

Asia

20. The situation in East Timor¹

Decision of 7 May 1999 (3998th meeting): resolution 1236 (1999)

On 5 May 1999, the Secretary-General submitted to the Council a report on the situation in East Timor.² In his report, the Secretary-General recalled that since 1983 the Governments of Indonesia and Portugal had undertaken, through his good offices, to find a just, comprehensive and internationally acceptable solution to the question of East Timor. Those efforts had culminated in the signature, on 5 May 1999, of an overall Agreement between the two Governments,³ which had entrusted him with the task of organizing and conducting a popular consultation to ascertain whether the people of East Timor accepted or rejected a proposed constitutional framework providing for a special autonomy for East Timor within Indonesia. The Agreement also requested him to establish a United Nations mission to conduct the consultation. Two supplementary agreements between the United Nations and the two Governments had been signed on the same date, on the modalities for the popular consultation of the people of East Timor through a direct ballot and security arrangements.⁴

At its 3998th meeting, held on 7 May 1999 in accordance with the understanding reached in its prior consultations, the Council included the report of the Secretary-General in its agenda and began consideration of the item entitled "The situation in Timor". After the adoption of the agenda, the President (Gabon) invited the representatives of Indonesia and Portugal, at their request, to participate in the discussion without a vote. He also drew the attention of the members of the Council to the text of a draft

resolution prepared in the course of its prior consultations.⁵

The draft resolution was thereupon put to the vote and adopted unanimously as resolution 1236 (1999), which reads:

The Security Council,

Recalling its previous resolutions on the situation in East Timor,

Recalling also General Assembly resolutions 1514 (XV) of 14 December 1960, 1541 (XV) of 15 December 1960 and 2625 (XXV) of 24 October 1970 and Assembly resolutions on the question of East Timor, in particular resolution 37/30 of 23 November 1982,

Bearing in mind the sustained efforts of the Governments of Indonesia and Portugal since July 1983, through the good offices of the Secretary-General, to find a just, comprehensive and internationally acceptable solution to the question of East Timor,

Welcoming the progress made at the last round of talks between the Governments of Portugal and Indonesia, under the auspices of the Secretary-General, leading to the conclusion of a series of agreements in New York on 5 May 1999,

Commending in particular the efforts of the Personal Representative of the Secretary-General in this regard,

Taking note of the report of the Secretary-General,

Taking note also of the concerns expressed in the report of the Secretary-General regarding the security situation in East Timor,

1. *Welcomes* the concluding of the Agreement between Indonesia and Portugal on 5 May 1999 on the question of East Timor (the General Agreement);

2. *Welcomes also* the concluding of the Agreements between the United Nations and the Governments of Indonesia and Portugal also on 5 May 1999 regarding security arrangements and the modalities for the popular consultation of the East Timorese through a direct ballot;

3. *Welcomes further* the intention of the Secretary-General to establish as soon as practicable a United Nations presence in East Timor, with a view to assisting in the implementation of those Agreements, in particular by:

¹ As from the 4041st meeting of the Council, held on 3 September 1999, the wording of the item "The situation in Timor" was revised to read "The situation in East Timor".

² S/1999/513.

³ *Ibid.*, annex I.

⁴ *Ibid.*, annexes II and III.

⁵ S/1999/520.

(a) Conducting a popular consultation of the East Timorese people on the acceptance or rejection of a constitutional framework for autonomy for East Timor, scheduled for 8 August 1999, in accordance with the General Agreement;

(b) Making available a number of civilian police officers to act as advisers to the Indonesian Police in the discharge of their duties in East Timor and, at the time of the consultation, to supervise the escorting of ballot papers and boxes to and from the polling sites;

4. *Stresses* the importance of the requests made to the Secretary-General in the General Agreement to report the result of the popular consultation to the Security Council and the General Assembly, as well as to the Governments of Indonesia and Portugal and the East Timorese people, and, during the interim period between the conclusion of the popular consultation and the start of the implementation of either option, an autonomy within Indonesia or transition to independence, to maintain an adequate United Nations presence in East Timor;

5. *Stresses also* the responsibility of the Government of Indonesia to maintain peace and security in East Timor in order to ensure that the consultation is carried out in a fair and peaceful way and in an atmosphere free of intimidation, violence or interference from any side and to ensure the safety and security of United Nations and other international staff and observers in East Timor;

6. *Stresses further* the importance of the assistance of the Government of Indonesia in ensuring that the United Nations is able to carry out all the tasks entrusted to it for the implementation of the agreements;

7. *Welcomes* the establishment by the Secretary-General of a trust fund to enable Member States to make voluntary contributions to assist in the financing of the United Nations presence in East Timor, and urges all Member States who are in a position to do so to contribute without delay;

8. *Requests* the Secretary-General to keep the Security Council closely informed of the situation in East Timor, to report to it as soon as possible, and in any event by 24 May 1999, on the implementation of the present resolution and of the agreements referred to in paragraphs 1 and 2 above, inter alia, specifying the detailed modalities of the consultation process, to make detailed recommendations to the Council for decision on the mandate, size, structure and budget of the United Nations mission, including civilian police officers envisaged in paragraph 3 above, and to report to the Council thereafter every fourteen days;

9. *Expresses its intention* to take a prompt decision on the establishment of a United Nations mission on the basis of the report referred to in paragraph 8 above;

10. *Requests* the Secretary-General to inform the Council prior to the start of voter registration on whether, on the basis of the objective evaluation of the United Nations mission,

the necessary security situation exists for the peaceful implementation of the consultation process;

11. *Decides* to remain seized of the matter.

**Decision of 11 June 1999 (4013th meeting):
resolution 1246 (1999)**

On 22 May 1999, pursuant to resolution 1236 (1999), the Secretary-General submitted to the Council a report on the question of East Timor, proposing the establishment of the United Nations Mission in East Timor (UNAMET).⁶ In his report, the Secretary-General provided a detailed description of the consultation process to be conducted by the United Nations, as well as his recommendations on the mandate, size, structure and budget of the Mission. He stressed that UNAMET must have the confidence and backing of the Council, full cooperation of the Indonesian authorities, and the required resources to carry out its tasks. The Secretary-General noted that the situation in East Timor remained tense and volatile. He expressed the hope that all necessary steps would be taken to improve security, so that the consultation process could move forward in a secure and peaceful atmosphere. In conclusion, he requested the Council to approve the mandate of the Mission and the modalities for the implementation of the popular consultation process.

At its 4013th meeting, held on 11 June 1999 in accordance with the understanding reached in its prior consultations, the Council included the report of the Secretary-General on its agenda. After the adoption of the agenda, the President (Gambia) invited the representatives of Australia, Indonesia, New Zealand and Portugal, at their request, to participate in the discussion without the right to vote. He also drew the attention of the Council to the text of a draft resolution prepared in the course of its prior consultations.⁷ The President also drew attention to several documents: a letter dated 11 May 1999 from the representative of Germany addressed to the Secretary-General, transmitting the statement on East Timor issued on 7 May 1999 by the Presidency on behalf of the European Union, welcoming the signing of the agreement on the future of East Timor by the

⁶ S/1999/595. For the composition and mandate of the Mission, see chapter V, "Subsidiary organs of the Security Council".

⁷ S/1999/666.

Secretary-General, Portugal and Indonesia;⁸ a letter dated 27 May 1999 addressed to the President of the Security Council by the representative of Indonesia, pointing out that certain aspects of the report of the Secretary-General depicted an imbalanced picture of the prevailing realities;⁹ and a letter dated 7 June 1999 addressed to the Secretary-General and the President of the Security Council by the representative of Portugal, informing them of the appointment of the Portuguese Commissioner to support the transition in East Timor.¹⁰

The draft resolution was then put to the vote and adopted unanimously as resolution 1246 (1999), which reads:

The Security Council,

Recalling its previous resolutions on the situation in East Timor, in particular resolution 1236 (1999) of 7 May 1999,

Recalling also the Agreement between Indonesia and Portugal of 5 May 1999 on the question of East Timor (the General Agreement) and the Agreements between the United Nations and the Governments of Indonesia and Portugal, of the same date, regarding the modalities for the popular consultation of the East Timorese through a direct ballot and regarding security arrangements (the Security Agreement),

Welcoming the report of the Secretary-General of 22 May 1999 on the question of East Timor,

Noting with concern the assessment by the Secretary-General in that report that the security situation in East Timor remains "extremely tense and volatile",

Taking note of the pressing need for reconciliation between the various competing factions within East Timor,

Welcoming the fruitful cooperation of the Government of Indonesia and the local authorities in East Timor with the United Nations,

Taking note of the letter dated 7 June 1999 from the Permanent Representative of Portugal to the United Nations addressed to the President of the Security Council,

Welcoming the conclusion of consultations between the Government of Indonesia and the United Nations on the deployment of military liaison officers within the mission established by paragraph 1 below,

