



# Compulsory Military Service in East Timor

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## Fundasaun Mahein (FM)

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## **Compulsory Military Service in East Timor**

### **I. Introduction**

To uphold a political promise given during the presidential campaign for the 2012-2017 term, the President of the Republic of East Timor has established a team to study the possibility of implementing compulsory military work.

When Mr. Taur Matan Ruak (TMR) launched his candidacy for the East Timor Presidency for the 2012-2017 term, he articulated compulsory military work as a principal initiative for his candidacy. During the presidential campaign, TMR defended his position by stating that the military compulsory work was one of five other political programs that he planned to undertake. TMR first attempted to initiate a compulsory military policy in 2007-2008 when he was the commander of the F-FDT; he submitted a proposal to the national parliament hoping for passage.<sup>1</sup> At that time, TMR did not acquire any further response from the government and national Parliament for his proposal.

Subsequently, when TMR was elected as the President of the Republic (PR), the president once again began to campaign for this initiative. TMR has established a team to lead his cabinet in order to undertake comparative studies and offer consultation.

There are three fundamental reasons for FM to question the program of military compulsory work.

- ❖ First: legal standard provision
- ❖ Second: the political priority of the government in relation to national security and defence.
- ❖ Third: strategic reasons

The rest of this report will analyse and develop reasons to argue vigorously that there are no fundamental or clear justifications for implementing a compulsory military program. This will be the main argument presented in this report.

### **II. LEGAL STANDARD PROVISION: THE ROLES OF THE PRESIDENT AND THE GOVERNMENT**

Compulsory military work and any other political matter related national defence are incompatible with the authority of the office of the president; the PR has no grounds to formulate the national defence policy. This is simply a legal matter and should not be treated as a political program by the PR, it must be a matter for the whole government to define the platform for the national defence force in East Timor.

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<sup>1</sup> Independent Journal, Monday 15 March 2012

The provision of East Timor's constitution of RDTL, article 74 (definition) states that:

1. The president of the Republic is the head of state, and is a symbol to guarantee national independence and unity of the state and the regular function of the democratic institution.
2. The president of the Republic is the supreme commander in chief of national army forces.<sup>2</sup>

Under the provision RDTL article 103, article 107, and article 108, the executive government is responsible for defining policies and general programs of the nation.

Law number 2/2010 of 21 April Law of national security defines and mandates the clear functions between PR and the government.

In article 21 of national security law, the PR only is endowed with the authority to control the integrated system of national security, and to oversee provisions which are already well established in the constitution of the RDTL. Article 23 clearly defines the function of the government and the creation of a national security policy.<sup>3</sup>

In light of standard legal procedures and the Constitution, the PR has no responsibility or grounds to formulate a political platform on defence and national security; it is the government who has full responsibility in this area. This indicates that this program is already incompatible with the constitutional mandate that provides ground rules for the separation of power between the head of the state and the executive government.

Nevertheless, what are the priorities of political defence and government security, and the program of compulsory military service?

### **III. WHAT DO GOVERNMENT DOCUMENTS SAY ABOUT MATTERS RELATED TO COMPULSORY MILITARY SERVICE?**

The government and defence policy documents articulating the main policy principles in the area of defence are the following:

- The document plan of military force 2020.
- The Strategic plan of national development.
- The Program of V constitutional government 2012-2017.

These documents lack an in-depth elaboration on the issue of compulsory military in East Timor. In this context, how can PR's program of compulsory military service be related to the legislative documents of the government?

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<sup>2</sup> RDTL's Constitution Tetum's version

<sup>3</sup> Law Number 2 /2010 de 21 of April Law of National Security

The document of Military Force 2020 (initiated by TMR when he was the commander of the F-FDTL) does not establish a platform for a compulsory military defence force. This document does not articulate any detailed argument regarding the significance of compulsory military service in East Timor, nor does it provide grounds to introduce the concept of compulsory military service as a thoughtful strategy for East Timor. There are only a few related ideas mentioned over three lines in page 136:

"In the event that Compulsory Military Service is the chosen option, it will be advisable to create a small-scale domestic defence industry, with the aim of producing uniforms and footwear, munitions and military articles and basic necessities for use in training and development" (Forca 2020. Page 136)<sup>4</sup>

Unofficial translation in Tetun:

*"Iha tempu ida mak serbisu militar obrigasaun sai hanesan programa ida nebe diak atu halo, programa ida ne'e bele sai hanoin nebe diak ida atu bele kria defeza industria iha nasaun RDTL nia laran ho nian ojektivu rasik atu halo hatais militar nian, sapatu, aihan, munisaun, no sasan militar nian, no nesesidades baziku ba treinamentu no dezentvolvimentu.*

The main take-away point from this paragraph is that the plan of Military Force 2020 does not prevent the government from creating compulsory military service in East Timor. This document is not only a guide for the development of a defence force for the next five years, but for the next ten years. The reason for that is because it has articulated clearly the importance of introducing Compulsory Military Service.

The creators of this document failed to realise that it designates TMR as an initiator of this plan of Compulsory Military Service. They fail to consider in this context that East Timor would need the approval of all people in Timor to implement a successful compulsory military program. In our understanding, the program of Compulsory Military Service is not expected to occur in the current political climate, but this plan can possibly take place if there is a dramatic geo-strategic event in this region that substantiates grounds for a compulsory military policy. The real concern is that in this region, especially regarding our neighbour Indonesia, there is an enormous external threat to East Timor as is indicated in the document of military force 2020. This will truly affect the democracy, the economy, and most importantly the leadership mentality in Indonesia.

The plan for national strategic development (PEDN) still utilises plans for military force 2020 as a strategy to guide government to improvement and the professionalization of East Timor's defence force. This means that the strategic ideas that are being formulated in the plan of military force 2020 will be a unique document for the development of the structure of military actions.

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<sup>4</sup> Military Force 2020, p.136

"The strategic study force 2020" is Timor-Leste's instruction manual for the consolidation and the development of F-FDTL... " PEDN,page 167)<sup>5</sup>

Unofficial translation in East Timor's Language :

*"Estudu estratejiku," Forca 2020 maka sai nudar modelu Timor-Leste nian ba konsolidasaun no dezenvolvimento F-FDTL.*

This means that until the year 2020, East Timor will not have other strategic plans for military development.

The program of V constitutional government will be a program that is a manifestation of the military force plan 2020, which has been established since 2004. The program of V constitutional government and defence force actors identify transnational issues that will cause negative impacts for national security<sup>6</sup> such as organized crime, drug trafficking, terrorism, environmental degradation, climate change and other natural disasters.<sup>7</sup>

The political formulation of the state defence is based on a threat evaluation leading to a strategic interest that determines the structure of the defence force. It is observed that the threat that is mentioned in the program is not proportional to an extraordinary conventional threat that would oblige the government to readjust the plan of the model of East Timor's national defence force.

Based on the analysis of the government documents whose mandate is enforced by East Timor's Constitution, which define the defence of East Timor, there is no mention of anything in relation to compulsory military service in East Timor. Therefore, it can be concluded that the political program of compulsory military service of PR is not in line with the political program of the government.

#### IV. STRATEGIC PERCEPTION OF THE DEFENCE FORCE

Public understanding regarding the introduction of compulsory military service is still poor. Mr. Frei Guterres, assessor of Military House of President of the Republic, states that:

*" Your excellency president of the republic willing to implement the program of compulsory military service for East Timor's youth in the program called Civic citizen patriot (CCP/SSP) that aims to develop the nationalism sentiment and patriotism, and in doing so, contribute to the sovereign defence and national territorial integrity of the nation". In addition, Mr. Frei also states that this*

<sup>5</sup> National Strategic Development Plan – PEDN - 2011-2030

<sup>6</sup> **There is an observation that climate changes, Environmental degradati and national disaster that also constitute security threat that is there is a need to prioritise that type of threat that calls F-FDTL intervention in accordance with the constitutional mandate. This article canbe viewed in: *Francisco Lemos Dos Santos, Programa V Governu latemi kona-bá polítika defeza foun ba Timor-Leste! Santos, Programa V Governu latemi kona-bá polítika defeza foun ba Timor-Leste!* This canbe accessed to this link: <http://forum-haksesuk.blogspot.com/2012/12/programa-v-governu-latemi-kona-ba.html>**

<sup>7</sup> Programa V Governo Constitucional Nian, 2012-2017, páge 71

*program will "fortify nationalism, citizenship, and strengthen the consciousness of the East Timorese youth, strengthen moral discipline, contribute to eliminate unemployment and reduce drugs and crime related to martial arts gangs."*<sup>8</sup>

The above paragraph presents the rationale behind the PR political campaign prior to his election. There are three main principals: to defend the sovereignty of Timor, to uphold territorial integrity, and to cultivate strength and discipline among the youth to stop them from participating in criminal activities instead of working legitimate jobs.

