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Case Studies on Transitional Justice and Displacement

Dealing with the 2006 Internal Displacement Crisis in Timor-Leste

Between Reparations and Humanitarian Policymaking

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July 2012

Transitional Justice and Displacement Project

From 2010-2012, the International Center for Transitional Justice (ICTJ) and the Brookings-LSE Project on Internal Displacement collaborated on a research project to examine the relationship between transitional justice and displacement. The project examined the capacity of transitional justice measures to respond to the issue of displacement, to engage the justice claims of displaced persons, and to contribute to durable solutions. It also analyzed the links between transitional justice and other policy interventions, including those of humanitarian, development, and peacebuilding actors. Please see: www.ictj.org/our-work/research/transitional-justice-and-displacement and www.brookings.edu/idp.

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Acknowledgements

ICTJ and the Brookings-LSE Project on Internal Displacement wish to thank the Swiss Federal Department of Foreign Affairs (FDFA) and the Canadian Department of Foreign Affairs and International Trade (DFAIT), which provided the funding that made this project possible.

About ICTJ

ICTJ assists societies confronting massive human rights abuses to promote accountability, pursue truth, provide reparations, and build trustworthy institutions. Committed to the vindication of victims' rights and the promotion of gender justice, we provide expert technical advice, policy analysis, and comparative research on transitional justice measures, including criminal prosecutions, reparations initiatives, truth seeking, memorialization efforts, and institutional reform. For more information, visit www.ictj.org.

About the Brookings-LSE Project on Internal Displacement

The Brookings-LSE Project on Internal Displacement was created to promote a more effective response to the global problem of internal displacement and supports the work of the UN Special Rapporteur on the Human Rights of Internally Displaced Persons. It conducts research, promotes the dissemination and application of the Guiding Principles on Internal Displacement, and works with governments, regional bodies, international organizations and civil society to create more effective policies and institutional arrangements for IDPs. For more information, visit: www.brookings.edu/idp.

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Table of Contents

1. Introduction	4
2. The 2006 Crisis	4
3. Resolving the Internal Displacement Crisis: From a Humanitarian Response to the National Recovery Strategy	6
4. Devising the National Recovery Strategy: Pragmatism Prevails	7
From a Broad-Ranging Plan to the Provision of “Return” or “Recovery” Packages	7
Resistance to a Cash-Based Approach	8
5. Achieving Return and Resettlement Through the Cash Grant Scheme: Selected Implementation Challenges	9
Reducing Conflict and Overcoming Fear: The Key Role of Mediation and Dialogue	9
Uncertainty of Land and Property Rights as a Barrier to Return	10
Identification of IDPs	11
Gender and Recovery Package	12
Implementation Capacity	13
4. Does the National Recovery Strategy Amount to a Reparations Program?	13
Participation, Acknowledgement, and Recognition	14
Material Component	15
No Comprehensive Transitional Justice Policy	16
The National Recovery Strategy Was Not a Reparations Program	17
5. Concluding Remarks	17
6. Notes	20

Introduction

The 2006 crisis in Timor-Leste saw close to 15 percent of the population displaced from their homes, threatening to sink the country into protracted instability and violence. Remarkably, five years later the country was back on track, with the internal displacement issue largely resolved. This paper looks at the National Recovery Strategy (NRS) that the government adopted to resolve internal displacement in Timor-Leste, from the viewpoint of a participant in the policy development and implementation process. Following a discussion of the NRS, the paper considers whether or not it qualifies as a full-fledged reparations effort. The paper concludes that while the strategy had characteristics usually associated with (administrative) reparations programs, a number of factors stand in the way of wholeheartedly qualifying it as a reparations effort. Nevertheless, the experience of Timor-Leste contains a number of important lessons for reparations efforts in respect of displaced populations elsewhere.

The 2006 Crisis

The period between Timor-Leste's independence—formalized in May 2002 following the departure of Indonesian troops in 1999 and the temporary administration of Timor-Leste by the UN Transitional Administration in East Timor (UNTAET)—and the start of the 2006 crisis may be best described as a time during which the general population's high expectations of life in an independent nation were not met and social unrest gradually started to take root. This was especially true for economic development, with oil and gas revenues failing to reach the population and grinding poverty continuing to be the reality for most Timorese.¹ On the eve of a crisis that would shake its foundations, the young country faced serious problems: insufficient employment creation for the country's young and fast-growing population; the inability of the government to spend the resources at its disposal, adding to the perceptions of corruption among a suspicious population; and the failure to create an environment conducive to private investment.²

Ostensibly, the 2006 crisis grew out of the so-called petitioners protest, in which a group of almost 600 soldiers refused to return to their barracks because of complaints about living conditions and,

especially, discriminatory policies regarding army recruitment and promotions.³ In reality, as will be discussed further, the causes of the crisis lay much deeper. The crisis, and its eventual resolution, can be summarized through a brief overview of a number of key events:

- April–June 2006: a demonstration by the petitioners in front of the main government complex in the capital, Dili, initiates a period of violence and instability. An estimated 150,000 Timorese flee their homes and seek refuge in makeshift camps, public buildings, or with family and friends. Up to 38 people are killed and 1,650 houses are destroyed.⁴
- June 2006–April 2007: the arrival of international troops brings an uneasy calm, but sporadic violence continues. The UN Security Council votes to establish the UN Integrated Mission in Timor-Leste (UNMIT), including an international police force to replace the international military troops.
- May–July 2007: Jose Ramos-Horta is elected president, and FRETILIN, which had governed Timor-Leste since independence, fails to win the majority required to govern alone.⁵
- August–January 2008: the formation of a government by the Alliance for a Parliamentary Majority (AMP) coalition under Prime Minister Xanana Gusmao is followed by violence, with more than 400 houses destroyed in two districts outside Dili.
- February–March 2008: President Ramos-Horta is seriously wounded in an assassination attempt, and Alfredo Reinado, the leader of the rebel group that carried out the attempt, dies in action.⁶ Sometime later, the remaining rebels surrender, opening the road for a return to political stability.⁷

Beyond the petitioners protest, the 2006 crisis had a number of causes. At a general level, the crisis was caused by “the frailty of state institutions and the weakness of the rule of law, reinforced by internal divisions created in Portuguese and Indonesian times and the fact that political competition in Timor-Leste was often settled through violence,” according to a UN inquiry into the crisis.⁸ More specific factors included a deep crisis in the security sector due in part to an incomplete demobilization process⁹ and a problem of legitimacy affecting the police;¹⁰ cleavages and rivalry within the Timorese political elite, dating back to the resistance against Indonesia and aggravated by a power imbalance between the FRETILIN administration¹¹ and its political opponents;¹² a severe housing crisis; unresolved land issues; a general sentiment of impunity and a poorly functioning justice system;¹³ the existence of a network of (youth) gangs and clandestine groups;¹⁴ and continued widespread poverty.¹⁵ A certain level of factionalism, most commonly articulated in the perception that people from the east and west of Timor-Leste¹⁶ discriminate against each other, also played a role, although the nature and origins of this division are disputed. The UN Commission of Inquiry, for example, noted that it had received “opposing views on the origin and longevity of this cleavage,”¹⁷ but found that most interviewees agreed that “the east-west phenomenon had been manipulated during the crisis by groups with specific political interests.”¹⁸ A final factor was the migration pressures on Dili, where a rural-to-urban migratory movement had increased the population from 100,000 in 1999 to 175,000 in 2005, with neither the housing and labor markets nor public services growing at the same rate.¹⁹

