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INTRODUCTION

The following risk assessment for the Democratic Republic of Timor-Leste uses the Framework of Analysis for Mass Atrocity Crimes (2014) developed by the United Nations Special Advisers on the Prevention of Genocide and on the Responsibility to Protect ¹ (hereafter referred to as ‘the Framework’). As such, the risk factors, indicators and numerical references used throughout this assessment correspond with those set out within the Framework.

It must be noted that only the risk factors and indicators currently relevant to the situation in Timor-Leste will be mentioned in this assessment. The absence of any does not indicate that such factors or indicators are any less important, only that the issues are of minimal concern at the present stage.

This report finds that the current risks of mass atrocity crimes occurring in Timor-Leste are low to moderate. Despite recovering strongly from the 2006 crisis, the country continues to confront major issues in the political, economic and social spheres. Risk Factors 1 (situations of armed conflict or other forms of instability), 2 (record of serious violations of international human rights and humanitarian law), and 3 (weakness of state structures) are found to be of the highest concern, whilst the other ‘common risk factors’ vary from moderate to low concern. At the present time, however, none of the Framework’s ‘specific risk factors’ appear to be present at all. The report concludes by making several broad recommendations, focusing particularly on Timor-Leste’s concerning economic situation, the need to address the country’s history of human rights violations, the need to strengthen state structures, and the issues faced by civil society groups.



FRAMEWORK OF ANALYSIS

The Framework of Analysis is comprised of 14 Risk Factors of atrocity crimes. Each Risk Factor has an accompanying set of more specific Indicators. The Framework is intended to be used "to guide the collection and assessment of information" regarding the potential for atrocity crimes.

The Risk Factors are separated into two different groups: the Common Risk Factors may apply to the potential risk for any atrocity crime, while the Specific Risk Factors are further broken down into the risks associated with genocide, crimes against humanity, and war crimes (risks of ethnic cleansing are integrated into those of the other atrocity crimes). The more Risk Factors and Indicators that are present, the greater the risk that atrocity crimes may be committed. However, not all Risk Factors must be present to represent a significant risk. The Risk Factors and Indicators are not ranked by importance and should be considered in a broader context, taking account for a society's politics, history, and culture.

COMMON RISK FACTORS		
Risk Factor	1	Situations of armed conflict or other forms of instability
Risk Factor	2	Record of serious violations of international human rights and humanitarian
Risk Factor	3	Weakness of State structures
Risk Factor	4	Motives or incentives
Risk Factor	5	Capacity to commit atrocity crimes
Risk Factor	6	Absence of mitigating factors
Risk Factor	7	Enabling circumstances or preparatory action
Risk Factor	8	Triggering factors
SPECIFIC RISK FACTORS		
Genocide		
Risk Factor	9	Inter group tensions or patterns of discrimination against protected groups
Risk Factor	10	Signs of an intent to destroy in whole or in part a protected group
Crimes against humanity		
Risk Factor	11	Signs of a widespread or systematic attack against any civilian population
Risk Factor	12	Signs of a plan or policy to attack any civilian population
War Crimes		
Risk Factor	13	Serious threats to those protected under international humanitarian law
Risk Factor	14	Serious threats to humanitarian or peacekeeping operations

Each of these Risk Factors is a/so accompanied by 6-18 more specific Indicators, which can be used to more precisely and accurately address and analyze the risks of atrocity crimes. These Indicators and further information on the full UN Framework of Analysis for Atrocity Crimes can be found by clicking here or by visiting the UN website at www.un.org.

COMMON RISK FACTORS

RISK FACTOR 1: SITUATIONS OF ARMED CONFLICT OR OTHER FORMS OF INSTABILITY

For the first risk factor, the Framework identifies ‘situations that place a State under stress and generate an environment conducive to atrocity crimes’. Since recovering from the 2006 crisis, Timor-Leste is no longer considered to be in a state of international or non-international armed conflict (indicator 1.1.). The strongest evidence for this lies in the withdrawal of UN peacekeepers in 2012. ² However, as an examination of several of the other indicators under Risk Factor 1 reveals, there is a significant risk of a return to conflict.³

