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### Question of East Timor

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### Progress report of the Secretary-General

#### I. Introduction

1. In 1982, by its resolution 37/30 of 23 November 1982, the General Assembly requested the Secretary-General "to initiate consultations with all parties directly concerned, with a view to exploring avenues for achieving a comprehensive settlement of the problem" with regard to East Timor. On the basis of that resolution, my two predecessors and I, over the past 17 years, have provided the good offices of the Secretary-General to find a just, comprehensive and internationally acceptable solution to the question of East Timor. Through numerous progress reports, the Assembly has been kept abreast of those efforts.

#### II. Negotiations leading to the 5 May Agreements

2. At the time of the last report on the question of East Timor to the General Assembly (A/53/349), the tripartite negotiations process had begun to pick up pace. The talks were focused on finding an acceptable formula for wide-ranging autonomy for East Timor within the Republic of Indonesia, although there was no agreement as to whether such autonomy would constitute the final status of East Timor (as preferred by Indonesia) or an interim political arrangement pending a final decision by the East Timorese

people as to the status of the Territory (as argued by Portugal and the East Timorese pro-independence leadership).

3. In October 1998, the United Nations presented to the Indonesian and Portuguese representatives a detailed draft constitutional framework for autonomy within Indonesia, which did not prejudge the shape of a final settlement. The document outlined and defined the various areas of authority and competence between an autonomous East Timorese administration and the Government of Indonesia. In November 1998, Indonesia and Portugal gave their responses to the proposals. Negotiations followed on all aspects of the document, through the tripartite Senior Officials Meeting process led by my Personal Representative, Jamsheed Marker. At the same time, the United Nations intensified its consultations with East Timorese leaders, including the President of the National Council of Timorese Resistance (CNRT), Alexandre Xanana Gusmao, to whom the United Nations was allowed unimpeded access at his place of detention in Jakarta.

4. With these negotiations continuing to make substantive progress, a mutually acceptable autonomy plan began to take shape, although it was becoming increasingly pertinent to address the question of whether the proposed autonomy would constitute a final status for East Timor or an interim one pending an act of self-determination. On 27 January 1999, the President of the Republic of Indonesia

announced that if the people of East Timor did not agree to be a part of Indonesia on the basis of the autonomy plan under negotiation, his Government would recommend to the new Indonesian People's Consultative Assembly (MPR), scheduled to be installed after August 1999, that the law integrating East Timor with Indonesia should be rescinded. That declaration by President Habibie was an act of statesmanship of the highest order and had a decisive impact on the process of negotiations.

5. In introducing this so-called "second option" leading to East Timor's separation from Indonesia, the Government ruled out the option of "transitional autonomy" whereby after an agreed period of autonomy East Timor would determine its final status. This represented a fundamental shift in Indonesia's position and offered a unique, historic opportunity to resolve the question of East Timor. However, that opportunity was to be contingent upon a very tight time-frame, given the Government of Indonesia's expressed imperative to present the decision of the East Timorese to MPR as soon as it was convened.

6. The new development significantly accelerated the pace of the negotiations. At a session of the Senior Officials Meeting convened in New York from 28 January to 5 February, the details of the proposed autonomy plan were discussed. Meetings were then held with Foreign Minister Gama of Portugal and Foreign Minister Alatas of Indonesia in New York on 7 and 8 February. The Ministers agreed that, when completed, the autonomy plan should be presented to the East Timorese people as an "end" and not an "interim" solution, and that a rejection of the proposal by the East Timorese people would represent a preference on their part to move towards independence. The method by which the East Timorese would be consulted was also discussed and it was decided that an appropriate method for putting the option to the population would be proposed by the Secretary-General.

