

Ending the 2006 Internal Displacement Crisis in Timor-Leste: Between Humanitarian Aid and Transitional Justice

No. 44

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ISSN 1607-338X
ISBN 978-92-9068-641-5
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Ending the 2006 Internal Displacement Crisis in Timor-Leste: Between Humanitarian Aid and Transitional Justice

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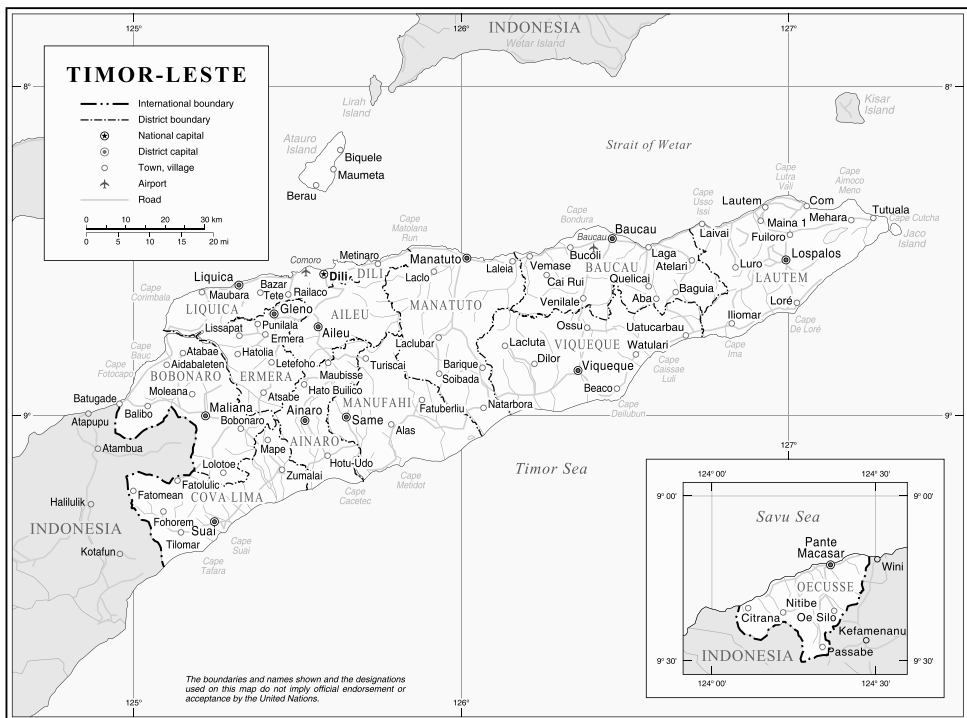
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LIST OF ACRONYMS

AMP	Alliance for a Parliamentary Majority
CAVR	Commission for Reception, Truth and Reconciliation in Timor-Leste
FALINTIL	Forças Armadas de Libertação Nacional de Timor-Leste
FRETILIN	Revolutionary Front for the Liberation of Timor-Leste
IASC	Inter-Agency Standing Committee
ICTJ	International Center for Transitional Justice
IDMC	Internal Displacement Monitoring Centre
IDP	Internally displaced person
IOM	International Organization for Migration
NGO	Non-governmental organization
NRS	National Recovery Strategy
OHCHR	Office of the United Nations High Commissioner for Human Rights
TLAVA	Timor-Leste Armed Violence Assessment
UDT	União Democrática Timorense
UNDP	United Nations Development Programme
UNTAET	United Nations Transitional Administration in East Timor
USAID	US Agency for International Development

EXECUTIVE SUMMARY

The 2006 crisis in Timor-Leste saw close to 15 per cent of the population displaced from their homes, threatening to sink the country into protracted instability and violence. Remarkably, less than five years later, the country looks to be back on track, with the internal displacement file largely resolved. This study looks at the National Recovery Strategy (NRS) adopted by the government to resolve internal displacement in Timor-Leste, from the viewpoint of a participant in the policy development and implementation process. Particular attention will be paid to the cash grant component of the NRS, as well as the accompanying dialogue processes. After discussing the move towards a cash grant-based programme and looking at some of the implementation challenges the government faced, this study will try to ascertain whether or not the NRS can be qualified as a full-fledged reparations effort. It concludes that while the NRS had some important characteristics that are usually associated with (administrative) reparations programmes, including a clear reparative effect for a defined category of victims, 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, which will be highlighted in the conclusion.



1. INTRODUCTION: THE RESPONSE TO THE 2006 CRISIS IN TIMOR-LESTE SITUATED IN POLICYMAKING ON INTERNAL DISPLACEMENT

Crisis-related internal displacement continues to be a phenomenon of significant scale. In its latest global overview on internal displacement, the Internal Displacement Monitoring Centre (IDMC) reports that, at the end of 2010, “the number of people internally displaced across the world by armed conflict, generalized violence and human rights violations reached 27.5 million”.¹ Also in 2010, an estimated 42 million people were forced to flee due to disasters triggered by sudden-onset natural hazards, with the large majority remaining internally displaced.²

While national governments and the international community have made significant strides in successfully providing humanitarian assistance to internally displaced populations, much remains to be done when it comes to finding ways in which to durably end displacement.³ In spite of a rising number of policy documents and guidelines, including those developed in the frame of the Inter-Agency Standing Committee (IASC),⁴ too many situations exist where displaced populations remain without a solution to their plight for multiple years – or even decades.⁵ Resolving displacement is a complex area which sits at the crossroads of sustainable (and, in many contexts, pro-poor) economic development, good governance, peace-building and transitional justice, and is often intimately connected with issues related to urbanization, population growth and the impact of a changing climate.

The response to the 2006 internal displacement crisis in Timor-Leste is, first and utmost, interesting to discuss in its own right and because of what it achieved for the country. It is fair to say that the National Recovery Strategy (NRS), which sat at the heart of this response, managed to bring an end to a crisis that, at one point, appeared to threaten the very existence of one of the world’s youngest countries. The relevance and importance of the NRS, however, exceeds the Timorese national context. The nature of the displacement crisis the NRS was intended to address and the type of measures it consisted of touch upon key issues that dominate contemporary debate and concerns around how to durably end internal displacement.

Firstly, internal displacement in Timor-Leste was eminently urban in nature. Most affected were the capital city, Dili, and, to a much lesser extent, the country’s second-largest town, the eastern city of Bacau. This makes the 2006 internal displacement crisis very much a “contemporary crisis”, in line with the worldwide trend of a growing number of displaced people finding themselves in towns and cities rather than rural

areas. This development has been accompanied by repeated calls for humanitarian and development actors to “rethink their approaches to helping the urban displaced”⁶ and find better ways to deal with the specific challenges posed by displacement in urban settings. As the study will hopefully show, what happened in Timor-Leste and how the government and the international community dealt with the urban displacement crisis facing it provides an interesting case study that has much to contribute to reflection on such a process of reform.

Many of the challenges and dilemmas that decision makers wrestled with in the Timorese context are undoubtedly recognizable to those working on urban displacement crises elsewhere. These challenges included difficulties related to tracking, registering and documenting the displaced, given the fluidity of urban life; jealousies and tensions caused by the provision of humanitarian aid in an urban context, especially in the communities and neighbourhoods hosting the displaced population; seemingly intractable land and property issues in an environment where informality rules and land management institutions are weak or non-existing; reconciling what the displaced want and do with urban planning and the limits of urban expansion; and substandard urban housing and shelter, affecting many people beyond the internally displaced. Timor-Leste is, of course, of particular interest in this respect, as it is one of the few situations where one of the major challenges of urban displacement, that is, how to find a durable solution for those affected, appears to have been successfully resolved.

A second element that renders Timor-Leste an important case study is the central role that “return” played in ending displacement.⁷ While this solution has traditionally played a central role in international policymaking and rule-making regarding displacement, its preferential status has somewhat come under fire in recent years, with some observers arguing convincingly that an “excessive focus on return as ‘the’ solution to displacement” has often made it “far more difficult to pursue other solutions” and contributed to many current dilemmas of protracted displacement.⁸ Timor-Leste is of interest not so much as a means to prove those critics wrong (although, generally speaking, they are not), but rather to underscore how return frequently fails to happen due to a lack of political will and effort on the part of the relevant authorities. The Timorese experience of overwhelming return shows what can be achieved even in communities just emerging from conflict, if a government is indeed willing and able to invest its political energy, negotiating powers and authority in creating the right conditions for voluntary return. What policy conclusions can be drawn from this example depend on the circumstances of each particular displacement situation, but Timor-Leste certainly represents a cautionary tale against abandoning pressure on authorities to explore how return could be made possible too early or too lightly.

The central role that cash grants played in the response to internal displacement is a third element that makes Timor-Leste a case worth looking at for international and national policymakers faced with internal displacement situations elsewhere. Recent years have seen increased interest within the international community about the potential (and pitfalls) of providing humanitarian aid in the form of cash.⁹ Similar discussions are taking place in the context of early recovery, including, for example, cash grants for shelter support,¹⁰ recovery grants for communities,¹¹ and cash grants to ex-combatants to facilitate their reintegration in war-to-peace transitions.¹² Within the context of reparations for victims of serious human rights violations, cash compensation has always been one of the remedies foreseen under international law,¹³ but it is not without its critics.¹⁴ As will become clear in this study, the use of cash grants to assist the displaced population with the reconstruction or repair of their homes is not without its detractors, although it turned out to be the best way forward, both pragmatically (in light of the limited capacity of state institutions) and in terms of what the displaced themselves preferred.

Finally, the Timor-Leste case is also relevant for what it contributes to the discussion about transitional justice and displacement, another topic that has gained prominence in the past years.¹⁵ As will be discussed at length in this study, the manner in which the government, and especially the Minister of Social Solidarity, responded to the displacement crisis had a number of features that are usually associated with transitional justice and, in particular, victims' reparations. The Timorese experience then encourages further reflection on the distinction between reparations as a part of transitional justice, on the one hand, and the provision of benefits to victims of forced displacement as part of a humanitarian assistance effort, on the other hand. As will be discussed further on, the response to the 2006 crisis further underscores that the main difference between these two modes of delivering benefits does not reside in the type of benefits, but rather in the broad political discourse and process that accompanies them.

2. THE 2006 CRISIS IN TIMOR-LESTE: A BRIEF BACKGROUND

Right up until the start of the crisis in April 2006, Timor-Leste was widely lauded as a United Nations nation-building success story. Many commentators believed that, this time, the international community had gotten things largely right, not in the least by providing both the funds and the peacekeeping troops necessary for the United Nations Transitional Administration in East Timor (UNTAET) to fulfil its ambitious mandate of readying Timor-Leste for full independence.¹⁶ Soon, so it was thought, the ongoing political mission of the United Nations would give way to a much smaller United Nations office that would largely focus on developing a “sustainable development assistance framework” for the new country.¹⁷ United Nations peacekeepers had left the country in 2005, so when violence broke out in the capital city of Dili on 28 April 2006, security was entirely in the hands of the Timorese police and army, both of which would be at the heart of a political crisis that would threaten to rip the young nation apart. To situate the 2006 crisis, it is necessary to briefly go back in time and point out some key moments in Timor-Leste’s history.

Historical background¹⁸

Timor-Leste formally became a Portuguese colony in 1701 and would remain under Portuguese rule for more than two and a half centuries. The history of repeated forced displacements in Timor-Leste started in the early twentieth century under the Portuguese colonial administration, when people were forcibly relocated to “improve agricultural productivity, as well as to weaken traditional leaders and control the population in the wake of a rebellion launched in Manufahi in 1912”.¹⁹ It was only after the overthrow of the military dictatorship in 1974 that Portugal committed itself to grant independence to all of its overseas territories, including Timor-Leste. The transition in Timor-Leste, however, quickly descended into civil war and ended with the Indonesian occupation of the country.

