

# Uses of *kultura* in land registration in Timor-Leste: Reflections from the municipality of Ermera<sup>1</sup>

Carlos Andrés Oviedo<sup>2</sup>

Implementing a system of land registration has become one of the greatest challenges for state-building in Timor-Leste. This agenda has also included the construction of a national cadastral database. Following Silva and Simião (2012), I assume that in such projects, which bring together multiple agencies (international cooperation, state institutions, private parties), new objects of government are evinced from a plurality of phenomena and social domains. This chapter analyzes how procedures for building a new cadastral system have contributed to the production of land as an object, according to a hegemonic Western, disenchanted ontology (Silva and Ferreira 2016, 45).<sup>3</sup>

This analysis does not assume, however, that cadastral surveying implies a direct transition from a hypothetical model of common ownership to a private-property model. The East Timorese relationship to land has been shaped by long-term processes encompassing multiple government dynamics, historically advanced by both the Portuguese and the Indonesian

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2. PhD in Social Anthropology from Universidade de Brasília (UnB). Email: coviedoandres@gmail.com.

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administrations. My analysis focuses on one specific segment of this general process of land ‘objectification’: the construction of a cadastral system as part of postcolonial Timor-Leste’s government technologies.

During my field research on the procedures and dynamics involved in cadastral surveying in Timor-Leste’s rural areas, I noted that the category of *kultura* was sometimes mobilized for designating certain social practices. Based on this finding, my first purpose in this chapter is to show the importance of such practices and how they challenge an understanding of land as an inanimate, autonomous object. To this end, I begin by reviewing the anthropological literature on so-called ‘customary systems’ governing land use in rural Timor-Leste. Secondly, I underline the mobilization of *kultura* in specific senses: (1) as a category for addressing practices that produce tension during cadastral surveying processes, which should ideally be excluded or limited to the private sphere; and (2) as a mechanism for resolving disputes over land ownership and reconciliation between the parties.

This analysis is based on field research carried out in Timor-Leste between June, 2016 and October, 2017. Data were collected through interviews with civil servants, political actors, and Timorese citizens involved in land disputes in Dili and elsewhere in the country. I accompanied field staff in charge of cadastral surveys in the municipality of Ermera, and conducted interviews with staff who mediate disputes for the National Directorate of Land, Property and Cadastral Services (Direção Nacional de Terras e Propriedades e Serviços Cadastrais, DNTPSC) and the National Cadastral System (Sistema Nacional de Cadastro, SNC). Fieldwork also involved multiple informal interactions with staff during their daily activities, as well as with residents of communities in Gleno and the *sukus*<sup>4</sup> of Poetete, Punilala, Estado and Fatubesi.

## Land administration in Timor-Leste

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4. A *suku* is a state administrative unit, consisting of two or more *adeias* or hamlets (the smallest administrative unit).

Although the formulation of policies for addressing the agrarian question everywhere is complicated by the sheer complexity of interests involved, in Timor-Leste this difficulty is further compounded by the country's particularly conflictive colonial and postcolonial history (Fitzpatrick 2002; 2008). Historical facts confounding the land registration process include: (1) unequal access to formal land rights during the Portuguese colonial period; (2) widespread forced displacement of communities by the Indonesian army; (3) illegal occupation of property abandoned in the aftermath of the 1999 independence referendum; (4) lack of clarity and contested recognition of land titles issued during the Portuguese and Indonesian administrations (Fitzpatrick 2002; Silva and Furusawa 2014; Fitzpatrick and Barnes 2010). Against this background, the development and implementation of legislation for securing justice and providing access to land is a much needed step towards healing the wounds of Timor-Leste's colonial past, and paving the way towards reconciliation in a society still undergoing nation- and state-building processes.

