909:22-23, Correia 1911).



different from [those] in Portugal, which is why no one here respects and understands our laws, which are not applied because they are inapplicable; and because they are not applied, they have no influence. // The Timorese have become ferocious in the defense of their land, of their trees, of their fields; they have very exacting notions of property rights, and the thief is severely punished among them; but they do not understand that, to secure their rights, they need to register... [1897:42-43, my translation]<sup>421</sup>

Silva continued that the Timorese were prone to take up arms when their government disregarded their customs (43). As part of his prescription for civil peace, he recommended that military field leaders study local traditions for the education of those involved in leadership in Timor.

Governor Silva posited that locally-grounded land laws—distinct not only from Portugal, but also from other colonies—would aid the government in developing agriculture, maintaining civil order, and ending the persistent conflicts in Timor.<sup>422</sup> Later authors cited this portion of Silva’s exposition as inspiration and justification for their own ethnographic studies (Artur 1926, Pinto Correia 1934:349).

Two factors converging during this period were anthropological studies that sculpted an image of the Other as a discrete, knowable, and static object, and new impetus to modernize governance, which meant introducing new techniques and practices to improve diverse social and economic problems in colonial regimes (Scott 1998). In their time, Portuguese viewed Timorese “*estylas*” equivalent to tradition or “Malay *adat*” (Castro 1867:18), including sacred ceremonies and

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<sup>421</sup> The similarities of Silva’s comments here and more recent directives are striking. Nearly identical statements and trajectories—acknowledging local specificity of customary practice, desirous of local suitability, and the belief that land registration will offer more secure rights—would recur after East Timor’s independence a century later.

<sup>422</sup> Presumably, greater local legislative authority would also have allowed Silva to pursue his personal agendas in plantation development. See Fitzpatrick (2002:146) for more on the Silva family connections to coffee purchasing and export interests in Portuguese Timor.

leadership hierarchies (Moura 1937:476); such traditions could exist or be lost (475), more as defining characteristics than factors that could be revised or hybridized with new features (as is a more recent understanding of “tradition”). So long as these traditions existed, they could serve to facilitate the objectives of colonial administration (476).

*The 1901 Carta de Lei: Formalizing state claims and classifying indigenous land*

Governor Silva’s expectation for land laws specific to Timorese customary property regimes went unmet during his administration.<sup>423</sup> The 1901 *Carta de Lei* (Charter of Law), promulgated for seven Portuguese overseas possessions,<sup>424</sup> was the first document that defined the formal legal status of state and indigenous land (1924:1-17). A later governor praised this law for filling an important legal lacuna, as it defined indigenous property (by their cultivation and residence) and peremptorily affirmed the state’s dominion over overseas territories (146-147). The 1901 law focused on administration of state land, concessions in Portuguese overseas provinces, and nullification of previous concessions that contravened the new law (1924:1-17). The effect of this initial law was to stake state claim over the territory for the purposes of granting land concessions and to circumscribe forms of indigenous property.

The first article of the 1901 *Carta de Lei* opened by declaring all land as state property that was not already privately acquired according to Portuguese legislation (1924:1). The subsequent section (Articles 2-6), headed “Native property” (*Da propriedade dos indígenas*) recognized natives’ property rights to land which they habitually cultivated and to their residential areas

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<sup>423</sup> Increasingly specific land regulations governing Timor from 1901-1923 were compiled for publication (1924), a little-used source providing rare insight into Portuguese colonial perspectives on land regulation.

<sup>424</sup> The seven regions were Angola, Moçambique, Guiné, the Distrito Autónomo de Timor, S. Tomé and Príncipe, Estado da Índia, and Província de Cabo Verde.

(1924:1-2, my translation).<sup>425</sup> Article 3 guaranteed property transmission through succession according to non-specified local custom (in each of the various colonies), but required prior state administrative authorization for native land transfers to non-native people (2).<sup>426</sup> A decade later, then-Governor Câmara wrote that the 1901 law, sheltering native property under the permanent tutelage of the State and protecting “people of rudimentary civilization” from selling land “to satisfy a momentary caprice,” gave farmers heretofore unknown guarantees that permitted the development of indigenous property (1924:149-150, my translation).<sup>427</sup>

There was a provision for indigenous title-holders to receive freehold titles<sup>428</sup> to land cultivated for more than twenty years,<sup>429</sup> and the law nullified contracts made by indigenous leaders that contravened the present law, placing such land under the control of the state (1924:2). The

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<sup>425</sup> However, the executing regulation for Article 2 specified that if indigenous people ceased to cultivate their reserved land for more than one year, rights could revert to the state at the discretion of the provincial governor (1924:18); thus favoring permanent agriculture, this law afforded only tenuous recognition to the majority of people who practiced swidden agriculture that required periodic fallowing (Cardoso 1937a:30). Later interpretation of this law clarified that natives were permitted to cultivate land and to use it for residence, but that land remained in the direct domain of the state (1924:147).

<sup>426</sup> Such restriction on native land sale was common in Pacific colonial regulations around the turn to the twentieth century (Legge 1958, Rêgo 1966, Rodman 1995, Ward 1995). In the late 1800s, myriad sales, contracts, and other arrangements occurred between non-natives and natives; this raised concerns for some that natives would soon be left landless, thus disrupting native society and leading to widespread conflict over land (Legge 1958, Rodman 1987, Van Trease 1987, Ward 1995). It also created a bureaucratic nightmare, in which total area subject to conflicting land claims totalled more than twice the national territorial area in one instance (O'Meara 1995:115). Even where sale of native land to non-natives (“alienation”) was not forbidden outright, most colonizers sought to regulate or minimize this activity in the early 1900s to protect the commercial interests of their compatriots (from unclear tenure disputes), to assert state rights over “empty” customary land, or to co-opt traditional leaders by allowing designated chiefs to receive rentals (Larmour 1984, Rodman 1995, Ward 1995).

<sup>427</sup> He noted that the authors of the 1901 law were informed by the African colonial situation, so the law’s major contribution in Portuguese Africa was to regularize land concessions in the many plantations there. However, with few plantations in Timor, development of indigenous land was the most important effect (1924:149).

<sup>428</sup> The Portuguese *propriedade perfeita* is translated as *freehold* in English and *hak milik* in Indonesian (Programa de Legislação de Terras 2003:8).

<sup>429</sup> Although the law does not state so explicitly, this almost certainly was limited to permanent cultivation, and did not recognize the claims arising from swidden cultivation (cf. Larmour 1984:5-6).

remainder of the law outlined ambitious and detailed procedures of land classification, valuation, and demarcation in administering state land concessions (2-17). Articles 42-46 stated that only the following entities were eligible to receive such concessions: Portuguese citizens with the ability to make contracts; naturalized foreigners or qualified residents; Portuguese companies; administrative corporations; and Catholic missions (9-10). This law established natives in a separate legal and economic category regarding land, giving some recognition to customary practice while mandating state regulation of their land transactions.

### *Regulating indigenous land transactions*

The early stages of Portuguese land registration achieved more unintentional results than anticipated objectives. Portuguese promotion of native land registration was intended to permit development of a land tax and to extend plantation production. But illegitimate sales and unauthorized land transactions by Timorese soon became common enough to cause serious concern in the administration. According to a captain who spent twenty-five years in Timor (Martinho 1943:XXII), a cadastre proved impossible, as plantations were scattered across small plots, and demarcation was not feasible (Martinho 1945:125). Furthermore, those who did receive titles, for the purpose of extending their plantations, instead rented out their plots to farmers for growing staple crops—frustrating the state’s anticipated increase in plantations (126). The concessions were deemed “causes of disorder, without any benefit to the State or for the people” (126-127, my translation). He described native land sales as threatening to Portuguese sovereignty, because some native chiefs sold land to both natives and foreigners; in adopting the methods of formal land transactions to create documents that became the basis for rights that the State then had to recognize (Martinho 1943:230-231). It was the natives’ (unauthorized) use of the state-introduced modality of recording land transactions that the Portuguese governors had to

halt, lest the state be forced to recognize the autonomous transactions. Since the state could not halt these actions, it sought to regulate the sales and to control the paperwork.<sup>430</sup>

Colonial policies to regulate indigenous land took shape under Governor Filomeno da Câmara Melo Cabral (1911-1917). He avidly pursued state registration of customary land, frequently citing the protective, fostering role of the state for the native population and the contribution that (plantation) land formalization would make to agricultural development, with the hoped-for accompanying side benefit of civil stability.

In July 1911, a Dili government edict (*Portaria* no. 144) enacted the governor's (new) ability to authorize the sale of indigenous land to non-indigenous people (1924:134-135), providing that the buyer would "clearly demonstrate the intent to protect the native and also the rights of the state," to contribute to the colony's economic development (135, my translation). However, this process of bringing indigenous Timorese into the realm of formal land registration—previously limited to non-native commercial interests (1924:9-10)—was predicated on a clear identity for "native" which did not exist in that context. There were many ambiguities arising from legal dualism based on socio-racial classifications and rhetorical support for customary law. Cited incidents involved people who claimed to be indigenous<sup>431</sup> in order to purchase land from (other) natives, but rejected this classification when it came to paying the native head tax (134).

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<sup>430</sup> See Ward (1995b) and Larmour (1984) for similar actions in other Pacific colonies. Riles (2004a) discussed how part-Europeans took hold of the land registration practices in Fiji as a way of guaranteeing their otherwise precarious claims to land.

<sup>431</sup> The edict explained that when the law uses the term "*indigena*, it is not generally limited to the etymological significance but also designates a certain social state," and that registration itself did not guarantee natives' property, since by law, indigenous property was only that which they habitually cultivated (1924:134, my translation).

The 1911 edict decried cases of state-unauthorized land sales presented for registration. The edict declared that the act of writing or registering native claims did not serve to guarantee their property rights already restricted by the 1901 law, and that those who made use of written property transmission automatically departed from Timorese customs (1924:135); apparently, implicit in the Portuguese definition of customary law was its unwritten state. Written indigenous property transactions could not be authorized by law, as the state could only respect customary practices, “that, if not codified, are tacitly approved in all that is not contrary to the morality and progress of this province” (134, my translation). The edict specified that native-to-native property transactions were only legal when fulfilling customary purposes of habitual cultivation, and that such actions could not be written or registered without prior governor authorization (135). This edict made it illegal for natives to independently record their land claims and transactions—in the same week the state devised increasingly elaborate mechanisms governing the administration of state land concessions (135-140). In 1913, Decree no. 222 required prior authorization for indigenous agriculture on state land, said to imply recognition of state dominion over the land (1924:143). By defining what was “customary” in a way that prohibited written native claims, the state strengthened its legal position vis-à-vis native people.

