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A map of Timor-Leste and its surrounding regions. The map shows the island of Timor-Leste with its capital Dili marked with a star. Other locations labeled include Liqueica, Ermera, Viqueque, Manatuto, Baucau, and Pulau Atauro. To the west, parts of Indonesia are visible, including Pante Makasar and the Savu Sea. To the south, the Timor Sea is labeled. The word 'INDONESIA' is also visible on the Indonesian coast.

**TIMOR-LESTE: LINKS
BETWEEN PEACEBUILDING,
CONFLICT PREVENTION AND
DURABLE SOLUTIONS TO
DISPLACEMENT**

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TABLE OF CONTENTS

EXECUTIVE SUMMARY	i
ACRONYMS	iii
INTRODUCTION	1
BACKGROUND TO THE CONFLICTS	2
RESOLUTION TO THE CONFLICTS	7
1999 – 2002	7
2006 – 2008	9
POST-CONFLICT PEACEBUILDING AND SECURITY	12
INTERSECTIONS BETWEEN PEACEBUILDING, HUMANITARIAN, DEVELOPMENT AND MILITARY APPROACHES	18
CONCLUSION	20
ANNEX 1: MAP OF TIMOR-LESTE	22
REFERENCES	23

EXECUTIVE SUMMARY

Finding durable solutions for those displaced by conflict is critical to building sustainable peace when those conflicts come to an end. When refugees or internally displaced persons (IDPs) are unable to find solutions, stability and peace are more difficult to sustain. At the same time, durable solutions for the displaced usually depend not only on ending the conflict, but also on the establishment of security in areas where the displaced are living or to which they hope to return. While there is thus a common interest between those working on displacement and those working on peacebuilding, in practice organizations working in these areas tend to operate in isolation from one another.

This case study focuses on Timor-Leste where two distinct but interrelated conflicts have caused mass displacement over the past 12 years. In August 1999 a United Nations-run Popular Consultation took place to determine the future of the small territory. The people of Timor-Leste voted overwhelmingly for independence – a result which led to widespread violence – with the Indonesian military and pro-Indonesian militias destroying 70 percent of the country’s buildings and infrastructure as they departed. About 450,000 people were displaced by the mass violence and widespread destruction. Between 1999 and 2002 most of the displaced had returned or resettled. Most, however, did not return to their places of origin. Instead, many IDPs and refugees chose to settle in the capital city of Dili, often occupying land that did not belong to them.

In 2006 a new crisis occurred that displaced approximately 150,000 people in the capital Dili and led to the crumbling of the security sector. While the crisis is often attributed to the breakdown of the security sector, in fact the roots of the conflict are a complex interplay of political, economic and social factors that resulted from incomplete handling of the first displacement in 1999. These factors include: a failure to define land and property regimes to settle competing claims; latent tensions between the *lorosa’e* (easterners) and *loromonu* (westerners) exacerbated by these communities’ uneven access to land and property in Dili after the 1999 returns; lingering unresolved tensions between citizens dating back to Portuguese times; impunity with regards to serious crimes and the use of arson as a common retaliatory tool; and widespread poverty.

In Timor-Leste the first wave of displacement in 1999 was resolved through a mixture of return and integration in another part of the country, in this case the capital city Dili. In the second wave of displacement in 2006 while the government tried to assist IDPs to settle elsewhere in the country as its preferred solution, for a variety of reasons this was unfeasible and the government ended up pursuing a return policy.

The United Nations and international security forces exercised extraordinary involvement in Timor-Leste during this turbulent time from 1999 through independence in 2002 and continuing all the way to 2012. During this thirteen-year period Timor-Leste played host to five different United Nations Department of Peacekeeping Operations missions and two separate multinational military forces. While each mission played a unique role in the peacebuilding process, it was the interplay between stabilization forces and the peacekeeping missions that was most important in bringing an end to each of the conflicts.

The rapid deployment of multinational military forces under a Chapter VII mandate in both 1999 and then in 2006 were essential to stabilizing the situation and preventing new displacement. Both forces were then followed by UN Security Council-mandated peacebuilding missions that included substantial police contingents. The UN mission from 1999-2002 helped create the conditions for rapid return of IDPs and refugees, but the follow-on missions did not ensure the sustainability of those returns because of their failure to address the key drivers of conflict.

The humanitarian phase of the IDP crisis in 2006 was also fairly effective. By July 2006 the new displacements had stopped and some – but not all – IDPs had returned home. In fact, 100,000 people had not returned. While the UN mission and the international military forces were successful in preventing new large-scale displacements, they were unable to gain the confidence of IDPs that they would be safe in returning home.¹

A return process was finally initiated in 2008 with the support of both cash payments and reconciliation measures, and was a remarkable success that appears to have ended displacement in a durable manner. What it failed to do, which was also the case in 1999-2005, was to address the underlying issues of land title reform, the ability of the security sector to provide long-term stability, or to develop a fully-functioning community dispute resolution mechanism blending customary practice with formal justice.

As the Timor-Leste case study shows, returns eventually turned out to be successful, and many of the components for durable solutions to displacement were identified and implemented. However, the long term development challenges and the contributing factors to conflict have fallen through the gaps in a system of overlapping mandates, different working cultures and competition for funding.

There is a need for greater civil-military coordination and the development of intentional overlapping of mandates between humanitarian, peacebuilding, and peacemaking, and peacekeeping actors. Structural barriers exist for holding separate agencies responsible for overlapping areas of work. Thus there is a need to go beyond a general understanding of how each area in peace operations works. Strategic and operational plans are needed in which areas of overlapping mandates are made explicit and actors are held accountable for their activities.

Quick response military forces proved particularly effective during both conflicts in stabilizing the situation until a UN mission arrived. They also established conditions which enabled the delivery of humanitarian aid. However, there is the need for both more rapid and more permanent policing presence in IDP camps. If done in a sensitive manner, this would help instill a greater level of familiarity and trust in the United Nations Police services by the displaced.

The two main successes in response to the displacement were community reconciliation processes in 1999 and the dialogue teams that assisted with returns after the 2006 crisis. In both cases the use of traditional structures and customary practice played a large role in successfully creating the conditions for IDPs to return in safety and security to their communities. The weakness of these processes is that they were compartmentalized and limited to IDP situations rather than being applied holistically to a wide range of root causes, which continue to remain unaddressed.

¹ ICG “Timor-Leste’s Displacement Crisis,” op. cit. p. 6

ACRONYMS

CAVR	Commission for Reception, Truth and Reconciliation
CIVPOL	Civilian Police
CRP	Community Reconciliation Process
DPKO	(United Nations) Department of Peacekeeping Operations
FALINTIL	<i>Forças Armadas de Libertação Nacional de Timor-Leste</i> (National Liberation Armed Forces of East Timor)
F-FDTL	<i>FALINTIL-Forças de Defesa de Timor-Leste</i> (FALINTIL Defence Forces of Timor Leste)
FPU	Formed Police Unit
FRETILIN	Revolutionary Front for Liberation of East Timor
GNR	<i>Guarda Nacional Republicana</i> (Republican National Guard)
IDP	Internally Displaced Person
INTERFET	International Crisis Group
ICRC	International Force for East Timor
IOM	International Organization for Migration
IJPC	International Judicial and Prosecutorial Commission
IOM	International Organization for Migration
ISF	International Stabilization Force
NGO	Non-governmental organization
PNTL	<i>Polícia Nacional de Timor-Leste</i> (The national police of Timor Leste)
UDT	<i>União Democrática Timorese</i> (Timorese Democratic Union)
UN	United Nations
UNAMET	United Nations Mission in East Timor
UNDP	UN Development Programme
UNHCR	UN High Commissioner for Refugees

UNMISET	United Nations Mission of Support to East Timor
UNMIT	United Nations Integrated Mission in Timor-Leste
UNOTIL	United Nations Office in Timor-Leste
UNPOL	United Nations Police
UNTAET	United Nations Transitional Administration in East Timor

INTRODUCTION

Finding durable solutions for those displaced by conflict is critical to building sustainable peace when those conflicts come to an end. When refugees or internally displaced persons (IDPs) are unable to find solutions, stability and peace are more difficult to sustain. At the same time, durable solutions for the displaced usually depend not only on ending the conflict, but also on the establishment of security in areas where the displaced are living or to which they hope to return. While there is thus a common interest between those working on displacement and those working on peacebuilding, in practice organizations working in these areas tend to operate in isolation from one another. There is a lack of knowledge of how strategies supporting durable solutions for the displaced and strategies for peacebuilding and conflict prevention may be effectively “joined up.”

