

Timor-Leste

United Nations peacekeepers withdrew from Timor-Leste during 2005, marking the end of the latest phase of the organization's long, and successful, engagement there. The UN Mission of Support in East Timor (UNMISSET) was succeeded by the UN Office in Timor-Leste (UNOTIL), a political mission with a mandate to support the new government in building state institutions and maintaining security.

Background

UN involvement began in 1960, when the General Assembly added Timor-Leste to its list of non-self-governing territories. On 28 November 1975, representatives of Frente Revolucionária do Timor-Leste Independente (Fretilin) declared independence. This was followed, on 7 December of the same year, by a military intervention and occupation by Indonesia. In July of the following year Indonesia formally annexed Timor-Leste as its twenty-seventh province. This annexation was rejected by the United Nations, which continued to recognize Portugal as the administering power. Security Council Resolutions 384 (1975) and 389 (1976) called for the withdrawal of Indonesian forces. Annual General Assembly resolutions, principally supported by Portugal, kept the status of Timor-Leste on the UN's agenda for the following two decades. From 1982, the Secretary-General was requested by the General Assembly to hold talks with Indonesia and Portugal to resolve the status of the territory. Throughout the period of occupation armed

resistance continued, with substantial loss of life.

In January 1999, Indonesia proposed that a referendum be held, offering the people of Timor-Leste what amounted to a choice between autonomy within Indonesia and independence. On 5 May 1999, Indonesia and Portugal signed an agreement in New York requesting the Secretary-General to organize and conduct a "popular consultation" to determine whether or not the people of Timor-Leste would accept the Indonesian autonomy proposal. Indonesia undertook to provide a secure environment. On 11 June 1999, the Security Council created the UN Mission in East Timor (UNAMET), to carry out the consultation. After some delays due to security concerns, the consultation took place on 30 August 1999, with 78.5 percent of voters rejecting the Indonesian proposal. Pro-Indonesian militias immediately launched a campaign of violence, which was not contained by the Indonesian authorities. In addition to a heavy loss of life, East Timor was physically devastated—much of the housing stock was destroyed, as were economic assets and key infrastructure. Indonesian administrators—including almost all people with higher skills and education—left the territory. This was a second exodus from East Timor, the first being the departure of an educated group of Timorese after the Indonesian invasion.

UNTAET and UNMISSET

When the violence erupted, the Secretary-General, Security Council members, and others



engaged in intensive diplomatic efforts to convince Indonesian authorities to accept an international security presence in Timor. After a Security Council mission to the island, backed by heavy pressure from the United States and the International Monetary Fund (IMF) as well as active telephone diplomacy by the Secretary-General, President B. J. Habibie relented and invited the UN in “as a friend” to help quell the violence. The Security Council authorized on 15 September 1999 the establishment and deployment of the Australian-led International Force for East Timor (INTERFET), to restore peace and security under Chapter VII of the UN Charter. The first elements of this force were deployed five days later, after which the security situation progressively improved. On 25 October the Security Council passed Resolution 1272, establishing the UN Transitional Administration in East Timor and giving it a sweeping mandate to administer the territory, including “all legislative and executive authority, including the administration of justice.” Under Chapter VII, UNTAET was tasked with providing security, maintaining law and order, establishing an effective administration,

assisting in the development of public services, coordinating humanitarian relief, building capacity for self-government, and creating the conditions for sustainable development. In effect, it became the government of the devastated territory for a transitional period.

Sergio Vieira de Mello was appointed transitional administrator, taking up office in Dili on 13 November. Humanitarian operations were swiftly initiated, and were gradually phased out during the first half of 2000. In February 2000, INTERFET withdrew, transferring authority to the UNTAET military component. Key INTERFET contributors—including Australia—agreed to “rehat” forces deployed along the land border.