#### *Land tax and indigenous title*

The rebellions across Portuguese Timor that ended around 1912 were caused in part by an overly burdensome head tax (Martinho 1945:114). Pragmatically, Martinho noted that giving title to native property under permanent use would make possible (instead) a profitable land tax; titling would discourage the Timorese from hiding or hindering the necessary cadastral work on the properties (1945:121), and hopefully arrive at more accurate property records (122).

In 1914, Governor Câmara's administration promulgated an extended exposition on the implications of existing laws on indigenous property and the need for a native property registry (1924:146-156). Câmara explained that in the customary system, land belonged to indigenous leaders whom the Portuguese believed collected a tax-like tribute from cultivators before colonial land administration (1924:148, Martinho 1945:117-118). However, colonial governors held that this practice should have disappeared, abolished by the 1901 *Carta de Lei* "that only recognized for the natives, without distinction, the usufruct of the lands they cultivate," with the advent of Portuguese rule in Timor and the state's unique right to collect tax (1924:148, my translation).<sup>432</sup> According to Câmara, as native leaders became resigned to losing their land tax, they began to sell the land for small sums, sometimes making contracts that considered the plants separate from the land they occupied (149).<sup>433</sup>

Still seeking to expand plantation development, Governor Câmara's Portaria No. 193 of 1914 established a new class of indigenous title (1924:146-156), as "none of the seigniorial property rights of the State were invented for the races that populate our colonies" (1924:146, my translation). Câmara justified state oversight of native/non-native land transactions because of

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<sup>432</sup> The solution was to remove the special status of the native chiefs, giving them the same standing before the law as common people, as "simple occupiers of the land that they cultivate; cultivation represented a guarantee of possession" for all under the new policies (Martinho 1943:231, my translation). In 1910, tailoring Lisbon's land concession laws to local circumstances, the Dili government had decreed that an indigenous person must personally cultivate at least half the claimed area or live in the claimed house for a property claim to be valid (1924:130-134); this restriction limited extensive claims by customary authorities. Martinho also viewed land regulation as a great incentive for agricultural development, especially in planting coffee, as the new legislation permitted land contracts (formerly prohibited under native custom, he said), defended the land from outsiders' ambitions, and was responsible for the native chiefs "ceasing to dictate the law" (1943:231-232, my translation).

<sup>433</sup> The governor took a dim view of separately transacting or owning land and the plants or structures on it, known as horizontal separation (1924:156-157). Disallowed in most Western law, horizontal separation is a common feature of customary systems in the Asia-Pacific region (Peluso 2003, Van Trease 1987, Ward and Kingdon 1995b). Harsono cited the allowance of separate ownership as evidence that Indonesia's Basic Agrarian Law was based on customary law, in contradistinction to Dutch law (1999:20). The Portuguese interpreted separate transaction of plants as strategic evasion of the restrictions on native land sales (1924:152-153); Article 6 of Portaria No. 193 of 1914 acknowledged that customary practices permitted horizontal separation, but legislated government authority over the sale of plants and negation of horizontal separation (157). Recent studies in East Timor indicate that separable rights remain common in East Timor (Urresta and Nixon 2004:29).

the state's responsibility for native tutelage and protection under the law (147). The governor anticipated that Timor's economic progress depended on agricultural development both of cultivated native land and of concession plantations on uncultivated land, which would in turn stimulate native agriculture (151). "The principal concern of public administration must be, in summary, the development of indigenous agriculture with the double end of developing wealth and political security" (151, my translation). He (again) nullified all contracts between indigenous and non-indigenous people, whether over land, plants, or constructions, made without government authorization (156-157).

In order to reduce irregularities and invalid contracts, Câmara ordered administrative officials to begin a "Book of Registry of Native Property" to record agricultural and residential land uses; natives acquiring the usufructuary indigenous *alvará* (certificate) were to pay fees amounting to 1% of the property's sale value (1924:159, my translation). Câmara posited that a registry would result in more effective development and give the natives greater awareness of their rights and of the value of property (155-156); others noted that the indigenous recognition also aimed to quell native rebellion and to demonstrate colonial land authority (Dores Soares 1989:11-12). Câmara stated that Portuguese Timor was on a path of evolution and individualization of property that would soon make Timor a striking example of state-propelled native development (1924:156). The Bureau of Agricultural and Commercial Promotion, or its intermediaries of military commanders, would administer requests to register indigenous properties (159-160), completing a published form that identified the individual registrant and the property (161). In 1916, anticipating that official land demarcation would strengthen the guarantees for the natives, Câmara ordered definitive native land demarcation: the military commanders were to advise "indigenous owners or native chiefs who know the location best" to be present for the demarcation on the indicated day and hour (168, my translation); failure to cooperate would result in a fine (170).



### *Minimal progress in land registration*

Despite these regulations, Timorese were apparently reluctant to register their properties.<sup>434</sup> In 1918, an interim governor again ordered the Development Bureau to “promote with urgency the registry of communal and individual indigenous properties” (1924:170, my translation).<sup>435</sup> The economic toll of the First World War created pressure on the military commanders to increase agricultural production through increased plantation development (1918:144-145). Building on Câmara’s legacy of confidence in land registration as boosting agricultural development, they sought to draw Timorese into the formal system. The government urged regional commanders to convey the “beneficial and protective action of our laws, making them see the advantages of legalizing their land possession” (145, my translation). The interim governor subsequently visited at least four rural districts (172-179) and publicly asked customary leaders a series of questions in each location, culminating with, “Do you want the Government to guarantee you the possession of this property [of cash crop plantations] with documents, in the conditions the military commanders have so often explained to you?” (173, my translation). In each case, the native leaders reportedly showed enthusiasm for this proposal, requesting that land be registered as communal or individual property as under Governor Câmara, and signed documents to this effect (173-179).

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<sup>434</sup> No reasons for such reluctance are given, but it could be linked to avoiding the planned land tax, or perceived loss of power of customary authorities who then did not support the legislation. Martinho noted that such property registry, detailed as it was, had null value to the Timorese (1945:127), whose land security came from customary recognition.

<sup>435</sup> The debate over whether the state should enforce communal property regimes or promote individual/family ownership of property raged on for decades in Portuguese Timor, with each administration undoing the classification of its predecessor (Martinho 1945:117-134). Observing the feasibility of implementing plantation on communal or individual properties through various administrations, Martinho was firmly convinced that communal property holding was foreign to Timorese tradition and completely unworkable (119, 129). He believed that registering land in individuals or families was was “more harmonious with the mentality of Timorese people” (127, my translation).

Despite these intentions and promotional initiatives, the Portuguese administration had little financial or administrative capacity to carry out land registration. By the end of Portuguese rule in 1975, the government had issued an estimated 2,709 titles, of which 55% were in Dili district and 25% were in three coffee-producing districts (of thirteen districts) (Land and Property 2002, Sousa Xavier 2001:102, Suryosuwarno 1993:6).<sup>436</sup> After an initial wave of land registration, the Portuguese administration had several decades of economic and bureaucratic lethargy, and land titling slowed to a near halt.<sup>437</sup> The formal distinction of indigenous people remained until political, social, and legal changes in the 1950s and 1960s declared Timor an overseas province (rather than a colony) and new legislation eliminated the separate status of native and non-natives, making obsolete the indigenous *alvará* established in 1914 (Dores Soares 1989, Fitzpatrick 2002:153, Suryosuwarno 1993, Susanto 1994/1995).<sup>438</sup> A second wave of Portuguese land titling accompanied economic recovery and development efforts from the 1950s onward.<sup>439</sup>

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<sup>436</sup> Other estimates for the total number of Portuguese titles are 2843 (Cruz 1999:44) and 2850 (Suryosuwarno 1993:6). For the 1900-1975 period, Susanto (1994/1995:20) and Suryosuwarno (1993:10) noted that approximately 26% of total *alvará*—including native and non-native, urban and rural—were issued in the 1910s, followed by the 1960s (20%), 1950s (18%), and 1970-1975 (16%). Approximately 39% of registered Portuguese titles were held by people classified as Chinese, largely traders (Suryosuwarno 1993:5).

<sup>437</sup> Only 444 *alvará*, 16% of the total, were issued between 1920 and 1950 (Suryosuwarno 1993:10). There was limited land surveying associated with titling during the 1930s (Duarte 1930:312).

<sup>438</sup> In 1951, Marcelo Caetano, who served as Portugal's colonial minister and future prime minister (1968-74) described the principle of colonial "political unity": "The population is composed of two juridical classes: the citizens and the natives. The law considers the indigenous those individuals of the black race [also referring to African colonies] or their descendants who by their attainments and customs are indistinguishable from the commoners of their race. Legally, there are indigenous people in Guiné, S. Tomé and Príncipe, Angola, Moçambique and Timor. In Cabo Verde, Índia and Macau, as in the Metrópole [Portugal], there are only citizens. The indigenous states protects the natives still tied to their traditional conceptions against the inconveniences from application of a European-type law that they do not understand and which would do violence to their habits. An indigenous person who acquires European mentality and customs becomes a citizen and participates in the civic life of the Portuguese Nation" (1951:29-30, my translation).

<sup>439</sup> At least two-thirds of *alvará* were issued before legal distinctions between native and non-native were eliminated (Suryosuwarno 1993:10).

### ***The brother's return: Indonesian projects of political-legal integration and development***

Following the 1974 decline of Portuguese power in East Timor and a declaration of independence in 1975, Indonesia occupied the territory and declared it a province in 1976. During the early years of Indonesian rule, most of the local population was displaced: many lived in the mountains or were relocated in government settlement schemes, and others left East Timor (Aditjondro 1994, Budiardjo and Liong 1984, Fitzpatrick 2002, Ramos-Horta 1987, Taylor 1999). The circumstances of Indonesian rule in East Timor led the administration to mute political and historical differences between formerly Dutch Indonesia and Portuguese Timor, instead projecting innate similarities and continuities between the East Timorese and Indonesian nationals in official rhetoric, including a common history of shedding European colonialism (1992:iv-vi); it sought to refute the “allegation that the East Timorese are different from other Indonesians” (vi). Nostalgically framing Timor as an historic part of the fourteenth-century Javanese Majapahit empire portrayed East Timor as a younger sibling returning to its natural family, with centuries of separate colonial influence and the 1975 declaration of independence aberrant departures from a long-standing, idealized unity (Department of Information 1981:7). The public face of Indonesian administration replaced Portuguese paternalism with the guiding hand of an elder sibling.

