

TIMOR-LESTE: SECURITY SECTOR REFORM

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TIMOR-LESTE: SECURITY SECTOR REFORM

EXECUTIVE SUMMARY AND RECOMMENDATIONS

Four years after Timor-Leste gained independence, its police and army were fighting each other in the streets of Dili. The April-June 2006 crisis left both institutions in ruins and security again in the hands of international forces. The crisis was precipitated by the dismissal of almost half the army and caused the virtual collapse of the police force. UN police and Australian-led peacekeepers maintain security in a situation that, while not at a point of violent conflict, remains unsettled. If the new government is to reform the security sector successfully, it must ensure that the process is inclusive by consulting widely and resisting the temptation to take autocratic decisions. A systematic, comprehensive approach, as recommended by the UN Security Council, should be based on a realistic analysis of actual security and law-enforcement needs. Unless there is a non-partisan commitment to the reform process, structural problems are likely to remain unresolved and the security forces politicised and volatile.

The problems run deep. Neither the UN administration nor successive Timorese governments did enough to build a national consensus about security needs and the kind of forces required to meet them. There is no national security policy, and there are important gaps in security-related legislation. The police suffer from low status and an excess of political interference. The army still trades on its heroism in resisting the Indonesian occupation but has not yet found a new role and has been plagued by regional (east-west) rivalry. There is a lack of transparency and orderly arrangements in political control as well as parliamentary and judicial oversight with respect to both forces.

The government that took office in August 2007 has an opportunity – while international troops maintain basic security and the UN offers assistance – to conduct a genuine reform of the security sector, drawing on the experiences of other post-conflict countries. But international goodwill is not inexhaustible – there are already signs of donor fatigue – so it needs to act fast.

For its part, the international community must do a better job of coordinating its support to the security sector and responding to a Timorese-owned reform process. For example, the UN police who screen and mentor the local force should be better trained and supervised, and more

responsive to feedback from their Timorese colleagues. The departure of the lead UN official on security sector reform at the end of 2007 means that this issue, already sidelined during the 2007 elections, risks further delay.

The fundamental question of who does what requires particular attention. Lines have been blurred between the police and the army. A tenet of security sector reform is that the police should have primary responsibility for internal security. However, the Timorese police have not been given the resources, training and backing to fulfil this role effectively, and national leaders have been too ready to call in the army when disorder threatens. The police structures should be simplified, with greater emphasis on community policing, to help prevent local situations from getting out of hand. Morale is perilously low and will only improve through a sustained process of professionalisation.

The new government's plan to transfer responsibility for border management from the police to the army is a mistake which could lead to increased tension along a poorly demarcated border, on the other side of which is a heavy Indonesian military presence. It could also see a backlash from local communities that feel the army still has a regional bias. It does make sense, however, for the military to take full responsibility for marine security, an important concern for Timor-Leste. It also has an important part to play in supporting the police when internal security gets out of control and in responding to natural catastrophes – but in both cases subordinate to the police and civilian authorities. The planned introduction of conscription is unnecessary and would exacerbate problems within the force.

Some steps can be taken without waiting for the comprehensive review the Security Council has called for: for example, increasing salaries, improving donor coordination, addressing legislative gaps and improving disciplinary procedures. But key questions such as force size, major equipment purchases, and army and police role definitions should wait until a consultative process has allowed Timor's citizens to have their say. While outside the scope of this report, wider legal system reform is an essential corollary of security sector reform, if Timor-Leste is to have a functioning system of law and order.

The post-independence honeymoon ended in 2006. Neither Timorese nor internationals any longer have the excuse of inexperience or unfamiliarity to explain further failings. With international forces providing a temporary safety net, now is the best and possibly last chance for the government and its partners to get security sector reform right.

RECOMMENDATIONS

To the Timor-Leste Government:

1. Give a high priority to the comprehensive review of the security sector called for in UN Security Council Resolution 1704 and subsequent UN reports, delaying major reforms until it is completed.
2. Clarify and distinguish the roles of the police and army, ensuring that the police have primary responsibility for internal security and receive the necessary personnel, tools, training and political support.
3. Take advantage of the expertise in the UN's Security Sector Support Unit to conduct national consultations on security sector reform.
4. Separate the petitioners or deserters from the 2006 crisis who have justifiable grievances from those who have illegally taken arms, incited unrest or are responsible for criminal acts; consider the former for amnesty; and deal with the latter in accordance with the law.
5. Establish robust and independent oversight mechanisms to investigate complaints of police and military misconduct, as recommended by the October 2006 Commission of Inquiry (CoI) report.
6. Develop an intelligence structure that is law-based and accountable.
7. Ensure that new legislation on pensions covers more veterans and liberalises or eliminates the age limit.

To the President and Prime Minister:

8. Clarify, by new legislation if necessary, who has the lead role in security sector policy and ensure that the constitutional requirements for presidential involvement in the security sector are followed.

To the UN Mission (UNMIT):

9. Give the Security Sector Support Unit – the key body for dealing with the government on security sector reform – the resources and staff to assist the consultation process and comprehensive review.

To the UN Police:

10. Improve pre-deployment training for UN police, giving more emphasis to the local context, a standardised process for mentoring and a longer period for adjustment to UN practices and procedures.

To the Timorese Police:

11. Use the Reform, Restructuring and Rebuilding (RRR) process to reduce the number of units and management structures.
12. Make community policing a priority for force development by developing a Timorese concept and establishing a coordination unit at headquarters.

To the Army and the Ministry of Defence and Security:

13. Improve quality by prioritising training of mid- to high-level officers, while international forces are handling operational responsibilities, and by recruiting new personnel through a selection process that reflects the standards of a professional army with career prospects rather than by instituting conscription.

To the Army and Police:

14. Conduct joint training in order to clarify procedures for interaction, including military help in a state of emergency.
15. Establish clear, impartial internal complaints procedures and ensure personnel do not fear that using them will damage their careers.
16. Inculcate an ethos of non-partisanship, including by transparent promotions and discipline based on internal procedures and criteria rather than external political affiliation.

To Bilateral Donors:

17. Establish a mechanism to improve coordination of assistance to the security sector and require all requests for such aid to come through the ministry of defence and security.
18. Consider conditioning security sector assistance on progress in the key areas of legislative reform, as well as in developing a national security policy and implementing CoI recommendations.

Dili/Brussels, 17 January 2008

TIMOR-LESTE: SECURITY SECTOR REFORM

I. INTRODUCTION

The political crisis that shook Timor-Leste in 2006 changed the perception of it from the UN's nation-building success to a failed state in the making.¹ The truth is, and was, more nuanced, but the crisis did expose fundamental problems, particularly in the security sector, which have not yet been fixed and could lead to renewed conflict. The profound security challenges – a culture of political violence, the high incidence of criminality, the gang violence which terrorises Dili every night – require a range of responses. Crisis Group reporting² has emphasised the need to resolve the deep mistrust between senior political figures, heal the east-west rift and adopt the recommendations of the Truth, Reception and Reconciliation (CAVR) Commission's report "Chega!" ("Enough!").

This report analyses the challenge of reforming the security institutions, concentrating on the army (FALINTIL-Forças Defesa de Timor-Leste, F-FDTL) and the police (Policia Nacional de Timor-Leste, PNTL), because those two institutions were at the centre of the 2006 events and have been the focus of reform efforts. In doing so, Crisis Group does not endorse an approach to security sector reform (SSR) that deals solely with security forces. Effective SSR requires a comprehensive approach, combining military, political and development strategies, as well as close coordination between the host state and international actors. A comprehensive Timor-Leste SSR strategy must address important justice and rule-of-law issues, including poor judicial capacity, a long legacy of impunity, a decrepit detention system, parliamentary and civil society oversight of security institutions and the

problems created by non-state armed groups, such as martial arts organisations and criminal gangs.

Initial research for this report was carried out in Dili, Baucau and Los Palos in August and September 2007 and was supplemented through the end of the year. Extensive interviews were conducted with senior national and foreign personnel in all the key institutions.³ Due to time constraints it was not possible to travel to Timor's border areas or to interview low- and mid-ranking police and military personnel extensively.

In the country's short history, its politicised, undisciplined and poorly-structured security forces have amply demonstrated their capacity to create or aggravate social conflict. The security sector's problems are both a cause and a symptom of wider political conflict. The UN is already on its fifth mission in the country.⁴ It cannot keep

¹ The then prime minister, José Ramos-Horta, told the UN Security Council on 12 February 2007: "Some in the past have been overly optimistic, but that can lead people to lose perspective, to lose sight of reality, and turn pessimistic at the first sign of trouble. One day they label East Timor a success story, the next day they call it a failure". See also, "East Timor may be Becoming Failed State", Associated Press, 6 July 2007.

² See Crisis Group Asia Briefings N°65, *Timor-Leste's Parliamentary Elections*, 12 June 2007; N°50, *Managing Tensions on the Timor-Leste/Indonesia Border*, 4 May 2006; and Asia Report N°120, *Resolving Timor-Leste's Crisis*, 10 October 2006.

³ Crisis Group also reviewed local media and theoretical SSR literature. Documents consulted included publications from the Development Assistance Committee (DAC) of the Organisation for Economic Cooperation and Development (OECD), which has been the forum for convergence of donor opinion on SSR. The first DAC guidelines, "Conflict, Peace and Development Co-operation", 1998, raised the importance of the link between security and development. Their most recent addition is the "OECD DAC Handbook on Security System Reform (SSR): Supporting Security and Justice", 2007. Also useful is Alan Bryden and Heiner Hanggi, "Reforming and Reconstructing the Security Sector, Security Governance in Post-Conflict Peacebuilding", Geneva Centre for the Democratic Control of Armed Forces (DCAF), 2005. Crisis Group reporting on SSR includes: Africa Reports N°114, *Escaping the Conflict Trap: Promoting Good Governance in the Congo*, 20 July 2006; N°104, *Security Sector Reform in the Congo*, 13 February 2006; N°67, *Sierra Leone: The State of Security and Governance*, 2 September 2003; Latin America/Caribbean Reports N°21, *Consolidating Stability in Haiti*, 18 July 2007; and N°12, *Haiti: Security and the Reintegration of the State*, 30 October 2006; Asia Reports N°138, *Reforming Afghanistan's Police*, 30 August 2007; N°24, *Indonesia: Next Steps in Military Reform*, 11 October 2001; and N°13, *Indonesia: National Police Reform*, 20 February 2001; Europe Reports N°164, *Bosnia's Stalled Police Reform: No Progress, No EU*, 6 September 2005; N°130, *Policing the Police in Bosnia: A Further Reform Agenda*, 10 May 2002; and N°174, *An Army for Kosovo?*, 28 July 2006.

⁴ UNAMET: June 1999–October 1999; UNTAET: October 1999–May 2002; UNMISSET: May 2002–May 2005; UNOTIL: May 2005–August 2006; UNMIT, established by UN Security

coming back to reform the institutions it helped establish. To escape the negative cycle, a systematic and inclusive approach to security sector reform is needed, combining national ownership and international help.

