

## Asia

### 24. The situation in Timor-Leste<sup>1</sup>

#### **Decision of 3 August 2000 (4182nd meeting): statement by the President**

On 26 January 2000, the Secretary-General submitted a report on the United Nations Transitional Administration in East Timor (UNTAET),<sup>2</sup> covering its activities in the three months since its establishment by resolution 1272 (1999) of 25 October 1999. The Secretary-General noted that UNTAET had initiated its operations throughout East Timor, developed consultative mechanisms with East Timorese and established the basic elements of its administrative structure. He further observed that the first three months of the operation of UNTAET had seen strenuous efforts to make progress on a range of important and urgent issues, including security, governance and public administration, humanitarian assistance and public information.

The Secretary-General reported that while United Nations staff had done their best to ensure a smooth transition from the United Nations Mission in East Timor (UNAMET) to UNTAET, a complete vacuum of administrative authority and of policing and justice had ensued. The International Force in East Timor (INTERFET) had to fill the latter, while UNTAET, with minimal staff and functioning in appalling conditions, was not yet able to assume administrative authority effectively. East Timorese leaders had been keen to take charge and tackle the enormous problems. The National Council of Timorese Resistance (CNRT), a coalition of pro-independence groups, and the Armed Forces for the National Liberation of East Timor (FALINTIL) had moved into the authority vacuum and asserted a security role. The situation had improved with the return to East Timor of Mr. José Alexandre Gusmão, the head of CNRT, who had begun to play an effective leadership role. Based on contacts between the Special Representative of the Secretary-General and Transitional Administrator in East Timor, Mr. Gusmão and other East Timorese personalities, the National Consultative Council of East Timor (NCC)

was established as the primary mechanism through which the representatives of the East Timorese people participated in the decision-making process. The Secretary-General noted that the inclusion of pro-autonomy groups in NCC was an important step on the path to reconciliation. With respect to the relations between East Timor and Indonesia, he reported that both the Government of Indonesia and CNRT had shown strong will to establish good relations.

Referring to the security situation in East Timor, the Secretary-General observed that while the arrival of INTERFET had largely normalized the internal security situation, the crime rate had increased, especially in Dili and other urban centres, owing particularly to the large numbers of unemployed and re-emergence of long-standing conflicts within the society. The Secretary-General recalled that following a number of incidents along the border between East Timor and West Timor (East Nusa Tenggara), United Nations military observers had deployed border liaison teams to West Timor for cross-border liaison and confidence-building. He recalled that a joint plan for the hand over from INTERFET to UNTAET had been signed in Dili on 8 January 2000, the transition being scheduled for completion by 28 February.

The Secretary-General also drew attention to the humanitarian situation in East Timor, where a large proportion of the population had been displaced from their homes and the majority of private and public building and essential utilities had been destroyed. An immediate and urgent task was to arrange for the return from West Timor of the estimated 250,000 refugees. Taking into account the urgent humanitarian needs and public services requirements, UNTAET had established the basic elements of an administrative structure and was actively coordinating humanitarian assistance efforts.

Noting that the Transitional Judicial Service Commission had been established on 5 January and that INTERFET subsequently had handed over its functions relating to arrest and detention to the United Nations civilian police and the East Timorese judiciary, he stressed the importance of training and capacity-building in the justice sector.

<sup>1</sup> As from the 4646th meeting, held on 14 November 2002, the item "The situation in East Timor" was revised to read "The situation in Timor-Leste".

<sup>2</sup> S/2000/53, submitted pursuant to resolution 1272 (1999).

At its 4097th meeting,<sup>3</sup> on 3 February 2000, the Council included in its agenda the above-mentioned report of the Secretary-General on UNTAET dated 26 January 2000.<sup>2</sup> The Council was briefed by the Special Representative of the Secretary-General and Transitional Administrator in East Timor. Statements were made by all Council members.

In his briefing, the Special Representative of the Secretary-General stated that the “devastating violence” of September 1999, following the United Nations-supervised referendum in which the majority of voters had spoken in favour of independence, had resulted in some 750,000 people, out of a population of 880,000, being either internally displaced, fleeing or being forced across the border to West Timor. Most properties had been destroyed and public services interrupted, and in the aftermath of the violence, criminality and disaffection had been growing and local rivalries might be resurfacing. Stressing first and foremost the need to ensure the physical security of all people of East Timor, as well as establishment of law and order, the Special Representative noted the importance of refugee repatriation and making resources available for shelter, health and sanitation needs during their integration. Cautioning that militias in the border areas continued to pose a threat, he assured Council members that the UNTAET peacekeeping force would be just as firm and determined as INTERFET, while regularly assessing the necessary military strength with a view to possible reductions. Noting that crime rates had increased due to widespread unemployment and disruptions in the social and educational systems, he pointed out that only 480 out of the 1,610 mandated United Nations civilian police had been deployed. Therefore, UNTAET was seeking to integrate local participation in police activities to fight crime, including former East Timorese police officers and unarmed former members of the FALINTIL to assist in crime-prevention. In terms of the political future and the related timetable,

he deemed it premature to predict when the process of drafting a constitution should begin. On human rights, the Special Representative recalled that the International Commission of Inquiry on East Timor as well as the Indonesian Commission of Inquiry had submitted their reports, and that UNTAET had assumed the lead role in coordinating the investigative process.<sup>4</sup>

Council members stressed the importance of the tasks confronting UNTAET and expressed support for its efforts to establish an administrative structure, coordinate humanitarian efforts and restore basic public services. Several representatives welcomed the establishment of NCC and underlined its role in building local capacity for security and self-governance and fostering local ownership.<sup>5</sup> Many Council members stressed that, as a decision-making body in which various groups, including pro-autonomy groups, were included, NCC could play an important role in fostering national reconciliation.<sup>6</sup>

Many speakers welcomed the progress made in ensuring a smooth transition from INTERFET to UNTAET and hoped that the transfer would be completed as scheduled. Meanwhile, the representative of Canada held that the operation in East Timor should have been a United Nations peacekeeping operation from the beginning. Had that been the case, the operation would have been structured in a politically more congenial manner and its significant costs would have been more equitably apportioned among States.<sup>7</sup> Similarly, the representative of China remarked that his Government had always advocated the settlement of the question of East Timor within the framework of the United Nations.<sup>8</sup>

Several representatives expressed concern at the reported activities of pro-integrationist militias in the border areas.<sup>9</sup> The representative of Namibia hoped that the memorandum between UNTAET, INTERFET and the Indonesian Armed Forces would prevent

---

<sup>3</sup> During this period, in addition to the meetings covered in this section, the Council held a number of meetings in private with the troop-contributing countries to the United Nations Transitional Administration in East Timor (UNTAET) and, subsequently, the United Nations Mission of Support in East Timor (UNMISSET), pursuant to resolution 1353 (2001), annex II, sections A and B. The meetings were held on 25 October 2001 (4397th), 23 January 2002 (4456th), 6 May 2002 (4527th) and 16 May 2003 (4755th).

<sup>4</sup> S/PV.4097, pp. 2-7.

<sup>5</sup> *Ibid.*, p. 10 (Bangladesh); p. 11 (Canada); p. 12 (Jamaica); and p. 17 (China).

<sup>6</sup> *Ibid.*, p. 9 (France); p. 12 (Jamaica); p. 13 (Russian Federation); p. 14 (Malaysia, Ukraine); p. 15 (Namibia); and p. 17 (China).

<sup>7</sup> *Ibid.*, p. 11.

<sup>8</sup> *Ibid.*, p. 17.

<sup>9</sup> *Ibid.*, p. 7 (United Kingdom); p. 11 (Canada); p. 13 (Russian Federation); p. 14 (Ukraine); p. 16 (Namibia, Netherlands).

further incidents or, at least, enable the parties to effectively deal with the situation.<sup>10</sup> While welcoming the improvements in the internal security situation in East Timor, speakers noted with concern the increased crime rate and took note of the interrelations between the rising crime rate and the poor socio-economic situation. In that connection, several representatives called for speedy deployment of United Nations civilian police.<sup>11</sup>

Many speakers stressed the need to improve conditions for refugees and promote their return to East Timor, including by fostering national reconciliation and improving the socio-economic conditions. Council members also stressed the importance of human rights and welcomed the recent reports issued by the International Commission of Inquiry and the Indonesian Commission of Inquiry into Human Rights Violations in East Timor.

At its 4114th meeting, on 21 March 2000, the Council was briefed by the Assistant Secretary-General for Peacekeeping Operations. Statements were made by a majority of Council members.<sup>12</sup>

In his briefing, the Assistant Secretary-General drew attention to economic and social and security concerns, reporting that pro-autonomy militias in West Timor had increased incursions into East Timor. According to information available to UNTAET, elements of the Indonesian armed forces continued to tolerate and even support the militias. Some important developments, he noted, included the formal handover of responsibility from INTERFET to the military component of UNTAET; the signing of an agreement between UNTAET and the World Bank concerning a large community empowerment project; and the passing by UNTAET of several pieces of legislation which had been approved by NCC. Despite incidents of violence, the return and reintegration of refugees was generally proceeding smoothly. He believed that flexibility would have to be exercised with regard to the deadline set by the Indonesian authorities for decisions regarding the return of refugees to East Timor or resettlement in Indonesia. He added that the

visit by the President of Indonesia to East Timor had had positive results, including the reopening of cross-border trade and the resumption of commercial flights between Indonesia and East Timor. A joint border observation mechanism was in place, he added, in an effort to minimize cross-border incidents.<sup>13</sup>

Council members welcomed the smooth transfer from INTERFET to UNTAET, the improved relations between Indonesia and East Timor occasioned by the visit of the President of Indonesia, and the progress made with respect to the settlement of refugees, rule of law and rehabilitation of the infrastructure. At the same time, they voiced concern regarding the refugee and security situations, and stressed the need for adequate resources to be made available for the short and long term economic development of East Timor. With respect to independence, the representative of Malaysia stressed the need to proceed cautiously in developing a timetable.<sup>14</sup> The representative of Bangladesh was in favour of identifying specific benchmarks to chart the path to independence and setting a time-frame on that basis.<sup>15</sup>

Council members also deplored the increasing criminality and emphasized the need to restore and maintain law and order in East Timor. In that context, the representatives of Jamaica and Bangladesh stressed the need to speed up the deployment of the civilian police component of UNTAET.<sup>16</sup>

In addition, Council members expressed serious concern at continued reports of militia activity in East Timor and deplored the recent increase in border incidents. The representative of the United Kingdom stressed the need for UNTAET to press vigorously in Jakarta the matter of possible complicity of the Indonesian military with the militias and for the Council to make it clear that such behaviour was unacceptable.<sup>17</sup> The representative of France questioned the ability of the authorities in Indonesia to effectively curb the activities of the pro-integrationist militias.<sup>18</sup> The representative of the United States believed that the Indonesian Armed Forces had done little to address the recent militia attacks against

<sup>10</sup> Ibid., p. 16.

<sup>11</sup> Ibid., p. 7 (United Kingdom); p. 10 (Bangladesh); p. 12 (Jamaica); and p. 17 (China).

<sup>12</sup> The representatives of Tunisia and Ukraine did not make statements. The representative of Indonesia was invited to participate but did not make a statement.

<sup>13</sup> S/PV.4114, pp. 2-4 and 14-16.

<sup>14</sup> Ibid., pp. 10-11.

<sup>15</sup> Ibid., p. 14.

<sup>16</sup> Ibid., p. 11 (Jamaica); and p. 13 (Bangladesh).

<sup>17</sup> Ibid., p. 5.

<sup>18</sup> Ibid., p. 6.

United Nations personnel and East Timorese civilians and deplored the lack of progress of the Government of Indonesia in disarming and disbanding the militia groups.<sup>19</sup>

At its 4133rd meeting, on 27 April 2000, at which the Council was briefed by the Assistant Secretary-General for Peacekeeping Operations, statements were made by a majority of the members of the Council.<sup>20</sup>

The Assistant Secretary-General reported an improvement in the overall security situation and at the border with West Timor. In that regard, he drew attention to the efforts of the Special Representative of the Secretary-General to East Timor, which included the signing on 11 April of a memorandum of understanding on tactical coordination in the border area between the UNTAET Force Commander and the Commander of the Indonesian Armed Forces in West Timor. Noting that about 7,000 refugees had returned to East Timor in the past month, he said that the Office of the United Nations High Commissioner for Refugees (UNHCR) had reported improved access to the refugee camps and that the Government of Indonesia had been flexible in its continuation of aid to them. According to the Indonesian authorities about 126,000 refugees remained in West Timor. Furthermore, UNTAET continued to work with local leaders in East Timor to ensure that returning refugees were received peacefully.

The Assistant Secretary-General further stressed that the economic and social conditions remained a primary concern and the people had shown impatience and disappointment when UNTAET seemed unable to respond at a faster pace to those problems. He detailed the Mission's efforts, which included the registration of 1,200 private businesses; the establishment of an investment promotion unit; the establishment of employment offices in Dili and Bacau to provide employment assistance; and quick impact projects scheme for the repair of local infrastructure.

The Assistant Secretary-General also drew attention to the legislative activity of NCC and to the developments in public administration and the judiciary, highlighting the memorandum of understanding concluded on 7 April between the Government of Indonesia and UNTAET concerning

cooperation in legal, judicial and human rights matters. He further informed the Council that UNTAET had consulted closely with the East Timorese on the question of benchmarks to be achieved on the path to independence. He added that CNRT had begun advocating the establishment of an army, a change of policy that was very complex and sensitive.<sup>21</sup>

Council members welcomed the improvement in the security situation, as well as the memorandum of understanding of 7 April, which was hailed as a sign of renewed cooperation between the Government of Indonesia and the United Nations. They also expressed concern that so many refugees remained in the camps in West Timor, but were gratified that efforts were being made to ensure that they were able to return safely and peacefully. The representative of the United States, echoed by the representative of the United Kingdom, called on the Government of Indonesia to close down militia training camps, disarm the militia and halt the armed forces' collaboration with them.<sup>22</sup>

With respect to the economic and social situation, Council members expressed concern at the expectations and tensions they had engendered, and voiced support for the efforts of UNTAET towards improvement. Regarding the refugees issue, Council members called for an end to the disinformation being spread in the refugee camps and the creation of favourable conditions for return, including by improving the socio-economic conditions and ensuring that former pro-autonomy advocates could return safely.

Regarding establishing benchmarks for the transition to independence, the representatives of the United States and the United Kingdom cautioned about the need to find the right timing for the independence, while the representative of France held that the issue should be decided in consultation with the people of East Timor.<sup>23</sup>

At the 4147th meeting, on 25 May 2000, at which the Council received a briefing by the Assistant Secretary-General for Peacekeeping Operations, statements were made by all Council members.

---

<sup>21</sup> S/PV.4133, pp. 2-4.

<sup>22</sup> *Ibid.*, p. 5 (United States); and p. 7 (United Kingdom).

<sup>23</sup> *Ibid.*, p. 6 (United States); p. 7 (United Kingdom); and p. 8 (France).

---

<sup>19</sup> *Ibid.*, p. 5.

<sup>20</sup> The representative of Canada did not make a statement.

In his briefing, the Assistant Secretary-General reported considerable progress by UNTAET, particularly in the areas of institution and capacity-building and delivery of Government services. He highlighted improvements in the security situation, which had remained stable, including at the border with West Timor, where militia activity had declined, following steps taken to implement the memorandum of understanding on tactical coordination between the Indonesian Armed Forces and UNTAET. In that regard, he noted that UNTAET had initiated a reduction by some 500 troops in the eastern sector, which he regarded as the calmest area. He announced that the level of troops deployed of 8,396 troops would be reduced by October 2000 to 7,896. However, he expressed concern about law and order, with the crime rate still high. The number of refugees returning to East Timor had declined over the previous month to only 1,000. Meanwhile, UNHCR estimated that some 90,000 refugees remained in West Timor and would perform a census to determine their exact number.

The Assistant Secretary-General stressed that there had been an upturn in political activity, with political parties having opened offices and held meetings in the districts. UNTAET had intensified consultations with the East Timorese on all important policy questions and NCC had met regularly and held a number of public hearings to promote public debate on key policy questions. He emphasized that UNTAET had also continued to promote normalization of relations between Indonesia and East Timor.<sup>24</sup>

Council members welcomed the work done by UNTAET and the fact that the total number of refugees that had returned to East Timor had reached 161,000. They, nevertheless, expressed concern about the conditions of the refugees remaining in West Timor and enquired about the reasons preventing their return. The representatives of the United Kingdom and the Netherlands stressed the need to proceed expeditiously with the census to register the remaining refugees.<sup>25</sup> The representative of Canada welcomed the decision of the Government of Indonesia to establish a transitional period beyond the deadline for return of refugees and stressed the need for their early and voluntary return or permanent resettlement within Indonesia.<sup>26</sup>

<sup>24</sup> S/PV.4147, pp. 2-4.

<sup>25</sup> *Ibid.*, p. 4 (United Kingdom); and p. 11 (Netherlands).

<sup>26</sup> *Ibid.*, p. 8.

Several Council members welcomed the improved security situation and the enhanced cooperation between the United Nations and the authorities of Indonesia.<sup>27</sup> While welcoming the improvement in the security situation, the representative of Malaysia was alarmed by reports of religious violence and harassment of minorities in East Timor and called on UNTAET to prevent the recurrence of such violence.<sup>28</sup> While the representative of France welcomed the decision to begin reducing the troop levels of UNTAET, the representative of the Netherlands stressed that the Council should be given an opportunity to consider the whole military and security situation before the decision to downsize was made.<sup>29</sup> Several speakers stressed the need to speed up the deployment of the UNTAET civilian police as well as the training of an indigenous police force.<sup>30</sup> The representative of the United States noted that the civilian police in some areas of East Timor were armed and suggested that this practice might be considered throughout the territory.<sup>31</sup>

Council members remained concerned about the socio-economic situation and the financial gaps in international assistance to East Timor. The representative of China remarked that unemployment was the most pressing issue, having the potential to create security problems. He therefore called on UNTAET to create more employment opportunities and to allow the local population to participate more in administrative matters.<sup>32</sup>

On the issue of independence, the representative of the United Kingdom reiterated the need to ensure that East Timor would have adequate capacity to cope with independence in the areas of governance, governmental services, security and democratic institutions, among others.<sup>33</sup> The representative of Argentina wondered about the future of FALINTIL in connection with the establishment of armed forces for a future independent state.<sup>34</sup> The representative of the Netherlands recalled that concerns had been voiced

<sup>27</sup> *Ibid.*, p. 6 (United States); p. 9 (Bangladesh, Argentina); p. 10 (Malaysia); and p. 15 (Ukraine).

<sup>28</sup> *Ibid.*, p. 10.

<sup>29</sup> *Ibid.*, p. 7 (France); and p. 12 (Netherlands).

<sup>30</sup> *Ibid.*, p. 8 (France); p. 13 (Jamaica); and p. 15 (Mali).

<sup>31</sup> *Ibid.*, p. 7.

<sup>32</sup> *Ibid.*, p. 16.

<sup>33</sup> *Ibid.*, p. 5.

<sup>34</sup> *Ibid.*, p. 10.



about the involvement of the United Nations in the establishment of a military force in East Timor, and looked forward to receiving the independent experts' study under preparation on that issue. He argued that United Nations involvement would give the international community an opportunity to ensure that the armed forces of East Timor were up to international standards of civilian control, democratic accountability and human rights.<sup>35</sup> Welcoming efforts to map out an exit strategy, the representative of the United Kingdom stressed the need to develop timelines for the implementation of the tasks mandated to UNTAET.<sup>36</sup>

Responding to comments, the Assistant Secretary-General stated that the security situation was linked to the high level of unemployment and the degree of social dislocation since the events of September 1999. Elaborating on the initial reduction of the military component of UNTAET by some 500 troops by October 2000 from the eastern sector, he announced that if the security situation remained stable, there could be a total reduction of 50 per cent of the troops in that sector by April 2001 and a further reduction by the summer of 2001. UNTAET would continue to review the situation and propose further reductions in other sectors depending on the security situation.<sup>37</sup>

At its 4165th meeting, on 27 June 2000, the Council was briefed by the Special Representative of the Secretary-General for East Timor. In addition to all Council members, the representatives of Australia, Brazil, Indonesia, Japan, New Zealand, Norway, Portugal (on behalf of the European Union<sup>38</sup>) and the Republic of Korea made statements.

In his briefing, the Special Representative of the Secretary-General stressed the uniqueness, magnitude and complexity of the governance mandate given to UNTAET, who had encountered a number of challenges in meeting the high expectations of the people of East Timor. He further elaborated on challenges on the ground, such as ensuring security during the transition period and facilitating the establishment of the needed mechanism to maintain

security after independence; remedying the poverty of refugees in West Timor and helping them to repatriate in a free and orderly fashion; establishing a judiciary system that respected basic human rights and could maintain law and order; reconstructing the public services; establishing a financially viable administration by the Timorese; and ensuring political transition to independence, by the adoption of a Constitution and fully democratic elections. He indicated that, based on discussion with local political leaders, elections with regard to the future of East Timor would be held between 30 August and the beginning of December 2001.

