HANDING BACK RESPONSIBILITY TO TIMOR-LESTE'S POLICE

Asia Report N°180 – 3 December 2009

International Crisis Group
WORKING TO PREVENT CONFLICT WORLDWIDE

TABLE OF CONTENTS

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EXECUTIVE SUMMARY AND RECOMMENDATIONS

The United Nations should hand over formal control of the Timor-Leste police as soon as possible. A protracted process that began in May has taken a bureaucratic approach to assessing whether they are ready to take charge, but the reality on the ground is that the Timorese police have long operated under their own command. Without an agreed plan for reforming the country's police after the 2006 crisis, the UN and the government have made a poor team for institutional development. A longer handover may further damage relations between the UN's third-largest policing mission and the Timor-Leste government, which has refused to act as a full partner in implementing reforms. The UN has a continued role to play in providing an advisory presence in support of police operations. For this to work, the government must engage with the UN mission and agree upon the shape of this partnership. To make any new mandate a success, they need to use the remaining months before the current one expires in February 2010 to hammer out a detailed framework for future cooperation with the police under local command.

Timor-Leste still needs the UN and stepping back is not the same as leaving too early. There is domestic political support for a continuing albeit reduced police contingent, at least until the planned 2012 national elections. A sizeable international deployment can no longer be left to operate without a clear consensus on the task at hand. Any new mandate should be limited, specific and agreed. The UN can provide units to underwrite security and support the Timorese police in technical areas such as investigations, prosecutions and training. These would best be identified by a comprehensive independent review of police capacity, and matched with key bilateral contributions, including from Australia and Portugal. In return, the Timorese should acknowledge the need to improve oversight and accountability mechanisms. The UN and its agencies must continue to help build up these structures and in the interim monitor human rights.

The UN took a technocratic approach to the highly politicised task of police reform. Sent in to restore order after an uprising in 2006, the UN police helped shore up stability in the country but then fell short when they tried to reform the institution or improve oversight. They are not set up to foster such long-term change and were never given the tools to do so. The Timorese police were divided and mismanaged at the top; the UN misplaced its emphasis on providing hundreds of uniformed officers to local stations across the country. It neglected the role played by the civilian leadership in the 2006 crisis and the need to revamp the ministry overseeing the police as part of a lasting solution. The mismatching of people to jobs, short rotations as well as the lack of familiarity with local conditions and languages clipped the ability of international police to be good teachers and mentors. Without the power to dismiss or discipline officers, the mission could not improve accountability. The government declined to pass laws in support of the UN role, sending a defiant message of non-cooperation down through police ranks.

In the absence of a joint strategy, structural reform has been limited. The government appointed a commander from outside the police ranks, compromising efforts to professionalise the service. It has promoted a paramilitary style of policing, further blurring the lines between the military and police. The skewed attention to highly armed special units will not improve access to justice, and the ambiguity it creates risks planting the seeds of future conflict with the army. Timorese leaders are attuned more than any outsider to the deadly consequences of institutional failure. To avoid this, Prime Minister Xanana Gusmão, an independence hero, now heads a joint defence and security ministry. Political quick fixes based on personalities may keep the police and the army apart in the short term, but they add little to more lasting solutions that respect for rule of law might provide.

For the international community, this struggle over command of the police between the UN and one of its member states contains many lessons. The slow drawdown of UN police in Timor-Leste is not the prudent exit strategy it may appear. The mission has been neither a success nor failure. Unable to muster consensus on a long-term police development strategy, it leaves behind a weak national police institution. The mission's most enduring legacy might be in the lessons it can teach the Security

Council not to over-stretch its mandates. The UN should think carefully about stepping in and taking control of a local police service, particularly, as in the case of Timor-Leste, when large parts of it remain functioning. Complex reforms of state institutions cannot be done without the political consent of those directly involved.

RECOMMENDATIONS

To the Government of Timor-Leste:

1. Take steps to support the rapid resolution of as many pending police certification cases as possible, including passing any necessary legislation, and ensure that those with outstanding or future criminal convictions are removed from the Polícia Nacional de Timor-Leste (PNTL).
2. Develop a strong, independent oversight capacity for the police, either through overhauling the police's internal disciplinary functions by making its operations fully transparent and public or, if necessary, developing a separate police ombudsman body.
3. Implement the proposed new police rank structure to improve professionalisation and decrease potential for political manipulation of the police service.
4. Avoid the militarisation of policing and clearly demarcate in law and policy the role of the police and army as well as the conditions and procedures by which soldiers can aid civilian authorities in internal security or other situations.

To the United Nations Integrated Mission in Timor-Leste (UNMIT) and the Government of Timor-Leste:

5. Ensure that executive policing responsibilities are handed over to the Timorese police as soon as possible, spelling out the steps to hand back formal authority to the PNTL, maintaining a limited advisory and support presence for the UN police in operational areas identified as priorities by the government.
6. Reorient future mission mandates towards maintaining a limited advisory presence for the UN police in those operational areas identified by the government and bolstering security in advance of the next elections in 2012, and clarify the conditions necessary before a future full withdrawal of the international policing contingent.
7. Focus the future mission, bilateral efforts and government programs on solving existing training needs, equipment shortfalls, and fixing administrative processes identified in the joint assessments from the national to sub-district level.
8. Commit to a fully independent review of policing capacity in Timor-Leste to be performed before the final withdrawal of the UN police contingent.

To the UN Security Council:

9. Set realistic goals for a future mandate extension for UNMIT and recognise the limited capacity of UN police to play an ongoing development role with their Timorese counterparts.

To Bilateral Donors, including Australia and Portugal:

10. Support an independent review of policing capacity commissioned by the Government of Timor-Leste and UNMIT, and commit to linking future development efforts to needs identified in the review under a common framework.
11. Insist on a long-term capacity-building strategy centred on building institutional values of rule of law, professionalism and human rights.

To the UN Department of Peacekeeping Operations:

12. Conduct a thorough lessons learned exercise on UNMIT's executive policing mandate, UN police's development role, and the incomplete security sector review in order to inform future missions.

Dili/Brussels, 3 December 2009

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HANDING BACK RESPONSIBILITY TO TIMOR-LESTE'S POLICE

I. INTRODUCTION

In 2006, Timor-Leste's political and security crisis saw its police force leadership collapse and the United Nations take over law enforcement responsibilities.[1] This was supposed to be a temporary intervention. International police were critical in helping restore stability. This reassured the fractured country as it went to the polls in 2007 and underwrote the peaceful transfer of power from one party to a new coalition government. Since this watershed, the United Nations Integrated Mission in Timor-Leste (UNMIT) has struggled with the second half of its policing mandate – to assist the further training, institutional development and strengthening of the Timorese police. Three years later, the mission is tangled in an overly bureaucratic and protracted process to formally give back responsibility for law enforcement to Timor-Leste's police.[2] The reality has been that the Timorese police never really ceded control.

As part of its mandate, the UN Transitional Administration in East Timor was responsible for the creation of a police service in the wake of the destruction after the 1999 referendum that led to the country's independence in May 2002. The UN ran the local police for another two years after it handed back the reins of government. After the 2006 crisis, it was criticised for failing to ensure the institution's long-term viability. Now faced with a second handover, there is pressure not to make the same mistake twice and once again leave behind a weak police service. The challenge is the same, yet the circumstances are different. UN police are still not up to the task of building institutions and more time will not change this. Timorese police also never completely consented to following UN orders and openly reject the fiction that they are commanded by their international colleagues. Instead, they answer to local political pressures and obey the orders of their elected leaders.

The original formation and current reform of the police has always been a troubled partnership. A decade ago the UN mission did not begin with a clean slate. In the interests of speed, the service was built around a core of Timorese who had enlisted in the discredited Indonesian police force. This bequeathed a legitimacy deficit to the new service. During the 2006 crisis, the transitional government then running the country agreed to the UN's intervention with a dual policing mandate: providing security as well as supporting development.[3] The operational details were never fully agreed and made law. Ever since that government was replaced in September 2007 by a new coalition, the UN has been under pressure to cede executive control over the police in Timor-Leste, even as its leaders resist committing themselves to firm timelines for this transition. Some Timorese in key positions have complicated an already delicate task with their increasing public criticism of the mission and its police component.

This report examines why progress on key reforms of the police identified after the 2006 crisis have not taken place. It sees the processes of reform and handover as political negotiations rather than bureaucratic and technical exercises. By examining the handover in the UN's third-largest policing mission, it sheds light on the challenges similar missions may face elsewhere.

Interviews and field research were conducted in Dili and four other districts between May and October 2009 as the handover process was beginning. In the absence of honest reporting up the chain of command, field interviews provided insight into where implementation efforts have failed. It expands upon earlier Crisis Group reporting on the need for security sector reform in Timor-Leste. The January 2008 report on this subject was researched and written at a time when the mission was just starting to work on its security sector reform and restruc-

[1] For related Crisis Group reporting on Timor-Leste, see Crisis Group Asia Report N°120, *Resolving Timor-Leste's Crisis*, 10 October 2006; Asia Briefing N°65, *Timor-Leste's Parliamentary Elections*, 13 June 2007; Asia Report N°143, *Timor-Leste: Security Sector Reform*, 17 January 2008; Asia Report N°148, *Timor-Leste's Displacement Crisis*, 31 March 2008; and Asia Briefing N°87, *Timor-Leste: No Time for Complacency*, 9 February 2009.

[2] Timor-Leste's police are known by their Portuguese name, the Polícia Nacional de Timor-Leste (PNTL).

[3] See UN Security Council Resolution 1704, S/RES/1704, 25 August 2006.

turing objectives. With the benefit of hindsight, too much confidence may have been placed in the ability of the mission and the international community to influence these outcomes.

II. BUILDING TIMOR-LESTE'S POLICE

A. EARLY WEAKNESSES IN INSTITUTIONAL DEVELOPMENT

Timor-Leste's police force remains weak because of poor decisions and planning made by successive UN missions. A transitional administration between 1999 and 2002 set up the new country's police. It had little experience in such a role and failed to develop a comprehensive plan for this task until late 2001.[4] Recruitment that began in early 2000 created a hybrid service of those with no experience led by some 370 former Indonesian officers brought in to fill the middle and senior ranks.[5] New recruits received three months' training, while the latter group a four-week refresher course. All were given six months of on-the-job training from the UN police. The international officers were new to the country, often on brief six-month tours, and did not necessarily have training or skills development experience. One study concluded "there was no coherent, structured strategy, no comprehensive pedagogy, and no uniform, measurable methods of testing the skills learned by the Timorese police, let alone cogent agreement on what those professional skills were in any substantive sense".[6]

Institutional development was even more urgently needed than skills development. Weak command structures have contributed to instability in the country since independence. Successive UN administrations failed to devote sufficient resources to the task, despite repeated warnings.[7] Concerns highlighted in a 2003 review included "civilian complaints mechanisms have not been developed, there is no capacity to design public security policy, and no capacity to develop the police budget has been established. The Ministry [of the Interior] is nominally responsible for the police service but has no capacity to support the police".[8]

[4] "A Review of Peace Operations: A Case for Change, East Timor Study", Conflict, Security and Development Group, King's College London, 10 March 2003.

[5] The controversial decision to recruit former Indonesian officers continues to influence perceptions of Timor-Leste's police and individual members of its leadership today. The police were drafted from the Police Assistance Group, a group of some 800 officers hired to provide unarmed assistance to the UN police in early 2000, who were slow to deploy in sufficient numbers.

[6] Ludovic Hood, "Missed Opportunities: The United Nations, Police Service and Defence Force Development in Timor-Leste, 1999-2004", *Civil Wars*, vol. 8, no. 2 (June 2006), pp. 143-162.

[7] "Options for Reform of PNTL", World Bank Joint Assessment Mission, 2002.

[8] "A Review of Peace Operations", op. cit., para. 102.

The UN maintained overall control of policing until two years after political authority had been handed over to the government of an independent Timor-Leste.[9] This reflected the very real security concerns of the time, amid continued uncertainty over cross-border relations with Indonesia. The Timorese police chief appointed in 2001 had no real power until command and control was fully handed over in 2004.[10] The long handover undermined the police leadership's ability to develop its own mission or identity, leaving it ill-equipped for the challenges that lay ahead.

Then Interior Minister Rogerio Lobato used these early operational weaknesses to justify developing a number of special police units that politicised and fractured the force.[11] These detachments were trained in paramilitary tactics and armed with heavy weaponry.[12] Their roles were unclear and overlapped with the army, fanning tensions between the two forces.[13] The UN trained these units in the use of newly purchased assault rifles, despite concerns they had been developed to serve political rather than security ends. They would play damaging roles during the 2006 crisis. Minister Lobato also eroded the police by setting up a parallel chain of command, issuing direct operational orders, and selectively treating disciplinary cases. This exacerbated pre-existing divisions that included those between officers from east and west, and between former Indonesian officers and the newly recruited.[14]

B. THE POLICE AND THE 2006 CRISIS

Timor-Leste's 2006 crisis exposed the weaknesses of its fractured security sector.[15] Although the crisis grew out of political battles that had long been simmering within the country's elite, it took on such grave dimensions because factions within its security and defence forces were so easily manipulated. Rather than hold the country together, they turned their guns on each other and became part of its unravelling.

Instability in the capital, Dili, escalated after the police failed to control a large demonstration in front of Government Palace between 24-28 April by a group of former soldiers who had been dismissed from the army. Despite a security plan developed by the General Commander, the head of police, after discussions with protest organisers, the police did not respond as the crowd swelled and other groups joined in.[16] When they marched on the palace in the culmination of five days of dissent, many officers in the capital abandoned their posts.

