



## Implementation of Obligatory Military Service in Timor-Leste Mahein's Voice No. 149, October 2020



*Foto: F-FDTL*

## Contents

Contents	2
Introduction	3
Methodology	3
Implement promises about Obligatory Military Services	4
VIII Government's program for National Defense	4
Obligatory Military Service will hinder to F-FDTL Development	5
Obligatory Military Services weight the state budget expenses	6
Conclusion and recommendations	7
Bibliography	9

## Introduction

The law on Obligatory Military Service (*Serviço Militar Obrigatório* - SMO) in Timor-Leste relates directly to promises made by Prime Minister Taur Matan Ruak during the Presidential and Parliamentary election campaigns in 2012, 2017 and 2018. In fact, the idea for SMO was proposed by Taur Matan Ruak as long ago as 2007, when he assumed the position of commander of Timor Leste's Defense Forces. In 2012, when then-candidate Taur Matan Ruak was elected as President of the Republic, he began to promote this program, establishing a team led by the *Casa Militar* of the President of the Republic to begin discussions on the topic. Ultimately the SMO program was not implemented, in part because it does not fall under the President's remit, but also because it is unregulated under any legal provision or the Government's program<sup>1</sup>. However, in 2018 when Taur Matan Ruak was nominated as Prime Minister of the VIII Constitutional Government, the proposal for SMO was introduced into the government program.<sup>2</sup>

## Implementation of the Obligatory Military Service

As per the Government press release dated 28 October 2020, the VIII Constitutional Government led by Prime Minister Taur Matan Ruak approved a new regulation concerning the SMO program. The reason given for introduction of obligatory military service is to respond to the needs of the Timor-Leste Defense Force (F-FDTL) and the proposed program of the VIII Constitutional Government.<sup>3</sup>

Fundasaun Mahein (FM) is concerned about this program for several reasons: first, the SMO program is being introduced mainly due to promises made by now-Prime Minister Taur Matan Ruak during previous election campaigns, while the rationale behind obligatory military service for the youth remains weak and has, to our knowledge, not been subjected to any serious feasibility, risk or cost/benefit analysis; second, we are concerned that the implementation of the SMO program, rather than responding to the needs of F-FDTL, will hinder the development of our defense force's capacity; and third, SMO will add to state budget expenses, diverting limited resources from more essential and urgent areas, including basic services and infrastructure for our people, and productive investment in sectors of our economy which are essential to our people's needs and our country's long-term sustainability.

## Methodology

The analysis contained in this report is based on FM's monitoring of the implementation of

---

<sup>1</sup> Fundasaun Mahein report, 2013. Obligatory Military Service in Timor-Leste. Access here: [http://www.fundasaunmahein.org/wp-content/uploads/2013/05/MNL\\_Nu.-53\\_27052013\\_Militar-Obrigatoriupdf.pdf](http://www.fundasaunmahein.org/wp-content/uploads/2013/05/MNL_Nu.-53_27052013_Militar-Obrigatoriupdf.pdf)

<sup>2</sup> Program of the VIII Constitutional Government, 2018. Access here: [http://timor-leste.gov.tl/wp-content/uploads/2018/09/VIII-PROGRAMA-GOVERNU-REVISTU-HOKONTRIBUISAUN\\_CONSELHODMINISTROS200720181.pdf](http://timor-leste.gov.tl/wp-content/uploads/2018/09/VIII-PROGRAMA-GOVERNU-REVISTU-HOKONTRIBUISAUN_CONSELHODMINISTROS200720181.pdf)

<sup>3</sup> Press Release from meeting of the Council of Ministers on 28 October 2020. Access here: <http://timor-leste.gov.tl/?p=26006&lang=tp>



government policies relating to defense and security issues, and the information is sourced from official government reports. This method, which we call Security Sector Discussion (SSD), involves using FM's research to produce policy analysis and recommendations.

### **Implementation of promises made about Obligatory Military Service**

The policy of obligatory military service was originally introduced through the Military Service Law, which was approved in 2007 (LEI N.º 3/2007 "LEI DO SERVIÇO MILITAR" de 28 de Fevereiro), when Major-General Taur Matan Ruak was the commander of F-FDTL. However, it was altered the following year (LEI N.º 16/2008 de 24 de Dezembro PRIMEIRA ALTERAÇÃO DA LEI DO SERVIÇO MILITAR), to apply as a voluntary regime only. The reason for altering the law at the time was that obligatory military service would force many youths of working age to join the military, which would require massive government expenditure.

In 2012, Major-General Taur Matan Ruak resigned as commander of F-FDTL to stand as a candidate in the presidential election, and SMO became the keystone policy in his political campaign. During his mandate as President of the Republic, Taur Matan Ruak initiated discussions regarding SMO, alternatively referred to as the "Civic Citizens and Patriots" program.

