



Submission No 65

Inquiry into Australia's Relationship with Timor-Leste

Organisation: Australian Federal Police

Joint Standing Committee on Foreign Affairs, Defence and Trade
Foreign Affairs Sub-Committee

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Senate Committee on Foreign Affairs,
Defence & Trade

Parliamentary inquiry into Australia's relationship with
Timor-Leste

AFP Submission

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The Australian Federal Police (AFP) welcomes the opportunity to make a submission to the Committee's inquiry into Australia's relationship with Timor-Leste. This submission addresses the following of the Inquiry's terms of reference:

- Aid, including support with governance issues; and
- Defence cooperation and those aspects of regional security that affect Timor-Leste.

This submission addresses these terms of reference by giving context to the AFP's engagement with Timor-Leste since its deployment of unarmed police in the United Nations Mission in East Timor in July 1999 to support the self-determination ballot, and outlines the way in which AFP activities contribute to the delivery of aid and address the regional security challenges impacting Timor-Leste.

The role of the AFP is to enforce Commonwealth criminal law, to contribute to combating organised crime and to protect Commonwealth and national interests from criminal activity in Australia and overseas. The AFP is also Australia's international law enforcement and policing representative and the Australian Government's chief source of advice on policing issues. The functions of the AFP are:

- the provision of police services in relation to the laws of the Commonwealth, the property of the Commonwealth (including Commonwealth places) and property of authorities of the Commonwealth;
- the safeguarding of Commonwealth interests and anything else that is incidental or conducive to the provision of these services;
- the provision of police services in relation to the Australian Capital Territory and Australia's external territories;
- protective and custodial functions as directed by the Minister;
- the provision of police services and police support services to assist or cooperate with an Australian or foreign law enforcement agency, intelligence or security agency or government regulatory agency; and
- the provision of police services and police support services to establish, develop and monitor peace, stability and security in foreign countries.

In collaboration with its domestic and regional law enforcement partners, the AFP is currently focused on:

- countering the threat of terrorism to Australians and Australian interests, both nationally and internationally;

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- providing assistance to the Pacific region and to other areas of national interest such as Timor-Leste, Solomon Islands and Afghanistan to strengthen order and their rule of law;
- preventing and investigating organised and serious criminal activity affecting Australians and Australian interests; and
- countering the threat posed by high-tech crime and cybercrime.

As at 22 February 2013 the AFP had in excess of 6600 staff serving domestically and internationally.

AFP presence outside of Australia

The AFP's International Network, as at 20 December 2012, had 89 staff at 36 posts in 29 countries, undertaking law enforcement liaison and coordination duties on behalf of the Australian Government. These members are also the first point of contact for overseas law enforcement inquiries.

In 2004 the Australian Government established the AFP International Deployment Group (IDG) in response to the demands of managing programs and short-term missions offshore, such as Timor-Leste, Solomon Islands and PNG. The breadth of law enforcement activity and the nature of deployments have since evolved to meet the Government's objectives, with a gradual change in emphasis from crisis response to long-term capacity building where capacity development and support for the rule of law are a key focus. As is outlined below, in Timor-Leste, the AFP's contribution has been characterised by contributions to UN missions and other security related activity as well police development programs.

Currently, the IDG has 686 members, comprising approximately 443 Mission Component members able to be deployed overseas, 109 Australia based members providing administrative and Executive support and 134 Specialist Response Group members who provide operational specialist response capabilities both domestically and internationally.

Broad Aid program to Timor-Leste and AFP input

Timor-Leste is a developing nation, having gained its independence in 2002. Australia has been its largest development partner. AusAID is the Australian Government's lead agency responsible for managing Australia's overseas aid program; which in the previous three years has seen \$344.7 million invested in the developing nation. In addition to these services the Australian Government is also committed to improving the security

situation in Timor-Leste. As such, the AFP focuses on the law-and-justice sector as a priority in the Australian Government's Comprehensive Aid Framework.