This report is a part of a multi-country research initiative carried out by the Brookings-LSE Project on Internal Displacement to identify the linkages between peacebuilding and solutions to displacement, with a particular focus on the role of military-police actors. This study examines the links between peacebuilding, conflict prevention and the durable resolution of displacement in Timor-Leste between 1999 and 2008. While over 450,000 people returned to their communities in 1999, shortcomings in the return process, exacerbated by mass urban migration and increased competition for resources, meant that the situation was far from stable. The study traces the consequences of the rapid return process and weak institution- building in 1999 through the 2006 crisis in the security sector that displaced over 150,000 civilians. The study concludes that while there were a number of successful humanitarian, peacebuilding and development initiatives, those successes were compartmentalized. Lessons from reconciliation and peacebuilding activities were not applied to a transitional development plan, and the 2006 crisis could have been mitigated if more attention had been paid to ensuring that the returns carried out in 1999 had been durable ones.

BACKGROUND TO THE CONFLICTS

Timor-Leste is located in Southeast Asia, to the East of the Indonesian archipelago and comprises the eastern half of the island of Timor, along with the enclave of Oecusse in Indonesian West Timor (see map in Annex 1). Two distinct but interrelated conflicts have caused mass displacement in the country over the past 12 years, but displacement was not a new phenomenon for the people of Timor-Leste. During the 24 years of Indonesian occupation, most of the country's population were systematically and forcibly displaced. Before exploring the most recent conflicts and displacement, a short review of the conditions and legacies from resistance times illustrate the root causes of conflict that have run throughout the country's history. These challenges are summarized succinctly by a local non-governmental organization that describes Timor-Leste as "...a young, post-conflict, post-colonial, impoverished, traumatized, non-renewable-resource dependent nation."²

From the sixteenth century, both Dutch and Portuguese traders slowly increased their contacts with the island, exploiting its resources and eventually establishing administrative control over its inhabitants. Territorial division and consolidation between the two colonial powers was negotiated in 1913, with the Portuguese taking the East of the island and the Oecusse enclave (what is now Timor-Leste), and the Dutch controlling the West (now Indonesia).

With the exception of three years during World War II when the island was occupied by the Japanese, the Portuguese remained in control of what was to become Timor-Leste until 1974. At that time, when the Portuguese decided to withdraw from the island, political parties began to emerge with fierce competition developing between the two main groups: the Revolutionary Front for Liberation of East Timor (FRETILIN) and the pro-Portugal, more conservative *União Democrática Timorense* (UDT). The fighting between the two groups escalated into a full-scale civil war in 1975³ and led to the eventual birth of the military wing of FRETILIN, the *Forças Armadas de Libertação Nacional de Timor-Leste* (FALINTIL), which effectively transformed, in 2001, into the present-day *FALINTIL-Forças de Defesa de Timor-Leste* (F-FDTL).

FRETILIN was able to defeat UDT quickly, but was only able to establish weak control of the country. Intense fighting broke out, based on long standing grievances, clan feuds and personal grudges.⁴ This brief but intense period of violence and political division planted the seeds for tensions that would emerge between different resistance strategies and for bloody internal struggles over leadership. Much has been written about this period. For the purpose of this study it is sufficient to note that the leaders of Timor-Leste throughout the violent events of 1999, 2006 and even today were the same actors who struggled against each other, often violently, over how best to lead the resistance.⁵

In November 1975, FRETILIN declared the independence of Timor-Leste. One month later, Indonesia launched a full-scale invasion and Timor became its 27th province in July 1976. The subsequent 24 year occupation by Indonesia from 1975 until 1999 was characterized by large-

² La'o Hamutuk, Letter to UN Security Council, 22 February 2010 TS.

³ International Crisis Group (ICG), "Resolving Timor-Leste's Crisis," Asia Report No. 120, 2008, p. 2.

⁴ Commission for Reception, Truth, and Reconciliation (CAVR), "Report of the Commission on Truth, Reception and Reconciliation," *Chega!*, 2005, Part 7.

⁵ Rebecca Engel, "The Building of Timor-Leste: International Contributions to a Fragile State," Center for International Conflict Resolution, April 2007, p. 10.

scale human rights violations including massacres, extra-judicial killings, starvation, torture, forced movement of populations, coerced sterilization of women, rape and imprisonment without legal redress.⁶ Forced displacement was one of the defining factors of human life during this period as almost every East Timorese person suffered some form of displacement during these years, with many displaced multiple times.⁷ It is estimated that of the 100,000 to 180,000 people who died during this period, more people died from the effects of displacement than from any other cause.⁸

Owing to a change in leadership in Indonesia that softened its stance on Timorese autonomy, and the end of the Cold War that brought with it a shift in support from western countries, in August 1999 a United Nations-run Popular Consultation took place to determine the future of the small territory. Despite intimidation campaigns, the people of Timor-Leste voted overwhelmingly (78 percent) for independence. However, the withdrawal of the Indonesian government following the vote led to widespread violence, with the Indonesian military and pro-Indonesian militias destroying 70 percent of the country's buildings and infrastructure.⁹ The Indonesian withdrawal left virtually no functioning institutions; indeed, most government officials, including the police, were driven out of the country by the Indonesian military or pro-integration militias.¹⁰

As a result of the mass violence and widespread destruction, approximately 450,000 people were displaced. Roughly 240,000 of these people were displaced as refugees across the border to West Timor while the remaining 210,000 were displaced internally.¹¹ Between 1999 and 2002 the Office of the UN High Commissioner for Refugees (UNHCR) worked to find durable solutions for the refugees.

By 2002, UNHCR, at the end of its operations, estimated there were 28,000 refugees who had not yet returned to Timor-Leste, while refugees themselves claimed the number could be as high as 110,000 or even 200,000.¹² Whatever the true number, UNHCR issued a Declaration of Cessation on December 22, 2002, effectively stating that anyone who wanted to return to Timor-Leste had already done so and thus revoking refugee status for those who chose to remain in Indonesia.¹³

While much of the literature refers to the return of IDPs between 1999 and 2002, in fact many did not return to their place of origin. Many IDPs and refugees choose to settle in the capital city of Dili, often occupying land that did not belong to them. As the 2006 crisis and consequent displacement demonstrate, the conflict was far from over. Even though the refugees were

⁶ Stephen McCloskey and Paul Hainsworth (ed.) "THE EAST TIMOR QUESTION: The Struggle for Independence from Indonesia," New York: Palgrave, 2000, p. 4.

⁷ CAVR, 2005: Part 7.3.

⁸ CAVR, 2005: Part 7.5.

⁹ CAVR 2005: Part 3.21, para. 627.

¹⁰ ICG, "Timor-Leste's Displacement Crisis," Report No. 148, March 2008.

¹¹ CAVR, 2005; Larry Niksch, Lois Mchugh and Rhoda Margesson, "East Timor Situation Report," Congressional Research Service, Library of Congress, 2001, p. 2.

¹² ICG, "Timor-Leste: Reconciliation and Return from Indonesia," Crisis Group Asia Briefing No.122, 2011, p. 3; Luiz Vieira, "The CAVR and the 2006 Displacement Crisis in Timor-Leste: Reflections on Truth-Telling, Dialogue, and Durable Solutions," The Brookings Institution, July 2012, p. 7.

¹³ UN High Commissioner for Refugees (UNHCR), "Declaration of Cessation - Timor Leste", December 22, 2002, <http://www.refworld.org/docid/41657a7e4.html>, accessed August 13, 2014.

assumed to have found durable solutions by 2002 and even though there was no outside aggressor, increasing internal tensions eventually exploded.

