

Defining Heroes: Key Lessons from the Creation of Veterans Policy in Timor-Leste



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Defining Heroes: Key Lessons from the Creation of Veterans Policy in Timor-Leste

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ABBREVIATIONS AND ACRONYMS

AAC	Association of Former Combatants (<i>Associação Antigos Combatentes</i>)
AusAID	Australian Agency for International Development
CAAC	Commission for Matters of Former Combatants (<i>Comissão para os Assuntos dos Antigos Combatentes</i>)
CAQR	Commission for Matters of Cadres of the Resistance (<i>Comissão para os Assuntos dos Quadros da Resistência</i>)
CAVF	Commission for Matters of Veterans of Falintil (<i>Comissão para os Assuntos dos Veteranos das Falintil</i>)
CAVR	Commission for Reception, Truth, and Reconciliation (<i>Comissão de Acolhimento, Verdade e Reconciliação</i>)
CCD	Data Consolidation Commission (<i>Comissão Consolidação de Dados</i>)
CHSRR	Commission for Tribute, Supervision of Registration and Appeals (<i>Comissão de Homenagem, Supervisão de Registo e Recurso</i>)
CLN	Combatant of National Liberation (<i>Combatente de Libertação Nacional</i>)
CNRT	National Council of Timorese Resistance (<i>Conselho Nacional da Resistência Timorense</i>)
CPD-RDTL	Committee for the Popular Defense of the Democratic Republic of Timor-Leste (<i>Committee para Defesa Popular – República Democrática Timor-Leste</i>)
CVD	Data Validation Commission (<i>Comissão de Validação de Dados</i>)
CVLN	Veteran Combatant of National Liberation (<i>Combatente Veterano da Libertação Nacional</i>)
DNACLN	National Directorate for Combatants of National Liberation (<i>Direcção Nacional dos Antigos Combatentes de Libertação Nacional</i>)
DDR	Disarmament, Demobilization and Reintegration
ECLN	Statute of National Liberation Combatants (<i>Estatuto dos Combatentes da Libertação Nacional</i>)
Falintil	Armed Forces for the National Liberation of Timor-Leste (<i>Forças Armadas de Libertação Nacional de Timor-Leste</i>)
F-FDTL	Falintil Defense Force of Timor-Leste (<i>Falintil-Força Defesa de Timor-Leste</i>)
FRAP	Falintil Reinsertion Assistance Program
Fretilin	Revolutionary Front for an Independent Timor-Leste (<i>Frente Revolucionária de Timor-Leste Independente</i>)
GDP	Gross Domestic Product
INTERFET	International Force for East Timor

MSS	Ministry of Social Solidarity
NGO	Non-governmental organization
SEACLN	Secretary of State for Former Combatants of National Liberation (<i>Secretario de Estado para os Assuntos dos Antigos Combatentes da Libertação Nacional</i>)
TNI	Indonesian National Army (<i>Tentara Nasional Indonesia</i>)
UDT	Timorese Democratic Union (<i>União Democrática Timorese</i>)
UN	United Nations
UNDERTIM	National Democratic Union of the Timorese Resistance (<i>União Nacional Democrática de Resistência Timorese</i>)
UNDP	United Nations Development Programme
UNTAET	United Nations Transitional Administration in East Timor
USAID	United States Agency for International Development

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Executive Summary

1. A challenge common to most post-conflict countries is the need to recognize and assist former combatants. This is particularly true in countries emerging from a liberation struggle. Veterans policies help define the role of former soldiers in civilian life, and incorporate the needs of former fighters into long-term planning. If well designed these policies assist the vulnerable, provide compensation for service, contribute to social inclusion, are an important element of reconciliation, and help consolidate peace.
2. Timor-Leste has been reasonably successful at addressing this challenge. Following agitation by veterans organizations in the months surrounding independence in 2002, the then President José Alexandre ‘Xanana’ Gusmão moved quickly to initiate a process to develop a veterans policy through the establishment of a series of veterans commissions. In the six years since independence, the country has successfully identified and registered veterans of the 24-year resistance, created veterans legislation, and begun the process of providing honors and pensions for veterans.
3. The process for identifying, recognizing, and assisting veterans launched in 2002 has had a significant impact. The registration process brought about immediate and tangible gains in stability. It was highly participatory, bringing in groupings and individuals disenchanted with the nation-building process, and generated public consensus around the definitions of veterans and appropriate forms of government assistance. By the end of 2005, more than 75,000 veterans or their survivors had registered. Indicative of community satisfaction with the process, veterans issues did not figure prominently amongst the political grievances articulated during the 2006 crisis.
4. Results in terms of recognition and assistance, however, have been slower. A veterans law was finally passed in 2006 after two years of legal drafting. Ceremonies to honor veterans were held in November 2006, May 2007, December 2007, and May 2008 but only 13,988 veterans or their survivors have received medals, with another approximately 11,000 being eligible. Only in July 2008 did the first pension payments to 12,538 beneficiaries start, with an additional approximately 22,000 eligible. In addition, around 13,000 cases remain pending because of incomplete information or outstanding questions.
5. These achievements and weaknesses, as well as the approach itself, suggest a number of key lessons for addressing veterans issues in other post-conflict contexts.

LESSON #1: SUPPORTING NATION-BUILDING

6. The veterans registration and the creation of the law was also an exercise in nation-building. Coming at a critical time when the form and function of most of the institutions of the new state were unfamiliar to most people the veterans policy development process involved thousands of people including many rural poor and politically disaffected in a national process. In presenting the early results of the registration, when several disaffected groups had failed to participate as part of their refusal to recognize the new state, the president alluded to the relationship between

confidence in the state and registration: “...when the process produces good developments on the part of the state institutions, and if the opportunity to register is opened again, these very people will take advantage of it.” And indeed they did. Anticipating the recognition of individual contribution to the formation of the new state, the registration elicited recognition of the state itself.

LESSON #2: MANAGING POLITICAL TENSIONS THROUGH INSTITUTIONAL ARRANGEMENTS

7. The Timor-Leste experience provides some lessons for managing politics and tensions that surround what is an inherently political issue in post-conflict contexts. These include: i) the president’s non-partisan initiation of the veterans commissions and leadership of the policy process; ii) the selection of a broad range of commissioners representative of different constituencies; iii) the efforts of the president and commissioners to actively reach out to key actors skeptical of the state and the process; and, iv) the adoption of a multi-partisan parliamentary committee to oversee the drafting of the veterans law subsequent to registration and public consultations.

LESSON #3: SEQUENCING REGISTRATION BEFORE DETERMINING ELIGIBILITY

8. One of the most important lessons of the Timorese experience is the sequencing of the registration process and the development of criteria for determining who was and was not a veteran. Contrary to most approaches, a strategic decision was made to begin with the registration before determining the criteria for veterans status. The advantages in the Timorese context were three-fold: i) the maintenance of stability through delaying the controversial issue of determining eligibility for recognition and assistance; ii) discouragement of inflated service records and an initial emphasis on service and recognition rather than “registration for benefits”; and, iii) the initiation of a community dialogue on criteria through the categories implicit in the registration questionnaire.

LESSON #4: ENSURING LEGITIMACY AND TAPPING LOCAL CAPACITY THROUGH THE ADOPTION OF A COMMUNITY-BASED REGISTRATION PROCESS

9. The adoption of a community-based registration process in Timor-Leste helped to ensure an accurate list and high public legitimacy. The Timorese experience suggests there are a number of advantages to a community-based approach to registration: i) the process fostered public discussion, generated consensus, and helped to diffuse some of the key policy decisions surrounding veteran recognition and assistance; ii) the community-based approach was able to involve veterans at different levels and, most importantly from an operational perspective, tap into their capacity to organize community-level activities; and, iii) the community-based mechanism ensured a transparent and open process through, amongst other things, the adoption of a mechanism for public disclosure and community review of the registration lists. The experience with this approach also highlights the importance of public dissemination as well as questionnaire design.

LESSON #5: ENSURING BROAD PUBLIC CONSULTATIONS

10. The extensive public consultations were central to the policy development process in Timor, and were one of the most successful aspects of the commissions' work. The Timorese experience highlights both the importance of public consultations in the development of veterans policy and also suggests where improvements could be made. Most significantly, the public consultations played a key role in facilitating public consensus on sensitive policy issues. Although not fully optimized, the experience in Timor-Leste also suggests that public consultations can benefit significantly from accurate registration data, and that public consultations can encourage a dialogue on the future role of veterans in addition to a discussion on recognition and benefits.

LESSON #6: FACILITATING THE SHIFT FROM POLICY DEVELOPMENT TO EXECUTION

11. Arguably a key weakness of the experience in Timor-Leste was the shift from registration and policy development to legislation drafting and execution. This experience suggests lessons for facilitating the transition from policy development to execution, including: i) the need for an overall strategy for translating the results of the registration into policy and then laws, regulations and programming; ii) the need for close coordination and communication amongst the key institutions with responsibilities in the overall strategy, which in Timor-Leste would have included the various commissions, the parliament, and the National Directorate for Combatants of National Liberation (DNACLN); iii) the sharing of data between the various institutions and over the different phases of the process; and, iv) the efficacy of minimizing the number of commissions and the overlap of roles and responsibilities amongst institutions.

LESSON #7: BALANCING TECHNICAL ASSISTANCE AND NATIONAL OWNERSHIP

12. Finally, there is an important balance to be struck between respecting national leadership and ensuring quality of the process through outside technical assistance when supporting endeavors such as veteran policy processes in post-conflict contexts. One of the main lessons is the importance of recognizing and tapping local capacity, particularly at the community-level. In contrast, it was clear in the Timorese context that additional management support at the central level could have significantly improved implementation without comprising national ownership. More specifically, one area where technical expertise is necessary from the outset is with respect to the design and management of database systems. Although the sequencing was such that registration took place before development of eligibility criteria, the database could have been designed so as to more effectively facilitate a retrofitting of the registration data and the eligibility criteria.

13. Veterans issues in Timor-Leste have arguably moved from being one of the most important sources of potential instability in 2002 to an administrative challenge. This is an impressive accomplishment. Moreover many critical steps have been taken to meet this challenge, suggesting that the institutional structures and systems are appropriately designed and sufficiently robust to continue to manage veterans issues at least for the foreseeable future.

Defining Heroes:

Key Lessons from the Creation of Veterans Policy in Timor-Leste

1. Introduction

1. In May 2002, Timor-Leste gained independence after 24 years of occupation by neighboring Indonesia. It is estimated that almost one third of the population died during the occupation while thousands more suffered torture, imprisonment, and other forms of abuse (CAVR 2005). Almost 80 percent of Timorese voted in favor of independence in an United Nations-brokered referendum in 1999.¹ The result of the referendum unleashed a campaign of orchestrated violence by Indonesian-backed militias that left several thousand dead, several hundred thousand displaced, and resulted in the destruction of more than 70 percent of the country's public and private infrastructure including all economic and social records. The separation from Indonesia was followed by over two years of UN administration. In 2002 the new state inherited a set of formidable economic and social challenges.

2. Among the many difficult policy challenges facing post-conflict countries is how to recognize and assist veterans. The role of veterans in post-conflict or post-liberation states is complex and emotive, touching on issues of legitimacy, stability, social inclusion, as well as public expenditure. Timor-Leste has been no exception. Veterans issues were highly politicized at the time of independence. Tensions were high with various groups claiming veterans status and demanding assistance from the government. The veterans also had legitimate claims. For various reasons demobilization and reintegration under the United Nations Transitional Administration for East Timor (UNTAET) had been insufficient and slow. Fortunately, in September 2002 the president at the time Xanana Gusmão, launched a concerted effort to address these tensions and concerns. A number of commissions to register veterans and suggest policy were established, and in March 2006 the government passed a veterans law that provided the legal basis for the recognition of veterans and the provision of assistance. Although challenges still remain, this policy process successfully channeled veterans grievances into an institutional mechanism and managed the politicization of veterans. A key weakness is that it has been slow in the provision of material benefits.

3. This study seeks to examine and reflect on the process, results and lessons of the efforts to recognize and assist veterans of the resistance in Timor-Leste. The aim is to document those aspects that may have value for other post-conflict settings where nascent institutions are attempting to wrestle with similar issues. The paper proceeds in four sections. Section 2 provides background and contextual information. Four themes are covered: the development of veterans policy in post-conflict settings; the history of the Timorese resistance movement; military formation and demobilization under UNTAET;

¹ The referendum offered the Timorese people the choice of special autonomy within Indonesia, hence the term "pro-autonomy" referring to those who supported ongoing association with Indonesia, or voting against autonomy, which would lead to independence.

and, the predicament of veterans at the reestablishment of independence (2002). Section 3 documents the creation of veterans policy in Timor-Leste. In rough chronological order it focuses on seven phases: the establishment of the veterans commissions; the registration of veterans; public consultations; legislation development; recognition measures, pensions and assistance, as well as some of the key challenges ahead. Section 4 draws out some of the key lessons of the Timorese experience, including both more strategic and more operational lessons. Section 5 concludes.

