



Evaluation of UNHCR's
repatriation and reintegration
programme in East Timor,
1999-2003

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Executive summary

Introduction

Events in East Timor in 1999 developed at a surprising pace; over 20 years of Indonesian occupation unravelled within nine months of signals of a change in attitude from the incoming Indonesian President. The violence and destruction of August and September 1999 created a complex situation for which there had been limited contingency planning but for which a rapid solution had to be found. One third of the East Timorese population was internally displaced, with another third living as refugees in West Timor, many of them massed along the border where they created a political and a security threat to East Timor.

The UN, as the internationally mandated transitional sovereign authority, was therefore confronted with three major challenges: how to cope with the emergency created by mass destruction and displacement, how to stabilise the situation and avoid further destabilisation, and how to prepare the country for transition to full independence. UNHCR, as a UN agency and by virtue of its refugee mandate, was involved in addressing all three challenges.

UNHCR's contribution to coping with the emergency: UNHCR had been operational in Timor from May 1999, providing assistance to those internally displaced by political violence. The post-September 1999 East Timor operation was set up with great rapidity, large scale funding was disbursed within a matter of weeks, staff worked flat out to overcome infrastructural and logistic hurdles while living in extremely difficult conditions, were closely involved in the return of 126,000 people in the first three months (sometimes as many as 6,000 in one day), and set in motion a massive shelter project intended to benefit some 35,000 households. In short, UNHCR was undoubtedly a key player in helping UNTAET cope with the emergency created by mass displacement.

Stabilising the situation

The refugee population in West Timor was seen as a threat to East Timor's stability. When, after the mass returns of the first three months, return flows from West Timor suddenly dried up in early 2000, the return of the remaining refugees was thus seen as an essential element to stabilising the situation in East Timor. The demands on UNHCR therefore changed dramatically – from how to deal with mass return to how to sustain it. This repatriation was not just a humanitarian intervention, it became a political objective.

Given the complex nature of the refugee case-load, in which some people were effectively in the grip of militia members against their will, while others had made their own way there, UNHCR had to seek both to enable the former to exercise their right to return (e.g. through 'extraction' from the camps of West Timor), and to encourage the latter that the situation in East Timor did not pose a threat. Some

activities were targeted at the population as a whole, such as the Mass Information Campaigns, while others aimed at encouraging specific groups to return through a series of relatively complex reconciliation initiatives. Matters were severely complicated following the killings of three UNHCR staff in West Timor in September 2000, after which UNHCR's activities were almost entirely restricted to the East Timor side of the border.

As well as encouraging returns to East Timor, UNHCR also had responsibility for ensuring that the second phase of repatriation, from transit centres to home areas, did not create further destabilisation in the form of retaliatory attacks against returnees who were believed to have been implicated in the violence of 1999. These so-called 'secondary returns' required a major investment of staff time and co-ordination with sister agencies. In collaboration with sister UN agencies risk reducing modalities were developed in the form of Standard Operating Procedures, as a result of which destabilising incidences were largely avoided and, where they did occur, quickly brought under control. UNHCR very early on took a lead on working with local and traditional forms of authority at village level to promote reconciliation upon return.

Getting people back, therefore, was UNHCR's first major contribution to normalising the situation, with approximately 225,000 people (nearly 90% of the refugees) returning, and nearly all returnees being assisted in one way or another, including material assistance to help re-establish minimum living conditions. Although its own field-level returnee protection monitoring was very weak, UNHCR did provide extensive and on-going training to the relevant peace keeping and police forces to promote respect for returnee rights.

UNHCR's second major contribution to normalising the situation was to shoulder the task of providing 35,000 shelter kits in response to the destruction of an estimated 70% of housing. This project was in principle targeted at vulnerable households in general rather than at refugee returnees in particular. As such it was additional to UNHCR's primary repatriation and reintegration responsibilities. Due to its scale, and to the procurement difficulties arising in part from the kit design, many of the shelter kits were delivered too late to meet immediate shelter needs. Despite these shortcomings the shelter programme came to be the major element of UNHCR's reintegration work within East Timor, and was probably one of the most visible legacies of the UN's three year transitional administration.

The other major UNHCR intervention to 'normalise' the situation was to try and reunify separated children with their parents. While the logic of this seemed self-evident given that some children appeared to have been taken from the refugee camps in West Timor to other locations in Indonesia under conditions of some duress, the issue in fact proved to be far wider and more complex. It gradually became clear that UNHCR's initial belief that reunification and the best interests of the child were always synonymous was in fact misjudged. As such, while the reunifications of some children were undoubtedly in their best interests, in the case of others the intervention created problems for the children, their families and their carers, and aggravated already tense relations at a diplomatic level.

Preparing for the future

In terms of contributing to UNTAET's third major challenge, preparing East Timor's transition to full independence, UNHCR, in addition to bringing people back in time to vote, also became centrally involved in developing the appropriate asylum and immigration legislations for East Timor, providing training to the relevant authorities, and giving support to the institution leading the national truth and reconciliation process, CAVR. The shelter project, quite apart from its direct benefit to recipients of kits, had the important indirect benefit of helping to legitimise the wider UNTAET presence and thereby easing its task somewhat.

At an international relations level UNHCR's interventions, notably the decision to invoke the cessation clause only seven months after formal independence, can be seen as part of broader political processes aimed at consolidating East Timor's identity as an independent state.

Learning the lessons

From a scrutiny of the major elements of UNHCR's operation a number of broad conclusions emerge. From UNTAET's perspective, the emergency was handled, the situation was stabilised, and transition to formal independence of East Timor was achieved, and it is clear that UNHCR made some key contributions to these immediate objectives. However, consolidating that independence in a society fractured by decades of occupation and still recovering from the violence of 1999, is a longer term process whose outcome is not yet guaranteed.

This evaluation suggests that the potential of the operation to consolidate the social aspects of reintegration, and thereby to ensure that return was truly a durable solution, was not maximised. The report also suggests that in pursuing the broad objectives of UNTAET, there was some dilution of UNHCR's primary mandate, the protection of refugees and returnees.

As a reading of the full report suggests, four dominant themes emerge which go some way to explaining these shortcomings: lack of information and analysis, lack of integration of activities, lack of staffing (quantity, skills profile, quality), and lack of funding. Some of these were in principle within the scope of the operation in East Timor to address directly, others were more clearly within the ambit of UNHCR as an institution. It is therefore not enough to reduce the explanation or the solutions to a simple matter of quantity. As the review of specific elements of the operation indicates, there are a number of qualitative issues which, if taken into consideration at the relevant levels, could enhance the impact of future operations.

Chapter 3 argues that a greater focus on information based programming would benefit UNHCR's constituency, the refugees and returnees, and would enhance operational effectiveness. In East Timor UNHCR operated in something of an information vacuum. While the rate of return in the first three months made it difficult to establish a data-base of returnees initially, and the tensions in West Timor made even a basic registration of refugees impossible, not enough effort was made in the East Timor operation to overcome these information constraints.

Returnee registration and assessment procedures were not thorough and did not cover a full range of vulnerabilities, nor were results systematically recorded. No database of returnees was established on the basis of which to conduct systematic protection monitoring. Systematic needs assessments, qualitative understanding of social and historical dynamics and cultural norms (e.g. separated children), and market research for income-generating QIPs were all found to be lacking.

The lack of basic data gathering and analysis, which arguably could and should have been part and parcel of all aspects of the operation, was a major constraint on maximising the quality and effectiveness of the operation. This in turn was costly to UNHCR in terms of time, human and financial resources, and was not always in the best interests of the supposed beneficiaries.

With an unclear picture of the composition of refugee and returnee case-loads, UNHCR appears to have operated on two implicit and mutually contradictory assumptions. Firstly, that the majority of refugees in West Timor were there against their will, and secondly that the refugee population also harboured many of the perpetrators of the 1999 violence. The maintenance of an emergency response capacity for longer than necessary reflected the first assumption. The undue emphasis given to identifying returnees at risk of retaliatory violence reflected the second.

Overall this led to a lot of effort being put into getting people back, and relatively little effort into ensuring the quality of reintegration of those who had come back. There was relatively little identification of vulnerable categories to inform other interventions such as the shelter project and separated children. However, it should be noted that UNHCR also operated with the understanding that several thousand East Timorese were still employed by the Indonesian state i.e. Milsas, Polri, school teachers/bureaucrats and if they returned to East Timor would forfeit pay/pensions. From early in 2000 UNHCR worked on obtaining figures/name lists from the Indonesian authorities on a modus operandi which would allow these East Timorese and their extended families to return without losing their benefits.

The negative effects of operating with an unnecessarily 'blurred scenario' extended to all other aspects of the operation - repatriation, vulnerability targeting, identification of separated children, choice of QIPs, invocation of cessation clause, etc.

Material assistance

Chapter 4 finds some truth in the saying 'The Devil is in the detail' in the sense that procurement difficulties can undermine what would otherwise be an appropriate form of material assistance. The design of the shelter kit, while appropriate in principle because it mirrored pre-existing designs, aggravated an already challenging procurement situation. This caused serious delays and logistics problems. As a result:

- the potential of the kits to mitigate the negative environmental impacts caused by mass rebuilding of housing was reduced;

- technical and logistic demands dominated staff time in East Timor at the expense of social and political processes of reconciliation and reintegration; and,
- the potential of material assistance to leverage more sensitive interventions such as protection monitoring was seriously under-exploited, despite this having been one of the rationales for accepting the shelter project.

The chapter also finds that if responsibility for social process is to be contracted out to implementing partners it must go hand-in-hand with provision of sufficient training and follow-up monitoring. The problems of the shelter project were compounded by relatively weak monitoring of implementing partners, not all of whom appeared to have clarity regarding vulnerability criteria and targeting. Protection monitoring was not built into the agreements with its shelter project implementing partners, despite the fact that they were operating at a village level in all parts of East Timor. The project team also did not include staff members with specific experience in the social aspects of such a project.

As such, the shelter project's potential to consolidate social reintegration was never maximised, nor did it strengthen UNHCR's primary mandate of protection as had been initially envisaged – arguably it detracted from it substantially.

It was also clear that Quick Impact Projects required more money but also closer attention to process. The relative lack of impact of the QIPs was attributed by several respondents to the low levels of funding available for QIPs rather than to the quality of the processes adopted. While it is true that the shift in focus to small groups meant that any claims that the QIPs would have a quick impact on the community as a whole were somewhat overstated, it is also clear that market analysis, and training and monitoring of beneficiaries were poor. As a result many projects which appeared relevant in the short-term were not viable in the medium term and therefore folded quickly, and it is doubtful whether they contributed substantially to sustainable reintegration.

Returnee monitoring

Chapter 5 found that returnee monitoring should cover a range of vulnerabilities. In East Timor most of the focus of returnee monitoring was on vulnerability to physical retaliation for involvement in the events of 1999, with absence of visible violence taken as the main indicator of successful return and reintegration. As such other forms of vulnerability and risks were not systematically identified, and the content of reintegration was defined in terms of negative indicators (absence of violence) rather than positive ones (presence of communal actions etc).

It was also found that the failure to achieve integrated protection and material assistance interventions has high costs for protection. UNHCR's protection function was chronically under-staffed and had little capacity for field level returnee monitoring. While the field presence of the shelter project's eight implementing partners could have compensated somewhat for this chronic lack of capacity, this opportunity was not capitalised on due to the poor integration of protection and programme interventions. As such no claims to effective and systematic field-level monitoring by UNHCR itself can be made.

The lack of systematic protection monitoring undermines the use of objective protection indicators as the basis for protection related decisions and practices and allows political and funding considerations to dominate. The lack of staff capacity, the absence of a good data-base, and the failure to use implementing partners for this purpose, meant that returnee protection monitoring could not be conducted in a fully systematic way. There was thus no clear and substantiated picture of what was happening at a community level, and in this information vacuum planning and decision making processes could be more strongly influenced by political considerations and pressures than might have otherwise been the case.

UNTAET's political project of return, for example, put considerable demands on UNHCR's protection mandate, as they had to seek to distinguish between excludable and non-excludable elements in the refugee population. Despite an awareness of the problem at the highest levels, it is clear that UNHCR did not succeed in dispelling perceptions that it had assisted the return of people implicated in the events of 1999.

In the question of the timing of the cessation clause the political project of preparing for independence actually overrode protection considerations. Cessation was invoked in December 2002, despite the fact that three out of five of the benchmark indicators set by the Department of International Protection had not been met. As a result UNHCR East Timor finds itself in the somewhat perverse position that despite having declared cessation of status, it is still (correctly) monitoring the situation of returnees and seeking solutions for the estimated 25,000 East Timorese still in West Timor.

However, it is not sufficient to attribute the dominance of political considerations to a lack of information. The fact remains that even when indicators were put in place by the Department of International Protection in the run up to invoking the cessation clause, the findings of the protection unit in Dili were disregarded. This raises disturbing questions about the value placed on protection at the highest levels of the organisation and helps to put some of the shortcomings of the protection function in East Timor into perspective.

Separated children

Chapter 6 establishes that the 'best interests' of separated children are not always synonymous with reunification with their biological parents. The issue of separated children was highly politicised, both by the countries concerned but also by the staff involved. The Jakarta and Dili offices did not always have a shared approach to the issue of separated children, and failed early on to establish a common analysis, which on this issue should have been strongly historical as well as involving a careful assessment of the quantitative dimensions of the issue.

The view that children should be reunified with their parents was not questioned by UNHCR until relatively late in the day. As a result, UNHCR targeted too wide a set of children, with too narrow a set of prescriptions for what should happen to them. Not all re-unifications of separated children with their parents were therefore in the best interests of the child concerned. Lessons were learned from this and UNHCR has moved to a deeper analysis and closer work with the relevant Indonesian authorities on a better-specified and therefore more limited case-load.

Management issues

In scrutinising various aspects of UNHCR's modus operandi in Chapter 7, it was found that for many reasons it had not been possible to build a strong staff team or unified management, and that this had impacted on the effectiveness of interventions. UNHCR's capacity to put an emergency operation together at short notice was impressive, but its subsequent problems establishing the core staff needed to ensure the quality of a medium-term operation highlighted an important gap in its systems. The combination of fluctuating demand for staffing, non-availability of appropriate staff, and rigidities of recruitment processes created numerous obstacles to creating a successful balance in the staffing. Furthermore, the skills profile of the staff did not adequately reflect the need to address the social aspects of interventions. The lack of reintegration specialists contributed to difficulties maximising the opportunities created by the shelter project.

When added together the rapid turnover of staff, difficult living and working conditions (physical hardships, frequent illness, lack of transport etc), and uncertainty as to the future of the operation, made for substantial difficulties building a team. There was heavy use of relatively inexperienced UNVs, particularly in field offices, and inadequate attention given to building the capacities of national staff. As such most staff were in one way or another in a position which was personally untenable in the medium term and which compromised the effectiveness of the operation.

The decision to split the Timor operation into East and West created multiple lines of accountability and serious tensions within management, aggravated by the lack of a clear end to the emergency phase. In East Timor, Geneva headquarters was aware from an early date that such tensions were impacting on the operation, but these early warning signs were not acted upon in terms of taking appropriate action. When numerous divisions emerged, the integrated functioning of protection and programme activities suffered severely, ultimately impacting on their effectiveness relating to beneficiaries. There was perhaps too much delay in decentralisation of decision-making to the Field Office level, though the fact that they were understaffed and overstretched offers some explanation for this.

UNHCR's capacity as an institution to learn lessons is poor – 'Lessons learned' from earlier repatriations had not been learned, nor had insights gained in various missions been acted upon. For example, the review of the Cambodia operation written in 1993 noted that 'Reintegration Specialists are required' because 'field staff were almost totally preoccupied with the logistics of the repatriation movement'.¹ In the East Timor case OCM staff were heavily preoccupied with the logistics of the shelter project rather than maximising its reintegration potential, and field offices were fully extended dealing with the repatriation operation. More effective work on reintegration would have required an increase in staffing.

Chapter 7 also found that the steps taken to ensure the necessary knowledge and skills base of implementing partners were insufficient, as was follow-up monitoring in the field. The use made of implementing partners was sub-optimal, particularly in terms of targeting of vulnerable groups and monitoring of returnees. To improve it

¹ Review of the Cambodia Repatriation Operation, 1993

would have required greater investment in training as well as on-going monitoring of implementation.

When it came to relations with key UN partners, it was found that while there was much positive collaboration, UNHCR reassured itself that other elements would guarantee the protection functions it could not provide itself, but was reluctant to acknowledge this. UNHCR explains the relative lack of emphasis given to returnee protection on two grounds, firstly that there was very little violence, secondly that there were many other bodies in place who could share the task of returnee monitoring, most evidently the UNTAET Human Rights Officers.

While there was eventually a degree of collaboration on minimising problems with the secondary movement of returnees to their areas of origin, collaboration on post-return protection monitoring was not formally structured and relied heavily on the nature of the understanding between individual UNHCR field officers and UNTAET human rights officers. There were no set agreements about the nature of post-return monitoring UNTAET would carry out which was of direct relevance to UNHCR. Thus although there was heavy reliance on other elements of UNTAET involved in peace-keeping and human rights monitoring to fulfil this key aspect of UNHCR's core mandate, this was not acknowledged or reflected in formal working agreements.

UN coordination

In looking at the contribution to the UN operation and to the broad projects of peace and nation-building, Chapter 8 found that furnishing the co-operation necessary to make a UN operation function in the short term, while also maintaining the impartiality needed to effectively fulfil UNHCR's mandate in the medium term, is a difficult balancing act. UNHCR's most important contribution to community level reconciliation was in the very initial steps of enabling people to return, and seeking to ensure that this return would not have a destabilising influence.

However, supporting the UN transitional authority put the UNHCR protection mandate under some pressure and may at times have jeopardised the organisation's credibility as an impartial actor. The application of exclusion clauses to former militia leaders was problematic. UNHCR was under considerable pressure to help UNTAET achieve its strategic objective of getting as many people back as quickly as possible, and before the justice systems necessary to deal with perpetrators of serious crimes had been well established. In the process difficult distinctions had to be drawn between excludable and non-excludable elements, as a result of which UNHCR was perceived by many to be supporting a reconciliation now, justice later approach.

It also found that UNHCR should develop a strong model of the relationship between repatriation, reconciliation, reintegration and justice. The primary motor behind UNHCR's drive to repatriate people was the view of the SRSG and Xanana Gusmao that people had to be brought back to minimise the possibility of destabilisation from a large refugee population in West Timor, and to maximise the credibility of elections in the newly independent East Timor.

There are, however numerous open questions around the roles of various 'social' processes of reconciliation, reintegration and justice in ensuring that these short term

political imperatives result in medium-term political stability. Critically, as highlighted in this report, although there was considerable basis to believe that the only possibility for justice to be seen to be done was to bring people back to East Timor, there are many unanswered questions about the content and sequencing of justice and reconciliation.

The evaluation and its methodology

First called for as early as 2000², this evaluation of the East Timor repatriation and reintegration programme was commissioned in early 2003, some months after the major components of the programme had already been completed. It is thus largely a post-hoc evaluation whose focus is on learning lessons from the repatriation and reintegration programme, rather than making recommendations for how to modify the programme which is still under way.

The team consisted of two independent consultants and one member of UNHCR's Evaluation and Policy Analysis Unit. The principal methods adopted were document review, key informant interviews and field visits. A second stage involved key informants being involved in a review of the draft of the report.

Just over half of the key informant interviews (58%) were with people who worked as UNHCR staff on the East Timor operation, whether in Timor, Geneva or Jakarta. The rest were with staff of implementing partners or staff in other parts of the UNTAET administration such as the Human Rights Unit. These interviews were generally of a semi-structured nature, using the terms of reference (see Annex A) as our starting point and going into more depth in areas where the person had particular expertise or experiences.

In addition to these key informant interviews, a number of unstructured interviews and discussions were held with shelter and QIP beneficiaries. Due to the time restrictions of the field mission it was not feasible to organise a systematic survey of beneficiaries. In the event the team was able to conduct two three-day trips outside Dili. The first passed through Liquica, Batugade, Maliana, Ainaro and Maubisse (see map). During this trip the evaluation team visited several surviving Quick Impact Projects (QIPs) which were on the route, as well as the transit centre at Batugade, but the main emphasis was to gain some insight into various ways in which the shelter kit had been utilised. On the second trip, which encompassed Baucau, Viqueque and Manututo, the team spent much more time focused on tracing QIPs.

A week after returning from East Timor an initial de-briefing presentation was given in Geneva. This was followed within two weeks by a first draft of the written report which was circulated to all respondents for reviews, a process which elicited substantial clarifications and additional information, as well as some corrections and changes of emphasis.

Throughout the evaluation the support received by the team from within UNHCR was unstinting, whether in Geneva, Jakarta or Dili. The knowledge and skills of colleagues in Dili made the field trips particularly rewarding despite their relative

² Inspection Mission to East Timor and Darwin, 5-12 June 2000, Final Report to the High Commissioner from the Inspector General, Inspector General's Office, December 2000, p.1 para 3,

brevity. People gave generously of their time in interviews, including at times lengthy telephone conference calls to Afghanistan, Thailand and elsewhere, as well as in preparing written comments on the various drafts.

There was great interest amongst UNHCR staff in seeing an evaluation of the East Timor operation, both because it has some remarkable achievements which need to be documented, and also because it was clearly a critical experience for many of the people involved. For some people it was one of the high points of their working lives to date, for others one of the lowest. Understanding the reasons for both is important.

Context of the UNHCR operation in East Timor

1. The island of Timor was the subject of competing colonial claims by the Portuguese and Dutch from the early sixteenth century onwards. A treaty of demarcation was ratified in 1859, with further negotiations in 1893, 1904 and 1913. Full control over their respective territories was not achieved until the late 19th century.³ In 1974 East Timor entered a brief period of civil war, but only nine days after Fretilin declared the 'Democratic Republic of East Timor' (28 November 1975) Indonesian forces occupied and annexed East Timor in early December 1975, declaring it Indonesia's 27th province on 31 May 1976. From then until the events of 1999 Indonesian power was exercised through a mixture of brute force, repressive military operations, and a range of 'hearts and minds' tactics.

2. The latter included 'accelerated development' of the infrastructure, and scholarship programmes for university students to study outside East Timor, but could not hide a series of massacres⁴, the imprisonment of thousands of political activists, and the flight into exile of thousands more. One of the key resistance leaders, Xanana Gusmao, captured in 1992 and imprisoned in Jakarta under a life sentence, drew considerable international attention to East Timor and is now, having become the first President of independent East Timor, seen by some as South East Asia's Nelson Mandela.

3. Under fluctuating international pressure to resolve the situation President Habibie of Indonesia surprised both Indonesians and international observers when in January 1999 he declared that East Timorese would be granted a choice of greater autonomy within Indonesia, or a transition to independence. This led to a formal agreement between Indonesia, Portugal and the UN on 5 May 1999 under which the first UN presence, UNAMET, was set up. Its brief was to organise a referendum on whether East Timor should pursue greater autonomy within Indonesia or not (leading those in favour to be called the 'pro-autonomy' groupings). Voting 'no' to greater autonomy was tantamount to voting 'yes' for full independence, though the referendum was not worded as such.

4. In the months leading up to the referendum there was considerable political violence - 60,000 people were estimated to have been displaced even before voter registration began on 16 July 1999. In the event 432,287 people - or 98% of registered voters - turned out on 30 August 1999, of whom 78.5% voted 'no' to greater autonomy within Indonesia, in other words 'yes' to independence. While this was a very significant majority, it nonetheless also meant that 21.5%, or 92,941 people, had

³ James J. Fox *Tracing the Path, Recounting the Past: Historical Perspectives on Timor*, in *Out of the Ashes, Destruction and Reconstruction of East Timor*, James J. Fox & Dionisio Babo Soares (eds) (2000: 1-29)

⁴ Massacres included Kraras (August 1983), Santa Cruz (2 November 1991), Maubara & Liquica (4-6 April 1999), Dili (17 April 1999)

voted pro-autonomy, a figure which is significant in attempting to understand subsequent refugee movements between East and West Timor.⁵

5. Within hours of the results of the referendum being announced on 5 September 1999, a brief but comprehensive and intensive period of extreme violence and targeted destruction began. This was widely alleged to have been orchestrated in large part by the Indonesian armed forces (TNI) and implemented in the main by the East Timorese militias, some of which numbered over 10,000 members. It only ended following the arrival on 20 September 1999 of the Australian-led multinational force for East Timor (INTERFET), under mandate from the UN Security Council and with the aims of restoring peace and security in the territory and providing support to humanitarian assistance operations.

6. Despite the unusual rapidity of the UN response, extensive damage had already been done. Scores of people had been killed, with large-scale massacres in Maliana, Oecussi, Suai and Liquica. An estimated 70% of public infrastructure and private housing had been destroyed, with Dili and other large towns largely burned out and destroyed. Most significantly, East Timorese society was split three ways: an estimated 250-280,000 or close to one third had taken refuge (or been forced to take refuge) in other parts of Indonesia, many of them in West Timor ('refugees'), more than 300,000 were internally displaced to the mountain fastnesses within East Timor ('IDPs'), and a minority had remained in their home areas ('stayees').

7. Of those who had gone to West Timor some took refuge with relatives while the majority grouped together into over 200 different sites, mostly relatively close to the border.⁶ Some had fled simply to avoid the violence, others to escape retaliation because they were themselves perpetrators of the destruction. A further important proportion left because of their association with the perpetrators or leaders of their community (rather than active involvement), and others still were forced by the militia to leave with them for later use as a bargaining chip. In a matter of days therefore, a very complex refugee case-load was created, in terms of both geographic dispersal and motivations for flight.

8. With the arrival of INTERFET overt violence was quickly quelled, and mass returns of internally displaced and some portions of the refugee population began almost immediately (the first returnee flight from Kupang was organised by UNHCR on 10 October 1999). Other political changes followed rapidly, with UNTAET (UN Transitional Authority in East Timor) authorised by the UN Security Council on 25 October 1999. Indonesia formally resigned its authority over the territory, and East Timor effectively became a sovereign power controlled exclusively by the UN.

9. The UNTAET administration was a unique experiment in which the UN was the sovereign power under the leadership of the Special Representative of the Secretary General (SRSG), the late Sergio Vieira de Mello. He initially established three pillars of administration; Peace-keeping (comprising some 12,000 troops from

⁵ This is not to discount the fact that some may have been intimidated into voting in this way by pro-autonomy groups.

⁶ This figure of 250,000 is an estimate which allows for all those returned with assistance from UNHCR from West Timor (approximately 210,000), those still estimated to be remaining in West Timor (approximately 28,000), and some who may have returned spontaneously without registering for any UNHCR assistance, or who may have dispersed within the West Timorese population.

around the world, though predominantly Australian), Governance, and Humanitarian & Relief, the last of which was subsumed into the Governance pillar by the end of 2000. All of UNTAET operated with reference to a rapidly shifting range of transitional national structures and groupings.⁷

10. Regarding West Timor a Memorandum of Understanding was signed between UNHCR and the Government of Indonesia in October 1999, which in principle allowed access to the refugee population from East Timor and also provided assurances of the security of UNHCR staff. In practice it was quickly shown to be a hollow document as some elements of the Government, particularly within the military, did not agree with the official line.

11. UNTAET continued up to 20 May 2002, the date of East Timor's formal independence, after which the UN presence transformed into the United Nations Mission of Support to East Timor (UNMISSET), with the overall aim of building the capacity of the new Government and administration to take over all functions. UNMISSET, including the remaining Peace Keeping Forces, is set to withdraw fully by the middle of 2004.

⁷ A National Consultative Council (NCC) was established in December 1999, and an East Timor Transitional Administration in July 2000. The NCC was replaced by a 36 member National Council in October 2000. The CNRT had a Congress in August 2000 but abolished itself in June the following year. In August 2000 a Constituent Assembly was elected to write and adopt a new constitution, and in September an all-Timorese transitional cabinet was established.

Challenges and responses

12. The developments in East Timor presented the UN as the transitional sovereign authority with three major challenges: how to cope with the emergency created by mass destruction and displacement, how to normalise the situation and avoid further destabilisation, and how to prepare the country for transition to full independence.