Over the next month, control of the police in Dili collapsed. Weapons and uniforms were handed out to civilians, who operated alongside certain factions of officers.[17] Others joined the former head of Military Police Alfredo Reinado in the hills outside Dili. The General Commander exacerbated east-west divisions within the force by redistributing weapons to its western members.[18] He abandoned command on 24 May and took officers to serve for personal protection. Factionalism deepened as police donned army uniforms and joined the military in confrontations with their colleagues. On 25 May eight unarmed police officers were shot dead by soldiers as they

[9] The Democratic Republic of Timor-Leste (República Democrática de Timor-Leste) was declared independent on 20 May 2002. The UN retained authority over security and defence functions until May 2004.

[10] Paulo Martins, a former Indonesian officer, was appointed police chief and served in the role until the 2006 crisis.

[11] See Crisis Group Report, *Resolving Timor-Leste's Crisis*, op. cit.

[12] The roles of the special units, and their names, changed over time. A Rapid Deployment Service (RDS) was set up to supplement the work of the Border Patrol Unit. It was later renamed the URP (Unidade Reserva da Polícia – Police Reserve Unit). A Special Police Unit was designed to provide crowd control in Dili and Baucau. It was later renamed the UIR (Unidade de Intervenção Rápida – Rapid Intervention Unit). For more on the special units' creation and early competition with the defence forces, see Edward Rees, "Under Pressure: Falintil – Forças de Defesa de Timor Leste, Three Decades of Defence Force Development in Timor Leste", Geneva Centre for the Democratic Control of Armed Forces (DCAF), Working Paper No. 139, April 2004.

[13] Following the end of the UN's executive policing mandate, these units were armed with 180 HK33 semi-automatic assault rifles donated by Malaysia to the reserve unit (URP) on 21 May 2004, and 200 Steyr semi-automatic assault rifles purchased for the border unit (UPF) and 66 FN-FNC semi-automatic assault rifles for the rapid intervention unit (UIR) later that year. The reserve unit was drawn heavily from the PNTL's western ranks and included members of the force never formally recruited through proper channels. "Report of the United Nations Independent Special Commission of Inquiry for Timor-Leste", 2 October 2006.

[14] Commission of Inquiry report, op. cit., para. 150. One factor in the 2006 crisis was perceptions that the army was an institution under the control of easterners, the police under the control of westerners. See earlier Crisis Group reporting. One Timorese participant at a recent security sector reform (SSR) seminar in Dili summed up his view of the limited transformation in Timor's security sector since 2006: "So now we still have an easterner in charge of the army and a westerner in charge of the police. So what's changed?" Crisis Group observation, Dili, 13 October 2009.

[15] See earlier Crisis Group reporting, including *Resolving Timor Leste's Crisis*, op. cit.

[16] Commssion of Inquiry report, op. cit., paras. 38-48.

[17] Ibid, paras. 90-91.

[18] Ibid, para. 160.

were being escorted away from a confrontation under the misplaced protection of the UN flag.

The UN Commission of Inquiry found the cause of the crisis to be "the frailty of State institutions and the weakness of the rule of law".[19] The police failed to maintain a single chain of command as rogue units participated in violence around the city. The calling out of the army on 28 April, despite its official withdrawal one day later, and joint operations between the police and the Military Police blurred the roles and responsibilities of the forces. This was compounded by the absence of a national security policy to guide the operations of the security and defence forces in such situations. The UN report also criticised the government's leadership, which ignored established procedures for calling out the army, and particularly then Prime Minister Mari Alkatiri, for failing to denounce the arming of civilians.[20]

C. RESPONSE TO THE CRISIS

Foreign military and police forces were rapidly deployed to Dili to re-establish order, beginning with the arrival of Australians on 25 May. Smaller contingents from New Zealand, Malaysia and Portugal followed within the next ten days. It was not an entirely happy collaboration; Portugal was unwilling to operate under Australian command. The FRETILIN government's clear preference was for a UN force, amid allegations Australian forces were unfairly targeting its supporters.

On 11 June, the government requested a UN policing mission that would include rapid reaction forces, general policing in Dili ("with limited presence in the districts"), an institutional capacity-building and advisory team, as well as investigations/forensics support. The intent was "to maintain law and order … and reestablish confidence among the people, until the [police] has undergone reorganization and restructuring so that it can act as an independent and professional law enforcement agency".[21]

Early disagreements within the UN on the size and nature of the intervention were never resolved.[22] An on-the-ground assessment team argued that the UN should take executive control of policing only in Dili, providing limited support in the districts. Recommending only a short interim period of international command followed by an advisory and mentoring role, they argued a heavy foreign presence would be politically contentious and hurt the Timorese police more than help it.[23] Headquarters saw an opportunity to correct past mistakes with a much larger deployment.[24] In August, the Security Council mandated a mission of 450 international police officers in Dili and 640 beyond the capital, where little interruption in policing had occurred during the crisis. It foresaw up to eight officers at each of the 59 sub-district police stations, an ambitious target never met.[25]

The December 2006 "Supplemental Arrangement" signed between the UN and the government was to be the legal basis for UN police operations and set out an ambitious interpretation of the Council's mandate.[26] The mission was granted full executive policing authority ("overall command and control") throughout the country and was tasked with developing with the government within 90 days a comprehensive plan for reform of the police and interior ministry.[27] This plan was also to determine the benchmarks and criteria that would govern a two-phase handover. After a period of vetting, training and mentoring, once deemed to meet these as-yet undetermined criteria, each district would be returned to local command. The UN police commissioner would retain full authority at command level until a second and final handover.

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[19] Ibid, "Summary".
[20] Ibid, para. 169.
[21] "Letter dated 11 June 2006 from the President, the President of the National Parliament and the Prime Minister of Timor-Leste addressed to the Secretary-General". In annex to S/2006/383.
[22] There was also disagreement among international actors about the scope of international intervention. The commander of the Australian Federal Police argued that a leadership void with Timor-Leste's police meant international officers should take over command all the way to deputy chief of section level. "Interim report: initial findings and analysis", UN technical assessment mission to Timor-Leste, 23 June 2006.
[23] Crisis Group interview, assessment team member, 30 October 2009.
[24] The UNMIT mandate included: i) interim law enforcement and public security until the PNTL is reconstituted; ii) to "assist with the further training, institutional development and strengthening of the PNTL"; and iii) a mission to assist in planning and preparation for the 2007 elections, the first national level polls to be conducted since the country's independence. UN Security Council Resolution 1704, S/RES/1704, 25 August 2006.
[25] "Report of the Secretary-General on Timor-Leste pursuant to Security Council resolution 1690 (2006)", UNSC S/2006/628, 8 August 2006, para. 115. Only in June 2009 did a very limited deployment to the sub-district level take place.
[26] "Arrangement on the restoration and maintenance of public security in Timor-Leste and on assistance to the reform, restructuring and rebuilding of the Timorese National Police (PNTL) and the Ministry of Interior Supplemental to the Agreement between the United Nations and the Democratic Republic of Timor-Leste on the Status of the United Nations Integrated Mission in Timor-Leste (UNMIT)", 1 December 2006.
[27] The reform of the interior ministry foreseen by the Supplemental Arrangement was never carried out.

III. UNWILLING, UNABLE PARTNERS

In August 2006 the UN mission nominally took back control of a police service that had little more than two years earlier begun to exercise its own authority. The mission was constrained by difficulties in obtaining political agreement over its role. Successive governments were sensitive about their sovereignty and restoring the image of a discredited police force. Without a clear and common understanding, the objectives of the mission could not be reached.

The first task for mission staff was to negotiate the terms of its presence in the country. An interim UN police commissioner faced a sceptical parliament that did not want to yield any power.[28] In the interests of expediency, the idea of having a solid legal basis for the role of the international police was abandoned. An "arrangement" rather than an "agreement" was made as the latter would have to be approved by parliament and promulgated by the president. The Supplemental Arrangement, a paper record of "something like a gentleman's agreement",[29] was supposed to govern the role of UN police in the country. It had no legal status or penalties for non-compliance. A December 2008 ruling by the Timorese Court of Appeal would later find it to be "non-binding … an instrument of a merely political and administrative nature".[30] A stipulation of the Arrangement was that the government would enact all necessary legislation to support its implementation. No such action was ever taken. This undermined international police on important disciplinary issues, particularly with regard to the screening and certification process. It also undermined their broader role rebuilding the Timorese police service.

The Arrangement left UN police on the ground the difficult job of drafting a joint plan with the government for the "reform, restructuring and rebuilding" of the Timorese police.[31] The mission's police contingent was poorly staffed for this task as very few officers had experience in administration and planning, information technology, monitoring and evaluation.[32] The dedicated civilian advisers in these areas, as recommended by the Secretary-General, were never assigned. The police supporting the reform process were frequently diverted to pressing security needs.[33] By the end of 2006, the international contingent was under strength and the presidential election was four months away.[34] "The security situation was a problem for UN police alone, never mind the PNTL. The capacity building side of the mandate did not even register".[35]

Planning by the UN to rebuild the local police service was neglected and relations between the police forces suffered. As violence increased ahead of the election, the local police were mostly inactive in Dili as they had been officially disarmed and stood down by international forces.[36] By January 2007, four months into the UN mission's mandate, only 276 of 1,232 Dili-based officers had been screened and certified to return to active duty without firearms.[37] Delays in the process meant most were ineligible to patrol alongside international forces. Without local counterparts, newly arrived international police were not always able to find the scenes of disorder they sought to control. As international police struggled to bring order to the streets Timorese questioned why their own police had been sidelined. These problems created a lasting operational divide between the police forces.

[28] Poor staffing also hamstrung the mission and senior positions often went unfilled for long periods. The posts for UN police commissioner and the mission's deputy overseeing the police were both left empty for roughly a year each.

[29] Crisis Group telephone interview, UN official, 6 October 2009.

[30] Court of Appeal decision in relation to case no. 95/CO/2008/TR, dated 9 December 2008. See also Bu Wilson, "The curious case of the fake policeman", East Timor Law and Justice Bulletin no. 2, 13 February 2009.

[31] Known as the "RRR plan" or "triple-R plan".

[32] Crisis Group interview, UNMIT official, Dili, 30 September 2009.

[33] One former member of the RRR team remembered that members of the unit were redeployed to provide close protection to candidates during the elections, explaining "everything just stopped". Crisis Group interview, Dili, 9 September 2009.

[34] Out of an authorised strength of 1608 only some 1070 had deployed by the end of 2006. "Report of the Secretary-General on the United Nations Integrated Mission in Timor-Leste (for the period from 9 August 2006 to 26 January 2007)", 1 February 2007, S/2007/50. UNMIT's police contingent was actually quicker to deploy than its predecessors, in part due to the "re-hatting" of police from the international forces deployed in May and June. Joshua G. Smith, Victoria K. Holt, and William J. Durch, "Enhancing United Nations Capacity to Support Post-Conflict Policing and Rule of Law", Henry L. Stimson Center, November 2007.

[35] Crisis Group interview, Dili, 30 September 2009.

[36] Some of the weapons have never been recovered. An International Weapons Audit Team issued a report in September 2006 noting 219 missing PNTL weapons. An internal PNTL document in July 2008 noted one missing shotgun, four missing rifles and sixteen missing pistols. See "Dealing with the *kilat*", Timor-Leste Armed Violence Assessment Issue Brief 1, October 2008.

[37] "Report of the Secretary-General", 1 February 2007, op. cit., para. 34.

Wide gaps between international and Timorese police persist three years later. The effort to increase the amount of "co-location" and sharing of offices appears to have had limited impact. Deployments outside Dili to the district commands were very slow and even then UN police often occupied separate locations. The police commissioner has an office at the UN's base about a kilometre from Timorese police headquarters. Even co-location does not necessarily entail cooperation: foreign and Timorese officers often share an office without even talking.[38] In one station, no UN officer knew the name of the acting local commander or where his office was.[39] One district operations chief explained the nature of "joint" operational planning with his counterpart: "I do mine, he does his and then I sign off on it".[40] UN police explained they often did not know what the Timorese officers over whom they had oversight were doing.

A plan for police reform, designed to serve as the basis for agreement on the approach to police reform and the benchmarks to be reached before handover, was submitted late in early 2007 nearly a year after the collapse in command of the Timorese police.[41] It was written by the UN mission with no significant input from the Timorese police or the government. It was sloppily drafted, replete with typos, inconsistencies and repeated paragraphs and contained few concrete benchmarks for measuring change in the Timorese force.[42] Drafted in English, it was not translated into either of Timor-Leste's official languages, Portuguese and Tetum.[43] Multiple drafts were circulated by the mission but none was ever agreed with the government. In August 2007, the current coalition government took power. It never signed the Supplemental Arrangement and refused to engage along its terms. The government came to office with its own 79-page, five-year program released in multiple languages, including English.[44] This included significant plans for reform of the security sector and police. Over a month later, senior UN officials admitted they had not read it.[45]

A. Struggling for Joint Ownership Without a Plan

Without a plan for its reform objectives or legislation supporting its role, the mission has struggled in three core areas: vetting and certification of the police after the 2006 crisis, mentoring and advising between UN police and their Timorese counterparts, and training.