#### *Writing East Timor into the realm of adat study*

The political objective of Indonesia's presence in East Timor was expressed in the term *integrasi*; legally, this integration entailed making East Timor subject to the laws of Indonesia. Indonesian land policy was strongly influenced by a colonial Dutch project to describe and to classify the

diverse *adat* (customary) practices across the archipelago.<sup>440</sup> Widespread interest in Indonesian *adat* was extended to East Timor, enveloping the new province within the historic realm of *adat* scholarship and spawning numerous studies by government departments and academics of what was classified as customary law, including land practices.<sup>441</sup>

Converting Portuguese-era customary rights to Indonesian forms entailed harmonizing East Timorese circumstances with the *adat* study legacy and bringing customary land within the legal bounds of the Basic Agrarian Law. Drawing East Timor into the Dutch-Indonesian *adat* land discourse, numerous Indonesian-era reports noted that the Portuguese regime produced few accounts of customary landholding, identifying aspects of traditional land use, authority, and transactions and often highlighting their similarity to traditional practices or structures in neighboring areas (Sumardjono et al. 1994/1995, Suryosuwarno 1993, Susanto 1994/1995, Syamsudin et al. 1998, Ubbe 1995/1996, Wiludjeng 1998). Several students examined Timorese rural land authorities and how *adat* tenure and practices might be reconciled and recognized within the Basic Agrarian law (Pereira 1996, Sousa Xavier 1997, Tilman Soares 1998). These

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<sup>440</sup> The place of *adat* in the Dutch East Indies and the subsequent Indonesian state has been a matter of sustained scholarly attention for more than a century. Motivated by concern for political recognition for natives, Professor Cornelis van Vollenhoven's systematic study and classifications of *adat* in the early twentieth century were instrumental in creating an enduring rhetorical space for local practices' part in colonial and post-colonial governance (Benda-Beckmann and Benda-Beckmann 1999, Evers 1995, Holleman 1981, Hooker 1978, Slaats 1999, Sonius 1981, ter Haar 1948). The extreme variability of traditions found across Dutch territories in van Vollenhoven's documentation projects made it impossible for formal law to simply mirror existing practice. Instead, the state came to treat custom as a separate, functioning system, establishing a pluralism in which different legal schema applied to different social classes, regions, and circumstances. Burns (1989, 1999) analyzed how van Vollenhoven's codification project and its subsequent forms won a measure of acknowledgment for *adat*, but ultimately failed to bring substantive recognition for customary systems. Regarding the *adat* legacy for land in modern Indonesia, Harsono wrote that customary law served as the foundation for national land law because customary law was the original law, though it needed to be modified to meet the demands of the modern era (1999:163, 177). While Indonesia's Basic Agrarian Law of 1960 was said to be based on *adat*, in practice the recognition afforded to customary landholding was weak, especially in relation to state claims (Campbell 1999:1, Fitzpatrick 1998, Fitzpatrick 2002:126-134, Li 1996, Peluso and Vandergeest 2001, Zerner 1992).

<sup>441</sup> As access to East Timor was restricted under the region's special military status, Timorese or Indonesian scholars and officials from other islands authored most publications concerning Timorese land practices from the Indonesian era.

studies focused on how Timorese customs could be accommodated within the national law, not on how the national law might be suited to Timorese practice.

### *Legal integration for security and development*

The Indonesian state viewed land studies and regularized land law as critical in achieving political security in East Timor. East Timor's unique status within Indonesia of not having the Dutch colonial legal heritage, complete with a Portuguese land registry and colonial policies unfamiliar to the Indonesians, was deemed an important point of difference that had to be eliminated to support the province's full inclusion within Indonesia. An early government-commissioned report charged with making recommendations on land policy specifically stated that land and land law studies were necessary in order to facilitate the full integration of East Timor into Indonesia (Republik Indonesia Departemen Dalam Negeri 1984:1-4). The explicit purpose of the research was to *find similarities* among Indonesian, Portuguese, and East Timorese *adat* laws regarding land, in order to resolve the legal discrepancies created by the political merger (4). East Timor's governor charged the Indonesian research team to make these studies for security reasons, believing that "settling the land problem will contribute much in assisting the implementation of stability and community order" (Republik Indonesia Departemen Dalam Negeri 1984:ii, my translation). The report's chief recommendation was the conversion of both Portuguese and *adat* claims to Indonesian law (30-34).<sup>442</sup>

Government publications demonstrated sustained state efforts to highlight the development projects of the state, and thus to legitimize East Timor's incorporation into Indonesia (Department

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<sup>442</sup> Indonesia's Basic Agrarian Law of 1960 converted "all existing statutory rights, and most *adat* rights, into a range of Western-style, registrable land rights...[explaining] that these rights are based upon *adat* law" (Fitzpatrick 1997:172-173), the model intended for East Timor.

of Information 1981, Provincial Government of East Timor 1986, Public Relations Bureau 1990). Massive state investment in infrastructure, education, and socio-economic activities in East Timor was frequently emphasized; providing “the largest amount of development funds on a per capita basis” of any part of Indonesia was said to illustrate the government’s commitment to the province and to deflect international criticism of East Timor’s integration (Department of Foreign Affairs 1992:iv). Land formalization conflated goals of agricultural development, social incorporation, and political legitimation:

Land ownership, use and especially increase in productivity have been a top priority of the development efforts in East Timor. A detailed survey of the entire arable territory has been under way for more than a decade. Nearly 1,000 certificates of land ownership have been distributed to residents of the Dili area alone. The purpose of distributing land ownership certificates is to encourage stability and continuity in land cultivation, which is vital if productivity is to increase and modern practices of soil conservation instituted.<sup>443</sup> The distribution of land ownership also has differed markedly from the colonial period when certificates were doled out parsimoniously and then almost entirely to Portuguese settlers or their descendants. [Department of Foreign Affairs, 1992:14]

*Implementing land formalization: title conversion and harmonizing adat*

Initially, the Indonesian military administered land, acquiring and re-allocating properties under the auspices of the problematic 1979 SKEP 40 decree (Fitzpatrick 2002:116-119); not limited to urban areas, seizure of plantation land incited farmers’ resistance (Mubyarto et al. 1990/91:20-

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<sup>443</sup> Note that titles issued refer to urban Dili, but justifications link certification to improving rural agricultural practices, in keeping with the “development” theme of Indonesian political rhetoric regarding East Timor.

21). Military control gave way to civilian oversight during the 1980s (Fitzpatrick 2002:94). The imperative of legal-political integration with Indonesia gradually took shape in a provincial land office and in laws meant to convert<sup>444</sup> Portuguese categories to equivalent Indonesian titles. In 1981, ten East Timorese began working in the provincial land office, joined in 1982 by 62 East Timorese received training in land administration (Antonio Caraceras, pers. com., 20 June 2004),<sup>445</sup> and soon after the Land Office began applying the Indonesian Basic Agrarian Law in a titling program (PRONA), a program that achieved less titling than anticipated (Slaats 1999:97-98, Suryosuwarno 1993:1, Susanto 1994/1995:27). The Indonesian government issued approximately 44,091 to 46,800 land certificates by 1998, of which at least one fourth were in Dili (Fitzpatrick 2002:95, Sousa Xavier 2001:102).

However, this work was limited to land which had no previous rights assigned (Suryosuwarno 1993:11), and residual Portuguese titles continued to cause unrest—an indigenous *alvará* was blamed for contributing to a riot in peri-urban Dili in 1990, and compensation claims mounted for land used in government programs (25-26). The 1991 Indonesian Government Regulation #18 mandating conversion of Portuguese rights was intended to permit full implementation of the Basic Agrarian Law in East Timor. Timorese leaders' rejection of the conversion law—seen to convert Portuguese rights to lesser rights, and without adequate consideration for Portuguese title-holders who had left Timor—forced its postponement by Regulation #34/1992 (24). The challenges of title conversion drew a great deal of interest among Timorese land department staff, despite the relatively few formal certificates issued during the Portuguese era; many writings on

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<sup>444</sup> The Indonesian term for convert, *konversi*, implies a relatively straightforward translation to an equivalent status. In practice, the process proved much more problematic (Cruz 1999, da Silva 1997, Guterres 1991, Silva 1999).

<sup>445</sup> Many individuals from this initial group, trained in Indonesian land administration, later formed a leadership core of the Land and Property office in independent East Timor. In 1996, there were 282 Land Office staff in East Timor (Baisaku 1996:45). In 2003, there were fewer than 63 staff (Pedro de Sousa Xavier, pers. com., 18 June 2003).

land in East Timor addressed the legal, logistical, and socio-economic problems encountered in implementation (Baisaku 1996, Cruz 1999, Dores Soares 1989, Guterres 1991, Silva 1997, Silva 1999, Tahapary 1999). In all, only 142 Portuguese titles were ever formally converted to Indonesian titles (Fitzpatrick 2002:158-159).

Legal conversion of *adat* rights according to the 1991 and 1992 laws entailed oral testimony, investigation by a state-mandated Customary Rights Evidence Organization (LKHA), and approval by several layers of government officials (Suryosuwarno 1993:22). The provincial land office was not able to carry out this conversion, as local customary authorities did not form LKHA (Baisaku 1996:24, Silva 1999, Suryosuwarno 1993:27, Susanto 1994/1995:43); by August 1996, only one of thirteen districts had formed a LKHA (Baisaku 1996:77).<sup>446</sup> Even by the late 1990s, the Indonesian government had limited success in bringing customary land into the purview of state land administration. Formal transactions on rural land remained rare; Timorese cited the cost and perceived inutility of titling, the belief that titles were restricted to prominent individuals or institutions, and lack of confidence in written titles relative to the more public recognition of customary authorities (Faculty of Law 2000, Fakultas Hukum 2000, Silva 1999).<sup>447</sup> Legal mechanisms for specifying and converting *adat* rights in the Basic Agrarian Law are not straightforward (Fitzpatrick 2002:129-130, Warren 1993, Zerner 2003a). As during Portuguese times, the lack of administrative clarity and social compliance allowed customary law to persist beyond the reach of the state. Some warned that unrest arising from misunderstanding and

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<sup>446</sup> Public officials in independent East Timor frequently cite such non-implementation of Indonesian regulations as voiding Indonesian bureaucratic classifications. For example, in an October 2003 public meeting with representatives from agriculture and land departments, Ministry of Forestry staff countered comments that most customary land was legally state property, classified as Indonesian state forest, since the requisite measurements and designations had not been conducted.

<sup>447</sup> Many of those who did acquire titles were local elites and others affiliated with the Indonesian government (Fitzpatrick 2002). One long-term district-based land officer told me that the coverage of land titling could serve as a map of the political sentiments of an area's residents.



mishandling land issues would be an “expensive” loss for the success of the integration of East Timor within Indonesia (Suryosuwarno 1993:29, my translation).

