

Country/entity	East Timor
Region	Asia and Pacific
Agreement name	East Timor Popular Consultation Agreement Regarding Security
Date	5 May 1999
Agreement status	Multiparty signed/agreed
Interim arrangement	Yes
Agreement/conflict level	Intrastate/intrastate conflict

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Government accepted the result in October of that year and as a result the laws legalizing East Timor's annexation were repealed, leading to East Timor's independence in 2002.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	Pre-negotiation/process
Conflict nature	Government/territory
Peace process	East Timor-Indonesia peace process

Parties

For the Government of Portugal
/s/ Jaime Gama Minister for Foreign Affairs Portugal

For the United Nations
/s/ Kofi A. Annan Secretary-General United Nations

For the Government of Indonesia
/s/ Minister for Foreign Affairs Indonesia

Third parties -

Description

It was agreed that a peaceful environment was pre-requisite for holding of ballot with responsibility resting with the Indonesian security authorities. Provision was made for the drafting of a code of conduct for the parties by the Commission on Peace and Stability and for the UN Secretary-General to ascertain if the necessary security situation existed for ballot to take place peacefully. Provides for Indonesian military provision of a secure environment free of violence and intimidation for the popular ballot. Agreement is the third annex of the East Timor popular consultation.

Agreement document [TL_990505_Annex III-East Timor Popular Consultation Agreement Regarding Security.pdf \(opens in new tab\)](#) | [Download PDF](#)

Groups

Children/youth No specific mention.

Disabled persons No specific mention.

Elderly/age No specific mention.

Migrant workers No specific mention.

**Racial/ethnic/
national group** No specific mention.

Religious groups No specific mention.

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** No specific mention.

Men and boys No specific mention.

LGBTI No specific mention.

Family No specific mention.

State definition

**Nature of state
(general)** No specific mention.

State configuration No specific mention.

Self determination No specific mention.

Referendum Page 1, Annex III: East Timor Popular Consultation
The Governments of Indonesia and Portugal and the Secretary-General of the United Nations.
Agree as follows:
1. A secure environment devoid of violence or other forms of intimidation is a prerequisite for the holding of a free and fair ballot in East Timor. Responsibility to ensure such an environment as well as for the general maintenance of law and order rests with the appropriate Indonesian security authorities. The absolute neutrality of the TNI (Indonesian Armed Forces) and the Indonesian Police is essential in this regard.

... 3. Prior to the start of the registration, the Secretary-General shall ascertain, based on the objective evaluation of the UN mission, that the necessary security situation exists for the peaceful implementation of the consultation process.

State symbols No specific mention.

**Independence/
secession** No specific mention.

**Accession/
unification** No specific mention.

Border delimitation No specific mention.

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

Governance

**Political
institutions (new or
reformed)** No specific mention.

Elections No specific mention.

**Electoral
commission** No specific mention.

**Political parties
reform** No specific mention.

Civil society No specific mention.

**Traditional/
religious leaders** No specific mention.

Public administration Page 1, 2. The Commission on Peace and Stability established in Dili on 21 April 1999 should become operational without delay. The Commission, in cooperation with the United Nations, will elaborate a code of conduct, by which all parties should abide, for the period prior to and following the consultation, ensure the laying down of arms and take the necessary steps to achieve disarmament.

Constitution No specific mention.

Power sharing

Political power sharing No specific mention.

Territorial power sharing No specific mention.

Economic power sharing No specific mention.

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 No specific mention.

Civil and political rights No specific mention.

Socio-economic rights No specific mention.

Rights related issues

Citizenship No specific mention.

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 No specific mention.

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 No specific mention.

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 No specific mention.

International funds No specific mention.

Business No specific mention.

Taxation No specific mention.

Banks No specific mention.

Land, property and environment

Land reform/rights No specific mention.

**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** Page 1, Annex III: East Timor Popular Consultation
The Governments of Indonesia and Portugal and the Secretary-General of the United Nations.
Agree as follows:
... 2. The Commission on Peace and Stability established in Dili on 21 April 1999 should become operational without delay. The Commission, in cooperation with the United Nations, will elaborate a code of conduct, by which all parties should abide, for the period prior to and following the consultation, ensure the laying down of arms and take the necessary steps to achieve disarmament.

Ceasefire No specific mention.

Police	<p>Page 1, Page 1, 1. A secure environment devoid of violence or other forms of intimidation is a prerequisite for the holding of a free and fair ballot in East Timor. Responsibility to ensure such an environment as well as for the general maintenance of law and order rests with the appropriate Indonesian security authorities. The absolute neutrality of the TNI (Indonesian Armed Forces) and the Indonesian Police is essential in this regard.</p> <p>... 4. The police will be solely responsible for the maintenance of law and order. The Secretary-General, after obtaining the necessary mandate, will make available a number of civilian police officers to act as advisers to the Indonesian Police in the discharge of their duties and, at the time of the consultation, to supervise the escort of ballot papers and boxes to and from the polling sites.</p>
Armed forces	<p>Page 1, 1. A secure environment devoid of violence or other forms of intimidation is a prerequisite for the holding of a free and fair ballot in East Timor. Responsibility to ensure such an environment as well as for the general maintenance of law and order rests with the appropriate Indonesian security authorities. The absolute neutrality of the TNI (Indonesian Armed Forces) and the Indonesian Police is essential in this regard.</p>
DDR	<p>Security sector→DDR→Demilitarisation provisions</p> <p>Page 1, 2. The Commission on Peace and Stability established in Dili on 21 April 1999 should become operational without delay. The Commission, in cooperation with the United Nations, will elaborate a code of conduct, by which all parties should abide, for the period prior to and following the consultation, ensure the laying down of arms and take the necessary steps to achieve disarmament.</p>
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	No specific mention.

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 [Signature] For the United Nations
/s/ Kofi A. Annan Secretary-General United Nations

[Summary] Immediately following the conclusion of the agreement the Secretary-General will, subject to the appropriate legislative mandate, begin preparations for the popular consultation by deploying in East Timor such personnel as will be adequate for the purpose of executing the various phases of the consultation process. The United Nations logo will appear on the ballot papers. The United Nations will disseminate and explain the content of the main Agreement and the autonomy document in an impartial and factual manner inside and outside East Timor; The Secretary-General will seek the approval of the Security Council for the operation in order to ensure assessed budgetary funding. Voluntary contributions will be channeled through a Trust Fund established for this purpose.

Other international signatory No specific mention.

Referendum for agreement No specific mention.

International mission/force/similar

No specific mention.

Enforcement mechanism

Page 1, 2. Commission on Peace and Security established in the Dili Agreement to become operational without delay and to cooperate with the UN on a code of conduct for all parties; 3. objective evaluation by UN that the necessary security situation prevails prior to the start of registration; 4. Indonesian Police to be solely responsible for the maintenance of law and order (no. of UN civilian police officers to act as advisers).

Related cases

No specific mention.

Source

Etan.org; <http://etan.org/etun/popularc.htm>
