

Tara Bandu and Customary Governance in Post-independence Timor-Leste

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Abstract

In developing the concept of intergenerational wellbeing from its base in an ever-transforming customary realm, we also need to ask how these ideas and practices might be integrated successfully within secular state policies and government service delivery. To date these issues of long held customary practices and orientations have been largely ignored or quietly sidelined. Exemplifying this challenge in Timor-Leste is the customary practice of periodic prohibitions on harvesting or cultural burning deployed under the restrictive customary process of *tara bandu* (to hang the ban). In this next chapter we examine these multiple, locally enacted customary practices of ritualized prohibitions designed to regulate diverse place-based social and environmental relationships. Now officially valued and promoted by the state as a local mechanism to conserve and promote the preservation and sustainable use of natural resources, we argue that what is usually missing in this collaboration is an engaged respect by those in power for the context-specific, spiritually sanctioned, dynamic traditions and moral expectations that underpin local *tara bandu* institutions. Further we find that these transformations and the implied renegotiation of power and ritual-political structures, are being impacted by state-sanctioned intentions to harness or subvert their potential. In this protracted struggle for recognition, we locate a continued purpose and strength in the Timorese commitments to honouring their spirit ecologies. Chapter 7 presents an extended discussion of these customary practices in post-Independence Timor-Leste with case material drawn from the Fataluku and Waima'a ethnography.

Keywords: Timor-Leste, Ritual house, custom, environment, governance, ritual, post-conflict

Introduction

The continuing significance of spirit ecologies across Timor-Leste is exemplified in the preceding focus on a range of Timorese House communities and their vital role in sustaining and reproducing customary governance in a context of expanding formal government programmes and regulatory policies. One such field of engagement is the widespread tradition of *tara bandu* (T. to hang the prohibition) which is used in many communities as a form of sanctioned proscriptions against harvest

theft or environmental damage. In recent years, these traditions of *tara bandu* have been valued and promoted by the state as local mechanisms to conserve and promote the preservation and sustainable use of natural resources. In this chapter, we argue that, while well intentioned, what is often lacking in this collaboration is an engaged respect by those in power for the context-specific, spiritually sanctioned, dynamic traditions and moral expectations that underpin local *tara bandu* institutions. Further, we find that these transformations and the implied renegotiation of power and ritual–political structures, are being impacted by state-sanctioned intentions to harness or subvert their potential.

In this chapter, we offer more specific ethnographic insights into the practical enactment of spirit ecologies and practices of *tara bandu* in the context of customary forms of governance. The concept of customary governance here may be defined as an assemblage of cultural practices that is grounded in notions of spiritual blessing as well as sanction and constituted as diverse forms of moral obligations enacted through gift exchange and appropriate behaviour. These concerns are fundamental elements that underpin and inform moral and behavioural practices within defined landscapes and traditional jurisdictions.

Fataluku spirit ecologies: foundational properties

Fataluku spirit ecologies are complex cultural terrains with multiple interpretive dimensions. For most Fataluku, the experience of the ‘spirit’ domain is part of the lived reality of social life. People refer to this ever-present though largely invisible realm by the generic term, *tei*—a concept that combines moral authority and protective familiarity with elements of dangerous uncertainty and retribution (akin to the Tetun notion of *lulik*). That which is *tei* is treated with caution, respect, and ritual restraint. The concept of *tei* extends to a wide range of polysemous forms, from spiritually charged locations across the landscape, to certain forms of behaviour, the consumption of sacrificial meat, avoidance relationships, sanctioned names of origin ancestors, and group-specific knowledge of healing spells, sorcery, and ritual prayer. We agree with Pannell and O’Connor (2005: 2) when they argue that, ‘the notion of *tei* is positioned in the centre of a discourse that explores the often perilous limits of sociality’; the idea of the sacred here expresses the inherent ambiguity of power in the indeterminate spaces between blessings and threats, malevolence and benevolence.

Within a broadly Catholic framework, Fataluku posit a continuum of classes of spirit agency extending from clearly human to more-than-human forms. However, in practice, the distinction is often blurred as transformational processes are frequently a defining quality. This continuum also informs the idea of what has

been referred to elsewhere as Fataluku 'inspired landscapes' (McWilliam 2011) a notion that speaks to ways of engaging pre-existing and emplaced 'spirit' forms with active processes of inspiring as a means of legitimating residential presence and resource claims. This can include processes of clearing and cultivating the soil, hunting and resource capture, and being born and dying in the land, all of which contribute to the conversion of the country over generations from the strange to the familiar, from 'other lands' to 'our' lands (see McWilliam 2011: 69).

Fataluku cultural repertoires include wild spirit agents that can influence human actions in beneficial but also deleterious ways. These agencies comprise a very diverse range of powerful spirit owners of the land and waters known as *mua ocawa* (guardians of the land) often intimately linked to the origins of ancestral settlements. Other spirit entities include forms of land, forest and water dwelling spirits (*ca-catu*), as well as the bloodied and vengeful souls of those who have died a bad death (*ula papan:: ula ucan*)¹ and the elusive shape-shifting witches (*acare*) who entice and consume the unwary.

It is said the wild *tei* of the land may be calmed or 'tamed' (*tei ma'a varin pai*) through the actions of human intervention. Sacrificial offerings of blood, offal, boiled rice, and palm liquor with appropriate invocations are designed to address ruptures in relations and/or render them amenable to the service of the living land-owners, while securing the protection of those residing on the land. But the nature of invisible autochthonous spirits is capricious and demanding as they can turn on their living custodians if relations are neglected or they are addressed incorrectly. As ever, there is a high degree of indeterminacy and uncertainty surrounding ritual communication with *tei* forms.

