

Self-determination in Timor-Leste



**Extract from Chega! the report of the Timor-Leste Commission for
Reception, Truth and Reconciliation (CAVR)**

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**Extract from *Chega!* the report of the Timor-Leste Commission
for Reception, Truth and Reconciliation (CAVR).**



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Published to mark the 10th anniversary
of the Popular Consultation of 30 August 1999
and to honour all who made that historic day possible.

30 August 2009

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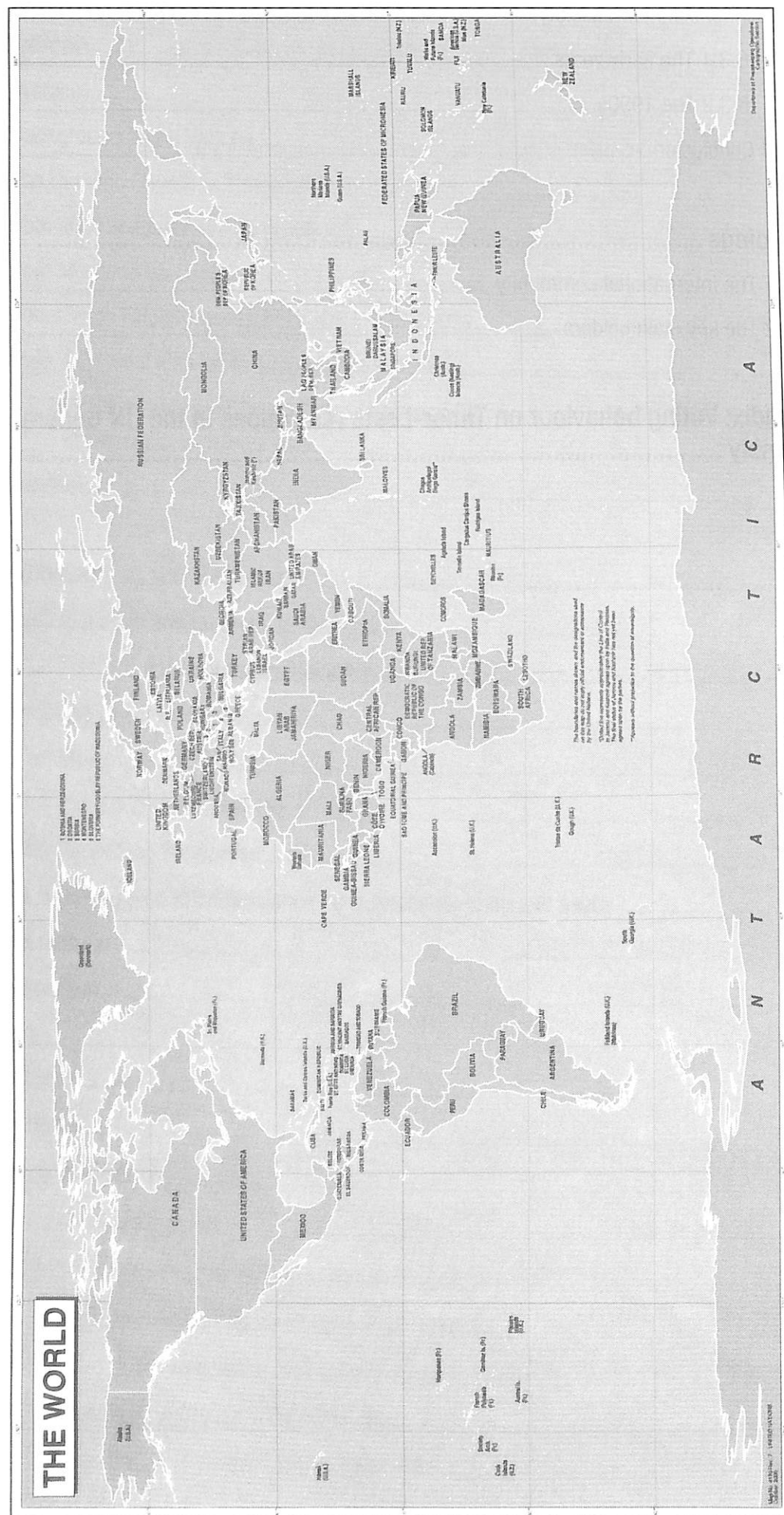
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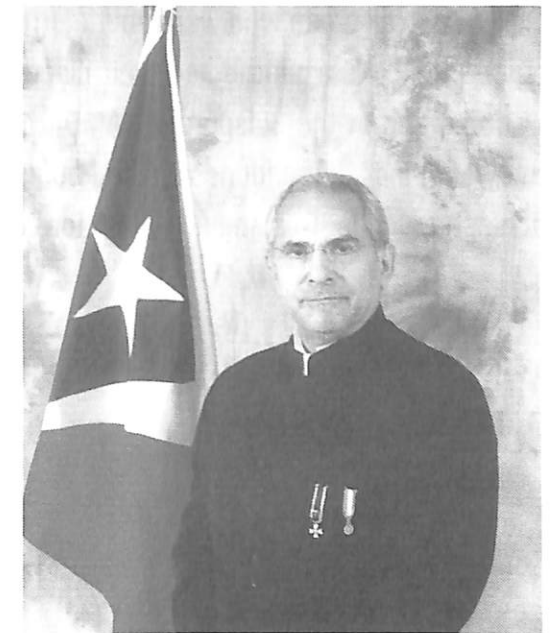
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Foreword

President José Ramos-Horta



There have been many major turning points in our long history, but the Popular Consultation of 30 August 1999 must be ranked as one of the most significant. That single day climaxed a protracted and painful struggle to achieve our basic right of self-determination and marked a fundamental change in the course of our history. After generations of colonialism, it set the stage for us to join the community of independent nations and to shape our own future, politically, socially, economically and culturally. It was an epic achievement.

I had to cast my vote in Australia and was not able to share that momentous day with my compatriots in Timor-Leste. Nevertheless, as an East Timorese who had spent most of my adult life working for our right to self-determination, particularly in the UN but also all over the world, 30 August 1999 was also a deeply personal moment I shall never forget.

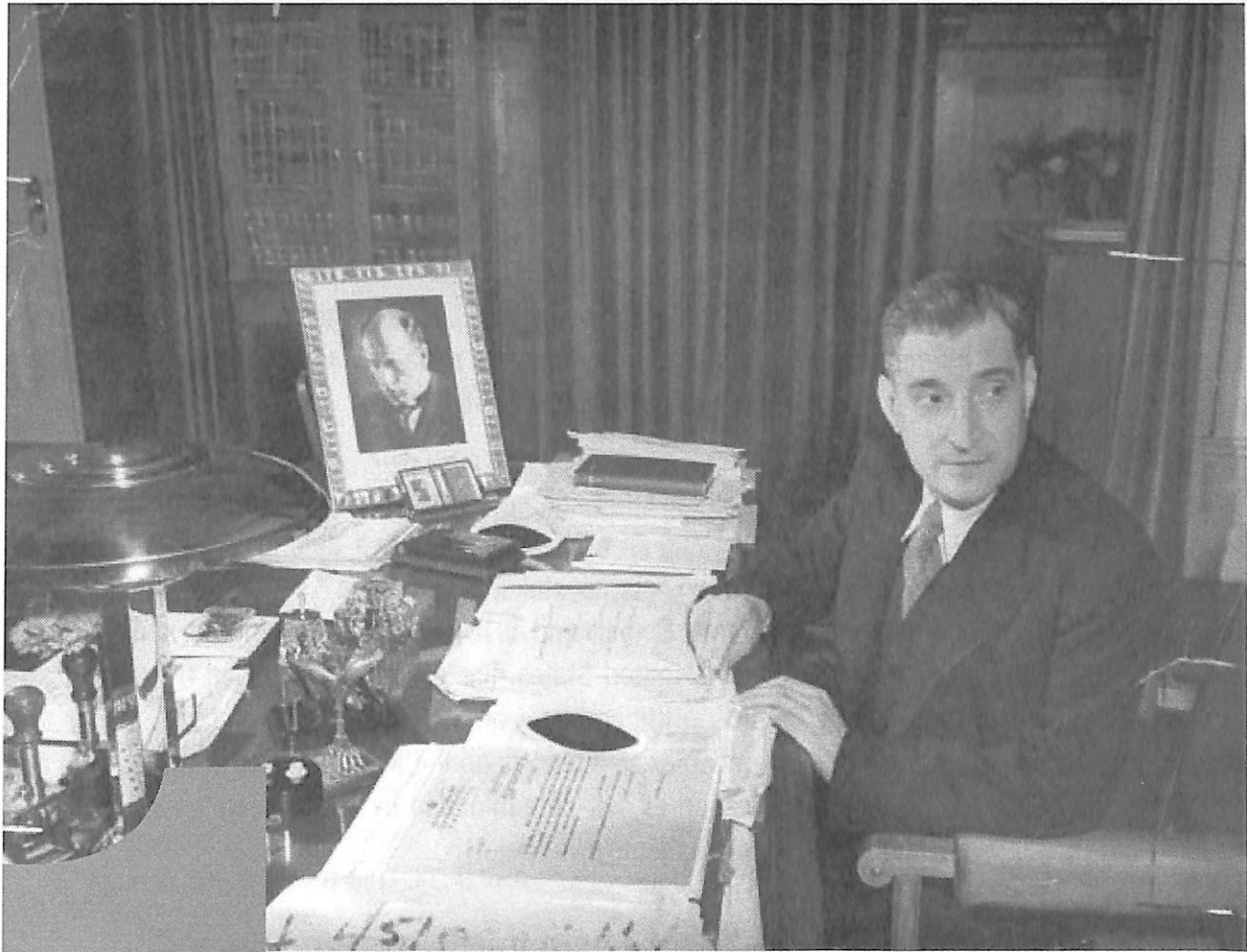
The Timor-Leste truth commission, CAVR, documented this historic day and the long struggle that preceded it, in its excellent report *Chega!* On the occasion of the tenth anniversary of the Popular Consultation, I am delighted to support the stand-alone publication of this part of *Chega!* and wish to congratulate the Post-CAVR Technical Secretariat and UNMIT for this initiative. I hope it will be widely read and discussed.

Many colonial peoples enjoyed a non-violent and relatively easy passage to independence years before Timor-Leste. This was not Timor-Leste's experience. *Chega!* records the extraordinary challenges and forces that worked against Timor-Leste's interests and that have left us such a difficult legacy.

This publication is therefore also an opportunity to acknowledge our nation's profound debt and

gratitude to all those who were not deterred by these challenges and who, faithful to internationally-agreed principles, contributed their blood, sweat and tears to our struggle. They include Timorese, at home and in the diaspora, UNAMET, and institutions and civil society friends in many parts of the world, including Indonesia. The Popular Consultation was an achievement of global partnership against the odds. This should not be forgotten as we work together now to build our new nation.

Dili, 30 August 2009



António de Oliveira Salazar, founder of the authoritarian regime that controlled Portugal 1932-1974

Self-determination

1. Introduction

1.1 Preface

1. This chapter focuses on the right of the people of Timor-Leste to self-determination and the extent to which that right was upheld or denied particularly within the international community.

2. The right to self-determination is a fundamental and inalienable human right. It forms Article 1 of the two major human rights instruments (the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights) because of its importance to the international order and the protection of individual rights. The International Court of Justice has recognised the right to self-determination as one of the most important human rights, and as “the concern of all states”.¹

3. Self-determination is fundamental because it is a collective right of a people to be itself. The struggle to enjoy this right above all others was the central defining issue of the Commission mandate period. This period began with the decision of the colonial power in 1974 to recognise this right after 14 years of denial and ended with the decision of the occupying power to recognise it in 1999 after 24 years of denial. In the interim, the people of Timor-Leste made extraordinary sacrifices to realise this right. It was essential to the survival, identity and destiny of Timor-Leste.

4. This chapter examines the record of key international institutions and governments in meeting internationally agreed obligations to protect and promote the right to self-determination of the people of Timor-Leste. These comprise the three main external stakeholders in the issue – Portugal, Indonesia and Australia – plus the United Nations Security Council and its five Permanent Members, namely China, France, Russia, the United Kingdom and the United States. Japan is also examined because it was an elected member of the Security Council in the crucial years 1975 and 1976 and was Indonesia’s principal regional economic partner. The chapter also reports on the important role of the Vatican and on the decisive contribution to the realisation of self-determination by Timor-Leste’s diplomats and diaspora carried out in partnership with international civil society.

1.2 The right of the people of Timor-Leste to self-determination

5. The right of the people of Timor-Leste to self-determination was clear-cut and formally acknowledged by the international community. The United Nations Security Council and General Assembly affirmed the existence of this right and the responsibility of all states to respect it on many occasions from 1960 on.² The acknowledgment of this right established the legitimacy of the East Timorese cause in international law and sharply distinguished it from disputed claims to self-determination by some other peoples.

6. Self-determination is a collective right that “all peoples” have to determine their destinies. This right entitled the people of Timor-Leste to three things: a) to freely decide their political status; b) to freely pursue their economic, social and cultural development; and c) to freely dispose of their natural wealth and resources.³

7. The right to self-determination entitled the East Timorese people to bring their colonial situation to an end by choosing freely between independence, free association with an existing state, or integration with an existing state. This decision was required to be made through a free and genuine expression of their will. To be internationally acceptable and valid, a people’s decision about its future must be the outcome of an informed, fair and democratic process, free of outside intervention and threats, conducted impartially and preferably supervised by the United Nations. Because this right belonged collectively to all the people of Timor-Leste and not a particular group, its exercise was also required to be representative. The people of Timor-Leste also had the right to struggle for self-determination and to seek and receive support for their struggle. States were entitled to respond to such requests for moral and material assistance.⁴ States are not permitted to use inadequacy of political, economic, social or educational preparedness as a pretext to delay independence.⁴

8. The right of the East Timorese people to self-determination also encompassed a right to be free from foreign subjugation and entitlement to freely determine how their natural resources should be dealt with and disposed of.

1.3 Obligations of states

9. As a result of the right held by the people of Timor-Leste to self-determination, certain obligations fell on states members of the United Nations. As the administering power, Portugal had particular obligations. It was required under Article 73 of the UN Charter to accept as a “sacred trust” its obligation to promote to the utmost the well-being of the Timorese people and:

- to ensure the political, economic, social and educational advancement of the East Timorese people, and protect them from abuses;
- to develop self-government, take account of the political aspirations of the people and assist them in developing free political institutions; and
- to regularly transmit information to the UN Secretary-General regarding the situation in the territory.

* These two assertions are based on General Assembly Resolution 2105, 20 December 1965 and the *UN Declaration on Principles of International Law Concerning Friendly Relations and Co-operation Among States in Accordance with the Charter of the UN*, General Assembly Resolution 2625 (XXV), General Assembly Plenary Session 1883, 24 October 1970. See Suzannah Linton, Consultant Legal Advisor to CAVR, “The Right to Self-Determination in International Law”, a submission made to the CAVR National Public Hearing on Self-determination and the International Community, 15-17 March 2004.

10. In addition, all states have certain obligations in respect of the right to self-determination. All states must respect and promote the right of peoples to self-determination⁵ and to take positive action to facilitate its realisation.⁶ In particular all states "must refrain from interfering in the internal affairs of other States and thereby adversely affecting the exercise of the right to self-determination."⁷ States must refrain from any forcible action that deprives a people of its right to self-determination.⁸

11. Where the right of a people to self-determination is being denied, all other states are obliged to recognise that situation as unlawful, and must not take any action that aids or assists in its maintenance.⁹

12. In 1975, and again in 1976, the UN Security Council called upon "all states" to respect the inalienable right of the people of Timor-Leste to self-determination and the territorial integrity of Portuguese Timor.¹⁰ All members of the United Nations are bound to comply with these resolutions of the Security Council.¹¹ The Security Council also imposed specific obligation on Indonesia and Portugal, which were both bound by those resolutions. It called upon Indonesia to withdraw its troops from East Timor,¹² and on Portugal to cooperate with the United Nations to enable the East Timorese people to freely exercise their right to self-determination.¹³

13. The Commission concludes that the obligations on states were as follows:

- To respect the right to self-determination and to promote its realisation.
- Not to use force to suppress the right to self-determination.
- Not to do anything that may weaken the right of a people to self-determination.
- To provide assistance to peoples engaged in struggles for self-determination.
- Not to provide assistance to a state that is involved in suppressing the right to self-determination.
- Not to recognise as lawful a situation arising out of the denial of a people's right to self-determination.

1.4 The international context

14. The international community was agreed on the principles and procedures that should govern the decolonisation of Portuguese Timor but many key governments took a different approach to the issue in the 1970s than they did in the late 1990s.

15. A number of external factors worked against Timor's interests and due process in the 1970s. These included preoccupation with unprecedented ideological conflict at the international level and domestic crises of varying degrees of significance within the countries most closely involved with Timor-Leste. These issues were immensely important in their own right and affected countless human lives. However, they also impacted on Timor-Leste by diverting attention from the issue and colouring, if not distorting, official attitudes.

16. The dominant issue of the day was the Cold War. This was the open, yet restricted, rivalry that developed after the Second World War between the US and its Western allies and the Soviet Union and its allies, until the collapse of the Soviet Union (USSR) in 1991. This East-West rivalry was an ideological contest between the capitalist and communist systems, but was also commercial and military. It divided Europe, symbolised most vividly by the Berlin Wall that isolated West Berlin from communist-controlled East Berlin and East Germany. It also divided the Third World, after it became an arena of superpower competition following the establishment of a balance of power in Europe. The Soviet Union championed decolonisation. The competition did not result in direct military conflict between the US and the USSR, but it did involve military action or proxy wars in a number of countries, including in the Asian region. The rivalry generated great tension that was felt at every level of society in many countries and influenced public opinion on many questions. It also led to massive military expenditure and an arms race which included a build up of missiles and nuclear weapons that threatened the future of the world. The international community divided into Eastern, Western and Non-Aligned blocs around the issue and voted on many questions at the UN in line with geopolitical dictates rather than the merits of the issue under consideration.

17. Against this background, communist gains in Asia, which peaked in 1975 with the defeat of the US in Vietnam and communist victories in Laos and Cambodia, alarmed the US and its allies and worked against Timor-Leste's interests. Indonesia and other strongly anti-communist governments in the region, including Australia, New Zealand and members of ASEAN, were determined to work together to contain further advances. Left-wing developments in Portugal and Portuguese Timor were viewed with varying degrees of apprehension, particularly in Indonesia. But they also worked in favour of Indonesia which was able to exploit the issue against Fretilin, to maximise Indonesia's importance to the West as a bulwark against communism and to gain strong political, military and commercial backing from the US and the West.

18. The political ferment of the 1960s and 1970s also indirectly benefited Timor-Leste. The period witnessed the emergence of new political and civil society movements for peace, human rights, disarmament, development and social justice – due in large part to disillusionment with the Soviet Union and Cold-War related tragedies such as US involvement in the Vietnam War. They demanded a say or participatory democracy and were motivated by concern for the future of the planet if decision-making

was left to the superpowers and big government and business. This search for alternatives was also felt in faith communities across the world, including in the Catholic Church following the Second Vatican Council in the 1960s. These movements became the backbone of international civil society support for Timor-Leste.

19. Lack of official enthusiasm for East Timorese independence was compounded by a sense that mainstream decolonisation had run its course. Most of the large colonies of the European powers – Britain, France, the Netherlands, Germany, Italy and Belgium – were already independent or, in the case of Portugal, in the process of becoming independent. Decolonisation started in the Middle East in the 1920s and was followed by a second wave in Asia in the 1940s and 1950s when India gained independence from Britain and Indonesia from the Netherlands. The process peaked in the 1960s with the third wave of emancipation when no less than 42 countries, mostly in Africa, gained independence and membership of the United Nations. In this context, issues like Timor and Macau were seen in some quarters as vestiges of colonialism that were unsustainable as independent states and best dealt with through incorporation into a larger entity, in some cases former colonies, with which they shared a border and other features. Goa's absorption into India was often referred to in this connection. From this perspective, Timor's future was historically inevitable and only conceivable as part of Indonesia even though, in reality, the territory was larger than some of Portugal's African colonies and many newly independent states.

20. At the level of national politics, the three key stakeholders – Portugal, Indonesia and Australia – experienced varying degrees of internal challenge and instability during this critical 1974-75 period. These domestic issues added to the preoccupations of key policy-makers and, at least in the case of Portugal, were demonstrably harmful to Timor-Leste.

21. During this period, Portugal experienced a left-wing military coup, attempted counterattacks and several changes of government. In addition to being deeply preoccupied with its own fate, it was also very engaged with the decolonisation of its major colonies in Africa. Indonesia was threatened with economic collapse due to the Pertamina crisis over many months at this time. This occurred when Pertamina, Indonesia's state-owned oil company headed by Lieutenant General Ibnu Sutowo, had trouble repaying substantial foreign borrowings. The crisis threatened the oil dependent Indonesian economy and foreign investor confidence. Rising oil prices had brought Indonesia from poverty to modest prosperity and were crucial to President Soeharto's political programme. Presidential advisors said that Timor was of relatively minor importance compared to the Pertamina crisis and that the latter absorbed ninety percent of the President's time in the months before the Indonesian invasion.¹⁴ President Soeharto's health, always an issue in a highly centralised government, was also problematic towards the end of 1975 when he had a gall bladder removed. Australia too experienced some uncharacteristic political instability during this period. The Labor Government of Gough Whitlam was dismissed in November 1975 following a constitutional crisis leaving a caretaker government in power at the time of the Indonesian invasion. Foreign policy was a marginal issue in the bitter general election held on 13 December 1975.

1.5 Sources

22. The Commission based its research on primary sources as far as possible. The Commission advised most of the governments and institutions referred to in this chapter of its inquiry and sought their input. The Commission wrote to the Secretary-General of the United Nations, the President of Indonesia, the Prime Ministers of Portugal and Australia, and the Governments of Japan, the United States of America, France, the People's Republic of China, and the United Kingdom. No official replies were received but the Commission received considerable assistance from a number of the representatives of these governments based in Timor-Leste. The Commission also made inquiries in Moscow and the Vatican regarding access to documentation.