2. Background and Context

4. This section provides information on the background and context to the creation of veterans policy in post-independence Timor-Leste. It focuses on three broad periods in addition to a general introduction to veterans policy development in post-conflict contexts: the Timorese resistance movement during the Indonesian occupation, military formation and demobilization during the UN administration, and the post-independence predicament and demands of veterans.

2.1 Veterans Policy Development in Post-Conflict Contexts

5. All countries face the challenge of honoring and assisting those who have served as members of the armed forces. Following a conflict, whether liberation struggle, civil war, or international conflict, these challenges are particularly acute. Demand for recognition of sacrifices and compensation may be very high, former rivals may put forward competing demands, political instability may be ongoing, and resources are always limited.

6. Conventionally national actors and international agencies have focused primarily on disarmament, demobilization and reintegration (DDR) in post-conflict settings (Kostner and Bowles 2004). DDR programs are short-term, designed to quickly reduce the number of soldiers under arms, facilitate the return of combatants to their place of origin and their resumption of civilian economic and social roles. Given their high costs and timing when international attention may be focused on a country just post-conflict, DDR programs generally take place with financial, logistical, and technical assistance from international agencies. As a result there is also a wealth of literature on the topic. Whilst being an immediate measure, DDR programs necessarily need to be complemented by the creation of some form of veterans policies. Once soldiers are demobilized they become veterans.

7. Veterans policies help define the role of former soldiers in civilian life, and incorporate the needs of former fighters into long-term planning. If well designed these policies assist the vulnerable, provide compensation for service, contribute to social inclusion, are an important element of reconciliation, and help consolidate peace. Veterans policies may be developed as part of a demobilization program or separately. The sequencing of measures taken and the policy and legislative instruments employed vary significantly from context to context (Bendaña 2002). In some countries peace accords or legislation have encompassed both a DDR program and longer-term assistance programs for veterans;² whereas in other countries veterans policies have been gradually designed

² Examples include Mozambique, Guatemala, Nicaragua, El Salvador.

and implemented after the end of conflict.³ There have also been attempts, for example, in Eritrea, to link the development of veterans policy development with that of civil service pensions. Actual measures vary greatly across different countries, but typically include both honors and assistance. Honors may include medals, the right to participate in commemorative ceremonies, the right to be buried in military graveyards, or public monuments. Assistance to veterans can include pensions, grants, loans, tax exemptions, scholarships, medical care, and funeral costs, among others.

8. Failure to equitably, transparently, and sustainably resolve veterans issues can affect social and political cohesion. Veterans issues can remain a source of contention, contributing in some cases to renewed conflict.⁴ The timely identification and registration of veterans is fundamental to laying the groundwork for policies and programs that are inclusive, non-partisan, and transparent. Without a list of well-defined beneficiaries, systems become susceptible to manipulation, corruption, or moral hazard, such as an ever increasing number of “beneficiaries”.⁵ The promise of unsustainable levels of benefits can become a financial and social liability for the state and a source of tension if the state finds itself unable to pay for generous benefits or tax payers come to resent the burden.⁶ These are just some of the lessons from experiences from other countries and highlight the sensitivities and operational challenges of veterans policy development in post-conflict contexts. This section now turns to the specific background and context to the veterans policy process in Timor-Leste.

2.2 *The Timorese Resistance Movement*

9. Timor-Leste’s 1999 vote for independence from Indonesia was the result of a 24-year liberation struggle that had been characterized by innovation, flexibility, and successful coordination of domestic and international strategies. The strong leadership and discipline of the resistance forces, combined with the legitimacy of the struggle in the eyes of the majority assured near universal support for the resistance.

10. Timor-Leste’s resistance is generally divided into two periods: 1975–79 and 1980–99. The first period was characterized by a large number of combatants and the defense of fixed positions by the Armed Forces for the National Liberation of Timor-Leste (*Forças Armadas de Libertação Nacional de Timor-Leste – Falintil*). Falintil was under the political leadership of civil cadres of the Revolutionary Front for an Independent Timor-Leste (*Frente Revolucionária de Timor-Leste Independente – Fretilin*), who also administered the large civilian population that lived with and supported the combatants.

³ Examples include South Africa, Mozambique, Bosnia and Herzegovina.

⁴ In Guinea-Bissau, the 1998 civil war was in part fueled by grievances surrounding inequities in veterans benefits. Similarly in Zimbabwe, veterans grievances have fueled instability and been manipulated for political ends.

⁵ The failure to create a definitive list of veterans in Guinea-Bissau, at the time of independence in 1975 led to more people claiming to be beneficiaries of veterans benefits 20 years after independence than at the time of independence. See Correia (2004).

⁶ For example, following the conflict in Bosnia and Herzegovina, veterans received large packages of benefits, and it has been politically difficult to reduce these to sustainable levels. Similarly in 2006, Kosovo passed a war martyrs law without considering its fiscal impact, only to realize later—and after expectations had been created—that the fiscal burden was unsustainable.

The second period resulted in a shift to a much smaller armed force supported by a large civilian/clandestine front.

11. When the Indonesian army invaded in December 1975, Fretilin had already administered the territory for several months following a brief but highly traumatic civil war with the rival Timorese Democratic Union (*União Democrática Timorense* – UDT) in August-September 1975. The Portuguese administration had departed the territory at the outbreak of the civil war, and anticipating an Indonesian invasion Fretilin unilaterally declared the country independent on November 28, 1975, just days before the December 7 invasion. An estimated 80 percent of the population initially fled the towns to the mountainous interior to support Fretilin and escape the Indonesian troops. From 1975 to 1979, Fretilin maintained large “liberated areas” over which the Indonesian army had not yet asserted control.

Box 1: Heroes, not victims!

“We should not talk about victims of war in Timor-Leste. Those who died are not victims of war, but heroes because they won. We have to recognize the people who fought in order to have reconciliation. Reconciliation is not a problem of the past. People shake hands and reconcile, but it is only with their mouths. Inside they still feel pain. Reconciliation is a problem of today and tomorrow because people have not yet received recognition. If the state recognizes those who were killed fighting for their country then their children or wives or husbands can know that they did not die as a criminal or thief, but as heroes. And then they can shake hands with those who were pro-autonomy.”

Major Mau Buti, Veterans Commissioner

12. By 1979 the resistance had suffered drastic losses of troops, civilians and critical leaders due to hunger, disease and Indonesian attacks. The period 1975–79 also at times saw violent internal political struggle. In response to the decimation of the last resistance strongholds in late 1978, the remaining leadership decided to send non-combatants back to the towns, which were by now under Indonesian control. Thousands of combatants and supporters surrendered during this period.⁷ In other instances people surrendered due to the internal struggles or the lack of food. Many fighters and their families who surrendered or were captured were interred by the Indonesian military in army camps or designated “re-settlement” areas, leading to further widespread disease and starvation. The period from 1975 to 1981 saw appalling mortality, mostly from disease and hunger due to forced displacement.⁸ Following capture or surrender, some of those who had served in the resistance between 1975 and 1979 became members of the Indonesian civil service, police, or army, although many of these continued to serve the resistance clandestinely.

13. In 1981 José Alexandre ‘Xanana’ Gusmão became leader of the resistance, regrouping the remaining Falintil fighters, gradually changing the strategy and structure of

⁷ During the period 1975–1978 surrender was generally forbidden by Fretilin. See also CAVR (2005).

⁸ Around eighty percent of the mortality caused by the Indonesian occupation has been attributed to disease and hunger, the bulk of it between the years 1975 and 1980. See CAVR (2005).

the resistance.⁹ Falintil became a small guerilla front of only a few hundred fighters, supported by an extensive network of civilian supporters, also referred to as the clandestine front.¹⁰ Overseas representatives, or the diplomatic front, focused on keeping Timor-Leste on the agenda of the United Nations, securing a number of Security Council resolutions against the occupation, and lobbying other governments.

14. Numbering in the thousands, the clandestine front was responsible for internal political organization, facilitating communication between Falintil and overseas representatives and activists through an elaborate network of cells, and supporting Falintil with food, intelligence, weapons, ammunition, and shelter in the towns. Both the armed and the clandestine support networks had formal, linked command structures. Falintil also regularly received additional food and other materials from individuals in communities near where it operated and who were not a part of the formal command structures.

15. Women played a large role in the clandestine networks, serving as couriers or hiding people, information or goods for Falintil. While formally allocated civilian roles, women in fact actively participated in fighting, particularly when many male combatants were sick or wounded. Indeed, a handful of women political cadres remained with Falintil for the entire 24 years. Women who were discovered by the Indonesian authorities faced imprisonment, torture, and sexual abuse.

16. In the mid-1980s, Gusmão separated Falintil as an armed force from the political party Fretilin, turning Falintil into the armed wing of the national resistance movement. In 1987 the resistance formed an umbrella coalition – the National Council of Maubere Resistance (*Conselho Nacional da Resistência Maubere* – CNRM), thereby effectively broadening the resistance. The CNRM was changed to the National Council of Timorese Resistance (*Conselho Nacional da Resistência Timorese* – CNRT) in 1998. The resistance grew to encompass other political parties extant in 1975, youth groups, students, customary leaders, and the Catholic Church. Following his arrest in 1991, Gusmão continued to lead the resistance from jail, while a succession of commanders assumed responsibility for field operations.

17. The leaders of the resistance, including the powerful Catholic Church, increasingly and successfully cast the resistance in moral terms. It was understood as the struggle of the Timorese people against the brutality of the occupation, as well as for the freedom to treat each other with greater decency than that shown by the occupying forces. As one of the stock tactics of the Indonesian occupation was to provoke conflict among Timorese, principled resistance to such provocation became an important element of the ethos of the struggle.¹¹ Leading veterans regularly refer to the lessons of democracy, reconciliation, and communication learned during the resistance. As one former commander put it: “We did not win the struggle by force, we won by sharing information with each other.”

⁹ For a brief overview of this process see the chronology on the website of the Archive and Museum of the Timorese Resistance, available (in Tetum) at: <http://www.amrtimor.org/crono/index.php?lingua=tt>.

¹⁰ As low as a few hundred in the 1980s, Falintil’s ranks swelled to nearly 2,000 following the Indonesian reforms of 1998.

¹¹ The authors would like to thank Max Stahl for this insight.

Box 2: Resistance increasingly cast in moral terms

“Through the long process of the resistance, we learned a lot. Reconciliation really started with the first meeting of Xanana and Mario in 1983*, after that we didn’t kill Indonesian prisoners anymore. One time after fighting near Luka, two Indonesians surrendered, but we didn’t kill them, instead the commander told them ‘Go to Jakarta and tell your families that we are not fighting the Indonesian people, but only the Suharto regime.’ From 1975 to 1979, people thought only about killing, but after the support bases were destroyed and the president (i.e., Xanana Gusmão) changed the political line then people’s attitudes began to change and they thought about reconciliation.”

Major Mau Buti, Veterans Commissioner

*Gusmão and Indonesian appointed Governor Mario Carrascalão concluded a five-month ceasefire in 1983.

18. During the 1999 referendum and the accompanying violence, Gusmão ordered Falintil not to involve itself in the violence. Gusmão figured that if Falintil was drawn into the violence, Indonesia would attempt to portray the conflict as a Timorese civil war, undermining international support for self-determination in Timor-Leste. Following the arrival of the Australian-led International Force for East Timor (INTERFET) in September 1999, the 1,950 Falintil fighters gathered in the Aileu cantonment south of Dili where they were to remain until their demobilization in 2001.

2.3 Military Formation and Demobilization under UNTAET

19. The United Nations Transitional Administration in East Timor administered Timor-Leste between October 1999 and May 2002. With full executive, legislative, and judicial authority, UNTAET’s mandate included security, the administration of the country, the creation of a public service, and the establishment of conditions for sustainable development.¹² In the initial period, the entire administration, including at the district-level, was made up of internationals. Elections for a Constituent Assembly to draft Timor-Leste’s Constitution were held in 2001 and won by Fretilin. The drafting of the Constitution was completed in March 2002 and followed by presidential elections, which were won by Xanana Gusmão who ran on an independent ballot. The country became fully sovereign in May 2002. Just prior to independence, government established the Office of the Secretary of State for Former Combatants of the National Liberation (SEACLN) under the Ministry of Social Solidarity (MSS).¹³

20. Almost immediately after the cessation of violence in 1999 UNTAET and the Timorese leadership were confronted with several policy priorities relating to the resistance movement. These included: i) the demobilization of armed Falintil combatants and their reintegration into communities; ii) the development of a security framework for Timor-Leste, including a regular army; and, iii) the development of a policy with respect to all members of the resistance, including combatants and civilians. The massive

¹² UNTAET was established with United Nations, Security Council Resolution No. 1272, 25 October 1999, S/RES/1272 (1999).

¹³ Originally the Ministry of Labor and Solidarity.

displacement, destruction, halting of the economy, and lack of government structures hampered efforts to address these three (and many other) policy priorities.

