

UNSC: 5351st Meeting (AM) - Timor-Leste President requests Security Council to establish UN political office

Source: United Nations Security Council
Date: 23 Jan 2006

Timor-Leste President requests Security Council to establish UN political office to follow current mission, which expires 20 May

Responsibilities Would Include Electoral Assistance, Justice Training; Special Representative Cites Progress, but Says Peace 'Remains Fragile'

SC/8615

Security Council
5351st Meeting (AM)

official record President Kay Rala Xanana Gusmão of Timor-Leste asked the Security Council this morning to consider establishing a follow-on special political office in his country after the mandate of the United Nations Office in Timor-Leste (UNOTIL) ends on 20 May.

He said that in view of upcoming presidential and parliamentary elections in 2007, the proposed United Nations presence would have an electoral assistance component to provide the Government with technical and logistical support; 15 to 20 military liaison personnel to be deployed along the border with Indonesia in order to prevent tensions and conflicts and encourage dialogue and cooperation between East Timorese and Indonesian security forces; police training, for which Timor-Leste continued to need assistance despite the excellent bilateral assistance programme funded by Australia and the United Kingdom; and civilian advisers for the justice and finance sectors.

Noting the approaching end of UNOTIL's mandate, he said much remained to be done in ensuring the continuing improvement of State institutions, law and order agencies and the administration. As Head of State, he was aware of the criticisms levelled at Timor-Leste's security forces and there had been too many unacceptable breaches of the country's own laws and international obligations. However, there had been a marked improvement in overall police conduct compared to just two years ago. Unfortunately, the shortcomings and failings were not confined to one area alone. There were shortcomings in the justice sector resulting from an extreme shortage of trained and experienced judges, prosecutors, public defenders and court clerks. Although that situation had improved with the recruitment of foreign jurists,

Timor-Leste would continue to require international assistance for a long time to come if it was to offer its people an independent and credible judiciary.

Expressing the collective gratitude of the Timorese people for the critical role that the Security Council had played in their country's recent history, he said that the senseless violence and destruction of 1999 might seem like a thing of the past, it should not be forgotten that it had all happened only a few years ago. Yet in that short time, much had changed for the better, so much so that the Timorese people, even if many were still trying to come to terms with their personal suffering, were happy that they were at peace with themselves and with their neighbours and that they were living in a free and democratic country.

He said that the country's relations with its two closest neighbours continued on a sound basis. Last year had been the high point of relations with Indonesia, whose President Susilo Bambang Yudhoyono had visited Timor-Leste. The two countries had now reached agreement on 99 per cent of their common border with the remaining 1 per cent to be resolved in the next few weeks, hopefully before the end of UNOTIL's mandate. In spite of a series of incidents that had occurred with repeated incursions into Timorese territory by civilian elements, the overall situation had been very calm. With Australia, Timor-Leste had taken a step in further consolidating what was a very important relationship. On 12 January the Foreign Ministers had signed an historic agreement that provided a 50-50 share of the oil and gas resources in the Greater Sunrise area, one of the richest in the entire Asia-Pacific region, and a 50-year moratorium on the maritime boundary, without prejudice to sovereign claims.

Briefing the Council earlier, Sukehiro Hasegawa, the Secretary-General's Special Representative and head of UNOTIL, said that the last five months had turned out to be a productive period for UNOTIL in implementing Security Council-mandated programmes and preparing to transfer capacity-building support functions to United Nations agencies and other development partners. Since 2002, international advisers provided by the United Nations and bilateral development partners had made great progress in building Timorese capacity to administer public institutions. As a result, the number of international advisers provided by the United Nations system had declined from nearly 300 three years ago to about 100 by the end of last year.

The UNOTIL civilian advisers had accelerated their efforts to transfer skills and knowledge, and their Timorese counterparts were now

demonstrating increased ability and willingness to carry out their duties. Yet, national capacities in highly technical areas such as justice and finance remained extremely weak. It had become evident that international advisory support, especially in these two areas, was required for some years to come. The country had made major progress, but "peace remains fragile". The Prime Minister had recently sent a letter to the Secretary-General requesting the establishment of a special political office and he recommended that the Council carefully examine that request.

Australia's representative said her country had been at the forefront of international efforts to support Timor-Leste's transition to an independent and secure State. Australia had contributed to all United Nations missions in the country and had also provided more than \$330 million in official development assistance since 1999. There was clearly more to be done to assist Timor-Leste after the end of UNOTIL's mandate. The country would require ongoing support, particularly in capacity-building and poverty alleviation. The international community had made a considerable investment in Timor-Leste's success and continuing challenges must be addressed by its development partners, if it was to remain a successful example of the international community's involvement in peacekeeping and peacebuilding. Australia had been, and would remain, one of the largest bilateral donors in Timor-Leste. Its bilateral aid programme was estimated at more than \$30 million in 2005-2006 and included substantial capacity-building in the area of economic governance, police and justice.

Indonesia's representative said Timor-Leste remained a major priority in Indonesia's foreign policy. Indeed, the bilateral ties were marked by close rapport between the leaders of the two countries at the highest levels. Under the mechanism of an annual meeting of the Joint Ministerial Commission, progress continued to be made in various spheres, such as border issues, legal matters, trade, investment and finance, health, transport and communication, and education. That deepened cooperation included assistance to institutional capacity-building in diverse areas. The maturity of those bilateral ties had allowed the two countries to deal effectively with common issues, including matters related to the difficult episode of its shared history and border issues. Indonesia looked forward to a successful conclusion of UNOTIL's mandate and agreed with previous speakers that the international community should remain engaged in Timor-Leste beyond May.

Other speakers today included the representatives of Ghana, Denmark, Argentina, Russian Federation, Qatar, Slovakia, France, Greece, United

Kingdom, Peru, Japan, China, Congo, United States, United Republic of Tanzania, Austria (on behalf of the European Union and associated countries), Portugal, Brazil and Papua New Guinea (on behalf of the Pacific Islands Forum Group).

The meeting began at 10:15 and ended at 1:10 p.m.

Background

When the Security Council met this morning to consider the situation in Timor-Leste, it had before it the report of the Secretary-General pursuant to resolution 1599 (2005), in which the Council decided to establish, as of 21 May 2005, the United Nations Office in Timor-Leste (UNOTIL) for one year. The report covers major developments since 18 August 2005, and it outlines the ongoing plans for the transition from UNOTIL to a sustainable development framework.