At the heart of the civil conflict was the competition between the two largest political parties that had emerged in Timor-Leste after the first local elections organized by Portugal. The Revolutionary Front for the Liberation of Timor-Leste (FRETILIN) was left-wing and pro-independence, while the Uniao Democrata Timorense (UDT) was more conservative and in favour of a more limited autonomy under continued Portuguese governance. Initial attempts to form a national unity movement failed, and what started as skirmishes between supporters of FRETILIN and the UDT eventually culminated in an all-out civil war for control of the territories, with different

constellations of groups fighting each other in different parts of the country.²⁰ Looking back, the final report of the Commission for Reception, Truth and Reconciliation in Timor-Leste (CAVR), established by UNTAET in 2001, found that between 1,500 and 3,000 Timorese lost their lives in the civil conflict.²¹

The conflict eventually ended with the military victory of FRETILIN and its armed wing, the Forças Armadas de Libertação Nacional de Timor-Leste (FALINTIL). Many of the defeated UDT leaders and supporters fled to neighbouring West Timor, which formed (and today still forms) part of Indonesia.²² On 28 November 1975, FRETILIN issued a unilateral declaration of independence, establishing the Democratic Republic of Timor-Leste and appointing its head, Xavier do Amaral, as the country's first president.²³ A mere 10 days later, however, Indonesia launched a full-scale invasion of the new country, quickly reaching Dili and deposing the new government.²⁴ While fighting would continue for three more years before surrender, on 16 July 1976 the Indonesian parliament passed a bill incorporating Timor-Leste into Indonesia as the country's twenty-seventh province.²⁵

The first year after the Indonesian invasion alone saw between 60,000 and 100,000 Timorese killed. An equivalent number of persons was forcibly displaced and moved to camps controlled by the Indonesian armed forces, and all this out of a total population not exceeding 700,000 people.²⁶ Throughout the more than two decades of Indonesian occupation, human rights violations against the Timorese population would continue against a background of ongoing armed resistance against Indonesian rule. While the resistance would ultimately prove successful in removing Indonesian rule over Timor-Leste, internal divisions and rivalry within the resistance movement would eventually play a much less positive role in the period leading up to the 2006 crisis.

Formally, the Indonesian occupation of Timor-Leste ended in 1999, when a United Nations-sponsored referendum saw 78 per cent of the Timorese population voting in favour of independence from the Indonesian administration. The transition, however, again proved to be extremely violent. In anticipation of the results of the referendum, the Indonesian army and Timorese anti-independence militias unleashed large-scale violence onto the population, resulting in widespread burning and looting. An estimated 1,500 people were killed and hundreds of thousands of people were forcibly displaced either within Timor-Leste or across the border into West Timor.²⁷ In late-1999, the Indonesians withdrew, leaving behind "a country devastated and traumatized by occupation and conflict" and "an institutional vacuum at all levels of civil administration and government".²⁸ Security gradually returned only after the arrival of an Australian-led international peacekeeping force.

With the Indonesians gone, it was now up to the UNTAET to prepare the country for independence. UNTAET had a very broad mandate and was empowered to exercise all legislative and executive authority, including the administration of justice. It was during this period that most of Timor-Leste's state institutions were established, including the National Parliament, the Council of Ministers, the local government structure, the police force and the national defence force. Timor-Leste became independent on 20 May 2002; on the same day, the United Nations Security Council replaced UNTAET with the United Nations Mission of Support in East Timor (UNMISET), whose principal task was to assist Timorese authorities with governing their now sovereign and fully independent state.

The period between 2002 and 2006 was a mixed period in the young history of Timor-Leste as an independent country. The first post-independence year was rocked by heavy riots six months after independence, a sign of continued political volatility.²⁹ Overall, the period may be best described as a time during which high expectations of peace dividends amongst the general population were not met and social unrest gradually started to take root. This was especially, but not solely, true for economic development, as oil and gas revenues failed to reach the population and grinding poverty continued to be the reality for the bulk of the Timorese population.³⁰ Vastly 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 perceptions of corruption amongst a suspicious population; failure to create an environment conducive for private investment; and continuing poor basic service delivery were amongst the core problems of the young country.³¹ While different factors played a role in this respect, weak capacity and inexperienced governance certainly sat centre stage.

In terms of transitional justice, however, the period between 2002 and 2006 was characterized by significant activity. The Special Panel for Serious Crimes and the Serious Crimes Unit, established by UNTAET to investigate and bring to trial suspected perpetrators of serious human rights violations committed in 1999, finished its work in 2005, after having indicted 391 people for crimes against humanity and achieved 84 convictions.³² CAVR, established in 2002, presented its final report in October 2005. The report, more than 2,500 pages long, provides detailed insight into the atrocities committed between 25 April 1974 and 25 October 1999, as well as broad set of recommendations.³³ The measures recommended regarding reparations were never implemented, save for the payment of a small sum of USD 200 as temporary "emergency" reparations to a very small number of victims. In August 2005, the Indonesia–Timor-Leste Commission of Truth and Friendship was established to investigate the human rights violations committed by Indonesia and its armed forces during the occupation of Timor-Leste and, especially, in the run-up to the 1999

referendum. The Commission, however, was widely criticized as a vehicle to offer legal impunity for the serious human rights violations committed by the Indonesian occupier and thus received little or no international support.³⁴

The 2006 crisis

Ostensibly, the 2006 crisis grew out of the so-called “petitioners protest”, which related to a group of almost 600 soldiers refusing to return to their barracks because of unmet complaints about living conditions and, especially, discriminatory policies. These policies concerned army recruitment and promotions, whereby people from the eastern parts of Timor-Leste – where the key resistance strongholds were by the end of the Indonesian occupation – were given preference over people from the western parts.³⁵ On 24 April 2006, a demonstration by the petitioners in front of the main government complex in Dili started off a period of violence and instability. This did not only prompt the police and the army to fight each other, with armed youth gangs joining in, but also caused an estimated 150,000 Timorese to flee their homes, either because of direct threats or an extreme state of paranoia and fear that quickly gripped a city that still had vivid memories of the murderous violence of 1999. Most sought refuge in government buildings, schools, churches and, subsequently, makeshift camps. In all, the events from March to June 2006 killed up to 38 people and destroyed 1,650 homes.³⁶

The arrival of international troops from Australia, Portugal, Malaysia and New Zealand managed to bring an uneasy calm to the city, although sporadic violence would continue throughout August and September 2006. Dili “remained highly polarized and physically segregated, with makeshift camps for the displaced [...] dotted around the city”.³⁷ In response to the violence and political instability, the United Nations Security Council voted to establish a new mission, the United Nations Integrated Mission in Timor-Leste (UNMIT), including a 1,600-strong international police force to replace the Australian-led international force. Early 2007 again saw an upsurge in violence, as gangs profited from the brief security vacuum during the handover of security by international troops to the United Nations police force the moment the latter became operational. The same period also witnessed, at the request of the Timorese Minister of Foreign Affairs, the establishment of an Independent Special Commission of Inquiry for Timor-Leste under the auspices of the Office of the United Nations High Commissioner for Human Rights (OHCHR). Its mandate was to “establish the facts and circumstances” that contributed to the crisis, “clarify responsibility” and “recommend measures of accountability for crimes and serious violations of human rights” committed during the crisis.³⁸

The origins of the 2006 crisis were multiple and it is well beyond the scope of this article to treat them in any detail. 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, as well as the fact that political competition in Timor-Leste was often settled through violence”.³⁹ Specific factors that contributed to the near-collapse of the new state include: a deep crisis in the security sector, at least in part due to an incomplete demobilization process⁴⁰ and a problem of legitimacy affecting especially the police;⁴¹ deep cleavages and rivalry within the Timorese political elite, dating back to the time of resistance against Indonesia and aggravated by a power imbalance between the FRETILIN administration⁴² and its political opponents;⁴³ a severe housing crisis; unresolved land issues dating back to the Indonesian departure in 1999 and subsequent population movements; a general sentiment of impunity and a poorly functioning justice system;⁴⁴ the existence of a network of (youth) gangs and clandestine groups;⁴⁵ and continued widespread poverty, lack of economic opportunities and an economy that had actually shrunk since independence.⁴⁶ Finally, a general breakdown of law and order during the crisis, combined with strongly felt social jealousy and petty differences or simply greed, also contributed to physical and verbal violence and the widespread burning of houses.

One additional factor that played an important role in the conflict was a certain level of factionalism most commonly articulated in the perception that people from the east and west of Timor-Leste⁴⁷ discriminate against each other.⁴⁸ The exact nature and origins of the east–west cleavage is, however, a subject of strongly differing opinions. The United Nations Commission of Enquiry, for example, noted that it had received “opposing views on the origin and longevity of this cleavage”.⁴⁹ Some had told the Commission that it was a “totally new phenomenon”, a position “evinced by the total absence of the issue in the thousands of testimonies collected by the Commission for Reception, Truth and Reconciliation”.⁵⁰ Others said that, on the contrary, the east–west divide was “a long-dormant issue” dating back to the Portuguese era.⁵¹ Yet the Commission also found that most interviewees agreed that “the east–west phenomenon had been manipulated during the crisis by groups with specific political interests”.⁵² However, independent of the “real” origins of the divide, it is certainly true that it was a division real enough during the crisis.⁵³ Perceptions of a cleavage that was rapidly growing more and more profound as the crisis evolved certainly contributed to the not-uncommon feeling at the time that Timor-Leste was a country on the brink of self-implosion, with a protracted civil war lurking around the corner.

A final factor that deserves highlighting, as it affects so many transitional countries, is the migration pressures that the capital city of Dili witnessed in the period between 1999 and the outbreak of the 2006 crisis. This rural-to-urban migratory movement saw the population of Dili grow from 100,000 inhabitants in 1999 to 175,000 in 2005,

even as the housing market, the labour market and the capacity of state institutions to provide basic services failed to grow at the same rate.⁵⁴ Moreover, the migration that Dili witnessed was first and utmost a migration of youth, not surprising in a country with a high proportion of young people and a very high birth rate. While more empirical research is certainly required in respect of the situation of Timor-Leste, it is a known phenomenon that a so-called demographic “youth bulge”, combined with poor economic performance (which both applied to Timor-Leste and especially Dili in 2006), significantly increases the risk of violence or conflict in a country or city.⁵⁵ One indicator that would support an initial thesis of a connection with the 2006 crisis is that two of the largest and most conflict-affected neighbourhoods in Dili also reported high influxes of youth migration in the preceding period.⁵⁶

Notwithstanding the presence of international troops, outbreaks of violence continued throughout 2006 into 2007. Gang warfare in Dili in late October 2006 resulted in further house destruction and displacement, while violence in February and March 2007, sparked by rice shortages and a failed attempt by the Australian troops to apprehend renegade rebel leader Alfredo Reinado, forced more families to leave their homes. Against this background of continuing tensions, an unresolved internal displacement problem and the presence of multiple internally displaced person (IDP) camps all around the capital city – with the largest camps strategically located near Dili International Airport, Dili Port and the National Hospital – new presidential elections took place in May 2007, which saw Jose Ramos-Horta elected as president. Parliamentary elections held one month later resulted in FRETILIN again receiving the highest number of votes, but this time falling short of the majority required to govern alone.⁵⁷

In August 2007, President Ramos-Horta asked the Alliance for a Parliamentary Majority (AMP) coalition to form a government under the leadership of Prime Minister Xanana Gusmao. The International Crisis Group reported that this move led to “veiled threats” from FRETILIN, which believed that it had first right to try and form a government because it obtained the largest number of seats in the parliamentary elections.⁵⁸ The announcement of the new government was followed by a series of arson attacks that destroyed the customs building in central Dili, which was allegedly targeted for its records; a number of buildings housing Catholic non-governmental organizations (NGOs) in Bacau; and more than 400 houses in two districts outside Dili. In the meantime, some of those who left Dili in 2006 returned to the city without any alternative housing available, further swelling numbers at IDP camps in the city.⁵⁹

Ironically, the political turning point came only with the failed assassination attempt on President Ramos-Horta in February 2008. The attack seriously wounded the president, but it also resulted in the death of rebel-group leader Alfredo Reinado,

who carried out the attempt. In the previous months, Reinado had been a destabilizing force in Timor-Leste and an important factor in the unwillingness of IDPs to return home.⁶⁰ Some time after Reinado's death, the remainder of his rebel group surrendered, essentially ending armed resistance in Timor-Leste and opening the road for a return to political stability.

3. RESOLVING THE IDP CRISIS IN TIMOR-LESTE: FROM A HUMANITARIAN RESPONSE TO THE NATIONAL RECOVERY STRATEGY

In terms of internal displacement, the impact of the 2006 crisis and the outbreaks of violence in 2007 were huge. In the beginning 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. While the vast majority of camps were located in Dili, there were also seven small camps in Bacau, the second-largest city in Timor-Leste, housing around 1,500 IDPs. In July 2007, the government ceased providing assistance to the IDPs in Bacau, which caused about half of the IDPs there to move back to Dili, to camps in Metinaro⁶¹ and Jardim.⁶²

The population in the camps was varied, including both unemployed people and people with regular jobs with the government, the private sector and, indeed, international agencies and NGOs. On average, the socio-economic situation of the IDPs in the camps was not different from that of the general population, a fact that initially was overlooked when humanitarian assistance started to come in. The only aspect in which the IDPs were arguably more vulnerable than the majority of the residents of Dili was in terms of physical living conditions (camps vs. houses), although these conditions gradually improved as international assistance picked up (although they never became either optimal or sustainable).

