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Timor-Leste:

IDPs have returned home, but the challenge of reintegration is just beginning

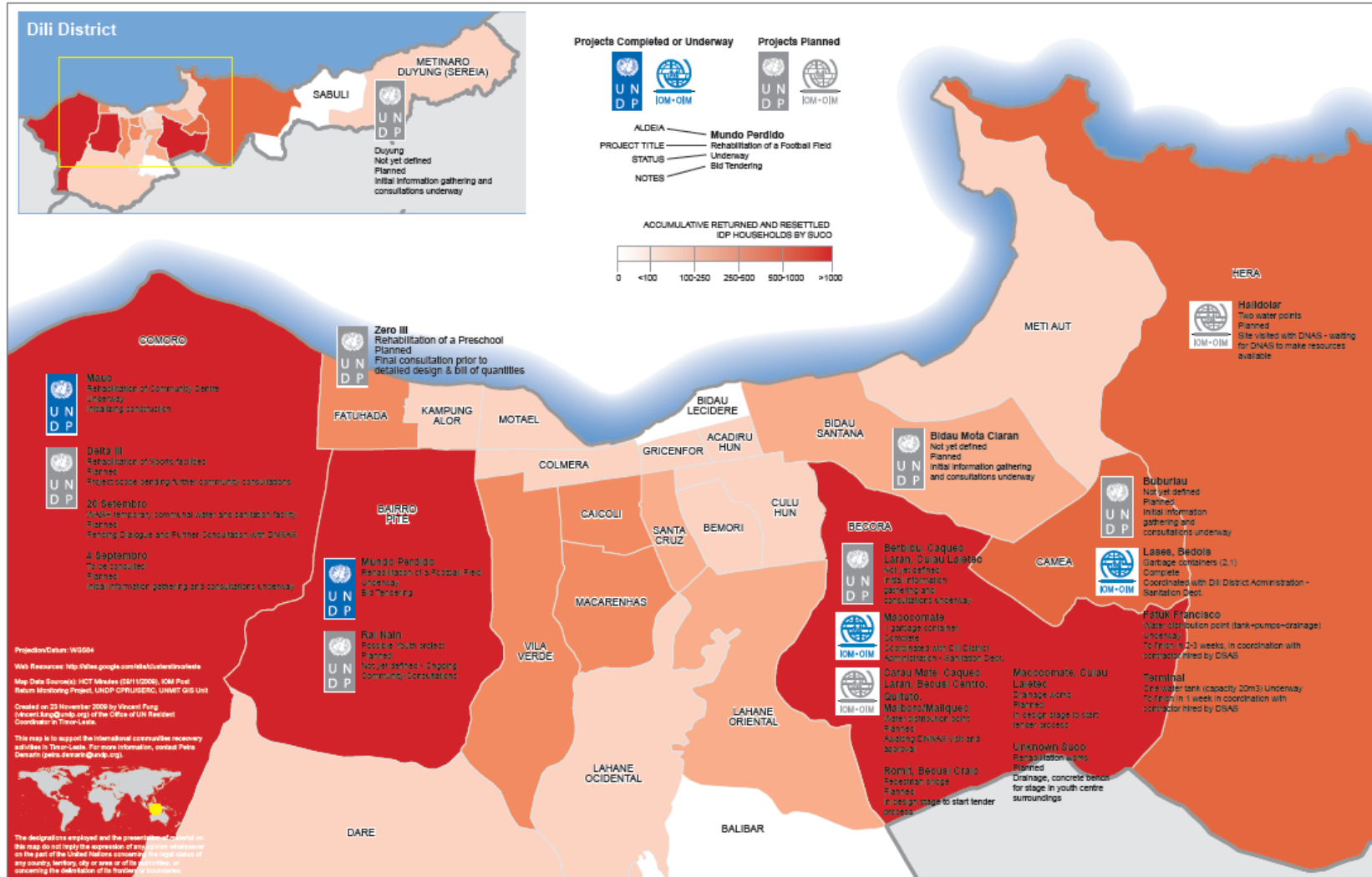
Three and a half years after the 2006 crisis and the displacement of up to 150,000 people in Timor-Leste, all 65 camps for internally displaced people (IDPs) have been closed and their inhabitants have returned home or relocated to other areas of the country. As of November 2009, only around 100 families were still in the few remaining transitional shelters in the capital Dili. With the return process in its closing stages, attention has now turned to the reintegration phase and the achievement of a durable solution for IDPs.

In one of the poorest countries in the world, people in Timor-Leste face significant difficulties accessing employment, services and infrastructure. The continued absence of a legal framework addressing land and property disputes, a weak justice system compromised by a culture of impunity, and a continuing need for security sector reform all stand in the way of sustainable peace.

