

GRIPS Policy Research Center

Discussion Paper: 10-04

## **Police Building in Timor-Leste – Mission Impossible?**

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**Prepared for the GRIPS State-Building Workshop 2010: Organizing Police Forces in Post-Conflict Peace-Support Operations, January 27-28th, 2010**

### **Abstract:**

In the quest to find a success story of international police building, eyes often turn towards Timor-Leste. What we find there is neither a story of success nor failure for either the Timorese or the UN contingents sent there over the last decade. The tale of police building in Timor-Leste is one of quick fixes, short cuts, and lessons apparently not yet learned leading to modest results. The UN's initial state building efforts did leave behind a police service, but it was a weak one. This experience shows the limits of the UN as an institution for police development.

This work was supported in part by Global COE Program "The Transferability of East Asian Development Strategies and State Building", Mext, Japan.

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*If we, not just the UN, but the whole international community, can't succeed in helping bring lasting stability to Timor-Leste, the simplest of peacebuilding cases, then God help us in places like Iraq and Afghanistan.<sup>1</sup>*

## Introduction

In the quest to find a success story for international police building, eyes often turn towards Timor-Leste. What we find in this small nation is neither a story of success nor failure for either the Timorese or the waves of United Nations contingents sent to help them over the last decade. The tale of police building in Timor-Leste is a familiar one of quick fixes, short cuts, and lessons apparently not yet learned leading to modest results.<sup>2</sup> The United Nations' state building efforts between 1999 and 2002 did leave behind a police institution, but it was a weak one. This experience shows clearly the limits of the UN Police (UNPOL) as an institution for police development. It was good at providing security in the wake of the referendum and leading the country to independence with nominal police service. After the country fell back into crisis in 2006, UNPOL once again with other international forces played a stabilizing role. For the UN Mission in Timor-Leste (UNMIT), building the Timorese national police (PNTL) as a "professional and sustainable institution" has been something of a "mission impossible". UNMIT's goal will be unachievable as it seems many in the Timorese government and police no longer welcome such a role for this peacekeeping operation. If this goal is to be achieved, it will be reached long after the UN has left. If the Timorese are to have a strong police service, it will only be achieved through sustained and determined efforts of the Timorese police themselves with the clear leadership of the country's political leaders. This superstructure can be buttressed by international assistance that is welcomed and targeted. A functioning and respected police service is not something that can be imposed or easily imported.

### 1. Timor-Leste as a "failed state"?

It is very easy for distant academics to proclaim Timor-Leste a "failed state", but a government in this country exists, functions and has its own financial wherewithal through oil wealth. If managed well, this young nation could get by, albeit with a little help from its friends. This country of more than one million people divided into thirteen districts will have a USD\$ 660 million budget in 2010 derived mostly from oil revenue. What does this mean in terms of security? If you visit Timor-Leste, your first encounter with the state will be Timorese border officials. They will take your \$30 visa fee, stamp your passport, and before you clear the airport you could be have your bags checked. For a modest airport in a poor country, it is an efficient enough, if not particularly warm welcome. Outside the airport in Dili, it is orderly but dusty. The

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<sup>1</sup> Colin Stewart was the former head of UNMIT political affairs, who also served in UNAMET, UNTAET, UNMISSET, UNOTIL, and UNMIT. This quote comes from an interview with author on 26 January 2010.

<sup>2</sup> As a reference see the section on East Timor in "A Review of Peace Operations: A Case of Change", Kings College London, March 2003

drive to the city centre is punctuated by traffic lights that Timorese patiently obey whether or not there is a police officer present at the intersection in a “Koban-style” post. You can see government buildings guarded by a special brown -shirted civil security unit operating under their own law and separate from the police. Private buildings such as shopping centres, banks, embassies, and petrol stations guarded by blue-shirted private security guards from various private security companies. All are unarmed. The scars of its traumatic birth as a nation are still evident in the form of burnt out buildings. However, for a world weary traveler, Timor-Leste is neither unsafe nor insecure. It is a sleepy and remote location with a lingering and probably undeserved reputation for insecurity. Of course, the situation could always be better. Timorese will be the first to tell you this. But for those who have witnessed this country during the last 15 years, it is readily apparent that the capital is in a period of relative peace and prosperity.

## **2. Who is keeping the peace?**

Despite this calm, the Timorese police are not central to its maintenance. Across the country, it could be argued that they have a marginal role in society. Unless they are related to an officer, few Timorese outside of the capital would rarely see, let alone talk to a police officer. Outside of the capital Timorese more or less governed and policed themselves since Indonesian forces hurriedly left in September 1999 after the arrival of an Australian-led multinational force (InterFET).