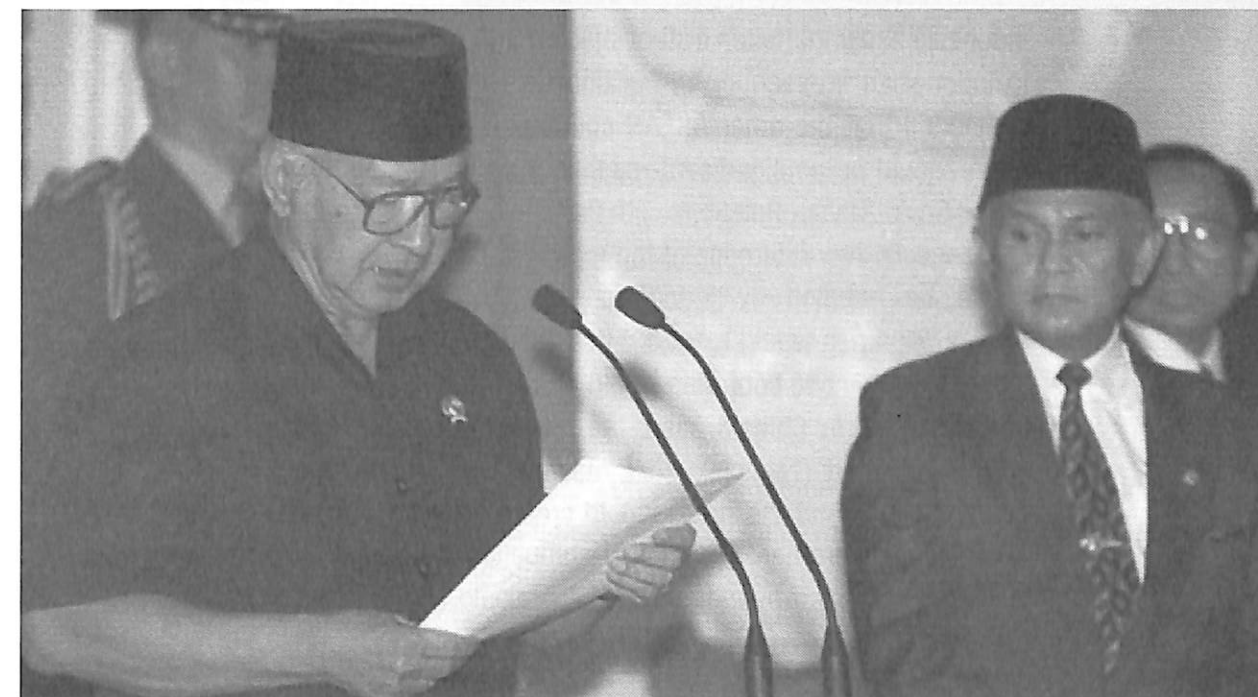
23. A general problem faced by both the Commission and governments was the challenge of finding records dating back some 30 years. Locating and accessing records from the pre-computer 1970s is an administrative and financial challenge, compounded by the need to provide precise identification of particular documents and dates. In most cases, a comprehensive search remains to be done and in cases where freedom of information legislation does not exist or access is heavily restricted, this may not be successful.

24. However, the decision of some governments to release at least some of their confidential records on Timor-Leste greatly assisted the Commission to fulfill its responsibility to establish the truth. The documentation released by the Australian Government for the period 1974-76 was particularly valuable as was the two-volume *Relatórios da Descolonização de Timor* on 1974-75 made available by the Government of Portugal. The Commission also benefited from declassified records released to The National Security Archive by the US Government and Ford and Carter Presidential Libraries, four volumes of declassified material from the Government of New Zealand, and documents released by the United Kingdom and provided to the Commission by Hugh Dowson. The Commission also drew extensively on the records of informative debates and hearings on Timor held by the UN, the US Congress and the Australian Parliament and the collection of basic documents on the Timor question edited by Heike Krieger and published by the University of Cambridge. These were enriched by a report on self-determination prepared for the Commission by Professor Geoffrey C. Gunn, Nagasaki University, Japan and written and oral testimony given to the Commission by former diplomats who served in the UN and the US and Australian governments.*

25. These records are an important part of Timor-Leste's patrimony which most East Timorese are only seeing now for the first time. The Commission is grateful for the cooperation it has received in assembling this material and, in keeping with its mandate, has preserved and organised these archives for future reference. The Commission hopes that governments which have not yet done so will either contribute their records or allow Timorese and other researchers access to official archives for this purpose.

* The Commission is also deeply grateful to John Waddingham, Julia Davey and Peter Carey for their advice and contributions to the research for this chapter.

President Soeharto of Indonesia and his successor President B.J. Habibie



President Soeharto and Australian Prime Minister Gough Whitlam, 1975



2 The United Nations and the three major stakeholders

Indonesia had undertaken a study of likely international reaction to Indonesian intervention in Portuguese Timor...It had been concluded that the other ASEAN countries would not protest. There would be no significant reaction from the United States or the Soviet Union. Relations with Portugal were not important to Indonesia. Any reference of the matter to the United Nations would be handled by Indonesia satisfactorily. The Black African countries would react but this would not be serious for Indonesia. Only two countries would protest vigorously – China and Australia. In China's case, the protest would be routine and stereotyped ("an obligatory reaction"). As for Australia, certain groups and the press would create a commotion. The Australian Government would feel compelled to protest. This would be regretted by Indonesia. But it would all die down in due course.¹⁵

2.1 The United Nations

26. The United Nations (UN) was established in 1945 after the Second World War to maintain international peace and security, to develop cooperation between nations and to promote social progress and human rights. Its members are bound by the UN Charter, an international treaty that spells out their rights and duties as members of the international community.

27. The UN Charter recognises the principle of self-determination and, under Chapter XI, requires members with responsibility for non-self-governing territories or colonies to accept as a "sacred trust" the obligation to promote the advancement of these peoples and their political institutions and to report to the world community on steps to prepare for self-determination.

28. The movement against colonialism gathered extra momentum following the Second World War. Both captive peoples and colonial powers concurred that colonialism, as a system based on domination and inequality, was inconsistent with the fundamental principles of the UN and unsustainable in a changing world. In 1960, to accelerate the process, the UN promulgated the Declaration on the Granting of Independence to Colonial Countries and Peoples. It was adopted by the overwhelming majority of UN members. The Declaration states:

All peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.*

* GA Resolution 1514 (XV). UN Doc. A.RES/1514 (XV) Nine members abstained: Australia, Belgium, Dominican Republic, France, Portugal, Spain, Union of South Africa, United Kingdom and the United States

29. The importance of this document for Timor-Leste is clear from the fact that it was to introduce every General Assembly and Security Council resolution on the issue.

30. The same day, the General Assembly enunciated the different ways in which a full measure of self-government could be achieved by non-self-governing territories. Resolution 1541 (XV) provided three options: independence, free association, or integration with an independent state. It required that integration could only occur when the territory in question had advanced free political institutions and integration was the result of the people's freely expressed wishes based on universal adult suffrage.†

31. In 1961 the UN created a Special Committee on Decolonisation to reinforce the Declaration.† Its principal role is to advise the General Assembly on ways to promote decolonisation and independence and to alert the Security Council to developments in non-selfgoverning territories that could threaten international peace and security. It has no powers to enforce its resolutions or recommendations, but is mandated to travel widely, to hold hearings and to gather first-hand information about the situation in territories, including the wishes of the people about their future. Deliberation on decolonisation is also conducted in the General Assembly's Fourth Committee.

32. As a result of these initiatives, the decade of the 1960s is often described as the decade of decolonisation and independence. No less than 42 countries, mostly in Africa, gained independence and membership of the UN during the 1960s, more than any other decade during the history of the UN. However, Timor was not to join them for another 40 years.

33. The right of the people of Timor-Leste to self-determination was recognised on 15 December 1960, when the UN General Assembly listed Timor by name as a non-self-governing territory, along with Portugal's other colonies.¹⁶ This was the first time that the East Timorese were expressly recognised by the General Assembly as a people with a right to selfdetermination. Portugal refused to accept the decision and remained intransigent in the face of international challenges until the change of regime in 1974. The UN decision, however, was profoundly significant. Although it took time to be implemented in practice and was obstructed in many ways until 1999, the decision radically redefined Timor's relationship with Portugal and the international community. It elevated the fate of a small people from colonial obscurity to an issue of international responsibility and made the UN and its organs the primary forum of accountability for their future.

* Principles which should guide members in determining whether or not an obligation exists to transmit the information are called for in Article 73e of the Charter of the United Nations, Principle IX, Annexed to GA Resolution 1541 (XV), 15 December 1960.

† The Committee is also referred to as the Committee of 24 in reference to the number of members. Its full title is Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples.

2.2 Portugal

34. Portugal joined the UN in 1955. An amendment in 1951 to the Portuguese Constitution of 1933 abolished the Colonial Act of 1930 and incorporated the colonies as “overseas provinces”. The indigenous inhabitants were not consulted about this change in their de jure status. Portugal abstained when the General Assembly adopted the Declaration on the Granting of Independence to Colonial Countries and Peoples in 1960, refused to report to the UN under Chapter XI of the UN Charter, and resisted other UN initiatives including Security Council resolutions in 1963 which criticised it for non-compliance and upheld Portuguese Timor’s right to self-determination. The Salazar-Caetano regimes insisted that Portugal was a “pluri-continental” state in which its peoples exercised self-determination through participation in the Portuguese political process. The Portuguese Prime Minister, Dr Antonio de Oliveira Salazar, also believed that the global decolonisation process was being driven by Third World and communist countries intent on the disintegration of Western Europe and that the West was appeasing the majority through the UN.¹⁷ This stalemate continued until 1974.

35. The socio-economic situation in Portuguese Timor was backward and largely stagnant during this period. Australia’s consul to the territory, James Dunn, reported in 1963:

Portuguese Timor is a poor and extremely underdeveloped territory. It has no secondary industries, poor mineral resources and low-level subsistence production in agriculture. Very little has been done by the Portuguese to remedy these weaknesses and there is no evidence of any genuine effort to overcome them in the foreseeable future.

36. Dunn believed the situation was so alienating that East Timorese might prefer to join newly independent but impoverished Indonesia. He wrote:

The Portuguese in Timor have little real support from the indigenous population...the majority would probably favour Indonesian rule as the alternative to the continuation of Portuguese rule.¹⁸

37. Some improvements occurred in the early 1970s under Governor Fernando Alves Aldeia. But the system was essentially bankrupt leading José Ramos-Horta to comment on his return from exile in Mozambique:

I found my beloved country much the same as I had left it (in 1970). East Timor, under the Portuguese, seemed to sit still in history. The clock of development didn’t tick there.¹⁹

38. In November 1975 the UN described the socio-economic situation in similarly depressing terms.

According to an official Portuguese publication, among factors hindering the development of the territory are a now per capita income, inadequate transport and energy infrastructures, lack of a commercial tradition among the indigenous population, shortages of technically qualified personnel at all levels in both the public and private sectors, lack of financial means, a trade deficit, and heavy concentration of production on a single product, namely coffee.²⁰

39. The depressed condition of the people was given further currency in international circles by diplomats who visited the territory after 1975. Following a visit to Timor in early 1976 by Vittorio Winspeare Guicciardi, Special Representative for Portuguese Timor of the UN Secretary- General, the Australian Government reported:

Winspeare expressed surprise at the ‘backwardness’ of the limited number of people he saw in rural areas near towns and said it was hard to imagine them understanding the issues involved in an act of self-determination. He had been “amazed” at how “primitive” the conditions were of some people, for example, whom he saw in Enclave of Oecussi [sic]. He said he believed their lives would have been fundamentally unchanged by 500 years of Portuguese rule.²¹

40. Following the change of regime on 25 April 1974, the new Portuguese Government accepted its obligations under the UN Charter, and on 24 July 1974 annulled Article 1 of the 1933 Constitution which classified Timor-Leste as national territory, and acknowledged its right to selfdetermination and independence. Portugal formally communicated this radical change of policy to the UN four times between August and December 1974.²² In its resolution adopted in 1974, the General Assembly welcomed the acceptance by Portugal “of the sacred principle of selfdetermination and independence and its unqualified applicability to all the peoples under Portuguese colonial domination”.²³

41. In keeping with the central tenet of this policy; viz, respect for the free choice of the people, the Portuguese Governor, Colonel Mário Lemos Pires, consistently attempted to treat each of the political parties equally during 1975. He disapproved of the actions of Colonel Maggiolo Gouveia, the Portuguese Police Commander, in joining UDT at the beginning of the civil war and on two occasions declined to recognise Fretilin as the sole legitimate representative of the East Timorese people - in September after Fretilin became the de facto administration and again in November after Fretilin declared independence. For the same reason, Portugal also did not recognise the four party declaration of integration with Indonesia.²⁴

42. Following its admission in November that it lacked “the means to assure normalization of the situation in Timor”,²⁵ Portugal referred the issue to the UN to be dealt with according to UN principles and procedures. After the Indonesian invasion it cut diplomatic relations with Indonesia and appealed to the Security Council to obtain an immediate cessation of Indonesia’s military intervention and a “peaceful

and negotiated settlement of the conflict and of the decolonisation process under the auspices of the United Nations".²⁶ Though physically withdrawn from Timor, it acknowledged its duty as administering power to promote self-determination and laid this down explicitly in the Constitution.

43. This principle was maintained throughout the conflict[†] and was endorsed on several occasions in the face of political pressures to the contrary. Two examples can be given. In June 1976, the Portuguese General, Morais da Silva, held secret negotiations with representatives of the Indonesian Government, General Benny Moerdani and Harry Tjan, over the release of 23 Portuguese prisoners held in Indonesia since the civil war, an issue of public concern in Portugal. In exchange for the prisoners, Morais da Silva offered the possibility of recognition by Portugal of Indonesian sovereignty in Timor. He was over-ruled by President-elect, General António Ramalho Eanes, and the incoming Prime Minister, Mário Soares, who insisted that negotiation on sovereignty was conditional on an internationally acceptable act of self-determination.²⁷ On another occasion, in 1987, consideration was given by both Portugal and the United Nations to observing the Indonesian general elections in Timor-Leste as a way of measuring Timorese attitudes towards integration. After a protest campaign by civil society, Portugal instead renewed its commitment to self-determination.

44. In 1991 Portugal further confirmed its commitment to the principle when it instituted proceedings against Australia in the International Court of Justice (ICJ) on the grounds that Australia's Timor Gap treaty with Indonesia infringed, inter alia, on Timor-Leste's right of self-determination. The Court ruled that it could not adjudicate the dispute, but noted that in the view of both Portugal and Australia the territory of East Timor remained a non-self-governing territory whose people had the right to self-determination.²⁸

45. Portugal's decision to decolonise Timor, to maintain in-principle support for self-determination and to withhold recognition of Indonesian sovereignty over 25 years were of critical importance to Timor-Leste's fate. However, despite its repeated policy commitments from 1974 on, Portugal generally failed to translate its principles into sustained practical support until late in the conflict. It mismanaged the decolonisation process in 1974 and 1975 and was generally ineffective as the "administering power" for a significant part of the Indonesian occupation.

46. Lieutenant-Colonel Lemos Pires testified to the Commission that many factors were involved in the breakdown of the decolonisation process in 1974-75, including aggression by Indonesia and political immaturity on the part of Timor's new political parties. A key underlying factor, however, was Portugal's failure to engage the international community both before and after 1974.

47. The former Governor explained that the decision to decolonise was a sudden revolutionary event that took both Portugal and Timor-Leste by surprise. Both were unprepared and ill-equipped for their

* Article 307 of the Constitution of the Portuguese Republic, 2 April 1976, stated: "Portugal shall remain bound by its responsibility, in accordance with international law, to promote and safeguard the right to independence of Timor-Leste." On 7 July 1989, Article 293 was amended to read "to promote and safeguard the right to self-determination and independence of East Timor", Krieger, p. 36.

† Portugal's acceptance of its international obligations for Timor-Leste contrast with its acceptance of India's takeover of Goa in 1961 and Spain's relinquishment of Western Sahara to Morocco in November 1975. Both occurred without a process of self-determination.

respective roles and thrown into turmoil by the decision. This was due in large part to the Salazar-Caetano regime's failure to comply with its international obligations to prepare itself and its colonies for self-government in a systematic, positive way as explained above. Its neglect of its responsibilities and obstinate maintenance of the status quo in violation of UN policy frustrated legitimate decolonisation and contributed to its own downfall and to upheaval both at home and in its overseas territories. It also contributed to the view in Portugal that independence was not a viable political and economic option for Timor-Leste and that the territory should integrate with Indonesia, albeit through a process of self-determination.

48. Although its decision to decolonise was made according to international principles, Portugal declined to internationalise the process by seeking the assistance of the United Nations. In February 1975, for example, a delegation of the Portuguese Government in Timor met with the National Commission for Decolonisation in Lisbon and stressed "the urgent need to clearly define a policy [and] defended the internationalisation of the Timor issue through the UN, especially an appeal to the Third World countries as the only safeguard against Indonesian military intervention".* The Commission decided that an appeal to the UN to dissuade Indonesia should only be used as a last resort. It opted instead to proceed to a third round of secret talks with Indonesia.† This refusal to engage with the United Nations, at least until after the Indonesian invasion, was a costly error. The former Governor, told the CAVR:

The United Nations should have been the principal player in this process...I think it would have been better for Portugal [and] for the East Timorese decolonisation process if Portugal had internationalised the problem from the moment that the need for self-determination was recognised in 1974...The Portuguese Government did not ask the United Nations to be present in the territory...I think that was a mistake.‡

49. Instead of seeking international assistance, Portugal opted to manage the process on its own with few military and financial resources, without a plan and while overwhelmed with the break-up of its African empire and conflict at home. Due to endemic political instability in Portugal, Timor suffered for want of decisive leadership at times of crisis. Government in Portugal was effectively crippled, for example, during the August UDT "attempted coup" and again in November on the eve of the Indonesian invasion. Lieutenant-Colonel Lemos Pires told the Commission:

* João Loff Barreto, *The Timor Drama*, 1981, pp. 25-26. In June 1975 the Commission again declined to internationalise the issue and in September, Portugal assured Indonesia it would only go to the UN as a last resort. Barreto, p. 53. Lieutenant-Colonel Lopes Pires, a military observer at meetings of the National Decolonisation Commission, wrote: "I understood this (internationalisation) to be the only course capable of avoiding what we all desired to avoid, given the systematic deterioration of the situation." Barreto, p. 63. The Australian Minister for Foreign Affairs, Don Willesee, told Parliament on 8 October 1975: "As of this moment, the Portuguese Government...has not put forward any formal proposal for UN mediation in Portuguese Timor." [http://www.whitlam.org/col-lection/2000/20001012_East_Timor_74-75/index.html].

† Portuguese and Indonesian officials met secretly in Lisbon on 14 October 1974, in Paris on 14 November 1974 and in London on 9 March 1975.

‡ Mário Lemos Pires, testimony given to the CAVR National Public Hearing on the Internal Political Conflict 1974-76, 15-18 December 2003. The UN followed the process and held a meeting of its Special Committee on Decolonisation in Lisbon in June 1975, but Portugal did not hand over the issue until December 1975.

*There was not a decolonisation policy for Timor-Leste. The financial support that was given was very limited...The military forces that were allocated were minimal.*²⁹

50. The shortage of Portuguese troops was understandable in the context of the Movement of the Armed Forces' (Movimento das Forças Armadas, MFA) revolution, but it left the Governor relatively helpless at the time of the civil war and left the territory more vulnerable to Indonesian aggression. The hapless situation in which Portugal found itself was vividly highlighted by the Governor's retreat, first to Ataúro then to Portugal.

51. Portugal was fully aware of Indonesia's increasingly aggressive plans to integrate Timor and sought to moderate its actions through diplomatic channels. Throughout this period, however, it appeared to regard Indonesia as part of the solution rather than part of the problem. Its dealings with Indonesia until the invasion on 7 December 1975 were generally secret and cooperative, with an understanding of Indonesia's interests, including assurances the issue would not be internationalised, and notably devoid of public criticism of Indonesian military objectives and interference in Portuguese Timor's internal affairs.

52. Foreign Minister Melo Antunes reportedly did not use the opportunity of the Rome talks with Indonesia on 1-2 November 1975 to present evidence provided by the Portuguese journalist, Adelino Gomes, that Indonesia had massed troops in West Timor and crossed into Portuguese Timor.³⁰ The communique from the meeting described the talks as "frank" but made no mention of Indonesian military activity. It focused instead on the need for talks with the East Timorese political parties "aimed at ending armed strife" and safeguarding "the interests of Indonesia". In statements issued on 28 and 29 November 1975, Portugal blamed Fretilin for the situation and did not mention Indonesia by name.³¹ Only after the full-scale invasion on 7 December 1975, when it was too late, did Portugal directly protest Indonesia's military actions, sever diplomatic relations and take the issue to the Security Council.

53. The former Governor told the Commission that he believed Australia should have been more helpful to Portugal and Timor at this time. He, members of the Australian Parliament, UDT and Fretilin made repeated requests in 1975 for the Australian consulate, which was closed in 1971, to be re-opened in Dili in order to provide an international presence and direct reporting to Australia on the situation. David Scott testified to the Commission that this request was refused on six occasions by the Australian Government.³² According to Gough Whitlam who was Australian Prime Minister at the time, "at no stage did (Portugal)...make specific proposals to Australia or other regional powers".³³

54. Portugal was relatively passive in the international arena during the 1970s and early 1980s. Richard Dalton, an official in the UK Mission to the UN, observed in 1976:

* Portugal downsized troop levels from about 3,000 in 1974 to about 200 by mid-1975. José Ramos-Horta wrote: "In my view, the troop reduction was the single most damaging error committed by the Portuguese in 1974." *Funu: The Unfinished Saga of East Timor*, Red Sea Press, Trenton, New Jersey, 1987, p. 48.

Portugal remains quiet. They indicate privately that they will accept anything that is acceptable to the UN as a whole. They are not trying to get anything done.³⁴

55. This lack of initiative contrasted sharply with Indonesia's diplomatic aggression and contributed to a loss of votes at the UN and a weakening of support for Timor-Leste. The Portuguese government was sometimes slow or unresponsive to critical events in Timor-Leste. It failed, for example, to protest the Indonesian military offensive in Timor-Leste that followed the breakdown of the ceasefire in 1983. This provoked withering criticism from José Ramos-Horta:

[Portugal's] criminal negligence and political cowardice is what have contributed in the last eight years to the erosion of the voting block in support of the right of the people of East Timor to self-determination and independence. After a brief period of one year, under the Government of Prime Minister Pinto Balsemão, during which the Portuguese Government did make some serious efforts to alert the international community to the tragedy of the people of East Timor, we are now returning to the silence and desertion that has been the attitude of the Portuguese authorities from 1974 till 1981.³⁵

56. Some late but positive signs of commitment appeared in the 1980s and gathered momentum in the 1990s. In 1982, under President Ramalho Eanes, Portugal began to address the question systematically and to mobilise its foreign office and diplomats. Also in 1982, the Portuguese National Assembly created the Special Committee for the Accompaniment of the Situation in East Timor. Apart from demonstrating cross-party consensus on the issue, the Committee facilitated the internationalisation of the Timor-Leste question by Portuguese deputies in various fora, including the UN Special Committee on Decolonisation.