The counterpart to these unpredictable spirit strangers is the immanent ancestral domain, and for Fataluku, ancestors matter in fundamental ways. All Fataluku are members of agnatic kin groups and trace their collective identity, mythic origins, resource attachments, and clan-specific knowledge through the memorialised settlement trajectories and actions of paternal ancestors. Collectively referred to as *Calu ho Papu* (lit: grandfather and great grandfather), the invisible presence and agency of ancestor spirits (*i huma'ara*) are conceived of maintaining a kind of vigilant oversight of the social affairs of their living and visible progeny. Through prayer and sacrificial feeding (*fané*), ancestors are urged to provide blessings and protection for their descendants, to ward off illness and heal the sick, to bring abundant harvests and healthy babies, to restore reputations, and alleviate suffering. For these reasons, life transitions and commemorations for

¹ Untimely death (e.g., suicide, falling from trees, accidental or intentional death) is inauspicious and results in the soul of the deceased (*huma'ara*) being abandoned and left to wander as a tortured and unconstrained spirit.

newly deceased kin are accorded great importance and attention by agnates and their affinal relatives alike.

For most Fataluku, ritual engagement with their house and clan ancestors is actively mediated through life-cycle events of the household such as baptisms, marriage negotiations and weddings, funerals and the consecration of graves, house inaugurations, opening new food gardens, and so on, all of which reaffirm the solidarity of shared origins and the expanded ancestral networks. At the household level, the locus for ancestral communication is the sacred hearth (*lafuru tei* or *aca-kaka*). To celebrate life cycle events, kin gather to present sacrificial offerings to male ancestors, especially meat, comprising the thorax and internal organs of sacrificial animals (*leura tei :: ipilu tei*). Ancestors are invited to assemble at the (sacred) hearth (*aca-kaka na cuare*) within the house and participate in commensality with their living male progeny. Engaging ancestors in this way evokes a symbolic conjoining of past and present and the celebration of origins as a source of continuing life and wellbeing.

Ultimately, the Lautem landscape is a deeply enculturated one, littered with the signs and traces of group specific sites of renown and generative ancestral power. Most people locate their origins in the long-range exploits of forebears who arrived along the coast of Lautem in their sea-going *perahu* (F. *Loiasu*). Here, they left mythologised inscriptions of their settlements in the landscape that are variously memorialised. They include carved sacrificial altars (*ia mari tulia*) that signpost places where ancestors made landfall; ancestral 'stone boats' (*loiasu mataru*) that lodged in the landscape and became 'fossilised' remnants of the original settlement; and naturalistic figurines and carved posts (*ete-uruha'a* or *sikua*) located on hilltops, near springs and forested groves, as well as multiple stone-walled hilltop settlements (*lata paru, pa'a makolo*) often overgrown with dense vegetation and enclosing massive stone graves of ancestors and *tei* altars. Collectively, these sites identify the historical and material imprint of the ancestral presence in the land (McWilliam 2019). Each provides a focal point for ritual veneration by descendants in the hope that blood sacrifice and prayer will resolve impediments to relations leading to the misfortune of afflicted members and/or bestow blessings of protection and abundance. These early and old places of ancestral presence are reputed to be the most powerful in terms of their restorative or influential affects. Their seniority, it is said, gives them the authority to assemble a wider group of more-than-human kin. But powerful ancestral sites are also fraught with risk, where errors in ritual performance and narrative address carry heavy sanctions including illness and even death for practitioners. For those reasons, Fataluku generally rely on the knowledge and ritual skills of their leaders (*laficaru, luku-lukun ocava*) in this spiritual work.

The central point of this excursion into Fataluku spiritual ecologies of place is for the purpose of highlighting the powerful, thoroughgoing but often indeterminate

nature of the properties attributed to place and its implications for customary governance. Ritual invocation and commensality in these spirit ecologies has been an important part of the post-conflict rebuilding process for Fataluku communities. They reveal a 'meshwork' of shared concern around giving thanks to ancestors for their protective role during the years of struggle. They also address points of resistance, breaks, or blockages in relations and apologies for inadvertent neglect of their needs; and they work to cleanse the collective group of the lingering effects of wrongdoing, while seeking guidance, blessing, and support for a better future.

Customary Governance: Divination and Ancestral injunctions

In the crowded landscapes of Fataluku spirit ecologies, it is evident that individuals, householders, and extended family groups are by no means passive recipients, beneficiaries, or simply victims of ancestral and other spirit actions. Rather, the spiritual domain is a highly interactive field—one amenable to manipulation and processes of discovery, interpretation, and resolution for many everyday afflictions and suffering that affect households and the networks of more-than-human kinship and alliance in which all are enmeshed. Key to this complexity is the widespread use of diagnostic techniques of divination performed by ritual practitioners (*i navarana*) skilled in specific mantras and interpretive knowledge. A range of techniques are employed, often accompanied by the sacrifice of domestic animals (esp. chickens and pigs) and the close inspection of the pancreas (*ari moko haca*) and liver (*ari haca*) for blemishes, shadows, and signs that portend unresolved concerns and threats (see McWilliam 2008). One common divinatory technique, known as *mu'u-fuka totole*, involves the use of a soft inner-banana stem, a small knife, and the practice of asking a sequence of questions of the ancestral domain, slicing small segments of the stem for each enquiry and watching how they land. The result determines whether the question is answered in the positive or negative. These interrogative procedures often take some time before the specific source of affliction or ill-fortune is identified. Typically, they are located in behavioural acts of commission or omission on the part of the patient/supplicant which are affecting their relations with the more-than-human ancestors or nature spirits. Subsequently a variety of performative actions and ritual remediation is usually prescribed. The practice of *mu'u-fuka totole* is a widely used tool in Fataluku society for divining cause and effect, as well as confirming the efficacy of actions through subsequent sacrificial offerings. In Figure 14, the practitioner is using this technique to assist a small group of male siblings (*noko :: kaka*) to resolve the cause and problems associated with a miscarriage suffered by the wife of one of the participating brothers. Unless ritually contained and its effects neutralised, the spirit



Figure 14: Fataluku divination ritual. Photo credit: Andrew McWilliam

agent (*moco-i-can*: lit: the fallen child) can be a cause of expanding misfortune and accidental death (characteristically, from falling). The ritual also brings together the symbolic elements of the spirit child (blood, bones, and burial cloth) that will be later bundled and buried in the ancestral settlement of the father, thus containing and integrating the dangerous spirit into the ancestral collective.

