

# **TIMOR-LESTE'S DISPLACEMENT CRISIS**

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## TIMOR-LESTE'S DISPLACEMENT CRISIS

### EXECUTIVE SUMMARY AND RECOMMENDATIONS

The shooting of President José Ramos-Horta in February 2008 underscored the urgency of addressing sources of conflict and violence in Timor-Leste. The unresolved displacement crisis is one of the important problems, both a consequence of past conflict and a potential source of future trouble. Nearly two years after the country descended into civil conflict in April 2006, more than 100,000 people remain displaced. Successive governments and their international partners have failed to bring about the conditions in which they might return home or to prevent further waves of displacements. The new government's national recovery strategy needs to be properly funded and accompanied by a number of other crucial elements, most significantly the creation of a fair and functioning land and property regime, an increase in overall housing stock, an end to the cycle of impunity and reform of the justice and security sectors.

With 30,000 internally displaced persons (IDPs) living in camps in the capital, Dili, the displaced are highly visible evidence of the failure to provide security and enforce the rule of law. As well as a humanitarian tragedy, they are a conflict risk in their own right. The 70,000 living outside camps, with families and friends, may be less visible but are a significant burden on their hosts.

Four main obstacles prevent the IDPs from going home. First, many continue to fear further violence from their neighbours and do not trust the security forces to guarantee their safety. This needs to be tackled by speeding up security sector reform, including prioritising community policing; prosecuting arsonists and violent criminals; and promoting a process of local and national dialogue and reconciliation. Still, in some cases, it will not be possible for people to return to their original community, and alternatives will need to be provided.

The attacks on 11 February 2008 on President Ramos-Horta and Prime Minister Xanana Gusmão, which left the former seriously injured, showed why many people fear further violence. However, the death of rebel leader Alfredo Reinado may help reduce fear, particularly if his remaining fighters can be dealt with. His death has

not sparked the unrest among his urban supporters and sympathisers that many predicted, though there is still potential for trouble after the curfew and state of siege are lifted. But Reinado was a manifestation, not the cause, of Timor's divisions. The government needs to address fundamental drivers of conflict, such as communal tensions, problems within the security forces and lack of economic opportunities – before the next Reinado appears.

Secondly, the provision of free food and shelter makes life in a camp in some respects more attractive than the alternatives. A further factor that makes IDPs from the countryside reluctant to leave the camps in Dili is that the capital offers many more economic opportunities. Thirdly, some of the camps are in effect run by individuals and groups that have vested interests in keeping numbers high, either because they control the black market for reselling food aid or because they believe greater numbers give them more political weight. In a few instances, they have intimidated or prevented people from leaving.

Finally, many displaced do not have homes to go back to. Destroyed or damaged houses have not been rebuilt, and others are subject to ownership disputes that cannot be settled under Timor-Leste's incomplete and inadequate system of land law. More generally, housing stock is simply not sufficient for the country's population. Unless more houses are built and systems introduced for resolving ownership disputes and providing secure tenure, the sheer demand for homes will continue to be an impediment to resettling displaced persons and a driver for further displacements.

Little beyond humanitarian aid was done in 2006-2007 to address the displacement crisis, but the government that assumed office in August 2007 has a more vigorous approach. It is phasing out universal food distribution in the camps and has not backed down despite protests and fears of unrest after Reinado's death. It now is moving on a government-wide plan – the national recovery strategy – which addresses many, though not all, aspects of the problem. Some senior officials still retain unrealistic expectations about the ease and speed with which IDPs can be induced to go home. However, the government

as a whole is beginning to understand the complexity and is planning on a more realistic multi-year basis.

While the new national recovery strategy contains many of the elements needed for reintegrating IDPs into their communities or, where not possible, moving them into new homes, the government has not allocated sufficient resources to it. Only the first pillar – rebuilding houses – is funded in the 2008 budget, and that inadequately. No money has been provided for the equally important non-infrastructure elements, such as bolstering security, livelihood support, reconciliation and social safety nets.

The strategy also does not address options for rebuilding those properties – the majority – that are the subject of ownership disputes. Timor badly needs new land laws, a land register, a system for issuing titles, and mediation and dispute-resolution mechanisms. Most land ownership records were destroyed in 1999, and many people never had them in the first place; there are also conflicts between traditional, Portuguese and Indonesian land regimes. These problems underlie many displacements – people took advantage of the 2006 chaos to chase neighbours out of disputed properties – and risk undermining long-term stability and economic growth. Draft land laws exist, but successive governments have considered them too controversial. They need to be passed but, important as it is, land law reform will take time and alternative ways are needed to house IDPs whose houses are the subject of ownership disputes.

Implementation of the recovery strategy should be a properly funded priority for all ministries concerned. While the government needs some donor and international financial institution help, Timor-Leste has the resources to cover more of the shortfalls for IDP programs in its 2008 budget itself and should do so. All parties need to recognise that the longer they let the problem fester, the harder it will be to resolve it and the greater the chance that it will lead to yet more violence.

## RECOMMENDATIONS

### To the Timor-Leste Government:

1. Publicise and explain the *Hamutuk Hari'i Futuru* national recovery strategy fully to IDPs and receiving communities, emphasising that it is the best and final package for returnees and that those who do not accept it may miss out.
2. Cost those elements in the strategy which are currently unfunded and use the mid-term budget review to ensure each pillar of the strategy, and

each line ministry, is allocated at least some funding from central government resources, with the balance made up from international concessional lending and external donor support.

3. Restart the social solidarity ministry's dialogue processes, focusing on communities where violence displaced large numbers of people, to encourage them to accept IDP returns and allocate additional resources to the ministry for this purpose.
4. Disseminate and adopt the recommendations of the Commission of Reception, Truth and Reconciliation's *Chega!* (Enough!) report, as a contribution to national dialogue and reconciliation.
5. Bring those primarily responsible for the 2006 violence, including arsonists, to justice and ensure that the crime of arson is treated seriously by the justice system.
6. Accelerate the process of security sector reform, giving priority to community policing and protection of vulnerable persons, while increasing the police presence in troubled parts of Dili and patrolling regularly in the camps and in communities to which IDPs return.
7. End universal food distribution in the camps and, with the assistance of donors and others, carry out a thorough assessment of vulnerable people and groups both within and outside camps to assist the setting up of effective social support mechanisms.
8. Develop programs, in cooperation with donors, to create more employment opportunities outside Dili and focus not only on short-term jobs, but also on creating permanent livelihood opportunities with a strong emphasis on the needs of women.
9. Develop a functioning land and property regime, including by:
  - (a) passing the land laws drafted by the justice ministry in 2004 to replace the current unsatisfactory mix of Indonesian, UN and post-independence legislation;
  - (b) prioritising creation of a land register and a land title system;
  - (c) creating mediation and dispute-resolution mechanisms with enforcement powers; and
  - (d) providing adequate resources to deal with the large number of disputes, as well as tenure issues that particularly afflict women.
10. Implement the 2004 National Housing Strategy, so as to ease the general housing shortage that underlies many individual displacements.

11. Accept that the people who have been displaced are and will remain Dili residents, make plans to provide housing and basic services for the capital's growing population and replace the Dili Urban Plan with a new one that has input from all stakeholders and reflects the city's actual size and circumstances.
12. Do contingency planning for future displacement crises, including those resulting from natural disasters, by:
  - (a) identifying suitable sites for camps; and
  - (b) developing the government's disaster management and response capabilities, under the leadership of the prime minister's or vice prime minister's office.

**To the UN Mission (UNMIT), Development Partners and Non-Governmental Organisations (NGOs):**

13. Support the government in implementing the national recovery strategy, including by encouraging the international financial institutions to make concessional loans available for infrastructure and job creation, and by providing additional funding to top up the government's own allocations for the other elements.
14. Require all requests for assistance to the national recovery strategy to come through one government body, such as the office of the vice prime minister.
15. Encourage the government to give attention to all five elements of the strategy, and to crucial areas not covered by the strategy, including ending impunity for the 2006 violence, new land laws, a land register, a title system for issuing titles, and mediation and dispute-resolution mechanisms, and offer technical support in areas such as disaster management, urban planning and land administration.

**Dili/Brussels, 31 March 2008**

## TIMOR-LESTE'S DISPLACEMENT CRISIS

### I. INTRODUCTION

Timor-Leste has over 100,000 internally displaced persons (IDPs) – 10 per cent of the population – nearly two years after a political crisis led to widespread destruction of homes and property.<sup>1</sup> Further violence in 2007 added to their ranks. They have various reasons for not returning home. Some fear attacks by the people who forced them to flee. Some have no home to return to. Some are staying for the free rice provided in the camps.

Approximately 30,000 IDPs live in 51 camps in Dili, while a further 70,000 live with relatives or friends. The camps in particular pose conflict risks. Uprooted from their homes and communities, many of the displaced are angry and disillusioned, potentially vulnerable to manipulation by political or criminal elements. The sites are difficult to police – until recently the UN police rarely patrolled them – and, like much of the rest of Dili, they are home to violent gangs and martial arts groups. Disputes over access to basic services have caused friction between the camps and neighbouring communities. Some camps are located near key infrastructure, such as the airport, the port and the hospital. Camp residents have the ability to close down these sites, if they are angered – for example, by attempts to end the distribution of free food.

Moreover, the continuing displacement of 10 per cent of the population undermines confidence in the government. It highlights the inability to deal with the conflict issues that led people to flee their homes – including the east-west rift, gang violence, land disputes and a tendency to use arson to settle personal and political disputes. It also demonstrates the ineffectiveness of the police and the courts. A culture of impunity continues to prevail. Leaders accused of orchestrating the major political crisis of 2006 are not held accountable for their actions,

and people who have committed crimes (including murder, rape, assault and house burnings) are rarely brought to justice.

The 2006 crisis exposed and exacerbated fundamental problems within Timorese society and government, including antagonism between easterners (*lorosae*) and westerners (*loromonu*) and politicisation of the police and military. It also spawned new problems, including the IDPs, and the “phenomenon” of renegade Major Alfredo Reinado. For two years, these problems were largely permitted to fester, culminating in Reinado’s attack on President José Ramos-Horta and Prime Minister Xanana Gusmão on 11 February 2008. If it is to avoid further such tragedies, it is time for Timor to come to grips with both the causes and the consequences of the 2006 crisis. Resolving the IDP problem is an essential part of moving beyond 2006. Fortunately, there are some reasons for optimism. The 11 February events have shaken some people out of their complacency. The government seems determined to push for solutions to the remaining rebel problem and the associated issue of the petitioners. And it at last has a plan for addressing the displacement crisis.

This report, researched in Timor-Leste between September 2007 and March 2008, examines the root causes of the IDP crisis.<sup>2</sup> It considers the key obstacles to resolving the situation, each requiring a different policy solution: the IDP’s fear of further violence if they return home; the pull factor exerted by the rice distribution program and the relative economic opportunities of Dili; the politicisation and criminalisation of the camps; and the government’s failure to rebuild houses and resolve ownership disputes. Finally, it analyses the government’s new national recovery strategy and identifies the additional actions needed to resolve the crisis.

