



Summary Report

Fragility Assessment in Timor-Leste

"Learning from the past and always try not to repeat terrible things,
We all should be together to bring our country move forward"

Produced by Fragility Assessment Team at Ministry of Finance

Dili, 26 February 2013

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ACKNOWLEDGEMENT

A team was established in Timor-Leste to conduct the fragility assessment, assess the country actual situation, challenges and also to come up with some recommendations to improve. The assessment was to find out the country's position on 5 Peace-Building and State-Building Goals (PSG): Legitimate Politics, Security, Justice, Economic Foundation, Revenues and Services.

The team who have implemented the assessment and contributed to the completion of this report as per following:

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Note: This Team consist of all national

We will not be able to finalize this report without contribution from all stakeholders including from state institution, civil society organization, international partners and universities in Timor-Leste.

Taking this opportunity, we would like to express our gratitude to District Administrator of Liquica, Mr. Domingos da Costa dos Santos and District Administrator of Lautem, Mr. Zeferino dos Santos who have provided a lot of support to the group discussion on fragility assessment with local authority, representative from political parties, civil society organization at these two districts.

Finally, we also would like to acknowledge the support from Australian Government and UNDP, who have seconded one of their Timorese staff to support the team and also UNMIT's Department of Social Economic and World Bank's consultant who provided support in defining the country indicators.

INTRODUCTION

The g7+ is a group of fragile and conflict affected states, who want to promote ownership and leadership on NEW DEAL process at the country level. The objective is to end conflict, state building and reduce poverty through innovative development. The group was established to work with International actors, private sectors, civil societies, media and everyone within the State as well as with neighbouring countries and other countries in the region to do a reform and came up with the new paradigm for the involvement of internationals.

The core mission of the g7+ is to promote peacebuilding and statebuilding as the foundations for transition out of the margins of conflict to the next stage of sustainable development. This is achieved through a process of country-owned and country-led dialogue and planning.

The group of g7+ has been working hard to bring the voice of fragile and conflict affected states up to the attention of global world. A number of efforts have been conducted including the initiation of “NEW DEAL”. After went through a number of lobbies and dialogue, finally 'New Deal' was endorsed at the 4th High Level Meeting for the Aid Effectiveness in Busan, South Korea in 2011. The New Deal has three important principles: **PSG, FOCUS and TRUST**

PSG is a Peace-Building and State-Building Goals as an important foundation to enable progress towards the MDGs to guide our work in fragile and conflict-affected states. PSG itself consists of 5 main principal objectives:

- PSG 1: Legitimate Politics - Foster inclusive political settlement and conflict resolution
- PSG 2: Security- Establish and strengthen people's security
- PSG 3: Justice- Address injustice and increase people's access to justice
- PSG 4: Economic Foundation– Generate employment and improve livelihoods
- PSG 5: Revenue and Services - Manage revenue and build capacity for accountable and fair services delivery.

The progress of these 5 objectives can be seen through FOCUS and TRUST principles. **FOCUS** is new ways of engaging, to support inclusive country-led and country-owned transitions out of fragility.

TRUST provides aid and managing resources more effectively and aligning these resources for results. TRUST and FOCUS principles consisting of the following important areas:

F	Fragility assessment	T	Transparency of Aid
O	One vision, One Plan	R	Risk-Sharing
C	Compact	U	Use and Strengthen of Country System
U	Use of PSGs to monitor	S	Strengthen Capacity
S	Support Political Dialogue	T	Timely and Predictable Aid

The group of g7+ commenced with only 7 countries, now its member has increased up 18. The member of g7+ family composed of: Afghanistan, Burundi, Central Africa Republic, Chad, Cote d'Ivoire, Comoro, Democratic Republic of Congo, Guinea, Guinea-Bissau, Haiti, Liberia, Papua New Guinea, Sierra Leon, Somalia, Solomon Island, South Sudan, Timor-Leste and Togo. Seven countries have agreed to be piloting countries for Fragility Assessment and Timor-Leste is of them.

As part of the commitment for implementation of New Deal at country level, 7 countries have agreed to be a pilot for Fragility Assessment, to assess country situation in relation 5 PSGs. The 7 countries are Congo, Sierra-Leon, Liberia, South Sudan, Somalia, Afghanistan and Timor-Leste.

FRAGILITY ASSESSMENT IN TIMOR-LESTE

The assessment was conducted in Timor-Leste for about 2 months, from the period of July to August 2012. It involved approximately of 41 institutions include State Institutions, Development Partners, Civil Societies Organization, Local Authorities from two selected districts and Universities. Detail list of Stakeholders involved in the assessment can be seen in Annex 2.

The team started the work with revision of analytical framework to adapt with the country context. Then, mapping out the stakeholders as the key informant in each PSG and identification of coordinator for each PSG. We have all 5 Timorese as the coordinator for 5 PSGs.

Data collection methods used on this assessment was: interviews with relevant stakeholders, group discussions in each PSG and desk study. Prior to the commencement of data/information collection, we organized a briefing session with all relevant stakeholders to ensure that all have a better understanding on the assessment. The interview with all identified stakeholders took about 2 weeks time. A group discussion on each PSG for 1 day with a total of 5 days was organized at national level. Different stakeholder participated in different PSG according to their areas of work. We also managed to have a 1-day group discussion at 2 selected district, Lautem district from eastern region and Liquica district from western region.

The main questions that were used for the information/data collection as follows:

1. Where we are now, if compared with past situation?
2. What are the challenges that we all need to pay attention?
3. What needs to be done to improve?
4. Where are we in Fragility Stages and how we define our situation in stages?
5. How do we know whether we made any progress or not in the future?

Questions 1 to 3 will be reflected in the summary of each PSG on this report whilst question 4 to 5 will be reflected in Timor-Leste's Fragility Spectrum. Detail on the country's fragility spectrum is at annex 3.

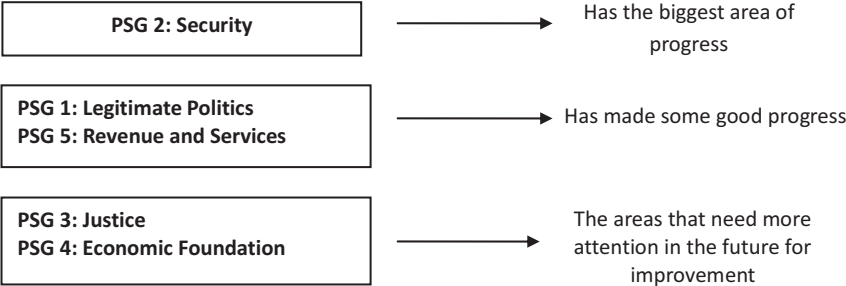
After the completion of information/data collection, PSG coordinator has the opportunity to compile all information collected in addition to use secondary reports that have been produced in each objective to help in their writing up the summary. Once the first draft ready, we then had a session called: Presentation of Major Findings”.