21. Several factors complicated the initial response of the UN administration to Falintil and led to delays in developing a plan for demobilization. First, the UN and relief organizations were proscribed from assisting armed soldiers, which resulted in insufficient food, housing, and other supplies in the Falintil cantonment, as well as uncertainty over the future. Tensions developed both within Falintil and between Falintil and the UN, and discipline fractured under the strain. Many combatants trickled out of the cantonment on their own, highlighting that this situation was untenable. Second, some UNTAET policy-makers lacked an appreciation of community esteem for Falintil, and saw the Timorese resistance as party to a civil war rather than as a victorious liberation movement that enjoyed almost universal community support (Conflict, Security and Development Group 2003 section 2.E.2). Third, and as has been discussed at length elsewhere, the initial UNTAET period was characterized by poor communication and a lack of coherent power-sharing arrangements between the UN and the Timorese leadership (Gorjao 2003; Chopra 2002). These factors contributed to postponing key discussions on the future of Falintil and the development of a strategy for developing the security forces.

THE FORMATION OF F-FDTL

22. Critical to demobilizing Falintil was a decision regarding Timor-Leste's ultimate security arrangements. Prior to the 1999 violence, there had been discussion of Timor-Leste not having a standing army. However, following the 1999 violence, the Falintil leadership insisted that disarmament and demobilization could only take place in the context of the formation of a new defense force. After much deliberation, UNTAET and the Timorese leadership decided to create a force of 1,500 consisting of two battalions.¹⁴ The demobilization of Falintil and the concurrent creation of the Falintil Defense Force of Timor-Leste (*Falintil-Força Defesa de Timor-Leste* – F-FDTL) took place on February 1, 2001.¹⁵ Six hundred fifty Falintil formed the first battalion of the F-FDTL and the remaining 1,300 were demobilized.

23. The long uncertainty in the cantonment, the lack of Timorese authority under UNTAET, followed by the rush to demobilize and establish the new defense force, never gave the Falintil members an opportunity to discuss and plan the transition for Falintil as an institution or its soldiers as individuals. Neither UNTAET nor the Timorese leadership devoted sufficient time and resources to educate the public or even the Falintil soldiers as to why Falintil was to be demobilized. No public consultations on the size, structure, and mandate of the new defense force were ever carried out. Even the National Council, a quasi-parliamentary body appointed by the UNTAET, was not consulted (Conflict, Security and Development Group 2003).

24. The selection process for the F-FDTL carried with it potential for future tensions. The Falintil commanders and Xanana Gusmão made most decisions regarding who would

¹⁴ This decision was based on the recommendations of a study carried out by King's College: Centre for Defence Studies (2000).

¹⁵ Originally named FDTL, the name was changed to Falintil-FDTL in the constitution.

become part of the army, and without reference to well-publicized selection criteria. Not only were a larger number of people from the east of the country chosen overall, but most of the officer corps came from the east, reflecting in part the fact that most surviving Falintil commanders were from the east. This geographic imbalance among the F-FDTL command re-emerged as a source of grievance in the 2006 crisis. The original imbalance in the overall composition of the force was corrected through subsequent intakes of new recruits which were not only transparent but strove to be regionally balanced. The most recent promotion round prior to the 2006 crisis saw a disproportionate number of westerners promoted, but the top officer corps has remained predominantly easterners as few of the original officers have retired.

THE FALINTIL REINSERTION ASSISTANCE PROGRAM

25. The 1,300 demobilized Falintil combatants were assisted under the Falintil Reinsertion Assistance Program (FRAP).¹⁶ During the one year program period (January-December 2001), FRAP provided transport from the cantonment location to communities, a five-month transitional safety net of \$100 a month, a small project worth approximately \$500 per beneficiary, training, and medical referrals. The small projects consisted of livelihood or income generation projects designed by individuals or cooperatives of former Falintil, working together with FRAP staff. Among the most popular projects were small shops, small fuel stations, livestock, and transport cooperatives.

26. The FRAP program was broadly successful, particularly in mitigating the immediate concern of unrest in the cantonment. An independent evaluation of FRAP found that the program: "... had been largely successful in achieving its objectives regarding the social and economic reintegration of demobilized Falintil, ... and had generated discernible and ongoing benefits that contributed to security and stability" (McCarthy 2002). The evaluation found that despite initial grievances at not joining F-FDTL, the FRAP beneficiaries expressed satisfaction with civilian life.¹⁷ Contextual factors also worked in favor of the demobilization process, including the discipline of Falintil itself, the small size of the territory, and the recovery of the economy during 2001 and 2002 (ibid.).

27. Compared to many post-conflict contexts where there are multiple forces, Timor-Leste's demobilization was simplified by the fact that there was only one force to demobilize. During the Indonesian occupation, the Indonesian military (TNI), had maintained a presence of approximately 40,000 troops in the territory. In addition, the Indonesian authorities had armed and supported Timorese militias, who were responsible for most of the 1999 violence. The TNI serving in Timor-Leste departed following the arrival of INTERFET and Indonesia's renunciation of the territory.¹⁸ The Timorese militias who had opposed independence fled to Indonesian West Timor. The return and reintegration of the many Timorese former members of TNI and militia members has been addressed under the rubric of reconciliation efforts, whether through local level

¹⁶ FRAP was implemented by the International Organization for Migration (IOM) and funded by the World Bank and USAID.

¹⁷ Many former Falintil soldiers in F-FDTL now express a preference for becoming civilians.

¹⁸ On October 19, 1999, the Indonesian parliament renounced Indonesia's claim to Timor-Leste, and the last of Indonesia's troops departed on October 30.

mechanisms or the Commission for Reception, Truth and Reconciliation, known by its Portuguese acronym CAVR. Many from the militia leadership implicated in the 1999 violence are among the estimated 35,000 Timorese who have chosen to remain in Indonesia and for whom the Indonesian Government has made some provisions for re-settlement and assistance. Additionally, the Indonesian government has made one-off payments to its former civil servants in Timor-Leste, including former army and police.

28. Demobilization and the formation of the defense force were not linked to veterans policy development. At the time of demobilization nothing was done to recognize the service of the Falintil soldiers, beyond the demobilization ceremony itself. Moreover, the total veterans population, consisting of many people who had served Falintil in earlier years as well as the clandestine front, was far larger than the numbers serving in Falintil in 2001.

2.4 *The Post-Independence Predicament and Demands of Veterans*

29. Article 11 of Timor-Leste's constitution stipulates that the state acknowledges and values the former resistance and shall ensure protection for widows, orphans, and the disabled. However, in the months surrounding the formation of the new independent government, and before the new state had an opportunity to give effect to this constitutional provision, it became clear that there was a strong potential for veterans issues to be manipulated. Activity by groups, including military-style parades and training, purporting to be or to represent veterans emerged as a concern to communities and a potential risk to stability. One prominent group, the Association of Former Combatants (*Associaçãun Antigos Combatentes* – ACC) registered several thousand people, demanding cash payments from those who registered in return for an ID card and promises of employment following independence. The demands of these groups quickly fueled tension over who was or was not a *bona fide* veteran.

30. While some of the activity was manipulated for personal ends, at issue were also genuine concerns of veterans, their families and communities relating to the deprivations of the resistance and economic and educational opportunities foregone. Many surviving veterans of both the armed and civilian resistance had lost family members, suffered torture in prison, and spent many isolated years in the mountains. Families associated with the resistance were subject to harassment by the Indonesian authorities. They were often not allowed to go out to tend fields, leading to acute food insecurity. Even children and teenagers who participated in the struggle often had to forego education and employment. Additionally, the leaders of the resistance had promised the recognition of these sacrifices.

31. During the transition, many former Falintil and clandestine youth had hoped to join the police force, army, or civil service. However, these hopes were dashed when the government opted for a relative small civil service relative to that during the Indonesian occupation. The Indonesian civil service had employed 26,000 people in Timor-Leste, not counting the large numbers of armed forces. The new state has only 17,000 permanent public service positions, including 1,300 in the army and 3,000 in the police. Furthermore, the recruitment for the Second Battalion of F-FDTL was designed not to give preference to former fighters, setting an upper age limit for recruitment at 22 and a requirement of a high

school diploma. Veterans also resented the recruitment of 400 Timorese former members of the Indonesian police force into the new Timorese police force. These policy decisions were compounded by high unemployment and few formal sector opportunities, a problem which has remained.¹⁹

32. The wishes of veterans have consistently focused on recognition, including not only awards but also respect for veterans, official consultation with veterans, and more of a voice for veterans in nation-building. In the words of one veteran from Ermera district: “We did not fight to get money, or cars, or motorcycles. We only want our leaders to come and thank us for what we did.” Additionally many veterans emphasize assistance to widows, orphans, the disabled, and elderly veterans, as well as education benefits, both for themselves and for their children. Outright demands for pensions have tended to be muted, reflecting pride.

33. There have, however, been consistent expectations of some sort of assistance, particularly for the longest serving veterans. In the years since the referendum and independence, many veterans expressed disappointment at the perceived lack of respect of the post-independence authorities for the former leaders of the resistance. More broadly many veterans also voiced dismay at the deteriorating governance and human rights situation – particularly the conduct of the police – as being counter to the aims of the struggle for independence. Such concerns fueled the formation of the new political party National Union of Timorese Resistance (*Unidade Nacional de Resistência Timorese – UNDERTIM*) led by prominent veteran L7 (Cornelio Gama also known as Elle Foho Rai Boot) in 2005, which went on to win two seats in the 2007 election and is now a member of the ruling coalition.

34. This section highlighted that the resistance movement was relatively cohesive, and the FRAP reintegration program was generally considered a success in terms of providing for the immediate reintegration of the relatively small group of former combatants in the Aileu cantonment. However the program could not realistically be expected to address the need to assist and recognize all the veterans of Timor-Leste’s long and complex resistance, and by independence in 2002, veterans issues had emerged as one of the most important potential causes of instability.

3. Defining Heroes: The Veterans Policy Process and Results

35. This main section of the report presents a roughly chronological summary of the veterans policy development between 2002 and 2007. It focuses on the various veterans commissions, the registration and identification of veterans, public consultations, the development of veterans legislation, recognition measures, pensions and assistance programs as well as the challenges that lie ahead. The focus is on both the policy process and results.

¹⁹ Unemployment has increased to 8.5 percent nationwide and 23 percent in the urban areas of Dili and Baucau in 2004, up from 6.2 percent and 21 percent, respectively, in 2001. Unemployment rates were highest in Dili, at 27 percent overall and 44 percent among youth (Source: 2004 Census).

3.1 The Veterans Commissions

36. Recognizing that veterans grievances could become a source of instability or be politically manipulated, President Gusmão established in September 2002 a series of commissions to identify and register the veterans of the resistance, including men, women, armed, civilian, living, and deceased. President Gusmão stated that the issue of veterans needed to be resolved quickly, transparently, and definitively so as not to become an ongoing source of tension. In creating the commissions, the president focused on the most potentially contentious issue – who was a “real” veteran. Publicly differentiating between “real” veterans and those claiming to be veterans for political or economic gain was fundamental to avoiding future political manipulation of the issue, as well as establishing a basis for recognition and assistance. From the outset he saw the need for thorough consultations and public consensus.²⁰ He also emphasized the need to make recognition and assistance programs commensurate with the resources of the country.

37. President Gusmão first established the Commission for Matters of Former Combatants (*Comissão para os Assuntos dos Antigos Combatentes – CAAC*) and the Commission for Matters of Veterans of Falintil (*Comissão para os Assuntos dos Veteranos das Falintil – CAVF*). Created in September 2002, the CAAC-CAVF registered former members of the armed resistance, both living and deceased, but not the civilian clandestine resistance. These two commissions divided the period of the resistance and their respective mandates between 1975–79 (CAAC) and 1980–99 (CAVF).²¹

38. Following the completion of the work of the CAAC-CAVF in September 2004, the president created the Commission for Matters of Cadres of the Resistance (*Comissão para os Assuntos dos Quadros da Resistencia – CAQR*) to register the veterans of the civilian resistance, including the deceased, former political prisoners, and members of the clandestine networks or “clandestinos”. The mandate of the commissions was to identify and register veterans, develop publicly agreed upon criteria for defining who could be considered a veteran, and make recommendations on how to address the concerns of veterans. Additionally, the commissioners were to document the Falintil and clandestine command structures for each phase of the struggle, both to create an historical record and to verify the claims of individuals regarding their service. To combine, clean, and validate the data of the CAAC-CAVF and CAQR, the president created in 2005 the Data Validation Commission (*Comissão de Validação de Dados – CVD*) and then the Data Consolidation Commission (*Comissão de Consolidação de Dados – CCD*), whose work was completed in mid-2007.²²

39. The Commission for Tribute, Supervision of Registration, and Appeals (*Comissão de Homenagem, Supervisão de Registo e Recurso – CHSRR*) was established in September

²⁰ Meeting between President Gusmão and donors, September 2002; Presidential Dispatch Regarding *Comissão para os Assuntos dos Antigos Combatentes* and *Comissão para os Assuntos dos Veteranos das Falintil*, September 9, 2002.

²¹ The CAVF, covering a much smaller population, included those who had started in the 1970s and then remained in the armed struggle into the 1980s and 1990s, as well as those who joined during those years.

