



Soldiers and police patrol on 14 March 2008, as part of an operation to capture rebels involved in the attack on President José Ramos-Horta. Confusion over the roles of the military and the police could create antagonism between the two groups.

Second division

Police-military tensions remain in East Timor

International peacekeeping forces are scaling down their presence in East Timor ahead of elections in 2012. **Sven Gunnar Simonsen** examines how future poll results and the blurring of boundaries between the police and military could lead to the resurgence of social tensions.

KEY POINTS

- International peacekeeping forces are drawing down from East Timor ahead of municipal elections in 2010 and presidential and parliamentary polls in 2012.
- However, many of the social tensions that sparked a violent crisis in 2006 remain in place and could revive if elections are contentious.
- Such a possibility is exacerbated by flaws within the ongoing security sector reform process, with confusion over the overlapping roles of the military and police.

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Eight years after East Timor's independence, international peacekeeping forces are scaling down their presence in the country, with the Australian-New Zealand International Stabilisation Force (ISF) drawing down from 800 to 550 personnel in February. However, key divisions that shaped the violent clashes and political crisis in 2006 remain and have the potential to re-ignite. In particular, growing competition between the military and the police force raises the risk of confusion over their roles and the revival of the tensions that provided the trigger for the 2006 clashes.

Tensions within the security forces have undermined stability ever since East Timor's independence process began in 1999 with Indonesia's withdrawal from the territory. The most severe post-independence outbreak of violence was in April-May 2006, when up to 38 people were

killed and 150,000 displaced in a crisis that started with a regional division inside the army (Falintil Forças de Defesa de Timor-Leste: F-FDTL). The initial spark was complaints by soldiers from the western part of the country (Loromonu) that they were being discriminated against in favour of soldiers from the east (Lorosae), which dominate the army. As the crisis evolved, the police (Policia Nacional de Timor-Leste: PNTL) in the capital Dili disintegrated, and members of the army and the police participated in crime and violence.

It was the country's worst setback since the destruction inflicted by Indonesian-backed militias in 1999. The chaos gradually died down with the arrival of the UN police and Australian-led ISF. A new UN mission, the UN Integrated Mission in Timor-Leste (UNMIT), was set up to replace the small UN office that had been due to close down. The following year, the international presence

could not prevent a new escalation of violence in Dili and the eastern districts, as the governing party, Revolutionary Front of Independent East Timor (Frente Revolucionária do Timor-Leste Independente: Fretilin), lost power to former president and guerrilla leader Kay Rala 'Xanana' Gusmão's Parliamentary Majority Alliance (Aliança com Maioria Parlamentar: AMP) coalition. On 11 February 2008, President José Ramos-Horta was shot and near-fatally wounded and Prime Minister Gusmão was attacked but escaped unharmed, in incidents involving soldiers who had left the military in 2006.

Risk factors

The risk factors in 2010 are lower than they were in 2006, although they still have the potential to undermine stability. Key features of the 2006 crisis appear to have been successfully addressed: the last of the country's 65 tented camps for internally displaced people was closed in late 2009; the tensions between Lorosae and Loromonu East Timorese, which framed much of the violence in 2006 and 2007, appear to have eased; the frequent clashes between martial arts groups, in particular in Dili, have calmed; and the issue of the petitioners, a group of 600 mostly Loromonu F-FDTL members whose complaint of discrimination within the Lorosae-dominated army first set the 2006 crisis in motion, has been resolved. Moreover, the leader of the soldiers who left the F-FDTL in 2006, former military police commander Major Alfredo Reinado, is no longer on the scene; he was shot and killed in the 11 February 2008 attacks.

Yet despite the current calm, these security issues do not appear to have been resolved for good. One fundamental factor is East Timor's demography. The country's population is one of the world's fastest growing (at an estimated 3.21 per cent in 2009) and two-thirds is under 30 years old. In large part owing to this young demographic, a large proportion of the population has little or no memory of the resistance era that shaped the country's current leaders and their idea of national unity.

In addition, high population growth is putting pressure on the country's resources. The economy is struggling to meet the demand for new jobs and housing. Although the economy is growing at a high pace, at an estimated 4.5 per cent in 2009, unemployment is high, estimated at around 30 per cent in Dili in early 2009. As such, there remains potential for social discontent to spill over into violence, with or without the trigger of disputes within or between the security forces.

With regard to the security forces, a number of security sector reform measures have been taken since the 2006 crisis. However, the progress and

effectiveness of this reform is unclear. Efforts to professionalise the military and police, as well as improve accountability and civilian control, have met with resistance and have sometimes been confused by political improvisation.