In March, 2002, during the final months of the United Nations Transitional Administration of East Timor's (UNTAET) mandate, the country's Constituent Assembly approved its constitution. Article 54 recognized the right to private property. Nonetheless, developing a legal framework for legalizing land ownership in disputed cases has been one of the country's foremost political challenges since its independence on 20 May 2002. In 2017, after several attempts at passing bills proposed by the government, the National Parliament approved a Special Regime for the Ownership of Immovable Property, also known as *Lei das Terras*, which established broad parameters for defining ownership in disputed cases, recognized "informal" property rights (Article 2), and created the Commission of Land and Property (Article 55) – a special court for assessing disputes and attributing ownership rights according to the law.<sup>5</sup>

In parallel to enacting legislation to clarify the legal status of land ownership, cadastral data have been collected throughout the

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5. Law 13/2017, June 5.

territory. Collection began in 2008, through a project for registering land called *Ita Nia Rai* (INR, Our Land), funded by the United States International Development Agency (USAID). By 2012, this project had registered over 50,000 land parcels in the central towns of the country's thirteen municipalities. After 2014, a national land registry was established by the SNC, an agency linked to the DNTPSC and managed by two private companies – one Timorese and one Portuguese – hired to design and implement the cadastral system.<sup>6</sup>

The SNC platform developed for real estate data incorporated the INR land records, and SNC continued the process of land surveying the country's rural areas. In those cases where land ownership was not documented, the registration process may issue titles based on "informal rights", defined as "rights on real estate originated in customary law, based on long-term possession".<sup>7</sup> This is an important shift, through which post-independence legislation<sup>8</sup> sought to "redress injustices due to lack of formal rights before the independence of Timor-Leste".<sup>9</sup>

## People and land

In much of Timor-Leste's territory, relations around land are constructed on ritualized norms and the authority of origins, as well as on narratives through which migrant groups defend their

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6. GMN-H (Grupo Média Nacional-Holdings, National Media Group-Holdings) is Timorese and ARM-APPRIZE is Portuguese.

7. Law 13/2017, June 5, Article 2, paragraph G.

8. Law 13/2017, June 5.

9. The SNC's cadastral survey conducted in rural areas was questioned by Rede ba Rai (Timor-Leste Land Network), a collective of 20 organizations which played an important political role during the development of the Land Law. Rede ba Rai highlighted, for instance, the persistence of ambiguities and gaps in norms guiding the survey, especially those related to parameters for identifying and registering lands in common use, defined by law as "communal protection zones" (Law 13/2017, June 5: Article 23). Moreover, it questioned, in both mainstream and social media, the enterprise's lack of transparency when publishing statistical data for monitoring the country's land survey. As cadastral surveying advanced rapidly across the country's territory and particularly for so-called "customary land", Rede ba Rai (2019) denounced it as a threat to the recognition of vulnerable communities' rights.

rights to land based on marriage alliances established with original groups (Forman 1980; Traube 1986; McWilliam 2005; Fitzpatrick and Barnes 2010). These narratives seek to legitimize the occupation and use of land by evoking geographic landmarks and migratory trajectories. According to Andrew McWilliam, members of these groups:

are located and identified within a particular cultural landscape in terms of their common relationship to founding ancestors of the group and, by extension, the land to which they claim and assert historico-mythic connection. Affiliation to these 'agnatic houses of origin' and the varying cultural prescriptions and proscriptions of practice to which their members adhere is variously constituted through systems of matrilineal or patrilineal reckoning. (McWilliam 2005, 32)

Patterns of settlement and land use have varied historically, according to the economic dynamics and government practices of the Portuguese colony and the Indonesian regime. In the case of Ermera, the introduction of coffee plantations in the late nineteenth century profoundly transformed previous ways of inhabiting the territory.<sup>10</sup>

In the *sukus* of Punilala and Fatubesi, before the establishment of coffee plantations, families (in this case, agnate groups consisting of men married to women from another group, their children and single sisters) followed migratory cycles across the territory – as described by my interlocutors. Tenure accompanied agricultural cycles, climatic variation and nature's 'response' at a certain site. According to these narratives, nature could manifest itself as times of scarcity, illness or accidents. Whenever that happened, the group would move somewhere else, after consulting with the *lia na'in* (traditional keeper of history and customs). Specialized rituals and techniques were performed to identify another, more appropriate site for building their homes and sowing the land again. The group took with it the names of its ancestors and sacred objects, which were then stored in the *uma lulik* (sacred or totemic clan house) in order to protect present and future group members. The new

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10. The municipality of Ermera is 746 km<sup>2</sup> with a population of 130,445 inhabitants (Census, 2015). With the exception of Atsabe, where Kemak is spoken, in the sub-districts of Railaco, Ermera, Hatolia, Letefoho the mother tongue is Mambai.

settlement may or may not be a site previously occupied by the same group.

