

IFP SECURITY CLUSTER

COUNTRY CASE STUDY: TIMOR-LESTE

# SECURITY SECTOR REFORM IN TIMOR-LESTE

June 2009



INITIATIVE FOR  PEACEBUILDING



THIS INITIATIVE IS FUNDED  
BY THE EUROPEAN UNION

## ABOUT IFP

The Initiative for Peacebuilding (IfP) is a consortium led by International Alert and funded by the European Commission. IfP draws together the complementary geographic and thematic expertise of 10 civil society organisations (and their networks) with offices across the EU and in conflict-affected countries. Its aim is to develop and harness international knowledge and expertise in the field of conflict prevention and peacebuilding to ensure that all stakeholders, including EU institutions, can access strong independent analysis in order to facilitate better informed and more evidence-based policy decisions.

This document has been produced with the financial assistance of the European Union. The contents of this document are the sole responsibility of IfP/Adelphi Research/ International Alert and can under no circumstances be regarded as reflecting the position of the European Union. To learn more, visit <http://www.initiativeforpeacebuilding.eu>.

## ABOUT ICTJ

The International Center for Transitional Justice (ICTJ) assists countries pursuing accountability for past mass atrocity or human rights abuse. The Center works in societies emerging from repressive rule or armed conflict, as well as in established democracies where historical injustices or systemic abuse remain unresolved.

In order to promote justice, peace, and reconciliation, government officials and nongovernmental advocates are likely to consider a variety of transitional justice approaches including both judicial and non-judicial responses to human rights crimes. The ICTJ assists in the development of integrated, comprehensive, and localized approaches to transitional justice comprising five key elements: prosecuting perpetrators, documenting and acknowledging violations through non-judicial means such as truth commissions, reforming abusive institutions, providing reparations to victims, and facilitating reconciliation processes.

The Center is committed to building local capacity and generally strengthening the emerging field of transitional justice, and works closely with organizations and experts around the world to do so. By working in the field through local languages, the ICTJ provides comparative information, legal and policy analysis, documentation, and strategic research to justice and truth-seeking institutions, nongovernmental organizations, governments and others. To learn more, visit [www.ictj.org](http://www.ictj.org).

Cover image: © UN Photo by Martine Perret

© Initiative for Peacebuilding 2009

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system or transmitted in any form or by any means, electronic, mechanical, photocopying, recording or otherwise, without full attribution.

# SECURITY SECTOR REFORM IN TIMOR-LESTE

## ACKNOWLEDGMENTS

The ICTJ would like to thank the following people for their substantial contributions to this case study: Ari Bassin, Ross Clarke, Galuh Wandita, Patrick Burgess, Ed Rees, Megan Hirst, Karen Campbell-Nelson, Manuela Pereira, and James Kirk. ICTJ would like to express its gratitude to the various officers and advisers from the UN, EU, Portuguese Embassy, Australian Embassy, JSMP, HAK, CAVR and the Timor-Leste government who agreed to be interviewed and provide valuable input to the ICTJ team for this case study. ICTJ would also like to thank Irish Aid, the Norwegian Government and HIVOS for supporting ICTJ's programme in Timor-Leste.

# CONTENTS

List of Acronyms	6
Executive Summary	7
Country Context	8
Security Sector Reform Processes	11
International Donors and their Programmes: An Overview	11
Military Reform	11
Police Reform	11
General SSR	12
Mainstreaming Human Security	13
Mainstreaming Gender	13
Mainstreaming Transitional Justice	13
Truth Telling and Judicial Accountability	13
Vetting	15
Coordination of Actors and Harmonisation of Programmes	16
Donor Coordination in the Field	16
Harmonisation of SSR Programmes	17
The Role of the Timor-Leste Government in SSR Processes	17
Conclusions	20
Recommendations	21

## ACRONYMS

<b>CAVR</b>	Commission for Reception, Truth and Reconciliation
<b>Col</b>	Independent Special Commission of Inquiry
<b>CTF</b>	Commission of Truth and Friendship
<b>EC</b>	European Commission
<b>EU</b>	European Union
<b>FALINTIL</b>	Forças Armadas de Libertação Nacional de Timor-Leste
<b>FDTL</b>	Forças de Defesa de Timor-Leste
<b>F-FDTL</b>	FALINTIL-Forças de Defesa de Timor-Leste
<b>FPU<sub>s</sub></b>	Formed Police Units
<b>FRETILIN</b>	Frente Revolucionária do Timor-Leste Independente
<b>HRTJS</b>	Human Rights and Transitional Justice Section (UNMIT)
<b>ICTJ</b>	The International Center for Transitional Justice
<b>INTERFET</b>	International Force for East Timor
<b>ISF</b>	International Stabilization Force
<b>MP</b>	Timorese Military Police
<b>PNTL</b>	Policia Nacional de Timor-Leste
<b>SSSU</b>	Security Sector Support Unit
<b>SSR</b>	Security Sector Reform
<b>UNDP</b>	United Nations Development Programme
<b>UNPOL</b>	United Nations Police
<b>UNMIT</b>	United Nations Integrated Mission in Timor-Leste
<b>UNTAET</b>	United Nations Transitional Administration in East Timor
<b>VPU</b>	Vulnerable Persons Unit

## EXECUTIVE SUMMARY

Timor-Leste is a young country that has undergone a turbulent transition following 24 years of violent Indonesian occupation. After formally declaring independence in 2002, it suffered from a brief but violent breakdown of security in 2006, as security forces fought between and amongst themselves. Relative order was restored with the help of an international military contingent. However, some elements involved in the 2006 fighting continued to cause instability and in February 2008 undertook unsuccessful assassination attempts on the President and Prime Minister, leaving the President severely injured. Despite these difficulties, Timor-Leste, with the help of the international community, continues to work towards greater security, and has made remarkable progress in just over a year.

A wide array of international donors are working with Timor-Leste to help support reform in the security sector. While many of these programmes have had a positive impact, donor-driven security reform agendas have been under-coordinated. In the best of cases, this has resulted in less than optimal results and in the worst of cases, it has led to animosity, tension, and violence. Fortunately, this paradigm is beginning to change, as the Timorese government takes steps to play a greater role in coordinating and managing its own security sector reform (SSR) agenda.

For this shift toward a more locally controlled SSR to be successful, the government must address the culture of impunity and strengthen the rule of law. It must move away from short-sighted attempts to encourage reconciliation through impunity for security sector and government personnel implicated in violent crimes and human rights abuses, and look to the long-term goal of establishing trust in the state and security forces. This can only occur by ensuring accountability for past, present, and future crimes, and working to reassure the people that such abuses will no longer be tolerated.

The aim of this case study is to examine SSR in Timor-Leste. This is one of several case studies produced as part of the Security Cluster of the Initiative for Peacebuilding (IfP) that aims to develop recommendations for the European Union on security sector reform. The case study draws on ICTJ's expertise in the area of justice-centred security sector reform. It has been prepared by the ICTJ Asia Division based on field research conducted by ICTJ in Timor-Leste.