While the 2006 crisis is often attributed to the breakdown of the security sector, in fact the roots of the conflict are a complex interplay of political, economic and social factors. The violent manifestation of the conflict should be viewed through the lens of a range of causes, including: a failure to define land and property regimes to settle competing claims, latent tensions between the LOROSA'E (easterners) and LOROMONU (westerners) exacerbated by these communities' uneven access to land and property in Dili after the 1999 returns, and lingering unresolved tensions between citizens dating back to Portuguese times. These tensions were in turn exacerbated by the stresses of resistance and occupation, the social and economic consequences of rapid urbanization in the capital and the subsequent competition for housing, resources and employment. Overlaying all of this were newly-formed government institutions led by elites who continued to struggle with each other for dominance over the national narrative – struggles which were now exacerbated by the population's perception of uneven economic development and unequal asset distribution resulting from new economic and power relationships.¹⁴

It should be noted that land titling in Timor-Leste is complicated and highly political. Prior to 2006, land and property relations were characterised by a high degree of informality with few people possessing official documents to prove their rights to the land they lived on. Many existing documents were destroyed during the conflict; even when documents existed, there were often conflicts due to the fact that property documents had been issued by both the Portuguese colonial administration and by the Indonesian occupying authority. In many cases the original owner of the land was not given any choice in the disposition of their land during these times. The system is further complicated by informal (i.e. not sanctioned by a governmental regime) property transactions after 1999, and occupation of land by those who returned to Dili first after the 1999 violence.¹⁵ Replacing documents and determining priority of land ownership was impossible due to the lack of formal legal procedures.¹⁶

On the surface, the 2006 crisis was the result of unresolved tensions between the military and the police -- tensions made worse through political manipulation.¹⁷ The crisis was precipitated by a group of 600 soldiers known as the "petitioners" who refused to return to their barracks over complaints about living conditions, and discriminatory recruitment and promotions policies that favoured easterners over westerners. By late March 2006, protests by the petitioners had resulted in the destruction by fire of seventeen homes and easterners were beginning to flee Dili. On 28 April the poor handling of a petitioner demonstration by the national police, the *Polícia Nacional de Timor-Leste* (PNTL), left two civilians dead and the burning of more than 100 houses owned mostly by easterners.¹⁸

¹⁴ Vieira, "The CAVR and the 2006 Displacement Crisis in Timor-Leste: Reflections on Truth-Telling, Dialogue, and Durable Solutions," op. cit. p. 15.

¹⁵ Peter Van der Auweraert, "Dealing with the 2006 Internal Displacement Crisis in Timor-Leste: Between Reparations and Humanitarian Policymaking," The Brookings Institution, July 2012, p. 10.

¹⁶ Peter Van der Auweraert, "The Quest for Solutions to Timor-Leste's Land and property Issues," *Migration*, July 2008, p. 28-30.

¹⁷ For a more detailed discussion of the people involved in the political tensions and the maneuvering that occurred from resistance through to 2006: see Todd Wassel, "Institutionalizing community policing in Timor-Leste: police development in Asia's youngest country," The Asia Foundation and Overseas Development Institute, March 2014, and ICG, "Resolving Timor-Leste's Crisis," Asia Report No. 120, 2006.

¹⁸ ICG, "Resolving Timor-Leste's Crisis," op. cit. p. 2.

Gun fights between the military and the police in Dili in May 2006 led to a complete breakdown in the rule of law which precipitated the rise of gangs of westerners attacking easterner neighbours, driving them from their homes and vice versa. Between March and June 2006 up to 38 people were killed and at least 1,650 houses burned or destroyed.¹⁹ And by June 2006 approximately 150,000 persons – as tenth of the national population and two-thirds of the population of Dili – were displaced due to arson, looting and intimidation. About 73,000 of the IDPs established themselves in 51 locations in and around Dili that eventually grew to 54 distinct camps,²⁰ and the other 78,000 moved in with friends and family outside of Dili.²¹ There were no refugees during this displacement event which makes it significantly different from 1999. Many in the government felt that once the initial danger had passed, the IDPs would return home. Around 50,000 did return home immediately,²² however, many no longer had homes to return to or were afraid of further violence by their neighbours. By the beginning of 2008 – and one and a half years after the conflict began – an estimated 100,000 people remained displaced, 30,000 living in camps in and around Dili and the remainder with friends and family either in Dili or an outlying district.²³

Unlike the case in 1999, there was no external aggressor. All the parties to the 2006 conflict were internal, including citizens experiencing communal east-west tensions and the general population with unresolved disputes or grudges as well as the military and police. The consequences of the 2006 crisis also led to the formation of new parties including the former head of the petitioners, Alfredo Reinado who became the leader of the rebel group that carried out the assassination attempt on then-President Ramos-Horta in 2008. The 2006 conflict also emboldened youth gangs who began to divide Dili up into territories and used their members and influence for both criminal activities and “protection” of their communities.²⁴

The important point here is the continuity between the conflicts where the consequences from one displacement event (1999) were the causes of the next event in 2006 and which in turn have left legacies which are still unaddressed. While more detail on these causes will be provided below, the 2006 crisis can generally be attributed to political competition and the acceptance of violence as a tool;²⁵ a crisis in the security sector in terms of legitimacy, capability and political

¹⁹ United Nations, “Report of the Independent Special Commission of Inquiry for Timor-Leste,” UN Document S/2006/822, 2006, para. 101.

²⁰ UN Office for Coordination of Humanitarian Affairs, “Consolidated Appeals Process (CAP): Appeal for Timor Leste,” January 16, 2007, p. 10.

²¹ ICG, “Timor-Leste’s Displacement Crisis,” op. cit. p. 2

²² Ibid p. 6.

²³ Engel, “Dealing with the 2006 Internal Displacement Crisis in Timor-Leste: Between Reparations and Humanitarian Policymaking,” op. cit. p. 6.

²⁴ James Scambary, “A Survey of Gangs and Youth Groups in Dili, Timor-Leste: A Report Commissioned by Australia’s Agency for International Development,” Australian AID, 2006, http://www.etan.org/etanpdf/2006/Report_Youth_Gangs_in_Dili.pdf.

²⁵ ICG, “Resolving Timor-Leste’s Crisis,” and United Nations, “Report of the Independent Special Commission of Inquiry for Timor-Leste,” op. cit. p. 16.

manipulation;²⁶ a severe housing crisis and unresolved land issues;²⁷ impunity with regards to serious crimes and the use of arson as a common retaliatory tool; and widespread poverty.²⁸

²⁶ Wassel, “Institutionalizing community policing in Timor-Leste: police development in Asia’s youngest country,” op. cit., and Yoshino Funaki, “The UN and Security Sector Reform in Timor-Leste: A Widening Credibility Gap,” Center for International Cooperation, 2009, p. 3.

²⁷ ICG, “Timor-Leste’s Displacement Crisis,” op. cit. p. 9.

²⁸ Timor-Leste Armed Violence Assessment (TLAVA), “Groups Gangs and Armed Violence in Timor-Leste,” Dili: TLAVA, 2009.

RESOLUTION TO THE CONFLICTS

The United Nations and international security forces exercised extraordinary involvement in Timor-Leste from 1999 through independence in 2002 and continuing all the way to 2012. During this thirteen-year period Timor-Leste played host to five different United Nations Department of Peacekeeping Operations (DPKO) missions and two separate multinational military forces. While each mission played a unique role in the peacebuilding process, it was the interplay between stabilization forces and the peacekeeping missions that was most important in bringing an end to each of the conflicts. As such this paper concentrates mainly on INTERFET and the first peacekeeping mission UNTAET for the 1999 crisis and then on the bilaterally-negotiated International Stabilization Force (ISF) and UNMIT for the 2006 crisis.