This settlement pattern and way of inhabiting the territory began to change in two ways with the introduction of coffee. First, property titles were issued to Portuguese investors, such as the Sociedade Agrícola Patria e Trabalho (SAPT, Society of Homeland Agriculture and Labor). This allowed for the establishment of large plantations, often forcing the displacement of those who inhabited and lived off the land in the manner described above. Second, the Portuguese administration distributed coffee seedlings and seeds from trees that provided shade, such as those known locally as *madre cacau* or *santucu*. Timorese also maintained their production units. Antonio,<sup>11</sup> from suku Punilala, who, with his father and uncles, has reflected on the history of local groups and the population settlement patterns before the arrival of the Portuguese, referred to this transformation:

My grandfather had different land plots for different things. They grew maize, cassava, potatoes: things that grow fast. Then they harvested these crops and decided whether or not to plant them again; if not, the land remained empty. Coffee is a bit different. When the Portuguese introduced coffee here before the Second World War, the people began to claim the land, because now there was an enduring crop: coffee is permanent.

With coffee, everyone claimed his right to the land and whatever grew on it. As coffee yields every year, so every year it comes back, and the family has a right to claim that space. With the other crops it is not like that, because the other plants do not produce all the time, only temporarily throughout the year. You have to stay there if you want to produce something, tend to it, because if you don't take care of it, it does not thrive. If you move to another site, you stay at that site and the previous one is abandoned. It was with coffee that things changed, because there was an effort to assert ownership of the land. This included permanent ownership because when you settle in one place in order to grow coffee, there is room for growing other things, like maize, potatoes, fruit, so it requires that the person stays at the same place for longer or even permanently.

During the Indonesian occupation, between 1975 and 1999, the displacement and resettling of communities was part of “a sustained policy to reorganize Timorese society” and promote

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11. All the names of people referred to in this chapter have been altered.

obedience to the Indonesian regime (McWilliam and Traube 2011, 9). According to Indonesian data from 1978, a total of 372,971 individuals were resettled to areas where they could be better controlled (Fitzpatrick 2002, 135) and dissident groups were broken up. McWilliam and Traube (2011) suggested that, ironically, massive relocation often reinforced the cultural value of the original land. People called on the guardian spirits associated with ancestral villages to protect the lives of those who fled to the mountains during the occupation. The authors also proposed that when, in 1978, the armed wing of the Timorese resistance formed guerrilla groups:

resistance fighters continued to solicit help from the 'hidden world,' by way of its recognised human representatives; ... many people regard the ultimate victory of the resistance as at least in part made possible by an alliance between the human and non-human realms. In short, under extraordinary political circumstances, many people might have come to feel an intensified connection to the sacred powers of the land and their human guardians (McWilliam and Traube 2011, 11).

On the other hand, in contexts marked by the dynamics of forced displacement during the occupation, like in suku Babulo and the municipality of Viqueque, Fitzpatrick and Barnes (2010) underscored the resilience of local land tenure systems. The authors highlighted the importance of the principles of origin and alliance as procedures for incorporating migrant groups in times of conflict and forced displacement. Thanks to such resilience, customary systems for managing land have been reconstituted in most of the territory, in the aftermath of Portuguese colonization and Indonesian occupation (Fitzpatrick and Barnes 2010).

In the current, post-independence context, so-called "customary systems" through which land is managed encompass several types of tenure. Some plots are understood as private land with clearly defined boundaries. They may include houses, gardens or yards associated with coffee or rice fields. Access to right over these plots is secured by belonging to a certain descent group: people referred to these as *lisan* (origin) groups.

Although these land parcels were held under individual forms of tenure, these are not equivalent to legal notions of ownership

(Fitzpatrick et al. 2008). Restrictions on land use and transfer indicate relational patterns that cannot be reduced to land as property. According to DNTPSC's local director at Ermera, it is impossible to assess how people sell land because there are no unified records on land sales in the municipality. In most cases, suku administrators validate and archive purchasing agreements. According to local authorities consulted in the sukus of Estado and Poetete, only members of a same suku are authorized to sell land and it is subject to approval by local authorities and the *lia na'in* council. Selling land to individuals outside local descent groups is likely to be contested. It is important to remark, however, that such constraints are not universal in rural areas, especially where "customary systems" are less influential.

Besides "individual" rights to land parcels by members of local descent groups, other modalities of communal ownership address water sources, forest and pasture for grazing animals or collecting wood. Within these areas there are no individual demarcations for the rights of use (Metzner 1977; Forman 1980; Babo Soares 2003). As they are sacred, some of these areas have restrictions on their use and access. They are generally used to perform rituals in which connections with entities of the spiritual world are renewed.