Resolving the Internal Displacement Crisis: From a Humanitarian Response to the National Recovery Strategy

At the start of 2008, an estimated 100,000 people remained displaced, with at least 30,000 living in 51 camps in and around Dili and the remainder living with family or friends in Dili or the districts. There were also seven small camps in Bacau, housing around 1,500 internally displaced persons (IDPs). In July 2007, the government had ceased providing assistance to the IDPs in Bacau, which caused about half of them to move back to Dili, to camps in Metinaro²⁰ and Jardim.²¹ The population in the camps was varied, including unemployed people and people with regular jobs in the government, the private sector, and international agencies and NGOs. On average, the socioeconomic situation of the IDPs in the camps was not different from that of the general population, with the important exception of their shelter situation.

The government and the international community focused their initial response to the displacement crisis on providing humanitarian aid targeted at the IDPs living in camps. Little or no humanitarian assistance was provided to IDPs who moved in with families or friends, setting a pattern of focus and exclusion that would continue throughout the response. In addition to the provision of tents, the bulk of the humanitarian aid consisted of the provision of free food and some additional basic services. The humanitarian response proved to have a number of unintended negative consequences. The core issue was that there was almost no discernible difference in levels of food insecurity between IDPs and non-IDPs, raising the question of why food was only distributed in the camps.²² In a context of widespread poverty, the free food distribution also rendered living in a camp “economically attractive,” pulling in new residents, including IDPs from outside Dili, students, job seekers, and “even some of the urban poor.”²³ Another perverse effect was that the free food distribution increased criminality in some camps, causing the emergence of “rice mafias” that controlled the sale of the free food to third parties.²⁴ Finally, it had a negative impact on the relations between some IDP camps and their neighboring areas, with inhabitants of the latter questioning why people who, economically speaking, were not obviously more vulnerable than they were received aid when they did not.

Discussions with IDPs revealed multiple factors impeding return and resettlement, including concerns about general political instability, fear and insecurity (easterners were not comfortable with the idea of returning to predominantly western communities, and vice versa), a lack of faith in the law enforcement agencies’ ability to protect IDPs after their return, outstanding issues regarding land and property, and a lack of resources to repair or reconstruct damaged or destroyed houses (of a total of 3,500 houses that remained destroyed or damaged at the end of 2008, 2,400 had been inhabited by IDPs before the 2006 crisis). Finally, there was also the fear that voluntarily returning home would mean “missing out” on eligibility for any forthcoming assistance.²⁵

When the AMP government came into office in August 2007, it identified the internal displacement crisis as one of three “National Priorities,” promising the return of IDPs to their homes by the end of the year—thereby repeating the FRETILIN government’s mistake of underestimating the complexity of the crisis.²⁶ Further complicating matters, soon after the swearing in of the AMP government, FRETILIN flags started to go up in all of the large IDP camps.²⁷ Soon afterward, however, the

new government took a more realistic stance: in his address to the UN Security Council on September 10, 2007, the minister of foreign affairs stated that “as much as we would wish, there is no short-term solution to this situation and addressing the root causes of the crisis requires a medium to long term effort.”²⁸

Devising the National Recovery Strategy: Pragmatism Prevails

From a Broad-Ranging Plan to the Provision of “Return” or “Recovery” Packages

In its original design, the National Recovery Strategy (NRS) to end displacement in Timor-Leste, adopted on December 12, 2007, had five complementary pillars, intended to address all obstacles to return or resettlement with a special focus on the integrated closure of the camps. The five pillars were called respectively “Together Building Confidence” (to “increase trust between the people and the government and strengthen community”); “Together Building Social Economy” (to “create livelihood opportunities for all, both in areas of return and in the districts”); “Together Building Stability” (to “address security concerns and to create an environment conducive to return or resettlement”); “Together Building Protection” (to establish a social safety net for the most vulnerable with “due attention to the specific needs of the IDPs”); and “Together Building Homes” (to help IDPs return home where it is safe and possible and to provide new houses where it is not). In practice, however, the NRS was never fully implemented, and only the first and last pillars were extensively operationalized.

In terms of the pillar “Together Building Homes,” plans changed quite drastically between initial thinking and implementation. It started from the understanding that two broad categories of IDPs were living in the camps: those who would be able to return to the neighborhoods they had been displaced from (with support in rebuilding or repairing their houses) and those who, for whatever reason, would rather not return to their neighborhoods of origin (for example, because they had been forced out of their homes by their neighbors). It was believed that the government would need to build new houses for members of the second category in particular, an attitude supported by those who argued that some IDPs should not be encouraged to return to neighborhoods that would eventually disappear or be transformed in accordance with the controversial Dili Master Plan. The plan to build new houses was also supported by those who felt that the crisis should be used as an opportunity to, on one hand, address the structural housing shortage in Dili and, on the other hand, to “build back better” and address the very poor quality of the housing stock in the capital.

Hence the initial plan was that IDPs would have the option to ask the government for a basic house, complemented by a small cash grant to enable them to restart their lives. These basic houses were to be built in new neighborhoods as foreseen in the Dili Master Plan. However, various projections against the implementation of such a plan raised questions about the government’s capacity to implement such an ambitious scheme²⁹ and indicated that implementation would, even under the best circumstances, require many years to complete, during which period the IDPs would have to

remain in the camps. This was unacceptable from a humanitarian point of view and would also have caused unrest among IDPs, who were likely to have little faith in government promises of future houses years from now. Moreover, informal consultations with IDPs showed resistance to the very idea of government-provided housing and a strong desire to receive cash over any other type of remedy. Finally, various failed attempts by the Ministry of Social Solidarity to purchase land to resettle IDPs further underscored the obstacles to this approach.³⁰ In combination, these elements led the government to eventually abandon any plans to build houses as part of this pillar.

This left the provision of what was called a “recovery package” as the main part of the substantive response to the IDP crisis and, in particular, the issue of the IDP camps. The package was a substantial sum made available to IDPs who opted to return or resettle, and was tied to the extent of the damage to their homes. Entitlements were US\$4,500 for houses deemed destroyed or inhabitable (based on the estimated cost for the government to build a basic house),³¹ US\$3,000 for severely damaged but habitable houses, US\$1,500 for partially damaged homes, and US\$500 for houses with minimal damage. The recovery package was provided to households, rather than individuals. IDPs whose houses were destroyed were also given the option of requesting that the government provide them with a basic house, rather than a cash grant. In practice, however, not a single IDP selected this option. At least initially, no compensation was awarded for destroyed or looted household goods or business stocks. However, after further negotiations and discussions between IDPs and the government, a fixed compensation amount of US\$500 was established to cover such losses and was paid out to every household that had received the recovery package for a destroyed or damaged house.

