

9. Transitional Security

We have seen that INTERFET and its successors quickly, and with the loss of only a few lives, negotiated the complete evacuation of the Indonesian military from Timor-Leste, the disarming of militias and the cantonment of Falintil and secured the tensions across the West Timor border. More importantly for long-term security, Gusmão, Ramos-Horta and Alkatiri led diplomatic initiatives that forged productive, even warm, relationships with the leadership of Indonesia. They were from the day of their independence unfailingly forgiving of Indonesia and Indonesians.

The security problems that were to emerge for Timor-Leste were not from Indonesia. They were internal. And they were not internal divisions based on the 1975–99 divide between Timorese who supported independence and those who did not. They were divisions that opened mainly as a result of mismanaged security sector policy. In 2006 these divisions exploded.

Three Divides

Xanana Gusmão and CNRM¹ had supported the idea of a Timor-Leste without a military from 1998 to early 2000. How could tiny Timor-Leste defend itself against Indonesia again, or Australia? Best, on one view often discussed in the lead-up to independence, to do without the drain on the development budget and the internal security risk provoked by a military. This view did not prevail, however. Falintil was revered in Timor-Leste and so its leadership was able to secure comparatively well-paid jobs for themselves and the fighters who were most loyal to them. This opened up three kinds of divides. In August 2000, the King's College Report (2000) recommended that a national military be formed in accordance with one of three force development options. By then, one of the arguments for a national military was that Falintil had been in cantonment for too long 'without dependable means of support or a clearly-defined role' and this was 'potentially explosive' (King's College Report 2000:3.6). Had reintegration programs with generous terms been offered to Falintil members who left their guns behind in the cantonment as they rejoined their families and villages, this situation might have been averted in a cheaper manner. One reason for thinking this is what happened when the disgruntled majority of Falintil who did not get jobs in Falintil–Timor-Leste Defence Force (F-FDTL) was eventually helped by the International Organisation for Migration (IOM) reintegration program.

¹ See CNRM ('East Timor peace plan', <www.uc.pt/timor/cnrm>) which advocates a police force with border protection capability but 'no army because Timor-Leste does not want any more war' (ICG 2008:4).

We will see that the overwhelming majority of them were pleased in retrospect to be 'free' from F-FDTL. As in other post-conflict societies, in Timor-Leste, completely decommissioning F-FDTL would have been a rocky transition, but not an impossible one to attempt.

The first divide, therefore, was between the government and the military high command on one side and most Falintil members who missed out on jobs in the new defence force, F-FDTL, on the other. Only 650 members of the old Falintil were selected, embittering more than 1000 fighters who had endured the frustration of 14 months of cantonment. Many responded by destroying every worldly possession they had accumulated during cantonment, spurning the initial IOM offer of reintegration assistance, and heading straight home (McCarthy 2002:33). Older veterans who had struggled through the worst times tended to resent the inclusion of younger recruits who had joined Falintil only after 1997. Some elements excluded from the F-FDTL became powerful political factions in the new nation, and semi-militarised ones, forming the backbone of some of the youth gangs that seized the streets in the political crisis of 2006. These groups undertook drill and other military training in public.

Elle Sette (L-7), who was pushed out of Falintil for a period after 1984, after his brother led a coup attempt against Xanana Gusmão, says none of his 500 Falintil fighters was accepted into the F-FDTL (ICG 2006b:5). Elle Sette formed a cult-like organisation that blended Catholic and animist beliefs called *Sagrada Familia*. He is today an influential Member of Parliament. Another important paramilitary veterans group was *Colimau* 2000. Most members of these groups as they grew were not actually veterans; some former militia members joined, and many unemployed youth. But they started as vehicles for the resentments of excluded veterans. There was also resentment at the policy that *Clandestinos* and widows who did not actually carry weapons, yet who often suffered terrible wounds in events like Santa Cruz, were considered neither for F-FDTL nor for the combatant reintegration program (McCarthy 2002). There are even claims that some pro-Indonesia militia elements exploited the politicised exclusions from F-FDTL to remake themselves 'under the cover of forming a "veterans" association, misrepresenting themselves as former pro-independence fighters' (Shoesmith 2003:233). Rogerio Lobato, who was excluded from the UN transitional government, who was considered as the first Secretary of State for Defence (a position he had held in the Fretilin government in exile) but denied it in the initial Fretilin government when Taur Matan Ruak (TMR) threatened to resign as military commander, built a power base for himself by organising and privately arming disgruntled veterans (ICG 2006b:5).

UNTAET missed opportunities here. One was the opportunity to insist that it (with help from donors) would fund generously the reintegration of *all* Falintil fighters into civilian society, but provide zero funds for establishing

a new national army. No level of generosity for Falintil reintegration could have approached the cost to the international community of funding a defence force and then seeing its factionalism nearly destroy the nation again.² Another mistake was to allow Falintil to regard as an 'internal matter' (Rees 2002, 2003:2) who would move from Falintil to the new F-FDTL and who would be supported by the Falintil Reinsertion Assistance Program implemented by the IOM and funded by USAID and the World Bank (Kings College Report 2003:2D.2). Because this process was dominated by Xanana Gusmão and his military commander, Taur Matan Ruak, Fretilin and other key stakeholders were not consulted on the composition of the defence force. Given the tense relationship between Gusmão and Alkatiri, this set in train a cycle of security sector paranoia. If the international community was going to make the mistake of funding a Timor-Leste military, it at least might have insisted on a procedurally fair process for settling its composition that would imbue confidence in it among the major political elements of the new nation. The United Nations failed to protest power plays that ensured '[n]either the police service nor the defence force are adequately supported or managed by East Timorese civilian oversight' (Rees 2003:4).³ This is one of the ways that the United Nations must itself be an important element of the separation of powers in transitional administration.⁴ It must use UN power to prevent any domestic faction from attempting to institutionalise its capture of the monopolisation of force within a new state. If this lesson is not learnt from Timor-Leste, the United Nations could repeat the unfolding of the 2006 scenario that Edward Rees foreshadowed in 2003:

In response to the establishment of the F-FDTL, there was an increase in paramilitary security groups across the country (involving disaffected former Falintil and Clandestine activists) operating throughout the country. These groups were loosely connected under the umbrella of the Association of Ex-Combatants 1975 (AC75), headed by the now Minister for Internal Administration [Rogerio Lobato], and include among

2 The non-universal combatant reintegration program that was put in place was not very expensive (about US\$1000 per beneficiary) in providing some resettlement cash and support for mostly 'kiosks and cattle' projects, and some training in skills such as livestock management, and was a moderately successful one by international standards, according to McCarthy (2002). Opinion survey evidence also indicated it reduced the high recipient antipathy towards the F-FDTL high command (McCarthy 2002:53, 67). Most interestingly, in a short time, most former soldiers had come to the view that civilian life was better than the life of a soldier in either the old Falintil or the new F-FDTL, often using the word 'freedom', even though there were new challenges for them (McCarthy 2002:70–1). Important here was a quick 50 per cent reduction in bachelor status among demobilised veterans and a sense that 'marriage is an act of optimism' (McCarthy 2002:73). See Chapter 10 on childbirth as an act of optimism.

3 'Early decisions regarding demobilization and establishing the defence force and police services were made in a spirit of political and practical expediency rather than with a view to the long-term development of East Timor' (Rees 2003:4).

4 One of our panel members said, in sympathy with the UN mission, that defence force development was not in its mandate. While defence force dismantlement and reintegration are not development, the point on the limits of the mandate is well taken. Our argument is that UN mandates must defend against domestic factions attempting to capture a monopolisation of force.

others Sagrada Familia and the Committee for the Popular Defence of the Democratic Republic of Timor-Leste. While most are politically oriented, others have more criminal motivations. Under the patronage of a lead Fretilin Central Committee member and one time Minister for Defence [Rogerio Lobato] from 2001 until 20 May 2002 these groups challenged the legitimacy of the F-FDTL. This process culminated on 20 May 2002 after a series of veteran marches across the country with the appointment of the political patron of these groups to the portfolio of Minister of Internal Administration—the political master of the police service...Old divisions in the anti-Indonesian resistance movement are being institutionalised in the new East Timorese state with one political grouping [President Gusmão's allies] finding a home in the defence force and dissidents (under the patronage of the Minister for Internal Administration) likely finding a home in the police service, and some elements of local government...Given these institutions' burgeoning commercial interests, their political differences are compounded even further. It all looks very much [like] Indonesia. (Rees 2003:2, 4)

Hence, the second key security sector divide was between the police and the F-FDTL. In 2006 this blew up into firefights between the military and the police.⁵ Competition between the police and the military was a direct product of competition between different politicians of the 1975 generation that compromised the political independence of the security sector. Fretilin Internal Administration Minister, Rogerio Lobato, supplied militarised elements of his police with superior firepower to the military. This included seven F2000 automatic machine guns and 380 semi-automatic assault rifles (UN Independent Special Commission 2006:19–20). Lobato deliberately favoured westerners and veterans excluded from F-FDTL in his special police units that were more highly paid and better armed than the military. They acted as his personal security force (ICG 2006b:6).⁶ Lobato thought like a revolutionary, seeing the military as loyal to his political opponent, Xanana Gusmão, and seeing political power as growing out of the barrel of a gun. Militarising the police as part of a wider strategy of factionalising the security sector was also his play to become an indispensably powerful force within Fretilin. Some say Lobato saw himself as a credible successor to Alkatiri as a Fretilin prime minister. Multiple police sources told us that Lobato enjoyed a variety of criminal enterprises such as smuggling;

5 There had been numerous clashes between the military and police for years—for example, in December 2004 when F-FDTL troops ransacked Becora Police Station, injuring seven police, after a traffic fine was imposed on a soldier who was then allegedly beaten. Another in 2004 was a fight between police and soldiers over a football match in Lospalos that left the police station in ruins.

6 In reaction, a Nacionalista movement of 80 eastern PNTL officers was formed in 2004, which became publicly critical of its commander and the PNTL as an institution (UN Special Independent Commission 2006:57).

he was a classic example of a man who moved from being a manipulator of the shadow state (Braithwaite et al. 2010c; Reno 1995) to a position of control over the state security sector that would allow him to criminalise the state.

All this created a bad context for the interpretation of distrustful members of the elite of a decision that had actually been made by Gusmão and UNTAET in early 2000. This was to recruit Timorese with police experience from the former Indonesian police into the new *Policia Nacional de Timor-Leste* (PNTL: Timor-Leste National Police).⁷ In other circumstances, it would have been sound reconciliation policy to include a balance of experienced and capable police professionals from the former regime in the new national police. But in the context of the utter politicisation of the security sector by Gusmão, then Lobato, Falintil veterans in F-FDTL were spoiling for a fight with PNTL ‘collaborators’ who they said ‘had been their torturers’ (Veteran interview).

