

Country/entity	Indonesia Portugal East Timor
Region	Asia and Pacific Europe and Eurasia Asia and Pacific
Agreement name	Agreement Between the Republic of Indonesia and the Portuguese Republic on the Question of East Timor
Date	5 May 1999
Agreement status	Multiparty signed/agreed
Interim arrangement	Yes
Agreement/conflict level	Interstate/intrastate conflict(s)

East Timor Conflict (1975 - 1999)

Following the Portugal's decolonization of East Timor in 1975, the state briefly declared independence before it was occupied by Indonesia a month later. Insurgent movements including the Revolutionary Front for an Independent East Timor (FRETILIN) fighting the Portuguese, continued their fight against the Indonesian Army. Human rights abuses and massacres were committed by both sides. By the early 1990s, as armed resistance decreased and the communist threat dissipated, the central Indonesian government issued a number of policies to open East Timor economically and politically. As a result, a resistance movements became more outspoken and demonstrations increased. Violence intensified after November 1991, when the Indonesian Army opened fire on protesters. International condemnation of the Suharto's regime was widespread, but due to the fear of destabilizing Indonesia's unity, it was not until the fall of Suharto in 1998 after the 1997 Asian Financial Crisis that East Timor's secession became a possibility.

In 1999, an independence referendum was held with 78% rejecting East Timor's positions as an autonomous territory within Indonesia. Violence broke out following the results and after a delay a UN-backed Australian peacekeeping force was deployed. The Indonesian Government accepted the result in October of that year and as a result the laws legalizing East Timor's annexation were repealed, leading to East Timor's independence in 2002.

Close
East Timor Conflict (1975 - 1999)

Stage	Framework/substantive - partial
Conflict nature	Government/territory
Peace process	East Timor-Indonesia peace process

Parties	Government of Indonesia; Government of Portugal
Third parties	United Nations: Kofi Annan- witness and signatory
Description	Parties agreed to request that a UN mission carry out a referendum on autonomy for the East Timorese. The Indonesian Government agreed to maintain peace and security to ensure the referendum was carried out fairly and peacefully and to take the necessary constitutional measures if the result of the referendum was positive. If the proposed framework for autonomy was not accepted by the people, the Indonesian Government undertook to take the constitutional steps necessary to terminate its links with East Timor and to make arrangements for the transfer of authority to the UN and for the transition to independence. An Annex outlined the constitutional framework for autonomy with regard to respective areas of competence; East Timorese identity, residence and immigration; powers and institutions of SARET (Special Autonomous Region of East Timor); promotion and protection of human rights; relationship between central Government and Government of the SARET; relations between SARET and other entities; role of UN; a Basic Law for SARET and transitional provisions. Agreement on the framework for deciding future constitutional status of East Timor; major UN role

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Groups

Children/youth	Groups→Children/youth→Substantive Page 17, Appendix: A constitutional Framework for a Special Autonomy for East Timor, Part Four: Promotion and Protection of Human Rights and Fundamental Freedoms, Article 46 [...] n. the right to education, including, as a minimum, the right to a free primary education for all; [..] q. the rights of the child, without discrimination of any kind, as set forth in the UN Convention on the Rights of the Child.
Disabled persons	No specific mention.
Elderly/age	No specific mention.

Migrant workers

Groups→Migrant workers→Substantive

Page 8, Appendix: A constitutional Framework for a Special Autonomy for East Timor, Part One Respective Areas of Competence, Chapter II: The Government of the Special Autonomous Region of East Timor, Article 14

The Government of the SARET shall not:

- a. restrict the rights of workers as recognized by law; and
- b. reserve any occupation or public office solely to persons with East Timorese identity.

Page 9, Appendix: A constitutional Framework for a Special Autonomy for East Timor, Part Two East Timorese Identity and Immigration, Chapter I: Definition, Article 16

Any person,

- a. who was a lawful resident of East Timor prior to or in December 1975,
 - b. whose father, mother, grandfather, or grandmother was a lawful resident of East Timor prior to or in December 1975, or
 - c. who has permanently resided in East Timor for a period of at least five years at the time of the entry into force of this Agreement,
- shall be considered to have East Timorese identity, irrespective of nationality, and have the right to permanent domicile in East Timor.

Page 9, Appendix: A constitutional Framework for a Special Autonomy for East Timor, Part Two East Timorese Identity and Immigration, Chapter II, Acquisition of Identity and Immigration, Article 17

The Government of the SARET shall have the exclusive right to establish the rules and procedures under which persons who do not have East Timorese identity may acquire such identity.

Page 10, Appendix: A constitutional Framework for a Special Autonomy for East Timor, Part Two East Timorese Identity and Immigration, Chapter II: Acquisition of Identity and Immigration, Article 18,

The Central Government shall have the power to apply immigration controls on entry into and departure from the SARET of persons who are neither citizens of Indonesia nor have East Timorese identity, pursuant to its authority under Article 1 of this Agreement.

Page 10, Appendix: A constitutional Framework for a Special Autonomy for East Timor, Part Two East Timorese Identity and Immigration, Chapter II: Acquisition of Identity and Immigration, Article 19,

The SARET shall have the authority to issue documents to individuals in order to identify those who have East Timorese identity.

