

## Timor-Leste's Veterans: An Unfinished Struggle?

### I. OVERVIEW

More than ten years after the formation of Timor-Leste's army and the demobilisation of the guerrilla force that fought for independence, the struggle continues about how to pay tribute to the veterans. The increasingly wealthy state has bought off the threat once posed by most dissidents with an expensive cash benefits scheme and succeeded in engaging most veterans' voices in mainstream politics. This approach has created a heavy financial burden and a complicated process of determining who is eligible that will create new tensions even as it resolves others. A greater challenge lies in containing pressures to give them disproportionate political influence and a formal security role. A careful balance will need to be struck between paying homage to heroes while allowing a younger generation of leaders to grow up to replace them. Failure could block the generational transfer of power necessary for the state's long-term stability.

The question of who and how many qualify for veteran status remains both difficult and politically charged. The contributions of hundreds of fighters of the *Forças Armadas de Libertação Nacional de Timor-Leste* (Falintil), who comprised the armed front during the 24-year resistance to Indonesian occupation, are the most straightforward. A well-known and far smaller diplomatic front walked the corridors of the UN in New York and in capitals to ensure the outside world never forgot their struggle. As the resistance matured, a clandestine front emerged as an integral part of the struggle for independence, smuggling in supplies to the guerrillas, capturing media attention and frustrating Indonesian intelligence efforts. While this latter group was the most numerous, the contributions of many of these men and women remained unknown even to one another, as they worked in the shadows.

Since independence, complex arrays of commissions and laws have been formed to register and pay homage to this mostly undocumented movement. These efforts have increasingly focused on compensation with \$72 million (6 per cent of the state budget) set aside for veterans' benefits in 2011. While the promise of money has eased discontent among dissident former Falintil fighters, it has also brought a flood of apparently false claims of service, making any definitive list of veterans an unreachable goal. A decision to "reactivate resistance structures" to boost legitimacy has

not solved the problem. Judgment on difficult cases has been deferred based on a belief that fraudulent claims will be revealed through denunciation once the lists are published. Even with the option to appeal, new discontent is being created that will require mediation.

Beyond cash benefits, there are two areas where veterans' demands for greater influence will have to be checked. The first is the scope and shape of a proposed veterans' council, whose primary role will be to consult on benefits as well as to offer a seal of institutional legitimacy. Some veterans hope it will be given an advisory dimension, allowing them to guide government policy and cementing their elite status. Such a broad role looks unlikely but the illusion that veterans might be given more influence has likely increased the government's appeal in advance of elections next year. It could also serve as a useful bridge to dissident groups who have thus far stayed outside electoral politics.

The second decision is whether to give Falintil veterans a formal security role in defending the state. This appears most likely to come in the form of a military reserve force as foreseen in existing legislation. While a ceremonial role for Falintil would recognise the guerrilla army's important legacy, the government should stop short of using veterans to constitute a formal reserve. The danger of arming them was made clear in the violence of the 2006 crisis, as they formed part of different opposing factions armed by state institutions. They were neither disciplined nor united, and added to the violence rather than controlled it.

The state still faces a difficult challenge in balancing veterans' demands for recognition with efforts to promote strong and independent institutions. Only with the right balance will a shift in power be possible from the "Generation of '75" that brought the country to independence and still holds onto power. Timorese politics and its security sector institutions remain held together by a small set of personalities rather than bound by legal rules. In a leadership environment marked by few real changes since before independence, the recent resignation of the armed forces chief, Taur Matan Ruak, may yet prove to be a big step towards generational succession. As the military's leadership is now forced to evolve, so must the country's politicians.

Donors have little role to play in influencing policy towards former combatants, but the challenges of the veterans' pension system underscore the difficulty in designing cash

transfer programs that are less susceptible to fraud. This is one area where outside technical help could be useful.

## II. STRUCTURES OF THE RESISTANCE

The difficulties of defining Timor-Leste's veterans have grown out of the complex and diffuse structure of the resistance to the 24 years of Indonesian occupation.<sup>1</sup> Its intricate hierarchies were transformed many times in response to changing circumstances. Although a rich record of correspondence between the very highest ranks remains, written records of the involvement of the lower ranks were rare.<sup>2</sup> Particularly in the early years, the leadership emphasised the role that the population as a whole, including women and youth, played in supporting the fight for independence, and the boundaries between combatants and civilians were not always clear. The three different fronts of the resistance – armed, diplomatic and clandestine – each played separate but mutually supporting roles in the ultimately successful struggle for independence. The bonds forged between members of the resistance during this period remain strong, but so do the inevitable rifts.

### A. 1975-99

The armed front of the resistance, Falintil, was born originally not out of opposition to Indonesia but as the armed wing of the leftist Frente Revolucionária de Timor-Leste Independente (Fretilin) formed to defend itself against an armed action by the rival establishment party União Democrática Timorese (UDT) in August 1975.<sup>3</sup> After the 7 December 1975 invasion, it led resistance to the occupation and was bolstered by considerable civilian support as

its forces retreated to the hills.<sup>4</sup> At a May 1976 Fretilin meeting in Soibada in Manatuto district, it was decided to formally launch a semi-guerrilla resistance, led by Falintil. Critical logistical support would be provided by civilians grouped in strongholds known as *bases de apoio* (support bases).<sup>5</sup> Increased Indonesian deployments in late 1977 supported a more aggressive campaign, leading to the surrender of many fighters and most of the civilian population who had taken refuge in the strongholds, most notably at Mount Matebian in November 1978.

Following this surrender, most of the population who had fled to the interior was resettled by the Indonesian military – many in coastal areas, district towns or along major roads, where surveillance would be easier. The lines between combatants and non-combatants were blurred on both sides, particularly as the Indonesian military forcibly recruited East Timorese operational support personnel (TBOs) and civilian guards (*Hansip*).<sup>6</sup> Among the more extreme examples at this time was the use of thousands of civilians in a forced march across the countryside in sweeping operations known as *pagar betis* (fence of legs) that were designed to encircle and flush out those still in hiding. The ethos of the early years of the resistance, which held that the armed forces drew their strength from the community, remained strong. To this day, the country's military forces draw on this legacy, invoking the Maoist dictum of

<sup>1</sup> Previous Crisis Group reporting on Timor-Leste includes Crisis Group Asia Reports N°120, *Resolving Timor-Leste's Crisis*, 10 October 2006; N°143, *Timor-Leste: Security Sector Reform*, 17 January 2008; N°180, *Handing Back Responsibility to Timor-Leste's Police*, 3 December 2009; Crisis Group Asia Briefings N°87, *No Time for Complacency*, 9 February 2009; N°104, *Timor-Leste: Oecusse and the Indonesian Border*, 20 May 2010; N°110, *Managing Land Conflict in Timor-Leste*, 9 September 2010; N°116, *Timor-Leste: Time for the UN to Step Back*, 15 December 2010; and N°122, *Timor-Leste: Reconciliation and Return from Indonesia*, 18 April 2011.

<sup>2</sup> A rich record of correspondence between some of the leading Falintil commanders as well as communications with some of the leading members of the diplomatic and clandestine fronts is kept by a national archive museum in Dili. The museum is currently under renovation but much of the archive is available online at [www.amrtimor.org](http://www.amrtimor.org).

<sup>3</sup> The state of Timor-Leste continues to commemorate Falintil Day on 20 August each year, marking the date of Fretilin's counterattack against UDT.

<sup>4</sup> For a more detailed background on Fretilin movements and Indonesian advances, see *Chega!*, "Report of the Commission on Reception, Truth and Reconciliation", chapter 3, "History of the Conflict", pp. 60-93.

<sup>5</sup> *Chega!*, chapter 3, op. cit., para. 272-275. This decision would lead to one of the first major splits within Fretilin. Fretilin's then President Xavier do Amaral supported the view that it would be more efficient and safer to allow the civilian population to surrender. The disagreement led to his forcible removal from the post in September 1977 and imprisonment. After escaping in 1978 he was later captured by the Indonesian military. He now serves as President of the Associação Social-Democrata Timorese (ASDT) party. In one of the last acts of the Fretilin-controlled parliament following the 2007 elections, Xavier's role as "proclaimer of the Republic" was officially recognised in a parliamentary resolution and he was given access to the substantial benefits accorded to former office-holders, thus in effect clearing his name of treason charges. See "Reconhecimento do papel desempenhado pelo Sr. Francisco Xavier do Amaral na luta pela independência nacional", Parliamentary Resolution 10/2007, 17 July 2007.

<sup>6</sup> Many TBOs (*Tenaga Bantuan Operasi*) were young teenage boys. One academic likens their role to that of the "criados" who helped guide Australian soldiers in Japanese-occupied East Timor during the Second World War. Geoffrey Robinson, "People's War: Militias in East Timor and Indonesia", *South East Asia Research*, vol. 9, no. 3 (November 2001), pp. 271-318.

the army as fish and the people as water (*F-FDTL mak ikan, povu we*) to stress the link between the two.<sup>7</sup>

East Timor, as it was then known, was deemed pacified by the Indonesian military in March 1979.<sup>8</sup> Guerrilla activity had waned following the capture, killing or surrender of many Falintil commanders.<sup>9</sup> This included the killing in December 1978 of then-President and guerrilla Commander-in-Chief Nicolau Lobato, who had served as Fretilin's first prime minister. Under the leadership of Xanana Gusmão, among the few senior leaders of the Fretilin Central Committee still alive after 1978, the armed resistance regrouped and restructured itself and formally adopted a full guerrilla warfare strategy. He was elected to serve in all three leadership posts of the resistance at a conference in Lacluta in March 1981.<sup>10</sup> There were only a few hundred Falintil fighters left at the time, though the ranks later swelled in the late 1990s, particularly in the last year of the resistance.<sup>11</sup>

The new strategy involved urban clandestine groups that began to grow during the 1980s in association with youth groups and the church. A subsequent restructuring of the resistance in December 1988 saw the formal acknowledgement of the role of the clandestine front and the establishment of an executive committee geared towards guiding and overseeing the activities of a diverse and uncoordinated range of groups.<sup>12</sup> Clandestine organisations ranged in size and purpose; some were a handful of civilians supporting an individual Falintil commander with very few outside links, others national umbrella movements. Key networks involved youth and students in East Timor and across Indo-

nesia such as Ojectil, an organisation first formed in 1986 in Dili, as well as Renetil and Impettu for those at university elsewhere in Indonesia.<sup>13</sup> Women played key roles in clandestine activities as well (a smaller number fought in the armed front), drawing on the legacy of the Organização Popular da Mulher Timorense (OPMT), the women's arm of Fretilin.<sup>14</sup>

The clandestine movement became increasingly important in the 1990s as the emphasis switched from military victories to increasing diplomatic pressure. Its members were responsible for such key events as the unfurling of a banner during the Pope's 1989 visit, the protest on 12 November 1991 that led to the Santa Cruz massacre and the "embassy jumpers" in Jakarta in 1994-1995 that were all designed to attract further international attention.<sup>15</sup> The drastically disproportionate response of Indonesian security forces to a group of unarmed protesters in the Santa Cruz massacre, in which over 270 people may have been killed, was seen as a crucial turning point in international attention to the East Timorese independence struggle.<sup>16</sup> Organiser Gregório Saldanha recently called it a "necessary evil" in the independence struggle.<sup>17</sup> These movements were not united and given the high risk of arrest, the links between members were often deliberately hidden. Many in the clandestine movement also worked as double agents who fed information to Indonesian intelligence or worked with the government and fed information to the resistance. True loyalties could be difficult to discern and members had limited interaction or knowledge of the front beyond their own small circle of immediate contacts. One influential figure explained the clandestine front lacked the clear military

<sup>7</sup> The saying hung on a banner in front of Government Palace on Falintil Day in 2009. Timor-Leste's armed forces are known as Falintil-Forças de Defesa de Timor-Leste (F-FDTL).

