

## **Presentation to the Constituent Assembly**

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**(10 May 2002)**

Mr. Speaker, Vice-Speakers, members of the Assembly, special guests,

I shall address you today in Portuguese, English and Tetum. I understand that there will be simultaneous translation of my speech.

I am here as a friend, not as the Transitional Administrator, and will speak as such.

We are on the cusp of an extraordinary event -- only ten days from now the sun will rise on the new nation of East Timor. Just over two and one-half years ago this country suffered through the terrible destruction wrought after the Popular Consultation. Yet amid this devastation existed one vital element -- hope. The hope of freedom, the hope of a new dawn -- hope for the future of an independent East Timor. This hope will become reality on 20 May.

The resolute manner in which the Timorese people have taken up the challenge of the transitional process has been fundamental to its success. Your extraordinary participation in the two elections that provided mandates for the Constituent Assembly, the second Transitional Government, and the President-Elect, was at levels that would put many other democracies to shame. You have received your family and neighbours returning from West Timor with open arms. You have demonstrated admirable patience. You have returned to your fields, your businesses, and your professions. You have enthusiastically come together to reweave the social fabric of your communities and construct a nation based on the fundamental principles of democracy. It has been a privilege for all in UNTAET to contribute to this process.

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Today I would like to address two main points:

Firstly, to reflect on the achievements and challenges of the transitional period.

Secondly, to explain the role of the successor mission, the United Nations Mission of Support in East Timor (UNMISET).

At the end, I look forward to hearing your comments and taking your questions.

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As we look at the current situation throughout the country, it is easy to take for granted the first and perhaps most important accomplishment of UNTAET -- building on the work of INTERFET in securing the territory from external threats and then establishing law and order throughout the country. This has included the use of force, as we did during the 2000 dry season to counter and to neutralise the threat posed by militia infiltrators. All of our subsequent efforts were dependent on these necessary conditions of peace and tranquillity. This is not to say that we can relax our vigilance, especially at the border. The UN is committed to providing continued assistance in these areas; I will address future support later in my speech.

The first ETDF infantry battalion of 500 members completed its training in Metinaro and is receiving further training in Lautem District. I will visit and take leave from them next week. The second battalion including a first platoon of women is being formed. Together, we have taken important steps towards the institutionalisation of civilian control of the military, including the swearing-in of Roque Rodrigues as Secretary of State for Defence on 18 April. Members of the ETDF must remain committed to upholding the principle of military subordination to the civilian government as one of the pillars of democratic government.

The Police College, established in March 2000, will have trained 1,800 police officers, approximately 20% of whom are women, by independence. ETPS has deployed officers throughout the country where they work in partnership with UN police. The Police College's graduates are dedicated to developing a force that serves and protects their fellow citizens. Inevitably, there are continued law and order issues, especially in regards to domestic violence and traffic accidents, but in general the low crime rates that exist here bode well for the future.

These are critical achievements for this emerging nation in the effort to ensure long-term internal and external security. Two years ago there was no ETDF, no ETPS, but now their presence is almost routine. I am very proud of both new institutions, and I am sure you share that sentiment. Their commitment to the establishment of professional services based on an understanding of human rights and democratic governance will be essential for the future security of the nation.

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The solid achievements of the security component of the UNTAET mission have allowed us to concentrate on other areas such as rehabilitation and development. We all remember the devastated physical infrastructure that was a legacy of the violence that followed the Popular Consultation. Just over two years ago in Dili, houses still bore the scars of recently extinguished fires. Piles of rubble dotted the streets. The markets were empty. There were few stores. The story was often even worse in the districts. Towns were depopulated. Livestock was dead or scattered. Grain and seed supplies were burned. Cherished personal belongings were lost forever.

But today when we drive through Dili, we see a very different scene. The markets bustle with people and commerce. Many government buildings have been restored. The neighbourhoods have been largely cleaned of the remnants of collapsed and burned buildings. Streets are busy with often heavy traffic. In the districts, the fields are under cultivation. Livestock is once again common. Children attend rehabilitated schools. Much remains to be done, but I believe the foundations are now solid for East Timor to grow and prosper.

