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Submission to Committee B – Foreign Affairs, National Defense and Security and National Parliament of the Democratic Republic of Timor-Leste, over the proposed 2016 State General Budget for the Security Sector.

Mahein’s Voice No. 105, November 16th2015

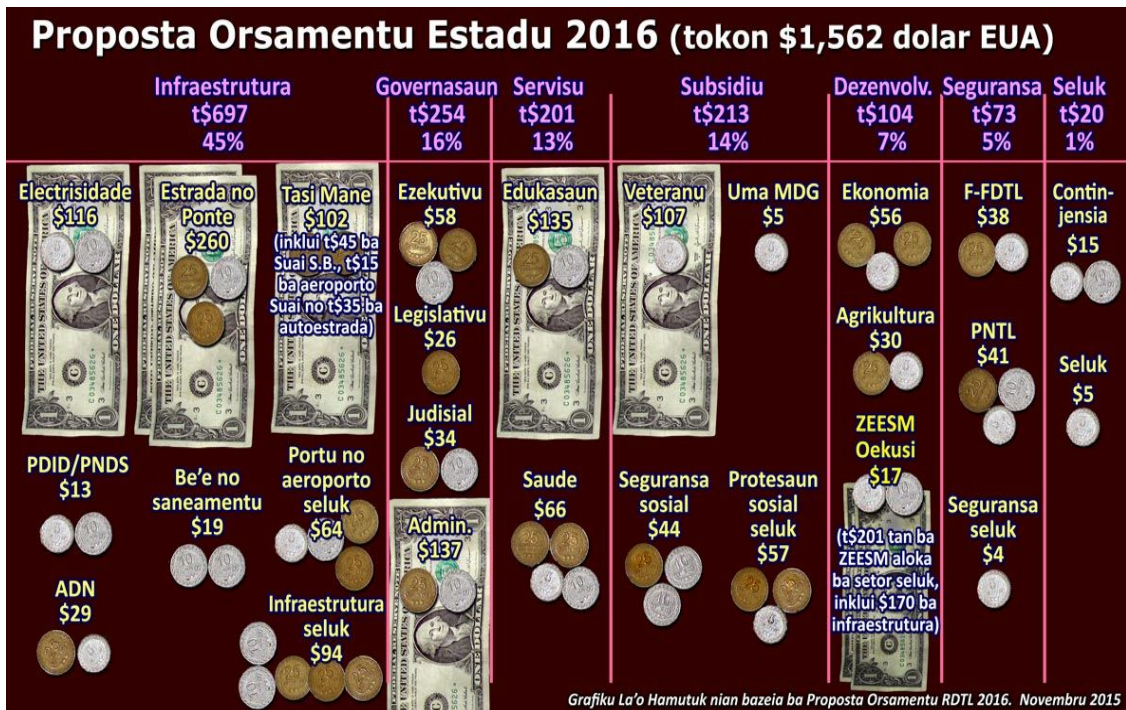


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Introduction

The government has submitted a proposal for the 2016 state general budget (OJE) to the National Parliament on October 29th 2015,¹ and recently relevant ministries held an audience with specialized commissions and particularly with Committee B on foreign affairs, national defense and security from November 10-16, 2015. The purpose of such an audience was to discuss the execution of the 2015 OJE and the appreciation for the proposed law of OJE 2016 with the Ministry of the Interior, National Police of Timor-Leste (PNTL), Ministry of Defense, FALINTIL Defense Force of Timor-Leste (F-FDTL), Institute of National Defense (IDN), National Intelligence Service (SNI) and Ministry of Foreign Affairs and Cooperation (MNEK).²

The Committee B (Foreign Affairs, Defense and National Security) invites Fundasaun Mahein (FM) to participate in the audience of the proposed Law No.33/III (4^a) – OJE 2016. FM greatly appreciated the invitation by Committee B, and has participated in the contribution of civil society perspectives for the proposal discussion of OJE 2016, particularly focusing on the budget for the security sector.

Accordingly, this submission is focused on the proposed 2016 OJE from Committee B, the National Parliament, Ministry of Defense, F-FDTL, IDN, Ministry of the Interior, PNTL, SNI, and PSIK, regarding an annual action plan and budget allocation and expenses, and includes the recommendations from FM's assessment of the security sector that need to be considered in the 2016 OJE, in order to fully complement services and input from the security institutions.

The Committee B of the National Parliament can thusly pledge its function as a deciding state organ for policy, legislation, and supervision of activities for the VI Constitutional Government.

Methodology

Information and sources for this report have been gathered from official documents, such as the proposed law No 33/III (4^a) – OJE 2016;³ the proposed OJE 2016 paper (pages 1 to 6); the mandate of the Sixth (VI) Constitutional Government; the national strategic development plan, PEDN 2030; and the Strategic Plan of Internal Security, including other relevant documents. To conclude this report FM utilized a method called Security Sector Discussion (SSD).

¹ Proposal Law No. 33/III (4^a) – OJE 2016 presents to national parliament on October 29th 2015.

² Schedule Audience of debating the proposal law of OJE 2016 with the committee B for foreign affairs, defense and national security, national parliament, republic democratic of Timor-Leste.

³ Invitation N/reference: 41/III/4^a Com B. N/process: OR. Date: 04/11/2015. Comissão de Negócios Estrangeiros, Defesa e Segurança Nacionais. Parlamento Nacional, República Democrática de Timor-Leste.



