

## Timor-Leste

With the residual problems of the 2006 crisis largely resolved by the end of 2008, Timor-Leste was finally able to devote its undivided attention to the challenges of building the foundations for a long-term, durable peace: reforming the security sector to ensure it becomes a reliable guarantor of national security; strengthening the justice system to build confidence in the rule of law; building the capacity of state institutions to effectively fulfill their roles and exercise democratic governance; and developing the country's economy and infrastructure so that people can lead productive lives.

The successive year progressed without significant security problems, and on 30 August 2009 the whole country was able to peacefully celebrate the tenth anniversary of the referendum that gave it its independence.

Progress was made in a number of areas: after a lengthy debate over a village elections law, peaceful elections were held on October 9; further initiatives were taken to strengthen democratic governance; and, after a delayed start, the process of handing back primary executive policing responsibilities to the Timorese police, bolstered by detailed assessments and new supporting roles played by the UN police, got well under way.

At the same time, the young state continued to struggle with the principle of accountability before the law, both for current and for past crimes; and with defining a national security structure based on sound principles—such as a clear delineation of institutional roles—that will ensure that security institutions can help prevent, rather than cause, instability.

While Timorese and their international partners faced up to these rather complex challenges, the UN Integrated Mission in Timor-Leste (UNMIT), with the backing of the Australian-led International Stabilization Force (ISF), maintained a vital enabling security safety blanket. How long such a role must be maintained cannot be determined by the mere absence of conflict, but by the realization of resilient state institutions that can effectively manage the country's challenges on their own. As the past decade has shown, this will be neither easy nor quick.

### 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 rejected autonomy within Indonesia



and opted for independence in a referendum organized and conducted by the UN Mission in East Timor (UNAMET). The Indonesian military and their Timorese militia proxies, backed by the government, immediately launched a campaign of violence and demolition, leading to the deaths of approximately 1,400 Timorese, the displacement of hundreds of thousands more, and the destruction of all public records and 80 percent of the country's homes and physical infrastructure.

The Indonesian campaign of destruction elicited the emergency deployment of an Australian-led and UN-endorsed stabilization force, which cleared the way for 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 postliberation president, and a parliamentary government led by the Frente Revolucionária de Timor-Leste Independente (FRETILIN).

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. UNTAET's successor, the UN Mission of Support in East Timor (UNMISSET), was authorized to continue the provision of law enforcement, public security, and assistance in the development of the East Timor Police Service (later called the Policia Nacional de Timor-Leste [PNTL]). 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 boiled over in April and May 2006 was sparked by a long-standing labor dispute within the F-FDTL and fueled by bitter political rivalries and the politicization of the

#### UN Integrated Mission in Timor-Leste (UNMIT)

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| • Authorization and Start Date   | 25 August 2006 (UNSC Res. 1704)   |
| • SRSRG                          | Atul Khare (India)  |
| • Police Commissioner            | Luis Miguel Carrilho (Portugal)   |
| • Budget                         | \$205.9 million<br>(1 July 2009–30 June 2010)   |
| • Strength as of 31 October 2009 | Military Observers: 32<br>Police: 1,552<br>International Civilian Staff: 366<br>Local Civilian Staff: 895<br>UN Volunteers: 196 |

*For detailed mission information see p. 329*

#### International Stabilization Force (ISF)

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| • Authorization Date               | 20 June 2006 (UNSC Res. 1690)                         |
| • Start Date                       | May 2006  |
| • Force Commander                  | Brigadier-General Bill Sowry (Australia)              |
| • Budget                           | \$142.0 million<br>(1 October 2008–30 September 2009) |
| • Strength as of 30 September 2009 | Troops: 920   |

various security organization. But as its origins, the crisis highlighted the immaturity and fragility of Timor-Leste's nascent institutions. A third of the military had deserted (and became known as the “Petitioners”). Thirty-seven people died in the violence, which saw the military and police openly fighting one another. Many houses were destroyed, and 150,000 Timorese—15 percent of the population—were displaced from their homes as the conflict took on, and entrenched, a new East versus West antagonism.

