

The UNPOL to PNTL ‘handover’ 2009: what exactly is being handed over?

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Introduction

Following the crisis of 2006 in Timor-Leste and the accompanying unraveling of the security sector, a new United Nations mission (UNMIT) was established on 25 August 2006. UNMIT’s mandate included, among other things, the restoration and maintenance of public security, provision of assistance to further develop the Polícia Nacional Timor-Leste (PNTL), and support carrying out a security sector review.² Establishing a United Nations Police (UNPOL) presence, which was essential to fulfilling this mandate, was, however, slow to commence. UNPOL did not arrive till November 2006 and were not really functioning until the following year. It took almost a year to reach eighty percent of authorised strength.³ Although the crisis only involved PNTL in Dili and two other districts, UNPOL was deployed to all thirteen districts.

On 14 May 2009 the process of ‘handing over’ policing responsibility from UNPOL to PNTL in Timor-Leste commenced with the eastern-most district of Lautem.⁴ This is formally referred to as the ‘resumption’ of PNTL responsibility. This handover occurred a little more than six years since Lautem was originally handed over to PNTL after the first attempt by the United Nations to build a police force for Timor-Leste. The 2009 Lautem handover was followed by handovers in the districts of Manatuto and Oecussi, as well as a handover of the Police Academy, in what is anticipated to be a district-by-district and unit-by-unit handover, whilst overall executive policing is maintained by UNPOL. The handover represents a penultimate ‘consolidation’ phase, to be followed by PNTL reassuming full executive policing responsibility – referred to as the ‘full reconstitution’ phase, at a yet to be determined time.

This paper addresses the process of reform, restructuring and rebuilding (RRR) carried out by UNPOL which commenced in 2006, as well as the early stages of the handover. It examines the formal mechanisms and processes as well as some of the challenges that have occurred. The United Nations is increasingly mandated to assist with security sector reform more broadly; and the United Nations Police are now more often deployed to carry out/assist with RRR processes more specifically. This paper provides a case study of UNPOL involvement in a RRR process that we hope will contribute to discussion on UNPOL’s future role and deployment.

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2 The F-FDTL, on the other hand, barely features in the UNMIT mandate. It became clear very early on that no screening of the F-FDTL would be entertained by Timorese authorities, despite knowledge of the significant role F-FDTL played in the 2006 violence, something subsequently confirmed by the UN Independent Special Commission of Inquiry.

3 S/2008/329 Annex. Report of the expert mission to Timor-Leste on policing, 17 to 27 March 2008. Para 26.

4 On 4 February 2008, under pressure from the Timor-Leste Government, there was a ‘transfer of authority’ to the PNTL of three police posts in Dili (Bairro Pite, Bidau and Mercado Lama). There appears not to have been a process for this handover, and this early handover does not feature in any of the United Nations or Timor-Leste Government narrative regarding the contemporary handover.

We argue that in general the reconstruction process has had major shortcomings that can be attributed to a lack of capacity on the part of both UNMIT/UNPOL and successive governments of Timor-Leste/PNTL, as well as failures on both sides to engage each other and develop the relationships which would be a pre-requisite for this kind of security sector reform work. This dynamic has also been underwritten by a certain paradox – possibly best understood as a reluctance (and resistance) on the part of the Timorese political elite to giving up hard-won control over their uniformed forces to outsiders, whilst continuing to rely on an international presence as both a security safety net and a source of material goods. The police reform undertaking in Timor-Leste highlights that such an exercise is an intensely political, as well as technical, process. It illustrates that having the political support and engagement of local counterparts is as important as having technically proficient advisers and a well resourced programme.

We contend that there are a number of fictive qualities to the handover. These fictions, detailed below, relate to the legal and policy framework of the handover, the relationship between those tasked with reform and the recipients of the process, the capacity of UNPOL to reconstruct the PNTL and monitor the handover, as well as the capacity of PNTL to operate independently, demonstrating both capacity and integrity. We argue that the desire of UNMIT/UNPOL to produce a handover that is deemed successful, in comparison to that carried out between 2003 and 2005, coupled with (sometimes contradictory) pressures from the government of Timor-Leste/PNTL has generated processes more focused on form than substance. This has resulted in both sides engaging in forms of mutually reinforcing ritualism designed to create the appearance of a particular kind of progress. This is not to underplay the many positive efforts and contributions made by individual national and international actors. In fact, we conclude that despite the reconstruction and handover having many illusory qualities there are positive aspects of the recent and ongoing process to evaluate each district and unit. In particular, the assessment process carried out by the Joint Field Assessment Teams (JFAT) (detailed below) to determine readiness for handover has generated useful information on the considerable outstanding developmental needs of PNTL. It would be a wasted opportunity if the recommendations generated by this assessment are not heeded.

Mechanisms – reform, restructuring, rebuilding

The UNMIT mandate provides a broad responsibility for both interim security and assistance with PNTL ‘reconstitution’ and Ministry of Interior strengthening.⁵ However the greater detail of how the public security and reform, restructuring and rebuilding tasks were to be carried out is contained in a Supplemental Agreement (SA) concluded between UNMIT and the Timor-Leste government on 1 December 2006. The SA provides for UNPOL to have executive policing authority until such time as the PNTL are reconstituted through a process of screening, mentoring and certification.

The SA outlines the phased approach to the conduct and eventual handover of executive policing from UNPOL to the PNTL, as well as outlining the co-operative basis between UNMIT and the Timor-Leste government in rebuilding the PNTL. An annex outlines the process of registration of existing and newly recruited PNTL members, provisional certification and final certification and how these processes of certification would be interrupted if there were reasonable grounds to suspect that a PNTL officer had been involved in human rights violations or criminal conduct. The SA also gives the UNPOL Police Commissioner, in consultation with the Special Representative of the Secretary-General (SRSG) and in close collaboration with the Timor-Leste government, the power to decide when the phased handover of Units and Districts from UNPOL to PNTL can occur, based on PNTL attaining benchmarks that would make such a handover possible.

⁵ As this is the first time that such an arrangement has been made between the UN and a sovereign government, an agreement on the Status of UNMIT was signed between the two parties on 4 October 2006.