Committee B of National Parliament

The proposed OJE 2016 for the national parliament is USD \$15,167,000.00, with allocations to Committee B of the National Parliament from the total budget totaling \$87,000.00. The expense rubric of the 2016 OJE for Committee B is in the table below.

Graphic Budget 01: Expense rubric per budget category for Committee B

Rubric of Expenses	\$'000
Salaries	--
Good and Services	87
Public Transferring	--
Minor Capital	--
Capital Development	--
Total	87

Source: Proposal law No. 33/III/4^a – OJE 2016, Annex II, p. 11

From the total for 'Goods and Services,' \$72,000 has been allocated for local trips and \$15,000 for professional training and seminars. For this rubric, the majority of the budget is for local trips in-country.⁴ FM believes that with such allocation, the Committee B will organize supervision well to ensure the quality of government works, not only for physical projects, but also for legislation that has been produced thus far. FM recommends rigorous supervision be implemented from the commencement of planning through the entirety of execution, not only for cases to be reported in the plenary, but also for separate supervision of private activities.

Ministry of Defense

The role of the Ministry of Defense is that of a central body of the government with the mission to execute, coordinate and assess policies defined and approved by the Ministry Council on the areas of national defense and military cooperation.⁵ In this role, in 2016 the defense ministry has a proposed budget of \$7,140,000 for six programs.⁶

⁴Proposal Law No. 33/III/4^a – OJE 2016, Annex II, p. 11

⁵Proposal Law OJE 2016 paper 2, p. 335.

⁶Proposal Law No. 33/III/4^a – OJE 2016, Annex II, p. 23



1. Budget

The total allocated budget for the defense ministry is broken down in an expense rubric for 2016 in the table below:

Table of Budget 02: Expense Rubric per Budget Categories, for Ministry of Defense

Rubric of Expenses	\$'000
Salaries	1,044
Goods and Services	4,940
Public Transferring	--
Minor Capital	1,156
Capital Development	--
Total	7,140

Source: Proposed Law No.33/III/4^a – OJE 2016, Annex II, p. 23

As shown in the above table, the majority of funding has been allocated to goods and services with the total of \$4,940,000, compared to \$1,156,000 for minor capital and \$1,044,000 in salaries. Meanwhile, capital development is included in infrastructure funding with the F-FDTL; funding of human capital development is \$240,000, for scholarships, professional training and technical formations.⁷

2. Program

From the total budget, in 2016 the Ministry of Defense will implement six programs with detailed budgets, shown in the below table:

Table of Program 01: Program of Defense Ministry for 2016

Program	\$'000
Programa 1: Assegurar a Capacidade, Melhorar a Qualidade dos Serviços Públicos e Ministro da Defesa	1,035
Programa 2: Desenvolver e profissionalizar Recursos Humanos FALINTIL - Força Defesa Timor Leste e Ministério da Defesa	FDKU
Programa 3: Fortalecer e consolidar a política das relações Internacionais e nacionais no âmbito da Defesa e Militar	190
Programa 4: Desenvolver uma política regular das infraestruturas e equipamentos existentes	3,837
Programa 5: Desenvolvimento da legislação da Defesa permite estabelecer pilares da Defesa Nacional, implementar a Política de Defesa Nacional, principalmente a sua vertente militar (Defesa), estabelecendo do mesmo modo, o controlo democrático sobre as FALINTIL-Força Defesa Timor-Leste.	600

⁷ Proposal OJE 2016 – Paper 6, p. 124-134



Source: Proposed OJE 2016 Paper 2, p. 337-339

Of the six aforementioned programs, there are two programs under which the Ministry of Defense will recruit and implement training for 60 Special Forces Units of the F-FDTL.⁸ However, it does not provide numbers for specific funding for such units, which will be formed in 2016. FM has tried to understand the paper of the OJE, but it mainly refers to budgetary sources coming from funding of human development capital. FM holds concerns that there remain questions on how resources and equipment for the training of these units will be properly allocated.

Under four programs, the Ministry of Defense ensures the support of advisers in judicial areas for the Ministry of Defense and F-FDTL, to enable the cabinet called Forsa 2020 in specific areas. The allocated budget for these 4 programs is \$600, which will be used to enable the completion of the following activities:⁹

- Draft of the Strategic Concept of the National Defense and Security
- Draft of the defense ministry national policy
- Draft of a ministerial directive for planning and military defense
- Draft of military strategic concept
- Draft of special regimens of military procurement
- Draft of a pattern for the Maritime Authority System for Timor-Leste
- Draft of Law Decree of Maritime Authority System
- Draft of altering remuneration regimen for the F-FDTL

FM's understanding of the 4 programs is that they will serve as key components for the development of the military and defense institutions, in response to concerns of the F-FDTL leadership over the need for documented structures to orient the development of the F-FDTL.¹⁰ Thus far, with an interpretation that Force 2020 and 2010 Law of National Defense would orient the development of the F-FDTL, but did not implement yet such plan that has been set up in this study according to the defense's law order.

In September 2015, the Ministry of Defense began discussions of the concept of the KEDSN. FM recommended during its consultation that the ministry focus and develop the defense sector, and treat the KEDSN as a step forward in that direction. Accordingly, the government must discuss national defense policy, including the details of documents mentioned regarding the 4 programs above.

