

# SECURITY SECTOR REFORM MONITOR



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Cover Photo: Members of the United Nations Transitional Administration in East Timor (UNTAET) are accompanied by a group of local children as they conduct a security patrol in the Becora district of Dili. (UN Photo/Eskinder Debebe)

## INTRODUCTION

In mid-2006, large parts of Timor-Leste's security sector collapsed and the fledgling nation lurched toward civil war. The country's police (*Polícia Nacional de Timor Leste* - PNTL) and military (*Forças de Defesa de Timor-Leste* - F-FDTL) were at best incapable of controlling, and at worst complicit in fomenting crime and lawlessness, requiring the government to request an Australian-led peacekeeping force and international policing presence to restore public order.

The tragic events of April–June 2006—in which 37 died in the violence and over 150,000 were driven from their homes—laid bare the dysfunctions of the security sector. “The Crisis,” as the events of 2006 are now known, revealed that there was little substance to many parts of the security sector beyond uniforms and weapons. It became clear that Timor-Leste required a comprehensive and far-reaching security sector reform (SSR) process.

There have been significant changes in the Timorese security sector since 2006, not all of which have been positive. After nearly three years of executive policing authority, the United Nations Police (UNPOL) has begun a staged handover to national authorities. There has also been a marked improvement in relations between the PNTL and F-FDTL. The return to national control of the police is a welcome development as it demonstrates the growing legitimacy of the country's security institutions and increasing local ownership over the SSR process. However, it

## ABOUT THE SSR MONITOR

The *Security Sector Reform Monitor* is a quarterly publication that tracks developments and trends in the ongoing security sector reform (SSR) processes of five countries: Afghanistan, Burundi, Timor-Leste, Haiti and Southern Sudan. Every quarter, there will be separate editions for each case study country. Adopting a holistic definition of the security sector, the *Monitor* will cover a wide range of actors, topics and themes, from reforms in the rule of law institutions and armed forces to demilitarization activities and the role of non-statutory security and justice actors.

Research for the *Monitor* is field-based: a resident researcher in each case study country leads data collection and analysis, with support from desk-based analysts at The Centre for International Governance Innovation (CIGI). The same research guidelines are employed for each country. All editions of the *Monitor* are subjected to an external peer review process in addition to our internal editorial review.

comes with some risk; it was the Timorese government's mismanagement of the security sector that led to the 2006 crisis.

Although this edition of the *Security Sector Reform Monitor: Timor-Leste* will cover sector-wide developments and trends, it will focus predominantly on police reform.

## HISTORICAL BACKGROUND OF THE SECURITY SECTOR

The primary institutions in Timor-Leste's security sector are less than a decade old. Although these structures have achieved some successes, they have also suffered setbacks, and cannot yet be considered fully mature. In March 2000 the *Polícia Nacional de Timor-Leste* (PNTL) was formed. In a contentious move, the United Nations Transitional Administration in Timor-Leste (UNTAET) (1999-2002) recruited much of the senior command for the force from the senior ranks of the former Indonesian National Police (POLRI) (Hood, 2006: 64).

In February 2001, the former independence guerrilla force, the *Forças Armadas da Libertação Nacional de Timor-Leste* (FALINTIL), was transformed into the national defence force, the *Força de Defesa de Timor Leste* (F-FDTL). The manner in which UNTAET oversaw the establishment and recruitment for the F-FDTL was also a source of discontent in Timorese society, and was influential in the creation and expansion of politically activist veterans groups (Rees, 2004: 3). Clashes between the PNTL and veterans groups represented a serious security concern in 2002 and 2003.

