

# CSG PAPERS

## The Gradual Emergence of Second Generation Security Sector Reform in Timor-Leste

Sarah Dewhurst and Lindsey Greising

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## ABOUT THE PROJECT

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

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

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

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

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

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

1. To what extent and how have SSR efforts followed the orthodox SSR model as described in the *OECD-DAC Handbook on SSR*? In assessing SSR efforts in each case study country, how have orthodox SSR approaches succeeded and failed and why?
2. What alternative approaches or entry-points for security and justice development programs are available? Are they used, and if so, how? If not, why?

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

## ABOUT THE AUTHOR

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**Lindsey Greising** holds a Juris Doctorate in human rights law, a Bachelor of Arts in international studies focusing on conflict resolution and human rights, and is a member of the New York Bar. Since 2005, she has worked in Timor-Leste in various capacities with local and international NGOs and the U.S. Government, including on conflict and IDP reintegration, access to justice and domestic violence, land conflict, counter-trafficking in persons, police accountability and capacity building, and social protections. In 2015, Lindsey coordinated the U.S. Department of State's Supporting Police, Sustaining Peace project, which focused on conflict prevention and police capacity building. She has also researched and written for Global Integrity on government accountability in Timor-Leste, led research and writing for the U.S. State Department 2015 Human Rights Report on Timor-Leste, and published a legal research guide for Timor-Leste through New York University. Lindsey has worked in immigration law as well as for the International Criminal Tribunal for Rwanda and Amnesty International.

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The findings and conclusions of this paper are those of the authors and do not necessarily reflect the positions or policies of the Centre for Security Governance, the Folke Bernadotte Academy or any other affiliations of the authors including the United States Government, the Government of New Zealand or The Asia Foundation.

## EXECUTIVE SUMMARY

National stability is the primary concern of countries emerging from conflict. Security sector reform (SSR) was designed to strengthen the democratic governance and accountability of security sector institutions in order to improve state legitimacy, and subsequently stability. However, for fragile and conflict-affected states, the legitimacy of state institutions is often dependent on a more complex interplay of political identities, allegiances, histories and compromises. Moreover, autocratic means may be deployed as shortcuts to achieving national stability. The Government of Timor-Leste has employed some unconventional approaches to security sector governance such as the use of joint military-police operations. These leveraged the political legitimacy of the military in internal affairs, but disrupted good governance practices. Decisions about the nature of the state and the role of its security institutions are fundamentally political. The governments and societies of countries in transition, like Timor-Leste, must therefore strike the right balance along the stability-legitimacy-accountability nexus.

SSR must also therefore be a fundamentally political process. Orthodox SSR in Timor-Leste focused on importing administrative structures and improving the technical capacity of security institutions, but failed to adapt to the political realities and dynamics of the new state. In recent years, however, some initiatives that can be described as second generation (2G) SSR efforts have emerged. These approaches have been characterized primarily by their ability to work politically to engage with national actors. They are adapted to the local context and employ more holistic and reconciliatory approaches to security governance, leveraging civil society and engaging both formal and informal security providers. They have fostered slower, but deeper, more multifaceted and therefore more sustainable societal, political and cultural transformations concerning the role of security sector institutions in Timorese society. Second generation SSR approaches have modelled alternative security methodologies, stimulating debate within security sector institutions and society at large. Societal debate and analysis must grapple with the bearing of trade-offs between stability, legitimacy, and accountability at the nexus of such new approaches.



**ACRONYMS, ABBREVIATIONS & TETUN TERMS**

<i>Ba Futuru</i>	For the Future (Timorese national peacebuilding NGO)
<i>Belun</i>	Friend or partner (Timorese national conflict prevention NGO)
<b>CEPAD</b>	Centre of Studies for Peace and Development, Timorese National Peacebuilding Non-Governmental Organisation (NGO)
<b>CPCs</b>	community policing councils
<b>CPRNs</b>	Conflict Prevention and Response Networks (established by NGO Belun)
<b>DfID</b>	United Kingdom's Department for International Development
<b>EWER</b>	Early Warning, Early Response
<b>FALINTIL</b>	Forças Armadas da Libertação Nacional de Timor-Leste (The Armed Forces for the National Liberation of East Timor)
<b>F-FDTL</b>	Forças Armadas de Libertação Nacional de Timor-Leste (FALINTIL)-Força de Defesa de Timor-Leste (F-FDTL) (FALINTIL Defence Force of Timor-Leste)
<i>Fundasaun Mahein</i>	Timorese national NGO for security sector monitoring
<b>GNR</b>	Guarda Nacional Republicana (Portuguese Republican National Guard)
<b>GoTL</b>	Government of Timor-Leste
<b>HAK Association</b>	Association for Law, Human Rights and Justice
<b>JICA</b>	Japan International Cooperation Agency
<b>JSMP</b>	Judicial Systems Monitoring Program (Timorese national NGO for justice systems monitoring)
<b>NGO</b>	non-governmental organization
<b>NDCP</b>	National Department for Community Policing
<b>OECD-DAC</b>	Organisation for Economic Co-operation and Development, Development Assistance Committee
<b>PDHJ</b>	Provedor ba Direitus Umanus no Justisa (Ombudsman for Human Rights and Justice)
<b>PNTL</b>	Polisia Nasional Timor-Leste (Timor-Leste National Police)

<b>SSD</b>	security sector development
<b>SPSP</b>	Supporting Police, Sustaining Peace (US government program)
<b>SSR</b>	security sector reform
<i>Tara Bandu</i>	Traditional community agreement and social regulations
<b>TLPDP</b>	Timor-Leste Police Development Program (Australian-funded)
<b>UNDP</b>	United Nations Development Programme
<b>UNMIT</b>	United Nations Integrated Mission in Timor-Leste
<b>UNPOL</b>	United Nations Police
<b>2G</b>	second generation

## INTRODUCTION

This paper contributes to a broader project called “Exploring the transition from first to second generation security sector reform in conflict-affected societies.” Timor-Leste is one of four case studies that will constitute the comparative report. Each case study consists of two reports, each of which address one of the following two research questions:

To what extent and how have security sector reform (SSR) efforts followed the orthodox SSR model as described in the *OECD-DAC Handbook on Security System Reform*? How have orthodox SSR approaches succeeded and failed and why?

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

This report addresses the second of the two research questions for the Timor-Leste case study. It will explore the characteristics of less-conventional, alternative approaches to SSR and security sector development (SSD)<sup>1</sup> that have emerged in Timor-Leste. These include efforts led by international actors, complemented by the SSD efforts of the Government of Timor-Leste (GoTL) itself. It will review whether these approaches have had a more significant impact than conventional, first generation SSR approaches (referred to herein as orthodox approaches) towards achieving the broad objectives of SSR, as outlined in the *OECD 2007 Handbook on Security System Reform*:

developing a clear institutional framework for the provision of security that integrates security and development policy and includes all relevant actors;

strengthening the governance of the security institutions; and

building capable and professional security forces that are accountable to civil authorities.

The paper will review the performance of these more progressive approaches and map additional future entry points for alternative approaches that could improve support to the further development of the security and justice sectors in Timor-Leste and beyond.

The findings from this case study will contribute to the broader review of the observed global transition of approaches to SSR and SSD policy and practice in conflict-affected countries. They will highlight lessons that can be learned to inform the planning of future SSD in conflict-affected contexts. These lessons will inform the development of pragmatic recommendations as to how SSR and SSD efforts can more effectively support “(re)build[ing] stable, effective, accountable, and rights-respecting security sectors capable of guaranteeing fair and equal access to justice and security services for communities and citizens” (CSG Project Framework, 2015).

### Methodology

The methodology for this research drew on personal experience, qualitative interviews and literature review. Both authors of this report have extensive personal experience working in the conflict prevention, governance and SSD sectors in Timor-Leste. Sarah Dewhurst has worked in Timor-Leste since 2008 on multiple conflict prevention programs including supporting civil society organizations such as the Centre of Studies for Peace and Development (CEPAD) through Interpeace and *Belun* through Columbia University's Centre for International Conflict Resolution. She currently manages the Community Policing Support Program at The Asia Foundation, working in partnership with the New Zealand Police. Lindsey Greising previously worked as a human rights adviser at *Ba Futuru*, later working for the US Embassy as conflict and stabilization analyst and coordinator of its Supporting Police, Sustaining Peace (SPSP) program. Semi-structured interviews were conducted with 20 leading stakeholders involved in SSD in Timor-Leste over the last 15 years. They included current and former representatives of the Timor-Leste government, the National Parliament, former Secretariats of State for Defence and Security, the military and police forces, civil society actors and leading policy advisers on SSR and SSD from the United Nations and multilateral and bilateral agencies. The literature review included relevant academic literature, organizational reports and evaluations of SSR and SSD implementing agencies, online and print media, as well as commentary on SSR and SSD and development processes in Timor-Leste and globally.

### Second Generation (2G) SSR Defined

The term 2G SSR refers to an emerging field of literature and practice that looks for new ways to increase the effectiveness of SSR efforts. Since the emergence of SSR as a concept in the 1990s – what this paper terms first generation or orthodox SSR – these efforts struggled to achieve their goals, particularly in fragile and conflict-affected contexts. This is partly because, as Hills (2010) argues, “SSR is too normative, prescriptive and ethnocentric to be easily transplanted.” SSR efforts are usually implemented as “technical-administrative” exercises that fail to engage effectively in the broader political process necessary to bring about improved governance of security sector institutions, which can only occur as part of a broader (and usually slower) transition to democracy (Hills, 2010; Jackson, 2011). The 2G SSR literature thus identifies some characteristics that are necessary for it to gain more traction in developing – and particularly fragile – contexts.

The subsequent emergence of 2G SSR literature has thus begun to characterize 2G SSR as approaches to SSR programming that are more culturally aware, politically sensitive and locally relevant (Hills, 2010; Sedra, 2010). These approaches focus on local ownership (Nathan, 2007; Donais 2008) and work in partnership with local institutions. They are less

state-centric (Baker, 2010) and decentralized, working with non-state actors (Keane and Downes, 2012) and frequently promoting the role of civil society in SSR (Caparini, 2010). As such, they include a focus on community solutions, including reconciliatory processes and traditional justice mechanisms (Keane and Downes, 2012: 3). Fundamentally, the change they are attempting to support requires long-term and phased approaches (Ball, Scheye and van de Goor, 2007; Colletta and Muggah, 2009) with time frames beyond those of stabilization missions (Fitz-Gerald, 2010). These approaches are iterative and flexible to adapt to complex contexts (Keane and Downes, 2012; Denney, 2016). Critically, 2G approaches to SSR and SSD do not change the fundamental objectives of SSR and SSD; rather, they alter the methods used for bringing about the anticipated changes.

### Summary of Main Findings

This paper finds that Timor-Leste has benefitted greatly from the use of 2G SSD approaches since the withdrawal of the last United Nations Integrated Mission in Timor-Leste (UNMIT) in December 2012. It finds that traditional SSR faced numerous challenges during the more than a decade of SSD since the Timorese people voted for their independence in 1999. Orthodox SSD under the five consecutive UN missions in Timor-Leste had lofty ambitions in their SSD programming. By many accounts, however, the UN failed in its efforts to achieve effective, accountable and sustainable security institutions by the time of its withdrawal (International Crisis Group [ICG], 2008; Funaki, 2009; Office of the Internal Oversight Services [OIOS], 2009; CIGI, 2011; Armstrong, Chura-Beaver and Kfir, 2012).