57. A major step forward occurred in June 1986 when Portugal joined the European Economic Commission (EEC) and the European Parliament the following year. This was Portugal's first involvement in a significant supra-state organisation. Led by President Mário Soares, and encouraged by the developing unity within the Timorese Resistance, Portugal took advantage of these opportunities to develop support amongst its European partners, particularly Ireland, Greece and Italy. Official activity increased during the 1990s, stimulated inter alia by the public response in Portugal to the demonstrations that accompanied the visit by Pope John Paul II, the emotional impact of young Timorese praying in Portuguese during the 1991 Santa Cruz massacre and the award of the Nobel Peace Prize in 1996. In 1993, for example, Portugal was largely responsible for the adoption of a positive resolution on Timor-Leste by the UN Commission of Human Rights. In what was described by a US diplomat as "one of the most dramatic moments of this year's session", Portugal, with the help of its former colonies, gained the support of the US, Canada and Australia for the resolution. The US mission in Geneva reported:

* Following television footage of the Santa Cruz massacre and community activity led by the East Timor Ireland Solidarity Campaign (ETISC), which was established in Dublin in 1992, Ireland rallied to the Timor-Leste cause from the president down. The Irish Foreign Minister, David Andrews, played an active role in the EU and was appointed as the EU special envoy to Timor-Leste.

The passage of the East Timor resolution represents the successful culmination of a tremendous effort by the Portuguese Government, which played a very tough role in the EC-Indonesia dialogue fending off considerable pressures – including from its closest friends – to accept compromise language.³⁶

58. Portugal returned to centre stage alongside Indonesia in the negotiations leading up to the 5 May 1999 Agreements. Talks between Portugal and Indonesia based on General Assembly Resolution 37/30 had made little progress since 1983, but following Kofi Annan's decision to activate the process in 1997, Portugal worked closely with the Secretary-General's Personal Representative for Timor-Leste, Jamsheed Marker, and held firm to its oft-repeated policy of self-determination. According to Ambassador Marker, Prime Minister Guterres and Foreign Minister Jaime Gama insisted that "they could not accept a solution that was not based on the freely expressed choice of the East Timorese people".³⁷ This was achieved through the Agreements of 5 May 1999 and the August ballot in both of which Portugal played a significant role.

59. Portugal did not formally sign off as "administering power" in Timor-Leste. After some debate in Lisbon it was decided not to make an issue of the matter lest it jeopardize or delay the sensitive negotiations preceding the 1999 act of self-determination. Instead, it was agreed that Portugal's endorsement of the juridical and internationally accepted acts that led to independence would together constitute the termination of its status as "administering power". These were the signing of the 5 May 1999 Agreements (conditional on due process being observed), support for the establishment and functioning of UNTAET as the transitional administration,³⁸ and recognition of the Democratic Republic of Timor-Leste.

60. On 8 May 2002 the General Assembly decided "to remove East Timor from the list of Non-Self-Governing Territories upon its accession to independence".³⁹

2.2.1 Conclusion

61. Portugal had principal responsibility to prepare and facilitate decolonisation in Timor consistent with its obligations to the United Nations and the Timorese people. Its failure under the Salazar-Caetano regimes to discharge this responsibility and prepare the East Timorese people for a future without Portugal was reprehensible and a violation of the right to self-determination. This also undermined the right to independence by contributing to the widely held view that an independent Timor-Leste was not economically or politically viable and could only subsist through incorporation with Indonesia.

62. Portugal's change of policy in 1974 to support self-determination was critical to the fate of Timor-Leste as was Portugal's adherence to this principle throughout the Indonesian occupation. However, Portugal failed to discharge its responsibilities to the people of Timor-Leste during the critical period 1974-75 and beyond. Although the third largest of Portugal's six territories, Timor was low on the list of Portuguese priorities. For Portugal, this period appeared to mark the end of its role rather than the active assumption of new responsibilities. The central government did not provide adequate resources to its local representatives, did not secure the territory in the face of clear external aggression, was too

accommodating of Indonesia's position, and declined to internationalise the issue. The human cost of these mistakes was severe. This passivity and ambivalence continued to characterise its diplomatic activity until the mid-1980s despite its constitutional and international obligations and constant petitioning by the people of Timor-Leste and Portuguese civil society for a more credible defence of its former colony's interests.

63. Mário Lemos Pires, the last Portuguese Governor of Timor-Leste, discharged his duties in 1974 and 1975 in an honourable and principled manner in the face of extraordinary challenges. The Commission wishes to acknowledge his role during this critical time.

2.3 Indonesia

64. Indonesia received UN support in its struggle for independence from the Netherlands and joined the world body in 1950. Under President Sukarno, it was a vocal champion of decolonisation. The Preamble to the 1945 Indonesian Constitution reads:

That in reality, Independence is the right of every nation and, therefore, colonialism in this world must be abolished because it is not in conformity with humanity and justice. [Bahwa sesungguhnya Kemerdekaan itu ialah hak segala bangsa dan oleh sebab itu, maka penjajahan di atas dunia harus dihapuskan, karena tidak sesuai dengan perikemanusiaan dan perikeadilan].

65. The Indonesian Government under both President Sukarno and President Soeharto officially supported the right of the East Timorese people to self-determination and disavowed any territorial claims to the colony.

66. In a series of statements to the General Assembly between 1954 and 1962 relating to the dispute over West Irian between Indonesia and the Netherlands, Indonesian officials stressed repeatedly that the national boundaries of Indonesia were those of the former Netherlands East Indies. In 1961, for example, the Indonesian Foreign Minister, Mr Subandrio, stated:

*In regard to the large island of Borneo... whose northern part is British territory, and likewise as regards one-half of the island of Timor, which is Portuguese, we have no territorial claims at all; because what we consider to be Indonesian and Indonesian territory is nothing else but the entire territory of the former colony: the Netherlands East Indies.*⁴⁰

* President Soeharto quoted this Preamble in his address to representatives of the Provisional Government of East Timor in response to their petition to integrate with Indonesia, 7 June 1976, in Krieger, p. 48.

67. In 1960 Indonesia voted in support of both the UN Declaration on the Granting of Independence to Colonial Countries and Peoples and the General Assembly resolution recognising Portuguese Timor as a non-self-governing territory. It supported subsequent UN resolutions critical of Portugal's colonial practices and its failure to comply with its obligations under the UN Charter. The deputy chief of President Sukarno's Advisory Council, Ruslan Abdulgani, told a rally held in Jakarta in 1961:

Fill your hearts with hatred not only for Portuguese colonialism, but for all colonialism still existing on Asian and African soil, [adding that Indonesia's] eyes and heart are directed towards Portuguese Timor and Goa [which] are still under the power of colonialism.⁴¹

68. The Australian government was convinced that the continuing presence of a colonial regime within the Indonesian archipelago would provoke President Sukarno to eliminate this last vestige of colonialism in his neighbourhood and urged Portugal to develop the territory and Indonesia not to use force. However, Sukarno's interest in Timor was largely rhetorical and did not compare with his "crush Malaysia" or West Irian campaigns. During a visit to Lisbon in 1961, he reportedly told the Portuguese Prime Minister, Dr Salazar, that Indonesia respected Portuguese sovereignty in the territory.⁴²

69. These policies were continued under President Soeharto (1966-98). In October 1974, during the first debate in the UN Fourth Committee since the change of regime in Portugal, the Indonesian representative stated:

Indonesia would like to see the people of Portuguese Timor exercise their right to self-determination in an orderly and peaceful manner in accordance with the Declaration on the Granting of Independence to Colonial Countries and Peoples.

70. He added that Indonesia was open to integration but that "such an association should be in conformity with the 1945 Constitution of Indonesia which, inter alia, laid down that Indonesia was a unitary state".⁴³ The Indonesian Ambassador to the United Nations, Anwar Sani, reiterated these sentiments at a meeting of the UN Special Committee on Decolonisation held in Lisbon in June 1975.

71. In reality, however, Indonesia decided before the end of 1974 that only one outcome from self-determination was acceptable. In December, the Indonesian Foreign Minister, Adam Malik, was quoted in the official Indonesian news agency Antara as saying that the Timorese had only two options: "remain under the Portuguese or combine under Indonesia". He then ruled out remaining with Portugal because that choice "besides adding to Portugal's burden, would also constitute a new form of colonialism" and stated that independence was "not realistic" because of "the backwardness and economic weakness of the population".⁴⁴

72. A key Soeharto advisor, Harry Tjan, confirmed this decision to the Australian Government. In February 1975 he informed an Australian Embassy official that:

A decision had been taken by the Indonesian Government that sooner or later Portuguese Timor must form part of Indonesia. This was a unanimous decision by all the leading Indonesian personalities involved, including the President. All that remained to be decided was when, and how, this should be brought about. As he had said, it would not happen in the very near future. But it would happen. The Indonesian Government would first try every conceivable means before turning to a military solution. He described this as the 'ultimate act'.⁴⁵

73. The Australian Ambassador to Indonesia, Richard Woolcott, reiterated this in a major confidential analysis of the issue written in January 1976 for the new Australian Prime Minister, Malcolm Fraser. He wrote:

Indonesia will not be deterred from this fundamental policy objective (of incorporation). Indonesia has held this attitude consistently since some months before I arrived at this post last March.⁴⁶

74. This was a fateful decision. It conflicted with the Soeharto Government's public commitment to respect the freely expressed wishes of the East Timorese people. It also set Indonesia on a potential collision course with the two major East Timorese parties, UDT and Fretilin, both of whom advocated independence, and presented the international community with a major diplomatic challenge.

75. The implementation of this objective was entrusted to Special Operations (Operasi Khusus, Opsus), the military intelligence body which established a covert Timor project for the purpose code-named Operasi Komodo. This operation was directed by Major-General Ali Moertopo, the head of Special Operations, and Lieutenant-General Yoga Sugama, the head of Bakin (the Intelligence Coordinating Body). Its main executive was Liem Bian Kie (Moertopo's private secretary) and its principal advisor was Harry Tjan from the Centre for Strategic and International Studies (CSIS), an Opsus think tank. This was not a new challenge. Special Operations, under Ali Moertopo, managed the "Act of Free Choice" in West Irian in 1969 and successfully ensured that the process resulted in a pro-integration vote. Several other figures in the campaign to integrate Timor also had experience in the takeover of West Irian. They included President Soeharto, then a Major-General who commanded the 1962 Mandala military campaign to liberate West Irian from Dutch control, General Benny Moerdani and Colonel Dading Kalbuadi.* As it evolved, Operasi Komodo developed a number of functions, including international diplomacy (directed mainly at Portugal), intelligence, subversion and later preparation for the use of military force (see Part 3: The History of the Conflict).

* An account of then Captain Moerdani's involvement in West Irian and Timor-Leste can be found in Julius Pour, *Benny Moerdani: Profile of a Soldier Statesman*, The Yayasan Kejuangan Panglima Besar Sudirman, Jakarta, 1993. Moerdani was responsible for the military role of Operasi Komodo. Kalbuadi was field commander of the Indonesian assault inside Portuguese Timor on 16 October 1975.

76. At the end of August 1975, Indonesia hardened its position and decided on military intervention to secure integration. This followed Fretilin successes in the civil war and vague intimations by the Portuguese Minister for Inter-territorial Coordination, Dr Antonio de Almeida Santos, that Portugal might hand over power to Fretilin. At a meeting on 5 September, President Soeharto and General Moerdani canvassed seven possibilities ranging from an invitation to Indonesia from Portugal to intervene directly to United Nations involvement in which Indonesia would participate. The President ruled out all options except the Special Operations plan which he described as the “classical way”. Under General Moerdani’s command, the Special Operations plan would provide well-armed “volunteers” to back up UDT and other anti-Fretilin East Timorese forces in a bid to prevent a complete Fretilin takeover of Timor.⁴⁷

77. Indonesia, however, explained its military intervention to the United Nations in terms of its obligation to uphold Timor-Leste’s right to self-determination. In a statement to the Security Council on 15 December 1975, Indonesia’s representative, Anwar Sani, reiterated that Indonesia had no claim on the territory, that Timor was in a state of anarchy, and that it had intervened at the request of political parties who represented the majority of the people “to restore peaceful conditions to the Territory in order to enable the people freely and democratically to exercise its right to self-determination”.⁴⁸

78. The General Assembly and the Security Council rejected Indonesia’s justification. Both bodies deplored Indonesia’s military intervention, called for it to withdraw without delay, and urged Portugal as the administering power to cooperate with the United Nations “so as to enable the people of East Timor to exercise freely their right to self-determination”. The Security Council also requested that a UN representative be sent to the territory, inter alia, to establish “contact with all the parties in the Territory and all States concerned in order to ensure the implementation of the present resolution”.⁴⁹ The Secretary-General appointed Mr Vittorio Winspeare Guicciardi for this task.

79. Indonesia’s initial response to the UN resolutions was to declare, inter alia, that Portugal had forfeited the right to carry out a decolonisation program in the territory and that a plebiscite was not necessary since self-determination had already taken place in the form of the 30 November declaration of integration with Indonesia. This position, which was clearly at odds with the UN resolution and Indonesia’s own commitment, was abandoned in response to Guicciardi’s mission. The Indonesian-appointed Provisional Government of East Timor (PGET) told the UN envoy that “in deference to the wishes of the United Nations the first task of the (People’s Representative) Council will be to ratify the decision of the people for complete integration with the Republic (of Indonesia)” and that representatives of the United Nations would be invited to observe the process.⁵⁰

80. A four-stage programme was instituted in the hope that a credible process would legitimize integration in the eyes of the international community and remove the question of Timor-Leste from the UN agenda.

81. The first and most important step was to hold an act of self-determination. This took the form of a Popular Representative Assembly held in Dili on 31 May 1976 and resulted in a unanimous petition to integrate with Indonesia. This was followed by a visit to the territory on 24 June by an Indonesian Government fact-finding mission to verify that the request accurately represented the wishes of the people. Following the positive report of this mission, the Indonesian Parliament approved a bill of

integration on 15 July 1976. As a fourth and final step, the statute of integration was signed into law and formally promulgated by President Soeharto on 17 July 1976.

82. In his address accepting the petition on 7 June 1976, the Indonesian President sought to justify integration in cultural and historical, rather than legal terms and as a triumph over European colonialism consistent with Indonesia’s Constitution. Speaking more to the Timorese delegation than the international community, he said the petition was an “historic occasion” because it represented reunion and reintegration after generations of separation by artificial borders:

I do not feel as though I am greeting strangers today. I feel that I am meeting my own brothers again, who were separated for...hundreds of years by the artificial barriers of the colonial Governments.⁵¹

83. The integration process enabled Indonesia to claim that the East Timorese people had expressed their will once and for all and that the territory was now legally and constitutionally a province of Indonesia. From this point, calls by Portugal and others for self-determination were rejected as interference in Indonesia’s internal affairs. This was also the basis for Indonesian resistance to any direct involvement of East Timorese political leaders in negotiations.

84. The international community did not recognise the 1976 process. Though little was said by individual states at the time, it was generally agreed that the Assembly failed to meet the fundamental test of freedom of choice due in particular to the presence of Indonesian troops, the absence of alternative options and the doubtful representative status of participants. General Assembly resolution 31/53, adopted on 1 December 1976, rejected “the claim that East Timor has been integrated into Indonesia, inasmuch as the people of the Territory have not been able to exercise freely their right to self-determination and independence”.⁵² The People’s Assembly did not comply with the procedures laid down in UN General Assembly resolution 1541 (XV) of 15 December 1960, which emphasise that the process must be informed, free and democratic. A US Government legal advisor, George H. Aldrich, told the US Congress:

We actually know very little about the selection process for these delegates, although the process itself took place at a time of military occupation by Indonesia during which considerable fighting was still going on.⁵³

85. Alison Stokes, who represented the New Zealand Embassy in Jakarta at the event, reported that foreign observers were allowed less than two hours in Dili and the session lasted about one hour. She wrote:

My assessment is that the People’s Representative Council of East Timor, in a serious, business-like and formal way, unanimously endorsed integration with Indonesia. But for the

outside observer there were two serious flaws in this act of self-determination. (A) Who were these representatives taking this decision, how had they been elected and did they indeed represent the wishes of the people of East Timor., (B) Only one option for future political status, that of integration, was ever mentioned. I was told that in Dili the district election has been on the basis of one man one vote and a journalist told me that in Baucau it had also been on that basis. Elsewhere they had been in accordance with local traditional practice of village elders making the selection. When I asked the Indonesians with us why the Popular Assembly addressed itself to only one option, that of integration, they said that the choice must be seen in the whole context of events in recent months during which the other options of links with Portugal or independence had been discarded by the East Timorese. In addition, there were disappointing aspects to the day: (A) On the plane we were given a leaflet entitled 'East Timor' put out by the PGET which inter alia stated that 'The East Timor people are fully behind the Provisional Government in the preparation for full integration of East Timor into the Republic of Indonesia...': this prejudgement struck the wrong note. (B) The Assembly's proceedings were in Portuguese and only parts were translated into English. A Timorese sitting near me provided me at my request with a running commentary in English on the proceedings but this was second best to an official translation. (C) We did not meet any members of the PGET or the Popular Assembly. There was no press conference. (D) The street carnival and cheering were over-organised and lacked spontaneity.⁵⁴ Few of the international community attended. Indonesia expressed regret that invitations to the Secretary-General, the Security Council and the Special Committee on Decolonisation were not accepted and that only seven UN member states sent observers.* Among those invited who did not accept were Australia, Japan, the Philippines, Singapore and the US. Fretilin denounced the Assembly as unrepresentative and asserted that it represented the majority of the people.⁵⁵

86. Despite the invalidity of the process, over 30 UN member states explicitly or implicitly recognised Timor-Leste as part of Indonesia by 1990 while at the same time acknowledging that Timor-Leste had not exercised a genuine act of self-determination. Some, such as Australia, India, Papua New Guinea and the US, recognised the incorporation through explicit public statements. Australia was alone in explicitly expressing its support for de jure recognition, a practice it abandoned in 1990s. Others confirmed their

* The seven states represented were: India, Iran, Malaysia, New Zealand, Nigeria, Saudi Arabia and Thailand. UN Secretariat report, Annex 1. A/AC.109/L.1098 and Add. 1.

recognition by way of explanation of their vote at the UN General Assembly. These included Bangladesh, Canada, Jordan, Malaysia, Oman, the Philippines, Singapore, Sweden and Thailand. A third cluster of countries can be said to have effectively given recognition, in some cases confirming an existing endorsement, by signing treaties with Indonesia after 1976 which did not exclude Timor-Leste from the definition of "Indonesia". These included Austria, Brunei, Bulgaria, China, Denmark, Finland, France, Germany, Hungary, Italy, Japan, South Korea, New Zealand, Norway, Pakistan, Saudi Arabia, Sweden, Switzerland and the United Arab Emirates.*

87. Francesc Vendrell, who had worked on the Timor-Leste question within the UN Secretariat, explained to the Commission how it was possible for Indonesia to gain such diverse international backing despite its violation of due process in Timor. He told the Commission at its public hearing on Self-determination and the International Community:

Although the immediate reaction of most countries was to condemn the annexation of East Timor, bit by bit, and fairly fast, within a couple of years most countries were no longer willing to be critical of what was happening in East Timor.⁵⁶

88. Mr Vendrell explained that Indonesia's political and economic links with a number of key groupings influenced this pragmatic shift in attitude. Indonesia under President Soeharto had support in the West as "an anti-communist country" and also among the Soviet Union and its allies because it had suppressed the pro-Chinese Indonesian Communist Party (PKI). It also enjoyed support in ASEAN and the Islamic world, in both of which it was the largest member, and within the non-aligned movement of which it was a founding member.⁵⁷

89. The Indonesian government continued to defend the validity of the 1976 process against a rising international challenge to its presence in Timor, particularly in the aftermath of the Santa Cruz Massacre. In 1992 the Foreign Minister, Ali Alatas, felt obliged to take Indonesia's case to the National Press Club in Washington. In a speech entitled De-bunking the Myths around a Process of Decolonisation he reiterated the oft-stated position that Indonesia had had no territorial claim to Timor-Leste and had abided by the decision of the East Timorese about their future given in a proper and fair process.⁵⁸

90. On 21 May 1998, B J Habibie became the third President of Indonesia. His agenda of urgent reforms included addressing the issue of Timor-Leste which the Foreign Minister Ali Alatas had openly acknowledged was "a pebble in Indonesia's shoe", an impediment to development.

The President is reported to have told colleagues: Why do we have this problem when we have a mountain of other problems? Do we get any oil? No. Do we get any gold? No. All we get is rocks. If the East Timorese are ungrateful after what we have done for them, why should we hang on?⁵⁹

* A listing of States whose signing of taxation and other treaties with Indonesia could be construed as recognition of integration can be found in Krieger, pp. 291-297.

91. In June he announced that Indonesia would consider a “special status” for Timor- Leste, a policy change that President Soeharto had repeatedly rejected including as recently as 1997. On 27 January 1999, concerned that autonomy would inevitably lead to independence at great cost to Indonesia, President Habibie gained Cabinet approval for a clear-cut resolution of the issue through a choice between autonomy and independence. Following the Cabinet meeting, the Information Minister, Yunus Yosfiah, announced that:

*A regional autonomy plus will be awarded to East Timor. If this is not accepted by the mass in East Timor we will suggest to the new membership of the People’s Consultative Assembly [MPR], formed as a result of the next elections, to release East Timor from Indonesia.**

92. On 30 August 1999 the East Timorese people freely exercised the right of selfdetermination under UN auspices that they had first been promised in 1960. The Indonesian military continued the policy of subversion that had characterized their approach from 1974, but their attempts at sabotage and intimidation were offset by democratic forces in the Indonesian government and civil society. The result was clear cut: 21.5% in favour of special autonomy, 78.5% against.