7. At the following round of talks with the two Ministers on 10 and 11 March 1999 in New York, alternative methods for consulting the East Timorese on the autonomy offer were proposed by the Secretariat, with preference for a direct ballot in which all East Timorese of voting age would take part. The two Governments agreed on this ballot method, which would allow for all eligible East Timorese living in and outside East Timor to vote to accept or reject a permanent autonomy status with Indonesia. However, Foreign Minister Alatas informed the meeting that his Government had reservations about certain aspects of the autonomy plan and wished to revise the text to reflect the degree of autonomy which it was prepared to

offer. Portugal did not object to such a revision of the autonomy draft by Indonesia, maintaining the position that the autonomy proposal was for Indonesia to offer, while the East Timorese should have the option of either accepting it or rejecting autonomy in favour of a transition to independence.

8. A Secretariat mission led by the Director of the Asia and the Pacific Division of the Department of Political Affairs visited Indonesia, East Timor, Australia, New Zealand and Portugal in March-April 1999 and carried out a preliminary assessment for a United Nations mission to conduct a popular consultation in East Timor, including extensive discussions with all East Timorese groups. The report of the mission served as a basis for the subsequent agreement on the modalities of consulting the East Timorese.

9. The final stages of the negotiations were reached at the 21 April session of the Senior Officials Meeting and my subsequent meetings on 22 and 23 April with Foreign Ministers Alatas and Gama. At that round of talks, a set of three agreements was finalized outlining a popular consultation process, by which the East Timorese people would be consulted as to whether they would accept or reject the special autonomy status proposed by Indonesia. The two Ministers then returned to their capitals to obtain the endorsement of their Governments. On 5 May 1999, at a historic ceremony in New York, the three agreements were signed: a main, overall Agreement between the Republic of Indonesia and the Republic of Portugal on the question of East Timor, to which was annexed the constitutional framework for autonomy as revised and submitted by Indonesia, an agreement regarding the modalities for the popular consultation of the East Timorese through a direct, secret ballot, and a broad agreement on security arrangements. The latter two were signed by both parties and the Secretary-General. I presented the agreements to the Security Council as well as to the General Assembly in my report of 5 May 1999 (A/53/951-S/1999/513).

10. The General Assembly will recall that the main agreement (*ibid.*, annex I) requested the Secretary-General to put the proposed constitutional framework to the East Timorese people for their acceptance or rejection through a popular consultation on the basis of a direct, secret and universal ballot. Article 5 of that agreement stipulated, *inter alia*, that in case of their acceptance, the Government of Indonesia would initiate the constitutional measures necessary to implement the autonomy framework, while the Government of Portugal would initiate the procedures necessary for the removal of East Timor from the list of

Non-Self-Governing Territories. Conversely, article 6 of the same agreement determined, *inter alia*, that if the East Timorese rejected the proposed autonomy, the Government of Indonesia would take the constitutional steps to terminate its links with East Timor, and the Governments of Indonesia and Portugal and the Secretary-General would agree on arrangements for a peaceful and orderly transfer of authority in East Timor to the United Nations, enabling East Timor to begin a process of transition to independence.

11. The agreement on security arrangements (*ibid.*, annex III) gave to the appropriate Indonesian authorities the responsibility to ensure a secure environment devoid of violence and intimidation. This was defined as a prerequisite for the holding of a free and fair ballot. During the negotiations prior to the signing of that agreement, a number of recommendations were made to the parties regarding security. Those included the disarmament of all paramilitary groups and the withdrawal of some Indonesian forces from East Timor in the period leading up to the consultation. These proposals were rejected by Indonesia, which made it clear that it could not accept any dilution of its overall responsibility for security. The agreement also stressed that the absolute neutrality of the Indonesian Armed Forces (TNI) and the Indonesian police was essential in this regard.

12. The agreement on the modalities for the popular consultation (*ibid.*, annex II) set 8 August 1999 as the date for the popular consultation. It also defined, *inter alia*, the questions which would be put to the voters to reject or accept the proposed autonomy, voter eligibility requirements and the schedule for the consultation process, and described each of the operational phases.

