



## **FALINTIL-FDTL** **From a Politicized Military to a Professional Military**

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*Photo Fundasaun Mahein (FM)*

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*“FALINTIL-FDTL personnel cannot enter political parties and they cannot make policy, but they must know the democratic policies of the state” - Xanana Gusmão, Prime Minister and Minister of Defence and Security 2007 – 2015*

## **Introduction**

Recently, contentious public discussions have occurred concerning the role of the military in Timor-Leste’s current political context. In particular, recent comments by military leaders about political affairs have created controversy. In the past, similar rhetoric has led to instability in both developed and developing countries.

Fundasaun Mahein (FM) observed that this controversy intensified when F-FDTL General Chief of Staff Major General Lere Anan Timur spoke to the media about the current political impasse in Timor-Leste. Previously, General Lere made another controversial comment to journalists saying that he believed that FALINTIL-Defence Force of Timor-Leste (F-FDTL) personnel could join political parties once they retire from military service.

General Lere clarified that he made this statement as a veteran and because he had an obligation to give his opinion on national issues. He therefore insisted that he did not make such comments under the auspices of his current position as the head of the F-FDTL. However, on the other hand General Lere remained the F-FDTL’s leader when he expressed these views.

FALINTIL was founded on August 20<sup>th</sup>, 1975 as the armed wing of the FRETILIN part. At this time, FALINTIL functioned as FRETILIN’s armed wing in order to respond to the events involved in the civil war and impending Indonesian invasion. However, during the resistance struggle, FALINTIL later separated from FRETILIN and became the armed wing for the umbrella resistance organisation, the Council for National Maubere Resistance (CNRM).

As Timor-Leste regained its independence, FALINTIL transformed from a guerrilla force into a conventional army, forming the FALINTIL-Defence Force of Timor-Leste (F-FDTL) in 2001. Soldiers now fulfilled their role in accordance with the Constitution and laws. This report comments on how this historical trajectory has impacted military and political issues in the context of today’s Timor-Leste. It begins by describing FALINTIL and its evolution up to its transformation from a guerrilla to a conventional force. Lastly, the report offers recommendations for policymakers.

## **Methodology**

Information for this report was gathered from official documents including the Constitution and other laws, official speeches, previous FM reports, and articles related to the military. FM concluded this report via its method of *Security Sector Discussion* (SSD).



## From FALINTIL to FALINTIL-FDTL

When the Constitutional Assembly approved Timor-Leste's Constitution and the nation regained its independence on 20 May 2002, FALINTIL-FDTL simultaneously became the military of an independent state. With very limited facilities and professional capacities, Timor-Leste managed to create a military institution meant to prioritize national interests above all else and to guarantee the country's sovereignty. In the words of the first FALINTIL-FDTL Commander Major General Taur Matan Ruak, the intention was "to develop a force to protect the Timorese people from foreign threats, aid government agencies, and establish our country."<sup>1</sup> Timor-Leste's desire to establish military institutions received a positive reaction from the international community, with assistance coming from many nations. Via bilateral channels with Portugal, Australia, the United States, China, Malaysia and Thailand, training was conducted in Timor-Leste and abroad. These international partners also donated equipment, helped establish facilities, and conducted logistical training.<sup>2</sup>

Throughout its history, the leadership structure of the F-FDTL has remained dominated by ex-FALINTIL members. Most of these received professional military training over a short time in the aftermath of Timor-Leste's independence. This became an obstacle to the development of a genuinely independent and professional military institution, since it has proved difficult to separate FALINTIL and the F-FDTL. Ed Rees explains that, "the transformation of the FALINTIL-FDTL was done very quickly, and consequently it is difficult to separate FALINTIL-FDTL from its FALINTIL roots. Separating them can generate negative reactions."<sup>3</sup> With regards to this issue, one can say that FALINTIL-FDTL has yet to fully function as a professional military institution because emotionally and psychologically ex-FALINTIL members have struggled to adapt themselves to institutional military rules. The FALINTIL legacy can influence F-FDTL actions and policies at any time.