**Keywords:**

Timor-Leste, SSR, coordination, local ownership, impunity, accountability

## COUNTRY CONTEXT

Until the aftermath of World War II, Dutch colonial rule extended over the vast majority of the Indonesian archipelago, including the western half of Timor. The eastern half of that island was ruled by a Portuguese administration. In 1948 a war of independence led to the Dutch-controlled islands becoming the Republic of Indonesia. East Timor remained under Portuguese control until a 1974 decision in Lisbon to release all colonial holdings.

Political parties quickly formed in East Timor, but fierce competition escalated to a brief but bloody civil war, intensified by Indonesian military and intelligence operations. Only ten days after the leftist FRETILIN party declared victory and independence in November 1975, Indonesia invaded East Timor with a massive military force. What Indonesia anticipated to be a rapid victory became a complicated and drawn-out guerilla war with FRETILIN's armed wing, FALINTIL. The western part of East Timor, which was closer to the Indonesian border, was the first to be dominated by Indonesia. FALINTIL forces continued to fight from their mountain bases, and in the following years, Indonesian control spread eastward.

The ensuing 24-year Indonesian military occupation was characterised by massive human rights violations. Indonesian security forces conducted a campaign of widespread and systematic imprisonment, torture, rape, and killing of Timorese suspected of supporting the resistance, on the pretext that such actions were necessary to gain information about FALINTIL and punish the guerrilla insurgents. At least 102,000 civilians lost their lives through causes attributable to the Indonesian occupation.<sup>1</sup> At the same time, significant numbers of East Timorese served in Indonesian police, military, and government offices.

The fall of the Indonesian military dictator General Suharto in 1998 led to a UN-run vote on independence in East Timor. Of those who voted, 78.5% opted for independence. In response, Indonesian forces and their militias withdrew from the territory in a wave of uncontrolled violence and looting. By September 1999, approximately 1,400 East Timorese independence supporters were killed, hundreds were raped, 60,000 houses were burned, and almost all existing government infrastructure was destroyed. The violence was only halted through the intervention of a UN-sanctioned multilateral military force, INTERFET.

The following month, the UN Security Council established the UN Transitional Administration in East Timor (UNTAET), a peacekeeping mission with broad governing powers, and gave it the task of preparing East Timor for independence. UNTAET's work included establishing a functioning legal system and security forces, a task which was complicated by the departure of most of East Timor's professional work force, including almost all the lawyers, judges, and high-school teachers.

In the security sector, UNTAET was faced with the task of demobilising and reintegrating former FALINTIL fighters. This was difficult because FALINTIL had been a loose and secret organisation. Many Timorese had served in a number of capacities for FALINTIL for periods ranging from a few weeks to several decades. A registration of former FALINTIL members resulted in many being integrated into a new East Timorese Army, Forças de Defesa de Timor-Leste, (FDTL).<sup>2</sup> While many of these men had fighting experience, their history as a guerrilla force meant that they lacked the discipline and cohesion of a trained army. It also meant that some were unable to be integrated into the new army, leaving them bitter at being left out and unappreciated.

<sup>1</sup> A large proportion of this number died due to hunger and disease caused by the policies of the occupation. See CAVR (2005). *Chega! The report of the Commission for the Reception, Truth and Reconciliation in Timor-Leste*, Executive Summary, p.44.

<sup>2</sup> This later became the FALINTIL-Forças de Defesa de Timor-Leste (F-FDTL) after independence.

UNTAET also faced the difficulty of building a police force using either individuals with no relevant experience, or former members of the Indonesian police force that had been accused of corruption and rights violations. Ultimately, the new Timorese police service (PNTL) included former members of the Indonesian police force alongside new recruits with no prior relevant experience. A number of senior posts, including that of commander, were filled by past East Timorese members of the Indonesian police force.

The new nation of Timor-Leste was declared on May 20, 2002, and the UN handed over government authority to the newly elected Timorese officials. Divisions within the new military and police formed quickly. Allegations against former Indonesian collaborators in the police were fed by rumour and general discontent over low wages. In the military, tension grew between former FALINTIL fighters from the east and the west of the country. Those from the east, some of whom claimed to have held out longer in the fight against Indonesia, were perceived to trade on their greater political cache. Soldiers from the west who felt they had struggled just as hard and long, and at a massive price under Indonesian rule, began to make allegations of discrimination.

These internal divisions in the military came to a head in early 2006 when 159 soldiers from the west signed a petition to the military leadership and Prime Minister claiming ill treatment, poor conditions, and discriminatory practices. The fact that the commander of the F-FDTL Brigadier-General, Taur Matan Ruak, was an easterner fueled their claim of discrimination. When effective measures were not taken in response to the initial petition, the petitioners began to protest and their numbers grew. In February, the petitioners elected not to return to their barracks after their leave. In March, Brigadier-General Ruak made a rapid decision not to negotiate and to dismiss 594 soldiers, almost half of the 1,435-member fledgling armed forces.<sup>3</sup>

In response, the dismissed petitioners began a demonstration in Dili. Violence erupted leading to fighting amongst and between the F-FDTL, PNTL and armed youth. Troops were deployed to conduct crowd control, resulting in several deaths. In May 2006, Military Police Commander, Major Alfredo Reinado, along with several other military police and PNTL officers, abandoned the F-FDTL to join the petitioners.<sup>4</sup> In response, the Minister of the Interior secretly distributed PNTL weapons to groups of civilians, some of which attacked the house of the F-FDTL commander and other sites around Dili. The F-FDTL commander and Minister of Defence allegedly responded by authorising the distribution of F-FDTL weapons to other civilians and pro-F-FDTL police officers. Law and order broke down and violent gangs moved through Dili perpetrating arson attacks and targeting civilians. On May 25, heightened tensions between the PNTL and F-FDTL culminated in an attack on police headquarters that left eight unarmed police officers and one soldier dead.

In May 2006, the government requested assistance and an interventional peacekeeping force – the International Stabilization Force (ISF) – was deployed. In June, the Prime Minister, Minister of Defence, and Minister of the Interior resigned. The Minister of Foreign Affairs, José Ramos Horta, also resigned and was later sworn in as interim Prime Minister. A new UN mission, the UN Integrated Mission in Timor-Leste (UNMIT) was established in August. Although security improved with deployment of these international forces, violence persisted.

By the end of the crisis, there were an estimated 150,000 internally displaced people, more than 1,650 houses in Dili were damaged or destroyed, 38 people were dead, the leadership of the PNTL had collapsed, as had much of the police force in Dili, and state institutions were fragmenting.<sup>5</sup>

Tension continued through 2007, but presidential and parliamentary elections were considered free and fair with minimal violence and high voter turnout. The new president, José Ramos Horta, was inaugurated on 20th May 2007 and he later appointed Xanana Gusmão as Prime Minister. However, violence flared up in

<sup>3</sup> This number included the petitioners and a large number of others who had been chronically absent without leave.

