

# TOXIC INSTITUTIONALISM IN SECURITY SECTOR REFORM: LESSONS LEARNED FROM THE FAILURE OF BUILDING SECURITY INSTITUTIONS IN EAST TIMOR

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## Introduction

Security sector reform/SSR lays an important foundation for building lasting peace in post-conflict countries (Schroeder and Chappuis 2014). This has encouraged the United Nations Transitional Administration in East Timor (UNTAET) to carry out the SSR as a part of its mission to establish a new nation of East Timor. UNTAET together with the International Forces East Timor (Interfet) has carried out the SSR by first disarming and demobilizing the Forças Armadas da Libertacao Nacional de Timor-Leste (Falintil)/The Armed Forces for the National Liberation of East Timor and also pro-independence militias. UNTAET gathered all Falintil combatants in Aileu to collect data and weapons, and also to provide food, clothing, and health services to the fighters. In addition, the reintegration effort was carried out by the International Organization for Migration (IOM) with its Falintil Reinsertion and Assistance Program (FRAP), which succeeded in demolishing 1,308 Falintil during 2001, providing livestock assistance, and also trainings (De Almeida 2017). A year later, the UN Development Program

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(UNDP) carried out the Recovery, Employment, and Stability Program for ex Combatants in East Timor (RESPECT)—where according to Peake and Lao Hamutuk this was not very significant in handling problems and did not help much (De Almeida 2017).

After DDR was completed, UNTAET began building a state security institution consisting of the police, judiciary, and armed forces. UNTAET first established a state police institution named *Polícia Nacional de Timor-Leste* (PNTL) in 2000. UNTAET recruited new police officers in East Timor which began in early 2000, continued by basic training since 27 March 2000. Until the end of mission, UNTAET has established a Police School which has trained 1,552 police officers in which 20% are women (UNSC, S/2002/432). Officially, the East Timor Police Department was formed together with the UN Civil Police (CivPol) on 10 August 2001 and fully assumed its security responsibilities on 10 December 2003.

UNTAET has also succeeded in establishing a judicial institution by establishing The Transitional Judicial Service Commission in 2000 and issuing regulations on the organization of justice in East Timor (UNTAET 2000). The commission is tasked with selecting an initial court corps consisting of 10 judges and prosecutors. The Commission has also recommended 6 defense lawyers from the selection process among 20 East Timorese who participated in the judicial training program in December 1999. Judges and prosecutors were appointed on 7 January 2000 and two more have been recommended for appointment and the next 20 candidates would be eligible for the appointment by mid-February 2000. To improve the performance of court personnel, UNTAET conducts training in emergency and standard operating procedures. Specifically, the Human Rights Unit conducts human rights training for prison guards in Gleno and Becora using UN standards in the treatment of detainees (UNSC, S/2001/983).

UNTAET has been preparing the armed forces since September 2000 to form 1,500 regular troops and 1,500 voluntary reserve troops, of which Falintil is the core of the new armed forces. The first step taken was to establish an Office of Defense Force Development—OFPD was established and headed by senior East Timorese officials and with staff from international military and civilian experts. Next, the OFPD together with the Falintil Commander were tasked with implementing the development plan for the East Timor armed forces. The recruitment and selection of Falintil to fill 600 battalion members was carried out in December 2000 and January 2001 and on January 31, 2001. Officially, *Forças de Defesa de Timor-Leste* (FDTL) or East Timor's armed forces were established by UNTAET. The inauguration ceremony was held in Aileu on 1 February 2001 as a sign of the dissolution of

Falintil and the formation of the F-FDTL.

Although UNTAET has succeeded in establishing state security institutions, these institutions have been unable to provide security for the people of East Timor. Even in some cases, it is the security institutions that are the source of community insecurity. Several cases of clashes between the police and Falintil veterans groups and also with F-FDTL occurred from May to December 2002, which resulted in at least two people were killed and more than 20 injured (Rees 2008). In fact, PNTL and F-FDTL were involved in a serious conflict in 2006 which spread to political and social conflicts until 2008. These conflicts resulted in the killing of 38 people (including the shooting of 8 unarmed PNTL by F-FDTL soldiers) and also damage to infrastructure. The widespread violence also caused 150,000 thousand people to be displaced from their homes and have to live in refugee camps for up to two years. Violence continued during the 2007 elections where almost 100 people were injured, 7,000 families were displaced from their homes, and the destruction of several facilities. The peak of this conflict was the attack carried out by Major Alfredo Reinado and his deputy Lt. Gastao Salsinha and some of his supporters against the President and Prime Minister on February 8, 2008. In that incident, Reinado was killed while President Ramos Horta was seriously injured. More than 200 people died during the crisis from 2006 to early 2008 (Valters, Dewhurst, and de Catheu 2015).