Despite the remarkable achievements made since 1999, the country remains fragile, the report states. Crucial State institutions, particularly the justice sector, remain weak, in large part owing to a lack of qualified human resources. According to some assessments, it may take several years for the National Parliament to be able to function without international support. Time will also be required for democratic governance and human rights to take root. The Secretary-General, therefore, strongly believes that, while the country's future rests with the Timorese people and their Government, the international community should remain engaged in the country beyond 20 May, when the UNOTIL mandate expires. In this regard, the appointment of a new United Nations Resident Coordinator to assume his duties in February should facilitate a gradual handover of responsibilities for the coordination of international assistance.

During the reporting period, the Government and people of Timor-Leste supported by UNOTIL and other international partners, made further progress towards establishing effective democratic governance in the country, the report finds. The successful conclusion of local elections, the strengthening of the legal framework through the adoption of key legislation and the improved observance of human rights by the police are good examples of such progress.

Notwithstanding some border incidents, the situation remained generally calm and stable, the report goes on to say. Relations with neighbouring countries continued to improve. Good progress was achieved in negotiations with Indonesia on the delineation of the four per cent of the land border that remains unresolved. The Secretary-General welcomes this progress, and at the same time,

encourages the authorities in Dili and Jakarta to make further efforts to reach final agreement on their land border without further delay. The conclusion of the agreement on sharing of revenues from exploitation of natural resources in the Timor Sea was a positive reflection of Timor-Leste's relations with Australia.

Meanwhile, the report says that UNOTIL continued to support the country through the three Security Council-mandated programmes. At the same time, the Mission has focused increasingly on identifying development partners to take over functions that will need to continue beyond 20 May, in order to ensure a smooth and rapid transition to a sustainable development framework. The pace of this process has been encouraging, although much remains to be done. The Development Partners' Conference scheduled for April will be an important opportunity for the international community to demonstrate its commitment to Timor-Leste. The Secretary-General welcomes the commitments made thus far and hopes that they will soon be translated into concrete action, with timely and generous funding.

Also according to the report, a major challenge facing Timor-Leste in the near future will be the forthcoming presidential and parliamentary elections in 2007. Both elections will be held for the first time since the country assumed independence in 2002. The prevailing opinion among Timorese stakeholders suggests that, in order to ensure that these elections are successful, some international political presence should remain in the country until the end of the electoral process. The Secretary-General would welcome the Council's suggestions regarding appropriate ways and means of assisting Timor-Leste to face this challenge, which could have a significant impact on the country's long-term peace and stability.

Briefing by Special Representative

SUKEHIRO HASEGAWA, Special Representative of the Secretary-General and Head of the United Nations Office in Timor-Leste (UNOTIL), said that the last five months had turned out to be a productive period for UNOTIL in implementing the three Security Council-mandated programmes and preparing for the transfer of capacity-building support functions to United Nations agencies and other development partners. The first component of the UNOTIL mandate was the support for critical State institutions. Since 2002, international advisers provided by the United Nations and bilateral development partners had achieved a great deal of progress in building the Timorese capacity to administer their public institutions. As a result, the number of international advisers provided by the United Nations system had declined from nearly 300 three years ago to about 100 by the end of last year.

He noted that UNOTIL civilian advisers had accelerated their efforts to transfer skills and knowledge, and their Timorese counterparts were now demonstrating increased ability and willingness to carry out their duties. Yet, national capacities in highly technical areas such as justice and finance remained "extremely weak". It had become evident that international advisory support, especially in those two areas, was required for some years to come.

In the justice sector, eight international judges continued to provide training and perform line functions in court, including the handling of serious crime cases, he said. The presence of international judges greatly contributed to the efficient disposition of the cases and reduced the time to complete trials to five months. Nonetheless, it would take a few more years for the national judges to become self-sufficient, as they were still undergoing basic judicial training. President Gusmão had recently expressed his concerns about the capacity of public prosecution to adequately deal with as many as 3,000 pending civil and criminal cases. The situation needed urgent attention, as all national prosecutors commenced specialized training in January and would not be able to attend to their responsibilities. Additional international prosecutors were, therefore, required. The recent inauguration of the Law Faculty of the National University of Timor Lorosa'e would provide a long-term sustainable solution to the lack of adequate national legal expertise.

In the finance sector, he said that a great deal of progress had been made in building national expertise. As a result, the number of United Nations funding advisers had been reduced drastically from nearly 70 advisers three and one-half years ago to less than 10, along with several bilateral advisers by the end of last year. Currently, six UNOTIL civilian advisers had been supporting the Ministry of Planning and Finance. The World Bank had shown its readiness to implement a technical assistance programme, although the Government was requesting the United Nations to continue providing advisers to maintain critically important financial functions. As the Secretary-General's report indicated, out of 45 adviser positions, several posts would be taken over by national institutions by 20 May. The remaining functions would be looked after by appropriate United Nations agencies, financial institutions and other development partners.

Concerning the second UNOTIL mandate, namely to support democratic governance and human rights, he said that human rights officers had been assigned to Government ministries and State institutions, with the aim of strengthening their capacity to protect and promote human rights. The Office of the "Provedor" had made great progress in

drafting a strategic plan and establishing a complaint handling system in preparation for the opening of the Office to the public in March. Beyond May, human rights activities would need continued international attention. The Office of the High Commissioner for Human Rights was fully committed to providing necessary assistance and sending a needs assessment mission next month for the purpose of clearly identifying post-UNOTIL requirements.

He said that, under the leadership of Foreign Minister Jose Ramos-Horta, Timor-Leste had demonstrated a remarkable commitment to establish a normative international human rights framework through the early ratification of the full range of core human rights treaties in 2003 and 2004. Timor-Leste was about to complete its draft initial human rights report under the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women, with United Nations support. The Commission for Reception, Truth and Reconciliation had finally completed its report, and the President had handed it to the Secretary-General last Friday. The Commission had covered a wide range of issues and made specific recommendations requiring careful consideration.

