

4. East Timor

4.1 Definition of a minority in East Timor

There is no formal definition of “minority” in the constitution or other legislation of East Timor. Resuming the different answers collected through the interviews, a minority is seen as a small group within society which distinguishes itself by religious, political, social, economical or socio-cultural aspects because of different beliefs, way of life or way of voting, in a certain situation, place or area. Within this group, there is a shared understanding about certain issues that the minority perceives in a certain way, distinct from the majority’s. Furthermore, a minority is a vulnerable group.

4.2 The situation of minorities in East Timor

The majority of the Timorese people had to leave their homes during the Indonesian occupation from 1975 until 1999, and during the violence following the referendum in September 1999. A people of approximately 800,000 individuals in total, around 500,000 persons were dislocated in the first years of the Indonesian rule alone – mostly within, but also outside the country. In the 1980s, about 90 % of the people lived in other places as they used to do. After 1999, approximately 250,000 refugees¹ lived in West Timor; others opted for Australia or Europe (especially Portugal) as country of exile.

By now, many have already returned. By the end of 2002, around 222,000² refugees had come back from Indonesia, of which 178,000 were assisted by IOM and UNHCR. But there are still around 28,000³ refugees in West Timorese camps who, since 2003, are not considered refugees anymore, so that UNHCR has no mandate⁴ – the responsibility is entirely in the hands of IOM now. Recently, the government is discussing a new immigration and asylum law, so that there should be a proper regulation soon.

Applying a sociological perspective, minorities in East Timor could be systematised according to the following criteria:

Religious criteria: Muslim (0.7 %) and Protestant (2–3 %) community

There are 5 to 6,000 Timorese Muslims and some Indonesian Muslims in East Timor, the latter often married to a Timorese partner. Being the state religion of Indonesia, Islamism was much stronger during the occupation, but now the number of Muslims declined, so that the community is very small: “its a bit like one big family”, as one member put it.

There is no significant discrimination to mention: The democratically elected Prime Minister Mari Alkatiri is Muslim. Although there are other popular Muslim independence fighters, like Hami Sata, a founding member of FRETILIN⁵, most of the Muslims opt rather for integration with Indonesia, but this opinion is tolerated by the majority. Also culturally, there is space for expression: the Muslim representatives were invited for the ordination of the new bishop, and during the Independence celebration, Muslim music is an undisputed point of the programme. Internally, Timorese and Indonesian Muslims got separated by the “Mosque-issue”: UNHCR helped a group of Indonesian Muslim refugees who had lived in East Timor for years to return to Dili, but since their houses were destroyed, as most houses in East Timor, they went to live

¹ In this report, the term “refugee” implies a border crossing, whereas IDP – Internal Displaced Person(s) describes someone who had to flee inside the country. This is of special importance in the Timorese context, where so many people (men, women and children) lived hidden in the forests for years to protect themselves and fight for independence.

² Source: UNHCR. IOM figure: 250,000 returnees.

³ Source: UNHCR.

⁴ Nevertheless, UNHCR support for repatriation continues in the form of monitoring, protection and cooperation with the police, the local government, and others.

⁵ FRETILIN – Frente Revolucionária de Timor-Leste Independente, Revolutionary Front of Independent East Timor.

in the Mosque. Nearly all of the around 80 men, women and children have no papers and no residence permit, so that the government cannot solve the issue by resettling them somewhere else. At the same time, the Timorese Muslims pressurise the government to do something, because in their eyes, the Mosque is for praying, not for living. Therefore this is rather an immigration issue than a religious one.⁶

Ethnic criteria: Chinese community (less than 1 %)

The Chinese minority in Timor, in general, belongs to the economically active and successful sector of society. In general, they are respected because their economic mindedness is interpreted positively due to the job creation involved. Nevertheless, during the riots in December 2002, when the population released its frustration about unfulfilled expectations concerning the democratisation and welfare progress, the shops of Chinese people were amongst the targets of destruction. A big part fled temporarily, but came back afterwards. Apparently, there is no hostility left from that time.