Bearing in mind the sustained efforts of the Governments of Indonesia and Portugal since July 1983, through the good offices of the Secretary-General, to find a just, comprehensive

and internationally acceptable solution to the question of East Timor,

Welcoming the appointment of the Special Representative of the Secretary-General for the East Timor Popular Consultation, and reiterating its support for the efforts of the Personal Representative of the Secretary-General for East Timor,

1. *Decides* to establish until 31 August 1999 the United Nations Mission in East Timor to organize and conduct a popular consultation, scheduled for 8 August 1999, on the basis of a direct, secret and universal ballot, in order to ascertain whether the East Timorese people accept the proposed constitutional framework providing for a special autonomy for East Timor within the unitary Republic of Indonesia or reject the proposed special autonomy for East Timor, leading to East Timor's separation from Indonesia, in accordance with the General Agreement and to enable the Secretary-General to discharge his responsibility under paragraph 3 of the Security Agreement;

2. *Authorizes* until 31 August 1999 the deployment within the Mission of up to 280 civilian police officers to act as advisers to the Indonesian Police in the discharge of their duties and, at the time of the consultation, to supervise the escorting of ballot papers and boxes to and from the polling sites;

3. *Also authorizes* until 31 August 1999 the deployment within the Mission of fifty military liaison officers to maintain contact with the Indonesian Armed Forces in order to allow the Secretary-General to discharge his responsibilities under the General Agreement and the Security Agreement;

4. *Endorses* the proposal of the Secretary-General that the Mission should also incorporate the following components:

(a) A political component responsible for monitoring the fairness of the political environment, for ensuring the freedom of all political and other non-governmental organizations to carry out their activities freely and for monitoring and advising the Special Representative on all matters with political implications;

(b) An electoral component responsible for all activities related to registration and voting;

(c) An information component responsible for explaining to the East Timorese people, in an objective and impartial manner without prejudice to any position or outcome, the terms of the General Agreement and the proposed autonomy framework, for providing information on the process and procedure of the vote, and for explaining the implications of a vote in favour or against the proposal;

5. *Notes* the intention of the Governments of Indonesia and Portugal to send an equal number of representatives to observe all the operational phases of the consultation process both inside and outside East Timor;

6. *Welcomes* the intention of the Secretary-General to conclude with the Government of Indonesia, as soon as possible,

⁸ S/1999/547.

⁹ S/1999/612.

¹⁰ S/1999/652.

a status-of-mission agreement, and urges the early conclusion of negotiations with a view to the full and timely deployment of the Mission;

7. *Calls upon* all parties to cooperate with the Mission in the implementation of its mandate, and to ensure the security and freedom of movement of its staff in carrying out that mandate in all areas of East Timor;

8. *Approves* the modalities for the implementation of the popular consultation process scheduled for 8 August 1999 as set out in paragraphs 15 to 18 of the report of the Secretary-General of 22 May 1999;

9. *Stresses once again* the responsibility of the Government of Indonesia to maintain peace and security in East Timor, in particular in the present security situation referred to in the report of the Secretary-General, in order to ensure that the popular consultation is carried out in a fair and peaceful way and in an atmosphere free of intimidation, violence or interference from any side and to ensure the safety and security of United Nations and other international staff and observers in East Timor;

10. *Welcomes* in this regard the decision taken by the Government of Indonesia to establish a ministerial team to monitor and ensure the security of the popular consultation in accordance with article 3 of the General Agreement and paragraph 1 of the Security Agreement;

11. *Condemns* all acts of violence from whatever quarter, and calls for an end to such acts and the laying down of arms by all armed groups in East Timor, for the necessary steps to achieve disarmament and for further steps in order to ensure a secure environment devoid of violence or other forms of intimidation, which is a prerequisite for the holding of a free and fair ballot in East Timor;

12. *Requests* all parties to ensure that conditions exist for the comprehensive implementation of the popular consultation, with the full participation of the East Timorese people;

13. *Urges* that every effort be made to make the Commission on Peace and Stability operative, and in particular stresses the need for the Indonesian authorities to provide security and personal protection for members of the Commission in cooperation with the Mission;

14. *Reiterates its request* to the Secretary-General to keep the Security Council closely informed of the situation, and to continue to report to it every fourteen days on the implementation of its resolutions and of the tripartite Agreements and on the security situation in East Timor;

15. *Decides* to remain seized of the matter.

Decision of 29 June 1999 (4019th meeting): statement by the President

On 22 June 1999, pursuant to resolution 1246 (1999), the Secretary-General submitted to the Council a report on the question of East Timor, providing an update on the activities of UNAMET and the security situation in the Territory.¹¹ In his report, the Secretary-General observed that pro-integration militias, believed to be operating with the acquiescence of army elements, had carried out acts of violence and intimidation against the local population. Those activities continued to restrict political freedom, thus jeopardizing the openness of the consultation process. Given the serious security situation throughout much of the territory and the absence of a “level playing field”, and in order to allow enough time for the full deployment of the Mission, he had decided to postpone the registration process, which would in turn entail a two-week postponement of the ballot date.

At its 4019th meeting, held on 29 June 1999 in accordance with the understanding reached in its prior consultations, the Council included the report of the Secretary-General on its agenda. After the adoption of the agenda, the President (Gambia) invited the representatives of Indonesia and Portugal, at their request, to participate in the discussion without the right to vote.

At the same meeting, the President made the following statement on behalf of the Council:¹²

The Security Council has considered the report of the Secretary-General of 22 June 1999 on the question of East Timor.

The Council notes with understanding the decision of the Secretary-General to postpone for three weeks his determination, which he will base on the main elements identified in his report of 5 May 1999, of whether the necessary security situation exists for the start of the operational phases of the consultation process in accordance with the Agreement between the United Nations and the Governments of Indonesia and Portugal. The Council also endorses his intention not to start the operational phases of the popular consultation until the United Nations Mission in East Timor is fully deployed, and his decision to postpone the ballot date for two weeks.

The Council emphasizes that a popular consultation of the East Timorese people through a direct, secret and universal ballot represents an historic opportunity to resolve the question

¹¹ S/1999/705.

¹² S/PRST/1999/20.

of East Timor peacefully. It concurs with the Secretary-General's assessment that this process must be transparent and that all parties must have the opportunity to express themselves freely.

In this regard, the Council expresses serious concern that the Secretary-General, in his assessment, concludes that the necessary conditions do not yet exist to begin the operational phases of the consultation process, given the security situation throughout much of East Timor and the absence of a "level playing field". It is especially concerned that the militias and other armed groups have carried out acts of violence against the local population and exercise an intimidating influence over them, and that these activities continue to constrict political freedom in East Timor, thus jeopardizing the necessary openness of the consultation process. The Council notes the Secretary-General's assessment that while the security situation has severely limited the opportunity for public expression by pro-independence activists, pro-autonomy campaigning has been actively pursued.

The Council stresses the need for all sides to put an end to all kinds of violence and for utmost restraint before, during and after the consultation. It calls upon the Mission to follow up reports of violent activity by both the pro-integration militias and Falintil (the Armed Forces for the National Liberation of East Timor). In this regard, it expresses grave concern at the attack on the Mission office in Maliana, East Timor, on 29 June 1999. The Council demands that the incident be thoroughly investigated and the perpetrators be brought to justice. The Council also demands that all parties respect the safety and security of Mission personnel. The Council supports the statement of the spokesman for the Secretary-General of 29 June 1999 and requests the Secretary-General to report further.

The Council welcomes the positive developments identified by the Secretary-General. The Council warmly welcomes the excellent channels of communication between the Mission and the Indonesian authorities, which have been facilitated by the establishment of a high-level Indonesian task force in Dili. The Council warmly welcomes the opening of the DARE II talks in Jakarta with representatives of all sides in East Timor, and the progress towards making the Commission on Peace and Stability operative.

The Council stresses once again the responsibility of the Government of Indonesia to maintain peace and security in East Timor. The Council emphasizes that all local officials in East Timor must abide by the provisions of the tripartite Agreements, in particular as regards the designated campaign period, the use of public funds for campaign purposes and the need to campaign only in their private capacity, without recourse to the pressure of office.

The Council is particularly concerned at the situation of internally displaced persons in East Timor and the implications which this may have for the universality of the consultation. It calls upon all concerned to grant full access and freedom of movement to humanitarian organizations for the delivery of

humanitarian assistance, to cease immediately activities which may cause further displacement and to allow all internally displaced persons who wish to do so to return home.

The Council notes that full deployment of the Mission will not be possible before 10 July 1999. It urges the Secretary-General to take all necessary steps to ensure full deployment by that time, and urges all parties to cooperate fully with the Mission. It stresses the importance of allowing complete freedom of movement for the Mission within East Timor in order to carry out its tasks.

The Council urges the Indonesian Government and the pro-integration and pro-independence groups to continue to enhance cooperation with the Mission, to allow the popular consultation to go ahead in a timely manner.

The Council will remain seized of the matter.