The manner in which the government has succeeded in resolving the internally displaced people and petitioners issues could also ignite future conflict. The government avoided the difficult issue of assessing the compensation due to internally displaced people on the basis of the actual damage done to their property after around 5,500 houses were destroyed in Dili in 2006, and instead paid claimants USD4,500, including in cases where houses were only partly damaged, or in some cases did not even belong to the claimant. Similarly, discharged soldiers have been paid USD8,000 as one-off compensation for the loss of their job. In a country where a majority earn less than USD1.25 per day, such outcomes have already encouraged new demands, according to local sources who spoke to *Jane's*, and therefore more of the social discontent that exacerbated the 2006 violence.

'President Ramos-Horta and Prime Minister Gusmão were attacked by soldiers who had left the army'

Adding to the risk is the near-total impunity for crimes committed in 1999 and 2006. For example, in November 2009 Ramos-Horta and Gusmão handed over former militia leader Maternus Bere to Indonesia, despite a considerable outcry from the ruling coalition and the country at large. Arrested by East Timorese police in August, Bere has been indicted by the UN for a range of serious crimes, including murder and torture, linked to the Suai church massacre in 1999, when around 200 people were killed. Bere is now highly unlikely to face trial on these crimes in Indonesia. Ramos-Horta has also cut short the sentence of Rogério Lobato, the former interior minister who had been given a seven-year sentence for his role in the 2006 crisis, as well as many others.

Moreover, Ramos-Horta and Gusmão are seeking to prevent the establishment of an international tribunal to investigate the militia violence in 1999, when 1,400 people were killed, two-thirds of the population displaced and 70 per cent of all buildings destroyed. Such unwillingness to investigate past war crimes and events is upsetting for much of the population and also sends the message that such violence and crimes can be carried out without receiving major punishment.

Such tensions could come to a head during elections, with district and municipal elections

due in 2010 and presidential and parliamentary polls in 2012. East Timorese politics are highly confrontational. Fretilin won 21 out of 65 seats in the 2007 parliamentary elections, becoming the largest single party, but could not assemble a majority, and had to cede power to Gusmão's coalition. Fretilin still does not formally recognise the legality of Gusmão's government. The AMP coalition has strong voting discipline, and is able to out-vote Fretilin whenever necessary. As a result, Fretilin has little influence in the legislature, but the party still appears to have good support among the population.

As well as the February 2010 drawdown by the Australian-New Zealand ISF peacekeeping force, Ramos-Horta has said he wants to see UNMIT and UN Police leave the country by 2012, when elections are to be held. Yet this is the point when the success of the security sector reform will be tested, given that social and ethnic tensions may well re-emerge during the election period. Indeed, should any of these elections be disputed, violence could erupt, with all the pressure falling on the security forces in the absence of international forces.

Given long-standing tensions between the military and the police, a worst-case scenario would be the military and police forces intervening in the crisis by supporting different sides. Even if the security forces sought to play a stabilising role, confusion over the roles of the military and the police could hinder these efforts and even create antagonism between the two groups.

Security relations

Relations between the military and the police are problematic, at the same time as areas of responsibility are beginning to blur. The approximately 1,300-strong F-FDTL was set up in 2001, with an authorised strength of 1,500 troops and 1,500 reserves, to absorb former combatants from the Falintil guerrilla movement, and this background has contributed to its current position of relative independence from the civilian government. However, East Timor now faces little external threat, which is the area of responsibility constitutionally assigned to the F-FDTL. The military is therefore searching for a role, and it is increasingly finding it in internal security.

Meanwhile, the 3,150-strong police, generally seen as a more fragile institution than the army, is starting to look more like a paramilitary force. "The police wants the respect that the army has, and the F-FDTL wants the PNTL's presence," one senior UN official told *Jane's*. Relations between the F-FDTL and the PNTL have been strained since the two forces were established in 2001. Over the years, individual members of the police and military have come to blows on many occasions.

The conflict between them was at the heart of the 2006 crisis; in the worst incident in that crisis, eight unarmed PNTL officers were shot dead by F-FDTL members. Four soldiers were subsequently convicted of manslaughter, but indicative of the level of impunity they have since been held at a military facility and not a civilian prison.

The significance of the relationship between the F-FDTL and the PNTL is underlined by the most recent UN Security Council resolution in February 2009, extending UNMIT's mandate. That resolution highlighted the importance of the review and reform of the security sector, "in particular the need to delineate between the roles and responsibilities" of the F-FDTL and the PNTL.

