

TITLE

Street Level Bureaucrats and Post-conflict Policy-making:
Corruption, Correctives, and the Rise of Veterans' Pensions in Timor-Leste

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ABSTRACT

Much has been made of the 'imperial' influence of international actors (Chopra 2000) and their view of Timor-Leste as a petri dish for post-conflict development. However, this view obscures the ways in which conflict-era actors and their networks shape core decision regarding resource allocation. This article examines the political economies of resistance-era networks in the post-conflict period, focusing specifically on the large-scale pensions programme. The article argues that these former fighters tasked with registration verification serve as 'street level bureaucrats' and have re-shaped the programme to reflect their views of the conflict and interests. This is not a trivial matter – in 2015 the programme consumed 9 per cent of the national budget – and this work suggests that pensions should be viewed as a core aspect of post-conflict economic development in Timor-Leste and, more broadly, that the role of conflict actors in defining such programmes is essential to understanding redistributive policies after conflict.

KEYWORDS

Post-conflict transitions; disarmament, demobilisation and reintegration; pensions; Timor-Leste

Don't look to the law; look for stability.

(Former resistance member, Aileu District)

INTRODUCTION

This is an article about the veranda (Terry 1986) and the business of governance that takes place there. It is about how policy that is written at centres of power is translated and transformed as it is implemented in the countryside; it is about the power that resides with the 'street level bureaucrats' (Lipsky 1971). To explore these dynamics, this article considers the mammoth veterans' pension programme that arose following the cessation of conflict and Timorese independence, and it critically examines the registration of East Timorese former resistance members – the men and women who contributed to the quarter-century armed and clandestine struggles against Indonesian occupation (1974-1999). The pension programme, initially envisioned by international actors to serve mere thousands of formerly armed fighters, has grown to consume almost 9 per cent of the national budget as direct payments (2015 figure; Leach 2017, p. 213). Over 250,000 Timorese have registered; this represents approximately a third of the current population over the age of 15.

Registration is the crucial first step of making subjects known and legible to the state in order to receive significant financial assistance. It is the step at which the legal definition of 'veteran' is applied and veterans are created as a legal category. This research explores how tens of thousands of Timorese have successfully registered, despite the narrowly drawn legal criteria. It finds that the high percentage of registered former resistance members, an estimated 60 per cent, that do not meet the eligibility criteria. And while registration errors and fraud are expected in any benefits programme,¹ deviation from the legal criteria appears to be the norm. Why is this the case? This article suggests that who is a 'veteran' in Timor-Leste – and thus eligible for these payments – is largely determined in the field, independent of the legal framework and the world of policy makers. This matters: pension payments are already a significant percentage of state expenditure and pension payments transform the post-conflict economic lives of recipients and leave behind those found ineligible.

In Timor-Leste, the pensions programme is sweeping in scope and recognises thousands of veterans that do not meet the legal criteria. To understand this problem, I use a lens offered by Walker and Gibson, and view this 'gap between objectives and outcomes' – here the low level of adherence to legal registration criteria – as a 'demonstration of how policy is *recreated* through the process of implementation, rather than an implementation failure' (2004, p. 1251; my emphasis). In Timor-Leste, this gap arises from the systematic re-imagining of what service merits recognition by the former resistance members who, as state agents, have led the registration and vetting processes. Indeed, veteranhood hinges on service and contribution, concepts that resist simplification in a conflict characterised by decades of clandestine action and irregular combat. Fraudulent claims are not the results of incompetence or negligence, although these may also be at play, they are the realisation of a new policy – a corrective to legislation issues from the capital, Dili. On the ground, registration follows on a consistent set of parallel metrics used by commissioners tasked with registering their former comrades, namely a distinction between 'direct' or armed service and 'indirect' service.

To conceptualise this dynamic, I argue that in Timor-Leste power is exercised and policy is made in both the *'le climatiseur et la veranda'* ('the air-conditioning and the

veranda,' Terray 1986). As Berman explains these archetypal sites: '[t]he first is the face of modern state power, bureaucratic omnipotence and technical expertise the avatar of modernity; the second is the scene of the real business of government [through] patronage' (1998, p. 335). I include in this category of patronage the Timorese resistance movement, which served as a system of governance and legitimate authority through the Indonesian occupation and into the post-conflict period, where it now interpenetrates the formal state apparatus (see Myrntinen 2013). By contrast, the avatars of modern state power are both Timorese bureaucrats, often educated outside of Timor-Leste during the occupation, and the international advisors that helped to shape the legal framework for determining who should count as a veteran.

In focusing on the interactions on the veranda, this article is rooted in anthropological work on the micro-interactions between citizens and state actors, namely 'street-level bureaucrats.' Based on their studies of educational policy reforms, Weatherly and Lipsky argue that '[i]n a significant sense ... street-level bureaucrats are the policymakers in their respective work arenas' (1977, p. 172). Accordingly, policy has to be studied both in its conceptualisation at the centre as well as its implementation at the periphery as the 'meaning of policy cannot be known until it is worked out in practice at the street level' (Ibid, p. 173). This street-level perspective is missing from most of the 'top-down' best practices disarmament, demobilisation, and reintegration (DDR) literature. Reflecting the difficulty of studying this cohort, little is known about how such policies are (re)interpreted and '[play] out on-the-ground' (Jennings 2008, p. 5). Addressing this gap, this article examines policy formation on the ground and demonstrates how this shapes welfare spending and thus the post-conflict economy.

