

SRSR- Atul Khare Speech to the Security Council on 23 October 2009

Briefing to the Security Council by Mr. Atul Khare
Special Representative of the Secretary-General for Timor-Leste 23 October 2009

Mr. President,

1. Thank you for the opportunity to introduce the sixth report of the Secretary-General on the United Nations Integrated Mission in Timor-Leste (UNMIT), covering the period from 21 January to 23 September 2009 (S/2009/504). I would also like to acknowledge the presence of the Deputy Prime Minister of Timor-Leste, H.E. José Luís Guterres. Let me begin with developments since 23 September.
2. On 7 October, the Council of Ministers approved the draft law on the 2010 state budget, which totals about \$636.9 million. The Government realises that it must diversify engines for economic growth and job creation while retaining a focus on addressing extreme poverty, unemployment, infrastructure creation and rural development. The Government has also invited the United Nations World Tourism Organisation to send a technical assistance mission scheduled for 10 to 21 November to conduct a detailed review of the sector. President José Ramos-Horta, endeavouring to increase international interest and tourism in Timor-Leste, organised the inaugural Tour de Timor from 24 to 28 August, a hugely successful cross-country bicycling race in which almost 300 riders from throughout the world participated. On 12 October, he announced the inaugural International Sports Fishing Competition which will take place in late November.
3. On 9 October, Timor-Leste successfully held elections for community authorities in a generally peaceful atmosphere with the United Nations Police (UNPol) and the Timorese National Police (PNTL) providing security throughout the country. The provisional results indicate that about 67.75 per cent of registered voters cast ballots. These elections were more complicated and challenging than the national elections of 2007 since each local community required a unique ballot. The ability of the electoral bodies of Timor-Leste to successfully organize the elections demonstrated their increasing capacities and the public's continuing faith in democratic electoral processes. In comparison to the 2007 elections, UNMIT helicopter support was minimal, and it is expected that, by the 2012 national elections, such support might be needed only for emergency situations. There were a few minor incidents of violence but far less than in 2007. I compliment the Timorese electorate which during practically all electoral rallies identified communal peace, water, electricity, roads and other infrastructure as well as education as its primary concerns. At least in one local community the issues of CO2 emissions, global warming and the "ozone hole" were also avidly debated. The integrated UN Electoral Support Team, established by us and comprised of UNMIT and UNDP staff, enabled the provision of coordinated advice and support through a single-window, as "One UN", and has provided important lessons for the future.

4. On 13 October, the National Parliament debated a “motion of no confidence” tabled by Fretilin, the single largest party, and its ally, KOTA, because of their opposition to the release of Maternus Bere. The motion was defeated by a vote of 39 to 25 with only one Member of Parliament absent on the day of the debate. Prime Minister Kay Rala Xanana Gusmão took part in the day-long debate which was aired on national radio and television. This debate was a positive step in ensuring that critical issues of national interest are channelled through the National Parliament with meaningful participation from the opposition. Of course, the legal issues surrounding the case can only be properly dealt with in a competent court. I was delighted to note that Prime Minister Gusmão said in his intervention that the “Parties that make up the AMP have no special interest in an Amnesty Law.”

5. I trust that all necessary steps as recommended by the Secretary-General in paragraph 55 of his report will soon be initiated. UNMIT stands ready to provide its assistance and support, including to the Parliament. My Human Rights and Transitional Justice Section, along with the Serious Crimes Investigation Team, organized a workshop on 7 October on international criminal law, particularly as it relates to the situation in Timor-Leste, at the request of Committee A of the National Parliament. President of the National Parliament Fernando “La Sama” de Araujo has also indicated to me that the reports of the Commission for Reception, Truth and Reconciliation (CAVR) and the Commission of Truth and Friendship (CTF) and their recommendations may be discussed by Parliament following its debate of the draft law on the 2010 state budget in December.”

6. An important and positive development in relation to the 2006 cases recommended for prosecution by the Independent Special Commission of Inquiry took place on 9 October when two defendants found guilty of assault and illegal carriage of firearms were sentenced to two years and eight months and one and half year of imprisonment respectively. However, they were acquitted on counts of homicide, threatening violence and unlawful deprivation of liberty. It is my hope that fair trials will take place in the remaining cases upon conclusion of the investigations.

7. I have consistently made clear in various forums with Timorese political leaders and civil society the United Nation’s firm position that there can be no amnesty or impunity for serious crimes such as genocide, war crimes and crimes against humanity. UNMIT continues to conduct investigations into serious crimes committed in 1999, as mandated by Security Council resolution 1704 (2006), in a highly cost efficient manner. I agree with President Ramos-Horta that such investigations should also lead to further capacity-building of the Timorese investigators, in particular in the area of forensics, and will continue to make further efforts to closely involve Timorese nationals in the investigative process.

8. Strengthening the rule of law will require sustained efforts by the Timorese with continuous assistance from international partners. I would like to commend the work of the four-person team led by Judge Philip Rapoza in producing an independent comprehensive needs assessment of the justice sector. I have shared their report with the President, President of the National Parliament, Prime Minister and Deputy Prime Minister Guterres. The report was also forwarded by UNMIT to the Council of Coordination (comprised of the President of the Court of Appeal, Minister of Justice and Prosecutor-General). In conjunction with the strategic plan for the justice sector, the recommendations of the independent comprehensive needs assessment should be utilized as a contribution to a coordinated and considered approach to justice sector reform

and also facilitate the identification and provision of assistance that is most needed from the international community.