Name	Type	Established	Closed
United Nations Mission in East Timor (UNAMET)	UNDPKO Mission	June 1999	October 1999
International Force for East Timor (INTERFET)	Security Council Chapter VII authorized	September 1999	March 2000
United Nations Transitional Administration in East Timor (UNTAET)	UNDPKO Mission	October 1999	May 2002
United Nations Mission of Support to East Timor (UNMISSET)	UNDPKO Mission	May 2002	May 2005
United Nations Office in Timor-Leste (UNOTIL)	UNDPKO Mission	May 2005	August 2006
International Stabilization Force (ISF)	Bilateral Agreement	May 2006	November 2012
United Nations Integrated Mission in Timor-Leste (UNMIT)	UNDPKO Mission	August 2006	December 2012

1999-2002

In response to the large scale displacement and violence after the August 1999 Popular Consultation, the United Nations moved quickly to respond to the humanitarian crisis by adopting Security Council Resolution 1264 in September 1999, creating a multinational military force advocated for and led by Australia. The International Force for East Timor (INTERFET) was conferred with a Chapter VII mandate and was tasked with restoring peace and security and assisting in the provision of humanitarian relief.²⁹

At its peak, INTERFET consisted of 11,000 troops from 22 nations with Australia contributing roughly half the troops and providing overall command.³⁰ Two primary concerns occupied

²⁹ UN, "United Nations Security Council Resolution 1264," S/RES/1264, 1999, Article 3.

³⁰ Michael Smith and Moreen Dee, "Peacekeeping in East Timor," Boulder, CO: Lynne Rienner, 2003:45-8).

INTERFET's command: halting the violence by Indonesian-backed militias and establishing a high level of authority for the follow-on UN mission that would assume administrative control of the country. The INTERFET mission thus combined aspects of both conflict resolution and peace enforcement activities in response to militias that remained hostile to the Australian military presence.³¹

Only five days after the Security Council decision, the first group of military personnel arrived in Dili on 20 September. During its first month of operations INTERFET engaged militias on four occasions and the Indonesian military once.³² It had established a presence in most of the territory and begun policing the border with Indonesia.

With over 70 percent of infrastructure destroyed and the complete absence of state structures, INTERFET placed a high priority on assisting the humanitarian response. The mission provided logistical assistance, built roads and public utilities, and protected aid convoys. These activities allowed the civilian agencies³³ to provide food, water, shelter and medical supplies to affected populations.³⁴ INTERFET also established a "quasi-judicial" regime to temporarily detain suspected criminals. While it lacked the mandate to try criminal suspects, it nonetheless worked to establish order in preparation for the UN follow-on mission.³⁵

By the end of October 1999, the Security Council decided that the operating environment was sufficiently stabilized and proceeded to establish the United Nations Transitional Administration in East Timor (UNTAET). Four months later, on 23 February a 2000-strong UNTAET formally took over security functions from INTERFET. As the perceived conflicting party (i.e. the Indonesian military and militias) had withdrawn from the territory, the conflict was assumed to have been resolved. This meant that rather than putting resources and attention towards "ending the conflict," UNTAET was free to focus on its enormous mandate. This mandate included:

- Providing security and maintaining law and order
- Establishing an effective administration;
- Assisting in the development of civil and social services;
- Ensuring the coordination and delivery of humanitarian assistance, rehabilitation, and development assistance;
- Supporting capacity building for self-government; and
- Assisting in the establishment of conditions of sustainable government.³⁶

In effect UNTAET became the government and was not only responsible for developing new institutions to assume the responsibilities of a government, but also for carrying out the full range of governmental functions – from maintaining security to issuing postage stamps. Given the enormous responsibilities to be completed within the two years of its mandate, UNTAET ended up focusing its efforts on putting out fires rather than developing a transition plan which

³¹ Alex Bellamy and Paul Williams, "INTERFET Case Study," Polity. 2010, available at: https://www.polity.co.uk/up2/additional_case_studies.asp [accessed August 15, 2014].

³² Department of Foreign Affairs and Trade (DFAT, Australia), East Timor in Transition 1998-2000, Canberra: DFAT, 2001, p. 147.

³³ The increased security allowed humanitarian agencies to establish operations. By the end of 1999 there were approximately 40 organizations.

³⁴ Taylor Seybolt, "Humanitarian Military Intervention," Oxford University Press for SIPRI, 2007, p.90

³⁵ Carolyn Bull, "No Entry Without Strategy: Building the Rule of Law under UN Transitional Administration," Tokyo: UN University Press, 2008. 191.

³⁶ United Nations Security Council Resolution 1272, S/RES/1272, 1999.

recognized the need for conflict prevention in a post conflict society.³⁷ As will be discussed in the next section, the lack of a clear aggressor in the peace process led to compartmentalized peacebuilding activities and inadequate regard for the competitive internal political landscape and the consequences of fragile institutions.

2006-2008

After Timor-Leste's independence in 2002, the UN role changed from direct administration to support and advice through the UN Mission of Support to East Timor (UNMISSET). This was followed by a pared-back mandate in April 2005 with the establishment of the UN Office in Timor-Leste (UNOTIL) which had a staff of approximately 100. UN involvement in Timor-Leste was heralded as a resounding success and proof that state building was possible. However, just one year later the Security Council met again to decide on returning peacekeepers to Timor-Leste in response to the April/May 2006 crisis.

Due to the reduced numbers of UN mission staff present in Timor-Leste, by 2006 the UN's operational capacity for logistics and peacekeeping had largely disappeared. Unlike the situation in 1999, the Security Council was much slower to respond to a sudden crisis that it had been unable to predict. In response to an appeal from the Government of Timor-Leste to Portugal, Australia, New Zealand and Malaysia to send defense and security forces, an Australian-led International Stabilization Force (ISF) was deployed under a bilateral arrangement. The request was made on 24 May 2006 "taking into account the delay that a decision under the mandate of United Nations would imply."³⁸

On 25 May 2006 the first Australian troops arrived, soon joined by Malaysian and New Zealand contingents. The ISF focused on separating the conflicting groups and individuals who were taking advantage of the breakdown in law and order and thereby stabilized the situation.³⁹ In a trend that would mark the multitude of actors in the ensuing years, the Portuguese also supplied a contingent of military police named the *Guarda Nacional Republicana* (GNR) which cooperated with the Australian-led forces but maintained its own command structure.⁴⁰ The GNR was the first of the Formed Police Units (FPUs) to arrive which were later incorporated into the United Nations Integrated Mission in Timor-Leste (UNMIT) then being prepared.

Formed Police Units were first used in 1999 in both the Timor-Leste missions and in Kosovo. They were conceived of and deployed as a complete unit that has the advantage of being able to work together more effectively because of their cohesive structure and history. This is especially evident when the pool of general police officers are drawn from a variety of countries with different understand of tactics and policing methods. Formed Police Units were developed in recognition of the fact that general policing is ill-equipped for the challenges of urban violence, communal unrest and forced displacement.⁴¹

³⁷ Rebecca Engel, "The Building of Timor-Leste: International Contributions to a Fragile State," Center for International Conflict Resolution, April 2007, p. 12.

³⁸ Security Council letter, 24 May 2006, S/2006/319.

³⁹ Eva Svoboda and Eleanor Davey, "The search for common ground: Police, protection and coordination in Timor-Leste," Overseas Development Institute, December 2013, p. 20.

⁴⁰ See http://en.wikipedia.org/wiki/Operation_Astute#May_2006.

⁴¹ See <http://www.un.org/en/peacekeeping/sites/police/units.shtml>.

On August 26, 2006 the Security Council authorized a new peacekeeping operation, UNMIT, while the Timorese military were confined to their barracks and the police were suspended pending reform, restructuring and reconstitution. The new mission established a large police contingent to take over interim law enforcement and public security until the National Police of Timor-Leste (PNTL) were reconstituted.⁴² As mentioned above, the mission included four national FPU's from Bangladesh, Malaysia, Pakistan and Portugal with a total of 638 officers to complement the 998 UN Police officers (UNPOL).

It took a full two years before there was national political commitment to reconciliation and durable solutions for those displaced through the creation of a National Action Plan. However, in the initial stage separate responses to both the humanitarian situation and to security and stability were handled both efficiently and effectively. The GNR deployed in Dili were especially adept at helping to control riots and providing support to UNPOL officers when crowds grew to an unmanageable size or when officers confronted violent situations. This was particularly important because much of the displacement was driven by the inability or unwillingness of the PNTL to control large-scale demonstrations in April 2006.