13. In the report of 5 May 1999 (A/53/951-S/1999/513) it was noted that the United Nations would face considerable logistical and other problems in carrying out the popular consultation within the short time-frame. The consultation was achieved with only a short postponement of the date of the ballot, and as the General Assembly is aware, the provisions of article 6 of the main agreement have since been met. However, the lack of adequate security had an adverse impact upon the implementation of the 5 May Agreements at every stage and culminated in the complete breakdown of security following the consultation itself.

### **III. Establishment of the United Nations Mission in East Timor**

14. By its resolution 1236 (1999) of 7 May 1999, the Security Council welcomed the 5 May Agreements and my intention to establish a United Nations presence in East Timor and requested me to provide detailed modalities for the conduct of the popular consultation and the establishment of the mission. Accordingly, in my 22 May 1999 report to the Council (S/1999/595), the establishment of a United Nations Mission in East Timor (UNAMET), to organize and conduct the popular consultation was proposed. UNAMET was to include political, electoral, information, civilian police and military liaison components.

15. While these proposals were under consideration, United Nations staff were already on the ground conducting assessments and planning for the implementation phase. This allowed for a speedy establishment of the Mission once its mandate was provided. Ian Martin was appointed my Special Representative for the East Timor popular consultation on 21 May 1999. On 11 June, UNAMET was established by the Security Council in its resolution 1246 (1999).

16. UNAMET became operational at a very rapid pace. On 12 June, the Civilian Police Commissioner arrived in Dili and began working with an advance team of United Nations civilian police. By 15 June, four of the eight regional electoral offices of UNAMET were operational, and the Chief Electoral Officer had arrived to lead a core electoral team already in place. By the end of June, the Chief Military Liaison Officer had arrived in East Timor. The public information campaign was established early on and agreements were reached with local media providers to carry information messages. The texts of the main agreements and autonomy proposals were translated and disseminated. The logistical requirements of the Mission were also assisted by the local authorities, who provided excellent premises for its headquarters. Most importantly, the active support of Member States, including in-kind contributions of vehicles and helicopter transport and early donations to a dedicated trust fund, gave the mission critical capacities at an early stage.

### **IV. Establishment of the Independent Electoral Commission**

17. In order to ensure complete transparency of the consultation process and provide an independent body for the adjudication of complaints from any quarter, an

Independent Electoral Commission, responsible for the overall assessment of the consultation process, was constituted. The Commission consisted of three eminent jurists with extensive experience in the field of electoral processes: Patrick Bradley (United Kingdom of Great Britain and Northern Ireland; and Ireland), Johann Kriegler (South Africa) and Bong-Scuk Sohn (Republic of Korea). The Commission directly observed the entire consultation process, from the registration to the counting of votes, and certified the results.

## V. Security concerns

18. A climate of relative political openness had begun to flourish in East Timor after the change of government in Jakarta in May 1998. Pro-independence activists had responded by increasing their activities, in some cases beyond the bounds of normal political activity. In January and February 1999, large groups of pro-integration militias were organized. In the weeks and months following the Government's announcement that it would allow for East Timor's potential separation from Indonesia, a number of militia groups intimidated pro-independence figures and local populations as a whole in an apparent bid to influence the outcome of the impending consultation process. In a wave of violence carried out in Dili and other towns on and around 17 April 1999, numerous people were killed and all forms of open advocacy of independence were suppressed. CNRT ceased to operate openly and pro-independence figures who had escaped the violence went into hiding or in a few prominent cases sought protection with the police. On 20 April, the Defence Minister and Armed Forces Chief, General Wiranto, visited Dili. Agreement was reached to establish a Commission on Peace and Stability, including leaders of both pro-integration and pro-independence viewpoints. During the negotiations leading to the 5 May Agreements, my Personal Representative had recommended to the parties the establishment of a peace commission with United Nations involvement. Unfortunately, however, the United Nations was not included in the Commission on Peace and Stability, which never became fully operational.

