



## **Different Institutions Working on the Same Issue: DNP, DHPKS, and Community Police Department**

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### **Fundasaun Mahein (FM)**

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## **Different Institutions Work on the Same Issue:**

DNP<sup>1</sup>, DHPKS<sup>2</sup>, Community Police Department<sup>3</sup>.

### **Introduction**

As a result of the internal security conflict in 2006 in East Timor major changes to the structure of the security sector institutions needed to occur. Therefore in 2008, the IV East Timor constitutional government altered an institution of the state; the Democratic Republic of East Timor (RDTL). The Interior Ministry (Security) and Ministry of Defence were amalgamated into one with the name Ministry of Defence and Security (MDS). MDS executes its function from the Secretary of the State of Defence (SED) and The Secretary of the State of Security (SES). The rationale behind this incorporation was to make it more effective to control all the works at a political level

The crisis in 2006 had an impact on social cohesion for East Timorese society. The East Timor government continued to establish new government departments in order to respond to the conflict situation at that time. The two amalgamated Ministerial Departments are the one that establishes the new department that aims to prevent conflict in the community and those are MDS-SES and Minister For Social Solidarity-(MSS).

SES established the National Direction of Prevention of Community Conflict(DNP)DNP's mandate is to execute policies of the SES to prevent future conflict from occurring by establishing peace and social cohesion and to take the necessary steps to prevent future conflict from occurring. At the same time, the police institution of Timor Leste, National Police of East Timor(PNTL), that protects SES, also undertakes the works for conflict prevention in accordance with the law that is upheld in the organic law of PNTL.

This report of Mahein Foundation,(FM) will look at the institution of states that are different but are performing similar tasks, especially DNP,DPHS and Community Police Department within PNTL. FM will make the conclusion that through the duplication of similar work performed by these different institutions, it is causing a strain for the Government when it comes to allocating the required budget to these institutions. Subsequently, this situation is leading to confusion for donors and partners at a local level.

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<sup>1</sup> DNP-"State Cabinet Secretary of States of National Security," DNP-Direction of community conflict prevention," SES.

<sup>2</sup> DHPKS- Minister of Social Solidarity Department of Establishing Peace and Social cohesion," National Direction of Social Assistance

<sup>3</sup> Department of Police community," Commander general of East Timor national police-PNTL

## RELEVANT INSTITUTION AND ITS MANDATE

### 1. National Direction of Prevention of Community Conflict (DNPCK)

The National Direction of Prevention of Community Conflict (DNPCK) was established in 2008 based on the organic law of Minister for Defence and Security that upheld the organic law number 31/2008, dated 13 August in the article 39 section 1 and 2; the article 36 section 1. The law reads:

“The National Direction of Prevention of Communitarian Conflicts, briefly designated by DNPCK, it suits to supervise and to manage the activities of inquiry, evaluation, formation for development of strategies of prevention of communitarian conflicts, promoting the wellbeing of the population ”.

And the second section states that

The DNPCC, it continues the next competences:

- a) To proceed to the recruitment of people for the management of the security and prevention of communitarian conflicts;
- b) To prepare inquiries and evaluations relatively to causes of conflict in East Timor;
- c) To develop and implementation of programs of civic education for prevention and resolution of conflicts in the communities;
- d) To identify necessities of formation and to implement programs of formation in the area of prevention of communitarian conflicts;
- e) To develop activities for spread and understanding of the acting of the PNTL;
- f) area of activity Promotes the equality of the type and the human rights in its areas of activities”.<sup>4</sup>

DNPCK works is to

- Develop strategic planning to prevent communitarian conflict; making supervision in order to supervise investigation, appraisalment and formation of conflict prevention.
- To elaborate research and manage the causes of conflict in EastTimor. This involves developing and implementing civic education programs to prevent conflict in the community and developing activities to divulge comprehension of operation.