Security is a critical underpinning factor in the delivery of Australia's aid program. The World Bank's World Development Report demonstrates that human security and justice are vital to the achievement of broader aid objectives. As the rule of law is a fundamental precursor of socio-economic development, the AFP places a high priority on police capacity development initiatives in weak and fragile states, particularly - in keeping with the geographic focus of the Australian aid program - in Australia's immediate region. Through the Timor-Leste Police Development Program (TLPDP), the AFP is helping to build the capacity of Timor-Leste's police force, the Policia Nacional de Timor-Leste (PNTL).

The establishment of a functioning law and justice sector is one of the essential pre-conditions for the rebuilding of civil societies. The increasing use of civil police in this role reflects a clear recognition that failing, failed or fragile states must re-establish civil law as soon as possible as a pre-condition for future development. Recent research based on global comparative data, demonstrates strong quantitative associations between weak rule of law and weak government effectiveness, high perceptions of corruption, strong tendencies towards state failure, low human development and low GDP per capita¹.

In the absence of basic security, including freedom of movement, the pursuit of improvements in areas such as health and education will not be effective. A child cannot attend school if they fear being attacked between home and the school gate. Returns on investment in health, education and other Millennium Development Goals are therefore limited without effective and accountable police services to underwrite human security and confidence in the rule of law².

In order to ensure efficiency and effectiveness the AFP works closely with a variety of other stakeholders such as AusAID and the Department of Foreign Affairs and Trade. The AFP and AusAID are increasingly working together to ensure that internal AFP reporting is able to feed in to broader whole of government reporting, such as that required during the Annual Review of Aid Effectiveness. In addition, the work of the IDG, like most

¹ Murney, T., Crawford, S. and Hider, A., 2011, "Transnational Policing and International Human Development – A Rule of Law Perspective", *Journal of International Peacekeeping* 15, pp. 39-71. Through a comparison of seven empirical models (using global data sets), Murney et. al. demonstrate strong associations between rule of law and other socio-economic indicators.

² UNODC, 2008, Rule of law: A "missing" Millennium Development Goal, available at: <http://www.unodc.org/unodc/en/frontpage/rule-of-law-a-missing-millennium-development-goal.html>, 19 January 2011.

policing work, can only be done effectively in partnership with the community, including with non-government organisations (NGOs). Engagement with non-government organisations occurs in a variety of ways. For example, the IDG works closely with NGOs at a country level to promote responses to issues such as domestic violence through FOKUPERS, the East Timor Women's Communication Forum (Forum Komunikasi Untuk Perempuan Timor Lorosa'e). FOKUPERS is a high-profile Timorese NGO which concentrates primarily on supporting those who have suffered forms of violence within the Timor-Leste community – particularly domestic violence and sexual assault.

Breakdown of Security in Timor-Leste

The AFP first sent a small number of unarmed officers to Timor-Leste in July 1999 to support the United Nations Mission in East Timor (UNAMET) which had the mandate to organise and conduct the 'Popular Consultation'; a self-determination ballot by the people of East Timor. After the ballot the security situation in Timor-Leste began to deteriorate rapidly. As a result, Australia organised and led the International Force for East Timor (Interfet), a non-UN force operating in accordance with UN resolutions. Interfet began arriving on 12 September 1999, with the role of restoring peace and security, protecting and supporting UNAMET, and facilitating humanitarian assistance operations. As part of Interfet the AFP committed armed officers to serve as peacekeepers alongside the Australian Defense Force.

On 19 October 1999, Indonesia formally recognised the result of the referendum. Shortly thereafter, the United Nations Transitional Administration in East Timor (UNTAET) was established as an integrated, multi-dimensional peacekeeping operation, fully responsible for the administration of East Timor during its transition to independence.