Significantly, focusing law and policy attention on the minutiae of the largely unimplemented conversion of relatively few Portuguese titles sidestepped and obscured the matter of the sweeping *state* land claims of the Portuguese or Indonesian administrations. One study portrayed the elimination of the indigenous *alvará* in 1966 not as a socially progressive measure to abolish legal distinctions between Europeans and Timorese, but rather as a colonial state strategy to usurp land rights of the native Timorese (Susanto 1994/1995:44-46). As elsewhere in Indonesia, the state claimed a significant portion of East Timor’s territory (Fitzpatrick 2002:127-128): by 1995, the provincial land office identified 69.6% of the land area in seven rural districts in western East Timor as cultivated or empty state land, just 7.4% as communal traditional land (in only two of seven districts), 1.7% as titled, and no land as *adat* land (Baisaku 1996:38, my translation).<sup>448</sup> The simultaneous claims by the state and by rural people to vast areas remained an unresolved contradiction at the end of both Portuguese and Indonesian administrations.

### ***The “land crisis” of the UN transitional administration and independent East Timor***

The August 30, 1999 referendum that determined East Timorese independence was surrounded by massive property destruction and human dislocation (Fitzpatrick 2002:5-7). Many of East Timor’s homes and public buildings were looted and burned, and nearly all the records in the national Land Office were removed from East Timor or destroyed (du Plessis and Leckie 2000, Elderton 2002, Fitzpatrick 2002:6-7).

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<sup>448</sup> No classification status is mentioned for the remaining 21.3% of land in these districts. Figures for Oecusse (Ambeno) were given as follows: 396 ha under certificates; 4935.8 ha cultivated state land, and 10,988.2 ha of empty state land (Baisaku 1996:38).

During the emergency phase of refugee return and acute housing shortage from late 1999 into 2001, international advisors focused on crisis issues of emergency shelter, preventing violent land conflicts, and creating a foundation of land policy and land administration systems. Ad hoc resettlement by people who had lost their homes, disputes arising as some people relocated to their pre-1975 locations, and opportunistic claims of any habitable structure drew attention as potential sources of civil unrest (du Plessis and Leckie 2000, National Land and Property Office and Office of the National Security Advisor 2001). During the United Nations transitional administration (UNTAET, 1999-2002) and the first years of the independent government, the Land and Property unit focused primarily on urban issues and management of government properties. Customary and state claims to rural land were portrayed as less pressing than conflicts arising from previously titled areas, although as most land remained unregistered, some recognized that customary tenure policies ultimately carried great importance for the majority, still rural, of East Timorese (Fitzpatrick 2002:167, National Land and Property Office and Office of the National Security Advisor 2001:3).

*Selective urgency: Social stability, economic development, and state claims*

During UNTAET and early independent administrations, advisors identified the resolution of certain land issues as exceptionally problematic and urgent to permit social stability and economic growth.<sup>449</sup> Multiple agencies named land tenure insecurity and the lack of formal property system as primary culprits limiting East Timor's recovery (Marquardt, Unruh, and Heron 2002, Planning Commission 2002:177, Saldanha et al. 2002:2, United Nations country team 2000:45, United Nations Development Program 2002:68, Urresta and Nixon 2004:1).<sup>450</sup> A

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<sup>449</sup> Meijl (1999) and Saldanha (2002) query the linkage between property formalization and economic improvement; cf. World Bank (2003).

National Security Office report identified tenure or title insecurity as the major source for internal civil unrest in the short and long terms (National Land and Property Office and Office of the National Security Advisor 2001).<sup>451</sup> The “insecurity” referred to is multi-dimensional, but largely concerned with state knowledge or control of East Timor’s land situation: political-legal indecision over the status and legitimacy of land titles previously issued by Portuguese and Indonesian administrations; loss of government records; widespread unregulated resettlement of abandoned houses; and conflicting claims, often politically motivated, to others’ property. Despite the fact that East Timor had never in its history had a fully functioning or transparent land administration system, the 1999 crisis was seen as novel, largely because of the opportunistic housing occupation that occurred around the capital. By March 2000, one Timorese resistance leader estimated that as many as half the “houses in Dili were occupied by people other than their pre 30 August 1999 owners” (Fitzpatrick 2002:6). All these concerns were amplified in Dili, where most international observers spent their time, as the reconstruction era’s bubble economy swelled the largely destroyed city’s population.<sup>452</sup>

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<sup>450</sup> Fitzpatrick (2002:4) summed up the litany of issues that concerned land administrators: “This uncertainty has arisen...[since] although there is a comprehensive framework for temporary allocation of public and abandoned properties, there is still no effective regulation of privately held land.” The main elements lacking concerned administrator’s abilities to know about and to control properties: “There is no functioning land registry, no system to record or verify private land transactions, no effective regime to govern foreign interests in land, no untangling of *ad hoc* housing occupation by returning refugees and no framework to determine competing claims to land. ...In short, a chaotic, informal and often unlawful land market has developed rapidly, particularly in Dili...” (4).

<sup>451</sup> Empirically, past land formalization apparently increased, rather than decreased, land conflict in the course of political transition.

<sup>452</sup> Notably, observers’ concerns, predictions, and ominous forecasts that that this “uncertainty” would break out in large-scale civil unrest throughout East Timor has not come to pass. This is due in part to public education about housing and property issues and an exceptional openness in the Directorate of Land and Property to discuss the matters in well-attended public meetings throughout the country. In urban areas, primarily Dili, Land and Property is undertaking orderly procedures to clarify residents’ identities and ownership histories of urban properties. In many or most rural areas, state-mediated property claims were largely untouched by the 1999 political transition; villagers have never had land titles, so they have no conflict of certificates. In 2001, one customary and political leader in Los Palos, Lautem district made this comment to me regarding land security: “What good is a piece of paper that none of us can read? The best security is that all my neighbors and other people in the village know that this land is mine and that that field there belongs to someone else.”

Economic effects were just as dire: “property chaos” deterred foreign investment,<sup>453</sup> inhibited taxation, and risked civil disturbances; tenure uncertainty was deemed the most serious threat to national security (Office of the National Security Advisor 2001:4, 11). In this urgent atmosphere, the UN commissioned more than seven consultant reports that outlined the range of social and legal land-related issues anticipated in East Timor and proposed resolution options; a summary of these reports reiterated that the absence of a land registry and legal uncertainty over land ownership were contributing factors to “the climate of social instability” and “fundamental obstacles to commercial activity, investment and economic development” (Brown 2001:1).

As in previous regimes, the first post-Indonesian land regulations gave broad authority to the central administration. Upon taking power in October 1999, UNTAET established policies relating to property. Section 7 of UNTAET’s first regulation (no. 1999/1) declared that all previous Indonesian state property and abandoned private properties came under the administrative jurisdiction of UNTAET (United Nations Transitional Administration in East Timor 2000b:3). Regulation no. 2000/27 prohibited land transactions by Indonesian citizens and corporations (United Nations Transitional Administration in East Timor 2000a:155). As it appeared that resolving the Portuguese and Indonesian land claims would already be complex, these regulations aimed to prevent another level of claims from developing from ongoing transactions among private citizens. Regulation no. 1999/1/3 mandated that Indonesian law

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<sup>453</sup> Foreign investors are widely believed to require some measure of certainty that their investment will be able to proceed unmolested by property disputes. Whether land titles provide meaningful “security” to farmers (in the sense that a titleholder’s landownership will go undisputed) has been the subject of much debate regarding economic development; recent studies indicate that titles are considerably less important than previously believed, with some economists suggesting that titling programs be abandoned (World Bank 2003).

remained in force until replaced by subsequent legislation (United Nations Transitional Administration in East Timor 2000b:2).<sup>454</sup>

After independence, East Timor's first land law (2003a) declared formerly Portuguese and Indonesian state property<sup>455</sup> to be property of the state of East Timor—potentially, but not explicitly, including extensive territorial state claims of previous regimes that overlay customary areas, thus replicating the dispossession of rural East Timorese.<sup>456</sup> Administering state claims was a central activity of the post-Indonesian Land and Property administrations, including nationwide inventories of state properties from late 1999 to 2002 and the highly visible labeling of state buildings (prominently spray-painted with *Uma Estado* [state house/building] and an identifying number) mandated and sporadically executed in 2003.

*Land dispute resolution: A space for customary systems*

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<sup>454</sup> In practice, however, government officials in independent East Timor consistently emphasized the need for new laws rather than applying Indonesian laws (Meitzner Yoder 2003:21).

<sup>455</sup> Questions of just, non-compulsory acquisition and fair compensation to customary owners surround many of the state properties in East Timor. It is notable that some widely circulated copies of the *proposed* law (including those distributed in nationwide public presentations about the law into early 2003) defined state properties as all those owned by the Portuguese state in 1975 (Article 4, 1a) and those acquired or constructed by public entities between 1975 and independence in 2002 (Article 4, 1b); however, the proposed (1b) clause concerning Indonesian-era acquisitions was eliminated by Parliament in November 2002 and did not appear in the final published law of March 2003. Acquisitions and constructions by public entities between 1975 and 2002 were instead treated in Article 16, which declared that such properties reverted to the state. Curiously, the land law's preamble opens: "The occupation of Timor-Leste, between 1975 and 1999, was an illegal act, internationally recognized...." The fate of Indonesian-era state properties is significant: of the 762 government properties identified in the Oecusse enclave district in 2002, just 6% became state property during the Portuguese era, and the remaining 94% were acquired by the state during Indonesian times. Most of these were associated with state-sponsored infrastructure development of schools, health clinics, and housing for civil servants.

<sup>456</sup> The conflict of state and customary claims is not mentioned in the law. It does not seem that the law's intent was to assert or to secure past state claims of this nature, but nothing in the law would prevent it from being used in such a way. Past Portuguese and Indonesian state claims of this nature are ambiguous in their own right (Evers 1995, Fitzpatrick 1997, Fitzpatrick 1998); thus, the inherent difficulty of their enforcement may provide a measure of protection to customary landowners.

