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CSG PAPERS

Assessing the Impact of Orthodox Security Sector Reform in Timor-Leste

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ABOUT THE PROJECT

This paper is the product of a multi-year CSG research project, titled *Exploring the transition from first to second generation SSR in conflict-affected societies*. Led by CSG Executive Director Mark Sedra, the project assesses and evaluates the impact of orthodox security sector reform (SSR) programming in conflict-affected countries. Employing a common methodology, the project features original research on four case study countries: Bosnia-Herzegovina, El Salvador, Sierra Leone and Timor-Leste. The case study countries chosen each feature two broad characteristics: they are recovering from conflict and making transitions from war to peace; and they are mature cases of SSR, in that they have been subjected to at least ten years of externally supported SSR programming of some form. It is also important to note that geographical diversity played an important role in case study selection, with four distinct regions represented— Balkans, Central America, West Africa, and Asia-Pacific.

The SSR model as it is applied in war-to-peace transitions and broader state building projects is in the midst of a period of change. Over a decade of case study analysis, particularly in conflict-affected environments, has shown that the SSR model, as outlined in formative documents like the *OECD DAC Handbook on Security System Reform*, has had a meager record of achievement. A survey of key SSR implementation cases demonstrates a distinct conceptual-contextual gap. The principal tenets and features of the SSR model, like its holistic character, focus on governance, and human security orientation are rarely translated into practice in conflict-affected SSR settings. It can be argued that the SSR model in its fundamental form has never actually been applied as designed in conflict-affected environments, prompting many scholars and practitioners to explore new approaches seen as more viable in difficult implementation settings. This thinking is often loosely grouped under the heading of second generation SSR, involving a move to a new, more contextually attuned reform approach. This second generation SSR discourse is still nascent and ill-defined but rapidly taking form and gaining momentum.

The dominant objective that has united the still disparate second generation SSR thinking is the imperative of narrowing the conceptual-contextual gap. This discourse has already spawned some ad hoc programmatic initiatives in conflict-affected settings, often revolving around notions of empowering non-state security and justice providers as a means to build more sustainable and locally legitimate reform outcomes, or employing interim stabilization measures to help shape conditions for more conventional SSR interventions. In spite of the SSR model's mixed record, SSR stakeholders and observers are not calling for its jettisoning, but rather a refashioning of the model's core methods and good practices to make it more applicable in conflict-affected environments.

This project seeks to contribute to the gradual shift or transition in SSR policy and practice, through comparative analysis of four prominent conflict-affected SSR cases. By investigating the impact of conventional SSR and tracking entry-points for alternative approaches, the project aims to generate innovative, evidence-based insights and practical recommendations to improve SSR policy and programming in conflict-affected contexts. Importantly, the project will provide a detailed evidence base on how SSR has been applied to transform the security and justice architectures of states making war-to-peace transitions. The project will ascertain what works and does not work in the application of the orthodox SSR model, and by extension if and how a second-generation SSR approach could deliver better results in conflict-affected environments.

As already mentioned, alternative or second-generation SSR initiatives are already emerging organically in many reform contexts, thus part of the purpose of the project will be to identify these instances and investigate whether they can inform changes to the wider SSR model. On a broader level the project seeks to advance constructive dialogue on the future of the SSR model, which has come under increasing scrutiny and pressure among policy-makers, practitioners and analysts in donor and recipient states alike due to its mixed record of achievement in conflict-affected environments.

The project seeks to answer the following main research questions for each case:

1.   To what extent and how have SSR efforts followed the orthodox SSR model as described in the *OECD-DAC Handbook on SSR*? In assessing SSR efforts in each case study country, how have orthodox SSR approaches succeeded and failed and why?

2.   What alternative approaches or entry-points for security and justice development programs are available? Are they used, and if so, how? If not, why?

The project has produced two reports per case study country—eight in total—one for each of the aforementioned research questions. The final report of the project—the ninth in the series—will synthesize the results of the case study research, drawing conclusions about the efficacy of orthodox SSR approaches and the potential for second generation SSR ideas.

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EXECUTIVE SUMMARY

Timor-Leste has experienced a combination of United Nations (UN), bilateral and Government of Timor-Leste (GoTL)-led Security Sector Development (SSD) efforts since its people voted for independence from Indonesia in 1999. Early UN missions took political decisions in the formation of the security sector that institutionalized factionalism that would later rupture in the 2006 crisis. These missions tied SSR objectives to peacekeeping mandates rather than acknowledging that SSR and SSD must constitute longer-term processes to enable democratic values to take root and oversight systems to evolve.

Following the 2006 crisis, the GoTL took a stronger lead in shaping SSD, leading to a struggle with the UN and other international agencies for control of the process. The overcrowded SSD field with multiple agencies and contradictory influences was a further hindrance to coherent SSD. The failure of international actors to engage politically and engender state ownership of the SSD processes was a lost opportunity. As a result, many of the government's own initiatives did not meet internationally-upheld democratic benchmarks. The compromises made continue to blight the security sector context today, however, they were, in the eyes of the government, political necessities for the survival and stability of the new state.

Following the withdrawal of the last UN mission, UNMIT, in 2012, the SSD field has become less crowded. While there are fewer bilateral agencies involved, some inconsistencies and contradictions between approaches to SSD remain. The GoTL is however being more directive of international support and is demanding more collaboration, coordination and consistency from its partners. New, second generation approaches to SSD are emerging that are working more closely with government systems as well as non-state actors and informal justice systems to bring about a more gradual, but more embedded process of transition towards improved democratic accountability in Timor-Leste's security sector.

ACRONYMS & ABBREVIATIONS

CAVR	Commission for Reception, Truth and Reconciliation
CNRT	*Conselho Nacional da Resistência Timorense* (National Council of Timorese Resistance)
CPD-RDTL	*Conselho Popular pela Defesa da República Democrática de Timor-Leste* (Popular Council for the Defence of the Democratic Republic of Timor-Leste)
CSO	civil society organization
EWER	Early Warning, Early Response conflict prevention program led by NGO Belun
FALINTIL	*Forças Armadas da Libertação Nacional de Timor-Leste* (The Armed Forces for the National Liberation of East Timor)
F-FDTL FALINTIL	*Força de Defesa de Timor-Leste* (FALINTIL Defence Force of Timor-Leste)
FRETILIN	*Frente Revolucionária de Timor-Leste Independente* (Revolutionary Front for an Independent East Timor)
GNR	*Guarda Nacional Republicana* (Portuguese Republican National Guard)
GoTL	Government of Timor-Leste
ICG	International Crisis Group
IDPS	International Dialogue for Peacebuilding and Statebuilding
IPAC	Institute for Policy Analysis of Conflict
ISF	International Stabilisation Force
KRM	*Konselhu Revolusaun Maubere* (Revolutionary Council of the Timorese People)
MAGs	martial arts groups
MP	Member of Parliament
NDCP	National Department for Community Policing
NGO	non-governmental organization
PDHJ	*Provedor ba Direitus Umanus no Justisa* (Ombudsman for Human Rights and Justice)
PNTL	*Polísia Nasional Timor-Leste* (Timor-Leste National Police)
POLRI	*Kepolisian Negara Republik Indonesia* (National Police of the Republic of Indonesia)
PSIK	*Polísia Sientifika Investigasaun Kriminál* (Forensic Criminal Investigations Police)
SPO	*suco* police officer
SSD	security sector development

SSR	security sector reform
TLPDP	Timor-Leste Police Development Program
UNAMET	United Nations Assistance Mission in East Timor
UNDP	United Nations Development Programme
UNMISET	United Nations Mission of Support in East Timor
UNMIT	United Nations Integrated Mission in Timor-Leste
UNOTIL	United Nations Office in Timor-Leste
UNPOL	United Nations Police
UNTAET	United Nations Transitional Administration for East Timor
USAID	United States Agency for International Development

INTRODUCTION

This paper assesses the impacts of orthodox security sector reform (SSR) in Timor-Leste. It will explore the approaches to SSR utilized in Timor-Leste over the last one and a half decades, since the East Timorese people voted to become an independent nation in 1999. It will assess the impacts of efforts to establish and develop the new security sector institutions. These include efforts led by international interventions through a series of United Nations peacekeeping missions and by multilateral and bilateral organizations, as well as by the Government of Timor-Leste (GoTL) itself. It will review how these approaches evolved over time, their impact on the lead-up to the political-military crisis in 2006 and the ensuing stabilization and reform efforts. The paper will acknowledge the successes achieved through conventional SSR approaches, but also identify the challenges that limited their ability to achieve the broader objectives of traditional SSR, as outlined in the 2007 OECD DAC *Handbook on Security System Reform*:

• establishment of effective governance, oversight and accountability in the security system;

• improved delivery of security and justice services;

• development of local leadership and ownership of the reform process; and

• sustainability of justice and security service delivery.

The findings from this case study will contribute to the broader review of the observed transition of approaches to SSR policy and practice in conflict-affected countries. It will highlight lessons that can be learned to inform the planning of future Security Sector Development[1] (SSD) in conflict-affected contexts. These lessons will inform the development of pragmatic recommendations as to how SSR efforts can more effectively support of rebuilding stable, effective, accountable, and rights-respecting security sectors capable of guaranteeing fair and equal access to justice and security services for communities and citizens.

This research followed a methodological approach consisting of qualitative interviews and a literature review. The literature review included relevant academic literature, organizational reports and evaluations of SSR-implementing agencies, online and print media, as well as commentary on SSR and development processes in Timor-Leste and globally. Semi-structured interviews were conducted with 20 leading stakeholders involved in SSD in Timor-Leste over the last 15 years. They included current and former representatives of the Timor-Leste government, the National Parliament, the Secretariat of State for Defence and Security, the military and police forces, civil society actors and leading policy advisers of SSR from the United Nations, and multilateral and bilateral agencies.

SUMMARY OF MAIN FINDINGS

> "Legitimacy does not derive solely from effectively functioning institutions... Such institutions must also resonate with societies in order for them to be considered legitimate and to become embedded in society. This involves the penetration of the state into society such that citizens take the presence of the state and its rules for granted; they accept the state's right to rule and its position as the highest political authority." (Governance and Social Development Resource Centre, 2013)

SSD remains one of the most crucial aspects of Timor-Leste's progress toward peace and stability. The security sector in Timor-Leste has made great strides in technical capacity development over the first 15 years of its development. As a whole, the sector still suffers from contested legitimacy and the lack of a clear end vision for its strategic development.

This paper explores the progress made in the efforts of the GoTL and its development partners in strengthening the technical capacity of the security forces, and their utilization to maintain national stability. It also reviews the comparative contribution of these factors to the consolidation of the long-term legitimacy and sustainability of the sector.

Timorese security sector institutions have made cumulative gains in professionalization and technical capacity since their establishment. Defence and security legislation are undergoing renewed government-led revisions, and institutional accountability is gradually improving. The defence and security institutions have developed strategic plans, which appear to hold higher levels of national ownership than their internationally driven precursors. Increasing advocacy from district-level police for a more community-oriented approach across the national police (*Polísia Nasional Timor-Leste* [Timor-Leste National Police] [PNTL]) signals movement toward a more holistic, human security-oriented approach to policing. Crucially, the PNTL and the military (*Forças Armadas da Libertação Nacional de Timor-Leste* [the Armed Forces for the National Liberation of East Timor] [FALINTIL] and *Força de Defesa de Timor-Leste* [FALINTIL Defence Force of Timor-Leste] [F-FDTL]) have stronger cohesiveness since the pressures that fragmented the two forces, leading to the 2006 crisis. The forces withstood renewed pressures that threatened to again divide them during political tensions over testimonies of resistance histories between 2013 and 2015. Citizen perception data demonstrates high levels of trust in the police, notwithstanding a number of caveats including concerns over abuse of power and physical abuse (The Asia Foundation, 2015a).

The significant progress made in security sector consolidation in Timor-Leste has contributed greatly to national stability, and increased perceptions of security in communities. There are, however, two key challenges that threaten the legitimacy of the security sector, which reform efforts, led by both the government and its development partners, have not yet been able to address.

The first challenge is the lack of a clear overarching and consensual vision for the appropriate size and roles of the future security sector institutions. To a certain extent, this is a legacy of the limited political and citizen consultation able to be generated during the design phase of the security and defence forces. The design followed a standard model and assimilated the existing personnel at hand. The political differences within and between the two forces instituted inherent fragilities, which fed the causes of a political-military crisis in 2006. The government's intention to develop a national security policy to guide the development of national security legislation was interrupted by the crisis, which increased the imperative to formalize legislation to clearly define the roles and responsibilities of the police and defence forces (International Security Sector Advisory Team, 2012). The new legislation and policy, developed in parallel, set out the framework for an "integrated" model for the security sector, where the military could intervene in internal security issues deemed beyond the capacity of the police to respond to alone. However, despite the mandate for the military to support the police for internal security concerns, there has been an ever-increasing militarization of the police force through expansion of paramilitary "special units" in addition to forensic and intelligence units outside of the official police framework. These contradictory trends confuse citizens as to characteristics they should expect from each of the forces, undermining their legitimacy.

The research discerned considerable impetus among a number of diverse key national stakeholders who recommend that Timor-Leste eventually move away from a traditional defence and security force model. They recommend clarifying the integrated approach, with the PNTL prioritizing community policing, and the military reinforcing internal security and stability rather than maintaining a large military force to guard against improbable external threats. Bouts of insecurity and competing theories and expectations from the various multilateral and bilateral support programs have stalled subsequent opportunities for national dialogue to develop a consensual vision for the most appropriate design for the future of Timor-Leste's security institutions.

The second key challenge is the failure of democratic checks and balances to control the proper use of the security sector institutions. This includes weaknesses in the strength and independence of the parliament and judicial systems to oversee deployment of the forces for special operations. The overly cautious policy of donor and UN engagement toward "working politically" meant that international efforts and achievements were more focused on measurable, technical gains than engaging more carefully on the democratic foundations and governance structures of the security sector. It was not the UN's failure to follow the guidelines of the SSR Handbook that limited its effectiveness, but rather its meagre gains in generating broader political buy-in on the importance of democratic oversight and accountability of the security forces. As a result, there was a weak sense of ownership by key security sector actors in the process of designing and reforming the sector.

The current and successive governments in Timor-Leste have an important task ahead toward addressing these challenges in order to strengthen the coherence and legitimacy of the security sector. Legitimacy can be gained, to some extent, by increasing performance and responsiveness and reducing the abuse of power and excessive use of force. Another essential element for long-term legitimacy will be a strengthening of the democratic checks and balances that determine the deployment and mandates of the security forces, particularly for assessing when circumstances are critical enough to require joint military-police operations. These efforts will assist in overcoming the limitations that still hamper the reputation of the PNTL and will support the development of an effective and legitimate security sector that aligns with the needs of the local context and population.

Emerging second-generation SSR approaches, supporting longer-term, lighter, more political and iterative engagements with security sector institutions are enabling broader institutional transformation. The subsequent increase in support by local actors for improved outcomes for citizens' personal and human security to sustain a deeper cultural change is leading toward increased legitimacy of the security forces. Over time, these processes could further consolidate political will to generate a consensual vision for the structure of the security sector, as well as deeper political conviction in the need for the security sector to be accountable to its democratic oversight bodies.

OVERVIEW & EVOLUTION OF THE SSR PROCESS IN TIMOR-LESTE

Problems Intended to be Addressed by SSR

On August 30, 1999, 78.5 percent of Timorese citizens voted to reject the proposed special autonomy for East Timor, leading to the country's separation from Indonesia (United Nations, 1999). The referendum was facilitated by the United Nations following 24 years of Indonesian occupation. The outcome of the referendum was met with fearsome hostility by the Indonesian forces and militia, who initiated a bloody retreat into West Timor, causing destruction of infrastructures and mass displacement; between 1,400 and 2,600 people were unlawfully killed or disappeared (Commission for Reception, Truth and Reconciliation [CAVR], 2006: 9). The 1999 referendum and crisis ushered in a United Nations Transitional Administration for East Timor (UNTAET), which undertook the process of establishing the frameworks of the new state, including a security and defence force and the corresponding civilian oversight institutions.