²² For the purposes of this study these commissions will be referred to collectively as the “veterans commissions” except where it is necessary to differentiate them.

2006 and dealt with the substantial claims on a case by case basis. The table below summarizes the commissions.

Commission	Start Date	End Date	Mandate
Commission for Matters of Former Combatants (CAAC)	September 2002	September 2004	Register former members of the armed resistance (1975-79)
Commission for Matters of Veterans of Falintil (CAVF)	September 2002	September 2004	Register former members of the armed resistance (1980-99)
Commission for Matters of Cadres of the Resistance (CAQR)	September 2004	January 2006	Register former members of the civilian resistance
Data Validation Commission (CVD)	November 2004	April 2006	Verify those registered by CAAC, CAVF and CAQR.
Data Consolidation Commission (CCD)	January 2006	May 2007	Consolidate the databases of CAAC, CAVF and CAQR.
Commission for Tribute, Supervision of Registration, and Appeals (CHSRR)	September 2006	Ongoing	Supervise registration and hear appeals relating to registration

40. The CAAC-CAVF consisted of 20 national commissioners, including four women, representing government, civil society, army, and veterans. Functionally the CAAC-CAVF operated as one commission. The CAQR had 32 commissioners, including one for each of Timor-Leste's 13 districts, as well as a group of 10 advisors made up of prominent resistance figures. The CAQR included most of the same commissioners as the CAAC-CAVF. Both commissions had a small support staff, including finance and administrative staff, an office manager, and data entry staff. The subsequent CVD consisted of 18 former commanders, while the CCD had 16 commissioners, as well as 10 advisors and support staff. The CAAC-CAVF received some technical assistance from an international database specialist and finance officer.²³

Box 3: A veteran's views on the creation of the commissions

"The objective and vision of the president was to identify those who fought, and to know how to recognize them. During the resistance people moved to take up guns themselves, no one invited them. So it is important to know their identity. I fought from 1976, when I was 16 years old, until 1981 when I was captured. I tried to hide at that time in a cave, for six nights and six days until I was too weak to walk and then I was captured. I was held in an Indonesian military base for two years but was able to escape.

In 2002, when the president called me to work at the commissions, I was very happy to receive his request. It is important to write down the names of those who fought, so people will know, he fought in Viqueque, or he fought in Manatuto. It was very few people but what they accomplished was very big. It is necessary that we know people's history and their identity.

²³ The CAAC-CAVF and CAQR were supported by the World Bank, UNDP, USAID, AusAID, Ireland, the United Kingdom, Norway, and Sweden, while the CVD and CCD were supported by UNDP, including the placement of two international advisors. The total cost of the commission activities from September 2002 to May 2007 was over \$2.7 million.

And we must do something for the widows and the orphans because their families died for the country. When we started this process, we had no reference for what to do, and no directions. But we were confident because we knew the process of the war, and that was the basis of the questionnaire.

In the second process, the CAQR, things were much easier because we had learned, we had done it once already. Now there are many simple soldiers who served for a long time who don't have work and we have to recognize their dedication. The simple soldiers were just as dedicated as the commanders. They were the ones who had to go look for the roots and other food, and provided security for the commanders. The commanders did the planning and the writing, but the soldiers also died. There are some of the soldiers who served 20 years or more, they have no house or land. The state should provide a house and some land, some small amount of money each month. The greatest concern to us who are veterans is that there are still a lot of veterans who are suffering a lot."

Elle Quatro (L4), Commission Coordinator

3.2 *Registration and Identification of Veterans*

41. This section presents the methods used by the veterans commissions to identify and register veterans. Three main steps are described: i) the identification and registration of veterans; ii) the appeals and verification process; and, iii) the results and reports of the registration process.

IDENTIFICATION AND REGISTRATION

42. As a first step in the registration process, the veterans commissions produced a questionnaire based on a division of the 24-year struggle into phases corresponding to the changes in the formal structure of the resistance. The division of the questionnaire was designed so as to facilitate the authentication of individual claims regarding their participation. For each period the questions included personal data and details of involvement in the struggle, including unit, region, rank, names of commanders, and type of weapon used. Additionally, the nearly 25 page questionnaire also contained questions on conditions of capture and surrender (i.e., with or without weapons) and activities following surrender or capture (e.g., participation in the clandestine front, imprisonment, employment in the Indonesian government or military). The questionnaire, and therefore the database, did not contain information on economic status, physical disability, or dependents, although some of this information was added later.

43. The CAAC-CAVF and the CAQR hired approximately 300 staff for 13 districts and 65 sub-districts to undertake the enumeration. Reflecting the large role played by women in the clandestine front, 25 percent of the CAQR district level staff were women. Since credibility based on service to the resistance was a pre-requisite for effectiveness, the commissions appointed rather than recruited competitively the district staff. Many of those recruited were men and women in their 40s and 50s who had taken part in the armed struggle during the 1975–79 period and then remained active as *clandestinos* during the 1980–99 period.

Box 4: A commissioner's views on the importance of veterans registration

"This process was important and effective. We fought a war of liberation in Timor-Leste and are different from other countries. We never had material assistance from any other countries, just political support from a few. The people themselves supported the resistance and the people are poor. Since independence, the people have been demanding recognition from the state. The president founded CAQR because it was not enough to recognize those from the *frente armada*, but we also have to recognize the *frente clandestina*, and the widows, and the orphans as well.

If we didn't have this process, then we wouldn't know who is a veteran and couldn't recognize the veterans. The purpose of posting the lists was to avoid false claims, because it has to come from the public, who knows who is a real veteran or not. It is important that this process has happened now, while those who fought are still alive and know each other. It is important to find out who is a veteran. We heard about other countries that waited too long to register the veterans and this created problems. If we waited 20 years, then everyone will be dead. Because of this process, no one can claim later that they were not consulted or that the law is wrong. Even if the people only got a diploma from the state, they will understand if the law is explained to them properly. For us who are working, we don't need anything, but something must be done for the widows, and for the children of the veterans who couldn't go to school.

Now what happens depends on the law, and it is very important that we explain to the people so they will understand the law. It is important to do something for the families of the dead, because they are like the founders of the state. And we need to make a museum of the resistance, to gather the old guns and uniforms from the time of the resistance and put them together. Our hopes are our history."

Major Mau Buti, Commissioner

44. Before starting registration, the commissions informed the public about the process through national and community radios, national television, newspapers, churches, local government offices, and town hall type meetings in the districts. The initiative was welcomed and these early community discussions afforded an opportunity for people to raise such questions as what the process would lead to, how those who pretended to be veterans would be dealt with, and whether those who had worked for the Indonesian administration could register.²⁴ The veterans commissions were careful not to raise expectations regarding assistance and to instead focus on recognition (Kent 2006).

45. The commissions' dissemination of information was a weakness. Overall the populace was fairly well-informed in the rural areas, where the former resistance networks and tight-knit communities assured the spread of information. However in Dili, where informal communication channels were less reliable, the public was less well-informed. Additionally many among the urban elite felt they did not "need" the veterans commission process as they already had education and jobs. As a result they did not seek out information and actively engage with the process. There was almost no formal or informal outreach to the national parliament or government by the commissions. However there were important improvements over time, including more systematic press releases, seminars, and other outreach efforts by the CAQR, CVD, CDD, and CHSRR.

²⁴ Report from Aileu CAAC-CAVF staff on consultation process, 2003.

46. The lion's share of the registration was carried out between March and September 2003 for the CAAC-CAVF and from March to September 2005 for CAQR. The district commissioners identified people to register both through old networks and by holding public registration sessions. In almost all cases the district commissioners themselves acted as enumerators, filling out the questionnaire form themselves while interviewing the registrants. This ensured consistency and allowed registration of the illiterate.²⁵ Registrations took place in public, in front of friends and neighbors. The national commissioners played a monitoring, support, and coordination role, transporting funds and materials to and from Dili.

47. The design of both the CAAC-CAVF and the CAQR questionnaire and the public registrations helped forestall falsifying data. The questionnaires were lengthy and complex, and for each phase a person claimed to have served, he or she had to give the names of five people who had served with him or her who could attest to the veracity of the information. The public aspect of the registration acted as a deterrent to "fake" claimants who would have been recognized as such by the many observers to the process.

48. Approximately 9,000 women registered in the veterans commission process (or 25 percent of the CAQR total). Formally women had not been part of the Falintil structure and armed forces but had served the resistance in civilian roles – medics, couriers, and most prominently as political cadres or organizers. The decision was taken early in the veterans commission process that women therefore would not register with the CAAC-CAVF but with the CAQR. Of course this distinction worked better in theory than in practice. A relatively small albeit significant number of women who had served together with Falintil in the jungle for all or most of the resistance period found that recognition as a civilian was less acceptable. Although formally political cadres, these women had moved together with Falintil, worn uniforms, and at times taken part in battles. Women, and a very small number of men, in this category registered with the CAQR but with a special designation as "located with the armed forces." Later during the process of recognition and payment of pensions, these women successfully argued that they be recognized in the same category as men who had served in the armed front.

APPEALS AND VERIFICATION

49. Following the registration process, lists of all those who had registered were posted in public in each *suco*.²⁶ This was so to give people the opportunity to correct their personal information, register if they had not yet done so, or contest the registration of others. Such protests could be based on allegations of falsifying service, betrayal of the struggle, or a crime. They were to be submitted confidentially. The posting of the lists reinforced the credibility of the process, as the lists were the first tangible results of the process. People responded by coming forward to make corrections, lodge complaints, and with many new registrations, including by members of groups who had previously rejected the process. The postings of the lists produced thousands of "claims," most of which had to do with simple corrections to name, date or place of birth, or rank. However the process

²⁵ Forty seven percent of the population is illiterate in Timor-Leste.

²⁶ Second to lowest level of administration in Timor-Leste, a group of villages.

did produce several hundred substantial accusations of falsified participation in the resistance, betrayal, crimes (e.g., killing members of the resistance), or betrayal (e.g., joining the militias during the 1999 violence).

50. The CAAC-CAVF made some data revision based on the results of the posting of the lists, but the correction process was largely undertaken by the CVD and CCD.²⁷ The substantive claims were left to the CHSRR.

Box 5: The importance of transparency and public debate in the registration process

“This process can resolve the veterans issue because it has been done with transparency. The process has gone to the *suco* level, to the people who feel that they are “quadros” and can register. If there are criticisms, the response is that this was done transparently. The law should rely on the results of the public debate, because it was a transparent debate and many people participated. After the first registration, we offered an additional chance to those who wanted to register but couldn’t the first time. Even those groups who didn’t want to register originally, when we explain that it is important to show the history to the children, that honoring veterans is important, then they want to register. The most important thing is engagement and discussion, so people can understand the process.”

Miguel Manetelu, Commission Manager

51. In addition to the previous verification of data by the commissions, in 2008 the Office of the Prime Minister held two national level reviews of data to determine selection of beneficiaries for pensions involving over 200 former resistance leaders from the national, regional, sub-regional and local levels, as well as independent organizations. These reviews were deemed necessary based on the need to re-verify data, eliminate repetitions, as well as the difficulty of determining rank and the circumstances of death (Office of the Prime Minister 2008).²⁸

52. To launch the final registration opportunity, in September 2008 the CHSRR will create five-member councils in each of Timor-Leste’s 65 sub-districts. The councils consist of the former CNRT sub-district level official, the Nurep (local clandestine leader), local level former members of the clandestine front, and a member of the CHSRR. The councils will oversee the registration of new cases, although the actual enumeration process will be undertaken by SEACLN. Importantly, the councils will also review, investigate, and make a final determination on the pending cases and adjudicate any new claims that arise.

CLEANING AND CONSOLIDATION OF DATA

53. The greatest technical challenge faced by the veterans commission was the management of data. The commissioners, having been selected on the basis of their contribution to the independence struggle, were unaccustomed to treating problems on a quantitative basis. They had no experience in data management and lacked the technical

²⁷ The names were re-posted at the community level twice – once in May 2006 and again after the completion of the new database in October 2006.

²⁸ This also includes the 4,905 deceased who are not considered martyrs and 4,593 people who registered but did not meet the minimum three years of service to be considered veterans under the Statute of National Liberation Combatants (ECLN).

expertise to ensure quality of data entry. Moreover, the database initially designed for the CAAC-CAVF did not meet the data manipulation and extraction needs of the commission. These technical challenges impaired the commissions' ability to identify and correct problems. The CAAC-CAVF commissioners exercised no quality controls over the data entry and in fact discouraged data staff from asking commissioners questions about the ambiguous questionnaire data they regularly confronted. The database unit supporting the commissions also suffered from a lack of clear autonomy and decision-making power, contributing to an inability to resolve data issues as they arose. This led to numerous errors and duplications. While subject to more systematic management, including review of questionnaires at the district-level and prior to entry, the CAQR data entry process also suffered from a significant number of errors. The creation of separate commissions also contributed to challenges in managing data, as the CAAC-CAVF and CAQR used different databases, designed by different specialists. Fortunately there was very little overlap in the names in the two databases, as people were not allowed to register in CAQR if they had already registered with the CAAC-CAVF. Finally, the commissions did not have access to ongoing database support, relying instead on infrequent visits from an international programmer. This also contributed to their inability to produce and use quantitative data from the registration process.