However, there were protests from many sections of civil society which disagreed with the introduction of SMO in Timor-Leste. Reasons for disagreement included the fact that other sectors should be given priority before implementing SMO, as well as the concern that the President of the Republic does not have the authority to implement such programs, but that rather this is the Government's area of competency. As a result of these disagreements, discussion around the issue of SMO halted until after the end of Taur Matan Ruak's mandate as President.

In 2017, Taur Matan Ruak co-founded and led the Popular Liberation Party (PLP) into the parliamentary election campaign, as well as the early election in 2018. Military obligatory service appeared as a priority program of this new party, the PLP.

### **VIII Government Program for National Defense**

As mentioned above, the establishment of SMO was a long-term goal of Taur Matan Ruak since 2007. In 2018, when Taur Matan Ruak was nominated as Prime Minister of the VIII Constitutional Government, SMO was finally introduced into the Government Program.<sup>4</sup> Prime Minister Taur Matan Ruak nominated former Brigadier-General Filomeno Paixão to be Minister of Defense to deal specifically with the question of SMO.

The program of the VIII Constitutional Government in the area of defense states that it will "Promote military service, as a patriotic duty, and instill in professionals therein the

---

<sup>4</sup> Program of the VIII Constitutional Government, 2018. Access here: [http://timor-leste.gov.tl/wp-content/uploads/2018/09/VIII-PROGRAMA-GOVERNU-REVISTU-HOKONTRIBUISAUN\\_CONSELHODMINISTROS200720181.pdf](http://timor-leste.gov.tl/wp-content/uploads/2018/09/VIII-PROGRAMA-GOVERNU-REVISTU-HOKONTRIBUISAUN_CONSELHODMINISTROS200720181.pdf)

exemplary model of citizenship and integrity” and also to “Promote the study and reflection on the compulsory military service drafting”<sup>5</sup>.

Implementation of this program began under the leadership of former F-FDTL commander Taur Matan Ruak as Prime Minister, and the former F-FDTL vice-commander Filomeno Paixão as Minister of Defense, started with the revocation of the F-FDTL military statute (Decreto-Lei n.º 7/2014, de 12 de março, alterado pelo Decreto-Lei n.º 28/2016, de 13 de junho), which was replaced by the new F-FDTL military statute (DECRETO-LEI N.º 33 /2020 de 2 de Setembro NOVO ESTATUTO DOS MILITARES DAS FALINTIL-FORÇAS DE DEFESA DE TIMOR-LESTE), which introduced the Obligatory Military Service. The Government, through the Minister of Defense presented the regulation regarding SMO in the form of the Decree Law, which was approved by the Council of Ministers on 28 October 2020, and then sent to the President of Republic to study and promulgate.<sup>6</sup>

However, the fact remains that this program has been implemented without any study to determine whether SMO as described in the program of VIII Constitutional Government is truly necessary. The implementation of a program such as SMO must not be based simply on hopes and promises. Rather, a strategic perspective towards the state defense policy demands that the structure and functions of the national defense forces must be based on a thorough analysis of the strategic threats and interests of the state.

SMO was identified in the Strategic Defense and Security Concept (SDSC) which was approved in 2016.<sup>7</sup> However, the SDSC should not be considered as constituting national security doctrine, as it cannot precede the policies of National Defense and National Security. Indeed, the SDSC should respond to the objectives of the National Defense Policy under the national security framework, and not the other way round. However, until today the Government has not yet formulated a National Security Policy, nor updated the National Defense Policy.

Thus, the Government must make efforts to apply the existing defense and security laws, specifically Law No. 2/2010 (National Security Law) and Law No. 3/2010 (National Defense Law), which together provide the basis for formulating the National Security and Defense Policies. This can then clarify the direction and objectives of the SDSC, which is itself the basis for implementation of the policy of SMO, while also providing coherence to the National Security and Defense Policies.

### **Obligatory Military Service will hinder F-FDTL’s development**

The Government argues that SMO is needed “to respond to the needs of the military”. However, this argument has little basis in the current reality of F-FDTL. On the contrary, FM believes that SMO will hinder the development of F-FDTL, primarily because the

---

<sup>5</sup> Program of the VIII Constitutional Government, 2018. Access here: [http://timor-leste.gov.tl/wp-content/uploads/2018/09/VIII-PROGRAMA-GOVERNU-REVISTU-HOKONTRIBUISAUN\\_CONSELHODMINISTROS200720181.pdf](http://timor-leste.gov.tl/wp-content/uploads/2018/09/VIII-PROGRAMA-GOVERNU-REVISTU-HOKONTRIBUISAUN_CONSELHODMINISTROS200720181.pdf)

<sup>6</sup> Press Release from meeting of the Council of Ministers on 28 October 2020. Access here: <http://timor-leste.gov.tl/?p=26006&lang=tp>

<sup>7</sup> RESOLUÇÃO DO GOVERNO N.º 43/2016 de 14 de Dezembro. APROVA O CONCEITO ESTRATÉGICO DE DEFESA E SEGURANÇA NACIONAL

force's material conditions – including infrastructure, facilities and equipment – are unprepared to accommodate thousands of young people aged 18 and upwards completing compulsory service.