13. The challenges were aggravated by the fact that although there had been some planning for a UN mission to follow the Popular Consultation of 30 August 1999, this was based on the assumption that agreements would be adhered to and that, in the event of a vote for independence, there would be an interim period to allow an orderly and gradual transition from the Indonesian rule. There had been no contingency planning for a 'worst-case scenario'. The planning that took place in the wake of destruction and violence subsequent to the announcement of ballot results was, in the words of the 2002 evaluation report on UNTAET operations, "necessarily cursory" and "focused on structures rather than on processes".⁸

14. UNHCR, as a UN agency and by virtue of its refugee mandate, was involved in responding to all three challenges, and in the process of doing so faced many more specific challenges. These ranged from day to day juggling of logistic demands, a rapidly changing pattern of repatriation, and the institutional rigidities of UNHCR with regard to staffing and budgets, to more strategic questions of political profile and the management of public perceptions. Although UNHCR had had a presence in the country since May 1999 and had been able to provide some assistance to populations displaced by the political violence leading up to the referendum,⁹ it was in many respects starting from scratch after the events of September 1999.

15. The organisation early on established operational credibility in its emergency response capability, with initial attention focused on establishing the necessary operating infrastructure and on dealing with the immediate task of assisting those who came back on a mass basis in the last three months of 1999. Subsequently the shelter project and promoting the return of the remaining refugees through increased reconciliation activities dominated the agenda.

Infrastructure, logistics and staffing

16. As indicated above, the events of September 1999 had created an infrastructural void in East Timor and every possible logistic consideration had to be addressed, including communication devices, computers and paper, warehouses, generators, massive transport provision, and temporary accommodation provision

⁸ *Review of Peace Operations: A Case for Change/ East Timor 2002*

⁹ The proposed relief programme for an estimated 50,000 displaced persons in East Timor was budgeted at \$454,000, comprising \$217,000 for administrative support and \$237,500 for substantive IDP assistance (Internal memorandum, 16 July 1999). By 1 September 1999 five convoys of survival assistance had benefited some 16,535 displaced persons. (UNHCR Emergency Relief Assistance for displaced persons in East and West Timor – Update on Current and planned activities, July to December 1999, Bureau for Asia and the Pacific, 1 September 1999)

for staff. Nearly everything had to be procured from outside East Timor or through expensive middle-men who had captured the market in Dili.

17. At the main office in Dili staff initially had nowhere to work or sleep and used an empty classroom for both. In the absence of contractors they built an office (including electrification, installation of water pumps, roofing) after office hours. Staff working in the field at times found they had to sleep in their vehicles for lack of any reasonably intact accommodation in which to sleep. The impact of these living conditions on staff morale is discussed further in Chapter 7.

18. Despite these constraints a further five field offices were set up in districts believed to require additional assistance and security, with transit centres in Batugade, Suai, and Dili. UNHCR partnered with Caritas Australia to run the transit centre in Dili for initial reception of returnees. Oxfam took responsibility for water and sanitation, this passing on to Concern after August 2001.

19. In some instances there were no vehicles to transport either returnees or relief supplies, with UNHCR staff having to negotiate the use of vehicles from other organisations. Field offices at times found themselves with inadequate transport for their own staff, such that they had to request support from IOM or the PKF. In the early days of the operation there were very few computers, and field offices continued to experience a lack of such infrastructure well into the operation (with significant implications for key activities such as returnee data-bases, as discussed further in Chapter 3).

20. Transport, communications and planning problems were compounded by the fact that the operation also included repatriations to Oecussi, an enclave of East Timor surrounded on three sides by West Timor and on the fourth by the sea (see map).

21. A total of 95 trucks, 57 light vehicles, 12 forklift trucks and 31 motorcycles were purchased and transported by air or sea from Darwin and Surabaya, many within the first few months of the operation. In addition to moving people to their home villages, a substantial proportion of this fleet was also used by implementing partners for the shelter programme (see Chapter 4 below).

22. Initially staffed by emergency staff on short-term missions, posts were rapidly created but only gradually filled. By 2001 the East Timor operation employed approximately 20 international staff, 70 national staff and 16-19 United Nations Volunteers, as well as various consultants and staff on short-term mission. This figure thus does not reflect fully the multiple dimensions of the staffing issue which included high levels of turnover, gaps in the skills profiles, and a high dependence on UN Volunteers. These are further discussed in Chapter 7.

Rapidly changing patterns of repatriation

23. The provision of assistance could not wait until these logistic and infrastructural constraints had been addressed. As Chart 1 (the average daily rate of return calculated on a monthly basis) shows, the pressure to assist return was huge and immediate. On 8 October, less than three weeks after the arrival of INTERFET brought an end to organised violence in East Timor, UNHCR began the organised

repatriation programme with the first air flights from Kupang back to Dili. These flights were highly publicised in order to promote repatriation as a whole.

24. In the event 126,000 people, or nearly half of the estimated case-load, returned within the first three months of the operation (October – December 1999). UNHCR co-ordinated the return of 82,527, or 65%, of them. In the entire operation (October 1999 – February 2003) it co-ordinated the primary movement of a total of 126,000 people, of whom 69,000 (55%) came by land, 38,000 (30%) by sea and 19,000 (15%) by air. Each of these required considerable co-ordination, not least the early ‘high visibility’ returns by air from West Timor, Jakarta and Australia.

25. These levels of return in the early days created enormous challenges in terms of rapid planning, provisioning, setting up systems, and recruitment of staff. At its peak (November 1999) an average of 2,300 people were returning each day, with numbers reaching over 6,000 on some days. Furthermore, they were by no means evenly distributed between transit centres; Suai Transit Centre alone, for example, recorded a peak of 3,996 persons on 20 November 1999, and in the period October 1999 – early February 2000 handled a total of nearly 20,000 returnees. IOM was not operational in Suai until February 2000, but in the meantime UNHCR needed an average of 30-40 large trucks to transport returnees and their belongings to remote locations. They were able to achieve this thanks to their own efforts with the support of the New Zealand and Australian PKF, as well as from the NGOs CARE (Australia), Timor Aid and Oxfam, a positive example of UNHCR-Military as well as UNHCR-NGO collaboration.¹⁰

26. By the time posts were created and recruited for (often only able to start in January 2000) and the logistics were in place, the repatriation rate had already peaked. Contrary to other return situations where repatriation begins slowly and picks up pace, the return process grew slower and stickier. This is particularly clear from looking at spontaneous returns: After an initial rush of over 43,000 spontaneous returns in the first three months, there were only 5,500 in the following two and a half years. As of January 2000 an estimated half of the total case-load was still in West Timor, and the people remaining in camps were increasingly those who had reason to fear return, or were being actively intimidated by those who had reason to fear return.

27. The demands on UNHCR therefore changed dramatically – from how to deal with mass return to how to sustain it. This was never easy, particularly as the pro-autonomy elements of the refugee population and military forces had a hostile perception of UNHCR as the visible face of the UN – and by extension of UNTAET – and regarded repatriation activities as eroding their support and resource base. The West Timor operation’s practise of “extracting” refugees from West Timor, whereby refugees would be alerted that a truck would be coming at a particular time, and they would then jump on the trucks at the last moment so as not to alert attention of militias to their planned return, no doubt aggravated these feelings of hostility.

28. The first nine months of 2000 saw some 100 security incidents involving UNHCR. In the wake of the killings of three UNHCR staff members in Atambua

¹⁰ The NGOs also helped with provision of water and sanitation services as well as medical services in the transit centres.

(West Timor) on 6 September 2000¹¹ UNSECOORD rated West Timor as UN Security Phase V, at which point all staff were evacuated, and the entire UN programme in West Timor – including UNHCR’s repatriation operation – was suspended.

29. Access and information gathering, already hampered before the Atambua incident, became virtually impossible thereafter.¹² The extraction of people wishing to return also ceased.

30. In seeking ways to maintain returns without being able to access the refugees directly themselves, UNHCR’s emphasis therefore shifted to Mass Information Campaigns designed to encourage people to return, as well as reconciliation activities at the border.

31. Mass Information Campaigns were undertaken to counter unfavourable rumours and disinformation circulating in West Timor, and to ‘give refugees the means to exercise a free and informed choice regarding their future’.¹³ Initiatives included radio and video programmes (in local languages), information sheets (for non-literate refugees, return procedures were set out in pictorial form), newspaper campaigns, organising visits for West Timorese journalists to see conditions for themselves, funding the Jesuit Refugee Services to hand carry personal letters between communities in East and West in order to facilitate renewal of communication, and a positive postcard distribution (in which post cards with encouraging messages were written by people in East Timor and delivered to the refugee target audience).

32. Reconciliation activities involving the refugees themselves were designed to build trust, reduce the likelihood of retribution, and enhance repatriation. They included politically sensitive Go-and-See visits for leadership figures in the former militia, a significant example of which was the UNTAET Chief of Staff’s meetings with senior Indonesian officials, UNTAS members and militia leaders from Ainaro district (where many atrocities had occurred in 1999). In September 2001 this resulted in the return of some eight hundred persons to the village of Cassa (the first major repatriation movement since the Atambua incident).

33. UNHCR had already undertaken similar activities for other districts. Local leaders were on occasion taken to Kupang to meet with refugee leaders there, and former militia leaders were also encouraged to undertake go-and-see visits in East Timor (e.g. to a reconciliation meeting in Baucau chaired by Bishop B. Nascimento). In April and November 2002, UNHCR also facilitated two visits of President Xanana (April and November 2002) to West Timor, and these are believed to have had a positive impact upon the number of returns. Apart from these cross border visits by leadership figures, large-scale reconciliation meetings between communities and families were also organised along the border between East and West Timor, and

¹¹ Precisely because the decision to characterise these events as ‘murders’ or ‘killings’ is in many respects more than a semantic choice, the evaluation team has adopted the language of the inquiry of the report of the Inspector General of UNHCR. (December 2000)

¹² An attempt to conduct a proper refugee registration exercise in West Timor in collaboration with WFP in July 2000 had to be called off on the first day, such was the level of intimidation experienced by the students carrying out the registration.

¹³ *UNHCR Global Report 1999*, p.259

there were visits to the refugee camps in West Timor by cultural and sports groups from East Timor.¹⁴

34. In several instances UNHCR interventions were critical in enabling the return and reconciliation of sensitive groups, processes which could involve months of complex preparatory negotiations. Preparation for the repatriation of MILSAS and their dependants from West Timor to the Los Palos area, for example, began in July 2000 but was still being negotiated in late October.¹⁵

35. In another example of good practice UNHCR helped organise the local traditional leaders (including the King or Liurai) of the enclave of Oecussi and together with refugee leadership over the border in West Timor they called for return. The Government of Indonesia gave clearance for a three day consultation visit to be held with leaders, militias, people, and the churches, something of a breakthrough for the reconciliation process. General Da Costa, the TNI's regional commander based in TNI Head Quarters Bali and a notable actor in moving the reconciliation agenda forward, in this instance assisted in access to camps so that it was also possible to talk to women's groups.

36. On the basis of this a broadly representative repatriation support group was created in West Timor with respected church actors. This group was able to compile a list of refugees which was put into excel format and sent by diskette ahead to UNHCR Oecussi and East Timor. A month later (November 15, 2000) a convoy of 42 trucks returned. Traditional methods of ritual gift giving, ceremonial cleansing and reconciliation were then used in extended reception and reintegration processes.

37. In total UNHCR East Timor organised dozens of such "reconciliation activities" (there were eighty one between 1 November 2001 and 31 August 2002 alone). Although a number of the "go and see" visits were politically contentious, the majority were not, and these activities do appear to have had some impact on return levels (see Chart 1).

Secondary movement

38. Even following the closure of the West Timor operation, UNHCR used an IOM chartered ship between Kupang and Dili to keep at least some return options open to people, but its role was by no means restricted to the primary movement. People continued to arrive at the East Timor border, some 49,000 with assistance from the Government of Indonesia. From the border onwards UNHCR would take over again, processing all cases upon arrival in the transit centres, providing material assistance and co-ordinating secondary movements up to places of origin.

39. As the rates of return decreased, the complexity of the secondary movement increased. Where the returnees included more sensitive 'protection' cases the organisation of return could include preparatory investigations, trips to the villages to forewarn them, reconciliation meetings, discussions and monitoring and other

¹⁴ Sports equipment and uniforms were also donated to communities in East Timor. The evaluation team saw examples in May 2003 of team sport (with large and enthusiastic crowds) in rural areas affording little other organised recreation.

¹⁵ File note on Meeting to discuss the modalities of a voluntary repatriation of MILSAS to Los Palos, 20 October 2000

follow-up upon arrival. Where returnees experienced difficulties, UNHCR would also intervene. UNHCR also facilitated the return of the dead bodies of deceased refugees from West to East Timor (which apparently also helped promote repatriation).

40. In a sense then the return process became more rather than less labour intensive as numbers decreased. As noted in a report of March 2000, 'with the increasing return of sensitive "protection" cases UNHCR may soon run out of its capacity. In the absence of adequate staffing additional approaches need to be identified'.¹⁶ Indeed, the evaluation team did hear reports of returnees being brought back by IOM without protection from UNHCR, with less than ideal consequences for the returnee: 'Often they were left at the nearest possible place to their place of origin and left to go home alone - with no provision for shelter and so on. Sometimes they would stay in a place like a school building for two weeks with no assistance'. To try and minimise post-return difficulties Standard Operating Procedures were developed on the repatriation process, which included step-by-step guidelines on the roles of all actors in the process.¹⁷ These are discussed further in Chapter 7.

41. At the time of the evaluation mission in May 2003 some 225,000 people, or approximately 90% of the estimated refugee population, had passed through UNHCR's hands at one point or another (See Chart 2 for different modes of return), and a new range of proposals had been made by UNHCR for the estimated 25,000 East Timorese remaining in West Timor. These included reassignment to other islands of civil servants, local settlement in West Timor, re-settlement on other islands, and return to East Timor.

42. Overall, this major involvement in the return of approximately 90% of the estimated refugee population in the space of less than three years was a significant contribution by UNHCR to UNTAET's objectives and also to ensuring that refugees enjoyed the right to return.

Material assistance

43. The successful return of the majority of the refugees went hand in hand with the delivery of material assistance, a major element of which was the distribution of Non Food Items to all 225,000 refugees who returned through UNHCR transit centres (see Chapter 4).

44. Distinct from this emergency provision (which included plastic tarpaulins to provide basic shelter), UNHCR took responsibility for the procurement and distribution of some 35,000 shelter kits to vulnerable households throughout East Timor. The responsibility for this task was allocated to UNHCR by the UN Office for Co-ordination of Humanitarian Affairs (OCHA) during the frenetic two-week planning process which took place in Darwin as international agencies awaited the arrival of INTERFET troops before re-launching their operations in East Timor.

¹⁶ Mission Report, Protection Mission, Timor Operation, 5-31 March 2000, dated 1 April 2000

¹⁷ For example, the Guidelines for the Enhancement of Co-ordination and Co-operation among the Agencies Responsible for Refugee Return Operations, 28 September 2000, and the Draft Guidelines on the Establishment of Safe Houses.

45. The other major forms of direct assistance included a number of supplementary distributions (which resulted in over 6,000 families receiving quilts, and over 30,000 people receiving items of clothing), and Quick Impact Projects involving a disbursement of some \$600,000.

Returnee monitoring and protection

46. Given that the refugee population in West Timor was believed to harbour former militia members suspected of involvement in the violence of 1999, this posed a security and a protection challenge to the UN in general and to UNHCR in particular, as it was likely to be involved in the return movements of such individuals, and was also responsible for monitoring the post-return security of vulnerable individuals.

47. In the initial phases of return the sheer volume of returnees made systematic assessment of returnees problematic. As the rate of return decreased it became more feasible for UNHCR to try and screen returnees for potential problem cases. The primary emphasis of this screening, which was conducted in the transit centres, was on establishing the relationship of the person concerned with the Indonesian authorities and/or the militias, and whether he or she had had any direct involvement in the violence of 1999. The intention was to identify individuals who, due to their involvement in or association with violence, were likely to suffer harassment upon return.

48. In such cases the intention was firstly to alert the receiving village of the person's return and gain assurances that no harm would befall them, and secondly to accompany returnees on the secondary movement from the transit centres up to their home villages. Other categories the screening was intended to identify included female headed households, unaccompanied minors, Muslim minorities, habitual residents, and those who had worked in the Indonesian government as civil servants.

49. As a fall-back measure for people who encountered problems upon return, "safe houses" were established in some districts and used for ex-militia who were perceived to have been under duress when participating in the violence for 2-3 months before the referendum. These "safe houses" were also used for ethnic minorities and those who sought to return to their community of origin but were rejected and had nowhere to go. In practice these "safe houses" were described as being 'dormant most of the time' (indeed, the four houses in Eastern Sector were apparently not used even once), and there appears to have been some ambiguity about who would provide assistance to those placed there. Where no "safe house" was available returnees at risk were housed in local CivPol facilities.

Chart 1. Daily rate of returns, Oct 99 - Feb 03

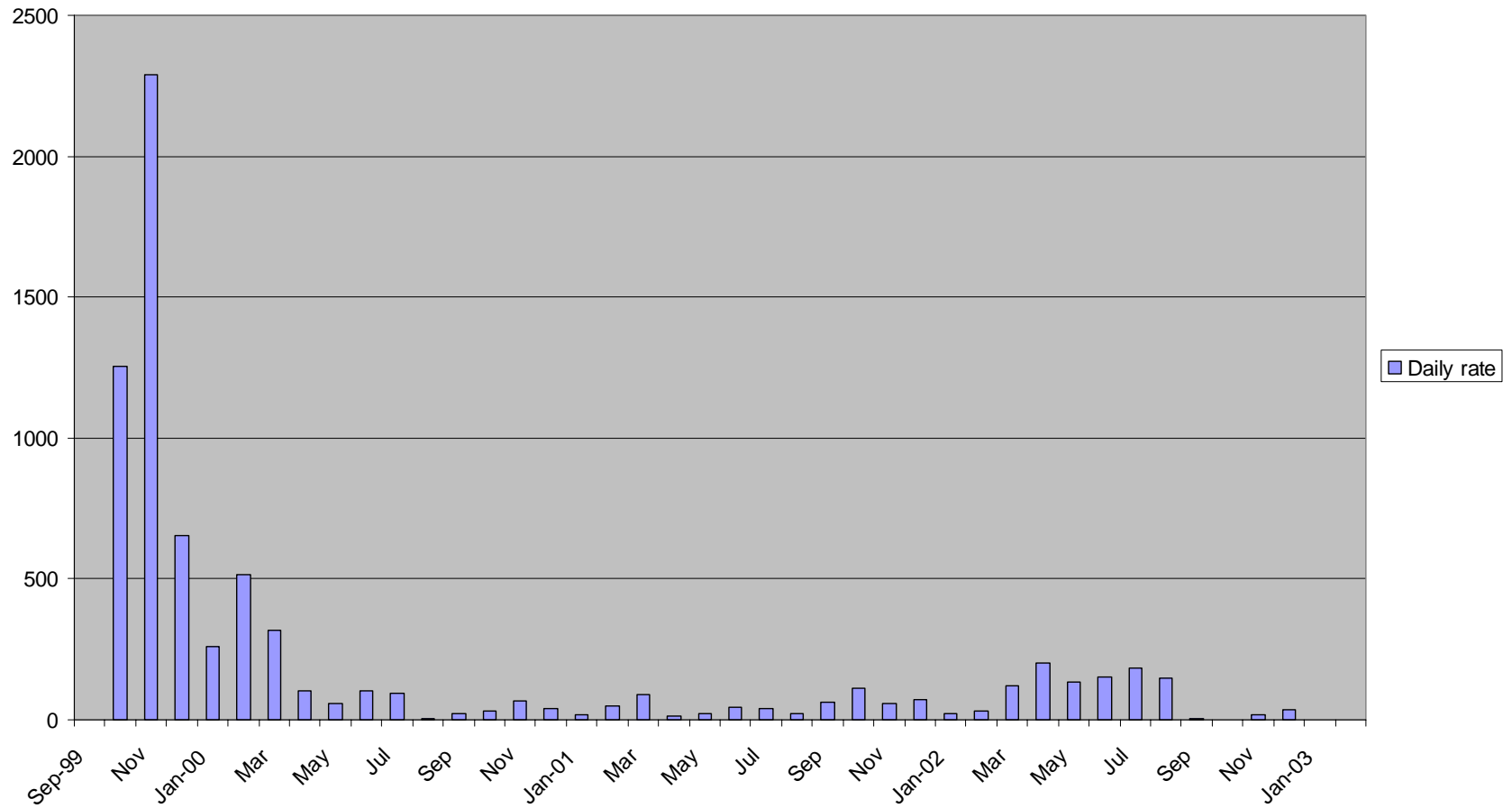
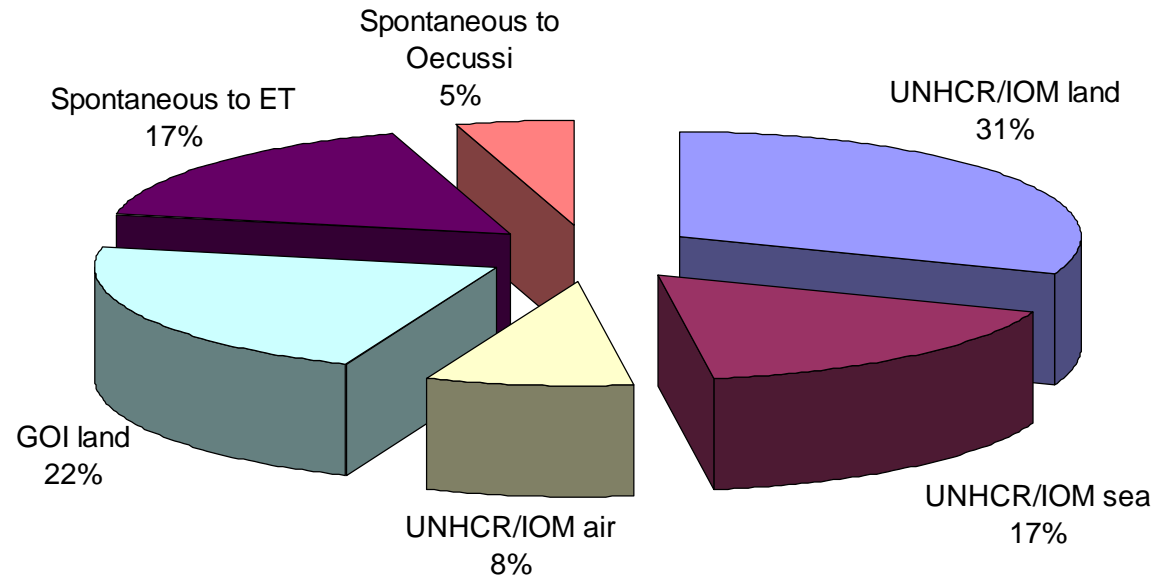


Chart 2. Modes of return from West Timor - Sep 99-Feb 03
UNHCR/IOM responsible for 56% of returns



50. In addition to this very hands-on form of protection, UNHCR sought to have a protection 'multiplier effect' by creating an awareness of relevant rights and responsibilities. Newly arrived UN CivPol and Peace Keeping Force (PKF) officers, as well as Civilian and Military Affairs Officers, were trained in refugee and human rights law by the Protection Unit. This was something of an ongoing task as there was heavy rotation of these officers and thus continuous need for new training.

51. The Protection Unit also organised a range of training in refugee and human rights law, as well as roles and responsibilities in the repatriation process and conflict resolution for all the newly appointed East Timorese police and for village leaders and elders in all the thirteen districts. In 2000 some 65 such sub-district workshops were convened by UNHCR on "return and reintegration", which included training on human rights and protection issues.

52. Most such human rights training events had an information/legal education rather than a reconciliation function and seemed to have de-linked rights from conflict resolution work. Under Community Services, training was provided to more than 1,000 police cadets on issues of domestic violence, sexual violence and abuse, how to interview children etc, and input was given into building structures for the prevention of Sexual and Gender Based Violence.

53. Terms of Reference for local reintegration committees were drafted and distributed by UNHCR. Known as District Returnee Taskforces these committees consisted of UNHCR (if it had a permanent presence), UN CivPol, UNTAET Human Rights Officer, UNTAET Humanitarian Affairs Officer, PKF, and village leaders. It was intended that eventually, in keeping with a general process of 'Timorisation' and capacity building for the new state, the District Administrators, Human Rights Officers and policemen would all be East Timorese.

Reconciliation and reintegration activities

54. The main focus of UNHCR's reconciliation activities was to encourage the return of refugees still in West Timor, as discussed above. Its major reintegration activity inside East Timor was the shelter project, as mentioned under material assistance above. In areas of return designated as potential 'flashpoints' conflict resolution workshops were conducted by NGO partners. These (in cases of good practice) involved broad representation, a shared situation analysis by participants, scenarios based on real local conflict possibilities, and role play/problem solving as a practical tool. The OCM protection unit also developed materials and trained six East Timorese for conflict resolution workshops which were held in over fifty villages throughout twelve of the thirteen districts, targeted at village heads, youth leaders, women's leaders, local UNTAET staff, etc.

55. To help deal with local level post-return reconciliation and reintegration processes, UNHCR offered logistical and advisory support to CAVR, the Commission for Reception, Truth and Reconciliation. CNRT leaders made mention of a reconciliation process in 1999 before the ballot, an idea which gathered momentum at the CNRT congress in August 2000, and was further developed by the Human Rights Unit with support from international consultants.

56. Although community consultations undertaken by the consultants had highlighted the popular desire that justice should be a prerequisite of reconciliation, it was also believed that many of the lesser crimes could be dealt with through a kind of truth and reconciliation process which would leave the justice system able to focus on serious crimes. An independent body, presided over by seven East Timorese Commissioners, was therefore established.

57. Its aim was to promote reconciliation at a national level, through three distinct functions: first, to seek the truth about human rights violations in East Timor between 1974 and October 1999; second, to facilitate community reconciliation; and third, to report to the government on its work. As such CAVR can play a useful role in dealing with unresolved tensions between returnees and stayees.

58. In a more hands on manner, UNHCR also became centrally involved in the politically contentious issue of separated children and is gradually moving towards durable solutions for some of this case-load (see Chapter 6).

Political challenges

59. The considerable day-to-day operating challenges of achieving all of the above were further complicated by the unusual political context. As a component of UNTAET, UNHCR found itself de facto a part of the government of East Timor, a government which had both a peace building and a nation building project on its hands. While in some respects the two projects were complementary, in others they were in tension with one another. While dealing with those tensions, UNHCR also had to seek to sustain its own mandate and identity independent of its UNTAET responsibilities, and to ensure its ability to work in the region as a whole, despite having attracted the hostility of some elements of the Indonesian government for its perceived role in the independence of East Timor.

60. In East Timor it was believed that nation-building could not really get under way while a substantial proportion of the population remained outside the country. Getting them back was therefore regarded as a priority by key members of both the UNTAET administration and the Government in waiting, making UNHCR a key actor. Repatriation was not just a humanitarian intervention, it was a political objective, and peace-building and reconciliation, the breaking down of barriers created within the East Timorese population by East Timor's recent history, were regarded as means to that end.

61. This generated considerable discussion about the relationship between these processes and questions of justice being seen to be done. Even though it is evident both from the documentation reviewed and from interviews with key informants that UNHCR in Dili was very aware of the issues which would be raised by interacting with 'excludable elements' of the refugee population, it was widely perceived to have done just that, and to have brought back such people. There was thus a considerable challenge of 'image' for UNHCR.

62. In parallel with such peace-building within the population, nation-building generally proceeds on the basis of defining the external 'other', establishing differences and boundaries between citizen and non-citizen. As well as making all possible efforts to get refugees back, East Timor also had to decide whom to keep

out. There was thus considerable work to be done with regard to asylum law, immigration law, and the situation of separated children.

63. In terms of refugees, UNHCR played a key role in promoting East Timor's accession to the 1951 Refugee Convention on 7 May 2003, almost twelve months after independence, a process which also formed the basis for national refugee legislation. Although East Timor is not an obvious destination for asylum seekers in itself, it lies on the path to Australia and so occasionally finds itself dealing with people attempting to transit to Australia by sea. Hand in hand with assisting with development of legislation, UNHCR remained involved in screening all asylum-seekers arriving in East Timor, ranging from Vietnamese to Rwandans and Azerbaijanis.

64. UNHCR also became involved in debates over the status of habitual residents and in the development of East Timor's immigration legislation. UNHCR had inputs into the development of nationality and immigration legislations. While the Nationality Law was promulgated on 5 November 2002, the constitutionality of the Immigration and Asylum Law had, at the time of writing in June 2003, just been declared unconstitutional by East Timor's Court of Appeals. It still does not clearly define who is permitted to stay and under what terms, and the future status of habitual residents is not clearly addressed.