The creation of the two forces was a political necessity in the throes of stabilizing the country and securing its border with Indonesia. In the early 2000s, it was the policy of the council of Timorese political representatives, the *Conselho Nacional da Resistência Timorense* (National Council of Timorese Resistance) (CNRT)[2] not to set up a military force.However the CNRT and UNTAET were faced with the compound challenges of

demobilizing, and finding a role for the FALINTIL fighters, provisionally stationed in cantonment in Aileu, as well as the urgency to set up a police force. This resulted in the decision to follow the traditional model. The military recruitment criteria required officers to be under 21 years old, precluding the majority of former-FALINTIL fighters (La'o Hamutuk, 2005). The first 650 F-FDTL recruits were selected from 1,736 former-FALINTIL applicants (Rees, 2003), excluding over 1,300 expected to be automatically integrated. Instead, many youths from the districts were recruited. Furthermore, the process was conducted confidentially by UNTAET and its primary interlocutor, then commander in chief of FALINTIL, president of the CNRT and the Association of Veterans of the Resistance, Xanana Gusmão. UNTAET did not adequately consult *Frente Revolucionária de Timor-Leste Independente* (Revolutionary Front for an Independent East Timor) (FRETILIN) leadership who formed the first government, many of whom strongly contested the process of formation of the security sector forces (Rees, 2003). The establishment of the PNTL drew from those with existing professional policing experience, former *Kepolisian Negara Republik Indonesia* (National Police of the Republic of Indonesia) (POLRI). Around 340 former POLRI were recruited (Soux et al., 2007) and held the majority of the senior positions, including the first PNTL commissioner (Rees, 2003). The UN police chief publicly opposed the FRETILIN proposal to recruit residual veterans into the police service, fearing it would further undermine the institution's tenuous professionalism (ibid., 2003).

The lack of political inclusiveness in the formation process gave rise to a legacy of disaffected veterans (La'o Hamutuk, 2005) whose grievances have continued to challenge state legitimacy and national stability to the present day.

UNTAET also had to establish all state structures, including initial judicial and legal systems, i.e., the Prosecutor General's Office, a Defender Service, three District Courts, a Court of Appeals, and three prisons (United Nations, 2002). It also established political structures through a National Council to begin initial governance responsibilities in preparation for an election for the constituent assembly members. Following the transitional period, Timor-Leste's new government was formed on May 20, 2002. The UN then took on a supporting role to the new government through the new United Nations Mission of Support in East Timor (UNMISET), from May 2002 to May 2005.

Timor-Leste's first decade of independence was marked by a number of protests and periods of civil unrest, which threatened its viability as a new nation. These protests were led by disaffected veterans and political groups who disagreed with the process of formation of the security sector institutions. This unrest instigated multiple extensions and renewals of UN mandates in Timor-Leste, each with the role of peacekeeping and stabilization as well as institutional development of Timorese authorities, including the security forces (see Box 1). The most significant crisis, in 2006, led to widespread violence and the displacement of over 150,000 people. The underlying issues that made the

Timorese context vulnerable to unrest in 2006 were multi-layered. The formation of a new state structure that represented a significant departure from the governance models used under the Indonesian administration created substantial unmet expectations relating to access to influence, resources and services within the newly independent state between social groups. This was largely due to the shrinking of state services and agricultural support (Engel, 2007: 13) through the increased centralization of the new government, making it even harder to live on subsistence agriculture in rural areas.

Within such a context of unease, those with political interests could pursue them along a number of fracture lines within the state and society. The crisis itself was provoked by the dismissal of 594 soldiers — "petitioners" mainly from western districts (*loromonu*) — who had submitted a written petition to Brigadier General Taur Matan Ruak and President Gusmão[4] on January 9, 2006 claiming discrimination against westerners within the F-FDTL. The protests of the petitioners revealed institutional challenges within and between the new security and military entities. Grievances included perceptions of competing mandates between the army and the police as well as historical differences; the F-FDTL dominated by former FALINTIL members, with the PNTL including members of former POLRI. The two forces viewed one another with disdain, escalating to overt confrontation during the crisis. The F-FDTL opened fire on PNTL headquarters, killing nine unarmed police officers (International Crisis Group [ICG], 2008: 2).

Political inflammation of the perceived divisions between the *lorosae* (easterners, people from the three most eastern districts of Timor-Leste) and *loromonu* (westerners, people from the 10 western districts of Timor-Leste) and prejudice over their respective contributions to the resistance against the Indonesian occupation ignited divisions across society. The crisis brought the new nation to its knees, and unravelled the security sector institutions. International stabilization forces were brought in and a new UN peacekeeping mission (United Nations Integrated Mission in Timor-Leste [UNMIT]) established to focus on rebuilding and reforming the security sector.

Following the crisis, a number of improvements were seen in the further development of Timor-Leste's security sector institutions. Nonetheless, questions of legitimacy, particularly for the PNTL, linger. The F-FDTL still carries stronger legitimacy with eastern communities, FRETILIN supporters and veterans. The army is often called in when high-profile incidents involve those groups, such as the shooting of a FRETILIN supporter from Uatulari in Viqueque following the 2012 elections. The divisions within and between the two groups are still potent and represent an ongoing challenge for the new nation.

Initial Challenges

SSR processes are generally designed for the reform of existing institutions; however, in Timor-Leste, the UN helped craft security forces and oversight institutions from scratch. By allowing Gusmão to select his supporters for F-FDTL, deep political discontent began to brew among those with historical differences with Gusmão. The political compromise to bring some former-POLRI into the PNTL despite citizen perceptions of their collaboration in abuses by the Indonesian administration, and the lack of effective consultation with strategic national actors, led to a police force that faced serious challenges to its legitimacy. Insufficient involvement of representatives from other sectors of politics or society was also pointed out as a failure in the application of the SSR concept. Civil society did not have significant access: "There was the need to build a strong foundation through discussion, but all [decisions were] made in a hurry, thus the foundation was fragile."[5] Many members of the new police felt threatened: "The former (Indonesian) police when they joined PNTL, knew that they would need to be expelled someday, this fear emerged when a group inside the PNTL presented itself as nationalist police...so they were careful to recruit their family members into the police."[6] These factors inevitably created factionalism within the institution. The compromises required to form the security sector institutions instituted inherent fragilities in the legitimacy of the two forces, which eventually became so destabilizing that they contributed to the political-military crisis in 2006.

Peacekeeping missions are not well suited to the long-term political engagement and institutional development activities of supporting SSD and reform (Rees, 2006). Their mandates are always focused on making decisions that will enable the missions to end as soon as possible. UN missions in Timor were no exception. The limitations of the time frame for the planned exit strategy for the UNMIT peacekeeping mission meant that the missions could not succeed in setting firm foundations for reform and transformation within the security sector that should be linked to a long-term development strategy (Funaki, 2009). The UN was always caught between the aim of promoting the "gold standard" in democratic governance and human rights, and the political realities and compromises needed to keep the country stable in the short term.

Despite these failings, the UN was working in an extremely sensitive and constrained environment. It could be argued that it did the best an external actor could do to set up skeletons of institutions to enable a state to function. Setting up state systems created initial structures that could operate until such time as the new state itself could adapt the institutions to meet its needs.

Lack of a clear vision for the security sector

A severe challenge to the development of an end vision for the SSD process has been lack of consensus over the concept of SSR: "The concept remains esoteric, ethereal and hard

to explain, even more so given the multiple languages used in Timor-Leste. In effect that has meant that security sector reform is much more a rhetorical trope than a specific programme of action." (Peake, 2009: 214)

For most interviewees and observers, opportunities for defining an appropriate model through consultation and reflection on the security sector model and concepts were missed at the very beginning (Hood, 2006), and there have not been further opportunities since. Many Timorese analysts consider the model of a police force and a defence force to be unnecessary to the context; they consider Timor-Leste's best strategy for defence to be through its diplomacy and friendship networks with other nations. Due to the scarce foreign threats to Timorese territorial integrity there is limited requirement for the F-FDTL to spend time on external defence. The F-FDTL has repeatedly been brought in to respond to issues of internal security by the government. This strategy represents an integration of the roles of PNTL and F-FDTL, which has provisionally served to strengthen the relationship between the two forces, and ameliorate the damaged legitimacy of the PNTL. However the "integration" of the mandates of the two forces only goes part way to redesigning the structure of the security sector to meet the contextual needs, leaving them in institutional limbo. Currently, the PNTL and F-FDTL have overlapping, and duplicated roles, which is inefficient in a country with limited resources. The legal ambiguity of their mandates hampers the ability of civil institutions to hold the security sector to account.

Interviewees expressed various views about the institutional arrangements that could now be considered for a redesign of the security sector. Some observers thought that Timor-Leste should not have a defence force, but only a special paramilitary unit devoted to serious threats such as terrorism and organized crime: "Philosophically, I support the Costa Rica model, in that you don't need to have a military force like we have, you can have only a unit for internal security that can have its paramilitary units to respond to terrorism and organized groups etc."[7] Others supported the idea of having the PNTL as a purely persuasive security institution, thus abolishing special units and focusing on community policing, leaving serious incidents and heavy-handed interventions, both internal and external, to the F-FDTL: "Leave the strong-arm part for the armed forces, the police needs to be for persuasion only, and the police can't have heavy weapons, leave them only with pistols."[8]

Lack of local ownership

A challenge throughout the UN missions was a lack of consultation, limiting GoTL and societal ownership and inputs into the process. This was particularly acute during the early stages, pre-2006 crisis, causing stakeholders to become resentful towards the UN (Armstrong, Chura-Beaver and Kfir, 2012: 14). SSR was largely seen as externally coercive. While the UN took a step back in the development of the F-FDTL, the United Nations Civilian Police Force cut off the Timorese leadership from taking a role in developing the

PNTL. The lack of GoTL engagement with the PNTL left the force without "strategic vision, coherent identity and institutional loyalty" (ibid.: 14).

When UNMIT took over executive policing control following the 2006 crisis, this was actually counterproductive to the objectives of the triple R plan for police reform developed by UNPOL. It further reduced the sense of ownership by local police of the policing process: The "PNTL did not feel the necessity to patrol or they were patrolling carelessly" (Lemay-Hebert, 2009). The UN did not offer opportunities to the government to take part in administrative or strategic planning and their views were mostly overlooked during the drafting of policies and legislation (Peake, Scheye, and Hills, 2013). Assessments and reviews also lacked Timorese ownership (Foura, 2010: 30). The reform plan was therefore never agreed upon by government and was largely ignored. Without an agreed plan for the reform objectives and legislation to support its role, UNMIT struggled in key areas of vetting, mentoring, advising and training.

As a result of the limited involvement of Timorese in the institutional development processes, relevant government civilian oversight bodies such as the Parliament, the former Secretariat of State for Security, the Ministry of the Interior and the Office of the President have been left with limited knowledge about SSD. They therefore struggle with their role of supervising security sector institutions. The lack of local ownership during the early stages of the process deprived the government of an opportunity to develop the capacity needed to drive SSR today.

Initial Structure of the SSR Agenda and Priorities

International Security Sector Priorities

The initial agenda for the security sector in Timor-Leste focused on establishing a new set of security forces in Timor-Leste, implemented by UNTAET, under pressure to set up the skeletal structures of the new state. The formation of the two forces was guided more by the immediate political pressures of the time than a well-developed end vision for the type of institutions appropriate for Timor-Leste's emerging context (Rees, 2006). At that time, SSR theories and strategies were embryonic and undeveloped.

Following the initial formation of the security forces, priorities for support by international agencies shifted to capacity development and systems development. The development of a culture of democratic governance was always on the agenda; however, such a culture inevitably takes time to evolve in complex and fragile environments. The objectives of the subsequent UN missions were a combination of stabilization and preparation to hand over security authority to the police. When UNMIT deployed following the crisis, its mandate included working with the national police in conducting a comprehensive review of the

role and needs of the security sector (see Box 1). However, within the UN mission itself, as well as between the UN and various bilateral partners, what was meant to be achieved through the security sector remained unclear. Furthermore, the GoTL's own expectations from the SSD agenda varied between officials and often diverged from international approaches (Armstrong, Chura-Beaver and Kfir, 2012: 11).

Capacity development efforts for the PNTL focused on training individual police officers, with insufficient attention to institutional development (Martin and Mayer-Reickh, 2005). Training and mentorship provided by the United Nations Police (UNPOL) was inconsistent in its approach, and the regulatory framework, organizational structure, institutional safeguards to protect human rights and civilian oversight did not receive adequate attention (Soux et al. 2007: 70).

After the withdrawal of the UN mission at the end of 2012, the number of actors in the sector reduced, making for improved streamlining of priorities between bilateral agencies. Focus on training continued, but with a much more standardized curriculum, developed in consultation with the government. The focus on regulatory framework, institutional management and systems development has advanced significantly,[9] and efforts in support of community-oriented policing have become more focused.

The Government's SSD agenda

Following the 2006 crisis, the return of a UN-led peacekeeping mission was met with a mixed reception. Initially the efforts to intervene and stabilize the situation were appreciated; however, the proposal that the UN should regain executive policing control was seen by many government officials as a step backwards in terms of their demand for a Timorese-led reform and restructuring process: "In the political round it was seen as a slap in the face of the political leaders. So they developed their own SSR in a parallel structure and basically froze the UN out of all of it. The 2009 organic law was written largely without any UN involvement."[10]

While the OECD-DAC *Handbook on Security System Reform* (2007) has since been replaced by the UN Interagency SSR Guidance Notes (2012), during UNMIT, the handbook was referred to as a key set of guidelines: "On the government side it was treated with at best disdain. There was a refusal to accept that lessons learned in either Sierra Leone or Kosovo were relevant to Timor-Leste."[11] A former government defence official noted his belief that SSR efforts should be based on a nationally established model and agenda with respect for national ownership at the core, with the international community committing its finances to a government-led plan.[12] Regarding the tense relationship between the UN and the government, a UN official who worked with UNMIT after 2008 said that "local ownership was a core principle of the UN approach, although UNMIT perhaps did not recognize that ownership should mean control."[13]

Box 1: Timeline and Mandates of UN Missions and Peacekeeping Interventions in Timor-Leste

UNAMET: United Nations Assistance Mission in East Timor, June 1999-October 1999 — UNAMET was a political mission established to conduct the 1999 Popular Consultation, allowing self-determination by the people of East Timor. The Security Council endorsed the International Force in East Timor (INTERFET) to restore law and order when violence broke out following the Popular Consultation.

UNTAET, United Nations Transitional Administration in East Timor, October 1999–May 2002 — UNTAET was a peacekeeping operation. Its mandate included all legislative, executive and judicial authority for administering the country.

UNMISET, United Nations Mission of Support in East Timor, May 2002–May 2005 — UNMISET, also a peacekeeping mission, was mandated to provide assistance to the newly independent East Timor until all operational responsibilities were fully devolved to the East Timor authorities, and to permit the new nation, now called Timor-Leste, to attain self-sufficiency.

UNOTIL, United Nations Office in Timor-Leste, May 2005–August 2006 — UNOTIL supported the development of critical state institutions and the police, and provided training in observance of democratic governance and human rights (UNMIT, 2008). After violence broke out in June 2006, Australia led an International Stabilisation Force (ISF), to restore law and order at the request of the GoTL.

UNMIT, United Nations Integrated Mission in Timor-Leste, August 2006–December 2012 — UNMIT's mandate was to support the government in consolidating stability, enhancing a culture of democratic governance and facilitating political dialogue among Timorese stakeholders, in their efforts to bring about a process of national reconciliation and to foster social cohesion, and to:

• support the government and relevant institutions with a view to consolidating stability, enhancing a culture of democratic governance and facilitating political dialogue;

• support Timor-Leste in all aspects of the 2007 presidential and parliamentary electoral process;

• provide support to the national police and assist in conducting a comprehensive review of the role and needs of the security sector;

• assist in strengthening the national capacity for the monitoring, promotion and protection of human rights;

• cooperate and coordinate with UN agencies, funds and programs and all relevant partners with a view to making maximum use of assistance in post-conflict peace building and capacity building.

By its resolution 1802 of February 25, 2008, the Security Council also requested UNMIT to:

• continue its efforts to enhance the effectiveness of the judiciary system;

• support the Government of Timor-Leste in its efforts to coordinate donor cooperation in areas of institutional capacity building;

• intensify its efforts, working with partners, to assist with further training, mentoring, institutional development and strengthening of the PNTL. (United Nations, 2013)

The official noted that, "certainly there was no desire [from GoTL] to undertake an SSR review which was the principal aim of the UNMIT SSR Mandate."[14] Even in the institution within which the UN was most closely embedded, the PNTL, tensions were compounded by inconsistency of approach between the UN mission and UNPOL. While the mission was beginning to make efforts to work in partnership with national actors, the first draft of the "triple R" (reform, restructuring and rebuilding) police reform plan "was undertaken by international police officers with no interest in local engagement which resulted in a plan that was never implemented. The second attempt was largely led by the Timorese and so was much more successful but no real police strategy or plan was ever properly developed."[15]

Due to the stronger political legitimacy of the F-FDTL and general acceptance that their personnel could be trusted to resolve serious internal security issues, a clear definition of roles for the two forces is still lacking. In 2009, legal frameworks were developed, including the national defence policy, internal armed forces laws and internal security policy that defined a degree of integration between the roles: "We established an integrated system in the national security law. As a small nation, that was important so F-FDTL and PNTL could complement each other for natural disasters, joint patrol in the sea and threats to national interests."[16]

The UN, however, took a critical stance over the new law because it blurred the mandates of the military and the police. This position "created an even bigger rift between the government and the UN on a political level. While it goes against all SSR thinking that you would merge these two together for an internal security operation it actually made a lot of sense in Timor."[17] A senior PNTL interviewed illustrates how the joint patrols contributed more significantly to reconciling the relationship between the PNTL than efforts to further strengthen the separation of powers and increased civilian oversight could have done:

> In February 2008, our leaders, the president and the prime minister, were attacked. After that, PNTL and F-FDTL had to do something on our own initiative, and not leave it for the internationals [to respond], so we had the joint command. From that operation, PNTL and F-FDTL started to establish a good relationship, and the relationship is good until now. In 2012 the UN handed over the policing power to PNTL and even though security is the competence and mandate of PNTL, the PNTL has to cooperate with partners especially F-FDTL. In 2008, because of the cooperation in the joint operation, which was strong, we were able to move forward, as well as with the coordination with other entities especially veterans and communities.[18]

The involvement of both PNTL and F-FDTL in the 2008 joint operation appears to be the most effective measure to-date in reconciling relations between the two forces. While relations have improved, one PNTL noted that this is largely still dependent on the relationship between the leaders of the two institutions, rather than a genuine

institutional shift: "At least Cirilo [Cristovão, minister of defence] and Longuinhos [Monteiro, minister of the interior] are good friends. One of the issues causing the crisis in 2006 was the competition between Rogério Lobato (then minister of interior) and Roque Rodrigues (then minister of defence); they had bad relations and this ended up increasing the tensions."[19] Mechanisms for cooperation and information sharing between the two forces have not been formally institutionalized, so stability in the sector continues to depend largely on relationships.