The initial response of the government and the international community to the displacement crisis was focused entirely on the provision of humanitarian aid targeted at 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 government's response to the crisis. In addition to the provision of tents, the bulk of humanitarian aid consisted of the provision of free food (rice, oil and beans) to the camps, complemented by some additional basic services. The choice, however, to make the provision of free food central to the humanitarian response to the emergence of IDP camps all over Dili was controversial and proved to have a number of unintended negative consequences.

The core issue was that, in terms of food insecurity, there was almost no discernible difference between IDPs and non-IDPs, raising questions as to why free food was distributed in the camps alone, as in this way it missed many of the most vulnerable while feeding many who did not need it.⁶³ In a context of widespread poverty, free food distribution also rendered living in camps "economically attractive", causing new residents to come to the camps, including IDPs from outside Dili, students,

jobseekers and “even some of the urban poor”.⁶⁴ Another distorted effect was that free food distribution arguably added to criminality in some camps, as it resulted in the emergence of “rice mafias” that sold the free food to third parties.⁶⁵ Finally, it had a negative impact on relations between some IDP camps and neighbouring areas. Inhabitants of the latter questioned why people who were obviously not more vulnerable than they were, economically speaking, received aid when they did not.

Despite the multitude of problems underlying the 2006 crisis, the FRETILIN government had initially believed that once the immediate crisis was over, IDPs would return home.⁶⁶ Once it became clear that this was not going to happen, however, the government made several attempts to address the internal displacement issue. Attempts by the government, led by the Prime Minister, to foster a concerted approach across key line Ministries bore little concrete result, and several ultimatums for the closure of the camps came and went. Aware that free food distribution had become one factor why the camps remained, the government also tried a number of times to stop the distribution of food, only to retract its decisions out of fear of a resurgence of violence and political unrest from the IDP camps. This caused some in the international humanitarian community to describe the programme as an increasingly “politicized food distribution” mainly intended to placate IDPs and reduce the risk of violence.⁶⁷

Discussions with IDPs at the time 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 related lack of faith in the ability of law enforcement agencies to protect IDPs after their return, outstanding issues regarding land and property, and a lack of viable options for support in repairing or reconstructing 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). In addition, as already mentioned, the regular distribution of free food and the delivery of some basic services also made the camps a safer and more attractive option for some than return or resettlement. Finally, there was also the fear that voluntarily returning home would mean “missing out” on eligibility for any assistance that would be forthcoming at a later stage.⁶⁸

When the AMP government came into office in August 2007, it identified the internal displacement crisis as one of the three National Priorities, with its national programme promising the return of IDPs to their homes by the end of the year, apparently underestimating the complexity of the crisis in the same way the FRETILIN government had initially done.⁶⁹ Things also looked to become even more complicated as, soon after the swearing in of the government, FRETILIN flags went up in all the large IDP camps, signalling a potential politicization of the file.⁷⁰ Soon afterwards,

however, the new government showed a more realistic face when, in an address to the United Nations Security Council on 10 September 2007, the Timorese 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”.⁷¹ While the new government’s first transitional budget for October to December 2007 only focused on humanitarian aspects and “maintenance” of the camps, its presentation of the 2008 budget at the end of the year focused squarely on the need to resolve the IDP crisis through the adoption of an integrated national recovery strategy.

4. 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 East Timor, adopted on 12 December 2007, had five complementary pillars that intended to address all obstacles to return or resettlement and, importantly, closure of camps in an integrated manner. The five pillars were: 1) “Together Building Confidence” (with an objective to “increase trust between the people and the government and strengthen community”); 2) “Together Building Social Economy” (with an objective to “create livelihood opportunities for all not only in areas of return but also in the districts”); 3) “Together Building Stability” (with an objective to “address security concerns and to create an environment conducive to return or resettlement”); 4) “Together Building Protection” (with an objective to establish a social safety net for the most vulnerable with “due attention to the specific needs of the IDPs”); and 5) “Together Building Homes” (with an objective 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 operationalized in an extensive way.

In terms of the pillar “Together Building Homes”, plans changed quite drastically from the initial thinking to the moment when the pillar’s implementation started. It started from an understanding that there were two broad categories of IDPs living in camps: those who would be able to return to the neighbourhoods from where they had been displaced (although they would require support with rebuilding or repairing their houses) and those who, for whatever reason, felt that they would rather not return to their neighbourhoods of origin (e.g. because it was their neighbours who had forced them out of their homes to begin with). It was especially IDPs in the second category who would, so it was thought, need to rely on the government to build new houses for them. The idea that construction of houses by the government was part of the solution was further reinforced by those voices arguing that some IDPs should not be encouraged to return to their neighbourhoods. It was feared that, in any case, these neighbourhoods would eventually disappear or be transformed in accordance with the Dili Master Plan, a document of great controversy (and arguably little practical value in a short- or even medium-term time frame). It was also supported by those who felt that the crisis should be used as an opportunity to, on the one hand, address the structural housing shortage in Dili and, on the other hand, to “build back better”

and address the very poor-quality housing stock in the capital, which pleaded against IDPs reconstructing or repairing their own homes.

Hence, the initial plan was that IDPs would have the option to ask the government for a basic house, which would then be complemented by a small cash grant to enable IDPs to restart their lives. These basic houses were to be built in new neighbourhoods. Their creation had been foreseen in the Dili Master Plan mentioned earlier. Various projections regarding the implementation of such a plan, however, quickly showed that it was doubtful that the government would have the capacity to implement such an ambitious scheme.⁷² Furthermore, the implementation of such a housing plan would, even under the best of circumstances, require many years to complete, a period during which the IDPs would have to remain living in camps. While this was not acceptable from a humanitarian point of view, adopting such a solution would also have caused unrest amongst IDPs, who were likely to have little faith in government promises of future houses from then on. Moreover, informal consultations with IDPs also showed resistance against the very idea of government-provided housing, and a strong desire to receive cash rather than 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 the Timorese state was facing with this approach.⁷³ Taken together, these different elements led to the eventual abandonment of the government-driven house-building component 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 IDP camps. The “recovery package” was substantial, especially in the context of Timor-Leste. It was available to IDPs opting to return or resettle, and connected to the extent of the damage of their homes of origin. Entitlements were USD 4,500 for houses deemed destroyed or inhabitable (the amount was based on the estimated cost for the government to build a basic house);⁷⁴ USD 3,000 for severely damaged but habitable houses; USD 1,500 for partially damaged homes; and USD 500 for houses with minimal damage. The recovery package was provided to households rather than to individual IDPs. IDPs who had their house destroyed also were given the option of requesting the government to 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. Following further negotiations and discussions between IDPs and the government, however, a fixed compensation amount of USD 500 was established to cover families for such loss and 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 was not, however, without its detractors, and a number of arguments were made as to why such an approach would not be a good thing. Given the increased interest in cash-grant support within the international humanitarian community, as well as transitional justice-related discussions regarding the sufficiency or insufficiency of compensation as a measure for redress, it is worthwhile to reproduce the principal arguments and counter-arguments in some detail.

The first argument against a pure cash grant-based approach was that giving large amounts of cash to IDPs would risk reinforcing the divide between easterners and westerners (with the IDP population in camps allegedly consisting largely of easterners, the disbursement of large amounts of cash could reinforce the notion that easterners were generally advantaged by the government and official institutions and exacerbate social tensions in communities of return and resettlement). With hindsight, this argument is easy to refute, as neither concerns ever became reality. Very few social tensions were reported,⁷⁵ and this may at least have something to do with the fact that, in practice, IDPs did somewhat spread their money around in the communities to which they returned. It was not infrequent for returnee families to strike a deal with the families who had come to occupy the house or land they left behind and give the latter a small proportion of the cash grant for “taking care” of the property in their absence.⁷⁶ In that sense, there was sharing of money, which undoubtedly facilitated the reintegration of IDP families in their neighbourhoods without causing too much social jealousy. The most important reason why social jealousy did not emerge to the extent feared was probably the work of so-called “dialogue teams”, which prepared both IDPs and recipient communities for return.

The second argument against a cash-based approach had to do with concerns about how IDP families would dispose of their cash grant. 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? As a solution, making payments in two tranches was considered, whereby the second tranche would be paid out 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 would need to be done in case such verification found that the first tranche had not been used for reconstruction or repair. Secondly, the limited implementation capacity of the relevant state institutions rendered it quite likely that delays in the verification process would mar the payment of the second tranche. Thirdly, 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. Hence, cash grants were paid out in a single amount without any verification as to their use. Hopefully, the United Nations 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) programmes elsewhere.

The third argument had to do with the possible inflationary impact of large-scale distribution of cash on prices in Dili and beyond. One specific area of concern was the price of construction materials, which had also been raised in the context of initial ideas about providing IDPs with construction materials rather than cash. As IDPs were supposed to use their grant for the reconstruction of their houses, 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 appeared to fear. Consumer prices in Timor-Leste started to rise significantly in mid-2006, that is, well before the NRS had been developed, let alone implemented. Apparently, this was mostly due to supply-side international trends, in particular the global increase in food prices.⁷⁷ The inflation rate reached 10.3 per cent in 2007, stayed at 9.6 per cent in 2008 and then dropped to 0.67 per cent in 2009, which appears to indicate that Timor-Leste did not experience the feared runaway inflation subsequent to the cash grant disbursement.⁷⁸

5. 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, signs for a successful return of IDPs were not ominous. There was the issue of many IDPs being forced to flee their homes following violent threats and intimidation from their own neighbours. Given the limited prosecution that had taken place in relation to the 2006 crisis, these same neighbours still lived in the neighbourhoods and communities to which IDPs would need to return. Moreover, many of the IDPs in camps were “easterners” who had been pushed out of their neighbourhoods by “westerners” (although the reverse is also true);⁷⁹ hence, it was feared that violence against returning families could potentially trigger a wider conflagration that would tear the country apart. Additionally, a significant number of houses and parcels of land left behind by IDPs had been occupied by others in the meantime, not infrequently by 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 fearful of going back and uncertain as to how their former neighbours would receive them.⁸⁰ 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 bad, it is quite likely also a dangerous policy in the Timor-Leste context.

The way forward came in the form of extensive use of dialogue and mediation to promote and facilitate the social reintegration of IDPs through a wide variety of processes involving the authorities, IDPs and affected communities.⁸¹ Importantly, the NRS recognized “that return was a two-way process dependent upon both the willingness and ability of IDPs to return and the willingness of recipient communities to accept and integrate IDPs back into their communities”.⁸² A key component was the so-called “dialogue teams” established by the Ministry of Social Solidarity as part of the “Together Building Confidence” pillar of the NRS.⁸³ These dialogue teams played a central part in working with IDPs, affected communities and relevant local authorities to prepare and smooth over the return and resettlement process.⁸⁴ They engaged in local peacemaking and reconciliation processes, tackled social problems where necessary, and “rebuilt relationships among community members for sustainable returns of IDPs”.⁸⁵ 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, so far, any notable violence.⁸⁶

A strong point of the approach adopted by the Ministry of Social Solidarity in respect to these dialogue and mediation efforts was certainly their flexibility. Depending on the local needs and context, dialogues could range from straightforward mediated conversations between two families to complex processes involving whole communities and groups of IDPs. Crucially, these efforts also involved relevant local authorities and, where needed, high-level central government officials, including the Minister of Social Solidarity and the Prime Minister. Mediated conversations between families sometimes turned into “bargaining sessions” where IDPs used a (small) part of their cash grants to settle differences or assist neighbours with problems they faced. Further empirical research needs to shed light on how IDPs perceive this kind of process, but the author knows of few instances where the parties involved were outwardly aggrieved or otherwise unhappy with the process or its outcome.

One worry policymakers had was that the cash grants would trigger social jealousy amongst community members and constitute an additional barrier to reintegration. The initial plan had been to reduce this risk by fast-tracking the (much needed) investment in infrastructure and community upgrading in the areas and neighbourhoods that would be receiving IDPs. It was expected that this would help shift the focus away from “what the IDPs received” towards a perception of the “return movement as the start of the normalization and revitalization of Dili and, by extension, Timor-Leste”. The fact that it would also 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, further pleaded in favour of this approach. Unfortunately, it proved impossible to streamline the implementation of the process of return with the process of reconstruction and upgrading, and the latter never took place while return was ongoing. In the past year or so, however, infrastructure investment and public spending overall have gone up considerably, and Timor-Leste now appears to have entered a period of solid economic growth,⁸⁷ hence erasing any negative effect of this earlier failure.