65. UNHCR was the only UN agency in East Timor seeking to address the question of separated children, a complex arena in which some of the unresolved grievances between pro-autonomy and pro-independence positions continue to be played out (see Chapter 6).

66. The need to mark the separation of East Timor from Indonesia had always to be tempered by the simultaneous need to build a workable relationship with this economically and politically dominant neighbour. UNHCR thus had to manage a number of at times contradictory imperatives, both with the Government in waiting, and with the Government of Indonesia. In the case of the latter UNHCR had to contend with the fact that the UN was widely perceived in Indonesia as having promoted East Timorese separatism and UNHCR was understood to be part of this dynamic. This made UNHCR's position extremely difficult, for as was noted in the Inspector General's inquiry into the death of three UNHCR staff members in September 2000,

'The militia groups maintained links with the security forces and authorities in West Timor, and exercised significant control over the East Timorese refugees in camps there. They, like the umbrella political group UNTAS, rejected the results of the popular consultation and were more or less violently opposed to repatriation, and thus to a key UNHCR objective: free and informed choice. They saw UNHCR not as an impartial humanitarian organization but as indistinguishable from the UN and the international military force (INTERFET) perceived as having stolen East Timor from Indonesia.'¹⁸

¹⁸ Summary Report of the Inquiry into the deaths of the three UNHCR staff members in Atambua, Indonesia, on 6 September 2000, Inspector General's Office, 8 December 2000

67. As such the organisation attracted considerable hostility from both the local authorities and pro-integration forces who had fled to West Timor. As was noted in the wake of the Atambua killings, 'the repatriation of over 125,000 persons in the last quarter of 1999 was a very considerable achievement, and one that involved significant risks. It also helped confirm a perception that UNHCR attached much higher priority to repatriation than to the welfare of those who might not elect to return. As a result, UNHCR's partners in West Timor increasingly came to view close association with UNHCR as a liability for their own security and programmes'.¹⁹

68. In addition to the major difficulties caused for the programme in West Timor, such perceptions coloured many of the interactions between the East Timor operation and the Indonesian authorities and created an at times delicate situation for UNHCR's regional office in Jakarta.

69. The task of handling these multiple tensions was probably not made lighter by the decision to split the Timor operation into East Timor and West Timor, with different reporting structures for each. This was justified on the grounds that it would be politically impossible to continue managing East Timor from Jakarta in the light of events of September 1999 and that to have attempted to do so might have jeopardised the capacity of the regional office to deal with other situations in the region.

70. As a result West Timor reported to Jakarta, while East Timor reported straight to Geneva, though both were answerable to the Repatriation Co-ordinator, who was also the Charge de Mission in Dili. All of this created complex communication and co-ordination challenges in an already highly charged atmosphere (Responsibility for the East Timor programme reverted to Jakarta following Independence in May 2002).

Costs of the operation

71. The East Timor operation was not cheap. From 1999 till the end of 2002, UNHCR spent US\$ 79,953,910 for the operation (including staffing and admin), with massive expenditures in the first three months as the infrastructure and transport was put in place, and substantially reduced amounts thereafter. Given the rigidities of UNHCR's budgeting processes, the disbursement of over \$41 million within the first three months of the operation was probably something of a bureaucratic achievement, but the subsequent funding of activities was something of an ongoing challenge and a constraint to the realisation of the operation's full potential.

Table 1: Year-by-year expenditure, 1999-2002, in US\$

1999	-	41,029,280
2000	-	22,037,073
2001	-	10,479,624
2002	-	6,407,969
Total	-	79,953,910

¹⁹ idem, p.7

72. The distributions of expenditures is shown in Chart 3 below, and shows that one third of total operation's budget went on transport and logistics, a further third was spent on the shelter project, and the remaining third was divided up between all other aspects of the operation. Community Services and Legal Support accounted for just over 10% between them.

Chart 3: Distribution of expenditures by activity, 1999-2002

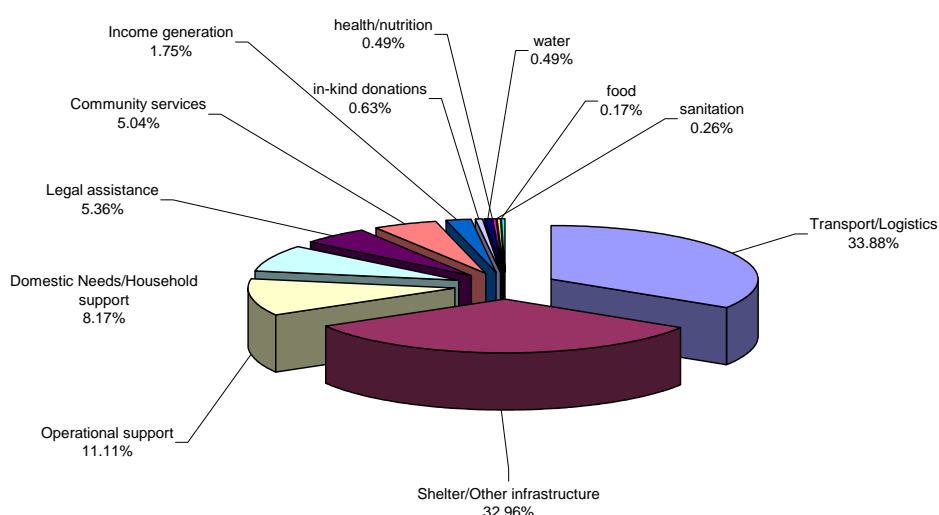


Table 2. Expenditure per returnee (US \$)

Year	Operations	Protection, Monitoring & Coordination	Programme Support	Total
2000	287.6	10.7	74.1	372.4
2001	277.8	47.9	207.3	533.0
2002	69.8	17.5	81.4	168.7
Average	211.7	25.4	120.9	358.0

73. Table 2 shows the average expenditure per beneficiary according to the three categories mentioned above (OPS, PG and PS). It would appear from this table that through the three years the beneficiaries received less and less while the cost of maintaining staff and office increased. This could be explained by the fact that the majority of refugees returned to East Timor between October 1999 and early 2000. UNHCR Dili spent some 77.2 % of its entire operation's budget for 2000 on the distribution of non-food items, shelter programme, and supporting some QIPs. As the number of returnees decreased, per capita average receipt of the beneficiaries

went down. Overall, direct expenditure per returnee in the East Timor Operation, including the cost incurred for protection, monitoring and co-ordination, was \$237.1.

Conclusion

74. In operationalising its mandate within the three broad challenges facing UNTAET, namely how to cope with the emergency created by mass destruction and displacement, how to normalise the situation and avoid further destabilisation, and how to prepare the country for transition to full independence, UNHCR was confronted with numerous more specific challenges. As the outline of its responses shows, UNHCR invested significant effort into addressing them and thereby assisting the UNTAET. In the chapters which follow, each of the major areas of contribution is explored in more depth.

Assessment of risks and needs of returnees

75. The effective assessment of risks and needs of returnees in a situation such as East Timor is part of a broader issue of the role of information in programming and strategic planning. Arguably to be in a position to do such assessment requires a reasonably well-developed registration system out of which a database can be built. This would form the basis of an ongoing analysis of the nature of the refugee/returnee caseload, supplemented by ongoing monitoring of how the different elements of it relate to returning IDPs and 'stayees', as well as to the overall socio-economic context. It would also involve developing an understanding of the 'normal' social dynamics and support systems in the place of origin, the extent to which these have been disrupted by the events leading to flight, and the impact of such disruption on individuals and households.

76. The information contained in a data-base of returnees would need to be supplemented with some village level data collection which could include needs assessments, as well as assessments of whether there was any discrepancy between recorded returns and actual returns. Such information would provide the basis for planning of a whole range of interventions ranging from protection monitoring to material assistance. It would also allow a reasonably grounded assessment of the overall situation in the country as the basis for the strategic decisions such as when to invoke cessation of refugee status for those remaining outside the country. For a number of reasons, this kind of information gathering and analysis did not happen.

The missing database

77. Although the basic requirement for the development of a returnee data-base, the registration and assessment process in the transit centres was in place, the quality of the data collection was poor. In the words of one of the protection staff there was a lack of standard procedure, and 'The likelihood of people slipping through was pretty high. Up to this point I don't know if they have a proper data-base of people who came back...'

78. Although some UNHCR interviewers were - commendably - given an intensive one-on-one training over a period of six months, the record keeping was at times inadequate. Many of the forms the evaluation team were able to scrutinise were poorly filled in or had little more than the name and sex of the person at the top of the form²⁰.

79. Furthermore, the concept of risk meant that the primary focus of the interviews was on whether the person had been involved in militia activities. As the guidelines for the reception of returnees indicate, 'Persons who might face protection problems are: those suspected of past criminal militia activities, those formerly affiliated to

²⁰ The IOM staff who took over work in relation to returnees after the closure of the UNHCR Field Office in Batugade reported being given just two hours of briefing on how to conduct risk assessment interviews.

militia groups, persons who were active in the pro-autonomy movement, former TNI, former POLRI, former civil servants, persons belong to an ethnic or religious minority group or persons married to such a person'.²¹ Most of these criteria were assumed to apply principally to men, and there were relatively few female interviewers.²²

80. The structure of the assessment forms and the assumptions which framed them, the gender of the interviewers and their lack of training all meant that a number of issues relating to women's and children's needs and vulnerabilities – which would have been much more relevant to the majority of returnees – were not picked up in any systematic fashion. This was despite reports that sexual violence was a serious concern in the camps in West Timor. The emphasis on identifying such militia involvement in the assessment process thus seems disproportionate.

81. Although daily reports of interviews were sent by e-mail from Field Offices to Dili, they were not used to build a data-base which offered a full picture of the returnees and could be used for subsequent interventions. Furthermore, the evaluation team could also find no evidence of any attempt to scrutinise whether there were refugee returnees who did not pass through the transit centres and who may therefore have had a somewhat different vulnerability profile to those who were processed by UNHCR and received various forms of material assistance. In principle it would have been possible to do a sample survey of this in a limited number of villages for which UNHCR had a manifest of UNHCR facilitated returnees which could be compared with the list of people all people who had returned and those still missing from that village.

82. It can thus be said that having made considerable and successful efforts to get people back UNHCR did not have adequate records of where they went. It was not possible, for example, for the evaluation team to establish much more than how many people came back by land, how many by boat and how many by air. Information about where the 19,000 who came back by air actually returned from, for example, was not available. Nor was any information about their skills profile.

Needs assessment and insights into social and cultural norms

83. The team was also unable to find evidence of any systematic needs assessments, whether by village, sub-district or district. It should be remembered that the decision to 'do shelter', which came to dominate UNHCR's assistance to refugees, was based on the knowledge that some 70% of housing had been destroyed, rather than a discussion with the vulnerable categories it was intended to target. It was also one of the outcomes of a necessarily very rushed planning process in Darwin, as noted in Chapter 2.

84. With regard to QIPs, the evaluation team found that no real attempt at market research had been made, as a result of which many had failed rapidly for lack of a sustainable market. This finding echoes that of an earlier monitoring report by

²¹ A reminder on the step-by-step procedures for the reception and reintegration of returnees, UNHCR Liaison Office in East Timor, 1 October 2001

²² These included a national staff member doing interviews in Dili Field Office, OCM Dili's Community Service Officer and her assistant, and one of OCM's protection officers.

UNHCR FO Dili which reported that 'it seems like there was no satisfactory market evaluation undertaken by our implementing partners before starting the QIP. UNHCR implementing partners should develop closer consultation, marketing and management training before the implementation of QIPs, explain to the community why market evaluation is essential for deciding whether a QIP should be approved or not.'²³

85. Important areas of 'culture' such as marriage, family structures and responsibilities, the relationship between Catholicism and animism, Islam etc, the functions of traditional law ('Adat') etc., were little studied, though some work of this kind was conducted in West Timor. It is noteworthy that in one instance where such research was carried out in East Timor it had considerable impact on UNHCR's activities: when in the year 2000 OCM's protection unit conducted research into traditional conflict resolution mechanisms in all thirteen districts, with the purpose of establishing how local practices could relate to protection needs, it found mechanisms such as identification of crimes and criminals in the community by elders, use of cows as a form of compensation to victims of crimes, etc. These findings helped to inform a series of more than fifty Conflict Resolution Workshops in various villages in all the districts apart from Oecussi.

Causes and consequences

86. In the first three months of the East Timor operation the rates of return, which on any one day could see thousands of new arrivals, made a detailed individual assessment of risk completely unrealistic. Even when the numbers had reduced considerably (i.e. from March 2000 onwards), the time available for assessment interviews in the Transit Centres was limited. There was pressure, not least from the returnees themselves, but also from the PKF which provided security in the Transit Centres, to move back to the places of origin as soon as possible, preferably on the very day they arrived. In West Timor hostility to the UN in general and to UNHCR in particular made even basic registration of numbers an impossibility - an attempt to do so in June 2000, which involved weeks of preparation, had to be called off on the first day due to high levels of intimidation.

87. There are several other possible reasons why such an information based approach to risk and needs assessment was not given more attention even when rates of return had reached eminently manageable proportions. Firstly, risk to returnees was conceptualised in terms of retaliatory violence against perpetrators of the events of September 1999, and up to March 2000 (when return rates slowed down) there had been little concrete evidence of a serious threat to the physical security of returnees.

88. Secondly, the basic system adopted for secondary returns afforded several opportunities to identify individuals at risk of such retaliation. UNHCR's own interviews in the main transit centres were primarily focused on such risks; return convoys would then pass through district centres where they would be met by local reconciliation committees and leaders who could accompany them back to the final destinations. Such leaders could generally indicate to CIVPOL which returnees might face problems upon return.

²³ Note for file, Monitoring of QUIPs implemented by Peace Winds Japan in 2000/2001, 27 March 2002

89. The outcome of all these factors appears to have been under-prioritisation of information collection, whether in terms of creating a basic database of returnees, conducting village level needs assessments, or seeking insights into social and cultural norms. Thus while the need for an information base was recognised at a Returnee Monitoring workshop held in Dili during September 2000,²⁴ it was not pursued.

90. The impact on UNHCR's operation can be seen in a variety of ways. At its most basic, UNHCR did not have the grounds on which to make an informed guess about who it was dealing with, which is perhaps one of the reasons why it could not shift decisively out of emergency mode. It was operating with what one protection staff described as a 'blurred scenario'. As late as 2001 the following questions were still being asked; 'First, how many ET/former habitual residents in ET are still in West Timor or other places are genuinely refugees and have intentions to return? In other words, what is our constituency? What is the caseload? Identification of those returnees is what we are waiting for'.²⁵

91. Without clarity on these questions two different and mutually contradictory views seem to have been held simultaneously. On the one hand it was believed that the majority of those who went to West Timor were deported, were being held there against their will,²⁶ and therefore 'would wish to repatriate if conditions allowed'.²⁷ Thus the emphasis on extraction from West Timor. On the other hand it was also believed that the majority of perpetrators and 92,000 pro-autonomy voters, fearing reprisals for the destruction, would have gone to West Timor, presumably along with their dependants. Thus the undue emphasis on identifying perpetrators in the returnee screening process.

92. However, the numbers do not really add up. The pro-autonomy voters and their dependants alone would have amounted to over 270,000, even if each voter had only two dependants. This is already over the total number of refugees estimated at approximately 250,000 refugees. In the final analysis, as one senior UNHCR staff member observed to the evaluation team, the numbers were probably over-estimated, as was the extent to which people were being held against their will.

93. If this had been recognised at an earlier stage it would have had several implications for UNHCR. For example, if a considerable number of pro-autonomy voters and their dependants never left East Timor, this presumably created some important dynamics in community level reconciliation and reintegration processes. Furthermore it suggests that the emphasis in the screening process on risk due to association with militia members was undue and at the cost of a more holistic assessment of risk and vulnerability.

²⁴ At this workshop a proposal was made "for a development of a systematic follow-up monitoring and interviewing programme (which assuming the existence of adequate staff and systematisation should ideally have followed immediately the end of the emergency phase)."

²⁵ *The future of UNHCR presence in the field in ET -a thinking process from the protection point of view*, 7 February 2001

²⁶ The Report of an Inspection Mission to East Timor and Darwin (5-12 June 2000), for example, argued that 'on 5 September the Indonesia military (TNI and militias began a large-scale movement of E Timorese to W Timor and beyond. For the great majority of the over 250,000 moved over the next two weeks, this was deportation.' (p.2, point 8)

²⁷ Paragraph 9 of Inspector General's report on Atambua killings, 8 December 2000

94. The failure to create a detailed data-base of returnees meant that a number of activities which could have been developed at least in part on the basis of information collected about the returnees as they passed through the transit centres, required information gathering to be done from scratch. Examples of this duplication of effort include the vulnerability assessment for allocation of shelter kits (2000), the registration of separated children (2001), and the survey of protection cases in 2002-2003.

95. In the case of separated children, the lack of a data-base prompted a registration campaign which failed to establish the real dimensions of the issue but succeeded in aggravating the tensions and sensitivities surrounding it (see Chapter 6 below). Even after this registration campaign no centralised database system was established. In response to the lack of reliable information UNHCR Jakarta established its own temporary database in May 2002 to allow it to deal with some of the more complicated cases outside East Timor.

96. In effect, therefore, UNHCR Jakarta and the IRC in East Timor (UNHCR's Implementing Partner in the child tracing program), were working to two incompatible data-sets, neither of which allowed even the most basic statistical analysis. There was no way of knowing the exact number of cases, or a breakdown of cases by category. The first time a consensus on the need to have a centralised data-base was arrived at was during a workshop being held at the time of our field-mission in May 2003 (see Chapter 6 below).

97. It should be stressed that the lack of data was not peculiar to this operation in particular, nor was it peculiar to UNHCR: participants in the go-and-see visits, for example, were supposed to get a prior clearance from the UNTAET Serious Crimes Unit who had a database of those who were suspected of having committed serious crimes.

98. In practice, this database did not have sufficient information. As a result certain leaders were brought on 'go-and-see' visits who should not have been, possibly contributing to a sense that justice would not be done and that people could return with impunity. (It is important to note in this regard that in a number of instances where available information did suggest that there were excludable elements amongst those put forward for 'go and see' visits, UNHCR avoided involvement, causing some friction with the UNTAET Chief of Staff who was the driving force behind such initiatives).

Conclusion

99. Some might argue that the debate about data systems is somewhat academic and that that UNHCR's beneficiaries did not suffer from its absence. However, this rests both on a narrow interpretation of vulnerability and risk, and also a disregard for the inefficiencies caused by the lack of information in key areas. The failure to develop a more detailed information base from early 2000 onwards left something of a gap which was never satisfactorily filled, and which was at the heart of a number of weaknesses in the East Timor operation.

100. It is suggested that the lack of a comprehensive data-base and needs assessments was a major obstacle to the effectiveness of subsequent protection and

programme interventions. It is probable that had a clearer picture of the returnee population been developed it would have benefited all aspects of the East Timor operation, whether the protection monitoring, the shelter project, the QIPs, the Mass Information Campaign, the reconciliation activities, or the separated children. It would also have allowed more informed strategic decision making with regard to invoking the cessation clause.

101. In all these regards, therefore, a greater focus on information based programming would have benefited UNHCR's constituency, the refugees and returnees. In this regard the evaluation echoes the findings of another recent evaluation, that 'If UNHCR is to go beyond simple delivery of inputs, there needs to be considerably more investment in learning about specific social, cultural, political and economic realities of refugee situation... To not do so is to jeopardise the credibility of UNHCR as lead agency for refugees'.²⁸

²⁸ The Community Services Function in UNHCR – An Independent Evaluation, EPAU/2003/02 March 2003, p.v.

Assistance to returnees

102. The three major areas of assistance to returnees were repatriation itself (transport, transit accommodation and non-food items (NFIs)), the shelter programme, and the Quick Impact Projects.

103. Overall, the repatriation assistance was appropriate and timely. Assistance with the logistics of transport could scarcely have been provided more rapidly under the circumstances, and it was generally sufficient to transport people's belongings in their entirety.

104. In the initial phases of mass return UNTAET and UNHCR had no detailed overview or policy as to the place of refugee return in East Timor. Refugees, when asked where they wanted to go, mostly replied Dili, and were delivered there without questions as to their place of origin or intended destination. After spending a night or two - the maximum allowed - in a transit centre in Dili where they received non-food items from UNHCR and food from WFP, many of the early returnees then remained in Dili because this was the only place that had significant economic activity.

105. This quickly led a senior member of CNRT - the umbrella East Timorese political group - to claim in February 2000 that returning refugees were being "dumped" in Dili without thought as to the effect on overcrowding and housing conflict in the city.²⁹ The majority of people thereafter returned to their villages. This secondary transportation to the nearest accessible point was another logistics feat, not least because it also involved UNHCR informing village heads prior to the actual return of people in order to minimise spontaneous acts of retaliation when they arrived, as well as accompanying the most sensitive cases, as discussed in Chapter 2.

Non-food items

106. The basic NFIs provided to all 225,000 who came through UNHCR transit centres are listed in Table 3 below. Essential medicines and hygiene kits for women were also available. Field interviews suggested these items were widely appreciated as timely and appropriate, though it was reported to have occasioned some "social jealousy" amongst 'stayees' and IDPs in rural areas to which refugees returned.

107. It appears that there was some increase in the amounts given in the later stages of the repatriation, despite the argument of the Inspector General that 'The latter [increase] carries the obvious danger of contributing to increased resentment against the later returnees'.³⁰ One of the forms of increased assistance was provision of additional transport to enable those who came later to bring all their possessions back with them, including livestock and shelter materials acquired in West Timor.

²⁹ Joao Gonzalves to Daniel Fitzpatrick in D. Fitzpatrick, *Land Policy in Post-Conflict Circumstances: Some Lessons from East Timor 2001*, p.11

³⁰ Inspection Mission to East Timor and Darwin, 5-12 June 2000, Final report to the High Commissioner from the Inspector General, Inspector General's Office, December 2000, p.5, point 21

For some families this involved several truck-load of belongings, at a cost to IOM of \$150 per truck.

Table 3. The cost of non-food items given to returnee families

Non-food items (US\$/ family):			
Plastic tarpaulin (4m x 5m)	2 per family	6.8 x 2	13.6
Blanket	2 per family	4.5 x 2	9.0
Plastic bucket	1 per family	4.5 x 1	4.5
Water container/jerrycan	1 per family	1.5 x 1	1.5
Sleeping mat	1 per person	1.65 x 5	8.25
Kitchen set	1 per family	14.0 x 1	14.0
Soap	1 per person	0.7 x 5	3.5
Sarong	1 per person	1.5 x 5	7.5
Mosquito net	1 per family	3 x 1	3.0
Total:			64.85

108. Because post-Atambua the repatriation process on the West Timor side was driven by the Government of Indonesia, UNHCR had little say over who or what was brought to the border. However, providing full transport for all possessions was also felt to be justified by the prevailing view that it was necessary to get people back at all costs for political reasons and to reduce the security threat posed by the refugee population along the border.

109. It was also argued that later returnees were not able to benefit from the shelter programme, and that replacing these items through procurement in East Timor would have cost more (especially given the very high prices in East Timor relative to those in West Timor). Some UNHCR staff also felt that the obligation to repatriate people in conditions of safety and dignity included such assistance (though how this related to the policy of 'extraction' from the camps of West Timor in the first half of 2000, in which people left with just the clothes on their backs, was not clear to the evaluation team).

110. It is not possible to comment on the impact of one off items of assistance such as the bales of second hand clothing etc. Although some respondents questioned the manner in which these had been delivered, arguing that they were distributed on a first-come first served manner in the centre of villages, these are not significant criticisms given that these items were ad hoc gifts in-kind from Australia and elsewhere. As such they were unpredictable in arrival, could not be planned for, and did not represent standard UNHCR practice. More important to note is the fact that such donations were something of a distraction for UNHCR - which tried (unsuccessfully) to encourage the administration/government line ministry to take delivery of the donations and supervise their distribution.

111. It should be noted that food items were the responsibility of WFP rather than UNHCR. WFP provided rice and beans with supplementary feeding rations for the under-fives. The evaluation team heard numerous comments that the food items were insufficient to cover the period up to the first post-return harvest, obliging many people to rely on relatives, neighbours and friends to share their resources. This was despite a WFP/FAO maintained district level supplementary feeding

programme for vulnerable families to which all returnees were in principle eligible if their condition warranted.

112. While the timeliness of the Mass Information Campaigns is not in question, it is difficult to assess how appropriate they were, given that the motivations of those remaining in West Timor were by no means uniform. It is also difficult to what impact they had on return rates (the primary objective, after all, being to promote informed return).

113. Proponents intended it as 'a way to get information who had no other sources than word-of mouth and some of the sensationalist local press', while critics regarded the Mass Information Campaigns as an "an information war", and a way to boost UNHCR's image in West Timor, and argued that at a personal level direct family-to-family messages through personal intermediaries were possibly a stronger determinant for return. Family re-unifications at the border were similarly deemed by both East Timorese interviewees and some of the international staff interviewed at UNHCR Geneva as 'excellent for information exchange, and more effective than a team of internationals with a video'.

114. Certainly, given the political position in which UNHCR found itself as part of the wider UNTAET presence (see Chapter 7), it seems optimistic to expect that refugees who had been pro-autonomy would be readily persuaded that information coming from them would be impartial and politically neutral. Nonetheless, although a detailed assessment of the Mass Information Campaign was beyond the scope of this evaluation, it is clear that the transmittal of some information to refugees in West Timor was seen as necessary. Silence might have been interpreted as ceding to what was widely regarded as Indonesian disinformation, and a failure to run it would have laid UNHCR open to the charge of not informing the refugees.

Shelter

115. The shelter project, at \$19 million, was the biggest single component of UNHCR's East Timor operation, and as such merits considerable attention.

116. The project's aims and objectives were ambitious, the overall purpose being to support the reintegration of the displaced population of East Timor. This was to be achieved primarily through the provision of appropriate shelter assistance in the form of construction materials for 35,000 vulnerable families, as well as technical guidance towards the re-construction of their houses at their places of origin. The delivery of assistance was also to :

- improve conditions for the return of the IDPs to their original homes and to facilitate the reintegration of those returning from outside East Timor;
- target the most vulnerable families for first assistance according to UNHCR guidelines;
- enhance the capacity of the community to assist in the rehabilitation and/or reconstruction of houses for vulnerable families;
- organise local resources and labour to implement self-help initiatives;

- provide skills training to the local communities for house re-construction;
- link the shelter rehabilitation work with related sectoral assistance in the fields of public health, such as water-wells, latrines as well as the collection and disposal of domestic waste;
- enable communities to use the organisational platform established through the community-led shelter initiative to address education, psycho-social, socio-economic and other community-related concerns through other projects and programmes;
- establish a monitoring system in order to ensure a successful and sustainable return of refugees and IDPs as well as their re-integration in the areas of origin; and,
- ensure effective transition from initial reintegration assistance to longer-term community social rehabilitation, reconciliation and economic development.³¹

117. These detailed objectives indicate that the shelter project, at least in its original conceptualisation, was intended not only to address material needs, but also to catalyse less tangible processes of reconciliation and reintegration at community level.

Implementation

118. By mid-October 1999 UNHCR had set up a shelter task force which developed the framework for the shelter programme. Engineers, in consultation with refugees themselves, designed a kit which closely reflected existing construction practices (not 'traditional' but 'modern'), both in size and design. In terms of refugees' expectations, therefore, the kits were reasonably appropriate, even if from an architectural point of view they had some limitations - the zinc roofs, for example, though highly prized in some respects, are hot to live under.³²

119. The major problem with the kits was that they were, if anything, overly complex, consisting as they did of a whole range of different sizes of timber, zinc sheets, various nails and screws, etc. That some of these elements were not strictly necessary was demonstrated by the many recipients who managed to complete satisfactory houses despite having only received incomplete kits - and by the fact that even when the complete kits were received not all the parts were used.³³ The decision (apparently pushed for by the refugees themselves) to have wooden wall posts rather than ones of reinforced concrete certainly created procurement problems, though the logistics of moving ones made of reinforced concrete would also have been a substantial challenge.

³¹ Liaison Office in East Timor Verification of Shelter Rehabilitation Programme. Mission Report by Paul Greening 15 April 2002

³² There was not uniform agreement on the appropriateness of the design - at least two international NGOs sought independent funding for shelter activities, in part because they were not happy with the design of the kit. Caritas Australia, for example, provided 4,600 shelter kits to Oecussi and in 2002 provided roofing for 3,000 houses through a supplementary shelter program.