A. SECURITY SECTOR BREAKDOWN

The 2006 crisis was the latest in a series of events which demonstrated deep problems between and within the army and police. An alleged assault on soldiers by a group of police in September 2003 resulted in an armed standoff at Dili police station.⁵ In January 2004, a clash over a volleyball game led to police being temporarily detained by soldiers in Los Palos.⁶ This prompted an independent commission of inquiry, which highlighted “poor conditions of [the army] ... but d[id] not address the issue of individual accountability for misconduct”.⁷ A December 2004 incident in which soldiers ransacked the Becora police station, where one of their officers had been detained and allegedly mistreated,⁸ prompted senior government officials to call for a coordinated effort to resolve police-army issues. The U.S. State Department said that by the end of the year “the only concrete actions that had been taken were a series of high-profile goodwill meetings and a soccer game between the [police] and the [army], in which the president served as referee”.⁹

Tensions had also been mounting for some time within the army. In December 2003, 42 soldiers were discharged after complaining about unfair dismissals, travel distances and poor communications. An August 2004 presidential commission suggested improvements, which were not implemented. On 26 February 2005, a group of soldiers raised issues of discrimination and mismanagement directly with the president. Their complaints were similar

to those of the 159 soldiers who began the 2006 crisis in January by complaining in a petition to President Xanana Gusmão, as supreme army commander, of discrimination against westerners (*loromonu*) and in favour of easterners (*lorosae*). After receiving only a minimal response in three weeks, the “petitioners” left their barracks. Negotiations led only to more soldiers joining them, or at least deserting their posts. On 16 March, the army’s leader, Brigadier-General Taur Matan Ruak, dismissed 594 soldiers, nearly half the force.¹⁰

In late April, the petitioners held a four-day demonstration at the government palace. Police commander Paulo Martins promised his force was in full control, but when violence flared outside the palace, leaving two civilians dead on 28 April, it was found wanting. Violence, led by youths who had joined the protest, spilled into the streets of the capital, and Prime Minister Mari Alkatiri requested the army’s help in restoring order. Troops with no experience in crowd control were deployed on 29 April, and three deaths resulted. On 3 May, the military police head, Major Alfredo Alves Reinado, and seventeen of his men deserted to protest what they called the army’s deliberate shooting of civilians. The next four weeks saw a number of violent incidents, including the killing of an unarmed policeman in Gleno; a clash between army officers and Reinado’s group in Fatuahi, near Dili; and a joint attack by petitioners, armed civilians and police on army headquarters in Tacitolu, which left five people dead.

The increasing hostility between the police and the army culminated in an assault on police headquarters on 25 May. Despite mediation efforts by UN military and police advisers, nine unarmed police were killed. As fighting spread and gangs of mostly *loromonu* youths moved through the city, the government called for international peacekeepers. By the time order was restored, 38 people had died, 150,000 had been displaced, half the army had deserted or been dismissed, and the police had been partially disbanded.¹¹ On 8 June, the foreign minister asked for an independent special Commission of Inquiry (CoI). Established under the auspices of the UN High Commissioner for Human Rights, it published its report on 2 October 2006.¹²

Council Resolution 1704, S/RES/1704, 25 August 2006; mandate extended to 26 February 2008 by Resolution 1745, 22 February 2007; a further extension was recommended by the Security Council mission to Timor-Leste, 24 to 30 November 2007, in its 6 December 2007 report to the Security Council (S/2007/711).

⁵ “Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Timor-Leste”, E/CN.4/2004/107, 19 January 2004, para. 27.

⁶ “Progress report of the Secretary-General on the United Nations Mission of Support in East Timor”, S/2005/99, 18 February 2005, para. 5.

⁷ “Progress report of the Secretary-General on the United Nations Mission of Support in East Timor (for the period from 14 August to 9 November 2004)”, UNSC S/2004/888, 9 November 2004, para. 11.

⁸ “FDTL Attacks Becora Police Station”, UNMISSET Daily Media Review, 17 December 2004.

⁹ “Country Reports on Human Rights Practices”, 2004, U.S. Department of State, at www.state.gov.

¹⁰ For more detail on the 2006 events, see Crisis Group Report, *Resolving Timor-Leste’s Crisis*, op. cit.

¹¹ “The national and Dili district headquarters of [the police] disintegrated following the violent events in April and May, as did the special police units stationed in Bobonaro, Aileu and Baucau districts”, UNSC S/2006/628, 8 August 2006, para. 59. The conventional police services in the districts continued to function, Crisis Group interviews, Dili and Baucau, August–September 2007.

¹² “Report of the United Nations Independent Special Commission of Inquiry for Timor-Leste (CoI)”, 2 October

Security improved after the arrival of international forces in late May 2006, but significant violence continued. More people died between August 2006 and the end of February 2007 than during the crisis itself.¹³ Presidential and parliamentary elections between April and June 2006 saw only a few incidences of campaign-related violence, but trouble flared in August 2007 after President Ramos-Horta called on Xanana Gusmão's Alliance for a Parliamentary Majority (AMP)¹⁴ to form a government. Rioters, many waving the flag of Alkatiri's Frente Revolucionária de Timor-Leste Independente (FRETILIN) party – which believed it should have formed the government – threw rocks and burned down buildings in Dili, Baucau and elsewhere.¹⁵

B. THE CALL FOR REFORM

The 2006 meltdown focused international attention on the institutional and political problems of the security services. These had been apparent at least as early as 2004, when UN Secretary-General Kofi Annan expressed concern about the lack of “clarity concerning the roles of Timorese police and armed forces, particularly with regard to back-up arrangements for support to the civil power”.¹⁶ The CoI set up after the crisis concluded that the government had been “insufficiently proactive in addressing the lack of a national security policy and problems evident within and between [police] and [army]”.¹⁷

The Secretary-General's 8 August 2006 report to the Security Council stressed the need for a comprehensive security sector review:

2006, full report at www.ohchr.org/english/countries/tp/docs/ColReport-English.pdf.

¹³ “Violence flares again in East Timor”, *The Australian*, 24 September 2006.

¹⁴ The AMP consists of the Congresso Nacional de Reconstrução de Timor-Leste (CNRT), the Partido Democrático (PD) and the Associação Social Democrata Timorense/Partido Social Democrata (ASDT/PSD) alliance.

¹⁵ In Dili there were numerous incidents of rock throwing, tyre burnings and shootings, as well as the incineration of the customs building. In Baucau, Catholic non-governmental organisation (NGO) buildings were burnt down, along with the agriculture ministry warehouse and the court building. On 9-10 August some 323 houses were burnt down in Uato-Lari (Viqueque) and Venilale (Baucau). Crisis Group interviews, Dili, 4 August 2007 and Pedro Belo and police commander, Baucau, 1 September 2007. At least 4,000 people were displaced in Baucau and Venilale. The UN, seen as pro-Xanana, was also targeted: on 11 August, a UN convoy travelling from Baucau to Viqueque was attacked and one vehicle set ablaze.

¹⁶ “Report of the Secretary-General on the United Nations Mission of Support in East Timor”, UNSC S/2004/333, 29 April 2004, para 6.

¹⁷ “Commission of Inquiry”, op. cit., B. Findings 224. (a).

[T]o effectively overcome the recent crisis, a holistic approach to the security sector will be required that coordinates reform efforts in the areas of policing and defence. In this respect, the assessment mission recommends a comprehensive review, involving all relevant parts of the government and civil society, of the future role and needs of the security sector, both those of [the army] and [police]. The review should assess the threats facing Timor-Leste, both internal and external, and the options for development of the sector. It should also address the real difficulties that have confronted the sector to date, including the tensions between [army] and [police], and ways in which the relationship between the two can be changed from a competitive to a cooperative one.¹⁸

The Secretary-General's references to a “comprehensive review” and a “holistic approach” reflect current thinking that security and development issues need to be addressed together. After donor aid failed too often in too many countries to prevent civil conflict in the 1990s, the development and security establishments acknowledged a need to work closer together. A range of measures categorised respectively as structural or direct, and coercive or non-coercive, have been identified for post-conflict situations.

Structural measures include political strategies for institutional capacity building; economic policies such as development aid; legal measures to help build effective, honest justice systems; and security measures, such as structural reform, professionalisation and civilian control of the military and police. *Direct* measures include diplomatic fact-finding, dialogue and mediation; investment inducements (or trade and financial sanctions); legal measures, ranging from mediation, arbitration and adjudication to international criminal proceedings; and, most radically, military intervention and the temporary assumption of security responsibility by international agencies. It is also widely accepted that effective reform requires donors and recipients to take a holistic approach to the security sector, which includes government agencies beyond the narrow traditional security institutions. It is even more essential that SSR efforts are inclusive of all local actors, defined by the local context and driven by local political will.

¹⁸ UNSC S/2006/628, op. cit., para. 62. See also UNSC S/2007/513, 28 August 2007, para. 28, and Security Council Resolution 1704, op. cit., 4 (e).

II. TIMOR-LESTE'S SECURITY FORCES

The roots of the 2006 violence are in decisions taken on the security sector in the years before and after independence in 2002. When Indonesia withdrew in September 1999, it left Timor-Leste with virtually no functioning institutions. Almost all government employees, including police, had fled or been driven across the border by the pro-integration militias and Indonesian military. One of the few intact institutions was the armed resistance movement, FALINTIL, which, despite huge provocation, had remained in cantonment at Aileu in the run-up to the referendum, and stayed there, increasingly fractious, for another seventeen months while the UN wondered what to do with it.¹⁹

The immediate security vacuum was filled by the Australian-led intervention force (INTERFET), while the UN Transitional Administration for East Timor (UNTAET) set about building an administration. The police received an unusual amount of early attention, a good thing in theory, but one hindered by limited international capacity and expertise.²⁰ The UN's civilian police contingent (CivPol) started training Timorese recruits in March 2000 at the police academy in Dili. 1,700 recruits underwent three months of basic training, while 370 former Indonesian police were fast-tracked through in four intensive weeks. All cadets also received six months of on-the-job instruction in their district or sub-district police stations.²¹ The police force was established in August 2001, though full Timorese control came only in May 2004.

By contrast, the UN's position on FALINTIL was a mixture of avoidance and wishful thinking. Security Council Resolution 1272 (1999) did not provide clear guidance, and officials were unsure whether they were

even allowed to assist the "armed group".²² Some argued East Timor did not need a national defence force; the peace plan of Xanana Gusmão's CNRM (National Council of Maubere Resistance, later renamed CNRT) envisaged a "UN-organised territorial police force" but "no army ... because Timor-Leste does not want any more war".²³

While CivPol and Australian-led forces were handling internal and border security, officials seemed to forget about the guerrillas cantoned under poor conditions in Aileu. As the UN wavered, Timorese leaders responded to perceived threats, and the window for disbanding FALINTIL closed. Roque Rodrigues, then the most senior Timorese official in the Office of Defence Forward Development, explained:

We thought a gendarmerie would be enough, but the events of September [1999] forced us to reconsider. It was clear Indonesian intelligence was behind the militias and that there was TNI [Indonesian army] involvement....We need to have a defence force: small, effective and subordinate to democratically elected political power....FALINTIL are our heroes. It is unacceptable to disarm them FALINTIL offered to become the core of the [army].²⁴

The plan for what would become the East Timor Defence Force (EDTL, renamed FALINTIL-FDTL or F-FDTL after independence) was based on a study commissioned by UNTAET and the CNRT leadership from King's College, London.²⁵ It offered three force configuration options, and UNTAET and CNRT chose the third: a 3,000-strong army, half regulars, half volunteer reservists. Security Council Resolution 1338 supported this in January 2001, urging the international community to provide financial and technical assistance and "encouraging" UNTAET to play the coordinating role.²⁶

¹⁹ For the founding and development of FALINTIL and its relationship to FRETILIN, see Crisis Group Report, *Resolving Timor-Leste's Crisis*, op. cit., pp. 2-5; also "An Overview of FALINTIL's Transformation to FDTL and its Implications", *La'o Hamutuk Bulletin*, vol. 6, no. 1-2, April 2005; and Edward Rees, "Under Pressure FALINTIL – Forças De Defesa de Timor Leste. Three Decades of Defence Force Development in Timor Leste, 1975-2004", DCAF, working paper no. 139, April 2004.

²⁰ More typically, the focus is on the army, with the police "almost an afterthought". Otwin Marenin, "Restoring Policing Systems in Conflict-Torn Nations: Process, Problems, Prospects", DCAF, occasional paper no. 7, June 2005, p. 26.

²¹ Ludovic Hood, "Security Sector Reform in East Timor, 1999-2004", *International Peacekeeping*, vol.13, no.1, March 2006, p. 64.

²² UN Security Council Resolution 1272, S/RES/1272, 25 October 1999. On the confusion over the UN's role vis-à-vis FALANTIL see, Hood, "Security Sector Reform", op. cit., p.70; and David Law, "The Post-Conflict Security Sector", DCAF, policy paper no. 14 June 2006, p. 9.

²³ "East Timor Peace Plan", CNRM, at www.uc.pt/timor/cnrm.htm#peacepl; also "An Overview of FALINTIL's Transformation", op. cit.

²⁴ Quoted in "ET Prepares for Post Independence Security Threats", *Jane's Intelligence Review*, 1 October 2001. The Office of Defence Forward Development was a quasi-independent body to provide assistance and technical advice and coordinate specialised bilateral military training activities.