93. In his statement announcing the vote result, the UN Secretary-General, Kofi Annan, counselled:

Those who voted to accept the proposed special autonomy must not consider this outcome a loss. Nor indeed should the majority consider it a victory: for there are no winners and no losers today. Rather, this moment heralds the opportunity for all East Timorese to begin to forge together a common future in what is to become an independent East Timor.⁶⁰

2.3.1 Conclusion

94. The Soeharto Government violated the right of the people of Timor-Leste to selfdetermination. This was also a breach of international law and the spirit of Indonesia’s Constitution, anti-colonial tradition and policies. The Indonesian military was principally responsible for this violation. The Indonesian people were not consulted or informed and bear no responsibility.

95. The Soeharto Government had a legitimate interest in the outcome of Timor’s decolonisation and proper channels were available to communicate these interests, but it chose to ignore due process.

96. This violation followed a high level, secret decision taken in 1974 to integrate the then Portuguese colony into Indonesia. Publicly the Soeharto Government supported the East Timorese right to a free choice between three options as provided for by UN General Assembly Resolution 1541 (XV) of 1960, and presented itself as a good international citizen. In practice it worked to engineer only one of those choices, that of integration, and to undermine and deny the right to independence that was the goal of Timor’s two major political parties. It attempted to justify its takeover on the grounds of humanitarian responsibilities, regional security, self-defence, pre-colonial cultural, historical and ethnic ties, and Timor-Leste’s lack of economic viability. These claims were not valid reasons to override the East Timorese people’s inalienable right to selfdetermination and were incompatible with the 1960 Declaration on the Granting of Independence to Colonial Countries and Peoples which Indonesia professed to uphold.

97. This process of subversion became progressively aggressive. President Soeharto made it clear to his advisors and to foreign governments that he preferred to bring about integration by political means but he did not rule out military force. He authorised the use of force in 1975 when it became clear that developments in Timor favoured independence. Although influential sections of the international community accommodated this decision, the United Nations condemned Indonesia’s intervention and rejected the validity of the subsequent annexation. It continued to uphold the right of the people of Timor-Leste to self-determination and independence despite official Indonesian claims to the contrary.

98. The Soeharto Government’s military intervention and mismanagement of Timor-Leste were a disaster for the people of Timor-Leste and for Indonesia itself, including for thousands of young Indonesian soldiers and their families and loved ones. The continuing local violence caused the failure of diplomacy at the international level. It led to the very outcome – an independent Timor-Leste led by Fretilin – that Indonesia and its neighbours had sought to avoid in 1975.

99. President Habibie’s decision in 1999 to free Indonesia from Timor-Leste through a UN supervised act of self-determination, and the honouring of that process by President Abdurrahman Wahid, were the actions of true statesmen that accorded with international law and helped restore Indonesia’s standing in the international community.

2.4 Australia

100. Australia was not a party principal to the Timor-Leste conflict, but successive Australian Governments took a close interest in the issue and Australia was viewed as a key player by Portugal and Indonesia, and also by the East Timorese Resistance. Australia’s proximity to Timor and middle power status in the region, combined with active civil society, parliamentary and media interest in Timor-Leste’s situation, made involvement unavoidable despite attempts by government at various times to distance itself from the issue.

101. The major Western powers also expected Australia to play a key role. Following the Second World War, the US and Britain pressed Australia to take more responsibility for regional affairs, including Portuguese Timor after it became an international issue in 1960. Cabinet discussions in 1963 on the future of the territory made reference to “proposals by the United States Administration to the effect that Australia should take more defence and diplomatic initiative in South-East Asia, thus sharing

* Quoted in *East Timor in Transition 1998-2000: An Australian Policy Challenge*, Department of Foreign Affairs and Trade, Canberra, 2001 [henceforth, *East Timor in Transition*, DFAT], p. 38. A number of prominent Indonesians had been calling for this policy change for some years (see section on Indonesian civil society in this chapter). After Habibie became President, people such as Adi Sasono, Dewi Fortuna Anwar and Ginanjar Kartasasmita also influenced his thinking. See Clinton Fernandes, *Reluctant Saviour*, Scribe Publications, Carlton North, Victoria, 2004, pp. 40-41. A recommendation in favour of self-determination from the Australian Prime Minister, John Howard, was also an important factor.

responsibility more, rather than, as at present, limiting itself to the support of leads of the United States or Britain".⁶¹

102. After Portugal's decision in 1974 to decolonise the territory, Western governments looked to Canberra for intelligence and policy advice on the issue. Aware of its European neighbour's influential role, the Soeharto Government paid special attention to its relationship with Australia and kept Australian officials closely informed about Indonesia's developing position.* This included discussions on the issue between President Soeharto and Australian Prime Minister, Gough Whitlam, on two occasions in 1974 and 1975. The importance of Australia's role to both Indonesia and Western governments is well illustrated by the impact of Australia's decision to vote against Indonesia on the question at the UN General Assembly in December 1975. At the time, Harry Tjan, a key advisor on Timor to President Soeharto, angrily informed the Australian government that its vote was damaging because so many countries had looked to Australia for a lead. The Americans, he said, had already told the Indonesian Government that Australia's voting intentions had played a large part in their own consideration of how they should vote. Indonesia had also learnt that the Nine (including Britain) had been similarly influenced by Australia. No doubt there were many others. Australia's general approach in the United Nations on this issue had been "extremely harmful" to Indonesia.⁶²

2.4.1 Australian policy to 1974

103. The main features of Australia's policy on the question were developed in the 1960s after Portuguese Timor was listed by the UN as a non-self-governing territory. The policy emerged not as a response to Timor's newly acknowledged right, but out of concern that Portugal and Indonesia were on a collision course over the issue and this might lead to conflict in Australia's near north. Policymakers in Canberra believed that Salazar's refusal to cooperate with the United Nations and to make even minimal concessions to Third World sentiment would provoke Sukarno to take military action against the Portuguese similar to his response to the British over the formation of Malaysia and the Dutch over West Irian. The Australian Prime Minister, R G Menzies, wrote to the Portuguese Prime Minister, Dr Antonio de Oliveira Salazar, several times between 1961 and 1964 in a bid to head off this predicted crisis. 104. The clash did not eventuate, but in response to the prospect a number of key policy positions were developed. In one or other form, these policies and concerns, which were taken before the advent of the Soeharto Government or the establishment of Fretilin, were to characterise Australia's handling of the Timor problem throughout the conflict.

* In addition to its official communication links with Bakin (the Intelligence Coordinating Body) and the Indonesian Department of Foreign Affairs, Australia had a privileged link through Harry Tjan to the inner workings of Operasi Komodo. A communication from an embassy official in July 1975 described how much Australia valued Tjan's openness and connections: "He frequently reads to us from the actual records of secret meetings on Portuguese Timor. He has in his possession classified documents on the subject. He sometimes receives phone calls from leading personalities (Ali, Yoga) while we are in his office... Tjan respects us, and is confident in us. He speaks to us as he speaks to no one else." Document 157, Jakarta, 21 July 1975, in Wendy Way (Ed.), *Australia and the Indonesian Incorporation of Portuguese Timor 1974-1976*, Department of Foreign Affairs and Trade (henceforth, DFAT), Melbourne University Press, Victoria, 2000, p. 295.

105. As formulated by the Minister for External Affairs, Garfield Barwick, they included the following:⁶³

- Australia supports the principle of self-determination.*
- Timor has no future under Portugal.
- The territory is not capable of political independence.
- Australia would accept incorporation by Indonesia provided it was peaceful and in accordance with the freely expressed wishes of the Timorese people.
- Australia would oppose Indonesian military aggression in the territory and support action by the UN in response.
- Australian public opinion would not accept violence by Indonesia against Timor.
- Any Australian initiative on the issue must take into account the importance of good relations between Australia and Indonesia. The 1963 Cabinet Minutes referred to above stated:

Cabinet indicated that (it would not) wish to take initiatives which might lead to the point where Australia came to be seen by Indonesia or other countries as a standing adversary. The objective in relations with Indonesia must be to achieve the greatest available degree of mutual understanding.⁶⁴

106. Barwick ruled out a proposal advanced by US Assistant Secretary of State Harriman that Portugal be assisted to establish a ten-year development programme which would culminate in a Timorese act of self-determination.

107. The fate of Portuguese Timor was not an issue during the early years of the New Order. The Soeharto Government showed little interest in the territory and Australia shut down its consulate in Dili in 1971. Australia welcomed the New Order and was highly appreciative of its emphasis on stability, anti-communism, economic growth, domestic issues and positive regional relations which, in its view, contrasted sharply with the aggressive foreign policy and domestic turbulence of the Sukarno Government. Strengthening and broadening Australia's relationship with Indonesia became a priority objective. The Australian Embassy reported in 1973:

* How self-determination might be implemented was the subject of debate in the official circles. A departmental Working Group reported: "...the Government would certainly wish cession (by Portugal) to be accompanied by some process of self-determination. Moreover, we would expect that the Indonesians themselves would want some expression of self-determination to protect them from the accusation of neo-colonialism by making deals with a colonialist power. Perhaps in theory the problem of self-determination is not insurmountable and might be overcome by a West New Guinea type of arrangement." "The Future of Portuguese Timor" in Wendy Way (Ed.), DFAT, p. 31.

President Soeharto...is very well disposed towards Australia... This provides a unique opportunity for Australia, with its own national interests to the forefront, to develop closer relations with a country in which we have a great stake.⁶⁵

108. During this period, Australian officials continued to counsel in favour of the incorporation of Timor into Indonesia. In 1970, the Australian Prime Minister, William McMahon was informed:

There is no early prospect that Indonesia would seek to take over Portuguese Timor...(but) in the long term the sensible disposal of the colony would be by incorporation in Indonesia.⁶⁶

109. In 1973, the Australian Prime Minister, Gough Whitlam, was informed:

The people of Portuguese Timor would probably be marginally better off under Indonesian rule than under any other conceivable dispensation (the Indonesian half of the island is better run than the Portuguese colony and its prospects as a separate entity would be poor).⁶⁷

2.4.2 Australian policy, 1974-75

110. Australian policy on Timor after the Carnation Revolution in Portugal was chiefly determined by the Australian Prime Minister, Gough Whitlam (1972-75). His Labor Government, the first after more than two decades, introduced a range of important domestic reforms, but also gave paramount importance to Australia's place in Asia and its relationship with Indonesia.

111. Mr Whitlam's policy on Timor was similar to that inherited from the Menzies Government, with one notable difference. It placed a higher priority on cooperation with Indonesia and particularly with President Soeharto himself whose replacement of Sukarno and positive attitude towards Australia were welcome new factors. Mr Whitlam decided the policy without discussion in Cabinet.⁶⁸ However, the broad thrust of the policy was shared by leaders on both sides of politics. The Secretary of the Department of Foreign Affairs, Alan Renouf, told Malaysian officials in October 1975:

The Prime Minister (Whitlam), most of the Cabinet, as well as Mr Fraser (Leader of the Opposition) and Mr Peacock (Shadow Foreign Minister), sympathise with Indonesia's integrationist aspirations.⁶⁹

112. Mr Whitlam discussed Timor policy face-to-face with President Soeharto on two occasions: on 5-8 September 1974 in Yogyakarta, Indonesia, and on 4 April 1975 in Townsville, Australia. President Soeharto made it clear that he gave the first meeting special status and expected to hear an authoritative statement on Timor from the Australian Prime Minister.

113. In summary, Mr Whitlam made three main points to the Indonesian President:

1. He reduced the three options available to the Timorese people under international law to one, namely incorporation into Indonesia, provided that this was freely chosen by the Timorese people. According to the official record of the meeting:

The Prime Minister said that he felt two things were basic to his own thinking on Portuguese Timor. First, he believed that Portuguese Timor should become part of Indonesia. Second, this should happen in accordance with the properly expressed wishes of the people of Portuguese Timor.

2. Independence was not an option. He told the President:

Portuguese Timor was too small to be independent. It was economically unviable. Independence would be unwelcome to Indonesia, to Australia and to other countries in the region, because an independent Portuguese Timor would inevitably become the focus of attention of others outside the region. He told the President that Australia would support Indonesia's position in Lisbon:

Our own objective in Lisbon would be to put to the Portuguese Government the view that Portuguese Timor was part of the Indonesian world.

3. He emphasised the importance of protecting bilateral relations and not alienating Australian public opinion:

He hoped that the President would keep in mind the need for support from among the Australian public for the incorporation into Indonesia of Portuguese Timor, based on respect for democratic expression of the wishes of the people.⁷⁰ He repeated this point at a second meeting with the President the same day.

114. President Soeharto expressed essentially the same position. Major-General Ali Moertopo, the head of the covert Special Operations project for Timor, told the Australian Ambassador to Portugal on 14 October that the meeting had confirmed Indonesia's commitment to integration:

Ali said that until Mr Whitlam's visit to Jakarta, they had been undecided about Timor. However the Prime Minister's support for the idea of incorporation into Indonesia had helped them to crystallise their own thinking and they were now firmly convinced of the wisdom of this course.⁷¹

115. Mr Whitlam's policy formulation reversed the priorities set out in the briefing on selfdetermination approved by the Minister for Foreign Affairs, Senator Willesee, before the Whitlam- Soeharto meeting. This emphasised a process of self-determination open to each of the three options available rather than the outcome of the process. It also did not rule out independence on economic grounds.⁷² The Foreign Minister and the Secretary of his department, Alan Renouf, shared Mr Whitlam's belief that ultimate integration with Indonesia was the best outcome, but believed that priority should be given to Timorese self-determination. In their view, this would be more acceptable to Australian public opinion and would ensure that unacceptable features of the "Act of Free Choice" in West Irian were not repeated in Timor. In November 1991, Mr Willesee acknowledged his disagreement with Mr Whitlam:

I believed we ought not to play God, but let the Timorese decide.*

116. Mr Whitlam repeated his position at a further meeting with President Soeharto in Townsville on 4 April 1975. In reply, President Soeharto said he was aware of speculation in Australia about the possibility of an Indonesian invasion of Portuguese Timor but that "Indonesia would never contemplate such a course of action".⁷³

117. Following the outbreak of the civil war in August, the Australian Ambassador to Indonesia, Mr Richard Woolcott, advised that the Prime Minister should not write another letter on Timor to President Soeharto. He wrote:

Soeharto will be looking to Australia for understanding of what he, after very careful consideration, decides to do rather than what he might regard as a lecture or even a friendly caution... From here I would suggest that our policies should be based on disengaging ourselves as far as possible from the Timor question; getting Australians presently there out of Timor; leave events to take their course; and if and when Indonesia does intervene act in a way which would be designed to minimize the public impact in Australia and show privately understanding to Indonesia of their problems.

* David Jenkins, "Whitlam can't maintain outrage over East Timor", Sydney Morning Herald, 30 November 1991. Mr Whitlam and Senator Willesee agreed on the need to prepare Timor for self-determination. In July 1975, the Foreign Minister approved an Australian aid programme for Timor-Leste, but it was not implemented due to the UDT-Fretilin civil war. Australian Senate Report, East Timor, December 2000, p. 140.

118. The Ambassador suggested that the gap in Australia's Timor Sea border could be more easily finalised with Indonesia than with Portugal or independent Timor-Leste and concluded:

I know that I am recommending a pragmatic rather than a principled stand but this is what national interest and foreign policy is all about.⁷⁴

119. Following this advice, Mr Whitlam told the Australian Parliament on 26 August 1975 that Australia was not a party principal in Portuguese Timor:

*We have no national obligations or interest in getting reinvolved in colonial or postcolonial affairs in Portuguese Timor...We continue to hold that the future of the territory is a matter for resolution by Portugal and the Timorese people themselves with Indonesia also occupying an important place because of its predominant interest.*⁷⁵

120. Indonesia made known to Mr Whitlam its appreciation of his assistance and understanding:

General Moerdani said that he, the President and others owed Mr Whitlam a great debt for the understanding he had shown of Indonesia's position and for the helpful position he had adopted. The President greatly valued this. But he also appreciated the difficulties the Government faced. If the Australian Government could not support Indonesia publicly in the months ahead, then he hoped that we would adopt the third option and keep quiet.⁷⁶

121. Australia did not formally protest Operasi Flamboyan, the Indonesian incursion into Portuguese Timor which resulted in the deaths of five Australian-based newsmen on 16 October 1975. Mr Woolcott had advised from Jakarta:

Although we know it is not true, the formal public position of the Indonesian Government is still that there is no Indonesian military intervention in East Timor. If the Minister (Senator Willesee) said or implied in public the Indonesian Government was lying we would invite a hurt and angry reaction.⁷⁷

122. Mr Whitlam was replaced as Prime Minister on 11 November 1975, but his successor, Malcolm Fraser, continued the same policy line.* At Mr Fraser's request, Ambassador Woolcott met secretly with

* Malcolm Fraser was appointed caretaker Prime Minister following the dismissal of the Whitlam Government on 11 November 1975. The role of a caretaker government is essentially to maintain the ordinary process of administration without introducing any new poli-

President Soeharto at his residence on 25 November 1975 to reassure him that the caretaker Australian leader placed the same high importance on Australia's relations with Indonesia and personal ties with the President as Mr Whitlam had, that he would be "seeking to build up further those relations" and would not receive José Ramos-Horta or any Fretilin representatives should they come to Australia.

123. Mr Fraser also asked the Ambassador to tell the President "that he recognises the need for Indonesia to have an appropriate solution for the problem of Portuguese Timor". Mr Woolcott reported that the President was very pleased to know of Australia's understanding and that when he asked the Ambassador to clarify the Prime Minister's meaning, Mr Woolcott had replied:

I would assume that by appropriate solution the Prime Minister would have in mind a solution which accommodated Indonesia's policy interests.

124. Neither the Prime Minister nor the President made any direct reference to the use of force.

The President made no reference to direct Indonesian involvement although I assume he must be aware that I know of it.*

125. Out of office Mr Whitlam campaigned privately on behalf of Indonesia. Following a visit to Timor-Leste in 1982, on which he reported directly to President Soeharto, he was instrumental in having Dom Martinho da Costa Lopes removed as the head of the Catholic Church in Timor and later that year he appeared before the UN Special Committee on Decolonisation and petitioned it to have the question of Timor-Leste removed from the UN agenda.

126. Throughout the 1970s Australian Governments followed a policy of 'business as usual' in dealings with Indonesia, including defence co-operation. The Whitlam Government initiated a defence co-operation program with Indonesia in July 1972 worth A\$20m which included provision of 16 Sabre jets, training and intelligence cooperation. This was renewed in 1975 and increased by the Fraser Government. The aid was provided on the proviso that it could not be used in Timor-Leste or for internal repression.

cies. Fraser became Prime Minister after his Liberal Party won a general election in a landslide on 13 December 1975 and continued in office until 1983. His Government's pre-election Timor policy was maintained.
* Document 343. Canberra, 20 November 1975 and Document 344, Jakarta, 25 November 1975, in Wendy Way (Ed.), DFAT, pp. 579-80. Mr Fraser told ABC TV on 12 September 2000 that he was not briefed as caretaker Prime Minister by the Department of Foreign Affairs about Indonesia's invasion plans. Alan Ramsey, "East Timor the secret that never was", Sydney Morning Herald, 16 September 2000.

2.4.3 Australian policy 1975-98

127. Australia's two-pronged policy created a political dilemma when Timor-Leste was debated at the UN General Assembly in response to the Indonesian invasion. Australia elected to uphold the right of the East Timorese people to self-determination, consistent with UN principles and Indonesia's own position, but tried to have references to Indonesia deleted from the resolution. This failed and the resolution adopted on 12 December 1975 deplored Indonesia's military intervention and called for the immediate withdrawal of its troops. To Indonesia's annoyance, Australia was its only neighbour to vote in support of the resolution.*

128. Australia continued to acknowledge Timor's right of self-determination and to note its disapproval of the way in which Indonesia incorporated the territory. It declined an invitation from Indonesia to attend the People's Representative Assembly in Dili on 31 May 1976 and did not recognise the assembly as a valid act of self-determination. This policy was continued throughout the conflict. In its official account of the issue, the Government states:

Through to 30 August 1999, Australia's position was that the people of East Timor had yet to exercise their right to self-determination.⁷⁸

129. However Australia did not uphold the right in practice. It did not support succeeding resolutions in favour of self-determination at the UN General Assembly between 1976 and 1981 and voted against the mild 1982 General Assembly Resolution which did not reaffirm the right and instituted talks under UN auspices to resolve the conflict. Australia also indirectly suppressed the right. In January 1978 Australia gave de facto recognition to Indonesian control over Timor-Leste. This was extended to de jure recognition from 14 February 1979 when Australia began negotiations with Indonesia over the seabed boundary with Timor-Leste. These policies and the programme of co-operation with Indonesia which followed, including military co-operation, had the effect of consolidating and legitimising Indonesia's sovereignty in Timor-Leste.

130. This policy of recognition, given first by the conservative Fraser Government, was continued by the Labor Government. On 17 August 1985 - Indonesia's national day - the Australian Labor Prime Minister, Bob Hawke, confirmed unequivocally that Australia recognised the sovereign authority of Indonesia in Timor-Leste and considered the people of Timor-Leste to be citizens of Indonesia. On 11 December 1989 his Foreign Minister, Senator Gareth Evans, and the Indonesian Foreign Minister, Ali Alatas, signed the Timor Gap Zone of Co-operation Treaty despite objections by Portugal that it violated the right of the Timorese people to selfdetermination.

* The New Zealand Embassy in Canberra had reported in October how the Australian Government planned to deal with the issue once "the invasion becomes public knowledge". They informed Wellington: "They (Indonesia) will also be told that the Australian Government has no choice but to be critical, but that the bilateral relationship with Indonesia is of primary importance. In other words 'we have to clobber you but please understand us and sit it out'. It follows that any Australian statement, both here and, if necessary, in the UN, will be cast in the mildest terms the Government feels it can get away with." 17 October 1975, in New Zealand Government East Timor Official Information Act (OIA) Material (henceforth New Zealand, OIA Material), Volume 1.

