

Country/entity	East Timor
Region	Asia and Pacific
Agreement name	Agreement Regarding the Modalities for the Popular Consultation of the East Timorese Through a Direct Ballot
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Government accepted the result in October of that year and as a result the laws legalizing East Timor's annexation were repealed, leading to East Timor's independence in 2002.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	Framework/substantive - partial
Conflict nature	Government/territory
Peace process	East Timor-Indonesia peace process
Parties	Government of Indonesia, Ali Alatas, Minister of Foreign Affairs (signed) Government of the Portugal, Jaime Gama, Minister of Foreign Affairs (signed) United Nations, Kofi A. Annan, Secretary-General (signed)

Third parties	-
Description	Outlined practical arrangements for ballot to be held on 8 August 1999 with voters being asked to either accept or reject the proposed special autonomy for East Timor within the Unitary State of the Republic of Indonesia. Agrees date, question, modalities and schedule of consulting the East Timorese on the future constitutional status of East Timor
Agreement document	TL_990505_Annex II-Agreement Regarding the Modalities for the Popular Consultation.pdf (opens in new tab) Download PDF
Groups	
Children/youth	No specific mention.
Disabled persons	No specific mention.
Elderly/age	Groups→Elderly/age→Substantive Page 1, C. Entitlement to vote The following persons, aged 17 years or above, shall be eligible to vote in the popular consultation: (a) persons born in East Timor, (b) persons born outside East Timor but with at least one parent having been born in East Timor, and (c) persons whose spouses fall under either of the two categories above.
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, Untitled Preamble, The Governments of Indonesia and Portugal and the Secretary-General of the United Nations.

Agree as follows:

Immediately following the conclusion of the agreement between the two Governments requesting the Secretary-General to consult the East Timorese people on whether they would accept or reject the proposed constitutional framework for autonomy, 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. Preparations for the vote outside East Timor will also begin at locations of major East Timorese concentration outside East Timor.

Page 1, A. Date for consultation:

The ballot will take place on Sunday, 8 August 1999, both inside and outside East Timor.

Page 1, B. Question to be put before the voters

[Summary] Section includes the questions put to voters.

Page 2, D. Schedule of the consultation process (in overlapping time periods)

[Summary] Contains schedule for the referendum.

Page 2, E. Operational Phases

a) Information Campaign

The United Nations will make available the text of the main Agreement and the autonomy document to be voted on in the following languages: Tetun, Bahasa Indonesia, Portuguese and English.

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 United Nations will explain to voters the process and procedure of the vote, and the implications of an 'accept' or 'reject' vote.

The radio stations and the newspapers in East Timor as well as other Indonesian and Portuguese media outlets will be utilized in the dissemination of this information. Other appropriate means of dissemination will be made use of as required.

Page 3, E. Operational Phases

... b) Registration

[Summary] Provides modalities for voter registration.

Page 3, E. Operational Phases

... c) Campaign

Supporters and opponents of the autonomy proposal will campaign ahead of the vote in a peaceful and democratic manner during the period designated for this purpose.

There will be a Code of Conduct for the campaign, to be proposed by the United Nations and discussed with the supporters and opponents of the autonomy proposal.

The United Nations will devise the means to provide equal opportunity for the two sides to disseminate their views to the public.

Officials of the Governments of Indonesia and Portugal will not participate in the campaign in support of either option.

East Timorese government officials may campaign in their personal capacity. All such campaigning will be carried out strictly according to the Code of Conduct without use of public funds and government resources or recourse to pressure of office.

Page 4, E. Operational Phases

d) Balloting in East Timor

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	Page 1, C. Entitlement to vote The following persons, aged 17 years or above, shall be eligible to vote in the popular consultation:
Electoral commission	Page 3: The registration lists will be exhibited for five days at the end of the registration period at the respective registration centres, regional offices and at Dili headquarters. Challenges to the lists shall be submitted to the regional offices for a final decision by the electoral commission prior to polling day.
Political parties reform	No specific mention.
Civil society	No specific mention.
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 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 Page 3, E. Operational Phases
... c) Campaign
Supporters and opponents of the autonomy proposal will campaign ahead of the vote in a peaceful and democratic manner during the period designated for this purpose.

Detention procedures No specific mention.

Media and communication	<p>Rights related issues→Media and communication→Media roles</p> <p>Page 3, E. Operational Phases</p> <p>a) Information Campaign</p> <p>... The radio stations and the newspapers in East Timor as well as other Indonesian and Portuguese media outlets will be utilized in the dissemination of this information. Other appropriate means of dissemination will be made use of as required.</p> <p>Page 3, E. Operational Phases</p> <p>... c) Campaign</p> <p>... - The United Nations will devise the means to provide equal opportunity for the two sides to disseminate their views to the public.</p>
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 Page 4, F. Funding
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.

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 4-5, G. Security The Indonesian authorities will ensure a secure environment for a free and fair popular consultation process and will be responsible for the security of United Nations personnel. A number of United Nations security guards will be deployed to ensure the security and safety of United Nations personnel and property. ...
Ceasefire	No specific mention.
Police	Page 4-5, G. Security ... A number of international civilian police will be available in East Timor to advise the Indonesian Police during the operational phases of the popular consultation and, at the time of the consultation, to supervise the escort of ballot papers and boxes to and from polling sites.
Armed forces	No specific mention.
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	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 The United Nations is party to the agreement.

Other international signatory No specific mention.

Referendum for agreement No specific mention.

International mission/force/similar No specific mention.

Enforcement mechanism [Summary] UN to carry out the information campaign, electoral registration, and consultation, E.f. Portugal and Indonesia to send observers, G. Indonesian govt responsible for security (with a small number of UN security guards)

Page 4, E) Operational Phases

f) Observers

Indonesia and Portugal shall be entitled to send an equal number of representatives to observe all the operational phases of the consultation process both inside and outside East Timor.

International observers will be able to observe the consultation process under terms to be developed by the United Nations to regulate their presence.

Related cases No specific mention.

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