



Mahein's Voice No. 23, September 21st, 2011.

Timor-Leste's Maritime Security: A Fragile Situation

Introduction

In the Constitution of Timor-Leste, Article 4 defines the territory of the Democratic Republic of Timor-Leste as its land surface, maritime zone, and airspace. The land area encompasses the eastern part of the island of Timor, the Oecussi enclave, Atauro Island, and Jaco Island. The extent and limits of Timor-Leste's territorial waters, its exclusive economic zone and its rights in the contiguous zone and continental shelf¹ are laid out in the Constitution of Timor-Leste, which also assigns a constitutional mission for the FALINTIL-Timor-Leste Defense Force (F-FDTL) and the National Police of Timor-Leste (PNTL) in Article 146 and Article 147. These articles specifically bear on the Operational Components such as the F-FDTL Naval Component and Maritime Police Unit.

Based on this legal foundation, Mahein's Voice No. 23 thoroughly discusses maritime security and current threats in Timor-Leste's waters. Fundasaun Mahein (FM) will also examine the government's responsibility to address this situation. The report also investigates the capacity of the F-FDTL Naval Component and the Maritime Police Unit (UPM) to protect Timor-Leste's territorial waters. It will also look at the possibility for the coordination of an Integrated Maritime Authority Service and consider Timor-Leste's accession to ASEAN (*Association of South East Asian Nations*) from the perspective of maritime security.

Threats in Timor-Leste's territorial waters

As a new nation that has just begun to develop, Timor-Leste is encountering difficulties in its efforts to control its land and maritime frontiers. Timor-Leste's territorial waters are significant for its economic growth, meaning that fishing resources must be protected by the Maritime Authority. Oil and gas in the ocean are crucial sources of revenue for Timor-Leste. In addition, controlling the movement of people entering and leaving the nation is extremely important so as to minimize the activities of transnational crime organizations that could use Timor-Leste as a transit point to neighboring countries. For example, the Australian government has concerns about the potential for the transnational trafficking of people, weapons and drugs via Timor-Leste to Australia.²

While Timor-Leste's territorial waters border those of Indonesia and Australia, there remains no clear definition of the maritime frontier between Timor-Leste and these countries. The CMATS (*Certain Maritime Arrangements in the Timor Sea*) Agreement on 12 January 2006 between Australia and Timor-Leste postponed the delineation of the maritime boundary for 50 more years in order to facilitate the exploitation of the resources in the Timor Sea.³ Despite the ample natural resources in Timor-Leste's exclusive economic zone, the country currently lacks the security procedures that can effectively harness the area's bounty. The Timorese government must address its lack of control over its territorial

¹ Constitution of Timor-Leste, Article 4, Number 1 and 2

² Australian Strategic Policy Institute Report (ASPI). *New Neighbor, New Obstacles in the Security of Australia and Timor-Leste* p. 14.

³ www.apf.gov.au/house/committee/jsct/6_7_february2007/tor.htm



waters. The main obstacle involves the shortfall of resources, which means that the F-FDTL Naval Component and the Maritime Police Unit (UPM) lack the power necessary to patrol the vast maritime zone, particularly in the waters off the nation's south coast.

Operational posts do not cover the entire territory because the number of personnel in the F-FDTL Naval Component and the UPM is insufficient.⁴ As a consequence of this situation, serious threats have emerged to the riches in Timor-Leste's territorial waters. The inadequacy of Timor-Leste's Maritime Authority allows illegal fishermen to steal fish and other ocean resources with impunity. Furthermore, when the government neglects the maritime zone it opens the possibility of infiltration by terrorist threats, illegal weapons, illegal commerce and drug transactions that imperil national stability.⁵

A concrete threat appeared on September 19th, 2004, when a warship (KRI HASAN BASRI 882) from the Naval Component of the Republic of Indonesia entered Timor-Leste's coastal waters near Atauro Island with full war equipment. The warship promptly pursued a boat belonging to the company DIVE Timor Lorosa'e and demanded that it surrender. However, the Indonesian vessel did not manage to arrest DIVE Timor Lorosa'e. The Dive Timor Lorosa'e boat was captained by an Australian man named Michael Howlett, who had eight friends onboard with him. PNTL General Commander Paulo Martins stated that this Indonesian warship entered Timor-Leste's coastal areas for 30 minutes, returning afterwards to the maritime zone of Indonesia.⁶

The KRI HASAN BASRI 882 Frigate, 19 September 2004



Source: *Strategic Information Division Op. PNTL HQ Dili, 20 September 2004. No Timor Post, 20 September 2004.*

⁴ Interview with Caetano de Sousa Guterres. Chief of Legal Department, Timor-Leste Ministry of Foreign Affairs. Wednesday, 20 July 2011.

⁵ Interview with Caetano de Sousa Guterres. Chief of Legal Department, Timor-Leste Ministry of Foreign Affairs. Wednesday, 20 July 2011.

⁶ Strategic Information Division Op. PNTL HQ Dili, 20 September 2004. Timor Post, 20 September 2004.



Threats in Timor-Leste's Territorial Waters

1. Illegal fishing

Since 2006, according to data from the Ministry of Fish and Agriculture, the General Fishing Inspection Department has reported ten vessels conducting illegal fishing activities in Timor-Leste's territorial waters. In the same way, in 2007 a case was reported involving illegal fishing in Timor-Leste's territorial waters by ten vessels.⁷ In 2008 another ten vessels operated illegal fishing in the ocean near Lore in Lautem district at a distance of 400-500 meters from the coastline.⁸ Nonetheless, there has been no response from the Maritime Authority. Illegal fishing boats continue operating in Timor-Leste's territorial waters with impunity.

