



SECURITY COUNCIL REPORT UPDATE REPORT



11 December 2007 No. 2

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TIMOR-LESTE

Expected Council Action

The Council is expected to hold an open debate on Timor-Leste on 13 December. The meeting is expected to underscore the Council's support for Timor-Leste and its ongoing concern with the fragile security situation. The meeting follows the Council's visiting mission to the country in late November and the briefing to the Council on 6 December by the head of mission, Ambassador Dumisani Kumalo of South Africa. At press time, no formal outcome was expected.

The Secretary-General is also expected to visit Timor-Leste in mid-December as part of his trip to the region that also includes Thailand and Indonesia.

The mandate of the UN Mission in Timor-Leste (UNMIT) expires on 26 February 2008.

Key Recent Developments

The humanitarian and security situations in Timor-Leste continue to be fragile. 100,000 civilians remain displaced (out of a population of about one million) after the events of 2006 and the more recent wave of mid-year election-related violence. Threats to internal stability such as gang activity, the challenges facing the security sector and the uncertain future of the group of military "petitioners" (whose sacking from the army was one of the immediate causes of the 2006 violence) continue.

Prime Minister Xanana Gusmão held talks with a group comprising some of the "petitioners" in mid-November. The group reportedly demanded the reinstatement of those sacked in 2006, but it is unclear whether a solution will be found. One of the petitioners' leaders, Alfredo Reinado, has opposed dialogue with the government and has reportedly threatened further destabilisation if they are not reinstated. (Reinado remains at large, despite an arrest warrant and search operations by Australian-led international forces in Timor-Leste. In September, the government reportedly asked that such operations cease.)

The Council mission went to Timor-Leste on 24-30 November. It comprised South Africa (as the lead member), China, Indonesia, Russia, Slovakia and the US. The mission held meetings with Timorese and UNMIT officials. The visit's goals included:

- reaffirming the Council's commitment to Timor-Leste and the promotion of long-term stability in the country;
- encouraging political stakeholders to continue to engage in political dialogue and consolidate peace, democracy, the rule of law, security sector reform, sustainable social and economic development and national reconciliation;
- supporting and encouraging efforts to ensure accountability, justice and implementation of UN recommendations in that regard; and
- assessing progress in the implementation of UNMIT's mandate.

During the visit, members reportedly stressed the importance of continuing UNMIT's presence given the current fragile situation. It also seems that the mission was informed of the existence of some tensions between UNMIT and Timorese police in terms of the division of law enforcement responsibilities as the police force is reconstituted. It appears that the Secretariat will dispatch an expert mission to assess the situation, and that the mission's findings will be incorporated in the next Secretary-General's report (due by mid-January).

In his briefing, Ambassador Kumalo noted the ongoing challenges of institution-building, concern with the divisions among core political actors, in particular between the government and the main opposition party, the *Frente Revolucionária do Timor-Leste Independente* (FRETILIN) of former Prime Minister Mari Alkatiri. He also noted challenges arising from development needs and uncertainty on the ground regarding the future of displaced persons and the "petitioners".

In his latest report, the Secretary-General stressed that, in the post-election period, UNMIT's focus would begin to shift—bearing in mind security conditions—from immediate response to the breakdown of law and order to security sector and, particularly, police reform, restructuring and rebuilding. A first hand over of policing activities to Timorese units could take place as early as March 2008, depending on:

- completing the registration and certification programme for national police;
- achieving benchmarks and attaining performance targets in the police reform, restructuring and rebuilding plan; and
- the general law and order situation in Timor-Leste.

In that regard, the report highlighted a number of areas of concern, including:

- the fragile security situation;
- the institutional and operational fragility of the police and the military and their susceptibility to politicisation;
- the lack of a security sector national framework;
- improving collaboration between UNMIT and local police; and
- weaknesses in the judicial sector, including a large backlog of cases at the Prosecutor-General's office, which have had a negative impact on the rest of the justice-related apparatus, including the police, by "delaying the processing of specific criminal cases and by feeding into a public perception that the entire rule of law system is not functioning well".

