

**平和構築支援の課題：
東ティモールとアフガニスタンの復興に向けて**

**Symposium “Peace Building: Toward
Rehabilitation of East Timor and Afghanistan”**

2004年2月24日(火)～25日(水)

February 24–25, 2004

日本国際問題研究所

The Japan Institute of International Affairs

はしがき

本報告書は、平成15年度に外務省より当研究所に委託された公開シンポジウム「平和構築の課題：東ティモールとアフガニスタンの復興にむけて」の概要を記したものです。

近年国際社会は、武力紛争を経験した国家がその苦難を乗り越え復興の道を進みうるよういかに支援するかという、大きな課題に直面しています。このたび取り上げたアフガニスタンと東ティモールは、ともに武力紛争を経験し、国際社会の支援のもと復興に取り組んでいる代表的な事例です。本シンポジウムは、両国に対する日本と国際社会からの支援を振り返り、今後のより良い支援策への指針を導くための試みのひとつです。

アフガニスタンと東ティモールは、いずれも日本がその復興過程に深く関わってまいりました。アフガニスタンについては、日本が2002年1月に東京で復興支援国際会議を開催し、人道支援から復興過程へと切れ目の無い支援を実施するため、総額5億6000万ドルに上る支援を表明しています。東ティモールにおいても、日本は選挙監視要員や自衛隊施設部隊を派遣するなど、際立った人的貢献を実現しました。そして、日本のみならず国際社会・国連が両国の国づくりのあらゆる側面にかかわっています。そこで本シンポジウムでは、日本と国際社会からの両国への支援について振り返り、その成果と課題についての議論をかさねました。

アフガニスタンと東ティモールは、依然として国づくりの途上にあります。日本を含め国際社会の関心がイラク問題へと集中している現在、本シンポジウムが両国の国づくりへの関心を喚起する機会となったと信じています。

二日間にわたるシンポジウムには、基調講演にラフダール・ブラヒミ国連事務総長特別顧問、緒方貞子国際協力機構(JICA)理事長、そして、シャナナ・グスマン東ティモール共和国大統領をお迎えするとともに、多くの専門家・実務家にパネリストとしてご参加いただきました。会場へは300名を越える参加者を得、基調講演者・パネリストとともに議論を深められたことは、当研究所にとっても意義深いことでした。

ここに収録した文書中の記述はいずれも個人のものであり、発言者の所属する政府・国際機関・団体を代表するものではなく、また、この報告書をもって当研究所の見解とするものではありませんが、本報告書がアフガニスタンと東ティモールに対する支援の成果と課題を再考するための一助となることを期待しています。

最後に、本シンポジウムの開催にあたり甚大なるご協力を頂いた外務省総合外交政策局国連政策課、関係各位に対し、改めて深甚なる謝意を表します。

平成16年3月

財団法人 日本国際問題研究所
理事長 佐藤 行雄

Preface

This report has been prepared to provide an overview of the open symposium entitled “Peace Building: Toward Rehabilitation of East Timor and Afghanistan” held by the Japan Institute of International Affairs at the behest of the Ministry of Foreign Affairs in FY2003.

A major issue facing the international community in recent years has been that of offering aid to countries emerging from armed conflicts in ways that enable them to surmount their difficulties and move ahead on the road to recovery. The two countries examined this time, Afghanistan and East Timor, are both typical of nations that have experienced armed conflicts and are now working toward recovery with assistance from the international community. This symposium sought to review the assistance provided to both countries by Japan and by the international community in hopes of producing guidelines for better assistance measures for the future.

Japan is deeply involved in recovery efforts in both Afghanistan and East Timor. In January 2002, Japan hosted the international conference on reconstruction assistance to Afghanistan in Tokyo and announced that it would be providing a total of US\$560 million to implement a seamless switchover from humanitarian assistance to the reconstruction process. Japan has made substantial contributions of personnel in East Timor as well, dispatching election monitors and engineering units from the Self Defense Forces, and the international community and the United Nations have also been engaged in all aspects of nation building in both countries. This symposium studied the assistance provided to both countries thus far by Japan and the international community, and numerous discussions were held on the achievements and the problems encountered.

Nation building is still underway in Afghanistan and East Timor. With the attention of Japan and the rest of the international community presently focused on Iraq, this symposium presented an opportunity to spark interest in the ongoing nation building efforts in both countries.

The two-day symposium featured keynote addresses by Mr. Lakhdar Brahimi, Special Advisor to the Secretary General, the United Nations, and Mrs. Sadako Ogata, President, Japan International Cooperation Agency (JICA), as well as the participation of Xanana Gusmão, President of the Republic of East Timor, and numerous specialists serving as panelists. JIIA was extremely gratified that more than 300 persons attended the symposium and joined with the keynote speakers and panelists to enrich the discussions.

The opinions expressed in the papers compiled herein are those of the individual authors, and do not necessarily reflect the views of the governments, international organizations, or groups to which they belong; this report should also not be regarded as an endorsement of any of these opinions by JIIA itself. Nevertheless, we believe this report will prove useful in studying the accomplishments and challenges of assistance to Afghanistan and East Timor.

Finally, we would like once again to convey our deepest thanks to the UN Policy Division of the Ministry of Foreign Affairs’ Foreign Policy Bureau and to everyone else who offered such valuable cooperation in conducting this symposium.

March 2004

Yukio Satoh
President
The Japan Institute of International Affairs

プログラム

日本国際問題研究所 (JIIA)・国連大学 (UNU) 共催
外務省後援

「平和構築支援の課題：東ティモールとアフガニスタンの復興に向けて」

2004年2月24日(火)～25日(水)

2004年2月24日(火)

公開シンポジウム第一部 「アフガニスタン復興支援の成果と課題」

- | | |
|-------------|--|
| 13:00-13:10 | 開会挨拶：佐藤行雄 (日本国際問題研究所理事長) |
| 13:10-13:40 | 基調講演1：ラフダール・ブラヒミ (国連事務総長特別顧問・前アフガニスタン担当国連事務総長特別代表) |
| 13:40-14:10 | 基調講演2：緒方貞子 (国際協力機構理事長) |

セッション第一部：国際社会による復興支援の現状と課題

(モデレーター：宮川眞喜雄 JIIA 所長)

- | | |
|-------------|---|
| 14:15-14:30 | イシャク・ナディリ (ニューヨーク大学教授)
「国際社会のアフガニスタン支援の概観と問題提起」 |
| 14:30-14:45 | 田中浩一郎 ((財)国際開発センター主任研究員)
「国際社会のアフガニスタン支援の概観と問題提起」 |
| 14:45-15:00 | 長 有紀恵 (地雷禁止キャンペーン (ICBL) メンバー)
「NGOからのアフガニスタンの現状と国際支援への提言」 |
| 15:00-15:50 | ディスカッション |
| 15:50-16:05 | 休憩 (15分) |

セッション第二部：日本によるアフガニスタン支援の成果と課題

(モデレーター：宮川眞喜雄 JIIA 所長)

- | | |
|-------------|---|
| 16:05-16:20 | 堀村隆彦 (外務省アフガニスタン支援調整担当大使)
「日本のアフガニスタン支援の概観」 |
| 16:20-16:35 | 伊勢崎賢治 (在アフガニスタンDDR日本政府特別顧問／立教大学教授)
「日本の支援を受けたアフガニスタンの現在の課題：DDR、治安問題を中心に」 |
| 16:35-17:35 | ディスカッション |
| 17:35-17:40 | 閉会挨拶：宮川眞喜雄 JIIA 所長 |

2004年2月25日(水)

公開シンポジウム第二部 「東ティモール支援の成果と課題」

13:00-13:10	開会挨拶：ハンス・ファン・ヒンケル(国連大学学長)
13:10-13:40	基調講演：シャナナ・グスマン(東ティモール共和国大統領)

セッション第一部：国際社会による復興支援の現状と課題

(モデレーター：宮川眞喜雄JIIA所長)

13:45-14:00	長谷川祐弘 (UNMISSET国連事務総長副特別代表) 「独立後の東ティモールと今後の支援のあり方」
14:00-14:15	マイケル・スミス (退役陸軍少将・AUSTCARE最高責任者) 「東ティモール：PKO要員から見た平和維持と復興支援の総括」
14:15-14:30	パット・ウォルシュ(真実和解委員会アドバイザー) 「紛争後のコミュニティ再構築と国際社会からの支援」
14:30-15:10	ディスカッション
15:10-15:25	休憩(15分)

セッション第二部：日本による東ティモールへの人的貢献の成果と課題

(モデレーター：宮川眞喜雄JIIA所長)

15:25-15:40	浦元義照(ユニセフ駐日事務所代表) 「東ティモールに対する国際社会の支援と日本による支援の概観」
15:40-15:55	小川祥一(元第一次東ティモール派遣施設群長／防衛庁統合幕僚会議事務局) 「日本の自衛隊による東ティモール復興への貢献」
15:55-16:40	ディスカッション
16:40-16:50	閉会挨拶：宮川眞喜雄JIIA所長

Program

Symposium “Peace Building: Toward Rehabilitation of East Timor and Afghanistan”

Co-organized by JIIA/UNU

Supported by Ministry of Foreign Affairs

February 24-25, 2004 / U-Thant International Hall, UNU

Tuesday, February 24

Symposium Part I: “Toward Rehabilitation of Afghanistan: Achievements and Challenges”

1:00–1:10pm Opening Remarks: Yukio Satoh (President, JIIA)

1:10–1:40pm Keynote Speech 1: Lakhdar Brahimi (Special Advisor to the Secretary General, UN / Former Special Representative of the Secretary General for Afghanistan)

1:40–2:10pm Keynote Speech 2: Sadako Ogata (President, JICA / Former UN High Commissioner for Refugees)

Session 1: Support to Afghanistan from International Community: Achievements and Challenges (Moderator: Makio Miyagawa, Acting Director, JIIA)

2:15–2:30pm M. Ishaq Nadiri (Jay Gould Professor of Economics, New York Univ.)

2:30–2:45pm Koichiro Tanaka (Senior Analyst, International Development Center of Japan)

2:45–3:00pm Yukie Osa (Member of International Campaign to Ban Landmines)

3:00–3:50pm Discussion

3:50–4:05pm Break (15 min.)

Session 2: Support to Afghanistan from Japan : Achievements and Challenges (Moderator: Makio Miyagawa, Acting Director, JIIA)

4:05–4:20pm Takahiko Horimura (Ambassador to Assistance to Afghanistan, Ministry of Foreign Affairs)

4:20–4:35pm Kenji Isezaki (Special Representative of Japanese Government for DDR in Afghanistan / Professor, Rikkyo University)

4:35–5:35pm Discussion

5:35–5:40pm Closing Remark: Makio Miyagawa, Acting Director, JIIA

Wednesday, February 25

Symposium Part II: “Toward Rehabilitation of East Timor: Achievements and Challenges”

1:00–1:10pm Opening Remarks: Hans van Ginkel (Rector, UNU)

1:10–1:40pm Keynote Speech : Xanana Gusmao (President of East Timor)

Session 1: Support to East Timor from International Community: Achievements and Challenges (Moderator: Makio Miyagawa, Acting Director, JIIA)

1:45–2:00pm Sukehiro Hasegawa (Deputy Special Representative of the Secretary-General for East Timor)

2:00–2:15pm Michael Smith (Major General (Rtd) / CEO, AUSTCARE)

2:15–2:30pm Pat Walsh (Advisor for Commission for Reception, Truth and Reconciliation in East Timor)

2:30–3:10pm Discussion

3:10–3:25pm Break (15 min.)

Session 2: Support to East Timor from Japan : Achievements and Challenges (Moderator: Makio Miyagawa, Acting Director, JIIA)

3:25–3:40pm Yoshiteru Uramoto (Director, UNICEF Office for Japan)

3:40–3:55pm Shoichi Ogawa (Former Commander, 1st Engineer Group, Japan Ground Self Defense Force / Colonel, Joint Staff Council, Japan Defense Agency)

3:55–4:40pm Discussion

4:40–4:50pm Closing Remark: Makio Miyagawa, Acting Director, JIIA

紛争予防シンポジウム

「平和構築支援の課題：東ティモールとアフガニスタンの復興に向けて」出席者リスト

2/24

基調講演者	緒方 貞子	JICA理事長／前国連難民高等弁務官
	ラフダール・ブラヒミ	国連事務総長特別顧問／前アフガニスタン担当国連事務総長特別代表
パネリスト	イシャク・ナディリ	ニューヨーク大学教授
	田中 浩一郎	(財)国連開発センター主任研究員
	長 有紀枝	地雷禁止キャンペーン(ICBL)メンバー
	堀村 隆彦	外務省・アフガニスタン支援調整担当大使
	伊勢崎 賢治	在アフガニスタンDDR日本政府特別顧問／立教大学教授

2/25

基調講演者	シャナナ・グスマン	東ティモール共和国大統領
パネリスト	長谷川 祐弘	UNMISSET(国連東ティモール支援団)国連事務総長副特別代表
	マイケル・スミス	AUSTCARE最高責任者／元陸軍少佐・東ティモール国連平和維持軍副司令官
	パット・ウォルシュ	真実和解委員会アドバイザー
	浦元 義照	ユニセフ駐日事務所 代表
	小川 祥一	元第一次東ティモール派遣施設群長／防衛庁統合幕僚会議事務局

List of Participants to the Symposium
“Peace Building: Toward Rehabilitation of East Timor and Afghanistan”

2/24

Keynote Speakers	Ms. Sadako OGATA	President, JICA / Former United Nations High Commissioner for Refugees
	Mr. Lakhdar BRAHIMI	Special Advisor to the Secretary-General, UN / Former Special Representative of the Secretary General for Afghanistan
Panelists	Prof. M. Ishaq NADIRI	Jay Gould Professor of Economics, New York University
	Mr. Koichiro TANAKA	Senior Analyst, International Development Center of Japan
	Ms. Yukie OSA	Member of ICBL (International Campaign to Ban Landmines)
	Mr. Takahiko HORIMURA	Ambassador to Assistance to Afghanistan, Ministry of Foreign Affairs
	Prof. Kenji ISEZAKI	Special Representative of Japanese Government for DDR in Afghanistan / Professor, Rikkyo University

2/25

Keynote Speaker	Mr. Xanana GUSMAO	President of East Timor
Panelists	Mr. Sukehiro HASEGAWA	Deputy Special Representative of the Secretary-General for East Timor
	Mr. Michael SMITH	Major General (Retd) /CEO, AUSTCARE
	Mr. Pat WALSH	Advisor for Commission for Reception, Truth and Reconciliation in East Timor
	Mr. Yoshiteru URAMOTO	Director, UNICEF Office for Japan
	Mr. Shoichi OGAWA	Former Commander, 1st Engineer Group, Japan Ground Self Defense Force/ Colonel, Joint Staff Council, Japan Defense Agency

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SUMMARY

Symposium Part I: "Toward Rehabilitation of Afghanistan: Achievements and Challenges"

Opening Remarks: Yukio Satoh (President, JIIA)

On behalf of the organizers I would like to welcome you here today. Over two days we will be engaging in discussion in the major challenges facing the international community concerning issues of rehabilitating post-conflict countries. This symposium concerns the situation in Afghanistan and East Timor, two countries in which Japan has been deeply involved.

In January 2002, the Afghanistan Donors Conference was held in Tokyo. At that conference discussion focused on how to rehabilitate Afghanistan. In Afghanistan, Japan is deeply involved in humanitarian assistance and nation building. When Mme. Ogata was the United Nations High Commissioner for Refugees, she repeatedly appealed to the international community to provide assistance. In Afghanistan the Japanese government has aimed to achieve continuous assistance to the country. The Ogata Initiative was thus formed in three phases.

Concerning East Timor, even prior to its independence Japan was contributing to humanitarian and nation-building activities in the country. An engineering battalion of the Self-Defense Forces was dispatched to East Timor. As the largest donor to East Timor, it is very important for Japanese to be included in the UN team for assistance to the country.

When considering nation building and peacekeeping, we also need to consider political and administrative aspects in which the international community is involved. The nation-building process in East Timor started from zero, whereas in Afghanistan, a political community already existed, in the form of the former King and the Loya Jirga. Although the circumstances of the countries are therefore different, the United Nations was involved in all aspects of nation building in both countries.

Another objective of the symposium is to focus on issues pertaining to East Timor and Afghanistan to stir people's interest in these countries once again. Afghanistan continues to face security issues and presidential elections are yet to take place. In East Timor there are also serious problems of unemployment and the international spotlight is still required to support the situation there. The international community is currently focusing on Iraq, but both Afghanistan and East Timor still require attention.

In order to facilitate discussions we have invited people who have first hand experience of working in Afghanistan and East Timor, including Mme. Ogata and Mr. Brahimi. We would like to thank the panelists for taking time from their busy schedules to participate in the symposium. I would also like to thank the Ministry of Foreign Affairs and the United Nations University.

Mr. Makio Miyagawa, Acting Director of JIIA and moderator for the symposium thanked Mr.

Sato for his remarks, explaining that the theme for the first day's discussions would be Afghanistan. He invited Mr. Lakhdar Brahimi to make his keynote speech.

Keynote Speech: Lakhdar Brahimi (Special Adviser to the Secretary-General, United Nations/Former Special Representative of the Secretary-General for Afghanistan)

It is extremely useful to have these stocktaking opportunities to see how the international community has performed. It is always a great privilege to share a platform with Mme. Ogata, and she continues to be a first-class prominent personality in the international community.

It is an honor to return to Japan, a country that has been, and continues to be, such a generous and committed friend to Afghanistan, East Timor and so many other countries engaged in the difficult challenge of rebuilding from the ashes of war.

I was in Hiroshima just three months ago for another gathering of colleagues from around the world to discuss how Japan and the rest of the world might improve capacity building programs in post conflict situations. And I am most grateful for this initiative taken today by the Japan Institute for International Affairs and the United Nations University.

It goes without saying that we need to learn from the past experiences in post-conflict transition, to be ready not to apply these experiences again but to adapt them creatively to each new challenge. All of us who hope to be of help to countries in transition from war to peace do realize that each situation poses unique different difficulties. The particular history of the conflict, local politics, the state of regional relations, ethnic and cultural dimensions, the extent of physical destruction, continuing insecurity, all these factors and many more must be taken into account, to determine what is possible and what is not possible. This is what I have sometimes called "navigating by sight", but to do so, one must prepare and refine the tools at one's disposal. So I personally look forward to learning much from all of you at this conference.

Let me say a little bit about the achievements and the progress in Afghanistan thus far. Whenever I am asked to judge the progress Afghanistan has made on its path to peace, the question always arises: is the glass half full or half empty? Twenty-three years of war, the collapse of state institutions, and international neglect meant that at the beginning of the Bonn process, Afghanistan was a country that had fallen into a very deep hole. So even after two years of progress, there is so much left to be done that the glass can sometimes seem quite empty indeed.

Yet, if we take stock of that progress, the picture can appear a little bit more heartening. Since December 2001, the achievements of the Afghan people under President Karzai's leadership and with international assistance are indeed remarkable. Large-scale conflict was ended, a humanitarian crisis was averted, and the political timetable for transition has been kept. President Karzai's administration has overseen the articulation of a National Development Framework and the National Budget, the successful introduction of a new national currency,

the first steps in the formation of a National Army and a National Police, and the return to school of some four million boys and girls. During the same period the Independent Human Rights Commission has grown in stature and capacity throughout the country. Major strides have been made in restoring the shattered road network and power grid. Agricultural activity has also risen dramatically, playing an important part, significantly contributing to the double digit GDP growth of the last two years.

These accomplishments – and they are only a part of the list - are also an expression of the very fruitful partnership that has been established and maintained between the international community and the Afghan leadership. This partnership is itself a worthy achievement, distinguished by a few characteristics of this partnership that are worth recalling here.

At its core was the principle of Afghan ownership over the transition process. The Bonn process vested sovereignty, from the outset, in Afghan institutions: through the six month Interim Administration, then a two year transitional administration endorsed by Afghans gathered at the Emergency Loya Jirga. After only a short period, this administration determined the priorities for development within its own national framework, and the international community oriented itself to support those Afghan-led priorities.

This Afghan leadership extended to the political aspects of the transition process. The recently concluded Constitutional Loya Jirga deliberated on a draft constitution prepared by an Afghan Commission, established by President Karzai and supported by an Afghan Secretariat. The same Secretariat managed the elections of Loya Jirga delegates and served the Loya Jirga itself. Certainly, international assistance remains vital in the political transition, and the UN and others have played and continue to play active roles. But the transitional process as a whole has seen steadily increasing Afghan management. The next stage, the much more complicated management of national elections, will see equally important, and new policy and management roles taken up by Afghans.

National ownership over a transition process reflects the right of the people to participate in the affairs of the state and decide the course of their history. Mistakes are part of that process, yet in post-conflict situations. There is a potential risk, because national institutions may have become too weak to lead. My Afghan friends would be the first to admit that the institutions of government remain weak in many areas, but with the central principle of Afghan-leadership in place, direct, operational partnerships in each sector were built between the Afghan government institutions, donor countries, the United Nations and the International Financial Institutions. This has been another important characteristic of the effort to rehabilitate Afghanistan.

The ‘lead nation’ concept reflected this operational approach. With this approach, donors took individual, direct responsibility for coordinating support and assisting the program of reform for one specific element of the security sector. For example, alongside the UN, Japan is ably coordinating support to the Disarmament, Demobilization and Reintegration of ex-combatants. This political and operational commitment to DDR (Disarmament, Demobilization and

Reintegration) is in addition, as it were, to the \$500 million Japan generously pledged to the peace process. Likewise, Italy is responsible for support to the Justice sector, the United States for the army, Germany the police, and the United Kingdom for drug control. Another example of the Afghan partnership with the international community was the Programme Secretariats, inter-ministerial bodies which brought the Government and UN agencies together to plan and program development assistance. Where necessary, UN agencies took a joint leadership role in the Secretariat.

Amongst international actors, UNAMA plays the full role devoted to the United Nations as the focal point for coordination of our joint efforts to support Afghanistan's revival. I would like here to express my deep appreciation to all the Governments and their representatives in Kabul for the support. I personally enjoyed from all of them in the fulfillment of that coordinating role.

I focus on the various aspects of cooperation because the relationship between the local community and their leaders on the one hand, and the international community on the other, forms the basis for success of any lasting rehabilitation and reconstruction effort. Of course the political framework varies from place to place, but we internationals must always be ready to work at it, and ready, as newcomers to a situation, to learn from our national partners. And on the whole, I think the Afghanistan experience, in this respect, has been positive.

Now, let me turn to the "half empty" part of the glass. Unfortunately, insecurity remains a threat to all of the gains I have mentioned. Insecurity in Afghanistan comes from two different sources – the extremism of those who wish to use violence to block the peace process, and the daily abuses by factional commanders and their men who prey on the local communities, and defy the rule of law and the writ of the central government. In the long run, it is probably the latter that threatens the peace in Afghanistan most. The threat from extremist Taliban, Al-Qaeda and others is certainly serious, and much more needs to be done by the international community and Afghanistan's neighbors to help stop it. But in the end, the people of Afghanistan do not suffer from this threat nearly so much as they do at the hands of local commanders, who choke off the local economy, extort money from trade, boost the cultivation of drugs, and act as a law unto themselves.

This is one reason why security sector reform is so vital. The table must be cleared of all those armed factions, so that a loyal, unified national army and police can protect Afghans and uphold the law. And the army and police, along with the Ministries that command them, will need to be seen as truly national, rather than factionally dominated, if they are to replace the factionalized forces that continue to plague the land. Disbanding the factional structures will depend in turn on successful DDR. Thus, the disarmament and demobilization of the factions and the building of a national army and the creation of the national police are really part and parcel of the same effort. The fact that these projects are led by different partners is no more than a division of labor.

This reform process is underway, and the recent appointment of a new, reform-minded Chief of Intelligence is a very good sign. But the national reform effort will take time. And in the interim, international security assistance is needed to push DDR and security reforms forward and protect the political process. That is why we have called repeatedly for the expansion of the currently NATO-led ISAF forces, and though this is at last underway, I fear the pace and scale of it may not be at the level required to effectively meet the challenges. From the start, the Afghan peace process has not been accompanied by dedicated international assistance at all levels, and this has been a challenge that we were not able to fully overcome.

The government's efforts to expand its authority have also stumbled on the hurdle of factional influence and insecurity. Without loyal local police, capable district administrators, courts - without the levers of government - the central government's writ often seemed limited to Kabul. This has been another critical gap in the transition process. Resolving it depends on DDR and security sector reform, but also on improvements in the civil service and other interventions to create better government at the local level. Through trial and some error, we have found that this calls for simultaneous assistance and intervention in many sectors at the same time.

It is essential to put in trained administrators, rebuild their offices and help provide logistics, remove corrupt police officers and bring in newly trained and loyal police, ensure that there is a court with a trained and honest judge, and implement reconstruction projects, at the same time to help solidify the new administration in the community. The Government, the UN and others were attempting many such programs at different times, in different places. But in fact they are interdependent. Any one, without the rest, may fail if the overall climate is one of insecurity and weak government. Together, on the other hand, their effects are magnified. The lesson here is that a good government is an integrated system. Where conflict has weakened it across all sectors, the repair work must also be integrated.

Improved security, the capacity to enforce the rule of law, and effective local government are all necessary tools to address the scourge of drugs that threatens Afghanistan. The Minister of Finance has warned that Afghanistan could become a "narco-state" if the \$2 billion poppy economy is allowed to continue to grow and dwarf the legal economy and undermine the progress in rehabilitating Afghanistan so far. This is a critical challenge with implications for Afghanistan's peace process and the public health and national security of drug-consuming countries of the West. The Government plans to eradicate 15% or more of the poppy crop this year, and will need continued assistance to build up the institutions to fight it.

Likewise, bringing life to the new constitution of Afghanistan will also depend in good measure on improvements in the security situation and expanding the authority of the central government to the rest of the country. The fact that Afghans reached agreement on the new Constitution is a great accomplishment but ultimately, the test of each element of the Bonn process will be whether or not Afghanistan is moved forward, towards what I sometimes have referred to as the "irreversibility" of peace. From this perspective, the new constitutional order will only have meaning for the average Afghan if security improves, the rule of law is

strengthened and the government becomes an institution that serves the people.

I hope you will forgive me if I have painted what may appear to be too negative a picture. In Kabul I was often chided by my Afghan and international colleagues for seeing too much of the empty glass. Certainly, the way ahead has its challenges. Nevertheless, the Constitutional Loya Jirga has ushered in an era of new potential - it has brought us to a new phase. Political mobilization is now visible in many areas of the country thought to be much more disaffected. There is new momentum towards the selection of leaders by Afghans in anticipation of the electoral process to come.

What relationship might there be between this new political phase and the rehabilitation and reconstruction effort? I have often said in the past that the transitional government, for all its very real accomplishments, suffered from a lack of representativeness. Its key ministries are disproportionately dominated by the Panjshiri group of the Northern Alliance, leaving the government as a whole with a narrow political base. The prospect of elections brings with it the offer of broadening that political base and increasing the standing of the government further. With more authority and legitimacy there will be an opportunity for the Afghan Government, after the elections, to address the unresolved issues that have dogged the process so far – factional influence, lack of DDR, limited reform of the security institutions, expanding the writ of the government and the rule of law and the control of drugs.

An elected government will have a greater chance of achieving this only if the elections are credible - elections that translate into increased state authority that can be harnessed to leap forward in terms of the challenges I have mentioned. This means continued commitment should be supplied up, through and beyond the elections from the international community both in terms of finances and security support. And it means commitment from the Government to address further some of the gaps in reforms that continue to worry Afghans.

The international conference on Afghanistan planned for 31 March and 1 April in Berlin is the perfect opportunity to crystallize this commitment, and to reach a consensus on the political agenda that must be followed, and the financial support needed to achieve it. There is a pattern we are all aware of, a pattern of diminishing interest in post-conflict transitions after a year or two. I sincerely hope the conference will show a different pattern, a readiness to complete the tasks the people of Afghanistan and we together have taken up in 2001, when we were determined never again to allow the sort of neglect and isolation that befell it.

Dr. Miyagawa thanked Mr. Brahimi and asked Mme. Ogata to provide her keynote speech.

Keynote Speech: Sadako Ogata (President, JICA/Former UN High Commissioner for Refugees)

Today is a very important day for the United Nations. Secretary General Kofi Annan has delivered a speech to the Japanese Diet, concerning Iraqi issues. He stated to the Diet that as a

first step towards peace, it is important to be neutral and independent. I believe that the United Nations' involvement in Afghanistan is a good example of this neutrality and independence.

Until 9/11 Afghanistan was a country that was almost forgotten. In those days there were more than 3 million refugees and assistance to these refugees and the surrounding countries was on the decline. Refugees were unable to return to Afghanistan. It could be seen that the international community had abandoned Taliban-governed Afghanistan. After 9/11, Afghanistan suddenly found itself in the spotlight, and the danger of leaving Afghanistan to become a hotbed for terrorism was highlighted. The Bonn Conference initiated the peace process in Afghanistan and Japan played an active role in this process.

Peace building in Afghanistan consists of security maintenance and expansion, establishment of a political system, and DDR. There are troops from 32 countries deployed in Afghanistan. The troops are deployed in the capital only, but finally in October 2003 it was agreed that the troops should be deployed in regional Afghanistan also. However, personnel limitations are preventing such a widespread deployment.

In the southern and eastern border areas terrorism is on the rise however, and the drugs problem remains. As Mr. Brahimi has mentioned there is a question of why the international community was late in addressing the situation in Afghanistan. It is important to mop up terrorist organizations, and the Allied forces have relied on factions in Afghanistan to help in this effort. The Northern Alliance has received support from the US and its allies and so factions remain intact in Afghanistan.

As a result of the two Loya Jirgas, the political system is developing, but the factional system still has a strong influence. The fact that a constitution is in place is a major achievement. We now need to establish a full-fledged legal system in Afghanistan.

Concerning assistance, the money pledged at the Tokyo conference has yet to be fully disbursed. At the end of last year the Kabul-Kandahar road was completed. The importance of roads cannot be underestimated, and the restoration of infrastructure, focusing on roads is something that is being sought by the leadership in Afghanistan. The reconstruction of the Kandahar-Kabul road has taken two years. Humanitarian assistance alone is unable to support recovery alone. The road is now being extended, and should lead to a complete road network in Afghanistan, as a source for economic growth in Afghanistan.

Japan is working in a number of areas in Afghanistan, including humanitarian assistance. Immediately after the war, Japan initiated humanitarian assistance and instigated efforts to return the refugees back home to Afghanistan. There was a need to take measures to achieve reintegration. In the very beginning, Afghanistan had to embark upon establishing a government, administrative institutions and provide basic needs for living to its citizens. The bottom-up society-building approach was supported by UNICEF in 2002, when 3 million children returned to school. This was a major achievement, due to the fact that the school system had

virtually collapsed.

Ultimately two million refugees have returned to Afghanistan and this places a further burden on the country. The refugees created a crisis due to their sheer numbers, and internally displaced persons (IDPs) also presented a challenge. In Kandahar, the number of refugees and IDPs demanded assistance, and the Japanese government provided the first ever assistance to the local community. Local community development took place, directly funded by Japan through NGOs.

The Ogata Initiative is a part of bottom-up efforts and is taking place in various locations in Afghanistan. I hope that it can be combined with the efforts of the central government. I now head JICA, which is sending specialists for community development to Afghanistan. I hope to be able to send more such specialists to Afghanistan in the future.

Another important thing for Japan is its involvement in DDR. This program is a very important one for us, as a means of improving security and allowing people to live in peace of mind. More than 3,500 persons in Kabul have turned in their weapons voluntarily under this program.

Reconstruction of a country entails a great variety of activities. The United Nations has in the past established interim authorities in Cambodia, Mozambique and Kosovo, and is becoming a transitional authority. Another model is found in Afghanistan, where the people have made their own efforts for reconstruction, and outside agencies and governments have provided assistance. This is not an easy task to accomplish and could entail a variety of difficulties. Mr. Brahimi has been making a great effort in such activities in Afghanistan.

Immediately after the post-conflict period, people pay close attention to refugees and IDPs' situation, but after that there is a tendency to forget. At such times the humanitarian agencies are required to enter the country, but the security situation sometimes does not allow for this. The work of the Japanese government and other governments and agencies has been incorporated into the programs of the Afghanistan government and questions of emergency assistance to returning refugees remain as important issues. We need to continue our work and therefore learn many lessons.

The realization of the rule of law takes a great deal of time. Judges and law enforcement officers require training and more support needs to be provided in this area. Rehabilitation and reconstruction activities require further efforts, but we are heading in the right direction. There are still many challenges for Afghanistan to overcome – conflicts among factions remain.

We need to be able to ensure that people in Afghanistan have basic living needs. In Afghanistan, a women's affairs ministry was established to work for women's issues. In Afghanistan 80 to 90% of women are illiterate in rural areas, and efforts need to be made to promote the education of women in rural communities. Unless both top-down and bottom-up

activities are dually initiated, security cannot be guaranteed.

The concept of human security is crucial to development in Afghanistan, and a clear understanding of the security and political system is required.

Dr. Miyagawa thanked the two speakers for their keynote speeches.

Session 1: Support to Afghanistan from International Community: Achievements and Challenges

Dr. Miyagawa introduced the theme of the first session. He asked panelists to consider mechanisms within the international community to achieve conflict prevention, post conflict building and other challenges facing the world in the 21st century. He introduced the panelists and invited them to give their presentations.

Prof. M. Ishaq Nadiri (Jay Gould Professor of Economics, New York University)

The Afghans feel that they have suffered because of international intervention in their lives. From the time that the communist party was enabled to come into power and the subsequent Soviet invasion, mujahedin insurgency and religious fundamentalism, followed by the rise of the Taliban and the US attack to flush out Al Qaeda, the Afghans have been suffering from foreign intervention.

Afghanistan was almost totally destroyed, the destruction being unprecedented in modern times. Afghanistan essentially collapsed in the process and was taken over by religious groups that could be collectively termed as Al Qaeda. This came at high cost to the international community, in economic and psychological terms. Afghanistan livelihoods deteriorated so much that many have taken to the production of poppies, which also threatens the international community. Mr. Brahimi has achieved much in Afghanistan, with two Loya Jirgas already being convened and a constitution having been achieved. Another achievement has been Afghanistan taking in three million refugees.

A large number of children are now enrolled in schools. 40% of them are girls. The schools are not well equipped and are clearly substandard but nonetheless it is a beginning. However it is formidable for any country to undertake such an enormous task within such a short period. Even though the degree of insecurity in Afghanistan has increased lately due to attacks by the Taliban, Al Qaeda and others, Afghanistan is much more peaceful than two years ago. This relative peace throughout the country is enormously valuable to individual Afghans.

Finally there is some progress in the economic sphere as well. Some rebuilding of infrastructure like roads, telecommunications, establishment of some banks and private sector activities in trade and services are also visible. Afghanistan's long-term economic progress (not withstanding the 30% growth rate last year) is not very bright. This is partly because Afghanistan

has been destroyed much more than many people thought. The point to underscore is that in Afghanistan it is the very structure and capacity to produce goods and services have been severely damaged. Not only does the growth rate have to be high but also the restoration of economic capacity must be rapid in order to generate a sustained conversion from a war economy to a peaceful economy.

The centralization of government is a very expensive process in Afghanistan. The issue of security is very important for the government, but insecurity was increased in Afghanistan, given the nature of intervention by the United States in the past. Insurgents were employed by the United States, and these insurgents subsequently took root in society. Another question is how to keep the democratic process pure. Afghanistan needs to ensure that the political process of Afghanistan is not meddled with.

Economic growth has to be robust due to the huge number of unemployed persons and the large number of young persons who are expected to come into the workforce in several years time. It is predicted that Afghanistan will require a minimum of US\$3 billion investment each year for a ten-year period. It is also absolutely essential that countermeasures are taken against poppy cultivation.

Afghanistan has had a good start, but it has highly under managed its political and economic progress. There is a need for enhanced Afghan human capacity. The fabric of reconstruction and its essence must be undertaken by Afghans. Those Afghans overseas need to be enticed to return to Afghanistan. It is incumbent on the people of Afghanistan to rebuild their country brick by brick.

Koichiro Tanaka (*Senior Analyst, International Development Center of Japan*)

Two years have passed since the Bonn Conference. We need to focus our attention on Afghanistan and maintain interest in the country. Various problems remain and solutions must be sought. Reconstruction for Afghanistan does not simply mean a recovery post 9/11, but a restoration of the country after the chaos and civil war of the 1990s. The structure that brought about the civil war needs to be rectified.

We have learned that the level of involvement and interest of the international community in Afghanistan has been very low historically. Once the Soviet Union withdrew, the international community took very little notice of the developing civil war. We should learn lessons from these experiences.

The international community must now supervise the political transformation of Afghanistan, but in the past few years this has not been done to a satisfactory degree. The Bonn process has moved slowly. After the fall of the Taliban in November 2001, there was a power vacuum in the country for one month until the Bonn Conference. At the Bonn Conference, the Karzai Administration started its life with some dissatisfaction at the way in which it had been constituted.

The Afghanistan issue has been for a long time relegated to a minor position in the international community. This must not continue.

The warlords continue to commit crimes, but it is difficult to curb their power, and many are also involved in poppy cultivation. Civil wars and domestic conflict situations can often become an obstacle to peace, and the warlords are expanding areas for poppy cultivation, to which a response is not being made, or being made very belatedly.

The structures that permitted the emergence of the Taliban in the 1990s remain in place, and this issue is one that should be taken up at the second Bonn Conference in March/April this year. There are countries that are trying to hurry the process of elections in Afghanistan and this could be counterproductive to the democratic transition in the country if it is purely for the interests of other countries.

In the case of Japan, both SDF deployment and humanitarian assistance have been provided. In Afghanistan, political reform is needed to bring about an improvement in security and will require intensive discussion at international fora.

Yukie Osa (Member of the International Campaign to Ban Landmines)

Two years ago, the Japan Platform organized an NGO conference in Tokyo for the rehabilitation of Afghanistan. At this conference 27 NGOs from Afghanistan participated and five workshops took place in various areas – education, agriculture, peace-building, etc. At the end of the conference the NGOs instigated an appeal, in an attempt to get government officials to be aware of the needs of NGOs in Afghanistan. There are number of Japanese NGOs activities in Afghanistan, engaged in various sectors, including demining, education, health and sanitation. The recommendations of the Japan Platform conference are still relevant and bear repeating: (i) The importance of the role of Afghanistan NGOs in the rebuilding process cannot be understated; (ii) A diversity of funding sources is important; (ii) Political stability is a prerequisite and it is incumbent on the international community to ensure measures are in place to secure stability; (iv) Speed of development in the community is an important issue; (v) The size of assistance plans require consideration in the case of Afghanistan; and (vi) A comprehensive approach is required to “failed states.”

In local communities, security and the exchange of information are also important. NGO assistance is unable to create security alone.

At the time of the donors’ conference on Iraq in Madrid, a staff member of the Red Cross pointed out that the international community tends to provide large sums of money immediately after conflict is concluded, in a time frame for which it is difficult for NGOs to take immediate action. Subsequently funding tends to decrease, at a point in time when NGOs are able to respond.

Prior to 2001 there were only 5,000 people trained to conduct demining activities in Afghanistan, but now that figure has risen to 7,000 people, through training activities that have been undertaken. In order to not to repeat the same mistakes and see Afghanistan forgotten once again, it is important to provide support for the long-term.

Discussion

Dr. Miyagawa invited comments from the floor concerning security issues.

Mr. Nakagaki of the Foreign Ministry asked a question to Prof. Nadiri about reconciliation among the different ethnic groups in Afghanistan. He asked whether reconciliation efforts to date have been effective.

Prof. Nadiri responded that ethnicity in Afghanistan has a long history. He explained that in years gone by ethnicity was not a significant issue. The issue of ethnicity arose after the emergence of the Communist party in Afghanistan. The Afghans have been dealing with each other for a long time and ethnic problems are not necessarily in the culture. Such problems have been amplified however, given that Afghanistan does not have a large national army, but rather has local militias. Ethnicity has become an issue due to infiltration of the country by outside groups from Iran, Pakistan, Uzbekistan, etc. The issue of ethnicity is therefore not necessarily a reversible issue and it should be noted that no group has stated a desire to secede from Afghanistan. There has been no commission for reconciliation in Afghanistan. The Afghan political and social fabric will coalesce ultimately. The key problem in Afghanistan at the moment is that the country is completely broken and resources are virtually non-existent, which is prompting fierce in-fighting to gain the few small resources that actually exist.

Dr. Miyagawa stressed the importance of the international community to support nation-building in Afghanistan, supporting and respecting sovereignty in the country. He asked if there were any comments or questions from the floor.

Mr. Toda from JICA asked a question with regard to Iraq, pointing out that the community structure had been destroyed there with the demise of the Baath Party. He asked whether in the case of Afghanistan it would be counterproductive to criminalize the warlords, given their important position in the culture and society of Afghanistan.

Mr. Tanaka pointed out that the warlords are paramilitaries, where as the Baath Party in Iraq were the ruling party and the central government. The majority of the warlords are limited to regional situations. The issue of road-building is crucial to expand distribution, but problems exist of how the warlords will tax goods and products traveling through their regions. Mr. Tanaka explained that due to such concerns he was advocated the dismantling of the warlord system and the power their wield, calling for pressure to be placed on the warlords. He suggested that the warlords are not as disciplined as a regular army would be, and it is important

to have control over troops, which many warlords do not.

Prof. Nadiri responded that the situation in Afghanistan and Iraq were very different, noting that historically local government and decision making have been very strong in Afghanistan. There is a strong culture of warlord-ism. Twenty-three years of fighting in the country have resulted in the some strong warlords becoming stronger. It was the international community that was responsible for encouraging the consolidation of the warlord system.

A question was asked concerning landmines and the responsibilities of the makers of landmines. Also the importance of the speed of assistance in post conflict situations was stressed.

Ms. Osa responded that landmine companies and countries should provide information about the whereabouts of the landmines that have been laid. After 9/11, the US army used cluster bombs, and has provided information about where such bombs were dropped in Afghanistan.