However the use of joint operations since 2008 has been heavily criticized. Their use is seen to contradict the constitutional legal framework[20] that determines the spheres of responsibilities of the two forces (Fundasaun Mahein, 2015a). Justifications for the use of Joint Commands since 2008 have become far weaker and more political (*Provedor ba Direitus Umanus no Justisa* [Ombudsman for Human Rights and Justice] [PDHJ], 2015). Even members of the government and the security sector themselves have criticized them. Furthermore, the process for initiating joint operations has never followed due legal process (Judicial System Monitoring Programme [JSMP], 2003; Wilson, 2012a; PDHJ, 2015). The legal mandate for calling for a Joint Command requires approval from the National Parliament and president, however the executive and National Parliament have issued all resolutions for their use without involvement of the justice sector. "Those operations determined from government resolutions…are illegal."[21]

Increased government leadership and donor coordination

SSR under UNTAET, UNMISET and the United Nations Office in Timor-Leste (UNOTIL) was externally imposed, revealing contradictions between external demands and local interests. However, a turning point came in the wake of the 2006 crisis when the government began to take more control. UNMIT and UNPOL then adopted more dialogue in the development of police reforms and plans (Schroeder, Chappuis and Kocak, 2013: 393). One PNTL representative stated: "When the SSR started, coordination was more high-level and decisions were made by top political leaders…. Now, security services coordination is more at the institutional level with local government and civil society, while the government coordinates with international agencies and asks security institutions for technical inputs when needed."[22]

Timorese authorities increasingly expanded their influence on security sector support. Significant donor support to legislation development was also better received. The Portuguese review of PNTL in 2007 provided recommendations for organizational structural reform and the Timorese political leadership appeared to receive it well, requesting Portuguese assistance with recruitment policies, the design of training curriculum and implementation of training. Portuguese and United Nations Development Programme (UNDP) support to government-driven drafting of regulations, allowed time and space for deliberation and discussion (Guterres, 2011). The policy improved

coordination of international advisers working on small-scale security-related technical issues.[23]

The government's commitment to increased alignment of donor support to government-articulated priorities is epitomized by the leadership that Timor-Leste is offering to other "fragile" states through its hosting of the secretariat of the g7+ and International Dialogue for Peacebuilding and Statebuilding (IDPS). As a result, there has been renewed government leadership of donor consultation and dialogue from 2008-2015.

Box 2: Timeline of the Evolution of the SSR Process in Timor-Leste

2001–2002	Creation of the Security Forces
2002–2004	Initial development of security sector systems
2004	Timor-Leste assumes full responsibility for policing and external security
2005–2006	UN continues support of development of security sector systems
2006	Crisis
2006–2007	Post-crisis: stabilization
2007	UN initiation of vetting
2008	Government introduction of stronger meritocracy and improved ranking structure for PNTL
2008	Government introduction of joint operations and relations between PNTL and F-FDTL
2009	Passing of new Security Policy and Legislation
2009–2012	UN and bilateral support to Training and Systems Development
2012 (Dec. 31)	Withdrawal of UNMIT
2012–2015	Further improvement of PNTL and F-FDTL management systems and accountability
2012–2015	Community policing approaches begin to gain traction

Increased traction for community policing

Post-UN withdrawal there has been an upsurge in interest in community policing. The majority of stakeholders interviewed for this research strongly supported community policing as the primary objective for the police:

Timor-Leste is no longer a nation with big conflict, the best methodology is community policing. We did form special units but we need to look at the situation, there is no threat, all units need to be dedicated to community policing to gain people's trust. In the future, if the need arises then we can look back to special units. Timor-Leste is a mountainous nation with people spread across the territory, we need to distribute resources to consult with the people every day, explain our mission, to establish a strong link in the grassroots level. Once this relationship is established we can start looking at other things. The state leaders themselves prefer community policing, the new prime minister also prefers it, together with traffic police. We hope that political declarations also bring increased budget allocation for community policing.[24]

Some remain skeptical that the community policing approach has really gained traction, as patrols and use of police posts, particularly in Dili, are yet to be fully systematized: "It doesn't exist. I don't want to fall into illusions. You can walk around during daytime to see if in the posts they set there have police [in them], not to mention at night, you can see, they are not there. What they do is a cosmetic policy to influence the international public opinion and say it exists but it doesn't."[25] However, others recognize that there has been a significant shift in the "involvement" aspect of the PNTL's strategic plan.[26] "This has been a hidden success, because the skills have been well developed for these PNTL officers. Community policing today in the country is very effective, I saw many issues being solved by the community police and in the districts nowadays you can see them patrolling, the issue is more in Dili which is dominated by these units, Public Order Battalion, Task Force, etc. But in the rural areas the community policing is very good… we should have less special units and more community policing."[27]

Community policing is not a new concept for Timor-Leste. Culturally and historically, community engagement by security forces has been practised in different ways. FALINTIL collaborated with civilian clandestine resistance networks to further its aims. Conversely, the Indonesian administration stationed police, called *Bimpoldar*, within communities at the *suco*[28] level to gather intelligence, particularly on the resistance movement, alongside providing basic security. From the early days of the UN engagement, community policing was always on the agenda. However, the UN lacked a consistent approach. Each contributing country had different concepts of community policing, often deviating from standards set by the government (Armstrong, Chura-Beaver and Kfir, 2012: 11). The multiple approaches and priorities within the UN hampered the process of institutionalizing a cultural shift in policing style, from a formerly repressive and reactive policing culture of the Indonesian period to an empowering and preventive style. Some analysts see the use of joint operations and heavily armed security forces as a legacy of Indonesian approaches to policing.[29] As Peake (2014) notes, Indonesia's investment in SSD in Timor-Leste since independence has been negligible, but its impact on the way

the Timorese security sector operates by following its neighbour's example is far more influential than other donors' approaches.

Under the UN missions, international models of community policing were presented, but there was insufficient support and space provided for the PNTL to develop its own model, adapted to the local context. A Timorese model of community policing was never defined or approved. The PNTL and its civilian presiders were, at the time, much more interested in investment in the special units. As the security situation stabilized and the PNTL regained control of policing, the PNTL began to trial various community policing models adapted from international models and its own historical experience of having police (*Bimpoldar*) based at the *suco* level. A model developed by the PNTL's National Department for Community Policing (NDCP), drawing on a number of influences, was approved in 2014. The model is founded on the traditional Timorese approach to problem solving, which involves sitting together to discuss the problems. It includes *suco* police officers (SPOs), community policing councils and community security volunteers.[30]

Community policing appears to be an innocuous way for politicians and PNTL personnel alike to signal the type of force they hope for in the future. The next steps will be supporting the PNTL's internal administration, finance and management systems to ensure that funds allocated through the state budget for community engagement are sufficient, and actually used for that purpose, rather than reallocated to general operational policing needs.

SSR Champions and Spoilers

SSR is essentially a political process, and "requires engagement with some of the most sensitive and controversial institutions, political processes and personalities in a crisis, conflict or post-conflict setting" (Rees, 2006). During the early UN missions, the concepts and processes of SSR were unclear, even on the global agenda. The early objectives of the UN were to establish security sector institutions according to principles of democratic governance and human rights (UNMIT, 2008). It was the UN's inability to engage more intimately in the politics of the country that gave space for spoilers to emerge. Many Timorese politicians would in theory have championed the principles of SSR, but had to make pragmatic compromises for the sake of maintaining critical political relationships within the fledgling state.

In the early days, through the process of establishing the security sector forces, UNTAET deferred extensively to a "single national actor,"[31] the dominant political figure of the time, Gusmão, regarding decisions as to how to facilitate the development of the police and military forces. Both the UN and Gusmão made compromises regarding the long-term suitability of the institutions, by establishing forces according to the standard

model of two forces, in order to provide a role for former FALINTIL fighters. The PNTL was formed, involving former-POLRI members as a political strategy to promote national reconciliation.[32] A member of the National Parliament pointed out the dangers of such a high dependency by the UN on a sole political leader for such controversial political decisions: "At the first moment the veterans were united and had Gusmão as their leader, [but] they soon started to split, with FRETILIN leaving CNRT and CNRT closing down."[33]

The results of the lack of broad political representation and engagement in the formation process proved to be very dangerous. The factionalism that emerged gave rise to politicians setting up their own power bases. A key spoiler in consolidating the dynamics that would bring about the 2006 crisis was Rogério Lobato. Lobato, brother of the 1975 president of East Timor, Nicolau Lobato, held the position of defence minister in the briefly declared independent East Timorese state of 1975. Based on his historic position, he expected the equivalent role in the newly independent East Timor. Finding the government unwilling to cede him the same role, he muscled into the position of minister of the interior by mobilizing the disaffected veterans to stage protests in 2002 (Rees, 2003; Nixon, 2013). He then built up the paramilitary special units, channeling disaffected former FALINTIL fighters into PNTL and providing them increased weaponry, in effect establishing "a state of his own within the state of Timor-Leste" (Sahin, 2007: 265). This was a political strategy to increase the influence of veterans within PNTL thereby consolidating his personal political power base counter to Gusmão's influence in F-FDTL (ibid.). However its alter-impact was the dramatic militarization of the PNTL.

Following the crisis, the strongest advocate for various security sector reforms to reinstate a degree of accountability back into the security sector, was then President José Ramos-Horta. The president was the most supportive of the UN's benchmarks of working toward international human rights standards[34] and vetting the PNTL to only allow those who were not embroiled in the transgressions of the crisis to lead a new police force. "Alkatiri[35] certainly also thought what was being done was important."[36] However, Prime Minister Gusmão sought a more pragmatic approach that would attempt to keep all actors on board in order to salvage the loyalty of police and military members. He had to balance satisfying the F-FDTL as well as keeping the police on his side.[37] In the end, he prioritized these political relationships and national reconciliation over a process for improving the institutional accountability of the two forces to civilian governance structures. Initially, Gusmão "tolerated" Ramos-Horta's support of the more principled approach, but later, when Ramos-Horta began to challenge the prime minister on other policy issues, particularly around "budget...and corruption, then there was more passive resistance to the process Ramos-Horta was leading."[38] He was reported to say of the vetting processes, "our police are tired of having to bend in front of the godparents/sponsors to be certified."[39] Political leaders would often appear to be toeing the UN line at first, but would then divert the momentum of the process. "Coordination with the UN and other international partners

was good, but sometimes leaders would agree on something in front of them but disagree behind their back, and then wouldn't want to implement what was agreed."[40]

Once the government took more control of the process from 2007, it no longer felt the need to appear to be aligning with the UN's agenda and was seen as more effective. "The control was with the government...and this process resulted in more professional institutions more separate from political power," said a PNTL representative.[41] Once the government took control of the process, it actually brought more cohesion to the national approach: "On the national side you had the president's SSR team fighting it out with the prime minister with his two secretaries of state (Guterres and Pinto). [But] by early 2010 an agreed SSR structure was established by the government which integrated the two teams (president and prime minister)."

As much as Ramos-Horta was a proponent of many of the tenets of the UN's SSR approach, his support of reconciliation over justice and profuse utilisation of presidential pardons was later criticized as an impediment to the reaffirmation of justice and the rule of law. A significant example was Ramos-Horta's granting of presidential pardon to Rogério Lobato, who was charged with the distribution of PNTL firearms to civilian militias during the 2006 crisis and sentenced to seven-and-a-half-years' imprisonment (JSMP, 2007), along with around 90 other convicted criminals, including former militia leaders (Crook, 2008). The common trend in political support for SSR is that the leading politicians of a new and fragile nation frequently champion reconciliatory strategies as "transitional justice" for internal crises over rule of law and judiciary process.

Timor-Leste's experience has shown that in such environments the political realities often require increased levels of reconciliation for a certain period of time following political, institutional and civil upheaval in order to bolster short-term stability. The question facing Timor-Leste today is whether the time has come for rule of law to take a higher standing in order to bolster the gains in stability with evidence of progress toward a more democratic and legitimate long-term governance strategy.

IMPACTS OF THE SSR PROCESS

The following section assesses the impacts of the SSR process in terms of operational effectiveness, governance, economic viability and public perceptions.

Operational Effectiveness

The security situation in Timor-Leste has stabilized significantly since the 2006 crisis and the state of emergency following the shooting of President Ramos-Horta and petitioner

leader Alfredo Reinado in 2008. A key difference between the current context and the risks that were tangible prior to the crisis, is the new trend of political reconciliation. Prior to the crisis, political actors regularly expressed their overt animosity toward one another, and mobilized factions within the security forces to support their political interests. Political divisions caused polarization in society. In advance of the 2012 elections however, politicians came together to agree a power-sharing pact (ICG, 2010), which consequently took the heat out of many of the electoral campaigns. While there remained a few marginal elements who took electoral losses to the streets, the number of monitored incidents of electoral violence was dramatically lower in 2012 than during the previous elections in 2007 (Vyavaharkar, 2009; Belun, 2012a). The few instances of political violence that did emerge following the 2012 elections were effectively contained by Timorese security sector institutions. This signalled that UNMIT was able to proceed with its planned withdrawal on December 31, 2012.

Despite political reconciliation, a number of factions continued to contest the legitimacy of the security forces, and the state as a whole. After UNMIT's withdrawal, in early 2013, certain veterans groups, notably the Konselhu Revolusaun Maubere (Revolutionary Council of the Timorese People) (KRM) and the Conselho Popular pela Defesa da República Democrática de Timor-Leste (Popular Council for the Defence of the Democratic Republic of Timor-Leste) (CPD-RDTL) became increasingly vocal. In response to confrontational statements, the Parliament issued a resolution to declare the groups illegal and authorized another Joint Operation to arrest their members and leadership. The legality of the parliamentary resolution was challenged by the national Human Rights Ombudsman (PDHJ, 2015). There was public outcry, particularly on social media, when the Joint Operation resulted in the shooting dead of the leader of the KRM, Sr. Paulino Gama, alias Mauk Moruk on 8 August 2015.

Positively, the cohesion of the security forces was strong enough by 2013 to withstand potential political triggers that could have fragmented the forces over this most recent turmoil. Again, stability was safeguarded at the expense of due judicial process. The security-orientated response also bypassed any further pursuit of dialogue around the contentious questions of "legitimacy" of state institutions and the dire state of rural development that were again brought to light by these political tensions.

Available data on violence and crime nationwide show that overall incidences of most kinds of violence have been steadily declining from 2008 to 2015, with a low to medium level of homicide rates when viewed nationally and globally (United Nations Office on Drugs and Crime, 2014; Belun, 2015a; PNTL Crime Statistics, 2012-2015; Muggah and LeBrun, 2010; The Asia Foundation 2008 and 2014).[43] NGO Belun's[44] Early Warning, Early Response (EWER) system, however, showed a dramatic spike in the number of incidents of violence occurring in April-May 2015. This is attributed to the end of the Joint Operation,

coinciding with government recommencement of cadastral mapping of claims of land ownership across the country. In a context with complex, often-undocumented claims on access to land, the prospect of government demarcation of new access rights has the potential for severe levels of community conflict.

