



Report to Committee B of National Parliament on Defence, Security and Foreign Affairs Priorities in the Proposed General State Budget for 2024

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Introduction

On 29 August 2023, the Council of Ministers approved the calendar for preparation of the 2024 General State Budget (GSB), as presented by the Minister for Finance.¹ On 12 September, the Government began its budget discussion (Jornada Orsamentais),² and Fundasaun Mahein (FM) received an invitation to participate in this event. According to the calendar published by the Council of Ministers, the proposed budget law will be submitted to the National Parliament on 15 November.³

Therefore, FM would like to share our observations with the National Parliament and Government on priorities related to the defence, security and foreign affairs sectors which we believe should be incorporated into the 2024 GSB. This includes priorities for state institutions such as the Ministry of Defence, FALINTIL-Defence Forces of Timor-Leste (F-FDTL), Ministry of Interior, Timor-Leste National Police (PNTL), National Intelligence Service (SNI), Scientific and Criminal Investigation Police (PCIC), and the Ministry of Foreign Affairs and Cooperation (MNEC). Under the scope of the budget discussion, FM has presented this report to Committee B⁴ of the National Parliament during its meeting with the Committee on 20 September 2023.

Ministry of Defence and F-FDTL

To achieve the strategic objectives for the defence sector defined in the Program of the IX Constitutional Government, FM has identified several areas which we consider as particularly important for driving the development of the defence sector and safeguarding Timor-Leste's strategic interests. According to the IX Government Program, the key objective related to the defence sector which the government aims to achieve within the next five years is:

“Review and update the "Force Strategic Study - 2020" [*Força 2020*] and redefine the development and consolidation plans of the F-FDTL, in what is still necessary until the construction of the structuring documents of the Strategic Defence and Military Planning”⁵

The ambitious policy document *Força 2020* was originally published in 2007 and formed the basis of the national defence policy and development plan for F-FDTL. During the implementation of this policy, some of its contents lost relevance, particularly shifts in the regional and global strategic context, as well as related threats and risks to Timor-Leste's national security. In addition, the state's financial capacity was inadequate to sustain the implementation of the plan

¹ Presidency of the Council of Ministers (2023). Meeting of the Council of Ministers on August 29th, 2023. Accessed on 12 September 2023. Available here: <http://timor-leste.gov.tl/?p=33720&lang=en>

² Jornada Orsamentais 2024. Accessed on 12 September 2023. Available at: <http://timor-leste.gov.tl/?p=33999&lang=tp>

³ Presidency of the Council of Ministers (2023). Meeting of the Council of Ministers on August 29th, 2023. Accessed on 12 September 2023. Available here: <http://timor-leste.gov.tl/?p=33720&lang=en>

⁴ The committee which deals with defence, security, foreign affairs and international cooperation.

⁵ Programme of the IX Constitutional Government. Accessed on 12 September 2023. Available here: <http://timor-leste.gov.tl/?cat=39&lang=en>

and reach its ambitious targets. Despite these issues, the Government continued to embrace the policy until 2020 without re-evaluating its relevance.

In previous reports, FM recommended to the Government to revise *Força 2020*. We note that the *Força 2020* Office under the Ministry of Defence is responsible not only for policy's implementation, but also for evaluating it to determine its relevance and ensure that it reflects the state's budgetary capacity. If this is not done, the result is poor implementation and failure to achieve the ambitious objectives laid out in the policy.⁶ Therefore, while FM agrees that the policy should be prioritised, it is also necessary to revise and update the study which forms the basis of the policy, in order to re-define the national defence policy and plan for development and consolidation of the armed forces.

The policy mentioned above is also aimed at strengthening the capacity of the naval component of F-FDTL related to defence, surveillance, control and oversight of maritime and port activities under the scope of the Maritime Authority of Timor-Leste. The latter are particularly important for preventing illegal activities in the southern sea of Timor-Leste (Tasi Mane) such as illegal fishing. This is highlighted by the Ministry of Agriculture and Fisheries' 2022 report which found that Timor-Leste loses around \$300 million in revenue due to illegal fishing activities each year.⁷

FM also suggests to the Ministry of Defence to continue providing training to strengthen the capacity of the armed forces to support the civilian population during natural disasters and other emergency situations under the scope of the integrated national security system. The 2021 floods and COVID-19 pandemic provided useful lessons on the involvement of the armed forces in situations where the people require emergency assistance. To achieve this, the Government must also promote development of F-FDTL's air support component, not only to participate in national defence and monitor national airspace but also to engage in humanitarian missions to support the civilian population.⁸

Ministry of Interior and PNTL

The principal objective related to internal security which the IX Government Program aims to achieve in the next five years is:

“Evaluate, review and update the 2030 Homeland Security Strategic Plan to adapt it to the current challenges of the Homeland Security and Civil Protection sectors”⁹

⁶ Fundasaun Mahein (2017). Security Sector Policy is Not Yet a Priority in Timor-Leste. Accessed on 29 September 2023. Available here: <https://www.fundasaunmahein.org/2017/02/09/security-sector-policy-is-not-yet-a-priority-in-timor-leste/>

⁷ Report of the Ministry of Agriculture and Fisheries 2023. Accessed on 2 October 2023. Available here: <https://tatoli.tl/2023/08/25/2018-2021-tl-lakon-ikan-maizmenu-388-1720-tonelada/>

⁸ Programme of the IX Constitutional Government. Accessed on 12 September 2023. Available here: <http://timor-leste.gov.tl/?cat=39&lang=en>

⁹ Ibid.

