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**Construction of the Strategic Concept of Defense and National Security
“A Civil Society Perspective”
Mahein’s Voice No. 104, 29 October 2015**



Photo: Office of the Prime Minister, 2015.

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Introduction

A draft of the Strategic Concept of the National Defense and Security (KEDSN) was presented by the Ministry of Defense on September 7th, 2015. The presentation was led by the Cabinet Force of 2020, and was presented by the Vice Chief Major State General, Brigadier General Filomeno Paixao. The release of the draft was attended by Prime Minister Rui Maria de Araujo and members of the government, F-FDTL and PNTL.¹

After introducing the KEDSN, the Prime Minister insisted on hearing civil society views and contributions for such a concept:

“In terms of process, I think we need to have a chance for dialogue with partners and civil societies, because it is not a confidential document, it is like orientation lines on how we will make our defense and security policies.”²

Accordingly, on October 12th, 2015, the Cabinet of the Prime Minister held a meeting with a team of civil society actors focused on the security sector,³ described as “a Consulting Meeting with Civil Society on Strategic Concept for the National Defense and Security”. The workshop was held based on the Prime Minister’s request for the development of the KEDSN to include views from civil society, as the issues of security and defense are intrinsic to national development.⁴

Two civil society non-governmental organizations (NGOs), *Fundasaun Mahein (FM)* and *Asian Justice and Rights (AJAR)*,⁵ participated in the consultation process. The presentation from the government side came from the Ministry of Defense, representing the Cabinet Force of 2020, and was presented by the Vice Chief State Major General of the F-FDTL, Brigadier General Filomeno Paixao.

This consultation itself was attended by national NGOs, academic, religious, and resistance organizations, veterans and youth organizations, the ombudsman of human rights (PDHJ), the Cabinet of the Prime Minister, the Ministry of Defense and the F-FDTL. However, private entrepreneurs and media, which have an important role in the national development process, did not participate in the consultation process.

¹ Introducing Strategic Concept of National Defense and Security inside the Defense Ministry on September 7th 2015. Available at: <http://timor-leste.gov.tl/?p=13280&lang=tp&n=1>. Accessed on September 10th 2015.

² Prime Minister’s Rui Maria de Araujo inclusion on the presentation of the KEDSN. On October 7th 2015. Available at: <http://timor-leste.gov.tl/?p=13280&lang=tp&n=1>. Accessed on September 10th 2015.

³ Team work of civil societies for security sector composed of Belun, Fundasaun Mahein (FM), Yayasan HAK, *Asian Justice and Rights (AJAR)* and Ita ba Paz.

⁴ Prime Minister’s Rui Maria de Araujo intervention on the presentation of the KEDSN. On October 7th 2015. Available at: <http://timor-leste.gov.tl/?p=13280&lang=tp&n=1>. Accessed on September 10th 2015.

⁵ Speaker from FM represented by João Almeida and AJAR represented by Jose Luis de Oliveira.



This report presents a perspective from civil society with the purpose of contributing ideas for KEDSN construction; it is also a guide for civil society on construction of the KEDSN according to legislation on national security and defense.

Methodology

After reviewing literature on the national defense, particularly the state's official documents, laws and other relevant reference, this report is considered a contribution to the consultation discussion of the KEDSN.

To conclude this report, FM adopted a security sector discussion (SSD) method composed by the FM research team.

Purpose of this Report

This report is considered a contribution to the consultation discussion of the KEDSN organized by the Cabinet of the Prime Minister with the team of civil society actors on October 12th 2015, held in the Defense Ministry's office.⁶

General Framework of KEDSN

There is a standard process in constructing national policy that accounts for national development objectives. However, this process of construction must consider all aspects of the policy. In particular, the KEDSN is a strategic document for national defense and security, and sets in place strategic mechanisms to achieve national security. It is very important to consider the principles of the KEDSN in construction and the purpose of this strategic concept.