Beyond offering a key aspect of how so many former resistance members have become registered in Timor-Leste, this perspective has wider implications for how we study and understand post-conflict reconstruction policies. Firstly, it underscores the lack of fixity of legislation and legally enshrined identity categories like 'veteran.' Secondly, in recognising the lack of fixity, this work indicates limits to the powers of both bureaucratic elites and external actors to drive outcomes on the ground. Attention to the agency of the former combatants who implement policy from 'the veranda' is necessary to understand the patterns and unimagined growth of the programme. The confident disregard that the commissioners tasked with veterans' registration expressed towards state legislation, suggests an important, yet under-recognised, site of power in the post-conflict reconstruction process. These leaders saw it within their legitimate authority to rework this legislation, and this authority was rooted in non-state sites of power and history. Finally, this work complicates the discussion of the extension of the state through registration – a paradigmatic bureaucratic practice. Taken together, this article suggests the need for research to critically interrogate the journey of seemingly technocratic legislation from page to practice.

Regarding organisation, this article begins by taking the perspective of the 'air conditioning' and briefly reviewing the legislative framework established by technocrats in the capital, Dili, with the guidance of international advisors. This baseline established, the article goes on to analyse the work done on 'the veranda' on two levels. Firstly, it looks at the registration of ineligible individuals, distinguishing at the micro-level between cases that follow patterns of graft or nepotism ('corruption') and those that mark the systematic application of alternate eligibility criteria ('correctives'), providing evidence of both dynamics. In this discussion the position of former leaders *cum* commissioners as gatekeepers and power brokers is key. Here, commissioners use their control over inclusion in the veterans' registry to support their own patronage networks.

The brief discussion and concluding sections return to the implications of this work, noting both the contribution to the study of legislative enactment as well as more broadly to how we should understand the interaction of pre-existing non-state networks and the work done by cosmopolitan legislators and their advisors. This work, as well as that of other authors in this special issue, thus also seeks to add insight to the questions of how peace economies are formed and how policies that have important effects on post-conflict economies are made. As this article points out, in Timor-Leste, networks and identities drive this policy-making and implementation process, and I therefore illustrate the connection – rather than suggest a rupture – between power, identity, and authority in the conflict and post-conflict periods. This work thus advances our understanding of the political economy of post-conflict resource distribution.

A Note on Methodology

This article is based on two rounds of extensive fieldwork and surveying carried out over nine months in 2010 and 2012 in Timor-Leste during important periods of veterans' registration. The fieldwork included a population proportional, representative randomised survey of 224 former combatants (for more on this methodology and the nature of these networks, see Roll 2014). This dataset is amongst the half-dozen largest ever generated globally on former combatants. A database of registered former resistance members served as a comprehensive sampling framework, from which registered former resistance members that were eligible for financial assistance were selected. The database provided information on age, place of birth, and registered length and type of service. Accordingly, the survey included items used to determine veteran status and the level of recognition, thereby allowing for a comparison with the state database.

To strengthen this survey work, the study took a mixed methods approach and included 90 individual interviews, archival research, and observation. This included interviews with senior policy makers, advisors, resistance and clandestine leaders, and military officials, as well as with former resistance members not captured in the survey, such as those who had been vetted and expunged from the registry. In some cases key informants were re-interviewed to understand their perspectives on what had changed in the intervening period. I conducted the majority of surveys and interviews in Tetum. My position as a white, Western-educated female and academic researcher placed me as a clear outsider. However, these characteristics, including the gender dynamics of studying primarily male former combatants, at times enabled rather than impeded access; key interlocutors often found my presence novel and un-threatening. Furthermore, the interviews were carried out at a time of dissatisfaction with the pensions programme, and respondents were often keen to have their voices heard, viewing the subject as pressing rather than sensitive. This article primarily draws on interviews with commissioners and a period of observation during which the author travelled with the Data Verification Team, tasked with reviewing and correcting lists of registered former resistance members; it also draws upon empirical results from the survey.

VETERANS' PENSIONS IN THE AIR CONDITIONING

Establishing veterans' pensions and payments has been a core concern of metropolitan policy makers, political leaders, and international security advisors concerned with re-mobilisation at the end of the 24-year Indonesian occupation of Timor-Leste in 1999. During the UNTAET transitional period (1999-2002), the mandate to support former resistance members is enshrined in the Constitution, which calls for the state to '[protect] all those who participated in the resistance

against the foreign occupation' (Section 11, Articles 1-4, 2002). In its open embrace of broad-based suffering, Leach argues that this clause provides the 'symbolic heart' of the document; '[the] constitution recognises and sacralises the resistance as the core tradition of the independent state' (Leach 2002, p. 43). This commitment should, I argue, also be understood as the economic heart of the document. In examining post-conflict political economies, such statements carry profound implications for state spending and the expectations for how state funds will be allocated.

Surprisingly, this interest in pensions benefits and their role in post-conflict reintegration and economic development are not reflected in the academic literature. Disarmament, demobilization, and reintegration (DDR) programmes have been studied in terms of their effectiveness (Humphreys and Weinstein 2004; Gilligan et al. 2010) and political aspects (Berdal and Ucko 2009). Critical DDR scholarship has begun to connect DDR to state formation (Metsola 2006, 2010) and examine how programmes advance the priorities of implementing actors (Kriger 2003; Muggah 2009); these foundational works highlight how the politics of identity can be played out in such programmes, creating new histories and claims to state resources.

However, short-term DDR programmes are generally designed by international actors to 'buy time' in the post-conflict period (McMullin 2013, p. 38), and are aptly caricatured by Knight and Özerdem (2004) as 'gun, camps and cash.' Pensions, by contrast, are of a significant duration – in some cases even multi-generational – and thus play a different role in post-conflict economic development and resource distribution. Due to these factors, pensions can significantly shape institutional development. Skocpol argues this in her landmark work describing the 'pioneering effect' of Civil War veterans' pensions on the development of the USA welfare systems (1993, p. 116). This article takes a first step towards drawing similar connections between pensions and post-conflict socio-economic policy in a case of modern state building.