**Racial/ethnic/
national group**

Groups→Racial/ethnic/national group→Anti-discrimination

Page 11, Appendix: A constitutional Framework for a Special Autonomy for East Timor, Part Three: Powers and Institutions of the SARET, Chapter I: Legislative Powers and Institutions of the SARET, Article 25: The Regional Council of People's Representatives of the SARET.

[...]

2. Members of the Regional Council of People's Representatives of the SARET shall be persons who fulfill the eligibility requirements for membership. No racial, ethnic, religious, nationality, or other requirement unrelated to the exercise of the functions of a member of the Council shall be imposed.

Page 13, Chapter II: Executive Powers and Institutions of the Government of the SARET, Article 34

Members of the Police Force of the SARET shall be recruited, without discrimination on racial, ethnic, or religious grounds.

Religious groups

Groups→Religious groups→Anti-discrimination

Page 11, Appendix: A constitutional Framework for a Special Autonomy for East Timor, Part Three: Powers and Institutions of the SARET, Chapter I: Legislative Powers and Institutions of the SARET, Article 25: The Regional Council of People's Representatives of the SARET.

2. Members of the Regional Council of People's Representatives of the SARET shall be persons who fulfill the eligibility requirements for membership. No racial, ethnic, religious, nationality, or other requirement unrelated to the exercise of the functions of a member of the Council shall be imposed.

Page 13, Chapter II: Executive Powers and Institutions of the Government of the SARET, Article 34

Members of the Police Force of the SARET shall be recruited, without discrimination on racial, ethnic, or religious grounds.

Indigenous people No specific mention.

Other groups No specific mention.

Refugees/displaced persons No specific mention.

Social class No specific mention.

Gender

Women, girls and gender	Page 17, Appendix: A constitutional Framework for a Special Autonomy for East Timor, Part Four: Promotion and Protection of Human Rights and Fundamental Freedoms, Article 46 [...] p. the right of women to full and equal participation in political, civil, economic, social, and cultural life; [...]
Men and boys	No specific mention.
LGBTI	No specific mention.
Family	Page 17, Appendix: A constitutional Framework for a Special Autonomy for East Timor, Part Four: Promotion and Protection of Human Rights and Fundamental Freedoms, Article 46 [...] m. the right to protection for family life, privacy, home and correspondence [...]

State definition

Nature of state (general)

[Summary] Preamble notes Indonesian position that the final settlement should include full recognition of Indonesian sovereignty over East Timor, and the Portuguese position that autonomy should be transitional, pending a final decision on self-determination by the people of East Timor, both parties agreeing that the Secretary General should consult the people of East Timor on autonomy,

Page 1, Annex I: Agreement between the Republic of Indonesia and the Portuguese Republic on the question of East Timor

[..]

Recalling the agreement of 5 August 1998 to undertake, under the auspices of the Secretary-General, negotiations on a special status based on a wide-ranging autonomy for East Timor without prejudice to the positions of principle of the respective Governments on the final status of East Timor;

[...]

Noting the position of the Government of Indonesia that the proposed special autonomy should be implemented only as an end solution to the question of East Timor with full recognition of Indonesian sovereignty over East Timor;

Noting the position of the Government of Portugal that an autonomy regime should be transitional, not requiring recognition of Indonesian sovereignty over East Timor or the removal of East Timor from the list of Non-Self-Governing Territories of the General Assembly, pending a final decision on the status of East Timor by the East Timorese people through an act of self-determination under United Nations auspices;

Taking into account that, although the Governments of Indonesia and Portugal each have their positions of principle on the prepared proposal for special autonomy, both agree that it is essential to move the peace process forward, and that therefore, the Governments of Indonesia and Portugal agree that the Secretary-General should consult the East Timorese people on the constitutional framework for autonomy attached hereto as an annex;

[...]

State configuration No specific mention.

Self determination Page 2, Annex I: Agreement between the Republic of Indonesia and the Portuguese Republic on the question of East Timor
... Noting the position of the Government of Portugal that an autonomy regime should be transitional, not requiring recognition of Indonesian sovereignty over East Timor or the removal of East Timor from the list of Non-Self-Governing Territories of the General Assembly, pending a final decision on the status of East Timor by the East Timorese people through an act of self-determination under United Nations auspices;

Referendum

Page 2, Annex I: Agreement between the Republic of Indonesia and the Portuguese Republic on the question of East Timor, Preamble

Noting the position of the Government of Portugal that an autonomy regime should be transitional, not requiring recognition of Indonesian sovereignty over East Timor or the removal of East Timor from the list of Non-Self-Governing Territories of the General Assembly, pending a final decision on the status of East Timor by the East Timorese people through an act of self-determination under United Nations auspices;

Taking into account that, although the Governments of Indonesia and Portugal each have their positions of principle on the prepared proposal for special autonomy, both agree that it is essential to move the peace process forward, and that therefore, the Governments of Indonesia and Portugal agree that the Secretary-General should consult the East Timorese people on the constitutional framework for autonomy attached hereto as an annex;

Bearing in mind that the Governments of Indonesia and Portugal requested the Secretary-General to devise the method and procedures for the popular consultation through a direct, secret and universal ballot;

Page 3, Annex I: Agreement between the Republic of Indonesia and the Portuguese Republic on the question of East Timor,

Article 1, Request the Secretary-General to put the attached proposed constitutional framework providing for a special autonomy for East Timor within the unitary Republic of Indonesia to the East Timorese people, both inside and outside East Timor, for their consideration and acceptance or rejection through a popular consultation on the basis of a direct, secret and universal ballot.

