



COUNTRY OPERATIONS PLAN

Country: Timor-Leste

Planning Year: 2004

Liaison Office (UNHCR Representation in) Timor-Leste
Country Operations Plan
(January – December 2004)

Part I: Executive Committee Summary

(a) Context and Beneficiary Population

Political context

East Timor^{/1} experienced considerable social and economic upheaval after its people voted for independence from Indonesia in a referendum held in August 1999. Over two thirds of the population was displaced in the weeks following the ballot results. An estimated 260,000 persons fled to West Timor (Indonesia), and an estimated 70 per cent of the public infrastructure was destroyed or rendered inoperable. Soon after the violence ceased, voluntary repatriation commenced and East Timor began rebuilding itself with the support of the international donor community, the United Nations and NGOs. On 20 May 2002, after a quarter of a century of conflict, the Democratic Republic of Timor-Leste became the first new nation of this millennium.

East Timor's first presidential elections were held in April 2002, with Kay Rala Xanana Gusmão winning with a substantial majority. President Gusmão continued to actively promote the return of refugees and the reconciliation process.

Timor-Leste has started to put into force its Constitution and to put into practice the mechanisms it provides. Substantial progress has been made in the rehabilitation of the economy, the reconstruction of infrastructure, the reintegration of some 225,000 refugees who voluntarily repatriated, and the building of a State in conformity with essential democratic rules and principles.

In December 2002, the Timor-Leste Parliament signed the 1951 Convention relating to the Status of Refugees and the 1967 Protocol. The Convention and Protocol were promulgated at the UN in New York on 7 May 2003. On 31 December 2002, UNHCR announced that the cessation clauses contained in the UNHCR Statute and in the 1951 Convention applied to refugees from East Timor who fled as a result of events occurring prior to 25 October 1999. This decision affects the estimated 25,000 to 28,000 East Timorese who remain in West Timor.

While the leadership of President Gusmão is seen by most as key to the stability and reconciliation of the Timorese people, there is considerable concern that a number of East Timorese will be deeply disappointed by the feeble economic outlook over the short to medium term. Lack of employment and inadequate public services may provide an opportunity for political rivals to reverse the reconciliation the East Timorese have fought so diligently to foster. There is also fear that militia leaders could re-emerge as dangerous local power brokers.

Security situation

In the months preceding the establishment of the United Nations Mission in Support of East Timor (UNMISET) in May 2002, East Timor had successfully held two national elections, both of which took place without violence. The establishment of the country's Government, public administration, police and armed forces proceeded smoothly.

^{/1} The term "East Timor" is used herein in conjunction with events occurring before independence. Thereafter, the term "Timor-Leste" is used, but its nationals are still referred to herein as "East Timorese"

However starting in late 2002, there has been a significant increase in the frequency and magnitude of security related incidents. Disturbances in Baucau in November 2002 were followed by riots in Dili on 4 December during which 17 Timorese sustained gunshot injuries and two of them died. On 4 January 2003, a group of 20 to 30 armed men attacked villages near the town of Atsabe, and five people were killed. On 24 February, a small group of armed men attacked a bus travelling from Maliana to Dili. Two people were killed and five were injured.

There have been suggestions that former militia members were involved in these incidents and that these militias and other armed groups, some of whom may be from within the former refugee population still in West Timor, may be establishing bases within Timor-Leste with the objective of undermining stability.

These events demonstrated the scope of the problems that might emerge and the possible inadequacy of the Government's capacity and means to address them. In early 2003, in view of these incidents, in early 2003, UNMISSET readjusted its downsizing plan, while still withdrawing by mid-2004.

West Timor continues to be designated by UNSECOORD as a Security Phase V area and only time limited, ad-hoc missions are undertaken to promote voluntary repatriation, in coordination with the Government of Indonesia. During 2002, intimidation and control by militia elements in the refugee camps in West Timor, along with considerable misinformation about the socio-economic situation in Timor-Leste, combined with the lack of a permanent UNHCR presence in West Timor, made it particularly difficult to carry out standard protection activities in West Timor.

Protection issues

In May 2002, the High Commissioner, after consulting the Presidents of Indonesia and Timor-Leste, announced his intention to invoke the cessation of refugee status for East Timorese refugees by the end of 2002. Following a review of progress made against a number of benchmarks, including peaceful transition to independence, a legal framework with human rights protection and due process of law for returnees, UNHCR formally declared cessation as of 31 December 2002. From this date on East Timorese in Indonesia were no longer presumed to be refugees as conditions in Timor-Leste had improved substantially and as East Timorese who had opted to remain in Indonesia had access to local integration, including Indonesian citizenship. Since repatriation or local settlement in Indonesia became available, East Timorese were in principle no longer in need of international protection, as national protection was available to them.