19. With the deployment of UNAMET, security conditions in the cities of Dili and Baucau improved, as it did in some eastern districts. However, from their very first visits to various regions of East Timor, United Nations personnel reported that a climate of fear and intimidation pervaded much of daily life in many areas outside Dili. Pro-integration militias carried out acts of violence and exercised an intimidating influence over the population, especially in the west, with impunity. Pro-independence

supporters were not able to work openly. The Commission on Peace and Stability did not succeed in elaborating a code of conduct on the laying down of arms and disarmament, as envisaged in the agreement on security arrangements. Tens of thousands of people were internally displaced as a result of militia operations and local NGOs, church organizations and other humanitarian organizations were unable to deliver assistance owing to the militia threat. These security concerns were highlighted in both written and oral reports to the Security Council.

20. These activities had a severely constricting effect on political freedom, jeopardizing the openness necessary for the implementation of the consultation process. The General Assembly will recall that under the agreement regarding security arrangements (A/53/951-S/1999/513, annex III) I was called upon to ascertain, prior to the start of the registration and based upon the objective evaluation of the United Nations mission, that the necessary security situation existed for the peaceful implementation of the consultation process. The main elements that would need to be in place in order for me to make such a determination were outlined in paragraph 6 of my 5 May report (A/53/951-S/1999/513).

## VI. Delays of the operational phases of the consultation

21. These elements were not in place by 22 June 1999, the date when the registration was originally scheduled to begin. Nor were the logistical preparations in place to begin registration in all areas simultaneously, a necessity to allow all East Timorese an equal opportunity to register. Therefore my assessment was postponed for three weeks, setting 13 July as the new target date for the commencement of registration, to give UNAMET time to fully prepare and the authorities an opportunity to take measures to improve the security conditions. However, during this three-week delay, serious incidents against UNAMET occurred. On 29 June, the UNAMET office in Maliana town, Bobonara regency, was attacked by a crowd of pro-integration supporters, including some 100 militia, who threw large rocks at the office. On 30 June, militia forced the withdrawal of electoral staff from Viqueque after levelling direct threats at UNAMET officers, and on 4 July a convoy of vehicles returning from a humanitarian mission, accompanied by members of the Office of the United Nations High Commissioner for Refugees (UNHCR) and UNAMET, was attacked by a militia group near the town of Liquica.

22. My Personal Representative, Mr. Marker, my Special Representative, Mr. Martin, and other senior officials met extensively with the Government of Indonesia during the latter part of June and July to address the situation. UNAMET, for its part, withdrew some staff from its regional offices only when necessary and resumed operations as soon as possible after each incident. In response to each of the above attacks, the Government of Indonesia undertook to do its utmost to address the situation. However, while I did not doubt the Government's sincerity and intention to support the consultation process, which it had itself initiated, it was clear that the situation on the ground departed markedly from the policy espoused by the Government. Thus, on 10 July, although UNAMET had completed all necessary preparations for registration, the President of the Security Council was informed that the security situation in East Timor as a whole, and especially in the western districts of the Territory, remained serious. The Government of Indonesia indicated its intent to send a Cabinet-level mission to Dili. In order to allow for concrete steps to follow that visit, the start of registration was scheduled for 16 July, pending concrete improvement in the security situation.

23. Alongside the consultation process itself, efforts to achieve reconciliation among East Timorese leaders had also progressed. From 25 to 30 June, the Dare II conference was held in Jakarta under the auspices of the Bishops of Dili and Baucau. The conference brought together important leaders from inside and outside East Timor, including Mr. Gusmao and pro-autonomy leaders, and ended with the issuance of a series of "points of convergence", which, though not addressing sufficiently the issue of the laying down of arms, included the agreement by all participants to accept the outcome of the ballot.