<sup>1</sup> See previous Crisis Group reporting on Timor-Leste: Asia Briefing N°50, *Managing Tensions on the Timor-Leste/Indonesian Border*, 4 May 2006; Asia Report N°120, *Resolving Timor-Leste’s Crisis*, 10 October 2006; Asia Briefing N°65, *Timor-Leste’s Parliamentary Elections*, 13 June 2007; Asia Report N°143, *Timor-Leste: Security Sector Reform*, 17 January 2008.

<sup>2</sup> This report does not discuss the issue of former Timorese refugees displaced during and immediately after the Indonesian occupation. Those who wished to return to Timor-Leste have largely done so; several thousand sought resettlement in Indonesia and, since 31 December 2002, have ceased to be regarded as refugees by the Office of the UN High Commissioner for Refugees (UNHCR). See “Declaration of Cessation: Timor-Leste”, UNHCR, at [www.unhcr.org/publ/RSDLEGAL/41657a7e4.html](http://www.unhcr.org/publ/RSDLEGAL/41657a7e4.html).

## II. THE ORIGINS OF THE IDP CRISIS

Mass displacements of populations have been an ugly feature of Timor-Leste's conflicts at least as far back as the Japanese occupation during World War II. A significant portion of the population fled their homes during the fighting between FRETILIN and other political parties in 1975. Many more fled in response to the Indonesian invasion later that year. The early years of fighting between the Indonesian military and the resistance forces saw further mass displacements. The phenomenon reached its peak following the vote for independence in 1999, when militias, backed by the Indonesian security forces, drove a third of the population over the border into Indonesian West Timor, leaving most of the country's buildings razed to the ground.

The report of the Commission for Reception, Truth and Reconciliation (CAVR) observed in 2005 – before the latest wave of displacements – that: “Most individual East Timorese alive today have experienced at least one period of displacement. Many have experienced several”.<sup>3</sup> It noted the destructive impact of the displacements on the integrity of communities, the trauma caused to individuals and the fact that very few of those responsible for displacements have ever been held to account. Not only has the Indonesian military escaped accountability, but even those Timorese who burnt down houses in 1999 were dealt with (if at all) through a process of mediation or simple apology rather than through the courts. Though done for good reasons – lack of capacity and desire to promote reconciliation – this practice of treating arson as a “lesser crime” has had the unfortunate effect of leading people to believe they can get away with it.

Previous Crisis Group reporting explored the political origins of the 2006 crisis, which saw political and east-west divisions within the security forces spill onto the streets of Dili.<sup>4</sup> Already by 27 March 2006, seventeen homes had been burned to the ground, and easterners (*lorosae*) were crowding on buses out of Dili. The violence escalated sharply on 28 April, when the botched handling by the police of a demonstration left two civilians dead. Angry crowds set fire to more than 100 houses, owned mainly by easterners. Many people fled their homes and sought refuge at the airport and

elsewhere around Dili; others fled to the districts. A further deterioration on 25-26 May saw gunfights between police and military in Dili, gangs of westerners (*loromonu*) attacking *lorosae* neighbourhoods and vice-versa. The violence on those days led to a substantial increase in displacements: “The population of the IDP camps increased three-fold in 24 hours”.<sup>5</sup>

Up to 38 people were killed and at least 1,650 houses destroyed in the events of March-June 2006.<sup>6</sup> Approximately 150,000 persons were displaced in the face of widespread arson and looting. The government and international community responded by providing humanitarian assistance – shelter, sanitation and food. 73,000 people sought shelter in church compounds, non-governmental organisation (NGO) offices and other places in Dili where they felt safe. More than 50 IDP camps were set up in these locations. At least 70,000 people moved in with friends and relatives outside the capital. The humanitarian and economic impacts of the displacements were substantial.<sup>7</sup>

The government thought that once the immediate crisis was over, the IDPs would return home, but many no longer had homes to return to, or no longer felt safe to go back. Prime Minister Mari Alkatiri resigned on 26 June 2006, but outbreaks of violence continued. The anarchic situation provided cover for individual acts of violence motivated by social jealousy, quarrels between neighbours and pure criminality. Gang warfare in Dili in late October 2006 resulted in further house destructions and displacements. Violence in February and March 2007, sparked by rice shortages and a failed attempt by Australian troops to apprehend Reinado, led to further displacements.

Presidential and parliamentary elections in April-June 2007 passed relatively peacefully, though arson attacks in Ermera destroyed about 100 houses.<sup>8</sup> Some families fled

<sup>3</sup> “*Chega!*, Final Report of the Commission for Reception, Truth and Reconciliation”, 2005, section 7.3.7; see also sections 7.3.3, 7.3.4 and 7.3.6, available at [www.cavrtimorleste.org/en/cheгаReport.htm](http://www.cavrtimorleste.org/en/cheгаReport.htm). The commission was set up in 2001 as an independent statutory body to investigate the truth of events from 1974 to 1999, promote reconciliation and make recommendations.

<sup>4</sup> Crisis Group Report, *Resolving Timor-Leste's Crisis*, op. cit.

<sup>5</sup> “Report of the Independent Special Commission of Inquiry for Timor-Leste”, UN document S/2006/822, 2 October 2006, para. 101, at [www.ohchr.org/english/countries/tp/docs/ColReport-English.pdf](http://www.ohchr.org/english/countries/tp/docs/ColReport-English.pdf).

<sup>6</sup> Figures in this paragraph from *ibid.* The number of houses destroyed is a matter of some dispute. The government's IDP data collection exercise, “*Levantamento de Dados*”, in October 2006 recorded 5,000 IDPs as having registered their homes as destroyed or damaged.

<sup>7</sup> “According to UNICEF surveys, 15 per cent of children in the IDP camps needed immediate treatment for malnutrition; 57 per cent of respondents to a World Food Programme (WFP) survey reported that they had ceased their primary income or livelihood activity”, *ibid.*

<sup>8</sup> “Report of the Secretary-General on the United Nations Integrated Mission in Timor-Leste (for the period from 27

to the Ermera district capital, Gleno, and set up an IDP camp at the back of the district administration office. Others fled to Dili and set up their own IDP camp there.

After further violence in August 2007, President Ramos-Horta asked the Alliance for a Parliamentary Majority (AMP) coalition, under Gusmão, to form a government. FRETILIN, which had won a plurality in the parliamentary election, issued veiled threats if it was not given the first chance to do so. On 6 August, shortly after announcement of the AMP government, the customs building in Dili was incinerated, and there were tyre burnings and rock throwing throughout the city. On 7 August, Catholic NGO buildings were burnt down in Baucau, along with the agriculture ministry warehouse and some schools. On 9-10 August more than 400 houses were burned or damaged in Uatolari (Viqueque district) and Quelicai and Venilale (Baucau district). More than 5,000 fled to makeshift camps at schools, churches and police stations, or sought refuge in the mountains.<sup>9</sup> Most of these have rebuilt their homes, but at least 600 remain displaced, living with relatives or in new IDP camps in Uatocarbau (Viqueque district).<sup>10</sup> Some who left Dili during the 2006 crisis returned to swell the numbers in IDP camps there.<sup>11</sup>

### III. WHO ARE THE IDPS?

At least 30,000<sup>12</sup> of the estimated 100,000 IDPs are in 51 camps in and around Dili, while more than 70,000 live with family or friends in Dili or the districts, burdening the already precarious conditions of their hosts.<sup>13</sup> Humanitarian assistance is provided almost exclusively to camp-dwellers in Dili; IDPs with relatives or in the camps outside Dili receive negligible aid.

While the vast majority of IDPs are in Dili, there are 1,533 IDPs in seven camps in Baucau town, mostly displaced from Dili during the 2006 crisis. Most of the camps are in the back gardens of relatives. The government stopped providing assistance to the IDPs in Baucau in July 2007 (although it did give new tents in late 2007). As a result, many people moved back to Dili – to camps in Metinaro and Jardim.<sup>14</sup> The 634 IDPs from the August 2007 violence in Uatolari, living in three camps in the neighbouring sub-district of Uatocarbau, have not received government help since November 2007.<sup>15</sup>

The population of the camps is a cross-section of Timorese society. As in the population at large, unemployment levels are extremely high. Many camp dwellers in Dili, however, have regular jobs, including relatively well-paid ones with the government, private sector or international agencies. Each IDP with work is likely to be supporting a substantial number of relatives. For those without regular employment, little structured activity is available beyond participation in criminal and martial arts gangs.

The case of Angelina<sup>16</sup> is typical. A civil servant, she fled her home in a Dili suburb because of security fears. After the violence subsided, in May 2006, she and her husband attempted to return home but were threatened by their mainly westerner (*loromonu*) neighbours because he is an easterner (*lorosae*). Someone scrawled the word “Irak” (a term sometimes used for *lorosae*) on their house.

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January to 20 August 2007)”, UNSC S/2007/513, 28 August 2007, para. 19.

<sup>9</sup> New displacements from August 2007 were Baucau 1,114, Viqueque 2,497, Metinaro 1,500, social solidarity ministry, information centre, 26 September 2007.

<sup>10</sup> Crisis Group interview, sub-district administrator, Uatocarbau, 22 January 2008.

<sup>11</sup> Crisis Group interview, Rita Freitas, Baucau office manager, Catholic Relief Services, 21 January 2008.

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<sup>12</sup> 8,000 households, according to latest social solidarity ministry data. Crisis Group interview, Jacinto Gomes, secretary of state for social and humanitarian assistance and natural disasters, 16 January 2008.

<sup>13</sup> Crisis Group interview, Luis Vieira, International Organization for Migration (IOM) chief of mission, Dili, 27 June 2007; also social solidarity ministry, information centre, 26 September 2007. An August 2007 Peace Winds Japan study found that IDPs hosted by family members suffered most from stress.

<sup>14</sup> Crisis Group interview, Rita Freitas, Baucau office manager, Catholic Relief Services, 21 January 2008.

<sup>15</sup> Crisis Group interview, sub-district administrator, Uatocarbau, 22 January 2008.

<sup>16</sup> Crisis Group interview, name changed, Farol IDP camp, Dili, October 2007.

They lived with relatives in Manatuto while fighting continued in Dili but eventually moved to an IDP camp to be close to their work in Dili. Eighteen months later, their small children are living with relatives, and Angelina and her husband see no prospect of going home.

Some people became displaced for political reasons, such as Carlos<sup>17</sup> – a high-profile member of FRETILIN with connections to the former interior minister, Rogerio Lobato – who fled Dili on 28 April 2006, because he was warned that political enemies were coming to kill him. Carlos moved to Baucau with his family. His house was only partially damaged, but all his possessions were stolen. In March 2007 he moved to Airport camp in Dili.