In the discipline of formulating defense policy, three key principles apply: strategic interests, condition of forces and alignment of force plans with the financial capacity of the state. In order to formulate a coherent and clear defense policy, these three factors must be well-aligned.<sup>8</sup> For this reason, the Government prioritized the revision of *Planu Força* (Force Plan) in 2020 to ensure that the defense force plan is well-adapted to the current reality. However, despite the establishment of a special task force by the Minister of Defense, the ambitious *Planu Força 2020* was not implemented, mainly due to lacking adequate contextual analysis and budget allocation.

Another key Government argument is that “Obligatory Military Service will train youth to become disciplined and patriotic”. While it is true that the military system does indeed teach discipline, as soldiers must be punctual and disciplined in order to execute their commanders’ orders, using the military is not the only way to instill such ideas and practices in the minds of the community. Instead, these things should ideally be taught within families, schools and the wider community. Changing people’s mentality cannot be done with only two or three years of military service, but requires much more time, beginning from when the baby is still in the mother’s womb, all the way through to older ages, and all while living as part of a community.

Military discipline demands that all simply say “ready”, while practicing blind obedience to the authority of their superiors. However, life demands much more than just military discipline, and life training teaches not only discipline but also argumentation and rational debate. This raises the profound and difficult question of how to improve discipline while not limiting reason and critical thinking. Of course, this is not to say that the military world is irrational; we are simply concerned that a purely military approach to training our youth will create challenges, especially with regards to their reintegration into our communities upon completion of their obligatory military service.<sup>9</sup>

### **Obligatory Military Service is a burden on state finances**

The SMO program will place a greater burden on the state’s expenditure, and will most likely be unsustainable, especially given the precarious state of our country’s finances today. As mentioned above, our defense force plans must be in alignment with the state’s overall financial capacity.<sup>10</sup>

---

<sup>8</sup> Fundasaun Mahein Report, 2013. Servisu Militar Obrigatoriu Iha Timor-Leste. Access here: [http://www.fundasaunmahein.org/wp-content/uploads/2013/05/MNL\\_Nu.-53\\_27052013\\_Militar-Obrigatoriupdf.pdf](http://www.fundasaunmahein.org/wp-content/uploads/2013/05/MNL_Nu.-53_27052013_Militar-Obrigatoriupdf.pdf)

<sup>9</sup> Fundasaun Mahein, 2013. Servisu Militar Obrigatoriu Iha Timor-Leste. Access here: [http://www.fundasaunmahein.org/wp-content/uploads/2013/05/MNL\\_Nu.-53\\_27052013\\_Militar-Obrigatoriupdf.pdf](http://www.fundasaunmahein.org/wp-content/uploads/2013/05/MNL_Nu.-53_27052013_Militar-Obrigatoriupdf.pdf)

<sup>10</sup> Fundasaun Mahein, 2013. Servisu Militar Obrigatoriu Iha Timor-Leste. Access here: [http://www.fundasaunmahein.org/wp-content/uploads/2013/05/MNL\\_Nu.-53\\_27052013\\_Militar-Obrigatoriupdf.pdf](http://www.fundasaunmahein.org/wp-content/uploads/2013/05/MNL_Nu.-53_27052013_Militar-Obrigatoriupdf.pdf)

Given Timor-Leste's current reality, it is extremely difficult, albeit not impossible, for the State to sustain a conscripted military force. We therefore emphasise that before embarking on our most ambitious programs, we must carefully and thoroughly study the current reality. Today, we face many difficulties in developing F-FDTL as a professional conventional force, the most important being the budgetary constraints. For example, only 6% of the 2020 State Budget was allocated to the defense and security sectors (including the Ministry of Defense, F-FDTL, Interior and PNTL and other security agencies), with F-FDTL itself only receiving around 2%. For comparison, Singapore, which also has compulsory military service, spends around ¼ of its annual budget on defense, the second highest proportion of military spending in the world, after Israel.<sup>11</sup>

At the same time, in poorer countries with limited finances greater spending on defense is likely to negatively impact investment in basic services such as health and education. Indeed, numerous countries with SMO programs have often discussed ending these programs, as they put a heavy burden on the state's expenses. It is impossible to compare Timor-Leste to a highly-developed country such as Singapore, and our Government must therefore develop programs which are aligned with Timor-Leste's reality.<sup>12</sup>

## **Conclusion**

The implementation of Obligatory Military Service by the VIII Constitutional Government represents the conclusion of a long-term goal of current Prime Minister Taur Matan Ruak. However, to our knowledge no serious analysis or study exists to prove whether it is necessary to implement SMO in Timor-Leste. We repeat that a strategic perspective towards the state defense policy demands that the structure and functions of the national defense forces must be based on a thorough analysis of the strategic threats and interests of the state. Programs such as SMO, which have major implications for our people and state, cannot be implemented based simply on ambitious hopes and campaign promises.