The failure of the PNTL and F-FDTL is evidence that the UN has failed in carrying out its SSR program. Previous studies have explained that there are three main factors that cause the failure of the UN. The first factor is the lack of involvement of local people in the planning and implementation of programs initiated by the United Nations (Chopra 2002; Tansey 2014; Uesugi 2014; Simangan 2017). The failure to involve all local actors was because the UN failed to understand the social, cultural, and historical complexities of the local community (Armstrong, Chura-Beaver, and Kfir 2012) and the UN's inaccuracy in selecting local partners, causing SSR and DDR to be irrelevant to the reality and needs of the community and ultimately causing security to worsen (Schroeder, Chappuis, and Kocak 2014). The second factor is the lack of coordination between donor agencies, so their mandates often overlap (Wassel 2014). UNTAET lacks collaboration and even competes with the Department of Political Affairs (DPA) and the Department of Peacekeeping Operations (DPKO) at the United Nations (Armstrong, Chura-Beaver and Kfir 2012). The third factor is the complexity of the problems faced by the people of East Timor which include political competition, poor economy, and low levels of education (Dolven, Margesson, and Vaughn 2012; Kingsbury 2018). The complexity of the problem results in the setting of priorities which must

be resolved by the United Nations within a limited mission period.

In previous studies, factors of institutional relations did not receive attention in contributing to the failure of the UN's SSR mission. Previous researchers ignored that the existence of informal or traditional institutions had an important role in the development of modern state institutions. As stated by Douglas North (1991) that state institutions are the crystallization of the existing traditional institutions (Maroevi and Jurkovi 2013), and there could even be a conflict between traditional institutions and state institutions because of the incompatible goals between the two institutions (Helmke, Levitsky, and Galvan 2004). Based on the assumption that the position of power and legitimacy of traditional institutions are higher than that of newly formed state institutions and they have incompatible goals, this article provides evidence that the failure of the UN in its SSR mission in East Timor is due to the existence of traditional institutions which weaken the state's security institutions.

## Theoretical Background

The institutionalism approach in security studies stems from the tradition of liberal thought which was first conceived by Immanuel Kant through his work *Perpetual Peace* (Williams 2008). According to Kant, a republic is a country that has a "peace procedure", so it makes it a country that behaves more peacefully than any other state. This rationale was later developed by Michael Doyle in 1983 to introduce the concept of democratic peace which has the argument that a liberal democratic state will not fight against other liberal countries. This observation does not imply that liberal states do not go to war at all or that they are less warlike in their inter-state relations with non-liberal states. The argument is that liberal states would choose not to wage war, and that, if they lean toward democracy, they are at least more likely to be stable than 'less than moderate' states, and this explains why democratic states are least likely to fail and fall into anarchy (Badmus and Jenkins 2019). This democratic peace approach is then used by the UN to hold its state building mission to make post-conflict countries a liberal democratic state.

The presence of donors is needed to build state institutions and one of them is the security sector<sup>4</sup> in post-conflict countries. SSR has become an

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<sup>4</sup> The security sector is all organizations that have the authority to use (or order to use) force or threat to protect the state and society, as well as civil structures responsible for the management of public security (Jackson 2011).

important instrument in the development of post-conflict countries (Teskey, et.al 2012) especially to build state security which is believed to be a condition for sustainable development (Beseny 2019). The presence of donors in this case aims to strengthen governance and enhance service delivery of security and justice institutions while increasing local ownership and sustainability (OECD DAC 2007). Onoma (2014) adds that the SSR is not only a reform aimed at the military, intelligence, police, prison and justice systems to improve their ability and accountability, but also to build a system of oversight and security governance by civil authorities (Onoma 2014).

Considering the development of security studies, SSR also develops on the aspects of actors and security objects. At the beginning of its establishment, the UN and other donor agencies became the dominant actors in the SSR. They have human resources, funds and programs to help post-conflict countries. However, high confidence in its ability was not comparable with the success of the program in creating security and peace in recipient countries. Mac Ginty et al. (2008) offered 3 critiques to the UN SSR and other donor agencies. First, they have successfully co-opted all government and non-government agents to become facilitators and drivers of the adoption of liberal peace values and must also transmit them to local communities, thereby eliminating local values and norms. Second, they believe that one model of domestic government—liberal market democracy—is superior to the others. Therefore, a non-Western/liberal approach is seen as an obstacle to the transformation of a more modern society. Third, liberal peace is applied to very high standards and leaves little room for alternative approaches to conflict resolution. The application of one template narrates that local, traditional, or customary actors do not have the ability to participate in peacemaking (Mac Ginty 2008). The same conclusion was also taken by Jackson (2015) who examined the role of Britain in the SSR in Sierra Leone, and Onoma (2014) who conducted a comparative SSR study in Sierra Leone with Liberia, and also Kohl (2014) researching SSR in Guinea-Bissau, Chopra (2002), Simangan (2017), Tansey (2014) which examines the SSR in East Timor.

Seeing the failure of the UN and other donor agencies, demands emerged to further involve local ownership in the SSR mission. The involvement of local ownership is not merely a formality, but more importantly is the substance and inclusiveness of “local owners” in the program. When this involvement is not substantial and inclusive, the state security and justice institutions will not be accountable or responsive in meeting the needs of the people and will lose public trust. The relationship between the state and the people will be weak and the community will feel excluded from the formulation of policies relating to their security. Gordon (2014) suggested

that in order for SSR to gain public trust, it must cooperate with community security structures.