The UN's early efforts in the establishment of the security forces failed to understand the political dynamics affecting the security forces, leading to the 2006 crisis (Rees, 2003; 2004). The efforts of bilateral agencies<sup>2</sup> compounded the problem by focusing on building up the technical capacity of the *Polisia Nasional Timor-Leste* (Timor-Leste National Police) (PNTL) and *Forças Armadas de Libertação Nacional de Timor-Leste* (FALINTIL)-*Força de Defesa de Timor-Leste* (F-FDTL) (FALINTIL Defence Force of Timor-Leste) (F-FDTL) without sufficient support to the development of civilian oversight structures (Rees, 2003). Following the crisis, the UN's plan for "reform, restructuring and rebuilding"<sup>3</sup> of the PNTL was never adopted by the GoTL. The UN's approach to SSD in Timor-Leste was predominantly state-centric and intended to ensure liberal-democratic governance standards throughout the state-building process. However, within the short-term time frames of the peacekeeping missions, it was not possible to fulfill the long-term objectives of improving democratic governance of the security sector, which needs to be driven by local actors and requires longer-term, cultural transition to democracy.

Since the withdrawal of UNMIT, the fifth and last peacekeeping mission in Timor-Leste, some 2G SSD approaches have emerged. These approaches are supporting a slower societal,

political and cultural transformation of the role of security sector institutions in the Timor-Leste context. The types of 2G SSD approaches that have emerged in Timor-Leste follow many of the characteristics of the broader 2G literature. The approaches in Timor-Leste have been characterized by prioritizing national leadership, citizen engagement and adaptation to the local context and holistic approaches to security governance. They have focused on reconciliation, systems-building and capacity development, community-oriented approaches, addressing the complex causes of societal tensions and insecurity, and increasing personal security and engagement with non-state actors. Such approaches seem to be having more success in generating societal discussions about the nature of the stability-legitimacy-accountability nexus. These discussions enable citizens to debate and review the approaches they expect from the security sector and the extent of trade-offs between the objectives of stability, legitimacy and accountability that they are prepared to tolerate as citizens. For example, in Timor-Leste, the government introduced some heavy-handed approaches such as the introduction of special units and the use of joint-military police operations in the name of short-term stability. Since the withdrawal of the UN, it is now up to Timorese citizens to decide the right balance between stability, accountability and legitimacy in SSD.

This paper has found that 2G approaches to SSR in Timor-Leste can be grouped under the following 11 characteristics:

- less overtly liberal, striking the balance between stability, accountability and legitimacy: acceptance that SSD is an evolutionary process, more tolerance towards host governments' non-traditional approaches;
- support for reconciliation: acknowledgement of the importance of restorative and traditional justice after internal crises and conflict, alongside formal judicial process;
- use interim approaches, buy time through more modest, longer-term and lighter touch approaches: lighter in resource usage and lower-tech, conducive to longer-term engagements;
- more political, locally owned and locally driven: respect and support of the institutional officers;
- more contextual and culturally aware: use of local languages, use of national staff in leadership roles, respect and support of the institutional officers;
- evidence-based and iterative: use of research and surveys to tailor responses to what is working in the context and empower advocacy for SSD;
- human security, conflict analysis and conflict prevention-oriented: focus on the end-user, personal security and addressing root causes;

- less state-centric; engagement with hybrid security and justice systems: acknowledgement of the importance of non-state actors and traditional justice at local level, more decentralized and community orientated;
- more holistic and better coordinated: integrated development and reform efforts across projects and sectors, particularly justice and governance sectors, leveraging progress made by other actors, particularly the justice sector;
- working with government systems: bottom-up, top-down and supporting middle management; and
- use of a coalition of actors: civilian, uniformed, technical, diplomatic, and civil society actors play complementary roles.

The Timor-Leste experience shows that once basic stability has been achieved through peacekeeping efforts, nimbler, lighter-touch and targeted support to nationally-led security sector development and reform are likely to have a much more embedded and enduring impact on SSD.

### **Pitfalls of Orthodox SSR Approaches in Timor-Leste**

As discussed in more depth in the first paper of this case study, first generation SSD in Timor-Leste led by the UN missions, with tangential support from a few bilateral agencies, can be seen to have achieved the considerable task of stabilization of the country. Orthodox SSD found a role for the former FALINTIL guerrilla fighters, it set up preliminary institutional and legislative frameworks for state institutions, and introduced at least a cognizance of human rights standards across security sector institutions in the country. However, orthodox SSD in Timor-Leste faced a number of setbacks in its ability to embed the principles and practices of democratic accountability of security sector institutions more deeply into the governance culture and structures. This section summarizes the key pitfalls that hampered orthodox SSR efforts during the first decade of Timor-Leste's democratic development.

*A focus on technical capacity support and failure to acknowledge context and work politically*

The first key impediment faced by orthodox SSR approaches in Timor-Leste was the view that SSD was a technical activity, lacking contextual understanding and the ability to work politically. SSD in Timor-Leste began with the establishment of a national police (PNTL) and defence force (F-FDTL) following the Timorese people's vote for independence in 1999. As discussed further in the first paper, this establishment process ushered in some fundamental flaws in the institutional design, namely bringing former Indonesian-era

police into the new police force and former FALINTIL resistance fighters into the army. This lack of political understanding by the international actors of the likely impacts of such a move pitted the police and the army against each other from the early stages. Tensions brewed, which later erupted into the 2006 crisis. As such, the international community introduced standardized security sector models that did not assimilate with Timorese political realities (Rees, 2003). Neither did the process engage sufficiently with the political (Rees, 2004) institutional (ICG, 2008) or societal leadership (Armstrong, Chura-Beaver and Kfir, 2012) in the SSD process. At all stages through the SSD process, the efforts of both the UN and bilateral agencies, predominantly focused on building the technical capacity of the PNTL and the F-FDTL, without sufficient support to the political development of civilian oversight structures, which needed to serve as the democratic and inherently political constituent to hold security sector actors to account (Rees, 2003; Armstrong, Chura-Beaver and Kfir, 2012: 19).

#### *Tying SSR to the short-term time frames of stabilization missions*

The second key pitfall of orthodox SSR approaches in Timor-Leste was their short-term time frames. Prior to 2006, SSD and SSR theories had not been well-conceptualized (Rees, 2006) and the UN missions were focused on stabilization and the formation of security sector institutions. Due to their high cost, peacekeeping missions were always under pressure to complete their mandate in as short a period as possible (Everett, 2008). SSD, however, was a key tenet of the state-building agenda that was crucial to securing the success of the stabilization efforts. The failure of the UN missions to achieve these ambitious objectives within their short-term time frames was inevitable. As Mark Downes and Robert Muggah (2010) point out, SSR initiatives may not even be feasible until the institutions are more well-established and democratic processes of the state are more robust. Bilateral agencies had similarly short-term agendas. The short-term vision of each mission can be seen to have ultimately done more harm than good. The short-term approach and inability to engage politically to mitigate potential spoilers, left the security institutions with innate fractures that ruptured in the 2006 crisis.<sup>4</sup>

The security sector institutions that were established under the acute security pressures of the transitional period should, at the very least, have been explicitly hailed as interim structures offering only short-term solutions. This could have better acknowledged the political challenges that lay ahead. Strong efforts could have been made to prepare local actors to design a strategy for a gradual transition to a more suitable model. However, the original military and police structures were instead declared as being the best-fit solution for the Timorese context by international organizations. As such, local actors quickly felt they had been sidelined and their contextual knowledge ignored. The resultant security institutions consequently lacked legitimacy from the get-go, compounding the challenge of their incongruity to the local context.



*External actors competing for control of SSR with the host government*

Following the 2006 crisis, the UN's approach in Timor-Leste can be seen to have continued in line with first generation SSR approaches. Relations were further strained when the UN resolution and supplementary agreement brought the PNTL under the command of the UN Police (UNPOL).<sup>5</sup> The GoTL was affronted that the UN should want to take back executive control of policing with plans to "reform" the security sector, when many within government saw the UN's decisions in the formation of the security sector institutions to have been significantly related to their early demise: "In the political round it was seen as a slap in the face of the political leaders."<sup>6</sup> The supplementary agreement was never incorporated into Timorese law, leaving the mission in a complex legal and strategic position. Due to the lack of an effective framework for cooperation, as well as a lack of trusting relationships, by the end of 2008, the government had begun pursuing its own responses to reconstituting the security sector: "They developed their own SSR in a parallel structure and basically froze the UN out of all of it. The 2009 organic law was written largely without any UN involvement."<sup>7</sup> This left space for the government to introduce practices in the name of stability that challenged orthodox paradigms for legitimacy and accountability of the security sector institutions.

*Lack of local ownership*

The third key pitfall resulting in the setbacks faced by orthodox SSR in Timor-Leste was the inability of the UN and bilateral agencies to garner host-government ownership of the process. While local ownership has been a fundamental principle at the forefront of all guidance notes on SSR since the development of early OECD guidelines in 2005, and again in full prominence in the 2007 OECD-DAC handbook in the development of the UN's Integrated Technical Guidance Notes in 2012. However, the crucial challenge in SSR is that local ownership is often "more a rhetorical device than a guide to donor practice" (Nathan, 2008). This was certainly true of orthodox efforts in Timor-Leste.

Throughout the early SSR efforts there was a lack of a coherent approach, confusing local counterparts. Early legislation was created by international actors; without local leadership of the process, there was no momentum to ensure that legislation was understood and implemented. The heavy UN presence was seen by national actors as intrusive. While advisers were present, their advice was not always in demand or implemented. "Only two of the eight advisers on-board were co-located with their counterparts and many advisers complained that the Government did not request for their input in many reform initiatives" (OIOS, 2009). This further weakened the UN's effectiveness in working politically to mobilize national leadership of the SSD process and respect for democratic governance systems. The UN did not acknowledge that local ownership "should mean local control."<sup>8</sup> There was no clear strategy for working with state systems and developing their institutional capacity.

*Lack of acknowledgement of the need for reconciliatory approaches*

The UN also failed to design an effective transitional justice strategy following the crisis. The UN-led vetting process lacked clarity in designation of responsibility for decision-making. Some international observers reflected that the process should have leveraged the UN's mandate to take the difficult decisions (Hood, 2006). This could have spared the Timorese leadership from the answerability of making dismissals that could have easily been politicized. Alternatively, the process should have been entirely government-led with international actors providing only technical assistance to back locally-led solutions (Wilson, 2009). Instead, struggles over sovereignty hampered the relationship and thus the decision-making capacity of the UN. As Nicholas J. Armstrong, Jacqueline Chura-Beaver and Isaac Kfir (2012) note, "a delicate balance must be found in weighing decisions over proper host-nation involvement in SSR with standards expected by the UN and international actors...transition is only successful if the host-nation is mentored and guided appropriately to allow the opportunity for internal reflection and recalibration of its own goals and programs." Unfortunately the UN was not able to successfully provide this space for reflection and calibration into GoTL-led processes.

*Lack of engagement with locally-led solutions*

In response to the "petitioners"<sup>9</sup> issue that lingered on after the 2006 crisis, the government appointed a Joint Military Police Command in February 2008, which placed the PNTL under the command of the F-FDTL. The use of this joint operation succeeded in forging a settlement with the petitioners more quickly than the efforts of the International Stabilisation Forces. Timorese commentators also assert that it succeeded in improving the hostile relationships between the F-FDTL and the PNTL in the wake of the crisis.<sup>10</sup> The use of the joint command, however, led the Timorese government into habitual use of such tools to respond to civilian challenges to government power. Their use in subsequent instances had increasingly dubious justifications, testing the parameters of legitimacy and accountability that the Timorese citizens were prepared to tolerate.

Furthermore, the new GoTL-led organic law for PNTL (no. 9/2009) introduced inherent contradictions in policing approaches between a paramilitary structure and units and a community policing philosophy. The GoTL also introduced a new rank structure. Reassignment through the promotions regime was a locally-led political solution to the human rights and disciplinary issues of many officials that occurred during the 2006 political-military crisis. Such a process was tolerable to the Timorese given the complexity of the causes of the crisis. The lack of UN backing for the GoTL's solutions was a lost opportunity to improve the coherence and consistency of the GoTL-led approach.