At the day of the presentation, we had the privilege of visit from United Nations Secretary General, Mr. Ban Ki-Moon to participate at our Fragility Assessment Workshop in Timor-Leste. Minister of Finance, Emilia Pires made a presentation on Major Findings from the assessment to UNSG.

We also had a session “Validation Workshop” for stakeholders to validate particularly on the country Fragility Spectrum, focusing more on root causes, definition of fragility stages and potential areas for indicators. Another revision was made to the report to reflect feedback. Based on comments and inputs made, the draft report was revised and sent out to all relevant stakeholders for final feedback and inputs before its publication. The first final report was produced in local language then translated into English.

KEY RESULT

From this assessment, it shows very clear which areas have more progress and which need more attention and efforts for further future improvement. Following are the key result from the assessment in Timor-Leste:



PSGs	Fragility Stages				
	Stage 1: Crisis	Stage 2: Rebuild- Reform	Stage 3: Transition	Stage 4: Transforma	Stage 5: Resilience
1. Legitimate Politics			3		
2. Security			3.5		
3. Justice		2			
4. Economic Foundation		2.5			
5. Revenues & Services			3		

PSG 1: Legitimate Politics

The discussion for this goal will cover three important dimensions as Political Settlement, Political Process and Institution; and Societal Relationship.

Dimension 1: Political Settlement

Progress

Dimension	Fragility Stages				
	Stage 1: Crisis	Stage 2: Rebuild- Reform	Stage 3: Transition	Stage 4: Transforma- tion	Stage 5: Resilience
Political Settlement			3		
Political Process and Institution			3		
Societal Relationship			3		

A number of good progresses have been made on peace process and political dialog. Most of leaders consider the importance of dialog to discuss and came up with a consensus to different problems exist in country. Various Initiatives for political dialogue have taken place and with some agreement made for example Maubisse 1 and Maubisse 2. These continuous communication and interaction among leaders have contributed to the political stability in country.

Most of political leaders commence to prioritize National Interest above all as their main goal to develop the country. The recent two elections went peacefully without any major violence as what normally happen in the past. Even before the election, all political leaders agreed to come up with a consensus declaration for not to act violently before and after the election.

On agreement of division of power, there is a clear divisional of power among different state bodies, it has been clearly defined on the constitution. Different parties who formed the current and previous government also have managed easily in distributing the role and responsibility among themselves. There is no major conflict ever occur from some minor differences on the divisional of power.

Challenges & Recommendation

Challenges	Recommendation
The political language used by some leaders and/or some party members sometimes can raise discontent to other group or party. The experience in the past has shown that a word can cause a nation to fall into conflict.	Be caution and prevent any harms or dissatisfaction statement at the public.
The interference from one sovereignty body to another still exists.	To respect the constitution and obey to decision made by any sovereignty body.

Dimension 2: Political Process & Institution

Progress

A peaceful and stable environment has given the confidence and freedom to the public to participate in any of political activities, free to participate in election and to cast votes according to their free will. The political stability in country has encouraged community to freely express their willingness in the participation on any political process.

All state institutions showed a very good cooperation during the whole political process prior to the election and even until the formation of the government. Even as a new country, Timor-Leste has an inclusive representation at the State Institution particularly districts representative in the parliament and also women representation in the government structure.

On check and balance of executive, Timor-Leste is luckily to have a very strong opposition within the national parliament who was at the government from previous government. Besides, a number of existing state institution such ombudsman office and anti corruption commission also non-state actors such NGOs who have been actively to monitor and call the government attention on some irregularities.

Challenges & Recommendation

Challenges	Recommendation
Lack of knowledge about the political process and political agreements resulted in some conflict. There is a tendency to believe rumours or wrong information because the people do not have adequate access to the correct information.	Information sharing to public on political process and political agreements are very important. This can be done through civic education or other means of communication that most of communities have access to.
State institutions still centralized at national level, vulnerable groups especially those at district level mostly do not have their representatives at the state institution.	Importance of decentralization for power and administrative so that people at the district level also can have their representation.
National parliament’s supervision over the executive body has not yet maximum. Meaning that there has not being a clear mechanism to ensure that result of supervision is responded and take action by the executive.	National parliament needs to establish a clear mechanism to ensure there is a check list for the progress for their result of supervision

Dimension 3: Societal Relationship

Progress

The relationships among social groups like martial arts group, neighbourhood youth groups, political party youth groups and other groups that exist within the society remain calm for the last few years. This situation has contributed to the peace and stability in the country.

Number of violence and conflict involve different group in the society have dramatically decreased. When a problem arises among in the society, community leaders have played important role to resolve the issues together with the support from national police. None of the conflict has taken longer and expands to become major community conflict in the last 5 years.

The presence of civil society mostly NGOs in the country have played important role in the political process. Many civil society organizations have contributed and provided constructive contribution for the development of Nation. Their participation are in different areas of their expertise including contribution to the discussion of state budget at the parliament and also provide support in the initiation of political dialog within society.

Challenges & Recommendation

Challenges	Recommendation
Individual interest of different group in the society still higher than the national interest	Civic education to raise people's awareness on the importance of stability in country and important relevant issues.
The number of security personnel/police who are presence in the society still very limited. Whenever a conflict arises in the community among social groups, the existing problems cannot be resolved quickly.	To increase the number of security personnel/police in the community specially targeting areas or neighbourhoods that has high potential for conflicts.
The sustainability of civil society organization is an issue. Many registered at the beginning but only few can continue their regular activity	Government continue support to strengthen CSO existence as a social control at the country.

PSG 2: Security

The security concept is broad and rich, it includes all problems such climate change, disease and food security. However, on this fragility assessment, the concept of security refers more towards the role of security institutions (National Police / (PNTL).

The discussion for this goal will cover three important dimensions as Security Condition, the Capacity and the Performance of the security institution.