Divinatory techniques like *mu'u-fuka totole* accompanying sacrificial offerings and the various prescriptive actions that supplicants are obliged to follow, are important cultural mechanisms for addressing illness, disruptions, and uncertainties in social life. In other words, the affects revealed in physical bodies are often related to transgressions against the body social, and the complex web of mutual indebtedness, obligation, and exchange that shapes and informs the broader governance of social life (McWilliam 2008).

Aside from investigating the cause and effect of human actions via ancestral direction, Fataluku also draw upon specialised cultural knowledge to protect and

conserve household or group possessions and resources through the application of potentised prohibitions and sanctioned measures. The generic Fataluku term for these protective invocations is *lupure*, a local variant on the wider Timorese (Tetun language) concept of *tara bandu*. The Fataluku practice involves the placement or fixing of a sign or marker, often botanical in form, together with appropriate words to charge or activate the protective device. Each ancestral origin group has its own forms of *lupure* and ritual invocations. The intent of *lupure* is to draw upon the powerful possibilities of the ancestral/spirit realm and enable release of its punitive actions against transgressors. The use of these restrictions is often applied to food crops and plantation commodities such as coconut, areca, and other tree crops (*vata lupure*). Here, the prohibition is signalled with a material marker made from palm leaf affixed to a wooden post (*lupure pacun*). But *lupure pacun* can also extend to restricting access to ripening crops such as maize (*cele*) or wet rice fields (*ale ira*). Prohibitions may be applied individually or extended as general restrictions on harvesting, and sanctions for transgressing these prohibitions are generally non-specific, but there is a widespread view that a key consequence of theft from items placed under *lupure* prohibition is the affliction of genital shrinking or genital retraction in the perpetrator leading to death if untreated. Fataluku allude to this effect with the term *molu molunu*, meaning to ‘disappear’.² In due course, the harvest prohibition will be lifted or rescinded (*mamihe*) by its owners and with it any existential threat to personal or material injury.

The scope and limits of customary governance

The different ways of proactively engaging the agency of Fataluku spirit ecologies, highlighted above, illustrate forms of customary governance at different levels of social inclusion, moral injunction, and behavioural effect. They are distinctly local in flavour and highly instructive in offering specific cultural expressions of what are widely shared practices enacted across the ethno-linguistic landscape of Timor-Leste where thirty or so distinct language communities share a common Austronesian heritage. People find continuing solidarity, comfort and efficacy in the authority of ancestrally constituted social and environmental governance practices tied to behavioural expectation.

² The notion of genital shrinking is widespread across southeast and East Asia. In the literature, it is often associated with the Makassar or Bugis term *koro* (meaning wrinkled or shrunk). Edwards defines this as a psychogenic syndrome of the subjective experience of penile shrinkage accompanied by extreme anxiety, and postulates that, ‘that genital insecurity may be a basic feature of Indonesian-Malay psychic and cultural life’ (1970: 168). See also Mitchell (2003).

In developing the concept of intergenerational wellbeing from its base in an ever-transforming customary realm, we would compare this with other more traditional and positivist notions of wellbeing expressed in governmental health, security, and environment sectors. As such, we also need to ask how these ideas and practices might be integrated successfully within secular state policies and government programmes of service delivery that, to date, have largely ignored customary practices and orientations. We are cognisant that moving beyond an acknowledgement of pluralist approaches towards pathways for active engagement requires careful research and more innovative analytical frameworks that can overcome the possibility of formalised governance interactions being little more than a means of demarcating and controlling the customary economy (cf. Zerner 1993: 1107, 2003).

Exemplifying this challenge in Timor-Leste are the multiple, locally enacted customary practices of ritualised prohibitions, widely glossed as *tara bandu* in the official language of Tetun. *Tara bandu* practices are often referred to as ‘seasonal or periodic resource harvesting restrictions’ (Meitzner Yoder 2005: 249), but as noted above, they can also be more broadly interpreted as a practice that regulates diverse place-based social and environmental relationships. They are, in other words, forms of sanctioned behaviour directed towards environmental or social organisational ends (cf. Belun and the Asia Foundation 2013). Like the Fataluku notion of *lupuré pacun*, these ritual prohibitions are generally invoked to proscribe behaviours considered damaging to social cohesion and/or the integrity of the local environment. Elevated as a tool for forest protection by the Portuguese at the turn of the twentieth century, over several decades, the practice of *tara bandu* became the favoured ‘indigenist ideology’ supported by the state (McWilliam et al. 2014). This officially favoured status that afforded it recognition as an ‘indigenous environmental protection practice’ has been reinvigorated in the independence era with similar intent. Alongside a significant amount of community and non-governmental organisation-level embrace of the process (McWilliam et al. 2014), *tara bandu* has developed as a ‘traditional’ mechanism that has garnered significant attention and traction in the development of formal resource management laws, many of which are being drafted by ‘expert’ foreign advisors and well-intentioned policymakers (Jackson and Palmer 2012). Furthermore, since 2013, the Secretariat of State for the Environment has also supported these ritual injunctions through small allocations of funding, and in some cases, the attendance of senior government members. *Tara bandu*, it seems, is now valued by the state as a local mechanism ‘to conserve and promote the environment and the preservation and sustainable use of natural resources’ (Article 10 (2) of the Draft Water Resources Law, Timor-Leste Ministry of Infrastructure 2012).