The security forces may not be fully functional and accountable in all aspects of their management, but in the words of one civil society observer, "at least they are operational now."[45] One of the significant drivers of the 2006 crisis, tension between the police and the military, has subsided. "Relationships have improved but tension persists. F-FDTL members are very arrogant towards police; even the young recruits feel they are better because they are in the military."[46]

Following the 2006 crisis, the GoTL, with considerable support from the UN and bilateral agencies, introduced vetting and more sophisticated police ranking, salary and promotions regimes.[47] The degree of meritocracy brought by these systems contributed significantly to recovering the stability and unity of the police force, which had essentially dissolved through severe factionalism during the crisis. The strengthened hierarchy within both the PNTL and F-FDTL was an essential ingredient in bringing respect for the rule of law back into the two institutions.[48]

A police force of approximately 4,159 (as of April 2016)[49] is around one police officer for every 347 members of the population, or 289 police per 100,000 people. This is a medium level of police compared internationally, and slightly higher than Indonesia's 243 police per 100,000 people. Timor-Leste's economic prospects are limited, so it should not aim to sustain a large security presence. Timor-Leste has a very mountainous and rugged terrain, so this number of police has until now struggled to offer any regular services in the country's rural areas, particularly at the *suco* level. The police have until now been concentrated at the municipal and sub-municipal levels. There is strong support for the decentralization of police. The GoTL is developing a strategy to base one SPO permanently in each *suco*. This initiative, spearheaded by the NDCP, is an effort to increase the visibility and presence of the PNTL at the *suco* level. The current strategy is for the PNTL to make regular visits to the *suco* to attend community policing council meetings, and become involved in community conflict resolution. While the SPO initiative is seen by some as a strain on resources, it is cost-effective compared to the resources currently invested in the multiple special units, and has a more direct impact on citizen trust in police (The Asia Foundation, 2015a). The model is somewhat similar to the police boxes (*koban*) or residential police boxes (*chuzaisho*) in Japanese community policing; however, most *suco* are still very large territorial areas.

The F-FDTL is currently smaller than the PNTL, with 1,332 active personnel in 2012 (International Institute for Strategic Studies, 2013); however, it plans to increase its numbers to around 3,000.[50] The fact that the F-FDTL are brought in to respond to internal

security threats brings the number of officers responsible for internal security much higher. There are also new police units being formed, such as the forensic criminal investigations police (*Polisia Sientifika Investigasaun Kriminal* [PSIK]), whose comparative mandate is unclear (Fundasaun Mahein, 2015b). "Critical observers maintain that there has been no security sector reform but only security sector expansion in the post-crisis period" (CIGI, 2010a: 4).

The F-FDTL suffered a loss of around 600 members, nearly a third of the size of the force with the dismissal of the petitioners in 2006. Since then, the politics of re-recruiting for those positions has brought in recruits from across the country.[51] In May 2009, 579 recruits were accepted. The new intake increased the proportion of members from western districts. However a higher portion (60.3 percent in 2009) (CIGI, 2009: 11) of officer candidates continue to be from the country's eastern districts. Later recruitment drives further rebalanced the regional diversity of the force.

The PNTL held recruitment in 2013, and allocated all recruits to the core, national operational units and special police units. A further recruitment process in 2015 brought in 262 new recruits, all allocated to the districts, in response to strong demand from district commanders to boost their personnel in order to begin allocating more of their members to become SPOs.

F-FDTL and PNTL salary regimes are very closely aligned with public sector salaries. The monthly salary for an agent of the PNTL or a private in the F-FDTL starts at US$170 per month with US$850 per month for both the Major General of the F-FDTL and the PNTL Commissioner.[52] Civil service salaries start at US$115 per month for assistants, with the highest technical officer rate at US$663 per month. Politically appointed positions sit above these. Monthly salaries are supplemented by subsidies for food and transport.

The training regime for PNTL recruits has improved dramatically. After 2011, the three-month training was extended to a one-year full training course, including three months of physical training followed by seven months of classroom training.[53] The *Guarda Nacional Republicana* (Portuguese Republican National Guard) (GNR) continues to support the recruit training process on both physical and legislative aspects, with the Australian Timor-Leste Police Development Program (TLPDP) developing training capacities in further legal frameworks, leadership, management, procedures, processes and strategies.

As of 2009, basic training for F-FDTL recruits was three months, followed by specialist training.[54] F-FDTL training has also improved with the establishment of a Department of Defence Diplomacy in the Ministry of Defence and Security and much international support for training for each section within the F-FDTL.[55] There have also been some increases in the coordination of training by international actors, who have each aligned to focus on a different specialization, reducing overlap and duplication.

Security force performance

Due to socio-cultural reasons and the limited reach of formal justice systems, most citizens still prefer to take civil disputes to local leaders. However, rates of the general public seeking the assistance of the PNTL as their first response to a crime has increased from 39 percent in 2013 to 56 percent in 2015 (The Asia Foundation, 2015). This shows increasing citizen trust and access to the PNTL; however, the majority (75 percent) of crimes the general public reported to the PNTL in 2013 were eventually sent back to communities for resolution. This demonstrates the continuing relevance of hybrid security and justice systems to respond to criminal and civil cases in Timor-Leste.

A challenge of the hybrid system is that PNTL officers often try to solve even public crimes such as domestic violence through traditional systems or community-led mediation before taking these cases to the formal system. Positively, data (until June 2014) from the JSMP shows a steady increase in the number of domestic violence cases reaching the courts since Law No.7/2010 Against Domestic Violence made domestic violence a public crime. Nonetheless, The Asia Foundation's monitoring reveals that some cases of domestic violence are still not being referred to police. The inadequacies and slow nature of the formal system result in weak trust by both community members and the PNTL in the ability of the justice system to be responsive to local needs.

As discussed in more detail under the section "Governance: Executive Branch," (see below, p. 34) the use of joint operations and securitized approaches to internal security threats initially contributed to improved relations between the F-FDTL and PNTL, and was seen as a legitimate, nationally led response to the 2008 petitioners crisis. However, their use since then has been far more contested. PDHJ (2015) has highlighted how they have been used to address political issues by the executive and bypassed due judicial process. Furthermore serious human rights violations have taken place under their auspices (ibid.) with concerted government efforts to obstruct civil society monitoring efforts. A high risk of involvement of military in joint operations is the increased limits of their legal accountability if involved in human rights violations compared to the police. A majority of citizens expressed their preference for dialogue (50 percent) and good communication (51 percent) as possible actions for the government to take to prevent future violence (Centre of Studies for Peace and Development [CEPAD], 2015). This demonstrates a continuing Timorese penchant for reconciliatory efforts to respond to conflicts.

Judicial system trends

Timor-Leste's judicial system was created from scratch after independence when the country had no judges and very few lawyers. The process of strengthening the capacities and increasing the numbers of qualified staff to fill all of the roles of the legal and judicial systems is still ongoing. The system now functions at a basic level and is still being

strengthened. Four regional courts are active, and the majority of cases are heard by Timorese judges (Institute for Policy Analysis of Conflict [IPAC], 2015: 8); however, foreign judges still fulfilled a number of specialist roles. The IPAC cites that "Chief Justice da Silva said in February 2015 that by the end of the year, there would be a total of 34 judges in the country but when asked if there was a target number identified in order to meet identified needs, he said no" (ibid.). Legislation covering most aspects of societal life is in place, though a number of critical pieces are missing, such as the Land Law, which has not yet returned for parliamentary debate since it was vetoed by the former president in 2010 in response to civil society concerns about community protections under expropriations. A revised draft is still pending parliamentary debate.

One challenge faced by current judges is that the penal code does not always match the terms of other laws. The domestic violence law, for example, cites psychological abuse as a public crime; however, the penal code only acknowledges physical assault as a punishable offence.[56] The courts and the Office of the Prosecutor-General still have large numbers of cases pending. However, the approval of the penal code in 2009 and its translation from Portuguese into the Timorese language, Tetun, in 2010 were important steps in getting court cases under way to start to tackle the backlog of cases (IDPS, 2010).

The language barrier remains a huge hindrance to the functioning of the judicial system. The majority of laws have not yet been translated into Tetun, and court proceedings run in Portuguese, a language which only 17 percent speak (Kirk, 2014). This means that all court proceedings have to be translated in real time, by translators of mixed quality (IDPS, 2010).

In late 2014, however, in a dramatic move that shocked both the national and international communities, the parliament passed a resolution suspending the contracts of all international judicial staff, followed by a government resolution revoking the visas of five judges, two prosecutors and a police officer who was working with the Anti-Corruption Commission, giving them 48 hours to leave the country. Interviewees in this research noted the profound politicization of the decision, and its proximity to some high-profile trial cases[57] as well as concerns that some international judicial staff may hold incriminating evidence about the political leadership's involvement in corruption cases.[58]

A recent IPAC report (2015) on the justice sector notes two interpretations of the expulsions. One is that they were an attempt by the government to reduce the independence of the justice sector. The second is that political intervention was required to reduce dependence on international judicial personnel to enable Timorese legal staff to take responsibility and usher in reforms. Both views were also reflected by interviewees for this research, some noting that despite the dramatic and untimely nature of the decision, more Timorese judges have become available and should be promoted to take on more core judicial work. Reforms were seen as necessary to speed up the processing of cases.[59] A government resolution determined an audit of the justice sector was to be held

by the government.[60] As noted by the IPAC (2015): "The crucial question now is whether the current government's planned reforms — in legal education, professional training and access to justice — will succeed in providing a judiciary that meets its citizens' needs. The alternative will be "Timorisation" without meaningful reform."

Timorese lawyers began graduating from Timor-Leste's Legal Training Centre in 2012. This has begun to address one of the most significant challenges in the Timorese justice system, the shortage of sufficient trained lawyers and judges (Timor-Leste Legal Education Project, 2012). The significant backlog of cases and resulting slow processing time reduces citizen trust in the justice sector to handle their cases.

By 2012, Timor-Leste's judicial system had 31 judges, 24 prosecutors and 22 public defenders (JSMP 2012). Together they service four district courts (Dili, Baucau, Suai and Oecusse), the Court of Appeal and a mobile courts initiative. They are instructed to use Portuguese.[61] According to the United States Agency for International Development (USAID, 2007: 6), cases that make it to court enter a judicial system "plagued by unclear procedures in the law, unclear procedures in practice, and poor outreach and public education mechanisms." Furthermore, some of the legislation this system uses has been "cut and pasted" by international experts from their own domestic laws, without sensitivity to Timorese culture and context (ibid.: 5).

Caseload estimates using available data are high for the limited human resources available in the judicial system, with 129 cases per judge, 196 cases per prosecutor and 48 cases per public defender in 2014. IPAC (2015) also notes the Legal Training Centre is falling short on its ability to produce competent legal professionals and requires significant reform.

The government has focused its attention more on the development of the public defence system than support to legal aid. The legal aid organizations that do exist to try to bridge some gaps in access to justice, and therefore remain largely donor dependent (Kirk, 2014; La'o Hamutuk, 2009). Since the closing of the US government-funded Access to Justice program in 2012, funding to legal aid has diminished. Some sectoral legal aid is included under a European Union grant for the reduction of land conflict. Legal assistance for domestic violence is funded through the government's Ministry of Social Solidarity with some co-financing from the Australian government and UN agencies.

Prisons

According to Ministry of Justice statistics (RDTL, 2015a; Institute for Criminal Policy Research [ICPR], 2015), the total prison population in Timor-Leste was 581 by August 2015. The prison population has almost quadrupled, from 179 in 2008 and 429 in 2013 (ICPR, 2015). This shows a steady increase in demand for prison places and potential for overcrowding, given the official capacity of the two prisons, Becora and Gleno, at 330 (US State Department, 2014). There has been significant investment in the capacity of the

prison service, especially from the UNDP, to support the institutional management of the prisons and run vocational and educational activities. Prisons are monitored by the government's Social Reinsertion and Criminological Observation Department and by an NGO, the HAK Association. Monitoring finds conditions acceptable but case management weak, leaving some prisoners incarcerated beyond their sentences due to lack of a functioning alert system to the justice system for release dates (HAK Association, 2013).

Important developments have been made in legislation. The Regime de Execução Penal (Sentence Execution Regime) approved in May 2014 regulates all sentencing and dealing with inmates, including a formalized, strong social reinsertion program. The National Directorate of Prisons' Service and Social Reintegration's five-year plan (2012-2017) includes strategies for the expansion of facilities to meet increasing demand for prison places. There are plans to decentralize the service by opening prisons in the districts of Suai and Baucau, allowing inmates to be nearer their families and communities, helping reinsertion after release (La'o Hamutuk, 2009). There are also plans for the opening of a mental health facility and a juvenile centre for youth aged 17 to 21 years (UNDP, 2014).

Governance

Executive Branch

The biggest weakness of SSR efforts to-date is that they focused too much on the capacity development of the operational and management systems of the institutions themselves and insufficiently on the oversight structures. (Armstrong, Chura-Beaver and Kfir, 2012: 19) The most concerning continuing trend in the security sector in Timor-Leste is the deployment of the security forces for highly politicized missions by the executive, without following due judicial process (PDHJ, 2015).

A recent development in the evolution of the executive government has been the stepping aside of Xanana Gusmão, who had previously jointly held three positions, prime minister, minister for defence and minister for security since 2007. In a government reshuffle in late 2014, Gusmão stepped down from all three positions in a bid to hand over power to a "new generation" of leaders. Through the establishment of a consensus government structure, Gusmão appointed a member of the opposition FRETILIN party, Dr. Rui Araujo, to the role of prime minister, and two of his loyalists, Longinhos Monteiro and Cirilo José Cristovão, as ministers of the interior and defence, respectively. It is hoped this shift to the new generation of leaders will bring in more accountability and stronger governance systems. However, so far it appears that the current leadership still derives its authority from Gusmão, who appointed them. The ingredients for stability, governance and cooperation are still predominantly dependent on good relationships rather than formalized mechanisms for information sharing and rule of law.[62]

Legislative Branch

Checks and balance have improved through the role of the National Parliament Committee B, responsible for oversight of Foreign Affairs, Defence and National Security. Even with the presence of an adviser, technical capacity, experience in oversight and knowledge on SSR are very weak.[63] The committee's inexperience has rendered it "powerless to effectively monitor the security sector" (Brzoska and Law, 2013). Committee B has engaged on topical issues, such as weapons purchase, through regular meetings with the president and prime minister and security force commanders. However, it often focuses on technical details and has had limited influence on broad strategy and political decisions. Committee B has been hampered by internal politics, and with the dominance of veterans on the committee, often bases its analysis of security sector needs on historic legacies rather than projections of future requirements. An additional oversight mechanism, the Superior Council of Defence and Security provides an alternative forum for collaboration and oversight between various state entities to discuss challenges and advise on strategic decisions. Neither forum has been forthright in curtailing the current power of the executive over the security sector, or in proffering policy advice on security sector strategy.

Legal/Constitutional System

After the 2006 crisis, the Timorese government began implementing a number of reforms through new legislation, procurement and policies. By 2009, significant defence and security legislation and policy was passed, including the national defence policy, internal armed forces laws, internal security policy and an organic law for the military police. An integrated national security system was mandated in the national security law giving a role for the F-FDTL to support response to natural disasters, joint patrol in the sea and "threats to national interests." This received some criticism from the UN and international community for blurring the separation of responsibilities between the army and police and being reactive to the security situation rather than representing the country's long-term needs.

Nonetheless, legislative development was an essential factor in the reform of the sector: "We had armed forces with weapons but no regulations; we had the head and the feet, but the whole body was missing, like disciplinary, promotion and recruitment systems."[64] Furthermore, the legal development was led by the government, so was seen by many Timorese as nationally owned, legitimate and "in line with Timorese culture and tradition."[65] The laws passed in the wake of the 2006 crisis were created in reaction to a period of heightened tensions. This gave rise to the creation of a militarized hierarchy structure within the PNTL and the reinforcement of specialized paramilitary units. As of April 2016 the PNTL Organic Law for PNTL is under review.

The number of laws has increased; however, as discussed under "Governance: Executive Branch," the executive does not always follow due legal process. The culture of democracy and its need for separation of powers and rule of law to be paramount have not yet been fully embraced in Timorese governance systems. "Civilian oversight is not strong yet, it is sectoral egoism, but we need a bit of time. The issue is not that we lack laws but the conscience and attitudes needed to follow the law."[66]

Despite the progress in legislative and policy development to-date, there is no overarching strategy for the security sector as a whole. Now that the Ministries of Defence and Security have been separated into two, there may be even less chance for the two to come together to outline a holistic policy for the sector that reframes their roles and responsibilities.