Within this context the precise number of IDPs who have reintegrated successfully is unknown. Lack of accurate data gathered in post-return monitoring makes it difficult to assess the extent to which returnees have been able to achieve durable solutions. Collaboration between government departments, UN agencies, the International Organisation for Migration (IOM) and other humanitarian and development agencies has been ongoing since 2006. The Hamutuk Hari'i Konfiansa working group, created to address confidence building and reconciliation within the national recovery programme, and also the early recovery cluster, have helped coordinate the return and reintegration process. However, until the causes of the 2006 crisis are addressed, and the institutions that support the overall peace-building process strengthened, the situation in Timor-Leste will remain fragile.

Dili, Timor-Leste

Accumulative Returned and Resettled IDP Households (as of June 2009) and Community Infrastructure Projects



Source: United Nations Integrated Mission in Timor-Leste (UNMIT)

More maps are available on <http://www.internal-displacement.org>

Background

In Timor-Leste the majority of the population of just over a million has experienced violent forced displacement. In 1974, Portugal withdrew from its south-east Asian colony after a short civil war in which thousands of people were killed and tens of thousands displaced. During Indonesia's occupation of the new state of Timor-Leste from 1975, there were large-scale displacements as the Indonesian army sought to control the territory and crush the FRETILIN rebel movement. From 1975 to 1999, between 84,000 and 183,000 more people than the peacetime baseline died due to hunger and illness, and almost all East Timorese experienced at least one period of displacement (CAVR, Chapter 7.3, 30 January 2006, pp.143-144).

Following a UN-sponsored agreement between Indonesia, Portugal and the United States, a referendum was held in 1999 to determine whether the country would remain an autonomous region of Indonesia or become an independent state. In the months leading up to the referendum, an estimated 60,000 people were displaced from their villages to urban centres by a campaign of violent intimidation by pro-integrationist militias supported by the Indonesian army. Nonetheless, the overwhelming majority of the population voted in favour of independence from Indonesia. Following the announcement of the result, further intense violence and widespread human rights abuses by the militias led to the destruction of much of Timor-Leste's infrastructure and housing stock, the collapse of the economy and state institutions, and the forced displacement of the majority of the population. 500,000 people sought

refuge within Timor-Leste, while 240,000 crossed the border to West Timor, where tens of thousands still remained in 2007 (Inside Indonesia, December 2007; ICG, 4 May 2006, p.2). After three years under UN administration, Timor-Leste was declared independent on 20 May 2002.

Displacement following internal conflict in 2006

In April 2006, violent internal conflict erupted after sections of Timor-Leste's army, later known as "the petitioners", rose up in response to alleged regional discrimination by officers originating from eastern areas of Timor-Leste. In May armed clashes became widespread between groups of easterners and westerners within the army and police and among the wider population. Youth gangs armed with machetes, slings and bows rampaged through the capital Dili, threatening and attacking easterners and their properties. At least 37 people were killed, around 3,000 houses were destroyed and over 2,000 severely damaged, and an estimated 150,000 people, mainly easterners, fled their homes (OCHA, 17 July 2007, p.7). Around half of the internally displaced people (IDPs) sought refuge in Dili, mainly in government buildings, schools or churches, and subsequently in 65 makeshift camps, while the rest fled eastwards to their districts of origin, to be accommodated by families and friends.

The crisis resulted from several factors, including weak and factionalised state institutions, political rivalries dating back to the independence struggle, extreme poverty, and a large and disempowered youth population. Although there was no

history of violence between easterners and westerners, and regional identities were probably manipulated for political ends, there were real and perceived differences in the roles played by each group in the independence struggle (PRIO, 11 November 2009). Easterners who constituted the bulk of the surviving resistance movement also gained the best access from 2002 to institutions and resources, mainly through the FRETILIN party. Unresolved land and housing disputes also helped fuel the violence; in the wake of the large-scale displacements that occurred before and after the 1999 independence vote, many returning easterners occupied land and houses left vacant by those who had relocated to West Timor and only gradually returned in the following years (AusAID, 15 September 2006, p.3).

By August 2006, an Australian-led international force had stabilised the security situation and a number of those IDPs without significant housing and protection problems started returning. However, return rates soon slowed considerably. During 2007, further sporadic violence prevented the return of most IDPs and even led to further displacement; the introduction of the new government in August triggered violence in the eastern districts which led to the displacement of an estimated 4,000 people in Viqueque and Baucau (OCHA, 29 August 2007). At the end of 2007, it was estimated that 100,000 people remained displaced in Timor-Leste, a third in camps (in Dili) and the rest with host families (mostly in the rural districts) (OCHA, 18 April 2008, p.5).