Many became displaced because of differences between *lorosae* and *loromonu*. One is José,<sup>18</sup> from Viqueque, who was living in a mixed part of Dili. The *lorosae* from his neighbourhood burnt down the houses of their *loromonu* neighbours. José was forced to flee because he was friends with some of the *loromonu* and tried to stop the destruction of their houses. His *lorosae* neighbours accused him of siding with the enemy. His house is intact, but he and his family are too frightened to return. José is now living in a tent at the back of a relative's house near the Motael IDP camp with 32 members of his family.

Some of the displaced were victims of criminality and gang violence. Others, such as Augustu,<sup>19</sup> were the victims of social jealousy. Augustu's family, originally from Baucau, had been living in Dili since the 1970s. He had been friends with his neighbours' children. When he returned from university in Indonesia and obtained employment in Dili, he did not have time to hang around all day with his old friends. They accused him of arrogance and during the violence in 2006 took the opportunity presented by the breakdown in law and order to destroy his family's house and kiosk. Augustu's family is now divided between an IDP camp and transitional housing in Becora.

Since August 2007, some non-church camps have also become home to large groups of young men who have come to Dili from the districts to study, look for work or simply to have fun in the largest city in the country. They stay in the IDP camps because they can get free accommodation, free food and a regular water supply.<sup>20</sup> As the camps turn into permanent residences for these young men and conditions deteriorate, they risk becoming urban slums.

#### IV. CONDITIONS IN THE CAMPS

During the initial crisis, people fled to where they felt secure (such as the airport, the hospital, schools and the area in front of the port), although those locations lacked the capacity to house them. Others took refuge on or near church property. The ministry of labour and community reinsertion, international agencies and NGOs responded by providing food, shelter and sanitation, and these locations became IDP camps. Some of the now 51 camps in Dili (some of the Farol NGO camps), have fewer than twenty residents; some have thousands (eg, Airport camp). Most have hundreds.

Many camps have been occupied continuously since May 2006 and are a crowded and unhealthy living environment. The UN reports that the displacements have been accompanied by increased incidence of respiratory diseases, malaria, diarrhoea and malnutrition – though the latter is ameliorated in the camps by the food distribution program.<sup>21</sup> During the rains, some camps flood, while in others toilet blocks leak or overflow.<sup>22</sup> Improving conditions requires infrastructure investment, but successive governments have been reluctant to send a message that would encourage long-term habitation.<sup>23</sup> That has begun to change: a program to replace tents began in October 2007, and by January 2008, more than 1,800 new tents and 4,500 new tarpaulins had been distributed in 31 camps by the government, the International Organization for Migration (IOM) and NGOs.<sup>24</sup> However, no action has been taken over camps identified in May and July 2007 studies as high priorities to be closed on grounds of poor sanitation, security or risk of flooding.<sup>25</sup>

<sup>17</sup> Crisis Group interview, name changed, Dili, January 2008.

<sup>18</sup> Crisis Group interview, name changed, Dili, January 2008.

<sup>19</sup> Crisis Group interview, name changed, November 2007.

<sup>20</sup> Crisis Group interviews, Leopoldo Pinto, camp manager, Jardim IDP camp, 12 January 2008; social solidarity ministry staff, 14 January 2008.

<sup>21</sup> "Report of the Secretary-General on the United Nations Integrated Mission in Timor-Leste", op. cit., 28 August 2007, para. 44. "Timor-Leste 2007 Mid-Year Review", UN Consolidated Appeal Process, 17 July 2007, pp. 28-29, available at <http://ochaonline.un.org/cap2005/webpage.asp?MenuID=10509&Page=1582>.

<sup>22</sup> Crisis Group interview, Leopoldo Pinto, camp manager, Jardim IDP camp, 12 January 2008.

<sup>23</sup> Crisis Group interview, Luis Vieira, IOM chief of mission, Dili, 27 June 2007.

<sup>24</sup> "Humanitarian Update Timor-Leste. Period from 21 December 2007 to 7 January 2008", UN Office of the Coordinator for Humanitarian Affairs (OCHA)/UN Timor mission (UNMIT) integrated Humanitarian Coordination Team. The tents provided by UNHCR in May 2006 were only designed to last six months (less under the strong Dili sun).

<sup>25</sup> "WatSan Needs Assessment: Recommendations for Prioritising Camp Closure", Inter-Agency Water and Sanitation Working Group, May 2007, quoted in "Timor-Leste: unfulfilled protection and assistance needs hamper the return of the displaced", Internal Displacement Monitoring Centre and

A variety of actors are involved in providing humanitarian aid to the camps, with coordination the responsibility of the ministry of labour and community reinsertion, now known as the ministry of social solidarity, with the assistance of the UN's Office of the Coordinator for Humanitarian Affairs (OCHA). IOM and international NGOs are active in the Dili camps. Generally, one agency takes the lead in managing a camp and providing a liaison officer to help access humanitarian services.<sup>26</sup> Oxfam takes the lead on water and sanitation, together with a contractor paid for by the department of water and sanitation. The World Food Programme (WFP) gives food to all IDPs registered in Dili camps (see below).

Each camp has an elected camp manager (usually an IDP), responsible for liaising with the government, NGOs and other agencies providing assistance. This individual generally represents the camp at meetings with the government. The camp manager also keeps data (numbers of IDPs and tents, amount of humanitarian aid distributed) and calls the police if there are problems within the camp or from people outside. Some camps have also elected deputy camp managers, camp management committees and women's committees.

The camps are a particularly problematic environment for women and children. The overcrowded tents and toilet block provide little privacy. Rates of domestic violence and sexual assault are high throughout Timor-Leste, though there are no reliable statistics since the victims rarely report these crimes. Observers believe that, while the prevalence of violence against women in many IDP camps is similar to that elsewhere, domestic violence and sexual assault are higher in camps with particular security problems, notably Jardim and Airport.<sup>27</sup> Children are exposed to risks related to inadequate shelter and living conditions, as well as bullying and brawling. In many cases, displacement has disrupted schooling. The camps have no schools or youth facilities; some children travel to schools in their "home" neighbourhood – risking violence from former neighbours – while others go to schools near

the camps. Children, women, the elderly and other vulnerable groups are all at higher risk of exploitation for various forms of abuse – cases of forced prostitution and human trafficking have both been reported, for example.<sup>28</sup>

Basic transitional housing was set up in five Dili locations in 2007. It has proved difficult to encourage people to move, however, as they have felt the new locations were not safe or were too far from public facilities, or they feared they would get stuck there permanently and never get a proper house.<sup>29</sup> Some of the camps and transitional housing have become a burden on host communities, leading to tension. Neighbours have objected to sharing scarce water, grazing land and other resources and to the burden placed on local schools and health facilities. In one area, IDP students from a camp were attacked by members of the host community who complained that increased student numbers had adversely affected the quality of the local school.<sup>30</sup>

Several of the camps in Dili are close to vital facilities. IDPs have cut off the power to the airport on more than one occasion, apparently for excitement, and are accused of being involved in violence there on 23 February and 6-7 August 2007.<sup>31</sup> IDPs camped in front of the port have damaged vehicles and are accused of involvement in burning the customs building. Representatives of the hospital camp have threatened to occupy the wards if shelter standards are not improved for IDPs.<sup>32</sup> There is the possibility of further unrest if living conditions in the camps are not improved, or if food distribution stops.<sup>33</sup>

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Norwegian Refugee Council, 7 September 2007. "Timor-Leste 2007 Mid-Year Review", op. cit.

<sup>26</sup> Camps outside Dili receive less help. Only one NGO – Catholic Relief Services – has been active in Baucau since May 2006. Due to security concerns, no NGO has been active in Uatocarbau or Uatolari, although the people there received humanitarian assistance from the government and NGOs when their houses were burnt down in August 2007. Crisis Group interviews, Rita Freitas, Baucau office manager, Catholic Relief Services, 21 January 2008; Sisto Lopes, Babulo Village Youth Representative, Uatolari, 22 January 2008.

<sup>27</sup> Crisis Group interviews, Pradet Timor Lorosae, Dili, 17 November 2007; Fransisca da Silva and Maria Agnes Bere, Judicial System Monitoring Program, 11 January 2008.

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<sup>28</sup> Crisis Group email correspondence with NGO Rede Feto, 19 March 2008. "Timor-Leste 2007 Mid-Year Review", op. cit., pp. 28-29. There have also been reports of suspected foreign paedophiles attempting to gain employment with INGOs working in the camps.

<sup>29</sup> Crisis Group interviews, Mario Jeronimo, director of urban planning, public works ministry, Dili, 4 July 2007; UN agency staff member, Dili, 17 September 2007; resident of Farol IDP camp, Dili, 24 October 2007.

<sup>30</sup> Tracey Morgan, "Basic facts about displacement situation in Timor-Leste", IOM, 2007.

<sup>31</sup> Crisis Group interview, Jacinto Gomes, secretary of state for social and humanitarian assistance and natural disasters, Dili, 4 October 2007.

<sup>32</sup> Personal communication from government employee present when the threat was made, December 2007.

<sup>33</sup> Crisis Group interviews, IDPs, Jardim and Obrigado Barracks camps, November 2007.

## V. PREVIOUS GOVERNMENTS' EFFORTS TO ADDRESS THE CRISIS

The humanitarian response in the emergency phase of the 2006 IDP crisis was fairly effective, but less effort was put into working out how to get people home again.<sup>34</sup> The government and UN seemed to assume that, once the immediate emergency was over and a reasonable level of stability reestablished, everyone would just return. About 50,000 people did go back, starting in July 2006, but 100,000 did not.

Recognising that the problem would take more than three months to resolve, the ministry of labour and community reinsertion (led by a FRETILIN minister) set up *Simu Malu* (Receive Each Other), a community dialogue program, while then President Xanana Gusmão started his own dialogue process. Neither program worked, because of insufficient staff and resources and because the problem required more than just dialogue.

Following violence at the Obrigado Barracks IDP camp in August 2006, then Prime Minister Ramos-Horta threatened to stop humanitarian assistance unless IDPs returned home by the end of September (he subsequently reversed this position), while President Gusmão set a deadline of 20 November 2006.<sup>35</sup> The security situation remained unstable however, and many IDPs feared to go home. The Timorese police had been suspended, pending screening, in the wake of the 2006 crisis. International forces – the UN police (UNPOL) and the International Stabilisation Force (ISF) – took responsibility for internal security, but IDPs did not believe they would be able to ensure their safety. The deadlines passed, but no action was taken to discontinue humanitarian aid or otherwise encourage people to leave the camps.

It was only in March 2007 that Ramos-Horta acknowledged the camps were likely to remain until at least the end of the year, and possibly into 2008. By March 2007 however, he was busy with his presidential campaign, while other government ministers working on IDP issues were active in the rival campaign of Lu-Olo and then the parliamentary election. The displacement problem was not a major issue in either the presidential or the parliamentary contests, and no party worked at organising the marginalised IDPs into

a political force.<sup>36</sup> In Crisis Group interviews during that period, the larger political parties agreed, in theory, on the need to find permanent accommodation for the IDPs, but disagreed on where they should go. Many IDPs only came to Dili following the 1999 violence or subsequently; some political leaders and landowners argued their presence there was illegal, and they should be returned to their original districts – an entirely unrealistic suggestion.