Insecurity from Epidemics and Natural Disasters

Indicator 1.3 pertains to a ‘humanitarian crisis or emergency, including those caused by natural disasters or epidemics’. Whilst Timor-Leste is not currently undergoing any major crisis of such description, the nation is at a significant risk. The spread of disease is a major problem within the nation, mostly resulting from widespread poverty and a lack of access to (and government investment in) healthcare services.⁴ Respiratory and gastrointestinal infections, malaria, dengue fever, tuberculosis, and HIV/AIDS all pose significant threats.⁵

A continuing threat also exists in the form of natural disasters, and the inability of the people of Timor-Leste and the government to respond to them. Flooding, landslides, violent weather, and extended dry seasons threaten the livelihoods of individuals and communities, particularly those in remote and rural areas. ⁶ A report by the Asian Development Bank also highlighted the economic vulnerability of the nation to the effects of climate change, with some studies estimating the country could lose up to \$5.9 million annually in the next 50 years due to cyclones and earthquakes.⁷

The Current Political Transition

Indicator 1.4 refers to ‘political instability caused by abrupt or irregular regime change or transfer in power’. Although no major or abrupt political changes have occurred in Timor-Leste in recent years, many sources have identified problems with the centralization of political power around one man: Xanana Gusmão.⁸ A former hero of the East Timorese resistance, ⁹ Gusmão has played a pivotal role in national politics since the country’s independence from Indonesia in 2002, serving as the nation’s first President from May 2002 to May 2007, and as Prime Minister from August 2007 to February 2015.¹⁰ Since February 2015, he has been the Minister of Planning and Strategic Investment.¹¹

Gusmão’s influence was exemplified through the 2012 presidential elections, in which his support became the decisive factor in the country’s election of incumbent president Taur Matan Ruak. In addition to being referred to as the ‘father’ ¹² of the young country, he additionally became known as a form of ‘kingmaker’,¹³ from which the legitimacy of all other high-level politicians derived. In 2013, a report by the International Crisis Group warned of the uncertainty and instability that could result from his eventual departure from politics, and the lack of any viable replacement.¹⁴

Developments since that time have, however, been positive. Gusmão offered his resignation as President in early 2015 as part of a broad government overhaul aiming to "reduce the size of the executive to create a more efficient and functional body focused on results, and allow opportunities for a younger generation of leaders to make a contribution to the nation".¹⁵ The new political arrangements contains numerous promising signs, including the fact that Gusmão continues to

RISK FACTOR 1: SITUATIONS OF ARMED CONFLICT OR OTHER FORMS OF INSTABILITY

hold an important public position, President Ruak maintains significant public support, and the new government contains a considerable number of members from the political opposition, forming a unity government.¹⁶ The new Prime Minister, Rui Maria de Araújo, has vowed to focus on upholding Timor-Leste's democratic values, boost the nation's security, and fight the prevalence of corruption and inefficiency within government.¹⁷

The political transition, however, should not be considered complete just yet. Given the almost mythic perception of Xanana Gusmão amongst the general population, his eventual retirement still has the potential to create political turmoil, especially if it does not occur on his own terms. Furthermore, given the fact that time served in the independence resistance is still seen as the primary source of political legitimacy,¹⁸ the introduction of more and more younger, non-resistance era politicians also has the potential to cause discontent amongst some groups within the population. For these reasons, despite the recent optimistic developments, this indicator cannot be ignored at this stage.

Competing Groups

Indicator 1.5 refers to 'political instability caused by disputes over power or growing nationalist, armed or radical opposition groups'. Whilst such issues were of great significance surrounding the 2006 crisis, many of these dangerous groups have since been pacified, primarily through the re-warding of government contracts to former combatants, troublemakers and other potential spoilers.¹⁹ Whilst such methods are certainly questionable and arguably lead to a different kind of risk (see sections on Risk Factors 2 and 4), the remaining violent groups are mostly smaller street gangs and martial arts collectives,²⁰ which pose a much lesser threat. The remaining risk, however, lies in the potential for conflict that might emerge if the government discontinues its system of paying off troublemakers, either as a policy choice or simply due to a lack of funds (see above).

Instability of the Economy

The issues addressed by indicator 1.7, 'economic instability caused by scarcity of resources or disputes over their use or exploitation', are the most significant faced by Timor-Leste. The core issue is the nation's current unsustainable reliance on the oil and gas industry.