1. Vetting

An immediate priority was the design and execution of a vetting process. Confidence in the Timorese police needed strengthening, its officers were disgruntled about being pushed aside, and more police were needed on the streets. Vetting would have also provided a first step towards establishing accountability for the crisis, even though it focused exclusively on the police and ignored the army. The UN had the potential benefit of bringing both much-needed capacity and an impartial workforce to the difficult work of vetting; it might have been able to push through difficult dismissals if given the power to do so. The government and international forces had begun to design a process in the months following the crisis, amid some disagreement among Timorese leaders as to whether a full vetting process was desirable, particularly ceding control of it to international forces.[46]

A series of different laws, agreements and methods governing vetting created confusion and left neither the UN nor the Timorese owning or confident in the outcome. The Supplemental Arrangement gave the UN mission power only to recommend dismissal and left all final decisions to the interior minister. A local law passed just before the UN mandate had already set up a screening process and envisaged community participation in the

[38] Crisis Group observations, Lospalos, 5 August 2009.
[39] Crisis Group interview, Dili, 23 July 2009.
[40] Crisis Group interview, 18 September 2009.
[41] The Supplemental Arrangement (signed 1 December 2006) had stipulated that it be agreed within 90 days. According to the Secretary-General's February 2007 report, the RRR plan would "cover all aspects of capacity-building and institutional development of PNTL. The plan will be developed in close cooperation with the Timorese authorities in order to ensure sustainability and full national ownership". "Report of the Secretary General", 1 February 2007, op. cit.
[42] Then Interior Minister Alcino Barris noted that parts of the plan had been lifted from other sources. See Bu V.E. Wilson and Nelson De Sousa C. Belo, "The UNPOL to PNTL 'handover' 2009: what exactly is being handed over?", Conflict Prevention and Peace Forum paper, 2 October 2009.
[43] See Crisis Group Report, *Security Sector Reform*, op. cit.; and Bu V.E. Wilson, "Smoke and Mirrors: Institutionalising Fragility in the Polícia Nacional Timor-Leste", in David Mearns (ed.), *Democratic Governance in Timor-Leste: Reconciling the Local and the National* (Alice Springs, 2008).
[44] AMP (Parliamentary Majority Alliance) Government, "IV Constitutional Government Program 2007-2012", 13 September 2007. See also Tito Belo, "East Timor's Gusmao vows to tackle security, poverty", Reuters, 13 September 2007.
[45] Report on workshop "Security Sector Reform and Assisting in the Timor-Leste Security Sector Review: Concepts, Modalities, Strategies", Conflict Prevention and Peace Forum, 22 October 2007.
[46] Then Interior Minister Alcino Barris had preferred placing the police chief and his two deputies in a room and asking them to work out their differences. Crisis Group interview, adviser to the Secretary of State for Security, Dili, 2 October 2009.

investigations.[47] In the end, public involvement was limited.[48] The Timorese investigation teams then ceased work in 2007. Since then, only UN police have continued investigations and an evaluation panel has met infrequently and the scope of its deliberations has been limited.[49] It is unclear if this is a serious effort.

Some fourteen recommendations for dismissal of Timorese police are outstanding. The backlog of serious cases includes some 250 officers facing pending disciplinary or criminal proceedings.[50] Empowered only to make recommendations, the mission has proven unable to push for a conclusion of these proceedings. Meanwhile, the Timorese police continue to appoint uncertified officers to senior posts. One officer whose certification remains pending, Jorge Monteiro, was recently appointed head of the Interpol office, despite efforts in early 2007 by the mission urging the government to reconsider his appointment to an earlier post.[51] Those recently certified include Lino Saldanha and Ismail Babo, who played instrumental roles during the 2006 crisis as deputy commanders for administration and operations.[52] It is a compromised process with no clear way how or when to end it.[53] A government-sponsored promotions process linked to a new rank structure may have more success by blocking the promotion of those with pending cases.[54]

2. Mentoring and advising

A six-month mentoring requirement was part of the broader certification process.[55] It was badly conceived, tied to a cumbersome system of paperwork and poorly defined benchmarks. Apparently drawn up within the mission, the design of the process does not seem to have benefited from lessons drawn from the UN's experience in Kosovo and elsewhere. It also did not take into account that international police rotations were often less than six months, making it difficult to forge constructive mentoring relationships. Timorese police generally saw this program as incoherent and "without value" as each mentor had a different approach to policing.[56] Efforts at "streamlining" in mid-2008 sped up certification but further undercut its value. It was reduced from six months to eight weeks and the guidelines for related courses relaxed.[57] Timorese police were allowed to mentor each other where it was "not practical" for an international police officer to do so on a daily basis; the only evaluation is the mentoring officer's assessment of whether the objectives have been met. Timorese officers were dismissive of its impact; none could point to anything they might have learned.[58]

[47] See Government Resolution 3/2006. A senior PNTL commander interviewed in June 2009 asked why UNMIT had set up "a second screening process" when "we already had our own". Crisis Group interview, Dili, June 2009.

[48] Crisis Group interview, NGO member of Technical Team, 26 August 2009; La'o Hamutuk, "Screening the PNTL back into service", La'o Hamutuk Bulletin vol. 8, no. 2, June 2007.

[49] The Evaluation Panel did not meet between January and August 2009.

[50] "Report of the Secretary-General on the United Nations Integrated Mission in Timor-Leste", UNSC S/2009/504, 2 October 2009, para. 19.

[51] The other officer mentioned in the UN mission chief's early 2007 letter, Delfim da Silva, was recently serving as deputy commander of Dili district. "PNTL Monta Postu Seguransa 24 iha Kapital Dili" ["PNTL raises 24 security posts in the capital Dili"], *Jornal Nacional Diário*, 15 May 2009.

[52] The Commission of Inquiry report recommended neither for prosecution. An ad hoc parliamentary committee later recommended investigation into Babo's possible responsibility in the death of a UIR officer in Ermera. The Commission of Inquiry report describes how Saldanha came to operate under army command and notes that despite warning his assistant of an impending attack on PNTL headquarters on the morning of 25 May, he separately told PNTL members to return to headquarters. The PNTL's then General Commander, Paulo Martins, resigned in 2007 and is now a member of parliament.

[53] Crisis Group interview, adviser to the Secretary of State for Security, Dili, 2 October 2009. The Secretary-General's October 2009 report says 259 officers are still facing proceedings and additional 71 are still not registered.

[54] See Section V.

[55] Mentioned in neither the mandate nor the Supplemental Arrangement, this mentoring requirement appears to be a sign of mission creep. See "Report of the expert mission to Timor-Leste on policing, 17 to 27 March 2008", in annex to "Letter dated 16 May 2008 from the Secretary-General to the President of the Security Council", S/2008/329, para. 35.

[56] Asked about how "mentoring" and "advising", a mandated task for UNPOL during the monitoring phase, might be translated into Tetum for PNTL, one senior PNTL commander explained that mentoring might translate as UNPOL "just doing it themselves, looking and writing reports", while advising was "talking about a problem, coming together to work out a response". Crisis Group interview, Dili, 17 June 2009.

[57] The pre-certification course and firearms course were decentralised and guidelines for their administration were also relaxed to allow for quicker delivery. The UNPOL Training Centre coordinator explained, "There's no need to go through all the motions. If the course is designed for one day there may be no need to do it for a whole day". Crisis Group interview, Dili, 14 September 2009.

[58] Crisis Group interviews, Lautem, Baoknana, Iliomar, Tutuala and others, May-August 2009; "Certifying PNTL for the 2008/2009 Transition", draft UNMIT document. The document sums up reasons for operational delays in the certification process as: "inadequate data management, an absence of prioritisation tools within UNPOL, and bottlenecks and gaps in UNPOL's training and vetting components".

"Mentoring" more broadly defined is often cited by the mission as one of the UN police's important continuing roles. Yet it does not feature among the UN police's redefined responsibilities following a district's handover. Even in Dili, when asked to explain their approach to mentoring, the UN police explained "the mentoring phase is over".[59] What could have been a core activity of the international police's person-to-person exchange of knowledge and experience was ultimately rewritten to become an administrative paper shuffle.

3. Training

Training efforts by the UN police have been conducted without a comprehensive plan. There has been a systematic failure to link programs to clearly identified needs, frustrating both international and Timorese police.[60] Support to the Police Training Centre has been mostly limited to the ailing certification process.[61] Where individual police officers have identified skills gaps and requested training, the mission has infrequently been able to respond.[62] The centre coordinator noted individual international police officers could create their own training activities, although few have the experience or resources during short postings do so.[63] It remains unclear that there is an effort to identify and address specific skills gaps, although the joint assessments on handover readiness are providing evidence of the needs. Lessons learned in other missions such as Haiti and Kosovo seem to have gone unheeded.[64]

UN missions are ad hoc by nature as they often are put together quickly and have mandates of limited duration that restrict their ability to plan. Like the UN mission in Timor-Leste, they are often understaffed and made up of people on temporary assignment under short-term contracts.[65] International police arrive with varying skills, experience and openness to the difficult work of law enforcement in a foreign environment. Several structural weaknesses have undermined the ability of officers to perform their jobs:

- *Short deployments*. Many UN police are deployed for one-year missions; some are deployed for just six months. Timor-Leste's Secretary of State for Security summed up a year's deployment: "They get here, they unpack, they get used to things, they go on leave, they work for four or five months and then they are packing again".[66] Even within a one-year deployment, many will shift posts at least once.[67] Many officers suggested a two-year deployment – with restrictions on post transfers – was the minimum required for any sustainable change.[68]
- *Limited knowledge of local laws.* Contingent members were frank about their limited knowledge of local laws.[69] A "series of dense PowerPoint presentations" during induction training in Dili was difficult to digest.[70] This handicapped efforts to impart understanding of the law among Timorese officers.[71] After a new Penal Code took effect in June, officers received only a broadcast email more than a month later with the revised 88-page code attached rather than any description of the changes it introduced.[72]

[59] Crisis Group interview, UNPOL district commander, 5 August 2009; UNPOL station commander, Dili, 23 July 2009.
[60] Crisis Group interviews, Dili, Lautem, Oecusse, Viqueque, May-September 2009.
[61] Crisis Group interview, UNPOL Training Centre coordinator, Dili, 17 September 2009.
[62] Crisis Group interview, UNPOL unit chief, Dili, 2 September 2009.
[63] This is not to say that individual officers have not taken the initiative to design such trainings. The UNPOL chief of the National Investigations Department explained he had designed a 500-page investigation in Portuguese and English, now being translated into Tetum, and designed an in-service training on the new Penal Code. Asked what material he is using for the training, he explained that he walks the PNTL through a step-by-step explanation of the Portuguese version of the Penal Code. Crisis Group interview, UNPOL head of National Investigations Department, Dili, 10 September 2009.
[64] Email exchange with former UN official in Haiti, 28 October 2009; Crisis Group interview with former UN official, 30 October 2009. For more on the UN's challenges in supporting training and vetting operations with Haiti's national police, see Crisis Group Latin America/Caribbean Report Nº28, *Reforming Haiti's Security Sector*, 18 September 2008,

[65] For more on the need for improving UN policing, see Eirin Mobekk, "Identifying Lessons in United Nations International Policing Missions", DCAF Policy Paper No. 9, November 2005; "Enhancing United Nations Capacity to Support Post-Conflict Policing and Rule of Law", op. cit.; and The Center on International Cooperation, *Annual Review of Global Peace Operations 2009* (New York, 2009).
[66] Crisis Group interview, Dili, 1 October 2009.
[67] In a recent visit to one district command, the district commander was on leave, the deputy was in Dili, and the operations head had been transferred to another district after a month in the post and had not yet been replaced. Crisis Group interview, UNPOL acting district operations director, Pante Makassar, 4 September 2009.
[68] This is also the government's preferred length of deployment. Crisis Group interview, Francisco da Costa Guterres, Secretary of State for Security, Dili, 1 October 2009.
[69] Crisis Group interviews, UNPOL officers, May-September 2009.
[70] Crisis Group interview, UNPOL officer, Dili, August 2009.
[71] Crisis Group interviews, UNPOL officers, May-September 2009.
[72] Crisis Group interviews, UNPOL officers and staff, August-September 2009.

- *Limited language skills*. UN police receive no language training from the mission. Portuguese police are well placed to understand the laws and interact with the prosecution service, but not to interact with counterparts beyond command level or the local population, few of whom speak Portuguese. Malaysian and Singaporean police may have more luck in routine interactions, given widespread understanding of Indonesian in Timor-Leste, as it was the language of instruction in schools during the occupation. Together, Portuguese and Malaysian police comprise just 13 per cent of the 930 UN police not serving in formed units.[73] Language assistants often have weak English skills and limited command of relevant local languages beyond Tetum; delays in their hiring or posting were reported as common. A recent justice sector review noted the problems caused by some international police submitting reports to the prosecutor in English was one example of the problems of integrating the UN mission's working language into a judicial system that only recognises Portuguese and Tetum.[74]
- *Lack of incentives*. Several UN police expressed frustration that they have no incentives to reward good performance, encourage extra effort, build a strong sense of purpose or maintain discipline. Seconded to the mission rather than directly employed by it, individual officers are only subject to performance indicators set by their home contingent.[75] A related difficulty is the lack of core doctrine. Beyond the difficulties of uniting over 40 different policing backgrounds lies a problem in promoting the vision of a common mission, or even operating procedures, for the international contingent.

The government set up its own Timorese-run retraining course for all local police in 2008.[76] Alienated by the lack of clarity in international approach, it arranged for all future basic training for new recruits to be provided through bilateral cooperation with Portugal's gendarmerie.[77] While the Republican National Guard are responsible for internal security in Portugal, they are soldiers and subject to military laws.[78]

B. NEW GOVERNMENT, SOVEREIGN POLICIES

From its formation in August 2007, the Majority Parliamentary Alliance coalition government has taken an assertive approach towards development of the security and defence forces and in the process marginalised the UN mission.[79] The coalition has refused to discuss key questions regarding police readiness, including the need to properly equip the Timorese police. This contradicts the terms agreed with the UN when it re-engaged in large numbers after the 2006 crisis.

Prime Minister Xanana Gusmão controls many of the reforms. He merged the defence and security portfolios into one ministry and heads this joint department.[80] The move was presented as an effort to minimise competition and divisions between the services, increase policy coordination, and acknowledge that reform of both institutions must be done together. It also limited their independence by placing them directly under the prime minister, a former guerrilla leader and independence hero. Reporting lines are unclear as the heads of the army and police as well as the two relatively junior Secretaries of State for Security and Defence all seem to answer to him.