**Decision of 3 August 1999 (4031st meeting):
resolution 1257 (1999)**

By a letter dated 28 July 1999, the Secretary-General informed the Council that, following discussions with his Personal Representative for East Timor and advice received from UNAMET, he had decided to postpone the date of the forthcoming consultation in East Timor until 30 August 1999.¹³ He, therefore, requested the Council to authorize an extension of the current UNAMET mandate by one month, until 30 September 1999. He stated that the United Nations would continue to have a presence in East Timor after the consultation and was currently planning for that phase, in talks with the Governments of Indonesia and Portugal.

At its 4031st meeting, held on 3 August 1999 in accordance with the understanding reached in its prior consultations, the Council included the letter from the Secretary-General on its agenda. After the adoption of the agenda, the President (Namibia) drew the attention of the Council to the text of a draft resolution prepared in the course of its prior consultations.¹⁴ The draft resolution was put to the vote and adopted unanimously as resolution 1257 (1999), which reads:

The Security Council,

Recalling its previous resolutions on the situation in East Timor, in particular resolution 1246 (1999) of 11 June 1999,

Taking note of the letter dated 28 July 1999 from the Secretary-General to the President of the Security Council which

¹³ S/1999/830.

¹⁴ S/1999/843.

informs the Council of his decision to postpone the popular consultation in East Timor until 30 August 1999 and requests the authorization of a one-month extension to the mandate of the United Nations Mission in East Timor,

1. *Decides* to extend the mandate of the United Nations Mission in East Timor until 30 September 1999;
2. *Decides* to remain seized of the matter.

**Decision of 27 August 1999 (4038th meeting):
resolution 1262 (1999) and statement by
the President**

On 9 August 1999, the Secretary-General submitted to the Council a report on the question of East Timor, providing information on the United Nations role in the post-ballot period and recommending that the tasks and structure of UNAMET be adjusted accordingly.¹⁵ In his report, the Secretary-General requested that the Council consider his recommendations regarding the composition of UNAMET and authorize their implementation for an initial period of three months from the date of the popular consultation in East Timor scheduled for 30 August 1999.

At its 4038th meeting, held on 27 August 1999 in accordance with the understanding reached in its prior consultations, the Council included the report of the Secretary-General on its agenda. After the adoption of the agenda, the President (Namibia) invited the representatives of Australia, Finland, Indonesia, New Zealand, Portugal and the Republic of Korea, at their request, to participate in the discussion without the right to vote.

The representative of Portugal expressed his Government's concern that on the eve of the consultation in East Timor armed militias were still operating in the territory and their criminal actions were not being investigated or punished. Recent events had proven that the measures taken so far had been inadequate and insufficient. He appealed to the Indonesian authorities to take concrete steps to stop violence and ensure that the popular consultation was held in an atmosphere free of intimidation, violence or interference from any side. Referring to the future of East Timor, he highlighted the role of the people of East Timor in moving towards national reconciliation. He stated that overcoming their differences and living

together peacefully would be their biggest challenge after the consultation.¹⁶

The representative of Indonesia affirmed that his Government was determined to shoulder its responsibilities under the Agreements and to ensure that the security situation was conducive to the holding of a free, fair and peaceful popular consultation in East Timor. While acknowledging some "unfortunate" incidents, attributable to the actions of both sides, he maintained that in each instance the Indonesian police had acted promptly and had carried out the necessary investigations. He regretted that misperceptions continued to be cultivated. He observed that "there [were] two groups in East Timor, and neither could or should be dismissed out of hand."¹⁷

The representative of Australia supported the restructuring of UNAMET to enable the Mission to continue its assistance during the next phase between the consultation in East Timor and the implementation of its result. The responsibilities of the United Nations in the post-consultation period had to include building confidence, supporting stability, and reassuring all groups, including those disappointed by the results.¹⁸

The representative of Finland, speaking on behalf of the European Union, stated its intention to send a team of observers to the consultation in East Timor. The representative underlined that the European Community was deeply concerned about the security situation in East Timor, in particular the intimidation by pro-integration militias, which had been linked by many independent observers to elements of the Indonesian Army.¹⁹

The representative of New Zealand said that there could be no "cooling off" period for UNAMET. During the interim phase following the ballot, the Mission would face a range of different tasks, and its structure needed to be adjusted to reflect the new demands. The reconciliation process and the establishment of confidence between all groups would also be of critical importance during that period. He therefore urged Indonesia, and particularly the military authorities, to

¹⁶ S/PV.4038, pp. 2-3.

¹⁷ *Ibid.*, pp. 4-6.

¹⁸ *Ibid.*, pp. 6-8.

¹⁹ *Ibid.*, pp. 8-9.

¹⁵ S/1999/862.

redouble their efforts to ensure peace and security in the run-up to the ballot and the period thereafter.²⁰

The representative of the Republic of Korea affirmed that his delegation had full confidence in the commitment and capability of the Government and people of Indonesia to maintain law and order in East Timor.²¹

The draft resolution was put to the vote and adopted unanimously as resolution 1262 (1999), which reads:

The Security Council,

Recalling its previous resolutions on the situation in East Timor, in particular resolutions 1246 (1999) of 11 June 1999 and 1257 (1999) of 3 August 1999,

Recalling also the Agreement between Indonesia and Portugal of 5 May 1999 on the question of East Timor and the Agreements between the United Nations and the Governments of Indonesia and Portugal of the same date regarding the modalities for the popular consultation of the East Timorese through a direct ballot and security arrangements,

Welcoming the report of the Secretary-General of 9 August 1999,

Taking note of the need for the United Nations to pursue its efforts in East Timor in the period following the ballot to build confidence and support stability and to reassure all groups, in particular those in the minority in the ballot, that they have a role to play in the future political life of East Timor,

Welcoming the proposal of the Secretary-General that the United Nations Mission in East Timor continue its operations in the interim phase between the conclusion of the popular consultation and the start of the implementation of its result and that its tasks and structure be adjusted accordingly,

Commending the Mission for the impartial and effective implementation of its mandate, and welcoming the confirmation in the report of the Secretary-General that the Mission will continue to do its utmost to fulfil its responsibility in this manner,

Welcoming the fruitful cooperation of the Government of Indonesia in East Timor with the United Nations,

1. *Decides* to extend the mandate of the United Nations Mission in East Timor until 30 November 1999, and endorses the proposal of the Secretary-General that in the interim phase the Mission should incorporate the following components:

(a) An electoral unit as set out in the report of the Secretary-General;

(b) A civilian police component of up to 460 personnel to continue to advise the Indonesian Police and to prepare for the recruitment and training of the new East Timorese police force;

(c) A military liaison component of up to 300 personnel as set out in the report of the Secretary-General to undertake the necessary military liaison functions, to continue to be involved in the work of the East Timorese bodies established to promote peace, stability and reconciliation, and to provide advice to the Special Representative for the East Timor Popular Consultation on security matters as required, pursuant to the implementation of the Agreements of 5 May 1999;

(d) A civil affairs component to advise the Special Representative for the East Timor Popular Consultation in monitoring the implementation of the Agreements of 5 May 1999, as set out in the report of the Secretary-General;

(e) A public information component to provide information on progress made towards implementation of the outcome of the ballot, and to disseminate a message promoting reconciliation, confidence, peace and stability;

2. *Calls upon* all parties to cooperate with the Mission in the implementation of its mandate, and to ensure the security and freedom of movement of its staff in carrying out that mandate in all areas of East Timor;

3. *Recalls* the continuing responsibility of Indonesia to maintain peace and security in East Timor in the interim phase;

4. *Decides* to remain seized of the matter.

Following the adoption of the resolution, the President made the following statement on behalf of the Council:

On the eve of the ballot, the members of the Security Council wish me to affirm their view, set out in document S/PRST/1999/20, that the popular consultation of the East Timorese people on 30 August represents a historic opportunity to resolve the question of East Timor peacefully. The people of East Timor have a unique opportunity to decide their own future. Whatever the outcome of the consultation, members of the Security Council strongly hope that the people of East Timor will respect that decision and work together to build a peaceful and prosperous future. In adopting the resolution mandating the United Nations presence until 30 November 1999, the Council is demonstrating its readiness to continue to support them after they have made their decision.²²

²⁰ Ibid., pp. 9-10.

²¹ Ibid., pp. 10-11.

²² Ibid., p. 11.

**Decision of 3 September 1999 (4042nd meeting):
statement by the President**

By a letter dated 3 September 1999, the Secretary-General informed the Council that UNAMET had completed the popular consultation in East Timor on the proposed autonomy. The ballot result, and the consultation process as a whole, had been duly certified by the Electoral Commission, and was as follows: 94,388 or 21.5 per cent in favour, and 344,580 or 78.5 per cent against. The people of East Timor had thus rejected the proposed special autonomy and expressed their wish to begin a process of transition towards independence. The Secretary-General further noted that the orderly and peaceful transfer of authority in East Timor to the United Nations, under the Agreements of 5 May 1999, would be complex and difficult, given the current insecurity in the Territory.²³

At its 4041st meeting, held on 3 September 1999 in accordance with the understanding reached in its prior consultations, the Council continued consideration of the item on its agenda. After the adoption of the agenda, the President (the Netherlands) invited the representatives of Indonesia and Portugal, at their request, to participate in the discussion, without the right to vote.