Resistance to a Cash-Based Approach

The cash-based approach to the displacement crisis was not without its detractors, who made a number of arguments against it. First, it was argued, since the IDP population in the camps allegedly consisted largely of easterners, the disbursement of large amounts of cash could reinforce the notion that easterners were generally favored by the government and official institutions; therefore, giving large amounts of cash to IDPs would risk reinforcing the divide between easterners and westerners and would exacerbate social tensions in the recipient communities. In hindsight, neither concern became reality. Very few social tensions were reported,³² which may be connected to the fact that IDPs did spread some money around in the communities they returned to. It was not infrequent for returnee families to strike a deal with the families who had come to occupy the house or land left behind, with the latter receiving a small proportion of the cash grant for “taking care” of the property in the returnees’ absence.³³ This undoubtedly facilitated the reintegration of IDP families into their neighborhoods. The most important reason why social jealousy did not emerge to the extent feared, however, was probably the work of the so-called dialogue teams, which prepared both IDPs and recipient communities for returns.

The second argument against a cash-based approach had to do with a concern about how IDP families would dispose of their cash-grants. How could the government ensure that IDPs would spend their cash on reconstruction or repairs, and not on non-housing related expenses such as cars, motorbikes, or pure consumption goods? It was suggested that payments be made in two tranches, the second only after verification of the use of the first grant. This idea was eventually abandoned

for three principal reasons. Firstly, proponents of this approach were never able to explain what kind of verification would be used to prove that the first tranche had been misspent, and what recipients would be able to do to rebut such a finding. Secondly, the limited implementation capacity of the relevant state institutions rendered it quite likely that delays in the verification process would slow the payment of the second tranche. Third, a two-tranche approach risked creating an incentive for corruption and collusion between officials and beneficiaries who had not used the first tranche in accordance with the relevant criteria. Based on these considerations, the cash grants were paid out in one single amount, without any verification requirements.³⁴

The third argument had to do with the possible inflationary impact that a large infusion of cash would have on prices in Dili and beyond. One specific area of concern was the price of construction materials, an issue that had also been raised in the context of initial ideas about providing IDPs with construction materials rather than cash. Some feared that the sudden demand for construction materials and the availability of significant amounts of cash would inevitably (and rapidly) raise prices. It is beyond the competence of this author to make any authoritative statements as to what impact the payment of cash grants has had on inflation in Timor-Leste, but it would appear that the impact has been neither as dramatic nor as durable as some feared. Consumer prices in Timor-Leste started to rise significantly in mid-2006, well before the NRS was developed, let alone implemented. This was mostly due to supply-side international trends, in particular the global increase in food prices.³⁵

Achieving Return and Resettlement Through the Cash Grant Scheme: Selected Implementation Challenges

Reducing Conflict and Overcoming Fear: The Key Role of Mediation and Dialogue

At the outset, the outlook for a successful return of the IDPs was not encouraging. Many IDPs had been forced to flee their homes following violent threats and intimidation from their neighbors. Given that few prosecutions had taken place in relation to the 2006 crisis, these same neighbors still lived in the communities where the IDPs would need to return. Moreover, many of the IDPs in the camps were easterners who had been pushed out of their neighborhoods by westerners (although the reverse also existed); hence the fear that violence against returning families could potentially trigger a wider conflagration. Additionally, a significant number of houses and pieces of land left behind by the IDPs had in the meantime become occupied by others, often the very people who had had a hand in pushing them out. This represented a further potential source of conflict and violence. Finally, the IDPs themselves were afraid to return and uncertain how their former neighbors would receive them. Policymakers agreed that simply providing IDPs with a cash grant and expecting them to return home without any further support or intervention would not only be ineffective, but quite likely dangerous as well.

To address this problem, the government made extensive use of dialogue and mediation to promote and facilitate the social reintegration of the IDPs through a wide variety of processes involving the authorities, the IDPs, and the affected communities.³⁶ A key component was the dialogue teams

established by the Ministry of Social Solidarity as part of the “Together Building Confidence” pillar of the NRS.³⁷ These dialogue teams played a central role in preparing and facilitating the return and resettlement process. They engaged in local peacemaking and reconciliation processes, tackled social problems where necessary, and helped in “rebuilding relationships among community members for sustainable returns of IDPs.”³⁸ How deep the reconciliation went is difficult to say without further empirical research, but the results were solid enough for the different sides to start living together again without any notable violence.³⁹

Flexibility was a strong point of these dialogue and mediation efforts. Depending on local needs and contexts, dialogues could range from straightforward mediated conversations between two families to complex processes involving whole communities and groups of IDPs. Crucially, those efforts also involved the relevant local authorities and, where needed, high-level central government officials, including the minister of social solidarity and the prime minister. The mediated conversations between families sometimes turned into bargaining sessions, whereby IDPs used a (small) part of their cash grants to settle differences or assist neighbors with problems they faced. Further empirical research is needed to shed light on how IDPs perceived these processes, but the author knows of few instances where the parties involved were outwardly aggrieved or otherwise unhappy with the process or its outcome.

The initial plan was also to fast track (much-needed) investment in infrastructure and community upgrades in the areas and neighborhoods that were to receive IDPs. It was expected that this would help shift the focus away from “what the IDPs received” toward a perception of the return movement as the start of a normalization and revitalization of Dili, and by extension Timor-Leste. It was also expected to be an opportunity for communities to come together to decide on their priorities as well as a way for the Timorese state to regain some of the trust it had lost in the intervening years. Unfortunately, it proved impossible to streamline the implementation of the process of return with the process of reconstruction and upgrading. In the past year or so, however, infrastructure investment as well as public spending overall has risen considerably, and Timor-Leste now appears to have entered a period of solid economic growth,⁴⁰ erasing any negative effects of this earlier failure.

Uncertainty of Land and Property Rights as a Barrier to Return

Land and property relations in Timor-Leste’s urban centers prior to 2006 were characterized by a high degree of informality, as most people living in the city had few or no official documents to prove their rights to the houses or land they were living on. Overlapping land-rights claims emanated from property documents issued by the Portuguese colonial administration, documents issued by the Indonesian occupying authority,⁴¹ and informal—in the sense of not officially sanctioned—land and property transactions since 1999. Crucially, Timorese law lacked a formal procedure to determine ownership of land and priority among land-rights claims from the different periods of the country’s history.⁴² The UN administration had tried, and failed, to move the legislative process forward,⁴³ and the subsequent FRETILIN government’s attempts to develop legislation that would establish a property regime for Timor-Leste were never completed.⁴⁴ At the time of the 2006 crisis, there were “no legal means for buying or selling land, and no way of legally confirming its owner.”⁴⁵

Two pieces of legislation were, and at the time of writing continue to be, missing: a transitional land law to determine the “original” property rights under the new state⁴⁶ and a legal framework for the regulation of property rights, currently foreseen to be included in the new civil code. In addition to this legal quagmire, land and property relations were further complicated by weak land-administration institutions; widespread suspicion of fraud in the dealings of land and property officials before and after independence, including the use of falsified documents;⁴⁷ limited institutional options for resolving land and property disputes due to a weak formal court system that was largely inaccessible for most of the population;⁴⁸ and strong vested elite interests benefiting from the ongoing fluid legal situation.