Gusmão was reportedly instrumental in the appointment of Pedro Belo as head of the Dili district police command in December 2007. Previously, Belo had been in charge in Baucau, an eastern district renowned in Timor-Leste for its persistent disorder. Soon after the 2007 appointment, the police in the capital revived a reserve squad known as the Task Force, similar to the unit Belo had used to quell disorder among youths in Baucau.[81] The Task Force has since been mainstreamed across the force and continues to provide much of the routine visible policing in Dili and elsewhere, including regular patrols

[73] Based on figures on police contributions from UNMIT's website. A Singaporean contribution is much smaller. Available at unmit.unmissions.org/Default.aspx?tabid=178.
[74] "The justice system of Timor-Leste: An Independent Comprehensive Needs Assessment", 13 October 2009. Available at www.unmit.org.
[75] Crisis Group interview, senior UNPOL official, Dili, 13 October 2009.
[76] *Curso de retreinamento* in Portuguese.
[77] Crisis Group interview, Julio Tomas Pinto, Secretary of State for Defence, Dili, 1 October 2009. In a speech written for the handover of the Training Centre to PNTL control, the prime minister explained that the training of the PNTL to date by trainers from multiple countries "with entirely different policing models" had hindered development of a coherent doctrine. The PM did not attend the ceremony, but the speech was widely distributed by his office. "Speech by the Prime Minister on the occasion of the handover of the PNTL Training Center, 11 September 2009".
[78] The Guarda Nacional Republicana are known commonly as the GNR. See Article 1 of the Organic Law of the Republican National Guard, Law No. 63/2007, 6 November 2007.
[79] Aliança Maioria Parlamentar, or AMP.
[80] In recognition of the need for coordinated reform between the PNTL and the interior ministry in order to strengthen oversight and increase the former's operational autonomy, the Supplemental Arrangement had envisioned a separate plan for reform of the ministry. The new structure of the Ministry for Defence and Security made it clear this initiative was dead. "Supplemental Arrangement", op. cit., Chapter 12.
[81] Crisis Group interview, Fundasaun Mahein director, Dili, 6 July 2009.

with limited international oversight.[82] Credited with improving security, it has also been responsible for an increase in "alleged cases of excessive use of force and ill-treatment during arrest, unlawful searches of houses and abusive behaviour".[83]

The government most forcefully asserted its sovereignty after the 11 February 2008 attacks on the president and prime minister. The shock of the shooting led to the creation of a Joint Command comprised of the Timorese army and police.[84] The Secretary of State for Defence noted that partly because of the inability of international forces to provide an appropriate response: "There was no choice but to enact the joint command. Everybody criticised us at the time: the UN, the [International Stabilisation Force]. But the ISF – where were they? They didn't even know who [rebel leader] Salsinha was; they didn't know where he was. So we really needed the [army] to take the lead".[85]

The new structure placed a large portion of the Timorese police under the command of the head of the armed forces Brigadier Taur Matan Ruak. This four-month operation violated the Supplemental Arrangement by putting local police outside the command of the UN police commissioner.[86] The mission responded by initiating an exchange of letters to "ensure that the mandated responsibilities of UNMIT Police ... were not adversely affected".[87] However, it is clear that the move drove a further wedge between the operations of the UN and local police. One analyst summed up the four-month period as "notable for an escalation of human rights abuses, abuses of authority by security personnel and an increased disregard for the rule of law".[88] The Timorese Ombudsman (Provedor) and the UN human rights unit noted a rise in reports of illegal arrests and ill-treatment by police and soldiers, despite stated efforts to use psychological methods rather than force to pressure those involved in the 11 February attacks to turn themselves in.[89]

The Joint Command appeared to help rebuild relations between the army and the police, conferred some of the former's prestige onto the latter, and had a profound impact on the future direction of the security sector. The new General Commander, in a speech addressed to the government, army and his officers upon taking up the post in March 2009, cited the experience as another example of the international community's scepticism of Timor-Leste's self-reliance being proved wrong. "Many countries, many people, and particularly the international community, once again ... raised doubts about the capacity of this state's two forces, about our unity, and other measures in order to make conclusions about our [prospects for] success ... and once again we showed them that this theory would not work".[90] Coming after an announcement about the handover of policing authority to local officers in two districts, the speech was a repudiation of the "international community's" judgment as well as a pledge of unity.

[82] Task Force is to be renamed the Reserve Squad (Força Reserva) under the new Organic Law of the police (see Section V.B below). A dedicated team of eight UNPOL with experience in crowd control and rapid response are assigned to work with Task Force in an advisory role. However much of Task Force's response continues without UNPOL oversight. Crisis Group interview, UNPOL district commander, Dili, 18 September 2009.

[83] See "Report on human rights developments in Timor-Leste: The security sector and access to justice 1 September 2007-30 June 2008", UNMIT Human Rights and Transitional Justice Section.

[84] See also Crisis Group Briefing, *No Time for Complacency*, op. cit.

[85] Crisis Group interview, Secretary of State for Defence, Dili, 29 September 2009.

[86] Government Resolution 3/2008, 17 February 2009.

[87] "Report of the Secretary-General on the United Nations Integrated Mission in Timor-Leste (for the period from 8 January to 8 July 2008)", S/2008/501, 29 July 2008.

[88] Bu V.E. Wilson, "Whither police reform in Timor-Leste?", Conflict Prevention and Peace Forum briefing paper, November 2008.

[89] Provedor's report on the state of siege, dated 19 March 2008 and "Report on human rights developments in Timor-Leste", op. cit.

[90] Copy of speech delivered by General Commander Longuinhos Monteiro at a ceremony marking the ninth anniversary of the founding of the PNTL, 27 March 2009, made available to Crisis Group. Crisis Group translation from Tetum original.

IV. THE FLAWED LOGIC OF THE HANDOVER PROCESS

Poor planning and an extended handover bequeathed a weak police service to Timor-Leste in 2004. The UN mission is repeating this mistake and it may be too late to correct course. Its mechanism of handing over district by district is based on the premise that the UN holds leverage in handing over police command to their local colleagues. This is despite the wide acknowledgment on the ground that Timorese police run their own operations in parallel with those of international police, rendering such leverage fictive. The process risks worsening relations with the government by insisting on UN authority that does not exist. It evades difficult discussions that need to take place about what should come next after the handover, where the Timorese police need to improve to provide better security, and how the UN mission can provide support.

A. SETTING A FRAMEWORK FOR THE HANDOVER

Agreeing on a framework for the handover has been difficult. Discussions have followed the two-phase format set out in the Supplemental Arrangement: the resumption of authority by Timorese police commanders in individual units and districts under the overall command of a UN police commissioner, followed by the total withdrawal of international forces.[91] In early 2007, mission planning foresaw a large-scale reduction in international police following the elections.[92] This never occurred as violence that followed the announcement of a new government in August 2007 heightened security fears. The number of international police has remained broadly unchanged at around 1500.[93]

In response to pressure from the new government, three police posts in Dili were handed over to nominal Timorese control in early February 2008. Additional redeployment of local police that followed the 11 February shooting of the president limited the operational consequences of this "handover". Eighteen months later international police now serving at command level in some of these very posts were unaware of the previous handover, a further example of entrenched confusion over who is "in charge".[94]

Once discussions began in May 2008, it took a year to agree on a mechanism. Non-engagement by the government rather than any particular disagreement caused the delay. Communication between the mission and the Secretary of State for Security was irregular. An initial UN proposal called for a rapid handover of all districts and units, tied to a long list of government obligations.[95] A government proposal that executive responsibilities resume throughout the Timorese police on the same day and an independent commission be set up to comprehensively evaluate progress before a full transfer of authority was disregarded.

The process agreed in May 2009 established a joint body that would review assessments from each district or unit before making recommendations for handover.[96] This is not an expert panel. Four-member teams, comprising a Timorese and an international police officer as well as a government and UN civilian, conduct assessments that last one week and focus on district headquarters.[97] The stated criteria are: i) the "ability of the national police to respond appropriately to the security environment"; ii) a certification rate of over 80 per cent; iii) the availability of sufficient logistics; and iv) "institutional stability".[98]

It is not a rigorous test and high standards are not required. "We are not talking about 100 per cent readiness; we are talking about a minimum level of readiness. We are talking about a passing grade … a D".[99] Even then, assessment teams have struggled to measure the four criteria, particularly in the artificial atmosphere of pre-

[91] This is the process laid out in the Supplemental Arrangement, which calls the first transition a move towards "consolidation" and the second transition the "reconstitution" of the PNTL. Supplemental Arrangement, op. cit., Chapters 7-9.
[92] "Report of the Secretary-General", 1 February 2007, op. cit., para. 64.
[93] The UNMIT website lists the current police strength at 1,560. Successive reports of the Secretary-General have said it was between 1,480 and 1,640.
[94] Crisis Group interview, PNTL officer, Bidau police post, 18 September 2009. Neither the UNPOL Dili commander nor the UNPOL Becora station commander (responsible for Bidau post) were aware of the handover of these posts. Crisis Group interviews, 18 September, 24 July 2009. See also "UN transfers more authority to national police in Timor-Leste", UN News, 4 February 2008.
[95] This proposal followed a strikingly critical report by a March 2008 UN expert policing mission that noted little progress towards the mission's reform goals. See "Report of the expert policing mission", op. cit. Little effort appears to have been made to implement the sensible recommendations of this review.
[96] Annex to the "Supplemental Arrangement", signed by the Government of Timor-Leste and UNMIT, 13 May 2009.
[97] The teams must visit two sub-district stations, generally preferring the sub-district station located in the district capital and one other. Some teams are able to achieve greater coverage depending on the availability of transport.
[98] Ibid.
[99] Crisis Group interview, UNMIT senior official, Dili, 14 September 2009.

announced station visits. The assessments have nonetheless revealed a host of administrative and logistical gaps. This record of deficiencies is valuable and belated, and would have been more constructive in the early months of the mission.

The measurements are not comprehensive and scoring is subjective, varying widely between team members. For example, whether "fundamental policing principles [are] known to all members of PNTL" is a broader question than a week-long survey can answer. It is easier to determine whether operating procedures are in place than whether they are being followed.[100] Human rights officers taking part in the assessments have never recommended a handover.[101]

B. ASSESSING READINESS

The assessments show the limited reach and authority of the government, national police command and international officers. Given what little progress appears to have been made over three years, the assessments suggest the continued presence of UN police as configured will do little to strengthen the day-to-day operational capacity of the Timorese police. Nor are policies and procedures designed at national headquarters filtering down to the districts. Several notable weaknesses included:

- *Inadequate tools*. All the assessed districts lack basic equipment, particularly radios and vehicles.[102] This reflects government-wide problems that better budgeting and procurement processes would help solve. Planning and maintenance of cars is a noticeable weakness: the remains of broken Tata utility vehicles donated by the UN transitional administration litter the compounds of district headquarters.[103] Timorese police often use their UN counterparts as a taxi service. An extended post-handover presence could allow the government to avoid solving this procurement problem.
- *Confused administration*. Efforts to standardise internal management and oversight could be much better. Absenteeism is a serious problem and yet one district's records reflected full attendance for the month long before it had ended.[104] Station property, investigative tools and office supplies are not looked after or go missing. Those responsible for supervision have scant knowledge of a 2004 disciplinary law, are confused about which cases to refer to headquarters, and provide little oversight of district operations. There is inadequate protection of confidential information and case files. The UN police cannot lead by example as they also do not have standardised forms or procedures.[105]
- *Poor investigation skills*. Basic skills are absent from investigation departments, particularly in the field of forensics. This was one of the government's core requests for training and support in its June 2006 letter. The district of Viqueque was recommended for handover in July even though the assessment team found only "basic crime scene management skills" as local officers had never been trained for investigations.[106] The fact that such fundamentals are irrelevant to the handover shows the limits of the assessments.
- *Weak understanding of law*. Since the introduction of a new Penal Code in June, the prosecutor's office has often had to send back files for further investigation.[107] Awareness of the changes is low: when asked about the Penal Code, police in several stations instead presented the Criminal Procedure Code.[108] No official translation into Tetum appeared to exist.[109] A policing textbook written by an international police adviser was more readily available, and could be an important training tool if more UN police were aware of it.[110]

[100] "PNTL Readiness Assessment Form".
[101] Crisis Group interview, members of UNMIT human rights unit, July-August 2009.
[102] Action Plans for eight assessed districts, made available to Crisis Group in September 2009. A Timorese NGO has posted six of these action plans online. See "Action Plans PNTL – 6 Districts", Fundasaun Mahein (http://fundasaunmahein.wordpress.com), 23 October 2009.
[103] Crisis Group observations, Oecusse district headquarters, 5 September 2009; Lautem district headquarters, 5 August 2009.
[104] Crisis Group interview, assessment team member, Dili, September 2009.
[105] Crisis Group interview, UNPOL officer, Viqueque, 3 August 2009.
[106] Joint Technical Team Action Plan for Viqueque, made available to Crisis Group, dated July 2009.
[107] Crisis Group interview, district prosecutors, Baucau, 6 August 2009.
[108] Crisis Group observations, May-September 2009.
[109] Timor-Leste's new Penal Code entered into force sixty days after its 8 April 2009 publication in the government gazette. Asked about whether a copy of the Penal Code was available, several PNTL officers produced instead the Criminal Procedure Code. Crisis Group interviews, Lautem, Oecusse, Viqueque districts, May-August 2009.
[110] "Mata Dalan ba Membrus PNTL" ["Guidelines for PNTL Members"], UNDP, 2008. The policing textbook is some 90 pages long and distributed in Tetum. With the entry into effect of the new Penal Code, it would need updating.

