

Timor-Leste

After the crisis of 2006, Timor-Leste continued to remain stable, with no significant security problems throughout 2010. Efforts by the UN Integrated Mission in Timor-Leste (UNMIT), with the military backup presence of the Australian-led International Stabilization Force (ISF), have provided political and security support in the ongoing consolidation of peace. During 2010, significant developments in promulgation of legislation for the national security sector, strategic planning for the justice sector, and the ongoing resumption of primary policing responsibilities by the national police highlighted the increasing national ownership of security sector development. The continued lack of clear delineation of responsibilities in security sector agencies continues. There are indications that integrated security arrangements for the national army and police will remain a feature of internal security management in the future.

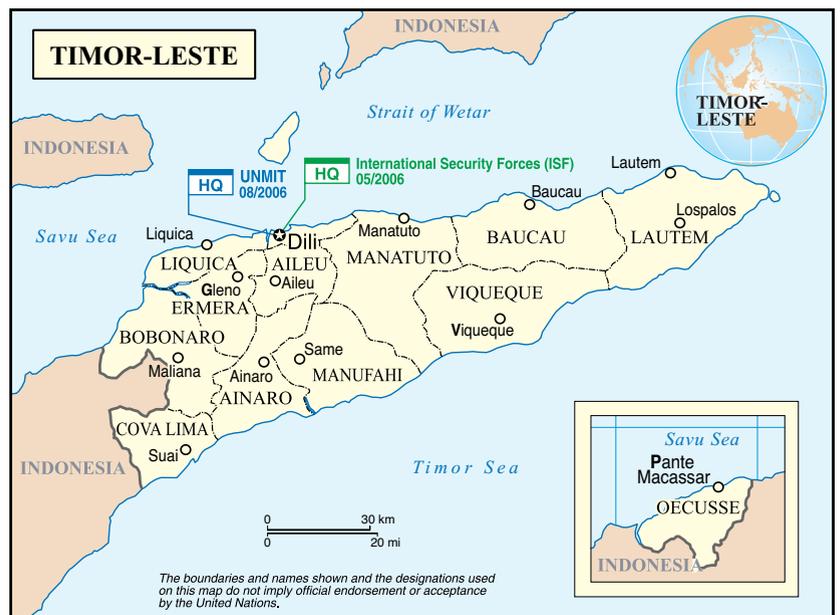
The UN has now been engaged in peace operations in Timor-Leste for more than a decade. As UNMIT enters its fifth year of peacekeeping operations after the 2006 crisis, the international community's attention is shifting to the prospect of transition from peace operations to future development support. The timing of the future transition process, however, will be largely directed by the stability of the political and security situation after national elections scheduled for 2012.

Background

After the violence of the UN-organized popular consultation on East Timor's de facto independence in 1999, postreferendum UN peacekeeping operations in Timor-Leste ended in 2005.

The subsequent scaled-down UN political mission was tasked with enabling the smooth transition from peacekeeping operations to traditional developmental support by UN system and international partners. One year into the mission, with the collapse of Timor-Leste security sector institutions during the 2006 crisis, the country descended into political violence.

That UN peace operations in Timor-Leste arguably represented the UN's most successful peacekeeping intervention led many in the UN and the international community to question the shortcomings of the transition process from peacekeeping. In 2006, the Secretary-General reported to the Security Council that the "United Nations and the international community have learned from lessons elsewhere, and have now



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been starkly reminded by the Timor-Leste crisis, that nation-building and peace-building are long-term tasks.”

UN peacekeeping operations were resumed in Timor-Leste in August 2006. The UNMIT integrated peacekeeping mission was established under Security Council Resolution 1704. The main mandate areas included support for political stability; assistance to national elections in 2007; restoration of security through UN police with executive policing mandate and police development; support for the review and reform of the security sector; strengthening the rule of law and human rights; promotion of a culture of democratic governance, including the provision of advisers to state institutions; and support for economic and social development. Since its establishment, UNMIT has not undergone significant downsizing, other than UN staff deployed to support national elections in 2007.