Successive governments have failed to step up to the IDP problem, in large part due to the chronic lack of government capacity and the temporary nature of the administrations between June 2006 and August 2007.

The UN has also done less than it should to encourage a purposeful and coordinated approach to the IDPs, leaving international aid organisations to fill the vacuum. The UN's poor performance in its coordination role may be partly due to the fact that its humanitarian coordinator has had to perform two other roles at the same time: deputy special representative of the Secretary-General (DSRSG) and resident representative of the UN Development Programme (UNDP).<sup>37</sup> In addition, when donors declined to extend its funding in July 2007, the Office of the UN High Commissioner for Refugees (UNHCR) had to withdraw, resulting in a lack of protection field presence.<sup>38</sup> A very high turnover of OCHA staff has led to inconsistency in humanitarian programming. UNDP, with its recovery unit hampered by lack of resources and rapid staff turnover, has also failed to lead.

<sup>34</sup> Crisis Group interviews, Pierre Bessuges, OCHA head of office, Dili, 5 July 2007; Alfredo Zamudio, country director, Norwegian Refugee Council, 24 August 2007.

<sup>35</sup> Douglas Kammen and S.W. Hayati, "Crisis and Rice in East Timor", March 2007, at <http://etan.org/news/2007/03food.htm>.

<sup>36</sup> Xanana Gusmão's National Council of Timorese Resistance (CNRT) party did issue several press releases: "FRETILIN plans to spend oil revenue on military assets when the people of the country are still internally displaced", "CNRT to Focus on Rebuilding rather than Arming East Timor", 15 June 2007.

<sup>37</sup> Crisis Group interviews, UN agency staff members and NGO country directors, Dili, July-October 2007.

<sup>38</sup> "Timor-Leste: unfulfilled protection and assistance needs", op. cit.

## VI. OBSTACLES TO RETURN

Most IDPs want to return home,<sup>39</sup> but the main obstacles are fear of further violence; “pull” factors – such as the rice distribution program and the relative economic opportunities of Dili – which make life as an IDP in the capital more attractive for some than the alternative; the politicisation and criminalisation of the camps; and the government’s failure to provide housing alternatives.

### A. FEAR/SECURITY

As a result of ongoing threats and intimidation, and an ineffective police force and justice system, most camp residents simply do not feel secure enough to return to their former communities in Dili.<sup>40</sup> Violence against easterners in predominantly western suburbs and against westerners in predominantly eastern suburbs has not been dealt with by the security forces or the justice system; no house-burning cases have ever been brought to court. IDPs feel that their former communities do not want them back, and that, if they do return, their houses may be destroyed or damaged and they and their family may suffer violence. One IDP said his family had tried to rebuild its house in Becora, but the neighbours’ children – who had burnt it down in the first place – had thrown stones at them.<sup>41</sup> IDPs from Ermera who were assisted to return to their village on 30 December 2007 were threatened by former neighbours, many of whom were responsible for the destruction of their homes in May 2007.

The government needs to give high priority to security sector reform, including building a professional, non-partisan police force. The failure to do this underlay the 2006 crisis, sparked by the sacking of military personnel. In particular, priority should be given to community policing, if IDPs are ever to feel safe returning to communities from where they have been driven by their neighbours.<sup>42</sup> Women and the elderly – who may find their opinions on whether to return ignored by the man of the family – may especially need reassurance. The police Vulnerable Persons Unit has an important role to play.

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<sup>39</sup> A government survey between October 2006 and March 2007 found that 56-72 per cent of camp dwellers wished to return to their former homes, quoted in “Timor-Leste 2007 Mid-Year Review”, op. cit.

<sup>40</sup> Crisis Group interviews, IDPs, Farol, Becora, Jardim and Obrigado Barracks camps, October, November 2007.

<sup>41</sup> Crisis Group interview, IDP, Becora IDP camp, Dili, October 2007.

<sup>42</sup> See Crisis Group Report, *Security Sector Reform*, op. cit.

It is also important to send a clear message that arson and displacement are unacceptable ways to settle political and personal disputes. This means bringing cases to court, not just individual arsonists, but also those accused of responsibility for the 2006 crisis by the UN’s Commission of Inquiry and the government’s Commission of Notables.<sup>43</sup> Very few such persons have been tried; even the few individuals convicted by the Dili district court are not in jail.<sup>44</sup> Some IDPs feel that Prime Minister Gusmão should apologise publicly for his role in the crisis, particularly his 23 March speech, which many blame for exacerbating the *loromonu-lorosae* division.<sup>45</sup>

The origin of the east-west division is disputed: some claim it dates back to Portuguese times, others that it is a recent phenomenon exploited by politicians in 2006.<sup>46</sup> Certainly, the arson, looting and communal attacks carried out by *loromonu* against *lorosae* and vice versa have deepened it. The displacement crisis has temporarily reduced tensions, as many communities have in effect segregated themselves, but problems can be expected to re-emerge when IDPs return home. With the *loromonu-lorosae* division dangerously vulnerable to political manipulation, the government needs to give urgent attention to the need for national reconciliation.

The problem of rebel Major Alfredo Reinado and the petitioners was cited by many IDPs as a reason to stay in the relative safety of the camps.<sup>47</sup> As a member of

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<sup>43</sup> Crisis Group interview, Carlito da Silva, camp manager, Airport IDP camp, Dili, 18 January 2008; IDP leaders dialogue, op. cit.

<sup>44</sup> Former Minister of the Interior Rogerio Lobato, convicted on charges of manslaughter and illegal weapons distribution, is in Malaysia receiving medical treatment. The convictions of Abilio Mesquita and Artur Borges for illegal possession of weapons in relation to the attack on the house of army commander Taur Matan Ruak, were overturned by the appeals court. They have resumed working as police, pending re-trial. The appeals of four army officers convicted of the murder of eight PNTL officers were dismissed for being filed late. Arrest warrants were issued for them on 28 January 2008 but have not been executed by the PNTL. The army commander Taur Matan Ruak has said he does not know where the four F-FDTL officers have gone, though people have reported seeing them on active F-FDTL duty.

<sup>45</sup> Crisis Group interview, Carlito da Silva, camp manager, Airport IDP camp, Dili, 18 January 2008; IDP leaders dialogue, op. cit.; Alfredo Reinado, DVD released early January 2008; and “Juventudi FRETILIN Ejiji Investiga Autor Krize 2006” [FRETILIN youth request investigation into the author of the 2006 crisis], *Diario*, 17 January 2008.

<sup>46</sup> “Commission of Inquiry”, op. cit., para. 31.

<sup>47</sup> Crisis Group interviews, IDPs, Farol, Becora, Jardim and Obrigado Barracks IDP camps, Dili, October, November 2007; Carlito da Silva, camp manager, Airport IDP camp, Dili, 18 January 2008; and “Problema Alfredo-Petisionariu Resolve Ona, Francisco: Deslokous Prontu Fila” [“Alfredo-petitioners

parliament put it, "people were displaced because of the actions of the petitioners and Alfredo Reinado (among others), so there is no point in trying to resolve the IDP issue until Alfredo and the petitioners have been dealt with."<sup>48</sup> The death of Reinado on 11 February 2008 may help alleviate these fears, though it is not yet clear to what extent his followers will continue to pose a threat to returning IDPs.

## B. PULL FACTORS

The IDP camps, unpleasant as they are, are in some ways more attractive than the alternative – as evidenced by the arrival since August 2007 of young men from outside Dili who are not IDPs but are simply looking for somewhere to live while they study or seek employment. Chief among the attractions is free food, but the availability of accommodation close to the heart of the capital is another important consideration, given the chronic housing shortage (see below). This is particularly so for those with jobs in the city or looking for them. Dili is the country's only economic centre of any significance, the location of most commercial and government activity as well as spending by foreign agencies. Despite sky-high unemployment, it offers the best hope of economic advancement. Economic activity in the districts is minimal, other than subsistence agriculture and fishing.

Until the government addresses this disparity, Dili in general and IDP camps in particular will continue to be the more attractive option. A sizeable job-creation program, particularly outside Dili, in labour-intensive activities such as road building, reforestation and housing should be a priority. The World Bank and Asian Development Bank could be approached to provide concessional loans: they have previously indicated a willingness to extend concessional lending facilities, but the government has been reluctant to take on foreign debt.<sup>49</sup>

The WFP distributes food to all registered occupants of IDP camps.<sup>50</sup> There are 65,000 recipients in Dili, though

only 30,000 live in the camps.<sup>51</sup> Some in the humanitarian community describe the program as "politicised food distribution", because it is intended to placate IDPs and reduce the risk of violence. The government has tried to stop it several times but has always extended it for another three months for political as well as food security reasons.<sup>52</sup> In 2006, government data collectors trying to check registration of camp-dwellers were threatened, because some feared a reduction of food aid.

Free food makes living in an IDP camp economically attractive and has attracted new residents, including IDPs from outside Dili (where food distribution has stopped) and even some of the urban poor.<sup>53</sup> It has some perverse effects, however. It strengthens the position of the camp managers who manage the distribution<sup>54</sup> and removes the incentive for unemployed youths to seek work, freeing up more time for them to drink or be involved in gang violence. There is a thriving market for selling the food on to third parties, controlled in some camps by a "rice mafia". A camp manager said, "people sell the rice because they are poor and have no other source of income".<sup>55</sup>

The program is also an inefficient form of aid. There are many poor and needy people outside the camps who receive no assistance, while IDPs get food regardless of need.<sup>56</sup> A WFP food security assessment in September 2007 found no difference between IDPs and their neighbours in terms of food security: 50 per cent of households in the camps (where there is food aid) and 50 per cent of households in nearby villages (where there is no food aid) were food insecure.<sup>57</sup> Universal food distribution in IDP camps, therefore, misses many of the most vulnerable, while feeding others who do not need it.<sup>58</sup> The WFP assessment concluded that IDP

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problem resolved, Francisco: displaced will be ready to return"], *Diario*, 17 January 2008. For background on Reinado and the petitioners, see Crisis Group Briefing, *Security Sector Reform*, op. cit.

<sup>48</sup> Crisis Group interview, Manuel Tilman, member of parliament, KOTA, 16 January 2008.

<sup>49</sup> See, for example, "Asian Development Bank and Timor-Leste 2007: a fact-sheet", at [www.adb.org/timor-leste](http://www.adb.org/timor-leste).

<sup>50</sup> In 2007, the WFP distributed 12,545 tons of rice, oil and beans, primarily to IDPs.

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<sup>51</sup> WFP food assistance to IDPs outside Dili ceased in July 2007.

<sup>52</sup> Crisis Group interview, Joan Fleuren, WFP country director, Dili, 20 September 2007.