Noting that the broader humanitarian question was the area in which the most progress had been made, the Special Representative elaborated on the justice system and related problems, the needs associated with reconstruction and the establishment of an East Timorese administration. He announced that efforts were made to establish a national reconciliation commission and that an independent study had been commissioned to assess the security needs of East Timor. Furthermore, he declared that capacity-building efforts were focusing on establishing a functioning educational system as well as a human resources development centre.

On the issue of slow disbursement of funds, he stated that there was no government procurement capacity in Dili and noted that the consolidated budget for 2000-2001 had been approved in Lisbon the previous week. He declared that the implementation of employment programmes would begin shortly and believed that recruitments into the new civil service would provide employment. He further announced that the reduction in the military capacity of UNTAET would take place gradually, the civilian police being scheduled to take over the maintenance of public order.<sup>39</sup>

Speakers welcomed the positive developments reported by the Special Representative and the progress made as UNTAET shifted from emergency needs to longer-term programmes. They paid tribute to UNTAET for its progress in building the infrastructure and developing institutional capabilities. However, they remained concerned at the socio-economic situation and called for greater flexibility and measures to overcome the barriers to disbursements and improve

---

<sup>35</sup> Ibid., p. 12.

<sup>36</sup> Ibid., p. 5.

<sup>37</sup> Ibid., pp. 16-19.

<sup>38</sup> Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Iceland, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey aligned themselves with the statement.

<sup>39</sup> S/PV.4165, pp. 2-7 and 32-35.

cooperation among the main agencies operating in East Timor. They expressed particular satisfaction regarding the proposals for power sharing between the East Timorese leaders and UNTAET, and the recent donors conference in Lisbon, which had approved the World Bank and UNTAET Trust Fund work programmes for 2000-2001.

Representatives also expressed their concern regarding the security situation which had deteriorated recently, reversing a trend of gradual improvement. Several representatives deplored the recent suspension of UNHCR activities in three refugee camps in the Kupang area because of increasing militia violence and intimidation.<sup>40</sup> Reiterating his Government's commitment to security, the representative of Indonesia highlighted the frustration experienced by the refugees and the complexity of the tasks confronting Indonesia.<sup>41</sup> Speakers also condemned in the strongest terms the recent militia attack on an UNTAET outpost in which one peacekeeper was injured.

Despite recent security incidents, the representatives of the United States and Australia noted an improvement in the security situation and expressed support for a gradual but steady decrease of UNTAET forces in the eastern sector.<sup>42</sup> The representative of the United States urged that the process be implemented early and transparently, with built-in surge capacity to take into account the possibility of a resurgence of violence by the militias.<sup>43</sup> The representatives of the United Kingdom and the Netherlands held that any downsizing of UNTAET must take account of the continuing risks posed by militias.<sup>44</sup> The representative of Canada, echoed by the representative of the Netherlands, requested that the Council be briefed on the security situation in East Timor before final decisions were taken on downsizing the military component of UNTAET.<sup>45</sup> The representative of France remarked that the abrupt departure of UNTAET at the end of its mandate could be a major destabilizing factor

for the newly independent country and stressed the need to plan and organize a downsizing of the force over time.<sup>46</sup>

Many speakers were pleased about the broadening of participation in NCC with the inclusion of women, youth representatives and others. Several representatives highlighted the need for improved protection of ethnic minorities.<sup>47</sup> A number of representatives supported the "Timorization" of the transitional administration, and stressed that it was essential to involve the East Timorese, in a broad representative manner, including women and youth, in the policymaking and administrative structure at a higher level during the transition period.<sup>48</sup>

Many speakers expressed serious concern at the refugee situation and the security situation along the border with West Timor and called for further progress on the return of refugees and on promoting resettlement within Indonesia of those not wishing to return to East Timor. Speaking on behalf of the European Union, the representative of Portugal called on Indonesia to honour its commitment to assist those who wished to return and urged the immediate removal from the refugee camps of the military and the militia, the isolation of all militia leadership and assurances that those who obstructed repatriation operations would be held accountable.<sup>49</sup> Stressing the importance of national reconciliation to facilitate return and resettlement of refugees, several speakers welcomed the establishment of a national reconciliation commission.<sup>50</sup>

The representative of the United Kingdom expressed support for the engagement by UNTAET on East Timorese strategic defence options and on the status of FALINTIL and looked forward to the outcome of an independent study on the subject, set to begin on 7 July. Supported by the representative of the Netherlands, he encouraged UNTAET to address the immediate humanitarian needs of FALINTIL.<sup>51</sup> The

<sup>40</sup> Ibid., p. 9 (Canada); p. 11 (Netherlands); p. 13 (Malaysia); p. 15 (Namibia); p. 16 (Russian Federation); p. 17 (Jamaica); p. 19 (Argentina, Tunisia); p. 20 (Mali); p. 24 (Portugal on behalf of the European Union); p. 29 (Australia); and p. 31 (New Zealand).

<sup>41</sup> Ibid., pp. 25-26.

<sup>42</sup> Ibid., pp. 7-8 (United States); and p. 29 (Australia).

<sup>43</sup> Ibid., pp. 7-8.

<sup>44</sup> Ibid., p. 10 (United Kingdom); and p. 12 (Netherlands).

<sup>45</sup> Ibid., p. 9 (Canada); and p. 12 (Netherlands).

<sup>46</sup> Ibid., p. 21.

<sup>47</sup> Ibid., p. 14 (China); p. 16 (Bangladesh); and p. 17 (Jamaica).

<sup>48</sup> Ibid., pp. 10-11 (United Kingdom); p. 12 (Malaysia); p. 22 (Japan); p. 24 (Portugal on behalf of the European Union); and p. 27 (Brazil).

<sup>49</sup> Ibid., p. 24.

<sup>50</sup> Ibid., p. 13 (Malaysia); p. 14 (Namibia); p. 16 (Bangladesh); and p. 17 (Jamaica).

<sup>51</sup> Ibid., p. 11 (United Kingdom, Netherlands).

representative of the Netherlands suggested the absorption of FALINTIL in a self-defence force as a way to prevent their frustration from aggravating.<sup>51</sup> Considering the future security sector in East Timor, several speakers welcomed the increased deployment of United Nations police and training a local East Timorese police force.<sup>52</sup>

Referring to a possible timetable for the transition, the representative of the United States expressed support for the timetable proposed at the donors' conference in Lisbon and stressed the importance of setting the date publicly, clearly and early. He further pointed out the need to continue transition activities and assistance to the people of East Timor after the elections, while noting that the United Nations should not prolong unnecessarily its role as "a governing power".<sup>53</sup> The representative of the Netherlands wondered if independence would have to follow immediately after the holding of elections, while the representative of Malaysia stressed that independence should come only when the people of East Timor were ready and able to assume full responsibility.<sup>54</sup> The representative of Japan warned against setting the benchmarks for independence unrealistically high as nation-building was a long and slow process.<sup>55</sup> The representative of Australia stressed the importance of considering an exit strategy for UNTAET, including realistic benchmarks for East Timor to be able to function effectively as an independent State.<sup>56</sup>

On 26 July 2000, the Secretary-General submitted a report on UNTAET,<sup>57</sup> by which he announced that, to facilitate broader participation in policy-making, the 15-member NCC was replaced with the National Council, composed of 33 East Timorese nationals, appointed by the Transitional Administrator. UNTAET had reorganized itself into eight portfolios to resemble more closely the future government and to increase the direct participation of the Timorese. Referring to the political activity in East Timor, the Secretary-General highlighted a number of disturbing

cases of intimidation against groups not under the CNRT umbrella, as well as against ethnic and religious minorities. He added that the normalization of relations with Indonesia had progressed well, through a number of bilateral visits as well as the signing of the memorandum of understanding on legal, judicial and human rights matters. On the issue of refugees, he reported that an estimated 85,000 to 120,000 refugees remained in camps in West Timor, where militias opposed to independence continued to exercise influence in the camps and impede the efforts of UNHCR by intimidation and violence. The Secretary-General also detailed the efforts made to establish governance and public administration structures, providing an assessment of the civil service, public finance, economy, infrastructure, education, health, law and order, and civilian staffing. He indicated that the security situation had been generally stable. Meanwhile, FALINTIL remained cantoned under very difficult living conditions and was increasingly concerned at its current and future role in East Timor. While originally it had not been envisaged that East Timor would have armed forces, the Secretary-General reported that CNRT had changed its position and was advocating a national security force, initially based on members of FALINTIL. Such a force was seen by CNRT leaders as a necessary element in the transition to independence.

At its 4180th meeting, on 28 July 2000, the Council included in its agenda the above-mentioned report of the Secretary-General.<sup>57</sup> The Council was briefed by the Assistant Secretary-General for Peacekeeping Operations. Statements were made by all Council members and the representatives of Australia, Indonesia, Japan, New Zealand and Portugal.

In his briefing, the Assistant Secretary-General noted that the humanitarian emergency had been largely overcome and that the focus had shifted to reconstruction and rehabilitation. The sharing of political decision-making had been extended through the creation of a transitional cabinet, enabling the Timorese to assume government responsibilities for the first time, and through the replacement of NCC by the National Council, broadening participation in the legislative consultation. He added that the CNRT conference scheduled for August would significantly advance the debate on the key issues of the new constitution and the timetable for political elections. He noted that while relations with the Government of

---

<sup>52</sup> *Ibid.*, p. 8 (United States); p. 18 (Ukraine); p. 21 (France); and pp. 24-25 (Portugal).

<sup>53</sup> *Ibid.*, p. 8.

<sup>54</sup> *Ibid.*, p. 12 (Netherlands); and p. 13 (Malaysia).

<sup>55</sup> *Ibid.*, p. 22.

<sup>56</sup> *Ibid.*, p. 28.

<sup>57</sup> S/2000/738, submitted pursuant to resolution 1272 (1999).



Indonesia had advanced considerably, there were a number of key outstanding issues, including the situation of the refugees in West Timor, which required urgent action. In particular, the Government of Indonesia should be encouraged to ensure that the militia influence in the refugee camps and activities in the border area were brought to an immediate end. While taking note of the stable security situation throughout the rest of the country, he deplored that violent incidents and incursions continued to take place across the border. Moreover, a worrisome increase in thefts and violent crime had occurred, prompting a decision to make side arms available to the United Nations civilian police. As for the future defence requirements for East Timor, the Assistant Secretary-General noted that the study by King's College, London, had yet to be completed, but that it was assumed that the FALINTIL would be at the core of a new defence force, which would require significant international aid and training.<sup>58</sup>

Speakers paid tribute to the progress made by UNTAET in building the administration of East Timor with the increased involvement of the Timorese people, as embodied in the establishment of a cabinet and the replacement of NCC by the National Council. They expressed dismay at the continuing cross-border incursions by militias in West Timor, which had culminated earlier that week in the murder of a New Zealand peacekeeper and urged that the perpetrators be brought to justice. Noting with concern that violent acts and intimidation by the militias had forced UNHCR to postpone its efforts to register and repatriate the refugees in West Timor, they called on the Government of Indonesia to redouble its efforts to cooperate with UNTAET on the problem of cross-border incursions and to disarm and disband the militias. A number of representatives underlined the importance of an inclusive political debate in East Timor and expressed concern about recent signs of intolerance and incidents of harassment of minorities.<sup>59</sup>

Speakers also reiterated their concerns regarding the situation of the refugees, the slow rate of return and the continued activities of pro-integrationist militias in the refugee camps in West Timor, as well as in the border region. Many speakers appealed to the Government of Indonesia to step up its efforts in

accordance with previous agreements to ensure security in West Timor, including in the camps, and to disarm and disband the militias.<sup>60</sup> Several representatives emphasized the importance of improved security in West Timor for the return process as well as for the ability of UNHCR to complete the registration of refugees, which would allow for the identification of those who wished to return and those who would be resettled elsewhere in Indonesia.<sup>61</sup> The representative of the United Kingdom recalled that UNHCR had set a deadline of 31 October for the Government of Indonesia to restore law and order in and around the camps and noted his expectations that the deadline would be met.<sup>62</sup> Meanwhile, the representative of the United States stated that Indonesia had abrogated its responsibility to maintain law and order in West Timor and urged Jakarta to live up to its commitments, respect international agreements and pave the way for friendly relations with the future State.<sup>63</sup>

The representatives of the United States and the Netherlands also expressed serious concern at the continuing violence in Moluccas, which had resulted in a humanitarian situation which had affected hundreds of thousands of people, and urged the Government of Indonesia to take steps to address the issue, restore law and order and allow unimpeded access for humanitarian aid workers.<sup>64</sup>

Noting an improvement in the security situation, the representatives of Namibia and the United States welcomed the decision to begin a gradual downsizing in the troop level of UNTAET in the eastern sector.<sup>65</sup> Meanwhile, the representatives of Argentina and the Netherlands argued that, in view of the death of a peacekeeper, the question of troop reductions from the eastern sector should be considered very carefully.<sup>66</sup> The representative of Ukraine called for the Council to be given an opportunity to consider the whole military

<sup>58</sup> S/PV.4180 and Corr.1, pp. 2-4.

<sup>59</sup> *Ibid.*, p. 4 (Bangladesh); p. 16 (Mali); and p. 17 (Jamaica).

<sup>60</sup> *Ibid.*, p. 5 (Bangladesh); p. 10 (Canada); p. 12 (United States); p. 14 (Netherlands); p. 17 (Mali); p. 19 (New Zealand); p. 20 (Australia); and p. 21 (Japan).

<sup>61</sup> *Ibid.*, p. 6 (United Kingdom); p. 16 (Ukraine); p. 17 (Jamaica); and p. 20 (Australia).

<sup>62</sup> *Ibid.*, p. 6.

<sup>63</sup> *Ibid.*, pp. 12-13.

<sup>64</sup> *Ibid.*, p. 13 (United States); and p. 15 (Netherlands).

<sup>65</sup> *Ibid.*, p. 8 (Namibia); and p. 12 (United States).

<sup>66</sup> *Ibid.*, p. 7 (Argentina); and p. 14 (Netherlands).

and security situation in East Timor, and to receive a special briefing on the issue.<sup>67</sup>

On the future defence needs of East Timor, the representatives of Namibia and the Netherlands welcomed that FALINTIL would be at the core of a new defence force.<sup>68</sup> The representative of the Netherlands pointed out that the establishment of East Timorese armed forces could help improve the security situation and provide a horizon for the international presence there.<sup>69</sup>

Regarding the transition to independence, several members expressed their support for the benchmarks contained in the Secretary-General's report.<sup>70</sup> The representative of Bangladesh stressed the need for consultations with the national leadership and regular feedback to the Security Council on those benchmarks.<sup>71</sup> The representative of France held that the timetable for drawing up a constitution and preparing for elections could be shortened to allow United Nations assistance to take the form of traditional development aid.<sup>72</sup> On the other hand, the representative of the Netherlands emphasized the need for the process of handing over responsibilities to the people of East Timor to correspond to the emergence of local capacities. He added that since elections would most likely be for a constituent assembly, which would debate and adopt a constitution, independence would not follow directly after the elections.<sup>73</sup>

The representative of Indonesia drew attention to the satisfactory level of cooperation that had developed between his Government and UNTAET, as well as to efforts made to establish friendly and mutually beneficial relations between Indonesia and East Timor. He added that the authorities in Indonesia continued to assist in bringing the perpetrators of human rights violations to justice. Noting that the international community had a collective responsibility for the refugees, he stressed the need for international assistance to address the concerns of the refugees.<sup>74</sup>

---

<sup>67</sup> Ibid., p. 16.

<sup>68</sup> Ibid., p. 8 (Namibia); and p. 14 (Netherlands).

<sup>69</sup> Ibid., p. 14.

<sup>70</sup> Ibid., p. 5 (Bangladesh); p. 12 (United States); pp. 14-15 (Netherlands); and p. 18 (Jamaica).

<sup>71</sup> Ibid., p. 5.

<sup>72</sup> Ibid., p. 14.

<sup>73</sup> Ibid., pp. 14-15.

<sup>74</sup> Ibid., pp. 21-23.

At its 4182nd meeting, on 3 August 2000, the Council continued its consideration of the report of the Secretary-General on UNTAET.<sup>75</sup> At the same meeting, the President (Malaysia) made a statement on behalf of the Council,<sup>76</sup> by which the Council, *inter alia*:

Strongly supported the steps taken by UNTAET to strengthen the participation of the East Timorese people in the administration of their territory, in particular the establishment of the National Council that would set out the basis for the adoption of a constitution and hold democratic elections;

Condemned the murder on 24 July of a New Zealand soldier serving with UNTAET and expressed its sympathy to the Government and to the family of the peacekeeper;

Requested the Secretary-General to inform the Council on the outcome of his investigation into the incident;

Expressed serious concern at the continuing presence of large numbers of refugees from East Timor in camps in West Timor;

Also expressed particular concern at the level of intimidation of UNHCR staff by militias present in the camps;

Demanded that all parties respect the safety and security of refugees and international humanitarian personnel;

Acknowledged the cooperation made by the Government of Indonesia, manifested in the signing of important agreements, however, regretted that serious problems persisted in their implementation;

Took note of the Secretary-General's intention to reduce the size of the UNTAET military component in the eastern sector of East Timor to 500 by the end of January 2001 in the light of the situation on the ground;

Requested the Secretary-General to present in his next regular report detailed plans on the transition to independence for East Timor.

#### **Decision of 8 September 2000 (4195th meeting): resolution 1319 (2000)**

At its 4191st meeting, on 29 August 2000, the Council was briefed by the Assistant Secretary-General for Peacekeeping Operations. Statements were made by all Council members and the representatives of Australia, Brazil, Indonesia, New Zealand and Norway.

In his briefing, the Assistant Secretary-General stated that militia groups had continued a pattern of violence, marked by an unprecedented degree of coordination and preparation, against the civilian

---

<sup>75</sup> S/2000/738.

<sup>76</sup> S/PRST/2000/26.

population and UNTAET. A number of violent incidents had occurred, culminating in the death of a Nepalese peacekeeper and the wounding of three others on 10 August. UNTAET had taken action to respond to the threat posed by the militia and had decided to delay implementation of the plan to downsize troops in Sector East. He added that UNTAET and the East Timorese leadership were closely studying the report on security force options and security sector reform for East Timor prepared by the King's College team. Noting that the situation of refugees in West Timor had deteriorated owing to militia activity in the camps and large parts of the border areas, he announced that the Special Representative of the Secretary-General had urged the Government of Indonesia to cooperate with the United Nations to address the situation and ensure the voluntary repatriation of the refugees within a period of three to six months. On the issue of governance and public administration, he noted that the East Timor Transitional Administration was well under way and that preparations for the establishment of the National Council were also well advanced. Since 1 July, he declared, the East Timor consolidated budget had been administered and executed separately from that of UNTAET.<sup>77</sup>

Council members recalled the popular consultation process in 1999 by which the people of East Timor had overwhelmingly voted for independence, and the intervention by the international community that had followed the breakdown of law and order. In that connection, they stressed the significance of the first anniversary of the popular consultation on 30 August 2000 in the progress towards the independence of East Timor, and expressed concern at the deteriorating security situation as reported by the Assistant Secretary-General.

Speakers also condemned the upsurge in militia activity, referring to the death of the Nepalese peacekeeper, as well as the attack of 22 August on UNHCR personnel at a refugee camp in West Timor. Several representatives called on the Government of Indonesia to fulfil its obligation to bring the situation under control and disarm and disband the militia. They further stressed the need to separate former militias from genuine refugees in West Timor in preparation for the closure of the refugee camps, as announced by the

<sup>77</sup> S/PV.4191, pp. 2-6.

Government.<sup>78</sup> Urging the Council to show determination and commitment, the representative of the United Kingdom stood ready to bring forward formal Council action to ensure that the militia violence did not jeopardize the work of UNTAET.<sup>79</sup>

Several speakers reiterated their dissatisfaction with the situation in the refugee camps in West Timor, the security conditions in those camps as well as the halt in further returns to East Timor in large part due to militia activities.<sup>80</sup> The representative of France, speaking on behalf of the European Union,<sup>81</sup> urged the Government of Indonesia to fulfil its commitments to help those refugees who wished to be repatriated and to put an end to the campaigns of disinformation and intimidation.<sup>82</sup> While describing the closure of refugee camps in West Timor as a step in the right direction, the representative of Australia said it was vital for repatriation to take place on a strictly voluntary basis. She further urged the Government and armed forces of Indonesia to redouble their efforts to disarm, disband and arrest militias operating from West Timor, to remove them from refugee camps and to bring to justice those responsible for human rights violations.<sup>83</sup> In pursuit of a "zero tolerance" policy towards the militia, the representative of Brazil held that the military component of UNTAET must be given the means to counter the threat posed by them.<sup>84</sup>

Several speakers welcomed the recent initiative by Indonesia to resettle East Timorese refugees still inside West Timor,<sup>85</sup> while some called for concrete steps towards the implementation of that plan, including improvement of the security situation and completion of the registration process to separate former combatants from the refugees.<sup>86</sup> The

<sup>78</sup> *Ibid.*, p. 7 (United Kingdom); p. 12 (Jamaica); p. 19 (Australia); and p. 21 (Brazil).