- *Non-existent operating procedures*.[111] The 2004 Organic Law established a format for operating procedures and some fifteen were drafted by 2006, although engagement of Timorese police was marginal.[112] One international adviser helping the police draw up new procedures noted there was no record of the old ones. There was also no communication with the UN police as they drew up their own parallel procedures.[113] One senior member of the UN police explained they had no alternative because the General Command had made nearly no progress.[114] Developing operating procedures that are once again "written by [UN police], not [Timorese]-driven, and don't necessarily make sense" will only compound the problem.[115]

The greatest flaw in the logic of the assessments is their follow-up. Following the assessments, "action plans" are drawn up for each district outlining areas for improvement. There appears to be no Timorese ownership of the process. Though cited as "joint" documents, the head of the UN police department supporting reform was unable to name the only Timorese officer involved in helping the UN identify required follow-up.[116] The recommendations for follow-up are almost entirely directed at the Timorese police, often at the district commanders. Given that the district commander has no substantial role in their design, it should not be surprised that progress in resolving the identified deficiencies has been limited.

The handover process has begun to run into delays that will further fray tensions between the mission and the government. The mission had initially hoped to see one district or unit handed over every five weeks,[117] but the handover of the police training centre on 11 September has been followed by nearly three months without a handover. Officials on each side seem to believe the other stands to "gain" from a slow handover process and this is a dysfunctional dynamic.[118] In October, the team sent to the central highlands district of Aileu to conduct the first reassessment gave the command lower scores than the original evaluation. Through an endless series of small frustrations and minor humiliations, a protracted and overly technocratic handover has the potential to further harm the relationships needed to sustain cooperation as the UN mission winds down.

C. POLICING IN THE SUB-DISTRICTS

The UN presence at sub-district level is distant and weak. No international police were permanently deployed outside Dili and the twelve other district capitals until June 2009. Just as it started handing over policing authority in some districts, the mission began to establish a limited presence at sub-district level. The UN presence may prove valuable for the attendant upgrade in station conditions. Otherwise, Crisis Group observations suggest the working relationship between the two police services is often insubstantial or non-existent. In two separate visits to one station, the police on duty reported their UN counterparts had "never" visited, despite what the station commander said were repeated requests.[119] Elsewhere, visits seemed limited to once or twice a month, generally when necessary for delivering court notifications.[120] At one station where co-location was due to occur, the police explained UN officers showed up for a few hours sporadically each day to turn on a mission-supplied generator and then slept in the car.[121]

Visits to stations beyond the district command show the impact of limited logistics, irregular reporting, weak oversight and vague operational guidelines. Nominally staffed with some seven to ten officers, there was often only one on duty. Most stations had just one motorbike that was not always available to the officer on shift.[122] Power was available only in the evening hours, making it impossible to often use new computers for report writing. Solar panels had recently been installed in some locations, although not all were working. While the supply of radios and installation of repeaters were prioritised in the handed over districts, they did not always work. At one border patrol station in Oecusse the repeater had been out of order since 2005. Officers there had no other way of communicating with colleagues.[123]

[111] Known formally as Norms and Operating Procedures (NOPs) under the 2009 Organic Law.
[112] Crisis Group interview, international police adviser, Dili, 30 June 2009.
[113] Crisis Group interview, international police adviser, Dili, 7 July 2009.
[114] Crisis Group interview, UNPOL official, Dili, 30 September 2009.
[115] Crisis Group interview, UNPOL unit chief, Dili, 19 August 2009.
[116] Crisis Group interview, Dili, September 2009.
[117] Crisis Group interview, UNPOL official, Dili, 30 September 2009.
[118] Crisis Group interviews, Dili, May-September 2009.
[119] Crisis Group interviews, PNTL officer, Iliomar, 28 May, 4 August 2009; UNPOL district commander, 5 August 2009.
[120] Crisis Group interviews, PNTL officers, Baoknana and Passabe stations, 25-26 June 2009.
[121] Crisis Group interview, PNTL officer, Lautem Vila station, 30 May 2009.
[122] This motorbike was often reserved for the station commander, who in many cases was visiting the district headquarters for meetings.
[123] The isolated Citrana border post, on the western edge of Oecusse district, has been the site of recent apparent border

Given logistical constraints, it will be a challenge to increase the visibility of the local police at this level and to encourage a more active approach to policing. Most sub-district officers mentioned foot patrols as part of their weekly duties. It was not clear how regularly these were performed. Staffing levels were a serious constraint: patrolling was impossible with just one officer on duty.[124] Many officers relied on walk-in reports of crimes. Poor roads and telecommunications countrywide make this a significant undertaking for citizens living in remote areas.

The low incidence of reported crime in most areas reflects both the limited reach of police and the strong role of traditional community structures. Community leaders often see the resolution of most disputes inside a village or hamlet as their own responsibility.[125] A referral to the police is an admission they have been unable to resolve a problem. This leads to a marked divergence between reported crime and actual levels. A non-government early warning system set up in 2009 found the highest incidence of violence reported in Passabe sub-district in the Oecusse enclave with some 50 incidents reported over four months.[126] A visit to the local police station in June saw a well-organised chart on the wall with just four crimes reported in 2009.[127]

Police at the sub-district level were uncertain when the law requires them to open an investigation and when it is permissible for a crime to be resolved by mediation or traditional justice administered by local elders. The new Penal Code established clear distinctions between public and semi-public crimes – complaint must be filed to prosecute the latter – and police will need to be trained by the prosecutor general's office to understand this. One Timorese station commander explained he was: "trying to find a balance between traditional law and the constitution".[128] This is not an appropriate role for individual police officers to be playing without guidance and training.

Customary law will not be replaced any time soon by the formal justice sector. A law being drafted on the use of traditional justice mechanisms has not yet been made public. It is likely to include a framework for giving legal effect to the decisions made by community leaders as well as establish some official oversight by the courts.[129] This should be used as an opportunity to clarify the role of police in monitoring crime at the local level, establish when they are legally required to file reports with the prosecutor and better define public and semi-public crimes.

D. LITTLE LEVERAGE AFTER THE HANDOVER

After transferring formal authority, the UN police are tasked with monitoring and advising their local counterparts.[130] Monitoring is difficult when the UN police have limited insight into their counterparts' operations.[131] Many do not even know the names of their local counterparts. It also creates a sensitive dynamic: one senior Timorese commander suggested that his international colleagues were better suited to spying (*intel*) than constructive assessment.[132] The absence of logistics also renders monitoring artificial.

Information gathered from monitoring has therefore been limited. The Timorese police have provided just one junior officer to work alongside five UN police in the unit that jointly reviews results.[133] No formal evaluation of the weekly reports designed to identify "systemic gaps" has occurred above working level.[134] The General Commander expressed doubts about the ability of monitors to comprehensively assess Timorese police operations,[135] while the Secretary of State for Security explained he maintains his own separate monitoring teams ("to get an honest assessment").[136] Given the political and logis-

incursions by Indonesian military forces (TNI). Crisis Group visit, Citrana border post, Oecusse, 25 June 2009.

[124] Crisis Group interviews, PNTL officers, Iliomar, Baoknana, 4 August, 25 June 2009.

[125] In Timor-Leste, a village is known as a *suco* and a hamlet as an *aldeia*.

[126] "EWER Early Warning and Response System in Timor-Leste, Trimester Report, February-May 2009". The report noted "local leaders in Passabe most commonly responded to incidents of violence (13 incidents) rather than police (7). It is concerning that there was no intervention following almost half the cases (16), which may remain unresolved".

[127] Crisis Group station visit, Passabe sub-district station, 26 June 2009.

[128] Crisis Group interview, PNTL station commander, Lautem district, 6 August 2009.

[129] Crisis Group interview, UNDP adviser to the justice ministry, 14 July 2009.

[130] "Responsibilities of UNPOL in the Consolidation Phase", agreement between UNPOL police commissioner and PNTL General Commander, dated 28 April 2009, obtained by Crisis Group.

[131] One district head of investigations explained that he was routinely not informed of incidents that Timorese colleagues were reporting. Crisis Group interview, UNPOL officer, August 2009.

[132] Crisis Group interview, PNTL Training Centre commander, June 2009.

[133] Crisis Group interview, UNPOL head of monitoring unit, 14 September 2009.

[134] Crisis Group interview, Deputy SRSG, Dili, 14 September 2009.

[135] Crisis Group interview, PNTL General Commander, Dili, 15 October 2009.

[136] Crisis Group interview, Secretary of State for Security, 1 October 2009.

tical constraints the UN police face, an independent review commissioned jointly by the UN and the government could be a necessary tool for planning reforms.

In the first handed over district, Lautem, relations appeared poor and tensions continued. The district commanders explained that despite sharing an office, they rarely speak to one another.[137] The UN commander explained he was forced to insist his officers respond to public disorder incidents, such as a recent fight between martial arts groups. The September monitoring report noted two cases of serious police mistreatment and noted that UN officers were denied access to a detention cell to monitor the detainee.[138] An internal review by mission (non-policing) staff to review the situation six months after handover was downbeat.

The western enclave of Oecusse, the second district to be handed over, presents a different lesson. In June, as the formal handover date approached, the UN commander explained she had informally "handed over" upon taking command of the district nearly a year earlier. Timorese police lead operations, while the UN commander ensured the police forces patrolled side by side. "PNTL aren't getting orders from us and I don't want it that way…. It should be about sitting down, talking about the approach required, and agreeing a way forward".[139] Both UN and Timorese police in Oecusse and elsewhere pointed to the district as an example of good working relations.

Another UN officer nevertheless pointed to practical constraints on a meaningful transition to full operational ownership by the Timorese police. Working in a remote border station, he controlled the sole working vehicle. "How am I supposed to assess his policing when I'm still the one driving the car?"[140] Policing at the station will be very different once the UN has left and the car is gone.

[137] Crisis Group interview, PNTL, UNPOL district commanders, 5 August 2009.
[138] "September Monthly Monitoring Report", Monitoring Coordination and Support Unit, 4 October 2009.
[139] Crisis Group interview, Oecusse, 24 June 2009.
[140] Crisis Group interview, UNPOL officer, Oecusse, 28 June 2009.

V. BUILDING A BETTER POLICE

A. FOSTERING ACCOUNTABILITY

Reform of Timor-Leste's police will only succeed with a clear commitment to improving accountability within the service. Respect for human rights and the enforcement of disciplinary laws have been a problem since the inception of the Timorese police.[141] The commitment of Timor-Leste's political leaders to ending impunity has been limited. Former Interior Minister Rogerio Lobato was sentenced to seven and a half years' imprisonment following the 2006 crisis for illegal arms distribution. His sentence was halved along with some 90 others by presidential decree in 2008 and he was allowed leave the country to seek medical treatment. Most individuals recommended for prosecution by the Commission of Inquiry report for their role in the crisis have never been investigated or prosecuted.[142]

1. Breaking the current impasse

The Professional Standards and Discipline Office remains dysfunctional, its investigations are not transparent, and files are often missing.[143] Timorese district commanders often choose to resolve cases without resort to the disciplinary law. A recent monitoring report detailed how cases were not opened into two incidents of grave police mistreatment in Lautem.[144] The new Organic Law for the police (see below) renamed this disciplinary office the Justice Department without strengthening it. It functions with no effective UN oversight as international police have a parallel institution to deal with complaints against their own officers.

The mission has not publicly addressed the problem. The UN police commissioner maintains the Timorese disciplinary body is conducting investigations in a thorough and timely manner.[145] The most recent Secretary-General's report "commend[s] the Government's efforts ... to remove officers deemed unsuitable for police service",

[141] See "Tortured Begininings", Human Rights Watch, op. cit.; "The Democratic Republic of Timor Leste: A new police service – a new beginning", Amnesty International, 30 June 2003.
[142] For a review of lessons for the justice sector arising from cases linked to the 2006 crisis see "The Crisis 2006: A lesson for the future", Judicial System Monitoring Program, September 2009.
[143] In one district, the joint assessment team found PSDO files had been left unlocked and were stolen from the filing cabinet. Crisis Group interview, member of assessment team, Dili, August 2009.
[144] "September Monthly Monitoring Report", op. cit.
[145] Crisis Group interview, UNPOL Police Commissioner Luis Carrilho, Dili, 8 September 2009.

despite noting that 259 officers still face pending disciplinary or criminal proceedings.[146] Privately, the mission has sought to use the phased handover to dismiss problematic officers and initially aimed to make such dismissals a benchmark for full certification in those districts to be handed over. Future mission leadership should not rely on such quiet diplomacy.[147] The UN's experience in Haiti has shown that regular announcements by the police spokesperson on the status of disciplinary and other investigations into misconduct are crucial to improving performance and public confidence.[148]

The new General Commander sent worrying signals about his commitment to improve discipline and strengthen impartiality in a provisional reshuffle of posts in July. Senior posts were given to uncertified officers perceived as his loyalists, including some with significant disciplinary or criminal sanctions.[149] At least three district commanders either named or kept in post in July have not yet been certified. Although he has expressed a welcome hard line against the involvement of police in election or party-related violence and announced plans for rotations between command posts, these reforms will serve little purpose without addressing longstanding problems of police impunity.[150]

The certification process has done nothing to improve accountability within the police as only one officer has been dismissed as a result.[151] While a large-scale expulsion of officers would be ill-considered, transparent decisions about disciplinary violations and some punishment would help improve accountability. As noted previously, the weakness of the Supplemental Arrangement, the failure to develop supporting legislation, and the reluctance to make difficult decisions means that no one is taking full responsibility for the certification process. Ultimately, the Minister for Defence and Security will have to decide to break the legal and administrative impasses over the remaining cases. The Secretary-General and future UN Special Representatives must be firm in public and private about the need for progress on impunity.

2. Looking forward

Existing internal and external oversight mechanisms are inadequate. The director of a local human rights monitoring group was more blunt, stating "There is no oversight of the police".[152] On paper, a new Office of the Inspector-General that could help strengthen police oversight has been established. This position remains unfilled pending implementation of the new promotions regime. Staffing the post with someone capable and willing to drive proper investigations should be a priority, even though the independence of this role may be compromised by its direct reporting relationship to the General Commander.