<sup>8</sup> Accordingly, around this time a presidential decree was issued regularising under Indonesian law the status of armed groups present in the territory at the time, including former Portuguese police and soldiers, as well as volunteers ("partisans") who had fought on the side of Indonesia. The latter were given full status as veterans under Indonesian law. See Perpres no. 23/1978, "Penyelesaian masalah pasukan bersenjata di Timor Timur", 22 July 1978.

<sup>9</sup> Despite the relative weakness of Falintil, a few surprise attacks were launched during this time, including in June 1980 in Dili on the Becora magazine, Maribia broadcast centre and military installations in Fatuhada and Dare.

<sup>10</sup> These were commander-in-chief of Falintil, national political commissar and president of the new parent structure the March 1981 meeting had created: the Conselho Revolucionário da Resistência Nacional (Revolutionary Council of National Resistance, CRRN).

<sup>11</sup> These later conscripts are still known as *novatos* (beginners).

<sup>12</sup> At its first meeting in July 1990, 27-year-old Constâncio Pinto was elected head of the executive committee. The emergence of the clandestine movement and the formation of the executive committee are described in Constâncio Pinto and Matthew Jardine, *East Timor's Unfinished Struggle* (Boston, 1997), chapters 6-7.

<sup>13</sup> Ojectil: Organização de Juventude Católica de Timor-Leste (Organisation of Catholic Youth of Timor-Leste); Renetil: Resistência Nacional dos Estudantes de Timor-Leste (National Resistance of East Timorese Students); Impettu: Ikatan Mahasiswa, Pemuda dan Pelajar Timor Timur (Association of East Timorese Students and Youth).

<sup>14</sup> While some women held political positions within the resistance, none were included in the Falintil command structure. See Naomi Kinsella, "A Luta Continua: Recognizing Timorese Women's Contribution to the Independence Struggle", (forthcoming work).

<sup>15</sup> These included 29 students who jumped into the U.S. embassy in Jakarta on 12 November 1994 and occupied it for twelve days on the margins of the Asia-Pacific Economic Cooperation (APEC) summit in nearby Bogor; five who entered the French embassy a year later and were repatriated to Portugal; and some 55 at each of the Dutch and Russian embassies on 7 December 1995, the twentieth anniversary of the Indonesian invasion. See *Chegal*, op. cit., chapter 3, para 494-495.

<sup>16</sup> An exact number of the dead and missing has not been established. See *Chegal*, op. cit., chapter 3, para. 483. The 12 November Committee in Timor-Leste is currently leading efforts to identify all the dead and missing.

<sup>17</sup> "Massacre foi 'mal necessário' para a luta de Timor – organizador protestos", *Lusa*, 10 November 2011.

hierarchy of the armed front; "sometimes the father did not know his own child".<sup>18</sup>

## B. AFTER INDEPENDENCE

Among Falintil's most formidable achievements was one which involved no fighting at all. Under instructions from jailed resistance leader Xanana Gusmão,<sup>19</sup> its forces were unilaterally cantoned and ordered to not engage Indonesian forces or militias ahead of the 1999 referendum.<sup>20</sup> It sent a powerful signal to the world that there was no civil war in East Timor as Indonesia had claimed and highlighted the use of state-sponsored violence by those aligned with Jakarta. The discipline with which they resisted provocations and the urge to intervene after Indonesia's allies conducted a scorched earth policy after the referendum made it easier to mobilise consensus for the quick deployment of international soldiers.

After the arrival of a UN-sponsored peace enforcement mission in September 1999, all the Falintil contingents were gathered together in a single cantonment in Aileu.<sup>21</sup> The UN transitional administration that immediately followed was unprepared to deal with Falintil and did not know what to do with the roughly 2,000 cantoned fighters. Providing them with support was made difficult by rules blocking assistance to armed groups and the institutional view that they had served as a party to the conflict made engagement awkward, even as the administration was mandated with designing disarmament, demobilisation and reintegration (DDR) efforts.<sup>22</sup> As living conditions deteriorated in the cantonment, old tensions between the fighters flared. They had never before been forced to serve together in one place.<sup>23</sup> One charismatic long-serving fighter Cor-

nélio da Gama (alias L-7) left the cantonment with hundreds of followers, many of whom were armed, as they were angry with the forces' poor leadership.

Fifteen months after they were cantoned in Aileu, 650 former guerrillas were selected to join the new East Timor Defence Force (ETDF). There was little consultation with the public or even with many of the former fighters; decisions on who would join the new force were made exclusively by Xanana Gusmão and Falintil high command.<sup>24</sup> At a ceremony at the Aileu cantonment on 1 February 2001, Falintil was officially demobilised and the new defence forces inaugurated.<sup>25</sup> Those not incorporated but still in the cantonment were filtered through the donor-sponsored Falintil Reinsertion Assistance Program (FRAP) that provided cash grants and some limited job training.<sup>26</sup>

Dismantling the structures of the resistance has proven contentious. Vocal opposition to the demobilisation of Falintil led the drafters of the new country's constitution to rename the military the Falintil-Forças de Defesa de Timor-Leste (F-FDTL) in an effort to recognise the strength of Falintil's legacy as defender of the people. Broader concerns about the legitimacy of the new state, which had been run under UN administration for two and a half years, crystallised around the issue of demobilisation and the exclusion of many from the new force.

Vocal dissidents took up the issue even though the "overwhelming majority of people affiliated with grievance- or issue-based security groups were never members of Falintil or FRAP beneficiaries".<sup>27</sup> The issue nevertheless proved an easy subject to politicise and Rogério Lobato, Fretilin's defence minister in 1975, played a lead role, encouraging disaffected veterans and others onto the streets as he angled for his old job in 2002.<sup>28</sup> He helped setting up groups such

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<sup>18</sup> Crisis Group interview, Gregório Saldanha, organiser of the 1991 Santa Cruz demonstrations and current head of 12 November Committee, Dili, 7 September 2011.

<sup>19</sup> Xanana was elected president of the CNRT (National Council of Timorese Resistance) in April 1998 at a conference of Timorese in the diaspora at Peniche, Portugal.

<sup>20</sup> Full cantonment was completed on 12 August at four sites: in Uaimori, Manatuto; Aiassa, Bobonaro; Poetete, Ermera; and Atalari, Baucau. See Ian Martin, *Self-Determination in East Timor: The United Nations, the Ballot, and International Intervention* (Boulder, 2001), pp. 72-73.

<sup>21</sup> The International Force for East Timor (InterFET) deployed on 20 September 1999. Aileu is a district capital set in the mountains south of Dili, roughly an hour's drive. There the forces were commanded by Taur Matan Ruak and his deputy Lere Anan Timor.

<sup>22</sup> "A Review of Peace Operations: A Case for Change", Conflict Security and Development Group, King's College London, 10 March 2003. See Section 2.D: "Disarmament, Demobilisation and Reintegration".

<sup>23</sup> See Edward Rees, "Under Pressure: Falintil-Forças de Defesa de Timor-Leste. Three Decades of Defence Force Development

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in Timor-Leste, 1975-2004", Geneva Centre for the Democratic Control of Armed Forces Working Paper no. 139, April 2004.

<sup>24</sup> "This created a lack of ownership over both the demobilisation and formation of the new defence force at all levels". See "Defining Heroes: Key Lessons from the Creation of Veterans Policy in Timor-Leste", World Bank, September 2008, Section IV: "Peace, transition, demobilisation and veterans in Timor-Leste".

<sup>25</sup> The East Timor Defence Force was established by the United Nations Transitional Administration in East Timor (UNTAET), Regulation 2001/1 ("On the establishment of a defence force for East Timor") on 31 January 2001 and inaugurated the next day at a ceremony in Aileu.

<sup>26</sup> See John McCarthy, "Falintil Reinsertion Assistance Program (FRAP) Final Evaluation Report", International Organisation on Migration, June 2002.

<sup>27</sup> Ibid, p. 12.

<sup>28</sup> See, for example, Rees, "Under Pressure", op. cit.; and Crisis Group Reports, *Resolving Timor-Leste's Crisis* and *Handing Back Responsibility to Timor-Leste's Police*, both op. cit.

as the Association of Former Combatants of '75 (AC '75).<sup>29</sup> After he was appointed interior minister in the first Fretilin cabinet, he drew on these links to employ former veterans without law enforcement training in special police units to tackle insecurity in western districts. Other groups such as Sagrada Familia and Colimau 2000 grew active in criminality, setting up roadblocks and demanding cash.<sup>30</sup>

This discontent added urgency to efforts to register the country's veterans and establish a benefits scheme. The constitution mandated some form of "rendering tribute to the nation's heroes" as well as special protection for those with disabilities, orphans and dependants of those who had died during the war.<sup>31</sup> The original idea was to gather all the registrants, who each filled out detailed questionnaires on their involvement, before making any decisions on how the state would provide recognition.<sup>32</sup> Separate commissions were created to register different categories of veterans: those who had served as original members of the armed front (1975-1979), those who later served with the armed front, members of the clandestine front and the diplomatic front.<sup>33</sup>

An observer of the initial 2003-2005 registration process notes that "it spoke to the strengths of the resistance" by drawing upon word-of-mouth dissemination of information, grassroots organisation and community-level engagement.<sup>34</sup> It also engaged a number of leading figures from a broad political spectrum in roles linked to governing the affairs of veterans and helped ward off some of the threat posed

by dissident groups. Roughly 65,000 people were registered.<sup>35</sup> Technical follow-up of these claims proved more challenging: the commissioners had fewer skills or donor support in the management of the relevant databases and other more technical tasks. A large number of claims appear to have been either false or inflated, while many either went missing or were never properly recorded.<sup>36</sup> Follow-on commissions set up in 2005 to combine and clean up the databases struggled to manage the process and it remains unfinished.

### C. THE 2006 CRISIS

The role played by veterans in the May 2006 crisis illustrates both the enduring power of the connections among former members of the armed front and the damaging cleavages between them. The crisis saw a four-day protest by a group of disgruntled soldiers known as the "petitioners" grow into a broader challenge to state authority that the police and military proved unable to contain; indeed, they became part of the problem.<sup>37</sup> Armed battles between a diverse group of factions of the security forces and their political allies racked Dili over the course of a month.<sup>38</sup> Those veterans who were involved did not form a single bloc; instead they were split among a handful of opposing factions locked in fighting in and around Dili.<sup>39</sup>

Some aligned loosely with disaffected soldiers known as the petitioners, such as Major Tara, who deserted the army in the midst of the crisis to lead a "ten districts movement" boycotting the government. Others followed ex-Falintil member Rai Los, who was illegally armed with police weapons by Rogério Lobato and used them to attack army head-

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<sup>29</sup> The Association of Former Combatants (Assosiasaun dos Antigos Combatentes de 1975) now appears to be defunct but Lobato was its most notable supporter along with other dissident Falintil members. It provided a loose umbrella for a range of political security groups challenging the state's authority in 2001 and subsequent years. See Rees, "Under Pressure", op. cit., pp. 50-52.

<sup>30</sup> Sagrada Familia members were accused of leading an armed attack on the Baucau police headquarters in November 2002. See James Scamarcy, "A Survey of Gangs and Youth Groups in Dili, Timor-Leste", report commissioned by the Australian Agency for International Development (AusAID), 15 September 2006.

<sup>31</sup> Article 11 ("Valorisation of the Resistance") of the Timorese constitution.