In education, together we have largely completed the emergency rehabilitation programme. Current school age enrolment levels of 240,000 exceed the pre-1999 level of around 190,000. East Timorese have taken up hammer in hand to complete five prototype schools. 14 integrated primary and secondary schools and 65 upgraded primary schools are scheduled for construction. There is even a fully functioning national university -- the Universidade de Timor-Leste. It is becoming an institution that fosters a vital student culture of intellectual curiosity, educating the young people who will one day lead the nation. At the beginning of the UNTAET mission I think that very few of us dared dream of this possibility in such a short period of time.

In health, the Ministry of Health has taken over responsibility for district health facilities, including the Central Dili Hospital, from international NGOs. Construction of community health centres has begun. A medical warehouse supplying drugs and medical consumables to all of the districts has been opened.

In agriculture, the East Timorese government with the assistance of the UN and other agencies has completed repair and maintenance of more than 5,000 hectares of community irrigation systems, implemented a national program of livestock vaccination, and distributed the simple agriculture tools farmers need for their daily labours. The results of these efforts can be seen in the fact that agricultural production has recovered to pre-1999 levels.

In public broadcasting, Radio UNTAET and Televizaun Timor Lorosae have done an exemplary job of keeping the public informed, providing essential information in such areas as national news and civic education. As you know, free and independent media and an informed citizenry are necessary for any democratic order. I am working with the Chief Minister in an effort to seek international funding that will allow the public broadcasters to continue operating. Your recent approval of the Public Broadcasting regulation is an important step to allow this to happen. An ongoing commitment to independent broadcasting on your part will be central to the vitality of the sector.

I could go on and list many other accomplishments in such areas as infrastructure, business and commerce, fisheries, transportation, fire services, and so on. However, I don't want to bore you with a laundry list of projects and statistics, nor do I want to de-emphasize that there is much more that needs to be done. The Planning Commission recently-completed a comprehensive long-term development plan after broad consultation with the public. While recognising the tremendous progress that the East Timorese have made to date, we are equally aware that the development process has really only begun.

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The success of the economic and political development process depends upon the full and equal participation of women, whose voices are too often muted by the inequalities that they confront in the home and society. These inequalities are manifest as domestic violence, lack of access to education, maternal mortality, and other obstacles that impede the ability of women to have an effective voice in the decisions that affect their lives. I previously established the Gender Affairs Unit to assist with the incorporation of gender into all UNTAET policies and programmes. East Timorese leaders have taken up measures in a similar spirit. The Chief Minister appointed an Advisor for the Promotion of Equality. Women serve in other key government positions such as the Chief Minister's Advisor for Human Rights and head of the Planning Commission. Over 20% of the members of the Constituent Assembly are women. I have already mentioned that almost 20% of the officers trained by the Police College are female and that the second ETDF battalion will include a platoon of women. In January of this year, the Chief Minister and I launched a nation-wide media campaign to combat domestic violence. In order to achieve the creation of a just and peaceful society, such efforts to ensure the meaningful participation of women must continue.

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Another major accomplishment was the establishment of the political institutions of an independent democracy. On 20 May, the United Nations will formally

confer the authority to govern East Timor to the elected institutions set out in the Constitution -- this Legislative Assembly, the Council of Ministers, and the President of the Republic. The first two have been up and running now for eight months. It is a particular source of pride to me that the East Timorese government has been exercising executive power, with minimal oversight from me and with my total support, for so long, and that the new country will immediately have in place an experienced and well-functioning political leadership.

Two very prominent examples of the people's commitment to the transitional process are the August 2001 Constituent Assembly election and the April 2002 presidential election. The high turnouts for both votes and the mature manner of the people's participation are a strong indicator of their enthusiasm for, and confidence in, the creation of East Timorese institutions of democracy. In both the legislative and executive branches you have passed the test, as I knew you would, with flying colours, proving sceptics and pessimists wrong.

I believe that the IEC administered elections were remarkable for the effective, transparent, and fair manner in which they were designed and implemented. Both elections were widely hailed as being free and fair. One sign of this is that there was not one official complaint lodged by any interested party during the presidential election. The presidential election was also notable for the leading roles that East Timorese staff took serving as District Electoral Officers and other important positions within the IEC at the district and national levels. The training and experience that they received establishes a pool of human capital that can be drawn upon for future Timorese administered elections.