In October 2000, East Timorese national political leadership countered the international urgency to re-establish land registry during the transitional period of UN administration by deferring definitive decisions on land rights until after full political independence (Elderton 2002:14, Land Disputes Office 2001:10, Sousa Xavier 2001:102), which occurred in May 2002.<sup>457</sup> International advisors considered the delay unwise (Fitzpatrick 2002:197-199, Office of the National Security Advisor 2001:4, 9). While the UN Land and Property Unit was permitted to record private land claims, including those based on customary rights, it could not make binding decisions on contested claims (Elderton 2002:11). The matter of customary recognition “was left in abeyance, and subsumed by the dominant discussion surrounding the development of the land administration system which...revolved around the competing legitimacy of Portuguese and Indonesian era titles” (Elderton 2002:12)—although titles were few in number and covered a tiny, if lucrative, proportion of East Timor’s area. Redressing the sweeping Portuguese and Indonesian *state* claims to (untitled) rural land, largely considered customary property by rural residents, was not considered as urgent as sorting out ownership of previously titled properties. Reasons for this prioritization of titled land are multiple: the perceived threats of violence from property disputes was deemed to be greatest—or at least most disturbing and visible to the government—in the capital of Dili; the expertise of lawyers, technicians, and consultants regarding land issues revolved largely around formal land administration rather than customary claims; formalizing the urban situation seemed to be simpler and to offer greater advantages of rent income (from both Timorese and internationals) to the government than addressing rural areas.<sup>458</sup> In a newly independent context with a new government born through national trauma, framing the main land

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<sup>457</sup> Examining new state officials’ and local elites’ intentional postponement of rural land decisions in post-conflict Mozambique, West (1996) offered many possible reasons for imposing such delay: avoiding interruption to agricultural production, averting political risks associated with confronting land inequities, holding land “as a playing card for a later date—perhaps to appease [guerrilla groups], to accommodate demobilised soldiers, or to attract foreign investment” (37), preventing loss of ruling elites’ own property in land reform, or anticipating opportunities for personal gain in the climate of uncertainty.

<sup>458</sup> Another important aspect is the extreme Dili-centrism of the post-1999 economic and political life in East Timor, which neglected “the districts” and rural priorities in nearly every sector.

issues as between two unpopular former rulers (e.g., 2003b) was also more politically acceptable than raising the thornier and less popular issue of state claims to rural people's land.

Without a mandate to carry out formal title registry, one of the core activities of the UNTAET Land and Property Unit became assisting in land dispute mediation, working with East Timorese district officers and local leaders. The Land and Property Unit guidelines stated that "every dispute over private property should first proceed through traditional attempts,<sup>459</sup> where the Land Dispute Officer will act as an observer," only resorting to government-mediated resolution if customary mechanisms failed (Land Disputes Office 2001:29).<sup>460</sup> Formally involving local authorities in land dispute settlements, seen as necessary to ensure legitimacy and to resolve cases outside of East Timor's nascent court system, created a novel place for customary mechanisms within the state's developing land policies. After independence, most district land officers continued to insist that disputing parties attempt resolution by customary means before attempting state intervention (Meitzner Yoder 2003:21-22). Policy recommendations for land dispute resolution suggested that the state recognize, promote, and regulate customary land dispute processes carried out by local authorities (Urresta and Nixon 2004). Akin to the Oecusse Agriculture unit's codification of *tara bandu* regulation and developing national policy incorporating *tara bandu* into official activities (Chapter Five), Land and Property's policy of

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<sup>459</sup> This entails requiring land disputants to first attempt resolution through customary leaders with jurisdiction over the land concerned (Meitzner Yoder 2003). If disputants bring a case to the Land and Property office in their district, some district officers require them to return to attempt settlement with customary leaders, only "accepting the case" for government involvement if such measures have failed to bring about an agreement. Other district officers will accompany disputants to the contested site and mediate the situation with one or more customary authorities present. Only after several such failed attempts would the case be allowed to advance to court, which would require an explanatory letter from the Land and Property unit explaining the situation and past efforts at resolution. It is important to note that the vast majority of rural land disputes in East Timor are indeed settled by customary authorities with no government involvement whatsoever, and that a very small number would be referred to court—and even fewer would actually enter the state court system.

<sup>460</sup> During 2003, this procedure was discussed and ultimately reinforced during four weeks of land dispute resolution training for Land Dispute Officers from each district in East Timor.

encouraging customary dispute settlements reflects that what is customary is not scorned as extra-legal but as potentially pre-legal, as these practices find a place in state systems and even come to take the force of law.

### *Customary land registration in independent East Timor?*

As of this writing, the trajectory of rural land formalization in independent East Timor remains unclear. Legal relationships of customary and formal practices in independent East Timor have attracted much attention, inspiring workshops and working groups in Dili in 2001, 2002, and 2003, alongside studies and reflections (Babo-Soares 2004, Gusmão 2003, Hohe and Nixon 2003, Mearns 2001, Ospina and Hohe 2001, Sarmiento 2003). To date, concrete proposals for rural land policy in independent East Timor have been few, beyond calls to further study complex customary systems, and to facilitate their eventual conversion or integration into national legislation (Fitzpatrick 2002:204, Marquardt, Unruh, and Heron 2002:21, Saldanha and Guterres 2002). The head of the National Directorate of Land and Property anticipated that any formalizing processes in rural customary areas may not occur for a decade or more, given the more urgent registration issues in urban areas (Pedro de Sousa Xavier, pers. com., 19 June 2003).

### ***International influence and bias in land formalization policy***

Despite a century of state efforts to formalize customary land in East Timor, nearly all rural land remains unregistered by land administration systems. Factors contributing to the continued predominance of customary regimes have included poor state capacity to carry out rural land formalization, lack of civil control over remote regions, limited compliance with land measurement, public rejection of tenure conversion, ambiguous regulations or formalization mechanisms, and political reluctance to recognize customary claims or to precipitate disputes that



might accompany formalization. Nevertheless, international interest in bringing East Timor's rural lands within the purview of the state continues unabated, if rhetorically transformed.

Land registration is an authority-making activity that states use to assert their legitimacy and to control populations, frequently embedded in discourses of security, stability, progress, and growth (Kain and Baigent 1992, Scott 1998). Portuguese, Indonesian, and UN administrations projected the unrealized land formalization imperative in East Timor as a social and economic necessity on which the survival of the people—and the state—depended. Yet, contrary to rhetoric about how increased administration decreases uncertainty, past titling seems to have created and augmented the “uncertainty” now deemed problematic, for reasons bound up in regime legitimacy and justice. Untitled customary land is not plagued with this uncertainty. Meanwhile, the complexity, variability, and site-specificity of customary land systems can defy efforts, however intentioned, to codify them or to supplant them (Burns 1999, France 1969, Scott 1998). The recurrent focus on past titles has distracted from what is arguably independent East Timor's most important land issue, regarding land area and population affected: the extensive state claims that conflict with customary ownership. The fact that customary land status is not deemed urgent reflects an urban and economic bias in land administration.<sup>461</sup>

In recent years, efforts to replace localized, heterogeneous customary regimes with introduced, uniform property systems have lost the impetus they once possessed (Fitzpatrick 2003). A 2003 World Bank report revised their decades-long policy on customary tenure, which for decades had disparaged customary systems and favored “establishing freehold title and subdividing the commons” (World Bank 2003:62). Detailing the failure of this approach, in which titling had

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<sup>461</sup> There is often an interesting inversion of such assumed relative land value. Once I asked a farmer in Lekot (Chapter Four) who was contemplating selling a piece of (titled) lowland flooded rice field whether he would sell his (untitled) highland fields: “No way! *Land in the mountains is too valuable to sell.*”

limited reach and proved to be administratively unrealistic in implementation, the report advocated “building on what already exists” as “easier and more appropriate than trying to reinvent the wheel” (62), calling—once again—for customary systems’ legal recognition and formalization, this time employing village-level, low-cost, participatory land demarcation (63-64, 70). The report mentions that customary institutions’ strong field presence and local trust merit their inclusion in land administration (62).

This “redirection” of World Bank land policy reflects the influential perspective of Peruvian economist de Soto, who argued that people everywhere have functional tenure regimes, and that formalized property systems legible to the modern state—still the teleology of property development, in his view—emerging from local conventions have greater legitimacy and functionality than imported models (2000).<sup>462</sup> Regarding East Timor, Timorese economist Saldanha (2002:3) cited de Soto’s argument in proposing that customary systems form the foundation for East Timor’s property system. The chief advisory group on East Timorese land policy also reflected this: “Based on the principle that law should reflect and respond to social reality rather than impose new structures,” they recommend that the state promote out-of-court mediation as the first step in land dispute resolution, incorporating—and regulating—local<sup>463</sup> practices (Urresta and Nixon 2004:5). This trend in international policy is reflected, perhaps unintentionally, in deferring customary land formalization for East Timor, as the would-be land

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<sup>462</sup> De Soto’s description of the 728 discrete steps required to register a piece of land in Lima, Peru, with similar experiences elsewhere around the world, problematizes the assumption that customary systems are complex while state (bureaucratic) systems are simple (2000:18-24). East Timor’s experience challenges the assumption that customary systems lead to uncertainties while land registration decreases uncertainty.

<sup>463</sup> The terms “traditional” and “customary” are not only problematic in their own right (for example, when “tradition” is actually quite new and “custom” is imposed by the state), but they provoke negative reactions from certain East Timorese officials who view their government as a new modern democracy that is only hindered by East Timor’s non-modern (e.g., customary) legacies. Bearing this in mind, several groups working closely with the government have chosen to use the less inflammatory “local” to refer to the realm involving what this dissertation has called customary authorities. Of course, “local authorities” can refer to both state and non-state actors, but “local” is frequently used as a code for “customary” in these circles.

registrars await customary land systems' "natural evolution" to a form amenable to state formalization;<sup>464</sup> considering state capacity and political sensitivity, there is little expectation that the new state will soon implement large-scale titling of land in rural areas.

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<sup>464</sup> Previous chapters of this study demonstrate several aspects of customary land systems that are incompatible with their straightforward codification to a homogenous, formal system; I highlight just three aspects here. First, while boundaries are most often expressed in spoken form, there are restrictive taboos on visual representation of many types of borders (Chapter Three). Second, the pervasive practices of agricultural land borrowing minimize the social and economic importance of an individual's landholdings in the current system; formalization of multiple scattered plots across the landscape would not only prove extremely difficult, but would likely amplify currently muted social inequities, both among landowning groups and between landowners and landless people (Chapter Four). Third, the fluctuating number of landowners for a given plot of land, in the individualizing-communalizing cycle, would soon render inaccurate any fixed account of individual owners (Chapter Four).

## **Summary and Conclusion**

The political effects of land and forest control, and the land and forest effects of different eras of political rule, are central themes in this dissertation. I examine how both rural people and bureaucratic interests establish, assert, protect, and communicate their claims to land and forests. I query these themes by focusing on the changing roles, legitimation, and rhetoric of both customary and state authorities at the intermediate levels of district and village.