According to FM's monitoring, the implementation of the Internal Security Strategic Plan (PESI) 2030 has arrived at Phase III, Strengthening the Basis of Peace and Stability (2021-2050). However, the IX Government Program mentions that, as a result of the "the stagnation suffered for six long years", it is necessary to evaluate the implementation of PESI 2030. This will also involve revising PESI 2030 so that it conforms to the current internal security reality and context, as well as the developmental needs of the security institutions.

In 2024, in addition to revising PESI 2030, FM suggests that the Ministry of Interior prioritises the elaboration of the National Security Policy (NSP), which should have been developed during Phase I and II of PESI 2030. In FM's view, the NSP is extremely important as it forms the basis of the national security plan, strategy, concept and doctrine. Moreover, the NSP plays an important role now and in the future in identifying fundamental national interests and orienting responses to threats, risks and opportunities. Normally, the NSP serves as the supreme guide for all other security policies, such as military doctrine, internal security strategy and other issues which fall under the scope of security institutions. The NSP is also different from other security policies in the sense that it responds to both internal and external threats.¹⁰

FM also recommends that the Government continue to prioritise the PNTL Strategic Plan, as mentioned in PESI 2030. As outlined in this study, community policing must continue as the central philosophy and strategy underpinning PNTL's operations. Moreover, this philosophy must be implemented at all levels, encompassing all units, services and departments of PNTL. The Strategic Plan also introduced the VIP concept (visibility, involvement, professionalism), which has become the main doctrine of PNTL. This means that PNTL must be visible in all places, involve communities in its policing actions and maintain professionalism at all times.

By adopting the community policing model, PNTL can be more visible in communities by patrolling homes, and through regular meetings with local authorities and with local communities. PNTL units and services can conduct patrols in public roads and land and sea borders, thereby preventing activities which contribute to movement of contraband through land and sea borders. The Government must also continue to provide training to PNTL members in areas related to gender-based violence, so that PNTL members are aware of and responsive to gender issues.

FM recommends continuous strengthening of the Department of Traffic and Road Safety at the national and municipal levels, to maintain the visibility of *Tránsito* officers to implement the Highway Code to prevent traffic accidents and road violations by motorists. According to PNTL reports, during the last five years the main factor contributing to increased traffic accidents has been driver behaviours such as violating road rules, driving while intoxicated and speeding.

Finally, the Government must strengthen the police information service or criminal intelligence through the Police Information Department, particularly its capacity to collect and analyse data

¹⁰ Fundasaun Mahein (2017). Security Sector Policy is Not Yet a Priority in Timor-Leste. Accessed on 29 September 2023. Available here: <https://www.fundasaunmahein.org/2017/02/09/security-sector-policy-is-not-yet-a-priority-in-timor-leste/>

delated to criminal activities and internal security matters. Support should also include strengthening capacity of police officers to investigate complex and organised criminal activities.

National Intelligence Service

Based on FM's monitoring during 2022-23, the VIII Government approved two important legal frameworks related to SNI: the revised SNI Organic Law and the new Personnel Statute. However, the President of the Republic vetoed these revised laws in April 2023. The IX Government is reconsidering these laws and has noted them as priority issues for the next five years.¹¹

In an article published in April 2023, FM stated that the approval of these legal frameworks was a positive step towards strengthening SNI's professionalism.¹² At the same time, government must invest in cybersecurity and cybernetic intelligence, as in today's globalised world, all systems including governance systems are becoming digitalised. It is therefore important for all security institutions, particularly intelligence services to be adapted to these realities. This is even more relevant given that the submarine cable project will soon be constructed, meaning that the state must guarantee the security of this essential infrastructure.

Scientific and Criminal Investigation Police

Based on FM's observations, the Government should revise the Law on Organisation of Criminal Investigation (LOIC) and invest in building PNTL's capacity in the area of criminal investigation. As FM wrote previously in 2022, LOIC will not resolve the ongoing controversy or rivalry between the National Police of Timor-Leste (PNTL) and the Scientific and Criminal Investigation Police (PCIC), which has provoked much discussion within Timorese society. The main reason is that FM see that this Law gives greater competencies to PCIC, while removing competencies related to criminal investigation which until now have been exercised by PNTL. Moreover, the Law only allows PNTL to act on criminal investigation based on specific request from the Public Prosecutor, in jurisdictions areas when PCIC does not have a presence. This means that PNTL will only focus on public order issues, while criminal investigation becomes the competency of PCIC only, as the superior body of the criminal police.

