

R2P IDEAS in brief

Asia Pacific Centre for the
Responsibility to Protect

Pillar II in Focus — The Responsibility to Assist

Police capacity-building in Timor-Leste and the 2012 parliamentary elections

On Saturday 7 July 2012 the people of Timor-Leste went to the polls to decide the composition of their next parliament. This was the third major test of electoral security this year with the Presidential elections of March and April resulting in a successful handover of the office of President from José Ramos-Horta to the former guerilla fighter, and most recently the leader of the Armed Forces of the independent state, Taur Matan Ruak. **The July Parliamentary poll was widely seen as a barometer of the success of the long term United Nations (UN) presence in the country.** With the election being conducted without major violent incident, the UN Integrated Mission in Timor-Leste (UNMIT) can adhere to its UN Security Council mandate and begin to withdraw a sizeable component of its police-support at the end of the year in accordance with UNSC Res 2037 (2012).

This briefing paper provides a short background to the 2012 elections, and explores the UNPOL mandate to support and build the capacity of the *Polícia Nacional de Timor-Leste* (PNTL – the Timor-Leste National Police), so that Timor-Leste will be able to manage security for its citizens without international assistance. Based on fieldwork conducted during June 2012, including interviews with human rights-focused NGOs, and with international police implementing bilateral and multilateral capacity building, **we argue that the 3,200-3,400 strong PNTL is theoretically ready to go it alone when UNMIT departs**, and explore questions as to how the force will be used by the government, and the way in which further diverse institutional police capacity-building efforts by bilateral donors can be coordinated.

The political system and the 2012 elections

The constitution of Timor-Leste mandates that the office of President is elected by popular vote, but if no candidate secures an absolute majority then the two candidates who secure the most votes contest a run-off one month later. From a field of twelve at the 16 March poll, the candidate of FReTiLIn (*Frente Revolucionária de Timor-Leste Independente* /Revolutionary Front for an Independent East Timor) secured first place with 28.76% of the 464,661 valid votes cast. The second place went to the nominally independent former FALANTIL (*Forças Armadas de Libertação de Timor-Leste* /Armed Forces for the Liberation of East Timor) commander and independence fighter, José Maria Vasconcelos, known throughout Timor-Leste as TMR, the acronym of his Tetun *nomme de guerre* Taur Matan Ruak (“Two Sharp Eyes”), who polled 25.71% of the vote.

TMR was supported in the first and second polls by the government of Xanana Gusmão and his CNRT (*Congresso Nacional de Reconstrução de Timor* /National Congress for Timorese Reconstruction). As a former guerilla leader TMR was also popular in FRETILIN heartlands in the east of the country, so that in the second poll he managed to win a majority of votes in two of the districts that had initially been won by the FRETILIN candidate Francisco Guterres, known as “Lú-Olo”. In the final vote Lú-Olo managed to raise his vote, and that of FRETILIN, to 38.77%, however major political figures supported TMR, including outgoing president José Ramos-Horta, and TMR emerged the victor with 61.23%.

R2P IDEAS in brief



Asia Pacific Centre for the
Responsibility to Protect

The human rights-focused NGO *Belun* reports that throughout the Presidential votes in March and April of 2012 there were 47 minor election-related violent incidents reported in an otherwise peaceful campaign. Most significantly, the excessive use of police force is generally now rare, with only five reported incidents between February and June. **This mostly peaceful spirit in the Presidential elections carried through to the Parliamentary elections**, for which campaigning in earnest commenced in early June. The lack of incident is possibly due to a compact signed by all parties in February to agree on the *Paktu Eleisaun Pasifiku 2012* (Peaceful Electoral Pact 2012), which involved coordination of party electoral activities through the *Comissão Nacional de Eleções* (CNE — National Electoral Commission). With the assistance of CNE, parties coordinated and posted the itineraries of their country-wide travelling road shows so as to avoid each other, thus reducing the opportunity for electoral violence. To a large extent the willingness of political parties to cooperate reflects two desires: the first is for peace; the second is to be seen as capable of managing their own governance and security.

The political system of Timor-Leste demonstrates cutting edge democratic theory with respect to multiparty democracy and representation, gender mainstreaming and peace-building. For the parliamentary election the country is treated as one electorate and parties provide lists of candidates. Parties then compete for votes (and seats) in the 65 member unicameral parliament. A 3% quota secures a seat for a party, and Electoral Law 6/2006 Article 12 (3) decrees that women must comprise 25% of the party lists. Twenty-one parties contested the 7 July vote, including three coalitions; each was required to submit a list of 65 candidates, and a reserve list of 25 further names. On 7 July the largest and most well established parties, FRETILIN and CNRT, vied with a host of new parties in the election. With policy taking a backseat to personality, and especially credentials of candidates in the independence struggle against Indonesia (See Image 1), politics is dominated by personal relationships.