### **Kinship relations and land rights**

Social lives in villages and settlements scattered across Timor-Leste follow agriculture's seasonal rhythms and of exchange rites demarcating life-cycle ceremonies and rural sociability (McWilliam and Traube 2011, 1). The range of social events, whereby alliances between kin groups are renewed, includes mourning ceremonies, funerals, weddings, reconstruction of sacred houses and reconciliation customs. These groups are united by marriage or by the relation locally known as *uname-manefoun* (or *fetosan-umane*, depending on the region). These relations guide the circulation of people and objects around different sukus and villages, or between the capital, Dili, and places of origin in the mountains (Silva 2011).

Debt relations established through *umane-manefoun* are permanent and feed a gift-giving circuit that encompasses the



entire territory (Simião 2017, 250). The *manefoun* is obliged to recognize his debt towards the *umane*, through regular gift-giving in multiple rituals. The nature of such exchanges depends on the position occupied by each party: *umane* must give pigs and *tais* (traditional weaving), and *manefoun*, buffalos and goats. These goods are exchanged and, if both parties agree, may in certain contexts be replaced with money (Simião 2017, 250).

One of the field officers explained what seemed to be a set of rules with apparently clear terms and obligations, while we were driving in an SNC vehicle to the Gleno headquarters. Our work day in the administrative post of Letefoho, suku Era-ulo, had been particularly tense. There was a discussion between several men in both Tetum and Mambai, which, according to my interlocutor, concerned *kultura*.

Responding to my interest in some of the discussion's arguments, the officer talked about what he considered to be the "ABC" for making sense of "Ermera's *kultura*". The system he described consisted of a set of obligations that a husband acquires towards his wife's relatives. Once the union is formalized by paying *barlake* (bridewealth), the husband is recognized as *manefoun* by his wife's descent group. From then on, he is obliged to participate in and contribute to *kultura* ceremonies with money or animals, as outlined above.

Other conversations with the same field officer, and with members of Ermera's DNTPSC, made it clear that, according to "Ermera's *kultura*", once a marriage union is formalized, the wife settles on her husband's *lisan* land. Also following tradition, the husband, as member of the local descent group, receives a parcel of land for building his house and a yard, often comprising coffee fields.

However, accompanying the collection of cadastral data in the field made it possible to verify that the aforementioned virilocality was frequently broken. According to a *lia na'in* in the suku Estado and the village chief of Tatoli, to say the *manefoun* "respects" his wife's uncles means that he fulfills the rules underlying *umane-manefoun* relations: "there is no reason for trouble". There are many potential variables when it comes to "breaching" what was announced as a rule governing the *manefoun* locality. Factors, such as the availability of *umane* land, the possibility of settling closer to

the town of Gleno (the municipality's administrative center), or the proximity to the road, may all be taken into consideration when settling on the wife's family land. Indeed, on another occasion, the village chief mentioned that, besides the land parcel he had inherited in the village of Taloli, he also had a coffee field in the village where his wife was born, that is, from his *umane* relatives. I asked him whether the authorization to use the land included the right to declare it was his and his answer was positive, "if you maintain excellent relations with them and never fail to respect them".

Photo 1: Members of the *Lisan Mau Suma* record money and goats given to their *manefoun* relatives during the inauguration of a sacred house – a *kultura* celebration – village of Samatrae, Ermera.



People described potentially tense situations where the *manefoun* failed to respect the conditions upon which he had been authorized to occupy the land. An example was to build a "permanent" house, when the agreement allowed for a "provisional" one. Other tensions may relate to the exclusion of certain *umane* relatives from negotiations that settled the terms on which the *manefoun* could use the land.

Local authorities may play a role in this kind of agreement. One of the field officers stressed the importance of notifying the

village chief about the arrival and establishment of a *manefoun*: it involved the land parcel to be occupied, the terms and conditions and, overall, the state of relations with the *umane*. The function of local authorities includes providing a record of, or at least to identify, those occupying the land, especially in the case of foreigners to the village or to the suku's *lisan*.