Uncertainty of land and property rights as a barrier to return

Most observers in Timor-Leste agreed that issues surrounding land and property especially in Dili had played some role in the 2006 crisis, although views differed about their relative weight amongst the multiple causes and factors that led to the eventual violence, including the destruction and damaging of properties.

The principal issue – which, according to some, had played a preponderant role in inflaming passions against those who were now displaced – was the occupation of

houses and land left behind when the Indonesians left Timor-Leste in 1999. At that time, a significant number of Timorese came from the rural areas to Dili, where a combination of a shortage of “legal” housing options and the attraction of “freely” available empty houses and land led them to settle in those properties formerly used by the Indonesians. Occupation of those properties continued mostly unhindered and peacefully right up until the 2006 crisis. Many had improved the properties in the intervening years, used them for small businesses, or even sold or leased them to others.⁸⁸ In the neighbourhoods, however, a sense of injustice and social jealousy had remained about this “land and property grabbing”, and many had increasingly started to regard those “visitors from outside Dili” as “overstaying guests who took advantage of the hospitality to make themselves at home”.⁸⁹ There was also an east–west dimension to it, as most of those who came to Dili in 1999 and ended up occupying formerly Indonesian properties were “easterners”, while their communities were mostly made up of “westerners”. Jointly, these factors played a role during the 2006 crisis, and there are strong indications that a significant proportion of the houses that were burned down or damaged during the crisis were former Indonesian houses that were occupied by “eastern newcomers” in 1999.⁹⁰

Following the 2006 displacement, a key question that policymakers faced was whether or not they should (or indeed could) allow IDPs to return to properties they had occupied since 1999 without any formal legal title. Very quickly, it became clear that posing this question opened up a broader challenge that affected the IDP population as a whole, that is, how to verify whether IDPs indeed had a property title to the house or land they wanted to return to and how to determine what type of right the IDPs were holding, if any. This challenge, in turn, was connected to the problem of how to determine whether or not competing claims existed over the properties the IDPs claimed to be the right-holders of. The latter issue was not unimportant in light of the perception amongst policymakers that the number of unresolved property disputes and contested land plots was high especially in Dili, and in part responsible for some of the violence that occurred during the 2006 crisis. To understand why these challenges were difficult to overcome, it is necessary to step back and briefly look at the land and property situation as it evolved in Timor-Leste after the end of the Indonesian occupation. Strong differences exist, in this respect, between rural and urban areas. Given, however, that the 2006 crisis caused displacement mostly in the capital city of Dili and, to a lesser extent, Timor-Leste’s second-largest city, Bacau, it is the land and property situation in urban areas that is most relevant here.⁹¹

In summary, land and property relations in urban centres prior to 2006 were characterized by: a high degree of informality, as most people living in the city had little or no official documents to prove their rights to the houses or land they were living on; overlapping land rights claims emanating from property documents issued

by the Portuguese colonial administration; documents issued by the Indonesian occupying authority;⁹² informal (in the sense of not being officially sanctioned) land and property transactions since 1999; and, crucially, the lack of a legal basis under Timorese law to determine ownership of land and priority of land rights claims from different periods in the country's history.⁹³ The United Nations administration had tried, and failed, to move legislative development forward, hindered by an unwillingness to take far-reaching decisions before a sovereign government was in place and the resistance of local elite actors to any United Nations moves on land administration.⁹⁴ The FRETILIN government's subsequent attempts to develop legislation that would establish a property regime for Timor-Leste was never completed because of the "difficulty of obtaining full cabinet approval of legislation that would govern titling through the establishment of original rights and dispute resolution".⁹⁵ The upshot of this situation was that, 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".⁹⁶

Two pieces of legislation were, and, at the time of writing, continue to be, missing: a transitional land law to determine what the "original" property rights in the new state are⁹⁷ 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 also 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;⁹⁸ 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;⁹⁹ 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 let them return or resettle immediately and postpone the resolution of possible competing claims over their land and properties to a later stage. 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 missing pieces of legislation; an extensive titling effort including the demarcation of plots; the identification and resolution of competing claims; and the establishment of relevant institutions.¹⁰⁰ In the meantime, IDPs would have had to remain in camps, a situation that was clearly unacceptable from a humanitarian and a political point of view. The decision to prioritize return and leave land and property issues for later was heavily criticized by many international actors, including the United Nations, which argued that "promoting return without first resolving property ownership issues would provoke further tensions and cause re-displacement".¹⁰¹ Yet the silence of these same actors with regard to concrete proposals as to how the alternative approach of dealing

with property title and competing claims first could actually work in practice left the government with no real alternative.¹⁰²

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 to which they wanted to return. In their communications with IDPs and affected communities, they explicitly differentiated 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 relevant legislation would have been put in place. Contrary to what the critics feared, 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.¹⁰³

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. It is also a key tool for the management and tracking of humanitarian assistance, as well as the eventual implementation of a durable solution. For a variety of reasons, this never happened 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 initially emerged. One challenge therefore 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 the shortage of available housing stock in Dili. For example, a significant number of students had taken the opportunity to live in IDP camps near the centre of Dili, mostly as a consequence of the lack of dedicated student accommodation in the city. Other examples included families who had “representatives” living in different camps, hence 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 which areas IDPs in particular camps had originated.

Eventually, it was decided that a simultaneous registration and implementation effort on a camp-by-camp basis was the best way forward. 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. They

would also organize return or resettlement, which included the carrying-out of damage assessments of the IDPs' houses and the activation of the dialogue teams mentioned earlier in this study. In addition to personal declarations made by households, "IDP status" was also confirmed through confirmation by local authorities that the IDPs 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 local authorities, this turned out to be no problem in Timor-Leste. There were very few cases, if any, of local authorities not confirming the information provided by the IDPs.¹⁰⁴ Interestingly, some have argued that the lack of registration at the outset made it easier for IDPs living outside camps to access the NRS. While outreach was done in communities where IDPs were living, much less was done to ensure their access to the process. In practice, however, it appears that many IDPs living outside camps registered at the camps during the initial implementation phase, hence ensuring their access to the cash grant and the return or resettlement support. More data needs to be collected in this respect, but the fact that, at least to the author's knowledge, there have been few, if any, complaints about lack of access for IDPs living outside camps may support the idea that this is what happened.

Gender and the recovery package

Broadly, Timor-Leste remains a relatively conservative, patriarchal society with traditional family structures. Gender equality, in both the private and public spheres, remains a distant ideal. While progress has been made since independence in 2002, it has also triggered a conservative backlash for women to return to their former domestic roles. Deep inequalities continue to adversely affect women in education, the labour market and inside the home.¹⁰⁵ Moreover, women also suffer from high levels of domestic violence, which often remains viewed as a private matter, in turn discouraging police and the broader justice system from intervening.¹⁰⁶ 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.¹⁰⁷ 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.¹⁰⁸

As indicated earlier, the NRS foresaw the provision of recovery packages to IDP households rather than to individual IDPs. While this approach was defensible in light of the type of damage the remedy was intended for, it raised the issue of to whom in the household the cash grant should be paid. Summarized, three options were discussed:

payment to the head of the household (in practice mostly, if not exclusively, men); payment of half of 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 else but 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 increased domestic violence) to hand over their part of the cash grant to the male head of the household. This matter was of special concern in light of the limited capacity and willingness of the police and other security actors to protect women in such situations. In the 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 on how to use the cash grants. This will hopefully be part of the planned and reportedly imminent United Nations Development Programme (UNDP) assessment of how IDPs have used the cash grants they received under the NRS. While some observers have expressed concern that the position of women within 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.¹⁰⁹

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 (e.g. about logistics), managerial skills and planning expertise, as well as the absence of previous experience in implementing anything like the NRS. Moreover, the prospects of the state administration in managing and deciding on relatively large amounts of cash disbursements also raised concerns about possible corruption and collusion between officials and potential beneficiaries. While the implementation had its problems, and a lessons-learned study in this respect could certainly benefit other countries and state administrations faced with the implementation of similar types of programmes, it was 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 (and the Minister).¹¹⁰ The latter consisted of a team of international advisors and staff members of IOM and, for the dialogue teams, the UNDP.¹¹¹ 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 camps all either returned (the vast majority) or resettled (less than 2%) without any major security incidents reported.¹¹²

6. DOES THE NATIONAL RECOVERY STRATEGY AMOUNT TO A REPARATIONS PROGRAMME?

The NRS can undoubtedly be described as a humanitarian or post-crisis policy that was successful in ending internal displacement in Timor-Leste. Indeed, today there are no indications that former IDPs continue to have significant vulnerabilities that are different from those affecting the general population and directly related to their earlier predicament. While this could be the topic of a separate article, 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 down by the IASC Framework on Durable Solutions for Internally Displaced Persons.¹¹³ Surveys undertaken by IOM underscore this empirically, finding no notable differences between the situation of IDPs and communities in terms of access to basic services, such as water, education and health, and levels of unemployment.¹¹⁴ The question that will be addressed in this final part of the article is whether the NRS, in addition to being a successful policy to end displacement, can also be considered a “reparations programme” for IDPs in Timor-Leste and, as such, an integral component of transitional justice policy in respect of the 2006 crisis.

A first observation in this respect is that, at least to this author’s knowledge, no empirical research has as yet been carried out about 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 following internal displacement, 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 things like trust in the government and the state; relations within and amongst communities; and attitudes towards the 2006 crisis and the internal displacement that accompanied it. The absence of such empirical research poses limitations on a discussion about whether or not the NRS amounted to a reparations programme, as the most important voices (i.e. those of the Timorese people) are missing from it. Hence, any conclusions that this study reaches are at best tentative and temporary in nature.

The definition of “reparations programmes” that figures on the website of the International Center for Transitional Justice (ICTJ) is a good starting point for a discussion on whether or not the NRS amounted to a reparations programme. It describes such programmes 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”.¹¹⁵ In terms of key components of a reparations effort, it is useful

to make a distinction between the process of coming to the reparations effort and the actual content or substance of the effort. In terms of process, victim participation in the definition and the coming about of the reparations effort is a key element.¹¹⁶ Victim participation is part of a broader goal of transitional justice of assisting victims in reasserting their full citizenship rights, including the right to be heard in political decision-making and have their needs and demands taken into account by the state. Substantively, it is useful to distinguish the material and immaterial aspects, with both being equally important. The immaterial aspect refers primarily to the acknowledgement of past violations and state responsibility. It also refers to the need for reparations programmes 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”.¹¹⁷ 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.¹¹⁸ Such measures constitute the effort to provide benefits directly to victims of certain types of crimes, which is central to reparations.¹¹⁹

A participatory process that included both acknowledgement and recognition of the failure of the state to protect its population

Consultation and dialogue sessions with IDPs in camps formed an integral component of the process through which the NRS was developed. The Minister of Social Solidarity, the Prime Minister, and a variety of other government officials attended and actively participated in these sessions, a practice that would continue 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, not being afraid to openly criticize whoever was there from the government side. While there are no figures available to confirm this, it appeared that women also played an active public role in these sessions and spoke up forcefully and, frequently, convincingly about what happened and what should happen next to address the injustices they had suffered.

These 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 suffered by IDPs. Topics could range from how to organize “go and see” visits by IDP representatives to their areas and neighbourhoods of origin to discussions of concrete material demands for destroyed or damaged housing. It also included discussions on the modalities of how to provide redress. It is in these sessions, for

example, that it became clear that most IDPs did not want government-constructed housing, but instead preferred to obtain direct cash assistance.¹²⁰ Another example of a real result of these consultation and dialogue sessions was the adaptation of the NRS to include USD 500 cash grants for the loss of household goods and small business stocks following demands in this respect from IDPs. In its initial version, the strategy had only foreseen a remedy for damage or destruction of immovable property.