<sup>32</sup> The responsibility of the state to recognise and honour (*valorização*) the "historical resistance of the Maubere people ... and the contribution of all those who fought for national independence", to "ensure special protection" to disabled veterans and orphans or other dependants of veterans is enshrined in Article 11 of the Timorese constitution.

<sup>33</sup> These were the Commission for Matters of Former Combatants (CAAC), tasked with registering those who fought between 1975 and 1980; the Commission for Matters of Former Falintil Veterans (CAVF), tasked with registering those engaged in the armed front from 1980 to 1999; and the Commission for Matters of Resistance Cadres (CAQR), tasked with registering the clandestine front. Veterans of the diplomatic front have not yet been registered.

<sup>34</sup> Crisis Group interview, former international official, 28 July 2011.

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<sup>35</sup> Crisis Group interview, Mario Nicolau dos Reis, state secretary for veterans' affairs, Dili, 9 September 2011.

<sup>36</sup> Ibid.

<sup>37</sup> Some of the cleavages between police and army faction were in fact grounded in earlier failures of demobilisation and reintegration. One observer wrote in 2003: "Old divisions in the anti-Indonesian resistance movement are being institutionalized ... with one political grouping (President Gusmão's allies) finding a home in the defence force and dissidents (under the patronage of [Rogério Lobato]) likely finding a home in the police service". See Edward Rees, "UN's failure to integrate Falintil veterans may cause East Timor to fail", Online Opinion, 2 September 2003.

<sup>38</sup> The arrival of international military and police on 25 May marked the end of major violence in Dili. For more on the 2006 crisis, see Crisis Group Report, *Resolving Timor-Leste's Crisis*, op. cit.; and "Report of the United Nations Independent Special Commission of Inquiry for Timor-Leste", United Nations, 2 October 2006.

<sup>39</sup> Timorese security sector monitoring NGO Fundasaun Mahein notes that there were even concerns in Dili that those who had fought in the crisis would expect some kind of recognition and payment as "veterans". See Fundasaun Mahein, "Veterans in Timor-Leste since the crisis of 2006", 23 March 2011.

quarters.<sup>40</sup> A larger group remained aligned with the army's ex-Falintil core and after being given old weapons from the military's armoury, it attacked the police headquarters.<sup>41</sup>

Many veterans view their involvement in the 2006 crisis as instrumental in protecting the country and preventing a slide towards further violence. This view ignores the role key figures played in escalating rather than containing the 2006 violence, which led to 38 deaths. While some veterans did try to calm tensions and dissuade others from getting involved in violence, they did so without arms.<sup>42</sup> Many former Falintil fighters (and some of their supporters) nonetheless believe they still retain a function as the final line of armed defence against civil disorder and want it written into law.<sup>43</sup> To them, rearming veterans in any future security breakdown makes sense as only former members of the armed front have proven their loyalty to the state. As a former *clandestino* close to many from the armed front and now a senior civil servant explained, "if we have to lose one hundred people to save one million then it is a price worth paying".<sup>44</sup>

### III. VALUING THE RESISTANCE

Nearly ten years after full independence, there are still many calls to resolve the "veterans problem" (*kestaun veteranus*), highlighting it as one of the key challenges of statebuilding. The definition of this "problem" is somewhat slippery, but a former commissioner explained in a 2008 report:

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.<sup>45</sup>

A large part of this "problem" is linked to government cash transfers, and the confusion arising from eight-year-old claims that have still not resulted in payments for many. It is also more broadly about unease over the unfinished business of structuring influence and respect within the new state – many veterans fear they are not being accorded enough.

The Gusmão government, elected in 2007, announced that implementing benefits for veterans would be a priority of its five-year program and reopened registration to deal with the many complaints of missing data or unrecorded claims. This brought a flood of 125,000 new claimants, meaning the country of just over one million people now has a total of 200,000 applications to wade through.<sup>46</sup> The massive response was in part driven by the increasing wealth of the state as petroleum revenues came online and perceptions that other handout programs, such as relief provided to those displaced by the 2006 crisis, had accepted many fraudulent claims. "It's a problem that has become more difficult, rather than easier, now that the state has more money".<sup>47</sup> The processing of the claims presents political, as well as technical, difficulties, and ongoing "reverification" efforts risk creating new tensions even as payments soothe old ones.

#### A. A COSTLY SET OF BENEFITS

An increasingly complex web of legislation governs the eligibility and definition of benefits for veterans of the resistance. It has been the subject of two major revisions since framework legislation was first published in April 2006, as well as multiple changes to implementing regulations.<sup>48</sup> This complexity is in part a reflection of the compartmentalised nature of the resistance and its many discrete phases - enshrining these in law is important to those concerned.<sup>49</sup> It is also the product of a series of chang-

<sup>40</sup> Major Tara's full name is Augusto Tara Araújo. A former Falintil fighter, he deserted the F-FDTL during the 2006 crisis and is now a member of parliament for the PSD party. "Rai Los" is the alias of Vicente da Conceição, now a Liquiçá businessman; he was sentenced to two years and eight months imprisonment on 9 October 2009 but was released in January 2010 following commutation of his sentence by the president.

<sup>41</sup> For more detail see "Report of the United Nations Independent Special Commission of Inquiry for Timor-Leste", op. cit.

<sup>42</sup> "Defining Heroes", op. cit., para. 54.

<sup>43</sup> See, for example, angry remarks at a July 2010 press conference organised by veterans serving as MPs from across the political spectrum in the national parliament. "Tempo Semanal video STL kedok Pedro nega veteranus ran nakali.mpg" ["Tempo Semanal video, STL stirs things up, Pedro denies it, veterans furious"], available at [www.youtube.com/watch?v=8MHAbhm\\_4sg](http://www.youtube.com/watch?v=8MHAbhm_4sg).

<sup>44</sup> Crisis Group interview, former clandestine member and current government official, Dili, 16 August 2011.

<sup>45</sup> Bilou Mali quoted in "Defining Heroes", op. cit., p. 29.

<sup>46</sup> The figures include registrations made by family members on behalf of the dead. Crisis Group interview, Mario Nicolau dos Reis, state secretary for veterans' affairs, Dili, 9 September 2011.

<sup>47</sup> Crisis Group interview, former international official, 28 July 2011.

<sup>48</sup> Legislation covering veterans' benefits now totals over 60 pages, most of it only available in one of the state's two official languages, Portuguese, but not in Tetum. The framework law is the "Estatuto dos Combatentes da Libertação Nacional", Law no. 3/2006. This statute was revised by Laws no. 9/2009 and 2/2011.

<sup>49</sup> Subsequent to revisions following the 2003-2005 registration period, the questionnaire filled out by claimants has been made shorter. Now twelve pages, it covers six different phases: 20 August 1975-6 December 1975, 7 December 1975-31 December 1978 (Base de Apoio), 1 January 1979-2 March 1981 (Bolsa de Resistência, covering the period following surrender at Mat-

es that have gradually broadened the scope of those eligible, increasing the financial burden on the state. In 2011, \$72 million, or 6 per cent of the budget, was apportioned for these transfers.<sup>50</sup> The actual disbursement rate is about half of the budgeted figure or around \$9 million a month due to delays in the approval of the large number of pending cases.<sup>51</sup>

The 2006 veterans' statute established a legal definition of "national liberation combatants" (Combatentes de Libertação Nacional), reserved for those who maintained "exclusive dedication" to the resistance for at least three years but the threshold for most payments was set much higher. Qualifying for national liberation combatant status opens the door to other benefits, some of which are still to be developed under further legislation, such as special health services. A revision to the law that took effect with the passage of the 2010 state budget added a one-time payment for all people who had served between four and seven years and also lowered the service requirement for the life-time pensions.<sup>52</sup> After these revisions, there are four major categories of benefits:

- ❑ A one-time payment for those who served between four and seven years with exclusive dedication to the resistance. This is fixed at the equivalent of one year's salary for the most junior civil servant (\$1,380 in 2011).<sup>53</sup>

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ebian until the 1981 Lacluta meeting), 3 March 1981-31 December 1986 (CRRN, covering the period following the reorganisation until Xanana split Falintil from Fretilin), 1 January 1987-14 September 1998 (CNRN, covering the subsequent period until the meeting of the diaspora at Peniche), and 15 September 1998-25 October 1999 (CNRT/Frente Política Interna, covering the period following the shift to a broader unity platform called the Timorese National Resistance Council until the withdrawal of the last Indonesian forces on 25 October).

<sup>50</sup> According to the government's budget transparency portal, at the end of October 2011, expenditures under the National Directorate of National Liberation Combatant Affairs (\$31 million) were greater than for any other government program with the exception of the new electricity grid. \$30.7 million of this is transfers to veterans. See [www.budgettransparency.gov.tl](http://www.budgettransparency.gov.tl).

<sup>51</sup> Figures shown to Crisis Group reflecting payments made in September 2011 in memo 150/DNACLN/IX/2011, 8 September 2011.

<sup>52</sup> See Law 9/2009. The preamble notes that three years after the passage of the initial bill, changes were deemed to be required to those aspects found "to be less in conformity with the dignity of all those who, in some manner, sacrificed their lives in pursuit of the liberation of the Nation".

<sup>53</sup> These categories are laid out in the two revisions to the veterans' statute (Laws 9/2009 and 2/2011) and the amounts currently fixed in subsidiary legislation, the most recent version of which is Ministerial Despach 11/GMSS, 21 December 2009.

- ❑ A life-time pension paid to the heirs of those killed while fighting, the *mártires da libertação nacional* (\$230-\$287.50 a month, depending on the rank of service).<sup>54</sup>
- ❑ A life-time pension paid to those who served between eight and fourteen years with exclusive dedication and to those who were rendered handicapped or unable to work due to service in the resistance, irrespective of time served (\$276-\$345 a month, depending on rank of service).
- ❑ A life-time pension paid to those who served between fifteen and 24 years with exclusive dedication to the resistance (\$345-\$575 a month depending on final rank attained and length of service). Even higher amounts may be paid by the state to "prominent figures" – fifteen have so far been named as such and receive \$750 a month.<sup>55</sup>

This payment structure establishes a hierarchy based on length of service with the key benchmarks being either eight years or fifteen years of service. Before the 2010 revisions, those with between eight and fourteen years of service were only eligible for a pension once they reached 55. The inflation of records by registrants focuses on trying to surpass these thresholds, for example, claiming ten years of service when they can only present proof of six, or sixteen instead of ten.<sup>56</sup>

The pressure to expand the ranks of the eligible veterans has especially come from people who are often too young to have participated long enough in the resistance and are thus ineligible for these benefits. This issue emerged consistently when the prime minister conducted a tour of all the country's sub-districts in 2010 to promote the national development plan. In response, he promised to open up eligibility for "the Fronts [of the Resistance] which were

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<sup>54</sup> The payments for all the recurrent pensions are set as a multiple of the minimum civil servants' salary, set at \$115 per month effective from January 2009. The full values are laid out in Ministerial Despach no. 11/GMSS, 21 December 2009, available in the government gazette, the *Jornal da República*. The children of the martyrs are also eligible for educational benefits in the form of scholarship assistance.

<sup>55</sup> This latter figure is roughly equivalent to the salary of the second most senior rank in the military (\$725). See Decree-Law 15/2008, "Pensões dos Combatentes e Martires da Libertação Nacional", Article 46.1 and subsequent revisions. The fifteen prominent figures are named in Government Resolution 10/2008. They include the country's first president, Xavier do Amaral, the first Falintil commander, Nicolau Lobato, and successors Ma'Huno, Nino Konis Santana and Taur Matan Ruak; current F-FDTL chief Lere Anan Timor and Fretilin President Lu Olo. Xanana Gusmão is not named.