24. The 5 May Agreements did not give the United Nations any direct mandate to ensure security, but they did provide my office with the discretionary power to decide at any point whether to halt the process or to move forward to the next stage. The prospect of achieving greater security through delaying the process, or indeed halting it, had to be weighed carefully against the risk of depriving the people of East Timor of the historic opportunity afforded by the Agreements. It was by no means certain that, should the timetable shift by too great a margin, the consultation would be held at all.

25. Based upon a careful weighing of the various countervailing considerations outlined above, the registration process was begun on 16 July, although, in a 14 July letter to the President of the Security Council

(S/1999/788), it was noted that all the necessary conditions did not exist for the peaceful implementation of the popular consultation process throughout the Territory. The delays to the start of registration required that the date of the ballot itself be postponed to 30 August. The decision to begin the registration was also taken based upon the positive assurances of the Indonesian authorities, and on the condition that meaningful, visible improvements in the security situation would occur during the registration, with a further assessment to be made halfway through the period.

## VII. Registration

26. The registration process itself was in general unimpeded by violence. The registration proved to be a marked success, with 446,666 people in total registered, 433,576 in East Timor and the remainder at international registration sites. This massive turnout demonstrated the deep desire of the East Timorese people to take part in the popular consultation. It also pointed towards the success of UNAMET's efforts to inform the voters of the process and its confidentiality. Throughout the registration and later during the polling, UNAMET's electoral team built into the process numerous safeguards to protect the voters while maximizing participation. Following requests from the Government of Indonesia and some political groups, a 2-day extension of the 20-day registration period in East Timor and a 4-day extension was approved outside the Territory to ensure that no eligible voters were left out. Towards the end of the registration, the flow of applicants progressively diminished, a clear indication that the process had fully served the population. The three-member Independent Electoral Commission duly reviewed the registration process and certified it as a legitimate basis for the conduct of the consultation.

27. During the registration period such activity declined noticeably, particularly with regard to attacks and threats against UNAMET staff, who were if anything more vulnerable in the widespread registration deployment. Some arrests were made in relation to the militia attack on the Liquica convoy, but the fundamental problem of impunity remained. The authorities and pro-integration groups also lodged complaints regarding alleged abuses by the pro-independence Falintil forces. However, investigations by UNAMET found that Falintil largely followed a low-profile strategy of self-cantonment without overt operations, whereas UNAMET, as well as numerous other credible observers, reported that the pro-integration

militias continued to receive support, tacit and direct, from elements of TNI and the Indonesian police.

### **VIII. The campaign period**

28. The general pattern during the campaign period was one of an encouraging degree of cooperation between the political leadership of the pro-independence and pro-autonomy camps, often marred by violent resistance by the militias to pro-independence campaigning and organization. A draft code of conduct for the political campaign, prepared by the United Nations, was successfully negotiated and agreed to on 9 August by the two contending sides. The National Council of Timorese Resistance (CNRT) represented the coalition of pro-independence groups, while the groups supporting autonomy formed the Front Bersama Pro-Otonomi Timor-Timor (UNIF) immediately prior to the campaign period. Regional campaign committees were established to serve as a forum for inter-party campaign conflict resolution, coordination of campaign events, discussion of campaign issues and management of complaints. Thus, the campaign events themselves were relatively peaceful, except for the last day of the campaign, when violence erupted in Dili. The political environment surrounding the campaign, though, was far from calm. While security conditions varied in different regions, there was widespread intimidation of pro-independence activists.

29. As was the case earlier in the process, the resurgence in militia violence stood in contrast to a degree of progress in reconciliation efforts among the East Timorese political leadership. On 11 and 22 August, the United Nations convened meetings in Jakarta at which East Timorese leaders took encouraging steps towards reconciliation. Agreement was reached among the East Timorese leadership to form an East Timorese Consultative Commission appointed by myself and comprising equal representation of pro-independence and pro-autonomy groups, to provide a forum for East Timorese participation in the post-ballot arrangements. Also in August, Senior Officials Meetings were held in Jakarta and Lisbon to discuss preparations for the post-ballot period. Indonesia and Portugal took a very constructive approach to discussing and preparing for either outcome to the ballot, building upon a mutually acceptable plan for the post-ballot interim phase which had been presented to the Security Council on 9 August (S/1999/862).