The third important divide that opened up was internal to F-FDTL, between soldiers from the eastern and those from the western parts of the new nation. When Xanana Gusmão abandoned his earlier policy preference for establishing a nation without a military, he worked to establish a military in which ‘Xanana’s friends got in and his enemies were left out’ (Dodd 2002).⁸ The effect of this politicisation of the military strengthened a geographic imbalance in its composition; the senior officers would almost all come from the east of the country (Shoesmith 2003:246–7). Eastern domination of the military already existed before this politicisation because the western leadership had been more vulnerable to Indonesian forces and more depleted than the ranks of eastern officers. The capital, Dili, where Indonesian forces consolidated their limited base of control in 1975, was in the west, and the initial decapitation of Fretilin occurred in the west between Dili and Indonesian-controlled West Timor. The fact that it was mainly surviving eastern remnants which continued the insurgency for the next two decades led to unfair taunts of westerners by easterners within F-FDTL that the easterners were the ones who made the sacrifices to win the war. Then, as we saw earlier in this chapter, the east–west divide was mismanaged by the military and exploited by ambitious politicians.

On 9 January 2006, 159 soldiers petitioned the President as supreme commander alleging discrimination by eastern (*lorosae*) officers against western (*loromonu*)

7 A total of 370 of 3000 PNTL recruits by 2006 were former Indonesian police (UN Independent Special Commission 2006:57).

8 When Fretilin came to power, led by Secretary of State—Defence, Roque Rodrigues, it sought to use the levers of power to turn F-FDTL into clients of Fretilin, not totally without success, as Xanana Gusmão said in his speech to Fretilin of 22 June 2006: ‘Bigadier Taur came to talk to me and said: “President, I told Dr. Roque Rodrigues, Your [Fretilin’s] biggest mistake was trying to bring F-FDTL under the power of Fretilin.” At that moment I was very happy, because I had finally met again my Younger Brother whom I had earlier lost.’ Unofficial translation posted by John M. Miller to East Timor list, 26 June 2006: <<http://etan.org/et2006/may/crisis.htm>>

troops. They were by then old grievances,⁹ but ones that were ‘poisoned by political manipulation’ as ‘many interested parties saw political opportunity’ in these security sector divisions. Hence, the east–west security sector schisms spread to the streets of Dili where westerners attacked easterners (ICG 2006b:i–ii). Political leaders blamed the leadership of F-FDTL for not listening to grievances that were a warning signal of significant problems of discrimination within their organisation, while the military leadership blamed politicians for interfering in the military to create divisions that they saw as in their political interests. Both critiques were right. There was both defective and neglectful dispute resolution and a political interference problem. By the end of February 2006, the dispute had deteriorated to the point where 594 soldiers deserted their posts and then were dismissed on 16 March when they refused to return. Prime Minister Alkatiri supported the military commander’s decision to dismiss them; President Gusmão opposed it and responded with an inflammatory speech on 23 March that sympathised with the petitioners and lamented east–west divisions as a threat to the nation. In that and subsequent speeches of that period, Gusmão was reckless with the unique power of his words to parochialise the politics of his country (Silva 2010). Four days later, the first house burnings and violence occurred on the streets of Dili, where sentiment in favour of the petitioners ran high, and the first flight of large numbers of refugees out of Dili occurred. Prime Minister Alkatiri said that he spoke to the President after his 23 March east–west speech:

When I said that it was a terrible mistake, he said it was no mistake, it was a conscious attempt to divide in which he knew exactly what he was doing. He decided that the only way to defeat Fretilin was to divide it and position it as just a party of the east. He is very Machiavellian. (Interview, September 2009)

A Dili demonstration by the petitioners on 24 April that raged for days became a protest against the Alkatiri Government—something that was likely promoted by Gusmão supporters. PNTL lost control of violence around the central government building, so Alkatiri called in F-FDTL to restore order, which they did with excessive force, worsening the impression among the populace that this was the east–west conflict Xanana had warned of in his 23 March speech.

On 3 May 2006, a political opportunist, Major Alfredo Reinado, head of the military police, deserted with his armed men and was joined by two other westerners, Majors Marcus Tilman and Augusto Tara. Reinado further split

9 Perhaps 42 mostly western soldiers were discharged in December 2003. This group included a man with the alias Railos, who became a central player in the events of 2006 when he alleged on the Australian television program *Four Corners* that Prime Minister Alkatiri had authorised arms distribution to civilians. This led to Alkatiri’s resignation. The 42 discharged soldiers complained of discrimination against westerners (ICG 2006b:6).

the country by announcing that he had deserted because ‘on the 28th, it was easterners who shot westerners. I am witness to that. I do not want to be a part of the [army] that shoots westerners’ (ICG 2006b:9). Prime Minister Alkatiri believes Reinado was an agent for Gusmão executing a plan, which Australia supported, to oust him through destabilisation. This was the way the Prime Minister interpreted Reinado’s armed deserters firing first in a firefight with F-FDTL on 23 May. Minister Lobato, with the knowledge of Prime Minister Alkatiri, responded to this interpretation by arming at least two civilian groups with police automatic weapons. Different men who led attacks on opposite sides alleged they were following instructions from Gusmão on the one hand (Martinkus 2006) and Alkatiri on the other, though it is impossible to validate the truth of such allegations (ICG 2006b:10–11; UN Independent Special Commission 2006:38). While the UN Independent Special Commission (2006:30) found Reinado was in contact with Gusmão in the days after his desertion, it concluded ‘[t]here is no evidence that an armed group of men under the command of Major Reinado carried out criminal actions on the orders or with the authority of the President’. Similarly, it concluded that while Alkatiri knew of the illegal distribution of police weapons to civilian militias, ‘the Commission does not accept that at the meeting on 8 May the former Prime Minister gave instructions to Rai Los to “eliminate” his political opponents’ (UN Independent Special Commission 2006:40). It did find that Internal Security Minister Lobato arrived in a flak jacket at police headquarters, shouting ‘Kill them all’ (UN Independent Special Commission 2006:26). And it recommended that Defence Minister, Roque Rodrigues, and military commander, Brigadier Taur Matan Ruak, be prosecuted for illegal distribution of F-FDTL weapons. Progressively throughout this period, the petitioners’ movement ‘tightened their links with the parties opposing Fretilin’ such as the PD (Democratic Party) and PSD (Social Democratic Party)’ (Silva 2010:108).

Reinado was certainly getting financial support from somewhere in a course of action that profoundly destabilised the country—causing Fretilin leaders who feared him to surround themselves with armed men, which in turn caused anti-Fretilin forces who feared them to surround themselves with armed gangs. In a joint account with his partner, Angelita Pires, Reinado had \$1 million in a bank in Darwin, Australia. Damien Kingsbury (2009:190–1) has explored tentatively Reinado’s links to elements in the Indonesian military and an allegation from an intelligence source that mobile telephone intercepts indicated that the funding source was a Timor-Leste politician (who was neither Gusmão nor Ramos-Horta) (Kingsbury 2009:190–1).

The International Stabilisation Force Arrives



Figure 9.1: Rampaging youth flee as the International Stabilisation Force arrives in Dili

Photo: Brendan Esposito/ Fairfax Media

By the time the government decided to request international peacekeepers, both Gusmão and Alkatiri were in fear of their lives. On 25 May 2006, F-FDTL assaulted police headquarters. The United Nations negotiated a ceasefire whereby 85 police would surrender unarmed behind a UN flag and be allowed to walk to UN headquarters. Some soldiers opened fire, killing 10 and wounding 30 police. Australian peacekeepers arrived soon after this incident, followed by troops from Malaysia, Portugal and New Zealand. This had a positive effect on the security situation even before they landed, with some truckloads of thugs headed for Dili turning around when they saw Australian naval vessels heading into Dili Harbour. Thanks to the timely peacekeeper intervention, only 38 people were killed in the fighting of April and May 2006 and only 150 000 were displaced into refugee camps after 1650 homes were destroyed. Without the peacekeepers, there could have been a civil war of major proportions. There were five phases of the 2006 peacekeeping operation: 1) a military phase conducted by the International Stabilisation Force (ISF); 2) ISF in joint patrols with Australian police support;¹⁰ 3) UNPOL with ISF backup; 4) UNPOL with PNTL support; 5) PNTL with UNPOL support. A sixth phase—of PNTL completely taking over UNPOL—began in 2011.

¹⁰ Later with New Zealand, Portuguese and Malaysian police, then later again morphing to a UN policing operation: UNPOL.



Figures 9.2a and b: The scene of the murder of 10 police under a UN flag at the hands of their own military, Dili, 2006

While major fire fights with guns ended with the arrival of the peacekeepers, warfare between gangs with disparate political affiliations did not. Perhaps 250 people were killed one by one in this lower-intensity violence, according to UN police sources, between 2006 and 2008. The initial perpetrators of violence were not going to desist until Prime Minister Alkatiri was forced to resign, which he did on 27 June 2006 when Ramos-Horta became Prime Minister. Elements who wanted to destabilise the Gusmão–Ramos-Horta control of the security sector were then not going to let up. Competing political groups paid young men to cause mayhem. On balance, the political conspiracy theories on both sides might be seen as neither totally right nor totally wrong. Much of the gang violence developed a momentum of its own. Martial arts groups (MAGs) and other youth gangs attacked one another and attacked refugee camps and other innocent civilians. Rocks and Ambon arrows fired by a slingshot, not guns, were the weapons of choice in this street fighting that terrorised Dili between 2006 and 2008. The Timor-Leste police had now utterly disintegrated in Dili, though not in the rest of the country. So gang violence in the streets of the capital had to be managed by UN police.

UNPOL faced an enforcement-swamping problem when so much violence was occurring during 2006 in particular. Ultimately, gang fighters would disperse when sufficient UN police were deployed with sufficient force, but often that deployment was too slow from stretched and exhausted UNPOL. One international police adviser saw the problem as one of failing to get local police capability with local knowledge on the street more quickly: 'The gangs are playing games of hide and seek with the internationals. It's fun' (Interview, November 2006). At one UNPOL community policing consultation we attended in 2006 on the outskirts of Dili, a message from locals was 'please get PNTL back on the street because "they know who are the troublemakers, who to talk to sort things out"'. Another leader explained to the foreign police that if you send someone to jail you must tell the *chefe de suco* (village leader) why and what happened. Otherwise there will be rumours and community policing will not work.