Turning to the third component of UNOTIL's mandate, he said that, regarding the further development of the national police and the Border Patrol Unit, 60 police and 15 military training advisers had been provided. The UNOTIL police training advisers and their Timorese counterparts had conducted a joint capacity assessment for each unit and formulated a strategic plan for their further development. The military training advisers had now completed the initial phase of the transfer of border management skills and entered into the validation phase so as to ensure that the Border Patrol Unit had the capacity to interact with the Indonesian Army counterparts as equal and professional partners. The need to accelerate the implementation of those training programmes, however, became evident on 6 January when three people were shot dead at the border by the Timorese police. He commended the decision made immediately by the two countries to undertake a joint investigation. The incident had also prompted UNOTIL to refocus its attention to enhance the Border Patrol Unit's professionalism.

Meanwhile, Timor-Leste's relations with Indonesia continued to improve, he noted. He commended the two countries for the significant progress made in the last few weeks towards resolving, at the technical level, the demarcation of the common border, with the exception of the remaining 1 per cent. He was confident that a final agreement could be achieved soon to conclude the task of delineating the entire border. Timor-Leste's relationship with Australia had also

been strengthened. On 12 January, Foreign Ministers Ramos-Horta and Downer signed an agreement to share revenues derived from the Greater Sunrise oil and gas field. Timor-Leste would receive 50 per cent of the upstream revenues. That would, not doubt, facilitate the economic and social development of the country.

Timor-Leste had made "major progress in peacebuilding, but peace remains fragile", he said. Next year, for the first time since the restoration of independence, presidential and parliamentary elections would take place. Remembering what happened in 1975, the Timorese leaders had reminded all that those elections would be a critical test for the nascent democratic State. An electoral needs assessment mission fielded in November 2005 had concluded that, for the elections to be free and fair, Timor-Leste needed international assistance and a strong political presence. Following the Mission's recommendations, UNOTIL was already recruiting three technical advisers to assist in drafting electoral laws, planning the electoral administrative process and establishing a voter database. He invited Council members to refer to the letter by Prime Minister Mari Alkatiri to the Secretary-General requesting the establishment of a special political office. He recommends that the Council carefully examine that request, taking into account the newly emerging political and security situation.

KAY RALA XANANA GUSMÃO, President of Timor-Leste, said that when he had addressed the National Assembly on 28 November 2005, he had said that, upon learning of the contents of the Reception, Truth and Reconciliation Commission (CAVR), he had concluded that both he and Foreign Minister José Ramos-Horta had been right to say that true justice was the recognition by the international community of the right to self-determination and independence of the people of Timor-Leste. That understanding was crucial for their analysis and conclusions. So, if the previous 24 years had been years of injustice, an injustice in which the international community was implicated, then the collective actions taken by the United Nations in 1999 in freeing the Timorese people and assisting them since were acts of redemption, of superior justice.

He said he acknowledged that the assertion of truth as a mandate attributed to the CAVR was indeed the pivotal element leading to all its other activities. Truth was seminal to the quest for justice and for victims. Indeed, it was truth that informed the mandate of Timor-Leste and Indonesia's Commission on Truth and Friendship (CAV). Reconciliation, however, had been a long-standing process enabling the people of Timor-Leste to endorse the principles of tolerance and forgiveness as the true basis for the coexistence of diverging opinions in society. The border meetings initiated by the United

Nations Transitional Administration in East Timor (UNTAET) with broad community support, set within the framework of reconciliation, had been stalled as they had become irrelevant, whether from the social or political perspective to the Serious Crimes Unit, which was only interested in arresting any militias who dared to cross the borderline.

It was a result of efforts at reconciliation that there had not been a single revenge killing of suspected elements implicated in the occupation of Timor-Leste, he said. If the elections of August 2001 for the Constituent Assembly represented a great moment of civic behaviour on the part of the citizens of Timor-Leste, and if the elections of April 2002 for the President of the Republic had been held under a commendable climate free from violence, it should be a reflection of the profound consciousness of the people to never again allow Timor-Leste any space for political violence. While participating in the struggle, the people -- for it was they who had formed the resistance -- had grown firmer in their commitment not to allow the occurrence of more conflicts or wars. That was what the CAVR had gathered from the people, including the victims themselves.

Regarding the responsibility for the acts committed by East Timorese, he said he had acknowledged in due time that such violations of human rights had taken place, he said. The objective of justice was essentially retribution, which was about punishing those who acted outside the rule of law. In that sense, based on the range of variations that could be found from country to country, justice had fulfilled a key part of its mission: to punish. But justice also had a deterrent component that had the objective of stopping the recurrence of crimes. The CAVR report also stated that "the absence of justice...is a fundamental obstacle in the process of building a democratic society". In reply, he said justice could not be obstructed and building a democratic society was very much dependent upon the context in which the concept was applied.

While Timor-Leste did not share a common motherland with Indonesia, the two countries did share a common border, he said. They shared a history and there were citizens of Timor-Leste living, working and studying in Indonesia. They were both nascent democracies struggling to put behind them years of conflict and their fates were in many ways enjoined. Timor-Leste was not a conquering nation and Indonesia was not a conquered one. He had to ask, was it in the country's national interest to adopt a process that some friends say would bring justice and have that process go on for years and possibly set back their democratic consolidation? After wide consultations, the answer was no. As in South Africa, Timor-Leste would follow the path to restorative

justice.

In regard to the responsibilities of who during the previous 24 years, from 1975 to 1999, by indifference and inaction or by direct participation had enabled an unjust situation to persist for so long, the Presidency could only express the deepest gratitude for what the countries mentioned in the CAVR report and many others had done to free the Timorese and rebuild Timor-Leste.

Noting the approaching end of UNOTIL's mandate, he expressed the collective and sincere gratitude of the people of Timor-Leste for the critical role that the Security Council had played in the country's recent history. Though it might sometimes seem that the dark days of the senseless violence and destruction of 1999 was a thing of the past, it should not be forgotten that it had all happened only a few years ago. Yet, in that short span of time, much had happened and much had changed for the better, so much so that the Timorese people, even if many were still trying to come to terms with their personal suffering, were happy that they were at peace with themselves and with their neighbours and that they were living in a free and democratic country. In only a short time since the transfer of sovereignty in May 2002, building on the impressive but basic and precarious institutions left by UNTAET, the new nation had made some strong progress.