FM views LOIC as likely to provoke further institutional fragility while not providing a meaningful solution for PNTL's institutional development, which is an extremely pertinent and important issue. Moreover, this Law does not value or uphold the institution of PNTL, which has existed since our independence, and instead weakens PNTL while strengthening PCIC. Therefore, FM is concerned that this Law can provoke tension and conflict between these two institutions. Timor-

¹¹ Programme of the IX Constitutional Government. Accessed on 12 September 2023. Available here: <http://timor-leste.gov.tl/?cat=39&lang=en>

¹² Fundasaun Mahein (2023). Revision of the National Intelligence Service Legal Framework: a Significant Step Towards Strengthening its Professionalism. Accessed on 12 September 2023. Available here: <https://www.fundasaunmahein.org/2023/04/26/revision-of-the-national-intelligence-service-legal-framework-a-significant-step-towards-strengthening-its-professionalism/>

Leste's past experiences – including the 2006 crisis through to the political impasse of 2017-2021 – teach us that conflict between security institutions is a major threat to national stability and security.¹³

FM has mentioned many times that PCIC is a policing model copied from Portugal (the Judicial police under the Ministry of Justice), which reflects Timor-Leste's dependency on foreign advisors. This problem is particularly serious when advisors who lack knowledge of Timor-Leste's context are heavily involved in drafting laws, and simply copy-paste laws from Portuguese-speaking countries. We repeat our warning that policies or institutions which are directly copied from other contexts without adequately adapting them to Timor-Leste's context can provoke institutional fragility and weaken existing practices.

Therefore, FM supports government programs to reform PCIC, including by placing it under the command of PNTL, with the objective of increasing its capacity for actions related to prevention, detection and investigation of crimes. It is also important to invest in laboratories and scientific equipment while increasing training of PNTL in the area of criminal investigations.

Ministry of Foreign Affairs and Cooperation

An important document related to the external or foreign policies of Timor-Leste is the Foreign Policy White Paper. However, during the last twenty years, this document has not yet been elaborated. Therefore, FM suggests that MNEC prioritise the development and approval of this document.¹⁴

The Foreign Policy White Paper relates to the strategic interests of Timor-Leste which fall under the scope of bilateral cooperation and regional integration. As Timor-Leste is now an observer member of ASEAN, FM recommends strengthening and preparing human resources in the strategic areas under the ASEAN Pillars. This will enable Timor-Leste to have a voice and contribute to strategic decisions during ASEAN forums, thereby promoting Timor-Leste's interests while benefiting ASEAN as a whole.

The number of Timorese going to work abroad continues to rise, and the government must therefore prioritise protection for Timorese living and working abroad. This requires strengthening Timor-Leste's diplomatic services stationed abroad. An important lesson can be drawn from the experiences of Timorese workers in Portugal who have fallen victim to organised crime groups, but the Government lacks the ability to protect them. With many Timorese workers in the United Kingdom, Canada, Australia, South Korea and Japan, Timor-Leste's diplomats must have the capacity to provide protection and assistance, as this is a right which the state must guarantee.

¹³ Fundasaun Mahein (2022). Law on Organization of Criminal Investigation will not resolve controversy and rivalry between PNTL and PSIK. Accessed on 20 September 2023 and available here: <https://www.fundasaunmahein.org/2022/07/25/law-on-organization-of-criminal-investigation-will-not-resolve-controversy-and-rivalry-between-pntl-and-psik/>

¹⁴ Programme of the IX Constitutional Government. Accessed on 12 September 2023. Available here: <http://timor-leste.gov.tl/?cat=39&lang=en>

Finally, the state must continue to promote good relations with neighbouring countries such as Australia and Indonesia which adopt the common principles of democracy and human rights. At the same time, Timor-Leste should continue to work with partners such as China, Japan, South Korea, the United States of America, the European Union, ASEAN and the Community of Portuguese-speaking Countries (CPLP), to promote Timor-Leste's development.

Recommendations

FM recommends to Committee B of the National Parliament and the IX Government to prioritise strategic issues related to defence, security and foreign affairs, including the elaboration and development of:

1. National Security Policy
2. National Defence Policy
3. Foreign Policy White Paper
4. Internal Security Strategic Plan
5. PNTL Strategic Plan

We also recommend that the National Parliament revise LOIC and reform PCIC, including by placing it under the command of PNTL, while investing in laboratories and scientific equipment and increasing training of PNTL in the area of criminal investigations.

Investment is also needed to strengthen PNTL capacity to conduct patrols and collect information to identify and prevent activities which contribute to crime. Similarly, the intelligence services require investments to increase their capacity to collect and analyse data, and to boost cybernetic intelligence and security capabilities of the National Intelligence System.

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