But what is understood today as the *bandu* process is usually conducted at the sub-village, village, or inter-village level at locally specified intervals (ranging from

months to years). While the ceremony may be announced and co-ordinated by the local political leader (usually the village head), the law-making power emanates from the ancestral and ritual authority of the ancestral house or houses of one or more of the area's senior origin groups. Ceremonies typically involve invitations to people from beyond the village to witness the ceremony. Invited guests can include political and ritual leaders from neighbouring communities, members of the clergy, and representatives of local government, police, and civil society. The ceremony itself may be a multi-day event. The months of preparation include special ritual speeches, celebratory ritual dancing, drumming and singing, betel nut exchange, animal sacrifice (the type of animals, their colour, and required number depend on the traditions, local capacity, and the subject of the *bandu* itself), divinatory techniques including an augury based on these animals' internal organs, and communal feasting. Prior to the public feasting, the main ritual elders must also come together in the commensality of specially prepared sacrificial foods which are shared with the ancestral spirits of relevant 'houses', lands, and waters (spirits which may also be consubstantiated in animal form (Palmer 2015)). In most areas following the ceremony, large ritual 'mother' posts and smaller 'child' posts will be placed around the extent of the prohibition area and hung (*tara*) with relevant symbols of the prohibitions (*bandu*). They commonly include skulls of the sacrificed animals, forest foliage, and crop items and depending on the locality of the pole, receptacles of water and handwoven symbols of wild animals.

Another purpose of the *tara bandu* is to honour the ancestral sites that connect the lands of different houses, sub-villages, and villages to a particular ritual domain. In these areas, the 'child or subsidiary posts' are erected and accompanied by ancestral prayers. The practice reinscribes the traditional order of ancestral relationships that speak to the origins and political configuration of the local community. It is also associated with a suite of practices in the ritual domain that seek to assure and generate agricultural prosperity as well as intergenerational wellbeing through carefully attuned and calibrated communication with founding ancestors and the autochthonous and newcomer groups who now inhabit the area.

Yet, in what may be read as both a strategic intervention and a reminder of the significance of custom, the placement of these posts has been known to feed simmering independence-era disputes over land and village administrative boundaries, particularly in Timor's urban and peri-urban areas. These tensions emerge via particular instances of *tara bandu*, but the disputes are, at their sources, legacies of colonial and Indonesian-era administrative processes that have to varying extents embraced, subverted, or ignored local 'custom' (Fitzpatrick et al. 2012; Shepherd and Palmer 2015). They are also a consequence of the emerging 'development' value attached to these lands. In many areas of Timor-Leste, development planning and initiatives have fuelled mistrust and suspicion between sub-villages and villages,

especially when ‘newcomers’ renege on their commitments to recognise and reaffirm the founding rights of local land custodians to ritually oversee the use of land and resources (Palmer and McWilliam 2018). In these contested circumstances, independence-era attempts to secure resource regulation and village boundaries through either customary or formal state-based agreements can work to undermine solidarity and foster socio-political fragility and conflict.

Nonetheless, in contrast to the prospects for effective customary governance in much of neighbouring Indonesia, across rural Timor-Leste, a high proportion of environmental and social disputes, including serious divisions, are still ‘conducted between parties who are inclined to obey the same local rules of conduct and the same traditional authorities’ (Henley and Davidson 2008: 848). To what extent this might change in the future is a moot point (Palmer and McWilliam 2018).

Promoting *tara bandu*

These days, new land, resource, and development policies and supporting laws are being rolled out across Timor, which are also engaging with and being co-constituted by the renewed desire among local populations to re-instigate a range of house and community governance rituals. These rituals mark out connections across space and time and define the limits of authority in particular jurisdictions. They are therefore significant as the self-conscious expansion of the meshwork of local political and ritual spheres into the national body politic.

In such scaled-up and often state-sanctioned *tara bandu*-like events, distinctions between ritual/spiritual and political power are relationally defined vis-a-vis others in the community and vis-a-vis the state. In these recursive political and ritual spheres of governance, those most closely associated with ritual/spiritual power are realised only in context and in diarchic or complementary terms. Across the country, house-based communities draw on these dual categories to represent a range of collaborations between such complementary powers, all of which are recursively replicated at multiple levels (see Palmer and McWilliam 2018). In diverse and often new ways, *tara bandu* combine these diarchic political and ritual/spiritual governance functions, mobilising ancestral powers to punish both socio-ecological and ritual transgressions.

In these circumstances, we argue that local communities are seeking an active role in the designation and management of their lands and waters as well as space for performing resource management capacities through practices such as *tara bandu* (Palmer and Carvalho 2008). To this extent, these performances are also important political interventions into land resource governance. But they do not always work. For reasons outlined below, some *tara bandu* events are discussed

and even planned by communities but are never implemented, while others happen but have little desired effect.

From a local standpoint, *tara bandu* is not simply about conserving and promoting, as the Timorese state characterises it as ‘the environment and the preservation and sustainable use of natural resources’. Rather, it is more broadly interpreted as regulating a range of social relationships, and land and resource rights as well as moral action. In this sense, there is no separation between a community’s natural, cultural, and economic resources. Based on experiences elsewhere in the world, and as is evident historically in Timor, activating these kinds of rituals as ‘counter maps’ for social and environmental governance risks political co-option or even repressive legal sanction. Yet, this is a risk that local peoples have so far been willing to assume, realising perhaps better than most, that negotiating the ‘friction’ (Tsing 2005) of these meshworks of material imagination and practice is always messy, incomplete, dynamic, and opportunistic.

For its part, the recent responses of the Timor-Leste Government have been to support the enactment of public *tara bandu*. This positioning in part reflects their own lack of capacity to ensure effective environmental monitoring and protection. As noted above, government support in this regard has included the provision of state funds to promote the ritual enactment and observation of the prohibitions. From a government perspective, the funding is intended to ensure effective support for state regulatory proscriptions against undesirable practices such as logging and clearing forests, burning grasslands, hunting game, and livestock theft. In these collaborations, customary authorities are in a sense, very much co-opted by way of government support funding to implement restrictive forms of behaviour on pain of sanctions, usually including fines and spiritually based (*lulik*) punishments, in the form of illness or misfortune, of perpetrators. In other words, the state demonstrates a willingness to draw on the spirit ecologies of local Timorese cultural constructions of ritual and behavioural transgression to facilitate its own environmental agendas. To be sure, in some areas and at certain times, the process of collaboration between state and customary authorities over natural resource management has been viewed as working to the benefit of both local peoples and the nation-state (see Meitzner Yoder 2005). Elsewhere, however, particularly around the nation’s capital, concerns have been raised about the selective use of the process by government authorities (cf. Meitzner Yoder 2005: 252). In these cases, the government has become involved with *tara bandu* ceremonies and provided money and animals for the rituals but has generally not followed through with the process beyond the theatrical staging of a ceremony. Consequently, local people have tended not to take the process too seriously, and prohibitions have been breached or set aside shortly after their ritual enactment (pers comm. D. Carvalho 2008). In other cases, collaborations have focused selectively on particular

environmental elements of the *tara bandu* process, but the failure to engage with the full spectrum of the usual social and environmental prohibitions has weakened the *bandu* implementation and no doubt the regard in which the customary institution is held.