However, much remained to be done to ensure that State institutions, law and order agencies and the administration continued to improve in their performance, he said, adding that as Head of State he was aware of the criticisms levelled at Timor-Leste's security forces. One need only listen to those on the receiving end of the abuses or to read the media to conclude that there had been too many unacceptable breaches of the country's own laws and international obligations. However, there had been a marked improvement in overall police conduct compared to just two years ago. Unfortunately, the shortcomings and failings were not confined to one area alone. There were shortcomings in the justice sector as a result of extreme shortage of trained and experienced judges, prosecutors, public defenders and court clerks. Although that situation had improved somewhat with the recruitment of a number of foreign jurists, the reality was that, for a long time to come, Timor-Leste would continue to require international assistance in that sector if it were to offer its people an independent and credible judiciary.

He said that the country's relations with its two closest neighbours continued on a sound basis. Last year had been the high point of relations with Indonesia, whose President Susilo Bambang Yudhoyono had visited Timor-Leste. The two countries had now reached agreement on 99

per cent of their common border with the remaining 1 per cent to be resolved in the next few weeks, hopefully before the end of UNOTIL's mandate. In spite of a series of incidents that had occurred with repeated incursions into Timorese territory by civilian elements, the overall situation had been very calm. With Australia, Timor-Leste had taken a step in further consolidating what was a very important relationship. On 12 January the foreign Ministers had signed an historic agreement that provided a 50-50 share of the oil and gas resources in the Greater Sunrise area, one of the richest in the entire Asia-Pacific region, and a 50-year moratorium on the maritime boundary, without prejudice to sovereign claims.

While agreeing that UNOTIL should come to an end, he proposed that the Security Council consider the establishment of a special political office in Timor-Leste. It would have the following components: electoral assistance to provide the Government with technical and logistical support; civilians advisers for the justice and finance sectors; police training, for which Timor-Leste continued to need assistance, despite the excellent bilateral assistance programme funded by Australia and the United Kingdom; and the deployment of some 15 to 20 military liaison personnel along the border with Indonesia, in view of the upcoming elections in 2007, to prevent tensions and conflicts and ensure dialogue and cooperation between East Timorese and Indonesian security forces.

ROBERT TACHIE-MENSON (Ghana) said he was impressed by what had been achieved in terms of national reconstruction since 2002. Following a brutal internal conflict between 1975 and 1999, the country had risen from the ashes and built a new State and accountable Government, which, in partnership with the international community, was gradually building State institutions from the local to national levels. Criminal law had been strengthened through the advent of new legislation, and various capacity-building programmes were now in place for the promotion of good governance and human rights. The police services were also being rebuilt. The present situation of calm and stability was a manifestation of the effectiveness of the partnership with the international community. What was happening in Timor-Leste was a "shining example" of what could be achieved by post-conflict peacebuilding.

He said he commended the increased assistance to the legislative and judicial sectors, in view of their critical role. Similarly, he aligned himself with the Secretary-General's recommendation requesting international support for the general election in 2007, an important milestone towards a system of democratic governance. That Timor-Leste had taken its proper place in the international community was a

tribute, not only to the resilience and determination of the Government and its people, but also to UNOTIL and the international donor community, including the world financial institutions. An international presence was necessary to sustain nation-building, and he, thus, supported the Government's request for the United Nations to establish a follow-on peacebuilding office once the UNOTIL's mandate expired in May. Meanwhile, he condemned the gross human rights violations and, in pursuing justice, the Governments of both Timor-Leste and Indonesia should be encouraged to find a way forward on that issue through constructive dialogue.

LARS FAABORG-ANDERSEN (Denmark), associating himself with the statement to be made on behalf of the European Union, said that the capacity of the Timorese Government and security forces had improved and the stage was increasingly set for a smooth transfer from UNOTIL to a sustainable development framework. The next major step would be the upcoming parliamentary and presidential elections. However, as a nascent democracy, the situation in Timor-Leste remained fragile and continued to rely on international support. As a result, Denmark supported Timor-Leste's request for a continued political United Nations presence, although that presence should be small, so as to leave the Timorese in the "driver's seat".

He welcomed the presentation by President Gusmão of the Truth Commission report to the Secretary-General last Friday and expressed the hope that it would soon be officially published to help the Timorese people obtain clarity about their past. The scars of the past would never completely heal until the truth was revealed and all those responsible for the past atrocities were brought to justice. Impunity must not be an option and in that regard, Denmark was concerned about the provision of amnesty contained in the statute of the bilateral Commission on Truth and Friendship. In addition, the safety and security of victims and witnesses who had testified previously must be protected at all times. Denmark looked forward to the Secretary-General's report on the issue of justice and reconciliation, taking into account the report of the Commission of Experts, as well as the views expressed by the Indonesia and Timor-Leste. That report could benefit from taking also the Truth Commission report into account, and could provide useful guidance to the Council in the post-UNOTIL period.

CÉSAR MAYORAL (Argentina) said he was pleased that the UNOTIL had continued to help strengthen the Timorese institutions, with a view to the development of a self-sufficient capacity in the area of human rights protection, policing and other matters. Those gains would help ensure a smooth transition to a framework of assistance for

sustainable development. Despite all the progress, however, the country still required assistance, since it remained a poor country requiring international assistance in various areas beyond May. Certain international agencies and bilateral donors had been identified to provide support, but some key aspects had not been covered. All options should be kept open until May, since, if it was not possible to identify bilateral or multilateral donors, the United Nations would have to provide support directly. International assistance for the parliamentary and presidential elections in 2007 was also very important.

He said that, in principle, he supported the Prime Minister's request concerning the establishment of a special political office. He hoped the Secretary-General would present specific proposals in that regard in his next report. Regarding relations with Indonesia, he was pleased that they had continued to improve and that the parties had made gains in respect of the demarcation of the land border. Hopefully, progress would continue in that regard. He was also pleased at the agreement reached between Timor-Leste and Australia concerning the distribution of earnings. President Gusmão had presented the Secretary-General with the report on human rights, which had addressed violations from 1994 to 1999. He wished to know what sort of action the Government envisaged and the ways in which the United Nations could assist. He also noted the creation of a bilateral commission for truth and friendship with Indonesia, and he hoped that would establish the truth of the human rights violations. He was ready to consider practical ways and means to develop the justice system, taking into account the needs of victims and families.

KONSTANTIN K. DOLGOV (Russian Federation) expressed condolences to Guatemala following the death of their peacekeepers in the Democratic Republic of the Congo. That reaffirmed the need to help countries resolve their conflicts and to preserve the safety and security of United Nations peacekeepers.

