

Basic Education Policy Making Process In Timor-Leste

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Abstract

This study is about the basic education legislation's making process by the IV Constitutional Government of Timor-Leste (2007-2012). It aims to elaborate the policies and legislation making process specifically, on the basic education system framework in Timor-Leste. It is as founding document of the education sector, establishes the new national education system, from preschool to basic, secondary and higher education, including non-formal education and highlights fairness and gender issues. Normally, the *basic education system framework* was initiated by the minister of education based on the five years strategic plan of the IV Constitutional Government and his consultation with other organs of state, stakeholders including some potential Church Leaders, the national CSO, UN Agencies, also played very crucial role in this legislation making process. And then submitted it to the Council of Ministries (CoM) to debate and approved it before bringing to National Parliament to debate, and conducting a widely consultation as well as approved and finally it was promulgated by the president of republic and published it in the formal gazette of RDTL as law no 14/2008.

Key Words: Basic Education, Policy and Legislation

An Overview

This study is about the basic education legislation's making process by the IV Constitutional Government of RDTL (2007-2012). It aims to elaborate the policies and legislations making process specifically, on the basic education system framework in Timor-Leste. The case study is used to explore the legislation making process, its implementation and constraints faced. In completion to that, the former minister of education, one technical advisor of the basic education general director; national director of planning and research; the national director of curriculum department of the Ministry of Education; one representative of national Civil Society Organization (CSO), one representative of Australian Aid (AusAID) and one

representative of the United Nations UNICEF were selected as key informants for an in-depth interview.

The data demonstrate that the IV constitutional government of Timor-Leste during its constitutional mandate has produced the Education Basic Law no. 14/2008, of October 29th. This law, as founding document of the education sector, establishes the new national education system, from pre-school to basic, secondary and higher education, including non-formal education and highlights fairness and gender issues.

Normally, the *basic education system framework* was initiated by the minister of education based on the five years strategic plan of the IV Constitutional Government and his consultation with other organs of state, stakeholders including some potential Church Leaders in the country.

And then it was drafted by the technical advisors of the ministry of education and then reviewed by a national committee of the Ministry of Education. It was also consulted through the second education national congress before submitting to the Council of Ministries(CoM) to debate and approved it.

It was approved unanimously both at the Council of Ministries (CoM) and at the In National Parliament levels. At the national parliament, the Committee F (for the Education, Health and Culture) conducted a widely consultation with relevant stakeholders in across 13 districts. Very few change occurred at the national parliament. Finally, it was promulgated by the president of republic and published it in the formal gazette of the Republic Democratic of Timor-Leste (RDTL) as law no 14/2008.

The national Civil Society Organization (CSO) and United Nations (UN) as well as International agencies also played very crucial role in this legislation making process. International agency for instance extended their specific support to the government in terms of financial and other technical assistances. The Civil Society Group, in this case the Timor-Leste Coalition for Education (TLCE) which composes of 27 national Non-Governmental Organizations has contributed a very critical role in the sense of advocacy and campaigning on increasing the awareness of people on the key education policy issue, designing the strategic program to improve the learning needs of youth; monitoring of relevant programs for the development of education sector.

Lesson learned; this policy and legislation making process is a participatory approach through a widely consultation. It opens to national stakeholders and international donor and partners to contribute to the draft design, reviewing and consultation as well. At the same time, some challenges remained in terms of dependency of the external experts, non-empirical research base approach and the shortage of human resources and budget to implement it.

Process and Mechanism of The Policy and Legislation Making Process

Principally, the *basic education system framework* was initiated by the minister of education based continually consultation with the organ of states and all line of stakeholders including Church leaders represented by the Bishop of Baucau Diocese.

The enactment of this basic education law also referred to the five years strategic plan of the IV Constitutional Government (2007-2012) which states in Organic Law of the Government.

The basic education system framework was drafted by the 3 international (1 Portuguese Legal advisor, 1 Latin American education policy expert, and 1 New Zealander expert in higher education and 2 other national advisors). Further it was reviewed by the committee national of education which composes of minister himself, vice Ministers, Secretary of States, General directors, the goodwill Ambassador for Education, national directors, representative of the religious groups, UN and other International Agencies which chaired by the goodwill ambassador for education and minister of education acts as the vice. It was also consulted through the second national education congress which held in Dili, in December 2007 and then for a legal review by the legal advisor of the ministry of education before submitting to the CoM to debate it.