National recovery strategy encourages substantial returns in 2008

In December 2007, the government launched a national recovery strategy (*Hamutuk Hari'i Futuru* or "Together Building the Future"), which aimed to address displacement within a comprehensive plan. The strategy rests on five pillars: shelter and housing, social protection, security and stability, socio-economic development, and confidence building and reconciliation. A stated objective of the strategy is to help remove the obstacles preventing the return of the displaced and ultimately help them find durable solutions (Government of T-L, 19 December 2007).

The strategy recognised the range of solutions which IDPs may envisage. Those willing and able to return home could receive a cash recovery grant based on the extent of damage to their property up to a maximum of \$4,500, or a basic house plus \$1,500 should their own have been damaged beyond repair. Those unable or unwilling to return could either use the cash recovery grant to build a house on state-owned land, or they could choose to settle in a basic house on a resettlement site. Temporary relocation to a transitional shelter site was offered to those willing but unable to return immediately (OCHA, 18 April 2008, p.34). By October 2008, the resettlement option had not been implemented, and in practice IDPs could only choose between returning home and moving to a transitional site.

The strategy initially excluded IDPs who had been tenants in the house they were living in, but had had their property looted during 2006 (ICG, 31 March 2008, p.13). Members of this group, who reportedly

constituted the majority of people displaced, were later offered a \$200 “reintegration package” to convince them to leave the camps (HCC, 22 May 2008, p.2).

The strategy, combined with a halving of food rations in camps from February 2008, proved effective in encouraging people to leave the camps. By October 2008, around 9,000 out of 16,000 registered families had accepted a recovery package, and 28 camps in Dili had been closed (OCHA & UNMIT, 30 October 2008, p.3). At the end of 2008, 41 of the 65 camps had been closed, with around 2,200 households (15,000 people) still living in the camps (IRIN, 1 December 2008).

While the majority of the IDPs who left the camps reportedly managed to return to their home, a number were unable to do so. Obstacles to return included the volatile security situation, lack of confidence in the judicial system and the reconciliation process, lack of progress in rebuilding destroyed or damaged houses, and the failure to resolve land and property ownership issues. The lack of livelihood opportunities in the context of rising food prices also encouraged some IDPs to stay in camps in Dili where some humanitarian assistance was available.

In September 2008, the government estimated that close to 90 per cent of those who had received the recovery package had been able to return to their original homes (IRIN, 22 September 2008). The Norwegian Refugee Council (NRC) estimated that return rates were lower with 70 per cent of families returning to their homes and 17 per cent to relatives. Only 60 per cent of homes were described as in good condition (OCHA & UNMIT, 15 October 2008, p.4).

During his visit to Timor-Leste in December 2008, the Representative of the UN Secretary-General on the human rights of IDPs reminded the government of the critical importance of resolving the internal displacement crisis for the country’s longer-term stabilisation and development. He also identified three elements needed for durable solutions for IDPs in Timor-Leste: first, to address the causes of the 2006 and 2007 violence and displacement including the redressing of prevailing impunity and the adoption of a land and property law; second, to adopt a more holistic, community-based approach to make communities of return more stable and sustainable; and third, to address the specific needs of vulnerable IDPs including female-headed households and those who did not receive compensation packages and who therefore had nowhere to return (UNMIT, 12 December 2008).

Seeking a durable solution for IDPs in 2009

The start of 2009 saw the return process continue at a similar pace as in 2008. By mid-February, IOM reported that 7,400 internally displaced households had returned to their homes of origin (IOM, July 2009, p. 3). These findings differed from the earlier government figures indicating that 90 per cent of the 9,000 households which had received the recovery package had returned by October 2008, but were closer to NRC estimates of 70 per cent, or 6,300 households, as this would suggest that around 1,100 households returned between October 2008 and February 2009.

Camp closures and transitional shelters

Into 2009, planned camp closures were often delayed due to problems in the verification process associated with the establishment of property ownership (IRIN, 23 March 2009), and those that did go ahead were in many cases conducted with little notice given to IDP themselves and the NGOs supporting the process.

Throughout 2009 the wider process was dominated by the planned closure of the largest camp at Metinaro, some 24 kilometres to the east of Dili. Metinaro, with more than 1,200 households, represented a key challenge to the government due to its size and also its location on the only road between Dili and Baucau, the second largest town in Timor-Leste. The camp was due to be closed in 2008 but verification proved problematic. Residents frustrated with continuing delays sporadically erected roadblocks in an attempt to force the government into action. During the first half of 2009 the verification process continued, accompanied (as in the other camps) by ongoing mediation to resolve outstanding issues between IDPs and communities before their return. Initiated in mid-June, the closure of the camp was officially completed on 22 August (MSS, 16 June 2009; UNMIT, 2 July 2009 and 9 September 2009).