³³ Apparently timbers of sizes 2cm x 7 cm x 4m and 2 cm x 20 cm x 4m were not often used.

120. The insistence on wood rather than reinforced concrete for the wall posts, and the multiplicity of components required, proved relatively complex from a procurement point of view, and this in a place which was already, so to speak, 'procurement challenged'.

121. Two main reasons informed UNHCR's decision to import timber through the Surabaya office in Indonesia. Firstly, the prices were competitive compared to those in Australia, Malaysia and Singapore. Secondly, it was felt that maintaining this commercial relationship would be politically useful as it would demonstrate that the UN was not anti-Indonesian. However, quality control proved erratic and unreliable, and export permits were often delayed, causing conflicts between the timber supplier and the UNHCR representative. Timber supplies stopped completely between 7 July and 5 September 2000. After the Atambua incident, the Surabaya office was closed due to security concerns and between 19 December 2000 and 14 March 2001 supplies halted again.

Table 4: Components of full housing kit³⁴

Timber	
2cm x 20cm x 4m	1
2cm x 7cm x 4m	3
5cm x 5cm x 4m	14
5cm x 7cm x 4m	20
12cm x 6cm x 4m	16
12cm x 8cm x 4m	9
Roof sheets	40
Roof ridge	2
Cement	400 kg
Roof nails	7 kg
3" nails	3 kg
4" nails	3 kg
6" nails	3 kg
Tools sets	1 for 5 kits

122. Further delays occurred because of the lack of port facilities in Dili. Notification of ship movements to Dili and details of cargo which were supposed to come via the shipping company, were often late, at short notice, or did not come at all. Records note surprise on occasion to see one of the regular vessels at anchor in Dili harbour, having arrived without any prior communication. They would then often have to wait to off-load while goods for the PKF were given priority, creating further delays to delivery.

123. Once off-loaded the materials had to be delivered to primary distribution warehouses set up at Dili, Com, Suai and Oecussi, from where it was collected by the

³⁴ Not all beneficiaries received the full kit as outlined. In some cases partial kits were given to allow existing houses to be repaired. It should also be noted that even the recipients of full kits had to find wall materials themselves as the kit only provided the base, frame and roof.

eight NGOs engaged as implementing partners. Shelter material was to be transported to the rural locations by land, sea (barges) and air (helicopters, either WFP-assisted or ad hoc support through US Navy Units).

124. The sheer bulk of material slowed down deliveries. According to the 2001 country report, a total of 16,000 metric tonnes of material were transported throughout East Timor, 'either by road, sea... or air'³⁵. On occasion large convoys of up to twenty five trucks would be taken to the border region to deliver material either directly into the field or to secondary warehouses. These trips (which were also problematic in that the very large trucks used blocked up entire stretches of the single-track roads for long periods at a time) were subject to security procedure and checks by the military along the border.

125. Inevitably these interruptions and long delays of supply led to a prolongation of the project. Whereas 33,000 out of the 35,000 kits had already been allocated to beneficiaries by June 2000,³⁶ the actual delivery was not finished until September 2001. This in turn had an impact on costs as UNHCR had to cover the running and overhead costs for itself and its implementing partners' for these extra months.³⁷ It also meant that, insofar as the majority of distribution and construction did not take place before the first major rainy season, shelter provision could not truly be considered timely. Because the components of the kits were delivered in stages as they became available, some recipients had to wait months before having the basics with which to build the shelter.

Delivery to recipients

126. It was intended that while UNHCR focused on the supply chain, responsibility for the on-the-ground implementation of the project would rest primarily with the eight implementing partners.

127. In cases of good practice the NGO responsible formulated a community plan for allocation of shelter materials through the creation of a shelter selection committee in each community supervised by staff. The shelter selection committee would include local CNRT representatives and community leaders, such as those from the church, youth, and women's organisations and one representative from any other formal or informal groups that existed within the community. They would identify - with the assistance of the Implementing Partner - the most vulnerable households for first deliveries and facilitated the rehabilitation of damaged houses and the reconstruction of destroyed houses. They would also organise community labour for rapid, efficient reconstruction of safe, durable houses, provide technical advice to those not familiar with shelter construction practices; and monitor and evaluate the process and impact of community-led reconstruction.

128. At the time of the evaluation mission, however, several instances were found in which the shelter was still under construction, more than three years after the project first began. These were in stark contrast to where the shelter obviously met an

³⁵ 2001 Country Report - East Timor, p.8

³⁶ Inspection Mission to East Timor and Darwin, 5-12 June 2000, Final Report to the High Commissioner from the Inspector General, Inspector General's Office, December 2000, p.10 para 49

³⁷ UNHCR Programme Unit - Dili, "Shelter Rehabilitation Programme: Final report" October 2001.

urgent need and was reported to have been built and finished within a matter of days. Incomplete shelters mostly appeared to reflect poor targeting (in other words cases where kits were given to people who did not really need them for shelter as they had alternative, preferable housing available and so did not prioritise their completion) rather than difficulties with completion, raising questions about how rigorously vulnerability criteria had been applied.

129. The decision to give only one tool-kit per five shelter kits may have had the desired effect of making households co-operate with one another more than they would otherwise have done. It was not possible for the evaluation team to determine this.

130. To understand whether such cases were typical or not would have required a more in-depth survey than was possible for the evaluation team. However, the number of such instances that the team found without setting out to do so suggests that questions need to be asked about the process adopted. It is possible that too much reliance was placed on the implementing partners, not all of which had extensive field experience, and that UNHCR's monitoring was too minimal.

131. Some non-UNHCR respondents suggested that the vulnerability criteria were not made clear to Implementing Partners, others indicated that the programme department was rarely visible in the field for monitoring purposes. Indeed, the dominant impression from discussions with those who were directly involved in the shelter programme was that the logistics of procurement and delivery came to dominate to such an extent that secondary process goals were rarely mentioned.

132. Certainly, the crucial link between delivery and protection monitoring does not seem to have been made, despite the need to do so being remarked on relatively early in the project. As the Inspector General's report noted, 'Full advantage is not being taken of the programme's potential to help UNHCR discharge its protection responsibilities in the local communities'.³⁸

133. While there is no doubt that there could have been some fine-tuning of the design, and the standardised kits took little account of differences in terrain or locally available materials, they were undoubtedly highly prized assets for a large number of households. However, the complexity of the kits meant that the first step in the process, procuring the kits themselves, proved to be a major stumbling block, and substantially hindered a whole series of processes to facilitate reintegration and reconciliation which the kits had been intended to catalyse.

134. The provision of timbers from outside the country undoubtedly reduced pressure on the local environment (which had already come under severe pressure in some areas from the TNI's scorched earth policies), but the time-lags between the majority of returns and the delivery of kits also raises questions over whether the kits really spared the environment to the extent it was hoped they would. Although the kits were supposed to obviate the need to cut down local trees, by the time they eventually arrived many people had had to do just that in order to have some provisional shelter. As such the shelter project exemplified the saying that 'the Devil is in the detail', in the sense that procurement difficulties arising from particular

³⁸ Inspection Mission to East Timor and Darwin, 5-12 June 2000, Final Report to the High Commissioner from the Inspector General, Inspector General's Office, December 2000, p.11 para 52

features of the kit design undermined what would otherwise have been an appropriate form of assistance.

135. All the problems in procurement and delivery, and the costs of these to the softer objectives of the project, inevitably prompt the question of whether UNHCR should have assumed responsibility for the project in the first place. As a recent OCHA evaluation noted, 'UNHCR accepted the lead responsibility for the large and ultimately problematic shelter sector, although staff interviewed indicated that, with hindsight, the agency should have been more cautious in accepting this role'.³⁹ In this regard it is therefore important to highlight a number of considerations:

136. Firstly, the allocation of shelter to UNHCR was made on-the-spot in Darwin by OCHA, and took UNHCR somewhat by surprise. Shelter was still not regarded as a traditional activity for the organisation, although it had also been involved in shelter projects in Tajikistan, Bosnia & Herzegovina, Croatia, Kosovo, Rwanda, and more recently, in Afghanistan.

137. Secondly, the decision to accept the shelter assignment was made against a backdrop of mass infrastructure destruction in which, 'extraordinarily, no provision was made for housing issues in the original planning of UNTAET'.⁴⁰ There was no division or department of housing, and the nearest body - UNTAET's Land and Property Unit - lacked resources and a mandate to cover housing issues.

138. Thirdly, there were organisational reasons why taking responsibility for shelter could be justified: it was seen that the provision of shelter would make it possible for UNHCR to have access to the most remote corners of the island, a pre-requisite for protection monitoring of returnees. In the words of one senior staff member, 'you have to do something to justify the monitoring... housing was the silver bullet...'. This vision of the potential synergy between programme assistance and protection monitoring was subsequently built into the project's objectives. As one staff member commented, 'In fact, this is very basic in the programme implementation. The assistance is always in support of the protection activities. It is so called integrated protection and programme activity - which is one of the themes in the monthly sitrep.'

139. Thus the original decision to accept the responsibility was not without good reason. The fact that a total of 35,000 shelter kits were distributed through the eight implementing partners over a twenty three month period and at a cost of some \$19 million was an outstanding achievement given the procurement, logistics and coordination hurdles that had to be overcome, and was important in legitimising the wider UN presence, as discussed further in Chapter 7. However, the fact remains that the highly problematic procurement and delivery paradoxically undermined the provision of returnee monitoring and protection in several ways, and detracted from the project's potential contribution to social reintegration.

³⁹ OCHA and the Timor Crisis, 1999: An Independent Study for OCHA - Chris Hurford and Margareta Wahlstrom, November 1999, p.12

⁴⁰ Land Policy in Post-Conflict Circumstances: Some Lessons from East Timor, Daniel Fitzpatrick, p.12

Quick Impact Projects

140. The emphasis given by UNHCR to the shelter project was perhaps at the cost of attention given to QIPs. Although the UNHCR Quick Impact Project Strategy was described as ‘a methodology for Advancing Reintegration and Reconciliation Goals in East Timor’, the overall amount spent was considerably less than \$1 million and the amounts per project were correspondingly relatively small (ranging from about \$100 - \$7,000). The strategy explicitly stated that ‘UNHCR does not support QIPS within the following sectors: Health, Education, Roads & Bridges, Water and Sanitation, Public Infrastructure, Communications, Tourism’.⁴¹ QIPs therefore tended to be in the nature of grants to individual or group income generating projects rather than projects which dealt with ‘reconstruction bottlenecks’ at a community level.

141. A relatively complex approval mechanism was nevertheless put in place: OCM in Dili advised the field offices to identify QIPs which could be quickly implemented with a rapid result within 3 months or so, and specified that each project should comprise members from the local people (ex-IDP) and ex-returnees. It was apparently also emphasised that it was a must to identify a project headed by a woman. Every project had to be approved by the District Administrator and screened by the UNTAET Officer, before being recommended by the UNHCR Field Office to Dili for approval.

Implementation

142. When the evaluation team did a “spot check”, it was found that the majority of projects listed as having been implemented in 2000 and 2001 appeared either never to have existed in the first place or to have collapsed long ago. The surviving carpentry QIPs the evaluation team were able to find, which had started out with a dozen or more members, were reduced to two or three only, the others having had to return to farming as there was insufficient demand for their carpentry skills. It was also apparent from discussion with beneficiaries that little or no training had been given in basic small business management—determining market for product, distribution plans, book-keeping methods, etc. The two most expensive projects listed were totally defunct for a complex range of reasons.

143. In the case of a \$6,000 photocopier project (which had been initiated by the UNTAET officer and endorsed by the District Administrator) the problem was that the photocopier mechanic in the group was unable to repair the damage caused to the machine by repeated power surges because he was not familiar with the Australian machine (the project group had specified an Indonesian model in their proposal which the Supply Unit in Dili was unable to procure). The damaged machine was therefore sold and the money used to buy just four goats.

144. In the case of a \$7,000 chicken farm, which met the requirement of a female headed project, it was apparently initially successful with a ready market for chickens in the UN CivPol in Baucau. However, not only had all the chickens (originally imported from Australia) been stolen, allegedly by jealous neighbours,

⁴¹ UNHCR Quick Impact Project Strategy, OCM East Timor Working Draft, 18 April 2000

but when the woman in whose name it was listed left for Dili for family reasons the whole project was closed down.

145. In both cases the design of the project required difficult to obtain and expensive imports from Australia rather than relying on Indonesian imports. In common with other QIPs which were no longer functioning, they had not succeeded in taking into account 'sustainability, cost-effectiveness and the economic, social, institutional and cultural context in which they are to be implemented' as set out in the project strategy. Contrary to the intention, they had indeed become 'isolated interventions with limited viability'.

146. These examples notwithstanding, Baucau did offer insight into how even small-scale income generation oriented QIPs could be of considerable benefit. Once QIPs were devolved to the field office a partnership was entered into with the Thai Battalion (the UN Peace Keeping Force in the district), and they distributed rice seedlings, tools, wooden hand tractors and relevant agricultural assistance to the predominantly rural population. This appeared more in line with the ethos of QIPs in that it overcame a bottleneck in the reintegration process by facilitating the urgently needed rehabilitation of terraced rice paddies.

147. Other interesting projects in Baucau district included vocational courses for barbers and blacksmiths, in which PKF selected volunteers from various villages to attend five day training courses in the PKF base, after which they were supplied with the relevant tools to start up their own businesses. In at least one case, we were told, a blacksmith was subsequently given further support from an NGO.

148. Baucau also offered an example of a QIP which resulted in a public asset. In collaboration with the PKF a health park was constructed in the centre of Baucau next to the church, and used to provide demonstrations and training to young people. The Field Office in Baucau also obtained direct support from OlympicAid who deployed two international coaches to provide the training programme to youth in every sub district of Baucau. The two coaches stayed in Baucau for some 6 months and managed to organise a number of sports training courses for local people (including returnees).

149. A further function performed by the Field Office in Baucau was to identify implementing partners for funding agencies. In one such case, as a result of UNHCR's intervention, a significant amount of funding was channelled to a local NGO for rehabilitation of the sports complex and some local schools. This project was also supported by the former Deputy Prime Minister of Australia who came to visit Baucau.

Discussion

150. Overall, whereas QIPs have had a strong record in other UNHCR operations, where they have provided valuable support to the initial reintegration process,⁴² in East Timor the necessary funding levels to be able to operate in this way were never given, despite repeated attempts to argue for an increase in the scale of QIP funding.

⁴² In Manica and Sofala provinces in Mozambique, for example, with a budget of \$8 million per year for QIPs, it was possible over a two and a half year period to open up key stretches of road and re-build over 100 schools using QIP methodologies.

The rigidities of UNHCR's unified budgeting system also meant that even where new money could have been raised for QIPs (e.g. in Baucau district), such fundraising was not permitted as the extra costs could not be accommodated in the approved budgets. This resulted in a shift from the original ethos of QIPs, and when the operation was not fully funded in 2001, community self-help and quick-impact projects were further squeezed.⁴³

151. Notwithstanding these observations about the structural obstacles to the strategic use of QIPs, it appears that the impact of the money that was disbursed could have been increased. Although the project approval procedures were relatively complex and centralised, subsequent monitoring by the UNHCR programme department was weak, such that there was wide variation between implementing partners in the extent to which social objectives were built into delivery, and few of the QIPs seem to have born fruit in terms of sustainability.

152. This might have been improved had responsibility for allocation of QIPs been devolved to field offices earlier in the operation, and had there been tighter monitoring of implementing partners. As it was, implementing partners appear to have kept few records or documentation of project contact persons, monitoring or follow-up, and as with UNHCR's protection monitoring, the quality of monitoring of QIPs was down to the interests of individual field officers – some of whom expressed considerable frustration at the lack of suitable NGO partners.

153. The result was that QIPs injected some cash into individual pockets but had little lasting beneficial impact for the communities as a whole. In short, for QIP's to impact on returnee community reintegration required more money but also closer attention to process, and sufficient staff to develop, target, implement and monitor the projects.

Conclusion

154. Overall, the material assistance to returnees and other categories of vulnerable people was one of the dominant features of the East Timor operation, and in some important senses a major achievement. UNHCR's provision of material assistance gained widespread recognition for having overcome logistical challenges and evidently addressed some immediate needs. This was, in and of itself, a contribution to the UN's challenges of coping with the emergencies and stabilising the situation.

155. It is less evident that either the shelter programme or the QIPs exploited the potential synergies between provision of assistance and a contribution to longer term dynamics of reconciliation and reintegration which would be fundamental to assuring that return was a durable solution. Given the scale of the shelter project, a full impact assessment of it might yield valuable lessons for future UNHCR operations.

⁴³ UNHCR Global Report 2001, East Timor section

Protection and returnee welfare monitoring

156. The purposes of returnee monitoring, as set out in UNHCR's Returnee Monitoring Guidelines are 'to monitor the adherence to agreements/guarantees', 'to facilitate the provision of national protection', 'to ensure the sustainability of repatriation' and 'to gather and disseminate country of origin information'. Its content 'involves measuring progress and trends towards the establishment of effective national protection' because the sustainability of return and reintegration of returnees is seen as 'inextricably linked to the quality of national protection available to them'.

157. As conceived in the guidelines, returnee monitoring should go beyond the physical and material security of the returnees to consider 'whether returnees face any discrimination in the exercise of their social, cultural and economic rights', and it generally should involve a combination of 'general' and 'individual' monitoring. It is not an abstract exercise, as 'the information gathered in the context of returnee monitoring forms the basis for much of UNHCR's protection and programming activities... it is therefore essential that the information gathered... is of the highest quality. Inaccurate data would result in the dissemination of misinformation, poorly planned interventions/activities or weak demarches'.⁴⁴

158. In the East Timor operation, the activities of the protection unit showed a clear grasp of most of the above purposes, but the capacity to carry them out to their full extent was lacking, and UNHCR appears at times to have been unwilling to acknowledge the shortfall. Furthermore, protection in its full sense was hampered from the start by assumptions about the nature of the case-load, which meant that a relatively narrow model of risk and vulnerability was taken as the basis for monitoring. Most of the focus was on vulnerability to physical retaliation for involvement in the events of 1999, and absence of visible violence was taken as the main indicator of successful return and reintegration.

159. With regard to minimising retribution upon arrival of returnees, UNHCR did take important steps. A list of returnees would be sent whenever possible to the receiving village in advance of their arrival to allow village leaders to identify any individuals who might face problems. There seems little doubt that when in place this system had a significant impact on reducing spontaneous acts of retaliation, as where this advance notification occurred very few incidents took place.

160. The problem was, according to one respondent, that UNHCR did not 'usually have capacity to provide advance notification to villages of those proposing to return' but was reluctant to see others fill the vacuum. In such cases there was more likely to be trouble, though as one former field officer commented, where there were incidents UNHCR was generally informed about it quite quickly.

⁴⁴ Draft Returnee Monitoring Guidelines (undated), pages 3-11

161. This practice of alerting communities prior to the arrival of returnees involved close co-ordination between UNHCR in West and East Timor, between UNHCR and the other organisations involved in repatriation, and close liaison at community level. However, the absence of violence upon return cannot be taken as evidence of an effective protection monitoring system. These steps should have been the beginning rather than the end of protection, and could better be described as risk reduction strategies rather than protection monitoring in the full sense of the word.

162. The emphasis given to protection monitoring in the field depended on the individuals concerned, and their ability to overcome constraints of transport and lack of support from an understaffed head office. In one field office, for example, frustrated by the limited support available from the protection unit, and the impractical nature of the proposed monitoring system, an independent monitoring system was developed: a database of returnees was created using the return manifests as its reference point. Ordinary cases were visited after one week and after one month, while high profile cases were visited over a three month period, with CIVPOL and PKF called upon to assist. These visits were recorded, and monthly statistics of this monitoring activity were submitted to the protection unit.

Gaps in protection

163. While these initiatives are to be applauded, the Dili based protection unit did not systematise such approaches at a national level. The gaps in UNHCR's protection monitoring were thus substantial, and the operation could not be certain that it was even aware of security incidents where these did occur. As late as the visit of the Inspector General in June 2000 it was still the case that security incidents were being reported to UNHCR on an ad hoc basis and that there was 'no mechanism for formal reporting'.⁴⁵ During the evaluation mission in May 2003 it still proved difficult to find a systematic record of monitoring visits. As in the case of the records kept from returnee assessments, the quality of individual visit reports was inconsistent, some containing commendable levels of detail but omitting key information such as the date of the visit.

164. As discussed in Chapter 3, UNHCR did not develop a centralised information base for its own systematic and effective post-return monitoring of the protection and welfare needs of the returnees. Although the skills were available and individually driven examples of good practice can be found in this regard,⁴⁶ these were one-off exercises rather than a model upon which subsequent work was developed. There is no paper trail or computer trail that can be followed. In other words, the basis for any serious protection process is missing. As one respondent noted, 'there was an attempt to create a database at the OCM level, asking the Field Offices to send such cases regularly. This, however, was not a successful attempt in

⁴⁵ *idem*, (p.8, para 42)

⁴⁶ For example, A 'Report on Refugee Protection Monitoring' based on a study in Dili autonomous region in June 2000, offered clear information based on in-depth interviews with fifty heads of household. It covered comprehensively current needs, responses, motivations for return, extended family circumstances (many still in West Timor), and demographic data. Repeat studies on such a model would have informed appropriate and timely interventions--for example, specific recommendations were made on QIPs usage, housing, and information strategies. [Report on Refugee Protection Monitoring' based on a study in Dili Autonomous Region, June 2000]

the end (although at one stage we received feedback from most of the Field Offices, it did not continue for long)'.

165. However, the current activity of the protection unit in Dili offers an example of how such a system could have been developed, and also demonstrates the need for such a system for monitoring protection and welfare. A database has been built of people who returned during the last six months of 2002, and a sample of five hundred cases from within that database is being used as the basis for monitoring visits.

166. Unsurprisingly the majority of protection issues have been found to be amongst people not included on the database, and to have included welfare issues such as access to medical treatment, as well as more narrowly defined protection issues. The information gathered is being used to lobby the East Timorese Government to do follow-up activities, and, because it serves to bring the protection staff into contact with a wide range of returnees, is also serving as a 'wrap-up' function for the operation.

167. This survey, which comes somewhat late in the day for the East Timor operation, does however not just serve to highlight the deficiencies in protection monitoring up to that point, but also offers a model of what can be done if the right information systems are put in place.

The problem of staffing

168. From the very start the protection function suffered from inadequate staff numbers, frequent staff turnover, and confusion in reporting lines, all of which contributed to the lack of systematic protection records and follow-up. This remained the case throughout. The Dili office protection staff were necessarily focused on national level policy issues, and not all the Field Offices were headed up by staff with a protection background. This meant that protection officers in Dili were over-stretched.

169. To try and deal with the fact that 'The potential demand [for protection] is such, and so staff intensive, that even with significantly greater staff resources it could not be met', it was argued that the limited number of protection staff should work with bodies who were better placed to provide day to day protection (such as the military and CivPol). It was felt that 'The increased involvement of UNTAET and our partners, and the multiplier effect therefrom, should give significantly greater returnee protection coverage'.⁴⁷

170. Protection staff were also to ensure development of appropriate national policies. As such they became involved in all those areas, as well as maintaining some hands on protection duties - and in some cases individual cases were monitored over a period of months and involved repeated discussions with local communities and leaders. As one respondent stated "I do understand that staff were all overwhelmed. They had no time and did not have the type of resources required

⁴⁷ Inspection Mission to East Timor and Darwin, 5-12 June 2000, Final Report to the High Commissioner from the Inspector General, Inspector General's Office, December 2000, p18-19

and yet they did not receive support from the senior management. There were some excellent staff but overall, it was very frustrating.”

171. Quite apart from management issues, protection staff based in Dili were at times unable to travel extensively throughout the country due to difficult and dangerous driving conditions (especially during the lengthy rainy season), a situation faced also by the Field Officers. Attempts were made at protection monitoring travelling by PKF helicopters and planes, but this was also not easy. The difficulty of finding Timorese staff who could translate into English was particularly an issue for protection officers needing to conduct protection interviews. The solution to these shortcomings, to have a roving protection unit, was unsatisfactory, given its limited ability to cover the whole of East Timor.

172. To compound matters, whenever the Head of a Field Office was away on leave – as happened every two months at least due to the designation of the operation⁴⁸, UNVs would act as Head of Office. The UNVs did not necessarily have prior UNHCR experience, let alone an understanding of protection issues, so the protection function was under-represented at a field level as well as in the head office. As one respondent commented, ‘We often heard people from some field offices saying, “we don’t need to look at protection issues since we do not have any protection problems”’.

The gap between protection and programming

173. While much has been made of the lack of staffing as the reason for poor monitoring, it does not fully explain it. Substantial opportunities existed to link monitoring with programme activities (shelter, QIPs, distribution of non-food items). As was explored in Chapter 4, one of the reasons for accepting the shelter project was that it could in theory give UNHCR (or its implementing partners) access to all returnee areas and therefore enable returnee monitoring. In the event, and somewhat paradoxically, the demands of the shelter programme in particular were seen as one of the reasons why protection could not be prioritised. Interviewees noted that ‘There was a complete disconnect between programme unit and protection unit. There were no linkages between programme objectives and protection objectives.’

174. These weaknesses of the programme are particularly striking given that the principle that delivery of services can provide the basis for community capacity building and also provides an entry point for more sensitive activities such as research/monitoring/protection is well established. In a sense the greater the level of service delivery the greater the potential for monitoring. In the East Timor case the unusual scale of the shelter programme should have created multiple and wide open opportunities for UNHCR to engage in village level monitoring of returnees, and to create the linkage necessary to realise “social protection” and genuine re-integration.⁴⁹ These opportunities were not seized – despite the fact that one senior

⁴⁸ Due to the hardship designation of the operation, staff were advised to take leave every two months.

⁴⁹ The concept of ‘social protection’ is still much debated. For a discussion of the terms “social protection” or “social aspects of refugee protection”, see *Meeting the rights and protection needs of refugee children: An independent evaluation of the impact of UNHCR's activities*, EPAU/2002/02, May 2002, and *The community services function in UNHCR: An independent evaluation*, EPAU/2003/02, March 2003

staff member argued that the shelter project was only agreed to because it offered such opportunities.

175. This is not the first time where UNHCR's emphasis has been placed on logistics and assistance in return operation, at the expense of protection issues. For example, the review of the Cambodia repatriation operation in 1992-1993 notes that "monitoring of the returnee population has been one of the weaker elements of the UNHCR operation... the organization's capacity to monitor the welfare of the returnee population was seriously constrained by the heavy demands which the repatriation movement itself made upon staff time."⁵⁰ More recently, the review of Afghan repatriation in 2002 has pointed out that "the monitoring of returnee areas by UNHCR's protection staff, for which it has produced detailed guidelines, did not get off the ground until relatively late in the return operation."⁵¹

176. UNHCR's inability to take advantage of opportunities as mentioned above, particularly in the absence of an alternative mechanism for systematic returnee monitoring, is therefore symptomatic not just of difficulties within the East Timor operation, but of certain institutional rigidities in UNHCR's function may form an obstacle to strategic vision on the part of both management and the organisation as a whole.

The cessation of refugee status

177. In theory the cessation of refugee status is intimately linked to the conditions in the country of origin, which it is the responsibility of the protection unit both to measure and to contribute to.

178. In the East Timor context 'cessation' was supposed to refer to 'ceased circumstances clauses contained in paragraphs 6A(e) and (f) of the UNHCR Statute, and article 1C(5) and (6) of the 1951 Convention relating to the Status of Refugees. Again, in theory, the protection monitoring of returnees should offer the major vehicle for determining whether the circumstances which justify flight have ceased to pertain.

179. In practice, the decision to invoke the clause was motivated to a certain extent by political and organisational considerations (the fact that there was pressure to have an exit right from the start of the operation is mentioned elsewhere), and was enabled by the information vacuum created by the problems with protection monitoring outlined above, which was not sufficiently consistent to be used as the basis for such a determination.

180. The gaps in protection monitoring might not have mattered had the set of benchmark indicators put in place by the Department of International Protection been taken seriously in the final decision making process. However, a system to monitor their attainment was only put in place after the High Commissioner had already officially declared his intention to invoke the clause. Furthermore, the invocation came into effect despite the fact that the Dili office's monthly progress reports on the indicators showed that at least three out of the five benchmarks were

⁵⁰ *Review of Cambodia Repatriation Operation*, EVAL/CAM/13, UNHCR, September 1993, paragraph 56.