<sup>79</sup> *Ibid.*, pp. 7-8.

<sup>80</sup> *Ibid.*, p. 6 (United States); p. 7 (United Kingdom); p. 8 (Bangladesh); p. 9 (Netherlands); p. 11 (Namibia); p. 13 (Canada); p. 15 (Tunisia, Ukraine); p. 16 (Malaysia); and p. 17 (France).

<sup>81</sup> Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey aligned themselves with the statement.

<sup>82</sup> S/PV.4191, p. 17.

<sup>83</sup> *Ibid.*, p. 19.

<sup>84</sup> *Ibid.*, pp. 20-21.

<sup>85</sup> *Ibid.*, p. 7 (United Kingdom); p. 8 (Bangladesh); and p. 10 (Russian Federation).

<sup>86</sup> *Ibid.*, p. 7 (United Kingdom); p. 8 (Bangladesh); p. 13

representative of the Netherlands wondered if the plan for the repatriation and resettlement of refugees put forward by the Government of Indonesia was realistic, while the representative of the United States called for a “workable plan”.<sup>87</sup>

In view of the deterioration in the security situation, the representative of the United Kingdom welcomed the decision to suspend the downsizing of the military component of UNTAET.<sup>88</sup> On a future defence force, the representative of Malaysia underlined that an independent East Timor must be able to defend itself and welcomed that FALINTIL, upon receipt of indications that it would be at the core of a new defence force, had joined UNTAET in security operations along the border.<sup>89</sup>

In response to allegations that support was being rendered to the militias by the Indonesian armed forces, the representative of Indonesia condemned all acts of violence and deplored the rejection by UNTAET of the military confidence-building measures proposed by his Government. While Indonesian armed forces had always barred militia from crossing the border to East Timor, he stated, reconciliation between and among the East Timorese had yet to be brought about. Pointing to the economic and financial consequences of the continued existence of refugee camps for the local population in West Timor, he reiterated his Government’s plan of action to close the camps and relocate the refugees to transit camps in East and West Timor. Stressing that the decision by each refugee would be voluntary, he underlined that the decision of “each and every individual refugee” was to be respected, acknowledging the role of the United Nations in the registration process.<sup>90</sup>

At the 4195th meeting,<sup>91</sup> on 8 September 2000, the President (Mali) drew attention to a draft resolution;<sup>92</sup> it was adopted unanimously and without debate as resolution 1319 (2000), by which the Council, *inter alia*:

---

(Canada); p. 16 (Malaysia); and p. 17 (France).

<sup>87</sup> *Ibid.*, p. 6 (United States); and p. 9 (Netherlands).

<sup>88</sup> *Ibid.*, p. 7.

<sup>89</sup> *Ibid.*, p. 16.

<sup>90</sup> *Ibid.*, pp. 22-24.

<sup>91</sup> The Council acknowledged the presence of the East Timorese leaders Mr. Xanana Gusmão and Mr. José Ramos-Horta in the Council Chamber.

<sup>92</sup> S/2000/853.

Insisted that the Government of Indonesia take immediate additional steps, in fulfilment of its responsibilities, to disarm and disband the militia immediately, restore law and order in the affected areas in West Timor, ensure safety and security in the refugee camps and for humanitarian workers, and prevent cross-border incursions into East Timor;

Stressed that those responsible for the attacks on international personnel in West and East Timor must be brought to justice;

Called on the Indonesian authorities to take immediate and effective measures to ensure the safe return of refugees who chose to go back to East Timor, and stressed the need for parallel programmes to resettle individuals who chose not to return;

Stressed that UNHCR workers could not return to West Timor until there was a credible security guarantee, including real progress towards disarming and disbanding the militias;

Underlined that UNTAET should respond robustly to the militia threat in East Timor, consistent with its resolution 1272 (1999) of 22 October 1999.

**Decision of 6 December 2000 (4244th meeting):  
statement by the President**

At its 4203rd meeting,<sup>93</sup> on 29 September 2000, the Council was briefed by the Special Representative of the Secretary-General and Transitional Administrator for East Timor. Statements were made by all Council members, as well as the representatives of Australia, Brazil, Indonesia, Japan, Mozambique and New Zealand.

The Special Representative of the Secretary-General reported on two opposing developments since his previous briefing to the Council: on the one hand the alarming deterioration of the security situation in West Timor, highlighted by the killing of three UNHCR staff members on 6 September; and, on the other, the significant progress made by UNTAET in administering East Timor in partnership with the East Timorese. He emphasized that the continuation and success of the latter was to a large extent dependent on addressing the former.

---

<sup>93</sup> At its 4198th meeting, held in private on 19 September 2000, the Council was briefed by the Special Envoy of the Government of Indonesia, the Coordinating Minister for Political, Social and Security Affairs. Council members and the Special Envoy had a frank and constructive discussion on the need for early and full implementation of resolution 1319 (2000).



He stated that the many challenges facing East Timor and UNTAET could not be met successfully without tackling the root cause of the problem at hand, namely the militia. He stressed that it was the responsibility of the Government of Indonesia to “hunt down and break up the militias and bring their leaders to justice”. However, referring to the disarmament ceremony in Atambua on 24 September, he noted with regret that the Government had so far been unable to deal with the problem effectively. He encouraged the Council to address the security situation in West Timor as a matter of urgency, reiterating his appeal for the dispatch of a Council mission to East Timor and Indonesia as a sign of encouragement and support for the East Timorese and UNTAET.

Welcoming the political dialogue between East and West Timor, the Special Representative emphasized that all parties concerned should, as a prerequisite, renounce politically motivated violence and condemn the recent murders of United Nations staff members. He repudiated attempts to characterize the problem as a civil war between the East Timorese, adding that there had been no crossing by armed elements from East Timor into West Timor, and that the threat stemmed from militias acting with impunity in the west and launching armed interventions across the border. Commenting on political developments in East Timor, he cited the recent CNRT Congress as an example of open political party activity which could, in turn, lead to the commencement of party politics proper. With that in mind, he stated that UNTAET remained committed to holding national elections in the latter half of 2001 with a view to establishing a Constituent Assembly. Drawing attention to administrative steps taken by UNTAET, he reported that the Cabinet had agreed to establish a defence force for East Timor, which would be a contributing factor to the creation of a stable and effective administration. He emphasized the need for East Timor to maintain “relations of confidence and partnership” with Indonesia. He also noted that a communiqué had been issued as a result of a visit by the Prime Minister of Indonesia to Dili on 29 February, and an encompassing agreement had been signed in Denpasar on 14 September, providing, among others, for the establishment of a Joint Border Committee and a framework for the exploitation of natural resources. With respect to a contingency plan for a possible influx of refugees from West Timor, he reported that as many as 100,000 refugees could be received in East Timor

owing to joint efforts by UNTAET and international humanitarian organizations.<sup>94</sup>

Speakers commended the Special Representative and his team for their continuing work in East Timor and reaffirmed their outrage at the murders of three UNHCR workers and two peacekeepers. They also agreed that the main threat to the efforts of UNTAET derived from the lack of progress in the Government’s efforts to disarm and disband the militia. Speakers also commended the progress made in the institutional and administrative spheres and the emphasis put by UNTAET on consultation, local ownership and reconciliation.

Expressing concern for the fate of the refugees in West Timor in the light of the withdrawal by UNHCR, several speakers shared the view of the Special Representative that the comprehensive plan of action could not succeed until the militia holding the refugees through threat and misinformation were removed, and called on the Government of Indonesia to extend its full cooperation to UNTAET.<sup>95</sup> The representative of the Russian Federation expressed concern at new reports of 26 September regarding militia armed with automatic weapons and wearing Indonesian uniforms. His delegation, he stated, would like to receive reliable information from the Secretariat concerning the weapons hand over process, including information on the assessments on which that information was based.<sup>96</sup> Speaking on behalf of the European Union, the representative of France reiterated the request made by the Council members on 3 August 2000 for a special information meeting on the military situation in all its aspects.<sup>97</sup>

Many speakers stressed the need for the Government of Indonesia to effectively implement resolution 1319 (2000), including by disbanding and disarming the militias. A number of representatives welcomed efforts to implement the resolution, including the launch of a disarmament process,<sup>98</sup> while

<sup>94</sup> S/PV.4203, pp. 2-6 and 27-30.

<sup>95</sup> *Ibid.*, p. 6 (United States); p. 7 (United Kingdom); p. 9 (Bangladesh); p. 11 (Netherlands); p. 16 (Ukraine, Jamaica); and p. 19 (Japan).

<sup>96</sup> *Ibid.*, p. 12.

<sup>97</sup> Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey aligned themselves with the statement.

<sup>98</sup> S/PV.4203, p. 9 (Bangladesh); p. 12 (Russian



others expressed regret that steps towards its implementation had been unsuccessful.<sup>99</sup> Several representatives reiterated the importance of a Council mission visiting the region as soon as possible to verify the implementation of resolution 1319 (2000).<sup>100</sup> While welcoming the operation launched to disarm the militias, the representative of Canada lamented that there had been no official contradiction of suggestions made by members of the Government of Indonesia that the recent murders had been committed by foreign agents or were inevitable due to the presence of the refugees. He therefore called for neutral international monitoring of the disarmament process.<sup>101</sup>

The representative of Malaysia noted that, owing to the precarious security situation, the earlier plan to downsize UNTAET should be considered with circumspection. He further welcomed the recent decision by the transitional Cabinet to support the establishment of a national defence force.<sup>102</sup> Touching on the issue of the future defence needs of an independent East Timor, the representatives of Namibia and the Netherlands argued that the increased militia activity demonstrated the urgency of the establishment of an East Timorese national defence force.<sup>103</sup> The representative of the United Kingdom noted that preparatory work should begin on proposals made in that regard in the recent King's College study.<sup>104</sup>

The representative of Indonesia reiterated his Government's commitment to and support for progress in East Timor and deplored the recent killing of UNHCR staff in the Atambua refugee camp. Stressing the need for a comprehensive solution to the problem of the refugees, he called for bold action on four main issues: (1) an investigation into the Atambua incident in order to bring the perpetrators to justice; (2) disarming of the militias; (3) reaching a comprehensive solution to the refugee problem; and

(4) promoting reconciliation among the people of East Timor. As for the first point, he noted that investigations were under way and that a suspect had been arrested. As for disarmament of the militias, the representative recalled that his Government had launched a two-step approach, consisting of a process of voluntary handover, followed by a sweeping operation, which had commenced a few days ago. Detailing the number and kinds of weapons and ammunition collected during the handover phase, he noted that any shortcomings of the process should not detract from the large quantity of weapons which had been surrendered. Turning to the issue of refugees, the representative said that their presence was becoming more of a financial burden with each day passing and urged the international community to assist in alleviating the plight of the refugees. He underscored the urgent need for reconciliation of the people of East Timor and expressed the hope that UNTAET would promote an all-inclusive reconciliation process. In that context, he stated that while calls for disarmament were, justifiably, made to the pro-integration side, they should be equally applicable to FALINTIL if a process of genuine reconciliation were to begin.<sup>105</sup>

At its 4236th meeting,<sup>106</sup> on 28 November 2000, at which all Council members made statements, the Council was briefed by the Special Representative of the Secretary-General and Transitional Administrator for East Timor.

The President (Netherlands) drew attention to the report of the Security Council mission to East Timor and Indonesia<sup>107</sup> and to a letter dated 27 November

Federation); p. 14 (Tunisia); p. 16 (Ukraine); p. 19 (France); p. 20 (Japan); p. 22 (Mozambique); and p. 23 (Australia).

<sup>99</sup> Ibid., p. 10 (Argentina); p. 12 (Russian Federation); and p. 16 (Jamaica).

<sup>100</sup> Ibid., p. 8 (United Kingdom); p. 9 (Bangladesh); p. 10 (Argentina); p. 16 (Ukraine, Jamaica); p. 19 (France on behalf of the European Union); p. 20 (Japan); and p. 22 (New Zealand).

<sup>101</sup> Ibid., p. 13.

<sup>102</sup> Ibid., p. 15.

<sup>103</sup> Ibid., p. 10 (Namibia); and p. 12 (Netherlands).

<sup>104</sup> Ibid., p. 8.

<sup>105</sup> Ibid., pp. 24-26.

<sup>106</sup> At its 4206th meeting, held in private on 12 October 2000, the Council was briefed by the Minister for Foreign Affairs of Indonesia. Council members and the Minister recalled the letter of the Security Council President to the Secretary-General of 8 September 2000, setting out their agreement to dispatch a mission to Indonesia and East Timor; and welcomed the invitation by the Government of Indonesia to a mission to Indonesia in the week of 13 November 2000. At its 4228th meeting, held in private on 20 November 2000, the Council was briefed by the representative of Namibia and Head of the Council mission to East Timor and Indonesia, who introduced the mission's report (S/2000/1105). Representatives of the troop-contributing countries to UNTAET were invited to be present at the meeting. Council members had a preliminary discussion of the report.

<sup>107</sup> S/2000/1105.

2000 from the representative of Indonesia, containing his Government's response to the Council mission.<sup>108</sup>

The Special Representative of the Secretary-General noted that the repatriation of 410 refugees made up of predominantly former militarized civil defence elements had successfully occurred the week before. He welcomed the recommendation contained in the Security Council mission's report that consideration be given to increased flexibility in the use of assessed resources for missions such as UNTAET. On the justice sector, he declared that a comprehensive strategy had been developed to investigate serious crimes and complete the investigations of all documented cases by December 2001. He underlined the need for Indonesia to begin trials as soon as possible. Referring to the state of the infrastructure, he stressed that the extent of the destruction in East Timor meant that reconstruction would remain an urgent need well beyond independence. He also asked the Council to favour allowing UNTAET assets to remain in East Timor after the end of the Mission, with a view to providing the Transitional Administration with needed computers, radio equipment, vehicles and other essential hardware.

The Special Representative further noted that the East Timor Defence Force was not expected to be at full strength until the end of 2003. Consequently, a United Nations peacekeeping presence would be required in some form until at least that date. On the political transition, he stressed that the creation of the Transitional Cabinet and the appointment of the Timorese National Council represented a new phase where power was increasingly shared between the Transitional Administrator and broadly selected representatives of East Timorese society. The political calendar for the final phase of the transition leading to the democratic election of a Government of East Timor had not been finalized, he noted, but it appeared that East Timor would declare independence at the tail end of 2001. In closing, he stressed that the pace of "Timorization" of the Administration was closely linked with the United Nations effort to build the capacities of that administration and underlined that the role of the United Nations in East Timor would not end with the last date of the mandate of UNTAET.<sup>109</sup>

<sup>108</sup> S/2000/1125.

<sup>109</sup> S/PV.4236, pp. 2-6.

Council members generally concurred with the conclusions of the Security Council mission regarding implementation of resolution 1272 (1999) and endorsed its recommendations for steps to be taken to accelerate the implementation of resolution 1319 (2000). They shared the view of the Transitional Administrator on the need for continued involvement by the international community in the transition prior to and following the independence of East Timor, observing that the reconstruction demands of East Timor would be considerable.

Council members also welcomed the setting of a date for the meeting of the Joint Border Commission and emphasized the importance of fostering good relations between Indonesia and East Timor. In that context, the representative of the United Kingdom particularly underlined the interdependency of the two countries.<sup>110</sup>

Council members remained concerned about the presence of militias in West Timor and underlined the need for the Government of Indonesia to fully implement its responsibilities to disband and disarm them.<sup>111</sup> Speakers also expressed concern about the need for United Nations humanitarian agencies to return to the refugee camps with a view to providing a neutral, secure environment for refugees to decide whether they wished to return to East Timor or integrate into Indonesia. The representatives of the United States and the United Kingdom expressed the hope that the United Nations security staff review in West Timor would take place and thus facilitate the return of the aid agencies.<sup>112</sup> The representative of China stressed the importance of Indonesia's acceptance of the dispatch of security experts to West Timor and urged UNTAET to further enhance communication with the Government of Indonesia.<sup>113</sup> Underlining the need for Indonesia to prosecute those guilty of the 1999 crimes and of the killing of United Nations staff in 2000, the representative of the United States maintained that it was urgent for the ad hoc tribunals to begin their work in Jakarta.<sup>114</sup>

<sup>110</sup> *Ibid.*, p. 9.

<sup>111</sup> *Ibid.*, pp. 7-8 (United States); p. 10 (United Kingdom); pp. 11-12 (Ukraine); p. 13 (Bangladesh); p. 14 (Argentina); p. 17 (Russian Federation); p. 18 (Tunisia); p. 20 (Mali); and p. 21 (France).

<sup>112</sup> *Ibid.*, p. 8 (United States); and p. 10 (United Kingdom).

<sup>113</sup> *Ibid.*, p. 21 (France); and p. 15 (China).

<sup>114</sup> *Ibid.*, p. 7.

Council members stressed the importance of beginning the planning for the transition to independence in East Timor and to consider the United Nations presence after independence. The representative of the United Kingdom called for a “workable” strategy and timetable for the transition with clear ownership by the people of East Timor.<sup>115</sup> In that context, Council members welcomed ongoing preparations for elections, as well as progress in the establishment of a defence force. Moreover, they expressed support for an international presence in East Timor upon independence. The representative of the United States recalled that the term “UNTAET light” had been used during the Council’s mission and emphasized the need to define the kinds of assistance that East Timor would require in the future.<sup>116</sup>

At its 4244th meeting, on 6 December 2000, the Council included in its agenda the report on the Council mission to East Timor and Indonesia, dated 21 November 2000.<sup>117</sup>

The report included observations on the implementation of Council resolutions 1272 (1999) and 1319 (2000). With respect to security and law and order, the mission reported that while the overall security situation in East Timor was relatively stable and deployment of civilian police had begun, more needed to be done to expedite the training of civilian police; build local capacity and resources for the judicial system; and ensure sufficient military capacity to address the continuing threat posed by the militias. In that context, the mission noted that a continued international police and military presence would likely be needed for some time after independence. While noting progress in the humanitarian situation, the mission stressed the need for UNTAET to maintain its readiness to cope with a significant refugee influx as a component of its refugee return strategy. On the establishment of an effective administration in East Timor, the mission welcomed efforts to accelerate “Timorization” of the administration and emphasized the need for continued capacity-building among the East Timorese. While welcoming improvements in the infrastructure, particularly in Dili, the mission stressed the need for a more even rate of progress throughout the country and recommended greater flexibility in the use of resources from the assessed budget. The need

for a strong international commitment to East Timor after independence was highlighted.

The mission also deplored the lack of progress in resolving the refugee issue and called on the authorities in Indonesia to take immediate and effective measures to ensure the safe return, relocation or repatriation of the East Timorese refugees remaining in West Timor. The mission underlined that a credible, impartial and apolitical registration process must be undertaken and commended the intention of the Government of Indonesia to consider arrangements for United Nations security experts to assess the situation on the ground in West Timor. While welcoming efforts by the Government of Indonesia to address the threat posed by the militias, the mission expressed the hope that those efforts would be stepped up and that further progress would be made in investigating and bringing to justice the perpetrators of violent attacks, including on United Nations peacekeepers and UNHCR staff. It also expressed concern at the slow pace of the process in Indonesia to bring to justice the perpetrators and organizers of the 1999 campaign of violence and welcomed steps taken by the Attorney-General in that regard.

At the meeting, the President (Russian Federation) made a statement on behalf of the Council,<sup>118</sup> by which the Council, inter alia:

Welcomed the report of the Security Council mission to East Timor and Indonesia of 21 November 2000, and endorsed the recommendations that it contained;

Noted the view of the mission that a strong international presence would be required in East Timor after independence, inter alia for the provision of financial, technical and security assistance, and agreed that planning for such a presence should begin as soon as possible;

Paid tribute to the work of UNTAET;

Welcomed the creation of the National Council in East Timor, and stressed the importance of further work on the transition to independence, including a timetable and mechanisms for a constitution and elections;

Emphasized that urgent action was necessary to resolve the problem of the East Timorese refugees in West Timor;

Emphasized the need for measures to address shortcomings in the implementation of justice in East Timor;

---

<sup>115</sup> Ibid., p. 10.

<sup>116</sup> Ibid., p. 7.

<sup>117</sup> S/2000/1105.

<sup>118</sup> S/PRST/2000/39.