## ALTERNATIVE APPROACHES TO SSR

### The emergence of alternative approaches to SSD in Timor-Leste

#### *Conditions that have enabled 2G SSD approaches to emerge and grow*

A key condition enabling the emergence of 2G SSD approaches has been the departure of the United Nations in Timor-Leste. The UN security apparatus in Timor-Leste followed orthodox approaches, focusing on standardized methods and engaging with formal state actors. The high numbers of UN personnel working on the security sector, including UNPOL, made for a very crowded environment, plagued by inconsistent messaging (Armstrong, Chura-Beaver and Kfir, 2012; Peake, 2009). UNMIT's departure in 2012 opened space for creativity, ingenuity and more locally driven methods. Actors wanting to engage in future SSD had to consult extensively with the GoTL to determine areas of program focus.

#### *Emergent alternative approaches and actors*

There have been a number of alternative approaches to SSD that have gained traction and produced more sustainable results. The more flexible, modest, iterative and political processes that have emerged have included: the linking of skills building with systems building to bring about gradual, internal institutional professionalism; engagement with traditional justice systems and non-state actors to support community security; civil-society monitoring, research and advocacy on SSD; political engagement with security sector policy makers; the use of community-police perception surveys and research to measure progress in personal security; and the support of reform-minded institutional leaders from top-down, national-level support combined with middle-management support as well as bottom-up transformation of frontline, *suco*<sup>11</sup> police officers through training, workshops and study tours. These measures can be described as “interim security activities” (Colletta and Muggah, 2009), which serve to buy time for the development of further dialogue and political consensus (Sedra, 2010) for longer-term and more complex reform.

The principal agencies still working on aspects of SSD in Timor-Leste post-UN withdrawal in 2012 include: the US government's SPSP program; the Australian Federal Police-led Timor-Leste Police Development Program (TLPDP), which funds the United Nations Development Programme (UNDP) and Coffey International's civilian advisors to PNTL; New Zealand's community policing program, involving the New Zealand Police and The Asia Foundation; and other support to community policing such as the comparative study visits and short-term advisory missions from the Japanese police, supported by the Japan International Cooperation Agency (JICA). In addition, a number of non-governmental organizations (NGOs), including *Fundasaun Mahein*, Belun, CEPAD, the HAK Association for Law, Human Rights and Justice, Ba Futuru and the Judicial System

Monitoring Programme (JSMP) are working on security sector, peacebuilding, human rights and justice programming. All of the above actors can be seen to be incorporating elements of 2G approaches into their SSD efforts, at times in combination with more orthodox, technical approaches. 2G approaches placed program governance in Timorese hands – respecting a Timorese desire to drive its own SSD. Brazil, Indonesia, Malaysia and Singapore provide some more discreet technical support, exchange visits and trainings, which tend to be more in line with orthodox, uniform-to-uniform technical approaches to SSR, while China has provided physical infrastructure and equipment, particularly to the F-FDTL.

Portugal, on the other hand, is an outlier in the post-UN SSD field in Timor-Leste. As Timor-Leste's initial colonial power, Portugal has a unique diplomatic relationship with Timor-Leste. Portugal provides technical and advisory support across the Timorese government, courts, parliament and presidency, including significant support in the security and justice sectors, as well as more traditional development sectors. Portugal's support to the security sector is at odds with the SSD efforts of other countries operating in Timor-Leste. While the objective of other countries (particularly the United States, Australia, New Zealand and Japan) is to citizen participation in the accountability and oversight of policing, as well as crime *prevention* rather than reactive policing through a community-oriented approach to policing, Portugal instead emphasizes law *enforcement*, often through the use of physical force and paramilitary approaches to policing.

Paradoxically, Portugal's approach could be seen to represent a radical form of 2G SSD, as it fulfills a number of the premises of 2G SSD theory. The Portuguese approach is perhaps the most *locally owned* security sector support program by the host government. This is evidenced by the fact that the GoTL itself pays for 14 advisers from the *Guarda Nacional Republicana* (Portuguese Republican National Guard) (GNR) to provide recruit and in-service training at the Police Training Centre as well as advisory support to senior PNTL leadership and the Ministry of Interior. This local enthusiasm for the GNR's approach stems from a unique, *contextual* story, as the GNR was seen by Timorese to be the only effective police unit to bring stability following the 2006 crisis, when other UN police units were too cautious or lacked a mandate to take action. The approach of the GNR does not focus on the overtly *liberal* values of citizen engagement and public accountability. Instead, it introduces physical and coercive tactics to all police recruits, even those not destined for the special units of the PNTL. Despite its contextual roots, the Portuguese approach has not been discussed in this paper as a model for 2G SSD approaches for the fundamental reason that it is not evident that the *objective* of this approach is to promote the common principles of SSR and SSD, namely the democratic governance of the security sector.

There may indeed be continuing relevance of such technical support for paramilitary

approaches to policing in Timor-Leste, given that stability must remain high—and does remain a top concern among citizens— on the domestic policy agenda. Given the GoTL funding to the GNR advisors, this engagement is even more Timorese-led than other SSD support. Nonetheless, contradictions in the future approach for PNTL persist. The new head of the Police Training Centre is planning recruit curriculum reform in 2016 which will rebalance the modules and diversify the training content (Ramos, 2016). However, the reform agenda remains controversial within the PNTL and its civilian oversight structures. If such reforms are successful, they may signal an improved, more fitting alignment of international technical support, with all recruits receiving a foundation in civil policing, with some later joining specialist units and receiving the relevant tactical training. Such a realignment will require strong guidance and support from like-minded members of the leadership of PNTL and the Ministry of Interior.

All of these efforts of international agencies in the security sector also operate alongside the government's own approaches to SSD, which is taking an even more assertive role in steering its own SSD since the withdrawal of UNMIT in 2012.

### **The characteristics of 2G approaches to SSD in Timor-Leste**

The alternative approaches to SSD used in Timor-Leste have been grouped under the 11 characteristics seen to define 2G approaches to SSD in Timor-Leste:

*Less overtly liberal; striking a balance between stability, accountability and legitimacy; acceptance that SSD is an evolutionary process; more tolerance towards host governments' non-traditional approaches*

One distinct characteristic of 2G SSD approaches is an acceptance that SSD is an evolutionary process (Hills, 2010). They acknowledge that post-conflict contexts face unique sets of challenges, that transition to liberal democracy does not take root overnight and will follow a path unique to the local context (Jackson, 2011). Nascent or transitional security sector institutions should be supported through a slow and steady transition that allows for compromises as necessary for stabilization along the way. Striking the right balance between stability, accountability and legitimacy is key to ensuring that the transition continues towards a democratic goal. Non-traditional approaches must also be differentiated from authoritarian tendencies (ibid.). The key question for 2G SSR is how this can be achieved in practice.

In Timor-Leste, increasing government frustration with orthodox SSR post-2006 led it to distance itself from the UN and commence its own homegrown solutions to Timor-Leste's security sector challenges. The 2009 organic law for the PNTL, designed with minimal input from the UN or other orthodox international advisers, instilled paramilitary<sup>12</sup>

elements through a military structure and special units<sup>13</sup> alongside a community policing philosophy. The objective of the new military structure was to bring stronger hierarchy and lines of command into the PNTL to assist its recovery into a more cohesive organization following its fragmentation during the 2006 crisis. In essence, it prioritized stability. This affinity with paramilitary approaches aligned with the role played by the GNR during the 2006 crisis. The respect that the Timorese society and its leaders held for the GNR model was expressed by then President José Ramos-Horta, who said at the time: “We believe that such a model as shown by the GNR is better for Timor-Leste” (UNMIT, 2007).

Further to the militarization of the PNTL, the government also led new initiatives, such as the creation of the Joint Police and Military Command in 2008. This first use of a joint command structure was lauded by national actors due to its success in responding to the petitioners’ situation, and also served to ameliorate some of the fractures in the relationship between the PNTL and the F-FDTL that brought about the 2006 crisis.<sup>14</sup> The success of this strategy as an exceptional approach to a situation of heightened conflict can be acknowledged. However, what followed was the creation of a new legal framework for more integrated mandates between the police and military, making “the exception become the rule” (Wilson, 2009), and again prioritizing stability over the accountability-legitimacy facets of the nexus. The “Integrated System of National Security” outlined in the 2009-2010 bundle of laws for the PNTL, F-FDTL, National Security and National Defence enables the F-FDTL to be involved in internal security operations. The Integrated System of National Security was justified by the former secretary of state for defence as an opportunity to use scarce state resources to respond to national security threats: “We are a small nation and don’t want PNTL and F-FDTL to receive big budgets while the population remains poor. We need to share resources, equipment, infrastructure.”<sup>15</sup>

The use of joint operations to respond to declared security threats in cases subsequent to 2008 have, however, had weaker justifications than the 2008 situation, increasing criticism that their usage has been misappropriated by political actors including the JSMP (2003) and the *Provedor ba Direitus Umanus no Justisa* (Ombudsman for Human Rights and Justice) (PDHJ) (2015). However, the biggest challenge is that democratic oversight structures have not been able to rein in the government’s enthusiasm for using joint operations as a frequent response strategy to dubious levels of actual threats, rather than as a last resort.

This illustrates the tension faced in the question of how local ownership can be achieved. This occurs when “the interests of local elites may not be compatible” with the principles of accountability which underlie SSR objectives (Donais, 2008). The militarization of the PNTL has been questioned by both international and national observers (CIGI, 2009; CIGI 2010; Wilson 2009; Fundasaun Mahein 2015a, 2015b, 2015c) as it blurs the mandates of the

two institutions, does not align with the constitutional separation of mandates between the military and the police and dramatically diminishes the accountability of the PNTL. Laurie Nathan (2008) discusses, “The principle of local ownership does not preclude... international actors putting pressure on governments whose security forces violate human rights. Nevertheless, the actual reform of the security sector must be shaped and driven by local actors.” As such, the role 2G SSD approaches in investing in local organisations, such as JSMP, PDHJ and Fundasaun Mahein to scrutinize government decisions—and demand accountability and legitimacy in the face of an emphasis on stability— may be the most powerful tool for generating democratic dialogue about characteristics and decisions within the security sector.

Timothy Donais (2008: 4) discusses the tension between local interests and orthodox SSR agendas and concludes that “rather than viewing ownership [as] binary, [political authority] emerges from a process of negotiation across the local/international divide.” As such, a compromise is needed, which may involve some concessions to the principles of orthodox SSR in adaptation to local political realities. Downes and Muggah (2010: 137) note that while tolerance of less orthodox security practices may generate “challenges and contradictions, these latter initiatives are often essential to creating the necessary space for progress on other priorities.” As such, civil society organizations can elicit a broader public dialogue on public expectations of the security sector, and provide a stronger platform to use research to strengthen the position of accountability institutions such as Committee B of the National Parliament. They also provide a key interim accountability mechanism to the government. In more developed countries, such roles would more commonly be played by formal institutions.

Timorese society will need to decide for itself the balance it can tolerate between coercive stabilization tactics and civic accountability, and which of these approaches will bring longer-term legitimacy to the security sector institutions. This balance will evolve as stability increases and increased dialogue will strengthen the democratic process over time. Providing this space and power to the Timorese to determine, through dialogue and local ownership by national actors, their trajectory, while supporting local accountability mechanisms such as civil society actors, is key to the 2G SSD in Timor-Leste, and a balance which has been met by some of Timor-Leste’s development partners in this area.

*Support for reconciliation: acknowledgement of the importance of restorative justice post-internal crises and conflict, alongside judicial process*

The potential trade-off between reconciliation, human rights standards and security sector accountability is a topic of vigorous debate across post-conflict theory and practice. In 2006, Timor-Leste experienced its most serious internal crisis since the country gained independence in 1999 (Prictor, 2012). In such a small country, the displacement of over one-tenth of the population and the involvement of institutional and political leadership

up to the highest ranks, as cited in the Commission of Inquiry report (United Nations Office of the High Commissioner for Human Rights, 2006), rocked the very foundations of the new state. Under such circumstances, sweeping judicial action is rarely possible and, in some cases, could be severely destabilizing. In the Timorese context, had judicial action been taken against all those implicated in the Commission of Inquiry report, the power vacuum that would have ensued would have almost certainly sparked further instability.