Criteria of nationality: foreigners, especially Indonesians

There are some few Indonesians who either are married to Timorese or belong to the Muslim community living in the Mosque. Apart from them, there are also refugees who came back from exile, (e.g. from Portugal), and are not willing to give up their second passport and therefore the entrance to the former host country. The reasons for this decision are various: Some might still have children living and studying in Europe or Australia, others might not yet trust the security situation yet, etc. They point out the foreigner tax they have to pay (1 USD/day) as an unfair, discriminating treatment.

Political criteria: “pro-autonomists”

So-called ‘Pro-autonomist’ refugees (and those who have (family) ties to them), who returned from exile in Indonesia, are defending or once defended an incorporation of East Timor into Indonesia as an autonomous region, as opposed to the defenders of a truly independent country. Their community reintegration was and still is more problematic: even mostly well received in the villages, they often felt morally regretful, timid, and ashamed of having voted against independence. A community reintegration process, facilitated by the CAVR – Commission for Reception, Truth and Reconciliation, is necessary to overcome those difficulties and re-establish peace and security in the country.

Social criteria: “security groups”

There are some undefined groups (so-called ‘security groups’) in different parts of the country evolving, constituted by unhappy people who are not satisfied with the actual situation and therefore do not accept the government, the democracy and the republic. It is not sure whether they work together, neither who is a member (young unemployed, ex-militias, ex-fighters, poor people, workers unionists, farmers, criminals, etc.) or what is their aim, so that it is difficult to interpret their occurrence and development.

Residence criteria: returnees

Partially, the ex-refugees altogether (coming back from Europe, Australia, Indonesia, etc.) are treated as “minority” – opposed to the “majority” who stayed in Timor, often IDPs. But on the other side, the returned refugees interviewed do not see themselves as member of a minority. They feel treated as any other citizen.

In terms of living conditions, security, freedom of movement and income opportunities, there is hardly any difference between minorities and majorities in East Timor: the situation is

⁶ In November 2004, the Timorese authorities imprisoned five leaders of the Indonesian Muslims in the Mosque with the intention to repatriate the entire group.

equally precarious and economically insecure, “everybody is vulnerable”, as an IRC representative explained. The high unemployment and underemployment (around 50 %) and the poverty hits everybody, be it minority or majority, returnee or not.

There is contradictory information about the access to civil servant positions, like the police and the military. Since Indonesia only employed regime-friendly Timorese by the time, those were the only ones with experience and training for these jobs. This fact, together with corruption and nepotism, means that to a large extent, the same people that worked in the administration before the independence are the ones working on it nowadays.

On the other side, there are other (ex-) pro-autonomists, for whom the access to those positions seems to be not as open. Other returnees have a privileged access to government administration and other institutions (UNMISSET, NGOs), because of the access to education they used to have in Australia or European countries, like language skills etc., and because of the links and partnerships established in exile.

In terms of education, everything is centralised. In that way, the schools in Dili are much better than in the rest of the country. The same is true for the health system, which in general is in a very bad condition – there are not even 30 Timorese doctors in the whole country. But everyone – minority or refugee or not – is equally affected by this situation, therefore it is not an issue of discrimination, but of infrastructure. In that sense, the common opinion seems to be that the few discrimination and injustice existing is rather due to economic reasons than a minority-majority-clash.

4.3 The national institutional framework and its responsibilities

There is no responsible body for minorities and refugees. The issue is treated in the Ministry of Interior as a nationality and visa issue and in the Ministry for Employment and Solidarity as a social issue. The UNMISSET Human Rights Section is responsible for observing the Human Rights situation in general, therefore also the situation of returnees.