The SA contains considerable ambiguity and accordingly the implementation of the SA has been even less clear. Some of the ambiguities reside in powers conferred on the Minister of the Interior⁶ to establish policy and exercise power and authority regarding the management and administration of the PNTL, at the same time that he is denied any powers in relation to the conduct of operational matters. Similarly, both provisional and final certification of PNTL officers is the responsibility of UNMIT but “all decisions regarding the appointment, retention and promotion of PNTL personnel shall rest with and be taken by the Minister.” This however, is made subject to “no promotion of any PNTL personnel shall take place unless the individual PNTL police officer concerned has first been certified”. In reality, it has not been possible to follow the SA in any great detail due to a number of early pre-conditions never being met.

In January 2007 UNPOL completed an assessment of the technical and administrative capacities of the PNTL, including internal accountability mechanisms. This formed the basis for preparing an Organizational Strategic Plan for Reform, Restructuring and Rebuilding the PNTL (hereafter the RRRD plan). UNPOL completed several versions of the RRRD with little or no input from the PNTL. None of the versions were ever translated from English. None of the versions were ever approved by the Timor-Leste government. Rather, (then) Minister for Interior Alcino Barris in a letter to (then) UNPOL Commissioner Rodolfo Tor dated 24 April 2007 extensively criticised the plan. Minister Barris noted, among other things, that the plan lacked costings, had considerable duplications, inconsistencies and weaknesses and was not oriented to the local context. Perhaps most damningly he alleged extensive plagiarism in the plan. He demonstrated that parts of the plan are taken, without acknowledgement, from sources as diverse as Wikipedia and documents of the Feinberg School of Medicine, Northwestern University in the USA.

Mechanisms – handover

The SA anticipates a three-stage process commencing with an ‘initial phase’ where policing is carried out by UNPOL and certified PNTL; a ‘consolidation phase’ where primary operational responsibility was to be handed over to PNTL on a unit-by-unit and district-by-district basis; and a ‘full reconstitution phase’ where the command and control of all police operations would be handed over to the PNTL. United Nations Security Council Resolution 1867 of 26 February 2009 reiterated:

the need to fully implement the Supplemental Policing Arrangement and supported the gradual resumption of policing responsibilities by the PNTL beginning in 2009 through a phased approach, which emphasises that PNTL must meet the criteria mutually agreed between the government of Timor-Leste (GOTL) and UNMIT.

However, implementing the SA has been problematic. The SA anticipated that benchmarks for the consolidation phase would be determined by the RRRD plan. As the government never approved any versions of the plan there was a long period in 2007-2008 where it was not clear how the consolidation phase would be achieved. In June 2008 a UN ‘handover’ plan was designed that anticipated commencement of handover on 31 July 2008 in Manatuto but the plan was never initiated.

Similarly the SA determines that the benchmarks and performance targets necessary for the full reconstitution phase to occur will be determined by the RRRD plan. In the absence of an agreed RRRD plan, no alternative to determining whether full reconstitution has been achieved has yet been identified.

⁶ The IV Constitutional Government of Timor- Leste has combined the Ministries of Interior and Defence under Xanana Gusmão, in addition to his role as Prime Minister. Two Secretaries of State have been appointed under the Minister – Secretary of State for Defence Julio Tomas Pinto and Secretary of State for Security Francisco da Costa Guterres.

Sustained pressure from the Timorese government for the handover to commence culminated in a letter from the Secretary of State for Security to the Deputy SRSG dated 16 December 2008. The letter outlined a proposal for advancing a full resumption of responsibility by the PNTL commencing on 27 March 2009. The central elements of the proposal were an entry into the consolidation phase, followed by a comprehensive independent assessment to gauge the administrative, institutional and operational readiness of the PNTL. The independent assessment would then be used to determine whether the PNTL was 'fully reconstituted'. The Secretary of State's proposal for an independent commission was predicated on an acknowledgement that "the United Nations and Timorese authorities have both been deeply involved in the reform process, which means that neither enjoys the necessary remove to look at the readiness of the PNTL in a dispassionate manner". He proposed that:

The commission should be headed by a recognized 'name' in police reform and development. This individual would be assisted by a small secretariat with strong backgrounds, respectively, in political affairs, monitoring & evaluation, and assessing police reform projects. The team may include designated representatives from Secretary of State-Security/PNTL and UNMIT/UNPOL.

The Secretary of State's proposal generated significant anxiety within UNMIT. The DSRSG's reply on 5 January 2009 can best be described as tepid, with no substantive interest in the proposal as outlined. There was no enthusiasm within UNMIT for an independent assessment and their preferred model of joint UNMIT/PNTL assessments was reiterated. The DSRSG's letter made it clear that UNMIT intended to exert control over the process, albeit under a rubric of 'joint assessment'. The Secretary of State in his response of 9 January 2009, while expressing a desire for further discussion regarding the independent commission, acceded to the DSRSG's proposal.

The handover and associated monitoring arrangements were subsequently agreed on 13 May 2009 in an exchange of letters and attached Annex between the Prime Minister and the SRSG. Associated monitoring arrangements were described in a joint memo from the UNPOL Police Commissioner and PNTL Commander General outlining the responsibilities of UNPOL in the consolidation phase dated 28 April 2009. A Joint Directive from the Secretary of State for Security and the UNPOL Police Commissioner agreed to the Resumption of the Primary Responsibility for the Conduct of Police Operations by the Polícia Nacional de Timor-Leste within the District of Lautem and is dated 14 May 2009.

Subsequently, a Joint Technical Team (JTT) and Joint Field Assessment Teams (JFAT) comprising of equal representation from UNMIT, UNPOL, PNTL and government of Timor-Leste were set up to evaluate the readiness of the districts/units based on jointly agreed criteria: (i) ability of PNTL to respond appropriately to the security environment in a given district; (ii) final certification of at least 80% of the eligible PNTL officers in a given district/unit to be handed over; (iii) availability of initial operational logistical requirements; and (iv) institutional stability, which includes the ability to exercise command and control and community acceptance. The assessment tool that was developed does not comprehensively assess these criteria but nonetheless generates useful information.