The closure of Metinaro marked the end of the camp closure process and attention switched to the situation of IDPs in transitional shelters. Since 2006, NRC and the government had built almost 700 transitional shelters on seven sites for those unable to return. The houses were basic, but with electricity, cooking facilities, latrines and tap stands they offered much better conditions than camps. In

July 2009 four transitional sites remained in use in Dili with almost 2,500 IDPs (420 families) accommodated in 440 rooms (UNMIT, 9 September 2009). Roughly half their occupants had not owned their homes prior to the outbreak of violence in 2006 and many reported being too afraid to return to their homes, which were in some cases occupied by others (JRS, 17 July 2009).

In September, the process of closing the transitional shelters started, as the Ministry of Social Services (MSS) began the closure of Tasi-Tolu and Quarantina transitional shelters, with 52 and 53 households respectively receiving recovery or reintegration packages (MSS, 11 September 2009). To convince the remaining households to leave, the government increased the “recovery package” from \$200 to \$1,500 (Australia Network News, 6 October 2009). The government aimed to close the shelters by 6 October, but at this point 142 of 425 households were still in the shelters; by early November the process was still ongoing, but it had reportedly stalled because the remaining households were asking for a further increase in the recovery package (NRC, November 2009).

Additionally, as part of the second phase of the national recovery strategy, each of the 14,000 or more internally displaced households who received the recovery package became entitled to a single payment of \$500 to compensate for possessions and assets lost during the 2006 and 2007 crises (UNMIT, December 2009, p.1).

While the speed of the process is evidence of the government’s commitment to return, it does raise a number of concerns: first, over the extent to which IDPs

were involved in the planning and management of the process, and the degree to which return was based on an informed and voluntary decision; second, over the extent to which humanitarian and development agencies were able to support the process; third, over the degree to which effective reintegration could be planned and implemented; and fourth, over the provision of support and assistance to IDPs in transitional shelters during and after the rapid closures.

Making returns sustainable

According to available data, only 128 families have been displaced again since the start of the return process, under two per cent of people who returned up to February 2009. Most of these cases have been attributed to unresolved housing or land issues, personal issues within the neighbourhood or issues associated with martial arts groups (MAGs), which are widespread in Timor-Leste and sometimes involved in extortion and violence (IOM, July 2009, p.4; TLAVA, April 2009, p.3).

However, some communities have opposed the return and reintegration of IDPs, with local leaders invoking the lack of appropriate land or housing, the scarcity of resources and the potential for renewed conflict (IOM, July 2009, p.5). Between December 2008 and February 2009, chiefs from a number of *Aldeias* (sub-villages) spoke out against returns, with four refusing to accept any future returns and 11 imposing conditions on their acceptance. One flashpoint came in May 2009 when a chief refused to accept return, believing it would represent a threat to the security of the community (IRIN, 11 May 2009).

The few incidents of re-displacement, and the resettlement of many displaced households to new areas, indicate the continued opposition of some communities to accept returns and highlight the fact that the root causes of the 2006 crisis and subsequent displacement have not yet been effectively addressed.

Government and humanitarian responses: the process of achieving durable solutions

According to the Inter-Agency Standing Committee's draft Framework for Durable Solutions, the process for enabling IDPs to achieve durable solutions to their displacement depends on a number of factors: an informed and voluntary decision to return; participation and consideration of IDPs in the planning and management of the process; peace processes and peacebuilding reinforcing durable solutions; safe, unimpeded and timely access for all actors; and effective monitoring mechanisms. Analysis of these criteria in Timor-Leste was based on documentary analysis and confidential interviews with those involved in the return and reintegration process.

Informed and voluntary return and participation in the process

Generally IDPs were kept well informed about locations of return, and decisions to return were voluntary. They also participated and were considered to a large degree in the planning and management of the process.

In the period leading up to returns, MSS published information in the camps on elements of the national recovery strategy that affected IDPs. IDPs were well in-

formed of the criteria for receipt of the recovery package and what options they had. IOM and other agencies facilitated dialogues between IDPs and community members and “go and see” visits to enable IDPs to get a relatively good idea of the situation in their communities of origin or in the areas they sought to resettle in. Mediation to resolve disputes between IDPs and community members before their return also permitted a more comprehensive evaluation of the environment.