<sup>56</sup> Crisis Group interviews, members of the commission, local administrators, Dili, Laleia, Gleno, Liquiçá, August-September 2011.

not recognised under the relevant law”, referring primarily to the clandestine front.<sup>57</sup>

## B. THE REVERIFICATION EFFORT

This process risks creating conflict for many of the same reasons as other recent government cash transfer programs: the difficulty of designing clear eligibility criteria viewed as fair by a broad spectrum of citizens, the perception that these criteria are trumped by political connections in high-profile cases, and the inevitable social jealousy that arises with the distribution of such relatively large amounts of money in very poor communities.

It also hits at something deeper. Unlike benefits for the elderly or the displaced, these payments are intended not just to respond to objective social welfare needs of citizens but also to recognise their role in the achievement of independence. While entitlement to cash rewards is an incentive, being officially recognised as a veteran also confers status and respect in one's community, and this makes even the allocation of non-monetary rewards contentious. After medals were awarded to veterans in 2008, news reached Dili that Eurico Guterres, indicted for crimes against humanity for his role in 1999 militia violence, had received one. This angered many, including those who believed they deserved but had never received one for service to the pro-independence cause.<sup>58</sup> It is still often cited as an example of the unreliability of the veterans' registry. It emerged that Eurico had not been given the medal for any service of his own, but for that of his late uncle and it was passed on to him by family members for safekeeping until they could gather to bury it with the body.<sup>59</sup>

In 2010 the government began an effort to sort through the database of claims for veterans' status by setting up a

Reverification Commission.<sup>60</sup> Earlier efforts had been conducted by civil servants and were seen as rife with fabrications and inconsistencies: chalked up to poor data entry efforts, deference by staff to older community members, and outright corruption with agreements to either accept one-time payments or split pensions.<sup>61</sup> The idea is that the new commissioners, who were all directly involved in leadership roles in the resistance, most of them with the armed front, will quickly be able to determine which claims were genuine.

### 1. Criteria

The Commission has had mixed success in winnowing claims; in some areas they may even have increased.<sup>62</sup> The laws are still ambiguous over who qualifies and how to clean the list. The greatest uncertainty concerns how the records of those involved in the clandestine front will be treated. Most are not eligible for pensions under current legislation because of the requirement of exclusive dedication. Few *clandestinos* can fulfil this criteria as their cover lay in day jobs, often within the Indonesian civil service. Those jobs helped provision the armed front with bullets from those who had joined the Indonesian army, provide intelligence from those working as “double agents”, or even allow for access to photocopiers for helping spread information.<sup>63</sup> As the twentieth anniversary of the Santa Cruz demonstration approached, the secretary of state for veterans' affairs explained the 1991 organisers could only count their involvement as one day of service, but many argued this ignored the years of preparation that went into the movement.<sup>64</sup>

For the clandestine operatives, two situations clearly count towards exclusive dedication: time spent in jail or in exile on Atauro Island.<sup>65</sup> But even such seemingly objective meas-

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<sup>57</sup> “Veteranus Rejiaun IV hakarak Xanana ukun nafatin” [“Region IV veterans want Xanana to stay in power”], *Suara Timor Lorosae*, 16 July 2010.

<sup>58</sup> See, for example, the 4 May 2009 issue of pro-Fretilin *Kla'ak Semanal*, “Eurico Guterres: se laos governu Timor-Leste ... se fali mak fo medalla ne'e ba hau” [“Eurico Guterres: if not the Timor-Leste government ... then who gave me this medal?”], reproduced at [klaak-semanal.blogspot.com](http://klaak-semanal.blogspot.com).

<sup>59</sup> See press release from the prime minister's office, “Medalha ne'ebe maka monu iha Eurico Guterres nia liman” [“The medal that fell into Eurico Guterres' hands”], 8 April 2009. Before becoming one of the leading supporters of integration with Indonesia and a militia commander, Eurico was a member of the clandestine group Santo Antonio, and is alleged to have been involved in a failed assassination attempt on then Indonesian President Soeharto during a visit to Dili in 1988 with Santo Antonio leader Ananias Fuka. See Richard Tanter, Desmond Ball and Gerry van Klinken (eds.), *Masters of Terror: Indonesia's Military and Violence in East Timor* (Lanham, Maryland, 2006), pp. 91-95.

<sup>60</sup> The current effort covers only registrations made in 2003-2005. The 125,000 cases from the second registration phase in 2009 likely include many more false cases.

<sup>61</sup> According to the terms of the law, those who enter false claims lose their eligibility to be considered national liberation combatants and thus the right to any related benefits.

<sup>62</sup> Crisis Group interviews, commissioners, Dili, Gleno, May, August-September 2011.

<sup>63</sup> Crisis Group interviews, Riak Leman, 4 August 2011; and Ricardo Ribeiro, 8 August 2011, Dili.

<sup>64</sup> “12 Novembro hafoin tinan ruanulu (1991-2011)”, media release from the 12 November Committee, *Timor Post*, 10 November 2011. Calling for greater benefits for the survivors of the Santa Cruz massacre, the media release notes that of 2,215 survivors of the massacre, 29 per cent are working as civil servants, 10 per cent in private business, and 62 per cent are unemployed.

<sup>65</sup> In the early 1980s, the Indonesians used the island of Atauro off the coast of Dili as a prison camp for both captured fighters and civilians believed to have been involved in uprisings. See *Chegal!*, op. cit., chapter 3, paras. 344-350.



urements are fraught: "Why should he get a pension just because he was unlucky and got caught and sat in prison while I was outside continuing to contribute?" asked a former clandestine leader.<sup>66</sup> One other way in which *clandestinos* can qualify for benefits is if they can provide proof that they were acting under the command of a superior.<sup>67</sup> This may be of particular use to those who were deemed to have played integral roles outside of East Timor, as students in Java or Bali for example. This is also not straightforward and may be difficult for some of those who stayed behind to accept. While those outside of Timor may have left behind family and spent much of their time organising, they often were able to pick up degrees as part of their studies, something some of those left behind resent.

The protracted process has also introduced confusion over the distinction between veterans and victims. One commissioner spoke of a hearing in Manufahi where women who were raped during the resistance claimed veterans' pensions and began crying when they heard they would not be eligible.<sup>68</sup> This confusion has also likely grown out of the similar terms in which the narratives of veterans' and victims' experience have been framed: victims are also told their suffering was an integral part of the struggle for independence.<sup>69</sup> A separate law on reparations for victims of the conflict in Timor-Leste between 1974 and 1999 remains stalled before parliament until the issues surrounding the veterans' payments are resolved. Fretilin legislator David Ximenes, who spent several years in Cipinang prison before serving as vice secretary of the CNRT in 1998-1999, has contributed to efforts to block passage of the legislation. He claims it is important to treat these issues in succession as part of a hierarchy of legitimacy: first arranging compensation for veterans, then for victims of the Indonesian army and militia.<sup>70</sup>

Those involved claim the strength of this year's process is that it "reactivates the structures of the resistance" in order to determine more accurately who is and who is not a veteran.<sup>71</sup> The exact process for reverification has left a lot of discretion to the individual commissioners. In some

areas, they have also reactivated other traditions of the resistance, using a popular justice model of public hearings that harkens back to the methods of justice administered by Fretilin in the months before the 1975 civil war.

The benefits of such a model have been the ease of receiving any counterclaims or denunciations against the records claimed by registrants. One of the big frustrations among commissioners and community members alike is how many false claims have been entered by those simply looking for money.<sup>72</sup> Some have valued the expediency of gathering the community together to quickly root out false claims, as a credible claim that a registrant betrayed the resistance or worked for the Indonesians is enough to block any payments indefinitely pending further appeal. The prime minister himself has emphasised the role veterans must play in identifying which of them are entering false claims.<sup>73</sup> However, a member of the verification team explained he sometimes wondered if "we were creating more problems than we were solving" in the visits to sub-districts. While he said he was not aware of any direct violence arising from the visits of the commission, it was clearly compounding tensions within communities.<sup>74</sup>

## 2. Tensions

A connection between rising community tensions and the reverification process is not hard to find. In the coastal town of Laleia, Manatuto (birthplace of Xanana Gusmão), the work of the commission was suspended for several weeks after a confrontation. During a June 2011 hearing, the crowd that had gathered to follow the proceedings grew angry after Commissioner Riak Leman announced that its job was to root out false claims and revise downwards the number of years claimed by many of the residents. He was forced to hide in the office of the sub-district administrator for several hours until local residents calmed down. The local administrator estimated the number of claimants was more than a quarter of the town's 4,000 population.<sup>75</sup> Leman was said to have told residents "the people of Laleia never gave sanctuary to Falintil". Others said that Leman himself had sheltered there.<sup>76</sup> When the commission returned several weeks later, he stayed away. Months later, the issue led to a shouting match between

<sup>66</sup> Crisis Group interview, former clandestine leader, Dili, 7 September 2011.

<sup>67</sup> Crisis Group interview, Mario Nicolau dos Reis, state secretary for veterans' affairs, Dili, 9 September 2011.

<sup>68</sup> Crisis Group interview, Ricardo Ribeiro, youth commissioner, Dili, 8 August 2011.

<sup>69</sup> Crisis Group observation, Committee A hearing on draft laws on creating a public memory institute and reparations regime, Dili, 6 July 2010.

<sup>70</sup> Once these are settled, he says, there may be scope for compensating those who fought for the Indonesian state but were never granted any benefits by Jakarta. Crisis Group interview, David Ximenes, Fretilin MP, Dili, 9 August 2011.

<sup>71</sup> Crisis Group interview, Riak Leman, member of the Reverification Commission, Dili, 4 August 2011.

<sup>72</sup> Crisis Group interviews, members of the veterans' registry reverification commission and others, August-September 2011.

<sup>73</sup> "PM Gusmão atu mobilisa Asosiasaun Veteranus tuun ba Dili" ["PM Gusmão to mobilise Veterans Association to come down to Dili"], *Diario Nacional*, 11 May 2011.

<sup>74</sup> Crisis Group interview, Ricardo Ribeiro, Dili, 8 August 2011.

<sup>75</sup> 531 people had registered in the first registration phase in 2003, and he estimated at least as many had registered in the second phase in 2009. Crisis Group interview, Basilio Ximenes, sub-district administrator, Laleia, 11 August 2011.

<sup>76</sup> *Ibid.*

Leman and fellow veteran Bilou Mali, over whether the former should return to apologise.<sup>77</sup>

The status of those who left the pro-independence cause and fell in with Indonesian-sponsored pro-integration militia is unsurprisingly contentious. One Falintil veteran from Lolotoe in Maliana surrendered in 1992 and returned to civilian life, although according to some accounts he remained active in the clandestine movement. In April 1999, he is said to have joined the Besi Merah Putih militia as its deputy commander. When the verification commission arrived in June 2011, a woman denounced him saying everyone knew he was a former militia commander whose men had committed rapes and other crimes. Without proof, the best the commission could do was to leave his case as pending. "The only way he will receive [a pension] is if he is brazen enough to bring the issue to court".<sup>78</sup> Given the weakness of the judicial system and lack of admissible evidence, it is not clear what would actually happen if the case were brought to court. The woman who came forward has since had her house repeatedly stoned at night.<sup>79</sup> If left to fester, without any avenue for legal recourse or appeal, cases like this could lead to fresh violence.