UNHCR's declaration of the cessation clause contained three important provisos:

- a) Cessation of refugee status is a rebuttable presumption; specific individuals may be in need of international protection after 31 December 2002, in which case they should continue to be recognized as refugees on an individual basis.
- b) UNHCR will continue to monitor return and has protection responsibilities vis-à-vis returnees in Timor-Leste for a certain period of time after the cessation clause is declared. In the context of a new State, with considerable challenges in terms of capacity building, in particular with respect to the police and the judiciary, the international community has a duty to uphold human rights and contribute to the strengthening of effective mechanisms to redress abuses.
- c) UNHCR will ensure that East Timorese remaining in Indonesia have access to Indonesian citizenship, including non-discriminatory access to registration and national identity documents.

A particular protection concern are the remaining separated East Timorese children. With the passage of time, these cases are becoming more difficult to resolve due to the caretakers' unwillingness to cooperate.

UNHCR's role

In view of cessation having been declared as of 31 December 2002, UNHCR's direct protection monitoring responsibilities are expected to cease towards the end of 2003 when the last 500 to 600 cases having been identified as in need of protection assistance will have been processed. In the meantime, closer links are being established with the Commission for Reception, Truth and Reconciliation (CAVR) and the UNMISSET Human Rights Unit so that these institutions play an active role in cases involving reconciliation or, for example, in assisting UNHCR to deal with SGBV issues.

In 2004, UNHCR's main focus will be on the reunification (or identification of other solutions in their best interest) of separated children, the adoption of national legislation on asylum, the creation of asylum institutions and interventions on behalf of individual asylum seekers. Interventions on behalf of former returnees will also be undertaken as required. In early 2004, a review will be undertaken concerning the size of a continuing UNHCR presence in Timor-Leste beyond 31 December 2004.

Overview of each beneficiary population

During 2004, the only "direct" beneficiary population will be separated children of whom, as at 31 July 2003, UNHCR and its implementing partners had registered 4,531. Of these children, 2,289 were reunited with at least one of their parents and 1,585 cases were closed for reasons other than reunification (such as reaching the age of 18, death of the child or both parents, a foster family having been identified with the consent of both parents and children, etc.). As of 31 July, the total number of children who were still separated from their parents (open cases) was 657 (271 in West Timor, 108 in Timor-Leste and the rest in other islands of Indonesia). It is difficult to estimate how many cases will still remain open at the end of 2003, but it should be noted that these remaining cases are the most difficult ones, where the caretakers are often uncooperative and unwilling to facilitate even basic communication (such as exchanges of messages) between the children and their parents.

Linkages to other countries within a defined "situation"

As at 31 July 2003, there were an estimated 25 to 28,000 former East Timorese refugees remaining in West Timor. During 2003, UNHCR continued to support the Government of Indonesia's plan to seek durable solutions, i.e. local sustainable integration and limited residual repatriation to Timor-Leste, with a planned phase-out by late 2003. Thereafter, UNHCR's operational linkages between Timor-Leste and Indonesia will mainly concern separated children.

Capacity and presence of implementing partners and UN agencies

In addition to the ongoing collaboration with UN agencies and local and international implementing partners, working with the Government of Timor-Leste will continue to be a UNHCR priority. A further UNHCR phase-down will be successful if there is a national structure in place capable of dealing with issues previously handled by the Office.

(b) Selected Programme Goals and Objectives

(i) Name of Beneficiary Population: East Timorese separated children.	
Main Goal(s): The reunification of (or other solution in the best interest of) separated children.	
Principal Objectives	Related Outputs
<ul style="list-style-type: none">• To continue efforts to identify and implement solutions in the best interest of separated children, including family reunification.• To ensure that reunited children are successfully reintegrated.	<ul style="list-style-type: none">• Durable solutions are identified and implemented.• Reunited children benefit from identical rights as other East Timorese children.

(ii) Name of Theme: Protection of refugees and assistance to asylum seekers.	
Main Goal: To ensure that asylum seekers arriving in Timor-Leste are dealt with by the authorities in accordance with international standards, and to assist with the protection of asylum cases.	
Principal Objectives	Related Outputs
<ul style="list-style-type: none">• Ensure protection of persons who justifiably seek asylum in Timor-Leste and facilitate an appropriate durable solution.• Implementation of RSD by the Government of Timor-Leste is done according to international standards and to national legislation.	<ul style="list-style-type: none">• Provide RSD process in lieu of non-existence of State procedures.

(iii) Name of Theme: International protection.	
Main Goal(s): Development of national institutions concerned with refugee protection.	
Principal Objectives	Related Outputs
<ul style="list-style-type: none">• Stateless persons in Timor-Leste benefit from ratification and application of the 1954 and 1961 Conventions on Statelessness.• Refugees and asylum seekers benefit from national legislation conforming to international standards.	<ul style="list-style-type: none">• National legislation prepared and implemented.• Members of Parliament are aware of the pros and cons of the respective refugee/statelessness instruments.• East Timorese population is made aware of refugee issues.