Local ownership is not solely a person or a group of people. Local ownership must also be interpreted as an institution in the local community. Peter Hall and Rosemary (1996) define institutions as formal or informal procedures, routines, norms and conventions inherent in the organizational structure of policy making (Azari and Smith 2012). More specifically, Helmke et al. (2004) define informal institutions as socially shared rules, usually unwritten, that are created, communicated, and enforced outside of officially sanctioned channels. Informal institutions provide guidelines for individuals to behave and sometimes provide penalties for those who break them with self-enforcing mechanisms (Azari and Smith 2012). Therefore, what is meant by informal security institutions are routines, rules, or social norms that influence the behavior of their constituents to get a sense of security and peace.

The existence of informal institutions is highly influential on formal institutions that will be built in post-conflict countries. North's theory of institutional change explains that formal institutions are the crystallization of informal ones, and that both co-evolve through the operation of organizations—informal and formal social groups, from households and villages to networks, firms, parties, and governments (Casson, Della Giusta, and Kambhampati 2010). Informal and local institutions are often more trusted by the people than state power (Rocha Menocal 2011). Therefore, formal institutions must be able to reflect social reality which then forms cohesiveness and coordination between individuals in the community. Formal institutions whose job is to ensure the enforcement of human rights, the rule of law, and security will not exist without informal institutions where both will strengthen mutual beliefs, values, norms, and priorities in society (Holmes et al. 2013). In the context of democratization, the mutually reinforcing functions can take the form of completing, parallel, and coordinating (Azari and Smith 2012). Informal institutions will complement existing formal institutions by filling in the gaps in existing formal institutions. Perhaps under these conditions, informal institutions will cover the shortfall of what has been built by formal institutions that is not sufficient or not yet finished. The parallel function is played when informal institutions join formal institutions in shaping a behavior in the same field. However, the coordination function is carried out by informal institutions when there is overlapping of functions between informal and formal ones (Azari and Smith 2012).

Helmke, Levitsky, and Galvan (2004) provide a broader explanation of the typology of relations between informal and formal institutions in 4

categories, i.e. complementary, accommodating, substitutive, and competing. First, complementary (formal complementary) is when formal institutions are effective and share the same goals with informal institutions that become partners. Thus, formal and informal institutions can coexist peacefully and cooperate with each other. Second, accommodating is when effective formal institutions have different results from informal institutions, thereby limiting their influence and peaceful opposition. Third, substitutive (replacing) is where weak formal institutions require informal institutions to achieve common interests. Fourth, competing (competing) is when formal institutions are weak and have different outputs from informal institutions that cause it to compete to dominate institutions (Helmke, Levitsky, and Galvan 2004). According to the researchers, the function of this competition is more accurately described as a toxic or dangerous relationship, because of its tendency to weaken state institutions in providing security for the community. The role of weakening (toxic) is increasingly possible because of the position of informal institutions that tend to be stronger and trusted by the public than the newly formed state institutions.

**Table 1: Typology of Informal Institutions**

	<b>Effective Formal Institutions</b>	<b>Ineffective Formal Institutions</b>
<b>Compatible Goals</b>	Complementary	Substitutive
<b>Conflicting Goals</b>	Accommodating	Competing

**Source: Helmke, G., Levitsky, S. e Galvan, D. 2004. Politics: Institutions Comparative Agenda. Perspectives on Politics Political Science 2 (4): 725-740.**

Referring to the typology conveyed by Helmke and Levitsky (2004), we can make the following typology of relations between formal and informal security institutions:

1. Complementary; in this case informal institutions will strengthen state security institutions because they feel the security of their groups is aligned and can be guaranteed by state institutions.

2. Accommodating; in this case, informal institutions accept the presence of state security institutions which are considered capable of



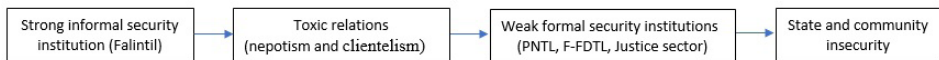
replacing the routines, rules, or social norms that they have so far believed in.

3. Substitutive; in this case, routine, social rules, or norms that are in line with the objectives of the state security institutions will replace state security rules that are not effective in providing security and peace for the community.

4. Toxic; in this case informal institutions will weaken state security institutions that are ineffective and have goals that are contrary to the sense of routines, rules, or social norms within the group.

Relationship typology numbers 1, 2, and 3 will have an impact on the creation of security for the community. However, typology number 4 will have an impact on public insecurity. These forms of toxic relations can be in the form of nepotism in the form of granting privileges to family members or groups to be able to occupy positions in state institutions and clientelism which can be in the form of subordinates' compliance with their leaders and protection from their leaders. This study provides evidence that the existence of these toxic relations weakens the performance of the PNTL, F-FDTL, and the court institution, so they failed in performing their security functions.

**Figure 1. Research Model**



Source: Prepared by the authors.

## Objective and Methodology

Using institution perspective, this study aims to identify the role of toxic institution to weaken formal institutions in providing security to the people of Timor Leste, especially in the period of UN's peace mission. The applied research method was mixed method (qualitative and quantitative) with convergent parallel mixed methods design. In this approach, the researchers collect both quantitative and qualitative data, analyze them separately, and then compare the results to see if the findings confirm or disconfirm each other (Creswell 2014). The research location was in Dili District, the capital of East Timor. The location selection was based on the consideration that the city was the center of the riots in 1999 and 2006-2008. In addition, Dili as the national capital, has a relatively high ethnic heterogeneity and most Dili people can speak Indonesian and English in addition to *Tetun* and Portuguese.