Our forestry colleague, Snr Fernando Santana, has observed in this respect that too often these days, the institution of *tara bandu* has become ineffective, operating as gestural politics and symbolic performances designed to appease government expectations and the funding that accompanies such ritual performances, but without the weight of sanction—spiritual or material—that encourages compliance. ‘More *tara* than *bandu*’ is how Fernando expressed it, where people break the established rules with apparent impunity. Partly, he thinks that this is due to the unwillingness of local authorities to enforce sanctions, but he also considered that customary leaders were often reluctant to ‘activate’ the spiritual (*lulik*) power of the prohibition out of a concern for the wellbeing of their neighbours, who may actually be harmed or die as a result of wilful transgression of the ban. This is especially the case when the ban relates to matters of more interest to the state than local communities (for example, a blanket ban on hunting wild animals or land clearing). The issue highlights the inherent risks of applying traditional practices constituted in local domains as a vehicle to further the environmental policies of the state, often to local people’s detriment, and where government funding may well undermine or disenchant the moral injunctions attached to ritual invocation itself. It also highlights a community strategy to ameliorate this risk, namely watering down, refraining from, or holding apart the process from particularly powerful ritual invocations.

As noted above, in most cases, there is a surface-level pluralist accommodation between Timorese Catholic and ancestral traditions, but in some areas, open hostility toward ‘traditional’ practices by representatives of the local Catholic Church works to undermine the operation and implementation of community-based rituals such as *tara bandu*. Among more puritanical Catholic and newer Protestant traditions, apparently on the rise in the nation’s capital (the seat of the government and the bureaucracy), people often express outright objection to engagement with customary practices (Wiyono 2001). In the process, they reprise the historical disdain of the modernising urban centres (*cidade*) towards the perceived fetishised and backward people of the hinterland and hills (*foho*), seeking instead a break from ancestral religion and associated practices. On the surface, this break entails both a rejection of responsibilities towards enmeshed customary social relations and beliefs in ancestral sanction, in favour of a radical reshaping and codification of an increasingly individualised habitus (cf. Strathern and Stewart 2002; Schram 2007; Keane 2007). Yet, at the same time, these more institutionalised approaches are fashioned as a radical change from ancestral traditions of ‘stone worship and animal sacrifice’; they are ironically underpinned by a firm belief in the need

to continually exorcise the fearsome and ecologically diverse spirit beings from unwell human bodies (Palmer et al. 2017). Hence, despite the potential blockages, resistances, and friction in the meshwork of customary practices created by newer forms of Christianity, the continuing efficacy of affective Timorese spirit ecologies persists as an existential reality.

The lessons that we draw from this experience of pulling together or distancing customary and other sets of practices are that sanctioned custom designed to prohibit or deny certain behaviours retains its efficacy and conforming authority only when the consequences for human wellbeing of transgression are realised and serious (even when these are framed as customary or Christian spirit ecologies). This is not to say that state-supported symbolic action cannot be effective in changing behaviours, but its secular authority to motivate compliance is necessarily of a different order. Below, we argue that the urge to ‘scale up’ customary governance in an undifferentiated way and to secularise such processes alongside more formal administrative structures is, in fact, part of the problem.

In the municipality of Baucau, locally enacted customary practices of ritualised prohibitions are known in Makasae as *lubhu badu*³ and similarly in Waima’a as *lubhu badu* (literally ‘the prohibition post’). These *tara bandu*-like events, once at the heart of the relationship between local ritual communities, are said to be derived from more localised traditions of *lubhu sari* (Makasae) and *lubhu gege* (Waima’a), the same concept in Tetum as *horok* or in Fataluku as *lupure*. These latter processes refer to localised hamlet-level rituals where spiritually infused objects (T: *ai-moruk* = medicine or ‘bitter wood’) are hung in public view to activate *lulik* prohibitions of the highest order. By contrast, when ‘scaled up’ to the village or sub-municipality level, modern-day performances of *tara bandu* events (such as *lubhu badu*) do not usually involve the placement of spiritually infused objects on the *bandu* post. While sanctions in these village-level *tara bandu* events are still activated by ancestral prayer and offerings, the even more dangerous properties of *ai-moruk* used in the *lubhu sari* or *lubhu gege* are usually omitted. Nonetheless, in these cases where the aim of the scaled-up rituals is also to invoke, re-inscribe, and honour ancestral place-making practices [and the boundaries of their authority], the use of revered ancestral prayers and the sacrifice of particular animals may have similarly potent and behavioural controlling effects as the use of spiritually infused *ai-moruk*. In such cases, there is as much at stake in the contents of the *tara* (that is hung), as there is in the *bandu* (that which is prohibited/regulated) itself. Yet, as noted above, in cases where these ancestral place-making acts are now overlaid with colonial-era administrative structures, the invocations may struggle to achieve complete authority and, in some cases, cause resentment and dispute.

³ Also known as *lubhu etena* (see da Costa et al. 2006: 94).

Sometimes, such issues need to be referred to a higher-level administrative authority for resolution, usually the sub-municipality. It is also worth noting here that the administrative role of the sub-municipality (*posto*) lies outside the conventional purview of 'traditional' governance structures. When this level of administration is called upon to arbitrate everyday affairs, the dispute is effectively seen as lying beyond the (ordinary) authority or capacity of the customary realm. In most cases, rural people prefer to avoid such an outcome.