The humanitarian phase of the IDP crisis was fairly effective. By July 2006 the new displacements had stopped and some – but not all – IDPs had returned home. In fact, 100,000 people had not returned. While the UN mission and the ISF were successful in preventing new large-scale displacements, they were unable to gain the confidence of IDPs that they would be safe in returning home.⁴³ In addition, UNPOL had difficulty maintaining a presence in the IDP camps and until 2008 rarely patrolled them.⁴⁴

The UN mission and the ISF helped to maintain a semblance of stability in Timor-Leste for almost two years before there was sufficient national commitment to resolving the displacement crisis. However, as the crisis was primarily the result of elite rivalries and the ever-present destabilizing threat of the rebel petitioners,⁴⁵ the peacekeeping force had little influence in bringing about a political settlement. Moreover, during these two years, the government held presidential and parliamentary elections which also contributed to political violence. There were also rice shortages in early 2007 and a failed attempt by the Australian forces to capture the rebel leader Alfredo Reinado. All of these factors led to another round of displacements outside of Dili involving roughly 100 families.⁴⁶

Despite UNPOL and ISF's commitment to improving stability, the general lack of effective law and order by a national police service that understood the language and the actors involved, meant continued violence motivated by jealousy, quarrels between neighbors and targeted criminality.⁴⁷ It was not until a failed assassination attempt on the President and Prime Minister, the death of Reinado during the attempt and the subsequent resolution of the final rebel issue by the Joint Command of the PNTL and F-FDTL that political elites were willing to commit political capital to ending the crisis and resolving the IDP issue. It is important to note that the UN was shut out of the joint police and military operation despite having executing policing

⁴² United Nations Security Council Resolution 1704, SC/8817, 2006.

⁴³ ICG "Timor-Leste's Displacement Crisis," op. cit. p. 6.

⁴⁴ Ibid p. 1.

⁴⁵ Ibid p. 7.

⁴⁶ Ibid p. 2.

⁴⁷ Ibid p. 2.

authority. This was primarily due the growing tensions between the UN's mandate to control the police at a time when Timorese politicians were demanding full sovereignty.⁴⁸

The UN mission and relevant UN agencies also failed to develop a fully coordinated and sustained approach to the IDPs. Most camps were managed by international aid organizations which added to the already growing number of actors that needed coordination. There were no guidelines in place for civil-military coordination and the military coordinators would often attend IDP camp meetings or coordination meetings, deliver short security announcements and then depart.⁴⁹

While the International Organization for Migration (IOM) continued to receive funding for a wide range of activities, in July 2007, the UNHCR had to withdraw due to a lack of donor funding.⁵⁰ Then in 2009 the UN decided to implement the Cluster System, three years after the crisis and by which point most IDP camps had been closed.

It is unclear why the UN decided to implement this new system after the crisis had passed. The cluster system was developed in 2005 for the purpose of coordinating humanitarian assistance.⁵¹ The fact that the cluster system was applied so late in Timor-Leste meant that the clusters overlapped with the government-managed coordination meetings. This further exacerbated the political tensions related to sovereignty and ownership between the Timorese government and the UN. In most cases the government refused to appoint representatives to attend the cluster meetings. The late application of the cluster system also created a greater disconnect between civilian and military actors.⁵² Relations were also already troubled because of a long-standing fundamental disagreement between the UN and the Timorese government over the level of control accorded to the international police. The UN maintained that it needed executive policing authority while the government maintained that this would be counterproductive to building the capacity, capability and ownership of a local police service.⁵³

⁴⁸ Wassel, "Institutionalizing community policing in Timor-Leste: police development in Asia's youngest country," op. cit. p. 6.

⁴⁹ "The search for common ground: Police, protection and coordination in Timor-Leste" op. cit. p. 20-21.

⁵⁰ IDMC, "Timor-Leste: unfulfilled protection and assistance needs," September 2007.

⁵¹ "The search for common ground: Police, protection and coordination in Timor-Leste" op. cit. p. 23.

⁵² Ibid p. 23.

⁵³ International Crisis Group, "Handing Back Responsibility to Timor-Leste's Police," Asia Report 180, 2009 p. 4.

POST-CONFLICT PEACEBUILDING AND SECURITY

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. In short, they are free to live their lives in peace and security with full access to the range of services accessible to all citizens (i.e. health, education, employment, security, etc.).

Durable solutions can be achieved through:

- Sustainable reintegration at the place of origin (hereinafter referred to as “return”);
- Sustainable local integration in areas where internally displaced persons take refuge (local integration);
- Sustainable integration in another part of the country (settlement elsewhere in the country)⁵⁴

In Timor-Leste the first wave of displacement in 1999 was resolved through a mixture of return and integration in another part of the country, in this case the capital city Dili. In the second wave of displacement in 2006 while the government tried to assist IDPs to settle elsewhere in the country as its preferred solution, for a variety of reasons this was unfeasible and the government ended up pursuing a return policy.

A crucial factor in determining durable solutions to displacement is long-term general stability in the areas to which IDPs return or resettle. However, Timor-Leste’s short history as an independent country has been marked by periods of relative stability which have been disrupted by periods of short but intense conflict. As discussed above, these periods of conflict have been fueled by both underlying issues dating back to the resistance and occupation era and the specific consequences of displacement and mass return in 1999. In particular the 1999 returns led to increased political, social and economic pressures resulting from rapid urbanization at a time when the governmental system was unequipped to mitigate or even be aware of these growing pressures.

With the lack of an obvious aggressor after the Indonesian withdrawal in 1999, and with the overly visible involvement of the local security sector in the 2006 crisis, most UN Peacekeeping missions in Timor-Leste focused on developing or rehabilitating the security sector to provide stability and order. This stability and order, in turn, could support durable solutions to displacement. However, this focus on the security sector seems to have been carried out in isolation from other activities rather than as part of a multidimensional peacebuilding approach.

Over 1,600 UNPOL (known as Civilian Police, or CIVPOL, at the time) were deployed under UNTAET between 2000-2002 and given the mandate of executive policing authority and the

⁵⁴ IASC Framework on Durable Solutions For Internally Displaced Persons, 2010, available at: http://www.brookings.edu/~media/Research/Files/Reports/2010/4/durable%20solutions/04_durable_solutions.PDF

development of a police service.⁵⁵ The priority that UNTAET placed on policing was a unique development in Timor-Leste and, in theory, a positive one for police development. However, the mission was hindered by its large size and subsequent lack of international capacity and expertise to address the many challenges faced by the emerging country.⁵⁶ Added to this was a large contingent of disgruntled veterans who felt excluded from the process of both military and police formation.

A police academy was established in Dili, and CIVPOL started training 1,700 recruits in a three-month basic training course. At the same time, 370 former Indonesian police were integrated into the new police force through an intensive four-week course. However, the quality and effectiveness of these trainings were inadequate due to a lack of planning and competency by CIVPOL during the early years.⁵⁷ The national police service, the PNTL, was established officially in August 2001 through UNTAET Regulation 2001/22,⁵⁸ but the training failed to develop operational and management structures and led to the development of personal rather than institutional authority.⁵⁹

Despite its willingness to take on the politically risky decision of including former Indonesian police in the fledging service, UNTAET refused to take on other complex issues and this refusal would eventually feed future conflicts. While it is difficult to fault the practical demands of postponing important decisions until a new government was established, in hindsight a few key issues needed resolution in spite of the difficulties of doing so. For example, policies on land and property were deemed too complicated for a transitional authority to take on,⁶⁰ but one of the consequences of not making decisions on this was a decade of increased land use without titling which was one of the direct causes of the 2006 crisis. As of the present time, no land law has entered into force which means that a direct root cause of the 2006 conflict has not been addressed.

On 20 May 2002 Timor-Leste declared its independence and a follow-on UN mission was created, UNMISSET, which was tasked with assisting with the ‘development of a new law enforcement agency in East Timor.’⁶¹ This meant that CIVPOL continued to maintain executive policing authority until this was handed over to the PNTL on 20 May 2004. Following several critical reports of the UN’s role in police development⁶² and the departure of UNMISSET following the 2004 police handover, new approaches were initiated based on technical expertise

⁵⁵ Ludovic Hood, ‘Security Sector Reform in East Timor, 1999-2004’, *International Peacekeeping*, 13(1), 2006, p. 62.