<sup>53</sup> Crisis Group interviews, Leopoldo Pinto, camp manager, Jardim IDP camp, 12 January 2008; Rita Freitas, Baucau office manager, Catholic Relief Services, 21 January 2008. "Situation Analysis and Challenges to Return and Reintegration", presented at social solidarity ministry retreat, "The IDP Issue: The Way Forward: Looking for Solutions Together", 9 October 2007.

<sup>54</sup> Women have been involved in the distribution process in a few camps, but this is not the norm, Crisis Group email correspondence, NGO Rede Feto, 19 March 2008.

<sup>55</sup> Crisis Group interviews, Leopoldo Pinto, camp manager, Jardim IDP camp, 12 January 2008.

<sup>56</sup> Tracey Morgan, op. cit.

<sup>57</sup> "Dili-Timor-Leste Emergency Food Security Assessment", WFO executive brief, 8 October 2007.

<sup>58</sup> Crisis Group interviews, Luis Vieira, IOM chief of mission, Dili, 27 June 2007; Pierre Bessuges, OCHA head of

status should be delinked from food entitlement, and a social safety net should be introduced for all vulnerable people, though carefully to avoid political problems.

Beginning in February 2007 and on government instructions, WFP reduced its universal food distribution program from 8kg of rice per person per month to 4kg. Several camps, including Airport and Obrigado Barracks, initially refused to accept the half rations.<sup>59</sup> Camp residents who tried to pick up their rations were threatened by camp leaders for breaking solidarity. Despite concerns that the killing of Reinado would increase anger, the government has not backed down from its half-rations policy. Five camps have continued to refuse the half rations.<sup>60</sup> The government plans to cease universal food distribution entirely by June 2008, although this seems to be predicated on unrealistic expectations about the speed of IDP returns. UNDP's planned cash-for-work schemes in Dili should help some IDPs earn the food they previously received for free.<sup>61</sup> As noted below, feeding programs will continue for the most vulnerable.

### C. POLITICISATION AND CRIMINALISATION OF THE CAMPS

Some individuals have developed a vested interest in the continued existence of the IDP camps. Violent elements have established control of certain ones, particularly those such as Jardim, Central Pharmacy and Airport camps where there is no landowner or other authority. Actual violence is less the problem than the threat of it, but those who are victims of violence are scared to go to the police. UNPol, which has had responsibility for law and order since the 2006 crisis, began to patrol the camps regularly only in January 2008.

In some cases, IDPs have been forcibly prevented from leaving camps.<sup>62</sup> For instance, in March 2007 there was a hazardous chemical spill in the harbour in front of Jardim camp. The health of the residents was at risk because of the fumes, so efforts were made to move them to newly built transitional housing. However, a

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office, Dili, 5 July 2007; Phil Brewster, adviser, labour and community reinsertion ministry, Dili, 22 June 2007.

<sup>59</sup> "Deslokadus OB – Aeroportu Kontra Governu Hamenus Aihan" ["IDPs in Obrigado Barracks – Airport are against the government reducing food rations"], *Timor Post*, 6 February 2008.

<sup>60</sup> Social solidarity ministry, information centre, 26 February 2008.

<sup>61</sup> DSRSG Finn Reske-Nielsen, speech to the government retreat on the national recovery strategy, Dili, 28 February 2008.

<sup>62</sup> Crisis Group interviews, social solidarity ministry staff, IDPs in Becora and Jardim camps, Dili, November 2007.

hardcore group refused to let anyone leave.<sup>63</sup> There has been similar intimidation in the Airport and ex-Chinese Consulate camps. It has been less of a problem in camps near or within church or convent properties – such as Becora Church, Dom Bosco and Canossa Sisters camps – where priests and nuns have been able to exercise some moral authority. There are eighteen church camps (and one mosque camp), some of which have seen a significant reduction in numbers since July 2007. Canossa Sisters camp was closed after occupants moved to nearby transitional housing.

The bullying elements in the non-church camps have both political and economic reasons for maintaining the status quo. Some, as noted, have become in effect a mafia for reselling WFP food aid and know that lower numbers mean less food. Others argue that larger numbers give the IDPs greater political weight to push for compensation or re-housing.<sup>64</sup>

Another political aspect is that de facto camp leaders, many aligned with FRETILIN, value their ability to direct large numbers of people into political demonstrations or even politically motivated violence. Evidence of political alignment includes the raising of new FRETILIN flags at each of the larger camps after the announcement of the government's formation on 6 August 2007. The manager of one of the camps near the airport doubles as spokesperson for FRETILIN's youth wing. However, the FRETILIN alignment of many camp leaders does not mean that other parties are not represented. Most of the camps contain a mix of origins and political parties.

### D. LACK OF HOUSING ALTERNATIVES

Lack of housing alternatives, as a consequence of the general shortage, failure to rebuild damaged or destroyed houses and the many ownership disputes are serious obstacles to IDP resettlement. Little is being done to rectify Timor-Leste's chronic housing shortage, the consequence of the 1999 destruction and rapid population growth. An October 2007 report by the UN Human Settlements Programme (UN-HABITAT) and Displacement Solutions, an NGO, identified measures to address the IDP crisis and the wider shortage. It recommended prioritising implementation of the housing policy drafted with UN-HABITAT's help in 2004 and approved by the Council of Ministers in 2007, including a building program. This would help relieve pressures in areas of IDP returns, as well as provide jobs.

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<sup>63</sup> Crisis Group interviews, UN agency staff member, 17 September 2007; NGO staff, Dili, 18 November 2007.

<sup>64</sup> Crisis Group interviews, IDPs, UN and NGO staff, Dili, September-November 2007.

## 1. Failure to rebuild houses

Little has been done to rebuild IDPs' houses destroyed or damaged in the recent violence. By September 2006, more than 5,000 IDPs had registered their houses as destroyed or damaged.<sup>65</sup> More houses were destroyed in March 2007. However, partly due to capacity problems with budget execution and procurement that affect the whole of government, the infrastructure ministry has rebuilt just two houses, as a pilot project.

Another hindrance to rebuilding has been the Dili Urban Plan, which designates many areas where IDPs previously lived as non-residential.<sup>66</sup> For instance, it forbids housing within 500m of the airport, 20m of a river, 300m of the foot of hills and 50m of the sea – all currently residential areas and a large proportion of the limited habitable land in Dili. Under the Ramos-Horta governments, the public works ministry was not permitted to rebuild IDP houses in those areas. The Dili and Baucau urban plans were drafted by architecture students working for GERTIL, a Portuguese NGO, after minimal consultation with the relevant ministries, groups in the field or the public.<sup>67</sup> Dili desperately needs urban planning, but GERTIL's plan is widely agreed to be unsuitable for its current stage of demographic development, particularly considering the urgent IDP problem.<sup>68</sup> A more flexible approach is needed: it is not fair to prevent IDPs from rebuilding unless they receive alternative land.<sup>69</sup> There should be consultation on and review of the Dili and Baucau plans, as well as of the draft spatial planning legislation.<sup>70</sup>

A further issue is government reluctance to acknowledge the IDPs as permanent residents of Dili. Between 1999 and 2004 the city's population doubled. Many of those driven across the border in September 1999 returned to Dili rather than to their district of origin, and the capital was further swollen by people in search of jobs. These people – many of whom are now IDPs – are most unlikely ever to return to their "home" districts, whatever the preferences of politicians. The government needs to accept that Dili is now a city of nearly 200,000<sup>71</sup> – and growing fast – and plan accordingly to provide adequate housing and basic services.

## 2. Land issues

Timor-Leste's land and property regimes are wholly inadequate and a major barrier to resolving the IDP crisis and thereby guarding against a repetition.<sup>72</sup> There is a large number of active land and property ownership disputes, many involving IDPs, which are hard to resolve for lack of a comprehensive land register, a clear system for issuing titles and a functional dispute settlement mechanism.<sup>73</sup> Ownership disputes were responsible for some of the 2006 displacements, as people took advantage of the chaos to chase neighbours out and occupy their property.<sup>74</sup>

Many IDPs admit they do not have a formal claim to the property they fled. After the conflict subsided, those who returned to their communities often found squatters in their homes or burned out shells. Lack of a comprehensive land and property regime means

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<sup>65</sup> "Levantamento de Dados" ["IDP data-gathering exercise"], Government of Timor-Leste, October 2006.

<sup>66</sup> 40 per cent of houses registered in "Levantamentos de Dados" are in such zones.

<sup>67</sup> The students only consulted ministers and vice-ministers. Most people, including IDPs, are unaware of the existence of the Dili and Baucau urban plans or of the hindrance they pose to rebuilding houses. The plans seem to have been written without regard to the national housing policy or the draft spatial-planning legislation. Crisis Group interview, Mario Jeronimo, director of urban planning, public works ministry, Dili, 4 July 2007. The plans also do not address the vital question of basic services.

<sup>68</sup> Crisis Group interviews, *ibid.*; UN agency staff members, July 2007; social solidarity ministry staff, October 2007.

<sup>69</sup> Crisis Group interviews, Luis Vieira, IOM chief of mission, Dili, 27 June 2007; Mario Jeronimo, director of urban planning, public works ministry, Dili, 4 July 2007; Phil Brewster, adviser, labour and community reinsertion ministry, Dili, 22 June 2007.

<sup>70</sup> At present population growth trends, Timor-Leste will have an additional 870,000 people requiring housing, jobs and services in 2027. The government needs to plan for the resulting increased water, sanitation and power requirements. "Housing Timor, An 'IDP-Plus' Strategy to End the Displacement Crisis in Timor-Leste", Displacement Solutions and UN-HABITAT, 20 September 2007, recommendation 8.1.

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<sup>71</sup> The 2004 census gave a figure of 167,772, with an annual 3.2 per cent growth rate. This compares with 120,474 in 2001. It is estimated that, if mortality, fertility and net migration rates remain constant, Dili's population will be over 300,000 by 2014. Ricardo Neupert and Silvino Lopes, "The Demographic Component of the Crisis in Timor-Leste", Association for the Study of Ethnicity and Nationalism, London School of Economics, September 2006.

<sup>72</sup> For a detailed discussion of the inter-relationship of land and conflict issues in different political contexts, see Crisis Group Africa Reports N°85, *Blood and Soil: Land, Politics and Conflict Prevention in Zimbabwe and South Africa*, 17 September 2004; and N°70, *Refugees and Displaced Persons in Burundi – Defusing the Land Time-Bomb*, 7 October 2003. A functioning property regime is not only important for resolving the IDP situation, but also for social justice and economic development: secure tenure encourages people to invest in their properties and also allows them to use land as collateral for loans.

<sup>73</sup> "Housing Timor", *op. cit.*

<sup>74</sup> Crisis Group interview, Pedro Xavier, former director, Direccao Nacional de Terra e Propriedades, 27 September 2007.

there is no legal way to evict squatters.<sup>75</sup> Under the Ramos-Horta government (until April 2007), the public works ministry was not permitted to rebuild houses subject to ownership disputes.<sup>76</sup>

A functioning land and property regime will need to reconcile four separate sources of ownership: traditional land rights, titles issued under the Portuguese, titles issued under Indonesia and de facto occupation since 1999.<sup>77</sup> Under Lisbon's rule, Portuguese law applied, though during the whole 400 years only about 2,000 titles were granted, mostly in Dili and the coffee-growing areas of Ermera and Liquica.<sup>78</sup> Indonesian law replaced Portuguese law from 1976, but customary land use practice continued in many areas. Both colonial regimes (and the Japanese) also redistributed land and transferred population; buildings belonging to people who fled Timor, and some former Portuguese government buildings, were expropriated or simply seized during the Indonesian occupation.