The researchers lived in Dili for a couple of weeks to interview 7 informants for obtaining qualitative data. The informants were selected from



groups of former Falintil fighters, Veterans Management, and people involved in the UN SSR mission. To obtain informants, researchers used the snowball technique by first holding an open FGD with students, NGO activists, and academics at East Timor National University (UNTL). The FGD provided initial information about relevant informants and was then followed up with in-depth interviews. To validate the data, researchers used a combination of triangulation techniques by comparing information from one informant with other informants, as well as from interviews with observations. Meanwhile, researchers triangulated data sources by cross-checking interviews with other data sources, i.e. statements of respondents' attitudes in the form of questionnaires.

Quantitative data were obtained from distributing questionnaires to 100 respondents with a purposive random sampling technique. Samples were people who had experienced conflicts in 1999 and 2006-2008. Based on Gender, the respondents of this study were 57% male and 43% female. Meanwhile, based on age, respondents in this study ranged from 20 to 59 years old, so they have experienced periods of conflict after the referendum in 1999 and conflicts in 2006-2008. The respondents' breakdown is based on age, as shown in Table 1 below.

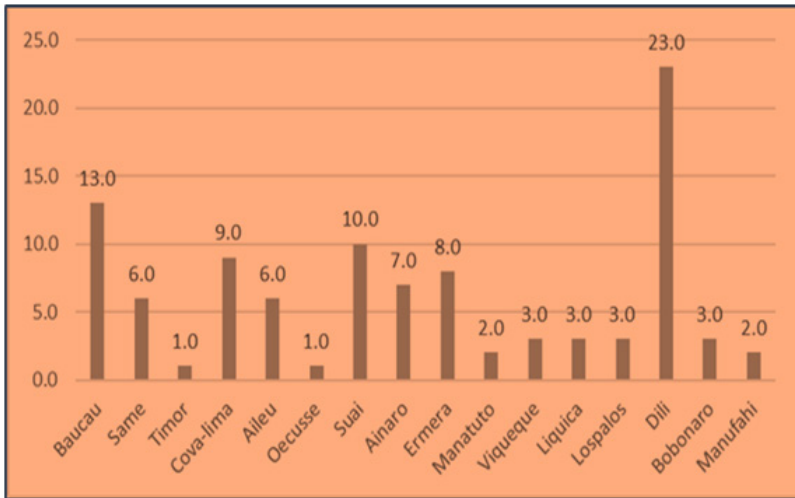
**Table 2: Respondents by Age**

Age (years)	N	Percent
20-29	52	52.0
30-39	23	23.0
40-49	16	16.0
50-59	9	9.0
Total	100	100.0

**Source: Prepared by the authors.**

Respondents also represented 12 districts in East Timor shown in Figure 2 and the two largest geographical ethnic groups, 81% of them were loromonu (western Timorese people) and 19% were lorosa'e (eastern Timorese people).

Figure 2: Respondents by Origin



Source: Prepared by the authors.

## Falintil: Structure, Power, and Legitimation

The impetus of Falintil could not be separated from the formation of the Political Party of the Frente Revolucionária de Timor-Leste Independente/ Revolutionary Front for an Independent East Timor (Fretilin), towards the end of the Portuguese occupation of East Timor. The attitude of Portugal to provide self-determination for the Timorese people was welcomed by the people by establishing several political organizations. The first organization to be established was the Timor Democratic Union (União Democrática Timorense, UDT), which was founded on 11th May 1974. This organization has the aim of promoting “progressive autonomy” under the Portugal government. The second organization was the Timor Social Democratic Association (Associação Social Democrata de Timor, ASDT) on 20th May 1974 which later changed its name to Fretilin. This change of name reflects a shift towards a more leftist movement, with slogans against colonialism, anti-imperialism, nationalism, and the like. Fretilin figures at the time were Jose Manuel Ramos Horta, Francisco Xavier do Amaral, Mari Alkatiri, Nicolau Lobato, and Justino Mota. Fretilin then formed the Falintil military wing on

20th August 1974 and consisted of approximately 27,000 combatants<sup>5</sup> (De Almeida 2017) as an instrument of their struggle to liberate East Timor. The third organization is APODETI (Associacao Popular Democratica Timorese) which is a political organization that has a manifesto to join Indonesia with a special autonomy status.

The three organizations that had different goals eventually became involved in a bloody conflict. Fretilin unilaterally proclaimed the independence of the Democratic Republic of East Timor (DRET) of East Timor on November 28, 1975, and sparked opposition from various parties both at home and abroad. Apodeti, UDT, KOTA<sup>6</sup>, and Trabalhista<sup>7</sup> rejected and issued the Balibo Proclamation on 30th November 1975 which contained a statement that Portuguese Timor was a part of the Indonesian territory and did not recognize Fretilin's unilateral proclamation. Conflict between the two sides continued in the civil war for power struggle in East Timor. This time, joint forces from Apodeti, UDT, Kota, and Trabalhista with the support from Indonesia surrounded Fretilin and ended with the defeat of Fretilin on 7th December 1975. Since then, the Indonesian National Army (TNI) deployed its troops in East Timor to maintain the integration of the province as 27th province of Indonesia.