<sup>4</sup> Alfredo Reinado testified at the CAVR public hearing on children and conflict about his experiences of being a child soldier, forcibly recruited to carry ammunition by Indonesian soldiers. See CAVR (2008). 'Children and conflict', Report on the Public Hearing, April 2004.

<sup>5</sup> The UN Independent Special Commission of Inquiry reported that an estimated 1,650 houses had been destroyed during the crisis of April and May, however it is clear that many more houses were destroyed after that time in ongoing unrest. See Report of the United Nations Special Commission of Inquiry for Timor-Leste (Geneva, 2 October 2006), available at <http://unmit.unmissions.org/LinkClick.aspx?fileticket=sBQns2vB4mk%3D&tabid=431>.

the eastern regions in response to the change of government, largely instigated by Alfredo Reinado who had escaped from jail in August 2006,<sup>6</sup> and, along with his followers, caused instability from the mountains.

In February 2008, Reinado orchestrated what appears to have been a two-pronged attack upon the President and the Prime Minister. During the attack, the President suffered critical injuries and Reinado was killed. A state of siege was declared, and the Timorese government set up a Joint Command, integrating the military and police under military command, to find those responsible and restore security.<sup>7</sup> Dialogue to resolve the situation was successful and consequently the last of Reinado's associates surrendered on 29th April, without armed confrontation.

Since that time, the security situation in Timor-Leste has improved markedly. The Joint Command was officially disbanded in June 2008, returning formal command of the police to UNMIT. However, limited progress has been made to address the underlying causes of tensions, including those within the security forces. These issues include: differences between easterners and westerners, uneven distribution of political power, widespread youth unemployment, rapid urbanisation, and a failure to provide accountability leading to a sustained culture of impunity amongst security forces and government officials.

---

6 Alfredo Reinado was apprehended by the ISF in July 2006 on charges of illegally possessing weapons. 'The case of Alfredo Reinado', *Justice Update* 8/2006, Dili: Judicial System Monitoring System, July 2006, available at <http://www.jsmp.minihub.org/Justice%20update/2006/Alfredo/Eng.pdf>.

7 Regarding the states of siege and emergency during early 2008, see: Law 1/2008, Authorising the President of the Republic to declare a State of Siege, 11th February 2008; Law 2/2008, Authorising the President of the Republic to Renew the Declaration of the State of Siege, 13th February 2008; Law 3/2008, On the regulation of the state of siege and emergency, 22nd February 2008; Law 4/2008, Authorising the President of the Republic to renew the declaration of the state of siege, 22nd February 2008; Law No. 5/2008, Authorising the President of the Republic to renew the declaration of the state of siege in the districts of Aileu, Ermera, Bobonaro, Covalima, Ainaro, Liquiça and Manufahi, and renew the state of emergency in the districts of Baucau, Lautem, Manatuto, Viqueque, Dili, with exception of the sub-district of Ataúro, 20th March 2008; and Law 7/2008, Authorising the President of the Republic to renew the declaration of state of siege in the district of Ermera, 22nd April 2008. English translations of Timor-Leste laws are available at: <http://www.unmit.org/legal/index-e.htm>.

# SECURITY SECTOR REFORM PROCESSES

## INTERNATIONAL DONORS AND THEIR PROGRAMMES: AN OVERVIEW

There has been no shortage of SSR programmes in Timor-Leste. Since the departure of Indonesian security forces and Timor-Leste's independence, the need has been not merely to *reform*, but actually to *form* an official state-run security sector. Until recently, this task has been largely driven by international actors who, despite their best intentions, have lacked the coordination needed to help build a cohesive and unified security sector.

### MILITARY REFORM

Support for the reform of the F-FDTL has been largely driven by bilateral agreements and different donor agendas. Portugal and Australia are the primary donors and implementers in relation to military reform. At the request of the Timor-Leste government, Portugal has been providing advisors, facilitating recruitment, and conducting basic training for various grades and ranks. Australia has been providing Australian Defence Force advisers to the Ministry of Defence and the F-FDTL, as well as providing specialist trainings. Brazil has provided training courses for a small number of officers, in particular the Military Police. China has provided training programmes as well as logistics, vehicles, and a new army headquarters. India agreed in October 2008 to train Navy personnel, with the first 20 trainees to be sent to India in 2009.<sup>8</sup>

The UNMIT Human Rights and Transitional Justice Section (HRTJS) has also conducted human rights workshops, trainings, and capacity building for the military.<sup>9</sup> Yet these activities have been undermined by a lack of support from the military leadership, who, despite their rhetorical support for human rights, have not fully embraced the critical importance of accountability and human rights concerns.<sup>10</sup>

### POLICE REFORM

Since the 2006 crisis, the PNTL has received most of the SSR attention and resources. The main actors focusing on police reform are UNMIT, Portugal, Australia, and New Zealand.

UNMIT, through the UN police (UNPOL), has been the primary actor supporting police reform in Timor-Leste. UNPOL in Timor-Leste includes police personnel provided by over 40 different countries, including many member states of the European Union. Its mandate includes conducting trainings, mentoring, monitoring, and a registration and certification programme to help vet police officers. UNPOL has also contributed to a textbook and handbook given to the PNTL. UNPOL officers have not been deployed in all sub-districts, so co-location and mentoring has not been fully achieved. However, UNPOL liaison officers are posted at the highest levels, with two posted with the Secretary of State for Security.

In addition to the regular trainings, mentoring and monitoring by individual UNPOL officers, UNPOL has also relied on Formed Police Units (FPUs) from Portugal, Australia, Malaysia, Bangladesh, and Pakistan to conduct specialised duties and trainings, such as riot control.

The capacity-building aspect of UNPOL has been subject to considerable criticism. With no strong policing doctrine of its own and limited centralised training for its members, UNPOL mentoring and training has varied greatly depending

8 J. S. Amaral (Dili/AP) (24th October 2008). 'India to train East Timor Army', *tempointeractive*, available at <http://www.tempointeractive.com/hg/nasional/2008/10/24/brk,20081024-141965,uk.html>.

9 These UN-led trainings were supported by local Timorese civil society human rights organisations.

10 ICTJ interviews with UN HRTJS and HAK, Dili, February 2009.

on the policing doctrines, styles, and strategies of each mentor's and trainer's home country. There are even reports that UN police coming from countries in conflict have at times counseled their PNTL counterparts that it is permissible to use excessive force, a practice not in line with international norms.<sup>11</sup> PNTL officers themselves have claimed to be unimpressed with the training and capacity building they have received from UNPOL, and are eager to accelerate the handover of executive policing duties from the UN. In recognition of these issues, UNMIT officials say that UNPOL plans to stop conducting capacity-building activities in March 2009 and will leave such projects to bilateral donors.

As with the military, UNMIT's HRTJS has also conducted human rights workshops, trainings, and capacity building for the police. Unfortunately, these trainings have not been sufficiently comprehensive or sustained to address the deep needs throughout PNTL.