Illegal fishing boat conducting cross-border fishing near Lore, Lautem district, 400-500 meters from the coastline, October 2008



Source: Maritime Police Unit, 1 September 2011

In 2010, Joint Operation Command, composed of the F-FDTL Naval Component and the Maritime Police Unit (UPM), succeeded in capturing illegal fishermen from Indonesia and Thailand who were attempting to steal Timor-Leste's resources in the exclusive economic zone in the Timor Sea near Com in Lautem District. 35 people were arrested, along with the ship KM Jaya Samudra 5, with the number GT. 333 No.1128 MMA.⁹

Despite this success, the movement of illegal vessels in Timor-Leste's territorial waters has continued. In particular, fishing operators have carried out illegal activities in the Timor Sea near Laivai (Lautem district) and Uatucarbau (Viqueque district).

Illegal fishing ships operating in the ocean near Laivai, Lautem District March 29th-April 4th 2011

⁷ Interview with Lourenco dos Reis Amaral. Chief of the General Fishing Inspection Department. Wednesday, 10 August 2011.

⁸ Document: Impact of Illegal Fishing Vessels on Licensed Industrial Fishing Activities. From the Ministry of Agriculture and Fish, State Secretary of Fisheries, National Directory of Fish and Aquaculture. 2009.

⁹ <http://www.suara-timor-lorosae.com/berita-1676-ffdtl-ho-upm-kapture-peskador-Indonesia-no-thailandia-pm-xanana-prosesa-tuir-lei.html>



Source: Maritime Police Unit, 1 September 2011

However, this case is still pending, although the captain and eight other crew members have been deported back to Indonesia.¹⁰

From 20 July to 4 August 2011, 20 vessels conducted illegal fishing in the ocean near Iliomar (Lautem district) and Uatucarbau (Viqueque district). Five more vessels subsequently arrived in the same area.¹¹ FM is disturbed about these vessels' presence. However, so far there has not been an adequate response from the Maritime Authority (the UPM and the F-FDTL Naval Component).

According to estimates from the Ministry of Fish and Agriculture, each year Timor-Leste loses almost \$36 million worth of fish to illegal fishing.¹² Consequently, these activities pose a formidable threat to Timor-Leste's economy.¹³ The fundamental cause of this deplorable situation is the Timorese government's inability to patrol the country's territorial waters. Patrolling from the F-FDTL Naval Component and the Maritime Police Unit has yet to become effective in Timor-Leste's territorial waters, especially on the south and east coasts.¹⁴ The lack of defined maritime boundaries between Timor-Leste and its neighbors exacerbates this problem.

2. Drugs and Smuggling

Other illegal activities conducted in the Timor Sea include smuggling and drug trafficking. The Maritime Police states that 7% of smuggling is conducted by people crossing the maritime frontier without official documents. This happens because some Timorese citizens coordinate with criminals from Indonesia in order to covertly import illegal products, including wood, gasoline, and other contraband. Certain Timorese citizens also work as

¹⁰ Interview with Superintendent Lino Saldanha, Maritime Police Unit Commander. Thursday, 4 August.

¹¹ Interview with Superintendent Lino Saldanha, Maritime Police Unit Commander. Thursday, 4 August.

¹² Interview with Lourenco dos Reis Amaral. Chief of the General Fishing Inspection Department. Wednesday, 10 August 2011.

¹³ Interview with Cillian Nola. Southeast Asia Analyst. International Crisis Group: Working to Prevent Conflict Worldwide. Monday, 1 August 2011.

¹⁴ Interview with Lourenco dos Reis Amaral. Chief of the General Fishing Inspection Department. Wednesday, 10 August 2011.



guides for these illegal activities.¹⁵ FM's Report No. 14 (10 November 2010) reported that organized crime has continued to increase in Timor-Leste because of shortfalls in the control system and neglect by the relevant authorities.¹⁶

Meanwhile, according to official figures, 0% of drug trafficking occurs by sea. This does not mean that there is no seaborne drug trafficking, but rather that the Timorese maritime authorities lack any proof of such activity because they have not captured any drug traffickers.¹⁷ In reality, many drug shipments enter Timor-Leste across both the maritime and the terrestrial frontiers. A report from the Indonesian Police (POLRI) stated that drug trafficking was common in Timor-Leste's terrestrial and maritime zones because of the lack of adequate security.¹⁸

3. Weapons Trafficking

On 24 January 2011, the Border Patrol Police Unit (UPF) captured smugglers who were trying to bring weapons (bird rifles) across the maritime boundary in Batugade (Maliana district).¹⁹ This case also involved individual PNTL officers from Baucau district, who imported illegal bird rifles (13 in total) complete with binoculars and silencers through the maritime border near Batugade.²⁰ Consequently, FM is worried about the involvement of PNTL members who help bring weapons and other illegal materials into Timor-Leste by boat. Communities in this area stated that this is not an isolated incident, and that many people smuggle materials via the ocean.²¹ FM is particularly concerned because the PNTL General Command has yet to address this case.

According to the UPO, 71% of the fishing boats that pass through Timor-Leste's territorial waters are illegal, demonstrating the seriousness of this threat. FM suspects that weapons trafficking is even more extensive than the official figures indicate. On the other hand, it is impossible to know which illegal boats are transporting weapons unless the police apprehend them. Consequently, FM demands that the UPM conduct joint operations with the F-FDTL Naval Component and with the navies of Australia and Indonesia.