Image 1: CNRT banner – June 2012, Xanana as militant leader.
“Vote for CNRT, Vote for Development”

R2P IDEAS in brief



Asia Pacific Centre for the
Responsibility to Protect

Police and politics

A central part of UNMIT's mandate is to support the PNTL. In theory, the security of the state is guaranteed by a four-tiered response. At the base of the pyramid is the PNTL; they are present in each of the 13 districts and have oversight of maintaining law and order and guaranteeing the security of the citizenry. From 2009 the PNTL gradually resumed command of all districts, and then all the different branches of the police. Since then UN Police (UNPOL) have engaged in capacity building in five key areas: legislation; training; discipline; administration; and operations. While front line policing comes under the auspices of the PNTL, if they require assistance in public order the four UNPOL Formed Police Units (FPUs) of 100-120 police each can assist them if requested (two are based in the capital Dili, one in Baucau and one in Maliana).

If a situation requires more visible and effective force then the F-FDTL (*Falintil-Forças de Defesa de Timor Leste*/Falantil –Timor-Leste Defence Force) can be deployed to assist the PNTL. At the top of the pyramid, and only on request of the government of Timor-Leste, the International Stabilisation Force (around 390 Australian Defence Force personnel and 70 New Zealand Army) is also available for duty, based around Dili in three locations.

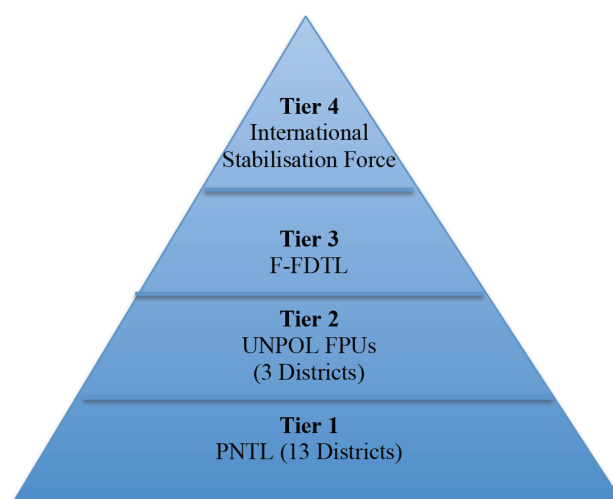


Figure 1: Pyramid Diagram of Security Response

With the election concluded the United Nations can now draw down from Timor-Leste after over a decade of missions, including: election assistance (UNAMET 1999) peace enforcement (INTERFET 1999), transitional administration (UNTAET 1999-2002), political advice (UNOTIL 2005-6), and varying types of support (UNMISSET 2002-2005/UNMIT 2006-2012). The UN's current mandate concerning what was until recently the world's newest state (now South Sudan) will end on 31 December, but in accordance with the Joint Transition Plan, as noted in UNSC Res 2037 (2012), a scaled down presence will remain. However, the UN is likely to shed the majority of its 1200 international police. **This leaves the F-FDTL and the PNTL as the main external and internal security forces, and as the guarantors of security in Timor-Leste**, although the resolution also notes that greater clarity is required with respect to their roles. Those familiar with Timor-Leste will recall that these two forces have a history: the F-FDTL shot dead nine PNTL in May 2006.

R2P IDEAS in brief



Asia Pacific Centre for the
Responsibility to Protect

Since 2006, a significant change in the context of policing has occurred. Policing is now seen as a good career choice: it is generally regarded as being well paid, has good conditions, and it has professional accreditation and a career structure that did not previously exist. Not all police are entirely career-orientated, as one of the findings revealed in our fieldwork was the call for the delinking of PNTL officers from the leadership and coordination of activities of what are termed Marshall Arts Groups (MAGs). In past elections, political party members used MAGs to stifle opposition voices, or to mobilise political support into the streets. This was especially the case in Dili during 2007. With PNTL connections prominent in MAGs, the potential for abuse of power and election violence was clear. A ban on PNTL members participating in MAGs came into force in December 2011 for one year. Whether it has been adhered to depends on whom you ask: international police say it has, although local NGOs say that the links still exist and MAG-linked police are biding their time. Either way the critical factor appears to be that if PNTL officers are continuing their MAG associations, they are now doing so knowing that it is illegal and they appear to be much quieter about openly displaying such relationships. It remains to be seen if UNPOL's phased withdrawal will lead to a resurgence of PNTL-led MAG activity.

Security and elections

Our fieldwork revealed a strong public interest in politics and in parties – leading up to the election, in Dili, in the second largest city Baucau and in Ainaro District (See Image 2), party political banners, stickers and T-shirts abounded in the streets (See Image 3). Local television, radio, and print media were awash with electoral information. The EU had an electoral monitoring team in the country. Security has been generally good with pockets of violence being isolated and restricted to particular parts of specific districts such as Viqueque, and according to Nelson Belo of the *Fundasaun Mahein* (Guardian Foundation), which focuses on the Security Sector, this violence was to do with people within the same village not accepting the rights of others to make their own decisions about which political parties to support.