The government needs to discuss the National Security Policy in order to implement these plans in alignment with the permanent objectives of the state. Accordingly, from

⁸Proposal OJE 2016 Paper 2, p. 337

⁹Proposal OJE 2016 Paper 2, p. 339

¹⁰Brigadier General Filomeno Paixão – Vice Chief of Major State of the F-FDTL speeches in consultation of strategic concept of national and security (KEDSN) October 2015.



this policy the state will set strategic interests of Timor-Leste to define the National Defense Policy. In this way the KEDSN serves as a strategic measure for national defense.

To conclude activities for these 4 programs, the Ministry of Defense will recruit 4 national advisers and 4 international advisors, with total funding of \$600,000.¹¹

FALINTIL-Defense Force of Timor-Leste (F-FDTL)

1. Budget

The proposed OJE for 2016 and allocated budget for the F-FDTL is \$18,672,000. The expense rubric for the F-FDTL can be seen in the table below.

Table of Budget 03: Rubric Expense according to category budget for the F-FDTL

Rubric Expenses	\$'000
Salaries	8,258
Good and Services	9,914
Public Transferring	-
Minor Capital	500
Capital Development	-
Total	18,672

Source: Proposed Law No.33/III/4^a – OJE 2016, Annex II, p. 23.

In the budget proposed for the F-FDTL in 2016, a majority of funding, \$9,914,000, is allocated to goods and services. This number is followed by salaries, with a total of \$8,258,000, capital minor with a total of only \$500,000, and capital development included in infrastructure funds.

2. Program

The allocated budget for the F-FDTL will be used to implement 7 programs, as detailed in the following table.

Table of Program 02: Program of the F-FDTL 2016

Program	\$'000
Programa 1: Cooperação no domínio da Defesa e Cooperação Civil-Militar	292
Programa 2: Melhorar infraestruturas e equipamentos	837
Programa 3: Assegurar as missões operacionais das F-FDTL.	6,976
Programa 4: Aquisição de equipamento e material de comunicações, garantindo	115

¹¹Proposal OJE 2016 – Paper 2, p. 337-339



a capacidade de comando controlo comunicações e computado.	
Programa 5: Desenvolver a capacidade de transportetático e de missões de interesse público e apoio às populações e de operação e meios e condições especiais	330
Programa 6: Melhorar infraestruturas e equipamentos	55
Programa 7: Gestão Corrente	1,809

Source: Proposed OJE 2016 Paper 2, p. 342-344

FM's concern is that within the proposed programs for the F-FDTL for 2016, there seem to be redundancies and duplications for programs that will be implemented. 2 programs for the F-FDTL will target infrastructure and equipment improvement with a budget of \$837,000. The remaining six programs will focus on developments of infrastructure and equipment, as well, with a total budget of \$55,000. Therefore, FM recommends that the National Parliament needs to justify the funding and implementation of these two programs, as FM posits that it will only serve to increase state expenses for redundant programs.

Meanwhile, \$1,292,000 has been budgeted for funding infrastructure for the Ministry of Defense and F-FDTL. This budget will be used in part to continue the third phase of constructing offices of military police (PM), totaling \$193,000. In addition, construction of F-FDTL posts in Tunubibi/Maliana, Tilomar/Suai, Oe-cusse and Atauro will be granted funding of \$427,000 total, and construction of the office of the support services for components of promotion and training totals \$250,000.¹²

FM posits that the execution of budget for F-FDTL infrastructure is greatly important in 2016, and must follow practical standards of procurement. FM's monitoring of the execution for the physical projects of 2013 and other expenses shows that they employed a narrow source of restricted adjudication, significant in that it did not obtain public approval even though this project itself is not of any urgency.¹³

Furthermore, the Human Capital Development Fund (FDKU), attributed to the F-FDTL, will organize professional training, technical training and scholarships with funding of \$347,550.¹⁴ FM does not have objections regarding this FDKU funds—it is important to invest in human resource to actualize these defense and military policies. In another scope, Timor-Leste has an important role amongst regional organizations in need of qualified human resources to execute their services, such as the Community of Portuguese Language Countries (CPLP). This also applies to Timor-Leste's current efforts to be included among ASEAN nations.

¹²Proposal OJE 2016 – Paper 6, p. 41

¹³Report of Fundasaun Mahein. Important Note on execution OJE 2014 for security and defense sectors (Perspective of Civil Society). Mahein's thought No. 6, March 31st 2014. Available at: http://www.fundasaunmahein.org/wpcontent/uploads/2014/03/MNH_Nu.06_31032014_Nota.pdf. Access on November 9th 2015.

¹⁴Proposal OJE 2016 – Paper 6, p. 124-134



Institute of National Defense (IDN)

The IDN's mission is to contribute to the development of national strategy through training and study, investigation and debate on areas of national security. The IDN will implement training for the national defense board on scientific plans, doctrines and technical operations for military and police sciences, which are necessary in order to ensure functional service of the command, directorate, chiefs, and major state actors inside the national defense force, joint forces and international organizations.¹⁵

1. Budget

To realize the IDN's mission, the proposed OJE for 2016 is allocating a budget of \$959,000. The expense rubric for the IGN budget is shown below.