4. Public Security and Port Security

• Movement of tourists and fishermen

Timor-Leste's development is highly dependent on oil resources from the Timor Sea. This non-renewable resource may soon run dry, meaning that tourism will provide one of the few alternative sources of income that can sustain the country's development budget. Seeing that Timor-Leste's natural attractions currently lack protection from the relevant authorities, FM worries that this lack of environment protection will undermine Timor-Leste's long-term economic potential. The Timor Sea environment is a virgin ecosystem full of natural

¹⁵ Interview with Superintendent Lino Saldanha. Maritime Police Unit Commander. Thursday, 4 August 2011.

¹⁶ Mahein's Voice No. 14, *Organized Crime Operations in Timor-Leste*. 10 November 2010.

¹⁷ Interview with Superintendent Lino Saldanha. Maritime Police Unit Commander. Thursday, 4 August 2011.

¹⁸ Interview with Caetano de Sousa Guterres. Chief of Legal Department, Timor-Leste Ministry of Foreign Affairs. Wednesday, 20 July 2011.

¹⁹ Interview with Superintendent Lino Saldanha. Maritime Police Unit Commander. Thursday, 4 August 2011.

²⁰ <http://www.suara-timor-lorosae.com/berita-2676-upf-kaer-oknum-pntl-hatama-kilat-manu-ilegal.html>

²¹ <http://www.suara-timor-lorosae.com/berita-2676-upf-kaer-oknum-pntl-hatama-kilat-manu-ilegal.html>



splendor which can attract tourists who can go SCUBA diving to see beautiful fish, sea turtles, and coral.²²

The lack of security in this area is a serious obstacle to the realization of its tourism potential. The Maritime Authority has not prepared to protect people who are SCUBA Diving in case a disaster occurs. Currently, the Maritime Police and F-FDTL Naval Component have no emergency number that could provide a quick response in the event of a dangerous situation.²³

A similar security risk involves the absence of effective patrolling from the maritime forces to maintain security on the high seas for fishermen when accidents occur. Recently, FM was alarmed by an accident that happened with three fishermen from Atauro, one of whom died while the other two remain missing.²⁴ FM deplores the insufficient amount of patrolling from the maritime security forces and strongly recommends the establishment of an emergency communication number that could allow the Maritime Authority to save lives.

- **Movement of Commercial and Passenger Boats**

Commercial vessels that pass through Dili port are automatically subjected to controls or inspections by the Port Authority, Customs, Immigration, and Quarantine. However, there are no inspections conducted by the Maritime Police.²⁵ The Maritime Police ought to control all activities in Timor-Leste's territorial waters. Therefore, they should work together with the Maritime Authority to guarantee public order and joint inspections for commercial vessels that anchor at the port.

FM wants to examine the taxes that came from Customs in 2011 from January until July. Customs deposited \$18 million total in state coffers in the second trimester.²⁶ Because of this, government must strengthen the Customs Service and improve coordination with other maritime authorities surrounding coordination and supervision.

The Port Authority confiscated two bullet containers that UNMIT had brought through the Dili Port without licenses or documents in April and August 2011. The two bullet containers were destined for UNMIT (United Nations Integrated Mission in Timor-Leste) and ISF (International Stabilization Force).²⁷ FM was surprised that this event caused panic among the public, given that UNMIT has the right to import materials that it needs without paying taxes to the government of Timor-Leste. FM recommends that UNMIT better clarify with the Timorese authorities in the future in order to avoid generating more rumors. To improve communications, UNMIT needs an information line between the Port Authority, Customs and the UNMIT department in charge of importing materials. Improved communication can avoid misunderstandings between these organizations and the resulting public discontent. Bizarrely,

²² Interview with Edward Rees. Director of Peace Dividend Trust. Friday, 22 July 2011.

²³ Interview with Ann Turner. Free Flow Diving East Timor. Monday, 25 July 2011.

²⁴ Interview via telephone with Village Chief Bikeli Manuel Bareto, Subdistrict Atauro. Monday, 5 September 2011.

²⁵ Interview with Superintendent Lino Saldanha. Maritime Police Unit Commander. Thursday, 4 August 2011.

²⁶ Independent. Thursday, 4 August 2011 p.1 .

²⁷ National Daily Journal. Tuesday, 06 September 2011 p.1 .



in this incident UNMIT even denied that the bullets were theirs.²⁸ FM asked the Ministry of Defense and Security to explain to the public about this case of the bullets.

Cooperation between the UPM and the Port Authority should guarantee public security for the movement of passenger vessels such as *Nakroma* to Oecussi and Atauro. Maritime Police already completed this work in order to maintain public security onboard the ship.²⁹ Therefore, when the *Nakroma* ship travels to Oecussi and Atauro, two UPM members always accompany it in order to ensure public order and review passengers' tickets. However, the UPM lacks the capacity to detect if passengers carry drugs or other contraband material.

5. Environment

There is currently no reliable information about the number of accidents that damage the marine environment. As a result, the official estimate remains 0%. This number does not mean that there is not any damage to the marine environment, but rather that such damage has not yet been recorded.³⁰ Fundasaun Mahein (FM) worries that the abundance of illegal fishing boats in Timor-Leste's territorial waters will harm marine ecosystems, as these operators may use bombs or poison to kill fish. Such environmentally destructive practices will contaminate fish breeding grounds and harm sea plants which have a high economic value.