UNTAET and successor missions failed to establish civilian oversight structures for the PNTL and F-FDTL. As a result, the policy, legislative and budgeting capacity of these organizations was virtually non-existent at the

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time of independence. Just two years after assuming formal control over its security sector, the Timorese government faced a major political and security crisis in April and May 2006. In January 2006, 159 soldiers of the F-FDTL signed a petition addressed to President Xanana Gusmão complaining about discrimination in the armed forces against soldiers from the country's western region (loromonu) in favour of those from the east (lorosae) (ICG, 2008). The lack of government action in response to the petition prompted the petitioners to leave their barracks and begin protesting. In March 2006, Brigadier-General Taur Matan Ruak made the decision to dismiss 594 soldiers, almost half of the 1,435-member armed forces (IFP, 2009). Demonstrations in Dili over the dismissals led to violent clashes between elements of the F-FDTL and PNTL as well as the petitioners themselves. In May 2006, Military Police Commander Major Alfredo Reinado, along with a number of his subordinates and PNTL officers, broke ranks and left the chain of command, taking with them their weapons. Although they did not formally join the petitioners they shared a common cause. The hostilities culminated with a gun battle between F-FDTL and PNTL forces on May 25, 2006, in and around the PNTL Headquarters building in central Dili (IFP, 2009).<sup>1</sup>

The crisis resulted in the displacement of a tenth of Timor-Leste's population, the death of 37 people, the deepening of politicized ethnic divisions and the destruction of thousands of properties. Moreover, the police had been partially disbanded, marked by the disintegration of the Headquarters and Special Police Units, and half of the army had deserted or been dismissed (ICG, 2008).

At the request of the government of Timor-Leste, the Australian-led Joint Task Force 631 was deployed on May 27-30, 2006 to restore security.<sup>2</sup> In August 2006, a new

<sup>1</sup> The battle was waged between the headquarters of the two institutions, located in proximity to each other in central Dili.

<sup>2</sup> JTF 631 consisted of Australian, New Zealander and Malaysian troops – along with a large contingent of Australian Federal Police (AFP) officers.

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United Nations mission, the UN Integrated Mission in Timor-Leste (UNMIT)<sup>3</sup> was authorized with a mandate centred on police issues including both an executive policing

<sup>3</sup> Established under UNSC Resolution 1704, UNMIT was originally given a six-month mandate. The mandate was most recently extended until February 2010 with UNSC Resolution 1867.

role and a directive to assist in the reform, restructuring and rebuilding of the PNTL. It also included a mandate to undertake a comprehensive review of the security sector.

## SECURITY ENVIRONMENT

Timor-Leste currently enjoys a level of safety and security not seen since before the 2006 crisis. Nonetheless, although currently dormant, a number of societal fractures and fault lines, particularly in the security sphere, have the potential to re-emerge.<sup>4</sup> The 2006 crisis still hangs over Timor-Leste, despite the presence of the International Stabilization Force (ISF) and UNMIT's 1,600 strong UNPOL and Formed Police Unit (FPU). Following the crisis, low-level conflict was the norm in Dili until December 2007. Between June 2006 and December 2007 Dili was the scene of constant political, communal and gang violence.<sup>5</sup> Anecdotal evidence suggests that as many as 150 people died and thousands of properties were destroyed during this period (Government, civil society and UN officials, 2009). Dili residents and internally displaced persons (IDPs) lived under a self-imposed curfew.

The new Parliamentary Majority Alliance (AMP) government came into power in August 2007 with a mandate to restore stability to the country. The new government demonstrated considerable frustration with the seeming inability of international actors to restore normalcy to Dili's security environment. Consequently, in December 2007 the new Secretary of State for Security Francisco da Costa Guterres, in a move that contravened UNMIT policy, authorized the PNTL to reactivate the Dili Task Force, a rapid response unit. The unit was mandated to address street level violence using force if necessary. Within two weeks street violence had dropped dramatically. While

UNMIT and other international actors strongly criticized the action, alleging that the unit was responsible for various human rights abuses, the population of Dili deemed the initiative a success. Within a month, nighttime vehicle and pedestrian traffic returned to the streets.

On February 8, 2008, Major Alfredo Reinado, his deputy, Lt. Gastao Salsinha, and some of their petitioner supporters launched what appears to be have been a two-pronged attack on the President and the Prime Minister. Reinado was killed in the attack and President Ramos-Horta sustained critical injuries (IFP, 2009). A state of siege was instituted which imposed a curfew from 8PM to 6AM, limited freedom of movement and suspended the right to assemble and demonstrate (OHCHR, 2008).