While I was in the field, DNTPSC and SNC representatives (a DNTPSC mediator and SNC-trained technicians) organized a local meeting to explain the procedure for registering the land parcels. It was also an opportunity to inform villagers about the importance of declaring their properties even when they were disputed. In addition, the representatives described the mediation process. At the meeting held in April 2017 in the village of Tatoli (suku Estado), representatives of the two institutions alluded to the difficulties stemming from relations between groups as “*kultura*-related problems”.

Based on his experience collecting data in other regions of Ermera and Railaco, the SNC so-called “socialization technician” warned that “problems between *umane-manefoun* were common during cadastral surveying and may create confusion”. These discussions, he continued, should not be included in the data-gathering context, “nor taken to the SNC workshop”. He remarked, moreover, that this was “a difficult and serious problem which must be discussed internally”, that is, within descent groups or *lisan*. During his presentation he returned to this issue without going into further detail, only affirming that “problems with the *karau* (buffalo)” or “problems with *umane-manefoun* must be solved through *kultura*”.

### ***Kultura* as a technology of government**

In common parlance, *kultura* (with a “k” in Tétum)<sup>12</sup> refers to a series of obligations and entitlements derived from belonging to a descent group. From research with the people of Nauti, in the municipality of Viqueque, Susana Barnes remarked that:

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12. In Timor-Leste, this is also referred to as *adat* in Indonesian or *usos e costumes* in Portuguese.

Obligations include participation in house-based rituals, contribution to the maintenance and/or reconstruction of the physical house structure and provision of goods and services associated with exchanges between houses during significant life and death events. Entitlements include the spiritual protection of the house ancestors, access to house land and other forms of house wealth, as well as the opportunity to draw support from house members in times of need or in the context of ceremonial exchanges. (2016, 124–25)

In this sense, I understand the category of *kultura* as a repertoire of socially constructed practices and representations, which are instrumentalized as part of projects for social change (Silva and Simião 2017). Its deployment by government apparatuses harks back to Portuguese colonization, particularly in the late nineteenth and early twentieth centuries. Ricardo Roque (2011), for instance, analyzed how the colonial state's officials administered justice by incorporating and copying what they considered to be Timorese law and its liturgies according to local arrangements. It was a project of government based on “maximal mimicry and minimal modification of local political-legal traditions” (Roque 2011, 157). In this respect, Kelly Silva (2014) argued that the colonial state, “in an effort to monopolize and homogenize the instruments of government, claimed the function and power to define what was tradition, custom, and customary law” (Silva 2014, 127–28).

After independence, *kultura* became an explanatory device in projects aimed at transforming multiple aspects of social life in Timor-Leste. Projects sponsored by the United Nations Development Programme (UNDP), for instance, asserted the need to overcome *kultura* in order to develop sectors, such as public administration, HIV/AIDS policies and modern educational practices, and to improve agricultural production, advance gender equality and in the struggle against domestic violence (Zhiming 2013, 104–7).

Silva (2014) analyzed the mobilization of *kultura* as a means for producing bodies and other resources geared to production and labor (126). In her study of *tara bandu*, a set of rules and prohibitions concerning certain ritual practices of social reproduction (initially conducted in the municipality of Ermera, and since extended to other areas), the author warned about projects and processes of objectivation and objectification for making *kultura* tangible, in order

to engender political effects (146). Silva also underscored the role of the state, church and non-governmental organizations that played a part in what she called “local government complexes” aimed at transposing modern projects of social organization and subjectivation.

Emerging inter-group conflicts during data gathering often evoked the notion of *kultura*, making evident how the term has become a socially shared category for addressing specific ritual practices. At an early stage of data collection, the mobilization of *kultura* as part of land-governing technologies aimed at settling “domestic” disputes related to *umane-manefoun* obligations within the family itself, or mediated by the *lia na’in* or by village chiefs or suku administrators, before the arrival of field officers. It must be remarked that survey procedures at large generally involved staff from the abovementioned institutions, local authorities, community police and other influential figures at the village level. From my perspective, these parties have contributed to formalizing a pedagogy for detecting those disputes that are supposed to be settled domestically, “within the family” or “through *kultura*”, and which should not, ideally, become public and therefore run the risk of disturbing the flow of cadastral surveying.

During fieldwork, I witnessed discussions during data gathering involving, among other allegations, complaints about the failure to fulfill alliance-related obligations and prestations. It became clear that the field officers and the SNC’s mediating technicians paid variable attention to such a situation, depending on their work flow, on precedents (for instance, previous mediation efforts from other authorities), and on the legitimacy that other villagers bestow on that particular demand. In order for a statement of property to be issued, several residents of the village must sign the registration documents as “witnesses”, “neighbors” and “local authorities”. This underlines the importance of the claimant’s capacity to organize other village residents, influential individuals in the community and/or local authorities.