I outline the long history of outsiders' involvement in Timorese land and forests in multiple forms, from early forest product trade through United Nations administration. Chapter Two traces how centuries of struggle for control over forest products and trade shaped the present enclave of Oecusse and reinforced its powerful local authorities. Chapters Three and Four explore accounts of the concurrent advent of Oecusse's political-ritual authority figures and the divisions of land and responsibilities for land and forest regulation that exist in the enclave. Chapters One and Five highlight how in post-crisis, independent East Timor, national and local governments and village leadership invested a measure of regulatory control in customary authorities, newly recognized and supported by local government. Treating successive state policies on native land, Chapter Six demonstrates how and why different administrations have lent rhetorical support to customary land practices, but highlights that policies enacted to date have largely served state interests.

Oecusse-Ambeno remained a Portuguese enclave in part because of its historic and one-time strategic value to Portugal. The enclave's macro-political alliance was also maintained and reinforced by local authorities who nurtured the Catholic-Portuguese connection, which allowed them to maintain their autonomy from a distant central administration. Local authorities have

been especially strong in the enclave, and they have long played key roles in regulation—monitoring, extraction, and conservation—of Oecusse’s sandalwood, beeswax, and other forest products. Customary authorities are usually legitimated by autochthony and early settlement, but success in warfare and trade as well as strategic marriage alliances are also critical factors in some figures’ rise to power.

Today’s rural land systems in Oecusse have developed largely independent of state administration or intervention. Land ownership strongly favors natives and early settlers over outsiders or latecomers, although at present the common practice of land borrowing does not prejudice the livelihoods of landless residents. The central customary land authority is the *tobe*, a largely ritual figure who oversees land distribution and forest use, whose roles I have shown to wax and wane partly in relation to their connection to local political leaders, trade realities, and state support. In recent post-independence codifying collaborations among customary leaders and local government such as the *tara bandu* forest protection ceremonies, the state acquires some knowledge about customary domains, leadership, and practices, and rural people use the opportunity to further their local and national claims to recognition for their authority and territory. Successive states have largely ignored customary claims to land, as each administration has focused its regulatory attention on a limited portion of formalized urban and plantation land.

The colonial state attempted to carry out its governance through customary authorities, securing only irregular control. While some colonial patterns of indirect rule have been revisited in the independence era, recent interactions of customary and state authorities also demonstrate new forms. Successive states have shown recurrent rhetorical support for customary regulation, with very little demonstrated understanding of the authority figures and practices involved. From the late 1800s, authorities sought to both harness and to control native leaders’ authority through some collaboration in governance, and to minimize native leaders’ sway by removing their social

distinctions as large landowners and strategically displacing those who proved disruptive to centralized rule.

*Narratives of the state and embodied authorities*

My three political ecology and environmental history anchors include narratives of forest change over time, the place of intermediate-level authorities, and the dialectical relationship of national policies and local practices. Oecusse narratives of forest change over time emphasized fluctuations including decimation and recovery rather than a simple, unilinear decline in abundance of sandalwood and other forest products; this aspect is central to current prescriptions and expectations of forest recovery. Focusing on both local state and customary authorities as embodied figures engaged in interpreting, enacting, and creating policies highlights the mutual influence of these entities. Examining local practices' linkages to national policy contexts foregrounds and queries the extra-local policy origins that have been significant throughout East Timor's history.

One of the key lessons that came out of my approach was how directly officials and villagers associated (macro-)political and environmental histories, conflating each regime with a particular treatment of forests (e.g., conserving, decimating, cordoning off)—and that these *generalizations about forest policy were always closely linked to, and discussed in reference to, the state's treatment of customary land authorities*. Behind this seemingly simple, uniform narrative linking ecological health and macro-political authority is a complex relationship of the *tobes* and the state, defying a ritual-political boundary. If it was active Indonesian state displacement of the *tobes* that caused their decline and the loss of Oecusse's sandalwood, then state support—recalled from the Portuguese era, and revived in the independence era—is a necessary element in forest

recovery. For customary authorities, the district government calling together the *tobes* for a meeting signaled a radically different approach than that experienced under Indonesia.

Through *tara bandu* and the Cultural Associations, formalization both asserted a measure of state control (through devolution) and projected state knowledge of customary protected areas (through signatures and assent).<sup>465</sup> Civil servants were sometimes unwittingly drawn into village political matters that were previously the exclusive or primary domain of customary authorities, such as inter-village land disputes. This allowed local state officials to progressively learn about customary systems. While their queries were less ethnographic than pragmatic, through their involvement district officials began to distinguish previously undifferentiated types of authorities and the parties involved in dispute processes. Through the *tara bandu* program, villagers pushed to know the extent of state involvement in enforcing prohibitions, eliciting assurances that *the state would back the tara bandu agreements as if they were law*.

The focus on authority's embodiment or incarnation in both customary and national realms came directly out of Oecusse people's approach to forest conditions: *regulation and regulators are inseparable*.<sup>466</sup> This close association of forest condition and authorities' recognition (by both state and villagers) shed a different light on the debates surrounding invented tradition, traditionalism, and local elites' protection of their own status. The impetus to restore some measure of customary authorities' place in local governance is not for its own sake, but related to

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<sup>465</sup> State "devolution" of land and forest control or regulation to customary authorities implies that this power is the state's to give away, which carries a different connotation from "recognizing" existing customary authority as pre-existing, adequate, suitable, or even optimal for a given time and place.

<sup>466</sup> This linkage was so explicit and widespread that one day my research assistant mentioned that he had spoken with some people about our topics while attending a wedding, and when I asked what they had said, he replied, "Just the same old thing! In Portuguese times, the government worked together with the *tobe-naijuf*, *adat-plenat*, and we had lots of sandalwood and other kinds of large trees. Then Indonesia came and ignored the *tobes* and all the sandalwood and large trees were soon gone. Now they hear that the government wants to work together with the *tobes* again, so the forests will again be regulated and people won't just cut however they want to anymore. The same story as always!"

the anticipated ecological effect of a certain mode of state and customary authorities' interaction.<sup>467</sup> The accounts given emphasize that customary authorities do not emerge out of thin air; while the authority realms of the “political” *naijuf* and the “ritual” *tobe* often merge or overlap in practice, each position has distinct history, legitimation, and relationship to state authorities. Settlement histories that established authorities' legitimacy relate closely to their past and present roles. Despite the diversity of hierarchies across Oecusse's villages, legitimation stories are remarkably uniform: village heads (*naijuf*) are intimately linked to higher and outside authorities (e.g., king, state), while ritual leaders (*tobe*) hold their positions by autochthony or early settlement.

### ***Dualisms transgressed***

Observing sites of interaction in land and forest regulation served to challenge the dualisms still ubiquitous in regional social analyses (van Wouden 1968). I learned much by observing how my presumed categories were constantly “transgressed” in practice. So-called “native, mountain” and “in-migrant, coastal” kings had residences and loyalties in unexpected places; even the two-king model dissipated as emerging layers of potential kingships seemed endless, and top Oecusse customary leaders demonstrated a tolerance for multiple or undefined kingship. “Swiddening highlanders” were eagerly experimenting with growing “lowlanders' flooded rice” in a wide variety of circumstances. Leading resistance leaders praised some aspects of the Indonesian era.

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<sup>467</sup> One area well worth further exploration on this theme is the rhetoric of novelty surrounding the *tobe* “reinstatement” and how people discuss it in connection to the new independent government. That is, sometimes Oecusse people mention how having *tara bandu* and state-recognized *tobes* is a hallmark of a new, modern democracy. While this may seem contradictory, or traditionalist, on one level (illiterate ritual specialists as leaders in modern democracies?), one of the popular understandings of democracy (through all the recent civic education East Timorese have received) is simply the right to choose one's own leadership—and this clearly fits with the restoration of *tobes*' place in forest regulation, especially in contrast to the Indonesian model of regulation by appointed civil servants. Researcher Liv Nordhaug discusses some of these themes in her forthcoming Masters thesis on modern practice of *tara bandu* throughout East Timor.



Religious syncretism was the rule in Church and around the sacred stones. An absolute ritual-political divide between customary authorities proved untenable; supposed “ritual authorities” seemed quite intent on securing political recognition for themselves or their villages. Outsiders became partial insiders, *kaes metan*. The mythical ideal of Oecusse’s eighteen villages coexisted with people’s aspirations for further political division (cf. Riles 1998).

To elaborate one example, the *tobe* is clearly the leader in agricultural rituals, actively sustaining this role even through the Indonesian era; the *tobe* relates largely to internal village matters and the position was little affected by allegiances in political transitions. The *naijuf* is largely a political figure, formerly appointed as village head by the Portuguese, who bears responsibility for external village relations (including boundaries), and whose position was much affected by individuals’ macro-political allegiances in the 1912 and 1999 transitions. However, the two figures nearly always work together on matters of land and forest regulation and tribute, and their relationships to state and other external authorities is not as straightforward as an inside-outside division. The “internal” *tobe* received his sandalwood chisel from the outsider Costa king, signaling his involvement (albeit distant) in the external trade. The “external” *naijuf* is always closely involved in rituals, and the two collaborate in shaping state-supported rituals such as *tara bandu* to meet their own overtly political ends, leveraging their authority to seek political recognition from local and national governments.<sup>468</sup> Where *tobes* were previously unknown to Portugal and displaced by Indonesia, their new linkage to the independent government entails new forms of collaboration.

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<sup>468</sup> This calls to mind what Leach wrote regarding highland Burma, where scholars tended to identify leaders as having either secular or religious roles (1954:183): “But in fact the matter is not as simple as that. The chief, it is true, holds no priestly office; yet his power derives from a religious role; the diviner has no formal political power, yet he is in a position of considerable political influence.”

### *Codification and collaboration*

Ritual and bureaucracy had many sites of interaction in this study, engaging both customary village leaders and state representatives, sometimes blurring the bounds of these figures' authority. Codification and collaboration were two important interactions. Codification is often seen as a state's formalizing action to capture custom: studying it, writing it down, fixing it, and making it resemble "formal" law; the resulting "custom" thus codified is said to bear a significant imprint of the state.

Two primary codification examples treated here include land registration laws' rhetorical recognition of native land customs and the *tara bandu* program of state involvement in customary forest regulation. Despite stated intentions, traditional practices were not reflected in land legislation; instead, the state set about making rural land practices congruent with state interests in increased production of export commodities and state control over forest and land resources. In the *tara bandu* program, writing down the protected locations, identifying customary figures previously invisible to the state, and offering some state "recognition" to village-based systems increased state officials' knowledge about rural areas and projected the state's right to grant or to withhold authority to regulate land and forests. But in both these cases, villagers also actively sought to use codification for their own purposes. Regarding unauthorized written land transactions in the early years of Portuguese titling, it was natives' autonomous use of the state modality of land transaction registration that governors saw as a threat to state sovereignty. In *tara bandu*, villagers sought state-approved written documents to have an externally legitimate basis for customary enforcement, to secure national political recognition of traditional villages, or to assert land claims vis-à-vis neighboring villages.