In an effort to capitalize on public outrage over the attacks and crack down on renegade groups, the government established a Joint Command, bringing together the F-FDTL and PNTL under one authority (ICG, 2009).<sup>6</sup> The Joint Command launched *Operasaun Halibur* (or Operation "Gather Up"), which, by the end of April 2008, led to the surrender of several armed groups comprising dozens of members. The government crackdown boosted public confidence in the security environment, convincing many IDPs to return to their homes. By the middle of 2009 almost all of the 150,000 IDPs created by the 2006 crisis had either returned to their homes or settled in other locations. The Joint Command was disbanded in June 2008 and formal command of the police was ostensibly returned to UNMIT. One of the enduring achievements of the Joint Command was the normalization of relations between the PNTL and FDTL. Not only did clashes between the groups, so common prior to 2006, cease, but they actually began to work together in a constructive manner.

Public perceptions have started to reflect these security

<sup>4</sup> For recent analysis see PBS Newshour ([http://www.pbs.org/newshour/bb/politics/july-dec09/easttimor\\_11-12.html](http://www.pbs.org/newshour/bb/politics/july-dec09/easttimor_11-12.html)), 10 Years After Independence, Timor-Leste Still Rebuilding, November 12, 2009.

<sup>5</sup> A report by the Timor-Leste Armed Violence Assessment (TLAVA) outlines the recent growth of gang violence in Timor-Leste, the threat gangs pose to security and their access to small arms and light weapons (SALW).

<sup>6</sup> Flouting UNMIT's executive mandate, the government of Timor-Leste only informed UNMIT of the Joint Command's creation after it was up and running.



## FIGURE 1: UNPOL SNAPSHOT

Authorized Strength of Force	1,748 police personnel; 34 military liaison and staff officers; “appropriate” civilian component.
Current Strength of Force (as of July 31, 2009)	1,582 police personnel; 33 military liaison officers; 364 international civilian staff; 880 local civilian personnel; 170 UN volunteers.
Contributors of the Military Liaison and Staff Officers	Australia, Bangladesh, Brazil, China, Fiji, India, Malaysia, Nepal, New Zealand, Pakistan, Philippines, Portugal, Sierra Leone, Singapore.
Contributors of Police	Australia, Bangladesh, Brazil, Canada, Croatia, Ecuador, Egypt, El Salvador, Gambia, India, Italy, Jamaica, Jordan, Kyrgyzstan, Malaysia, Namibia, Nepal, New Zealand, Nigeria, Pakistan, Philippines, Portugal, Romania, Russia, Samoa, Senegal, Singapore, Spain, Sri Lanka, Sweden, Thailand, Turkey, Uganda, Ukraine, Uruguay, Vanuatu, Yemen, Zambia, Zimbabwe.
Top Five Contributing Countries	Malaysia – 215 officers; Portugal – 196 officers; Bangladesh – 187 officers; Pakistan – 166 officers; Philippines – 151 officers.

Source: UNMIT, 2009c

gains. A 2008/2009 Asia Foundation survey found that:

Fifty-three percent of the national public surveyed say the security situation in their locality has improved compared to one year ago, while 41 percent say it has stayed the same, and three percent say it has become worse. Among members of the PNTL, 83 percent believe the security situation has improved (Chinn and Everett, 2009: 7).

However, Timor-Leste continues to experience significant levels of criminality associated with a huge, largely unemployed youth population, especially in Dili. Furthermore, despite improving relations with Indonesia, a number of small but important border disputes—most notably in the Oecussi enclave—remain unresolved, generating tension.<sup>7</sup> There are also lingering bilateral tensions between Timor-Leste and Indonesia over Timorese groups demanding the prosecution of individuals that perpetrated crimes against the civilian population during the 24-year Indonesian occupation.