²⁵ "Independent Study on Security Force Options and Security Sector Reform for East Timor", Centre for Defence Studies, King's College London, August 2000.

²⁶ UN Security Council Resolution 1338, S/RES/1338, 31 January 2001, para. 6.

The army was officially created the next month, with 650 FALINTIL members selected for it and supporters of FALINTIL's former commander in chief, Xanana Gusmão, in key positions.²⁷ The remaining fighters – more than 1,300 – were dealt with through a demobilisation process which failed to satisfy their expectations or economic needs.²⁸

The police and army were thus both established during the period of UNTAET rule, which preceded full Timorese government. But the UN failed to lay adequate foundations for the security sector in the form of basic legislative and planning documents, administrative support and mechanisms for democratic control, or to develop a national consensus on security policies and structures through consultations.²⁹ Successive Timor-Leste governments have done little to correct these omissions.

The army's force strength of 1,435 in January 2006 fell to 715 following the crisis, with the proportion of westerners dropping from 65 per cent to 28 per cent.³⁰ The army consists of a headquarters in Tacitolu and two battalions: one in Baucau and another, most of whose members were dismissed in 2006, in Metinaro. There are also support units, including the military police, logistics and intelligence, and a small naval component.

The police consist of 3,207 officers, of whom 1,258 are based in Dili.³¹ According to a draft reform plan obtained by Crisis Group, the force is "overburdened with a proliferation of policing units and functions" with "more than 40 separate units around two functional lines of command".³² The 2004 organic law on the police outlines ten main units.³³ In addition there are up to thirteen district units, a police academy, a professional ethics office and their command structures. Currently, most units are not at full strength or are not functioning at all, with officers required to work alongside UN police or await certification.

The large, semi-permanent international presence is a key feature of the security landscape, at times dwarfing the Timorese forces. At its peak in 1999, INTERFET had 11,000 troops from 22 countries. Peacekeepers numbered 8,500 as security improved and the UN assumed command, and fell to 5,000 at independence in May 2002. By the time of the 2006 crisis, foreign forces, including military observers, were as low as 40. UN police dropped from a high of 1,640 to 26 just before the 2006 events.³⁴ The post-crisis deployment of the Australian-led International Stabilisation Force (ISF) peaked at 1,286.³⁵ In January 2008, there were 1,473 UN police in country, a slight decrease from 1,635 in August 2007.³⁶

Security remains a problem, particularly in Dili, where criminal violence and nightly clashes between gangs

²⁷ "A sizable minority" of the 1,300 former FALINTIL fighters who were not included in the new force had an "acrimonious relationship with Gusmão and the FDTL high command from as early as 1981", Edward Rees, "The UN's failure to integrate FALINTIL veterans may cause East Timor to fail", Online Opinion Australia, 2 September 2003.

²⁸ "A Review of Peace Operations: A Case For Change, East Timor", Conflict Security & Development Group, King's College, London, 10 March 2003, para. 52.

²⁹ "Not only was there a glaring dearth of civilian management and administrative support to the two security forces (no ministries to speak of), but there were no formal mechanisms for quasi-independent oversight of the forces". Any security sector work that UNTAET was able to do was not pursued by the successor mission, UNMISSET, with blame attributed to the "lacklustre performance" of senior officials, "exacerbated by the lack of forthright leadership" in the higher levels of the UN, Hood, "Security Sector Reform", op. cit., pp. 61 and 74.

³⁰ As of September 2006, the force consisted of Headquarters (95 personnel), Force Communications Unit (FCU) (21), Military Police Unit (18), First Battalion (317), Naval Component (83), Force Logistics Unit (63) and Nicolau Lobato Training Centre, Metinaro (118). In addition, 43 former Second Battalion members were on courses. Figures from army headquarters August 2006 statistics, made available to Crisis Group, September 2007. The categories "easterner" and "westerner" have been calculated on the basis of three "eastern" (Lautem, Viqueque and Baucau) and thirteen "western" districts (including Dili).

³¹ June 2007 figures. UNSC S/2007/513, op. cit., para. 25.

³² June 2007 draft of "PNTL Organizational Strategic Plan for Reform, Restructuring and Rebuilding, Police Component Completed by UNPOL".

³³ "The Organic Structure of the Timor-Leste National Police", government decree law 8/2004, promulgated 6 May 2004. The ten units are: criminal investigations (which includes the vulnerable persons unit), marine, traffic and road safety, community protection, VIP protection, migration, information, and the three "special units": the paramilitary Rapid Response Unit (Unidade Intervenção Rápida, UIR), Border Patrol Unit (Unidade de Patrulhamento de Fronteira, UPF) and Police Reserve Unit (Unidade Reserva da Polícia, URP).

³⁴ "A Review of Peace Operations", op. cit., para. 33; "Military Balance, 2005-2006", International Institute for Strategic Studies (IISS), p. 275; "multilateral police missions", Stockholm International Peace Research Institute, *Yearbook 2007*, p. 145.

³⁵ "The Military Balance 2007", IISS, p. 351. The ISF initially combined 925 Australian, 219 Malaysian and 142 New Zealand troops. The Malaysians were subsequently withdrawn; in September 2007, there were approximately 1,100 Australians.

³⁶ Weekly report, 6 to 12 January 2008, UN police; 914 are classified as "community" police, 559 as part of formed police units; only 72, all community officers, are women.

continue despite the international police and military presence. The UN police are accused of failing to provide security in particularly sensitive areas, such as the camps for internally displaced persons (IDPs).³⁷ As a result, civil disturbances are tackled either by the UN's paramilitary Formed Police Units (FPU, see below) or by the ISF, both of which have more aggressive rules of engagement. The Timorese police are rarely seen on Dili streets, whether with UN counterparts or alone. The army properly remains in its barracks.

A. THE CONTEXT OF REFORM

As emphasised by the CoI into the 2006 crisis, a comprehensive security sector review needs to begin by assessing the threats, internal and external, Timor-Leste faces. The role, shape and size of the security forces should reflect that threat assessment.

Despite Timor-Leste's history of invasion and occupation by the Portuguese, Japanese and Indonesians, a major external military threat seems remote. The country is of little geostrategic significance except perhaps to Australia. It is hard to imagine Indonesia again harbouring designs on it. In any event, as a tiny, impoverished land between two relative giants, it makes little sense for Timor-Leste to rely on conventional military might to deter invasion.

Less existential but still significant external security challenges do exist. The poorly demarcated and guarded border with Indonesian West Timor is a smugglers' paradise, thanks to price differentials and poor management of official trade. The militias responsible for the violence before and after the events of 1999 still loom large in the popular imagination, if not in reality. Timor-Leste also is affected by transnational crime, such as people-smuggling and even drugs and terrorism. At sea, it faces major challenges in protecting its natural resources from illegal fishing and ensuring the security of legitimate shipping and oil rigs.³⁸

The Force 2020 document (see below) was crafted as a vision statement for the development of the armed forces, and so gives more attention to external than internal threats. Nevertheless, its list of the latter is apt:

- ❑ subversive actions against national cohesion and constitutional order;

- ❑ internal conflict (popular insurrection, coup d'états, military rebellions and internal conflict with international repercussions); and
- ❑ organised crime (drug trafficking, piracy, contraband, illegal immigration, money laundering and others).

The list of external threats is more opaque, overstating and confusing those posed by the Indonesian military and Indonesia-based militias:

- ❑ maritime organised crime;
- ❑ subversive activities by ex-militia members close to the border;
- ❑ criminal activities by these groups;
- ❑ the Indonesian side of the border remaining militarised "for strategic reasons";
- ❑ the possibility that the Indonesian military, or elements within it, might allow cross-border ex-militia incursions leading to strained relations with Indonesia; and
- ❑ external intervention resulting from a threat of a global nature (terrorism, natural disaster, and others of a political-strategic character) that might overwhelm Timor-Leste's neighbours.³⁹

Militia incursions and cross-border infiltration are legitimate concerns, but, by exaggerating the external threat, the document paves the way for an overly ambitious force development plan. While the desire to have the trappings of a traditional state, including an army, is understandable, the government should be wary of over-dramatising external threats at the cost of minimising real internal security problems. In fact, the main threats come from crime, political violence and internal instability – including conflict between the security institutions themselves. The history of politically motivated violence, the easy availability of weapons, the lack of effective law enforcement, the high level of youth unemployment and the large numbers of IDPs add up to a potentially explosive mix.

B. THE RRR PLAN

The "supplemental agreement" of 1 December 2006 between the UN and Timor-Leste defines their respective roles in police reform. It contains two elements: a

³⁷ Crisis Group interview, senior UN police officer, 23 November 2007.

³⁸ The head of the army, Tuar Matan Ruak, claimed improbably that Timor-Leste loses \$35 million annually to fishing incursions, nearly triple the \$12.8 million defence budget, Crisis Group interviews, Dili, August-September 2007.

³⁹ "Defence 2020: Development of the Armed Forces of Timor-Leste 2005 – 2020", 20 July 2006, p. 30, at www.timor-leste.gov.tl/mindef/Eng/Defence%20&%20Security/Force%202020/DEFENCE%202020.pdf.

screening and mentoring process for “reconstituting” the police, and a Reform Restructuring and Rebuilding (RRR) plan for “institutional development and strengthening”.⁴⁰ International observers criticised the plan as an unbudgeted “wish-list”, drafted without consultation with the Timorese police, while Timorese officials said it served internal UN needs more than their own.⁴¹ The former deputy special representative of the secretary-general (DSRSG), Eric Tan, said the UN police wrote it but the Timorese police “became co-authors” after it was presented to the government on 18 July 2007.⁴²

The plan, which gives an impression of trying to do everything at once, includes separation of powers between the ministry of interior and the police and outlines objectives in four areas: governance, operations, administration and training. It seeks to be an operational document that sets and prioritises goals, assigns responsibility to units, lists performance measures and gives high priority to community policing, while lacking definition and implementation detail on that concept.⁴³

C. SCREENING AND MENTORING

The screening process was completed in sixteen months, on 1 December 2007. According to the UN, 3,110 police officers were registered and vetted for previous disciplinary problems or criminal acts;⁴⁴ 1,274 officers were provisionally certified and 186 fully certified.⁴⁵ The vetting, originally linked to the 2006 crisis, became a more thorough review of each officer’s record. In districts where the police continued to work during the crisis, there is little understanding of why they were screened and when they will be mentored. Rudolfo Tor, the UN police commander, told Crisis Group screening “is not accusative, it’s just vetting. We involve the Church,

courts and NGOs to see if [the officers] were involved in crimes”.⁴⁶

The evaluation panel initially consisted of the deputy interior minister, representatives from the UN police, the prosecutor general’s office and the Church and a member of the Supreme Council for Defence and Security.⁴⁷ In theory, each candidate was examined by a technical team, which made recommendations to the panel. An accepted candidate was given provisional certification and a one-week training course, followed by six months of on-the-job training with a UN police mentor,⁴⁸ leading to final certification. Until that process is completed, the UN police and the UN’s special nationally-led armoured units, the FPU, are in charge of policing.⁴⁹

The screening has not been without problems. Timorese police and a technical team member criticised it to Crisis Group. The latter stated that “a number of [police] were recommended for further investigation because of criminal or disciplinary matters but they are now active again as police officers.... Sometimes decisions are taken which are not based on the recommendations we give. Decisions are taken not based on evidence”.⁵⁰ The UN Secretary-General’s August 2007 report stated that only 44 of the 88 Dili police officers who completed six-month mentoring received final certification.⁵¹ The low rate is not unexpected, especially in the capital, where the 2006 crisis was concentrated. If the trend continues, however, many of the 1,650 officers still in the system will not make it through the process and will form a sizable group of

⁴⁰ The “supplemental agreement” is available at www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/TL%20Police%20Agreement.pdf.

⁴¹ Crisis Group interview, international officials, Dili, 29 August 2007, and phone conversation, 27 December 2007. The document exists only in English, adding weight to the claim that the police were not involved in its preparation.

⁴² Crisis Group interview, Deputy SRSR Eric Tan, Dili, 5 September 2007.