131. The Labor Government led by Prime Minister Paul Keating from December 1991 maintained and developed the policies of the Hawke Government. Following a visit to Indonesia, Mr Keating told the Australian Parliament:

I deliberately chose Indonesia for my first overseas visit to demonstrate that it is at the forefront of our priorities.⁷⁹

132. He recommended that human rights abuses in Timor-Leste be addressed through long-term reconciliation.

133. Since 1975 sections of the Australian Labor Party (ALP) had been critical of the party leadership for either ignoring party policy which supported self-determination for Timor-Leste or diluting that policy. In opposition, the ALP Foreign Affairs spokesperson, Laurie Brereton, conducted a review of party policy on Timor-Leste in the context of the emergence of an indigenous democracy movement in Indonesia and other developments, including the UN-sponsored talks, Portugal's advocacy on the issue and strengthening public concern in Australia. His policy paper concluded that "no lasting solution to the conflict in East Timor is likely in the absence of negotiation through which the people of East Timor can exercise their right of self-determination".⁸⁰ The revised policy was adopted at the 1998 ALP National Conference and within the Federal Caucus. Mr Brereton used the policy to challenge the status quo policy of the Howard Government, which came to power in March 1996, at every opportunity.

2.4.4 Australia's policy shift

134. The political demise of President Soeharto was immediately recognised by the Australian Government as an opportunity for progress on the question of Timor-Leste but within the framework of continuing Indonesian sovereignty.

135. Following President Habibie's offer of autonomy on 9 June 1998, the Australian Foreign Minister, Alexander Downer, held talks in Jakarta on the issue and, in a sharp break with past practice, authorised direct consultations with the East Timorese. These included visits to Timor-Leste by Ambassador John McCarthy, meetings with the gaoled Resistance leader Xanana Gusmão and a call for his release, and, based on a suggestion by the UN envoy Jamsheed Marker, a survey of East Timorese opinion both inside and outside Timor-Leste. Australia's Ambassador to the UN, Penny Wensley, and Ambassador McCarthy became key members of core groups established by Jamsheed Marker in New York and Jakarta to take the issue forward.

136. The survey of East Timorese opinion was conducted in July-August 1998 and was instrumental in redirecting Australian policy. It covered all sides of the political debate and found that most Timorese respondents were in agreement that the status quo was not acceptable, that any solution, including autonomy, should ultimately receive the people's endorsement, either through a referendum or some other consultative process, and some international guarantee, and that Xanana Gusmão was essential to a resolution. Australia shared the results with the Indonesian Government.⁸¹

137. On 19 December 1998 the Australian Prime Minister, John Howard, wrote to President Habibie

and emphasised the urgency of talking directly to the East Timorese to secure their support for autonomy within Indonesia. He also noted the growing support in Timor-Leste and internationally for self-determination and suggested that an act of self-determination might be held following a substantial period of autonomy, similar to the approach agreed to in New Caledonia.

138. President Habibie took offence at the suggestion that Indonesia's presence in Timor-Leste was comparable to France's colonisation of New Caledonia, but acknowledged Australia's proposal of self-determination. At a Cabinet meeting on 1 January 1999, it was agreed that Indonesia would consult the people of Timor-Leste about their future and allow them to become independent if they rejected the offer of special autonomy.

139. Prime Minister Howard's intervention was intended to promote reconciliation and to confirm Timor-Leste as part of Indonesia through the free consent of the people. The initiative had the opposite effect. It became a trigger for independence and the end of the integrationist policy which had been the central plank of Australian policy on Timor throughout the decolonisation process. The Deputy Secretary of the Department of Foreign Affairs and Trade, John Dauth, told an Australian Senate Committee on 6 December 1999 that the Government only finally abandoned its declared preference for Timor-Leste to remain as an autonomous territory within Indonesia when the people of Timor-Leste voted for independence:

We made clear always to the Indonesian government throughout the course of this year that we respected their sovereignty until such time as the processes which President Habibie put in train delivered a different outcome.⁸²

140. The Australian Government and its diplomats played a leading role in promoting and backing the act of self-determination politically, financially and organisationally. Following the ballot on 30 August 1999 and the eruption of violence, Australia organised and led the Security Council mandated International Force in East Timor (Interfet) which assisted in bringing the UN process back on track and ensured that the decision of the people for independence was respected and implemented.

2.4.5 Conclusion

141. The people of Timor-Leste had high expectations of Australia based on its proximity, its presence during the Second World War, its relationship with Indonesia and its reputation as a good and influential international citizen.

142. These expectations were not fulfilled until 1999. Australia gave nominal support to the principle of self-determination throughout the decolonisation process, but did not uphold it for most of this period.

It favoured only one option, that of integration with Indonesia, even though the weight of evidence from 1974 was that an act of self-determination would oppose integration. Mr Whitlam's comment to Foreign Affairs officers in 1974 that "I am in favour of incorporation but obeisance is to be made to self-determination" was true for each of the five Australian governments that held office during the Soeharto era.*

143. Australia made it known to Indonesia at the highest levels that it opposed the use of force in Timor-Leste but once this decision was made in mid-1975 it knew and accepted it. It was quick to acknowledge the Indonesian military's occupation of Timor-Leste and to offer legitimacy through de jure recognition of Indonesian sovereignty. Apart from one occasion, Australia voted against Timor-Leste at the United Nations, was dismissive of Portugal's responsibility as administering power,[†] and by its stance and actions undermined international support for Timor-Leste.

144. The former Australian foreign affairs official, Dr Kenneth Chan, testified to the Commission:

While I have sought to give a balanced account of the developments of Australian policy towards East Timor, my overall assessment of that policy during the 25 years under consideration is that it was mostly a failure. There was failure to support an underlying principle of the United Nations and of international law and justice: the right of all people to self-determination. And there was failure to work to restrain Indonesia from the path of military intervention and aggression in 1975, especially after Fretilin took control of East Timor and made its unilateral declaration of independence.[‡]

145. The people of Timor-Leste welcomed and benefited from Australia's strong practical support for a genuine act of self-determination in 1999.

* In a private conversation, Mr Whitlam told Foreign Affairs officers: "I am in favour of incorporation but obeisance is to be made to self-determination. I want it incorporated, but I do not want this done in a way which will create argument in Australia which would make people more critical of Indonesia", [Document 37, Canberra, 24 September 1974, in Wendy Way (Ed.), DFAT, p. 111].

[†] Australia argued before the International Court of Justice that Portugal had no status as the administering power over Timor-Leste because it had abandoned the territory in 1975, was not referred to as the administering power in General Assembly resolutions 1976, 1977 and 1978, and had maladministered the territory before 1974. [Krieger, pp. 371-477].

[‡] Testimony to the CAVR National Public Hearing on Self-determination and the International Community, 15-17 March 2004. Dr. Chan served in the Australian Department of Foreign Affairs and Trade from 1972 to 1993. He represented Australia at the UN from 1979-1982 where he dealt mainly with decolonisation issues. He was Administrator of the Cocos (Keeling) Islands when the people of that territory voted in 1984 to become part of Australia.



US President Gerald Ford and Secretary of State Henry Kissinger

3 The Security Council, its permanent members and Japan



US President Gerald Ford and Secretary of State Henry Kissinger

3 The Security Council, its permanent members and Japan

3.1 The Security Council

146. The Security Council, based in New York, is the most powerful organ of the United Nations. It is charged with maintaining peace and security between nations in accordance with the UN Charter. It has 15 members. Five are permanent, namely the five countries which were victorious in the Second World War: the People's Republic of China, France, the Russian Federation (formerly the Soviet Union), the UK and the US. The other ten members are elected by the General Assembly for two-year terms.

147. Portuguese Timor was the subject of Security Council deliberations in the 1960s in which Portugal was criticised for failing to comply with its obligations under the Charter. This changed after 1974 and, in response to a request by Portugal, the Security Council convened on 15 December 1975 to debate Indonesia's intervention in the territory.

148. On 22 December 1975 the Council adopted a resolution which called on all states to respect the territorial integrity of Portuguese Timor as well as the right of its people to self-determination.⁸³ The resolution deplored Indonesia's military intervention and regretted that Portugal did not discharge fully its responsibilities under Chapter XI of the UN Charter. It called on Indonesia to withdraw all its forces from the territory without delay and on Portugal, as administering power, to cooperate fully with the UN to enable the people of Timor-Leste to exercise freely their right to self-determination. The resolution also called on all states and other parties to cooperate with the UN to achieve a peaceful solution to the present situation and to facilitate decolonisation and requested the Secretary-General to send a special representative to the territory as a matter of urgency to make an on-the-spot assessment and contact all parties and states to ensure implementation of the resolution.⁸⁴ The resolution was adopted unanimously.

149. The Security Council did not condemn Indonesia for aggression or the unlawful use of force. It described Indonesia's action as an "intervention" not an "invasion", limited itself to calling on Indonesia to withdraw and did not recommend or impose sanctions for its behaviour.

150. The Special Representative of the Secretary-General (SRSG), Vittorio Winspeare Guicciardi, visited Timor-Leste and the region in January. Due to Indonesian obstruction he was unable to meet Fretilin representatives and his report was inconclusive.⁸⁵

151. Following receipt of the report, the Security Council met on 22 April 1976 and adopted a further resolution. Its contents were essentially the same as the December text, including a request for the SRSG to continue his assignment, except for two omissions: the paragraphs "deploring" Indonesia's armed intervention and "regretting" Portugal's failures were dropped.⁸⁶ It was passed 12 votes to none with two abstentions: Japan and the US.*

* One member (Benin) did not participate in the voting.

152. Indonesia failed to comply with both Security Council requests to withdraw its troops and no sanctions were imposed for this refusal. The request for the SRSG to return to Timor-Leste and pursue consultations with the parties concerned was not acted on by the Secretary-General, Kurt Waldheim. A British diplomat at the UN, Richard Dalton, reported that José Ramos-Horta challenged the Secretary-General for failing to implement Resolution 389. Dalton wrote:

Winspeare is under orders not to take any initiatives. He has indicated that he is available if the parties want to talk to him, but he is not making any efforts to bring them together. According to Schlittler-Silva, the Brazilian who accompanied Winspeare and who is still concerned with the subject in the Secretariat, if the Secretary-General is challenged as to why he has not followed up Resolution 389, he is quite prepared to argue that it is because none of the members of the Council has yet urged him to do so.*

153. The Security Council remained "seized of the situation" but did not return to the issue until 1999.

154. In 1982 the Secretary-General was again called on to play a direct role. General Assembly Resolution 37/30 requested Secretary-General Javier Perez de Cuellar "to initiate consultations with all parties directly concerned, with a view to exploring avenues for achieving a comprehensive settlement of the problem."† Under his good offices, talks between Indonesia and Portugal began in July 1983. They made little progress and the East Timorese Resistance was not included as one of the "parties directly concerned". Nevertheless, the persistence of the Secretariat with what appeared to be an intractable issue was a signal in the symbolic world of diplomacy that, though dormant, the issue remained alive on the UN agenda.

155. In late 1992 the talks between Portugal and Indonesia resumed after they had been broken off by Portugal following the Santa Cruz Massacre. At the same time, the experienced UN diplomat, Francesc Vendrell, became Director for South-East Asia and the Pacific and subsequently Director for Asia and the Pacific in the UN Secretariat. His involvement and the appointment of Tamrat Samuel to the Timor-Leste dossier significantly strengthened the Secretary-General's capacity between 1993 and 1999.‡

* 11 June 1976, in UK unclassified documents, Dowson File 7.25, Secretary-General Waldheim did not rule out a West Irian style act of self-determination for Timor-Leste. He informed Mr Luard, Parliamentary Under-Secretary of State, Foreign and Commonwealth Affairs that: "He could envisage some kind of act of self-determination under UN auspices but it was not clear what form it would take. The Indonesians clearly wished the UN to legalise their Anschluss...A process similar to that employed in West Irian could be considered if the Indonesians would accept it." [British FCO Record of Conversation, 15 May 1976, in UK unclassified documents, Dowson File 4].

† 23 November 1982, in Krieger, p. 128. Javier Perez de Cuellar engaged in separate bilateral contacts with Indonesia and Portugal from early 1982 when he became Secretary-General. He was assisted in this work by Under-Secretary-General Rafaeuddin Ahmed. ‡ Arnold Kohen describes Francesc Vendrell as "the UN official who has played the most significant role on the East Timor issue since 1975". [From the Place of the Dead: Bishop Belo and the Struggle for East Timor, Lion Publishing, Oxford, 1999, p. 289].

156. The two officials focused on promoting East Timorese participation in the negotiations. At their suggestion the Secretary-General obtained permission from Indonesia for a Special Envoy, Amos Wako, then Attorney-General of Kenya, to meet Xanana Gusmão who was in prison and was said to have agreed to integration. Francesc Vendrell told the CAVR National Public Hearing on Self-determination and the International Community:

I can now tell you that when Mr Wako and Mr Tamrat Samuel, who was also with him, went to the prison to meet Xanana, Xanana smuggled a letter addressed to the Secretary-General in which he declared and reiterated his commitment to the self-determination and the freedom of his homeland.⁸⁷

157. Commenting on whether it was appropriate for a UN official to bear such a document, Mr Vendrell said he believed that it was his duty to ensure that the views of the East Timorese found their way into the negotiations. He told the hearing:

People might say that the team was not being neutral. However, we saw ourselves as objective. Objectivity is not the same as neutrality. The issue of East Timor went to the core of the values and principles of the United Nations and of international law and the Universal Declaration of Human Rights. If you are working for the United Nations you cannot be neutral on these issues... We were working for the right of the Timorese people to exercise their right to self-determination... The two parties to the negotiation were Indonesia, the occupying power, and Portugal, the legal administering power. The people of East Timor were not represented.⁸⁸

158. In keeping with this objective, Vendrell and Tamrat Samuel met Bishop Belo, priests and nuns in Dili in 1994 and were impressed by the degree of support for self-determination and faith in the United Nations:

One of the most moving things was the enormous faith that everybody had in the United Nations. Tamrat and I had a feeling of responsibility that we had to do our best on behalf of a people who could only turn to the UN for support.⁸⁹

159. The UN-sponsored All-Inclusive intra-East Timorese Dialogues (AIETD) resulted from this experience. Francesc Vendrell and Tamrat Samuel suggested to the Secretary-General that he ask the Foreign Ministers of Portugal and Indonesia to accept the idea of the dialogues to bring together Timorese from inside Timor-Leste and Timorese in exile:

The idea was if they came together and they were left on their own, they might find that they had a great deal in common and might reach a joint proposal on East Timor.⁹⁰

160. This was agreed and with the support of the Government of Austria a series of meetings was held. They did not have a political outcome, but in Francesc Vendrell's judgment the meetings did help the Timorese who participated to realise they had more in common than what separated them.

161. On assuming his post as Secretary-General in 1997, Kofi Annan gave increased attention to the question of Timor-Leste. Coming soon after the award of the Nobel Peace Prize to José Ramos-Horta and Bishop Carlos Ximenes Belo in December 1996, his appointment of Jamsheed Marker of Pakistan as his Personal Representative for Timor-Leste further invigorated the UN's efforts. In what was an innovation by Kofi Annan, Ambassador Marker and his associates formed a "core group" of countries to work on the Timor issue. The group comprised Australia, Japan, New Zealand, the UK and the US. The officials also engaged in intense shuttle diplomacy between New York, Jakarta, Lisbon and Timor-Leste that involved consultations with all the main actors and increased in tempo after the fall of President Soeharto and the decision by President Habibie in June 1998 to grant Timor-Leste "wide-ranging autonomy".

162. Jamsheed Marker has paid the following tribute to Kofi Annan for his decision to give priority to the Timor issue within the UN:

Thinking back on this sequence of events, I am reaffirmed in my conviction that without Kofi's initial decision to activate a negotiating process on East Timor and not only to keep it alive but to vigorously push it at all times, the United Nations would not have been in a position to seize the opportunities offered by the devolution of political events in Indonesia. In other words, we kept the ball in our possession, and ran with it as soon as we got the chance.⁹¹

163. The UN got its chance to run with the ball when the Habibie Government announced on 27 January 1999 a "second option" for the people of Timor-Leste: the choice between autonomy and independence. On 11 March the Secretary-General met with the Foreign Minister of Indonesia, Ali Alatas, and the Foreign Minister of Portugal, Jamie Gama, and agreed on a direct, UN-administered Popular Consultation on the "second option", then dispatched a UN assessment mission to Timor-Leste headed by Francesc Vendrell, Jamsheed Marker's deputy, throughout the negotiations.

164. In view of the violent situation prevailing in the territory, the most critical issue for the UN was security and how to ensure that the Popular Consultation was carried out peacefully and freely. At the next tripartite meeting on 22 April, the Indonesian Foreign Minister, Ali Alatas, flatly rejected UN proposals that Indonesian troops be cantoned or confined to designated areas one month before the consultation. At their summit in Bali on 27 April, President Habibie similarly rejected a proposal by the Australian Prime Minister to accept an international peacekeeping presence.

165. On 5 May 1999 a final tripartite meeting was held in New York between Kofi Annan and Foreign Ministers Alatas and Gama and three Agreements relating to the Popular Consultation were signed, inter alia, the Agreements allowed for a direct, secret and universal ballot and the establishment of a UN mission to carry out the consultation, and entrusted security to Indonesia.⁹² They were endorsed by the Security Council on 7 May, the first time it had discussed the question of Timor-Leste since April 1976.⁹³ On 11 June, the Security Council established the UN Mission in East Timor (UNAMET). Ian Martin was appointed Special Representative of the UN Secretary-General for East Timor and head of UNAMET.

166. Though historic, the Agreements received a mixed reception. On the one hand, they were a triumph of international diplomacy and, against the background of the 1969 bogus "Act of Free Choice" in West Irian and the East Timor Popular Assembly of May 1976, welcome evidence that Indonesia was democratising. On the other hand, there were grave misgivings that leaving Indonesia in charge of security was a recipe for disaster. In the weeks before the ballot, which was postponed on security grounds, José Ramos-Horta predicted violence and called on the international community to take preventative steps:

The worst-case scenario – which is real – is that there is violence, that the violence is targeted at the UN, that they extract themselves and there is a catastrophic bloodbath in East Timor. They – not only the UN but countries that really matter, like Australia – must create the conditions to ensure this does not happen.⁹⁴

167. In his testimony to the CAVR National Public Hearing on Self-determination and the International Community, Ian Martin, the head of UNAMET, acknowledged that the major criticism made of the Agreements was that security was left in the hands of the Indonesian military. Though not part of the negotiations, he said:

*I have reflected a great deal on that. I share the judgement of the negotiators that no amount of pressure on President Habibie in early 1999 could have brought about acceptance of an international peacekeeping force. If so, it was right to take the risk involved in the Agreements, rather than lose the opportunity for self-determination which had been closed for 24 years, and which might not remain open after Habibie.*⁹⁵

168. In his testimony to the Commission, Ian Martin also addressed the criticism that UNAMET was allegedly biased in favour of an independence outcome to the ballot and that the violence which followed was provoked by the anger of pro-integration East Timorese at an unfair process and result. He said:

* Ian Martin was Secretary General of Amnesty International 1986-92. Before serving as head of UNAMET, he occupied various UN human rights positions in Haiti, Rwanda and Bosnia-Herzegovina.

I think this view exists exclusively within Indonesia and East Timorese pro-integration groups and has no credibility elsewhere, but it is important that it is answered. In my opinion not enough has been done to answer it in Indonesia, especially when it has been advanced at the trials before the Ad Hoc Human Rights Court in Jakarta, by the prosecution as well as the defence. TNI witnesses at those trials have gone unchallenged when they told the most blatant falsehoods, saying, for example, that UN civilian police had taken over responsibility for security in East Timor, that ballot boxes were discovered at the house of Bishop Belo, and so on.

169. Mr Martin explained:

UNAMET was not pro-independence: it was committed only to enabling the East Timorese to exercise [their] internationally-recognised right to self-determination... The registration and polling procedures we put in place and operated were highly scrutinised by an Independent Electoral Commission, which held a public hearing of the complaints in the days after the ballot, and by a wide range of international observers. All impartial observers judged the ballot to have been fairly and efficiently conducted, despite difficult conditions and time constraints.

170. He then stated that aspects of the Popular Consultation were unfair to supporters of independence.

*It was biased against the supporters of independence because the Indonesians failed to fulfil the commitments they had been given. These required that Indonesian government officials should remain neutral, and that East Timorese government officials should campaign only in their personal capacity, without use of public funds or government resources, or "recourse to pressure of office". These requirements were flagrantly violated, despite UNAMET's protests.*⁹⁶

171. The ballot was conducted relatively peacefully and was a day of subdued triumph for most East Timorese. Following the outbreak of violence, President Habibie, under intense international pressure, agreed to invite the UN to dispatch an international force to restore order. This was authorised by the Security Council on 15 September 1999.⁹⁷

172. On 20 October 1999 Indonesia's supreme legislative body, the Indonesian People's Consultative Assembly (Majelis Permusyawaratan Rakyat, MPR), recognised the result of Timor-Leste's Popular

Consultation and revoked the MPR decree of 1978 which incorporated Timor-Leste into Indonesia.* The same day, President Habibie stepped down from the presidency to make way for Abdurrahman Wahid.

173. On 25 October 1999 the Security Council welcomed the MPR decision and established the UN Transitional Administration in East Timor (UNTAET). The resolution was passed unanimously and empowered UNTAET to exercise all legislative and executive authority, including the administration of justice, and to assist Timor-Leste to prepare for self-government. Kofi Annan appointed Sergio Vieira de Mello of Brazil as his new Special Representative for East Timor and head of the Transitional Administration.†

174. The passage of the Security Council resolution on 25 October marked the transfer of authority over Timor-Leste from Indonesia to the UN (see section on Portugal in this chapter regarding the formal end of Portugal's role).

3.2 China

175. The People's Republic of China (PRC) joined the United Nations in 1971 and is one of the five permanent members of the Security Council.‡ Reflecting its own often humiliating colonial background, China has traditionally taken a very strong position on issues of sovereignty, self-reliance, self-determination and the rights of the Third World. China is particularly sensitive to what it regards as undue Western influence on the international system, including outside interference in a country's internal affairs in the name of humanitarian intervention and human rights, and the imposition of an overly individualistic interpretation of human rights.

176. China opposed Portuguese colonialism in Africa and planned to absorb Macau,§ but was and remains firmly opposed to independence for Taiwan and Tibet.

177. Indonesia recognised the People's Republic of China in 1950 and China-Indonesia relations during the Sukarno period were generally positive. They deteriorated sharply after 1965 when Indonesia broke off diplomatic relations with China after the pro-Beijing Indonesian Communist Party (PKI) allegedly attempted a coup in Jakarta. Under President Soeharto, Indonesia imposed discriminatory restrictions on Chinese cultural and religious practices which included suppressing the use of Chinese names and the banning of Chinese texts and the teaching of Chinese in schools. The Soeharto Government's support for pro-Moscow Vietnam also rankled China.

