



# Security Council

Sixtieth year

*Provisional*

## 5251<sup>st</sup> meeting

Monday, 29 August 2005, 10 a.m.

New York

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<i>President:</i>	Mr. Oshima . . . . .	(Japan)
<i>Members:</i>	Algeria . . . . .	Mr. Benmehidi
	Argentina . . . . .	Mr. Mayoral
	Benin . . . . .	Mr. Aho-Glele
	Brazil . . . . .	Mr. Tarrisse da Fontoura
	China . . . . .	Mr. Zhang Yishan
	Denmark . . . . .	Mr. Faaborg-Andersen
	France . . . . .	Mr. De Revière
	Greece . . . . .	Mr. Vassilakis
	Philippines . . . . .	Mr. Baja
	Romania . . . . .	Mr. Dumitru
	Russian Federation . . . . .	Mr. Denisov
	United Kingdom of Great Britain and Northern Ireland . . . . .	Mr. Johnston
	United Republic of Tanzania . . . . .	Mrs. Taj
	United States of America . . . . .	Mr. Olson

## Agenda

The situation in Timor-Leste

Progress report of the Secretary-General on the United Nations Office in Timor-Leste (S/2005/533)

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05-47437 (E)

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*The meeting was called to order at 10.10 a.m.*

### **Adoption of the agenda**

*The agenda was adopted.*

### **The situation in Timor-Leste**

#### **Progress report of the Secretary-General on the United Nations Office in Timor-Leste (S/2005/533)**

**The President:** I should like to inform the Council that I have received a letter from the representative of Timor-Leste, in which he requests to be invited to participate in the consideration of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the discussion without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

*At the invitation of the President, Mr. Guterres (Timor-Leste) took a seat at the Council table.*

**The President:** In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Sukehiro Hasegawa, Special Representative of the Secretary-General for Timor-Leste and Head of Mission of the United Nations Office in Timor-Leste.

It is so decided.

I invite Mr. Hasegawa to take a seat at the Council table.

The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them document S/2005/533, which contains the progress report of the Secretary-General on the United Nations Office in Timor-Leste.

At this meeting, the Security Council will hear a briefing by Mr. Sukehiro Hasegawa, Special Representative of the Secretary-General for Timor-

Leste and Head of Mission of the United Nations Office in Timor-Leste. I now give him the floor.

**Mr. Hasegawa:** It is my privilege to address this meeting of the Security Council — first on the recent political and security developments and then on the progress made in the three mandated programme areas during the past three months, since the establishment of the United Nations Office in Timor-Leste (UNOTIL) in May 2005.

Since the peaceful resolution of the dispute between the church and the Government in May, the overall situation in Timor-Leste has remained calm and stable. No major border or security incidents have taken place. However, there were some isolated clashes involving martial arts and political interest groups. Clashes among martial arts groups prompted President Gusmão to bring those groups together to sign a declaration committing them to eradicating acts of violence. The activities of political interest groups, largely in the Baucau district, led the police to seize weapons and to hold some of their members for questioning.

Concerning political developments, I am pleased to inform the Council that in the *suco* elections held during the reporting period, voting was conducted in a peaceful and orderly manner, with high voter turnouts across the six southern and south-western districts. The final round of local elections will take place in late September in the Dili and Liquica districts. As those local elections are coming to a close, public attention is gaining momentum for the presidential and national parliamentary elections to be held in 18 months. President Gusmão and Prime Minister Alkatiri have both recently requested that the United Nations provide assistance in drafting electoral laws in order to establish a legal framework for nationwide elections. In addition, Timorese authorities have requested external assistance to set up database-management systems and administrative support. Given that free and fair elections will determine the sustainability of democracy, I believe that the United Nations should provide all necessary assistance, as suggested by the Secretary-General in his current report (S/2005/533).

As provided for in the constitution, the Superior Council for Defence and Security and the Council of State were both established in May, providing the President with further institutional support to carry out his duties as head of State. The restructuring of the

Government was announced on 28 June, and new Cabinet members were sworn in by the President on 29 July. The Cabinet now includes five new ministers and five secretaries of State for the coordination of development activities in four regions and the autonomous zone of Oecussi.

On the diplomatic front, Timor-Leste's relationships with Australia and Indonesia continued to grow. An agreement between Timor-Leste and Australia over the sharing of Timor Sea oil and gas resources is close to finalization. At the Joint Ministerial Commission meeting between Indonesia and Timor-Leste held in July, it was agreed that the two countries would reach an agreement on the remaining 4 per cent of their common border. Following the provisional agreement on the border signed in April 2005 during the visit of Indonesian President Yudhoyono to Timor-Leste, the two countries have started the process of further delineating the borders through surveys in selected locations. In addition, Timor-Leste and Indonesia have launched the bilateral Commission for Truth and Friendship.

New opportunities and challenges have emerged in the economic sphere. Revenues from Timor Sea oil and gas resources have started to flow in to make up for declining budgetary support from development partners. The Government has drawn up legislation to bring about effective management of petroleum resources for the benefit of current and, more important, future generations. After an exhaustive public consultation process, the National Parliament unanimously passed three pieces of legislation, namely, the Petroleum Fund Act and the law on petroleum taxation, on 13 July, and the law on petroleum activities, on 23 August. UNOTIL civilian advisers played an important role in the formulation of those pieces of legislation and in the establishment of the Petroleum Fund itself. In addition, laws on domestic and external investment were promulgated on 27 May and are expected to encourage foreign direct investment in Timor-Leste.