In February, the Security Council renewed UNMIT’s mandate for one year in Security Council Resolution 1912 (2010). There were no significant changes to the mandate. The phased resumption of policing responsibilities from UN police to the national police led to an initial cautious drawdown of UN police numbers in April, which will continue until June 2011. At the end of 2010, UNMIT is comprised of 1,583 UN police, including 1,023 regular police officers and 560 in four formed police units contributed by Bangladesh, Malaysia, Pakistan, and Portugal. Two platoons of formed police, a total of 70 police personnel, will be withdrawn by March 2011. It is planned that 223 regular police officers will be gradually decreased to a remaining 1,290 UN police by June 2011, to be comprised of 800 regular police officers and 490 in formed police units. It is expected that those UN police levels will remain until after national elections in 2012, which will be determined by a UN Secretariat technical assessment due by early 2011.

The ISF has continued to maintain stability and provide a security backup presence to the UN police and the national security agencies, under bilateral arrangements between Australia

and New Zealand with the national government. Due to the ongoing improvements in the security situation, the ISF has gradually reduced its strength from about 1,100 personnel in mid-2008 to 475 personnel in late 2010, which includes 75 New Zealand soldiers. Since February, the rank of the ISF commander has been adjusted accordingly from brigadier-general to colonel. In 2010, ISF’s two forward-operating bases in the east and west were closed. All ISF personnel are now based in Dili, with rapid-reaction-force capability. The ISF has also gradually modified its posture by undertaking less patrolling. Soldiers also carry unloaded weapons, and machine guns are kept in armories. Since 2008, ISF has also adjusted its composition to provide training in skills, planning, and engineering to the national army, in support of the bilateral Australian Defense Cooperation Program. The postelection assessment of the future role of the ISF, together with the national authorities, will determine any future transition planning.

The Secretary-General will report to the Security Council on possible adjustments to UNMIT’s strength and mandate in February 2011. Other than the planned UN police reductions, few major changes are expected. Until that time, UNMIT will be allocated thirty-four unarmed military liaison officers tasked with cross-border liaison and mentoring to border liaison officers in the national army. UNMIT will also retain its current strength of civilian personnel, including international civilian staff (462), international UNVs (143), and UN national staff (1,000). As UNMIT remains an integrated mission with a “one UN system” approach, the UN in Timor-Leste also provides substantial numbers of international UN civilians in functional and advisory roles to state institutions such as ministries, the courts, and the parliament, usually facilitated through UNDP programming.

In 2010, UNMIT underwent significant changes in its mission leadership. The Special Representative of the Secretary-General (SRSG), Atul Khare, who had capably led the mission since December 2006, was succeeded by

Ameerah Haq. SRSG Haq arrived in January 2010. Several weeks after her arrival, the unexpected death of the Deputy SRSG for Rule of Law and Security Sector Support, Takehisa Kawakami, threatened to leave a leadership vacuum in those politically sensitive areas of the mandate. The successor to Kawakami, Deputy SRSG Shigeru Mochida, arrived in September 2010, enabling mission continuity, which was particularly welcome since the position had been vacant for many months prior to the late Kawakami's initial appointment.

Key Developments

Political

During the year, the AMP coalition government continued to address challenging longer-term issues such as development of the security sector and the justice system, institutional reform, and intensified social and economic development. In April, AMP presented its National Strategic Development Plan for 2011–2030. Despite revenues from its oil resources, Timor-Leste remains the poorest country in Asia. The proliferation of government infrastructure projects to fuel the stagnant economy has led also to increasing allegations of widespread corruption. Following the establishment of the first independent Anti-Corruption Commission empowered to pursue criminal investigations, the appointment of its first commissioner in February by parliamentary consensus is a positive development with future potential for the robust combating of corruption.