Thereupon, the purpose of the KEDSN is to establish fundamental aspects of global strategy to be adopted by the state for the purpose of national security and defense policies.⁷ Because national security policy identifies principal interests of the state,⁸ defining the national security policy will determine what will be done to secure the interests of the state. Accordingly, the KEDSN determines how to implement those policies.⁹

Therefore, the KEDSN should adopt a holistic vision, multi-dimensional and comprehensive for national defense, and the formulation of KEDSN should be

⁶ Team work of civil societies for security sector composed of Belun, Fundasaun Mahein (FM), Yayasan HAK, *Asian Justice and Rights (AJAR)* and Ita ba Paz.

⁷ Law No. 3/2010, Law of national Defense, Article 10 No. 1.

⁸ Geneva Centre for the Democratic Control of Armed Forces. *Sobre a Gestão e a Reforma do Setor de Segurança: Política de Segurança Nacional*. March 2008.

⁹ Rudzit, Gunther & Nogami, Otto. *Segurança e Defesa Nacionais: conceitos básicos para uma análise*. July 2010.



comprehensive with deep debate and obtain a consensus from all state organs on terms of national defense. Comprehensive analysis should be undertaken to identify threats as well as risks considered potential threats, as threats to stable security arise not only in military form but also in political, economic and social forms. To respond to those threats, Effective resources are necessary for the nation to respond to said threats, and to determine and establish proper mechanisms based on the KEDSN's orientation.

Transparency in the formation process of the KEDSN helps to prevent individual interests, either institutionally or as dominos from a specific ministry, from affecting the development and implementation of security policy moving forward. This serves as a final test of the KEDSN. The KEDSN itself needs to receive monitoring from the institution that controls its implementation and reports on its effectiveness.

What's more, formulation of the KEDSN must consider international factors. Timor-Leste is not isolated from the world, and the KEDSN is wholly "national," or only focused internally and does not consider external concerns nor appropriate responses to such stimuli. Timor-Leste is a member of the United Nations, a member of *Comunidade dos Países de Língua Portuguesa* (CPLP), and is actively seeking entry into *Association of South East Asian Nations* (ASEAN), stemming from Timor-Leste's interest in economic and security issues. Timor-Leste has ratified international conventions, treaties, and bilateral agreements with other countries in various areas and focuses. It is an obligation for Timor-Leste to account for international factors.

Finally, is the classification of this KEDSN confidential or open to the public? Discretion for publication of documents of defense varies greatly country to country, and even between countries in the CPLP with Timor-Leste—Portugal,¹⁰ Cabo Verde,¹¹ and others.

The KEDSN draft recently discussed in the forming process, as stated by the Prime Minister, is not an official document and while presented to the Ministry of Defense has no classification as open for public viewing,¹² and so necessitates consultation of civil society actors in the process of fleshing out the KEDSN.¹³ The KEDSN also possesses an important role in that it publicizes and explains the framework and structure of Timorese national security policy to external actors and countries, serving as a diplomatic extension of national security policy.

¹⁰ Conceito Estratégico Defesa Nacional Portugal. Available at: https://www.defesa.pt/Documents/20130405_CM_CEDN.pdf. Accessed on October 15th 2015.

¹¹ CONCEITO ESTRATÉGICO DE SEGURANÇA E DEFESA NACIONAL CAVO VERDE. Available at: http://www.reformadoestado.gov.cv/index.php/component/docman/doc_download/443-conceito-estrategico-de-seguranca-e-defesa-nacional?Itemid=361. Accessed on October 15th 2015.

¹² Paixão, Filomeno. Presentation draft of the Startegic concept of the national and security (KEDSN). Cabinet of Force called 2020 – Ministry of defense. October 2015.

¹³ Prime Minister's Rui Maria de Araujo intervention on the presentation of the KEDSN. On October 7th 2015. Available at: <http://timor-leste.gov.tl/?p=13280&lang=tp&n=1>. Accessed on September 10th 2015.



Main Board of KEDSN

As introduced on the consultation of civil societies over the KEDSN, important elements in constructing the KEDSN to consider that deeply comprehensive and analyze formulation is to orient strategic mechanism for implementing.

1. Permanent Purposes for the State

The KEDSN tries to identify and to respond to national policy purposes in a wide range of aspects of national defense. The KEDSN's purpose in national policy implementation include addressing aggression or any external threats against the national state, independence, territorial integrity, liberty and security,¹⁴ as outlined in the constitution¹⁵ and national defense law.