UN dialogues did not defuse the major potential powder keg. The United Nations, President Gusmão and Prime Minister Alkatiri each ran separate and unsuccessful negotiations to persuade the armed group led by Alfredo Reinado to surrender their weapons and submit to justice. He had promised to do so only when Alkatiri resigned; yet when Alkatiri did resign, Reinado strung along the new leadership, preserving his options as an armed spoiler of the new democracy.

Security Sector Divides and Youth Gang Warfare

In mid-2006 all political factions, with good reason, believed their political adversaries had fomented violence on the street to destabilise them or exact revenge against them for alleged wrongs. Some leaders we interviewed also believed that some in their own political network did not have clean hands in this regard, while never admitting to more than indirect personal responsibility for tolerating violence on their own side—though some said ‘we all bear responsibility’ or words to that effect. It was true that most leaders did bear some responsibility. After the devastation of 1999, the masses of Timor-Leste and a majority of the nation’s elite were influenced by a culture of nonviolence that led them to resist the creation of an army. For most of the terrorised population of Dili and some other districts between 2006 and 2008, commitment to nonviolence was all the more confirmed by the events that oppressed them again. At the same time, between 2006 and 2008, a multitude of subcultures of violence festered. There were disparate pre-existing resentments these subcultures played to. ‘The children traumatised in 1999 became the rock-throwing youth of the street of 2006’ (Interview, September 2009). East versus west was just one resentment that had historical precedents long before east–west divides in the security sector split wide open. There were different variants of east–west conflict over eastern and western language-group control of different sections of markets in Dili, over control of bus routes and gambling, others that had origins in divide-and-rule Portuguese colonialism, others that were probably pre-colonial. None of these seemed to cut so deep as to be a fissure worthy of significant attention in the CAVR report, for example, and east–west was not a clear ethnic divide.

Like all societies, Timorese society had many crosscutting cleavages around which resentment could be mobilised and there was no sense in which east versus west was a great divide. It would be a mistake to see any of Timor-Leste’s cleavages as unusually profound in a comparative cultural sense. Indeed, it seems truer to reality to see the forces of national unity as profound for a new society of many language groups—say, compared with our Solomon Islands case (Braithwaite et al. 2010c). What has been unusual about Timorese history is the pressure mundane cleavages have been put under by top-down entrepreneurs of violence, both Indonesian and Timorese. These top-down political entrepreneurs created both security sector cleavages and opportunities for bottom-up entrepreneurs of violence. Put another way, in the history of Timor-Leste, elite subcultures of violence and bottom-up subcultures of violence manifest in militias and youth gangs persistently put harder pressure on the dominant culture of nonviolence than most societies suffer over their mundane divides.

Grievance-Driven and Politicised Youth Gangs

We have already described how the Indonesian military cultivated a variety of militia memberships in its fight against Falintil. This was part of a wider pattern in the politics of Suharto's New Order of the military's party, Golkar, and then other political parties: cultivating youth groups with paramilitary qualities, often uniformed, training in martial arts the predominantly young and male but not totally so, and often groups criminalised into the administration of protection rackets. Most importantly, when push came to shove, where financial inducements failed to persuade *kampung* (village/community) leaders to push all their flock to vote for the machine's local or national candidate, the function of the Indonesian youth group leadership was to threaten violence. If it became clear after the election that votes were not delivered from a particular village in the numbers promised then the youth group might be empowered to indulge in a certain amount of mayhem and looting in that village.



Figure 9.3a: An Australian soldier negotiates with a gang leader, 2006

Photo: Candido Alves/AFP



Figure 9.3b: Australian soldiers detain alleged gang members in Dili

Photo: Candido Alves/AFP

Most of Indonesia continues to grapple with a legacy of politicised youth gang violence, as does Timor-Leste. So the argument here is that within a broad culture of nonviolence, elite traditions of enrolling organised youth group violence endure, as do bottom-up traditions of entrepreneurship with violence. Some of the youth gangs that did a great deal of street fighting with rocks and homemade dart-shooters from 2006 to 2008 were formed in Indonesia decades ago—some still engaging in youth exchanges with their Jakarta forebears. Adérito Soares declares that he was member of Kera Sakti while he was studying in Indonesia. Korka, probably the largest martial arts group, originally Indonesian, officially aligned itself with Fretilin in 2005 and during the gang fighting of 2006. Then a change of leadership cut Korka's ties to Fretilin. In many parts of the country, Korka fought against Persaudaraan Setia Hati Terate (PSHT), prominent members of which had links with two parties in Xanana Gusmão's coalition: the Social Democratic Party (PSD) and the Democratic Party (PD). A security firm, Sereprosetil, was mostly operated by PSHT members (Scambary 2006:15). With 1100 employees in 2006, growing to 1700 later in the decade, Seprosetil was the second-biggest private employer in the country (the biggest was another

security firm, Maubere Security);¹¹ the directors of Seprosetil were the most senior members of PSHT. Fraud against the company by gang members pushed it to the brink of bankruptcy until it was taken over by US and Australian interests and renamed APAC. During the occupation, many of these youth gangs ‘protected their communities from Indonesian security forces and the latter’s proxies; now they protect their communities from one another’ (TLAVA 2009a:1). Several clandestine informants said they joined Indonesian martial arts groups as a cover for clandestine meetings that would not be targeted by the Indonesian military. Like Fretilin, political parties that were formed by leading Clandestinos enrolled violence from youth gangs. The youth groups that fomented non-gun violence on the streets of Dili after peacekeepers made gun violence a dangerous form of revenge against adversaries are often referred to as ‘martial arts groups’ in the Indonesian tradition. Others were seen as ‘ritual arts groups’, associated with traditional mystical belief systems of certain Timorese cultures believed to confer secret powers of invulnerability (Myrntinen 2008). Others are based on churches, ethnicity and locality (*barrio*)—often a very small quarter of a suburb of Dili was patrolled by a gang whose pride, identity and turf were that tiny locale.

James Scamarcy’s (2006) work on gangs and youth groups in Dili shows that these groups were not mainly about violence. They were generally spontaneous building blocks of youthful civil society that therefore can and indeed have served as foundations for reconciliation and reconciliation programs (see Chapter 10). Even during those difficult periods when they were put under most pressure from elite conflict, such as 2006, youth groups should be seen as organisations that do more good in providing recreational opportunities and building social solidarity than harm through violence. They are organisations that peacebuilding policy should generally steer and encourage rather than discourage. There are a few exceptions that are mostly organised for criminal purposes. Scamarcy (2006:5) points out that one should not be preoccupied with the seemingly violent names of some gangs, which are commonly taken from Indonesian rock bands, album covers or Hollywood action films. Examples are ‘Beaten Black and Blue’, ‘Predator’ and ‘Provoke Me and I’ll Smash You’. Scamarcy points out that one member of the last group was a volunteer staff member of the local branch of the Global Partnership for the Prevention of Armed Conflict.

11 Maubere Security was started by Chubb Security, then sold to its Australian CEO, Warren Knight, and other (Timorese) senior managers when reorganised. The first Maubere Security staff were recruited by Warren Knight from the Falintil cantonment. Then they also hired some militia leaders and some gang leaders; the senior managers we interviewed saw getting leaders of violent groups into legitimate, responsible employment as a contribution to peace. In addition: ‘You can use them to defuse trouble in their own gang area to improve security for your clients.’

There are 15–20 martial arts groups with about 20 000 registered male members and very few females and perhaps 90 000 non-registered members, which Scamبارy interprets to mean that ‘probably some 70 per cent of young Timorese men are active in martial arts groups’ (2006:2, 6, 2009:271). Kera Sakti and Kung Fu Master are groups that claim 30 per cent or more female membership. ‘While all groups claim to preach principles of self-discipline and non-violence, much of the district based communal violence is committed by these groups or at least in their name’ (Scamبارy 2006:6). Because of their large scale and martial arts training, these martial arts groups were often the most attractive targets for enrolment by political leaders or security sector faction leaders with cash to fund attacks designed to teach their political opponents a lesson. But most of the fighting was much more chaotic than that. Once anomie and chaos broke out, scores that could not be settled at other times could now be indulged.

Disputes over the justice of easterners moving in to occupy houses formerly owned by Indonesian civil servants who fled in 1999 were often picked up by very local gangs that identified with that locality. Uncertainty over contested property claims under Portuguese, Fretilin, Indonesian, indigenous and UN transitional law became a major cause of conflict that had lain dormant until anomie took hold. Sometimes these local gang members who happened to be members of a martial arts group would mobilise other loyalists of that martial arts group to their local project of eviction, revenge attack or extraction of protection money. Daniel Fitzpatrick (2002) and Andrew Harrington (2007a) both foresaw that the failure of the United Nations to attempt to manage ad-hoc (anomic) occupations of vacant housing in 1999 and 2000 by people who had not previously been residents of Dili would create conditions for conflict down the track. Failure of settlement by either the rule of law or by informal reconciliation of grievance over these occupations meant that the 2006 elite political conflict and the police–military conflict spilled quickly into large-scale evictions and house burnings in Dili (and not elsewhere).¹² Youth gang neighbourhood protection associations also existed in part because there was a rule of law vacuum; uncertainty of tenure was defended by organisation for violence.

There were *barrio*-based ethnically distinct gangs with hundreds of members ‘whose main activity seems to be organized crime’, such as Commando, an eastern group that spread across the country ‘as a sort of organized crime syndicate’ (Scamبارy 2006:6–7). These groups, led by young men with names like Lito Rambo and Ameu Van Damme, were responsible for much of the worst violence of 2006. The gangs that perpetrated much of the 2006–08 violence were often organised around loyalty to such individual leaders.