Underlined the need to bring to justice those responsible for violent attacks in East and West Timor, including attacks on United Nations personnel;

Highlighted the importance of the bilateral relationship between UNTAET and the Government of Indonesia;

Underlined the need to resolve the outstanding issues of payment of pensions to former civil servants and the proposed transit arrangements between the Oecussi enclave and the remainder of East Timor.

**Decision of 31 January 2001 (4268th meeting): resolution 1338 (2001)**

On 16 January 2001, the Secretary-General submitted a report on UNTAET,<sup>119</sup> outlining the progress made in establishing the East Timor Transitional Authority and transferring authority to the people of East Timor. He stressed that while the United Nations would retain overall responsibility, in accordance with resolution 1272 (1999), there would be a progressive delegation of authority to the people of East Timor culminating in the full “Timorization” of the Authority by the time of independence. Cautioning that the proposed political calendar could still be affected by the security situation, technical or political difficulties, he anticipated that elections would be held in the summer of 2001 and that independence would be declared by the end of the year. UNTAET would be fully responsible for the conduct of the elections, while also ensuring capacity-building and sustainability in all aspects of the electoral planning.

On the security situation, the Secretary-General noted that militias continued to intimidate the refugees in West Timor and echoed the calls on Indonesia to fulfil its obligations under resolution 1319 (2000) to disarm and disband the militias and to ensure safety and security for the refugees. He added that an agreement had not been reached on dispatching United Nations security experts to assess the situation in West Timor in preparation for the return of humanitarian agencies. The Secretary-General reported that some divisions had occurred within the pro-autonomy umbrella, with some militia leaders announcing their readiness to return to East Timor to face justice. He also reported on progress in other sectors of the East Timor Transitional Authority, including the police, foreign affairs, defence, justice, infrastructure and education, but noted that the lack of decisions

regarding land rights was hampering both local and foreign investments. He stressed that after independence East Timor would still require substantial international support, especially with regard to defence, police and the judicial sector. He proposed the establishment of an integrated mission, mandated by the Security Council and funded from assessed contributions. In the meantime, he encouraged the Security Council to extend the mandate of UNTAET until the end of the year.

At its 4265th meeting, on 26 January 2001, the Council included in its agenda the above-mentioned report of the Secretary-General on UNTAET.<sup>119</sup> The Council was briefed by the Special Representative of the Secretary-General for East Timor and Transitional Administrator of East Timor; the Administrator of the United Nations Development Programme (UNDP); the Country Director for East Timor, Papua New Guinea and Pacific Islands of the World Bank; the Adviser from the Asian Pacific Department of the International Monetary Fund (IMF); and the President of the General Assembly. In addition to all Council members, statements were made by the representatives of Australia, Brazil, New Zealand, Chile, Fiji, Indonesia, Japan, Mozambique, the Philippines, the Republic of Korea and Sweden (on behalf of the European Union<sup>120</sup>), as well as by Mr. José Ramos-Horta, member of the Transitional Cabinet of East Timor responsible for foreign affairs.

The President (Singapore) drew attention to a letter dated 25 January 2001 from the representative of Portugal to the President of the Council, containing information on his country’s support to UNTAET and the transition of East Timor to independence.<sup>121</sup>

Introducing the Secretary-General’s report, the Special Representative of the Secretary-General noted that many of the key tasks laid out in resolution 1272 (1999) now fell on the new governmental structures of East Timor to perform, rather than on UNTAET as originally conceived. He cautioned that the government could not be expected to perform those tasks adequately on its present “cruel budget” without being able to tap into the larger resources of UNTAET.

<sup>119</sup> S/2001/42, submitted pursuant to resolution 1272 (1999).

<sup>120</sup> Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Iceland, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey aligned themselves with the statement.

<sup>121</sup> S/2001/83.



Noting that a consensus was forming on having elections to the Constituent Assembly on 30 August 2001, he announced that key decisions were about to be made regarding the details of the political steps which would lead to independence. He added that the East Timor Defence Force would not reach its full strength for another two to three years and stressed that international personnel would be needed well beyond independence to provide technical assistance, capacity-building and security.<sup>122</sup>

The Administrator of UNDP reported that United Nations agencies and programmes had, in collaboration with development partners, including non-governmental organizations, begun the work of building the “critical bridge” between emergency work and longer-term rehabilitation and development in East Timor. He noted that adequate resources were not being made available for that critical area and stressed the need to look beyond the present recurrent needs towards a viable funding and programming strategy.<sup>123</sup>

The representative of the World Bank emphasized the need for a clear and structured plan for the transition and post-independence mandate of East Timor to be developed as a result of a collaborative effort among all the development partners. Noting that such a plan needed to be in place as soon as possible to enable the mobilization of the right resources, he emphasized the importance of integrated political, administrative and economic planning, as well as the critical nature of private sector recovery and growth with a view to providing the people of East Timor with economic independence.<sup>124</sup>

Elaborating on the role of IMF in East Timor, the IMF Adviser, stated that the Fund had focused on developing a macroeconomic framework to guide economic decision-making, as well as on building capacity among the East Timorese. He argued that although the Special Representative had held that the budget was “cruel”, he believed it was realistic within the context of the current and future economic prospects of East Timor and the essential need for it to be sustainable.<sup>125</sup>

The President of the General Assembly drew attention to the gap between the expectations of the

local population and the reality of the “complex and delicate task” of nation building. He cautioned against a premature exit of the United Nations from East Timor, expressed support for the Council’s request for increased flexibility in the use of assessed resources allocated to complex peacekeeping operations such as UNTAET, and pledged to draw, once again, the attention of the relevant General Assembly bodies to that request.<sup>126</sup>

Mr. Ramos-Horta described the progress that had been made since the establishment of UNTAET and highlighted the increasing participation of Timorese in the East Timor Transitional Authority. Touching on aspects of internal and external security and the continuing process of healing and normalization of relations with Indonesia, he noted that a number of decisions remained to be made with a view to attaining the goal of independence, including the holding of elections for a Constituent Assembly and organizing a constitutional conference which would debate and prepare the first draft Constitution. He held that the performance of the United Nations civilian police could be improved by reorganizing along the lines of nationality to avoid mixing different cultures, forms of professional training and security doctrines. He urged the United Nations to sustain its partnership with the people of East Timor, including by maintaining a peacekeeping presence after the transition period.<sup>127</sup>

Speakers welcomed the assessment contained in the Secretary-General’s report that there was a growing consensus among the Timorese people to seek independence by the end of 2001, and expressed support for his recommendation that the Council extend the mandate of UNTAET until 31 December 2001. On reconstruction efforts, they underscored the importance of effective cooperation between UNTAET, the World Bank, UNDP, IMF, civil society and the East Timorese people. Several speakers reiterated their support for increased flexibility in the use of resources in the assessed budget for UNTAET.<sup>128</sup>

Most speakers welcomed the progress in the electoral preparations and stressed the need for free, fair and inclusive elections. The representatives of

---

<sup>122</sup> S/PV.4265, pp. 3-8.

<sup>123</sup> *Ibid.*, pp. 8-9.

<sup>124</sup> *Ibid.*, pp. 9-12.

<sup>125</sup> *Ibid.*, pp. 12-15.

<sup>126</sup> *Ibid.*, pp. 15-17.

<sup>127</sup> *Ibid.*, pp. 17-23.

<sup>128</sup> S/PV.4265 (Resumption 1), p. 2 (Tunisia); p. 14 (United States); p. 22 (Australia); p. 33 (Republic of Korea); and p. 35 (Mozambique).



Colombia and Japan deplored the recent violent incidents in connection with political campaigning.<sup>129</sup> Several representatives called for an acceleration of the rate of return of the refugees and noted the importance of nation-building in East Timor being as inclusive as possible.<sup>130</sup> The representatives of the United Kingdom and France voiced concern about the implications for elections, should the refugees in West Timor remain disenfranchised.<sup>131</sup>

With respect to the security situation, most speakers voiced concern regarding the continued activities of militias in West Timor and the threat which they posed to refugees. They stressed the need to improve the security environment to enable the registration and return of refugees, the resumption of humanitarian efforts and a safe and calm execution of the elections. Several speakers called on Indonesia to step up its efforts to fully implement resolution 1319 (2000),<sup>132</sup> while the representative of China urged the international community to assist Indonesia in its efforts to implement that resolution.<sup>133</sup> Several representatives called for justice and reconciliation and welcomed the steps taken by both Indonesia and East Timor to bring the perpetrators of serious crimes to justice.<sup>134</sup>

Most speakers voiced support for the Secretary-General's recommendation to extend the mandate of UNTAET for 12 months and advocated consideration of modalities for a post-independence integrated mission in order to ensure a smooth transition and a well-planned exit strategy for UNTAET. The representative of Japan underlined that upon independence, the transfer of authority should be complete, giving the international community a purely advisory role, while the representative of France observed that independence would mean the definitive

transition from peacekeeping to peacebuilding and called for a clear exit strategy for UNTAET.<sup>135</sup>

Speakers generally concurred that an international presence would be required in East Timor well beyond independence and include development and capacity-building as well as defence and police responsibilities, which should be handed over gradually. While welcoming progress in creating the East Timor Defence Force, many speakers cautioned against the premature withdrawal of international troops.<sup>136</sup> Several representatives believed that any post-independence United Nations security component should take the form of Blue Helmets, authorized by the Security Council.<sup>137</sup>

The representative of Indonesia elaborated on his Government's efforts towards resolving the outstanding issues related to East Timor, including the question of refugees, reconciliation and disarming of the militias, and expressed the hope that UNTAET, during the period of its extended mandate, would focus on meeting the challenges of the future in a positive, balanced and comprehensive manner.<sup>138</sup>

At its 4268th meeting, on 31 January 2001, the Council continued its consideration of the report of the Secretary-General dated 16 January 2001.<sup>139</sup> The President (Singapore) drew attention to a draft resolution;<sup>140</sup> it was adopted unanimously and without debate as resolution 1338 (2001), by which the Council, inter alia:

Decided to extend the current mandate of UNTAET until 31 January 2002, bearing in mind the possible need for adjustments related to the independence timetable;

Requested the Special Representative of the Secretary-General to continue to take steps to delegate progressively further authority within the East Timor Transitional Authority to the East Timorese people until authority was fully transferred to the government of an independent State of East Timor;

<sup>129</sup> *Ibid.*, p. 7 (Colombia); and p. 24 (Japan).

<sup>130</sup> *Ibid.*, p. 6 (Jamaica); p. 17 (Mauritius); p. 24 (Japan); and p. 27 (Sweden on behalf of the European Union).

<sup>131</sup> S/PV.4265, p. 25 (United Kingdom); S/PV.4265 (Resumption 1), p. 4 (France).

<sup>132</sup> S/PV.4265, p. 25 (United Kingdom); S/PV.4265 (Resumption 1), p. 10 (Ireland); p. 15 (Norway); and p. 27 (Sweden on behalf of the European Union).

<sup>133</sup> S/PV.4265 (Resumption 1), p. 8.

<sup>134</sup> *Ibid.*, p. 7 (Colombia); p. 10 (Ireland); p. 11 (Mali); p. 13 (United States); p. 22 (Australia); p. 23 (New Zealand); and p. 26 (Sweden on behalf of the European Union).

<sup>135</sup> *Ibid.*, p. 4 (France); and p. 24 (Japan).

<sup>136</sup> S/PV.4265, p. 24 (United Kingdom); S/PV.4265 (Resumption 1), p. 13 (United States); p. 15 (Norway); pp. 20-21 (Australia); pp. 23 (New Zealand); p. 27 (Sweden on behalf of the European Union); p. 29 (Chile); p. 30 (Brazil); and p. 34 (Philippines).

<sup>137</sup> S/PV.4265 (Resumption 1), p. 21 (Australia); p. 23 (New Zealand); p. 33 (Republic of Korea); and p. 34 (Philippines).

<sup>138</sup> *Ibid.*, pp. 36-38.

<sup>139</sup> S/2001/42.

<sup>140</sup> S/2001/92.

Encouraged UNTAET to continue to support fully the transition to independence, including through development and training for the East Timorese people;

Urged the international community to provide financial and technical assistance to the creation of an East Timor Defence Force;

Underlined that UNTAET should respond robustly to the militia threat in East Timor;

Emphasized the need for measures to address shortcomings in the administration of justice in East Timor;

Requested the Secretary-General to submit to the Security Council by 30 April 2001 a report on the implementation of the mandate of UNTAET, which should include in particular military and political assessments of the situation on the ground and their implications for the size, structure and deployment of UNTAET;

Stressed the need for a substantial international presence in East Timor after independence.

**Decision of 10 September 2001  
(4368th meeting): statement by the President**

At its 4308th meeting,<sup>141</sup> on 5 April 2001, the Council was briefed by the Assistant Secretary-General for Peacekeeping Operations. Statements were made by all Council members.

Providing an update on the situation since the adoption of resolution 1338 (2001), the Assistant Secretary-General noted that enormous progress had been made but that there was still much more to be achieved. He maintained that with the ongoing assistance of the international community, the East Timorese should be able to realize their aspiration for a democratic and sustainable independence. He informed members that a regulation on the establishment of a Constituent Assembly had been adopted on 13 March and that the date for elections had been set for 30 August 2001, subject to the completion of electoral registration by 24 June 2001. In that connection, he reported that the regulation on the establishment of the Central Civil Registry for East Timor had also been adopted, providing the basis for preparation of the electoral roll. He noted that, to be eligible to vote, refugees in West Timor would have to register before 24 June 2001, and be present in East Timor on polling day. Noting that the Constituent Assembly, once

established, would have 90 days to prepare East Timor's Constitution, he stated that consideration of a date for independence would only be possible once the Constituent Assembly had begun its work. He further informed the Council that Mr. Xanana Gusmão, Speaker of the National Council, had resigned following the Council's rejection of a draft regulation on the establishment of a mechanism allowing for broad-based consultation on the Constitution.

On military matters, he reported that on 1 February a ceremony had been held to mark the disbanding of the former fighters of FALINTIL and the establishment of the East Timor Defence Force that would comprise 1,500 regulars and 1,500 reservists. While welcoming recent increases in refugee returns, the Assistant Secretary-General noted that an estimated 100,000 refugees remained in the camps in West Timor, and that reports of intimidation and lack of access to information about the conditions in East Timor continued. With respect to the proposal made by Indonesia on conducting a security assessment in West Timor with a view to downgrading the phase V security level (evacuation level), which would enable the return of United Nations agencies, he said that the Security Coordinator had expressed concern over the likely negative outcome of such an assessment.

With regard to security and law and order in East Timor, he declared that the situation along the border with West Timor had been tense over the last several days, characterized by multiple incidents. Similarly, he noted that though the crime rate in East Timor was generally low, there had been a series of violent incidents recently in several districts. Upon reflection during a series of community meetings in those districts, the need to create employment opportunities had been identified as key to reducing the risk of violence recurring. He maintained that progress in the maintenance of law and order could only be effective if there was commensurate development of the day-to-day functioning of the judiciary.

Turning to post-UNTAET planning, the Assistant Secretary-General informed the Council that a Working Group to that effect had been established, which, in consultation with the East Timor leadership, would make recommendations on estimated international staffing levels; the duration of those positions; technical assistance requirements and strategies for training required to support the government post independence. He also noted that United Nations

---

<sup>141</sup> For more information on the discussion at this meeting, see chap. III, part II, sect. B, case 9, with regard to limitations on participation.

Headquarters was currently exploring the possibility of setting up a mission task force to consider specific recommendations on the complete international presence post-independence.<sup>142</sup>

The discussion among Council members focused on the 30 August 2001 elections and the participation of refugees still in West Timor; the security situation, particularly at the border with Indonesia in the run-up to the elections; and the role of the United Nations role in East Timor following independence. Representatives looked forward to the forthcoming reports, requested in pursuance of resolution 1338 (2001), on the implementation of the mandate of UNTAET and on recommendations with respect to the need for a substantial international presence in East Timor after independence.

Concerning the preparations for the elections of 30 August 2001, Council members underlined the importance of an inclusive preparatory process, involving all political parties and the population in East Timor, including some 100,000 refugees in West Timor, towards the holding of free and fair elections for the Constituent Assembly. Several representatives expressed the hope that the refugees remaining in West Timor would return to East Timor by the registration deadline of 24 June 2001.<sup>143</sup> The representative of Bangladesh expressed regret that there would be no quotas for female candidates, while the representative of Norway hoped that the preambular paragraph in the regulation pertaining to the election encouraging equal participation of women and men would have the intended impact.<sup>144</sup> The representative of the Russian Federation held that the problem of the fate of the refugees had to be resolved by UNTAET and the Government of Indonesia, working in close cooperation. He also expressed the hope that the move to elections had not been based merely on the symbolic force of the date, but rather on a realistic assessment of the situation in the territory.<sup>145</sup> In response, the Assistant Secretary-General reported that the National Council had decided that those Timorese wishing to vote would have to return to East Timor. He added that

it had been hoped that that decision might induce some of the refugees to return.<sup>146</sup>

With respect to the security situation, Council members voiced concern at the recent acts of violence in East Timor, and particularly those on the border, and called for UNTAET to provide a robust response to any future instability. They also reiterated concern regarding the threats posed by militia groups in West Timor. Several representatives underlined the importance of the United Nations Security Coordinator dispatching a security assessment team to West Timor with a view to facilitating the return of humanitarian agencies.<sup>147</sup> The Assistant Secretary-General noted that it was the view of the Security Coordinator that an assessment mission would conclude that the current Phase V should be maintained. He recalled that an advance security team had travelled to the area and had not been able to proceed to a militia stronghold in West Timor.<sup>148</sup>

The representatives of the United States and Mauritius expressed concern with regard to the Government of Indonesia's handling of suspects in relation to the murder of an UNTAET private in July 2000 and the murder of three UNHCR personnel.<sup>149</sup> The representative of the United Kingdom held that the question of extradition should be pursued further.<sup>150</sup>

Most speakers were looking forward to the Secretary-General's report with recommendations for the future engagement by the United Nations. The representative of France held that the UNTAET military personnel should be gradually withdrawn following the elections and as the date of independence approached.<sup>151</sup> The representative of Singapore suggested that the Council should tie UNTAET troop withdrawals to independence rather than to the election.<sup>152</sup> The Assistant Secretary-General observed that despite a very professional border operation by UNTAET, there continued to be problems and that it was likely that in the run-up to elections more incidents would occur as some groups might wish to destabilize the situation. As a result, there was a very

<sup>142</sup> S/PV.4308 and Corr.1, pp. 2-6.

<sup>143</sup> Ibid., p. 7 (Norway); p. 13 (Ireland); p. 13 (Mauritius); p. 14 (France); p. 15 (China); and p. 20 (United Kingdom).

<sup>144</sup> Ibid., pp. 6-7 (Norway); and p. 18 (Bangladesh).

<sup>145</sup> Ibid., p. 19.

<sup>146</sup> Ibid., p. 16.

<sup>147</sup> Ibid., p. 8 (Tunisia); p. 9 (Ukraine); p. 11 (Jamaica, Colombia); p. 15 (China); and p. 18 (Bangladesh).

<sup>148</sup> Ibid., pp. 15-16.

<sup>149</sup> Ibid., p. 7 (United States); and p. 13 (Mauritius).

<sup>150</sup> Ibid., p. 20.

<sup>151</sup> Ibid., p. 14.

<sup>152</sup> Ibid., p. 17.

strong feeling on the ground that the United Nations should not tamper with force levels, particularly prior to the elections.<sup>153</sup>

On 2 May 2001, the Secretary-General submitted a report on UNTAET,<sup>154</sup> in which he noted that, while East Timor continued to make progress on the path to independence, a great deal remained to be done until that objective was reached. On the positive side, the Secretary-General noted the promulgation, on 16 March, of the regulation on the election of the Constituent Assembly, adding that the registration of residents must be completed by 20 June to allow sufficient time for review, challenge and appeal of the electoral roll before the 30 August ballot. While the economy had grown by an estimated 15 per cent, unemployment remained substantial and was expected to increase as the number of international personnel decreased. With respect to the unresolved issue of the refugees in West Timor, the Secretary-General announced that refugees had been informed of the Indonesian plans for a one-day registration exercise, scheduled for 21 May, during which they would be offered a choice between repatriation and permanent settlement in Indonesia. He further welcomed that Indonesia would establish an ad hoc tribunal to deal with gross violations of human rights, but deplored that the tribunal's jurisdiction was limited to acts committed after the 30 August 1999 ballot.

Recalling that security phase V remained in place in West Timor and that Indonesia had yet to fully implement resolution 1319 (2000), he reported that the Security Coordinator had decided to organize and lead an inter-agency security assessment mission in West Timor in May 2001. The Secretary-General noted that the militias remained a force to be reckoned with, continuing to advocate armed struggle to bring East Timor back into Indonesia and becoming increasingly involved in illegal cross-border trade. He stressed the need to retain both the military and civilian police components of UNTAET until the local defence and police force had reached the capacity and capability to allow a gradual withdrawal of United Nations troops. He also stressed the need to maintain a significant civilian presence in East Timor. In that context, he pointed out that the Working Group on Post-UNTAET Planning had initiated a review of the estimated level

and skills of international staff required and was considering a comprehensive schedule of consultation with the people of East Timor.