54. The data challenges led to a significant loss of time and funds, as more than two years elapsed between the official closure of the CAAC-CAVF and the ceremonies of recognition based on cleaned data. Technical challenges of using the databases combined with already weak management initially led to little progress in the re-verification of names and correction of data by the CCD and CVD.

REGISTRATION RESULTS AND REPORTS

55. The CAAC-CAVF registered a total of 38,337 veterans, of whom 14,876 (39 percent) were deceased. The vast majority of the deceased stemmed from the years 1975 to 1979, a total of 12,960 (34 percent). However the mortality among Falintil soldiers continued to be high – among the 3,244 who registered as having served between 1980 and 1999, over half were deceased.²⁹ The data were broadly in line with the known history of the conflict. For example, the figures show the number of combatants moving from over 15,000 in 1977 to 700 for the 1979-1981 period reflecting the destruction of the Falintil bases during the latter period. The figures by district also show fairly even levels of participation across the country during the 1975-1979 period, with disproportionately high mortality rates in the western districts that the Indonesian armed forces overcame.³⁰ Among the 23,461 living veterans of the armed struggle³¹, only 234 or less than one percent claimed to have served 15 years or more (Office of the Prime Minister 2008, p. 16). Only 49 individuals claimed to have participated in the armed struggle for the entire 24-year period.³²

²⁹ Figures from the CCD, cited in Costa (2007).

³⁰ CAAC-CAVF Technical Report, August 2004.

³¹ This includes the cases of civilians, particularly women, who in fact served as members of the armed front but registered with the CAQR.

³² CCD, May 2007.

56. The CAQR registered a total of 36,806³³ people, of whom 9,796 (27%) were women. 3,037 people registered as former political prisoners (8%), encompassing those who had been jailed, held in Indonesian army bases, or sent to camps in other areas of the country. Of these 898 were women. The CAQR registered 3,640 deceased (10%), primarily people who had disappeared, died during detention, or were killed during the 1999 violence, among them 734 women.³⁴ The table below summarizes the commissions' basic registration figures.

	CAAC-CAVF	CAQR	Total
Total	38,337	36,806	75,143
Deceased	14,876 (39%)	3,640 (10%)	18,516 (8%)
Women	0	9,796 (27%)	9,796 (4%)

57. The reports of the CAAC-CAVF and CAQR include a summary of the activities of the commissions and recommendations for the classification of veterans, based on the community consultation process.³⁵ However, both reports contained few figures from the registration process. As a result key data, such as the breakdown of veterans by years of service or the geographic spread of participation and mortality were never publicized. Better quantification of results of the process might have led to improvements in the veterans legislation, as will be discussed below. Both final reports contained careful analysis of the most contentious issues from the public debates. For example, on the question of surrender with a gun, the CAQR report, which quantified the results of the debates by district, shows that in five districts the consensus was that those who surrendered with guns should not be considered veterans, but in the other eight it was agreed they should be.

58. The CAAC-CAVF report focused on qualitative data, including 35 recommended "priorities" for the state with respect to veterans. The first of these was that the state should locate and reinter the remains of the dead who had been hastily buried in the jungle.³⁶ Others included assistance to poor veterans, widows, orphans, and the disabled. Some recommendations implicitly concerned political reconciliation, for example, that those who had died as the result of the internal political struggles be recognized as veterans.

3.3 *Public Consultations*

59. One of the most successful aspects of the commissions' work was its public consultations. In early 2004 the CAAC-CAVF held public consultations in 24 different locations around the country, with approximately 8,000 people participating nationwide. These lasted two to three days in each location. Smaller discussions were held with only former commanders, who offered their public support, legitimizing both the process and results of the consultations. Communities welcomed the chance to participate and did so with enthusiasm. The consultations were intended to solicit community input on: i) the

³³ CCD, May 2007.

³⁴ Figures for the deceased from CCD (May 2007), all other figures from Kent (2006).

³⁵ April 2004 and January 2006, respectively.

³⁶ Care for the dead and ancestors is of particular importance in Timorese culture, and people devote extraordinary efforts to locate and properly honor the remains of the fallen.

criteria for someone to be deemed a veteran; ii) the delineation of different categories of veterans; and, iii) priorities for honoring and assisting veterans. The substance of the consultations and the range of opinions expressed were collated and analyzed by a team of Timorese consultants, and highlights were integrated into the final report of the CAAC-CAVF (Fonseca 2004). Given the thoroughness of the CAAC-CAVF consultations, the CAQR held shorter consultations, encompassing 1,340 people across the 13 districts, 35 percent of whom were women.

60. In addition to the public consultations, the CCD also held a special seminar in February 2006 titled the “Organizational Structures and Timorese Resistance Agents: Armed Front and Clandestine Front, from August 1975 to September 1999.” The then President Gusmão moderated the seminar, which ran for three days and involved 400 former leaders of the resistance from all over the country. The seminar was a collective review of the leadership and organizational structures of the resistance. Given the complexity of the resistance structures, the number of changes throughout the history of the resistance and the lack of documentation, it was critical that the commissions develop and document a common agreement on the historical structures and their changes over time.

61. The consultations allowed some of the most contentious issues to be discussed publicly for the first time. These included whether someone who had surrendered, surrendered with a gun,³⁷ or worked for the Indonesian administration or security forces could be recognized as a veteran, or how to differentiate between those who had worked with Indonesian institutions versus those who had committed acts of “treachery” toward the resistance. These were inherently difficult questions – for every person who was considered a traitor for working with the Indonesian administration, there exists another who despite also working for the administration is described as an important member of the clandestine networks. The consultations also showed very strong demand for the recognition of the role of women in the struggle.

62. With respect to the civilian resistance, the debate revolved around the core difficulty of whether and how to recognize those who were not members of formal structures but who contributed to the resistance as individuals. The clandestine resistance was composed of cells and individuals within and outside the formal command structures, many of whom were unknown to each other. Community members felt that the contribution of those who acted as individuals, as well as those who worked within structures should be recognized. However in practical terms it was harder to verify their actual contributions to the resistance. Ultimately the CAQR, following the advice of its advisors and the president, registered only those who were part of formal structures.

3.4 Developing Legislation

63. Article 11 of the Timor-Leste’s constitution stipulates that “protection” of and “tribute” to veterans must be defined by law. Additionally, Article 85 states that it is

³⁷ In 1979 the Falintil/Fretilin leadership recognized that lives had to be saved by encouraging civilians to surrender. However, surrendering with a gun was strictly forbidden as it meant the loss of scarce Falintil weaponry.

among the president's competencies to award honorary titles, decorations and merit in accordance with the law. Based on the constitution the national parliament took the initiative to draft the Statute of National Liberation Combatants (*Estatuto dos Combatentes da Libertação Nacional* – ECLN). It used the CAAC-CAVF report and an accompanying report by the president as a basis for the law. The report of the CAQR was not taken into account during the legal drafting process as the registration process was still underway while the law was being drafted.

64. The veterans law was the first substantive law written by Timor-Leste's parliament, as previous laws had been written by government and submitted to parliament for approval. The parliament created an Ad Hoc Commission³⁸ for the process, which was assisted by an international legislative drafter. Following the initial work of the Ad Hoc Commission, the Parliamentary Committee for Constitutional Matters, Rights, Liberties, and Guarantees (Committee A) finalized the law. The drafting process took almost two years, from the submission of the CAAC-CAVF report to parliament in mid-2004 to the finalization of the law in March 2006. Several articles explicitly require sub-decrees detailing responsibilities of respective state agencies, payment levels, modalities of assistance, and other details.

65. The ECLN defines veterans, their classification, benefits and eligibility, and the competencies of state organs. The law gives competency to the SEACLN for matters related to veterans and grants to the president competencies related to recognition as per the constitutional powers of the president. In his 2004 report to parliament on the veterans commissions process, the president had specifically highlighted that it was the prerogative of the civilian administration, not the armed forces, to address veterans issues. The law also calls for the establishment of a Consulting Council of National Liberation Fighters to advise the prime minister on veterans issues.

ELIGIBILITY

66. Fundamental to the veterans policy process, the law provides a legal definition of veterans upon which recognition and assistance measures can be based. In so doing, the law resolves the difficult issue of who is eligible to be considered a veteran in a movement that maintained no lists, included many semi-autonomous clandestine cells and depended heavily on the non-formalized support of communities. The law recognizes as veterans all those who participated in the resistance between August 1975 and October 1999 who were members of the structures of the resistance, including the umbrella structures (Article 5). The inclusion of the umbrella structures is important for the recognition of the members of the civilian front who were members of the many groups that constituted the CNRT. The law stipulates that time spent in all fronts should be totaled for purposes of recognition, and establishes for those still living a minimum of three years service for consideration as a Combatant of National Liberation (*Combatente de Libertação Nacional* – CLN). Those who served for more than eight years are defined as Veteran Combatant of National Liberation (*Combatente Veterano da Libertação Nacional* – CVLN).

³⁸ *Homenagear os Antigos Combatentes e Veteranos Das Falintil*. Relatório. Comissão Eventual para Apreciar o Relatório Sobre os Assuntos dos Antigos Combatentes e Veteranos das Falintil, December 2004.

67. In addition to members of the formal civilian and military structures, the law recognizes as veterans those individuals and communities that supported nearby Falintil encampments. In recognizing these two categories of veterans the law departs from the criteria used by the CAAC-CAVF and CAQR, which only registered those who had been part of formal structures. But it does follow the majority view of the public consultations. People who fall into these two categories will have to be registered at some future date.

68. The law also allows for those who worked in the Indonesian administration or armed forces to be recognized as veterans. This was a pragmatic choice given that many in the resistance movement, including some very prominent figures, were at certain times members of the Indonesian administration or army, and who would often use their position to support the resistance. Instead, the law bars those who committed any of the following “offences”: i) voluntarily surrendered with weapons; ii) collaborated with the enemy either during or after leaving the struggle; iii) have been convicted of a crime; and, iv) gave false testimony about their service in the resistance.

69. The grounds for disqualification raise difficult practical questions. How to determine the difference between “willing collaboration with the enemy” and working with the Indonesian administration while supporting the resistance clandestinely? Similarly, the law requires conviction of a crime to be disqualified, but convictions for recent crimes are rare given Timor-Leste’s weak and over-burdened court system, and crimes committed prior to 1999 are unlikely ever to come to trial. Similarly, it proved difficult to determine whether surrender with a gun was “voluntary.” Indeed, this criterion was in practice dropped because of the large number of combatants who surrendered with guns in the late 1970s and later rejoined the resistance.

70. The law also provides provision for the registration of those who have not yet had a chance to register. The law calls for the creation of the CHSRR that, in addition to other responsibilities (some of which were noted above), is charged with overseeing the registration of those who have not yet had a chance to register, as well as to hear appeals from those who feel they have been rejected unfairly or categorized improperly by the CAAC-CAVF and CAQR registration process.

3.5 Recognition Measures

71. Of all aspects of the veterans legislation, the provisions on recognition are the most important to veterans and their families. As one veteran from Aileu district put it: “If God or the government can help with some assistance, that will be good, but if not, all I want is a certificate to put on the wall so my children can know their father fought for independence.” The law provides for recognition in the form of medals, certificates, participation in public ceremonies, the right to wear a uniform for ceremonies, funeral honors, and burial in special cemeteries.

Box 6: The Importance of Recognition

“In principle, recognition is understood as something that, when received, makes a person or their family feel that they were valued, and will thereby have at least their active, if not heroic, participation in the resistance for the liberation of the homeland, remembered by generations.”

H.E. President Xanana Gusmã (CAAC-CAVF 2004)

“When they gave me the medal, it was if my husband was with me again.”

Widow, Maukata Suco, Covalima District 2007

72. With respect to medals, the law creates five orders:

- i) Order of Guerilla for veterans of the armed front
- ii) Order of Nicolau Lobato for civilian veterans
- iii) Order of Funu Nain for martyrs who died between 1975 and 1978
- iv) Order of Dom Boaventura for founders of the liberation movement
- v) Order of Laran Luak for foreigners recognized as Combatants for National Liberation.

73. Only the Veteran Combatants of National Liberation (i.e., those who served more than eight years) are eligible for medals. Medals are awarded according to the time served longest in a given front, therefore someone who served four years in the armed front but five in the clandestine front is awarded the Order of Nicolau Lobato. Within each of these orders veterans are further divided according to standard, middle, or superior rank. Upon recommendation of CHSRR three additional orders have been created:

- vi) Order of Falintil for fighters who died between 1979 and 1999
- vii) Order of Loriku Aswain for victims of the Santa Cruz massacre on November 12, 1991.³⁹
- viii) Order of Dom Martinho Lopes for members of the clergy who participated in the struggle.