It is fair to say that IDPs in 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 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. The fact that IDPs had been victims of human rights violations was clearly recognized in public speeches by senior government officials, including the President and the Prime Minister. This applied not only to speeches in the camps, but also to speeches addressed to the wider population. At least from the outside then, it seems that the direct involvement and participation of the victims in the development of the NRS corresponds to what would ideally be expected to happen in the context of the development of a reparations programme or policy. Moreover, the immaterial component of a reparations programme, that is, the acknowledgement of the human rights violations suffered by the victims and the recognition that it is these violations that give the right to reparations, also appears to have been present throughout the process. It was never in doubt why IDPs were given those remedies, arguably also for the broader population. The fact that very few incidents occurred between the “cash-rich” IDPs and the receiving communities – and this 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 the remedies provided to IDPs.

Material component

The material component of the NRS, that is, the cash grants provided for the destruction or damage of 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.¹²¹ The amounts were far from being merely symbolic and were sufficiently elevated to make a real difference in the lives of IDPs. Moreover, the loss categories foreseen in the NRS (damage/destruction of property and loss of moveable property) corresponded to the type of material losses sustained by IDPs. The value of the cash grant for destroyed or damaged property was based on an assessment done by engineers from the Ministry of Public Works about the average cost of constructing a basic house in Timor-Leste, and 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 IDPs and the government and can, as such, at least be described as an amount that the IDPs could live with. The use of standardized rather than individualized amounts of compensation by the NRS is, in the context of relatively large-scale administrative reparations programmes, certainly a common and ultimately acceptable practice.

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

National Recovery Strategy: Not part of a comprehensive transitional justice policy

The NRS was not the only measure adopted to deal with the 2006 crisis. As already discussed,¹²² the Timorese government also requested the establishment of an Independent Special Commission of Inquiry for Timor-Leste under the auspices of OHCHR. Crucially, for 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.¹²³ 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 mitigated. A recent report from the International Crisis Group on Timor-Leste observes in this respect that “the work of the United Nations 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”.¹²⁴ 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 appears less easy to defend.¹²⁵ Also,

security sector reform – a need clearly demonstrated by the 2006 crisis – appears to have been implemented only in part, leaving open the question to what extent the security service would be able to deal with political crises in the future.¹²⁶

While this merits an article by itself, it appears right to say that the NRS lacks what De Greiff has termed “external coherence”, or “a close relationship with other transitional mechanisms, that is, with criminal justice, truth-telling and institutional reform”.¹²⁷ It is difficult to argue that the Strategy was indeed part of a broader transitional justice policy, and it is doubtful that the government itself ever saw it in that manner. At least to the knowledge of this author, government officials never linked the NRS to the United Nations 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 security sector reform mentioned earlier. 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 towards crime, violence and justice needs further research to assess. But the relative isolation of the NRS, and the failure to connect it either policy- or discourse-wise with other (limited) transitional justice efforts undertaken by the government, further support the conclusion that, as will be argued here, the Strategy cannot be considered to be a full-blown reparations programme.

National Recovery Strategy: Not a reparations programme

The biggest obstacle to qualifying the NRS as a reparations programme for IDPs of the 2006 crisis is the fact that the Timorese government itself never portrayed the Strategy in these terms, despite the fact that it clearly and consciously pursued objectives that are usually associated with reparations policies. This was not a matter of oversight, but a deliberate decision not to use reparations or compensation terminology, and instead speak of “recovery packages” in respect of the cash grants provided to IDPs.

This choice had a lot to do with the fact that victims of violence and human rights violations from the 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.¹²⁸ The fear was that calling the cash grants “reparations” or “compensation” would reopen discussions of this file, in turn further exacerbating divisions in Timorese society. Rightly or wrongly, there was a strong feeling amongst key government members that this would be more than the fragile post-2006 crisis environment could bear. Arguably, this feeling that the country had

really stared down the abyss of self-destruction during the 2006 fighting and that now everything needed to be done to pull the nation together was not limited to government circles alone. There is also 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”.¹²⁹ The historical precedent of the 1974 civil war¹³⁰ was never far from people’s minds in those tense months after the 2006 crisis.

In June 2010, a draft reparations law for victims of human rights violations in the period between 25 April 1974 and 25 October 1999 was submitted to the Timorese parliament, but up and until today it remains unclear when, if at all, this law will be adopted.¹³¹ An extraordinary session of parliament had been scheduled to consider the draft law on 1–3 February 2012, but debate on the law was cancelled to make place for a discussion on draft laws on parliamentary pensions and land.¹³²

7. CONCLUSION

The NRS 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 like intractable and long-term – that is, the existence of camps all over the capital city of Dili – to disappear completely in a matter of months, rather than years or decades as many had predicted. The resolution of the IDP crisis also allowed the government and the country itself 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 the reparations terminology altogether cannot be ignored in terms of qualifying the NRS as a reparations programme, it remains the case that the Strategy was arguably “something in addition to” an instance of successful humanitarian or post-crisis policymaking. Clear acknowledgement on the part of the government of the failure of the state to protect IDPs; 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 Timorese 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.

What is in any case clear, however, is that the NRS can certainly serve as a valuable experience for other countries trying to develop and implement a reparations programme in the context of conflict-related large-scale displacement. One element of the Strategy that constitutes good practice is the emphasis on “practicability” in the policy development process and the government's willingness to adapt its policy to the real, rather than the imagined or ideal, implementation capacity of Timorese state institutions. The government's choice not to hold IDPs hostage to longer-term development issues, such as formal regulation of land and property relations, is amongst a number of good examples in this respect.¹³³ All too often, post-crisis 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 (even) weaker rather than stronger after a crisis and ignoring their shortcoming and limitations usually leads to disappointment and, more importantly, little or no real-life improvements for the supposed beneficiaries of the policies in question. Related to this, and something that is especially important in post-conflict contexts where institutional capacities and experiences are limited, was the flexibility and pragmatism with which the implementation of the NRS was executed by the Ministry of Social Solidarity. 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 given context.

Another positive element that is worth highlighting was the real 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 IDPs and their communities of origin. The psychological effect of their presence and involvement is difficult to underestimate and quite likely acted as a strong counterbalance for the previous failure of the state to protect its citizens from violence, intimidation and internal displacement. As indicated throughout this publication, an empirical study is needed to understand the perceptions and impact of the NRS on IDPs and the wider population. At this point though, it is plausible to at least assume that the active presence of senior government members in the process and the successful completion of the implementation of the NRS somewhat increased the trust of the affected populations in the Timorese state, its institutions and its political leadership.

A related feature of the Timorese government's approach that holds relevance for application in other contexts is the degree to which the central measures of the NRS and, indeed, the return movement itself was the outcome of a real negotiated process between the government and the international organizations supporting it (essentially IOM and UNDP), on the one hand, and the people living in the camps, on the other hand. This was maybe most noticeable – but certainly not limited to – the question of how high the cash grants needed to be, and who should be entitled to what amount. At the heart of both the development and the implementation of the NRS sat a real political process of negotiating and bargaining that not only facilitated the resolution of the displacement crisis, but possibly also further consolidated the democratization of governance in Timor-Leste. Again, further empirical study is required to shed light on the extent to which this approach increased the sense of empowerment and (real) citizenship amongst those involved. However, as a starting point, it is difficult to see this intensely political nature of the process as anything but a highly positive aspect of how displacement was addressed in Timor-Leste. Of course, such process was only possible because “the government maintained a flexible approach in order to respond to the evolving dynamics and needs” of the displaced population.¹³⁴

The choice of cash grants for reconstruction in a context where neither the public nor the (local) private sector was sufficiently strong to build or reconstruct houses within an acceptable time frame is another element of the NRS that can serve as a possible source of inspiration for other, in this respect similar, 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 is 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 it promotes and advances gender equality in deeply patriarchal societies like Timor-Leste. More broadly, such a study would also shed much needed light on how IDPs used the cash grants they received and why they spent the money the way they did.

Recognition on the part of the government that, in order to achieve sustainable return and reintegration, dialogue and trust-building initiatives to promote reconciliation and address tensions in the communities to which the displaced wanted to return were highly important is another component of Timor-Leste's approach to resolving displacement that is worth keeping in mind for other situations. In Timor-Leste, it was a vital ingredient for the success of the NRS, requiring considerable resources and effort, both financially and in terms of human resources and political commitment. How much can be achieved with such initiatives is of course dependent on many contextual factors, and the possible limitations and barriers to dialogue processes addressing tensions in particular contexts need to be carefully assessed and anticipated each time afresh. In the same way that conflict needs to be "ripe for resolution" before peace mediators can start helping the conflict protagonists to come to a negotiated solution,¹³⁵ both return communities and displaced populations need to be "ripe for cohabitation". While measures to "enhance" such "ripeness" can be conceived, it is rarely possible to force dialogue upon communities that are not ready for it.

Finally, a word of caution concerns the broader approach to the 2006 crisis as well as the decision to not 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 centres? These and other questions remain very much open. The coming years will tell whether a more thorough transitional justice approach still needs to be developed to complement what so far has been done. In the meantime, solid and sustainable economic growth that generates sufficient employment opportunities for Timor-Leste's young and fast-growing population, as well as avoids excessive inequalities and the exclusion of the weak and the vulnerable, remains probably the best way for the country to avoid any repetition of the 2006 crisis.

ENDNOTES

1. Internal Displacement Monitoring Centre (IDMC), *Internal Displacement: Global Overview of Trends and Developments in 2010* (IDMC, Geneva, March 2011), p. 9.
2. IDMC, *Displacement Due to Natural Hazard-Induced Disasters: Global Estimates for 2009 and 2010* (IDMC, Geneva, June 2011), p. 7.
3. According to the *IASC Framework on Durable Solutions for Internally Displaced Persons*, a durable solution to displacement is achieved when “internally displaced persons no longer have any specific assistance and protection needs that are linked to their displacement and can enjoy their human rights without discrimination on account of their displacement” (*IASC Framework on Durable Solutions for Internally Displaced Persons*, The Brookings Institution–University of Bern Project on Internal Displacement, April 2010), p. A-1.
4. The Inter-Agency Standing Committee (IASC), is “the primary mechanism for inter-agency coordination of humanitarian assistance” (see www.humanitarianinfo.org/iasc/). It brings together key United Nations and non-United Nations humanitarian actors, including IOM.
5. See, for example, the special issue of the *Forced Migration Review* on protracted displacement situations (*Forced Migration Review*, Issue 33, September 2009).
6. Quote taken from the cover of the 2010 special issue of the *Forced Migration Review* on urban displacement (*Forced Migration Review*, Issue 34, February 2010).
7. Return here refers to return to the neighbourhoods where the displaced had been living in the years immediately preceding the 2006 crisis. As will be discussed further, the government initially perceived return to be about a return to the situation prior to the departure of the Indonesians in 1999. Before that date, a significant proportion of the displaced had lived in rural communities, and the government briefly believed that it could entice the displaced to return to their ancestral villages, thereby resolving both the internal displacement crisis and the feared overpopulation of Dili. Few of the displaced, however, showed much interest in this option, and it was quickly abandoned as a policy goal.
8. K. Long, *Permanent Crises? Unlocking the Protracted Displacement of Refugees and Internally Displaced Persons* (Oxford, Refugee Studies Centre, University of Oxford, October 2011), p. 30.
9. Amongst a number of recent studies, see, for example, P. Harvey, *Cash-Based Responses in Emergencies* (London, Humanitarian Policy Group, Overseas Development Institute, 2007) and P. Creti and S. Jaspers (eds), *Cash Transfer Programming in Emergencies*, Oxfam Skills and Practice Series (Oxford, Oxfam, 2006).

10. See, for example, International Federation of Red Cross and Red Crescent Societies (IFRC), *Rebuilding Lives with Shelter Grants*. Available from www.cashlearning.org/downloads/resources/casestudies/bangladesh-shelter-cash-grants-sidr.pdf.
11. See, for example, F. Grootenhuis, *Yogyakarta Earthquake Community Recovery Grants Supporting Gotong Royong* (Oxford, Oxfam, 2008).
12. See, for example, A. Ozerdem and S. Podder, *Reinsertion Assistance and the Reintegration of Ex-Combatants in War to Peace Transitions* (Bradford Centre for International Cooperation and Security, July 2008).
13. See *Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law*, adopted by General Assembly resolution 60/147 of 16 December 2005.
14. See, for example, the discussion summarized in T. Antkowiak, “Remedial approaches to human rights violations: The Inter-American Court of Human Rights and beyond”, *Columbia Journal of Transnational Law* (Vol. 46, 2008), pp. 387–389.
15. As evidenced by the research project in the context of which an earlier version of this paper was written (see *supra* note 1). See also R. Duthie, “Transitional justice and displacement”, *International Journal of Transitional Justice* (2011), pp. 241–261.
16. See, for example, M. Benzing, “Midwifing a new state: The United Nations in East Timor”, *Max Planck Yearbook of United Nations Law* (2005), pp. 9, 295–372.
17. International Crisis Group, *Resolving Timor-Leste’s Crisis* (Dili/Brussels, International Crisis Group, 2006), p. 17. Following formal independence, UNTAET was replaced by the United Nations Mission of Support in Timor-Leste (UNMISSET), which itself in May 2005 gave way to the United Nations Office in Timor-Leste (UNOTIL). Each of these offices was smaller and less intrusive than the one before.
18. For an extensive historical overview especially of the 1974–1999 period, see The Commission for Reception, Truth and Reconciliation in Timor-Leste (CAVR), *Chega!, Part 3, the History of the Conflict*. Available from www.cavr-timorleste.org/ (accessed 25 January 2012).
19. See International Crisis Group, *Managing Land Conflict in Timor-Leste* (Dili/Brussels, International Crisis Group, 2010), p. 3.
20. In his disposition to CAVR, current Prime Minister Xanana Gusmao said of this period that one of the key problems had been that “each party presented [its] views as the national interest but did not take into consideration that we are all people of Timor” (see CAVR, *supra* note 18, at 3).