The UN and AFP in Timor-Leste

The United Nations (UN) has been present in Timor-Leste since 1999 under the auspices of numerous missions and the AFP has maintained a significant involvement in every mission until their withdrawal in 2012. Australian police have deployed to the following UN missions in Timor-Leste since 1999:

- UNAMET United Nations Mission in East Timor June—October 1999;
- UNTAET United Nations Transitional Administration in East Timor October 1999—May 2002;
- UNMISSET United Nations Mission of Support to East Timor May 2002—May 2005;

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- UNOTIL United Nations Office in Timor-Leste May 2005—August 2006; and
- UNMIT United Nations Integrated Mission in Timor-Leste August 2006–December 2012.

As the UN mandated peacekeeping operations withdrew in May 2005, the United Nations Office in East Timor (UNOTIL) was established to support the development of critical State institutions including the police and provided training in observance of democratic governance and human rights. However, in early 2006 the country faced further incidences of widespread violence when the security situation decayed. The degradation of law and order led to the establishment of United Nations Mission in Timor-Leste (UNMIT) and the redeployment of peacekeeping troops and officers of the AFP in Operation Serene, to assist the Timor-Leste government and UN quell the rise in violence and restore public order. Further in 2008, assassination attempts were made on the lives of the President and the Prime Minister resulting in the President being shot and evacuated to Australia. Again the AFP and UN policing partners were called upon to help quell violent outbursts and maintain order on the streets of Dili.

The UNMIT mission remained in Timor-Leste until 2012, during this period the AFP maintained a permanent presence of 50 police officers attached to UN Police (UNPol). UNPol was responsible for the policing of Timor-Leste from 2006 until 27 March 2011, when the Policia Nacional de Timor-Leste (PNTL) resumed primary policing responsibilities in all Police Districts and Units, marking the start of the Full Reconstitution Phase. The UNMIT mission was officially completed on 31 December 2012. The 50 member contingent of AFP members attached to UNPOL has been gradually withdrawn since mid-November 2012, with the final group of eight members departing from Dili and returning to Darwin on 15 December 2012.

Timor-Leste Police Development Program

In July 2004, the AFP established the Timor-Leste Police Development Program (TLPDP). The TLPDP is a capacity building program of assistance to the PNTL which is the leading program in achieving Timor-Leste's *National Objective 4: Building the foundations of a safer community*; set out in the Australia- Timor-Leste Country Strategy 2009-1014.³ Initially the TLPDP was jointly delivered by the AFP and AusAID. However in May 2008, the Government of Australia approved funding for an enhanced police development

³ <http://ausaid.gov.au/Publications/Documents/timor-country-strategy.pdf>

program to be delivered solely by the AFP from July 2008 to 2010. As part of the Federal budget measures announced in May 2010, the TLPDP received \$74.7 million over four years (including capital funding of \$1.0 million) to continue the Timor-Leste Police development program.

AFP Funding – Timor-Leste Development Program

TLPDP Funding	10-11 (\$m)	11-12 (\$m)	12-13 (\$m)	13-14 (\$m)
Administered	2.5	2.5	2.6	2.6
Departmental	14.5	13.0	18.7	17.2
Capital	0.2	0.1	0.7	0.0
TOTAL	17.2	15.6	22.0	19.9
	2010-11 Budget Measure			\$ 74.7m

The TLPDP is delivered by 34 AFP staff, 10 civilian specialists and 12 locally employed staff. The objectives of the TLPDP are to assist the Timor-Leste government in:

- (a) Building the foundations of an effective and accountable police service for the people of Timor-Leste; and
- (b) Establishing a policing capability where the governance, values and operational characteristics of the PNTL support and increasingly strengthen the rule of law in an emerging democracy.

The TLPDP does not possess executive policing authority and as such does not engage in any aspect of operational policing activities in Timor-Leste. The Program focuses on the provision of direct advice to the PNTL, the Secretary of State–Security (SoSS) and the Office of the Prosecutor General (OPG) together with the facilitation of training and assisting with the provision of infrastructure and enabling tools support where appropriate.