It was against this background that the government had to make a choice whether to address the issue of valid legal title before allowing IDPs to return or to let them return or resettle immediately and postpone the resolution of possible competing claims over land and property. In the end, the decision was relatively straightforward, as resolving the issue of valid legal title first would have taken years, if not decades, to complete. It would have required the development and adoption of the missing pieces of legislation, an extensive titling effort including the demarcation of plots, the identification and resolution of competing claims, and the establishment of the relevant institutions.⁴⁹ In the meantime, IDPs would have had to remain in the camps, which was clearly unacceptable from a humanitarian and a political point of view. The decision to prioritize return, and leave the land and property issues for later, was heavily criticized by many international actors, including the UN, which argued that “promoting return without first resolving property ownership issues would provoke further tensions and cause re-displacement.”⁵⁰ In practice, however, the government had no real alternative.

Instead of verifying legal title, the dialogue teams accompanying the return process simply verified in the communities and with the local authorities whether prior to their displacement the IDP families had indeed been living in the houses or land they wanted to return to. In their communications with the IDPs and the affected communities, the dialogue teams explicitly differentiated the return to former homes and land from the recognition of legal title. IDPs and communities were informed the latter process would take place only in the future, once the relevant legislation was put in place. Contrary to critics’ fear, no significant post-return tensions have so far arisen regarding questions of legal title or competing claims, and the small-scale re-displacement that has occurred had reportedly nothing to do with land and property disputes.⁵¹

Identification of IDPs

In contexts of large-scale internal displacement, it is common practice for the national government, usually with the support of the international community, to commence an IDP registration effort as soon as practically possible. Registration is important to get a sense of the scope and, to some extent, the nature of the displaced population, and it is a key tool for managing and tracking humanitarian assistance as well as the eventual implementation of a durable solution. For a variety of reasons, no registration process was ever conducted in Timor-Leste, which left the Ministry of Social Solidarity with the difficult task of trying to identify who within the camps were IDPs and who were not more than a year after the camps had emerged. One challenge was that in the intervening period, the camps also had acquired non-IDP residents, attracted undoubtedly by the free food deliveries but also as a

consequence of a housing shortage in Dili. For example, a significant number of students had taken to living in the camps near the center of Dili, due to the lack of dedicated student accommodation in the city. Other examples included families that had “representatives” living in different camps, creating the risk that some IDP families would receive multiple cash grants. The absence of earlier registration also rendered planning for the implementation of the NRS more complicated, as it was not known in advance from what areas IDPs in particular camps had originated.

Eventually, it was decided that the best way forward was a simultaneous registration and implementation effort on a camp-by-camp basis. Teams from the Ministry of Social Solidarity and the International Organization for Migration (IOM) would go from camp to camp to register and identify the IDP and non-IDP households and organize their return or resettlement, which included carrying out damage assessments of the IDPs’ houses and activating the dialogue teams mentioned earlier. In addition to the personal declarations made by the households, IDP status also required confirmation by the local authorities that the household in question had been living in the house and area they claimed and that they had been displaced during the 2006 crisis. While in other settings this approach could have given rise to problems with biased or partisan information provided by the local authorities, this did not turn out to be the case in Timor-Leste. There were very few instances, if any, in which the local authorities did not confirm the information provided by the IDPs.⁵² Interestingly, some have argued that the lack of registration at the outset made it easier for IDPs living outside the camps to access the NRS. While outreach was conducted in non-camp communities where IDPs were living, much less was done to ensure their access to the process. In practice, however, many IDPs living outside the camps registered at the camps during the initial implementation phase, ensuring their access to the cash grant and the return or resettlement support. More data needs to be collected on these issues, but the fact that, at least to the author’s knowledge, there have been few, if any, complaints about a lack of access for IDPs living outside the camps may support this interpretation.

Gender and the Recovery Package

Broadly speaking, Timor-Leste remains a relatively conservative, patriarchal society with traditional family structures. Gender equality remains a distant ideal in both the private and the public spheres. Progress has been made since independence, but this has also triggered a conservative backlash pushing for women to return to their former domestic roles. Deep inequalities continue to adversely affect women in education, the labor market, and inside the home.⁵³ Moreover, women suffer from high levels of domestic violence, which is often viewed as a private matter, in turn discouraging police and the broader justice system from intervening.⁵⁴ Some observers have suggested that the 2006 crisis further contributed to an increase in gender-based violence across the board in Timor-Leste, attributing it to a breakdown of families, increased economic hardship, and a decrease in trust.⁵⁵

As indicated earlier, the NRS foresaw the provision of the recovery packages to IDP households rather than to individuals. While this approach was defensible in light of the type of damage the remedy was intended for, it raised the issue of to whom inside the household the cash grant should be paid. Three options were discussed: payment to the head of household (in practice mostly, if not exclusively, men); payment of half the package to the head of the household, and the other half to the main

female member of the household; and payment of the entire cash grant to the main female member of the household. In the end, it was felt that anything other than payment to the head of household would cause considerable resistance and troubles in the camps and risked putting women in an even more precarious position, as they would come under considerable pressure, including through increased domestic violence, to hand over their part of the cash grant to male heads of households. The latter was of particular concern in light of the limited capacity and willingness of the police and other security actors to protect women in such a situation. In case of married couples, however, the Ministry of Social Solidarity made sure that both spouses were fully informed of the allocation of the cash grant and required both to sign the relevant documents.

An empirical study is needed to ascertain the gender impact of the recovery packages, including an assessment of the extent of female participation in domestic decision-making about how to use the cash grants. While some observers have expressed concern that the position of women in former IDP households has worsened due to the increased purchasing power of male heads of households, it is not always clear to what extent these observations are based on hard facts.⁵⁶

Implementation Capacity

A final challenge for the implementation of the NRS was the limited capacity of the state institutions involved in the process. These limitations concerned technical knowledge (for example, about logistics), managerial skills, and planning expertise as well as the absence of previous experience in implementing anything similar. Moreover, the prospects of the state administration managing and deciding upon relatively large amounts of cash disbursements also raised concerns about possible corruption and collusion between officials and potential beneficiaries. While the actual implementation had its problems, these were mitigated both by the strong leadership of the minister of social solidarity, whose ministry was the key actor in the implementation process, and by the strong technical support given to the ministry by a team of international advisors and staff members at the IOM and, for the dialogue teams, the United Nations Development Program. In the end, it remains a remarkable achievement that in a one-year time span cash grants were allocated through a reasonably fair and transparent process, and IDPs formerly living in the camps all either returned or were resettled.

Does the National Recovery Strategy Amount to a Reparations Program?