⁵¹ *Taking Refugees for a Ride? -The politics of refugee return to Afghanistan-*, David Turton and Peter Marsden, Afghanistan Research and Evaluation Unit, December 2002, p. 44.

not satisfactorily fulfilled. In other words, the monitoring process appears to have been used to legitimise a pre-determined political decision.

181. One of the benchmark indicators was “judiciary and police force are able to maintain continuing security and administer due process of law to the returnees’. In a disturbing incident on 3 December 2002, demonstrations occurred when the Dili police arrested a student suspected of a crime. Protesting students were joined by other demonstrators hostile to the police, with a sharp increase in violence on both sides the following day. Three students died, twenty five were injured (some of them shot in the back as they fled from the police) and some 80 were arrested. Several buildings were burnt, including accommodation used by non-Timorese habitual residents staying in and around the Mosque, and an Australian-owned super market.

182. In terms of judicial protection it took time before a court to prosecute serious cases could be established in Dili, and once established it turned out to be ineffective. It lacked not only prison facilities and the ability to summon key witnesses from West Timor but also, and more importantly, the political will to actually prosecute the worst offenders. Evidence obtained by Interfet, UNCivPol and the District Human Rights Officers in the first months after the referendum lay unused in the basement of the Serious Crimes Unit and was never entered into a computerised database. Forensic evidence obtained by international specialists for approximately 1,000 murders was also never used.

183. It would appear that co-ordination between the various post-conflict justice agendas improved following the UNTAET Chief of Staff’s resignation in January 2002, such that by January 2003 the SRSG reported to the Security Council that a ‘unified reconciliation team’ was making progress on the sensitive task of reconciliation between East Timorese on both sides of the border.

184. Nevertheless, even at the time of the evaluation team’s visit to East Timor in May 2003, staff in UNHCR and UNMISSET still felt that the judiciary system was not properly functioning, and the police force was evidently still relatively inexperienced. It was disturbing to hear that the justice system’s ability to deal with the case load is further handicapped by the unwillingness of the limited number of judges to work at a district level as they fear for their security.

185. These obstacles mean that returnees who were implicated in serious crimes but will not have passed through a judicial process by the time of the UN’s withdrawal in 2004 are both threats themselves, but also potential hostages to street justice/retribution attacks in the future. Clearly something of a national ‘justice gap’. This is not helped by the fact that justice was not seen to be done in Indonesia either. The investigation conducted by the Indonesian Human Rights Commission in October 1999 and the proceedings conducted in Jakarta against (among others) Eurico Guterres, the infamous militia leader from Dili, were seen as show trials only.

186. Another benchmark indicator set for the cessation clause was “guarantee of legal status and rights for non-East Timorese habitual residents”. This was a serious concern given the ambiguities of the provisions in the new nationality legislation.

187. A third indicator was “acts of retribution/revenge against returnees”. Again, and as discussed in other parts of this report, UNHCR was not in a position to

confirm the sustainability of the present situation. In the view of the UNHCR staff member sent to make a last minute assessment of the situation before the invocation of the cessation clause, the violence of December 2002 was the worst since the events of September 1999. While much of it was not targeted at returnees, the burning of shelters at the Mosque does appear to have been – perhaps not simply because they are returnees, but because they are perceived to be trying to live in an “Indonesian” community that is not much beloved by the established Timorese Muslims.

188. Serious concerns over the viability of East Timor in its early statehood are echoed in the Special Report of the Secretary-General on the United Nations Mission of Support in East Timor, submitted to the United Nations Security Council on 3 March 2003, which further documents:

- a. that a serious incident took place on 4 January 2003, when a group of 20 to 30 men armed with automatic weapons attacked villages near the town of Atsabe, in Ermera district. Five people were killed during these attacks, with suggestions by local officers that the victims included people targeted because of their pro-independence political backgrounds, and that former militia members were involved.
- b. On 24 February, a small group of men armed with semi-automatic weapons attacked a shuttle bus travelling from Maliana in Bobonaro district to the capital. Two people were killed in the attack, and five were injured. UNMISSET military and Timorese and United Nations police were deployed to the area immediately. On 27 February, an UNMISSET military patrol exchanged fire with a group of armed men in the area, apprehending one. Motivation for the attack on the bus remains unclear.⁵²

189. It is thus by no means clear that the protection of returnees in East Timor should yet be a closed chapter, despite the invocation of the cessation clause. Due to the particular nature of the refugee population the need for protection monitoring is greater for those who return later rather than those who returned in the early stages. It was clear by mid-2000 that the non-problematic cases had by and large already returned and that it was those who returned thereafter who would require more monitoring.

190. The Inspector General’s report on his Inspection Mission to East Timor and Darwin (5-12 June 2000) noted that further returns would have ‘a higher percentage whose reception and treatment is likely to be problematic.’⁵³ Those remaining at this late stage are likely to require even more monitoring should they eventually make the journey home under the latest proposals emanating from UNHCR’s Jakarta

⁵² United Nations Security Council. 3 March 2003. Special report of the Secretary-General on the United Nations Mission of Support in East Timor

⁵³ Inspector General’s report on Inspection Mission to East Timor and Darwin (5-12 June 2000), p.8, para 41.

office. One of the considerations the report identified as possibly influencing decisions to return was 'the likelihood of post-UNTAET extra-judicial retribution'.⁵⁴

191. As described above, a sample survey of five hundred potential protection cases was being conducted by the protection unit at the time of the evaluation mission in May 2003. As of March 2003, some three months after the cessation clause was invoked, the protection staff had already established that returnees were still under pressure, with some former militia members having been beaten up on return, and at least ten returnees having gone back to West Timor from one district. They also found that there were numerous highly contentious property issues outstanding throughout the country.

192. There is also no guarantee that acts of retaliation which were prevented by the large-scale presence of UN Peace Keeping Forces will come to the surface once those forces withdraw in June 2004. In particular, the commitment to pursue justice through the courts rather than in the streets, may be wearing a little thin. Not only has the leadership of the CNRT (Conselho Nacional da Resistencia Timorese) which convinced people of to take this approach, itself disbanded, but there is widespread agreement that the justice system is unlikely to be able to deal with the bulk of the case-load and will have to restrict itself to the most high-profile cases.

193. One of the arguments for not taking revenge therefore no longer applies - and once the PKF withdraw another of the checks on retaliation will have been removed. At the time of the evaluation mission it was already the case that judges were not prepared to go out into the districts to hear high profile cases, and this was explained as being due in large part due to fears about their personal security. This is hardly a strong indicator that the state is able to guarantee the safety and security of its citizens, as invocation of the cessation clause requires. And as the riots of December 2002 indicate, the new police force may not be in a position to contain future outbursts.

194. It has not yet been clearly established whether UNHCR should continue to exercise a protection mandate for returnees after the closure of UNMISSET in mid 2004. Nor is it clear that if retaliation emerged as an issue that it would be particularly between stayees and returnees. Given that many of those who were pro-autonomy in 1999 cannot be assumed to have left East Timor (see Chapter 3), such retaliation, were it to occur, might subsume returnees into a broader pattern of retaliation by victims against perpetrators.

Conclusion

195. The protection function in UNHCR East Timor had a low profile relative to other aspects of the operation, and appears to have been seriously under-prioritised. Although it is generally agreed that relatively few incidents of serious harassment of returnees took place this was due more to risk reduction modalities adopted by UNHCR for the return process, and has little to do with effective post-return protection monitoring, which should in principle have encompassed a wider range of vulnerabilities than just post-return retaliation.

⁵⁴ Inspector General's report on Inspection Mission to East Timor and Darwin (5-12 June 2000) p4 para 17.

196. The low prioritisation was reflected in staffing levels, in the lack of a national data-base of returnees, and in the fact that the opportunities for community level protection monitoring afforded by UNHCR's extensive programmes of material assistance were not made use of. As a result the protection monitoring that did occur cannot truly be described as systematic, nor did it address a comprehensive range of vulnerabilities. In this regard it was symptomatic of a problem which other evaluations suggest is common throughout UNHCR, namely that 'its current capacity for identifying social problems and protection issues at field level is extremely weak'.⁵⁵ It has been suggested that one reason why protection in East Timor was given a low priority was that there were so many more pressing protection issues in West Timor. It seems unlikely that all of these would disappear upon crossing the border back to East Timor.

197. The lack of systematic monitoring meant that one of the main objectives of returnee monitoring, 'measuring progress and trends towards the establishment of effective national protection' was not achieved. However, it is not sufficient to critique the protection function in East Timor. The fact remains that even when indicators were put in place by the Department of International Protection in the run up to invoking the cessation clause, the findings of the protection unit in Dili were disregarded. This raises disturbing questions about the value placed on protection at the highest levels of the organisation and helps to put some of the shortcomings of the protection function in East Timor into perspective.

⁵⁵ The Community Services Function in UNHCR – An Independent Evaluation, EPAU/2003/02 March 2003, p.vii

Separated children

198. The issue of East Timor's separated children is a complex one. Although much attention has been focused on the children taken to East and Central Java by groups alleged to have particular religious and political agendas, this represents only one dimension of the issue of separated children, an issue which has proved sensitive from a political point of view, and challenging from an operational perspective. Whereas in the first years of the UNHCR operation the wider struggle over East Timorese independence was to an extent projected onto and played out through the attempts to control the children, in recent months it appears, with facilitation from UNHCR, to have become a possible arena for growing co-operation between the Governments of Indonesia and East Timor.

199. At its most basic it is necessary to draw a distinction between pre-1999 separations and those which occurred during the violence of 1999 and in its immediate aftermath in the refugee camps of West Timor. Even within these two groupings though, there are important sub-groupings to identify.

200. There were multiple reasons for separation prior to 1999. Historically and culturally, it was not uncommon for parents to place one or more of their children under the care of extended family members, friends, neighbours or in church convents and seminaries. The children could help their carers, at times benefit from an urban environment which had schooling and jobs, and be groomed by their patrons for a secure future and indeed for vertical social mobility. In fact the future survival of a rural, impoverished family could depend on the training and eventual earnings of children placed in this manner.

201. Under Portuguese rule there was a well established practice of sending children to boarding schools set up to transmit Catholicism and Portuguese and ultimately to create a compliant group for minor political functions and jobs in the colony. When the Portuguese left, the Indonesians took over and functioned in a similar fashion.

202. As with the generous scholarship programme for university students from East Timor to study in Jakarta, any political motives to this educational provision also came to coincide with the interests of parents trying to survive a difficult political and economic climate. For those associated with the militias or TNI, placing their children under the care of those who were close to 'power' or 'authority' was a form of protection for the children, who were often sent to school and in some cases enjoyed better living standards than if they remained at home.

203. For other parents who were, or were suspected of being, associated with the Falintil or pro-independence movements, placement also acted as a safeguard to protect the whole family. When Indonesia and East Timor became two distinct political entities, the implications of this changed suddenly and radically.

204. During the violence of 1999 several distinct patterns of separation emerged. Firstly, some children were placed with caretakers while their parents fled to the

mountains. These caretakers then took the children with them when they themselves fled to West Timor. Secondly, some children experienced unplanned separation when the TNI and the militias forcibly put large groups of the population into trucks and sent them across into West Timor. These children also found themselves in the care of TNI, militias, police, or extended families in West Timor. Thirdly, some children arrived with their parents in the camps of West Timor.

205. A number of children from all the above categories subsequently experienced a further series of separations, with many of them taken to other parts of Indonesia. The group which has drawn most attention in this regard were the children taken primarily from camps in West Timor to 'orphanages'⁵⁶ in Central Java. The organisations responsible, are local religious foundations, with one at least being run by an East Timorese pro-autonomy activist. Some fear that they have been taken for the purposes of indoctrinating them and creating the basis for a future return of East Timor to Indonesian rule.⁵⁷ Allegedly they were taken against the will of their parents or guardians and with the apparent aim not just of providing them with good education but also of bringing them up as "proper" Indonesian citizens.

206. The secondary separations, however, cannot be explained only in terms of the motivations of such groups, as in many cases parents and caretakers were part of the process. On the one hand the difficult situation in the refugee camps, in which children had little or no formal or informal education, and in which anxieties about return to East Timor were reinforced by misinformation disseminated regarding the "dangerous" situation there, made entrusting children to the care of others an attractive option for some parents. This was particularly so where they were promised that their children would be given free education and better living conditions.

207. On the other hand, it appears that some parents were under pressure to release their children without knowing the full consequences of the supposed agreements. Some were forced to sign a consent form, giving up their parental custody and visiting rights to their children. In some cases, after parents returned to East Timor and sought to get their children back, the caretakers have refused to allow children to return or have demanded financial compensation for their return.

208. By the end of 1999, UNHCR estimated that there were some 1,000 separated children from the September 1999 crisis. The political overtones to children being taken away raised considerable concern among parents as well as the humanitarian agencies in East Timor, including UNHCR, and prompted early attempts at re-unification which were largely unsuccessful. In the case of children taken to Central and East Java, one caretaker refused to release the children and threatened UNHCR staff who approached them. Such were the levels of intimidation that staff involved in tracing activities were sometimes obliged to withdraw from their work. In mid 2001, the media started to pick up stories of those children and published articles in

⁵⁶ These are perhaps more accurately translated simply as 'boarding schools'.

⁵⁷ The existence of groupings such as Laskar Jihad, which in 2000/2001 mobilised at least 1000 young jihad fighters to go to the Maluku islands, ostensibly to battle on behalf of local Muslims, lends some credibility to fears that separated children could be used to try and destabilise independent East Timor. Laskar Jihad began its activities and campaign by recruiting youths (male) for education, training (and food/clothing/belonging), but eventually culminated in a martial movement. This is in microcosm a problem latent in Indonesia due to the strains between more orthodox Islam and an emergent secular state which if truly democratic will threaten the power base of several key traditional leaders.

various newspapers and journals which were often emotive in their language (“Indonesia is holding the children hostage”) but appear to have given renewed impetus to UNHCR’s work on the issue.

The scale of the issue

209. To date UNHCR has not been able to arrive at a detailed assessment of the scale of the issue. Although it is now recognised that there are many sub categories, as outlined above, it is still not possible to say how many children fall under each one. Prior to a workshop in Dili in May 2003 no centralised database had been established. At the workshop a working figure of 770 outstanding cases was agreed upon, and this for the first time incorporated both ex-IRC and UNHCR cases. It also included a breakdown by gender⁵⁸ and age,⁵⁹ but it was not possible to say which of these were separated pre, during or post-1999. Nor was it possible to give a comprehensive breakdown of grounds on which cases had been closed in previous years, and it was recognised that some of the data could be outdated, inaccurate or incomplete.

210. The lack of a comprehensive picture until quite late in the operation is symptomatic of the generalised lack of information systems which characterised other key aspects of the UNHCR operation. In West Timor early attempts to assess the situation were hampered by lack of access to refugees in the camps and active propaganda by the militias in West Timor. Assessment ground to a complete halt with the closure of the West Timor operation.

211. In East Timor, the attempt to identify families among the returnee population who might have had their children separated in one way or another was not systematic. Although returnees who came back from West Timor or other parts of Indonesia underwent a “screening process”, this did not actively identify those who would typically fall within UNHCR’s vulnerability criteria. Its main purpose was to identify individuals with potential protection needs (e.g. ex-militia, ex-TNI, ex-civil servant, ethnic minority and mixed marriages), and to return the East Timorese to their villages of origin as quickly as possible.

212. Although staff from the child tracing programme’s Implementing Partner were present at the Transit Centres and participated in the registration exercise that UNHCR carried out for each family, information gathering on separated children was by and large carried out on the basis of an informal network established between the staff of UNHCR and other agencies at the Transit Centres.

213. It was only in late 2001 (October – December), perhaps in response to the media attention, that UNHCR and IRC, in co-ordination with UNTAET’s Human Rights Unit, mobilised some thirty students from the East Timorese Student Council to conduct a registration campaign to identify cases of separated children. This campaign, which brought the total number of registered children up to some 2,400, was timely in the sense that the majority of refugees had by this time returned, but it compounded an already problematic situation due to poor design and implementation.

⁵⁸ M: 508, F: 262

⁵⁹ 0-5: 29, 6-12: 262, 13-15: 228, 16-18: 251

214. Although its stated objective was to visit every household in East Timor to register children who were known to “have still not returned to East Timor since their departure in 1999,” this proved difficult. Despite the campaign using the local media, there seemed to be reluctance among families to report such cases. This may have been due to fear of authority, resignation to years of violence and separation among families during the civil war and resistance period. The students also had problems due to heavy rains, lack of transport, their own study timetables, and the refusal of some parents to co-operate when they realised that these students were unable to provide a timeframe of when their children could return.

215. As important as these problems were the weak methodology and training used. The experience of IRC’s tracing staff suggested that understanding the history of separation and the registration of cases was a complex task requiring considerable investments of time, and at times multiple visits to one household.

216. This experience was not reflected in the survey methodology. The students recruited to undertake the registration were given one briefing workshop and were thus not well versed with the various basic definitions such as “unaccompanied minors” and “separated children”. They posed broad questions and, lacking clear criteria by which to identify potential ‘beneficiaries’, registered every family who indicated that they had one or more children being away from home, without having the time to investigate in depth.

217. As a result, children who were separated in the 1970’s or 1980’s were registered as ‘missing’ children, as were children who were sent home from West Timor ahead of the family on the basis of a conscious decision of the parents. As a result, some 2,400 cases were registered, far more cases than actually existed or were of concern to UNHCR. Many of the forms filled out during this exercise lacked key information necessary to identify the location of the parents or a child. When a second team was sent out at a later stage to verify the situation of these registered families they often came back empty handed.

218. Thus the registration exercise did little to clarify the real situation of separated children, especially of those who were believed to have been taken away by institutions with “dubious” intentions. It served instead to exacerbate confusion and an escalation of unsubstantiated figures.⁶⁰

UNHCR’s approach

219. Essentially UNHCR allowed the target beneficiary group to become too wide and kept its objectives too narrow.

220. From an initial understanding that ‘separated children’ referred to those separated by events of 1999 and thereafter, the term soon grew to encompass all manner of separations which had little to do with UNHCR’s mandate. The pressure to expand the target group apparently came from parents who wanted help to find their children, but, given the complex history of sending children away outlined above, it raised the political stakes vis-à-vis the Government of Indonesia.

⁶⁰ By way of comparison it should be noted that in order to get to grips with the question of missing children and adults in South Sudan over the period 1983-2002, Save the Children Fund employed an independent research institute (Rift Valley Institute) for eighteen months of research.

221. The narrow objective of reunifying the majority of the separated children with their parents within a period of two to three months, which UNHCR set out in early 2000, did not change much until 2002. Though it might initially have been appropriate for the narrowly defined group of 1999/2000, as time passed it became increasingly complex to reintegrate such cases. Reunification was also not always the self-evident solution for the more widely defined target group UNHCR became involved in, as it did not allow for the complexities and sensitivities arising from long histories of separation.

222. The focus of the programme on “tracing and re-unification” rather than “assessment and durable solution” was to an extent dependent on the views of individual staff members, with some adopting a more confrontational approach and others preferring to see it as a multi-faceted social issue in which multiple perspectives had to be somehow reconciled. Notwithstanding the obstructive stance adopted by some caretakers, the approach taken in negotiating with caretakers was described by some informants as “aggressive”. It left them with the impression that what mattered most to UNHCR was a head count of returned children, an approach they did not consider helpful to resolving the problem or to making a breakthrough.

223. Because of this emphasis on re-unification, almost all the resources were devoted to finding and bringing back separated children to their parents. In the opinion of one respondent there was little pre-reunification assessment of individual cases from a protection perspective (possibly due to a very ‘departmentalised approach to the programme’).

224. In the limited number of cases where re-unification was achieved, this was generally considered a ‘success’ and ‘closed’, with relatively little post-reunification assessment of the family situation and the welfare of the children, though in most cases there was ‘at least one follow-up visit’. Some instances were found of children who wished to return to Indonesia, necessitating extraordinary measures on UNHCR’s part to avoid any further political problems. As one staff member commented:

‘The issue of ‘best interest’ is to be clarified, i.e., the best interest of the family or UNHCR’s? Some families in the remote areas...used to say that they truly gave their children to a certain organization for the children’s betterment and future. Now UNHCR came to encourage them to take the children back but the parents could not afford raising the children to the [necessary] level. It was commented that UNHCR was only interested in gaining publicity [from the fact that they] brought children home, then the family was suffering to take care of the additional children. Then, UNHCR did not care much; once the child was dropped off at home and photos were taken, they [the family] did not see UNHCR again.’

225. UNHCR gradually came to realise that given the strong objections or sometimes obstructions and threats from the caretakers, little progress could be achieved unless the governments on both sides are actively involved in the process. With the appointment of focal points in the UNHCR Offices in Jakarta and Dili and the recruitment of a consultant in Jakarta in 2002, there was a gradual shift of approach from “tracing and re-unification” to “assessment and durable solutions.”

226. The latter approach put more emphasis on the assessment of each individual case and on the identification of the best interest of the child based on a psychosocial assessment, as well as in an analysis of the situation surrounding the family and the caretaker. The final outcome could be re-unification with parents or temporary custody with caretakers. In the case of the latter, UNHCR tries to ensure that regular communication be established between the child and the parents while the child remains with the caretaker or with an institution.

227. In August 2002, following an initial meeting in June 2002 between the two governments and UNHCR, the first "Strategy Paper - Separated Children in Indonesia and East Timor" was finalised and adopted by representatives of the Indonesian and the East Timorese governments, UNHCR and UNHCR's implementing partner. The Indonesian authorities designated BAKORNAS BP (National Co-ordinating Body for Disaster Management and Internal Displacement) as the government focal point for separated children.

228. At the time of writing of this report, the number of open cases has been reduced to approximately 691, but considerable challenges remain. The implementing partner in East Timor has changed from IRC to the National Red Cross Society or CVTL, which was founded only recently and whose staff are quite new to the job. Likewise, the Jesuit Refugee Service (JRS) has taken over from IRC in West Timor, where UNHCR continues to have no regular access to the former refugee population.

229. The procedure is quite cumbersome, involving the verification of biological parents, endorsement by the Indonesian Government and meetings among the child, parents, and caretakers. All of this has to be facilitated and witnessed by UNHCR and implementing partners. In both Indonesia and East Timor, the terrain and lack of established communication system make it a painstakingly slow process just to identify the parents or a child and verify their situation. Reaching an agreement among the parties concerned (parents, children and caretakers) can itself take a year and is a highly resource intensive process.

230. The follow-up and monitoring of the welfare of children poses an ongoing challenge to UNHCR. The East Timorese Government is, according to the Strategy Paper agreed in 2002, responsible for the work but the government staff working in the Department are still new to the job and the resources are very limited. In view of the many challenges that they are expected to deal with simultaneously, the Government has already taken a position that they would not be able to give a preferential treatment to the separated children and that the intervention will be made only if resources permit.

231. This will again put the onus on UNHCR to monitor the situation after the re-unification, which UNHCR may not have the capacity to do. Considering that this may be a symbolic arena in which the Governments of Indonesia and East Timor are prepared to work in a new spirit of real co-operation, they should be encouraged to take the lead in the discussion and in resolving the individual cases in a vigorous manner.

232. In this context, and following up on the actions recommended in the May 2002 Strategy Paper, UNHCR has been promoting, training and supporting a system of central and regional Governmental focal points to deal with this issue. At the time of

writing (June 2003), the first joint mission of representatives of the Indonesian and East Timorese governments had just been facilitated by UNHCR, in this case to deal with some complicated cases in South Sulawesi, Indonesia.

Conclusion

233. The East Timor experience demonstrated that the 'best interests' of separated children are not always synonymous with reunification with their biological parents. A commitment to the best interests of the children might or might not include reunification with parents or other members of the biological family. This highlighted the importance of developing as detailed an understanding of the case-load as possible prior to intervening in individual cases.

234. In terms of working with children as part of a broader peace-building and reconciliation strategy, it is also clear that the fact that children embody peoples' hopes for the future also makes them an object of political machinations. As such any intervention on their behalf can quickly be perceived as partisan, highlighting the need for extremely tightly defined target groups and objectives which can be agreed with all sides.

UNHCR's management and coordination in East Timor

235. The review of the major UNHCR repatriation and reintegration activities in East Timor indicate that there were multiple foci, each of which was complex and demanding in its own right, and which related to one another to varying degrees. This chapter considers a number of factors which impacted on the different elements of the operation both individually and collectively. Shared internal factors included staffing and operational management, as well as the institutional pressures from headquarters. The chapter also considers the extent to which UNHCR was assisted in fulfilling its responsibilities effectively through the use of implementing partners and through its collaboration with other elements of the UN operation.

Staffing

236. Problems with staffing were of both a quantitative and qualitative nature. It seems that almost throughout the operation there was a disjuncture between need for and availability of staff, such that many key functions were understaffed throughout but there were also periods when the operation as a whole appeared over-staffed relative to its activity level.

237. Broadly speaking three explanations emerge for this disjuncture. Firstly, the recruitment process for international staff is complex and drawn out. So although UNHCR had the benefit of having an early presence in the country and was able to dispatch an emergency team as soon as the violence erupted, the establishment of and recruitment for non-emergency posts was a slower process. The nature of the duty station itself was difficult, and for certain positions it proved very difficult to find and hold appropriate staff.

238. The result was a rapid succession of staff on short-term missions. This was most problematic in the case of the administration function, where the senior administration post had at least eleven incumbents in the first year, but was also a problem more generally. As one respondent noted, 'It is dangerous to deploy people just to say we have someone there. Timor was one situation where we couldn't get the right people easily - whoever was available was in'.

239. When it came to local staff, there was stiff competition amongst all the international agencies for Timorese with the right language and technical skills, possibly compounded by problems in the identification and recruitment process. The OCHA evaluation comments that 'It is clear that the international humanitarian action lacked a strategy for a positive effort to ensure contacts with local expertise and local resources. There were indeed many real obstacles that made this difficult but not impossible. The effort would have been noted'⁶¹.

⁶¹ "OCHA and the Timor Crisis", 1999, an independent study for OCHA, op.cit., p.26

240. Certainly the staffing of the UNTAET Human Rights Office, which managed to find a number of international staff with local language skills (Tetum, Portuguese, Bahasa Indonesia), suggests that alternative modes of interaction were not completely out of the question. And while in the absence of a reliable picture of the profile of returnees it is not possible to confirm the true extent to which skills were lacking, the local staff in UNHCR and NGOs visited by the evaluation team had often had considerable experience outside East Timor prior to 1999.

241. The second major cause of disjuncture between staff needed and staff available was that the objective demands of the situation changed rapidly. As indicated in section one, the levels of return were initially very high, then became a relative trickle. While they never returned to their initial levels, there were a number of large group returns, there were also a number of key transition points such as elections and formal independence: all of these gave good grounds to maintain a staffing capacity to deal with sudden larger scale returns, which may at times have resulted in a degree of overstaffing.

242. To further complicate matters, as the nature of the repatriation flows changed, so did the nature of the tasks required. The demands of ensuring the safe return of the later, more sensitive caseload, were not necessarily less labour intensive than those of mass return, but they were different in nature and required a different set of skills. An additional observation with regard to the skills profile was that no attempt appears to have been made to recruit persons with specific expertise in reintegration processes, despite the need for such in operations of this kind having been pointed out in a review of the much earlier Cambodia operation.

243. Thirdly, the management and staff suffered from continuous pressure from Geneva to see the operation completed as soon as possible. Despite the early recommendation of the Inspector General that 'No irreversible actions should be taken before the achievement of such (realistic) objectives is assured',⁶² this pressure if anything increased following the killings of three UNHCR staff members in Atambua. At one point it seemed the operation would close in mid 2001, which many staff and management felt would leave considerable unfinished business and be seriously wasteful in all senses. As one staff member wrote in early February 2001:

'The cost effectiveness of closing and reopening offices has to be scrutinised. We have spent resources in rehabilitating premises among an extraordinarily limited number of buildings. To recruit minimally qualified local staff has been a long struggle. English speakers will be recruited immediately by others and when we need to return there will be nobody available, forcing us to be de facto non-operational'.⁶³

244. Among local staff in particular, the ongoing lack of clarity about the duration of the operation did in the end prompt many to leave in early 2001 when they believed their jobs would be coming to an end and while they still had opportunities

⁶² Inspection Mission to East Timor and Darwin, 5-12 June 2000, Final report to the High Commissioner from the Inspector General, Inspector General's Office, December 2000, p5, para 24

⁶³ The future of UNHCR presence in the field in ET - a thinking process from the protection point of view, 7 February 2001

to find employment in other parts of the UN operation, putting UNHCR at a disadvantage when it decided to continue its operation after all. UNHCR was also put in a difficult situation when UNTAET fixed the salary levels of local staff in UN organisations – at a lower level than those the UNHCR local staff had enjoyed up to that point.