21. See also International Crisis Group, *supra* note 17, at 2. For contemporary accounts of the conflict and the fighting in this period, see H. Krieger (ed.), *East Timor and the International Community. Basic Documents*, Cambridge International Documents Series Volume 10 (Cambridge, Cambridge University Press, 1997), pp. 37–43.
22. West Timor became part of Indonesia in 1949, after having been ruled by the Netherlands since the eighteenth century.
23. J. Martinkus, *A Dirty Little War: An Eyewitness Account of East Timor's Descent into Hell, 1997–2000* (Sydney, Random House Australia, 2001), xii.
24. Recent years have seen significant historical research conducted into the Indonesian invasion of Timor-Leste and, especially, the extent to which the invasion was approved by then-President Gerald Ford and his Secretary of State, Henry Kissinger. See, for example, the “East Timor Revisited” project and especially, W. Burr and M. L. Evans, “Ford and Kissinger gave the green light to Indonesia’s invasion of East Timor: New documents detail conversations with Suharto”, *National Security Archive Electronic Briefing Book No. 62*. Available from www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB62/ (accessed 14 September 2010). Indonesia itself was clearly worried about the possibility of having a communist outpost at its border, making such stance by the United States not at all unlikely against a Cold War background.
25. J. Martinkus, *supra* note 23, xiii.
26. See J. Dunn, “The Timor affair in international perspective”, in P. Carey and G. Carter Bentley (eds), *East Timor at the Crossroads: the Forging of a Nation* (Honolulu, University of Hawaii Press, 1995), p. 66; H. McDonald, *Suharto’s Indonesia* (Blackburn, Australia, Fontana, 1980, p. 215); and A. Schwarz, *A Nation in Waiting: Indonesia’s Search for Stability* (Boulder, Westview Press, 2000), p. 205. It should be noted, however, that as often in this type of situations, numbers vary considerably according to the source.
27. For a chilling account of the violence preceding the Indonesian departure, see J. Martinkus, *supra* note 23.
28. Human Rights Watch, *Tortured Beginnings: Police Violence and the Beginnings of Impunity in East Timor* (New York, Human Rights Watch, 2006).
29. Available from www.un.org/apps/news/story.asp?NewsID=5606&Cr=timor&Cr1 (accessed 25 January 2012).
30. For a proposal on how to deal with the lack of economic development (and a statement of its clear link to the ongoing instability), see World Bank and Asian Development Bank, *Economic and Social Development Brief* (Dili, World Bank Group and Asian Development Bank, 2007). Available from www.adb.org/sites/default/files/pub/2007/esdb-timor-leste.pdf (accessed 25 January 2012).
31. *Ibid.*, pp. 2–5.

32. For a critical analysis of the serious crimes process in Timor-Leste, see C. Reiger and M. Wierda, *The Serious Crimes Process in Timor-Leste* (New York, International Center for Transitional Justice, 2006).
33. See *supra* note 18.
34. See, for example, M. Hirst, *Too Much Friendship, Too Little Truth: Monitoring Report on the Commission of Truth and Friendship in Indonesia and Timor-Leste* (New York, International Center for Transitional Justice, 2008). After several delays, the Commission issued its final report entitled *From Remembering Comes Hope* on 15 July 2008.
35. For a detailed account, see International Crisis Group, *supra* note 17.
36. *Ibid*, p. 2.
37. *Ibid*, p. 16.
38. Report of the United Nations Independent Special Commission of Inquiry for Timor-Leste (Geneva, OHCHR, 2006), p. 2.
39. *Ibid*, p. 16. See also International Crisis Group, *supra* note 17.
40. The decision to include some but not all veterans of the armed resistance and the failure to provide livelihood solutions for those who were left out created a group of angry and disillusioned former fighters who could easily be politically manipulated to take up arms against the new Timor-Leste political order. Another point of contention was the attempt by FRETILIN to link the new defence with its own history, thereby ignoring the fact that, in 1987, Xanana Gusmao had withdrawn the armed guerilla force FALINTIL from FRETILIN (Report of the United Nations Independent Special Commission of Inquiry for Timor-Leste, *supra* note 38, at 18). The institutional and political crisis of 2006 was also about “how a guerilla force makes the transition from war to peace and how security institutions are built from scratch” (International Crisis Group, *supra* note 17, at 1). The rapid politicization of both army and police structures did little to help in this respect.
41. The establishment of a new national police force had been a priority for both donors and the United Nations from the start, but the new force suffered from legitimacy problems, most notably because it was (probably inevitably) made up in large part of people who had earlier been part of the Indonesian police force. The fact that they all had been vetted and retrained did little to change popular perception. See Y. Funaki, *The UN and Security Sector Reform in Timor-Leste: A Widening Credibility Gap* (New York, Center on International Cooperation, 2009), p. 3.
42. In the August 2001 elections organized by UNTAET, FRETILIN won a 57 per cent majority of the popular vote and all but one of the district seats, thereby acquiring 55 out of 88 seats in the Constituent Assembly. Following the restoration of independence on 20 May 2002, FRETILIN assumed total control over the government under Prime Minister Alkatiri (Report of the United Nations

- Independent Special Commission of Inquiry for Timor-Leste, *supra* note 38, at 18–19).
43. As the International Crisis Group Report on the 2006 crisis noted, at the political elite level, the crisis turned around political disagreements and personal hatreds amongst the members of a group of “less than ten people who [had] a shared history going back thirty years” (International Crisis Group, *supra* note 17, at 1). Remarkably, many of those who played an important role in the formation of the short-lived Timor-Leste Government of 1974 were also key actors in the 2006 crisis.
 44. This was especially relevant in Dili, where traditional dispute resolution mechanisms no longer held sway the way they continued to do in the rural areas of Timor-Leste. The justice sector as a whole was marred by the recruitment of international judges that fell well short of established quality criteria, while the decision to use Portuguese as the principal language of choice in court did not facilitate access to justice for the overwhelmingly poor population of Dili and the rest of Timor-Leste. See, for example, USAID, *Rule of Law in Timor-Leste* (Washington, D.C., USAID, 2007), p. 30.
 45. On the phenomenon of (youth) gangs in Timor-Leste, see Timor-Leste Armed Violence Assessment (TLAVA), *Groups, Gangs and Armed Violence in Timor-Leste* (Dili, TLAVA, 2009).
 46. The 2006 Timor-Leste Human Development Report, published before the crisis, noted that Timor-Leste was the “poorest country in the region, with a per capita income of only USD 370 per year”. Alarming, it also found that the country was “getting poorer: following the withdrawal of UN personnel and other aid workers, the economy has continued to shrink”. See UNDP, *Timor-Leste Human Development Report 2006. The Path out of Poverty: Integrated Rural Development* (Dili, UNDP, 2006), p. 1.
 47. In Tetum, the local language of Timor-Leste, this conflict or tension is referred to as the conflict or tension 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.
 48. For a discussion, see, for example J. Trindade, *Rethinking Timorese Identity as a Peacebuilding Strategy: The Lorosa’e–Loromonu Conflict from a Traditional Perspective* (Dili, European Union and GTZ, 2007), pp. 10–19.
 49. Report of the United Nations Independent Special Commission of Inquiry for Timor-Leste, *supra* note 38, at 20.
 50. *Ibid.*
 51. *Ibid.* See also J. Trindade, *supra* note 48, at 11. Trindade argues that, even though the distinction may go back to Portuguese times or even earlier, violent relations between the two groups were something that developed only in very recent times.

He adds that “there is no evidence suggesting that communal conflict between “east” and “west” has been common in Timor-Leste” (13).

52. Ibid.
53. See, for example, International Crisis Group, *Timor-Leste's Displacement Crisis* (Dili/Brussels, International Crisis Group, 2008), p. 7.
54. TLAVA, *supra* note 45, at 2.
55. See, for example, H. Urdal, *The Devil in Demographics: The Effects of Youth Bulges on Domestic Armed Conflicts 1950–2000*, The World Bank Social Development Papers (Washington, D.C., The World Bank, 2004).
56. IOM, *Return Monitoring Project Final Report* (Dili, IOM, 2011), p. 15 (on file with the author).
57. Maybe surprisingly, both elections passed relatively peacefully, although a series of arson attacks in one area of Dili destroyed an additional 100 houses. See also, International Crisis Group, *supra* note 53, at 2.
58. Ibid, p. 4.
59. Ibid.
60. There was widespread perception amongst the IDPs that they had been displaced because of the “petitioners” and Alfredo Reinado and his group of rebels. Many had viewed the continuing existence of the “Reinado issue” as a sign of high-level discord, antagonism and instability, and hence as an obstacle to the return to normality. Reinado’s death and the subsequent surrender of the remainder of his men thus removed a significant psychological obstacle to return and resettlement.
61. The Metinaro camp was located some distance away from the centre of Dili, next to a pre-existing suburban settlement. Initially, there was some discussion to turn this camp into a permanent settlement and a de facto extension of the city. Various political and logistical reasons made sure that this idea never got much traction.
62. It should be noted that a significant number of IDPs spontaneously returned to their neighbourhoods and areas of origin shortly after their initial displacement.
63. A World Food Programme (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 category actually having a slightly higher percentage of severely and moderately food insecure families. See WFP, *Dili Emergency Food Security Assessment* (Timor-Leste, 2007), p. 28. Available from <http://documents.wfp.org/stellent/groups/public/documents/ena/wfp146918.pdf> (accessed 25 January 2012).
64. International Crisis Group, *supra* note 53, at 8.
65. Ibid. The same report also refers to the fact that free food distribution also removed the “incentive for unemployed youths to seek work, freeing up more time for them to drink or be involved in gang violence”.
66. Ibid., p. 2.

67. Ibid., p. 8, and private conversations with various national and international actors.
68. See also I. Lopes, “Land and displacement in Timor-Leste”, *Humanitarian Exchange Magazine* (Issue 43, June 2009). Available from www.odihpn.org/report.asp?id=3007 (accessed 25 January 2012).
69. Fourth Constitutional Government Programme, presented to the National Parliament on 13 September 2007.
70. Remarkably, the internal displacement crisis had not played a big role in the election campaigns earlier in 2007. On the politicization, see also International Crisis Group, *supra* note 41, at 9.
71. Statement by Zacharias da Costa, Minister for Foreign Affairs and Cooperation, to the United Nations Security Council on 10 September 2007.
72. Moreover, it was also felt that the nascent private sector in Timor-Leste did not have the capacity to deliver new housing within a time frame that was acceptable from a camp closure point of view.
73. 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 that all wanted to do something with the land, while private land of a sufficient size was in the hands of elite families, which were only willing to sell their land at an unaffordable premium (source: advisors of the Ministry of Social Solidarity).
74. Note that this amount was the same, independent of any value differences between 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 did certainly not exceed the level of the “basic house” upon which the recovery amount was calculated.
75. The IOM 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 neighbourhood leaders) (report on file with the author).
76. While this was a pragmatic approach to a real problem, it should not be romanticized: looked at from another perspective, the families who occupied the houses in the absence of the IDPs had no right to do so. Them asking money from returnees to leave was qualified by some 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.
77. On rising prices in 2006 and 2007 and the causes, see International Monetary Fund (IMF), *Democratic Republic of Timor-Leste. Selected Issues and Statistical Appendix* (Washington, D.C., IMF, 2008), p. 2.
78. Source: www.indexmundi.com/facts/timor-leste/inflation (accessed 25 January 2012).
79. Ibid.
80. Ibid., p. 7.