An alarming security trend in recent months has been a handful of violent incidents between international and national security providers. This is a sign both of a lack of professionalism and growing resentment by national actors over the heavy international presence. There have been several confrontations between members of the *Guarda Nacional Republica* (GNR), the UNPOL Formed Police Unit (FPU) from Portugal and the PNTL in bars in Dili, including a brawl between off-duty members of the GNR and PNTL. The new General Commander of the PNTL, Longuinhos Monteiro, urged UNPOL on National Television (TVTL) to identify and punish the GNR personnel involved in the incident. In a Radio Australia interview Monteiro admitted that the PNTL officers involved were armed despite being off duty (Radio Australia, 2009). Ultimately, the UN took no action against the UNPOL personnel involved.

With village and municipality elections set to take place in the coming year, there are some concerns that rising political tensions could translate into greater insecurity.

<sup>7</sup> See these sources: “Internet Exclusive: Border Dispute, Oekusse Enclave - 60,000 Timorese Inside Indonesia,” *Tempo Semanal*, October 15, 2009; <http://temposemanaltimor.blogspot.com/2009/10/internet-exclusive-border-dispute.html>; “Indonesia, Timor-Leste: Border Dispute Heats Up,” *Global Voices Online*, October 7, 2009. <http://globalvoicesonline.org/2009/10/07/indonesia-east-timor-border-dispute-heats-up/>

## THE UNITED NATIONS AND SSR

UNMIT's principal mandate is the “development and strengthening” of the PNTL. It is also responsible for overseeing a comprehensive review of the security sector. UNPOL carries out police responsibilities and supports PNTL reforms. It consists of a National Operations Centre, Community Policing and Humanitarian Unit, Formed Police Units, National Traffic Coordination Office, Close Security Protection Unit, Special Operations Unit, Border Patrol Coordination Office and an Electoral Security and Planning Unit (UNMIT, 2009c).

The Formed Police Units (FPU), which include Malaysian, Bangladeshi, Portuguese and Pakistani contingents, are permanently based in Dili, Baucau and Maliana. They are deployed for special operations, provide static security and are dispatched for riot control and civil disturbances. The Portuguese FPU also provides close protection for government leaders (UNMIT, 2009c).

UN efforts to advance SSR have been encumbered by some internal structural problems. For instance, UNPOL has been criticized for poor communication with their national police counterparts as well as the Timorese population, due to their lack of proficiency with the local language and insufficient translators. High turnover of UNPOL staff—a result of the short rotations (6–12 months) of some police-contributing states—has fostered inconsistency and confusion in mentoring and training efforts. Amazingly, the co-location of UNPOL and PNTL units has not been substantively tried, the result being two police services that work alongside each other, but never really “together.”

### Security Sector Review

A Security Sector Support Unit (SSSU) was established within UNMIT to undertake a security sector review. Its goal is to “assist the government in conducting a

comprehensive review of the future role and needs of the security sector,” including the F-FDTL, the Ministry of Defence, the PNTL, and the Ministry of Interior (UNSC Resolution 1704). The review is split into four stages: (1) a functional analysis of governance and security institutions; (2) an analysis of institutional and regulatory gaps; (3) a threat assessment; and (4) a review of public opinion (Funaki, 2009). The principal goal of the review is to create a work plan addressing key areas and needs, such as an integrated system of forces; structural reforms in core institutions like the PNTL, F-FDTL and Ministry of Defence and Security; maritime security and border management; public finance management capacity; and civilian oversight (UNDP, 2008). The review, however, has experienced significant delays and has largely been ignored by Timorese authorities.

Recruitment for the SSSU only began one year into its mandate in late 2007 and it was not until early 2009 that the unit was fully staffed. Timorese leaders have complained that the review and UN reform efforts are illegitimate because they lack Timorese ownership (Roughneen, 2009). Funaki notes that “[t]he government is moving ahead on its own plans for security sector reform; not by accident it has largely excluded the UN” (Funaki, 2009: 12).