In Timor-Leste, efforts to establish veterans' benefits began in September 2002 with the creation of two presidential commissions to focus on recording the names of former resistance members from the 1975-1979 and 1980-1999 conflict periods, respectively; these commissions worked together. Of note, the designated periods irreflect key changes in the conflict; the first period was typified by mass mobilisation, including civilian movements into remote support bases (*base de apoiu*). However, Indonesian forces overwhelmed these efforts. While some armed resistance fighters remained in the jungles, the second part of the conflict involved clandestine action by men and women in towns and cities. Clandestine organisations emerged around the country as well as abroad, which became increasingly coordinated and effective in drawing attention to the occupation.

This registration work was supported by the World Bank, and involved a series of public consultations. However, the work of these commissions preceded national legislation, and, as a result, these commissions developed their own lengthy questionnaire regarding service and then used this data to create eligibility criteria for registration. The first two commissions' results, which excluded women, drew a public outcry, leading to the establishment to the second commission. Despite the absence of legislation, the commissions initiated monthly payments to well-connected, prominent former resistance leaders, many of whom had taken political posts. These issues and omissions lead to the establishment in 2004 of a third commission, to specifically register members of the clandestine resistance, which finally included female resistance members.

The passage of the Law on Status of National Liberation Combatants (hereafter the

2006 Law) and the Law on Pensions for Combatants and Martyrs of National Liberation (Pensions Law, Decree Law 16/2008) codified registrants' identities, rights and benefits, formalising and bureaucratising hitherto status-driven, *ad hoc* system of payments. While the 2006 Law established eligibility, the 2008 Pensions Law established the corresponding entitlement payments structures. Since the law's passage, Parliament has regularly amended the legislation to increase the value of benefits payments. While in the initial regime payments ranged from 85 USD to 550 USD per month, since the programme's inception the lowest benefit levels have, on average, more than tripled; the base level of benefit for a living former resistance member currently stands at 276 USD/month.ⁱⁱ

Of critical importance, in Article 23, the 2006 Law introduces the concept of 'exclusive dedication,' defined as full-time service within a resistance organisation and/or incarceration. Periods of service that do not meet these standards, for example clandestine work from within a village, do not count towards pension eligibility. According to the 2008 Pensions Law, whether an individual receives a monthly pension, a one-off payment, or nothing at all depends upon how many years of exclusive dedication to the resistance are recognised by the verification commissions and reflected in the veterans' pensions registry. Only those recognised with more than seven years of exclusive dedication are eligible for monthly payments, and only those with more than four years of exclusive dedication are eligible for a one off payment – a high bar.

The category of 'exclusive dedication' focuses on sustained, armed (and thus largely male) participation – a narrow view of the scope of Timorese resistance movement and its history. While the early period of the conflict were characterized by armed resistance, the movement collapsed in the late 1970s. This had profound consequences for the fighters and their supporters. As one long-time observer described:

There was a comprehensive defeat, and people were swallowed up in the [Indonesian] social system. People were absorbed into the Indonesian state; it had full penetration. Veterans thus joined the enemy's system, signed up and collaborated (INT18).

He concludes: 'If you were not in the jungle, you were collaborating' (INT18). As the resistance weakened and fractured, such 'exclusive dedication' became increasingly rare; in the 1980s, the resistance was rebuilt around clandestine action.

Political leaders who drew support from networks of armed rather than clandestine actors, and thus were favoured in the formulation, advocated for this approach, as did international advisors. The effort to favour these supporters through the law, according to one high-level Timorese political advisor and former resistance leader, created political tensions amongst the leadership. As he notes:

There was a big dispute about the law. It was written based on the legislation from other countries. It was given from Alkatiri to Ana Pessoa without review by Gusmão. Gusmão was very angry – he had issues with exclusive dedication (INT73).ⁱⁱⁱ

Even from the beginning, there was concern amongst lawmakers with exclusive dedication and what it would mean in regards to the recognition – or non-recognition – of former resistance actors.

These lawmakers' concerns have been born out. Survey work carried out in 2012 found that while the vast majority of respondents had participated in the resistance to some degree, often residing in the support bases or taking part in the clandestine front, the majority of respondents did not meet the standard of exclusive dedication (see Chart 1 below), as laid out by the law. The next section considers how and why

this legislation was re-cast by those involved in its implementation.

[INSERT CHART I]

Chart 1: Meeting the Legal Criteria, Eligibility and Non-eligibility by Sub-District

THE VIEW FROM THE VERANDA

While embedded with the national veterans' pension programme's Data Verification Team in 2010 in Laleia, Manatuto district,^{iv} our morning routine was to walk to the meeting hall, stopping on prominent community members' wide porches for sweet black coffee. We would sit on the veranda with our host, his wife and daughters invariably hanging back in the doorway, and observe people go by carrying goods or ferrying uniformed children to school on the backs of motorbikes. The team's leader, Alin Laek, a prominent figure from the Timorese resistance movement who had been based in the area, would enquire after family members and exchange gossip and pleasantries before moving onwards. These encounters were warm and enjoyable; I started to see Alin Laek as a 'local boy made good' or, in the North American mode, the charismatic captain of the high school football team, back from the big city for the homecoming game, reliving moments of glory.

Yet these relaxed exchanges were also much more significant. These conversations and the meetings that followed, wherein disputes concerning inclusion on the veterans' pension registry were summarily resolved, constitute the leading edge of state power. Recalling the distinction between the *'le climatiseur et la veranda,'* what I observed on the veranda with Alin Laek was the maintenance of personal power networks – networks often even pre-dating the Timorese resistance movement – and their reinforcement through the careful distribution of state resources. Far from the tiled offices of Chinese-built ministries of the Timorese capital, Dili, it is on such verandas that post-conflict reintegration programmes take shape and life. There, through the micro-level interactions between Alin Laek's team and registrants, eligibility criteria and thus the programmes more broadly were reimagined to reflect both actors' understandings of service and sacrifice, obligations and ambitions.