Thus, while customary resource management practices have undergone a local resurgence in post-independence Timor-Leste, a host of post-conflict and post-colonial issues constrain full recovery. These issues include 1) the challenge of collaboration among diverse stakeholders while pointing to the legacy of colonial and post-colonial abuses and disruptive administrative changes and 2) the failure of mainstream resource managers to integrate resource management into the realm of social and political relationships, preferring instead to limit its scope to regulatory and environmental relationships. Selective engagement with ritual activities is also likely to be unsuccessful. From the perspective of local communities, there may be a lessening of belief or faith in spiritual sanctions and conversely a heightened concern about the dangers involved in enacting forms of sanction that are unlikely to be upheld.

A further related issue affecting some areas in Timor-Leste is the loss of knowledgeable ritual leaders to carry out traditional resource management practices. Some of these people may have died during the Indonesian occupation, while others may have been sympathisers with the Indonesians and fled across the border into West Timor in the turmoil following the referendum (see Damaledo 2018). Due in no small part to the societal disruptions of the Indonesian occupation, the death or departure of these customary leaders creates a politico-ritual vacuum at the local level. In Indonesian times when such rituals were authorised and their practice permitted, Indonesian-appointed authorities (such as the village head) are said to have often chosen inappropriate people to lead the rituals. This resulted in both a de-sacralisation of the process and the implementation of ineffective, if not potentially dangerous, ritual practices. Today, community members are usually reluctant to carry out rituals where the necessary expertise is felt to be lacking.

Dangers and possibilities in the formal recognition of *tara bandu*

In Timor-Leste, a number of researchers have been critical of locally idealised representations of *tara bandu* and the tendency to encourage 'invented practices of tradition' (Meitzner Yoder 2005: 252; Shepherd 2013). Yet, by adapting Ingold's concept of the meshwork (2011, 2012: 431), and extending it to include processes of resistance and the need to address blockages or ruptures in the flow of life, we argue

that it is more useful to think of these changing conditions and their advocates as being engaged in an ambiguously shifting array of ‘representational economies’ and ‘different modes of objectification’ (Keane 2007: 269). They speak and respond to the demands of a meshwork comprising spirit ecologies, intergenerational well-being and the associated indigenous practices, intra- and inter-community politics, regional, national, and international conservations, and development agendas. Such conversations and collaborations through the meshwork are simultaneously situated, dynamic, and opportunistic, even as the outcomes in many ways are either unsuccessful, unknown, or uncertain.

We have thus far argued that the power of *tara bandu* is established through its links to a moral economy based on ancestral clan or house-level relationships rather than more abstracted, ‘scaled-up’ articulations. In the fractious post-conflict environment of Timor-Leste, it was widely believed that the attributes of a community-based, ritually sanctioned prohibition would result in higher levels of compliance with the prohibitions, higher than would be expected with the simple imposition of governmental laws and regulations. These days, over two decades on since independence and with the revival of *tara bandu* practices across Timor-Leste, the state is now indicating that it may move toward the formal legislative recognition of *tara bandu* as a customary resource management practice. But given the dangers of co-option, the continuing absence of legislative recognition may well be considered by some to provide a more desirable and indeterminate state of affairs—one that enables local expressions of *tara bandu* to flourish and expand without unnecessary, regulatory oversight. The issue divides opinion, especially among local people themselves who are keen to see state recognition of their customary laws (cf. Carvalho et al. 2008). Many community leaders across Timor-Leste also express a desire for the government to authorise and support practices such as *tara bandu*, with some advocating that these legislative forms give effective constitutional recognition of traditional laws and customs.

Already, there are civil society groups who are actively supporting the documentation of community-specific, *tara bandu* processes in the hope of pushing forward with governmental recognition. In other cases, similar initiatives have stemmed from within the community itself, encouraged by the presence of educated individuals familiar with the formal recognition and codification of customary law in other jurisdictions (pers comm. D.A. Carvalho 2008). But how this recognition might be activated and whether or not such laws should be formally codified need careful consideration.

In the early years of independence in the enclave of Oecussi, for example, active collaboration between customary and government forestry officials was underpinned in each instance by the creation of formal ‘letters’ documenting a combination of traditional practices and state forestry laws constituting that

specific *tara bandu* (Meitzner Yoder 2005, 2007a, 2007b). But to date, it remains unclear from the *tara bandu* documents that are emerging through this process whether these regulations are intended to be guidelines for practice by the relevant community or imposed regulations to be applied and adhered to indefinitely regardless of constantly changing contexts and circumstances.⁴

On the one hand, communities 'hosting' government-endorsed, and increasingly standardised *tara bandu* events, have begun to question the source and necessity of such restrictive or 'non-negotiable' actions. Critics suggest that this accommodation is rapidly becoming a new form of imposition on existing local customary practices. Still, others, who acknowledge these tensions, make hopeful comparisons between formal institutions of social and environmental governance and the protocols of *tara bandu*, referring to the coming together of soft state governance approaches and the absence of *lulik* sanctions, which nonetheless may have some beneficial effects of lessening otherwise indiscriminate post-conflict resource harvesting. Similarly, this anticipated coming together of benefits, is also sometimes extended to state aspirations for localised economic development. For example, in a number of *tara bandu* processes associated with coffee growing districts in the mountainous west of the country, often added to the list of 'environmental' bans are restrictions on the number of animals that can be exchanged and sacrificed between houses during life cycle events (Palmer 2007; Silva 2016). While such *tara bandu* processes were initially embraced by communities to tackle perceived excesses in localised land clearing and ritual exchange, it has been argued that over the years, many of these processes have morphed into a more insipid type of state-sanctioned 'environmentality' (Cullen 2016). People now question the propriety of bans enabled under the guise of customary governance. As one young man in the Municipality of Ainaro remarked in relation to regulations on life cycle exchanges, 'It makes us sad, ashamed, and angry. We have to increasingly hide out in the coffee forests to carry out ritual sacrifices that exceed those allowed under the *tara bandu* law. If we get caught, we risk being locked up and fined' (pers. comm. Ainaro September 2018).