12 We are thankful to Daniel Fitzpatrick for this point.



Figure 9.4: An Australian soldier comforts a Timorese man who has lost his home in the unrest in Dili, 4 June 2006

Photo: Tim Page/Corbis

Many traditional Timorese interpreted the street violence of 2006 through the prism of a traditionalist form of anomie theory:¹³

When the *Bandu* [ritual prohibitions] is violated, social order is out of balance, and people act and behave improperly in society in the form of lootings, thefts, murders, gang fighting, burning houses and other immoral behaviours. Interviewees also said the Government's lack of acknowledgement of traditional authority and values is one of the key problems behind the crisis facing East Timor. As a result, the ancestors, who set the rules and regulations for the society, are upset and they disturb the spiritual world causing imbalance to the real world... [Other interviewees] suggested that the East Timorese people, through the government, have forgotten the martyrs...who sacrificed their lives during the resistance. These martyrs or fighters are part of the spiritual

13 Anomie theory in Western scholarship derives from the work of the French sociologist Emile Durkheim (1897). The Greek etymology of anomie is from 'a' (without) and 'nomos' (law). Norms (*nomos*) is a much wider concept than law today: it means customary expectations of behaviour that coordinate interactions with others. Anomie is instability resulting from a breakdown of the regulatory order that secures norms. In conditions of anomie, following violent gang leaders rather than legitimate rulers becomes an option because no-one is clear any longer what the settled rules of the political game are, or who are the authoritative leaders.

world at the moment. When they are upset, the spiritual world is out of order...East Timorese described this phenomenon as *Malisan husi Matebian sira* [curse from the martyrs]. (Trindade and Castro 2007:18)

This *Malisan* (curse) version of anomie theory is more prescriptively helpful than Durkheim's French version of a breakdown of the normative order. It means that if reconciliation rituals are conducted in the right spirit, the ancestors or the martyrs can be relieved and the causes in the spiritual world of breakdown of the normative order of the real world can be lifted, and everyone can have confidence that everyone else will follow the rules of the game again. Most helpful of all for reconciliation that endures is the prospect of dire consequences for anyone who violates a spiritually solemn reconciliation commitment. We discuss this in the next chapter.

Barrio gangs that led violence were unlike the ethnically mixed martial arts groups; they tended to have one leader and to be based in one extended family that dominated one tiny ethnic immigrant enclave of the city. The overwhelming majority of gang violence in Dili was initiated from these rural immigrant enclaves; almost all of 40 Dili gangs in Scambary's study were organised around migrant families (Scambary 2009:281). Some of the rural conflicts they brought into the capital were ancient, and enrolled many from larger multi-ethnic groups. For example, citing the anthropological research of Andrea Molnar (2004), Scambary (2009:278–9) finds Dili gang fighting between PSHT and Colimau 2000 started with fighting in Ermera District, spreading village to village across the western highlands until seven deaths had occurred; however, its origins were in historical antagonisms over rural lands between pre-colonial kingdoms that blew up in Portuguese times. Scambary (2009:281) cites the work of another anthropologist, Janet Gunther (2007), in concluding that gang violence imported into the capital from one subdistrict of Viqueque had its roots in a failed anti-colonial rebellion in 1959 that is still a source of fervent feuding in that subdistrict today. The implication for community policing policy is that it needs to focus on reconciling these very old conflicts at the source in a way Portuguese and Indonesian policing neglected to do. That said, it would be a mistake to see most of the gang fighting as based on very old, politically profound conflict. Much of the rural conflict that came into the city in conditions of national anomie (see also Muggah et al. 2010) was over getting a girl pregnant, breaking a pipe to steal water, stealing agricultural produce from gardens, even 'garbage wars' (James Scambary, Personal communication).

Numerically and politically, martial arts groups have been the most important youth groups that have been most sustained across time. A number of the grievance groups started by disaffected veterans who were not embraced in F-FDTL have fallen away as their grievances were abated by payments to a wider circle of veterans as a post-2007 peacemaking policy. As spoilers like

Rogério Lobato, who had mobilised them, moved on to other projects, so did they. Most of the *Kakalok* (magic or mystical) or *Isin Kanek* (wound) groups (Twelve-Twelve, Seven-Seven, Five-Five, Three-Three) formed as clandestine organisations of the Indonesian occupation. They became inactive post conflict, except 7-7, which remade itself as a martial arts group and controller of cock-fighting and gambling rackets (Scambary 2006:6, 15).

Beyond these groups/gangs which have been responsible for violence, there are youth groups of various kinds associated with churches, neighbourhoods, NGOs, music and sports that, even if they are much smaller than the martial arts groups, are much more numerous and engage huge numbers of young women. A number of them are determinedly antiviolence groups, such as *Dalan Klot* (Narrow Path), which has the motto 'Construction, not destruction' in its drive for communal renewal and 'PLUR' (Peace, Love, Unity, Respect) (Scambary 2006:17, 21).

Healing Across the Divides

Luckily for Timor-Leste, at the time of writing the three major security sector divides outlined in this chapter have been substantially, though not completely, healed under a new political contract among the nation's powerbrokers in which they have agreed to compete with one another mostly through the ballot box, and with some help from reconciliation processes discussed in Chapter 10. This healing has been a near-run thing at many points during the first decade of the history of the new nation, and convulsed it with violence on the streets between 2006 and 2008. The excluded Falintil veterans are now stabilised in some cases as minority forces within electoral politics, with their own representatives in the Parliament. Subjectively, 87 per cent of citizens felt safer in 2008 than they did in 2006 (Chinn and Everett 2009:18). From the perspective of republican theory, the subjective element of no longer feeling dominated by violence is even more important than the objective progress in resolving some of the sources of the 2006 violence (Braithwaite and Pettit 1990; Pettit 1997).

The police and military are no longer positioned as fiefdoms of competing politicians, though political independence is far from accomplished. The head of the military, Taur Matan Ruak (TMR), was frequently discussed as a possible future political leader, and the military, which has not let go of an interest in a political role in the state, remains a base from which he might exercise that option. As this manuscript was being finalised, TMR stepped down from the military amid rumours in late 2011 of a run at the presidency. At least the frequent rumours of the 2003–06 period that F-FDTL would step in to resume political authority should the government 'fail' might now, one hopes, be a thing of the

past (Kingsbury 2009:111). In our interviews, senior Timorese and Australian military informants told us of approaches that were made to TMR in the early 2000s to lead a coup (see also Cleary 2007:292). Off the record, Mari Alkatiri named the individuals who made an approach to his defence commander when he was Prime Minister. The proposition was that TMR arrive at the Council of Ministers meeting and arrest Alkatiri and his key ministers. Alkatiri's view was that when this failed, with support from conservative funders in Australia and Indonesia, these coup-plotting individuals then sought to divide both the police and the army (in east versus west terms) to destabilise his government. Relationships between the military and the police are greatly improved. East–west tension within the military healed in traumatic circumstances after the shooting of President Ramos-Horta and Reinado in 2008.



Figure 9.5: President Ramos-Horta and Major Reinado to his left at a secret peace negotiation assisted by the Centre for Humanitarian Dialogue weeks before the two were shot

Photo: Fairfax Media

Alfredo Reinado and fellow rebel Leopoldino Exposito seemed, according to forensic evidence (our source is Australian police serving with the United Nations at the time), to be shot by weapons held at their heads (Toohey 2008) after an alleged assassination attempt on both President Ramos-Horta and Prime Minister Gusmão in 2008. President Ramos-Horta almost died from his wounds. Kingsbury's (2009:208) interpretation is that the encounter Reinado launched that fateful day was 'intended as a kidnapping or an attempt to force a final

decision in Reinado's favor, but which went wrong'. Kingsbury thinks Reinado believed he was being double-crossed by the government in negotiations in which Ramos-Horta proposed his imprisonment and then release under a general amnesty for all parties convicted over the violence of 2006. Opposition leader Alkatiri claimed in our interview with him that the alleged attack on Prime Minister Gusmão occurred an hour later than the one on President Ramos-Horta and was a 'complete simulation' in which '45 bullets penetrated' the Prime Minister's car and not one struck any of the several occupants inside.

The death of Reinado, who was so popular among western youth, and the near loss of a popular president, was a deep shock to the nation. Just as the street violence of 2006 was a shock that forced a renewed commitment to a democratic contract for the nation and renewed support from the United Nations to that end, so the shock of the 2008 shooting of Reinado and Ramos-Horta renewed the democratic contract, got refugees out of their camps and into new or old homes, and consolidated a national consensus that the military ought to stay out of politics and that politicians must desist from politicising the military and the police.

In this chapter, we will not revisit the considerable literature on the crises of the Timor-Leste security sector during its first decade (for example, Fluri 2003; Goldsmith and Dinnen 2007; Goldsmith and Harris 2009; Hood 2006; King's College Report 2000, 2003; La'o Hamutuk Bulletin 2003; Lowry 2006; McFarlane and Maley 2006; Peake 2008; Rees 2002, 2003, 2004, 2006; Ryan 2000; Sukma 2002; Wilson 2007, 2008, 2010; Wilson and Belo 2009). Rather we seek to transcend the gloom inevitable from engaging with its blow-by-blow accounts of security sector chaos and conflict that started very early after independence and almost unravelled the nation in 2006. Suddenly in 2006 the UN peace operation that had been seen through rose-coloured glasses from New York, and from most of the world's capitals, was thought of as another UN failure after all. There were profound failures of UN security sector policy that the 2006–08 crisis exposed. And 'smoke and mirrors', ritualistic security sector reform did characterise much of the United Nation's work from 2006 to the present (Wilson and Belo 2009; Wilson 2010).

While there is a need to see how weakly institutionalised the separation of powers in the security sector remains, it is now more strongly institutionalised than it was in 1999, 2002 and from 2006 to 2008. While there was a considerable failure of the integrity of the Timor-Leste justice system that prevaricated in the face of the international pressure to prosecute Police Minister Rogerio Lobato, and while there has been 'smoke and mirrors' justice that convicted him yet allowed him to leave the country for health reasons without returning, Lobato seems finished as a political force.

Democratic politics has prevailed in the most fundamental sense of showing that making the police a militarily armed fiefdom of an ambitious, criminal politician is an inferior path to political power to building popular electoral support. Future potential military mutineers saw that mutiny was a failed path to power for Alfredo Reinado and the imprisoned (but now pardoned) Salsina, notwithstanding their renegade popularity. With the shooting of Reinado there is no longer a half-credible spoiler of the peace on the scene. In the aftermath of 2006 and 2008, it is a profound liability for a Timor-Leste leader to be seen as the kind of politician who relies on violent gangs as a path to power. That is seen as a legacy of one of the worst aspects of Indonesian rule. Indeed it is. Suharto's party, Golkar, showed the way by mobilising violent youth groups to intimidate local opponents of the political machine. The Indonesian military organised youth into militias that razed housing and terrorised the people of Timor in 1999. Today, Timor-Leste, with international support, invests in youth programs to reintegrate formerly violent members of martial arts groups into the legitimate opportunity structures of the nation, as discussed in the next chapter. A final learning experience for Fretilin was the further decline in popular support it suffered after the 2007 election when some of its militant elements went on the rampage, in some districts burning houses and returning to some street violence. As Henri Myrtilinen (2009:221) put the change: 'Among the political elite, democracy is seen as "the only game in town", but many of the players have at times bent or tweaked the rules of the game for the benefit of their own group.'