⁵⁶ Conflict, Security and Development Group, “A Review of Peace Operations: Case for Change,” London, King’s College, 2003, p. 81; Otwin Marenin, “Restoring Policing Systems in Conflict-Torn Nations: Process, Problems, Prospects,” DCAF, occasional paper no. 7, 2005, p. 26, available at: <http://libarts.wsu.edu/isic/research/pdf/restoring-policing.pdf>.

⁵⁷ United Nations Development Programme (UNDP) “Joint Assessment Mission for Timor-Leste Police Service,” United Nations Mission in East Timor, 2003, available at: <http://www.unrol.org/doc.aspx?d=2560>.

⁵⁸ Although the current PNTL law, Organic Law No. 9/2009, Article 46, states the March 27, 2000 as the commemoration date.

⁵⁹ Bu Wilson, “Smoke and Mirrors: The Development of the East Timorese Police 1999-2009,” PhD thesis. Canberra: Australian National University, 2010, p. 77.

⁶⁰ “The Building of Timor-Leste: International Contributions to a Fragile State,” op. cit. p.11.

⁶¹ UN Security Council under Resolution 1410, 2002.

⁶² United Nations Development Programme (UNDP) “Joint Assessment Mission for Timor-Leste Police Service,” United Nations Mission in East Timor, 2003; Conflict, Security and Development Group, “A Review of Peace Operations: Case for Change,” London, King’s College, 2003.

through bilateral agreements. This shift to bilateral support for security sector reform foreshadowed the lack of cooperation and increasing tension between the UN and the government of Timor-Leste after the 2006 crisis.⁶³

While UNTAET focused on institution-building, especially the police, it also established the Commission for Reception, Truth and Reconciliation (CAVR). The mission recognized the need for accountability for crimes committed by setting up a Serious Crimes Unit as a separate unit within the mission. However, it also acknowledged the difficulty of pursuing all cases through a newly-formed judiciary. As such, the CAVR was established as a parallel process in 2002 to investigate and attribute responsibility to crimes committed from 1974 to 1999.⁶⁴ Although the UN largely failed in its task of ensuring accountability for serious crimes, the CAVR's initiative of Community Reconciliation Process (CRP) was largely a success.⁶⁵ The process was based on a traditional restorative justice concept called "nahe biti bo'ot" or "spreading of the large mat" where conflicts are resolved through mediation by elders and "lia-nain" (customary authorities) while sitting together on a large mat.⁶⁶

The CAVR was run by an all-Timorese Commission with assistance from international staff. The local ownership helped to define its success as summarized in the final 2005 report: "the CRP procedure was based on the philosophy that community reconciliation could best be achieved through a facilitated, village-based, participatory mechanism. This mechanism combined practices of traditional justice, arbitration, mediation and aspects of both criminal and civil law."⁶⁷ The CAVR supported over 1,400 Community Reconciliation Processes. While the original mandate was to work toward reconciliation of conflicts that occurred during or prior to occupation, in practice priority was given for the return and reconciliation of those who committed violence or harmful acts in 1999.⁶⁸

The CRP process combined with the stability operations provided by INTERFET and later assumed by UNTAET provided the necessary security conditions for IDPs to return and to settle elsewhere in the country. It also helped to ensure that pro-independence and pro-militia families could live together without fear of retribution or further violence, allowing them to put their energy into rebuilding their villages and rehabilitating their farms.⁶⁹ As more people migrated into the capital Dili, the reconciliation process allowed some people to resume living near each other. However, CRPs were only used in specific cases and thus a large percentage of new arrivals in Dili did not take part and were subject to lingering tensions fuelled by competition for resources in an increasingly crowded urban environment.

Where both the Peacekeeping forces and national government failed in the peacebuilding process was in taking on the lessons and recommendations of the CAVR process. The final CAVR report concluded that the CRP process was highly successful but that reconciliation cannot be achieved

⁶³ "The search for common ground: Police, protection and coordination in Timor-Leste" *op. cit.* p. 26.

⁶⁴ UNTAET Regulation 2001/10 "On the Establishment of a Commission for Reception, Truth and Reconciliation in East Timor," UN Doc. UNTAET/REG/2001/10, July 13, 2001.

⁶⁵ John Braithwaite, "Evaluating the Timor-Leste Peace Operation," *Journal of International Peacekeeping*, 16 (2012) p. 292.

⁶⁶ Ben Larke, "...And the Truth Shall Set You Free": Confessional Trade-Offs and Community Reconciliation in East Timor," *Asian Journal of Social Science*, vol.37, no. 4, 2009, p. 646-76.

⁶⁷ CAVR 2005: Part 9, para 2.

⁶⁸ Luiz Vieira, "The CAVR and the 2006 Displacement Crisis in Timor-Leste: Reflections on Truth-Telling, Dialogue, and Durable Solutions, The Brookings Institution" July 2012, p. 7.

⁶⁹ "Evaluating the Timor-Leste Peace Operation," *op. cit.* p. 292.

instantly through a one-time process. Instead it recommended that the government “establish a community focused mechanism for conflict prevention and resolution, based on the lessons learned from the CAVR community reconciliation process.” It also suggested that the mechanism be mandated to deal with both past and contemporary challenges to peace and stability.⁷⁰

The UN mission from 1999-2002 helped create the conditions for rapid return of IDPs and refugees, but the follow on missions did not ensure the sustainability of those returns because of their failure to address the key drivers of conflict.

In 2006, the historical legacies of personal interests taking precedence over institutional strengthening of the PNTL and the constant struggle for power and resources at the highest levels of government led to the complete collapse of the police in Dili. The bloody events of April and May 2006 exposed the fractured structure of the security sector and the ease with which factions were manipulated by the country’s political elite.⁷¹ It also exposed the hollow nature of police institutions created by UNTAET and later UNMISSET.

The arriving International Stabilization Force (ISF) had an immediate positive impact in reducing violence and re-establishing stability. However, unlike the case of INTERFET, this initial abatement of violence was not followed by conflict containment or resolution. In fact, it would take two years before the political elite were willing to lead processes of national reconciliation and to accept responsibility for the spread of destabilizing violence. During this time UNMIT was tasked with both executive policing authority and security sector reform.

The UNMIT mission lasted five years, until December 2012, during which time tensions grew between the PNTL and UNPOL over policing authority and more generally over questions of sovereignty. The tension was compounded by the assassination attempts on the President and Prime Minister in 2008. Consequently, new legal reforms were introduced that allowed the military and police to work together under a coordinating body during a state of emergency in order to apprehend the rebels associated with the assassination attempts. This merging of mandates and execution was accomplished without the involvement of the UN or the executive policing mandate of UNPOL. While criticised by the UN mission for violating best practices of security sector reform, as well as the mission’s own mandate, in the end this merger was a positive relationship-building experience for the military and police.⁷²

In 2008, after the initiation of a Joint Command between the military and the police, the IDP situation was quickly resolved. The government developed a National Recovery Strategy (NRS) to end displacement based on five pillars which were meant to address all obstacles to return and resettlement. Consultations with IDPs had demonstrated that the principal barriers to return were fear, damaged and destroyed homes, and land disputes.⁷³ To address these fears, the government developed five pillars which were:

⁷⁰ CAVR, 2005: Part 11, para 29.

⁷¹ UN, “Report of the Independent Special Commission of Inquiry for Timor-Leste,” op. cit.

⁷² Peake, Gordon (2009) “A Lot of Talk But Not a Lot of Action: The Difficulty of Implementing SSR in Timor-Leste,” in H. Born and A. Schnabel (eds), *Security Sector Reform in Challenging Environments*. Geneva: Geneva Centre for Democratic Control of Armed Forces.

⁷³ IOM Return Monitoring Reports, available at <http://www.iom.int/jahia/Jahia/activities/asia-and-oceania/timor-leste>.