After the defeat in 1975, Fretilin underwent several changes in strategy and organizational structure. Before the defeat in 1975, Fretilin had a resistance strategy to free the East Timorese people from colonialism and other oppressive practices. Therefore, the Fretilin Movement was not only for armed resistance carried out by Falintil, but was also accompanied by political, economic, and social empowerment efforts among the people. The defeat of Fretilin which resulted in the exit of several leaders abroad and Falintil's flight into the forests meant that this strategy could no longer be carried out. A change of strategy was also made to turn the resistance movement that was originally identical to Fretilin and Falintil into a movement that embraced all groups of people in Timor Leste. The change in resistance organization began with the National Conference in March 1981 by appointing Xanana Gusmao as the President of the National Council for Revolutionary Resistance (CRRN), and

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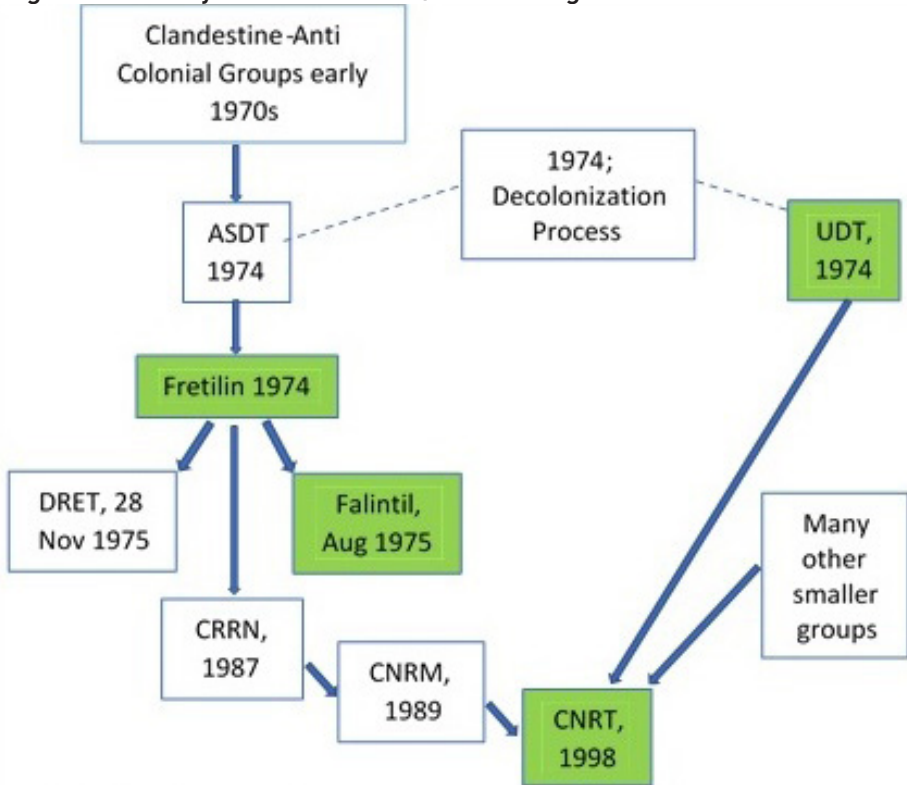
5 Based on the 2004 CAQR (Commission for Matters of Cadres of Resistance) report, there were 76,061 former members of the Falintil, of which 10,337 were women or 13.5 per cent of the total (Kent and Kinsella 2015).

6 KOTA (Klibur Oan Timor Aswain/Association of the Sons of the Timor Combatants) is a party of monarchs (liurai) founded by José Martins, one of the founders of Apodeti who later left Apodeti and founded the party on 20th November 1974.

7 Trabalhista is a Labor Party which was founded in September 1974 and had independence goals through a transitional federation with Portugal.

at the same time as Falintil's supreme commander. Changes again occurred in 1987 where Xanana declared Falintil as a non-partisan organization and established the National Council of Maubere Resistance (CNRM). CNRM was expected to become an organization that can cover all the independence movements in Timor Leste. The shift to a more inclusive and non-partisan independence movement strategy continued with the formation of the Conselho Nacional de Resistência Timorese/CNRT in 1998 which was able to facilitate the participation of various political parties, ideologies, cultures, and religious groups both at home and abroad. In the end, Xanana Gusmao put the CNRT and Falintil as the basis of the independence movement until they succeeded in gaining independence in 1999 (Niner 2000).

Figure 3: The Dynamics of CNRT/Falintil Organization



Green box denotes that organization still exist until 2000

Source: Prepared by the authors from Niner, S. 2000. A Long Journey of Resistance: The Origins and Struggles of the CNRT. Bulletin of Concerned Asian Scholars 32 (1-2):11-18. <https://doi.org/10.1080/14672715.2000.10415775>.