The situation was further confused in 1999 by the forced displacement of large numbers of East Timorese, together with the mass destruction of property. Records were destroyed by the withdrawing Indonesian security forces, while many Indonesians sold their properties in late 1999, often without documentation. In the subsequent months and years, people returning from West Timor and from exile overseas moved into whatever accommodation was available, including former Indonesian civil servants' houses and temporarily abandoned houses.<sup>79</sup>

This complex history presents difficult challenges. In many cases, Portuguese and Indonesian titles overlap, and many people occupying property since 1999 lack any formal claim. The government needs to reconcile these competing claims under a single, cohesive land

rights system and set processing guidelines.<sup>80</sup> It will be important to address the particular tenure needs of women, including joint ownership rights for couples.

This is a sensitive issue. Many people, including politicians, may be found to have no legal claim to the property they occupy. For them, continuing legal uncertainty is preferable. Social justice requires that a comprehensive property regime involve an element of redistribution, but there are large landowners in both the government and FRETILIN – including former Prime Minister Alkatiri. Some believe that, as a member of PSD, a party with large landholding families such as the Carrascalao at the helm, Justice Minister Lucia Lobato is unlikely to support a regime that does not protect their interests. While the justice ministry has drafted a number of land laws to replace the current complicated mix of Indonesian and post-independence legislation and regulations issued during UN administration, only three have been passed.<sup>81</sup> Further bills<sup>82</sup> were presented to the government in 2004 but were not discussed by the Council of Ministers, because “land issues were too controversial”.<sup>83</sup>

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<sup>75</sup> Crisis Group interview, Ibere Lopes, land rights adviser, UNDP support to government for IDP reintegration project, 27 September 2007.

<sup>76</sup> Crisis Group interview, Mario Jeronimo, director of urban planning, public works ministry, Dili, 4 July 2007.

<sup>77</sup> Daniel Fitzpatrick, “Land Claims in East Timor: A Preliminary Assessment”, *Australian Journal of Asian Law*, vol. 3, no. 2 (2001), pp. 135-166.

<sup>78</sup> Land titles from this period were published in the government gazette in Portugal, Crisis Group interview, Susana Barnes, ANU research fellow, Dili, 19 August 2007.

<sup>79</sup> “Land Law Report”, Judicial System Monitoring Program (JSMP), 27 September 2005, p. 5; and Rod Nixon, “Dispute Resolution, Mediation and Reconciliation Mechanisms for Competitive Claims to Land, Immovable Property and Natural Resources (Understanding and General Approaches)”, July 2007 (unpublished).

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<sup>80</sup> Edwin Urresta and Rod Nixon, “Research Findings, Policy Options and Recommendations for a Law on Land Rights and Title Restitution”, USAID-ARD Land Law Program, July 2004. Of the estimated 200,000 land parcels (plots of land from Portuguese or Indonesian times on which people have or could stake claims) in Timor-Leste, less than 25 per cent have ever been formerly registered; 97 per cent of land by area is still owned by traditional landowners, mostly communities, under customary land tenure systems. Crisis Group interview, Rod Nixon, former adviser, Direcção Nacional de Terra e Propriedades, Dili, 11 October 2007.

<sup>81</sup> Law No. 1/2003, “Juridical Regime for Real Estate: Ownership”, aims to (1) establish legal jurisdiction for addressing land issues; (2) define land law related legal terms; (3) determine what constitutes State Property; (4) establish the Direcção Nacional de Terra e Propriedades (DNTP) as a legal entity with substantive powers; and (5) allow for future legislation that enhances the juridical regime of immovable property. Article 4 determines that all state property which belonged to the Portuguese state reverts to Timor-Leste. Similarly, article 16.2 specifies that all state property acquired or built under the Indonesian regime reverts to Timor-Leste. Article 16.3 provides that land rights acquired over properties referred to in article 16.2, in good faith and with actual payment, are to be protected. Articles 7 and 8 provide for administrative eviction from state properties. The other two laws deal with “State Property Administration/Leasing of State Property” and “Leasing between Private Individuals”.

<sup>82</sup> On “Land Dispute Mediation and Property System, Transfer, Registration, Pre-existing Rights and Title Restitution”. Legislation on compulsory acquisition and the land register (cadastre) has also been drafted.

<sup>83</sup> Crisis Group interview, José Texeira, former natural resources minister, Dili, 28 June 2007; see also “Rule of Law in Timor-

A claims procedure and dispute resolution mechanism are key elements in regularising the ownership regime. Law 1/2003 set a March 2003 deadline for lodging land claims. But few people knew or understood the process, so only some 13,500 claims were made – 90 per cent by Indonesian citizens who lived in Timor-Leste during the occupation.<sup>84</sup> The justice ministry thus proposes to reopen the deadline and run an information campaign in each village and IDP camp. Ministry mediation forums will try to resolve disputed claims; if mediation does not work, a case will go to arbitration – but legislation is required to establish an arbitration process. Moreover, according to the former head of the land and property directorate, it will not be possible to determine competing property claims without first doing a comprehensive land register. A new project, funded by the U.S. Agency for International Development (USAID), will begin this five-year project in 2009.<sup>85</sup>

## VII. GOVERNMENT STRATEGY

The government that took office in August 2007 has identified the IDP problem as a priority. Its national program promised that the return of IDPs to their homes would be implemented by the end of 2007.<sup>86</sup> However, in his address to the UN Security Council on 10 September 2007, Foreign Minister Zacarias da Costa acknowledged more time would be needed:

The provision of protection and assistance to the internally displaced will remain an issue for some time in Timor-Leste. As much as we would wish, there is no short-term solution to this situation, and addressing the root causes of the crisis requires a medium- to long-term effort. Continuous efforts to guarantee security, resolve land rights issues, strengthening the judiciary, and national and community-level dialogue initiatives to re-establish national unity have to be undertaken. These are the preconditions for the full reintegration of the internally displaced and their ability to reclaim their lives and livelihoods.<sup>87</sup>

The transitional budget for October-December 2007 allocated \$2 million for IDPs. It was mainly spent on replacement tents and tarpaulins, health, drainage and preparing for the wet season. During this time the social solidarity ministry helped facilitate the return of 69 families (458 people) from Airport camp to houses in Beto and 24 families (158 people) from the Canossa Has Laran school camp to their original neighbourhoods in Dili.<sup>88</sup> The minister conducted dialogues in those camps, and the indicated they were willing and able to return but needed government help to rebuild. This assistance was given to them in cash.<sup>89</sup>

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Leste: June 2007”, American Bar Association/Rule of Law Initiative, Freedom House, USAID, p. 43.

<sup>84</sup> Crisis Group interview, Ibere Lopes, land rights adviser, UNDP Support to Government for IDP Reintegration Project, 27 September 2007.

<sup>85</sup> Crisis Group interview, Pedro Xavier, former director, Direcção Nacional de Terra e Propriedades, 30 January 2008.

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<sup>86</sup> “Fourth Constitutional Government Program”, presented to the parliament on 13 September 2007, p. 14. Predecessors of the current government were the first constitutional government, under Mari Alkatiri (May 2002-June 2006); the second, under José Ramos-Horta (June 2006-May 2007); and the third, under Estanislau da Silva (May-August 2007).

<sup>87</sup> Statement by Zacarias da Costa, minister for foreign affairs and cooperation, to the UN Security Council, 10 September 2007.

<sup>88</sup> “Speech by His Excellency the Prime Minister Kay Rala Xanana Gusmao at the presentation of the bill on the state general budget for 2008 at the National Parliament”, 18 December 2007.

<sup>89</sup> Crisis Group interview, Phil Brewster, adviser, social solidarity ministry, Dili, 15 January 2008; and “Familia Deslokadu 110 Fila Ona Ba Bairo” [“110 displaced families have returned to their suburbs”], *Diario*, 8 January 2008.

## A. THE RECOVERY STRATEGY *HAMUTUK HARI'I FUTURU*

Presenting the government's 2008 budget to parliament on 18 December 2007, Prime Minister Gusmão listed the IDP issue as one of his three priorities for the year, alongside resolving the Reinado and petitioners problems. Proposing an allocation of \$15 million to support the displaced, he said:

The subject of displaced persons is a very sensitive subject for our society....We all know how complex this issue is with its political, social and economic features. It is imperative to put an end to the displaced camps, but it is also the duty of the State to respect human rights and to protect those who are most vulnerable.<sup>90</sup>

The next day, the vice prime minister launched *Hamutuk Hari'i Futuru* (Together Building the Future), an inter-ministerial initiative to promote national recovery including addressing the IDP problem. It has five components:

- *Hamutuk Hari'i Uma* (Together Building Homes);
- *Hamutuk Hari'i Protesaun* (Together Building Protection);
- *Hamutuk Hari'i Estabilidade* (Together Building Stability);
- *Hamutuk Hari'i Ekonomia Sosial* (Together Building Social Economy); and
- *Hamutuk Hari'i Confiansa* (Together Building Trust).<sup>91</sup>

The program offers help to families to rebuild their homes. Those whose houses were largely or totally destroyed can choose between a cash grant of \$3,000 to \$4,500, or a new government-built house plus \$1,500. Smaller sums will be paid to those whose homes were only partially destroyed. The grants are to be paid in instalments, with recipients required to show they have made efforts to rebuild before receiving the next one. Support is limited to IDPs who registered damage or destruction that occurred between April 2006 and October 2007.<sup>92</sup>

*Hamutuk Hari'i Futuru* – though it goes beyond the IDP problem – is the most comprehensive proposal to date for dealing with IDPs. It recognises that a long-term solution requires addressing several elements, including housing, security, livelihoods and a sense of national identity. In view of the weakness of government machinery, it is a very ambitious agenda, requiring action and a high degree of coordination from several ministries, working to a common agenda. The first task is to publicise and explain the strategy to the IDPs, many of whom are unaware of or confused about the options. Previous attempts to persuade them to return home have been undermined by lack of clarity about policy. There have been cases where IDPs who went home did not receive the help they believed they had been promised. Many are reluctant to leave the camps in case a better package is offered subsequently. The government has to make clear that this is the best and final offer, and IDPs who do not accept it may miss out.