Political context

Tension has existed from the beginning of the process between successive Timor-Leste governments' purported support of a police reconstruction process and a desire to demonstrate sovereignty and independence around such a flagship issue. Consequently, reconstruction of the PNTL has not run smoothly, with both technical and political challenges evident. Similarly, the mandated security sector review has not occurred, and there is a general consensus that it will not occur. It is now becoming abundantly clear that the Timor-Leste Government has tired of the international security presence, with Secretary of State for Defence Julio Pinto recently stating that "what we do know is

that if we compare the character, self-confidence and performance of some PNTL members with some UNPOL members, ours are much better”.⁷ Similarly, Brigadier General Taur Matan Ruak, Chief of the F-FDTL, recently stated that foreign forces should have left Timor-Leste by now.⁸

The profound ambiguities in the SA have contributed to a range of power struggles around the contested nature of who is going to own and control such an intrinsically political process as police reform, and who ultimately makes the decisions about who stays and who goes. This ambiguity, together with the significant incursion into the boundaries of the sovereignty of the Timor-Leste government that the Supplemental Agreement represents, has contributed to the palpably poor relationship between the UN mission and the government, and between UNPOL and PNTL. Through the entire mission there have been pressures on UNMIT and UNPOL from the government to have PNTL ‘back on the street’ with little regard for the certification process. More recently there have been increased pressures for the process of handing over policing functions to the PNTL to commence. This became more pronounced following the attacks on the President and Prime Minister of Timor-Leste on 11 February 2008. The attacks led to the government declaring states of exception and creating a Joint Military Police Command which placed the PNTL under the command of the F-FDTL. This was at a time when PNTL was in theory under the control of the UN police, and was done without consulting the UN.

Both UN Headquarters and the government of Timor-Leste have expressed concerns about the process, including the methods and the integrity of the reconstruction process which led to two important visits from New York-based UN officials to assess the realities on the ground. A Security Council mission visited Timor-Leste from 24 to 30 November 2007 and appeared to express disquiet about the effectiveness of UNPOL, noting that:

the national police (PNTL) and the national defence force (F-FDTL) urgently needed reform, and it was to be hoped that the role of the United Nations Political Office in Timor-Leste [sic] (UNPOL) would be reviewed to ensure maximum results. A team of experts from the Department of Peacekeeping Operations must be sent to assess the situation and seek ways to improve it.

Subsequently the UN Secretary-General sent an expert police mission to Timor-Leste from 17 to 27 March 2008 “in order to conduct a thorough assessment of the requirements of the national police of Timor-Leste as well as possible adjustments needed to UNMIT police skill sets”. UN Assistant Secretary-General Dmitry Titov was clearly alarmed by what he found in relation to PNTL development- noting that “tremendous institutional gaps persist, including weak management and command and control, lack of core capacities (e.g., investigations), and an almost total absence of logistics and systems maintenance capacity”.

The handover: what exactly is being handed over?

On the face of it Timor-Leste in mid-2009 is relatively calm and the handover is progressing without notable incident. Three districts have been ‘handed back’. However as mentioned above there is a certain fictive quality to many aspects of the process, in fact a many layered fiction. UNMIT and the Timor-Leste government have different but congruent interests in ‘playing along’ with the handover.

⁷ Pinto, Júlio Tomás. 2009. SSR in Timor-Leste. Reforming the Security Sector: Facing Challenges, Achieving Progress in Timor Leste. Tempo Semanal.18 August 2009. <http://temposemanaltimor.blogspot.com/2009/08/ssr-in-timor-leste.html> Accessed 250809.

⁸ Lusa. August 27 2009

The first fiction is that the United Nations Police have an executive policing mandate, provided by the Supplementary Agreement, by which they are ‘legally’ able to hand over to the PNTL.

The executive policing mandate of UNPOL is repeated in many of the documents pertaining to the handover. On 9 December 2008, however, a little publicised Court of Appeal decision⁹ in Timor-Leste threw into grave doubt this assumption of executive policing.¹⁰ A decision against defendant Adérito da Costa Ximenes Neto, Interim PNTL Commander Baucau in the District Court was overturned on appeal. Neto had been suspended on the order of UNPOL Commissioner Juan Carlos Arévalo on 27 August 2008, following completion of a disciplinary process against Neto which found that he had carried out practices that violated human rights. As Neto continued to work while under suspension, he was arrested and subsequently convicted, on 14 October 2008, of committing a false identity crime punishable pursuant to article 228 of the Indonesian Penal Code.¹¹ He was sentenced to six months imprisonment, suspended for a period of twelve months. The Court of Appeal Decision, however, found that as the Supplementary Agreement was not ratified by Parliament and promulgated as required by the Constitution of Timor-Leste and by subsequent publication in the Official gazette, *Journal da Republica*, it does not have the force of law. The decision also found that the UNPOL Commissioner did not have the legal power to carry out that suspension. Arguably, the implication of the decision is that the SA has no legal standing under Timorese law and thus all powers flowing from it have no legal basis either. If the UNPOL Commissioner does not have the power to suspend he also does not have the power to carry out any other executive policing tasks. Curiously it appears to have suited both the Timor-Leste government and the United Nations to ignore the decision and ignore the legal limbo that it created. How this squares with the UNMIT mandate to promote the rule of law, or Article 1(1) and 6(d) of the RDTL Constitution that determines that Timor-Leste is a rule of law state, is unclear.

The second fiction: UNPOL have, or have had, an effective ‘practical’ workaday command and control of the PNTL.

This would be a pre-requisite for being able to give command and control to someone else. However, on a day to day basis UNPOL exerts little effective control. The PNTL operate fairly autonomously, particularly within the ‘special units’ such as the UIR (*Unidade Intervenção Rápida* or Rapid Response Unit), URP (*Unidade de Reserva da Polícia* or Police Reserve Unit) and UPF (*Unidade Patrulhamento Fronteira* or Border Patrol Unit).¹²

9 The Court of Appeal in Timor-Leste is currently the highest court in the country. Although there is a provision for a Supreme Court and a Constitutional Court these roles are currently filled by the Court of Appeal. Case no. 95/CO/2008/TR

10 It is of note that on 19 July 2006 the Provedor in his response to the plan recommended that “the screening and re-integration programme should be codified through the enactment of a Government Decree or Government Law”, and that “the international police forces should provide the necessary technical assistance required for this process, including for drafting a policy paper for approval by the Council of Ministers with implementing regulations, such as the one referred above. This will ensure consistency with the identified plan as per the recovery plan written by the international police in Timor-Leste.” This was however disregarded.

11 Article 228 of the Indonesian Penal Code states that “Any person who with deliberate intent wears distinguishing marks or performs an act belonging to an office he does not hold or from which he has been suspended, shall be punished by a maximum imprisonment of two years or a maximum fine of three hundred rupiah”. The Indonesian Penal Code has subsequently been replaced by the Timor-Leste Penal Code.

