

East Timor
2003

Country Operations Plan

Part I: Executive Committee Summary

(a) Context and Beneficiary Population

Political context

In 2003 East Timor will continue to be faced with daunting challenges as it comes to grips with its responsibilities as an independent state. However, it will, be facing these challenges with the knowledge that the overwhelming majority of the estimated 260,000 East Timorese who fled the 1999 violence have returned to their homeland. The election of Kay Rala "Xanana" Gusmao as East Timor's first President is considered a major stabilising factor in a potentially volatile political environment. While it is expected that under Xanana's leadership the successful reconciliation process will continue, there is concern that a number of East Timorese will be deeply disappointed by the uncertain economic outlook over the short to medium terms. Lack of employment and inadequate public services may provide an opportunity for political rivals to reverse the reconciliation process the East Timorese have fought diligently to foster. The fragility of the social and economic situation in East Timor will unfortunately be compounded by the continued reduction in United Nations operations on the island. Initial post-independence enthusiasm will be replaced by hard economic realities.

In West Timor, Indonesia, it is anticipated that the influence of the militia and other pro-Jakarta groups on the remaining refugees will be further weakened in the months ahead. The relatively large returns in the months leading up to and following East Timor's independence has weakened the support base of pro-Jakarta groups in the camps and led to a number of middle level commanders returning to East Timor. UNHCR anticipates that with East Timor's transition to independence, the phase-out of assistance by Indonesian authorities and the application of the refugee status cessation clauses on 31 December 2002, will convince the majority of those remaining to return before 2003. If cessation clauses are applied at the end of 2002, the remaining refugees will have a six-month grace period during which to return to East Timor. By the end of June 2003, it is expected that there will be a caseload of some 20,000 East Timorese still in Indonesia.

Security situation

The security situation throughout East Timor is expected to remain uncertain but relatively stable up to 2003. The independence celebrations and presidential election in the first half of 2002 passed peacefully, thanks largely to a continued presence of United Nations Peace-Keeping Force and Civilian Police in the most sensitive regions as well as the overwhelming support for Xanana Gusmao as president. A significant although reduced presence will be maintained by UN security forces in East Timor during 2003. East Timorese Defence Force and Police Force personnel will gradually assume security responsibilities throughout the country from UN units. A continuing security concern remains the number of extreme pro-Jakarta militia elements in West Timor. With the overall refugee population decreasing in West Timor, a number of low and mid-level militia leaders are also repatriating. Senior militia levels are unlikely to return in the short-term, or until such time that they feel that they can return without fear of prosecution.

West Timor continues to be designated by UNSECOORD as a Security Phase V area and only time-limited ad hoc missions are undertaken to promote voluntary repatriation in co-ordination with the Indonesian authorities. It is not known when the security phase in West Timor will be reduced as an exchange of letters, between UNSECOORD and the Indonesian authorities, which was a precondition for the return of UN agencies, has not been signed.

UNHCR's role

With the expected announcement of cessation of refugee status on 31 December 2002, UNHCR's operational assistance to returnees will continue to be reduced. It is anticipated that East Timor will accede to the 1951 Convention and 1967 Protocol relating to the Status of Refugees in the second half of 2002. In line with the recommendations contained in the 2002 Agenda for Protection UNHCR, will assist the East Timorese authorities in developing

national legislation, procedures and structures to meet the needs of asylum seekers and refugees. UNHCR will also support the operation of the Commission on Reception, Truth and Reconciliation and a number of local NGOs supporting vulnerable groups.

Overview of each beneficiary population

By the end of August 2002, UNHCR had recorded the return of over 220,000 East Timorese from Indonesia. According to the Indonesian authorities and UNHCR estimates, less than 40,000 refugees remain in Indonesia. UNHCR believes that the majority of these persons have significant links to Indonesia, either being or having been employed by the Indonesian Government, married to Indonesian nationals, undertaking study in Indonesia or being linked to pro-Jakarta militias. UNHCR will remain committed to assisting the East Timorese authorities developing national legislation and structures to deal with asylum seekers and refugees.

Policy issues

The planned declaration of the cessation clause for East Timorese refugees, albeit with a six month cessation clause, will prompt the remaining East Timorese in camps in Indonesia and Indonesian authorities to implement durable solutions. Since early 2000, UNHCR has been closely involved with the Indonesian authorities on local settlement opportunities outside of Timor for those East Timorese who do not wish to return to East Timor. Unfortunately the local settlement program has stalled due to reluctance by refugees to leave the island, difficulty in finding communities willing to accommodate refugees and a general scarcity of arable land.

By late August 2002 the Draft Amnesty law which had been proposed by President Gusmao at the time of independence had not been passed by Parliament. If Parliament decides to move ahead with the draft, it is likely that many hard-line refugee leaders would return to East Timor bringing, with them their remaining followers. However, the families of victims in East Timor insist that reconciliation is only possible if justice is done.

Linkages to other countries within a defined "situation"

East Timor is inextricably linked to Indonesia and the remaining refugee situation in West Timor. The presence of President Megawati at East Timor's independence in May and statements by Indonesian authorities that voluntary repatriation remains the preferred solution for the remaining refugees are positive indicators from Indonesia to East Timor. President Gusmao has also informed the Indonesian Armed Forces (TNI) that he is willing to repatriate the bodies of TNI soldiers still in a Dili cemetery, as a gesture of reconciliation. Both sides are optimistic that this improving relationship will be long lasting.

Capacity and presence of implementing partners and UN agencies

Outside the ongoing collaboration with the UN agencies, and the local and international implementing partners, the importance of working with the new Government of East Timor will be a UNHCR priority. A phase-down in 2003 will be successful only if a national structure is in place and capable of dealing with issues previously handled by UNHCR.

(b) Selected Programme Goals and Objectives

(i) Name of Beneficiary Population: East Timorese Returnees	
Main Goal(s): Facilitate repatriation, reception and reintegration for the six-month grace period (up to end June 2003) following application of the cessation clause. Ensure that the bulk of operations are handled by East Timorese authorities.	
Principal Objectives	Related Outputs
Through support to the Indonesian Government (GoRI) and East Timorese Government, promote and facilitate voluntary repatriation for East Timorese refugees, with planned disengagement by the end of June 2003.	Direct protection assistance, referral and follow-up and monitoring of individual cases Individual counselling and assistance Limited provision of NFI assistance Public Information, advocacy and reconciliation

(ii) Name of Theme: International protection	
Main Goal(s): Development of national institutions concerned with refugee protection	
Principal Objectives	Related Outputs
Stateless persons in East Timor benefit from ratification and application of the 1954 and 1961 Conventions on Statelessness. Refugees and asylum seekers benefit from national legislation conforming to international standards.	National legislation prepared and implemented. Parliamentary membership of all parties lobbied. East Timorese population educated on refugee issues.

(iii) Name of Theme: Protection of refugees and assistance to asylum seekers	
Main Goal: Assist and ensure protection of asylum cases	
Principal Objectives	Related Outputs
Ensure protection of those persons who justifiably seek asylum in East Timor and facilitate appropriate durable solutions. Implementation of RSD by the East Timorese Government is properly done according to the international standard and national legislation.	Provide RSD process in-lieu of non-existence of state procedures Comply with UNHCR's global policy on irregular movers