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 UN assessment team recommended a return to a larger UN peacekeeping operation

focused on reform of the security and judicial sectors.

Security Council Resolution 1704 established the UN Integrated Mission in Timor-Leste in August 2006 with a broad mandate to support the government and related institutions in their efforts to consolidate stability, bring about national reconciliation, and foster social cohesion. UNMIT was staffed with 1,045 regular UN police, and another 703 in formed police units (FPUs); thirty-four military liaison officers; 459 international civilian staff; and 386 UN volunteers. Alongside 1,000 Australian and New Zealand troops operating in the International Stabilization Force, they gradually restored security to the country. By the end of March 2007 order prevailed, and national elections held in April, May, and June were essentially peaceful (after the elections, one formed police unit, comprising about eighty persons, was drawn down). In May, Nobel laureate and former prime minister and foreign minister José Ramos-Horta defeated the FRETILIN candidate in the second round of voting to become president. In the June parliamentary elections, FRETILIN again won more seats than any other single party, but its share of the seats in parliament fell from 63 percent to 32 percent. Former president Gusmão was able to form a coalition of parties that controlled a majority in parliament, thus becoming prime minister.

During 2007, UNMIT and the government faced a number of serious challenges: political tensions, still high from the crisis, were further heightened by the elections; large numbers of internally displaced persons (IDPs) required substantial humanitarian support and the politicized camps were hotbeds of instability; and the disgruntled Petitioners were rallying around the armed group led by former major Alfredo Reinado, who had deserted the F-FDTL in May 2006. All of these challenges came in the context of a poor economy, high youth unemployment, weak infrastructure, low levels of education and skills, a traumatized population, and, above all, state institutions that were still too ineffectual and fragile to help address these problems.

By early 2008, with the security situation calm and political actors channeling their rivalries through the appropriate democratic institutions, UNMIT had turned its full attention to the core of its mandate: assisting with the review and reform of the security sector; supporting justice sector development; helping strengthen democratic governance; and facilitating economic and social development. In February, the country's stability survived a major challenge when Reinado led attacks on the president and prime minister. The crisis was handled well by the government, which, respecting constitutional provisions, instituted a "state of siege" period that ultimately helped resolve the crisis but reexposed the shortcomings of the state's security institutions.

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## Key Developments

### *Security Situation*

By the end of 2008, the two major security issues remaining from the 2006 crisis—the ex-military Petitioners and the IDPs—had been largely resolved: the Petitioners and the majority of the IDPs had accepted financial packages and returned home. In a speech before the Security Council in February 2009, the UN Secretary-General declared that Timor-Leste was now facing "a new horizon"—that all national and international efforts could henceforth concentrate on the essential task at hand: building the foundations for long-term stability.

Rapid progress in IDP returns continued in 2009, and by the end of August the last remaining camp had officially closed. The surviving perpetrators of the February 2008 attacks on the president and prime minister were brought to trial beginning in July.

The return home of both the Petitioners and the IDPs occurred without significant incident, but both groups still contain the seeds of future instability if their solutions are not made durable. The return of IDPs has caused strains on local resources and services. Lack of clear land and property rights, despite some encouraging progress during 2009, remains another underlying

source of tensions. About 3,000 persons remain in temporary transitional shelters, although the government has announced plans to close these. The Petitioners, even while accepting the government's cash settlement, continued to insist that their original grievances from before 2006 had not been addressed. The peaceful conduct of the October elections suggest the mood in local communities is still optimistic, despite the cash settlements from 2008 increasingly running out.