Dimension	Fragility Stages				
	Stage 1: Crisis	Stage 2: Rebuild- Reform	Stage 3: Transition	Stage 4: Transforma tion	Stage 5: Resilience
Political Settlement			3		
Political Process and Institution			3		
Societal Relationship			3		

Dimension 1: Political Settlement

Progress

The general security situation is currently under controlled. Communities have been enjoying the peace and stability for the last 5 years following the security outrage in 2008. People are freely to do their normal activities not only at daytime but also at the night time. The intensity of the conflict and violence in the country has been decreased compared to previous years especially in the period of year from 2006 until 2008.

The negotiation of land border between Indonesia and Timor-Leste has almost reached 97%. The implementation of border pass to facilitate community lives near the border for family visit and businesses activity also have been in operated. Cooperation between the two security forces at the border have been actively engaged in a number of activities including on joint patrol and sports.

Challenges & Recommendation

Challenges	Recommendation
Some areas that can be potentially as risks for the instability of security condition in country including: -The high number of unemployment rate particularly at youth group, -Land dispute, which has been a complex issue since there is no land law. -Conflict between martial art groups at the community.	Some recommendation to address these risks: -Government to create more job opportunities particularly target youth group. -There is a need for widely consultation on land law and to proceed with the approval of the land law soon. -Revision of Law No.10/2008 of the 16 th of July about the practice of Martial Arts, to include a clause that the martial arts impartiality.
Some minor disturbance and illegal activity occasionally occur at the border, can be as	To finalize the demarcation process diplomatically soon and to improve the immigration system,

external threats.	customs and control of entire border and to improve the intelligence services ¹ to detect the illegal activities.
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Dimension 2: Capacity of the Security Institution

Progress

The number of existing security personnel particularly national police have at least cover most of the city from districts. Since the establishment of national police, it has grown up to many units. The current national police (PNTL) composed of various units which includes: Special Police Unit, Marine Police Unit, Border Patrol Unit, Police Information Services and Criminal Investigation Services². In addition to the Police Special Unit based in Dili: Commandant, 2nd commandant, Public Order Battalion, Special Operation Company, Platoon and Services³.

The institution capacity has been shown through the transfer of power from United Nation Police (UNPOL) to National Police (PNTL) on different phases from 2010. Until late 2011 and early 2012, national police have taken responsibility of all territory and UNPOL provide guidance and coaching as necessary. Current security situation has shown that the institution has enough capacity to lead and control the security situation. No major conflicts occurred at the recent presidential and parliamentary elections and even after the withdraw of United Nation Mission in Timor-Leste. This shows that the country's security institution commenced to have capacity in maintaining the security situation in country.

Challenges & Recommendation

Challenges	Recommendation
The number of national police (PNTL) personnel still limited. Even with the current personnel, there are still lack of effective and efficient of human resource management.	To increase the number of national police (PNTL) officers through the recruitment process. Also a possibility through reviewing of unit postings in order to make sure that each unit reflects the state's needs, not to have all concentrated at central level.
Lack of facilities particularly radio and transport to support their daily activity. There is no clear policy on maintenance.	On periodically basis, to provide facilities (radio and transport) as required targeting those areas with risk of conflict.
Intellectual capacity, skills and knowledge of the	Provide scholarship to those who wish to continue

¹There is a need to guarantee the existing technical capacity and good coordination between intelligence communities; Intelligence National Services (INS), Police Information Services and Military Intelligence Services, Immigration and custom.

²Article 25 Decree Law No.16/2009, 18 March, Organic Law of National Police of Timor-Leste

³Article 27

officer to carry out their duty professionally still limited. This impacted on their responsiveness to community cases.	their study or provide relevant training to increase their skill and knowledge
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Dimension 3: Performance of Security Institution

Progress

Overall, the security institution has performed much better and the general community confidence on security sector increased compared with previous year particularly in 2006 to 2007.

Some national police members who were involved in criminal and illegal activity have been sanctioned even imprisoned accordingly to the procedure and laws.

Even though with the limitation of personnel and resource, national police continue to provide assistances to community who are in need of their help.

Challenges & Recommendation

Challenges	Recommendation
There are still some doubts among some communities on PNTL performance because of past experiences on internal conflict within the institution.	To maintain the law and order and intensify the good cooperation and coordination among national police.
There is still a perception of impunity exist within security sector. Also, lack of commitment to comply with laws.	To conduct rigorous process on those commits any type of abuse and to update the public about the process and progress of disciplinary procedures.
The security sector responsiveness to community cases still does not meet people's expectation because of limited number of the personnel and facilities	It is recommended to increase personnel and provide facilities as necessary to those more needed.

PSG 3: Justice

The discussion for this goal will cover three important dimensions as Justice Condition, Capacity and Performance of the Justice Sector.

Dimension 1: Justice Condition

Progress

Dimension	Fragility Stages				
	Stage 1: Crisis	Stage 2: Rebuild-Reform	Stage 3: Transition	Stage 4: Transformation	Stage 5: Resilience
Justice Condition		2			
Capacity of Justice Institution		2			
Performance of Justice Institution		2			

The District courts including in the district of Dili, Baucau, Suai and Oecusse as well as Supreme Court began functioning regularly due to the significant increase in number of Timorese judiciary officers. The number has increased from 27 as of 2006, to 50 in 2011.⁴ Supreme Court now has 6 judges, Oecussi court has 1 judge while Suai with 3, Baucau has 4 and Dili has 10. The number of Prosecutor and Public Defender are almost the same with both 3 in Baucau, 3 in Suai and 2 in Oecussi. The only difference is in Dili with 13 Prosecutor and 10 Public Defender.⁵

Judiciary officers	2006	2011
Judges	11	17
Prosecutors	9	17
Public Defenders	7	16
Total	27	50

The establishment of Judicial Training Centre (JTC) to produce judiciary officials. In 2012, JTC graduated 7 private lawyers and also carried out the process of granting license to 5 international private lawyers to practice.

The directorate of land and property in Ministry of Justice also already develops many things in order to resolve the issues of lands and immovable properties. The ongoing registry of cadastral properties with support by some of development partners and mediator services is conducted through this directorate that is able to reduce land dispute.

Challenges & Recommendation

Challenges	Recommendation
The local community feels that the formal justice is still far away. In some "Isolated" places, people do not even know judicial actors such Judge, Prosecutor and Public Defender)	To invest more in justice sector by recruiting more judicial actors and established institution in the whole territory of country. So that, it brings the judicial services close to the people at district and even at rural areas.
The perception of impunity among elite still exist. Lack of commitment to comply with laws.	To conduct rigorous process on those commits any type of abuse and to update the public about the process and progress of disciplinary procedures.