Table of Budget 04: Rubric of Budget Categories for IDN

Expense Rubric	\$'000
Salaries	145
Goods and Services	795
Public Transferring	-
Minor Capital	19
Capital Development	-
Total	959

Source: Proposed Law No. 33/III/4^a – OJE 2016, Annex II, p. 27.

From the total budget listed for the IDN, \$795,000 has been dedicated to goods and services. Following that, \$145,000 has been committed to salaries and \$19,000 to minor capital. Capital development included infrastructure funding totaling \$422,000 for construction of the IDN office.

2. Program

The total budget allocated to the IDN will be used to create 5 programs, listed in the below table with detailed budgets.

Table of Program 03: Program of IDN 2016

Programa	\$'000
Programa 1: Área de Ensino	279
Programa 2: Área de Estudos	83.1
Programa 3: Área de Capacitação	104.9
Programa 4: Área de Divulgação	47.5

¹⁵Paper 2 Proposal OJE 2016, p. 519.



Programa 5: Área de Organização e Gestão Corrente	300
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Source: Paper 2 Proposed OJE 2016, p. 521-525

The second program for the IDN concerning study and scientific investigation plays an important role, but to date the public has held serious concerns with its service. What studies or investigations have been made in contributing for the national defense and security development? FM recommends the National Parliament encourage the IDN to justify its role.

In the proposed OJE, the IDN proposed committing \$83,100 to study and scientific investigation, but have not clarified what studies or investigations this funding would entail. At the same time, the Ministry of Defense proposed \$600,000 to contract 4 national and 4 international advisers to build political documents for the defense and military as described in the 4 programs of the defense ministry. FM recommends that the IDN adopt a more fiscally responsible approach for execution of these programs, and reduce its proposed expenses for advisors and functioning institutions of the state in 2016.

Ministry of the Interior

The Ministry of the Interior is the central government ministry responsible for conception, execution, coordinating and assessment of policies, defined and approved by the ministry council, regarding the internal security sector, migration and border control, civil protection, and police cooperation.¹⁶ This role is integrated inside of the administrative directorate of the state with its main services. Under the 2016 OJE, the Ministry of Interior operations are merged with other services, such as the Police Cabinet 2030.

FM's primary concern with the establishment of the Police Cabinet 2030 is that there is no clear justification for its formation. Does it implement the internal security strategic plan of 2030 or merge other plans for the PNTL for 2030? The Ministry of Defense in 2007 presented Force 2020 and established the Cabinet Force 2020 for further implementation of the study. Is the Ministry of the Interior copying this model to establish the Police Cabinet 2030?¹⁷

FM notes that this cabinet will function as vacant work, as a fantasy, without concrete studies and a plan to establish its own cabinet. Accordingly, the Ministry of Defense has established Force Cabinet 2020 to implement the the Force 2020 Plan. This cabinet is currently functioning and in September and October of 2015, it organized a consultation with the state entities and and civil society actors on the KEDSN.

The KEDSN is an interpretation of and implementation for the Force 2020 plan and 2010 National Defense Law. Force 2020 entails extensive study and a long process to

¹⁶Paper 2 OJE 2016, p. 345

¹⁷Paper 2 OJE 2016, p. 346



complete final editing of the law and establish this cabinet for implementation, although some points of the Plan are irrelevant, because they do not account for specific developments in the region.

Due to the establishment of the Police Cabinet 2030, FM recommends the National Parliament seek clarification from the Ministry of the Interior on how this cabinet will provide a concrete unique function. Who is going to lead this cabinet? If the Ministry plans to use representatives from the PNTL, why not instead simply fortify the PNTL and implement the PNTL Strategic Plan 2014-2018 (which, in FM's view, has set out core services that need serious, guided attention during implementation). Currently, the PNTL is implementing in 2015 main services on legislation, and has created a large team to make revisions to the PNTL organic law 2009,¹⁸ an important process in solidifying the philosophy of PNTL "Community Policing" and its policing doctrine called VIP (Visibility, Involvement and Professionalism).¹⁹

1. Budget

\$9,902,000 has been allocated in the 2016 OJE for the Ministry of the Interior. The budget has been broken down in an expense rubric displayed in the below table.

Table 05: Expense Rubric according to budget categories for the Ministry of the Interior

Rubric Expenses	\$'000
Salaries	4,036
Good and Services	5,048
Public Transferring	-
Minor Capital	818
Capital Development	-
Total	9,902

Source: Proposed Law No. 33/III/4^a – OJE 2016, Annex II, p. 24.

\$5,048,000 has been directed to Goods and Services for the ministry, followed by \$4,036,000 to Salaries and \$818,000 to Minor Capital. Capital development with the PNTL entails infrastructure funding. Meanwhile, the funding of human capital development is \$150,000.00.²⁰

¹⁸PNTL general commander, the commissary police, Julio da Costa Hornay, speeches on the meeting with Fundasaun Maheun at the cabinet of the PNTL general quarte April 2015.

¹⁹ PNTL Strategic Plan 2014-2018.

²⁰ Proposed OJE 2016 – Paper 6, p. 124-134



1. Program

The Ministry of the Interior presented six programs to be realized in 2016. A detailed budget has been provided in the table below.