Given the stakes, emotions are already running high, tempers flaring, and scuffles breaking out in the wake of the commission's work.<sup>80</sup> In Liquiçá, when the last set of lists of those eligible for payment was published in front of the town hall in July 2011, a fist fight nearly broke out between those whose claims had been accepted and those who were denied.<sup>81</sup> In Same, a *sucó* (village) chief claimed veterans in the village tried to attack him with a knife after they found their names had been left off the lists of potential beneficiaries. He said they suspected him of having told the Commission that their claims were false.<sup>82</sup>

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<sup>77</sup> "Lian naksalak iha Laleia. Bilou Mali ho Reak Leman hakilar malu" ["Bilou Mali and Reak Leman shout at one another over disagreement in Laleia"], *Diario Nacional*, 28 October 2011.

<sup>78</sup> Crisis Group interview, member of the Reverification Commission, Gleno, 14 August 2011.

<sup>79</sup> *Ibid.*

<sup>80</sup> In the wake of the killing of police officer and former Falintil veteran Teki Dias in Zumalai in Suai district in August 2011, there were suggestions his role on the Reverification Commission may have been a factor behind his murder and possibly angered those who felt their records were insufficiently recognised by the commission. While this may have been a reason for the murder, an intrafamilial land dispute and tension between rival martial arts groups Korka and Persaudaraan Setia Hati Ternate (PSHT) (of which Dias was a member) seem to have played a larger role. Crisis Group interviews, local pastor, police and sub-district administration officers, Zumalai, 13 September 2011.

<sup>81</sup> Crisis group interview, Liquiçá, sub-district administrator, 12 August 2011.

<sup>82</sup> "Veteranus deskonfia malu" ["Veterans mistrust one another"], *Suara Timor Lorosae*, 12 May 2011.

The process of finalising the lists of beneficiaries is likely to remain protracted precisely because of these reports of violence, as the commission will defer final decisions about who is ineligible in order to decrease tension and avoid conflict. Its commissioners are taking a conflict-averse approach, trying to encourage people to tell the truth and retract false claims, but they acknowledge this may not always work as there were still numerous dishonest testimonies. They hope that once the new lists are published at sub-district level in late 2011 people will come forward and denounce those they believe to have lied.<sup>83</sup> But rather than manage conflict, the nationwide publication of the lists seems more likely to aggravate it, as it will be a catalyst for social jealousy among those who see neighbours as having been rewarded without proper justification. The never-ending appeal process currently envisaged may not be efficient, but is one way of managing these tensions.

After the reverification process is complete, the Museum and National Archive of the Resistance intends to digitise all the questionnaires from those accepted as recognition of the veterans' service as well as a basis for future research and education.<sup>84</sup> While there will never be a list of Timor-Leste's veterans free from any fabrications, exaggerations or half-truths, this will create transparency and a searchable record of those involved in the independence struggle.

It seems unlikely that the government will move to prosecute those believed either to have offered false testimony or accepted false records in exchange for payment. Given the scale on which this is likely to have occurred, and the difficulty of establishing in court either the true nature of participation or deliberate collusion with corrupt staff in many of the cases, it would probably not be feasible to prosecute those responsible even if there was an interest.<sup>85</sup>

It is regrettable that another massive government transfer program, much like the disbursements made to the displaced of the 2006 crisis, will likely be perceived as rewarding false claims, but its imperfect application is perhaps seen as a reasonable cost of keeping people satisfied.

The government should admit that it still has difficulty creating a system of social transfers that has integrity. This is one area where it could look for targeted technical assistance from donors. It will become more important in coming years as Timor-Leste's oil revenue windfall ends, a time some predict could be as soon as a decade or two away.

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<sup>83</sup> Crisis Group interview, commissioner, Gleno, 14 August 2011.

<sup>84</sup> Crisis Group interview, museum director Antoninho Baptista da Silva, Dili, 10 September 2011.

<sup>85</sup> Crisis Group interviews, members of the Reverification Commission, August-September 2011.

## IV. REPRESENTING THE RESISTANCE

Beyond the contentious question of the payment of state benefits to veterans, the broader issue facing the state is pressure by veterans to enshrine in law formal provisions ensuring they are respected and giving them a role in governing and defending the state. Veterans of the armed front in particular already wield considerable political influence: while they occupy few senior cabinet posts, they hold leading roles in all the major parties and in parliament.

### A. EQUAL BEFORE THE LAW?

An incident in July 2010 brought this issue onto the front pages of the country's newspapers for several weeks. It began with the questioning of prominent Baucau veteran and Member of Parliament Cornélio da Gama (known by his nom de guerre "L-7") over the issue of used tyres he was transporting from his home district back to Dili. The police claimed that he needed a letter attesting to the origin of the tyres in order to prove that they had not been illegally imported. Lacking such a letter, the tyres were seized.<sup>86</sup> Around the same time, Renan Selak, another MP from L-7's party who served in the armed front, challenged a local policeman with a machete when he suspected Renan was one of those self-proclaimed veterans who in reality had just been lounging around in the jungle.<sup>87</sup>

The incidents were initially considered personal grievances, even if they brought to the surface old tensions between the police and veterans. It became inflammatory when one of the local newspapers published comments by Pedro Belo, the relatively young Dili district police commander, that it was time for veterans to step back from the limelight and "rest" (*sura kolen*), or retire their influence. L-7 and a group of veterans who serve as MPs called in a parliamentary press conference for Belo's resignation for failing to accord them the necessary respect. Belo publicly denied making the comments (he had made them outside the framework of an interview – "a conversation between friends") and refused to resign.<sup>88</sup> A heated argument followed in parliament buildings in which veteran MPs and Belo sparred over the issue citing opposing articles

from the constitution, the former citing the article on respect for veterans and the latter provisions on the need for law enforcement and the equal application of the law.<sup>89</sup>

The prime minister appealed to the veterans for calm and met in private with veterans' groups. One product of these meetings appears to be a government resolution published in September providing "guidelines for the relations between citizens and the security forces of Timor-Leste with the national liberation combatants".<sup>90</sup> It captures succinctly the challenges of shoehorning the constitutionally mandated respect for veterans into the rule of law. After making a nod to the notion that "all citizens are equal before the law", it then decrees that the police must afford special treatment to the veterans, offering "greater cordialness, deference and professionalism" in order to set an example for the community at large. It orders a list of all the national liberation combatants to be published and made available to every police station in the country to facilitate this special recognition. The list, of course, does not yet exist.

### B. AN ADVISORY COUNCIL?

Around the same time as the law on special treatment for veterans, the prime minister, who was conducting a tour of all the country's sub-districts to promote the National Strategic Development Plan, began to talk of the need for a veterans association. The idea was not new – the 2006 law had called for the creation of a body the prime minister could consult on veterans' issues. But in 2010 the status of the unborn body was upgraded, at least in name, from a purely consultative council to the National Liberation Combatants' Council. The council may respond to some of the pressures among veterans for greater formal influence within the government, particularly to preserve that influence under any future government not led by someone with veteran credentials. The council is unlikely to have as much power as is hoped.

The council's function, structure and composition remain under discussion. One obvious function will be the continued treatment of unresolved claims left over from the work of the verification commissions. Again the hope is that direct involvement of veterans in the verification process will remove any ambiguity over the validity of claims. Gusmão told a meeting of veterans in Bazartete in July 2010 that the council might improve the situation as "once

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<sup>86</sup> Over a year later, he claimed the tyres are still being held by the police without any legal grounds for seizure. He said he was simply having them repaired at a workshop in his home. Crisis Group interview, L-7, Dili, August 2011.

<sup>87</sup> Renan claimed the policeman had been a leading pro-Indonesian integration figure during the resistance. "L-7 husu PNTL esplika motivu asaltu nia kareta, Renan duni polisia ho katana" ["L-7 asks the police why they attacked his car, Renan challenges the police with a machete"], *Suara Timor Lorosae*, 13 July 2010.

<sup>88</sup> Crisis Group interview, journalist at *Suara Timor Lorosae*, Dili, 5 August 2011.

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<sup>89</sup> "Kazu L7-Renan, Veteranu 'ameasa' Pedro, STL" ["In L7-Renan case, veterans 'threaten' STL"], *Suara Timor Lorosae*, 17 July 2010.

<sup>90</sup> "Princípios Orientadores do Relacionamento dos Cidadãos e das Instituições de Segurança de Timor-Leste com os Combatentes da Libertação Nacional", Government Resolution 39/2010, 22 September 2010.

there's control, we'll know who's who".<sup>91</sup> The secretary of state for veterans' affairs acknowledged it would have to stop short of a "fifth organ of sovereignty", but rather as a way of increasing the profile and importance of veterans in government.<sup>92</sup>

Some believe it should play a wider role in directing governance on a range of issues. They want a structure that reaches from the national level down to the *suco* (village) or even *aldeia* (hamlet) level. The goal would be to "reactivate the structures of the resistance" to bring greater order to government. While not exclusively, many of these calls come from those who fought in the armed front, living for many years answerable to the chains of command within Falintil rather than to the rules of democratic government. This structure looks unlikely to be adopted<sup>93</sup> – as a veterans' commissioner observed, it would effectively "set up a parallel state" built around the local influence of some veterans, and this would endanger stability.<sup>94</sup>

An important check to these ambitions may come in the form of the council's membership. Under a current proposal, representatives of the clandestine front would take three of five seats to be established at national level, with one each for representatives of the armed and diplomatic fronts.<sup>95</sup> Giving the clandestine front such broad representation – proportionate to its numbers but perhaps not to its influence – is controversial among members of the armed front.<sup>96</sup> The clandestine members are a younger group of people, many have benefited from longer periods of formal education and have longer experience with both the positive and negative aspects of state administration.

The council could play an important role in containing pressures around issues facing veterans and if not politicised, could steer these away from the fractious arena of party politics. No one party has exclusively captured the mantle of being regarded as the party of veterans. Fretilin maintains historic claims to the birth of Falintil, but many leading veterans have also joined CNRT, Undertim (a small party formed in part to look after veterans' affairs),

PSD and PD, the last of which has particular appeal among younger former clandestine front members.<sup>97</sup> The council's strength will depend in part on its final structure and on the careful diplomatic role any government will have to play in using its advice.

### C. "GUARDIANS OF THE STATE"?

There has also been a push among some veterans and others to give an explicit role in internal security to veterans as "guardians of the state". This is driven by their desire to be afforded more respect and given a more concrete position in the life of the new state. They see it as recognition that if there were to be another breakdown in public order on the magnitude of the 2006 crisis, they would have a duty to take up arms in defence of the nation. As noted above (see Section II.C), it is not clear that everyone would agree what this entailed or whose side they would fight on.

Outside of the armed forces, veterans continue to play a variety of informal security roles, particularly in terms of intelligence gathering and personal protection. These may overlap with formal information gathering by the army or they may obey chains of command outside of the military institution. One veteran who deserted in 2006 explained how locally resident ex-Falintil members were called upon to provide security for the prime minister when he visited Ermera district in 2010 to present the National Strategic Development Plan.<sup>98</sup> This contributes to the blurry division between Falintil and the state security forces.

The government has made few public pronouncements on what policy it intends to pursue.<sup>99</sup> The 2010 National Defence Law mentions the idea of the Falintil veterans as a military reserve force and calls for the subject to be clarified under special legislation.<sup>100</sup> The idea is also referenced briefly in *Força 2020*, which the government developed in 2006 as an ambitious white paper for defence planning (it lists a space program as a goal for 2075).<sup>101</sup> This was a

<sup>91</sup> In Tetum: "Wainhira iha ona kontrolu, ita sei hatene se'e mak se'e". Quoted in "PM Xanana husu veteranus hakmatek" ["PM Xanana asks for calm from veterans"], *Timor Post*, 19 July 2010.