There has been substantial bilateral support for police reform from Portugal, Australia, and New Zealand. Portugal conducted an extensive review of the PNTL in 2007, and has provided recommendations for organisational and structural reform. The Timorese political leadership appears to support the recommendations and a Portuguese policing model, and has requested Portuguese assistance with recruitment policies, design of training curricula, and implementation of trainings. Leaders have also asked the Portuguese to advise on National Security Policy and various regulations for the police.

Australia is also providing police advisers as well as training support and assistance. Its advisers comprise primarily Australian Federal Police officers who receive extensive pre-deployment training, and a three-week Tetum language course. Its programmes focus specifically on leadership training and are complemented by a joint initiative between Australia and Indonesia that will provide PNTL middle to senior management officers with leadership training in Jakarta.

## GENERAL SSR

The European Commission (EC) has only recently become involved in security sector reform in Timor-Leste. Along with Ireland, Norway, Australia and the UN, it is funding a UN-assisted Security Sector Review. This comprehensive review programme falls under the auspices of UNDP and the UNMIT Security Sector Support Unit (SSSU). The objectives of the review are to identify strategies to build institutionalised civilian control and oversight of the security sector, develop capacity to promote SSR, and support the government in its development of an integrated security policy.<sup>12</sup> This project, signed in agreement in June 2008, is overseen by a board consisting of three government representatives – the Secretary of State for Security, the President's adviser on SSR, and a national parliamentarian – as well as one representative each from UNDP and UNDPKO. The board has approved a training of trainers course for unarmed civil security that is being run by the French,<sup>13</sup> as well as a seminar on SSR and development, conducted in December 2008, that included discussions on national security policy and legislation. It has also approved plans for a wide-ranging public opinion survey on security issues to be conducted in 2009, as well as the employment of experts to improve the oversight abilities of the parliament, and the Ministry of Defence and Security.<sup>14</sup>

In addition to its participation in this UN-assisted Security Sector Review, Ireland is also funding local civil society organisations to get involved in monitoring SSR and plans to help develop an 'early-warning and response system, based in civil society'.<sup>15</sup>

Other donors are also beginning to focus on building government capacity to develop and coordinate security sector policy. The International Security Sector Advisory Team is sending experts in early 2009 to focus on SSR capacity building for parliamentarians so they can develop effective laws and regulations related to SSR.<sup>16</sup> The US has also conducted seminars in Hawaii on Timor-Leste SSR policy. And, as noted above, Portugal, Australia, and the UN have advisers in various security-related government ministries and offices.

11 ICTJ interview with UNMIT, Dili, February 2009.

12 Capacity Development Facility (June 2008). *Security Sector Review in Timor-Leste*, unpublished project document. Note that UN, EC, and Timorese government officials give slightly different responses about the focus of the review process.

13 This course is being conducted in coordination with Australia and UNDP. ICTJ interview with UNDP, Dili, February 2009.

14 See Report of Secretary General, S/2009/72, 4th February 2009. While the survey is meant to support a security sector review that the government has failed to conduct, some in the UN consider it an advocacy tool to spur a greater review process by the government.

15 Security Council Discussion, S/PV.6085, p.28, 19th February 2009.

16 The International Security Sector Advisory Team is an offspring of the Democratic Control of the Armed Forces (DCAF).

## MAINSTREAMING HUMAN SECURITY

By and large, civil society and the general public have had limited involvement in SSR in Timor-Leste. Reform initiatives until recently have been driven by the UN or international donors, based on input from political elites and senior commanders, but with insufficient mechanisms created for public involvement. This has resulted in reform programmes with minimal community ownership and questionable impact.

There have been some recent positive signs that this is changing and there is growing recognition of the importance of public consultations. The SSSU has held district-level public consultations, the church and civil society have participated in providing information on PNTL officers for certification, Australia has attempted to involve civil society as part of its bilateral assistance, and Ireland is supporting capacity building for civil society to monitor sustainable SSR. Most notably, the 2008–2009 UN-assisted SSR is in the process of preparing a comprehensive public perception survey on security-related issues. This survey, though late in the process, should at the very least help identify communities' security needs and concerns. If these concerns are heard, this may prove an important step in facilitating increased public consultation and involvement in SSR, helping to build more legitimate, locally accepted institutions.

## MAINSTREAMING GENDER

Current SSR programmes, in particular those run by UNMIT, recognise the importance of gender mainstreaming at the policy level, but the example set by them has not fully supported their rhetoric. The UNMIT Gender Unit has helped develop a training manual on domestic violence and provided workshops for the PNTL and F-FDTL as well as trainings on gender sensitivity for judges, prosecutors, and defenders.<sup>17</sup> The SSSU has also commissioned a study on gender and SSR that will hopefully ensure greater gender sensitivity throughout its reform initiatives. Yet, in practice, only 5 percent of UNPOL police officers are women,<sup>18</sup> and there are common complaints that the macho culture exhibited by much of the international uniformed presence does little to enhance or support the gender policies UNPOL espouses.

From the Timorese side, there is recognition of the need for gender mainstreaming in the security sector. The Secretary of State for Security requested a gender adviser in mid-2008. The PNTL also has acknowledged the need for gender sensitivity in policing with the creation, in 2001, of a specialised Vulnerable Person Unit (VPU) to handle and investigate cases of rape, sexual assault, domestic violence, and child abuse. Yet this unit is severely under-resourced, under-staffed, and therefore lacks the capacity to handle the issues before it.

## MAINSTREAMING TRANSITIONAL JUSTICE

While various transitional justice issues, including vetting, truth telling, and prosecutions, have been a part of the SSR agenda in Timor-Leste, none have been addressed fully. The inadequate justice-sensitive approach to SSR has had a severe impact on the ability of the police, military, and government to build much-needed legitimacy and integrity, and has contributed to a culture of impunity and deterioration in the rule of law.

## TRUTH TELLING AND JUDICIAL ACCOUNTABILITY

The demand for truth and justice in Timor-Leste began as soon as the multinational peacekeeping troops arrived in September 1999. Numerous institutions, mechanisms, and processes have been established particularly to deal with crimes committed during the civil war (in 1975) and the Indonesian invasion and occupation between 1975–1999.<sup>19</sup> Many, including the Commission for Reception, Truth and Reconciliation (CAVR) and the Commission of Truth and Friendship (CTF), have chronicled the abuses of various security sector actors.

<sup>17</sup> UNMIT Gender Unit internal document, 2008.

<sup>18</sup> Report of the Secretary-General on the United Nations Integrated Mission in Timor-Leste (for the period from 9th July 2008 to 20th January 2009), S/2009/72, 4th February 2009.

<sup>19</sup> These include the Indonesian Ad Hoc Human Rights Court, the Commission for Reception, Truth and Reconciliation (CAVR), the Serious Crimes Unit (SCU) and Special Panels for Serious Crimes in the Dili District Court, the bilateral Indonesia–Timor-Leste Commission of Truth and Friendship, as well as the UN Commission of Experts, the International Commission of Inquiry of East Timor (ICIET) set up by the Secretary General in accordance with a resolution of the UN Commission on Human Rights, and the Indonesian-established Commission of Inquiry on Human Rights Violations in East Timor (KPP-HAM).