Despite the complexity of the circumstances, the UN's transitional justice approach emphasized formal judicial processes, rather than recommending restorative justice approaches. The UN set up a vetting process for the PNTL following the crisis. However, the lengthy nature of the legal process and weak engagement of national leaders left it with a lack of political buy-in. The lack of local ownership meant that, ultimately, no action was taken to exclude any of the officers implicated as being involved in the 2006 crisis (International Centre for Transitional Justice, 2009).

The political leadership of the time, in contrast, recognized the need for more reconciliatory and transformative approaches. Then President Ramos-Horta granted presidential amnesties for many of those accused. While they should be applied with caution (Fischer, 2011) the role that amnesties and transitional approaches can play in post-conflict and post-crisis periods is widely acknowledged (Mobekk, 2005). Beyond amnesties for those directly accused, the GoTL robustly endorsed reconciliation and launched a National Recovery Strategy following the crisis to support the rebuilding of shelter, infrastructure and trust. This trust-building pillar supported dialogue that enabled internally displaced persons (IDPs) to return to their communities within two years of the crisis, far ahead of UN predictions for recovery and reintegration. While it has been noted that financial incentives played a large role in the hastening of IDP returns, the fact that communities have remained relatively peaceful despite such rapid reintegration indicates that the success was not merely a purchased peace. This focus on reconciliatory approaches is particularly strong in the Timorese context, as it closely mirrors the emphasis on reconciliation over formal justice and prosecutions related to the independence struggle and Indonesian war crimes, as well as the widespread reliance on traditional mediation mechanisms for most crimes/conflicts. The long-term consequences of reconciliatory approaches, as Nicholas Galletti and Michael Wodzicki (2010) note, can be faced later down the road, in terms of contributing to cultures of impunity and lack of respect for judicial processes. However, the balance between human rights standards and reconciliatory approaches inevitably results in compromise and an evolutionary process. International acceptance of reconciliation over formal judicial processes post-2006 was a watershed moment for 2G SSR in that it placed local desires for reconciliation over orthodox international insistence on formal processes.



Beyond the debate around principles, 2G approaches try to focus on practical and pragmatic approaches (Peake, 2009). Coupled with the reconciliatory approach, the GoTL acknowledged the need for concrete and feasible reforms to repair the security sector following the crisis. The government introduced new legislation, ranking and promotions processes, which brought a degree of meritocracy and reduced the influence of factionalism within the forces. These practical actions proved to have restorative effects, and the government's leadership increased the legitimacy of these preliminary SSD efforts. While the government has not yet reached the goal of a fully accountable security sector, it made pragmatic choices to combine judicial processes with amnesty, reconciliation, stability and locally-accepted legitimacy and practicable reforms to assure political reconciliation in the post-crisis context.

*Use of interim approaches, buying time through more modest, longer-term and lighter touch approaches: lighter in resource usage and lower-tech, conducive to longer-term engagements*

When one acknowledges that democratic transition takes time and cultural transformation (Hills, 2010), then it follows that SSD requires long-term and sustained support (Downes and Muggah, 2010). Previous forms of SSD expected significant outcomes – without extending their time frames. Downes and Muggah (2010) posit that in fragile contexts it may not even be desirable to push a full state-building approach, but may be more beneficial to focus on creating the skeletal conditions that can preserve peace long enough for increased development, social cohesion and democratic values to begin to take root. This would set the foundations for local actors to shape their own institutions.

In Timor-Leste, 2G approaches are looking at more modest gains over longer periods of time in key areas. While Peake (2009) warns against “quick wins,” Downes and Muggah (2010) nonetheless note that interim approaches should focus on increasing public perceptions of security, thereby increasing confidence in SSD and preparing a more favourable environment for more conventional SSR intervention. 2G SSR interventions in Timor-Leste have been designed to offer longer-term and more targeted institutional support. Many consist of three- to five-year programs. Regular monitoring and evaluation of progress and challenges is used to assess the needs and possibilities of program extensions beyond original project time frames. 2G approaches in Timor-Leste are therefore following the project to program transition highlighted by Nicole Ball, Eric Scheye and Luc van der Goor (2007), which notes that longer-term program time frames are needed for security and justice support.

The TLPDP has been the longest-running SSD program in Timor-Leste. Starting in 2004, the program is renegotiated with the GoTL every four years. The program strategy has thus been able to evolve over time to match the changing needs of the sector.<sup>16</sup> While, in many ways, an orthodox, technical support program, the TLPDP also incorporates 2G elements. Its approach can be considered interim as it is working at the pace of the PNTL to build

up skills and systems at a rate that they can absorb, rather than trying to forge dramatic reforms. Its long-term commitment and accompaniment of the PNTL makes the program available to facilitate organizational change when opportune moments arise.

Another example of the growing donor acknowledgement of the need for a long-term engagement is New Zealand's approach to SSD in Timor-Leste. The New Zealand Police in Timor-Leste began to draw down its numbers in the UN Police from 2010- 2012<sup>17</sup>, prior to the full withdrawal of UNPOL itself in 2012. This was because they found the model of six-month rotation of UNPOL officers from various countries with differing policing philosophies, to be disruptive to the mentoring efforts in community-oriented policing that they were attempting to introduce. New Zealand instead commenced a bilateral community policing program with more sustained support, later introducing a parallel civilian component led by The Asia Foundation. The program is seen to be steadily having a transformative impact on the PNTL's policing culture (Wood, Neumann and Blankenship, 2015; Wassel, 2014; Djurdjevic-Lukic, 2014; Denney, 2016). This community policing program is implicitly intended as an interim approach to SSD. The program itself has modest objectives focused on end-user security. However, this interim focus is intended as an entry point and catalyst to bring about gradual, more wide-ranging institutional transformation, rather than an end in itself (Denney, 2016). In line with its commitment to responsive programming to support steady change, the New Zealand decision about the appropriate timing for further scale-down of its support will be based on evaluation of the PNTL's program absorption rates, rather than a fixed deadline to depart. The community policing program is, by nature, low tech, people-centric and thus not resource heavy. In the long term, this will lead to the PNTL's ability to sustain the approach.

As discussed earlier, support to national civil society actors monitoring the security sector has been another resource-light approach to gradually increase public scrutiny on security sector institutions. For the reasons discussed throughout this paper, support to civil society for monitoring has shown strong results in generating greater accountability of the security sector in addition to providing early warnings of potential conflict triggers and engaging citizens. Because these organizations represent the national constituency, they have wide appeal and a strong voice—often one which reaches where international-only voices may be rebuffed as out-of-touch. Yet, they are also able to make such inroads on comparatively small budgets.

*More political, locally owned and locally driven: respect and support of the institutional officers*

The Timor-Leste experience aligns with the broader findings in SSR literature that have shown that very little can be achieved when the national government is not leading the process (Donais, 2008). Local ownership has always been on the UN's agenda for SSD. However, in practice, the UN did not acknowledge that “ownership should mean control.”<sup>18</sup>

The vetting process was a good example of a foreign-introduced initiative that lacked political will and thus ended up dead in the water. Since the departure of the UN, the government has been well and truly in the driver's seat.<sup>19</sup>

As Nathan (2008: 21) asserts, "what is required is not local support for donor programmes and projects but rather donor support for the programmes and projects initiated by local actors." The approach of many of the current donor-supported programs is to provide technical support to certain units of the PNTL to identify and support national counterparts who have the potential to become champions for change. This, in turn, can allow systems and frameworks to be developed by local counterparts that can have a transformative effect on the culture of an institution. In the case of the TLPDP, its long-term support to the PNTL's planning unit enabled the PNTL to develop a strategic plan for the PNTL as a whole that prioritizes the principles of visibility, involvement and professionalism – key pillars of a community-oriented policing approach. Providing long-term technical support, when done right and in a respectful manner (ibid.) can enable those national counterparts with an appetite for change to benefit from the technical support and themselves work within the institution to lobby for change.

The unique collaboration between the New Zealand Police and The Asia Foundation, began in 2008. The community policing program has since gained the support of the succession of chiefs of the National Department for Community Policing (NDCP) and the majority of district commanders. This has been achieved by supporting the NDCP and district commanders' own community policing initiatives, particularly the introduction of the suco police officer initiative. It has also been achieved by exposing NDCP chiefs and district commanders to various approaches and supporting them to implement the ones that they think are relevant to their home context. District commanders were brought to New Zealand for study tours, and on their return, different district commanders were supported if they started up initiatives that they took an interest in. For example, the district commander for the capital, Dili, took an interest in establishing police liaison officers for schools in the capital, while other district commanders focused on rural outreach programs. An early NDCP chief was introduced to The Asia Foundation's community policing forums in Bangladesh and decided that such an approach would align well with the culture in Timor-Leste. The Asia Foundation subsequently offered support for the NDCP chief to pilot the model in a number of locations. This initiative gained significant popularity within the PNTL, which requested support to roll out the model to all 13 municipalities, with the aim that eventually all 442 suco will each have a "community policing council."<sup>20</sup>

In addition to supporting the PNTL to demonstrate the benefits of community policing in practice, the program has provided evidence of this through surveys and research. Internal champions of the approach within the PNTL are now themselves lobbying their

leadership to invest more resources in the community policing structures.<sup>21</sup> These PNTL champions can leverage the research data to demonstrate success to the parliament, especially through its annual budget meetings. Rather than confronting budget reform issues directly, momentum is being increased within the PNTL to increase budget resource allocation to community policing activities. PNTL internal actors can see that this can provide a positive image of the PNTL to counter political and public criticism. One risk of such an approach is that some security actors can use successes in community security to divert attention away from less favourable practices within the institution. If, on the other hand, achievements in community security enable PNTL officers to gain political recognition and resources, in time this may shift the balance of incentive structures within the institution that are currently weighted towards paramilitary approaches (Denney, 2016).

Technical advisers within PNTL departments still occasionally struggle to generate interest from the PNTL in the new procedures they are proposing. As Nathan (2008) notes, “there is always a risk that local actors will view donor involvement in security reform as political interference in domestic affairs and resist it for that reason. This risk can only be mitigated if donors are sensitive, respectful and supportive of local actors.”

*More contextual and culturally aware: use of local languages, national staff in leadership roles, respect and support of institutional officers*

Current programs that are using 2G approaches are making some simple and smart design decisions to make their programs more contextual and culturally aware. These approaches align with the global finding of Rory Keane and Downes (2012: 3) that “attitude matters.” One of the most effective measures for bridging cultural and communications gaps (Peake, 2009) that often plague internationally driven programming, is the use of Timorese program officers or internationals fluent in local languages (Peake and Anda, 2015). A number of programs, particularly those led by the UNDP and The Asia Foundation, have been successful on this front. The New Zealand police are now following suit and introducing Timorese program officers. Evaluations have revealed that the PNTL find it much easier and fluid to understand and the policy objectives being introduced if they are communicated by a native speaker than by a foreigner with the help of a language assistant. The UNDP’s three-year strategy involves a further scaling back of international staff with a handover of technical knowledge to Timorese civilian advisory positions. They hope that eventually the PNTL will take over the funding for the Timorese civilian advisers, absorbing them into the institution itself. JICA has also adapted its exchange visits strategy to focus on sending some PNTL officers to Indonesia in addition to Japan, due to its more comparable cultural context and the fact that Timorese can communicate more easily with counterparts as the majority of Timorese speak Indonesian.