245. In dealing with this complex of recruitment rigidities, fluctuating demands, and institutional pressure from within and without, a number of things happened. Some of those sent for the emergency phase through stand-by agreements or through secondment were subsequently requested to stay on with their contract being renewed on a two-three months basis, but without any long-term prospect of getting a regular posting. To compensate for the difficulties and costs in creating international posts and getting them filled, as well as problems finding local staff who could work in English, there was also a relatively heavy reliance on UNVs.

246. Lastly, despite some local staff leaving in early 2001, the overall number gradually increased and was greater in 2001 than in 2000 (The staffing table for September 2000, which does not include UNVs, identifies 22 international staff and 34 national staff. In 2001 the number of international staff stayed approximately the same but supported by temporary assistants for whom posts were not officially created). These high staff levels were maintained until the arrival of a new Head of Office in early 2002, who drew up a phase-down plan and implemented drastic staff reductions within a very short space of time.

247. The problems which this necessarily rather fluid and tension laden staffing situation created were compounded by the living conditions. As described in section 1, in the early days of the operation international staff lived and worked in the same space, enjoyed no privacy whatsoever, and had to build up an improved infrastructure in their 'free' time. The compound nevertheless remained highly claustrophobic, and the stress of this was compounded by high levels of malaria and dengue fever, with one respondent estimating that 80-85% of staff suffered from one or both of these at some point, with many also being hospitalised at least once as a result.

248. Local staff were also under considerable stress in that many were having to rebuild their homes in their free time – and deal with demands of extended families in which they were often the main breadwinner. On top of these underlying conditions the shock and legacy of the Atambua killings reportedly had a significant negative impact on staff morale and well-being.

249. With all these staffing difficulties and the very fluid and diverse staff group which resulted, it is perhaps not surprising that the operation's management – who themselves had contrasting styles and perspectives – found it difficult to knit the staff into a strong team. Thus while creativity and commitment and long hours were put in by many individual staff members (e.g. reconciliation meetings at the border, use of volunteers to organise football games, elements of Mass Information Campaign to refugees in camps in West Timor), the absence of a team ethos reduced the impact of this.

250. Intensified by the claustrophobic living and working environment, divisions emerged along many fault-lines: between functions (programme, protection, community services, logistics, administration), local vs. international, reconciliation

first vs. justice first, those on short-term mission vs. those on longer-term postings, full-time staff vs. consultants vs. UNVs, etc.

The impact on staff and operations

251. With high turnover of some international staff, de-briefing and hand-over to a successor was not always done satisfactorily, resulting in time lost as new staff tried to pick up the pieces left by their predecessors. Although it was not mentioned specifically by respondents, it is also to be supposed that it made for more difficult relations between local and international staff. On the other hand, perhaps because of the high turnover of some international staff there also seems to have been a mentality amongst other international staff of 'sticking it out' and providing continuity. There were, in the words of one respondent, 'Those who stayed burned out but refused to leave', a situation which was good neither for them nor for the operation.

252. The lack of certainty about how many staff were needed, of what kind and for how long, was undoubtedly difficult for people to cope with. Where office closures did occur this created some resentments among local staff concerning the process for separation and associated benefits (quite apart from the aforementioned difficulties due to a UNTAET decision to fix local staff salary levels). For the operation it also meant the loss of high quality local staff who were already familiar with UNHCR's work and systems.

253. The resort to UNVs created some situations which were far from ideal for them or for the operation. As one staff member noted, 'In East Timor, time was of the essence and there were not many choices of candidates because of the high demand for UNVs within UNTAET. The weakness of the recruitment process was we were not able to interview or meet the candidate, we made a decision from CV only. That's why it turned out that the high profile CV candidate was not operationally effective at all'.

254. While some were clearly committed and hard-working, the UNVs were generally young and inexperienced, and without prior knowledge of UNHCR rules and regulations, including administrative and operating procedures. Nevertheless, many of them, especially in the early days, were assigned to remote field offices without systematic briefing or training, and even left in charge of field offices when the Head of Field Office was away on leave or mission. It would seem that these problems are by no means unique to the East Timor operation. A report by UNHCR's Office of Internal Oversight Services (OIOS) covering the year 2002 observed that 'UNV staff performed core functions such as protection while others managed the administrative and financial sections in Field Offices, often with little or no training'.⁶⁴

255. The vicious circle of difficult living and working conditions created stress levels which for some verged on the intolerable. Triggers differed for different staff. For many the Atambua killings, although they took place in West Timor, had considerable impact, not least (in the eyes of some) in reinforcing a culture of staying

⁶⁴ OIOS Audit of UNHCR's use of United Nations Volunteers (AR2002/601/05), 28 November 2002, paragraph 11

in the office rather than venturing forth for the business of protection and monitoring. It was clear to the evaluation team that the memories of these events were still raw at the time of the evaluation mission. The UNHCR instigated inquiry,⁶⁵ though thorough in its recounting what happened, had not provided satisfactory closure, and differences of opinion as to why it happened still persisted. The cost for individuals who were directly working with those killed had been extremely high in terms of subsequent psychological stress.

256. For local staff, the Atambua killings came on top of their earlier experiences of the events of 1999. These earlier events created numerous tensions for them when trying to retain a sense of neutrality and impartiality as UNHCR staff, particularly when dealing with some elements of the returnee case-load. Several local staff addressed these tensions by requesting to be moved to positions where they would not have to interact directly with returnees. It would appear that the cost of performing key roles for UNHCR, given certain personal histories, was not fully appreciated by international staff (though as pointed out above, newly arrived international staff were not given an orientation course upon arrival).

257. The fault-line which most requires attention from UNHCR, as it was clearly systemic, was between international and local staff. The evaluation team repeatedly heard that the lack of qualified Timorese was a real problem for the operation as international staff had to spend much of their time providing training to local staff rather than fulfilling their core responsibilities. It was also noted that protection staff faced tremendous translation obstacles when they had to conduct protection interviews without strong interpreting capacities.

258. On the other hand, what some regarded as too much time on training was regarded by others as too little. As one staff member noted, 'In East Timor, the enhancement of capacity building for national staff by international staff was very little. National staff were mostly used as interpreters and did not get given a chance. Mostly international staff complained that national staff had no capacity ... and excluded them from the planning and relevant meetings.'

259. Certainly many of the international staff interviewed by the evaluation team were quick to point to the failings of East Timorese when it came to speaking English or computer literacy, but do not seem to have questioned their own lack of language skills or skills in interacting at community level. They appear to have relied heavily on local staff to handle delicate situations at community level while justifying their own lack of outreach on the grounds that 'everything happens in Dili'. This led to a situation in which local staff felt exploited for their local knowledge and contacts, but devalued for not possessing certain skills.⁶⁶

260. It was clear to the evaluation team that such attitudes were not uniformly held and that some striking examples of good day-to-day working relations were noted. Examples were also found of individual international staff taking the initiative to provide help in language skills to local staff, as well as intensive one-to-one training

⁶⁵ Summary Report of the Inquiry into the Deaths of Three UNHCR Staff Members in Atambua, Indonesia, on 6 September 2000

⁶⁶ The evaluation team heard a number of comments about the 'East Timorese' from international staff which did not seem to be grounded in reality, and which could have contributed to a degree of estrangement between local and international staff.

in key professional skills, such as assessment interviewing. There were also instances of close and supportive individual interactions with local NGOs.

Impact on operations

261. It is not really possible to dissociate the impact of staffing problems on staff from the impact on the operations, as the morale of staff and their performance is so intimately linked. However, it should also be clearer that, even had easier living/working conditions existed, the wider uncertainties and the consequent difficulties of adjusting staff numbers and skills to the situational demands, remained obstacles to full effectiveness.

262. The very fluid staffing of the administrative positions had very high costs in terms of setting up routine systems and no doubt contributed to an operational culture in which systems were a low priority. One year of high turnover of staff in this function was not a cost-effective use of human resources, as it also took a further year to sort out by the first long-term senior administration officer. On the other hand the office had a resident auditor who was in the unenviable position of being able to identify lots of problems but having no authority to deal with them.

263. Weak staffing levels of protection and community services had serious impacts on the operation's performance in certain key areas, notably needs assessment of returnees (Chapter 3), (where there also appears to have been an inadequate gender balance in some functions), returnee monitoring (Chapter 5) and the issue of separated children (Chapter 6). The technical bent of the programming staff, combined with a degree of division between programme and protection and the low numbers of protection staff, at least partially explains the under utilisation of the shelter project's potential for community level protection monitoring and social reconciliation (Chapter 4). As one respondent commented: 'Looking back at the structure of protection we had one Senior Protection Officer and two protection officers. I'd consider that rather thin... super thin...'

264. The staff resources directed at the issue of separated children also appear to have been inadequate. It was just one amongst many other issues allocated to the community services unit in East Timor, including distribution of non-food items, medical care to identified vulnerable returnees, assistance to victims of violence, including sexual violence, distribution of donated gifts such as school supplies and clothing. When the media started to pick up stories of separated children in mid-2001, UNHCR had only one community services officer, assisted by a consultant who was deployed under an existing emergency personnel stand-by agreement, and enjoying little significant input from the protection unit (which was over-stretched in its own right).

265. By unhappy coincidence, the programme's implementing partner, IRC, was also without a co-ordinator for nearly ten months in 2001, bringing their programme almost to the point of disintegration. For the programme to get back up to speed took several months, a significant time loss. No co-ordinator was appointed to bridge the communication gap between the two UNHCR offices in Dili and Jakarta until 2002, a gap which hindered the tracing activities which needed to be undertaken across borders and contributed further to an ad hoc approach and slow

progress. In the midst of all these delays some children reached 18 years old and could no longer be considered beneficiaries of the programme.

266. In conclusion, the staffing situation created an environment which was far from ideal for all concerned, and in which the effective use of human resources was substantially impaired. It was not merely a question of inadequate numbers, which in certain areas meant that there simply were not sufficient people to cover all the demands of the operation, but also about how those who were in place related with one another in all senses – interpersonal, professional, cultural etc. The psychological burnout of certain staff members could probably not have been avoided altogether, given the peculiarly intense experiences involved in working and living in this operation, but it remains an open question whether it could possibly have been reduced by more strategic interventions.

Management

267. It is relatively easy to blame the above problems on management failings, but it should be clear from the above discussion that some of the key factors which led to the staffing problems outlined were not really within the powers of the operational management to address: UNHCR's recruitment process could be pushed but not changed, return rates and therefore intervention needs could not be easily predicted, and the pressure from above for an early exit could be argued with but not defeated when it translated into funding cuts.

268. Audit and inspection reports highlighted the need for interventions into the dysfunctional dynamics in the operation, but it would appear that the operational management were themselves affected by these dynamics and therefore in a relatively poor position to step outside them and address them.

269. Although described by one respondent as 'the dream team – on paper', the reality as experienced on the ground was a combination of incompatible personality types and a 'too many cooks spoil the broth' scenario. To avoid reducing the explanation to personalities, however, it is useful to consider the bigger institutional and political framework within which management had to operate. It is rapidly apparent that whatever the personalities had been, the potential for friction was considerable, indeed almost unavoidable.

270. A range of organisational decisions, intended to resolve and clarify various structural issues, in the end led to greater confusion. For example, the person who set the operation in motion while still on an emergency footing subsequently continued as the overall chief of operations of the programme. Nonetheless, when the UNHCR office was upgraded from a Liaison Office to a Mission office, a Chief of Mission was appointed who was above him in terms of hierarchy and who also had responsibilities as Repatriation Co-ordinator within the broader UNTAET operation.

271. As touched on in section 1 (political challenges), matters were further complicated by the fact that the Chief of Mission reported directly to Geneva (with copies to Jakarta), while the West Timor operation remained under the Jakarta office. As such the Chief of Mission had to ensure cohesion between Dili, Kupang and Jakarta and also to liaise directly with Geneva. There remained a need to treat East and West Timor 'as part of one whole', but, as was recognised within a matter of

months, 'The arrangements put in place on 10 December 1999, with the appointment of the senior UNHCR colleague in East Timor as UNTAET Repatriation Coordinator and East Timor reporting directly to headquarters from 1 January 2000, were already overdue, lacked clarity and did not fully address this need.'⁶⁷

272. In terms of management of projects, earlier decentralisation of day to day decision making and monitoring might have eased some of the pressures on OCM staff. However, this was undoubtedly a difficult decision to make given the problems maintaining adequate staffing in the field offices.

When is an emergency no longer an emergency?

273. It is argued by some that, as in the rest of the UN operation, the UNHCR operation was perhaps run as an emergency for too long and there was never a very clear transition to a post-emergency phase or way of operating. Although it was recognised in June 2000 that 'many staff were still working long hours, at weekends and in an emergency mode', the necessary transition from a full-scale emergency to more normal working did not prove easy. Given the timing of UNHCR's administrative cycles, it would have required a decision in March 2000 to draw up a Country Operations Plan (COP) and budget for East Timor which reflected a 'normalisation' of the situation.

274. For several reasons this was not done. The drawing up of the COP and budget is primarily in the hands of the person in charge of the emergency programme who may have several good reasons for keeping the situation on an emergency footing. Time or information on the basis of which to consider the medium term may be lacking, there may be vested interests in sustaining the emergency phase, there may be peer pressure from the wider international community (in the case of East Timor several people felt that the UN as a whole treated the situation as an emergency for far too long and believed this to have contributed to the UN's failure to build up the national government structures).

275. Certainly in the case of East Timor there was considerable uncertainty about future return flows and this could be taken as objective grounds for maintaining a state of preparedness. There were also ongoing security incidents which suggested that the situation had not fully normalised. As one respondent noted, 'Security incidents occurred many times... even in Baucau, the staff was evacuated to stay in the PKF compound and Dili for several days. Domestic violence occurred every other day and there was speculation that relevant unrest was caused by militia etc. The District Administrator's car was burned down in Baucau. In Viqueque, several hundreds were homeless because their houses were set on fire by rival villages. It may not be simple to draw the line when the emergency should end...'

276. However, it is possible that a state of preparedness was treated as synonymous with working in emergency mode. It is also possible that, had more favourable signals from headquarters been forthcoming, a more strategic mode of operating could have been entered into earlier than was in fact the case.

⁶⁷ Inspection Mission to East Timor and Darwin, 5-12 June 2000, Final report to the High Commissioner from the Inspector General, Inspector General's Office, December 2000, p.5, para. 26.

Institutional pressures and the role of headquarters

277. As the foregoing discussion suggests, a question mark hangs over whether there should have been more decisive interventions from Headquarters on those issues which were beyond the immediate scope of operational management to address. At different points the East Timor operation received visits from, amongst others, the High Commissioner, Assistant High Commissioner, the Director of the Bureau for Asia and the Pacific, and the Inspector General.

278. As is clear from the numerous references made in this evaluation to the Inspector General's report of June 2000, the upper levels of the organisation were aware at an early stage in the operation's history of the various issues facing the operation, both of an external and internal nature. The fact that many of the same issues emerged with some force during the course of the evaluation mission some three years later suggests that insufficient measures were taken to address them, in particular on internal issues such as inadequate staffing, budget constraints, interpersonal tensions & team morale.

279. To an extent they too found themselves between a rock and a hard place. The institutional rigidities of UNHCR's hiring and budgeting systems made staff deployment and personnel changes very problematic (indeed, to get a single post approved and filled is generally a matter of months rather than weeks, such that just to have people in post was an achievement and to think of fine-tuning complex interpersonal relations could only be a pipe-dream).

280. Equally, the constant pressure from the operation's funders to focus on an exit strategy must also have militated against engaging in these processes for an operation which at that stage it was believed would terminate within a matter of months. Senior staff report being under 'an imperative from the UNHCR executive committee and the donors who say (a repatriation programme must finish) 18 months from the start of a repatriation exercise', regardless of the actual pattern of return.

281. However, it can also be argued that the operation would have benefited from an earlier and more definitive decision to phase-down and disengage as this would have allowed more strategic planning of the process and thereby reduced some of the negative impacts of an ongoing climate of uncertainty. In the event there were planned exits followed by extensions of stay followed in turn by sudden rapid phase-downs. In the words of the Head of Office who was eventually given the task of downsizing the operation, there were 'trucks all over the place, staff all over the place, and poor morale in the office', and the closures of field offices which he initiated within a few weeks of taking over at the beginning of March 2002 caused considerable friction, notably with local staff whose jobs were being terminated.

282. In Oecussi, staff barricaded the Field Officer into the office due to a dispute over final payment of salaries, and he had to be rescued by UN Police. Prior to the largest staff termination at the end of June 2002, however, there were meetings with local staff and training was initiated in the areas of English language training, computer literacy and job interview techniques to better prepare staff to look for new jobs.

Use of implementing partners

283. The East Timor operation placed a heavy emphasis on the use of Implementing Partners for major areas of activity, notably shelter and child tracing, and seems to have expected that a positive spin-off of this would also be enhanced protection monitoring – leading one respondent to ask somewhat rhetorically ‘did we contract out our mandate?’

284. The majority of UNHCR’s fourteen implementing partners were international NGOs, due partly to the historical circumstances and partly due to their selection criteria.

285. Many of the local organisations – which had coped extremely well with response to famine in 1997/98, and had often been conduits for resistance activity (education, gender and rights campaigning, advocacy, etc.) – were destroyed and their human resources scattered or killed in the violence of 1999. The temporary vacuum thus created was immediately filled by UN OCHA, which conducted emergency planning in Dili under which sectoral responsibilities were assigned to international agencies (e.g. Shelter to UNHCR), and assisted in the formation of the NGO Forum to provide a co-ordinating mechanism for implementation.

286. By the time East Timorese NGOs had re-established themselves the international agencies were already in place. On top of this the local NGOs were not used to criteria expected by UN organisations, and they in turn showed little willingness to compromise in their ways of working. UNHCR, for example, was reported to have maintained a considerable distance from the NGO forum and a working group on refugees and returnees.

287. Seven international and one national NGO worked in the shelter project, while eight QIPs were implemented through international NGOs. Two international and three national NGOs worked as implementing partners in the Community Services sphere, with national NGOs involved in addressing gender based violence (Fokupers & EtWAVE) and ‘effective in addressing the needs of persons with mental illnesses’ (PRADET).⁶⁸ It was envisaged that the shelter project IPs in particular would be the eyes and ears of UNHCR for the purposes of protection monitoring, an expectation which was not met in any systematic fashion.

288. Implementing partners did not receive training in UNHCR systems or programme expectations in any over all strategic sense. It is clear that the technical aspects of shelter kit components and logistics, and of QIP fund dispersal needs, received more emphasis than developing strong social processes or protection monitoring.

289. Decisions on vulnerability criteria or needs analysis were devolved to partners, with mixed results, as our field visits indicated. Similarly implementing partners were not always strong in monitoring the projects they had been contracted to implement, notably in the case of QIPs. When UNHCR FO Dili carried out some monitoring of QIPs in early 2002 it found (as did the Evaluation Team in May 2003)

⁶⁸ 2001 Country Report – East Timor, p.12, paragraph 4.2

that certain projects which had been approved by FO Dili and were supposed to be implemented by partners, had never in fact existed.⁶⁹

290. There were also no set rules for reporting, such that reports from implementing partners varied considerably, from thoughtful progress reports and records of budgeted expenditure - which included systematic breakdowns of methodology, selection and work with beneficiaries - to simple anecdotal narratives. A major criticism from IPs centred on the failure of UNHCR staff to get out into the field: "people need to get out of their offices and visit NGOs as a first step".

291. Programme staff interviewed pleaded guilty to a lack of consistent monitoring of implementing partners in the field, with much reliance placed on verbal reports at shelter co-ordination meetings where everybody reported losses and damages. However, one-to-one meetings for the purpose of monitoring and verification were held between UNHCR programme staff and IP representatives in Dili during May and June 2001.

292. The OIOS Audit of UNHCR Operations in East Timor, published in November 2001⁷⁰ points to problems in budgetary control, missed opportunities to link Field Offices with relevant implementing partners, misunderstandings over shelter sub-project extension or completion agreements (at all levels including headquarters), poor financial and implementation monitoring of projects. "OIOS noted that major problems had occurred at various steps in the formulation of budgets and the implementation of QIPs". (p.6)⁷¹

293. At the time of the evaluation mission UNHCR still had over 200 vehicles to be disposed of, a few of which UNHCR had not even been aware of until the implementing partners returned them. It would seem that in the first six months of the operation UNHCR's electronic asset management tracking system was not operational, and this may have contributed to some confusion among partner agencies as to whether they had the vehicles on loan or had been given the vehicles for use in ongoing projects.

294. When UNHCR sent out an evaluation questionnaire to its partners in 2001, nine out of fourteen responded.⁷² In general, it was agreed that the level of support and co-operation was adequate but that it could be improved. The majority of complaints were directed at erratic supply lines for the shelter programme - as one partner noted, "it is difficult to act professionally or even to simply to act justly with beneficiaries when the supply chain is not only inconsistent but unforthcoming in information on changes".

295. There were also complaints about transparency, with one party stating that "HCR tries to be transparent but some partners are treated differently", another that "its (UNHCR, sic) transparency with IPs was spoilt when UNHCR local staff received shelter kits, leaving IPs in a difficult position with its own staff". Asked

⁶⁹ See Monitoring Report of QUIPs implemented by IRC in Dili in 2000, 8 March 2002

⁷⁰ OIOS Audit of UNHCR Operations in East Timor (AR2001/401/06), section III, pp.2 -8

⁷¹ See also letter of 27 March 2001 to the Transitional Administrator, Vieira De Mello, Re: UNHCR Funding Shortfall for Shelter Programme, from Implementing Partners of UNHCR in East Timor, copied to ten UNTAET officials and eleven Donor representatives

⁷² Memo to UNHCR Office of Chief of Mission, Dili, East Timor. Evaluation of Questionnaire of 4 January 2001

about frustrations in their dealings with UNHCR, these ranged from “decision-making took a long time”; “certain UNHCR individuals could improve their people skills”; to “national staff are treated differently than expatriate staff in usually a condescending way”. Only 50% of respondents agreed that UNHCR and NGOs could work in true partnership. However, the fact that UNHCR contributed to NGO security by running the radio system for NGOs working with the UNTAET humanitarian pillar until October 2002 was well appreciated, and the end of this support much lamented.⁷³

296. Overall then, the relationship with Implementing Partners was sub-optimal and would have benefited from being more pro-actively nurtured. Although the answer to the question ‘did we contract out our mandate?’ is probably a qualified ‘no’, there is no doubt that the potential for IPs to be the eyes and ears of UNHCR in the field could have been much strengthened. Had more effort been put into training of IPs (and the capacity existed, as demonstrated by the training of PKF, UNMO, CivPol etc.) this would to a certain extent have compensated for UNHCR’s own staffing limitations.

297. Training should have included field-level functions of vulnerability assessment and protection monitoring, as well as provision of and training in standardised reporting formats. As the funders of the IPs, UNHCR would have been in a very strong position to insist on procedures which met its own requirements, something it could less easily demand of its UN partners.

Interaction with other UN agencies and entities

298. The relationship between UNHCR and the other UN agencies in East Timor is important in that, as outlined above, UNHCR did not have the human or financial resources to fulfil its mandate single-handedly. This was in itself not exceptional. As is clear from a reading of the internal documentation UNHCR always saw that it could not meet the country’s repatriation and reintegration needs alone. In particular with regards to protection needs, it always saw these as being shared with other elements of the UN operation, both because by definition successful protection involves state actors (and in this case the UN was the state), and because UNHCR did not have the person power to fulfil all protection needs. The reliance on other UN bodies was somewhat different to other situations in which UNHCR would work with state bodies such as army and police.

299. The relationships with other UN organisations were therefore critical to the achievement of UNHCR’s objectives. Over and above the usual collaboration with IOM around the logistics of repatriation, there was extensive collaboration with PKF/UNMO/CivPol for security of UNHCR staff and physical protection of returnees, and UNTAET’s Human Rights Unit and Serious Crimes Unit for returnee monitoring. A number of other hoped for relations, notably with UNICEF in the case of separated children, were less developed.

⁷³ This system of hand-held radios gave short wave access to continuous news (a ‘humanitarian channel’) and communication for agencies in the field or in transit between remote destinations. Many individuals still felt that such a system was important for security and gave the example of how, in the riots of December 2002 by which time the radio system was no longer operational, there was no means of verifying fast flying rumours.

IOM

300. The relationship with IOM appears to have been a largely positive one, with no complaints regarding the logistics of repatriation movement (apart from IOM's occasional failure to advertise the fact that the repatriations were co-ordinated by UNHCR). The broader issue of institutional rivalry and the fear of mandate creep did find expression in several discussions. For example, IOM had over 100 QIPs in Oecussi enclave alone, and it was not until April 2002 that the issue of separate fleet management was finally dealt with through UNHCR handing over all its trucks to IOM under a "right of use" agreement. This allowed for one centralised fleet management, and permitted each organisation to focus on its primary mandate – IOM on logistics and UNHCR on protection.

Peace-keeping forces

301. UNHCR early on established good working relations with the various military components of the UN Operation. During the first days of the operation, in a context of extreme violence, insecurity, political uncertainty, and large-scale movement of refugees and IDPs, UNHCR enjoyed a relationship with INTERFET which has been described as 'particularly co-operative but largely unstructured'.⁷⁴ During the subsequent mass repatriation from October to December 1999, it was the support of the New Zealand and Australian Peace keepers which helped UNHCR Suai to avoid a humanitarian disaster, as they greatly facilitated the transportation of tens of thousands of refugees who were often in poor physical condition.

302. With the establishment of the United Nations Transitional Administration for East Timor (UNTAET) on 25 October 1999,⁷⁵ with its overarching mandate of peacekeeping (PKF), governance and public administration, and humanitarian assistance and emergency rehabilitation, the relationships became more structured and complex. In February 2000, in co-ordination with other stakeholders, PKF and UNHCR jointly developed Standard Operating Procedures (SOPs) for voluntary repatriation which outlined respective roles and responsibilities of PKF, CIVPOL, IOM, UNHCR and other humanitarian agencies, and set the foundation for their interactions. The SOPs were supported by Operational Guidelines drafted by UNHCR and signed by the SRSG.

303. The full implementation of these SOPs was not immediate, partly because it took time for all the necessary actors to be in place (During the substantial repatriations of late 1999 - early 2000 CivPol was not yet fully operational and UNTAET human rights officers and district administrators were just arriving), partly because they were not automatically internalised by all actors, and partly because, as noted in the Chapter 2, training in the issues necessary to full implementation was something of an ongoing task as there was constant turnover of peace-keeping forces.

304. Full protection was therefore not always provided in the early days. While PKF assisted by guarding Dili transit centre to prevent attacks by violent mobs

⁷⁴ Civil-Military Co-ordination Between UNHCR and Military Forces, East Timor Lessons Learned Study, 1999-2002

⁷⁵ Security Council Resolution 1272 (1999)

seeking alleged militia, there were some PKF who were not willing to ensure protection of returnees in their home communities, and therefore chose to let traditional justice systems take their course. Where UNHCR or HRU were also not present, some returnees faced physical assault, beatings, harsh interrogation, illegal detention (house arrest), unlawful search of their belongings, unlawful interrogations and forced labour as a penalty for their suspected crimes.

305. There were also cases when UNHCR had to intercede with PKF on behalf of returnees, particularly where (as happened at Batugade on occasion) they were treating all former militia members as criminals, or when they confiscated personal items such as TNI uniforms, children's toy pistols, traditional swords etc., and refused to return them.

306. When UNTAET, with assistance from UNHCR, sought to deal with the remaining more sensitive elements of the refugee caseload from West Timor, difficulties emerged between the PKF and UNHCR over the issue of returning former militia members.

307. As is discussed further in Chapter 8, the discussion over who exactly among the former militias and their families/followers the exclusion clauses applied to was a protracted one and the source of considerable tensions among various parts of the UNTAET system. This was particularly so when the UNTAET Chief of Staff adopted a very aggressive approach to reconciliation meetings with high profile militia leaders. PKF, with its own experience of having to deal with numerous security incidents along the border, was not sympathetic to the Chief of Staff's approach, and at times expressed exasperation and anger at the repatriations underway.