Furthermore, implementation of SMO in Timor-Leste is likely to hinder F-FDTL's development by over-burdening its limited resources, while sacrificing other essential and productive sectors and putting a heavy burden on the state's expenses. While it may not be impossible for the State to sustain the SMO program, our defense forces are currently facing numerous serious challenges and limitations. FM therefore recommends that the Government take care to fully understand the current reality before embarking on such ambitious programs as SMO.

## **FM recommendations**

1. The Government through the Minister of Defense should prioritize a review of the Planu Força 2020, in order to establish a defense force posture which is realistic

---

<sup>11</sup> GLOBAL MILITARISATION INDEX 2019. Access here: [https://www.bicc.de/uploads/tx\\_bicctools/BICC\\_GMI\\_2019\\_EN.pdf](https://www.bicc.de/uploads/tx_bicctools/BICC_GMI_2019_EN.pdf)

<sup>12</sup> Fundasaun Mahein Report, 2013. Servisu Militar Obrigatoriu Iha Timor-Leste. Access here: [http://www.fundasaunmahein.org/wp-content/uploads/2013/05/MNL\\_Nu.-53\\_27052013\\_Militar-Obrigatoriupdf.pdf](http://www.fundasaunmahein.org/wp-content/uploads/2013/05/MNL_Nu.-53_27052013_Militar-Obrigatoriupdf.pdf)



and contextual, rather than implementing Military Obligatory Service which will hinder the development of the defense sector and unnecessarily burden the state's expenses.

2. We recommend that the President of the Republic veto the new Regulations regarding the Obligatory Military Service presented by the government, and instead demand that other productive and essential sectors be given priority. This is because Obligatory Military Service lacks any serious cost-benefit analysis and is based instead on political promises, which is an extremely weak basis on which to implement such a major program.





## Bibliography

DECRETO-LEI N.º 33 /2020 de 2 de Setembro NOVO ESTATUTO DOS MILITARES DAS FALINTIL-FORÇAS DE DEFESA DE TIMOR-LESTE

Decreto-Lei n.º 7/2014, de 12 de março, alterado pelo Decreto-Lei n.º 28/2016, de 13 de junho

GLOBAL MILITARISATION INDEX 2019. Asesun iha ne'e: [https://www.bicc.de/uploads/tx\\_bicctools/BICC\\_GMI\\_2019\\_EN.pdf](https://www.bicc.de/uploads/tx_bicctools/BICC_GMI_2019_EN.pdf)

Press Release from meeting of the Council of Ministers on 28 October 2020. Access here: <http://timor-leste.gov.tl/?p=26006&lang=tp>

Lei N.º 2/2010 Lei Seguransa Nasional

Lei N.º 3/2010 Lei Defeza Nasional

LEI N.º 16/2008 de 24 de Dezembro PRIMEIRA ALTERAÇÃO DA LEI DO SERVIÇO MILITAR

LEI N.º 3/2007 "LEI DO SERVIÇO MILITAR" de 28 de Fevereiro

Planu Força 2020

Program of the VIII Constitutional Government, 2018. Access here: [http://timor-leste.gov.tl/wp-content/uploads/2018/09/VIII-PROGRAMA-GOVERNU-REVISTU-HOKONTRIBUISAUN\\_CONSELHODMINISTROS200720181.pdf](http://timor-leste.gov.tl/wp-content/uploads/2018/09/VIII-PROGRAMA-GOVERNU-REVISTU-HOKONTRIBUISAUN_CONSELHODMINISTROS200720181.pdf)

RESOLUÇÃO DO GOVERNO N.º 43/2016 de 14 de Dezembro. APROVA O CONCEITO ESTRATÉGICO DE DEFESA E SEGURANÇA NACIONAL

Fundasaun Mahein Report, 2013. Servisu Militar Obrigatoriu Iha Timor-Leste. Access here: [http://www.fundasaunmahein.org/wp-content/uploads/2013/05/MNL\\_Nu.-53\\_27052013\\_Militar-Obrigatoriupdf.pdf](http://www.fundasaunmahein.org/wp-content/uploads/2013/05/MNL_Nu.-53_27052013_Militar-Obrigatoriupdf.pdf)