Similarly, consultation and pre-return dialogue gave IDPs the chance to participate in the planning and management of the process. The verification process enabled them to appeal against decisions made, and they frequently did so. The establishment of an IDP committee with representatives including the more vocal camp leaders gave IDPs a chance to be represented, and some on the committee had practical involvement through working with the MSS/UNDP dialogue teams.

However, the process was not without its problems. Policy and planning decisions were often taken very rapidly, leaving little time for IDPs to prepare for the move and reducing the capacity of humanitarian agencies to support them. In some cases both the IDPs and the agencies received only hours notice of closure. This speed, when considered in the light of the financial incentive of the recovery package, may have put undue pressure on displaced households to decide to return.

Despite government policy requiring IDPs to return to their damaged property to be eligible for the recovery package, many were dropped off on the way to their supposed final destination, or relo-

cated days after their arrival. This suggests that the decision to return was not informed and voluntary for some.

In addition, the option of resettling in alternative areas was not fully explored due to lack of alternative land and housing. The lack of a land and property law effectively made redundant the option of resettlement as a serious alternative. The 87 households who did resettle between December 2008 and February 2009 (IOM, July 2009, p.3) mostly moved in with family members, rented houses, or set up temporary homes within their village of origin. The motivations behind these cases of resettlement are not fully known as tracking these households has proved difficult.

Access of all actors

The often rapid decisions on return limited the level of access of humanitarians to the process. While access granted by the government was reportedly full, safe and unimpeded, it could not always be said to be timely. International organisations and NGOs could attend operational meetings hosted by the Director of the National Directorate for Social Assistance prior to each movement of IDPs. However, the meetings could be held with little notice, as little as a day before the planned movement, making attendance and preparation difficult.

Many of the NGOs involved also engage in other early recovery activities, often as the lead providers of reintegration support to areas of Dili at high risk of conflict. The provision of unimpeded access to IDPs undoubtedly facilitated much of the work of these agencies, however a more streamlined approach would enable

NGOs to better plan their activities to support IDPs who have returned.

Monitoring mechanisms

The level of access of humanitarian and development agencies was also affected by the monitoring mechanisms in place which, while generally providing valuable information, were not without their faults. In particular, access was adversely affected by problems with the verification and tracking system used by MSS. According to agencies associated with the process, cases of double entry have been frequent. This has led to relatively high variations between the numbers reported by MSS, IOM, the United Nations Integrated Mission in Timor-Leste (UNMIT) and others. This can be problematic for planning and monitoring reintegration as specific IDPs can sometimes be hard to locate or in fact do not exist due to false applications for the recovery package.

In response to a notable lack of effective monitoring in 2008 (HCC, 6 May 2008, p.2) IOM secured funding for a monitoring project which started in July 2008 and was later extended to December 2009. It was supported by NGOs including CARE, Catholic Relief Services (CRS), Jesuit Refugee Service (JRS) and the national NGO Belun. The project gathered information from local leaders, returnees and community members in order to examine the return and reintegration experiences of IDPs and highlight specific areas and issues of concern.

While this monitoring has generally been well received by MSS and humanitarian and development agencies, it has been criticised for the lengthy time-lag between the period of data collection and the re-

lease of reports; for the lack of sustained monitoring in the districts, with only people in Dili being monitored; and for its potential for partiality, particularly when findings may be deemed critical of government policy, as IOM have taken the lead in both the return and reintegration process and the monitoring of results.

The MSS/UNDP dialogue teams working across the country have also contributed to the monitoring process through their ongoing engagement with IDPs and the community; so has the early warning and response system launched in February 2009 by Belun in partnership with the Centre for International Conflict Resolution at Columbia University. The system is still in its pilot phase; it is planned to expand it in 2010 and further to all sub-districts in 2011 (Belun June 2009).

The two main coordinating bodies in Timor-Leste, the early recovery cluster (ERC) and the “Together Building Confidence” (*Hamutuk Hari’i Konfiansa* or HHK) working group, also contribute to the monitoring of the return and reintegration process by bringing together government and UN agencies, IOM and NGOs on a regular basis. However, since the departure of OCHA at the end of 2008, the dissemination of humanitarian information has been less structured, with the first humanitarian update for 2009 being published in September only.

On the whole, the monitoring mechanisms in place have provided information of use in the planning of the return and reintegration process. They would, however, benefit from more coordination and timeliness. In addition, with the shift from return to reintegration it is of paramount importance that reintegration is-

sues are reflected in the data generated, and that the process identifies what remains to be done to ensure a durable solution, as well as the current conditions facing returnees both in Dili and in rural areas where some are reported to have resettled or integrated.