⁴³ These comments are based on a June 2007 draft of the plan supplied to Crisis Group, “PNTL [Police] Organisational Strategic Plan for Reform”, op. cit. Deputy SRSR Tan highlighted governance and administration as the biggest problem areas, Crisis Group interview, Obrigado Barracks, Dili, 5 September 2007.

⁴⁴ UNMIT media review, 16 November 2007.

⁴⁵ “Report of the Security Council mission to Timor-Leste, 24 to 30 November 2007”, UNSC S/2007/711, 6 December 2007, para. 8.

⁴⁶ Crisis Group interview, Commander Rodolfo Tor, 3 September 2007. Mentoring is supposed to occur from the top down. This interview was conducted in Obrigado Barracks, not police headquarters, where, according to officers, an office assigned to Commissioner Tor, adjacent to his police counterpart, has been consistently empty.

⁴⁷ “Screening PNTL Back into Service”, *La’o Hamutuk Bulletin*, vol. 8, no. 2, June 2007. There has been no deputy interior minister since July 2007.

⁴⁸ The “skills” include: professionalism, integrity, communication, diligence, traffic duties, investigation, crime scenes, response and use of force, Crisis Group interview, UN police senior officer, Dili, 29 August 2007.

⁴⁹ UN Formed Police Units (FPU) are specialised armoured police elements that often act as a rapid reaction force in serious outbreaks of violence. With up to 140 personnel from a single country, they fill a gap between highly armed peacekeepers and more lightly or unarmed regular police. They currently come from Bangladesh, Pakistan, Malaysia and Portugal (two units). See, UNMIT press conference, Obrigado Barracks, Dili, 16 February 2007; and “Specialised police units taking greater post-conflict role in UN missions”, UN News Service, 29 April 2006.

⁵⁰ Crisis Group interviews, Dili, August-September 2007.

⁵¹ UNSC S/2007/513, op. cit., para. 26. See also, “Screening PNTL”, op. cit.

disgruntled former security personnel in need of help to find alternative employment.

Mentoring, like screening, is also not an exact science. A review of the UN's earlier efforts to build the police service highlighted the following problems: the initial contingent lacked qualified trainers and institutional development experts; consultation on the formation and structures of the Timorese force was restricted to CNRT leaders; the interviewing techniques were inappropriate; and preference was shown to interviewees who spoke English.⁵² The current mentoring process risks following the same path.

The UN police have more than 40 nationalities, 33 in Dili alone, most of whom have received only three to five days of training.⁵³ Each day of mentoring is recorded on a form, which serves as a scorecard for the mentored officer. Frequent confusion as to who is to be mentored, when and why, adds to a mounting sense of uncertainty in the force. The UN police are pulled in two directions. They are responsible for law enforcement and public security at the same time as training a Timorese counterpart. The mentoring process requires a UN police officer on a short – six- to eight-month – deployment to maintain a long-term vision. Provisional certification is often used as an excuse not to include the Timorese officer in policing tasks at all.⁵⁴

Standardisation of the mentoring system is required to solve some of these uncertainties and reassure the Timorese officers that they are not just receiving policing tips from a Pakistani, Australian or Zimbabwean but are part of a rigorous, well-conceived process. The national diversity of the UN police would not be problematic if standardised training and procedures and a feedback system allowed them to function as a cohesive unit. Former DSRSG Tan said the deputy UN police commander is developing a mentoring guide.⁵⁵ Concurrently, the Timorese police are creating their own database and a questionnaire to be used at the middle and end of the process to evaluate mentors.⁵⁶ These steps are sensible but late.

D. FORCE 2020

Following the Los Palos volleyball game incident in 2004, army commander Taur Matan Ruak formed a team (including international advisers) to complete a long-term strategic vision document for the armed forces. It aimed to draw together elements of separate reports on the Los Palos incident and of force development plans which had only dealt in incremental, annual steps, as well as to “Timorise” the policy creation process and address a situation where “even the boots were at the mercy of the donors”.⁵⁷

The resulting Force 2020 document is an “aspirational” text, setting out the strategic environment, defence doctrine and capabilities of the defence force as envisaged for the year 2020 and beyond. Matan Ruak was reportedly frustrated by the initial reaction of political leaders, but his persistence appears to have paid off; though not yet passed by parliament, plans are being made to monitor its implementation (see below). The document, which was completed in 2006 but only became public in the run up to the 2007 elections, attempts to move past “proposals, models and studies based on imported concepts”, envisages a total force of 3,000 by 2020 – as compared with the 1,500 full-time troops in the 2000 King’s College study – and proposes conscription to reach this figure.

The army is already burdened with low professionalism and excessive politicisation and should not be used as a mandatory finishing school for unemployed youth. Conscription may be politically attractive as a way of employing and instilling discipline in Timor’s youth, but the army does not exist to provide jobs and education and would be overwhelmed by the challenge of managing a fast through-put of conscripts. Professionalism would be better served by spending resources on training a cadre of career soldiers. Moreover, conscription does not make numeric sense. At a minimum, approximately 50,000 men between eighteen and 30 are available for conscription and as many women – far more than needed for a military of 3,000.⁵⁸ Recruitment posts in under-represented districts, clear career lines for new recruits and improved accommodation and salaries would produce a competent force far better than press-ganging short-term soldiers who would rather be elsewhere.

Force 2020 proposes two land units (45 per cent of the total force), a light naval force (35 per cent), a support and service component (15 per cent) and the command unit (5

⁵² David Law, “The Post-Conflict Security Sector”, op. cit., p. 9.

⁵³ Crisis Group interviews, several UN police officers, November 2007. Their training consisted of three days at the police academy, none of it pre-deployment.

⁵⁴ Crisis Group interview, international official, Dili, 29 August 2007.

⁵⁵ Crisis Group interview, Deputy SRSR Eric Tan, Obrigado Barracks, Dili, 5 September 2007.

⁵⁶ As described in Crisis Group interview, international police advisers, Dili, 6 September 2007.

⁵⁷ Crisis Group interview, S. Chandrabalan, special adviser to the defence ministry, Dili, 6 September 2007.

⁵⁸ Numbers extrapolated from the summary bulletin listing provisional population counts, “Census 2004”, Timor-Leste.

per cent).⁵⁹ It suggests developing a military intelligence system, an air force and air defence capability between 2020 and 2050 and even a space control capability in the very long term (2050-2075). As might have been anticipated, these ambitions, accompanied by glossy photos of jet fighters, frigates and tanks, attracted much derision. The then Australian Foreign Minister, Alexander Downer, labelled the plan “completely unrealistic”, providing an opening to FRETILIN to accuse him of meddling in Timor-Leste’s elections.⁶⁰ The Congresso Nacional De Reconstrução de Timor-Leste (CNRT, political party formed by Gusmão in 2007) denounced “FRETILIN plans to spend oil revenue on military assets when the people of the country are still internally displaced, and some still traumatised”.⁶¹ The misrepresentations and exaggerations exasperated the drafters of the document: “We were not planning to buy a missile tomorrow”.⁶²

Timorese defence leaders tend to cite Fiji as a model.⁶³ Its population of just under one million is comparable to Timor-Leste’s, and the size and roles of the Fiji military clearly influenced the writers of Force 2020. Fiji, which does not have conscription, has one soldier for each 259 citizens; the Force 2020 recommendation of 3,000 would give Timor-Leste a 346 to 1 ratio.⁶⁴ However, such comparisons are not particularly helpful. The size of the military should reflect the security threat. Moreover, if the military is too large, powerful or politicised, it becomes the security threat – as in Fiji.⁶⁵

E. THE GOVERNMENT PROGRAM

In October 2007, parliament approved the program of the new government formed by Xanana Gusmão,

despite complaints from the opposition FRETILIN party that there had been insufficient debate and that much was copied from its own previous administration.⁶⁶ Security issues were high on the list of priorities to be tackled still in 2007, but by year’s end these had made the least progress. Chapter VI of the program pre-empted possible conclusions in a comprehensive security sector review, proposing to give the army control of naval and border duties and to consolidate paramilitary police units. As the government has yet to solve more pressing issues, it is unlikely these changes will be implemented soon. Before they are, they should be subjected to a consultative process.

F. LEGISLATIVE GAPS

The laws governing the security forces are incomplete. This has led to a situation where “security sector policies are developed largely within the institutions rather than by a coordinating body or in compliance with an overall plan”.⁶⁷ There is still no overarching national security policy, though following requests from the secretaries of state for defence and security, the UN’s Security Sector Support Unit (SSSU) presented a framework document to the government in mid-December 2007. Following ministerial consultations, a Timorese draft is expected to follow by the end of February 2008, which would then be revised in the light of a more comprehensive review, possibly in November 2008.⁶⁸

Without a unified national security doctrine, the country relies on a mix of authorities, including the constitution, laws of Timor-Leste, regulations, decrees and executive orders handed down by the UN transitional administration, UNTAET, between 1999 and 2002 and Indonesian laws.⁶⁹ Most security sector legislation since independence has been passed by decree, by-passing parliament and consequently missing out on an important source for scrutiny, transparency and legitimacy.⁷⁰

The May 2004 decree on the organic structure of the army was superseded by decree 15/2006, promulgated in November 2006. The articles from the 2004 decree that were not revoked related to the creation and conduct of various bodies during a crisis, catastrophe or public disaster. Any such situation should be declared by the

⁵⁹ “Defence 2020”, op. cit., p.126.

⁶⁰ “E Timor military blueprint unrealistic: Downer”, *The Australian*, 8 June 2007; and “Australian interference in Timor Leste elections is unacceptable”, FRETILIN media release, 16 June 2007.

⁶¹ “CNRT To Focus On Rebuilding Rather Than Arming East Timor”, CNRT Press Release, 15 June 2007.

⁶² Crisis Group interview, Dr Roque Rodrigues, former defence minister (May 2002-May 2006), president’s adviser on security sector reform, Dili, 1 September 2007.

⁶³ Crisis Group interviews, Dili, August-September 2007. The Fiji model was invoked in particular by Taur Matan Ruak, Crisis Group interview, 27 August 2007.

⁶⁴ The Fiji government commissioned a review (“Safeguarding Peace and Prosperity”) in 2004 which concluded that Fiji did not need a military, but since it would be hard to disband, it should at least be reduced to 1,650.

⁶⁵ Since independence in 1970, Fiji has had four coups (one, in May 2000, civilian-led). The most recent was on 2 December 2006 by military commander Frank Bainimarama.

⁶⁶ “TV Constitutional Government Program 2007-2012”, at www.laohamutuk.org/misc/AMPGovt/GovtProgramEng.pdf.

⁶⁷ CoI, op. cit., para. 137.

⁶⁸ Crisis Group phone interview, international official, 27 December 2007.

⁶⁹ CoI, op. cit., para. 107.

⁷⁰ Crisis Group email correspondence, international observer, 17 December 2007.

government, together with the president, when there are serious or widespread disruptions of public order which may cause imminent institutional instability but do not justify an immediate declaration of a state of siege or emergency. The army is to assist the police and other civil authorities once a crisis, catastrophe or public disaster has been stipulated by the president in conjunction with the “crisis cabinet”.

The role of the police, as outlined in Article 2 of Organic Law 8/2004, is to guarantee the maintenance of public order, security and peace in line with internal security legislation in “situations of institutional normality”. In “exceptional situations”, its competencies are those that arise from “legislation on national defence, state of siege and state of emergency”. The problems are in the grey and undefined area between institutional normality and “exceptional” situations: “How clear is it for police when they can allow transitional justice to operate and when formal justice should apply?”⁷¹

With Force 2020 for informal guidance (since it is not yet authorised by law), there have been recent legislative developments relating to the army, including a regime used to promote 203 members on 23 November 2007, a code of military discipline, an organic law for the defence ministry, amendments to the organic defence forces law and a conscription law.⁷² Further progress is being delayed in part by the complicated nature of the laws in place and in part because the advisers made available by the UN and donors have lacked appropriate expertise.