These illegal fishing boats will also rob Timor-Leste of the natural splendor that could attract foreign visitors and form the basis of a lucrative tourism industry. Pristine ecosystems therefore represent a potential source of state revenue. However, at the present time illegal fishing vessels operate freely in Timor-Leste's territorial waters.³¹

Response from the Government and Maritime Authorities

1. Government Responsibilities³²

Despite the considerable threats in Timor-Leste's territorial waters, the ocean defines the future of Timor-Leste. The sea contains wealth in the form of fish, oil, and other resources.³³ The National Security Law defines an integrated system that includes the F-FDTL Naval Component, the PNTL Maritime Unit, Civil Protection, Immigration, and Customs.

However although some legislation already exists, more is needed to improve implementation. In the same way, the government has still not promulgated a Civil Protection Law that would establish a Maritime Authority. This law is more focused on the concrete level of coordination, response, and supervision.³⁴

²⁸ National Daily Journal. Monday, 12 September 2011.

²⁹ Interview with Superintendent Lino Saldanha. Maritime Police Unit Commander. Thursday, 4 August 2011.

³⁰ Interview with Superintendent Lino Saldanha. Maritime Police Unit Commander. Thursday, 4 August 2011.

³¹ Interview with Fundasaun Mahein Director Nelson Belo. Wednesday, 7 September 2011.

³² Fundasaun Mahein tried to interview the State Secretariat of Defense, but had not received a response at the time of publication.

³³ Interview with Anacleto Ribeiro. Advisor to the State Secretary for Security. Tuesday, 16 August 2011.

³⁴ Interview with Anacleto Ribeiro. Advisor to the State Secretary for Security. Tuesday, 16 August 2011.



In the same way, investment in human capital—specifically in the quantity and capacity of personnel—must increase in order to be able to improve the administration and management of relevant institutions. Maritime security will require better infrastructure, facilities, and equipment for operational components.³⁵

With regards to international relations, regional cooperation is very important for strengthening border security, particularly with joint patrolling cooperation on the frontier that can control illegal trans-border activities.³⁶ FM notes that the lack of precise delineation of Timor-Leste's frontiers with Indonesia and Australia causes problems because the border is identical with national identity³⁷ and represents the judicial and political aspects of the nation's sovereignty.

2. F-FDTL Naval Component³⁸

F-FDTL Naval Component was established in December 2001, at which time it received two Albatross Class boats from the Government of Portugal.³⁹ The Timorese government continued to invest in this component until 2010, when the government bought a boat from China in an attempt to improve the Naval Component. According to Timor-Leste's Constitution, the Naval Component's mission consists of defending national sovereignty on the ocean from all threats.

- **Human Resources and Training**

Any operational mission requires high-quality instruction, tactics, strategy and assessment. Cooperation with the Chinese government created electricity and mechanic courses for Naval Marines in China.⁴⁰ The F-FDTL Commander indicated that more than 30 members would train in South Korea because the South Korean government would soon offer three ships for the F-FDTL Naval Component.⁴¹ Bilateral cooperation began in early April 2011 led by the Australian Navy team along with Major Brennan from New Zealand, Captain Posey from the United States,

³⁵ Interview with Fundasaun Mahein Executive Director Nelson Belo. Wednesday, 7 September 2011.

³⁶ Interview with Anacleto Ribeiro. Advisor to the State Secretary for Security. Tuesday, 16 August 2011.

³⁷ Mahein's Voice No. 4. Frontier and National Security in Timor-Leste. 22 October 2009.

³⁸ FM Researcher João Almeida on 19 August 2011 tried to interview the Naval Component Commander Pedro Klamar Fuik but did not manage to interview him at the time because the Naval Component was receiving a visiting delegation from Guinea-Bissau. On 22 August 2011 the researcher tried to confirm an interview at the Naval Component Headquarters at Hera but the Component Commander was elsewhere. On 02 September 2011 he confirmed an interview again at Naval Component Cabinet Headquarters at Hera but the commander was not available because he was attending a meeting in the Palace of the Government involving Naval Component in the Naval Component Cabinet at Hera. On 05-06-07 September 2011 the research telephoned the Naval Component Cabinet to confirm an interview but the Commander was not there because he was attending a meeting at the F-FDTL General Headquarters in Tasi Tolu. Until the publication of this report the researcher tried to continue to interview the commander, but he was never available.

³⁹ http://en.wikipedia.org/wiki/Timor_Leste_Defense_Force

⁴⁰ <http://fundasaunmahein.files.wordpress.com/2011/04/mahein-nia-lian-18-18-April-2011.pdf>

⁴¹ <http://suara-timor-lorosae.com/berita-3924-korea-sei-oferese-ro%E2%80%99o-funu-tolu-ba-ffdtl-taur-presiza-Port-atu-tau-ro%E2%80%99o.html>



and First Lieutenant Julio Pinto from F-FDTL Naval Component. This training—named “Joint Exercise and Scorpion Commando”—sought to strengthen cooperation with other nations.⁴²

Cooperation between the F-FDTL Naval Component and the United States Military included exercises and training to increase capacity in special areas such as firefighting, failure control, navigation, engineering, and first aid.⁴³ Considerable progress occurred at the level of cooperation through bilateral channels but the government must still invest so as to improve the conditions and facilities that are basic necessities for the F-FDTL Naval Component.