Page 2, Article 2, Request the Secretary-General to establish, immediately after the signing of this Agreement, an appropriate United Nations mission in East Timor to enable him to effectively carry out the popular consultation.

Page 3, Article 3, The Government of Indonesia will be responsible for maintaining peace and security in East Timor in order to ensure that the popular consultation is carried out in a fair and peaceful way in an atmosphere free of intimidation, violence or interference from any side.

Page 3, Article 4, Request the Secretary-General to report the result of the popular consultation to the Security Council and the General Assembly, as well as to inform the Governments of Indonesia and Portugal and the East Timorese people.

Page 4, Article 5, If the Secretary-General determines, on the basis of the result of the popular consultation and in accordance with this Agreement, that the proposed constitutional framework for special autonomy is acceptable to the East Timorese people, the Government of Indonesia shall initiate the constitutional measures necessary for the implementation of the constitutional framework, and the Government of Portugal shall initiate within the United Nations the procedures necessary for the removal of East Timor from the list of Non-Self-Governing Territories of the General Assembly and the deletion of the question of East Timor from the agendas of the Security Council and the General Assembly.

Page 4, Article 6, If the Secretary-General determines, on the basis of the result of the popular consultation and in accordance with this Agreement, that the proposed constitutional framework for special autonomy is not acceptable to the East Timorese people, the Government of Indonesia shall take the constitutional steps necessary to terminate its links with East Timor thus restoring under Indonesian law the status East

State symbols Page 10, Appendix: A constitutional framework for a special autonomy for East Timor, Part Two: East Timorese Identity and Immigration, Chapter III: Symbols of Identity, Article 20,
The SARET may adopt its own coat of arms. The Indonesian national flag and Indonesian national anthem "Indonesia Raya" shall be flown and performed at such places and occasions as required by the existing laws and practices.

Page 10, Article 21, The SARET may participate under its own name, with the concurrence of the Central Government, in international cultural and sports events in which other non-state entities participate.

**Independence/
secession** Page 7, Annex I, Article 6
If the Secretary-General determines, on the basis of the result of the popular consultation and in accordance with this Agreement, that the proposed constitutional framework for special autonomy is not acceptable to the East Timorese people, the Government of Indonesia shall take the constitutional steps necessary to terminate its links with East Timor thus restoring under Indonesian law the status East Timor held prior to 17 July 1976, and the Governments of Indonesia and Portugal and the Secretary-General shall agree "on arrangements for a peaceful and orderly transfer of authority in East Timor to the United Nations. The Secretary-General shall, subject to the appropriate legislative mandate, initiate the procedure enabling East Timor to begin a process of transition towards independence.

**Accession/
unification** No specific mention.

Border delimitation No specific mention.

**Cross-border
provision** No specific mention.

Governance

Political institutions (new or reformed)

Governance→Political institutions (new or reformed)→New political institutions (indefinite)

[Summary] Annex: A Constitutional Framework for a Special Autonomy for East Timor. Chapter 1 Legislative Powers and Institutions of an autonomous administration; part 5 Relationship Between the Central Govt and the Govt of the SARET

Page 8, Annex I, Part One: Respective Areas of Competence, Chapter II: The Government of the Special Autonomous Region of East Timor, Article 12

All matters, other than those listed within Chapter I of Part One, and as provided in other relevant provisions of this Agreement, shall be within the responsibility and competence of the Government of the SARET.

Page 8, Article 13, The powers of the Government of the SARET shall be exercised in accordance with the provisions of this Agreement, and also in accordance with the Constitution of the Republic of Indonesia.

Page 8, Article 14, The Government of the SARET shall not:

- a. restrict the rights of workers as recognized by law; and
- b. reserve any occupation or public office solely to persons with East Timorese identity.

Page 10-11, Annex I, Part Three: Powers and Institutions of the SARET, Chapter I: Legislative Powers and Institutions of the SARET, Article 22

The legislative power of the SARET shall extend to all matters not within the jurisdiction of the Central Government, as defined in Chapter I of Part One. This power shall include, the establishment of political, economic, and social policies in the SARET; cultural and educational matters; designation of a second language or languages in addition to the official language, Bahasa Indonesia; the establishment of courts of first instance pursuant to Article 40; rules of family law and succession; and public order, including the creation of an East Timor police force that shall be responsible for enforcement of all laws and regulations in the SARET, in accordance with the laws and regulations of the Republic of Indonesia.

Page 11, Article 23, The SARET may adopt legislations regulating or restricting the ownership of property by persons who do not have East Timorese identity without contravening legitimately acquired rights.

Page 11, Article 24, The SARET shall have the authority to establish a Land Claims Commission, whose members shall be selected in accordance with the manner prescribed for the selection of judges in Article 42, which shall make recommendations in order to decide on all disputed claims to title over real property through the court.

Page 11, Article 25, The Regional Council of People's Representatives of the SARET

1. The legislative power of the SARET shall be vested in and exercised by the Regional Council of People's Representatives of the SARET, elected by persons of East Timorese identity as defined in Part Two, on the basis of universal adult suffrage. The implementation of elections for the Regional Council of People's Representatives of the SARET shall be further determined by the SARET and need not coincide with national elections.

