

THE THIRTEENTH SESSION

LA MARTINIÈRE MODEL UNITED NATIONS

2026

BACKGROUND GUIDE



UNITED NATIONS
SECURITY COUNCIL



LETTER FROM THE EXECUTIVE BOARD

Greetings Delegates!

Welcome to the United Nations Security Council. The agenda that we are deliberating upon stands as one of the penultimate tests of diplomacy, self-determination and civilian protection in a world that is moving forward into a new millennium:

“Addressing the situation in East Timor following the results of the referendum on independence conducted under the United Nations Mission in East Timor, while safeguarding the interests of the people and ensuring the restoration of law and peace”

The stasis date mentioned is 5th September 1999, a moment of extraordinary uncertainty for all people living East Timor. Only days earlier, these people had participated in a United-Nations administered popular consultation to decide whether to accept special autonomy within Indonesia or exist as an independent nation. The following rejection of the special autonomy intensified an already fragile security situation. It is at such a moment where the Security Council must solve a double burden: Propagate what it believes in, alongside being prepared to act in the worst possible cases.

East Timor presents an unprecedented problem to the committee as no single principle can offer a complete solution. At the helm of this entire issue lies a core dilemma: The Council must reconcile the right of a people to determine its political future while also adhering to Indonesia’s legitimate concerns regarding sovereignty, territorial integrity and regional stability. It must consider the safety of civilians and UN personnel while assessing whether international action may itself escalate conflict. It must decide whether existing authorities can restore order, whether the United Nations possesses the mandate and capacity to act, and whether a multinational security presence is necessary to prevent any possible atrocities.

In a post-cold war world, the Security Council must move forward from the power paralysis it saw in the US-Soviet era and must actively prevent the development of ideological struggles between any significant military powers. Its powers had to expand beyond the norm set for it in the previous era and create a larger consensus to authorize collective action. In that scope itself, this committee must act as an instrument of collective security that isn’t halted by structural limitations. Delegates should be ready to engage in conventional Security Council procedure: formal debate, negotiations, drafting, amendments, coalition-building and the creation of implementable resolutions. However, it should also be noted that at the same time, the situation on the ground may evolve rapidly, prompting them to think on their feet about the situation at hand.

LETTER FROM THE EXECUTIVE BOARD

Accordingly, success in this committee will not depend solely on producing eloquent speeches or broad statements of principle that solidify your portfolio's stance. Delegates must develop policies that can survive the realities of implementation. For example, if delegation X proposes a peacekeeping or multinational force, it must consider consent, mandate, rules of engagement, command structure, troop contributions, funding, deployment routes and the protection of civilians. Given the depth of the situation at hand, we expect solutions that are complete, structured and grounded.

The historical case we are dealing with remains relevant today. Contemporary conflicts repeatedly confront the international community with similar dilemmas: violence against civilians when state institutions are unable (or unwilling) to provide protection; disputes over autonomy, occupation, secession or self-determination; armed non-state groups operating alongside or with the alleged support of formal security structures; and disagreements among major powers over when international action is lawful, necessary or effective. The debates within this committee will help us to understand the status quo even better.

As delegates, you are not expected to reproduce later historical outcomes. Any eventual actions taken by the Security Council during that period may be realized, however it is not necessary for the delegates to explore the same paths. Your task is to act with the information available at the stasis date. As for the research, we highly encourage every delegate to approach this agenda with historical sensitivity, political realism and empathy for civilians caught between competing armed and political forces. Avoid simplistic assumptions about all stakeholders within Indonesia and East Timor having identical priorities.

We look forward to witnessing rigorous debate, creative diplomacy and substantive solutions. Please do note that this guide exists as a starting point for your research and it should not be a substitute for independent research. Feel free to reach out to us at unsc.lmun26@gmail.com in case you have any queries.

We wish you the very best of luck in your preparation.

Committee Rules and Stasis Guidelines:

Given the stasis date, delegates should note that the Security Council was frozen on **5 September 1999**. All delegates must conduct debates, formulate policy and write documents based solely on information that would reasonably have been available **on or before 5 September 1999**. Using knowledge of later events to determine your portfolio's in-committee policy would not be considered ideal. This includes but is not limited to:

1. Institutions
2. Political Events
3. Legal Doctrines
4. Factual Developments
5. Resolutions

Please refer to the table below for a quick review of any pieces of information that the delegate may find:

Confirmed information available by 5th September 1999	May be treated as established committee knowledge
Credible reports or allegations available by 5th September 1999	May be raised cautiously, attributed to the relevant source and investigated through committee action
Events occurring after 5th September 1999	May not be cited, assumed, referenced or used as evidence

Delegates may ground arguments in principles and instruments available by the stasis date, including:

- The Charter of the United Nations.
- Sovereign equality and territorial integrity.
- The prohibition on the use of force.
- Peaceful settlement of disputes.
- Self-determination.
- International humanitarian law.
- Human rights obligations.
- Existing Security Council practice concerning peacekeeping, peace enforcement, sanctions and humanitarian access.
- The 5 May 1999 Agreements.

Committee Rules and Stasis Guidelines:

- Security Council Resolution 1246 establishing UNAMET.
- The Council's authority under Chapters VI, VII and VIII of the UN Charter.
- Relevant precedents available by 5 September 1999, including peacekeeping and humanitarian operations from earlier conflicts.

It is expected that if asked, the delegate can explain a legal basis for their proposed measures rather than merely describing it as humanitarian intervention. While national policy and international law hold substantial weight in the discussion, the delegates will also be judged upon their ability to respond to changing facts, negotiate across ideological divisions and operationally feasible solutions.

Voting, Observers & Invitations:

The Security Council has 15 voting members, and each Council member has one vote. Article 27 of the UN Charter provides that every member of the Council has one vote. Permanent members possess veto power over **substantive** decisions.

A veto is exercised only when a permanent member casts a **negative vote** on a substantive matter. A permanent member's abstention does not, by itself, prevent adoption of a substantive draft that otherwise receives the required support. The veto does not apply to procedural matters.

The committee would also hold observer nations who participate in debate and negotiations, but they may not vote on substantive questions, however their influence remains significant.

Under Rules 37 and 39 of the Security Council's Provisional Rules of Procedure, a UN Member State that is not currently a member of the Security Council / members of the Secretariat or other persons considered competent to provide information or assistance on a matter within the Council's competence may be invited to participate, **without vote**, when the Council considers that its interests are specially affected or when it brings a matter before the Council under Article 35(1) of the UN Charter.

Additional details regarding committee documents, procedures and policies will be shared during the committee hours.

Introduction to the United Nations Security Council

The United Nations Security Council (UNSC) is one of the six principal organs of the United Nations, with the primary responsibility of maintaining international peace and security. It consists of 15 members, including five permanent members (China, France, Russia, the United Kingdom, and the United States) and ten non-permanent members elected for two-year terms.

The UNSC has the authority to adopt binding resolutions on international issues, including threats to peace, breaches of peace, and the use of force in response to such threats. Under **Article 24** of the UN Charter, UN Member States confer upon the Security Council the primary responsibility for the maintenance of international peace and security.

In performing this role, the Council acts on behalf of the wider UN membership. Article 24 further identifies **Chapters VI, VII, VIII and XII** of the Charter as key sources of the Council's powers. Delegates are expected to have a brief read about this to understand the scope of work properly.

Under **Article 25**, UN Member States agree to accept and carry out Security Council decisions made in accordance with the Charter. Wherever the council adopts a binding decision, states are expected to comply. However, the Council's legal authority does not automatically produce implementation. Political will and operational capacity remain major levers to carry out any proposed measures.

Chapter VI Tools: Pacific settlement of disputes

Chapter VI of the Charter concerns the **Pacific Settlement of Disputes**. It provides the Council with tools to prevent escalation, clarify facts and encourage a negotiated outcome before coercive measures are considered.

In the East Timor context, Chapter VI measures may be appropriate where the Council believes that a political and security settlement remains possible through cooperation with Indonesia, Portugal, UNAMET and Timorese representatives. Relevant measures can include mediation, good offices (using confidential diplomacy to obtain positive outcomes about the situation concerned), fact-finding, confidence building measures.

However, Chapter VI cannot by itself guarantee compliance. Recommendations, mediation and fact-finding depend heavily on political cooperation and access. If the concerned parties / violent third parties discontinue all functionality, the Council may conclude that non-coercive steps are inadequate.

Introduction to the United Nations Security Council

Chapter VII Powers: Article 39: Threat to peace

Article 39 provides the gateway to Chapter VII action. It empowers the Council to determine the existence of:

- A threat to the peace.
- A breach of the peace.
- An act of aggression.

After such a determination, the Council may make recommendations or decide which measures should be taken to maintain or restore international peace and security. In the context of this committee, delegates need to discuss whether all cumulative facts discovered over the course of the committee constitute a threat to peace. A determination under Article 39 does not automatically require military action. It allows the Council to escalate from recommendations to binding measures if circumstances warrant.

Article 41: Non-military measures

Under Article 41, the Council may decide on measures not involving the use of armed forces. These measures can include interruptions of economic relations, transport, communications or diplomatic relations. However, delegates should use sanctions carefully. Broad economic sanctions may harm ordinary civilians, worsen humanitarian conditions and weaken domestic support for cooperation.

Article 42: Military measures

If the Council considers Article 41 measures inadequate or likely to be inadequate, Article 42 permits action by air, sea or land forces as may be necessary to maintain or restore international peace and security. Delegates should consider all possible questions on sovereignty and intervention before taking such a step.

Chapter VIII and ASEAN: Regional arrangements

Chapter VIII of the Charter recognizes the role of regional arrangements and agencies in maintaining international peace and security, provided their activities remain consistent with the purposes and principles of the United Nations. It encourages the peaceful settlement of local disputes through regional arrangements before referral to the Security Council where appropriate.

For East Timor, regional diplomacy is essential because Indonesia is a major Southeast Asian state and because nearby states may supply the political legitimacy, military capacity, airlift, maritime access and humanitarian logistics needed for any response.

Introduction to the United Nations Security Council

The Association of Southeast Asian Nations, or ASEAN, is not a formal enforcement mechanism equivalent to the Security Council. Nevertheless, its political position matters substantially due to its multi-functional activities.

Peacekeeping and Enforcement:

UN peacekeeping is not expressly described in the UN Charter as a separate category. It developed through practice as a flexible instrument placed between traditional diplomacy and coercive enforcement.

By 1999, peacekeeping had evolved beyond the traditional model of lightly armed observers monitoring a ceasefire between states. Modern operations increasingly included civilian police, electoral support, humanitarian coordination, human-rights monitoring, demobilisation, institutional support and assistance during political transitions.

Historical, Social and Economic Context

Note to Delegates:

The following section provides a high-level timeline of the geopolitical events that shaped East Timor leading up to the 1999 referendum. Delegates are strongly encouraged to conduct independent research into the primary documents, military operations, and diplomatic transcripts referenced below to deepen their understanding of their nation's historical position.

Portuguese Colonial Rule: Administered as a neglected colonial outpost for over four centuries, East Timor was classified as a Non-Self-Governing Territory under Chapter XI of the UN Charter, leaving it with minimal physical infrastructure or democratic preparation for self-rule.

The Carnation Revolution (1974) & Failed Decolonisation: The April 1974 overthrow of Portugal's authoritarian regime triggered a chaotic, uncoordinated withdrawal from Dili, prompting the rapid formation of three domestic political factions: FRETILIN (pro-independence), UDT (initially conservative/pro-Portuguese, later anti-communist), and APODETI (pro-integration with Indonesia).

Civil Conflict of 1975 & Portuguese Exit: A brief civil war erupted in August 1975 after UDT launched a preemptive coup, which FRETILIN quickly defeated; Portuguese colonial authorities abandoned Dili for Atauro Island, effectively leaving a power vacuum.