### **IX. The polling**

30. On polling day, 30 August 1999, fully 98.6 per cent of all those registered, some 446,953 East Timorese, cast their ballots within and outside the Territory. For the most part, any fears of a large-scale disruption of the vote were not realized. There were a few security incidents throughout the day, but they were quickly dealt with and voting resumed. However, this general calm was broken by the deplorable murders of two local UNAMET staff members in Atsabe, Ermera District, on polling day, a cause for great outrage.

31. The counting of the ballots was conducted centrally, in Dili, in order to ensure secrecy as to local voting patterns. The count was completed early on 4 September. As was reported to the President of the General Assembly and the President of the Security Council, 344,580, or 78.5 per cent voted to reject, and 94,388, or 21.5 per cent, voted to accept the proposed special autonomy. Despite the security challenges, the process as a whole succeeded in guaranteeing transparency while protecting the secrecy of the ballot, allowing UNAMET to conclude the consultation without any fundamental threats to its integrity. The unequivocal result, certified by the Independent Electoral Commission following a judicial review of a number of protests and alleged irregularities, provided the basis for a clear resolution of the question of East Timor on the basis of the 5 May Agreements. In its determination of the results, the Commission stated that "the popular consultation had been procedurally fair and in accordance with the New York Agreements, and consequently provided an accurate reflection of the will of the people of East Timor."

### **X. Post-consultation violence**

32. Following ballot day the security situation in East Timor deteriorated, and after the announcement of the results there was an eruption of violence, as has been well documented. Pro-integration militias conducted organized, coordinated operations through population centres, ransacking towns and forcibly displacing hundreds of thousands of East Timorese to the hinterlands and to West Timor. There were consistent reports, from United Nations staff, credible international observer groups and the media, of the direct involvement of TNI and police personnel in this campaign. UNAMET was forced to evacuate all of its offices except for Dili headquarters, where the remaining staff were besieged along with some 2,000 East Timorese

who had taken refuge there. I communicated frequently with the President of Indonesia to discuss the necessity of bringing the situation under control as soon as possible. I also consulted with many other heads of State and Government, who provided their assistance in a concerted effort to resolve the crisis. On 6 September, President Habibie announced that martial law would be instituted in East Timor. I communicated to him my position that, unless this were to quickly result in a restoration of law and order, the Government of Indonesia should invite the assistance of the international community to resolve what had rapidly become a humanitarian crisis of massive proportions.

33. That same day, the Security Council decided to dispatch a mission to Indonesia to relay its concerns to the Government. The mission was led by the Permanent Representative of Namibia to the United Nations and included the Permanent Representatives of Malaysia, Slovenia and the United Kingdom, the Deputy Permanent Representative of the Netherlands and my Deputy Personal Representative for East Timor. The mission held meetings with the President, the Foreign Minister and the Minister of Defence, as well as Madame Megawati Sukarnoputri, Mr. Gusmao of CNRT, members of civil society, the diplomatic corps and United Nations staff. It also visited Dili on 11 September. In New York, 52 Member States participated in an open Security Council debate held to address the situation. The United Nations High Commissioner for Human Rights visited the region from 10 to 13 September to assess the human rights situation.

34. On 12 September, the President of Indonesia informed me and the Security Council mission that he was inviting an international peacekeeping force to cooperate with Indonesia in restoring peace and security in East Timor. As the mission noted in its report (S/1999/976), martial law had not succeeded in resolving the situation. The mission stated that the involvement of large elements of the Indonesian military and police in East Timor in organizing and backing the militia had become clear to any objective observer. It further concluded that the authorities were either unable or unwilling to provide the proper environment for the peaceful implementation of the 5 May Agreements. Thus, the decision of the Government of Indonesia to invite an international force was to be welcomed.