The government has set a target for this year to bring the police up to a strength of 3,500 officers at a cost of \$20.5 million. This will create a ratio of police to population of around 350 to 100,000, which is less than Bosnia (429/100,000), but more than Kosovo (272), Sierra Leone (244) and neighbouring Indonesia, with a ratio of roughly 160. Beyond the numbers, the PNTL can be described as having a weak leadership structure still consolidating after it fractured during the 2006 crisis. It struggles to provide a service to its community and be accountable to the laws it is supposed to uphold. Timorese police officers, theoretically still under UN command in 9 of the 13 districts, are ill-equipped to do their work with poor training and due to government procurement weaknesses missing many of the basic tools of their trade. They do have new uniforms, side arms and even plenty of long arms in its armory. What they lack are functioning police stations, official housing in remote posts, adequate numbers of operational cars or motorbikes, good radio communications, and working computers as well as basic supplies like paper and toner. They are let down by a dysfunctional legal system where court cases can take up years to get to pre-trial procedures, let alone be successfully prosecuted. Despite these challenges for the PNTL, Timor-Leste is not insecure. Its security is provided through a web of other community relationships most provided by Timorese themselves based on so-called informal structures, but in some cases probably derived from centuries of customary relationships, rules, and a vast body of local precedent. As Bruce Baker has asked about Sierra Leone and elsewhere in Africa, given the insignificance of the police as an institution in providing day-to-day security, why does the international community spend so much time and effort supporting this institution?

In a parallel UN operation increasingly divorced from the local realities, before February 2010 there were 1,548 UN police from 41 countries with 34 MLOs consuming around 1/3 of UNMIT's \$215m (2009-2010). Other security sector actors include Timorese army (F-FDTL) of

less than 1,500 soldiers and the International Stabilisation Force (ISF) made up of 550 Australian and New Zealand defence personnel as of February 2010. Thousands of private security guards are the other uniformed security provider in Timor-Leste.

### 3. Building from scratch?

Timor-Leste is often held up as example, like Afghanistan, where the international community has “built from scratch” a new police service. But is this really the case? Those with longer term experience and memories see the PNTL starting to increasingly look like the Indonesian police (POLRI). If this is the case, was UN's initial mistake that it thought it was building an institution from scratch whereas in fact it was confronting an entrenched set of values and pre-existing institutional culture? This culture embodied by those in the PNTL who served in POLRI and by those who grew up being policed by Indonesians. When the UN Transitional Administration in East Timor (UNTAET) set out to build a state between 1999 and 2002, was its real challenge building new institutions or reforming the ingrained and unconscious habits developed during 24 years of Indonesian occupation?

Sometime after the 4 September 1999 announcement of the referendum result, the highest ranking Timorese police officer in the ranks of the Indonesian police left his post with a cadre of trusted subordinates and headed for the hills as the city was burnt and laid waste by angry and departing Indonesian security forces. The chaos ended soon after InterFET began to arrive on 20 September. The next month the UN Security Council gave UNTAET the mandate to build a “credible and impartial police service”. In January 2000, as UNTAET struggled to “ramp-up” its deployment InterFET “handed over” security to the UNPOL contingent of although around 400 officers, well below its authorized strength of 1,640.<sup>3</sup> The first of many quick fixes was to create the Police Assistance Group (PAG) of some 800 ex-POLRI in March that year. Around half of the PAG were later to then be inducted into the soon to be created East Timor Police Service. This shortcut brought on the expediencies of the mission and the lack of international support for the police contingent is crucial. More than anything else, is blamed for the ongoing perceived lack of legitimacy of the PNTL *viz a viz* the “heroes” of the resistance or the guerrilla force FALANTIL that never surrender. While politicized in other way, FALINTIL became the core of the F-FDTL when it was formed in early 2001, ahead of the ETPS. The first cadets enter the new police academy in March 2000. The ex-POLRI who joined the new service were given a head start. Rather than the standard three month course, they were “fast tracked” with a truncated four-week course. Unsurprisingly, ex-POLRI dominated the senior ranks when the ETPS was formally created by UNTAET regulation on 10 August 2001. Paulo Martins, the highest ranked Timorese in POLRI in 1999, became the first ETPS commissioner. In what one study later identified as a mistake, Martins was not empowered until control of the police were handed over in May 2004, two years after the UN had handed back administrative and political control to Timorese.<sup>4</sup> This delay left him nominally in charge but powerless for years, fatally eroding his

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<sup>3</sup> UNTAET's UNPOL contingent consisted of 1,250 officers for executive policing, 150 for border patrol, and a rapid reaction force of 240. Rapid reaction forces are now known as formed police units (FPUs).