Oversight

> "The biggest challenge to implementing legislative frameworks is the increasingly entrenched lack of accountability in the security sector in recent years, particularly with regard to internal discipline, human rights abuses and criminal prosecutions." (CIGI, 2010a: 9)

In early 2014, there were a number of dismissals and prosecutions from within the PNTL and F-FDTL, based on pressure from civil society over security force involvement in violent incidents. However, despite many recorded human rights violations, none of these dismissals were related to joint operations. Both national governmental and non-governmental human rights monitoring bodies have recorded human rights violations, particularly during the recent "*Operasaun Hanita*[67]" (Belun, 2015b; HAK, 2015; PDHJ, 2015). PDHJ's 2015 report found that the government declarations were in contradiction with the penal code and the courts were not permitted to fulfill their mandate of investigating the nature of a criminal case, as well as reporting on the human rights violations committed by the forces. However, there has been no action taken by the government in response. Similarly, civil society organizations filed monitoring reports of human rights violations at the President's Office, National Parliament, PDHJ, and Public Prosecution service, but no formal investigation has been opened to-date.[68] The power of the various pillars of the state to call the government to account under these political pressures is limited. Due to weaknesses across the sector, different institutions sometimes compensate for one another, reducing the consequences of not following the system.[69]
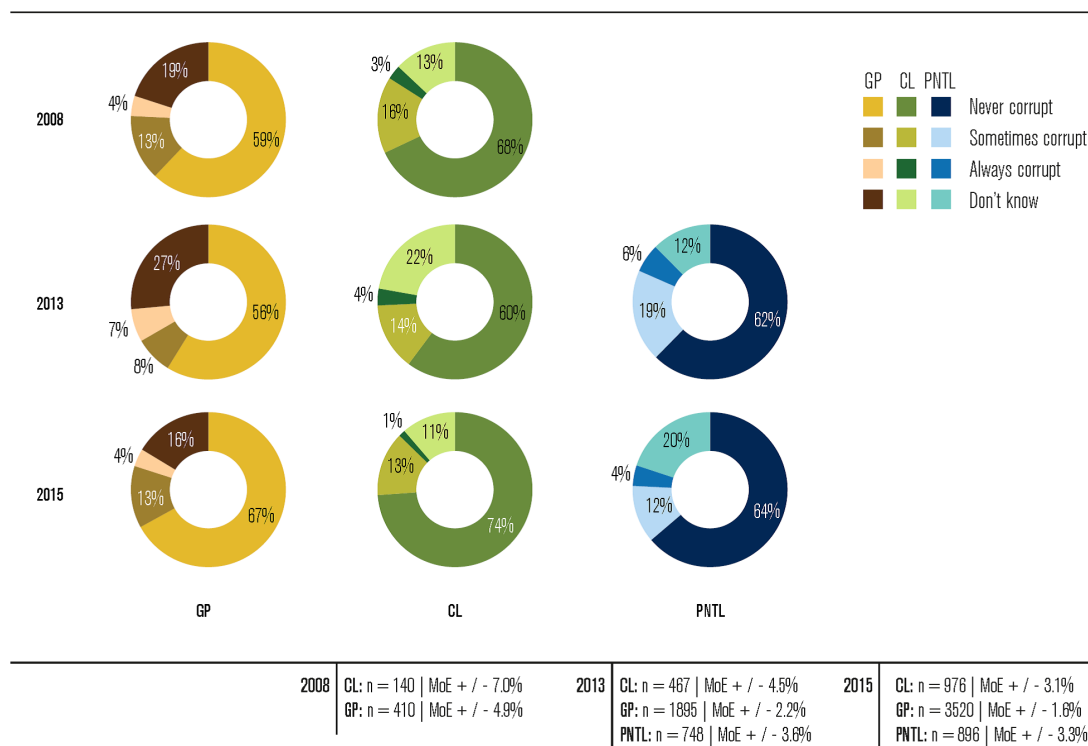
Economic

Budgets

> "We are a small nation and don't want PNTL and F-FDTL to get big budgets while the population remains poor. We need to share resources, equipment and infrastructure. This works well but in the future [it] needs to be further improved."[70]

Around six percent of the general state budget in 2015 is allocated to defence and security spending (La'o Hamutuk, 2015). This is over twice the rate of spending at 1.9 percent of its GDP in 2014 compared to neighbouring countries such as Indonesia, which allocated 0.8 percent of its GDP to defence (World Bank, 2014). Timor-Leste's economy is still predominantly driven by public sector spending and its viability is dependent on the government sourcing of alternative income streams. The need to keep the security and defence sectors affordable is another strong motivating factor to clarify the roles of the PNTL and F-FDTL in order to avoid duplication of spending on expensive operational costs and equipment, such as weapons and crowd control gear. Several sources used economic reasoning as an important factor to justify a more "integrated approach" to security involving the PNTL and F-FDTL. However, joint operations have high costs, such as the US$2 million to *Operasaun Hanita* in 2014-2015 (Suara Timor Lorosae, 2015) that was not in the original annual state budget for defence and security. The current fall in oil prices makes Timor-Leste's review of its public sector spending more urgent.

Corruption

The Asia Foundation's 2015 community-police perception survey (The Asia Foundation, 2016) recorded that public confidence in police accountability remains relatively high with only 17 percent of the general public believing the PNTL to be either always or sometimes corrupt (figure 1). Perceptions of corruption from the PNTL themselves is also improving. In 2013, 25 percent of the PNTL believed PNTL to be either always or sometimes corrupt (The Asia Foundation, 2014: 49-50) while in 2015 only 16 percent believe this to be the case (The Asia Foundation, 2016). Three quarters of survey respondents cited the most prevalent type of corrupt behaviour to involve police misusing their position for personal interests (ibid.). There are debates as to which levels of the institution corruption is most prevalent at. A significant court case indicating the potential involvement of PNTL and political leadership in a high-profile drug smuggling case has been going through a drawn- out series of appeals and retrials. On the other hand, interviewees also cited petty corruption, such as bribery, as a common occurrence (for example, police receiving money to let people go if they are driving without their licences[71]). The fact that such practices were not perceived by many survey respondents as an indicator of police corruption could mean that they are occasional but not endemic occurrences, that they occur mainly in urban areas, or that they may not be considered to be "corruption" by citizens.

Figure 1: In terms of corruption, do you believe some members of the PNTL are…? (2008, 2013 & 2015 – General Public, Community Leaders & PNTL – National)

|	2008		2013		2015	
	CL: n = 140 | MoE + / - 7.0%		**CL:** n = 467 | MoE + / - 4.5%		**CL:** n = 976 | MoE + / - 3.1%	
	GP: n = 410 | MoE + / - 4.9%		**GP:** n = 1895 | MoE + / - 2.2%		**GP:** n = 3520 | MoE + / - 1.6%	
			PNTL: n = 748 | MoE + / - 3.6%		**PNTL:** n = 896 | MoE + / - 3.3%	

(Source: The Asia Foundation, 2016: 83)

The PNTL and F-FDTL continue to be afflicted by various forms of factionalism within the two forces. For example, both forces have been weakened by affiliation to martial arts groups (MAGs)[72] to the extent that the government itself has attempted to take action. The Council of Ministers passed a resolution in December 2011 banning MAG activities, gambling and PNTL involvement in MAG activities, which seemed to be an implicit recognition of the close link between these. Four years later, the government tried again to encourage F-FDTL members to renounce their affiliation to MAGs (RDTL, 2015b), signalling the weak impact of the 2011 ban. This resolution came on the heels of media reporting about an incident involving an off-duty PNTL in an incident at a gambling location, as well as one more murder involving MAGs after repeated problems in Beto Bairo of Comoro, Dili. There continue to be many reports of PNTL involved in providing protection and informal security to gambling venues,[73] often carrying service weapons while off-duty, which puts them in regular contact with neighbourhood youth groups and MAGs.

Public Perceptions

Available perception survey data shows marked improvements in Timorese perceptions of the overall security situation. The Asia Foundation's 2015 community-police perceptions survey showed that 56% of the public believe that security in their locality had improved over the last year and 40% said it had stayed the same, showing a plateauing and stabilizing of the security situation (The Asia Foundation, 2016). The survey also recorded that people's concerns about their safety have reduced by 22% since 2008 (ibid.) (figure 2). Data from a 2011 Royal Melbourne Institute of Technology [RMIT] security perceptions survey in five *suco* of Dili also painted a positive picture, with 86 percent of respondents saying they felt secure in the communities where they currently lived (Grenfell and Winch, 2014: 9).

Figure 2: How concerned are you about your safety? Respondents who said somewhat or very concerned (General public – National)
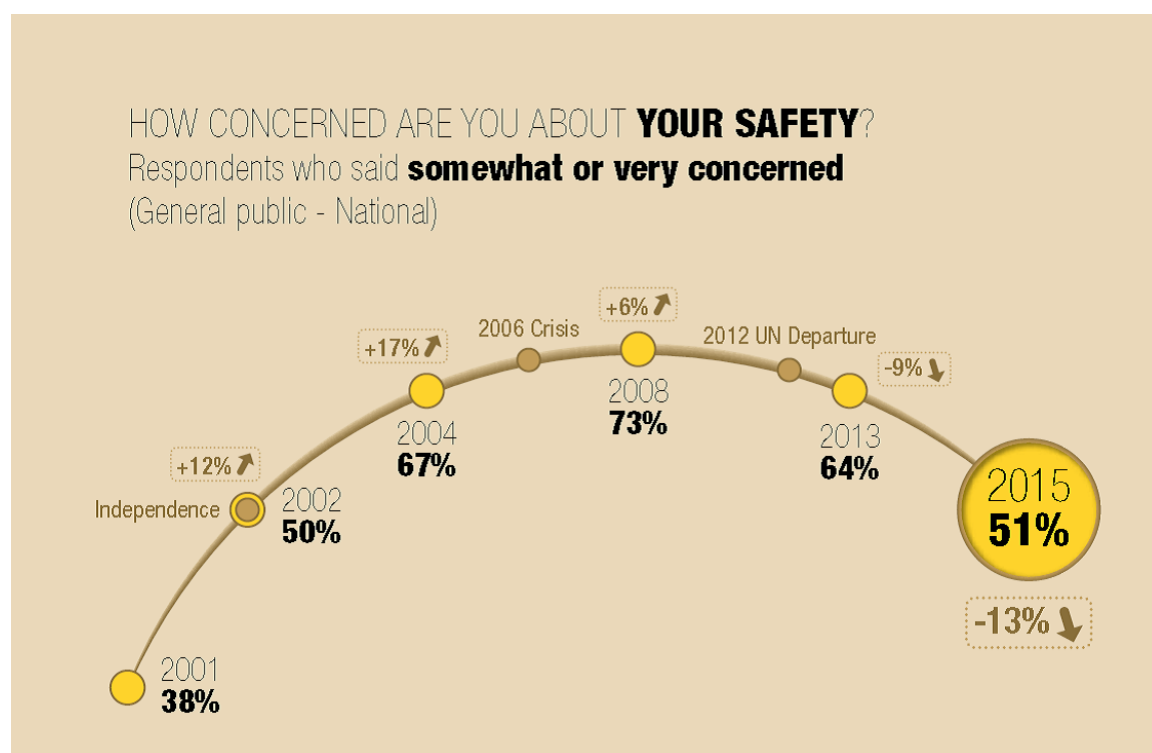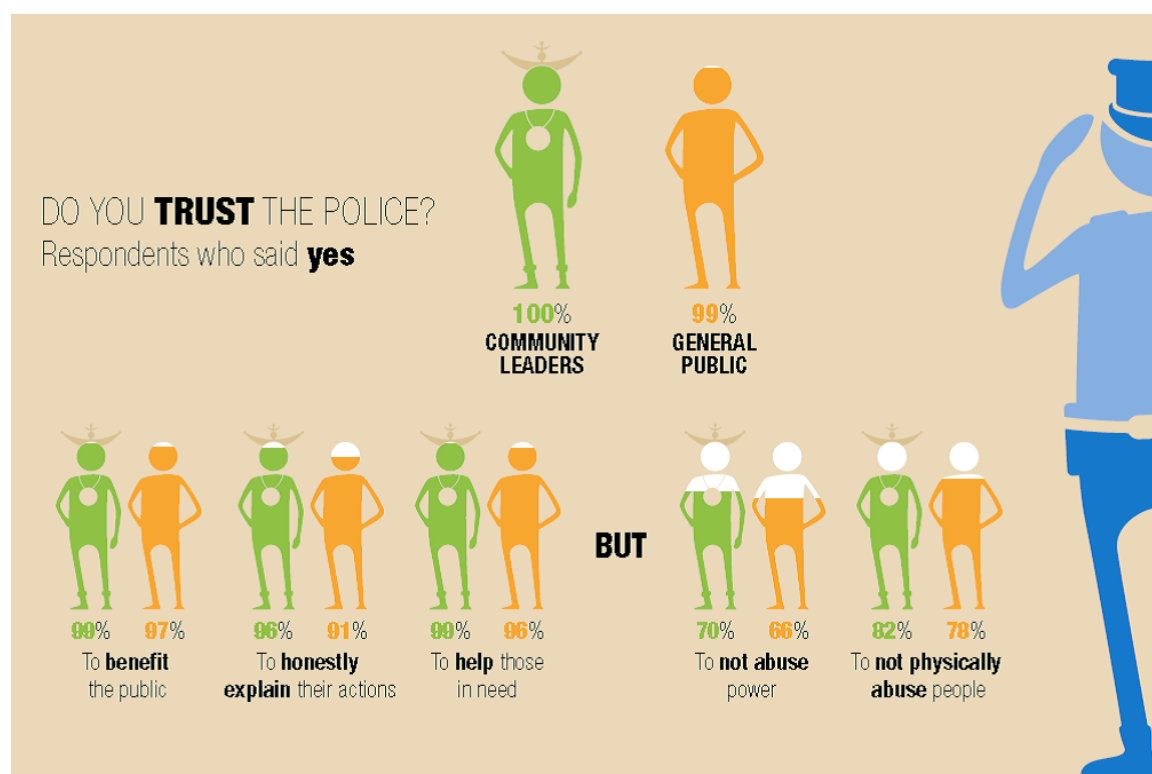

(Source: The Asia Foundation, 2016: 37)

Furthermore, community perceptions of their relationships with police continue to be positive. General public respondents (80%) and community leaders (85%) believe that relations between the PNTL and members of their communities are "good" (The Asia Foundation, 2016).

While overall levels of trust are extremely high, with 99% of the general public saying they trust the police, there are a few significant caveats, including public concern about the potential for police to abuse power or to physically abuse people (figure 3) (ibid.).

Figure 3: Levels of Trust in PNTL in 2015

(Source: The Asia Foundation, 2016: 103)

A notable trend to watch for the future will be whether people's trust and satisfaction with the work of the PNTL increases or decreases as they come into more contact with the realities of police capacities to provide services at the *suco* level. "Their expectations will be raised and then the capacity of the police is not yet there to meet their expectations."[74]

According to Transparency International's overall 2014 Corruption Perceptions Index, Timor-Leste ranked 133 out of 175 countries, signifying high public concerns about corruption, with a low overall score of 28 out of 100. In the 2013 Global Integrity Report,

Timor-Leste scored 65 percent for its legal framework but only 48 percent for actual implementation. The recent reshuffle of the government saw a number of ministers and secretaries of state moved out of office, some of whom will only now face court cases that have been pending for a number of years.

EVALUATION FRAMEWORK: ASSESSING ORTHODOX SSR IN TIMOR-LESTE

The following section provides an assessment of the application of SSR norms and principles in Timor-Leste, divided by four distinct time periods: 1999-2002; 2003-2006; 2007-2012; and 2013-2015. The evaluation framework for this project comprises 11 indicators that mirror the core SSR norms and principles.[75] These 11 indicators are assessed and a letter grade (A, B, C, D) is assigned for each indicator, with an 'A' grade representing the most effective possible application of the core SSR norm/principle in the country and the 'D' grade signifying the worst. A summary of the assessment for this case study is provided in Figure 4.

Local Ownership

Indicator grade (average): D+

The UN-led process of establishing the Timorese security forces suffered from contested local ownership. UNTAET depended heavily on the leadership of Xanana Gusmão in the design of the security forces and their legislative governing structures. However, there was limited broader political consultation, contributing to the formation of a security sector with fundamental flaws and contested legitimacy.

During the period following the 2006 crisis, national ownership of the process increased dramatically. The UN's intended mandate to reinstate UN executive policing control and support the "reform, restructuring and rebuilding" of the Timorese police (known as the triple R plan) was introduced through a "Supplemental Arrangement." The government, however, never enacted legislation to enforce the Supplemental Arrangement, leaving the UN's role on shaky legal ground (ICG, 2009: 6). As such, the UN lost its claim to take as strong a role in the design of a reform process as it had in the establishment phase, leaving space for the government and president to take a stronger leadership role (CIGI, 2010a: 5).