81. A number of broader dialogue processes were started soon after the crisis, including the so-called “Mutual Acceptance (SimuMalu)” Programme. They generally suffered, however, from a lack of visible outcomes and concreteness, and their impact may have been limited beyond an admittedly very important initial calming effect. See, for example, J. Trindade, *supra* note 36, at 33–36.
82. J. Bishop (ed.), *The National Recovery Strategy: A Review of the Process, Results and Lessons Learned* (Dili, Ministry of Social Solidarity, 2012), p. 63.
83. See *supra* note 48. UNDP provided the Ministry with technical support in this respect. See, for example, UNDP, *Building Trust in Communities – Conflict Resolution in Timor-Leste* (Dili, UNDP, 2010). Available from www.tl.undp.org (accessed 25 January 2012).
84. The so-called “*chefes de aldeias*” often played an important part in this. In Dili, each district is divided into “*aldeias*” (villages), which are headed by an elected *chefe de aldeia*. These *aldeias* tend to be quite small, with each *aldeia* roughly corresponding to “the territory of an extended family” (TLAVA, *supra* note 45, at 2).
85. *Ibid.*
86. The *chefes de aldeias* interviewed by IOM in the frame of the Return Monitoring Project reported in mid-2010 a very low level of violent incidents and a low number of re-displaced families, the latter not exceeding 2.5 per cent (IOM, *supra* note 56).
87. See, *World Bank, Country Update: Timor-Leste* (Washington, D.C., World Bank, 2011). Available from www.worldbank.org/en/country/timor-leste/overview (last accessed 30 May 2012). Growth in 2009, for example, was estimated at 12.9 per cent.
88. International Crisis Group, *supra* note 17, at 9.
89. *Ibid.*
90. To the author’s knowledge, no hard data was ever collected in this respect, but this was certainly the consensus on the ground at the time of the development of the National Recovery Strategy. See also J. Trindade, *supra* note 48, at 13.
91. One of the big differences between the rural areas, on the one hand, and the peri-urban and urban areas, on the other hand, is that customary law and institutions are very strong and relevant in the former, but much less so in the latter. See, for example, D. Fitzpatrick et al., *Policy Notes on Customary Law in East Timor* (Australian Research Council, 2008). Available from www.laohamutuk.org/Agri/land/PolicyCustomaryLandTL_Nov08En.pdf (last accessed 30 May 2012).
92. For a brief description of the land and property rights framework and policies under these two administrations, see International Crisis Group, *supra* note 17, at 4. For a more extensive work, see D. Fitzpatrick, *Land Issues in a Newly Independent East Timor* (Canberra, Department of the Parliamentary Library, 2001).

93. For a further discussion, see for example P. Van der Auweraert, "The quest for solutions to Timor-Leste's land and property issues, Migration (2008), pp. 28–30.
94. See for example, A. Goldstone, "UNTAET with hindsight: The peculiarities of politics in an incomplete state", *Global Governance* (2004), pp. 83–98.
95. International Crisis Group, *supra* note 17, at 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. As such, however, they had little impact on the problem discussed here.
96. *Ibid.*, p. 5.
97. Timorese law needs to decide what rights it gives priority in case of competing claims: those acquired under Portuguese rule, Indonesian rule, or since 1999 through peaceful possession.
98. International Crisis Group, *supra* note 17, at 8.
99. This affected especially the most difficult or contentious land and property disputes that could not be resolved through mediation. Timor-Leste does have a land and property directorate that can provide support to local mediation efforts, but this directorate has no competence in land disputes beyond providing such support (International Crisis Group, *supra* note 17, at 5).
100. See also I. Lopes, *supra* note 56, at 13.
101. *Ibid.*, p. 12.
102. Transitional shelter on a large scale was not really an option in Timor-Leste. Firstly, all the capacity issues that prevented the rapid construction of permanent housing also applied to transitional housing. Secondly, given the prevalent low-cost (and low-standard) housing in Timor-Leste, the cost of a transitional housing unit would probably have been close to the cost of a basic house, begging the question why not spend the funds on permanent housing. Finally, it was impossible for the government to purchase or lease the amount of land required for such a programme.
103. See IOM (2011), *supra* note 93, and I. Lopes, *supra* note 68, at 14. The IOM report indicates that 2.2 per cent of all returned families have faced re-displacement. Anecdotal evidence suggests that this remained the same in the ensuing period.
104. The non-IDP residents were eventually given a USD 200 grant to assist them with transportation away from the camps and some initial cash to access housing elsewhere in Dili.
105. USAID, *Gender Assessment for USAID/Timor-Leste, Country Strategy Plan FY 2004–2009* (Washington, D.C., USAID, 2004).
106. See, for example, M.A. Bere, "Women and justice in Timor-Leste", *Development Bulletin* (2005), No. 68, pp. 55–57.
107. See, for example, P. Ferguson, "Progress in legislating domestic violence and gender based violence in Timor-Leste", *Malaysia Journal of Society and Space* (2011), No. 7, pp. 53–64.

108. See UNIFEM, *Domestic Violence Law Passed in Timor-Leste*, 2010. Available from www.unifem.org/news_events/story_detail.php?StoryID=1087 (accessed 25 January 2012).
109. The article cited in the preceding footnote is an example in this respect.
110. For a discussion of some of the challenges related to the implementation (including, for example, the intense pressure put by IDPs and other persons trying to influence the outcome of individuals cases on the staff of the Ministry of Social Solidarity) see J. Bishop, *supra* note 82, at 44.
111. *Ibid.*, p. 45 (“Many Ministries, including the Ministry of Social Solidarity, still lacked institutional capacity [...]. As a result, the Ministry relied heavily on UNDP and IOM for support”).
112. *Ibid.*, p. 49.
113. These eight criteria are safety and security; 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, D.C., 2010), p. 27.
114. IOM, *supra* note 56, chapter IX, “Access to basic services”.
115. See www.ictj.org.
116. See L. Margarrell, *Reparations in Theory and Practice* (New York, ICTJ, Reparative Justice Series), p. 9.
117. *Ibid.*, p. 2.
118. See also the definition of reparations in the *UN 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*.
119. P. De Greiff, “Justice and reparations”, in P. De Greiff (ed.), *Handbook of Reparations* (Oxford, Oxford University Press, 2008), p. 453.
120. See *supra* note 55 and accompanying text.
121. The concept of “effective remedy” is used in Article 8 of the Universal Declaration of Human Rights.
122. See *supra* note 26 and accompanying text.
123. Report of the United Nations Independent Special Commission of Inquiry for Timor-Leste (Geneva, OHCHR, 2006), p. 2.
124. International Crisis Group, *Timor-Leste: Time for the UN to Step Back* (Dili/Brussels, International Crisis Group, 2010), p. 1.
125. Also in this respect, knowing more about the views of the former IDPs and the communities affected by the 2006 crisis would enrich the debate.
126. See International Crisis Group, *supra* note 112 and also International Center for Transitional Justice, *Security Sector Reform in Timor-Leste* (New York, International Center for Transitional Justice, 2009).

127. P. De Greiff, *supra* note 119, at 467.
128. The Report of Commission had recommended the establishment of a reparations scheme for victims of human rights violations, but this recommendation, like the rest of the recommendations, has never been implemented. See *supra* note 19.
129. J. Trindade, *supra* note 48, at 11.
130. See *supra* note 5 and accompanying text.
131. Democratic Republic of Timor-Leste, Draft-Law No. II, *Framework of the National Reparations Programme*, 2010 (on file with the author).
132. Amnesty International, *Timor-Leste: Parliament Must Stop Ignoring Victims' Rights*, 3 February 2012.
133. See also J. Bishop, *supra* note 83, at 49, noting that “the decision of the government to prioritize the return of IDPs over the resolution of land and property ownership contributed to the successful and rapid implementation of the NRS”.
134. J. Bishop, *supra* note 82, at 50.
135. On the concept of “conflict ripeness”, see, for example, A. Smith and D. Smock, *Managing a Mediation Process* (Washington, D.C., US Institute of Peace, August 2008), p. 31.

REFERENCES

Amnesty International

- 2012 *Timor-Leste: Parliament Must Stop Ignoring Victims' Rights*, 3 February 2012.

Antkowiak, T.

- 2008 Remedial approaches to human rights violations: The Inter-American Court of Human Rights and beyond. *Columbia Journal of Transnational Law*, Vol. 46, pp. 387–389.

Benzing, M.

- 2005 Midwifing a new state: The United Nations in East Timor. *Max Planck Yearbook of United Nations Law*, pp. 9, 295–372.

Bere, M.A.

- 2005 Women and justice in Timor-Leste. *Development Bulletin*, No. 68, pp. 55–57.

Bishop, J. (ed.)

- 2012 *The National Recovery Strategy: A Review of the Process, Results and Lessons Learned*. Ministry of Social Solidarity, Dili, p. 63.

Burr, W. and M. L. Evans

- n.d. Ford and Kissinger gave the green light to Indonesia's invasion of East Timor: New documents detail conversations with Suharto. *National Security Archive Electronic Briefing Book No. 62*. Available from www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB62/ (accessed 14 September 2010).

Creti, P. and S. Jaspers (eds)

- 2006 *Cash Transfer Programming in Emergencies*. Oxfam Skills and Practice Series, Oxfam, Oxford, 2006.

De Greiff, P.

- 2008 Justice and reparations. In: *Handbook of Reparations* (P. De Greiff, ed.). Oxford University Press, Oxford, p. 453.

Dunn, J.

- 1995 The Timor affair in international perspective. In: *East Timor at the Crossroads: the Forging of a Nation* (P. Carey and G. Carter Bentley, eds). University of Hawaii Press, Honolulu, p. 66.

Duthie, R.

- 2011 Transitional justice and displacement. *International Journal of Transitional Justice*, pp. 241–261.

Ferguson, P.

- 2011 Progress in legislating domestic violence and gender based violence in Timor-Leste. *Malaysia Journal of Society and Space*, No. 7, pp. 53–64.

Fitzpatrick, D.

- 2001 *Land Issues in a Newly Independent East Timor* (Canberra, Department of the Parliamentary Library, 2001).

Fitzpatrick, D. et al.

- 2008 *Policy Notes on Customary Law in East Timor*. Australian Research Council. Available from www.laohamutuk.org/Agri/land/PolicyCustomaryLandTL_Nov08En.pdf (last accessed 30 May 2012).

Funaki, Y.

- 2009 *The UN and Security Sector Reform in Timor-Leste: A Widening Credibility Gap*. Center on International Cooperation, New York, p. 3.

Goldstone, A.

- 2004 UNTAET with hindsight: The peculiarities of politics in an incomplete state. *Global Governance*, pp. 83–98.

Grootenhuis, F.

- 2008 *Yogyakarta Earthquake Community Recovery Grants Supporting Gotong Royong*. Oxfam, Oxford.

Harvey, P.

- 2007 *Cash-Based Responses in Emergencies*. Humanitarian Policy Group, Overseas Development Institute, London.

Hirst, M.

- 2008 *Too Much Friendship, Too Little Truth: Monitoring Report on the Commission of Truth and Friendship in Indonesia and Timor-Leste*. International Center for Transitional Justice, New York.

Human Rights Watch

- 2006 *Tortured Beginnings: Police Violence and the Beginnings of Impunity in East Timor*. New York.

Index Mundi

- n.d. Timor-Leste – inflation. Available from www.indexmundi.com/facts/timor-lesste/inflation (accessed 25 January 2012).

Internal Displacement Monitoring Centre (IDMC)

- 2011a *Displacement Due to Natural Hazard-Induced Disasters: Global Estimates for 2009 and 2010*. IDMC, Geneva, June 2011, p. 7.
2011b *Internal Displacement: Global Overview of Trends and Developments in 2010*. IDMC, Geneva, March 2011, p. 9.

International Center for Transitional Justice (ICTJ)

- 2009 *Security Sector Reform in Timor-Leste*. New York.

International Crisis Group

- 2006 *Resolving Timor-Leste's Crisis*. Dili/Brussels, p. 17.
2008 *Timor-Leste's Displacement Crisis*. Dili/Brussels, p. 7.
2010a *Managing Land Conflict in Timor-Leste*. Dili/Brussels, p. 3.
2010b *Timor-Leste: Time for the UN to Step Back*. Dili/Brussels, p. 1.