One factor that has blurred the boundaries between the F-FDTL and PNTL was the three-month long F-FDTL/PNTL Joint Command introduced after the 11 February 2008 events. The joint command was set up without consulting the UN and received its approval only after the fact, despite its formal authority over the PNTL. Given the troubled history, many observers found it reassuring that the F-FDTL and the PNTL proved able to operate together. Yet since then, defining the boundaries between the institutions has become more difficult. The military enjoyed its lead role in an internal security operation, and the police the higher status and lesser UN Police interference.

Militarised police

The PNTL has since 2006 undergone a reform programme with vetting of officers as a key feature. Vetting has been followed by new training, on-the-job UN Police mentoring, and certification. However, very few officers have been filtered out in the process, and personnel that have been recommended for investigation have been allowed to stay in the force, and even promoted to high positions. Moreover, vetting alone does not have the power to address institutional problems such as factionalism, politicisation, and weak integrity of the command structure; all problems that were identified in the UN Independent Special Commission of Inquiry report on the 2006 crisis.

Indeed, it appears that the focus on rule of law and human rights in policing has dissipated and the PNTL is now moving away from a community policing ideal towards more of a police force model. One long-time Dili-based observer told *Jane's*: "The road chosen is about muscle, intimidation and firepower. It is not about an authority that is earned, but one that comes from big men with big arms."

Ironically, this development is taking place under the leadership of Longuinhos Monteiro, who was appointed PNTL General Commander in early 2009. As a former prosecutor general without previous policing experience, Monteiro might have been expected to have sought to



East Timorese soldiers march in Dili during the celebration on 30 August 2009 of the 10th anniversary of the referendum that led to the country's independence from Indonesia.

inculcate principles of legality and accountability in the force. In fact, as commissioner, Monteiro has shown a penchant for photos showing him posing in a bullet-proof vest and camouflage, on armoured vehicles or crawling under razor-wire with a long-barrel gun.

An organisational shift towards increased emphasis on special units is also taking place in the PNTL. The largest of three sub-units under a unified Special Police Unit, the Public Order Battalion (Batalhão de Ordem Pública: BOP, formerly the Rapid Intervention Unit), has around 200 members, and is being trained by Portuguese trainers outside the PNTL system. Like the other two sub-units, the Close Protection Unit and the Special Operations Company, the BOP has its own uniforms. The Special Police Unit is Monteiro's brainchild, created legally in February 2009, building on the already existing sub-units, and does not involve the UN.

Local newspaper reports from 2006 and a *Jane's* UN source suggest that the PNTL has sought to purchase several hundred new long-barrel weapons. Yet, the need for a more heavily armed East Timorese police is not evident. The violence in 2006 and 2007 was mostly low-tech – except that perpetrated by members of the police and military, and by civilians illegally armed by them.

This trend towards specialised units and potential arms procurement is worrying, as these were tactics used by former interior minister Rogério Lobato before the 2006 crisis, and indeed helped to exacerbate the factionalisation and violence that characterised the period. "There are parallels to the past here; this looks like 2006 all over again," one international diplomat with intimate knowledge of the SSR process told *Jane's*. The trend towards militarisation has been noted by the political leadership. In

October 2009, the state secretaries of defence and security voiced their concern over what they saw as a trend towards the PNTL taking on a military role; their request that UN Police seek to curb such trends was acknowledged by the UN Police commander.

The militarisation of the police may have taken place for several reasons, with one of these being the role models available. Since its inception, the PNTL has been accused by observers of mimicking the Indonesian National Police (Kepolisian Negara Republik Indonesia: POLRI). At its inception, the PNTL recruited around 340 former POLRI members. Alternatively, the blurring boundaries between the police and the military could be explained by the role models provided by international partners. For example, these could include Portugal's National Republican Guard (Guarda Nacional Republicana: GNR), which has a very specific and limited paramilitary role at home, and the Brazilian Military Police (Polícia Militar), whose responsibility legally stretches into civilian policing. A similarly ambiguous model is provided by the ISF, which plays a role in East Timorese internal security and also carries long-barrel arms.

UNMIT still has overall authority for policing in East Timor. The handover of 'primary policing' from UN Police to the PNTL is proceeding district by district (four out of 13 have been handed over since March 2009) and service by service. Handover ceremonies constitute achievements in UN reports to the Security Council, but again the extent of institutional reform achieved remains questionable. A December 2009 report from the International Crisis Group notes that East Timorese police are already operating with greater autonomy, and that the handover process entails "insisting on UN authority that does not exist".