At the same meeting, addressing the Council, the Secretary-General recalled that on 5 May 1999, Portugal, Indonesia and the United Nations had concluded a historic set of Agreements to determine the future of East Timor. On 30 August 1999, the people of East Timor had turned out in massive numbers to vote and had rejected the proposed special autonomy. Thus after 24 years of conflict, East Timor stood at the threshold of what it was hoped would be a process of orderly and peaceful transition towards independence. He urged all parties to end the violence and to begin a process of dialogue and reconciliation through the East Timor Consultative Commission. He also called upon the Government of Indonesia to ensure its success by maintaining law and order in the Territory.²⁴

At its 4042nd meeting, held on 3 September 1999 in accordance with the understanding reached in its prior consultations, the Council included the letter

dated 3 September 1999 from the Secretary-General on its agenda. After the adoption of the agenda, the President (the Netherlands) invited the representatives of Indonesia and Portugal, at their request, to participate in the discussion, without the right to vote.

At the same meeting the President made the following statement on behalf of the Council:²⁵

The Security Council welcomes the successful popular consultation of the East Timorese people on 30 August 1999 and the letter dated 3 September 1999 from the Secretary-General to the President of the Security Council announcing the ballot result. The Council expresses its support for the courage of those who turned out in record numbers to express their views. It regards the popular consultation as an accurate reflection of the views of the East Timorese people.

The Council pays tribute to the extraordinary work of the Personal Representative of the Secretary-General. It also commends the courage and dedication of the Special Representative for the East Timor Popular Consultation and of the staff of the United Nations Mission in East Timor in organizing and conducting the popular consultation in extremely difficult conditions.

The Council calls upon all parties, both inside and outside East Timor, to respect the result of the popular consultation. The Council urges the East Timorese people to work together to implement their decision as freely and democratically expressed in the ballot and to cooperate in the building of peace and prosperity in the territory. The Council now looks to the Indonesian Government to take the necessary constitutional steps to implement the result of the ballot, in accordance with the Agreements of 5 May 1999.

The Council recognizes that the Agreements of 5 May 1999 which led to the popular consultation of the East Timorese people would not have been possible without the timely initiative of the Government of Indonesia and the constructive attitude of the Government of Portugal. It commends the sustained efforts of the Governments of Indonesia and Portugal, through the good offices of the Secretary-General, to find a just, comprehensive and internationally acceptable solution to the question of East Timor, and expresses its appreciation to the Government of Indonesia for its cooperation with the United Nations in the process.

The Council condemns the violence in East Timor which both preceded and followed the ballot of 30 August 1999. It expresses its condolences to the families of United Nations local staff and others so tragically killed. It underlines the need for the result to be implemented in an atmosphere of peace and security without further violence and intimidation. In accordance with its responsibility for maintaining peace and security under the Agreements of 5 May 1999, it is for the Government of

²³ S/1999/944.

²⁴ S/PV.4041, pp. 2-3.

²⁵ S/PRST/1999/27.

Indonesia to take steps to prevent further violence. It also looks to the Government of Indonesia to guarantee the security of Mission personnel and premises. The Council is ready to consider sympathetically any proposal from the Secretary-General to ensure the peaceful implementation of the popular consultation process.

The Council requests the Secretary-General to report as soon as possible on the implementation of the ballot result, including recommendations on the mandate, size and structure of the United Nations presence in East Timor in the implementation phase (phase III).

The Council will remain seized of the matter.

Decision of 15 September 1999 (4045th meeting): resolution 1264 (1999)

By letters dated 8 and 9 September 1999, respectively, addressed to the President of the Security Council, the representatives of Portugal and Brazil requested the convening of an urgent meeting of the Council to discuss “the grave and alarming” situation in East Timor.²⁶

At its 4043rd meeting, on 11 September 1999, the Council included the letters from the representatives of Portugal and Brazil on its agenda and began consideration of the item entitled “The situation in East Timor”. After the adoption of the agenda, the President (the Netherlands) invited the representatives of Angola, Australia, Austria, Belarus, Belgium, Cambodia, Cape Verde, Chile, Cuba, Denmark, Ecuador, Egypt, Finland, Germany, Greece, Guinea-Bissau, India, Indonesia, the Islamic Republic of Iran, Iraq, Ireland, Italy, the Lao People’s Democratic Republic, the Libyan Arab Jamahiriya, Luxembourg, Mozambique, New Zealand, Norway, Pakistan, Papua New Guinea, the Philippines, Portugal, the Republic of Korea, Singapore, South Africa, Spain, the Sudan, Sweden, Uruguay and Viet Nam, at their request, to participate in the discussion without the right to vote. The President then drew the attention of the Council to a letter dated 7 September 1999 from the representative of Ireland addressed to the Secretary-General, in which he indicated that, while the very high turnout of registered voters and the orderly and peaceful conduct of the poll represented a great success, there were growing concerns about the security situation on the ground. He expressed the view of Ireland that if Indonesia was unable to maintain security in East

Timor, other possibilities must be examined, and that in this context, Ireland would support the deployment of a peacekeeping force.²⁷ The President further drew the attention of the Council to a letter dated 8 September 1999 from the representative of Angola addressed to the President of the Council, attaching the declaration on the situation in East Timor made by the member States of the Community of Portuguese-speaking Countries in Lisbon on 6 September 1999, which, inter alia, called upon the international community, and in particular the Security Council, to do everything for the rapid re-establishment of security and normality, including the deployment of peacekeeping forces to the territory;²⁸ and to a letter dated 10 September 1999 from the representative of Portugal addressed to the President of the Council, reiterating the request of Portugal for an immediate meeting of the Council to consider the situation in East Timor, where widespread killings and destruction of property had continued and there had been a marked deterioration of the humanitarian situation on the ground.²⁹

Addressing the Council, the Secretary-General recalled that just one week earlier he had informed the Council that the people of East Timor had rejected the autonomy option and had voted in favour of a transition towards independence. Unfortunately, after the ballot results were announced, the situation had become chaotic, and the scale of violence, death and destruction had gone far beyond what had been foreseen. He had been in constant contact with Heads of State and, in particular, with the President of Indonesia, in an effort to create conditions that would enable UNAMET to carry out its mandate. The Council had also dispatched a mission to Indonesia to emphasize to the leaders of that country the urgency of the situation and the need for immediate action.³⁰ However, despite all those efforts, the security situation had steadily deteriorated, forcing UNAMET to close all but one of its offices. The Secretary-General further noted that some 1,000 people from East Timor had taken refuge in the United Nations

²⁷ S/1999/950.

²⁸ S/1999/956.

²⁹ S/1999/963.

³⁰ Letters dated 5 and 6 September 1999 addressed to the Secretary-General by the President of the Security Council (S/1999/946 and S/1999/972).

²⁶ S/1999/955 and S/1999/961.

compound and were living in precarious conditions. Moreover, the vast majority of the population had been forcibly displaced. With access to the whole Territory being denied, the international community could not evaluate the full dimensions of the humanitarian crisis or the basic survival requirements of the uprooted population. He also urged the Government of Indonesia to agree immediately to the deployment of an international force to East Timor. He underscored that the time had come to seek the help of the international community in fulfilling its responsibilities, which included guaranteeing the safety and protection of the civilian leaders of the pro-independence camp.³¹

At the same meeting, the representative of Portugal recalled that, under the Charter, the Council had the primary responsibility for the maintenance of international peace and security, and undoubtedly both were being threatened in East Timor. Never in the history of the Organization had institutions of one Member State so blatantly attempted to destroy a process which had been organized and conducted by the United Nations. He affirmed that the Organization had a legal and ethical obligation to protect the people of East Timor, and indeed, at that stage, its credibility was at stake. He stressed that the Council should, *inter alia*, ensure that Indonesia took concrete steps to stop the killings and restore order; act to halt the forced dislocation of the civilian population and create conditions for their safe return; allow unimpeded access by all United Nations humanitarian agencies and the International Committee of the Red Cross (ICRC) to provide relief to those in need; and create security conditions to allow UNAMET to fulfil its mandate. He also urged the Government of Indonesia to accept the deployment of an international force, and to identify and bring to justice those responsible for the atrocities in East Timor.³²

The representative of Brazil affirmed that the Council was dealing “with an urgent and serious threat to international security”. The international community must not remain passive in the face of the atrocities committed against the people of East Timor who were also being denied the most fundamental right the Organization stood for — the right to self-determination. The international community must be

prepared to use all available means at its disposal, under the Charter, to guarantee the restoration of peace and the full implementation of the Agreements of 5 May 1999. He stated that no option should be excluded.³³

The representative of the United States said that UNAMET had worked successfully to allow the people of East Timor to express their will and that on 30 August over 400,000 had made their choice clear. However, on the day when the ballot results should have been celebrated, the militia took to the streets and began a “murderous rampage”. Hundreds had been killed, and United Nations personnel had come under attack. Moreover, there were clear indications that Indonesian troops had “backed, encouraged, directed and perhaps, in many cases, participated in the atrocities on the ground”. The present meeting would convey to the Indonesian authorities that they would face international isolation if they did not act to stop the violence. He therefore urged the Government to allow the immediate deployment of a multinational force into East Timor.³⁴

The representative of France said that the events in East Timor could not be tolerated any longer. The United Nations had encouraged and conducted a negotiating process leading to self-determination that had seemed exemplary. Suddenly, everything had collapsed. Violence had caused large flows of refugees and displaced persons, and Dili had been devastated by the militias. The measures undertaken by the Indonesian authorities had not been effective, and the choice of independence was being contested by force of arms. They should therefore accept the international community offer of assistance to help restore peace and security. Should the Council decide to deploy an international force, France would participate, he said.³⁵

The representative of Australia stated that his country had watched with growing alarm and concern the developments that had unfolded in East Timor. While stating that the deplorable situation had arisen because of the failure of the military to honour the commitment of Indonesia to provide security to East Timor for the United Nations consultation and transition process, the representative called on

³¹ S/PV.4043, pp. 2-3.