After the destruction of *zonas libertadas*<sup>8</sup>, the nature of the resistance became very military and was based on guerrilla operations. The main activity of the Fretilin political cadres was to form underground cells among the population living in the villages. The Fretilin political cadre was also tasked with assisting Falintil guerrilla units in the forest with logistical and information support. In carrying out the guerrilla strategy, the resistance movement in East Timor had three forms of struggle fronts, i.e. the Armed Forces, Frente Cladestine, and Frente Diplomática while still giving Falintil the opportunity to serve the role as their leader.

During the struggle, Falintil had solidarity and a strong fighting spirit. An informant who has struggled for 24 years in the forest tells how the struggle and the spirit of the struggle that never goes out.

After some of the warriors surrendered, the TNI attack was even more massive. Nevertheless, we continued to struggle, even though we were hungry, lacked clothes, until we drank rain water, we remained convinced that life or death we must be independent (AL, 29/11/2018).

The informant also mentioned how in 1983 Major General Lere Anan Timur and the combatants mobilized military power, including people working in Indonesia. The combatants in the city began to be mobilized, starting from Lauten, Kararas, Luruhun. This mobilization showed the Indonesian government that the people of East Timor did not want oppression from the Indonesian government, but rather the recognition of the Indonesian government of the right to self-determination, the same as what the Indonesian people had done when they resisted Dutch colonialism (AL, 29/11/2018). This story is reinforced by the statement of Taur Matan Ruak in his speech: “We went through immense difficulties to survive, we went through terrible grief and mourning, we buried valiant comrades, we witnessed the massacre of countless thousands of citizens of our Homeland, all perpetrated without pity or mercy”<sup>9</sup>. This spirit of struggle had formed high solidarity among the Falintil (International Crisis Group 2011).

Services in liberating the people of East Timor have become a legitimate capital for Falintil veterans in carrying out their role in the era of independence. Although the Falintil organization was officially dissolved in

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8 Zona libertadas (liberated area) was the territory controlled by Fretilin between 1975 and 1978. In this region, Falintil was tasked with protecting people who were building new lives free from oppression, exploitation, ignorance, and disease (Leach et al. 2009).

9 Available at: <http://www.etan.org/et2000c/august/20-26/21falintil.htm>

February 2001, the values and norms in the organization cannot be easily removed from its members and the community. In fact, to commemorate Falintil, a ceremony was held on August 20, 2011, aimed at reminding the merit of Falintil's struggle and the fate of Falintil veterans in independence. Respect for Falintil services was enshrined with a series of government policies such as the law on veterans, the formation of veterans' organizations, and the granting of privileges such as awards for heroic services, retirement funds, development projects. The effort to continue to respect the services of Falintil veterans is also evidence that their values and norms of struggle will always be remembered and preserved during the current independence era.

Legacy Falintil has given power to the veterans in the social, economic and political aspects. These forces were obtained through the attributes of combatants who had been able to free the East Timorese from Indonesian occupation. This gives a high position and significant influence in the structure of East Timorese society. They legitimately get a lot of special treatment in a variety of social and state matters. Often, this power is used to oppose state policies that do not benefit themselves. East Timorese society also recognizes that veterans deserve special privileges in the structure of East Timorese society. This was revealed from the results of a survey stating that 16% of respondents stated strongly agree and 57% agreed to government policies that give privileges to veterans. This opinion is reinforced by the high respect of respondents for veterans' struggle through their services as indicated by the results of a survey in which 54% of respondents strongly agreed and 43% agreed if veterans' services must be respected.

Although respondents endorse veteran privileges in social structures and respect the values of their struggle, not many of them feel the actual role of veterans in maintaining their security. The majority of respondents expressed doubt (34%), disagreed (23%) and even 2% of respondents strongly disagreed to place veterans as security providers for them. This is because the respondents' traumatic experiences when the veterans actually became the cause of the conflict in 2006-2008. As many as 51% of respondents agreed and 17% strongly agreed on the 2006-2008 conflict that was triggered by a feud between PNTL and F-FDTL veterans.

The granting of privileges to veterans also raises the issue of egalitarianism that is meant to be built in a democratic East Timor. UNTAET sought to foster and consolidate democracy in this new country, but veterans actually dominated the political equality in the society—from the village to the central government. There was a policy of privilege for Falintil veterans to later become police, army, or even state officials. This of course is in contrast to democracy that embraces egalitarianism and will certainly have an impact

on democratic stability and security. An informant who did not want to be identified stated that:

Sometimes veterans are also obstacles to development and the cause of conflict. For example, when the government prioritizes veterans to run electricity projects in a village. Between them there will be fighting each other, for example this veteran wants to hold this project, while others say not because this area belongs to another veteran, so the project was not realized because of this dispute. Sometimes there is a kind of social inequality with the non-veterans. Veterans already have salaries and they still play with projects and sometimes others also feel that independence is not only a struggle of the veterans. The problem in veteran organizations is that there are a lot of veterans, but in reality in Indonesia, they became a partisan, but in the era of independence they claimed to be combatants. That is a weakness of verification (Anonymous, 24/11/2018).