- **Facilities and Equipment**

When F-FDTL Naval Component was first formed, it had extremely limited capacities and equipment. Through bilateral cooperation, Portugal supplied two Albatross Class boats (the *Atauro* and the *Oecussi*). After this, the Timorese government bought two patrol boats from China (named *Jako* and *Betanu*) which were deployed in 2010 to facilitate the operations of the Naval Component in Timor-Leste’s territorial waters.⁴⁴

The South Korean government will give three more boats to the F-FDTL Naval Component and soon will arrive in Timor-Leste in order to await the construction of the still-unfinished Hera port.⁴⁵ In the same way the construction of the Hera port has also become a worry for President of the Republic Jose Ramos-Horta because government has not made a definitive decision to establish the port required for the maintenance of the boats that Timor-Leste currently has.⁴⁶ However this temporary port will be completed in November 2011.⁴⁷

- **Operations of F-FDTL Naval Component**

F-FDTL Naval Component is currently concentrated at the Naval Base in Hera in order to implement its mission throughout the entire territory of Timor-Leste. This component has already embraced its responsibilities in its operational missions. Previously joint operations between the F-FDTL Naval Component and UPM have succeeded in capturing illegal fishing vessels from Indonesia and Thailand.⁴⁸

Although this component already has the ability to patrol the training area and continue increasing its capacities, the Naval Component still lacks the full ability to control Timor-Leste’s territorial waters.⁴⁹ FM is concerned about whether Naval Component will continue implementing its responsibilities, as criminal activity on the ocean continues to increase despite this component’s mission to defend the nation’s sovereignty from external threats and problems on the maritime frontier.

⁴² <http://suara-timor-lorosae.com/berita-3922-exersisiu-forsa-eua-australia-nova-zelandia-tl-laos-atu-halo-funu-maibe-strengthen-dame.html>

⁴³ Jornal Suara Timor Lorosa'e. Friday, 15 April 2011.

⁴⁴ <http://www.fundasaunmahein.org/wp-content/uploads/2011/04/mahien-nia-lian-18-18-April-2011.pdf>

⁴⁵ <http://suara-timor-lorosae.com/berita-3924-korea-sei-oferese-ro%E2%80%99o-funu-tolu-ba-ffdtl-taur-presiza-Port-atu-tau-ro%E2%80%99o.html>

⁴⁶ Timor Post newspaper. Thursday 04 August 2011, p3

⁴⁷ National Daily Journal. Friday, 02 September 2011, p.1

⁴⁸ Interview with FM Executive Director Nelson Belo. Wednesday, 7 September 2011.

⁴⁹ Interview with FM Executive Director Nelson Belo. Wednesday, 7 September 2011.



Because the F-FDTL Naval Component is concentrated in Hera, it has no location on the south coast from which it could confront threats in the Timor Sea.⁵⁰ Because of this, the F-FDTL Naval Component needs to place operational posts on the south, east, and west coasts.

PNTL Maritime Police Unit

- **Human Resources and Training**

Given the vastness of the maritime zone, the Maritime Police Unit (UPM) lacks the number of human resources sufficient to cover the entire territory. Temporarily the Maritime Police Unit only has 57 personnel spread between the maritime posts in Atabae, Atauro and Dili.⁵¹

Furthermore, at this time the personnel in the Maritime Police Unit only obtain basic naval training. Consequently, to become effective they must increase their capacity and technical knowledge. Training about navigation, maintenance, and management is especially important.⁵²

Operationally, the UPM knows how to use the vessels that the government is planning to buy. However, it is important to know how to maintain the warships, in addition to understanding how to use them. Maintenance requires the ability to manage resources so as to guarantee sustainable operating capacity.

- **Facilities and Equipment**

Vessels used by the Maritime Police Unit

No.	Type									Placement
		Vessel		Car		Motorcycle		Bicycle		
		Good	Bad	Good	Bad	Good	Bad	Good	Bad	
1.	Ship Lancha-LVI	12	1							Dili-Atauro-Atabae
2.	Ship MV Timor-Leste	1								Dili-Atauro-Atabe
3.	Car Marcha Prado			1						Dili
4.	Car Marcha Pajero Wagon			1						Dili
5.	Car			1						Operation

⁵⁰ Interview with Caetano de Sousa Guterres. Chief of the Legal Department, Timor-Leste Ministry of Foreign Affairs. Wednesday, 20 July 2011.

⁵¹ Interview with Superintendent Lino Saldanha. Maritime Police Unit Commander. Thursday, 4 August 2011.

⁵² Interview with Superintendent Lino Saldanha. Maritime Police Unit Commander. Thursday, 4 August 2011.



	Marcha Hilux									
6.	Car Land Cruzer			1						Operation
7.	Car Lancha Iveco				1					Not in Operation
8.	Motorcyc Hondo Megapro					2				Atauro-Dili
9.	Motorcy cle YAMAHA					1				Atabae
10.	Bicycle							6		Sional
Total		14	5	3	6					

Source: Maritime Police Unit, 1 September 2011

The government of Timor-Leste plans to buy one big vessel (with a length of 28 meters) in 2011 for the Maritime Police Unit. However, a difference of opinions has emerged between State Secretary for Security Francisco Guterres and Maritime Police Unit Commander Lino Saldanha about buying this ship.⁵³

FM does not want to focus on the decision to buy the boat, but on the Maritime Unit's lack of training in how to use the boat. Such training is essential, particularly in the areas of navigation, maintenance, and management. Another minimal requirement for the acquisition is building a UPM operational post.⁵⁴ Other important questions: What is the planned budget for this acquisition? Where will the Maritime Police base and port be located? What is the planned budget for maintenance? Will there be studies about the varying climates of the waters surrounding Timor-Leste before buying the boat?

