

Early Warning, Early Response System (EWER) May-June 2010

TNI activities highlight tension due to unresolved border demarcation in Oe-Cusse

16 July 2010

The EWER system is working toward enhanced security and community resilience in Timor-Leste. EWER monitoring data tracks information regarding incidents of violence alongside monthly situational indicators measuring potential for future conflict or violence from the sub-district to the national level. 78 trained EWER monitors are currently active in 39 sub-districts throughout the country (with plans to scale up to cover all 65 sub-districts in 2011). The program publishes full reports on a trimestral basis, tracking monitoring data from the sub-district level. Incidents of particular concern arising through the monitoring warrant the production of an Alert such as this one to encourage more immediate response activities. Longer-term concerns provide basis for further research to be conducted through EWER policy briefs. EWER Reports are intended for use by stakeholders such as local and national state actors and ministries, state security forces, international organizations, non-governmental entities, civil society groups, the public, etc., to help prevent and reduce conflict and tensions in Timor-Leste.

ALERT: During the last two weeks of May 2010, members of the Indonesian Military (TNI¹) entered the community of bairo Naktuka, suco Bene Ufe, in the sub-district of Nitibe, district Oe-Cusse. Their purpose was reportedly to advise communities of their plans to halt construction of social housing by the Timorese Ministry of Social Solidarity. On 29 May 2010, TNI personnel again entered the community and damaged two units of social housing, displacing the resident families to a neighboring suco. TNI officials, supported by some community members from Indonesia and a small number from within the unresolved area, maintain that construction is not permitted in this area as its territorial status has not yet been fully agreed between Indonesia and Timor-Leste.

Immediate Recommendations: Although it is reassuring to witness the attention recently paid to this issue by the Head of the Government, as an issue of international engagement, ongoing responsibility for responding to these incidents lies with the Timorese Ministry of Foreign Affairs. Continued follow-up to letters sent to the Indonesian authorities should be conducted to prevent any further action by TNI personnel that may escalate the situation while diplomatic talks are underway to provide final agreements on the demarcation of the border. Agreements regarding the areas in which Timorese Border Patrol Units (UPF)² and TNI are permitted to patrol should be reviewed and reconfirmed, and plans by the Ministry of Foreign Affairs to provide UPF and TNI with corresponding maps of the area³ should be implemented.

Close monitoring of the situation by UPF should be undertaken until assurance can be given to communities that this issue is being addressed at the national level and that no further action will be taken at the local level by either side. Clear communication channels between UPF, the Secretary of State for Security and the Ministry of Foreign Affairs will be necessary in order to ensure that all relevant stakeholders stay informed of monitoring findings. To prevent further confusion, any Ministry, governmental or non-governmental actors planning any visits or activities in the region should act in coordination with the Ministry of Foreign Affairs.

¹ TNI refers to the Indonesian Military (Tentara Nasional Indonesia)

² (Unidade Patrôlia Fronteira), Timor-Leste's Border Patrol Units form part of the National Police Force

³ Interview with advisor to the Ministry of Foreign Affairs, 8 July 2010

Key Findings

- During the period between the initial incident on 29 May and the most recently reported entry into the community in late June, TNI are believed to have entered the area 7 times. TNI personnel took photographs of the houses damaged in the incursion and made statements to communities including instruction that attempts to rebuild the houses would be met with further resistance. TNI representatives reportedly advised that the action was intended as a message to the Government of Timor-Leste and not against the communities living there.
- On 24th June 2010, TNI entered bairo Naktuka in armored vehicles, increasing concerns among the community and UPF officials that further action may be taken. Despite the increased tension that this caused, many families declared that they were unwilling to leave their homes and fields, hoping that UPF would be able to maintain security in the area.
- UPF posts are positioned outside of the unresolved Naktuka area, with some parts of the Naktuka community living closer to nearby TNI posts. UPF posts are under-resourced, reporting a lack of transport for patrolling and minimal communications facilities.
- Contentious cross-border activities by TNI have been ongoing in the area of Naktuka, with significant visits from both military and joint military-civilian delegations from the Indonesian side, investigating various construction projects of Timorese Ministries and communities' perceptions of the status of the area. This has caused frustration among communities and Timorese authorities who see no legal basis for claims that the area is disputed⁴.

Recommendations

The incidents that occurred during the period of May to June 2010 are concerning in isolation, however a number of similar incidents have been occurring in Naktuka and other unresolved border areas using various construction work commenced by Timorese authorities as grounds for intervention. In order to manage the current situation and avoid similar occurrences, a number of recommendations are offered:

1. Securing the Area

Official response to TNI (via Indonesian Authorities): Approaches need urgently to be made to Indonesian authorities to, in turn, call on TNI officials to prevent escalation of the situation. Such efforts could be made together with direct engagement of TNI officials to indicate that their operational position has been noted and will be followed up at the national level.

Patrol agreements between TNI and UPF: Renewed agreements need to be made between UPF and TNI with the support of Secretary of State for Security and Ministry of Foreign Affairs Border Demarcation Unit. These would necessarily define permitted patrol areas (using corresponding maps) in the interim before final border demarcation is been formally agreed.