He said his country welcomed the progress made in the transition of Timor-Leste towards Statehood, as well as the enhancement of the law enforcement services. However the capacity of State organs was not yet robust enough and the country had not yet achieved a sufficient level of independence to ensure sustainable development. The Russian Federation hoped that the Truth and Friendship Commission would help strengthen the relationship between Timor-Leste and Indonesia, especially in the resolution of questions relating to the past violations of human rights.

NASSIR ABDULAZIZ AL-NASSER (Qatar) thanked the Governments of

Timor-Leste and Indonesia for working seriously to improve relations between them, a process that was carried out with distinction through a mutual show of good faith. Qatar saluted the courageous decision of the two countries to establish the bilateral Commission for Truth and Friendship and their agreement on delineating the land border between the two countries. Thanks to that development the general situation remained calm, except for a few isolated incidents, which could occur normally along any stretch of common land borders between States. Qatar noted with appreciation the quick response of the Timorese national police following the incursions of former militias, which had led to a number of arrests. That response was reassuring to the Timorese living close to border areas.

PETER BURIAN (Slovakia) said he shared the evaluation of the situation contained in the Secretary-General's report, and he was pleased to note that Timor-Leste was making steady and tangible progress in reconstruction and State-building. Despite the remarkable progress in the establishment of democratic institutions, however, formidable challenges remained to be addressed, in order to assist the country in recovering from conflict and developing capacities to achieve sustainable peace and development. In the past three years, the Government of Timor-Leste had proved that it was capable of assuming ownership and responsibility for the solutions to problems of transition. Lack of human and financial resources, as well as insufficient infrastructure and administrative capacities at the present stage, however, required continued international assistance and engagement. He commended the activities of UNOTIL in supporting the development of critical State institutions, police and judiciary, and the appointment of a new Resident Coordinator to assume his post in February marked the gradual transition from relief to development.

There was no doubt, he said, that the key milestone on the road of transition would be the presidential and parliamentary elections in May 2007. The establishment of a solid legal framework to govern the election played a crucial role in a transparent and credible outcome. He supported the Secretary-General's recommendation to retain an international political presence until the end of the electoral process. The proposal made by the President of Timor-Leste to create a smaller, special United Nations political office after UNOTIL expired in May deserved further serious consideration. Recent border incidents with Indonesia underlined the need to address the issues of proper training for border police and finalizing the demarcation process. He urged both Timor-Leste and Indonesia to continue working out measures to strengthening confidence in the border area, and he welcomed the development of contacts between the Border Patrol Unit in Timor-Leste and its Indonesian counterpart.

At the same time, reconciliation must not, in any way, mean that those who committed the most serious crimes of rape and murder escaped unpunished, he stressed. By overlooking the wrongs of the past, the international community would set a "very dangerous" precedent and send the wrong signal to those who were committing and planning atrocities in other parts of the world. The cycle of impunity must be broken and the perpetrators must be brought to justice. The former United Nations Serious Crimes Unit and the Commission for Reception, Truth and Reconciliation had documented thousands of instances of torture, rape and execution, which must be fully investigated and appropriately prosecuted. He was convinced that the time was coming when the issue of Timor-Leste would "graduate" from the Council's agenda and be transferred as a successful case of a resolved conflict to the Peacebuilding Commission and other United Nations institutions to further and more appropriately assist the Government in completing the process of peacebuilding and transition.

JEAN-MARC DE LA SABLIERE (France) welcomed the strengthening of ties between Timor-Leste and its neighbours, especially Indonesia and Australia, despite some incidents of violence on the land border between Timor-Leste and Indonesia. Stabilization was well under way but a stronger effort was still needed to make it durable, particularly in the run-up to the presidential and parliamentary elections to be held in 2007. France had taken note of the Timor-Leste's request for the establishment of a United Nations special political office to take over after the expiration of UNOTIL's mandate.

He stressed the importance of national reconciliation for the stabilization of Timor-Leste, which set an example for the entire region. That reconciliation should not be based on impunity, because only justice could allow the establishment of lasting peace. President Gusmão had presented to the Secretary-General the report of the Truth and Reconciliation Commission on the human rights violations that had taken place in Timor-Leste between 1974 and 1999 and noted the reservations expressed by the Secretary-General Commission of Experts about the insufficiency of the means by which the perpetrators of those violations had been pursued. France looked forward to the Secretary-General's recommendation on those matters, as well as to the view expressed by Indonesia and Timor-Leste.

ADMANTIOS VASSILAKIS (Greece) said he was encouraged by the significant positive developments, and it seemed that sufficient progress had been made towards further developing the capacity-building of the Timorese democratic State institutions in the

sectors of justice, human rights and national police. The successful holding and completion of local elections, the preparation of the presidential and parliamentary elections, and the adoption of key legislation manifested that the process to create a functioning democracy was on the right track in a country that gained its independence just four years ago. In addition, he highly appreciated the improving relations between Timor-Leste and Indonesia, as well as the progress made in the negotiations for finalizing the delineation of the remaining land border. The establishment and work of the Commission for Truth and Friendship indicated both countries' resolve to achieve accountability for crimes and human rights violations committed in 1999. He hoped for tangible results in the fight against impunity.

He said he welcomed the signing, a few days ago, of the agreement with Australia on equally sharing the revenues from the natural resources of the Timor Sea. That agreement would greatly contribute to the much needed sustainable economic growth and would enable Timor-Leste to attain the Millennium Development Goals. Of course, major challenges remained, especially the difficult economic situation in Timor-Leste. In that respect, the work of various United Nations specialized agencies, such as the World Bank, the UNDP and the International Monetary Fund must also be commended. The UNOTIL assistance to the Government and people of Timor-Leste had been invaluable. Given the expiration of its mandate in May, he was pleased to note that preparations were under way for a successful transfer of certain tasks to other international development actors. The recent request made by Timor-Leste's Prime Minister for establishing a United Nations Special Political Office deserved particular attention. He extended his Government's best wishes to the President of Timor-Leste for a speedy fulfilment of all the goals of the Timorese people for the stable and prosperous future they deserved.

ADAM THOMSON (United Kingdom), associating himself with the European Union statement to be made by the representative of Austria, said his delegation recognized the very important role played by the United Nations over the years, most recently by UNOTIL. It was to be hoped that the final few months of its mandate would see the fulfilment of its remit, particularly in the training of the Border Patrol Unit.

