



SECURITY COUNCIL REPORT

UPDATE REPORT



17 August 2006 No. 3

TIMOR-LESTE

Expected Council Action

The Council is expected to adopt a resolution on the future of the UN presence in Timor-Leste on Friday, 18 August. The deadline for the expiry of the current UN presence is 20 August. Members are currently considering a draft resolution authorising the creation of the UN Integrated Mission in Timor-Leste (UNMIT).

There is a high possibility that a one-week rollover of the UN presence will have to be adopted. There are still considerable divisions among Council members specifically over two aspects—the military component and whether authorisation should be given under Chapter VII. A final decision on whether the current draft resolution or the technical rollover will be adopted is expected to be taken in consultations tomorrow.

A significant number of members—China, Russia and France in particular—seem to oppose mention to Chapter VII and are concerned at the proposed rejection of the Secretary-General's recommendation for UN command and control of the military force.

Others—the US and the UK in particular—are not in agreement with the Secretary-General's recommendation that the Australia-led force now in Timor-Leste should progressively transfer to a small UN “blue helmet” operation under UN command and control.

There has been bitter disagreement in the Core Group on this issue. The uncompromising firm support by the US and the UK for the Australian position, which is opposed to UN command and control, has been interpreted in the Core Group and amongst Timor's regional neighbours as clear threats of vetoes. Attempts by Japan, France and New Zealand to suggest compromise approaches failed. Neither side, Australia, the US and the UK on the one hand, and Portugal and Brazil on the other, seemed willing to seek middle ground.

Japan, as the lead country in the Council (and with an underlying sympathy on financial grounds for the Australian, US and UK positions) then presented to the Council the draft resolution with language authorising the continuation of the Australia-led force.

At press time, it seemed that Timor-Leste, which has formally conveyed to the Council several times its wish that the military component be under UN command and control, faced with the bleak alternative of accepting the US/UK position or seeing the UN mandate expire on Sunday, may have acquiesced to the US/UK/Australian position.

In those circumstances, some Council members opposed to the US/UK/Australian position were initially reluctant to challenge the draft, but others strongly supportive of Portugal and Brazil's position are inclined to view the supposed change in Dili's position cautiously. However, with Lebanon issues preoccupying the Council, there is little time to negotiate for a middle ground. A short rollover may therefore be a real possibility.

If the Security Council follows its usual practice when there has been a prior open debate, the wider UN membership will not be given the opportunity to speak again when the resolution comes up for adoption. It seems likely that whatever the outcome tomorrow, the discontent over this issue, especially amongst the ASEAN countries, and perhaps more widely, will persist for some time.

It seems that the one agreed concession to the Timorese position may be the inclusion in the resolution of provision for a small number of UN military liaison officers as well as 1,608 UN police.

Finally, one issue on which the Core Group and Council members are in agreement is that the recommendations of the Secretary-General on justice and reconciliation in Timor-Leste, in particular regarding the Serious Crimes Unit, should be implemented. They have been included in the Japanese draft and are likely to be part of the future mandate of UNMIT.

Key Recent Developments

On 8 August, the Secretary-General issued a report with recommendations on the future of the UN presence in Timor-Leste, following the crisis earlier this year and the deployment of the Australia-led security force.

The report highlights the need for sustained, long-term commitment and proposes the creation of a compact between the Timorese government and international donors to improve coordination and priorities-setting in peacebuilding. The new UN mission would operate within this framework of agreed priorities and roles, particularly in the fields of:

- political good offices and reconciliation;
- electoral support;
- security sector support, including the provision of international advisers and assistance to the military and the police, as well as initial executive policing and support from a small UN military component, composed of troops and military liaison officers;
- institutional capacity-building, governance and development;
- humanitarian support;
- public information; and
- promotion of human rights and accountability for both the recent wave of violence and the violations that occurred in 1999, in particular through assistance in the implementation of the recommendations of the Secretary-General on justice and reconciliation in Timor-Leste (especially the provision of serious crimes investigators).

Much of the anticipation surrounding the report focused on the size of the police component and the nature of the future international military presence.

Australia proposes that some of its troops will continue on the ground as the in-country international military component. The Timorese government, most recently in a 4 August letter and via its Minister's statement at the 15 August debate, nevertheless indicated a preference for forces under UN command and control.

The Secretary-General finally recommended 1,608 police personnel backed up by 350 troops under

UN command, with the progressive withdrawal or “blue-helmeting” of the current force.