Indonesian Invasion & Annexation: Fearing a communist state on its border, and following FRETILIN's unilateral declaration of independence on November 28, 1975, Indonesia launched a full-scale invasion (Operation Seroja) on December 7, 1975, formally annexing the territory as its 27th province (Timor Timur) in 1976.

International & UN Response: General Assembly Resolution 3485 (1975) along with Security Council Resolutions 384 (1975) and 389 (1976) demanded an immediate Indonesian troop withdrawal and reaffirmed East Timor's right to self-determination, while the UN continued to legally recognize Portugal as the administering power.

Cold War Context & The Timor Gap Treaty: Realpolitik and anti-communist alignment led major Western powers to tacitly tolerate Jakarta's occupation, culminating in Australia granting de jure recognition of Indonesian sovereignty in 1979 and signing the 1989 Timor Gap Treaty to divide offshore oil and gas rights

Historical, Social and Economic Context

The Occupation Years: Two decades of military occupation resulted in catastrophic human loss (an estimated 100,000 to 200,000 deaths from conflict, forced displacement, and famine) alongside persistent armed resistance from FALINTIL and a clandestine urban civilian network.

Key Turning Points (1991–1996): The 1991 Santa Cruz Massacre in Dili erupted international outrage, followed by the 1992 capture of resistance leader Xanana Gusmão and the awarding of the 1996 Nobel Peace Prize to Bishop Carlos Belo and José Ramos-Horta.

UN Diplomacy (1983–1998): Beginning in 1983, successive UN Secretaries-General facilitated low scale tripartite talks between Indonesia and Portugal, maintaining the legal dispute on the UN agenda until the fall of President Suharto in May 1998 opened a window for political resolution.

Social Context:

1. Ethnolinguistic Diversity & Colonial Influence

East Timor is home to over a dozen distinct ethnolinguistic groups (including Mambai, Makasae, and Bunak), bound together by Tetum, which functions as the regional lingua franca. Centuries of Portuguese rule left a distinct cultural footprint (most notably Roman Catholicism and a Portuguese-educated urban elite) setting the East Timorese socio-culturally apart from the predominantly Muslim, Malayo-Polynesian majority of broader Indonesia. This serves as an important distinction for understanding the division of perspectives.

2. Catholicism as a Pillar of Identity and Resistance

Under Indonesian rule, adherence to national ideology (Pancasila) required affiliation with a recognized monotheistic religion. The Timorese population overwhelmingly embraced the Roman Catholic Church. The Church served a dual role:

Spiritual & Human Rights Shield: Led by figures like Bishop Carlos Belo, the Church became the only institution capable of criticizing military abuses, offering sanctuary, and communicating atrocities to the outside world.

Unifying Identity: Mass in Tetum became a core symbol of national cohesion against cultural assimilation by Jakarta.

Historical, Social and Economic Context

Economic Context: (Stasis Date: September 1999)

1. Macroeconomic State & Underdevelopment

East Timor entered September 1999 as one of the poorest and most economically underdeveloped territories in Asia.

Colonial Neglect: Portugal left the territory with a primitive monoculture agrarian economy built almost entirely around raw coffee exports.

Budgetary Dependence on Jakarta: Under Indonesian rule, over 80% of East Timor's provincial budget was directly subsidized by central government transfers from Jakarta. State-owned enterprises and military-linked monopolies controlled key sectors, including coffee distribution and civil construction.

2. Strategic Offshore Resources: The Timor Gap

The primary economic asset at stake for international actors is the vast oil and natural gas potential in the Timor Sea (the Timor Gap).

Geopolitical Relevance: The status of the 1989 Timor Gap Treaty (negotiated between Australia and Indonesia) becomes legally ambiguous once Indonesian sovereignty is removed. Establishing who controls these maritime boundaries and future revenue-sharing arrangements is a central concern for regional powers like Australia and potential foreign investors.

The Road to the Popular Consultation (1998–1999)

1. The Fall of Suharto and the Reform Transition (May 1998)

President Suharto led the Indonesian government for 32 years; however, two major factors suddenly shattered his regime:

The Asian Financial Crisis (1997): The Indonesian economy collapsed, the local currency plummeted, and widespread poverty triggered massive student-led protests across Jakarta.

Dependence on the IMF: To prevent total economic collapse, Indonesia had to ask the International Monetary Fund (IMF) and Western nations for billions of dollars in emergency bailouts. This gave Western countries immense economic leverage over Jakarta for the first time in decades.

In **May 1998**, President Suharto resigned. His Vice President, B.J. Habibie, took power as interim President. Indonesia's international reputation was to be repaired and the country needed to secure financial aid; Habibie launched a period of rapid democratic reform known as Reformasi.

2. Habibie's Surprise Offer (January 1999)

In January 1999, President Habibie shocked both his own government and the international community by making an unannounced proposal regarding East Timor. He offered the East Timorese people a choice:

Special Autonomy: Remain part of Indonesia, but with broad self-governing powers over local affairs.

Separation (Independence): If the East Timorese rejected the autonomy offer, Indonesia would detach their current hold over East Timor and allow them to become an independent nation.

Why was this offer so fragile?

It is reported that President Habibie made this decision largely on his own, without consulting the Indonesian National Armed Forces (TNI). Deeply patriotic military commanders viewed East Timor as sacred land paid for with the blood of thousands of Indonesian soldiers. The military leadership was furious, setting up a dangerous clash between Jakarta's civilian government and military forces on the ground in Dili.

The Road to the Popular Consultation (1998–1999).

3. The May 5 Agreements (New York, 1999)

On May 5, 1999, negotiations facilitated by UN Secretary-General Kofi Annan led to a historic landmark treaty signed in New York by the Foreign Ministers of Indonesia and Portugal.

Under this, the UN was to administer a “Popular Consultation” with the choices mentioned above. After major deliberations over the sovereignty of Indonesia and the factors about allowing foreign troops on its soil, it was decided under **Article 3**, that the **absolute responsibility for law, order and security was assigned solely to Indonesia.**

4. UNAMET:

To organize and run the referendum, the UN Security Council passed Resolution 1246 on June 11, 1999, officially establishing the United Nations Mission in East Timor (UNAMET), led by Special Representative Ian Martin.

The Mandate: UNAMET was responsible for registering voters, educating the public on the ballot options, setting up polling stations, and counting the votes.

The Structural Limitation: UNAMET was a purely civilian mission. Its international staff wore blue caps, not military helmets. It included around 280 Civilian Police (CIVPOL) officers and 50 Military Liaison Officers (MLOs), all of whom were completely unarmed. They had no legal authority or physical capability to stop armed attacks. For any such incidents, they could only report violations to the local Indonesian police.

5. Reports of Pre-Ballot Intimidation and Terror Militia:

While it was certain that a fair vote would result in a landslide victory towards the independence of East Timor, hardline elements within Indonesia (with reports of some being linked with the Indonesian military) systematically created and funded anti-independence paramilitary groups that were meant to intimidate the population into choosing special autonomy.

Some major pre-vote atrocities were also recorded:

Liquiçá Church Massacre (April 1999): Armed militias and alleged TNI soldiers attacked thousands of displaced civilians sheltering inside a Catholic church compound, killing dozens.

Carrascalão House Attack (April 1999): Militias raided the house of a prominent pro-independence figure in Dili, murdering over a dozen refugees.

The Road to the Popular Consultation (1998–1999).

Postponements: Due to rampant violence and militia blockades that made voter registration impossible in several districts, SRSB Ian Martin was forced to postpone the vote twice, moving it from its original July date to August 30, 1999.

Despite death threats, militia roadblocks, and active violence, an **astounding 98.6% of registered voters** turned out on August 30, setting the stage for the chaotic aftermath of September 1999.



Current Situation as of Stasis Date

As mentioned in the previous section, the popular consultation produced a clear result, but the conditions to implement that result are rapidly deteriorating. Delegates should treat the situation as fluid, distinguish confirmed facts from allegations, and consider mechanisms for verification alongside immediate protection measures.

As of the stasis date, it is important to make a distinction between the conduct of the ballot itself and the wider security environment in which it occurred:

- UNAMET was able to open polling locations and complete the voting process.
- Voter participation was high despite reports of intimidation.
- The existence of armed groups and prior violence created fear among portions of the population.
- The ability of local authorities and Indonesian security institutions to guarantee security remained a matter of serious concern.
- The Council may wish to consider whether further independent verification, witness protection or monitoring is necessary to preserve confidence in the process.

Immediate Implications:

The result does not automatically create an independent state on 4 September. It triggers a political and legal process involving:

- Notification and action by Indonesian constitutional institutions.
- Implementation of Indonesia's commitments under the 5 May Agreements.
- Continued UN involvement in overseeing the transition process.
- Negotiation of administrative, security, humanitarian and political arrangements.
- Protection of all communities while East Timor's final status is implemented.

The principal question at the current moment is whether the conditions for safely implementing the outcome of the referendum exist, and if not, what is the way forward?

Immediate Aftermath

Following the announcement of the result, reports emerged of escalating violence in Dili and several other districts. These reports include arson, looting, attacks on residences and public buildings, intimidation of civilians and targeted violence against people perceived to support independence.

The available information suggests that the security environment has worsened quickly. The scale, precise perpetrators and local patterns of violence may differ across districts;

Current Situation as of Stasis Date

nevertheless, the Council must address the possibility that violence is not isolated or spontaneous but may be coordinated in some areas.

Reports received by UN and international actors indicate concerns regarding:

- Attacks on homes and neighbourhoods.
- Destruction or looting of private property.
- Burning of public facilities and communications infrastructure.
- Threats against local political representatives and community leaders.
- Roadblocks and restrictions on movement.
- The use of armed groups to intimidate civilians.
- Attacks or threatened attacks near locations associated with the United Nations, international organisations or foreign observers.

However, as of the stasis date, the Council should treat individual incidents and chains of responsibility as matters requiring urgent verification while responding to the evident risk to civilian life.

Risks to UN personnel and international observers:

UNAMET personnel, which includes international staff, local employees, civilian police advisers and military liaison officers, operate in an increasingly difficult environment. Their mission has successfully completed the consultation, but the security of its personnel, premises, records and communications is now under strain.

Concerns include:

- Threats directed at UNAMET staff and compounds.
- The vulnerability of local UN staff, interpreters, drivers and election workers after international personnel depart.
- The security of ballot materials, voter records and other evidence connected to the consultation.
- The ability of UNAMET to continue monitoring developments or coordinating a transition.
- Risks to humanitarian workers, diplomats, foreign observers and journalists.
- The possibility that international actors could be compelled to evacuate, limiting independent reporting and humanitarian assistance.

There have been allegations that elements of Indonesian security institutions have maintained connections with, tolerated or materially supported pro-integration militias. Such allegations are of profound importance, but they require careful examination. It is equally important to consider all practical consequences in the case of any security failures.

Current Situation as of Stasis Date

Humanitarian Concerns:

Delegates need to consider all possible parties at risk. Protection cannot be limited to one political constituency. It must extend to:

- Civilians in urban and rural areas.
- People displaced from their homes.
- Children, elderly people and people with disabilities.
- Women and girls at heightened risk of gender-based violence.
- Religious and community leaders.
- Local humanitarian and UN staff.
- Civilians affiliated with either independence or pro-integration political positions.
- People who do not publicly identify with either political camp.

Moreover, if the situation worsens humanitarian assistance may soon be required at a scale beyond the capacity of existing local networks. Early reports indicate that civilians are beginning to flee, or may be moved, from their homes. Concern surrounds movement toward **West Timor**, which remains under Indonesian administration. Under such mass displacement, the cause for concern multiplies as necessities come under tension.