At its 4321st meeting, on 18 May 2001, the Council included in its agenda the above-mentioned report of the Secretary-General.<sup>154</sup> The Council was briefed by the Assistant Secretary-General for Peacekeeping Operations. Statements were made by all Council members, the representatives of Australia, Brazil, Canada, Indonesia, Japan, New Zealand, Portugal, the Republic of Korea and Sweden (on behalf of the European Union<sup>155</sup>), and by Mr. Xanana Gusmão, President of CNRT, and Mr. José Ramos-Horta, member of the Transitional Cabinet of East Timor responsible for foreign affairs.

The Assistant Secretary-General reported that UNTAET had registered some 390,000 East Timorese and was working to complete the registration exercise by the 20 June deadline to enable the ballot to occur on 30 August. He also expressed regret that there had been no tangible progress since the report's issuance on the situation of the refugees. Concerning the issue of justice, he underlined that the decision of 4 May of the Jakarta court, which had handed down sentences of 10 to 20 months to six men in connection with the killings on 6 September 2000 of three UNHCR staff in West Timor, had been received by the international community with shock and disbelief. He further noted that the Secretary-General's report identified risks, both internal and external, to the security of East Timor and concluded that it would be prudent to maintain the military component essentially in its present form.<sup>156</sup>

Mr. Gusmão observed that justice and reconciliation were two components of a process that must proceed side by side and that the international community and East Timor shared equal responsibility for that process. The international community should take prime responsibility for bringing about justice while the Timorese would bear responsibility for reconciliation. He expressed dissatisfaction with Indonesia's performance concerning justice, drawing attention to the "appalling" verdicts given to the confessed murderers of the three UNHCR staff. He

---

<sup>153</sup> *Ibid.*, p. 16.

<sup>154</sup> S/2001/436, submitted pursuant to resolution 1338 (2001).

<sup>155</sup> Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Iceland, Latvia, Lithuania, Malta, Norway, Poland, Romania, Slovakia, Slovenia and Turkey aligned themselves with the statement.

<sup>156</sup> S/PV.4321, pp. 2-4.



described the forthcoming elections and the establishment of democratic institutions as a turning point in the process leading to the assumption by East Timorese of full responsibility for their country. He further urged the Council to keep the peacekeeping mission in East Timor after independence was declared. He also noted that, with the support of the World Bank, a group would soon be set up to work full-time on strategic development, and pledged to be personally involved in that process.<sup>157</sup>

Mr. Ramos-Horta stated that CNRT would be dissolved in June and replaced by a National Pact, now being drafted, that would enable the participation of all political parties in the 30 August elections. He said that negotiations with Australia over a new revenue-sharing agreement were expected to yield an accord within two months and called for an increase in the process of “Timorization” and capacity-building. He further urged that the Serious Crimes Unit of UNTAET be strengthened and that the Indonesian authorities should not forget their pledge to bring to book those who committed war crimes in East Timor.<sup>158</sup>

Many speakers echoed several of the views contained in the Secretary-General’s interim report, namely, his view that it would be prudent to maintain the military component essentially in its present form until the Government of East Timor had established itself; and the decisions to establish a working group on post-UNTAET planning and an Integrated Mission Task Force at Headquarters to support the working group.

Several representatives welcomed the announced intention of the Security Coordinator to organize and lead an inter-agency security assessment mission to West Timor in May 2001 and looked forward to the prospect that international staff would return to West Timor.<sup>159</sup>

On the elections scheduled for 30 August 2001, many speakers welcomed the news that over 40 per cent of the East Timorese population had been registered for the polls and called for continued efforts prior to the close of registration on 20 June. They also

noted that continued vigilance by UNTAET was necessary because of a widely shared fear among the population that the political process might not remain peaceful and the expectation of the Timorese that UNTAET would protect them from political violence.

Expressing concern about the impact of the continuing problem of the refugees in West Timor on the election, several speakers urged Indonesia to expedite the registration process to enable the refugees to return to East Timor in time for the voter registration.<sup>160</sup> The representatives of France and the Russian Federation indicated that the postponement of the one-day registration made it impossible for all remaining refugees to return in time for the election.<sup>161</sup>

While welcoming the steps taken by Indonesia to bring perpetrators of the 1999 abuses to justice and to establish an ad hoc tribunal to deal with gross violations of human rights, many speakers strongly deplored the light sentences given to the confessed perpetrators of the killings of three UNHCR staff members.<sup>162</sup> Several speakers welcomed the decision by the Attorney General in Indonesia to appeal the verdicts.<sup>163</sup> Echoed by the representative of Norway, the representative of Canada stated that the mild sentences reduced the international system’s confidence in the justice system in Indonesia and stressed that, should the Indonesian system prove unable to enforce internationally accepted legal norms, the international community must pursue other means to ensure that justice was served.<sup>164</sup> Meanwhile, the representatives of Singapore and the Russian

<sup>157</sup> Ibid., pp. 4-6.

<sup>158</sup> Ibid., pp. 6-8.

<sup>159</sup> Ibid., p. 9 (United Kingdom); p. 10 (Singapore); p. 11 (China); p. 15 (Colombia); p. 17 (Jamaica); p. 20 (Tunisia); and p. 22 (Norway); S/PV.4321 (Resumption 1), p. 6 (Japan).

<sup>160</sup> S/PV.4321, p. 8 (United Kingdom); p. 10 (Singapore); p. 14 (Ireland); p. 15 (Colombia); p. 22 (Norway); p. 25 (Sweden on behalf of the European Union); and p. 26 (Australia); S/PV.4321 (Resumption 1), p. 7 (New Zealand); and p. 8 (Republic of Korea).

<sup>161</sup> S/PV.4321, p. 12 (France); and p. 13 (Russian Federation).

<sup>162</sup> Ibid., p. 9 (United Kingdom); p. 10 (Singapore); p. 14 (Ireland); p. 22 (Norway); p. 23 (Ukraine); p. 24 (United States); p. 25 (Sweden on behalf of the European Union); and p. 27 (Australia); S/PV.4321 (Resumption 1), p. 3 (Canada); pp. 4-5 (Brazil); and p. 6 (Japan).

<sup>163</sup> S/PV.4321, p. 9 (United Kingdom); p. 10 (Singapore); p. 12 (France); p. 17 (Jamaica); p. 22 (Norway); p. 24 (United States); and p. 25 (Sweden on behalf of the European Union); S/PV.4321 (Resumption 1), p. 4 (Canada); and p. 7 (New Zealand).

<sup>164</sup> S/PV.4321, p. 22 (Norway); S/PV.4321 (Resumption 1), pp. 3-4 (Canada).



Federation cautioned against interfering in the judicial processes of a sovereign State.<sup>165</sup>

While concurring that a significant international presence would be required in East Timor well beyond independence, several speakers stressed the need to plan for an exit strategy.<sup>166</sup> The representative of France was of the view that the military component of UNTAET might be downsized after the elections, and suggested that the next report of the Secretary-General should contain new recommendations regarding the composition of UNTAET.<sup>167</sup> The representative of the Republic of Korea cautioned that the debate about exit strategies might send the wrong signal to “security-threatening elements”.<sup>168</sup> The representative of Australia stressed that any drawdown must be part of an overall exit strategy and not be undertaken with a view to cutting costs.<sup>169</sup> The representative of Canada also cautioned against any premature drawdown, while calling for “reasonable budget restraint”.<sup>170</sup> The representative of the United Kingdom stressed the need to be “cost-conscious”, including by improving budget management and making progress in cost recovery.<sup>171</sup>

Speaking on behalf of the European Union, the representative of Sweden expressed concern at the slow pace of “Timorization” and called for recruitment and capacity-building efforts to be strengthened in all governance areas.<sup>172</sup>

The representative of Indonesia reiterated his Government’s “unswerving commitment” to bringing to justice those responsible for human rights violations. In that regard, he stated that the trial of those accused of killing the three UNHCR workers in September 2000 had not been concluded, as that case had been appealed by the Prosecutor, and called for all concerned parties to refrain from hasty judgements until a final decision was taken. He cautioned that reconciliation and retribution did not go together,

stressing that for reconciliation to be successful, vast differences needed to be bridged. He also called for reports of the United Nations concerning East Timor to be impartial, balanced and objective.<sup>173</sup>

On 24 July 2001, the Secretary-General submitted a progress report on UNTAET.<sup>174</sup> In the report, the Secretary-General observed that the National Council had been dissolved to allow for a six-week election campaign; 16 parties had registered for the election; 737,811 residents of East Timor had been registered; and nearly 10 per cent of the electorate had participated in public hearings on the Constitution. Only two minor parties had refused to sign the pact of national unity, while two political groups remained outside the election process due to their opposition to the ballot. The Secretary-General detailed the progress made by the East Timor Transitional Authority on a series of benchmarks and pointed out that, while the leadership in East Timor had stepped up efforts to promote reconciliation, the authorities in Indonesia remained reluctant to implement parts of the memorandum of understanding on cooperation in legal, judicial and human rights matters. He reported that the preliminary results of the refugee registration on 6 and 7 June 2001 indicated that 98 per cent had opted to remain in Indonesia. However, he cautioned that this result might not reflect the refugees’ long-term intentions. At the same time, he noted that the findings of the security assessment mission to West Timor were being analysed. The Secretary-General cautioned that, while the overall security situation remained stable, the light sentences given for the UNHCR killings and to a well-known militia leader might have encouraged some hard-line militia members to plan a resumption of offensive operations in the lead-up to the elections. He also expressed concern about the continued ability of militias to operate and train and to access modern weaponry. On the preparations for a successor mission to UNTAET, the Secretary-General stated that the Working Group on Post-UNTAET Planning in East Timor and the Integrated Mission Task Force in New York were still working on a plan, which would include a substantial reduction in the overall United Nations presence, while retaining civilian, police and military components until a gradual, sustainable handover to the people of East Timor could be completed.

---

<sup>165</sup> S/PV.4321, p. 10 (Singapore); and p. 13 (Russian Federation).

<sup>166</sup> *Ibid.*, p. 9 (United Kingdom); p. 10 (Singapore); pp. 18-19 (Mauritius); p. 24 (United States); and p. 26 (Australia); S/PV.4321 (Resumption 1), p. 3 (Portugal); and p. 9 (Republic of Korea).

<sup>167</sup> S/PV.4321, p. 12.

<sup>168</sup> S/PV.4321 (Resumption 1), p. 9.

<sup>169</sup> S/PV.4321, pp. 26-27.

<sup>170</sup> S/PV.4321 (Resumption 1), p. 3.

<sup>171</sup> S/PV.4321, p. 8.

<sup>172</sup> *Ibid.*, p. 25.

<sup>173</sup> S/PV.4321 (Resumption 1), pp. 9-11.

<sup>174</sup> S/2001/719, submitted pursuant to resolution 1338 (2001).

At its 4351st meeting, on 30 July 2001, the Council included in its agenda the above-mentioned progress report of the Secretary-General.<sup>174</sup> The Council was briefed by the Special Representative of the Secretary-General for East Timor. Statements were made by all members of the Council, the representatives of Australia, Belgium (on behalf of the European Union<sup>175</sup>), Brazil, Canada, Indonesia, Japan, New Zealand, the Philippines, Portugal, the Republic of Korea and Thailand, and by Mr. Ramos-Horta, member of the Transitional Cabinet of East Timor responsible for foreign affairs.

The Special Representative of the Secretary-General stated that, while UNTAET had come a long way towards preparing East Timor for independence, four major objectives needed to be met if it was to complete the mandate given to it by the Council, namely, (1) to consolidate a secure and stable environment; (2) to steer East Timor through the creation of democratic institutions and successful, peaceful elections; (3) to put in place the building blocks for the management of public finances and policy-making; and (4) to establish the framework for a sustainable and effective government administration. After the elections, he intended to appoint an expanded, all-Timorese Cabinet to head a reorganized Transitional Administration, which would be downsized and more closely reflect the anticipated portfolio responsibilities of a future independent Government. Meanwhile, he underlined that the United Nations presence in East Timor must be continued, not only to ensure an effective police, military and judiciary, but to continue capacity-building and transfer of skills. Arguing that a new mission should be funded by assessed contributions to ensure predictability, he said that the recommendations to be submitted in October would be a strategic, sensible and modest assessment of what would be required in East Timor.<sup>176</sup>

Mr. Ramos-Horta held that while the overall trend in security was towards decreasing levels of militia attacks, the United Nations military presence in East Timor would continue to be of crucial importance in maintaining a secure environment beyond the

elections. Recognizing the need for good-neighbourly relations to that end, he noted that progress had been made in building positive relations with Indonesia and informed the Council of his participation in the recent ministerial meeting of the Association of South-east Asian Nations (ASEAN). While maintaining that the downsizing of the military and civilian component of UNTAET was indeed in the interest of the people of East Timor, he underlined the challenges involved in building a sustainable nation state, and stressed the need for continuous support from the international community.<sup>177</sup>

Speakers took positive note of arrangements regarding the holding of democratic elections for the Constituent Assembly on 30 August 2001 and noted the Pact of National Unity, signed by 14 of the 16 East Timorese political parties on 20 June 2001, that called for a peaceful political campaign and acceptance of the outcome of the elections.

Speakers recognized that, while the election represented an important milestone in the mandate of UNTAET, experience had shown that the period following elections could often be extremely volatile and that the Council should view that period with vigilance, rather than as an opportunity for an early exit from East Timor. They underlined the need for a continued, albeit reduced, United Nations presence following independence, noting that areas such as defence, public safety, justice and governance were critical, requiring longer term international support. In that context, they welcomed the progress made in developing the details of a successor mission, taking into account the situation as it evolved on the ground, and looked forward to the forthcoming report of the Secretary-General in which such particularities would be further elucidated. The representative of Colombia stressed that an exit strategy should be based solely on the conditions on the ground and the needs and requirements of the people of East Timor, and not on political or economic considerations at United Nations Headquarters.<sup>178</sup> The representative of Singapore warned against confusing exit strategies with exit deadlines.<sup>179</sup> The representative of Norway insisted that resolution 1272 (1999) should be used as guidance in setting benchmarks for mission completion.<sup>180</sup>

<sup>175</sup> Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Iceland, Latvia, Liechtenstein, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey aligned themselves with the statement.

<sup>176</sup> S/PV.4351, pp. 2-8.

<sup>177</sup> *Ibid.*, pp. 8-11.

<sup>178</sup> *Ibid.*, p. 22.

<sup>179</sup> *Ibid.*, p. 11.

<sup>180</sup> S/PV.4351 (Resumption 1) and Corr.1, p. 2.

Several speakers stressed that the credibility of the United Nations was at stake in ensuring the transition of East Timor to independence.<sup>181</sup>

Speakers appealed to the Government of Indonesia to disarm and disband militias in West Timor and to ensure a secure environment along its border with East Timor. They expressed the hope that the situation in West Timor would improve so that a United Nations presence could be re-established there, and looked forward to the outcome of the inter-agency security assessment mission's findings. The representative of Indonesia, however, found it unacceptable that the report justified the need to maintain a United Nations robust presence in the border areas and in East Timor as a result of the inaction of the Government of Indonesia in disbanding militia groups.<sup>182</sup> The representative of Canada expressed reservations at the high number of East Timorese police officers scheduled to be trained, maintaining that the focus on the training of a "large quasi paramilitary force" was an unnecessary distraction from democratic principles based on a community-policing model.<sup>183</sup>

Speakers also took note of the steps taken by the Government of Indonesia to address the issue of refugees and displaced persons from East Timor residing in West Timor, and encouraged the United Nations to continue to work closely with the Indonesian authorities to resolve the situation.

Stressing the importance of reconciliation for the attainment of stability in East Timor, several speakers commended East Timor for the establishment of the Commission for Reception, Truth and Reconciliation, intended to help intercommunal reconciliation.<sup>184</sup> Calling for discussions with the militias, the representative of France said that further progress in reconciliation required early attainment of political power by the people of East Timor.<sup>185</sup>

Most speakers underlined the importance of good-neighbourly relations between East Timor and

Indonesia and called on the new Indonesian administration to fully implement the memorandum of understanding on cooperation in legal, judicial and human rights matters, of 6 April 2000, and to establish a special human rights tribunal in Indonesia that would enable the prosecution of serious crimes. Several representatives called on Jakarta to pursue the appeal of the light sentences handed down on 6 September 2000 to the persons responsible for the killing of three UNCHR workers in Atambua, as well as to implement the measures outlined in resolution 1319 (2000).<sup>186</sup> The representative of Ireland urged full cooperation in investigating allegations that women were being held in West Timor in sexual slavery.<sup>187</sup>

Noting that East Timor would most likely become a member of ASEAN, several speakers underlined the key role ASEAN could play in maintaining the sovereignty and territorial integrity of East Timor.<sup>188</sup>

The representative of Indonesia emphasized that his new Government remained fully committed to its obligations regarding international agreements on East Timor and would continue efforts to resolve outstanding issues and build good relations with the leaders of East Timor. At the same time, he criticized the Secretary-General's report for having justified the need to maintain a robust presence in East Timor by claiming inaction by the Government of Indonesia; not recognizing that the success of the disarmament process was reflected in the lack of serious incidents with heavy casualties; and making unsubstantiated assertions regarding militia activity. He reiterated his Government's commitment to justice and reconciliation as well as its openness to any suggestion for a viable United Nations presence after independence in East Timor.<sup>189</sup>

---

<sup>181</sup> S/PV.4351, pp. 18-19 (Russian Federation); S/PV.4351 (Resumption 1) and Corr.1, p. 7 (Portugal); p. 9 (Australia); and p. 19 (New Zealand).

<sup>182</sup> S/PV.4351 (Resumption 1) and Corr. 1, p. 19.

<sup>183</sup> *Ibid.*, p. 21.

<sup>184</sup> S/PV.4351, p. 14 (United Kingdom); p. 19 (Jamaica); and p. 21 (France).

<sup>185</sup> *Ibid.*, p. 21.

<sup>186</sup> *Ibid.*, p. 14 (United Kingdom); p. 20 (Jamaica); p. 21 (France); S/PV.4351 (Resumption 1) and Corr.1, pp. 3-4 (Ireland); pp. 10-11 (Australia); p. 12 (Belgium on behalf of the European Union); and p. 18 (New Zealand).

<sup>187</sup> S/PV.4351 (Resumption 1) and Corr.1, p. 4.

<sup>188</sup> S/PV.4351, p. 13 (Singapore); p. 16 (Bangladesh); and p. 21 (France).

<sup>189</sup> S/PV.4351 (Resumption 1) and Corr.1, pp. 19-20.

At the 4367th meeting,<sup>190</sup> on 10 September 2001, at which the Council was briefed by the Under-Secretary-General for Peacekeeping Operations, statements were made by all Council members and the representatives of Australia, Belgium (on behalf of the European Union<sup>191</sup>), Japan, New Zealand and Portugal.<sup>192</sup>

The Under-Secretary-General reported that the elections for the Constituent Assembly had been conducted in an orderly and peaceful manner, meeting the criteria for free and fair elections, according to the Independent Electoral Commission. He added that 91 per cent of the electorate had participated in the poll, and concerns of voter intimidation had not been realized. The Under-Secretary-General pointed out that the certified results showed that Fretilin<sup>193</sup> had won 55 of the 88 seats (57.4 per cent), five short of a controlling majority; 12 of the 16 registered parties would be represented in the Assembly; and women would make up 27 per cent of the members. Indicating that some refugees had deferred returning to East Timor out of fear of electoral violence, he reported that arrangements were under way to facilitate further returns. He noted that the inter-agency security assessment mission had concluded that the security phase could be lowered from V to IV in all but one

districts in West Timor following the conclusion of a memorandum of understanding between the Government of Indonesia and the United Nations to specify the security for United Nations personnel.<sup>194</sup>

Speakers welcomed the peaceful, free and fair conduct of the elections and the high voter turnout. They expressed hope that the electoral outcome would be respected and that the parties would abide by their obligations under the pact of national unity and work together to draft a new Constitution for East Timor. The representative of the United States, echoed by the representatives of Colombia and Portugal, applauded the Fretilin leaders for having committed themselves to an inclusive and consensual approach to drafting a modern Constitution.<sup>195</sup> The representative of Norway encouraged UNTAET to adjust its routines to be able to respond to the democratically elected Assembly.<sup>196</sup> Similarly, the representative of Ukraine believed that UNTAET should pay special attention to providing relevant assistance to the newly elected Assembly members, preparing them for good governance.<sup>197</sup>

Speakers also stressed the importance of good-neighbourly relations between Indonesia and East Timor. In that context, many representatives welcomed the cooperation extended by the Government of Indonesia during the electoral period.<sup>198</sup> The representative of the United States hoped that the peaceful holding of the elections would encourage further refugee returns from West Timor.<sup>199</sup>

Speakers also reiterated their support for a substantial international presence in East Timor after independence, stressed the need to begin planning for the successor mission, and looked forward to the Secretary-General's report on arrangements for that mission. The representative of the United Kingdom underlined that the planning should be done properly, inclusively and in the spirit of the Brahimi report.<sup>200</sup>

<sup>190</sup> At the 4358th meeting, held in private on 23 August 2001, the Council was briefed by the Assistant Secretary-General for Peacekeeping Operations, who provided details on the election arrangements. The representatives of Argentina, Australia, Belgium, Brazil, Canada, Denmark, Finland, Germany, Indonesia, Japan, Mexico, Namibia, the Netherlands, New Zealand, Portugal, the Republic of Korea and Sweden were invited to participate. Council members, as well as the representative of Belgium, emphasized the importance of the peaceful conduct of the elections to be held on 30 August. They believed that a peaceful, democratic process would be a major first step towards East Timor's independence in a complex process of stabilization in East Timor. Speakers encouraged a spirit of peace, democracy and tolerance throughout the electoral process and beyond, and joined the Secretary-General in supporting the heroic efforts of the East Timorese people and in urging a large voter turn-out.