An Office of Inspection exists within the Secretariat of State for Security and is said to "function like a Court of Appeal" for those unsatisfied with disciplinary decisions made by the police.[153] The strength of this office is unclear and providing multiple forums for public complaints regarding police behaviour could be counterproductive.[154] A government ombudsman (the Provedor) holds a broader mandate, with oversight of corruption, maladministration and human rights violations. While its reach has recently been boosted by the opening of regional offices outside Dili, the body's investigative capacity remains weak, many staff are on short-term contracts causing increased turnover, and it can only recommend actions by the prosecutor general.[155] The local media play an important role in bringing to light allegations of police misconduct, even if some appear ungrounded. More

[146] "Report of the Secretary-General", 2 October 2009, op. cit., para. 57.
[147] Crisis Group interviews, senior UNMIT officials, Dili, June-August 2009. See UNMIT Human Rights Report, August 2009, op. cit. Uncertified officers are currently serving in handed over districts: six in Lautem and three in Oecusse. UNPOL/PNTL "Monthly Monitoring Report", September 2009.
[148] Crisis Group communication with former UN official in Haiti, 28 October 2009.
[149] "Despacho Sua Excia. Comandante-Geral da PNTL data 20 de Julho de 2009, sobre Nomeações e Transferências" [Order of his Excellency the General Commander dated 20 July 2009 regarding nominations and transfers].
[150] "Tortured Beginnings", op. cit.
[151] Abílio Mesquita, former deputy commander of Dili district, named in the Commission of Inquiry report for his alleged involvement in the 24 May attack on the house of army chief Taur Matan Ruak. See Commission of Inquiry report, op. cit., paras. 69-70, 97. Mesquita was twice convicted on related charges and twice had the charges overturned on technical grounds. A third trial has faced delays. In an illustration of continuing confusion over the certification process, the Secretary of State told Crisis Group the number of dismissals was much higher, citing eight officers who were dismissed because of links to Alfredo Reinado.
[152] Crisis Group interview, Dili, 22 October 2009.
[153] Crisis Group interview, Secretary of State for Security, Dili, 1 October 2009.
[154] Two local NGOs involved with police monitoring told Crisis Group that they send reports of allegations of police misconduct directly to the General Commander, given the weakness of the Provedor and the PSDO office. Crisis Group interviews, Dili, August 2009.
[155] Crisis Group interview, Provedor Sebastião Ximenes, Dili, 10 July 2009. Months of recent controversy over the Office of the Provedor's role in anti-corruption cases as well as an ongoing dispute between the opposition and AMP alliance over the re-appointment of the Provedor, whose term expired on 15 July 2009, may have politicised perceptions of the institution's independence.

transparent responses by the police to complaints should be the norm and would likely strengthen perceptions of their role.

Ongoing UN monitoring and support could strengthen these institutions. In the mission, this is mostly done by the human rights unit rather than UN police. The most recent Secretary-General's report noted that violations by security services, including ill-treatment, excessive use of force, and intimidation continued to be reported. In an eight-month period, the human rights unit received 44 reports of alleged violations by the national police and eight by the military. The report states: "Internal accountability mechanisms remain weak, and, in most cases, the members of the security services responsible for the violations were not brought to justice".[156] Until local institutions are more robust, a continued UN role is important. If it could be agreed with the Timor-Leste government, an independent long-term presence for the Office of the UN High Commissioner for Human Rights that outlasted any Security Council-mandated mission could help check a culture of impunity.

The growth of an independent police service committed to tackling its own disciplinary problems would serve among the greatest potential contributions to Timor-Leste's future stability. The UN and donors should recognise this explicitly and tie future security guarantees to progress towards these goals. Any future offers to guarantee Timor-Leste's security through the UN mission ahead of general elections in 2012 should be tied to progress in implementing the disciplinary law, improving oversight, and avoiding any manipulation of the forces for political ends. A better managed and more accountable police service is also a prerequisite to the long-term disengagement of the security component of all international missions. Timorese leaders must be convinced that their interests and the greater good of the community lie in punishing those who break the law rather than promoting forgiveness, amnesty and impunity.

B. A NEW POLICING MODEL?

A new Organic Law for the Timorese police was drafted within the Office of Secretary of State for Security without input from the UN mission and took effect in February 2009. Its emphasis on military-style policing confirms the importance of the Joint Command in the thinking of Timorese leaders. The preamble notes the need to restructure a policing model "disconnected from the Timorese reality" and reinforce it with a greater emphasis on discipline, hierarchy and chain of command:[157]

> Whereas, with regard to its strategy and approach to policing, PNTL shall have the characteristics of a community police, its nature shall be identical to that of the military insofar as its organisation, discipline, training and personal status are concerned without however constituting a force of a military nature.[158]

Similar to that of the Portuguese National Republican Guard, the model also provides operational flexibility for future joint operations with the military foreseen in draft legislation.[159] The General Commander explained he had initially disagreed with the formulation but now saw its value in increasing discipline and hoped it would bring about a character shift.[160] Daily drills and parades have been instituted at headquarters to improve attendance and instil a stricter atmosphere. Better management, rather than militarisation, might have yielded the same results.

The law does little to simplify the number of special units and divisions in the force. It establishes under the direct command of the General Commander a larger Special Police Unit with three subordinate squads.[161] The Rapid Intervention, Close Security Protection, and Police Reserve units have the same functions in the new hierarchy with new names.[162] Upon taking office in 2007, the government had said the border and maritime units would be transferred to the army. [163] The new law keeps these functions within the ranks of the police.

The launch of the Special Police Unit involved an elite military-style program designed by the General Commander without the participation of the UN mission and

[156] "Report of the Secretary-General", 2 October 2009, op. cit., para. 28.

[157] The preamble to the 2004 Organic Law of the PNTL includes very similar language.

[158] Decree Law 9/2009, 18 February 2009.

[159] Paramilitary or paramilitary-like forces can be incorporated under the military command and hierarchy. For example, Portugal's GNR are legally constituted to switch from being under the interior ministry to being under the defence ministry during states of siege or emergency.

[160] Crisis Group interview, PNTL General Commander, Dili, 15 September 2009.

[161] Unidade Especial de Polícia or UEP.

[162] See Appendix 2 for an organigram of the PNTL, with English and Portuguese translations. The Rapid Intervention Unit (Unidade de Intervenção Rápida, UIR) is now the Public Order Battalion (Batalhão de Ordem Pública, BOP). The Police Reserve Unit (URP) is now the Special Operations Company (Companhia de Operações Especiais, COE). CSP remains the same. PNTL Organic Law, op. cit., Articles 28-30.

[163] "See IV Constitutional Government Plan", op. cit.

drawing on his service in the Indonesian forces.[164] It received heavy media coverage and more direct training of the police by the military has been announced.[165] The police and soldiers have also held joint marksmanship competitions.[166] The General Commander explained its purpose was to build esprit de corps, improve discipline, and clarify operational links between the sub-units. A recent round involved a 30-km trek with rifles and shooting exercises that led to complaints in the Timorese press after local communities grew frightened.[167] The exercises have seen some adjustments in the staffing of the unit and sixteen officers were transferred out of it.[168] It is otherwise unclear how much rotation there has been in and out of the former special units since 2006, worrisome given their role in the crisis and how little contact they have had with international police.[169]

The General Commander's effort to build a unified Special Police Unit could stem competition within the various squads over the long term. By giving prominence to elite military-style detachments, however, the morale of the rest of the police service could be undermined. It also risks further inflaming competition with the army.[170] A recent parade marking the handover of the police training centre was telling. Members of the Special Police Unit's three sub-units armed with military weapons led the parade, marching alongside the border patrol and maritime detachments. All wore different newly designed uniforms.[171] Behind them was a group of patrol officers from each of the country's thirteen districts in regulation blue T-shirts. At the end stood a group of seven female officers. The important but mundane nature of policing is being sidelined by the promotion of its more militarised sections. Given the origins of the 2006 crisis, the decision to adopt a paramilitary model should be reconsidered.

C. NEW LEADERSHIP?

The appointment of former Prosecutor General Longuinhos Monteiro as General Commander ended a long and debilitating period of interim leadership. While praised by some for giving the local service a credible chief, it also raised controversy regarding perceived abuses of his previous role and his competence in executing it.[172] Monteiro was appointed by government decree without the approval of the Superior Police Council as required by law. He has strong links to the prime minister, cemented by his role as the go-between for Gusmão with the late rebel Alfredo Reinado. These links and the presumed approval of head of the armed forces, Brigadier-General Taur Matan Ruak, have given him an authority his predecessors lacked. A high-level government adviser explained: "Finally [they] have a commander who can look [Ruak] in the eye and say: 'This is what I want for the [police]'".[173] It is hoped this authority will be used for reform and to improve its ties with the army. However, his appointment also raised again the spectre of politicisation of the police.[174]

The role of the Secretary of State for Security has been marginalised by Monteiro's appointment: the two have no working relationship and do not meet formally. The absence of a working relationship between the chief of the police and its civilian management further hampers the progress of institutional reform, particularly as new laws are drafted. The interior ministry was left a hollow institution after the 2006 crisis. In its current incarnation, the Secretariat of State for Security has struggled with limited staff to build capacity. A plan for strengthening the then interior ministry envisaged in the Supplemental Arrangement was never developed and thus never implemented. Maintaining an under-resourced civilian management structure hands a lot of power to the General Commander, who has sought direct control over the police budget in order to realise his own priori-

[164] Monteiro's official biography notes he served in the university reserve regiment while studying law at the National Education University (Undiknas) in Denpasar, Bali. Crisis Group interview, PNTL General Commander Longuinhos Monteiro, Dili, 15 September 2009.

[165] "F-FDTL – PNTL Hakarak Hamutuk" ["F-FDTL-PNTL want to work together"], *Suara Timor Lorosae*, 5 November 2009.

[166] "In East Timor, rebuilding efforts continue", *The Newshour*, 12 November 2009.

[167] "Summary of Developments, 18 September – 2 October 2009", UNMIT.

[168] Crisis Group interview, PNTL General Commander Longuinhos Monteiro, Dili, 15 September 2009.

[169] Interviews with members of the border patrol unit (UPF) revealed very little contact between UN and Timorese police. The reserve unit (UIR) were given special training through the Portuguese formed police unit. In interviews with UN officials and bilateral advisers, it was difficult to determine what resources had been devoted to the reserve unit (URP).

[170] Perhaps in an effort to address this, armed forces chief Taur Matan Ruak and the Minister for Defence and Security have been made honorary members of the UEP. "Longuinhos: CSP-BOP 100 Desloka ba Rairobo" ["Longuinhos: 100 CSP-BOP move to Rairobo"], *Timor Post*, 29 October 2009.

[171] Crisis Group observations at handover ceremony at police training centre, Dili, 11 September 2009.

[172] "Longuinhos Ba Komandante Jeral PNTL: Karreira Ka Lealdade?" ["Longuinhos as PNTL General Commander: Careerism or Legalism?"], *Kla'ak Semanal*, 24 March 2009.

[173] Crisis Group interview, government adviser, Dili, 30 September 2009.

[174] One example of the dangers of politicisation of the police, including appointing its director through political rather than police processes, is explored in Crisis Group Asia Report N°157, *Reforming Pakistan's Police*, 14 July 2008.

ties.[175] The government must take steps to repair this dysfunctional relationship and institutionalise civilian oversight of all the country's disciplined services.

D. PROFESSIONALISATION OF THE POLICE

Implementation of a new careers regime, which would dramatically transform the police rank structure, has been held up by many delays, illustrating the dangers of a poor relationship between the General Commander and the Secretary of State. The old structure provided for only four ranks within the police. Infrequent promotions were often based on favour and patronage. This flat structure has created an imbalanced police service; only some 210 out of roughly 3,200 police held a rank above agent level in 2008, a proportion unchanged since the time of the UN administration.[176] The links between rank, level of experience and position are obscured and have never been subject to independent review.

The new promotions law introduced earlier this year creates thirteen ranks, ties key posts to each rank, and sets up clear mechanisms for promotion on service and merit.[177] Implementation will transform the police and will be highly sensitive. A promotions board of five internationals and two Timorese from outside the ranks was supposed to evaluate promotions during a transitional period. It has yet to be formally established. The new hierarchy is also a prerequisite for much of the restructuring mandated by the Organic Law as oversight and command posts can only be granted to members of a certain rank.[178] As the law makes certification a prerequisite for promotion, and bars those facing serious disciplinary proceedings from promotion, a secretariat has compiled a criminal and disciplinary profile for each and lists of those eligible for promotion have been recently posted at headquarters. In the meantime, the government has had to ward off strike threats by promising to push through an interim pay increase tied to the new salary regime.[179]

The Timorese police introduced its own "refresher" course for the entire service in 2008 that was designed to strengthen its *esprit de corps* and overcome internal divisions.[180] Expectations for imparting better policing skills were modest: "If we give them, say, ten tools to use in policing, we are happy if they start to use two of them". Efforts to introduce the use of Portuguese in police work may also be difficult. One recent graduate of the retraining course explained that much of the written material provided in the course was in Portuguese. It was then left to less than fluent Timorese trainers to try to explain the information in Tetum. Participants found the materials difficult to comprehend.[181]

E. COMMUNITY POLICING

The Secretary-General's 2006 report that laid the foundations for the UN mission identified the need for strengthening community policing. A top-heavy structure had been created and several special units were detracting from the service's primary duties.[182] Three years later, the Special Police Unit is receiving a disproportionate amount of resources and the Task Force, whose emphasis is on rapid dissuasive response rather than community engagement, does most of the patrolling in much of the country. As the momentum for a more militarised concept of policing builds, community policing has been neglected. Although the new Organic Law mainstreams this approach across the force, it eliminated the district-level Community Police Units.