Timor-Leste's National Recovery Strategy can undoubtedly be described as a successful humanitarian or postcrisis policy to end internal displacement. Indeed, today there are no indications that former IDPs continue to have significant vulnerabilities different from those affecting the general population or directly related to their earlier predicament. The situation of former IDPs in Timor-Leste today arguably no longer differs from that of the general population when measured against the eight criteria laid out in the Inter-Agency Standing Committee's *Framework on Durable Solutions for Internally Displaced Persons*.⁵⁷ Surveys undertaken by the IOM underscore this empirically, finding no notable

differences between the situation of former IDPs and other community members in terms of access to basic services such as water, education and health, and levels of unemployment.⁵⁸ The question that will be addressed in this final part of the paper is whether the NRS, in addition to being a successful policy to end displacement, can also be considered a “reparations program” and, as such, an integral component of a transitional justice policy in respect of the 2006 crisis.

A first observation in this respect is that no empirical research has as yet been carried out on how the IDPs, the communities affected by displacement, and the wider population perceive the NRS. We do not know at the moment whether or not the IDPs see it as having successfully addressed their needs, nor do we know whether or not they feel that their suffering has been sufficiently acknowledged by the state and their fellow citizens. There is also no data available about, for example, how the NRS affected trust in the government and the state, relations within and among communities, and attitudes toward the 2006 crisis and the internal displacement that accompanied it. The absence of such empirical research imposes serious limitations on a discussion about whether or not the NRS amounted to a reparations program as the most important voices—those of the Timorese people—are missing from it. Hence, any conclusions that this paper reaches are at best tentative.

Reparations programs can be defined as “state-sponsored initiatives that help repair the material and moral damages of past abuse. They typically distribute a mix of material and symbolic benefits to victims, benefits which may include financial compensation and official apologies.”⁵⁹ In terms of key components of a reparations effort, it is useful to distinguish between the process of developing the reparations effort and the actual content or substance of the effort. In terms of process, victim participation is a key element⁶⁰ and part of a broader transitional justice goal of assisting victims to reassert their full citizenship rights, including the right to be heard in political decision-making and to have their needs and demands taken into account by the state. Substantively, in terms of content, it is useful to distinguish between the material and nonmaterial aspects, with the two being equally important. The nonmaterial aspect refers primarily to the acknowledgement of past violations and state responsibility, as well as to the need for reparations programs to “uphold the status of victims as bearers of rights, and convey the sense that it is on this basis that they are owed reparations.”⁶¹ The material aspect refers to measures addressing the needs of the victims flowing from the violation of their rights and can include, depending on the context, compensation for harm, restitution, and rehabilitation.⁶² Such measures constitute the effort of providing benefits directly to the victims of certain types of crimes.⁶³

Participation, Acknowledgement, and Recognition

Consultation and dialogue sessions with the IDPs in the camps were an integral component of the development of the NRS. The minister of social solidarity, the prime minister, and a variety of other government officials attended and actively participated in those sessions, a practice that continued throughout implementation and often involved multiple sessions per camp. These were loosely scripted public events, with people spontaneously coming forward to tell their stories, recount their suffering, and often express their deep sense of betrayal by the political elite and the state since independence. People seemed to speak without restraint, unafraid to openly criticize whoever was there from the government. While no figures are available to confirm this, it appeared that women

also played an active public role in these sessions, speaking up forcefully and frequently convincingly about what had happened and what should happen next to address the injustices they had suffered.

The consultation and dialogue sessions formed the site of discussions and, not infrequently, real negotiations about what should be done to redress the human rights violations the IDPs had suffered. Topics ranged from how to organize “go and see” visits by IDP representatives to their areas and neighborhoods of origin to discussions of concrete material demands for destroyed or damaged housing. Discussions also focused on the modalities of how to provide redress. It was in these sessions, for example, that it became clear that most IDPs did not want government-constructed housing, but instead preferred direct cash assistance. The sessions also led to the inclusion in the package of US\$500 cash grants for the loss of household goods and small-business stocks, following demands from IDPs.

It is fair to say that the IDPs in the camps had a real impact on, and, consequently, a great awareness of the content of the NRS. Government officials were also very frank in acknowledging the failure of the state to protect the IDPs as well as the responsibility of political actors for causing the 2006 crisis and, more broadly, for not having done enough for the majority of the poor and the vulnerable in Timor-Leste. In public speeches to the camps and to the wider population, senior government officials, including the president and the prime minister, clearly acknowledged the fact that the IDPs had been the victims of human rights violations.

The victims’ direct involvement and participation in the development of the NRS corresponds to the ideal parameters for the development of a reparations program. Moreover, the nonmaterial component of a reparations program—the acknowledgment of the human rights violations the victims suffered and the recognition that these violations gave rise to the right to reparations—also appears to have been present throughout the process. The IDPs, and arguably the broader population, never doubted why they were given those remedies. The fact that very few incidents occurred between the “cash-rich” IDPs and the receiving communities—in the context of a society where social jealousy is easily triggered—could be one indication of the broad acceptance of the legitimacy and just nature of the NRS, and hence of the remedies provided to the IDPs.

Material Component

The material component of the NRS—the cash grants provided for the destruction of or damage to property and the loss of household goods and small-business stocks—certainly amounted to a real and effective remedy for the victims of internal displacement.⁶⁴ The amounts were far from being merely symbolic, and were sufficient to make a real difference in the lives of the IDPs. Moreover, the loss categories foreseen in the NRS (damage to or destruction of property and loss of movable property) corresponded to the type of material losses sustained by the IDPs. The value of the cash grant for destroyed or damaged property was based upon an assessment done by engineers from the Ministry of Public Works of the average cost of the construction of a basic house in Timor-Leste, which was sufficient for the purpose. The amount given to IDPs for the loss of household goods and small-business stocks was the outcome of negotiations between the IDPs and the government and can, as such, at least be described as an amount that the IDPs could live with. The NRS’s use of

standardized rather than individualized amounts of compensation is, in the context of relatively large-scale administrative reparations programs, a common and ultimately acceptable practice.

The NRS did not include any remedies for the mental injury and suffering IDPs may have experienced due to their displacement and prolonged stay in the camps. While this somewhat puts into question the completeness of the NRS as a reparations effort, it also needs to be said that such remedies were at no point put forward as a demand either by the IDPs themselves or by local NGOs and civil society actors following the internal displacement. From a broader perspective, however, there is no question that much greater attention should be paid to the issue of mental health and psychological well-being of the IDPs, as well as of the broader Timorese population and especially members of communities that experienced extensive violence over the past decades. In addition, the lack of political agitation around reparations for mental injuries does not, of course, reduce the right of the IDPs to such reparations.