The compulsory military program is being renamed as "Patriotic Civic Citizenship". This corresponds with the constitutional mandate of F-FDTL article 146 constitution of RDTL, which articulates the function of the F-FDTL is to defend East-Timor's sovereignty and territorial integrity.<sup>9</sup>

When someone presents this type of argument it signifies that other nations constitute a threat to East Timorese sovereignty and the territorial integrity of the RDTL. Therefore, when the state establishes a plan to establish a compulsory military defence force it is signifying that the state is under a significant threat that is geo-strategically defined.<sup>10</sup>

Which nation presents a threat to East Timor? The plan for Military Force of 2020 identifies Indonesia as the major external threat, but this threat must be placed within a well-calculated understanding that Indonesia is now in a different situation in comparison to when it was under the Soeharto regime.

It must be recognised that a new policy could trigger a leadership change in Indonesia or in Timor-Leste that could negatively affect the amicable relationship currently enjoyed between these two nations. It could also cause a new leadership to emerge that will be unwilling to bury the tragedies of the past, and will instead insist on bringing a criminal case on past war crimes to a formal justice system such as an international tribunal. This situation would have a major impact on the relationship between the two countries. When nations are ensnared into this type of political environment, they will present a great threat to each other that is not easy to diffuse. If the PR intends to move forward with the Patriotic Civic Citizenship program despite the threat of the aforementioned situation being triggered, there must be a clear explanation for the rationalisation behind the implementation of the program.

There are many theories that discuss the relationship between domestic policy and foreign policy. One such theory explains that domestic policy can have implications on foreign policy because there are so many nations in the world that are so well

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<sup>8</sup> Office of the Presidency, Press Release First Debate on Compulsory Military Service, April 29, 2013

<sup>9</sup> RDTL constitution article 146

<sup>10</sup> Military Force 2020, p. 17 "Types of Threat"

interconnected.<sup>11</sup> Accordingly, strategic studies teach that there must be a clear and coherent rationalisation behind formulation of political defence policy because this policy can have an impact on political defence as well as foreign affairs.<sup>12</sup> In theory the context of this problem refers to what is called a “security dilemma”, a term referring to situation in which a state attempts to modernise its security capabilities, thereby causing the increased insecurity of other nearby states. As a result of this situation, other states can both perceive and be under increased threat<sup>13</sup>.

The rationalization of East Timor’s Patriotic Civic Citizenship program is that it aims to strengthen the discipline of youth and stop the youth from conducting criminal activities. However, this explanation is not strong enough to justify the implementation of this program. The reasons for this will be explained as follow.

One reason that has been expressed as justification to create the Patriotic Civic Citizenship program is to cultivate discipline and stop East Timorese youth from destructive behaviour. This claim has merit. There is strong discipline in the context of military mental formation; soldiers must be punctual and there is a very strong sense of discipline in the execution of orders from commanders. However, this discipline can be achieved in other ways aside from compulsory military work. This can be done in the family, at schools and in the community. Additionally, changing a person’s mentality cannot be done in only two or three years, which would be the window of time available in a compulsory military rotation. The formulation of a person’s mentality must be engrained from a young age and sustained throughout the complete time-span of a child’s development from birth to young adulthood.

Military discipline forces people to say, "pronto" or " yes sir" in blind obedience to commands given from an authority with a higher rank. However, the real world does not operate under the same system. There is necessity in the world for argumentation and rationalisation. This raises the question of how to cultivate discipline while not simultaneously incapacitating people from harnessing ideas, arguments and reasoning skills? This is not to imply that the military world is not rational, but the military approach to youth can have an impact on them that will make it difficult for them to re-integrate into the community after they finish their period of service

Another stated reason for the introduction of the Patriotic Civic Citizenship program is that it aims to eliminate unemployment. There are three problems with this reasoning. First, it considers F-FDTL as SEPFODE.<sup>14</sup> Secondly there is widely-held belief that the formation and maintenance of the defence force comes at a very low cost and that in the end this program will not interrupt or negatively affect East Timorese youth.