Officers in rural areas seem familiar with the rhetoric of community engagement. They explain their role as "getting closer to the community" to encourage the two-way flow of information. In practice, they are often stuck in their stations and perform little outreach.[183] Visibility appears to be one important attribute lacking in Timorese police performance; rectifying this through greater patrolling and engagement could be a first step towards

[175] Crisis Group interview, PNTL General Commander, Dili, 14 September 2009.
[176] Crisis Group interview, Secretary of State for Security Guterres, Dili, 1 October 2009. This is roughly the same number that held the rank in 2002. World Bank Joint Assessment Mission, op. cit. The one female inspector in the force was recently reassigned to head the "gender" section in the General Commander's cabinet. Whether women, who make up some 20 per cent of the force, fare as well as their male counterparts in the promotions regime will be a test of the system.
[177] "Regime de Promoção da Polícia Nacional de Timor-Leste", Decree Law 16/2009, 18 March 2009.
[178] The rotation of command posts in August by order of Commander Longuinhos Monteiro raised some concerns as it was seen to possibly prejudice the future decisions of the Promotions Board. For example, the district commander posts for Dili, Baucau and Bobonaro are to be held by an officer of chief superintendent rank. "Despacho Sua Excia. Comandante-Geral da PNTL data 20 de Julho de 2009, sobre Nomeações e Transferências".
[179] "Polisia labele greve tamba salariu-Xanana" ("Police cannot strike over salary – Xanana"), *Suara Timor Lorosae*, 19 October 2009.
[180] Crisis Group interview, PNTL head of training centre, Dili, 17 June 2009.
[181] Crisis Group interview, PNTL officer, Oecusse district, 24 June 2009.
[182] "Report of the Secretary-General", 8 August 2006, op. cit.
[183] Crisis Group interviews, May-September 2009.

building deeper community ties.[184] Other barriers remain. A militarised police force is more likely to scare citizens who are still living with the legacy of 24 years of Indonesian occupation. The Task Force, for example, is valued for its ability to quell disorder through intimidation; a more interactive approach to community engagement would be perceived as softening their image and weakening their authority.[185]

An effort is under way at headquarters to develop a Timorese community policing concept and has attracted considerable donor interest and support.[186] A draft manual is being developed further with insights from workshops with police around the country. This is an important initiative; the current draft draws exclusively on international sources and English-language texts.[187] The most powerful cues on the importance of community policing will come from Timorese police's own senior leadership and right now there are few.

F. ESTABLISHING SEPARATE ROLES FOR THE POLICE AND MILITARY

A comprehensive security sector review, drafted with the support of the UN mission, was prescribed by the Security Council in August 2006. It was to have guided the development of a consensus-based security policy and a legislative framework that would clarify the respective roles of the security and defence forces. It has not yet been completed.[188] Three years later, draft legislation on national security and defence provides legal means for the integration of the security and defence forces rather than outlining their separation.[189] Heavily influenced by the experience of the Joint Command, these laws establish an "integrated system of national security".[190] The National Security Law sets up a potentially confusing crisis coordination system led by the prime minister; the president and parliament are given ill-defined consultative roles.[191] Precise rules of engagement for the respective forces are due to be defined in further subsidiary legislation.[192] It is difficult to see what the guiding principles might be for implementing the laws or resolving the conflicts between them.[193] While the police retain responsibility for ensuring internal security, these laws establish the grounds for placing the army in charge of joint operations when circumstances are deemed too challenging for the police alone.

The Secretary of State for Defence suggests that economies of scale are driving integration. In a small state, it makes sense to pool resources and collaborate in the event of a natural disaster. A national maritime authority is to be set up that will establish joint operations that can be conducted on the same boat. Border management may also be integrated. In May, ahead of the new laws, two small army detachments were sent to posts near the border and there are plans to give them an increased patrolling role, in support to the police's border unit. Cost savings are an important consideration for a state with limited resources. But the system envisaged leaves the decision on whether the police or army will take the lead a political one.[194] Absent clear rules of engagement, the system preserves the potential for operational confusion. Even once these are elaborated, it will do little to dampen the rivalry between the police and the army that proved so damaging in the lead-up to the 2006 crisis.

There is already dangerous overlap between the police and army. In June, a much-cited incident in Maliana saw the army take over the police response to a fight between rival martial arts groups. Military Police are fre-

[184] Crisis Group interview, UNPOL commander, Oecusse, 24 June 2009.
[185] Crisis Group interview, PNTL head of Community Policing Unit, 13 August 2009.
[186] The New Zealand contingent of UNPOL have developed a pilot program in promoting community policing in Suai district and Becora in Dili as well as to support the chief of community policing at headquarters. Most NZ police serve six-month rotations, but they do rotate through the same posts. Language barriers are a challenge. Australia's Timor-Leste Police Development Program (TLPDP), the Asia Foundation and Japan have all also been involved in support to the PNTL's community policing efforts.
[187] Draft of PNTL community policing concept made available to Crisis Group.
[188] "The UN's lame security review for Timor-Leste", The Interpreter (www.lowyinterpreter.org), 17 February 2009.
[189] These are the Law on National Security, the Law on National Defence and the Law on Internal Security. Ministers approved the laws in June; full discussion in parliament is due after the state budget is approved.
[190] At the time of writing, the UN mission had not yet completed the mandated security sector review. Development of a national security policy by the government was put on hold ahead of the passing of the National Security Law.
[191] The president, as Supreme Commander of the Armed Forces, retains exclusive authority over the deployment of the armed forces.
[192] Crisis Group interview, Secretary of State for Defence, Dili, 29 September 2009.
[193] Almost regretfully, the explanatory preamble to the National Security Law notes that "full integration of the State's functions in matters of National Defense, Internal Security and Civil Protection is not possible by force of Timor-Leste's Constitution which provides for autonomous Defence Forces (article 146) and Security Forces and Services (article 147)". Unofficial translation of Draft Law on National Security, approved by the Council of Ministers in June 2009.
[194] Crisis Group interview, Secretary of State for Defence, Dili, 29 September 2009.

quently called out to respond to security problems in Dili neighbourhoods. Residents use either family connections to the military or direct dial them as they believe they will likely respond quicker than the police. Irregular joint army-police patrols have taken place in Dili.[195] Army support for police operations should only take place after an explicit request by the police.[196] The overlap of responsibilities will be accentuated as the army seeks a role in national life equal to its reputation. This expanded role is legitimised, in part, by the perceived weakness of the Timorese police.

[195] Crisis Group interviews, PNTL officers, Dili police post, Lautem, Oecusse, June-August 2009.

[196] Crisis Group interviews, Secretary of State for Defence, Dili 29, September 2009; Secretary of State for Security, 1 October 2009.

VI. CHALLENGES OF FUTURE ASSISTANCE

The government has long appeared frustrated with the handover and the UN police.[197] The General Commander has issued several blunt statements, including a speech at the closing of a police retraining course where he told his subordinates that their international counterparts themselves were "lacking capacity".[198] He later explained: "Frankly, if after nine years of complaints about capacity building ... nine years of training, the student has not learned then maybe there are two explanations: 1) the student is stupid, or 2) the teacher is stupid".[199] In a full-page local newspaper opinion piece, the Secretary of State for Defence asserted the right of the Timorese leadership to take its own decisions in security and defence matters. He noted recent disciplinary problems between international and local officers in Dili's bars and concluded that "if we compare the character, self-confidence and performance of UN [police] with some [Timorese police], we are better".[200] It is unfortunate that the future of the UN mission's role is being deliberated in such an atmosphere, a product of both the government's sensitivities over sovereignty and the mission's reluctance to admit the weaknesses of the current arrangement.

A. RECONFIGURING THE RELATIONSHIP WITH THE UN POLICE

The relationship must be reformed and the Supplemental Arrangement discarded. A government commission formed in April 2009 to renegotiate the arrangement has not met with the UN mission since agreeing the de-

[197] The appointment of UN Police Commissioner Luis Carrilho in February and a new General Commander in March modestly improved high-level communications. When asked how things had improved since Carrilho's arrival, one UNMIT official replied: "Well, the government [is] talking to us now". Crisis Group interview, Dili, 30 September 2009.

[198] "UNPOL La iha kapasidade" ["UNPOL do not have capacity"], *Suara Timor Lorosae*, August 2009. The General Commander explained to Crisis Group, "I just wanted to speak frankly". Crisis Group interview, Dili, 14 September 2009.

[199] Crisis Group interview, PNTL General Commander, Dili, 14 September 2009.

[200] When first publishing the op-ed in Tetum, *Suara Timor Lorosae* provocatively took a line from the piece as its title: "Security Sector Reform: Timor still always wrong, UN still always right...?" ["Security Sector Reform: TIMOR salah hela deit, ONU los hela deit...?"], *Suara Timor Lorosae*, 18 August 2009. The op-ed was republished a few days later with the different title.

tails of the handover in May 2009.[201] As such, there is no clear public negotiating position. The Secretary of State for Security said a priority would be strengthening the advisory role of UN officers by ensuring that better qualified staff from fewer countries are sent to Timor-Leste on two-year deployments to provide more targeted assistance.[202] Placing the UN police commissioner and the General Commander on the same level is also a likely priority.[203]

In recent briefings, members of the Security Council have expressed satisfaction with the pace of transition of police authority. While there is broad agreement that UNMIT's police component will need to be restructured, both Council members and regional and bilateral partners seem content to extend the mission as-is, awaiting the findings of a technical assistance mission due in January 2010 before modifying UNMIT's mandate or configuration. Council members are wary of any sudden drawdown, remembering the consequences of premature departure in 2006.

While these suggestions make a lot of sense, it is doubtful whether the UN can make such adjustments. They have been made before. The Secretary-General's own police adviser in the Department of Peacekeeping Operations headed the March 2008 expert mission that made similar recommendations. These either had almost no impact or were mostly ignored. Contributing countries rather than the UN Secretariat control the pool and length of service of police available. Policies of "national balance" also mean the Secretariat cannot hand-pick a handful of countries to contribute to the mission in Timor-Leste.

Agreement about specific areas in which UN advisory services would be helpful after a handover of responsibilities is an urgent need and a prerequisite for productive engagement. This would likely include operations support for technical units such as prosecutions, investigations and forensics. The Prosecutor-General's office, Police Training Centre, and the Office of Inspection would benefit from ongoing partnerships. Civilian advisers to police headquarters and the Office of the Secretary of State for Security could supplement bilateral advisers if coordinated. There is a clear need, however, not to recreate the mistake of taking over line functions. Capacity will only be built through stepping back from a command role and providing advice and assistance. Those UN police who felt they were helping to really foster skills development in their respective areas confirmed the importance of letting their Timorese counterparts lead and then ask questions.[204]

The government supports some UN police presence through the next national elections in 2012. It has criticised the approach and qualifications of UN police, but the government relies upon their contribution to perceptions of stability in the capital.[205] Violence often increases around elections; in Timor-Leste it has been shown to peak during the campaigning period and then again after results are announced.[206] Recent local elections saw few serious incidents and this is further evidence of improved security in the country. All would acknowledge, though, that the political stakes in the national elections will be much higher. To improve security, the UN could provide formed police units around this crucial time in order to support the elections and avoid the reallocation of serving Timorese police towards rapid response and the special units. At the same time, there is a danger in perpetuating the dependence on international police, without true reform and thereby simply deferring an inevitably difficult transition.

Discussions on security support must consider the future presence of the 800-strong International Stability Force, comprised of Australian and New Zealand soldiers.[207] Timorese leaders feel its continued presence sends a negative message to the international community that the country is a failed state.[208] While Canberra appears keen to stress that UN police and the draw-down of its forces are not linked, the "security blanket" provided by the UN presence would be of a different character if these troops went home.

[201] "Comissão para Negociar o Novo Acordo Suplementar PNTL/UNMIT" ["Commission to negotiate the new Supplemental Arrangement PNTL/UNMIT"], Government Resolution 4/2009, published 1 April 2009.
[202] Crisis Group interview, Secretary of State for Security, Dili, 1 October 2009.
[203] Crisis Group interview, government member of negotiating team, Dili, 30 September 2009.
[204] Crisis Group interviews, UNPOL officers, August-September 2009.
[205] Nor is the economic impact of some 1500 UN police negligible.
[206] See "Electoral Violence in Timor-Leste: mapping incidents and responses", Timor-Leste Armed Violence Assessment, Issue Brief Number 3, 2009.
[207] The government on reviewing the ISF presence. "Meeting of the Council of Ministers on September 23rd, 2009", press release, 23 September 2009.
[208] "Contínua presença militar é negativa para Timor-Leste" ["Continued military presence is negative for Timor-Leste"], *Diário das Notícias*, 15 November 2009.

B. BILATERAL ASSISTANCE

The UN Secretary-General has recognised the importance of planning now for bilateral support to the police in the future.[209] Australia and Portugal are the major donors with an ongoing role in police training and development, though their presence is a fraction of the UN footprint and neither looks able to significantly up their numbers.[210] The longer planning horizons, common policing tradition, clearer reporting lines, and greater control over recruitment inherent in bilateral approaches give them the potential to be a better fit for police development work. Yet bilateral assistance is not immune to some of the same problems faced by UN deployments. In 2004, the Timor-Leste Police Development Program (TLPDP) led by Australia began to provide support to management and administrative functions but found it difficult to make progress before the crisis.