74. The first ceremonies of recognition took place on November 28 and December 8, 2006, followed by ceremonies in March, May, and December 2007 and May 2008. As of mid-2008, 13,988 veterans or their survivors had been recognized. In organizing ceremonies, the CHSRR chose to prioritize the longest serving and the deceased. Of those recognized to date, approximately 90 percent are deceased (Office of the Prime Minister 2008). Approximately 11,000 people remain to be recognized, and it is likely that recognition ceremonies will be completed by mid-2009.

75. The particular sequencing of the process, with the completion of registration ahead of the determination of criteria and legal definition made sense from the perspective of

³⁹ Nicolau Lobato was the first Supreme Commander of Falintil and was killed in December 1978; *funu nain* is soldier in Tetum, the primary language of Timor-Leste; Dom Boaventura led an uprising against Portuguese rule in 1912; *laran luak* denotes generous in Tetum; *loriku aswain* denotes heroic youth in Tetum.

conflict prevention and peace-building. The establishment of the commissions and their early work on registration helped to quickly address a potentially destabilizing socio-political problem in the months after the restoration of independence (May 2002). However, this sequence produced challenges for the CHSRR in creating lists for the recognition ceremonies. Veterans had not registered according to the criteria and categories expressed in the law, so the database had to be retrofitted to the law's definitions and distinctions. For example, each veteran had multiple ranks held over time during the resistance, and the relative status of the ranks had changed as the structure of the resistance changed. Decisions had to be made, for example, as to which ranks were standard, middle, and superior, and whether a veteran would be recognized according to his or her final or highest rank.

76. Decisions of recognition and rank were particularly complex in the case of the civilian front. The CAQR had identified some 3,000 different ranks over the 24-year resistance. Additionally the law called for veterans to be recognized as civilian or military depending on which front they had served the longest. As a result thousands who had registered in the CAAC-CAVF but had spent a fairly short period in the armed front and had gone on to serve a longer period in the clandestine front were classified as civilian, not military, veterans. Finally, the 13,000 registered who served less than three years are according to the law not defined as veterans and therefore not recognized.

77. The government, with financing and technical support from UNDP, has also created a Garden of Heroes memorial near the army base in Metinaro, east of Dili. The site includes a memorial, an ossuary, containing several hundred sets of remains of people who died in service to the resistance, and a visitor's center.

3.6 Veterans Pensions

78. The veterans law provides for pensions, benefits for widows and orphans, and educational subsidies and also calls for other social assistance programs. As explained by one of the commission coordinators below (see Box 7) and discussed in the public consultations section earlier, the general consensus within the commissions and amongst the public was that everyone should be recognized but that social assistance should only be extended to those veterans most in need. In addition, there was a general agreement that those who devoted themselves for so many years should be compensated for forgone income and opportunities. In this way some of the benefits were conceptualized as a continuation of recognition rather than as a reward for winning or a right for continuing special privileges from the independent state.

79. As currently written and interpreted, only time spent "full time" in the resistance counts toward the number of years necessary to be eligible for one of the pensions. In practice this means only the time in the armed front and as a political prisoner will count toward a pension, as most time spent in the civilian resistance was combined with studies or some form of livelihood.⁴⁰ However in practice this does not mean that members of the

⁴⁰ An important exception to this generalization will be the small number of women and men who were civilians but served together with Falintil.

clandestine front will not receive any form of pension. Many members of the civilian front also served for periods longer than three years in the armed front and therefore will be eligible for the minimum payments. Future amendments to the law may also include removal of the “full time” requirement, resulting in a significantly expanded pension scheme. Following the precedent established by the recognition measures, different levels of pensions are paid based on standard, middle and superior rank. In addition to pensions, all veterans are eligible for social assistance or reinsertion programs, such as vocational training, livelihoods, and micro-finance.

Box 7: A commissioner discusses the recommendations regarding benefits for veterans

“Everyone can be recognized, but social assistance can only go to priority groups. We, the commissions, have provided in our recommendations a “win-win” solution, recognizing everyone but only extending assistance to the older combatants or those who really need it. For the people who struggled for 24 years, the government really should assist them. But there is no need to give everyone money. The idea that everyone can get money from this process is nonsense. Overall this process has helped with reconciliation, because those who were in the struggle will be recognized, and this will minimize the allegations of opportunism because people will know who really was part of the struggle.” Commissioner.

Jacob Correia, Commission Coordinator

80. The law creates four categories of assistance (one subvention and three pensions):

Types of Subventions and Pensions	Beneficiaries
Exclusive Dedication Subvention	-22,000
Special Subsistence Pension	397
Special Retirement Pension	234
Survivors Pension	11,907

- i) *Exclusive Dedication Subvention*. Legally available to all veterans who served more than three years and who have not joined the public service in the independent Timor-Leste. In practice this one-off payment will probably only be taken by those who served between three and eight years given that those who served more than eight years will have access to other pensions. The approximate pool of beneficiaries is 22,000.⁴¹
- ii) *Special Subsistence Pension*. This monthly payment will apply to those who served more than eight years and are over 55 years of age, or who are disabled as a result of their participation in the struggle for national liberation. In July 2008, 277 veterans over 55 who served between eight and fifteen years, and another 120 disabled began to receive this pension (Office of the Prime Minister 2008). The law stipulates that the minimum level of the pension must be the minimum civil service wage, currently \$85 a month. Actual pension levels vary depending on rank, from \$85 a month to \$120 a month.

⁴¹ Office of the Prime Minister, verbal communication, 2008.

- iii) *Special Retirement Pension*. This monthly payment will be made to the longest serving veterans, those who completed 15 years. 234 people began to receive this pension in July 2008. The law requires that the pension be at least three times the minimum civil service salary, or \$255 a month. For those who served between 15 and 19 years, pension levels vary between \$255 and \$340 a month, depending on rank. For those who served 20 to 24 years, levels range from \$340 to \$550 a month. Those currently employed by the state, such as members of F-FDTL, can remain employed and still collect the pension.
- iv) *Survivors Pension*. This is by far the most costly of the pension provisions, this pension will be awarded to one survivor of each deceased or missing veterans from both the civilian and armed fronts.⁴² In 2008, payments started to an initial group of 11,907 survivors. Of the remaining 6,609 (from the total 18,516 deceased who were registered), 4,905 are likely to be eliminated as they are deceased but are not considered martyrs because they did not die as a result of their participation in the struggle.⁴³ Those eliminated on these grounds include those who died of disease or old age after returning to the town, those who died after the struggle was over, and those killed by Falintil itself. As the law states that widows, orphans, parents, or siblings are potentially eligible, it is likely that an eligible survivor will be found for each of the deceased, even if he or she did not marry. The law specifies no minimum amounts, but amounts have been set at between \$120 and \$200 depending on the rank of the deceased.

81. In December 2007, the government also awarded \$9,600 each to 205 men and women veterans who had served more than 15 years in the armed struggle as a one-off “tribute” payment. Furthermore, under a *Superior Pension* 15 select living and deceased commanders will receive monthly pensions of \$750, retroactive to January 2008. The creation of this pension was deemed necessary due to the use of ranks in determining levels of payment for other pensions, in order to create a special level for the highest level commanders.

3.7 Assistance Programs

82. The long delays first in the creation of the veterans law, from mid-2004 to March 2006, and subsequent delays in implementation prompted the first Fretilin led government to start a number of other assistance schemes. In December 2005 government commenced payment of monthly subsidies to 38 of the longest serving and unemployed veterans. The beneficiaries received \$100 per month for soldiers and \$123 per month for commanders. These subsidies ceased with the start of the pensions payments. The government is also in the process of building 100 houses for individual veterans, based on the criteria of 15 to 24 years of service, unemployment, disability for the purposes of work, and lack of ownership of a home. In addition to these projects, MSS has periodically provided modest programs of food assistance or various kinds of training to veterans.

⁴² One survivor per deceased is eligible for the Survivors Pension.

⁴³ This will bring the estimated total of Survivor Pensions to 13,611.

83. In addition to the pensions, the veterans law also provides for a number of other benefits. These relate to health, education, training, and other “reinsertion” activities. Such activities scholarships for secondary and tertiary education for adult orphaned children, vocational and other forms of training, access to micro-credit, and other income generation activities. SEACLN aims to have initial program designs completed by the end of 2008. Moreover, under the law those who require them may have prosthesis paid by the state, although Timor-Leste’s veteran population includes few amputees. While not included in the law, the state also in practice pays some medical benefits for veterans, including operations to have bullets and shrapnel removed, an issue affecting a not insignificant number of veterans.

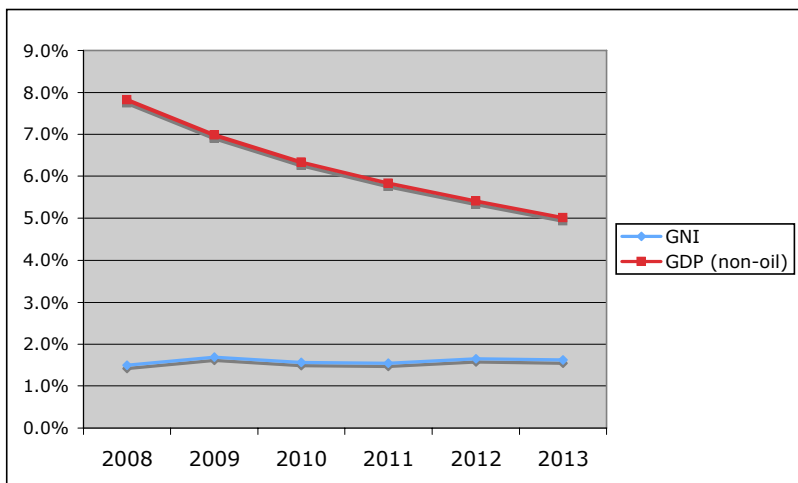
3.8 *Budgetary Implications*

84. Based on current estimates, the veterans pensions are expected to cost at least \$37 million in 2008 and subsequent years (Office of the Prime Minister 2008). This is likely to increase slightly over the medium-term as pending cases are processed, before declining over the long-term as beneficiaries pass away. This estimate for 2009 does not include the one-off costs of the Subvention for Exclusive Dedication for which a potential 22,000 beneficiaries are eligible. Once the final registration is closed and the total beneficiary pool established, a multi-year projection of the pension costs under the current pension scheme will be possible. The table below summarizes the costs as a percentage of the 2008 and estimated 2009 budget, and estimated 2008 GDP (non-oil) and GNI; the figure below graphs the percentages of GDP (non-oil) and GNI for 2008-2013.⁴⁴

Pension costs per year (2008)	\$37 million
Percentage of budget (2008)	4.7%
Percentage of budget (2009 est.) ⁴⁵	6.5%
Percentage of GDP (non-oil, 2008)	7.8%
Percentage of GNI (2008)	1.5%

⁴⁴ All figures and percentages are based on IMF projections, and does not take into account revisions to veterans pension due to inflation. The budgetary cost of \$37 million is based on the initial 11,907 survivors that received their first payments in 2008.

⁴⁵ The estimated figure used is \$ 566 million, which is the indicative figure circulated by the MoF in September 2008.



85. These figures are relatively high compared to other post-conflict countries, particularly as a percentage of Timor-Leste's non-oil GDP. As indicated in the table below, pension payments are high both in absolute terms and as a percentage of the budget and GDP. The only country with comparable absolute expenditure on veterans pensions is Bosnia and Herzegovina, where the national incomes and the cost of living are significantly higher. Guinea-Bissau—which has a comparable population to Timor-Leste, and is still recovering from a civil war in 1998-99 and a military coup in 2003—allocates a similarly high level of its budget to veterans payments. Unlike Timor-Leste, however, Guinea-Bissau is not currently benefiting from its mineral wealth, which includes significant deposits of bauxite and diamonds, and has experienced significant challenges financing these payments. Indeed, these commitments to veterans have impeded the government's ability to address other social issues. It is worth noting that should Timor-Leste's revenues from its oil reserves dramatically decline these high pension payments may be fiscally unsustainable in the long-term.

	Timor-Leste	Bosnia and Herzegovina	Cambodia	Guinea-Bissau	South Africa
Pension costs per year (2008)	\$37m	\$30m	\$14m	\$9.2m	\$2.9m
Percentage of budget (2008)	4.7%	1.7%	2.0%	4.5%	0.004%
Percentage of GDP (non-oil, 2008)	7.8%	0.6%	0.21%	2.3%	0.001%
Percentage of GNI (2008)	1.5%	-	0.17%	1.8%	-

Sources: Office of the Prime Minister (2008) (Timor-Leste); Ministry of Economy and Finance, and National Institute of Statistics (Cambodia); and, World Bank staff estimates (Bosnia and Herzegovina, Guinea-Bissau, and South Africa).

3.9 Challenges Ahead

86. Veterans issues in Timor-Leste have arguably moved from being one of the most important sources of potential instability in 2002 to an administrative challenge. This is an impressive accomplishment particularly in light of the myriad other development

challenges and a major national crisis in 2006. Nevertheless, there remain a number of key risks and challenges, including: i) problems with pension definitions as well as their fiscal sustainability; ii) the remaining issues and grievances surrounding *clandestinos* and youth; and, iii) potential risks surrounding the corruption and politicization of registration and registration data.