Despite its robust mandate and 8,000 well-armed soldiers, UNTAET’s military component operated under rules of engagement (ROEs) that were later deemed to be too restrictive. The mission faced a serious threat from organized militia groups infiltrating from across the land border with West Timor, leading in one case to the displacement of up to 3,000 East Timorese. UNTAET was tested in repeated firefights with the militias, leading to a number of casualties, including the death of two UN peacekeepers. Three UN staff members were murdered in Atambua, West Timor, on 6 September.

UNTAET concluded that its ROEs were insufficient for military engagement with a determined, well-armed opposition. The Special Representative of the Secretary-General (SRSG) supported a request from the military command for new rules of engagement, the need for which was underlined by the Security Council in its Resolution 1319, calling for UNTAET to respond robustly to the militia threat. The DPKO approved an “amplified” concept of self-defense. Offensive operations were not authorized, but the warning requirements were liberalized, such that hostile intent could reasonably be inferred from the behavior of particular militia members. Forceful action was taken on a number of occasions to disarm and detain militias. By early 2001 it appeared that the militias

Box 3.5.1 The Economic Impact of UNTAET and UNMISSET, 1999–2004

April 2005 saw the publication of an interim report of the Economic Impact of Peacekeeping project, supported by the Peace Dividend Trust and the Best Practices Section of the UN Department of Peacekeeping Operations (DPKO). Recalling earlier criticisms of the 1992–1993 UN Transitional Authority in Cambodia for unbalancing the local costs and wages through its heavy spending, this report analyzed the impact of UN Transitional Administration in East Timor (UNTAET) and UNMISSET on the economy of Timor-Leste to the end of 2004. It argued that the missions had a number of positive effects:

- The peace operations created a secure environment permitting basic economic activity and investment.
- Although the chaos of 1999 drove inflation up to 10 percent, it fell to 5 percent or below in 2000–2004, contrary to a widespread belief that the UN presence created inflationary pressures.

- UNTAET was the largest single employer during a troubled period, with almost 2,000 staff, whose experience now adds to the country's human capital.
- The provision of services by UNTAET and UNMISSET enhanced Timor-Leste's productive capacity, although it is difficult to quantify this precisely.
- The services put in place for internationals may provide the infrastructure for a future tourist industry.

Nonetheless, the report also drew negative conclusions, including:

- Of total mission procurement worth \$35,052,000, only \$4,767,000 was spent on local goods and services (although greater local spending might have been inflationary).
- In 1999 the UN set a minimum wage for local staff of \$85 per month, compared to a minimum in neighboring Indonesia of \$40. While the nascent Timorese government set a competitive

wage, the resulting distortion was an obstacle to developing the private sector.

- The best-educated workers gravitated toward UN posts, disadvantaging the government and other employers.
- The finite nature of the UN presence militated against long-term planning, with most projects lasting only one year.
- While Timor-Leste's electricity supply was destroyed in 1999, UNTAET used large portable generators rather than construct a new power plant—resulting in Asia's most expensive power generation system.

The Economic Impact of Peacekeeping project will produce further reports and recommendations, building on these lessons and covering other missions.

Source: M. Carnahan, S. Gilmore, and M. Rahman, *Interim Report: Economic Impact of Peacekeeping—Phase I* (New York: United Nations, DPKO Best Practices Unit, April 2005).

had largely ceased their organized military campaign.

UNTAET's efforts in the area of governance and public administration fell into two main phases. From late 1999 to mid-2000 the UN mission directly assumed most administrative and executive functions, with an emphasis on laying the foundation for future development. This included passing basic enabling legislation, including regulations on the body of laws that would be applied, the basic institutions that would administer the territory, the currency that would be used, and the National Consultative Council. Also during the first phase, UNTAET established a civilian mobile phone network, opened the

port and airport under civilian authority, and established a central fiscal authority and a central payments office, as precursors to a treasury and central bank. Proto-ministries were established to support the reconstruction of the education and health systems and other services.