12 Under Decree Law 9/2009 Organic Law of Timor-Leste’s National Police (PNTL) the URP has been transformed to become the Special Police Unit and the UIR has been transformed to be the Public Order Battalion. Although this law was promulgated in February 2009 the original special units were still in evidence in July 2009.

The UIR, URP and UPF were all significantly involved in different ways in the unravelling of the security forces and associated violence in 2006.¹³ However, rather than prioritising reforming these units, they have received a ‘hands off’ treatment from UNMIT, with no UNPOL co-located with any of them. Although the reasons for this decision are unclear an Adviser in the Secretary of State for Security’s office speculated it may have been due to a focus on geographical rather than functional areas.

UNPOL’s lack of effective command and control is also evidenced in the many critical decisions that have been taken by PNTL since 2006 without the agreement, or sometimes even the knowledge, of UNPOL. This includes the development of the Dili Task Force in 2007 and more critically the creation of the Joint Military Police Command in February 2008 which placed PNTL under the command of the F-FDTL at a time when they were ostensibly under the control of UNPOL.¹⁴

UNPOL’s organization has exacerbated this lack of effective command and control as has the PNTL’s reluctance to submit to UNPOL control. Shortcomings of UNPOL in Timor-Leste have been identified previously by many commentators, including by the UN expert police mission that went to Timor-Leste in early 2008. The police mission expressed extensive and serious concerns including the “lack of qualified UNMIT police personnel at all levels”, noting that their “operational effectiveness was impeded by... an often partial understanding of the applicable law and human rights standards”.¹⁵ As so many of the shortcomings of UNPOL’s performance were identified eighteen months ago the question should be asked why has so little has been done to rectify the situation. Despite changes that have occurred in the (still under-resourced) UN Police Division at DPKO HQ, it appears little of this is apprehended at mission level and even less beyond the edges of Dili.

Some other shortcomings bear repeating. UNPOL continues to have difficulty recruiting officers of adequate calibre, in sufficient numbers and in a timely fashion. The ‘national balance’ model of deploying forty or more different nationalities of police to supervise an already weak and poorly structured police institution does not work. It is a mistake to believe that ‘cops on the beat’ alone have the capacity to establish a public service organisation.

These factors were emphasised to us over and over again with many UNPOL expressing frustration with the quality and capacity of their fellow UNPOL. We were repeatedly asked by UNPOL members why the UN continues to deploy those who are not actually police,¹⁶ those who are from ‘failed states’ and those who have not passed mission requirements related to driving and (English)

13 The Special Commission of Inquiry (CoI) recommended both named and unnamed UIR and URP officers for prosecution and further investigation. The CoI also notes that members of the UIR and URP deserted with Alfredo Reinado, members of the URP were involved in supporting east-west confrontations and subsequent attacks in Fatu Ahi., members of the UIR were involved in the attack at the Comoro Market and that significant irregular distribution of URP weapons also occurred.

14 UNPOL Police Commissioner Luis Carillho expressed both concern and mystification about how this could have occurred when interviewed in July 2009.

15 S/2008/329 Annex. Report of the expert mission to Timor-Leste on policing, 17 to 27 March 2008. Para. 28 and 31. For a more expansive account of the shortcomings of UNPOL in Timor-Leste *see* Section II Key concerns and issues, and Section III Observations and recommendations.

16 It has been noted in relation to both the UNTAET and UNMIT mission that some UNPOL recruited are not actually police. Taylor, and Goldsmith and Harris, note that many contributing nations sent personnel such as police car washers, clerks, drivers, administration support and even a postal officer to work as police. Consequently they were unable to fulfil the policing role. Taylor, R. B. (2003). *Law Enforcement: New Players, Extended Boundaries. Peacekeeping Intelligence Conference: New Players, Extended Boundaries.* Ottawa, Canada, Goldsmith, A. and V. Harris (2009). "Out of step: multilateral police missions, culture and nation-building in Timor-Leste " *Conflict, Security and Development* 9(2): 189 - 211 . This was highlighted again to us by various UNPOL officers including complaints about an UNPOL who was a police officer for a short period twenty years ago.

language. An examination of the changing profile of police-deploying countries over time indicates an increasing number of police are being deployed from countries with poor human rights records.¹⁷ Continual complaints about extreme disinterest and laziness of other UNPOL members were also made, highlighting that there is no adequate performance management system of UNPOL members once deployed. PNTL members similarly felt there were many UNPOL of poor calibre, emphasising that many had little interest in Timorese culture or language.

Once deployed, the ability of UNPOL to supervise PNTL has been undermined by factors including: a failure to co-locate UNPOL and PNTL, resulting in parallel commands; the variable - and sometimes high - turnover of UNPOL; language and other communication difficulties; and failure to deploy UNPOL to most sub-districts due to harsh living conditions. In the district of Manufahi, UNPOL and PNTL were located in separate stations at different sides of town. Even in stations, in which they were co-located, there was a distinct absence of mixing.

It was clear to the authors that many UNPOL were unaware of what was happening in their districts, making command and control very difficult, which also served to erode their legitimacy. Two illustrative cases were brought to our attention. The first occurred on Atauro Island, a sub-district of Dili. A group of musicians, who had played in previous years' restoration of independence (20 May) celebrations, decided that on this occasion they wanted to be paid. The sub-district administrator said he would kill the musicians if they didn't play. He then asked the UNPOL to go and pick them up in the UNPOL vehicle and bring them to the venue. The UNPOL obliged as they were unaware of the background to the story, only becoming aware of it when informed later by other visiting UNMIT personnel. With no common language and no language assistant on the island the possibility of UNPOL and PNTL counterparts being able to communicate, let alone UNPOL assume a command and control role is difficult to imagine. The second case occurred in Maubisse, a sub-district of Ainaro. A mentally disabled man had been caught throwing stones. After holding him for the 72 hours allowed by law he was released by PNTL but they kept him handcuffed as he was considered dangerous. It was not until many (reports vary) days later that the UNPOL in Maubisse realised what had happened and freed the man.