⁴ Press Release Prosecutor General of the Republic, January 2012.
⁵ Relatoriu JSMP “Overview of the Justice Sector 2011”

<p>Many human rights violation in the past has not being addressed seriously. The SCU (Serious Crime Unit) was established in the past to investigate past cases however the investigation has been stopped.</p> <p>On the other side, the state's responsibilities over the rights of victims (Reparation, non-repetition) have also been abandoned.</p>	<p>To implement the recommendation from Truth commission (CAVR) report</p> <p>The state and international community are obligated to process the criminal actors to the international court, and establish a policy to compensate the victims.</p>
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Dimension 2: Capacity of Justice Institution

Progress

With the support from development partner (UNDP, Justice Facility) has already established Network of Information Technology that connects Investigation Police Unit in all districts with the Office of the Prosecutor, district courts and Becora prison. The network is used to synchronize the process of criminal cases, as well as the database for the criminal record for other administration purposes.

The judiciary officials have began to enjoy the especial career regime and other benefits since 2009. In addition, in the districts there are already established housing for the judges and prosecutor.

On National law making, many draft legislation are already completed including draft land law, continue with the consultation and build public awareness through website (The Journal of Republic) and workshop activities in some districts.

In traditional justice system, although there isn't an existing proper legislation, the informal Village Council carry out their duty to resolve issues of injustice and conflicts that occur at community level. They use of traditional ceremony called "Tara Bandu" (a form of traditional band to protect nature/environment) and establish "Kabaleha" (a person who has trust to resolve the problem) really help in resolving most of problem at community level, where with no presence of formal justice.

Challenges & Recommendation

Challenges	Recommendation
Limitation of judicial actors and judicial institution across the region.	To increase the number of judicial actors and establish more judicial institution to provide services to community particularly in rural areas.
Language barrier particularly with Portuguese language at the judicial process including from the drafting of legislation and trial process. This difficulty national judicial actor to be part of the process.	To develop Tetum language in the judicial system in order to have more participation from national particularly on national law making.
Many general communities still has no access to	Ministry of Justice to develop cooperation with various entities (NGOS, Community leaders or Professional association) to share laws and to

draft and approved law.	conduct regulation socialization and/or consultation.
There is no legal framework to support the implementation of traditional justice. The traditional justice has not gained maximum attention from the entire state.	To have a legal framework or adopted some of tradition practice into legal binding document to facilitate and support conflict resolution at local level. Also to give enough power and rights to local leaders to resolve problem in the absence of formal justice.

Dimension 3: Performance of Justice Institution

Progress

Even though as new country, judicial institution in Timor-Leste has able to process some cases involve elite until completed, sentences being applied in practice.

An independent state institution including Ombudsman office for Human Rights and Justice (PDHJ) and Anti Corruption Commission (ACC) established to support the work at judicial sector.

Challenges & Recommendation

Challenges	Recommendation
The public has doubts and questions the judicial assistance from the public defender, which provides more legal assistance to elites. Because according to the law, public defenders are to provide free legal service to community who economically weak.	Recommended to strengthen public defenders in order to provide legal assistance to the community that has no capacity.
The trial process that is carried out by the national judiciary staff have not yet gained trust from the community. Because the slow process and also pending cases that continue to increase. Pending cases from previous year in 2010 was 4.644 cases and this has increased to 4723 in early 2011. Only around 3% of cases reported being resolved in most of the district court, particularly in Dili, Baucau and Suai) ⁶	To increase more judicial actors to carry out the function so that can respond timely to cases reported.
Some cases has been decided without take into	The international norms that have been ratified

⁶ The Report of Prosecutor General of the Republic Timor-Leste, December 2011

consideration of international norms. Trial on some major cases involve perpetrators to human rights violation in the past, the defendant was then set to free.	should be taken into consideration in any of judicial institution decision-making.
Law enforcement still weak. The law on witness protection, this is yet to be implemented because the protection system for witnesses is not yet established.	<p>Recommended to rigorously implement the law and regulations that are published by the government, so that public community can have trust on government.</p> <p>Therefore any laws that are to be produced, there is a need to have a maximum consideration on how to implement the law.</p>
Some government members and agents are not cooperative with judiciary body, mostly on cases of misadministration and corruption.	Recommended to all State's institution to obey and cooperate with the judiciary body when they require information. Also, there is a need to enforce regulations that can give sanctions if there is no cooperation to provide information require.

PSG 4: Economic Foundation

The discussion for this goal will cover three important dimensions as Economic condition, Employment, Livelihood and Private Sectors Development; as well Natural Resource Management.

Dimension	Fragility Stages				
	Stage 1: Crisis	Stage 2: Rebuild- Reform	Stage 3: Transition	Stage 4: Transforma- tion	Stage 5: Resilience
Economic Condition		2			
Jobs & Private Sector Development		2			
Exploitation of Natural Resource			3.5		

Dimension 1: Economic Condition

Progress

The economic activity of Timor-Leste in general has good progress if compared to the previous years after the independence. Timor-Leste's economic growth also increased significantly up to 12%. The GDP growth has increased to 10.6% in 2011 from 9.5% in 2010, this is as a result of public spending that has increased to 44% (MoF, 2011). The growth has indicated there is a movement within the economic activity that is very strong around Dili.

Some of government projects also have been implemented at district level, bring the economic activity to the rural areas. Social program package such as subsidy to the elders and veteran in addition to the program of social protections have also become a strong foundation to improve people's daily life, particularly those vulnerable who live in rural areas.

Challenges & Recommendation

Challenges	Recommendation
The current economic growth has not been distributed equally to all territory. People at district have not seen any major changes in the economic activity. There is still gap between national and districts on economic activity.	Plan for decentralization of some power to district level can bring more economic activities to the district level.
Inflation: the increase of prices in the market, has risen from 10.8% in March 2011 to 15.4% in December 2011. This is a great threat to the people with low income.	One of the solutions to prevent inflation in country is by reducing government spending. Since all type of activities and programs in country are totally depending on state budget.

Dimension 2: Jobs and Private Sector Development

Progress

Job opportunities are increasingly even in a small scale and most of these opportunities at the government. Government integrated programs implemented at the district level such as District

Development Project (PDD) and the Local Development Program (PDL), have contributed to the creation of more job opportunity to community in district level.