## POLICING

A 2008/2009 Asia Foundation survey found that those who sought PNTL assistance “report being treated with minimal respect and professionalism (47 percent), in a verbally abusive manner (15 percent), and in a physically abusive manner (19 percent)” (Chinn and Everett, 2008: 8). The survey also found that “[t]he national public is four times more likely to identify community leaders, rather than the PNTL, as the individual/institution which has primary responsibility for maintaining security in their locality” (Chinn and Everett, 2008: 8). These survey results demonstrate that the PNTL still has much room for

improvement in engaging with the community.

The PNTL currently has a compliment of 3,173 officers (PNTL Personnel Statistics, 2009). According to PNTL sources there are plans to increase the service by 10.3 percent (327 officers) by 2012, despite anecdotal evidence that the force does not face personnel shortages and is idle most of the time. It is a predominantly male service with only 22.3 percent of force being female (See Table 1). Tellingly, only 1.4 percent (7 of 499 total staff) of the National Headquarters staff are assigned to the area of community policing, while 38 percent (192 of the 499 total) are assigned to the *Corpo Seguranza Pesonal* (CSP), or Close Protection Unit (CSP).<sup>8</sup>

In spite of the fact that the PNTL has consistently been unable to execute its annual budget, it faces equipment deficits, notably in the area of transportation. The PNTL has only 222 vehicles and 366 motorbikes for the entire country (Perreira, 2009). Most sub-districts currently have no vehicles and only one motorbike.

Special vehicles equipped to handle Timor-Leste's difficult terrain are often not deployed to the districts where they are most needed. Their role as status symbols has meant that they are often kept in the capital for use by senior officers. Two water cannon vehicles were recently purchased from PT Pindad in Bandung, Indonesia, one of South East Asia's largest producers of security equipment, weapons and ammunition, and should enhance the force's crowd control capability (The Dili Insider, 2009a). The PNTL Marine Unit, so vital for an island nation, has three speedboats, none of which are operational. The PNTL as a whole lacks adequate maintenance systems, policies and procedures for its vehicles and equipment (Perreira, 2009).

The PNTL are by most standards heavily armed, and tend

<sup>8</sup> The new General Commander Longuinhas Montero has 26 CSP detailed to his own personal protection.

## FIGURE 2: PNTL PERSONNEL BREAKDOWN

Unit	Total	Male	Female
Aileu	92	70	22
Ainaro	101	82	19
Baucau	176	121	55
Bobonaro	132	89	43
Covalima	130	100	30
Dili	452	361	91
Ermera	131	101	30
Lautém	148	114	34
Liquica	101	76	25
Manatuto	104	83	21
Manufahi	109	92	17
Oecusse	115	82	33
Viqueque	137	112	27
Immigration	83	70	13
URP (Police Reserve Unit)	81	80	1
UPF (Border Patrol Unit)	240	227	13
Dili /UIR (Rapid Response Unit)	143	137	6
Baucau/UIR (Rapid Response Unit)	47	46	1
International Police Unit	3	3	0
Police Academy	92	81	11
Marine Unit	50	48	2
National HQ	499	416	83
<b>Total</b>	<b>3,168</b>	<b>2,591</b>	<b>577</b>

Source: PNTL Personnel Statistics, 2009.

to operate like a paramilitary force. Historically, weapons control and management structures in the PNTL have been weak (TLAVA, 2009: 4). In its 2010 budget submission to the Office of the Secretary of State for Security (SES) in July 2009, the PNTL Command requested funds for expanding its arsenal of heavy weapons. The request was denied (SES

finance officer, July 2009).

## PNTL Command Structure

In March 2009, former Prosecutor-General and Xanãna ally Longuinhos Monteiro was appointed General Commander of the PNTL.<sup>9</sup> Monteiro is a controversial figure with several corruption allegations lodged against him by civil society actors<sup>10</sup> and opposition parties (FRETILIN, 2009). Monteiro has had an immediate impact on the PNTL. Due to a budgetary dispute with the Secretary of State for Security he has ordered all PNTL personnel out of the Ministry (SES finance officer, 2009). Monteiro has also apparently sought approval from the Minister of Defence and Security to secure budgetary control for the PNTL from the SES, potentially undermining civilian political control over the PNTL (G-RDTL member, 2009).