Program 04: Program of the Ministry of the Interior 2016

Program	\$'000
Program 1: Programa da Implementação de política de alerta e resposta para prevenir e resolver conflitos da comunidade.	44,1
Program 2: Implementar o Plano de Ação Nacional (PAN) de Resolução Conselho Segurança das Nações Unidas (RSCNU) no. 1325 sobre Mulher, Paz e Segurança.	72,1
Programa 3: Cooperação e Coordenação da Linha Externa.	13,7
Programa 4: Formação e Capacitação	5 & FDKU
Programa 5: Gestão Corrente	1,242.4
Programa 6: Aquisição de equipamentos	393
Programa 7: Apoio ao Serviço Proteção Civil	672
Programa 8: Apoio à Segurança Patrimônio Público	2,396
Programa 9: Apoio ao Serviço Migração	5,853.3

Source: Paper 2 OJE 2016, p. 248-356

As described in the above table, the budget includes one (1) program for implementing policy for alerts and responses to prevent and resolve community conflict, totaling \$44,100 in funding. It will also realize 7 activities in 2016 budgeted under Goods and Services.²¹

Activity 1: The National Directorate for Preventing Community Conflict (DNPCK) will disseminate services of DNPCK and Community Policing to the communities. The purpose is so that the public can understand the role of the DNPCK and community policing as partners in preventing and resolving conflicts that happen amongst the community. Funding has been budgeted at \$7,300.00. This activity will be implemented by the DNPCK and the National Conflict Prevention Network (RNPCK).²² FM's monitoring has shown that this directorate has been vocally established in municipalities and has mediators in some villages. Therefore, FM holds concerns with the existence of this directorate, as it was established in the fourth constitutional government and nowadays simply continues to socialize its role in the community. FM believes this activity funding is not necessary and will only increase state expenses.

Ironically, it seems the implementation of this activity would in fact interfere with ongoing procedures for community policing nationwide. The community police with their development partners have established their structures from the national level to the village level, wherein the Council of Community Policing (KPK) has established police structures in 110 villages in 11 municipalities, 11 posts at the District Municipality Directorate level (KDD), and the National Directive Council (KDN) at the national level.

²¹Paper 2 OJE 2016, p. 348.

²²Paper 2 OJE 2016, p. 348.



Therefore, this proposed activity would interfere with services of the security institutions and cause redundancy and double the expenses for the state. FM recommends the National Parliament and government review the budget for activities of the village police officers (OPS) in 442 villages in order to effectively facilitate services for conflict prevention and crimes amongst the community through activities of OPS, such as visiting house to house, schools and community meetings in villages and hamlets.

Activity 3: DNPCK in 2016 will develop and implement civic education programs focusing on conflict prevention to 500 high school students in the Dili municipality. The DNPCK and RNPCK will be responsible for implementing the program, working with an activity budget of \$6,700.00.²³ FM is concerned with this activity, as it seems to duplicate current community policing activities—e.g., the PNTL commander of the Dili municipality recently implemented a pilot program for school police officers (OPE). The aim of OPEs is to secure the school itself, but also to organize civic education activities for students focusing on conflict prevention, drugs, human trafficking, rules of the road and driving, and responsibilities of youths and students as Timorese citizens. FM recommends the National Parliament and Ministry of the Interior review the expenses for activities supporting OPE services, which are currently engaged in schools across Dili.

Activity 5 and 6: DNPCK will organize community meetings and quarterly meetings to identify, classify and assess causes of conflicts in the 12 municipalities, including Oecusse. Using indicators to identify causes of conflicts in communities, representatives from the DNPCK and RNPCK will implement the programming with a budget of \$4,500 for Activity 5 and \$14,200 for Activity 6.²⁴ As mentioned in the first section of the analysis of Activity 1 above, Activities 5 and 6 are redundant or will only interfere with existing services. FM continues to recommend that the National Parliament and Ministry of the Interior review expenses for this activity on community policing services in order to better complement existing services.

Despite utilizing its own resources and structures in villages with KPK and organizing dialogue and community meetings every three months, the PNTL still lacks the budget for its operations and so depends on partners such as the The Asia Foundation (TAF) in strengthening the cooperation program of community and police (HAKOHAK). Each village with an established KPK receives annual security funding of \$500.²⁵

FM believes that partnership support with the PNTL will begin to fade over the coming years, and the opportunity presents itself in this opening space for the government, and particularly for the Ministry of the Interior, to strategically redevelop its working plan and avoid the aforementioned programmatic redundancies currently locked into the 2016 OJE budget proposal.

²³Paper 2 OJE 2016, p. 348.

²⁴Paper 2 OJE 2016, p. 348.

²⁵Paper 2 OJE 2016, p. 349.



Activity 7: The DNPCK will be specifically triangulated to supervise and monitor conflict resolution services in the municipalities. Local administrative posts will be used to ensure efficiency and efficacy of the services. \$2,200 has been allocated for this program.²⁶ The Program 5's operational services for the Ministry of the Interior under Activity 1 will also provide supervision, inspection, and monitoring for ministry services at the national and municipal levels. \$36,000 has been allocated for this program. Activity 1 of Program 5 will be undertaken by the General Directorate for Cooperative Services (DJSK) and General Directorate for Operational Services (DJSO).²⁷ The services under Program 8 will be undertaken by the National Directorate for Security for Public Heritage (DNSPP); inspections and monitoring for the 12 municipalities under Activity 1 has been budgeted \$7,000.²⁸

FM observes redundancies between Activity 7 of Program 1, Activity 1 of Program 5 and Activity 1 of Program 8. FM recommends the National Parliament and Ministry of the Interior reduce its plan and excise an activity from these 3 programs in order to avoid redundancy, as the DNPCK and DNSPP operate under the oversight and guidance of the DJSO. These two general and national directorate are coordinating identical activities simultaneously.