A number of progresses have been made at agricultural sector. The government through Ministry of Agriculture provided free land cultivation, distribution of tractor and fertilizer to farmer group. Ministry of Tourism and Industry (MTCI) also initiated a policy on "Community Plan, Government Buy" to motivate local people.

Even still in a small number, the presence of private sectors can be seen in the country particularly at national level. Their involvement still more on the business activity of hotels and restaurants, create job opportunity for national and contributing to the country economic.

Challenges & Recommendation

Challenges	Recommendation
Lack of employment opportunity, the government is the biggest employer.	To create more job opportunities through government projects in country, priority should be for national. Also, by sending out youth for employment opportunity at abroad. Support national entrepreneurs for the establishment of industries. This is not only going to contribute to the creation of job opportunities but also in country production.
Lack of availability local food in country. Some of agriculture programs has no sustainability. A lot of investment has been made however local production still low.	There is a need to have a proper policy to ensure the sustainability of investment in agriculture. So that, it can really bring any changes to the society.
Starting up a business in country is a bit complicated and become more difficult since it has to go through a number of procedure, time and cost. According to the IFC report regarding doing business, Timor-Leste's position in the starting a business (business start up), is at 140 th position in 2008, this is reduce to 150 th position in 2009 and by 2010 it has further reduce to 167 th position of the 183 countries.	To attract private sectors, there is a need to create basic condition including build good infrastructure (include roads and telecommunication) and friendly procedure to start business. The initiative for having "One Stop Shop" should be implemented, to facilitate business start up in country.

Dimension 3: Exploitation of Natural Resource

Progress

Land becomes an important issue for the economic activity in country. Draft Land Law has been produced, more consultation are on going to ensure people voice are reflected in the law.

In relation to natural resources management, national actors starts involve and lead in the management of petroleum fund. Overall, Timor-Leste has achieved a great success to the Initiative Extractive

Industries Transparency (EITI), which has made Timor-Leste to be the number 1 in Asia and third in the world in terms of transparency on natural resource management

Challenges & Recommendation

Challenges	Recommendation
After independence, no Land Law to define land title and ownership of the land. Current land dispute has been very complex because of the land history from 3 different regimes; Portugal, Indonesia and Timor-Leste.	To expedite with the approval of land, taking into consideration of community concern.
National technical capacity is sufficient in the oil and gas industry.	To prepare human resources through providing scholarship and training on required technical areas. So that, in the future, the country will have enough personnel to run the oil and gas industry.

PSG 5: Revenue and services

The discussion for this goal will cover three important dimensions as Revenue Generation, Public Administration and Services Delivery.

Dimension 1: Revenue Generation

Progress

Dimension	Fragility Stages				
	Stage 1: Crisis	Stage 2: Rebuild- Reform	Stage 3: Transition	Stage 4: Transforma- tion	Stage 5: Resilience
Revenue Generation		2.5			
Public Administration			3		
Service Delivery			3		

As a new nation, Timor-Leste has been blessed with the oil in the Timor Sea. It provides big revenues to states activities. It has come from tax/duty from Timor Sea of nearly 1.4 Millions, the state also gained 5% royalty from oil from joint areas such as Bayu Undan and Kitan. The Petroleum Fund continues to be one of the most transparent and best-managed sovereign wealth funds in the world. The fund has increased from 1.7 billion in 2007 to 11 billion in 2012.

Timor-Leste was recorded to have a good progress on tax reform in 2010, reducing the tax to attract more investor to country. As a new country, domestic revenue also has contributed to the state even still in a small proportion. Tax institution was established and some technical staff are in plan at national assisting business activities on taxes related issue.

Challenges & Recommendation

Challenges	Recommendation
Dependency on oil revenues still very high. Approximately of around 90% of state come from the fund. There a risk of the fund might run out in the future while domestic revenue still low, state activities will be hampered.	To revise the current tax law to include other domestic activities (include fee entrance to tourism place, entertainment, land, and so on) that potentially to increase domestic revenues. Also to include activities at district level to increase domestic revenue.
Limited number of personnel with sufficient technical capacity to work on taxes for domestic. The institution also still centralized at national level.	Require additional personnel with good qualification who can contribute to the work of tax department. Once more personnel in place, it is time to delegate the work to district expanding the area of coverage on domestic revenue.

Dimension 2: Public Administration

Progress

A number of major reforms on public financial management have been in place. Budget transparency, procurement portal and portal transparency are to share information on budget execution and progress

of project implementation to public community. Procurement law was revised to start delegating some of the work to line ministry.

An independent institution named Civil Service Commission to look after the government civil servant career regime and special regimes has been first time established under the decree Lew no. 27, of 2008. Anti Corruption Commission also have been initiated to ensure integrity and accountability at government services.

Challenges & Recommendation

Challenges	Recommendation
Weak in monitoring on public financial management particularly on budget execution and procurement process.	There is a need to establish a rigorous control system to make sure it follow the procedure and guarantee its quality.
The implementation for career regime is not properly implemented. Many civil servants continue to worry about their career, have worked for many years but there is no change in their career. This brings impact on the work motivation of government civil servant, which then led to the lack of integrity, accountability and transparency in civil servant daily responsibility.	There is a need to carefully oversee the existing career regime laws. If needed, a revision to be made to accommodate the concerns.

Dimension 3: Service Delivery

Progress

The government continue to give its importance to the service delivery to public specially to health area, education and clean water with the great support received from the development partners and both international and national NGOs.

Some resources including budget and resource have been allocated to social sectors to respond to the need of vulnerable people in rural areas. Most of the city from districts have access to basic needs such health services, education and clean.

Challenges & Recommendation

Challenges	Recommendation
Coordination between relevant government line ministries is still weak on service delivery on health, education and clean water.	To have integrated sectoral group, strengthening the coordination in implementation of programs on for example building of clean water for school and so on.

Most of the facility and resources still concentrate at national level. Service delivery at rural areas always face difficulty because not enough resource and facility.	To distribute the resource and facility targeting those areas that in more need. If permits, distribute equally to all regions.
Sustainability of current programs implement by international agencies is uncertainty, once it finished the project.	Recommend program implement by international organization should be government planning. So that, there is a continuation once the mission end.