However, owing to the lack of follow-up on these reports' recommendations and the shortcomings of criminal procedures, accountability for these crimes has not yet been established.

This climate of impunity for serious crimes has continued through 2008. Following the crisis of 2006, an Independent Special Commission of Inquiry (Col) recommended that 63 people be prosecuted, and that another 64 be investigated for their participation in the 2006 crisis. Those implicated in serious crimes include several senior security-related government officials, including the former Ministers of the Interior and Defence. While the Minister of the Interior was found guilty and sentenced to seven and a half years in prison, soon afterwards he was permitted to leave the country for medical reasons and has not returned.<sup>20</sup> The former Minister of Defence is still awaiting trial and, despite accusations of serious crimes, was appointed by the President as one of his top SSR advisers. As for the others implicated by the Col, only a handful of prosecutions have resulted to date.

The general lack of capacity of Timor-Leste's judicial sector, which continues to struggle with a debilitating backlog of cases,<sup>21</sup> a complicated mixture of different legal regimes, an insistence on using Portuguese as the official court language (even though few Timorese speak Portuguese), a lack of resources, and under-qualified staff,<sup>22</sup> contributes to the failure to prosecute. These problems have persisted since 1999 when UNTAET was faced with the challenge of building the judiciary with only a handful of lawyers in the territory who had courtroom experience. UNTAET decided to appoint both Timorese and international judges. Internationals were asked to provide mentoring to their national counterparts. Regrettably, many internationals recruited by the UN were poorly chosen and a number of the East Timorese judges eventually refused to meet or cooperate with the international mentors whom they considered (not without reason) to be incompetent. Following independence, a strict examination system was established, but initially none of the Timorese judges passed the exam. A new judicial training and certification system has since been established that is producing Timorese graduates. However, international judges, prosecutors, and public defenders have continued to serve alongside Timorese nationals to help strengthen the capacity of the local judiciary.

The weak capacity of the Timorese judiciary has been compounded by political interference that has reinforced impunity and undermined the rule of law, especially in relation to the government and security sector.<sup>23</sup> Presidential commutations of sentences, proposed amnesties and promotions, and appointments for those involved in serious crimes are some of the clearest examples of this political interference. On 20th May 2008, the President commuted the sentences of 94 prisoners, among them the last nine men remaining in prison for militia violence in 1999, as well as the former Minister of the Interior who had been convicted of distributing weapons to civilians in 2006. President Ramos Horta then proposed draft legislation in July 2008 that would establish a truth-for-amnesty system for those involved in the 2006 violence. No political party has yet given public support to that proposal; however it is the latest in a series of attempts to legislate amnesties for grave crimes, a trend that began immediately after independence in 2002.<sup>24</sup>

While such interventions have purportedly been pursued to promote reconciliation, they signal that those who take part in political violence will not be held to account. This creates resentment amongst victims and erodes deterrents to future violence, creating a real risk of long-term instability.

The military has also facilitated a culture of impunity. Military leadership has thoroughly resisted oversight and accountability mechanisms, and been resistant to subjecting their members to civilian courts. When four F-FTDL members were sentenced for their role in the shooting of unarmed police officers in 2006, a special military prison

20 In May 2008, the President reduced the Minister of the Interior's sentence by half and he was subsequently granted parole by the Dili District Court.

21 ICTJ interview with UNMIT and JSMP, Dili, February 2009.

22 Details on challenges faced by the judicial sector are included in S. Frigaard, S. Mullaly, P. Bacelar Vasconcelos., G. Gahima, & R. Sudarshan (2008). *UNDP strengthening the justice system in Timor-Leste Program: Independent/External Mid-term Evaluation Report, September 2007*, Norad Collected Reviews 6/2008, Oslo, Norway: Norwegian Agency for Development Cooperation. Available at <http://www.norad.no/items/12334/38/9963196688/UNDP%20Strengthening%20the%20Justice%20System%20in%20Timor-Leste.pdf>. See also the comments of UN Assistant Secretary-General Dmitry Titov, in the leaked report Visit to 'Timor-Leste and Australia,' 1st December 2008, para. 4. Available at <http://wikileaks.de/leak/titov-unmit-timor-report-2009.pdf>.

23 This is not surprising given the trend set by the UN and the previous Timor-Leste government which, for political expediency, recoiled from involvement in prosecutions for senior officials implicated in serious crimes in Timor-Leste. See D. Cohen (June 2006). *Indifference and accountability: The United Nations and the politics of international justice in East Timor*, East-West Center Special Reports, No. 9. Honolulu, Hawaii: East-West Center, p.2.

24 All such attempts have so far failed, perhaps reflecting the lack of public support for moves to legitimise impunity.

within army barracks was created to house them.<sup>25</sup> According to sources, they were not properly incarcerated, continued to receive salaries, and to date have not complied with a court order to pay compensation to the widows of their victims.<sup>26</sup>

## VETTING

A central aspect of a justice-sensitive approach to SSR is the vetting of security sector personnel. Vetting is generally defined as assessing the background and integrity of individuals to determine their suitability for public employment. It entails a formal process for the identification and removal of individuals responsible for human rights violations, especially from security sector institutions.<sup>27</sup> The key benefits of a vetting process are the removal of known perpetrators from security forces thereby encouraging reform in abusive institutions and enabling increased civic trust in public institutions.<sup>28</sup>

While no vetting has been conducted for the F-FDTL, following the 2006 crisis the PNTL did conduct a vetting process under the auspices of UNPOL. UNPOL's process took 16 months to register every police officer, ending on 1st December 2007. This registration process was primarily a vetting tool to identify police officers who had taken part in criminal acts or had disciplinary problems in relation to the 2006 crisis, but was expanded to include a more complete review of each officer. The church, courts, and NGOs were asked to participate by providing information on the actions of officers. Following the vetting, officers received provisional certification with full certification granted only after they attended a one-week training course and up to six months of UNPOL mentoring. As of June 2008, only 599 PNTL officers had been granted full certification and 2,500 had been through the provisional certification course. The certification course is projected to end by early 2009 with local forces resuming full police powers.<sup>29</sup>

While the impetus for this process is to be commended, its implementation suffered from a lack of transparency, objectivity, and procedural safeguards. Its ineffectiveness is illustrated by the fact that no officers were excluded from service despite serious questions remaining over the actions of several officers.<sup>30</sup> Individuals implicated in the 2006 crisis therefore remain in active service in the PNTL.

This lost opportunity is regrettable, especially given serious deficiencies in the judicial sector and the improbability of securing criminal responsibility. The failure of the vetting process also raises concerns regarding the recurrence of violations and reinforces the lack of civic trust in the PNTL and the F-FDTL.

Unfortunately, while many donors supported justice-sensitive SSR initiatives, the momentum to follow through on these initiatives did not last. Donors have been unwilling to place significant political capital behind calls for greater accountability and more substantial vetting.