I am now standing before one of the institutions that was born out of these electoral processes -- the Constituent Assembly, which will soon become a full legislative body. Your most important task was the development of the Constitution, the cornerstone of the new State. You undertook this responsibility in the laudable spirit of co-operation, signified by the signatures of every single member on the final document. As you formulate future legislation, I encourage the members of the Assembly to be accountable to your constituents, through continuous consultation with community members, civil society representatives, and the Church, such as you conducted before the final approval of the Constitution.

Another important milestone in the transitional process was the formation of the Council of Ministers that exercises day-to-day executive functions. It has adopted measures on a wide range of policy issues, including the civil service, international treaties, health, education, infrastructure, and the national budget. I urge the Council of Ministers to continue its activities in the spirit of broad consultation

and inclusiveness, such as it has already demonstrated through the regular open meetings that it holds in the districts.

The most recent institution to be determined by popular vote is the office of the President, won by Kay Rala Xanana Gusmão, who will be sworn-in on 20 May. The good working relationship between the Ministers, the President, and you will be crucial, especially during the early years of independence. I would encourage you to maintain open channels of communication to allow effective institutional co-operation. Of course, there will be differences of opinion. This is a natural characteristic of all democratic forms of government. However, another important characteristic for the smooth functioning of democratic institutions is that political leaders approach these differences in the spirit of teamwork and the understanding that all are working for the common good.

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The least visible legacy of the terror and violence of 1999 is the continued presence of tens of thousands of East Timorese refugees in West Timor and elsewhere in Indonesia. Their displacement tore communities asunder, separating mothers from children, husbands from wives, and neighbour from neighbour. However, more than 205,000 refugees have returned to date and recent upsurges in the number of returnees are encouraging. We must attribute part of this to the refugees' optimism regarding the future of East Timor. It is also a credit to the East Timorese people who have received their friends, families, and neighbours in an inspiring spirit of community and national reconciliation. However, this does not mean that we can relax efforts to encourage those remaining to come back. We must build on the activities that have been accomplished to date.

One of the most important institutions created to help bring together the people of East Timor is the Commission for Reception, Truth, and Reconciliation. The East Timorese National Commissioners were sworn-in on 21 January and I will shortly swear-in the Regional Commissioners. The Commission has already begun its activities, including a meeting on 20 April in which ex-prisoners of Atauro Island were invited to share their experiences. Their moving testimonies are indicative of the public's desire for such mechanisms to make their experiences a part of the historical record. The Commission will also oversee a community-based reconciliation and justice process, bringing together minor offenders and local communities on the understanding that genuine reconciliation requires individuals to accept responsibility for their actions.

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A complex transition such as this has not been without its challenges, particularly in the areas of justice, civil service development, and economic development. These are understandable given that this has been a learning process for the UN as well as the East Timorese. Perhaps one of the biggest personal regrets of my tenure here is the fact that the Oecussi ferry will not be operational before independence. For this, I wish to express my apologies to the people of Oecussi with my assurance that I never neglected the need for a regular public transport service. However, I can assure you that the ferry will soon be operational. The government is currently finalising negotiations with the international company that will provide the service, hopefully by late June.

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The development of an effective justice sector was no small task given the complete lack of judicial infrastructure, case files, legal books, and material that existed two and one-half years ago. There were practically no national judges, prosecutors, or public defenders with any court experience. You, with support from UNTAET, have striven to overcome these obstacles and guarantee that East Timorese from all walks of life -- farmer, suco chief, kiosk owner, liurai, public servant, student, and taxi driver -- can be confident in the knowledge that all citizens stand equal before the law. Today, dedicated East Timorese judges, prosecutors and public defenders staff the courts. In order to guarantee that the justice system works to protect the innocent and punish wrongdoers, they must continue their efforts to ensure that the judicial system operates in an impartial manner, free from corruption and undue influence. In order to assist them, UNTAET continues to provide support to the ETPA Department of Justice. This includes support for the Transitional Judicial Services Commission, responsible for the recruitment, evaluation, discipline, and dismissal of judges. UNTAET is also discussing models for a legal aid society with the Ministry of Justice.