Legal Framework

Every argument that will be made in this committee, whether for immediate deployment of an international force or for patience with Jakarta, rests on a legal claim. Delegates who can identify the legal foundation of their own position, and the weakness in the legal foundation of their opponents' positions, will shape the debate. This section sets out the principal bodies of law relevant to the agenda as they stood on 5th September 1999. It deliberately presents the law as contested, because in 1999 much of it was. The Executive Board strongly encourages delegates to read the primary texts referred to below rather than relying on summaries, including this one.

A reminder on stasis: only instruments, judgments and doctrines that existed on or before 5th September 1999 may be relied upon. Where this section refers to an instrument that had been adopted but was not yet in force, it says so explicitly.

7.1 The Right to Self-Determination

The Charter of the United Nations

Article 1(2) of the Charter lists among the purposes of the Organisation the development of friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples. Article 55 repeats this formulation as the basis for the Organisation's economic and social work. On its own, the Charter language is a principle rather than a fully formed legal right, and in 1945 it was not understood to require the dismantling of colonial empires.

More directly relevant is **Chapter XI**, the Declaration Regarding Non-Self-Governing Territories. Under **Article 73**, states administering territories whose peoples have not yet attained a full measure of self-government accept as a "sacred trust" the obligation to promote the well-being of those peoples, to develop self-government, and to transmit information on the territory to the Secretary-General. East Timor has been treated by the General Assembly as a Non-Self-Governing Territory under Portuguese administration since 1960, when **General Assembly Resolution 1542 (XV)** listed the territories under Portuguese administration, including Timor, as falling within Chapter XI despite Portugal's insistence at the time that they were "overseas provinces". That listing has never been withdrawn. Portugal, though it lost physical control of the territory in 1975, has remained the administering power in the eyes of the United Nations.

Legal Framework

General Assembly Resolutions 1514 (XV) and 1541 (XV)

Resolution 1514 (XV) of 14th December 1960, the Declaration on the Granting of Independence to Colonial Countries and Peoples, proclaims that all peoples have the right to self-determination and by virtue of that right freely determine their political status. It declares that the subjection of peoples to alien domination constitutes a denial of fundamental human rights and is contrary to the Charter. Paragraph 6, often cited by states anxious about secession, provides that any attempt aimed at the partial or total disruption of the national unity and territorial integrity of a country is incompatible with the Charter. Both sides of the East Timor question have relied on this resolution: the independence movement on its central proclamation, and Indonesia on the argument that East Timor had become part of its national territory.

Resolution 1541 (XV), adopted a day later, sets out the principles for determining whether a territory has ceased to be non-self-governing. It identifies three legitimate outcomes: emergence as a sovereign independent state, free association with an independent state, or integration with an independent state. Crucially, integration is permitted only where it is the result of the freely expressed wishes of the territory's peoples, acting with full knowledge of the change in their status, through informed and democratic processes, impartially conducted and based on universal adult suffrage. This is the standard against which the United Nations measured Indonesia's 1976 incorporation of East Timor, which rested on a petition from a "Popular Representative Assembly" convened in Dili under Indonesian military control. The General Assembly did not accept that process as a genuine act of self-determination.

Delegates should also be familiar with **General Assembly Resolution 2625 (XXV)** of 1970, the Declaration on Principles of International Law concerning Friendly Relations, which reaffirms self-determination as a principle of international law, and with **common Article 1** of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights (both 1966), which state that all peoples have the right of self-determination.

The International Court of Justice: East Timor (Portugal v. Australia), 1995

In 1991 Portugal instituted proceedings against Australia, arguing that by negotiating and concluding the 1989 Timor Gap Treaty with Indonesia, which provided for joint exploitation of seabed resources between Australia and East Timor, Australia had disregarded the rights of the people of East Timor to self-determination and to permanent sovereignty over their natural resources, and had disregarded Portugal's rights as administering power.

Legal Framework

In its judgment of 30th June 1995, the Court made two findings of lasting importance for this committee:

- The Court described Portugal's assertion that the right of peoples to self-determination has an **erga omnes** character, meaning it is owed to the international community as a whole, as irreproachable. It recorded that, for both parties, East Timor remained a Non-Self-Governing Territory whose people had the right to self-determination.
- However, the Court held that it could not exercise jurisdiction. Ruling on Australia's conduct would have required it first to rule on the lawfulness of Indonesia's entry into and continued presence in East Timor, and Indonesia had not consented to the Court's jurisdiction. Applying the principle from the *Monetary Gold* case (1954), the Court found that it could not decide on the rights and obligations of a state not before it. It emphasised that the erga omnes character of a norm and the rule of consent to jurisdiction are two different things.

The judgment is therefore double-edged. It is the strongest judicial statement available in 1999 that the people of East Timor hold a right of self-determination that all states must respect. It is also a demonstration that the international legal system lacked a ready mechanism to enforce that right against the state actually controlling the territory. Delegates should also look at the Court's earlier advisory opinions on **Namibia (1971)** and **Western Sahara (1975)**, both of which address self-determination in territories where an outside power claimed or exercised control.

Points of contention for the committee

- Has the right of self-determination now been exercised? The ballot of 30th August 1999 was organised by the United Nations under an agreement to which Indonesia consented. Many delegations will argue that the people have spoken and that the result must be implemented without condition.
- Is ratification by Indonesia's People's Consultative Assembly (MPR) a requirement of international law, or only of Indonesian domestic law? The 5th May Agreements anticipate Indonesian constitutional steps, but the United Nations never recognised Indonesian sovereignty. Delegates should consider what follows if the MPR were to refuse or delay.
- Does the 21.5% of voters who supported special autonomy have rights the Council should protect within an independent East Timor?

Legal Framework

7.2 Sovereignty and Non-Intervention

Article 2(4) and Article 2(7)

Article 2(4) obliges all members to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state.

Article 2(7) provides that nothing in the Charter authorises the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state, but adds a vital qualification: this principle shall not prejudice the application of enforcement measures under Chapter VII.

The structure matters. Article 2(7) does not limit the Security Council when it acts under Chapter VII. It does, however, carry great political weight in debates about whether the Council should act at all, and states sceptical of intervention routinely invoke it in that broader sense.

Indonesia's position

Indonesia regards East Timor as its 27th province, incorporated by Indonesian Law No. 7 of 1976. On that view, the restoration of order in Dili and the districts is a matter of internal security, and the 5th May Agreements themselves confirm this by placing responsibility for law and order squarely on Indonesian security authorities. Jakarta can also point out that it voluntarily agreed to the ballot, has publicly undertaken to respect the result, and is in the middle of a constitutional process to give it effect. Foreign troops on what it considers Indonesian soil would, in its view, violate Article 2(4) unless it consented.

The counter-arguments

- The United Nations has never recognised Indonesian sovereignty over East Timor. If the territory is not lawfully Indonesian, the claim that events there are Indonesian internal affairs is weakened considerably.
- East Timor has been on the agenda of the General Assembly since 1960 and of the Security Council since 1975. A matter that has been the subject of repeated Council resolutions is difficult to describe as essentially domestic.
- By signing the 5th May Agreements and inviting the United Nations to conduct the ballot, Indonesia itself internationalised the question.
- Precedent shows that the Council has treated internal repression and its consequences as matters of international concern: **Resolution 688 (1991)** found that the repression of Iraq's civilian population, including in Kurdish areas, and the resulting flows of refugees threatened international peace and security in the region. Earlier, the Council took measures against Southern Rhodesia (Resolutions 232 of 1966 and 253 of 1968) and imposed a mandatory arms embargo on apartheid South Africa (Resolution 418 of 1977).

Legal Framework

One lesson from these precedents is that Chapter VII authorisation and host-state consent are not mutually exclusive. In Albania, Haiti and Kosovo, the Council acted under Chapter VII even though the relevant authorities had consented or acquiesced. Chapter VII provided robust rules of engagement and binding obligations; consent provided political legitimacy and practical access. Delegates may wish to consider whether the same combination is available for East Timor.

Consent-based deployment

A traditional peacekeeping operation deploys with the consent of the parties. In East Timor, this raises an unusual question: whose consent counts? Indonesia exercises control but its sovereignty is unrecognised by the United Nations. Portugal is the recognised administering power but has no presence on the ground and could not guarantee the safety of any force. A deployment with Portuguese consent alone might be legally defensible and practically suicidal; a deployment with Indonesian consent alone might be practical but seen as conceding Indonesian sovereignty.

Delegates should also think about the quality of consent. If Indonesia agrees to an international presence under heavy diplomatic and economic pressure, is that consent valid? Article 52 of the Vienna Convention on the Law of Treaties (1969) provides that a treaty is void if procured by the threat or use of force in violation of the Charter. Most international lawyers in 1999 did not regard economic or political pressure as falling within this rule, but the question was debated, and Indonesian nationalists would certainly raise it.

Humanitarian intervention as debated in 1999

Between March and June 1999, NATO conducted an air campaign against the Federal Republic of Yugoslavia over Kosovo without Security Council authorisation. Supporters, including the United Kingdom, argued that force was justified by overwhelming humanitarian necessity where the Council was unable to act. Critics, including Russia, China and many members of the Non-Aligned Movement, argued that the action was a clear violation of the Charter. On 26th March 1999 a draft resolution, sponsored by Russia with Belarus and India, demanding an immediate cessation of the use of force against Yugoslavia, was defeated by three votes in favour (China, Namibia and Russia) to twelve against.

Secretary-General Kofi Annan had already raised the dilemma in his 1998 Ditchley Foundation lecture on intervention, and in April 1999 British Prime Minister Tony Blair set out a “doctrine of the international community” in a speech in Chicago, proposing criteria for when outside intervention would be justified. Neither statement created law. The debate was live, unresolved and deeply divisive on 5th September 1999. Delegates must not invoke the “Responsibility to Protect”, which was not articulated until 2001.

Legal Framework

For East Timor, the Kosovo debate cuts in several directions. States that supported NATO's action may be accused of inconsistency if they now insist on Indonesian consent. States that opposed NATO's action may argue that the Council must not be bypassed again and that it should therefore act decisively itself. And all members are aware that, unlike Kosovo, East Timor is a territory whose annexation the United Nations never recognised and whose ballot the United Nations itself organised.

7.4 International Humanitarian Law and Human Rights Law *The Geneva Conventions of 1949*

Both Indonesia and Portugal are parties to the four Geneva Conventions of 1949. Indonesia is not a party to either of the two Additional Protocols of 1977. The applicability of humanitarian law to East Timor depends on how the situation is characterised, and that characterisation is itself contested:

- If the situation is a **non-international armed conflict**, Common Article 3 applies, prohibiting violence to life and person, hostage-taking, humiliating and degrading treatment, and executions without judgment by a regularly constituted court. The threshold for a non-international armed conflict was clarified by the ICTY Appeals Chamber in *Tadić* (1995): protracted armed violence between governmental authorities and organised armed groups, or between such groups. With FALINTIL having cantoned its fighters and much of the violence being directed by militias at unarmed civilians, it is debatable whether this threshold is met.
- If, as Portugal and some commentators have argued, East Timor has been under **belligerent occupation** since 1975, then the Fourth Geneva Convention applies in full. Its Article 49 prohibits individual or mass forcible transfers and deportations of protected persons from occupied territory, regardless of motive. This would be directly relevant to reports of civilians being moved into West Timor. Indonesia rejects the characterisation of its presence as an occupation.
- If neither threshold is met, the situation is governed by human rights law and by domestic criminal law, with the territorial authority bearing primary responsibility for protecting the population.

Legal Framework

International human rights law

Indonesia had not, by September 1999, ratified the International Covenant on Civil and Political Rights. Delegates should not therefore claim that Indonesia is bound by the Covenant as a treaty. However, core rights, including the right not to be arbitrarily deprived of life and the prohibition of torture, are widely regarded as part of customary international law and binding on all states. Indonesia ratified the Convention against Torture in 1998, the Convention on the Elimination of All Forms of Discrimination against Women in 1984 and the Convention on the Rights of the Child in 1990. Portugal is a party to the Covenant, which raises the question of what responsibilities an administering power without effective control can realistically discharge.