The separation of violence from politics is the most important aspect of the separation of powers for any nation. No-one would hold up the contemporary Timor-Leste police, military or youth group culture as exemplifying the best democratic ideals. Yet their powers over violence are much more separated from politics as a result of lessons learnt by the nation from the killing of 2006–08. There is corruption in the police, torture and other abuses (Amnesty International 2003; Human Rights Watch 2006; Wilson 2010), but the police are almost certainly less corrupt and use torture and rape less than the Indonesian police who occupied East Timor until 1999. Indeed, an Asia Foundation survey found on a random sample of Timorese that 59 per cent reported their police to be 'Not corrupt', 17 per cent 'Sometimes' or 'Always Corrupt', with 19 per cent saying they 'Don't Know'—quite encouraging numbers—with corruption not rating among the six most serious challenges facing the police (Chinn and Everett 2009:35–6).

The Timor-Leste military is much more sharply separated from politics today than the Portuguese colonial military, Fretilin's military in 1975 or the Indonesian military in Timor from 1975 to 1999 ever were. That is not to say that there are not some more recently emerging challenges such as the joint operation against

the mutineers (of the police effectively working under the command of the military) that we will discuss as a threat to the separation of the functions of the military and the police. The organised forces of violence in Timor-Leste still torture people and still beat them,¹⁴ but much less so than at any time under Indonesian rule. Youth groups still matter in politics in Timor-Leste, but in a less violent way today than in decades past.¹⁵

While the United Nations badly bungled security sector reform continuously from 1999 to 2011, without pressure from the United Nations and international community networks more broadly to replace rule by threat of violence with rule of law in the security sector, Timor-Leste would almost certainly be back in civil war today. We should not judge a peace process a failure because it suffers even large setbacks like those in Timor-Leste between 2006 and 2008, or because mismanagement, waste and ritualism characterise UN security sector reform efforts. The Timor-Leste peace process has been a success because it has secured continuous improvement in the medium term in the separation of violence from politics. During its first decade, Timor-Leste has secured a greater separation of violence from politics than Australia achieved between colonisation in 1788 and the Eureka Stockade of 1854, at which time police sorties against Aboriginal groups who threatened propertied interests also persisted. Timor-Leste has made more progress in the separation of violence from politics than the Deep South and the wild west achieved in the United States until after the civil war ended in 1865; more progress in a decade than South Africa made in three and a half centuries up to the election of Nelson Mandela.

Those most responsible for politicising the security sector have been large personal losers as a result of it. Rogerio Lobato appears washed up as a political force, his criminal businesses have suffered from his marginalisation, and the house of his in-laws was incinerated on 25 May 2006, killing six (four of them children). He was convicted of manslaughter for his role in the street violence of 2006. His most senior police agents lost their jobs and some of his more junior ones lost their lives. Mari Alkatiri lost his prime ministership and then the 2007 election and also lost his family home to fire. The Defence Minister, Roque Rodrigues, lost his job on 30 May 2006 on suspicion of distributing defence force weapons to civilians. The leader of the original petitioners, Major Salsina, served a prison sentence over the attack on the Prime Minister and President until he received a presidential pardon. The former military police commander Alfredo

14 An Asia Foundation (2004:43) survey found that only 41 per cent of citizens believed that the laws that protect accused criminals from beating by the police are followed. Twenty-eight per cent of respondents felt it was a 'bad law' that prohibited the police from beating suspects.

15 One of our anonymous referees issued the reasonable warning that our text might be too upbeat here: 'There is still a worrying undercurrent of violence as illustrated by serious rioting and attacks on local communities in 2011—for example, in Bobanaro and Covalima. The PNTL remain problematic. The 2012 elections will test the security agencies. Given a trigger, wide-scale violence remains a possibility.'

Reinado lost his life. Xanana Gusmão might hardly seem a loser as he regrouped to win the 2007 election. Yet in a way he has fallen further than anyone—from being a Nelson Mandela figure, admired across the globe for creating unity within diversity, to being the leader who gave divisive speeches so incendiary as to fuel the flames that engulfed his nation. From attracting 82 per cent of votes in the first presidential election, he now leads a government in which his coalition enjoys a bare majority of the vote, and truncated legitimacy in the east (Higashi 2009). The new generation of leaders will have the opportunity to enjoy the legitimacy of being unity leaders—something that it is proving difficult for Gusmão and Alkatiri to regain.

Mistakes of Security Sector Reform

The literature on the mistakes made during the process of security sector capacity building is a formidable and impressive one that we will not cover in depth here. Here we seek merely to summarise the main dimensions of those failures.

The Timor-Leste experience confirms Bayley and Perito's (2010:34) conclusion—drawing on the experience of Iraq among other places—that police reform fails if a politicised or criminalised ministry that controls the police is not also reformed. In Iraq, the Ministry of the Interior was politicised to the point where rival militias and organised criminal gangs controlled different floors of its building and where power struggles were settled by assassinations in the parking lot.

More important than the police and the courts, however, are the institutions that stand behind them. The interior and justice ministries are essential to providing good governance. If the ministries that support the police and judges are instead dysfunctional, corrupt, or politicized, the police and the courts will have little chance of fulfilling their missions. (Bayley and Perito 2010:150)

Minister Lobato's politicisation and militarisation of the Timor-Leste Internal Administration Ministry, and the formation of factions opposed to Lobato therein, fit the Bayley and Perito analysis. As Bob Lowry, who was contracted to mentor the Timor-Leste National Security Adviser, put it: the Timor experience 'raises the question of whether it is worthwhile providing technical assistance for institutions and forces that have doubtful political foundations' (Lowry 2006; see also Goldsmith and Dinnen 2007). While this politicisation caused the total collapse of policing as an institution in Dili in 2006, in the rest of the country police continued to go to work and do their job. District and subdistrict police commanders no longer answered to a commissioner in Dili who, fearing

for his life, had deserted his post for the hills. As we will argue in the next section, rural police continued to do their jobs more or less as well or as badly as they had done them before the security sector crisis in Dili. How well or how badly this was varied greatly across different parts of the country, depending on the nature of community policing relationships between local police and *chefe de sucos* and *chefe d'aldeias*. In a village society where the authority of the capital and its institutions was always remote in practical terms, lines of informal community authority from a police commander answering to a *chefe de suco* and a local government head, mostly to both, were alternative lines of command that continued to give legitimacy and direction to rural police when the Police Commissioner was no longer in command.

UNPOL was excessively concentrated in Dili to do the job of capacity building across the nation, with 482 of the 662 members of UNPOL as of March 2003 located in Dili and most of the rest located in regional towns, as opposed to rural communities (La'o Hamutuk Bulletin 2003:3). There is an irony that it was in Dili, where UN and donor policing assistance were concentrated, that the policing crisis was so deep, while in many rural areas where UN presence was thin, there effectively was no policing crisis. Understanding this irony depends on seeing Bob Lowry's point above that UNPOL police training work can be worse than a waste of money if it does not conquer the politicisation and criminalisation of the police ministry; it might just teach the bad guys to shoot straight.

Within Dili, the second King's College Report (2003:101) also found that UNTAET initially focused on personnel recruitment and training while failing to support the development of PNTL as an institution, leaving its inexperienced officers floundering without an administrative and budgeting framework that could get policing capacity flowing out to where people lived, through institutional capacity in complaints handling, logistics and strategic planning. Bu Wilson has also cogently made this point, when she notes that the United Nations believed it was engaged

in 'training' without appreciating that the building of an institution is a significantly bigger undertaking. The resulting lack of 'architecture' and functioning oversight mechanisms for the PNTL was then one of the structural reasons that it was comparatively easy for the institution to be so thoroughly politicized by Rogerio Lobato. (Wilson 2008:2)

A UN expert police mission to Timor-Leste in 2008 subsequently reached similar conclusions, also noting the weak development of management, command and control and ongoing core capacity deficits (Wilson and Belo 2009:8). The training investment was certainly considerable in personnel and dollars; one international police advisor quipped in 2006: 'PNTL has been one of the most highly trained police forces in the world over the past six years.' Wilson and

Belo (2009:10) link the failure in institution building to a 'national balance' model of deploying 40 or more different nationalities of police to work beside Timorese counterparts that 'does not work'. 'It is a mistake to believe that "cops on the beat" have the capacity to establish a public service organization' (Wilson and Belo 2009:10).¹⁶

In November 2002, 32 countries were contributing UNPOL officers, the largest contributors being China (76), the Philippines (74) and Ghana (69), with the number of contributors gradually increasing since. Outstanding executive police are not necessarily good trainers or management consultants. Timorese police leaders complain that these deficits were compounded by rotations that were too short to learn local police organisational cultures, by illiteracy in the language in which policing is conducted, and want of sophistication in how village societies work. Timorese police also complained in our interviews that UN police believe that what they learn about the local culture in the capital city translates to the districts where most people live, and of a tendency of newly arriving national contingents to retrain locals in procedures learnt in their home country that contradict the procedures taught by the previous contingent from another nation (Goldsmith and Harris 2009).

The UN screening process to weed out the human rights abusers and criminals within the police failed utterly because PNTL and the police ministers who succeeded Lobato did not have confidence in it and ran a parallel process, which was the process that prevailed (ICG 2009:5–7; Wilson and Belo 2009:6, 9–12). One senior UN official said in 2009 that the Police Commissioner was loyal to the Prime Minister, and the police 'who did terrible things who have been screened back in have been allowed in because they would be loyal to the Commissioner'. The United Nations would have done better to seek to improve, influence and regulate a screening process owned by the local security sector on the principle that something done very well by the United Nations is always inferior to something done tolerably well by locals, particularly so where resentment of outside domination means the local process prevails regardless of which has more merit. This was a bad outcome indeed on the screening issue. Our interviews with leaders of all the screening efforts make it clear that serious criminals remain in PNTL; police who are members of gangs continue to work with them to secure local monopolies of illegal gambling, prostitution, smuggling and drugs. The failure of the screening process shows in the awful human rights record of the police that has persisted since the post-1999 UN

16 See also Bayley and Perito (2010:48–9) on the need, when local policing collapses during a crisis, to separate the personnel required for UN executive policing from the management and police academy experts needed to assist with rebuilding a police institution.

screening was overlaid by the post-2006 re-screening after that conflict (Security Sector Reform Monitor 2010). None of this is to deny that some of the worst of the worst have been pushed out of PNTL.