Returning IDPs to their communities with large quantities of cash and rice also risks provoking social jealousy. This is what happened when 37 families (190 people) were assisted to return to their remote village in Ermera from Borga da Costa camp in Dili on 30 December 2007. They returned with two months of rice and up to \$3,000 in cash per household – more money than anyone in that village had seen in their lives – to rebuild their burnt houses. Jealous villagers chased them away, and some fled to Gleno or back to Dili. The social solidarity ministry tried to mollify the angry neighbours by asking WFP to give the rest of the village two months' free rice. Word of what happened got back to IDPs in Dili, and some say they will not go home until the government can guarantee security.<sup>93</sup> There is also a risk the program will attract IDPs who have already gone home to return to the camps to claim the money.

Another possible flashpoint is that the government has not yet decided how to compensate people who were living in a house they did not own but lost their belongings or business assets when it was destroyed or looted. The majority of IDPs fall into this category and are angry that the strategy does not discuss compensation for their property.<sup>94</sup> Lack of funding is a further problem. As noted, \$15 million is in the 2008 budget for IDPs' humanitarian needs and housing grants. The government is looking to donors for a further \$35 million. The strategy does not appear to have been properly costed, but it

<sup>90</sup> Gusmao 2008 budget speech, op. cit.

<sup>91</sup> Office of the vice prime minister, press release, 19 December 2007.

<sup>92</sup> Ibid; Crisis Group interview, Jacinto Gomes, secretary of state for social and humanitarian assistance and natural disasters, Dili, 16 January 2008; and "Governu Sei Fornece Osan no Uma ba Refuziadu" ["Government will give money

and homes to refugees"], *Suara Timor Loro'sae* [Voice of East Timor], 8 January 2008.

<sup>93</sup> Crisis Group interview, Carlito da Silva, camp manager, Airport IDP camp, 18 January 2008; and IDP leaders dialogue, op. cit.

<sup>94</sup> Ibid.

seems that, even if the foreign funds are received, the total will only be enough to cover the house-rebuilding component.<sup>95</sup> Nothing has yet been budgeted for the other four components.<sup>96</sup> The UN plans to launch a Transitional Strategy and Appeal (TSA) in March 2008 to raise money for the response to the IDP situation and for strengthening the country's emergency response and disaster management capacity.<sup>97</sup> But it is risky to rely on donor decisions to pay for these priorities.

## 1. Building homes

This pillar aims to help IDPs return home where it is safe and possible and to provide new houses where it is not. An operational plan is still being drawn up, but the intention is to work with the databases compiled during the *Levantamento de Dados* and *Levantamento de Campos* exercises. In the former, conducted in October 2006, more than 5,000 IDPs registered their destroyed or damaged houses. In the latter, data collectors worked with village chiefs to verify the claims.<sup>98</sup> The next stage will be to examine global information system (GIS) maps to make sure the houses have been correctly identified and ownership is not disputed. Only those with no competing claims can be rebuilt.<sup>99</sup> Those in dispute will have to wait until the justice ministry decides what to do about the land laws – a significant limitation, as the majority of cases fall into this category.

The government will build new basic houses for people who are afraid to return to their former houses or are

unable to do so for some other reason. However, the justice ministry is yet to allocate government land or purchase private land on which to build these houses.<sup>100</sup>

There are a number of problems with this component of the recovery strategy. Without new land laws and a registry, conflicting claims will continue to be a source of conflict and insecurity. This is a critical challenge for reasons beyond the IDP crisis. Long-term stability and economic growth depend on addressing fundamental housing and land needs, correcting ownership inequities and instituting a predictable, law-based property regime.

## 2. Building protection

This pillar aims to establish a social safety net for the most vulnerable, with “due attention to the specific needs of the internally displaced”. As noted, the WFP feeding program, which was to have been ended in January 2008, has been extended on a half-ration basis. Eventually ending universal food distribution will remove a strong incentive for IDPs to remain in camps. The plan proposes conducting a food security assessment for IDPs and non-IDPs alike, with assistance to be given to meet acute food gaps and reduce malnutrition among the most vulnerable populations.<sup>101</sup> To reduce the risk of social unrest, WFP has recommended continuing to give food to young children, pregnant/nursing mothers and other vulnerable individuals such as orphans, the chronically ill and disabled. The government hopes the necessary funds will come from donors.

Preventing future displacements requires better contingency planning for disasters. At a donor briefing on 22 January 2008, Vice Prime Minister José Luis Guterres estimated 2008 requirements for disaster management and tackling the effects of the early January floods at \$14,790,000, but the 2008 budget allocates just \$1 million for this purpose, leaving a shortfall of \$13,790,000.<sup>102</sup> The government again hopes to meet this from donors. It also needs to simplify the method for declaring a natural disaster, by making the national disaster directorate report directly to the vice prime minister or the prime minister.<sup>103</sup> This would speed up

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<sup>95</sup> Crisis Group interview, Jacinto Gomes, secretary of state for social and humanitarian assistance and natural disasters, Dili, 16 January 2008. At a briefing for donors in New York on 22 January 2008, Vice Prime Minister José Luis Guterres said the total budget required for the IDP recovery program is \$50 million, “Statement on Humanitarian Situation”, New York, 22 January 2008. The humanitarian coordinator of the UN mission in Timor (UNMIT), Finn Reske-Nielsen, said, “approximately \$15 million would be needed for emergency assistance to IDPs, approximately \$50 million for recovery assistance for the IDPs and related communities, and approximately \$30 million for broader assistance to address chronic vulnerabilities (including food insecurity, sustainable livelihoods, and disaster risk reduction)”, “Talking Points – Donor Briefing on the Timor-Leste Humanitarian Situation”, New York, 22 January 2008.

<sup>96</sup> Crisis Group interview, UN agency staff member, Dili, 29 January 2008.

<sup>97</sup> Crisis Group interview, UNMIT staff member, 28 February 2008.

<sup>98</sup> Crisis Group interviews, Jacinto Gomes, secretary of state for social and humanitarian assistance and natural disasters, Dili, 4 October 2007; Phil Brewster, adviser, social solidarity ministry, Dili, 14 September 2007.

<sup>99</sup> Crisis Group interview, Phil Brewster, adviser, social solidarity ministry, Dili, 14 January 2008.

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<sup>100</sup> Crisis Group interviews, Jacinto Gomes, secretary of state for social and humanitarian assistance and natural disasters, Dili, 15 January 2008; Pedro Xavier, former director of land and property, 30 January 2008.

<sup>101</sup> “Timor-Leste 2007 Mid-Year Review”, op. cit., p. 10.

<sup>102</sup> Guterres, “Statement”, op. cit.

<sup>103</sup> Previously, the Natural Disaster Management Office was under the interior ministry. The Natural Disaster Management Department is now under the secretary of state for natural disasters and humanitarian and social assistance, who reports to the social solidarity minister. In the case of natural disaster, the minister would report to the vice prime minister, who would

the response time to events such as the January 2008 floods in Liquica district and reduce the chance for additional displacements.

### 3. Building stability

This component aims to address security concerns, to create an environment “conducive to the return or resettlement of IDPs”, including trying to resolve the case of the petitioners, developing a response to the problem of martial arts groups and working with communities to identify and address sources of conflict.<sup>104</sup> Locally, the biggest challenge is to ensure communities will accept the IDPs' return. The social solidarity ministry's dialogue processes should resume (as is contemplated) in Dili and other districts where violence displaced many – Ermera, Baucau, Viqueque. The increased dialogue should focus on obtaining community agreement to return, resettlement and reintegration. However, no additional funds have been provided in the budget to expand and strengthen the ministry's human, technical and material resources to facilitate it.<sup>105</sup>

As Crisis Group has previously recommended,<sup>106</sup> the government should continue with its security sector reform, so as to build a professional police force that can provide effective community policing in Dili and the districts.<sup>107</sup> Meanwhile, it should ensure, with the UN, a 24-hour police presence in areas where there have been displacements, in order to improve the sense of security. New police posts should be established in particularly problematic suburbs of Dili, with regular patrols so that police can get to know the residents.<sup>108</sup> These patrols should be done by Timorese police, with UNPol back-up where appropriate. Community policing – with locally based officers stressing crime prevention as much as response – is not yet a familiar idea in Timor-Leste, either to the police or to the wider population. The government and police leadership should work to develop a Timorese concept of it, which then must be communicated to the people.

The *Hamutuk Hari'i Futuru* strategy does recognise that such increased police posts and patrols in troubled neighbourhoods are important, both to allow IDPs to

return home in safety and to help prevent future displacements. Once again, however, there is no money in the 2008 budget for it, and donor help is required.

### 4. Building social economy

This pillar aims to create livelihood opportunities and improve conditions in the villages for all, which should help reduce social jealousy of returning IDPs. It envisages three-month job-generation schemes in infrastructure, agriculture and fisheries, environmental protection and disaster preparedness and mitigation.<sup>109</sup> It recognises the need to create livelihoods both in areas of return and for the young, unemployed people who have migrated to Dili, as well as the need for a balanced approach between Dili and the districts. However, no ministry has budgeted for livelihood creation in its 2008 budget. This component is also weak in that it focuses on creating only short-term jobs. To prevent future conflict, the government needs to foster creation of permanent occupations with reasonable salaries for young people, as well as invest in training and promotion of entrepreneurship.

### 5. Building trust

The objective is to “increase trust between the people and the government and to strengthen communities”. The key actions involve strengthening the social solidarity ministry's community dialogue process.<sup>110</sup> Again, however, the necessary funds have not been allocated.<sup>111</sup> The planned dialogues also need to become more focused on concrete outcomes, with local and national government officials present to respond to concerns and then follow up. Dialogue is further needed at the national level to promote national reconciliation and tolerance. Many of the roots of today's conflicts were explored in the Commission of Reception, Truth and Reconciliation's *Chega!* (Enough!) report, which was presented to the president in October 2005 but has not yet been discussed by the parliament.<sup>112</sup> *Chega!* needs to be disseminated, made part of a national dialogue and have its recommendations adopted.

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coordinate the response. Crisis Group interview, UN agency staff member, Dili, 29 January 2008.

<sup>104</sup> “*Hamutuk Hari'i Futuru*, A National Recovery Strategy”, pp. 3-4.

<sup>105</sup> The social solidarity ministry estimates it needs at least 30 additional trained staff to carry out dialogue activities, Crisis Group interview, ministry staff, January 2008.

<sup>106</sup> Crisis Group Report, *Security Sector Reform*, op. cit.

<sup>107</sup> Crisis Group interviews, IDPs, Farol, Becora, Jardim, Obrigado Barracks camps, October-November 2007.

<sup>108</sup> Ibid.

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<sup>109</sup> “*Hamutuk Hari'i Futuru*, A National Recovery Strategy”, pp. 6-8.

<sup>110</sup> Ibid, pp. 9-10.

<sup>111</sup> Crisis Group interview, social solidarity ministry staff, January 2008.

<sup>112</sup> *Chega!*, op. cit.

## VIII. CONCLUSION

The national recovery strategy is a welcome government initiative and contains many of the elements necessary to address the IDP crisis. However, it will not work unless adequate funds are allocated, and all ministries involved can be made to work together. The 2008 budget provides money only for the first pillar,<sup>113</sup> and even then the international community is apparently expected to contribute the lion's share. Timor-Leste has adequate resources to cover more of these shortfalls from its own resources and should do so. Budgets must be set in all the ministries that are part of the strategy; the government's failure to ensure adequate funding for this is indicative of wider governance problems<sup>114</sup> and should be remedied in the mid-term budget review.

