United Nations S/2003/243

Security Council

Distr.: General
3 March 2003

Original: English

Special report of the Secretary-General on the United Nations Mission of Support in East Timor

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1410 (2002) of 17 May 2002, in which the Council decided to establish, as of 20 May 2002, for an initial period of 12 months, the United Nations Mission of Support in East Timor (UNMISET). In paragraph 7 of that resolution, the Council decided that the "downsizing of UMMISET should proceed as quickly as possible, after careful assessment of the situation on the ground" and in paragraph 13 requested to be kept closely and regularly informed of progress towards the implementation of the resolution including, in particular, progress towards achievement of the milestones in the mandate implementation plan.

2. In this context, the present report describes significant changes in the situation on the ground that have taken place since my report of 6 November 2002 (S/2002/1223) that suggest the need for a review of the Mission's downsizing schedule. It includes specific proposals for adjustments to the downsizing plan to allow the Mission to accomplish its mandated tasks successfully by June 2004 within this changed environment.

II. Political and security context

3. The mandate implementation plan that was endorsed by the Security Council was prepared at a time of optimism. In the months preceding the establishment of UNMISET, Timor-Leste had successfully held two national elections, both of which had taken place without violence. The establishment of the country's Government, public administration, police and armed forces was proceeding smoothly.

4. This progress continued in the following six months, as reflected in my report to the Security Council of 6 November 2002 (S/2002/1223). The Democratic Republic of Timor-Leste formally took its place among the nations of the world on 20 May 2002, and shortly thereafter became the 191st Member State of the world Organization. The foundations were developed for a strong relationship between Timor-Leste and neighbouring countries. While the economic situation and the threat of terrorism presented significant challenges to the new Government, the mandate implementation and mission downsizing plans endorsed by the Security Council appeared to remain a valid and realistic road map for the immediate future.

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5. However, the period since my previous report has seen a sharp increase in the frequency and magnitude of security-related incidents. These have demonstrated the scope of problems that might still emerge and the inadequacy of the means to address them, and they strongly suggest the need to adjust the downsizing plan for UNMISET to reflect changed circumstances.

6. The potential for grave civil disturbance became clear with the riots that erupted in Dili on 4 December 2002. While earlier disturbances in Baucau from 18 to 26 November 2002 had suggested that the Timor-Leste police could face exacting challenges in urban areas, the riot in Dili was on a quite different scale. It developed from a protest at the Parliament building, and was manipulated by elements that directed those involved to targets that were apparently selected to undermine the authority and legitimacy of the Government. As was reported to the Security Council at the time, in the course of these riots, numerous buildings were destroyed by arson, including houses owned by the Prime Minister and members of his family and foreign-owned businesses, and other buildings were looted. Seventeen Timorese sustained gunshot injuries, and two of them died. The mosque in Dili was damaged, and houses within its compound were burned. Efforts to restore order were slow to take effect, revealing a number of weaknesses that are discussed below.

7. A further serious incident took place on 4 January 2003, when a group of 20 to 30 men armed with automatic weapons attacked villages near the town of Atsabe, in Ermera district. Five people were killed during these attacks. There were suggestions by local officers and members of the communities involved that the victims included people who were targeted because of their pro-independence political backgrounds, and that former militia members were involved; however, the precise motivation for the violence in Atsabe, the source of support for the assailants and the degree to which they were part of a larger group have not been satisfactorily established.

8. In response to a request from the Government, UNMISET temporarily handed over responsibility for the defence of an area of operations around these villages to permit the Timor-Leste defence force (Falintil-FDTL) to conduct a sweeping operation. In the following days more than 90 people were arrested, all but 39 of whom were released immediately by the police. Those remaining in custody were sent to Dili for further judicial action and subsequently released by a Timorese judge.

9. On 24 February, a small group of men armed with semi-automatic weapons attacked a shuttle bus travelling from Maliana in Bobonaro district to the capital. Two people were killed in the attack, and five were injured. UNMISET military and Timorese and United Nations police were deployed to the area immediately. On 27 February, an UNMISET military patrol exchanged fire with a group of armed men in the area, apprehending one. However, at the time of reporting, the motivation for the attack on the bus remains unclear.