<sup>92</sup> Crisis Group interview, Mario Nicolau dos Reis, state secretary for veterans' affairs, Dili, 9 September 2011. The four organs of sovereignty defined by the constitution in article 67 are the presidency, the parliament, the government and the courts.

<sup>93</sup> *Suco*-level representation is however included in a May 2011 draft of the law seen by Crisis Group. "Conselho dos Combatentes da Libertação Nacional: Projecto de decreto-Lei que define a estrutura do conselho", 18 May 2011.

<sup>94</sup> Crisis Group interview, commissioner, Gleno, 14 August 2011.

<sup>95</sup> Taken from "Conselho dos Combatentes da Libertação Nacional", op. cit.

<sup>96</sup> Crisis Group interview, Riak Leman, Dili, 4 August 2011.

<sup>97</sup> These parties are the National Congress for Reconstruction of Timor (CNRT), the prime minister's party; the National Unity Party of the Timorese Resistance (Undertim); the Social Democratic Party (PSD); and the Democratic Party (PD).

<sup>98</sup> Crisis Group interview, petitioner and former Falintil fighter, Ermera district, 6 September 2011.

<sup>99</sup> The Secretariat of State for Defence did not respond to requests for comment on the issue.

<sup>100</sup> Article 8 of Law no. 3/2010, "Lei de Defesa Nacional", promulgated on 4 April 2010.

<sup>101</sup> The document refers to a Strategic Reserve Unit that would report to the head of the military. See *Força 2020*, "Proposed System of National Forces", available on the East Timor Action Network (ETAN) website at [www.etan.org/news/2007/06forcas.htm](http://www.etan.org/news/2007/06forcas.htm), pp. 118-119. "Força 2020" is also the name that was given to those veterans who were armed with F-FDTL weapons during the 2006 crisis.

leading issue for veteran MPs when considering the Defence Law: concern over provisions in the legislation, they worried, might subject former Falintil to prosecution if they were called on to play some armed role in the future.<sup>102</sup>

The issue of a reserve force itself is also mentioned in existing legislation, although it has not yet been carefully defined.<sup>103</sup> There are still hundreds of former fighters serving in the military, many of whom have long been awaiting a law that would allow them to retire with a pension.<sup>104</sup> A military retirement law has also been under development for some time; one of the obstacles to this is said to be matching it with a full career regime that would regulate the terms and benefits of retirement across the civil service.<sup>105</sup>

There would be some value in providing retired Falintil an official ceremonial role separate from that of all other veterans. This would acknowledge the important legacy of the guerrilla army and its unique role in the resistance. But taking a lesson from the 2006 crisis, the government should stop short of any full-fledged reserve role for the veterans that could see them armed. It should also continue efforts to destroy old weapons and secure its armouries as ways to restrict unwanted involvement of such groups in security matters.<sup>106</sup> Given their diversity, various political loyalties, and the experience of 2006, it is hard to imagine any reserve force, if actually activated, proving either politically neutral or easy to control. If they were outside existing chains of command or co-opted by political groupings, an armed group of veterans could well be as much an enemy of the state as its guardian.

#### D. "DEMOBILISATION" OF VETERANS?

The continued ambiguity over issues regarding state policy towards the veterans led to some nervousness and suspicion regarding the initiative to begin their "demobilisation" with a ceremony held in Dili on 20 August 2011. Organ-

ised to pay homage to the heroes of the resistance, particularly the oldest and most vulnerable, some worried that the event might be used to move away from the idea that veterans deserved special treatment and announce that the matter of their welfare was resolved.<sup>107</sup> As the parliamentarian L-7, who refused to attend, explained, "it will be as if the veterans, who fought for 24 years in the jungle for independence, no longer have any value [in the eyes of the state]".<sup>108</sup>

The ceremony involved the awarding of new uniforms and rank badges to 236 veterans of the armed front who had served between fifteen and 24 years. An overwhelming proportion of this group of the longest-serving members of the armed front is from the eastern part of the country: 85 per cent.<sup>109</sup> A remarkable delegation of 70 Indonesian officials attended, led by the serving defence minister, armed forces chief, and former Vice President Try Sutrisno, who had been the head of the military when Xanana Gusmão was captured in 1992. The presence of the delegation, which a day earlier had signed a memorandum of understanding for military to military cooperation, was an important seal of legitimacy on behalf of the former guerrilla army in front of its former enemy. If there were hard feelings among the veterans present, they were not expressed. As then acting military chief of staff Colonel Falur Rate Laek explained, "it's not an issue of whether we like it or not; we need to have good military relations with Indonesia".<sup>110</sup>

It was impressive that the ceremony happened at all. It would likely have been difficult to realise at any earlier point in the country's history, given the breadth of dissident veteran influences in the early years following independence and the acute tensions surrounding the 2006 crisis. Members of the dissident group CPD-RDTL boycotted the ceremony and threatened to cause trouble but none occurred. Four of the 236 due to be honoured did not attend, apparently over disagreements with the rank they were assigned.<sup>111</sup>

It is easy to see how the event created some confusion. Falintil had originally undergone demobilisation in February 2001 and it was not clear to many why a second ceremony was needed. It was also inconsistent to have

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<sup>102</sup> "PN Preokupa ho involvmentu Falintil ba defeza nasaun" ["Parliament is worried about Falintil's involvement in national defence"], *Suara Timor Lorosae*, 12 March 2010.

<sup>103</sup> This includes the law on military service, Law 3/2007, "Lei do Serviço Militar", 28 February 2007; and its first revision, Law 16/2008, 11 December 2008.

<sup>104</sup> "Veteranus F-FDTL prontu deskansa" ["Veterans in F-FDTL are ready to rest"], *Suara Timor Lorosae*, 5 November 2009. Currently, those who are eligible for veterans' pensions would have to choose between either a veteran or a military one (presumably whichever was greater), as no citizen can draw two state pensions. There has however been some pressure to create an exception for veterans.

<sup>105</sup> Crisis Group interview, senior military official, Dili, August 2011.

<sup>106</sup> See "Dealing with the Kilat: An Historical Overview of Small Arms Availability and Arms Control in Timor-Leste", Timor-Leste Armed Violence Assessment, Issue Brief 1, November 2008.

<sup>107</sup> Crisis Group interviews, Falintil veterans, Dili, August 2011.

<sup>108</sup> Crisis Group interview, Cornelio da Gama ("L-7"), Dili, 8 August 2011.

<sup>109</sup> Subsequent ceremonies are planned for veterans who served for shorter periods. A list of those demobilised is published in Presidential Decree no. 54/2011 of 17 August 2011. The 236 eligible for demobilisation are overwhelmingly from the four eastern districts (85 per cent); the remainder having been born in just three western districts: Ermera, Ainaro and Liquica.

<sup>110</sup> Crisis Group interview, Colonel Falur Rate Laek, Dili, 15 August 2011.

<sup>111</sup> Crisis Group interview, Falintil veteran, Dili, 10 September 2011.

serving members of the military “demobilised” alongside those who had never joined the state army. This further blurred the divisions between the army and its guerrilla predecessor in some people’s minds.<sup>112</sup> Each of the participants was given a newly designed uniform (to be worn at official ceremonies) with one of four ranks determined by the head of the armed forces and “using identical criteria as to those applied to [veteran fighters]”.<sup>113</sup> The list of veterans to be demobilised was also drawn up separately by a team headed by the then deputy armed forces commander, Brigadier General Lere Anan Timor from the system being used for pensions and other benefits (under the Ministry of Social Solidarity) and achieved slightly different results in the lengths of service that were recognised.<sup>114</sup>

The timetable for further demobilisation of veterans, including the clandestine front, is unclear and will likely prove more difficult to realise. But the process will continue to keep alive concerns over Falintil’s status. Steps towards clarifying the relationship between the existing army and the former liberation force should be taken sooner rather than later.

## E. PREFERENTIAL CONTRACTS FOR VETERANS?

Another area where there has been pressure to support a special role for veterans is in the awarding of government contracts. Here, the influence of veterans has so far been checked by the reality that those they once fought against, the supporters of integration with Indonesia, often have far better networks among the Indonesian business community, which remains of vital importance given limited domestic contracting capacity. As the government embarks on an increasingly ambitious development trajectory, it will be pressured to balance the amount of business given to those with close links to Indonesia with contracts for those with better resistance credentials.

Two recent sets of contracts intended to benefit veteran-led companies show that such preferential schemes are having mixed success. The first was a series of contracts

for importing state-subsidised rice from Vietnam in 2010. The Timorese newspaper *Tempo Semanal* reported the prime minister had ordered that veteran-owned companies be granted the contracts and delivered a list of 30 such companies to the tourism and industry minister.<sup>115</sup> In the end, they were awarded to a mix of veteran-owned companies and those controlled by influential families who once were pro-integrationists, which angered some veterans.<sup>116</sup> A source involved in advising several tenders entered by veterans explained that each company awarded a contract stood to earn a profit of between \$15,000 and \$20,000, split between four or five principals, with almost no work involved: “You wait to hear the rice has arrived at the port and then go to Mandiri [bank] and pick up the cash”.<sup>117</sup>

The second concerns the awarding of contracts for local (*suco* level) electricity distribution networks linked to the new power grid being constructed across the island.<sup>118</sup> While it does not appear to have been written into the procurement rules, it was widely understood that these contracts would be given to veterans.<sup>119</sup> One senior veteran (and former minister in the Fretilin government) was tasked with certifying which companies were indeed veteran-owned but says that government follow-up has been weak and many of the contracts have gone to other companies.<sup>120</sup> It is unclear whether this is due to disagreement within the government about whether the contracts could or should be reserved for veterans or whether it was simply weak handling of the procurement.<sup>121</sup>

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<sup>112</sup> In the first row of five demobilised, the armed forces chief, Taur Matan Ruak, and his deputy, Lere Anan Timor, wore their F-FDTL uniforms, while civilians Ma’Huno and Lu Olo wore the newly provided veterans’ uniforms. Prime Minister Xanana Gusmão wore his old Falintil uniform.

<sup>113</sup> See Law 3/2006, Article 38.2. These ranks and the other particular details of the demobilisation ceremony, including designs of the medals distributed, are laid out in Decree-Law 37/2011, “Cerimónias de desmobilização e reconhecimento dos Combatentes da Libertação Nacional da Frente Armada”.

<sup>114</sup> “‘Alin Laek’: La konkorda ho razaun sala téknika” [“‘Alin Laek’: rejects technical errors excuse], *Tempo Semanal* online, 20 September 2011.

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<sup>115</sup> “Boek iha fos laran” [“Shrimps in the rice”], *Tempo Semanal* online, 17 February 2011.

<sup>116</sup> The article quotes the ministry of tourism, culture and industry’s permanent secretary explaining that there was never any explicit provision for veterans’ companies to be awarded the tender. *Ibid.*

<sup>117</sup> Crisis Group interview, lawyer advising veterans’ businesses on contracts, Dili, 7 September 2011.

<sup>118</sup> The history of contracting for two major power generation stations in Hera and Betano has been unhappy. After the failure of the Chinese company, the project now has a confusing structure of subcontracts. The government has announced plans to deliver 24-hour power along the entire north coast by 28 November (the anniversary of Fretilin’s 1975 declaration of independence) and the south coast in 2012. For more information, see analysis by La’o Hamutuk, “Power plant and national electrical grid: Mega-project or mega-problem?” at [www.laohamutuk.org/Oil/Power/HeavyOilPowerPlant.htm](http://www.laohamutuk.org/Oil/Power/HeavyOilPowerPlant.htm).

<sup>119</sup> “Projecto EDTL prioridade ba veteranus” [“Priority for veterans in EDTL project”], *Suara Timor Lorosae*, 31 March 2011.