2. Members of the Regional Council of People's Representatives of the SARET shall be persons who fulfill the eligibility requirements for membership. No racial, ethnic, religious, nationality, or other requirement unrelated to the exercise of the functions of a member of the Council shall be imposed.

3. Members of the Regional Council of People's Representatives of the SARET shall be immune from legal action in respect of their oral or written statements or actions relating to the business of the Council, or made or taken in their capacity as members of the Council

Elections

Page 11, Annex I, Part Three: Powers and Institutions of the SARET, Chapter I: Legislative Powers and Institutions of the SARET, Article 25: The Regional Council of People's Representatives of the SARET

1. The legislative power of the SARET shall be vested in and exercised by the Regional Council of People's Representatives of the SARET, elected by persons of East Timorese identity as defined in Part Two, on the basis of universal adult suffrage. The implementation of elections for the Regional Council of People's Representatives of the SARET shall be further determined by the SARET and need not coincide with national elections. [...]

Page 12, Chapter II: Executive Powers and Institutions of the Government of the SARET, Article 28

[...] The Governor of the SARET shall be elected by a majority of the members of the Regional Council of People's Representatives of the SARET and responsible to it. The list of candidates for the post of Governor of the SARET shall first be consulted with and approved by the President of the Republic of Indonesia.

Page 19, Annex I, Part Seven: The United Nations, Article 56

The United Nations Secretary-General shall have the responsibility and authority to monitor and verify compliance with this Agreement. This authority includes monitoring the election of members of the Regional Council of People's Representatives of the SARET and verifying that such elections are free and fair. For this purpose, the United Nations Secretary-General may establish in the SARET such offices as he deems necessary which would operate within a specific time-frame to be further agreed upon between the United Nations and the Indonesian Government.

**Electoral
commission**

No specific mention.

**Political parties
reform**

Governance→Political parties reform→Other political parties reform
Page 16 (pdf): Part Four PROMOTION AND PROTECTION OF HUMAN RIGHTS
AND FUNDAMENTAL FREEDOMS

The Central Government and the Government of the SARET shall promote, protect and respect human rights and fundamental freedoms without discrimination of any kind, as set forth, inter alia, in the Universal Declaration of Human Rights, the 1993 Vienna Declaration on Human Rights and the Decree of The People's Consultative Assembly No. XVII/MPR/1998 Concerning Human Rights. These rights and fundamental freedoms include:

f. the right to form political parties specific to East Timor without restrictions of any kind and subject to the provision of Article 57;

Civil society

[Summary] Purpose of agreement to provide for popular consultation on constitutional status of East Timor

**Traditional/
religious leaders**

No specific mention.

**Public
administration**

No specific mention.

Constitution

No specific mention.

Power sharing

Political power sharing

No specific mention.

Territorial power sharing

Power sharing→Territorial power sharing→Autonomous regions

Page 1, Preamble

...

Having discussed a constitutional framework for an autonomy for East Timor on the basis of a draft presented by the United Nations, as amended by the Indonesian Government;

Noting the position of the Government of Indonesia that the proposed special autonomy should be implemented only as an end solution to the question of East Timor with full recognition of Indonesian sovereignty over East Timor;

Noting the position of the Government of Portugal that an autonomy regime should be transitional, not requiring recognition of Indonesian sovereignty over East Timor or the removal of East Timor from the list of Non-Self-Governing Territories of the General Assembly, pending a final decision

on the status of East Timor by the East Timorese people through an act of self-determination under United Nations auspices;

Taking into account that, although the Governments of Indonesia and Portugal each have

their positions of principle on the prepared proposal for special autonomy, both agree that

it is essential to move the peace process forward, and that therefore, the Governments of Indonesia

and Portugal agree that the Secretary-General should consult the East Timorese people on the constitutional framework for autonomy attached hereto as an annex;

...

Agreed as follows:

Article

Request the Secretary-General to put the attached proposed constitutional framework providing for a

special autonomy for East Timor within the unitary Republic of Indonesia to the East Timorese

people, both inside and outside East Timor, for their consideration and acceptance or rejection through a popular consultation on the basis of a direct, secret and universal ballot.

Page 4,

Article 5

If the Secretary-General determines, on the basis of the result of the popular consultation and in accordance with this Agreement, that the proposed constitutional framework for special autonomy is acceptable to the East Timorese people, the Government of Indonesia shall initiate the constitutional measures necessary for the implementation of the constitutional framework, and the Government of Portugal shall initiate within the United Nations the procedures necessary for the removal of East Timor from the list of Non-Self-Governing Territories of the General Assembly and the deletion of the question

of East Timor from the agendas of the Security Council and the General Assembly.

Page 4,

Article 6

If the Secretary-General determines, on the basis of the result of the popular consultation and in accordance with this Agreement, that the proposed constitutional framework for special autonomy is acceptable to the East Timorese people, the Government of Indonesia shall take the constitutional steps necessary to terminate its

links with East Timor thus restoring under

Economic power sharing

Power sharing→Economic power sharing→Sharing of resources
Page 7, Appendix: A constitutional Framework for a Special Autonomy for East Timor, Part One: Respective Areas of Competence, Chapter I: The Indonesian (Central) Government, Section C: Economic and Fiscal Policies, Article 5
The SARET shall be a part of the Indonesian monetary and customs unit subject to those national monetary and fiscal policies, and laws and regulations of Indonesia which are consistent with this Agreement.