ANNEX 1: REFERENCES

Doing Business Report, IFC, for the year of 2008, 2009, 2010 and 2011

JSMP Report, “Overview of the Justice Sector 2011”

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Prosecutor General of Republic Report, Timor-Leste, December 2011

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Law No.3/2004, 14 Abril, on Political Parties

Law No.10/2008, 16 July, Exercise of Martial Arts

Organic Law for National Police of Timor-Leste, Decre Law No.16/2009, 18 March, article 1, 25 and 27

ANNEX 2: LIST OF STAKEHOLDERS INVOLVED IN ASSESSMENT

No	Name of Institutions	Total Participants
1.	Civil Service Commission	2
2.	Ministry of Justice	4
3.	Central Bank	2
4.	Ombudsman Office for Human Right & Justice	3
5.	Tax Directorate, Budget, Petroleum Fund and Petroleum Fund Revenue Directorate at Ministry of Finance	8
6.	Ministry of State Administration	1
7.	Ministry of Petroleum and Mineral Resource	2
8.	National Authority of Petroleum	2
9.	Office of the President of Republic	4
10.	Ministry of Agriculture	1
11.	National Police (PNTL)	6
12.	Secretary of State for Security	4
13.	Ministry of Tourism, Commerce and Industry	3
14.	Fongtil / NGO Forum	2
15.	NGO Lao Hamutuk	5
16.	NGO Luta Hamutuk	3
17.	JSMP	1
18.	Mahein Foundation	2
19.	Gesellschaft fuer Internationale Zusammenarbeit (GIZ)	1
20.	FAO	1
21.	World Bank	2
22.	ADB	2
23.	UNICEF	4
24.	New Zealand Embassy	2
25.	Asia Foundation	3
26.	Cassal	2
27.	AusAid	3
28.	Australia Federal Police	2
29.	Australia Military	1
30.	UNMIT – Political Affairs, Security and Justice	4
31.	JICA	2
32.	Community include Local Authority from Liquica District	35
33.	Community include Local Authority from Lautem District	39
34.	University of Timor-Leste (UNTL)	1
35.	University of Peace (UNPAZ)	1
36.	University of Dili (UNDIL)	2
39.	Secretary of State for professional Development and Employment	2
40.	UNDP	2
	TOTAL	166

ANNEX 3: FRAGILITY SPECTRUM

(This spectrum will be adjusted periodically according with the country development)

PSG 1: Legitimate Politics

Dimension	Sub Dimension	Root Causes	Fragility Stages					Country Indicators
			1: Crisis	2: Build & Reform	3: Transition	4: Transformation	5: Resilience	
Political Settlement	Peace Process and Political Dialogue	Provocative Political Language	There is no political dialog amongst leaders	Initiative for political dialogue is there to resolve political differences	A number of political dialogues have been conducted and came up with agreements. The situation generally is peaceful accordingly to the agreements	Peace and stability has been in country for the last few years (more than 10 years)	The overall situation is peaceful and stable (more than 30 years)	Number of people (by gender) who participated in civic education on political process.
	Agreement on Division of power	There is still some Interference from one to another bodies	There is no division of competencies and the legal framework also is unclear	Initiative for defining it and translate into law.	The division of competencies clearly defined in constitution however the implementation still weak		Each sovereign bodies acts independently without interference from other bodies as defined clearly in the constitution	Number of legal claims from individual or organization against state on violation on division of power to the court
Political process and Institution	Enabling environment for political process	Lack of civic education on political process for public community	Majority of public community have no understanding of political processes and do not feel free to participate in all political process	Community commenced to have an understanding of political process and they are free to participate in any political process	Public Community feel free to participate in political process including in political party and also in elections based on their conscience		Citizens have good understanding of the political process and are free to participate in any political process	Number of people (by gender) who participated in civic education on political process. Participation rate in the election by district and gender

Societal Relationship	Inclusive representation at State Institution	State institution still mostly concentrated at national level	District level has no representation at state institutions	Representation from district level at state institutions particularly in the Parliament	An open, transparent and accommodative state and include all vulnerable groups, all districts have representation at state institutions	Representation of member of parliament by district level Representation of women in the government institution
	Checks and balances at Executive	Monitoring still not maximum	Parliament not functioning properly — no opposition in the parliament	Parliament functions according to its mandate but still not maximum on its monitoring The existence of a strong opposition	Parliament, opposition and other state institutions have important role in checks-and-balances of executive	Number of monitoring conducted by the parliament on annually basis The existence of check list to see the progress of result monitoring from Parliament
	Relationship among group in society	Individual or group interests still higher	There is big political divisions and also conflict amongst community	Government able to control social groups' activities	A friendly relationships amongst social groups within society	Number of violent conflicts involving group of civilian (ex: Martial Art Groups and/or conflict of community)
	Dispute resolution for local conflict	The absence of justice institutions in some districts — particularly in rural areas	Local conflict continues to happen and cannot be resolved.	Local authorities and security personnel begin to control and resolve conflict at community	All local conflicts can be resolved through formal justice system	Number of local conflict resolved
	Quantity and quality of civil society organization	Lack of civil society organization's Sustainability	There is no civil society organization	Civil society commenced involve in debates but their contribution still not receive positive response	Role of civil society in terms of its participation, monitoring and decision-making has been defined	Number of NGOs registered in country Number of joint initiative (conference, program and training) from State and NGO

PSG 2: Security

Dimension	Sub Dimension	Root Causes	Fragility Stages					Country Indicators
			1: Crisis	2: Build & Reform	3: Transition	4: Transformation	5: Resilience	
Security Condition	Intensity of conflict and criminal violence	Various causes including unemployment and people's mentality from the past.	Large-scale and prevailing conflict, state cannot control		State begins to control the security situation	The security has remained peaceful and stable for almost 5 years	Peace and security prevail for long time	Number of political violence and common violence on annually basis
	Incidence of problem at the borders	Lack of clearly defined border(s)	Prevalence of conflict at the border continues and remains unresolved		Negotiation begins to resolve border dispute between Timor-Leste and Indonesia	Agreements being made on border cooperation	Joint regular controls at the borders to ensure a maximum security for both countries.	Number of illegal cases (human trafficking and illegal immigration) and conflicts in the borders
Capacity of Security Institution	Number and proportion of security sector	Lack of effective and efficient on human resources management	The absence of security institutions	Begin to establish security institutions and recruitment of personnel	The existence of security institutions but still limited in numbers and their presence still in some districts only.	The presence of security personnel at all districts but still limited in number	Sufficient security personnel for the whole territory	Ratio of police to total population per district
	Resources and capacity	Technical capacities still minim and centralized facilities	Still requires the support from international security personnel		The authority on security has been handed over to PNTL and even though still with limited resources	PNTL is capable of controlling the situation in whole territory	Strong security institution and sufficiently resource and capable personnel to play its role	Number of police (by gender and district) with Tertiary Education from a total of Police Inventory list of functioning equipment (radio and transport) at district level Share of minor capital and salary to total budget allocation for security sector (National Police, PNTL)