25 Government Decree 2/2008, 14th March 2008 on the Establishment of Military Prisons.

26 ICTJ interviews with UNMIT and international NGOs, Dili, November 2008.

27 Office of the United Nations High Commissioner for Human Rights (2006). *Vetting: An operational framework – Rule of law tools for post-conflict states*. New York, United Nations, p.4, available at [http://www.reliefweb.int/rw/lib.nsf/db900sid/PANA-7DDH97/\\$file/ohchr\\_dec2006.pdf?openelement](http://www.reliefweb.int/rw/lib.nsf/db900sid/PANA-7DDH97/$file/ohchr_dec2006.pdf?openelement).

28 See, for example, P. De Greiff (2007). 'Vetting and transitional justice' in A. Mayer-Rieckh and P. de Greiff (Eds.) *Justice as prevention: Vetting public employees in transitional societies*. New York: Social Science Research Council.

29 See, for example, IRIN, 'Timor-Leste: Security handover raises concerns', 5th September 2008, at <http://www.irinnews.org/report.aspx?ReportId=80184>.

30 ICTJ interviews with UN officials and international advisers, Dili, November 2008. In a particularly clear case, two officers determined to be 'unsuitable for certification' were nominated for senior positions within the PNTL. Despite UNMIT's complaints to the government about this, no action has been taken and these officers remain in the PNTL. Letter dated 27th March 2007 from SRSR Atul Khare to Minister Estanislau da Silva.

# COORDINATION OF ACTORS AND HARMONISATION OF PROGRAMMES

## DONOR COORDINATION IN THE FIELD

One of the greatest shortcomings of SSR initiatives in Timor-Leste to date has been the lack of coordination within and between the various international donors and programmes.<sup>31</sup> However, it appears that greater SSR coordination is beginning to emerge as the Timor-Leste government embraces its role as the proper centralised coordination mechanism for all parties.

In general, the various SSR donors and programmes have had very little knowledge about what each other is doing. While some bodies have mandates that include the coordination of security issues, these bodies have fallen short of providing comprehensive and inclusive coordination mechanisms.<sup>32</sup> In general, what little coordination there has been, has been informal, and might be better characterised as information-sharing.<sup>33</sup>

One area where there have been claims of greater international coordination has been on the level of international technical advisers. The UN Secretary General in 2006 reported that the wide array of international advisers working in a variety of security-related ministries 'have reportedly worked at cross purposes'.<sup>34</sup> While this may have been the case on overarching policy issues, others have pointed out that some of the greatest international SSR coordination has taken place through international advisors working together on more small scale security-related technical issues.<sup>35</sup>

Even within the UN, coordination of the various SSR-related units, both in UNMIT and the UN Country Team, has been a struggle.<sup>36</sup> The UN has attempted to increase communication and coordination between these various units through the creation of a SSR Working Group, although meetings have generally been informal and relatively ad hoc.<sup>37</sup> The trend towards greater internal coordination has also been supported by the November 2008 posting of the Deputy Special Representative for the Secretary General (DSRSG) for SSR and Rule of Law, a position that had been vacant for an entire year. According to UN staff, in the few months he has been in office, the new DSRSG has played a significant role in revitalising SSR coordination within the UN.<sup>38</sup>

31 One UN police official reported to the International Crisis Group (ICG) that 'a lack of cohesion between the security sector stakeholders in Timor' was a major reason for the problems in the SSR process. ICG (9th February 2009). *Timor-Leste: No time for complacency*, Update Briefing, Asia Briefing No. 87 Dili/Brussels:ICG, p.6, available at <http://www.crisisgroup.org/home/getfile.cfm?id=3770&tid=5900&l=1>.

32 Examples include the International Compact to deal with the six national priorities, one of which is "Public Safety and Security" and its related working group. Also, a Trilateral Coordination Forum was created among the Government of RDTL, the UN, and the Government of Australia for the coordination of security issues. However, this only includes Australia as a bilateral donor and hence is limited in its ability to coordinate efforts amongst all donors.

33 Examples include irregular meetings by the EC bringing together various member states to discuss their Timor-Leste programmes, the movement of some UNPOL officers back to bilateral SSR programmes run by their home country in Timor-Leste, or informal conversations about work at social occasions in Dili, whose international community is small and tightly knit.

34 Secretary General's Report, S/2006.628, 8th August 2006, para. 58.

35 ICTJ interview with presidential advisers, Dili, February 2009.

36 UN bodies in Timor-Leste that relate to SSR include the Security Sector Support Unit (SSSU), UNPOL, the Administration of Justice Unit, the Human Rights and Transitional Justice Section, the Military Liaison Units, UNDP, UNICEF, and UNIFEM.

37 While the Working Group has increased communication among the different sections, it does not appear that this always leads to increased coordination. For example, UNPOL actively excluded the SSSU from police-reform initiatives claiming that it did not want any civilian input.

38 ICTJ interview with UNMIT officers, Dili, February 2009.

Another area where donor coordination has increased has been with the UN-assisted Security Sector Review. As noted above, this project brings together funding from the EC, Ireland, Norway, and Australia under the auspices of UNDP and UNDPKO, and joint management with government stakeholders to pursue a comprehensive review and reformation of the security sector. While it remains too early to determine the effectiveness of this coordination mechanism, it appears to be a step in the right direction.

## HARMONISATION OF SSR PROGRAMMES

In some cases, the work of the different bilateral and international donors, while not specifically coordinated, has been mutually reinforcing. In terms of military reform, the separation of training activities between Portugal and Australia, with the former focusing on basic trainings and the latter on specialised trainings, appears to have worked well.

The lack of direct coordination has been far more problematic in relation to police reform, where different policing strategies and philosophies of bilateral donors, as well as amongst UNPOL police from various countries, have caused tension and confusion amongst the PNTL.<sup>39</sup> Countries such as Australia and New Zealand have favoured a community policing approach, engaging and partnering with local communities, while countries like Portugal have supported a stricter, more forceful policing doctrine which they believe better suits the current condition of Timor-Leste. This has been further complicated by the variety of policing doctrines and philosophies being conveyed through UNPOL training and mentoring, largely dependant on the home country of the individual doing the mentoring or training. The inability of donors to harmonise their approach results in conflicting advice, erodes local confidence in the donor community, and undermines reform initiatives.

Lack of SSR programme coordination has also created problems in relation to delineating the proper roles of the military and police. The majority of international donors have been pushing for reforms to reinforce the police's role in managing internal security and the military's role on external security. However, the Brazilian government's trainings for the Timorese Military Police (MP) supported an active role for MPs in policing civilians, based on the national Brazilian model. This lack of communication and coordination with other donors working with the PNTL caused a good deal of tension as MPs subsequently worked to establish a presence on the streets.