In this section I explore deviation from veterans' pension benefits selection criteria and provide examples of how, on the micro-level, commissioners have used their discretion to both sell access to reintegration benefits ('corruption') as well as introduce alternative criteria for registering individuals ('correction').^v Corrupt practices include nepotism and rent-seeking behaviour (e.g. providing access to benefits in exchange for payment). By contrast, in what I dub 'corrective' behaviour, commissioners systematically and consistently deviate from the legal criteria based on alternative notions of who deserves to be included. In this case, the commissioners reject the policy or legislation and, in its place, follow norms or rules derived from other, extra-legal systems of values and authority. Together, proximately, these practices begin to account for the high numbers of ineligible individuals on the registry.

This distinction between corrupt and corrective practices is made, however, with the recognition that these categories are not mutually exclusive or uncomplicated. Our 'street-level bureaucrats' – the commissioners – wear multiple hats, have personal relationships with prospective registrants, and face a range of pressures and incentives. Commissioners may register an individual for multiple reasons, such as both family connections and a belief in the need to register former clandestine members, or use values-based discourses to mask or justify transactional

arrangements and reinforce their own networks. However, by highlighting the two dynamics separately, I underscore the prominence of justificatory discourses and the openness with which the use of alternate criteria, across commissions, is discussed. In the case of 'correctives,' rather than this reinterpretation happening surreptitiously, commissioners openly view themselves as authorities and authors. Furthermore, while authors such as Hoffman (2003) have discussed corruption in DDR practice, the normative content that distinguishes 'correctives' has not been explored. Nor have other authors discussed how making adjustments to fit community norms may also serve as a conflict mitigation strategy and stem problems with social jealousy arising from differential treatment and the provision of pay-outs; ironically, violating the legislative framework may in the short-term aid integration.

Corruption: Rent-Seeking, Nepotism and Patronage

As noted above, the hijacking of reintegration benefits for personal enrichment and the maintenance of non-state networks has been documented in a number of contexts (see Jennings 2007, p. 209-10, on Liberia). Hoffman paints a vivid picture of how former rebel leaders exact rents by controlling access to reintegration benefits in Sierra Leone. He gives the example of ex-commanders charging former fighters for physical access to the stadium in which international organisations provided benefits:

A third or a half of the newly minted ex-combatant's pay packet seemed a fair trade for the opportunity to pass through disarmament and train for a job in post-war Sierra Leone. The upshot was that only those who had made the necessary bargains with their commanders had any hope of passing through the locked gate to the inside of the stadium (Hoffman 2003, p. 297).

In Hoffman's example, ex-commanders act as gatekeepers – literally and figuratively – and the access to reintegration benefits is negotiated. Those who can pay are included, even if ineligible, and those who cannot are excluded. The result is the diversion of resources from their intended beneficiaries and their exploitation for the benefit of 'big men.' Similarly, in Timor-Leste, commissioners stand at the nexus of state, resistance, political party, and kinship networks.

In Timor-Leste, such bribes as well as nepotism constitute a major concern for respondents, even amongst those who were ineligible for veterans' pensions themselves. Respondents described how commissioners use their positions as gatekeepers to either extract rents, as above, or to include ineligible individuals due to pre-existing, family ties. The most commonly cited issues included the registration of ineligible associates or family members; the inflation of associates' or family members' service records; the exclusion of individuals or reduction of their service records due to personal disputes; and demands of payments to be registered. Less extreme examples were also consistently cited, including the use of personal connections to those in power to fast-track payments or resolve issues with registration. Concerning government project contracts, multiple informants discussed issues ranging from poor service delivery to pressure from non-resistance members to use their names as veterans to register companies.

In regards to bribery, respondents in both survey and elite interviews consistently identified such corrupt practices. Parallel to Hoffman's example, some must pay to be included in the programme. As one survey participant described:

I am concerned with corruption. People have paid in order to receive longer durations. The latest list did not include my name... my son went and checked. There was no explanation. If you speak with the Commission, they will ask for money, more than just \$5, \$100-200, for example. People give mobile phones, cigarettes (SUR125).

A former commission member confirmed this pattern of bribery, noting that some commissioners have demanded 50 per cent of the registrant's payment (INT78). While upset by this corruption, the survey respondent quoted above pragmatically suggested that the issue with his registration could only be resolved through recourse to personal ties: 'I need to go to Aileu; I know someone on the Commission' (SUR125). Furthermore, due to strong redistributive norms, even when kickbacks are not explicitly demanded, there might be an expectation that recipients share their payments.

Nepotism also emerged as a key concern. As one village chief underscored: 'There are people in the clandestine front with more years [being counted towards higher pension benefits] than those in the armed front. The Commission has looked to its family members' (INT68). Here, due to nepotism, those with a type of service not recognised for pension eligibility (clandestine) were being recognised with longer service records – and thus higher levels of pension payments – than those who had completed armed service. The registration of family members was, according to one former commissioner and resistance actor, *de rigueur*. As he notes: 'I refused to put my wife and mother on the registry, like other commission members. Everyone asked me: why not?' (INT78). The inclusion of family members of prominent actors, not just commissioners, also appeared widespread. A former clandestine leader notes: 'The zone secretary registered his family, gave them really big benefits ... they all got 8-14 years' (INT87). Similarly, as one District Administrator explained: '[t]here are some who were just in the village and worked as functionaries – they got 15 years! If the woman is the man's wife, she'll get it' (INT71).^{vi} This raises additional concerns regarding the eligibility of women included on the pensions registry (see Niner 2011, on gender in post-conflict Timor-Leste).