Performance of Security Institution	Public confidence on security sector	Lack of knowledge of security forces when handling a situation	Lack of public confidence in the security institutions	The public begins to have confidence on the security institutions	Public confidence on the security institutions has increased	Communities have full confidence on the security institutions	
	Impunity of the security sector	Lack of commitment to comply with laws	Many of security personnel include its leaders commit crime and not receive any sanction	Some administrative sanctions are applied to security personnel who commit crime	Most of the security personnel that commit crime are sanctioned accordingly to the existing criminal laws	All security personnel that commit crime are sanctioned accordingly to the existing laws	Number of misconduct cases involving security personnel resulting in administration sanction and also prosecution through the courts
	Security sector's responsiveness	Lack of personnel and facilities	No action taken to respond to any cases reported	A number of efforts have been taken to cases reported even though with limitation of resources		Security institutions can respond immediately and efficiently to cases reported	

PSG 3: Justice

Dimension	Sub Dimension	Root Causes	Fragility Stages					Country Indicators
			1: Crisis	2: Build & Reform	3: Transition	4: Transformation	5: Resilience	
Justice Condition	Access to Justice	The absence of justice institutions in all districts particularly in rural areas	Justice institutions only exist at national level	Justice institutions (such district courts) are present in some districts but not effectively	Justice institutions in some districts and begin to function effectively. Introduction of mobile courts to some areas.		Courts are present in all districts and all public community have access to judicial assistance with more effective and efficient.	Proportion of judicial actors (Judges & Prosecutors) and Public Defender (by gender) to a total registered case in district
	Impunity of elite	Lack of commitment to comply with laws	Elites are not sanctioned even though committed crime or breached the law	Some cases are in judicial process whilst some has been decided at court	Most of Elites obey the court decision		All are equal under the law	Number of cases involve state actors and public figure being processed and prosecuted by court
	Addressing human rights violations	Lack of human rights violation cases addressed by the state	Many of human rights violation cases have not been addressed by the state	A mechanisms established such as Truth Commission (CAVR) to look at human right violation committed in the past	Implementation of the CAVR recommendations	Some human rights violation cases are resolved	All human rights violation cases are resolved	Number of human right violation cases that being resolved
Capacity of Justice Institutions	Resources and Capacity	Lack of effective and efficient on human resources management	The justice sector is still dominated by internationals		Timorese judicial actors begin to lead the justice process even still require some support from international	Timorese judicial actors are capable of leading alone the justice process	The Timorese justice sector is all run by qualified nationals actors	Proportion of cases resolved from total cases reported on annually % from budget allocation to Justice sector as a total of Recurrent budget

									% from budget execution at justice sector as a total of budget allocation to justice sectors
	National Law making	Language (legal terms) remains as an impediment for Timorese judicial actors to contribute in the process laws drafting	All laws are produced by internationals	Timorese involvement begins but internationals still take the lead	Timorese begin to take lead but still require internationals in some areas			Timorese are capable of revising and preparing laws based on the nation's demand	Number and coverage of consultation of public interest legislation
	Traditional Justice	There is no legal framework to support the traditional justice	The traditional justice is not considered as an alternative mechanism	In rural areas, the traditional justice begins to be implemented by local authorities particularly to resolve civil cases	The state creates legal framework to support the role of the traditional justice in rural areas			The traditional justice has an important role to support the formal justice in country	The inclusion of traditional justice norms into legal code
	Application of international norms/standard	Violation of international norms	The state has no ratified any international norms	Some international norms have been ratified but still not taking into consideration in the implementation	Most international instruments being ratified are applied			International norms serve as a guide for decision making. Decisions are based on existing international norms	Number of legal claims from individual or organization against state on violation international norms to the court
Performance of Justice Institutions	Public Confidence	Lack of public confidence on formal judicial institutions	No public confidence on formal judicial institutions	Public community begin to have a confidence on judicial system but in some cases, the interference of other sovereign body into the justice system	Public community confidence to judicial system has increased and there is no interference of other sovereign body into the justice system			Public community has fully confidence on the judicial institution	

PSG 4: Economic Foundation

Dimension	Sub Dimension	Root Causes	Fragility Stages					Country Indicators
			1: Crisis	2: Build & Reform	3: Transition	4: Transformation	5: Resilience	
Economic Condition	Economic Inequality	Lack of basic infrastructure (lack of good road network)	No economic activity even at national level	There is some economic activities but still concentrated mainly at the national	Economic activity begins to spread to all districts level	Small business are established in the districts and local economies are boosted	Equity in economic development in all territory	% of accessible roads from national to rural areas
	Economic Vulnerability	Significant number of people still living below the national poverty line	Lack of income and hunger is widespread	People begin to earn some income but still limited and depend on food importation	More and more people are being employed and can improve their life conditions		Majority of community have a good quality life, proportion of poverty is below 20%	% of the total income appropriated by the lowest 40% of the population
	Employment	Limited job opportunity	High unemployment rate particularly amongst youth	Limited employment opportunities but many still vulnerable	The creation of more job opportunities not only at public sector but also at private sector at national level	Private sector begins to create job opportunities at district level	Private sector is the biggest employer	Proportion of skilled labor by gender and district
Employment and Development of Private Sectors	Agriculture Productivity	Agricultural development policy that has no clear on sustainability of its program	Food production remains very low. Highly dependence on food imports	Start to have some food production in country but dependency on food imports still high	Ability to produce more food in country and gradually to reduce food importation	Communities are locally independent in terms of food supplies and exchanges between districts start	Food production increases and a possibility for export, less food import.	Quantity of local foods (rice, maize and other relevant) produced per hectare