WEAKNESSES AND INEQUITY IN THE VETERANS LAW

87. The pension scheme as presented in the veterans law and elaborated in policy contain some weaknesses which could be addressed through changes in the policy or legal framework. If unaddressed these weaknesses could give rise to future grievances. First, the 55-year age limit for the Special Subsistence Pension is arbitrary and gives rise to significant inequities. For example, someone who served 14 years would have to wait until age 55 to receive a special subsistence pension of \$85 a month, whereas a 40 year-old who served 15 years would immediately receive a special retirement pension of at least \$255 a month. An orphan or a brother of a deceased veteran may have access to a \$85/month survivors pension under the survivors pension, but a veteran who served 14 years and is 53 years old must wait two more years to get a pension. Consideration might be given to eliminating the 55-year age limit through amendment of the law.

88. Second, some pensions are well above current levels of income per capita as well as other non-veteran pensions.⁴⁶ The comparatively high minimum pension amounts, particularly the Special Retirement Pension, will increase inequality between beneficiaries and non-beneficiaries. While these high levels may be justified by the exceptional merit of having participated in the struggle for such a long time, the government needs to exercise caution to make sure that these amounts do not become a precedent for civil servants pension levels, which are yet to be determined. Non-oil GDP was \$356 per capita in 2005, and according to the 2001 poverty assessment, 40 percent of the population lived below the national poverty line of \$185. Those earning the minimum civil service salary of \$85 a month belong to the highest income decile, and a monthly pension of \$255 a month would put recipients in the highest income brackets in the country. This could also influence future pension demands of other civil servants.⁴⁷ The new transfers for the elderly and disabled, which also started in July 2008 are \$20 a month, compared to \$85 to disabled veterans.

89. Third, the limit of eight years of participation is arbitrary, and does not relate to any other articles of the law. Eight years of participation is not referenced in the definitions of veterans. Article 3 defines Combatant of National Liberation (*Combatente da Libertacao Nacional*) as those who fought between August 20, 1975 and October 25, 1999 for at least three years. Article 7 defines Veteran Combatant of National Liberation (*Combatente Veterano da Libertacao Nacional*) as those who served more than fifteen years. Consideration might be given to eliminating this limit and moving the lower limit to three years.

⁴⁶ Timor-Leste is yet to define a pensions system for public servants.

⁴⁷ Parliament has already set a distortionary precedent by passing a law, overriding a Presidential veto, creating full pensions for all members of the first parliament in 2006.

90. Finally, the very broad eligibility under the survivors pension is at odds with the relative restrictiveness of the other pension categories. Currently only 631 living veterans are receiving monthly pensions. While this number may increase as pending cases are cleared, but it will still be dwarfed by the 11,907 survivors already receiving pensions. Eliminating the 55 year age limit and lowering the minimum years of service to three would expand the pool of eligible veterans.

Box 8: What we fought for: social justice

“The problem originally arose in 2002 and people started to talk about the veterans issue. When people fought, they didn’t sign a contract, so they are not expecting something. But they also see that there is no social justice. The government says the country is poor but the people from the government are driving Pradas, and people want social justice for themselves and their children. They fought, so they can’t compete in the market and now they are marginalized. In 2002, there was no law, nothing saying what would be done to benefit the veterans. Now after this process of registration, people are quiet and waiting to see what will happen next. What people need is not payments but social justice - social justice meaning roads, health, education, access to markets. Regarding the future, this process solved the problem of the veterans for now. Whether the problem happens again depends on the law.”

Miguel Manetelu, Commission Manager

CLANDESTINOS AND YOUTH

91. There are large numbers of young men between 25 and 40 who participated in the resistance and have been left without skills or jobs. As most of the youth and student participants in the resistance were civilians, rather than members of the armed struggle, they will not qualify for pensions under the veterans law. Given the high urban unemployment, this could become a source of grievance with former *clandestinos* demanding pensions.

92. These grievances could undermine the credibility of the whole process or lead the state to commit to an ever increasing number of pension beneficiaries. Addressing unemployment in general, including through the planned expansion of labor intensive public works, as well as programs specifically aimed at the former *clandestinos* will help mitigate this risk. These programs could include training, support for secondary and tertiary education, and apprenticeships. Such programs could also address perceptions of official indifference to entrenched inequality.

Box 9: *Clandestinos* and youth: dashed expectations

“This problem of the veterans could have been avoided, but instead it has not been resolved yet. The problem comes from the promises made in the jungle, when the leaders told them, especially the clandestine youth, that they would have a chance to go to school or they would get a job once the struggle was over. And now we see the widows and the orphans, that they are still living without their own houses, their children are not in school, they have nothing proper to wear. This is what led to the problem in 2002. Of course those who had a chance to study in the past now have more skills. Those who suffered before are still suffering, and those who had good jobs still have good jobs. We just stand in front of the widows and the orphans but with nothing to say. This inequality will lead to real problems unless the government can

find a way to resolve it. And then Timor can be called Zimbabwe.

It is very important that job opportunities be created for youth, especially outside of Dili. The commissions were a good first step but the problem has not been resolved. If we don't resolve these problems then we will go back rather than forward, as a country."

Bilou Mali, Commissioner

AVOIDING CORRUPTION AND POLITICIZATION

93. To date the veterans policy definition process in Timor-Leste has been accompanied by impressive levels of transparency, including public registrations and multiple postings of lists of those registered. The country has avoided corruption and politicization of veterans registration and assistance. The CAQR, which was conducting its work at the same time that local level elections were being held in 2004, explicitly included provisions in its internal regulations prohibiting members from engaging in political party activities. This critical separation was somewhat diluted under the CHSRR as several members took time off to engage in campaigning during the 2007 election and then resumed their duties.

94. The risk of corruption remains. At the same time, the move to differentiate honors and pensions by rank has widened the scope for allegations of favoritism. The CHSRR registration that commences in September 2008 will be the last chance to register, and because those registering now know the potential benefits the process may be more susceptible to corruption than previous registrations. It will therefore be critical that the transparency measures used in previous registrations are maintained, such as public posting of lists, and that the remaining "pending" cases are quickly and transparently adjudicated.

4. Lessons Learned

95. There are a number of lessons one can learn from the Timor-Leste's experience of addressing veterans concerns. These are grouped into seven "meta-lessons":

- 1) Supporting Nation-Building
- 2) Managing Political Tensions through Institutional Arrangements
- 3) Sequencing Registration and Determining Eligibility
- 4) Ensuring Legitimacy and Tapping Local Capacity through the Adoption of a Community-based Registration Process
- 5) Ensuring Broad Public Consultation
- 6) Facilitating the Shift from Policy Development to Execution
- 7) Balancing Technical Assistance and National Ownership

96. When reading lessons learned and transferring them to a different context it is crucial to reflect on the situation in Timor-Leste and the unique developments that facilitated certain processes and outcomes, and impeded others. All too often lessons learned are picked-up from one context and dropped into another. It is therefore important to examine lessons with a degree of caution. To mitigate this concern, we have prefaced this discussion with a description of the background and context, and have attempted to

include contextual nuance into the description of the process. These lessons should thus be read and understood with this background and context in mind.

4.1 *Lesson #1: Supporting Nation-Building*

97. The veterans registration and the creation of the law was an exercise in nation-building. Coming at a critical time when the form and function of most of the institutions of the new state were unfamiliar to most people the veterans policy development process involved thousands of people including many rural poor and/or politically disaffected in a national process. In presenting the early results of the registration, when several disaffected groups had failed to participate as part of their refusal to recognize the new state, the president alluded to the relationship between confidence in the state and registration: “...when the process produces good developments on the part of the state institutions, and if the opportunity to register is opened again, these very people will take advantage of it.” And indeed they did. Anticipating the recognition of individual contributions to the formation of the new state, the registration elicited recognition of the state itself.

98. Facilitate inter-communal contact and closure. Although largely unforeseen at the time, the veterans process was able to help facilitate contact between the friends and families of the deceased through the community-based registration process. This led in some cases to families being able to find and properly inter the remains of their relatives who had been hastily buried in the jungle during the resistance, which for cultural and spiritual reasons in Timor-Leste was a priority for many families.

99. An historical record for generations to come. The information produced by the commissions will be of great value to future historians of Timor-Leste. The CAAC-CAVF and the CAQR documented the historical structure of the resistance as it changed over the phases of the struggle, and the databases contain the first statistical data on the resistance. These include figures on members of the resistance, both armed and civilian, killed during the struggle by phase and geographic area. There is information on surrender and capture by *suco*, which will allow future historians to chart the progressive destruction of the base areas correlating with Indonesian military operations. Combined study of the veterans commission data and the CAVR archive would also yield new historical insights.

100. Facilitate the debunking of myths surrounding the resistance. The publication of the veterans commission data could help forge a unifying national identity and heal the east-west identity divisions which developed during the crisis of 2006. For example, the data show that patterns of participation were similar across the whole country when service in the armed and clandestine resistance, and population size is taken into account. Unsurprisingly, the two most populous districts outside of Dili, Ermera and Baucau have the highest overall rates of participation and combatant mortality (CAAC-CAVF 2004). Due to earlier and heavier Indonesian military presence in the west, and more hospitable terrain and abundant food sources in the east, the armed struggle survived disproportionately in the east. The veterans commission data show the west bore the brunt of the early years of the invasion, with the highest combatant deaths in the 1970s (ibid.).

4.2 Lesson #2: Managing Political Tensions through Institutional Arrangements

101. The process of developing veterans policy in a post-conflict context is inevitably highly politicized. Timor-Leste, as described in the background and context section, was no exception. At the time of independence the issue of who was a *bona fide* veteran as well as what benefits they should receive had become politicized and a source of considerable social tension. Given this environment one of the key strengths of the veterans policy process in Timor-Leste was its ability to manage these and prevent further political tensions surrounding veterans. Given this success, the Timor-Leste experience provides some lessons for managing politics and tensions that surround veterans issues in post-conflict contexts.

102. Non-partisan approach. One of the most significant factors of success of Timor-Leste's approach to veterans issues was the non-partisan nature of the registration commissions and the commissioners' understanding of their role as resolving a national question central to Timor-Leste's existence as a nation. Then President Xanana Gusmão was the most appropriate figure to initiate the veterans policy process and to lead registration, as the independently elected Head of State as well as the Commander in Chief of the Armed Forces, and repeatedly underlined the importance of a non-partisan approach. Of course a high profile leader would not in itself have been sufficient. A number of other factors also played a contributing role.

103. Broad selection of commissioners. The inclusive nature of the process also contributed to political stability. Most fundamentally, the president's choice of commissioners was astute in that they were people whose resistance credentials were universally acknowledged, and who were also well placed to bring in particular constituencies, some of which were potentially hostile to the new state. This inclusive selection of commissioners ensured the participation of all socio-political groupings in the registration process, with no one party dominating or boycotting the process (Kent 2006). For example, one commissioner was an active member of a social movement, Committee for the Popular Defense of the Democratic Republic of Timor-Leste (CPD-RDTL), which was nominally opposed to the government; another came from the group *Sagrada Familia*, a well-known clandestine network whose leader, Elle Sette, was a prominent critic of the first government.⁴⁸

104. Reach out to reluctant groups. The commissions and the president made extraordinary efforts to reach out to small groups or individuals initially reluctant to register whether out of opposition to the new government, uncertainty about the legitimacy of the institutions of the new state, or personal reasons. The commissions drew in members of the main veterans organizations.⁴⁹

105. Suspend commissioners' political party activity. Coming from a range of political backgrounds (people did come from political backgrounds), the commissioners were

⁴⁸ Under Prime Minister Mari Alkatiri from May 2002 to June 2006. Many in CPD-RDTL entered the political mainstream by joining Elle Sette's UNDERTIM party in 2005.

⁴⁹ Association of Veterans of the Resistance and Foundation for the Veterans of Falintil, see Kent (2006).

keenly aware of the dangers of politicization. Internal codes required members to suspend political party work while working for the registration commissions. Furthermore, the mandate of the commissions was articulated in such a way as to portray the process of developing solutions to the veterans issue as a matter of collective responsibility and less a political agenda.

106. Multi-partisan parliamentary commission. The parliamentary commission that drafted the law was a multi-partisan commission.

4.3 *Lesson #3: Sequencing Registration before Determining Eligibility*

107. One of the most important lessons of the Timorese experience is the sequencing of the registration process and the development of criteria for determining who was and was not a veteran. In most post-conflict contexts, the registration process has followed the development of criteria. In many ways this is the most logical phasing. Some sort of committee consisting of leaders of the resistance establishes criteria and subsequently establishes a registration process based on the criteria. Arguably the registration and policy implementation would have been more straightforward had the sequencing been as such. However, for a number of strategic reasons, a decision was made to begin with the registration before determination of the criteria for veterans status. There are a number of advantages to such an approach.

108. Ensure stability. The sequencing choices reflected the stability imperatives. To be done properly, criteria and definitions could only be developed through extensive public consultation. But the time when the commissions began their work, a protracted public discussion of criteria and definition would probably have inflamed rather than quelled tensions. In this way, the sequencing helped to mitigate the politicization of the veterans policy process.