Although a number of dedicated language assistants have been deployed it appears that the inadequate number is hampering the ability for communication between international and national police, a point also made by the UN expert policing mission.¹⁸ In the Atauro case mentioned above there was no language assistant on the entire island. A Timorese UN official reported that in the district of Viqueque a Naueti speaking language assistant has been appointed in a Makassae speaking area, and a Makassae speaking language assistant in a Naueti language area with consequent misunderstandings and mistakes made.¹⁹

Many leaders in Timor-Leste, as a result, have criticized the presence of international military and police. These criticisms have come from the Prime Minister, the Secretary of State for Security and the Secretary of State for Defence,²⁰ the Chief of Staff of the F-FDTL, as well as the current and former PNTL Commander General. These sentiments are also echoed by opposition parties. Recent

17 Analysis done by the Henry L. Stimson Center, drawing on Freedom House rankings, has indicated that over the past five years [i.e. between 2001 and 2006], UN police have been increasingly drawn from countries with questionable or non-existent democratic credentials. There has been a 20% drop in the number of UNPOL officers from 'free' countries, and increases in the proportion drawn from 'partly free' and even more substantially 'not free' countries. Smith, J. G., V. K. Holt, et al. (2007). Enhancing United Nations Capacity to Support Post-Conflict Policing and Rule of Law. Stimson Center Report No. 63. Washington, The Henry L. Stimson Center.

18 S/2008/329 Annex. Report of the expert mission to Timor-Leste on policing, 17 to 27 March 2008. Para. 28

19 Naueti and Makassae are two of the approximately twenty regional languages of Timor-Leste.

20 Paradoxically these statements often alternate with media comments from the same people about hoping that UNPOL will stay till 2012.

examples include a blog by the Secretary of State for Defence, highly critical of UNMIT and UNPOL, in which he claimed “the negative campaign [of UNPOL] to damage the image of F-FDTL continues”; a recent comment by Brigadier General Taur Matan Ruak that “foreign forces should have left Timor-Leste by now”; and a comment in one of the daily newspapers by PNTL Commander General that translates as “the majority of UNPOL lack capacity”.

The third fiction: the screening and certification process would ensure that PNTL members guilty of carrying out crimes and abuses of human rights, in particular during the crisis of 2006, would be removed from the force.

The screening and certification process has suffered many setbacks, with the UN’s expert policing mission noting that it was “relatively unsystematic”.²¹ Initially there was confusion about who was carrying out the registration and screening process of the PNTL. The poor communication between the government and UNMIT was highlighted when it became apparent that serving PNTL were required to register both with UNPOL and the Ministry of the Interior. For quite some time senior UN officials would not believe their own staff who told them the government was running a parallel process. Attempts to merge the two processes have not succeeded. The process of evaluating PNTL staff is still not completed and has experienced extraordinary delays with the government-controlled evaluation panel often not meeting for long periods of time. The last time the panel met was in January 2009. There are PNTL members who are working but are not registered, although a recent re-opening of registration between 15 and 31 July 2009 may resolve this discrepancy.²²

The UN requirements for final certification have changed over time - leading to a process of questionable integrity. In three districts there are PNTL Police Commanders who are not yet fully certified. It has been a matter of frustration for individual PNTL officers who have, despite their best efforts, been unable to get information on the status of their certification. A senior PNTL officer responsible for Human Resources was asked the same questions over and over by different UNPOL officers in relation to certification processes. He attributed this problem to the absence of a mechanism for UNPOL who were handling certification cases to provide handover information to arriving UNPOL prior to leaving the mission. As a result, incoming UNPOL have no information to proceed and need to start again.

Three years after the commencement of the UNMIT mandate there is no agreement between UNMIT and the government of Timor-Leste on a mechanism for removing PNTL who are found to be unsuitable. To the frustration of the UN, a number of officers recommended by the UN for suspension or dismissal continue to work as PNTL members. Others are on the PNTL payroll but do not report for duty. No one has been removed from the PNTL as part of the screening process.²³ A case of note relates to the PNTL Manufahi District Commander who was recommended for suspension by the evaluation panel. The Minister of Defence and Security ignored the recommendation and decided instead that he should not be certified. This is of course not the same as suspension as he is still active within the PNTL, having recently been transferred to the Office of Operations. It is clear that the government of Timor-Leste has never had the political will to carry out a process which would dismiss members of the PNTL. This has resulted in a general lack of interest in the process and ‘go slows’ on the part of successive Ministers.

21 S/2008/329 Annex. Report of the expert mission to Timor-Leste on policing, 17 to 27 March 2008. Para. 34

22 However it is unlikely that PNTL members registering in this period will experience the same screening, mentoring and certification processes. In particular there is a sense that the screening and mentoring are ‘finished’.

23 Former Dili District Deputy Commander Abilio Mesquita, was dismissed but this occurred outside the screening process as he did not register. Similarly some of those PNTL who deserted with Alfredo Reinado were dismissed outside of the screening process.

We asked a number of people to reflect on how the screening could have been done differently or better. Most of the international actors we spoke with who have been involved in either the certification process or the handover assessments felt that an intrinsic failure of the screening process stemmed from its hybrid nature and the government's lack of courage or interest to dismiss anyone. Some argued that the process should either have been a purely international one- providing Timorese actors with some distance from difficult decisions, or in the alternative, a purely Timorese process with only technical assistance provided by international actors if required. Instead, the hybrid process became subject to subterranean battles over who would 'really' control whether a PNTL member stayed or went – a battle that is not yet over. Many international actors felt that the value of the screening process was limited although they hoped that the process may weed out “the worst of the worst”. However, this has not happened. One international advisor was critical of the process for falsely promising the process would deliver a 'squeaky clean' police force- something it could never achieve, arguing it would have been of greater utility to focus on issues of reconciliation.

PNTL officers were generally not positive about the screening process, some also noting that it had not furthered the continued perceived need for reconciliation. The need to balance accountability and reconciliation is a common post-conflict dilemma, no more so than in Timor-Leste. Members of government and PNTL leaned toward a greater emphasis on reconciliation. Most United Nations staff continued to express the importance of accountability. The Secretary of State for Security, Francisco Guterres reflected that if he had been in government in 2006 he would have focused on Dili rather than the districts which (with some exceptions) continued to work as normal. He felt that the screening had demoralised the PNTL for two reasons. He argued that the districts had continued to do good work but were penalised as a result of a primarily Dili based crisis. He also complained that the UN had wanted to “roll everything back to 2002” rather than just consider the events of 2006. This had led to a situation where those who had been punished for previous disciplinary issues were then subjected to a further regime of 'punishment' when those issues came up again in screening.