- **UPM Operations**

The operational mission of the UPM as defined by the PNTL Organic Law of the PNTL consists of preventing and reducing crime, particularly drug trafficking, illegal fishing, human trafficking, terrorism, piracy, and illegal immigration. The UPM is also obliged to maintain security in the coastal area and territorial waters. The law also instructs them to preserve and protect the ocean ecosystem against pollution. Their responsibilities also include protecting people on the sea and saving lives when necessary. Such civil protection also includes the protection of public health. Overall, the UPM's duty is to maintain vigilance on the entire maritime boundary, through coordination and cooperation with different authorities and entities that are integrated into the maritime authority system (especially the F-FDTL Naval Component).⁵⁵

⁵³ National Daily Journal. Friday, 12 August 2011. p1 and p15.

⁵⁴ Interview with Superintendent Lino Saldanha. Maritime Police Unit Commander. Thursday, 4 August 2011.

⁵⁵ Organic Law of the PNTL. Article 32, number 2.



Currently, the Maritime Police Unit (UPM) has three posts in Atabae, Atauro and Dili in order to conduct operations and control the north coast. However, criminal activities such as illegal fishing often occur off the island's south coast, and illegal fishing boats enter Timor-Leste's territorial waters up to 400-500 meters from dry land.⁵⁶ Although the UPM already has a total of 14 boats, limited facilities and equipment make it unable to patrol in the ocean south of Timor-Leste. These boats also lack the capacity to operate in the Timor Sea during the rainy season and strong winds.

Limitations on human resources mean that the Maritime Police lack the ability to tackle important security challenges. In 2011, when Maritime Police captured illegal fishing boats in the ocean near Baucau, police had to run still wet from the ocean to the Baucau Tribunal to testify before the Tribunal.⁵⁷

These conditions appear there is no direction on special training for the maritime security forces, especially procedures about responding to serious threats to police officers' lives. Furthermore, there is currently no law guaranteeing that, in the event that police personnel die in an accident on the ocean, the government will care for their families.⁵⁸

Current and Planned Police Maritime Unit Posts



Source: *Maritime Police Unit, 4 August 2011*

Key:

- ★ : Currently functioning posts (Atabae, Atauro and Dili)
- ★ : Planned posts (Beaco, Betano, Com, Karabela, Laga, Laivai, Suai, Oecussi and Tutuala)

3. Coordination and Joint Operations

⁵⁶ Interview with Lourenco dos Reis Amaral. Chief of General Fishing Inspection Department. Wednesday, 10 August 2011.

⁵⁷ Interview with Superintendent Lino Saldanha. Maritime Police Unit Commander. Thursday, 4 August 2011.

⁵⁸ Interview with Superintendent Lino Saldanha. Maritime Police Unit Commander. Thursday, 4 August 2011.



The success of the 2010 Joint Operation between the F-FDTL Naval Component and the UPM demonstrates that, informally, there are good lines of communication between the relevant authorities, namely the F-FDTL Naval Component, UPM, National Fishing Directory, and Customs. However, there is not yet a formal agreement.⁵⁹ Consequently, formal accords between the relevant institutions are needed to strengthen coordination.⁶⁰

Joint Operation between F-FDTL Naval Component and Maritime Police Unity Captures an Illegal Fishing Boat, 18 October 2010.



Source: *Maritime Police Unit, 1 September 2011*

Judicially, the National Defense Law sets out a more integrated defense and security authority in which the F-FDTL forms part of an Integrated System for National Security, so as to generate coordinated responses to threats to national security. In particular, its function includes defending the nation's sovereignty and independence from external political powers, maintaining integrity and control of the nation's territory and natural resources, and upholding the security of the population.⁶¹

In the same way the National Security Law Article 13 Permanent Objectives from the National Security Policy, number 2, Line C, *Point 2* states: Secure strategic space and national interest, especially to guarantee sovereignty about the territorial waters, contiguous zone, and exclusive economic zone, under the ocean, and in the sky. *Point 4*: Seek to promote coordination and among the Defense and Security Forces, and strengthen civil-military cooperation and guarantee efficacy and coordination in the national information system.⁶² This is reinforced by Article 18 about Integrated National Security System. In this article, number 1 states "To respond to threats and risks to national security, an integrated response from the components and units—including the F-FDTL, PNTL, National Intelligence Service, Civil Protection Authority,

⁵⁹ Interview with Lourenco dos Reis Amaral. Chief of General Fishing Inspection Department. Wednesday, 10 August 2011.

⁶⁰ Interview with Superintendent Lino Saldanha. Maritime Police Unit Commander. Thursday, 4 August 2011.

⁶¹ National Defense Law. Article 4, Number 3.

⁶² National Security Law. Article 13, Number 2, Line C, Points 2 and 4.



Firefighters, Maritime Authority System, Aeronautical Authority, Prison Services, Migration Service, Civil Security, Customs, District Security Councils, and Quarantine Service—will be implemented.⁶³

In 2008, a task force was informally established with the name *Joint Maritime Security Task Force* (JMSTF). The JMSTF was composed of the F-FDTL Naval Component, the Maritime Police Unit, Customs, Quarantine, the Port Authority, and the National Fishing Directory in order to establish a National Maritime Security Center.⁶⁴ However, it has yet to begin functioning.