109. Minimize inflated service records. The decision to sequence the development of criteria through a public process after the registration was also taken to discourage people from inflating their service records in order to be classified at a higher level. As mentioned, at the time of independence there were many groups claiming veteran status. Some of this was for political reasons, but some was also because of expectations that the government would provide veterans with generous benefits. Although expectations of some benefits were bound to remain, the initial focus on documentation of the resistance and registration of veterans effectively drew attention away from a “registration for benefits” mentality. The merits of this approach became obvious following the start of pension payments, as once initial awards and payment levels became known, the CHRSS had to respond to numerous requests by recipients to change rank or length of service.

110. Begin a community dialogue on criteria. Finally, the choice of sequencing registration and eligibility actually initiated a community dialogue around criteria. Although the registration process was sequenced to occur before the development of eligibility and distinction of rank, the process did begin some of this discussion, and in a less hostile environment. The sequencing of registration could play such a role because of the adoption of a decentralized and community-based registration process (see below).

4.4 *Lesson #4: Ensuring Legitimacy and Tapping Local Capacity through the Adoption of a Community-based Registration Process*

111. One of the most difficult and contested parts of the veterans policy process in any context is developing a complete and credible list of eligible veterans. Indeed, as noted above, the determination of who was and was not a true veteran was a source of considerable tension at the time of independence. Although it took a long time and was faulted for this, the adoption in Timor-Leste of a community-based registration process was crucial to both ensuring a comprehensive and legitimate list of veterans in a context where the “veteran” was highly contested and politicized. The Timorese experience suggests a number of advantages to such an approach. In addition the approach demonstrated the considerable Timorese capacity for project implementation when arrangements built on pre-existing community level modes of organization and relationships.

112. Foster discussion, generate consensus and diffuse decision-making. From the outset the registration process not only aimed to produce a list but to facilitate a dialogue and to generate consensus amongst the community. This process reflected the commissioners’ understanding of their role. They saw themselves gathering data, fostering discussion, and building consensus, rather than making decisions alone and from above. In this way the commissioners conceived of their work as outlining the history of the resistance, slotting individuals into historical structures, and thereby authenticating individual involvement against this backdrop – much like filling in names on a family tree. From a political perspective, this approach effectively diffused decision-making and forestalled possible future criticism of the process and results.

113. Involve local-level veterans and tap their community organizing capacity. A clear advantage of the community-based registration mechanism was its ability to involve veterans at different levels and, most importantly from an operational perspective, to tap into their capacity to organize community-level activities. In many ways this process of registration mimicked and drew on the strengths of the resistance movement. Utilizing this local capacity helped to overcome chronic low capacity at the central level.

114. Ensure transparency through public disclosure and review hearings. Like for any community-based mechanism a crucial element is the dissemination of information regarding the process. Contrary to what one might expect, the experience in Timor-Leste was that information dissemination was more effective in rural than in urban areas. The reason for this was the continuing existence of former resistance networks and informal communication channels. Conversely, the public was less well informed in Dili where informal communication channels are less robust. The design of the questionnaire, which made it difficult to falsify information, and the public character of the registration further shored up confidence that those who were not true veterans would be excluded. Registrants were required to provide very detailed information, for example, the names of commanders, the names of region and companies, and five witnesses who could verify the claims made for each period served.

115. The adoption of a transparent mechanism was crucial to the process generally and to the community mechanisms more specifically. In creating a list only transparency can guard against accusations of favoritism, political partisanship, or corruption in the registration exercise. The Timorese experience highlights the importance of public disclosure and review hearings at the local level. These steps acted in two ways. First, the public disclosure acted as an effective deterrent and discouraged the falsification of claims as well as corruption and favoritism in selection. Second, and if the deterrent factor is insufficient, the disclosure and resolution of complaints provides an opportunity for the public to review and contest claims if necessary. This process can also simply resolve genuine mistakes as noted above. While the commission process was criticized as slow, there were no accusations of partisanship or corruption in the registration process.

4.5 Lesson #5: Ensuring Broad Public Consultations

116. The extensive public consultations were central to the policy development process in Timor, and were one of the most successful aspects of the commissions' work. In early 2004 the CAAC-CAVF held public consultations in 24 different locations that lasted two to three days in each location. Smaller discussions were held with only former commanders. The Timorese experience highlights both the importance of public consultations in post-conflict veterans policy processes and also suggests where improvements could be made.

117. Use public consultations to facilitate public consensus on recognition and assistance. The public consultations afforded the first opportunity for ordinary people to publicly talk about the resistance, which for most had defined their lives until 1999, involved key national and local level figures, and generated ideas, including the over 30 recommendations that were subsequently passed to parliament.

118. Maximize the use of registration data in public consultations. An advantage of sequencing the registration process first is that it enables the use of the registration results in the public consultations related to the determination of eligibility and benefits. Unfortunately this opportunity was not optimized in the Timor. Indeed, the public consultations could have benefited from significantly more and better use of data from the registration process. The most obvious example was the contentious issue of surrendering with a gun. Many communities and participants in the consultations strongly felt surrendering with a weapon should make one ineligible for veterans status. However, it was clear from the registration data that barring those who surrendered with a gun from recognition would be unworkable given how many members of Falintil had surrendered with guns and the varied circumstances surrounding surrender.

119. Use public consultations to encourage a dialogue on the future role of veterans. As veterans of all ages and from across the country often point out, the legacy of Timor-Leste's resistance can serve as a force for national unity for Timorese society as a whole. The east-west divisions brought to life by the 2006 crisis could taint the legacy of the resistance if they go unaddressed. However the public consultations tended not to encourage such a dialogue on the future, national unity and the role of veterans in facilitating this unity. Instead the consultations became somewhat bogged down in

contemporary discussions on, for example, whether surrendering with a gun was permissible and what forms of assistance for eligible veterans are appropriate. This is not to dismiss these discussions. It was vital that they be discussed in open fora and were crucial to the overall success of the process. But the public consultations would have been enhanced further if they had not only resolved some of these more practical matters but if they had actually managed to transcend them.

4.6 *Lesson #6: Facilitating the Shift from Policy Development to Execution*

120. Arguably a key weakness of the experience in Timor-Leste was the shift from registration to the policy and legislation development. Three institutions were involved: the commissions under the Office of the President that were primarily responsible for registration, public consultations and developing policy ideas; the parliament that drafted the law; and the government that was responsible for administering assistance and some modest programs targeted at veterans through the National Directorate for Combatants of National Liberation (DNACLN). While the policy and the law did ultimately come to reflect the results of the commission process, the ongoing transition from policy development to execution has weakened the policy process and impacts.

121. Overall strategy from registration to implementation. The veterans policy process suffered from a lack of overall strategy for moving from registration to the payment of pensions. This was particularly acute given the multiple commissions and the various actors and interests at stake. There were some attempts to lay out a plan for defining responsibilities and communication across institutions, but these efforts were *ad hoc* and not as farsighted as they could have been.

122. Coordination and communication. Amongst both parliamentarians and the first government there remained a broad lack of understanding of the commission process, even among those involved in veterans issues (Kent 2006). There were some attempts to establish regular communication between the veterans commission and parliamentary commission, but these were not maintained. Only one parliamentarian ever visited the commissions in his official capacity, and members of the veterans commissions only met once with the parliamentary committee drafting the law. These difficulties in coordination were in part due to inexperience in formal institutional structures. This lack of familiarity created uncertainty around communication across institutions, despite regular communication between individuals in the context of Timor's tight-knit social fabric. Highly centralized institutional cultures also hampered coordination.

123. Improved use of data. The better use of even provisional data by the various institutions with responsibilities for developing and executing the veterans policy might have improved the process. Provisional data could have been used, for example, to estimate the fiscal costs of benefits or help determine how different eligibility scenarios would compare to standard state pensions, and assisting with planning in the DNACLN.

124. Minimize the number of commissions and ensure clear mandates. Registration would also have been more efficient if it had been consolidated under one commission (Kent 2006). In the Timorese context it is not certain that this was possible. When the

CAAC-CAVF was established it was not yet clear whether the state, communities, or donors would have appetite for such a large-scale registration process. However if a large-scale process is at all likely then all actors, including donors, should anticipate a long-term timeframe and avoid the proliferation of commissions and overlapping mandates rather than succumb to the temptation to add as demand (or donor funds) become available.

4.7 Lesson #7: Balancing Technical Assistance and National Ownership

125. There is an important balance to be struck between outside technical assistance and national leadership when supporting endeavors such as veterans policy processes in post-conflict contexts. One of the most notable aspects of the veterans commissions' work was the clear Timorese leadership and the near absence of international advisors, at a time when almost every state agency and office in Timor-Leste had advisors. This approach was appropriate yet runs somewhat contrary to the international community's reflex of wanting to solve problems with the recruitment of an international advisor. It suggests that a much more selective approach to deploying international advisors may be justified – depending on the nature and complexity of the task at hand.

126. The politics surrounding veterans issues demanded clear national ownership to ensure legitimacy. This required that the international community support a somewhat idiosyncratic process and for the commissions to identify their local strengths. The approach did of course result in some efficiency losses and, with the benefit of hindsight, one can identify some areas where international assistance would have significantly improved implementation while maintaining national ownership.

127. Recognize and tap local capacity. The veterans policy process demonstrated that in low capacity countries such as Timor-Leste there can often exist considerable capacity to manage complex, community level projects. Donor supervision and external evaluations consistently highlighted the strong performance of district staff. Tapping this local capacity, particularly the organizational capacity built during the resistance, was crucial to the success of the veterans policy process in Timor-Leste and enabled the commissions to implement registration activities in every community across the country.

128. Support central management. The national level work, which involved data management and the compilation and analysis of results to influence policy discussion proved the most challenging aspect of the work. Indeed, at the central level the CAAC-CAVF process suffered from mixed management. This led to delays and left the process open to criticism. The CAQR, which was established after the CAAC-CAVF, had a professional Timorese office manager and as a result suffered fewer management challenges and registered almost as many people in less than half the time and cost. Donors might have supported a clearer differentiation between the commissioners and the administrative support from the outset – this was essentially remedied under the CAQR – with Timorese staff and international technical assistance as needed. A professional office manager or director with responsibility for the considerable logistics and quality control associated with such a large enumeration from the outset would have freed up the commissioners to focus on policy and interactions with communities and local officials.

129. Provide database support from the outset. The presence of a full-time international database specialist to assist the commissioners in building a database appropriate to the needs of the commissions and ensure quality in data processing from the outset would have averted many difficulties while strengthening the commissioners ability to understand and use the data generated by the registration process. Perhaps the single greatest technical challenge was matching the data to the categories of recognition and assistance required under the law. Although the sequencing was such that registration took place before development of eligibility criteria, the database could have been designed so as to more effectively facilitate a retrofitting of the registration data and the subsequently determined criteria.

5. Conclusion

130. Veterans issues in Timor-Leste have arguably moved from being one of the most important sources of potential instability in 2002 to an ongoing administrative challenge. This is an impressive accomplishment particularly in light of the myriad other development challenges and a major national crisis in 2006. And while the process of registering veterans, defining policy, and starting assistance and recognition measures has been slow and at times difficult, it is also important to focus on what has been achieved and what the process has meant to the population: 75,143 veterans have been registered; 13,988 have been recognized; a veterans law and associated decree laws have been passed;⁵⁰ and, pensions payments for 12,538 have begun. In addition to these impressive numbers, veterans and their families report that recognition confers an extraordinary sense of validation, bringing peace to some of those who sacrificed the most. Furthermore the pensions and other assistance measures have contributed materially to many poor households, particularly given that over 90 percent of registrations took place outside of Dili.

131. Nevertheless, there remain a number of key risks and challenges, including: i) the need to overcome administrative hurdles and to strengthen the government agencies responsible for administering the pensions and benefits; ii) the need to establish simple monitoring and outreach systems to verify that beneficiaries are receiving assistance; iii) the need to amend the veterans law, particularly in light of inequities that are present in the current arrangements; iv) the need to monitor concerns regarding fiscal sustainability of the pensions and benefits; v) the importance of addressing grievances surrounding *clandestinos* and youth so as preempt pressure to expand benefits to an ever wider proportion of the population; and, vi) potential risks surrounding the corruption and politicization of the registration process and data.

132. Positively, many critical steps have been taken to meet these challenges, including the passage of the necessary decree laws, beginning pension payments, institutionalization of cooperation between the commission and the government body charged with overseeing veterans affairs (DNACLN), enhancement of capacity within the DNCALN, and the

⁵⁰ Decree-law on Pensions and Subventions to Combatants of National Liberation and their Families, and Government Decree establishing Financial benefits under the Statute of the Combatants of National Liberation.

establishment of the administrative systems necessary to administer pensions. These more recent achievements suggest that the institutional structures and systems are appropriately designed and sufficiently robust to manage veterans issues at least for the foreseeable future. It will, however, remain important that these institutions – and veterans issues more generally – are closely watched by government and the international community alike lest veterans issues and grievances become overtly politicized and a source of instability in what remains a fragile nation.

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