He said the United Kingdom was pleased to see the completion of the report of the Reception, Truth and Reconciliation Commission and by its presentation to the Secretary-General by President Gusmão. The United Kingdom looked forward to receiving the Secretary-General's report on reconciliation and justice in Timor-Leste. Further efforts remained in that regard and the presidential election to be held in

2007 would be important as a key process in embedding democracy and ensuring the country's future stability. There could be a case for the establishment of a small United Nations presence in the country to follow on from UNOTIL. The Secretariat should do some thinking on what such a presence would require and report to the Council before the expiration of UNOTIL's mandate.

OSWALDO DE RIVERO (Peru) said that Timor-Leste had continued to make progress towards effective democratic governance, despite the difficulties in the judicial and financial spheres. There had been local elections with broad grass-roots participation and the rule of law had been strengthened through the adoption of a penal code, the code of civil procedure and other important legislation. Moreover, preparations were under way for the parliamentary and presidential elections scheduled for 2007. In the area of international relations, Timor-Leste had made significant advances in terms of human rights agreements, as well as progress in the demarcation of the land border with Indonesia. In addition, the bilateral Commission for Truth and Friendship had now begun its work. Likewise with Australia, an agreement had been signed to share the resources of the Timor Sea. That would provide resources to improve Timor-Leste's fragile economic situation.

He said that, notwithstanding those political advances, there were still few prospects for economic or financial viability for Timor-Leste. The country still had one of the lowest per capita incomes in the world, at some \$400 per year. For that reason, the most important future undertaking was to make the economy viable. That must be done through ensuring greater contributions of additional development partners, including at the April conference. He had appreciated the transmission of the report of the Commission on Reception, Truth and Reconciliation on the human rights violations suffered by the Timorese between 1974 and 1999. Hopefully, the Secretary-General would issue an opinion bearing in mind the words of an eminent scholar that the purpose of such a commission was not to learn all the truth, as that was virtually impossible, but to bring to light that which had been hidden, that which people did not want known. Meanwhile, UNOTIL's mandate should be extended beyond May, and he urged development partners to do everything possible to ensure that the new democratically elected Government would find itself with an economically viable country.

KENZO OSHIMA (Japan) said he was encouraged to see the steady, remarkable improvement in diplomatic relations between Timor-Leste and its neighbours. Occasional incidents along the border with Indonesia were resolved through dialogue backed up by the improved bilateral

relationship between the two countries. Japan hoped that the remaining work of the delineation of the land border with Indonesia would be completed soon. Japan also welcomed the recent agreement reached between Timor-Leste and Australia over the sharing of revenues from oil and gas development in the Timor Sea.

He underscored the necessity of ensuring that the United Nations and the international community continued to provide appropriate, timely support, which was still needed in Timor-Leste, and of shaping that support to the country's changing needs. Timor-Leste had moved from conflict to peacekeeping to peacebuilding and, as it had gone through those phases, the United Nations presence and assistance had evolved from the United Nations Transitional Administration in East Timor (UNTAET) to the United Nations Mission of Support in East Timor (UNMISSET) and finally to UNOTIL to meet the country's changing needs and had done so quite successfully. While Japan recognized the importance of UNOTIL's successful completion of its tasks, it would study Timor-Leste's request in considering the modality of United Nations assistance in the post-UNOTIL period.

Stressing the need to address the serious crimes that had taken place in Timor-Leste, he said that the spirit that had prompted the joint establishment of the Commission of Truth and Friendship by Timor-Leste and Indonesia should be respected. It was to be hoped that the Commission would produce results that met its own aims as well as the expectations of the international community. The Security Council had requested the Secretary-General to provide his own views on justice and reconciliation for Timor-Leste, employing a practical, realistic approach and taking into account the views of the two countries. The issue could be resolved through the productive engagement of all parties concerned who were present at today's meeting.

WANG GUANGYA (China) said he was pleased that the situation had remained calm and that the rule of law had gradually improved, as had relations with neighbouring States. He congratulated the Timorese Government and its people on the achievement of nation-building endeavours, and he appreciated UNOTIL's work in that respect. As one of the poorest countries in the world, Timor-Leste had little infrastructure and the road towards nation-building had not been easy. The question of how to continue the "success story" was the unshakable responsibility both of the international community and the Security Council. Within its remaining mandate, UNOTIL should focus more on transferring skills and knowledge, with a view to building capacity. It should also continue to cooperate with international and bilateral partners in making careful and proper arrangements to ensure the continuing functioning of State institutions, following the UNOTIL's

withdrawal.

Noting that the presidential and parliamentary elections in 2007 would be a major challenge, he said that a special political office, in line with that Government's request, would help ensure the success of those elections. He called on the Council to reach agreement on relevant arrangements in a way that would ensure the country's lasting stability. A sound environment for development and the resolution of problems with neighbouring States would contribute significantly to regional peace and stability, as well. In that respect, the Timorese leadership had demonstrated exceptional courage by taking the strategic decisions with foresight. He appealed for international support in that regard, and he urged donors, the United Nations system and international financial institutions to continue to pay attention to, and generously help, that country embark on the path of sustainable development. China would support Timor-Leste's independence and national-building, and develop trade and economic cooperation with it.

LUC JOSEPH OKIO (Congo) said that the situation had improved thanks to the establishment of effective democracy, which included the holding of elections, and greater respect for human rights on the part of the national police. President Gusmão's presentation of the final Truth Commission report after five years of work had made that possible. That report would hopefully unearth the truth of the grim chapter between 1974 and 1999 and to the punishment of those responsible. The Congolese delegation was very anxious to see the final adoption of that report.

He welcomed the good relationship between Timor-Leste and its neighbours, particularly Indonesia and Australia. However, it looked forward to seeing the final delineation of the land border between Timor-Leste and Indonesia. The border incident that had caused the deaths of three people could be described as sensitive. He was also pleased to see the progress in agreeing on the sharing of revenues from the oil and gas between Timor-Leste and Australia.

Much had been achieved, thanks to the support of the international community, he said. However, Timor-Leste, like a newborn child, still needed the support of the international community. It still faced some challenges, including the holding of presidential and parliamentary elections for the first time since independence. It also required support to build on its achievements. On the basis of what had been said during this morning's meeting, the Congolese delegation concluded that it was not that the international community had not done enough, but how to put those actions to greater effect.