As the second most oil-dependent nation in the world,²¹ oil and gas reserves generate 95% of Timor-Leste's total national revenue,²² and constitute approximately 93% of its total exports.²³ This lucrative source of income has resulted in the country's budget becoming one of the fastest growing in the world, ballooning from \$64 million in 2004, to \$604 million in 2009.²⁴ Government spending of this money drives most economic activity within the country,²⁵ and was instrumental in addressing and mitigating the damage caused by the 2006 crisis.²⁶ Additionally, due to most public spending being focused on electricity, roads, education, health and social assistance,²⁷ this large source of income has been the primary factor in the nation's advances in the Human Development Index (and other similar indicators) in recent years.²⁸

This stream of income on which the nation is so dependent, however, is not likely to last. While the World Bank claims that most post-conflict states take between 15 to 30 years to become stable, many believe (including Timor-Leste's independent fiscal watchdog, La'ó Hamutuk) that petroleum resources will be depleted within that period.²⁹ Many have thus called the government to rapidly diversify the economy and invest in human capital development, particularly areas such as health, education, agriculture and the services sector.³⁰

RISK FACTOR 1: SITUATIONS OF ARMED CONFLICT OR OTHER FORMS OF INSTABILITY

The need for diversification has been acknowledged by the government of Timor-Leste,³¹ with steps being taken towards this, as evidenced by the creation of a sovereign wealth fund under Gusmão's government,³² and recent efforts to boost the hotels, tourism, and beverage industries.³³ Plans have also been made to develop a Trilateral Economic Zone with Indonesia's East Nusa Tenggara province, and Australia's Northern Territory.³⁴ Progress has, however, been slow, with some vital sectors (such as the coffee industry, and broader agricultural sector) struggling to make any profits.

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These issues are exacerbated by disputes with Australia over the ownership and exploitation of offshore gas fields in the Timor Sea.³⁶ The uncertainties of the various treaties in place, and the suspended arbitration process regarding the territorial sovereignty of several key locations has made it increasingly difficult for the government of Timor-Leste to plan and attract investment,³⁷ adding further instability to their already vulnerable economic situation.

Despite some positive gains, Timor-Leste's economy remains far from stable. Whilst the wealth of the nation in the immediate future remains secured in its oil and gas exploitation, the inevitable depletion of these resources (indicator 1.7) has the potential to cause a severe economic crisis from which the country may not be able to recover (indicator 1.8). Recent falls in the global price of oil and gas has had a negative impact but these have been offset in the short-term since the government has used reserves from the natural resource fund to maintain growth and protect public sector employment. Whilst, according to the World Bank, these measures will likely protect the economy in 2016, this approach may not be sustainable in the long-term if oil and gas prices do not increase.

Poverty and Inequality

Indicator 1.9 refers to 'economic instability caused by acute poverty, mass unemployment or deep horizontal inequalities'. Despite strong improvements in the Human Development Index in recent years, relative to its Southeast Asian neighbours, Timor-Leste remains as one of the poorest nations in Asia, and in the world. According to the UN Development Program, 49.9% of the population live in poverty,³⁸ many of them veterans, widows and orphans of the resistance.³⁹ This is perpetuated by the generally poor standard of education, with the country having a 50.6% adult literacy rate.⁴⁰ These statistics, coupled with the highest fertility rate in the Asia (an average of 5.7 children to each female),⁴¹ are creating a severe unemployment problem, with the rapidly growing (and unskilled) population exerting significant pressure on the economy, social services, and natural resources.⁴² A large portion of the population feels the effects of this situation, with hunger, water and sanitation, child mortality and maternal health being widespread and serious problems.⁴³ Gender inequality is also significant in Timor-Leste. According to the Social Institutions and Gender Index, gender inequality is high, suggesting that women have limited access to land, non-land assets and financial services—a key indicator of high gender inequality, placing women at higher risk of violence. This is borne out in the very high acceptance of domestic violence in Timor-Leste.⁴⁴

RISK FACTOR 2: RECORD OF SERIOUS VIOLATIONS OF INTERNATIONAL HUMAN RIGHTS AND HUMANITARIAN LAW

Risk Factor 2 is concerned with ‘past or current serious violations of international human rights and humanitarian law, particularly if assuming an early pattern of conduct, and including those amounting to atrocity crimes, that have not been prevented, punished or adequately addressed and, as a result, create a risk of further violations’. Given Timor-Leste’s violent history, certain indicators of this factor are undoubtedly met.