In recent years the TLPDP has been working hard to prepare itself for the withdrawal of the UNPol and the heightened expectations of both the Timor-Leste government and PNTL that the gaps in policing capacity would be addressed by the AFP. The withdrawal of the UN has resulted in the identification of some gaps in policing in Timor-Leste as the professional policing capacity of the PNTL is still developing.

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The AFP is pleased with progress of the PNTL, with improvement of PNTL officers becoming increasingly evident since the TLPDP began in 2004. Today, there is little doubt from the AFP that substantial progress is being made through the work of the TLPDP; nevertheless building policing capacity is a slow process of incremental achievements, and it may take a generational change for the PNTL to fully develop capability to operate as a policing jurisdiction without assistance. Without continued external assistance many of the existing policing systems put in place by the UN, other donors and the AFP risk failure in the coming years.

TLPDP Achievements

The AFP-TLPDP has an excellent relationship with the PNTL and the Commissioner of the PNTL in regards to the design and delivery of the TLPDP. The majority of training programs delivered by the TLPDP have been identified and delivered in consultation with the PNTL through a process of workshops with the PNTL or direct requests from the Commissioner. In either case the Commissioner signs off on all capacity development initiatives.

This process of consultation has resulted in the PNTL Commissioner publicly stating that the AFP-TLPDP is the preferred partner of the PNTL into the future. In particular he remarked that the AFP-TLPDP was more highly valued because they not only provided good advice but they also assisted in providing the tools to implement the advice. The excellent relationship between the TLPDP and the PNTL has resulted in the following outputs since 2004:

- The delivery of a nationally accredited Diploma in Executive Police Management to Superintendents, Certificate IV in Police Management to the Inspector ranks and Certificate III in Police Supervision to the Sergeant ranks of the PNTL through to 2014.

Activity	Numbers	Date	Notes
Executive Police Management and Leadership Program	35	Jan 2011 - current	Diploma level course
Inspector Certificate IV Management Course	46	Oct 2011 – current	To be delivered to 256 commissioned officers and 405 Sergeants by 30 June 2014

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Sergeants Certificate III Management Course	Being developed	April 2013 -	To be delivered to 405 Sergeants.
Level 1 Investigation Course	115 40	January 2011 – current 2 x Courses to commence 14 January & 4 February 2013.	Participants from PNTL and Office of Prosecutor-General
Level 2 Investigation Course (Certificate IV)	23	October 2011 - current	Participants included PNTL officers, prosecutors and an immigration official

- The PNTL senior executive consists of 56 Superintendents. Of these 56, 61% have completed the course and it is anticipated that a further 30% of these Superintendents will complete the Diploma by mid-2014. The program is designed to enhance the leadership and management capabilities of the organisation leading to improved governance overall.
- A significant infrastructure development program at the Police Training Centre (PTC) at a total cost of \$7.2 million dollars over the period 2010-2014. This project includes activities such as the building of PNTL classrooms and completion of new accommodation, sporting, administration and dining/kitchen facilities for the PTC. Greatly assisting the TLPDP and PNTL to recruit, train and prepare new PNTL officers for life as competent and professional police officers.
- After the redevelopment of the PTC was complete the TLPDP undertook an exhaustive process to have the PTC accredited as an internationally recognised training provider. In October 2011 an international panel of assessors gave the PTC an international accreditation rating of 97% and recommended the Licensing of the PTC as a higher education institution. To formalise this accreditation the Government of Timor-Leste must implement the necessary legislative name change from a Police Training Centre to a Police Academy.
- As part of the accreditation the TLPDP provided an English training program for the PNTL to enhance their opportunities for UN deployments and overseas study.
- The TLPDP has provided training to 158 specialist investigators through nationally accredited training programs. This training is conducted at 4 levels with the

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intention of being able to provide the PNTL in future years with a cadre of investigators who are capable of investigating complex crime in their country.