Page 7, Appendix: A constitutional Framework for a Special Autonomy for East Timor, Part One: Respective Areas of Competence, Chapter I: The Indonesian (Central) Government, Section C: Economic and Fiscal Policies, Article 6
The Central Government will continue its assistance to the development of the SARET.

Page 7, Appendix: A constitutional Framework for a Special Autonomy for East Timor, Part One: Respective Areas of Competence, Chapter I: The Indonesian (Central) Government, Section C: Economic and Fiscal Policies, Article 7
The Central Government shall have exclusive competence over national taxation and the Government of the SARET shall have exclusive competence over local taxation, in conformity with the existing laws and regulations.

Page 7, Appendix: A constitutional Framework for a Special Autonomy for East Timor, Part One: Respective Areas of Competence, Chapter I: The Indonesian (Central) Government, Section C: Economic and Fiscal Policies, Article 8
Natural resources in the SARET, except those considered to be strategic or vital under national laws, shall be under the control of the Government of the SARET. In the exploitation of all natural resources, the Central Government and the Government of the SARET may establish cooperative or joint undertakings.

Page 7, Appendix: A constitutional Framework for a Special Autonomy for East Timor, Part One: Respective Areas of Competence, Chapter I: The Indonesian (Central) Government, Section C: Economic and Fiscal Policies, Article 9
For the purposes of its overall development, the Government of the SARET may receive foreign assistance which is to be channelled through the Central Government.

Page 7-8, Appendix: A constitutional Framework for a Special Autonomy for East Timor, Part One: Respective Areas of Competence, Chapter I: The Indonesian (Central) Government, Section C: Economic and Fiscal Policies, Article 10
The Government of the SARET can enter into domestic loans to finance part of its budget, with the consent of the Regional Council of People's Representatives of the SARET.

Military power sharing

No specific mention.

Human rights and equality

Human rights/RoL general No specific mention.

Bill of rights/similar No specific mention.

Treaty incorporation

Page 16, Appendix, Part Four: Protection of Human Rights and Fundamental Freedoms, Article 46

The Central Government and the Government of the SARET shall promote, protect and respect human rights and fundamental freedoms without discrimination of any kind, as set forth, inter alia, in the Universal Declaration of Human Rights, the 1993 Vienna Declaration on Human Rights and the Decree of The People's Consultative Assembly No. XVII/MPR/1998 Concerning Human Rights.[...] [See Individual Rights]

[Summary], Page 16, Annex, Part 4 Promotion and Protection of Human Rights and Fundamental Freedoms, govt commits to promote, protect and respect rights set forth in UDHR and the 1993 Vienna Declaration, and the Decree of the People's Consultative Assembly No. XVII/MPR/1998 concerning Human Rights

Civil and political rights

Human rights and equality→Civil and political rights→Life

Page 16, Appendix, Part Four: Protection of Human Rights and Fundamental Freedoms, Article 46

[...] b. the right to life, liberty, and security of person; [...]

Human rights and equality→Civil and political rights→Torture

Page 16, Appendix, Part Four: Protection of Human Rights and Fundamental Freedoms, Article 46

[...] c. freedom from torture, violence, arbitrary arrest, detention, or exile; [...]

Human rights and equality→Civil and political rights→Equality

Page 16, Appendix, Part Four: Promotion and Protection of Human Rights and Fundamental Freedoms, Article 46

The Central Government and the Government of the SARET shall promote, protect and respect human rights and fundamental freedoms without discrimination of any kind, as set forth, inter alia, in the Universal Declaration of Human Rights, the 1993 Vienna Declaration on Human Rights and the Decree of The People's Consultative Assembly No. XVII/MPR/1998 Concerning Human Rights. [...]

Page 17, Appendix, Part Four: Protection of Human Rights and Fundamental Freedoms, Article 46

[...] p. the right of women to full and equal participation in political, civil, economic, social, and cultural life; [...]

Human rights and equality→Civil and political rights→Liberty and security of person

Page 16, Appendix, Part Four: Protection of Human Rights and Fundamental Freedoms, Article 46

[...] b. the right to life, liberty, and security of person; [...]

Human rights and equality→Civil and political rights→Freedom of movement

Page 17, Appendix, Part Four: Protection of Human Rights and Fundamental Freedoms, Article 46

[...] j. freedom of movement throughout the territory of the Republic of Indonesia; [...]

Human rights and equality→Civil and political rights→Freedom of association

Page 16, Appendix, Part Four: Protection of Human Rights and Fundamental Freedoms, Article 46

[...] e. freedom of expression in all its forms, association, and peaceful assembly;

f. the right to form political parties specific to East Timor without restrictions of any kind and subject to the provision of Article 57; [...]

Human rights and equality→Civil and political rights→Fair trial

Page 16, Appendix, Part Four: Protection of Human Rights and Fundamental Freedoms, Article 46

[...] d. the right to a full and fair hearing by an independent and impartial tribunal in the determination of any civil rights or obligations or any criminal charge; [...]