308. Nevertheless, it played a full part in the Joint Operations Centre (JOC) established and chaired by UNHCR. This was in anticipation of a possible mass return to East Timor as Indonesia came under intense pressure from the international community to disarm and disband the militia following the killings in Atambua.

309. The objective of the JOC was to provide UNTAET, CivPol, UNHCR, PKF, IOM and other relevant agencies with the capability to manage contingency refugee/returnee operations in a co-ordinated fashion. Co-ordination meetings were held on a weekly basis, with a situation analysis on developments in West Timor and reports on repatriations being circulated to members of the JOC, NGOs and the diplomatic community. The JOC also participated in the daily PKF "Generals" briefings to facilitate co-ordination and communication between UNHCR and the security forces.

UNTAET Human Rights Unit

310. Relationships with the human rights elements of UNTAET were not always easy. The tensions over excludable elements, for example, put UNHCR at odds with the Serious Crimes Unit. Early arrest warrants issued by Serious Crimes Unit prosecutors against key militia leaders were never executed due to informal agreements between the General Prosecutor and the Chief of Staff, who was negotiating with those same figures for return from West Timor. Again, UNHCR did not make these decisions, but because of its commitment to facilitating the return of

the non-excludable elements who were associated with some figures, it was perhaps inevitably regarded as implicated in them.

311. More importantly, co-operation does not seem to have been maximised in the area of post-return monitoring. Whereas UNHCR had three full time protection officers, all based in Dili, UNTAET over time developed twenty six Human Rights Officers working in teams of two (one national, one international) per district. The relationship with UNTAET's Human Rights Officers should therefore have been fundamental to the safe return of refugees but does not appear to have achieved a consistently firm footing, and was at times dysfunctional.

312. From August 2000 the Human Rights Unit had a dedicated officer co-ordinating with UNHCR, but it appears that as late as June 2001, long after the majority of returns had already occurred, the mechanics of what information was needed, how it should be transmitted and to whom, were still being negotiated with district Human Rights Officers and CivPol by the Dili based Protection Unit.⁷⁶

313. According to a former member of the Human Rights Unit, 'the main sticking point was the issue of UNHCR or IOM passing on the lists of returnees so that the HROs could provide advance notification to communities. One challenge was that this information was generally only available very shortly before repatriation, providing little time for advance notification. The second challenge was that whilst UNHCR relied upon HRO to carry out advance notification of communities, UNHCR did not accept or acknowledge its own lack of capacity in this area and hence the need for the involvement of the HRO's, hence the lists were not always forthcoming'.

314. It was thus only in late 2001 that UNHCR's Protection Unit agreed that the refugee lists could be shared with the Human Rights Officers (though for security reasons they were already being shared with CIVPOL and PKF). It is not surprising that some interviewees described the relationship with the Human Rights Unit as 'uneasy' and 'competitive', and that some believed that UNHCR's on-the-ground protection work was eventually eclipsed by work of the Human Rights Unit.

315. That said, several instances of close collaboration and support were noted – in Liquica district, for example, the district Human Rights Officer facilitated a range of meetings for the Dili based protection officer dealing with particular protection cases there. Baucau district also reported positive relations. There was also close work on the registration of missing children. It should also be noted that the relationship with UNMISSET Human Rights Unit at the time of writing was reported as 'excellent and mutually supportive', and that good contacts and mutual respect existed between UNHCR and the Serious Crimes Unit.

UNDP

316. On a less positive note, relations with UNDP (largely through Jakarta) were extremely fraught in the early days and in the wake of the Atambua killings (the UNDP Resident Coordinator in Jakarta was overall security co-ordinator for the UN

⁷⁶ UNHCR Protection Unit. 29 June 2001. Minutes of the meeting: Advance notification for secondary movements of returnees

in the region). Arguably, UNDP would have been a more appropriate choice for provision of shelter intended to address the medium-term. However, relations improved as staffing changes took place. In some districts UNDP has dovetailed neatly into local operations as UNHCR field offices closed down, effecting some continuity in local outreach.

UNICEF

317. Co-operation with UNICEF, in principle a key partner in the question of separated children was not forthcoming. As the draft Inter-Agency Guiding Principles on Unaccompanied and Separated children indicate, the issue of separated children should have been tackled through the involvement of key actors, most notably ICRC and UNICEF. However, it appears that there was an early delineation of responsibility between ICRC and IRC where the former would focus only on unaccompanied children whereas the latter (rather than UNICEF) would deal with separated children. ICRC's exit took place in late 2000 when it was recognised that the problem of unaccompanied children was minimal.

318. UNHCR's call to UNICEF for more active involvement did not receive positive response until recently, UNICEF's position being that the problem of separated children was primarily a refugee-related issue that UNHCR was in the best position to handle. UNICEF's focus in East Timor was on advocacy and capacity building rather than labour-intensive handling of individual cases, and in Indonesia it restricted its engagement to the psycho-social training side. It appears that UNICEF kept its distance from the highly political issue of separated children as it did not wish to jeopardise its relationship with the Government of Indonesia for fear of undermining its work with IDPs in other parts of the country.

World Bank

319. The other major disappointment in the UN system was that, in late 2001 when the shelter project finished, there was no other UN agency immediately willing to take the lead in further housing reconstruction. This was despite UNHCR's offer to make ready its resource base of technical knowledge and 'our considerable rolling assets' to any organisation willing to pick up where UNHCR had left off, as a letter from the Regional Representative to the Special Adviser to the SRSG in UNTAET demonstrates.⁷⁷

320. In this regard the World Bank came in for considerable criticism, with several respondents arguing that it had promised much but delivered little.⁷⁸ In particular it was criticised for refusing to take any responsibility for ongoing shelter rehabilitation, despite having commissioned a survey which identified at least 10,000

⁷⁷ Private Shelter Reconstruction in East Timor, Addressing the Needs, Letter to Special Advisor to SRSG, 3 December 2001

⁷⁸ The report of its initial Joint Assessment Mission (8 December 1999), offered a useful outline of needs (including the destruction and lack of housing/shelter) at a key time, but the Bank's preferred strategy was to assist with rebuilding public structures such as schools and hospitals, while devolving other reconstruction (in so far as it could be deemed a public and not a private good) to local level under their Community Empowerment and Governance Programme. The subsequent CEPs proved controversial and a subject of extended discussion and negotiation with both UNTAET and the East Timorese leadership.

households in need of shelter and having funding for East Timor to the tune of \$164.6 million.

321. As an evaluation of the UN response in East Timor stated, 'It was generally noted that the World Bank did not seek to use the expertise of United Nations agencies in implementing projects funded through TFET [Trust Fund for East Timor]'. The report uses the case of UNHCR as its primary example:

'For instance, UNHCR failed constantly, despite numerous attempts by its representative, to obtain funding from TFET to support its shelter-rehabilitation programme. The World Bank representative in the field responded that the programme did not meet the criteria of activities to be funded through TFET. The agency also offered its expertise in the field of reintegration of displaced persons for the formulation of the TFET-funded Community Empowerment Project... but to no avail'.⁷⁹

322. Given that the shelter project consumed a full 33% of the total operations budget (see Chapter 2), it is easy to understand the frustration this caused, given that even a relatively small grant would have allowed it to redress the serious imbalance between the shelter project and other key activities - notably in protection and community services.

323. It should be noted that UNHCR was not alone in seeing a need for further shelter provision. In March 2002 IOM was approached by UNTAET about the possibility of designing and implementing a 10,000 unit shelter programme. Ongoing discussions with the Ministry of Public Works and the Secretary for Labour and Solidarity have shifted the focus of the proposal to medium-term housing rather than emergency shelter, and it is likely that funding will be sought for a pilot of 2,000 units in the first instance. The proposal is awaiting the results of a Habitat policy paper on Housing and Planning to ensure that it can be properly inserted into the newly-developed Government policy context.

Conclusion

324. In conclusion, notwithstanding the major frustrations regarding shelter and separated children, and the somewhat delayed establishment of good relations with the Human Rights Unit, the key relations with individual sister UN organisations worked well, enabling key aspects of the UNHCR operation to be completed successfully. The relationship with UNTAET as a whole, in particular UNHCR's strategic contribution, is given further consideration in the following chapter.

⁷⁹ Evaluation of the United Nations System Response in East Timor: Coordination and Effectiveness, Joint Inspection Unit, Geneva, 2002, paragraphs 99-102

UNHCR's contribution to the process of peace and nation-building

325. The individual elements of UNHCR's operation are set out in Chapter 2 and their respective strengths and weaknesses scrutinised in some depth in Chapters 3-6. This chapter will seek to address three broad questions in a way which synthesises some of the foregoing discussions and also in the process helps to see the strengths and weaknesses through a slightly different lens. Firstly, how did the individual elements, singly and taken as a whole, contribute to the broader processes of peace and nation-building? Secondly, how important was it strategically for a UN operation engaged in a nation-building exercise to have UNHCR involved? And, finally, for UNHCR itself, did this engagement impact in any way upon its core mandate?

326. As a multi-level enterprise with essential components including security and justice, peace-building is not something which responds easily to quick-fixes. In this sense the constant pressure for an early exit put the UNHCR operation in East Timor at a significant disadvantage. In addition to the perceived need to maintain an emergency response capacity, which may have adversely affected the redeployment of staff to work on such longer-term processes, the operation could not make the necessary medium-term commitments to either potential implementing partners or the local population.

327. Nevertheless, there can be little doubt that the major activities had a cumulative impact on peace and nation-building at community, national and international levels.

Community level

328. UNHCR's most important contribution to community level reconciliation was in the very initial steps of enabling people to return, and seeking to ensure that this return would not have a destabilising influence.

329. As discussed in Chapter 2, during the initial mass returns to East Timor the numbers were such that it was impossible for all returnees to be accompanied by UNHCR, IOM or HRU staff, and some cases of retribution against returnees did occur. As much as possible in such cases, UNHCR protection and/or field staff sought to mend the situation by conducting meetings with the village chief, CNRT leaders, sometimes Falintil (the former armed liberation movement), CivPol and UNTAET Human Rights Officers and the local population.

330. These aimed to hear in an open forum what crimes the returnee was suspected of, and to discuss how the situation could be solved without violating the rights of the returnees. Such meetings can be considered a contribution not just to peace-making but also to peace-building, to the extent that they offered a small-scale foretaste of the important truth and reconciliation meetings to be established by CAVR in subsequent years.

331. The subsequent development of Standard Operating Procedures for repatriation in early 2000 and the ongoing training of peace-keeping forces helped reduce the number of incidents of retribution and thereby enabled ongoing returns to proceed without any undue de-stabilising influence. The fact that such risk reducing modalities used in the secondary returns resulted in low levels of reported harassment and intimidation even amongst the later, more sensitive, returns, may also have been an important determinant of the decision to return, though it was not within the scope of this evaluation mission to establish this through fieldwork.

332. The non-food items evidently enabled people to return to their home areas and re-settle. In the early stages of return they helped avoid humanitarian crises, and in the later stages were used as an incentive to encourage return: as the programme moved forward, the level of non-food items provided by UNHCR increased quite significantly. This was seen as part of a broader strategy to better encourage and assist late returnees and came about after external pressure on UNHCR to do so.

333. In this regard, it was not possible for the evaluation team to assess whether the shelter kits had also acted as a draw factor for returnees – and whether the fact that there was no shelter provision available for late returnees was a disincentive to return. That it might be was suggested by the Department of International Protection in a memorandum discussing the invocation of the cessation clause⁸⁰, but it was also recognised that among the late returnees there were many low level former militia, who had been involved in burning of houses in 1999. This fact alone was sufficient not to consider setting up a new programme to provide shelter to those who had earlier destroyed it.

334. UNHCR's contribution to the post-return reintegration/peace-building processes at community level is less self-evident than that made to the return itself. As outlined in Chapters 3-5, its ongoing protection monitoring and its monitoring of implementing partners was weak, and as a result the potential of its material assistance to monitor the nature and depth of reconciliation which occurred where people had already returned, was under-exploited.

335. That said, the shelter kits contributed to reintegration in some important ways. They provided a much needed injection of materials to begin the rehabilitation of devastated domestic housing and gave necessary impetus to processes of physical reintegration – as well as possibly curbing an undesirable urbanisation process. Furthermore, the decision to allocate shelter kits along criteria of vulnerability rather than according to categories such as 'returnee', 'IDP', etc. was also important, as it meant that the shelter project went beyond a narrow mandate focus on refugees/returnees and was better placed to contribute to overall reintegration than a more narrowly targeted project would have been.

336. It was though difficult to avoid the conclusion that the tremendous logistic hurdles which had to be overcome - due partly to an over-complex design - had somewhat undermined its timely delivery and resulted in attention being focused primarily on technical aspects and throughput of materials rather than quality of process and community involvement.

⁸⁰ Memorandum from DIP to UNHCR High Commissioner, 4 March 2002: Cessation of Refugee Status of East Timorese Refugees

337. One of the primary objectives, the targeting of vulnerable households, appeared in some instances to have been compromised, with some examples of allocation along patronage lines were found. While such cases were probably inevitable given the scale of the operation (and also quite possibly reflected necessary political compromises at a local level to ensure co-operation of local leadership), it also appeared that some of the secondary objectives had suffered. There was little evidence that the kits had stimulated communal labour with its supposed beneficial effects on reintegration and reconciliation at community level.

338. Overall then, the potential for the village-level implementation of the shelter project to catalyse peace-building processes was therefore less evident than might have been hoped for. This was probably compounded by the fact that there was also a lack of programme monitoring of the shelter project and the QIPs. This lack of monitoring resulted in questionable targeting of assistance which in some cases appears to have reinforced rather than lessened inequalities and therefore may have contributed to increased social tensions.

339. Perhaps UNHCR's most strategic contribution to community level peace building was the logistical and advisory support offered to CAVR, the Commission for Reception, Truth and Reconciliation, which, as noted in Chapter 2, had the facilitation of community reconciliation as one of its three main functions. It should be re-emphasised though that CAVR's mandate relates strictly to incidents which happened prior to the arrival of INTERFET forces in October 1999. It can therefore play a useful role in dealing with unresolved tensions between returnees and stayees, but cannot deal with issues which arose post-return. This gap in post-return peace-building still existed at the time of the evaluation mission.

National level

340. Perceptions of UNHCR's contribution to national level peace-building are mixed. Many would argue that the successful facilitation and promotion of repatriation of the vast majority of refugees, not just from West Timor but also from other parts of Indonesia and the wider diaspora, was a major contribution, indeed a *sine qua non*, to creating the political conditions and parameters necessary for a successful transition to independence in May 2002. Had a significant portion of the population remained outside, the argument went, not only might they have presented a destabilising threat, but the credibility of any elections would have been weakened.

341. While many people probably agreed with the overall thrust of the argument, there were significant divergences of opinion over two major aspects of UNHCR's handling of the return process, namely its position vis-à-vis the contentious balance between justice and reconciliation, and its decision to invoke the cessation clause at the end of 2002.

342. Though all agreed that both reconciliation and justice were important, there were different understandings of how they should be prioritised. Those arguing for prioritising justice believed that the people responsible for serious crimes such as murder, rape and incitement to violence should stand trial at the earliest possible date. There is some evidence that this was a popular demand - community consultations undertaken by consultants to CAVR, for example, had highlighted the

popular desire that justice should be a prerequisite of reconciliation, while also acknowledging that many of the lesser crimes could be dealt with through a kind of community truth and reconciliation process which would leave the justice system able to focus on serious crimes – hence the establishment of CAVR.

343. Those arguing for reconciliation – amongst whom Xanana Gusmao was a leading proponent – felt that the first priority should be securing East Timor’s precarious stability and building the new nation, projects which required the majority (including the former militia leaders) to return. While there were some who felt that by bringing the militia leaders back the threat of destabilisation from outside would simply be replaced with the risk of destabilising retaliatory violence from within, those in sympathy with Gusmao believed the former militias would pose less of a threat to East Timor’s precarious stability if they were inside the country than if they remained outside.

344. In the end the latter view prevailed. All would be encouraged to return with the understanding that those responsible for serious crimes would be prosecuted at a later date once the judicial system was up and running. UNTAET’s Chief of Staff, in close co-operation with Xanana Gusmão, and with the full endorsement of the Special Representative of the Secretary General, took the lead on pursuing this approach from October 2000 onwards. Some of his strategies, notably the ‘wining and dining’ of militia leaders in expensive Dili restaurants, were controversial within various parts of the mission, and put UNHCR in a difficult position.

345. This was clearly identified in a memorandum drawn up by UNHCR Geneva’s Bureau for Asia and the Pacific in November 2000. Noting that, as of October several militia had used the promise that their own return ‘would also precipitate the return of approximately 10,000-20,000 of their “followers”’ as the basis for entering into negotiations with UNTAET, the memorandum argued that ‘there is a strong likelihood that it [UNHCR] may be called on to participate in these return movements.’ It continued by saying that, as some of the militia leaders clearly met the threshold of the exclusion clause, ‘UNHCR staff members are therefore requested to refrain from participating in any meetings/negotiations with these persons’. On the other hand it also noted that, ‘It is clear that some of the “supporters/followers” of the militia would ... need and be deserving of, international protection’.⁸¹

346. UNHCR thus had to tread a fine line in identifying whom it should and should not be assisting. Refugees who were suspected of committing ‘serious crimes’ during 1999 but who wanted to participate in an organised Reconciliation Meeting at or near the border were able to do so without risk of arrest - unlike refugees who went on ‘Go and See’ visits to East Timor, who were liable to be arrested if indictments or arrest warrants had already been issued against them.⁸²

347. Furthermore, as a memorandum from the SRSG himself indicated, even individuals suspected of committing serious crimes were not to be arrested at the border or in the transit centres: ‘the arrest will be effectuated at a time determined by the SCU Prosecutor at the place where the indictee or suspect returns to’.⁸³ The fact

⁸¹ Note, Bureau for Asia and Pacific, 30 November 2000

⁸² Policy on Justice and Return Procedures in East Timor (Internal UNHCR document)

⁸³ Position on Arrest of Returning Refugees and Individuals Suspected of Committing Serious Crimes, memorandum from SRSG dated 17 October 2001

that the SRSG further specified that arrests should only be made 'with due regard to local sensitivities and bearing in mind the overall goal of promoting further returns' offers further evidence for why people might have considered UNHCR implicated in the return of criminals.

348. In short, UNHCR could help former militia members providing they were not excludable. To do so it had to draw nuanced distinctions which were perhaps not always evident to external observers, nor practically tenable given the family structures of returnees and the delays in getting the Serious Crimes Unit up and running and in a position to prosecute. There may thus in practice have been something of a grey area between the clearly excludable and the clearly non-excludable elements (especially where both categories could be found within one returnee household). Certainly there was a perception by non UNHCR personnel that the issue was being fudged, and that in helping to bring back the non-excludable "followers" of excludable militia leaders the pursuit of justice was being made yet more difficult.

349. However, this has to be set against the fact that most observers agreed it would most probably not be possible to bring people to justice in Indonesian courts if they remained in West Timor. Thus, the only hope for justice lay in bringing excludable elements back to East Timor, where there would be the possibility of them being brought to trial through a properly functioning Serious Crimes Unit.

350. It should be stressed that there is some indication from within UNHCR itself, that there was indeed some blurring of the boundaries. In the words of one former staff member interviewed, 'Killers were received back on condition that there would be a justice process later (and so that in the immediate sense they could help dig the fields)...'. This would appear to confirm the statement of another respondent that 'Despite instructions from HQs that returnees identified as excludable at the border should not be assisted, the Office had to assist and facilitate the re-integration of such cases...which severely undermined the population's view of UNHCR. "

351. In other words the pressure from UNTAET to pursue repatriation may have compromised UNHCR's standing with ordinary people, which may in turn have compromised its capacity to impact on other aspects of peace-building as well as putting the organisation at odds with the human rights elements of the UNTAET operation.

352. Directly related to the consequences of pursuing 'reconciliation' (i.e. repatriation) as a priority, and the fact that this has created a situation in which some returnees remain a hostage to the post UN future, is the issue of the cessation clause. Although there was an assessment mission to East Timor by a senior UNHCR staff member prior to the announcement,⁸⁴ it could do little other than seek to provide some legitimacy for a decision which appeared to have already been taken, presumably on the basis of some political calculus.

353. The rapid invocation of the clause gave the message that UNHCR wanted a fast exit, and is open to misinterpretation regardless of positive work on the part of the Dili office. For many people, its invocation on 31 December 2002 was premature, for reasons discussed in more detail in Chapter 5 above, but which boil down to

⁸⁴ UNHCR's internal Mission Report, Dili (Timor Leste) 11-14 December 2002

uncertainty about the capacity of the state to guarantee security to its returnee citizens.

354. Although the failures at a national level to deliver on the promise of justice later (see Chapter 5) can in no way be regarded as UNHCR's responsibility, it remains to be seen whether people's patience will run out and result in street justice, or indeed whether returned militia will take it as evidence that they do in fact enjoy impunity and return to earlier patterns of intimidation and violence. Only then will it be possible to fully assess whether UNHCR's position on the return of former militia members was a wise one, whether it should in fact have pushed for a harsher interpretation and application of the exclusion clause, and whether or not its invocation of the cessation clause was premature.

International level

355. In a more positive light, the early invocation of the cessation clause - which many would argue was premature from a protection perspective and symptomatic of a lack of an over-all country strategy - can also be seen as part of a broader political process of consolidating East Timor's identity as an independent state.

356. By declaring the East Timorese who had fled to West Timor as refugees UNHCR confirmed the existence of an international boundary between the two parts of the island. By declaring cessation UNHCR gave its own stamp of approval to the fledgling state by declaring it competent to protect its citizens should they choose to return. Through promoting accession to the refugee convention UNHCR further emphasised East Timor's entry into the community of independent states, and through input into development of an immigration bill UNHCR has also sought to shape the quality of the state's relationship to citizens of other independent states. As such the organisation has been a key player in the process of state formation, both setting some of the major parameters of international perceptions, and promoting their realisation in practice.

357. In playing this role of state building UNHCR had to be cognisant of several needs. On the one hand it wished to create a state which is strong on refugee rights. At the same time it had to optimise relations/minimise tensions between the new state and its neighbours (most importantly with the former occupying power, Indonesia). UNHCR also needed to manage its own relationship with the new government if it was to have the desired influence on its legal provisions for refugees.

358. In managing this complex and at times conflicting set of imperatives, UNHCR did not always find a satisfactory balance. Nevertheless, despite some difficult issues over the preceding three years, UNHCR continues in 2003 to co-operate extensively through ongoing dialogue and discussion with the Governments of Indonesia and East Timor, as well as with other UN agencies, in finding a multi-faceted solution to the remaining East Timorese in West Timor.

The strategic role of the UNHCR operation in the UN Transitional Authority

359. At its most basic UNTAET was tasked with leading East Timor through a transition from the devastated former annexe of Indonesia to independent statehood. It thus had to cope with the emergency phase, then try to 'normalise' or 'stabilise' the situation while also preparing for future independence.

360. UNHCR's contribution to these processes was at two levels. There were the tangible contributions to the actual on-the-ground processes, as outlined above, without which much of the process of transition would probably have been delayed if not stalled. There was also a less tangible but nonetheless strategic contribution arising from these processes in that they helped to maintain confidence in the UN operation as a whole.

361. UNHCR's exceptionally rapid preparedness under difficult circumstances was seen by some as demonstrating the UN's commitment to East Timor, and the promotion of return, as outlined above, by ensuring that all could vote, could be read as commitment to seeing a representative independent government.

362. Equally, the shelter programme, for all its procurement problems, delays and at times questionable identification of beneficiaries, was probably the most visible sign of the UN's commitment to the reconstruction of the country. By shouldering the burden of shelter, which other agencies were reluctant to tackle, UNHCR gave the UNTAET planning process momentum and credibility (As discussed in Chapters 2 and 4, UNHCR played a major role in early OCHA meetings convened in September 1999.)

363. As part of the emergency task force it shouldered the burden of shelter provision which no other agency was willing to assume responsibility for, and as lead agency on shelter it subsequently chaired the relevant Shelter Task Force with the participation of OCHA and NGOs).⁸⁵ Not only was the shelter project a visible legacy, it helped overcome problems relating to land ownership, redrawn village boundaries, the relocation of community hamlets or settlements, intimidation by local youths, and a variety of technical issues including shortages of traditional building materials, and so can be considered a contribution to peace building at community level.

364. Given that the UN operation seemed to be more concentrated on issues of governance than socio-economic reconstruction the shelter programme was particularly important for the legitimisation of the UN operation as a whole in that it gave some balance to it. In a more day to day sense it may have helped maintain a degree of tolerance for the UN, a tolerance which was otherwise sorely tested by - amongst other things - the conspicuous consumption of the UN, which at times appeared to bring no benefits to the population.

365. It is curious in this regard to note that UNHCR could possibly have received more credit for its contributions had it made more effort to publicise them. For example, when the evaluation team sought to find QIPs it was very difficult as most

⁸⁵ *Assistance to returnees and IDPs in East Timor*. Save the Children Federation, Inc. East Timor, 15 January 2001.

had never been identified as UNHCR projects in the first place. Few signs were put up, so few people outside the project itself were even aware of where the assistance had come from.

Pressures on the UNHCR mandate

366. The unusual nature of the transitional state as a United Nations body, and UNHCR's position relative to and within that body, created some unusual dynamics and pressures for UNHCR.

367. Firstly, maintaining the impartiality necessary to fulfil its primary mandate had to be achieved from inside rather than from its more usual position distinct from national government, a challenge sharpened in some senses by the unusually close informal ties enjoyed with key members of UNTAET. By coincidence, several key UNTAET roles, notably that of the Special Representative of the Secretary General, had been given to former UNHCR professionals.

368. Secondly, a broad vision of the needs of East Timor as a whole (rather than a narrow focus on refugees/returnees) coincided with the weak response of other parts of the system (see Chapter 7) to take UNHCR into areas traditionally reserved for other UN actors.

369. Thirdly, as a key player in the process of state formation as suggested above, UNHCR had to balance the need to create a state which is strong on refugee rights with the need to optimise relations/minimise tensions between the new state and its neighbours (most importantly with the former occupying power, Indonesia) while also managing its own relationships with both governments.

370. It can be argued that in combination these three major pressures resulted in some dilution of UNHCR's core mandate, the protection of refugees and returnees.

371. Firstly, although the shelter project contributed to peace-building as discussed above, in another it was undertaken at some risk to UNHCR core beneficiaries in that it detracted (in terms of budget and therefore staffing) from UNHCR's basic protection function. While in the final analysis no major violence erupted, it remains questionable whether this risk should have been taken, particularly as little use was made of implementing partners to assist in monitoring by way of compensation.

372. Secondly, there seems little doubt that the pressure from UNTAET to maximise returns put UNHCR in a difficult position vis-à-vis the returnees associated with excludable elements of the refugee population.

373. Thirdly, its ability to influence the new government on constitutional and legal affairs was affected by unusual positional dynamics. In terms of the quality of its relations with the East Timorese Government in waiting, the repatriation of a group of 61 Indonesians from Kupang in December 1999 created some animosity. In the face of considerable suspicion and calls for their deportation UNHCR intervened in support of the Indonesians and they were subsequently accommodated at the main

mosque in Dili where they have been living ever since in what the Senior Protection Officer described as 'legal limbo'.⁸⁶

374. In the eyes of some, UNHCR's position in this instance, while perfectly justifiable from a mandate perspective, had a negative impact on the whole question of habitual residency and reduced UNHCR's influence in the formation of the immigration bill. Certainly it is now the view of the protection staff that to pursue the issue of the Mosque residents would be to risk 'picking a fight' with the Government 'and thus risk losing influence on other more pressing issues'.

375. It appears that for some East Timorese legislators it is "payback time" for non-nationals, and particularly for minority groups. Under the terms of the bill it is extremely difficult for former habitual residents to gain residence permission. Official national policy is that before their applications will be considered non-Timorese citizens require five years of post-independence residency in cases of non-national mixed marriage, rising to ten years for habitual residents.

376. The result is a group of people who are virtual prisoners on the island as they lack any clear status and therefore cannot leave the place for fear of being unable to re-enter. It should be noted that clarification of the legal status of habitual residents was one of the five benchmark indicators for invoking the cessation clause which was not met. UN/UNHCR agreed to their repatriation, but now they remain in legal limbo.

377. Fourthly, the involvement in Separated Children was something of a departure from a narrow interpretation of UNHCR's mandate. Not only that, but the early handling of the issue at times appeared to play into a politicisation of the issue which was ultimately not in the best interests of the children concerned.