Throughout 2010, the AMP government continued to endure the challenges of coalition politics. The deputy prime minister, himself a leading national political figure, serving in the newly created portfolio for management and public administration, resigned following a public clash with the prime minister. In October, the indictment of the other deputy prime minister and the foreign minister on charges of corruption presented challenges for the coalition. Nevertheless, the prime minister's willingness to suspend the two ministers to face prosecution

UN Integrated Mission in Timor-Leste (UNMIT)

Authorization and Start Date	25 August 2006 (UNSC Res. 1704)
SRSG	Ameerah Haq (Bangladesh)
Police Commissioner	Luis Miguel Carrilho (Portugal)
Budget	\$206.3 million (1 July 2010–30 June 2011)
Strength as of 31 October 2010	Military Observers: 33 Police: 1,485 International Civilian Staff: 362 Local Civilian Staff: 893 UN Volunteers: 175

For detailed mission information see p. XXX

International Stabilization Force (ISF)

Authorization Date	20 June 2006 (UNSC Res. 1690)
Start Date	May 2006
Force Commander	Colonel Michael Reilly (Australia)
Budget	\$151.0 million (1 July 2010–30 June 2011)
Strength as of 30 September 2010	474

is a positive indication of recognition of the need for accountability at the highest levels of government, particularly due to increasing perceptions in society that the political elite holds itself above the rule of law. Despite the political machinations, the AMP coalition can be expected to endure its differences until national elections in 2012, which will be followed by first-time nationwide municipal elections.

In August, the president commuted the sentences of twenty-six soldiers and police convicted of murder and attempted murder in relation to the 2006 crisis, resulting in their immediate release from imprisonment. Twenty-four of those released had been convicted in a high-profile trial in March for separate armed attacks on the president and prime minister on 11 February 2008. The president's motivation to pardon was his strong belief in political reconciliation. But the



UN Photo/Martine Perret

A UN police officer with the United Nations Integrated Mission in Timor-Leste (UNMIT), together with officers from the Polícia Nacional de Timor-Leste, visits a Timorese neighborhood damaged by heavy rains, 17 February 2010.

move further exacerbated concerns of a growing culture of impunity, criticism coming from the Roman Catholic Church and civil society.

Transfers of Policing Responsibility

The major mandate focus of UNMIT remained policing and police development. UN police continue to retain executive policing authority, but the phased process of resumption of primary policing responsibilities in districts and police units began in May 2009. The process of joint UNMIT-government teams conducting assessments of all thirteen district police units and national police units, on the basis of agreement on mutually agreed criteria for readiness of national police to resume primary policing responsibilities, was completed by September.

By the final quarter of 2010, three out of thirteen districts and six police units remained under UN police authority, having been assessed as not ready for resumption. In September 2010 alone, the resumption of policing responsibilities by the national police took place in four districts and three police units, including the Immigration Department and the Border Patrol Unit.

In the postresumption phase, UN police remain in respective districts and units to monitor, advise, and continue in support of the national police. Until now, no significant changes in the security situation or crime reporting have been reported in districts where national police resumed policing responsibilities. Nevertheless, some observers continue to question the overall operational capability and professional capacity of the national police.

In early 2010, the government had pushed for the full resumption of police authority to be transferred to the national police by the end of 2010. Ongoing problems in relation to the lack of operational and logistical arrangements for national police delayed the resumption of policing responsibilities in a number of districts. With 2,944 police officers (94%) fully certified by September, the high number of national police in the remaining three districts not yet having completed the certification process presents further challenges to the resumption process particularly in the capital of Dili. The full transfer of policing authority from UN police to the national police is not expected until mid-2011. Although UN police numbers will be further cautiously reduced during 2011, significant numbers of UN police, including formed police units, will remain until postelection assessment in 2012.