Collaboration of customary and state authorities has taken different guises. The mechanism of indirect rule played an important part in Oecusse's long history of land and forest regulation; sandalwood and beeswax have long been controlled through local authorities. Portuguese colonialism explicitly relied on customary figures in governance; what Indonesian rule displaced, the independent government has sought to restore to some extent. Few actions of customary and state authorities could be said to exist in isolation. A strong and thoroughgoing mutual influence is evidenced when it is *state* disregard for the *tobes* that is implicated in the decline of *tobe* power, and in the rhetorical centrality of "respecting custom," when successive states have repeatedly invoked custom to bolster their own legitimacy. In indirect rule (both colonial and modern), the state uses customary authorities but also retains the ability to strengthen or to replace them. In turn, the state has on occasion been displaced by local Oecusse figures (e.g. the 1769 abandonment of Lifau for Dili and in the resistance history), which served to increase their power and ultimately to facilitate their recognition as customary authorities.

### ***Legacies and new relationships***

One of the intriguing aspects of working in a new nation seemed to be the chance to overcome the standard people-versus-the-state framework that pervades Indonesian development literature and the resistance literature. In Zerner (2003a), researchers working in Indonesia in recent decades, weary of looking at problems in the same way, demonstrated this push to move beyond doggedly applying the same strategies to further rural people's rights with consistently disappointing results. I wondered, how different would things be under a new administration, especially given the weighty, pervasive bureaucratic background of Indonesia? What new forms would decision-making, distribution of authority, and relationships to government take in a newly independent nation?

In Oecusse, the extremely Spartan conditions of several district agencies did not prevent them from spending far more time carrying out their mandates in rural areas, even when initiative and ideas outstripped resources, than they report doing under Indonesian times. People consistently reported that local government recognition of customary authorities in the *tara bandu* program marked a sharp contrast to Indonesian times—even to the point of the district government paying a fine for breaking a village prohibition established by customary authorities. This brought to mind the calls for new, more productive conceptualizations of these relationships beyond a simple opposition: collaboration, negotiation, and co-productions that more accurately reflected the reality of forest oversight than a rigid dualistic people-state divide (Bebbington 2000, Li 1996, Li 1999a, Tsing 1999). Studying the interaction of multiple authorities taught me much about the reality of separation and overlap of these realms: their mutual influence, ways they draw legitimacy from each other, and how the integration of their social roles has fluctuated through time.

Oecusse's *tara bandu* program was not simply about the state using customary mechanisms as a tool to accomplish its purposes, nor about nostalgic revival of old invented traditions. It reflected a new interaction between state and customary representatives: mutual accommodation, the state progressively learning more about the village-level authorities, and village authorities finding a new mechanism to voice their concerns for political recognition to the state. It will be interesting to trace these developments over the coming years. Is this recognition of customary authorities seen as a stop-gap measure, useful only until the government can develop its own programs, or does it signal an enduring new type of relationship between traditional and state actors? How does the *tobes'* closer involvement with the state affect their roles, their acceptance, and their authority at this point in history? Is it inevitable for ritual authorities to fade away (as in West Timor), or will their incorporation into state activities simultaneously confirm their positions and

“render [tradition] vestigial” (Warren 1993:297)? Who will regulate Oecusse’s land and forests in the next generation?

## Appendix A: Kaes muti, kaes metan: European sources on strangers white and black

The Tetum language term for “stranger, foreigner” (P: *estrangeiro*) is *malai* (from Malay); as writers discuss *malai* in relation to East Timor as a whole and also to Oecusse, I consider it here alongside the Meto term *kase*. Note that modern Oecusse usage of the terms *kaes mutih* and *kaes metan*, outlined in Chapter Two, varies from the European views here.

In the nineteenth century, Portuguese understood the black foreigners (*kaes metan*) to be an intermediate category for Timorese who were allied with the colonizers. Governor Silva noted that the Timorese referred to the Portuguese as *malai*, but called the *moradores*, Timorese who served with the Portuguese military, “black *malai*,” *malai-meta* (1897:36). Vaquinhas wrote that the proud Oecusse rulers considered themselves superior to other Timorese and just below the Portuguese *malaio-muta* [sic, *muti*], calling themselves *malaio-meta*, a term also applied to Javanese and Africans (1883a:328, 1885:63). One historian noted that Timorese called anyone from the outside *malai*, regardless of skin color: Portuguese were *malai mutim*, while other white Europeans were *malai ingress* (English), and people of Chinese descent were *malai sina* (de Oliveira 1949:33).

Issues of race, color, and status feature in mid-1900s writings. Boxer’s widely cited account “The Topasses of Timor” described the origins of this group, later dominated by the influential Costa-Hornay<sup>469</sup> figures, as “the offspring of the Portuguese soldiers, sailors, and sandalwood traders from Malacca and Macao, who intermarried with the native women” to produce “that race of half-breeds who in the following century were termed *Toepassen* or *Swarte Portugeezen* [black

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<sup>469</sup> Recall that Jan de Hornay was Dutch, who defected to the Portuguese, converted to Catholicism, and married a local woman in the Portuguese settlement.

Portuguese] by the Hollanders,” terms which the Dutch and English also used for centuries to refer to “Eurasians and native Christians in India, Malacca, and Batavia” (1947:1). Dutch missionary Middelkoop (1960:17) disputed the assertion that the Dutch referred to the Eurasians who founded the Portuguese settlement on Timor as “Black Portuguese” (D: *zwarte Portugezen*), who were Eurasians descended from Portuguese fathers and women from Flores or neighboring islands. Explaining that *kase* meant “strangers from overseas” of any ethnicity, Middelkoop suggested that the *kase mètán* may actually be descendants of African fathers and Timorese women, following the retreat of Portuguese and African troops after the 1749 defeat by the Dutch and their allies at Penfui<sup>470</sup> and Amarasi to the Oecusse region (17-18).<sup>471</sup>

A Portuguese historian commented that in the Dutch regions, Timorese called the Portuguese “white malai” (*malai mutim*) and the Dutch, with lower status, as “black malai” (*malai metam*) (de Oliveira 1949:33). By contrast, Dutch administrator Schulte Nordholt (1971:454-55) noted that the Timorese originally had good relations with the Portuguese who were *kaes metan*, *soib metan* (black hat), and subsequently had hostile relations with the Dutch were *kaes muti*, *soib muti* (white hat) (454). He continued, “the Atoni refers to the Portuguese as he became acquainted with them in the past with *kaes metan*—except for a handful of missionaries these were almost invariably Topasses, i.e. Portuguese of mixed descent. Their skin colour was generally lighter than that of the Atoni, but definitely darker than that of the Dutch.” He reported that there were few Dutch of mixed blood, and “even then their colouring was lighter because their parentage was Dutch with an admixture of Balinese or Javanese or some other light skinned Indonesian race”; by comparison, the Topasses were offspring of Portuguese with dark-skinned

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<sup>470</sup> Boxer (1947:15) called the Penfui (Penefoeij) battle “a turning-point in the history of Timor; for from now on the Hollanders rather than the Portuguese exerted the principal influence in the western half of the island.”

<sup>471</sup> In Bible translation, Middelkoop used *kase mètán* to denote Africans (1960:120).

women from Solor, Flores, and Timor. He suggested that the Timorese perceived a pigmentation spectrum and generalized that to classify Portuguese as black and Dutch as white. Furthermore, the Topasses' color might have undergone darkening from inter-marriage with Negro slaves, although negligible because there was "Portuguese dominion in western Timor for only a few decades, namely between 1702 and 1769, and even then they had no power or authority worth mentioning," and African soldiers only went to Oecusse once Portuguese governance took hold after 1911 (455-456).



## Appendix B: Bobo-Banafi: Internal hierarchies of Oecusse

In this Appendix, the reader can gain an appreciation for this subject's complexity; although this treatment is only partial, the intricacies reflect its essential importance to Oecusse leadership.

These matters are extremely sensitive locally, and would not normally be discussed openly across *suco* boundaries without proper protocol, ritual, and authorities present. As my own multi-source compilation of aspects related to my study, it is doubtful that any single Oecusse person would articulate all these statements, or agree with this summary in its entirety.

Bob-Uf/Bobometo and Banafi (and some in Abani) maintain that Beun-Sila, *Usif* Ambeno [the original Ambeno king], placed each of them in their locations to guard the kingdom's strategic southern borders (the door), and gave them distinct, named territories for their jurisdictions. The site of the land division is considered among the most sacred locations for Oecusse, marked by a rock on a mountain visible from Banafi. These two *sucos* that first received land from the Ambeno king hold unique status (a limited, residual hierarchy of precedence) within Oecusse to this day: the term "Bobo-Banafi" is commonly and ritually used to refer to all the *sucos* of Ambeno, and the *naijufs* of these two *sucos* have special privilege and responsibility over other *sucos*.<sup>472</sup>

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<sup>472</sup> For example, Bobo-Banafi receive the *noni nakaf*—a payment made upon death by the deceased's family to the bride-giver's family—for the Ambeno/Cruz and Oecusse/Costa kings. During October 2003 *noni nakaf* negotiations for the Costa king who died in 1999, two *naijuf* of Bobo-Banafi held private discussions apart from the other *sucos'* *naijufs*. The other *sucos* described themselves as less sophisticated or less learned younger siblings of Bobo-Banafi, prepared to accept the decision of Bobo-Banafi.

Status can also bring blame: for Bobo-Banafi's failure to lead in a definitive decision regarding kingly succession in Oecusse-Ambeno after the deaths of the long-standing kings of Oecusse/Costa (1999) and Ambeno/Cruz (2001), many Oecusse residents held these two head *sucos* responsible for a series of natural disasters and bad omens that occurred in 2002-2004, including the deaths of five UN Korean Peacekeepers in a flash flood, the failure of the East Timorese flag to unfurl on the celebration of independence day, lack of rain that contributed to food shortages in 2002 and 2003, and crop failures in 2004. An anticipated acknowledgement of a successor to the Costa king in October 2003 was pending on the attendance and assent of the Bobo-Banafi *naijufs*, and the discussion began immediately upon the last-minute arrival of the Bob-Uf *naijuf*.