10. In addition to these armed attacks, there is now an increasing amount of credible evidence to suggest that former militias and armed groups may be establishing bases within the country with the objective of undermining stability. This includes testimony by a member of an armed group arrested in Liquica district in early January suggesting that several other, similar groups have been established in Timor-Leste to create instability in the country, drawing on external means, although without any official endorsement. Recent sightings of suspicious groups,

the discovery of caches of weapons in rural areas and increases in thefts of food and cattle all seem to support such concerns. These incidents have had a disquieting impact on the country, which is at a very early stage in its economic and political development.

11. It seems reasonable to expect further challenges. Increased activity of armed groups may be generated by politically motivated elements, as well as by criminals. Those who seek to create difficulties can draw upon a largely youthful and unskilled population, which suffers a very high rate of unemployment, has as yet little knowledge and experience of political mechanisms to address such problems and has had extensive exposure to violence in the past.

12. This situation may be exacerbated by elements within the former refugee population located in Indonesia close to the Tactical Coordination Line. Former militia personalities retain a degree of influence among the approximately 28,000 former refugees remaining in Indonesia (according to figures of the Office of the United Nations High Commissioner for Refugees) and are actively involved in cross-border trade; some have accumulated considerable wealth from a mixture of legal and illegal activities. This threat is likely to remain extant throughout the remainder of the UNMISET mandate and beyond, although supportive actions by the Indonesian military would contribute to mitigating and containing it. The Government of Indonesia has indicated that it intends to resettle former East Timorese refugees. Voluntary migration to other provinces could significantly improve the security environment. While Indonesia has begun the process, it has so far been unable to implement it fully due to financial and other constraints.

13. The 30 June target date for a finalized agreement on a line that constitutes the border remains in effect, but the accomplishment of this objective is not assured. During the first meeting of the Joint Border Commission between the Governments of Timor-Leste and Indonesia, held in Jakarta on 18 and 19 December 2002, the two Governments reaffirmed their commitments in this regard and agreed on a set of technical specifications and a work plan. A subsequent meeting of a technical group on border demarcation and regulation, which was initially postponed, is now scheduled to take place in March.

14. Border delineation, and subsequent demarcation, if decided, are clearly of great importance in terms of removing a potential irritant to future relations between the neighbouring countries. At the same time, it must also be recognized that this cannot be a panacea for all security problems, and that even a well-defined border will remain porous.

15. Indonesian military authorities have indicated that their policy is not to demilitarize their side of the border, where they will maintain a troop and not a border police presence. The Timor-Leste Government is nonetheless proceeding with plans for police and civilian authorities to assume responsibility for border management.

III. Addressing security challenges

16. In the uncertain environment described above, it is essential that the necessary security capability be in place to safeguard and build upon all that has been achieved over the past three years. However, the events of recent months suggest that serious

deficiencies in Timorese and international capabilities already exist, and can invite further problems; these deficiencies would be exacerbated if UNMISET continued to follow its current downsizing plan.

17. At least a year of further development is required before the Timorese police are in a position to address the more demanding kinds of problems that have emerged over the past few months. Their premature engagement in such activities runs the risk of weakening them and of lowering their public standing. Furthermore, if the police are seen to be ineffective, there will be increasing political pressure to involve Falintil-FDTL in activities for which it is not mandated, trained or equipped, and which could undermine its own essential development process.

18. On the basis of its mandate to provide interim law enforcement and public security, to assist in the development of the Timor-Leste police, and to contribute to the maintenance of external and internal security in Timor-Leste, UNMISET has a crucial role to play. However, the downsizing plans that were endorsed 10 months ago would, if followed without change, further weaken the Mission's real and perceived ability to respond. Adjustments are necessary if UNMISET is to maintain security effectively in the short term and to prepare the Timorese agencies to assume their full responsibility in the future.