In February, the UN Secretary-General reported that the postresumption challenges of police monitoring, mentoring, and advising will require police-contributing countries to deploy police officers with “required profiles and skill-sets.” The job profiles of the UN police were subsequently adjusted, including those for advisers, mentors, monitors, and internal investigators. The recruitment of civilian experts was also recommended to assist in institutional development and oversight of the national police due to the current limitations of UN police resources. The recruitment of nineteen civilian specialist advisers to support police institutions in areas such as special operations, finance, and forensics was under way in the final quarter of 2010. Such an assessment of the limitations of the UN police model of police-capacity

development highlights the need for alternative approaches to police training in future peace operations.

Developments in the Security Sector

The draft of the mandated security sector review, without significant input from disinterested national counterparts, was submitted by the UNMIT security sector support unit to the Office of the President. A long-awaited public-perceptions survey on the security sector reached its final stages of completion, though delayed for reasons similar to that cited above. The security sector reform (SSR) review project, under a joint UN-government project management board managed by UNDP, continued to approve ad hoc security sector capacity development projects, including the establishment of a National Defence Institute; support for an early-warning mechanism; an emergency response assessment; and support projects for civil society organizations engaged in SSR. UNMIT has directly engaged with the national army through military liaison mentoring facilitated by military liaison officers and through human rights training conducted by UNMIT human rights officers along with Provedor and civil society groups.

Marking a significant development in the national ownership of the SSR process, the national parliament passed the government's legislative framework for the security sector in March 2010; namely, the National Security Law, the National Defence Law, and the National Internal Security Law. The security legislation introduces an "integrated system of national security" that would coordinate the activities of state security agencies, particularly the national army and the national police. UNMIT provided recommendations to improve civilian oversight of the security sector and to define the role of security agencies in the laws, particularly the army and the police, in the late stages of the drafting process in 2009. In October, the UN Secretary-General's report to the Security Council expressed "hope" that the security laws' "operationalization and subsidiary legislation will provide greater clarity on the delineation of the respective roles and responsibilities of the military and

police, particularly with regard to offering the former a meaningful role in a peacetime setting." To date, no such subsidiary legislation has been drafted, as earlier envisaged by the UN. The first draft of the overarching National Security Policy remains with the council of ministers without any indication that the policy would alter the integrated security arrangements.

Although no operational implementation of the integrated security system has been developed, it is expected that increasing joint tasks and operations between the army and police in internal security matters will be justified by the security sector legislation. In early 2010, large-scale special police operations against allegedly criminal gangs in rural areas of west Timor-Leste were provided with the support of 200 soldiers. Despite UN police retaining executive policing authority in that specific area, the police operations were an entirely national police initiative, without UN police involvement. Such high-visibility police operations, involving special police units using semiautomatic assault rifles, has increased concerns of the apparent "militarization" of the police special. This brings the potential of leading to a resurgence of institutional rivalries between the army and the police, as witnessed during the 2006 crisis.

Support to Justice System Development

The justice system has been seriously challenged by internal coordination, lack of resources, and limited functioning for most of its short history. Two recent initiatives have the potential to positively impact on the future development of the justice system: the UNMIT Administration of Justice Unit facilitated the Independent Comprehensive Needs Assessment (ICNA), as mandated under Security Council Resolution 1704. Its recommendations included improving the coordination mechanisms, strengthening the capacity of the court system and judicial actors, and protecting judicial independence.

In mid-2010, many of the ICNA recommendations were included in the Justice Sector Strategic Plan for 2011–2013 (JSSP). The JSSP provides the first strategic framework for the justice system in several areas, including institutional

development, judicial training, and access to justice. Important objectives are proposed including the standardization of the traditional justice sector and for international judicial actors to move away from line functions in the courts to solely mentoring and advisory functions.

The UNDP Justice Sector Program (JSP) continues to play a main role in support of the justice sector through providing seventeen international judicial trainers to formally train judicial actors and other staff in the justice system, but also perform line functions in the courts. A total of thirty-seven national judicial actors are currently appointed to the judiciary. In 2011, the increasing conduct of trials by national judicial actors can be expected, particularly as another thirteen will qualify to take judicial appointments.