On July 20, 2009, Monteiro ordered a major restructuring of the PNTL Command, in which he promoted allies and sidelined opponents (*Nota de Acompanhamento*, 2009). A significant number of those promoted have either been penalized in the past for serious breaches of professional standards or have unresolved criminal cases pending against them. His deputy for Administration, Basilio de Jesus, has not yet been certified by the PNTL.

The PNTL suffers from high levels of corruption, with both grand and petty forms commonplace. In 2007, the Prime Minister identified the curbing of corruption in the police service as a priority, but little headway has been made. While cases of corruption are most commonly found in Dili-based police units, outlying districts are not immune. There is speculation, for instance, that the PNTL detachment in Cova Lima District is involved in illegal

<sup>9</sup> Longuinhos Monteiro attempted to sue the leading Human Rights NGO, Assosisaun HAK, regarding HAK's allegation that Monteiro was involved in corrupt practices in 2001. After being delayed for eight years the Dili District Court dismissed the suit as baseless (*Tempo Semanal*, 2009).

<sup>10</sup> According to Assosisaun HAK, Monteiro is involved with Jakarta-based Timorese gangster Marcal "Hercules" Rosario in the trafficking of women to Timor-Leste.

## FIGURE 3: PNTL BUDGET

Area	2009
Salaries	US \$ 12,480,000
Good and Services	US \$ 7,160,000
Minor Capital Expenses	US\$ 2,836,000
<b>Total:</b>	<b>US\$ 22,476,000</b>

Source: SES Finance Officer, 2009

timber smuggling (*Suara Timor Lorosae*, 2008).

## PNTL Vetting

After the 2006 crisis, UNMIT, in agreement with the Government of Timor-Leste, instituted a certification process for all PNTL personnel to screen officers who had taken part in the crimes and violence that surrounded the crisis. The certification process was subsequently expanded to include a more complete review of each officer (Funaki, 2009). The screening process was completed in sixteen months (by December 2007). Churches, courts and NGOs were asked to participate by submitting information about the officers. The evaluation panel consisted of the Deputy Interior Minister, a representative of UNPOL, an official from the Prosecutor-General's office, a representative of the Church and a member of the Supreme Council for Defence and Security (*La'o Hamutuk*, 2007).

A candidate accepted by the panel is provided with provisional certification. To obtain full certification, a one-week training course must be completed, followed by six months of in-service training with a UNPOL mentor (ICG, 2008). As of June 2008, only 599 PNTL officers had been granted full certification and 2,500 had completed provisional certification (ICTJ, 2009: 15). The certification system has been criticized as ineffective and overly bureaucratic. No officers were excluded from service despite serious questions about their actions (ICTJ, 2009: 15). A member of the technical team who was interviewed



by the International Crisis Group 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” (ICG, 2008: 7).

The certification process was perhaps delivered a fatal blow in March 2007 when UNMIT SRSG Atul Khare wrote to Vice Prime Minister Estanislau da Silva stating:

I had informed H.E. Dr. Jose Ramos-Horta, Prime Minister, at our weekly meeting on 12 March 2007 that two of five PNTL officers nominated for senior positions have been found to be unsuitable for certification. Their names have been referred to the Minister of Interior, and are: a) Inspector Delfin da SILVA (further investigation required due to missing firearm), b) Inspector Jorge Monteiro (recommended for dismissal for integrity reasons). I am therefore most disappointed that the two named officers have been publically nominated...for two of the top posts in the PNTL... (Khare, 2007).

The Timorese Government ignored UNMIT and the officers in question remain in high positions within the PNTL, with Inspector Monteiro serving as Chief of the INTERPOL Liaison Office (The Dili Insider, 2009b: 1).

Timorese government officials were critical of the vetting process. State Secretary Francisco Guterres said that if he had been the Interior Minister at the time, he would have favored using a Timorese mechanism to vet the police (Guterres, 2009). Ex-Indonesian police agent Marcus Mendonca Tilman from UIR suggested that the Timorese cultural process of *nahe bite boot*,<sup>11</sup> or reconciliation, should have been incorporated into the vetting process. According to Tilman, the process was out of touch with local realities and customs (Tilman, 2009). District PNTL officers also rejected the screening on the basis that they were stationed outside of Dili during this crisis and were accordingly not directly involved. PNTL officers argued that the screening

was discriminatory and that UNPOL did not adequately understand the root cause of the crisis (PNTL district officers, 2009).