<sup>4</sup> See paragraph 104 in “A Review of Peace Operations: A Case of Change”

authority. It cannot have helped his ability to control subordinates or build his authority within the ranks during this crucial period.

In a snapshot of the PNTL on the eve of the 2006 crisis, it is worth briefly reviewing one report by an international watchdog group. In April that year, the PNTL was under public criticism from Human Rights Watch in a report entitled “Tortured Beginnings”:

*Over the past two years police abuse has become one of East Timor’s most worrying human rights problems. Police officers regularly use excessive force during arrests, and beat detainees once they are in custody. This behavior seems to have become so common that officers rarely try to hide their actions from the general public.*<sup>5</sup>

For those who had observed both countries, the similarities between the Timorese and Indonesian police were already obvious:

*With the legacy of brutal Indonesian policing during the nearly twenty-five-year occupation that ended in 1999, it is perhaps not surprising that new recruits into East Timor’s police are mirroring past experience in ignorance of professional standards. However, such behavior also reflects poor training, accountability and oversight, and can no longer be excused nearly six years after the first new police graduated in July 2000. In fact it is now more likely that the lack of institutionalized responses to police brutality has been a key factor in the emergence of police abuse as one of East Timor’s most pressing and current human rights problems.*<sup>6</sup>

Allegations of abuse by the Timorese police continue. These days they are found on You Tube<sup>7</sup> and the inability of UN police to stop such abuses has not gone unnoticed.<sup>8</sup>

#### 4. Home ground crisis

There are three post-independence domestic crisis’s worth briefing noting at this point to give some context to this discussion. The first in December 2002 petered out and more or less solved itself. The second in May 2006 required the dispatch of a new International Stabilisation Force, and the third was overcome with a quick “home grown” Timorese improvisation.

In December 2002, those in Timor-Leste could see firsthand the country’s fragility and the inadequacies of the Timorese police still under UN control and the UN itself. Rioting that began from a clash between police and students at a Dili high school, based on allegations of mistreatment, and quickly spiraled out of the control. In a day of protest, the leading supermarket

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<sup>5</sup> Human Rights Watch, *Tortured Beginnings*, April 2006, p.3

<sup>6</sup> *Ibid*, p. 6

<sup>7</sup> “Police brutality in Timor-Leste”, [http://www.youtube.com/watch?v=6R7uMa00e\\_4](http://www.youtube.com/watch?v=6R7uMa00e_4)

<sup>8</sup> Rory Callinan, “UN peacekeepers stood by East Timorese police bash a young man”, *The Australian*, 29 January 2010

frequented by expats and the Prime Minister's private house were burnt to the ground. The protestors eventually became dispersed and as security forces regrouped quickly dispersed.

The crisis of April-May 2006 is complicated and the UN's Commission of Inquiry (CoI) report is best read if you want to understand it. There are a few points worth underlining. First, the crisis has its origins in a dispute involving disgruntled soldiers that could have been resolved through remedial administrative action from within the army or judicious intervention by the countries elected political leaders. It unnecessarily spiraled out of control. It was aggravated by comments of the then President (now the Prime Minister) and the then Interior Minister's irresponsible machinations and politicization of the police. Second, the CoI found the then PNTL General Commander Martins bore command responsibility for the operational failings of the police who were not up to handling the disorder created by the protesting soldiers and others. He committed a further dereliction of duty along with the Interior Minister by arming civilians. Third, the national security legal framework was weak and incomplete. In the resulting chaos what laws, rules, and orders existed were often not followed. Members of the PNTL and F-FDTL took sides and tried to settle personal grudges, including a senior police commander leading an attack on the residence of the army chief. Fourth, the human cost of these political, systemic and institutional failures were significant with 38 people killed (23 civilians, 12 PNTL, 3 F-FDTL), more than 150,000 displaced, and 1,650 houses were destroyed. The government changed hands, but the quick arrival of the ISF kept the state intact. Outside of the capital, the country, including its police, mostly continued to run itself. Fourth, after UN backed elections in 2007, there were some prosecution of those identified in the CoI report, but this has been selective. It has now lost momentum. Those prosecuted and convicted were never properly punished as through various political sleights of hand never did much jail time.