The United Nations human rights machinery has engaged with East Timor for years. The Commission on Human Rights adopted a resolution on East Timor in 1993 and has issued chairman's statements in other years; special rapporteurs, including the Special Rapporteur on extrajudicial, summary or arbitrary executions, have visited the territory; and the High Commissioner for Human Rights, Mary Robinson, has spoken on the situation. Delegates should research these reports for evidence of patterns of violations prior to the ballot.

The Genocide Convention

Indonesia is not a party to the 1948 Convention on the Prevention and Punishment of the Crime of Genocide. However, the International Court of Justice, in its 1951 advisory opinion on reservations to the Convention, recognised that its underlying principles are binding on states even without any conventional obligation. Activists and some scholars have described the very high death toll of the occupation years, estimated in the range of 100,000 to 200,000 people, as genocidal.

Delegates should use this term with care. Genocide requires the specific intent to destroy, in whole or in part, a national, ethnical, racial or religious group as such. Many of the acts reported in East Timor may be more accurately described as **crimes against humanity**, which do not require that specific intent but require a widespread or systematic attack directed against a civilian population. That category was defined in the Statutes of the ICTY (Article 5) and ICTR (Article 3), and in Article 7 of the Rome Statute. Precision of language will be expected by the Board, and loose use of the word genocide is likely to be challenged by other delegations.

Legal Framework

7.5 Accountability Mechanisms Available in 1999

The 1990s transformed the international community's approach to individual criminal responsibility. Delegates considering accountability have the following tools and precedents available, each with limitations:

- **Ad hoc international tribunals.** The Council established the International Criminal Tribunal for the former Yugoslavia by Resolutions 808 and 827 (1993), and the International Criminal Tribunal for Rwanda by Resolution 955 (1994), both under Chapter VII. In *Tadić* (1995) the ICTY Appeals Chamber upheld the Council's power to create such a body. The tribunals have been costly and slow, and some members are reluctant to create more.
- **The Rome Statute of the International Criminal Court.** Adopted on 17th July 1998, the Statute requires sixty ratifications to enter into force and had not entered into force by September 1999. Even once in force, under Article 11 it will apply only to crimes committed after its entry into force. Delegates may refer to the Statute as evidence of developing standards but cannot rely on the Court as an available mechanism.
- **Commissions of inquiry and experts.** The Council established a Commission of Experts on the former Yugoslavia (Resolution 780 of 1992) and on Rwanda (Resolution 935 of 1994), whose findings informed the creation of the tribunals. A fact-finding body is a lower-cost, less confrontational first step.
- **National mechanisms.** Indonesia established a National Commission on Human Rights (Komnas HAM) in 1993. Indonesia's reformist government may argue that accountability should be domestic, consistent with its democratic transition. Sceptics will question whether Indonesian courts could try senior military officers.
- **Truth and reconciliation.** South Africa's Truth and Reconciliation Commission, which presented its report in 1998, offers a model that prioritises acknowledgement and reconciliation over prosecution.
- **Universal jurisdiction.** The proceedings in the United Kingdom concerning General Augusto Pinochet in 1998 and 1999 have revived interest in the prosecution of serious crimes by third states.

Legal Framework

7.6 Refugee and Displacement Law

The 1951 Convention relating to the Status of Refugees and its 1967 Protocol define a refugee as a person who, owing to a well-founded fear of persecution on specified grounds, is outside the country of his or her nationality. Indonesia is not a party to either instrument.

The status of people who have fled or been moved from East Timor into West Timor raises a genuinely difficult legal question that delegates should explore:

- If Indonesia's incorporation of East Timor is regarded as lawful, these people have moved within one state and are **internally displaced persons**. Primary responsibility for them lies with Indonesia.
- If East Timor is a Non-Self-Governing Territory whose annexation was never recognised, then movement into West Timor arguably involves crossing an international boundary, and those moved may be regarded as **refugees**, engaging the mandate of the United Nations High Commissioner for Refugees under its 1950 Statute.
- The **Guiding Principles on Internal Displacement**, presented to the Commission on Human Rights in 1998 by the Representative of the Secretary-General, Francis Deng, are not binding but restate existing law. They address protection against arbitrary displacement, humanitarian access, and the right to return voluntarily, in safety and dignity.
- The principle of **non-refoulement** is widely regarded as customary international law. The Universal Declaration of Human Rights (Article 13) recognises the right to return to one's country.

Recent experience also matters. The camps in eastern Zaire after 1994 showed how displaced populations can be controlled by armed groups who use the camps as bases and the people in them as political leverage. Delegates should consider how the civilian and humanitarian character of any camps in West Timor could be protected, and by whom.

Legal Framework

7.7 The 5th May Agreements

On 5th May 1999, in New York, the Foreign Ministers of Indonesia (Ali Alatas) and Portugal (Jaime Gama) signed three agreements with the Secretary-General. They are the most important legal texts for this committee, and delegates are expected to have read them in full. They are annexed to the Secretary-General's report of 5th May 1999 (S/1999/513).

- **The main Agreement on the question of East Timor** requested the Secretary-General to put a proposed constitutional framework for special autonomy to the people of East Timor through a popular consultation. It set out what would follow from each result. If the autonomy proposal were rejected, the Government of Indonesia would take the constitutional steps necessary to terminate its links with East Timor, restoring the status the territory held before 17th July 1976; Indonesia, Portugal and the Secretary-General would agree arrangements for a peaceful and orderly transfer of authority to the United Nations; and the Secretary-General, subject to the appropriate legislative mandate, would initiate the procedure enabling East Timor to begin a process of transition towards independence. The parties also requested the Secretary-General to maintain an adequate United Nations presence in the interim period between the ballot and the start of implementation of either option.
- **The Agreement on the modalities for the popular consultation** set the question to be asked, the categories of eligible voters (including those born in East Timor and living abroad), and the timetable, which was subsequently delayed.
- **The Agreement on security** provided that a secure environment devoid of violence or other forms of intimidation was a prerequisite for a free and fair ballot, and that responsibility for ensuring such an environment and for the general maintenance of law and order rested with the appropriate Indonesian security authorities. It required the absolute neutrality of the armed forces and police, and contemplated the laying down of arms by armed groups. The Secretary-General was to ascertain, before the start of registration and before the ballot, that the necessary security situation existed.

Legal Framework

Legal status and questions for debate

The agreements are binding international agreements between Indonesia and Portugal, concluded with the participation of the Secretary-General and endorsed by the Council in Resolution 1236 (1999). They raise several questions on which delegates will divide:

- Has Indonesia breached its security obligations? If so, does the breach have legal consequences, for example under the principle in Article 60 of the Vienna Convention on the Law of Treaties concerning material breach, or does it simply strengthen the political case for Council action?
- Indonesia's exclusive responsibility for security was the price of its agreement to the ballot. Does that responsibility now bar an international force, or does Indonesia's failure to discharge it end its claim to exclusivity?
- The agreements require the United Nations to maintain a presence in the interim period. Could Indonesia lawfully demand UNAMET's withdrawal? Could the Council lawfully withdraw it?
- The agreements anticipate a transfer of authority to the United Nations. What would the Council need to decide to make that transfer real, and when?

Key Actors and Stakeholders

The Security Council will debate this agenda as fifteen states, but the outcome of the crisis depends on a much wider set of actors, many of whom will never sit in the chamber. This section identifies each of them, their interests, their sources of leverage and the questions delegates should ask about them. Delegates should treat these profiles as starting points: the internal divisions within each actor are often as important as the differences between them.

8.1 The Government of Indonesia

President B.J. Habibie

Bacharuddin Jusuf Habibie became President on 21st May 1998 when Suharto resigned amid the Asian Financial Crisis and mass protests. A German-trained engineer and long-time minister, Habibie was initially seen as a placeholder closely associated with the old regime. He has since pursued substantial reforms: releasing political prisoners, lifting press restrictions, and holding Indonesia's first genuinely competitive parliamentary elections since the 1950s on 7th June 1999.

His decision in January 1999 to offer East Timor a choice between special autonomy and separation surprised his own cabinet and the armed forces. Among the factors behind it were the international cost of the occupation, Indonesia's dependence on international financial support, and a December 1998 letter from Australian Prime Minister John Howard suggesting that East Timor might be offered an act of self-determination after a period of autonomy. Habibie's domestic position is weak. The People's Consultative Assembly (MPR) is expected to meet in the coming months to elect a president, and the loss of East Timor may be used against him by rivals. His government's ability to deliver on its international commitments depends on his ability to command a military that did not support his East Timor policy.

Foreign Minister Ali Alatas

Ali Alatas has been Indonesia's Foreign Minister since 1988 and the country's principal negotiator in the tripartite talks. He is widely credited with the remark that East Timor had become a pebble in Indonesia's diplomatic shoe. He is likely to argue that Indonesia has honoured its commitments by holding the ballot, that it will honour the result, and that the Council should give Jakarta time and support rather than threats.

The armed forces (TNI) and General Wiranto

General Wiranto is Commander of the Armed Forces and Minister of Defence and Security. In April 1999, the national police were formally separated from the armed forces, which were renamed from ABRI to TNI; under the 5th May Agreements the police hold formal responsibility for law and order, but in practice the military remains dominant in East Timor.

Key Actors and Stakeholders

The military's institutional stake in East Timor is deep. Many officers served there; thousands of Indonesian soldiers died there; military-linked businesses operate there; and the doctrine of *dwifungsi* (dual function) gave the armed forces a political as well as a security role for decades. Senior officers fear that separation would encourage independence movements in **Aceh** and **Irian Jaya**, and see the ballot as a humiliation imposed by foreigners. There are persistent reports, including from UNAMET, journalists and human rights organisations, that elements of the military, including the special forces (Kopassus) and intelligence units, have organised, armed and directed the militias. The question of whether Wiranto is unable or unwilling to restrain them, and whether the chain of command in East Timor reaches back to Jakarta, is central to this agenda.

Nationalist and political opposition

Much of Indonesia's political class opposed the ballot. Megawati Sukarnoputri, whose party won the largest share of the vote in June 1999 and who is a leading candidate for the presidency, criticised Habibie's decision to offer separation. Nationalist sentiment, inflamed by perceptions of Western and especially Australian interference, constrains what any Indonesian government can concede, including over foreign troops.

8.2 Pro-Integration Militias

Armed groups supporting integration with Indonesia proliferated from late 1998 onwards. They operate in most of East Timor's thirteen districts, each with a local name and leadership. Among the most prominent are **Aitarak** in Dili, led by Eurico Guterres, and **Besi Merah Putih** in Liquiça. Others include groups such as Mahidi, Laksaur and Halilintar in the western and southern districts. An umbrella structure, the Pasukan Pejuang Integrasi (Integration Fighters' Force) under João Tavares, claims to coordinate them, while political organisations such as the Forum for Unity, Democracy and Justice (FPDK) present the pro-autonomy case.

The militias and their political allies claim to represent genuine Timorese support for integration, and they point out that more than 94,000 people voted for special autonomy. They have accused UNAMET of bias and of irregularities in the conduct of the ballot. Their opponents, and many international observers, describe them as instruments of the Indonesian military, citing reports of weapons supply, training, funding from local government budgets and the presence of soldiers among their ranks. Delegates should consider whether the militias can be disarmed by consent, whether they will respond to orders from Jakarta, and what should happen to pro-autonomy Timorese in an independent East Timor.

Key Actors and Stakeholders

8.3 Pro-Independence Forces

The National Council of Timorese Resistance (CNRT)

The CNRT was formed in April 1998 as an umbrella organisation uniting FRETILIN, UDT and other pro-independence groups that had been bitterly divided since the civil conflict of 1975. Its unity was a significant achievement and allowed the independence campaign to present a single face during the ballot. It is the most likely partner of the United Nations in any transitional arrangement.