Vulnerability to nepotism reflects the very design of the registration programme as well as the structure of the resistance itself. As De Vries and Wiegink note:

DDR practitioners may purposefully work through combatant associations, which help set priorities and select candidates for the programme in a confused melee of competing individuals ... [this] provides plenty of opportunities for nepotism (2011, p. 43).

The strength, cultural importance, and density of kinship networks in Timor-Leste make issues with nepotism particularly difficult to combat. In the case that an individual's registration has been challenged, the registrant may use family connections to secure a person in authority to come testify and support their claims. As one informant described: '[i]f one Nurep,' a leader of a clandestine cell, 'won't testify on their behalf then they will find another who will from their family. There has been so much intermarriage now' (INT78). As very few records of participation exist, and resistance networks were rebuilt along family lines, such counter-claims from family members are difficult to refute.

Finally, resistance leaders *cum* commissioners tasked with registering individuals and verifying their data have used their roles to support their former cadres. Reintegration 'goods', namely access to payments, provide a means to define and sustain non-state patronage networks into the post-conflict period. As helpfully noted by a reviewer, this argument echoes that of Le Billion who, in addition to recognising the corrosive effects of corruption on some institutions, also suggests that corruption is part of the fabric – and even the active weaving – of social relations. He writes: '[C]orruption is endogenous to many political structures in which it serves key hierarchical functions, thereby contributing to political order' (2003, p. 414). The commissioners were part of both the hierarchy of the resistance, as well as now acting as part of the new state; these flows of resources reinforced this authority. Similarly, the support of family networks reflects the very organization of the

resistance, and the importance of family ties, particularly in the clandestine period (McWilliam 2005, p. 35).

The engagement of resistance-era authorities to administer these programmes makes this registration work possible, yet this also facilitates the privatisation and personalisation of state resources (see Ménard in Erdmann and Engel 2006, p. 14). These programmes are key to the political economies of resistance-era networks in the post-conflict period. The ability to provide resources to networks is a source of power for former resistance leaders; having state resources flow through these networks effects who benefits. This finding reinforces the view that reintegration programmes should not be viewed simply through the lens of security but also in relation to bureaucratic state power and the authority to determine where state resources go. The use of state resources to control potential spoilers and draw their networks into the state sphere has consequences for state consolidation, governance, and the livelihoods of Timorese people. The story does not end with paying off spoilers. These 'solutions' to security issues shape the new state, where 9 per cent of its budgetary resources go, and thus the distribution of wealth in the new, post-conflict economy.

From a policy perspective, attention to these networks, patronage, and neo-patrimonialism, and, crucially, their highly contextual views of what service should be recognised, avoids incomplete analysis that focuses simply on corrupt practices. Indeed, one weakness in the technical DDR literature is a lack of attention to implementation and the role of networks and loyalties therein and the views of the 'street level bureaucrats' tasked with implementation. For example, the UN Development Programme and UN Department of Peacekeeping Operations' recommendations on eligibility and registration for DDR programmes simply suggest that commanders 'deliver' their subordinates to be registered by UN personnel (IDDRS 2010, p. 44). In cases in which implementers are chosen because of their pre-existing relationships to conflict actors, this process of delivering or identifying registrants is complex and important. Comprehensive and apparently legitimate alternative criteria are currently in use. The combination of state and non-state authority makes such arrangements highly resilient and difficult to challenge (Ilkhamov 2007, p. 80).

Correctives: Renegotiating the Criteria

While no respondents defended the corrupt practices listed above, the commissioners openly discussed other ways in which they modified eligibility requirements. As one stated confidently: 'We have flexibility' (SUR272). As street-level bureaucrats, commissioners have established alternate criteria, resulting in a *lex non scripta* that expands the scope of eligibility to meet community expectations. In particular, the criteria have been expanded to recognise special service and incorporate members of the clandestine front. These modifications reflect a range of popular pressures on commissioners as well as their own views. These considerations include the need to reconcile criteria with local concepts of merit, status, special service, and rights; concerns with social jealousy; and the political mobilisation and lobbying of interested parties. Away from the policy-making arena, these actors are renegotiating and recreating the policy.

The use of an alternative system for calculating years of recognised service appears to be both consistent and widespread; this marks a *systematic* reimagining of the policy as well as, more surreally, conflict histories. One commissioner explained the system:

Those who contributed directly can receive 4-7 years. Those who contributed indirectly, just a little, there are not criteria for them to receive payments. What does a direct contribution mean? To give money, clothes, food; to carry water. For this you can give 4-7 years, 8-14. *All the commissions use a system like this* (SUR272; my emphasis).

The commissioner describes a coherent and logical heuristic for allocating benefits; it is neither highly personalised nor ad hoc, and it continues to enforce certain limits that centre on an individual's contribution (i.e. 'indirect' support, such as women preparing food or a young person carrying a message, is not recognised; 'direct' support is conceived as involving armed service, risk taking, as well as forms of material support, as described above). It is simple to understand and rooted in their cohort's conceptions of service and what matters; this rubric provides more space for the contributions by women and youth, but the 'indigenisation' of these criteria still reflect power structures and gender bias within Timor-Leste. In this manner, it is in some ways more legitimate than the system developed by Timorese technocrats and international advisors. However, despite its advantages, the distinction between 'direct' and 'indirect' contributions is completely novel – these criteria are not derived from the law.