9. The resumption of primary responsibility for the conduct of police operations by the PNTL will continue with Viqueque District in the later part of November. UNMIT also continues, as part of its efforts to support security sector reform, to support the Falintil-Forças de Defesa de Timor-Leste (F-FDTL), most recently through a media mentoring exercise conducted on 6-8 October for a select group of F-FDTL soldiers and civilians from the Secretariat of State for Defence, and also a training of trainers course conducted with national and international human rights bodies on 12-14 October.

Mr. President,

10. I would seek your indulgence to reflect on a few issues, from my perspective of the last nearly three years in Timor-Leste, that require consideration and guidance from the Council. The dictum that there should be no strategy without an exit is well known. However, the reverse that there should be no exit without a strategy is equally true. President Ramos-Horta and other leaders of Timor-Leste do not wish to be continually dependent on the presence of a Security Council mandated operation or on the deployment of international security forces. I also believe that the long-term sustainability of Timor-Leste's efforts depends on the ability of its own institutions to operate in a democratic, responsible and effective manner. At every step of the way, UNMIT and the UN country team have consciously endeavoured to work in a manner that enhances the capacity and credibility of the institutions of this young nation. Nevertheless, our success in supporting the institutions of Timor-Leste, instead of taking the lead in any activity, can occasionally give the appearance that the support is non-existent or irrelevant. This approach also means that progress is not linear but depends on the pace at which institutions develop; and sudden improvements or deterioration should not be a cause for elation or undue despondency, respectively. What is required is a stable and steady approach.

11. The touchstone for success in Timor-Leste is not whether or not crises occur, but how future crises are met and resolved. The goal should be to ensure that they are handled in a responsible manner that does not threaten the state, and instead provide an opportunity for enhanced social cohesion and development.

12. The upcoming technical assessment mission to Timor-Leste should engage extensively with national authorities, who are conducting their own review of the presence of the UN and international security forces, as well as political parties and civil society across the spectrum. The future presence and role of the international security forces needs to be carefully taken into account in planning any modification of the composition and strength of UNMIT. The United Nations and the Government of Timor-Leste should jointly agree on the criteria for each step in the process of downsizing the UNMIT police and modifying the composition and strength of the mission. It should be clearly agreed with the authorities, in advance of each stage, what support the UN will and will not be able to provide. No false promises should be directly or implicitly made to the Timorese authorities and people.

13. At the same time, cooperation with long-term providers of bilateral and multi-lateral assistance to Timor-Leste must continue to be consciously promoted. Unfortunately, I do not have time to present an exhaustive list of important bilateral and multilateral assistance, but I would like to refer to a few recent examples. The Australian aid program has doubled in the past four years, providing, for example, over \$9.2 million for water and sanitation projects this year alone. During this reporting period, the United States dispatched a unit of naval engineers to support development of the F-FDTL's engineering capabilities and to execute humanitarian projects, in particular for school rehabilitation and construction. The Millennium Development Goal Achievement Fund Joint Programme mentioned in paragraph 43 of the Secretary-General's report is fully funded by Spain. The European Commission remains one of the most important partners, providing, for example, funds totalling more than \$5.5 million to UN agencies to support projects that promote social peace and stability. Portugal's largest project anywhere in the world is in Timor-Leste: a deployment of 120 trainers in all thirteen districts resulting in more than 3,000 primary school teachers and 2,000 secondary and pre-secondary teachers trained. I must also acknowledge the critical importance of Cuba's medical assistance and adult literacy programme, as well as the bilateral assistance of many Asian countries, particularly the ASEAN Member States. Japan, a major provider of assistance on infrastructure and rural development, recently supported the suco elections with financial grants, and Prime Minister Xanana Gusmão just two days ago announced China's additional contribution of 30 million yuan for refurbishment of various infrastructure. Coordination with bilateral and multilateral donors based on a strategic and measured approach would be imperative in ensuring a common understanding of respective roles and responsibilities.

Mr. President,

14. Timor-Leste as a small, young island state also has to grapple with the challenges of environmental protection. The environmental footprint of international assistance should therefore be as light as possible. UNMIT has been making continuous efforts to reduce energy consumption and protect the environment. These efforts have resulted in a reduction of 7.8 per cent in generator fuel, a savings of approximately US\$285,000, and a 15 per cent reduction in photocopier paper usage (3854 reams) over the one-year period ending in August 2009 compared to the previous one-year period.

15. As I prepare to complete my tenure as SRSG in Timor-Leste, allow me to thank the people and leaders of Timor-Leste for the gracious manner in which they welcome me amidst them. I have been touched by the kindnesses of President José Ramos-Horta, President of the National Parliament Fernando Lasama de Araújo, Prime Minister Xanana Gusmão, former Prime Minister Mari Alkatiri, leaders of all political parties and ordinary Timorese from all walks of life in Dili and in the far outlying and inaccessible villages. I owe them a debt of gratitude for reinforcing my faith in the words of our Charter "better standards of life in the larger freedom" that they constantly seek. I would also like to thank the Deputy Special Representatives of the Secretary-General Finn Reske-Nielsen and Takahisa Kawakami and all the women and men of UNMIT and the UN country team who, every single day, demonstrate their commitment to the high ideals of the UN and to supporting the people of Timor-Leste. Similarly, the support of men and women of the international security forces has been critical for our work. Finally, I wish to thank the Security Council for your constant support and guidance, and the Secretary-

General for having given me the opportunity to be a partner of the Timorese in their historic nation and state-building endeavours.

Thank you.

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