The shooting of the head of state and the attack on the head of government by anti-government on 11 February 2008 could have precipitated another crisis. The fact that it did not should be testimony to resilience of the Timorese leadership and state. The figurehead President Jose Ramos Horta almost died, but the Prime Minister Xanana Gusmao, who is also the Defence and Security Minister survived shaken but unscathed. Together with the army chief and acting police commander quickly created the joint command, a taskforce from both uniformed services. This placed those police seconded to this organization temporarily under army control. Others such as Bu Wilson have examined this in more detail, particularly whether it was constituted in a legal and constitutional way.<sup>9</sup> The takeaway from this response to crisis is that neither the UN nor ISF were central to the creation of the joint command. It was seen as a Timorese initiative that worked. For that reason it is seen in Dili as a model to be replicated, particularly in the case of crisis. The spirit of the joint command lives in occasional combined operations between the PNTL and F-FDTL to this day.

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<sup>9</sup> See Wilson, B. 2008, 'Smoke and Mirrors: institutionalising Fragility in the Policia Nacional Timor-Leste,' in Democratic governance in Timor-Leste: reconciling the local and national,' ed. D. Mearns. Darwin: Charles Darwin University Press, pp. 98-115

### 5. A mission misunderstood?

When there's chaos in the streets, displacement, and gangs, it is not hard to see the problem as law enforcement. But was that the actually problem in Timor-Leste in 2006? While the police command did collapse in the capital, it was a crisis as much precipitated by political tension as a weak police institution. It should have been evident that with one party pushed out of the prime minister's office during this crisis and elections due the next year that this was a political struggle. UNMIT was set up in August 2006 to restore security, support elections, conduct a security sector review, and rebuild the police. On the last point there was some dispute on the diagnosis and medication required between the June 2006 UN assessment mission and UN HQ. The assessment mission argued for a light footprint with the UN taking over executive policing in Dili and one other district for a short period before quickly handing back. What was put in the resolution was a police contingent almost as big as that sent out for UNTAET that was never able to assert its authority as the Timorese police never really consented to the idea that was what they needed from the UN. The result has been a fiction of UN control and more than three years of two parallel police forces operating in the same country.

A quick word on the "lame" security sector review as this is an often forgotten part of UNMIT's mandate. It was a modest objective from the outset and those responsible for the assessment very carefully set the task for the future UN mission of only conducting a review rather than actual reform knowing the system's limitations and its past struggles with effecting change in Timor-Leste. I have written about this before and the same problems persist.<sup>10</sup> More recently, Gordon Peake has done a more thorough analysis. As he explains:

*Firstly, the concept [of SSR] remains esoteric, ethereal and hard to explain clearly, even more so given the multiple languages used in Timor-Leste. Secondly – and not unusual for a relatively new concept – SSR has struggled to find a bureaucratic place within existing institutional structures. Thirdly, and perhaps most grievously, SSR as it is described and espoused is going against one of the fundamental tenets of the very concept – that of essentiality politics.<sup>11</sup>*

As for that disorder in the streets, after the parliamentary elections in August 2007 it suddenly stopped, turned off as if controlled by a tap. It turned out the streets of the Timorese capital weren't as disorderly as the international community thought and under the control of unseen Timorese hands.

### 6. A challenging relationship

There was never any fundamental agreement about the reform mandate of UNMIT, particularly with regards to the development of the police.<sup>12</sup> This lack of a common understanding of where

<sup>10</sup> "The UN's lame security review in Timor-Leste", The Lowy Interpreter, 17 February 2009

<sup>11</sup> See "A Lot of Talk But Not a Lot of Action: The Difficulty of Implementing SSR in Timor-Leste" by Gordon Peake in Hans Born and Albrecht Schnabel (eds), *Security Sector Reform in Challenging Environments* (Geneva 2009)

<sup>12</sup> See International Crisis Group's Asia Report N°180, *Handing Back Responsibility to Timor-Leste's Police*, 3 December 2009



the Timorese police are and where they should be going bedevils the challenge of strengthening the institution. With political opposition, the UN created a “special arrangement” to guide its policing role. This was never signed onto by the Timorese government and later declared legally irrelevant by the Timorese courts. The absence of agreement undermined, slowed down, and blocked everything the UN tried to do with the police – including planning, training, mentoring, and vetting. How dysfunctional has this relationship been? Communication between UNPOL and PNTL is generally poor. In one district HQ where the UNPOL and PNTL commander acknowledged they did not talk. In other cases, international police could not name their Timorese counterparts. In one station in Dili, UNPOL did not even know that command of that station had been handed back into Timorese hands some time before in a high-profile gesture. The Timorese police general commander has disparaged UNPOL in public in front of his officers and these comments are reprinted in the local media. In one district, the Timorese commander orders his subordinates not to cooperate with UNPOL. It is a weak and often tenuous relationship and one not conducive to exchanging experience or knowledge.