Dr. Miyagawa moved to invite comments or questions from the floor concerning economic issues surrounding Afghanistan, pointing out the challenges being faced due to the cultivation of poppies.

Mr. Endo from FAO asked a question concerning post conflict DDR and the importance of agricultural development in rural areas to promote economic growth.

Prof. Nadiri responded that a critical factor was that 75% of the Afghan population lives in rural areas. He noted that one of the shocking experiences of going to Afghanistan has been the total destruction of the agriculture, including forestry and flowers. A core of people could be employed to plant trees where they used to exist. The issue of fighting poppy cultivation could be resolved if various governments and agencies could be introduced the know-how. Poppies have the highest economic return as agricultural items, but replacement items (including more expensive items such as walnuts) need to be provided. Agriculture is central and if not addressed poverty will lead to unrest and a return to terrorism. It is to be hoped that Japan will take a strong position in helping agriculture to be restored.

Mr. Tanaka responded that there was a need for comprehensive reform in the agricultural sector. In addition, there are a number of refugees returning to Afghanistan and recovery programs have been impacted due to their large number.

Ms. Ogata suggested that it would be counterproductive to stop refugees returning to their home country, pointing out that their return home could lead to enhanced economic activity that would support the country, rather than representing a burden.

Mr. Asakawa asked a question concerning returnee Afghans to Afghanistan. He asked whether any measures were in place to encourage overseas Afghans return to their country.

Prof. Nadiri responded that there were a number of Afghans overseas wishing to come back to their country, although there are some difficulties in attracting them given wage differentials between other countries and Afghanistan. Another issue would be to encourage them to remit money to Afghanistan. There is no developed program in Afghanistan to attract overseas Afghans and their money.

A question was directed to Ms. Osa concerning war widows and aid to war wounded. She responded that there are organizations engaged in DDR activities, which deal with such groups.

Dr. Miyagawa invited questions from the floor concerning the issue of education and the degree to which the international community could provide assistance in this sector.

Prof. Hoshino of Tokyo Women's University explained that his university had launched a program to support women's education in Afghanistan. He stated that the program was projected to be extended to the regions in Afghanistan, and stressed the importance of Afghanistan ownership in education sector. Education should be engaged in thoroughly and carefully.

Prof. Nadiri acknowledged that the education of women in Afghanistan was a profound problem. Although women's rights have been recognized in the Constitution, it is likely to be a long process to move towards equality for women. It will be necessary to make maximum efforts to increase the number of school enrollment of girls in Afghanistan in order that women can make a social and economic contribution in the future.

Mr. Tanaka stated that donor countries must pay attention to cultural backgrounds when considering such issues as education.

Dr. Miyagawa thanked the panelists for their valuable comments and highlighted the need to discuss the modalities for assistance in the international community.

Coffee Break

Session 2: Support to Afghanistan from Japan: Achievements and Challenges

Takahiko Horimura (*Ambassador in charge of Afghanistan Assistance Coordination, Ministry of Foreign Affairs, Japan*)

Afghanistan has undergone internal conflict for a long time and the governance system was shattered. The fiscal foundation of the government has yet to be put in place. The US Forces and other multinational forces have been attempting to ensure security in Afghanistan and the national police force is in the process of being rebuilt. However, in the south of the country the Taliban is attempting to resurge. In addition, there are drug issues and poppy cultivation, the products of which are being exported to neighboring countries and all over Europe.

The peace and rehabilitation process of Afghanistan started in 2001 with the Bonn Conference, followed by the donors' conference in Tokyo in 2002. Afghanistan is now in a post-conflict period. It is now necessary to strike a balance in the peace and rehabilitation process in Afghanistan. Elections are also required, but prior to elections adequate security is essential. In the south and southeastern Afghanistan, restoration work to roads is the target of terrorism itself.

A constitution has been compiled in January 2004. It was a very significant political development and it will have an impact on the security and rehabilitation processes.

Japan is hoping that Afghanistan will stabilize as soon as possible and is providing assistance to the country. In 2002, the donors' conference was held in Tokyo, when US\$4.5 billion was pledged to the rehabilitation of Afghanistan. Japan itself pledged US\$500 million, most of which has now been disbursed for various rehabilitation projects, including DDR.

The Ogata Initiative was devised to provide refugee-related humanitarian assistance, including enhancing human capacity skills. Japan is also providing assistance in the area of security. The US has taken the initiative in this area, in its attempts to rebuild the national army. In order to mop up terrorists, some 10,000 US and UK forces are deployed in Afghanistan, but former Taliban forces have been successful in infiltrating the Afghanistan-Pakistan border. Japan has been providing logistic support to the multinational forces in Afghanistan. Germany and the US are the central players in the recreation of a national army and civilian police force and the aim is ultimately to have a national force of 15,000 personnel. Japan is responsible for implementing DDR activities. Factions still remain in Afghanistan and DDR activities are crucial in order to bring balance to the situation.

In several locations, including Kabul, pilot studies have been implemented into various rehabilitation activities, and these projects should now be expanded, including demining, DDR activities and others.

Two years have now passed since the Tokyo Donors' Conference and in that time a number of achievements have been witnessed. Many refugees have returned to Afghanistan, a highway system is being developed, and a basic legal framework is now in place.

The challenges facing Afghanistan are many, but security is the primary concern. There is a need to realize a government should be elected through democratic processes. The process of rehabilitation in Afghanistan is something that the international community has worked on together, and it will be important to enhance the efficiency of such cooperation. The ultimate objective is for the Afghans themselves to take over the rehabilitation process in Afghanistan and Japan will make every effort to encourage the Afghans to take the initiative themselves.

Kenji Isezaki (Special Representative of Japanese Government for DDR in Afghanistan/Professor, Rikkyo University)

Afghanistan is facing an enormous milestone in the shape of the upcoming elections and DDR is crucial to that process.

DDR is recognized as the center of security sector reform, which includes the formation of an Afghan National Army, a national civilian police force, the construction of a judicial system and counter narcotics operations.

The objectives of DDR are to disarm, demobilize and reintegrate an estimated 100,000 active security personnel. In addition, the aim is to reorganize the national military structure by dismantling all military units to form a single Afghan National Army, thus paving the way for free and fair elections.

The process of DDR requires an impartial international observation group. There have been four pilot projects undertaken in Afghanistan to date, from October 2003 to the present. The lessons learned from these pilot projects are various. One question that arises is whether the military structure has been dismantled, and whether weapons can be collected. There is also concern among commanders of demobilized troops as to their future role in society, and little has been done to address the concerns of senior officers and jihadi commanders. Japan's DDR activities have attempted to reintegrate such senior officers also, including offering them positions in government.

Another concern of DDR is the security vacuum that could be created by disarmament, which requires the retention of a residual force, excluded from DDR until national forces are sufficient to secure the area. Another issue of concern is the lack of political will to engage seriously in DDR activities, given the strength of factions in Afghanistan.

It is now a reality that 100% disarmament cannot be achieved before June. One option would be to implement a nationwide heavy weapon cantonment, which would allow for an election. Ultimately however, DDR is the only solution to prevent the recurrence of conflict and has to be completed as soon as possible. The commitment of the international community should not waver in this regard. The next one to two months will be crucial in DDR activities in Afghanistan.

Dr. Miyagawa thanked the panelists for their presentations.

Discussion

The floor was opened to questions. Amb. Horimura was posed a question. He pointed out that in 1990 the Soviet Union pulled out of Afghanistan, after the country was faced with a large number of mujahedin. And it was resulted that the country fell into confusion, after the Taliban came to power and united the country more or less under their rule. The 1990s is considered a lost decade in Afghanistan and during that time Japan's assistance to Afghanistan was very limited. Japan attempted to organize a conference to promote reconciliation among the factions and held a cultural conference, but there was not a great deal of assistance provided in the 1990s.

Ms. Osa explained that the Japanese government has been actively involved in demining activities and education. A fact-finding team was dispatched to Afghanistan, and as a result of their findings, the Japanese government provided funds to rebuild facilities destroyed by landmines, or to provide equipment to aid demining activities.

Mr. Watanabe of Nippon Keidanren thanked Prof. Isezaki for his presentation and asked how much diplomatic power the Japanese government was exerting in performing DDR activities. Also with regard to the election in Afghanistan, scheduled for this year, Mr. Watanabe asked about the advisability of storing weapons in a nationwide heavy weapons cantonment.

Amb. Horimura stated that the international community was working together to promote the rehabilitation process in Afghanistan as well as security and political considerations. He noted that security system reforms were being undertaken by a multinational force, with Japan responsible for implementing DDR activities. Amb. Horimura acknowledged that while it was difficult for Japan to dispatch troops to engage actively in DDR activities, it is taking responsibility for coordinating DDR activities. If directly attacked, Japanese forces would rely on US or UK forces to provide protection. The Japanese government is trying to promote an environment in which DDR can be implemented smoothly.

Prof. Isezaki stated that the Japanese government has led measures for disarmament and demobilization, which are very delicate issues.

Prof. Nadiri stated that DDR was a crucial activity, and one that is full of problems. The whole process of legitimization provided by the new constitution should be used to ascertain whether heavy weapons will be surrendered. The crucial issue facing Afghanistan as a whole is that unless factionalism is not resolved, everything else will remain in an uncertain situation. The cost of such uncertainty would be protracted involvement of the international community in Afghanistan at greatly increased cost. After the election, this issue must be resolved and it should also be noted that Afghanistan has difficulty retaining the police force and armed forces, which have been trained. The training of military and police forces cannot be done cheaply in Afghanistan and it is imperative that the international community realizes this reality. Currently there is under-investment in Afghanistan considering the level of destruction that has taken place in the country. The international community must carefully evaluate the costs involved in these DDR considerations.

A participant from the floor stated his concerns about the June elections, including military considerations and the distribution and registration of the electorate. He suggested that it may be necessary to postpone the elections.

Amb. Horimura responded that the most serious concern surrounding the election was security. He added that the people of Afghanistan are still not accustomed to the concept of democratization and have therefore not actively been registering themselves. Amb. Horimura warned against postponing the election however, pointing out that it would result in the Bonn process

being undermined. When the donors meet at the second Bonn Conference, the Afghanistan government will be expected to provide an explanation as to why they think the election can or cannot be held. Top priority needs to be placed on establishing an Afghan government.

Mr. Asakawa posed a question to Prof. Isezaki concerning the reintegration of military forces in Afghanistan, given the unemployment problems being experienced in the country. He also asked how national interest rather than tribal interest could be promoted.

Prof. Isezaki responded that there has been some debate on the involvement of JICA in reintegration programs as a part of a development approach.

A member of JICA explained that she had been involved in assistance to Afghanistan, and pointed out the difficulties in providing education in a difficult security environment. She stressed the importance of security measures being in place to protect assistance workers.

Mr. Nakayama asked Prof. Isezaki a question about the sustainability of the DDR program and whether the soldiers of militias are targets for DDR programs.

Prof. Nadiri addressed the question of security in Afghanistan and how education could be provided in a deteriorating security situation. He highlighted the importance of the international community reconfiguring its logic in Afghanistan, pointing out the need for International Security Assistance Force (ISAF) to expand its operations outside of Kabul into rural areas. The issue of security has to be faced otherwise the situation in Afghanistan will deteriorate as it did in the 1990s. The issue of unemployment is a serious one in Afghanistan and the agriculture sector is one that is not developing and is the sector that has the potential to provide employment opportunities. The current funding to Afghanistan equates to US\$135 per capita, which is not a big investment in the country. If funding were to be increased, the likelihood of Afghanistan sinking back into chaos could be avoided. Democracy for developing countries and for Afghanistan in particular is a very expensive system and requires investment from the international community.

Mme. Ogata stated that Japan got involved in DDR activities under the name of the “register for peace”, which was designed to provide ex-combatants with employment. In engaging in this project Japan was seeking to provide support for reintegration while providing assistance to the Afghanistan government, enabling it to take on an increased role itself.

Prof. Isezaki made a comment concerning troop numbers in militias and their demobilization and reintegration. He explained that a community-based approach is taken by UNICEF to deal with the child soldier issue.

Closing Remarks

Dr. Miyagawa thanked all the panelists for their presentations and comments.

SUMMARY

Symposium Part II: “Toward Rehabilitation of East Timor: Achievements and Challenges”

Opening Remarks: Hans van Ginkel (Rector, UNU)

Your Excellency President Gusmao, ladies and gentlemen, welcome to the United Nations University. It is my pleasure to welcome the leader of the first country of the 21st century to this symposium.

Yesterday we discussed lessons learned in Afghanistan and the challenges and opportunities we are confronted with in that region. One of the messages we drew from the symposium is that parallels and comparisons are useful, but each case is a case in its own right. Less than one month ago we organized a conference with the European commission titled “From civil strife to civil society,” and the themes for today are within the same area.

Building peaceful societies is a recurrent theme in the activities of the UNU. We are committed to contribute to efforts to resolve the pressing global problems that are the concerns of the UN, member states and its people. The UNU maintains a network of academics that form a bridge between the international community and academia. It is also a platform for innovative and creative ideas on the major issues in modern day society.

The rehabilitation of war torn societies is a subject that raises fundamental challenges for human rights and human security and does not come easy or cheap. All who are engaging themselves must be prepared to continue for the long haul. As countries like Timor Leste recover they face enormous challenges. Insecurity and violence, educational break down, communal tensions and others are part of a formidable list that require a response.

Once violence ceases it is very difficult to find a sense of identity and belonging in societies that have experienced social breakdown. It may be possible to create a sense of order from outside but the sense of community has to grow from within. The tasks of rebuilding infrastructure are huge.

A functioning government supported by the entire population is the basic requirement for rebuilding countries and attending to human needs. We cannot pretend that the goals of government are easy and it is necessary to touch upon tensions and problems in post conflict countries. Some countries may not be ready for full democracy. As Ambassador Brahimi stated yesterday, elections should be held as soon as possible, but not sooner than is possible.

The return and reintegration of refugees and internally displaced persons is a priority and must be done in a manner that respects the rights of all. Economic development is also a priority area, as a part of human development. We have found that economic development that benefits only small sectors of society creates new forms of tensions and antagonism.

During my time as rector of UNU, we have studied security challenges around the world. The model for human security has much to offer post conflict peace-building. This symposium is not just a meeting to talk about issues in an academic way, it should also be pragmatic.

Keynote Speech: Xanana Gusmão (President of East Timor)

It is a great pleasure to come here again to Tokyo, not only to be warmly received by senior Japanese government officials but also to feel the continued sympathy and solidarity of our friends, the Japanese people.

On behalf of the people of Timor-Leste, I wish to express here publicly my gratitude for the great honor afforded to me to have been received by His Majesty, Emperor Akihito. It must be mentioned that the meeting was the culminating point of relations between Japan and Timor Leste, that the Government of Japan, under the leadership of Prime Minister Koizumi, knew how to build and to consolidate.

It was under this wave of sympathy and solidarity that Timor-Leste emerged as the youngest nation of the world.

And it is also in this context that I wish to express my appreciation to the Japan Institute for International Affairs and this University for having invited me to participate in this conference to speak about Timor-Leste. It is always gratifying for us to know that the commitment for Timor-Leste is still ongoing, not only on the part of the governments but also on the part of peoples around the world. And this always constitutes a motivating factor for us, when countries, such as Japan, which has supported us extraordinarily, continue to follow our progress closely.

It was here in Tokyo in December 1999, when friendly countries and international financial and humanitarian organizations met to assist Timor-Leste to rise up from the disastrous consequences of violence and destruction of September, only four months earlier. The support afforded to the emergency period and consequently, for the transition to independence, which took place on 20 May 2002, was extraordinary.

Today, I am once again in Tokyo, representing the first nation of the millennium, a small country, situated amongst the ten poorest in the world, and the poorest in Southeast Asia. Today I am here to share with you the joy and satisfactions that Timor-Leste is considered a success case, thanks to the support of the United Nations and donor countries and above all, to the maturity of our people, acquired in suffering and pain.

However today, above all, I wish to speak to you about the aspirations of our people, of the expectations and challenges that we face in building our nation. I say nation-building, which despite having many elements of reconstruction, speaks much more on building the state: the democratic state.

The most important step taken in 2001 by UNTAET, was the agreement to follow the political agenda, presented by a National Council, a legislative body consisting completely of Timorese, of diverse political exponents, including former defenders of integration. The agenda prescribed democratic elections for the formation of a Constituent Assembly.

The resistance movement, the National Council of Timorese Resistance (CNRT), which organized, united and mobilized the people for the struggle, right up until the popular consultation on 30 August 1999, having already completed its mandate, was dissolved to make way for pluralist democracy. The elections that were held on 30 August 2001, demonstrated the democratic conscience of the Timorese people, thereby asserting the principles of tolerance and social harmony.

In addition to this step, another was undertaken, though not of less importance. A countrywide consultation was held to allow the people to express their aspirations on what they hoped to gain from independence. The challenges are obviously enormous, from the physical reconstruction to the building of new mentalities; from developing the capacity of human resources to the gradual consolidation of state institutions; from the understanding of human rights to the deepening of the democratic conscience; from meeting vital needs to a vision of sustainable development for the country.

There are real expectations of the people, as a whole, but there exists also the demands from segments of society, legitimate demands that are not in question but are rather difficult to meet immediately, because of inherent conditions of the beginning of the process; the process of building a nation.

It is in the analyses of these responsibilities of meeting the aspirations and expectations of the people, that the challenges became clearer in the present situation. And the greatest challenge is the consolidation of institutions of the State; the young state of Timor-Leste.

The gradual and permanent progress towards the consolidation of state institutions, demands precisely the improvement and professionalism of human resources, but fundamentally requires a change of mentalities that were acquired or are still under the influence of the previous system.

The people's expectations reveal the desire to see the conditions of their day-to-day life improve so as to guarantee hope for their children. And during the 24 years of foreign occupation, the people experienced a corrupt system: they lived under a system where abuse of power allowed constant violations of human rights; a system where injustice was applied only to the population.

And even in the course of the long resistance, the people hoped independence could bring the capacity to establish a different system, one which would not commit the same excesses of power; a system where the primacy of law prevailed.

Only the rule of law can guarantee democratic freedoms, respect for human rights and can affirm justice as a foundation of the nation.

In this difficult phase, still in the process of building this Timorese state, the concerns of the people, the fears of society, the affirmations of the politicians and the declarations of the rulers, are directed at achieving this objective – the establishment and consolidation of the rule of law.

And that is why the judicial system continues to demand our attention constantly; and that is why our recommendations continue to be focused on the creation of an effective mechanism to prevent and combat corruption, and that is why ethics and professionalism of public servants continue to demand our attention.

The difficulties are enormous and so are the challenges, inherent in societies, arisen from situations of injustice, and are beginning to detain the reigns of power or to usufruct the benefits of independence. Nevertheless, we believe and I can actually affirm that the commitment not to offend the sacrifices consented by the people to achieve the freedom in which we live today, is firm.

Timor-Leste is a country that emerged from a long conflict; a country that carries in its entrails the complexity derived from diverse nature and characters of the physical and psychological state of mind. And it is from this complexity that expectations arise and demands are formulated, originating complaints and feeding frustrations.

The whole long conflict of more than two decades brought disagreements, resentments and hurt between the Timorese themselves. September 1999 joined in these sentiments, not only with physical destruction, as you all know, but also the human tragedy, the forced displacement to West Timor of more than 250,000 people.

With the support of the international humanitarian organizations, UNHCR and IOM, which played a pivotal role in the process, we were able to bring back more than two hundred thousand Timorese, with only twenty-eight thousand people remaining behind in West Timor.

The internal political divisions provoked suffering and pain in families and therefore efforts were made for reconciliation to be broader, to include political organizations which initiated violence between Timorese, in order to make them take responsibility for their actions. Mr. Pat Walsh, one of the symposium panelists will no doubt elaborately cover this issue.

Nevertheless, the needs in the social and economic areas do not help the spirit of the people to conciliate with the memories or with the consequences of past abuses. And this healing process will take a long time, until the global economic development and the consequent improvement in the conditions of daily life for everyone, dissolves the memory of suffering to give way to smiles and confidence in daily life.

Only a system where social and economic justice is practiced, can help to heal the wounds. And, at present, only assistance programs and vocational training, can help to reinsert people into society, thereby, at last, giving value to their sacrifices or recognizing their participation.

Timor-Leste has been the recipient of assistance from donor countries and international financial institutions. In these last four years, millions of US dollars were disbursed. It is normal when we sum up the contributions and expenditures, to reach the conclusion that much has been given and much has been spent.

In the case of Timor-Leste, it may have occurred that year after year, the people begin to forget the consequences of destruction which we inherited in October 1999. And I dare to affirm that, had there been more time to destroy everything, then all would have been destroyed. Just to give you an example, for Timor-Leste, we cannot speak exactly of development but rather of rehabilitation. I can mention that in 2000, US\$12 million were spent for the reconstruction of schools. Even today, there are hundreds of schools still without roofs, many where students sit on the ground as there are no desks. The same can be said of hospitals, clinics and other public building throughout the territory.

There appears to be a tendency to refer to Timor-Leste as a success case, in achievements or that in Timor-Leste all is well. This is what we would like to correct.

Today, we also understand the concern of donors when more conflicts are emerging alongside old ones hopelessly without solution. And when we ourselves place our country on the map of conflict or post conflict countries, we have the feeling that the scales do not weigh in our favor.

At times, because of the duty of conscience and solidarity with the other millions and millions of people of countries which need help, we feel that we should be more modest. Some countries, with no comparison whatsoever with Timor-Leste, are much more populated. Other counties, compared with Timor-Leste are cause for greater concern, be it in terms of security and stability or in terms of political viability.

But the millennium goals also constitute our benchmark and the vision offered by our people for global and sustainable development of the country, merely corroborates the validity and pertinence of the millennium goals, opportunely elaborated by the United Nations.

If we were considered a success case under the aegis of the United Nations, it was based fundamentally on the following:

- a) in the stability and security, and General Mike Smith, another panelist who served in INTERFET and PKF and profoundly knows the socio-economic problems, adjacent to the issue of security, will no doubt give a more objective and broader view of this;
- b) in the establishment of an administration, as there was simply none before – and here we

pay tribute to Sergio Vieira de Mello and the whole of UNTAET for the good work done; and

- c) in the political scope, by the predisposition of the Timorese to be guided by universal values in the drafting and implementation of the national constitution.

As it is, what can Timor-Leste offer now? Why should the international community continue to support us, when there are other countries, which are obviously in greater need of assistance?

Of course, as you all know, from time to time, we are reminded in terms of the perspective of income, resulting from the exploration of petroleum and gas. Firstly, I should say that we do not wish to depend totally on the revenue from this source for our development. Secondly, if this were to already have been a reality, we would not want to be labeled a burden for the donors, in the manner in which we may be viewed in the eyes of the world, as another country with major difficulties.

We are a new country, recently independent, aiming to bury the past of suffering and pain, in order to plant the seeds of harmony, tolerance and justice. We are people who have overcome a long period of war and now desire to live in peace forever. We are a young country, underdeveloped, committed to the well-being of our people, so that there is no more hunger, misery, disease, illiteracy and ignorance.

Therefore, what can Timor-Leste offer? It is this conviction:

The conviction that there must be concrete efforts made to establish a judicial system which instills trust in all the people and guarantees that no one in Timor-Leste, regardless of who they may be, is above the law. It will take time to change the practices which mock good sense and violate the law. Society and the people will have to continue to prepare themselves to defend this principle.

The conviction is that there should be continued concrete and palpable efforts to obtain good and clean governance so that the habits of the previous system do not undermine the political commitment of the nation.

The conviction to reinforce the democratic conscience of society and people in general, in order to create and consolidate an environment of political tolerance and social solidarity, so that respect for human rights becomes effective in the practice of good citizenship.

This is the major concern of our people and this is our commitment that of continuing to be a success in the defense of democratic values, which constitute the foundations of our state. However, democracy is not practiced in words, democracy is not fed from declarations.

As you all know, last week at the Security Council, the UN Secretary-General Kofi Annan, who coincidentally is also here in Tokyo, presented his report on the progress made in Timor-

Leste; the achievements since May 2002 in some important areas of governance; the short-coming or gaps in other areas; the challenges and difficulties ahead of us, as well as the opportunities for the further progress and consolidation of our young democracy.

The Secretary General recommended a follow-up UN consolidation mission after May 2004, which will consists of 58 advisors in key areas of the administration, 42 military observers, 157 police advisors, with 310 peacekeeping force personnel. We hope that the international community continues to make the right decisions for the good of the people of Timor-Leste, as they have always done up until now.

I am certain that Mr. Hasegawa, as a panelist and DSRSG of UNMISSET and resident representative of UNDP, will provide a more measured image of the Timorese reality, of which he knows well, in terms of the young nation wanting to establish itself in solid bases. Mr. Uramoto, another panelist with a background of stimulating activities of UNICEF in our country, will provide you with a clearer perception of the human potential for the future and of the gigantic challenges of today.

Our state is still fragile; still with an emerging democracy and without economic bases to propel sustainable development.

We have the potential in the medium term to be self-sufficient in agricultural products. Japan has been supporting irrigation projects and I believe that with the introduction of quality seeds and techniques for adequate production, we can achieve this objective.

We have potential in exploring the industry of tourism, namely eco-tourism, not only because of the beauty of the landscapes, combined with the varied microclimate of our mountains; but also because of the irresistible beauty of our beaches, combines with varied cultural and sociological expressions of our people, who will make our country a place of exotic sensations, above all, of peace, joy and smiles.

As an island, or more precisely half an island that we are, the potential in fishery appears to be a more certain bet for our national economy, in addition to coffee that needs to be put again in its proper place as it was many decades ago – “the best in the world”, with its charm being that it is 100% organic.

The efforts of the state bodies are being directed towards opening up the country to investment. But investment will only be attracted if the basic infrastructures are in place, so as to guarantee confidence and certainty. And the continued support for infrastructure is a pressing need.

If we are a certainty, it should not be a question but rather an affirmation!

If we guarantee trust – this is the commitment!

But for this, we will continue to need the support of all who have confidence in the process and certainty that our people will not disappoint anyone.

The moderator for the symposium, Dr. Makio Miyagawa, acting director of JIIA thanked President Gusmao for his keynote speech.

Session 1: Support to East Timor from International Community: Achievements and Challenges

Dr. Miyagawa introduced the panelists for the first session of the panel discussion and invited them to provide their presentations.

Sukehiro Hasegawa (*Deputy Special Representative of the Secretary-General for East Timor*)
I would like to respond to Dr. van Ginkel's suggestion that discussion today is pragmatic. And I will like to address specific issues that have been undertaken in East Timor, just like PKO.

Let me start at the point of an agreement among those engaged in peace keeping and peace-building activities: That peace does not mean just the absence of war. Peace building requires more than the rehabilitation of infrastructure and institutional facilities destroyed by war. I believe this is the premise that has brought us together in this conference to discuss the important issue of post-conflict rehabilitation and peace building as a means of conflict prevention.

The rehabilitation of post-conflict countries has presented one of the formidable challenges as well as ample opportunities for the international community to marshal its efforts in addressing the requirements for domestic, regional and international peace and security. In the post-9/11 world, post-conflict rehabilitation has become even more crucial, as an instrument against major threats to world peace and security.

In its resolution 1410 adopted in May 2002, the Security Council established UNMISSET with a mixture of peacekeeping and peace building mandates in the following three areas of support to Timor-Leste: (1) External Security and Border Control; (2) Public Security and Law Enforcement; and (3) Stability, Democracy and Justice.

As President Gusmao mentioned, security and stability has been the foundation of the success story of Timor Leste. UNMISSET's police component has completed the transfer of policing activities to national civilian police force. The downsizing of international staff has continued.

UNMISSET has trained all of these police officers, of which 20% are women, a high figure in international comparisons. About one year ago there were major civil disturbances in Dili, in December 2002. Reports of sightings of armed gangs have increased in recent months. The most recent incident included a group of about 150 West Timorese who entered Timor Leste and burned crops. Face with these internal threats, UNMISSET and the international community

have assisted the government to create three police units within National Police Service (the Policia Nacional de Timor-Leste: PNTL). They are the rapid intervention unit, the border patrol units, and the rapid deployment service. Border control has been totally transferred to the Timorese side. The rapid deployment service is a unit to counter any immediate threats in border towns. This force is being trained by the Malaysian police force.

It is important to have a pluralist democratic system in Timor Leste. Four organs of state – government, president, court and parliament, share governance in Timor Leste. The president has the power to veto laws. The court system is currently struggling to carry out its independent judicial duties. The government is also struggling to implement legislation. UNMISSET is currently providing 70 stability advisers, and it is envisaged that 58 of these advisers will be retained.

Justice and the serious crimes judicial process is one area of major concern, and progress in this area is moving slowly. Major achievements have been accomplished in the judicial area however, including the Serious Crimes Unit and special panels for serious crimes. The Serious Crimes Unit has brought indictments against 369 persons.

In human rights efforts, Timor Leste has acceded to the six core treaties and protocols on human rights, and the constitution itself includes many human rights provisions. In the area of economic rehabilitation, progress has been made in development planning, public sector development, health, education, agriculture, job creation and oversight mechanisms.

The Japan Self-Defense Force (SDF) has rehabilitated roads and bridges, and has trained Timorese personnel on the operation of vehicles and equipment.

The challenges that remain in Timor Leste include the maintenance of internal and external security. Security threats include social, economic and political factors, including violence associated with unemployed youth, dissatisfied groups formerly engaged in the independence struggle and a lack of clarity in defining the roles of the security forces. The lack of agreed borderlines is still an issue that requires attention, in addition to the continued presence of approximately 26,000 former refugees.

The commitment of the international community has led to successes in Timor Leste and one of the lessons we have learned is the importance of the formulation of an exit strategy. It is fortunate that Timor Leste has a dedicated group of national leaders. President Gusmao is a unifier of the country and he is assisted by a business-like prime minister, who is interested and qualified to carry out the task.

Through East Timor case, we learn there remain three questions when we discuss support for the post conflict country; how to balance among peacekeeping, peace-building and nation-building; how to reconcile national sovereignty and international intervention under UN Chapter VII authority; and whether to follow the route of democratic pluralism or centralized

strong leadership.

Michael Smith (Major General (Rtd) / CEO, AUSTCARE)

Japan should be congratulated for its enormous assistance to East Timor. At every stage along the way, progress could not have been made without Japanese support. INTERFET itself was underwritten with sizable funds from Japan. It is important also to pay tribute to Sergio Vieira de Mello, whose passing in Baghdad is a sad end to an enormously important man.

If there was one fundamental message, it is that the world community should continue to reinforce success in East Timor. East Timor achieved independence in May 2002. It is one of the poorest countries in Asia and more than half the population is illiterate. East Timor is a rugged but beautiful country with rudimentary infrastructure. The country will struggle in its development and will continue to require the support of the international community.

There have been four UN-mandated missions since 1999; UNAMET, INTERFET, UNTAET, and UNMISSET. Each mission was expected to take roles of peacemaking, peace enforcement, peacekeeping and peace building. Each of these missions has been judged to be more or less successful. I am delighted that the Secretary General has recommended that the mandate of UNMISSET be extended for a further 12 months, but it is disappointing that this has not yet been approved by the Security Council. It would be ideal to place military observers on either side of the border between East Timor and West Timor.

In the case of East Timor the unusual circumstances are the incredible degree of international support and the relatively good security environment. In addition, there is almost complete support for the UN and the World Bank group. The relative manageability of the situation in East Timor is also unusual.

Since the ballots of 1999, East Timor has been a relatively safe place to live. Since September 1999 and the violence after the ballot and the INTERFET-imposed stability, militia insurgency was successfully tackled and the situation has remained relatively calm since independence in May 2002.

Security concerns still exist along the border with West Timor. The fledgling border police would be unable to counter any militia insurgency. Another concern with security is the inability of East Timor to patrol its coastal waters. This matter has yet to be seriously considered and the UN could make a useful contribution by providing a maritime observation team. The distrust between the defense force and the police force is also a concern. Furthermore, civilian control of these forces remains vague and much more work remains to be done between the two forces.

Legitimacy and host country support is vital to continued international efforts in East Timor. Another lesson relates to the national security architecture – there is a need to distinguish

between peacekeeping and peace-building. Helping to build a peace-building apparatus is better in the long-term than peacekeeping activities. Better planning is required to ensure strong security infrastructure.

UN mandates also need to be simple and achievable. The Special Representatives of the Secretary-General have specific jobs to do and they need rules and tools to fulfill their mandates. Inevitably this will entail taking sides, or being perceived as taking sides. It is important to be impartial, but difficult to be neutral.

A further lesson is that for peace to be maintained, DDR activities are essential. More work needs to be done on DDR with the World Bank Group and follow-up implemented.

There is a critical need for roads and telecommunications in East Timor. These impact directly on security and governance, and without them the government in Dili will be unable to function. The lack of work done by the Asian Development Bank and the Asian Road Development Network needs to be enhanced.

Good peacekeeping forces comprise professional, well-trained troops who are culturally aware and gender tolerant, with war-fighting skills. But we must be careful not to depend on military power too much in post conflict country. Civilian police is sometime more critical for such country. UN must rethink its civilian police activities, and improve the situation as it was implemented in East Timor.

Another lesson from East Timor is that aviation is critical in areas where infrastructure is underdeveloped. Military engineers are also critical during the initial phase of reconstruction. In East Timor, the engineer

If the UN is to be effective in peace-building, it will require more support from its member states. The UN's intervention in East Timor has proved successful. The UN has played a significant role in helping East Timor join the international community. But we must say that East Timor will continue to rely on the international community for many years.

Pat Walsh (*Advisor for Commission for Reception, Truth and Reconciliation in East Timor*)

I would like to talk about the achievements and challenges of the Commission for Reception, Truth and Reconciliation, the largest funder of which is Japan.

The Commission was twice mentioned in a discussion about post conflict situations in the Security Council, and in the current debate about the continued mission in East Timor, the Security Council has praised the work of the Commission.

The broad policy basis of the Commission was born out of a post conflict situation where the East Timor community was deeply divided. At the time of the formulation of the Commission,

there were concerns that if the refugees returned from West Timor they would be welcomed by retaliatory violence. During the period of violence in East Timor 60,000 houses were burned in September 1999. Major residual anger and desire for revenge was the logical expectation. The departure of the Indonesian army had reversed the power relationship and pro-autonomy supporters were now in the minority. Approximately 240,000 refugees have now returned from Indonesia to East Timor. When these refugees came back to their won communities, the predicted payback violence has not materialized. We may say that is the outcome of reconciliation effort.

The Commission has been the major systemic legal initiative to achieve reconciliation and must be given a degree of credit for achieving the goals of its program. The impact of the Commission's work has been a peaceful environment. This is an essential foundation for the establishment of a new nation.

The Commission is a statutory authority, but it is independent of government. It consists of seven East Timorese national commissioners, 27 regional commissioners and 260 East Timorese. 15 outside nationals also supplement it. Its headquarters is located in the former colonial prison in Dili. There are five regional offices, and work is conducted in all 13 regions of East Timor. Reconciliation process has also been implemented in West Timor, under the cooperation of the Indonesian government. The Commission is required by law to finalize its operations and provide the final report by the end of October 2004.

One task of the Commission is "truth-seeking". Ten themes are being investigated: famine; enforced displacement; structure, policies of the Indonesia military; the structure and policies of Freitlin and Falantil; disappearances; massacres; the death toll; internal political conflict; and the international community and self-determination. The UN has been invited to testify about its support for the right of self-determination. A number of methodologies are being employed to elicit the truth.

Another task of the Commission is community reconciliation, dealing with less serious crimes. Perpetrators and victims are brought together in the same room during this process and 1,500 reconciliations will have been achieved by the end of March 2004.

The work of the Commission has functioned well thanks to the cooperation of the people of East Timor, and the support at the highest level of East Timor government. The Commission has contributed to capacity building and it is hoped that such activities will have an effect on future activities in other organizations and bodies. The activities of the Commission have attracted international attention.

The logistic and organizational challenges in establishing the Commission were awesome and involved starting from zero. The scope of the work is extremely complex and sensitive and controversial. Funding is also required to complete the work of the Commission and a decision needs to be made concerning what should be done about the reconciliations that will not be

able to be completed prior to the end of the Commission's mandate. The Commission has benefited from support from Japan. For instance, Japanese Self Defense Force contributed to rehabilitation of the commission's building. The support of the Japanese public is very much appreciated.

Dr. Miyagawa thanked the panelists for their presentations.

Discussion

A question relating to the relationship between the President and Prime Minister of East Timor was responded to by Mr. Smith, who noted that the relationship between the two has not been as close as expected. East Timor is a new nation that is demonstrating democracy in a very positive way. The situation between the President and the Prime Minister has been improving over the last 12 months and has worked as a check and balance system. The President's criticisms of the government have been for their inability or failure to move forward quickly on certain issues. Civilian controls also need to be put on the defense forces.

A question referred to the expiry of the mandate of UNMISSET in May 2004, and asked whether it is expected that militias will be incorporated into the national army. Mr. Smith responded that efforts have been made to have the former militias return to East Timor. There is no opportunity for former militias living in West Timor to become members of the defense force, although efforts to integrate former militias residing in East Timor have been made. Concerning the extension of the mandate of UNMISSET, Mr. Smith pointed out that there is no opposition in the Security Council to extend the mandate of UNMISSET, but there is little support to extend the military assistance to East Timor. In a uni-polar world the UN will only survive if the USA is fully supportive of the UN. The UN should be made accountable and be given the resources its needs to carry the jobs it has to do.

Mr. Hasegawa stated that the USA, UK and Australia have responded negatively to the extension of the mandate of UNMISSET for an extra year, however Portugal has stated its support for the extension of peacekeeping activities.

Coffee Break

Session 2: Support to East Timor from Japan: Achievements and Challenges

Dr. Miyagawa introduced the final two panelists and invited them to provide their presentations.

Yoshiteru Uramoto (Director, UNICEF Office for Japan)

In 1999, following the referendum in East Timor a great deal of violence occurred. Since then momentum has gathered towards nation building in East Timor. In the aftermath of independence

there was a shortage of capabilities and skills for nation building and this could prove a source for instability.

Mr. Hasegawa has already stated that East Timor's nation building has been successful, however, it is only half complete in some ways. When we look at the local area, there are still no local governments or assemblies. There is no health service and only half of the children complete primary education.

From the viewpoint of ordinary people, there is now a need to establish village assemblies and implement elections for such assemblies. Services should respond to the needs of the people and it is only when such services are achieved that the ordinary people will realize all their hopes for independence.

Let us assume there is a girl named Marta. She is living in a village in East Timor. Good governance is also important to be considered from the point of view of a girl like Marta. The people require education, health care and support in agricultural areas. One example is the provision of a safe supply of water, which has not been achieved in much of the country. Priority needs to be placed on the basic needs of the people, given that education can be expected to lift the likes of Marta from poverty. Resources should also be distributed fairly and development advanced in a manner that enjoys the participation of the ordinary people.

UNICEF has a vision for East Timor: "By 2020, the East Timorese people will be well educated, healthy, highly productive, democratic, self-reliant, espousing the values of nationalism, non-discrimination and equity within a global context." However there is still a long way to go, as witnessed by the high infant mortality rate in East Timor. To realize the vision capacity building and good governance is required at the national and local levels. This would involve participation by the people in the operation of schools and other institutions, and would give greater responsibility to the local community in decision making and educational opportunities. This is an example of a bottom-up approach. The ability to study at school and to spend a healthier life at home with ones parents is the social foundation for peace and stability.

Shoichi Ogawa (Commander, 1st Engineer Group, Japan Ground Self-Defense Force)

One of the jobs of the Self-Defense Forces (SDF) of Japan in East Timor was road repair. There are few roads that are in good condition and some that are impassable without 4WD vehicles. Armored vehicles used by military can also damage the roads.

The SDF stationed 320 people in Dili, with 112 in Maliana and another 100 in Oecussi. The SDF brought earth moving equipment such as bulldozers with them for their operations to repair roads, which was transported by SDF aircraft. The hovercraft of the Maritime SDF was also used to bring in equipment.

A second job of the SDF was to provide a safe supply of water and a further job was assistance

to the citizens of East Timor, including assistance to refugees and internally displaced persons. Although the Japanese mission did not include health care for the local people, from time to time such services were provided as required.

In addition to equipment, training was provided to people to enable them to continue using the equipment in the future. The SDF also engaged in volunteer activities, including musical and drum performances, as well as sports events, including a mini football tournament.

For the first time female SDF members were dispatched to East Timor. Personnel lived mainly in tents and in prefabricated accommodation.

Dr. Miyagawa thanked the panelists for their presentations.

Discussion

A question was posed concerning activities by the SDF and what efforts were being made to help the people of East Timor become capable of conducting operations independently, and whether know-how can be usefully and swiftly transferred to local people. Mr. Ogawa responded that his unit was in East Timor for six months and training was provided for the final three months of the period. An initial six persons were trained, after which these six became assistant trainers to help in the training of other people.

A question was posed concerning the management of the economy in East Timor. Mr. Uramoto responded that in the 1950s, 60s and 70s, Asian and African countries gained independence and East Timor was the last country to gain independence in Asia. East Timor does not yet have economic independence, nor does it have the basis for such economic independence. East Timor is supported by the donor community. Its annual budget is approximately US\$900 million, but there are shortfalls in budget.

East Timor needs to find new sources of income to boost the economy, including the possibility of eco-tourism, or some kind of production industry. There is currently no legal guarantee for investments in East Timor and there are not enough human resources to provide staff or personnel for international-level hotels in the tourism sector. Even if investments are attracted to East Timor they do not often benefit the local community, because investors bring in their own staff, due to a lack of skills in East Timor. Roads are essential for transportation of goods and to facilitate economic growth. Neighboring countries could usefully provide expertise and advice to East Timor.

A question was posed to Mr. Walsh about the Reconciliation Committee, asking about what standards were applied to evaluate success in reconciliation work. Mr. Walsh responded that East Timor is a communal society and one of the worst things in the society is to be banished from the community. This could be one reason why the perpetrators of crimes welcome the work of the Reconciliation Commission, to aid their reintegration into the close-knit East

Timorese community. The Reconciliation Committee evaluates its work by conducting follow-up on the perpetrators and victims of crimes and if the reconciliation activities have had a positive effect in the community. Two professional independent evaluators also conduct evaluations, and they are also finding that the work of the Reconciliation Commission is implementing a useful formula.