Past Violations

Indicator 2.1 relates to ‘past or present serious restrictions to or violations of international human rights and humanitarian law, particularly if assuming an early pattern of conduct and if targeting protected groups, populations or individuals’. Indicator 2.2 similarly refers to ‘past acts of genocide, crimes against humanity, war crimes or their incitement’. The legacies of Timor-Leste’s long and violent struggle against Indonesia from 1975 to 1999 remain issues of concern, with a large number of killings, enforced disappearances, sexual violations, torture, crimes against humanity and war crimes having occurred during that period.⁴⁵ It is estimated that up to 25% of the population was killed during that period, with up to 75% of the country’s population displaced, and 70% of its buildings, homes, and schools destroyed. The vast majority of these crimes remain unprosecuted.⁴⁶

Whilst the death toll, damage and overall seriousness was less acute than the previous decades of conflict, the 2006 crisis, which left 37 people dead, also demonstrated how easily the nation could fall back into a state of instability and violence, with many members of the police and military carrying out the attacks against government, civilians and international forces.⁴⁷ Although there were a few high profile prosecutions, there has been relatively little accountability for the crimes committed in 2006. Many of the perpetrators were shielded from prosecution by a 2007 amnesty law. The ‘Law on Truth and Clemency’ included an amnesty for crimes committed between April 2006 and April 2007.⁴⁸

Present Violations

Despite the absence of a current conflict, Timor-Leste still confronts several human rights issues. Principle among these are reports of excessive use of force by police, gender based violence, restrictions on freedom of expression, accounts of arbitrary arrest and detention, and a flawed judicial system that deprives citizens of a fair trial (see further in the section on Risk Factor 3).⁴⁹

Policies/Practice of Impunity and Support for Perpetrators

Indicator 2.3 refers to a ‘policy or practice of impunity for or tolerance of serious violations of international human rights and humanitarian law, of atrocity crimes or their incitement’. As stated above, the vast majority of perpetrators of the violence and crimes during the 1975-1999 periods remain at large in Indonesia. With the expiry of the mandate of the UN Serious Crimes Investigation Team in December 2013, over 60 investigations into human-rights violations remain outstanding due to a lack of resources.⁵⁰ Similarly, despite the important past steps in creating a Commission for Reception, Truth and Reconciliation (CAVR) and bilateral Indonesia-Timor-Leste Commission of Truth and Friendship (CTF), the Timor-Leste government has so far failed to implement any of their recommendations, including programs that would investigate enforced disappearances and reunite displaced children with their families (indicator 2.7).⁵¹ The proposed National Reparations Programme and ‘Public Memory Institute’, which would work to implement the proposals of CAVR and CTF, has been continuously delayed by both Timorese and Indonesian Parliaments, highlighting a lack of political will to address such matters by both sides.⁵²

RISK FACTOR 2: RECORD OF SERIOUS VIOLATIONS OF INTERNATIONAL HUMAN RIGHTS AND HUMANITARIAN LAW

In regards to the 2006 crisis, the government pacified many of the perpetrators of this violence (most of them former guerillas from the Resistance) through either the rewarding of government contracts, or (for those who returned to the military)⁵³ a generous cash reward and impunity for their past acts of violence.⁵⁴ It also granted an amnesty for crimes committed during this period. This in turn has led to the emergence of business and military classes with good family and political connections who have a proven capacity to instigate violence against the government and the community at large.⁵⁵ These factors are in line with indicator 2.5, a 'continuation of support to groups accused of involvement in serious violations of international human rights and humanitarian law, including atrocity crimes, or failure to condemn their actions'. The International Crisis Group warns that this pattern of reward and impunity for violent spoilers is promoting a dangerous dynamic in which 'violence is perceived to offer rewards – or at least be without a downside – raising further prospects of recurrence'.⁵⁶

Additionally, in line with indicator 2.8 ('widespread mistrust in State institutions or among different groups as a result of impunity'), the ICG also warns that it is still widely remembered that the police and armed forces protected its members from prosecution for crimes committed in 2006.⁵⁷

RISK FACTOR 3: WEAKNESS OF STATE STRUCTURES

Risk Factor 3 concerns 'circumstances that negatively affect the capacity of a State to prevent or halt atrocity crimes'. Numerous issues must be addressed under this section.