	Enabling environment for private sector development	Procedures for businesses start up still many and not easy Lack of basic infrastructure	The absence of private sector in country	The presence of Private sector at national level Basic infrastructure is beginning to be in place	Private sector also presence at all districts level	Significant of Foreign Direct Investment in country	Basic infrastructure is in place and in good quality. Local markets are connected with the markets at national level. Establishment of “one-stop-shop”	Number of companies paying taxes (by district) Number of local people (by gender) who work for private sectors
	Land Dispute Mechanism	The absence of Land Law	No current mechanism exists to resolve land disputes	Draft land law under discussion for approval	Land law approved by Parliament still pending for President of Republic promulgation. Use previous legal framework and/or other traditional means to resolve land disputes	Land law promulgated by the President of Republic and is being implemented	All land disputes cases have been resolved	Number of land dispute cases reported by individual and community group (individual land and community land)
Exploitation of Natural Resource	Natural Resource Management	Limited/sufficient of technical capacities to identify and natural resources management	Has not identified the potential natural resources	The commencement of study to identify the potential natural resources Identification and exploration stages begins, still lead by international.	Timorese begins to involve in the management process Revenues from natural resources to finance state's activity	Timorese takes the lead in the natural resource management. Transparency in revenues collection (first in Asia and third in the world)	Timorese alone manage all potential natural resources	Ratio of national and international staff who has technical capacity in the Industry of oil and gas

PSG 5: Revenue and Services

Dimension	Sub Dimension	Root Causes	Fragility Stages					Country Indicators
			1: Crisis	2: Build & Reform	3: Transition	4: Transformation	5: Resilience	
Revenue Generation	Source of Revenue	Low domestic revenues	State's revenues are low (both domestic and petroleum fund)	Revenues from petroleum fund increased, domestic revenues remain low	Domestic revenues also started to increase even in a small portion, dependency on revenues from petroleum fund still high.	Domestic revenue continue stable and there can be a balance compare with revenues from petroleum fund	Domestic revenues become the main sources for the state activity	Proportion of domestic revenue as a total of state revenue
	Capacity from Public Institution	Limited technical capacities	The absence of public institutions to collect domestic revenue	The establishment of Institution however staff capacities still limited	Start to have staff with Sufficient capacity to manage domestic revenues but still limited in terms of number	Public institution is capable to manage domestic revenues	Public institutions function well both at national and district levels	Number of local tax collector
	Tax Law	The current laws still not cover other domestic activity which potential for domestic revenue	There is no legal framework for collection of domestic revenue	The current laws still not cover other domestic activity which potential for domestic revenue	Revision of law to accommodate the necessity in increasing the domestic from other identified domestic sources		Tax collection system functions well at both national and district levels	Revision of Tax Law to include other domestic activities which can contribute to the state revenue
Public Administration	Public Financial Management	Control systems at the implementation still weak	Weak of public finance management	Reforms of the public finance management begins to be identified	Introduction of accounting-freebalance and legal framework for public finance introduced and implemented.	Begin to improve the control system in the implementation	All public financial management systems and control mechanisms functioning well	Number of contractor who deliver good quality of government projects

Service Delivery (Focus on Health, education & Clean water)	Administrative Capacity	Weak implementation of the career regime	Number and capacities of public servants are low	Number and capacities of civil servants begin to improve but motivation to work remains low	Number and capacities of civil servants begin to improve but motivation to work remains low	Civil servants are capable and motivated to perform their duties Civil service commission functions independently	Number of civil servant who periodically promoted based on their performance evaluation Number of civil servant who got training
	Accountability, transparency and integrity of civil servant	Control system is not rigorously implemented	Lack of transparency and accountability in the public service Corruption, collusion and nepotism still dominate	Transparency remains weak in some areas although control systems have been identified and implemented	Discipline system for civil servants has been introduced Administrative sanctions are applied to some staff	Civil servants are capable of perform their duties with accountability, transparency and integrity	Number of civil servant who receive administrative sanction because lack of accountability, transparency and integrity
	The role of State		The state does not play a role in the provision of public services for international organizations dominate	The state begins to play its role in providing some basic services although the international organizations continue to implement some programs		The state is the main service provider in the country for all basic need	Ratio between ODA and government's budget allocation on social sectors (health, education and clean water)
	Resources	Low resource allocation to provision of basic services by the state	There is no budget to implement services delivery on basic needs	Gradual increase in the state budget although not still small		Sufficient budget allocation for services delivery on basic needs	Proportion of budget allocation to sectoral Ministries (health, education and clean water) – disaggregation on Salary, good & services, minor capital and development.
	Distribution	Still concentrated at national level	All basic services are concentrated at national level	Some public services are distributed at district level although most of them still concentrated at the national level	Implementation of decentralization to increase access	Majority of population have access to basic needs services	Ratio of medical personnel by gender to 1000 population in district

ANNEX 4: TIMOR-LESTE INDICATORS (SHORT LIST)

(This short list has been validated by the Council of Minister on Wednesday, 23 January 2013)

1.	PSG 1: LEGITIMATE POLITICS
	Number of people (by gender) who participated in civic education on political process.
	Participation rate in the election by district and gender
	Political dialog among the State with the competent bodies
2.	PSG 2: SECURITY
	Number of political violence and common violence on annually basis Number of illegal cases (human trafficking and illegal immigration) and conflicts in the borders
	Ratio of police to total population per district Number of police (by gender and district) with Tertiary Education from a total of Police
	Number of refugees (include IDPs) resulted from conflict
3.	PSG 3: JUSTICE
	Proportion of judicial actors (Judges & Prosecutors) and Public Defender (by gender) to a total registered case in district
	% from budget allocation to Justice sector as a total of Recurrent budget % from budget execution at justice sector as a total of budge allocation to justice sectors
	Number of human resources (Judges, Prosecutors, public defender and judicial police) accredited by gender and district in Justice Sector
4.	PSG 4: ECONOMIC FOUNDATIONS
	% of accessible roads from national to rural areas
	Proportion of skilled labor by gender and district Quantity of local foods produced per hectare
	Ratio of national and international staff who has technical capacity in the Industry of oil and gas

5.	PSG 5: REVENUES AND SERVICES
	Revision of Tax Law to include other domestic activities which can contribute to the state revenue
	Number of government civil servants who promoted based on performance evaluation
	Ratio of medical personnel by gender to 1000 population in district

ANNEX 5: SOME PHOTO FROM THE ASSESSMENT

Briefing with Civil Society Organization



Kick off Workshop
(Officially to declare the Commencement of Fragility Assessment)



Group Discussion at National Level



Group Discussion at National Level



Group Discussion at Liquica District



Group Discussion at Liquica District



Group Discussion at Lautem District



Group Discussion at Lautem District



Presentation of Major Findings to UNSG Ban Ki Moon