<sup>191</sup> Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Liechtenstein, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey aligned themselves with the statement.

<sup>192</sup> The representatives of Indonesia and Chile were invited to participate but did not make statements.

<sup>193</sup> Revolutionary Front for an Independent East Timor.

<sup>194</sup> S/PV.4367, pp. 2-5.

<sup>195</sup> *Ibid.*, p. 6 (United States); p. 10 (Colombia); and p. 16 (Portugal).

<sup>196</sup> *Ibid.*, p. 8.

<sup>197</sup> *Ibid.*, p. 12.

<sup>198</sup> *Ibid.*, p. 6 (Russian Federation); p. 7 (Ireland); p. 8 (Tunisia); p. 9 (Bangladesh); p. 10 (Mali); p. 11 (Mauritius); p. 12 (Ukraine, China); and p. 13 (France).

<sup>199</sup> *Ibid.*, p. 6.

<sup>200</sup> *Ibid.*, p. 5. For the Brahimi report (report of the Panel on United Nations Peace Operations), see S/2000/809.



At the 4368th meeting, on 10 September 2001, the President (France) made a statement on behalf of the Council,<sup>201</sup> by which the Council, *inter alia*:

Warmly welcomed the successful staging on 30 August 2001 of the elections for the first Constituent Assembly of East Timor, in particular the orderly and peaceful conduct of the elections and the very high voter turnout, which had demonstrated the wish of the East Timorese people to establish a full participatory democracy;

Expressed its appreciation of UNTAET for facilitating a smooth and representative election process;

Reiterated the importance of a substantial international presence in East Timor post-independence;

Looked forward to receiving the October report of the Secretary-General focusing on the transition and post-independence periods.

**Decision of 31 October 2001 (4404th meeting):  
statement by the President**

On 18 October 2001, the Secretary-General submitted a report on UNTAET,<sup>202</sup> in which he provided an assessment of the progress made in the implementation of the mandate of UNTAET and made recommendations for a successor mission to UNTAET, upon independence. He reported that the Constituent Assembly had begun drafting the Constitution and the Second Transitional Government had been appointed. He outlined the progress made in creating a functioning public administration in East Timor, as well as in the development of a sustainable economy and infrastructure. He observed that while militia activity was declining, illegal cross-border trade and theft were on the rise and reports of misinformation and intimidation in the refugee camps persisted. To address the cross-border security issues, UNTAET and the Indonesian Armed Forces had signed a Military Technical Arrangement to promote information-sharing and coordination.

The Secretary-General observed that while East Timor was making progress in the areas of justice and reconciliation, Indonesia had yet to implement the memorandum of understanding on cooperation in legal, judicial and human rights related matters. Although the jurisdiction of the Ad Hoc Human Rights Tribunal had been expanded, in his view, it remained too restrictive.

---

<sup>201</sup> S/PRST/2001/23.

<sup>202</sup> S/2001/983 and Corr.1, submitted pursuant to resolution 1338 (2001).

On the configuration of the United Nations mission, the Secretary-General reported that in the months leading up to independence, reductions would be implemented in the military, police and civilian components of UNTAET. Following independence, UNTAET would be succeeded by an integrated peacekeeping mission, composed of a military, a civilian police and a civilian component. The mission would focus on providing security; training and advising East Timorese civil servants and police officers; and performing key functions in the administration and government structures, until sufficient local capacities and human resources developed. The Secretary-General emphasized that there should be a progressive transfer of responsibility to the people of East Timor over a period of two years following independence.

At its 4403rd meeting, on 31 October 2001, the Council included in its agenda the above-mentioned report of the Secretary-General.<sup>202</sup> The Council was briefed by the Special Representative of the Secretary-General for East Timor; the Chief Minister of the Second Transitional Government of East Timor; the Vice President for External Affairs and United Nations Affairs at the World Bank; and the Associate Administrator of UNDP. In addition to all Council members,<sup>203</sup> statements were made by the representatives of Australia, Belgium (on behalf of the European Union<sup>204</sup>), Brazil, Brunei Darussalam, Cambodia, Fiji, Indonesia, Japan, Malaysia, Mexico, Mozambique, New Zealand, Papua New Guinea, the Philippines, Portugal, the Republic of Korea and Thailand.

The President (Ireland) drew attention to a letter dated 30 October 2001 from the Secretary-General, transmitting a letter from the speaker of the Constituent Assembly of East Timor.<sup>205</sup>

The Special Representative of the Secretary-General stated that, following the establishment of the Constituent Assembly, UNTAET had become a mission in support of the Government. He expressed hope that the Council would endorse 20 May 2002 as the

---

<sup>203</sup> Ireland was represented by its Minister for Foreign Affairs.

<sup>204</sup> Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Iceland, Latvia, Liechtenstein, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey aligned themselves with the statement.

<sup>205</sup> Not issued as a document of the Council.

independence date of East Timor. The 200 days leading up to that date were, in his opinion, crucial in preparing for independence. Ensuring a smooth budgetary transition to a national budget that differed substantially from that maintained under UNTAET was a key task. Moreover, he noted that while substantial progress had been made in the process of transferring governmental functions to the East Timorese, further assistance would be necessary beyond independence to complete that process. With that in view, he focused his briefing on detailing the financial, security, military and civilian components of the proposed successor mission to UNTAET, post independence, stressing that one key component of the successor mission would be the security of the new nation. He observed that, upon independence, the maintenance of internal security would continue to be the primary responsibility of the international civilian police, reduced in size by 25 per cent by the time of independence. As the capacity of the national police service grew, the size of the international component would be reduced. He announced the intention to reduce the military component of UNTAET by 44 per cent, while continuing to ensure effective border security, pending the full establishment and training of the East Timor Defence Force.

Turning to the proposed civilian component of the successor mission, he noted that it would include a human rights presence as well as a Serious Crimes Unit, intended to deal with the crimes committed in 1999. As specified in the report, he referred to the Government's efforts, with the support of UNDP to identify its human resource needs across all ministries. That process had indicated that up to 300 positions would be needed, particularly in areas related to human development and poverty reduction. Of the 300, approximately 100 core functions had been identified as critical to the viability and political stability of the Government as a whole and would be dependent on international expertise in the areas of finance, legal and justice systems infrastructure, and basic regulatory, administrative, and central logistical systems. Given that those functions were essential, he underlined the need for them to be funded for a specific period of time through the assessed budget.<sup>206</sup>

The Chief Minister of the Second Transitional Government of East Timor stressed that despite the

achievements of UNTAET, its mandate would not be fully realized by the date of independence. The priority for East Timor was to continue the process of institution-building in order for UNTAET to effectively and systematically transfer its administrative functions to the independent Government. He requested the Council to continue to support that transition up to and beyond independence. He held that, in view of the experience of other countries in similar positions, such assistance to the successor mission should be guaranteed through mandatory assessed contributions. The Government would also continue to pursue assistance in meeting its needs from bilateral, multilateral and other United Nations specialized agencies.<sup>207</sup>

The Vice President for External Affairs and United Nations Affairs at the World Bank stressed that institutional and human capacity-building would require a strategic approach and coordination of multiple donor organizations. He further noted that a large number of the civilian positions proposed in the successor mission fell within the finance sector and were critical to avoiding the risk of a collapse of state services in the period immediately after independence. Nonetheless, the UNTAET-administered consolidated fund for East Timor and the Trust Fund for East Timor of the International Development Association currently had a substantial funding gap and financing difficulties would extend beyond independence, until the Timor Sea hydrocarbon revenues became more substantial. The next donors' meeting, scheduled for December 2001 in Oslo, would seek to provide a platform to initiate donor discussions on the medium-term programme of support for a post-independent East Timor.<sup>208</sup>

The Associate Administrator of UNDP elaborated on the technical study undertaken by UNDP of the human resource needs in the short to medium term. He stated that the United Nations agencies, funds and programmes had only limited financial resources of their own and that East Timor would therefore have to rely on additional contributions from bilateral and other donors. Expressing the hope that the Council would find the means to guarantee that the United Nations could complete its task in East Timor, he reiterated the commitment of UNDP to complement

---

<sup>206</sup> S/PV.4403, pp. 3-8.

<sup>207</sup> *Ibid.*, pp. 8-12.

<sup>208</sup> *Ibid.*, pp. 12-13.

those efforts through the implementation of programmes for developing the fledgling civil service and for long-term capacity-building.<sup>209</sup>

Speakers endorsed the report and recommendations of the Secretary-General. While applauding the progress made by UNTAET during the past two years, they concurred that the role of UNTAET, as mandated by resolution 1272 (1999), would not have been completed upon independence. Consequently, they stressed the need for an international presence in East Timor well beyond the transition of political authority. Most speakers cautioned against premature withdrawal and called for an exit strategy to be contingent on the development of local capacity in the fields of security, law and order, justice, governance and public service.

Most speakers expressed support for the recommendations contained in the report, suggesting the establishment of a United Nations successor mission to take the form of an integrated peacekeeping operation, mandated by the Council. Several representatives held that the Council's clear endorsement of the Secretary-General's recommendations was important for ensuring a smooth transition to independence.<sup>210</sup> The representative of the Russian Federation underlined that the report provided a good first step, but called for more detailed, substantive recommendations.<sup>211</sup> Similarly, the representative of Japan had hoped for a more detailed plan for the future mission, and urged the Council to provide an early and clear indication regarding the continued United Nations presence.<sup>212</sup>

On the civilian component of the successor mission, the majority of speakers supported the recommendation that the 100 core functions be funded through assessed contributions. The representative of the United Kingdom expressed hope that the correct use of assessed contributions for those key posts would not discourage others from coming forward with voluntary contributions to the post-independence Timor. He held it was in the interest of all to move to

more conventional methods of development assistance as soon as was sustainable and not before.<sup>213</sup>

Many speakers stressed the need for continued support to the judiciary and human rights issues in the successor mission. They also welcomed the establishment of the Commission for Reception, Truth and Reconciliation, as well as the decision by the Government of Indonesia to expand the jurisdiction of the Ad Hoc Human Rights Tribunal. Several representatives highlighted the need to prosecute perpetrators of war crimes and other heinous acts in order to maintain law and order, fight impunity and promote reconciliation.<sup>214</sup> The representative of Norway urged the Council to renew its commitment to bringing to justice those responsible for the 1999 serious crimes.<sup>215</sup> The representatives of Jamaica and Belgium, the latter speaking on behalf of the European Union, hoped that the Indonesian Supreme Court would soon undertake a review of the verdicts for the killing of three UNHCR staff members.<sup>216</sup>

Stressing the importance of good relations between East Timor and Indonesia, speakers welcomed the informal high-level contacts between the two neighbours. They also expressed concern at reports of militia activities in West Timor, but welcomed the number of refugees returning to East Timor. Several representatives underlined the importance of a swift conclusion of a memorandum of understanding between the United Nations and the Government of Indonesia, which would allow for the return of humanitarian agencies to West Timor.<sup>217</sup>

The representative of Indonesia underlined the importance of strengthening relations with East Timor and looked forward to holding a bilateral meeting in the near future on ways to resolve outstanding issues and establishing a sound basis for future relations. One positive development, he noted, had been the recent signing of a bilateral agreement on the demilitarization

---

<sup>209</sup> *Ibid.*, pp. 13-15.

<sup>210</sup> S/PV.4403 (Resumption 1), p. 11 (Australia); p. 15 (Brazil); p. 19 (Malaysia); and p. 25 (New Zealand).

<sup>211</sup> S/PV.4403, p. 22.

<sup>212</sup> S/PV.4403 (Resumption 1), p. 9.

<sup>213</sup> S/PV.4403, p. 25.

<sup>214</sup> *Ibid.*, p. 19 (Jamaica); pp. 25-26 (United Kingdom); and p. 29 (Colombia); and S/PV.4403 (Resumption 1), p. 7 (Belgium on behalf of the European Union); and pp. 8-9 (Portugal).

<sup>215</sup> S/PV.4403, p. 28.

<sup>216</sup> *Ibid.*, p. 19 (Jamaica); and S/PV.4403 (Resumption 1), p. 7 (Belgium on behalf of the European Union).

<sup>217</sup> *Ibid.*, p. 18 (Jamaica); S/PV.4403 (Resumption 1), p. 6 (Belgium on behalf of the European Union); p. 15 (Brazil); and p. 17 (Republic of Korea).

of their respective borders. He also referred to his Government's efforts to repatriate refugees, expand the jurisdiction of the Ad Hoc Human Rights Tribunal, and resolve other outstanding issues.<sup>218</sup>

The majority of speakers stressed the need for simultaneous involvement of and close coordination among multilateral and bilateral donors to allow for effective and coherent support for East Timor, as the focus of the work in East Timor shifted even more from peacekeeping to peacebuilding, and to prepare for a smooth transition to more traditional development assistance. The representatives of the United Kingdom and the United States underlined the uniqueness of the case of East Timor as a reason for temporary funding through assessed contributions.<sup>219</sup>

At the 4404th meeting, on 31 October 2001, at which the Council continued its consideration of the Secretary-General's report on UNTAET dated 18 October 2001,<sup>220</sup> the President (Ireland)<sup>221</sup> made a statement on behalf of the Council,<sup>222</sup> by which the Council, *inter alia*:

Welcomed the political progress achieved to date towards establishing an independent East Timorese state and endorsed the Constituent Assembly's recommendation that independence be declared on 20 May 2002;

Agreed with the Secretary-General's assessment that the United Nations should remain engaged and that UNTAET be extended until independence;

Endorsed the recommendations of the Secretary-General for a continued and reduced United Nations integrated mission in the post-independence period, headed by a Special Representative and comprising a military component, a civilian police and a civilian component;

Looked forward to receiving information on financial implications and a detailed assessment of shared responsibilities on the follow-on mission.

**Decision of 31 January 2002 (4463rd meeting):  
resolution 1392 (2002)**

On 17 January 2002, the Secretary-General submitted a report on UNTAET,<sup>223</sup> by which he

informed the Council of the progress made in establishing a public administration, improving the security situation and implementing policies designed to promote economic and social development. Noting that the process of reviewing the draft Constitution had been extended by five weeks beyond the initial 90-day deadline, he indicated that the text would provide for the establishment of a unitary democratic state, with representative organs elected through direct and universal suffrage. The presidential election would be held in April 2002 and, despite calls for new legislative elections, the Constituent Assembly was considering transforming itself into a legislative body, as envisaged. Progress also continued to be made in the bilateral relations between East Timor and Indonesia and formal steps had been taken towards the accession of East Timor to ASEAN, upon independence. While noting that militia sightings had been few, the Secretary-General cautioned that hard-line militias might still pose a long-term threat to East Timor. Furthermore, the illegal markets operating near the border were of increasing concern. He reported that, despite continued misinformation and intimidation in the refugee camps, the rate of refugee returns had accelerated. While efforts were made to promote reconciliation and justice in East Timor, he indicated that the Indonesian authorities had yet to provide a positive response to requests made under the memorandum of understanding on judicial, legal and human rights related matters.

The Secretary-General reiterated that the achievement of the objectives set by the Council required the continued presence of a peacekeeping operation beyond independence. In his view, a smooth transition would require a phased drawdown of international staff; incorporation of essential common services within the Government and a transfer of United Nations assets; transfer of some residual functions of government from UNTAET; development of essential legislative and procedural machinery; and recruitment of civilian advisers for the post-independence Government. He noted that the reduction of troops and civilian staff was under way and that planning for the successor mission was continuing. In the meantime, he recommended that the Council extend the current mandate of UNTAET until the date of independence.

1338 (2001).

<sup>218</sup> S/PV.4403 (Resumption 1), pp. 21-22.

<sup>219</sup> S/PV.4403, p. 25 (United Kingdom); and p. 26 (United States).

<sup>220</sup> S/2001/983 and Corr.1.

<sup>221</sup> Ireland was represented by its Minister for Foreign Affairs.

<sup>222</sup> S/PRST/2001/32.

<sup>223</sup> S/2002/80 and Corr.1, submitted pursuant to resolution



At its 4462nd meeting, on 30 January 2002, the Council included in its agenda the above-mentioned report of the Secretary-General.<sup>223</sup> The Council was briefed by the Special Representative of the Secretary-General for East Timor. Statements were made by all Council members,<sup>224</sup> the representatives of Australia,<sup>225</sup> Bangladesh, Brazil, Fiji, Japan, Indonesia, New Zealand, the Philippines, Portugal, the Republic of Korea and Spain (on behalf of the European Union<sup>226</sup>), and the Senior Minister for Foreign Affairs and Cooperation of East Timor, Mr. José Ramos-Horta.

Providing an update on the preparations for Independence Day in East Timor, to be held on 20 May 2002, the Special Representative of the Secretary-General highlighted the progress made by the Constituent Assembly in reviewing and approving most of the draft constitution. He informed the Council of his decision to approve a request to extend the consultation process until 9 March. He also noted that, on 14 April, the people of East Timor would go to the polls to elect their first President in elections that would be run predominantly by the East Timorese. The newly elected President would be inaugurated on Independence Day.

Turning to East Timor's relations with regional neighbours, he drew attention to positive progress in cementing relations between East Timor and Indonesia and in resolving outstanding issues. He stated that, at the end of February 2002, East Timor and Indonesia would hold high-level talks, to be followed by trilateral talks when those two countries were joined by Australia.

He further noted that the security situation remained stable: the East Timor police service had been developing well under the guidance of the United Nations civilian police and progress had also been made in the establishment of an East Timor Defence Force. Nonetheless, until substantial progress had been made in the development of both institutions, an international civilian police and military presence would be required.

On the matter of national reconciliation, the Special Representative reported that he had recently sworn into office seven National Commissioners of the Commission for Reception, Truth and Reconciliation. He called attention to the fragility of the nascent justice system and the underlying need for sustained international support toward its development beyond independence. He also reported on developments in Indonesia in that regard, relating to the Ad Hoc Human Rights Tribunal, the Supreme Court, and progress in several investigations. Elaborating on progress in the number of refugee returns and efforts under way to encourage up to 60,000 refugees remaining in West Timor to return prior to independence, he noted that among the obstacles to their return fear of intimidation and various economic factors remained significant deterrents.

The Special Representative expressed hope that the Council would consider and approve the framework for a successor mission, contained in the Secretary-General's report.<sup>227</sup> He indicated that the mission's civilian activities would focus on core functions in public administration, and provide assistance to serious crimes investigations and human rights mainstreaming. As for the police component, the international police commissioner would unprecedentedly have the overall command of the East Timorese police and the United Nations civilian police, as a means to ensure a coordinated police response in the field. The expectation was, he said, that a gradual handover of police activities to the East Timor Police Service would be completed by January 2004. Similarly, there would be a timely handover of responsibilities from the military component to the East Timor Defence Force, and efforts were under way to reach an agreement on the relationship between the two. He added that the military component, responsible for external security and territorial integrity would be reduced as national border control regimes were put in place. At the same time, he informed of an ongoing process towards reducing the size of UNTAET by 75 per cent prior to independence, but stressed the need to minimize the trauma to East Timor caused by the replacement of UNTAET by a much smaller mission. In closing, he expressed the hope that the Council would approve the

---

<sup>224</sup> Ireland was represented by its Minister of State for Foreign Affairs.

<sup>225</sup> Australia was represented by its Prime Minister.

<sup>226</sup> Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Iceland, Latvia, Liechtenstein, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey aligned themselves with the statement.

---

<sup>227</sup> S/2002/80 and Corr.1, annex.