This work is assisted by three departments, Finance Department, Finance of Investigation and Management, and Work Department of Community Conflict. The implementation of this work has already been undertaken and a plan has been established for the national network of prevention of conflict. This situation brings together in partnership PNTL, F-FDTL, Government Institutions and National and International NGOs.<sup>5</sup>

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<sup>4</sup> Organic Law of Minister of defence no security number 31/2008, date 13 month August

<sup>5</sup> STL Media: Tuesday, 25 of January 2011; <http://suara-Timor.Lorosae.com/berita-2541-dnpkk-involve-pntlffdtl-ba-prevene-konflitu.html>

DNPKK's partners in development are currently supported financially by UN Women. UN Women have recruited 30 mediators with the objective to facilitate a dialogue and mediate conflict that happens in the community. DNPKK itself has recruited 50 personnel "PONTU FOKAL" for 13 districts in East Timor. In other aspects DNPKK obtained assistance from the Japanese NGO GOPAK in relation to the investigation and writing of reports.<sup>6</sup> United Nations Development Program (UNDP)<sup>7</sup> provides assessment assistance to make formation for the district station centres.<sup>8</sup> Currently, the main challenge for DNPKK work is human resources, facility, equipments and budget to execute the work on the prevention of conflict.<sup>9</sup>

## **2. Department For The Establishment of Peace and Social Cohesion (DHPKS)**

Department for the Establishment of Peace and Social Cohesion (DHPKS) was founded in December 2010 by the organic law of MSS that is foreseen in decree of law number 47/2012, 5 of December. DHPKS as a department has national direction for assistance and cohesion social under Ministry of Social Solidarity that is outlined in article 9) number 1) stated. It reads:

The Direction National of Assistance and Social Cohesion, in an abbreviated manner designated by DNACS,. Its mission is to propose the development and the implementation of programs for the assistance and social cohesion, what to be destined supporting persons, families, social groups or communities that are in situation of the economic or social, in social conflict or that deserve special protection by part of the state".<sup>10</sup>

The attribute of DHPKS mandate in number 2) section c) stated that

"To Develop plan that promotes to peace and social cohesion at the communitarian level, which destines the prevention and the resolution of social conflicts".<sup>11</sup>

The mandate of DHPKS has a mission to develop and implement the program of assistance and social cohesion that aims to assist individuals, family, social groups in the community in vulnerable social and economic situations, and they deserve special protection from the state. DHPKS is mandated to develop a program and promote peace and social cohesion at community level that is being destined for the prevention and social conflict. The two fundamental activities are to empower the role of youth to become a leader who will act to prevent conflict and also how to talk about the sensibility and socialisation of law about Martial law.<sup>12</sup>

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<sup>6</sup> Ibid

<sup>7</sup> United Nations Development program

<sup>8</sup> Team FM's meeting with DNPKK in SES: Monday, 11 February 2013

<sup>9</sup> Data/datum of meeting between team FM and DNPKK: Monday, 11 2013

<sup>10</sup> Organic law number. 47/2012,5 of December,2012

<sup>11</sup> Ibid

<sup>12</sup> . Interviewed with the head of DHPKS, Agustinho Cosme Belo: Thursday, 14 February 2013

DHPKS has both national and international NGO partners in order to work to establish peace and social cohesion in EastTimor. Since the establishment of DHPKS it has experienced financial and human resources problems. Currently, there is no fund or financial assistance directly from the government, Currently, DHPSK is assisted by international agency programs including UNDP.

### **3. The Department of Community police in CommanderGeneral of PNTL.**

National Police of East Timor (PNTL) as state institution primary mandate is to defend the legality of democracy and guarantee citizens intern security and prevent crimes in according to the EastTimor's Constitution.<sup>13</sup>

The mandate for the Department of Community Police (DCP), within the PNTL, was to establish in accordance with the organic law of PNTL article 18. The mission of this Department is as follows:

- a) Related to collaboration with the Centre for Police formation defines necessity and program for instruction for work that specialised police for community;
- b) To elaborate studies, appraise, program and activity that a district commanders to develops together with people;
- c) To publicize the role of PNTL among community;
- d) To provide support for the district command by establishing relation and structures in the community;
- e) To perform others tasks that fit within the context of the mission, within the mission".