National NGOs such as Fundasaun Mahein and Belun are, of course, streets ahead of any

international agency in terms of their contextual and cultural awareness. These NGOs are run predominantly by former activists for Timorese independence. This also lends them legitimacy to tackle more complex and sensitive issues with politicians and policy makers. Their highly contextualized monitoring, analysis and research is astutely pitched for a Timorese audience and thus has higher policy impact than any international research could ever hope to achieve.

*Evidence-based and iterative: use of research and surveys to tailor responses to what is working in the context and empower advocacy for SSD*

Since SSD seeks to change institutions and mechanisms, it is often met with resistance or hesitance. Conducting research and surveys furthers SSR by providing a firm understanding of how to navigate contextual challenges and how to generate local demand for evidence-based information.

In Timor-Leste, The Asia Foundation has conducted police perceptions surveys, co-funded by the TLPDP, New Zealand Ministry of Foreign Affairs and Trade and the United Kingdom's Department for International Development (DfID), as well as qualitative research to better understand how conflict and security are dealt with in Timor-Leste's communities and what people want from the security sector. The NDCP has used this evidence to advocate for government funding and prioritization of the model among government actors who are influenced by hard statistical data and evidence. Similarly, Belun and Fundasaun Mahein's research is used as evidence in shaping reforms and policies as well as advocating for change. For example, Belun's monitoring showing increased violent incidents during the joint operations in 2015, led to increased public scrutiny of the legitimacy of joint operations.

Donors also need to take the risk and accept iterative approaches and flexible funding arrangements that use regular research to allow program approaches to adapt to political realities. DfID and New Zealand can be lauded as donors that provided flexible funding to invest in research to increase the community policing program's chances of political success.

*Human security, conflict analysis and conflict prevention-oriented: focus on the end-user, personal security and addressing root causes*

Many of the peacebuilding activities that emerged following the 2006 crisis focused on human security, conflict analysis and conflict prevention. Only a few, however, have explicitly linked these approaches to SSD. The willingness of donors to fund these types of NGO-led activities shows their increasing acknowledgement of the need for people-centred approaches.

Belun's Early Warning, Early Response (EWER) system for conflict prevention specifically

monitors security sector response to, and involvement in, incidents of violence as well as human security indicators. Conflict Prevention and Response Networks (CPRNs) involving government and non-governmental actors at the sub-district level discuss security trends, including SSD and avenues for citizen engagement in conflict prevention. Belun has also expanded its research work to explore factors contributing to legitimacy in Timor-Leste's security sector. Fundasaun Mahein's security sector monitoring and analysis involves citizen outreach via social media and facilitated dialogue on security sector trends. CEPAD's ongoing qualitative and quantitative research on attitudes and perceptions about resilience and peace, along with The Asia Foundation's community-police perceptions surveys have increased dialogue among political actors around the multiple factors enabling and challenging citizen security. The community-police perceptions surveys in particular improved the PNTL's understanding of end-user perceptions and expectations. Positive survey results have boosted morale among the PNTL's own community-policing champions, who have been able to table the data to strengthen their internal lobbying for policy change. In addition, local ownership of the system and civil society lobbying has led to the Prime Minister's Office taking an active role in consulting these organizations and studies.

*Less state-centric, engagement with hybrid security and justice systems: acknowledgement of the importance of non-state actors and traditional justice at local level; more decentralized and community orientated*

Another key element of 2G approaches is a willingness to engage with non-state security and justice systems and actors (Hutton, 2010; Baker, 2010; Keane and Downes, 2012). The UN and other orthodox actors in Timor-Leste focused on liberal, state-centric models of SSR. This has shifted as 2G SSD actors have sought to harness systems on which many communities continue to rely for security and justice. Timor-Leste has a thriving local/traditional system in which leaders and elders at the community level are given great importance as one of the most accessible representatives to small communities largely out of touch with national government entities. These traditional leaders form traditional governance bodies and also have developed a form of traditional justice, which focuses largely on swift and convenient processes with a goal of reconciliation and community cohesion rather than formal penalties. The role of traditional systems has been crucial to a plethora of peacebuilding activities that were initiated in the wake of the 2006 crisis. Traditional systems have also been engaged by local governance programs and programs working on access to justice. However, very few initiatives have explicitly linked the role of traditional systems and non-state actors to SSD. Those that included the work of NGOs, as well as the community policing program, are the few that have done so.

NGOs see engaging with non-state actors as essential to increasing access to security and justice services. Belun's CPRNs engage local leaders to monitor and report conflict

triggers across the country, as well as assist in conflict resolution. Other NGOs such as Fundasaun Mahein include police, community leaders, women's groups, martial arts leaders, youth and others as a range of key actors in their workshops and consultations on SSD issues. While these local and traditional systems have been praised for their connection to the community, they have also been criticized for violating due process and rights in that they do not follow neoliberal and formal justice rules or traditions, and are often male-dominated. In response, the community policing program in Timor-Leste also incorporates traditional leaders into its community policing councils (CPCs). The councils attempt to strike a balance between traditional and formal justice norms. They allow the use of traditional resolution for civil cases and semi-public crimes where the victim prefers this; however, they promote the reporting of all public crimes (such as domestic violence and murder) to the formal system.

Police are increasingly engaging with non-state actors and informal justice systems, to the prevailing satisfaction of the general public (The Asia Foundation, 2016). This has increased demand from suco chiefs for a more permanent PNTL presence in rural areas. The PNTL has responded to this increased demand through the new policy decision, led by the PNTL's NDCP, to establish suco police officers in every suco. Local demand for more holistic, integrated approaches that work with both formal and traditional justice and security mechanisms to support human security outcomes is increasing.

*More holistic and better coordinated: integrated development and reform efforts across projects and sectors, particularly justice and governance sectors, leveraging progress made by other actors, particularly the justice sector*

Orthodox SSR always intended to have a holistic approach, however, in practice, it often focused narrowly on immediate security needs (Jackson, 2011). In Timor-Leste, although police have improved their capacity to investigate and refer cases to the formal justice system, the formal justice system has not had similarly sustained capacity-building efforts and is ill-equipped to process cases due to a lack of human and technical capacity – thereby creating a situation in which many referred cases are now languishing in the formal system and trust in the rule of law and formal procedures is undermined.<sup>22</sup>

2G approaches have made some practical attempts to be more holistic and better coordinated. Coordinated efforts with the formal justice sector, however, have been incredibly limited as capacity development and aid in the justice sector has been overwhelmingly dominated by the Portuguese to the exclusion of almost any other donor or aid model (the UNDP is the exception here, having made some important in-roads in the sector). Nonetheless, many donors are working to incorporate more holistic and coordinated approaches in other areas. The UNDP has the advantage of working across the conflict prevention, justice, gender, human rights and policing sectors, in addition to other development sectors. While the security and justice programs are linked by some key staff,

there are no formal linkages between the program strategies.<sup>23</sup> The SPSP program took an integrated approach, focusing on multiple areas of technical capacity-building for the PNTL in addition to funding Belun, Fundasaun Mahein and programs to decrease youth violence. This program also dovetailed with the US government-funded legal adviser who provides capacity-building and support to the justice sector in Timor-Leste.

The TLPDP program perhaps goes the furthest towards a holistic approach in its efforts to improve the overall functioning of the PNTL as an institution. It has four main components. There is a skills-development component, which focuses on training at the Police Training Centre. There is an enabling component, which ensures that the PNTL has the necessary equipment for its role. There is also a technical component, which provides training and mentoring for the PNTL to provide professional and high-quality policing services. This includes the TLPDP's support to methodologies and systems for responding to complaints, conducting investigations, filing cases, managing cases and coordinating with the formal justice system. Finally, the TLPDP provides technical support for organizational governance systems. It also always had a significant component that focuses on building the capacity of the PNTL's Vulnerable Persons Unit.<sup>24</sup>

Forging relations between police investigators and prosecutors is one of the “little secrets and skills” proposed by Keane and Downes (2012). This has been one of the focus areas of the TLPDP. While the TLPDP does not engage formally within the justice sector, it has been able to strengthen the links between the PNTL and prosecutors through investigations training, as well as establishing an accountability system to quality check any case files before they leave the PNTL to be submitted to the Office of the Prosecutor General. According to the TLPDP, the prosecutor general himself noticed the improvements in the quality of case files coming from the PNTL.<sup>25</sup> More recently, the TLPDP developed a promising new initiative to strengthen the links between the police and prosecutors. They set up prosecutor liaison officers between the police and the prosecutor's office. Such pragmatic initiatives are crucial to the practical application of SSR policy in post-conflict settings (ibid.).

*Working with government systems: bottom-up, top-down and supporting middle management*

Keane and Downes urge practitioners to “build up the missing middle” (2012: 7), noting the need for the “middle civil-service layer to turn policy into practice,” but acknowledging the capacity gaps often faced in this tier of management in post-conflict settings.

In Timor-Leste, 2G SSD has worked from the ground up, from the top leadership down, as well as targeting middle management. The community policing program provided training and study tours to New Zealand for PNTL leadership. It has combined this top-down approach with bottom-up transformation of frontline, suco police officers through training and accompaniment. The program is now turning its attention to the sub-district squadron



commanders – a level that has historically been left out of training that previously targeted commanders or rank-and-file officers – to fill the gap and ensure implementation.

A second key aspect of support to middle management has been to target governance through administrative systems and procedures. Keane and Downes (2012: 7) suggest that co-locating international staff as mentors to civil servants can help to support their capacity development. The US government, as well as the TLPDP and the UNDP, have championed this approach through their placement of civilian advisers as mentors in key administrative units of the PNTL. These advisers have supported the development of procedures in finance, administration, HR, IT, logistics, fleet management, procurement, public relations, institutional governance and other key areas. The UNDP has moved a step further by introducing the PNTL to the role that national civilian advisers with specialist skills can play in supporting administrative roles within the police.

These programs support improved accountability in two ways. First, the development of new procedures for finance, procurement or HR, for example, creates an automatic process that limits the space for corruption and intervention. This makes it easier for reform-minded PNTL officers in leadership positions to foster procedures that strengthen accountability in a discreet way, without risking the political challenges of overtly tackling corruption. Second, the UNDP has conducted interviews, surveys and monitoring across rank-and-file PNTL officers that show a local demand for improved asset management and accounting systems. The UNDP can offer evidence of these “bottom-up” demands to support reform-minded leaders to improve accountability.

*Use of a coalition of actors: civilian; uniformed, technical, diplomatic, and civil society actors play complementary roles*

The Timorese experience has shown that having the right national champions for SSR is essential to its success. International actors who do not adopt an attitude based on “patience, mentorship, and building capacity around locally designed solutions” (Keane and Downes, 2012: 2) can serve as roadblocks to success. SSD works best through a combination of civil society involvement, technical experts and security sector officials, who bring necessary and relevant practical knowledge, combined with staff who have the relevant diplomatic skills, local knowledge and connections to implement truly holistic and successful reform (Scheye, 2010). In Timor-Leste, the UN missions relied heavily on technical experts, but did not adequately ensure a proper mix of capacities. International police often do not have the relevant skills for the capacity development of a police service. This includes mentorship and training skills, as well as specific skills in the development of organizational and administrative systems and procedures (Keane and Downes, 2012). This was particularly true of UNPOL officers, who were drawn from a highly-varied pool of police – across skills and countries – but few of whom had skills relevant to capacity-building in Timor-Leste (Wilson and Belo, 2009).

Conversely, 2G approaches since UNMIT withdrawal have owed their success to the coalition of actors involved. The TLPDP has chosen to employ civilians with the relevant administrative specializations to build organizational capacity rather than focusing only on uniform-to-uniform mentorship. The UNDP has demonstrated a strong model that transfers technical skills to national staff who can use their local knowledge and connections to ensure better transfer to the host institution. The community policing program has fused the technical experience of the New Zealand Police with civilian counterparts at The Asia Foundation, which also works through civil society partners including the HAK Association, Belun, Psychosocial Recovery & Development in East Timor, and JSMP to leverage their sectoral expertise and contextual knowledge. This multifaceted team engages members who are invested in capacity-building, learning, reform, connecting, creative design and ideas exchange.