³² *Ibid.*, pp. 4-6.

³³ *Ibid.*, pp. 6-7.

³⁴ *Ibid.*, pp. 7-9.

³⁵ *Ibid.*, pp. 9-10.

Indonesia to agree immediately to the deployment of a United Nations-authorized international force to provide the necessary security for UNAMET to resume its role. He further urged Indonesia, as a friend and neighbour, to support the people of East Timor in the realization of their goal of independence. He pledged the readiness of Australia to assist in restoring peace and security to the territory and in creating the conditions in which the people of East Timor could build their lives. He concluded that the interest of Australia was in an Indonesia that was successful and was constructively engaged with the international community, not an Indonesia that was isolated and disadvantaged through confrontation over East Timor.³⁶

During the debate, most speakers expressed deep concern at the deterioration of the security and humanitarian situation in East Timor, and the continuing acts of violence against the civilian population and UNAMET personnel. Underlining the responsibility of the Government of Indonesia for security in East Timor, as stipulated in the Agreement of 5 May 1999, they called on the Indonesian authorities to act immediately to re-establish law and order, and allow the results of the popular consultation to be implemented peacefully. They also urged the Government to accept the offer of international assistance and to agree to the deployment of a multinational force to assist in restoring order and in securing a peaceful transition to independence for the Territory.³⁷ Some speakers stressed that the deployment of any peacekeeping force must be endorsed by the Council and accepted by the

Government of Indonesia.³⁸ Others contended that the Government of Indonesia had recently undertaken measures to improve the security situation in the field, and thus deemed that the deployment of such force should be studied carefully to avoid aggravating the situation.³⁹

The representative of China stated that the people of East Timor had made a choice for their future and appealed to all concerned to respect their will. He called for the immediate cessation of all acts of violence and the protection of United Nations personnel. He also stressed that the issue of East Timor needed to be solved through the United Nations and that the deployment of any peacekeeping force should be done at the request of the Government of Indonesia and endorsed by the Council.⁴⁰

The representative of the United Kingdom said that his country had repeatedly made clear to the Government of Indonesia its willingness to provide support for a multinational force to restore security in East Timor. However, those offers had so far been declined on the grounds that Indonesia was capable of restoring security by itself. The Government of Indonesia must meet its obligations under the Tripartite Agreement and allow UNAMET to operate throughout the territory, otherwise, it must understand that it would be held responsible by the international community.⁴¹

The representative of the Russian Federation said that assistance should be given to the Government of Indonesia to help restore order in East Timor and to implement the results of the public consultation in East Timor. If the situation was not brought under control, and should the deployment of an international force be considered, it would need acceptance of such a force by the Indonesian authorities, and there would have to be an endorsement by the Security Council of an appropriate resolution setting forth its mandate. He stated that the Russian Federation would be prepared,

³⁶ Ibid., pp. 15-16.

³⁷ Ibid., pp. 10-11 (Argentina); pp. 11-12 (Canada); p. 12 (Gabon); pp. 17-18 (Finland, on behalf of the European Union and Bulgaria, Cyprus, Latvia, Malta, Poland, Czech Republic, Romania and Slovakia); p. 18 (Republic of Korea); p. 19 (Ireland); and pp. 20-21 (Philippines); and S/PV.4043 (Resumption and Corr.1), pp. 2-3 (South Africa); pp. 3-4 (Egypt); pp. 6-7 (Mozambique); pp. 7-8 (Norway); pp. 8-9 (Ecuador); pp. 9-10 (Chile); pp. 10-11 (New Zealand); pp. 11-12 (Germany); pp. 13-14 (Italy); pp. 14-15 (Uruguay); p. 15 (Greece); pp. 15-16 (Pakistan); pp. 16-17 (Spain); pp. 17-18 (Papua New Guinea); pp. 18-19 (Guinea-Bissau); p. 21 (Sweden); p. 23 (Angola); pp. 23-24 (Cape Verde); p. 25 (Belgium); p. 26 (Denmark); pp. 26-27 (Luxembourg); p. 27 (Austria); pp. 30 (Slovenia); and p. 31 (the Netherlands).

³⁸ S/PV.4043, pp. 12-13 (China); and pp. 14-15 (Russian Federation); and S/PV.4043 (Resumption) and Corr.1, p. 7 (Cuba); p. 17 (Viet Nam); pp. 19-20 (Singapore); p. 24 (Islamic Republic of Iran); and pp. 25-26 (India).

³⁹ S/PV.4043 (Resumption) and Corr.1, pp. 4-5 (Sudan); p. 9 (Lao People's Democratic Republic); and p. 22 (Iraq).

⁴⁰ Ibid., pp. 12-13.

⁴¹ Ibid., pp. 13-14.

together with other members of the Council, to expeditiously consider additional measures to resolve the East Timor crisis, including in the light of the report of the Security Council mission dispatched to Indonesia.⁴²

The representative of Indonesia said that his Government would continue to support United Nations efforts in East Timor and would not renege on its commitments under the Agreements of 5 May 1999. He reiterated that the Government had never condoned any form of violence or intimidation. It had accepted the results of the popular consultation and would honour them. Despite some random incidents, the situation was presently being brought under control, and Dili and the surrounding areas were returning to normal. The Indonesian authorities had restructured the chain of command of the security forces, and were focusing on the humanitarian situation and facilitating the delivery of assistance to those in need. Under those circumstances, the Government of Indonesia, while fully understanding the willingness of some countries to provide security assistance, did not foresee the need for the deployment of a multinational force at that stage. Such an operation might exacerbate the situation and be counterproductive, he said.⁴³

On 14 September 1999, the Security Council mission dispatched to Jakarta and Dili with the task of discussing with the Government of Indonesia concrete steps for the peaceful implementation of the Agreements of 5 May 1999 submitted a report on the results of its meetings in Jakarta and Dili from 8 to 12 September 1999.⁴⁴ In the report, the Mission concluded that the accounts given by the Government of Indonesia of events in East Timor and of actions taken by Indonesia to carry out its responsibilities under the Agreement of 5 May 1999 did not tally with the briefings provided by United Nations staff and senior diplomats in Jakarta and Dili, nor with the events observed on the ground. Moreover, the repeated failure of the defence forces to carry out the obligations of the Government to provide security to UNAMET, international organizations and the population as a whole, meant that the Indonesian authorities were either unable or unwilling to provide the proper environment for the peaceful

implementation of the Agreement of 5 May 1999. The introduction of martial law did not alter that state of affairs, nor did it adequately respond to the humanitarian crisis in East Timor. In its recommendations, the Mission called on the Security Council to welcome the Indonesian President's decision to invite an international peacekeeping force to cooperate with Indonesia in restoring peace and security in East Timor, and to adopt a resolution providing a framework for its implementation; to authorize an advance party of the international security presence to undertake essential tasks in and around Dili related to UNAMET and the delivery of humanitarian supplies; to hold the Government of Indonesia to its obligations under phase II of the Agreement of 5 May 1999; and to institute the investigation of apparent abuses of international humanitarian law in East and West Timor. The mission further called on the United Nations to give top priority to the grave humanitarian crisis in East Timor and insist on the Government's provision of access and security to United Nations and international humanitarian organizations.

At its 4045th meeting, held on 15 September 1999, the Council continued consideration of the item on its agenda. After the adoption of the agenda, the President (Netherlands) invited the representatives of Australia, Finland, Indonesia, Japan, New Zealand and Portugal, at their request, to participate in the discussion, without the right to vote. The President drew the attention of the members of the Council to the report of the Security Council Mission to Jakarta and Dili,⁴⁵ and to the text of a draft resolution prepared in the course of its prior consultations.⁴⁶ He also drew their attention to a letter dated 14 September 1999 from the representative of Australia addressed to the Secretary-General, accepting the leadership of the multinational force and indicating their readiness to make a substantial contribution to the force itself.⁴⁷

The draft resolution was then put to the vote and was adopted unanimously as resolution 1264 (1999), which reads:

The Security Council,

Recalling its previous resolutions and the statements by its President on the situation in East Timor,

⁴² *Ibid.*, pp. 14-15.

