Reforming Security in Timor-Leste: Can a Plural Justice System Work?

Three and a half years after the withdrawal of the UN peacekeeping mission from Timor-Leste, The Asia Foundation's new survey on community police perceptions finds that Timorese people are optimistic about the security situation in their country, feelings of insecurity are at their lowest levels in a decade, and there is greater trust in the police institution with increased reporting of crimes to the police. While more people are accessing the police, the survey also reveals that fewer people are continuing on through the formal justice system. This may in fact be a good thing.

A community police officer from Becora station walks through town talking to school students. In 2015, three out of four victims of crimes ended up at the police for assistance. Photo/Conor Ashleigh

The latest survey, the third of its kind following surveys conducted in 2008 and 2013, confirms what we know about traditional security sector reform programs having long been at odds with how security actually plays out on the ground. In fragile, conflict-affected or post-conflict societies like Timor-Leste, day-to-day security is often not provided by the state via a formal justice mechanism, but rather, through informal, community-level actors with varying relationships to the state (described as plural security). This reality is often a frustration for bilateral and multilateral aid agencies in their ability to support security sector reform efforts in contexts where the state may not be the accessible or preferred security actor.

In Timor-Leste, the international community and the developing state government spent the first decade of independence focusing on the development of a formal, state-run security mechanism. Almost all of the large-scale international funding for justice and security reforms in Timor-Leste between 2002 and 2012 was allocated to the state police and formal justice institutions. However, the relative absence of the formal state in much of Timor is accompanied by a strong reliance on community-based mechanisms that fulfill dispute resolution functions, and which rarely received sustained donor attention.

In the 2013 survey, just a few years after a community policing system began where police and communities began identifying and resolving issues together, 39 percent of citizens reported crimes to the police as their first action. However, those police who received the complaint are most often

accompanying victims back to the community for resolution rather than forwarding on their complaints to the formal system. The most recent survey reveals that this pattern has strengthened significantly.

As the police have committed to joint community police councils in 123 villages and assigning one officer to each village, the nature of police legitimacy has changed. In 2015, three out of four victims of crimes ended up at the police for assistance. However, the police's main action after the victim contacts them was to refer the case back to the community for resolution. The police are one stop along the justice-seeking path, with 76 percent of all victims ending up at the community for conflict resolution. The key difference in the recent survey is that the police are present in 63 percent of all successful resolutions at the community level.

In what might seem counterintuitive given that the police are sending people back to the community, the findings also show increasing satisfaction rates with the outcome of requesting assistance from the police, rising steadily from 63 percent in 2008, 71 percent in 2013, and 82 percent in 2015. Just as satisfaction rates are increasing along police involvement in community-based conflict resolutions, so too are feelings of insecurity decreasing. In 2008, almost a quarter of the population felt concerned about their safety. This figure dropped to 64 percent in 2013 fell to just half in 2015.

As with any good news there are also caveats. Community-based conflict resolution mechanisms are often hierarchical, and a reliance on them for resolving disputes can perpetuate local power dynamics. Resolutions can be oriented toward wider village and family cohesion, and not necessarily performed in the interest of individual justice, for example. This is especially true in case of intimate partner violence, where almost half of women who have been in a partnership reported experiencing physical or sexual violence in the past year. Despite constituting the largest group of victims, the vast majority (84%) chose not to seek any form of assistance. The findings underscore the fact that domestic violence is being missed by both formal and community-based conflict resolution mechanisms.

While the majority of donor support for security and justice reforms goes toward state systems rather than informal, community-led mechanisms, it need not be an either or endeavor. At the same time, security does not always have to be about enforcement or building institutions. Increasingly what it does need to be is flexible, nuanced, and grounded in a deep understanding of societal norms and political structures. Security involves layers of guardians who help to ensure a safe and productive environment, including community leaders, teachers, health workers, religious groups, police, and even taxi drivers. While the state certainly has a role to play creating and maintaining an enabling, supportive, and protective environment, it will often be the village norms and cultural resilience that provide sustainability and actual security benefits to people.

Todd Wassel is The Asia Foundation's deputy country representative in Timor-Leste. He can be reached at todd.wassel@asiafoundation.org. The views and opinions expressed here are those of the author and not those of The Asia Foundation or its funders.