Peacebuilding

Peacebuilding efforts help IDPs achieve durable solutions, and durable solutions for IDPs can represent an essential element of a lasting peace. The importance of effective return and reintegration monitoring mechanisms in the design and implementation of peacebuilding initiatives cannot be understated.

Throughout 2009 national and international peacebuilding activities have varied in both scope and impact. A number of international NGOs in Timor-Leste have some form of engagement in peacebuilding, often in partnership with a range of national NGOs and civil society organisations.

Peacebuilding initiatives predominantly operate at the grassroots level in the capital, Dili, due to a concentration of violence and displacement in this area since 2006. They encompass four main activities: conflict resolution, dialogue and trust-building, capacity building for local leaders and civil society, and strengthening of social cohesion. Cross-cutting issues of youth, gender and internal displacement feature as a consideration in each of these activities and much is done to mainstream these issues.

Until 2009, much of the peacebuilding activity was associated with the return process, for example dialogue and media-

tion to make the process as smooth as possible. In 2009, peacebuilding has tried to refocus on the reintegration process but it still largely failed to address the causes and consequences of the 2006 crisis. Those responsible for burning the houses, looting the properties and forcing people out of their homes in 2006 have still not been prosecuted. Impunity remains a serious threat to the sustainability of returns.

The two bodies coordinating the peacebuilding effort are the HHK working group, which largely coordinates the international community, and the Peacebuilding Working Group (PBWG) which liaises between national and international NGOs. Both are supported by the ERC and the protection cluster (PC). The current response framework is essentially based around the work of these four forums and their members. However, the very existence of four bodies convolutes the process, with stakeholders spending time discussing the same issues with the same partners in different meetings.

Recent developments suggest that this has been recognised and that the response framework is being streamlined. In November the work of the ERC was restructured through the establishment of three thematic working groups (WGs) addressing outstanding needs in communities receiving IDPs: the Community Infrastructure Technical WG, focusing on co-ordination of infrastructure projects, the Land and Property Related Disputes WG, focusing on land and property conflicts linked to the current cadastral mapping exercise, and the already existing HHK, tasked with building trust between IDPs and receiving communities (UNMIT, December 2009, p. 5)

Meeting the necessary conditions of a durable solution

When making the decision of where and when to return or resettle, internally displaced households focus on three issues: safety and security, land and property, and access to livelihoods and an adequate standard of living.

Safety and security

Safety and security are perhaps the primary considerations made when weighing up return options (Australia Network News, 6 October 2009). Throughout 2009, levels of safety and security have been generally higher than in 2006 and 2007 across Dili and Timor-Leste. The first-quarter report of Belun's early warning and response system suggested that the prevailing form of violence was gender-based, with a notable level of violence associated with land disputes (Belun, June 2009).

In some cases IDPs have faced verbal threats, attacks on property and direct violence from some community members, mostly related to disputes over land and property, east-west rivalries and access to water, as well as problems associated to MAGs and drunk young people (IOM, July 2009). However violence directed at IDPs has been relatively limited and has become rarer through the year. Incidents that do arise are often associated to the unresolved root causes of the conflict and therefore it is imperative that these are addressed. It is important to note that many disputes surrounding these issues do not involve IDPs, and that youth violence may often involve young displaced members of MAGs.

Over the course of 2009, measures have been taken to increase security in the country, many of them in favour of IDPs. In February, the UN Security Council extended the mandate of the peacekeeping mission by a further year, with an instruction to provide support to the continuation of security sector reform, in particular as policing competencies are transferred from UNMIT to the National Police of Timor-Leste (PNTL) (UN News, 26 February 2009).

Since the end of March 2009, PNTL has progressively resumed responsibility for policing throughout the country, starting in Lautem and Manatuto (UNMIT, 27 March 2009) before gradually moving across the country as and where the government and UNMIT have considered it ready.

While the potential for violent conflict remains in Timor-Leste, most returnees enjoy similar security as non-displaced people. The government's sensitivity regarding the treatment of IDPs means the security forces react quickly to threats, and areas with high numbers of returnees or apparent tensions often receive more attention and resourcing.

In the current situation returned IDPs are no longer to be considered the most vulnerable group in Timor-Leste. Although a number of them continue to face significant protection concerns including those related to access to land and property and justice, the prevailing protection issues are not specifically related to displacement. The dialogue process enables IDPs to report their concerns and their representatives have shown themselves to be well versed in negotiating with government.

Those protection issues which specifically concern IDPs affect those in the transitional shelters to a greater degree. Many IDPs there are still unable or unwilling to return due to fears over safety and security, and the government must provide appropriate support to the more vulnerable among them as closure of the sites continues and the NRC programme comes to an end. It is vital that closures are adequately planned and prepared, and that social housing and support and livelihood assistance reflect their needs.