Portugal's efforts are focused on direct training, in addition to a small number of advisers working under an agreement with Portugal's interior ministry. The ambition of such training efforts is limited by small numbers of staff – given shortages of available police at home.[211] Outside the ambit of its UN formed police unit presence in Timor-Leste, it may be even more difficult for Portugal to deliver training. It looks likely to play the lead role in developing the basic police doctrine, having been asked to train new recruits over the next two years.[212] It has also begun leading training for the Special Police Unit on request of the Minister for Defence and Security.[213]

Australia's larger TLPDP now engages some 55 police and civilian advisers in efforts focused on building capacity rather than plugging holes.[214] They play a wide variety of roles, with particular support to building police training abilities as well as management and administration. In an effort to respond to needs identified by the Timorese police rather than impose its own priorities, the program appears to have given its staff and their counterparts real latitude in working out the terms of their individual engagements. This may have led to flexibility in matching skills to needs that the UN police do not have. It will also complicate attempts to coordinate efforts. Relations between the Australian program and UN police have also at times been strained because of a lack of transparency between the two operations.[215]

Like the UN, both bilateral efforts will struggle to have lasting impact without a clear long-term strategy for matching resources to Timorese police needs. The two countries do not have a shared understanding of their respective roles and there is "no coordination" of programs at present.[216] While the Timorese government will have the final say on decisions regarding its national police, donors still have an important role to play in insisting on progress on accountability and professionalism. Failing to align their assistance with any future UN role risks reproducing inefficiencies and may reinforce divisions within the police. They will need to work to avoid deepening the divide between elite squads and bulk of the service. Taking steps to develop a comprehensive training plan for the entire police service would help guide all future input of all donors; only the government can realistically play this role. In the absence of government capacity to quickly identify gaps in training, a thorough needs assessment through an independent review could fill this gap.

Indonesia's police force is also sure to play an increased role. Timorese police have visited training centres in neighbouring West Timor and at the Indonesian National Police Academy. The General Commander and other senior Timorese police maintain personal connections with Indonesian counterparts. This may provide the foundation for increasing cooperation with Indonesia. Since it formally separated from the armed forces in 2000, the Indonesian police has worked hard to forge its own identity including passing landmark regulations on community policing and the promotion of human rights.[217] The majority of Timorese police were formally educated in Indonesian and likely have a higher proficiency in that language than either Portuguese or English. While struggling with its own challenges, with more than 374,000

[209] "Report of the Secretary-General on the United Nations Integrated Mission in Timor-Leste", UNSC S/2009/72, 4 February 2009; and "Report of the Secretary-General", 2 October 2009, op. cit.

[210] New Zealand and Japan have both provided support to the PNTL's community policing efforts, and the latter has also provided specialised training in handling unexploded ordnance.

[211] A unit from the Portuguese formed police unit contribution to UNPOL, comprised of some 140 GNR, leads the training.

[212] As early as 2008, President José Ramos-Horta made it clear that Portugal's GNR would serve as the "policing model of reference" for Timor-Leste. "Timor-Leste: 'GNR é modelo de referência para PNTL'" ["Timor-Leste: 'GNR are the model of reference for the PNTL'"], RTP, 10 January 2008.

[213] Crisis Group interview, Portuguese police attaché, Dili, 9 October 2009.

[214] Timor-Leste Police Development Program, or TLPDP.

[215] Crisis Group interviews, TLPDP advisers and UNMIT officials, Dili, July-October 2009.

[216] Crisis Group interviews, Australian and Portuguese bilateral cooperation officials, Dili, October 2009.

[217] Regulation of the Chief of the Indonesian National Police (INP) Number 7 of 2009 regarding Basic Manual on Strategies and Implementation of Community Policing in the Performance of the INP's duties; and Regulation of the Chief of the Indonesian National Police Number 8 of 2009 regarding Implementation of Human Rights Principles and Standards in the Discharge of Duties of the Indonesian National Police.

personnel, Indonesia's police have a wealth of personnel, management and operational experience that could benefit Timor-Leste's police.[218]

VII. CONCLUSION

The UN Security Council and its mission in Timor-Leste face a serious predicament. The mission will hand back responsibility to an imperfect institution, still in need of basic reform and better equipment, but more UN control, more UN police and more time cannot fix the problem. Ignoring key findings from an on-the-ground assessment, the UN was placed in charge of Timor-Leste's police in 2006; reality has never matched the mandate. It has not been helped by successive governments weak in both capacity and will to implement the required difficult changes. The arrangement intended to guide the UN's work had no legal force and was not fully honoured; a detailed strategy for implementing the goals it set forth was never agreed with the government. Had the UN been granted broader authority it might have been able to complete a time-bound vetting process that would have expelled those with serious disciplinary or criminal violations. Instead, the mission is stuck trying to "assist" political decisions the government seems unwilling to take. If it stays nominally in charge it will be blamed for future mistakes and missteps rooted in decisions over which it had no control. In the name of pride and politics, this government wants to formally regain control of its police, a service over which it has de facto authority.

The UN's role in Timor-Leste has always been to support self-determination and it must now once again pursue that agenda. Rather than debate the merits of timelines, benchmarks and other bureaucratic processes, the UN Security Council must recognise the simple reality that Timor-Leste wants control of its police. Learning how to command by doing will not be easy for the Timorese police. Timor-Leste still needs the UN, but it will be more effective in roles other than executive policing. It is time for the UN to step back from this responsibility in order to protect its longer-term role of underwriting Timor-Leste's security and peaceful development through political advice, election support, human rights monitoring, and, in extremis, being a police force of last resort.

Development of a fully professional and independent police force in any country is a long-term goal. A comprehensive independent assessment of the structure and abilities of the Timorese police will be an important tool. The government needs to know its shortcomings and these findings will guide donors to help overcome them. Without a complete record both sides stumble along making quick fixes and contributing piecemeal solutions. Amid broader questions about impunity in Timor-Leste, the government must urgently address the unfinished work of the certification process. It will be uncomfortable,

[218] Crisis Group interview, international police adviser, Jakarta, 7 July 2009.

but those officers ineligible to serve must be dismissed. Outstanding and future disciplinary cases must be dealt with quickly to send clear signals through the ranks and to the community. To build confidence in the police, existing oversight mechanisms need to be stronger and complaints procedures widely understood. If these cannot be made to work, then new ones such as a dedicated police ombudsman should be considered as a necessary step towards professionalisation of the service.

Broader lessons for the UN about the difficulty of supporting security sector reform in sovereign countries remain to be learned. These should form the subject of an internal review by the UN Secretariat and debate by the Security Council as it continues to deliberate on the effectiveness of its missions. Timor-Leste is a small country, and one with which the UN has maintained an intimate engagement. There was no shortage of staff in the system with time spent in-country. It nonetheless had difficulty applying its own local knowledge and lessons learned. This mission was given wide powers for all aspects of security and ample resources with only modest results. When it stretched itself by engaging in police development rather than just maintaining security it met resolute opposition from domestic power holders defending their sovereignty. Without a truly willing local partner its ambitious agenda stalled. The history of the Timor-Leste "success story" needs to be re-written as a case study on the limits of such UN peace operations.

Dili/Brussels, 3 December 2009

APPENDIX A

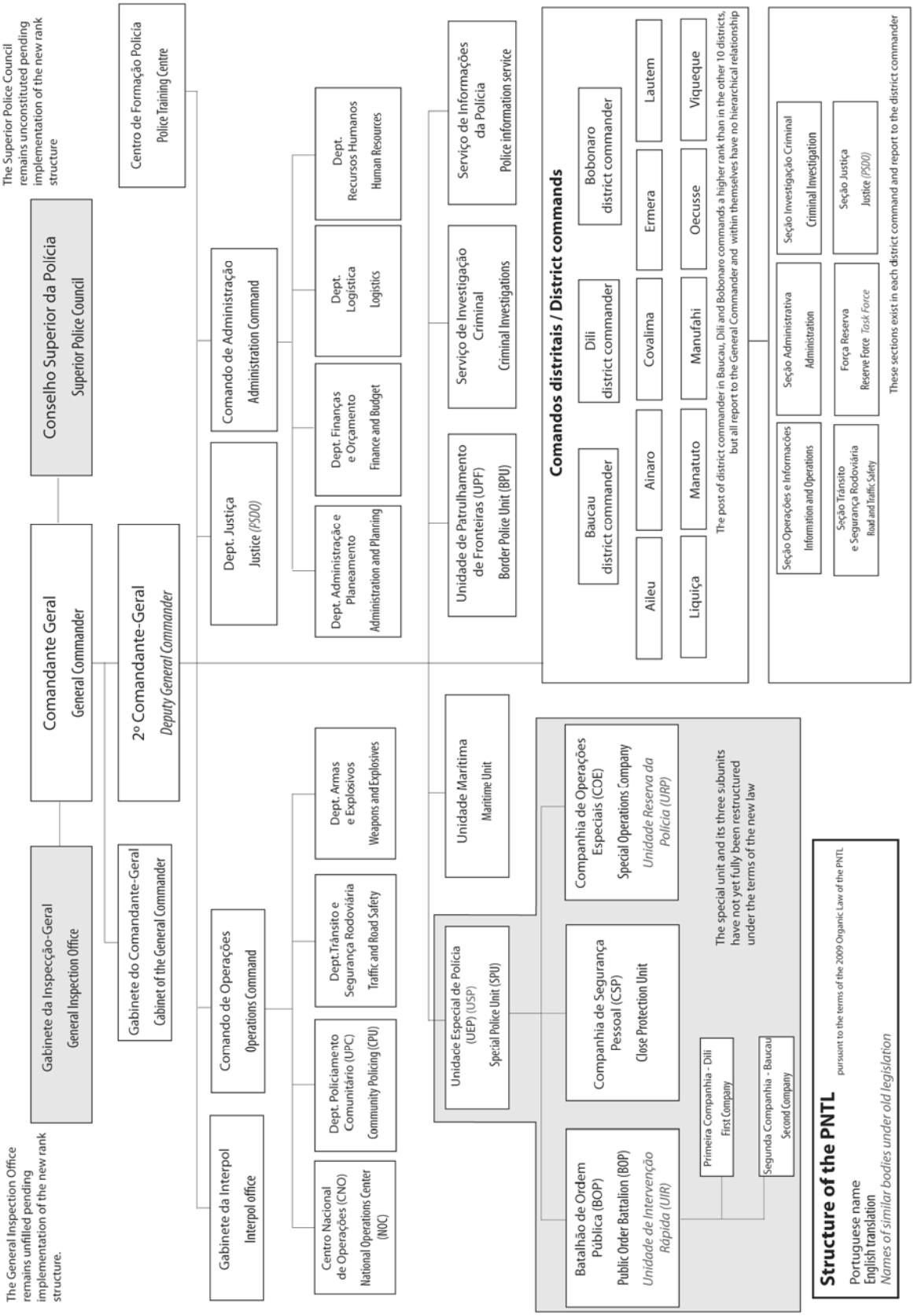
MAP OF TIMOR-LESTE

Map No. 4111 Rev. 8 UNITED NATIONS
March 2007

Department of Peacekeeping Operations
Cartographic Section

APPENDIX B

ORGANIGRAM



APPENDIX C

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The International Crisis Group (Crisis Group) is an independent, non-profit, non-governmental organisation, with some 130 staff members on five continents, working through field-based analysis and high-level advocacy to prevent and resolve deadly conflict.

Crisis Group's approach is grounded in field research. Teams of political analysts are located within or close by countries at risk of outbreak, escalation or recurrence of violent conflict. Based on information and assessments from the field, it produces analytical reports containing practical recommendations targeted at key international decision-takers. Crisis Group also publishes *CrisisWatch*, a twelve-page monthly bulletin, providing a succinct regular update on the state of play in all the most significant situations of conflict or potential conflict around the world.

Crisis Group's reports and briefing papers are distributed widely by email and made available simultaneously on the website, www.crisisgroup.org. Crisis Group works closely with governments and those who influence them, including the media, to highlight its crisis analyses and to generate support for its policy prescriptions.

The Crisis Group Board – which includes prominent figures from the fields of politics, diplomacy, business and the media – is directly involved in helping to bring the reports and recommendations to the attention of senior policy-makers around the world. Crisis Group is co-chaired by the former European Commissioner for External Relations Christopher Patten and former U.S. Ambassador Thomas Pickering. Its President and Chief Executive since July 2009 has been Louise Arbour, former UN High Commissioner for Human Rights and Chief Prosecutor for the International Criminal Tribunals for the former Yugoslavia and for Rwanda.

Crisis Group's international headquarters are in Brussels, with major advocacy offices in Washington DC (where it is based as a legal entity) and New York, a smaller one in London and liaison presences in Moscow and Beijing. The organisation currently operates nine regional offices (in Bishkek, Bogotá, Dakar, Islamabad, Istanbul, Jakarta, Nairobi, Pristina and Tbilisi) and has local field representation in eighteen additional locations (Abuja, Baku, Bangkok, Beirut, Cairo, Colombo, Damascus, Dili, Jerusalem, Kabul, Kathmandu, Kinshasa, Ouagadougou, Port-au-Prince, Pretoria, Sarajevo, Seoul and Tehran). Crisis Group currently covers some 60 areas of actual or potential conflict across four continents. In Africa, this includes Burundi, Cameroon, Central African Republic, Chad, Côte d'Ivoire, Democratic Republic of the Congo, Eritrea, Ethiopia, Guinea, Guinea-Bissau, Kenya, Liberia, Nigeria, Rwanda, Sierra Leone, Somalia, South Africa, Sudan, Uganda and Zimbabwe; in Asia, Afghanistan, Bangladesh, Burma/Myanmar, Indonesia, Kashmir, Kazakhstan, Kyrgyzstan, Nepal, North Korea, Pakistan, Philippines, Sri Lanka, Taiwan Strait, Tajikistan, Thailand, Timor-Leste, Turkmenistan and Uzbekistan; in Europe, Armenia, Azerbaijan, Bosnia and Herzegovina, Cyprus, Georgia, Kosovo, Macedonia, Russia (North Caucasus), Serbia, Turkey and Ukraine; in the Middle East and North Africa, Algeria, Egypt, Gulf States, Iran, Iraq, Israel-Palestine, Lebanon, Morocco, Saudi Arabia, Syria and Yemen; and in Latin America and the Caribbean, Bolivia, Colombia, Ecuador, Guatemala, Haiti and Venezuela.

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December 2009

APPENDIX D

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