Let me now turn to the status of the implementation of UNOTIL's mandate in the three respective areas outlined by resolution 1599 (2005). The first component is support to critical State institutions through the provision of 45 civilian advisers. Those advisers have continued to play a key role, not only in the mentoring and training of their Timorese counterparts but also through embarking

upon formal academic training activities, particularly in the justice sector.

I am pleased to report that as a result of the tireless efforts of UNOTIL's civilian advisers, Timorese counterparts have increased their ownership of the functional responsibilities carried out by their offices. Yet, the effectiveness of UNOTIL's civilian advisers in transferring skills and knowledge has continued to be hindered by the lack of a minimum national capacity in such highly technical and specialized as the justice and finance sectors, as well as by the difficulty faced by State institutions in establishing and implementing a viable career-development system. These challenges require concerted and well-coordinated support by the international community.

In that regard, UNOTIL has developed a new strategy, in close consultation with stakeholders, on how best to strengthen the capacity of key sovereign State institutions responsible for public administration, the maintenance of law and order, justice, respect for human rights and democratic governance. Constructive dialogue has indeed taken place to ensure that Timor-Leste will be able to assume the responsibility for its institutional capacity development by itself, within the sustainable development assistance framework, by the end of May 2006.

The first Consultative Group meeting was convened on 28 June, opened by the President and chaired by the Prime Minister and myself, to ascertain the strategic approach for enhanced institutional capacity-building support. It was followed by a series of policy review and coordination meetings to identify specific institutional capacity-building requirements in such areas as financial management, customs administration and drafting of legislation.

I will now turn to the second component: support to the development of the national police and the further development of the Border Patrol Unit (BPU) through the provision of 60 police training advisers and 15 military training advisers. UNOTIL police and military training advisers have conducted joint assessments of each unit within their Timorese counterparts to measure the existing capacity of the police force and to plan a strategy for their further development. That exercise is in itself a capacity-building process, as it has trained the Timorese police

on how to conduct assessments and formulate plans based on perceived needs.

The second Consultative Group meeting of all stakeholders was held on 26 July to examine the four pillars of that joint strategy for police development: professional ethics, leadership and strategic development, integration with bilaterally supported activities and effective border management.

I am pleased to report that the 15 military training advisers, working closely with UNOTIL police training advisers, are now conducting a training programme for the Border Patrol Unit. This training is focused on a broad range of border management skills that will provide the BPU with the necessary capacity and confidence to interact with their Indonesian military counterparts as professional partners. Following this training phase, the military training advisers will conduct a comprehensive validation of the BPU's border management skills to confirm the BPU's capacity to work without United Nations assistance.

Let me now turn to the third component: support to democratic governance and human rights through the provision of 10 human rights officers. As a key element of UNOTIL's mandate, we have assigned six human rights officers to respective national State institutions — the Office of the Prime Minister, the Ministry of Foreign Affairs, the Ministry of Interior and Defence, the Ministry of Education, the Office of the Provedor and the National Parliament — to strengthen their capacity to protect and promote human rights at all levels. We have also assigned five national human rights officers to State institutions to play an increasingly important role as part of the transition to sustainable human rights development in Timor-Leste. I wish to stress that I personally follow the developments in this area closely and maintain a vigorous and constructive dialogue with key government and State actors to enhance our efforts.

I am delighted to report that the long-awaited Provedor for Human Rights and Justice has recently been sworn in by the National Parliament. This is a significant step toward enhancement of transparency and accountability in public administration, not only in the human rights area but also in the fight against corruption. UNOTIL will make the greatest possible effort to strengthen the technical and functional capacity of the Office of the Provedor as well as the Offices of the Inspector General and Prosecutor-

General. UNOTIL is also prepared to assist in the creation of legislation to establish the High Administrative Tax and Audit Court, as envisaged in the Constitution, and other administrative courts of first instance.

Bringing to an end four years of its work, the Commission for Reception, Truth and Reconciliation — CAVR — is nearing completion of its final report, which will be delivered to the President and the National Parliament, and then to the Secretary-General by the end of October. The report will include comprehensive recommendations, including on further action on the issues of justice, reconciliation and assistance to victims of past human rights violations.

Before I conclude this opening presentation of the report, I also wish to report on the follow-up to the serious crimes process. UNOTIL produced a copy of the records compiled by the Serious Crimes Unit with the support of experts from the United Nations Department of Management. We are currently discussing with the Timorese Government the draft agreement on the preservation of serious crimes records, which, once the agreement is signed, could be shipped to United Nations Headquarters for safe custody and archiving.

With regard to the serious crimes process itself, the national judicial system demonstrated its capacities to act upon the return of a former militia member who had been indicted under the serious crimes process in Timor-Leste. The first pre-trial hearing took place on 4 August and the Dili district court has scheduled a trial for 3 September.

With respect to the follow-up on the report of the Commission of Experts, the Secretary-General has provided the Council a copy for review (S/2005/458). I look forward to the deliberations by the Security Council and the Council's advice in due course.

I should also add that in the absence of a United Nations security force, the security and safety of United Nations personnel remains a major concern and a challenge to us in UNOTIL. In this regard, necessary security measures have been developed within the existing resources to ensure that all United Nations personnel will remain safe and secure.

In conclusion, I wish to express my appreciation for the valuable work carried out by all the civilian, police and military staff of UNOTIL for their dedicated

efforts in discharging the UNOTIL mandate in its consolidation phase.

**The President:** I thank Mr. Hasegawa for his comprehensive briefing.

In accordance with the understanding reached in the Council's prior consultations, I should now like to invite Council members to informal consultations to continue our discussion on the subject.

*The meeting rose at 10:35 a.m.*