Pillars two to five – the non-infrastructure parts of the strategy – require as much attention as house building, because they are needed to reduce the risk that social jealousy will obstruct the resettlement process and to promote reconciliation within communities.<sup>115</sup> A government retreat in late February 2008 seems to have helped draw attention to the need to address all five parts of the strategy.<sup>116</sup>

The strategy, however, still omits important elements. Two are particularly significant: the need to implement the 2004 housing strategy in order to meet people's basic shelter requirements, and the need to put in place a functioning, law-based property regime to create security of tenure and resolve ownership disputes. Without these elements – accompanied by progressive land redistribution – conflicting property claims and the sheer shortage of housing will continue to pose an obstacle to stability and economic growth. IDP returns should not be made to wait on time-consuming law reform. The justice ministry should take advantage of the opportunity, however, to reinvigorate discussion of the land law at the government and community level.

The government also needs to acknowledge that it may be dealing with the problem of current IDPs for several more years, as well as recognise that there will inevitably be future displacements due to natural disasters or political

conflict and prepare for them. This means undertaking contingency planning, including identifying sites for future IDP camps so that people do not again end up living in sensitive or unhealthy locations, such as the airport, the hospital or the barren flood plain in Metinaro.<sup>117</sup>

Finally, breaking the cycle of impunity is essential to prevent further violence and displacements. The recovery strategy does not discuss the need to bring arsonists or any of the authors of the 2006 violence to justice. IDPs increasingly insist that those who burnt down their houses must face some sort of justice.<sup>118</sup> The prevalence of this crime in Timor-Leste, and its importance in recent conflict, means it warrants more serious attention from the justice sector. Reconciliation processes and community sentencing can play a role, but the crime must not simply be overlooked. Potential arsonists need to feel that there is a possibility of punishment – and, more fundamentally, that society disapproves of their actions.

**Dili/Brussels, 31 March 2008**

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<sup>113</sup> The government did not give the parliament a detailed breakdown of how the \$15 million would be spent, leading some in FRETILIN to allege that it was all for handouts, Crisis Group interview, Arsenio Bano, FRETILIN member of parliament, 15 January 2008.

<sup>114</sup> Crisis Group interview, donor, Dili, 27 January 2008.

<sup>115</sup> Finn Reske-Nielsen, "Talking Points", op. cit.

<sup>116</sup> Crisis Group interviews, retreat participants, Dili, 29 February 2008.

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<sup>117</sup> The social solidarity ministry has apparently drafted such a policy but has not made it public, Crisis Group interview, Aurelio Guterres, former director, National Disaster Management Office, Dili, 17 September 2007.

<sup>118</sup> Crisis Group interviews, Leopoldo Pinto, camp manager, Jardim IDP camp, 12 January 2008; Carlito da Silva, camp manager, Airport IDP camp, 18 January 2008; Arsenio Bano, FRETILIN member of parliament; and IDP leaders dialogue, op. cit.



## APPENDIX B

### ABOUT THE INTERNATIONAL CRISIS GROUP

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The International Crisis Group (Crisis Group) is an independent, non-profit, non-governmental organisation, with some 140 staff members on five continents, working through field-based analysis and high-level advocacy to prevent and resolve deadly conflict.

Crisis Group's approach is grounded in field research. Teams of political analysts are located within or close by countries at risk of outbreak, escalation or recurrence of violent conflict. Based on information and assessments from the field, it produces analytical reports containing practical recommendations targeted at key international decision-takers. Crisis Group also publishes *CrisisWatch*, a twelve-page monthly bulletin, providing a succinct regular update on the state of play in all the most significant situations of conflict or potential conflict around the world.

Crisis Group's reports and briefing papers are distributed widely by email and printed copy to officials in foreign ministries and international organisations and made available simultaneously on the website, [www.crisisgroup.org](http://www.crisisgroup.org). Crisis Group works closely with governments and those who influence them, including the media, to highlight its crisis analyses and to generate support for its policy prescriptions.

The Crisis Group Board – which includes prominent figures from the fields of politics, diplomacy, business and the media – is directly involved in helping to bring the reports and recommendations to the attention of senior policy-makers around the world. Crisis Group is co-chaired by the former European Commissioner for External Relations Christopher Patten and former U.S. Ambassador Thomas Pickering. Its President and Chief Executive since January 2000 has been former Australian Foreign Minister Gareth Evans.

Crisis Group's international headquarters are in Brussels, with advocacy offices in Washington DC (where it is based as a legal entity), New York, London and Moscow. The organisation currently operates twelve regional offices (in Amman, Bishkek, Bogotá, Cairo, Dakar, Islamabad, Istanbul, Jakarta, Nairobi, Pristina, Seoul and Tbilisi) and has local field representation in sixteen additional locations (Abuja, Baku, Bangkok, Beirut, Belgrade, Colombo, Damascus, Dili, Dushanbe, Jerusalem, Kabul, Kathmandu, Kinshasa, Port-au-Prince, Pretoria and Tehran). Crisis Group currently covers some 60 areas of actual or potential conflict across four continents. In Africa, this includes

Burundi, Central African Republic, Chad, Côte d'Ivoire, Democratic Republic of the Congo, Eritrea, Ethiopia, Guinea, Kenya, Liberia, Rwanda, Sierra Leone, Somalia, Sudan, Uganda and Zimbabwe; in Asia, Afghanistan, Bangladesh, Indonesia, Kashmir, Kazakhstan, Kyrgyzstan, Myanmar/Burma, Nepal, North Korea, Pakistan, Phillipines, Sri Lanka, Tajikistan, Thailand, Timor-Leste, Turkmenistan and Uzbekistan; in Europe, Armenia, Azerbaijan, Bosnia and Herzegovina, Cyprus, Georgia, Kosovo, Serbia and Turkey; in the Middle East, the whole region from North Africa to Iran; and in Latin America, Colombia, the rest of the Andean region and Haiti.

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**March 2008**

## APPENDIX C

### INTERNATIONAL CRISIS GROUP REPORTS AND BRIEFINGS ON ASIA SINCE 2005

#### CENTRAL ASIA

*The Curse of Cotton: Central Asia's Destructive Monoculture*, Asia Report N°93, 28 February 2005 (also available in Russian)

*Kyrgyzstan: After the Revolution*, Asia Report N°97, 4 May 2005 (also available in Russian)

*Uzbekistan: The Andijon Uprising*, Asia Briefing N°38, 25 May 2005 (also available in Russian)

*Kyrgyzstan: A Faltering State*, Asia Report N°109, 16 December 2005 (also available in Russian)

*Uzbekistan: In for the Long Haul*, Asia Briefing N°45, 16 February 2006 (also available in Russian)

*Central Asia: What Role for the European Union?*, Asia Report N°113, 10 April 2006

*Kyrgyzstan's Prison System Nightmare*, Asia Report N°118, 16 August 2006 (also available in Russian)

*Uzbekistan: Europe's Sanctions Matter*, Asia Briefing N°54, 6 November 2006

*Kyrgyzstan on the Edge*, Asia Briefing N°55, 9 November 2006 (also available in Russian)

*Turkmenistan after Niyazov*, Asia Briefing N°60, 12 February 2007

*Central Asia's Energy Risks*, Asia Report N°133, 24 May 2007 (also available in Russian)

*Uzbekistan: Stagnation and Uncertainty*, Asia Briefing N°67, 22 August 2007

*Political Murder in Central Asia: No Time to End Uzbekistan's Isolation*, Asia Briefing N°76, 13 February 2008

#### NORTH EAST ASIA

*North Korea: Can the Iron Fist Accept the Invisible Hand?*, Asia Report N°96, 25 April 2005 (also available in Korean and Russian)

*Japan and North Korea: Bones of Contention*, Asia Report N°100, 27 June 2005 (also available in Korean)

*China and Taiwan: Uneasy Détente*, Asia Briefing N°42, 21 September 2005

*North East Asia's Undercurrents of Conflict*, Asia Report N°108, 15 December 2005 (also available in Korean and Russian)

*China and North Korea: Comrades Forever?*, Asia Report N°112, 1 February 2006 (also available in Korean)

*After North Korea's Missile Launch: Are the Nuclear Talks Dead?*, Asia Briefing N°52, 9 August 2006 (also available in Korean and Russian)

*Perilous Journeys: The Plight of North Koreans in China and Beyond*, Asia Report N°122, 26 October 2006 (also available in Korean and Russian)

*North Korea's Nuclear Test: The Fallout*, Asia Briefing N°56, 13 November 2006 (also available in Korean and Russian)

*After the North Korean Nuclear Breakthrough: Compliance or Confrontation?*, Asia Briefing N°62, 30 April 2007 (also available in Korean and Russian)

*North Korea-Russia Relations: A Strained Friendship*, Asia Briefing N°71, 4 December 2007 (also available in Russian)

*South Korea's Election: What to Expect from President Lee*, Asia Briefing N°73, 21 December 2007

#### SOUTH ASIA

*Nepal's Royal Coup: Making a Bad Situation Worse*, Asia Report N°91, 9 February 2005

*Afghanistan: Getting Disarmament Back on Track*, Asia Briefing N°35, 23 February 2005

*Nepal: Responding to the Royal Coup*, Asia Briefing N°35, 24 February 2005

*Nepal: Dealing with a Human Rights Crisis*, Asia Report N°94, 24 March 2005

*The State of Sectarianism in Pakistan*, Asia Report N°95, 18 April 2005

*Political Parties in Afghanistan*, Asia Briefing N°39, 2 June 2005

*Towards a Lasting Peace in Nepal: The Constitutional Issues*, Asia Report N°99, 15 June 2005

*Afghanistan Elections: Endgame or New Beginning?*, Asia Report N°101, 21 July 2005

*Nepal: Beyond Royal Rule*, Asia Briefing N°41, 15 September 2005

*Authoritarianism and Political Party Reform in Pakistan*, Asia Report N°102, 28 September 2005

*Nepal's Maoists: Their Aims, Structure and Strategy*, Asia Report N°104, 27 October 2005 (also available in Nepali)

*Pakistan's Local Polls: Shoring Up Military Rule*, Asia Briefing N°43, 22 November 2005

*Nepal's New Alliance: The Mainstream Parties and the Maoists*, Asia Report N°106, 28 November 2005

*Rebuilding the Afghan State: The European Union's Role*, Asia Report N°107, 30 November 2005

*Nepal: Electing Chaos*, Asia Report N°111, 31 January 2006

*Pakistan: Political Impact of the Earthquake*, Asia Briefing N°46, 15 March 2006

*Nepal's Crisis: Mobilising International Influence*, Asia Briefing N°49, 19 April 2006

*Nepal: From People Power to Peace?*, Asia Report N°115, 10 May 2006 (also available in Nepali)

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