Of course, you are aware that there remains much to be done. For various reasons, district courts have not functioned as effectively as we had hoped. The recent inauguration of the Suai district court will help to ameliorate some of the problems with the justice sector at the district level. There are also weaknesses in court administration, which impacts citizens' right to a speedy trial, public hearing, and appeal. UNTAET is urgently searching for qualified candidates to fill vacant posts in the Court of Appeal and the Special Panels for Serious Crimes -- an area in which we will continue to assume a large degree of responsibility.

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Together, we have made tremendous strides to prepare the Timorese civil service for self-government. Literally from the ashes, you rebuilt a civil service, with

support from UNTAET. I pay tribute to the civil servants in all the districts who, with limited pay and low profile, strive everyday to build the capacity of the East Timorese government to meet the needs of its citizens. Under the broad budget policy determined by the Council of Ministers, the various departments developed their own inputs, which were fed into the first national budget exclusively produced by East Timorese. The Council of Ministers approved the budget last week, well in time for the Donors Conference on 14 and 15 May. You are now considering this budget.

That said, there have been delays in recruitment for public administration, especially at the managerial level. There have also been delays in the National Capacity Building Program, despite the fact that a framework was in place last year and it enjoyed the support of the First Transitional Cabinet. Government endorsement of this program will help ensure that there are enough qualified individuals to occupy senior posts in the public sector.

I am pleased to be able to say that this week the Indonesian government will contribute a further \$500,000 to the Special Fund to compensate former Indonesian military and civil servants for loss of pension benefits. This is in addition to the \$2 million already contributed. The Indonesian government made its first transfer of payment for disbursement to beneficiaries this week. This comes after two years of negotiation between UNTAET, the East Timorese Second Transitional Administration, and the Indonesian government and is one sign of the developing positive relations with East Timor's neighbour.

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As much progress as has been made in the reconstruction and economic development of the country there is still a long road ahead, as you realise. This is especially true of the employment situation, which affects the youth particularly hard. They are anxious to contribute to the transformative processes underway in East Timor and are sometimes frustrated by lack of opportunity. Still, they do participate actively in the venues available to them -- in community groups, Church activities, small businesses, and family farms. As with any nation, the future of East Timor depends on fostering the potential of the youth who will lead the nation into the future. Only a vibrant private sector can achieve this, which is why promotion of national and foreign investment in prioritised areas will be one of the most important tasks of the independent government.

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Despite such challenges, East Timorese should rest assured that the UN's commitment to the people of East Timor does not end on 20 May. The UN and its

member agencies recognise that there is a continuing need for financial, material and technical support. As is appropriate, given the newly independent status of East Timor, the foci of the successor mission -- UNMISSET-- will be technical assistance, and security and law and order. The Security Council has yet to approve the UNMISSET mandate, and so today I cannot present details of some of its components. However, I can present a broad outline of what it will likely entail.

The mission will comprise three elements: 1) Support for public administration, 2) Internal security and law enforcement, and 3) External security.

The first component consists of support for public administration, and assistance in the conduct of serious crimes investigations and proceedings. Together with the East Timorese Government, the UN identified a continued need for assistance in certain core public administration functions essential for the effective functioning of government such as financial services, public services such as power and health, and the legal and justice systems. UNTAET, together with UNDP, has already finalised job descriptions for the positions that will provide this technical support. Based on the needs assessment carried out by the Government, it is envisioned that they will complete their activities by May 2004.

The UN will also continue to provide assistance to bring to justice parties responsible for serious crimes committed in 1999. International investigators will concentrate on concluding investigations into priority cases by the end of this year. The expertise of international judges and attorneys will help to ensure the successful completion of trials through 2003.