Options

One option for the Council in December is a statement responding to the mission's findings and:

- reiterating support for the new government and concern with the ongoing fragile situation;
- emphasising the Council's commitment to long-term stability in Timor-Leste;
- reminding the international community about the urgent need for progress with security sector reform, particularly the finalisation of a national security framework, the reconstitution of the police and reforming the military; and
- indicating the importance of accountability issues.

Wider discussions on UNMIT's mandate are more likely in February, when the mission's mandate is due for renewal. Meanwhile, however, and in preparation for the February discussions, other options for December might include:

- requesting an assessment of the overall needs of Timor-Leste and whether there are any gaps, particularly with regard to security sector reform, perhaps through the Working Group on Peacekeeping Operations; and
- a more detailed focus on security sector reform issues, perhaps by deciding to convene in January an "Arria-style" meeting to discuss with police contributors, key donors and neighbouring countries, the Secretariat and the UN Development Programme, on the best options to achieve an integrated approach to the work of the mission including, in particular, effective security sector reform.

Key Issues

The key issue for the Council is ensuring that the security situation remains stable and that the main elements contributing to the overall security situation are addressed, particularly:

- ensuring commitment to political dialogue among key domestic stakeholders;
- reforming the security sector (including the military, the police and the judiciary);
- the interplay between reconciliation and accountability particularly for the April-May 2006 riots, and also for the 1999 violence, while avoiding a culture of impunity; and
- especially for some members, ensuring that root causes of instability (such as development-related issues including unemployment) are addressed by the UN in a fully integrated fashion.

A number of related issues in UNMIT's mandate are likely to loom large, including:

- reconstituting the Timorese police (which could take three to five years);
- the relationship between UNMIT and Timorese police;
- ensuring that the comprehensive review of the security sector (currently underway with UNMIT's assistance to the government) makes substantial progress and is reflected in a better policy framework and operational capacities for that sector;
- similarly, ensuring progress with devising and implementing a development compact for Timor-Leste and its integration with the security sector review; and
- future policy on accountability for serious crimes committed in 1999. UNMIT is required to complete investigations left by the Serious Crimes Unit (SCU) mandated by the Council as an investigating and prosecuting body. The future of those investigations and outstanding SCU indictments is unclear.

Another issue is deciding whether and when to consider changes to UNMIT. Key aspects in that regard are likely to be:

- the security situation;
- whether and when there will be any changes to the Australian-led forces in the medium term; and
- lessons learned from the premature winding down of the UN peacekeeping presence in Timor-Leste in 2005-2006.

Council and Wider Dynamics

There is wide sympathy within the Council and the Core Group (comprising Australia, Brazil, France, Japan, Malaysia, New Zealand, Portugal, South Africa, the UK and the US) for assisting Timor-Leste in meeting challenges the country still faces, especially regarding political reconciliation, its security sector and establishing governance structures.

There seems to be strong consensus for UNMIT to continue—with particular focus on its security sector mandate—as a means to assist the country in obtaining self-reliance.

Some Council members (in particular developing countries) appear sympathetic to the need to integrate development-related aspects with responses to the security situation. But others, in particular the US, appear to prefer leaving discussion of those aspects to bilateral and multilateral donor fora.

On justice issues, there is also strong sympathy for the need for progress by Timorese institutions on addressing accountability for the 2006 riots. On accountability for the 1999 independence-related violence, most are sympathetic to Timorese concerns with fostering positive relations with Indonesia, which prefers to see it as a bilateral issue. But there also still seems to be strong support for solutions compatible with international standards. Members are aware that UNMIT's mandate includes investigations for crimes committed in 1999 and that this issue may need to be addressed at some stage, as UNMIT discharges its investigative mandate and the Indonesian-Timorese Commission of Truth and Friendship (CTF) submits its final report.