19. At the request of the Department of Peacekeeping Operations, former Military Adviser Maurice Baril led a review and assessment mission to UNMISET from 15 to 23 January 2003, as the Department's first Inspector-General. The aim of the mission was to review the capability of UNMISET to implement its mandate and to meet future challenges. The recommendations in the present report are supported by and draw upon his findings, as an external expert, regarding key areas where sustained or increased capacity is crucial for UNMISET to achieve its mandate.

A. Revised military strategy

20. As reflected in my report of 17 April 2002 (S/2002/432, paras. 87-98), the military component of UNMISET was mandated to provide continued support for the external security and territorial integrity of East Timor, while ensuring timely handover of responsibilities to Falintil-FDTL and to relevant public administration departments. The downsizing plan was predicated on the assumption that the threat from former militia elements would gradually diminish, that new threats of a similar scale would not emerge and that major civil disturbances would not occur, so that challenges on the ground would be on a scale for which Timor-Leste security agencies could assume an increasing level of responsibility.

21. However, in the evolving security situation described above, these earlier assumptions no longer appear valid. The military component lacks the necessary capacity and mobility to respond effectively or take a sufficiently proactive role to address the threats, and has inadequate ability to obtain and process information. Were downsizing to continue, significantly reduced troop densities would not deter the serious security threat posed by armed bands in rural areas, while the diminished military presence in the westernmost districts would ease the task of criminals or other elements intent on moving illegally across the Tactical Coordination Line. At the same time, UNMISET would face still greater obstacles in assisting in the event of large-scale civil disturbance. While planning for Timor-Leste police is being

adjusted, the measures proposed to enhance their capacity could produce substantive results by January 2004 at the earliest.

22. Adjustments to the military strategy and configuration of UNMISET in the following areas could help it to promote stability and to provide the time required for the Timorese security agencies to become operationally ready to assume their tasks:

- Establishment within an extended zone adjacent to the Tactical Coordination Line of a sufficient military presence to deter and respond to incursions and incidents until such time as the threat is effectively contained and the necessary Timorese capability to meet the threat is operational.
- Maintenance of a security presence in other parts of Timor-Leste to assist the police in ensuring stability.
- Improved ability to use information to assist in the tactical employment of the infantry forces available, as well as greater coordination and exchange of information with UNMISET police and with Timor-Leste security agencies to improve effectiveness.
- Improved air and land mobility to enable more effective use of forces available and more timely response in the event of incidents requiring employment of peacekeeping forces.
- Promotion of relations with the public and improved public information capability to enhance understanding of the military component's role and to counter potential misinformation campaigns.

23. These adjustments would be adopted within the context of a simplified, two-phase plan for the military component's deployment until the conclusion of its mandate.

Phase 1: from the present to December 2003

24. During the first phase UNMISET would retain primary responsibility for ensuring security, addressing problems that greatly surpass the present capability of Timor-Leste security agencies and allowing them to mature and develop. A larger military presence would be maintained in an expanded area adjacent to the Tactical Coordination Line. A sector headquarters would be maintained in the area to unify the command of forces deployed to limit incursions. At present satisfactory progress is being made towards the planned handover of border crossing points in mid-2003, and a specialized Timor-Leste police border patrol unit will be deployed to its positions along the border by the end of June 2003. When the management of border crossing points is handed over, the military component will retain the capability to respond upon the request of UNMISET police or to address an imminent threat to security.

25. These tasks would entail the maintenance of the current level of military deployment, at 3,870 troops, although the component would be reconfigured to emphasize the capabilities identified above. To ensure that a force of this limited size is capable of timely response, it will be essential that troop-contributing countries provide the Force Commander with the flexibility required to employ the portion of his force best placed and equipped to undertake the tasks at hand. This phase would be concluded once the relevant Timor-Leste agencies had attained adequate operational capability to respond to threats to internal security, particularly within the border area, and to respond to significant armed threats elsewhere. The Timor-Leste Government is now reviewing plans to significantly enhance the

capability of the Timor-Leste police in both areas, while their ability to respond to civil disturbance is also being developed.