A question was posed to Mr. Smith concerning the security threat from West Timor and to what extent the international community should be concerned by this security threat or attempt to deal with it. Mr. Smith responded that it was unlikely that Indonesia would try to reclaim East Timor, but there are militia elements in West Timor that are tolerated by Indonesian society that are able to act with impunity. Such elements may try to create trouble after the departure of the United Nations forces. The Indonesian government is not giving high priority to the issue because it has many other problems to deal with, and the East Timor border issue is viewed as a relatively minor issue. Military observers could be placed on both sides of the border to report impartially on military/militia activities in border areas. There is an inclination by the world community to vacate post-conflict situations prematurely and it would be preferable for an international peacekeeping force to remain in East Timor for some time.

A question was posed to Mr. Ogawa about SDF activities in East Timor and if at any time SDF felt that their lives were in danger. Mr. Ogawa responded that there was no incidence of the SDF forces being attacked whilst on dispatch in East Timor. Concerning lessons learned in East Timor, Mr. Ogawa stated that members of the SDF have shared experiences, in particular with the troops who have been dispatched to the Middle East and in that way the lessons of operations are being utilized.

A question was posed to Mr. Uramoto concerning education for women and relevant any religious considerations were relevant in East Timor. Mr. Uramoto responded that with regard to women's education, in schools there is not much difference in education to boys and girls in primary schools, although in middle and high school the focus of education differs between the two. Education is Catholic-based but there are no significant religious influences. Portuguese has also been introduced as a language of education, and is now taking over Indonesian as the language of use among the young children in primary schools. However, there is a lack of teachers who are able to teach in Portuguese, and this is creating problems in education. It is necessary to create an environment in which children are able to learn, and for this it will be important to promote bilingual education for the time being. Teachers should be able to teach in the language that the children speak. A total of ten universities are being planned for establishment in East Timor and the government of East Timor has a plan to create a number of vocational training schools.

Closing Remarks

Dr. Miyagawa thanked the panelists for their presentations and for their incisive comments and valuable input. He stressed the importance of maintaining assistance to East Timor and for the international community to ensure that it remains engaged in the country.

Symposium Part I

Keynote Speech

Mr. Lakhdar Brahimi

Special Advisor to the Secretary-General of the United Nations

Introduction

1. Madame Ogata, Ambassador Satoh, Vice Rector Thakur, Excellencies, Ladies and Gentlemen, let me say at the outset what an honour it is to return to Japan, a country that has been, and continues to be, such a generous and committed friend to Afghanistan, East Timor and so many other countries engaged in the difficult challenge of rebuilding from the ashes of war.

2. I was in Hiroshima just three months ago for another gathering of colleagues from around the world to discuss how we might improve capacity building programmes in post conflict situations. And I am most grateful for this initiative taken by the Japan Institute for International Affairs and the United Nations University, to allow us to reflect on what has been achieved in Afghanistan and East Timor, what lies ahead, and to draw lessons from the peace-building experiences there.

3. It goes without saying that we need to learn from the past experiences in post-conflict transition, to be ready not to apply them again but to adapt them, creatively to each new challenge. All of us who hope to be of help to countries in transition from war to peace soon realize that each situation poses unique difficulties. The particular history of the conflict, local politics, the state of regional relations, ethnic and cultural dimensions, the extent of physical destruction, continuing insecurity, all these factors and many more must be taken into account, to determine what is possible and what is not. This is what I have sometimes called “navigating by sight”, but to do so, one must prepare and refine the tools at one’s disposal. So I personally look forward to learning much from all of you at this conference.

Afghanistan: Achievements thus far

4. Let me say a little bit about the achievements, the progress, in Afghanistan thus far. Whenever I am asked to judge the progress Afghanistan has made on its path to peace, the question always arises: is the glass half full or half empty? 23 years of war, the collapse of state institutions, and international neglect meant that at the beginning of the Bonn process, Afghanistan was a country that had fallen into a very deep hole. So even after two years of progress, there is so much left to be done that the glass can sometimes seem quite empty indeed.

5. Yet, if we take stock of that progress, the picture can appear much more heartening. Since December 2001, the achievements of the Afghan people under President Karzai's leadership and with international assistance are indeed remarkable. Large scale conflict was ended, a humanitarian crisis was averted, and the political timetable for transition has been kept. President Karzai's administration has overseen the articulation of a National Development Framework and the National Budget, the adoption of a new national currency, the first steps in the formation of a National Army and a National Police, and the return to school of some 4 million boys and girls. During the same period the Independent Human Rights Commission has grown in stature and capacity throughout the country. And major strides have been made in restoring the shattered road network and power grid. Agricultural activity has also risen dramatically, playing an important part significantly contributing to the double digit GDP growth of the last two years.

6. These accomplishments—and they are only a part of the list—are also an expression of the very fruitful partnership that has been maintained between the international community and the Afghan leadership. This partnership is itself a worthy achievement, distinguished by a few characteristics of this partnership which are worth recalling here.

7. At its core was the principle of Afghan ownership over the transition process. The Bonn process vested sovereignty, from the outset, in Afghan institutions: through the six month Interim Administration, then a two year transitional administration endorsed by Afghans gathered at an Emergency *Loya Jirga*. After only a short period, this administration determined the priorities for development within its own national framework, and the international community oriented itself to support those Afghan-led priorities.

8. This Afghan leadership extended to the political elements of the transition process. The recently concluded Constitutional Loya Jirga deliberated on a draft constitution prepared by an Afghan Commission, established by President Karzai and supported by an Afghan Secretariat. The same Secretariat managed the elections of Loya Jirga delegates and served the Loya Jirga itself. Certainly, international assistance remains vital in the political transition, and the UN and others have played active roles from the start. But the transitional process as a whole has seen steadily increasing Afghan management. The next stage, the much more complicated management of national elections, will see equally important, and new policy and management roles taken up by Afghans.

9. National ownership over a transition process reflects the right of people to participate in the affairs of the state and decide the course of their history. Yet in post-conflict situations, there is a potential risk, because national institutions may have become too weak to lead. My Afghan friends would be the first to admit that the institutions of government remain weak in many areas, but with the central principle of Afghan-leadership in place, direct, operational partnerships in each sector were built between the Afghan government institutions and donor countries, and the United Nations and the International Financial Institutions. This has been another important characteristic of the effort to rehabilitate Afghanistan.

10. The ‘lead nation’ concept reflected this operational approach. With this approach, donors took individual, direct responsibility for coordinating support and assisting the programme of reform for one element of the security sector. For example, alongside the UN, Japan is ably coordinating support to the Disarmament, Demobilization and Reintegration of ex-combatants. This political and operational commitment to DDR is in addition, as it were, to the \$500 million Japan generously pledged to the peace process. Likewise, Italy is responsible for support to the Justice Sector, the United States for the army, Germany the police, and the United Kingdom for drugs control. Another example of the Afghan partnership with the international community was the Programme Secretariats, inter-ministerial bodies which brought the Government and UN agencies together to plan and programme development assistance. Where necessary, UN agencies took a joint leadership role in the Secretariats.

11. Amongst international actors, UNAMA plays the full role devoted to the United Nations as the focal point for coordination of our joint efforts to support Afghanistan’s revival. I would like, here to express my deep appreciation to all the Governments and their representatives in Kabul for the support I personally enjoyed from all of them in the fulfillment of that role.

12. I focus on the various aspects of cooperation because the relationship between the local community and their leaders on the one hand, and the international community on the other, forms the basis for success of any lasting rehabilitation and reconstruction effort. Of course the political framework varies from place to place, but we internationals must always be ready to work at it, and ready, as the newcomers to a situation, to learn from our national partners. And on the whole, I think the Afghanistan experience, in this respect, has been positive.

Challenges

13. Now, let me turn to the “half empty” part of the glass. Unfortunately, insecurity remains a threat to all of the gains I have mentioned. Insecurity in Afghanistan comes from two sources—the extremism of those who wish to use violence to block the peace process, and the daily abuses by factional commanders and their men who prey on the local communities, and defy the rule of law and the writ of the central government. In the long run, it is probably the latter that threatens the peace in Afghanistan most. The threat from extremist Taliban, Al-Qaeda and others is certainly serious, and much more needs to be done by the international community and Afghanistan’s neighbours to help stop it. But in the end, the people of Afghanistan do not suffer from this threat nearly so much as they do at the hands of local commanders, who choke off the local economy, extort money from trade, boost the cultivation of drugs, and act as a law unto themselves.

14. This is one reason why security sector reform is so vital. The table must be cleared of all the armed factions, so that a loyal, unified national army and police can protect Afghans and uphold the law. And the army and police, along with the Ministries that command them, will

need to be seen as truly national, rather than factionally dominated, if they are to replace the factionalised forces that continue to plague the land. Disbanding the factional structures will depend on successful DDR. Thus, the disarmament and demobilization of the factions and the building of a national army and police are really part and parcel of the same effort.

15. This reform process is underway, and the recent appointment of a new, reform-minded Chief of Intelligence is a very good sign. But the national reform effort will take time. And in the interim, international security assistance is needed to push DDR and security reforms forward and protect the political process. That is why we have called repeatedly for the expansion of the now NATO-led ISAF forces, and though this is at last underway, I fear the pace and scale of it may not be enough. From the start, the Afghan peace process has not been accompanied by dedicated international assistance at all levels, and this has been a challenge that we were not able to fully overcome.

16. The government's efforts to expand its authority have also stumbled on the hurdle of factional influence and insecurity. Without loyal local police, capable district administrators, working courts—without the levers of government—the central government's writ often seemed limited to Kabul. This has been another critical gap in the transition process. Resolving it depends on DDR and security sector reform, but also on improvements in the civil service and other interventions to create better government at the local level. Through trial and some error, we have found that this calls for simultaneous assistance and intervention in many sectors.

17. Put in trained administrators, rebuild their offices and help provide logistics, remove corrupt police officers and bring in newly trained and loyal police, ensure there is a court with a trained judge, implement reconstruction projects at the same time to help solidify the new administration in the community. The Government, the UN and others were attempting many such programmes at different times, in different places. But in fact they are interdependent. Any one, without the rest, may fail if the overall climate is one of insecurity and weak government. Together, their effects are magnified. The lesson here is that a good government is an integrated system. Where conflict has weakened it across all sectors, the repair must also be integrated.

18. Improved security, the capacity to enforce the rule of law, and effective local government are all necessary tools to address the scourge of drugs that threatens Afghanistan. The Minister of Finance has warned that Afghanistan could become a “narco-state” if the \$2billion poppy economy is allowed to continue to grow and dwarf the legal economy and undermine the progress in rehabilitating Afghanistan so far. This is a critical challenge with implications both for the success of Afghanistan's peace process and the public health and national security of drug consuming countries of the West. The Government plans to eradicate 15% or more of the poppy crop this year, and will need continued assistance to build up the institutions to fight it.

19. Likewise, bringing life to the new constitution of Afghanistan will also depend in good measure on improvements in the security situation and expanding the authority of the central

government. The fact that Afghans reached agreement on the new Constitution is a great accomplishment but ultimately, the test of each element of the Bonn process will be whether or not Afghanistan is moved forward, towards what I sometimes have referred to as the “irreversibility” of peace. From this perspective, the new constitutional order will only have meaning for the average Afghan if security improves, the rule of law is strengthened and the government becomes an institution that serves the people.

The Way Ahead

20. I hope you will forgive me if I have painted too negative a picture. In Kabul I was often chided by my Afghan and international colleagues for seeing too much of the empty glass. Certainly, the way ahead has its challenges. Nevertheless, the Constitutional Loya Jirga has ushered in an era of new potential—it has brought us to a new phase. Political mobilization is now visible in many areas of the country thought to be much more disaffected. There is new momentum towards the selection of leaders by Afghans in anticipation of the electoral process to come.

21. What relationship might there be between this new political phase and the rehabilitation and reconstruction effort? I have often said in the past that the transitional government, for all its very real accomplishments, suffered from a lack of representativeness. Its key ministries are disproportionately dominated by the Panjshiri group of the Northern Alliance, leaving the government as a whole with a narrow political base. The prospect of elections brings with it the offer of broadening that political base and increasing the standing of the government further. With more authority and legitimacy there will be an opportunity for the Afghan Government, after the elections, to address the unresolved issues that have dogged the process so far—factional influence, lack of DDR, limited reform of the security institutions, expanding the writ of the government and the rule of law and the control of drugs.

22. An elected government will have a greater chance of achieving this only if the elections are credible—elections that translate into increased state authority that can be harnessed to leap forward in terms of the challenges I have mentioned. This means continued commitment up, through and beyond the elections from the international community both in terms of finances and security support. And it means commitment from the Government to address further some of the gaps in reforms that continue to worry Afghans.

23. The international conference on Afghanistan planned for 31 March and 1 April in Berlin is the perfect opportunity to crystallize this commitment, and to reach a consensus on the political agenda that must be followed, and the financial support needed to achieve it. There is a pattern we are all aware of, a pattern of diminishing interest in post-conflict transitions after a year or two. I sincerely hope the conference will show a different pattern, a readiness to complete the tasks the people of Afghanistan and we together have taken up in 2001, when we were determined never again to allow the sort of neglect and isolation that befell it.

基調講演

緒方 貞子

国際協力機構理事長

国際問題研究所の宮川所長、ご紹介頂きましてどうもありがとうございました。また、国際問題研究所佐藤理事長も私も白髪が一本もない頃から、国連その他の国際関係の問題では話し合ったり、協力し合ったり、非常に頼りになる先輩という間柄でございました。ブラヒミさんは私が国連難民高等弁務官になった年、1991年に南アに参りましたときの南アの選挙をする機関をスーパーバイズにされていて、それ以来大変親しくほうほうで協力をさせていただき、特にアフガニスタンにつきましては、もっとも私が頼りにしたアドバイザーであり、協力者でもありました。

今日そういう方々と一緒に、アフガニスタンのその後の平和構築の課題と平和復興支援の成果と課題というテーマで、一緒にパネルに出させていただくのは私の大変な喜びでございます。また、今日は国連にとっては大変大事な日だと思いましたが、アナン事務総長が国会で30分ほど公演されまして、日本の国民の代表者としての国会議員の方にお話になったときに、イラクの問題についてお話になったのですが、特に強調されたのは、やはり紛争が終わった後の復興にあたって、あるいは平和への第一歩にあたって、いかに中立で独立の機関としての国連の役割が大事かということ、それを非常に強調されたわけです。これはおそらく、これからのイラクにおける国連の役割を頭に置いてのご強調だったとは思いますが、アフガニスタンはまさに、そういう例として、私どもがいろいろ習うことができるケースであると、私は考えております。

そもそも、アフガニスタンは2001年の9月11日までは、忘れられた国だったと思います。そう申しますのは、私は難民高等弁務官として何回かアフガニスタンに参りましたが、例えば2000年、私が辞める年だったのですが、アフガニスタンに参りまして、まだその頃パキスタン、イランには300万人以上の難民がいる、ところがその難民を受け入れている国々に対する支援は毎年落ちていく、そしてパキスタンに参りました時は、アフガニスタンの難民の中からもう帰りたい、庇護国にいても十分に手当てがないから帰りたいという声が出ていましたが、帰ろうとしても国際社会ではあのようなタリバンが支配する国に帰りたい人がいるわけがないと考え、支援だけない状況がありました。こういう実感をもって、国際社会というのはタリバン化のアフガニスタンを見捨てたのだなという印象をもっていたわけでございます。それが9月11日以降、同時多発テロは皮肉にも遠く国際社会から忘れられたアフガニスタンに注目が集まることになったわけです。破綻国家を放っておくと、テロの温床となる、先進国にとっても大きなダメージがあるという教訓を得て、それ以後、最近のイラクまでアフガニスタンが国際社会の支援の注目の的となる時代があったわけです。

東京におきましても、日本はかなり前からアフガニスタンには関心を持つ国だったのですが、

東京会議を2002年の1月に開き、ブラヒミさんが非常に骨を折ってくださったボン・プロセスで始まった、アフガニスタンの平和復興支援に、日本も非常に積極的な役割を果たすことになり、そして政治体制と復興を結びつけたアフガニスタンの支援体制ができたわけでございます。

簡単に申しますと、アフガニスタンの平和構築は三つの大きな柱によって成り立っていると思います。ひとつは治安維持、そしてその治安維持の領域の拡大であります。二番目は政治体制の確立でございます。そして、三番目にありますのは復興援助でございます。現状の治安につきましては、今ブラヒミさんもおっしゃったのですが、現在、北大西洋条約機構(NATO)軍の指揮下で32カ国、約5,500人の国際治安支援部隊が展開しておりますが、この部隊は首都カブールに集中しております。地方展開して欲しいとカルザイ大統領もアナン事務総長も私も時に声を合わせたのですが、なかなか地方展開の合意ができず、ようやく昨年10月に合意されましたが、NATO軍の側でもなかなか兵力が足りないということで、十分な地方展開は実施されておられません。

その隙間を埋めるためと申しますか、アメリカが音頭をとり、軍と文民との混成である地域復興チームというものができました。これは、PRT(provincial reconstruction team)と呼ばれるもので、軍が治安を守りながら、その地域内で橋や学校を直すというような、目に見えた初歩的な復興事業をするものです。軍がパトロールしますと、その辺りの治安が維持され、これがひとつの新しい試みとなっております。しかし、南部や東部の国境沿いのテロの状況は悪化しておりますし、治安問題は麻薬の問題とも絡み、地方市民の生活の安定にも非常に不安定な要因を加えるものとして、まだまだこれから注目していかなければならないと思います。

今、ブラヒミ代表がおっしゃったのですが、どうして治安が遅れたのか。これは、やはり二つの軍事行動が続いたからです。ひとつはアメリカ及びその同盟国が、タリバンが一応崩壊した後もアルカイダ掃討を主に南のほうで展開させていたわけですが、このテロ組織の一扫は大事なのですが、その一方、地域にいた軍閥の力を支援者として必要としたこともあり、温存する結果になったのです。これが、軍閥の温存という、今ブラヒミ代表が言われたような問題を残しているわけですが。もうひとつはこのテロ対策の戦争で、北部同盟の人たちを使いました。この北部同盟のおかげで、陸戦はずいぶん進展したのですが、そこでもまた、軍閥を温存するひとつの契機になったわけですが。そのようなことがあって、政治体制は二度にわたる国民大集会ロヤ・ジルガを経て、代表を選んでいくプロセスを取りました。大統領はこのロヤ・ジルガを通して選出されたのですが、政治体制の進展はありますが、実態的には軍閥が各地に割拠しており、その元でいろいろな軍閥の支配下にある小さいコマンダー、チビコマンダーとでも申しますか、そういう人たちのバックがあり、それが国民の生活を非常に圧迫していると現実があるわけですが。しかし、それでも憲法が制定されたということは、私は大変なアチーブメントだと思っております。まだ政治的にはカルザイ政権には弱いところはいくらもありますし、法的な基盤も今ひとつですので、引き続き丹念に法秩序の確立に努力していかなければなりません。

それでは復興支援とどのように重なっていったのでしょうか。復興支援の最初の会議は東京で行われ、そこでは45億ドルの拠出誓約がございましたが、まだまだ実績として復興の実を挙げた

というには至っておりません。昨年12月にカブール、カンダハール間に幹線道路の修復ができあがったのですが、私も道路がいかに大事かということは非常に痛感しました。最初にカルザイ大統領にお目にかかった時に、「何を一番復興で欲しいのですか」と伺ったのです。その時、大統領は、「私は政府にいなかったときは学校や病院と考えたのですが、政府に就いてみると、政府を作ることが非常に大事だ、その過程でもっとも大きな助けになるのは道路の修復だ」と言われたのです。私はややそれには驚いたのですが、道路ができれば人が動く、物が動く、治安をコントロールすることもできる、また道路を作るために、たくさんの人が働くこともできると、言われたものですから何とかして早く幹線道路の修理、新設をしたいと思ったのです。しかし、思ったよりずっと難しく、ほとんど二年かかったのです。それはひとつには、道路の修復というのは大事業であり、ちょっとした人道援助ではできず、かなり大規模な借款をしなければなりません。アフガニスタンは、戦争からやっと立ち直った貧乏な国は借款はできないという立場をとったため、お金をどういう形で支払うかという問題を巡っても、道路修復にはなかなか移らなかったのです。道路は結局、アメリカと日本、その他の国々が協力し、一番中心のカブール、カンダハールができたのがやっと今年の終わりです。今はカンダハールから、ヘラットという西の町まで広がり始めましたが、これから幹線道路はだんだんできていくのではないのでしょうか。それが、復興と経済の自立に広がっていくのではないかと期待しております。

今ざっと、治安と政治と復興がどういうものかを申し上げたのですが、今そういう三点を踏まえて、日本は何をしてきたのか、後から日本についての援助のお話はあると思うのですが、非常に大雑把に申し上げますと、日本は二つの面で一生懸命大きな貢献をしてきたと思います。ひとつは人道援助機関への拠出、支援です。紛争が終わり、平和が訪れますと、一番最初に動くのは人道機関です。私自身が人道機関の出身であるために、余計その重要性を認識する、あるいはしていただきたいと思っているのかもわかりませんが、現場にいるのは非政府組織(NGO)の人たちと大抵の場合、人道機関の人たちです。そういう人道機関は、特に国連難民高等弁務官事務所 (UNHCR) の場合は500~600万いた難民を連れて帰らなければなりません。この動き始めた人たちがまず何処かに居つかなければならない。従って、その場所に何とかして、定住できる措置をしなければならない。簡単に言えばリハビリテーション、リインテグレーションというのは、どうしても人道機関が始めにしなければならないわけです。そのほか、やはりその人たちは居ついたら食べていかなければならない、それから学校に行かなければならない、あるいは病院に行かなければなりません。そういうものが全くないアフガニスタンだったわけです。従って、一番最初にアフガニスタンが試みなくてはならなかったことは、ともかく政府を作り、行政を助け、同時に一番下の人たち、コミュニティーの人たちが生活できるようにしていくことです。そこから、上からの援助、下からの援助という、これは後でモデルとしてもう一度強調したいと思うのですが、そういう試みがアフガニスタンで始まったわけです。

ボトムアップの社会作りというのは、簡単に言ってしまうと最初の年、2002年に国連児童基金 (UNICEF) を中心として約400万の子供が学校に行き始めました。ほとんど学校制度が崩壊して

いたようなところで、これは大変なことなのです。私もUNICEFの学校を見に行きましたし、日本政府はUNICEFに対して、かなりの大口拠出国だったと思います。ともかく、将来はシフト制でいいし、立派な建物はなくてもいいのです。でも、学校へ行きだしたときの子供の喜びは見に行くとは非常に感動しました。

もうひとつは国外にいた難民が帰り始めたのです。最初は40万とかそういう規模で帰るかと思っていたのが、蓋を開けてみますと、二年間に200万人以上帰ったのです。200万人の難民を元いたところ、あるいはいられるところに連れて帰ると、これも大変なことなのです。元いた村は多くの場合、疲弊しており、必ずしも帰れない。いられる所に行こうとすると、都市に集中する傾向がでてまいります。最初の年、2002年には1月と6月にアフガニスタンに参りましたが、6月に行った時には、カブールはNATO軍もいるので、安全だというので、皆カブールに帰ってきましたが、カブールでは、難民が多すぎて手に負えないという帰還クライシス、帰ってきた人が多すぎるためのクライシスが起これるのではないかと心配したわけです。南部には旱魃と、軍閥に追われ逃げた人たち等、国内避難民がたくさんいます。その人たちを元いるところ、あるいはいられるところへ連れて行くという、草の根レベルの非常に大きな事業がございました。こういうものに、何とかしなくてはならないということから起こった事業の一つが、カンダハール地域総合開発です。カンダハールでは特に難民、避難民が多く、主に国連の人道援助機関が実施者となり、これにお金を出したのが日本だったわけです。

これは、非常にユニークな日本の援助だったと思います。というのは、地方でこういう地域開発を行ったのは日本がはじめてだったからです。2年間に約1億ドルのお金を日本が出し、難民、国内避難民等の帰ってくる人たち、それから地域住民と一緒に暮らせるような地域開発をしたわけです。それは、住宅から、住宅というと非常に大げさに聞こえるのですが、住居、水、食料、そして仕事もしていかななくてはなりません。私とその地域を訪れた時、今はカンダハールの州知事になった人たちとこういう相談をしたこともあって、日本政府の方たちはこれを、緒方イニシアティブと呼んで、この地域開発を始めたのですが、こういうふうに呼ばれますと、それがうまくいかなかったときにどうしようと思います。ですから私はかえって、気がかりなことが増えたような気がしております。ただ、間違いではなかった、これは良い試みだったと思います。そして、こういう下からの地域作りがカンダハール、ジャララバード、そして今は北のマザリシャリフというところにも展開しようとしているわけです。こういうものは、一体どういう形でこれから広がっていくのだろうか、中央の開発計画とどうやって結びついていくのか、このようなことが復興の大きな課題であると思います。

私が今、責任者になりました国際協力機構(JICA)も技術協力で随分アフガニスタンに専門家を派遣しておりましたが、従来の技術協力に加えて、今度は地域開発にも参加していこうという動きができました。日本もこういう国際機関の地域開発の流れを汲んで、協力者になっていくという、私にとっては非常に心強い動きが見られるわけです。もうひとつ日本が引き受けたことで非常に大事なものは、武装解除、動員解除、社会復帰、(Disarmament, Demobilization and

Reintegration)という、DDRと呼ばれる事業です。これは国連と日本が共同で責任者になるもので、治安の改善、人々の生活不安を排除するという意味では、非常に中枢的な意味をもつものです。今年になりましてから、カブールを含めて四都市で3,500人以上が自主的に武器を提出し、そのうち2,000人以上が平和における新しい生活を営むために、職業訓練、地雷除去などの訓練を受けております。そして農村に戻っていった人もおります。後刻、この武装解除のほうの専門を担当しておられる伊勢崎先生、それから、地雷関係の方々からもお話があると思うので、私は細かいことは申し上げませんが、平和を作るといのはたくさんの、いろいろな要素を上手にまとめながら作っていくことだと思うのです。

アフガニстанは復興のひとつのモデルとして研究していただく、そして支持していただく、非常に大事なものだと思います。二つのモデルがあると思うのです。ひとつは、国連が暫定政権を預かって、いろいろな活動を調整していくもの。これは例えば、カンボジアやモザンビーク、そしてコソボもそうです。国連が暫定政権になるのです。それからもうひとつは、アフガニстанのように、政府があくまでも中心なのですが、国連がこれを支援していくもの。責任をもって、政府を強化しながら、政府が必要としている各領域の支援が届くように、また必要なものが行われていくように支援するものです。これは、非常に難しいと思います。何故かという、ひとつにはアフガニстанのような大きな国は国連が本当に暫定政権として、統治できるか、かなり問題があると思われるためです。弱い政府を立て、そこに仕事を集中させ、その政府のキャパシティーを強めながら必要なものに目を配っていくというのは並大抵な仕事ではないのです。その意味で、ブラヒミさんは特別な努力をされましたし、政府を立てながら、その弱いところを補っていくという意味では、本当にすばらしい貢献をされたと思います。ここにいらっしゃるから言っているのではないのです。私はいつでもそう思っていたわけなのです。アフガニの暫定政権というものを主体としながら、自助努力の形で国家の総合的な開発計画を作らせる、そして今度それに皆が従っていくようにすること、これは並大抵のことではなかったのです。

開発に関してですが、先ほど日本も国際機関にお金を出し、たくさんの難民や避難民が帰還し、吸収されていく過程の地域統合計画を行ったと申しましたが、これは私が難民高等弁務官をしていたときも、緊急援助のときは支援がありました。難民が帰っていくときは注目されるのです。ところがいったんそれが収まりますと、国際的な関心は何処かに行ってしまうのですね。その間に本当に一番来て欲しいのは、開発援助機関なのです。ところが、援助機関は政府がしっかりしていないところには来ないのです。その中で、そういう空洞、ギャップの時期に、どうやってこれを補うかという問題がありまして、アフガニстанでも同様でした。それを補うために、緒方イニシアティブと言われる、人道機関に開発の入り口のような仕事をするという試みがなされたのです。私は、これは試みとしては結構だったと思います。ただ、いつもそれでいいのかとなると、やはり疑問はわくわけです。UNHCRにしましても、難民を連れて帰る、そして本来なら帰ってきた半年分の食料を与えそこでお終いであったものを、今回は政府の開発計画の中にすっかり入れられまして、難民が帰る、そしてそこに自立できるよう地域を作っていく、さらに職業訓練もして、

帰った難民がその開発の中に入っていけるようなシステムを今試みているのです。どういうふうになれば、緊急の人道援助、そして帰還、さらにその帰還した人たちが逃げなかった地域の人たちと一緒に仕事をしていけるか、この工夫は、今後ともいろいろな形で研究され、そして実習されていかなければならないと思います。

もうひとつ、法の支配ということです。先ほど、ブラヒミ代表もおっしゃっていたのですが、これは復興援助の中の一番遅い部分ではないかというのが私の印象でございます。法の支配を確立するというのは、時間がかかるのです。それは、ただ法を作るだけではなくて、法を実施できるよう裁判官や弁護士、こういう人達を訓練していかなくてはいけない。ところが、大体の復興援助のプロセスを見ますと、治安維持を担う平和維持部隊は、その後人権を何とかしなくてはいけないという話にはなるのですが、なかなか法の支配まで配慮が伸びません。あるいは、支援が伸びていません。そのような状況の中で、どういう点がこれからの課題がとよえば、やはり、治安、政治、復興の三つは、今後とも変わらないと思うのですが、例えばアフガニスタンの場合に、この三つの面が着実に進んでいくかというのは、まだコップの水が半分しかないと言われたように、はっきりとは分からない。しかしながら、私としては良いほうに向いていると思います。最近ではイラクもアフガニスタンもというような表現がよく使われるのですが、これはかなり違うと思います。まだまだ、イラクはアフガニスタンが今いるようなところまで来るには、非常に遠いと思います。治安どころか、まだ紛争に近い状況が様々なところに残っているわけです。民族間の対立も非常に深刻です。どうやって学ぶのか、何を学ぶのか。私は、治安を維持するための国際部隊の展開が早く、そしてかなり大きくなる必要があると思います。

よく思い出しますが、バルカンの紛争は、 Dayton 合意で終わったのですが、その時にいた国連の平和維持軍は、2万5~6,000ではなかったかと思えます。3万人にもなっていなかったのです。ところが Dayton 合意が成立しまして、NATO 軍がバルカンに来るのです。そのときボスニアにきた人数は6万人です。これはいかに、紛争後の治安を守ることが難しいか、そして治安がしっかりしなければ、紛争後の復興はできないということを如実に語っていると思います。バルカンは特別だったかもしれません。やはり、ヨーロッパの裏庭ですから。バルカンにかけるヨーロッパ諸国の思いというものに特別戦略上の問題があったのです。ですけれども、これはいい例だと思うのです。倍以上の人が来ないと、紛争後の治安は守れないのです。ですから、紛争後に平和をもってこよとしたら、治安を維持するために軍隊が必要なきもあるかもしれません。警察でいいときもあるかもしれません。あるいは、軍隊と警察の間のような存在が必要かもしれません。それは必要だろうと思うのです。そして、それと同時に早く武装解除をすることだと思えます。DDR も相当待ってからはじめたわけですから、いろいろな理由があって、早くしなければせっかくできたこの治安の確立から十分な成果が得られないだろう、そして、今申し上げたような法的基盤の確立にも、もっとドナー諸国は力を入れていいのではないかと思います。先ほど、400万の子供が学校に行くと申し上げましたが、学校へ戻る、難民が帰ってくる、それらの人々の生活の正常化、それはとても大事なことです。草の根レベルにおける様々な現実の下で、

人々に安心感を与え、帰って良かったと思わせること、それは大きな課題だと思います。

女性のことをお話ししたいのですが、女性の教育が重要だということは皆知っており、女性、女の子が学校に行けるように女性センターや女性省もできました。昨年、ショマリプレンというカブールからそう遠くない村へ行きました。そこで、村の長老たちが、女性の人達が待っているから話しをしますかというので、その女性たちの待っているところへ行ってみたのです。女性の人たちは皆、自分たちの生活に何が必要だということを話していましたが、いったいここにいる方の何割が、読み書きができるのか聞きましたら、8~9割は全く読み書きができなかったのです。それは、アフガニスタンの農村社会において、一般の女性がいかに遅れているかを証明しておりまして、子供がいくら学校へ行っても読み書きができるようになって、お母さんたちがそのように放って置かれていいのかと、私の非常に大きな疑問になったのです。もっとも草の根における女性の教育に国際的な支援の目を向けていただきたいと考えたわけです。

今、まとめて申しますと、アフガニスタンの復興は上からの復興と下からの復興を確かに意識してはやっているのです。これは、人間の安全保障という概念規定の中に大きく言っているトップダウンとボトムアップの両方でいかなければ、本当に人々の安全を確保することはできない、支援の注目点はその二つを結ぶところにあるのだらうと思うのです。中央政府だけ助けてもだめ、下だけ助けてもだめで、その両方がいろいろな形で、例えば州レベルの政府であるとか、あるいはNGOにしても、上と下と両方つなげるような形で組織を強化していく、そういうことが必要だらうと思います。それと同時に人間の安全保障の考えからいきますと、治安の問題と復興の問題を結びつけることです。これら両者をリンクさせる概念として、人間の安全保障という概念があると思います。そういう形で非常に新しい、いろいろな考え方を入れていく。ひとつずつのシチュエーションは違うと先ほどブラヒミ代表がおっしゃったのですが、国によって社会によって違います。その違いを十分理解しながら、ですけれども、重点を当てなくてはならないところはやはり治安であり、復興であり、そして政治体制の確立であり、人々の生活を安定させていくことだと、痛感いたします。私が習ったアフガンのレッスンとして皆さまにお話しいたしました。ありがとうございました。

Session 1

Some Reflections on Problems Facing Afghanistan

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Introduction

Afghanistan has gone through a number of continuous and severe crises in the past twenty five years that has left its political, economic, social and cultural institutions in complete ruin. Unlike the experience of many other “failed states”, Afghanistan’s misery has mainly been connected to international political interferences.

Consider the following events:

1. The Afghan Communist Party ‘take over’ in 1978 supported by the Soviet Union
2. The subsequent Soviet invasion of Afghanistan which led to the war with the Mujahedeen that was supported by the US, Saudi Arabia and Pakistan
3. The civil war among the Mujahedeen group was supported by Pakistan, Iran, Saudi Arabia and Russia at a time when a political vacuum arose out of the Soviet military defeat of 1989
4. The rise of the Taliban supported by Pakistan and others and finally
5. The US attack to flush out Al Qaeda

This series of blows to the Afghan society shattered Afghan life, its economy and its government. Afghanistan stands out among the failed states in how thoroughly it has been destroyed and how severely international political mismanagement has destabilized the country.

The international community has understood its responsibility and has pursued a process to rehabilitate Afghanistan’s political, economic, educational and cultural institutions. The Bonn Agreement provided the basis for building the government and political institutions of Afghanistan. This has proven to be well conceived and on the whole is on the right track. The subsequent donors’ conference in Tokyo was also a good beginning for economic development in Afghanistan.

I. Some Accomplishments

A number of achievements have taken place since the fall of the Taliban. These achievements have been mainly due to the help and guidance of the UN Representative Mr. Lakhdar Brahimi, the US government and other countries. To name a few of the accomplishments, consider the following:

1. Afghanistan has established the basis of a government structure and a process of dialogue with its citizenry. Slowly the structure of the state is emerging and the Afghans have had two *Loya Jirgas* (Constitutional Assemblies) that were peaceful and productive.
2. The country now has one of the most promising constitutions in the world that compares very well with many others in the world. The equal rights of women, a guaranteed representation of women in the legislation, a guarantee of human rights for all Afghans and recognition of the diversity of Afghan ethnicities are quite admirable for a country which has suffered such destruction and chaos.
3. A large number of children (5.6 million) are now enrolled in schools. 40% of them are girls. The schools are not well equipped and are clearly substandard but nonetheless it is a beginning. However it is formidable for any country to undertake such an enormous task within such a short period.
4. Very few countries rich or developing have the ability to absorb over three million refugees. This challenge has been overwhelming but thanks to the UNHCR and the international community it has been peaceful and without mass starvation.
5. Even though the degree of insecurity in Afghanistan has increased lately due to attacks by the Taliban, Al Qaeda and others, Afghanistan is much more peaceful than two years ago. This relative peace throughout the country is enormously valuable to individual Afghans.
6. Finally there is some progress in the economic sphere as well. Some rebuilding of infrastructure like roads, telecommunications, establishment of some banks and private sector activities in trade and services are also visible.

II. Serious Problems Ahead

As much as these developments are gratifying, Afghanistan is not on a clear path to peace and prosperity. It has a long way to go to become even a normal developing nation. Unless some serious, vigorous and sustained effort is made to stabilize Afghanistan, the possibility of all being lost is very high. What are some of the challenges? To name a few, I will mention the following items.

1. Afghanistan's long term economic progress (not withstanding the 30% growth rate last year) is not very bright. This is partly because Afghanistan has been destroyed much more than many people thought. The point to underscore is that in Afghanistan it is the very structure and capacity to produce goods and services have been severely damaged. Not only does the growth rate have to be high but also the restoration of economic capacity must be rapid in order to generate a sustained conversion from a war economy to a peaceful economy.
2. The political situation of Afghanistan must be stabilized. The central government must be able to extend its domain to the rest of the country so that the country's constitution and all the laws are equally applied. The state must be able to protect the rights and properties of the people. The existence of different, well armed groups all over the

country often securing support from outside countries is the major impediment to security and economic development. Also unless there is a genuinely enforceable agreement by the neighboring states and others not to interfere in the domestic affairs of Afghanistan, the country will not be at peace. Everyone must come to realize that peace and prosperity in Afghanistan is in their interest. What is needed is an overall compact between the international community, the Afghan government and the Afghan society to collectively solve the issues facing Afghanistan. The effort must be sustained for at least 10 to 15 years. Substantial resources, about \$30 billion over this time, a substantial transfer of know-how and guidance from the international community are needed. The pace of aid must be expedited and the bureaucratic impediments removed.

3. The rapid rise of poppy cultivation and the rise of the drug mafia—which are often connected to the warlords, the Taliban and Al Qaeda—are a menace to the Afghan society and the world. Afghanistan has the unfortunate luck of having half of its total GDP generated by poppy cultivation. Unless the agriculture sector of the country is restored and there is alternative development which could compete with poppy cultivation, Afghanistan will be neither safe nor prosperous.

I could enumerate on several other issues. But what is important is to underscore that the problems facing Afghanistan are endemic, severe and highly interrelated. It is a major error to compartmentalize and postpone one set of issues while working on another. It is also important to note that to solve these problems will be costly and cannot be done without sustained effort.

What Needs to Be Done

1. Afghanistan does not and is unlikely to have for a long time the resources to meet the challenges facing it. The sustained help of the international community as it is widely recognized is essential. The help that has come so far has been highly inadequate and sporadic. Even if all the resources pledged at the Tokyo Conference were given to Afghanistan, the per capita aid will amount to about \$40 while it is almost 10 times higher for Bosnia which was not as badly destroyed as Afghanistan. Not all the money promised has been spent in Afghanistan. Only a small fraction of the money has been spent. Not only is the amount of international aid woefully inadequate for the task at hand but its delivery process and usage are also of considerable concern. The lack of coordination among the donors has had substantial impact on the recipient—Afghanistan. The procedure for delivery and effective use of resources must be completely reexamined so that the primary and urgent needs of the country are met.
2. Another problem is that the necessary Afghan capacity and ownership is not being generated. What Afghanistan needs is capacity to run its affairs now and not until a new generation of Afghans is educated. Or when the international aid community leaves, no local capacity will be left behind. Afghanistan needs a sizable management capacity in both the public and private sectors. The best place to entice educated Afghans to return is in advanced countries. What is needed is an innovative program, well funded by the

international community to achieve a rapid return of a sizeable group of Afghans who possess the skills, education and experience.

3. The issue of security must be taken more seriously. Had the international community expanded the ISAF presence in the rest of the country as the Afghan President and Mr. Brahimi had requested a year and a half ago, Afghanistan would have been much more secure. Also the effort in DDR (supported by the Japanese Government), to train a police force (supported by the German Government) and to build the Afghan National Army (supported by the US) has been progressing very slowly. Much more effort must be exerted to expedite these valuable programs.
4. Delay in building the security structure in Afghanistan will increase the burden of Afghan reconstruction and rehabilitation. Another important task is to energize the Afghan private sector and connect it to international markets. The enduring strength of Afghanistan is the vitality of its people in the private sector and it will be the individual Afghan who brick by brick will rebuild the country with support from the international community. Particular attention should be given to the development of the agriculture sector where most of the Afghans work and from which the threat of poppy cultivation emerges.