Lack of donor coordination has also meant that some important SSR initiatives have not received adequate attention. This has left gaps in the SSR agenda which could cause increased insecurity moving forward. An important example is the failure of SSR programmes to address the significant role of non-state security actors in Timor-Leste. Many non-state security actors are veterans of the independence struggle who were excluded from the F-FDTL or members of gangs that draw heavily on unemployed, impoverished, and marginalised young men.<sup>40</sup> While these groups play a critical role in the security landscape, donors tend to address the issue of non-state security actors within a framework of youth and unemployment or veterans' affairs, rather than within the larger SSR context. The role these groups purport to play as "security" providers, their associations with PNTL and F-FDTL members,<sup>41</sup> and how these relationships contribute to overall insecurity deserve more attention.

## THE ROLE OF THE TIMOR-LESTE GOVERNMENT IN SSR PROCESSES

Before 2006, SSR reform in Timor-Leste suffered from low levels of local government involvement and local ownership. Following independence, limited government capacity to shape, control, or even coordinate SSR initiatives meant that SSR was dominated by foreign models and agendas. These dueling agendas and lack of local ownership were partly responsible for the unraveling of the security sector institutions in 2006.

However, Timorese leadership in SSR has been increasing. In 2004, the F-FDTL attempted to take ownership of military reform and development by initiating the creation of a national strategy to envision military capabilities

39 ICTJ interviews, Dili, November 2008.

40 For an overview of gangs see J. Scamary (15th September 2006). *A survey of gangs and youth groups in Dili, Timor-Leste*. AusAID, available at [http://www.etan.org/etanpdf/2006/Report\\_Youth\\_Gangs\\_in\\_Dili.pdf](http://www.etan.org/etanpdf/2006/Report_Youth_Gangs_in_Dili.pdf).

41 ICTJ interview with international NGO, Dili, November 2008.

and establish military doctrine through 2020. While this “Force 2020” document, completed in 2006, has been criticised as overly ambitious, it led the way for parliament to pass the Military Service Law in February 2007<sup>42</sup> and sent a strong message that the Timorese intended to take a stronger role in their own security sector agenda.

Following the attacks on the President and Prime Minister in February 2008, the Timor-Leste government removed the police from UN control and set up a joint command between the F-FDTL and the PNTL to deal with the perpetrators of the event and restore stability. This joint command and display of unity between the military and police, who had been at odds with each other until as recently as 2006, reportedly helped to increase the public's confidence in both institutions as well as in the state more broadly.<sup>43</sup> While this joint command was successful in locating and “bringing in” those responsible for the February shootings, it dangerously blurred the line of responsibility between the military and police. Moreover, the significant number of reported human rights violations by members of the joint command also highlighted both forces' continued lack of respect for human rights and the rule of law.<sup>44</sup> The government's unilateral decision to remove police from UNPOL command in order to establish the joint command also created further tension between the national leadership and the UN.<sup>45</sup>

Rhetorically, the Timor-Leste government continued to reiterate its desire to take control of the SSR process in 2008. In a March paper, the Secretary of State for Security stated that the government should lead the process in implementing SSR and that ‘any international support was important but will only complement the programme that has been established by the government’.<sup>46</sup>

With this desire to play a more central role has come the challenge of determining who in the Timorese leadership should be in charge of SSR, a subject on which the Timorese constitution is unclear. With no clear consensus, the President, Prime Minister, and the Head of the National Parliament created a three-tiered national committee to oversee and coordinate SSR initiatives. This committee comprises various relevant stakeholders. The top-tier decision-makers are the Prime Minister, the President, and the Head of the National Parliament. The second tier, the executive committee, is composed of the Prime Minister, the Secretary of State for Security, the Secretary of State for Defence, the F-FDTL Commander, the PNTL Commander, the Head of Intelligence, a representative from parliament, and security sector advisers to the President. The bottom tier, the coordination committee, is made up of top-level civil servants representing each of the institutions from the second tier.<sup>47</sup> The goal of the committee is to ensure that all security sector reforms throughout the government are coordinated and consensual.<sup>48</sup> While this committee is not yet fully functional, it shows that Timorese leaders are serious about building local capacity to make important and coordinated SSR policy decisions. The inclusion of the President's advisers has also given a role to members of the main opposition party.<sup>49</sup> This inclusion of opposition members suggests that the government is aware of the importance of political consensus in relation to security sector policies and decisions so that reforms will be sustainable as the elected government changes over time.

The development of this tiered model has influenced the UN-assisted Security Sector Review. The management team in charge of this review comprises government stakeholders (including a parliamentary member of the opposition), as well as representatives from the UN. By using this management structure to oversee this large-scale project, both the local government and the UN have recognised a new paradigm for their SSR coordination in Timor-Leste, which includes greater local government involvement in coordinating SSR. Moreover, a large aspect of the UN-assisted review project is focused on building the government capacity to draft, debate, coordinate, and implement security sector policy that is needed to make the national committee a success.

42 This law was amended in November 2008 to allow for voluntary military service, the approach now being used rather than conscription.

43 ICG (9th February 2009). *Timor-Leste: No time for complacency*, Update Briefing, Asia Briefing No. 87, Dili/Brussels: ICG, p.4. Available at <http://www.crisisgroup.org/home/getfile.cfm?id=3770&tid=5900&l=1>.

44 No one has yet been tried or formally disciplined for these violations. OHCHR and UNMIT (2008). *Report on human rights developments in Timor-Leste: The security sector and access to justice, 1st September 2007–30 June 2008*, pp.4–6. Available at [http://reliefweb.int/rw/rwb.nsf/retrieveattachments?openagent&shortid=ASAZ-7HVHVN&file=Full\\_Report.pdf](http://reliefweb.int/rw/rwb.nsf/retrieveattachments?openagent&shortid=ASAZ-7HVHVN&file=Full_Report.pdf). See also Association HAK, ‘Law and Human Rights Enforcement’, available at <http://www.etan.org/et2008/6june/15/10hak.htm>.

45 ICG, ‘Complacency’, pp.4–5. The joint command ceased operation on 19th June 2008 when the resolution creating its establishment was revoked by the Council of Ministers. Government Resolution 3/2008, 17th February 2008.

46 Ministry of Defence and Security, Secretary of State for Security, paper for Donor's Meeting, Security Sector Development, March 2008.

47 Recruitment for the coordination committee positions is currently under way. ICTJ interview with presidential advisors, Dili, February 2009.

48 ICTJ interview with presidential advisors, Dili, February 2009.

49 One of the President's SSR advisers is Roque Rodrigues, a member of the opposition FRETILIN political party and a former Defence Minister. While the inclusion of opposition voices is worthwhile, the continued inclusion of Roque Rodrigues in SSR processes is a cause for concern. He is among those recommended for prosecution by the Col.

This new paradigm is poised to face greater challenges in 2009 as the UN prepares to hand over formal policing duties to the PNTL. While few believe that PNTL officers are fully ready to take on this duty, many argue that this transfer is necessary as part of the capacity-building process. UNPOL will continue to support the PNTL through the transition to ensure stability, but it fully expects its capacity building and training duties to be taken over by bilateral donors (most likely the Portuguese and Australians) under the coordination of the Timorese government.<sup>50</sup>

Further challenges will come with the creation of long overdue security sector laws and policies. These regulations include a National Security Law and a National Security Policy that have been in the process of consultations, debate, and drafting since 2008. These laws and policies are likely to be implemented in 2009 relying on the national coordination committee framework. They are also likely to lead to additional security-related laws like the Law on Internal Security and a Law on Defence, laws that will continue to test the strength of the national committee.