An ongoing major problem for the justice system is the number of pending prosecution cases. By June, 4,965 cases remained under investigation, although few more than 1,700 new cases had been filed during the year. The backlog is due to a number of factors, including the lack of case-management systems, problems of coordination between police investigators and the prosecution service, and also the questionable quality of police investigations. An Australian bilateral-aid justice project with technical support from the JSP is providing support for a significant initiative to operationalize the first coordinated case-management system throughout the justice system.

Transition Planning

Shortly after the arrival of SRSG Haq in January 2010, the UN Secretariat deployed a technical-assessment mission (TAM). The TAM was mandated to review progress in UNMIT's medium-term strategy but also initiated some significant considerations for transition planning. The TAM recommendations included coordination with international partners, such as Australia, to plan for the transition to future police training due to the "limited capacity" of UN police in police development and training skills; that UNMIT should progressively decrease its advisers in the transition to providing such advisory support from the UN system, particularly the UN

Development Programme (UNDP); that there should be continued multidonor support for UNDP programs such as the Justice Sector Program, particularly in judicial training, and capacity-development support for the parliament and the anticorruption commission; that there is continued need to focus on human rights monitoring, including the proposal that the UN Office for the High Commissioner for Human Rights assess the viability of establishing a human rights monitoring presence following UN peace operations. The TAM also importantly recommended that UNMIT plan to reduce the negative impact of UNMIT's withdrawal on the local economy and the 1,000 national UNMIT staff, the latter through professional training to help them take reemployment opportunities.

The transition from peacekeeping operations is expected to be a reconfiguration of UNMIT's current mandated activities, with an increased emphasis on the capacity development in all areas of the mandate. In September, UNMIT agreed with the president and senior government officials to establish a joint mechanism for transition planning and implementation through 2012, with plans to include the UN system and international partners.

The joint mechanism is intended to enable the transfer of functions to national authorities, the UN system, international partners and civil society. The joint mechanism will further "ensure that the transition process is consistent with Government strategies, such as the Strategic Development Plan." At this stage, the UNMIT, the national authorities and the international community appear committed to promoting national ownership of the transition process into peacebuilding efforts.

The engagement of international development partners in transition planning strategy and implementation will be critical to address remaining gaps and responsibilities identified in transition planning. At present, bilateral police development and military training is primarily undertaken by Australia and Portugal, in addition to bilateral police-training projects by Japan, New Zealand, and the United States, but also training of the military police by Brazil and

advisory support to the military by New Zealand and the United States. Timor-Leste's increasingly close regional ties with China, Indonesia, Japan, and Malaysia have the potential to further extend into future police-development support and military training. The EU and other partners provide support to security sector development projects. UN-coordinated justice sector capacity development is mainly supported by Portugal, Australia, Ireland, and Norway, while Australia, Brazil, and the United States maintain bilateral justice system support. Many such bilaterally funded UN programs will foreseeably continue under UNDP auspices after the transition from UNMIT peace operations.

Conclusion

The political and security situations in 2010 remained relatively calm and stable. Despite the efforts of the national authorities, UNMIT, and international partners toward the consolidation of peace since 2006, the underlying root causes of the 2006 crisis have not been fully resolved, and state institutions continue to remain fragile, especially the security sector. The forthcoming

election period in 2012 will mark a significant test of the capacity of state institutions, particularly security agencies, to withstand potential political conflict. Although the national police will have resumed full policing authority from UN police by the time of the elections, UNMIT will maintain a UN-police presence with backup security support from ISF. The postelection political and security situation will largely determine the transition process from peace operations to development support.

Transition planning currently remains in its early stages, but encouragingly in a developing joint initiative together with the national authorities at their highest level. The transition planning process should ensure that long-term commitments to strengthening state institutions will be agreed on by the national authorities, the UN system, and international partners, particularly in security sector and justice system development. To mitigate against previous experiences of conflict relapse after peace operations, that future transition process should be properly coordinated to ensure a sustainable and strategic transition to long-term security and development, rather than a quick exit strategy for peace operations.