

Timor-Leste

On the morning of 11 February 2008, rebels loyal to the fugitive Alfredo Reinado staged attacks on both the president and the prime minister of Timor-Leste. While President José Ramos-Horta was critically wounded, the attacks were repulsed, and Reinado was killed in ambiguous circumstances. Confronted with these developments, Timor's government and security institutions demonstrated a level of resilience and initiative that was in contrast to the events of two years earlier, when a crisis in the security sector precipitated an outbreak of violence that imperiled the young state and led to the formation of a new and complex peace-keeping operation, the UN Integrated Mission in Timor-Leste (UNMIT).

What followed was a year of relative stability in Timor-Leste, albeit one in which the government found itself torn between addressing challenges entrenched in the country's difficult past, and preparing for a future in which the promise of rising petroleum revenues offers hope, but also an ever-present set of concerns related to institutional capacity and budget execution.

While the security situation after the attacks remained calm, local politics were at times marked by tension between the ruling coalition and the former ruling party, now in opposition. The coalition government showed determination in the course of the year as it worked to push forward the development of its core institutions and achieve demonstrable results. However, problems within the security sector, persistently high levels of youth unemployment, and the impact of the global food crisis all represented significant threats to the country's social, political, and economic stability. Like the events of February, they highlighted the fragile nature of the



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UN Integrated Mission in Timor-Leste (UNMIT)

• Authorization and Start Date	25 August 2006 (UNSC Res. 1704)
• SRSG	Atul Khare (India)
• Chief Military Liaison Officer	Colonel Graeme Roger Williams (New Zealand)
• Police Commissioner	Juan Carlos Arévalo Linares (El Salvador)
• Budget	\$173.4 million (1 July 2008–30 June 2009)
• Strength as of 31 October 2008	Military Observers: 32 Police: 1,556 International Civilian Staff: 343 Local Civilian Staff: 879 UN Volunteers: 129

For detailed mission information see p. 339

International Security Forces (ISF)

• Authorization and Start Date	25 May 2006
• Force Commander	Brigadier Mark Holmes (Australia)
• Budget	\$145.6 million (October 2007–September 2008)
• Strength as of 30 September 2008	Troops: 950

country's development and the likely necessity of an international presence and assistance for some time to come.

Background

Timor-Leste's declaration of independence from Portugal in 1975 was followed by its invasion and annexation by Indonesia. In August 1999, an overwhelming majority of the Timorese people opted for independence over autonomy in a referendum supervised by the UN. Pro-Indonesian militias backed by the government and military launched a campaign of violence soon after, leading to the deaths of approximately 2,000 Timorese and the displacement of hundreds of thousands more.

The violence that followed the referendum elicited the emergency deployment of an Australian-led stabilization force, which made way for the UN to establish the UN Transitional Administration in East Timor (UNTAET). Charged with the daunting task of building a state from the ground up, UNTAET administered Timor-Leste until it assumed its independence in 2002. In the process, the mission oversaw the election of resistance hero José Alexandre Kay Rala "Xanana" Gusmão as the country's first president, and a parliamentary government led by the Frente Revolucionária do Timor-Leste Independente (FRETILIN).

UNTAET's successor, the UN Mission of Support in East Timor (UNMISSET), was authorized to provide interim law enforcement and public security and continued to assist in the

development of the East Timor Police Service (later called the Policia Nacional de Timor-Leste [PNTL]). In 2001, a new Timorese defense force, the F-FDTL (comprising the Forças Armadas da Libertação Nacional de Timor-Leste [FALINTIL] and the Forças de Defesa de Timor-Leste [FDTL]), was created with bilateral support, but a significant number of fighters were demobilized and not incorporated within it. In 2005, UNMISSET was replaced by the UN Office in Timor-Leste (UNOTIL), a considerably smaller mission designed to assist in the transition from peacekeeping to coordinated development assistance. With member states unwilling to support it financially, UNOTIL was scheduled to close in May 2006.

The crisis that erupted in April and May 2006 led to a rapid reassessment of Timor-Leste's security and assistance needs. With its origins in the dismissal of a number of disgruntled F-FDTL soldiers ("petitioners"), the escalating hostility exposed the centrality of bitter divisions within and between Timor-Leste's defense and police forces as well as profound failings in the international efforts to develop and nurture the new state institutions. Thirty-seven people died in the violence, many houses were destroyed, and 150,000 Timorese—15 percent of the population—were displaced from their homes.

In mid-May 2006, the Timorese authorities requested international assistance. The Australian Defense Forces, with support from the New Zealand Defense Forces, arrived in Dili on 26 May, helping to calm the situation. A multidimensional assessment team led by a Special Envoy of the Secretary-General recommended a return to a larger UN peacekeeping operation focused on security and judicial sector reform.