There is a need to rationalize the pay and rank system within the PNTL. A PNTL officer in Lautém district interviewed in July 2009 explained that even after nine years of service and his assumption of a command role at the sub-district level, his formal rank has not changed. This has created some problems in command and control. Such anecdotes highlight the lack of appropriate guidelines surrounding promotions. A new salary and promotion schedule is currently being implemented.

In March 2009, the first step in the PNTL's resumption of security responsibilities from UNPOL was announced by Prime Minister Xanana Gusmão and the Special Representative of the Secretary-General of the United Nations (SRSG), Atul Khare. The resumption began in the district of Lautém, followed by Oecussi and then the central district of Manatuto (UNMIT, 2009b). In order for a district to resume policing responsibilities, 80 percent of all PNTL officers in the district must have their final certification and the district must have sufficient human and institutional capacity to perform its duties with the confidence of the community (UNMIT, 2009a). Many district units are still in the process of finishing the certification process, thus the transfer of security responsibility will be a gradual process. There is no time limit for the process (UNMIT, 2009a). UNPOL will remain in all the districts for operational support and monitoring and can re-assume interim law enforcement if required (UNMIT, 2009a). To date, in a sign of the slow pace of reform, only three of the country's 13 districts have met the criteria to resume policing responsibilities.

<sup>11</sup> A Timorese conflict resolution mechanism. After unrolling of a large mat, the Timorese customarily use *nahe bite boot* to bring together various groups or individuals to mediate a dispute.

## JUSTICE SECTOR

Timor-Leste's justice system is modeled on the civil law system of its former colonial occupier, Portugal. There are four courts in the country: the district courts of Baucau, Suai, Oecussi and Dili. The Court of Appeal in Dili also functions as the Supreme Court. Much of the legal apparatus outlined in the 2002 constitution has yet to be created. There are not enough judges, prosecutors and public defenders to staff the district courts. A lack of adequate facilities, accommodation and transportation as well as security concerns have slowed the deployment of judicial personnel to the districts. These capacity deficits have contributed to a severe backlog in the court system that sits at over 5,200 cases (ICNA, 2009: 35). International jurists have been deployed to address gaps in some areas (Roughneen, 2009).

The United Nations Development Programme (UNDP) in cooperation with the government of Timor-Leste currently operates a project called "Strengthening the Justice System in Timor-Leste," which is set to run until 2013. It is mandated to build the institutional capacity of the judicial system and improve access to justice. It has a budget of US\$34 million and its funders include Australia, Ireland, Norway, Portugal, Spain, Sweden, OHCHR and UNDP (UNDP, 2009). Although UNDP has had large justice sector support projects in place since 2003, it can boast of few successes.

### Customary Justice Actors

Customary justice in Timor-Leste is centred on the traditional authority of the *"lia nain"* (owner of words). They have the authority to mediate and resolve disputes at the community level. The judicial authority of the *lia nain* is rooted to oral tradition and ancestry, not education in the formal justice system (DeShaw Rae, 2009: 143-144). During the Indonesian occupation, many Timorese looked

to the *lia nain* to settle grievances and disputes. Like most traditional systems of justice, the public tended to view the *lia nain* as less expensive, less time-consuming and more practical than formal judicial institutions. Accordingly, it occupies a more central and legitimate role as a justice provider than many of the formal rule of law bodies like the courts and PNTL. Most Timorese accept that some serious crimes, such as murder, rape and grievous assault, should be tried in the formal system. However, the inability of the state courts to adjudicate such cases in a fair and judicious manner has compounded public frustration and mistrust.