1. “Together Building Confidence,” to increase trust between the people and the government and strengthen communities.
2. “Together Building Social Economy,” to create livelihood opportunities for all.
3. “Together Building Stability,” to address security concerns and to create an environment conducive to return or resettlement.
4. “Together Building Protection,” to establish a social safety net for the most vulnerable.
5. “Together Building Homes,” to help IDPs return home or to provide new houses when return is not possible.⁷⁴

In reality only pillars one and five were resourced and implemented with any effectiveness. However, after numerous attempts to find land for resettlement the government finally abandoned pillar five’s plans to build houses and instead decided to encourage return through a cash grant. The package was a substantial sum for any IDP who decided to either return or resettle on their own initiative. The “recovery package” was tied to the extent of the damage to IDPs’ homes and was based on a grant of US \$4,500 for fully destroyed houses, US \$3,000 for severely damaged but habitable houses, US \$1,500 for partially damaged homes, and US \$500 for houses with minimal damage. In addition a further \$500 was negotiated and paid out to all families receiving a package to pay for lost household goods.⁷⁵ IDPs were also offered the option of a government built home if their house was destroyed, however not a single family took this offer with everyone preferring the cash settlement. In the end 64 percent of families who accepted the package returned to their place of origin.⁷⁶

In addition, and to address the fear that the return of IDPs could lead to more conflict, the Ministry of Social Solidarity initiated dialogue teams, supported by the United Nations Development Programme, which prepared both IDPs and recipient communities for return. These teams made use of dialogue and mediation to promote and facilitate the social reintegration of IDPs through a wide variety of processes, and often included multiple meetings between authorities, the IDPs and affected communities.⁷⁷

Given the complex and often contradictory process of land titling, the government decided not to hold the IDPs hostage to the protracted land and property challenges but rather to encourage IDPs to return even though they did not have valid legal titles to land. In the end this was a pragmatic decision as resolving the issue of valid legal title first would have taken years or even decades and was thus unacceptable from both a humanitarian and a political standpoint.⁷⁸ Instead of verifying legal title, the dialogue teams accompanying the return process sought confirmation from community leaders on whether or not the returning IDP families had lived in a particular house. Contrary to initial fears, returning IDPs faced little to no tensions and almost no re-displacement.⁷⁹

⁷⁴ Office of the vice prime minister, press release, December 19, 2007.

⁷⁵ Peter Van der Auweraert, “Dealing with the 2006 Internal Displacement Crisis in Timor-Leste: Between Reparations and Humanitarian Policymaking,” July 2012, p.8.

⁷⁶ Ibero Lopes, “Land and displacement in Timor-Leste,” Humanitarian Exchange Magazine, Issue 43, June 2009.

⁷⁷ UNDP, “Building Trust in Communities- Conflict Resolution in Timor-Leste,” news release, June 30, 2010, available at: <http://www.tlundp.org/undp/Building%20Trust%20in%20Communities%20-%20Conflict%20Resolution%20in%20Timor-Leste.html>.

⁷⁸ Van der Auweraert, “Dealing with the 2006 Internal Displacement Crisis in Timor-Leste: Between Reparations and Humanitarian Policymaking,” op. cit. p. 11.

⁷⁹ Ibid.

The return process, based on both cash payments and reconciliation, was a remarkable success that appears to have ended displacement in a durable manner. Once the national elites decided to commit themselves to the process, the humanitarian problem was resolved in a matter of months. What it failed to do, as was also the case in 1999-2005, was to address the underlying issues of land title reform, the ability of the security sector to provide long-term stability, or to develop a fully functioning community dispute resolution mechanism blending customary practice with formal justice. Hopefully these development challenges will be addressed in the future to ensure that the current state of return is truly a durable one.

INTERSECTION BETWEEN PEACEBUILDING, HUMANITARIAN, DEVELOPMENT AND MILITARY APPROACHES

Stability operations were largely successful in allowing IDPs to return home in 1999 and in stemming the flow of new displacements after the initial 2006 crisis. Humanitarian assistance was provided under the protection of international military forces and conditions were established on the ground for larger and more complex peacekeeping missions to be deployed. These are both positive examples of the way military approaches and the humanitarian imperative were mutually supportive.

If the aim of a peacekeeping operation is to create or support actions that sustain peace and thus also contribute to the conditions necessary for sustainable solutions to displacement, the contribution of the UN missions in Timor-Leste is mixed. One of the factors that did not work well was the inability of either the UN or the government to recognize or plan for the consequences of a mass return and integration process that increased urban migration and thus pressures for access to land and property, jobs and services. In this case, what seemed to be solutions in the first part of independence proved to be unsustainable in the context of the 2006 crisis.

Rather than being an ‘open floor plan’ where ideas and lessons spread through each department, activities were compartmentalized. Those assisting IDP returns largely carried out their work without considering the larger underlying causes of displacement and the subsequent consequences of rapid returns. This is a fundamental concern in other missions as well where peacemaking, peacekeeping and peacebuilding are seen as a linear progression rather than a set of activities to be undertaken concurrently to address past, current and potential future problems. In reality, the peacekeeper is called on both to bring an end to the last conflict and to prevent the next one.⁸⁰

Initial stabilization efforts enabled humanitarian response and eventual return of IDPs. However, the building of the police services and multiple attempts at security sector reform were ultimately either under-resourced or politically unviable from the beginning. In addition, the multitude of international police that were called in to provide stability as well as to reform and restructure the police service created a political tension that did little to encourage ownership or even positive collaboration. Further, during the protracted humanitarian crisis from 2006-2008 the multitude of actors and mandates impeded coordination in the IDP camps and led to a situation where development, humanitarian and security actors often talked past each other.

While the CAVR looked to the past to help reconcile past animosities, the international community looked to the future in what was presumed to be an environment free from aggressors. The development agenda failed to learn from the CAVR process and to develop a transition policy that acknowledged the challenges faced by a traumatized nation. It failed to understand the underlying pressures placed on communities undergoing rapid economic and social change and the scarcity of resources that would lead to competition over land and jobs in

⁸⁰ John Braithwaite, “Evaluating the Timor-Leste Peace Operation,” *Journal of International Peacekeeping*, 16 (2012) p. 283.

the capital. The failure to incorporate peacebuilding strategies into the overall development agenda compromised the durability of returns and integration between 1999 and 2004 and eventually the stability of the state from 2006 to 2008.

Overall there was an inability to deal comprehensively with security sector reform and thus to reduce levels of insecurity. Between 2001 and 2008 the population reported increasing levels of insecurity. According to public perception surveys carried out nationally by The Asia Foundation, in 2001, 38 percent of respondents reported being somewhat or very concerned about their safety; in 2002, this figure was 50 percent; in 2004, it was 67 percent; and in 2008, it was 73 percent.⁸¹

While security sector reform and development policies did not incorporate the lessons from the CAVR process, the peacebuilding response – with its emphasis on dialogue, return and reconciliation -- applied a number of lessons learned from CAVR. These processes recognized the importance of local level reconciliation to allow for IDPs to feel safe to return and in addition, promoted mechanisms to resolve disputes which also benefited returning IDPs.

However, in spite of some successes, it is important to recall that the return process in 2008, as in 1999, looked to expediency at the expense of long-term development solutions to address the main underlying drivers of conflict. While elite struggles for political power have diminished with the opening up of the oil funds, the fuel that drove past conflicts (i.e. land disputes, lack of security sector reform, high unemployment) continues to be stockpiled waiting for another spark. As in the pre-2006 situation, the appetite to deal seriously with long term development and conflict drivers has diminished as peace and security seem to have emerged. The failure to address these broader issues calls into question the sustainability of returns and makes it difficult to resolve secondary or even tertiary occupation of land which may, in turn, be the cause of future displacement.

⁸¹ As noted in Todd Wassel and Gobie Rajalingam “A Survey of Community-Police Perceptions: Timor-Leste in 2013,” The Asia Foundation, 2014, p. 26. These statistics were taken from the following Asia Foundation publications: 2001 Elections Survey (Dili: The Asia Foundation, 2001); 2002 Elections Survey (Dili: The Asia Foundation, 2002); 2004 Law and Justice Survey (Dili: The Asia Foundation, 2004); 2008 Community-Police Perceptions Survey (Dili: The Asia Foundation, 2008).