Deviating from the policy and using the concept of 'direct' and 'indirect' contributions appears legitimate as it grounded in widespread normative beliefs. Communities have 'unmet expectations' (INT63), as one UN Political Affairs officer described, concerning the need to recognise service. In particular, both respondents and commissioners identified payments as a transcendent *right* of individuals who served, justifying the registration of clandestine actors in particular even though their service is not recognised under Timorese law. As one former Nurep (a position in the clandestine front) deeply involved with the registration process stated:

The regulations] don't work... If you do it according [to the law] they will still be victims. Youth that were just born could not have carried guns, but according to human rights. It is according to a principle (INT89).

He viewed ignoring the legal criteria as *essential* to realising the rights of clandestine actors,^{vii} regarding the law as unequipped to recognise their service. Similarly, one commissioner and key leader stated: '[t]hose with more than three years. All of them should get money; the law cannot obliterate their rights' (INT77). Here he positions the law as *hostile* to rights, while, critically, still looking to apply a rule or framework (e.g. 'more than three years'). This idea of a right to compensation, independent of the law, was frequently echoed.

In addition to calculating benefits based on the concepts of 'direct' and 'indirect' service, commissioners also appear to take into account the importance of individual contributions, rewarding special contributions or participation in significant historical events. In this case, 'years of service' were allocated as rewards to mark significant service and did not relate to time served. Again, 'years' emerge as the currency of the commissions, rather than a marker of time; this distorts the historical record created by the registry. As one prominent former resistance member who worked as a medic described: 'I first received 4-7 years, but I have received support from Lere, Alin Laek and others to increase my dedication to 8-14 years to recognise my contribution and nursing' (INT22). Here his particular skill set and critical access to needed medications was rewarded with a monthly pension; his on-going connections to those in power facilitated this adjustment. In another example, in the case of the Nain Feto sub-district, Dili district, I interviewed five individuals who were also allocated 8-14 years of service; this duration entitles registrants to significant monthly pension payments. None served with 'exclusive dedication' for this period. However, each had participated in the 12 November demonstrations. These demonstrations

culminated in the Santa Cruz Massacre, a major turning point in the conflict. Their high number of 'years' exclusively reflected their participation in this key event.^{viii}

The decision by commissioners to expand these criteria should be contextualised by looking at both community expectations and the broader political dynamics. Commissioners experience pressure from politically powerful mobilised groups demanding inclusion. For example, the high levels of benefits awarded to the Santa Cruz massacre survivors reflects the political mobilisation of protest participants in the 12 November Committee. Established in 2010 by Gregorio Saldanha, the 12 November Committee represents over two thousand survivors, the majority of whom are urban unemployed (ICG 2011, p. 8, note 64). The 12 November Committee has used its clout and participant lists^{ix} to pressure commissioners to include participants in the massacre on the grounds of special service. One key government official involved in the pension programme characterised the 12 November Committee as feeling 'marginalised,' pointing out that it 'thinks we should recognise special service' (INT67). While recognising survivors' ineligibility, he appeared disinclined to remove those who were registered or instruct commissioners to exclude such actors.^x

Modifications to eligibility criteria and registration practices also resolve tensions between the capital and the veranda, between state actors (the commissioners) and the ex-resistance members at the grassroots level. As one Timorese political advisor explained: '[c]riteria, these created tensions. They pitted the Homage Commission against the veterans' (INT65). The main point of contention has been the exclusion of clandestine actors, particularly those who made special contributions, due to the focus in the eligibility criteria on armed rather than clandestine service. Accordingly, the modifications described above have resulted in the systematic inclusion of higher numbers of clandestine actors on the registry, thereby partially addressing this tension between the commissioners, the law, and resistance actors. This reflects the pressures on commissioners as well as the related concern that the strict application of the legal criteria, and thus the broad exclusion of clandestine actors, would result in higher community-level tensions.

Concern with violence or social jealousy stemming from the strict application of legal criteria is not unfounded. As one UN Political Affairs officer noted, the lack of recognition is a potential flash-point: '[a]ll people are concerned about exclusion of the clandestine front because of exclusive dedication. *This could generate conflict.* There are expectations that remain unmet' (INT63; my emphasis). By registering members of the clandestine front, such as those who provided 'direct support,' commissioners address these expectations extra-legally and realign the programme with local conceptualisations of fairness, merit, and seniority.^{xi} As one respondent put it succinctly, in regards to understanding registration patterns, '[d]on't look to the law, look for stability' (SUR69). In his view, the criteria were modified to increase security. Ironically, while reintegration benefits are conceptualised as a means of improving post-conflict stability, in Timor-Leste, the *violation* of eligibility criteria and the decision to recognise 'direct' support by clandestine actors has become important for reducing tensions – a dynamic that should be taken seriously in post-conflict contexts.

Finally, these decisions to modify eligibility criteria are also part of the machinery of post-conflict history making. Those on the veranda are keenly involved in directing processes of official remembering and forgetting through the inclusion and exclusion of individual on the registry; these processes may restore normalcy for some but leave wounds open for others. The most pointed example comes from the treatment of collaboration with the occupying Indonesian forces or state by the commissions; part of their role is to identify and remove those who collaborated from the veterans'

pensions registration list. While the legislation explicitly excludes those who collaborated from being included on the registry and receiving benefits, it appears that this prohibition has been observed only selectively.^{xii} Discussions of collaboration with the Indonesian occupying forces, more widespread than is publically acknowledged, remain taboo (Drexler 2013, p. 75; INT18). As one senior UN Political Affairs officer notes: 'If you lived here, you collaborated' (INT33). Due to the length and complexity of the conflict, some of these same men and women who fought or contributed to the resistance in substantive ways also collaborated.