Left to right: Indonesia's member of the Truth and Friendship Commission Benjamin Makoedilaga, East Timor's Minister of Foreign Affairs Zacarias da Costa, East Timor's Prime Minister Kay Rala 'Xanana' Gusmão, Indonesia's President Susilo Bambang Yudhoyono, East Timor's President José Ramos-Horta, Indonesia's Minister of Foreign Affairs Hassan Wirajuda and East Timor's member of Truth and Friendship Commission Dionisio Babo Soares in Bali, Indonesia, on 15 July 2008.

Military role

The F-FDTL is not initiating much reform and is under no pressure to do so. Although the 2006 crisis first erupted inside the army, it has lately been hailed as a hero of the crisis by Ramos-Horta and others. Moreover, the F-FDTL still lacks a clear force structure, and oversight is still personal rather than institutional – the army recognises the leadership of Ramos-Horta and Gusmão, but not necessarily the supremacy of the offices they hold.

As opposed to the PNTL, F-FDTL personnel have not been subject to vetting since the crisis. A UN report on human rights development in the year to July 2009 found that there is in reality no formal internal accountability mechanism to address cases of misconduct by F-FDTL members.

Indicative of a more general lack of accountability since the 2006 crisis, Ramos-Horta appointed (with UN acquiescence) as a top security sector adviser former defence minister Roque Rodrigues, whom the UN Independent Special Commission of Inquiry had recommended for prosecution for illegal weapons transfers in 2006. Major-General Taur Matan Ruak, the defence chief, was cited by the UN for the same reason, but he too has avoided prosecution.

Although the F-FDTL is not actively meddling in politics, both the government and Fretilin are keen to remain on good terms with the military, ensuring that there is little civilian oversight or

intervention in military affairs. For example, the military has received general, qualified political acceptance for its own long-term plan, Force 2020, released in May 2007, which suggests

'Relations between the F-FDTL and the PNTL have been strained since 2001'

developments such as expansion of the force and the introduction of an air wing. While dismissed by some analysts as unnecessary and excessively costly, the government claims to be adhering to that plan in its military planning.

The question of the size of the army serves to illustrate the degree of improvisation in East Timorese policy making. A law on conscription was passed in January 2007 that made 100,000 East Timorese potentially eligible for conscription in an army of 3,000 troops. The law has been widely criticised for being impracticable and potentially dangerous; in practice, it has been mostly ignored. However, the law had to be amended to permit a targeted recruitment in 2009 that would improve the regional balance in the force.

After the petitioners walked out in 2006, as many as 72 per cent of the army's remaining personnel came from the three easternmost districts. These districts account for only 24 per cent of the population (and the PNTL's profile as a 'Western'

force emerges simply from its geographically more even recruitment). In May 2009, the F-FDTL recruited 579 new soldiers and officers to replace the discharged petitioners. However, a regional imbalance remained, in particular on the officer level, where nearly two-thirds of candidates came from the eastern districts.

Besides providing the F-FDTL with new equipment and personnel, political leaders are ready to give it new responsibilities. International partners' concern about the blurred lines between the military and the police is not equally shared by the president or government. Among armed forces commander Matan Ruak's ambitions is to set up two companies of engineers, to be engaged in community work, such as building sanitation and schools. Matan Ruak also hopes to get his soldiers involved in UN peacekeeping, although this is unlikely to happen before 2011.

On occasion, soldiers have already been deployed on assignments that have infringed on police responsibilities. During 2009, approximately 24 soldiers were deployed to the Covalima and Bobonaro border districts. The soldiers were assigned with external security tasks, but in practice took on a broader role. In one episode, where soldiers intervened in a fight in a market in the town of Maliana, Bobonaro, UN Police troops who arrived at the scene later reported that F-FDTL members had aimed their guns at them; this was denied by the soldiers. While leaders are considering further F-FDTL deployments, the Maliana episode illustrates a low level of trust between international and local security personnel.

The F-FDTL is also expanding in more ad hoc ways. For instance, military police occasionally patrol Dili streets, sometimes alone and sometimes with the PNTL. Either way the soldiers are doing so with no clear legal basis. Ordinary East Timorese appear to have mixed feelings about this situation. On the one hand the F-FDTL is feared by many; on the other hand, in terms of enforcing the law, the PNTL is seen as inefficient and incompetent, meaning that the F-FDTL may be preferable.

Policy coherence

A comprehensive package of new security and defence legislation, currently in parliament, points towards a larger role in East Timorese society for the F-FDTL. This legal framework proposes an integrated approach to security and defence, where the military may take charge of internal security operations under certain circumstances. However, the rules of engagement are still vague, as are the mechanisms for co-ordination and control of the forces in a crisis situation.

Part of the reason for such a lack of policy coherence is the manner in which security sector

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