Independent advocacy NGOs such as Fundasaun Mahein are also crucial to the spectrum of actors essential to holistic SSD. In this regard, the US government's SPSP program and the TLPDP, which also funded Fundasaun Mahein in the past, achieved perhaps the most holistic of all SSD programs in Timor-Leste to date by supporting both international technical experts as well as national civil society.

### **APPRAISING 2G APPROACHES TO SSD**

The following section evaluates the extent to which 2G SSD approaches have had improved impact in terms of their legitimacy and effectiveness, whether they are efficient and sustainable and how they fare in terms of neutrality and adherence to legal and human rights norms. This section does not provide a formal evaluation of SSD approaches, but rather provides a general appraisal of trends in SSD according to the standardized OECD-DAC evaluation guideline criteria: relevance, impact, effectiveness, efficiency and sustainability.

#### **The relevance of 2G approaches in Timor-Leste**

This paper has shown that there is still continuing relevance for SSD efforts in Timor-Leste. There are still a number of glaring challenges in terms of the development of the Timorese security sector. This is discussed further under Section 5: Conclusion, i. The future of SSR in Timor-Leste. A perhaps more significant question for the relevance of 2G SSD approaches is whether they have legitimacy with local counterparts. There are three aspects to the legitimacy of these approaches. The first is their legitimacy with GoTL, the second is their legitimacy in the Timorese public eye and the third is whether they affect the legitimacy of the security sector actors they are trying to support.

In terms of their legitimacy with the GoTL, 2G SSD approaches have made huge gains in earning increased trust of the GoTL. Timorese defence<sup>26</sup> and security officials have noted their eagerness for sustained support of international agencies to the security sector. The most successful programs have been those that provide a significant role for locally-led governance and management.<sup>27</sup> The UNDP and community policing programs have established program governance structures that meet regularly and include the PNTL leadership, counterparts and the Ministry of Interior.<sup>28</sup> This involvement of counterparts in program governance, the PNTL reported, is key in generating local ownership because it shares the onus with them to ensure the success of the program.<sup>29</sup>

Given the long legacy of the UN in Timor-Leste, donor-funded SSD programs have faced challenges in earning renewed public trust in their ability to deliver lasting benefits to Timor-Leste. For programs such as the SPSP advisors, TLPDP and UNDP programs which focus more on internal systems and do not have public outreach campaigns, the extent of their public legitimacy can only be measured by the public to the extent that it impacts the professional and efficient police in the public eye.

Local NGOs on the other hand - as supported by some of these donor programs—have perhaps been most successful on this front in sparking public interest in SSD issues. Fundasaun Mahein similarly provides a forum for public input into security sector and analysis. It has walked the fine line of all advocacy-focused associations between maintaining its legitimate voice in political affairs while also serving as a platform for criticism of security sector performance. Because the NGO Belun has incorporated key local actors in its conflict resolution network, it is seen by the Timorese public as a sincere and invested partner in the country's security. Moreover, Belun's reporting is viewed as reliable and professional, and is often referenced by security sector policy makers.

### **The impact of 2G approaches on security sector performance**

The Asia Foundation's 2015 survey on community-police perceptions shows that levels of community concern about their safety have decreased since 2008 (see Figure 1). This laudable achievement tracks overall improvements in national stability in Timor-Leste, as well as the PNTL's efforts in increased engagement with communities and decentralization of police officers to the suco level.

**Figure 1: How concerned are you about your safety? Respondents who said somewhat or very concerned (General public - National)**



(Source: *The Asia Foundation*, 2016: 37)

Public trust in the PNTL is sky-high at 99 percent, notwithstanding the caveats of continuing concerns over PNTL abuses (see Figure 2). This is despite the fact that the majority of citizens have not actually had any contact with the PNTL – contact increased only marginally from 10 to 18 percent between 2013 and 2015. This puts pressure on the PNTL to maintain these rates of trust as interactions with citizens increase over the coming years.

**Figure 2: Levels of Trust in PNTL in 2015**

(Source: *The Asia Foundation*, 2016)

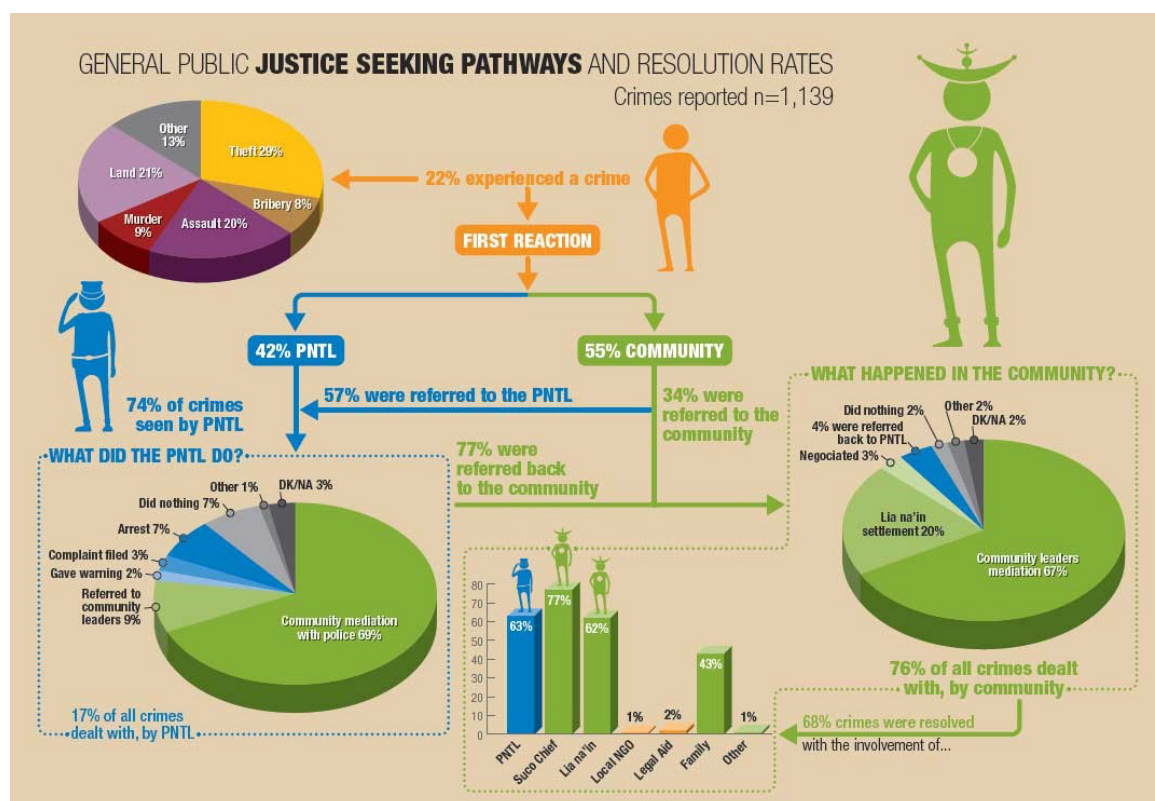
Timor-Leste is currently deploying a combination of hybrid security approaches in response to local-level community conflict and crimes, and highly securitized approaches involving the police special units and, in some cases, the military, to respond to perceived national security threats. The open question for Timor-Leste is whether the military and strong-arm police units will be scaled down as stability increases (Valters, Dewhurst and de Catheu, 2007) and there are fewer justifications for their deployment.

### **The effectiveness of 2G approaches in improving security conditions for end-users**

In terms of the effectiveness of 2G SSD approaches in improving security outcomes for citizens, there is still a very strong preference among Timorese citizens for traditional or hybrid approaches to security. According to The Asia Foundation's community-police perceptions survey data from 2015, of the 22 percent of respondents who reported experiencing a crime in the past year, 55 percent of cases were taken first to traditional or elected local leaders, or were taken for resolution by family or community members. Yet, in 42 percent of cases, citizens took their case first to the PNTL compared to 39 percent in 2013. This shows a gradual increase in trust in the role of the PNTL. The significance of traditional and communal conflict resolution mechanisms is further highlighted by in-

depth tracking of how the cases were managed in the 2015 survey (see Figure 3). Of the 55 percent of cases that were referred first to the community, 57 percent were referred by community leaders to the PNTL for their involvement. The PNTL themselves, however, are also seemingly promoting the role of communal conflict resolution. Of the cases that were either directly referred to the PNTL, or referred to them by local leaders, 77 percent were referred back to community leaders for resolution. What appears to be a growing trend, however, is that the PNTL was present at the resolution in 63 percent of cases, with citizen satisfaction in the resolution in 68 percent of cases.

**Figure 3: Justice-Seeking Behaviour, 2015**



(Source: The Asia Foundation, 2016: 61)

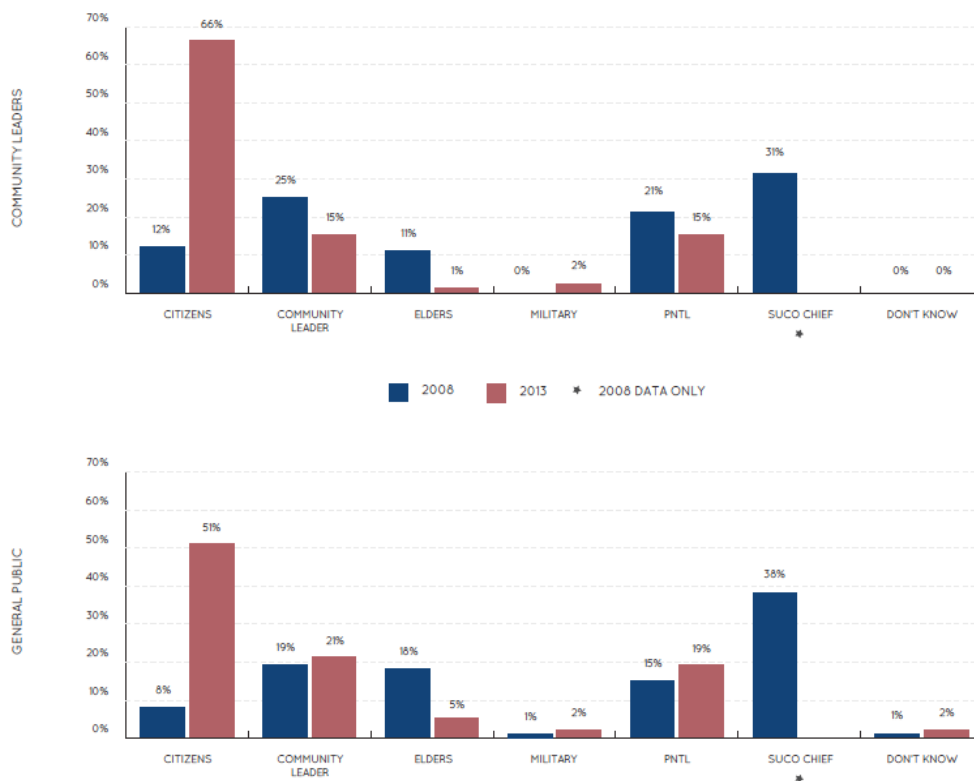
This demonstrates the organic and instinctive advancement of hybrid or pluralistic security and justice mechanisms as the most effective means of maintaining security and resolving disputes in the Timorese context. Greater involvement of the PNTL to review cases also increases the opportunity for public crimes to be registered and referred to the formal justice system. While The Asia Foundation’s internal monitoring is still showing some public crimes being resolved through community mechanisms without being

registered in the formal justice system, which is technically illegal, seven percent of cases referred to the PNTL result in arrest rather than resolution. Education on the requirement for public crimes – particularly homicide, domestic violence and sexual assault – to be registered with the formal justice system even if the complainant has not requested the case to be taken to court is increasing.