2. Environment and Strategic Interests of Timor-Leste

The KEDSN needs to consider spaces of strategic interest of Timor-Leste in order to establish defense and security parameters for national development, including national security interests that covers Timor Island, maritime boundaries to the south-east Pacific and boundaries with neighbouring countries Australia and Indonesia.

It is important to consider that Timor-Leste is currently making a strong push to join ASEAN, after a number of years of preparing for entry. Timor-Leste has stressed its position to become a member of ASEAN, if the country members approve the decision, because ASEAN is a fundamental force for regional stability and further coordinates treaties for regional cooperation.

Timor-Leste has privileged relationships with CPLP countries, and participates as well in non-allied movements such as participating in an observatory with groups of countries from Africa, the Caribbean and the Pacific.

Another main principle of the KEDSN is the ongoing strengthening of Timor-Leste's, Australia's and Indonesia's integrated cooperation for regional economic development. This integrated cooperation focuses on various areas, including agriculture, education, health, infrastructure, tourism, and more.¹⁶ Meanwhile, the national strategic interests for maritime resources are very important for the development of the country.

¹⁴ Law No. 3/2010, Law of national Defense, Article 10.

¹⁵ Constitution of Democratic Republic of Timor-Leste, article 6.

¹⁶ TL-Indonesia no Australia agreed to establish an integrate worker group. Available at: <http://www.jornalbisnistimor.com/lalenok-sidade-dili/2097-tl-indonesia-no-australia-konkorda-hari-grupu-traballu-integradu>. Accessed on October 14th 2015.



3. Threats and Risks

Timor-Leste's criminal operations possess complex characteristics, transnational aspects, and deep organization. In recent years it's been discovered this criminal underside in Timor also includes Timorese living in Indonesia (those formerly active in pro-Indonesian militias) active and associated with groups such as Uni Timor Asuwa'in (UNTAS) that refused to accept Timor-Leste's independence. Meanwhile, further Timorese and former refugees have recently occupied and currently occupy political and elite posts within Indonesia's military and police institutions and hold strong influence, raising concerns that a new invasion of Timor-Leste and reintegration into Indonesia is never outside the realm of consideration within the Indonesian government.

However, those concerns are considered groundless, as FM has posited in the KEDSN consultation that these threats and risks for Timor-Leste are between "a medic and a faith healer." Because much of these concerns arises from ungrounded speculation from multiple parties in the government and civil society, the KEDSN should be oriented to allow a framework for government response and resolution to any threats that arise in the future.

For example, terrorism is a wide-spread concern among the people of Timor-Leste. However, this seems to arise from multiple classifications of terrorism, and the consideration of normal criminal incidents as terrorism¹⁷ belies the actual incidence rate in Timor-Leste. Furthermore, Timor-Leste's security and defense forces seem to operate in response to large concerns of external aggression and threats, keeping the country in a constant state of emergency or high security.

Additionally, internal situations have the potential to become a potential threat fo Timor-Leste. Confrontations between martial arts groups in Dili and in the municipalities are considered a threat to internal security, and government actions have not yet resulted in resolution of these conflicts across the country.

Another common concern is that Timor-Leste's dependence on the Petroleum Fund as he sole provider for development funding endangers the status of the country. The Petroleum Fund has been been treated as a unique resource with which to prompt development, and there has been a notable lack of investment and development in other sectors. If Timor's petroleum reserves should tap out before any sort of diversification is achieved, it may well cause serious instability and unrest within the country. Concerns have arisen even in this past year about the use of the Petroleum Fund, as the spenign and allocations of funds has been vague and haphazard, and increasingly bloated amounts of funding have been funneled toward veteran and government pensions. At

¹⁷ Freitas, Antonio. Director of Dili Institute of Strategic and International Studies (DISIS) speaking in consulting the KEDSN with civil society held on October 12th 2015, at the Ministry defense office



the same time the country has seen an increase in corruption in public service, even while the population grows and poverty and unemployment rates have increased.