## **Nepotism and Clientelism of Falintil: Toxins That Weaken Timor Leste's State Security Institutions**

Falintil showed its strength by forcing military formation in the new state of East Timor. Coercion stems from the threat of Falintil in the formation of East Timor's new state institutions. The elimination of Falintil was felt since the DDR process in 1999-2001 until there was no plan from UNTAET not to establish a military force in East Timor. Though there is great hope from them to be able to continue their fighting skills during their previous struggle to professional military. This unrest led to pressure from Falintil officials for UNTAET to establish armed forces even though this was not in UNTAET's mandate. Xanana Gusmao as Falintil's high leader led the negotiations and the combatants threatened to remain in arms and stayed in their respective positions if UNTAET did not form armed forces. The informant stated:

At that time, the UN only built a police agency, and did not build a military body. This is because, given the small geographical conditions and the few demographics, the UN did not establish a Military body. However, this was not approved by former Armada front combatants such as Major General Taur Matan Ruak and Xanana Gusmão. Because in addition to the reason of an independent country, even though the geographical condition is small and the demographic condition is small, of course, it still requires a military body or soldiers. In our opinion, veterans, if Falintil, who had been a guerrilla army for 24 years, was not officially involved in the military, they chose to return to guerilla in the forest. We also felt we were victims of the



UN game at that time (AL, 29/11/2018).

The negotiation process between Xanana and UNTAET at that time resulted in the decision to establish an armed force. This decision also still received opposition from some veterans because there was no guarantee of the fate of the veterans in the structure of the armed forces. The veterans urged that they can be transformed into East Timor's armed forces. This insistence resulted in the recruitment and selection of Falintil veterans to fill 600 battalion members conducted in December 2000 and January 2001. On 31st January 2001, UNTAET established F-FDTL. The inauguration ceremony was held in Aileu on 1st February 2001 as a sign of the dissolution of Falintil and the formation of the F-FDTL (Sedra et al. 2009). Although some Falintil members were accepted as members of the F-FDTL, some who were not accepted continued to carry on informal security roles especially in intelligence and personal security for state or military officials. This of course led to the intervention of informal institutions in the task of intelligence and state protection and led to two informal and formal command lines (International Crisis Group 2011).

The existence of the police institution (PNTL) could not be separated from the influence of Falintil intervention. Falintil veterans felt that there was injustice in PNTL where the majority of the members were ex-Civpol (Civil Police UN) who were also members of the Indonesian National Police (Polri) who had previously become opponents of Falintil during the struggle. In their statement the informant stated that the nepotism in the recruitment of PNTL members was in the form of a commander's recommendation for their subordinates. It is as stated that: "Recommendations were from the platoon commander, the team commander who stated that this subordinate was truly a veteran and I recommended this subordinate to you for to accept (at PNTL)" (AA, 23/11/2018). However, the existence of the former Falintil and former Polri had resulted in rivalry between the nationalist camp (veterans) and the former police in the PNTL. In their statement, the informant witnessed how the former Polri trained with their own group at Barapite and also the nationalist group did the same thing (AA, 23/11/2018). Falintil urged UNTAET to accept Falintil veterans as PNTL members.

The clientelism relationship during the struggle also damaged the new hierarchical pattern of modern organizations in PNTL and F-FDTL. Compliance of ex-combatants in PNTL and F-FDTL in the new organizational hierarchy is often still based on seniority and based on the length of time of fighting. This traditional norm is of course conflicting to the norms of the new military and police organizations where the placement of leaders/personnel

is based on educational professionalism. As a result of this clash of norms, combatants who have struggled longer often do not want to follow orders from superiors who are not combatants or even from fellow combatants but have experienced shorter periods of struggle. One case of insubordination occurred in Covalima District where subordinates opposed superiors' orders with threats. The informant stated their experience that:

In my district, Covalima, there is Titi Dias (a policeman who is now dead). He was a sergeant. The command says he wants to transfer from one area to another. He refused, "You just do not deserve to transfer me, if you mess up, I'll shoot you to death". (This talk is via HT so everyone knows) (AA, 23/11/2018).

Insubordination was also carried out by our informant who, during the 2006 crisis, were in a platoon with Major Alfredo and Salsinha. The informant who was invited by Alfredo to rebel stated that he was loyal to Taur Matan Ruak as the F-FDTL commander. The informant's obedience was based on loyalty during a period of struggle in which Taur was the informant's immediate superior. In fact, within the structure of its unit at F-FDTL, the informant was Major Alfredo's direct subordinate. The informant stated that:

In the military hierarchy, Alfredo's position is higher than mine, although the duration of my struggle is longer than Alfredo Reinaldo's. I do not want to be governed by him in the 2006 uprising. I am more obedient to my former army commander (Taur Matan Ruak) (AL, 29/11/2019).

Nepotism and Clientelism do not only occur in the indicators of struggle, but also in ethnicity. The division of East Timorese society between Lorosa'e and Loromonu which was constructed by the Portuguese occupation in the past is still valid. The contradiction between the two groups was repeated by UNTAET by forming PNTL which was dominated by Loromonu people and F-FDTL which was dominated by Lorosaese people. Loromonu was identified with people who did not join the struggle or were even pro with Indonesia, while Lorosa'e was identical with people who fought against Indonesia. Ethnicity-based clientelism and the issue of this struggle contributed to the failure of the PNTL and F-FDTL to maintain security and precisely the conflict between the two institutions caused an extraordinary security threat in the period 2006-2008. A informant stated:

The 2006 crisis began with the shooting conflict between PNTL and FDTL

in Los Palos, and it can be said that the 2006 crisis was a political crisis within the F-FDTL institution. The underlying factor behind the crisis was the imbalance within the internal F-FDTL itself, where F-FDTL members who came from the Loromonu camp, despite their high knowledge but were always placed in a lower position like ordinary members, meanwhile members of the F-FDTL from the Lorosa'e camp, although not knowledgeable, always gets a higher position, like the commander or major general (RL, 28/11/2018).