⁴³ *Ibid.*, pp. 27-30.

⁴⁴ S/1999/976 and Corr.1.

⁴⁵ S/1999/976 and Corr.1.

⁴⁶ S/1999/977.

⁴⁷ S/1999/975.

Recalling also the Agreement between Indonesia and Portugal of 5 May 1999 on the question of East Timor and the Agreements between the United Nations and the Governments of Indonesia and Portugal, of the same date, regarding the modalities for the popular consultation of the East Timorese through a direct ballot and security arrangements,

Reiterating its welcome for the successful conduct of the popular consultation of the East Timorese people of 30 August 1999, and taking note of its outcome, which it regards as an accurate reflection of the views of the East Timorese people,

Deeply concerned by the deterioration in the security situation in East Timor, and in particular by the continuing violence against and large-scale displacement and relocation of East Timorese civilians,

Deeply concerned also at the attacks on the staff and premises of the United Nations Mission in East Timor, on other officials and on international and national humanitarian personnel,

Recalling the relevant principles contained in the Convention on the Safety of United Nations and Associated Personnel adopted on 9 December 1994,

Appalled by the worsening humanitarian situation in East Timor, particularly as it affects women, children and other vulnerable groups,

Reaffirming the right of refugees and displaced persons to return in safety and security to their homes,

Endorsing the report of the Security Council mission to Jakarta and Dili,

Welcoming the statement by the President of Indonesia on 12 September 1999 in which he expressed the readiness of Indonesia to accept an international peacekeeping force through the United Nations in East Timor,

Welcoming also the letter dated 14 September 1999 from the Minister for Foreign Affairs of Australia to the Secretary-General,

Reaffirming respect for the sovereignty and territorial integrity of Indonesia,

Expressing its concern at reports indicating that systematic, widespread and flagrant violations of international humanitarian and human rights law have been committed in East Timor, and stressing that persons committing such violations bear individual responsibility,

Determining that the present situation in East Timor constitutes a threat to peace and security,

Acting under Chapter VII of the Charter of the United Nations,

1. *Condemns* all acts of violence in East Timor, calls for their immediate end, and demands that those responsible for such acts be brought to justice;

2. *Emphasizes* the urgent need for coordinated humanitarian assistance and the importance of allowing full, safe and unimpeded access by humanitarian organizations, and calls upon all parties to cooperate with such organizations so as to ensure the protection of civilians at risk, the safe return of refugees and displaced persons and the effective delivery of humanitarian aid;

3. *Authorizes* the establishment of a multinational force under a unified command structure, pursuant to the request of the Government of Indonesia conveyed to the Secretary-General on 12 September 1999, with the following tasks: to restore peace and security in East Timor, to protect and support the United Nations Mission in East Timor in carrying out its tasks and, within force capabilities, to facilitate humanitarian assistance operations, and authorizes the States participating in the multinational force to take all necessary measures to fulfil this mandate;

4. *Welcomes* the expressed commitment of the Government of Indonesia to cooperate with the multinational force in all aspects of the implementation of its mandate, and looks forward to close coordination between the multinational force and the Government of Indonesia;

5. *Underlines* the continuing responsibility of the Government of Indonesia under the Agreements of 5 May 1999, taking into account the mandate of the multinational force set out in paragraph 3 above, to maintain peace and security in East Timor in the interim phase between the conclusion of the popular consultation and the start of the implementation of its result and to guarantee the security of the personnel and premises of the Mission;

6. *Welcomes* the offers by Member States to organize, lead and contribute to the multinational force in East Timor, calls upon Member States to make further contributions of personnel, equipment and other resources, and invites Member States in a position to contribute to inform the leadership of the multinational force and the Secretary-General;

7. *Stresses* that it is the responsibility of the Indonesian authorities to take immediate and effective measures to ensure the safe return of refugees to East Timor;

8. *Notes* that article 6 of the Agreement of 5 May 1999 states that the Governments of Indonesia and Portugal and the Secretary-General shall agree on arrangements for a peaceful and orderly transfer of authority in East Timor to the United Nations, and requests the leadership of the multinational force to cooperate closely with the United Nations to assist and support those arrangements;

9. *Stresses* that the expenses for the force will be borne by the participating Member States concerned, and requests the Secretary-General to establish a trust fund through which contributions could be channelled to the States or operations concerned;

10. *Agrees* that the multinational force should collectively be deployed in East Timor until replaced as soon as

possible by a United Nations peacekeeping operation, and invites the Secretary-General to make prompt recommendations on a peacekeeping operation to the Security Council;

11. *Invites* the Secretary-General to plan and prepare for a United Nations transitional administration in East Timor, incorporating a United Nations peacekeeping operation, to be deployed in the implementation phase of the popular consultation (phase III) and to make recommendations as soon as possible to the Security Council;

12. *Requests* the leadership of the multinational force to provide periodic reports on progress towards the implementation of its mandate through the Secretary-General to the Council, the first such report to be made within fourteen days of the adoption of the present resolution;

13. *Decides* to remain actively seized of the matter.

At the same meeting, the representative of Portugal stated that the security and humanitarian conditions in East Timor had not improved and that there were alarming reports of continued brutality, violence against refugees and internally displaced persons, and major food and medicine shortages. Moreover, in spite of guarantees given by the Indonesian authorities, UNAMET had been forced to withdraw from its headquarters and the same had happened to the Observer Mission of Portugal created by the New York agreements. Those events were completely unacceptable and they were hard evidence of the inability of Indonesia to maintain peace and stability in the Territory. He therefore welcomed the establishment of a multinational force and urged Indonesia to cooperate fully.⁴⁸

The representative of Indonesia stated that following the visit of the Indonesian Armed Forces Commander to East Timor who accompanied the Security Council Mission to directly observe the effect of the declaration of a state of military emergency, the Government of Indonesia had reviewed the situation in East Timor and had decided to request the cooperation of the United Nations in dealing with the security situation in East Timor. Moreover, in a spirit of cooperation and flexibility, it had placed no conditions on the deployment of a multinational force, under Chapter VII of the Charter, and would extend its cooperation to facilitate the force's tasks. He also assured the Council that adequate measures would be

⁴⁸ S/PV.4045, pp. 2-3.

taken for the safety and security of those rendering humanitarian aid.⁴⁹

The representative of Australia welcomed the decision of the Government of Indonesia to invite a multinational force into East Timor. At the Secretary-General's request, his country was willing to accept the leadership of such a force. It also stood ready to assist in providing urgent humanitarian assistance and in the reconciliation process.⁵⁰

The representative of Finland, speaking on behalf of the European Union and the associated and aligned countries,⁵¹ welcomed the early decision by the Council to enable the rapid deployment of an international presence. He underlined that the attitude of the European Union towards Indonesia would depend on its full co-operation with the international force. In this context, he informed the Council that the European Union had agreed at its meeting on 13 September on an embargo on the export of arms, munitions and military equipment, a ban on the supply of equipment that might be used for internal repression or terrorism, and a suspension of bilateral military cooperation, for a period of four months. The European Union also called on Indonesia to allow the safe return of international humanitarian organizations and agencies to East Timor without delay.⁵²

The representative of Japan, while welcoming the establishment of a multinational force to restore peace and security in East Timor, further underlined his delegation's view that the immediate task in East Timor was threefold, namely that law and order in East Timor had to be quickly restored; and an appropriate environment, in which UNAMET could resume operations and humanitarian activities could be safely carried out, had to be established. With the acceptance of the Security Council resolution, Japan would continue to provide support and assistance to the political and humanitarian process of restoring peace in East Timor and to the implementation of the result of the ballot of 30 August. The representative further pointed out that, in pursuing the goal stipulated in the

⁴⁹ *Ibid.*, pp. 3-4.

⁵⁰ *Ibid.*, pp. 4-5.

⁵¹ *Ibid.*, pp. 5-6 (Bulgaria, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania and Slovakia; and Iceland, Liechtenstein and Norway).