By their own accounts, Bobo-Banafi (as *amaf*, fathers) subsequently subdivided their land, naming borders of each domain, to other individuals classified as their younger brothers to assist with taking beeswax and rice/corn tributes to the Ambeno king. Banafi mentioned that the Ambeno king was still living in Nunheno at the time, well before the post-1912 move to Tulaica. Only later, they say, these individuals came to be known as *naijuf*, who today serve as traditional political heads of the *sucos*. Banafi divided land to nine fathers (*amaf*), adding nine areas or domains (*sopu*) to the one *sopu* Banafi retained, for a total of ten *sopus* in western Oecusse (cf. Parera 1971).<sup>473</sup> Bobo then divided to five (or more)<sup>474</sup> additional individuals in eastern Oecusse, creating at least sixteen defined *suco* areas. Banafi claims that after the Ambeno king appointed Bobo-Banafi as *amaf* in land division, the king ordered two individuals (Takel Banafi and Beon Banafi) to go out to the ceremonial gate to determine inter-*suco* boundaries for the nine domains; Bobo did the same for the other five domains. According to Banafi, once the nine individuals were chosen and given domains with clear boundaries, those nine were designated as *naijuf*, who subsequently chose *tobe* and *nael* for each of their areas.

*Sucos* other than Bobo-Banafi often highlight their territorial designation and *naijuf*'s appointment directly from the Ambeno king. As with many apparent factual contradictions encountered in Oecusse research, people dissolve any apparent tension by insisting that both are simultaneously true: Bobo-Banafi were involved in land allocation, but recognition came directly

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<sup>473</sup> Banafi claims to have divided land to Usitaqueno, Malelat, Abani, Taiboco, Maunaben [now with Cunha], Usitaco, Lele-Uf, Ben-Uf/NaBene, and Suin-Uf/NaSuni.

<sup>474</sup> Accounts of Bob-Uf's division varied widely, consistently including Bobocasse and Usitasae, and additionally Naimeco [disputed by Naimeco], Cunha-Lalisuk [disputed by Bobocasse, who insists they gave Cunha-Lalisuk their land], and Cutet [mentioned by everyone except Bob-Uf!]. Nipani? Lifau? [Re-check final talk with Tumin *naijuf* on this.] Both Naimeco and Bobocasse have some claims in Costa, created later. Several factors contribute to the high level of land contestation in eastern Oecusse, relative to western Oecusse: the layering of the Mecos' early claim, presence of lowland immigrant settlers (*kaes metan*), protracted Dutch-Portuguese border negotiations, and multiple cross-border and internal relocations of refugees from both sides across several centuries.

from the Ambeno king. Bobo-Banafi could highlight their role in land distribution to bolster their claims to superior authority over other *sucos*; other *sucos* that granted land to later *sucos* [e.g., Bobocasse to Lifau, Cunha, and Lalisuk] found many public opportunities to remind the recipient *sucos* in ritual contexts of their inferior, newcomer status, reminding them that as land recipients they had to accept continued oversight in land matters by the land-granting *suco*.

By some accounts, including one by a prominent member of the Ambeno king's lineage, the land recipients were ordinary residents, only attaining political stature and being called *naijuf* after marrying the eighteen daughters of the Ambeno king, the process by which they also gained their own domains. These accounts name Beun-Sila (Usif Beno) as the original inhabitant of Ambeno, eventually based in the central lowlands of Nunheno, joined by in-migrants from other areas who became *naijuf* upon his appointment and naming of their boundaries (without Bobo-Banafi intermediaries, as in the above version). Similarly, gaining land through marriage to the king's daughter is often highlighted as the wise strategy of several generations of Costas, who married the kings' daughters and eventually became king of Oecusse-Ambeno.

### Appendix C: Oecusse suco list.

List of all possible Oecusse *sucos*, including their subdistrict affiliations, official status, histories, and notes. Data compiled from interviews and published sources (Daschbach 2000, Ministério da Administração Estatal 2003, Ote 2003a, Ote 2003b).

<i>Suco</i>	<i>Subdistrict/Posto</i>	<i>Status (2003 law and in 2004 suco elections)</i>	<i>History</i>	<i>Notes</i>
Abani/Passab	Passabe	Suco	Original lord of Ambeno	
Malelat	Passabe	Suco		
Haemnanu	Passabe	Part of Abani		
Bobometo (Bob-Uf)	Oesilo	Suco	Original lord was younger brother of Passab	
Bobomanat	Oesilo	Part of Bobometo		
Usi-taqueno	Oesilo	Suco		
Usi-tasae	Oesilo	Suco		Has Poas-Bot enclave; Lifau
Ban-afi	Nitibe	Suco		
Lele-Ufe	Nitibe	Suco		
Hao-Ufe	Nitibe	Part of Lele-Ufe		
Usi-taco	Nitibe	Suco	Na-Kome enclave was original population center, relocated in Portuguese era	Has Na-Kome enclave in Abani

Suni-Ufe	Nitibe	Suco		
Bene-Ufe	Nitibe	Suco	Related to Hao-Uf	Almost all sucos have a part in the western coastal betel forests; many internal transmigrants
Costa	Pante Makassar (A)	Suco	Settled by kaes metan, traders, and migrants from throughout Oecusse	Now includes Kutet, Monemeco, and Tabal Pah
Kutet	Pante Makassar (A)	Part of Costa	Some name as among original suco divisions; formerly part of Naimeco, joined with Costa in WWII when <i>naijuf</i> Kutet was appointed <i>naijuf</i> Costa	Has joined and separated from Costa two or three times
Lifau	Pante Makassar (A)	Suco	Historic Portuguese landing site and center of trade; settled by kaes metan, traders, and migrants from throughout Oecusse	Includes Tulaica; many internal transmigrants
(Ti)bael Pah	Pante Makassar (A)	Part of Costa	Residents do not self-identify as members of this suco	In CNRT structure only
Taiboco A	Pante Makassar (A)	Suco (one suco, Taiboco)		
Taiboco B	Pante Makassar (A)	Suco (one suco, Taiboco)		

Sacato/Nipani	Pante Makassar (A)	Suco	Formerly part of Naimeco (Mecos)	Associated with name Tunbab(a), due to migrants from that region of Dutch Timor
Monemeco	Pante Makassar (A)	Part of Costa	Formerly part of Naimeco (Mecos); split from Naimeco in a 1920s dispute and Portuguese joined it to Costa	
Naimeco	Pante Makassar (B)	Suco	Center of Mecos clan that controlled much of northeastern Oecusse and adjacent parts of West Timor	
Cunha	Pante Makassar (B)	Suco	Settled by kaes metan; most closely aligned with the Costa kingship; formerly called Acumata/Aen mat	No clear internal division between Cunha-Lalisuk
Lalisuk	Pante Makassar (B)	Suco	Settled by kaes metan; most closely aligned with the Costa kingship; formerly called Sabos	No clear internal division between Cunha-Lalisuk
Maunaben	Pante Makassar (B)	Part of Cunha	Among original suco divisions	Suco in CNRT structure
Bobocasse	Pante Makassar (B)	Suco	Younger brother to Bobometo who took a lowland wife; Divided lowlands to Cunha, Lalisuk, and Lifau	

Note: *Posto* (subdistrict) is the intermediate unit between district (*Oecusse*) and *suco*. In the Portuguese era, there were three *postos*: Oesilo, Passabe, and Nitibe. During Indonesian times, there were four, called *kecamatan*: Pante Makassar, Oesilo, Passabe, and Nitibe. The CNRT structure recognized five *postos*, splitting the by-then populous, urban Pante Macassar into A and B.

## Appendix D: Sispa' (division of meat) and ritual family groupings

All ceremonies in Oecusse necessarily involve the ritual sacrifice of at least one animal;<sup>475</sup> people rarely kill an animal just to eat it, and even when doing so (as in entertaining a guest) they follow the same procedures of informing ancestors at the house's *ni mone* (male ancestral rock and tree shrine) and/or inside the house (*ni enaf*, female ancestral rock and tree shrine) that they would during a ceremonial occasion. Animals are usually killed by cutting or piercing the throat, catching the blood in bowls (and a small amount smeared on the ancestral rock or tree), and quickly butchered; a cow can be completely dismantled in under ten minutes. Different dishes are prepared using blood and intestines, meat, fat, bones, and organs; the hide is set aside for drying and later sale or consumption.<sup>476</sup>

After events, it is customary to divide portions of the meat for participants to take home. Certain portions of the animal, such as the head (split into two or four pieces) and a cow's foreleg with attached hoof, are reserved for honored guests. The person who contributed an animal always takes home a larger share from the offered animal, including the tongue and lower jawbone, chest, heart, and liver. When chickens are killed, the owner<sup>477</sup> takes home the ribcage with attached breast meat; only legs, wings, and organs are eaten during the event itself. The divided meat portions strung on a blade of grass to take home is called a *sispa'*, and consists of six or

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<sup>475</sup> Water buffalo, cattle, goats, and pigs are used in most ceremonies. While some ceremonies call for a specific type, color, or age of animal, in practice one species may be substituted for another depending on availability. Chickens are usually used only in household-level events, or as supplements to larger events. Horses were formerly required for beeswax and honey harvests, but in recent decades most people use only goats for these events, citing a shortage of horses.

<sup>476</sup> Cowhide is stored dried for consumption in the hungry season. For preparation, villagers thinly slice it, marinade it for several days in garlic and hot pepper, and boil for an extended time until it is softened.

<sup>477</sup> Even in large ceremonies, where many chickens may be killed and boiled together in a large pot, each owner breaks a certain bone or ties a reed to the chicken in order to correctly identify one's own bird after cooking.



seven elements: liver, small intestines, large intestines, rib bone, a large bone, a strip of meat, and (for pigs only) a piece of skin with fat. With numerous guests, each *sispa'* may have only tiny portions of each of these elements. When someone was invited but unable to attend an event, a *sispa'* may be taken to them the following day. In the first two agricultural rituals mentioned above, responsibility for bringing the animals rotates, but the *sispa'* division of meat follows the normal pattern just described, with each animal's contributor taking home a larger share of the meat.

At the *fua oel naek* (Chapter Four), however, responsibility for bringing the animal is determined by the great *tobe*. After the ceremony, which always calls for a large pig, nine equal *sispa'* are prepared, and each of four groupings receives 1-3 *sispa'* to divide among themselves; groups with few members receive relatively more meat individually than groups with many members. The *tobe* gives the largest portion that the animal's owner would normally take home (called the *faif su'if*) to one group of his choosing, indicating that the recipients of the *faif su'if* are responsible for providing the large pig the following year. Each of the four groups is headed by one of the original settler *kanaf*, and the other members of that group will generally make gardens in accordance with the domain of the small *tobe* (two groups, headed by the *tobe tonene* and one family that follows the *tobe tonene*) or great *tobe* (two groups, headed by the old *naijuf* and great *tobe*). The head for each of the four groups oversees the selection of garden land, leads rituals involving that garden location, and is responsible for settling any disputes that arise in relation to that land. These group divisions are not strictly determinant of garden locations, since anyone can join a garden anywhere, but serve as guidelines for whom takes the lead in settling matters that arise around swiddens.

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