国際社会のアフガニスタン支援の概観と問題提起

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和平の出発点となったボン合意から2年あまりが過ぎ、国際社会はアフガニスタンを再生させる意義を、ともすれば忘れていたのではないだろうか。アフガニスタンにとっては、9.11を契機とした軍事介入による破壊からの復興や、ターリバーン時代からの決別が課題なのではない。むしろ、その暗い時代をもたらした90年代初頭からの混乱の構造の是正が課題であったのだ。つまり、直近のターリバーンの支配やアル・カーイダによるテロ基地としてのアフガニスタンの利用は、その前段として内戦が引き続いたことで可能となったのである。そのような視点に立てば、正すべき大局的な問題は、自ずと内戦をもたらし、それを拡大させた要因に絞られることとなる。

まず、過去の国際社会の関与と関心の低さが一つの教訓であったと考える。89年2月のソ連軍の撤退以降、当時の国際社会が内戦の終結と政権移行に関して積極的な取り組みを行っていたら、93年から激化したムジャーヒディーン同士による内戦の第2局面は避けられたかもしれない。これが後にターリバーンの勃興と席卷をもたらしたことを振り返れば、アフガニスタンに対する国際社会の対応の上では大きな転機であった。つまり、銃を手に支配し、主張を通してきた司令官や兵士に、国の統治を任すべきではない、という当座の結論が、この経験から得られたものと考えられる。従って、2001年秋以降は、国際社会が積極的に主導する形で政権移行を監督していく態勢造りが期待された。しかしながら、程度の差こそあれ、全般的に依然として低調であったのではないだろうか。一つ指摘するとすれば、初動態勢の構築が遅れたことである。そのために、後の和平プロセスが大きな制約の下で実施されることとなった。その後、例外的に国連や関係国が関与を強めた際にも、それはアフガン市民の信頼を裏切るような行動として表出した。代表的な例が、国家元首を選出した2002年6月の緊急ロヤ・ジルガでの米国の介入である。ここでは、代議員、つまり国民の代表者の声を封殺する行動に出たことで、緊急ロヤ・ジルガを経て成立した移行政権まで不満と反感を買うこととなった。これは、反政府勢力や不満分子の士気を鼓舞し、民衆を隠れ蓑とした活動を助長し、その土壌を拡大する作用をもたらしてしまった。いずれにしても、国際社会の関心が低下することは是非とも避けなければならない。10年以上前、それは冷戦構造の終結や湾岸戦争によって発生した。今回は、そのような事態を避けなければならないのであるが、アフガン復興のために当初表明された支援額が50億ドル前後、イラク復興のために行われた支援の表明が300億ドル。人口規模に大差がない両国に生じたこの差は、何に起因しているのだろうか。気にかかるところである。

二点目は、国際社会の動きの鈍さと関与の低さの陰で、アフガン国内外で裨益した者たちの存在があり、彼らが常に和平プロセスの進展の妨げとなってきた、という教訓である。過去の軍

閥の横暴ぶりについては、種々の報告が上がってきている。いったん実権を握らせてしまうと、その是正はおろか、コントロールすら難しいということである。麻薬栽培と密輸を糧とする勢力も軍閥とともに活動し、アフガニスタンに限らず周辺に対して害毒と混乱をもたらしてきた。法の支配が機能していない状況では、武力こそが統治の正当性の証明であり、敵対勢力との抗争を有利に進めるため、彼らは国外に助けを求めていった。これもまた、内戦を激化させ、長期化させることとなった。要は、内戦や戦時状態の存在を糧として、そこに巣くう武装勢力こそが平和への回帰にとって最大の障害となる、ということである。いま国際社会がこの教訓を生かしているのであれば、問題は少ないはずである。ところが、実態の上では、この2年あまりを通じた軍閥の復権、麻薬栽培の拡大、周辺からの干渉は現在進行形である。そして、その対処が後手後手に回っているか、抜け落ちているのが実状である。例えば、安保理決議1333(2000年)第10項は、ヘロイン生産のために使用される特定薬品のターリバーン支配地域に対する禁輸を謳っていたが、アフガニスタンの残りの地域への移転や売却は制約を受けなかった。今日、ターリバーンが支配する地域が極めて少ないということであれば、ほぼ全土に対してこのような薬品が移転することが許されている、ということになる。何かが根本的に抜け落ちているのではないだろうか。それは、軍閥との良好な関係を築き、その維持のために腐心してきた米軍などの外国軍の行動についてもあてはまることである。国際社会がバラバラに行動するのではなく、アフガニスタンの長期的安定の回復という一つの目標に向かって、関係国および諸機関が統合的なプログラムの下で足並みを揃えなければならない。現状では、いまなお、それが十分であるとは思えない。

このように、内戦の拡大とターリバーンの出現、そして国際テロ組織の展開を許した構造は、対テロ戦争と政権移行プロセスの設定から2年以上を経ても、さほど改善されていないことが分かるし、それを忘れてはならない。これらは3月31日にボンで改めて開催されることとなる国際会議で、復興支援の追加拠出とともに各国が真剣に議論しなければならない事柄である。昨年末には新しい憲法が制定された。しかしながら、新憲法の下で行うこととなる民主選挙の見通しは楽観できない。じゅうぶんな準備を図るためには、2004年末までに大統領選挙を行うことが、自分が考えるところではもっとも現実的であろう。だが、関係国の中には、アフガン側の事情に配慮するのではなく、自国の政治日程のために投票を急ぐような動きも見られる。これでは何のための「支援」なのか、いっそう分からなくなる。

今日のイラクの事例に目を転じると、ODAと自衛隊派遣を以て「車の両輪」として捉える例えが使われている。アフガニスタンの場合には、復興と治安の回復を、国家再生の両輪として位置付けようとする説明がなされてきた。つまり、治安状況の改善のために復興が役に立ち、復興の進展がまた治安の改善をもたらす、という議論だ。だが、ここにも落とし穴が隠されている。治安が確保されている状態でこそ、この二つは相乗効果を発揮することは期待できるとしても、治安は、復興を進めていくための前提となるものであることから、治安が確保できない状況においていくら復興に注力しようとしても、それは徒労に終わる可能性が高いばかりでなく、逆効果を

もたらしてしまうこともあり得る。それを考えると、本来は、和平(政治)プロセスの進行と、資金援助を含めた広範な支援が、国家再生のための両輪として扱われるべきなのである。そして、治安情勢は、そこに介在する外部要因である。従って、治安を改善したいのであれば、それは治安の悪化をもたらしている根本的な原因に対処すべきであり、今日のアフガニスタンの事例では、軍閥の復権をもたらし、その拡大を容認してきた国際社会の低調な関与の再考と、歪んだ政治プロセスの是正ということになる。それが国際社会の中で真剣に議論され、その対処のための要員と予算の配分がなされてこそ、アフガニスタンが改めて迎えようとしている混乱の回避に通じるものと考ええる。

NGOからのアフガニスタンの現状と国際支援への提言

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2001年12月11日～13日、(NGO・経済界・外務省が連携して緊急支援を行う仕組みである)ジャパン・プラットフォームが主催して、「アフガニスタン復興NGO東京会議」が開催されました。この会議には日本のNGOとともに、アフガニスタンから27のNGOが参加しました。これらNGOは、アフガニスタンで活動するNGOの連合体であるACBAR傘下のNGOですが、それぞれの専門分野に従い、5つの分科会、即ち①農業・牧畜、②教育、③保健医療、④地雷対策、⑤紛争予防・平和構築という、5つの分科会に分かれ議論を行いました。この会議の最終日には、全参加者で総合アピールを採択しましたが、これは、2002年1月21日に東京で開催が予定されていた「アフガニスタン復興支援国際会議」に、NGOの提言が生かされることを強く期待して採択したものです。

このアピールの採択から既に2年が経過しました。当時、日本のNGOの活動は、ペシャワール会(PMS)や燈台(TODAI)といった2001年以前から活動している組織を除けば、大半は、アフガニスタンでの活動は緒についたばかりでした。2年が経過した現在、20を越えるNGOが、五十音順に名前を挙げますと、アジア戦災孤児救済センター(AWOA=Aid for War Orphans in Asia)、アフガン難民を支える会(SORA=Support Organization for Refugees of Afghanistan)アムダ(AMDA International)、カレーズの会(Kareze Association)JEN(JEN)、JR総連(JRU=Japan Confederation of Railway Workers' Unions)、セーブ・ザ・チルドレン・ジャパン(Save the Children Japan)、シャンティ国際ボランティア会(Shanti Volunteer Association)、燈台(TODAI)、難民を助ける会(AAR=Association for Aid and Relief)、日本医療救援機構(MeRU=Medical Relief Unit, Japan)、日本国際ボランティアセンター(JVC=Japan International Volunteer Center)、日本赤十字社(Japanese Red Cross Society)、日本紛争予防センター(JCCP=The Japan Center for Conflict Prevention)、日本国際親善厚生財団(JIFF=Japan International Friendship and Welfare Foundation)、日本国際民間協力会(NICCO=Nippon International Cooperation for Community Development)、HANDS(Health and Development Service)、ピース・ウインズ・ジャパン(Peace Winds Japan)、BHNテレコム支援協議会(Basic Human Needs Association)、ペシャワール会(PMS=Peshawar kai)、ワールド・ビジョン・ジャパン(World Vision Japan)、

といった団体が、首都カブールのみならず、ジャララバード、カンダハル、マザリシャリフ、タカール、バーミヤン、ヘラート、ワルダックといった地方都市や村々でも、多くは地元のNGOと協力しつつ、活動を行っています。これらの組織の中には、20年以上世界各地で活動を続ける組織もあれば、9・11以降に、アフガニスタンの人々を支援するために組織された市民団体もあります。

活動内容も、井戸の掘削などの水対策、学校や医療施設の建築、教育支援、農業支援、保健

医療支援、障害者支援、地雷対策、地雷回避教育、未亡人などを対象にした職業訓練、除隊兵士を対象にした職業訓練など、それぞれの得意分野を生かした様々な活動を続けています。

しかし、2年を経過した今も、先のNGO会議において、アフガニスタンと日本のNGOが採択した7つのアピールは意義をもち、かつ2年を経過した今だからこそ、その重みを増した提言も多々あります。

そこで、今日は改めて、この日本、アフガニスタン双方のNGOのアピールを再度提言させていただきたいと思います。

まず第一は、「復興過程におけるアフガンNGOの主導的役割」です。

アフガニスタンのNGOの数は増加しつつあり、復興過程におけるその役割は大変重要です。難民として海外で暮らした後に帰国したアフガン人との連携、国際NGOとのネットワークの構築、民間部門の活性化など復興期の課題にアフガンNGO自身が応えられることは非常に多いことは指摘するまでもありません。アフガンNGOはそれぞれの地域の必要性にもとづいた復興計画を実施していく中で、部外者、あるいは国際社会の「指導」ではなく「支援」を必要としています。このことは、今一度、外部の人間がアフガニスタンの復興支援に関する際の基本として、肝に銘じるべきことです。

第二は、「復興計画の持続性と資金源の多様性」です。

復興支援を継続的に実施するために必要なのは、一度に多額な支援を受けることではなく、適正な規模で継続的な支援があることです。また、その資金源も、NGOの独立性や中立性を維持するためにも、多国間援助・二国間援助を含め、多様であるべきです。アフガニスタンのNGOも、国際機関を通じた援助のみならず、ドナー国の二国間援助を受けられるようにするべきです。

第三は、「政治的安定」の実現です。

改めて指摘するまでもなく、復興計画を円滑に実施するために、最重要の課題は、政治的安定の実現です。政治的安定の確保の難しさとその重要性は、2年前も現在も変わることがありません。国際社会は、この復興支援の努力を後戻りさせないためにも、あらゆる努力を払って、アフガニスタンの政治的安定をはかる必要があります。

第四は、「支援政策決定の透明性」です。

どのような分野であれアフガン人の意見を反映しない復興計画・支援政策の決定は十分とはいえません。計画立案の前に、地域社会に対する包括的な事前調査を行う必要があります。これは、アフガンNGOが自らの手で復興計画に取り組めるようにするためにも、必須のことです。

第五は、「支援の速さより、地域社会の発展速度に見合った計画を」ということです。

アフガニスタンにおいては復興支援を迅速に開始することが求められています。しかし、「速さ」は時として有効な解決策とはなりません。アフガニスタンという地域社会の発展速度にみあうようにプログラムの実施計画を組み立てることが肝要です。

第六は、「適切な復興計画の規模」です。

時に復興支援は、先を争って大規模な計画が優先され、重要視されがちです。しかし、人材、

ニーズ調査、現存する制度等を考慮に入れ、望ましい復興計画の規模を決定すべきといえます。

最後の七点目の提言は、「「破綻国家」という現象への包括的に対処すること」です。

緒方貞子前難民高等弁務官が指摘された「アフガニスタンは世界から見捨てられてきた」との言葉は真に的をえています。国際社会からの協力を絶たれた「破綻国家」が世界的に深刻な影響を及ぼすことはアフガニスタンの事例からも明らかです。私たちはアフガニスタンの問題に取り組むことを通じて、「破綻国家」が生起する様ざま問題に対処する体制を整えるべきです。

以上が、「アフガニスタン復興NGO会議」で採択された7つのアピールですが、これらに加えて、アフガニスタンで今大きな問題になっているのは、国内の治安情勢の悪化です。昨年11月のUNHCR職員ベティーナ・グアラルさんの殺害に象徴されるように、もはや、国連、NGOを問わず、人道援助団体やそのスタッフまでもが攻撃の標的になっています。日本のNGOとして例外ではありません。幸いなことに死傷者は出ていませんが、特に地方における治安の回復は、復興支援に携わる日本のNGOにとっても、最重要の課題であり、懸念材料です。しかし、大変に危険な状況の中で、要員の安全確保の絶対必要条件、あるいは最低必要条件である、人道支援・復興支援活動の政治や軍事からの「独立」が脅かされつつあるのも、アフガニスタンの特徴です。

アフガニスタンでは、軍隊、特に英米連合軍が人道支援を行うことに対して、NGOの間でも大きな議論がありました。

地方での治安確保が大きな課題である中、たとえば連合軍のPRT (Provincial Reconstruction Team)の存在が、治安確保に間接的ながら一定の役割を果たしたという見方ができる一方で、軍事行動と援助活動の混同を招いた点は疑いありません。

「軍と民の協力」、あるいは軍による人道支援には、1、軍隊による直接の支援、2、物資や要員の警護(エスコート)、3、文民との情報交換などがありますが、軍隊の人道援助への参加はその兵站部門、ロジスティックスの活用により、効率的な支援が可能だという議論がある一方で、軍隊の活動により、NGOも軍隊の一部とみられ、その中立性・不偏性が損なわれ人道援助の障害となる。要員の安全確保が困難になる。NGOの支援と比べ、莫大なコストがかかり、費用効率が悪い。現地の文化やジェンダーを考慮した支援が困難だという指摘をすることができます。多くのNGOが、物資援助の面でどれだけ有益であっても、この種の協力は組織の中立性と人道的使命を致命的に傷つけると主張しています。

もとより、NGOによる復興支援が治安や政治的安定そのものを作り出すことは不可能です。日本政府は、特にDDR(武装解除、動員解除、除隊兵士の社会復帰)分野で治安回復に最大限の努力を払っておりますが、わが国政府、そして国際社会にアフガニスタンの治安の回復と、人道援助・復興支援に携わる人員の安全確保、そのための方策の実施を強く望みたいと思います。また、アフガニスタンの治安の安定のために必須であるDDRの進展が、地方軍閥の解体、ひいては、地方での政治や権力の不在を招き、一層の混迷や治安の悪化につながることをないような対策を日本政府及び国際社会に望みたいと思います。

マドリッドで開かれたイラク支援会議の際に、赤十字関係者から、「紛争終結直後には手厚い

支援が得られるものの、その時点でそれを使いこなす力がなく、その力がついた頃には、支援が先細りになっていく、というパターンに陥らず、長期的な視野での支援計画が必要」との発言があったと聞きます。これはまさに、アフガニスタンにも当てはまることです。アフガニスタン支援が、テロとの戦いという政治的関心事として一定の期間にだけ集中し、その後、再び「忘れられた地域」にならないことを強く念じます。

最後に、アフガニスタンへの支援と、世界の他の地域への支援の落差にも触れて終わりたいと思います。

地雷対策を例にとってお話させていただきますが、地雷は、世界82カ国に埋設され、年間1万5千～2万人の被害者が、チェチェン、アフガニスタン、カンボジアをはじめとする65カ国で発生しています。こうした問題に対処するために、ICBL(地雷禁止国際キャンペーン)の統計では、2002年には、23カ国から総額で3億9百万ドルの地雷対策費が拠出されました。この数字は前年度比で30%、金額にして7千2百万ドルの増額であり、その5割以上がわが国の拠出の伸びによるものでした。

注目に値するのは、増加分の3分の2、全体の5分の1を越える6千4百万ドルが、アフガニスタン一国に寄せられたものであったことです。

現在でもわが国は、地雷対策分野でアフガニスタンに対して最大のドナーであり、こうした集中的な支援を受けて、アフガニスタンの地雷除去、地雷対策のキャパシティは拡大しました。2001年以前5千名であった除去要員が現在は7千名をこえ、除隊兵士の社会復帰にも一定の貢献をしたものと思います。2002年夏にはカルザイ政権が、地雷禁止条約加入を決定、世界有数の地雷使用国であったアフガニスタンは、一転、対人地雷の全面禁止を謳った地雷禁止条約の締約国になりました。アフガニスタンへの集中的な支援はこのようにプラスの効果を生み、世界有数の地雷汚染国であるアフガニスタンの地雷問題の解決のためには、今後も、他の分野同様、継続的支援が不可欠です。

アフガニスタンを、再び「忘れ去られた国」とし、同じ歴史を二度と繰り返さないためにも、これまで同様、今後の国際社会やNGOの長期的・継続的支援が不可欠であり、そうした取り組みこそがその平和の構築の鍵を握るものと思います。

しかし、世界には、9・11以前のアフガニスタン同様、国際社会の政治的関心を一切引かない国々が多くあります。アフガニスタンへの支援は、世界の他の地域の、アフガニスタン同様に貧しく、また、紛争やその後の荒廃の下で、最低限の権利さえ保障されず、困難な生活を強いられている人々に対する支援を減少させたり、犠牲にすることなく、行われることがもう一つの重要な課題ではないかと思えます。

メモ

2002年度の地雷対策に対する国際社会の拠出金のうち、6千4百万ドル(全体の20.9%)がアフガニスタンへ、3千60万ドル(9.9%)がイラク北部に、2千7百30万ドル(8.8%)がカンボジア、2千1百20万ドル(6.8%)がアンゴラに向け。

Session 2

日本のアフガニスタン支援の概観

堀村 隆彦

外務省アフガニスタン支援調整担当大使

いまご紹介いただきました堀村です。今日は所用がありまして、いままでの議論に貢献することができません、たいへん申し訳なく存じております。私に今日いただきましたテーマは、日本のアフガニスタン支援の成果と課題ということで、若干時間を頂戴したいと思います。もしかするといままでの議論と重複するところがあるかもしれませんが、まず簡単にざっと概観をしたうえで、問題に入らせていただきたいと思います。

アフガニスタンは長い間の内戦で、経済、社会、インフラ、統治の基本システムが破壊されて、現在政府の根幹である財政の基盤も未整備ということで、国民の多くが難民もしくは被災民として国外に流出し、あるいは国内を転々として、いまだキャンプ生活を強いられている人も少なくないわけです。それから治安は、米軍を中心とした多国籍軍や、カブールを中心に展開している国際治安支援部隊 (ISAF) により保たれてはおりますけれども、ナショナルアーミー、国軍ですね、あるいは文民警察は再建の途上でございます一方、地方には引き続き軍閥が割拠し、また南部から南東部を中心に旧タリバンの再結集の動きも伝えられ、治安状況は引き続きよくない地域も少なくないわけです。

加えて麻薬の栽培が一向に減らず、テロリズムや犯罪の温床になっている。また麻薬の国外流出ということで、近隣諸国を通じて広く欧州全域に販路が現在拡大されており、いろいろ社会問題が出てきているというのはご承知のとおりです。アフガンの和平、それから復興プロセスは、2001年12月のボン合意で開始された政治プロセス、2002年1月の東京会合で開催された復興支援プロセス、および和平プロセスも含めた治安の回復がおおまかにいって3本立てのテーマであり、これが現在進められているということだろうと思います。

アフガンはひと言でいえば、今回の会議のテーマでございますポストコンフリクトの国では、こうした3本柱—政治、復興および治安—これが相互に密接に関連しているということで、これをバランスよく進展させていく必要がある、ということが大きなテーマだろうと思います。早い話が、治安が改善されなければ中央や地方政府の実効的統治がおぼつかないということになりますし、民主化に必要な選挙を実施する前提すら整わないということになります。それからまた、復興に必須であるインフラ、例えば幹線道路の建設すらも円滑にできないといったような問題がございます。現在幹線道路の建設が国連、国際機関それから関係国、いろいろ協力しながら進めて、物流の大動脈を確保するというのを最重要の課題としてやっていますけれども、いまだ特に南

のほう、南部、南東部においては作業自体がテロの対象になるという深刻な事態も引き続きあります。

これはいま申し上げた3本の柱の密接な関係の1例ですけれども、他方いい問題としては、一般のロヤジルガで難産の末にようやく憲法が採択されて、もうすでに1月中に施行ということになっております。憲法の採択、施行、これは3本の柱の政治プロセスのなかで最も重要なディベロップメント、進展であり、今後の治安にも、あるいは復興支援にもこれが及ぼす好影響というのは小さくないものがあるだろうと期待されます。

わが国はアフガニスタンが早期に安定した民主国家となり、間違っても二度とテロリストの温床にならないために、有志の諸国および国際機関等々と協力しながら、3本の柱を軸に種々の支援を行ってきており、その努力は引き続き現在も行われております。

まず復興支援ですけれども、2002年の1月に東京会合を開催し、この会合でわが国の分も含めて総額約45億ドルの拠出誓約を得た経緯があります。わが国は、ボンプロセスが一応視野に入れております本年の6月ごろ、ここで正式政権発足というのがめどになっておりますので、6月までの2年半の間に5億ドルの拠出誓約を行い、ほぼディスバースの大部分を完了しております。これに加えて、東京会合の以前に、ニューヨークの同時多発テロ事件がありました2001年の9月以後に決定した1億ドルを含めて、いままでのところ約6億ドルをアフガニスタンに供与しております。

主な使途ですけれども、難民および被災民の救援、再定住、保健とか医療、衛生などの人道支援、教育等の人づくり分野、道路等のインフラ整備などの復興支援がその大きな部分ですけれども、このあとお隣の伊勢崎先生からご紹介があると思われまます武装解除・動員解除・社会復帰事業(DDR)問題への支援、地雷の関係、警察の再建、麻薬対策等々の治安の支援、また行政経費、メディア支援等の和平プロセス等多岐にわたった支援を行っております。

この関連で、もうすでにお話があったと思いますが、緒方プロジェクトに触れる必要があると思います。緒方現国際協力機構(JICA)理事長のご指導のもとで実施中のもので、カブール、マザリシャリフ、カンダハルおよびジャララバード等の大都会を拠点としつつ、難民関連の人道支援、医療、衛生、教育協力から、水、灌漑、農業分野のプロジェクト、地方共同体の能力の強化、インフラの整備、雇用創出ならびに地方行政の能力強化といった、切れ目のない復興支援を目的としているものです。いままで第1、第2、第3フェーズの段階がほぼ終了し、いま第4フェーズに移りつつあるわけですが、拠点の都市だけでなく近隣の幅広い地域の復興に効果を発揮していると思います。

第2は治安面への協力ですけれども、3本柱のどれをとってもなかなか容易でないのですが、治安の改善が一朝一夕になかなかいかないというのはご承知のとおりでして、いわゆるドナー、有志の諸国が手分けして協力しているわけです。米国が中心になり、テロリストの掃討とアフガンの国軍の再建に取り組んでおります。テロリストの掃討のために、米軍が中心に約1万人の多国籍軍が現在アフガンに投入されておりますけれども、タリバンの旧勢力がアフガンとパキスタンの国境を自由に往来していると言われており、この掃討にはまだまだ時間がかかる見込みです。

わが国はテロ対策特別措置法に基づいて、インド洋から多国籍軍のロジスティックサポートを現在行っております。

また、米軍が現在やっております国軍の再建は、最終的にアフガンに約7万人の国軍を編成させるという計画で、今後数年にわけて行っておりますけれども、これもなかなかプロセスとしては難航しております、まだ数千人の規模で、今後ともかなりの努力が必要だと言われております。

文民の警察、これは主として都市部の治安にあずかることになると思いますけれども、これはドイツと米国が中心となって、国境警備隊も含めて最終的に合計約5万人規模の警察を再建する方向で現在努力中です。こちらはまだ数千人の訓練が終わった程度で、まだまだこれもちょっと時間がかかるということが現在の状況だろうと思います。

わが国はDDRの調整を主として治安面では担当しておりますけれども、DDRは武装解除、兵隊の除隊の促進、除隊した元兵士の社会復帰を一括した計画です。まだまだ多数の軍閥が地方に割拠しているのは旧態依然たるままでして、これを何とかしない限り治安の本格的な改善というのは望めないことは明らかであると思います。DDRは一気呵成に短時間でぽーんとやればそれにこしたことはないと思いますけれども、アフガニスタンの場合は特に長年の内乱のなかで軍閥が自発的に全面的な武装解除に応じるという環境がまだ整っていないという現実が1つあると思います。

それから2つめには、中央政府の国軍や警察が、いま申しあげましたように未成熟で、強制力を持った武装解除が困難であるという現実が他方にある。それから除隊した元兵士の社会復帰のために、雇用を創出しなければならないわけですが、そのための職業訓練とか雇用促進のプロジェクトの発掘とか、いろいろ今後図っていく計画はかなり多岐にわたるわけで、それにもいろいろな制約がどうしてもある等、障害が種々まだあります。いままでのところ、カブールも含めて数カ所で、パイロットプロジェクトを終了した段階ですが、今後本格的なプロジェクトの拡大を図っていく必要があるわけです。

わが国は元兵士の社会復帰計画、警察再建のための諸機材の供与、地雷関連や治安の密接な関連のある麻薬対策、治安関係の協力等にいままで約9千万ドルの援助をしてきております。

最後に、政治プロセスへの支援としては、主として行政経費、選挙対策資金、メディア対策等々で、これもやはり9千万ドル程度の援助をしてきています。

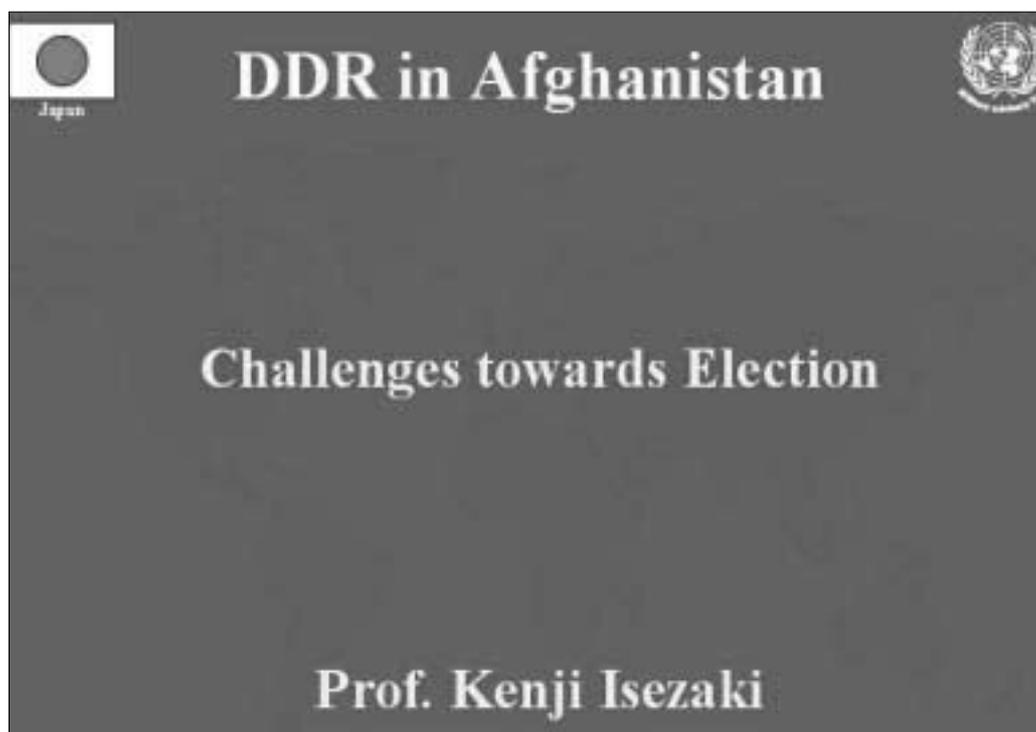
以上がざっと見たわが国の支援の概観ですが、成果と課題ということになりますと、東京会合の開催から2年以上が経過し、わが国を含む国際社会、国連、そしてなによりもアフガン暫定政府の復興努力はここ2年有余で確実な成果をあげてきているというのはまぎれもない事実だろうと思います。大量に流出した難民の多くはもうすでに帰国しておりますし、物資もかなり出回るようになってきております。カブール等で見られる物資の出回り方というのは、これはもうここ1~2年で隔世の感があるという感じもします。高速道路の整備も行われ、物流のインフラの整備も着々と現在行われてきている。憲法という基本的な、法的な枠組みも整ってきているわけで、急ピッチに種々のことが進んできていると思います。

では課題はなにかといいますと、これもまた引き続き枚挙にいとまがないわけで、なんといっても当面の大きな課題は治安だろうと思います。治安の改善がなければ6月にも予定されている選挙すら満足に実際に実施できるのかということになるわけで、こうした民主的なプロセスを経た本格政権の樹立がボンプロセスの一応の着地点ですから、そこに向かって治安を中心とした、腰を据えた取り組みが現在求められているということになると思います。

最後になりますけれども、アフガンの復興のプロセスは、アフガン政府、それからドナー、国際社会ですね、それから国連等の国際機関が3つの柱として現在行われてきているわけですが、この間の協調・協力、これがきわめて重要ということだろうと思います。今後さらに効率のよい協調に努めていくということが非常に重要ではないかと思います。またアフガン政府もここ2年間程度で、ガバナビリティといいますか、機能強化がかなり進んできているというのはたいへん喜ばしいことだろうと思います。この3本の柱の主役はいずれアフガニスタンがだんだんテイクオーバーしていく、国際社会と国連は側面支援に回っていくというかたちで、この復興支援のプロセスが今後図られていくということが望ましいと思いますし、またそうあるべきだろうと思います。わが国としても、そうしたアフガン政府の指導力がさらに発揮されるようにエンカレッジしていきたいと考えております。以上です。

Challenges towards Election

Prof. Kenji Isezaki
Special Representative of Japanese Government for DDR in Afghanistan /
Professor, Rikkyo University



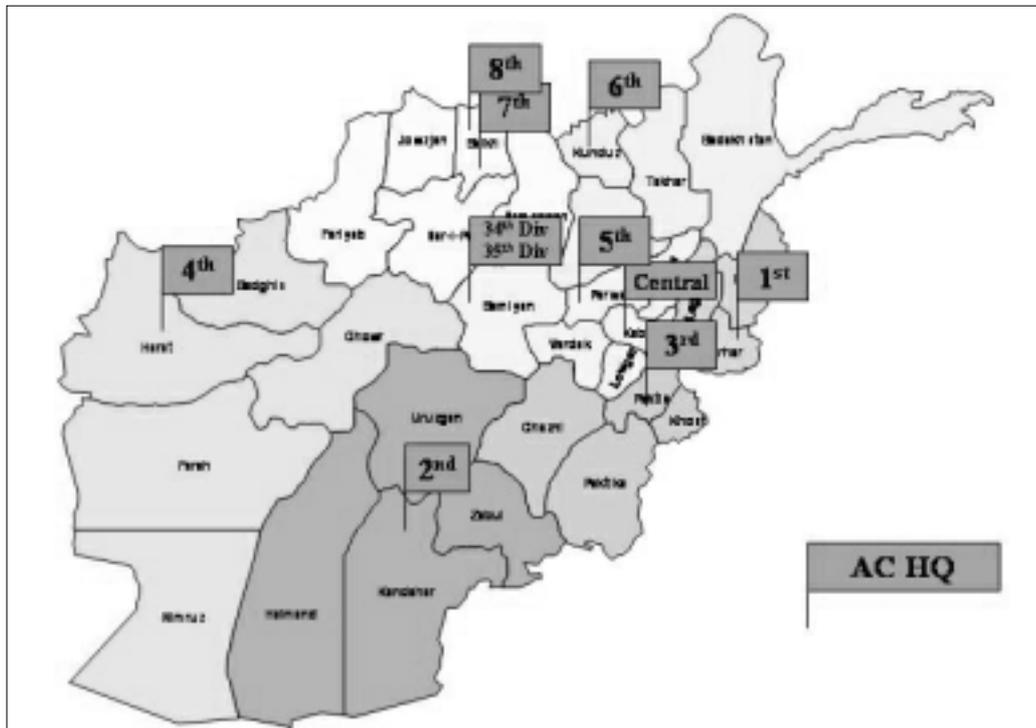


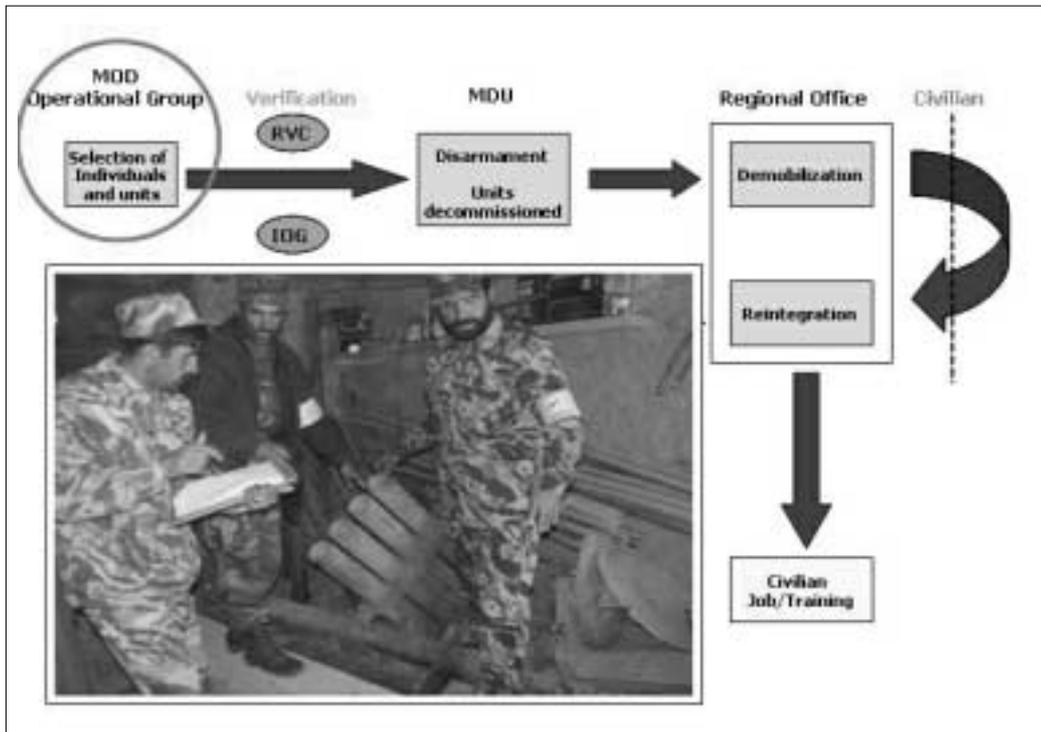
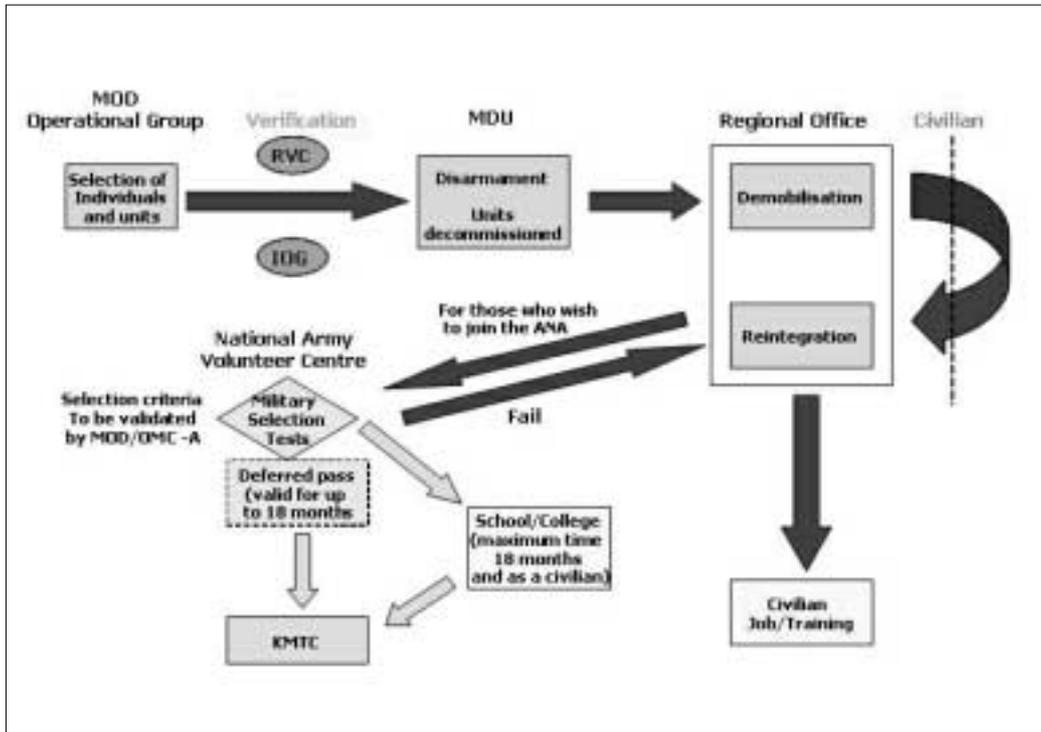
Japan

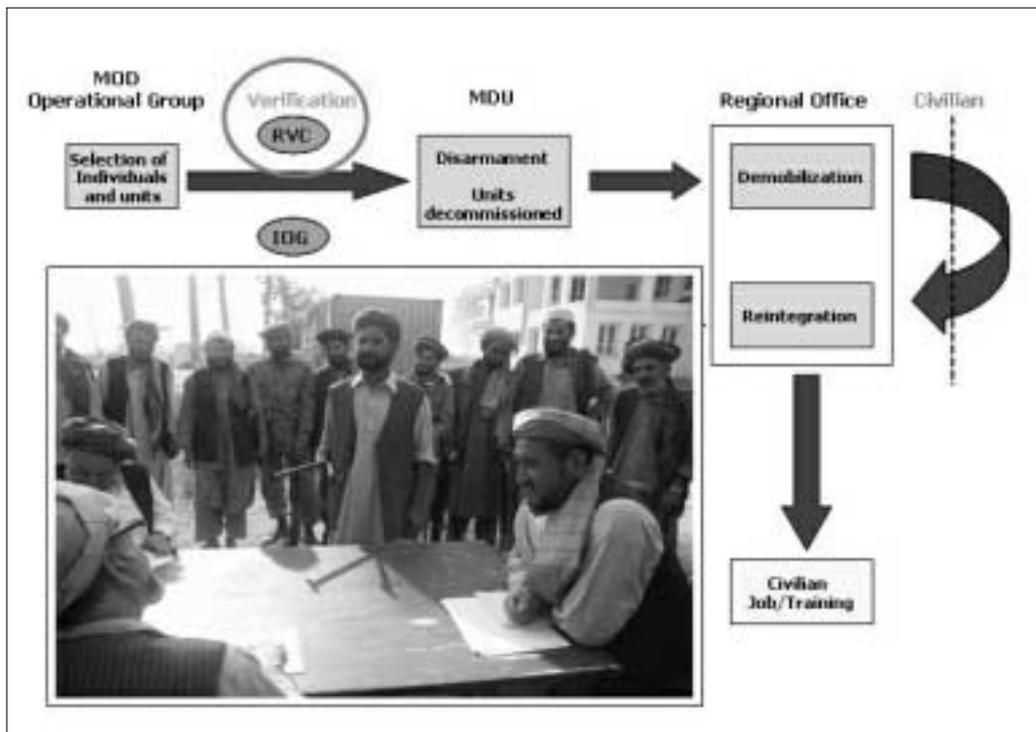
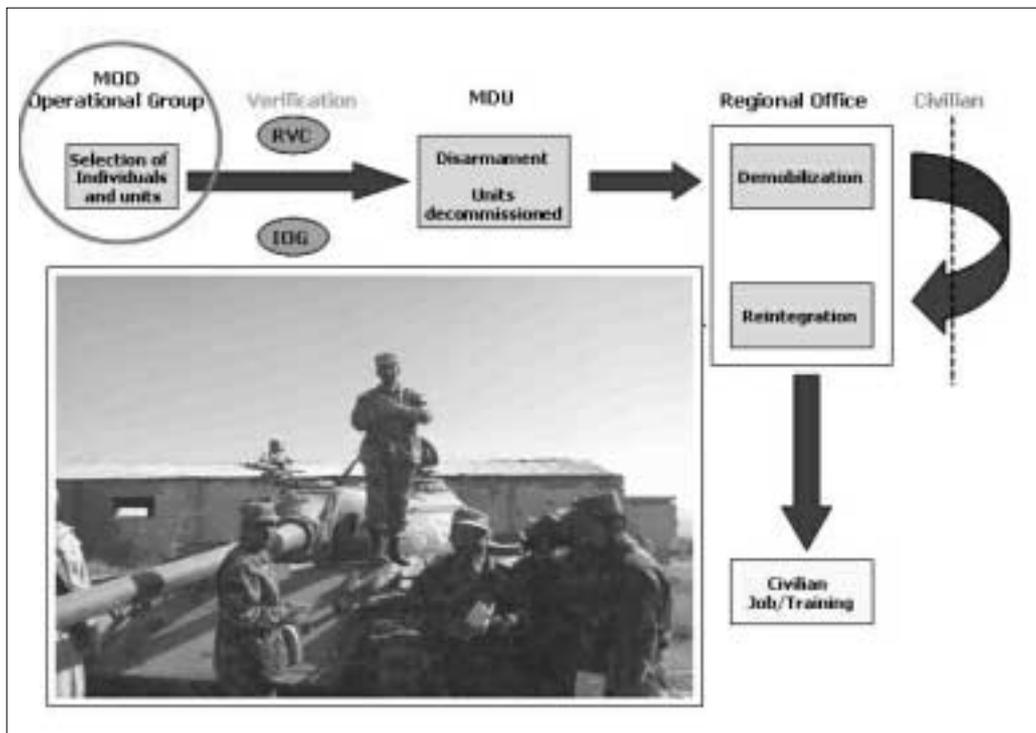
Objectives of DDR