<sup>120</sup> Crisis Group interview, Somotxo (José Augustinho Sequeira), Foundation of Falintil Veterans, Dili, 15 September 2011.

<sup>121</sup> Secretary of State for Electricity and Water Januario Pereira has come under repeated criticism in the local press for the unreliability of the power grid. See, for example, “Ahi kontinua mate lakan, comunidade ejiji PM hasai SEAU” [“Power outages

One former Falintil member who was convicted for his involvement in the February 2008 attacks on the president and recommended by the Commission of Inquiry for investigation into his role in the 2006 crisis is nevertheless understood to have won several contracts in Manufahi; another convicted for his role in the 2006 crisis but now out of prison is understood to be managing the electricity contracts in Liquiçá.<sup>122</sup> Few veterans have the resources available to build a power grid themselves: for many, the key lies in having access to Indonesian firms (often arranged by an intermediary) able to provide either the parts or the labour at cheap costs.<sup>123</sup>

The pattern of former fighters informally capturing the market for government contracts is a familiar one; elsewhere in the region it has been most clearly observed in Aceh.<sup>124</sup> However, the prospects for such broad capture of state tenders look unlikely in Timor-Leste given the competing pressures and importance of connections to Indonesia, but it remains to be seen if the National Liberation Combatants' Council, once constituted, might serve as a more powerful lobby or conduit for veterans' business interests. Rather than try to devise ways of tendering contracts that are restricted to companies with links to veterans, the government could instead develop training programs for business capacity development that focus on giving opportunities to those who had no access to education while they were fighting for independence.

## V. DISSIDENTS & SPOILERS

The role of a series of dissident groups that have their roots in disaffected members of the resistance (both armed and clandestine fronts) has sharply diminished since the years immediately following independence, when they consistently challenged the legitimacy of the state and its security forces. They do remain of serious concern and continue to provoke reactions from the government that seem disproportionate to the threat they pose. The president and others have often spoken out against groups such as CPD-RDTL and Bua Malus, a similar group based chiefly in the western border districts that occasionally faces charges of extortion. Clamping down on these groups was the principal explanation behind large and highly

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continue, community calls on PM to fire secretary of state for electricity, water and sanitation"], *Suara Timor Lorosae*, 16 May 2011.

<sup>122</sup> Crisis Group interview, Dili, 6 September 2011.

<sup>123</sup> Crisis Group interview, lawyer advising veterans' businesses on contracts, Dili, 7 September 2011.

<sup>124</sup> See Edward Aspinall, "Combatants to Contractors: The Political Economy of Peace in Aceh", *Indonesia*, vol. 87 (April 2009), p. 1.

publicised special police operations launched in January 2010 and in July 2011.<sup>125</sup>

The largest and most organised of these groups is the Conselho Popular Democrático da República Democrática de Timor-Leste (CPD-RDTL). Like other dissident groups, its membership is a diverse set of people with claims of varying legitimacy from having served in the independence struggle. Its leader, Aitahan Matak, played a high-level role in the clandestine movement but also faced claims of collaboration with the Indonesians at several different points.<sup>126</sup> The group is strongest in the mountainous interior of Baucau and Viqueque districts as well as in the border districts of Covalima and Bobonaro. Its members reject the legitimacy of the state and call for the restoration of the original republic proclaimed in 1975 and its constitution in what may be less a firm ideological argument and more a grab for power and influence. They also call for a structure in which CPD-RDTL, representing "the veterans" as a whole, is positioned "beside" the government, which would serve as its administering arm. They stress the role of the veterans as the sole bearers of legitimacy in the new state.

As a senior government official explained, "they are better organised than many of our political parties".<sup>127</sup> The group showed its strength in early October 2011 by amassing hundreds of supporters in a march on Dili, where they occupied the football field known as Democracy Field and presented a list of demands to the government.<sup>128</sup> The demonstrations coincided with official ceremonies in Dili marking Taur Matan Ruak's resignation. They argued that he should not resign without consulting with veterans broadly, and that he was leaving the army prematurely. In a letter delivered to the prime minister, they set forth demands including an end to the use of the term "demobilisation", rejecting the legitimacy of the August ceremony and for the 2001 demobilisation to be considered the "root" of the 2006 crisis.<sup>129</sup> They also called for greater attention to the welfare of the military and for limiting ef-

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<sup>125</sup> Crisis Group interviews, Bobonaro, January 2010; Baucau, Quelicai, August 2011. See also "Human Rights Situation in Covalima and Bobonaro", HAK Association, 15 February 2010.

<sup>126</sup> See José Mattoso, *A Dignidade: Konis Santana e a Resistência Timorese* (Lisbon, 2005), pp. 243-245.

<sup>127</sup> Crisis Group interview, senior government official, 7 October 2011.

<sup>128</sup> "Xanana-Lasama sei estuda ezijensia CPD-RDTL" ["Xanana-Lasama will study demands of CPD-RDTL"], *Jornal Independente*, 6 October 2011.

<sup>129</sup> "CPD-RDTL ... hato'o aspirasaun popular no ezijensias ho baze iha prosesu de restaurasaun, lialos, direitu no justisa, liu husi asaun pasifika iha Dili" ["Delivering the people's aspirations and demands based in the process of restoration, truth, rights and justice, through peaceful action in Dili"], Open letter to the prime minister, 5 October 2011.

forts by the police to mimic its characteristics, including uniforms and weaponry.<sup>130</sup>

The group's demands do not always seem to be based on a coherent ideology but they tie together a range of themes of discontent and perceived injustices in the way the state has handled the legacy of veterans and Falintil in particular. This has proven attractive to a limited audience. Repeated attempts to get the leadership to channel their grievances through a legitimate political party have consistently failed.<sup>131</sup>

It is in the government's interests to try to involve as many of the former veterans as possible in the registration process, a move CPD-RDTL's members have until now rejected.<sup>132</sup> It was rumoured earlier this year that the group's leaders had agreed to back the prime minister's CNRT party, after a visit by Gusmão to Aitahan Matak's birthplace of Uai-bobo in Viqueque, but Aitahan denies it.<sup>133</sup> A generous reading of how the veterans' council has been described by the prime minister and others does, however, make it sound somewhat akin to the structure the group has argued for. It is possible that Gusmão and others have sought to reassure its members that their vision is being taken seriously, even if such a powerful representation of veterans' interests will never be realised.

Smaller groups that may claim dissident veterans appear to be chiefly involved in small-scale extortion in rural areas, the success of some of which is testament to the weak reach of authorities beyond big towns. During the course of 2010, one such group was allegedly involved in a scam selling identity cards for the "legitimate" civil service and armed forces of Timor-Leste, which it claimed would only take power after the withdrawal of the UN peacekeeping mission in 2012. The cards were said to be signed by Nicolau Lobato, who the group claimed was still alive.<sup>134</sup> The cost of the cards, between \$40 and \$120, was not insignificant for a country where many people live on less than a

dollar a day. Similar scams were allegedly being run by those targeted in the January 2010 "anti-ninja" operations.

These dissident groups do not pose a serious threat to stability at present, and their political agenda is unclear, but they are a reminder of the imperative for the government to engage as broad a group of veterans as possible. Even those who may have doubtful claims to having served the resistance have successfully used the mantle of the veterans' legacy to mobilise discontent. The new National Liberation Combatants' Council could be used to engage groups such as CPD-RDTL. Successive governments have already had success in engaging groups such as Sagrada Familia, which once maintained far closer links with CPD-RDTL. A number of its leaders, including L-7 and his nephew (and former veterans' commissioner), L-4, set up the new party Undertim in 2005 to promote their interests through party channels and brought their followers with them. The party joined the governing coalition after the 2007 elections. Asked about their links with CPD-RDTL, L-4 now says it is time for the latter group to modernise and join mainstream politics.<sup>135</sup> One former leader, Cristiano da Costa, also left the group to serve as deputy minister of economy and development in the coalition government for Undertim.

## VI. GENERATIONAL SUCCESSION

Managing the role of Timor-Leste's veterans is an important part of ensuring the transfer of political power from the "Generation of '75" (involved in proclaiming the first republic in that year) to a younger cohort of leaders, a transition that has been slow to gain momentum. This older generation has held onto many of the leadership positions in a way that stifles the development of fresh talent while bemoaning a lack of readiness among the younger generation to step forward.

The biggest shake-up of leadership posts in the country came with the resignation of Major-General Taur Matan Ruak (José Maria de Vasconcelos) on 2 September 2011. He spoke of leaving a "36-year career" with the military, having served as head of the armed forces for ten and a half years, and before that as Falintil commander for three years. While the greatest part of his motivation likely lies in his ambition to run for the 2012 presidential elections, he (and his wife, who heads the commission on police promotions) spoke also of the need for change, stressing

<sup>130</sup> Ibid. The uniform of the special operations unit (Companhia de Operações Especiais), which was involved in the January 2010 "anti-ninja" operations, as it includes red berets that hark back to those worn by Falintil (and by Indonesian special forces Kopassus).

<sup>131</sup> See, for example, "Xanana husu CPD-RDTL hari lalais partidu" ["Xanana asks CPD-RDTL to build a party quickly, Aitahan Matak"], *Centru Jornalista Investigativu Timor-Leste (CJITL)*, 4 November 2009.

<sup>132</sup> Aitahan Matak says he made a special visit to the veterans' affairs commission to make sure his name was removed from the registry, as apparently someone had entered a claim on his behalf. Crisis Group interview, Aitahan Matak, CPD-RDTL leader, Dili, 30 May 2011.

<sup>133</sup> Ibid.

<sup>134</sup> Crisis Group interview, UN human rights monitor, 18 February 2011.

<sup>135</sup> Crisis Group interview, André da Costa Belo ("L-4"), Dili, 15 September 2011.



the undesirability of any one person serving in a given job for more than ten years.<sup>136</sup>

After Ruak's departure, most of the military's top brass still have strong Falintil credentials. Lere Anan Timor, recently promoted to take over the top post, is not generally seen as a natural fit for the role. He is known for rash pronouncements and has at times played an unhelpful role in stirring up, rather than calming, tensions between easterners and westerners within the army. He has in recent months made strong statements on the need to respect a division in roles between the police and the army, rejecting army participation in a "joint" operation announced by the president and other political leaders that appeared an ill-advised attempt to tackle a very broad range of law enforcement issues.<sup>137</sup> His new deputy, Filomeno Paixão, is seen as a more competent administrator, having served in recent years as military chief of staff. He was also a Falintil commander in the early years of the resistance but returned to civilian life in 1979 and has in recent weeks been attacked by some as a "traitor" for having abandoned the cause.<sup>138</sup> This may harm his legitimacy with some of the old guard.

Ruak is a very strong presidential contender, whose leading likely opponent is the president of parliament Fernando "Lasama" Araujo. It remains unclear if incumbent José Ramos-Horta will run again.<sup>139</sup> Ruak has stressed the need for new inspiration in Timorese politics, but also appealed strongly to veterans of the armed front in particular as his base.<sup>140</sup> He began his campaign by invoking the legacy of the resistance, first declaring his presidential ambition on his birthday in Ermera at the grave of Nino Konis Santana, his predecessor as Falintil commander.<sup>141</sup> He spoke long-

ingly of a time when he had looked after the welfare of the people as a whole:

For 24 years, I was the second man, after Xanana Gusmão, to look after your welfare. After that for twelve years, I looked after just 1,000 people [the army], I threw the rest of you aside. In 2005 I said to Lere; "Lere, I want to step down! Because we're just looking after a small group but look around you at the places that once sheltered us, brought us food ... today they suffer! They are like a snake without a head".<sup>142</sup>

He plans to run as an independent.<sup>143</sup> If elected, he would serve as supreme commander of the armed forces, a largely ceremonial role.<sup>144</sup> This might be useful in assuaging the skittishness both in and outside the army that has accompanied the resignation of its first commander. There would be concerns about possible excessive influence of the military over the affairs of government, but the military under Ruak's watch has kept to its constitutionally prescribed role and shown patience amid delays in provisioning the army with basic logistical requirements.<sup>145</sup> He has consistently underscored the supremacy of the government over the military in public statements. He has never answered publicly for his role in arming the veteran "reservists" in 2006 however; the case was archived in March 2010. These issues are unlikely to come up in the campaign as bringing up the crisis is not in the interests of any of the candidates, but they still deserve attention.