Some observers say that the name of an organization can affect its policies and implementation, particularly by influencing the mentality of its personnel. This hypothesis likely applies to Timor-Leste's military, which has retained a historically-charged name. The conjunction of "FALINTIL" and "Defence Force of Timor-Leste" evokes the transition from the FRETILIN-derived FALINTIL to the non-partisan National Council of Timorese Resistance (CNRT, not to be confused with the contemporary CNRT political party, which stands for National Council of Timorese Reconstruction). FALINTIL, born from the FRETILIN Party, became a non-partisan force of national liberation when FALINTIL Supreme Commander, Kay Rala Xanana Gusmão, abolished the guerrilla force's partisan affiliation. In the independence era, a tendency has persisted to use FALINTIL as a reference when understanding the

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<sup>1</sup> Sinnadurai, C. (2005) *Developing a Defence Force: F-FDTL Training and Development*. Public Information Office, UNMISSET.

<sup>2</sup> Ibid.

<sup>3</sup> Rees, E. (2004). *Falintil-Defence Force of Timor-Leste Under Pressure: Three Decades of Defense Force Development in Timor-Leste 1975-2004*, 1-75.



Defence Force of Timor-Leste. This appears in the *Strategic Plan for the Development of the Timor-Leste Defence Force 2005-2020*, better known as “Plan 2020.” This strategic plan states that, “the state must value elements of national identity, including by respecting national symbols, honouring the Defence Force, and refer to FALINTIL’s service to the nation, a fundamental value for the National Defence.”<sup>4</sup> F-FDTL personnel from the former FALINTIL can use and interpret this sentence in various contexts. Disturbingly, this historical legacy appeared during the case of the petitioners in 2006, in which a bitter controversy over who contributed to the independence struggle and who did not contributed to the eruption of widespread violence in Dili.

One ex-FALINTIL member currently living in Santa Cruz, Dili pointed out that it is impossible to deny that the F-FDTL’s roots lie in FALINTIL, so it is permissible that the historical name impacts the military’s attitude.<sup>5</sup> At the same time, this individual expressed concerns that the mentality of “veteranism” encouraged by the military institution’s name could detract from its professionalism. From 1987 until 1988 Xanana Gusmão reorganized FALINTIL so as to make it into the armed wing of the entire Timorese people. He thereby sought to conduct the resistance without any inclination towards partisan interests.<sup>6</sup> **This historical declaration lolos kaer metin hanesan prinsipiu ba FALINTIL-FDTL in the post-independence era.** The state and the government equated the day of FALINTIL’s birth with the anniversary for FALINTIL-FDTL, attempting to detach the national military from its roots as a partisan force. This dilemma reflects the unusual history of Timor-Leste’s military, involving a shift from a guerrilla army into a professional military institution. One bureaucrat at the Defence Ministry of Timor-Leste argued that “it is not easy to reorganize guerrillas who formerly lacked laws or discipline into a professional force in the post-independence era.”<sup>7</sup>

However this raises further questions. If the F-FDTL celebrates its anniversary on the day on which FALINTIL was born, it can be argue that the FRETILIN party seems to have a special connection with Timor-Leste’s national military. Given that Timor-Leste celebrates its day of independence twice, on 28 November 1975 and on 20 May 2002, some have argued that the F-FDTL also has the option to celebrate its anniversary twice. Specifically, it could celebrate the day of FALINTIL’s transformation into a nonpartisan force, in addition to its original birth on August 20<sup>th</sup>, 1975. Otherwise the FALINTIL-FDTL will remain tainted by partisan values. “If the day of independence is also a restoration, FALINTIL-FDTL also needs to have restoration for its day of transformation,” argued one interviewee.<sup>8</sup> Therefore Timor-Leste still has to answer whether FALINTIL’s name and mentality has caught up with the new post-independence paradigm. The attitude of “veteranism” remains strong in

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<sup>4</sup> Timor-Leste Ministry of Defence.(20 July 2006). *Defence 2020: Strategy Blueprint for the Development of the Armed Forces of Timor-Leste 2005 – 2020*.