26. The Government has expressed a desire to adopt a comprehensive arrangement governing the relationship between the Falintil-FDTL and the military component of UNMISET that would make clear the terms under which each of the two sides would conduct their respective individual operations in the region of the Tactical Coordination Line and would define the terms of cooperation for any joint actions. It will be important in the coming months to find appropriate ways to address their needs, with the full understanding and support of troop-contributing countries, while ensuring that the necessary political and practical arrangements are in place. Timor-Leste has also indicated a willingness to enter into bilateral arrangements for enhancing defence and security.

Phase 2: from December 2003 to May 2004

27. Once the prerequisite Timor-Leste capability and capacity are operational and able to take a lead responsibility in addressing the challenges cited above, the military component will be reconfigured to act as a deterrent and to respond preventively to threats to the security environment. Other efforts will include operations to retain the trust and confidence of the people of Timor-Leste, including through public information, as well as close cooperation and information-sharing with Timor-Leste agencies. The component would include 1,750 troops organized in two response battalions, one of which would be located in the west and the other centred in Dili.

28. During this phase final preparations would be made for the conclusion of the handover of defence responsibility to Falintil-FDTL on 20 May 2004. A protocol should also be developed to provide an appropriate structure for the Timor-Leste defence force to back up the police, as required. The corresponding arrangement within UNMISET offers one possible model for such a protocol. Adequate development of police capabilities in the previous phase is essential to ensure that requirement of such back-up support from Falintil-FDTL to the Timor-Leste police is required only as a last resort.

29. On completion of the mandate, the peacekeeping force would cease operations and concentrate on the orderly extraction of remaining forces in the most expeditious manner possible.

B. Revised policing strategy

30. The development of a professional and capable police force in Timor-Leste is essential if the State is to respond to threats to law and order in a way that respects human rights and favours long-term stability by strengthening public trust in the police. Support for the development of such a force represents a key part of the UNMISET handover plan and of the legacy that the United Nations should leave to the country.

31. Significant progress has been made: the Timor-Leste police, now at a strength of 2,530, have assumed executive authority for all routine policing matters in 6 of 13 districts. At the same time, the Government is seeking to lay the legislative foundations to ensure the independence of the Timorese police. However, recent

developments have demonstrated that, on the basis of its present strength, organization and training, the Timor-Leste police are not yet in a position to address the more difficult types of security threats that Timor-Leste is likely to face. Furthermore, the period ahead presents inherent difficulties. Those districts that were first handed over were those that were less subject to crime or political instability. Some districts, such as Baucau, Viqueque and Dili, will pose significantly greater challenges.

32. Further training and preparation are essential if the force is to respond with the confidence and restraint that are crucial for lasting popular support and gaining public trust. Already, efforts are under way to promote the force's ability to contain civil disorders in urban areas, through further training of the Rapid Intervention Unit. In addition, the Government is reviewing plans to strengthen the capability of the Timor-Leste police to address threats from criminal and armed groups in rural areas and in the region of the Tactical Coordination Line. This capability, which would be deployed in early 2004, would offer a means for the Government to respond to major threats to public order without resorting to the use of military.

33. In this context, the composition and strength of the police component of UNMISET and the schedule for its downsizing would be adjusted to enhance its operational capability to address civil disturbances and to improve capability for the development of the Timor-Leste police to respond to the weaknesses that have emerged. This would include the following specific measures:

- Inclusion of an international formed police unit for one year, to be better prepared for emergencies that exceed the capacity of the Rapid Intervention Unit while it is still undergoing training. The company, which would function under the command of the United Nations Police Commissioner, would be based in Dili, but would also have a capacity for mobility.
- Additional training capacity is required to provide further intensive training to the Timor-Leste police in crowd-control skills, including in the appropriate use of force in accordance with international standards. Other critical areas for additional training include police administration, finance, logistics, forensics, tactical operations, border security and community policing. This will not require significant expansion of the police component: qualifications, rather than numbers, are crucial at this time. The success of this initiative will depend upon the full commitment of police-contributing countries to identifying police and staff personnel that meet the specialized selection criteria that will be circulated.
- Human rights and rule of law elements will be further emphasized in the UNMISET development and certification process.
- The UNMISET downsizing plan should also be adjusted to allow for the retention of a greater monitoring and advisory presence within districts that have been handed over.
- The joint assessment mission that visited Timor-Leste in November 2002 outlined a road map for the assistance of the international community in the months and years ahead. UNMISET, in consultation with Member States, will assist the Government of Timor-Leste in elaborating the Government's strategy for following up these recommendations with the necessary assistance of the international community. The strategy will reflect the priorities of the national

development plan of Timor-Leste and be underpinned by national policies addressing internal security and law and order. The strengthening of the Timor-Leste police's capability for management reforms, as a foundation for sustainable institutional development, would receive the earliest attention.

34. Bilateral support will also remain crucial in key areas such as investigation techniques, supervision and management, intelligence collection and analysis, surveillance techniques and searching for and detecting bombs, in addition to ensuring that the Timor-Leste police have the required office facilities and accommodation when they are deployed to the districts, in addition to weapons and equipment.

35. In downsizing, UNMISET would ensure that the handover takes place at a pace that does not jeopardize stability while showing sensitivity to the Government's desire to assume responsibility for security issues as soon as is feasible. Planning for the gradual transfer of policing authority to Timor-Leste will be adjusted to include safeguards and arrangements for command and control that will allow the military component to play an active role during the final phase of the Mission's mandate, and will ensure that UNMISET has full control of the mechanism that would trigger military back-up to police.

IV. Financial implications

36. My proposed budget for the period from 1 July 2003 to 30 June 2004 (A/57/689 of 5 February 2003) prepared in accordance with my downsizing plan for the Mission (S/2002/432 of 17 April 2002) has been submitted to the General Assembly. A revised budget that reflects changed requirements for the same period will be submitted to the General Assembly for its consideration during the main part of the Assembly's fifty-eighth session, subject to the decision of the Security Council on my reconfiguration plan for the Mission as set out in paragraphs 19 to 34 of the present report.

37. As at 31 January 2003, unpaid assessments to the special account for the United Nations Transitional Administration in East Timor/UNMISET for the period since the inception of the Mission amounted to $215.6 million. The total outstanding assessed contributions for all peacekeeping operations as at the same date amounted to $2,161.8 million.

V. Observations and recommendations

38. The international community has made a unique contribution to Timor-Leste, one in which it has reason to take great pride. For most of the past three years, the developments in Timor-Leste have suggested that the country was unequivocally headed towards becoming a success story. But recent developments suggest that the international community will need to provide additional evidence of its commitment to completing successfully the task that it has advanced thus far.

39. The present report offers a reassessment of the situation on the ground, as foreseen by the Security Council, and suggests that the planning that envisaged a steady downsizing of the international presence should be reviewed. It is in this context that the proposals described in section III above are presented for the Security Council's approval: the reconfiguration of the military component and the

adoption of a revised phased approach to its mandate (including retention of its current ceiling until December 2003) to better reflect the current threats; and the enhancement of the operational ability of the international police component as a short-term measure to promote security, with a simultaneous increase in its ability to effectively train the Timor-Leste police to take over responsibility for key tasks from international personnel.

40. These adjustments respond to factors that are external to the operation. They do not represent a change in the broad concept of operations of UNMISET, in its planned date of withdrawal or in its ultimate goal, which is the creation of a viable Timor-Leste State having an adequate and appropriate security capability. The additional resources that they would require are modest compared with the investment made over the past three years, but they could significantly enhance the international community's ability to attain its goals.