Judiciary

Indicator 3.3 relates to a 'lack of an independent and impartial judiciary'. Similar to most of Timor-Leste's other major institutions, the judiciary has made some important gains in recent years, particularly in upholding the rule of law in the post-conflict nation.⁵⁸ That being said, the judiciary has a poor track record on prosecutions, a weak investigative capacity, and continues to ignore many past acts of violence from the 1974-2008 period.⁵⁹ Additionally, the government and parliament took the worrying step in October 2014 of expelling all international judicial personnel and advisers throughout its justice sector. The UN Special Rapporteur on the Independence of Judges and Lawyers criticised this move as an unnecessary interference with the judiciary.⁶⁰

Security Forces

Indicator 3.4 refers to a 'lack of effective civilian control of security forces'. Concerns remain over a general lack of oversight and inadequate institutional arrangements within the security sector. The primary concern is a weak chain of command between all security forces, with no overarching policy consensus on the separation and respective roles of each of the security forces.⁶¹ Whilst not having caused any major issues thus far, this lack of coordination and direction has the potential to lead to an overlap and competitive dynamic between the different forces.⁶² In addition to this, a number of internal issues remain within each of the different institutions.

Despite a positive UN assessment of the PNTL (the national police force), some areas of concern are yet to be addressed. A lack of accountability within the PNTL means that many officers are still not penalised for misconduct, a problem that is diminishing the perception of impartiality amongst

RISK FACTOR 3: WEAKNESS OF STATE STRUCTURES

the population.⁶³ In addition to this, the investigative capacity of many officers, their discipline, and their knowledge of the national Criminal Code, remains limited.⁶⁴ This has undoubtedly contributed to the country's poor track record on prosecutions (see below). The government has attempted to counter these issues with the creation of more and more special investigations units. These, however, appear to be just as ineffective.⁶⁵

In regards to the military wing of the security sector, Timor-Leste's national armed forces have doubled in size in recent years, with a wealth of new reforms also being implemented.⁶⁶ Questions remain, however, as to what all these troops will actually be doing and what will be done with the large group of aging ex-FALINTIL fighters that remain employed by the army. Given the fact that the nation faces almost no external threats, supply is likely to outstrip demand very quickly.⁶⁷ This issue, coupled with remaining issues of discipline and accountability, and the aforementioned issue of a lack of division amongst the security forces, represents a growing risk that the expansionist military may eventually impose on other sectors.⁶⁸

The lack of coordination and accountability within security forces does not only mean that they will be unable to effectively respond to any potential instability, but it also raises concerns that the security forces themselves may pose a significant threat.⁶⁹

Corruption

Indicator 3.5 relates to 'high levels of corruption or poor governance'. The government has undoubtedly made some positive steps in reforming itself in recent years, from a revived decentralization agenda,⁷⁰ to an increase in the development of national institutions,⁷¹ and the success of the peaceful elections of 2012.⁷² Corruption, however, still remains as a major problem.

According to Transparency International, corruption and a lack of transparency persist in Timor-Leste. In 2015, the organisation ranked the country 128 out of 168 surveyed countries on its Corruption Perceptions Index.⁷³ Some key areas of concern are the lack of competitive bidding structure for government contracts, poor and uncoordinated planning, and general lack of performance and inefficiency of government workers who remain on the payroll.⁷⁴ This corruption, mismanagement and inefficiency has been acknowledged by President Araújo, who has made fighting corruption one of his key presidential goals.⁷⁵ This is certainly a positive step, as the majority of government officials have tended to distance themselves from the issue.⁷⁶ Whether or not effective reform will be achieved, however, is yet to be seen, as all past measures taken by the Gusmão government proved ultimately ineffective.⁷⁷ Until this incumbent corruption is significantly reduced, this indicator will remain present.