- The TLPDP is also working to foster partnerships amongst the Timor-Leste donor community to address gender equality and enhanced service for vulnerable persons. This has included police training, the provision of manuals, the refurbishment and support of facilities for women and children suffering domestic violence and the facilitation of community/agency workshops to work on solutions.
- The TLPDP has also provided significant amounts of equipment and enabling tools to the PNTL, such as IT equipment, motorbikes and hand held radios, to assist in their capacity to be able to respond professionally to crime and emergencies.
- The refurbishment of the National Operations Centre and the establishment of effective communication and crime reporting systems including the establishment of the PNTL Incident Management System throughout Timor-Leste.
- The establishment of operating systems to enhance the communications, mobile vehicle patrol responses and investigations capabilities of the Dili Patrol District PNTL. As well as the provision of major equipment and infrastructure refurbishment support to Dili Patrol District and the PNTL warehouse in 2012-13.

While the achievements to date have been significant the goals of the TLPDP continue to be aimed at the long term development of the governance of the PNTL to a point where they can effectively manage a competent policing service that meets the needs of their community. In the past 3 years a number of positive changes by the PNTL have been observed by TLPDP staff. These include:

- Transfer of full responsibility for policing in Timor-Leste to the PNTL by UNMIT on 27 March 2011.
- Peaceful elections for Timor-Leste, both Presidential and Government, were conducted throughout 2012, largely attributed to the professional planning and conduct of the PNTL. The AFP-TLPDP conducts high level strategic training and assistance in planning for the PNTL.
- The PNTL conducted two rounds of promotions from 2010 to 2013. These were large scale promotion activities involving hundreds of promotions on each occasion. The promotions were conducted with appropriate transparency and accountability

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demonstrating the development of good governance. These promotion processes were conducted with the assistance of the AFP-TLPDP.

- The Office of the Prosecutor General has indicated to the AFP-TLPDP that in 2012/2013 they have observed a marked improvement in the quality of investigation files received from the PNTL. The AFP-TLPDP is engaged in delivering four levels of investigation training to the PNTL over four years to 30 June 2014.

TLPDP into the Future

At present, the limited ability of the PNTL to sustain training delivery standards, implement skills learnt in training and to develop and implement effective systems is still a key risk to the PNTL and the TLPDP. However, significant progress has been made in gaining PNTL commitment to overcoming these obstacles. This has included the commitment of the PNTL to higher levels of management training and appointment of AFP-TLPDP advisors which will greatly assist in providing the management skills necessary to address these deficiencies in the workplace.

The TLPDP has plans for the delivery of further courses such as: Gender Based Violence & Human Trafficking Training; PNTL Discipline training; Certificate III & IV Workplace Training & Assessments – PNTL Trainers for both the Police Training Centre and to qualify trainers for all 13 Districts; English language training for 237 PNTL officers, 250 PNTL Recruits and Timor-Leste Domestic Violence counsellors; and Incident Management System training.

It is worth noting that generally most of the PNTL senior officers are relatively new to policing. In fact, it is only since the start of 2013 that they are undertaking absolute responsibility for policing albeit a handover of responsibilities took place in 2011. Until 2013 they have had UNPol and other donor country advisors as a backstop to address any shortfalls in their management of policing.

The effort to increase the policing capacity of the PNTL is not an autonomous activity. The TLPDP works closely with AusAID in ensuring all efforts are synchronised in an Australian Whole of Government approach. This includes aligning police capacity building initiatives with the Timor-Leste Government / Government of Australia Strategic Planning Agreement for Development and the Timor-Leste Government Strategic Development Plan 2030 'Institutional Framework (Security) Pillar'.

The AFP through the TLPDP will remain committed to building the PNTL into a credible and professional policing force, capable of providing and maintaining law and order in

Timor-Leste. The AFP, along with our aid partners will continue to support the fledgling Timor-Leste Government in their efforts to build a peaceful, functional society.