Human rights and equality→Civil and political rights→Privacy and family life

Page 17, Appendix, Part Four: Protection of Human Rights and Fundamental Freedoms, Article 46

[...] m. the right to protection for family life, privacy, home and correspondence; [...]

Human rights and equality→Civil and political rights→Vote and take part

Page 16, Appendix, Part Four: Protection of Human Rights and Fundamental Freedoms, Article 46

[...] g. the right to participate in government without discrimination, through free periodic elections and non-discriminatory access to public service, subject to the provisions of Article 25;

h. the right to participate in Indonesian national political life, including the right to vote in general elections and to be elected as a member of the Indonesian national Parliament or be appointed as a member of the People's Consultative Assembly;

i. the right to participate in Indonesian public and administrative services without discrimination on any grounds;

Socio-economic rights

Human rights and equality→Socio-economic rights→Education

Page 17, Appendix, Part Four: Protection of Human Rights and Fundamental Freedoms, Article 46

[...]

n. the right to education, including, as a minimum, the right to a free primary education for all;

[...]

Human rights and equality→Socio-economic rights→Adequate standard of living

Page 17, Appendix, Part Four: Protection of Human Rights and Fundamental Freedoms, Article 46

[...]

o. the right to an adequate standard of living, subject to available resources and capabilities;

[...]

Human rights and equality→Socio-economic rights→Cultural life

Page 17, Appendix, Part Four: Protection of Human Rights and Fundamental Freedoms, Article 46

[...]

k. the right of everyone to participate in his or her culture

[...]

p. the right of women to full and equal participation in political, civil, economic, social, and cultural life;

[...]

Rights related issues

Citizenship	Rights related issues→Citizenship→Citizen, general Page 10, Article 18 The Central Government shall have the power to apply immigration controls on entry into and departure from the SARET of persons who are neither citizens of Indonesia nor have East Timorese identity, pursuant to its authority under Article 1 of this Agreement.
Democracy	No specific mention.
Detention procedures	No specific mention.
Media and communication	No specific mention.
Mobility/access	No specific mention.
Protection measures	No specific mention.
Other	Page 8, Appendix, Part One: Areas of Competence, Chapter II: The Government of the Special Autonomous Region of East Timor, Article 14 The Government of the SARET shall not: a. restrict the rights of workers as recognized by law; and b. reserve any occupation or public office solely to persons with East Timorese identity. Page 9, Appendix, Part Two: East Timorese Identity and Immigration, Chapter I: Definition, Article 16, Any person, a. who was a lawful resident of East Timor prior to or in December 1975, b. whose father, mother, grandfather, or grandmother was a lawful resident of East Timor prior to or in December 1975, or c. who has permanently resided in East Timor for a period of at least five years at the time of the entry into force of this Agreement, shall be considered to have East Timorese identity, irrespective of nationality, and have the right to permanent domicile in East Timor.

Rights institutions

NHRI	No specific mention.
Regional or international human rights institutions	No specific mention.

Justice sector reform

Criminal justice and emergency law No specific mention.

State of emergency provisions No specific mention.

Judiciary and courts

Page 13, Appendix, Part Three: Powers and Institutions of the SARET, Chapter III: Judicial Powers and Institutions of the SARET, Article 36

The judicial power of the SARET shall be vested in and exercised by an independent judiciary.

Page 13, Appendix, Part Three: Powers and Institutions of the SARET, Chapter III: Judicial Powers and Institutions of the SARET, Article 37

The judiciary of the SARET shall have jurisdiction overall civil, criminal, administrative, and other matters that fall within the competence of the SARET.

Page 13, Appendix, Part Three: Powers and Institutions of the SARET, Chapter III: Judicial Powers and Institutions of the SARET, Article 38

In any civil suit, with the consent of all of the parties to such suit, the judiciary can apply any customary law applicable between such parties and recognized as such by the judiciary of the SARET.

Page 14, Appendix, Part Three: Powers and Institutions of the SARET, Chapter III: Judicial Powers and Institutions of the SARET, Article 39

The judiciary of the SARET shall consist of such Courts of First Instance as may be established by regulations of the SARET, a Court of Appeal, a Court of Final Appeal and a Public Prosecutor.

Page 14, Appendix, Part Three: Powers and Institutions of the SARET, Chapter III: Judicial Powers and Institutions of the SARET, Article 40

Courts of First Instance

1. There shall be Courts of First Instance in the SARET for the administration of justice. Such courts shall have such original civil, criminal and administrative jurisdiction as may be necessary to administer the laws in force in the SARET.
2. The Courts of First Instance shall consist of such judges as may be required for the proper administration of justice.

Page 14, Appendix, Part Three: Powers and Institutions of the SARET, Chapter III: Judicial Powers and Institutions of the SARET, Article 41

The Court of Appeal

1. There shall be a Court of Appeal, consisting of a President and as many other judges as may be required, which shall have appellate jurisdiction from judgments of the Courts of First Instance.
2. The Court of Appeal also shall have original and appellate jurisdiction over all cases that concern the interpretation of Indonesian laws applicable to the SARET or the interpretation of Parts One, Five and Six of this Agreement.
3. The President of the Court of Appeal shall be appointed by the Chief Justice of the Supreme Court of the Republic of Indonesia, upon the recommendation of an independent Judicial Commission, which will be established in accordance with procedures adopted by the Regional Council of People's Representatives of the SARET.