Figure 4: Summary of Indicator Grades

Timor-Leste
SUMMARY OF INDICATOR GRADES
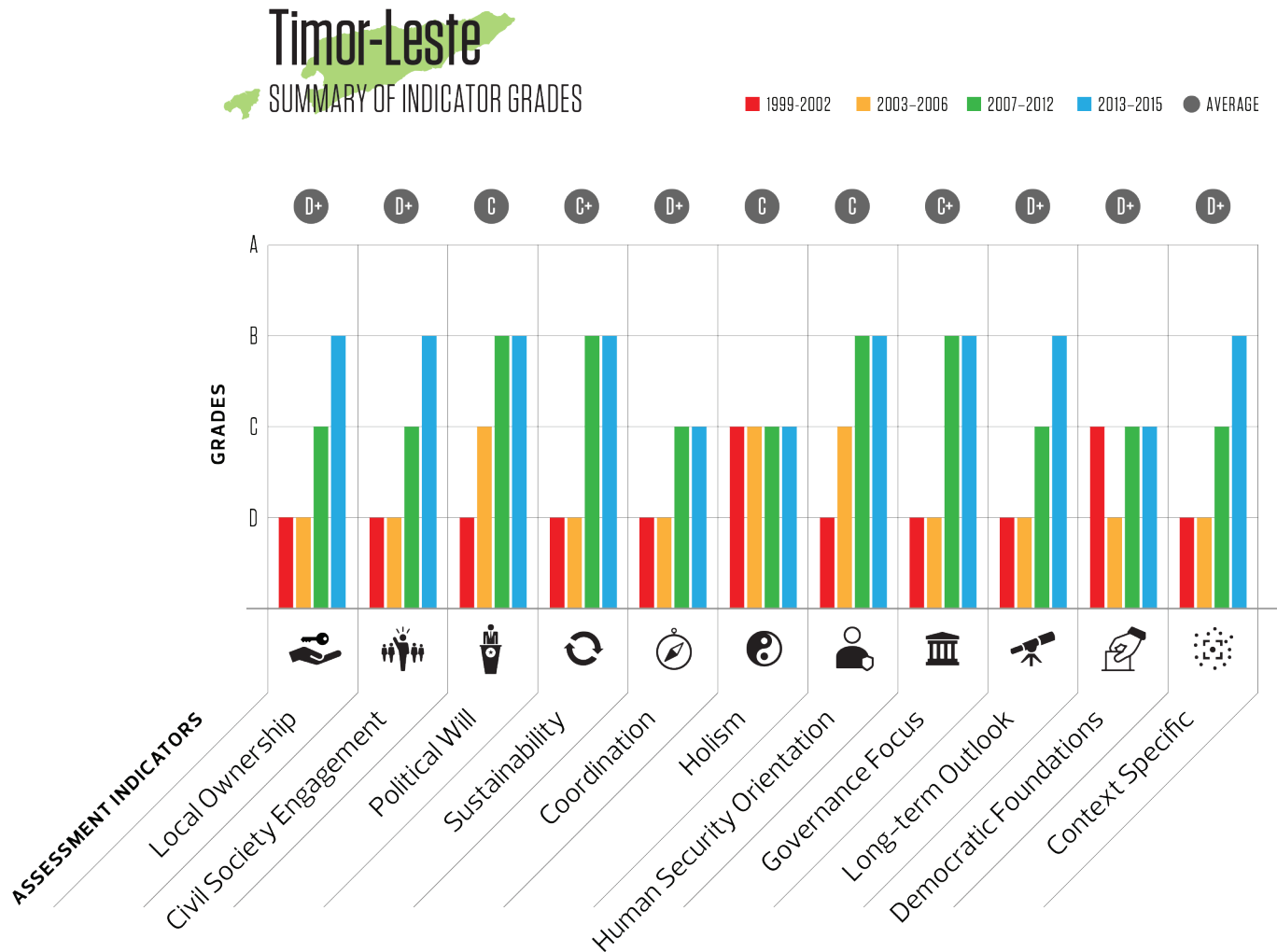
While the UN was leading its reform program, the government began its own, parallel process. The UN could then only act within the scope permitted it by Timorese officials and depended on "voluntary mechanisms of persuasion and suggestion" (Schroeder, Chappuis and Kocak, 2013: 393). In the wake of a return to stability, the government led the development of the National Defence Policy (Forsa 20-20) in 2007 and the National Security Law, approved in 2009, which introduced a military hierarchy into the police structure.

The departure of the UN mission in December 2012 brought even stronger governmental leadership of the SSD process. Significantly, the PNTL produced its first nationally

developed Strategic Business Plan 2013–2018, which aligned closely with the aspirations of the development partners. However, governmental leadership also brought about some somewhat controversial developments. The increased use of joint military-police patrols/operations went against all of the traditional principles of separation of roles between the police and the military, but was seen by the government as the only way to rebuild confidence within and between the two forces. Many agree that the Joint Command after the 2008 assassination attempts was successful and had strengthened PNTL-F-FDTL relations and enabled the efficient stabilization of the security situation. However, the joint operations that followed and the regular use of the defence force to deal with internal issues since then are contested by members of the government, civil society and members of the security sector themselves.

While government-led practices may be seen to be moving toward a more Timorese-owned approach to the security institutions, the government itself now develops its reform process in a deterministic manner. Recent processes to develop laws have been conducted by internal working groups and did not involve any consultation with the public or civil society. Significant public consultation on high-level policy could be considered an ambitious expectation, especially for a young nation. However, structured public consultation processes could support broader society to embrace reform, contributing to the long-term public legitimacy of the security sector.

Civil Society Engagement

Indicator grade (average): D+

> "I think that civil society hasn't been called, but in the future civil society needs to be involved."[76]

Substantive engagement of civil society in the early security sector establishment process, at the invitation of either UN actors or the government, was preciously limited. The process was governed and guarded at an extremely high level. Only the UN and select politicians were involved in deciding the original structure of the security sector and, later on, securing stability and handing security control back to state institutions were higher priorities than engaging in broader dialogue about SSD.

> "The discontinuity between civil society and the UN has resulted from several sources. First the UN did not appreciate the role of these groups in reaching out to rural populations early in the SSR process and second, many civil society groups were ostracized because of the language barrier.[77]" (Armstrong, 2012: 21-22)

Very few NGOs or civilian groups, such as political groups, veterans associations, religious representatives or any other form of civilian association, were invited to voice commentary

or critique on SSD issues. They were rarely invited to attend events, let alone formally engaged in policy development processes (ibid.).

One challenge to broad civil society engagement was that the situation was indeed fragile, to the extent that some disaffected veterans groups felt so marginalized by the process of forming the F-FDTL and their lack of opportunities upon not being offered a place, that they took their grievances to the streets. Veterans' protests sparked minor civil unrest in 2002 and 2004.

In terms of more formalized NGOs, in the early days, the JSMP was a key civil society organization (CSO) that monitored justice system developments from 2001; until 2009, however, there were no CSOs focusing specifically on SSD issues, though many were active in human security and peace-building activities. Fundasaun Mahein (meaning the guardian foundation) was founded in 2009, specifically to focus exclusively on monitoring, advocacy and engaging public debate on security sector performance and development. A significant positive sign for Timor-Leste is that two members from civil society (the director of Fundasaun Mahein and the director of the Resistance Museum) participate in the Superior Council of Defence and Security, which hosts the president, the prime minister, the military police commander, PNTL commanders, the minister of justice and the minister of foreign affairs, and discusses specific strategic issues.

There are still few opportunities for civil society to formally engage on security sector direction. The process of developing any new legislation has been largely non-consultative. CSOs are sometimes invited as observers to government-donor sectoral coordination meetings; however, there is often not room to influence the process.[78] Concerns continue regarding intimidation of civil society actors when they touch on politically sensitive issues.[79]

Many analysts (Armstrong, 2012; Rees, 2006; Schroeder, Chappuis and Kocak, 2013; CIGI, 2010a: 6) caution that the established political elite appropriated the SSR process with extremely limited involvement of civil society and citizens. "This inability to harness civil society influence resulted in popular distrust as well as wide-spread misunderstanding of how the populace traditionally helped to oversee police activities" (Armstrong, 2012: 21-22). Public concerns about accountability, access to justice, and the role of traditional institutions are yet to be sufficiently embraced by the government.

Political Will

Indicator grade (average): C

Political will for the development of a security sector accountable to the rule of law evolved over time. The decision to form the police force from those with existing policing

experience was contested at the time by many political and societal actors, particularly FRETILIN supporters (Rees, 2004). These dynamics set the foundations for ongoing politicization of the security forces. Any political will to ensure accountable security institutions was overshadowed by competing allegiances and the development of power bases. Such a noxious cocktail of political interference in the security sector inevitably led to the fracturing and breakdown of the security sector in 2006.

Following the 2006 crisis, SSR efforts were focused on mending a broken sector. Without reversing the initial decisions about the design of the security forces themselves, however, SSR efforts were constrained. They focused on systemic improvements and the forging of quasi-workable relationships between the security and defence forces. Nonetheless, at this stage, the government had no option but to undertake a wide-ranging series of reforms to rebuild the sector.

> "The SSR from 2007-2008 was controlled by the government...the UN was involved and had influence over it, but the control was with the government, and this process resulted in more professional institutions more separate from political power."[80]

The SSR program that was instituted from 2007 onwards included a series of priorities including: recruitment, vetting and capacity development of human resources; infrastructure, including buildings for the Ministry of Defence and Security, police stations and posts; legislation; and cooperation with development partners (United States, China, South Korea, Japan, Australia, New Zealand, Indonesia and the Community of Portuguese-Speaking countries (CPLP)).[81]

The vetting process was one of the key components of the triple R plan. It required significant leadership to overcome resistance within the police force as to the outcomes of the examinations. Political will was mixed. Some leaders, such as then President Ramos-Horta and former Prime Minister Alkatiri understood the importance of the process, but did they did not risk their own political capital to back the process.[82] The political will for the reforms by the government itself, headed by the minister of defence and security, Xanana Gusmão, was waning, and Gusmão began withdrawing his support, draining the momentum of the vetting process. Despite the weaknesses of the vetting process itself, some of the information gathered was considered during the subsequent, government-led promotions process. This brought a degree of awareness of the importance of respect for human rights into the PNTL.[83]

The vetting system suffered from a lack of clarity as to whether it was internationally or nationally led. A government-led promotions process in 2010,[84] however, was broadly acknowledged as "a real step towards the professionalization and independence of the police" (ICG, 2010: 1). Once government regained control of the process, political will and cohesiveness of the government-led approach improved.[85] As the international community

has receded from the scene and the government has taken over the SSR agenda, it has shown greater political will to drive reforms. These reforms are not always in line with expectations of the international community, but they are often more closely aligned with the political necessities of a new nation.

Sustainability

Indicator grade (average): C+

> "The budget spent in the security sector just flows out, there is no direct revenue coming from there. The success in this sector is measured differently, through the success in establishing peace and stability."[86]

The sustainability of the security sector in Timor-Leste can be measured in a number of different ways. Divisions within the sector were so destabilizing that they nearly led to the unravelling of the state itself in the 2006 crisis. Efforts to support SSD prior to this, therefore, did not have a sufficient degree of sustainability, in terms of locally driven commitment to the established structures.

Increased resilience of the security sector institutions is the most important factor for the sustainability of the sector, and for peace and stability in the country. Nonetheless, the financing of the sector does need to be considered. Timor-Leste has become far less dependent on donor financing since its oil revenues came online in 2005. The prospects of the oil fund continuing to support the whole civil service is dependent on the sustainable spending of the fund and the gradual shift to alternative revenue streams. Leading Timorese security actors and policy makers are conscious of the need for the country to start generating alternative revenues and that security is one of the pre-conditions for economic development.

Donor financing of the sector is becoming less significant than the state's own funds. The government has enough funds to cover the projected costs of its security sector over the short to medium term. However, the issue of long-term financial stability is linked to Timor-Leste's economic prospects. Conservative estimates predict that oil revenues will begin to decline by 2024 if no new deposits are found (Scheiner, 2015). With oil prices dropping, all government spending, including security sector, needs to be more prudent, focusing on the most pressing needs. This would therefore be an opportune time in Timor-Leste's young history to review the security sector model currently in place, reduce duplicative roles between the military and police force and design a more streamlined model adapted to the needs of the Timorese context.

The Timorese government's defence and police spending currently focuses on expansion of the two forces, with militarized "special" units of PNTL receiving a higher portion of the

budget than that allocated to regular policing work in all 13 districts put together, including the capital Dili.[87] The need for special units was perhaps justifiable closer to the time of the 2008 crisis, but given the dramatically improved security situation (Valters, Dewhurst and de Catheu, 2015), it is hard to justify the heavy investment in this area. A more integrated security sector model that reduces the duplicative roles of the special units and the military in responding to internal heightened security threats would be more economical. Budget lines for more cost-effective approaches to improving personal security, such as community policing and outreach activities are beginning to feature in the state budget.

It was estimated that the costs of 1,500 regulars and 1,500 reservists is equivalent to around one percent of Timor-Leste's GDP, which is the highest level of military expenditure the country can sustain (The Centre for Defence Studies, 2000).

Bringing police and military together through joint operations appears to have both benefits and risks in terms of the sustainability of the sector. Increased cooperation has proven successful in reconciling fractured relationships between the forces and is a step toward a more integrated model. Since 2008, however, justifications for operations have been increasingly politically and legally dubious and have generated a political-economy around the expectation for operations to take place on a regular basis in order to offer travel allowances to force members engaged in the operation.[88] Many citizens are losing patience with operation budgets as large as US$2 million, as expressed by CSOs (Fundasaun Mahein, 2015a) and through the print and online media. They see human rights violations and trauma caused for community members as too high a price for security, especially when operations do not achieve the purported results.

Coordination

Indicator grade (average): D+

Inter-sectoral and inter-agency coordination in SSD in Timor-Leste has never been easy. There was little coordination of reform across sectors such as police, military, judicial and governance, with no common plan for strengthening the security sector (Armstrong, Chura-Beaver and Kfir, 2012: 36). An ongoing hindrance to development of a coherent and coordinated approach between the security and justice sectors is the weakness of institutional capacity and political standing of the justice sector (Bajraktari et al., 2006: 31; IPAC, 2015).

Under UNMISET and UNOTIL, a decline in coordinated funding left the security sector dependent on bilateral funding. As a result, there was a lack of a coherent approach, and even active antagonism. The UN and the two main bilateral players, Australia and Portugal, often actively manoeuvred against each other. This enabled the government to

"play them off against each other,"[89] lending their goodwill and cooperation to request equipment and resources from various different donors without having to abide by the donors' proposed conditional agreements. The Portuguese primary interest was maintaining its close relationship with the government. Given the Timorese partiality to the approach of the GNR, the Portuguese supported the government's investment in strong-arm and paramilitary branches of the PNTL. This countered the approach by Anglophone and Japanese development partners promoting the development of a police service rather than police force. Coordination mechanisms were often duplicative and rarely met (Soux et al. 2007; Svoboda and Davey, 2013).

Frustrated by the international machinating, the government instead developed its own parallel SSR framework and developed legislation without UN involvement, selecting international engagement, such as with the GNR.[90]

By 2013, coordination on both the national and international sides improved. With the withdrawal of the UN mission and involvement of fewer international players, coordination and complementarity of approach has improved. Dialogue has increased between Australian, New Zealand, US, UNDP and Japanese support. However, other bilateral, as well as non-traditional donors engaged in the sector, including Portugal, Brazil, China and Indonesia, continue to operate bilaterally in their strategic areas and rarely engage actively in the government-led multi-donor coordination efforts.

Holism

Indicator grade (average): C

In the early days of UN intervention, the theoretical framework for SSR was not well conceived, even internationally. The UN worked to set up structures for all state institutions, including the police, the military as well as the judiciary and prison system. Under pressures of the time, the UN was often more focused on its stabilization mandate than supporting the institutionalisation of civilian control over the military or security structure. The support to the security sector was not well synchronized with efforts to improve the judiciary, penitentiary systems, governance and broader development assistance (Soux et al., 2007: 74).

Once the situation stabilized following the 2006 and 2008 crises, the attention of the UN and various bilateral organisations turned to "institutional capacity development" within each of these sectoral areas. There have been some efforts to improve the institutional linkages between sectors, such as case management between the PNTL and Office of the Prosecutor General.[91] However, there is little evidence that overall reform efforts in security sector institutions have been coordinated with support to the governance and

judicial structures sector by either the government or their donors (Armstrong, Chura-Beaver and Kfir, 2012: 36).

Human Security Orientation

Indicator grade (average): C

High-level SSD processes in Timor-Leste have been focused primarily on development of the formal systems. Priorities of the various UN missions and the government were dominated by the focus on stabilization followed by institutional systems reform. Guaranteeing stability was cited as a higher priority of the government for its citizens following the 2006 and 2008 crises. Efforts to address the highly complex socio-economic challenges facing citizens' human security have continued alongside stabilization efforts; however, the two processes have rarely been explicitly linked.

The danger of pursuing a "stabilization" agenda too heavily, through increased militarization of the police and securitized approaches to political threats, is that it can begin to erode trust in both security and justice writ large. The use of joint operations, and their poor human rights records (PDHJ, 2015) have been eroding trust in the police, particularly in the eastern district of Baucau where the most recent operation was most concentrated. "We went to Saelari and the community felt unsafe because justice for these people is not clear, some are sent to jail but then returned, they feel their security is threatened."[92]

However, recently a people-centered approach has been gaining ground from the bottom, not the top. There has been increasing interest within district-level police for a more community-oriented, multi-sectoral approach to policing. The new district commander of Baucau District has been employing community policing approaches and dialogue to mollify the impact of the operation on communities and restore a degree of community cohesion. Such opportunities have increased citizen access to complaint mechanisms and increased the answerability of the security institutions to the communities they aim to protect. It appears that police at the frontline of engaging with communities see clearly the necessity and advantage of cooperating with government representatives from other sectors, communities and civil society as their resources are insufficient to reach all citizens and respond to their complex human security needs, particularly in remote locations.