The fourth fiction: UNMIT had the capacity to 'reconstruct' the PNTL

Following initial certification PNTL members were required to undertake 5 days of training. This was to be followed by six months of mentoring by UNPOL. Although UNPOL did some of the five days training, during 2007 it was subcontracted to the Australian based Timor-Leste Police Development Program (TLPDP) as UNPOL did not have the capacity to carry it out. There was initial difficulty in getting PNTL to attend the course and absenteeism was high. Ambivalence about the screening and certification process from then Minister of Interior Alcino Barris contributed to the difficulty of getting PNTL members to attend training. Although the authors did not have the opportunity to assess the training, serious limitations are inevitable in any course that is limited to five days.

Following training, the initial intention was that PNTL would be allocated an UNPOL mentor on a one-to-one basis but this proved impossible to implement. The mentoring program suffered from serious problems and there is every indication that it ultimately amounted to a 'box ticking' exercise. The failure to recruit UNPOL with training and mentoring experience undoubtedly contributed to this problem, with the expert policing mission noting “reservations about the mentoring process..., in particular the qualifications of UNMIT personnel deployed in such a capacity and the lack of advisers at the sub-district level”.²⁴ It was evident from descriptions provided by UNPOL of how mentoring actually occurred that it was on an ad-hoc basis and would be 'dropped' if something else requiring their attention would come up.

24 S/2008/329 Annex. Report of the expert mission to Timor-Leste on policing, 17 to 27 March 2008. Para. 35

It is apparent that for a considerable part of the mission period much effort went into creating the impression that the reconstruction process was proceeding better than it really was. In interviews with the UNPOL Commissioner in 2007 he claimed that every PNTL was being mentored every day with a daily written summary, something that clearly was not happening. In Oecussi District for example, no mentoring had occurred by late 2007 as no mechanism had been found to provide the initial five days training that was supposed to precede mentoring.

During our July 2009 interviews one senior UNPOL commented on the lack of guidance provided on mentoring, saying it was largely necessary to rely on one's own initiative. Another UNPOL stationed in Baucau noted there was only one UNPOL designated as "mentoring officer" and he was "not productive". In 2007 the practice of mentoring was described by UN officials and bilateral advisers variously as "the weak link in the chain", "a bit dysfunctional" and "hit and miss". UN officials interviewed have subsequently argued "we are not set up for it" and "we are not going to do it any more as we're no good at it".

The fifth fiction is that handover decisions will be made in accordance with the four mutually agreed criteria.

The districts of Lautem, Manatuto and Oecussi have already been handed over. However independent logistical requirements do not exist so a heavy dependence on UNPOL for resources persists. At the time of the authors' visit in July 2009 Lautem district had no radio communications and PNTL transport availability was limited so that without UNPOL assistance it was almost impossible to get to the sub-district of Iliomar. None of the sub-districts had cars.²⁵ The Lautem sub-district station only had bicycles for transport and had no communications.

Similarly, in Manatuto and Oecussi, PNTL transport is also very limited. Radio communications in all handed-over districts is either absent, in short supply or broken, and staff are not adequately trained. Frequently it is not possible to get complete radio coverage throughout the district. PNTL in all three handed over districts often need to use their own mobile phones for communication and usually buy credit for their phones out of their own funds which are not reimbursed. However, mobile phone coverage is incomplete and patchy in many parts of the districts. The Joint Technical Team concluded that in Manatuto there was need for:

Urgent strengthening of the PNTL capacity...through training, technical assistance, supply of logistics and improvement of facilities, is needed to ensure the sustainability of the transition

The commencement of the handover has come about not because the PNTL have been reconstructed or because they fully meet the criteria, but due to the government of Timor-Leste having tired of the relationship with UNMIT, resulting in pressure for over a year from the government for handover to commence. The districts that have been handed over are relatively 'unproblematic' although still dependent on UNPOL resources to function. The handover process will become increasingly difficult for the UN as more problematic and dysfunctional districts, such as Liquica, Manufahi and Baucau, and the special units are considered.

The situation found in districts that the Joint Technical Team concluded could not be handed over serve as an indictment of UNPOL's capacity to reconstruct the PNTL. For example in the district of Ainaro significant serious shortcomings were found. Communications equipment was sub-optimal, transport was inadequate and broken down, there was a lack of storage facilities for gasoline and investigation equipment, inadequate understanding of human rights, lack of familiarity with

²⁵ Vital resources of the PNTL such as 4WD vehicles tend to be concentrated in Dili, reflecting that they are 'status items', rather than deployed to the districts and sub-districts where they are needed.

disciplinary proceedings, community concerns about excessive use of force, lack of knowledge about whether Rules of Organisation Procedure/ Normal Operating Procedures (ROPs/NOPs) were in force, and there was no indication of proper maintenance of weapons or vehicles.

The sixth fiction: the handover is a 'joint' exercise' according to a unified plan between UNMIT and government of Timor-Leste.

Most of those international and national staff involved in the handover that we spoke with felt there were positive aspects to carrying out an assessment of the current situation of the PNTL across all districts. However tensions are apparent in how senior UN and government personnel describe the process and their understanding of the basis upon which the process is proceeding. When interviewed the UN Police Commissioner Luis Carillho said that the handover is being carried out according to the RRRD plan - a plan described by the UN Policing Mission as not being able to be used as a basis for the reform, restructuring and rebuilding of the national police in its current format. The Secretary of State for Security, Francisco Guterres, expressed a contrary view in our interview. He said the handover is not being carried out according to the RRRD plan but according to the government's Five Year Plan. He added that if they followed the RRRD plan "what would be the point of having independence?" Empirically, however, the handover is not proceeding according to either plan. The Secretary of State for Security (SoSS) was explicit about his keenness for the handover to proceed. The Commander General of PNTL Longuinhos Monteiro, however, did not want to meet with the authors, claiming that the handover had nothing to do with him.

There is also disagreement between the UN and the government on how PNTL readiness for the final stage of "reconstitution" will be determined and the SA provides little guidance on this phase. As noted previously, the government's proposal is for a comprehensive independent assessment which would gauge the administrative, institutional and operational readiness of the PNTL to conduct executive policing without international assistance. In his letter to DSRSG Takahisa Kawakami of 9 February 2009, agreeing to the basic framework of the UN resumption proposal, the Secretary of State for Security noted, however, that:

I believe that we still need to discuss the centerpiece of my proposal – that an international commission be appointed to assess the PNTL during the consolidation phase and provide recommendations to the government and PNTL.

The UN is uneasy about this proposal because of the 'independent' element: they are currently bureaucratically controlling the process and this proposal would introduce a new variable the UN can not control, with the danger that something might be said or revealed that they were not comfortable with. Although there appears to be nothing in writing an adviser in the Secretary of State for Security's office believed UNMIT's strategy as of August 2009 is to slow the process down, not completing transition until 2011.