On the other hand, as described in the brief case study below, for other participating communities, post-independence *tara bandu* events and governance arrangements have been and remain a source of great community pride. There they are viewed as a tangible expression of a community's commitment and attentiveness

⁴ Meitzner Yoder (2007b: 48) writes that the formal documents known as 'letters' which are produced as an outcome of the customary-state collaborations in Oecusse have, over time, become increasingly detailed and elaborate in terms of identifying the objects of prohibition and the fines associated with itemised breaches. She notes, however, that in most cases, following a breach, protracted community negotiations were still the norm to settle a specific fine, 'indicating that the quantities outlined in [stipulated] fines often serve [simply] a symbolic function' (2007b: 49).

to intergenerational wellbeing and are valued as an explicit demonstration of the faith and efficacy of customary modes of governance. From this perspective, whether or not these *tara bandu* rituals and associated ‘modernist’ paraphernalia (written documentation, formal signing ceremonies, stipulated fines) are initiated from within the community or beyond is not relevant to the greater project of the pursuit of intergenerational wellbeing. Of more relevance is that the protective agency of the ancestors, animals, lands, and waters is being enabled and even brought into dialogue with the state, even as the latter are interested primarily in the deployment of prefigured environmental or ‘economic pedagogies’ (Silva 2016).

In the example below, we reflect on a post-independence *tara bandu* in the Baucau municipality in the east of Timor-Leste. In the rural inland Waima’a-speaking community of Bercoli, comprising one ancestral domain but two administrative villages, the most recent *tara bandu* came into force in 2016.⁵ This event followed the participation of senior elders in a workshop of customary leaders from across the country. The workshop was convened by an international NGO to discuss ways that they could best enable and support localised *tara bandu* initiatives. Returning from this workshop, the men worked with the Bercoli community on a nine-month socialisation process to negotiate the terms of the *tara bandu*.⁶

With financial and material assistance of the NGO, a formal 28-page document was produced outlining the specific laws that would be put in place. A community-wide *tara bandu* ceremony to ‘open’ (activate) the prohibitions was conducted in October 2016. In the written document, the community negotiated and set prohibitions that comprised: (i) specific activities relating to non-serious criminal violence against persons and property as well as theft; (ii) disputes over land, land use, and property (e.g., related to the cultivation of fields, water sharing, crop destruction by livestock, and unauthorised harvesting of forest products); (iii) destruction of public property; and (iv) matters of divorce, adultery, and family disputes. Basic principles were also outlined regarding the conduct of any mediation processes, the financial costs of each negotiation stage, and the relevant fines.

A village committee was established to oversee and implement the *tara bandu* that would stand for the next seven years. The committee comprised the senior customary ritual leader or *lia-na’in* (custodian of the words) who had attended the initial national-level *tara bandu* workshop and other senior ritual and political leaders at the village and sub-village levels, as well as representatives of youth and women’s groups and the local Catholic Church. It was also declared in the document stipulating that those who did not comply with the processes set out for the mediation of disputes would have their cases referred on to the police and formal justice system.

⁵ Renegotiations commenced in 2024.

⁶ Their first post-independence *tara bandu* was carried out in 2008.



Figure 15: *Tara Bandu* mother pole, Bercoli. Photo credit: Lisa Palmer

At the time of Palmer's first fieldwork in the community in January 2017, the *tara bandu* was anecdotally hailed by many local people as a successful initiative that had strengthened the communities' cohesion and commitment to customary regulatory and dispute resolution processes. Those tasked with mediating disputes were regularly being called upon to do so at the sub-village level, leading to many customary interventions to resolve disputes over access to land (especially fields) and inter-family relations (especially divorce). This was an important intervention as the period of conflict and civil disruption under Indonesian occupation had displaced many households and disrupted much collective customary governance.

Soon after the *tara bandu* was initiated, it was reported that the process had already begun to address these issues of social cohesion. At the inter-village level, two corrosive disputes were mediated successfully, including one arising from a violent incident at a 'friendly' inter-village, football match. The skulls of a buffalo and goat signalling the animals sacrificed to resolve the dispute were displayed prominently outside the administrative office of one of the villages. The ability to address entrenched and periodic social conflicts was continually referred to as a major outcome of the renewed *tara bandu* process.

In mid-2018, Palmer returned to the community, staying in the same household as the senior *lia-na'in*, who is also the president of the *tara bandu* committee. Every few days, she observed and/or participated in conversations between those

involved in various conflicts (and/or their emissaries) and the senior *lia-na'in*. By the time that his counsel was required, the dispute had become a seemingly intractable problem, one eluding resolution at either the kin group or sub-village level. The possibility of the issue escalating further and involving state institutions was by then also a matter of consideration and concern. Yet, in all the instances observed during this period (most of which involved disputes over land), the looming threat of outside involvement worked to bring the parties together to find a solution. People were keenly aware that state courts created winners and losers and most people preferred to find ways of living together harmoniously.

Other frequent callers to the house during this period were those involved in the reconstruction of origin houses (*uma lulik*). While this was not a part of the *tara bandu* process *per se*, it is intimately connected to the functions of localised customary governance. House reconstructions involve negotiating past, present, and future relationships among members of the village community as well as inter-married (affinal) and more-than-human kin of house communities from elsewhere. While these negotiations focused on matters of alliance and ensuring intergenerational wellbeing, like a *tara bandu* process, they also involved honouring ancestors, local histories, and the need for painstaking negotiations of dynamic house inter-personal relationships. Indeed, the commitment to honour relations between origin houses is arguably the true basis for a functioning *tara bandu* with its documented 'account' of the range of issues and conflicts that had arisen during the last two years. The *Lia nain* had previously mentioned that such a 'book' [report] was in the making and that the '*malae*' (outsiders) who had helped instigate the *tara bandu* would be coming back soon to collect it. Yet, by the time Palmer had taken her leave, the *malae* had still not arrived.