<sup>5</sup> Interview Fundasaun Mahein, 3 September 2010.

<sup>6</sup> Niner, S. (Ed.). (2000). *To Resist is to Win!: The Autobiography of Xanana Gusmão*. Aurora Books, Victoria, Australia.

<sup>7</sup> Interview Fundasaun Mahein, 5 September 2010.

<sup>8</sup> Interview Fundasaun Mahein, 2 September 2010.



Timorese politics and therefore has powerfully influenced the process of developing the F-FDTL. As Rees explains, “the role of veterans dominates Timorese politics, from the village level to the capital.”<sup>9</sup> This is a crucial issue requiring careful attention, meaning that “veteranism” cannot pervade the military institution in the future. Timorese leaders must conduct a thorough assessment in order to extricate the F-FDTL from its former, pre-independence paradigm.

Furthermore, some veterans—especially former FALINTIL members—did not fully change their allegiances when they become members of the FALINTIL-FDTL. Emotionally, some FALINTIL members have yet to detach themselves from the memory of the FRETILIN Party, which acted as their supreme commander during the struggle in the jungle against the Indonesian occupation. FALINTIL-FDTL has yet to function correctly due to a mentality of loyalty that focuses attention on leaders such as Ramos Horta and Xanana Gusmão.<sup>10</sup> This mindset is not easy to eliminate. However, military personnel need to recognize that the name FALINTIL-FDTL does not justify feelings of superiority among veterans or discrimination against non-veteran military personnel. The people and their political leaders should make more of an effort to criticize the F-FDTL and develop it through their mandate in parliament.

In reality, ex-FALINTIL veterans continue to play an important role in FALINTIL-FDTL and it remains politically difficult to remove them from the military leadership structure. Military personnel also have yet to have faith in the new generation, meaning that younger soldiers rarely become high-ranking officers. Some members of the younger generation express sentiments to this effect, including a FALINTIL-FDTL captain who did not want his name mentioned in this report. He stated that, considering Timor-Leste’s situation, the older generation (the ex-FALINTIL) is still need to run FALINTIL-FDTL because until now they have remained loyal military members and strengthened the institution. They can be replaced when we are professionally and institutionally ready to take their place. He cited the example of General Taur Matan Ruak’s retirement in 2017, indicating that at the right time the younger generation can receive “the staff of leadership.”<sup>11</sup> From this interview, it is evident that ex-FALINTIL figures still play a key role in the F-FDTL. Because veterans have such a strong influence, rules, and policies have yet to be thoroughly implemented in Timor-Leste’s military institution. Consequently, FALINTIL-FDTL has yet to become a fully professional military institution under democratic civilian control. The influence of veterans persists in military, state, and government institutions.

### **A Professional Military**

FALINITIL-FDTL must have a strong commitment to oppose interference from political party, government and other outside organizations. The Constitution of

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<sup>9</sup> Rees, E. (2004). *FALINTIL-Defence Force of Timor-Leste Under Pressure: Three Decades of Defence Force Development in Timor-Leste 1975-2004*, 1-75.

<sup>10</sup> Simonsen, S. G. (2010). Second Division: Police-Military Tensions Remain in Timor-Leste, 1-5.

<sup>11</sup> Interview, 1 September 2010.



Timor-Leste states that FALINTIL-FDTL must refrain from entering political parties, obeys only the relevant sovereign institutions, and cannot intervene in civilian politics.<sup>12</sup> Military doctrine and conduct must remain subordinate to the Constitution and the F-FDTL Organic Law.