Communal mechanisms for resolving conflict have grown significantly in their effectiveness as citizens are taking increased responsibility and involvement in maintaining security in their locality. The 2013 survey showed a dramatic increase in the proportion of people who perceive that citizens have the primary responsibility for maintaining security in their locality. While only eight percent of the general public and 12 percent of community leaders held this view in 2008, this had increased to 51 percent and 66 percent, respectively, by 2013 (see Figure 4).

**Figure 4: Actors with Primary Responsibility for Maintaining Security, 2015**

IN YOUR OPINION, WHICH OF THE FOLLOWING INSTITUTIONS/INDIVIDUALS HAS PRIMARY RESPONSIBILITY FOR MAINTAINING SECURITY IN YOUR LOCALITY? (COMMUNITY LEADERS & GENERAL PUBLIC)



(Source: The Asia Foundation, 2016)

Community mechanisms are predominant in the resolution of the vast majority of security problems currently affecting communities, with the majority of cases faced by communities being land grabbing, domestic violence and physical assault resulting in injury (The Asia Foundation, 2016).

### **Efficiency: assess the financial costs surrounding these structures / of 2G SSD**

The hybrid structures that have been developed are currently still largely donor dependent, however, they are far more cost-efficient than orthodox technical support. This is partly because they employ more national staff, reducing the significant costs of international advisers. Many of the initiatives are also low-tech and light on resource demands. The sustainability of the hybrid networks is dependent more on the interest of the police and community members in the process than the provision of donor funding. Some of the CPRNs established by Belun continued to be active even after project funding ended. They do not necessarily meet as regularly, but coordination between the actors continues to respond to social issues as they arise.

A number of the policing programs have also focused on the institutionalization of the support and inclusion in the state budget. The UNDP and The Asia Foundation approaches are modest in their financial commitments as they aim for some activities and staff members to eventually be incorporated into the state budget for the PNTL.

### **The sustainability of 2G SSD structures**

The development of hybrid security and justice networks at the local level have had mixed success in terms of sustainability beyond project time lines. In terms of the Belun CPRNs, monitoring reported that while regular meetings often waned, the informal collaboration and coordination continued and the networks continued to hold extraordinary meetings when security concerns arose across the sub-district. Similarly, with the CPCs, the mid-term evaluation showed that few of the CPCs were meeting during a project funding hiatus, however, the majority of members were also suco council members and security issues had been incorporated into the monthly suco council meetings.

The civil society-led programs can be seen to achieve extensive outcomes and impact on very modest budgets. They are still largely donor dependent, however, they also have the option of gaining funding through the prime minister's office civil society fund to alleviate their dependence on international donors, though this does bring with it limitations to their ability to speak out against the state.

The TLPDP approach now trains the PNTL's own trainers from within the Police Training



Centre and involves them in curriculum development so those trainers will be able to continue to implement the professional development of the PNTL sustainably after the scale-down of the program.

The sustainability of institutional system reforms is usually dependent on having a champion within the organization lobbying for the continuation of externally introduced reforms. Those that do not have support from within the institution are ignored or shelved after the donor program ends. The new draft organic law for the PNTL maintains a strong hierarchy within the PNTL with most decisions – including disciplinary cases and budgetary decisions – requiring sign-off by the general commander himself. Institutional reforms are therefore highly dependent on gaining political support from the general commander.

### **PENDING CHALLENGES FACING 2G SSD APPROACHES AND WAYS THEY CAN BE OVERCOME**

While 2G SSD has improved SSD outcomes in terms of gaining increased traction with host governments, part of its success has been for the very reason that it has reduced expectations. 2G SSD has, in essence, admitted that it is practically impossible to achieve the lofty objectives of achieving accountable, democratic governance of security sector institutions in fragile and complex environments within tight time frames. As such, 2G SSD acknowledges that there will be some uncomfortable compromises that will need to be struck between stability, accountability and legitimacy in the process of supporting a slower, more locally-led transition to democratic security sector governance. Some of the key compromises that will continue to challenge the sector include corruption, human rights and program flexibility.

#### **Tackling corruption and increasing accountability**

The challenges of tackling corruption and improving accountability are perhaps the most sensitive issues to broach in police reform given that they are about punishing misconduct (Denney, 2016). In Timor-Leste, while corrupt practices may indeed be present within the security sector,<sup>30</sup> these are not highly evident to average members of the PNTL or the general public. The number of PNTL respondents to The Asia Foundation's survey who said police officers are sometimes or always corrupt has declined from 25 percent in 2013 to only 16 percent in 2015. The perceptions of the general public (GP) and community leaders (CL) believing the same have remained relatively constant in 2013 (GP = 15 percent; CL = 18 percent) and in 2015 (GP = 17 percent; CL = 14 percent).

Neither orthodox nor 2G SSR/SSD approaches have a definitive approach for tackling

corruption head-on. As Helene Maria Kyed and Peter Albrecht (2014) note, work on the security sector does not happen in a vacuum and is innately political. As such, improving accountability and reducing corruption in one sector may be virtually impossible if the prevailing political climate is inherently corrupt and rife with political intervention. The limited ability for 2G approaches to impose better systems or stronger decisions on government agencies means that it leaves more space for the corruption or clientelism within state institutions to continue unchecked. However, rather than addressing these issues directly, 2G approaches find ways to make improved accountability more politically attractive to the government itself. This can be achieved through systems building, working politically and increasing civil society scrutiny. In addition, improved financial management systems across government institutions can be harnessed to bring about improved accountability within security sector institutions. This necessarily means waiting for government oversight institutions to gain the strength to hold security institutions to account.

The TLPDP's early efforts to support the development of financial systems found some reform-minded PNTL officers within the institution who were supportive of financial systems that would improve accountability within the institution.<sup>31</sup> Such improved systems, however, could only be introduced to the extent that there were internal champions at relevant levels of authority to support the reforms. Civil society pressure on government to dismiss security force members involved in incidents of violence, increased the political incentives for the institutional leadership to demonstrate that they were taking action. This resulted in a wave of dismissals within the PNTL and F-FDTL in early 2014.

Such efforts encourage a gradual shift to improved demand for greater accountability from within institutions and from the society that they aim to serve. As such, while the outcomes may be slower and more gradual, 2G approaches have a better chance of bringing about improved accountability over the long term.

### **Balancing international human rights norms and state laws with political imperatives in post-conflict environments**

2G SSD approaches in Timor-Leste can be seen as somewhat controversial because they are less stringent in their commitment to human rights standards demanded by international organizations and more open to finding politically amenable solutions. Allowing the government to drive its own agenda opens the possibility for policy decisions to be made that are not necessarily in line with international norms. The government's deployment of the joint operations, for example, can be seen as directly refuting the principle of separation of responsibilities between the police and the military, according to some,

directly contradicting the constitution (Wilson 2012a; Fundasaun Mahein, 2015a).

Under 2G SSD in Timor-Leste, rather than the international actors themselves criticizing the government's decision to employ joint operations, they have provided support to national actors whose role it is to analyze and, where relevant, criticize policy decisions. As such, the lack of due legal process for initiating joint operations has been analyzed and criticized by national actors (JSMP, 2003; PDHJ, 2015), which receive some support from international donors. For example, the PDHJ receives funding from USAID, which allowed the PDHJ some space to independently criticize the government's joint operations without fear of financial reprisal, and which complemented the efforts of the SPSP's accountability adviser to the PNTL.

Some government actors, however, continue to defend the use of joint operations in response to the unique complexities of the Timorese context, citing their benefits in helping to mend the deeply fractured relationships between the police and the military that contributed to the 2006 crisis.<sup>32</sup> As noted by Nathan (2008), such decisions will ultimately have to be decided upon by local actors. The Timorese state and society will continue to engage one another in gauging the right balance between strategies that focus on short-term stability rather than long-term accountability and legitimacy in SSD.

### **Persuading donors to take the leap of faith to long-term, flexible, political and iterative approaches**

A key challenge for 2G SSD approaches is gaining political support and ownership of the SSD process. There are inherent risks to political and iterative programs. Such programming is more vulnerable to external factors such as complex and unpredictable political interests that could steer policy decisions away from the outcomes intended by external programs. While there are more risks to engaging politically, this paper has shown that it is the only strategy that can engage local support for SSD initiatives. As such, donors and implementers need to find ways, such as the numerous "little secrets and skills" (Keane and Downes, 2012) that can increase the likelihood of political success. Utilizing political economy analysis that regularly assesses political interests, and designing responsive program strategies that lend support to locally driven initiatives, rather than imposing external models, are crucial first steps. Furthermore, donors will need to trust that the implementing institution can source national and international personnel who have proven track records of relationship building, preferably with the counterparts in question. As such, they should be able to generate good enough relationships as well as provide the right technical knowledge to ensure program objectives are achieved. Support for such approaches requires a leap of faith for donor partners, but this paper has shown that SSD is an inherently political process. There is no

option to “opt out” of the political aspect of this work and focus solely on the technical.

## CONCLUSION

In the end, working on SSD will always involve compromises and finding balance between competing political prerogatives. Rather than resisting politics, 2G SSD has acknowledged that democratic governance is, in essence, a political activity (Hills, 2010), thus working with politics (Kyed and Albrecht, 2014) and engaging local champions over the long term is imperative to achieving the objectives of SSD. Using pragmatic approaches and “little secrets and skills” (Keane and Downes, 2012) to engage local actors to drive SSD is the only way towards increasing traction for SSD in post-conflict environments.

### The future of SSD in Timor-Leste

The future direction of SSR in Timor-Leste will depend on Timorese leadership striking the right balance between stability, accountability and legitimacy in security sector governance. Currently, there are some interesting paradoxes at play within the Timorese security sector that successive governments will need to manage in a sensitive manner in order to maintain stability in the country.

The first paradox is the compatibility of the roles of the police and the military. Since the establishment of the PNTL and F-FDTL, there have been overlaps and blurred lines between the roles of the military and the police. In democratic countries, it is important not to involve the military in domestic affairs under normal circumstances, as the legal structures governing the military are less focused on civilian authority than those governing the police. However, in Timor-Leste, there is demand from some portions of the government, the army itself, and the citizenry to engage the F-FDTL in domestic affairs. This is not due to the role of the military as an institution but because of the political identity of the individuals within it. Due to the initial decision to form the F-FDTL from the FALINTIL guerillas, its political identity is firmly rooted in a nationalist sentiment, and therefore generates more trust and respect across many echelons. Portions of the PNTL, however, still suffer from being identified as having collaborated with the Indonesian administration. While the PNTL is gradually building up alternative sources of legitimacy through improved performance, this political identity challenge will not recede fully any time soon. The government’s proposal to support an integrated national security framework that posits a provisional role for F-FDTL in internal security (Pinto, 2015) may therefore be a tolerable, interim political solution, to maintain stability and good relations between the PNTL and the F-FDTL until a longer-term design solution for Timor-Leste’s security sector can be agreed upon locally. A longer-term solution may involve the

disbanding of the F-FDTL and the integration of some F-FDTL officers into the PNTL as a special paramilitary unit.<sup>33</sup> Another option may be that the PNTL is reduced to only a community policing force and the F-FDTL maintains a role in internal security to respond to situations of heightened national insecurity.<sup>34</sup> There are differing schools of thought within Timorese politics as to whether either of these solutions would work in the long term; however, given the political sensitivity of both of these options, the government is probably best advised to continue to pursue interim solutions for the short to medium term, until the political situation is sufficiently stable to introduce a profound review of the more substantial, structural issues within the security sector.