III. INTERNATIONAL ACTORS

The legal basis for international security sector intervention and assistance in Timor-Leste is a patchwork of bilateral agreements and UN resolutions. Security Council Resolution 1704 (25 August 2006) established UNMIT and gave it responsibility for peace and security and for assisting the Timorese government on security sector reform. The “supplemental agreement” of 1 December 2006 between the UN and Dili defined the UN role on reforming, restructuring and rebuilding the police force.⁷³ The Australian-led ISF gives additional help to the UN’s police and FPU units when required. Its status is defined by three documents: a 25 May 2006 exchange of letters between Timor-Leste and Australia, a Status of Forces Agreement concluded by the two governments the next day and a memorandum of understanding (MoU) between Timor-Leste, the UN and Australia, 26 January 2007.

The MoU set up a trilateral mechanism to cover cooperation and information sharing at an operational level and discuss normalisation of the armed forces. It was to meet weekly, or when convened by the prime minister or requested by members. The reality is confusion between the roles of the UN police and FPUs and the ISF, demonstrated by debate over who has the legal authority to arrest rebel officer Alfredo Reinado.

International advisers come from the UN and bilateral donors, including seventeen from Australia in 2007 (to increase by at least two in 2008), eight from Portugal and two from New Zealand.⁷⁴ Portugal and Malaysia have their own agreements with Dili covering their advisers and capacity-building efforts.

Donor fatigue has started to set in, and Timorese political actors need to recognise that their country is no longer the darling of the donor community.⁷⁵ If they want assistance to continue, they will have to earn it. A long-term observer said:

Up until now, Timor-Leste has been dealt with in superlatives – a noble independence struggle, the

⁷¹ Crisis Group interview, international officials, Dili, 23 July 2007.

⁷² Decree law 17/2006 on “Regulation on Military Discipline”; decree law 16/2006 on “The Organic Statutes of Ministry of Defence”; decree law 15/2006 on “The Organic Statutes of the F-FDTL”; parliamentary law number 03/2007, “Law of Military Service”, 21 February 2007; and government resolution no. 4/2007, “Efectivo anual a incorporar nas FALINTIL – Forças de Defesa de Timor-Leste”, 21 March 2007.

⁷³ Supplemental agreement, op. cit., in particular section 11.

⁷⁴ The Australians are spread across all defence locations, including the defence ministry; the Portuguese are in three: Metinaro, Hera and, with the two New Zealand advisers, army headquarters at Tacitolu. Information included in “Defence Capacity Building by the international community in Timor-Leste”, Security Council briefing document from the Australian Development Cooperation Program, 30 August 2007, obtained by Crisis Group, September 2007.

⁷⁵ UN SRSG Atul Khare said he had been stressing this to political leaders, Crisis Group meeting, Dili, 3 August 2007.

most ambitious UN nation-building project, the newest country, a success even. Set against this backdrop and the cloistered environment of Dili it has been difficult for the international community to be direct with the government [and for] an impoverished and young country ... to challenge initiatives of the international community. Now, things are more grown up....The Timorese may have their own money, but the international community, and even the Timorese, need to put their foot down sometimes, for the sake of a million Timorese who have been often poorly served by the international community and their leaders.⁷⁶

A. THE UNITED NATIONS

Timor-Leste requested, in an 11 June 2006 letter to the Secretary-General, “a robust United Nations police, military and civilian mission” to consolidate its “hard won peace and freedom”. The response was promising. The UN recognised that the problems required an inclusive approach with “combined efforts” of the Timorese leadership, institutions and broader international community and that UN commitment was needed “over a period of years”.⁷⁷ Resolution 1704 foresaw a need for up to 1,608 UN police, and as noted above, 1,635 were on the ground in August 2007. It also tasked the UN with supporting national reconciliation at the leadership level, during the parliamentary and presidential elections and in interim law enforcement.

The UN has a security sector support unit (SSSU) to assist the government in “conducting a comprehensive review of the future role and needs of the security sector”.⁷⁸ The unit is aware of the sensitivities in its mandate – not to “reform” but to “assist” and “support”. However, Timorese leaders expressed scepticism at the third Security Sector Reform Seminar on 16 August 2007 that the organisation which presided over creation of its institutions was the best to help reform. A high official, asked by Crisis Group how the UN would be used for SSR, was explicit in his distaste.⁷⁹ However, the president confirmed at an 11 October meeting between his SSR team, DSRSG Tan and the SSSU that efforts are to be integrated. The key is to make the commitments and responsibilities of each explicit. The UN should clarify what it has been mandated to do in the review process; the

government should say if it disagrees. Likewise, if the government proposes poor policy, the UN needs to state its concerns clearly.

The UN faces the perennial challenge of reconciling the need for SSR to be locally owned with the clear inadequacies of the locally run process, in particular lack of consultation. There is some evidence UN reporting to New York glosses over the problems. For example, the Secretary-General’s report to the Security Council on 28 August 2007 described three seminars held by the Security Sector Review Joint Working Group, co-chaired by senior representatives of the defence ministry, the interior ministry and UNMIT, as a qualified success.⁸⁰ The third, on 16 August, involving the president, prime minister and other new ministers, discussed how the process could be advanced. The UN reported that Timorese leaders “expressed their strong commitment to conduct the comprehensive review and welcomed the support of UNMIT”.⁸¹ Attendees painted a different picture. Rather than indicating “strong commitment”, the president became agitated that the meeting he initiated was going forward and appeared resentful, in the words of one official present, that the UN was “ramming it [SSR] down their throats”.⁸²

High-level UN visitors to Dili in late 2007, including Secretary-General Ban Ki-moon, Under Secretary-General for Peacekeeping Operations Jean Marie Guéhenno and a Security Council delegation all stressed the need for review and reform. However, the success of SSR will depend on how the UN manages its relations with Dili and whether the Timorese use all the aid on offer. Proof of the foreign minister’s statement that Timor-Leste intends to “put the investment and ongoing trust of the international community to good use” remains to be seen.⁸³

⁷⁶ Crisis Group phone conversation, Edward Rees, 17 September 2007.

⁷⁷ UNSC S/2006/628, op. cit., V. “Sustained commitment and a coordinated approach”, paras. 40-41.

⁷⁸ Security Council Resolution 1704, op. cit., para. 4 (e).

⁷⁹ Crisis Group interview, Dili, 6 September 2007.

⁸⁰ The first seminar, on 18 July 2007, looked at the draft police reform plan (RRRD); the second, on 26 July, examined plans for the development of the police and military and identified areas for interoperability.

⁸¹ UNSC S/2007/513, op. cit., para. 28.

⁸² Crisis Group interview, international official, Dili, 5 September 2007, confirmed in less critical terms by Crisis Group interview, Dr Roque Rodrigues, 1 September 2007: “I was a bit surprised with the arrogance of UNMIT, saying this person go to ministry of defence as adviser, this person go to ministry of interior....Foreigners do not understand the cognitive style of the Timorese. We Timorese have to work out our learning style”.

⁸³ Quoted by UN Department of Public Information, News and Media Division, New York, 10 September 2007.

B. BILATERAL DONORS

The UN's early reluctance to engage with the army contributed to an army tendency to look to bilateral donors for help.⁸⁴ Its ad hoc, demand-driven approach has led to some overlap, confusion and lack of efficiency, and has done little to encourage it to prioritise requests. The main coordination mechanism for post-conflict recovery has been the "International Compact",⁸⁵ whose priorities, endorsed by the council of ministers on 31 October 2007, include "Public Safety and Security". But this mechanism, which is led by the government, includes no bilateral donors other than Australia, even though a recent study indicated that 82 per cent of aid between 2002 and 2006 was bilateral.⁸⁶ If the compact is to succeed, it should coordinate all donor activities.

Australia led the international interventions in 1999 and 2006. Its advisers sit in the defence ministry, the army and police, and it has given training both in-country and in Australia to security personnel through its defence cooperation and police development programs, the latter a joint project with the UK which is due to end in December 2008. During a visit to Dili in December 2007, the new prime minister, Kevin Rudd, confirmed Canberra's commitment to a troop presence through 2008, but there is no certainty beyond that point.

Portugal trains the army and provides advisers of which, as of August 2007, there were eight in either the ministry or army structures. Training is mostly coordinated with the Australian defence cooperation program. Lisbon has supported the naval component by supplying two boats in 2002 and training for two officers a year in Portugal. The most visible influence is its contribution to policing in the form of the paramilitary National Republican Guard (GNR) Formed Police Units (FPU), much respected by the Timorese leadership and known for its "robust" style.⁸⁷

Malaysia, at one point the second largest contributor to the ISF, has 140 police specialists in crowd control in an FPU in Dili. Its police and army training, which consisted of a wide range of courses, plus financial and technical aid, has been suspended since the 2006 crisis.⁸⁸ Generally it has sought to ensure its help for Timor does not undercut its relations with Indonesia by quietly fitting in behind the Australians and the UN.

China has given the army logistics support, vehicles and training programs. High-level visits have forged ties with the People's Liberation Army (PLA).⁸⁹ Since 2004, sixteen military personnel have trained in China on one- or half-year programs that include courses on command, vehicle maintenance, communications and strategic studies (all in English). Timor-Leste signed a cooperation agreement with Beijing on 27 December 2007 that includes \$7 million for a new army headquarters. President Ramos-Horta has previously requested assistance in building military barracks. The police have also received assistance in the form of uniforms, a radio system and training for their marine component. China's significant influence is as much the result of good diplomacy as heavy spending.⁹⁰ Its diplomats emphasised to Crisis Group that China has "no strategic interests" in Timor-Leste and that PetroChina, after initial onshore seismic prospecting, has "no further plans". However, China, like other donors, should ensure its generous

Portuguese have been most used, Crisis Group interview, senior international police officer, Dili, 4 September 2007.

⁸⁸ Assistance to the army has been technical and administrative, as well as training: three to five soldiers per year attended courses such as combat training and survival; in 2003, mechanics were sent to teach maintenance on military trucks; in 2006, three Timorese service personnel were on a navy ship for a three-month "ASEAN training cruise". The police have received one-month training for top management in the Malaysian police academy; a one-year basic inspector course; batons and shields for the UIR; specialised IT training; and three-month basic training for prison wardens funded by the UN Development Programme (UNDP). Crisis Group interview, chargé d'affaires, Malaysian embassy, Dili, 3 September 2007.

⁸⁹ Chinese aid to the army since 2002 is \$1.8 million. Information in this and the next paragraph is from Crisis Group interviews, Xiong Lichun, political counsellor, and Lt. Col. Tao Fei, assistant to military attaché, Chinese embassy, 5 September 2007.

⁹⁰ Almost \$40 million has been spent, mostly on big construction projects, including a new foreign ministry and presidential palace, but also on health projects, civil service training, hybrid rice planting and leadership trips to Beijing. Since 2004, twelve Chinese doctors in Timor-Leste have treated more than 80,000 patients. Over 300 civil servants and technical personnel have received training in administration, tourism, urban planning, trade investment, economic development, hi-tech industries, agriculture, disaster management and promotion and treatment of officers, *ibid*.

⁸⁴ David Law, "The Post-Conflict Security Sector", *op. cit.*, p. 9.

⁸⁵ "The International Compact for Timor-Leste, A Framework for Action", prepared by the compact secretariat, prime minister's office, Dili, 2007.

⁸⁶ "Review of Development Cooperation in Timor Leste", August 2007, commissioned by the Norwegian Agency for Development Cooperation.

⁸⁷ Documents supplied to Crisis Group by international officials, October 2007, and Crisis Group interview, Portuguese defence attaché, Dili, 29 August 2007. Most of the 217 GNR officers (as of September 2007) are on rotation from Iraq. Ramos-Horta stated: "The reform of [the police] is very crucial for the stability of this nation, and we would like to strengthen our cooperation with Portugal in this sector. We believe that such a model as shown by the GNR is better for Timor Leste", UNMIT, Media Monitoring, 19 November 2007. Of the four FPUs, the

assistance is being used efficiently by coordinating with the UN and other aid givers.

Brazil is a relatively new major participant in international cooperation efforts, and Timor-Leste has been the recipient of a large proportion of its aid.⁹¹ Half the 30 participants in the first of two six-month training courses for military police deserted with the head of military police, Alfredo Reinado. A group of 42 graduated in August 2007. Five sergeants have been sent for training in Brazil, which is also involved with a vocational training college.