The 2006 Crisis showed the Timorese people and the international community that Timor-Leste needed to re-examine the military's role in the context of a democratic nation. The FALINTIL-FDTL institution had to enter new paradigm in order to re-establish a national defence force based on the principle of impartiality. In many democratic countries, the military has become a force for strengthening national unity, reflecting common interests based in the constitution. Military personnel must understand that their purpose is to serve the nation. Since the military's roots lie in the people, the people must have maximum power to control the military. Timor-Leste had to establish the subordination of the military to civilian authority in a short time.<sup>13</sup> Elsewhere in the world, governments that grant the military a political role for a short time need to gradually transfer authority to civilians in order to control the armed forces. If Timor-Leste wants to become a democratic country, the military must function as an impartial element in the development process, so that people feel democracy is safe in the presence of the armed forces.

Furthermore, in a truly democratic nation political life is free of military interventions. The military cannot position itself as the guardian of the regime's stability, as it is very easy for their personnel to misuse this function. In other words, a military with a large political role has a dictatorial tendency. Political and military roles should remain distinct, with civilians ultimately having the final say about topics such as national security. Accordingly, soldiers have the duty to fulfil their national security according to decisions determined by civilian politicians.

Scholar Almos Perlmutter has stated that motives for military interventions derive from either social or political conditions. With regards to social conditions, a nation's weak social condition encourages the growth of opposed interest groups. Weaknesses in the state structure imply that political institutions do not function effectively, rendering control over society ineffective. This gives the military an opportunity to intervene. With regards to political conditions, crises in civil affairs can prompt military intervention. When the political structure fragments into factions, civilians can seek support from the armed forces, while the country's constitution is circumvented or disregarded.

Scholar Eric A. Nodlinger specified that military leaders can play a political role in three forms: moderators, guardians, or rulers. The military fulfils a moderator role when civil-military relations are "fluid". Political affairs are handled by civilians, but soldiers acts as "back up." In the second scenario, the military acts as a guardian and controls government decisions regarding macro-strategic issues. In the third

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<sup>12</sup> Number 3, Article 146. Constitution of the Democratic Republic of Timor-Leste.

<sup>13</sup> Rees, E. (2004). *FALINTIL-Defence Force of Timor-Leste Under Pressure: Three Decades of Defence Force Development in Timor-Leste 1975-2004*, 1-75.



situation, military personnel dominate state affairs and policy, effectively creating a military regime.

This disturbing scenario highlights the importance of the democratization process, and particularly of the effort to segregate the role of the military from social and political responsibilities. In sum, this involves the military fulfilling its role with total professionalism.

### **Soldiers Voting in Elections**

The issue of soldiers voting in elections has provoked controversy in Timorese society. Some argue that FALINTIL-FDTL “cannot vote in elections because the Constitution prohibits defence and security forces participating in politics.”<sup>14</sup> Others assert that voting is a right that belongs to all citizens, including military personnel.<sup>15</sup> In 2012, State Secretary for Defence Julio Tomas Pinto stated that, as citizens, F-FDTL personnel “can exercise their right to vote in elections and the law only condemns when they wear uniforms while voting. For when I speak about voting, I am not speaking about practical political participation, but rather they vote as civilian citizens. But, as soldiers, they cannot participate in politics beyond that point since the Constitution forbids it.”<sup>16</sup>

Some interviews cited in previous FM reports offer different opinions about F-FDTL members voting in elections. Some stated that F-FDTL members cannot vote because by voting they lose their neutrality, as they now desire or oppose various parties or candidates. Comparing Timorese elections to a “cockfight,” one individual stated that an election always results in one’s party winning or losing. Therefore, when F-FDTL members vote, they are supporting political parties, and when their party loses it means that they also lose. Given the emotional nature of elections in Timor-Leste, people have personal connection to political parties and their leaders due to Timor-Leste’s history.