41. It has always been clear that plans for this Mission were premised upon the prevailing security situation, and the development of adequate capability on the part of Timor-Leste to assume responsibility for security tasks. The revised plans presented here in response to changed conditions would be kept under constant assessment, and any significant improvement or deterioration in the security environment would be reported to the Security Council with the appropriate recommendations for action.

42. The impact of these adjustments will depend on the full commitment of the Timor-Leste leadership, which shares the view that the measures suggested here can play a critical role in promoting their country's stability and security. Lasting stability will depend upon their strong political support for the rule of law and their continuing efforts to strengthen their country's governance and democratic institutions, including a non-political and professional police.

43. Ongoing collaboration with Indonesia, building upon the statesmanlike and courageous steps taken to date by the leadership of both countries, is also crucial to address, inter alia, the continuing challenge posed by refugees, to find suitable solutions regarding border crossings that can favour social and economic progress, and to adhere to the agreements that have been made regarding the delineation of the border by June 2003. As mandated by the Security Council in paragraph 12 of its resolution 1410 (2002), UNMISET stands ready to assist the two Governments in addressing these and other issues of bilateral concern, including through the contribution made by its office in Jakarta.

44. Bilateral support will also be crucial to supplement the efforts of UNMISET, including in the crucial areas of defence, police, justice and corrections, as well as social and economic development. In addition, after UNMISET concludes its mandate, it is likely that further assistance will be required. A number of options could be explored by Member States, including the deployment of qualified international police to key advisory positions within the Timor-Leste police through multilateral, regional or bilateral working arrangements with the Government of Timor-Leste.

45. The initial, successful progress that was achieved in Timor-Leste may have favoured the development of unrealistic expectations. It is preferable that the international community be reminded, before downsizing has progressed beyond a point of no return, of the fragility of what has been achieved early in the mandate of UNMISET.

46. In relation to the time required for any country to evolve towards statehood, Timor-Leste's development remains extraordinarily rapid. Despite the extraordinary historical, political and economic challenges that the Timorese people have faced, I am confident that with an additional effort by the international community, the success story that seemed so close to becoming a reality will materialize, albeit somewhat less smoothly than had been hoped; and that the stable Timor-Leste that the Timorese people have sought so long, and for which they have sacrificed so much, is within reach.

Annex

Key adjustments to the downsizing plan for peacekeeping forces and United Nations police

Unit	*Original downsizing plan*	*Adjustments*	*Objective*
Military component	Downsize to 2,780 in July 2003 and to 1,750 in December 2003	Maintain current strength through December 2003 and downsize subsequently to 1,750 Reconfiguration to enhance capability and strengthen capacity in key areas, including land and air mobility	Establish within an extended zone adjacent to the Tactical Coordination Line a sufficient military presence to deter and respond to incursions and incidents until such time as the threat is defeated or the necessary Timor-Leste capability to meet the threat is operational Maintain a security presence throughout Timor-Leste to assist police Improve ability to use information to assist in the tactical employment of the infantry forces available Greater coordination and exchange of information with international police and with Timor-Leste security agencies to improve effectiveness Improved land and air mobility to enable more effective employment of forces available and more timely response in the event that incidents requiring employment of peacekeeping forces occur Promote relations with the public, enhance understanding of the military component's role and counter any misinformation campaigns
Police component	Reliance on Timor-Leste police capability for riot-control/crowd management	Deployment of an international formed company of police for one year	Respond to riot situations until the Rapid Intervention Unit is operationally ready; establish paradigm for role of police in responding to civil disturbance
	General downsizing of training capability	Adjustment of training capability to emphasize priority areas, including crowd-control skills, police administration, finance, logistics, forensics, tactical operations, border security and community police operations, as well as additional human rights training	Strengthen the capability of the Timor-Leste police in areas critical for successful and timely handover of responsibilities; support Timor-Leste's strategy for follow-up to recommendations of the joint assessment mission
	100 police advisers deployed with Timor-Leste police in districts that have been handed over	200 police advisers deployed with Timor-Leste police in districts that have been handed over	Enhance access for the Timor-Leste police to expertise at a key early stage in hand-over period