Secretary-General's proposal to extend the mandate of UNTAET until 20 May 2002.<sup>228</sup>

Speakers commended the work of the Constituent Assembly in drafting the Constitution for an independent East Timor and expressed the hope that the final Constitution would be based on the broadest possible popular consultations. They also welcomed the announcement regarding the date of the presidential elections, as well as the role that would be assumed by the East Timorese. They urged all parties to conduct the election campaign in a peaceful and transparent manner. Drawing attention to incidents of political violence, the representative of Spain, speaking on behalf of the European Union, stressed the importance of appropriate channels for expressing political dissent.<sup>229</sup>

Many representatives expressed the hope that Indonesia and East Timor would work to improve links and to resolve outstanding bilateral issues, including the delineation of the border and cooperation on bringing to justice those responsible for serious crimes. The representative of Indonesia reaffirmed his Government's commitment and support for East Timor and its willingness to explore ways to resolve the outstanding and wider issues of interest to both parties.<sup>230</sup>

Mindful of the number of refugees still remaining in West Timor, the representative of the United Kingdom, joined by the representative of Cameroon, called on Indonesia and East Timor to finalize the memorandum of understanding to enable international agencies to return to East Timor and facilitate the resettlement of the remaining refugees.<sup>231</sup> Speaking on behalf of the European Union, the representative of Spain held that efforts should continue to be made to promote cross-border contacts, increase mutual confidence and resolve the problem of the payment of pensions.<sup>232</sup>

Several speakers noted the continuing risk of instability and stressed the need to promote reconciliation and justice and welcomed the progress in establishing the Commission for Reception, Truth and

Reconciliation.<sup>233</sup> Several representatives welcomed the establishment of the Ad Hoc Human Rights Tribunal in Indonesia and expressed the hope that the trials would begin shortly.<sup>234</sup> The representative of Spain reiterated a call by the European Union for Indonesia to urgently make the court operational and fully mandated in line with international standards and with jurisdiction over all human rights violations.<sup>235</sup>

The representative of Indonesia stressed the importance of reconciliation and welcomed dialogue sessions among the different groups of East Timorese as well as the closer coordination between the Indonesian military and the peacekeeping forces. He reiterated his Government's assurances that justice would be upheld, pointing to the appointment of judges for the Ad Hoc Human Rights Tribunal, which was expected to commence its work the following month. While expressing respect for the independence of his country's judicial system, he also welcomed the revised sentencing by the Supreme Court in connection with the killings of three UNHCR staff members.<sup>236</sup>

While characterizing the achievements in East Timor as a United Nations success story, most speakers concurred that it was critical that the United Nations stay the course, solidifying its successes through the creation of a competent and self-reliant East Timor. The cumulative attainment of that goal over a defined period of time would provide the United Nations with a viable exit strategy. To that end, they expressed support for the Secretary-General's recommendations to extend the mandate of UNTAET until 20 May 2002 and endorsed the proposed framework for the successor mission. Speakers looked forward to more specific proposals, so that the Council could consider the mandate of the new mission well in advance of independence. The representative of the Russian Federation, however, voiced his concern that the Council had not been given a "unified, comprehensive concept of future international assistance".<sup>237</sup>

<sup>228</sup> S/PV.4462, pp. 2-9.

<sup>229</sup> S/PV.4462 (Resumption 1), p. 2.

<sup>230</sup> *Ibid.*, p. 14.

<sup>231</sup> S/PV.4462, p. 11 (United Kingdom); and p. 21 (Cameroon).

<sup>232</sup> S/PV.4462 (Resumption 1), p. 3.

<sup>233</sup> S/PV.4462, p. 13 (Ireland); p. 17 (Norway); p. 22 (Guinea); and p. 27 (Mauritius); S/PV.4462 (Resumption 1), p. 3 (Spain on behalf of the European Union).

<sup>234</sup> S/PV.4462, p. 18 (Mexico); p. 26 (Mauritius); S/PV.4462 (Resumption 1), p. 3 (Spain on behalf of the European Union).

<sup>235</sup> S/PV.4462 (Resumption 1), p. 3.

<sup>236</sup> *Ibid.*, pp. 13-15.

<sup>237</sup> S/PV.4462, p. 20.

Referring to the issue of post-independence assistance to East Timor, several speakers noted the importance of involving a broad spectrum of organizations and agencies from within the United Nations system, as well as regional structures, international financial institutions and individual donor countries.<sup>238</sup>

The representative of the United States stressed the need for the downsizing of the United Nations presence to stay on track in order to reach the goal of zero peacekeeping finance support by mid-2004 and expressed support for plans to gradually downsize UNTAET military and police components in the time leading up to independence.<sup>239</sup> The representative of Mexico, echoed by the representative of France, underlined the importance of consulting troop-contributing countries on the reconfiguration of UNTAET, before and after independence.<sup>240</sup> Similarly, the representative of the Russian Federation held the view that the scale, configuration and time frame for the future international presence should be determined by analysing the real needs of East Timor, the pace of developments on the ground, and by taking full account of the position of the Government of that country.<sup>241</sup>

Mr. Ramos-Horta drew attention to the many positive developments in East Timor including the low level of crime, preparations of the East Timorese Police Service and Defence Force, refugee returns, bilateral relations with Indonesia and the wider region, justice and reconciliation, negotiations on the Constitution and preparations for the presidential elections. At the same time, while welcoming the downsizing of UNTAET over the coming months, he expressed concern at the ability of some former militia elements to destabilise the country. He therefore welcomed the Secretary-General's proposals for the successor mission and expressed the hope that the Council would endorse that proposal.<sup>242</sup>

At its 4463rd meeting, on 31 January 2002, the Council again included in its agenda the report of the Secretary-General of 17 January 2002.<sup>243</sup> The

President (Mauritius) drew attention to a draft resolution;<sup>244</sup> it was adopted unanimously and without debate as resolution 1392 (2002), by which the Council, *inter alia*, decided to extend the current mandate of UNTAET until 20 May 2002 and to remain seized of the matter.

**Decision of 17 May 2002 (4534th meeting):  
resolution 1410 (2002)**

On 17 April 2002, the Secretary-General submitted a report on UNTAET,<sup>245</sup> detailing the progress made towards the independence of East Timor, as well as the challenges to the short- and long-term security and stability of the new State. The Secretary-General observed that on 22 March 2002 the Constituent Assembly had signed the text of the Constitution of the Democratic Republic of East Timor, which would come into force on 20 May 2002. He added that the presidential election had been held on 14 April in a peaceful and orderly manner. Outlining the continued progress in establishing the public administration for an independent East Timor, the Secretary-General reported that recruitment, training and capacity-building had taken longer than anticipated and continued to create obstacles to the effective functioning of the bureaucracy, including the judiciary. Detailing the progress in establishing the East Timor Police Service and Defence Force, he noted concerns that the Constitution made provision for the coexistence of police and "other security groups" and promised that the presence of such groups, primarily made up of disenfranchised former FALINTIL fighters, would be kept under close review. While stating that good cooperation between UNTAET and the Indonesian Armed Forces had contributed to a decline in militia activity, he warned that hard-core militia elements remained a potential threat and that illegal markets continued to operate on the borders. The Secretary-General observed that Indonesia had resumed food aid to the most vulnerable groups following reports of malnutrition and agreed to make back payments of pensions to former employees of the Indonesian civil service, police and armed forces in East Timor. Noting that the Ad Hoc Human Rights Tribunal had begun its first trials, he expressed regret that the Government of Indonesia had not expanded the

---

<sup>238</sup> *Ibid.*, pp. 18-19 (Mexico); and p. 25 (France); S/PV.4462 (Resumption 1), p. 9 (Republic of Korea).

<sup>239</sup> S/PV.4462, pp. 14-15.

<sup>240</sup> *Ibid.*, p. 18 (Mexico); and p. 25 (France).

<sup>241</sup> *Ibid.*, p. 20.

<sup>242</sup> *Ibid.*, pp. 27-30.

<sup>243</sup> S/2002/80 and Corr.1.

---

<sup>244</sup> S/2002/130.

<sup>245</sup> S/2002/432 and Add.1, submitted pursuant to resolution 1392 (2002).

jurisdiction of the tribunal beyond the period from April to September 1999 and the districts of Liquica, Dili and Cova Lima.

The Secretary-General outlined his plan for a continued, though reduced United Nations peacekeeping operation, which would be built on a milestone-based approach, allowing for gradual withdrawal over a two-year period. He proposed the establishment of a United Nations Mission of Support in East Timor (UNMISSET) to be based on three pillars, namely, (1) stability, democracy and justice, including support for the post-independence public administration and assistance for serious crimes investigations and proceedings; (2) internal security and law enforcement, consisting of both executive policing and support for the development of the East Timor Police Service; and (3) external security and border control, including support for external security and territorial integrity and assistance to the development of border security and control. All functions would be gradually handed over to the appropriate domestic authorities as local capabilities were developed.

At its 4522nd meeting,<sup>246</sup> on 26 and 29 April 2002, the Council included in its agenda the above-mentioned report of the Secretary-General.<sup>245</sup> The Council was briefed by the Secretary-General and the Assistant Secretary-General for Peacekeeping Operations. Statements were made by all Council members, the representatives of Australia, Brazil, Chile, Egypt, Fiji, Indonesia, Japan, Malaysia, New Zealand, the Philippines, Portugal, the Republic of Korea, Spain (on behalf of the European Union<sup>247</sup>), Thailand and Ukraine, and Mr. Xanana Gusmão, President-Elect of East Timor, and Mr. Marb Alkatiri, Chief Minister of East Timor.

In his introductory statement, the Secretary-General, *inter alia*, appealed to Member States to support the follow-on peacekeeping presence in East Timor and to continue to provide budgetary assistance and investments for sustainable growth. He also called

on the Government of East Timor to maintain close cooperation with Indonesia, particularly in order to ensure timely agreement on the delimitation of the border, on the situation of the remaining refugees in West Timor, and on cooperation in prosecuting those accused of serious crimes committed in 1999.<sup>248</sup>

Introducing the Secretary-General's report, the Assistant Secretary-General for Peacekeeping Operations elaborated on the plans for the successor mission to East Timor, UNMISSET. He noted that the mission would render support in public administration, law and order, and external security, and pointed out that the report had defined specific benchmarks that would allow a progressive reduction of the United Nations presence.<sup>249</sup>

The President-Elect of East Timor outlined the challenges that would face the nascent state of East Timor and appealed to the international community for financial support and expertise. He highlighted the need to consolidate the core democratic institutions of the country, enhance the capacity and transparency of political institutions and the administrative apparatus and achieve appropriate developments in the areas of law and order.<sup>250</sup>

The Chief Minister of East Timor stressed that the Government's priorities, as identified in the National Development Plan, would concentrate on: education and the eradication of illiteracy; health; housing; and the development of agriculture. He appealed to the international community for support, especially in the next three years before the first revenues could be expected from the gas and petroleum developments in the Timor Sea. He also emphasized the importance of a continued peacekeeping presence and of fostering good relations with neighbouring States as a means to improve the security of the country.<sup>251</sup>

Speakers applauded the recent positive developments in East Timor as outlined in the Secretary-General's report, including the adoption of the constitution, the 14 April election of Mr. Gusmão and the rehabilitation of infrastructure. They also recognized the need for further international assistance to the new administration to consolidate the gains

<sup>246</sup> For more information on the discussion at this meeting, see chap. I, part V, case 7, with regard to special cases concerning the application of rules 27-36 of the provisional rules of procedure.

<sup>247</sup> Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Iceland, Latvia, Liechtenstein, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey aligned themselves with the statement.

<sup>248</sup> S/PV.4522, pp. 2-3.

<sup>249</sup> *Ibid.*, pp. 3-6.

<sup>250</sup> *Ibid.*, pp. 6-8.

<sup>251</sup> *Ibid.*, pp. 9-10.



already made, particularly in the areas of security and administrative services. Speakers stressed that continued donor support would be essential in that regard, and many recognized the need to ensure coordination among the different agencies and bilateral donors.

Speakers expressed support for the Secretary-General's recommendations for the establishment of UNMISSET, commending the proposed focus on public administration, law and order and security as well as the establishment of clear benchmarks for a gradual withdrawal of the mission. A number of speakers stressed that the timetable of UNMISSET should be determined by realities on the ground.<sup>252</sup> The representatives of Portugal and Australia cautioned that East Timor would continue to face significant security and social risks as the international presence was reduced.<sup>253</sup>

Many representatives stressed the importance of developing the East Timor Police Service and Defence Force. They also expressed concern about the slow development of the judiciary and called for capacity-building to ensure progress in the provision of justice and accountability.

Welcoming the envisaged close relationship between UNMISSET and the wider United Nations system in East Timor, many speakers stressed the need for continuing multilateral and bilateral development assistance and expressed the hope for sustained donor engagement. Many representatives noted that additional donor support could hasten the achievement of benchmarks and hence the withdrawal of UNMISSET. While welcoming the improved relations between East Timor and Indonesia and the increase in refugee returns, several speakers stressed the need to address outstanding bilateral problems, including border demarcation; judicial cooperation; prosecution for serious crimes; and improvement of the refugee situation.<sup>254</sup>

---

<sup>252</sup> Ibid., p. 17 (Singapore); p. 20 (France); p. 25 (Ireland); pp. 28-29 (Portugal); p. 30 (Spain on behalf of the European Union); and p. 32 (Australia); S/PV.4522 (Resumption 1), pp. 4-5 (Brazil).

<sup>253</sup> S/PV.4522, p. 29 (Portugal); and p. 32 (Australia).

<sup>254</sup> Ibid., p. 15 (Bulgaria); p. 18 (Mexico); p. 21 (Norway); pp. 25-26 (Ireland); and pp. 30-31 (Spain on behalf of the European Union).

Calling for a comprehensive solution to the issue of refugees, the representative of Indonesia called for a positive response from the international community to the joint Indonesia/United Nations appeal on solutions for East Timorese refugees. He said the use of the term "militias" in the Secretary-General's report gave an inaccurate impression that lawlessness existed at the border and questioned the report's depiction of criminal activity absent of any concrete evidence. He was of the opinion that border agreements should not be tied to security issues, or to the downsizing of UNMISSET, and reaffirmed his Government's readiness to work in a spirit of cooperation and amity toward building a peaceful and sustainable society in East Timor.<sup>255</sup>

At its 4534th meeting, on 17 May 2002, the Council continued its consideration of the report of the Secretary-General dated 17 April 2002.<sup>256</sup> The President (Singapore) drew attention to a draft resolution;<sup>257</sup> it was adopted unanimously and without debate as resolution 1410 (2002), by which the Council, *inter alia*:

Decided to establish, as of 20 May 2002 and for an initial period of 12 months, a United Nations Mission of Support in East Timor;

Decided also that the mandate of the Mission should consist of the following elements: (a) to provide assistance to core administrative structures critical to the viability and political stability of East Timor; (b) to provide interim law enforcement and public security and to assist in the development of a new law enforcement agency in East Timor, the East Timor Police Service; (c) to contribute to the maintenance of the external and internal security of East Timor;

Decided that UNMISSET would be headed by a Special Representative of the Secretary-General and would consist of a civilian component comprising an office of the Special Representative of the Secretary-General with focal points for gender and HIV/AIDS, a civilian support group of up to 100 personnel filling core functions, a serious crimes unit and a human rights unit; a civilian police component initially comprising 1,250 officers; and a military component with an initial strength of up to 5,000 troops, including 120 military observers;

Decided that internationally accepted human rights principles should form an integral part of training and capacity-building carried out by UNMISSET under paragraph 2 of the resolution;

---

<sup>255</sup> S/PV.4522 (Resumption 1), pp. 12-13.

<sup>256</sup> S/2002/432 and Add.1.

<sup>257</sup> S/2002/539.

Authorized UNMISET, under Chapter VII of the Charter of United Nations, to take the necessary actions, for the duration of its mandate, to fulfil its mandate, and decided to review this issue and all other aspects of the mandate of UNMISET after 12 months;

Decided that progress towards achievement of the milestones of the mandate implementation plan should be kept under review and that downsizing of UNMISET should proceed as quickly as possible, after careful assessment of the situation on the ground;

Decided further that UNMISET would, over a period of two years, fully devolve all operational responsibilities to the East Timorese authorities.

**Decision of 20 May 2002 (4537th meeting):  
statement by the President**

At its 4537th meeting,<sup>258</sup> held on 20 May 2002 to celebrate the independence of East Timor, the Council again included in its agenda report of the Secretary-General, dated 17 April 2002.<sup>259</sup> The Council was briefed by the Deputy Secretary-General. Statements were made by all Council members,<sup>260</sup> and the representatives of Australia, Brazil, Brunei Darussalam, Costa Rica (on behalf of the Rio Group), Cuba, Indonesia, Jamaica (on behalf of the Caribbean Community), Japan, Malaysia, Nepal, New Zealand, the Philippines, Portugal, the Republic of Korea, Spain (on behalf of the European Union<sup>261</sup>), Thailand, Ukraine and Venezuela.

The Deputy Secretary-General extended congratulations to the people of East Timor and noted that the international community would work with its leaders to strengthen the democratic institutions that had been established and to promote the social and economic development of the country. She paid tribute to Indonesia and Portugal in the signing of the Agreement of 5 May, welcomed the attendance of the President of Indonesia, Megawati Sukarnoputri, at the independence ceremonies in Dili, and stressed that East Timor's cooperation with its neighbours would be

crucial to its long-term stability and prosperity. She further urged the international community to remain generously committed to East Timor in the future and maintained that the Council's decision to authorize a multidimensional follow-on operation, UNMISET, was a clear demonstration of its conviction that there must be "no exit without strategy". In closing, she reported that the Secretary-General had received from the Prime Minister and Foreign Minister of East Timor an application for membership in the United Nations. That request would be presented to the Council, in accordance with the established procedure, for its consideration.<sup>262</sup>

Speakers welcomed the declaration of independence and congratulated the people and Government of East Timor on the result of their struggle for self-determination as well as the international community, particularly the United Nations, for its successful state- and nation-building in East Timor. Many speakers highlighted the cooperation extended by Indonesia and applauded the presence of the President of Indonesia at the independence ceremony in Dili. Most representatives commended the peaceful and democratic means by which East Timor had achieved independence and were looking forward to East Timor joining the United Nations. At the same time, they cautioned that major challenges remained ahead for East Timor. Welcoming the authorization of UNMISET, members emphasized the need for sustained bilateral and multilateral assistance to East Timor in the years ahead to safeguard and further build on progress already made. In addition to calls for assistance for capacity-building and sustainable development, many representatives stressed the need to continue to make progress on reconciliation and justice and welcomed the improved relations between East Timor and Indonesia. The representatives of Portugal and Costa Rica stressed the need to prioritize the promotion of democratic practices and respect for human rights, the latter encouraging East Timor to abolish its Defence Force and reallocate the resources to social and economic development.<sup>263</sup>

Many representatives characterized the situation in East Timor as a success story for the United Nations and commended the successive United Nations missions in East Timor and the Security Council for

<sup>258</sup> For more information on the discussion at the meeting, see chap. XII, part I, sect. A, case 1, with regard to Article (2) of the Charter.

<sup>259</sup> S/2002/432 and Add.1.

<sup>260</sup> Singapore was represented by its Minister for Foreign Affairs.

<sup>261</sup> Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Iceland, Latvia, Liechtenstein, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey aligned themselves with the statement.

<sup>262</sup> S/PV.4537, pp. 2-3.

<sup>263</sup> *Ibid.*, p. 9 (Portugal); and pp. 10-11 (Costa Rica).

having demonstrated the abilities of the organization. The representatives of Australia and the Philippines pointed out that in East Timor the United Nations had implemented new approaches to peacekeeping and peacebuilding, including the establishment of clear, credible and achievable mandates, clear exit-strategies and coordination with the wider United Nations family.<sup>264</sup>

At the same meeting, the President (Singapore) made a statement on behalf of the Council,<sup>265</sup> by which the Council, *inter alia*:

Welcomed the attainment of independence by East Timor on 20 May 2002;

Affirmed its commitment to the sovereignty, political independence, territorial integrity and national unity of East Timor within its internationally recognized boundaries;

Expressed its strong support for the leadership of East Timor as it assumed authority for governing the new, sovereign State of East Timor; and its concern that challenges to the security and stability of East Timor remained after independence;

Expressed its confidence that UNMISET, established by resolution 1410 (2002), would help to consolidate and strengthen a stable environment in East Timor;

Appealed to Member States to respond positively to the urgent appeal of the Secretary-General to fill vacancies in the Civilian Support Group;

Also urged Member States and other actors to respond positively to the appeals for assistance in the development of the East Timor defence force, police service and justice sector, and in supporting social and economic development and poverty reduction;

Looked forward to the day in the near future when East Timor would become a Member of the United Nations.