At the CoM level, first, it was reviewed again by the legal advisors of the CoM for a quality control as well as harmonizing it with the Constitution of RDTL. The draft was presented to CoM by the Minister of Education, accompanied by general director, all national directors and technical advisors of the ministry of education. There were two phases of presentation. First, presentation for inputs of the members of CoM and the second presentation was; for debating and the final approval. It was approving unanimously by the members the CoM in February 2008.

In National Parliament, it was consulted widely to all stakeholders across the countries including directors of schools, teacher association, all teachers, and religious groups through such public audiences. Finally the law was passed unanimously vote in the national parliament. Unlike other laws, with the reason of national interest, without any objection, it was immediately promulgated by the President of Republic.

Actors Involving In The Policy and Legislation Making Process

Some determinant actors with each of their roles to contribute to the basic education policy and legislation making process. It was opened to all organs of state, Stakeholders and other UN and international donors to engage to develop the draft up to the final approval and publication.

First actors were Minister of Education with all his organization structure, who initiated the draft of the education system framework.

Second actors were Church Leaders, the goodwill ambassador for education, other religious groups, Civil Society Organization, Timor-Leste Coalition for Education (TLCE), teacher associations, parents associations, international donors and partners who really contributed to the process through research, advocacy, consultation, technical and financial assistance.

Third actors, Council of Ministries which headed by the Prime Minister, Vice Ministers, Ministers and some Secretary States who are structurally under the submission of the PM and some other Secretary State who indicated directly by the PM to participate in debate and the final approval of the proposed law.

Fourth actors were the members of the National Parliament both ruling and opposition parties who have the constitutional competence to debate and approve or reject the law.

Final actor was the President of Republic, who has constitutional mandate to reject and promulgate the law passed by the National Parliament. In this case, the president of republic was able to promulgate it without any objection from him.

Relevant Influential Factors (Internal and External)

Principally, such external and internal factors very much influence the design of certain policies and legislations. Timor-Leste as a newly independent which too much rely on foreign experts somehow there are much possibilities that the policy and legislation making process can be driven by the foreign donors or experts in accordance with their interest instead to respond to local needs.

However, with regard to this matter, in an interview with Joao Cancio, former Minister of Education and he said that in design the basic education law, the Ministry of Education has worked very closely with international donors and partners as well as stakeholders. In fact, they assisted the process through such technical experts, financial assistances and other in kind material aids. But they did not impose their interests in the process at all. It was done because the people and nation needed to develop the education in Timor-Leste. In other words, the law was enacted based on the needs of people, through consultation and so forth.

Outcomes – Specific Legislation

The IV constitutional government of Timor-Leste during its constitutional mandate was able to produced Basic Education Law no. 14/2008, of October 29th. This is the only law produced by the Ministry of Education since restored its independence in May 2002.

Result – Broader Impact

It is still quite hard to assess how far the government implements the law as well as measure the impact of the implementation. Currently, the government is still drafting a national standard policy as tool to monitor and evaluation the implementation and its impact of the policy and legislation. the national of education, they really have not enough resources to do the studies on the impact of the implementation on policies and legislation.

Conclusion

This study concludes that;

1. The policy and legislation making process of the basic education law was (a) very much based on the needs of the people; (b) it was done with very widely

- consulted with stakeholder and international donors. However, there were some shortcomings encountered ;(a) it was not an evident based process approach since the ministry and the council of Ministries did rarely to use the research data to elaborate and review the draft.(b) the MED had strong links with other stakeholders and international donors but had a very weak link with other line ministries for a strong network; (c) the Ministry of Education (MED) too much rely on the international experts instead the local experts which were still less in quantity and quality.
2. In term of implementation, the law is implementing so far in some specific areas such teacher training, regime carrier, and so forth. However there are also some challenges still remain like lack of the study on the impact of the implementation of the policy and legislation as well as the shortage of budget channeled to education that might be inadequate to develop the education in Timor-Leste.

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