## Land cadaster: "Seeing like a State"

DNTPSC and SNC were in charge of technologies for managing land. The DNTPSC was responsible for opening new areas for cadastral surveying and the SNC, for collecting and systematizing data. Both were required to socialize information, to respond to local concerns and questions about the surveying process, and to provide mediation whenever disputes emerge, carried out by staff trained for this task.

The cadaster under construction included maps based on aerial photographs, on which data derived from field surveying were inserted. The daily routine of SNC data "collectors" on the ground consisted of a series of repetitive procedures involving personal identification technologies regularly used by the modern state in order to guarantee population "legibility", to use James Scott's theory (1998). People were photographed and needed to provide their complete names, identification documentation, signatures and fingerprints, all of which were the basis for the forms identifying land parcels as belonging to a "claimant".

The information the claimant and his or her neighbors provided was used to locate the object: the claimed land parcel. This was done by plotting geographical boundaries in high-definition orthophotos, or aerial photographs to geometrical scale. These were, in turn, processed by ARMGeo software, installed in the electronic tablets carried by the SNC technical staff.<sup>13</sup> The tablets' technological mediation and ARMGeo's information management system were key agents in the surveying process. This dimension unveils trajectories sustained by the social processes of globalization and exponential development of digital and technological resources characteristic of the so-called information society (Castells 1998). It resonates with what Foucault (2003, 249) called "surveillance technologies", by which he meant technologies of government for controlling populations.

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13. The GIS application, ARMGeo, comprised the geographic database and the management system, with facial recognition technology: <http://arm-apprise.com/services/armgeo/>

Photo 2: Field officer making adjustments to the geometric configuration of a land parcel



The cadaster is premised on graphic aesthetics and speed when accessing information about personal and geographic identification. By clicking on the purple geometric shape superposed onto the orthophoto on the officer's tablet, information was instantly relayed to the local SNC coordinator's computer, as well as to engineers and geographers in Dili. This data may refer, for instance, to the individual declaring ownership of the land, from whom it was inherited (or bought), and whether or not it was subject to dispute. It also includes the land's legal status, especially if it was abandoned land or previously belonged to the Indonesian state – these land parcels became property of the Timorese state.

The law requires that these maps be published within 90 days. Claimants may then verify the information recorded by field officers, by confirming personal data as well as the land's location and boundaries. If necessary, they may request adjustments. After this stage, claimants whose land is not subject to dispute receive a document called "Certificate of Property Registration", which implies the right to the future legal title for their land.

I understand the development of the cadaster as an enterprise aimed at constructing the “state’s vision” of and for land. This expression is a reference to the simplification necessary for rendering “legible” the objects of government intervention (Scott 1998). In this case, the formation of a modern system for managing land (its uses, imposing taxes and creating a market) requires the production of information bounded by fixed and quantifiable variables – who owns the land? Where is it located? What is the size of the area? – subverting the interdependent complexities of local values attached to land. Land insertion into the system as real state depends on purification, to apply Latour’s (2009) use of the term, carried out by the officials by means of technical mediation. Similarly to the multiple processes by which culture has been objectified in Timor-Leste (Silva and Borges 2018), the sequence of procedures underlying the production of instrumental knowledge for land administration is designed so that:

phenomena emerge as autonomous objects after being subtracted from all relations and mediations that supported their existence. Upon dissociation from these relations, they become disenchanted and alienable in a broad sense, coming to figure as passive repositories of human agency. In these contexts, there is a tendency to see the object as something in and of itself, as if it were not a product of actions and relations bringing together both humans and non-humans (including the environment) (Silva and Borges 2018, 4).

My daily observations of teams in charge of surveying land in the villages, as well as archival research on DNTPSC mediation, underscored the centrality of exchange regimes regulating social life for the models of land use and ownership. The repertoire of resources used by members of descent groups in some disputes brought to light the importance of ritual obligations, and how serious it is to default on debts contracted as part of matrimonial alliances.<sup>14</sup>

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14. This is far from a ‘representative’ dispute in rural areas. Given the complex historical scenario involving displacements, withdrawal and occupation of property in the municipality of Ermera, the range of possible disputes is much wider than those supported by *kultura*.