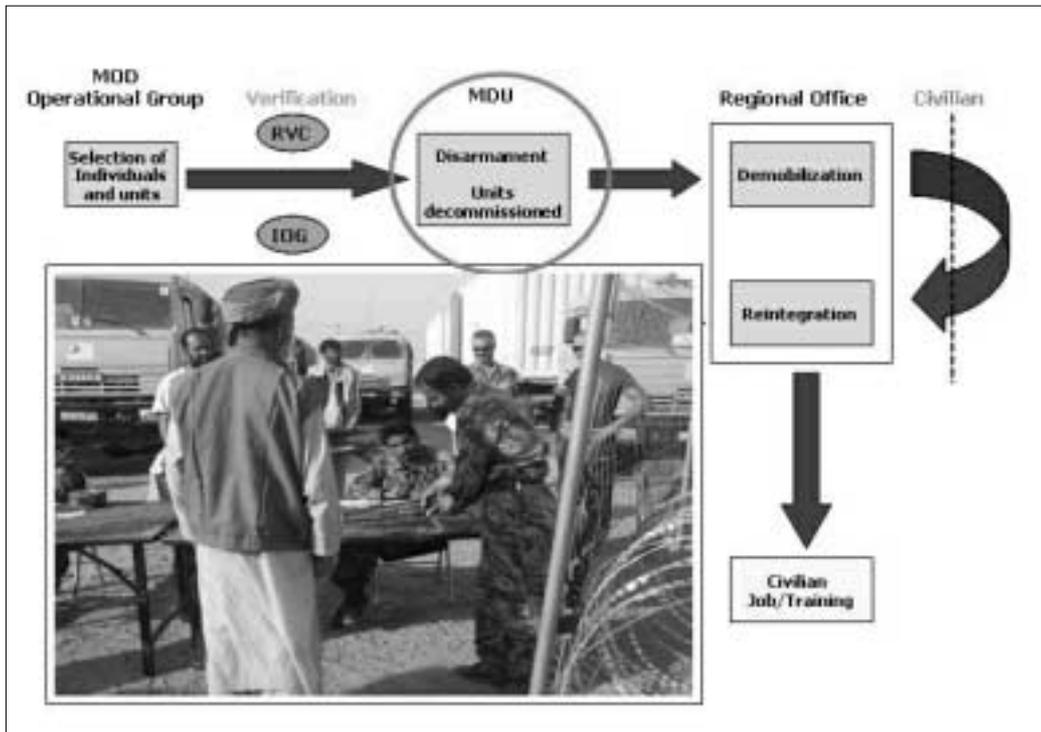
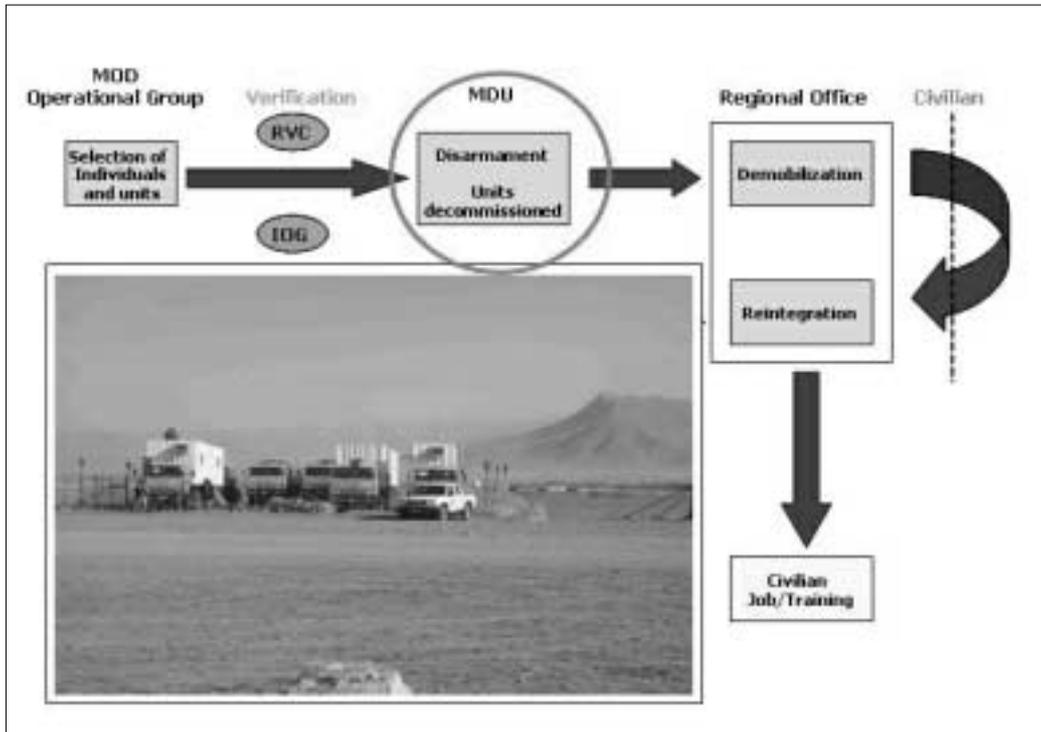


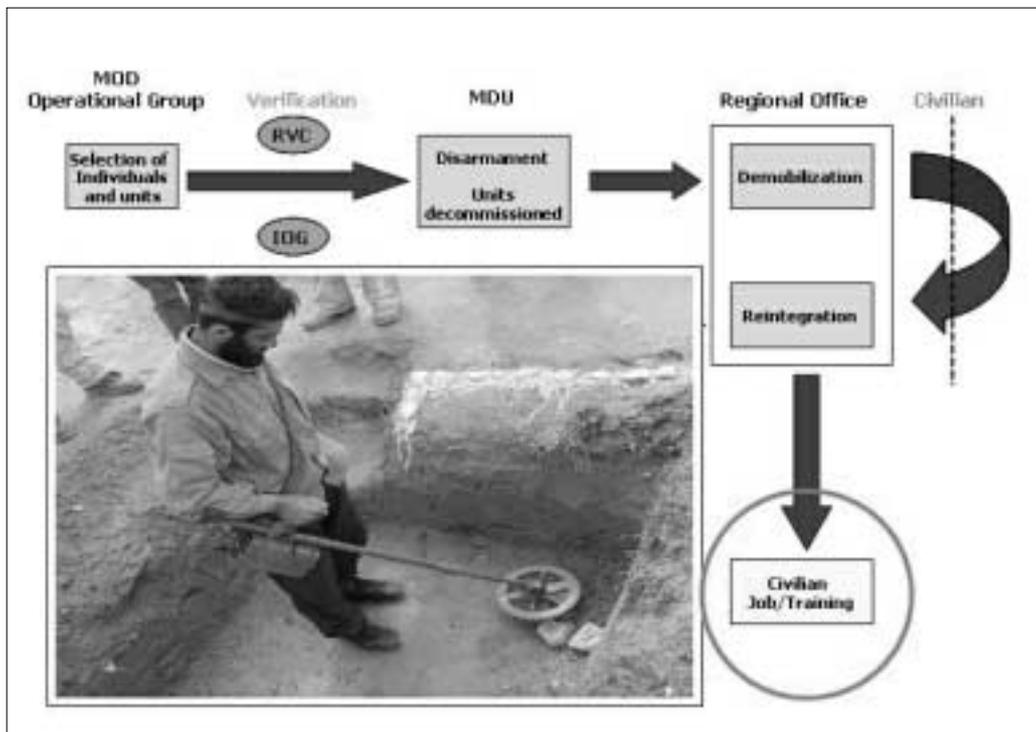
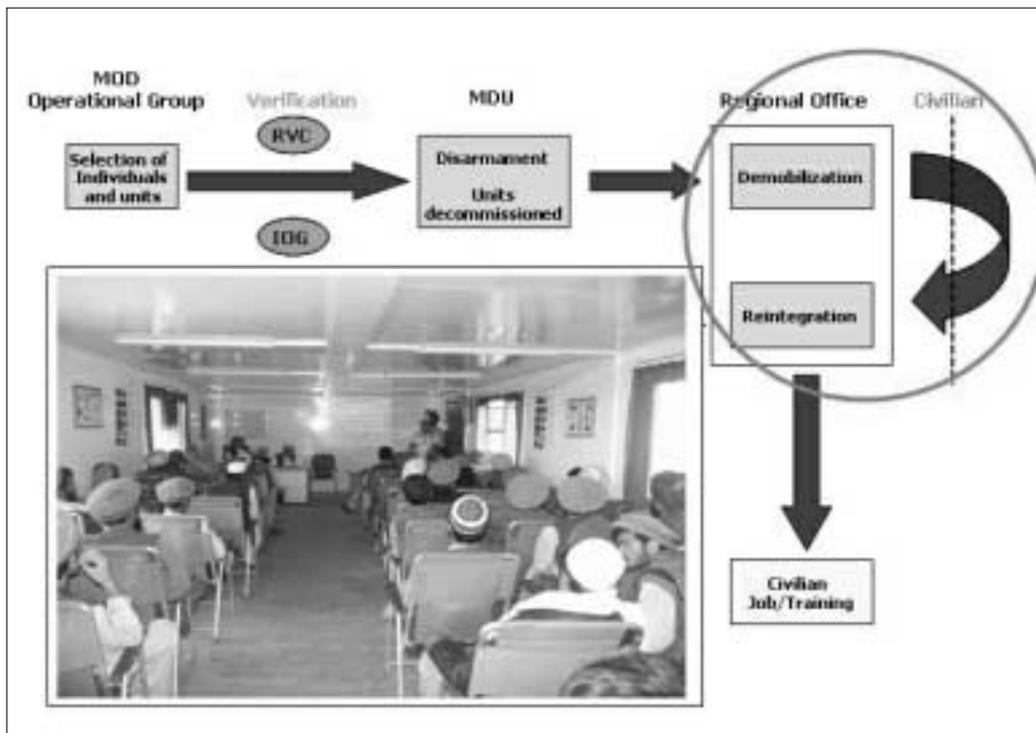
- ◆ Disarm, demobilize and reintegrate estimated 100,000 Active Security Personnel (AMF)
- ◆ Reorganize national military structure by dismantling all military units to form a single Afghan National Army (ANA)
- ◆ Pave the way for free and fair election

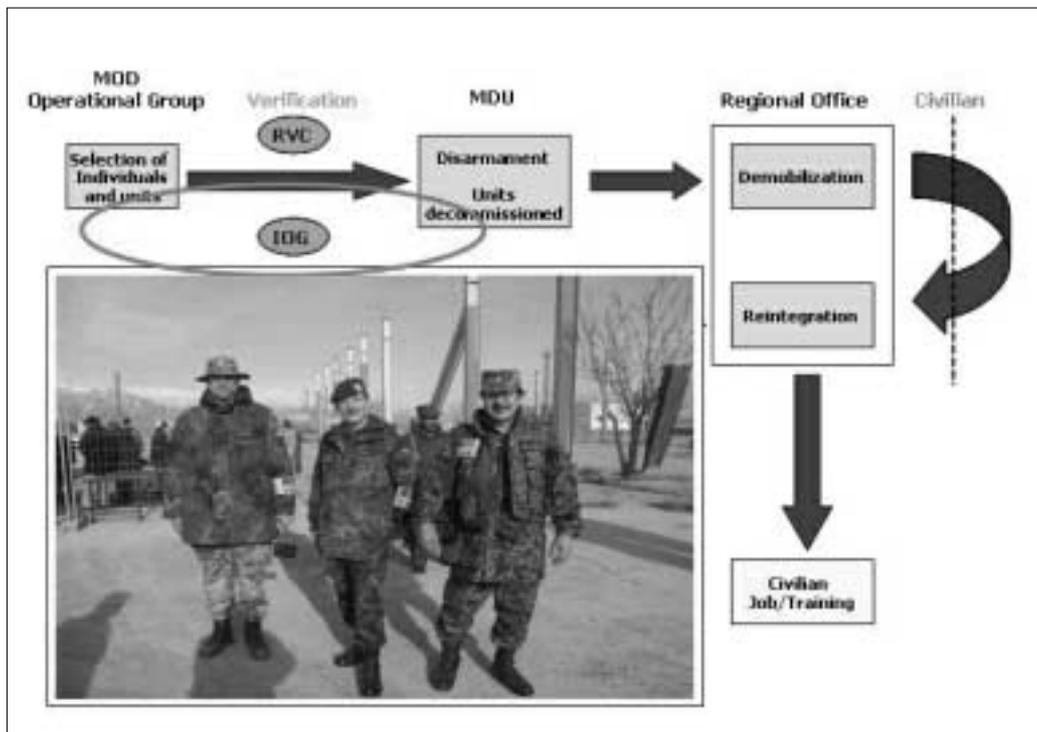
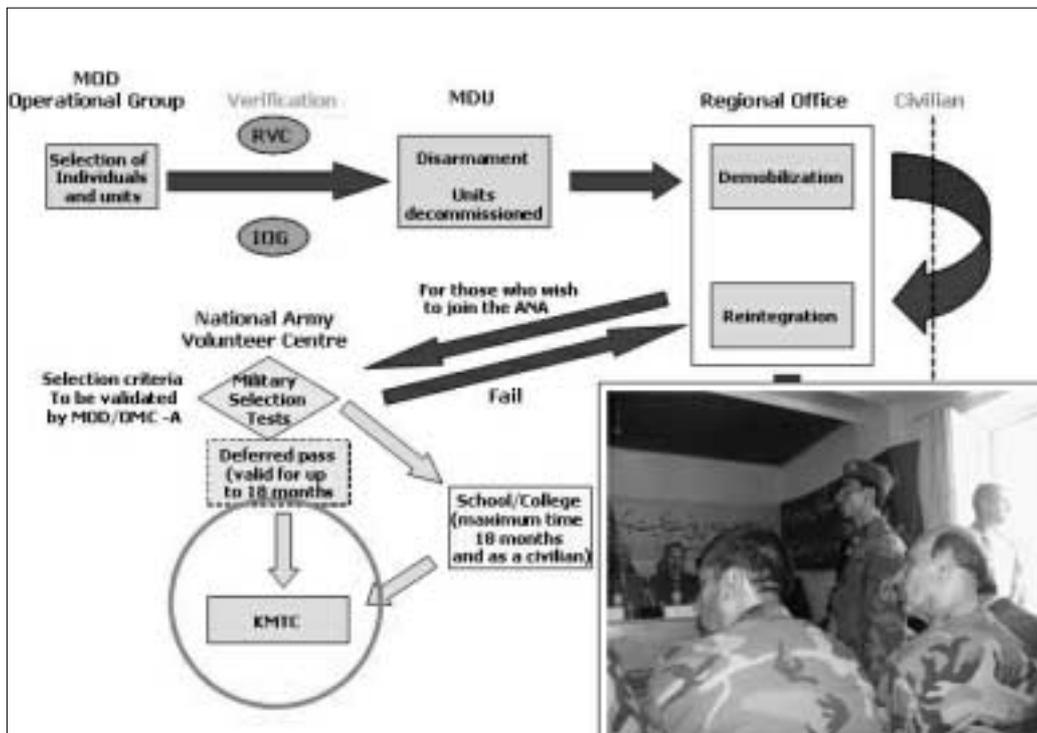


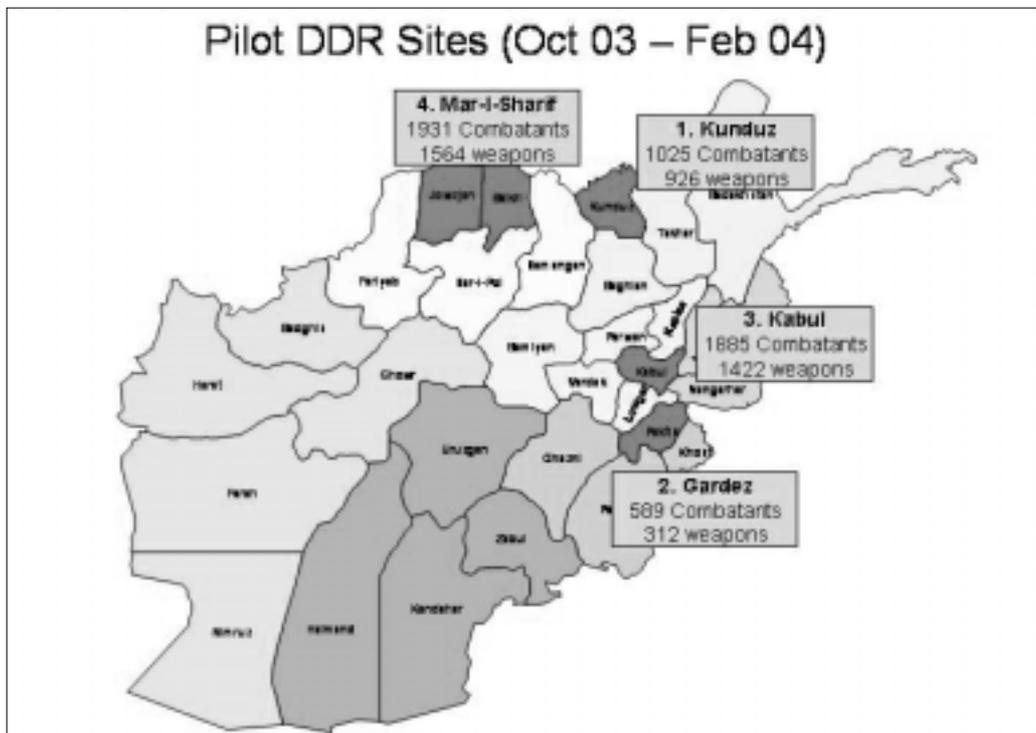














Japan

Lessons Learnt from Pilot



- Is Military Structure dismantled?



→ Wider CBM

 **Lessons Learnt from Pilot** 

• Real target?



 **Lessons Learnt from Pilot** 

• Anxious professional & Jihadi commanders



→Special program

 **Japan**



Lessons Learnt from Pilot

- Security Vacuum created by Disarmament



→ Retain Residual Force

 **Japan**



Lessons Learnt from Pilot

- Warlords in collaboration with the Coalition



→ Retain Afghan Guard Force for war fighting

 Japan 

Lessons Learnt from Pilot

- Still lack of political will



 Japan 

What DDR should achieve before Election

- Time Bounds ?
- Benchmark Bounds ?

Symposium Part II

Keynote Speech

Peace Building: Towards Rehabilitation of Timor-Leste —Achievements and Challenges

H.E. Kay Rala Xanana Gusmão
President of the Democratic Republic of Timor-Leste

Professor Hans Ginkel, Rector of United Nations University,

Dr. Makio Miyagawa, Director, Japan Institute of International Affairs,

Excellencies,

Ladies and gentlemen,

It is a great pleasure to come here again to Tokyo, not only to be warmly received by senior Japanese government officials but also to feel the continued sympathy and solidarity of our friends, the Japanese people.

On behalf of the people of Timor-Leste, I wish to express here publicly my gratitude for the great honour afforded me in having been received by His Majesty, Emperor Akihito. It must be mentioned that the meeting was the culminating point of relations between Japan and Timor-Leste that the Government of Japan, under the leadership of Prime Minister Koizumi, knew how to build up and consolidate.

It was under this wave of sympathy and solidarity that Timor-Leste emerged as the youngest nation of the world.

And it is also in this context that I wish to express my appreciation to the Japan Institute of International Affairs and to this University, for having invited me to participate in this Conference to speak about Timor-Leste. It is always gratifying for us to know that the commitment for Timor-Leste is still ongoing, not only on the part of the governments but also on the part of peoples around the world. And this always constitutes a motivating factor for us, when countries, such as Japan, which has supported us extraordinarily, continue to follow our process closely.

Ladies and gentlemen,

It was here in Tokyo in December 1999, that friendly countries and international financial and humanitarian organizations met to assist Timor-Leste to rise up from the disastrous consequences of violence and destruction of September, only four months earlier. The support afforded to the emergency period and consequently, for the transition to independence, which took place on 20th May, 2002, was extraordinary.

Today, I am once again in Tokyo, representing the first nation of the millennium, a small country, situated amongst the ten poorest in the world, and is the poorest in Southeast Asia. Today I am here to share with you the joy and satisfaction that Timor-Leste is considered a success case, thanks to the support of the United Nations and donor countries and above all, to the maturity of our people, acquired in suffering and pain.

However today, above all, I wish to speak to you about the aspirations of our people, of the expectations and challenges that we face in building our Nation. I say Nation-building, which despite having many elements of reconstruction, speaks much more on building the State: the Democratic State.

Ladies and gentlemen,

The most important step taken in 2001 by UNTAET was the agreement to follow the political agenda, presented by a National Council, a legislative body consisting completely of Timorese, of diverse political exponents, including former defenders of integration. The agenda prescribed democratic elections for the formation of a Constituent Assembly.

The Resistance Movement, CNRT, which organized, united and mobilized the people for the struggle, right up until the popular consultation on 30th August 1999, and having already completed its mandate, was dissolved to make way for pluralist democracy. The elections which were held on 30th August 2001, demonstrated the democratic conscience of the Timorese people, thereby asserting the principles of tolerance and social harmony.

In addition to this step, another was undertaken, though not of less importance. A countrywide consultation was held to allow the people to express their aspirations on what they hoped to gain from independence. The challenges are obviously enormous, from the physical reconstruction to the building of new mentalities; from developing the capacity of human resources to the gradual consolidation of State institutions; from the understanding of human rights to the deepening of the democratic conscience; from meeting vital needs to a vision of sustainable development for the country.

There are real expectations of the people, as a whole, but there exists also the demands from segments of society, legitimate demands which are not in question but are rather difficult to meet immediately, because of inherent conditions of the beginning of the process; the process of building a nation.

It is in the analyses of these responsibilities of meeting the aspirations and expectations of the people, that the challenges became clearer in the present situation. And the greatest challenge is the consolidation of institutions of the State; the young State of Timor-Leste.

The gradual and permanent progress towards the consolidation of State institutions demand precisely the improvement and professionalism of human resources but fundamentally require a change of mentalities that were acquired or are still under the influence of the previous system.

The people's expectations reveal the desire to see the conditions of their day-to-day life improve so as to guarantee hope for their children. And during the 24 years of foreign occupation, the people experienced a corrupt system; they lived under a system where abuse of power allowed constant violations of human rights; a system where injustice was applied only to the population.

And even in the course of the long resistance, the people hoped independence could bring the capacity to establish a different system, one which would not commit the same excesses of power; a system where the primacy of law prevailed.

Only the Rule of Law can guarantee democratic freedoms, respect for human rights and can affirm justice as a foundation of the Nation.

In this difficult phase still in the process of building this Timorese state, the concerns of the people, the fears of society, the affirmations of the politicians and the declarations of the rulers, are directed at achieving this objective—the establishment and consolidation of the Rule of Law.

And that is why the judicial system continues to demand our attention constantly; and that is why our recommendations continue to be focussed on the creation of an effective mechanism to prevent and combat corruption, and that is why ethics and professionalism of Public servants continue to demand our attention.

Ladies and gentlemen,

The difficulties are enormous and so are the challenges, inherent in societies, arisen from situations of injustice, and are beginning to detain the reigns of power or to usufruct the benefits of independence. Nevertheless, we believe and I can actually affirm that the commitment not to offend the sacrifices consented by the People to achieve the freedom in which we live today, is firm.

Timor-Leste is a country that emerged from a long conflict; a country that carries in its entrails the complexity derived from diverse nature and characters of the physical and psychological state of mind. And it is from this complexity that expectations arise and demands are

formulated, originating complaints and feeding frustrations.

The whole and long conflict of more than two decades brought disagreements, resentments and hurt between the Timorese themselves. September 1999 joined in these sentiments, not only with the physical destruction, as you all know, but also the human tragedy, the forced displacement to West Timor of more than two hundred and a half thousand people.

With the support of the International Humanitarian Organizations, UNHCR and IOM, which played a pivotal role in the process, we were able to bring back more than two hundred thousand Timorese, with only twenty-eight thousand people remaining behind in West Timor.

The internal political divisions provoked suffering and pain in families and therefore efforts were made for Reconciliation to be broader, to include political organizations which initiated violence between Timorese, in order to make them take responsibility for their actions. Mr. Pat Walsh, one of the conference panelists will no doubt elaborately cover this issue.

Nevertheless, the needs in the social and economic areas do not help the spirit of the people to conciliate with the memories or with the consequences of past abuses. And this healing process will take a long time, until the global economic development and the consequent improvement in the conditions of daily life for everyone, dissolves the memory of suffering to give way to smiles and confidence in daily life.

Only a system where social and economic justice is practiced can help to heal the wounds. And, at present, only assistance programs and/or vocational training can help to reinsert people into society, thereby, at least, giving value to their sacrifices or recognizing their participation in the struggle.

Ladies and gentlemen,

Timor-Leste has been the recipient of assistance from donor countries and international financial institutions. In these last four years, millions of US dollars were disbursed. It is normal when we sum up the contributions and expenditures, to reach the conclusion that much has been given and much has been spent.

In the case of Timor-Leste, it may have occurred that year after year, people begin to forget the consequences of destruction which we inherited in October 1999. And I dare to affirm that, had there been more time to destroy everything, then all would have been destroyed. Just to give you an example, for Timor-Leste, we cannot speak exactly of development but rather of rehabilitation. I can mention that in 2000, USD 12 million were spent for the reconstruction of schools. Even today, there are hundreds of schools still without roofs, many where students sit on the ground as there are no desks. The same can be said of hospitals, clinics and other public buildings throughout the territory.

There appears to be a tendency to refer to Timor-Leste as a success case, in achievements or that in Timor-Leste all is well. And this is what we would like to correct.

Today, we also understand the concern of donors when more conflicts are emerging alongside old ones hopelessly without solution. And when we ourselves place our country on the map of conflict or post-conflict countries, we have the feeling that the scales do not weigh in our favour.

At times, because of the duty of conscience and solidarity with the other millions and millions of people of countries which need help, we feel that we should be more modest. Some countries, with no comparison whatsoever with Timor-Leste, are much more populated. Other countries, compared with Timor-Leste, are cause for greater concern, be it in terms of security and stability or in terms of political viability.

But the Millennium goals also constitute our benchmark and the Vision offered by our People for global and sustainable development of the country, merely corroborates the validity and pertinence of the Millennium goals, opportunely elaborated by the United Nations.

Ladies and gentlemen,

If we were considered a success case under the aegis of the United Nations, it was based fundamentally on the following:

- a) in the stability and security, and General Mike Smith, another panelist who served in INTERFET and PKF and profoundly knows the socio-economic problems, adjacent to the issue of security, will no doubt give a more objective and broader view of this;
- b) in the establishment of an administration, as there was simply none before—and here we pay tribute to Sergio Vieira de Mello and the whole of UNTAET for the good work done; and
- c) in the political scope, by the predisposition of the Timorese to be guided by universal values in the drafting and implementing of the National Constitution.

As it is, what can Timor-Leste offer now? Why should the international community continue to support us, when there are other countries which are obviously in greater need for assistance?

Of course, as you all know, from time to time, we are reminded in terms of the perspective of income, resulting from the exploration of petroleum and gas. Firstly, I should say that we do not wish to depend totally on the revenue from this source for our development. Secondly, if this were to already have been a reality, we would not want to be labeled a burden for the donors; to be viewed in the eyes of the world as another country with major difficulties.

We are a new country, recently independent, aiming to bury the past of suffering and pain, in order to plant the seeds of harmony, tolerance and justice. We are a people who have overcome a long period of war and now desire to live in peace forever. We are a young country, underdeveloped, committed to the well-being of our people, so that there is no more hunger, misery, disease, illiteracy and ignorance.

Therefore, what can Timor-Leste offer? It is this conviction!

The conviction that there must be concrete efforts made to establish a Judicial System which instills trust in all the people and guarantees that no-one in Timor-Leste, regardless of who they may be, is above the law. It will take time to change the practices which mock good sense and violate the law. Society and the people will have to continue to prepare themselves to defend this principle.

The conviction is that there should be continued concrete and palpable efforts to obtain good and clean governance, so that the habits of the previous system do not undermine the political commitment of the Nation.

The conviction is to reinforce the democratic conscience of society and people in general, in order to create and consolidate an environment of political tolerance and social solidarity, so that respect for human rights becomes effective in the practice of good citizenship.

Ladies and gentlemen,

This is the major concern of our people and this is our commitment; that of continuing to be a success in the defense of democratic values, which constitute the foundations of our State. However, democracy is not practiced in words; democracy is not fed from declarations.

As you all know, last week at the Security Council, the UN Secretary-General, Kofi Annan, who coincidentally is also here in Tokyo, presented his report on the progress made in Timor-Leste; the achievements since May 2002 in some important areas of governance; the shortcomings or gaps in other areas; the challenges and difficulties ahead of us, as well as the opportunities for the posterior progress and consolidation of our young democracy.

The Secretary-General recommended a follow-up UN consolidation mission after May 2004, which will consist of 58 advisors in key areas of the administration, 42 military observers, 157 police advisors, with 310 Peacekeeping Force personnel. We hope that the international community continues to make the right decisions for the good of the people of Timor-Leste, as they have always done up until now.

And I am certain that Mr. Hasegawa, as a panelist and DSRSG of UNMISSET and Resident Representative of UNDP, will provide a more measured image of the Timorese reality, of which he knows well, in terms of the young nation wanting to establish itself in solid bases.

Mr. Uramoto, another panelist with a background of stimulating activities for UNICEF in our country, will provide you with a clearer perception of the human potentials for the future and of the gigantic challenges of today.

Our State is still fragile; still with an emerging democracy and without economic bases to propel sustainable development.

We have the potential in the medium term to be self-sufficient in agricultural products. Japan has been supporting irrigation projects and I believe that with the introduction of quality seeds and techniques for adequate production, we can achieve this objective.

We have potential in exploring the industry of tourism, namely eco-tourism, not only because of the beauty of the landscapes, combined with the varied microclimate of our mountains; but also because of the irresistible beauty of our beaches, combined with varied cultural and sociological expressions of our people, who will make our country a place of exotic sensations, above all, of peace, joy and smiles.

As an island, or more precisely, half an island that we are, the potential in fishery appears to be a more certain bet for our national economy, in addition to coffee that needs to be put again in its proper place as it was many decades ago—‘the best in the world’, with its charm being that it is 100% organic.

The efforts of the state bodies are being directed towards opening up the country to investment. But investment will only be attracted if the basic infrastructures are in place, so as to guarantee confidence and certainty. And the continued support for infrastructure is a pressing need.

If we are a certainty, it should not be a question but rather an affirmation!

If we guarantee trust—this is the commitment!

But for this, we will continue to need the support of all who have confidence in the process and certainty that our people will not disappoint anyone!

Thank you very much.

Session 1

International Support to Peace-Building Efforts in East Timor: Achievements and Challenges

Dr. Sukehiro Hasegawa
Deputy Special Representative of
the Secretary-General for East Timor and
Resident Coordinator of the UN Operational Activities for Development

Introduction

It is my great pleasure and distinct honor to participate in this international conference on “Peace-Building: Towards Rehabilitations of East Timor and Afghanistan,” organized by the Japan Institute of International Affairs (JIIA) and the United Nations University. I am pleased to have this opportunity to share my views and hear those of eminent persons such as President Xanana Gusmão, JICA President Madam Sadako Ogata, Special Adviser to the Secretary-General Lakhdar Brahimi, President of JIIA Yukio Satoh, Vice Rector of UNU Ramesh Thakur and Director of JIIA Kuninori Matsuda.

Let me start at the point of an agreement among those engaged in peace keeping and peace-building activities: That peace is not just the absence of war and that peace-building requires more than the rehabilitation of infrastructure and institutional facilities destroyed by war. I believe this is the premise that has brought us together in this conference to discuss the important issue of post-conflict rehabilitation and peace-building as a means of conflict prevention. After going through the early period of active involvement by the UN in peacekeeping operations and of trials and errors in the new approach to the maintenance of peace and security in war-torn societies and failed states, we, as one of those who participated in the rehabilitation process, realized that the end of conflict hardly constitutes sustainable peace and security.

The rehabilitation of post-conflict countries has presented one of the formidable challenges as well as ample opportunities for the international community to marshal its efforts in addressing the requirements for domestic, regional and international peace and security. In the post-9/11 world, post-conflict rehabilitation has become even more crucial, as an instrument against major threats to world peace and security. As a developmentalist, I would go one step further, in sharing the view that in fact, one of the major threats to world peace and security is the unfairness that exists, at the national and international levels, in the social, economic and political conditions governing peoples and nations.

Since the dawn of the new Millennium, we have seen the world community’s moving towards a consensus, that the most critical part of peacekeeping is its link with peace-building as both constitute an integral part of the whole peace activities. Yet, we must continue to ask a thorny

question: Has the recognition of the inextricable links between peacekeeping and peace-building been put in practice with the coherent policy as well as financial and organizational commitments required? The discussion in this forum of the rehabilitation of Timor-Leste, as East Timor is officially called, I hope, will help us take stock of the achievements as well as challenges of the rehabilitation of Timor-Leste, and exchange our views on the ways that may help improve the world community's support to post-conflict rehabilitation. As the public support in troop and police contributing nations is often a determining factor in the shape and depth of international support, I hope that this conference will help promote the awareness of the public in Japan on the prevention of conflict through peace-building and post-conflict rehabilitation.

Through Timor-Leste, the world community witnessed immense human suffering and devastation in 1999 and the birth of a nation at the dawn of the new Millennium and at the cross-road between Asia and the Pacific. The international support to this newest country came after the UN's self-examination and rethinking of the post-cold war peacekeeping efforts. As a result, the United Nations Mission of Support in East Timor (UNMISET), which began its mandate in May 2002, has been one of the most coherent and integrated peacekeeping operations in which the UN and key Member States have recognized the need for merging, under the authority of the Special Representative of the Secretary-General, the UN's role in military operation, policing, humanitarian, justice, human rights and economic management and the need for ensuring a smooth transition from peacekeeping to peace-building and long-term development. UNMISET's multi-dimensional mandates comprises the executive authority in external and internal security operations, the support to the civil public administration and the process of promoting reconciliation as well as punishment for serious crimes committed during the conflict.

The UN Security Council, in its resolution 1410 adopted in May 2002, entrusted UNMISET with a set of peacekeeping and peace-building mandates in the following three areas of support to Timor-Leste:

- (1) **External Security and Border Control**, which involves the deployment of the UN military peacekeeping force to maintain security mainly in the border areas and provide deterrence to external threats, if any;
- (2) **Public Security and Law Enforcement**, which involves providing interim law enforcement and public security and assisting in the development of the national police force (PNTL); and
- (3) **Stability, Democracy and Justice**, which envisages a massive programme of support to public administration and state institutions, including those in the justice sector, by providing 100 international "stability" advisers to ensure that the critical state organs are established and functioning.

In my presentation today, I wish to provide you with first, an overview of the achievements as well as challenges in the above three areas of international support to post-conflict Timor-Leste, particularly through the mandates given to UNMISSET, second, key issues affecting the effectiveness and shortcomings of international support so as to avoid the recurrence of conflict or to protect the gains achieved and third, my views on what we may consider as possible ways to help improve the modalities for international support to post-conflict rehabilitations and peace-building activities.

PART I: ACHIEVEMENTS AND CHALLENGES IN THE REHABILITATION OF NATIONAL INSTITUTIONAL CAPACITY FOR SECURITY, PUBLIC ADMINISTRATION, JUSTICE, HUMAN RIGHTS AND ECONOMIC MANAGEMENT

In the overview of achievements and challenges in the rehabilitation of the country, it is indeed necessary for us to recognize the multidimensional nature of peace-building activities carried out in the interlinked areas of security, public administration, justice, human rights and economic management. Therefore, let me begin with the achievements made so far and the challenges still remaining, first in the area of external and internal security, then in the areas of public administration, justice, human rights and economic management.

A. MAINTENANCE OF SECURITY

(1) Achievements in the Maintenance of External Security and Territorial Integrity

Since the United Nations established its transitional governing authority for East Timor by resolution 1272 on 25 October 1999, the UN Peace Keeping Forces (PKF) have contributed decisively to the overall security of Timor-Leste particularly in the border areas. During the last two years following the establishment of UNMISSET in May 2002, UNMISSET's military component continued to provide pivotal support for the external security and territorial integrity of Timor-Leste, while ensuring the timely transfer of security responsibilities to the national defense force, Falintil-FDTL (F-FDTL).

Major security threats did emerge in late 2002 and early 2003 when riots and grave civil disturbances erupted in Dili on 4 December 2002 and a further serious security incident took place on 4 January 2003 when a group of about 20 to 30 men armed with automatic weapons attacked villages near the towns of Hatolia and Atsabe in Ermera district and killed five people. Then, on 24 February 2003, a small group of men armed with semi-automatic weapons attacked a shuttle bus traveling from Maliana in the border district of Bobonaro to the capital city of Dili. Two people were killed and five people injured. UNMISSET military and police forces were deployed to the area immediately. On 27 February 2003, a UN Fijian military patrol sighted and exchanged fire with a group of armed men in the area, killing one and apprehending another. It appeared that former militias and armed groups were seeking to establish support within Timor-Leste with the purpose of undermining the stability of the country. This external security concern, however, has receded as the situation has remained

largely calm since March 2003 while the relationship between Timor-Leste and Indonesia improved significantly during the last one year.

Meanwhile, the downsizing plan for UNMISSET's military component has taken place as planned to the current military strength of about 1,750 personnel, including 78 military observers compared to 3,760 military contingent personnel and 106 military observers in June 2003. The PKF is at present responsible for security only in the western districts and along the tactical coordination line (TCL), between Timor-Leste and Indonesia. The PKF maintains a capability to respond to security threats throughout its areas of operation. This includes visiting patrols into the border districts of Suai and Oecussi, where the military component no longer maintains a large-scale presence. In addition, the United Nations Military Observers (UNMOs) continue to facilitate border management issues through permanent border liaison teams close to key junction points or border crossing points and regular visits to other junction points using mobile patrol teams.

The Border Patrol Unit (BPU) of the national police force or Policia Nazionale da Timor-Leste (PNTL) has now assumed full responsibility for day-to-day management of all junction points along the tactical coordination line, with the UN's transfer of authority that took place at Batugade in October 2003. The BPU's ability to maintain security in the border area will depend on close cooperation with Indonesian counterparts or the Troop National Indonesia (TNI). UNMISSET continues to support the close collaboration between Timorese security agencies, in particular the PNTL and the defense force or F-FDTL. The Mission has helped create the joint information center where international military and police officers work with Timorese counterparts on day-to-day information management and analysis.

Through their interaction with UNMISSET's military component, F-FDTL officers have improved their understanding of the functioning of military headquarters and develop their skills in logistic planning, communications, map reading and other practical areas. While, the F-FDTL is capable of limited response operations, its commander Brigadier General Taur Matan Ruak told me just 10 days ago, on 13 February, at the ceremony marking the third anniversary of the F-FDTL and the closing of a training course for officers and sergeants, that it would require several more years for the F-FDTL to develop a logistic capability to respond to major external threats—if any.

In spite of the overall stable relationship that exists between Timor-Leste and Indonesia, reports of sightings of armed gangs and criminal elements in districts bordering West Timor have increased during the last few months. For example, on 29 January 2004, according to the PNTL, a group of 150–200 West Timorese including six people believed to be TNI members reportedly crossed the river bordering East and West Timor and allegedly burnt 15 huts and destroyed crops at a village (Sassa Village) in Bobonaro district. With these developments, the leaders of Timor-Leste became anxious that the United Nations maintain its security presence in the country even after the mandate of UNMISSET completes in May 2004. Reflecting this concern, Prime Minister Mari Alkatiri wrote to the UN Secretary-General on 2 February

requesting officially the retention of one military battalion. The Secretary-General took note of the wide spread public concern over the security of the country and at the same time the limited capacity of Timorese security agencies. Subsequently, he recommended to the Security Council a provision of 42 military liaison officers to monitor security-related developments and to facilitate contacts between the two sides of the tactical coordination line, or a de facto borderline, separating the two countries. To promote continued calm and to avoid potentially destabilizing impact of abrupt termination of the international presence, the Secretary-General proposed to the Security Council the retention of a formed military component with the total of about 350 military personnel, including an infantry company, air support unit and UNMOs, as reflected in the latest report of the Security-General to the Security Council (S/2004/117).

(2) Japan Self-Defense Force: Its Contributions and Limitations

Before I move to the discussion of internal security and law enforcement, I should refer to a major contribution made by the Japan Engineer Group of the Japanese Self-Defense Forces to the maintenance of roads, bridges and other transportation infrastructure facilities that are essential for the mobility of not only military personnel and equipment but also civilians and materials.

The Japan Ground Self-Defense Force Engineer Group commonly known in Timor-Leste as the Japan Engineer Group (JEG) started their activities in March 2002. In addition to 10 headquarters personnel, 680 JEG personnel were stationed in four locations of Dili, Oecussi, Suai and Maliana. The JEG provided as its primary task, engineer support for security related activities of the peacekeeping forces including water supply. They have undertaken more than 90 engineering and rehabilitation works on the main supply routes (MSR), including the rehabilitation of roads and bridges as well as clearance of rocks and trees. The maintenance of roads and bridges helped provide secure environment to local residents as it enabled PKF members to sustain their mobility.

In addition to road maintenance and rehabilitation works, the JEG carried out valuable training courses on the maintenance and operation of vehicles and heavy engineering equipment to 67 Timorese personnel. They are now maintaining roads and bridges in the southern part of the country where flooding takes place frequently. Also, the JEG has contributed its technical expertise to projects financed by official development assistance (ODA) resources provided by Japan and other countries. In July 2003, the JEG assisted the Ministry of Transport, Communications and Public Works in reconstructing the flood-damaged Lugassa Bridge in Viqueque and in September the JEG began its technical assistance in rehabilitating the Maliana irrigation intake and canal in Bobonaro, both of which were supported by the Recovery, Employment and Stability Programme for Ex-combatants Community in Timor-Leste (RESPECT), funded by the Government of Japan. For the Maliana Irrigation II project, the RESPECT team employed 50 ex-combatants, 166 youths and 301 other vulnerable community members. It was inaugurated on 31 January 2004 by Prime Minister Mari Alkatiri who travelled to Maliana with me and Ambassador of Japan Hideaki Asahi.