As described in the previous section of this report, these opinions have been considered to range between “medic and faith healer”—some concerns have been justified with deep economic and political analysis, and others are little more than speculative personal opinions of citizens. This range in viable threats and concerns ostensibly exists because Timor-Leste still lacks a comprehensive policy for national security, through which the country might comprehensively analyze all threats and situations arising in the region and country and evaluate which concerns are most pressing for government reaction and response. Herein lies the need for a finished KEDSN: the country requires an effective mechanism for identifying and evaluating these aforementioned concerns and threats to the country.

4. Orientation for Strategic Action

The strategic actions of the KEDSN to enable permanent functions of the state need to efficiently utilize resources, as the KEDSN serves as a strategic mechanism to respond to national defense policy in the national security policy panel.

This mechanism is written in the law No.2/2010, concerning the integrated system of national security, stipulating that there is a responsibility of the entities of this system to be plurisectoral, multidisciplinary and interministerial, including collective representatives of the state, and to enable the permanent purposes of the national security and use resources efficiently.¹⁸ Effective communication between ministries and other branches of government is crucial in the planning phase of the KEDSN, particularly between the Office of the Prime Minister, Ministry of Defense and Interior, Ministry of Finance, and the National Parliament, in order to secure an appropriate strategy for use of available resources at present and future.

The responsibility of national defense is undertaken by the state of Timor-Leste and its citizens to ensure the integrity of its territory and protection of its population from aggression or external threats, as according to terms of the constitution, law and agreement as well as international treaty for national independence. National defense has integrated, multi-sectorial, multidisciplinary and interministerial actors involved in all state organs and communities (particularly the military forces of Timor-Leste, FALINTIL-Defense Force of Timor-Leste (F-FDTL)), yet does not conflict with other legal enterprises of the country for citizens of the state.¹⁹

¹⁸ Law No. 2/2010, of the national security, article 17, No 1.

¹⁹ Law No 3/2010, National Defense article 2, No. 1 and 2.



As explained by FM, mechanisms for national defense do not fall solely under the dominion of the military, but under the entire breadth of state branches and bodies. National defense depends on contributions from across the spectrum of government operations and ministries for development of the KEDSN.²⁰

An integrated national curriculum must be put forth by important sectors, such as with the Ministry of Education, to establish a cohesive strategy for national security and defense while also strengthening the national conscience, ethics, and moral values through developing education, teaching, and cultural and social communication. The national conscience for Timorese citizens should bear a responsibility to contribute to national defense (though not all must be expected to enlist or take up arms) while maintaining a renewed spirit of nationalism and patriotism.

Legal Board of Forming the KEDSN

1. Who Forms the KEDSN, and How?

The initial process of forming the KEDSN is the initiative of the Ministry of Defense, and the ministry is responsible for all relevant processes. The Ministry of Defense held an important meeting with state entities, such as the Chief State Major General of the F-FDTL and Supreme Council of Defense and Security, about the formulation process before seeking approval from the Council of Ministries. However, during the consultation process of this KEDSN on September 7th 2015 with the state's entities and October 12th 2015 with civil society actors, the proposal was introduced by members of the F-FDTL.²¹ There appears to exist a serious question as to whether this KEDSN development process is being run by military or by the government.

Law No. 3/2010 of the National Defense, Article 10, No 2, states:

“The Strategic Concept for national security and defense is approved by the Ministry Council through proposal of government members led by defense representatives, before hearing from the Chief State Major General of the F-FDTL and Supreme Council of Security and Defense”.

Why must there be consultations with the Chief State Major General of the F-FDTL and the Supreme Council of Defense and Security? Legally, the Chief State Major General is

²⁰ Law No 3/2010, National Defense article 18 and 3.

²¹ Introducing over Strategic Concept of national Defense and Security inside the Defense Ministry on September 7th 2015. Available at: <http://timor-leste.gov.tl/?p=13280&lang=tp&n=1>. Accessed on September 10th 2015.



the largest authority within the Timorese military structure, as well as the primary military advisor for government members and resident authority on national defense.²²

Furthermore, according to Article 19 of the National Defense law, the Supreme Council of Defense and Security is a consulting body for the President of the Republic on the issues of sovereign defense. The Supreme Council has power of submission over:

- National defense policy
- General aspects of Strategic Concept of national security and the military's Strategic Concept
- Approval of international conventions with military characteristics
- Drafting legislation on organization of national defense
- Drafting law of military programs and fundamental infrastructures of defense
- Conception of military strategy and definitions for specific missions of the F-FDTL, wherein the Council needs to account for proposals from the government to develop the competency of national defense, and establish projects of CEMGFA
- Measures or mechanisms for handling alerts of mobilization and war
- Presentation of nomination requests for general officer and other supreme officers
- Conduct in periods of war and conflict, and all responsibilities included in national defense law

The power of the Prime Minister also includes such processes with members of the government responsible for drafting defense proposals to the Council of Ministries over the KEDSN and its definition. The Prime Minister is responsible for the address of national defense policy, providing coordination and orientation for actions from ministries in regards to issues of national defense, and empowering said ministries in their actions, according to Article 17 of the national defense law.²³

2. How the KEDSN Should be Adopted or Approved via Consensus

Should the KEDSN be adopted or approved via consensus? The KEDSN defines fundamental aspects of the state's global strategy and objectives of national defense policy under the national security policy panel.²⁴

As mentioned in the prior sections, the KEDSN is approved by the Council of Ministries.²⁵ The KEDSN discussions involves cooperation with the President, the Supreme Council,

²² Law No 3/2010, National Defense article 29 No 1.

²³ See Law No 3/2010, National Defense article 17 with its definition.

²⁴ Law No 3/2010, National Defense article 17 No 1.

²⁵ Law No 3/2010, National Defenreach article 17 No 2.



and the National Parliament on the reach and capability of the constitution, before adopting suggestions from state branches writing on national defense law.²⁶

The President empowers the national defense as outlined in his role in the constitution, and further also holds the responsibility of supreme commander of the army forces, including presiding over the Supreme Council of Defense and Security.²⁷

The National Parliament is responsible for security legislation and controls the actions of national defense, according to the constitution. Its other roles including drafting legislation for, approving, rectifying and resolving matters within international treaties and agreements on international rights. The Parliament also controls and supervises the performance of the F-FDTL, selects the members of the Supreme Council for Defense and Security and of other state branches, and can authorize the President of the Republic to make declarations of war and peace. The Parliament is further responsible for establishing definitions for limitations of territories, special economic zones, rights on Timor-Leste in maritime resources, and approval of the state budget.²⁸

The entirety of the government is also responsible for providing contributions, with perspectives and suggestions from inside their respective ministries, and for undertaking the concept of national security and defense strategy.²⁹

Challenges for Implementation of the KEDSN

As mentioned in the previous section, the KEDSN is a strategic mechanism for implementation of national defense policy of the National Security Panel.³⁰ However, Timor-Leste does yet not have a comprehensive security policy. In this regard, the KEDSN is a manifestation of the law No. 3/2010 on national defense.

FM involvement in the conversation on national defense law and the KEDSN focuses on how to form and coordinate mechanisms and institutions partaking in national defense.³¹ National security and defense policies at the top of the security concepts for the nation will be directed by the mechanisms of the KEDSN for national defense, and so there must be cohesiveness between national security and defense policies.

²⁶ Law No 3/2010, National Defense article 17 No 3.

²⁷ Another responsibility of the Republic President is seeing Law No 3/2010, National Defense article 14 No 1 and 2.

²⁸ Law No 3/2010, National Defense article 15.

²⁹ Law No 3/2010, National Defense article 18 No 3.

³⁰ Law No 3/2010, National Defense article 10 No 1.

³¹ See law No. 3/2010, on National Defense.



FM's concern is that the implementation of the KEDSN will be disjointed and coordination between key institutions will be insufficient in the planning, implementation and monitoring phases, because there are no extant national security and defense policies around which to orient aspects of this security mechanism in the state's global strategy.

Recommendations

The KEDSN is the first initiative of the state to create a comprehensive national strategy, though in its present stage it remains an incoherent policy for national defense and security under the operating framework of security hierarchy. Therefore FM recommends that:

1. The VI Constitutional Government, particularly the Ministry of Defense and Ministry of the Interior, discuss policies of national security and defense in order to establish coherency with the KEDSN.
2. The Ministry of Defense consult with public and private entities during construction for the KEDSN, especially in the matter of identifying and analyzing threats and risks to the state, in order to create a comprehensive security policy moving forward.



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