Page 14-15, Appendix, Part Three: Powers and Institutions of the SARET, Chapter III: Judicial Powers and Institutions of the SARET, Article 42

Judges of the Courts of First Instance and the Court of Appeal shall be selected by the Judicial Commission.

Page 15, Appendix, Part Three: Powers and Institutions of the SARET, Chapter III: Judicial Powers and Institutions of the SARET, Article 43

The Judicial Commission also shall be responsible for disciplinary and other issues related to judicial performance, as specified by the Regional Council of People's Representatives of the SARET.

Prisons and detention No specific mention.

Traditional Laws No specific mention.

Socio-economic reconstruction

Development or socio-economic reconstruction No specific mention.

National economic plan No specific mention.

Natural resources Page 7, Appendix: A constitutional Framework for a Special Autonomy for East Timor, Part One: Respective Areas of Competence, Chapter I: The Indonesian (Central) Government, Section C: Economic and Fiscal Policies, Article 8
Natural resources in the SARET, except those considered to be strategic or vital under national laws, shall be under the control of the Government of the SARET. In the exploitation of all natural resources, the Central Government and the Government of the SARET may establish cooperative or joint undertakings.

International funds Page 7, Appendix: A constitutional Framework for a Special Autonomy for East Timor, Part One: Respective Areas of Competence, Chapter I: The Indonesian (Central) Government, Section C: Economic and Fiscal Policies, Article 9
For the purposes of its overall development, the Government of the SARET may receive foreign assistance which is to be channelled through the Central Government.

Business No specific mention.

Taxation Socio-economic reconstruction→Taxation→Power to tax
Page 7, Appendix: A constitutional Framework for a Special Autonomy for East Timor, Part One: Respective Areas of Competence, Chapter I: The Indonesian (Central) Government, Section C: Economic and Fiscal Policies, Article 7
The Central Government shall have exclusive competence over national taxation and the Government of the SARET shall have exclusive competence over local taxation, in conformity with the existing laws and regulations.

Banks No specific mention.

Land, property and environment

Land reform/rights Land, property and environment→Land reform/rights→Property return and restitution
Page 11, Appendix, Part Three: Powers and Institutions of the SARET, Chapter I:
Legislative Powers and Institutions of the SARET, Article 24
The SARET shall have the authority to establish a Land Claims Commission, whose members shall be selected in accordance with the manner prescribed for the selection of judges in Article 42, which shall make recommendations in order to decide on all disputed claims to title over real property through the court.

**Pastoralist/
nomadism rights** No specific mention.

Cultural heritage No specific mention.

Environment No specific mention.

**Water or riparian
rights or access** No specific mention.

Security sector

**Security
Guarantees** No specific mention.

Ceasefire No specific mention.

Police

Page 18, Annex I, Part Five: Relationship Between the Central Government and the Government of the SARET, Article 50

The Central Government and the Government of the SARET may create bodies or other arrangements to facilitate consultation, cooperation and coordination on such matters as police matters, tourism, transportation, telecommunications, education, health and the environment.

Page 18, Annex I, Part Five: Relationship Between the Central Government and the Government of the SARET, Article 51

In the performance of its duties, the Police Force of the SARET shall consult and cooperate with the Central Government authorities with respect to the enforcement of Indonesian national laws in the SARET.

Page 18, Annex I, Part Five: Relationship Between the Central Government and the Government of the SARET, Article 52

The Police Force of the SARET shall take the necessary action, at the request of the Indonesian National Police to apprehend persons in the SARET accused of having committed crimes outside the SARET.

Page 18, Annex I, Part Five: Relationship Between the Central Government and the Government of the SARET, Article 53

The Indonesian National Police shall take the necessary action, in cooperation with the Police Force of the SARET, to apprehend persons outside the SARET accused of having committed crimes in the SARET.

Page 18, Annex I, Part Five: Relationship Between the Central Government and the Government of the SARET, Article 54

In exceptional cases the Indonesian National Police will assist the Police Force of the SARET in the performance of its functions.

Armed forces	<p>Page 6, Appendix: A constitutional Framework for a Special Autonomy for East Timor, Part One: Respective Areas of Competence, Chapter I: The Indonesian (Central) Government, Section B: Defence, Article 2</p> <p>The Central Government shall, have responsibility for and competence over the external defence of the SARET, as part of the territory of the unitary state of the Republic of Indonesia.</p> <p>Page 6, Appendix: A constitutional Framework for a Special Autonomy for East Timor, Part One: Respective Areas of Competence, Chapter I: The Indonesian (Central) Government, Section B: Defence, Article 3</p> <p>For such purpose, the Indonesian armed forces (Tentara Nasional Indonesia - TNI) shall maintain a military presence in the SARET in the context of defending and safeguarding the external security of the SARET.</p> <p>Page 6, Appendix: A constitutional Framework for a Special Autonomy for East Timor, Part One: Respective Areas of Competence, Chapter I: The Indonesian (Central) Government, Section B: Defence, Article 4</p> <p>In the event of an external armed attack, or an imminent threat of such an attack, the Indonesian armed forces (TNI) may be deployed outside their bases or normal areas of operation in the exercise of its duty to defend the sovereignty and territorial integrity of the unitary state of the Republic of Indonesia.</p>
DDR	No specific mention.
Intelligence services	No specific mention.
Parastatal/rebel and opposition group forces	No specific mention.
Withdrawal of foreign forces	No specific mention.
Corruption	No specific mention.
Crime/organised crime	No specific mention.
Drugs	No specific mention.
Terrorism	<p>Page 9, Chapter III: Jurisdictions of the Central Government and the Government of SARET, Article 15,</p> <p>The Government of the SARET shall have jurisdiction over crimes committed in the SARET with the exception of those related to treason and terrorism, narcotics and other international crimes, over which Indonesian laws and jurisdiction shall prevail.</p>

Transitional justice

Transitional justice general No specific mention.