As UNMISSET is reaching the end of its mandate in May 2004, the JEG as part of UNMISSET/PKF has started donating dump trucks, excavators, bulldozers, steamrollers and other engineering equipment to the Government of Timor-Leste.

By the restriction imposed by the Japan's laws upon conduct of the Japan Self-Defense Forces, the role of JEG personnel has been kept limited strictly to backup support activities. They have not been engaged in any activities directly related to the maintenance of security. For example, when the riots and civil disturbances occurred on 4 December 2002 in the capital city of Dili, the JEG soldiers could not be mobilized to intervene and patrol the capital city of Dili although they were stationed at Taci Tolu, only 5 kilometers from the center of Dili. UNMISSET/PKF had to bring in Portuguese PKF soldiers who were stationed in the districts of Liquica and Baucau, taking a few hours before they could reach Dili. The JEG also has not joined Australia, Portugal and the United States in conducting the training of personnel of the newly created national armed forces, the FDTL.

(3) Achievements in Internal Security and Law Enforcement

The rehabilitation experience in Timor-Leste has confirmed that the maintenance of law and order and internal security is most crucial in laying a pre-requisite for long-term peace and stability of a post-conflict nation. Support provided by the international community through UNMISSET has resulted in some tangible achievements as well as shortfalls in the maintenance of internal security.

Within the same year Timor-Leste gained international recognition for its independence, as indicated already, the country encountered a major civil disturbance in Dili when mobs attacked and burned government buildings as well as the residence of the Prime Minister and business premises on 4 December 2002. The inexperienced members of the PNTL fired into protesters resulting in the death of two civilians. The incident shook the confidence of the Timorese leadership and the international community supporting Timor-Leste in its post-conflict rehabilitation. Since then, however, the relative calmness and the low crime rate that prevailed during most of 2003 gradually increased the sense of security and stability among Timorese citizens and foreign residents, despite occasional reports of threats posed by armed groups and criminal elements in the rural areas as well as smuggling, extortion and robberies in many parts of the country and sporadic violence among martial arts groups and youth gangs in certain urban areas.

So far, UNMISSET police component (UNPOL) has completed the transfer of routine policing authority to the PNTL in all 13 districts of the country with the last handover of patrolling responsibilities in Dili district on 10 December 2003. This is in line with the downsizing plan for UNPOL's presence with the reduction from the total strength of 1,250 at the time of independence and about 680 UNPOL police officers last year to the current number of about 325 (comprising some 200 international police advisors and a 125-member formed unit). UNPOL continues to hand over functions to its Timorese counterpart at the police headquarters while the remaining 200 UNPOL technical advisors continue to assist with specialized tasks and

mentor Timorese police officers in the districts. In addition, the 125-officer Malaysian formed police unit remains available to respond to major cases of civil disorder.

In forming the national police force in less than two years, UNMISSET has trained 3,024 national police officers. Out of this number, over 20 percent are women, representing a relatively high proportion in comparison with the figures worldwide. UNPOL has revised the training course for police cadets from the three-month course to the four and six-month curriculum while interested bilateral development partners, the UN System agencies and UNMISSET Human Rights Unit have provided in-service training for PNTL officers after their initial training. To complement police development efforts by UNMISSET, bilateral partners have supported specialized training on surveillance and intelligence as well as on supervision and management. UNMISSET has incorporated all human rights training in all police trainings.

Meanwhile, the Government has established three special police units within the PNTL:

- Shortly after the December-4 incident, UNMISSET and the Government of the Democratic Republic of Timor-Leste (G-RDTL) agreed to reconstitute one special police unit into a Rapid Intervention Unit (RIU or UIR) in order to increase the national police's capacity to respond to civil disorder in a professional manner particularly in urban areas. The training of the RIU has since been continuing with intensive retraining that initially commenced on 13 October 2003. The RIU retraining course that will take place 9–22 February is expected to enable this rapid intervention unit similar to Kido-tai in Japan to increase its effectiveness and professional responsiveness by the end of UNMISSET's mandates in May this year.
- Secondly, the G-RDTL decided to establish a unit within the PNTL to patrol and manage the border. UNMISSET has trained the Border Patrol Unit (BPU) with the full deployment of 219 national police officers. So far, the skill transfer from the peacekeeping force (PKF) and UNPOL to the BPU officers has helped improve the BPU's efficiency. While the BPU is generally functioning well in border control and patrolling, it has faced the challenges of logistical requirements.
- Thirdly, the development of another special police unit, the Rapid Deployment Service (RDS), initially envisaged by the Government to be a force in countering possible incursions and threats posed by militias and heavily armed groups in the rural and border areas, has been challenging—politically, institutionally and financially. With the delay in the recruitment, equipping and training of the RDS, considerable problems are now encountered in creating an effective rapid deployment capability within the PNTL before the UNMISSET PKF military component's withdrawal in late May 2004.

To address key institutional shortcomings, UNMISSET continues to support the Government's efforts through the PNTL Institution Strengthening Committee under the leadership of the Minister of Interior and senior officials concerned to lay the basic legal, administrative and policy frameworks in creating a viable, professional and independent police agency. The

Government has identified key priorities for the next three months before the end of UNMISSET's mandate. These include establishing a PNTL disciplinary committee and advancing the comprehensive review and approval of police procedures (SoPs) and general guidelines as well as ensuring their accessibility and applicability for all PNTL officers. Achievements in this area include increased awareness on the part of the Government and the PNTL to address key institutional issues. This has led to positive tangible results in establishing an administrative and planning unit in the Ministry of the Interior; assigning PNTL liaison officers to work in the defense force and the Prosecutor-General's Office; integrating human rights in all police training; revising the police curriculum; undertaking the comprehensive review of about 20 police policies and procedures and adopting specific guidelines and plan for community policing. Despite this progress, there is a need for an intensified efforts to put in place key institutional, legal and policy frameworks, according to internationally-accepted standards, in addressing the issue of police discipline, oversight mechanism and the police's relations with the public and other security organs such as the defense force in the broad national security framework.

As noted in the latest report of the Secretary-General, continued support by the international civilian police (of 157 police advisers) is crucial, beyond May 2004, for the development of the PNTL as a non-political and professional service through monitoring, mentoring and assisting in defining basic police policies and procedures (SoPs).

(4) Challenges in the Maintenance of Internal and External Security

Despite progress achieved in the development of the PNTL, by the end of UNMISSET's mandate in May 2004, reports on police misconducts and violation of human rights, such as excessive use of force, assaults, negligent use of firearms, criminal activities and corrupt practices, have been the cause for concerns. In January 2004, there were 21 complaints registered against PNTL officers compared to 10 cases for the same period last year. This continues to erode public confidence in the police force.

Despite considerable achievements in the maintenance of security during the last two years, there remain threats to peace and stability in Timor-Leste. Let me identify these threats. The first is largely apolitical, with a history pre-dating 1999 and characteristic of many developing nations. It includes violence associated with large numbers of unemployed youth, martial arts group rivalries, marketplace turf battles and criminality, mostly centered in Dili and Baucau. Only long-term economic and educational developments will address the root causes. In the meantime, a reasonably effective, professional, impartial and publicly accountable law enforcement apparatus should be able to deal with these situations.

The second category of threats to peace and stability is more specific to the Timorese political context and related to perceived inequities in the distribution of marginal benefits. Many who were involved in the independence struggle, such as former clandestine groups, ex-combatants and veterans, hold deeply felt, genuine grievances. Prominent among these is the CPD-RDTL (Popular Defense Council of the Democratic Republic of Timor-Leste), a group rejecting the

entire transition process. Of course, the two types of conflict interact with one another, e.g., the lack of productive employment opportunities drives veterans to lobby for Government jobs, while idle youth are prime recruits for groups with political grievances.

The relations between police and military, both in the early stages of their development, present potential security issues. While the UN has not been responsible for training the new defence force, UNMISSET has nevertheless devoted considerable attention to the issue of civil-military and police-military relations. One of the main challenges in promoting cooperation between the police and the defense force in maintaining internal and external security is the lack of clarity in defining the roles of these forces in the broader national security context. At the same time, recurring incidents involving conflicts between officers in the Timorese police and those in the armed forces point to the issue of morale and discipline. It is imperative for the healthy development of the Timorese police and armed forces also depends on the political decisions in redefining their roles and functions.

Despite the progress in the development of national police, it is clear that ensuring the effectiveness, impartiality and accountability of the national police force, at both the institutional and operational levels, will remain a long-term challenge. Following UNMISSET's departure, the police specialized units will play a crucial role in Timor-Leste's security structure, particularly in the management of the border area, as described below. These police special units, however, continue to lack essential equipment and financial resources and will require additional assistance even after May 2004. Furthermore, at the end of UNMISSET's mandate, the PNTL still lacks technical skills in a number of other specialized areas, including investigation, forensics, intelligence-gathering and special police operations to counter major crimes, such as terrorism, abduction and hijacking.

The PNTL's ability to win public confidence will depend upon further efforts to strengthen discipline and compliance with internationally accepted standards of policing. Continued mentoring and monitoring of the PNTL and its special units would be necessary to promote oversight, accountability and compliance with international human rights standards. To develop appropriate institutional and legal frameworks for the PNTL requires further efforts in ensuring that police recruitment is based on merit and in encouraging an open and democratic policing culture.

With regard to the external security situation, the relationship between Timor-Leste and Indonesia remains a critical factor affecting Timor-Leste. The two countries have made progress toward establishing the kind of diplomatic framework necessary to maintain mutually beneficial relations and increase cooperation. This includes Prime Minister Mari Alkatiri's successful visit to Jakarta in June last year and the implementation of the Joint Ministerial Commission.

Another challenge is to meet the target dates for the delineation of the land border. It is now hoped that the agreement on a provisional line constituting the border would be achieved by

May 2004, while recognizing that a more refined line and a formal treaty will take much longer. Although we should not overestimate the border delineation as the border will remain porous, the continuing lack of a defined line will provide fertile grounds for misunderstandings and incidents.

While reported sightings of armed groups moving around Timor-Leste's border districts continue, it is significant to note that since early 2003 there have been few significant security incidents resulting from cross-border incursions. This reduced activity has occurred notwithstanding that significant numbers of 'ex-militia' remain in West Timor near the border. Despite the continuation of long running discussions and proposals, there seem little prospects for relocating out of West Timor significant numbers of ex-refugees including the 'ex-militia' and other East Timorese associated with TNI. Repeated initiatives to encourage the remaining former refugees to return to Timor-Leste, including the tireless efforts of President Gusmão, have as yet made no headway.

The area of the tactical coordination line remains porous while illegal hunting, trade and crossings continue. Close cooperation with Indonesia will remain crucial to address these and other longer-term security challenges in the area, including the challenges posed by the continued presence of a significant population of former refugees. Approximately 26,000 former refugees from Timor-Leste still remain in West Timor, most of them located in the border areas. In addition to its security implications, this situation has considerable humanitarian costs, including cases where parents and their children are located on separate sides of the tactical coordination line. There is a need for durable solutions in addressing these challenges.

The enclave of Oecussi, in particular, presents potential for cross-border incidents. Effective implementation of the land corridor already agreed upon with Indonesia is essential. With the withdrawal of the PKF and UNMOs and most other internationals we can expect that information from Oecussi will be decreased while the communication links will weaken further.

The development of the Timorese armed forces will continue to depend upon bilateral support through the provision of equipment, training and facilities. The interaction of the Timorese armed forces with counterparts in UNMISSET's military component has offered some opportunities for skills and knowledge transfer. Based on progress to date, a company-level capability of Timorese armed forces to undertake limited response operations may be available by the end of UNMISSET's mandate. But the development of a battalion-level capability to conduct sustained operations is likely to take a few more years following UNMISSET's withdrawal.

The timely reduction and withdrawal of UNMISSET's military component requires a smooth transfer of responsibility to the relevant Timorese security agencies and institutions, including the Border Patrol Unit. Officers of the BPU are currently deployed in all three districts along the tactical coordination line and have assumed responsibility for the nine main crossing points with West Timor as well as for "patrol zones" in the area. The PKF has invested considerable effort in establishing cooperative relations with the TNI, which has helped resolve

border incidents. Recent experience at the border crossings or junction points has demonstrated the potential for the PNTL and the TNI to work together in a professional manner.

Timor-Leste represents a tempting, as relatively unprotected, target for elements from trafficking organizers, pedophiles and criminal gangs, who constitute another external threat capable of suborning, undermining and compromising the lawful order and exploiting restless elements as well. There is an urgent need for the capacity building of Timor-Leste to forestall these potential threats.

Assessment of external threats to Timor-Leste is inextricably tied to the country's internal stability. External meddling in Timor-Leste during the last 30 years has most often been linked to internal vulnerabilities and upheavals. The most effective way to minimize external threats is to develop the country's economy, especially in the border areas and Oecussi, and to build up effective and accountable Government and security institutions while minimizing disgruntled elements who feel they have been neglected or are outside the system. Failures to manage internal issues will increase the country's vulnerability to external threats.

Fully aware of this causal relationship, during the Meeting of Development Partners on 3 December 2003, the Prime Minister called for international assistance in support of "preventive development" he wished to launch in areas close to the border.

B. ESTABLISHMENT OF VIABLE STATE INSTITUTIONS AND PUBLIC ADMINISTRATION

A major achievement of the political leadership and the people of Timor-Leste is the establishment of basic governance structures in a peaceful and participatory process while respecting fully the democratic principles and human rights. The UN and development partners have contributed much to this process. The transition is remarkable since Timor-Leste had undergone four centuries of Portuguese colonial rule and twenty-four years of Indonesian occupation. The building of basic legal structures included the election of the Constituent Assembly members held on 30 August 2001. The Constituent Assembly, after completing the adoption of the Constitution, transformed itself into a legislative assembly and became the first National Parliament of the independent country. On 14 April 2002, the first Presidential Election was held. The Constitution of the Democratic Republic of Timor-Leste came into force on 20 May 2002 marking the birth of an independent country. The Constitution provides for a unitary democratic state, based on the rule of law and the principle of the separation of powers. It provides for an elected President of the Republic, the Government, the National Parliament and an independent judiciary.

(1) Achievements

Prior to the restoration of independence in May 2002, few Timorese had been trained in senior and middle level management and administration of public institutions. As a result, the vast majority of incumbent civil servants in managerial positions were not adequately trained or

experienced for the critical tasks they are entrusted to perform.

To address the problem of skills shortage, the National Development and Planning Agency and the United Nations Development Programme (UNDP) carried out a study on the “Capacity Development for Governance and Public Sector Management” in August 2001 and identified the need for a progressive capacity building approach, which extends over a period of next 15 years in four phases:

- In the first phase, during the first six months from July 2001 to January 2002, the focus was on capacity development in terms of essential capacities needed to support service delivery;
- In the second phase, in the following two years from 2002 to 2004, the focus is to be on the maintenance of skills initially developed, their consolidation and consolidation of those institutions created to support the government’s general functions;
- In the third phase, during the next eight to ten years, the focus will be on the expansion of service delivery by the public administration to the population through improvements in its programming, its expertise and capacity; and
- In the fourth phase, during the next ten to fifteen years, the Government’s efforts should focus on improving its service delivery and its productivity.

According to the UNDP’s study on Governance and Public Sector Management, the support to public administration during the first two phases required varying degrees of dependence on international human resources. The study provided a framework for transition to a national administration and suggested 75 areas of human resources and institutional development. Some 32 components were identified as critical requiring support in 2002 while 29 components were identified for implementation by 2004, with the remaining 14 components for long-term capacity building to be completed by 2012.

Taking into account the findings of this study, the Security Council has entrusted UNMISSET, in its mandates during May 2002 until May 2004, with the responsibility of providing advisory support of international advisers or the Civilian Support Group (CSG) to ensure stability and democratic functioning of Timor-Leste independent state institutions in the immediate post independence period. The CSG advisers were to provide assistance to core administrative structures critical to the viability and political stability of Timor-Leste. The CSG core members comprise “100 stability” positions created to sustain the administration of financial, infrastructure and legal systems as shown in the following four thematic areas:

Financial and Central Services	42 advisors
Internal Systems in various ministries	27 advisors
Essential Services (water and sanitation,	

power, roads, housing, ports and health)	17 advisors
Legal / Justice Systems	14 advisors

At the beginning of UNMISSET's endeavor in supporting the governance and public administration institutions of Timor-Leste and in addressing the lack of capability of Timorese civil servants, the support through the CSG programme focused on these immediate goals:

- To ensure the viability and sustainability of the institutions and capacity building process initiated since UNTAET and “minimize the risks of government failure and hence political instability,”
- To provide active support for the promulgation of critical legal framework, formalization of rules regulations and standardization of operating procedures, without infringing upon Timor-Leste sovereignty; and
- To address effectively the acute lack of basic essential knowledge and skills of the Timor-Leste public servants and to move towards the path of self-reliance

With almost three fourth of the mandated timeframe a history now, UNMISSET has so far made significant achievements in enabling the viability and political stability of Timor-Leste state institutions. More specifically, the civilian advisors have played pivotal roles in assisting the Government in preparing legal frameworks, formalizing related rules and regulations, instituting operational procedures as shown in ANNEX B. As a result, by the end of November 2003, UNMISSET was able to phase out 30 out of 100 “stability” CSG advisers, in consultation with the Government. The work of these advisers continues to be supplemented by “development” advisers funded by bilateral donors.

While such bilateral assistance has brought important benefits to Timor-Leste, it has presented considerable challenge in terms of timeliness and predictability, as noted by the Secretary-General in his latest report to the Security Council. By January 2004, 20 months after the “development advisers” programme began, only 118 out of 209 posts identified for support have been filled, while an average of 63 of these posts have been occupied during this period.

The development of the public administration's legislative and regulatory framework, which is of particular significance for its long-term viability, remains at a very early stage of development. The preparation of a Civil Service Act has begun while “organic laws” for some key ministries have been adopted. The Parliament is currently considering draft legislation that would establish the office of the Provedor for Human Rights and Justice. It is crucial that further progress occur in this area before the end of UNMISSET's mandate. It is clear, however, that many more such laws, regulations and procedures will remain to be developed.

The justice system in Timor-Leste remains particularly weak. Delays and uncertainties within the justice system have continued with negative implications for the functioning of the police

and prison services. Only 22 judges have been appointed in the country. The limited availability of public defense and of judges greatly has limited the functioning of courts outside Dili. There have been long delays in issuing indictments while many pre-trial detainees, including juveniles and non-violent-crime offenders, are held for long periods before trial. The court system lacks efficient case management procedures and inadequate implementation of human rights safeguards, including the right to appropriate legal representation, translation of proceedings to a language that is understood by all concerned and the lack of guaranteed access to relevant legal information. Ongoing overseas training programmes for judges may, in the long term, help address this crucial need though, in the short term, they increase the shortages of judges. Some of these institutional weaknesses are now being addressed through a programme supported by UNDP, while bilateral efforts are playing an important role. Further support will be crucial in avoiding further backlog within the justice system.

Pending further progress in the establishment of legislative and regulatory frameworks and uncertainty in the availability of voluntary funds for civilian advisers, it has become clear that there is a need to make a change in the CSG mandate implementation plan that had been drawn up based on the assumption that no further support would be provided beyond May 2004. The exit strategy in this case was based on the assumption that the responsibility for skills transfer and capacity building support would be shifted to “responsible hands”, i.e. bilateral and multilateral development partners, for carrying forward the mission of self-reliance and sustainability.

(2) Challenges

Despite the accomplishments, the requirement for human and institutional capacity building turned out to be far more demanding than originally envisaged, requiring the Government and other state institutions to demand the continuity of the institutional support and capacity building process beyond the end of UNMISSET in May 2004. There remains a substantial challenge of developing, on a sustainable basis, the capacity of the Timorese without the international civilian advisers. In all, the progress in establishing viable public administration remains fragile with the following challenges.

- While some tangible progress has been made in instituting rules, regulations and operating procedures, the Timor-Leste state institutions are still in need of support in establishing legal frameworks. The lack of the Civil Services Law and the Organic Laws, for instance pose a major threat or challenge to the sustainability of the accomplishments.
- The lack of basic essential knowledge and skills of the Timor-Leste public servants is the second major challenge. The efficient and effective discharge of the official responsibilities is not only impaired by the lack of adequate exposure and hands on expertise but also aggravated by the lack of basic essential knowledge and skills.
- As noted in the Secretary-General’s report to the Security Council (S/ 2004/117 of 13 February 2004, para 21), the transition from the “stability” to the “development” advisers

faced serious problems in terms of timeliness and predictability as the “development” advisers of necessary qualification and experience could not be recruited due to unavailability of funds. It took more than one and half years before half of 209 “development” adviser posts were filled only in January 2004.

Despite the progress that has been achieved, important weaknesses remain where further international assistance will be crucial. The administration continues to lack managerial-level expertise, and has not yet acquired the skills required to discharge a number of essential tasks, including in particular in the key area of finance, where incapacity could quickly undermine the functioning of the Government and lead to instability. Other key offices, including that of the Inspector-General, the Ministry of the Interior and of the Secretary of State for Defense, still require support.

The assessment of the critical needs that may exist after May 2004 by a taskforce comprising of the Capacity Development and Coordination Unit (CDCU) of the Government of Timor-Leste, UNDP and UNMISSET has revealed that the time required for human capacity building in some of the 100 core functions was far more than the original timeframe set for the CSG advisors. Based on their recommendations and further consultations held with the Government of Timor-Leste, it is envisaged that there will be an inclusion of 58 advisers in the Consolidation Phase of UNMISSET for another year beyond May 2004. Of these adviser posts, 19 or 33 percent would be in the area of finance administration, 16 or 27 percent in other key ministries, 8 or 14 percent in various other state organs such as the Offices of the President and the Prime Minister, the National Parliament and the Council of Ministers, and 15 posts for strengthening of the justice sector.

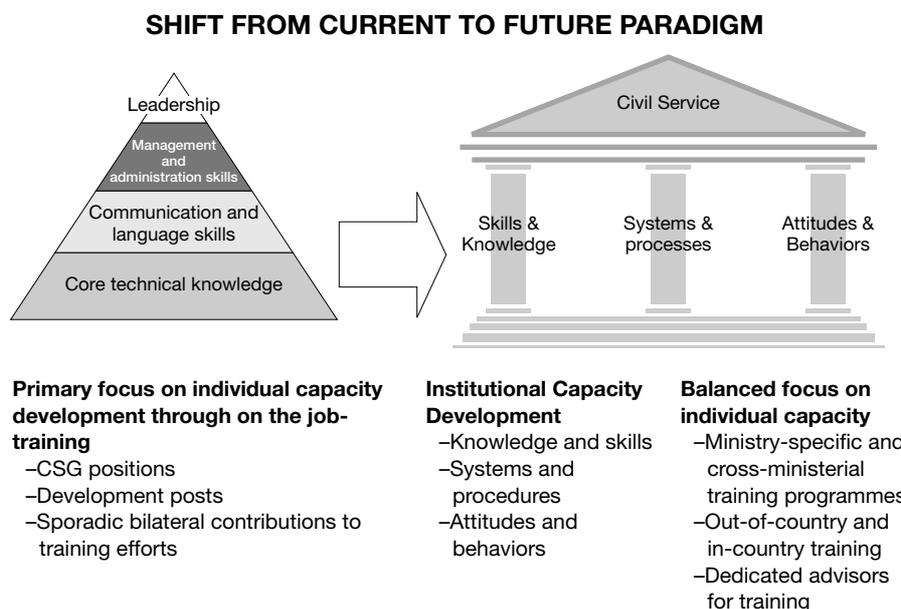
The Government and UNMISSET also recognized the need to institute a more integrated strategy for strengthening the civil services and adopt a holistic approach for long-term institutional capacity development and a coherent and well-coordinated assistance by all key stakeholders.

(3) New Integrated Approach to Institutional Capacity Building

As Timor-Leste advances to the next institutional capacity development phase, I proposed to the Meeting of the Development Partners in December 2003, that there is a need for a paradigm shift in capacity development to enable Timor-Leste state institutions to go beyond the short-term objective of securing stability but to develop administrative capacities that will enable ultimately sustainable growth and poverty reduction. This shift entailed the move from the current focus on building the capacity of individual national counterparts to institutional capacity development, which stands on three equally important pillars. These pillars are (1) skills and knowledge, (2) systems and procedures and (3) behaviors and attitudes.

This new integrated approach contrasted the traditional approach which focuses on increasing necessary skills and knowledge required for the civil service consisting of four main skills: (1)

core technical skills and knowledge; (2) communication and language skills; (3) management and administration skills; and (4) leadership skills.



As the Timor-Leste lesson has demonstrated, it is very difficult to enhance the technical knowledge of a counterpart if they do not have the appropriate academic training—no matter how well qualified and well-intended an international advisor is. The areas of law, medicine and finance are clear examples of fields where such academic training is indispensable. In these cases, a medium-term (two to four years) intensive academic training, possibly out of the country, is essential.

The national civil service employees require training in language and communication skills to better communicate in the work place. They should be required to undergo proper language training in Portuguese, the second official language in Timor-Leste, and training in English, which is an important working language. For this purpose, UNDP had started to offer Portuguese and English language courses for the national counterparts of both CSG and “development advisors.”

As for the general management and administration skills such as planning, decision-making and report writing, short-term training courses may be sufficient. The current approach focuses on enhancing the skills of individual national counterparts, almost exclusively through an on-the- job training by an international advisor. In most cases, the advisor has performed line functions and has had little time to provide such training. Therefore, it is evident that there is a need to explore a new approach in order to ensure sustainability. One possible solution is to assign a group of international advisers, not tasked by any line functions, to act as trainers in providing in-country training of counterparts. These trainers will be part of the new comprehensive institutional capacity development programme for each ministry and cross-ministerial programmes for common functions. It is expected that the international sup-

port in providing this group of trainers through a programme, to be administered by UNDP, will come from development partners. To realize this exit strategy, the Government with the support of UNMISSET and UNDP convened the first workshop on 16 February 2004 for each Government ministry to present the exit strategy for international advisers and an institutional capacity development plan.

C. JUSTICE AND SERIOUS CRIMES

In October 1999, UNTAET inherited a feeble justice system that had totally broken down following the outbreak of violence. The judiciary personnel that managed the system withdrew with the departure of the Indonesian civilian administration in September 1999 and the physical infrastructure that sustained the justice system such as a courthouse was extensively destroyed together with other private and public buildings in then East Timor. The militia, assisted by the Indonesian military, destroyed and burnt the court buildings, police stations, prison and other institutions associated with the maintenance of law and order. The judges, prosecutors and defense lawyers, the majority of whom were Indonesians, withdrew and left Timor-Leste.

Starting from scratch, the UN administration proceeded to put in place a transitional legal system that retained the application of Indonesian law to the extent that it was consistent with international human rights standards. UNTAET created the pertinent respective judicial institutions including the courts, the prosecution service, the public defenders office and the prisons. Also, it provided maximum funding and technical support for these institutions. The establishment of a functioning judicial system for the transitional period laid the foundation for the criminal justice system of the independent Democratic Republic of Timor-Leste.

The current criminal justice system in Timor-Leste is composed of two legal frameworks: one for ordinary crimes and one for serious crimes. The serious crimes process deals with the mass human rights violations committed in the territory of then East Timor, following the Indonesian Invasion in 1975, particularly during the period from January to October 1999. The ordinary crimes process refers to the prosecution of criminal offences other than those that, by definition, are within the jurisdiction of the serious crimes framework.

Let me now turn to the overview of achievements and challenges of the justice sector development before I elaborate on the serious crimes process.

(1) Establishment of the Timorese Justice System: Achievements and Challenges

The judicial system in Timor-Leste is still in its embryonic stage. In August 1999 there was not a single judge in the then territory of East Timor and only some 70 persons with rudimentary legal training. By 2000, after some crash course training, 25 judges, 13 public prosecutors, 10 public defenders and 12 registrar/clerks were appointed by the UN administration on a probationary basis. Today there are 17 trial judges, six investigating judges, nine public prosecutors and nine public defenders operating in four district courts in Dili, Oecussi, Baucau and very recently Suai. All of them are still on probation. Apart from these state employees, there is still a general dearth of jurists in the country—a shortage that is likely to

continue for some time.

The legacy in Timor-Leste in terms of justice has always been very weak. Under the Portuguese regime, there was only one judge, who was Portuguese, in Timor-Leste while the Court of Appeal was in Mozambique. This practice continued during the Indonesian regime as the Court of Appeal was situated outside Timor-Leste while Timorese occupied mostly clerical positions.

The judicial system is comprised of the Judiciary, the Office of the Prosecutor-General, the public defenders, and other related institutions as well as the administrative services provided by the Ministry of Justice. So far, certain judicial bodies defined by the Constitution have not been established. These include the Supreme Court of Justice, the High Administrative, Tax and Audit Court, Administrative Courts of first instance, Military Courts, Maritime Courts, and Arbitration Courts. Further, the Council of State, the Superior Council for Defense and Security, and the Superior Council for Public Prosecution remain to be established.

The district courts have barely functioned without the adequate presence of court staff and other judicial personnel. The three courts outside of Dili were not functioning most of the time. The district court in Baucau, Suai and Oecussi are supposed to sit at least a few times a week, but they seem not to have sat at all for several months as the judicial officers refused to remain in these locations because of extremely poor working and difficult living conditions. There have been long delays in issuing indictments and listing matters for trial. In December 2003, there were approximately 354 detainees in three prisons located in Becora, Gleno and Baucau. Many pre-trial detainees, including juvenile detainees, are held for long periods before they come to trial, including some for relatively minor and non-violent crimes. Of the 242 detainees in Becora Prison, only 77 have been sentenced and 70 of the 165 pre-trial detainees are currently held on expired detention orders.

There are considerable delays in the enactment of necessary laws in Timor-Leste requiring the use of UNTAET and other legal instruments. The UNTAET Regulation 1999/1 provided that the applicable law should be the law which was enforced on 25 October 1999 when UNTAET was established, except in so far as it is incompatible with international standards, or where it is superseded by subsequent UNTAET Regulations. The Penal Code presently in use is the Indonesian code, with the exceptions as provided for in the UNTAET regulations. The criminal procedure that should be used is the one provided for in UNTAET Regulation 2000/30. The civil code and the civil procedures are not regulated for separately, and the ones in use are Indonesian. (Regulation 2000/11 pertains to the organization of Courts and Regulation 2000/15 refers to the establishment of Special Panels).

The issue of applicable law became critical when the Court of Appeal decided in July 2003 that the law applicable prior to 25 October 1999 was Portuguese law and not Indonesian law as earlier thought. The Court also decided that the prosecution of serious crimes under UNTAET Regulation No. 2000/15 contravened Article 24 of the Constitution, which prohibits

retroactive application of laws. Dissatisfied with the ruling of the Court of Appeal, the leaders of the ruling party, Fretilin, and the Government took up the issue with the National Parliament which passed a bill, in October 2003, that stipulated that in the absence of Timorese laws or UNTAET regulations on any particular facet of law, it would be the Indonesian law, and not the Portuguese law, that should be applicable as the subsidiary law in Timor-Leste.

The national institution that will assist in overseeing the running of the courts and the competency of the judges is the Superior Council of the Judiciary. Apart from taking management and disciplinary control of the judiciary, it also has the mandate to oversee judicial inspections and propose to the National Parliament legislative initiatives concerning the judicial system. The Superior Council is comprised of one representative elected by the National Parliament, one elected by the judges, one appointed by the President of the Republic and one by the Government. This body was formed with the swearing in of the President of the Court of Appeal in May 2003 but has not been able to implement its oversight mandate. With the continued absence of an Ombudsman to oversee the justice system and human rights issues, justice for the regular citizen is still in jeopardy.

The criminal justice system has seen little or no improvement, since its inception. The state of the justice system is currently of such a nature that it might in the long run hamper democracy, stability, and will further exacerbate existing inequalities, if measures are not taken to improve the situation. Some of the problems that exist in the justice sector can be categorized as follows:

- Low levels of judicial capacity;
- Lack of communication within and between key institutions in the judicial system;
- Confusion concerning institutional and individual roles and responsibilities;
- Distrust between the executive and judiciary (disputes regarding independence);
- Lack of oversight mechanisms being implemented (lack of transparency and accountability);
- Lack of management, planning and coordination skills;
- Lack of safeguards against political interference;
- Lack of safeguards against corruption;
- Lack of a clear policy for the sector concerning languages and lack of proper means of interpretation and translation;
- Lack of uniformity in following procedures (within and between institutions).

Despite efforts by UNDP, UNMISSET, USAID and others in increasing the capacity of the ordinary crimes system through training and mentoring projects for judges, public defenders and prosecutors, the lack of leadership of the sector and clear understanding of mandates by the national counterparts remains a major challenge. Recognizing this, UNDP, in close cooperation with the national justice organs, including the Prosecutor-General, President of the Court of Appeal and the Ministry of Justice as well as UNMISSET and other partners in the

sector, has implemented a new programme in strengthening the justice sector. One of the achievements is the establishment of the Council of Coordination, comprising the Prosecutor-General, President of the Court of Appeal and the Minister of Justice. This has ensured a consensus regarding the strategy for the way forward and will contribute to improved channels of communications among key institutions in the sector. The lack of judicial capacity has led to an exponentially increasing case backlog and accentuated by increased complexity of cases. The lack of capacity, coupled with the lack of appropriate professional conduct and oversight, has created an image for the population of the justice system which is not accessible with few incentives for people to approach the formal system with their complaints.

There clearly are a number of significant tasks that the sovereign authorities need to achieve and which will require continued specific technical assistance from the international community. Failure to reach these legal benchmarks can only have a deleterious effect on the long-term stability of the Timor-Leste justice sector and the country. For these reasons it is suggested that it is in the international community's further interest to ensure that the justice system is stable and viable in Timor-Leste.

It is highly recommended that the capacity building of the judiciary organs be a priority for future or continued support to Timor-Leste. It is envisaged that out of some 60 CSG positions identified as "critical posts" recommended for the follow-on mission, 12 should be in the justice sector as follows:

- 3 Court of Appeal judges' posts;
- 4 District Court judges' posts;
- 2 Court Clerks' posts;
- 1 Public Defender's post;
- 1 Advisor to the Prosecutor-General's post; and
- 1 Prosecutor.)

(2) Prosecutions and Trials of Serious Crimes: Achievements and Challenges

I now wish to share with you the Timor-Leste experience of bringing to justice serious crimes committed during the conflict. We all remember that the Timorese people had suffered the most severe forms of human rights violations. To provide a credible process of accountability for serious offences committed against the people of Timor-Leste, the post-conflict international support has enabled the creation of the serious crimes process as previously mentioned.

The UN Security Council, speaking on behalf of the international community, emphasized the importance of establishing such a process. The Special Panels for Serious Crimes in Timor-Leste, similar to the programme of international judges and prosecutors in Kosovo, are a unique form of court in the world. The international community has regarded the Special Panels as a type of "internationalized" national court. Though operating within a domestic legal system, the Special Panels are working with the standards, requirements and expectations of an international tribunal, like the International Criminal Tribunal for Rwanda (ICTR), the International Criminal Tribunal for the Former Yugoslavia (ICTY) or the Special Court for

Sierra Leone, since those too are exercising jurisdiction for crimes against international law.

(a) Achievements

The major achievement of the serious crimes process is that justice is being served with respect to the serious crimes committed in Timor-Leste. Although all the crimes committed have not been prosecuted, many of the perpetrators have been brought to justice.

Since the work of Serious Crimes Unit (SCU) began, 81 indictments have been filed with the Special Panels for Serious Crimes at Dili District Court. In the indictments, there are charges filed against 369 persons. The accused in the 81 indictments include 37 Indonesian TNI military commanders and officers, four Indonesian Chiefs of Police, 65 East Timorese TNI Officers and soldiers, the former Governor of East Timor and five former District Administrators. At present, 281 of those 369 persons indicted by the SCU remain at large in Indonesia. The 81 indictments issued include the so-called "10 priority case" indictments, in which the total of 183 accused persons are charged with "crimes against humanity," with 168 of those 183 accused still at large in Indonesia. An indictment was issued charging the former Indonesian Minister of Defence and Commander of the Armed Forces, six high-ranking Indonesian Military Commanders and the former Governor of Timor Leste with crimes against humanity for murder, deportation and persecution during 1999. To date, 55 of the 81 indictments issued charge 339 persons indicted with crimes against humanity.

The Special Panels for the trial of serious crimes started with the hearing of the first case at the beginning of January 2001. Since its inception until now, in spite of the handicap of insufficient resources, the Special Panels have been able to issue 44 final decisions (against 33 indictments). The final decisions include 36 judgments in which 17 were of crimes against humanity. In the 44 cases that have been decided, the panels have handed down 43 convictions and one full acquittal. Also, the Public Prosecutor withdrew seven indictments and dismissed two on procedural or jurisdictional grounds. There has been some satisfaction by the hundreds of victims by seeing their cases tried and decided. Most of the accused have not even disputed most of the facts alleged. Typical charges relate to the murder of both suspected independence supporters, East Timorese staff who worked for the UN during 1999 and other ordinary civilians. All the accused who have been tried so far have been East Timorese nationals, most of whom were low-level militia, often illiterate farmers, who admit their involvement in the events described but who generally claim that they were either forced or ordered to join the militia and participate in the crimes. Very often they are not the main perpetrators, who are still at large and presumed to be in Indonesia. Only one accused was a former member of the guerrilla resistance force. The trial of the second one is still going on.

Out of the 81 indictments submitted by the office of the Deputy General Prosecutor for Serious Crimes, so far 48 cases are still pending, out of which 18 cases involve accused presently in Timor-Leste and 30 cases in which the accused are still at large and supposed to be in Indonesia.

These achievements can be considered as a success, especially when compared with the often cited slow progress made by the ICTR and the ICTY, taking into account that Special Panels had to surmount various constraints related mainly to the implementation of warrants of arrest, lack of transcribed records, lack of interpreters and translators, and insufficiency of judges. Although multiple panels were envisaged in UNTAET Regulations No.11/2000 and No.15/2000, there have been enough judges to compose two fully working panels that can seat concurrently only for the last six months. Each panel comprises two international judges and one East Timorese judge.

There are now six international judges and two national judges working with the Special Panels. The international judges are on renewable contracts of six months. The judges have come from countries such as Italy, Burundi, Brazil, Germany, Cape Verde, Portugal and the United States. With six international judges and two East Timorese judges available, and in case one more additional national judge is appointed, it will be possible to compose three panels sitting at the same time and to finish easily the trial of the pending 18 cases and any other incoming cases from the prosecution office by the time UNMISSET departs.

The Serious Crimes Unit continues to investigate cases and anticipates filing a significant number of new indictments. Several districts have yet to be investigated, including the Bobonaro district with 209 known killings, Liquica with 156 and Ermera with 107. In other districts, extensive investigation has been completed covering the murder of 168 victims and prosecutors are now in the process of writing indictments. The unit has given high priority to the investigation of the killing of two UN staff members on 30 August 1999 at a polling station near Ermera. An indictment is anticipated February or March.

Realizing the need to hasten completion of investigation and prosecution work, the SCU management has instituted much more restrictive filing policies intended to concentrate resources on those cases that will have the greatest positive impact on achieving justice. Priority will be given to those cases involving the individuals who organized or ordered the violence. Any new indictments actually issued will have to meet the much more restrictive requirements of this policy. Further, management will continue to monitor the backlog of pending cases to ensure that all new indictments filed can be processed through trial before 20 May 2005. If the Security Council does not approve the extension of the serious crimes works, the cases pending as of May 2004 will be turned over to the Timorese national judges, prosecutors and defense lawyers although the Timorese justice system has neither the human nor financial resource to process these cases.

Apart from its main task of prosecution task, the Serious Crimes Unit is now placing greater emphasis on the training of national staff including prosecutors, case managers, national police investigators, data coders and evidence custodians. Recently, 18 national police investigators concluded a ten-week training on criminal investigations. These officers are now being integrated into the investigations teams of the Unit in order to provide them with more practical training. It is envisaged that these trainee investigators will replace the UNPOL investigators seconded to the SCU who will be withdrawn as part of the UNPOL downsizing plan. Each international prosecutor has been assigned a role in classroom training of prosecutors.

Regular mock trial exercises are planned and all trainees participate in the preparation of the actual cases of the SCU under the guidance of international staff.

(b) Challenges

The serious crime process, however, continues to face four major challenges, including (a) the impossibility of trials without the presence of the accused, (b) insufficient resources, (c) all the serious crimes committed cannot be completed by the current process and (d) the competing relationship between serious crimes process and the reconciliation programme.

(a) Impossibility of trials without the presence of the accused

The inability of the prosecution office to bring before the court the main planners and perpetrators of the serious crimes committed in Timor-Leste constitutes probably the most significant challenge to the effectiveness of the serious crimes process.

In 30 cases out of the 48 that are still pending before the Special Panels, the accused are absent from Timor-Leste and are, supposedly, in Indonesia. The Court is not able to hold hearings with respect to those 30 cases as, pursuant to the applicable rules, “no trial of a person shall be held in absentia.” Some warrants of arrest have been issued against some of those accused supposed to be in Indonesia. In spite of the Memorandum of Understanding between Indonesia and UNTAET regarding cooperation in legal, judicial and human rights related matters (Section 1.2.d, 2.c and 5), Indonesian authorities do not execute those warrants. This is regrettable as the Memorandum gives both parties the right to interrogate witnesses within each other’s jurisdiction and both parties undertake to “transfer to each other all persons whom the competent authorities of the requesting Party are prosecuting for a criminal offence or whom these parties want for the purposes of serving a sentence.”

The implementation of the memorandum expects all persons indicted for serious crimes to appear before the Special Panels to face trial, except where their cases had previously been tried in Indonesia. The refusal to turn over evidence, witnesses, or suspects has frustrated the efforts of the serious crimes process. In Indonesia’s view, the memorandum is not a formal extradition treaty. Also, the Constitution of Timor-Leste prohibits the extradition of any East Timorese nationals. It is possible to conclude that no senior Indonesian government or military figures will be extradited in order to attend trial in Timor-Leste.