Partly in response to complaints about the slow pace of "Timorization," during the second phase of its administration, starting in mid-2000, the mission set up a series of power-sharing cabinets with the Timorese leadership, with authority being progressively passed to the hosts. A broad effort to build capacity was launched, though progress was slow in some key areas, such as in the judiciary. Support

was also provided to the development of a constitution and for the holding of elections. Timor-Leste became independent on 20 May 2002, with independence leader Alejandro “Xanana” Gusmão sworn in as the first president of the new republic.

Following independence, UNTAET was withdrawn, and was replaced by the UN Mission of Support in East Timor. UNMISSET’s role was threefold: to provide troops and police for the country’s external and internal security; to further assist in the development of a Timor-Leste police service; and to provide a broad range of “capacity building” and other forms of support to public administration. Most of the UN’s executive functions were handed over to the new Timorese government, but UNMISSET retained interim law enforcement duties to deal with the crime problem pending establishment of a fully functioning domestic police force. UNMISSET also maintained a substantial military presence of 5,000 to deter continuing threats from militias based in West Timor. A new Timorese defense force was created, but large numbers of Falantil—a disciplined and professional fighting force—were demobilized and not incorporated in the new army, creating a cadre of disaffected ex-combatants. By the end of 2003, the Timorese civilian administration had assumed responsibility for managing day-to-day affairs, although the downsizing of UNMISSET’s police and military components was delayed due to lingering security threats. The main challenges remaining at the end of 2004 related to the weak state of Timor’s public administration, which became the focus of the mission’s exit strategy developed in consultation with state authorities.

UNOTIL

In the run-up to the end of UNMISSET’s mandate in May 2005, a division of opinion arose among UN member states as to the best way forward. One group of countries—principally the main donors to the UN peacekeeping budget—felt that the United Nations had

completed its peacekeeping work in Timor-Leste, and that the time had come to bring that level of engagement to an end. These countries noted that incidents on the border were declining and that there was no evidence of further organized militia activity.

Led by the United Kingdom and the United States, these countries argued that, whatever follow-on arrangements were made for UNMISSET, there should be no military component to the mission. For the major donors, this remains a point of ongoing concern, as missions with a military component are normally financed at the United Nations peacekeeping scale of assessments, whereas missions without military components can be funded from the regular budget, which distributes the financial burden somewhat more widely. This issue, not limited to the mission in Timor-Leste, also informs a wider push for more discipline in developing and implementing “exit strategies.”

The government of Timor-Leste, supported in the Security Council by Brazil and others, argued the contrary position. They claimed that the peace in Timor-Leste was not yet fully secure and could benefit from a continued small presence, principally deployed along the land border with Indonesia. They asserted that the regular liaison with the Indonesian forces on the other side of the border kept a useful degree of international attention on issues connected with the border—smuggling, security incidents, allegations of activity by former militia members—and helped to resolve issues on the ground before they could escalate. It also ensured a quick and professional flow of information from the border area to UN headquarters and capitals. Those in favor of a limited extension of UN presence in Timor-Leste noted that the North Atlantic powers had been content to keep much more substantial forces in the Balkans under a UN mandate for a decade beyond the end of hostilities, whereas a different standard appeared to be applying to places outside of Europe.

Persuasive intervention from Timorese foreign minister José Ramos Horta managed

to secure something of a compromise. The Security Council agreed to replace UNMISSET with a scaled-down follow-on mission, the UN Office in Timor-Leste. Continuing a wider trend, however, this new mission was mandated only for a period of one year, hindering effective medium-term planning, already a weakness of United Nations peace operations.

UNOTIL was mandated to work in three main areas:

- Support for the public administration and justice system of Timor-Leste and for justice in the area of serious crimes.
- Support for the development of law enforcement in Timor-Leste.
- Support for the security and stability of Timor-Leste.