Miscellaneous

Taken together, the above problems with the State's structures and institutions satisfy indicators 3.2 ('national institutions, particularly judicial, law enforcement and human rights institutions that lack sufficient resources, adequate representation or training') and 3.6 ('absence or inadequate external or internal mechanisms of oversight and accountability, including those where victims can seek recourse for their claims'). The International Crisis Group additionally warns of the potential of a gradual slide towards authoritarianism.⁷⁸ It notes that much of the leadership gained its experience and legitimacy from the anti-democratic times of the guerilla resistance. Given the existing issues associated with the judiciary and the security forces, if the government fails to improve the nation's economic security and further strengthen the accountability of its institutions into the future, Timor-Leste may slowly descend into a state of fewer and fewer democratic freedoms.⁷⁹

RISK FACTOR 4: MOTIVES OR INCENTIVES

Risk Factor 4 relates to ‘reasons, aims or drivers that justify the use of violence against protected groups, populations or individuals, including by actors outside of State borders’. Note that most of the information mentioned in this section has been mentioned in under other risk factors as well. It is nonetheless important to point out that some of such circumstances also constitute motives and/or incentives for mass atrocity crimes.

Political Motives of Former Resistance Members and Current Armed Services Personnel

Indicator 4.1 relates to ‘political motives, particularly those aimed at the attainment or consolidation of power’. As stated in the section on Risk Factor 1, time served in the resistance remains as the main source of political legitimacy amongst politicians and office holders within government.⁸⁰ This division of identity (primarily amongst members of the armed services) was one of the central contributing factors to the 2006 crisis,⁸¹ where soldiers from the western half of the country alleged that they were being discriminated against in favour of those from the east (whom had once made up the majority of the anti-Indonesian resistance).⁸² After more than 600 soldiers deserted their barracks (and ignored demands to return), a number of violent street protests erupted in Dili, causing more than 21,000 people to flee their homes.⁸³ The memories of this crisis still serve as a reminder of the lengths that this group is prepared to go to in order to maintain a certain level of status.

Economic Motives of Elites

Indicator 4.2 relates to ‘economic interests, including those based on the safeguard and well-being of elite or identity groups, or control over the distribution of resources’. As stated above, the government system of payouts and the rewarding of contracts to potential spoilers has created a de facto business class with strong political and military connections (including to those mentioned in the preceding paragraph) with a demonstrated ability to commit violent acts.⁸⁴ It is thus not inconceivable that such classes could revert back to their violent ways of the past if their current livelihoods came under threat. Additionally, the government’s lavish payment of public servants has similarly created another powerful group with economic interests to protect.⁸⁵

RISK FACTOR 5: CAPACITY TO COMMIT ATROCITY CRIMES

Risk Factor 5 involves ‘conditions that indicate the ability of relevant actors to commit atrocity crimes’. Several indicators within this risk factor may be present.

Security Forces as a Potential Threat

Given the fact that members of the security forces have the potential to become perpetrators of future acts of violence⁸⁶ the capacity for security forces to carry out such acts is considerable (as was seen in 2006).⁸⁷ If envisioning a situation where members of the PNTL or the armed forces are in fact the perpetrators, indicators 5.1 (‘availability of personnel and of arms and ammunition, or of the financial resources, public or private, for their procurement’), 5.2 (‘capacity to transport and deploy personnel and to transport and distribute arms and ammunition’), and 5.3 (‘capacity to encourage or recruit large numbers of supporters from populations or groups, and availability of the means to mobilize them’) may all be present.

RISK FACTOR 6: ABSENCE OF MITIGATING FACTORS

Risk Factor 6 refers to ‘absence of elements that, if present, could contribute to preventing or to lessening the impact of serious acts of violence against protected groups, populations or individuals’.