⁵² *Ibid.*, pp. 5-6.

resolution, it needed to be borne in mind that Indonesia itself was at a precarious stage in its democratization process, which its Government and people were pursuing in the face of tremendous economic difficulties. It was important for the international community to keep this broader picture in mind as it continued to address this difficult issue.⁵³

The representative of New Zealand welcomed the adoption by the Council of the resolution authorizing the deployment of a multinational force to East Timor in response to the decision by the Government of Indonesia to invite an international peacekeeping presence through the United Nations. New Zealand had urged Indonesia to invite an international peacekeeping presence, as friend and regional partner, and was gratified by the response of the Indonesia Government. Welcoming the role of Australia in making the multinational force possible, he also wished to place on record that, while it had proved necessary at the time for the Council to establish a multinational force in view of the urgency of the situation, his country expected the early replacement of the multinational force by a United Nations peacekeeping operation, as envisaged in the resolution and the recommendations of the Secretary-General, as soon as possible.⁵⁴

**Decision of 25 October 1999 (4057th meeting):
resolution 1272 (1999)**

On 4 October 1999, pursuant to resolution 1264 (1999), the Secretary-General submitted to the Council a report on the situation in East Timor, providing the framework and concept of operations for the United Nations Transitional Administration in East Timor (UNTAET), and updating developments on the ground and UNAMET activities.⁵⁵ In his report, the Secretary-General observed that the implementation of the Agreements of 5 May 1999 had been significantly affected by the violence and destruction that had engulfed East Timor following the announcement of the result of the popular consultation. Civil administration had collapsed and the judicial system had ceased to function. Moreover, there were no medical services, and hundreds of thousands of displaced persons were in dire need of emergency

relief. Indonesia had already transferred the responsibility for law and order to the multinational force which, however, could not fill the vacuum in civil administration. He therefore recommended that the Council approve the establishment of UNTAET, with overall responsibility for the administration of East Timor during its transition to independence and empowered to exercise all legislative and executive authority, including the administration of justice.⁵⁶ The Transitional Administration would operate under the authority of the Council, vested in the Secretary-General and exercised by his Special Representative. It would provide security and maintain law and order throughout the Territory; establish an effective administration; assist in the development of civil and social services; ensure coordination and delivery of humanitarian, rehabilitation and development assistance; support capacity-building for self-government; and assist in the establishment of conditions for sustainable development. It would also establish a mechanism for consultation with Portugal, and organize consultations with Indonesia as necessary. Pending elections, the Special Representative would establish advisory bodies at all levels to ensure the participation of the people of East Timor in governance and administration. The Secretary-General further noted that a number of the tasks of UNTAET would be funded by voluntary contributions and a trust fund would be established for that purpose. He therefore called on Member States to contribute to the fund generously and on an urgent basis.

At its 4057th meeting, held on 25 October 1999 in accordance with the understanding reached in its prior consultations, the Council included the report of the Secretary-General in its agenda. After the adoption of the agenda, the President (Russian Federation) invited the representatives of Australia, Finland, Indonesia, Japan, New Zealand, Norway, Portugal and the Republic of Korea, at their request, to participate in the discussion without the right to vote. The President drew the attention of the members of the Council to the text of a draft resolution submitted by Argentina, Brazil, Canada, France, Namibia, the Netherlands, Portugal, the Russian Federation, Slovenia, the United Kingdom and the United States.⁵⁷ He also drew their

⁵³ *Ibid.*, pp. 6-7.

⁵⁴ *Ibid.*, p. 8.

⁵⁵ S/1999/1024.

⁵⁶ For details on the composition and mandate of UNTAET, see chapter V.

⁵⁷ S/1999/1083.

attention to several other documents: a letter dated 21 September 1999 from the representative of Finland addressed to the Secretary-General, conveying the statement on East and West Timor issued on 21 September 1999 by the Presidency on behalf of the European Union, in which it welcomed the progress in the deployment of the international force in East Timor and commended the cooperation of the Government of Indonesia;⁵⁸ and letters dated 4 and 15 October 1999, respectively, from the Secretary-General addressed to the President of the Council, transmitting the first and second periodic reports by Australia on the operations of the International Force, East Timor (INTERFET).⁵⁹

At the same meeting, the representative of Portugal stated that the establishment of UNTAET was the culmination of a process of self-determination for which the people of East Timor and Portugal had fought very hard and for so long. He stressed that successful Transitional Administration would require close contact and constant coordination between UNTAET and the leadership of East Timor. He noted that East Timor was a non-self-governing territory whose privileges and rights accorded to it by Article 73 had been denied. This situation had to be reversed. In that context, he expressed support for the draft resolution to be adopted by the Council. To ensure that, not only the letter, but also the spirit of the Agreement and the resolutions were complied with in practice. The Council needed to guarantee: a rapid and effective transfer of power between INTERFET and UNTAET without disruption; full respect for the territorial integrity of East Timor; distribution of humanitarian assistance to those in need; and the security and safety of refugees in West Timor and other parts of Indonesia, in accordance with international humanitarian law. Finally, the Council also needed to ensure that Indonesia guaranteed that the territory of West Timor would not be used by the so-called militias as a platform to destabilize East Timor.⁶⁰

The representative of Indonesia stated that his country's responsibilities had begun more than two decades ago, when East Timor had been plunged into civil war. Abandoned by its former colonial Power after more than four centuries of colonial rule, the leaders of East Timor had appealed to Indonesia to

accommodate the aspirations of the majority of its people. Through that act of integration with Indonesia, East Timor had set out on the challenging path to nation-building. Indonesia had accepted that solemn responsibility and additional burden, even though East Timor had not been part of the Dutch East Indies, out of which the nation of Indonesia had evolved. He noted that since 1983, Indonesia had been engaged in a tripartite dialogue with Portugal, under the auspices of the Secretary-General, to find a just, comprehensive and internationally acceptable solution to the question of East Timor. He affirmed that his Government had never wavered in its commitments to the people of East Timor. It had extended full cooperation to UNAMET and provided security personnel for the popular consultation in East Timor. When violence had erupted, the Government of Indonesia had immediately declared a state of emergency, thereby establishing a legal framework to enable the armed forces to take the necessary measures to restore law and order. Subsequently, following a reappraisal of the situation on the ground, it had invited the assistance of INTERFET to restore peace and security on the ground, to protect the people, and to implement the result of the popular consultation. His delegation rejected allegations that Indonesian armed forces were behind the recent incidents in East Timor. He also expressed deep concern at the "unverified" reports of human rights violations following the popular consultation. Referring to the draft resolution, he underlined that one of the most important tasks for UNTAET was to promote reconciliation among the people of East Timor, if East Timor was to become a viable independent nation. Given that there were two factions, it was essential for UNTAET to carry out its duties with impartiality.⁶¹

The representative of Australia emphasized that security had been restored to most of East Timor, humanitarian agencies were again able to conduct their work and the people of East Timor had begun to return to the homes from which they had been driven out. Her delegation commended the decision of the People's Consultative Assembly of Indonesia to revoke its 1978 decree incorporating East Timor into Indonesia, and hoped that such action would mark the beginning of a new relationship between the peoples of Indonesia and East Timor, as well as of reconciliation among the

⁵⁸ S/1999/1004.

⁵⁹ S/1999/1025 and S/1999/1072.

⁶⁰ S/PV.4057, pp. 2-4.

⁶¹ *Ibid.*, pp. 4-6.

people of East Timor. Australia, as a neighbour of East Timor and a member of its region and the wider community, was committed to assisting UNTAET and the people of East Timor to prepare for independence and rebuild and develop the country. He stated that his country considered this to be a long-term regional and international responsibility.⁶²

The draft resolution was put to the vote and was adopted unanimously as resolution 1272 (1999), which reads as follows:

The Security Council,

Recalling its previous resolutions and the statements by its President on the situation in East Timor, in particular resolutions 384 (1975) of 22 December 1975, 389 (1976) of 22 April 1976, 1236 (1999) of 7 May 1999, 1246 (1999) of 11 June 1999, 1262 (1999) of 27 August 1999 and 1264 (1999) of 15 September 1999,

Recalling also the Agreement between Indonesia and Portugal of 5 May 1999 on the question of East Timor and the Agreements between the United Nations and the Governments of Indonesia and Portugal of the same date regarding the modalities for the popular consultation of the East Timorese through a direct ballot and security arrangements,

Reiterating its welcome for the successful conduct of the popular consultation of the East Timorese people of 30 August 1999, and taking note of its outcome through which the East Timorese people expressed their clear wish to begin a process of transition under the authority of the United Nations towards independence, which it regards as an accurate reflection of the views of the East Timorese people,

Welcoming the decision of the Indonesian People's Consultative Assembly on 19 October 1999 concerning East Timor,

Stressing the importance of reconciliation among the East Timorese people,

Commending the United Nations Mission in East Timor for the admirable courage and determination shown in the implementation of its mandate,

Welcoming the deployment of a multinational force to East Timor pursuant to resolution 1264 (1999), and recognizing the importance of continued cooperation between the Government of Indonesia and the multinational force in this regard,

Taking note of the report of the Secretary-General of 4 October 1999,

Noting with satisfaction the successful outcome of the trilateral meeting held on 28 September 1999, as outlined in the report of the Secretary-General,

Deeply concerned by the grave humanitarian situation resulting from violence in East Timor and the large-scale displacement and relocation of East Timorese civilians, including large numbers of women and children,

Reaffirming the need for all parties to ensure that the rights of refugees and displaced persons are protected, and that they are able to return voluntarily in safety and security to their homes,

Reaffirming respect for the sovereignty and territorial integrity of Indonesia,

Noting the importance of ensuring the security of the boundaries of East Timor, and noting in this regard the expressed intention of the Indonesian authorities to cooperate with the multinational force deployed pursuant to resolution 1264 (1999) and with a United Nations Transitional Administration in East Timor,

Expressing its concern at reports indicating that systematic, widespread and flagrant violations of international humanitarian and human rights law have been committed in East Timor, stressing that persons committing such violations bear individual responsibility, and calling on all parties to cooperate with investigations into these reports,

Recalling the relevant principles contained in the Convention on the Safety of United Nations and Associated Personnel adopted on 9 December 1994,

Determining that the continuing situation in East Timor constitutes a threat to peace and security,

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides* to establish, in accordance with the report of the Secretary-General, a United Nations Transitional Administration in East Timor, which will be endowed with overall responsibility for the administration of East Timor and will be empowered to exercise all legislative and executive authority, including the administration of justice;

2. *Decides also* that the mandate of the Transitional Administration shall consist of the following elements:

(a) To provide security and maintain law and order throughout the territory of East Timor;

(b) To establish an effective administration;

(c) To assist in the development of civil and social services;

(d) To ensure the coordination and delivery of humanitarian assistance, rehabilitation and development assistance;

(e) To support capacity-building for self-government;

⁶² Ibid., pp. 6-7.