The UN continues to confront the issue of accountability for serious crimes, a source of contention for years. Following the violence associated with the vote on independence in 1999, there had been calls, both inside the United Nations and outside, for those principally responsible to be brought to justice. Within Indonesia, an ad hoc human rights tribunal was established, but that did not quiet international demands for justice. In Timor-Leste a serious crimes unit was established, and eighty-seven defendants were tried by special panels, of whom eighty-four were convicted of crimes against humanity and other crimes. The most serious charges, however, were directed at individuals living outside of Timor-Leste, often in Indonesia. Without Indonesia's cooperation in arresting those against whom charges had been laid, the process was perceived by many to be inadequate.

A Commission of Experts dispatched by the Secretary-General recommended that an international tribunal be established to pursue the matter. This, however, was not supported by most member states. Moreover, the governments of Timor-Leste and Indonesia agreed to establish a Commission on Truth

UN Office in Timor-Leste (UNOTIL)

• Resolution passage	28 April 2005 (UNSC Res. 1599)
• Start date	20 May 2005
• SRSG	Sukehiro Hasegawa (Japan)
• Senior military adviser	Colonel Fernando José Reis (Portugal)
• Senior police adviser	Malik Saif Ullah (Pakistan)
• Budget	\$22.01 million (21 May 2005–31 December 2005)
• Strength as of 31 October 2005 (unless otherwise noted)	Military observers: 15 Police: 58 International civilian staff: 131 (30 August 2005) Local civilian staff: 275 (30 August 2005) UN volunteers: 37 (30 September 2005)

and Friendship, without powers of prosecution, apparently signaling that efforts to bring to justice the main perpetrators of the 1999 violence were at an end.

In the area of law enforcement, UNOTIL advisers have focused on strengthening the capacity of the border patrol unit and other specialized units, building leadership skills of the national police in both administrative and operational areas, and the management of the police headquarters. Some progress has been made, but skills remain weak in many areas, and allegations of corruption are widespread. In addition, relations between the police and armed forces remain strained, and clashes have occurred.

Security in the crucial border areas improved during the first half of 2005. In April, the governments of Timor-Leste and Indonesia made a provisional agreement settling the dispute over some 96 percent of the border. The foreign ministers of the two countries marked the agreement by jointly laying the first border marker. In October, however, there were renewed reports of infiltrations into Timor-Leste by mobs and armed men, operating in or near the disputed border areas.

Internally, security appeared to improve during 2005. Local elections took place in a number of areas, with few problems. A major



AP Photo/Firdia Lisnawati

Timor-Leste's President Xanana Gusmão, left, inspects Timorese police force members during a celebration of the third anniversary of its independence in Dili, 20 May 2005

political dispute, ostensibly over the teaching of religion in state schools, pitted Prime Minister Mari Alkatiri against a range of conservative opponents, led by the dominant Catholic Church. Despite large public demonstrations in Dili, the protests ended without the violence that had followed civil unrest in 2004.

Prospects for the Future

Timor-Leste is rightly seen as a major UN success story. Almost four years after independence, however, there is still some risk of a renewal of violence. The country is poor—among the poorest countries in the world—with an annual per capita gross national product of about \$400. Unemployment is among the highest in the region. The skills that are needed to sustain a functioning state are still weak, particularly in the area of rule of law, and corruption appears to be growing. Society remains fragmented, and mechanisms for dispute resolution are weak. Across the border

with Indonesia, former members of the militias that devastated the country in 1999 are still present. While these no longer appear well organized, and their activities may be more criminal than political, they remain a potential problem.

UNOTIL's presence undoubtedly contributes to the stability of Timor-Leste, and is almost universally recognized as doing so by the government and people of the country. Its role, however, is hampered by its impending closure, presently scheduled for May 2006. The incidents on the border in October reinforce the necessity of continued engagement by the United Nations as the country moves through its postwar transition and into the new challenges that will be faced as oil and gas revenues come on stream in the latter part of the decade. UNOTIL is one of several missions on the UN's agenda that poses the challenge of long-term attention to postconflict stabilization, a challenge to which the newly approved Peacebuilding Commission may have to respond.