FALINTIL and the policy of cantonment

FALINTIL, the armed resistance, has maintained a guerrilla presence in the mountains since 1975, though much reduced in number. In 1999, on the instructions of Xanana Gusmão, FALINTIL adopted a policy of restraint and voluntary cantonment of its fighters at designated sites. The strategy was deliberate: it denied Indonesia and the militias the argument that the violence was a civil war between two Timorese factions, which the security forces were neutrally attempting to contain. The policy now places FALINTIL's leadership under severe pressure as civilians are attacked. Whether FALINTIL should be permitted or encouraged to defend the population, and the risk that its intervention would trigger open conflict with the TNI, is an important question for the Council.

Xanana Gusmão

José Alexandre "Xanana" Gusmão, the commander of FALINTIL and President of the CNRT, was captured in Dili in November 1992 and sentenced to life imprisonment, later commuted to twenty years. In early 1999 he was moved from Cipinang prison to a form of house detention in Jakarta, where he has met diplomats and United Nations officials. He remains in Indonesian custody at the stasis date. His release, his safety and his potential role as the leader of a transitional East Timor are issues the Council may wish to address.

José Ramos-Horta

José Ramos-Horta left East Timor days before the 1975 invasion and has represented the resistance internationally ever since, including at the United Nations. He shared the 1996 Nobel Peace Prize with Bishop Belo and is Vice-President of the CNRT. He has been a persistent advocate of an international peacekeeping force.

Key Actors and Stakeholders

8.4 The Catholic Church

The Catholic Church grew enormously in East Timor during the Indonesian period, in part because Indonesian law required citizens to profess a recognised religion, and because the Church was the one institution able to offer some protection and voice to the population. A large majority of East Timorese now identify as Catholic. Bishop Carlos Filipe Ximenes Belo, Apostolic Administrator of Dili and co-recipient of the 1996 Nobel Peace Prize, has been the most prominent moral voice inside the territory, documenting abuses and calling for dialogue. Bishop Basílio do Nascimento of Baucau plays a similar role in the east. Churches and Church compounds have historically served as places of refuge; the attack on displaced people sheltering at the church in Liquiça in April 1999 showed that this protection can no longer be assumed.

8.5 Portugal

Portugal remains the administering power recognised by the United Nations and is a party to the 5th May Agreements. Its constitution commits the Portuguese state to promoting East Timor's right to self-determination and independence. Prime Minister António Guterres, Foreign Minister Jaime Gama and President Jorge Sampaio face intense public pressure; East Timor is a matter of national conscience in Portugal, and the last unresolved chapter of its decolonisation.

Portugal's leverage is diplomatic rather than military. It can press its partners in the European Union, which adopted a Common Position on East Timor in 1996, and in the Community of Portuguese Language Countries (CPLP), founded in 1996, which includes Brazil. Portugal is not a Council member and would participate only if invited. Delegates should consider Portugal's legal rights as administering power, including whether its consent could form a legal basis for an international presence, alongside its practical inability to secure the territory.

8.6 Australia and New Zealand

Australia

Australia's history with East Timor is complicated. Australian commandos fought in Timor during the Second World War with significant local support. In 1975, five journalists working for Australian television were killed at Balibo during Indonesian incursions before the full invasion. In 1979 Australia became one of the very few states to extend de jure recognition to Indonesia's incorporation of East Timor, and in 1989 it concluded the Timor Gap Treaty with Indonesia, the subject of the ICJ case. In 1995 Australia and Indonesia signed an Agreement on Maintaining Security.

Key Actors and Stakeholders

Under Prime Minister John Howard and Foreign Minister Alexander Downer, Australian policy shifted in late 1998, culminating in Howard's letter to Habibie. Australia has the closest military capability to East Timor, with Darwin serving as a natural staging point, and has indicated a willingness to play a leading role in an international force. Australian ministers have, however, emphasised that any such force would require Indonesian consent and a Security Council mandate. Indonesian resentment of Australia is high, and an Australian-led operation could inflame nationalist opinion in Jakarta. Delegates should weigh Australia's capability against these political sensitivities.

New Zealand

New Zealand has contributed personnel to UNAMET and has recent regional peace operations experience, having led the Truce Monitoring Group in Bougainville in 1997 and 1998. It is the host of the APEC leaders' meeting scheduled to take place in Auckland in mid-September 1999, which will bring together the leaders of the United States, China, Russia, Indonesia, Australia and others, and which may become an important venue for diplomacy outside the Council chamber.

8.7 The Association of Southeast Asian Nations (ASEAN)

Indonesia is ASEAN's largest member and a founding member of the Association (1967). The principle of non-interference in the internal affairs of member states, reflected in the 1976 Treaty of Amity and Cooperation in Southeast Asia, is foundational to ASEAN's identity. In 1998 Thailand's Foreign Minister, Surin Pitsuwan, proposed a policy of "flexible engagement" under which members could discuss each other's domestic affairs where these had regional consequences; it was largely rejected by other members.

ASEAN has no collective security mechanism capable of deploying a peace operation, and the ASEAN Regional Forum (established 1994) is a dialogue body. Its members have also been weakened by the Asian Financial Crisis. Nevertheless, the participation of ASEAN states such as Thailand, the Philippines, Malaysia and Singapore in any international response could significantly increase its acceptability in Jakarta and reduce the perception of a Western or Australian intervention. Under Chapter VIII of the Charter, the Council may encourage regional arrangements to contribute to the peaceful settlement of local disputes, though ASEAN is not structured to lead.

8.8 The United Nations Secretariat and UNAMET

Secretary-General Kofi Annan has invested personal authority in the East Timor process, which his predecessors had pursued through the tripartite talks since 1983. His Personal Representative for East Timor, Ambassador Jamsheed Marker of Pakistan, appointed in 1997, led the negotiations that produced the 5th May Agreements. Annan, a former head of peacekeeping, is acutely conscious of the failures in Rwanda and Srebrenica.

Key Actors and Stakeholders

UNAMET is led by the Special Representative of the Secretary-General, Ian Martin, a former Secretary-General of Amnesty International. The mission comprises international political, electoral and administrative staff, United Nations Volunteers serving as district electoral officers, unarmed civilian police advisers and military liaison officers, and several thousand locally recruited East Timorese staff. It has no armed protection force of its own and relies on Indonesian security forces for its safety.

At the stasis date, UNAMET faces three linked problems. First, the safety of its international staff and, even more acutely, its local staff, who face reprisals as perceived independence supporters. Second, the pressure to consolidate or withdraw from district offices under militia attack. Third, its mandate: under Resolution 1262 (1999) it is meant to remain through an interim phase to 30th November 1999, but it cannot fulfil any meaningful role if it cannot operate safely. Whether UNAMET stays or leaves is a decision with profound moral and political consequences.

8.9 International Financial Institutions

Indonesia has been dependent on support from the International Monetary Fund since late 1997, when a large international rescue package was assembled in response to the collapse of the rupiah. Its programme with the IMF, and lending by the World Bank and the donor group chaired by the World Bank (the Consultative Group on Indonesia), are vital to its recovery. In August 1999, a scandal involving Bank Bali and alleged diversion of funds to political ends led to questions about the continuation of disbursements.

This dependency is potential leverage, and some states and advocacy groups argue that continued financial support should be explicitly linked to Indonesia's conduct in East Timor. Others warn that withholding support would harm ordinary Indonesians, destabilise a fragile democratic transition, and politicise institutions whose founding articles direct them to consider economic factors only. The Council has no authority over the IMF or the World Bank, but its members are their principal shareholders.

8.10 Humanitarian Actors

The principal humanitarian actors are the Office of the United Nations High Commissioner for Refugees (UNHCR), led by Sadako Ogata; the World Food Programme (WFP); the United Nations Children's Fund (UNICEF); the Office for the Coordination of Humanitarian Affairs (OCHA), established in 1998; the International Committee of the Red Cross (ICRC), which has operated in East Timor under restrictions since 1979; and a range of international and local non-governmental organisations. Even before the ballot, tens of thousands of East Timorese were internally displaced by militia violence. These organisations need safe access, security guarantees and funding, and their presence in West Timor depends on the cooperation of the Indonesian authorities. Delegates should consider what the Council can do to secure humanitarian access without placing aid workers at greater risk.

Key Issues and Arguments from All Sides

This section sets out the central debates the committee will face. For each issue, it presents the strongest arguments made by different sides as they stood in September 1999. The Executive Board makes no recommendation. The arguments are deliberately presented at their most persuasive, and delegates should expect to hear each of them from someone in the room. A delegate who understands the opposing case as well as their own will be in a far stronger position to negotiate.

9.1 Consent versus Intervention

This is the central question of the agenda. Should the Council wait for, or actively seek, Indonesia's consent to an international presence, or should it be prepared to act under Chapter VII without that consent?

Arguments for waiting for, or securing, Indonesian consent

- **Sovereignty and legal order.** Whatever the formal status of East Timor, Indonesia has administered it for nearly twenty-four years. Forcing troops in against Jakarta's will would set a precedent for intervention in the internal affairs of states that many members, including permanent members, will not accept.
- **Practicality.** Indonesia has a large military presence in East Timor and controls the land, sea and air approaches. A force deployed without consent could find itself in combat with the armed forces of the world's fourth most populous state. No country has offered to fight its way in.
- **Legitimacy and durability.** An international presence that Indonesia accepts can work with Indonesian authorities on withdrawal, handover and the return of displaced people from West Timor. One that Indonesia resists will face obstruction at every step.
- **Protecting Indonesia's democratic transition.** Habibie's reformist government is fragile. A humiliating intervention could strengthen hardliners, undermine the MPR's ratification of the ballot result and endanger reform across the archipelago.
- **Regional stability.** ASEAN states will be uneasy at a precedent for intervention in a member state. A confrontation with Indonesia could destabilise the entire region at a time of economic crisis.
- **Time.** Indonesia has not refused assistance outright. Intense diplomacy, including through bilateral pressure and the upcoming APEC meeting, may produce consent within days, which would be preferable to a divisive vote.

Key Issues and Arguments from All Sides

Arguments for Chapter VII action without consent if necessary

- **Gravity and urgency.** Reports of killings, arson and forced displacement are emerging daily. The Council learned in Rwanda that delay while awaiting perfect conditions can cost tens of thousands of lives.
- **The unrecognised annexation.** The United Nations has never accepted that East Timor is Indonesian territory. Indonesia cannot rely on sovereignty to veto action in a territory over which the United Nations does not recognise its sovereignty.
- **The Council's own responsibility.** The Council endorsed the agreements, mandated UNAMET and encouraged the people of East Timor to vote. Nearly 99% of registered voters did so, many at great personal risk. To abandon them now would be a profound betrayal and a blow to the credibility of every future United Nations electoral mission.
- **Indonesia's failure to perform.** Indonesia undertook to maintain security as the condition of the ballot. If it cannot or will not do so, the premise on which its exclusive responsibility rested has collapsed.
- **Credibility of the Council.** After Rwanda, Srebrenica and the bypassing of the Council over Kosovo, the Council must demonstrate that it can act when needed. Insisting on consent from the party allegedly behind the violence would allow that party to determine the outcome.
- **Threat of action as leverage.** Even if forced entry is undesirable, a credible willingness to authorise it may be what persuades Jakarta to consent.

Points of tension

- Can the Council determine a threat to international peace and security without proceeding to authorise force? What would such a determination achieve on its own?
- Should any consent requirement come from Indonesia, Portugal, or both? What if Indonesia offers consent but imposes conditions on the composition, mandate or duration of the force?
- Is there a realistic prospect of veto by China or Russia if a resolution is drafted without reference to Indonesian consent? How would the sponsors respond?