Handover from UN executive policing to PNTL policing has generally been badly managed. The United Nations in Timor has done a worse job than the Regional Assistance Mission to Solomon Islands (RAMSI) in Solomon Islands, for example (Braithwaite et al. 2010c), in not leaving behind the equipment that allowed a local police station to function in the way it did when the internationals were in it. Fieldwork stories abounded of UN police, especially after the first UN exit, leaving little more than a chair and a desk behind when they handed over to their Timorese counterparts. Even in 2009, there were endless stories of telephony that had been part of the UN infrastructure replaced with PNTL having to 'use their own mobile phones for communication and usually buy credit for their phones out of their own funds. There are no mechanisms for this to be refunded' (Wilson and Belo 2009:16). Wilson and Belo (2009:19) found that PNTL officers did not value the 'veneer of mentoring' provided by UNPOL, but did value UNPOL as 'glorified taxi drivers, and a source of generators, fuel, paper, phone cards and computer maintenance'. This value evaporates when there are no longer UN cars to drive.

While the UN model of security sector reform substantially failed in Timor-Leste in the sense of one national police contingent moving into a district and training local police in one way, to be replaced with a different national contingent doing training in a totally different way, in another sense the Timor experience vindicated the UN model. The International Stabilisation Force that returned to Timor in 2006 was much more dominated by the Australian military than the previous UN military peacekeepers. One survey found that more than 80 per cent of respondents considered the UN peacekeepers better, a major reason being 'because the peacekeepers are not serving the interest of one foreign state' and 'UN peacekeepers are neutral to every political group in Timor-Leste' and even 'we appreciated the intervention by Australia and its multinational forces to stop the atrocities, but the peacekeeping operation should be conducted by the UN because people start thinking that the intervening country will colonize us if they stay in our country for too long' (Grenfell et al. 2009:16).

These are similar to survey results in Afghanistan, where citizens reported an overwhelming preference for NATO and US troops to be replaced with UN peacekeepers (Grenfell et al. 2009:17). A Pacific Island peacekeeper referring to the longer-run Australian domination of the military side of regional peacekeeping saw leadership by one country as not a problem so long as it was not the country with the strongest opinions and interests in the political direction the peace took: 'Timor would have been better with New Zealand in the lead. In Bougainville, Australia and the UN came in and followed the New

Zealand template, thankfully. New Zealand was widely admired in Bougainville for the role they played—a sensitive and flexible role. But the UN always has to be there even if it does not lead—if its help is to flow’ (Interview, February 2007).

Gendered Violence and Impunity

A survey conducted in 2002 compared victimisation rates for gendered violence in the year before the survey with those from the year before the 1999 ballot. Assault of women by perpetrators outside the family decreased from 24 per cent under Indonesian rule to 6 per cent in 2001–02; for sexual assault, the fall was from 23 per cent to 10 per cent (Hynes et al. 2004). More rights-sensitive policing doubtless had some role in this accomplishment, given that police were involved in 22 per cent of the most serious violence against women before the ballot (Hynes et al. 2004). Militias and Indonesian military were, however, even more important perpetrators. So we might say that peace and the ending of Indonesian occupation, rather than any improvement in policing, were the main reasons for this reduction in gendered violence by non-family members. This interpretation is reinforced by a strong association between displacement to refugee camps in West Timor after the ballot and the experience of these forms of gendered violence (Hynes et al. 2004:306).

There was, however, no statistically significant difference in levels of physical assault perpetrated by an intimate partner between 1999 and 2002, with the incidence rising from 24 to 25 per cent (Hynes et al. 2004). The second-most prevalent legal problem reported in this survey was domestic violence—surprisingly, rating well ahead of theft, household/neighbourhood quarrels and motor accidents (see also TLAVA 2009b). A much larger survey, of 11 463 households, with a superior methodology in 2009 confirmed what a huge problem domestic violence continues to be when 38 per cent of women aged between 15 and 49 reported that they had experienced it since age 15, 29 per cent in the 12 months before the survey (National Statistics Directorate 2010:228). Slapping was by far the most common form of domestic violence—experienced by 28 per cent of women. The hypothesis that ongoing street violence has made it worse was suggested by the result that the incidence was 52 per cent in Dili and 35 per cent in rural areas. There is also a serious problem of physical violence by women against their spouses, with this being reported for 13 per cent of ever-married women, though the rate was eight times as high among women who themselves were victims of domestic violence (National Statistics Directorate 2010:243). As in surveys from many other countries, in Timor-Leste, divorced

or separated women experience by far the highest victimisation rates. The incidence of sexual violence is much lower, with 3 per cent of women having experienced it since age 15 (National Statistics Directorate 2010:231–3).

As with domestic violence, among sexual violence victims' perpetrators were overwhelmingly husbands. Of ever-married women who suffered sexual violence, 71 per cent experienced the crime at the hands of their husbands/partners, 9 per cent from a former husband/partner, and 7 per cent from a current or former boyfriend (for all women). Stranger sexual violence is low in Timor-Leste by international standards, with only 4 per cent of the 3 per cent of women who were victims violated by a stranger.¹⁷

Also on the positive side, in five of six rural police stations we visited in 2009, groups of local police we chatted with said that domestic violence was the biggest crime problem in their subdistrict. This was subsequently more systematically confirmed by Chinn and Everett (2009:18) in a sample of 250 police: domestic violence was by far 'the most serious security problem facing the area in which you currently work', being cited four times as often as 'land grabbing' as the most serious problem (Chinn and Everett 2009:18). Our suspicion is that an awareness accomplishment in police education and police responsiveness to what village women are saying has not been matched by enforcement assertiveness. Bu Wilson has explained the institutional reasons in Oecussi:

Oecussi police face very real constraints in that the court only comes to Oecussi for two days a month, there is no Prosecutor any more and there is a backlog of cases going back to 2000. There is consequently no capacity to fulfill the legislative requirement for someone who has been arrested to be brought before a judge within 72 hours. This means the very great majority of cases are handed over by PNTL and UNPOL to traditional justice, including cases of sexual assault. (Wilson 2008:11)

Timidity has been a common response in the face of on the one hand a failure of the formal courts to actually hear gendered violence cases and on the other hand criticism by feminist advocates and international NGOs when the police do respond by pushing gendered violence to indigenous justice. And Myrntinen notes that 'even when cases of gender-based violence are brought into the formal system, the male-dominated judiciary often tends to discriminate against the women bringing charges' (Myrntinen 2009:226). State policy and donors alike have shuttled between taking the view that because the justice of the courts is not

17 This might seem puzzling given the extraordinary number of rapes documented earlier in this research during the 1975 invasion up to a final surge in 1999. We must bear in mind that most of these rape victims are now over forty-nine years of age or are dead and therefore not in these survey data. Also the extreme youth of the Timor-Leste population means that women in this 2009 survey are disproportionately young. Even so, the fact that there must be many military and militia rapes reported by older women in these data affirms the interpretation that stranger rape is at a low level in Timor today.

effectively available to most Timorese living in villages, and indigenous justice is, the priority is to influence the practice of indigenous justice so that it affords equal rights to women; and making the investment to ensure that the justice of the courts is actually made effectively available at the village level. The result of this policy vacillation has been that the police dither, leading to a consensus view (backed by some data) that intimate partner violence has not been reduced. Outcomes for women might be better if there were a serious policy commitment to continuous improvement in rights sensitivity, and specifically sensitivity to gender equity, within indigenous justice led by indigenous women, at the same time as there was real progress on improved access to the justice of the courts. In such a world of genuine commitment to progress on both fronts, police might do something rather than nothing, deciding, in light of the form of justice most practically available in the most rights-sensitive way in their village, to send cases to either indigenous justice or court.

As we will discuss in the next chapter, justice system capacity constraints have also been an important reason for impunity for war crimes and for the politicised violence of 2006. The UN Independent Special Commission of Inquiry (2006) into the 2006 violence recommended prosecution of 68 individuals, which included very senior people such as the Minister for Defence and the heads of the armed forces and the police, and recommended further investigation of 70 others. The East Timor NGO Forum pointed to the extent of impunity in a 2008 press release after Rogerio Lobato was allowed to leave prison for extended medical treatment in Malaysia: 'not one convicted person [in respect of the 2006 violence] is in a legally recognized prison facility' (Murdoch 2008a). Soldiers convicted of killing the 10 unarmed police surrendering under a UN flag in 2006 served their sentences in a special open facility built for them by the military until they were pardoned by the President in 2008, though UN officers said that when they made surprise visits to them in their prison, they were never there even before they were pardoned. One of them was even present when the President was shot in 2008. This total effective impunity is of course much more than a manifestation of a capacity constraint; it manifests impunity as a political policy.

Impunity started with the United Nations. In a number of our interviews, we were told of credible rape allegations against UN peacekeepers that were not dealt with by a full investigation and law enforcement but by sending the peacekeeper home. Women's NGOs also argued during our interviews that the presence of peacekeepers had greatly increased prostitution and therefore trafficking in women in which both the police and martial arts groups were involved.

Progress and Regress in Security Sector Separations of Powers

While there are many dimensions to the disappointments of policing reform in Timor-Leste, failures to institutionalise separations of powers in the new society are at the root of many of them. The impunity problem is in considerable part a separation-of-powers problem: the security sector, especially F-FDTL, sees itself as the elite of the society and above the law in the same way as the political elite sees itself as above the law (Wilson 2007:54). Timor-Leste had an inspiring young policewoman who we interviewed as a leader of PNTL consciousness raising on gendered violence in 2006. We have seen that the fruit of her unit's work is still evident in rural police stations today. Unfortunately, that inspiring work ground to a halt for a long period after she was badly wounded by an F-FDTL bullet in May 2006. We think Bayley and Perito's (2010) conclusion is right that a first priority is depoliticising and decriminalising the police ministry so it can be a civilian regulator of a separation of powers of the police under a rule of law as opposed to a rule of men. Likewise with civilian control of the ministry of defence over the military, a constitutional separation of the military from politics and from policing is needed, regulated by civilian enforcement of that constitution. The shooting of President Ramos-Horta by deserters from the military in 2008 ushered in a joint operation of the police and the military to arrest those who participated in the attack and got away, and others who supported the attack. This involved police working effectively under the control of the military to arrest armed men. There were countless human rights abuses—for example, in police interrogations of people believed to have knowledge of where deserters might be hiding.

The joint operation had its upside for the nation; the police and military working together to clean up the mess that existed in the aftermath of the shooting of their President contributed greatly to reconciliation between members of these organisations who had been shooting at each other two years earlier. Xanana Gusmão 'dined with Salsina's [the petitioners' leader] family and humanised the dispute. He supported the family. Ruak said to Salsina's men "you rebuilt this nation too. You were part of the struggle that created our country"' (Interview, September 2009). But the joint operation was a travesty of the constitutional separation of the police and the military and a confirmation of the post-revolutionary ethos of the military as an organisation of greater prestige and authority in civilian affairs than the police. Since the formal end of the joint operation in 2008, the police and the military have continued the practice of operating together on major matters across the country (Wilson 2010).