WILLIAM J. BRENCICK (United States) commended UNOTIL for its excellent work. The Secretary-General's report and the recommendations of the United Nations assessment mission had underlined the significant strides made by the Government and the people, and he congratulated them on their achievements. The management of the situation in Timor-Leste was a good model for peacekeeping and peacebuilding efforts; the international community came in when it was needed, it performed well, and it left when its tasks were completed. After the conclusion of UNOTIL's mandate, formidable challenges would remain. Ending UNOTIL did not mean, and should not mean, ending assistance to Timor-Leste, and the United Nations Development Programme (UNDP), the World Bank and a variety of world donors should continue to provide assistance. He would work to ensure that such assistance continued.

He said that the United Nations recommendations for assistance to the country's post-independent elections had illustrated how the Organization could continue to be helpful, while respecting Timor-Leste's sovereignty. He strongly supported a credible process to determine accountability for the crimes against humanity in 1999, and he hoped the Secretariat and other members would soon brief on the comprehensive report prepared by the expert commission, which should name names of perpetrators and protect witnesses, among other things.

AUGUSTINE P. MAHIGA (United Republic of Tanzania) said he was encouraged by the many positive developments recorded by UNOTIL, including the completion of the final rounds of local elections in a peaceful and orderly manner, with a huge voter turnout. He also commended the progress made in the border demarcation with Indonesia. The prevailing environment of good-neighbourliness, as manifested by the recent signing of an agreement with Australia on sharing natural resources and revenue from the Timor Sea, and the timely move to start preparations for the parliamentary and presidential elections were also notable. Despite such remarkable progress, many institutions were still young and fragile, requiring continued international support in strengthening good governance, security and sustainable development.

He said that the country would benefit from a small United Nations presence in the form of a special political office to help complete the unfinished work, including the provision of electoral assistance. Civil advisers should also be made available in the justice and financial sectors, as well as for police training and capacity-building in the security sector. He fully supported the Government's "modest" requests. The human rights issues should be dealt with, in order for justice to be served and reconciliation to be

achieved in cooperation with Indonesia and in a manner that met the international community's expectations.

GERHARD PFANZELTER (Austria), speaking on behalf of the European Union and associated countries, said that ever since voting overwhelmingly in favour of independence in 1999, Timor-Leste had come a long way and had achieved remarkable progress in reconstruction and State-building. It was in the context of consolidating those gains that the question of the future United Nations presence after the end of UNOTIL's mandate arose. The Union understood that, with the recent appointment of a new United Nations Development Programme (UNDP) coordinator, the transition to the regular United Nations and multilateral development framework was well on track. However, given the remaining challenges in other fields, a small, time-limited political United Nations presence beyond 20 May 2005 might be useful.

He said the main task ahead in the months and years to come would be to secure the long-term success of the State-building process in Timor-Leste. In that regard, the preparations for the presidential and parliamentary elections would be a test of the maturity of the young democracy in Timor-Leste. The fair, correct and open conduct of the election process, and the way in which the election results were handled, were central to the success of the electoral process. The European Union believed, therefore, that the process leading up to the elections, including the elaboration of new election legislation, had to be managed in an inclusive and transparent manner, involving all the political forces and civil society.

Of equal importance for Timor-Leste's long-term stability was sustainable economic progress, he said. The European Union welcomed the recent signing on 12 January of the agreement between Australia and Timor-Leste equally dividing the revenues from the oil and gas fields in the Timor Sea between the two countries. The Union regarded that as a very positive development which would assure a steady source of much-needed income for the Government of Timor-Leste. At the same time, as past examples had shown, oil revenues could be a mixed blessing if not managed properly. The Union stressed the importance of establishing clear and transparent mechanisms -- including oversight management -- for the management of those resources for the benefit of reconstruction and development.

He said the Union was convinced that justice for the serious human rights violations in 1999 must be achieved and welcomed the report of the Secretary-General's Commission of Experts. The Union took note of the Security Council's request to the Secretary-General to submit a report on justice and reconciliation for Timor-Leste with a

practically feasible approach and looked forward to tangible progress in that field. Regarding the Truth and Friendship Commission, the Union remained gravely concerned about the provisions on amnesty contained in its statute and strongly urged the two Governments to revisit that issue. Tackling impunity by holding to account those responsible for serious human rights violations was crucial for the long-term development of Timor-Leste as part of a process that also sought peace, reconciliation and strengthening the rule of law.

FRANCES LISSON (Australia) said her country had been at the forefront of international efforts to support Timor-Leste's transition to an independent and secure State. Australia had contributed to all United Nations missions in the country -- INTERFET, UNTAET, UNMISSET and was currently contributing three military liaison officers and four civilian police advisers to UNOTIL. Australia had also provided more than \$330 million of official development assistance (ODA) to Timor-Leste since 1999.

She said that over the past six years, the United Nations had played a critical role in the transition to a democratic and peaceful Timor-Leste. However, the Organization's important work should not overshadow the indispensable efforts of Timor-Leste's people and Government to create a new nation and the positive spirit in which both Indonesia and Timor-Leste had set about developing productive bilateral relations. Australia commended, in particular, the two Governments' cooperative approach to border management issues, notably the progress in the demarcation of almost all of their mutual border and the commitment by both countries to resolving the border incidents noted in the Secretary-General's report.

There was clearly more to be done to assist Timor-Leste after the end of UNOTIL's mandate, she said. The country would require ongoing support, particularly in capacity-building and poverty alleviation. The international community had made a considerable investment in Timor-Leste's success and continuing challenges must be addressed by its development partners, if it was to remain a successful example of the international community's involvement in peacekeeping and peacebuilding. Australia had been, and would remain, one of the largest bilateral donors in Timor-Leste. Its bilateral aid programme was estimated at more than \$30 million in 2005-2006 and included substantial capacity-building in the area of economic governance, police and justice. A milestone in Australia's bilateral relations with Timor-Leste was their 12 January signing of a treaty on maritime arrangements in the Timor Sea, which would raise Timor-Leste's share of upstream revenues from the Greater Sunrise gas field from 18 per cent to 50 per cent and could lead to Timor-Leste receiving additional

revenue of up to \$4 billion over the life of the project.