The second component consists of continued provision of executive police services and support for the development of the ETPS through training and peer learning, while ensuring the gradual and timely handover of responsibility for these areas to ETPS. East Timor has requested this support from the United Nations, which will continue until the ETPS reaches its target strength of 2,830 by 2004. A detailed schedule has been developed with the Government that establishes a calendar for handover of command to the ETPS on a district-by-district basis. The first such handover will take place on 20 May, when an East Timorese district commander assumes responsibility for Aileu District

The third component consists of two objectives. The first is continued support for external security through the PKF, while ensuring timely handover of responsibilities to relevant East Timorese institutions. The PKF will downsize gradually, at a pace that will allow the ETDF to eventually receive full responsibility for security. The PKF and ETDF will have separate chains of command and a handover schedule is currently being discussed with the

Government. The second objective is assistance in the development of national border security and control structures and policies. The first round of the border demarcation was completed in early May, and the effective co-operation between East Timorese and Indonesian authorities bodes well for future bilateral relations between the two nations. We also inaugurated yesterday the first regulated border market at Tonobibi.

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Other UN funds and programs are committed to supporting the development of the new nation after independence. The United Nations Resident Co-ordinator will serve as the Deputy SRSG, co-ordinating the efforts of UN agencies within the country. They will support a wide range of sectors, including water and sanitation, agriculture and fisheries, infrastructure, education, and poverty alleviation, just to name a few. Such assistance will support the goals of the national development plan of the Government. However, outside assistance is not a substitute for the wise utilisation of available internal resources. I know that the leaders of East Timor intend to allocate future income, whether from agriculture; industry; or, in particular, oil and gas, in a manner that ensures the prosperity of future generations.

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As probably my last opportunity to speak to you formally as Transitional Administrator, this is a moment of some poignancy for me. Most of you probably know that I will leave East Timor on 20 May and a new SRSG, Kamallesh Sharma, will lead the successor mission. I know that you will extend the same warmth and co-operation to him that you have to me.

Soon the anxiously awaited day of 20 May will arrive. This will be a moment of great joy, not just for the East Timorese, but for the entire world, which has waited eagerly for the moment when it could welcome East Timor into the family of nations. It has embraced East Timor's struggle as its own, accompanying it through this difficult period of transition. However, with independence comes great responsibility. It has all of the obligations of membership in the community of nations -- that of acting as a good neighbour, negotiating treaties in a mature manner, being a responsible partner in the region-- in short finding your own way in the world. In many ways, East Timor is better positioned than other developing nations, having a tremendous amount of international good will and support to drawn on. The international community is rooting for your success.

It is true that East Timor will be a state small both in size and population. It is also true that during the early years of independence East Timor will face many

internal challenges, economic, social, and political, as it attempts to consolidate the achievements of the transitional period. However, the greatness of a nation is not measured by its geographic size, or how many people it has, or how large its GDP is. The greatness of a nation lies in the ideals upon which it is founded, the character of its people, and its vision for the world. By these measures, I think East Timor has the potential to become one of the great nations of the world.

It is especially important that relations with East Timor's closest and most populous neighbour, Indonesia, not be taken for granted. It is to East Timor's economic and political advantage that its dealings with Indonesia be conducted in a climate of mutual respect and understanding. Good statesmanship in this area will reflect positively on East Timor's role in the world.

Allow me one last time to indulge in the events of the past. The dawn sun of 30 August 1999 rose on hundreds of thousands of East Timorese who braved the militia threat, risked their personal welfare, travelled hours from distant villages, lined-up through the dark of night and the heat of day, and resoundingly endorsed independence. East Timor paid a heavy price for that courageous gesture, but her people have responded with resilience and enthusiasm. Your fellow countrymen and women, including those who voted, as was their right, for integration, have been a brilliant example to a world that too often is weighed with the cynicism born of an excess of war, suffering, and violence.

On a personal note, I would like to convey what a seminal experience this has been for me. In November of 1999, I arrived in East Timor, a country unknown to me. I was uncertain of many things at that time -- uncertain of what the future would bring, uncertain of what contribution I could make to the reconstruction of the nation, uncertain even of how long I would remain. Yet, the people of East Timor in a tremendous spirit of generosity lent me their patience, their support, and their knowledge. This has been a time of tremendous personal and professional fulfilment for me, and I shall always cherish my service together with the people of East Timor.

I leave comfortable in the knowledge that UNTAET has made no small contribution in assisting the people of East Timor to fulfil the hope and the promise of 30 August 1999.

Thank you.