## Resolving disputes through *kultura*: a case study

Since independence, local adjudication mechanisms have played a fundamental role in resolving disputes over land (Fitzpatrick and Barnes 2010; Babo Soares 2004). Reviving such mechanisms, along with the reconstruction of sacred houses across the country, has contributed to strengthening local governance, collective identities and reconciliation among Timorese (Babo Soares 2004). Moreover, difficulties accessing formal justice and the very nature of such conflicts have drawn people to local conflict-resolution mechanisms. These mechanisms aim at agreement and reconciliation between the parties, which, more than individuals, implicate families or groups (Simião 2017).

In 2000, UNTAET introduced a mediation model for solving conflicts, including those related to land (Fitzpatrick 2008, 178). DNTPSC staff managed the same model, as did the SNC's so-called "mediation technicians", some of whom the Ita Nia Rai project had trained. However, as the SNC socialization activities explained, all other options must have been exhausted before resorting to local authorities (that is, the village chiefs and suku administrators).

In the following case, submitted to mediation by a DNTPSC mediator, the *manefoun*'s failure to fulfill alliance prestations was an argument for disputing land ownership. This particular case involved the brothers Feliciano, Adilson and Julião. They said during the Japanese invasion in World War Two their grandfather, Dionisio da Costa, married Fatima Soares. Dionisio's father and uncles gave a buffalo as *barlake* to Fatima's uncles, who, in return, granted Dionisio the right to work on nine and a half hectares of land in suku Poetete. That land parcel had been abandoned, and Dionisio prepared it for growing rice. His grandchildren then inherited the land.

On the other side of the dispute the brothers, Álvaro, Antonio and Saturnino, confirmed that the *barlake* had been paid, and that their grandfather, Roberto Martins, had given the land to the *manefoun*, Dionisio da Costa, who had married his daughter. What they resented however was the fact that, upon Roberto Martins' death in 1969, the *manefoun* had not provided proper mourning prestations which, according to *kultura*, consisted of a buffalo and

a *belak* (a metal, disk-shaped, traditional chest ornament). Messages were sent to the *manefoun* communicating Roberto's death, but the responding contribution was limited to a few candles. The tension produced by the failure to comply with the duties and gifts implicated in *umane-manefoun* relations simmered over the years. Their declaration also noted that in 1987, during the Indonesian occupation, they requested that the suku administrator mediate between the two parties on the occasion of a heated argument, but the other party failed to appear.

The arguments Feliciano, Adilson and Julião presented to support their land claim included respecting their grandfather's agreement, which was accomplished by paying their grandmother, Fatima's, *barlake*. Based on this, they refused to recognize the legitimacy of Roberto's descendants' claim; they were, according to Dionisio's grandsons, putting their own word above that of the ancestors. After a round of mediation, the parties agreed to take the case to court, so that a judge would decide who was entitled to the land parcel. They also committed to refrain from working on the land, and from resorting to threats or violence during the process.

A month and a half later, the parties requested new mediation from the local DNTPSC office in Gleno. They had given up taking the case to court and wished to reach an agreement through *kultura*. After the parties discussed the situation, reaffirmed the arguments from the previous mediation and raised new ones, they reached an agreement that the *manefoun* would pay the *umane* two buffalos and USD 2,000, and the latter would give the former one pig and one tais. After closing the deal, both parties vowed not to raise future claims on the disputed land parcel, and declared they were aware that "Whoever fails to comply with the agreement will answer before the law of the Democratic Republic of Timor-Leste".

As some researchers have shown, the rules, rights and duties underlying the *umane-manefoun* relationship are the "foundation" for solving many disputes involving members of extended families, or *lisan* (Meneses et al 2017, 50). In the case of disputes manifested during the cadastral surveying process, the expression *umane-manefoun* appeared as a typology, or as a language for helping make sense of a dispute. In this kind of situation, to reason based on *kultura* may help a mediator pave the way towards an

agreement. To take *umane-manefoun* relations as a “foundation” for making sense of tensions in a village or suku in Timor-Leste is manifested in chronologies established by mediators after listening to each party. These chronologies comprise multiple facts or events that help account for many disputes. They may refer to past agreements, to unmet obligations or “alliance prestations”, or to specific historical moments such as “Portuguese time”, “during the Second World War”, “Indonesian time” or, more recently, “the arrival of *ekipas sukat rai* (the land-survey teams)”.<sup>15</sup>