Reviews

Several reviews of capacity development initiatives have been conducted such as the AusAID review of Aid Effectiveness and the Office of Development Effectiveness Law & Justice review; but these reviews have focused more on the broad delivery of aid programs and not the individual program themselves.

In 2013 the AFP will conduct an independent evaluation of the TLPDP. The evaluation will assess the effectiveness, efficiency and sustainability of program outcomes on building police capacity in Timor-Leste, according to the guidelines set out by the OECD DAC for Official Development Assistance.

Whilst the TLPDP review is in its infancy, the feedback thus far has been generally positive of the role the TLPDP has played in developing and shaping the PNTL into a credible and professional police force. Nonetheless, Timor-Leste remains fragile and requires sustained support from donors to assist in building security and related state institutions. Capacity development initiatives of this type do not provide quick fixes, but rather provide long term institutional strengthening and reform to achieve the outcomes sought.

Transnational Crime and Regional Security

Transnational crime remains a growing strategic threat to Australia, acknowledged in 2008 by then Prime Minister Rudd as a threat to national security. The complexity and multiplicity of transnational crime, particularly in developing regions, remain ongoing concerns for law enforcement, security, judicial and justice sectors. Transnational crime is a significant threat that continues to present security challenges locally, regionally and indeed globally.

The AFP opened its liaison post in Dili, Timor-Leste in January 2002 with a focus on the following transnational crime issues:

- Terrorism/politically motivated violence/gang and group violence
- Illicit drugs
- People smuggling
- Child sex tourism/On-line exploitation of children
- Sexual servitude & People trafficking
- Labour exploitation

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- Technology enabled crime
- Identity crime
- Money laundering
- Bribery of Foreign Officials
- Illegal Fishing
- Firearms Trafficking

Although these issues present real challenges to both the PNTL and the AFP, after a review of international engagement in the Pacific, encompassing Timor-Leste, it was highlighted that the Dili Post had one of the lowest levels of transnational crime activity across the region, with no significant operational outcomes recorded. As a result, the AFP closed the liaison post in Dili on 1 December 2011 with liaison responsibility transferred to Singapore Post, as a secondary country of responsibility, along with Singapore and Brunei. The Singapore Senior Liaison Officer conducts regular visits to Timor-Leste.

Whilst the low levels of reported transnational crime are encouraging, there are still a number of transnational crimes and regional security challenges facing Timor-Leste, including the:

- widening gap between transnational crime and law enforcement capability and effectiveness, including discrepancies in legislation;
- interconnected criminal activities that facilitate each other;
- growing global transnational crime networks and the expansion of their capacity and capabilities;
- rising use of illicit and licit enterprises and their diversification;
- exploitation of financial markets and the internet for criminal gains; and
- permissive crime environment and poor governance.

The AFP will continue to work with the PNTL to enhance its capacity and capability to better target and respond to organised crime and transnational threats. The dynamic, regional criminal network poses many challenges for local law enforcement which is emerging from the crises of 2006 to become a professional regional law enforcement partner. The PNTL is now gaining a greater appreciation and understating of these organised crime issues and transnational threats and how they impact on the local crime environment and their operational activities.

Whilst there are indicators of potential organised crime syndicates exploiting Timor-Leste, the true nature and extent of transnational crime is difficult to assess. However, it

is likely the more traction gained by organised crime syndicates in Timor-Leste, the more likely the impacts will be observed in Australia and Indonesia.

Regional engagement, collaboration and partnerships combating transnational crime, coupled with connecting to the Asia, South East Asia and Pacific transnational crime centre network will enable an enhanced and focused effort to detect, deter, disrupt and dismantle serious organised crime and transnational threats. The AFP will continue to work with regional law enforcement partners to target transnational crime and improve regional security outcomes.