Land and property

Perhaps the most significant issues facing returnees in Timor-Leste concern the restitution of housing, land and property and compensation for property lost. A significant number of houses belonging to IDPs are occupied by others or have not yet been repaired. Of the total of 3,500 houses still damaged or destroyed as of February 2009, 2,400 belonged to returned IDPs (IOM, July 2009, p. 5).

Owing to the continued lack of a legal framework addressing land and property disputes much of the progress throughout 2009 has been of an improvised nature. The MSS/UNDP dialogue team, in close collaboration with IOM and partner NGOs, has engaged in mediation between returning IDPs and community leaders and members in order to reach mutually acceptable compromises on a case-by-case basis. These have involved cash payments by IDPs to the occupiers, the provision by the community of alternative property to the IDP household or the occupier, and in some cases the occupiers have willingly vacated the property. Community dialogues have helped in the preparation of return (IRIN, 4 March

2009; UNDP, 16 July 2009), but land and property disputes have usually required mediation. In some cases mediation is ongoing, causing IDPs to remain in transitional shelters.

Compensation through the recovery package has continued, with returning homeowners receiving up to \$4,500 based on the level of damage, ex-tenants receiving a reintegration payment of up to \$1,500 (Australia Network News, 6 October 2009), and each IDP household receiving payments of \$500 to assist in the procurement of possessions and assets lost during displacement.

However, the compensation mechanism is not without its problems. Returnees have been individually responsible for repairing and rebuilding their homes with limited assistance, and many cases families have remained in temporary shelter while doing repairs. The rising costs of materials has also reportedly made it more difficult to complete construction (ABC, 28 August 2009). Inadequate housing stock has increased the pressure on communities, particularly in the towns and cities facing the arrival of other economic migrants. In many cases IDPs have spent all or some of the recovery package on more immediate needs or to invest in a livelihood. These cases highlight the fact that compensation based on the level of destruction does not take into account additional levels of vulnerability.

Efforts to address land and property disputes have been undermined by the continuing absence of a legal framework. The government envisages that the development of a new land law will solve many of these problems, specifically those relating to IDPs. In June 2009, it

launched a three-month public consultation on a draft land law (Government of Timor-Leste, 12 June 2009). In 2008 it started gathering cadastral information under the “Ita Nia Rai” programme supported by USAID, and by November 2009 it had recorded over 5,800 land claims in six districts. However, the complex nature of land reform in Timor-Leste has prolonged this process and with between 150,000 and 200,000 households to be registered when the law is finally passed, the process will take years to complete (IRIN, 10 July 2009). While the issue remains unresolved, associated problems relating to livelihoods based on land ownership may prolong the effects of displacement on IDPs.

While this progress in formalising property rights is significant, the application of new land laws and regulations will remain a complex and daunting task. Land and property disputes are rife and many predate the 2006 violence. During the first registration of property claims conducted in 2004, some 13,600 property claims were submitted to the government. Almost half of these were submitted through the Timor-Leste embassy in Jakarta, and many IDPs who have recently returned are themselves squatting on land and property claimed by people who fled to Indonesia in 1999 (UNDP, 1 September 2009, p. 14).

Access to livelihoods and adequate standards of living

Equal access to livelihoods and an adequate standard of living is a crucial aspect of the achievement of a durable solution for IDPs. However, it is important to note that the reintegration of IDPs into communities should ensure that they are no

worse or better off than other non-displaced community members. The level of access to a previous or new livelihood is a significant consideration for an IDP making a decision on return; it is intrinsically connected with the two considerations discussed above.

Timor-Leste’s economy is underpinned by oil and aid revenues, making it one of a few countries in the world to hold a balance of payments surplus; it also has a high gross domestic product (GDP) growth rate and falling inflation (AusAID, 2009). However, the base from which such growth started was very low. Unemployment rates of 20 per cent with 90 per cent of the workforce employed in agriculture, the majority of which is subsistence-based, mean that around 40 per cent of the workforce is under-employed. With over 43 per cent of the population under 15 and 50 per cent living under the national poverty line of \$0.88 per day despite an oil-based per capita GDP of \$4,500 for 2008, the challenge in securing a livelihood and adequate standard of living is high (UNDP, 2009).