(b) Insufficient resources for serious crimes process

The Special Panels are working with the standards, requirements and expectations of an international tribunal, like the ICTR, the ICTY or the Special Court for Sierra Leone, since those too are exercising jurisdiction for crimes against international law. There are, however, budgetary and capacity differences among these tribunals.

The ICTY, which was established in 1993, has the capacity to run six trial panels simultaneously. The two-year budget of ICTY 2002–2003 was US\$ 223,169,800. The ICTY to date has completed trials against 48 individuals and an additional 15 have pleaded guilty, giving a total

of 63 adjudications, from which many are still pending on appeal.

The ICTR's two-year budget covering 2002–2003 was \$177,739,400. It was established in 1994 and has completed to date cases against 15 individuals.

In Timor-Leste, the Special Panels were established in 2000 and had enough judges to compose two panels only within the last six months. To date, 58 individuals have had their cases adjudicated, 49 were convicted of at least some charges, one was acquitted of all charges, and one case was dismissed by the judges on the basis that the facts pleaded in the indictment did not meet the standards for jurisdiction and the indictments in some other cases were withdrawn. The budget for the Special Panels was US\$ nine million.

The budget disparity is exacerbated when one considers that the other tribunals have been operating much longer and are anticipated to go on much longer. The current request from the Security Council is to finish all trials at the ICTY by 2008 and all appeals by 2010 with the understanding that this goal will only be achievable if national war crimes courts (to be funded largely by the international community) are set up in Bosnia, Croatia, Serbia and Montenegro. The UN already funds a “national” court partly staffed by internationals in Kosovo.

It is a challenge to both Timor-Leste and the international community to carry out the necessary judiciary process against such serious crimes as crimes against humanity when the country lacks totally a proper legal framework and adequate human resources. As President Gusmão explained in his letter of 4 February 2004 to Secretary-General Kofi Annan, “Since our legal system is not currently capable of managing these prosecutions and the sensitive nature of this process in terms of looking forward to a stable and productive relations with our neighboring country, Indonesia, I would like to request that, in the follow-up mission, emphasis be given to the continued attention and commitment of the international community to the investigative work of the Serious Crimes Unit and the subsequent prosecution of these crimes.” This call for continued support is directed to the Serious Crimes Unit that has been receiving financial support that is more than twice the combined budget for the Special Panels of judges and the defend lawyers.

(c) Limited time available for investigation and trials

Timor-Leste Constitution provides that the serious crimes process will be allowed to continue until existing investigations are completed, although their temporal jurisdiction is limited to 1999. The serious crimes process has the current UN funding assured until mid 2004, and it is likely that it will last for one more year as recommended by the Secretary-General.

The issue then is what can be achieved before the end of serious crimes mandate, probably in May 2005. And what about the issue of the remaining crimes committed, yet left without investigation, prosecution or trial?

On one hand there is a necessity to bring to trial all the perpetrators of the serious crimes committed in Timor-Leste. But on the other hand, the serious crimes process cannot last indefinitely. It is not possible to finish within one or two years the investigation, the prosecution and the trial of all the crimes committed.

Therefore the solution will be to prioritize and target certain cases that would be prosecuted and decided upon before the expiration of the serious crimes mandate. For example, and as suggested by the prosecution, give priority to 40 cases of crimes against humanity of murder, rape and severe torture. The remaining 'lesser' cases can be left to the Timor-Leste courts to handle with the help of other bilateral partners. The presumption here is that the East Timorese judges, prosecutors and defense lawyers who had no judicial experience prior to their appointment in the year 2000, will have gained enough experience to allow them to deal with such a process, with the assistance of bilateral and/or multilateral partners.

The pressure of international judicial actors, however, will still be necessary to guarantee the credibility and the impartiality of the process. The trial of the serious crime process committed in Timor-Leste cannot be left to East Timorese people alone when one considers the nature of the offenses that occurred between pro-independent activities and pro-autonomy supporters. But on the other hand, there is a challenge of ensuring the credibility and impartiality of the process if it is left to the East Timorese only.

Another suggestion is that the 'lesser' serious crime cases could also be left to the other alternative justice and reconciliation mechanisms like the informal East Timorese traditional justice, or to the Commission for Reception, Truth and Reconciliation. Certain high-ranking Timorese leaders have suggested the possibility of granting amnesties in future for some "lesser" serious crimes.

D. HUMAN RIGHTS: ACHIEVEMENTS AND CHALLENGES

(1) Institutional Foundation Building

Timor-Leste, in late 2002 and 2003, acceded to six core human rights treaties and four protocols including the International Covenant on Economic, Social and Cultural Rights, the Convention Against Torture and other Cruel, Inhuman or Degrading Treatments or Punishments, the Convention on the Elimination of All Forms of Discrimination Against Women, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Racial Discrimination and the International Convention on Civil and Political Rights. This symbolizes the country's commitment to promotion and protection of human rights in addition to the Constitutional guarantees and institutional framework for the protection of human rights.

In a formal sense, the legal framework of Timor-Leste includes many human rights provisions. Part II of the Constitution deals with "Fundamental rights, duties, liberties and guarantees." It contains a range of civil, political, economic, social and cultural rights such as the right to life, personal freedom, security and integrity, honor and privacy, protection of the family, freedom of speech, assembly and association, freedom of movement, freedom of con-

science, religion and worship, political rights as well as rights to work and to strike, rights to private property, health, housing, education, culture and clean environment. The Constitution refers to the rights of children, youth and disabled citizens—though not in details. Within the Constitution, however, there is variation in how rights-holders are expressed. Some rights are expressed to apply to ‘citizens’ (such as equality before the law, rights of senior and disabled citizens, the right of resistance and self-defense, the right of access to personal data, the right to work, the right to social security as well as political rights).

The institutional framework for protection of human rights includes the establishment of an office of the Provedor for Human Rights and Justice (Provedor de Direitos Humanos e Justica). It is a body whose existence was mandated under Article 27 of the Constitution. The Council of Ministers has approved the draft legislation in for the establishment of the Provedor’s Office. In essence, the Provedor’s Office will exercise the functions as follows:

- a classic Ombudsperson in terms of looking into alleged misadministration including acts which are contrary to law, unreasonable, unfair, oppressive or discriminatory and involve a mistake of law or arbitrary ascertainment of facts or are otherwise irregular, ‘immoral and devoid of justification’;
- a human rights complaint body; and
- an anti-corruption body.

The Provedor is thus empowered under the draft legislation to inquire into and investigate the following: alleged or suspected violations or infringements of fundamental human rights and freedoms, abuse of power, misadministration, injustice and lack of due process; alleged or suspected nepotism, collusion and corruption, including misappropriation of public funds or other public property. In addition, the Provedor will monitor and provide advice to the Government on matters concerning the promotion and protection of human rights, review legislation for consistency with human rights standards and request opinions on the constitutionality of measures from the Supreme Court. Also, the Provedor will conduct public campaigns on human rights, make recommendations concerning international instruments, intervene in relevant court cases, if granted leave of the court, and combat corruption.

Although the Provedor will not be able to make binding determinations, the Provedor’s Office will be empowered to look into the actions of all Government agencies, specifically including the police and military. The Provedor’s Office will monitor Government owned or controlled companies and private entities fulfilling public functions and services or managing public funds and assets. The Provedor’s Office will thus make an important contribution to assisting persons faced with human rights violations.

(2) Promotion and Monitoring of Human Rights

UNMISSET’s contribution to the promotion of human rights is as follows: monitoring the human rights situation across the country and intervening in preventing violations from occurring or where it has already occurred, mitigating its impact; developing the capacity of rele-

vant government authorities including the police, prison officials and judicial authorities to identify and deal appropriately with human rights issues; supporting non-governmental organizations in developing a strong local human rights monitoring and reporting capacity; supporting the Commission of Reception, Truth and Reconciliation (CAVR), through technical advice and training of its staff; providing human rights training to the PNTL and military personnel particularly in developing a professional and accountable police force as well as in developing a legislative framework and operating procedures for the police and conducting regular human rights training for the police; providing technical assistance and advice to the Government in promoting and protecting human rights particularly in establishing the office of the Provedor (Ombudsperson) for Human Rights and Justice, preparing the National Action Plan on Human Rights, taking action on human rights treaty ratification; and building capacity of local human rights workers by training 19 Timorese human rights officers since December 2000.

E. ECONOMIC REHABILITATION: ACHIEVEMENT AND CHALLENGES

Timor-Leste is making every effort in moving towards building its own economy of a war-torn country, which normally goes through the rehabilitation phase with over-reliance on external assistance before it can achieve self-reliance and normal economic development. The economic rehabilitation of Timor-Leste for the past two years has seen achievements despite tremendous challenges.

The implementation of Timor-Leste's national development plan, with the two main goals of (1) reducing poverty and (2) promoting equitable and sustainable economic growth, has achieved considerable progress with the continued efforts of the Government and the support of the international community to implement the annual action plans according to priorities identified in such areas as development planning, public sector development, health, education, agriculture, job creation, oversight mechanisms and the rehabilitation of infrastructure, such as water, power and sanitation systems, and the Dili Port.

Recent positive developments in the economic sphere include the establishment of the third commercial bank, the issuance of Timorese coins, the decline of inflation rate to 7.6 percent by the end of last year compared with 10.3 percent six months earlier thanks to the improvement of food supply and the increase of employment by 50 percent in the public sector. Other initiatives by the Government, in cooperation with the development partners, include measures to refine the expenditures according to priority programs while taking into account the Millennium Development Goals (MDGs).

Still, Timor-Leste remains the poorest Least Developed Country (LDC) in the region with the majority of the poor, which accounts for 46 percent of the population mostly living in the rural areas below the national poverty line (of less than one US dollar a day). Meanwhile, according to the Government's data, only one-third of the total expenditure and one-fifth of the goods and services go to the rural areas.

The economic concerns, as noted by the Government, include the trend of declining economic growth with the estimated two percent decrease of the Growth Domestic Product (GDP) in the fiscal year 2003–2004 due to a steady reduction of international assistance and an unexpected shortfall of domestic revenues from the exploitation of natural gas in Timor Sea.

The underlying weaknesses in Timor-Leste's economy include the projected shortfall in the oil and gas revenues (by some US\$ 66 million in the next four years), the decline in capital spending by 15 percent of the GDP and the decrease in public investment (estimated at about US\$ 40–45 million a year for the next four years). These have serious implications for the level of private sector activities and employment including the decrease in demands for goods (there have been significant declines in the imports of goods from US\$218 million in 2000 to US\$186 million in 2002) and the increase of poverty. The Timor-Leste leadership has been pragmatic in addressing key developmental and economic challenges with realistic policy options and strategies particularly in the fiscal policy and public sector development.

In bridging the resource gaps, the Government, in a transparent and efficient manner, presented, in the Meeting of the Development Partners last December, policy options including measures such as extending the Transition Support Programme (TSP) administered by the Bretton Woods Institutions beyond 2004–2005, redirecting funds for priority programmes, raising revenues and taking concession loans. The Government continues to hold consultations with the development partners to select possibly the combination of these options to bridge the fiscal gaps.

Recognizing that promoting an open and inclusive society is key to establishing a conducive environment for economic development, the Government has taken efforts to promote good governance and people's participation in economic and political life of the country. The "Open Governance" initiative, in which the Prime Minister as well as cabinet members visit various areas of Timor-Leste and hold discussion with local communities and representatives, aim to strengthen grassroots participation. In addition, the Government has expressed commitment to promote transparency and accountability with the organization of international conference on Transparency and Accountability in Public Administration in Dili last year. Also, the Government continues to hold high-level workshop as another mechanism to promote participation of all stakeholders in the implementation of the national development plan.

In my view, the economic rehabilitation of Timor-Leste requires continued international support to the Government's efforts in addressing these challenges: (1) the need to find appropriate policy options to address the fiscal gaps, of about US\$126 million over the next three years, resulting from the shortfalls in oil/gas revenues; (2) the need to balance the expenditures in the security sector and development expenditures; (3) the need to redirect bilateral and multilateral international assistance for poverty alleviation and employment generation, particularly in the rural areas; (4) the need to safeguard the human security of individuals particularly the vulnerable and to promote human capacity development, in economic sense, this means more efficient public sector staff and skilled labour force for productivity in the private

sector; (5) the need to promote efficiency, professionalism, transparency and accountability in the civil service; and (6) the need to maintain joint partnership among the Government, the UN development agencies, the development partners and the civil society in achieving specific goals on reducing poverty, promoting gender equality, improving maternal health and reducing child mortality and promoting good governance.

The Government has rightly and eloquently identified the three “difficult systemic issues” that Timor-Leste is facing, namely, (1) the high dependence of the economy on external support and the need to broaden and deepen the domestic production and service base for employment and enhancing self-reliance and sustainability, (2) the need to improve efficiency of public expenditures and finding the country’s niche or competitiveness in the region and, if I may add, in the global market and (3) the need to consolidate the assistance as well as advice provided by international advisors to be more in tune with the capacity and affordability of the country. To ensure smooth transition of Timor-Leste from post-conflict peace building to long-term development, the international support for the economic rehabilitation of Timor-Leste remains most crucial in the areas of poverty reduction, income generation and economic growth.

PART II. KEY ISSUES AFFECTING THE EFFECTIVENESS AND SHORTCOMINGS OF “INTERNATIONAL SUPPORT PACKAGE” TO POST-CONFLICT COUNTRIES

In closely examining the challenges of the international support for the rehabilitation of post-conflict Timor-Leste and experiences in other post-conflict nations, I wish to point out some of the key issues that affect the effectiveness and shortcomings of international post-conflict rehabilitation assistance.

First, the neutrality and multilateral dimension of the international support is a key factor in determining the degree of effectiveness and shortcomings in the rehabilitation of post-conflict nations, which are often prone to the influence of past or present competing interests. These interests, however, do not always represent the common goals of the international community in rehabilitating, peace-building and peacekeeping as the means for maintaining international peace and security. Rather, the lack of neutrality and multilateral dimension in implementing peacekeeping and peace-building mandate will not only yield destabilizing effects but also compromise the integrity of international assistance to post-conflict nations.

Second, the imbalance between development funding and peacekeeping operation funding presents the main challenge in determining the level and form of international support in post-conflict situations according to the political, economic and development reality and requirements of post-conflict nations. While there is a link between development, peace building and peacekeeping as well as the blurring lines between them, the imbalance between development funding and peacekeeping and peace-building operation may pose the danger of over-

stretching peacekeeping operations or of providing international support through the UN peacekeeping operation when what is required is effective long-term sustainable development assistance.

Third, the need to maintain the balance between the recognition of the sovereignty of a post-conflict nation and the international community's accepted vision, norms and standards in maintaining peace and security and in promoting political and economic development.

On this point, I would like to cite the international support on the development of the national police as an example. Ensuring compliance with the internationally accepted standards of policing and human rights continues to be one of the key challenges in establishing a police force in post-conflict situations.

While there is a tendency to view this challenge as the disciplinary issue or the lack of police discipline, it is important to recognize that at the initial stage, international assistance in forming and training the national police force of a post-conflict nation should attach equal importance to the quantity and quality of the national police force. The discipline issue is merely a symptom of the real causes, involving recruitment, selection, appointment and political neutrality in creating the police force at its earliest stage. The difficulties emerge when or if the sovereign nation's vision of the national police, its roles and functions differs from the internationally accepted standards and principles. Experience in Timor-Leste has clearly demonstrated that a comprehensive strategy to tackle these issues in the immediate post-conflict phase is critical.

Fourth, coordination among the UN system agencies and a peacekeeping mission as well as key development partners remains a key to ensuring the effectiveness of post-conflict international support with the aim of laying the four basic foundations of post-conflict rehabilitations: security; social and economic well-being; justice and reconciliation; and governance and people's participation. These elements and components are closely linked with achievements and challenges in one area depend on those of the other areas and on the coordination of key agencies and supporting nations.

Fifth, the need to reconcile the desire on the part of the international community to realize direct elections at all levels of governance and the desire of Government leaders and members of the National Parliament to hold on to their power and seats. The electoral history of Timor-Leste in recent years has been relatively peaceful and constructive. In both the elections for the Constituent Assembly (which became the first National Parliament) and the President held during the period of the UN administration, voter registration and turnout was at high levels. More recently, the National Parliament has passed a law regarding the holding of elections at a local government level for village chiefs, aldeia chiefs and suco councils. Under the law, an Independent Electoral Commission will oversee the election of several hundred local government representatives. Specific provisions have been enacted ensuring that the councils include representation of women and youth. The elections will be the first democratic elections to be

run by the new nation of Timor-Leste. Yet, Government leaders remain most reluctant to hold elections at the district and sub-district levels. Also, they are unwilling to prepare a national electoral law and to consider holding elections before 2007 in spite of advice given by the Special Representative of the Secretary-General and myself.

Sixth, Timor-Leste remains a nation in which the formal separation of power, embedded in the Constitution, is still in the process of becoming a political reality. Even once structures are established in a country, whether they be the Parliament, the President's Office, the courts or the police, the political culture can lag behind the formal structures. In Timor-Leste, for instance, the precise role of the Courts vis-à-vis the Parliament is still being debated. Varying interpretations of the Constitution are being offered to support differing views of who is the ultimate interpreter of the Constitution, particularly with respect to evaluating the constitutionality of draft laws.

Seventh, it is also important to stress the need for encouraging political pluralism and tolerance for political opposition to function freely. In the context of desiring to consolidate a strong state, there can be a tendency to react automatically to voices of dissent, to use law enforcement powers to suppress the dissent, rather than separate out criminal and legitimate activities of opposition forces. This is a tendency, which needs to be resisted. There is a need for Timor-Leste to feel sufficiently supported by the international community in its newly independent status so as to provide for tolerance of diverse opinions and the quarantining of the use of more extensive state powers to situations of real threat to the state.

Eighth, the establishment of basic legal framework is a major step but the challenge is in meeting the expectations of the people for social and economic development. The challenge is in protecting civil and political rights while securing social and economic development. The newly won freedoms are faced with challenges and uncertainties as a result of socio-economic realities. It is not a new nor unique problem faced by a developing country such as Timor-Leste. In "Open Governance" held at the district level, the Prime Minister routinely says that people are now free even if the Government cannot provide for their basic needs.

Ninth, Meeting this challenge on the Government to fulfill the basic needs is important since formal or political equality raises expectations of the people and, when they are unfulfilled, may cause antagonism against political leadership and further conflicts. The challenge is to pursue an integrated approach whereby democracy and the rule of law is given meaning by the achievement in the realization of economic, social and cultural rights. Pursuing such an approach is particularly important in post –conflict societies such as Timor-Leste to avoid the perception among the people that only a selected group is benefiting and that many others who suffered during the conflict have been abandoned. It is important to keep in mind that in Timor-Leste as well as in any transitional situation, it is not possible to draw a clear distinction between the past and present situations.

PART III: LESSONS LEARNT AND ISSUES FOR FURTHER CONSIDERATION

In my view, there are six main considerations we should keep in mind in order to ensure that international support in rehabilitating post-conflict nations yield the desired outcome and sustain the achieved progress in the long term.

The first consideration lies in the selection of any group of national and local leaders with whom the international community will entrust the management of governance during the transitional period and after the restoration of sovereignty to the country. In Cambodia, Rwanda and now in Timor-Leste, a group of exiled leaders and activists returned to their countries and moved into governmental functions with or without the support of the United Nations or the transitional authorities. In Timor-Leste, as the period of the Indonesian occupation lasted nearly 25 years, some of the exiled leaders were unable to speak the local language, Tetum, and to relate to people who remained in Timor-Leste. As the Constituent Assembly was converted into the National Parliament in which Fretilin, the dominant political party, had the absolute majority, the party leaders succeeded in selecting themselves those who will occupy 55 seats out of 88 seats allocated for the party. The result was the total control of executive and legislative branches of the state institutions by a few astute leaders, (resulting in, as the Kings College study observed, the monopoly of power in the hands of a few leaders who did not have personal support of the population.) The riot and civil disturbances of 4 December 2002 was the manifestation of people who felt that the newly established governing authorities—the Government and the National Parliament—were not caring about their welfare and livelihood. The lessons learnt from this experience is that the international community must ensure that those indigenous leaders who command respect and confidence of local people be accorded with positions and opportunities to participate actively in governing the country.

The second consideration is the need to balance the short-term and immediate requirements with the long-term sustainability of international support to post-conflict nations.

The third consideration lies in the international community's commitment and will to determine when is the right time for a UN peacekeeping mission to leave and how. In the modern history of international post-conflict rehabilitation, we tend to see Timor-Leste as “a success story” as we take into account the overall achievements and challenges. Still, to ensure that Timor-Leste continues as a success, there is a need for the world community to acknowledge the tremendous security, institutional and development challenges that this young country continues to face.

To ensure smooth transition from peacekeeping and peace-building to sustainable development of Timor-Leste is to recognize that Timor-Leste's peace and stability remains fragile as indicated in the security assessments and the limitations of the state institutions. As reflected in the Secretary-General's last report to the Security Council, though it was initially envisaged that Timor-Leste would be in a position to achieve self-sufficiency within a period of two

years after independence, it has become increasingly clear in recent months that further assistance to Timor-Leste will be crucial in a number of areas after 20 May 2004, when UNMISSET's present mandate expires. The UN is undertaking an in-depth analysis of Timor-Leste's likely requirements after 20 May 2004 in developing a strategies and recommendations for further assistance to the country. It is then under the purview of the Security Council and Member States to decide on the possible continued presence of a UN peacekeeping mission bearing in mind the importance of close coordination with development partners for providing bilateral and multilateral assistance in key areas.

The fourth consideration lies in the question of the "exit strategy." In my view, the exit strategy should be part of the design of post-conflict international support at the inception of the intervention while there is a need for the international community to remain flexible and realistic in devising further support and sustain its interests even after the first few years of immediate post-conflict period. In the case of Timor-Leste, two years is a short period to develop, from scratch, the capacity of its security organs as well as other state institutions to the sustainable level for the country to enter its development mode with increased self-reliance.

The fifth consideration lies in the need to avoid establishing two parallel court systems in two countries (in example, in Timor-Leste and Indonesia) for the investigation, prosecution and trial of crimes committed in prolonged conflict such as one in Timor-Leste. It is also desirable for the international community to realize that a conventional modern justice could not be the only solution for ensuring that justice is served. In a country like Timor-Leste, the traditional system of participatory justice in which the whole of the society would take part should be considered as a plausible alternative means of achieving reasonable sense of justice and reconciliation.

The main principle of this kind of reconciliation mechanisms would be to bring together all of the protagonists at the actual location of the serious crimes i.e., the survivors, witnesses and presumed perpetrators. All of them should participate in a debate on what happened in order to establish the truth, draw up a list of victims and identify the guilty. The debates will be chaired by non-professional "judges," elected from the men of integrity of the community, who will have to decide on the sentence for those found guilty.

The sixth consideration lies in the need to find a workable resolution for serving justice by a practical application of trial options. Following the example of Rwanda where I served as the Resident Coordinator of the United Nations in 1995 and 1996, the people accused of serious crimes could be grouped into four categories. The first category included the planners, organizers and leaders of genocide and murders, and the second category covered those who acted in a position of authority to commit murders, rape and severe torture. The third category were consisted of those who participated or were complicit in voluntary homicide or acts against persons resulting in death, or those having inflicted wounds with intent to kill. The fourth category included those who committed violent acts without intent to kill and those who committed crimes against property. It is worth considering that the accused of the first two cate-

gories should be judged by the Special Panels for Serious Crimes, while all other cases that could be considered to lie in the third and fourth categories should be dealt with through alternative justice and reconciliation mechanisms such as the traditional participatory justice, or the Truth and Reconciliation Commission.

Finally, in recent years, the UN peacekeeping experiences in various post-conflict situations tend to suggest that the narrower the mandates of a UN peacekeeping/peace-building operation, the greater chance of success and more timely completion of the mandates. Despite the tremendous challenges of implementing the UN mandates of integrated peace-building and peacekeeping components, I maintain that there is no other alternative—if we genuinely recognize and accept the mutually inclusive nature of and the inextricable links between political stability and social, economic and human sustainable development and those of peacekeeping and peace-building.

Annex B:
ACHIEVEMENTS IN PUBLIC ADMINISTRATION CAPACITY BUILDING
(May 2002—January 2003)

COUNCIL OF MINISTERS

- Regular meetings of the Council of Ministers, agenda consideration, legal frameworks and policy formulation on wide ranging issues;
- Ensure full compliance with the rules and procedures of the Council of Ministers.

BANKING AND PAYMENT AUTHORITY

- Monetary policy and essential legal frameworks development;
- Preparation of the Banking and Payment Authority Annual Report;
- Preparation of Final Accounts;
- Budget performance reports.

MINISTRY OF PLANNING AND FINANCE

Planning and External Assistance Management:

- National Development Plan aligned Annual Action Plans preparation and implementation throughout the Government of Timor-Leste;
- Projects Approval Procedures approved by the Council of Ministers;
- Updated Registry of External Assistance;
- Preparation of Sector Investment Programs.

Revenue Service:

- Establishing and stabilizing the Tax Revenue System in Timor-Leste;
- Large Business Division Annual Action plans formulation to begin structured compliance programs and to finalize development and delivery of Income tax returns for 2003.

Customs:

- Adoption of the Organic Law for the Customs of Timor-Leste;
- Law on Fiscal and Customs Exemptions;
- Timor-Leste accession to the World Customs Organization;
- Implementation of the ASYCUDA;
- Adoption of the SAD—Single Administrative Document;
- Customs Quality Charter;
- Publication of Customs magazine.

Treasury:

- Stabilizing the Financial Management System of the Government of Timor-Leste and state institutions;
- Preparation of the Treasury Manual, Revenue Collection Procedures and Expenditure

- Procedures for the Ministry of Planning and Finance;
- Preparation of the Budget and Financial Management Act;
- Development and implementation of Payroll administration system for more than 15000 public servants
- Adoption and implementation of the automated Free balance system for financial management.

Procurement, Supply & Inventory Management Unit:

- Drafting Procurement Decree Law;
- Establishment of Board of Survey;
- Establishment of Disposal Board;
- Procedure for Assigning Procurement Instrument Numbers Disposal Manual;
- Draft Supply and Inventory Operations Manual;
- Timor-Leste Country Procurement Assessment Report.

Budget Service:

- Draft Budget and Financial Management Law in consultation with Treasury;
- Preparation of Budget Requests Overview submission for Budget Review Committee (BRC);
- Preparation of weekly briefing for Ministry of Planning and Finance to provide CoM on Budget Process;
- Preparation of the outcome of BRC deliberations and budget allocation recommendations for submission to the Council of Ministers;
- Provision of technical explanation of Budget figures to National Parliament;
- Consultation and agreement of 2003–04 aggregate budget figures with IMF;
- Reporting on budget related targets in the TSP matrix.

MINISTRY OF JUSTICE AND COURT OF APPEAL

- Court of Appeal and District Courts constituted and functioning;
- Drafting of numerous laws and submission to the Council of Ministers;
- Preparation of Proposal for Policies on Land Issues;
- Regulations & Procedures for Claim Registration;
- Umbrella Land Law 1: Juridical Regime for Immovable Property;
- Preparation of Memoranda on the principles ruling the Notary Law;
- Preparation of Memoranda on the principles ruling the Registry Law.

OFFICE OF PROSECUTOR GENERAL

- Analysis & Discussion for Legal procedures;
- Written Proposal for the code of minors;
- Organizing of International anti-Corruption Seminar;
- Written Analysis for Domestic violence law;
- Organizing Task Force against Trafficking Women;

- Preparation of handbook: on Fighting against Corruption; international Criminal Principles basic principles; Manual of Juridical Assistance.

MINISTRY OF STATE ADMINISTRATION

- Preparation of the draft Civil Service Law for consideration of the Council of Ministers;
- draft Human Resources Management system; draft disciplinary procedures;
- Local Government policy paper preparation and work in progress on the draft legislation “Estrutura e funcoes da AGLD e das Administracoes Distritais”; Project management manual preparation; DCDC Grant Guidelines and Procurement Manual;
- Preparation of Estatuto do Instituto Nacional da administracao Publica (5th draft).

MINISTRY OF TRANSPORT, COMMUNICATIONS AND PUBLIC WORKS

Land Transportation:

- Ministerial regulation on Collective Transport system presented to Council of Ministers;
- Presentation on traffic law.

Civil Aviation:

- Civil Aviation Decree-Law;
- Preparation of Ministerial Decree-Regulation of Fees and Charges;
- Preparation of Decree- Law to create the national institute of Civil Aviation and its statutes;
- Ratification of Warsaw, Chicago and Montreal Conventions under consideration;
- Preparation of Plans for Airport Operations Services; Terminal Management; Nav aids; Personnel Licensing; Technical Documentation; Traffic Forms; Airport taxes; Development land and Air Side; Runways; Taxiways; Shoulders; Aprons; generalities;
- Updated the Air Traffic Services Coordination Procedures between Australia, Indonesia and Timor Leste;
- Timor-Leste Aeronautical Information Publication;
- Review of Baucau and Suai NDB and Aerodrome charts for approval and publication.

Ports & Maritime:

- Stabilizing port operations and introduction of Port fees and charges;
- Port Operations rules and regulations;
- Consideration of Port safety rules.

Public Works, Housing and Urban Planning

- Preparation of Development Regulation and Building Decree;
- Pre-qualification Regulation;
- Preparation of Spatial Planning Act;
- Work in progress on Housing Policy, Building Assessment, Building Supervision, Community Participation.

Water and Sanitation:

- Formulation of Water Services Decree and submitted for the consideration of the Council of Ministers;
- Preparation and consultation in progress on Sanitation Management Decree, and Water Resources Management Decree.

Material Testing:

- Draft, coordination and implementation of the procedure for laboratory service charges revenue collection;
- Setting up Technical Standard / Codes for Infrastructure;
- Preparation of Laboratory Standard Operational Procedures for Testing.

SECRETARY OF STATE FOR WATER AND ELECTRICITY

- Basic National Electricity Law promulgated;
- Personnel control procedures drafted;
- Work in progress on Environmental Management Guidelines for EDTL.

INSPECTOR GENERAL'S OFFICE

- Preparation of the Mandate for the Office of the Inspector General;
- Formalization of Basic Procedures for reports of control;
- Publication of Internal Bulletin "Transparency" about OIG activities;
- Internal control for correspondence in the OIG;
- Regulation of activities of OIG;
- Preparation and publication of awareness and sensitization pamphlets about Corruption, Bribery, Collusion, and Nepotism;
- Work in progress on drafting Organic law of OIG.

MINISTRY OF EDUCATION, CULTURE, YOUTH AND SPORTS

- Formulation of educational policy framework. Stakeholder consultation scheduled in late October 2003.
- Guides/formats for: Education planning; policy formulation; Project preparation; Monitoring/evaluation are in progress.

MINISTRY OF AGRICULTURE, FORESTRY AND FISHERIES

- Preparation of manual on ; Administracao de Pessoal; Organizacao e Funcoes; Instrumentos Operacionais-Planificacao; Treinamento em Excel; Livro de Ponto; Recrutamento de Pessoal; Formacao e Capacitacao; Instrumentos Operacionais-Financas.

SECRETARY OF STATE FOR LABOUR AND SOLIDARITY

- Review final text of Organic Law of SSLS;
- Completion of internal administrative policies;
- Instituting system of program monitoring, evaluation and supervision;
- Strengthening SSLS financial management systems and procedures.

EAST TIMOR: SOME PEACE BUILDING LESSONS

Major General Michael G. Smith (Retd)
CEO AUSTCARE, former Deputy Force Commander of the UNTAET
Peacekeeping Force

Introduction

I would like to begin by expressing my thanks to JIIA and the United Nations University for convening this important seminar. At a time when much of the world's attention has moved on to Iraq and US Presidential elections, it is most timely that we reflect on the important lessons that have been learned from the peace building initiatives in Afghanistan and East Timor.

I would also like to acknowledge the important contribution of Japan to peace building initiatives in these countries, and particularly to the unwavering financial support that has been given to East Timor since 1999, and more recently the deployment of an engineer battalion. This battalion has made an outstanding contribution to East Timor and the Japanese nation should be very proud of their efforts.

As an Australian it has also been gratifying to see the Japanese Ground Self Defense Force and the Australian Defence Force working so closely in East Timor. This is a much more positive relationship than 60 years ago when we were fighting each other in East Timor and other parts of the South Pacific and Southeast Asia. In itself, this is proof that peace building initiatives can and do work.

I would also like to acknowledge the tremendous contribution of Sergio Vieira de Mello to East Timor, and pay tribute to him. The world is a poorer place for his death in Baghdad last August, but East Timor is a much richer place because of his commitment and drive.

In this short presentation I will endeavour to provide you with:

- a “snapshot” of East Timor today,
- an overview of peace operations in East Timor since 1999, and
- highlight some lessons that might improve peace building in the future.

In particular, I have been asked to concentrate on the security dimension of peace building, although I am happy to field questions on other important elements such as governance, development and human rights.

My own organisation, AUSTCARE (Australians Caring for Refugees), has been helping people affected by conflict since 1967. Working in partnership with governments, international organisations and other NGOs, AUSTCARE has helped local communities in more than 30 countries to build their capacity in sectors such as health, education and training, food security, leadership, gender equity, and landmine action. AUSTCARE has been working on

development projects in East Timor since 1981, and we are increasing our efforts to assist returnees in the vulnerable border districts at a time when many NGOs have moved on to more prominent crises.

My own association with East Timor is more recent than AUSTCARE's, but quite intense nonetheless. In early 1999, as a senior officer in the Australian Defence Force, I was appointed as Director-General East Timor. During that year I worked closely with the United Nations: firstly to assist with the successful UNAMET ballot; then as a liaison officer to the UN Secretariat to report on the efforts of the multinational peace enforcement force, known as INTERFET, as well as to assist in preparation for the UN peacekeeping force that was to replace INTERFET (and subsequently did) as part of the UN transitional administration, UNTAET. In December 1999 I was appointed as the first Deputy Force Commander of the peacekeeping force, and served in East Timor from January 2000 until March 2001. My role ventured beyond the military aspects into issues of development, governance, and human rights. I have since written a book titled *Peacekeeping in East Timor*, and have spoken about East Timor in a number of international forums. I am also a member of the newly formed Australia-East Timor Business Council, an organisation intent on promoting commercial linkages between the two countries.

East Timor Today

East Timor gained its independence on 20 May 2002 and became the 191st member of the United Nations on 27 September of the same year. These occasions marked the end of a long and painful struggle for self-determination which began with Indonesia's occupation of the former Portuguese colony in 1975 and its incorporation the following year into Indonesia as its 27th province.

As the newest nation of the new millennium, East Timor is also one of the poorest in the world, with three of every five Timorese earning below US\$2 per day. More than 40 percent of the population is below the poverty line and more than half are illiterate. Of a population estimated to be around 830,000, 46 percent have never attended school, and every second person is below the age of 15. Seventy-five percent of the population is rural, and apart from coffee (the prices for which are currently suppressed), subsistence farming predominates. In a small territory of some 32,000 square kilometres, comprising 13 districts, much of the terrain is mountainous and infertile. Unemployment is rife, particularly amongst the young, and there is a significant urban drift by young people in search of work, partly caused by the systematic destruction of agricultural infrastructure by the militias following the ballot in 1999. Life expectancy is 50–58 years with high infant mortality. The major prevalent health problems are malaria, dengue, and TB and the system of health care is rudimentary. The Indonesians significantly improved education and health services from the former Portuguese rulers, but East Timor remained their poorest province.

Significant revenue from oil and gas in the Timor Sea will not commence for a few years, until which time the Government's budget deficit will continue to be bridged by donor grants. A decision on entitlements in relation to the Timor Sea is being hotly contested by Australia and East Timor as a matter of international law, representing a significant hurdle in an otherwise close relationship between the two countries. The outcome will have significant financial implications for the economy of East Timor.

East Timor has no manufacturing industries and its infrastructure is underdeveloped and tenuous. The power supply, systematically destroyed in the post-ballot violence, is unreliable in the towns and non-existent in much of the countryside. The road network is fragile. Outside Dili, telecommunications coverage is poor in urban areas and nonexistent for most of the rural population. There are no rail services, government-owned public transportation, or internal air services (other than restricted flights provided by the United Nations). International air services are normally restricted to Dili, which also provides the main port facility. There are a number of rudimentary ports along the north coast, including in the Oecusse enclave, but there are none on the south coast. The projected rate of development indicates that East Timor's infrastructure is likely to remain in a rudimentary state for many years.

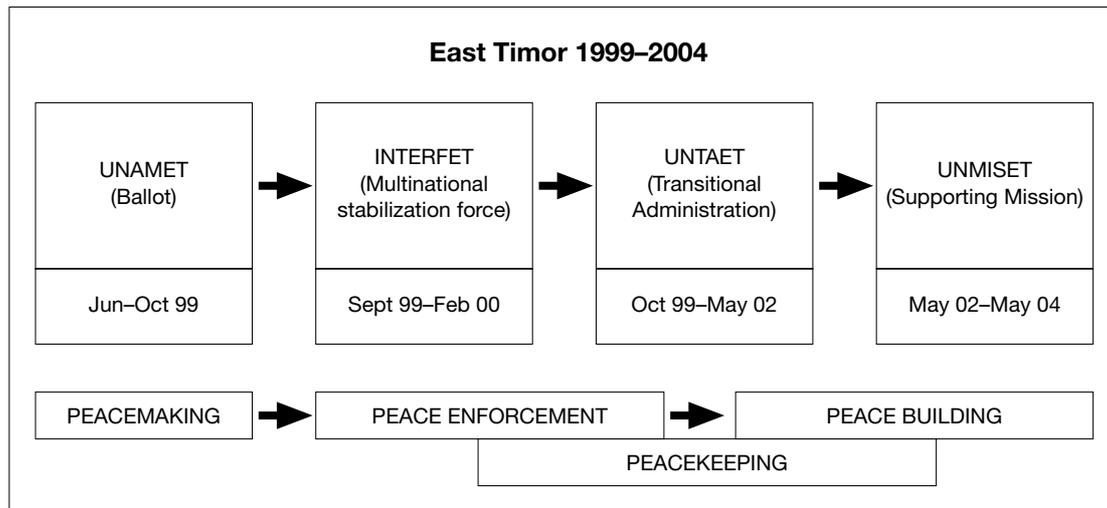
The harsh terrain and climate of East Timor, combined with the tenuous lines of communication and its poor telecommunications, result in the isolation of much of the rural population and create a porous land border with Indonesian West Timor. This isolation has important implications for governance, particularly at the sub-district and village levels, resulting in imperfect knowledge of actual circumstances by the central government as well as its inability to always act in a positive manner. In my view this lack of infrastructure and "situational awareness" could easily lead to political instability, particularly in the border region where the prospect of insurgency from pro-Indonesian integrationists in West Timor can not be discounted.

The United Nations in East Timor

Given the significant role of the United Nations in East Timor it is important to quickly review the sequence and nature of the four UN-mandated missions to date. (Refer diagram 1 below).

Each of these missions has been judged by the international community to have been successful, although the UNTAET interregnum revealed enormous challenges to be overcome by the United Nations in the future. The diagram shows the progression from peacemaking, through peace enforcement, peace keeping and peace building. It also shows the concurrent nature of these last three activities, thereby illustrating the fuzzy boundaries between them.

I am delighted that the Secretary-General has recommended the extension of UNMISSET's mandate for a further 12 months, with a smaller military and civil footprint, to continue to assist in the process of peace building. This contribution of less than 600 personnel includes:



- a reduction from 70 to 58 civilian advisers,
- a reduction from 325 to 157 civilian police advisers, and
- a reduction in the military peacekeeping force from 1,750 to 350 (comprising 42 military observers and a protection force of 308 troops).

In relation to the proposed military contribution I understand that a number of countries—including the US, Britain and Australia—are not supportive of maintaining a protection force and that discussion is continuing on this issue. For reasons that will become evident in my presentation, I concur with the Secretary-General on this matter and believe that an armed UN force is still required. As well, my own preference for the Military Observers would have been to have them positioned on both sides of the border to report impartially on security issues and to provide a confidence building measure to both East Timor and Indonesia.

East Timor—a Unique Case Study

More recent regime changes in Iraq and Afghanistan have re-taught us that the toppling of corrupt or broken administrations is certainly much easier than replacing them with democratic alternatives. These operations have also revealed that sustainable peace requires the continued commitment of the international community, but that such commitment can not be imposed from without. These lessons have less relevance to East Timor where the political and military situation was vastly different. A common lesson from most peace operations, and certainly from East Timor, is that the boundaries between conflict and post-conflict reconstruction are murky, as are the distinctions between peacemaking, peacekeeping, and peace building.

In the case of East Timor a number of factors coalesced to make this series of peace operations more the exception than the rule.

- Firstly, the initiative for potential regime change (by way of a ballot) was initiated and

approved by the governing power, Indonesia, and the United Nations (rather than another sovereign power or coalition) provided the vehicle for this to occur. Although this was not new in the annals of peacemaking initiatives (as already witnessed in Namibia), such events are not common. Moreover, by utilising the United Nations as the vehicle for change, “legitimacy” was established at the outset and was then maintained throughout subsequent phases. This stands in stark contrast to the more recent events in Afghanistan and Iraq.