Finally, Program 9 entails the allocation of \$1,016,000 for support for immigration services. This program will include 8 activities in 2016.²⁹ FM posits that this funding will facilitate significant improvements in the capabilities of immigration services.

FM's monitoring has shown substantial failures in immigration control by Timor-Leste's immigration services, wherein foreign laborers in large numbers continue to violate visa requirements by working on expired visas or tourists visas in Timor-Leste. It is a failure of immigration services that these high numbers of foreigners continue to violate visa laws, and is a testament to how weak the immigration visa and monitoring systems are—the government doesn't even have a solid estimate on how many legal and illegal visitors and migrant workers are currently in-country. FM posits that this failure in immigration services stems from the government's continuing lack of a database to track any relevant data on immigration, including foreigner and migrant activities, residences, and legal lengths of stay.³⁰

²⁶Paper 2 OJE 2016, p. 349

²⁷Paper 2 OJE 2016, p. 353

²⁸Paper 2 OJE 2016, p. 354

²⁹Paper 2 OJE 2016, p. 355

³⁰Report of Fundasaun Mahein. Submission for the Committee B National Parliament on Proposal State General Budget of 2015 for Security Sector. Mahein's Voice No. 90, November 06 2014, Available at: <http://www.fundasaunmahein.org/wp-content/uploads/2014/11/Microsoft-Word-PARESER-OJE-2015-MDS-FINAL.pdf>. Accessed on November 9 2015.



Incredibly, the government's failure to monitor immigration in Timor-Leste has even extended to its policing institutions. Some members of the PNTL have worked for the institution since 2000 in the UNTAET period, despite not being Timorese,³¹ and immigration services never bothered to implement background checks. The oversight was only discovered when one officer sat for the citizenship exam. Fundasaun Mahean suspects that the astounding lack of effort from the Ministry of Immigration has been an intentional effort to shield such members of the PNTL and similar national institutions.

National Police of Timor-Leste (PNTL)

The proposed OJE for 2016 includes a budget for the PNTL of \$28,160,000³² to execute six programs in its third year of the PNTL 2014-2018 Strategic Plan. FM recommends the National Parliament strongly encourage and support the implementation process of the strategic plan.

1. Budget

The detailed proposed OJE 2016 to PNTL 2 rubric expenses of the entire PNTL in 2016, see the below table.

Budget 06: Expenses Rubric of budget categories for PNTL

Expenses Rubric	\$'000
Salaries	13,393
Goods and Services	14,374
Public Transferring	-
Minor Capital	385
Capital Development	8
Total	28,160

Source: Proposed Law No. 33/III/4^a – OJE 2016, Annex II, p. 24.

This allocated funding for goods and services totals \$14,374,000, followed by funding for salaries at \$13,393,000. \$385,000 has been allocated for minor capital, and \$8,000 allocates for development capital in designing BOQ construction of police village posts (PPS) in rural areas for 12 municipalities and the Oe-Cusse region. The funding for the physical construction of said posts has been included in the infrastructure fund, totaling \$1,480,000 to facilitate infrastructure development for the PNTL and to detail designs for

³¹ Foreign citizens become members of PNTL, recruited under UNTAET period. Available at: <http://www.pntl.tl/sidadaun-estranjeiru-sai-membru-pntl-nee-rekruta-iha-tempu-untaet/>, accessed on November 8th 2015.

³² Proposal Law No. 33/III/4^a – OJE 2016, Annex II, p. 24.



the PNTL quarters in the Dili municipality, which alone has received \$36,000 in funding alongside other relevant construction.³³ Allocation of \$429,680 for development capital funding will cover scholarships and professional and technical training for PNTL officers.³⁴

2. Program

Program 05: Program for PNTL 2016

Program	\$'000
Program 1: Develop Technical and Professional Training	FDKU
Program 2: Fortify administration	1,254
Program 3: Improve administration services	12,762
Program 4: Representation in international forum	169
Program 5: Develop PNTL infrastructure	8, FI & PDID
Program 6: Develop operational services	20
• Program 6.1: Reform and develop legislation	50
• Program 6.2: Community Policing services	350
• Program 6.3: Traffic and Roadway services	62
• Program 6.4: Crime Prevention, Investigation and Information Services	100

Source: Paper 2 OJE 2016, p. 260-267

a. Legislation

In 2016 a new socialization team will be created for new Organic Law Decrees of the PNTL, approved by the Ministry of the Interior with a total budget of \$12,500. In addition the PNTL will create a revision team for Norms of Organization and Procedure (NOP) with a budget of \$12,500. In the same year, the PNTL will also put in place a Law Decree on Private Statutes and Law Decree on PNTL Discipline, with funding of \$12,500. This last undertaking will include expanding the Special Procedures for the the Cabinet of International Relations of the PNTL, and Procedures for Women's Service with a budget of 12,500.³⁵

Although the PNTL organic law has had revisions and will be socialized in 2016, but FM is concerned that these revisions have been moved forward without deep consultation on the issue, and further, that the public has not been made aware of these changes to institutional procedures. FM recommends that the National Parliament seek justifications from the Ministry of the Interior and the PNTL for such revisions.

b. Community Policing

The PNTL's Program 1 for technical and professional training will implement community police training and communication techniques training for Village Police Officials (OPS) in 12 municipalities and the Oecusse region. The program will improve OPS capabilities in community interactions and crime prevention.