When it came time to start to think of a handover strategy in 2007, this took a year to develop. What resulted was a hollow bureaucratic exercise in box ticking that neither proved useful as an assessment tool nor decision making mechanism that could determine when was the best time to hand back nominal control that had never really been handed over. The deep dysfunctionality of this relationship needs to be repaired. For this reason, ICG argued that formal control of the police is handed back to the Timorese as soon as possible. In the interim, common ground between the UN and GoTL should be created in order that the foundations of a new mission are built on a solid footing.

This is not an argument for stepping back, but changing the role and relationship between the host government and international mission. Stepping back is not the same as pulling out or giving up. Many Timorese police know they still need on international assistance, but it needs to be more on their terms than those developed by the UNSC in New York. They do need to be more professional and accountable. While the new General Commander Longuinhos Monteiro has advocated a more militarized approach, there is still room for other all sorts of support and training. The greatest challenge remains that there is no shared understanding of where the PNTL are as an institution between the GoTL, Timorese elite, UN, or bilateral donors. Equally, there is no shared idea of what they should become. For this reason, ICG has recommended independent review of policing to try to work towards a common vision and set of objectives of what needs to be done with the Timorese police.

## **7. What come next?**

The PNTL is a work in progress and will be for some years to come. The experience in Timor-Leste shows that the international community can jump start an institution, but local leadership needs to be quickly found to continue the never ending task of evolving such a central state institution into a working police service. Rather than building from scratch, in Timor-Leste the international community has unwittingly been involved in an exercise in remodeling the idea of a police service that has deep roots in the minds of those who staff the ‘new’ body. There was physical re-building to be done by the UN after previous Indonesian-era infrastructure was burnt

down by the outgoing authorities. However, the PNTL is an institution built upon the shoulders of people whose experience of working for or being policed was Indonesian. While the uniforms are new, they are worn by people with life experience with deep psychological, historical and cultural foundations often unseen international police. This includes preformed ideas of the role of police in society that need to be challenged and reshaped rather than taught or built anew. These UN personnel typically have rotated through the country on six to twelve month tours empowered by a noble mission, but with scant knowledge of the place, its people, past, or languages.

What's more, those sent to do this task often do not have the right skills or experience of such complex tasks in their own country. Police officers used to walking the beat were asked to do the jobs done by specialized trainers, bureaucrats and politicians back home. In March 2003, one landmark study of UNTAET's efforts observed:

*UNPOL was left to its own devices to set up an administrative and budgetary framework for the ETPS. Lacking the necessary expertise in institution-building, strategic planning and budget development (in democratic countries, these activities are usually performed by civilian administrators), UNPOL has produced an institution that is unsustainable and weak. All these factors have contributed to the slow development of the ETPS, and the current situation of a continued UN executive mandate in a sovereign country.<sup>13</sup>*

In 2010, it is a familiar story and the mission continues to be similarly under-equipped to perform a complex and highly political reform mandate. As a mainly policing mission, it is mostly staffed by those more familiar with keeping the streets safe than grappling with the ambiguous world of government policy and bewildering challenges of institutional change.

Looking back over the decade of police development in Timor-Leste, it is remarkable how little the international community has learned about its frustrating and inadequate role in police development. Once again, UNPOL is engaged in a "gradual handover of responsibility for executive policing to PNTL on basis of a detailed certification and accreditation procedures"<sup>14</sup>. Eight years later, the language is eerily the same. UNTAET struggled with such a task and now so does UNMIT. The problems of 2002 are very similar to those of 2010, but the obstacles are greater as after ten years of such "assistance" Timorese police appear to be increasingly fed up with it and openly resistant to it. Still, the mandates seem to continue to come from the UN Security Council in New York to distant Timor-Leste for this "Mission Impossible".<sup>15</sup>

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<sup>13</sup> "A Review of Peace Operations: A Case for Change, East Timor", King's College Conflict Security and Development Group, 10 March 2003, paragraph 101

<sup>14</sup> Ibid.

<sup>15</sup> At the time of writing, a new UNMIT mandate was scheduled to be adopted by UN Security Council on 26 February 2010.

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