Security Council Resolution 1704 established the UN Integrated Mission in Timor Leste in August 2006. UNMIT's broad mandate is rooted in the provision of support to the government and related institutions in their efforts to consolidate stability, bring about national reconciliation, and foster social cohesion. In addition to supporting the elections in 2007, its current mandate includes ensuring the restoration and

maintenance of public security through support to the PNTL; assisting the government in conducting a review of the security sector; justice sector development; relocation of displaced persons; good offices; and a coordinating role in executing the “compact” through which Timorese national development plans, the UN, and bilateral donors are to be dovetailed in the provision of humanitarian assistance and the promotion of sustainable development.

UNMIT, alongside 1,000 Australian and New Zealand troops operating in the International Security Forces (ISF), brought a measure of security to the country. In May 2007, it oversaw presidential elections won by José Ramos Horta, who defeated the FRETILIN candidate. Although it remained the largest party in terms of seats, FRETILIN was unable to persuade enough other parties to join it in a coalition, and in August 2007 an alliance of parties led by former president—now prime minister—Gusmão established a new government.

During 2007, UNMIT and the government were faced by a multitude of complex issues rooted in social, economic, and governance problems: high unemployment, rapid population growth, inadequate infrastructure, a weak public sector with limited service capacity, and fragile state institutions. Above all, rivalries and dysfunction within and between the PNTL and the F-FDTL and estranged elements from the latter—most notably the armed group led by the former major Alfredo Reinado, who had deserted the F-FDTL in May 2006—remained a serious threat to Timor-Leste’s efforts to move away from the 2006 crisis.

Key Developments

Security Situation

In August 2007, President Ramos Horta initiated discussions with Alfredo Reinado and his renegade troops in an attempt to negotiate his surrender. These negotiations culminated in the fateful encounter of 11 February 2008, in which Reinado was shot dead by the president’s bodyguards. The incident led to a flurry of finger-pointing

between the F-FDTL, the PNTL, and UN police as to whose failure had led to the attacks. In the meantime, the government declared a state of siege in which the military took control of security operations, while Australia bolstered the ISF force with an extra company of troops as well as seventy extra police.

In response to the emergency, on 17 February, the Timorese Council of Ministers approved a resolution mandating the commander of F-FDTL to create a Joint Command integrating members of the F-FDTL and the PNTL for security operations; however, this was done without the prior consultation of the UN. The Joint Command was credited with the apprehension of Reinado supporters associated with the February attacks. It was subsequently disbanded in June 2008 after the state of siege expired and the security situation stabilized. The cooperation of the PNTL and the F-FDTL proved that their coordination is possible even in a politically sensitive engagement. However, the legality and the need for the Joint Command has been questioned and highlights the need for a clear definition of their respective roles in a future national security policy.

Although apparently successful as an ad hoc mechanism, the Joint Command also exposed the problems in the professional standards of both the F-FDTL and the PNTL. These were manifest in instances of human rights violations that the Joint Command appeared either unable or unwilling to address, as well as failures to heed command, including activities that continued without legal basis after the end of the state of siege. Coordination between UNMIT and the Joint Command—whose PNTL officers fell outside UNMIT’s direct supervision or responsibility—generally functioned well, although there were some notable exceptions.

The death of Reinado contributed significantly to the possibility of addressing two significant issues—the F-FDTL “petitioners” and the internally displaced persons—outstanding as consequences of the 2006 crisis. In its aftermath, a trickle of petitioners arriving at a camp in Dili in response to a government invitation to dialogue swelled to a flood of 709 by the end



REUTERS/Lirio Da Fonseca

Timor-Leste's President José Ramos-Horta presents medallions to UNMIT police officers for their service to the country, Dili, Timor-Leste, 18 April 2008.

of May 2008. On 4 June, the government offered financial compensation to those former F-FDTL personnel who turned themselves over to a civilian life. Meanwhile, returns of internally displaced persons also accelerated considerably; between May and September, for example, the International Organization for Migration helped the government facilitate the return and reintegration of almost 6,000 families living in camps within and around Dili.

Security Sector Reform

The performance of the Joint Command illustrates the need for the holistic approach to the development of Timor's security sector that had been evident in the wake of the 2006 crisis. However, political sensitivities surrounding the security forces remained high. Thus, while UNMIT has devoted extensive effort and resources to assistance to the PNTL, it was only after the establishment of Timor's new government in August 2007 that it began to try to assist the government in the security sector review process with which it was also mandated.

Timor-Leste made progress in addressing security sector reform at an institutional level during 2008. In May, the government adopted

the Law of Information Systems, which defined the frameworks for Timor's intelligence sector and gave the National Information Service authority over the intelligence branches of both the military and the police. The Council of Ministers also approved a legislative decree defining the roles and responsibilities of Timor's Ministry of Defense and Security. In the following month, the government and UNMIT's Deputy Special Representative, in his capacity as Resident Representative of the UN Development Programme (UNDP), agreed on a project document that outlined UN support of a comprehensive evaluation of the security sector. In the meantime, UNMIT is also providing support to a government-led process to develop a national security policy.