There were no major security incidents during the reporting period. While happily the ISF's security support role response remained largely untested, it continued to play an important psychological backup role. The ISF (which includes about 150 New Zealand personnel) has been gradually reducing its presence on the ground, drawing down from about 1,100 personnel in mid-2008 to about 800 since the end of January 2009. Discussions with the government over further drawdowns, which are likely, continued in the final months of the year. Since early 2009 the ISF has gradually reoriented its focus away from pure security support activities to include more Timorese capacity building through joint training exercises in noncombat functions such as personnel protection, air crash and port fire response, paramedic first response, and engineering. In keeping with the stable security situation, the ISF in 2009 twice relaxed its posture: in February, patrolling soldiers began to carry their weapons on their backs, rather than in their hands, and all machine guns were put in armories, and in September they began carrying their weapons unloaded.

### *Security Sector Reform*

The process of handing back primary executive policing responsibilities to the PNTL, anticipated to begin in August 2008, was delayed until early 2009. The readiness of the PNTL to meet even the minimum operational requirements for resumption was found to be lacking, particularly in terms of logistics. As a result, the resumption plan was refined and the onus was put on strict new criteria, rather than deadlines. Starting in

early 2009, joint UNMIT-government technical assessment teams began to examine each of the districts and specialized units in turn. An agreement on the respective post-resumption roles of the PNTL and the UN police was put in place just before the handover of the first district, Lautem, on 14 May. Two further districts were handed over in June and July, and responsibility for the police training center was taken over in mid-September. By 30 August, 92 percent of PNTL officers overall had been fully certified.

The handover of policing responsibility, as UNMIT was at pains to explain, was not predicated upon any sense of completion of the task at hand, but rather upon a recognition of the limitations of UNMIT conducting mentoring and executive policing with the same, unspecialized resources; a decade of UN capacity-building efforts had demonstrated that the UNPOL model was not producing satisfactory results. There was also clearly waning support, from within both the Timorese police and the political leadership, for the status quo. Pre- and post-resumption assessments have confirmed that an effective and reliable police force remains



Members of Pakistani and Malaysian formed police units (FPUs) of UNMIT participate in the Polícia Nacional de Timor-Leste's tactics and logistics exercises in Dili, Timor-Leste, 25 September 2009.

a distant goal. Having the PNTL resume responsibility now, well before the end of the mission, while maintaining substantial levels of UN police to monitor, advise, and—importantly—step in again if required, is intended to be a pragmatic step forward in that process. Accordingly, the Security Council agreed in February to maintain current UN police levels through to February 2010. A technical assessment mission from UN headquarters will visit Timor-Leste in early 2010 to develop medium-term recommendations for the configuration of UNMIT, including the police component, beyond that date. At the same time, Australia's bilateral Police Development Programme continues to provide substantial long-term support for the institutional development of the PNTL.

In June, the Council of Ministers approved drafts of three security laws—national security, internal security, and national defense—which are to form the backbone of a new security architecture. These draft laws, prepared with little UNMIT input, propose considerable cooperation and coordination between internal and external (defense) security functions, and allow for F-FDTL involvement in internal security in particular circumstances. They do not, in their current form, provide great clarity in the delineation of roles and responsibilities between the military and the police, nor in the mechanism for civilian oversight. UNMIT, both privately and in a presentation to the parliamentary committee reviewing the bills, has stressed the need for both.

UNMIT attempts to support security sector reform have continued along much the same lines as they began, tentatively, in late 2007 and early 2008. In 2009, activities included assistance for roundtable discussions on a proposed national security policy, the drafting of a law on civil protection, and an options paper for a national defense research and training institution. Buy-in from the Timorese to UN security-sector input has remained elusive. The security sector review project managed by the UN Development Programme (UNDP) continued to provide support to ad hoc capacity-building initiatives, and approved funding for an international adviser for the parliamentary committee dealing with security. A public opinion survey

tendered in late 2009 was part of a long-proposed but unenthusiastically received contribution to the security sector review process.

Abuse of authority and human rights by the police and military continued to be reported, and accountability for such violations remains very weak. Further altercations between Timorese security forces and UN police have occurred and are another indication of weak professionalism. While to date there has been no significant physical conflict, such incidents are perilous due to the presence of firearms and potential for rapid escalation.