When asking a second time about the possibilities of obtaining such documentation, the *lia-na'in* replied to her in frustration that, 'You already have the book. All the details are there. That's all you need' (referring to the 28-page *tara bandu* document). Clearly for him, this 'founding' document, which he himself could not easily read, was enough to make the process legible, even though, as his comment suggested, the process of mediation was not at all readily evident. Along with the fact that many of the village's customary leaders are also illiterate, it is debatable what actually might constitute a successful or completed *tara bandu* negotiation. When is such an issue resolved or even distinguishable from other related and likely ongoing negotiations? The fact is that local commitments to *tara bandu* in this sense refer not to a clearly defined set of processes but to a whole lifeworld (or meshwork) of inter-relationships that remain for the most part opaque to outsiders. But clearly and for a variety of reasons, village authorities aspire to make their worlds legible and 'accountable' to the people and organisations whose help and resources that they need (see the challenges that this entails in Zerner 2003).

Customary communities in Timor-Leste are thus well aware that they are engaged in an experiment ‘across worlds’, one that strives to shape ‘how things could be’ by drawing together and at times holding apart the often divergent and conflicting logics that shape and cultivate new possibilities for the future (Salmond 2014: 304; Palmer and Carvalho 2008). While communities have, on the whole, enthusiastically engaged with the state and others to implement new *tara bandu* processes, we have seen above that the diverse contexts in which these processes have been enacted has required a constant assessment by these communities of the effects on more-than-human intergenerational wellbeing. This reflexivity and the associated need to continually re-negotiate ritual–political structures and processes in new governance contexts are neither surprising nor novel for Timor’s diverse customary communities (Palmer 2015: 174). Nonetheless, rapidly changing post-independence circumstances, aspirations for land and economic development, new resource laws and policies, and demands for transparent outcomes will no doubt increasingly challenge the possibilities of such collaborations. At present and beyond irregular one-off support for approved *tara bandu* events, there is little direct funding or material assistance provided by the government or NGOs for local people to manage their ancestral commons. As a result, *tara bandu* processes which engage government and non-government agencies remain a (less than ideal) option that local people may choose to ‘opt into’ and continually negotiate.

Conclusion

The aspiration for ‘scaled-up’ customary mechanisms designed to manage local and regional resources across Timor-Leste struggle to gain traction in the post-independence environment. While there is a broad spectrum of potential relationships, expected behaviours, and obligations operating within local spirit ecologies, only some are being mobilised to express what is glossed as customary practices of *tara bandu*. Issues of local governance are critical to *tara bandu* implementation and impact, but so too is the extent and style of engagement by other environmental governance actors across Timor-Leste. The remarkably widespread level of community support for *tara bandu* and its associated diverse practices currently lacks what is required for any regulated and successfully expanded implementation whether at the village or sub-municipality national levels. What is usually missing is an engaged respect by those in power for the context-specific, spiritually sanctioned, dynamic traditions and behavioural expectations that underpin local *tara bandu* institutions. As our examples illustrate in this paper, the need for these kinds of *sui generis* governance rituals to emanate from and remain under the full control of recognised local ritual and political specialists is

a primary, but much overlooked, principle of customary authority (and efficacy) across the country.

A further matter for consideration is that while communities will generally agree that *tara bandu* in its diverse cultural expressions, is a key mechanism for halting the indiscriminate felling of timber, burning of grasslands, and the excessive hunting of animals, the State by contrast seeks to impose a generalised ban on these activities. Thus, while both assert the need for *tara bandu*-like events to ensure community compliance, competing objectives undermine the very possibility of collaboration or of achieving environmental conservation via an actively engaged local population. This issue arises because of the inherent contradictions of purpose. For customary communities, the priority is to maintain respectful relations and exchange relationships with one another and the local spirit ecologies that inform and enliven social life. Under state conservation approaches, affording central importance to more-than-human, kin networks is considered irrational and rendered illegitimate (cf. Gombay 2014; Blaser 2016). The government, for its part, with good intentions, seeks to protect natural heritage values by a blanket ban on certain activities while customary community approaches towards conservation focus instead on reinstating and recalibrating relationships of exchange with a more-than-human nature (even appropriating state mechanisms to do so).

Customary communities in Timor-Leste have a long history of colonial (and now post-colonial) relations that continue to shape understandings of and approaches to their more-than-human relations. In the indigenous commitment to the recognition of these diverse relationships, 'the resonances as well as contradictions between different ontological styles are being recognized and new forms of order explored' (Salmond 2014: 303). It remains unclear to what extent customary pathways for governance will substantively influence, modify, or even transform existing models of state governance. What is clear is that combining formal state and customary approaches to improved governance outcomes depends on the ability of all actors to embrace a meshwork of practice that, in its continuous becoming, forms the negotiated outcome of multiple, diverse contingent flows and constraining elements. As we have seen above, when *tara bandu* processes are controlled less by communities and more by the state apparatus, they risk losing their generative qualities and constraining elements (presences, absences, blockages, bans, restrictions) becoming fixed orders rather than continually negotiated outcomes. Yet, despite this, what anchors these expanding *tara bandu* practices over time and in place is their continued salience for a majority of Timor-Leste's diverse indigenous populations. Across the rural spectrum (and to a lesser degree in urban areas), localised relations with spirit ecologies and their associated ritual practices are understood to be essential to the pursuit of group and house-based intergenerational wellbeing. We recognise that customary relations are always of

necessity, embedded in a flux of emergent processes across multiple bodies and times. It follows that the transformation and the renegotiation of power and ritual-political structures in Timor-Leste are driven as much by Timorese commitments to honour their spirit ecologies, as they are by the state-sanctioned intentions to harness or subvert their potential.

Acknowledgements

Parts of this chapter were previously published in Palmer, L. and McWilliam, A. 2019. 'Spirit Ecologies and Customary Governance in Post-conflict Timor-Leste', *Bijdragen tot de Taal-, Land- en Volkenkunde*, vol. 175, no. 4, pp. 474-505.

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