CONCLUSION

In situations which have experienced long years of oppression, internal power struggles, large scale forced displacement, and a lack of institutional capacity and experience, UN peacekeeping missions should approach peacebuilding efforts holistically. This means that peacebuilding should not be compartmentalized as a one-off reconciliation process but should be seen as part of a longer term development spectrum. If the UN is involved in the building of new institutions, these should be developed in a way to work immediately on potential root causes to conflict rather than simply applying standardized solutions that create hollow institutions that are unable to effectively deal with complex issues.

Local ownership in peacekeeping and transitional environments is often touted as a priority but are often overridden by institutional mandates and political factors. Thus for Timor-Leste the initial UN Administration probably should have lasted longer than a mere two years to allow local institutions to develop more fully. At the same time, applying executive policing authority after 2006 did little to encourage local ownership of the police services and in fact sparked a national backlash that prevented the UN from fulfilling any of its security sector reform objectives. In the future, especially when a number of different countries contribute police officers with various levels of experience, the priority should be on putting local officers in control as quickly as possible.

Quick response military forces proved particularly effective during both conflicts in stabilizing the situation until a UN mission arrived. They also established conditions which enabled the delivery of humanitarian aid. However, complications arose in 2006 due to the protracted nature of the humanitarian crisis and the inability of military, police and relief workers to coordinate and support each other in an effective manner. Greater emphasis is needed to establish civil-military coordination mechanisms to facilitate communication and to sustain coordination of security services in camps.

One of the lessons learned from the 2006 crisis is the need for both more rapid and more permanent policing presence in IDP camps. If done in a sensitive manner, this would help instill a greater level of familiarity and trust in the UNPOL services by the displaced. Ultimately the international police forces were unable to provide security for returns in specific neighborhoods or to alleviate the fear of returnees. Concerted relationship building activities in IDP camps, a focus on community security and the use of reconciliation and dialogue teams would help to extend this trust through the return process.

The two main successes in response to the displacement were the CAVR's community reconciliation processes in 1999 and the dialogue teams that assisted with returns after the 2006 crisis. In both cases the use of traditional structures and customary practice played a large role in successfully creating the conditions for IDPs to return in safety and security to their communities. The reconciliation process complemented the compensation packages and political support in 2006 and allowed for the closure of IDP camps in just a few months with little if any new displacement. The weakness of these processes is that they were compartmentalized and limited to IDP situations rather than being applied holistically to a wide range of root causes. The inclusion of community-oriented policing strategies to assist in the reconciliation process could have helped provide a sense of safety during meetings but also ensured the longer term

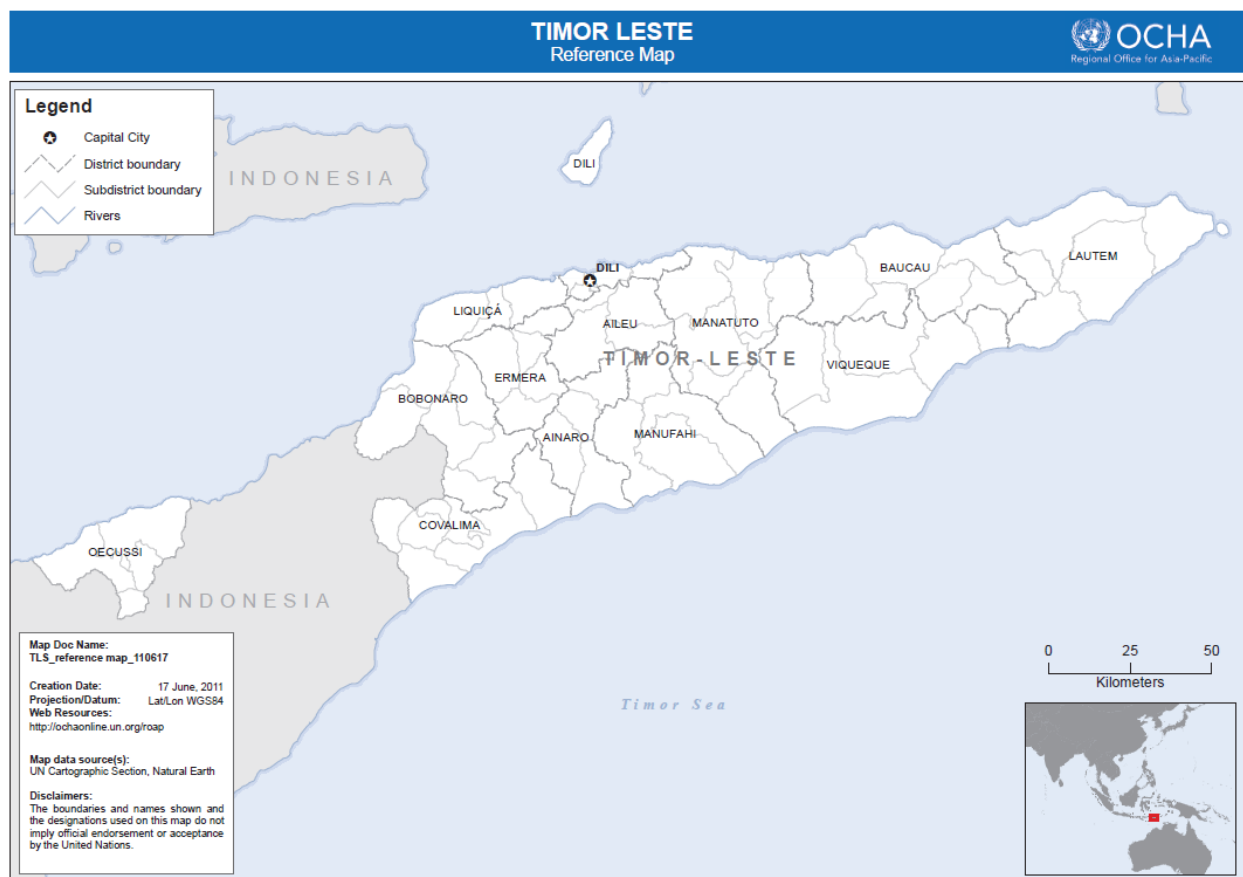
relationship building between communities and the police that is needed to maintain law and order.

Over all, one of the major difficulties in analyzing peacekeeping, peacebuilding, development and humanitarian initiatives is the clumsy intellectual framework that considers these to be distinct events that occur on a continuum with slight areas of overlapping mandates. Attempting to define and distinguish between them leads to oversimplification and ends up perpetuating the myth that these are sequential processes. In the end more research is needed to provide a more conducive framework for how these interrelated activities support each other in spite of differences in mandates and working cultures. As the Timor-Leste case study shows, returns eventually turned out to have been successful, and many of the components for durable solutions to displacement were identified and implemented. However, the long term development challenges and the contributing factors to conflict have fallen through the gaps in a system of overlapping mandates, different working cultures, and competition for funding.

One of the main challenges to developing a more holistic approach is the fact that each organization has mandates tasked with changing the status quo through a narrow set of activities. Examples of this include the military reducing violence, humanitarian actors providing food and shelter, development actors working to support local projects, and governance workers developing systems and procedures in specific ministries. Very few incentives exist for these separate working cultures to coordinate their activities, much less to develop joint planning and systems. In order to move beyond compartmentalization a new way of working is needed. Actors with different mandates and areas of expertise should all be able and recognized for contributing to the overall mandate of the mission. On an operational level, humanitarian actors need to know more about the roles and capabilities of the security sector and vice versa. Similarly the police would benefit from a better understanding of the dynamics and frameworks for ending displacement, while peacebuilding and policy actors need access to information collected by others to draw linkages between root causes to conflict, instability and displacement.

However, there is a need to go beyond just a general understanding of how each area in peace operations work. Strategic and operational plans are needed in which areas of overlapping mandates are made explicit and actors are held accountable for their activities. In essence, the only way to ensure a more integrated approach is to plan for it, to ensure that different tasks are included in its remit and to hold people accountable for cooperation and not just coordination.

ANNEX 1: Map of Timor-Leste



Source: UN Office for the Coordination of Humanitarian Affairs

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