Clarification of responsibility for border policing: BELUN supports the recent Timorese Government decision not to send distinct F-FDTL forces into the area. A further military presence would likely add to existing confusion and tension. Instead, both Indonesian and Timorese Governments and their armed forces institutions should be supported to clarify their respective operational responsibilities and urged to apply greater restraint and caution in the exercise of their duties.

Increased UPF monitoring: An increase in UPF patrols may be needed near to the unresolved area in order to ensure more complete monitoring. Any new information should be communicated

⁴ For further details see International Crisis Group Report No. 104: "Timor-Leste: Oecusse and the Indonesian Border" (May 2010)

immediately to those responsible in the Office of the Secretary of State for Security and Ministry of Foreign Affairs so that coordinated action can be taken if necessary to prevent further escalation.

Increased UPF resources: In order for UPF to be able to operate and communicate effectively, further resources, especially transport and communications equipment, need to be allocated. It is advised that telecom coverage should be increased in the border regions as a security measure in order for border patrol personnel to contact the variety of stakeholders that require their information more easily. This is seen as more effective than the use of radio communications⁵.

Reduce local fears: While only one incident (that of 29 May 2010) involved the use of physical violence through damage to property, associated incidents have involved intimidation, threats of further violence and verbal harassment. This has increased fear and tensions in the affected communities. The resulting concern needs to be addressed by official statement and/or presence, in order to restore communities' confidence in the Timorese state's readiness to assist and protect them.

2. Increasing Communication

With Indonesian Authorities: Closer liaison between the two governments, especially between TNI and UPF is essential to encourage transparent and cooperative approaches to patrolling in the unresolved areas. Improved information sharing about planned activities by Timorese Government and its agents in any of the unresolved border regions would contribute to cooperative relations and avoid causing unnecessary suspicion and tension in these areas.

Between Ministries and Governmental Institutions: Due to the sensitivity of the situation in Naktuka it is essential that the diplomatic status of the region be socialized to all Ministries and Governmental institutions by the Ministry of Foreign Affairs to inform their policy design. Any further investigation of the incidents by national and district-level authorities should be conducted in coordination with the Ministry of Foreign Affairs in order to ensure that all actions remain consistent with ongoing diplomatic negotiations with the Indonesian government.

Between Non-Governmental Organizations (NGOs) and the State: Any NGOs or civil society organizations interested in the issue and considering programming and/or advocacy responses should consult with the Ministry of Foreign Affairs as a primary stakeholder. Dialogue activities in the unresolved area are advised against to avoid providing a possible forum for further disruptive claims whilst diplomatic negotiations and community engagement are conducted through official channels.

3. Integrated development approach

Development that is sensitive to the diplomatic status of the area: Communities in this area are extremely vulnerable and have minimal access to any state facilities. It is therefore understandable that various ministries have commenced projects of developmental and social assistance in these areas. Nonetheless consent for activities the region continues to be dependent on diplomatic agreement⁶ and should therefore be conducted in coordination with the Ministry of Foreign Affairs. Otherwise any construction in the area has the potential to put communities at greater risk and can impede progress in diplomatic negotiations. Alternative strategies for providing developmental assistance to these communities that do not involve construction work in the region, through means such as outreach work and improved transport provision should be sought while negotiations are underway.

⁵ Interview with advisor to the Ministry of Foreign Affairs, 8 July 2010

⁶ Interview with advisor to the Ministry of Foreign Affairs, 8 July 2010

4. Definition of the Border

Renewed talks to finalize border demarcation: It is important that the Ministry of Foreign Affairs Border Demarcation Unit continue their efforts in encouraging traction on talks with Indonesia to come to a formal agreement on the demarcation. Of the 21 areas that were under discussion during talks that led to the signing of initial border agreements in 2005, the status of 3 border regions⁷ remains unresolved. Renewed talks at the national level are necessary to assist the Ministry in demonstrating that this issue should be dealt with through technical process⁸ and that politicization of the issue at the local level will not be recognized or rewarded. Communities and officials on both sides should be informed of the current status of the process through publication and sharing of a joint statement by Indonesian and Timorese authorities in order to clarify confusions that the area is under 'dispute'.

Conclusions: BELUN believes that communities living in the unresolved border region of Naktuka will remain at risk of further intimidation and verbal abuse until Timorese and Indonesian authorities can develop a consistent and collaborative approach to patrolling the area. In order to reduce tensions, Ministries need to work together to support the UPF in securing the area, and to communicate effectively and transparently with one another and with Indonesian authorities regarding their activities. Good coordination in this manner will reduce suspicion and ensure that all activities are conducted in coordination with the Ministry of Foreign Affairs' ongoing efforts towards the more durable solution of coming to agreement with the Indonesian authorities to finalize the formal border demarcation of the area.

⁷ There are 40 families living in Naktuka, which is the only populated region among the three unresolved border areas.

⁸ Interview with advisor to the Ministry of Foreign Affairs, 8 July 2010