One non-Western kind of separation of powers was resilient and had paradoxical effects from 2006. We found that rural police often had a weak PNTL identity

and a stronger identification with their police district or subdistrict. Western police consultants tend to view this as a bad thing, a failure of command and control to work downwards from the authority of the Commissioner in Dili. This reality is mirrored by citizens who often refer to the 'Maliana Police' rather than the 'Policia National (PNTL)' as if the 'Maliana Police' were an independent, locally accountable police force. In a sense, police, especially at the subdistrict as opposed to the district level, are locally accountable. They seek guidance from elected local government leaders to whom they have no formal legal reporting relationship in any local policing crisis. And in day-to-day decisions on routine enforcement matters, they consult with the *chefe d'aldeia*, *chefe de suco* or the *suco* council for that village on what procedure should be followed on that matter. If the village leadership says this is a difficult matter for them to handle or a very serious crime that requires prosecution and likely imprisonment, that is what the local police officer is likely to do. This policing strength is being reinforced by an 'early warning network' initially developed by the NGO Belun (2009a, 2009b, 2010) and now being expanded by the government—as a conflict-prevention network of traditional chiefs across the country that watches for early signs of emerging conflict—and built in collaboration with the police. Belun is a strong NGO, making this an interesting example of an area of state weakness under repair through Timor's NGO strength bridging its village governance competence to state institution building. One of our panel members commented, however, that 'sadly, few people read and reflect on Belun's reports'. Belun's (2009a, 2009b, 2010) early warning reports in 2009–10 suggested a society with a low incidence of public violence—for example, reporting no firearms violence apart from two 'sightings of guns' (see also Rees 2010:15): 'crimes committed with illicit manufactured weapons in Timor-Leste remain very infrequent' and unaccounted-for police/military weapons are now very low.

If the village leadership says a matter can be most effectively dealt with by indigenous justice on the mat in the village (*nahe biti*) then the constable is likely to deliver the alleged offender up to the mat. One response to UNPOL who complain Timorese policing is plagued by weak command and control is to say there is a kind of community policing ideal in play here that makes local sense. Yes, it is a form of community control that tends to be male dominated, which does not take women's rights as seriously as it should, even when all *suco* councils are required to have at least three female members. Then, in a world where the mat processes many more cases than the court, one could argue that the rights-conscious police officer can achieve more for women's equity by seeking to regulate the equality of all the justice on the mat than by trying to take more cases to clogged courts, especially when those courts are not very sensitive to women's rights. Local police officers are a respected influence across Timor-Leste, on civil as well as criminal matters.

Higashi's (2009:19) survey of 319 Timorese in three districts asked them: 'If you have some conflicts with other people on personal issues, such as your land, water, and house, with whom do you meet and discuss to solve these problems?' Only two categories of people were regularly nominated: 87 per cent nominated 'community leaders' and 84 per cent Timorese police (more than one response was possible). UN police, other UN officials, F-FDTL, Members of Parliament, Timorese Government officials and other categories did not rate in comparison with these two. The same survey revealed that an overwhelming majority, especially in the east, do not have confidence in the courts.

We have already seen that this reality of how policing works in practice had the paradoxical effect of preserving the rule of law in most of rural Timor when it collapsed in Dili. This meant that refugees whose houses were razed in Dili could flee the violence there to the safety of communal policing (that was only partly about PNTL) that continued to protect people in most districts outside the capital. Another way of putting this is to say that a separation of powers in Timorese society of indigenous justice authority (that enrolled local police) from the authority of the state created safe havens for refugees all over the country. This would not have happened if top-down politicised factionalism in the Dili police command had spread down to rural policing. The substantive (as opposed to formally legal) separations of powers between state and indigenous authority over policing whereby local police were accountable not only to the justice of the state but also to community leaders and indigenous justice in some senses saved the nation. Another way of putting this is to say that Tanja Hohe's worst fears did not come to fruition in 2006 because the 'international paradigm' had such limited influence beyond Dili where an 'indigenous paradigm' continued to reign, including over policing. Hohe's work assesses

the clash between the international paradigm of attempting to (re) build the Western liberal-style democratic state under UNTAET and the existing indigenous paradigm of traditional political legitimacy that prevails among the majority of the population at the local level. Without reconciling the two in future UN interventions, such efforts will continue to be either irrelevant to a self-evolving reality or in fact cause local systems to collapse without being able to adequately replace them. (Hohe 2002:569)

In Hohe's terms, what happened could be described as a collapse of policing in Dili thanks in part to UN maladministration of the security sector, and the irrelevance of the United Nations to resilient traditional authority over policing in rural Timor-Leste. One might have hoped for UN policy that started by asking the questions 'what is already working in preserving security?' and 'how might a new separation of powers grow to preserve that power that already protects people from violence?' That is, one might have hoped for a

preservation of communal policing efficacy more by design than by default. One reason the 'indigenous paradigm' has been as resilient as it has on questions such as policing is that for decades the clandestine system that ran parallel to the Indonesian Government system was itself based on traditional sociopolitical structures (Hohe 2002) in order to give it the support to resist Indonesian governance projected from military leaders in Dili.

Because the conflicts that migrated into the city were so often rural conflicts transported to the city by rural young men who had migrated to town, the (admittedly mixed) success of rural communal policing in creating islands of civility (Kaldor 1999), or bubbles of security (Shearing 1997), preserved spaces where reconciliation could begin, including reconciliation of the very rural conflicts that started a lot of the gang violence. In the next chapter, we consider how transitional justice and reconciliation spread across Timor-Leste after 1999 and after 2006, and we find in both periods that the justice of the courts largely failed to do its job and that rural justice through community reconciliation largely succeeded in advancing peace.



Figure 9.6: Sister Guilhermina Marcal from the Canossian Sisters Convent attends to a refugee on one of her journeys to bring frightened people who have fled to the mountains back to her convent, 2006

Photo: Brendan Esposito/Fairfax Media

Security Sector Strengths

In the previous section, we argued that PNTL did not collapse in 2006; only its capital-city hierarchy collapsed. Its rural base was preserved. This rural base was actually the overwhelming majority of the police service. This decentralised quality of policing was a positive legacy of Indonesian occupation. Timorese demand was for police that were based where the people live, meaning few of them should be in Dili. Unlike UNPOL, whose officers were concentrated in Dili, PNTL followed the Indonesian pattern of police numbers dispersed across the country pretty much in proportion to the distribution of the population. UNTAET and the post-independence government stuck with the Indonesian decentralisation architecture of dividing Timor-Leste into 13 districts, 65 subdistricts and 448 villages (*sucos*), usually comprised of multiple hamlets (*aldeias*). All subdistricts have a police station and, at the time of our 2009 fieldwork, a program of re-establishing at least one police officer in each village was under way. In this, peacebuilding in Timor-Leste makes a striking contrast with our previous case study, Solomon Islands (Braithwaite et al. 2010c), where almost all police and all police vehicles were concentrated in the capital and other major towns.

Today, affirmative action to move young western officers up through the ranks of F-FDTL is working, with a majority of officers now westerners, and overall the F-FDTL has the 35–65 balance that matches the proportions of easterners to westerners in the nation's population. Most Timorese admire Falintil and therefore F-FDTL for its courageous effort in liberating their land. This delivers it democratic legitimacy. The healthy thing about the nascent democratic politics of Timor-Leste is that this F-FDTL legitimacy is seen as legitimacy for forging a democracy that leaders elected by the people rule, as opposed to leadership by the military itself. This is a different legitimacy than other military-led struggles for independence conferred on the generals of people's armies in China, Burma and Indonesia. Credit for this rests with the fact that Gusmão and the other leaders of the new nation were much more committed to democracy and pluralism than was suggested by Australian and Indonesian spin between 1975 and 1999. Credit also resides with international pro-democracy networks, within which the United Nations was both part of the problem and part of the solution.

Progressive accomplishment of a separation of violence from state power and of a separated independence of police, prosecution, judiciary and of the military from control by political factions was an accomplishment of internationally networked governance. Without UN and donor pressure, when the heat of political conflict between Gusmão and Alkatiri became red hot, both these men might have utterly corrupted the republic they dedicated their lives to creating

by dominating the separations of powers it constituted. Without pressure from international civil society networks, working with and supporting domestic mediators that included Ramos-Horta, centralist UN bureaucrats might have strengthened the domination of the very top leaders much more than they did. So a lesson of Timor-Leste's recent history is that separations of powers cannot be entrusted to men of noble ideals such as Gusmão and Alkatiri and institutions of noble ideals such as the United Nations. Democracy will fail without continuous struggle by wide networks of energised democrats to defend and expand separations of powers. Democracy has certainly not yet failed in Timor-Leste precisely because of that civil society activism within Timor supported by activists without.

The mistake of retaining a defence force having been made, a potential future strength of F-FDTL for making the best of this situation is to engage it with UN peacekeeping. Precisely because F-FDTL has experienced its own security sector's role in the nation almost completely unravelling, it can bring rich wisdom to UN peacekeeping. Its officers have experienced not only internal conflict, but also a long international war and a long UN peacekeeping presence in their own country. During this long UN mission, most F-FDTL members have acquired skills in English and Portuguese. They have also learnt a great deal about how UN institutions work (or fail to). The future security of Timor-Leste requires that F-FDTL be given a useful function for the future. UN peacekeeper remissions could diversify Timor's export income in a way that would be most helpful to its impoverished economy. Experience in the military end of humanitarian relief could also enhance F-FDTL preparedness for future disaster relief work inside Timor-Leste.

Understanding Community Policing Strengths

The emerging strengths of the security sector go beyond strengthening separations from politics. There are also emerging strengths of engagement with civil society. While policing substantially failed to prevent rural conflicts from spreading to Dili, it largely succeeded in preventing the Dili violence of 2006 from spreading in a major way to the rest of the country. In the second-largest town, Baucau (population 16 000), in the east, the community policing team went to work in 2006 assuring children (and their parents) in schools and churches with lots of western children that Dili's east-west violence would not spread there. For the most part, it did not, in spite of a huge influx of refugees from that Dili violence. Still, downtown Baucau was what criminologists call a hot spot and UNPOL identified it in this way. Police statistics revealed it to have the highest crime rate in Timor between 1999 and 2003. Much of this was young thugs mobilising martial arts groups to engage in various forms of

criminality. There was also an upsurge of political violence in 2007 in Baucau, which was Fretilin's urban heartland, as a result of Fretilin's defeat in the 2007 election. In part, this involved politicians harnessing martial arts groups. We were impressed with aspects of the community policing in Baucau after 2003 and how it had mobilised to defuse gang violence more effectively than in Dili. Six officers of the community policing team had been on a community policing training program in Japan. The community policing team in Baucau was a node of a number of antiviolence networks. They included the Catholic Church, particularly its Commission for Peace and Justice and the Law, Basic Rights and Justice (HAK) Association Peacebuilding Program and other human rights groups.