In our interviews with members of the JFAT it was frequently noted that the process was never really about whether districts were going to be handed over; that decision had already been made. In many ways the process has been skewed to an international perspective with the Assessment Matrix being designed by international staff, produced only in English and all assessment meetings conducted in English. UNMIT also wrote all the notes of the meetings and drafted the 'joint letters' for the parties to sign.

The seventh fiction is that once a district is handed over the role of UNPOL will be to monitor the performance of PNTL.

For all the same reasons that UNPOL found it difficult to carry out mentoring they will find it difficult to carry out monitoring. In Lautem a senior UNPOL told us that what they do, post-

handover, is conduct a “veneer of monitoring”. He felt that he had to push other UNPOL to do their monitoring and that the quality and depth of reports produced were woefully inadequate. For example, he noted that in the course of monitoring no one ever looked in the filing cabinets which were such a mess that if a case ever came up on appeal they would be hard pressed to find a file. He attributed the poor monitoring in part to the poor education levels of some UNPOL. He likened this to the “veneer of mentoring” that had previously been conducted. He attributed this to the reluctance of the previous UNPOL Commander to ‘make waves’ with the result he would never write or allow adverse reports on PNTL. The collective perception of PNTL that we spoke with is that the principal assistance provided by UNPOL is as glorified taxi drivers, and a source of generators, fuel, paper, phone cards and computer maintenance. No mention was ever made of imparting policing skills.

The eighth fiction is that the PNTL have been ‘reconstructed’ and is a unified and coherent corps.

A significant number of weaknesses were identified with the PNTL institution following the 2006 crisis. The PNTL suffered from legitimacy problems due to the manner of the institution’s creation. It was characterised by politicisation and factionalisation, there was an absence of adequate regulatory frameworks, what institutional mechanisms did exist were regularly bypassed, there were poor accountability mechanisms, lack of technical skills, lack of discipline and a tendency to use excessive force.²⁶ These issues were compounded by the effective reach of the police force being limited due, arguably, both to logistical as well as legitimacy constraints.

In addition, the need to differentiate between the roles of the PNTL and F-FDTL, and the need to legislate the modalities of how the two institutions would work together in exceptional circumstances has been identified as ‘urgent’ for many years now. While the delineation of the roles of the police and army are frequently and increasingly blurred, a variety of other providers of both security and insecurity in Timor-Leste make the notion of a control on the monopoly of force a fiction. The extra-curricular activities of the PNTL both within the senior leadership and the rank and file members, further complicates the security sector; some PNTL are members of martial arts groups, gangs and other armed groups and their associated territorial control of illegal activities such as gambling and prostitution, and reportedly trafficking in women.

This discussion recognises that police reform and wider SSR are in a sense never ‘completed.’ The screening and certification process, which focused on individual officers rather than the institution as a whole, has been of minimal benefit in addressing the institutional issues mentioned above. The four criteria that later stage trainees were evaluated on prior to final certification tell us little about either the capacity or integrity of the individual police officer and nothing about the capacity and integrity of the institution. The meaning and durability of the certification process is weakened by the continuing lack of accountability that PNTL enjoy concerning human rights violations and abuses of authority, something that worsened during and following the operations of the February 2008 Joint Command. The conduct of the PNTL during demonstrations still tends to an excessive use of force.

At an individual level, concern for ‘local ownership’, inherent in both the UNMIT mandate and the SA placed the power to dismiss PNTL members in the hands of Timorese authorities; the result saw no effective vetting take place. It became apparent that the power of UNPOL to ‘not certify’ someone was essentially meaningless as a number of uncertified officers continued to work and be promoted by Timorese authorities. Furthermore, UNMIT has been unsuccessful in getting those PNTL who never registered themselves for the screening process removed from the PNTL payroll.

²⁶ In particular see the 2006 Report of the United Nations Independent Special Commission of Inquiry, but also 2009 UNMIT Report on Human Rights Developments in Timor-Leste: 1 July 2008 to 30 June 2009

The benefits of reviewing the Timor-Leste Security Sector as a whole, and ergo the role and function of the PNTL, was identified by Ian Martin during his scoping visit to Timor-Leste between 26 June and 9 July 2006. Martin's visit was intended to report back on the tasks that could be carried out by a mission that would follow on from UNOTIL. Although assisting the government of Timor-Leste with a Security Sector Review became a central part of the UNMIT mandate, this has not occurred. Three years after the commencement of the mission and a year after the injection of over one million dollars (over four million in total) through a UNDP assistance framework, it is clear that a review that is any more than a 'ritual' document will not happen, something admitted to by both UNDP and the Security Sector Support Unit of UNMIT. Struggles over sovereignty, lack of capacity on the part of UNMIT, failures to establish the necessary relationships, and a distinct lack of interest on the part of the Timor-Leste government ensured that a real review will never happen. A range of parallel security sector reform structures established by the Timor-Leste government have also produced little.

The Timor-Leste government is proud of its new suite of draft security legislation²⁷ that has passed the Council of Ministers and is currently being considered in parliament. The new legislation claims to clarify the roles of the PNTL and the F-FDTL. Although the new legislation recites the constitutionally separate roles of the two institutions it does nothing to clarify the situation as all attention is on the extraordinary, rather than on the everyday mechanisms of managing security. The National Security Law, rather than comprehensively examining security provision at a national level, only regulates the joint deployment and operation of the F-FDTL and PNTL. As well as explicitly endorsing the model of the Joint Military-Police Command, it is made clear that this will form the model for national security and internal security in the future. It formalises the move of F-FDTL into the realm of internal security but does so in a way that remains opaque. The longer term implications of the legislation, while possibly substantial, are not yet clear.²⁸

There is not yet a sense that the PNTL is a unified organization, with PNTL often identifying with their unit – e.g. being a member of Baucau UIR rather than being a member of the PNTL. In the last year standoffs have occurred between Baucau UIR and Dili UIR in what is essentially a territorial dispute over access to additional allowances.

The recent appointment of Longuinhos Monteiro as PNTL Commander General has been controversial. During his former position as Prosecutor General, the backlog of cases grew into the thousands, although no system seems to have existed to quantify exactly how many cases were outstanding. This does not appear to auger well for PNTL – an organisation already suffering from serious administrative shortcomings. The relationship between the PNTL Commander General and the Secretary of State for Security is non-existent. There does, however, appear to be some optimism that the new PNTL Commander General has the ability to introduce an *esprit de corps*.