³³Proposal OJE – Paper 6, p. 41

³⁴Proposal OJE 2016 – Paper 6, p. 124-134

³⁵Paper 2 OJE 2016, p. 365



The program will also include training in Dili for Volunteer Security elements in the 12 municipalities and in Oe-Cusse, for problem solutions and methodologies for Research, Analysis, Response, and Evaluation (PARA). The budget to fund the formation and training will come from the Human Capital Development Fund.³⁶ Another activity will place OPS in remote and rural areas as official links completed for 442 villages. The budget for the placements in this activity will be derived from Good and Services allocation totaling at \$60,000.³⁷

As part of the placements, police in the municipalities, in administrative posts and units, will organize community meetings with community leaders, businessmen, youths, NGOs and churches in order to facilitate easy access to schools, villages, and neighborhoods. \$60,000 has been allocated for these activities,³⁸ Budget allocation for these activities is \$60,000. There will also be \$50,000 allocated for information-sharing on crime prevention through newspapers, electronic media, pamphlets, stickers and brochures.³⁹

FM recommends that the National Parliament support policy for the implementation of these activities, because FM's monitoring includes growing concerns on community effectiveness from the municipalities' commanders and stations, members of volunteer security, and the communities.

However, the PNTL has pushed to recruit approximately 250 new police officers, with \$50,000 in funding from Goods and Services in the PNTL budget.⁴⁰ FM is concerned with this activity proposal, as it is outside the community policing doctrine, and community police does not stem from a single department or unit but instead are chosen from the entire body of the PNTL. Therefore, there should be no need for further recruitment to integrate new members into the department. Focus should instead be on how PNTL officers follow community policing doctrine and assume their responsibilities among their communities, in line with PNTL philosophy.⁴¹

c. Crime Prevention, Investigation and Information Services

The proposed OJE for 2016 includes \$100,000 for this program.⁴² FM recommends the National Parliament support this program in order to deal with current various crime threats and forms of oh technological development, and so improve the investigation and information services.

³⁶Paper 2 OJE 2016, p. 361-362

³⁷Paper 2 OJE 2016, p. 366

³⁸Paper 2 OJE 2016, p. 366

³⁹Paper 2 OJE 2016, p. 366

⁴⁰Paper 2 OJE 2016, p. 366

⁴¹Strategic Plan of PNTL 2014-2018.

⁴²Paper 2 OJE 2016, p. 367



National Intelligence Service (SNI)

1. Budget

The proposed 2016 OJE allocated \$2,447,000 for the SNI. This budget has been divided into two expense rubrics below for the SNI in 2016.

Budget 07: Expense Rubric according to budget category for the SNI

	\$'000
Salaries	-
Goods and Services	1,567
Public Transferring	-
Minor Capital	910
Capital Development	-
Total	2,477

Source: Proposed Law No. 33/III/4^a – OJE 2016, Annex II, p. 25.

\$1,567,000 from the proposed budget for SNI has been directed to Goods and Services. \$910,000 has been allocated for Minor Capital, and none for public transferring. FM has concerns that no money from the budget has been allocated for salaries, considering that \$225,000 was directed to cover salaries in 2015.⁴³ FM recommends the National Parliament justify the decision to not cover salaries in the proposed budget for 2016.

2. Program

Program 06: Program SNI 2016

Program/Activities	\$'000
<ul style="list-style-type: none">• Construção Edifício/Construir um escritório apropriado para o SNI.• Produção Leis de uso/posse de arma, livre trânsito, regime de carreira especial.• Recrutamento e Promoção dos Quadros Pessoais/Recrutar e promover o quadro pessoal do SNI para melhor execução da sua missão.• Capacitação de Recursos Humanos e Institucional/ Capacitar os quadros pessoais e melhorar a capacidade institucional• Fortificar a linha de coordenação entre o SNI e as instituições/ministérios relevantes com o objetivo de partilhar informações.• Estabelecimento da estrutura de cooperação/Estabelecer as estruturas de cooperação com os Serviços congêneres.• Deslocação Interna e Externa/Participar em reuniões, conferências e Seminários Internacionais e workshops interministeriais.• Cursos de Línguas/Realizar os cursos de Línguas	2,447

Source: Paper 2 OJE 2016, p. 452-455

⁴³OJE 2015 for National Intelligence Service (SNI).



The proposed budget for the SNI also has primary recommendations in order to reinforce services to improve SNI internal functionality: first, construction of an appropriate office for the SNI, and at the same time the release the property and expand the BOQ design; second, produce Norms and Special Legislation on the use of arms, free transit privileges and special career tracks; third, recruitment and promotion of SNI members for improvement the execution of SNI's mission.⁴⁴ FM further recommends conducting new nominations for SNI Director, as the recent director has been splitting his time as the Minister of Defense.