The U.S. State Department's International Military Education and Training (IMET) program aims to provide "opportunities for civilian and [army] attendance at courses that emphasise the principles of a civilian-led military, respect for human rights, and the law of war".⁹² In fiscal year 2006 this consisted of two army students for two months at Fort Bragg for "civil affairs qualification", plus some English language training.

The EU has not yet given aid specifically to the security forces. When its office is expanded and upgraded to a delegation in 2008, it will need to ensure that it does not add to existing problems of donor coordination.

IV. SPECIFIC ISSUES

The comprehensive review prioritised by the UN has yet to get off the ground. Norway, Australia and UNDP have pledged \$1 million for it, but this may not be enough. Under-budgeting would affect how "comprehensive" and ultimately successful the review could be.⁹³ The government also needs to consult with Timorese communities, drawing on the expertise available in the UN's security sector support unit (SSSU). In the meantime, there are things that can be improved without waiting for the review, including:

- ❑ consolidate the ad hoc and fragmented legal foundations of the security sector and provide a transparent system of checks and balances;
- ❑ build or improve basic facilities such as living accommodations, which are important for morale;
- ❑ review salaries throughout the security sector; in December 2007, the government increased basic monthly army pay by up to 50 per cent;⁹⁴
- ❑ clarify internal complaint mechanisms for soldiers and police, so they can be sure their concerns reach the right levels, and they are not punished for complaining; and
- ❑ develop internal and external communication strategies so soldiers, police and the general public understand their roles and planned reforms.

Decisions with long-term or structural implications should wait for the results of the review. Role definition should be based on a national consultative process, not the opinions of a small clique in Dili. Major equipment purchases should await agreement on the roles and needs of both forces. If the army is to manage the border, it should do so in a way that takes account of the concerns of local communities.

⁹¹ "When I arrived in 2004 almost 40 per cent of our international cooperation came to Timor, now it's 20 per cent", Crisis Group interview, Ambassador Antonio de Silva, Dili, 3 September 2007.

⁹² "Foreign Military Training: Joint Report to Congress, Fiscal Years 2006 and 2007", U.S. State Department Bureau of Political-Military Affairs, August 2007, IV. Country Training Activities - East Asia and Pacific.

⁹³ For a critique of a recent attempt at a "comprehensive" internal security sector review in Kosovo, see Crisis Group Europe Reports, *An Army for Kosovo?*, op. cit., p. 4; and N°170, *Kosovo: The Challenge of Transition*, 17 February 2006, pp. 9-10.

⁹⁴ "Governu Hasae Salariu Soldadu F-FDTL Ba \$127" ["Government increases F-FDTL soldiers salaries to \$127"], *Suara Timor Loro-sae*, 14 December 2007; and "Julio Tomas Pinto: 'Salario F-FDTL 2008 Sei Sa'e 50%'" ["F-FDTL salaries to increase by 50 per cent in 2008"], *Jornal Nacional Diario*, 29 November 2007. The monthly salary for low-rank soldiers had been between \$85 and \$95, was the same as for low-level police and L-1 civil servants and teachers.

With public attention now focused on SSR, there is a risk the process will become a political pawn between a nationalist opposition and a fragmented government. Bipartisan support is needed to put it above bickering and personalities. This requires commitment from FRETILIN as well as the government. At the swearing in of his government, Xanana Gusmão made a strong call for cooperation and reconciliation but there has been little sign of either side stretching out the hand of reconciliation.

A key relationship will be that between the current secretary of state for defence, Julio Tomas Pinto, and the former minister of defence and now adviser to the president on SSR, Roque Rodrigues. Pinto, a young academic and inexperienced politician, is eager to move on reforms. The standing of Rodrigues, a seasoned campaigner, academic and politician, was severely dented when the Commission of Inquiry (CoI) exposed his involvement in the 2006 events. An international official called his appointment “one of the worst things that could have happened to SSR efforts”.⁹⁵ Others are less dismissive and say that the adviser’s role suits his academic background and inclination for theory.

A. DIVISION OF LABOUR

The constitution makes clear that the defence forces are responsible for protecting the country from external threats and attempts to undermine independence or territorial integrity, while the police are responsible for internal security.⁹⁶ In practice, the division is less clear, because the capacity of the police is low, and the army has high prestige – thanks to the independence struggle – but little to do. The definition of their roles is critical to reform and must be based on an assessment of needs and threats, reached through consultations beyond the political elite.

If Timor-Leste followed international practice, the police would be responsible for functions such as crime prevention, in part through community policing; traffic and immigration; special operations such as riot and crowd control; and border control. The army’s primary responsibility would be external security, including if necessary supporting the police in tackling some cross-border threats. A naval component would deal with incursions into territorial waters, provide security if needed for oil and gas assets and act as a coastguard. The army would also help address humanitarian crises and

participate in regional and international security and peacekeeping operations.⁹⁷

However, the police have little capacity for genuine community policing, which requires officers to be “locally based, focused, oriented and led”, and concentrated on crime prevention as well as intervention.⁹⁸ More training is needed, but a vicious circle is in place. As long as UN police are preoccupied with addressing immediate security problems like gang violence, they have little time to train their Timorese counterparts; yet, that violence is only likely to lessen when Timorese police, trusted by the community, are in place.

The international security presence is also giving the wrong lesson about role definition. The goal of giving police primary responsibility for internal security is contradicted by the sight of heavily armed foreign soldiers patrolling the streets, while the Timorese police undergo their screening and mentoring process. There is a high-profile model for paramilitary-style policing – the Portuguese GNR – but no equivalent for community policing; poor language skills, short deployments and lack of cultural knowledge make it difficult for the UN police to fill that role.

Instead of building conventional police capacity, Timor-Leste governments have focused on creating special units, such as the Rapid Response Unit (UIR), the Police Reserve Unit (URP) and Border Patrol Unit (UPF). There is certainly a need for these but the emphasis should be on developing the conventional policing function. The URP and UPF were formed by the then interior minister, Rogerio Lobato, to handle “border patrol, cross-border militia attacks and rural counter-insurgency” after events in Atsabe in 2003.⁹⁹ The effect (and probable aim) of the

⁹⁵ Crisis Group interview, Dili, 5 September 2007. Another senior Timorese official said, “He [Rodrigues] did nothing as minister of defence; now he wants reform”.

⁹⁶ Part V, National Defence and Security, Section 146 (Defence Force), 2; and Section 147 (Police and security forces), 1.

⁹⁷ The SSSU, following discussions with Australian and other UN officials, has put forward three incentives for army reform. These include committing the UN to taking a limited number of Timorese soldiers as peacekeepers by January 2009, involving the Timor-Leste navy in the Australian-run Pacific Boat Patrol Program in two to three years and for Australia to play a leading role in training the army’s engineering component. Apart from the positive impact such incentives would have on the professionalisation process, they would also be a welcome change in the international community’s approach to the army – from advising what it is doing wrong, to offering stimulus for improvements. Crisis Group phone conversation, international official, 28 December 2007.

⁹⁸ Crisis Group interview, EU Council Secretariat police expert, Brussels, 23 November 2007.

⁹⁹ In January 2003, the army failed to stop border incursions that led to the deaths of seven people; 50 cases were thrown out of court because the army had no legal basis to make the arrests. See Jill Joliffe, “Threatened Timorese town seeks troops”, *Sydney Morning Herald*, 3 February 2003; and “JSMP monitors

decision was political: to increase the police's influence vis-à-vis the army and build up Lobato's.

The current government's five-year program proposes moving the UIR and URP into a Special Operations Unit, with responsibility for personal security, special operations and improvised explosive devices.¹⁰⁰ Such consolidation has merit. "The fewer the number of units, the easier it is to manage", an international police officer said.¹⁰¹ A specific unit which should be strengthened, however, is the Most Vulnerable Persons Unit, to help tackle the high levels of gender-based and domestic violence. Mixed male-female police patrols would also assist in this area.

The military police further complicate the division of labour. They were established to control both the army and regular police but also do crowd control and other traditional policing tasks.¹⁰² An international police officer, after seeing their graduation display, remarked that they seemed to be doing the work of the police rapid response unit.¹⁰³ In August 2007, the Ramos-Horta government turned the installation of new military police officers to replace Reinado's men into a major event. An observer described the swearing-in ceremony as "an impressive display" but asked, what is the message to the [police]?"¹⁰⁴ To confuse matters further, a military police contingent was put in charge of presidential security in February 2007. Another is responsible for security at the Dili hospital.

Border security has been left to the police but the current government's five-year program proposes handing it to the army. This is risky. The police Border Patrol Unit faces a heavy Indonesian military presence across a poorly demarcated border. Putting the army there would raise the potential for incidents to escalate into major problems.¹⁰⁵ It might also generate a backlash from

local communities that feel the army is still biased in favour of the east.

What then would be left for the military? One role would be to act in support and under the direction of the police in internal security situations beyond the latter's capacity to handle on their own. That role must be clearly defined, and joint training programs need to be developed to show both forces how to cooperate in emergencies and reduce their professional antagonism. If it developed the requisite skills, the army could also help respond to natural disasters and humanitarian crises and participate in engineering and development work to benefit the population. Deployments for both security and humanitarian operations should follow strict constitutional rules. The army is also to take over naval responsibilities in the government's five-year program,¹⁰⁶ but this will be a lengthy process since it has only two boats with limited range. The half-island nation has genuine maritime security issues, so boosting naval capability is desirable.

Ensuring that the police take primary responsibility for internal security, with the military in a support role only and as a last resort, is a fundamental tenet of security sector reform. It will require a significant improvement in police capacity, however, as well as countering the tendency of senior government figures to call in the army too quickly.

B. GOVERNANCE

The 2006 crisis was worsened by unclear command-and-control and a tendency for senior government figures to try to exert operational control over the security forces.¹⁰⁷ The new government is trying to produce a more coherent approach by bringing the army and police under a unified ministry of security and defence, though it is unclear whether Prime Minister Gusmão's double role as minister helps or hinders depoliticisation. Coherence may be enhanced by a new High Level Committee – president, prime minister and parliament president – to provide political oversight for SSR. A steering committee, in effect a national security council, is under it: Gusmão (as minister), the secretaries of state for defence and security, the army and police general commanders, the general director of the SNSE (Serviço Nacional de Segurança do Estado, an intelligence agency

release of detainees", Judicial System Monitoring Program (JSMP), Dili, 20 January 2003.

¹⁰⁰ "Government Program 2007-2012", Chapter VI, "Promotion of Equality and Tolerance, Internal Security and Reinforcement of Democracy, 1 Peace and Security".

¹⁰¹ Crisis Group interview, international police officer, Dili, 29 August 2007.

¹⁰² According to the army chief of staff, Colonel Lere Anan Timor, ETAN local media monitoring, 11-14 June 2004.

¹⁰³ Crisis Group interview, international police officer, Dili, 4 September 2007.

¹⁰⁴ Crisis Group interview, Dili, 29 August 2007.

¹⁰⁵ In early 2006 the Indonesian military (TNI) had 1,500 personnel on the border of Atambua and North Central Timor-Leste: three Kostrad (strategic reserve) battalions, two combat platoons and technical units, Lt. Col. Ediwan Prabowo, commander of Security Troops Task Unit, quoted in "Too many TNI members at Timor borders", *Tempo* Interactive, 6 January 2006.

¹⁰⁶ Government Program 2007-2012, op. cit.

¹⁰⁷ The CoI, p. 57, noted that the interior minister's practice of issuing operational orders undermined the chain of command and disciplinary processes and led to the emergence of a parallel command structure.

reporting to the prime minister), the president's SSR advisers¹⁰⁸ and the head of parliament's Committee B (defence and security). A senior presidential adviser called it "a coordination body between everyone, a place to ensure there is a national consensus".¹⁰⁹

The constitution designates the president as "Supreme Commander of the Defence Force", but he shares responsibility for security policy with the government and parliament.¹¹⁰ The 2006 crisis increased the president's influence in this area, and the new arrangements confirm this. Ramos-Horta has suggested he leans towards a powerful French-style presidency, an "enlightened autocracy".¹¹¹ In practice, he is not far from that already. He ordered the army to Los Palos and Viqueque in August 2007 without legal authority, since there was no state of emergency and no consultation with other security organs.¹¹²

The SSR structures are unclear on where decisive power lies, treading a fine line between presidential involvement and ownership of the process.¹¹³ At this stage in its development, Timor-Leste needs more checks and balances; at a minimum, all parties should be clear on who leads the reform process and who is in charge in a crisis.