International Federation of Red Cross and Red Crescent Societies (IFRC)

- n.d. *Rebuilding Lives with Shelter Grants*. Available from www.cashlearning.org/downloads/resources/casestudies/bangladesh-shelter-cash-grants-sidr.pdf.

International Monetary Fund (IMF)

- 2008 *Democratic Republic of Timor-Leste. Selected Issues and Statistical Appendix*. Washington, D.C., p. 2.

International Organization for Migration (IOM)

- 2011 *Return Monitoring Project Final Report*. Dili, p. 15. On file with the author.

Krieger, H. (ed.)

- 1997 *East Timor and the International Community. Basic Documents*. Cambridge International Documents Series Volume 10, Cambridge University Press, Cambridge, pp. 37–43.

Long, K.

- 2011 *Permanent Crises? Unlocking the Protracted Displacement of Refugees and Internally Displaced Persons*. Refugee Studies Centre, University of Oxford, Oxford, October 2011, p. 30.

Lopes, I.

- 2009 Land and displacement in Timor-Leste. *Humanitarian Exchange Magazine*, Issue 43, June 2009. Available from www.odihpn.org/report.asp?id=3007 (accessed 25 January 2012).

Margarrell, L.

- n.d. *Reparations in Theory and Practice*. Reparative Justice Series, New York, p. 9.

Martinkus, J.

- 2001 *A Dirty Little War: An Eyewitness Account of East Timor's Descent into Hell, 1997–2000*. Random House Australia, Sydney, xii.

McDonald, H.

- 1980 *Suharto's Indonesia*. Fontana, Blackburn, Australia, p. 215.

Office of the United Nations High Commissioner for Human Rights (OHCHR)

- 2006 Report of the United Nations Independent Special Commission of Inquiry for Timor-Leste. Geneva, p. 2.

Ozerdem A. and S. Podder

- 2008 *Reinsertion Assistance and the Reintegration of Ex-Combatants in War to Peace Transitions*. Bradford Centre for International Cooperation and Security, July 2008.

Reiger, C. and M. Wierda

- 2006 *The Serious Crimes Process in Timor-Leste*. International Center for Transitional Justice, New York.

Schwarz, A.

- 2000 *A Nation in Waiting: Indonesia's Search for Stability*. Westview Press, Boulder, p. 205.

Smith, A. and D. Smock

- 2008 *Managing a Mediation Process*. US Institute of Peace, Washington, D.C., August 2008, p. 31.

The Brookings Institution– University of Bern Project on Internal Displacement

- 2010 *IASC Framework on Durable Solutions for Internally Displaced Persons*. April 2010, pp. A-1 and 27.
2010 *IASC Framework on Durable Solutions for Internally Displaced Persons*. Washington, D.C., p. 27.

The Commission for Reception, Truth and Reconciliation in Timor-Leste (CAVR)

- n.d. *Chega!, Part 3, the History of the Conflict*. Available from www.cavr-timorleste.org/ (accessed 25 January 2012).

Timor-Leste Armed Violence Assessment (TLAVA)

- 2009 *Groups, Gangs and Armed Violence in Timor-Leste*. Dili.

Trindade, J.

- 2007 *Rethinking Timorese Identity as a Peacebuilding Strategy: The Lorosa'e–Loromonu Conflict from a Traditional Perspective*. European Union and GTZ, Dili, pp. 10–19.

United Nations Development Fund for Women (UNIFEM)

- 2010 *Domestic Violence Law Passed in Timor-Leste*, 2010. Available from www.unifem.org/news_events/story_detail.php?StoryID=1087 (accessed 25 January 2012).

United Nations Development Programme (UNDP)

- 2006 *Timor-Leste Human Development Report 2006. The Path out of Poverty: Integrated Rural Development*. Dili, p. 1.
2010 *Building Trust in Communities – Conflict Resolution in Timor-Leste*. Dili. Available from www.tl.undp.org (accessed 25 January 2012).

United Nations News Centre

- 2002 Timor-Leste: UN mission announces steps to bolster police in wake of last week's riots. 10 December 2002. Available from www.un.org/apps/news/story.asp?NewsID=5606&Cr=timor&Cr1 (accessed 25 January 2012).

US Agency for International Development (USAID)

- 2004 *Gender Assessment for USAID/Timor-Leste, Country Strategy Plan FY 2004–2009*. Washington, D.C.
- 2007 *Rule of Law in Timor-Leste*. Washington, D.C., p. 30.

Urdal, H.

- 2004 *The Devil in Demographics: The Effects of Youth Bulges on Domestic Armed Conflicts 1950–2000*. The World Bank Social Development Papers, Washington, D.C.

Van der Auweraert, P.

- 2008 The quest for solutions to Timor-Leste's land and property issues. *Migration*, pp. 28–30.

World Bank

- 2011 *Country Update: Timor-Leste*. Washington, D.C. Available from www.worldbank.org/en/country/timor-leste/overview (last accessed 30 May 2012).

World Bank and Asian Development Bank

- 2007 *Economic and Social Development Brief*. World Bank Group and Asian Development Bank, Dili. Available from www.adb.org/sites/default/files/pub/2007/esdb-timor-leste.pdf (accessed 25 January 2012).

World Food Programme (WFP)

- 2007 *Dili Emergency Food Security Assessment*. Timor-Leste, p. 28. Available from <http://documents.wfp.org/stellent/groups/public/documents/ena/wfp146918.pdf> (accessed 25 January 2012).

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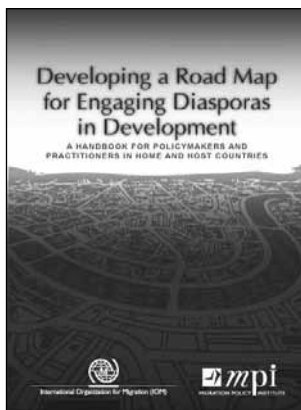
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Governments at both ends of the migration cycle increasingly recognize the value of diasporas' spontaneous engagements with their countries of origin and are seeking ways to cooperate with them. Beyond the remittances they send back to their homelands (more than USD 400 billion in 2010), diasporas are major direct investors in critical and emerging industries, known patrons of nascent tourism initiatives, and generous philanthropists. The question facing policymakers is not so much if diasporas can benefit their countries of origin, but how they do so and what kinds of government policies and programmes can foster these relationships.

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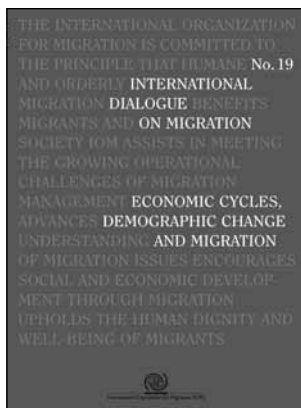
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On 12 and 13 September 2011, IOM held a workshop on “Economic Cycles, Demographic Change and Migration” in Geneva, Switzerland as part of its annual International Dialogue on Migration (IDM). The IOM membership had selected this workshop topic as part of the 2011 IDM theme, The Future of Migration: Building Capacities for Change. The workshop was attended by government representatives from around the world, non-governmental and international organizations, academics and other experts.

A guiding theme of the workshop was the notion that migration is inevitable and essential for economic growth and competitiveness given the global and regional labour market and demographic trends. Effective governance of migration in this context must not only reconcile short- and long-term

priorities, but also balance the interests, needs and rights of migrants, countries of origin, and countries of destination.

The present report categorizes the experiences, policies and practices highlighted by participants at the workshop into five areas for capacity-building which received particular emphasis during the course of the discussions: 1) Capacities to align migration policy with priorities in other policy domains; 2) Capacities and policy options to promote circular and temporary forms of mobility; 3) Migrant-centred approaches, focussing on rights, skills and human capital; 4) Knowledge, data, monitoring and evaluation capacities in regard to labour markets, economic cycles and demographic trends; 5) Capacities to enhance cooperation and migration governance.

2012/Softcover/88 pages, English
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International Dialogue on Migration N°18 - Climate Change, Environmental Degradation and Migration



As part of IOM's annual International Dialogue on Migration – dedicated in 2011 to the theme The Future of Migration: Building Capacities for Change – the IOM membership selected the topic "Climate Change, Environmental Degradation and Migration" as the focus of a workshop in Geneva, Switzerland on 29 and 30 March 2011. The workshop identified some of the main areas in which governments and institutions may need to reinforce their capacities to manage the complex interactions between climate change and environmental degradation and human mobility. The workshop was framed by the notion that a comprehensive approach to managing environmental migration would aim to minimize to the extent possible forced migration resulting from environmental factors; where forced migration does occur, to ensure assistance and

protection for those affected and seek durable solutions to their situation; and, lastly, to facilitate the role of migration as an adaptation strategy to climate change.

The following four main areas for capacity-building received particular emphasis during the workshop: 1) Knowledge base and research capacity on environmental migration; 2) Capacities to devise solid legal and institutional frameworks to ensure the protection of those on the move for environmental reasons; 3) Capacities for comprehensive migration management policies to tackle the multifaceted impacts of climate change and environmental degradation on human mobility; 4) Technical and operational capacities to support vulnerable populations and promote effective migration management in the context of environmental changes.

2012/Softcover/86 pages
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ISSN 1726-2224
ISBN 978-92-9068-630-9

2012/Softcover/96 pages
French, 16 dollars E.-U.
ISSN 1726-4030
ISBN 978-92-9068-632-3

2012/Softcover/96 pages
Spanish, 16 dólares EE.UU.
ISSN 1726-4049
ISBN 978-92-9068-633-0

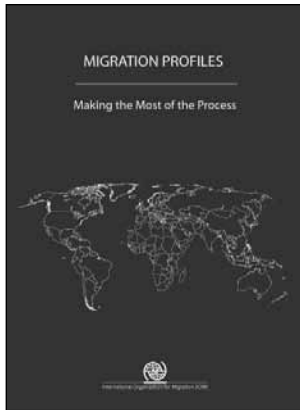
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Migration Profiles: Making the Most of the Process



The new guidance tool Migration Profiles: Making the Most of the Process explains in detail what a Migration Profile can entail and how governments and implementing partners can develop and conduct a Migration Profile exercise. This tool had been developed by IOM in 2011 - based on its experience in implementing Migration Profiles processes - and consists of two parts:

Part I entitled A Practical Guide describes the three key stages of a Migration Profile process (planning, implementation, launch and follow-up), provides step-by-step guidance throughout the process, and stresses the importance of consultation and government ownership.

Part II entitled A Framework for Developing a Template offers a revised and extended template which provides a "menu" of thematic modules that might be included in a Migration Profile report depending on the interests of the country concerned. It also provides relevant indicators and possible data sources, it further elaborates on key migration topics and includes new themes (e.g., internal migration, migration and environment, social development, health), and it has a greater focus on impact analysis in addition to trends overview.

2011/Softcover/160 pages
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2012/Softcover/173 pages
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The 2006 crisis in Timor-Leste saw close to 15 per cent of the population displaced from their homes, threatening to sink the country into protracted instability and violence. Remarkably, less than five years later, the country looks to be back on track, with the internal displacement file from 2006 largely resolved. This study examines the National Recovery Strategy adopted by the Government of Timor-Leste to address the crisis, including the move towards a cash grant programme, and analyses the strengths and weaknesses of national and local measures taken to provide solutions to the displaced. In doing so, the author connects the case of Timor-Leste to the wider debate on displacement, durable solutions and transitional justice, and offers important conclusions for practitioners from each of these perspectives.

The reflection on the experience of displacement in Timor-Leste suggests rethinking approaches for dealing with displacement in urban settings, a growing global phenomenon. The Timorese case further illustrates how return can prove successful if a government provides the necessary will, resources and effort – proffering a cautionary tale against recent criticism suggesting that the preference for return curtails the development of other, perhaps more sustainable, solutions. Contributing to discussions regarding the potential and pitfalls of cash grants, the author argues that cash grants in Timor-Leste were not only pragmatically desirable but also preferred by the displaced themselves, thus playing a central role in more immediate reconstruction efforts. Finally, the Timorese experience addresses the topic of transitional justice and displacement, encouraging consideration of the distinction between two modes of delivering benefits to victims of forced displacement: reparations as a remedy for past injustice and part of a transitional justice process versus benefits that are part of humanitarian assistance efforts and intended to form the basis of access to human, social and economic rights. By touching upon these key issues that dominate the contemporary debate on durable solutions, the analytical framework of this study reaches far beyond the Timorese national context.



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ISSN 1607-338X
ISBN 978-92-9068-641-5



USD 16.00