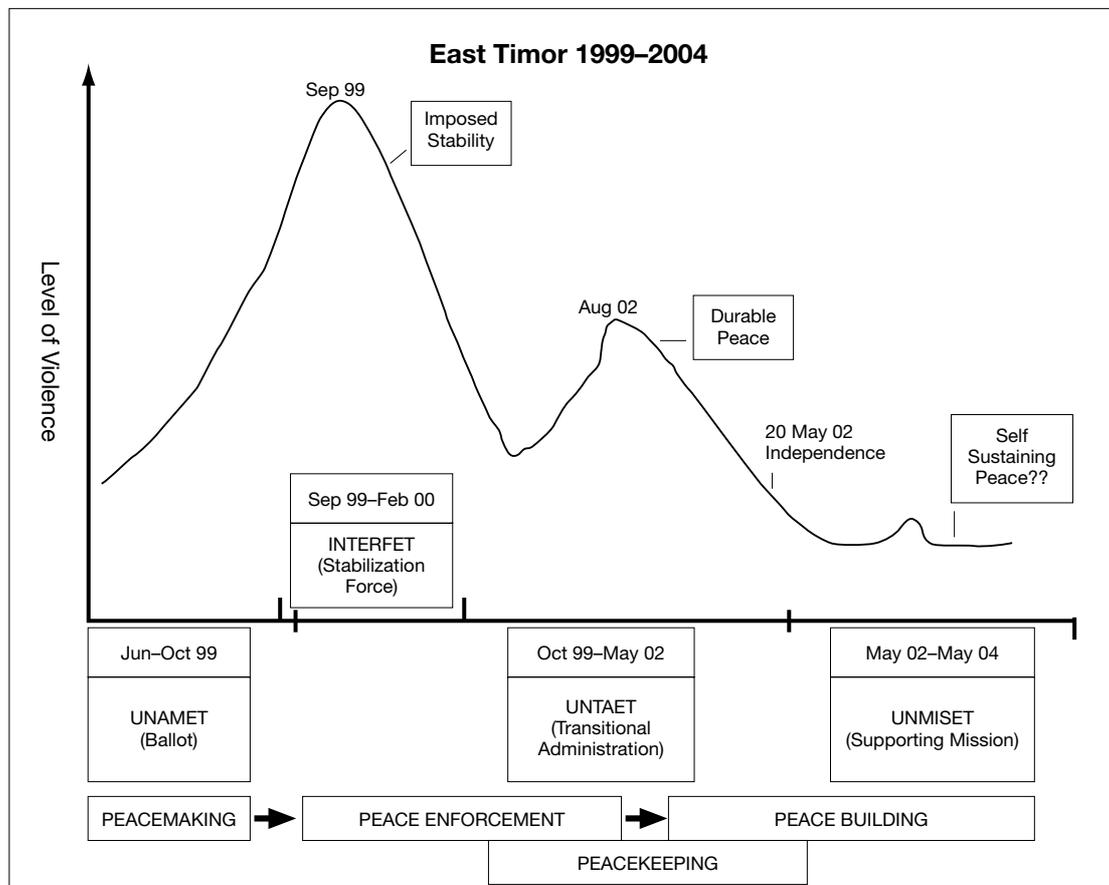
- Secondly, Indonesia agreed to an international peace enforcement force, and since Indonesia’s withdrawal from East Timor they have generally accepted the outcomes of the ballot. The relationship between Indonesia and East Timor is cordial if not close. Such an outcome is also rare in international politics.
- Thirdly, the host population generally has been supportive of the United Nations and other international organisations. Local leaders may not always have applauded the efforts of the United Nations or the World Bank, but none have wanted these organisations to depart. This has not always been the case in post conflict environments.
- Fourthly, and accept for the terrible violence following the ballot, the security environment in East Timor has remained far more benign than in most other post-conflict situations. The combatants were separated with the arrival of INTERFET. There are relatively few weapons in the country, and no legacy of landmines. This also is unusual in the modern world.
- And fifthly, the international community has remained very supportive of East Timor long after the emergency phase. The number of countries who have continued to provide assistance, from all continents, is truly amazing. This support has been demonstrated by significant bilateral assistance, by multilateral assistance through the Bretton Woods institutions, and by Security Council and General Assembly support for successive UN missions.

Perhaps the word that best applies to the unusual circumstances in East Timor is “legitimacy”—legitimacy based on the “justness” of the struggle; legitimacy based on the morality underpinning each of the UN-mandated missions; and legitimacy of the basic “right” of a small population of under one million people to determine their own future and to break free from the poverty cycle. In a sense, East Timor fleetingly helped return the United Nations to its core beliefs and it might well represent the high water mark of the UN’s authority and success.

Security in East Timor

Since the post-ballot violence of 1999—and in all measures—East Timor has been a relatively safe place to live. Unlike many other post-conflict environments, the level of security in East

Timor has improved, as shown in diagram 2 below. Although this diagram is not specific, it correctly identifies the trend since September 1999.



Despite this rosy assessment, security concerns exist along the border with Indonesia, where about 25,000 refugees remain encamped in West Timor, including some hard core militia leaders who continue to be tolerated by the Indonesian Government. The fledgling East Timorese border police and defence force would be unable to counter a resurgence in militia activity—their combined capabilities being significantly less than the Peacekeeping Force. I welcome, therefore, the Secretary General’s recommendation for the extension of the military peacekeeping force and have some reservations about Indonesia’s ability to contain or control hard core militia elements.

Another major concern with external security is the inability of East Timor to effectively patrol and police its coastal waters, thereby increasing the threats of the spread of communicable diseases as well as criminal activity—the latter including people trafficking, smuggling, drug and gun running, money laundering, and piracy. To my knowledge this matter has not been seriously considered, and I believe that the United Nations could make a significant contribution by providing a coastal maritime patrol unit. Such assistance has not been seriously considered by the United Nations, or requested by the East Timorese—yet this need is no less certain.

Of more immediate concern, however, is the potential for internal unrest, partly fueled by historic political differences and partly by high levels of youth unemployment and unfulfilled expectations in the aftermath of independence. We know that the 1975 invasion by Indonesia was preceded by acts of politically motivated violence. I am not suggesting that these events would necessarily be repeated, but equally it would be foolish to ignore that a core of disaffected and influential militia remain in West Timor, and that they have connections with individuals and political groups in East Timor.

Thinking more domestically, and as demonstrated during the internal unrest of December 2002, the community can quickly be incited to riot. The “rule of law” is not yet firmly established: the local police force remains underdeveloped, and the judicial system and correctional service still has a long way to go. These were weak and largely unsuccessful components during the transitional administration and will take many years to mature, requiring assistance from the international community.

Another issue of security concern is the distrust between the newly created defence force (comprised mainly of former Falintil resistance fighters who remain loyal to their former leader and now President, Xanana Gusmao), and the nascent police force (the leaders of which tend to be more supportive of the Prime Minister, Mari Alkatiri). The defence force has significant respect within the community, but the mechanisms to ensure civilian control remain ambiguous and underdeveloped. The defence force has little faith in the police force and (despite the President’s recent warnings against such action) could be persuaded to take a leading role in any internal security disturbances, rather than assisting the police force in situations of last resort.

Some Lessons Relearned

Let me now highlight some of the lessons relearned by the United Nations in East Timor, related to **security**. This list is not extensive, and you might find some of these to be controversial.

- **Legitimacy and host-country support.** Without “legitimacy” and the “support of the host community” peace building efforts are unlikely to be lasting.
- **National security architecture.** Working with the host community, there is a need to identify the security architecture and the steps required to achieve it. This means distinguishing clearly between keeping the peace through UN intervention, and building the capacity of local institutions. There is a distinction to be made between peacekeeping and peace building, but these will often occur concurrently, and frequently by the same organisations. Helping to build the host country’s security apparatus will ultimately be more important than keeping the peace until the date of departure. And it needs to be built from the outset and included in the mandate. Better integrated security planning is required between military and police, and between multinational, UN, and local forces.

Mechanisms must be put in place to ensure a clear division of responsibility and enhance cooperation. This was not done particularly well in East Timor, and although progress has been made, the security architecture remains fragile.

- **UN mandates must be simple and achievable.** In line with this, and at the risk of disagreeing with the Secretary-General, seldom will UN forces be “neutral”. “Impartial” maybe. But SRSG’s, as well as their military and police commanders, have specific jobs to do and they must be empowered to do them. They need the tools and rules of engagement to fulfil their mandate, and they must also be held accountable for their actions. Invariably this will mean taking sides, at least as perceived by some community elements or “spoilers”.
- **Effective peace building requires good leadership, teamwork, respect, and accountability.** The United Nations may have little choice in the selection of local leaders, but it can only blame itself if it assigns weak leaders in key UN appointments, and fails to resource the mission adequately.
- **Separation of Combatants.** For peace and security to be maintained the combatants must be separated, and there must be effective disarmament, demobilisation and reintegration (DDR). The UN needs to include these issues in its planning and to work more closely with the World Bank group on DDR. Early separation of combatants was achieved in East Timor, but DDR was inadequately considered during the planning.
- **Infrastructure.** I agree fully with Madame Ogata’s point yesterday about the critical need for roads—and I would add telecommunications. I continue to be concerned at the inadequate state of these in East Timor. They impact directly on security and governance. Japan is one of the few countries having the capability to fix roads and build bridges as part of their development projects. The ADB’s efforts have been less than acceptable in my view, and reflect the views of economists rather than strategists.
- **Transition.** Another lesson relearned in East Timor is that peacekeeping forces are most vulnerable shortly after they transition from multinational forces. There is a tendency to provide UN forces with insufficient combat and logistic capabilities. It is much better to go heavier and then drawdown, rather than the reverse. Diagram 2 clearly indicates the increase in militia activity following the transition from INTERFET to UNTAET. “Transition” also includes the role of indigenous forces. This must be agreed and planned early in consultation with the host country.
- **Warfighters are Peacekeepers.** Good peacekeeping forces are comprised of professional troops that are well led, well equipped, with good warfighting skills, properly trained in the laws of armed conflict, culturally aware, gender tolerant, and respectful of the local community. This is a big ask, even for developed nations.

- **CIMIC.** As well as having good warfighting skills, peacekeeping forces must possess capabilities in civil-military cooperation (CIMIC). CIMIC falls into two main areas:
 - Constabulary capabilities to help implement the rule of law. This includes the use of more military police and military legal staff, but also the training and provisioning of infantry forces to undertake constabulary functions.
 - The other area of CIMIC is in humanitarian and nation-building capabilities. Military forces have significant assets that can help kick-start reconstruction, re-establish basic medical services, assist in the movement of displaced people, and help facilitate food security. The lessons from INTERFET show that in the emergency phase better cooperation is required between OCHA, UNHCR and military forces. Unfortunately most militaries have little doctrine or experience in working with civilian relief agencies and NGOs. In conducting CIMIC, care must also be taken to prevent dependency on the occupying military force that will create difficulties when they withdraw.

- **Civilian police are critical.** The UN must rethink how it plans its police operations and how it selects and prepares its police officers. It must also be able to train local police forces more effectively than was the case in East Timor.

- **Intelligence/Information.** UN forces (military and police) require better intelligence/information gathering capabilities. Without accurate information they are unable to maintain security. This includes simple measures, such as the provision of interpreters and translators, as well as more sophisticated technology.

- **Aviation.** Aviation is critical in harsh environments where infrastructure is underdeveloped. There is a need to separate military/police requirements from administrative requirements, and to remove this responsibility from the Chief Administrative Officer. UN aviation procedures largely reflect the requirements of smaller monitoring missions, rather than larger complex peace operations. This means empowering the Force Commander and requiring troop contributing nations to assign their aviation assets under central military authority.

- **Military engineers are critical,** particularly in the emergency phase and during the initial phase of reconstruction. UN administrative practices, however, are not responsive for these operations and need to be reviewed. In East Timor the engineer battalions from Pakistani and Bangladesh were under-utilised because of UN procurement procedures and the inability of these battalions to finance their own operations.

- **Maritime Security.** A final lesson is that maritime patrol capabilities are important to secure coastal waters and economic zones. In most circumstances the threat is not so much from opposing armed forces, but to prevent piracy and the illegal movement of people and prohibited goods. This issue was not addressed in East Timor.

Conclusion

Let me conclude. Overall, the UN's intervention in, and assistance to, East Timor has proved successful. Nevertheless, many of the same lessons from previous missions were relearned. The conclusion seems clear enough: if the United Nations is to be effective in peacekeeping and peace building it requires more support from its member states. The recommendations from the Brahimi Report provide a road map for the way ahead, but this journey will only be successful if fully supported by the world community, and particularly by the US and the other members of the P5. The United Nations is both a product of the imperfect system of states and a guardian of that system. It has played a significant role in helping East Timor—the newest and one of the poorest nations of the new millennium—join this system. For East Timor to prosper it will continue to rely on the United Nations for many years, as current events in Haiti remind us all too clearly.

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AUSTCARE's mission is to assist refugees overseas, displaced people and those affected by landmines to rebuild their lives through the expert delivery of development programs in partnership with local communities and other agencies. For more information about AUSTCARE please visit our website www.austcare.org.au or for donations within Australia call 1300 66 66 72.

Panel: Support to East Timor from the International Community: Achievements and Challenges

Pat Walsh

Special Advisor, Comissao de Acolhimento, Verdade e Reconciliacao de
Timor-Leste (CAVR)

The subject of this short paper is the achievements of one East Timorese institution, the Commission for Reception, Truth and Reconciliation in East Timor (Comissao de Acolhimento, Verdade e Reconciliacao de Timor-Leste, or CAVR) and the challenges facing this body as it works to implement its sensitive and ambitious legal mandate. This is an appropriate subject for this symposium because Japan has invested significantly in the Commission. In resourcing the Commission, the Japanese Government, consistent with its Human Security doctrine, has demonstrated both its commitment to building peace and a culture of human rights at the grassroots in Timor-Leste, and its strengthening conviction that, to be sustainable, rehabilitation of any war-torn society involves much more than the reconstruction of physical infrastructure.

East Timor had a highly traumatic birth. Unlike some passages from colonialism to political independence, which were blessed with relative peace, the decolonisation of East Timor was a violent process characterised by armed conflict and violations of human rights which left deep social divisions in the community. Divisions in Timorese society which opened up during the civil war in 1975, following Portugal's decision to decolonise, were intensified during the long and bloody occupation by the Indonesian army and were the basis of the split into pro-independence supporters and pro-autonomy (within Indonesia) militias that surfaced so violently in 1999. Very few East Timorese families have not been scarred by this trauma. To give but one example of many that could be recounted. During a Public Hearing convened by CAVR in December 2003, East Timor's Minister for Internal Affairs, Rogerio Lobato, told the audience that he took responsibility for violations during the latter part of 1975. He then said, 'But I was also a victim', and broke down and wept. It emerged that no less than 17 of his direct family members, including his mother and father, were killed as a consequence of the civil war and subsequent Indonesian invasion.

It has been said that East Timor, like other societies in transition from acute repression to democracy, has three broad options in dealing with past human rights violations: criminal prosecution (retribution); amnesia (forgive and forget); and restorative justice mechanisms, which focus on repairing torn social relationships. East Timor has chosen an unprecedented model of a mix of the first and third options. This complementary model combines formal justice for serious crimes (through the Serious Crimes process) with the CAVR which provides a less expensive, reconciliation-focussed mechanism to deal with the large caseload of less serious crimes. Both processes were judged to be necessary: on the one hand, to meet a clear public demand for justice and rule of law over impunity, and on the other hand, to contribute

to sustainable peace through reconciliation at the local level by reintegrating and healing divided communities in practical ways and reducing the potential for renewed violence. The success to date of the CAVR programs demonstrates how creative and relevant this model has been for East Timor.

Structure and organisation

The Commission is an independent, statutory authority established by law during UNTAET. It is written into the RDTL Constitution and had its mandate endorsed and extended by the East Timorese parliament in 2003. Its principal functions can be deduced from its title. These are (a) to inquire into the truth about human rights violations committed on all sides in the context of the political conflict between 1974 (when Portugal decided to decolonise the territory) and October 1999 (when the United Nations temporarily assumed administration); (b) to facilitate community reconciliation; (c) to support victims; and (d) to report on its findings and recommendations to the President and people of Timor-Leste and to the UN Secretary-General. The word 'reception' in the title is widely perceived to refer to the repatriation of East Timorese refugees in Indonesian West Timor. In fact it has a wider connotation and was included to highlight the welcoming, inclusive, re-integrating ethos of CAVR towards perpetrators, whether in or outside East Timor, and is better translated by the Portuguese word 'acolhimento'.

The Commission is headed by seven East Timorese National Commissioners, who have sworn to be impartial, and are assisted in the discharge of their legal obligations by twenty-nine Regional Commissioners and a staff of approximately 260, including some 15 international advisors. The Commission has a strong local focus. Most personnel are in the field supported by five regional offices. Four of these offices and the national office (a former colonial prison) were rehabilitated with Japanese funding. The Commission commenced its core work in April 2002, will present its Final Report in October 2004 and will be dissolved no later than January 2005. The Commission is funded entirely by external donors of whom Japan is the largest.

Functions

Truth-seeking

The truth-seeking function is based on two imperatives: the imperative of the deep human need and right of victims to know the truth about what happened and why, and the imperative of historical clarification. A record that remains disputed will itself be a source of dissension and division into the future. Once addressed, both imperatives have potential to deliver personal and national healing. Credible historical analysis is also essential as the basis for lessons learned and policy change. CAVR believes it can make a contribution to the development of democracy in Indonesia, because its inquiry is the only opportunity for an in-depth study of the Indonesian military (TNI) which has been possible, or is likely to be possible in the foreseeable future.

CAVR's inquiry into human rights violations is focussed on 10 themes: famine and forced

displacement; structure, policies and practices of the Indonesian military and police; structure, policies and practices of Fretilin and Falintil; political imprisonment, torture and forced disappearances; massacres; death toll; children and youth; women and conflict, both as victims and activists; internal political conflict; the international community and self-determination. Methodologies employed in the search for the truth about these themes include statement-taking, public hearings, research and investigation, and submissions from outside sources. CAVR aims to collect 8000 statements by the end of March 2004. These include statements collected from East Timorese in West Timor. Coded and entered into the central data base all these statements, combined with input from researchers and the other sources referred to, will be the basis of CAVR findings on patterns of violations and their correlation to military policies. The extent of the violation of the right to life during the 24 year mandate period is a particularly important challenge as many, often strongly contested, claims have been made about the magnitude of the death toll and, by implication, the gravity of the Indonesian military's crime. Under international expert guidance, CAVR teams are collecting and correlating material from several independent sources, including an in-depth survey of a random sample of 1440 households, a counting of graves throughout Timor-Leste, review of existing literature, and information provided in statements. CAVR has considerable powers of search and seizure but has not had reason to exercise these.

Public Hearings are an important part of this process. In addition to contributing information under oath, they serve to honour victims, to educate the community about recent history and human rights, and to point up the importance of clear policies, mechanisms and practices to prevent recurrence of violations in the future. CAVR will hold seven major, national hearings in the course of its life. The most sensitive and successful of these was held in December 2003 on the theme of internal political conflict and was addressed by most of East Timor's leading political figures. For reports on this and other Hearings, visit the CAVR website: www.easttimor-reconciliation.org

Community reconciliation

CAVR is tasked to facilitate community reconciliation hearings throughout the country. According to the procedures set out in Regulation 2001/10 any person who has committed past crimes which are not 'serious crimes' (e.g. murder, rape or torture cannot be dealt with by CAVR), may apply to have their offence handled by CAVR instead of the courts. According to this procedure, an applicant first supplies a statement in which he/she admits to particular actions. This statement is then sent to the General Prosecutor who determines whether to exercise jurisdiction over the case or refer it to CAVR. In the latter instance, CAVR organises a hearing in the community where the crimes occurred. At the hearing, the perpetrator or deponent, victims and community members all speak before a panel of respected community leaders headed by a CAVR Regional Commissioner who facilitates the process which, all being well, culminates in a community reconciliation agreement binding on the perpetrator. An agreement may comprise community service, such as contributing to the rebuilding of a school or a victim's house, a payment to a victim, public apology or other acts. The agreement is registered with the District Court and when completed the perpetrator receives a permanent

stay of civil or criminal prosecution for the acts included in his statement.

CAVR set itself a target of 1000 cases. As of the end of January 2004, CAVR had received over 1500 applicants, exceeding its target by 50% and demonstrating the appeal of this process to both perpetrators and victims.

Why is it working so well? More study needs to be done and the first of three independent evaluations is currently being conducted. In general terms, however, its appeal seems to lie in two key factors: one, it addresses what is most important in a communal society, the restoration of relationships and a sense of community; and, two, it does this in a highly localised, familiar, participative, and culturally appropriate way, including a role for traditional leaders and indigenous adat practices.

The sense of exclusion or not feeling 100% part of one's community sits heavily with an East Timorese. Life in East Timor is highly socially interactive and takes place outdoors and in groups, even in the towns. Many deponents contacted some weeks after their participation in a reconciliation hearing say that the change they appreciate most is that they can now leave their house and walk around without restriction, whereas previously they were reluctant to do this. Now they say (using the Tetun phrase): 'I can go up, I can go down'. Life is back to normal, there is peace. As already explained, most cases addressed by CAVR involve low-level perpetrators and even sometimes individuals who may not have committed a crime but have an association with the militia, e.g. as guards, or an association with Indonesia that works against full acceptance and needs to be put right. A school teacher in Metinaro, for example, supported continued association with Indonesia in 1999 out of personal conviction, but did nothing wrong. After the popular consultation in August 1999, which resulted in a 78% vote for independence, he went to West Timor but came back after 6 months because he missed East Timor and his community. He was not subjected to any threats or violence, but he was not permitted to teach again because of his previous pro-autonomy stance. He made use of the CAVR process to explain to two communities that he had changed his mind and wanted to apologise. CAVR interviewed him two months later and asked if there had been any change in his life since the CAVR Hearing. In response he said he felt like a new man: he had his teaching job back, he was attending church meetings, he felt proud and confident. 'CAVR', he said, 'was like the shade of a tree: a cool place where we can sit and resolve our differences'. The rebuilding of social capital which this example illustrates is clearly fundamental to social cohesion and progress.

Other programs

Another important aspect of CAVR's work, sometimes under-reported, is the stress CAVR has placed on being victim friendly. The emphasis on restorative support work with victims can be seen in a number of different programs. These include training in trauma identification (both in victims and in themselves) for statement-takers; victim hearings in every sub-district at the conclusion of CAVR's 3-month cycle of work; and participation of victims in statement-giving, public hearings and community reconciliation processes. CAVR has conducted

some 240 community profile workshops for victims focussed on the collective impact of human rights violations. It has also conducted 4 national healing workshops for seriously affected victims and has been involved in a wider project to disburse funds from a World Bank 'Urgent Reparation Scheme' to several hundred particularly needed survivors of human rights violations.

Mention should also be made of CAVR's outreach to East Timorese in Indonesia and particularly the refugee community in West Timor. Starting in 2001 after the adoption of the CAVR legislation, initiatives were taken to engage with East Timorese who voted pro-autonomy in 1999 and included holding several meetings in Indonesia with their political representatives, visits to West Timor and invitations to testify at public hearings in Dili. In 2003, CAVR—working with 18 members of West Timorese NGOs, and supported by both the Governments of Timor-Leste and Indonesia, conducted an intensive 6-month information program in refugee camps in West Timor. As mentioned, this included collecting statements to ensure that all sides were heard. CAVR also stationed staff at the Batugade Transit Centre to welcome and brief returnees.

Final Report

CAVR is obligated in law to submit its Final Report by October 2004. This Report will be between 1000-1500 pages in length, plus an Executive Summary of some 150 pages, and will be the most comprehensive historical analysis of the incidence of human rights violations, their background and issues of responsibility, which has been possible to date. It is hoped that the Report will also contribute to the healing process for victims by providing official recognition of their experience and suffering and helping reduce residual anger and the potential for a recurrence of violence. The Report will also include recommendations to the Government of Timor-Leste and other stakeholders, including steps to be taken to ensure past violations are not repeated. The Report will be available in Indonesian, Portuguese and English and will also be produced in a popular Tetun print and video version.

Achievements

Reference has already been made to a number of significant achievements such as CAVR's community reconciliation program, work with victims, national public hearings, fund-raising, high level political support and other initiatives. Here I wish to add four others.

1. The first is East Timorese ownership of the basic concept and process, which is fundamental to the success of the project.

CAVR owes its origins to the resistance movement under the umbrella organisation led by Xanana (now President) Gusmao. The inclusive, unifying, participatory ethos he developed in CNRT, which brought former feuding and fractious ideologies and political opponents together on common ground, is the fundamental inspiration behind CAVR. This has then translated into high level support (including within the Government, Church and civil society), recognition of CAVR in the Constitution and by the current Timorese national parliament, and

trust in the process. The most dramatic illustration of this trust occurred at the CAVR Public Hearing on internal political conflict held in December 2003 when the leaders of the five historic parties courageously testified about the tragic events of 1975. The result, to quote East Timor expert James Dunn, was ‘an extraordinary demonstration of reconciliation, the outcome far exceeding expectations’. The leadership of the Commission is also fully East Timorese. Though the legislation provided for at least one international Commissioner, all seven Commissioners are East Timorese appointed on the basis of their integrity and competence after a national consultation by a representative panel of East Timorese organisations.

2. Second, CAVR’s contribution to peace and stability in Timor-Leste should be highlighted. In 2000, when the basic concept of the Commission was being developed, international observers commonly predicted that if militia-related refugees associated with the violence of 1998-1999 returned from West Timor they would be met with widespread ‘payback violence’ by their communities. This has not happened. Instead there is a national acceptance of the principle of reconciliation and commitment to a peaceful future, rather than revenge for past wrongs. CAVR, which is the major systematic process put in place to address past division and conflict, must be given credit for a significant contribution to this national achievement, although other factors have contributed.

3. Third, CAVR’s contribution to capacity-building should be noted. It has built a successfully functioning organisation involving some 300 persons, all of whom have been trained or learned on the job in a variety of areas, from management to human rights, human resources and financial management. This is a rich resource for future human rights organisations such as the Provedor (Ombudsman for human rights and corruption) due to be established in 2004.

4. Fourth, CAVR is making a contribution to the developing field of transitional justice, including through its linkages with other Commissions through initiatives such as the ‘Managing Truth Commission’s network being facilitated by the New York based ICTJ. CAVR was twice mentioned as a successful model for post-conflict situations during a recent discussion in the Security Council. A constant stream of researchers and academics, including from Japan, are monitoring or writing about the Commission, particularly its innovative grass-roots work in community reconciliation. Other societies in conflict in the Asia-Pacific region have shown interest, including the Philippines, Burma, Solomon Islands, Sri Lanka and Indonesia.

Challenges

Following are some of the challenges faced or to be faced by CAVR, divided into four clusters.

1. Intellectual challenges

The very notion of reconciliation presents its own challenge, particularly to a society emerging from traumatic conflict and hungry for justice. For many, it conjures up religious overtones, for others notions of ‘forgive and forget’ or sometime ‘amnesty’ because some

automatically associate the term ‘Truth Commission’ with South Africa’s famous Commission which gave amnesty in certain instances. The word runs into particular trouble in Timor-Leste amongst those who are (rightly) committed to conventional, retributive justice—especially for serious crimes, and feel that work to date in this area has not been satisfactory. In this context, CAVR has, in a sense, had to redefine ‘reconciliation’ and ‘justice’, emphasising that both are about what is most important to East Timorese, namely relationships, and the need for positive restoration of individuals, local indigenous processes, and social re-integration if peace at the community level is to be achieved. This concept is captured well in a statement by an East Timorese NGO made in December 2001. Appealing to an East Timorese leader who was visiting from West Timor, the NGO said: ‘Please go and tell the East Timorese in West Timor that people are ready to forgive. People have received each other and embraced each other. The only missing piece is justice. Please ask them to come back and set things right. We must never be divided again’.

The obligation to be impartial and inclusive is also difficult to realise in practice. Reference has already been made to largely failed attempts to fully involve representatives of the pro-autonomy community outside Timor-Leste. CAVR is fully aware that its findings may be dismissed in some quarters as predictable and biased because they only represent the independence view. This can only be countered by professionalism—including the use of recognised independent international expertise, and on-going initiatives to include other perspectives, including from official circles in Indonesia.

2. Logistical and organisational challenges

The logistical and organisational challenges faced by CAVR have been awesome. This is the first Commission of its kind in Timor-Leste, indeed the Asia-Pacific region. Though it benefited much from the experience of other Commissions, it is still a pioneering enterprise which filled Commissioners and staff alike with trepidation. Further, it had to be established in a vandalised country of extreme poverty where most buildings had been destroyed and, to this point, communications remain extremely basic. Until very recently, the only reliable means of contact between the national office and CAVR’s approximately 200 staff in the field was by road, many of which are in poor condition. No government funding was possible. The Commission has therefore had to raise all of its US\$5.1 million budget from international donors, a task of considerable magnitude. Language has also presented particular challenges. Leaving aside the 30 or so local languages which victims may or may not use, e.g. in giving a statement to CAVR, CAVR employs four languages on a daily basis: Tetun, Indonesian, Portuguese and English. The time and cost factors this involves are clear from the reference above to the multi-lingual production of the Final Report.

3. Scope of the work and timetable

The 25 year time period 1974–1999 is a complex minefield, replete with sensitive and controversial challenges. Trying to establish the truth on such issues over this length of time is ambitious. It has also placed considerable pressure on CAVR. Adding to the challenge is the deadline prescribed in the CAVR legislation which requires it to submit its report by October 2004,

a short 2 and a half years after CAVR commenced its work. To meet this deadline, CAVR will complete its field work and significantly downsize by the end of March 2004, whether or not it has been able to respond to all community requests. The current consensus that truth commissions should start their work and achieve a substantial measure of closure soon after the conflict period may have to be re-examined in the light of CAVR's experience.

4. Future

CAVR will address a number of challenges in formulating recommendations for its Final Report. Amongst them will be what to do regarding uncompleted reconciliation cases, the related issue of disposal of assets, serious crimes identified in CAVR's inquiry but outside the current mandate of East Timor's Serious Crimes process, memorialisation, victim needs, and the long-term preservation of the records and documentation CAVR has generated and collected for access by future generations.

Support from the international community

Timor-Leste has been an international project for many years and, hopefully—at least in some respects—will remain so. Though proudly independent, and rightly so, there is very little in contemporary Timor-Leste that does not owe something to the international community—banks, currency, donors, petroleum, language, consumer economy, legislation, the Catholic Church, to name just some. CAVR is no exception.

The policy basis for the involvement of the international community in support of CAVR can be found in two key documents: the Brahimi Report and the Japan inspired and resourced Human Security project. In practical terms, this support has been significant and variegated and, in financial resource terms, essential. The United Nations for its part has played an active role in CAVR from its design phase till now, particularly through its Human Rights Office which currently contributes two international staff to the Commission. Given the fundamental importance of reconciliation to the stability and security which the UN is committed to ensuring in Timor-Leste, it is to be hoped that this support continues during the likely follow-up mission to UNMISSET. This support has been very generously supplemented by UNDP, which under Mr Sukehiro Hasegawa's leadership, has been an excellent friend of CAVR. UNHCR has also collaborated with CAVR from its inception. As mentioned, CAVR has received all its funding from external donors.

As stated above, Japan has been the largest donor to CAVR so far contributing US\$1 million in funds. This funding has been used both to provide essential infrastructure and to resource CAVR's core program. The Japanese Government has also shown its support for CAVR through official visits by successive Vice-Ministers for Foreign Affairs and through the personal interest shown in the work of the Commission by successive Heads of Mission, including Japan's current Ambassador to Timor-Leste, Mr Hideaki Asahi. Japanese academia is also taking an interest in the work of the Commission through visits and internet contact. In this regard, CAVR is most indebted to Dr Akihisa Matsuno, Associate Professor, Indonesian Studies, Osaka University of Foreign Studies, who has provided excellent service to the

Commission for many months as senior advisor in the demanding area of historical research.

CAVR is recognised for making a creative contribution to peace and stability in Timor-Leste. This would not have been possible without Japanese assistance. Together CAVR and Japan may have created something new in development policy and practice that will benefit other societies emerging from conflict where Japan is contributing to reconstruction, including the troubled people of Afghanistan.

基本的ニーズと東チモールの国造り

浦元 義照

ユニセフ駐日事務所代表



復興の現状

- 世界に例を見ない素晴らしい復興の成果
- かつて例のない幸運な被援助国
- 逼迫する一般市民の家庭経済
- インドネシア語を話す青年層
- 財政・経済
- 治安
- 正義・平和・和解

● 警察・軍隊・裁判所・国会・大統領府・内閣・省庁はできたがまだ村議会も村長さんは選ばれていない。

● マルタの家族に基本的な保健医療サービスはまだ期待に応えていない。

● マルタの小学校では50%しか卒業していない。



重要課題

市民社会の役割と育成

- 市民社会のニーズを汲み取る地方行政の能力
- 縮小した国際NGO—今後の役割
- 短期的に結果を出し、政府に対する信頼を育てる
- ポルトガル語で教育を受けた指導者層と青年層、一般市民との格差
- 基本的サービスを市民に持続的に提供し続けられるか？
- 説明責任、汚職、縁故びいき
- 一般市民の期待に応えきれない公的サービス
- 初等教育の充実
- 保健医療

Our vision is that

"By 2020, the East Timorese people will be *well educated*, healthy, highly productive, democratic, self-reliant, espousing the values of nationalism, non-discrimination and equity within a global context"

Source: Our Nation, Our People

A "Singapore" in Timor-Leste by 2020?

我々のビジョン

"2020年までに、東チモールの人々は良い教育を受け、健康的かつ非常に生産的で、民主的で自立し、グローバルなコンテキストにおいて、愛国心と非差別、そして公正といった価値観を支持するようになるであろう"

出典: Our Nation, Our People

2020年までに東チモールを第2の"シンガポール"に？

子どもたちに関する統計

国	5歳未満死亡率	小学校就学率 【女】	飲料水普及率	トイレ普及率	予防接種普及率 DPT3 (1歳児平均)	1人あたりGNI (US\$)
東チモール	126	67 %	40 %	20 %	57 %	520
シンガポール	4	92 %	100 %	100 %	92 %	20,960
フィリピン	38	93 %	88 %	83 %	70 %	1,020

Source: UNICEF

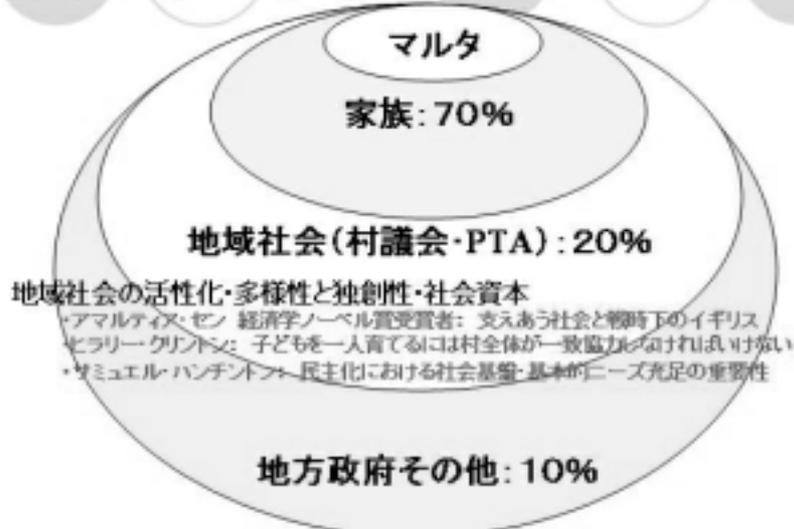
マルタの選択

- 学校運営委員会を通して地域のルールと予算を作り、実施する能力の向上
- 医療サービス受益者の組織化とその運営
- 「寄り合い」ネットワークの活性化
- 農協の普及
- 村議会の設立と選挙
- 中央政府各省庁のインフラ整備
- 財務省の効率的で透明性のある財政運営
- 司法制度の拡充
- 警察の治安維持能力の向上
- 中央行政機構で働く公務員
の能力開発
- 国会の立法制定能力の向上

マルタにとって良い統治とは？

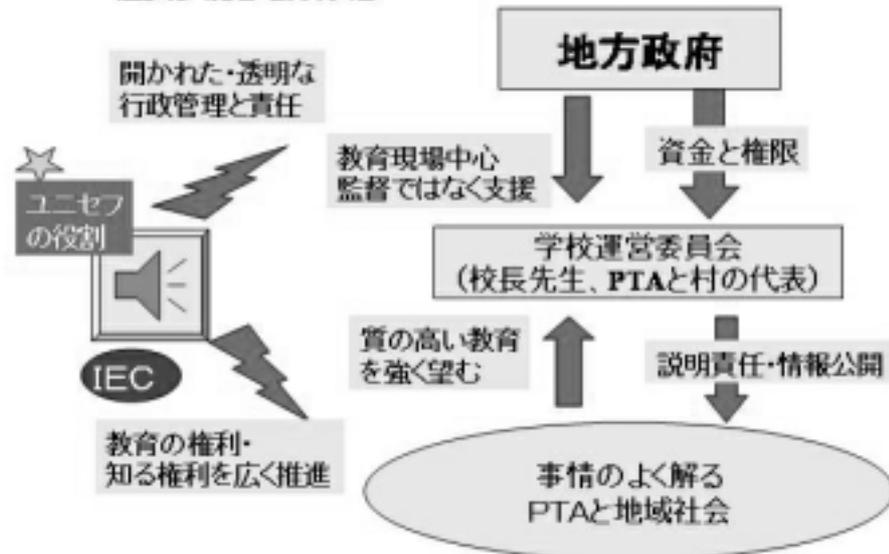
- 住民のニーズは1に教育、2に保健、3に農業
(シヤナナ大統領の主導した2000年の国民の意見調査)
 - 民主主義も、基礎教育と基本的保険医療サービスが尊重されなければ、絵に描いた餅
1. 基本的ニーズの充足－主役は誰か？
 2. 人的資源の重要性
 3. 基本的サービスを提供する際の説明責任と
資源管理の透明性... “求められる公正さ”？
 4. 住民参加型の基本的サービス
＝良い統治 (Good Governance)

国造りに際し 誰をサポートしていくべきか？



数字は基本的ニーズ充足のため必要な
人的・知的・社会経済的資源のたまかな貢献度を示す

- ・教育を受ける権利の保護
- ・教育サービスの拡充
- ・住民参加と地方分権





- **子どもたちが学校で学び、両親と共に健康な生活を送れることが平和と安定の社会基盤である**

日本の貢献

- **人とお金？**
 - 最大資金援助国・UNTAETへの人的貢献は限られていた
- **現金か物か？**
 - 素晴らしいラジオの配給(1999)
 - 1999年12月には学校に帰ってきた子どもたち:
それを助けた日本の援助(ユニセフの学校再建プロジェクト)
 - 日本の資金援助による“人間の安全保障プロジェクト”:
学習の質の向上・学校運営委員会(申請中)
 - 日本政府の援助によるユニセフ母子健康保健改善プロジェクト
- **将来の課題**
 - 足りない“人”:人材をどう育てるか？
 - “人間の安全保障”はマルタを助ける

第1次東チモール派遣施設群 活動の概要

小川 祥一

元第一次東ティモール派遣施設群長／防衛庁統合幕僚会議事務局

第1次東チモール派遣施設群
活動の概要

群長 1等陸佐 小川祥一











編 成・装 備



小型ドーザ



主要諸元

全長：約4.3m

全幅：約2.2m

全高：約3.0m

重量：約5.1t

排土板幅：約2.2m



中型ドーザ (13t級)



主要諸元

全長：約4.9m

全幅：約3.5m

全高：約2.7m

重量：約11t

排土板幅：約3.5m



油圧ショベル (装輪式)



主要諸元

全長：約9.5m

全幅：約2.5m

全高：約3.7m

重量：約18.5t

走行速度：約35Km/h

バケット容量：約0.8m



トラッククレーン



主要諸元

全長：約11m
全幅：約2.5m
全高：約3.5m
重量：約27t
走行速度：約49km/h
最大定格荷重：20t



クローラダンプ（資材運搬車）



主要諸元

全長：約4.7m
全幅：約2.2m
全高：約2.2m
重量：約5t
最高速度：20km/h
最大積載量：約3t
クレーン揚重能力：約2t



移動・展開



移動・輸送手段



空自C-130



民間航空



海自「おおすみ」のLCAC





主要な任務

3 民生支援

被災民輸送支援

UNHCR収容施設施設整備

RSC敷地造成作業

第1中隊の作業状況

エルメラ橋梁架設作業
9/1～9/13




第2中隊の作業状況

道路の維持補修 作業名「羅臼」
 5/6～8/27






第3中隊の作業状況

SPOD作業
 6/24～9/3



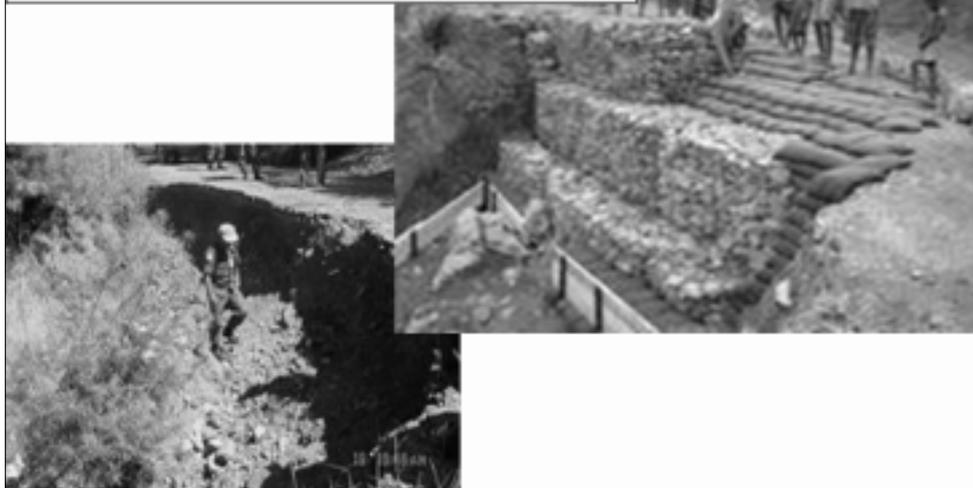


第4中隊の作業状況



道路の維持補修 トウミン～パサベ間

5/3～5/16



独立記念行事関連作業



式典会場における給水施設の構築（作業開始4/16、作業完了5/14）



コモロ空港施設整備作業（作業開始4/22、作業完了5/16）





施設器材操作教育



1 経 緯

東チモール政府交通・通信・公共事業省とUNMISET
(工兵課・施設群)の調整によって、施設器材操作教育につ
いて合意

2 期 間

7月29日～9月上旬

3 被教育者

東チモール政府職員：6名

4 教育対象器材

ブルドーザ、油圧ショベル



施設器材操作教育



開講式における
長谷川国連副特別代表祝辞



カメア川河川改修作業での実地教育