Key Issues and Arguments from All Sides

9.2 The Nature of Any International Presence

If the Council decides that an international presence is needed beyond the existing UNAMET, it must decide what kind. Each option has different implications for speed, cost, legitimacy, capability and command. The table below summarises the principal options.

Option	Precedents	Strengths	Weaknesses
Expanded or reinforced UNAMET	Previous extensions of UNAMET under Resolutions 1257 and 1262 (1999)	Builds on an existing mandate and local knowledge; does not require new troop contributors; least objectionable to Indonesia.	UNAMET has no armed component; adding civilian police or liaison officers does not provide protection against armed militias; it still depends on Indonesian security forces.
United Nations peacekeeping operation	UNTAC (Cambodia, 1992–93); UNPROFOR (former Yugoslavia, 1992–95); UNAMIR (Rwanda, 1993–96)	Universal legitimacy; financed through assessed contributions; can include troops from many regions including ASEAN.	Traditionally slow to deploy, often taking months to assemble troops and logistics; vulnerable when deployed without robust mandate, as UNPROFOR and UNAMIR showed; requires consent in its traditional form.
Council-authorised multinational force under a lead nation	UNITAF (Somalia, 1992); MNF (Haiti, 1994); Operation Alba (Albania, 1997); KFOR (Kosovo, 1999)	Can deploy quickly with a unified command; lead nation provides capability; can later hand over to a United Nations operation, as in Haiti.	Financed by contributors, so depends on willingness to pay; risk of being seen as dominated by the lead nation; Indonesian sensitivity about the likely lead nation.

Key Issues and Arguments from All Sides

Mandate and rules of engagement

Delegates drafting provisions on any force must specify its tasks. Possible tasks include restoring peace and security, protecting and supporting UNAMET, facilitating humanitarian assistance, protecting civilians, disarming militias, and supporting the eventual transition. Each task has implications for the rules of engagement. A force mandated only to protect UNAMET personnel cannot be expected to stop militias attacking civilians. A force mandated to take all necessary measures could find itself in confrontation with Indonesian units if the boundary between militia and military is unclear.

Lead nation and composition

- **Australia** has the capability and proximity but faces deep Indonesian suspicion. Supporters of an Australian lead argue that capability must come first; critics argue that an Australian-dominated force would confirm Indonesian narratives of foreign interference.
- **ASEAN participation** would increase acceptability in Jakarta and reflect regional ownership. ASEAN states, however, are constrained by the non-interference principle, by economic difficulties and by limited expeditionary capability. A significant ASEAN deputy command role is one possible compromise.
- **Other contributors** may include New Zealand, the United Kingdom, Canada, France and others. The United States, with forces committed in the Balkans and constrained by domestic policy on peacekeeping, may prefer to offer logistical, intelligence and communications support rather than ground troops.
- **Duration and handover.** Delegates should consider whether any multinational force should be time-limited and replaced by a United Nations peacekeeping operation, and what triggers the handover.

9.3 Protection of Civilians and United Nations Personnel

UNAMET's staff are under direct threat. The Council must decide how to protect them, and the tension between protecting United Nations personnel and protecting the population they serve is acute.

Arguments for evacuation or drawdown

- The Council cannot ask unarmed civilians, police advisers and volunteers to remain in a situation where they cannot be protected. Their governments will insist on their safety.
- The Convention on the Safety of United Nations and Associated Personnel (1994), which entered into force in January 1999, reflects the international community's concern for those who serve under the United Nations flag.
- A small, orderly withdrawal now may prevent a chaotic one later, and staff can return when security is restored.

Key Issues and Arguments from All Sides

Arguments for continued presence

- UNAMET's presence is one of the few remaining protections for the population and a source of independent reporting. Withdrawal would remove the international community's eyes and ears and could be read by the militias as a signal that they may act without restraint.
- The memory of the withdrawal of most of UNAMIR from Rwanda in April 1994 (Resolution 912) weighs heavily. Withdrawal under fire in that case was followed by genocide.
- The 5th May Agreements require an adequate United Nations presence in the interim period. Withdrawal would undermine the legal framework for the transition.

Local staff and displaced people

Locally recruited East Timorese staff are especially vulnerable, as they are identified with the United Nations and the independence vote but do not have the protection of foreign nationality. Any evacuation plan that leaves them behind raises serious moral questions. So does the position of civilians who may seek refuge with UNAMET. Delegates should consider whether the Council can or should require the evacuation of local staff and their families, and where they would go.

9.4 Humanitarian Access and Displacement

The humanitarian crisis has two theatres: within East Timor, and in West Timor and other parts of Indonesia, where displaced people are arriving.

- **Within East Timor**, humanitarian agencies need safe access to the population, including those who have fled to the hills. Food, water, shelter and medical care may be in short supply if displacement continues and if infrastructure is destroyed.
- **In West Timor**, displaced people are on territory whose Indonesian sovereignty is not disputed. Humanitarian agencies depend on Indonesian permission to operate. There are concerns about the presence of militias in or near camps, about whether movements are voluntary, and about the screening and protection of those who wish to return.
- **The right of return** must be preserved. Delegates should consider what conditions are necessary for safe and voluntary return, who should monitor it, and how those who supported autonomy and do not wish to return should be treated.

One side will argue that humanitarian access can only be guaranteed by an international security presence. Another will argue that Indonesia, as the authority in control, must be pressed to provide access and that humanitarian assistance should not be held hostage to political disputes about sovereignty and force.

Key Issues and Arguments from All Sides

9.5 Indonesia's Responsibilities and the Question of Leverage

Most members accept that Indonesia currently bears responsibility for security. The disagreement is over how hard, and by what means, the Council should press Jakarta to fulfil that responsibility.

Range of measures available

- **Diplomatic measures.** Statements by the President of the Council, demarches by members, a Council mission to Jakarta and Dili, and engagement through regional meetings such as APEC.
- **Measures under Article 41.** An arms embargo, restrictions on military cooperation, targeted measures against named individuals, or other non-military measures. These require a determination under Article 39 and are binding on all members.
- **Economic and financial pressure.** Bilateral decisions to suspend military cooperation or aid, and the conditioning of international financial support through the IMF, World Bank and donor groups, which are outside the Council's authority but within the power of its members.
- **Military measures.** Authorisation of an international force under Article 42, discussed above.

Arguments for strong pressure

- Indonesia responds to pressure: the ballot itself came about partly because of international economic and diplomatic pressure following the crisis of 1997 and 1998.
- The TNI is the institution most able to stop the violence. Measures targeted at military cooperation and individual commanders place pressure where it is most likely to change behaviour.
- A clear threat of consequences gives Habibie and Alatas leverage against hardliners in Jakarta: they can argue that the international community leaves them no choice.

Arguments for restraint

- Sanctions on a country recovering from economic collapse would harm millions of ordinary Indonesians who have no responsibility for events in East Timor.
- Pressure may provoke a nationalist backlash and strengthen exactly those factions that oppose the ballot result, harming both East Timor and Indonesia's democracy.
- Indonesia has a reformist government that has already made a historic concession. It should be treated as a partner, not a pariah.
- Coercive measures may require a determination under Article 39 that China and Russia, among others, may be unwilling to accept.

Key Issues and Arguments from All Sides

9.6 The Political Transition

The ballot result rejects autonomy. Under the 5th May Agreements, this should lead to the termination of Indonesian links with East Timor and a transfer of authority to the United Nations, followed by a transition to independence. Many questions about how this happens remain open.

- **The MPR.** Indonesia's People's Consultative Assembly must act to revoke the 1978 decree incorporating East Timor. The MPR is expected to convene in the coming months, following the June 1999 elections. Delegates should consider what the Council should do if the MPR delays, imposes conditions or refuses.
- **Transfer of authority.** The agreements contemplate a transfer to the United Nations, but do not specify its form. The Council has relevant precedents: the United Nations Temporary Executive Authority in West New Guinea (1962–63), which, ironically, oversaw a transfer to Indonesia; UNTAC in Cambodia (1992–93); UNTAES in Eastern Slavonia (1996–98); and UNMIK in Kosovo, established in June 1999. Each involved the United Nations exercising governmental functions to varying degrees.
- **Interim arrangements.** Who administers East Timor between the withdrawal of Indonesian authorities and the arrival of a United Nations administration? What role should the CNRT, Portugal and Timorese civil society play? How long should a transition last?
- **Minority protection.** Over 94,000 people voted for autonomy. Their security, property and political rights in a future East Timor must be considered if the transition is to be stable.
- **Practical questions.** These include citizenship, the status of Indonesian civil servants and settlers, public assets, the currency, and the future of the Timor Gap arrangements.

Some members will want the Council to signal clearly that it is prepared to establish a transitional administration. Others will argue that such decisions are premature until security is restored and Indonesia's MPR has acted, and that the Council should not prejudge the arrangements to be agreed between Indonesia, Portugal and the Secretary-General.

9.7 Accountability

Should the Council address responsibility for the violence now, or would doing so undermine the more immediate goal of stopping it?

Key Issues and Arguments from All Sides

Arguments for addressing accountability now

- An early signal that those responsible will be held to account may deter further violence, particularly by commanders concerned about their personal futures.
- Evidence may be destroyed if investigations are delayed.
- The Council's actions in establishing the ICTY and ICTR show that accountability is part of the restoration of peace and security, not a distraction from it.

Arguments for caution

- Threatening senior Indonesian officers with international prosecution may make them less likely to cooperate with any international presence or with the transfer of authority.
- Indonesia's new democratic institutions should be given the chance to investigate and prosecute; international mechanisms should be a last resort.
- Reconciliation among Timorese, including between pro-independence and pro-autonomy communities, may require approaches other than prosecution.
- Accountability for the violence of 1999 raises the question of accountability for the years since 1975, which may implicate the past policies of several Council members.

Delegates should consider the range of intermediate options: a request to the Secretary-General or to the High Commissioner for Human Rights to gather information; a commission of inquiry or experts; a call on Indonesia to investigate with international assistance; or provisions that preserve the option of an international mechanism without creating one immediately.

9.8 Broader Implications

Every Council member will view East Timor partly through the lens of its own interests and the precedents it might set.

- **Sovereignty and secession.** States facing separatist movements, such as Russia in Chechnya, China in respect of Taiwan, Tibet and Xinjiang, and Indonesia itself in Aceh and Irian Jaya, will resist any language suggesting that a region of a state can secede by referendum. Supporters of action will argue that East Timor is a unique case of a Non-Self-Governing Territory that was never lawfully incorporated, and that its circumstances set no precedent for regions of recognised states.

Key Issues and Arguments from All Sides

- **Credibility of United Nations electoral missions.** If the Council allows the result of a ballot it organised to be overturned by violence, it may be difficult to persuade any future population to participate in a United Nations-run vote.
- **Indonesia's democratic transition.** The future of the world's fourth most populous country and largest Muslim-majority state, and its stability, matters to the entire international community. A crisis in East Timor that destabilises the transition would have consequences far beyond the territory.
- **Regional security.** Instability in Indonesia could affect shipping lanes through the archipelago, refugee flows to neighbouring countries, and the cohesion of ASEAN.
- **The Council's post-Kosovo role.** The Council's handling of East Timor will be seen as a test of whether it can act effectively in humanitarian crises without being bypassed. Some members will seize the opportunity to show that the Council can lead; others will be wary of legitimising expansive interpretations of its powers.

Positions of Member States and Invited Parties

The notes below are intended to orient delegates to their country's likely approach as of 5th September 1999. They cover historical ties, strategic and economic interests, and relevant patterns of behaviour in the Council and elsewhere. They are not statements of policy, and they are deliberately incomplete. National positions in September 1999 were evolving by the hour, and several governments were internally divided. Delegates are expected to verify, deepen and, where the evidence supports it, challenge these notes through their own research.