Infrastructure in Timor-Leste is also weak and, in Dili particularly, is under increased pressure due to national population growth and urbanisation (UNFPA, January 2009). Employment-intensive government infrastructure projects have helped to create work while strengthening infrastructure, while community development projects recently initiated by IOM and UNDP (IOM, 10 February 2009; UNDP, 2009) aim to develop community infrastructure and increase access to necessary services and better living standards, while creating employment. These latter projects target areas with high numbers of returnees and those

in which access to resources such as water or roads may be a source of conflict; however, these efforts remain limited in size and impact and clearly insufficient given the scale of needs.

Problems associated with accessing livelihoods and adequate standards of living are evident across Timor-Leste and are not limited to IDPs. Returnees have faced problems establishing subsistence agriculture on disputed land, but this problem has been shared by some non-displaced people. Additionally, some IDPs have utilised their recovery package payments to start up a livelihood, for example by buying a taxi or kiosk. In these situations returnees can hold an advantage over non-displaced community members. Therefore, differences between returnees and non-displaced people in terms of accessing livelihoods and adequate standards of living are not significant with most demographic groups facing problems. It is, however, important that the situation is monitored and that opportunities are developed if competition over resources is not to lead to conflict in the future.

Access to justice for displacement-related violations

Access to justice for displacement-related violations in Timor-Leste has been very limited. In the three years since investigations into cases began in June 2006, only two had been tried by June 2009, involving 16 people and leading to seven convictions and nine acquittals (UNMIT, July 2009, p. 11). Within this period a further five cases were on trial and 14 under investigation. With only 14 Timorese judges, 14 prosecutors and 11 public defenders assigned to Timor-Leste's four district courts, the Court of

Appeal, and prosecution and public defender offices improvements in access seem unlikely.

Moreover, with a limited government response to violations associated with the 2006 and 2007 violence, confidence in the formal justice system has rapidly diminished and both the international community and internal bodies have reported a culture of impunity. The few sentences passed to members of the Timor Leste Defence Force (*Falintil-Forças de Defesa de Timor Leste* or F-FDTL) for displacement-related violations have not been enforced and those convicted are still employed by F-FDTL and receiving salaries.

The majority of cases affecting those displaced since 2006 or 2007 relate to land and property. With the formal justice system unable to redress these issues, particularly in rural areas, communities are turning to traditional conflict resolution mechanisms (IRIN, 4 March 2009; UNDP, 16 July 2009). While this may not be deemed the perfect method to achieve a durable solution, it represents the only real access to justice for many.

Remaining conditions for a durable solution

The three remaining conditions necessary for the achievement of a durable solution for IDPs, that is, access to documentation, family unity and participation in public affairs, have not been identified by stakeholders in the return and reintegration process as problematic in Timor-Leste.

No durable solution without addressing the root causes of the conflict

With all 65 of Timor-Leste's tented IDP camps now closed and most residents returned home, the return process seems to have been reasonably successful. Problems associated with solutions for those remaining in the transitional shelters, and the failure to explore alternative options including local integration and resettlement, seem to be the most significant weaknesses of the response. The rate of return was an issue raised on numerous occasions by the international community, and it remains to be seen whether such a rate of return has been detrimental to the effective preparation of both IDPs and communities prior to the reintegration phase.

Government and international agencies continue to provide support to returnees; however this assistance is gradually

transforming into a community-based reintegration approach which is crucial in overcoming social tension and fostering and strengthening relationships between returnees and the community, such that returnees will no longer be identified as a group of concern.

While significant progress has been made towards the achievement of solutions for IDPs, they are clearly not yet sustainable and secure. Unless the causes of the 2006 crisis are resolved, and the benefits of economic growth enjoyed by all sections of the community, tensions will not abate and violent conflict may erupt again, potentially resulting in the re-displacement of those who have returned.

Note: This is a summary of IDMC's new internal displacement profile on Timor-Leste. The full profile is available online [here](#).

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About the Internal Displacement Monitoring Centre

The Internal Displacement Monitoring Centre, established in 1998 by the Norwegian Refugee Council, is the leading international body monitoring conflict-induced internal displacement worldwide.

Through its work, the Centre contributes to improving national and international capacities to protect and assist the millions of people around the globe who have been displaced within their own country as a result of conflicts or human rights violations.

At the request of the United Nations, the Geneva-based Centre runs an online database providing comprehensive information and analysis on internal displacement in some 50 countries.

Based on its monitoring and data collection activities, the Centre advocates for durable solutions to the plight of the internally displaced in line with international standards.

The Internal Displacement Monitoring Centre also carries out training activities to enhance the capacity of local actors to respond to the needs of internally displaced people. In its work, the Centre cooperates with and provides support to local and national civil society initiatives.

For more information, visit the Internal Displacement Monitoring Centre website and the database at www.internal-displacement.org.

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