¹⁰⁸ According to a security sector reform briefing note dated September 2007 and given to Crisis Group, the SSR team at the president's office consists of Dr Roque Rodrigues, adviser for security sector reform; Dr Alcino Baris, adviser for police reform; Ten Coronel Aluk, military adviser; Ana Filipa Carvalho, legal adviser; and Nuno Anaia, UN police liaison officer. The head of Committee B is Duarte Nunes Gomes.

¹⁰⁹ Crisis Group interview, Ana Filipa Carvalho, legal adviser to the president, Dili, 6 September 2007. The government's commitment and the constitutional obligation for gender equality is not reflected in the new SSR structure, which has only one woman, legal adviser Ana Filipa Carvalho

¹¹⁰ Article 85 defines the president's security role: to declare war and a state of siege or emergency (after consultation), conduct international negotiations, and "exercise competencies inherent in the functions of Supreme Commander of the Defence Force", including appointment and dismissal of chiefs of staff. "The right to assume ... leadership" applies only in war and then together with the government.

¹¹¹ Crisis Group interview, Dili, 28 August 2007.

¹¹² Noted by international adviser in discussion with Crisis Group, Dili, 29 August 2007.

¹¹³ The Council of State and Superior Council for Defence and Security, to advise on policy and review laws on the security forces and their implementation, has never met – probably a good thing, since there are already too many actors and lines of authority.

C. PROFESSIONALISATION AND DEPOLITICISATION

Professionalisation is the process of returning the armed forces and police to their primary mission and ensuring they have the discipline and training to carry it out. One of the first requirements is depoliticisation.¹¹⁴

The story of Rogerio Lobato's politicisation of the police is well-known.¹¹⁵ A direct response to this was the formation of the Policia Nacionalista, its own internal "petitioners" group, in early 2004 by 80 officers mostly from the east.¹¹⁶ They claimed discrimination and were publicly critical of the institution, leading to disciplinary proceedings for "disloyalty" that year against 21 officers. The current screening process is likely to reject some Policia Nacionalista, which could turn disgruntlement into rebellion. That faction, moreover, is only one of six or seven. The divisions are accentuated by internal structures that do not follow any management logic. A challenge is to give the entire institution a sense of unity.

The government also needs to boost morale, hurt by what the police felt was preferential treatment of the army after the 2006 crisis. Police disappeared from Dili streets during the crisis, but not all were equally responsible for violence, and they remained fully operational outside the capital. With hindsight, permitting some police elements not directly involved in the crisis to remain at their posts might have allowed them to retain a semblance of self-esteem and helped fill the security vacuum. Instead, all were required to go through screening and mentoring, while the army returned to barracks. Soldiers were dealt with as individuals; the police was punished as an institution. A UN police officer told Crisis Group, "they lost confidence and people [in 2006]. Now there's a siege mentality".¹¹⁷

¹¹⁴ "Police reform has concentrated on technical issues ... however the essence of the problem – political control – has largely been ignored", Crisis Group Asia Report N°138, *Reforming Afghanistan's Police*, 30 August 2007; see also David H. Bayley's useful checklist, based on a survey of police reform initiatives, in Crisis Group Asia Report N°42, *Central Asia: The Politics of Police Reform*, 10 December 2002; also "Democratising the Police Abroad: What to Do and How to Do It", U.S. Department of Justice, 2001.

¹¹⁵ See Crisis Group Report, *Resolving Timor-Leste's Crisis*, op. cit., in particular pp. 4-5.

¹¹⁶ CoI, op. cit. p. 57; and Crisis Group email exchange, international observer, 17 December 2007.

¹¹⁷ Crisis Group interview, UN police senior officer, Dili, 29 August 2007.

Tor, the UN police commander, said one of his greatest challenges is building esprit de corps. "They need idols, but who are their heroes?" he asked.¹¹⁸ Though it is outside the scope of this paper, wider legal system reform is also highly relevant: failure to achieve reasonable rates of detection, prosecution and imprisonment harms the morale of the police service and damages its public legitimacy.¹¹⁹

The army is also politicised, a problem the new secretary of state for defence, Julio Tomas Pinto, says is one of his greatest concerns.¹²⁰ One aspect is the unequal representation in it of regions and political factions. A military that is skewed towards one group at the cost of others is inherently unstable. This should be addressed in recruitment.

Depoliticisation will only occur if the political leadership's commitment towards non-interference is matched by institutional culture change within the army. Force ethos has to trump political bias, which requires change at various levels. Complaint mechanisms have to be transparent; investigative commissions independent; and discipline for transgression of clearly defined rules equally enforced. All this necessitates top-down commitment to reform within the army and bottom-up commitment from soldiers to their institution.

Little appears to have changed, however, since 2004, when the UN Secretary-General reported the army "is confronted with a number of serious institutional

problems, including a poorly understood definition of its role, low morale, uncertain respect for discipline and authority, insufficient training of personnel, and unresolved relations with former combatants".¹²¹ A senior officer said training could address some of these problems, but institutional doctrine was even more important.¹²² Lauding FALINTIL's history and trying to instill its values in new recruits is not enough; the army must become a force that symbolises protection of the entire nation.

Army Commander Taur Matan Ruak wants international forces downsized as quickly as possible so that he can get on with his job:

I can do what they [the international forces] are doing, my soldiers can do this. I'm not a general you can come and pick up [from] the middle of the road. What I need is help. We want our country [to be] stable. We don't need money – we need peace. We need to know how to build peace.¹²³

However, his optimistic assessment of army capabilities is contradicted by international advisers, who said that discipline crumbles when senior officers are absent. Indeed, one of those senior officers said he could not retire because he saw that during the crisis middle level officers were unable to perform.¹²⁴

D. ACCOUNTABILITY AND DISCIPLINE

Holding officers accountable for misconduct is a hallmark of a professional service. Complaints of police misconduct can be considered by the Professional Ethics Office and the Office of the Inspectorate. The Provedor (ombudsman) for Human Rights and Justice, established under the constitution, also has powers to consider complaints regarding the abuse of public power (including by police and soldiers) and breaches of human rights. However, that office can only recommend remedies or reparations, advise on corrective measures and/or mediate. The army has its own code of military discipline detailing procedures for breaches of service discipline and provisions in its governing law on the liability of soldiers to prosecution for criminal offences.¹²⁵

¹¹⁸ Crisis Group interview, Commander Rodolfo Tor, Obrigado Barracks, Dili, 3 September 2007. "The [former] police chief's lack of public stature, his inability to ward off political interference and the lack of public respect for the institution inevitably sapped the morale and cohesion of the force", Robert Lowry, "Defence and Security in Timor-Leste", 2006, posted on Australian National University's Development Studies Network, at <http://devnet.anu.edu.au/timor-beyond%20crisis%20papers/Lowry.ml.doc>. The mentoring process, while passing on useful technical skills to individual officers, seems unlikely to help inculcate a sense of institutional unity, since the mentoring institution, the UN police, has little force cohesion itself, Crisis Group interview, Dili, 29 August 2007. Crisis Group was told of a situation in a district in which UN police of several nationalities refused to travel in the same car, Crisis Group interview, 1 September 2007.

¹¹⁹ Clearly seen in Haiti, where the police and judicial system remain dysfunctional despite two decades of police reform and judicial development projects and tens of millions in donor dollars, Crisis Group Latin America/Caribbean Briefing N°12, *Haiti: Security and the Reintegration of the State*, 30 October 2006.

¹²⁰ Pinto has suggested that soldiers not even be allowed to vote. "This would serve the purpose of distancing them from political parties. In a developed democracy it is okay that the army votes, but the situation in Timor-Leste is not like that yet". Crisis Group interview, Dili, 6 September 2007.

¹²¹ UNSC S/2004/33, op. cit., para. 7, referring to the period after the January Los Palos incident.

¹²² Crisis Group interview, senior army officer, 2 September 2007.

¹²³ Crisis Group interview, General Taur Matan Ruak, Tacitolu, 27 August 2007.

¹²⁴ Crisis Group interview, senior army officer, 2 September 2007.

¹²⁵ However, few cases of alleged criminal conduct are brought before the courts, and internal disciplinary processes suffer from

In the past, for both forces, a personal appeal to the minister or vice-minister could trump formal regulations. Interference in disciplinary measures from the top as a result of such appeals has been a major problem; so has lack of knowledge at the lower and middle levels as to how accountability mechanisms work.

Criminal accountability is also a major problem. Police and soldiers are prosecuted in ordinary civilian courts if they break the law. Under current practice, a police officer may stay on active duty while a case is being prosecuted but if convicted on any offence carrying a jail sentence of over three years will not be allowed to rejoin the force. Army regulations leave more to the discretion of senior officers.¹²⁶ The four soldiers convicted of the 25 May 2006 shooting of police officers stood trial wearing their uniforms and lived at army headquarters during the proceedings. They are presently free pending completion of the appeal process.

Both forces need to improve accountability so as to restore public confidence. After a very slow start, some of those responsible for the 2006 violence are being brought to trial.¹²⁷ A guilty verdict against former interior minister Lobato in March 2007 was a step forward but the ease with which he escaped the country was a setback.¹²⁸ The government should push for his repatriation, so he can serve his sentence. Following the unrest in August 2007, eight suspects were arrested in

Viqueque district in connection with the arson attacks, six of them police officers.¹²⁹

Political leaders need to support accountability. CNRT leaders sent the wrong message when they appointed Vicente da Conceição, alias Railos, to coordinate their campaign in Liquiçá despite his having been recommended for prosecution by the CoI for his role in the 2006 unrest, and put Paulo Martins, former police general commander, now a member of parliament and Committee B, on their candidates list despite his role in that crisis.¹³⁰

E. INTELLIGENCE

Covert intelligence can contribute to law enforcement and security, but it is essential that intelligence-gathering and analysis be non-partisan and put on a statutory basis, with appropriate mechanisms for oversight and accountability. While Timor-Leste has an official intelligence service, the government relies mainly on informal information-sharing through personal alliances and “security updates” from former clandestine veterans to members of the top leadership, who in turn complain about “the intelligence machine and propaganda of FRETILIN”.¹³¹

There is need only for a simple structure to provide intelligence on internal security, but the political implications make formal, clear democratic control vital. After independence, the Australian Secret Intelligence Service supported a Timorese service run by Ricardo Ribeiro, a FRETILIN member from Baucau. This was taken over by new leadership in August 2007 and has a staff of 95.¹³² The “intelligence system” is somewhere in the middle of the government SSR team’s priorities.¹³³ It should consult widely on requirements for intelligence gathering and develop a blueprint for a small, professional agency with appropriate democratic oversight which is seen as a national asset that does not represent east or west, army or police. The Provedor (ombudsman) for Human Rights and Justice should be the impartial office to which Timorese can turn with

delays and lack of transparency, “Commission of Inquiry”, op. cit., pp. 54-55.

¹²⁶ Crisis Group interview, senior army officer, Dili, 6 September 2007. Crisis Group has seen a number of officers who have been convicted of offences that carry sentences of over three years wearing their uniforms and continuing to work as police.

¹²⁷ On 29 November 2007, a Dili court convicted four soldiers, Raimundo Madeira, Nelson Fransisco, Fransisco Amaral and Armindo da Silva, of homicide in the police deaths. “E Timor troops jailed for killing police”, ETAN, 29 November 2007.

¹²⁸ On 7 March 2007 Rogerio Lobato, the former interior minister, was sentenced to seven and a half years for abuse of power and illegal distribution of weapons. On 9 August, after a day of argument between the new government and the Dili district court, he flew to Malaysia for medical treatment. Only one of three doctors consulted said he needed treatment abroad, and he reportedly took \$30,000 of state money for expenses. “East Timor fears Lobato may dodge jail”, *The Age*, 24 September 2007. Only one of some 85 people recommended for prosecution is in custody and awaiting trial. Apart from Rogerio Lobato, four soldiers were convicted and sentenced to a total of 45 years but are not in custody. Two soldiers were convicted and sentenced to two and a half and five years for the attack on Taur Matan Ruak’s house, but the sentences were thrown out for lack of evidence despite a video of the incident. Crisis Group email correspondence, international observer, 17 December 2007.