(f) To assist in the establishment of conditions for sustainable development;

3. *Decides further* that the Transitional Administration will have objectives and a structure along the lines set out in section IV of the report of the Secretary-General, and in particular that its main components will be:

(a) A governance and public administration component, including an international police element with a strength of up to 1,640 officers;

(b) A humanitarian assistance and emergency rehabilitation component;

(c) A military component, with a strength of up to 8,950 troops and up to 200 military observers;

4. *Authorizes* the Transitional Administration to take all necessary measures to fulfil its mandate;

5. *Recognizes* that, in developing and performing its functions under its mandate, the Transitional Administration will need to draw on the expertise and capacity of Member States, United Nations agencies and other international organizations, including the international financial institutions;

6. *Welcomes* the intention of the Secretary-General to appoint a Special Representative who, as the Transitional Administrator, will be responsible for all aspects of the United Nations work in East Timor and will have the power to enact new laws and regulations and to amend, suspend or repeal existing ones;

7. *Stresses* the importance of cooperation between Indonesia, Portugal and the Transitional Administration in the implementation of the present resolution;

8. *Stresses* the need for the Transitional Administration to consult and cooperate closely with the East Timorese people in order to carry out its mandate effectively with a view to the development of local democratic institutions, including an independent East Timorese human rights institution, and the transfer to these institutions of its administrative and public service functions;

9. *Requests* the Transitional Administration and the multinational force deployed pursuant to resolution 1264 (1999) to cooperate closely with each other, with a view also to the replacement as soon as possible of the multinational force by the military component of the Transitional Administration, as notified by the Secretary-General following consultations with the leadership of the multinational force, taking into account conditions on the ground;

10. *Reiterates* the urgent need for coordinated humanitarian and reconstruction assistance, and calls upon all parties to cooperate with humanitarian and human rights organizations so as to ensure their safety, the protection of civilians, in particular children, the safe return of refugees and displaced persons and the effective delivery of humanitarian aid;

11. *Welcomes* the commitment of the Indonesian authorities to allow the refugees and displaced persons in West Timor and elsewhere in Indonesia to choose whether to return to East Timor, remain where they are or be resettled in other parts of Indonesia, and stresses the importance of allowing full, safe and unimpeded access by humanitarian organizations in carrying out their work;

12. *Stresses* that it is the responsibility of the Indonesian authorities to take immediate and effective measures to ensure the safe return of refugees in West Timor and other parts of Indonesia to East Timor, the security of refugees, and the civilian and humanitarian character of refugee camps and settlements, in particular by curbing the violent and intimidatory activities of the militias there;

13. *Welcomes* the intention of the Secretary-General to establish a trust fund to be available for, inter alia, the rehabilitation of essential infrastructure, including the building of basic institutions, the functioning of public services and utilities, and the salaries of local civil servants;

14. *Encourages* Member States and international agencies and organizations to provide personnel, equipment and other resources to the Transitional Administration as requested by the Secretary-General, including for the building of basic institutions and capacity, and stresses the need for the closest possible coordination of these efforts;

15. *Underlines* the importance of including in the Transitional Administration personnel with appropriate training in international humanitarian, human rights and refugee law, including child and gender-related provisions, negotiation and communication skills, cultural awareness and civilian-military coordination;

16. *Condemns* all violence and acts in support of violence in East Timor, calls for their immediate end, and demands that those responsible for such violence be brought to justice;

17. *Decides* to establish the Transitional Administration for an initial period until 31 January 2001;

18. *Requests* the Secretary-General to keep the Council closely and regularly informed of progress towards the implementation of the present resolution, including, in particular, with regard to the deployment of the Transitional Administration and possible future reductions of its military component if the situation in East Timor improves, and to submit a report within three months of the date of adoption of this resolution and every six months thereafter;

19. *Decides* to remain actively seized of the matter.

Deliberations of 22 December 1999 (4085th meeting)

At its 4085th meeting, held on 22 December 1999 in accordance with the understanding reached in its

prior consultations, the Council continued consideration of the item on its agenda. After the adoption of the agenda, the President (United Kingdom) extended an invitation under rule 39 of its provisional rules of procedure to the Assistant Secretary-General for Peacekeeping Operations, to brief the Council on the situation in East Timor. He also drew the attention of the members of the Council to a letter dated 10 December 1999 addressed to him by the Secretary-General, transmitting the fifth periodic report from Australia on the operations of INTERFET.⁶³

The Assistant Secretary-General for Peacekeeping Operations stated that the situation in East Timor remained largely stable, despite isolated incidents against returning refugees. UNTAET military observers had been deployed throughout the territory and had set up posts on both sides of the border with West Timor to ensure liaison between INTERFET and the Indonesian armed forces and to facilitate the return of refugees. The transition from INTERFET to the United Nations would take place in February under an agreed concept that would ensure that a strong operational capacity would be maintained throughout. The humanitarian situation, although still very difficult, had also improved. Relations between UNTAET and the people of East Timor were very good. To that end, the Transitional Administration had established, in close cooperation with the people of East Timor, the National Consultative Commission of East Timor, chaired by the Special Representative of the Secretary-General. There were also positive prospects for national reconciliation. The establishment of good relations between East Timor and Indonesia was also high on the agenda of UNTAET, he said.⁶⁴

The representative of the United States noted that overall the United Nations operations and INTERFET were working quite well in a unique arrangement. She welcomed the recent meeting between the East Timor independence leader and the former pro-integrationist factions, and the militia's subsequent decision to lay down its weapons. She expressed concern, however, over the slowdown in the return of refugees, and noted

that the Government of Indonesia must resettle those who opted to remain in that country. She also stressed that the International Commission of Inquiry on East Timor and the Indonesian commission on human rights must continue their investigations into the events in East Timor so that those responsible could be brought to justice.⁶⁵

Most speakers noted with satisfaction the improvement of the situation in East Timor and praised UNTAET, INTERFET and the Special Representative of the Secretary-General for their excellent work. They expressed concern, however, at the humanitarian situation, in particular the slowdown of the return of refugees and the need to ensure their safety and security. They welcomed the establishment of the National Consultative Commission of East Timor to strengthen the involvement and direct participation of the people of East Timor in decision-making; and supported the investigation process into the violations of human rights and humanitarian law so that those responsible would be brought to justice. Some speakers emphasized the importance of an early transition from INTERFET into a United Nations peacekeeping operation, so that its military component might be progressively reduced, as the people of East Timor moved towards self-government.⁶⁶

Responding to comments and questions raised, the Assistant Secretary-General for Peacekeeping Operations stated that, with regard to the decrease in the rate of return of refugees from West Timor, it could be attributable to a combination of factors: misinformation and intimidation by the militias; and widespread destruction of areas where they wished to return to. In addition, many of those who had voted for autonomy — over 20 per cent of the population — might be reluctant to return to East Timor at the present time. As for the strength of the United Nations peacekeeping forces, he noted that the security situation had improved thanks to INTERFET. If such a trend continued, the Secretary-General would undoubtedly reassess the situation and propose reductions as long as they could be safely undertaken.⁶⁷

⁶³ S/1999/1248. The third and fourth periodic reports were transmitted by letters dated 28 October and 11 November 1999, respectively (S/1999/1106 and S/1999/1169).

⁶⁴ S/PV.4085, pp. 2-4.

⁶⁵ *Ibid.*, pp. 4-5.

⁶⁶ *Ibid.*, pp. 5-6 (Canada); pp. 6-7 (Brazil); p. 7 (Russian Federation); pp. 7-8 (China); pp. 8-9 (Slovenia); pp. 9-10 (France); p. 10 (Argentina); pp. 10-11 (Malaysia); pp. 12-13 (Namibia); p. 13 (Gabon); pp. 13-14 (Netherlands); and p. 15 (United Kingdom).

⁶⁷ *Ibid.*, pp. 15-16.