A note on the Council itself: the presidency of the Security Council rotates monthly in English alphabetical order. For September 1999, the presidency is held by the Netherlands.

10.1 Permanent Members

United States of America

The United States has had a close strategic relationship with Indonesia since the mid-1960s, viewing it as a bulwark of stability in Southeast Asia and a guardian of strategically vital sea lanes, including the deep-water straits near Timor used by naval vessels transiting between the Pacific and Indian Oceans. President Gerald Ford and Secretary of State Henry Kissinger visited Jakarta on 6th December 1975, the day before the invasion. The United States abstained on Resolution 389 (1976).

Since the Santa Cruz massacre, Congress has restricted military training and certain arms transfers to Indonesia, and human rights groups and members of Congress are now pressing hard for action. The Clinton administration has supported the ballot process and UNAMET, and has been publicly pressing Jakarta to restore order. However, with significant forces committed in the Balkans, and constrained by domestic scepticism about peacekeeping since Somalia (reflected in Presidential Decision Directive 25 of 1994), it is unlikely to offer ground troops and may prefer to support a regional lead with logistics, intelligence and airlift. It is also concerned about the stability of Indonesia's democratic transition and its economic recovery.

United Kingdom

The United Kingdom has significant defence trade with Indonesia, including the export of Hawk aircraft, which has been criticised by human rights campaigners who allege their use in East Timor. The Labour government elected in 1997 promised a foreign policy with an "ethical dimension" under Foreign Secretary Robin Cook, and the controversy over arms exports to Indonesia has tested that commitment.

Positions of Member States and Invited Parties

The United Kingdom was a principal advocate of NATO's action over Kosovo on humanitarian grounds and has argued for the international community's responsibility to respond to grave humanitarian crises. It is likely to support strong Council action and may be willing to contribute to an international force, while also valuing its commercial and diplomatic relationship with Jakarta and the stability of the region.

France

France maintains commercial and defence relations with Indonesia and has historically been cautious on East Timor. At the same time, French public life has been marked by the doctrine of a "right" or "duty" of humanitarian interference associated with figures such as Bernard Kouchner, now heading the United Nations mission in Kosovo, and France led Opération Turquoise in Rwanda under Resolution 929 (1994).

France has its own interests in the Pacific, including New Caledonia, where the 1998 Nouméa Accord provides for a future process of self-determination. It is generally supportive of the Council's central role in authorising the use of force and was a participant in NATO's Kosovo operation. Delegates should explore whether France will prioritise Council authority, humanitarian concerns, or its relationship with Jakarta.

People's Republic of China

In 1975 and 1976, China voted for Resolutions 384 and 389 and was critical of Indonesia, which at the time had frozen diplomatic relations with Beijing. Relations were restored in 1990, and China now places great value on its relationship with Indonesia and the region. The violence against ethnic Chinese Indonesians in May 1998 caused deep concern in China.

China's guiding principles are respect for sovereignty and non-interference in internal affairs, shaped by its own concerns over Taiwan, Tibet and Xinjiang. It strongly opposed NATO's action over Kosovo, and the bombing of the Chinese embassy in Belgrade on 7th May 1999 has heightened its suspicion of Western-led military action. China has shown willingness to use the veto, including in February 1999 when it vetoed the extension of the United Nations preventive deployment in Macedonia. It is likely to insist that any international presence requires Indonesian consent and to resist language that could serve as a precedent for intervention or secession.

Russian Federation

Russia's approach is shaped by its strong opposition to NATO's Kosovo campaign, which it regards as a grave violation of the Charter, and by its own security concerns in the North Caucasus. Fighting in Dagestan in August 1999 and the possibility of renewed conflict in Chechnya make Moscow particularly sensitive to precedents involving secession and international intervention. Vladimir Putin was appointed Prime Minister in August 1999.

Positions of Member States and Invited Parties

Russia sponsored the draft resolution of 26th March 1999 condemning NATO's use of force. It is likely to emphasise the primacy of the Council, sovereignty and the necessity of Indonesian consent, while being prepared to support an international presence deployed with that consent. Russia may also seek to use the East Timor debate to reinforce the principle that force may be used only with Council authorisation.

10.2 Elected Members

Argentina

Under President Carlos Menem, Argentina has aligned closely with the United States and was designated a major non-NATO ally in 1998. It has a strong record of contributing to United Nations peacekeeping, including in Cyprus, the former Yugoslavia and Haiti.

Argentina's position on self-determination is nuanced by its dispute with the United Kingdom over the Falkland Islands (Malvinas), where it contests the application of self-determination to the islanders. At the same time, it has historically supported decolonisation in the General Assembly. East Timor's status as a Non-Self-Governing Territory may allow Argentina to support self-determination there while distinguishing it from other cases.

Bahrain

Bahrain is a Gulf monarchy and a member of the Organisation of the Islamic Conference and the Arab League, in which Indonesia, as the world's largest Muslim-majority state, carries considerable weight. Sheikh Hamad bin Isa Al Khalifa became Emir in March 1999.

Bahrain has experienced domestic unrest during the 1990s and is sensitive to external commentary on internal affairs. It is likely to place strong emphasis on sovereignty, non-interference and Indonesian consent, while supporting humanitarian assistance. It may also be receptive to the positions of other Islamic and non-aligned states.

Brazil

Brazil is a founding member of the Community of Portuguese Language Countries (CPLP), created in 1996, and East Timor's Lusophone heritage gives the issue resonance in Brazilian public opinion. Brazil maintains diplomatic and commercial relations with Indonesia.

Brazilian foreign policy has traditionally emphasised non-intervention, multilateralism and the central role of the Council. Brazil was critical of NATO's Kosovo action without Council authorisation. It is likely to support a strong United Nations role and the implementation of the ballot result, possibly favouring a United Nations-led or consent-based operation, while being cautious about coercive action.

Positions of Member States and Invited Parties

Canada

Under Foreign Minister Lloyd Axworthy, Canada has championed a “human security” agenda, including the 1997 Ottawa Convention banning anti-personnel landmines. During its Council presidency in February 1999, Canada convened an open debate on the protection of civilians in armed conflict. Canada participated in NATO’s Kosovo operation and was designated lead nation for the multinational force for eastern Zaire authorised in 1996.

Canada did not consistently support the General Assembly’s East Timor resolutions in earlier decades and has trade and aid ties with Indonesia. Domestically, the question of Quebec, addressed by the Supreme Court of Canada’s 1998 reference on secession, makes Canada attentive to how questions of secession and self-determination are framed. Canada is likely to support robust action and may be willing to contribute, while being careful in its legal language.

Gabon

Gabon, under President Omar Bongo, is a Francophone state with close ties to France and a member of the Organisation of the Islamic Conference. President Bongo has played a mediating role in regional conflicts, including in the Central African Republic.

Gabon is likely to emphasise sovereignty, the role of regional actors and Indonesian consent, consistent with the positions of the Non-Aligned Movement and African Group. It may also be responsive to the humanitarian dimension and to the experience of African states with United Nations peacekeeping.

The Gambia

The Gambia, under President Yahya Jammeh, is a small West African state and a member of the Organisation of the Islamic Conference and the Non-Aligned Movement. It has contributed to regional peacekeeping in West Africa.

The Gambia is likely to emphasise the principles of sovereignty and non-interference, while supporting humanitarian assistance and the implementation of the ballot result. Delegates should research its voting record and any statements on East Timor during its Council term.

Positions of Member States and Invited Parties

Malaysia

Malaysia is an ASEAN neighbour of Indonesia with deep historical, cultural and religious ties. Under Prime Minister Mahathir Mohamad, it has been a vocal critic of Western interventionism and a strong defender of ASEAN's non-interference principle. Relations with Jakarta have nevertheless been strained at times, including by President Habibie's sympathy for Malaysia's detained former Deputy Prime Minister Anwar Ibrahim in 1998.

Malaysia has contributed to United Nations peacekeeping, including in Bosnia and Somalia. It is likely to insist on Indonesian consent, to favour a significant role for ASEAN states in any international presence and to be wary of an Australian lead. It may serve as a bridge between Indonesia and the Council.

Namibia

Namibia achieved independence in 1990 after a long liberation struggle and a United Nations-supervised transition under Resolution 435 (1978) and the United Nations Transition Assistance Group. Its own history gives it strong sympathy for self-determination and for United Nations-supervised transitions.

At the same time, Namibia voted in favour of Russia's draft resolution condemning NATO's Kosovo action in March 1999, reflecting a commitment to the Charter's rules on the use of force. Namibia is also involved in the conflict in the Democratic Republic of the Congo. It may support implementation of the ballot result and a strong United Nations role while emphasising Council authority and consent.

Netherlands

The Netherlands was the colonial power in the Netherlands East Indies until Indonesian independence in 1949, following a bitter conflict. It later chaired the Inter-Governmental Group on Indonesia, the principal donor group, until 1992, when Indonesia rejected Dutch aid after the Netherlands linked assistance to human rights following the Santa Cruz massacre.

Dutch peacekeepers were present at Srebrenica in July 1995, an experience that remains a source of national anguish. The Netherlands participated in NATO's Kosovo operation and has a strong human rights orientation in its foreign policy. As President of the Council in September 1999, it will shape the Council's agenda and procedure. It is likely to support decisive action while being acutely aware of the dangers of deploying lightly armed personnel without a robust mandate.

Positions of Member States and Invited Parties

Slovenia

Slovenia became independent in 1991 following a plebiscite in December 1990 in which a large majority voted for independence, and a brief conflict with the Yugoslav army. It is a small state seeking membership of the European Union and NATO.

Slovenia's experience of the break-up of Yugoslavia, including the role of paramilitary forces in the wars that followed, gives it a particular perspective on militia violence and on the international community's response. It supported NATO's Kosovo action. It is likely to support strong action to implement the ballot result and protect civilians, while working closely with European partners.

10.3 Invited Parties

The Executive Board may propose the participation of the following states under Rule 37 of the Provisional Rules of Procedure. Delegates representing Council members should anticipate their arguments.

Indonesia

Indonesia will argue that it has honoured its commitment by holding the ballot, that it will respect the result through its constitutional processes, and that it remains responsible for security under the 5th May Agreements. It will likely describe the violence as a consequence of tensions between Timorese factions, which its security forces are working to contain, and reject the deployment of foreign troops without its consent. It may raise concerns about the impartiality of UNAMET, as alleged by pro-autonomy groups.

Portugal

Portugal will press for urgent Council action to protect the population and UNAMET, the full implementation of the ballot result, and the deployment of an international force. As administering power, it may argue that it has the legal standing to request or consent to such a deployment and that Indonesia's consent should not be a precondition.

Australia

Australia will emphasise the urgency of the situation and its readiness to contribute to, and potentially lead, an international force, while stressing the need for a Security Council mandate and Indonesian consent. It will be conscious of the long-term importance of its relationship with Indonesia and of the regional reaction to an Australian lead.

Previous United Nations Action

This section provides a chronological reference of the principal United Nations documents and actions concerning East Timor up to the stasis date. It is a guide to the documentary record, not a substitute for it. Delegates should locate and read the documents themselves through the United Nations Digital Library and the Official Document System, paying particular attention to the voting records and the statements made by their own country.

11.1 Resolutions and Key Actions, 1960 to 1999

Date	Document or Action	Summary	Significance
14 Dec 1960	GA Res. 1514 (XV)	Declaration on the Granting of Independence to Colonial Countries and Peoples.	Foundational statement of the right of colonial peoples to self-determination.
15 Dec 1960	GA Res. 1541 (XV) and 1542 (XV)	1541 sets out principles for determining whether a territory is non-self-governing; 1542 lists the territories under Portuguese administration, including Timor, as non-self-governing.	Establishes East Timor as a Non-Self-Governing Territory and the standards for any valid change of status.
12 Dec 1975	GA Res. 3485 (XXX)	Deplores the military intervention of Indonesia; calls on Indonesia to withdraw and on Portugal to continue its responsibility as administering power.	First United Nations response to the invasion.