Among the country's political parties, the prospects for transition seem less clear-cut. A dialogue of senior political leaders convened by the bishop of Baucau in September 2010 and May 2011 to discuss the subject has not yet offered any public results. It appears to have served primarily to harden concerns among the younger generation that the

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<sup>136</sup> See, for example, an interview published in *Timor Post* over three days. "Entrevista especial ho Major Jeneral Taur Matan Ruak" ["Special interview with Major General Taur Matan Ruak"], 23-24 and 26 September 2011.

<sup>137</sup> *Jornal Independente*, 9 August 2011.

<sup>138</sup> Some, including CPD-RDTL members, have questioned the terms under which he lay down arms. "Lere husu povu labele julga Meno Paixao, tun mai vila laos rende" ["Lere asks people not to judge Meno Paixao, coming down from the hills is not surrender"], *Suara Timor Lorosae*, 13 October 2011.

<sup>139</sup> Ramos-Horta has said he will make a decision in January 2012, which is also the deadline for when he must promulgate laws on both sets of polls (presidential and then parliamentary) due next year.

<sup>140</sup> "Taur Matan Ruak: Veteranus Tenki Luta Ba Povu Nia Moris Diak" ["Ruak: Veterans must fight for people's welfare"], *Diario Nacional*, 31 October 2011.

<sup>141</sup> Ruak explained he had picked the spot for three reasons: to offer a commitment before Konis Santana and others who had died in Ermera that just as he had risked his life to defend the country he was ready to defend the people's interests, to pay homage to Ermera as an area that had helped "open the war" after the fall of the support bases in the late 1970s, and to make

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clear that the Lorosae-Loromonu (easterner-westerner) divide did not really exist. (Ruak is from Baguia, in the eastern district of Baucau.) The location was probably also important to attract the support of an influential group of veterans from Region IV, the western division of the resistance encompassing six districts.

<sup>142</sup> The reference is presumably to a snake that has no direction and cannot move forward. Crisis Group translation of Ruak's speech, available in full on the website of *Tempo Semanal*. "Taur deklar nina kandidatura iha fatin Konis mate" ["Taur declares his candidacy where Konis died"], *Tempo Semanal* online, 22 October 2011.

<sup>143</sup> "Taur nia partidu maka povu" ["Taur's party is the people"], *Timor Post*, 18 October 2011.

<sup>144</sup> The new legislation on defence and security passed in March 2010 gives the prime minister a say in many of those decisions that are formally under the remit of the president.

<sup>145</sup> The military headquarters at Tasi Tolu is a good example: it remains a small set of portable containers set amid the wreckage of the old Indonesian public works department.

older leaders are reluctant to give up power.<sup>146</sup> The discussion was unhelpfully framed more as consideration of whom the prime minister and the bishop might anoint as future leaders.<sup>147</sup> There is not yet a clear sense that it should be through the ballot box, rather than the blessing of elders, that younger leaders rise to the top. When Fretilin, the party with the largest number of seats in parliament and 150,000 registered supporters, organised an open vote for its leadership in August 2011, no one came forward to run against incumbent leaders Mari Alkatiri and Lu Olo.<sup>148</sup> At the third Congress in September, Alkatiri promised that its next five-year term would be one of great transformation in the party, in which the younger generation would step forward, but it is not yet clear how.<sup>149</sup>

## VII. CONCLUSION

The diversity of the veterans of Timor-Leste's 24-year independence struggle is striking. It is a variety born of the many phases and forms of the resistance. All were ultimately united behind one purpose, but their contributions were channelled through very different structures. The definition of a veteran remains a slippery one in a country where the role of the civilian population at large in sheltering and sponsoring the resistance was of great practical and ideological importance but mostly hidden from view.

The new state faced a difficult task in determining how to recognise and reward those who fought for independence. Its early history showed that while veterans do not constitute a single political bloc, the issue of their welfare and legacy was easily politicised. The government thus chose to adopt a broad veterans benefits scheme, which while effective in tamping down discontent, will be costly and difficult to administer. The large number of false claims will likely take years to sort through. Perceived inequities in who has benefited and by how much, set against the charged question of who deserves recognition for the country's independence, may compound social jealousy at local levels. The issue has already seen tempers flare in several

parts of the country; it will be important to make available a fair and transparent complaints resolution mechanism.

Pressures for greater political influence by a smaller elite group of veterans, chiefly those who fought with Falintil or played senior roles in the clandestine front in its later years, have sometimes been at odds with the rule of law. Some veterans see respect for their history and contributions as above the law. A veterans' council under discussion could be a useful forum for regulating their affairs and overseeing a carefully bounded set of benefits. Expectations of those who hope it will play a broader role in setting government policy will have to be managed.

In defence policy, while it may make sense to give retired Falintil members an upgraded ceremonial role, their rearming would present real risks in any security crisis. The government should stop short of giving veterans any full-fledged reserve status. And in the burgeoning construction sector, while they are unlikely to capture entirely the market for state contracts, perceived shortcomings in the benefits system could increase demands for a greater share. Few have experience in construction or management; this would likely hamper the quality of development just as the country is trying to invest heavily in superior infrastructure.

Future governments will have a difficult balance to strike in handling veterans' affairs. Granting them too much attention and recognition risks creating further obstacles to the generational transfer of power that will be crucial to the country's medium-term stability. If given too little attention, their discontent could easily be mobilised against those in power. Continued symbolic measures will be important if mixed with tangible benefits.<sup>150</sup> Efforts such as the recent demobilisation of the longest-serving members of the armed front should be extended to other members of the resistance and followed up with planned efforts at memorialisation, such as statues now being built across the country, and the upgrading of the Resistance Museum. Donors could look for ways to support these efforts with additional expertise.

A real transfer of power will only occur once members of the "Generation of '75" make their own decisions to step down. Much of Timor-Leste's stability still hangs in the balance of power between a very small number of leaders, who should take more steps to encourage confidence in those who will someday have to take their place. The resignation of the armed forces chief, Taur Matan Ruak, is a welcome step in this broader process. As they grapple with the policy for veterans, political parties could also reflect on their own role in supporting this long-term leadership transition.

**Dili/Jakarta/Brussels, 18 November 2011**

<sup>146</sup> "Jerasaun foun duvida ho seriedade lider 1975" ["New generation doubtful regarding seriousness of 1975 leaders"], *Suara Timor Lorosae*, 26 August 2010.

<sup>147</sup> "Inkontru Maubisse II, hamutuk buka konsensu elisaun 2012" ["Maubisse II meeting: looking together for consensus on 2012 election"], *Suara Timor Lorosae*, 26 July 2011.

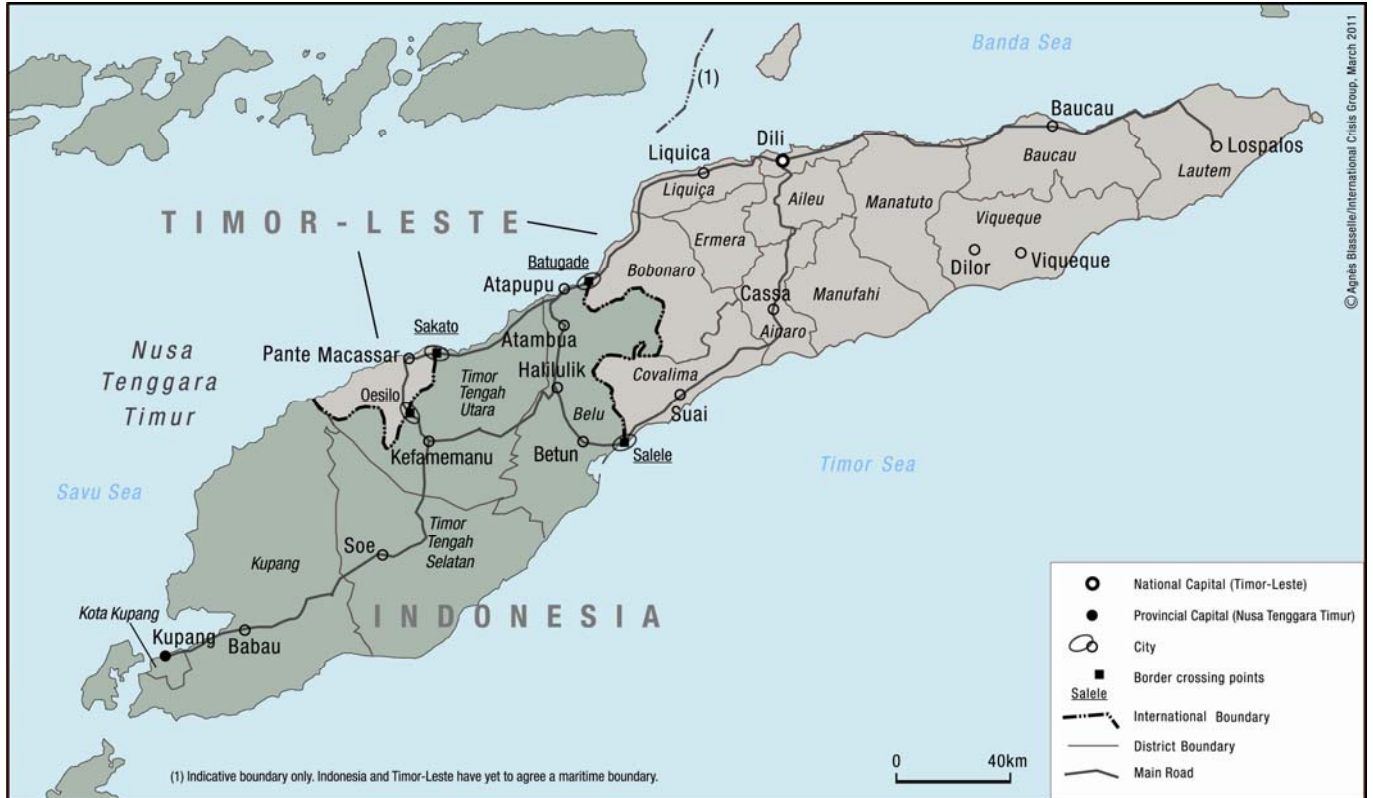
<sup>148</sup> "Lu Olo no Mari Alkatiri eleitu lider Fretilin ho 95,87% votas; hetan legitimidade demokratika liu lider partidu politiku seluk iha Timor-Leste" ["Lu Olo and Mari Alkatiri elected to leadership with 95.87 per cent of votes; receive greater democratic legitimacy than other political party leaders in Timor-Leste"], Fretilin press release, 4 September 2011.

<sup>149</sup> Closing speech by Secretary-General Mari Alkatiri at Fretilin's Third National Congress, Dili, 11 September 2011.

<sup>150</sup> Some effective symbolic measures are detailed in a report by Timorese security sector monitoring NGO Fundasaun Mahein, "Veterans in Timor-Leste since the crisis of 2006", op. cit.

## APPENDIX A

### MAP OF TIMOR-LESTE





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