Greater local coordination brings additional concerns. The Timorese government will need to ensure that security-related decisions are made in a transparent manner and are in the best interest of the country. This will help allay current skepticism about local capacity and the trade of security-related development contracts in exchange for personal gain.<sup>51</sup>

---

<sup>50</sup> ICTJ interview with UNMIT, Dili, February 2009.

<sup>51</sup> Several donors noted the government's purchase of two Chinese naval patrol boats as an example of trading military contracts in exchange for the Chinese construction of new army headquarters and a presidential office building. This purchase is reported to have been the largest public expenditure of Timor-Leste to date and is particularly suspect considering that Australia had offered more technically appropriate boats than the ones purchased. ICTJ interviews with UN and Portugal, Dili, February 2009.

## CONCLUSIONS

Timor-Leste has come a long way since its vote for independence in 1999. The road to building a stable, democratic nation with a fully functioning security sector, emerging from the ashes of years of internal strife and violent occupation, has itself been fraught with violence, infighting, and setbacks. In the ten years since independence, the country has endured a complete breakdown of security as the military and police forces turned on each other in 2006, spreading violence and terror, and then in 2008 as assassination attempts were made on the President and Prime Minister. Despite this, Timor-Leste has endured, with the security situation improving strikingly in just a few months.

Much of this violent transition has had its roots in East Timor's difficult history. Transitioning out of conflict, occupation, or oppression into a stable and secure democracy always comes with the challenges of overcoming legacies of a violent past and building the capacity for a more secure and stable future. These changes take time. However, they can be made smoother by well-coordinated international assistance that focuses on building government security-related capacity in addition to focusing on trainings and capacity building for the uniformed services. This will allow for swifter handing over of security-related decisions and policy-making to local actors.

Unfortunately, for many years Timor-Leste has been dominated by well-meaning, but largely uncoordinated, donor-driven transitional SSR agendas that have not focused enough on building the capacity of Timorese decision-makers and policy-makers in government. Fortunately, this is beginning to change, and it appears that a new paradigm is beginning to emerge with the Timorese government seeking to play a coordinating role in SSR while increasing programmes that should improve its capacity to do so.

This road is filled with dangers of its own, as it relies on putting faith in Timorese leaders to act in the best interest of all Timorese in setting the course for the country's future. To date, the Timorese government has not yet shown it is prepared to do this, as it has continuously promoted a culture of impunity for members of the security sector and the government in pursuit of short-term goals of stability. While government officials may believe that this policy is necessary to provide security, the experiences in other post-conflict settings, and in Timor itself, show that any gains in stability and security bought with the price of impunity and lack of accountability will be short-lived.

The Timorese government's current support for impunity for serious and violent crimes sends a message that those who commit political violence and human rights abuses will be not only be tolerated, but may in fact be rewarded and promoted. This has deeply damaged public trust in the government and security forces. More importantly, it has undermined the rule of law, the very foundation upon which all SSR must be built. If Timor-Leste is going to continue on the road to stability, and avoid the violence and insurrection that has plagued it since its independence, it must end this culture of impunity and work to strengthen the rule of law.

## RECOMMENDATIONS

### **Quick response but sustained involvement is required.**

- SSR results are easiest to achieve if work starts quickly. The longer the process takes to start, the more likely it is that decisions and reforms will be made that will be difficult to correct. Therefore, a first phase rapid response is best to have on hand, as long as it allows for context-specific reforms to be integrated in the long-run. Important positions related to SSR need to be filled quickly. They should not remain open for long periods of time while the “right” people are sought.
- Real SSR takes time. Donors can't expect SSR, and especially capacity building, to be achieved at the quick pace international donor contracts prefer, or the short duration of UN mandates. SSR happens slowly, as capacity grows and institutions change. It is a long-term, generational process and as such donors need to devise long-term strategies in order to affect real change.

### **Specific recommendations for international donors.**

- Long-term SSR is highly context-specific. There is no one right way, and while donors should learn from previous experience, they cannot cut and paste solutions, guidelines, or strategies that worked in one country onto another.
- Organisations that don't have their own police or military doctrine or philosophy, like the UN or the EC, are unlikely to be the best organisations to conduct security sector capacity building. Without an institutional unified posture, efforts by such organisations can confuse the host country.
- While locals need to own the SSR process, donors should assert important principles in their programmes and not surrender them for the sake of political expediency. For example, standards and procedures relating to the need for accountability should be strongly defended.
- While SSR programmes must be clearly designed and budgeted, programme designs must allow implementers on the ground the flexibility they need to adjust to changing circumstances. Multi-year programmes can quickly become inappropriate in such dynamic post-conflict settings as Timor Leste.

### **Promote local ownership and management of the SSR process.**

- Host countries should be permitted to choose for themselves the police, military, and judicial systems and philosophies they would like to build. They may need international help to understand the various systems and philosophies, but the choice should be theirs. Then they can choose who is best able to help them implement and build institutions with these systems and philosophies.
- Coordination of SSR initiatives may be best if done by the local government. However, this means that early efforts need to focus on raising the capacity of the government to make SSR decisions and coordinate among the various relevant aspects of the government and the donors. SSR programmes need to focus not only on uniformed services, but also on building the capacity of legislators to develop effective laws and policies relevant to the security sector.
- Local communities should be consulted early to determine what their security concerns and needs are so that reform efforts can be prioritised appropriately. Such consultations should consider a broad definition of security, including economic and social security issues.
- To help ensure sustainability of SSR, local civil society institutions should be engaged to help build external monitoring and evaluation of SSR.

### **The importance of implementing justice-sensitive SSR.**

- The desire to support impunity for the sake of short-term stability and reconciliation needs to be carefully weighed against the serious long-term effect that a culture of impunity has on respect for the rule of law, law

enforcement agencies and institutions, and on the government. Long-term stability and security cannot be achieved without a culture of accountability that flows through all organs of the state.

- Justice-sensitive SSR requires not only the creation of truth-telling, prosecutorial and vetting processes, but also the creation of a long-term strategy to see that the results and recommendations coming from such processes are fully implemented. Without a long-term strategy and commitment it is likely that these important, but often politically difficult, accountability measures will never be implemented.
- As with internal security forces and government officers, international experts and advisers need to be carefully vetted to ensure that they represent and promote the type of security sector the international community wants to help build.



## INITIATIVE FOR PEACEBUILDING

c/o International Alert

205 Rue Belliard, B-1040 Brussels Tel: +32 (0) 2 239 2111 Fax: +32 (0) 2 230 3705

lmontanaro@international-alert.org www.initiativeforpeacebuilding.eu



THIS INITIATIVE IS FUNDED  
BY THE EUROPEAN UNION

## PARTNERS



International Alert.