UNMIT's progress in helping reestablish the PNTL, following its near collapse after the 2006 crisis, has been encouraging, if not straightforward. In March 2008, an expert mission led by the UN Police Advisor visited Timor-Leste to conduct an assessment of the requirements of the national police as well as possible adjustments needed to UNMIT police skill sets. It found that the PNTL as an institution was still understaffed, lacked political support, and in many instances continued to be resistant to UNMIT supervision. The PNTL suffered from insufficient funding, unclear command structures, and a subsequent lack of accountability.

As a result of these findings, the UN's Standing Police Capacity, with support from the International Center for Transitional Justice, was deployed for eight weeks to help implement the expert mission's recommendations. The secretary of state for security was subsequently able to devise a strategy and timetable for the resumption of policing by the PNTL. This began in August 2008 and is to be completed during the first half of 2009. In the meantime, by June, provisional certification of PNTL officers had ended and over 3,000 officers were deemed fit to proceed in the mentoring and training process leading up to full certification.

A separate set of challenges for the PNTL, as for any emergent police force, relate to the difficulty of building legitimacy in the face of

persistent deficiencies within the justice sector. With ongoing assistance by UNMIT and other international partners, some progress was made in ensuring that an increasing number of Timorese judicial personnel worked as judges, prosecutors, and public defenders, and that their presence in the districts increased. However, between July 2007 and July 2008, the backlog of cases for prosecution in Dili alone increased from 2,413 to an estimated 4,700. Meanwhile, many of the population turned to traditional dispute resolution mechanisms outside the legal framework.

Political and Other Developments

Beyond the security sector, the February emergency also served to highlight a level of dialogue and reconciliation among the erstwhile-divided Timor government and FRETILIN. The High Level Coordination Committee—the most prominent of a number of dialogue and coordination mechanisms established by the government and UNMIT—met several times at the height of the crisis to consult on national responses to the attack. That these meetings included the leadership of FRETILIN demonstrates a growing commitment to dialogue on the part of the Timorese political elite.

Nevertheless, while the overall response to the events of February was positive, and the long-term prospects for Timor-Leste are boosted by its rapidly growing petroleum revenue, the challenges the country is still facing are considerable. Its institutions remain fragile and the state as a whole is vulnerable to further unrest as a consequence of a number of factors, including the combination of soaring food prices and high unemployment and continued tensions over veterans' issues.

UNMIT and the UN Country Team continued to support the development of Timor's governance and civil service institutions in 2008—the “year of administrative reform,” as the prime minister announced in May. In addition to the organization of a national workshop, this support took the form of policy advice to the government as it developed frameworks to establish a civil service commission, reformulate the

office of the inspector general, and establish an anticorruption agency. UNMIT also began assisting in the development of a better-functioning radio broadcast system, expanding the capacity of the national broadcast agency capacity to reach 80 percent of the territory, while training journalists, producers, and technicians.

Issues surrounding reconciliation and accountability remain complex and contentious. Accountability received a blow when, in April, Ramos-Horta issued a presidential decree by which 94 out of Timor's 179 prisoners received a pardon or partial commutation of their sentence. Also pardoned was Indonesian militia leader Joni Marquez, who had been convicted in 2001 of crimes against humanity, including torture and murder, committed before and after the 1999 referendum, and had been sentenced to thirty-three years in prison. Among those receiving commutations of their sentence was former interior minister Rogerio Lobato, who had been found guilty of crimes committed in the context of the 2006 crisis.

On 15 July 2008, the Commission of Truth and Friendship formally presented its final report. While concerns remained that the commission had prioritized relations between Indonesia and Timor-Leste over truth and justice, the report did find that Indonesia bore by far the greater responsibility for the gross human rights violations that occurred, and no amnesties were recommended. It also put on the official record the direct links between the proautonomy militia and the Indonesian military.

During September 2008, the national parliament drafted resolutions to implement the recommendations from both an earlier report of the Commission for Truth, Reception, and Reconciliation and the July 2008 report of the Commission of Truth and Friendship. This was a notable development, given that the parliament had delayed discussion of the more comprehensive earlier report for more than two years.

Conclusion

The attacks of February 2008 constituted one of the gravest challenges to Timor-Leste in its short

life as a nation. The measured actions taken by the government, with the support of UNMIT, helped ensure stability, and resolved some issues outstanding from the 2006 crisis. While progress has been made in the reestablishment of the PNTL, persistent concerns about the resilience of

the police force and more generally about the security institutions continue to illustrate the importance of a holistic approach to security in Timor-Leste as the basis for lasting peace and stability in the country—and an eventual draw-down of the UN mission.