**Decision of 4 April 2003 (4735th meeting):  
resolution 1473 (2003)**

At its 4646th meeting,<sup>266</sup> on 14 November 2002, the Council included in its agenda the report of the Secretary-General on UNMISET dated 6 November

2002.<sup>267</sup> The Secretary-General noted that, on 27 September 2002, Timor-Leste (former East Timor) had been admitted to membership in the United Nations by the General Assembly.<sup>268</sup> He indicated that, since independence, the leaders of Timor-Leste had sought to promote a broad-based democracy. However, the country's emerging institutions remained fragile and would require international assistance. While some unrest had ensued due to rising dissatisfaction by former combatants and veterans, the Government was seeking to address the issues through dialogue. As for relations with Indonesia, he highlighted the creation of the Joint Ministerial Commission for Bilateral Cooperation to address issues of mutual concern. Stressing the importance of justice and accountability, he recalled that the United Nations High Commissioner for Human Rights had expressed concern at the proceedings of Ad Hoc Human Rights Tribunal set up by the Government of Indonesia. Outlining the progress made by UNMISET in its mandate implementation plan, he noted that, while the civilian support group was addressing gaps in key areas, the justice sector continued to lack behind. As for internal security, the transfer of policing responsibilities and the downsizing plan for the UNMISET police was proceeding according to the schedule. Furthermore, while the overall external security and border control situation continued to improve, the refugee problem and the situation with regard to border demarcation and control remained of concern. The Secretary-General stressed the need for donor assistance in key areas to enable the completion of the mandate implementation plan and the smooth transition to traditional development assistance.

At the meeting, the Council was briefed by the new Special Representative of the Secretary-General for Timor-Leste. Statements were made by all Council members, and the representatives of Australia, Chile, Denmark (on behalf of the European Union<sup>269</sup>), Fiji (on behalf of the Pacific Islands Forum), India,

---

<sup>264</sup> *Ibid.*, p. 4 (Australia); and p. 13 (Philippines).

<sup>265</sup> S/PRST/2002/13.

<sup>266</sup> At the 4598th meeting, held in private on 13 August 2002, the Council was briefed by the Assistant Secretary-General for Peacekeeping Operations. The Assistant Secretary-General, Council members and the representatives of Brazil, India, Indonesia, Japan and Portugal had a constructive exchange of views.

<sup>267</sup> S/2002/1223, submitted pursuant to resolution 1410 (2002).

<sup>268</sup> For information on the action of the Council with regard to the admission of Timor-Leste to membership in the United Nations, see chapter VII.

<sup>269</sup> Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Iceland, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey aligned themselves with the statement.

Indonesia, Japan, New Zealand, Portugal, the Republic of Korea, Thailand, Timor-Leste and Ukraine.

The Special Representative of the Secretary-General elaborated on the Secretary-General's report, drawing attention to the many challenges facing Timor-Leste, concerning, *inter alia*, the rule of law, social and economic development, and institution building. He stressed that UNMISSET played a crucial role in nation building, while at the same time carrying out its mandate with regard to external and internal security and public administration. Its goal was to enable Timor-Leste to emerge as a state in full possession of all attributes of sovereignty, stability and prosperity, he said. In that regard, and in order for UNMISSET to achieve the objectives outlined by resolution 1410 (2002), and remain on schedule according to the drawn-down schedule, he reiterated the Secretary-General's appeal for sustained international assistance, particularly in the key areas of public administration, justice, corrections, police, border control and defence. In closing, he noted that the shadow of terrorism had fallen over the region and had added to the security challenge already facing Timor-Leste. To meet that challenge, external expertise had to be made available.<sup>270</sup>

Welcoming the progress achieved in Timor-Leste and paying tribute to the new Government, the Special Representative and UNMISSET in that regard, speakers drew attention to the remaining challenges for Timor-Leste and made an emphatic call on the international community for sustained and increased financial and technical support and assistance.

As for the first pillar of the mandate of UNMISSET — stability, democracy and justice — most speakers welcomed the progress made in capacity-building and the handing over of administrative responsibilities to the authorities of Timor-Leste, and applauded the Government for its inclusive political approach and emphasis on dialogue and human rights. A number of representatives remained concerned about dissatisfaction among former freedom fighters and veterans, and stressed the need to address their grievances.<sup>271</sup>

Speakers took note of concerns expressed in the Secretary-General's report concerning the development

of the justice system, human rights and the rule of law. They commended the work of the Commission for Reception, Truth and Reconciliation and underlined the need to bring those responsible for the 1999 violence to justice. They expressed serious concern at shortcomings in the judicial system and stressed the importance of ensuring an independent judiciary and addressing the problems in the prison system, particularly the detention of prisoners without trial. The representatives of the United States and Singapore drew attention to the lack of clarity regarding the separation of powers among the judiciary.<sup>272</sup>

Regarding the second pillar — internal security and law enforcement — speakers welcomed reports that a number of districts were now under the control of the new Timor-Leste Police Service, which boded well for the scheduled transfer of such responsibilities to the Timorese by January 2004. Taking note of the Secretary-General's recommendation for more resources for the Timor-Leste police force, the representative of New Zealand emphasized the importance of confidence in law enforcement and in the judicial system for a safe and stable environment, and the representative of Australia stressed the need for a more strategic and coordinated approach to strengthening the police.<sup>273</sup>

Concerning external security, the third pillar, many speakers emphasized the positive developments as a result of the work of the Government of Timor-Leste, UNMISSET and the Indonesian armed forces. Cooperation among the three structures had made it possible to improve and ensure a climate of stability and security with West Timor. They encouraged Indonesia and Timor-Leste to continue to make progress towards the delineation of their common border, expressing the hope that such progress would enable UNMISSET to reduce its presence within a reasonable time period, as called for by the Council. The representative of Indonesia reiterated his Government's commitment to resolving the border issue and elaborated on the work of the Joint Ministerial Commission for Bilateral Cooperation.<sup>274</sup> Speakers also welcomed Timor-Leste's efforts to establish diplomatic relations with almost all States members of ASEAN, and its new membership of the

<sup>270</sup> S/PV.4646, pp. 2-5.

<sup>271</sup> *Ibid.*, p. 16 (Singapore); and p. 18 (Colombia).

<sup>272</sup> *Ibid.*, p. 9 (United States); and p. 16 (Singapore).

<sup>273</sup> *Ibid.*, p. 25 (New Zealand); S/PV.4646 (Resumption 1), p. 6 (Australia).

<sup>274</sup> S/PV.4646, p. 27.



Community of Portuguese-speaking Countries among other forums.

Many representatives reiterated their concerns about the refugees. Several speakers expressed concern at the slow rate of refugee return since the end of June 2002, maintaining that such return was a prerequisite for the long-term stability of the country.<sup>275</sup> The representative of Indonesia noted that his Government had provided additional incentives for refugees who wanted to return by the end of the year, expressing the hope that a comprehensive solution would be found by that time. Regarding the low level of return, he noted that the lack of financial support had been a major impediment and reiterated the importance of the international community meeting its financial commitments to the joint appeal.<sup>276</sup>

The representative of Timor-Leste, in his first appearance before the Council representing a Member of the United Nations, said that his Government stood ready to face the many challenges ahead on the basis of the principles promoted by the United Nations. At the same time, he stressed that Timor-Leste was a young country whose transition from decades of violence and deprivation was yet to be completed. Building a self-sufficient and prosperous nation would require the Council's continued support and partnership, as well as that of the international community at large. He drew attention to the many challenges raised by other speakers, while underlining progress in the area of political developments within and outside Timor-Leste, related, *inter alia*, to the reconciliation process, relations with Indonesia and Australia and the international community, and preparations for his country's ratification of several important international instruments. In closing, he noted that Timor-Leste remained fully committed to the global fight against terrorism, although it required the sustained support of the international community.<sup>277</sup>

At its 4715th meeting, on 10 March 2003, the Council included in its agenda the special report of the

---

<sup>275</sup> *Ibid.*, p. 10 (Syrian Arab Republic); p. 11 (Mauritius); p. 14 (Mexico); p. 15 (Norway); p. 19 (Colombia); and p. 24 (Chile); S/PV.4646 (Resumption 1), p. 5 (Australia).

<sup>276</sup> S/PV.4646, p. 27.

<sup>277</sup> *Ibid.*, pp. 20-22.

Secretary-General on UNMISSET dated 3 March 2003.<sup>278</sup>

In the report, the Secretary-General observed a sharp increase in the frequency and magnitude of security-related incidents, including riots in Dili and attacks in a number of villages, and indicated that the increased activity of armed groups might be generated by both politically motivated elements and criminals. Recalling that the mandate implementation and mission downsizing plans had been prepared in a time of optimism, he stressed the need to adjust the downsizing plan for UNMISSET to reflect the changed circumstances. The Secretary-General recommended a series of revisions to both the military and the policing strategies in Timor-Leste, including the reconfiguration of the military component and the adoption of a revised phased approach to its mandate to better reflect the existing threats; and the enhancement of the operational ability and training capacity of the international police component. He recalled that the plan for downsizing UNMISSET had always been predicated on the need to keep the situation on the ground under constant review. Nevertheless, he emphasized that the development rate in the nascent State remained extraordinarily rapid.

At its 4758th meeting,<sup>298</sup> on 19 May 2003, the Council again included in its agenda the above-mentioned report of the Secretary-General.<sup>299</sup> The President (Pakistan) drew attention to a draft resolution;<sup>300</sup> it was adopted unanimously and without debate as resolution 1480 (2003), by which the Council, *inter alia*, decided to extend the mandate of UNMISSET until 20 May 2004 and to remain actively seized of the matter.

#### **Deliberations of 15 October 2003 (4843rd meeting)**

At its 4843rd meeting, on 15 October 2003, the Council included in its agenda the report of the Secretary-General on UNMISSET dated 6 October 2003.<sup>301</sup> In the report, the Secretary-General observed

---

<sup>278</sup> S/2003/243, submitted pursuant to resolution 1410 (2002).

<sup>298</sup> The representative of Timor-Leste was invited to participate but did not make a statement.

<sup>299</sup> S/2003/449.

<sup>300</sup> S/2003/545.

<sup>301</sup> S/2003/944, submitted pursuant to resolution 1410 (2002).

the remarkable progress made by Timor-Leste in laying the foundations for a functioning civil service and police force. The security situation had improved and relations with other countries, particularly Indonesia, had continued to grow stronger. The two neighbours had reiterated their commitment to finalize the agreement on the international land border by 30 November 2003 and subsequently to address other aspects of border management and to encourage return and resettlement of refugees. The Secretary-General outlined continued progress in each of the three programmes under the mandate implementation plan, including development of the public administration and justice sector, police training and law enforcement as well as development of the armed forces and provision of security and border control. Meanwhile, he stressed that some requirements would remain outstanding after the conclusion of the UNMISSET mandate and that continued international assistance would be indispensable in areas such as civil administration, justice and policing, human rights training and border security, as well as the serious crimes process. In conclusion, he encouraged the international community to begin consideration of ways to continue to support Timor-Leste after the withdrawal of UNMISSET.

At the meeting, the Council was briefed by the Special Representative of the Secretary-General for Timor-Leste. Statements were made by all Council members and the representatives of Australia, India, Italy (on behalf of the European Union<sup>302</sup>), Japan, Malaysia, New Zealand, the Philippines, Portugal, Singapore and Timor-Leste.

The Special Representative of the Secretary-General noted that in the 17 months since the establishment of UNMISSET, Timor-Leste had made “a determined start” in various aspects of governance, open leadership, enactment of legislation, rehabilitation of infrastructure, responsible development planning and budgetary discipline, cooperation with Indonesia to finalize agreement on their land border, promotion of the country’s regional and global integration, and commitment to democratic norms and personal freedoms. A supportive role had been played by UNMISSET, United Nations agencies and bilateral and multilateral partners in strengthening the institutions of

state, advancing economic and social objectives and enhancing state security.

He indicated that despite achievements in training and in the broader deployment of the national police, there existed potential threats to stability in both rural and urban areas, including the continued presence of ex-militia elements in the border area. He anticipated that the Council would give close scrutiny to issues of security and governance in preparing for the handover of defence responsibility to the Government of Timor-Leste on 20 May 2004 upon the expiry of the Mission’s mandate. Specifically, he suggested that until Timorese security agencies were fully trained and equipped to perform the tasks undertaken by the military component of UNMISSET, “international assistance in some form” might be necessary, particularly to provide psychological support to a population not yet prepared for complete withdrawal of the reassuring international presence. Following recent needs assessments undertaken jointly by the Government, UNMISSET and UNDP, the Government had identified some critical administrative and judiciary functions which would also require continued international support. In addition, a continued human rights presence in the post-UNMISSET period would be necessary.<sup>303</sup>

Speakers voiced appreciation for the support given by UNMISSET to the transitional process in Timor-Leste and commended the country’s leadership for its achievements. They noted with satisfaction that the foundations had been laid for a democratic and independent state with functioning political institutions. They also voiced appreciation for the stabilization of the overall security environment. Representatives welcomed the strengthening of Timor-Leste’s regional and international relations, noting in particular the bilateral agreement on border delimitation with Indonesia and the progress made in the establishment of maritime borders with Australia.

Speakers agreed, however, that serious challenges remained, which would leave Timor-Leste dependent on international assistance well beyond the expiration of the UNMISSET mandate. They also noted that the emerging state institutions remained rather fragile, and that further administrative support was necessary. Further strengthening of the army and capacity-building in the police and justice sectors were seen to be essential. In the face of Timor-Leste’s difficult

<sup>302</sup> Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Iceland, Latvia, Liechtenstein, Lithuania, Malta, Norway, Poland, Romania, Slovakia, Slovenia and Turkey aligned themselves with the statement.

<sup>303</sup> S/PV.4843, pp. 2-7.

economic situation, delegations shared the view that the promotion of economic and social development through enhanced donor support was an issue of utmost importance.

Representatives welcomed the stabilization of the security situation since the adoption of the revised drawdown plan for UNMISSET. At the same time, many speakers expressed support for the ongoing endeavours to train and build the capacities of both the police and the Defence Force in Timor-Leste, but recognized that this would require long-term efforts. In that regard, the representative of Guinea encouraged reinforcement of institutional and operational capacities of the National Police Force of Timor-Leste.<sup>304</sup> The representative of Angola stressed the need for the rapid deployment police unit to be present for as long as necessary and called for stepping up the cooperation between the United Nations military component and the Timorese armed forces.<sup>305</sup>

While welcoming improvements to the justice system, many speakers stressed the importance of establishing the rule of law, respecting human rights and bringing the perpetrators of past serious crimes to justice. In that context, the representative of Spain was disappointed at the conduct of the trials in the Ad Hoc Human Rights Tribunal and urged the judicial authorities in Indonesia to guarantee that the appeals process be transparent and in accordance with international norms of justice.<sup>306</sup> The representative of Mexico echoed the Secretary-General's appeal that those accused of serious crimes, many of whom were currently outside of Timor-Leste, be made available to the judiciary.<sup>307</sup>

Addressing the post-UNMISSET period, many speakers concurred with the Secretary-General's assessment that the country would not be able to achieve self-sufficiency in certain key areas of the United Nations mandate before May 2004. In order to consolidate all that had been achieved to date, the role and responsibility of the United Nations should not end with the withdrawal of UNMISSET. Therefore, as part of an orderly exit strategy, several representatives affirmed the need for a smaller successor mission mandated by the Security Council.<sup>308</sup> In the view of the

representative of Timor-Leste such a post-UNMISSET United Nations presence should be credible and strong.<sup>309</sup> The representative of Australia informed the Council that after discussions with the Government of Timor-Leste and other partners, his Government had put forward a model for a post-UNMISSET mission to be established by Security Council mandate for a one-year period. The proposed mission would be different from its predecessors in several ways: the Timorese themselves would be "in the driver's seat"; and the role of the United Nations would not be one of traditional peacekeeping, but of providing back-up support and advice to enable the local institutions to evolve and stand with confidence. Furthermore, the mission would be small, limited in scope, focused on specific needs, and have a clear end point.<sup>310</sup>

Many speakers asserted that, in particular, the Timorese judicial system, finance and economic planning, and defence and security would need United Nations support after May 2004, and they looked forward to the Secretary-General's forthcoming proposals. The representative of the United Kingdom, while noting that peacekeeping and peacebuilding were two sides of the same coin, stressed that post-UNMISSET assistance would be crucial to ensure the success of the ongoing peacekeeping efforts. Underlining the importance of a smooth transition to peacebuilding, he said that it would be essential for the United Nations to play a part in future arrangements for the international engagement.<sup>311</sup> The representative of France stressed the importance of a clear distinction between UNMISSET and the subsequent United Nations presence and called for the latter to be even more focused on development of Timorese capacities in critical sectors. Echoed by the representative of Mexico, the representative of France added that assistance should be provided as coordinated action by the various parts of the United Nations system and be given a complete and definitive exit strategy.<sup>312</sup>

---

p. 26 (Singapore); pp. 28-29 (Malaysia); and p. 30 (New Zealand).

<sup>309</sup> Ibid., p. 20.

<sup>310</sup> Ibid., pp. 23-24.

<sup>311</sup> Ibid., p. 15.

<sup>312</sup> Ibid., p. 10 (France); and p. 18 (Mexico).

---

<sup>304</sup> Ibid., p. 13.

<sup>305</sup> Ibid., p. 12.

<sup>306</sup> Ibid., p. 10.

<sup>307</sup> Ibid., p. 18.

<sup>308</sup> Ibid., p. 9 (Spain); p. 21 (Portugal); p. 23 (Australia);

The representative of Timor-Leste outlined progress in implementation of the National Development Plan, including in the sectors of agriculture, healthcare and education, adding that negotiations with Australia over the maritime boundaries would commence shortly. Highlighting the cooperation established with Indonesia in key areas, he noted that efforts were made to encourage the

resettlement and facilitate the return of the approximately 26,000 refugees remaining in the camps in West Timor. He concurred with the Secretary-General that Timor-Leste would not be able to achieve self-sufficiency in certain key areas by 20 May 2004, and welcomed the discussion about a credible and strong future United Nations presence.<sup>313</sup>

<sup>313</sup> Ibid., pp. 19-21.

## 25. The situation in Tajikistan and along the Tajik-Afghan border

### **Decision of 21 March 2000 (4116th meeting): statement by the President**

At its 4115th meeting, on 21 March 2000, the Security Council included in its agenda the interim report of the Secretary-General on the situation in Tajikistan.<sup>1</sup> The Secretary-General observed, *inter alia*, that the peace process that the United Nations Mission of Observers in Tajikistan (UNMOT) was set up to support was coming to an end with the holding of the first multi-party parliamentary elections in Tajikistan. He commended the inclusion of former warring parties and others in the electoral process, yet warned that much remained to be done, especially concerning disarmament, reintegration, and democratization. He observed that despite these shortcomings, the parliamentary elections marked the final act in the transition period foreseen under the General Agreement on the Establishment of Peace and National Accord in Tajikistan. Accordingly, he concluded that UNMOT had been a significant achievement and stated his intention to terminate UNMOT once its mandate expired on 15 May 2000. The Secretary-General also noted that he was currently consulting with the Government of Tajikistan about the establishment of a small United Nations office to facilitate post-conflict peacebuilding and consolidation.

At the meeting, the Council heard a briefing by the Assistant Secretary-General for Peacekeeping Operations, following which statements were made by most members of the Council,<sup>2</sup> as well as the representative of Tajikistan.

<sup>1</sup> S/2000/214, submitted pursuant to resolution 1274 (1999).

<sup>2</sup> The representatives of Canada and Mali did not make

In his briefing, the Assistant Secretary-General elaborated on the successful parliamentary elections, but noted some particular shortcomings such as the failure to ensure the independence of the election administration commission, and the fact that the transparency of the electoral process had not met minimum standards.<sup>3</sup>

In their statements following the briefing, most speakers commended the holding of the first multi-party elections in an atmosphere free of violence, but also noted the deficiencies in the electoral process.

At the 4116th meeting, on 21 March 2000, the President (Bangladesh) made a statement on behalf of the Council,<sup>4</sup> by which the Council, *inter alia*:

Welcomed the holding on 27 February 2000 of the first multi-party and pluralistic parliamentary election in Tajikistan, and urged the Government and the Parliament of Tajikistan to work towards elections in the future that would meet acceptable standards as a means to consolidate peace;

Supported the intention of the Secretary-General to withdraw UNMOT when its mandate expired on 15 May 2000.

### **Decision of 12 May 2000 (4141st meeting): statement by the President**

At its 4140th meeting, on 12 May 2000, the Council included in its agenda the report of the Secretary-General on the situation in Tajikistan.<sup>5</sup> The Secretary-General attributed the positive outcome of the peace process in Tajikistan to four main factors:

statements.

<sup>3</sup> S/PV.4115, p. 2.

<sup>4</sup> S/PRST/2000/9.

<sup>5</sup> S/2000/387, submitted pursuant to resolution 1274 (1999).