4.4 National and international NGOs facilitating the return of minorities

NGO or International Organisation	Activities facilitating return
INDE – intercooperação e desenvolvimento, srl.	Voluntary return programme, mentoring, counselling, vocational and business start-up training, creation of an individual life project in Portugal, flight, mentoring in TL. Co-financed by ERF – European Refugee Fund.
IOM – International Organization for Migration	In TL since 1999, return programme: registration, information, transport, border camps: “repatriate, rebuild, empower”. Recently, basic infrastructure building in Baukau and Lospalos.
UNHCR – United Nations High Commissioner for Refugees	In TL since 1999 until 2005, return programme (protection, “shelter programme”) until 2002: construction material, food, medicine, clothes, utensils, emergency relief, for returnees, IDPs and people who stayed. Today: Monitoring in destination village, “safe house” for negotiation with community in cooperation with local authorities, Protection.
OXFAM	Aid programme in refugee camps in West Timor
CONCERN	Distribution of construction material

JRS – Jesuit Refugee Service	Left 2002, return and reintegration programme
CAVR – Comissão de Aceitação, Verdade e Reconciliação (Commission for Reception, Truth and Reconciliation)	Community Rebuilding. Collection of Testimonies about Human Rights Abuses and Violations 1975–1999, community-based reconciliation process with follow up, report and sensibilisation work. Financed UN-independently of a donor group.
UNMISSET – United Nations Mission in East Timor, Human Rights Section	Observing Human Rights Situation, monitoring UNHCR return programme.
UNICEF	Family-reunion, displaced children.
IRC – International Red Cross Red Crescent	Tracing back displaced children, family reunification.
Yayasan HAK	Human Rights NGO, assisted returnees in 1999/2000.
CJPAV – Centro de Juventude Padre António Vieira	Individual help, shelter, transport, protection, food, cloths, etc.

4.5 Perceptions and expectations among the minority groups

Most interview partners thought the return programmes having been successful in protecting the families and bringing the refugees back. Especially the training during the preparation phase in the host country proved to have positive results. This leads to the widespread opinion that a thorough preparation before the return in the host country is determinant for the success of a sustainable reintegration process afterwards.

The emergency relief and humanitarian aid of the UN, like shelter, construction material, food etc. sometimes provoked social jealousy against the returning refugees, especially if those had belonged to a militia group: “they left and took our things with them; then they came back – without our things, and received new things from the UN. After only a short time, they already had reinstalled themselves, they had jobs in the police force, etc. – not the ones who stayed”, as one interview partner described it. Later, this was changed and also IDPs and non-refugees received help, from UNHCR, but also from other NGOs.

Being in a post-conflict situation, the awareness of the high importance of a reconciliation process in order to bring justice to human rights violations and abuses is wide spread – both, among the refugees as among the organizations. The president took a strong stand for reconciliation, and also within the society this feeling is generalised: “people don’t speak about revenge”, as a representative of IRC said. In terms of social reintegration, the work of CAVR was the key factor in re-establishing community life – especially because its integrative approach included everybody, returnees and non-returnees, and supported a strong role of the community leaders. Nevertheless, not all victims are satisfied: The severe cases cannot be entirely solved, like loosing a family member.

Chances for successful reintegration also depends on the family’s reaction to the idea of return. Sometimes, a feeling of betrayal persists. It needs some time of re-adaptation until these feelings, on both sides, can be expressed openly and re-create confidence.

Some of the interviewed refugees pointed out the lack of post-arrival support, in financial terms (credit schemes, start help, etc.), but also concerning counselling and mentoring during the implementation phase of their personal life project in the first months after return. They felt left alone in this new and difficult situation, and did not find adequate help and advice.

4.6 Perceptions and expectations among the officials

There is very little concern about the issue of refugees returning as minorities amongst officials in East Timor. Only UNHCR monitors those small groups especially, because they could have more difficulties as the Timorese majority. All interview partners pointed out the appropriate Human Rights guarantees in the new modern Timorese constitution, which fully protect the basic and human rights.

There are no specific minority rights rooted in the constitution, but the interview partners also did not find that necessary in the East Timor case because in fact very little discrimination against minorities exists.

There is also a broad consensus about the importance of reconciliation on national and community level, and of penalisation of Human Rights abuses and violations in front of the court, in order to achieve and sustain justice and peace.