Others stated that FALINTIL-FDTL and PNTL members can vote because in this capacity they act as citizens exercising their civic rights. Voting is not equivalent to political involvement or participation in partisan activities. Consequently, when they are prohibited from voting, they lose their suffrage rights as citizens. This remains even though the F-FDTL law forbids involvement in politics.

An interview Manuel Tilman, a recognized Timorese lawyer as well as a political party leader stated that:

‘FALINTIL-FDTL and PNTL personnel can vote because they are citizens

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<sup>14</sup> See also Constitution, Articles 146 and 147.

<sup>15</sup> See also Constitution, Articles 46 and 47.

<sup>16</sup> Notisia Jornal Suara Timor Lorosa’e (STL), Edition 06 October 2011. Cited also in Fundasaun Mahein (FM) report, 2012. *Can Police and Military Personnel Vote in the Elections?* Available at: <http://www.fundasaunmahein.org/wp-content/uploads/2012/01/MNL-no-29-31012012-F-FDTL-PNTL.pdf>. Accessed on 02 August 2016.



exercising their rights and the Constitution guarantees that sovereignty resides in the people's hands and exercise sovereignty in accordance with the Constitution. Such rights are further supported by Constitution Article 6 that the state defends and guarantees the country's sovereignty, guarantees and promotes the fundamental rights of the people, and guarantees political democracy as well as the people's participation in solutions to national problems. Furthermore, Article 7 of the Constitution affirms that the people will exercise political power with universal, free, equal, direct, secret, and periodic suffrage, and by other means stipulated by the Constitution. This is reinforced by Constitution Articles 46 and 47'.<sup>17</sup>

Deputy Ombudsman of Human Rights (PDHJ) Horacio de Almeida offered a similar argument:

'FALINTIL-FDTL and PNTL members can vote because this is the right as citizens and the constitution guarantees it. When FALINTIL-FDTL and PNTL members do not vote, they love their rights as citizens. Although Constitution article 146 and 147 and the organic laws of FALINTIL-FDTL and the PNTL prohibit their personal from participating in activities of a political nature, this law itself does not state clearly that they cannot vote.'<sup>18</sup>

The arguments above require clarifications of the law's stipulations. While some articles in the Constitution and the laws prohibit direct or indirect participation in politics, other articles authorize them to participate as citizens. Legislation regarding the Armed Forces states that FALINTIL-FDTL cannot have political parties and must obey the relevant sovereign organs, in accordance with the Constitution and the laws, and cannot intervene in politics.<sup>19</sup> Furthermore, the F-FDTL Organic Law itself stipulates that the F-FDTL is rigorously non-partisan and exists for the nation alone. F-FDTL personnel, of any rank, cannot participate directly or indirectly in political activities.<sup>20</sup> Furthermore, the use of uniforms during elections or voting is prohibited, meaning that military personnel cannot wear their uniforms during activities of a political, electoral, or partisan nature.<sup>21</sup>

## Recommendations

1. FM recommends that the Sovereign Organs including the Presidency of the Republic, the National Parliament and the Government continue strengthening objective and rigorous control over the armed forces.
2. FM recommends that the F-FDTL fulfil its role as a professional military institution in accordance with the Constitution and laws, and obey only decisions by democratically elected politicians.

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<sup>17</sup> Interview with Dr. Manuel Tilman, 30 August 2016

<sup>18</sup> Interview with Deputy Ombudsman of Human Rights (PDHJ) Horacio de Almeida, 26 August 2016

<sup>19</sup> RDTL Constitution, Article 146

<sup>20</sup> Decree Law No. 15/2006. FALINTIL-FDTL Organic Law. Article 1, N<sup>o</sup> 2 no 3.

<sup>21</sup> Government Decree N<sup>o</sup> 7/2012 from 1 August. Regulation of the Uniforms FALINTIL-Defence Force of Timor-Leste (RU/F-FDTL). Article 3 N<sup>o</sup> 5.



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