Previous United Nations Action

Date	Document or Action	Summary	Significance
22 Dec 1975	SC Res. 384 (1975)	Adopted unanimously. Calls on all states to respect the territorial integrity of East Timor and the right of its people to self-determination; calls on Indonesia to withdraw its forces without delay; requests the Secretary-General to send a special representative.	The Council's first resolution on East Timor and the basis of its subsequent engagement.
22 Apr 1976	SC Res. 389 (1976)	Reaffirms Resolution 384 and calls on Indonesia to withdraw. Adopted with two abstentions (the United States and Japan).	The last Council resolution on East Timor for more than two decades.
1976–1982	GA Res. 31/53, 32/34, 33/39, 34/40, 35/27, 36/50 and 37/30	Annual resolutions reaffirming self-determination and rejecting Indonesia's claim of integration. Resolution 37/30 (1982) requested the Secretary-General to initiate consultations with all parties directly concerned.	Support for these resolutions declined over time, reflecting Cold War alignments. After 1982 the matter moved to the Secretary-General's good offices.

Previous United Nations Action

Date	Document or Action	Summary	Significance
From 1983	Tripartite talks	Talks between Indonesia and Portugal under the auspices of the Secretary-General, raised to the level of foreign ministers in the 1990s.	The diplomatic channel that ultimately produced the 5th May Agreements.
Nov 1991 – 1992	Response to Santa Cruz massacre	The Secretary-General sent a personal envoy, Amos Wako, to Indonesia and East Timor in early 1992.	Renewed international attention to the question.
1993 onwards	Commission on Human Rights	Resolution on East Timor (1993) and subsequent chairman's statements; visits by special rapporteurs.	Documentation of human rights concerns in the territory.

Previous United Nations Action

Date	Document or Action	Summary	Significance
30 Jun 1995	ICJ, East Timor (Portugal v. Australia)	Recognises the erga omnes character of self-determination and East Timor's status as a Non-Self-Governing Territory; declines jurisdiction.	Most authoritative judicial statement on East Timor's status.
From 1995	All-Inclusive Intra-East Timorese Dialogue	Meetings of East Timorese of differing political views under United Nations auspices.	Created space for dialogue among Timorese factions.
Feb 1997	Appointment of Personal Representative	Secretary-General Kofi Annan appoints Jamsheed Marker as his Personal Representative for East Timor.	Revitalised the negotiation process.

Previous United Nations Action

Date	Document or Action	Summary	Significance
5 May 1999	5th May Agreements; SG report S/1999/513	Indonesia and Portugal sign three agreements with the Secretary-General on the popular consultation, its modalities and security.	The legal framework for the ballot and its consequences.
7 May 1999	SC Res. 1236 (1999)	Welcomes the agreements and the Secretary-General's intention to establish a United Nations presence.	The Council's endorsement of the process.
11 Jun 1999	SC Res. 1246 (1999)	Establishes UNAMET until 31st August 1999, with political, electoral and information components, civilian police advisers and military liaison officers.	Creates the mission that conducted the ballot.

Previous United Nations Action

Date	Document or Action	Summary	Significance
3 Aug 1999	SC Res. 1257 (1999)	Extends UNAMET's mandate to 30th September 1999, following postponement of the ballot.	Reflects delays caused by security and logistical problems.
27 Aug 1999	SC Res. 1262 (1999)	Extends UNAMET to 30th November 1999 and provides for its role in the interim phase following the ballot.	The current legal basis for UNAMET at the stasis date.
11 Jun 1999	SC Res. 1246 (1999)	Establishes UNAMET until 31st August 1999, with political, electoral and information components, civilian police advisers and military liaison officers.	Creates the mission that conducted the ballot.

Previous United Nations Action

Date	Document or Action	Summary	Significance
30 Aug 1999	Popular consultation	Ballot held with very high turnout.	The act of self-determination organised by the United Nations.
4 Sep 1999	Announcement of result	78.5% of valid votes reject the special autonomy proposal.	Triggers the obligations under the main Agreement and the outbreak of violence.

Previous United Nations Action

11.2 Reports of the Secretary-General

Throughout 1999 the Secretary-General reported regularly to the Council on the implementation of the agreements, the security situation, voter registration and preparations for the ballot. His reports addressed in particular whether the necessary security conditions existed to proceed with registration and polling, documented incidents of militia violence and intimidation, and set out his recommendations for the interim phase. Delegates should read the reports issued between May and early September 1999, noting the evolution of the Secretary-General's assessment and the warnings he gave about the security situation.

Delegates should also look at the letters from the Secretary-General to the President of the Council on the postponement of the ballot and on the arrangements for the post-ballot phase, and at the statements made by the Secretary-General on the announcement of the result on 4th September 1999.

11.3 The Council's Recent Statements

In addition to resolutions, the Council expressed its views through statements by its President and press statements during 1999, including expressions of concern about violence and intimidation before the ballot and calls on the Indonesian authorities to fulfil their security obligations. Delegates should locate these statements, along with the records of Council meetings and consultations in the days immediately before and after the ballot. These documents indicate the positions members were taking as the crisis unfolded and the language they were prepared to accept.

Questions a Resolution Must Answer (QARMA).

A resolution that only expresses concern and calls for restraint will not be adequate to this crisis. The questions below are intended to guide delegates towards outcomes that are substantive, comprehensive and implementable. They are not a checklist to be mechanically completed, and not every question will be answered in every draft. However, a strong resolution will engage seriously with most of them, and delegates who leave major questions unanswered should be prepared to explain why.

Question 1: Is the situation a threat to international peace and security, and under which Chapter should the Council act?

- Does the situation meet the threshold for a determination under Article 39? What specific facts support or undermine such a determination: cross-border displacement, attacks on United Nations personnel, regional instability, or the gravity of violations?
- If the Council acts under Chapter VI, what tools would it use, and are they sufficient given the urgency?
- If it acts under Chapter VII, will it do so in whole or in part, and what measures will it adopt?
- How will the resolution characterise the legal status of East Timor without provoking a veto or prejudging matters to be settled by Indonesia, Portugal and the Secretary-General?

Question 2: What form, mandate and leadership should any international presence take, and is Indonesian consent a prerequisite?

- Should the Council authorise a new presence, reinforce UNAMET, or both? Should it authorise a multinational force, establish a United Nations peacekeeping operation, or provide for one to succeed the other?
- What exactly will the presence be mandated to do? Will it be authorised to take all necessary measures, and to what end?
- Who will lead the presence and contribute troops? How will regional, and particularly ASEAN, participation be encouraged?
- How will the presence relate to Indonesian security forces still present in the territory, and what happens if they obstruct it?
- How will the presence be financed, how long will it last, and what are the conditions for its withdrawal or handover?
- If consent is required, from whom? If not, how will the resolution address the risk of confrontation with Indonesian forces?

Questions a Resolution Must Answer (QARMA)

Question 3: How will United Nations personnel, civilians and displaced people be protected, and how will humanitarian access be guaranteed?

- What will the Council demand of the Indonesian authorities and of the militias regarding the safety of UNAMET staff, both international and local?
- Will UNAMET remain, be reduced or be withdrawn? If it is reduced, what happens to local staff and to civilians who have sought its protection?
- How will humanitarian agencies gain safe and unimpeded access to the population in East Timor and to displaced people in West Timor?
- How will the civilian and humanitarian character of camps be preserved, and how will the voluntariness of return be assured?

Question 4: What measures, if any, should be taken in relation to the Government of Indonesia?

- What specific obligations will the resolution place on Indonesia, and what deadlines?
- Will the Council adopt measures under Article 41, such as an arms embargo, or indicate its readiness to consider them?
- How will the resolution balance pressure on Indonesia with support for its democratic transition and recognition of its cooperation in holding the ballot?
- Will the Council send a mission to Jakarta and Dili, and what would its purpose be?

Question 5: How will the outcome of the popular consultation be respected and implemented?

- How will the resolution affirm the result while respecting the processes set out in the 5th May Agreements?
- What will the Council say about the actions required of Indonesia's MPR, and what happens if those actions are delayed?
- Will the resolution anticipate a United Nations transitional administration, and if so, with what powers and over what timeframe?
- What role will Portugal, the CNRT and East Timorese civil society play in the transition? How will the rights of those who voted for autonomy be protected?

Question 6: What mechanisms should address violations of international law?

- Will the Council condemn specific acts, name specific actors or call for investigations?
- Should the Council establish a commission of inquiry or request the Secretary-General or the High Commissioner for Human Rights to gather information?

Questions a Resolution Must Answer (QARMA)

Question 7: How will the Council monitor implementation and ensure accountability for its own decisions?

- What reporting obligations will the resolution place on the Secretary-General, on any lead nation and on Indonesia, and at what intervals?
- What benchmarks will the Council use to judge whether its demands have been met?
- What will the Council do if its demands are not met? Will the resolution indicate further steps the Council is prepared to take?
- How will the Council remain seized of the matter, and how will it ensure that its decisions do not repeat the failures of earlier operations?

Sources for further research

UNSC Res. 384 (1975): [UN Digital Library](#) (PDFs in all six UN languages) and [full text on UNSCR.com](#)

May 5 Agreements, A/53/951–S/1999/513: [UN Digital Library](#) and [UN Peacekeeping HTML text](#).

Timor Gap Treaty, [1991] ATS 9: [La'o Hamutuk full text](#) and [NUS CIL treaty record](#). **Resolution 1246 (11 Jun 1999)** established UNAMET to run the popular consultation. [UN Digital Library](#)

Press Release SC/6689 (11 Jun 1999) has the full text of Resolution 1246. [UN Press ASA 21/27/99 \(16 Apr 1999\)](#) is "Spiralling into violence," useful for the pre-referendum militia background. [PDF](#)

S/1999/612 (27 May): Indonesia's letter responding to S/1999/595, useful as the Indonesian government position. [UN Digital Library PDF](#)

Resolution 1246 (11 Jun): established UNAMET. [UN Digital Library](#)

Press Release SC/6689 (11 Jun): the meeting that adopted Res. 1246, with its full text. [UN Press](#)

S/1999/705 (22 Jun): the report that postponed the ballot because of the security situation. [UN Digital Library PDF](#)

Press Release SC/6695 (29 Jun): the Council's reaction to S/1999/705. [UN Press S/1999/862 \(9 Aug\):](#) the pre-ballot report on UNAMET and the post-ballot role. [Full text](#)

Resolution 1262 (27 Aug): extended UNAMET to 30 Nov. [UN Digital Library | Full text](#)

Resolution 384 (1975): historical background on self-determination. [UN Digital Library](#)

"Joint Demarche Needed on East Timor Militias" (8 Apr): issued after the Liquiçá church killings. [hrw.org](#)

Backgrounder, "The Indonesian Army and Civilian Militias in East Timor" (Apr): [hrw.org](#)

"East Timor: Donors Must Register More Forceful Protest" (1 Jul): [hrw.org](#)

"East Timor: Stop Militia Violence" (6 Jul): [hrw.org](#)

Sources for further research

East Timor: Suspend Aid Until Militias Brought Under Control" (1 Sep): hrw.org

ASA 21/27/99 (16 Apr): "East Timor – spiralling into violence." PDF

ASA 21/31/99 (19 Apr): on the attack on Manuel Carrascalão's house. PDF

ASA 21/34/99 (23 Apr): "East Timor: The terror continues." PDF

ASA 21/40/99 (12 May): Urgent Action on paramilitary abuses, including the Liquiçá church attack. PDF

ASA 21/103/99 (23 Aug): Urgent Action on intimidation by the Aitarak militia in the run-up to the ballot. PDF