## **XI. Establishment of the multinational force**

35. The Security Council, in its resolution 1264 (1999) of 15 September 1999, acting under Chapter VII of the Charter of the United Nations, authorized the establishment of a multinational force empowered to use all necessary measures to restore peace and security in East Timor. Following consultations, facilitated by the Secretariat, between Australia and Indonesia in New York, and the Commanders of the International Force, East Timor (INTERFET) and TNI in Dili, the Australia-led force began deployment on 20 September and moved quickly to establish itself. INTERFET would go on to comprise forces from 22 Member States. Cooperation between INTERFET and TNI, at times facilitated by UNAMET, was generally good. UNAMET had maintained a skeleton team in Dili after the bulk of its staff were withdrawn, along with over 1,400 internally displaced persons, from the compound to Darwin, Australia, on 14 September. UNAMET began to redeploy with the support of INTERFET, although the process was hindered by the fact most UNAMET facilities, and indeed much of the infrastructure of East Timor, had been heavily damaged or destroyed.

36. In a report to the Security Council of 4 October 1999 (S/1999/1024), it was noted that TNI had reduced its strength to around 1,200 personnel, limited to the Dili area. Military and police personnel had withdrawn from the rest of the Territory. INTERFET proceeded to establish security progressively throughout East Timor, while also supporting the humanitarian operations. A Humanitarian Coordinator for the East Timor crisis was appointed on 11 September and he worked with humanitarian relief partners and INTERFET to provide relief support to the internally displaced populations, which gradually began to return to those areas secured by INTERFET.

37. In the wake of the post-ballot violence, the civil administration in East Timor was no longer functioning, the judiciary and court systems had ceased to exist and essential services were on the brink of collapse. At a 28 September tripartite meeting with Foreign Minister Alatas of Indonesia and Foreign Minister Gama of Portugal, it was agreed that ad hoc measures were required to fill the gap created by the early departure of Indonesian civil authorities. On 4 October, a report was submitted to the Security Council proposing the United Nations Transitional Administration in East Timor (UNTAET), to be endowed with the overall responsibility for the

administration of East Timor and empowered to exercise all legislative and executive authority (S/1999/1024). Pending its establishment, urgent measures were taken to address the vacuum left in civil administration, legal and judicial systems, and law and order, using the available assets of INTERFET and United Nations personnel on the ground.

38. Meanwhile, the situation of the refugees in West Timor became a matter of great concern. Over 200,000 had fled or been forcibly deported and many remained under the control of the pro-integration militias. Agreement was reached between the United Nations High Commissioner for Refugees and the Government of Indonesia to ensure access to the refugees and also to ensure that those wishing to return were free to do so, but militia activity remained a problem on the ground.

## **XII. Establishment of the United Nations Transitional Administration in East Timor**

39. Early on 20 October, the Indonesian People's Consultative Assembly (MPR) met in plenary to take up the issue of the East Timor popular consultation. MPR recognized the result of the consultation and revoked the law integrating East Timor within the Unitary State of the Republic of Indonesia. On 25 October, the newly elected President of Indonesia wrote to me to convey the decision of MPR. By that letter, and my reply, the arrangement for the transfer of authority over East Timor to the United Nations referred to in article 6 of the main 5 May agreement (A/53/951-S/1999/513, annex I) was effected. The Security Council established the United Nations Transitional Administration in East Timor (UNTAET) along the lines proposed in my report of 4 October 1999.

40. Sergio Vieira de Mello was appointed my Special Representative and Transitional Administrator for East Timor and he assumed his post on 16 November. UNTAET is proceeding to implement its broad mandate. The challenges facing the operation are myriad given the destruction wrought in East Timor. In its transition to independence, the Territory will require the assistance of the international community as a whole. An inter-agency humanitarian appeal has been prepared to meet short-term relief and rehabilitation requirements, while an assessment mission led by the World Bank has reported on longer-term development needs. The United Nations will present, with the Bank, a consolidated appeal for all requirements to

donors at a conference to be held in Tokyo on 15 and 16 December.