Underlying Problems

Serious concerns about Timor's future stability remain on justice and accountability issues, notably regarding both the 1999 and 2006 violence. The latest Secretary-General's report emphasised that "there can be no enduring reconciliation without justice, and it is critical that a culture of impunity not be allowed to establish itself in Timor-Leste." The report further urged that "all recommendations in the Commission of Inquiry report should be expeditiously implemented, including through the formal judicial process."

(The 2006 report of the Commission of Inquiry, issued in connection with the April-May 2006 violence, recommended a number of measures, including the prosecution of several individuals for their role in the crisis and the establishment of robust and independent police and military oversight mechanisms. The recommendations have been partially implemented. Former Interior Minister Rogerio Lobato has been convicted of charges related to the violence, but other individuals identified in the report, including Reinado, remain at large.)

This concern was echoed in a Council presidential statement on 10 September, in which the Council reaffirmed the need for justice and accountability, and underlined the importance of implementing the report's recommendations.

Regarding the 1999 violence, the CTF held a fifth public hearing in late September. The CTF bases its future findings on a review of the work of the SCU, the *Comissão de Acolhimento, Verdade e Reconciliação* (a UNDP sponsored truth-seeking commission), the Indonesian commission of inquiry (KPP-HAM), and the Indonesian ad hoc human rights tribunal, supplemented by statements, submissions, public hearings and research. The hearing included a testimony by Prime Minister Gusmão.

The CTF's mandate will expire in January 2008. Media reports suggest that its final report may be concluded around that time.

The new Timorese government has continued to support the CTF within the context of broader concerns in Dili and Jakarta with building positive future bilateral ties. However, civil society organisations and the Secretariat have expressed strong concern with the CTF process, citing the possibility that the Commission will recommend amnesty for individuals believed to have been involved in gross violations of international humanitarian law.

UN Documents

Selected Security Council Resolutions
<ul style="list-style-type: none">• S/RES/1745 (22 February 2007) extended UNMIT until 26 February 2008 and increased its size by up to 140 police personnel.• S/RES/1704 (25 August 2006) created UNMIT.
Selected Security Council Presidential Statement
<ul style="list-style-type: none">• S/PRST/2007/33 (10 September 2007) welcomed the formation of the new government and reaffirmed the need for justice and accountability.
Latest Report of the Secretary-General
<ul style="list-style-type: none">• S/2007/513 (28 August 2007)
Other
<ul style="list-style-type: none">• S/PV.5791 (6 December 2007) was the record of the briefing by the head of the visiting mission, Ambassador Dumisani Kumalo of South Africa.• S/2007/647 (31 October 2007) contained the terms of reference for the 24-30 November Council visiting mission.• Report of the Independent Special Commission of Inquiry for Timor-Leste (2 October 2006)

Other Relevant Facts

Special Representative of the Secretary-General
Atul Khare (India)
Size, Composition and Cost
<ul style="list-style-type: none">• Maximum authorised strength: up to 1,608 police and 34 military liaison and staff officers• Police/Military as of 31 October 2007: 1,464 police and 32 military• Civilian staff as of 31 October 2007: 325 international, 118 UN Volunteers and 765 local personnel• Key police contributors: Malaysia, Bangladesh, Pakistan and Portugal• Cost: 1 July 2007–30 June 2008: \$160.59 million (commitment authority for 25 August 2006 to 31 March 2007)
Duration
25 August 2006 to present; mandate expires 26 February 2008
International Stabilisation Force
<ul style="list-style-type: none">• Size as of 14 November 2007: approximately 950 troops• Contributors: Australia (780 troops) and New Zealand (170 troops)

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Security Council Report is published with the support of the Governments of Canada, Greece, Liechtenstein and Norway, The Rockefeller Foundation, the John D. and Catherine T. MacArthur Foundation and the William and Flora Hewlett Foundation. It is incorporated as a not for profit Organisation and operates in affiliation with the Center on International Organization in the School of International and Public Affairs at Columbia University in New York.

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