Strong Record of Engagement with the International Community

It is first worth noting that the vast majority of the indicators under this heading are not currently present, suggesting low risk in this area. In fact, indicators 6.3 to 6.10 all relate to the nation’s involvement and acceptance of the international community and, additionally, the international community’s commitment to supporting the nation itself. Timor-Leste has a very strong record in this area. Not only has it benefited in the past from UN and other international peacekeeping and state building efforts, but has also begun to make contributions (both in personnel and resources) to such efforts in other parts of the world.⁸⁸ This engagement is likely to continue into the future, especially within the Asia-Pacific region, as Timor-Leste continues to express high hopes of joining the ASEAN community sooner rather than later.⁸⁹ However, divisions remain within ASEAN about accepting Timor-Leste as a member, although there is strong support from Indonesia and The Philippines. Singapore is strongly opposed on the grounds that the economy is too weak and state capacity insufficiently well developed. Some ASEAN member states have provided capacity building assistance in the area of human resource development in order to facilitate ASEAN membership. The Philippines has extended capacity building assistance to train diplomats for example, and provided scholarships for officials to study in the Philippines, with the aim of bringing state officials up to the level needed for ASEAN membership. Australia and the US also continue to provide assistance to non-governmental organizations in Timor-Leste to promote human rights, rule of law, justice sector reform, and the protection of women against sexual violence.

Restriction on National Media

One area of concern, however, is the recent efforts by the government of Timor-Leste to place new restrictions on the national media. Indicator 6.2 relates to a ‘lack of a strong, organized and representative national civil society and of a free, diverse and independent national media’. Recently introduced laws now place restrictions on the national media, and allow the government to punish ethical breaches. Essentially, the laws attempt to control who can become a journalist, making it a requirement that all local and international journalists be accredited by a government sponsored body. Many free speech advocates have expressed concern that these laws pose a threat to press freedom, and a broader threat to East Timorese democracy in general.⁹¹ There are also reports of significant distrust between civil society organizations and the Timor-Leste government as a result of this legislation.⁹²

This, however, is not the only issue of concern in the journalism sector. The government has a record of indirectly influencing the press, and providing incentives for them to censor their work, by spending heavily on public notices and official announcements in certain publications, and bulk-buying newspapers for distribution.⁹³ Many newspapers have no choice but to accept this situation, as little financial alternative exists in the poorly developed private sector. Additionally, there have been reports of those in the media accepting government payments in exchange for better coverage, and even some using their positions to find better paying jobs within the government sector.⁹⁴ As an example, after the introduction of the new media laws, the government offered cash subsidies (termed ‘capacity building grants’) to the country’s newspapers, which all but one of them accepted.⁹⁵ This tightly controlled environment has meant that the press’ coverage of important national issues (such as corruption) is becoming more and more mixed.⁹⁶

RISK FACTOR 7: ENABLING CIRCUMSTANCES OF PREPARATORY ACTION

This Risk Factor relates to ‘events or measures, whether gradual or sudden, which provide an environment conducive to the commission of atrocity crimes, or which suggest a trajectory towards their perpetration’.

The indicators of this risk factor are almost entirely absent in Timor-Leste. The only areas of concern are the countries recent attempts to impose further regulation the national media (see section on Risk Factor 6), and the expulsion of international judicial personnel or advisors (see section on Risk Factor 3). Both of these, however, seem nowhere near extreme enough to satisfy their corresponding indicators (7.6 and 7.7, respectively).

RISK FACTOR 8: TRIGGERING FACTORS

This Risk Factor concerns ‘events or circumstances that, even if seemingly unrelated to atrocity crimes, may seriously exacerbate existing conditions or may spark their onset’.

Shifts in Power

Indicator 8.4 refers to ‘abrupt or irregular regime changes, transfers of power, or changes in political power of groups’. As stated under Risk Factor 1, certain shifts in the political field (namely, the eventual retirement of Xanana Gusmão,⁹⁷ and the gradual phasing out of resistance-era politicians)⁹⁸ have the potential to create political instability capable of fueling social unrest or violence. But whilst such triggers cannot be discounted, recent developments in these areas have suggested a capacity to manage transitions smoothly.

A Potential Economic Crisis

Indicator 8.9 refers to ‘sudden changes that affect the economy or the workforce, including as a result of financial crises, natural disasters or epidemics’. A severe crisis in the already poor nations national economy is perhaps the greatest threat the country currently faces, and thus has the greatest potential to trigger future violence or conflict. Given the fact that Timor-Leste’s oil and gas revenues (on which the nations economy almost entirely depends)⁹⁹ are likely to be depleted within the next generation,¹⁰⁰ this exists as a major concern. See Risk Factor 1 for more details.