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<sup>11</sup> Robert Cooper, *The Postmodern State and the World Order* (London: Demos Foreign Policy Institute, 2<sup>nd</sup> edition, 2000), pp.4-22

<sup>12</sup> Wallace in Samuel Huntington, *The Common Defence, Strategic Programs in National Politics* (Columbia University Press, New York, 1961

<sup>13</sup> Herz, John H. *Political Realism and Political Idealism*. Cambridge University Press, 1951.

<sup>14</sup> State Secretary for professional political formation and employment - SEPFODE

The formation of the defence force is different from the formation of SEPFOFE. Through their duties, members of the defence force acquire various types of knowledge and skills (such as leadership), but their main purpose is to be an instrument of warfare. It is true that many people will be employed because of this Patriotic Civic Citizenship program, but it also has a noticeable impact on the sustainable economy of the nation. The Patriotic Civic Citizenship program only leads to increases in the expenditure of the national budget; this is unsustainable. There are three necessary factors to consider in the formulation of defence policy: the strategic interest, the use of military force, and the alignment of a military force plan with the financial strength of the state.<sup>15</sup> To formulate the defence policy coherently and transparently, these three factors must be properly considered.

In the East Timorese context, it is very difficult, although not impossible, for the state to sustain a policy of compulsory military service. Before further considering this policy, it is necessary to understand the current situation in East Timor. There is currently a discrepancy seen in Timor-Leste between efforts to develop the F-FDTL into a professional military force and a continual reduction in the budget allocated for the defence and security sector. For example, in 2013, there was only 0.4%,<sup>16</sup> budget for the Minister of defence and security. In comparison, Singapore has a compulsory military service policy and spends 1/4 of its total state budget on the defence sector annually.<sup>17</sup> Singapore is second in percentage of defence spending after Israel.<sup>18</sup> In poor nations, a big defence force can negatively impact other crucial areas of development such as health and education.<sup>19</sup> There is debate within nations that implement this program to discontinue the program because it increases the state budget significantly. It is unrealistic to compare the development situation in East Timor with Singapore, which is now advancing rapidly in all sectors of development. As a result, efforts must be made to define this program realistically in the context of East Timor as a newly independent nation.

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<sup>15</sup> Francisco Lemos Dos Santos, Why does EastTimor need a new political defence? This canbe accessed to this link: <http://forum-haksasuk.blogspot.com/2012/08/tansa-timor-leste-presiza-politika.html>, artigu nemos publika iha jornal nasional sira

<sup>16</sup> The voice of Mahehin 45, 30 of January 2013, An Analysis of State General Budget 2013 for Minister of Defence and Security: Civil Society Perpesctive; This can be accessed to this link: <http://www.fundasaunmahein.org/2013/01/30/analiza-orsamentu-jeral-estadu-2013-ba-ministeriu-defeza-no-siguransa-prespetiva-sosiedade-sivil/>

<sup>17</sup> [Sudhir Thomas Vadaketh](#), Singapore's outdated national security policies, This can be accessed to this link: <http://sudhirtv.com/2012/12/19/singapores-outdated-national-security-policies/>

<sup>18</sup> Bonn International Centre for Conversion, *UPDATE: BICC's Global Militarization Index (GMI) 2012*, This can be accessed to this link: <http://www.bicc.de/old-site/index.php?page=gmi-publications>

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## **V. Conclusion**

The introduction of the Patriotic Civic Citizenship program is not within the authority of the executive government of East Timor to implement.

From an economic perspective based off of the experiences of other nations implementing compulsory military service, this policy will have a potentially negative impact and could derail or cause an impediment to other sectors of development. In this global world the difference between domestic policy and foreign policy is very small. The Patriot Civic Citizenship program will create a very difficult diplomatic relationship between the nations because this type of program can provoke insecurity for other nations.

This program would be counter-productive because it is incompatible and inconsistent with East Timor's model of a foreign affairs policy focused on reconciliation with Indonesia. Changing this policy would be ill-advised, especially because there is not currently any significant threat facing East Timor that would compel the government to take away people's freedom of choice and mandate them into military service.

It is reasonable that Timor's military can propose a plan to undertake a study on the significance of this issue, because the plan for military force 2020 is now irrelevant considering some of the issues outlined in this report.

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