Judicially, this legislation strengthens the Maritime Authority's ability to respond to this necessity and informally establishes an integrated response. In this report, FM emphasizes that the government and relevant institutions must strengthen maritime service through the formation of an integrated maritime authority in accordance with National Security Law and National Defense Law. Communication-related problems persist with the UPM and the F-FDTL Naval Component. The lack of an emergency number to communicate directly to the maritime operational authorities is particularly concerning.⁶⁵ As a result of this shortfall, it is difficult to contact the relevant authorities in case a disaster occurs on the ocean involving tourists, SCUBA divers, commercial boats, passenger boats, or fishing boats.⁶⁶

The official mobile number in the Maritime Authority post and emergency number 112 in the PNTL General Headquarters usually have slow response times. For this reason, government and competent institutions must pay attention to this difficulty in order to protect the lives of people conducting activities on the ocean. Because of this, FM suggests that this emergency number be posted in the National Maritime Security Center in order to facilitate communication with the Maritime Authorities.

Timor-Leste's Accession to ASEAN from a Maritime Security Perspective

Timor-Leste's policy of seeking entry to ASEAN in 2012 makes it imperative to strengthen relations with the nations in ASEAN and with other nations. A fundamental principle of the Constitution of Timor-Leste stipulates that the country must establish relationships of friendship and cooperation with all other peoples. The Constitution also states that Timor-Leste must defend peaceful solutions to conflict and promote simultaneous and controlled disarmament, the establishment of a collective security system and the creation of a new international economic order so as to strengthen peace and justice in international relations.⁶⁷ The Constitution also requires Timor-Leste to strengthen special links of friendship and cooperation with neighboring nations with other countries in the region.⁶⁸

⁶³ National Security Law. Article 18. Number 1.

⁶⁴ Interview with Lourenco dos Reis Amaral. Chief of General Fishing Inspection Department. Wednesday, 10 August 2011.

⁶⁵ Interview with Superintendent Lino Saldanha. Maritime Police Unit Commander. Thursday, 4 August 2011.

⁶⁶ Interview with Ann Turner. Free Flow Diving East Timor. Monday, 25 July 2011.

⁶⁷ Constitution of Timor-Leste. Article 8, Number 2.

⁶⁸ Constitution of Timor-Leste. Article 8, Number 4.



The government Timor-Leste has made a considerable effort to establish embassies and send ambassadors throughout the entire ASEAN region. Currently Timor-Leste attends ASEAN forums and conferences as an observer in order to request the support of ASEAN members for Timor-Leste's entry into ASEAN in 2012. This raises the question: with regards to maritime security, is Timor-Leste prepared for ASEAN membership?

ASEAN Concord II (Bali Concord II) Declaration signed by ASEAN Leadership in Bali, Indonesia, 07 October 2003, reaffirmed that ASEAN leadership acknowledged trans-border maritime problems that demand an integrated approach. Maritime cooperation between Timor-Leste and ASEAN member states (ASEAN Members States/AMSS) will contribute to establishing the ASEAN Security Community.

The 10th ASEAN Conference in Vietnam, 29 November 2004, adopted a ASEAN Community Security Plan for the near future (2004-2010) focused on promoting maritime security cooperation. This decision built upon the already-established *ASEAN Maritime Forum* (AMF). Efforts by ASEAN members to strengthen relations between nations in the region led to the establishment of the ASEAN Community in 2015.⁶⁹

ASEAN Maritime Forum aims to foster cooperation through dialogue and constructive consultations about maritime issues according to international law and the 1982 United Nations Conventions on the Law of the Sea (UNCLOS). Its goal involves increasing ASEAN member states' capacity to tackle maritime problems while respecting human rights, sovereignty, and territorial integrity. Other objectives include pursuing decisions oriented towards maritime regional problems, specifically including promoting development capacity, increasing training and security cooperation, and protecting marine environments.⁷⁰

1. Maritime Security Issues

Problems such as terrorism, piracy, environmental degradation, illegal trafficking of weapons people, and drugs, and illegal fishing frequently occur in the oceans surrounding ASEAN countries.⁷¹ Other problems include the movement of immigrants from Iran, Sri Lanka, and Afghanistan who pass through the region to seek political asylum in Australia. Such migration represents a significant security concern for all countries in the ASEAN maritime zone, including Timor-Leste. Immigrants or asylum seekers sometimes commit crimes or are involved in terrorist groups that enter in ASEAN territory to seek political asylum in other countries. Furthermore, ASEAN nations bear a responsibility to protect immigrants' lives on the ocean as they seek refuge abroad.⁷²

In addition, Timor-Leste's economic situation and the development of its commercial sector depend on imports from neighboring nations, particularly Indonesia. Despite the importance of seaborne commerce, Timor-Leste still lacks effective control from a Maritime Authority.

⁶⁹ <http://www.tabloiddiplomasi.org/previous-isuue/104-Augusts-2010/902-kons>

⁷⁰ <http://www.tabloiddiplomasi.org/previous-isuue/104-Augusts-2010/902-kons>

⁷¹ Tabloid Diplomasi. Menuju Komunitas ASEAN 2015: Isu Keamanan Maritim Regional Edisi 4, Tahun I, September 2010. P7.

⁷² Interview with Cillian Nolan. Southeast Asia Analyst. International Crisis Group: Working to Prevent Conflict Worldwide. Monday, 1 August 2011.