41. A top priority of UNTAET is the establishment of close consultation and liaison with the East Timorese. Working with Alexandre Gusmao of CNRT and other East Timorese leaders, the Special Representative of the Secretary-General has reached agreement on a National Consultative Commission. UNTAET will ensure that through this consultative mechanism, and by close liaison throughout all sectors of the administration, the needs and wishes of the East Timorese people are fully represented in the implementation of the transitional administration. UNTAET will keep Member States informed of its work through periodic reports to the Security Council.

42. Accounting for the violations of human rights which occurred in the aftermath of the consultation process is vital to ensure a lasting resolution of the conflict and the establishment of the rule of law in East Timor. Three special rapporteurs of the Commission on Human Rights visited the region in early November and their joint report is to be submitted to the General Assembly. A United Nations commission of inquiry, established by the Economic and Social Council on 15 November, has begun its investigations in East Timor. Its report will be submitted by 31 December and will be made available to the Security Council, the General Assembly and the Commission on Human Rights. An Indonesian commission of inquiry has also visited the region. Those responsible for grave violations of human rights in East Timor must be held accountable for their actions.

43. Another pressing requirement will be the establishment of good relations between East Timor and its neighbours, including Indonesia and the Association of South-East Asian Nations (ASEAN). This process is under way, as shown by a recent visit by Mr. Gusmao to Jakarta and visits by senior CNRT officials to the region. While East Timor is relatively stable at present, its rehabilitation and development will also depend upon the return and rehabilitation of displaced communities.

44. The swift resolution of the refugee situation in West Timor will be a priority in the immediate future. To date, over 100,000 refugees have returned from West Timor and internally displaced persons are re-establishing their communities. In the months ahead, the multinational force will be replaced by a United Nations peacekeeping force with strong regional representation. UNTAET will proceed to establish its administrative capacity throughout all sectors of governance and administration, and in all areas

of East Timor. All the refugees in West Timor who wish to return must be allowed to do so freely.

### **XIII. Observations**

45. It is my privilege to report to the General Assembly at its current session the successful culmination of the long and arduous tripartite negotiations, conducted under my auspices with the Governments of Indonesia and Portugal and in consultation with East Timorese representatives. This process has led to the settlement of the question of the future status of East Timor, based upon the freely expressed wishes of the people of East Timor. My gratitude goes to the Assembly and the international community at large for the support extended to my predecessors and myself in the search for a resolution of the question of East Timor, and for the steadfast support of the international community throughout the consultation process. I also thank the Governments of Indonesia and Portugal as well as the representatives of the East Timorese people for their cooperation and political will, which made this outcome possible. I wish to express my deep appreciation for the skill and dedication of my Personal Representative, Jamsheed Marker, and the tireless work of his team in conducting the negotiations and diplomatic process that have led to this accomplishment.

46. I wish to also pay tribute to my Special Representative, Ian Martin, and the staff of UNAMET for their courageous professionalism in implementing the 5 May Agreements. It is a matter of outrage and regret for me that the consultation process was marred by widespread violence, wanton destruction and a massive displacement of the population organized and perpetrated by elements that opposed East Timor's independence. My condolences go especially to the families of the five local UNAMET staff members who were killed in the post-ballot violence. Two others remain missing.

47. I congratulate the people of East Timor for the new page they have turned in their history and for the perseverance and courage they have shown, particularly in the face of the large-scale intimidation and violence that characterized the decisive final stages of the process. Without their determination, the successful conclusion of this process would not have been possible. The United Nations will do its utmost to fulfil their trust with respect to all aspects of the work which lies ahead during the transition of East Timor to independence.