It is worth noting that there not all state bureaucrats embraced recourse to 'the veranda.' Regarding the resolution of collaboration cases a young, Indonesian-trained official wanted to enact these processes through technocratic means: 'I want it to take place confidentially, in an office behind closed doors; this is not popular justice with the elders as judges. This [process] creates new problems and opens up new wounds' (INT07). This comment is an indication of the tensions that do exist between these localities, and that these 'street level' practices do not resolve all issues. While commissioners, as agents of the state with patrons at the top of ministries and state institutions, experience wide latitude, there exists countervailing pressure to reassert legal criteria and processes. This can be observed in the oscillation between the opening and closing, adding and subtracting, to the veteran lists.

Now, in the post-conflict period, the registration process is ill equipped to address this complexity. As one senior UN Political Affairs officer notes: 'Nothing is clear! ... There is no black and white; it is all a matter of degrees. The process is not recognizing shades of grey' (INT33). Without a mechanism for recognising these 'shades of grey,' commissioners decide whether to valorise individuals or pursue their exclusion. If fully enforced, many individuals would be excluded. And the processes of investigation and verification would be deeply unsettling for many who adhere to 'histories of innocence,' seeing complex actions during conflict, which may have included collaboration and betrayal, as exceptional (see Theidon 2010). More importantly, these exclusions and investigations would challenge the nation mythology of a united, apolitical resistance. These narratives crucially 'obscur[e] the more troubling knowledge of the collaboration that pervaded the conflict over decades' (Drexler 2013, p. 89). The non-enforcement of these prohibitions protects this mythology. Commissioners, working on the veranda, have systematically wiped away these ambiguities; through this 'corrective' they create a registry of flawless blacks and whites.

DISCUSSION: 'THOSE WHO WERE SMALL, ARE STILL SMALL'

In taking on the questions of how and why the pensions programme in Timor-Leste has grown so large, including the registration of hundreds of thousands of Timorese, despite the narrow eligibility criteria, this article has argued that this cannot be understood as simple fraud or incompetence. Instead, I find that former conflict actors, acting as 'street level bureaucrats', have re-written the eligibility criteria and re-invented the veteran in Timor-Leste. Due to the status of former combatants within the political system and the manner in which these changes resolved core tensions, these formulations have not been widely challenged. This work, more broadly, brings us to the world of post-conflict political economy and helps us to understand the means by which formal conflict actors re-direct significant resources towards their networks, further entrenching their positions of authority. This work thus joins scholarship by Pugh, et. al., in examining the continuities and connections between conflict and post-conflict economies, in this case looking particularly at how conflict actors' interests become expressed in policy outcomes.

As noted previously, this work shares an interest in the ways the DDR programmes, connect to the larger project of re-imagining society and the role of former combatants therein. As Metsola argues, “[r]eintegration” combines regimenting biopolitics with governmental techniques that aim at reforming and civilising subjects’ (2006, p. 1125); here, in a locally-led programme, we see the added complexity of state agents enacting their own concepts of service and eligibility, a different form of disciplining unruly subjects and writing histories. Similarly, while Muggah points out that reintegration ‘amounts to social engineering – from re-housing, resettling and integrating former soldiers and their families in areas that may be hostile to them – is ambitious in the extreme,’ this can be pushed further (2009, p. 14; see Paris on peace-building as social engineering, 1997, p. 56). This article, in considering pensions, sharpens these observation by exploring *who* is doing the social engineering and *how*. It also expands the examination of ‘social engineering’ to address not only about housing and training, but also benefits allocation and who gets what in the new economy.

What type of peace will this form resource allocation bring? What are the consequences of these networks taking state resources on in the post-conflict period? Many of the former fighters interviewed expected the post-conflict period to deliver new opportunities and remove former inequalities, bringing a form of positive peace. The desire for former resistance members to control this process, rather than the state, fits within this context of expectations for new economic lives and agency after conflict. However, it is not clear that these benefits will address inequalities, particularly those that originated in the Portuguese era and were carried through the resistance and its generally elite leadership. As one respondent summarised: ‘I was involved for 24 years. My life is the same. Those who were small, are still small. Those who were rich, they are still rich. There has been no result’ (SUR78). What this research suggests is that while the actions ‘on the veranda’ may act to ‘correct’ perceived unfairness in the pensions law, they also continue to funnel resources to those within their networks.

Regarding limitations and alternate theories, the high level of ineligible combatants who were registered for pensions at the time of fieldwork may be driven by additional factors, including technical problems or more widespread systems of corruption that were not disclosed during the research. Similarly, as this work was done during the fraught registration and verification process, it can only provide a snapshot in time. While claims of nepotism and corruption appear credible, they are extremely difficult to verify. More work is needed, both to determine if the high registration levels were maintained, as well as more qualitative work examining the effects of different pension levels (or the lack thereof) on relations amongst those who fought. While other scholars have examined the connection between economic inequality and conflict (Nafziger, W. and Auvinen, J. 2002.), work examining how these distributive policies affect conflict in Timor-Leste would be useful, as would be work on [their](#) impact on Timor-Leste’s fiscal health and labour markets.

CONCLUSION

In exploring the business conducted on the veranda and the performance of the state at the margins, this article looks at why the pension programmes have grown so large and the role of state commissioners therein. In a 2002 interview, Taur Matan Ruak,^{xiii} the former armed resistance leader and Timorese President (2012-2017), distilled the issue at the heart of what makes the design of benefits programmes in Timor-Leste so difficult:

If we were to recognize all those who supported our struggle, we would have to extend this

recognition to most of the population, as all have, at some point in time and in their own way, participated in the liberation of our nation (in Meden, 2002: 3).

Now, over a decade later, Taur Matan Ruak's description is prescient. This article argues that the drive to recognise those in the struggle has led to 'corrective' measures by the commissioners, which, along with nepotism and patronage, have resulted in the widespread registration of individuals that otherwise would not have been in line for veterans' pension benefits. This inflation is not insignificant, as the registration programme now comprises almost 9 per cent of the national budget.