The Department of Police Community at this time, they work for the prevention of community conflict that is done through international and national partnership. To fortify professionalism, the police community work together with international partnerships.<sup>14</sup> The project to reduce conflict is financially assisted by JICA<sup>15</sup>, USAID<sup>16</sup> and Asia Foundation.<sup>17</sup> JICA has already supported PNTL for approximately 10 years, particularly in the area of 'community police'.<sup>18</sup> This was facilitating 5 people who are member of community police to undertake comparative studies in Ichikawa Perfektore; Japan about the official police for SUKU/Suco.<sup>19</sup> Other assistance is provided for the department to fortify the work of police community council-KPK which comes from initiative of commander district police namely Bobonaro, Aileu and Liquica District establish voluntary security to do the work for the prevention of conflict in the community.

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<sup>13</sup> RDTL's constitution: Article 147 "Section" 1 and 2.

<sup>14</sup> Voice of Mahein Nu.40,22 October 2012

<sup>15</sup> Japan International cooperation Agency-JICA

<sup>16</sup> United State Agency for International Development-USAID

<sup>17</sup> [http://asiafounadation.org/resources/pdfs/Timor Leste CPTETUM.pdf](http://asiafounadation.org/resources/pdfs/Timor%20Leste%20CPTETUM.pdf)

<sup>18</sup> Media STL: Wednesday, 14 of September 2011

<sup>19</sup> 5 member of PK participate in cooperative studies in Japan

## **There are many Institutions: Competition or Complement Each other?**

EastTimor is a small nation, but there are many institutions that deal with work uniformly including DNPKK, DHPKS and Community Police. They each come with their legal bases of each part that is destined in organic law of Ministry and other institutional States. The impact of this bureaucracy has a great impact on the machinery of the states because it slows down the function of state machinery and also too slow down the attendance of community although many conflicts occurring.

FM believe that the presence of government slows down the prevention, it results that victims in community are unable to protect themselves in good way.<sup>20</sup> This also happens in government structure that establishes many departments especially DNPKK, DHPKS that is considered creating duplication or double works as it happened with community police.

## **The work between DNPKK and Police Department of community in SES**

Minister for Defence and Security who execute work of conflict prevention, FM have already made a recommendation when analysing the general budget of the state of 2013 about politics of the position and that they are overburden only functional machinery of the state. There is a need to repair one operational management that is efficient and efficacy of the work of conflict prevention. DNPKK and Department policy community work for the matter such as political responsibility and budget under SES responsibility. The worst is that the Department of Community Police do not have a proper budget for that work, and the Department submit only the budget with the operational budget of PNTL.

The practice of police community during this time is that the Department of community police actualised in Districts indicates that there is a popular initiative at grassroots level and good will of the people. However this grassroots initiative, the government does not assist them with political support and financial assistance, but the during the time they have been assisted from donors. FM already considered in previous report about," The Analysis of General Budget of State of 2013' that such a political position and no attention is given to the budget for the work of conflict prevention of the community. Due to DNPKK and each of Department of community advance their work although only one to guard the secretary of state such as SES.

DNPKK continues to advance with the work of community work prevention conflict among the community that is done by research and management for the conflicts in the community with their partnership work. The Department of the Police Community, with the support of donors, continue to fortify the practice of communitarian police among the community that involves local authority, LIA NAIN, female and male youth, veterans, police and leader of martial arts gangs. To approach and create the strong official liaison with the official among community, local authority and police which is

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<sup>20</sup> [http:// www. fundasaunmahein.org/2012/20/09/Timor Leste-nasaun-ki% E2%80% 80%99ik-institution-Many-big](http://www.fundasaunmahein.org/2012/20/09/Timor%20Leste-nasaun-ki%E2%80%80%99ik-institution-Many-big)

much closed link with the community and continue dialogue with community as a practice of conflict prevention.