* Some Indonesian legislators believe that it was for the legislature, not the President, to take decisions relating to matters of sovereignty and that in authorising the 5 May Agreements President Habibie did not follow proper procedure.

† At the time of his appointment, Sergio Vieira de Mello was UN Under-Secretary-General for Humanitarian Affairs and Emergency Relief. He had previously served as UN Assistant High Commissioner for Refugees. He was serving as SRSG in Iraq when he was tragically killed on 19 August 2003 during a bombing assault on the UN offices.

‡ Following the Chinese communist revolution in 1949 and the emergence of the Cold War, Taiwan occupied the "China" seat in the UN. In 1971, the UN recognised the PRC as the sole legitimate representative of China and it replaced Taiwan in the UN.

§ Portugal transferred Macau to China in December 1999. It is now called the Macau Special Administrative Region (SAR) and has autonomy except in matters of foreign affairs and defence.

178. The Soeharto Government worried that China might intervene in Portuguese Timor. In 1974-75 President Soeharto and his advisors repeatedly expressed concerns that an independent, left-leaning, but economically weak Timor-Leste would look to China for support. Indonesian officials agreed when the Secretary of the Australian Department of Foreign Affairs, Alan Renouf, told them in October 1974 that:

[H]e expected China's intentions would be of particular concern to Indonesia. He noted that there are 10,000 Chinese in Portuguese Timor and that although they were presently oriented towards Taiwan, their allegiance might be changeable.⁹⁸

179. President Soeharto raised the issue on both occasions that he discussed Timor with the Australian Prime Minister, Gough Whitlam.

180. Mr Renouf and Mr Whitlam both sought to allay Indonesia's concerns. In a letter to President Soeharto on 28 February 1975, Mr Whitlam wrote: We know of no evidence to support anxiety on this score. At present we have the impression that there is little interest in Portuguese Timor on the part of China or the Soviet Union, or indeed of other great powers; and our judgment is that those powers which might be tempted to meddle there would hesitate to jeopardise their relations with Indonesia.⁹⁹

181. Diplomats in other countries and the UN agreed with this judgment and made known their views to the Soeharto Government.*

182. Fretilin included China in its international strategy to gain recognition and support, but the initiative was used by Indonesia to support its claim that the party was communist. The government-controlled press and the military newspaper Berita Yudha carried stories claiming Communist Chinese infiltration into Timor, funding of demonstrations and Maoist involvement, including talk of a secret visit by four Chinese Generals to Timor-Leste via Australia. The President of UDT, Francisco Lopes da Cruz, claimed in April 1975 that UDT's "agents in Indonesia and Taiwan" had confirmed China's links with Timor.†

183. The PRC was the only significant country in Asia to support Fretilin and the only permanent member of the Security Council to recognise the unilateral declaration of independence and the establishment of the Democratic Republic of Timor-Leste in November 1975. China supported the two UN Security Council resolutions adopted in response to the Indonesian invasion and strongly condemned Indonesia's actions. China's representative, Huang Hua, told the Security Council in December 1975:

* The Chinese Under-Secretary-General for Political Affairs, Trusteeship and Decolonisation in the UN, Tang Ming-Chao, told Mr Whitlam during a visit to Canberra in September 1975 that although he was an international civil servant, he could confirm "that China had no interest in Portuguese Timor", Document 227, Canberra, 12 September 1975, in Wendy Way (Ed.), DFAT, pp. 406-408.

† Document 131, Jakarta, 12 May 1975, in Wendy Way (Ed.), DFAT, p. 259. James Dunn dismisses these stories from November 1974 as propaganda. He is particularly critical of the "outright lies" circulated by Francisco Lopes da Cruz in September 1975 such as, for example, his claim that 20 North Vietnamese "military trainers" had been instructing Fretilin soldiers. James Dunn, *East Timor: A Rough Passage to Independence*, Longueville Books, NSW, 2003, pp. 72, 183.

*The Indonesian Government's naked aggression against the Democratic Republic of East Timor has fully revealed its wild ambition to exterminate the patriotic forces of the people of East Timor, strangle the newborn Democratic Republic of East Timor and thus realize its longpremeditated scheme of annexing East Timor. The above acts of the Indonesian Government constitute a gross violation of the purposes and principles of the Charter of the United Nations. The Chinese delegation cannot but express indignation at this and condemns it.*¹⁰⁰

184. China's recognition of the RDTL meant that it accepted that Fretilin's unilateral declaration of independence was an act of self-determination. This did not prevent it, however, from giving its support, with one exception, to General Assembly resolutions on Timor-Leste between 1975 and 1982.

185. China also provided practical assistance to Fretilin. José Ramos-Horta has written:

While Moscow kept Fretilin at arm's length, Beijing extended lavish hospitality and active diplomatic support. I personally visited the People's Republic of China early in 1976, as did other Fretilin representatives. China provided us with strong words of support at the United Nations, as well as financial contributions.¹⁰¹

186. This did not include military assistance, although Fretilin requested it through its Minister of Defence, Rogério Lobato, who visited China soon after the Indonesian invasion and met with General Ch'en His-lien, a senior commander in the People's Liberation Army (PLA), and visited a PLA unit. The Australian Ambassador to China, Stephen Fitzgerald, was asked by Canberra to verify claims of military assistance with Chinese officials and concluded that:

The present Chinese stand seems dictated by the moral imperative that Indonesia should be condemned for open aggression, where previously China had no wish or intention of becoming involved. Once the Indonesian invasion forced them, reluctantly, to take a stand and issue statements, Fretilin was apparently the indigenous party most easily identified with, as it allowed consistency with their own policies.^{*}

* Document 396, Peking, 7 January 1976, in Wendy Way (Ed.), DFAT, pp. 663-64. This understanding of China's position is confirmed by the SRSF Winspeare Guicciardi who said that before he left New York for his visit to Timor-Leste and the region in January 1976 he had been told by Tang Ming-Chao, the Under-Secretary-General for Decolonisation, that as far as China was concerned "Winspeare's mission would have value only insofar as he told the Indonesians to 'scram'." Report by Australian government official, 10 February 1976. Documents, op.cit. p. 705.

187. Ambassador Fitzgerald believed that China had not ruled out military assistance at that point, but decided that the remarks of the Chinese Foreign Minister, Ch'iao Kuan-hua, at the welcoming banquet on 29 December 1975 that "the East Timorese people... would surely win the final victory on national independence so long as they persevere in self-reliance and hard struggle" meant "no".

188. The British government believed that China's strong language in the Security Council should not be taken at face value. In a cable to London on 2 January 1976, the British Ambassador to Indonesia, John Ford, wrote:

Apropos the Fretilin delegation's visit to Peking and the Chinese ostensible support of Fretilin, the Chinese had apparently commented to the effect that too much notice should not be paid to their support of Fretilin: there were occasions when cannons need to be fired even if only paper balls were shot.¹⁰²

189. In July 1976 China gave the Australian Prime Minister, Malcolm Fraser, an assurance that it would not interfere in Indonesia's internal affairs.¹⁰³

190. Indonesia benefited from the relationship with China that it denounced Fretilin for seeking. China's support for Timor-Leste weakened during the 1980s due to gradually improving relations with Indonesia and a sense that independence was a lost cause. Indonesia reduced its pro-Vietnam position and China adopted a more neutral stance on Timor-Leste. In 1985, Indonesia relaxed restrictions on trade relations with China which resulted in spectacular financial flows to its benefit and increased bilateral exchanges. In August 1990 the two countries normalised relations and, as evidence of the dramatically improved relations, President Soeharto made a state visit to Beijing in 1991. To accommodate objections from nationalist and military quarters, the Soeharto Government obtained agreements from China that it would not provide aid for subversive activities or interfere in Indonesia's internal affairs.

191. China supported Security Council Resolutions in 1999 that authorised the UN administered act of self-determination. In line with its in-principle opposition to intervention on humanitarian and human rights grounds, China rallied the Asian bloc in support of Indonesia in 1999 to oppose an inquiry by the UN Human Rights Commission into violations committed in Timor that year. This was unsuccessful. China succeeded, however, in eliminating some references to human rights investigations before allowing the Security Council to authorise the Interfet intervention in September 1999.

3.3 France

192. France is a founding member of the United Nations, a permanent member of the Security Council and a major donor to the organisation's budget. The French government is committed to coordinating its foreign policy with the purposes and principles of the UN which have much in common with France's republican tradition.

193. France did not support decolonisation initiatives taken by the UN in the 1960s. It abstained from supporting both the historic Declaration on the Granting of Independence to Colonial Countries and Peoples on 14 December 1960 and its related principles for reporting on colonies. During the same period, France joined Portugal in opposing the listing of Timor by the General Assembly as a non-self-governing territory.

194. The French government supported Security Council Resolution 384 which was adopted unanimously on 22 December 1975 in response to the Indonesian invasion of Timor-Leste. France upheld the right of the people of Timor-Leste to self-determination and independence and called on Indonesia to withdraw its troops, but took a conciliatory approach to the issue. Speaking in the Security Council debate on 18 December, the French representative, M LeCompt, urged cooperation rather than laying blame:

*The mission of the Council in this case is not to lay blame, and even less to attribute it to a single one of the parties involved. We know that historic situations are rarely simple enough for good and evil to be discerned from a single vantage point. Timor is no exception to that rule.*¹⁰⁴

195. France also voted in favour of the second Security Council resolution, adopted on 22 April 1976. It again upheld the right to self-determination and independence, but regretted that the resolution did not include recommendations from Japan to recognise Indonesia's goodwill and undertaking to withdraw its troops. In an ambiguous statement of explanation, the French representative, M Traver, told the Council:

*Rather than dwelling on the past and apportioning blame here or there, it is to the future that we must now look. The future of East Timor must be characterised by national reconciliation, subject to a total cessation of hostilities and to a coming together of the various parties, whose divergencies seem to us less fundamental than their common aspiration, namely, the accession of the people of Timor to well-being and independence.*¹⁰⁵

196. In keeping with this position, France abstained from supporting the first General Assembly Resolution adopted following the Indonesian invasion because the resolution was not even-handed and put all the blame on Indonesia.¹⁰⁶ The French government abstained on all subsequent General Assembly

resolutions stating that the resolutions "ignored the reality of the situation in Timor-Leste".¹⁰⁷ In 1979, the Giscard d'Estaing Government signed a tax treaty with Indonesia. In the view of the Australian government this implied *de jure* recognition of Indonesian sovereignty over Timor-Leste because the treaty was signed after the 1976 annexation and contained a clause defining Indonesia as the territory determined by Indonesian law.¹⁰⁸

197. Military equipment supplied to Indonesia by the Giscard d'Estaing Government was employed in Timor-Leste, including tanks and Puma and Allouette helicopters. The Puma helicopters were produced in Indonesia in 1979. More Allouettes were supplied by France in 1982. The East Timorese Resistance claimed this equipment was used in battle. José Ramos-Horta wrote:

The Allouette is Fretilin's major fear, its versatility and speed allows it to operate effectively in jungle and mountain areas to chase retreating guerilla forces or flush them out of their bases.¹⁰⁹

198. The New Zealand Embassy in Jakarta confirmed in January 1978 the presence of Puma and Allouette helicopters in Dili but believed these were not armed.

The Army and Air Force are currently operating about ten light helicopters (BO-105, Puma and Allouette), which are based at Dili. From what we saw they are used for reconnaissance and limited evacuation only. None appeared to be fitted for use as gunships.^{*}

199. The East Timorese Resistance and French civil society organisations hoped that France would support Timor-Leste at the UN after Francois Mitterand became the country's first socialist president in 1981. In opposition, the socialists had vigorously criticised the silence of the conservative Giscard d'Estaing Government (1974-81) on the issue as morally unacceptable and Mitterand had referred to the "abandoned Timorese people, victims of forces that would wipe them out".¹¹⁰ Mitterand was president from 1981 to 1995 and, under the French Constitution, had a major role in shaping foreign policy. In December 1981, he told Portuguese television that the East Timorese were undergoing "an extremely harsh repression...that it was unacceptable for the strong to crush the weak and undertake physical eliminations which could end up wiping out a people" and that "if the UN did not take the initiative to defend Timorese rights, France would take on this duty."¹¹¹

200. In practice, France under Mitterand continued the policy of the previous government and even abstained from supporting the mildly worded 1982 General Assembly Resolution which only called for the Secretary-General to try and find a solution through dialogue. In 1983 the French Government formally notified Portugal that it would oppose a vote that year if the issue came up.¹¹² Answering a

^{*} Report by Ambassador Roger Peren and Col MacFarlane, Defence Attaché, 13 January 1978, in New Zealand, OIA Material, Vol. 1. MacFarlane was the first Western defence attaché permitted to visit Timor-Leste after the invasion.

question on human rights in Timor-Leste in 1986, the Minister for Foreign Affairs, Roland Dumas, said that information on the issue was fragmentary and contradictory and that in 1982 most East Timorese had voted for the Soeharto Golkar party. France made a brief reference to Timor in the debate on self-determination at the UN Human Rights Commission in February 1987. East Timorese activists sought asylum in the French Embassy in Jakarta three times in 1995-96; their requests to leave for Portugal were respected.

201. France was a major donor to Indonesia during the Soeharto period. In 1991 it ranked as the second largest bilateral donor and maintained its support during the Asian economic crisis from 1997 on. Contrary to some expectations, France increased its military cooperation with Indonesia under President Francois Mitterand. Indonesian purchases in the 1990s included cannons and amphibious scout vehicles. From 1994, driven by an aggressive governmentbusiness strategy, French sales to Asia eclipsed traditional markets such as the Middle East for the first time and the Thompson group of companies, for example, supplied a range of military and communications material to Indonesia. Cooperation also included exchanges of military personnel. In 1997, France awarded BJ Habibie a medal for his role in promoting French- Indonesian relations and industrial development in Indonesia.

202. France intervened on the question of Timor-Leste for the first time in 1999. Under President Jacques Chirac, France supported the self-determination process in keeping with its previous policy statements and was one of 22 nations that contributed to the International Force for East Timor (Interfet), particularly enhancing its aerial and maritime capability.

3.4 Russia (USSR)

203. The former Union of Soviet Socialist Republics (USSR)* was a self-professed friend of colonial peoples, superpower and permanent member of the Security Council. Indonesia and the West feared it might intervene in Timor-Leste and monitored its activity closely. In reality, it played a minor role and, like other powers, took a pragmatic approach based on its strategic interests in Indonesia.

204. Following the Bolshevik Revolution of 1917, the Soviet Union promoted itself as the champion of colonial peoples and revolutionary movements. This activity increased after the Second World War and the collapse of European empires and peaked in the 1970s with, inter alia, Soviet intervention in Angola in 1975, the Ogaden War (1976-78)† and the ill-fated invasion of Afghanistan (1979-89).

205. In 1960 the USSR proposed and drafted the original text of the historic UN Declaration on the Granting of Independence to Colonial Countries and Peoples. The text was substantially modified, but the initiative was an important contribution to decolonisation, including for Timor-Leste. The USSR supported the two Security Council Resolutions on Timor-Leste adopted in response to the Indonesian invasion and all General Assembly Resolutions on the question between 1975 and 1982.

* The USSR dissolved in 1991 when 15 of its members became independent. It is now known as the Russian Federation or Russia.

† Somalia and Ethiopia fought this war for control of the Ogaden region of Ethiopia. The USSR initially backed Somalia then switched its support to Ethiopia.

206. Soviet interest in Timor was not as strong as this voting pattern suggests or some anticipated. In the highly-charged context of the Cold War, and following the fall of Vietnam to the Viet Cong, fears were held in many quarters, including Indonesia and Timor-Leste, that the Soviets might intervene and establish an "Asian Cuba" in Timor-Leste, possibly even with Soviet-supplied missiles targeting Jakarta. The UN envoy Jamsheed Marker has referred to a "persistent view" that Washington pushed Soeharto to intervene in Timor to pre-empt such a possibility. According to this scenario, observes Marker, "the acquisition of Dili would supplement the existing Soviet facilities in Cam Ranh Bay and provide Moscow with a significant strategic naval presence in the region".

207. The Commission has not been able to access Russian archives, so it is difficult to determine the truth of these dramatic, but important, beliefs.† Available evidence strongly suggests, however, that these claims were often politically motivated on the Indonesian side and had no basis in reality because the Soviet Union was more interested in its relationship with Indonesia than Timor-Leste's fate.

208. Governments well disposed to Indonesia rejected the claims. In a report on 8 October 1975, the New Zealand defence attaché in Jakarta, Colonel A G Armstrong wrote:

The Indonesians have claimed on a number of occasions that Fretilin is receiving outside help but they have been able to produce no hard evidence of this.

209. His report refers to an Indonesian navy (TNI-AL) claim to have located "a Red Chinese submarine cruising off Dili" and that its identity as a Russian-built submarine then used by China was confirmed from the "signature" of its motors. The Colonel reported that his informant doubted that the Indonesian navy was "capable of identifying the class of submarine from its engine noise" and that the alleged make of the vessel post-dated the Sino-Soviet split. He concluded:

A submarine may well have been sighted, but its positive identification as Chinese, Russian or otherwise must be discounted.¹¹³

210. Australian officials were also sceptical about alleged communist designs on Timor. The Australian Prime Minister, Gough Whitlam, personally told President Soeharto on several occasions that there was no basis to such claims. The Department of Foreign Affairs correctly predicted in November 1974 that the Soviet Union would not "have any ambitions there, for the...reason that this could damage what must be assessed by Moscow as a more important relationship with Indonesia."¹¹⁴

* Jamsheed Marker, *East Timor: A Memoir of the Negotiations for Independence*, McFarland & Company, Inc., London, 2003, p. 9. The USSR provided military assistance to North Vietnam in its war with South Vietnam and the US, and after North Vietnam's victory in 1975 became Vietnam's largest donor of military and economic aid. Based on a treaty in 1978, Vietnam granted the Soviet Union access to facilities in Da Nang and Cam Ranh Bay thereby significantly increasing Soviet naval presence in the region which until then had been limited to the Soviet Far East.

† One possible source of documentation is the Storage Centre for Contemporary Documentation (TKhSD) in Moscow.

211. The Soviet attitude towards Timor-Leste is well illustrated by the following episode recounted by the Australian Ambassador to Indonesia, Richard Woolcott:

I recall asking the Soviet ambassador how the Soviet Union would react if Indonesia moved to incorporate East Timor. We went through a revealing charade. Taking me over to the map of Indonesia on his office wall, he said: "Where is East Timor?" Playing my part, I pointed to it on the map. "It is very small and surrounded by Indonesia, isn't it?", he said, and then changed the subject.¹¹⁵

212. Mr Woolcott commented that the episode revealed an ugly aspect of great power attitudes and noted that the USSR acquiesced in India's invasion of Goa in 1961.

213. Statements at the UN by Soviet representatives supported the East Timorese right to self-determination but were worded in general terms and refrained from direct criticism of Indonesia.¹¹⁶ José Ramos-Horta reported that Soviet diplomats gave little encouragement to the Fretilin delegation:

Unlike the hospitable Chinese, the Russians never invited our delegation to their Mission for a meeting, let alone a meal.¹¹⁷

214. Writing in February 1976, the British Ambassador to Indonesia, John Ford, commented about the Russian attitude:

This has been notably *pianissimo* and I have the impression that the Russians decided from the very beginning that the Indonesians would get away with their action and were not going to risk their growing influence in Indonesia. Had they led the pack against Indonesia they might well have found themselves booted out and their magnificent new Embassy premises a white elephant.¹¹⁸

215. Moscow turned down repeated requests by Fretilin representatives to visit the USSR. They did not grant a visa until 1985, ten years after the invasion, and then only to take part in a cultural event.

216. The USSR and Indonesia established diplomatic relations in 1953. The Soviet Union backed Indonesia in the dispute over West Irian and from 1960 Indonesia was the largest noncommunist recipient of Soviet bloc military aid. The relationship survived the suppression of the political left by the Soeharto forces in 1965 and, though ideological opposites, both sides saw mutual advantage in its continuation. The Soviet Union particularly valued the strategic utility of the relationship and worked to ensure it diminished the influence of the US and China in South-East Asia. In its cold war with the US, Moscow appreciated that Indonesia, unlike South Korea and the Philippines, did not host US military bases and allowed Soviet nuclear submarines passage through its archipelago. The relationship also served to counter-balance China's growing regional influence which threatened the interests of both countries in different ways.

217. Apart from keeping its support for self-determination *pianissimo*, the Soviet Union reportedly softened its position on Timor further in 1979 in return for Indonesia's support for the replacement of the pro-China Khmer Rouge by the pro-Soviet Heng Samrin Government as Cambodia's representative at the UN. It is also claimed that the Soeharto Government made the repayment of some US\$2bn from the Sukarno period conditional on Soviet acceptance of Indonesian sovereignty in Timor.¹¹⁹

218. Soviet foreign policy changed direction when Mikhail Gorbachev became President in March 1985. He emphasised conflict resolution through negotiation rather than force, which should have favoured Timor-Leste, but Timor's remoteness from the USSR's focus and Indonesia's importance worked against this. President Soeharto visited Moscow in September 1989 and Indonesia relaxed restrictions on Soviet trade and visits resulting in improved economic ties.

219. The break-up of the Soviet Union in 1991 and liberation of the "captive nations" was a source of great inspiration to the East Timorese Resistance. The boost to morale derived not from a wish to see Indonesia similarly disintegrate but because it demonstrated that the status quo was not immutable even where a superpower was involved. This was immensely empowering for Timorese who had been subjected to relentless indoctrination from all sides that the cause of self-determination for a small people was futile. In speeches at the time emphasising that nothing is irreversible, José Ramos-Horta often told the story of the Soviet cosmonaut whose return to earth had to be delayed because the landing site designated by mission control was no longer part of the Soviet Union.

220. Russia's support for the UN administered Popular Consultation in 1999 and for Interfet was critical in view of its veto powers in the Security Council. This support was given making it possible for Timor-Leste to exercise the right of self-determination that the former Soviet Union had championed several decades before.

3.5 United Kingdom

221. The United Kingdom is a permanent member of the UN Security Council and a close ally of both Portugal and Indonesia based on a long history of relationships with both peoples dating back several hundreds of years. However, successive British governments took only a limited interest in the question of Timor-Leste during most of the territory's nearly 40-year history of decolonisation.