No Comprehensive Transitional Justice Policy

The NRS was not the only measure adopted to deal with the 2006 crisis. As noted, the Timorese government also requested the establishment of an Independent Special Commission of Inquiry for Timor-Leste under the auspices of the Office of the UN High Commissioner for Human Rights. Crucially, from a transitional justice perspective, the commission was asked to “clarify responsibility” and “recommend measures of accountability for crimes and serious violations of human rights” committed during the crisis.⁶⁵ While the commission was able to complete its work and produce a report, the follow-up in terms of accountability for the 2006 crisis has been much more limited. A recent report from the International Crisis Group observes that the “the work of the UN Independent Commission of Inquiry has been undermined as the most prominent prosecutions it proposed have been shelved; others have either been thrown out for lack of evidence, have ended in presidential pardons or are still under investigation four years later.”⁶⁶ While the initial strategy of not investigating and prosecuting low-level perpetrators was probably justified for reasons of community-level stability and reconciliation, the apparent lack of interest in ensuring accountability at the leadership level is harder to defend. In addition, security sector reform (SSR)—the need for which was clearly demonstrated by the 2006 crisis—appears to have been implemented only in part, leaving open the question to what extent the security services will be able to deal with political crises in the future.⁶⁷

It is difficult to argue that the NRS was truly part of a broader transitional justice policy, and it is doubtful that the government itself ever saw the strategy that way. Government officials never linked the strategy to the UN Commission of Inquiry, which itself arguably had the potential to be an instrument of transitional justice. No other transitional justice measures were undertaken, with the exception of the partial SSR. It remains to be seen what the effects of this relatively narrow approach to the 2006 crisis will be on medium- to long-term peace and stability in Timor-Leste. The impact on the rule of law and, in particular, societal attitudes toward crime, violence, and justice needs further research. But the relative isolation of the NRS and the failure to connect it, in terms of both policy and discourse, with the other (limited) transitional justice efforts undertaken by the government, further supports the conclusion that, as will be argued below, the NRS cannot be considered a full-blown reparations program.

The National Recovery Strategy Was Not a Reparations Program

The biggest obstacle to qualifying the NRS as a reparations program for IDPs is the fact that the Timorese government never portrayed the strategy in these terms, despite the fact that it clearly and consciously pursued objectives that are usually associated with reparations policies. It was not an oversight but a deliberate decision not to use reparations or compensation terminology and instead speak of “recovery packages.” This choice had a lot to do with the fact that victims of violence and human rights violations from previous decades had never received systematic redress, despite, for example, the recommendations of the Timor-Leste Commission for Reception, Truth and Reconciliation in this respect.⁶⁸ The fear was that calling the cash grants “reparations” or “compensation” would reopen the discussions of this file, in turn further exacerbating the divisions in Timorese society. Rightly or wrongly, there was strong feeling among key government members that this would be more than the fragile post-2006-crisis environment could bear. Arguably, however, this attitude was not limited to government circles. There is sufficient anecdotal evidence available to suggest that many in the wider population, including IDPs, shared those feelings. Speaking to Timorese people at the time, it was hard to overstate the extent to which the 2006 crisis had rekindled “the trauma and legacy of long years of political conflict and violence” and how much fear there was that, at any given moment, “the communal conflict would turn into a war.”⁶⁹ The historical precedent of the 1974 civil war was never far from people’s minds in the tense months after the 2006 crisis. Recently, a draft reparations law for victims of human rights violations in the period between April 25, 1974, and October 25, 1999, has been discussed in the Timorese parliament, but it remains unclear when, if ever, this law will be adopted.⁷⁰

Concluding Remarks

The National Recovery Strategy was a remarkably efficient and effective way of ending a displacement crisis in what, so far at least, appears to be a durable manner. It allowed a humanitarian problem that had increasingly started to look intractable and long-term—the existence of camps all over the capital city of Dili—to disappear completely in a matter of months. The resolution of the IDP crisis also allowed the government and, indeed, the country to start focusing on economic development and the much-needed improvement of the daily lives of the Timorese population. While the government’s deliberate political choice to avoid reparations terminology altogether cannot be ignored, the NRS was arguably “something in addition to” an instance of successful humanitarian or post-crisis policymaking. The clear acknowledgment by the government of the failure of the state to protect the IDPs, the official recognition of IDPs as victims of human rights violations and hence their right to receive a remedy, and the explicit connection between the cash grants provided by the state and the losses suffered by the IDPs arguably place the NRS somewhere in between reparations and the adoption of durable solutions for internally displaced populations.

In any case, it is clear that the NRS can certainly serve as a valuable example for other countries trying to develop and implement a reparations program in the context of conflict-related large-scale displacement. A first element of the strategy that constitutes a good practice is the emphasis on

“practicability” in the policy-development process and the government’s willingness to adapt its policy to the real implementation capacity of state institutions. The government’s choice not to hold IDPs hostage to longer-term development issues, such as the formal regulation of land and property relations, is one of a number of good examples in this respect. All too often, postcrisis policies are developed with scant regard for what, in the given context, can realistically be done within a reasonable period of time and with a reasonable chance of success. Institutions are usually weaker rather than stronger after a crisis, and ignoring their shortcoming and limitations usually leads to disappointment and, more importantly, few or no real-life improvements for the supposed beneficiaries of the policies in question. A related factor, and one that is especially important in post-conflict contexts where institutional capacities and experiences are limited, was the Ministry of Social Solidarity’s flexibility and pragmatism in implementing the NRS. There was no excessive bureaucratization of the process, while at the same time controls were probably sufficient and as tight as could be expected in the context.

Another positive element was the commitment of senior-level government members to engage IDPs directly in both the development and the implementation of the NRS, and, where necessary, to facilitate dialogues between the IDPs and their communities of origin. The psychological effect of their presence and involvement must be highlighted, and those actions quite likely served as a strong counterbalance to the state’s previous failure to protect its citizens. As indicated throughout the paper, empirical study is urgently needed to understand the perceptions and impact of the NRS on the IDPs and the wider population, but at this point it is plausible to at least assume that the active presence of senior government members in the process and the successful implementation of the strategy somewhat increased the trust of the affected populations in the Timorese state, its institutions, and its political leadership.

The choice of cash grants for reconstruction in a context where neither the public nor the (local) private sector were sufficiently strong to build or reconstruct houses within an acceptable timeframe is another element of the NRS that can serve as a possible source of inspiration for other post-conflict contexts. The free choice, autonomy, and self-reliance such an approach promotes are certainly good things, and the comparatively low administrative cost of providing cash grants constitutes an additional bonus in this respect. Nevertheless, further research is required to better understand the impact of the cash grants on gender relations within Timorese families and the extent to which it affected Timorese women in IDP families. Such a study would also contribute to the complex issue of how to provide material reparations so that they promote and advance gender equality in deeply patriarchic societies such as Timor-Leste. More broadly, it would shed much-needed light on how IDPs used the cash grants they received, and why they spent the money the way they did.

A final word of caution concerns the broader approach to the 2006 crisis and the decision not to develop and use an integrated, holistic transitional justice policy in its aftermath. Are victims still waiting for those who caused the crisis or burned, damaged, or looted their homes to be prosecuted and punished? Have the east-west divisions eased or are they just waiting to resurface with the next political crisis? Is the security sector now capable of dealing with social or political unrest in a professional rather than partisan fashion? Can the Timorese parliament overcome elite resistance and interests to regulate land and property relations in Timor-Leste without causing massive social unrest and injustice, especially in urban centers? These and other questions remain very much open,

and the coming years will tell whether a more thorough transitional justice approach still needs to be developed to complement what has so far been done. In the meantime, solid and sustainable economic growth that generates sufficient employment opportunities for Timor-Leste's young and fast-growing population and that avoids excessive inequalities as well as the exclusion of the weak and the vulnerable remains probably the best way for the country to avoid any repetitions of the 2006 crisis.