This article has underscored the role of street level bureaucrats – the commissioners – in shaping the ways that laws come to fruition. This article observes that these commissioners have used 'their new position to reinforce their authority' (Boege et al, 2008: 8) and undermine the laws coming from the capital by re-writing them in the field. The simultaneous extension and challenging by non-state authorities of the state through these programmes complicates conventional state-building models that position state and non-state authorities as both separate and substitutes (e.g. as one site of authority increases, the other decreases). This suggests a limitation to the powers of both bureaucratic elites and external actors, including the United Nations and international advisors, suggesting the presence of processes on the veranda that run alongside or out of view of imperial state-building (Chopra 2000).

It also raises questions about sites of resistance to or, more cynically, co-option of liberal state-building practices, including surveillance and legal classification as a means of governance. While this article suggests that the deviation from the written laws has reduced some conflict and aligned registration more closely with local views on merit and service, it also recognises the ways in which the pensions programme has also reproduced non-state resistance-era networks of inclusion and exclusion, even as it arises from outside international and state structures.

Overall, this work further reinforces the importance of researchers stepping outside the air conditioning and moving beyond the written legislation. As discovered in the field, the commissioners consistently applied a *lex non scripta* to make their decisions regarding service and recognition. This is not trivial: here we see how significant post-conflict spending policy, and thus the distribution of resources in a fragile post-conflict economy, comes to reflect the preferences and interests of former conflict actors. This will have long-term, intergenerational effects on who wins and who loses in Timor-Leste's recovery. The outcome of veterans' pensions policy, and its outsized impact on the national budget and development planning, cannot be understood without attention to both *le climatiseur et la veranda*, and how policy is made – and re-made – in each location.

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ⁱ For example, the UK Department for Work and Pensions estimates that fraudulent or erroneous payments constitute 2.1 per cent of benefits expenditure. See: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/271140/fraud-and-error-in-the-benefit-system-2012-13_estimates-first-release.pdf.

ⁱⁱ It is instructive to consider the value of pensions and transfer payments in the context of chronic poverty: 41 per cent of Timorese live below the poverty line (RDTL Budget, 2011: 20). At its current level, the lowest level of monthly pension is over *eight times* greater than the average monthly earnings of Timorese citizens based on non-oil GDP (391 USD per year; RDTL Budget, 2011). Fifteen individuals recognized for their prominent roles in national liberation are entitled to 750 USD/month – a staggering sum, more than double average *yearly* income.

ⁱⁱⁱ Mari Alkatiri, Ana Pessoa and Xanana Gusmão are all prominent resistance figures and early leaders. During the occupation, both Alkatiri, who served as Prime Minister from 2002-2006 and 2017-present, and Pessoa, an experienced lawyer and MP, resided in Mozambique. Upon their return to Timor-Leste, both became important leaders of the FRETILIN political party. By contrast, Gusmão spent the occupation leading the FALINTIL resistance movement, until his incarceration in 1992; he became the country's first President and later Prime Minister as the leader of the CNRT party. These different backgrounds and different views of the resistance – FRETILIN has emphasized the early, armed rather than clandestine movement – played out in this dispute.

^{iv} The verification of veterans' pension registration data has been carried out across Timor-Leste by teams representing the Commission for Tribute, Supervision of Registration and Appeals (CHSRR). Their fundamental task is to verify that a) those who are registered served and, b) are registered for the correct level of service. The CHSRR was designed to operate through five-person councils in each of the country's 65 sub-districts. These teams were to be composed of the 'former CNRT sub-district level official, the Nurep ... local level former members of the clandestine front, and a member of the CHSRR' (World Bank, 2008: 16). These team members are referred to as 'Commissioners' throughout this article, reflecting the common usage by respondents.

^v Much of the literature on street-level bureaucrats, for example, focuses on how implementers change policies to respond to the practical, environmental constraints that they face, particularly around time, funding, and capacity; while these additional factors may also be relevant in Timor-Leste, they are not considered herein.

^{vi} Controversially, this may partially account for the absence of mutual recognition I encountered by women registered putatively part of the resistance-era women's organisations within a sub-district or even village (see Roll, 2014).

^{vii} The choice of a rights framework is interesting. Just as Kent found in terms of victims' mobilisation, by using a rights framework commissioners have appropriated and reproduced "official" discourses of justice and nationbuilding' (Kent, 2011: 436).

^{viii} Since the time the research was conducted, a new category of service has been added to specifically recognise the contributions of the 12 November participants.

^{ix} Similarly the resistance-era clandestine groups RENETIL and Sagrada Familia have produced their own registries. According to a UN source, the Sagrada Familia list has been 'accepted as valid data for the commissions' list [and] manipulated accordingly' (INT63).

^x Whether or not supervisors agree with policy is, as May and Winter (2007) have found, a key factor in determining whether or not street-level implementers implement policies with which they disagree. Here buy-in throughout an organisation emerges as critical for the delivery of a programme in line with drafters' intentions.

^{xi} A similar observation about the counter-intuitive, short- to mid-term benefits to stability of disregarding legal guidelines has been documented regarding contracting in post-conflict Timor-Leste and Aceh (Myrntinen, 2012: 239) and DDR programmes in Tajikistan (Torjesen and MacFarlane, 2007: 322).

^{xii} Reflecting the power of those involved in the legislative drafting, involvement in the law allows those with elite roles in the Indonesian occupying government or armed forces to be eligible. The World Bank describes this as a 'pragmatic choice given that many in the

resistance movement, including some very prominent figures, were at certain times members of the Indonesian administration or army, and who would often use their position to support the resistance' (2008: 21).

^{xiii} *Nom de guerre* of José Maria Vasconcelos.