¹²⁹ “Five police arrested over E Timor arson attacks”, Agence France-Presse, 17 September 2007.

¹³⁰ “Preliminary Statement”, EU Election Observation Mission, 2 July 2007, p. 7. Railos’s role was also criticised by FRETILIN. He was finally arrested on 3 October 2007 for his role in the 2006 unrest.

¹³¹ “Message to the Nation Regarding the Situation of Alfredo Reinado”, 26 February 2007, unofficial translation.

¹³² Crisis Group email correspondence, international observer, December 2007-January 2008.

¹³³ According to a handout from the SSR group dated 11 October and made available to Crisis Group.

complaints against it. In the meantime, the UN's Joint Mission Analysis Centre (JMAC) should include Timorese leaders in its security briefings to reduce their dependence on informal intelligence.¹³⁴

F. REINADO AND THE PETITIONERS

Resolving the linked problems of Alfredo Reinado and the petitioners would be an important step for getting beyond the 2006 crisis. An international official said: "There can't be any hope of SSR until the Reinado issue is resolved. It delegitimises everything".¹³⁵ The hunt for the major following his desertion has been something of a farce. He was arrested by peacekeepers on 26 July 2006 but walked out of prison a month later. After he "borrowed" weapons from border police in February 2007, the government asked Australian-led forces to capture him. They raided his base on 4 March, killing five of his group but failing to detain him, then were called off by President Ramos-Horta a month later.¹³⁶ In June 2007, Ramos-Horta asked the prosecutor-general to discuss terms for Reinado's surrender and a weapons handover under the mediation of the Catholic Church.

The relationship between Reinado and the petitioners is complex. He portrays himself as their protector, implying he is part of a group with legitimate political grievances, not an individual rebel or criminal. Ramos-Horta has insisted they are separate problems. The leader of the original group of 159 petitioners, Gastao Salsinha, and the leader of a subsequent group of deserters, Major Tara, have both been linked with Reinado. Salsinha formed a joint "task force" with him on 22 November 2007 and is now formally a "lieutenant" answering to him; some of his men have joined Reinado's group in the mountains of Ermera, "but they come and go".¹³⁷

The government has attempted to hold talks with both Reinado and the petitioners. It organised a dialogue with the latter on 15-16 November 2007 in Aileu, but only

seventeen, led by Tara, turned up. Salsinha said he was not notified and considered the process illegal. Gusmão, Ramos-Horta, the president of the parliament and Colonel Lere, the army chief of staff, attempted again to talk with Reinado and Salsinha, on 16 December. Both men refused. Gusmão says he is giving Reinado and his supporters one last chance to surrender, although he has not indicated the consequences for failure to do so. Reinado, who has not met officials since August 2007, told a "military parade" of petitioners in Gleno on 22 November that if they were not reinstated in the army, "I will lead my soldiers down to Dili".¹³⁸ In early January 2008 a video became available on the internet in which Reinado accused Gusmão of being the "mastermind" of the crisis. This led Alkatiri, who resigned as prime minister in 2006 following similar video accusations from Railos, to call for Gusmão's resignation.¹³⁹

Levels of criminal responsibility vary considerably among the petitioners and Reinado's group. Government policy needs to reflect this, offering to address genuine political grievances and separating the ordinary petitioners from the hard core, including Reinado, whose criminal acts should not go unanswered. Its lack of decisiveness, and the international forces' inability to bring the major to justice, continue to undermine confidence in their ability to provide security.¹⁴⁰ Many IDPs interviewed by Crisis Group said they feared to go home with Reinado at liberty.¹⁴¹

G. VETERANS

Timor-Leste also needs to address the reintegration of veterans. Over 1,000 former FALINTIL fighters went through the reintegration program, but thousands of others remained unhappy with their treatment and with the way the army was set up.¹⁴² Dissatisfaction led to the creation of veterans' organisations in 2001 and riots in

¹³⁴ The JMAC is meant to be "part think tank/part intelligence/part early warning" to do multi-disciplinary analysis across the mission. From 1 July 2006, it was set up in each mission to provide the capacity to collect and synthesise all-source information so as to improve understanding of issues and trends, "Joint Operations Centres and Joint Mission Analysis Centres approved by Jean-Marie Guéhenno", Department of Peacekeeping Operations (DPKO) policy directive, 1 July 2006.

¹³⁵ Crisis Group interview, Dili, 29 November 2007.

¹³⁶ "East Timor's acting prime minister halts search for fugitive rebel soldier", Associated Press, 23 April 2007.

¹³⁷ Crisis Group interview, Joaquim Fonseca, prime minister's adviser on dialogue with Reinado and the petitioners, Dili, 25 November 2007.

¹³⁸ "Reinado threatens to destabilise Timor", *The Australian*, 23 November 2007. The first hearing for Reinado and fourteen jail escapees, on 3 December, was postponed to 24 January 2008 because only two (José Soares and Nikson Galucho) attended.

¹³⁹ "Alfredo Accuses Xanana As Author Of Crisis: Fretilin Demands Answers", FRETILIN press conference, Dili, 8 January 2008; and "Gusmão should quit, says E Timor's ex-PM", *Sydney Morning Herald*, 14 January 2008.

¹⁴⁰ Ramos-Horta has ordered the UN police and ISF not to arrest him. UNMIT and ISF believe the presidential order overrides the court's warrant. Judge Ivo Rosa (a UNDP-funded international) and FRETILIN have criticised the president for interference with the courts.

¹⁴¹ Crisis Group interviews, IDPs, November 2007.

¹⁴² John McCarthy, "FALINTIL Reinsertion Assistant Program (Frap), Final Evaluation Report", Dili, East Timor, June 2002. See also "A Review of Peace Operations", op. cit.

December 2002.¹⁴³ The Alkatiri government created a secretary of state for veterans' affairs and began to register veterans with a view toward granting pensions. The process involved wide consultation and is now complete. As soon as parliament approves the relevant decrees, the government will start paying pensions. However, only 350 veterans with service of fifteen years or more will receive monthly payments calculated at \$407 – \$100 a month more than any civil servant. Those who have served eight to fourteen years will become eligible only after they turn 55.

It would be more sensible to follow the suggestion of the World Bank and the Asian Development Bank and increase the recipients and eliminate the age limit, while lowering the pension if necessary. The more veterans who are given the option to retire with a respectable pension, the better, since it would help reduce the size of the force and give younger officers promotion opportunities.

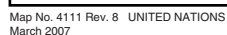
V. CONCLUSION

Timor-Leste needs reform of its fragile, inefficient and politicised security sector to become the fully functioning, democratic and secure state its people deserve. The challenges are substantial but the presence of significant international troops and police gives its leaders important help in maintaining stability while they attempt to develop and implement policies that put national peace and security above political rivalries. The fundamental requirement is to create a national consensus on security strategy and structures through an inclusive, consultative process. The UN and bilateral donors have important interests in seeing their commitment through, not least that a further failure in this relatively benign environment would seriously undermine confidence in their strategies to assist the reconstruction of post-conflict states. The success of security sector reform in Dili, however, will ultimately depend on the ability of the Timorese leadership to foster non-partisan political will.

Dili/Brussels, 17 January 2008

¹⁴³ "East Timor at flashpoint as disillusionment sets in", *Sydney Morning Herald*, 14 December 2002.

MAP OF TIMOR-LESTE



APPENDIX B

GLOSSARY OF ABBREVIATIONS

AMP	Alliance for a Parliamentary Majority (CNRT*, PD, and the ASDT/PSD alliance)
ASEAN	Association of Southeast Asian Nations
ASDT/PSD	Associação Social Democrata Timorense/Partido Social Democrata (Association of Timorese Social Democrats/Social Democratic Party), member of the AMP.
CAVR	Comissao de Acolhimento, Verdade e Reconciliacao (Commission on Truth, Reception and Reconciliation)
CoI	Independent Special Commission of Inquiry for Timor-Leste, October 2006. Established under the auspices of the United Nations High Commissioner for Human Rights at the request of Timor-Leste.
CNRM	Conselho Nacional de Resistancia Maubere (National Council of Maubere Resistance), later renamed CNRT.
CNRT	Conselho Nacional da Resistancia Timorense (National Council of Timorese Resistance), formed under the name CNRM in 1989 by Xanana Gusmão; it represented the entire East Timorese resistance movement, including FRETILIN.
CNRT*	Congresso Nacional De Reconstrução de Timor-Leste, a political party created by Xanana Gusmão in the run-up to the 2007 parliamentary elections.
DCAF	Geneva Centre for the Democratic Control of Armed Forces
DPKO	United Nations Department of Peacekeeping Operations
DSRSG	Deputy Special Representative of the Secretary-General of the United Nations
FALINTIL	Forças Armadas de Libertação Nacional de Timor-Leste (National Liberation Forces of East Timor), formed on 20 August 1975; originally FRETILIN's military wing; became non-partisan under Xanana Gusmão's leadership in 1987; and dissolved on the creation of the East Timorese Defence Force, February 2001.
FDTL	Forças Defesa Timor Lorosae (Timor-Leste Defence Force), created in February 2001.
F-FDTL	FALINTIL-FDTL, formal name of the Timor-Leste Defence Force after independence in May 2002.
Force 2020	Official title: "Defence 2020: Development of the Armed Forces of Timor-Leste 2005 – 2020", a long-term strategic vision document setting out the strategic environment, defence doctrine and capabilities of the defence force as envisaged for the year 2020 and beyond.
FPU	UN's Formed Police Units
FRETILIN	Frente Revolucionaria do Timor-Leste Independente (Revolutionary Front of Independent East Timor), started as ASDT (the pro-independence Association of Timorese Social Democrats, formed in 1974); changed name in September 1974; after civil war with União Democrática Timorense (UDT, Timorese Democratic Union), it declared the independence of the Democratic Republic of East Timor on 28 November 1975 on the verge of Indonesian invasion.
GNR	Guarda Nacional Republicana (National Republican Guard), Portuguese paramilitary police unit.
INTERFET	Australian-led intervention force, 1999-2000

IISS	International Institute for Strategic Studies
IDP	Internally displaced persons
IMET	U.S. State Department's International Military Education and Training program
ISF	Australian-led International Stabilisation Force
JMAC	UN's Joint Mission Analysis Centre
JSMP	Judicial System Monitoring Program
loromonu	Individuals from the western part of Timor-Leste
lorosae	Individuals from the eastern part of Timor-Leste, roughly from Baucau eastward
OECD DAC	Development Assistance Committee of the Organisation for Economic Cooperation and Development
OHCHR	Office of the High Commissioner for Human Rights
PD	Partido Democrático (Democratic Party), member of the AMP
PLA	Chinese People's Liberation Army
PNTL	Policia Nacional de Timor-Leste (Timor-Leste National Police)
Policia Nacionalista	An internal group within the police, formed in 2004 by 80 officers mostly from the east that claimed discrimination and publicly criticised the institution.
RRR	UN/PNTL Reform, Restructuring and Rebuilding plan
SNSE	Servico Nacional de Seguranca do Estado (National state security service), a Timorese intelligence agency.
SSR	Security sector reform
SSSU	UNMIT's Security Sector Support Unit
TNI	Tentara Nasional Indonesia (Indonesian military)
UIR	Unidade Intervenção Rápida (Rapid Response Unit), special riot control unit of Timor-Leste police
UPF	Unidade de Patrulhamento de Fronteira (Border Patrol Unit)
URP	Unidade Reserva da Polícia (Police Reserve Unit)
UNAMET	United Nations Mission to East Timor, June to October 1999
UNDP	United Nations Development Programme
UNMISSET	United Nations Mission of Support in East Timor, May 2002 to May 2005
UNMIT	United Nations Integrated Mission in Timor-Leste, established August 2006; mandate extended to 26 February 2008 by Resolution 1745 in February 2007.
UNOTIL	United Nations Office in Timor-Leste, May 2005 to August 2006.
UNPol	United Nations Police
UNTAET	United Nations Transitional Administration in East Timor, October 1999 to May 2002

APPENDIX C

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