Similar information was also conveyed by other informants who were also former Falintil fighters.

In 2006, I, Alfredo and Salsinha together with the five platoons all came from F-FDTL, we were the ones who did the rioting in Timor-Leste ... (Unrest was carried out) Because Alfredo heard more the influence of other people (politicians) than me, that the camp Loromonu did not wage war against colonialism, the one who waged war or struggle for independence was the Lorosa'e camp ... Alfredo was trapped in political issues and at the same time had the ambition to become a leader in F-FDTL (AL, 29/11/2018).

**Table 3: Nepotism and Clientelism in Security Institutions**

No	Institutions	Dominant Ethnic	Contribuições para a Independência
1.	PNTL	<i>Loromonu</i>	No/Minimum Struggle
2.	F-FDTL	<i>Lorosa'e</i>	Struggle

**Source:** Prepared by the authors.

Nepotism and Clientelism have also damaged the judiciary by providing amnesty or reducing sentences to former Falintil who are involved in lawsuits. This practice was made easier by Falintil because they succeeded in placing their people in the highest political leaders of the country, the president, the speaker of parliament, and the prime minister. There were 185 sentences of leniency from the president for veterans involved in the 1999 and 2006 conflicts, and 13 sentences of forgiveness from 2004-2010 (Sedra and Harris 2011). The political intervention in the court's decision was solely to protect veterans from being caught in the law. Leaders of East Timor argue that veterans already have a great deal in the struggle for independence, so that they are not appropriate to be punished. The F-FDTL commander who

is also Falintil commander, Taur Matan Ruak, has intervened in the court process which is interrogating allegations of weapons smuggling by Falintil seniors and the former Minister of Defense of East Timor. He criticized the process as “criminalizing those who defended the nation” (Sedra and Harris 2011). This practice of impunity undoubtedly weakens the function of court institutions that are part of the state security institutions.

Legacy Falintil is also the capital of the political power possessed by veterans. The politicization of the services of the struggle has placed the Falintil veterans as elites in political power from the beginning of independence until today. Timor Leste’s political leadership is still struggling with high-ranking combatants such as Xanana Gusmao, Ramos Horta, Lo Ulo Guterres, Taur Matan Ruak, and Mari Alkatiri. With this political power, veterans can easily protect the interests of their institutions. Protection of Falintil veterans is carried out with various forms of impunity practices for veterans involved in legal cases.

## Final Remarks

The crippling of the security institutions of either PNTL or F-FDTL in 2006-2008 and the inadequacy of the court were evidence of the existence of a state security institution that could not be separated from the influence of Falintil’s pre-existing informal security institutions. In a condition where the misalignment of objectives and strengths and the legitimacy of informal security institutions are stronger than formal institutions, the informal institutions will choose a toxic role that aims to weaken formal institutions. This toxic relationship can be found in East Timor where the Falintil veteran institution (in which during the period of struggle was an important institution of community security guarantor) has weakened the functions of PNTL, F-FDTL, and state court institutions. The weakening of the function of the state security institution was carried out through nepotism and clientelism which manifested traditional solidarity, defiance, and impunity for Falintil veterans. These practices arose because of the strong influence of solidarity, command hierarchy, and ways of violence that used to be Falintil’s culture, which were still strongly held by veterans who are now personnel and elites in state security institutions. These practices of nepotism and impunity can flourish in East Timor because they are strengthened by the community’s recognition of Falintil’s struggle services that the state should have been rewarded with granting various privileges.

The role of Falintil veterans who weakened the state security

institutions of East Timor provided a lesson to the UN and the national government to be able to place veterans appropriately in the development of the security sector. In addition to the focus on efforts to reintegrate ex-Falintil in society, it is also necessary to make efforts to “reintegrate” ex-Falintil to state security institutions. In this case, there needs to be an effort to change persuasively and continuously the culture of struggle to a liberal culture with various social and economic programs and a legal umbrella for veterans. In addition to efforts on the veterans’ side, it is important for the UN and the national government to multiply substitutive institutional relations patterns to replace the failure of formal institutional functions. Therefore, further research is needed to map the informal security institutions in East Timor that can replace the failure of formal security institutions.

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## **ABSTRACT**

Liberal peace strongly believes that security sector reform (SSR) can strengthen the structure of peace and security in post-conflict countries. However, this approach is not always successful in several countries including East Timor. Based on the institutionalism approach, this study found an interesting fact that Falintil's veterans' toxic role in their relations with state security institutions had weakened the function of state security institutions and caused the insecurity of the state and people of East Timor from 2000-2008. These results were obtained through field research using qualitative-quantitative mix method research based on primary data obtained from interviews, surveys, and official documents from the United Nations and the government of East Timor.

## **KEYWORDS**

Security Sector Reform; East Timor; Toxic Institution; Falintil.

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