The SNI will also establish cooperative and collaborative ties with other state institutions such as the military information service (SIM, F-FDTL), the maritime police unit (UPM, PNTL), the PSIK (INTERPOL), the Ministry of Foreign Affairs and Cooperation (MNEK), the Ministry of Justice, the National Bank, immigration services, tax authority, quarantine authorities, the airport and national port, SEFOPE, Anti-Corruption Corruption, the General Prosecutor, the President of the Republic and Ministry of Commercial Industry and the Environment to create and integrated plan of ministerial relations for improved information-sharing.⁴⁵

On foreign affairs, the SNI will establish and develop bilateral cooperation and multilateral cooperation with CPLP, ASEAN and Asia Pacific countries, particularly for information sharing with bilateral agencies, CPLP countries, Asia, ASEAN and Mid-Orient countries, the Pacific, Australia, and the United States of America. To realize these relationships, the SNI will establish agreements with foreign international information agencies.⁴⁶

This reinforces the acknowledgements and experience to improve research services and analysis and production intelligence. This will also reinforce cooperation for joint agencies with major regional and global security viewpoints in combating organized crime, terrorism, cyberterrorism, drug, arms, and human trafficking, pirating, illegal fishing and money laundering.⁴⁷

FM observes that reinforcing security services with foreign information agencies is extremely pertinent in supporting Timor-Leste in its operations needing cooperation and coordination with foreign information services. Therefore, FM recommends these services be focused on in the National Parliament's budget discussion.

⁴⁴Paper 2 OJE 2016, p. 452

⁴⁵Paper 2 OJE 2016, p. 453

⁴⁶Paper 2 OJE 2016, p. 453-454

⁴⁷Paper 2 OJE 2016, p. 453-454



Scientific Police of the Criminal Investigation (PSIK)

1. Budget

\$1,184,000 has been proposed for the PSIK in the 2016 budget. The proposed funding has been broken down into the expense rubric in the table below.

Budget 08: Expense Rubric of budget categories for PSIK

Rubric Expenses	\$'000
Salaries	998
Goods and Services	176
Public Transferring	-
Minor Capital	10
Capital Development	-
Total	1,184

Source: Proposed Law No. 33/III/4^a – OJE 2016, Annex II, p. 26.

\$998,000 has been set for Salaries, \$176,000 for goods and services, and \$10,000 for minor capital. No money has been budgeted for public transferring or capital development.

2. Program

With this budget the PSIK plans to implement four programs, detailed in the below table.

Program 07: Program PSIK 2016

Program	\$'000
Program 1: Desenvolvimento Institucional	44.5
Program 2: Desenvolvimento de Recursos Humanos	20
Program 3: Infraestruturas e Tecnologia Informática	57
Program 4: Gestão Operacional para o Melhoramento dos Serviços no Setor da Justiça	64.5

Sources: Paper 2 Proposed OJE 2016, p. 491-493

FM has questioned the services of the PSIK in relation to a report published in 2014 that identifies the creation of this institution as doubling up on services focused on criminal investigation actions that are already undertaken by the PNTL.⁴⁸ The Organic Statutes of

⁴⁸Report of Fundasaun Mahein. Policy of Establishing Scientific Police Criminal Investigation (PSIK), Partners and Threat for the Security Institution. Mahein's Voice No. 86, September 25th 2014. Available at: www.fundasaunmahein.org. Accessed on November 10th 2015.



the PSIK stipulate that the PSIK will be responsible only for organized crime or particularly complex cases.⁴⁹ However, this formation for investigations is the same for the PSIK and the PNTL. In FM's view, the similarities between the two institutions' investigation parameters make it difficult to determine which of the two should undertake said complex and organized crime cases.

With Program 1, the PSIK will develop, establish, and implement forensic laboratory services, a forensic genetic toxicology laboratory, ballistics, medical notation and documenting expertise for the PSIK. The budget for this activity is \$10,600.⁵⁰ Program 2 will organize and implement specialized training (basic and continued) for new investigators and elements that already exist in the PSIK forensic experts in juridical, legal medicine, forensic science, and criminal investigation areas. The budget for this activity will come from the FDKU.⁵¹

The same proposal has come from the PNTL for the Criminal Investigation Service. The PNTL will execute advanced training in areas of drug investigations, organized crime, money laundering and human trafficking. With the proposed 2016 budget the PNTL will also put in place studies in the areas of taxonomy, polygraphs, computer forensics, arson and fire investigations, forensics, microbiology, serology and hemogenetics, forensic medicine, forensic anthropology, and controlled substances in Indonesia. Studies will continue for specialties in forensic areas, criminology, pathology and psychology. Funding will come from the FDKU.⁵²

FM considers this politics over the position between criminal investigation institutions and believes this will only cause the state further expenses for the same service.

⁴⁹Decree Law No. 15/2014, May 14th, Organic Law of PSIK.

⁵⁰Paper 2 OJE 2016, p. 491.

⁵¹Paper 2 OJE 2016, p. 492.

⁵²Paper 2 OJE 2016, p. 461.



Recommendations

1. Committee B of National Parliament supervises the execution of the OJE, starting with the planning and procurement processes, and continue supervision through the implementation of these projects.
2. The government and relevant institutions obey law and practice proper procurement in executing the budgets related to physical projects and acquisition and purchase of materials.



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