On justice matters, the report reflects many of the recommendations in the 26 July report of the Secretary-General on justice and reconciliation in Timor-Leste. The report, requested in September 2005 as a follow-up to the report of the Commission of Experts (CoE) on the future of the serious crimes process, noted the merits of the Commission of Truth and Friendship while expressing concern with the fact that it may recommend amnesty for individuals suspect of having committed serious crimes, who should be tried by formal mechanisms.

The Secretary-General, however, did not recommend the reinstatement of the prosecutorial wing of the Serious Crimes Unit, but only the Unit’s investigative capabilities, in addition to a programme of international assistance for community restoration and justice. The programme would include the establishment of an investigative team and the strengthening of Timorese prosecutorial capacity. Observers note, however, that the programme would be funded through voluntary contributions and that it is unclear whether, even with capacity-building, Timorese institutions will be willing and able to try serious crimes cases.

Council and Wider Dynamics

The Council’s open debate on Timor-Leste on 15 August showed a very wide degree of support from Council members, the Core Group and regional players for the Secretary-General’s recommendations on both the future mission and justice and reconciliation. There was broad consensus on the need for a continuing, long-term UN commitment to the country along the lines proposed by the Secretary-General.

This broad agreement is reflected in the consensus within the Core Group on the mandate and size of UNMIT, including the police component (which is expected to gradually take on the policing functions the Australia-led force has been performing so far).

However, member states at the debate differed considerably on the issue of the nature of the military component. Most delegations present spoke in favour of UN command, noting in particular the Timorese request (reiterated at that opportunity), while the UK, Japan, the US and Australia spoke in favour of the continuation of the present international force, citing operational and cost effectiveness. This would be done (as proposed by Australia), with a Chapter VII authorisation.

A noticeable feature of the debate was the sympathy for the Timorese position on UN command and control from its regional neighbours, including Singapore, Malaysia and New Zealand.

UN Documents

Selected Security Council Resolutions

- S/RES/1690 (20 June 2006) extended UNOTIL until 20 August and requested a report with recommendations for a future UN presence by 7 August.
- S/RES/1677 (12 May 2006) extended UNOTIL until 20 June.

Selected Presidential Statement

- S/PRST/2006/25 (25 May 2006) supported the deployment of the Australia-led force.

Selected Security Council Meeting Record

- S/PV.5512 (15 August 2006) was the record of the recent open debate on Timor-Leste.

Selected Secretary-General Reports

- S/2006/628 (8 August 2006) was the report with recommendations for the future UN presence in Timor-Leste.
- S/2006/580 (26 July 2006) was the report on justice and reconciliation.
- S/2006/251 (20 April 2006) was UNOTIL's end of mandate report.

Selected Letters

- S/2006/651 (14 August 2006) was the Timorese letter consenting to the deployment of the proposed UN police.
- S/2006/620 (7 August 2006) was the Timorese letter requesting, inter alia, that the military component be under UN command and control.
- S/2006/559 (20 July 2006) was the letter from the Ambassador of New Zealand to the Council's president with an update on New Zealand's security assistance presence in Timor-Leste.
- S/2006/440* (27 June 2006) was the letter from the Ambassador of Australia to the Council's president with an update on Australia's security assistance presence in Timor-Leste.
- S/2006/391 (13 June 2006) contained the 8 June request by Timor-Leste for a special inquiry.
- S/2006/383 (13 June 2006) contained the 11 June letter from the Timorese authorities to the Secretary-General regarding the future UN presence in Timor-Leste.
- S/2006/320, 325, 326 and 327 (24 and 25 May 2006) were letters from New Zealand, Australia and Portugal to the Council president regarding Timor-Leste.
- S/2006/319 (24 May 2006) was the letter from three Timor-Leste leaders informing the Secretary-General about the request to Australia, Malaysia, New Zealand and Portugal for defence and security assistance.
- S/2006/196 (29 March 2006) contained the Council's request for options for post-UNOTIL assistance.
- S/2006/230 (10 April 2006), S/2006/157 (13 March 2006) and S/2006/39 (20 January 2006), contained Dili's requests for a follow-on special political mission.
- S/2005/613 (28 September 2005) was the Council's request for recommendations on justice and reconciliation for Timor-Leste.
- S/2005/459 (15 July 2005) contained the Timorese position on the report of the CoE.
- S/2005/458 (15 July 2005) contained the CoE report.