When fighting broke out between rival martial arts groups, HAK and officers of the State Secretary for Youth would be expected to make the first attempt at mediating peace. If they failed, the community policing team of PNTL would step in with a second attempt at mediation. If the community policing team could not make progress, local police would escalate to making arrests and putting violent offenders before the courts. After convictions were obtained, the community policing team would follow up with dialogue with the protagonist martial arts groups. These were 'lessons learned' sessions about how escalation to trouble with the police might be averted next time.

When we had a meeting with HAK and the leaders of PSHT, a martial arts group with one of the worst records of violence in Timor, the PSHT leaders were tense until the head of PNTL's community policing team, Miguel, walked into the room. Agent Miguel had a sunny demeanour and his warm smile and genuine pleasure at seeing his PSHT friends immediately put them at ease and they broke into relaxed smiles. All the local players said that UNPOL also participated in the larger gang dialogues but was not particularly effective in this area because it was lacking the kind of relationship that Agent Miguel had with PSHT. It was said UNPOL also did not really understand what was going on. *Lisan* leaders, the urban and rural *chefe de sucos*, in contrast, we were told, were also very important in defusing gang violence, and the PNTL community policing team worked effectively with them. They said Baucau civil society wanted to show an example to other districts that gang violence could be ended. In 2002 Baucau had led the country in forming the Martial Arts Federation (today reformed as the Federation of Traditional Self-Defence Arts in Timor-Leste) that subsequently went national. The federation functioned like a trade association self-regulatory body. It took on the challenge of improving the law-abiding image of large martial arts groups. It set up early warning networks within their memberships for emerging violence or conflicts that might be prevented before they came to bloodletting.

The federation also helped mobilise the martial arts groups to make a success of the biggest tourist coup Baucau had seen: the 2009 Tour de Timor cycle race. The martial arts groups provided security for the bicycles and for the area where the cyclists and their support teams would sleep. They helped clean up the town and helped with preparing meals and drinks for the cyclists. In 2007 and 2008 in the aftermath of the post-election violence, this network of peacemakers organised peace marches in which all martial arts groups marched for peace in their uniforms, as did other youth and school groups. Success turned on the two martial arts groups that had been locked in the most violent conflict learning to work together to organise the peace marches.

We asked the community policing team in the presence of the martial arts group members if they ever approached martial arts group leaders to pull into line spoilers who put the peace at risk. Both sides agreed that not only did the police ask the martial arts group leadership to manage spoilers they could not handle, but the martial arts group leaders also asked the police to pull into line spoilers they could not manage. Astute community policing can, and did, enrol even the most violent of gang leaders as agents for peace.

Conclusion

There are not many, or perhaps any, nations in recent history that have had more serious disputes than Timor-Leste with its two most powerful neighbours: Indonesia and Australia. It is a testimony to the diplomacy of the Timor-Leste leadership that in the face of so much spilt blood and spilt oil, neither Indonesia nor Australia poses a security threat to Timor-Leste. Some we interviewed would say that the tense relationship between Australia and former Prime Minister Alkatiri called this into question.¹⁸ The Howard Government certainly had a very strong preference for Gusmão over Alkatiri (Martinkus 2006).

These informants say Australia conspired with Gusmão as he conspired with the petitioners in 2006 to destabilise Alkatiri's government. And this was a play of the street violence card. We do not have the evidence to conclude whether this allegation against Australia is well founded. Nor do we conclude it is wrong. The circumstantial evidence for Australian involvement in destabilisation by politicising the security sector was not only argued to us by Fretilin informants. A senior, well-placed Australian military insider also did so. Even if Howard Government officials were involved in such destabilisation of Alkatiri, they would surely believe today, as Gusmão does, that the violence of 2006–08 spun out of control in a way that almost unravelled everything that had been

18 When Hilary Charlesworth and John Braithwaite interviewed Dr Alkatiri, after we said something critical of Australian policy, he warned with a wry smile that we ought to be careful as conversations in his office were almost certainly listened to in the Australian Embassy!

accomplished in Timor-Leste, at great cost to Australia. So even if we are naive in thinking Australia did not threaten Timor-Leste's security in 2006, we still argue that an accomplishment of the moderation of Timor-Leste's leadership, including Alkatiri's in the face of considerable Australian provocation, is security with its powerful neighbours into the future.

The street violence born of a politicised security sector ultimately acquired a life of its own on the streets of Dili, Baucau and other towns. It continued long after, as far as we can tell, all political parties stopped paying gangs to cause death or destruction.¹⁹ Revenge was the biggest reason for the violence continuing after the original causes in security sector policy were no longer in play. A second was that conditions of anomie—normative chaos, breakdown of the rules of the game—created an opportunity for countless new and old (even centuries-old) scores to be settled. A third was that these young men were often playing a game. There were unwritten rules of this game that guns would not be used in the fighting, even though most of the major groups involved in fighting had access to high-quality weapons. One major reason was doubtless that the UN police would not do much to you if you threw rocks or fired a dart with a slingshot, but they would if you brought a gun onto the field of gang battle. Indeed, UNPOL would call in backup from units with machine guns. Another reason was concern that friends would often be in the other gang in circumstances where gang memberships could be widely encompassing (TLAVA 2009a:6).

It was in some ways a highly dangerous sport in which now and then an individual was killed, but not warfare in which many would be shot with weapons. The objective was a spectacle of controlled mayhem manifesting a readiness for extreme violence, as in traditional group warfare, rather than untrammelled violence itself (Myrntinen 2007:15). UN peacekeepers were good at stopping gun violence, but not so good at regulating the gang fighting with rocks (see Braithwaite 2008:97–106). Stopping these deadly dynamics took much more than removing the original causes. It took the reconciliation that we will discuss in the next chapter. A problem that the security sector caused could not be solved by force or by policing in the city. It also required reconciliation in

19 One knowledgeable local informant said that gangs were often paid \$50 to burn a particular house, \$100 to attack a refugee camp and \$150 to kill someone. Another said gangs were also being paid \$6 for smashing a police car window. In police intelligence interviews, we were told that even though by December 2006 payments of this kind to gangs had stopped, the fighting continued because of the momentum of vengeance over previous attacks. A reason for this, in turn, is the culture of loyalty in most martial arts and ritual arts groups. When you become a *warga*—a member who has graduated through all stages of training—you must take an oath that if there is an attack on another *warga*, this is an attack on you. This negative solidarity makes such groups attractive for enforcement of political control over a locality. Political parties then gave the groups some positive solidarity in return through giving them local contracts for work, such as the distribution of subsidised rice.

Dili. Perhaps more importantly, it required reconciliation in the urban areas that brought their rural district grievances into the anomic environment of 2006–08 Dili to be fought out there by their young men.

There were other formerly dormant root causes of violence activated by the anomie, including land law conflicts that could not be settled by title deeds that had been destroyed in 1975 and 1999, and extremely high youth unemployment—issues we consider in Chapter 11. Yet youth in good jobs were part of the gang game as well. Humanitarian agencies told stories of young men being employed to help in refugee camps by day and stoning them by night (Scamبارy 2009:277).

The 2006–08 conflict in Dili was like the 1998–2003 conflict in Honiara, the capital of Solomon Islands (Braithwaite et al. 2010c), in that the conflicts that moved into the city were mostly conflicts born in rural areas. Therefore, if there were a policing solution that might have nipped these conflicts in the bud, it would have been rural policing. We have found that a strength of Timor-Leste policing compared with that in Solomon Islands is that it is more decentralised. Rural police add value in the way they support and defer to indigenous reconciliation that can prevent violent conflict on their rural turf before it moves onto proxy turf in the city. Some good examples of rural policing did help prevent rural conflicts from moving to the capital. But until the political and security sector anomie in the city ceased being the great attractor of a battleground to fight out rural animosities (from 2008), this was an uphill battle.

UN security sector reform tends not to see youth gangs as part of the security sector. Yet a martial arts group like PSHT that did much of the fighting between 2006 and 2008 was originally promoted during the occupation by the Indonesian military, enrolled by factions of the Timor-Leste security sector to do its dirty work, and as a result made much money. It was greatly strengthened as a political force with huge memberships that candidates must cultivate if they wished to be elected. PSHT then infiltrated the police, dominating one strategic police unit almost totally with its insider members (Myrntinen 2007:13; James Scamبارy, Personal communication, 2009). So a martial arts group captured by elements of the security sector then reversed that capture to a degree. PSHT acquired many of the weapons that were lost from security sector armouries in 2006. For this reason, in the next chapter, we consider transitional justice and reconciliation for the security sector and for youth groups and gangs as highly related challenges:

Many groups still refer to themselves as clandestine groups, nearly 10 years after the last Indonesian soldiers left, indicating that they still

carry their resistance identity and have not yet found a new role. Veterans have been demobilized, and gang and MAG [martial arts group] members need to be too. (Scambary 2009:284).

As there were multiple identities there were also multiple types of conflict: MAG conflict; gang conflict; politically orchestrated conflict; land conflict; communal conflict; and conflict involving all these elements. Because of these overlapping identities and membership, each of these conflicts can spark the other types of conflict. It can therefore sometimes be difficult to distinguish a family dispute from a political or a gang dispute. Most gang violence is therefore really communal violence, but can spark a secondary conflict through the involvement of one or more MAG members, drawing random retaliation by an opposing MAG, in turn igniting unrelated, previously dormant communal or MAG conflicts. With constant population movement between town and country, people often bring news or rumours of conflicts with them sparking reprisals and new conflicts. The practice of payback in which an innocent family member is targeted for reprisals can turn a MAG conflict into a family conflict as non-MAG members are drawn in. (Scambary 2009:283)

Most days during two of the weeks of our 2006 fieldwork, John Braithwaite took a dawn walk with the UN Dili police chief and the national intelligence chief in which we discussed things we were picking up from our interviews on what was making the gang violence that had occurred the previous day tick, and what their intelligence was finding. Scambary's research shows why we were so confused: we were describing to each other 'confusion as to the origin of disputes' and a situation in which 'mediators would sometimes report that they would resolve one issue only for another to take its place' (Scambary 2009:283). Hence, the importance of culturally attuned reconciliation between youth gangs that is one of the themes of the next chapter.

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