There is also increasing influence of citizen demand for a police force that meets the citizens' local security needs. The decision to appoint community police officers at the *suco* level was brought about through the mobilization of demand from the *suco* chiefs themselves who lobbied the president to support the proposal.[93] It is yet to be seen whether

the local-level momentum and support is sufficient impetus to shift national level policy making to legislate for a stronger community-oriented approach for Timor-Leste's security sector.

Governance Focus

Indicator grade (average): C+

In Timor-Leste, governance support has been employed in parallel to SSD. As Timor-Leste was a new country, all institutions and systems had to be developed from scratch. In the early days of the transitional administration, functioning state judicial institutions and detention facilities were operationally non-existent (Wilson, 2010: 70). Since then, the UN and donors have long been supporting the development of legal structures, judicial and penitentiary systems, and civilian oversight mechanisms.

There were significant challenges in the establishment of effective civilian oversight structures and mechanisms for the F-FDTL and PNTL. UNTAET was criticized for its limited engagement in the oversight mechanisms for the F-FDTL due to its negation of responsibility to engage with "armed groups" (Hood, 2006: 148, 155). On the security side, too, work on governance was delayed (Rees, 2006: 10). The United Nations Independent Commission of Inquiry considered the lack of a national security framework; the lack of public discussion on key legislation, which was passed by government decree law rather than by the parliament; and the lack of policy-making power of the Superior Council for Defence and Security as contributing to the lack of effective coordination and cooperation between the F-FDTL and PNTL (United Nations Office of the High Commissioner for Human Rights, 2006).

A long-term challenge in Timor-Leste was the lack of appointment of a minister for defence or security following the 2007 elections. Both positions were assumed by then Prime Minister Xanana Gusmão, until the government reshuffle in early 2015. The newly appointed ministers for the interior and for defence are Gusmão loyalists, with limited independent political influence to challenge government policies or proffer objective oversight.[94]

The development of a legislative framework for the security sector was an important success of SSR efforts as it defined rules, roles and responsibilities. A number of important pieces of legislation were approved between 2008 and 2011. These included the National Security Law, the criminal code, the criminal procedure code, civil procedure codes and the Law Against Domestic Violence. The Council of Coordination for justice system management mechanisms has been formalized as an advisory body to the Ministry of Justice to address coordination problems between justice sector institutions. A policy has

been introduced to increase quality of national judicial actors and trainees entering the justice sector, and there has been further decentralization of the justice system with the establishment of district and mobile courts.

These developments within the legislation framework and justice sector alone, unless embedded in socio-political norms and culture, will often fail to hold institutions to account. As one former defence official notes:

> "Civilian oversight is not strong yet, it is [due to] sectoral egoism… we need a bit of time. The issue is not that we lack laws but [rather] the conscience and attitudes needed to follow the law."[95]

In Timor-Leste, parliamentarians have not demonstrated oversight over decisions around security sector legislation or policy development, and the executive still dominates (Belo and Koenig, 2011: 9; Rees, 2004: 58; CIGI, 2010b: 2).

Long-term Outlook

Indicator grade (average): D+

The original security sector institutions were not designed with the long-term future of the security sector needs in Timor-Leste in mind. They were designed for immediate stabilization purposes within an unstable and ambiguous transitional period in Timor-Leste's history. Following the 2006 crisis, legislation was again designed to meet short-term stabilization purposes, instituting a military hierarchy into the PNTL, delineating special paramilitary units and enabling integration of the mandates between the police and the military. These stabilization measures were necessary for the political context of the time, but legal frameworks and policy approaches are evolving as the context stabilizes.

In recent times, there have been momentous improvements in stability and the personal security of citizens (Valters, Dewhurst and de Catheu, 2015). The current climate is, therefore, very favourable for a review of the macro-design of a security model to suit the Timorese context, which could better suit its long-term social, political and economic realities. Until a new consensual vision is built for the future design of the security sector institutions, the sector will remain in institutional limbo.

Democratic Foundations

Indicator grade (average): D+

Traditional SSR concepts are overtly liberal in their normative approach. The OECD DAC Handbook on Security System Reform (2007: 13) posits that "security system reform has an explicitly political objective — to ensure that security and justice are provided in a manner consistent with democratic norms, human rights principles and the rule of law." However, some conflict-affected contexts face uniquely complex and multi-layered sets of challenges meaning some compromises may need to be made for the sake of stability while in the process of democratic consolidation. In Timor-Leste, a typical security sector model, with a full military and police force, may not be appropriate for the long term, but was nonetheless introduced during a period of political and institutional ambiguity. There is potential for Timor-Leste to transition away from the dualistic model to a more integrated and lightweight institutional model. The government is currently mired in flawed institutions with ill-defined roles, but without a consensual vision about what an ideal end-state of the security sector should resemble. In addition, in the Timorese context, more hybrid models of security and justice are relevant to support the transition away from conflict due to the limited reach of the justice sector.

Politically, Timor-Leste has engineered a consensual form of government in order to facilitate a transition of power between the older generation of resistance leaders to a "new" generation of elected leaders. However, the power and influence of individuals still frequently trumps that of institutions. This paper notes that there is a delicate balance to strike between promoting short-term stability and potentially forfeiting long-term legitimacy.

PDHJ's report challenged the legality of decisions made by the government to declare certain groups illegal and launch the latest joint-police-military operation, Operasaun Hanita (PDHJ, 2015), which overrode of the role of the justice sector and separation of powers. As such, PDHJ claims that this operation was illegal, and used by the government to quash political opponents who had a legal right to association and self-expression.

While joint operations *per se* may not threaten the legitimacy of the security forces, their use without due legal process can indeed threaten the legitimacy of the security forces, the legitimacy of the government and its *right to rule*, and the separation of powers, the foundations of democracy itself.

The most serious ongoing concern with the security sector in Timor-Leste is thus its limited accountability to democratic institutions, and dependence on the directives of dominant political leaders. This has left space for authoritarian tendencies within the government.

Context Specific

Indicator grade (average): D+

> "Much of the security progress made in Timor-Leste has been due to a shift in decision-making away from donors and towards the Timorese state. Nationally-owned processes and decisions — some controversial — have been critical in reducing experiences and perceptions of different forms of violence." (Valters, Dewhurst and de Catheu, 2015: 22).

The original misstep in the SSD process was the imposition of international standardized models onto the Timorese context with limited political or citizen consultation. The expedient option was to transform a portion of the guerrilla fighters into a new defence force, and form a police force from those with policing experience under the Indonesian administration. Many saw this approach as institutionalizing illegitimacy into the police force, and establishing a large military force despite limited external threats and the country's limited resources to sustain it (Ball, 2002). Crucially, clarity on legislation governing civilian oversight was limited, leaving the forces vulnerable to political provocation (Rees, 2004).

In terms of adjusting the existing institutions to better suit the context, the government snubbed UNMIT's mandated efforts to conduct a Security Sector Review. Instead, the government spearheaded legislative reform post-2006 that brought more "integration" between the forces. A new ranking and promotions systems brought greater meritocracy and professionalism. In 2008, the government faced the imminent internal security challenge of demobilizing the petitioners with a police force still lacking broad legitimacy. At this juncture, the government began demonstrating its answer to this predicament by involving F-FDTL in internal security. This government-designed approach was lauded at the time for reconciling differences between PNTL and F-FDTL and the success of the approach in discharging the petitioners from the army. While an effective short-term measure, continuous overuse of this approach by the government could undermine its gains by damaging legitimacy.

The PNTL's nationally developed Strategic Business Plan 2013–2018 reflects a growing assertion within the PNTL that the community-oriented approaches are an effective and context-appropriate way of utilizing limited resources to reach remote communities and support crime prevention. Nonetheless, the government is yet to launch its own sector-wide review as to the most appropriate model for the security sector in Timor-Leste.

CONCLUSION

Was the SSR program effective?

The SSR process in Timor-Leste has improved over time as the government has asserted greater ownership of the process. The pre-2006 UN peacekeeping missions were effective and necessary in short-term stabilization, but were not effective in establishing and developing the security sector institutions, essential ingredients for longer-term peace. This was due firstly to the short-term nature of the UNTAET, UNMISET and UNOTIL missions. Tying the SSR programming to the time frames of peacekeeping missions was inappropriate, as SSR in Timor-Leste required a significantly longer-term vision and engagement than peacekeeping missions are ever suited to. The lack of a long-term strategy for SSR eventually undermined the peacekeeping efforts. Secondly, the UN's rigid approach failed to engage politically to mitigate the emerging spoilers who were on track to unravel the security and state institutions, culminating in the 2006 crisis.

Government leadership of SSR increased significantly following the 2006 crisis after it lost trust in the ability of international actors to understand which approaches would be politically viable and contextually appropriate. The perception that models were being imposed from foreign contexts into the country distanced key players from interest and support for the SSR ideals of rights-respecting institutions bound by the rule of law. Fortunately for Timor-Leste, the political leadership of the time appreciated the need to instigate reform. It introduced new legislation, ranking and promotions processes, which brought a degree of meritocracy and reduced the influence of factionalism within the forces. The government's ownership and leadership increased the legitimacy and embeddedness of SSR efforts. The government also introduced some less-liberal approaches to SSR such as the use of joint operations. These approaches did enable a locally led response to the 2008 demobilization of the petitioners and provisionally reconciled some of the complex divisions within the security sector that were unique to the Timorese context. Subsequent uses of joint operations have had weaker justifications and have perpetuated human rights abuses. These approaches challenged traditional notions of democratic norms and the separation of mandates of the police and the military which continue to disrupt the sector's coherent development until today.

Did alternative or second-generation approaches to SSR emerge?

Second-generation SSR thinking focuses on the need for some of the fundamental principles of traditional SSR, particularly national leadership, citizen engagement, adaptation to the local context and holistic approach to security governance to be placed at the centre of SSR. In addition to efforts to be more effective in putting these principles into practice, second-generation approaches reduce the focus on state-centric and overtly

liberal approaches to state building. Instead, second-generation approaches focus on reconciliation, community-oriented approaches, addressing the complex causes of societal tensions and insecurity, increasing personal security, and engagement with non-state actors (Keane and Downes, 2012).

In Timor-Leste, local ownership of the process increased at a later stage of the process. The heavy architecture of the UN peacekeeping missions pre-2012 restricted space for effective government leadership, or more flexible, adaptive approaches to take root. Counterintuitively, despite the lower funding commitments of the bilateral partners compared to the resources of UNMIT's Security Sector Support Unit combined with the UN Police, the UN withdrawal has led to more contextually relevant, "lighter-touch" donor support. The shift of donor programs to a "support" role, rather than direct implementation, has further encouraged government ownership.

There is now more breathing space for local actors to begin speaking out about the types of security institutions they think are suitable to the context. There has been a broadening of the context and increased civil society engagement on security sector performance monitoring and policy themes.

Since 2012, "train and equip" approaches ceded to increasing support of institutional systems, which has advanced the professionalism of the two forces. The more flexible, modest, iterative and political processes that have emerged following UNMIT withdrawal have included: the linking of skills and systems building to bring about gradual, internal institutional professionalism; engagement with traditional justice systems and non-state actors to support community security; forums with security policy actors; the use of community-police perception surveys and research to measure progress in personal security and demonstrate the impact of community-oriented approaches and the support of reform-minded institutional leaders from national level to middle-management and even SPOs through training, workshops and study tours. These measures have served as "interim security activities" (Colletta and Muggah, 2009) to buy time for the development of political consensus (Sedra, 2010) for longer-term and more complex reform.

A push for more holistic, integrated approaches that focus more on human security outcomes rather than institutional technical capacity, has begun to emerge from the ground up rather than top down. This is exemplified by the new policy decision, led by the PNTL's NDCP to establish SPOs in each *suco*. This decision responded to demands by *suco* chiefs for more access to the PNTL. Local demand has also been generated through civil-society-led human security programming, monitoring and research. Police are increasingly engaging with non-state actors and informal justice systems, to the prevailing satisfaction of the general public (The Asia Foundation, 2015a).

Community policing approaches are heading in the direction that the majority of interviewees posited as an appropriate role for the police. This trend could lead to the increased integration, and clearer demarcation, of the roles of the two forces in the long term. Such a remodel would represent a more efficient, sustainable and contextually relevant security sector model for the country. Nonetheless there are still contradictions in policing and security sector philosophies within the security institutions and among their development partners that continue to thwart a coherent approach to SSD in Timor-Leste.

Timor-Leste is yet to hold broad consultations on the design of a more appropriate set of security sector institutions for the context. The evolution of Timor-Leste's security sector will take time and requires long-term support from both the government and its development partners to strengthen both stability in the country and the increasing legitimacy of the security sector institutions.

What does the impact of SSR in the case study country say about the model and its implementation elsewhere?

The Timor-Leste case study has shown that without a politically astute and long-term approach, serious errors can be made in shaping the security sector environment. SSR efforts should not be tied to peacekeeping mandates, but should instead be designed as long-term engagements, creating space for governments and societies to generate their own visions for SSD. Reforms that are imposed will lack legitimacy and are unlikely to stick. International support should be offered in a consultative rather than prescriptive manner — modest, flexible and adaptive to the unique needs of each context. Initial structures need not meet "ideal" standards, but efforts should instead aim for "good enough" provisional systems and approaches. "Interim stabilisation measures" (Colletta, 2012) can be used to buy time and prepare the ground for a longer-term SSD and reform process, rather than imposing major structural reforms on nascent or fragile institutions that may either be ignored or be disruptive. Alongside interim stabilization measures, research should guide the design of context-relevant, human security approaches engaging security actors with local legitimacy, even if they are beyond the state architecture. Civil society actors and local leaders, when linked to reform-minded policy makers, can be powerful drivers of bottom-up processes of change. Surveys can be powerful tools to identify needs, track progress and advocate for people-centred approaches. Such approaches have been seen to be able to achieve momentum for shifts in institutional culture, based on better understanding of real security needs. In parallel, political-economy analysis needs to guide avenues for political engagement to promote reform champions and mitigate the destabilizing motivations of potential spoilers. Continued engagement in transforming middle management will further buttress organizational change through combined bottom-up and top-down approaches.

NOTES

1. The term Security Sector Development (SSD) is preferred in Timor-Leste as the term SSR can be interpreted to infer criticism of existing security sector models. This is particularly relevant to the period prior to 2006, as the institutions were still in their nascent stages. The PNTL and F-FDTL were established under the auspices of international jurisdiction prior to 2002. The international endorsement of the dualistic security structure, established a sector with inherent factionalism and fragilities, that was one of the driving factors of the 2006 political-military crisis. The subsequent use of the term SSR was again met with resistance as it implied that the international community again thought it had solutions to the unique set of challenges facing the Timorese government, which the international community had previously failed to anticipate.

2. The CNRT was established in 1998 as the peak body of the East Timorese people's resistance to the Indonesian occupation of East Timor. The same acronym was used by Gusmão in March 2007 to found the political party, *Congresso Nacional para a Reconstrução de Timor-Leste*, (CNRT) (the National Congress for Timor-Leste's Reconstruction), in preparation for the 2007 parliamentary elections.

3. Interview with former Member of Parliament (MP), Dili, March 3, 2015.

4. Gusmão became Timor-Leste's first president on May, 20 2002.

5. Interview with civil society security sector analyst 2, March 2, 2015.

6. Interview with MP 1, Dili, March 5, 2015.

7. Interview with former MP, Dili, March 3, 2015.

8. Interview with MP 1, Dili, March 5, 2015.

9. Interview with program manager, Timor-Leste Police Development Program (TLPDP), Dili, March 4, 2015.

10. Interview with international security sector analyst 1, Dili, March 4, 2015.

11. Interview with UN official 1, via Skype, March 25, 2015.

12. Interview with government defence official, Dili, February 27, 2015.

13. Interview with UN official 1, via Skype, March 25, 2015.

14. Ibid.

15. Ibid.

16. Interview with government defence official, Dili, February 27, 2015.

17. Interview with international security sector analyst 1, Dili, March 4, 2015.

18. Interview with PNTL representative 1, Dili, February 27, 2015.

19. Interview with PNTL representative 2, Dili, February 26, 2015.

20. The constitution states that the F-FDTL are responsible for protecting citizens against external threats, and the PNTL is responsible for internal security.