Anniversary of the 2006 Crisis

Indicator 8.11 regards ‘commemoration events of past crimes or of traumatic or historical episodes that can exacerbate tensions between groups, including the glorification of perpetrators of atrocities’. As such, it is worth mentioning that the ten-year anniversary of the crisis is approaching. Potential issues may arise should victims of the 2006 crisis seek to voice their complaints over the impunity of offenders¹⁰¹ and the current institutional arrangements rewarding past spoilers.¹⁰² There is no evidence yet to indicate that this will be the case, however.

SPECIFIC RISK FACTORS

At the present point in time, none of the indicators of any of the specific risk factors for genocide, crimes against humanity, and war crimes are present. This is a positive sign. Note, however, that the Framework states that 'common risk factors tend to manifest sooner than specific risk factors', and that 'information that confirms the presence of specific risk factors is sometimes more difficult to obtain at an early stage'.¹⁰³ Hence, the event of such indicators appearing in the future is always a possibility, especially since a number of indicators for the common risk factors are currently present.

CONCLUSION AND RECOMMENDATIONS

From the above analysis, it is reasonable to broadly state that the current risks of mass atrocity crimes occurring in Timor-Leste are low to moderate.

As stated in the Framework, 'the more risk factors (and the greater number of relevant indicators) that are present, the greater the risk that an atrocity crime may be committed'.¹⁰⁴ Risk factors 1, 2 and 3 are clearly of the highest concern, with numerous indicators of each having been met. Risk factors 4, 5 and 8 are of the next greatest concern, with several key indicators of each present. Factors 6 and 7 are of a low concern, given that only one or two indicators of each have been (somewhat) met, whilst all of the specific risk factors for genocide, crimes against humanity and war crimes (9 to 14) are of no concern at the present time.

Thus, whilst there have not been enough factors and indicators met to find that the occurrence of mass atrocity crimes are likely, there are clearly a number of major elements of the current political, economic, and social circumstances within Timor-Leste that are in need of being addressed.

CONCLUSION AND RECOMMENDATIONS

	RECOMMENDATIONS
1	In order to address the primary concern of Timor-Leste's unsustainable reliance on oil and gas revenues, a renewed effort must be made to rapidly diversify the nation's economy within the coming decade. This can only be achieved through unified efforts by both the Timorese government and private donors to support and expand the country's non-oil sectors, such as agriculture, tourism, fisheries and small industry. Given that the nation's most significant source (the Bayu Undan field) is projected to be exhausted in 2024, ¹⁰⁵ and given that the depletion of existing oil and gas revenues has the potential to trigger renewed outbreaks of violence and atrocities (indicator 8.9), this exists as a particularly pressing matter.
2	A similar effort ought to be made to address poverty, unemployment and human security. The government should take further steps to improve infrastructure and government services, gender equality, human capital, education and health care standards, and climate readiness. Important gains may also be made in expanding efforts to work with various multilateral institutions, such as the UN and UN agencies, the World Bank, and the World Health Organization.
3	In addressing past violations of human rights and humanitarian standards, the government of Timor-Leste should focus on implementing the recommendations of the Commission for Reception, Truth and Reconciliation (CATR) and the Commission of Truth and Friendship (CTF), as well as establishing the proposed National Reparations Program and Public Memory Institute in accordance with international standards. Additionally, efforts should be made with the Indonesian government to oversee a joint comprehensive inquiry into any outstanding human rights violations. The two governments should work together to develop strategies for arresting and prosecuting perpetrators of such mass atrocities in order to address the culture of impunity.
4	In regards to the security sector, the precise role, responsibilities and duties of each of the security forces ought to be clearly defined so as to avoid overlap and tension in the future. The training of each should be tailored to suit such roles, with particular attention given to addressing the education standards and investigative capacity of the PNTL, and discipline, accountability, and international humanitarian law education of the military.
5	The culture of corruption must be addressed through the establishment and support of anti-corruption bodies. Adopting international treaties and conventions on such matters (e.g. the OECD anti-bribery convention) would also contribute to combatting corruption in Timor Leste.
6	The government should reconsider its decision to dismiss all international judicial personnel and advisors. The state's capacity in this area is not strong and the judiciary still faces a number of outstanding challenges that could be assisted through international sources.
7	The government should repeal legislation restricting the national media. The existing problems within the journalism sector should instead be addressed through the strengthening of an independent, private and self-regulating free press, possibly with the assistance of various international organizations.

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