222. Britain has a 600-year old alliance with Portugal and did not actively challenge the Salazar regime's failure to develop or decolonise Portuguese Timor in accordance with the UN Charter. It abstained when the UN General Assembly adopted the Declaration on Decolonisation and classified Timor as a non-self-governing territory in 1960. It also abstained in 1964 when the UN Special Committee on Decolonisation criticised Portugal for failing to implement General Assembly and Security Council resolutions from the previous three years.¹²⁰

* Indonesia claimed in a publication in 1980 that: "There is no power in this world which is capable of dividing the people of East Timor from Indonesia." in *The Province of East Timor: Development in Progress*, Department of Information, Republic of Indonesia 1980, p. 8.

223. Following Portugal's decision to decolonise in 1974, British Embassy officials in Jakarta reported on developments to the government in London. An embassy official visited the territory in July 1975 and based on his report, the British Ambassador, John Archibald Ford, made the following recommendations to the Foreign and Commonwealth Office (FCO) in London:

Even without Soviet or Chinese intervention the territory seems likely to become steadily more of a problem child, and the arguments in favour of its integration into Indonesia are all the stronger...Certainly as seen from here it is in Britain's interest that Indonesia should absorb the territory as soon as and as unobtrusively as possible: and that if it comes to the crunch and there is a row in the United Nations, we should keep our heads down and avoid siding against the Indonesian Government.'

224. The Australian Embassy confirmed the British approach. In a secret letter to Canberra on 21 July 1975, an official wrote:

The British Embassy's views are...interesting...They know what is inevitable, and they attach a higher importance to their long term interests in Indonesia. They want to stand at a comfortable distance.¹²¹

225. Australia confirmed to the British government in October that President Soeharto had decided on military intervention. Ambassador Ford reported this to London:

Australian Embassy have now confirmed (but have asked us not to play this back to them in Canberra or to tell others) that President Soeharto has authorised the stepping up of clandestine operations (including the use of ships and aircraft)...The aim is a total encirclement of Dili by 15 November.¹²²

226. His cable concluded with a further recommendation of non-involvement:

The American Ambassador said at Sir Michael Palliser's dinner on 21 October that Timor was high on Kissinger's list of places where the US do not want to comment or get involved. I am sure we should continue to follow the American example.¹²³

227. His recommendation was adopted by the Labor Government's Foreign Secretary, James Callaghan.[†]

* 21 July 1975, quoted by Australian Ambassador, Richard Woolcott. Brian Toohey and Marian Wilkinson in *The Book of Leaks*, Angus and Robertson, London, 1987, p. 176. Ford was Britain's Ambassador to Indonesia 1975-1978.

† Callaghan was foreign secretary from 1975-76, then prime minister from 1976-79.

228. The British government took no action on the deaths in Balibo on 16 October 1975 of Nine Network television reporter Malcolm Rennie and cameraman Brian Peters, both of whom were British subjects.¹²⁴ Ambassador Ford informed London on 24 October that: We understand that the newsmen were killed, almost certainly inadvertently, in the course of an attack by Indonesian/UDT forces and that their bodies were immediately disposed of by the local commander, probably

by burning...Since no protests will produce the journalists' bodies I think we should ourselves avoid representations to the Indonesians about them. They were in the war zone of their own choice.¹²⁵

229. Britain's policy in the event of an Indonesian takeover of Portuguese Timor by force was reported to Canberra by the Australian High Commission in London:

Male (Deputy Under-Secretary, FCO) said today, that if Indonesia were to take over Timor by force, the British Government would wish to resist pressures which would inevitably and quickly build up here not only for oral condemnation of Indonesia but also for practical measures such as cutting off aid. To help contain such pressures, a British Government statement would quickly be issued at the time (a) drawing attention to Indonesia's long and remarkable display of patience and forbearance, (b) disclaiming any notion that Timor was even in a marginal sense Britain's problem, and (c) observing that those countries in the region who did have real reason to be interested in Timor were not too concerned by developments.¹²⁶

230. Britain's decision to keep "our heads down" was largely dictated by the importance it attached to its long-standing commercial interests in Indonesia. These date back to the 17th and 18th centuries when the English East India Company competed with the Dutch East India Company for control of the spice trade in the archipelago. In the early 20th century, British investments in the Netherlands Indies were second only to the Dutch. Britain headed the Allied Command in the region during the Second World War, restored the Dutch colonial government in Java, then helped mediate a settlement between the Netherlands and the Indonesian republican forces before independence. Relations deteriorated in the early 1960s when Sukarno challenged British plans for Singapore and Malaysia. Soeharto quickly ended Sukarno's policy of *konfrontasi*, and economic relations revived under Soeharto who hosted a visit by Queen Elizabeth II in 1974. Deregulation in the 1980s led to the entry of many of Britain's biggest companies and Britain again became Indonesia's second largest investor.¹²⁷

231. Ambassador Ford advised his Government in London of his view that Indonesia's actions were justified on security grounds. In a confidential memo after the invasion, he wrote:

My guess is that had the Indonesians allowed Fretilin to establish a hostile government in East Timor and make East Timor a

home for dissidents from the Maluccas (sic) and outer islands, this would have been much more costly. I suspect that the Indonesians have in fact bought security at a not unreasonable price though they could have had it cheaper had they been more efficient.¹²⁸

232. In February 1976, the Foreign Office recommended against the British Minister, Lord Goronwy-Roberts, meeting José Ramos-Horta:

It has been the policy of HMG to avoid becoming involved in the Timor issue as far as possible. Our role at the UN has been devoted primarily to restating our support for the principle of self-determination. We decided in late November not to grant recognition to Fretilin's UDI. To receive a call by Mr Ramos-Horta (a) would imply a greater degree of British interest in the problem than we have; (b) would give a degree of recognition to Fretilin's "government" that we have not in the past been prepared to bestow; (c) would almost certainly damage our relations with Indonesia, relations which in any case are inevitably slightly strained as a result of our support for the recent UN Security Council resolution.¹²⁹

233. At the same time British representatives were supporting aspects of Indonesia's campaign by meeting with and advising Indonesian officials on the management of the issue. Ambassador Ford reported in January 1976:

I told them (Indonesian officials) that we had tried to do our best for Indonesia in the UN and that I thought that we had successfully managed to keep the heat out of the Timor business in New York.¹³⁰

234. The cable goes on to report the Ambassador's advice on how to handle reports of atrocities emanating from the Indonesian invasion. Other cables were critical of Indonesia's ineptitude and bungling, not from concern for Timor, but because incompetence made it more difficult for Britain and others to defend Indonesia.

235. Based on its low-profile policy, the British government abstained on all General Assembly resolutions on the question of Timor-Leste between 1975 and 1982. It supported UN Security Council Resolutions 384 (1975) and 389 (1976) which recognised Timor-Leste's right of self-determination and called on Indonesia to withdraw its troops. On 22 April 1976 the British representative, Mr Murray, informed the Security Council that Britain had voted for Resolution 389 "because of the great importance we attach to the principle of self-determination."¹³¹ He also stated that Britain did not accept that an act of self-determination had taken place in Timor-Leste because three essential requirements had not been satisfied: peace and order, absence of pressure from outside forces, and appropriate procedures.

236. In line with this policy, Britain did not endorse the Indonesian-organised "act of selfdetermination" conducted by the People's Representative Assembly in Dili on 31 May 1976. The prospect of being invited to Dili for the occasion caused considerable consternation among Western diplomats in Jakarta who were reluctant to endorse what they knew was a spurious process. A Foreign Office official wrote:

The Indonesian aim is clearly to acquire a veneer of respectability for a speedy takeover of East Timor by associating distinguished foreigners with the "act of choice".¹³²

237. To avoid upsetting the Indonesian government, Ambassador Ford elected to inform officials that he had another engagement that day. When the Indonesian government sent another invitation requesting his participation in a mission to verify popular support for the integration petition, the British Foreign Secretary, Anthony Crosland, added another reason for ruling out any association with the process:

For reasons connected with our interests in the Falkland Islands, Belize and Gibraltar, we attach importance to maintaining the principle of UN involvement in selfdetermination exercises. We are strongly inclined, therefore, to instruct you to decline the invitation.¹³³

238. The British government reiterated its recognition of Timor's right to self-determination on a number of occasions. In a statement to the Fourth Committee of the General Assembly in 1982, the British representative confirmed his government's support for the principle and went on to say that Portugal and Indonesia "alone could settle the problem" and that Britain, as a friend of both, hoped this could be done in accord with the wishes of the East Timorese people.¹³⁴ In 1992 the Government repeated the commitment in the context of the UN Secretary-General's search for a settlement. Baroness Trumpington told the House of Lords on 16 July 1992:

*The United Kingdom has not recognised the annexation of East Timor, nor has the Community. The United States, Canada and Australia have recognised it. We firmly believe that East Timor's future is best addressed through bilateral contacts between those directly involved – Portugal and Indonesia. The UN Secretary-General's efforts to bring them together with a view to reaching a settlement deserve and receive our support.*¹³⁵

239. This policy allowed the British government to separate the Timor issue from its bilateral relationship with Indonesia while leaving open the possibility of self-determination should the opportunity arise. Britain maintained a significant aid and military co-operation programme with Indonesia during Indonesia's occupation of Timor-Leste. The government expressed concern over human rights abuses in Timor-Leste, including at the time of the Santa Cruz Massacre in 1991, but argued that dialogue would achieve more than "facile gestures, such as cutting off aid."¹³⁶ Calls to have the human rights situation in Indonesia and Timor-Leste included on the agenda of the aid consortium, the Inter-Governmental Group on Indonesia (IGGI), were rejected.

240. Indonesia has only a small arms industry and has been obliged to import most of its military equipment. Britain became a major arms supplier during the occupation of Timor-Leste and in the period 1994-2004 most of Indonesia's military equipment came from Britain.¹³⁷ Much of this trade was conducted after the international arms race associated with the Cold War had ended. The British government approved export licences for British companies to sell a range of equipment to Indonesia, including combat aircraft and vessels, armoured vehicles, large and small calibre guns, ammunition, bombs, rockets, missiles, riot control agents and equipment for military training. Senior Indonesian military officials were also given training in British military establishments.

241. The British government defended military cooperation with Indonesia. Baroness Trumpington of Sandwich told the House of Lords in 1992 that Indonesia had a right to protect its independence, that military training by Britain improved respect for democracy and human rights, and that applications for export licences were rejected if the military equipment in question was likely to be used for repression. She stated:

*We do not believe that British military equipment sold in the past to Indonesia has been used against the East Timorese.*¹³⁸

242. The military attaché at the Indonesian Embassy in London admitted in 1999 that British made Saracen and Saladin armoured vehicles were deployed in Timor-Leste.* The East Timorese Resistance claimed that Indonesian forces also used British-supplied Hawk attack aircraft, particularly at the height of the war in 1978-79. The British Embassy in Jakarta confirmed to Commission in July 2003 that eight Hawk aircraft were supplied to Indonesia in 1978 but said they were older models suitable only for training, not air-to-ground combat. Both the British government and British Aerospace (BAe) have denied the planes were used for counterinsurgency.† The issue generated controversy in Britain, particularly after the government authorised further sales in the 1990s (see section on International civil society below).

243. Whether or not British-made military equipment was used in specific violations in Timor-Leste, the provision of military assistance helped Indonesia upgrade its military capability and freed up the potential for the Indonesian armed forces to use other equipment in Timor-Leste. More importantly, the provision of military aid to Indonesia by a major Western power and member of the Security Council was a signal of substantial political support to the aggressor in the conflict, and outraged and bewildered East Timorese who knew of Britain's professed support for self-determination. In May 1976, the then British Ambassador to Jakarta, John Ford, commented that Timor-Leste was too backward for western-style self-determination. East Timorese are entitled to ask what was so civilized about Britain's support, whether direct or not, for Indonesian aggression.¹³⁹

* 29 January 1999. Mark Thomas Show, Channel 4. Hendro Subroto reported that Ferret Mk.2 Scout cars, VF 603 Saracen-armoured personnel carriers and VF 601 Saladin (with 76 mm guns) vehicles were used in the 1975 Indonesian invasion. Eyewitness to Integration of East Timor, Pustaka Sinar Harapan, Jakarta, 1997.

† In December 1995, the New Zealand Embassy in Jakarta reported allegations that Hawks were used in bombing raids against Fretilin at the beginning of 1995. The British defence attaché and British technicians who helped maintain the aircraft made checks of log books and for evidence that bombs had been fired, and concluded in the negative. New Zealand, OIA Material, Volume 4, 13 December 1995.

244. Under the leadership of the Foreign Secretary, Robin Cook, the British Labour Government made amends to some extent by actively supporting the negotiations which culminated in Timor-Leste's act of self-determination in August 1999. Jamsheed Marker, the Secretary-General's Personal Representative for Timor-Leste, paid tribute to the British Ambassador to the UN, Stewart Eldon, and the British Ambassador to Indonesia, Robin Christopher, for their contributions to the core group of countries which collaborated with the UN process. Ambassador Christopher sheltered Xanana Gusmão at the Embassy in Jakarta after his release from detention in September 1999. Both as British Foreign Secretary and as representative of the EU, Robin Cook was part of the decision taken at the APEC meeting in Auckland in September 1999 in favour of an urgent international force to restore order in Timor after the ballot. On 11 September, Jeremy Greenstock, Britain's representative on the Security Council, visited Timor on 11 September as part of the Security Council mission that preceded the international force and described Dili as "hell on earth". Britain contributed Gurkha troops and funds to the Interfet force.

3.6 United States

245. The US, once a colony itself, was a key architect and founding member of the UN in 1945 following the Second World War and is a permanent member of the Security Council and superpower. The name "United Nations" was coined by US President Franklin D Roosevelt. Its forerunner, the League of Nations, was established in similar circumstances following the First World War (1914-18). It owed much to US President Woodrow Wilson's reaction of shock that an advanced civilisation could have engaged in the extreme savagery and devastation that characterised the Great War. In his famous Fourteen Points speech in 1918, President Wilson listed what he considered were the basic premises for the peaceful resolution of conflict. In addition to the creation of an association of nations, these included an early formulation of the principle of self-determination which was later adopted into the UN Charter.*

246. The US did not support the adoption of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the UN in 1960, but it reversed its position in 1961 and also recognised Portuguese Timor as a non-self-governing territory with the right to self-determination.

247. US policy on Timor was further developed during this period in response to fears of a clash between Portugal and Indonesia over the territory. Like Australia, the US was concerned that Prime Minister Salazar's rejection of UN demands to decolonise would lead to intervention by President Sukarno in the name of anti-imperialism. To avoid a clash, the US Department of State proposed that the US should refer the issue to the UN Decolonisation Committee and should also oppose the possible use of force by Indonesia on the grounds that force could not be justified by Portugal's failure to decolonise and would harm the United Nations. A Department of State policy document in 1963 stated:

* Point V of President Wilson's Fourteen Points refers to colonial claims and the need for "a strict observance of the principle that in determining all such questions of sovereignty the interests of the populations concerned must have equal weight". Other Points included the need for the reduction of armaments by countries "to the lowest point consistent with domestic safety".

The one failure does not justify the other... We ought not to view such Indonesian action as the second act in a drama which began with Goa and which will end with the death of the UN... We cannot condone any effort to take over territory by force. Such action would be a violation of the UN Charter obligations that Indonesia has undertaken. We would have to oppose Indonesia diplomatically and in the UN in such a circumstance.¹⁴⁰

248. The Department of State also expressed the view that Portuguese Timor was not capable of self-determination and should unite with Indonesia:

We and the Portuguese have to recognise that selfdetermination for Portuguese Timor is meaningless for the indefinite future... Realistically, it has only one possible future - as a part of Indonesia.¹⁴¹ These policy guidelines did not have to be acted on because the predicted conflict did not materialise. The Department of State's pessimistic analysis of Timor's limited options was understandable at the time given the refusal of the Salazar regime to prepare the territory for independence. However, when the issue resurfaced a decade later the view that Timor's only option was integration with Indonesia became, in conjunction with Cold War factors, the dominant policy determinant that overrode all other considerations. The other recommendations from the 1960s were to be effectively ignored until the end of the Cold War towards the end of the 1980s.

249. Gary Gray, a former official in the US Department of State, testified to the Commission that US policy on Timor-Leste from 1974 was significantly shaped by the global and regional context of the time and the desire on the part of both Indonesia and the US to strengthen their relationship following communist gains in Indochina. He said:

*One could plausibly see 1975 as the peak of communist power in the world and the perception of threat to the US and what was then called the free world... communist regimes had been installed in Laos, Cambodia and Viet Nam in March and April 1975, active communist insurgencies still plagued Thailand and Malaysia, and the concept of a monolithic communist threat to South-East Asia and the domino theory remained very much alive. At the same time there was a strong consensus in Washington that the counterweight of an anti-communist Indonesia was vital against the expansion of communism in Asia, both in regional terms and in Indonesia itself.*¹⁴²

250. The mutual importance of the relationship was already well established from early in President Soeharto's term and emphasised at the highest level. This included US support for the Indonesian takeover of West Irian and the bogus "Act of Free Choice" there in 1969.^{*} In a memo to President Gerald Ford in September 1974, the US Secretary of State, Henry Kissinger, recommended that he meet the Indonesian Foreign Minister, Adam Malik "to assure the Suharto Government that you attach great importance to Indonesia as a major regional power in East Asia and that you intend to continue US economic and military assistance to Indonesia".¹⁴³ The briefing then outlined Indonesia's "high strategic significance to us" by virtue of its geography, population, resources and constructive regional role, both in Vietnam and in ASEAN as a balance to pressures from the Soviet Union and China. For his part, President Soeharto wanted his Foreign Minister to meet the new US President to inform him of his wish to establish a close personal relationship, to invite him to visit Indonesia and to provide military and economic assistance. The two presidents met twice in 1975: in July when President Soeharto visited the US and again in December when President Ford visited Indonesia.[†]

251. The US Government was aware of Indonesia's plans to incorporate Timor. From at least February 1975 it also knew that force might be employed and this would involve the use of US-supplied military equipment. For example, US officials agreed that Indonesian joint military exercises conducted in Lampung, South Sumatra on 11 February 1975 were almost certainly part of preparations to seize Timor. Commenting on the event, the US Consulate in Surabaya wrote:

Political officer Zingsheim and I were both struck by similarities in terrain and style of this exercise, and what would be involved in Indonesian operation to seize Dili. Exercise included vertical envelopment of Branti airstrip, amphibious assault of nearby beach area, and naval bombardment and strafing...and rear area air drops.[‡]

* The US Embassy in Jakarta reported in July 1969: "The Act of Free Choice (AFC) in West Irian is unfolding like a Greek tragedy, the conclusion preordained. The main protagonist, the Government of Indonesia, cannot and will not permit any resolution other than the continued inclusion of West Irian in Indonesia. Dissident activity is likely to increase but the Indonesian Armed Forces will be able to contain, and, if necessary, suppress it." President Nixon visited Indonesia just before the Act of Free Choice. His National Security Advisor, Henry Kissinger, told him: "You should tell (Soeharto) that we understand the problem they face in West Irian". Brad Simpson (Ed.), Indonesia's 1969 Takeover of West Papua Not by "Free Choice", posted 9 July 2004, <http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB128/index.htm>, at July 2005. Dr Kissinger became a director and stockholder in the US Freeport McMoran gold and copper mine after it won concessions in West Irian in 1967.

† It has been claimed that a major factor in the US decision to support Indonesia's takeover of Timor was to guarantee that the deep water strait between Timor and Wetar remained in friendly hands, as the strait allowed for unimpeded passage between the Pacific and the Indian oceans for US nuclear submarines. See Michael McGuire, "The Geopolitical Importance of Strategic Waterways in the Asian-Pacific Region", *Orbis* 19 (3), Fall 1975, pp. 1058-76 and Michael Richardson, "Jakarta Rules the Way: Why Indonesian Goodwill is Vital to America's Indian Ocean Submarine Force", *The Age*, 4 August 1976. The Commission has not been able to confirm this specific claim. It is clear, however, that the US was concerned that the Soeharto Government's support for the "archipelago principle" in the law of the sea negotiations might restrict US transit through the archipelago (see Secretary H Kissinger's memo to President Ford, 21 November 1975. National Security Archive (NSA) Declassified Documents, 124).

‡ US Consulate Surabaya, 20 February 1975. NSA Documents 23. Ships used in the exercise were based in Surabaya and troops were from Malang in East Java.

252. Indonesia denied at the time that the exercise was related to Timor, but the invasion of Dili 10 months later followed the pattern described above. On both occasions, the shore bombardment was conducted by the US-supplied warship, KRI Martadinata. Cables between Australian and US officials at the time expressed fears that the forceful seizure of Timor using US and Australian equipment would damage relations with Indonesia.¹⁴⁴

253. During this same period, the New Zealand opposition leader, Robert Muldoon, visited Jakarta and was briefed on Timor by Indonesian leaders. The US Embassy reported to Washington:

Position Suharto and Malik took with Muldoon reinforces belief that GOI has decided it must incorporate Timor, is laying political groundwork for a takeover, and is hoping friendly powers will find a way not to oppose the move.*

254. In reply to a query in March 1975 from the US National Security Council about policy should Indonesia use force in Timor, Secretary of State Kissinger approved a policy of nonaction. The query included a recommendation from the US Ambassador to Indonesia, David Newsom, favoring silence:

Ambassador Newsom has recommended a general policy of silence. He has argued that we have considerable interests in Indonesia and none in Timor. If we try to dissuade Indonesia from what Suharto may regard as a necessary use of force, major difficulties in our relations could result.¹⁴⁵

255. This policy was applied for the Ford-Soeharto summit at Camp David on 5 July 1975. Secretary Kissinger made no reference to Portuguese Timor in his briefing for President Ford before the meeting and the US did not raise the issue or warn about the use of force or US equipment during the meeting, although President Soeharto provided an opportunity when he volunteered that Indonesia would not use force. In reply to President Soeharto's presentation on the issue, the US President limited himself to asking whether Portugal had set a date for the East Timorese people to make their choice. Earlier in the meeting, the US President announced a package of military assistance to Indonesia.