378. These observations are offered as a contribution to wider debates about the nature and extent of refugee protection.

Conclusion

379. How UNHCR's operation in East Timor is understood is primarily a question of emphasis and perspective. It offers a case study of the tensions between meeting the political pressures of the situation, maintaining the organisation's mandate, and maximising the benefits of its interventions on behalf of refugees & returnees.

380. Although the three should in principle reinforce one another, this is not automatically the case. In the case of excludable elements UNHCR's mandate conflicted with UNTAET's political pressure to get everybody home as quickly as possible. Similarly, pursuing the mandate with regard to the habitual residents at the Mosque created considerable tensions with some members of the East Timorese government.

381. However, nor is it necessarily the case that sub-optimal performance in one area will be at the cost of success in another. As this report has argued, UNHCR

⁸⁶ The houses of some of these people which were situated just outside the mosque's compound came under attack and were destroyed in the riots of December 2002.

made significant contributions to the overall objectives of UNTAET, despite sub-optimal performance in some of its interventions with returnees.

382. Nonetheless, the success from the point of view of the transitional authority, may not translate into success from the point of view of returnees in the medium term. If the efforts invested in reintegration and reconciliation prove insufficient, and violence erupts again, then the successes of UNTAET will look hollow indeed, as will the contributions of the agencies which supported them.

Summary of lessons learned and recommendations

The key lessons learned from the East Timor operation, which UNHCR may wish to take into consideration in similar future operations, are summarized as follows:

1: A greater focus on information based programming would benefit UNHCR's constituency, the refugees and returnees, and enhance operational effectiveness

UNHCR should be willing to give the utmost priority, and necessary resources, to establishing appropriate data-bases of the refugee and returnee caseloads as the basis for subsequent protection monitoring and programming; A minimum of one staff should be dedicated to this from day one of an emergency operation and should arrive with the emergency team;

Establish a template for returnee assessment forms which can be adapted to the specific context of each operation;

Establish a related data-base system using readily available software (e.g. Microsoft Access or (for greater simplicity) Excel;

Include a wide range of vulnerabilities in returnee assessment forms and related data-base system;

Adapt the assessment forms on a country by country basis and in close consultation with the Department of International Protection;

Develop and implement training in a) assessment procedures and interviewing skills, and b) data entry and analysis;

Insist on gender balance among those conducting assessment interviews.

2: The devil is in the detail. Procurement difficulties can undermine what would otherwise be an appropriate form of material assistance

Do not engage in delivery of post-emergency shelter while still in the emergency phase;

Include delivery and procurement and delivery considerations in deciding what is 'appropriate' shelter.

3: Where responsibility for social process is contracted out to implementing partners training must be provided and performance must be carefully monitored

Ensure clear guidelines and training in vulnerability analysis, and that these are followed up by monitoring of implementing partners;

Agree on methodology with all implementing partners;

Build needs analysis into methodologies agreed with implementing partners;

Establish monitoring systems to include site situation reports compiled by implementing partners, as well as regular field visits by UNHCR programme staff;

Encourage broad-based participation systematically; Beneficiary participation should be part and parcel of any programming and protection activities;

Combine monitoring visits to implementing partners with monitoring of general welfare of refugees.

4: Quick Impact Projects require more money but also closer attention to process

Deliver QIPs as a package which includes needs analysis/market research as well as training in project management in order to improve the prospects of sustainability;

Decentralise decision making monitoring, and reporting of QIPs to field offices;

Develop an integrated approach to training and monitoring.

5: Assumptions about the nature of the case load can mean that a relatively narrow model of risk and vulnerability is taken as the basis for monitoring.

Well-established categories of vulnerability should be fully operationalised in the returnee registration process;

Develop an understanding of the 'normal' social dynamics and support systems in the place of origin and the extent to which these are disrupted by events leading to flight;

Identify target groups through careful analysis of historical dynamics, particularly when the matter is politically contentious - as in the case of separated children.

6: The failure to achieve integrated protection and material assistance interventions has high costs

The current compartmentalisation between protection, programme and community services needs to be broken down if optimum self-reliance and sustainable reconciliation and reintegration of returnees are to be achieved;

Develop strategies to integrate data collection with other aspects of programming and protection work;

To ensure that the concept of 'integrated protection and programme activity' has meaning material assistance must be seen as an opportunity to enhance protection rather than seeing the two as a zero sum game.

7: A lack of systematic protection monitoring allows political and funding considerations rather than a consideration of objective conditions of returnees to dominate decision making, with negative repercussions for the best interests of refugees and returnees

Conduct field-level protection monitoring on the basis of systematic sampling of data-base of returnees;

Supplement this through building protection monitoring into material interventions;

Insist on deployment of qualified protection staff to field offices;

Do not equate an absence of visible violence with an absence of protection needs;

Ensure that the social aspects of refugee protection are recognized and incorporated in overall protection strategies and that such strategies should be formulated on the basis of systematic and organized situation analysis;

Make a grounded assessment of the overall situation in the country the fundamental basis for any decision to invoke the cessation clause;

Avoid appropriating one party's political analysis as the basis of programming. Make an independent analysis of the social and political dynamics before positioning an operation within the national and regional political context.

8: The 'best interests' of separated children are not always synonymous with reunification

Endeavour to understand the nature and scope of the situation surrounding separated children in the early days of the operation, in order for the Office to develop an effective and balanced approach to the issue. This is particularly true when UNHCR has to operate in a highly politicised environment;

Establish a centralised database mechanism/ system from Day 1 of any emergency operation when the problem of separated children is identified;

Make an understanding of historical, cultural, political and religious circumstances part and parcel of the analysis;

Do not assume that 'best interests' and re-unification with biological parents are synonymous;

Even when carrying out tracing with a view to reunifying the separated children with their parents, there should be a clear understanding that the 'best interest' principle should always prevail. For this, full assessment of individual cases is of paramount importance, and it should not be assumed that the best interests of the child will be met by reunification with parents;

Agree upon a standardised form of assessment of individual cases with the agencies involved;

Avoid methodology which could jeopardise the safety of the intended beneficiaries or which may create false expectations of the individuals concerned.

9: Building a good staff and management team is fundamental to maximising the effectiveness of interventions

Promote dialogue and understanding regarding social norms of national and international staff;

Make team-building a deliberate strategy and responsibility of senior management;

Establish strategies for coaching and capacity building of national staff;

Enable promotion of national staff on the basis of merit;

Create exit strategies for national staff including skills training in marketable skills (e.g. English, computing, data-base management, driving, etc.);

Carry out a careful selection of candidates prior to recruitment of UNVs;

Provide a proper briefing to all staff at the beginning of their assignments;

Offer training to enhance staff skills applicable to the local operations;

Minimise situations where UNVs are put in charge of a UNHCR office or made responsible for financial personnel and administrative matters outside their previous experience;

Emergency phases of operations need a clear cut-off point if staffing and programming are to be consolidated;

The key management skills and personality types required for different phases of an operation should be identified; they are likely to be somewhat different in the emergency and post-emergency phases, and unlikely to be found combined in one person;

When it is necessary to split an operation as in this case, efforts should be redoubled to achieve full co-ordination between the two operations;

Be cognisant of the influence of historical relationships of UN staff to UNHCR;

Can echo the OCHA evaluations recommendation: 'Standard operational start-up kits and procedures should be prepared, including administrative and office kits, field financial tools for accounting and financial information.' Had such kits and procedures been in place in East Timor a lot of problems might have been avoided;

Decentralisation of project management (e.g. monitoring of implementing partners, allocation of QIPs etc.) to Field Offices should be a priority – where the appropriate Field Office staffing can be put in place.

10: The skills base of the staff must include reconciliation and reintegration specialists able to maximise the opportunities created by other interventions, and to facilitate the integration of protection and programming

Dedicate certain posts to maximising the social and political “reconciliation” and “reintegration” potential of all interventions.

11: UNHCR’s capacity as an institution to learn lessons is poor - ‘Lessons learned’ from earlier repatriations had not been learned, nor had insights gained in various missions been acted upon

12: The knowledge and skills base of implementing partners cannot be assumed and steps need to be taken to ensure it is in place

Support for UNHCR’s protection function needs to be built into the contractual arrangements with implementing partners;

Adequate training needs to be provided to implementing partners to be able to fulfil these arrangements satisfactorily;

UNHCR staff need to actively monitor and support the implementing partners in these roles.

13: Expectations of key UN partners need to be made explicit if key responsibilities are to be shared

Structure and acknowledge those relationships with other UN bodies which are critical to the effectiveness of UNHCR’s operation, e.g. returnee protection monitoring;

14: Furnishing the co-operation necessary to make a UN operation function in the short term, while also maintaining the impartiality needed to effectively fulfil UNHCR’s mandate in the medium term, is a difficult balancing act

Protect UNHCR’s core protection mandate;

Protect impartiality as a strategic resource;

Contribute to peace-building;

Use protection monitoring to establish community level reconciliation needs;

Do not assume that absence of visible violence is evidence of reconciliation; positive indicators of reconciliation and reintegration need to be established, preferably in consultation with representative sample of community members;

Use material assistance to bring issues to the surface;

Consider post-transition political and economic alignments and the need to build bridges accordingly.

15: UNHCR lacks a strong model of the relationship between repatriation, reconciliation, reintegration and justice, and of its place in this

Establish a process to establish UNHCR's experiences and values in this regard. Methods could include an analysis of past repatriation and reintegration processes which UNHCR has been involved in, holding a forum at which such experiences could be discussed, etc.

16: Recommendations

- A watching brief should be maintained on the need to strengthen returnee protection monitoring capacity in the East Timor Operation for at least six months into the post-PKF period;
- The situation of habitual residents needs further attention if they are not to remain in a legal limbo for the next five or ten years; their situation is important for the broader question of habitual residency;
- UNHCR's involvement in the issue of separated children should be restricted to children separated in the crisis in 1999 (including those separated while in refugee camps in West Timor). UNHCR should encourage the two governments to take the lead in resolving other separated children cases which took place prior to 1999 or much after the outflow of 1999;
- The process of "mainstreaming" child reintegration and establishing closer linkages with other key actors (notably UNICEF and Government of East Timor) dealing with children in East Timor should be continued. This should aim to facilitate the smooth re-unification of children with parents after long separation, and to enable UNHCR to outline a timeframe within which to exit from the issue. Natural partners would be UNICEF and the East Timorese Government;
- UNHCR's protection monitoring of returnees should be continued for some months after the withdrawal of PKF troops in mid 2004;
- An in-depth quantitative and qualitative analysis of the shelter project's contribution to meeting the needs of the vulnerable, as well as to processes of community reconciliation and reintegration, should be undertaken with a view to learning lessons for other operations.

Annex A:

Terms of reference for the evaluation

Evaluation of UNHCR's repatriation and reintegration programme in East Timor

An estimated 260,000 people fled East Timor amid a wave of violence following an August 1999 referendum in which voters overwhelmingly supported the territory's independence from Indonesia. Initiated by militia groups backed by elements of the Indonesian armed forces, the violence lasted several weeks, uprooted entire communities and left the infrastructure in ruins. As a result, many people were forced into neighbouring Indonesian territory (West Timor) while others fled into the mountains to escape the violence.

Since that time, almost 225,000 of the refugees have gone home. In May 2002, the UN High Commissioner for Refugees announced his intention to apply the cessation clause of the 1951 Convention to East Timorese refugees. This came into effect on 1 January 2003 following the monitoring of a number of pre-established benchmarks.

With the UNHCR operation in East Timor now entering into a new phase, the Regional Bureau for Asia and the Pacific has requested an evaluation of UNHCR's repatriation and reintegration programme in East Timor, covering the period 1999 - 2002.

The evaluation will focus primarily on the following issues:

1. To what extent did UNHCR undertake an effective and accurate assessment of the risks confronting returnees during the process of programme planning, implementation and monitoring?
2. To what extent was UNHCR able to effectively monitor the protection and general welfare of returnees?
3. To what extent has the UNHCR assistance provided to returnees been appropriate and timely. To what extent has it promoted self-reliance and sustainable reintegration in East Timor? How well did UNHCR make use of implementing partners in terms of identification, training, monitoring, and control?
4. How cost-effective has the UNHCR operation been? Have the outputs and impact of the programme been commensurate with the organization's inputs in terms of human resources and financial expenditure?

5. To what extent did UNHCR pursue an effective approach to the issue of separated children and the pursuit of a durable solution, including their reunification with family members?
6. What contribution has the UNHCR programme made to the UN operation in East Timor and the broader process of peacebuilding, and what was the extent and effectiveness of UNHCR's inter-action with other UN agencies and entities?

In addition to the questions listed above, the evaluation may also examine a range of other issues, including:

- the management structure established for the East Timor operation (in East Timor, within the region, and at Headquarters);
- human resource issues, including recruitment/assignment, timely deployment, competencies, staff training, staff welfare (including counselling), and staff security;
- logistical issues, including constraints in procurement, shipping, and port facilities;
- relations between UNHCR and its implementing partners;
- relations between UNHCR and other actors, including UN agencies, national agencies, and international military/police forces;
- fundraising, external relations, and public information dimensions of the East Timor operation;
- UNHCR's performance in different sectors, including shelter, health, etc.

The evaluation is expected to provide a comprehensive and empirically-supported analysis of UNHCR's repatriation and reintegration programme in East Timor, identifying lessons learned from the programme and drawing attention to examples of good and bad practice that can be incorporated in training activities, guidelines and manuals.

The evaluation will be undertaken in accordance with the mission statement of UNHCR's Evaluation and Policy Analysis Unit (EPAU), as well as UNHCR's evaluation policy. It will therefore involve extensive consultation with returnees and other stakeholders, and adopt an approach which is sensitive to the issues of age, gender and socio-economic differentiation of returnee populations.

The team engaged for this evaluation will be gender-balanced, bring a multicultural perspective to the project and have some familiarity with UNHCR, refugee and returnee situations, and the East Timor situation. One or more UNHCR staff members with evaluation and/or return and reintegration experience will participate in the review.

This evaluation will begin in March 2003 and will be completed by the end of May 2003. The selected consultancy team will undertake interviews and research at UNHCR's Geneva Headquarters, and will undertake missions to Indonesia and East Timor. The team is expected to develop an appropriate means of reaching staff of UNHCR/partner organizations who were involved at the height of the operation but have since left the area.

The report of this evaluation project will be placed in the public domain. UNHCR will not exercise any editorial control over the report but will provide comments on the draft and will proofread and format the report prior to publication. UNHCR reserves the right to publish a response to the report and to attach it as an annex to the report.

After the completion of the project, the team will be asked to prepare a brief 'lessons learned' report, analyzing the way in which the evaluation was managed and undertaken. This report will be used to enhance UNHCR's evaluation procedures and methods.

Following the completion of the evaluation report, the Bureau for Asia and the Pacific will prepare a management response to the review, explaining how its findings and recommendations will be utilized. The Steering Committee for the project will also be asked to make recommendations in this respect. The findings and recommendations of the project may be used as a basis for national or regional workshops, briefings to donor states, the Executive Committee and NGOs, and for training purposes.

EPAU

12.03.2003

Annex B:

Lessons learned from the evaluation process

The timeframe of the evaluation was problematic in several respects. Many key people could not be contacted or did not wish to re-open discussion on the issues, records had been stored, destroyed or lost. The completely different shape of the current operation meant that many of the lessons learned were not applicable to it and are only of value for future operations.

The time available for document review prior to starting interviews and the field mission itself was very short. This had the advantage that we went into interviews with relatively open minds, but the disadvantage that we spent time on asking interviewees questions, some of the answers to which could have been found in the documentation had there been more preparation time.

Most of the specific terms of reference (see Annex A) combined several questions which it would have been useful to separate out to provide a clearer basis for the semi-structured interviews. However, as the TOR had been pre-circulated to interviewees the evaluation team chose to stick with the existing format for the purpose of interviewing, but to separate them out for the purposes of the actual report.

The TOR also specified that the evaluation focus on the East Timor operation and not West Timor, a limitation which it was not always possible or desirable to adhere to in our discussions, and which many interviewees felt was an untenable division to make. In a sense therefore, this evaluation can only tell half the story. The other half of the story, about the West Timor operation, would make a critical contribution to our understanding of how to promote repatriation under exceptionally difficult and dangerous circumstances. While the evaluation team heard about some aspects of this, it was not possible for the team to visit West Timor or to do justice to these aspects within the existing TOR and time-frame. It is to be hoped that in due course UNHCR will undertake an evaluation of the other half of the story.

The combination of independent consultants with UNHCR staff members was extremely useful in that many possible areas of misunderstanding were avoided due to having inside knowledge of the organisation within the team. Our work in East Timor was also enormously assisted by being able to work with a long-standing UNHCR field assistant. His extensive knowledge and skills again enabled us to fast-track to some of the critical issues.

The whistle-stop tour of shelter projects highlighted the need for a far more comprehensive and systematic assessment of how the kits have impacted on the lives of recipients. As shelter kits are visible at some point in most settlements it was not difficult to find examples and people were very ready to explain how they had built

them, the pros and cons etc. In some cases where the shelter had not yet been completed and the owner evidently had another (better) house, it proved more difficult to find the beneficiaries. With more time it would have been useful to generate a sample of different categories of beneficiaries (e.g. returnees and IDPs and within these female headed households, etc.). This would require a proper sampling procedure and the time to conduct more in-depth research into what really happened in terms of allocation and impact on receiving households and communities.

Similarly with the QIPs, it was not possible in the time available to do more than gather some impressions. As in the case of shelter, those QIPs that were still operational were very willing to talk with us, but in those cases where the project had folded, the beneficiaries, fearing perhaps that UNHCR had come to ask for the money back at this late stage, proved very difficult to track down. The man who received a \$6,000 photocopying project (which eventually transformed into four goats) saw the UNHCR vehicle outside his house as he was coming home. He turned around and tried to leave, agreeing to talk with the evaluation team only after skilful persuasion from our UNHCR colleague.

Other areas which would benefit from a much more in-depth analysis, given the amount of effort put into them by UNHCR staff, would include the reconciliation activities initiated by UNHCR (including the cross-border activities of Oecussi and Baucau Field Offices), the Mass Information Campaign which all UNHCR staff seem agreed was impressive in scale but whose impact was difficult to gauge, and the whole question of separated children and the re-unification processes which have occurred.

Perhaps one of the most useful lessons learned regarding future evaluations, was the value in inviting respondents to give written comment to the first draft. These comments unerringly pinpointed where the evaluation team had insufficient or incorrect information and understandings, and identified a number of points where further evidence had to be given for points made. It also alerted the team to various points where the language was unclear or inappropriate. Our sense was that it afforded some respondents the opportunity to give their perspective on issues which had not arisen in interview with them but on which they had information or opinions. We hope that the final version goes some way to addressing all of the above. We would strongly recommend that future evaluations allow adequate time for this kind of iterative process, as in our opinion it contributed substantially to refining the content and argument of the final report.

Annex C:

List of people interviewed and sites visited

Geneva

Frederike Adlung (former Field Officer, Dili, UNHCR)
Jean-Marie Fakhouri (Director, Bureau for Asia and the Pacific, Geneva, UNHCR)
Liv Feijin (former Protection Officer, Dili, UNHCR)
Francois Fouinat (former Director, Bureau for Asia and the Pacific, Geneva, UNHCR)
Anna Greene (former Protection Officer, Dili, UNHCR)
Iain Hall (Senior Field Officer, Dili, UNHCR)
Raymond Hall (former Regional Representative, Jakarta, UNHCR)
Andrew Harper (former Programme Co-ordinator, West Timor and Manager, Joint Operations Centre, Dili / Senior Desk Officer, Bureau for Asia and the Pacific, UNHCR)
Catherine Huck (Head of Desk, Bureau for Asia and the Pacific, Geneva, UNHCR)
Toshitsuki Kawauchi (former Protection Officer, Dili, UNHCR)
Dennis McNamara (former Deputy Special Representative of the Secretary General, Dili, UNTAET)
Ekber Menemencioglu (former Special Envoy for Timor operation, Jakarta, UNHCR)
Ruvendrini Menikdiwela (former Senior Regional Legal Adviser, Bureau for Asia and the Pacific, Geneva, UNHCR)
Josef Merckx (Senior Desk Officer, Americas Bureau, Geneva, UNHCR)
Maria Corinna Miguel-Quicho (Senior Protection Officer, Department of International Protection, Geneva, UNHCR)
Hitoshi Mise (Deputy Director, Bureau for Asia and the Pacific, Geneva, UNHCR)
Milton Moreno (Senior External Relations Officer, Bureau for Asia and the Pacific, Geneva, UNHCR)
Jake Morland (former Field Officer, Batugade, UNHCR)
Olivier Mouquet (former Field Officer, Batugade, UNHCR)
Alphonse Munyaneza (former Field Officer, Suai, UNHCR)
Filip Papas (former Protection Officer, Dili, UNHCR)
Aleksandar Radlovic (former Associate Supply Officer, Dili, UNHCR)
Stane Salobir (former Senior Programme Officer, Dili, UNHCR)
Craig Sanders (former Head of Office, Kupang, UNHCR)
Boonshan Sangfai (former Head of Sub-Office, Baucau, UNHCR)
Anthony Selmes (former Senior Adminin Officer, Dili, UNHCR)
Dubravka Suzic-Kofi (Senior Social Welfare Officer, Division of Human Resources Management, Geneva, UNHCR)
Cathy Walker (former Head of Desk, Bureau for Asia and the Pacific, Geneva, UNHCR)
Robert White (former Deputy Regional Representative, Jakarta, UNHCR)
Helen Widdowfield (former Community Services Officer, Dili, UNHCR)
Bjorg Frederiksen (former Community Services Officer, Dili, UNHCR)

Minda Hedges (former IRC co-ordinator, Dili)
Charmain Mohamed (former Human Rights Officer, UNTAET)
Tom Petocz (former Shelter manager, Save the Children, US)
Rachel Roy (Auditor, UN)

East Timor

Sieneke Martin (CARITAS Australia)
Fernando daCosta (CARITAS Australia)
Janet Hunt, Consultant, NGO Forum, Dili
Timothy Hudner, Political Affairs UNMISSET (previously UNTAET)
Joao Pequihno (Human Rights Unit, UNMISSET)
Micaela Pasini (Human Rights Unit, UNMISSET)
Carolyn Graydon (Human Rights Unit, UNMISSET)
Richard Bennet, Acting Director of the HRU (Human Rights Unit, UNMISSET)
Jacqueline Pomeroy, World Bank
Sukehiro Hasegawa, (Deputy Special Representative of the Secretary General, UNMISSET, Dili)
Luiz Vieira (Chief of Mission, IOM Dili)
Annika Timonen (IOM Dili)
John Mitchell, (Counsellor, Australian Embassy, Dili)
Captain Asadul Haque, 19th Battalion Bangladesh Infantry Regiment (UNMO Batugade)
Jamieson Davis, (Country Representative, Catholic Relief Services, Dili)
Moises da Silva, (Human Rights Monitoring Department, Yayasan HAK, Dili)
Nug Katjasungkana, (Empowerment Department, Yayasan HAK, Dili)
M. Olandina I.C. Alves, (Director, East Timor Women Against Violence & for Children - ET-Wave)
Isabel Guterres, National Commissioner CAVR (Comissao de Acolhimento, Verdade e Reconciliacao de Timor Leste - Commission for Reception, Truth and Reconciliation in East Timor)
Jose Julio, (Reception Staff, CAVR)
Patrick Burgess, (Principal Legal Counsel, CAVR)
Nemisio Lopes De Carvalho, (former leader of Mahidi Militia)
Mr Afhan, (Community Leader, Dili Main Mosque)
Daniel Da Silva, (Viqueque District Commissioner for CAVR)
Andre Da Silva, (headmaster of Venilale Junior High School)
Carolina Do Rosario, (Regional Commissioner CAVR Baucau)
Manuel da Costa Pinto, (UNDP Baucau)
QIP Recipients: Blacksmith (Liquica), Vehicle repair workshop (Liquica), Carpentry workshops (Ossu/Waibua, Manatuto, Viqueque), Chicken Farm (Baucau), Photocopier (Baucau)
Shelter recipients in Kaisait, Aitos, Aileu, Lawuss
People in Mulo Village (re priests house)

UNHCR Dili

Nilton Antonio Aniceto (Field Assistant)
Alberto Carlos (Assistant Protection Officer)
Rui Lourenco Da Costa (Field Assistant)

Manuela Caceres Da Cruz (Programme Assistant)
Manuel Carceres Da Costa (Protection Assistant – Separated Children)
Sandra Langenbach (Focal Point on separated children)
Mary Jane Lung (Programme Officer)
Kai Nielsen (Head of Liaison Office)
Ivone Patrocinio (Finance Assistant)
Martino Pereira (Human Resources Assistant)
Miles Robertson, (RedR consultant)
Amelia dos Santos (former Field Assistant)
Akiko Shiozaki (Field Officer)
Andreas Wissner (Protection Officer)

Jakarta

Michael Elmquist (OCHA Jakarta)
Colin Stewart (Head of Jakarta Office, UN Mission of Support in East Timor)
Phone interview: Fr Peter Hosking, former director of Jesuit Refugee Services, East Timor
John Weir (Red R consultant)

UNHCR Jakarta

Robert Ashe (Regional Representative)
Stephane Jaquetmet (Deputy Regional Representative)
Ery Kusuma P. Jaya (Separated children consultant)
Daniel Yuliadi (Senior Protection Clerk)
Fernando Protti-Alvarado (Assistant Regional Representative; Programme)
Pujiono (Expert for Emergency Management and Community Services)
Jose Alejandro Gaitan Rey (Senior Regional Supply Officer)
Rosa Maria Sierra Sierra (Protection Officer)
Boris Valentic (Senior Administrative/Finance Officer)

London

Catherine Sexton, CAFOD

It should be noted that a number of people who played key roles in the UNHCR operation were approached but declined to participate in the evaluation process. A number of others were not contacted due to the severe time constraints.

It should also be noted that the functional title mentioned in this report may not reflect all the functions that they may have performed during the operation. Where the 'former' title is given, it is to indicate that they no longer hold that position.

Annex D:

Acronyms

CAVR	Commissao de Acolhimento, Verdade e Reconciliacao (Commission for Reception, Truth and Reconciliation)
CNRT	Conselho Nacional da Resistencia Timorese
COP	Country Operations Plan (UNHCR)
CVTL	Cruz Vermelha de Timor Leste (East Timorese Red Cross)
DIP	Department of International Protection (UNHCR)
Fretilin	Frente Revolucionaria de Timor Leste Independente Revolutionary Front for Independent East Timor (established 20 May 1974)
Falintil	Forcas Armadas de Timor Leste (East Timor National Liberation Army)
GoRI	Government of the Republic of Indonesia
HRO	Human Rights Officer (UNTAET)
HRU	Human Rights Unit (UNTAET)
ICRC	International Committee of the Red Cross
IDP	Internally Displaced Person
IOM	International Organisation for Migration
IP	Implementing Partner
IRC	International Rescue Committee
JOC	Joint Operations Center
JRS	Jesuit Refugee Services
NCC	National Consultative Council
OCM	Office of Charge de Mission (UNHCR)
NFI	Non Food Item
NGO	Non-Governmental Organisation
OIOS	Office of Internal Oversight Services
SOPs	Standard Operating Procedures
SRSG	Special Representative of the Secretary General
TFET	Trust Fund for East Timor (World Bank funding)
TNI	Tentara Negara Indonesia (Indonesian National Army)
UNTAS	Uni Timor Aswain' the principle umbrella organization of militia groups in East Timor in 1999
UN	United Nations
UNAMET	United Nations Mission in East Timor (May – September 1999)
UNTAET	United Nations Transitional Administration in East Timor (October 1999- May 2002)
UNMISSET	United Nations Mission of Support to East Timor (May 2002- June 2004)
UNDP	United Nations Development Programme
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNMO	United Nations Military Observers

REPATRIATION AND REINTEGRATION IN EAST TIMOR

UNOCHA	United Nations Office for Co-ordination of Humanitarian Affairs
UNPOL	United Nations Police
UNSECOORD	United Nations Security Co-ordinator
INTERFET	UN-sponsored International Force in East Timor (September 1999 – October 1999)
UNPKF	United Nations Peace Keeping Force
UN CivPol	United Nations Civilian Police – changed to UNPOL in 2002
UNV	United Nations Volunteers

Annex E: Map of East and West Timor