## ARMED FORCES

The F-FDTL was established on February 1, 2001 and was largely constructed out of the FALINTIL, the armed wing of FRETILIN during the 1975 civil war.<sup>12</sup> Transforming the FALINTIL into a modern standing army was no small task as it lacked the coherent command structure and regularized systems for operational control of a trained army (IFP, 2009).

On February 1, 2001 the armed front of the Timorese resistance, FALINTIL, was disbanded and the new defence force, the F-FDTL, was established. The original plan for the F-FDTL was based upon the recommendations of a study conducted by a team from King's College London at the request of UNTAET in July 2000. The study, criticized by several prominent Timorese leaders, called for the creation of a force of 1,500 regular and 1,500 volunteer reservists (The Centre for Defence Studies, 2000). In 2006, the F-FDTL launched a new strategic plan for the development of the military, now known as the Force 2020 report. The Force 2020 plan was intended to correct the perceived wrongs of the King's College study. The plan, which is clearly Timorese owned, emphasizes the

<sup>12</sup> The Chief of the F-FDTL is Brigadier-General Taur Matan Ruak and the Chief of Staff is Colonel Lere Annan Timor, both 24-year veterans of FALINTIL.

importance of having a strong Navy and an Air Force. It calls for a force ceiling of 3,500, comprising two land units (45 percent of the force), a light naval force (35 percent of the force), a support and service component (15 percent of the force) and a command unit (5 percent of force) (Force 2020, 2006).<sup>13</sup> The main criticism of the Force 2020 plan is that it may be unaffordable over the long term.

Unlike the police, after the 2006 crisis no vetting or certification process was undertaken for the armed forces, despite the fact that they played a critical role in the unrest (IFP, 2009). The F-FDTL has resisted international scrutiny and has, at times, shown “disdain for the rule of law” and notions of civilian control of the security apparatus (ICG, 2009).

In terms of equipment, the F-FDTL possesses various types of vehicles acquired primarily from Portugal, Malaysia and Japan. The F-FDTL navy consists of two aging Albatross patrol boats donated by the Portuguese Navy in 2001. These vessels are in poor condition and are rarely operational. In early 2008, the government contracted the Chinese company Poly Technology to provide two Shanghai class patrol boats, expected in early 2010. The F-FDTL is armed with M16-A2 semi-automatic rifles, light machine guns and side arms for officers. F-FDTL weapons management and control systems, while superior to that of PNTL, are underdeveloped.

In 2006, the F-FDTL was decimated due to desertions and dismissals, with over half of the force, then 1,400 strong, eventually leaving its ranks. The vast majority of those dismissed were from the western region of Timor-Leste. In May 2009, the F-FDTL conducted its first post-crisis recruitment process, bringing the force strength back to pre-crisis levels. The recruitment drive, which succeeded in attracting 579 new recruits, was applauded for its efforts

to reach out to both the eastern and western parts of the country. However, the majority of the officer candidates were from the east, with 60.3 percent emanating from the eastern districts of Baucau, Viqueque and Lospalos. The fact that easterners dominated officer recruitment suggests that regional influences are alive and well within the defence force.

## CONCLUSION

While Timorese authorities have made considerable progress in restoring stability to the country and developing parts of the national security sector, much remains to be done. Institutional development in a post-conflict environment like Timor-Leste is a generational process and the security sector will face imposing challenges for many years to come. While greatly improved, the security environment remains fragile and uncertain.

Security sector reform in Timor-Leste takes place against the backdrop of a rapidly changing Timorese society. Poverty remains rife in what is the third fastest growing population in the world. This accelerated population growth has led to a phenomenon of rapid urbanization, with all its requisite social challenges. Endemic corruption, an almost total lack of justice for crimes committed in the past and an expanding gap between rich and poor are planting the seeds of future crises. A robust and democratically accountable security sector is one of the keys to consolidating stability in Timor-Leste and mitigating the negative effects of these trends. Like other young democracies, Timor-Leste will encounter setbacks and crises. How the security sector responds to those events in the future will dictate the viability of the democratic order.

<sup>13</sup> Controversially a Military Conscription Law was passed in early 2007, calling for compulsory military conscription for “selected” persons at 18 years of age.

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