Notes

- ¹ See World Bank and Asian Development Bank, *Economic and Social Development Brief* (Dili: World Bank Group and Asian Development Bank, August 2007), <http://www.adb.org/publications/economic-and-social-development-brief>.
- ² Ibid., 2–5.
- ³ For a detailed account, see International Crisis Group, *Resolving Timor-Leste's Crisis*, Asia Report No. 120 (Dili/Brussels: International Crisis Group, 2006).
- ⁴ Ibid., 2.
- ⁵ See also International Crisis Group, *Timor-Leste's Displacement Crisis*, Asia Report No. 148 (Dili/Brussels: International Crisis Group, 2008), 2.
- ⁶ IDPs believed they had been displaced because of the “petitioners” and Alfredo Reinado, and interpreted the continuing existence of the “Reinado issue” as sign of continued high-level discord, antagonism, and instability. His death and the subsequent surrender of the remainder of his men removed a significant psychological obstacle to return and resettlement.
- ⁷ United Nations Independent Special Commission of Inquiry for Timor-Leste, *Report of the United Nations Independent Special Commission of Inquiry for Timor-Leste* (Geneva: OHCHR, October 2, 2006), 2.
- ⁸ Ibid., 16. See also International Crisis Group, *Resolving Timor-Leste's Crisis*.
- ⁹ See also International Crisis Group, *Resolving Timor-Leste's Crisis*, 1.
- ¹⁰ One reason for this was that the police force was, probably inevitably, made up largely of people who had earlier served in the Indonesian police force. The fact that they all had been vetted and retrained did little to change popular perceptions. See Yoshino Funaki, *The UN and Security Sector Reform in Timor-Leste: A Widening Credibility Gap* (New York: Center on International Cooperation, May 2009), 3.
- ¹¹ *Report of the United Nations Independent Special Commission of Inquiry for Timor-Leste*, 18–19.
- ¹² International Crisis Group, *Resolving Timor Leste's Crisis*, 1.
- ¹³ This was especially relevant in Dili, where, unlike in rural areas, traditional dispute resolution mechanisms no longer held sway. The justice sector as a whole was marred by the recruitment of international judges whose qualifications fell well short of established quality criteria, while the decision to use Portuguese as the principal language of the courts did not facilitate access to justice for the overwhelmingly poor population of Dili and the rest of Timor-Leste, who speak Tetum. See, e.g., U.S. Agency for International Development (USAID), *Rule of Law in Timor-Leste* (Washington, DC: USAID, 2007), 30.
- ¹⁴ Timor-Leste Armed Violence Assessment (TLAVA), *Groups, Gangs and Armed Violence in Timor-Leste* (Dili: TLAVA, April 2009).

- ¹⁵ See United Nations Development Program (UNDP), *Timor-Leste Human Development Report 2006: The Path out of Poverty: Integrated Rural Development* (Dili: UNDP, 2006), 1.
- ¹⁶ In Tetum, the local language of Timor-Leste, this conflict or tension is referred to as existing between the Lorosa'e (eastern) and Loromonu (western) people. The eastern districts are Baucau, Viqueque, and Lautem, while the western districts are Bobonaro, Covalima, Oecussi, Liquica, Ermera, Aileu, Ainaro, Mantuto, and Manufahi.
- ¹⁷ *Report of the United Nations Independent Special Commission of Inquiry for Timor-Leste*, 20.
- ¹⁸ Ibid.
- ¹⁹ TLAVA, *Groups, Gangs and Armed Violence*, 2.
- ²⁰ The Metinaro camp was located some distance away from the center of Dili.
- ²¹ It should be noted that a significant number of IDPs spontaneously returned to their neighborhoods and areas of origin shortly after their initial displacement.
- ²² A World Food Program (WFP) emergency food-security assessment carried out in September 2007 found that there was only a "very small difference amongst IDPs and residents" in terms of food insecurity, with the latter actually having a slightly higher percentage of severely and moderately food-insecure families. See WFP, *Dili Emergency Food Security Assessment* (Timor-Leste: WFP, September 2007), <http://documents.wfp.org/stellent/groups/public/documents/ena/wfp146918.pdf>, p. 28.
- ²³ International Crisis Group, *Timor-Leste's Displacement Crisis*, 8.
- ²⁴ Ibid. In addition, the report notes that the free food distribution removed a major "incentive for unemployed youths to seek work, freeing up more time for them to drink or be involved in gang violence."
- ²⁵ See also Ibere Lopez, "Land and Displacement in Timor-Leste," *Humanitarian Exchange Magazine*, June 2009, <http://www.odihpn.org/report.asp?id=3007>.
- ²⁶ Democratic Republic of East-Timor, Presidency of the Ministers' Office, *IV Constitutional Government Program*, presented to the National Parliament on September 13, 2007.
- ²⁷ Remarkably, the internal displacement crisis had not played a significant role in the election campaigns earlier in 2007. On the politicization of the camps, see also International Crisis Group, *Timor-Leste's Displacement Crisis*, 9.
- ²⁸ Statement by Zacarias da Costa, Minister for Foreign Affairs and Cooperation, to the UN Security Council, on September 10, 2007.
- ²⁹ Moreover, it was also felt that the nascent private sector in Timor-Leste did not have the capacity to deliver new housing within a timeframe that was acceptable from a camp-closure point of view.
- ³⁰ The attempts to purchase land failed because of the lack of available land. Free public land was the subject of intense competition between different ministries, all of which wanted to use it for their own purposes, while private lands of sufficient sizes were in the hands of elite families, who were willing to sell them at an unaffordable premium. Advisers of the Ministry of Social Solidarity, personal communications with author.
- ³¹ Note that these amounts were the same regardless of the values of the houses prior to the destruction. Arguably, however, the vast majority—if not all—of the houses that were burned down or destroyed during the crisis certainly did not exceed the level of the "basic house" upon which the recovery amount was calculated.
- ³² The IOM's *December 2008–February 2009 Monitoring Report*, for example, does not make any mention of social tensions related to the cash grant receipt by IDPs. The report interviewed 222 "chefes de aldeias"—local village or neighborhood leaders. Report on file with the author.
- ³³ While this was a pragmatic approach to a real problem, it should not be romanticized. Looked at from another perspective, the families that occupied the houses in the absence of the IDPs had no right to do so. Some returnees perceived requests for money to leave as extortion. This is not to say, however, that there were no cases where people genuinely had taken care of the properties in the absence of the IDPs.