Although some people claimed that the various divisions present in the PNTL such as east/west rivalries, 'nationalista'/'antinationalista' have reduced or disappeared since 2006, others claim they are more dormant than dissipated. We were provided with a number of accounts from both UNPOL and PNTL of PNTL members continuing to 'favour' one or other martial arts group depending on their own allegiances. We encountered some regionalised concerns about '*sukuisme*' (discrimination

27 Government Bill n. 25/II "Lei de Segurança Interna" (Law on Internal Security), Government Bill n. 26/II "Lei de Segurança Nacional" (Law on National Security) and Government Bill n. 27/II "Lei de Defesa Nacional" (Law on National Defense).

28 There are a range of other problems with the legislation including that collectively the laws are contradictory, have unnecessary overlaps, refer to outdated governmental structures, create an extraordinary number of new bodies for a small nation- that will be difficult to implement, and are unclear in many other respects. However, these aspects of the laws are beyond the scope of this paper.

according to *suku*)²⁹ within PNTL, with a number of people in Lautem claiming that Fataluku speakers received preferential treatment to Makassae speakers.

PNTL District Commanders are essentially ‘stranded’ by a highly centralised, but non-functioning procurement process. There is no budget for maintenance of movable and immovable property at the district level. There are also no decentralised PNTL maintenance and repair capacity or systems for vehicles in any of the districts. Similarly, there is no PNTL system for computer and printer maintenance and virus protection, or for maintenance and repair of any of the communications equipment. UNMIT has made it clear that unlike the equipment handover that occurred at the end of the UNTAET mission, they will not be handing over equipment at the end of the UNMIT mission. However, there is no provision in the Timor-Leste budget for the additional requirements once UNPOL withdraws their resources.

The new Timor-Leste Penal Code was available in a number of the Police Stations that we visited but both UNPOL and PNTL admitted to continuing to use the old Indonesian Criminal Code or on some occasions continuing to use a mix of both. This will undoubtedly cause problems once cases are brought to court. Training in the Penal Code will be necessary for both PNTL and UNPOL.

The disciplinary mechanisms within PNTL are still unsatisfactory and ad-hoc in nature. The disciplinary regulation contains complex algebraic formulae that even for a Western educated science/maths graduate is almost impossible to understand. Professional Standards and Discipline Office (PSDO) officers in each district are appointed by the District Commander and are frequently low level agents who have little real authority and are beholden to the District Commander. During the course of the handover assessments in Ainaro district the PSDO officer insisted that there were no disciplinary cases in the district, that no one was absent and no one was ever late. It became apparent to members of the JFAT in Liquica district that PSDO files had been stolen by PNTL members. We learned that there had been attempts to improve the process in Dili by providing an interview room and attempts to implement a database for case management.

A credible and fair (but complex) career regime with transitional provisions has been legislated for, promulgated and ostensibly ‘socialised’. However, rank and file PNTL are either unaware of its existence or it is poorly understood; information sessions are not delivered in an intelligible manner. Considerable anxiety exists among PNTL members about forthcoming changes in relation to career structure, with concern expressed that the new arrangements “will make trouble in the future”. This reflects a broader problem within the institution that in the absence of regular, credible internal communications about what is going on within the PNTL, members are left to assume the worst.

Other issues of anxiety for PNTL members related to the economic and family implications of forthcoming rotations of PNTL to districts outside their own. Some spoke of the cost of having to maintain “two kitchens”, and anticipated housing problems. It was noted that in Lautem PNTL housing that had been funded by the government had failed to materialise, due in part to the entire contract being paid up front and there being no apparent consequence for failure to deliver.

Conclusions

Although the situation in Timor-Leste is currently calm and the ‘handover’ is proceeding without incident it can not be concluded that the PNTL have been reformed in any meaningful way. The handover of districts will become increasingly more difficult – as more ‘problematic’ districts need to be considered. Given the poor relationship between UNMIT/government of Timor-Leste and UNPOL/PNTL, coupled with a range of structural problems in UNPOL, it is unlikely that delaying

²⁹ A suku or suco is the term for a village in Timor-Leste. Decree-Law No. 5/2004 outlines the duties of suco councils and chiefs.

handover would have improved PNTL reform prospects. Despite the handover being a mutually agreed fiction, the useful material generated by the process could be better apprehended in planning the future development needs of the PNTL. However we did not encounter much interest in using the assessments and corresponding action plans.

UNPOL have had two opportunities now to (re)construct the PNTL and many of the mistakes of the first attempt have been repeated the second time. Many of the important tasks, identified by the Special Envoy in 2006, necessary to reform and reconstruct the PNTL,³⁰ have not been completed (or in some cases even commenced). It also appears that many of the serious shortcomings of both UNPOL and PNTL, identified by the UN expert policing mission in 2008, have not been addressed. The question needs to be asked why these recommendations have not been heeded by the UNMIT mission.

Given that much of the reconstruction and 'handover' is more illusory than real, it may be the time for the UN Police Division to reassess the model of sending often poorly skilled 'cops on the beat' from forty odd nations to build or reconstruct a police institution. It is also the time to review the policy of sending only police to build and reform nascent police institutions. Given that these recommendations have been made before but are not heeded it is likely that police reconstruction and reform may be done better if outsourced, probably on a bilateral basis. However there will need to be consideration of political sensitivities in relation to particular countries, as well as the question of whether the contributing countries are able to deploy police willing and able to honor international human rights standards. There will need to be an understanding that police reform is a process that is intensely political where authoritarian legacies contribute significant influence. This does not, however, obviate the need to deploy people with adequate technical skills. Considerable attention must be given to deploying the right people with the skills sets necessary for institutional reform. The ability to form meaningful long term relationships with counterparts is paramount. Apart from anything else this will require having a common language of communication.

All poorly executed reform attempts leave legacies of suspicion and disengagement that will be difficult to address. Above all an institution can not be reformed by pretending to carry out the process. Given the difficult relationship between existing national and international actors involved in police reform in Timor-Leste, further consideration should be given to the proposal of the Secretary of State for Security regarding an international commission to assess PNTL readiness, prior to final handover. This would have the added benefit of providing an independent opportunity to evaluate the politically sensitive, but problematic, special units which have been largely ignored by the reconstruction process.

*Canberra
2 October 2009*

³⁰ See S/2006/628 Para. 67-69