Another central issue are legal changes, especially in relation to property rights. Since the current Timorese legislation consists of pre-1975 Portuguese law, Indonesian law and post-2002 Timorese law, there is a confusing insecurity in terms of the legal situation. This is especially relevant with respect to houses, and influences the economic activities immensely. Most interview partners pointed out that the preparation process before the return strongly influences the sustainability of the refugee's reintegration. The better informed, trained and psychologically prepared the returnee is, the higher are the chances for success.

4.7 Perceptions and expectations among the NGOs

To a large extent, the perceptions and expectations among the NGOs correspond to those among the officials. There is no special concern about minority issues because of the well-done constitution and the low level of discrimination in Timorese society nowadays. There are no refugee or minority organisations⁷ claiming special rights.

The UN Anti-Discrimination Convention is ratified by the government, but its implementation takes time. Apart from this formal way to fight discrimination, other measures like awareness raising campaigns, participatory civil society and democracy training is seen necessary by a CAVR representative, in order to change the attitudes shaped under the culture of violence during Indonesian occupation.

Moreover, agricultural activities are perceived as very important – both in terms of food security, nutrition and health, but also as an employment and environment issue.

The access to information is decisive, as the Human Rights NGO Y-HAK and other interview partner underline. For example in the refugee camps in Indonesia, rumours were spread about the dangerous situation in East Timor, and therefore people did not come back. Especially in this country with a high illiteracy rate and a broad variety of languages, national and community radio are the appropriate means to reach people, particularly in remote areas.

4.6 Recommendations and Conclusions drawn from the findings

The findings of the interviews show that return and reintegration projects consist of two essential and equally important parts: the preparation phase in the host country and the socio-economic reintegration phase in the country of origin. They should be build upon each other and include cooperation and information flow with the community and the local authorities. Therefore, networking is an important tool, so that concerted actions with all involved players can be realised. This already shows that, in order to be sustainable, such a programme only make y sense with a community-based and participatory approach, working locally to strengthen democratic decision making processes and the civil society both in the host

⁷ Only the Timorese Muslims are organised and represent around 5.000 persons.

countries as in the countries of origin. In this respect, it is important to underline that the identification of reliable information sources and the continuous checking of the received information is essential in all stages of the programme.

Relating to the preparation phase, there is a range of important issues mentioned broadly in the interviews, such as education and training, language courses in the mother tongue (especially for children who live for years in exile), creation of an individual life project for economical self-sustainability, intense mentoring, counselling and advising, and providing detailed information about the current situation in the country of origin (in terms of security, social reality, market situation, and so on).

Concerning the post-arrival phase, a glaring lack of economic reintegration projects in East Timor is obvious to the interviewed target group representatives, officials and NGOs. None of the organisations provided support in terms of income-creating activities, vocational or on-job-training schemes after the return. Also, continuing mentoring and advising during the initial phase of the life project implementation was found to be helpful.

Furthermore, these programmes should be incorporated in a wider perspective, linking with development projects and the fight against poverty and social exclusion.

Not only the perspective, but also the target group should be enlarged: Development projects should aim at the population in general and help everybody who is in need, also the returned refugees, but also their old and new neighbours. This points out the necessity of an integrated approach, especially in relation to the overall conditions of poverty.

All those methodological positions should be based on the fundamental paradigm of an individualised approach, taking into account that each case is different from the other, perhaps needing a different way of support or time schedule. The projects, therefore, should be characterised by enough flexibility so that the frame can suit different persons in different situations.

Also, gender issues have to be taken into account in all phases of the project. Return and reintegration have different effects on men and women – both voices should be carefully heard and equally weighed.

Apart from that, it should not be forgotten that it is never easy to go back. Returning implies once again another complete change of the life situation and the social relations. More than that, the context in the home country changed in the meantime, even more so in cases where the exile lasts for years during which the vision of “home” was the only source of hope and strength. The re-adaptation to a changed situation where everything reminds on the losses is a complex and problematic process.

A final important point is the necessity to transform the community’s atmosphere so that refugees can feel welcome back. In that respect, the local authorities and the civil society play a central role.