- ³⁴ Hopefully, the UN Country Team will follow through with its plan to carry out a study on how IDPs have spent the cash they were given, as it is likely to provide valuable lessons for cash grant-driven (reparations) programs elsewhere.
- ³⁵ On the rising prices in 2006 and 2007 and the causes, see International Monetary Fund (IMF), “Democratic Republic of Timor-Leste: Selected Issues and Statistical Appendix” (IMF Country Report No. 08/203, June 10, 2008), 2. The inflation rate reached 10.3% in 2007, stayed at 9.6% in 2008, and then dropped to 0.67% in 2009, which appears to indicate that Timor-Leste did not experience the feared run-away inflation subsequent to the cash grant disbursement. “Timor-Leste – Inflation,” Index Mundi, accessed May 2012, <http://www.indexmundi.com/facts/timor-leste/inflation>.
- ³⁶ On earlier dialogue efforts see, for example, Jose Trindade and Bryant Castro, *Rethinking Timorese Identity as Peacebuilding Strategy: The Lorosa’e–Loromonu Conflict from a Traditional Perspective* (Dili: European Union and GTZ, June 6, 2007), 33–36.
- ³⁷ UNDP provided the ministry with technical support in this respect. See, for example, UNDP, “Building Trust in Communities – Conflict Resolution in Timor-Leste,” news release, June 30, 2010, <http://www.tl.undp.org/undp/Building%20Trust%20in%20Communities%20-%20Conflict%20Resolution%20in%20Timor-Leste.html>.
- ³⁸ Ibid.
- ³⁹ The “chefes de aldeias” interviewed by the IOM for the Return Monitoring Project in mid-2010 reported a very low level of violent incidents and a low number of re-displaced families, the latter not exceeding 2.5%. IOM, *December 2008–February 2009 Monitoring Report*.
- ⁴⁰ See World Bank, *Country Update: Timor-Leste* (World Bank, Washington, DC, March 2011), www.worldbank.org/en/country/timor-leste.
- ⁴¹ For a brief description of the land and property rights frameworks and policies under these two administrations, see International Crisis Group, *Resolving Timor-Leste’s Crisis*, 4. For a more extensive examination, see Daniel Fitzpatrick, *Land Issues in a Newly Independent East Timor* (Canberra: Department of the Parliamentary Library, 2001).
- ⁴² For further discussion, see for example Peter Van der Auweraert, “The Quest for Solutions to Timor-Leste’s Land and Property Issues,” *Migration*, July 2008, 28–30.
- ⁴³ See, for example, Anthony Goldstone, “UNTAET with Hindsight: The Peculiarities of Politics in an Incomplete State,” *Global Governance* 1, no. 1 (Jan-Mar 2004): 83–98.
- ⁴⁴ International Crisis Group, *Resolving Timor-Leste’s Crisis*, 5. Three of its component laws were, however, passed. They defined state property, opened a process for registering land claims based on prior ownership, and set up a leasing system for state and private property. They had little impact on the problem discussed here.
- ⁴⁵ Ibid.
- ⁴⁶ Timorese law needs to decide which rights it gives priority to in cases of competing claims: those acquired under Portuguese rule, under Indonesian rule, or since 1999 through peaceful possession.
- ⁴⁷ International Crisis Group, *Resolving Timor-Leste’s Crisis*, 8.
- ⁴⁸ This especially affected the most difficult or contentious land and property disputes, which could not be resolved through mediation. International Crisis Group, *Resolving Timor-Leste’s Crisis*, 5.
- ⁴⁹ See also Lopez, “Land and Displacement in Timor-Leste,” 13.
- ⁵⁰ Ibid., 12.
- ⁵¹ See IOM, *December 2008–February 2009 Monitoring Report*, and Ibere Lopez, “Land and Displacement in Timor-Leste,” 14. The IOM report indicates that 2.2% of all returned families have faced re-displacement. Anecdotal evidence suggests that this rate remained the same in the ensuing period.
- ⁵² The non-IDP residents were eventually given grants of US\$200 to assist them with transportation away from the camps and provide them with some initial cash to access housing elsewhere in Dili.
- ⁵³ USAID, *Gender Assessment for USAID/Timor-Leste, Country Strategy Plan FY 2004-2009* (Washington, DC:

USAID, 2004).

- ⁵⁴ See, for example, Marie Agnes Bere, “Women and Justice in Timor-Leste,” *Development Bulletin* 68 (October 2005): 55–57.
- ⁵⁵ See, for example, Phyllis Ferguson, “Progress in Legislating Domestic Violence and Gender Based Violence in Timor-Leste,” *Malaysia Journal of Society and Space* 7, no. 1 (January 2011): 53–64. In May 2010, the Timorese parliament passed an important new law to combat domestic violence, but it is too early to say whether it will succeed in changing attitudes and practices throughout the society. See UNIFEM, “Domestic Violence Law Passed in Timor-Leste,” news release, May 6, 2010, http://www.unifem.org/news_events/story_detail.php?StoryID=1087.
- ⁵⁶ The Ferguson article cited above is an example in this respect.
- ⁵⁷ These eight criteria are safety and security; enjoyment of an adequate standard of living; access to livelihoods; restoration of housing, land, and property; access to documentation; family reunification; participation in public affairs; and access to effective remedies and justice. See The Brookings Institution – University of Bern Project on Internal Displacement, *IASC Framework on Durable Solutions for Internally Displaced Persons* (Washington, DC: Brookings, April 2010), 27.
- ⁵⁸ IOM, *December 2008–February 2009 Monitoring Report*, chapter 9, “Access to basic services.”
- ⁵⁹ See <http://ictj.org/en/tj/> (last accessed in September 2011).
- ⁶⁰ See Lisa Magarrell, “Reparations in Theory and Practice” (Reparative Justice Series, International Center for Transitional Justice, New York, September 2007), 9.
- ⁶¹ *Ibid.*, 2.
- ⁶² See also the definition of reparations in the UN General Assembly Res. 60/147, “Basic Principles and Guidelines on the Right to a Remedy and Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law,” UN Doc. A/RES/60/147 (December 16, 2005).
- ⁶³ Pablo de Greiff, “Justice and Reparations,” in *The Handbook of Reparations*, ed. Pablo de Greiff (Oxford: Oxford University Press, 2008), 453.
- ⁶⁴ The concept of an “effective remedy” is used in Article 8 of the Universal Declaration of Human Rights.
- ⁶⁵ *Report of the United Nations Independent Special Commission of Inquiry for Timor-Leste*, 2.
- ⁶⁶ International Crisis Group, “Timor-Leste: Time for the UN to Step Back” (Asia Briefing No. 116, International Crisis Group, Dili/Brussels, December 15, 2010), 1.
- ⁶⁷ See International Center for Transitional Justice, “Security Sector Reform in Timor-Leste” (Initiative for Peacebuilding Security Cluster and ICTJ, Country Case Study: Timor Leste, New York, June 2009).
- ⁶⁸ The commission’s report had recommended the establishment of a reparations scheme for victims of human rights violations, but this recommendation, like many of the rest of the recommendations, was never implemented. *Report of the United Nations Independent Special Commission of Inquiry for Timor-Leste*.
- ⁶⁹ Trindade and Castro, *Rethinking Timorese Identity as Peacebuilding Strategy*, 11.
- ⁷⁰ Democratic Republic of Timor-Leste, Draft-Law No. II, *Framework of the National Reparations Program*, 2010 (on file with the author).