The other paradoxical element in the Timorese security sector is the question of an appropriate role and structure for the PNTL. There are two forces at play. There are groups within the PNTL and among its political leadership that still value the role of paramilitary elements within the PNTL. However, there is mounting support within the political leadership and the PNTL championing community policing approaches. The majority of interviewees for this paper posited community policing as an appropriate role for the police. As the PNTL reaches its budget limitations, the political leadership will have to make decisions that determine the balance between these approaches. If the PNTL increases its focus on community policing, this trend could lead to clearer demarcation of roles between the PNTL and the F-FDTL over the long term. Such a gradual remodel could lead to a more efficient, sustainable and contextually relevant security sector model for the country.

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

As far as international support to SSD is concerned, 2G approaches in Timor-Leste are focused on setting up systems that enable reform champions within security institutions and governance structures to lobby for a more accountable and less coercive PNTL over the long term. This approach is contingent on making it politically advantageous for local actors to advocate for these approaches to be institutionalized and implemented on the ground, and for militaristic elements to be gradually scaled-down as national stability and personal security improve. Only if national actors consider differing approaches to be relevant and beneficial to the context, will they risk their personal political and social capital to champion such efforts. Without national advocates, any initiatives will be seen as externally imposed and will be unlikely to gain momentum. SSR and SSD are thus inherently political activities and cannot be achieved in any other way (Rees, 2006; Hills, 2010; Wilson, 2012b; Downes and Keane, 2012). Therefore, most 2G approaches by

international donors have not led such reform efforts since 2012—leaving the larger debate to local actors while building structures and spaces that enable, and encourage, such debate and changes. Failure to work politically in future efforts will mean lack of uptake or institutionalization and could risk losing opportunities for best practice reform efforts.

In addition, donors should continue to support the civil society organizations that have been generating political and citizen debate around current security sector performance and what the future of the security sector should look like.

Systems building and bottom-up, community-oriented processes can gradually lead to increased national regard for the importance of security institutions oriented to the end-user (Denney, 2016). Lower-tech, end-user-focused security efforts are more resource efficient for donors, and higher yield in terms of their ability to contribute to long-lasting, sustainable security practices (Downes and Keane, 2012).

### **Lessons from Timor-Leste for orthodox SSR**

The Timor-Leste case study holds some profound lessons for the future development of SSR and SSD approaches. In such a benign environment, the failure of orthodox SSD and SSR approaches to achieve sustainable results, rather than embedding inherent fragilities within the security sector, is a testament to the need for approaches that are much more closely tailored to the needs of the context.

An important lesson is that the imposition of stringent international frameworks is more likely to be counterproductive, isolating the international community and reducing local momentum for change. Rather, slower processes, supporting national champions and working politically will be more likely to support the cultural change needed, through national state and society working out the moral framework and boundaries for their democratic foundations.

SSR efforts should not be tied to the timelines of UN missions or short-term donor project time frames. Instead, it should employ “interim” security measures (Colletta and Muggah, 2009) to buy time for longer-term, locally driven approaches. Some analysts go further to propose that the UN may not be the right organization to lead SSR efforts at all (Wilson, 2012b).

Post-conflict contexts in particular require space for reconciliation following conflict and internal crises. Transitional justice efforts that occur as part of SSR planning should thus promote reconciliatory and restorative approaches. Proactively encouraging restorative approaches will be less likely to erode trust in formal justice and accountability than focusing solely on punitive judicial proceedings and risking their total political failure if political intervention undermines formal processes. After a crisis period has subsided,

formal justice systems should be well supported to demonstrate the role of formal justice for regular crimes in a functioning state. Nonetheless, just as a 2G SSR focuses on striking a balance between stability and legitimacy/accountability, justice sector development must also strike this balance and intervene where necessary to prevent grave abuses of rights while incorporating and acknowledging local contexts, needs and demands.

### **Lessons from Timor-Leste for 2G SSR**

This study offers some important reflections for the future of the SSD and SSR fields. Many of the characteristics advanced through this paper have been previously posited within the emerging literature on 2G SSD and SSR. The Timor-Leste case study further emphasizes the essential need for local control and ownership of reform processes. A second crucial lesson has been the transformative potential of nurturing and engaging national NGOs, which can catalyze societal and political debate as to how the government can strike the right balance between stability, accountability and legitimacy in SSD.

Second generation approaches to security sector development in Timor-Leste have included institutional development of systems, civil society monitoring and advocacy, engagement with traditional justice systems and non-state actors to support community security, the use of perception surveys and research, and capacity development of middle management in community policing.

A tenet of 2G approaches to SSD is that they should be contextual and culturally aware. As such, it is not recommended to replicate the exact activities that have been applied in Timor-Leste, but rather to conduct a political-economy analysis of the security sector in other contexts and assess which approaches could be relevant. That said, the broader tenets of 2G SSD that have been outlined, in terms of the characteristics of the 2G SSD model as developed through this paper, could and should be used as a working framework through which to design approaches to SSD in other contexts.

Particular examples of approaches that have been used in Timor-Leste, such as the use of surveys, improved technical systems, the promotion of community policing and training of middle management, may indeed be relevant to other circumstances. These should only be applied, however, if potential champions from within the political, institutional, national or local governance environments can be identified to ensure a locally driven process. Such international efforts should be seen as interim approaches that “buy time” for the transition to democracy to evolve, enabling local actors to make key decisions about the appropriate design and frameworks for security sector governance in their own contexts.

Internationally, community policing programming has been used and could continue to be

used elsewhere. Its design would depend on the form of local governance and actors at the community level to see how it was shaped. The US-funded SPSP program, more broadly, could be replicated to the extent that it acknowledges that a multiplicity of complementary approaches focusing on civil society, youth engagement, capacity development, systems building as well as community policing and technical support approaches may be best placed to support more holistic cultural shifts within the security sector as a whole. The component parts of any such program would need to be tailored according to the needs of any given context. Another key replicable strength is the combination of technical and local experts that was deployed to good effect.

The UNDP's three-year tiered structure to transfer national staff into advisory roles within security sector institutions could certainly be replicated with adjustments based on the existing levels of capacity within other countries. Another laudable strength of the UNDP is that it often works in multiple sectors, including security, justice and governance. Such crosscutting support can be leveraged to increase access to political support for holistic reforms across governance institutions.

The role of civil society engagement on the security sector in Timor-Leste has been a critical aspect in the linking of security sector governance to citizen accountability. The models used by Fundasaun Mahein and Belun are complementary to one another in their differing approaches to engaging with government. EWER models can be effective in linking security sector development to broader human security and conflict prevention aims.

A key lesson from Timor-Leste is that a plethora of varying and complementary approaches to security sector development has been an effective "mosaic" approach to bringing about long-term, sustainable and locally-led security sector development.

### **The development of a 2G SSR model**

Based on the experience in Timor-Leste, the key recommendations for future security sector development efforts is that they be designed with a variety of complementary approaches that exemplify a combination of the 11 characteristics described above.

All of the 11 ingredients for a 2G model outlined in this paper should work in concert through a coalition of diverse actors, all versed in the cultural, societal and political characteristics and equipped with the appropriate linguistic and cross-cultural communications skills of each individual country context.

SSR should work through a coalition of actors to incorporate all of the characteristics proposed in this model for 2G SSD and SSR. These characteristics can be spread across multiple international agencies and national civil society actors working across a plethora



of development sectors. Donors should seek to initiate activities that complement one another and match advisory support to its absorption capacity. Such a selection of activities has more chance of bringing about the gradual cultural shifts required for democratic transition, which is necessary to oversee improved institutional accountability of the security sector to civilian authorities.

Donors should trial the outlined approaches and regularly assess progress made in SSD and SSR endeavours. The research and literature available on 2G SSR is still in its nascent stages and such approaches require stringent testing to evaluate reasons for successes and failures. Iterative approaches that involve regular research and re-evaluation of needs will enable 2G practices to evolve alongside the development of the corresponding theoretical frameworks. Close links between researchers and practitioners will be essential to ensure that SSD and SSR theory and practice can keep pace with the ongoing urgent stabilization and state-building efforts across the globe.

## NOTES

1. As mentioned in the first paper, the term SSD is preferred for use in Timor-Leste, as the term SSR can be interpreted to imply a sense that outsiders have superior knowledge than local actors about best-fit security approaches.
2. The main ones being from Portugal, Australia, Japan, Malaysia and Singapore.
3. This plan for the training, institutional development and strengthening of the PNTL was provided for in section 11 of the Supplemental Arrangement (UNMIT, 2006).
4. The causes of the political-military crisis in 2006 are explained in more detail in the first paper in this series.
5. Security Council Resolution 1704 established UNMIT and mandated the provision by the UN of executive policing within Timor-Leste. The supplementary agreement between UNMIT and the GoTL placed PNTL under the command of UNPOL (UNMIT, 2006).
6. Interview with international security sector analyst 1, Dili, March 4, 2015.
7. Ibid.
8. Interview with UN official 1, via Skype, March 25, 2015.
9. The “petitioners” issue is explained in more detail in the first paper in this series.
10. Interview with PNTL representative 1, Dili, February 27, 2015.
11. A *suco* (village) is the administrative division below a sub-district in Timor-Leste. It represents a village or group of sub-villages known as aldeias. There are 13 municipalities, 65 sub-municipalities, 442 sucos and 2,336 aldeias in the country.
12. The term paramilitary is contested, but in this paper, it refers to use of heavier weaponry than standard policing pistols, military-style organizational structure and coercive policing tactics.
13. The multiple “special” units established within the PNTL under the 2009 organic law include the Special Police Unit and its three sub-units: the Batalhão de Ordem Pública (Public Order Battalion) focusing on riot control, the Companhia de Segurança Pessoal (Close Protection Company) and the Companhia de Operações Especiais (Special Operations Company), with a mandate to “deal with situations of extreme violence.”
14. Interview with PNTL representative 1, Dili, February 27, 2015.
15. Interview with former secretary of state for defence, Julio Tomas Pinto, February 17, 2015.
16. Interview with Commander Rod Kruger, TLPDP program manager, Australian Federal Police, TLPDP office, Hudi Laran, Bairro Pite, Dili, March 4, 2015.
17. Interview with Kevin Brennan, New Zealand Police, Caicoli, October 8, 2016.
18. Interview with UN official 1, via Skype, March 25, 2015.
19. Interview with Commander Rod Kruger, TLPDP program manager, Australian Federal Police, TLPDP office, Hudi Laran, Bairro Pite, Dili, March 4, 2015.
20. Interview with international security sector analyst 1, Dili, March 4, 2015.
21. Cited by PNTL district commander of Manufahi, during the annual National Forum on progress towards the principles of the PNTL Strategic Plan: Visibility, Involvement and Professionalism, in Baucau, Timor-Leste, October 13, 2015.
22. Interview with Commander Rod Kruger, TLPDP program manager, Australian Federal Police, TLPDP office, Hudi Laran, Bairro Pite, Dili, March 4, 2015.
23. Interview with Stephen Moore, head of UNDP Policing Program, Marconi, Dili, September 30, 2015.

24. Interview with Commander Rod Kruger, TLPDP program manager, Australian Federal Police, TLPDP office, Hudi Laran, Bairo Pite, Dili, March 4, 2015.
25. Ibid.
26. Interview with former secretary of state for defence, Julio Tomas Pinto, February 17, 2015.
27. Interview with international security analyst, Bebonuk, Dili, March 4, 2015.
28. Interview with head of the UNDP Policing Program, Stephen Moore, Marconi, Dili, September 30, 2015.
29. Interview with PNTL representative 3, former chief NDCP, PNTL Headquarters, Caicoli, Dili, December 3, 2015.
30. Interview with civil society analyst 2, Dili, March 2, 2015.
31. Interview with commander Rod Kruger, TLPDP program manager, Australian Federal Police, TLPDP office, Hudi Laran, Bairo Pite, Dili, March 4, 2015.
32. Interview with PNTL representative 1, Dili, February 27, 2015.
33. Interview with former member of parliament, Dili, March 3, 2015.
34. Interview with member of the National Parliament 1, Dili, March 5, 2015. Interview with government defence official, Dili, February 27, 2015.

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