21. Interview with government defence official, Dili, February 27, 2015.

22. Interview with PNTL representative 2, Dili, February 26, 2015.

23. Interview with former MP, Dili, March 3, 2015.

24. Interview with PNTL representative 2, Dili, February 27, 2015.

25. Interview with MP 1, Dili, March 5, 2015.

26. The PNTL Strategic Plan 2014–2018 cites the three main components of PNTL's policing model as: visibility, involvement and professionalism.

27. Interview with former MP, Dili, March 3, 2015.

28. A *suco* (village) is the administrative division below a sub-district in Timor-Leste. It represents a village or group of sub-villages known as *aldeias*. There are 13 municipalities, 65 sub-municipalities, 442 *sucos* and 2,336 *aldeias* in the country.

29. Interview with civil society security sector analyst 3, Dili, March 5, 2015.

30. Ibid.

31. Interview with PNTL representative 2, Dili, February 26, 2015.

32. Ibid.

33. Interview with civil society security sector analyst 2, March 2, 2015.

34. Interview with former MP, Dili, March 3, 2015.

35. Mari Alkitiri is the Secretary General of FRETILIN. He served as the first Prime Minister of Timor-Leste from May 2002 until he resigned on 26 June 2006 in response to the political pressures of the crisis.

36. Interview with former MP, Dili, March 3, 2015.

37. Ibid.

38. Ibid.

39. Ibid.

40. Interview with PNTL representative 2, Dili, February 26, 2015.

41. Interview with PNTL representative 3, February 26, 2015.

42. Interview with UN official 1, via Skype, March 25, 2015.

43. Timor-Leste ranked the 124th highest homicide rate of the 218 countries surveyed in 2010 (United Nations Office on Drugs and Crime, [UNODC] 2014)

44. Belun is a Timorese national conflict prevention NGO. *Belun* means friend or partner in Tetun. Its EWER system is a conflict prevention system that monitors, maps and responds to incidents of violence across the country.

45. Interview with civil society security sector analyst 1, March 2, 2015.

46. Ibid.

47. The ranking system was mandated under Decree Law 16/2009, of March 18, which provided 12 rankings with clearly defined roles and responsibilities for the PNTL (IDPS, 2010).

48. Interview with PNTL representative 2, Dili, February 26, 2015.

49. PNTL has undergone a few waves of recruitment in the last few years, increasing its numbers by about 25% from 3,050 in 2008. Two hundred and forty-nine were recruited in 2013 (RDTL, 2013); 262 more members were recruited on October 16, 2015. Total PNTL post-recruitment are 4,159 including 3,561 police and 598 civil servants (interview with international security sector adviser 2, Dili, September 28, 2015).

50. Interview with government defence official, Dili, February 27, 2015.

51. Ibid.

52. Decree Law 10/2009 of February 18, Salary Regime of the PNTL.

53. Interview with civil society security sector analyst 4, Dili, March 5, 2015.

54. Briefing note by Julio Tomas Pinto, Secretary of State for Defence, to the Timor-Leste Development Partners Meeting, April 2009.

55. Interview with government defence official 1, Dili, February 27, 2015.

56. Interview with judge, Dili, June 12, 2015.

57. Interview with MP 2, Dili, March 25, 2015.

58. See www.timorhauniandoben.com/2014/11/portuguese-police-service-officer.html?m=1.

59. Interview with former MP, Dili, March 3, 2015.

60. RDTL Government Resolution No. 29/2014 of 24 October: Audit and Actions on the Justice Sector.

61. The laws are written in Portuguese, which only 17 percent of the population speak (Kirk, 2014).

62. Interview with civil society security sector analyst 1, Dili, March 2, 2015.

63. Interview with MP 2, Dili, March 25, 2015.

64. Interview with government defence official, Dili, February 27, 2015.

65. Interview with PNTL representative 1, Dili, February 27, 2015.

66. Interview with government defence official, Dili, February 27, 2015.

67. *Operasaun Hanita* (Operation tie-up) was the name of the Joint-Police-Military Operation that lasted from March 2014 to August 2015.

68. Interview with civil society security sector analyst 2, Dili, March 2, 2015.

69. Interview with civil society security sector analyst 1, Dili, March 2, 2015.

70. Interview with government defence official, Dili, February 27, 2015.

71. Interview with civil society security sector analyst 1, Dili, March 2, 2015.

72. The term "martial arts groups" refers to an array of groups practising martial arts and ritual arts with varying affiliations to political actors, veterans and other informal security groups. Many of these groups developed as part of the Timorese societal resistance to Indonesian occupation while others are legacies of the Indonesian army's attempts to impose social control. There are also a number of sports clubs practising formal Asian martial arts techniques, but these are not associated with security incidents in the way that the groups rooted in the resistance era are (Valters, Dewhurst and de Catheu, 2015). For further information on group typology and affiliations, see Scambary (2009).

73. Interview with civil society analyst 1, Dili, March 2, 2015.

74. Interview with international security sector analyst 1, Dili, March 4, 2015.

75. For more information on the evaluation framework applied to the four case studies for this project see Annex I, which details the criteria that informed the grading for each of the eleven SSR indicators.

76. Interview with civil society analyst 3, Dili, March 5, 2015

77. The language barrier is the fact that the laws are written in Portuguese.

78. Interview with civil society security sector analyst 1, Dili, March 2, 2015.

79. A number of examples include the Forensic Police Unit (PSIK) launching an investigation into an online media outlet (*Sapo Noticías*, 2015); the chief of the Army making intimidating remarks about Fundasaun Mahein's criticism of the work of military *(Jornal Nacional Diario*, 2013) and NGOs exhibiting banners calling for MPs' life-long allowances, having banners removed and being intimidated by PNTL intelligence. Interview with civil society security sector analyst 2, Dili, March 2, 2015.

80. Interview with PNTL representative 2, Dili, February 26, 2015.

81. Interview with civil society analyst 1, Dili, March 2, 2015.

82. Interview with former MP, Dili, March 3, 2015.

83. Interview with UN official 2, via Skype, March 25, 2015.

84. Mandated by Decree Law No.16/2009.

85. Interview with UN official 1, via Skype, Mar 25, 2015.

86. Interview with PNTL representative 2, Dili, February 26, 2015.

87. Democratic Republic of Timor-Leste, State Budget Book IV, 2014.

88. Interview with civil society security sector analyst 3, Dili, March 5, 2015.

89. Interview with UN official 1, via Skype, March 25, 2015.

90. Interview with international security sector analyst, Dili, March 4, 2015.

91. Interview with program manager of TLPDP, Dili, March 4, 2015.

92. Interview with civil society security sector analyst 3, Dili, March 5, 2015.

93. Interview with international security sector analyst 1, Dili, March 4, 2015.

94. Interview with MP 1, Dili, March 5, 2015.

95. Interview with government defence official, Dili, February 27, 2015.

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ANNEX I - EVALUATION METHODOLOGY

The evaluation framework applied to the four case studies for this project – Bosnia-Herzegovina, El Salvador, Sierra Leone and Timor-Leste –comprises 11 indicators that mirror the core SSR norms and principles. Taken together these SSR norms and principles provide a good lens to assess the efficacy of SSR programming, and thus form the backbone of the methodology for this project. While it may be difficult to determine with any precision the short-, medium-, and long-term impacts of SSR programming on local security, development, and political conditions given the range of other variables at play, it is possible to assess the extent to which reform processes have adhered to the core norms and principles of the SSR model.

Based on their field research, the case study researchers were tasked to assign a letter grade (A, B, C, D) for each SSR indicator, with an 'A' grade representing the most effective possible application of the core SSR norm/principle in the country and the 'D' grade signifying the worst. This annex details the criteria that informed the grading for each of the eleven SSR indicators.

1.   Local Ownership

A - SSR process was fully designed and led by local stakeholders with state and non-state engagement. There is a clear consensus on the goals and end state of the process among domestic stakeholders. External donors limited to a supporting role.

B – Local ownership and leadership of the process was limited, with the bulk of local stakeholders buying into an externally designed and led process across much of the sector. Non-state engagement is confined to a narrow set of issues.

C – Little state engagement in the SSR process altogether. State involvement centers on a small coterie of reformist leaders (primarily Western oriented) supporting an externally designed and driven reform agenda. Very limited engagement of non-state actors.

D – An entirely externally designed and driven, top-down reform process with little local legitimacy. Local capacity or will to engage in the process is practically non-existent

2.   Civil Society Engagement

A – Broad-based grouping of civil society actors actively engaged as a full partner/stakeholder in the planning, implementation and oversight of every aspect of the SSR agenda.

B – Diverse set of civil society actors involved in the SSR process, but it is limited to

particular issues and institutions. Civil society not perceived as a full partner in the process. Rather, it has been engaged on an ad hoc basis to fulfill particular tasks such as monitoring and evaluation or project implementation.

C - Limited outreach to narrow grouping of civil society actors in the form of information sharing, not planning, implementation or oversight. Noticeable hostility among government actors toward a more concerted civil society role in SSR. Civil society engaged only peripherally by external donors.

D – No meaningful engagement with civil society actors as a part of SSR. They are viewed as a competitor for authority and external funds by most government stakeholders and largely ignored by external donors.

3.   Political Will

A - There is robust political consensus surrounding the SSR project within the executive and legislative branches of government, with external donors investing significant political capital to consolidate that consensus. SSR was included in all major peace agreement(s) and treaties.

B - Significant political will for SSR expressed by certain constituencies in government and across the state, with some donor investments of political capital. Few significant political spoilers have emerged.

C – SSR only supported by a narrow stratum of elites, and largely in rhetoric only, with powerful factions opposing the process. Donors investing limited political resources to advance the process. Several spoilers have sought to obstruct parts of the process.

D - No natural SSR constituency, with widespread distrust of a process seen as a form of external interference. Open political opposition to SSR activities with meager and ineffective donor political interventions.

4.   Sustainability

A - SSR process designed with explicit consideration of long-term economic sustainability. Direct attention provided to government budget capacity over the short, medium and long-term. The security sector is projected to be completely self-sufficient in the medium to long-term. Strong emphasis placed on building public finance management practices and procedures in the security sector.

B -Significant but not universal consideration provided to economic sustainability of the security sector. Some reform projects and institutions of the security sector more attentive

to sustainability concerns than others. Some external subsidies will be required in the medium to long-term for the continued development of the security sector. There has been modest engagement to build public finance management systems in the security sector institutions.

C - Marginal consideration given to economic sustainability issues. Concern is expressed in government and donor policy and public statements, but there are few concrete plans for translating policy into practice. The security sector projects will be significantly dependent, although not entirely so, on external subsidies for the medium to long-term. There has been little effort to develop public finance management capacity.

D – Almost no attention paid to issues of economic sustainability. Reforms being implemented are not sustainable on a financial basis. The security sector will be an external dependency for the foreseeable future. No effort to construct sound public finance management systems.

5. Coordination

A - Comprehensive and holistic coordination system established that engages donors, the state, and civil society actors. Involves the establishment of coordination bodies with oversight and enforcement capabilities.

B - Modest coordination systems established surrounding particular segments and actors of the security sector. Coordination structures have some capacity and influence, but lack teeth for enforcement.

C - Ad hoc approach to coordination dependent largely on opportunistic alliances and agreements between different constellations of like-minded actors within the security sector. Few if any institutional structures established.

D - Coordination almost totally absent, with various actors advancing their own interests with little consideration of broader coherence within the sector. There have been many instances of duplication, waste and clashing interests in the security sector.

6. Holistic

A - Strong linkages have been developed across the various pillars of the SSR process, reflected in unified strategies and mechanisms for joint assessments, project implementation and monitoring and evaluation. Communication lines between stakeholders in the various security sector pillars are strong. The SSR process has been advanced according to a coherent common vision for change.

B - The SSR strategy is holistic in character, but there are few practical mechanisms to facilitate cross-sectoral coherence in implementation. There is some cross-sector dialogue, but joined up implementation activity among the various security sector pillars is modest in scope. A common vision for the security sector is recognized across its various pillars but there is uneven adherence to it in practice.

C – The references to a holistic approach in SSR strategies, policies and plans are weak. Divisions and contradictory interests within the security sector and among external donors have obstructed constructive cross-sectoral dialogue and there is no joined-up implementation. A common vision for the security sector exists, but it is largely window dressing that is not taken seriously by domestic or external stakeholders.

D - The SSR process is entirely siloed and compartmentalized in policy and practice, with no connectivity between the various pillars of the process. There is very little communication between the various SSR pillars and no joined-up implementation. A common vision for the process was never articulated.

7.   Human Security Orientation

A - The SSR process in both planning and implementation has a clear people-centered vision, prioritizing human above regime security. The process has accorded equal emphasis to regime-centric and people-centric reform processes.

B - The main SSR stakeholders have articulated human security principles, but only modest headway has been made to mainstream those principles into concrete reform programming. Significant emphasis on people-centric reform programs, although the bulk of resources invested in conventional regime-centric initiatives.

C - Human security principles recognized in SSR policy and planning, but little influence on reforms, where regime-centric approaches are the norm. With the exception of a few ad hoc initiatives, the process is regime-centric and heavily statist in orientation.

D - The process is wholly regime-centric with human security considerations an afterthought at best.

8.   Governance Focus

A - Good governance promotion is a central pillar of the SSR process, receiving commensurate funding and support as security force train-and-equip programs. Robust, well-funded initiatives have been established to improve governance capacity (human and institutional) within the executive, legislative and judicial branches of the state.

B - Strong attention provided to good governance promotion in the security sector, but with some variance in impacts across institutions. Still, levels of funding provided to governance projects have been disproportionately low as compared to train and equip initiatives.

C – While rhetorical support has been provided to good governance initiatives, they are clearly a secondary priority for donors and the government. Improving governance across the security sector is largely perceived as a long-term objective rather than an immediate priority. The bulk of the resources for the SSR process are channeled to developing the operational capabilities of the security forces.

D – Good governance promotion is largely ignored in the SSR process, an afterthought in policy and practice. This is typically justified with references to security or political crises that militate against complex and disruptive governance programs. The SSR process has an overwhelmingly technical focus on improving the operational capabilities of the security forces.

9.   Long-Term Outlook

A - Donor and government planning is clearly long-term, with programs and strategies projected at least a decade into the future. Funding and resource commitments are extremely durable. Planning takes into account short, medium, long-term time horizons.

B - Long-term ramifications of SSR programming are considered, but most initiatives are short to medium-term in focus and duration, projecting five years into the future. Donor resourcing is perceived as reliable but no guarantees of protracted engagement exist.

C - SSR outlook is predominantly short-term, with planning and programming cycles typically 1-2 years in duration. Stakeholders aspire to long-term approaches, but these rarely materialize, principally due to adverse conditions on the ground. Donor funding is fragile and prone to cuts.

D - SSR programming and donor funding is entirely reactive and short-term. No long-term planning, and donor funding commitments are tenuous.

10.   Democratic Foundations

A - Core democratic principles, including accountability, transparency and respect for human rights, are mainstreamed throughout the SSR agenda and unconditionally embraced by all major stakeholders. The sector has effectively been subordinated to democratic civilian control and is seen as a vanguard of the democratic transition.

B – The SSR process has a strong foundation in democratic principles, as reflected in planning and policy documents, but these principles have been unevenly applied in SSR programming. The sector has largely been placed under democratic civilian control although some deficits exist.

C - Democratic principles are observed on a selective and opportunistic basis by stakeholders and reformers, an outgrowth of a mixed commitment to those principles. Many aspects of the SSR agenda could be considered illiberal and undemocratic. Democratic civilian control of the security sector is largely hollow, with security sector actors wielding significant independent power.

D - Democratic principles of SSR are observed in rhetoric only, with little to no demonstrable effort to mainstream them in practice. Illiberal practices are widespread in the security sector with few remedies being considered. Violations of fundamental rights are commonplace. Security sector actors are not beholden to democratic civilian authority and have the power to undermine the civilian government at will.

11.   Context Specific

A - Strong efforts have been made to tailor SSR programming to the local context, based on robust initiatives to assess and map the security sector. Attention has been paid to local culture, historical tradition and political dynamics in programming, as well as engagement with a plurality of local actors, and security/justice traditions (including non-state actors).

B - A concerted emphasis has been placed on contextualizing reforms, but the impact on programming has been piecemeal. Adequate assessments and mapping have been undertaken to inform planning and reform design, although with limited engagement of a broad cross-section of societal actors.

C - Limited efforts have been made to contextualize the SSR process. External actors demonstrate inconsistent desire to understand and engage local context. Assessment and mapping exercises were weak and had little influence on planning and programming. Little engagement with local non-state actors and traditions.

D - SSR processes and programs have been largely transplanted from other contexts with marginal adjustments for local conditions. No adequate assessments or mapping done to inform programming and societal actors outside of a narrow clique of elites within the state were largely ignored.

The Centre for Security Governance (CSG) is a non-profit, non-partisan think tank dedicated to the study of security and governance transitions in fragile, failed and conflict-affected states. Based in Canada, the CSG maintains a global, multi-disciplinary network of researchers, practitioners and academics engaged in the international peace and security field.

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