Amnesty/pardon No specific mention.

Courts No specific mention.

Mechanism No specific mention.

Prisoner release No specific mention.

Vetting No specific mention.

Victims No specific mention.

Missing persons No specific mention.

Reparations No specific mention.

Reconciliation No specific mention.

Implementation

UN signatory UN (Kofi Annan- witness and signatory).

Other international signatory No specific mention.

Referendum for agreement

[Summary] The entire purpose of the agreement was to set up a referendum on autonomy, the defeat of which would result in independence. Details of the provisions on the referendum are outlined below.

Page 3, Annex I: Agreement between the Republic of Indonesia and the Portuguese Republic on the Question of East Timor, Article 1

Request the Secretary-General to put the attached proposed constitutional framework providing for a special autonomy for East Timor within the unitary Republic of Indonesia to the East Timorese people, both inside and outside East Timor, for their consideration and acceptance or rejection through a popular consultation on the basis of a direct, secret and universal ballot.

Page 3, Annex I: Agreement between the Republic of Indonesia and the Portuguese Republic on the Question of East Timor, Article 2

Request the Secretary-General to establish, immediately after the signing of this Agreement, an appropriate United Nations mission in East Timor to enable him to effectively carry out the popular consultation.

Page 3, Annex I: Agreement between the Republic of Indonesia and the Portuguese Republic on the Question of East Timor, Article 3

The Government of Indonesia will be responsible for maintaining peace and security in East Timor in order to ensure that the popular consultation is carried out in a fair and peaceful way in an atmosphere free of intimidation, violence or interference from any side.

Page 3, Annex I: Agreement between the Republic of Indonesia and the Portuguese Republic on the Question of East Timor, Article 4

Request the Secretary-General to report the result of the popular consultation to the Security Council and the General Assembly, as well as to inform the Governments of Indonesia and Portugal and the East Timorese people.

Page 4, Annex I: Agreement between the Republic of Indonesia and the Portuguese Republic on the Question of East Timor, Article 5

If the Secretary-General determines, on the basis of the result of the popular consultation and in accordance with this Agreement, that the proposed constitutional framework for special autonomy is acceptable to the East Timorese people, the Government of Indonesia shall initiate the constitutional measures necessary for the implementation of the constitutional framework, and the Government of Portugal shall initiate within the United Nations the procedures necessary for the removal of East Timor from the list of Non-Self-Governing Territories of the General Assembly and the deletion of the question of East Timor from the agendas of the Security Council and the General Assembly.

Page 6, Annex I: Agreement between the Republic of Indonesia and the Portuguese Republic on the Question of East Timor, Article 6

If the Secretary-General determines, on the basis of the result of the popular consultation and in accordance with this Agreement, that the proposed constitutional framework for special autonomy is not acceptable to the East Timorese people, the Government of Indonesia shall take the constitutional steps necessary to terminate its links with East Timor thus restoring under Indonesian law the status East Timor held prior to 17 July 1976, and the Governments of Indonesia and Portugal and the Secretary-General shall agree "on arrangements for a peaceful and orderly transfer of authority in East Timor to the United Nations. The Secretary-General shall, subject to the appropriate legislative mandate, initiate the procedure enabling East Timor to begin a process of transition towards independence.

International mission/force/similar

Page 5, Annex I: Agreement between the Republic of Indonesia and the Portuguese Republic on the Question of East Timor, Article 7

During the interim period between the conclusion of the popular consultation and the start of the implementation of either option, the parties request the Secretary-General to maintain an adequate United Nations presence in East Timor.

Enforcement mechanism

[Summary] Articles 1 & 2 request to UN SG to carry out popular consultation and establish UN mission in East Timor; if autonomy proposal accepted (Article 5), or rejected (article 6), Indonesia to make necessary constitutional changes for East Timorese status; Portugal to request the UN GA to remove East Timor from list of Non Self-governing Territories if accepted, or transfer of authority to UN if rejected

Page 19, Part Seven: The United Nations, Article 56

The United Nations Secretary-General shall have the responsibility and authority to monitor and verify compliance with this Agreement. This authority includes monitoring the election of members of the Regional Council of People's Representatives of the SARET and verifying that such elections are free and fair. For this purpose, the United Nations Secretary-General may establish in the SARET such offices as he deems necessary which would operate within a specific time-frame to be further agreed upon between the United Nations and the Indonesian Government.

Related cases

No specific mention.

Source

UN Peacemaker; http://peacemaker.un.org/sites/peacemaker.un.org/files/ID%20TL_990505_AgreementOnEastTimor.pdf