### **Between DNPKK and DHPAKS in SES no MSS**

DNPKK and the Department that is different with Ministerial works which is also different with the mandate, for example, the work of prevention and conflict resolution. There is a confusion between employees of DNPKK and DHPKS. FM has had a discussion with those who are responsible and employers of DNPKK recorded that the work for conflict prevention as it is as a competition between DNPKK and DHPKS because each of them advance with its own work in their interest although it is the same works, and it is really difficult to fortify and also it finds hard which institution will execute the work of conflict prevention.<sup>21</sup>

The same case also is being recorded that from DHPKS employees, there is a confusing about the work of prevention and conflict resolution. Many times DHPKS perform the work of prevention and conflict resolution in community, and does the same work that is done by DNPKK; an institution which has responsibility for this work. Although the execution of this work of one governance, it is mandated from IV constitutional government till the mandate of V constitutional government.<sup>22</sup>

Between DNPKK and DHPKS the execution work that is similar at Ministerial level which is also different, this causes a confusing for the state to allocate budget to an institution that deals with the work of conflict prevention and it become a competition among the institution. This becomes a fattened bureaucracy and complicated in one government.

It has already been claimed from these two responsible institutions, although DNPKK mandate and the work is huge, but the allocation of budget that comes from other direction in cabinet. SES's budget is too little, and it makes the public doubt the effectiveness of the work of DNPKK.<sup>23</sup> Because DNPKK does not have finances to disseminate information to public related to the practical work of DNPKK in the prevention of conflict, the case such this, there is no allocation of finance in the rubric of general budget of state in each year and during this time, DNPKK acquire assistance from donators such as UNDP.<sup>24</sup>

### **The Consequence of Many Existing Institution.**

Currently in East Timor there are many institution of the state that focus on the same issues; it will cause consequences as follows.

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<sup>21</sup> The FM team's meeting with DNPKK in SES: Monday, 11 February 2013

<sup>22</sup> Conversation informal researcher of FM with employees of DHPKS in Cabinet of MSS. March 2013

<sup>23</sup> Team of FM's meeting with DNPKK in SES: Monday, 11 of February 2013

<sup>24</sup> Interview with DHPKS, AgustinhoCosme Belo: Thursday, 14 of February 2013



- a. The coordination and monitoring of the system is difficult for government to allocate budget for these institutions and consequently it causes conflict to the public.
- b. It will have an impact for international agency and development partnership that are willing to work together to do the work of prevention of conflict and international agency are willing to help, but it confusing for them to assist and know which institution needs help in order to do the work of prevention of conflict.
- c. Other challenges for national NGO and locals to establish partnership for the prevention of conflict although there is difference the institution of the state, but its META work is for the same object.<sup>25</sup>
- d. It is difficult for national parliament to issue focalisation because there are many institutions that do the exact work.
- e. Other work of prevention of conflict becomes object of competition of state institutions, and there is no focus on the subject matter and the result of that it is weakening the peace in the community.
- f. The work of the institution of conflict prevention is not professional because government is confused about which institution it need to invest and what aspect of institutional, budget and human resources it needs to invest.

### **Summary and Recommendation**

FundasaunMahein recommends that the East Timor Government needs to improve Institutional Management and unify the work of conflict prevention network in one institution of the state in order guarantee the efficiency and efficacy of the work of conflict prevention at public administration level and budget. By doing these, government needs to consider the following recommendations:

1. To recommend to the East Timor government that they need to improve the coordination of inter ministerial level Departments and to contextualise this coordinative works in the network of the conflict prevention.
2. To recommend to the ministerial council to review organic law and each institution that describes in the work of Ministry or different Institutions.
3. To recommend to the SES that they need to strengthen the institution in accordance with work environment at political level and technical aspects in order to improve the work of public administration and good governance.
4. To recommend to the SES to support political and finance and mostly the initiative of districts such as Bobonaro and Aileu where there have been the establishment of council of community police, "KPK" and Liquica Districts that establishes security that

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<sup>25</sup> Communicated Press of FM: Thursday, 20 of September 2012

involve local authority, the male and female youth, the traditional judge in the community "Lian Nain" and group of Martial Arts.

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5 Member of PK participated comparative studies in Japan:

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