JOÃO SALGUEIRO (Portugal) said he agreed with the United Nations' evaluation of the situation in Timor-Leste. The successful conclusion of local elections, the strengthening of the legal framework through the adoption of key legislation, and the improved observance of human rights by the police were good examples of such progress. The situation remained stable, except for a few incidents involving the incursion of former militias into Timor-Leste and a serious border incident a few weeks ago, which resulted in the death of three infiltrators. In that context, he emphasized that even relatively low-level incidents could have a significant impact on the country's stability.

Given that Timor-Leste was in a critical period of its peacebuilding process, with a number of areas in need of continued international support, the international community should remain engaged in Timor-Leste beyond 20 May, when UNOTIL's mandate expired. An international presence should be devised in a way that assisted the long-term stability and development of the country, and other tasks for which the Government needed urgent United Nations support. He, meanwhile, welcomed the steady and positive development of the relationship with Indonesia, as well as the recent signing with Australia of the much-needed resources from the Timor Sea. Acknowledging the importance of continuing bilateral assistance and underlining the international community's responsibility in that regard, he announced the signing last week by Portugal of an assistance plan, which committed \$32.6 million in development assistance to Timor-Leste for 2006 alone. He reiterated his support of the Secretary-General's Commission of Experts and noted the Council's request to the Secretary-General to submit a report on a practically feasible approach to justice and reconciliation.

RONALDO MOTA SARDENBERG (Brazil) said his country was one of Timor-Leste's partners. In close collaboration with UNDP, Brazil was supporting the justice sector and was also engaged in efforts to increase bilateral cooperation in the areas of education, health and professional training. It was also exploring the possibilities of further cooperation with the National Assembly. Other bilateral and international partners were, likewise, coming forward with contributions, mainly with a view to assisting in the consolidation of Timorese institutions. Among the members of the Community of Portuguese-speaking Countries, in addition to Brazil, support had also been given by Cape Verde and Portugal.

However, he said, despite the outstanding efforts by the Timorese

people and Government and the fact that progress had been achieved in establishing democratic governance, international cooperation was essential to sustaining core administrative structures that were critical to the viability and political stability of Timor-Leste. The main challenge went beyond maintaining current levels of performance, which had already helped to secure the successful local elections, the strengthening of the legal system through the adoption of key legislation and the improved observance of human rights by the police. It consisted of building national and local institutions -- and they would not be self-sufficient and would have an uncertain future if partnerships for training their personnel and enhancing their means and capacities were not made available. Timor-Leste relied on international assistance to consolidate the newly independent State, whose first Government had been sworn in only three years ago.

He said the Security Council would soon face an important decision regarding the overall future of Timor-Leste. The smooth transition to a sustainable development framework was still to be implemented fully with the assistance of bilateral and multilateral donors, regional mechanisms, non-governmental organizations, the private sectors and other interested actors. Brazil expected that the Council would take that into due consideration during its deliberations on the issue of the needs of the Government of the Timor-Leste, in order to consolidate the success story of the United Nations involvement in that country since 1999. The international community would have to remain engaged in Timor-Leste beyond May 2006, when UNOTIL's mandate expired, for as long as it was necessary to secure a stable and self-sufficient institutional governmental structure. In that regard, Brazil requested the Security Council to consider adopting a strategy for phasing out UNOTIL's departure, while replacing its advisers and personnel with reliable assistance provided, as needed, by other equally committed partners.

REZLAN ISHAR JENIE (Indonesia) said he was also pleased at the further progress in establishing effective democratic governance. Thanks to its wise and brave leaders, Timor-Leste had become a peaceful, stable and politically dynamic nation. Of equal importance was the growing relationship between Timor-Leste and Indonesia. Timor-Leste remained a major priority in Indonesia's foreign policy. Indeed, the bilateral ties were marked by a close rapport between the leaders of the two countries at the highest levels. Under the mechanism of an annual meeting of the Joint Ministerial Commission, progress continued to be made in various spheres, such as border issues, legal matters, trade, investment and finance, health, transport and communication, and education. That deepened cooperation included assistance to institutional capacity-building in diverse

areas in Timor-Leste. The maturity of those bilateral ties had allowed the two countries to deal effectively with common issues, including matters related to the difficult episode of its shared history and border issues.

He said that the two countries had reached agreement on 99 per cent of its common land border, with the remaining 1 per cent to be resolved in the "very near future". Notwithstanding that progress, it was deeply regrettable that border incidents continued, particularly the one of 6 January, resulting in three deaths. The two countries agreed that those were isolated incidents, which did not, in any way, affect the excellent bilateral relations. The border authorities of both countries, however, should strengthen cooperation to ensure that such incidents did not occur again. In that regard, he looked forward to the completion of a new border management framework in the near future. Another important development would be the Conference of Development Partners in April. That would provide an important opportunity for the international community to demonstrate its continued commitment to Timor-Leste. He also looked forward to a successful conclusion of UNOTIL's mandate and agreed with previous speakers that the international community should remain engaged in Timor-Leste beyond May.

On behalf of the Pacific Islands Forum Group, ROBERT G. AISI (Papua New Guinea) said he was especially pleased that Timor-Leste was now an observer in the Forum. To date, many of the participants in the military and civilian police personnel had come from the Forum countries, namely, Australia, New Zealand, Fiji, Palau, Samoa and Vanuatu. Other countries, like Papua New Guinea, had made small contributions in other areas. Much had been achieved, but much more needed to be done. He commended the work of the Special Representative, and encouraged the continued good work being done by the United Nations agencies. He also recognized the efforts of the leadership and people of Timor-Leste in consolidating peace on the road to achieving development and prosperity. He thanked the Government and people of Timor-Leste and looked forward to seeing the consolidation of continued good progress. He agreed with his colleagues that Timor-Leste should continue to be supported in its transition to a secure and self-reliant Statehood.

Mr. HASEGAWA, responding to issues and concerns raised during the meeting, noted that several representatives had pointed out the need for justice and reconciliation. The UNOTIL had formulated the report with emphasis on a flexible and practical approach, taking into account the needs of the peoples of Timor-Leste and Indonesia.

Regarding delegates' comments about the continued need for assistance in the post-UNOTIL period, he said the emphasis had been on the transfer of the responsibilities of that Office to a sustainable development framework. At the same time, many speakers had spoken of the need for electoral support for the elections next year. Those requests for a clearly defined role for any post-UNOTIL United Nations presence had been taken into account.

For information media - not an