Image 2: People coming to Maubisse to attend a FRETILIN election rally, 14 June



Image 3: Supporters of KOTA prepare to head east in convoy from Dili to Los Palos, 9 June

R2P IDEAS in brief



Asia Pacific Centre for the
Responsibility to Protect

It appears that for the majority of people of Timor-Leste, the opportunity to vote – and to express their political preferences – is being embraced. The two Presidential votes recorded 78% and 73% turnouts respectively, and the Parliamentary election had a turnout of just under 75% of registered voters. **In a population of just over 1.1 million there are 645,642 registered voters, and 21 political parties contesting the election. Clearly democracy is young and vibrant, and it now appears to be “safe”.** For example, at a FRETILIN rally in Maubisse the PNTL were present (see Photo 4), although not in a heavy-handed way but to guarantee the rights of the people to participate. Engagement in public events, and in the democratic process, had an atmosphere of celebration, and throughout Timor-Leste political roadshows linked communities — a spectacle broadcast daily on national television.



Image 4: PNTL officer on duty for elections, Maubisse, FRETILIN rally 14 June.

Despite the generally peaceful election environment, with a young and more educated population, a gap is opening up between those who fought against the Indonesian occupation (either diplomatically or as part of the armed resistance) and the youth. While there is lots of democracy to go around there will need to be opportunities given to younger people to take up leadership positions in parties, and to an extent the party messages will need to be more sophisticated and policy driven, rather than simply reliant on individuals and their records as freedom fighters. Xanana Gusmão's CNRT have won 30 seats to FRETILIN's 25; the Democratic Party won eight seats and the Fretili-Mudança two. Both minor parties will be part of discussions about coalition government, although a government of national unity has also been touted. Whatever government is put together, policy rather than personalities should be a focal point.

Conclusion

With the UN drawing down, the onus of R2P is shifting back from a Pillar II multilateral responsibility to assist, to a Pillar I situation where the primary responsibility for human rights protection lies with the state and its security institutions. In keeping with UNSC Res 2037, as the multilateral effort dissipates a number of bilateral police programs will emerge to support both the PNTL and the F-FDTL. The issue now is how these diverse efforts will be coordinated. A group called Friends of the PNTL has been formed from donor countries including: Australia, Brazil, Japan, New Zealand, Portugal, and Turkey. Managing these different efforts within the community-orientated policing model that has been adopted by the PNTL will present a challenge, especially as the political elites still clearly favour the paramilitary style of policing of the Portuguese GNR, now joined by the Brazilians training the Military Police for the F-FDTL.

Popular national discourse claims that the Timorese are a tough people who, having fought and overcome oppression need to be managed by their own government with a firm hand. However, our field interviews revealed that because

R2P IDEAS in brief



Asia Pacific Centre for the
Responsibility to Protect

party politics is still personality based the political elites favour a more muscular approach to policing, due to a desire to “control” the level of popular dissatisfaction with individual political figures within government. Political decisions are viewed as the personal responsibility of individuals, but **accountability mechanisms within the institutions of government are still developing**. Perhaps this tension is part of the difficult process of state-building.

In terms of R2P, and as noted in our previous briefing paper [<http://www.r2pasiapacific.org/centre-policy-briefings>], a major pressure on politicians, parties, and the security sector comes from citizens and local NGOs with a human rights focus. International donors are of course interested in improving respect for human rights, and they act to support the police and the army. Local actors however operate more broadly and penetrate more deeply into the countryside. Local NGOs are often active far beyond Dili and the 13 district centres, working in many of the 67 sub-districts, 498 *sucos* (villages) and 2,336 *aldeias* (sub-villages) where most of the population of Timor-Leste resides. While consultation between the state, aid donors and local community-based NGOs is so far relatively limited, we argue that this should be enhanced for the capacity-building in police and other institutions to be more permanent. If this can occur, Timor-Leste will have a better base from which to live up to its responsibility to protect its own people.

Dr. Charles Hawksley is Politics Program Convenor, Faculty of Arts, University of Wollongong. **Dr. Nichole Georgeou** is currently an Honorary Fellow, Faculty of Arts, University of Wollongong. The authors are writing a book on Policing and R2P in Oceania based on their research, and gratefully acknowledge the funding of this project by the Asia Pacific Centre for Responsibility to Protect, made possible by AusAID.

The Asia Pacific Centre for the Responsibility to Protect

Building 91, 54 Walcott Street, School of Political Science & International Studies, University of Queensland, St Lucia, Brisbane 4072

Tel: + 61 7 3346 6443 Fax: + 61 7 3346 6445 Email: r2pinfo@uq.edu.au

Web: <http://www.r2pasiapacific.org/index.html>