Consequently, there is a high risk that people engaged in contraband smuggling, drug trafficking, and other criminal activities can infiltrate the country.⁷³

2. Strengths

FM sees that the government of Timor-Leste has made concerted efforts to fulfill its goal of joining ASEAN in 2012. From the perspective of maritime security, the successful functioning of operations in the F-FDTL Naval Component, Maritime Police Unit, Immigration Police, Customs, Port, Quarantine, and Directory of Fishing, mark significant steps forward, although human resources, capacity, and facilities are all limited.

Seen from a legal angle, Timor-Leste has produced more legislation that regulates and defines maritime security issues including the National Security Law, National Defense Law, Immigration Law, Law for the Port Authority, the Customs law, and other laws in order to ensure its functioning and the control of activities for which it is responsible.⁷⁴

Seen from the aspect of international relations, Timor-Leste has strengthened bilateral relations with nations in the ASEAN region. In this sphere, the Timorese government has initiated cooperation encompassing various sectors including education, economics, defense, and security. All of these have the potential to provide development to the people of Timor-Leste and people in the ASEAN region. Participation of civil society and the state in the ASEAN region in regional development programs such as ARF (*ASEAN REGIONAL FORUM*) will contribute to the development of the region.⁷⁵

In this way, Timor-Leste has made significant progress towards cementing its friendships in the ASEAN region to contribute to the region's development and stability, in accordance with the membership criteria stipulated by ASEAN.

3. Weaknesses

This report has already described how irregular acts continue increasing in Timor-Leste's territorial waters. The response from the Maritime Authority remains inadequate, in spite of the government's efforts to create better institutions, legislation, human resources capacity, facilities, and bilateral channels.

The waters off the south, east, west, and north coasts currently lack effective operational posts for the maritime security forces. The F-FDTL Naval Component and UPM just cover the north coast (Atabae, Atauro and Dili), allowing this irregular activity to continue increasing.

Limitation of resources, facilities, and equipment for the F-FDTL Naval Component remains a formidable challenge. Timor-Leste has acquired the *Jaco* and *Betano* frigates, as well as two Albatross Class Frigates supplied by the Government of Portugal. Nonetheless, these vessels cannot yet conduct patrols covering the entire area of Timor-Leste's territorial waters because there are 14 boats and only 57 members of the UPM.

⁷³ Interview with FM Director Nelson Belo. Wednesday, 7 September 2011.

⁷⁴ Interview with Anacleto Ribeiro. Advisor to the Secretary of State for Security. Tuesday, 16 August 2011.

⁷⁵ Interview with Anacleto Ribeiro. Advisor to the Secretary of State for Security. Tuesday, 16 August 2011.



Timor-Leste does not yet have a National Maritime Authority which is integrated for coordination, patrolling and supervision. Such coordination should encompass the administrative and operational functioning of the F-FDTL Naval Component, UPM, Customs, Port Authority, the National Fishing Directory, Immigration authorities, and Quarantine authorities.⁷⁶

The maritime boundaries between Timor-Leste and Australia, and Timor-Leste and Indonesia are not yet defined by treaty. Although Timor-Leste and Australia agreed in the CMATS accord of 12 January 2006 to wait 50 years afterwards to define the maritime frontier. In the same way, the maritime boundary with Indonesia remains undefined and the land border recently attained 96%.⁷⁷

Conclusion

Timor-Leste is currently encountering formidable obstacles in maritime security. The currently undefined state of the maritime borders between Timor-Leste, Australia and Indonesia only exacerbates the difficulties of defending the nation's frontiers against illegal activities.

Despite many efforts that the government of Timor-Leste has already implemented and the significant progress made in developing the institutions and legislation, operational capacity, control, and supervision remain inadequate.

Therefore, Timor-Leste needs an effective and integrated system of control from the Maritime Authority in order to address illegal fishing, illegal commerce, drugs, illegal weapons and environmental degradation in Timor-Leste's territorial waters.

A mechanism to control and uphold security in Timor-Leste's territorial waters must strengthen the F-FDTL Naval Component, UPM, Immigration, Customs, Port, Quarantine and Fishing Directory through the formation of human capital and the furnishing of good facilities. But, these responsibilities are not limited to these institutions alone. It is important that there are contributions to this effort from elements of all state institutions and from the entire society.

Finally, the government must establish a National Maritime Authority with an Integrated National Security System to guarantee effective work for control and supervision.

The Government of Timor-Leste should:

- Thoroughly study the threats in Timor-Leste's territorial waters and what the government must do as part of an urgent intervention.
- Initiate discussions with the government of Indonesia in order to be able establish a boundary line. The two countries should also conduct joint patrols on the maritime

⁷⁶ Interview with Superintendent Lino Saldanha. Maritime Police Unit Commander. Thursday, 4 August 2011.

⁷⁷ <http://www.politik.lipi.go.id/index.php/in/kolom/politik-internasional/280-mencari-solusi-damai-sengketa-perbatasan-di-timor>



border in order to prevent illegal fishing, smuggling, trafficking of drugs and weapons, and other illegal activities.

- Strengthen the work operations of the F-FDTL Naval Component and Maritime Police Unit in accordance with their constitutional mandates to control Timor-Leste's territorial waters.
- Promptly establish an Integrated National Maritime Authority composed of the F-FDTL Naval Component, UPM, Customs, Quarantine, Port Authority, and National Fishing Directory. This effort requires legislations strengthening the National Maritime Authority.
- Increase the quality of human resources on the levels of coordination, control and supervision in maritime work, especially operational components.
- Create an Organic Law about the National Maritime Authority for Integrated Maritime Work.

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