In June, the new penal code entered into force, incorporating core international criminal law and human rights standards and making domestic violence a crime. Several new pieces of legislation were advanced in 2009 with UNMIT technical assistance. In practice, however, many disputes continue to be handled through traditional justice mechanisms. An independent comprehensive needs assessment of the justice sector, first recommended after the crisis in 2006, was conducted from 1 August to 28 September. Meanwhile, under a new prosecutor-general, the number of pending criminal cases decreased slightly from 5,400 to 5,013 in the first eight months of the year.

### *Political and Other Developments*

After considerable political debate, and a constitutional challenge to the draft legislation, a new village (“*suco*”) election law was promulgated in July, and 9 October was set as the date for the election of local chiefs and village councils. These one-day elections will be particularly challenging technically, as, unlike the national elections in 2007, each of the 442 villages will have its own distinct ballot. The UN deployed sixty-two volunteers and provided technical advice for the elections.

FRETILIN continues to publicly deny recognition of the government and to call for early national elections, but this stance was less firm in 2009. While harsh rhetoric from both sides continues to be unhelpful, FRETILIN has remained in parliament and has calmly accepted court verdicts that do not support its legal challenges.

Some progress was made in 2009 in strengthening democratic governance. A new position of deputy prime minister for management and public administration was created in January, and in April the inspector-general was empowered to perform internal audit functions. Parliament approved laws to establish anticorruption and civil service commissions. Progress in developing a culture of accountability and rule of law, however, was less encouraging. On 30 August, a former pro-Indonesian militia leader, arrested in Timor-Leste on a warrant for crimes against humanity committed in September 1999, was released from pretrial detention and delivered to the Indonesian embassy in Dili. The release has been acknowledged as a political response to Indonesian demands, and coinciding with the release, President Ramos-Horta made a national speech arguing once again that in the interest of good relations, Indonesian perpetrators of serious crimes in Timor-Leste must not be pursued. The release generated widespread criticism and charges of blatant political disregard for the judicial process, including some from government members in parliament. The UN publicly questioned the decision and reiterated that according to international legal principles there can be no amnesty or impunity for serious crimes.

The international community remains firmly committed to the long-term stability of Timor-Leste. Australia invests heavily in security, providing the bulk of ISF troops and a large police development project, and is the single biggest bilateral aid donor. Portugal contributes significantly to support education and justice, both of which are based on a Portuguese model. Indonesia provides important access to its universities to Timorese students, but, as already illustrated, does not always use its influence in ways that further the development of democratic Timorese

institutions. The United States, the European Union, and regional neighbors such as China and Japan are also major donors. While these efforts are important, coordination between donors remains elusive. Crucial gaps, such as assistance for institutional development of the F-FDTL, while admittedly politically sensitive, go largely unaddressed. Yet as demonstrated in 2006, the F-FDTL is an important potential source of instability. Especially in the long term, after the UN peacekeeping mission winds down, the sustained and coordinated support of bilateral actors will be essential to the ongoing consolidation of peace. Since February 2009, UNMIT has, at the request of the Security Council, provided a list of benchmarks as a road map to resilient peace in Timor-Leste. What this list most clearly indicates is that the road is a long one, and that Timor-Leste will remain fragile for many years to come.

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## Conclusion

The absence of significant security problems over the past year has allowed progress to be made on some of the underlying challenges of peace consolidation. Things are moving slowly forward in some areas of justice, security sector reform, and democratic governance, but not so much in others. This halting pace, even in such a relatively simple fragile state as Timor-Leste, underlines both the degree of difficulty and the long-term nature of these challenges. The international community will therefore need to stay the course for the long term, while constantly seeking ways to improve the effectiveness of their support; and Timorese leaders must try to look beyond short-term priorities to ensure that proper foundations are laid, primarily in terms of resilient institutions with entrenched principles, for long-term ongoing progress.