The *umane-manefoun* factor is frequently present in agreements, such as the one described above, which must be considered further. It refers to a construction of honor, glossed locally as *dignity*, based on upholding obligations gained upon entering an exchange circuit. According to this logic, those who are able to fulfill obligations towards many debtors have their *dignity* strengthened (Silva and Simião 2016). As part of social dynamics, allusions to *dignity* were frequently made in reference to sustained alliance prestations, and access to land by individuals identified as *manefoun*. A dispute over land therefore involves multiple effects, which may compromise one’s personal integrity as a group member. In this sense and, as mediators themselves recognize, to resolve a dispute through *kultura* prioritizes reconciliation between the parties whenever the agreement allows for recognizing and re-establishing their dignity. For the DNTPSC staff, the public demonstration of feelings (for instance, weeping during mediation), the agreement itself and the ceremony for delivering what was agreed upon by each of the parties acts as unquestionable evidence of the commitment assumed. As a consequence, harmony and good relations are sustained for longer.<sup>16</sup>

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15. Literally, the teams that measure land, an expression referring to the SNC technical staff.

16. While accompanying the data collection I talked to people with unfavorable opinions of *kultura*, usually those who had traveled from Dili to declare land ownership (some of whom had also resided outside the country). From their perspective, the ceremonial obligations and expenses were a sign of “backwardness” or they considered *kultura* a mechanism of manipulation and exploitation fueled by the population’s ignorance. Regarding the use of *kultura* in conflict resolution, there are different perspectives. Fitzpatrick (2008) analyzed a

Another important factor for making sense of the multiple agencies that come into play during an agreement “through *kultura*” refers to the ancestors’ participation in restoring relations between those involved. Local conflict resolution mechanisms are directed to reconciliation. Re-establishing family and community harmony implies appeasing the ancestors by renovating ritual and ceremonial cycles (Babo Soares 2004). In other words, the actualization of exchanges between families supposes a reconciliation process of which non-human entities inhabiting the groups’ cosmological universe are also part. To breach an agreement reached through *kultura*, to which the ancestors had been “invoked” by exchanging goods, may have undesirable consequences for one’s descendants, such as infertility, disease and other kinds of misfortune.

## Closing remarks

This chapter analyzed the construction of a cadastral system in Timor-Leste as part of a longer history of population and land governance, conducted by previous administrations in the territory. To regard the production of knowledge for managing land as a process of objectification implies inquiring into how its agents operate on the ground.

Firstly, the premise of an inherent relationship between people and land makes evident that any enterprise for managing land entails an intervention of expert knowledge and the play of multiple actors and agencies belonging to the immaterial universe recognized by local ontology. Secondly, the way the category *kultura* was mobilized during land-governing practices – one of which is the “collection” of cadastral data – pointed at possible ambiguities.<sup>17</sup> Sometimes, the term refers to a domain or set of

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case in Maliana in which one of the parties opposed the conclusion based on “customary relations” (*umane-manefoun*) and requested that the case be resolved by the court.

17. Some authors (Silva and Simião 2013) remarked on ambiguities that may be involved in Timor-Leste’s development sector. On one hand, there is simple opposition between ‘culture’ and ‘modernity’. On the another hand, there is a more subtle strategy of assigning new meanings to signs and values deemed to be

practices, which poses obstacles to the process of collecting and systematizing data. At other times, it denotes a technique or mechanism for resolving disputes and maintaining peaceful coexistence in the villages.

Finally, I highlighted the mediation work carried out jointly by SNC and DNTPSC staff, local authorities and other important local figures for enabling data collection on the ground. Such mediation efforts refer not only to specific disputes (for which both SNC and DNTPSC have specialized staff) but, overall, to an “encounter” between, on the one hand, the Western logic implicit in how cadastral surveying frames land and, on the other, the logic underlying ancestral relationships between people and land. Given the heterogeneity of agencies enacting this “encounter”, mediation can also be regarded as an ongoing pedagogy for discerning what belongs “to the state” and what belongs “to *kultura*” – identifying their respective domains, authoritative figures, temporalities and performances.

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proper to ‘culture,’ so that they serve one or more modernization projects. These two trends generate ambiguities in public policy concerning ‘culture’: sometimes the ‘culture’ is praised, sometimes it is condemned (Silva and Simião 2013, 4)

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