256. US officials told Indonesia through diplomatic channels that the US preferred peaceful integration through self-determination and expressed concerns that force and the use of US equipment would generate an adverse reaction in Congress and harm relations.† Official policy, however, was to remain

* US Embassy Jakarta, 25 February 1975. NSA Documents 28. According to the US communication: "Adam Malik told Muldoon that administration of Portuguese Timor is communist-influenced and that pro-independence Timorese have offered USSR and PRC bases in return for support for independence movement. Malik said that refugees from leftist terror in Portuguese Timor fleeing across border into Indonesian territory...Suharto said that, given the serious situation in Timor, GOI hopes friendly countries such as Australia and New Zealand 'will understand' Indonesia's position, which New Zealanders interpreted as a request that NZ 'understand' a possible Indonesian takeover of Portuguese Timor."

† Ambassador Newsom told the head of Bakin (the Intelligence Coordinating Body), Lieutenant-General Yoga Sugama, on 20 August 1975: "GOI should be aware if US equipment were used in forcible seizure of Portuguese Timor [since] this could call into effect sections of Foreign Assistance Act and could place military assistance program in jeopardy. Thus, the best solution would be peaceful incorporation of Portuguese Timor in Indonesia." US Embassy Jakarta, 21 August 1975. NSA Documents 73. In October, President

publicly aloof and non-committal. Informed at a meeting on 8 October 1975 that Indonesia had begun military operations in Timor, Secretary Kissinger responded:

*I'm assuming you're going to really keep your mouth shut on this subject...on Indonesia. Also at the UN...make sure the US Mission doesn't make a statement.*¹⁴⁶

257. On 5 December 1975, in response to Indonesia's pre-invasion assaults, the President of both Fretilin and the newly proclaimed Democratic Republic of East Timor, Xavier do Amaral, sent an urgent telegram to the US president asking the US to intervene:

My Government believes the voice of the US could prevent a war which would be long, bloody and destructive...For the sake of peace we implore you to intervene.

258. The US Government ignored the appeal. The National Security Council record of correspondence shows that on 15 December the letter was filed with a note:

No action necessary. No reply should be sent – this is a sensitive matter.¹⁴⁷

259. Presidents Ford and Soeharto met again in Jakarta on 6 December 1975, the day before Indonesia's full-scale invasion of Timor-Leste. According to Department of State records, the meeting took place at 8 am and the American delegation left for the airport at 10.30am. Also present at the meeting were Secretary of State Kissinger, Foreign Minister Malik, Minister of State Sudharmono, Ambassador Newsom and an interpreter. In the course of their discussion, which focused principally on Indochina and the containment of communism, President Soeharto raised the situation in Timor which he presented as a threat to the security of Indonesia and the region following Fretilin's declaration of independence.

260. The Department of State account of the exchange records that the Indonesian President said to the Americans:

We want your understanding if we deem it necessary to take rapid or drastic action.

Ford's National Security Advisor, Lieutenant-General Brent Scowcroft, was advised by staff to warn Ali Murtopo of political complications if US equipment was used. NSA Documents 104.

261. President Ford replied:

We will understand and will not press you on the issues. We understand the problem you have and the intentions you have.

262. The Americans said that the use of US-made arms could create problems, and Secretary Kissinger added:

It depends on how we construe it: whether it is in selfdefence or is a foreign operation. It is important that whatever you do succeeds quickly. We would be able to influence the reaction in America if whatever happens happens after we return. This way there would be less chance of people talking in an unauthorised way. The President will be back on Monday at 2.00pm Jakarta time. We understand your problem and the need to move quickly but I am only saying that it would be better if it were done after we returned.

263. Secretary Kissinger asked a final question:

Do you anticipate a long guerrilla war there?

264. President Soeharto replied:

*There will probably be a small guerrilla war.**

265. Both parties avoided making explicit reference to military intervention, but it is clear from the discussion and references to the use of US arms and guerrilla war that this is what the US President knew he was agreeing to. In giving his consent, he made no reference to the right of self-determination or the humanitarian consequences of war. Consent to the use of force also meant having to ignore advice from officials about the illegality of using US weapons, because most of the Indonesian armed forces equipment was American.† Indonesia ignored the request to wait: the invasion began in the early hours of Sunday morning, 7 December, over 24 hours before the designated time of President Ford's return to the US.

265. In a White House review of the visit on 10 December 1975, neither President Ford nor Secretary Kissinger made any reference to Timor. President Ford said:

* US Embassy Jakarta, 6 December 1975. NSA Documents 148. In 1977, the Carter Administration was advised to turn down a request from Congressman Donald Fraser for a copy of this report on the grounds that it was privileged and would harm US foreign relations if it became public. NSA Documents 405.

† A memorandum from Secretary Kissinger to President Ford on 21 November 1975 stated: "Indonesia's use of US-supplied weapons in an overt occupation of the territory, however, would contravene US law." NSA Documents 124.

It was important to go there [Indonesia] in the aftermath of Vietnam to show we were still an Asian power. I was impressed with Suharto who is trying to keep the country together and maintain a viable government and uphold the cause of anti-communism there.¹⁴⁸

267. On 13 December, he dispatched a personal gift of golf balls to the Indonesian President.*

268. The US voted in favour of UN Security Council Resolution 384 which was adopted unanimously on 22 December 1975, upheld the right of self-determination and called on Indonesia to withdraw its troops. It kept a low profile during that session, but tried to help Indonesia behind the scenes without getting too offside with its NATO ally Portugal whose cooperation the US depended on to maintain the US base in the Azores and support on other issues in the UN. While pushing "for an accommodation at the UN in which Jakarta could save face", the US also offered to help Portugal secure the release of 23 soldiers held in Indonesian Timor.† The US abstained on Security Council Resolution 389 (1976) adopted on 22 April 1976 because, said the US representative, the resolution failed to recognise "the important statement of the representative of Indonesia that some forces have been withdrawn and that withdrawal is continuing". He said the US abstention should not be interpreted to mean that the US "is wavering in our support of the right of the people of East Timor or of any people anywhere in the world for equal rights and self-determination".¹⁴⁹ The US also abstained in the General Assembly vote on the issue taken on 12 December 1975, then voted against all subsequent General Assembly resolutions until 1999.

269. Both the Indonesian and US Governments knew that US weapons were used in the invasion of Timor-Leste. The US Congresswoman, Helen Meyner, told a Congressional inquiry in 1977 that General Moerdani confirmed the use of US equipment:

When we met in Djakarta with some of the top Indonesian military men... John Salzberg asked General Moerdani whether US weapons had been used in 1975. He said, "Of course, these are the only weapons that we have. Of course there were US weapons".¹⁵⁰

* National Security Council, 13 December 1975. NSA Documents 168. Dr Kissinger subsequently defended the Ford Administration's policy on Timor-Leste. At a public forum in 2001 he told the East Timorese activist Constancio Pinto: "Timor was never discussed with us when we were in Indonesia. At the airport as we were leaving, the Indonesians told us that they were going to occupy the Portuguese colony of Timor. To us that did not seem like a very significant event because the Indians had occupied the Portuguese colony of Goa ten years earlier and to us it looked like another process of decolonisation. Nobody had the foggiest idea of what would happen afterwards, and nobody asked our opinion, and I don't know what we could have said if someone had asked our opinion. It was literally told to us as we were leaving." [Slate, Whopper of the Week: Henry Kissinger, 7 December 2001].

† National Security Council, 19 December 1975. NSA Documents 178. The US Ambassador to the UN at the time, Daniel Patrick Moynihan, wrote: "The United States wished things to turn out as they did, and worked to bring this about. The Department of State desired that the United Nations prove utterly ineffective in whatever measures it undertook. This task was given to me, and I carried it forward with no inconsiderable success." [A Dangerous Place, Little Brown, USA, 1980, p. 247].

270. The US National Security Council was advised on 12 December 1975 that US equipment was used in the invasion.¹⁵¹ The report to the NSC stated that US-supplied equipment included the following:

- At least nine ex-US navy ships, one of which, the KRI Martadinata, was involved in coastal shelling from 22 November and took part in the one-hour naval bombardment that preceded the 7 December assault on Dili
- 13 planes used in the assault on Dili and Baucau
- equipment used by the 18th Airborne Brigade that made the para-drop on Dili on 7 December and the 17th Airborne Brigade involved in the drop on Baucau on 10 December; this comprised rifles, machine guns, grenade launchers, mortars, rocket launchers, parachutes and radios; their jump masters were US-trained
- some US radio equipment was used by the communications centre at Atambua, Indonesian Timor, which controlled Timor operations.

271. José Ramos-Horta told the Commission that in his opinion the US has the most to answer for: "The US was the worst. Worst because it was the only single power that could have told the Indonesians, after the invasion, not only before then but after then: 'You behave, stop these killings', but they wouldn't... and they knew what was right."¹⁵²

272. Sections of the US Congress actively pursued the issue of the Indonesian use of US-supplied military equipment. Following inquiries by Senator Gary Hart in December 1975, Senators Hubert Humphrey and Clifford Case took up the issue and a series of Congressional hearings was held in 1977 after Jimmy Carter began his term as US President in January.

273. US officials told a Congressional inquiry in March 1977 that US weapons were used during the invasion. They also testified that, in response, the Administration "suspended administratively" the provision of additional assistance between January and June 1976 "to ensure that we were in compliance with the applicable statutes", but that only some members of Congress were told privately of the suspension and the decision was not publicly announced.¹⁵³

274. This action, which was taken at Secretary Kissinger's direction, was primarily designed to ensure continued US military support for Indonesia, rather than legal compliance. It was not intended to protect human rights in Timor-Leste and, in practice, it made no difference to the reality of US military support for Indonesian aggression.* The inquiry was informed that military equipment already in the pipeline continued to be delivered, that military aid was resumed in late June 1976 because there had been a "significant reduction of hostilities in Timor" and that Congress continued to authorise military assistance

* NSA Documents 296. Even if the Congress had stopped military aid, the Administration was committed to finding a way around it and began developing contingency plans in early 1976 to continue the support. NSA Documents 235.

for Indonesia after the defeat of a proposed amendment urging a cut-off. Relations with Indonesia were not affected because officials in Jakarta either did not know about the suspension or were confident it was only "administrative" in character. Brent Scowcroft was advised before a meeting with Adam Malik in June 1976:

*The Indonesians have not brought up our suspense of military equipment deliveries to them...Should they mention it, you could point out that our careful handling of this matter has enabled us to turn off Congressional critics such as Senator Humphrey and at the same time allow us to resume military assistance shipments to Jakarta.*¹⁵⁴

275. In October 1976 the US government confirmed the continued use of US-weapons in Timor-Leste:

We understand that the Indonesian Government has, in recent months, been endeavouring to use non-US equipment in its Timor operations. Some US-equipped units have been withdrawn. However, indications are that US-supplied equipment – particularly transport and communication equipment – is still being used. The Indonesian Government has been made aware of our continuing concern in this regard.¹⁵⁵

276. Military co-operation continued to be an integral component of US support for Indonesia for the next two decades.*

277. Successive US Administrations continued the basic position on Timor established by the Ford-Kissinger Administration. This was explained to a US Senate Hearing in 1992 in the following terms:

In 1976 US policymakers decided to accept Indonesia's incorporation of East Timor as an accomplished fact. They judged that nothing the United States or the world was prepared to do could change that fact. Thus, to oppose Indonesia's incorporation would have had little impact on the situation. With such reality in mind, previous administrations fashioned a policy which has been followed consistently on a bipartisan basis: We accept Indonesia's incorporation of East Timor without maintaining that a valid act of self-determination has taken place. Clearly, a democratic process of self-determination would have been more consistent with our values; but the realities of 1975 did

* The US Military Assistance Programme (MAP) to Indonesia concluded in 1978, but was succeeded by the Foreign Military Sales (FMS) credit programme.

*not include that alternative. Accepting the absorption of East Timor into Indonesia was the only realistic option.*¹⁵⁶

278. The Carter Administration (1977-81) continued to place heavy emphasis on the importance of Indonesia. Zbigniew Brzezinski, President Carter's hawkish national security advisor, advocated deepening relations.¹⁵⁷ Vice President Walter Mondale visited President Soeharto in Jakarta in May 1978 and General Moerdani continued his regular visits to the US resulting in increased US military cooperation with Indonesia. Assistant Secretary Holbrooke summarised why the US was so positive about Indonesia at a Congressional hearing in 1981:

*The situation in East Timor is one of a number of very important concerns of the United States in Indonesia. Indonesia, with a population of 150 million people, is the fifth largest nation in the world, is a moderate member of the Non-aligned Movement, is an important oil producer – which plays a moderate role in OPEC – and occupies a strategic position astride the sea lanes between the Pacific and Indian oceans. President Suharto and other prominent Indonesian leaders have publicly called for the release of our hostages in Iran. Indonesia's position within the Association of South East Asian Nations – ASEAN – is also important and it has played a central role in supporting Thailand and maintaining the security of Thailand in the face of Vietnam's destabilising actions in Indo-China. Finally, Indonesia has provided humane treatment for over 50,000 Indo-Chinese refugees and taken the initiative in offering an island site as an ASEAN refugee-processing centre. Indonesia is, of course, important to key US allies in the region, especially Japan and Australia. We highly value our co-operative relationship with Indonesia.*¹⁵⁸

279. The Carter Administration added a stronger emphasis on human rights and humanitarian need to the Timor policy outlined above and this was adopted by succeeding administrations. During its time in office, international agencies were permitted to operate in Timor-Leste, US officials were permitted to meet with José Ramos-Horta and the annual Department of State Country Reports on Human Rights Practices, which began in 1977, included frequent reference to abuses in Timor.

280. At the same time, however, most of the deaths in Timor-Leste occurred during this period, Indonesian troop numbers reached new levels and the East Timorese Resistance was almost wiped out. Arnold Kohen testified to the Commission:

* The Deputy Commander in Chief of the Indonesian Armed Forces, Admiral Sudomo, told Ambassador Masters in July 1978 that Indonesia had 29,000 military personnel in Timor-Leste. NSA Document 602. General Moerdani denied claims that napalm and herbicides were used in Timor during this period. US Embassy report, 3 January 1978. NSA Document 502. Similarly, US officials denied Fretilin claims that US personnel participated in military engagements in Timor during this period. Secretary of State Cyrus Vance, 7 July 1978. NSA Document 599. Detail regarding Fretilin claims is found in NSA Documents 578 and 614.

*It is wrong to believe that the tragedy in East Timor can be placed exclusively at the doorstep of President Ford and Secretary of State Kissinger. There was a chance to change American policy toward the Indonesian occupation of East Timor in early 1977 when President Jimmy Carter took office...and called for greater emphasis on human rights in the making of US foreign policies...Such hopes were dashed.*¹⁵⁹

281. The Carter Administration also failed to address the basic issue of self-determination. It recognised Indonesia's sovereignty, made no mention of self-determination in its annual human rights reports and voted against UN resolutions on Timor.

282. Following the end of the Cold War and the Santa Cruz massacre in 1991, pressures increased on the US to play a more active role in the search for a solution. Some engagement with Portugal followed. In January 1992, a group of well-known Portuguese political and academic figures, led by former President Ramalho Eanes, delivered a harshly worded open letter to President George Bush that charged the US with responsibility, through its inaction, for human rights violations in Timor-Leste.¹⁶⁰ Though it had opposed the General Assembly resolution in 1982 which requested the Secretary-General to initiate consultations with all parties directly concerned, the US now stated its support for the Secretary-General's promotion of discussions between Portugal and Indonesia on the issue, and in 1992 and 1993 it supported initiatives by Portugal at the Commission on Human Rights.¹⁶¹

283. Ambassador Barry, the representative of the new Clinton Administration in Indonesia, visited Timor-Leste on 21-23 February 1993 to "have a fresh look". He reported that a

repressive and pervasive military presence is the main obstacle to the government's goal of integration...The Timorese resent the military's paternalism, corruption and domination of the local economy as well as their cruelty...The best description of Timorese aspirations comes from a Salesian priest who knows the situation well: "They want to be left alone."

284. The Ambassador concluded that "[i]ntegration will never be palatable as long as it is demanded at gunpoint", but then ruled out the solutions that Indonesia itself came to a few short years later:

Even if the Indonesians were prepared to offer selfdetermination (and they aren't), East Timor could not survive as a separate entity. Autonomy sounds good but is hard to define in a meaningful way in this very centralised country.¹⁶²

* After each UN vote, Indonesia's ambassador to the UN wrote to the Carter Administration to express its "sincere thanks and appreciation for the support accorded to Indonesia's position" [see, for example, NSA Documents 491 and 713].

285. The Clinton Administration actively supported the self-determination process in 1999, including through the Security Council. The US was one of the largest contributors to the establishment of UNAMET, and President Clinton, Secretary of State Madeleine Albright, who had met previously with Xanana Gusmão in Jakarta, and Secretary of Defence William Cohen, each pressured Indonesian counterparts to contain the violence that threatened the ballot.¹⁶³ In welcoming the result on 4 September 1999, Secretary Albright said the US would continue to support strongly the UN-assisted process to transform Timor-Leste into an independent nation.¹⁶³ Following the outbreak of violence, President Clinton issued strong statements on 9 and 10 September 1999 stressing the need for an international security force in Timor-Leste and US support for such a force, if Indonesia could not restore order. The US stationed 1,000 marines offshore but restricted its direct contribution to Interfet to logistical support including heavy lift for the deployment of other participating forces.

3.7 Japan

286. Japan became a member of the United Nations in 1956. It is not a permanent member of the Security Council, but it was the only East Asian non-permanent member when the Council debated the question of Timor-Leste in 1975 and 1976.

287. In 1960 Japan supported the adoption of the UN Declaration on the Granting of Independence to Colonial Countries and Peoples and the related principles for reporting on colonies.¹⁶⁴ It abstained, however, on GA Resolution 1542 (XV) which listed Portuguese Timor as a non-self-governing territory.

288. Following the Indonesian invasion, Japan voted in favour of Security Council Resolution 384 (1975), which was adopted unanimously on 22 December 1975. The resolution upheld the inalienable right of the East Timorese people to self-determination, deplored Indonesia's armed intervention and called for it to withdraw without delay.

289. However, Japan lobbied to weaken this resolution. The Japanese Ambassador to the United Nations at the time, Shizuo Saito, has written:

Japan always took an active and leading initiative...(and) particularly made inputs so that Indonesia's intention to withdraw its troops would be respected and the condemnation would not irritate Indonesia too much. Other governments co-operated with this position of Japan.¹⁶⁵

290. Japan's role on the issue in the Security Council is confirmed by José Ramos-Horta who represented Fretilin at the meetings:

* The head of UNAMET, Ian Martin, has written that the US did not press Jakarta to accept peacekeepers before the ballot in case this endangered the process and is doubtful that security provisions could have been strengthened further [Self-determination in East Timor, The United Nations, the Ballot, and International Intervention, Lynne Rienner Publishers, London, p. 33].

All through both the 1975 and 1976 Security Council debates on Timor, the Japanese delegation was conspicuous in its efforts to soften criticism of Indonesia.¹⁶⁶

291. Resolution 384 was the only UN resolution supported by Japan following the Indonesian invasion. Japan abstained from voting on Security Council Resolution 389 in April 1976 stating that it believed the Security Council should acknowledge that Indonesia had started to withdraw its forces from Timor-Leste in compliance with the previous resolution. On 15 April 1976, the Japanese representative, Mr Kanazawa, told the Security Council:

Although it appears to us that peace and order in the Territory have not yet been fully restored, we consider it encouraging that armed strife now seems to be confined to isolated areas in the Territory, and that life is gradually returning to normal.¹⁶⁷

292. Mr Kanazawa went on to welcome Indonesia's statement to the Security Council "that the armed volunteers started to leave the Territory in February and that the process of withdrawal is expected to be completed within a short time."

293. Indonesia's claim that the invasion comprised "volunteers" was no more credible than its claim of withdrawals. Both were known to be false at the time. The New Zealand defence attaché in Jakarta advised his government in January 1976 that the claim of "volunteers" was a "ridiculous fiction" and commented:

Evasion and half-truths are accepted diplomatic coinage but outright lying is less easy to overlook.¹⁶⁸

294. His report on the period January-March 1976 makes no mention of withdrawals and commented that "the military situation is still sufficiently volatile to make it imperative that considerable numbers of Indonesian troops are able to be deployed."¹⁶⁹ The UN Envoy, Winspeare Guicciardi, was also sceptical of Indonesian claims. In his second report on Timor-Leste, written seven months after the invasion in June 1976, he wrote that when he raised the issue of compliance with Security Council Resolutions 384 and 389 Indonesia simply reiterated previous statements that the withdrawal of "Indonesian volunteers" would be completed in a short time.¹⁷⁰ In another twist, Indonesia's representative at the UN told his US counterpart that Indonesia had to respect the wishes of the East Timorese Provisional Government which did not want the troops to withdraw and was asking: "How can Indonesians be withdrawn from territory already incorporated into Indonesia?"¹⁷¹

295. In other remarks to the Security Council, Mr Kanazawa supported the right of Timor-Leste to self-determination and called for continued efforts to restore peace and order and an extension of the Special Representative's mandate. Though positive, these proposals had been agreed to by Indonesia and added nothing that was new or commensurate with Japan's capacity to influence events as Indonesia's major investor and donor.

296. Japan voted against all eight UN General Assembly Resolutions on Timor-Leste between 1975 and 1982. This included the mild 1982 resolution which delegated the issue to the Secretary-General to find a solution through dialogue. During his visit to Dili in 1976, Winspeare Guicciardi saw posters thanking Japan for its UN vote in support of Indonesia.¹⁷²

297. According to the Australian government, Japan implicitly gave recognition to Indonesian sovereignty over Timor-Leste when in 1982 it signed a tax agreement with Indonesia whose terms did not exclude Timor-Leste from the definition of Indonesian territory.¹⁷³ Japan denies that it formally recognised the incorporation. It did not attend the Popular Assembly of 31 May 1976 whose petition for integration Indonesia claimed was a legitimate act of selfdetermination.* In 1991, Japanese parliamentarians told the UN:

*The Japanese government never formally recognised the annexation of East Timor by Indonesia. Japan's official position has been the following: "Our basic position regarding the area of East Timor is that Japan continues to observe the negotiations between the parties concerned under the good offices of the United Nations Secretary-General" and that "we are not in a position to judge on the jurisdiction of the island". The Japanese Government has therefore instructed publishers of school textbooks to draw the same type of line between East Timor and West Timor as the one drawn between Morocco and the West Sahara. This line indicates that an international conflict exists concerning the status of the area where it is drawn and that the conflict is still pending a settlement. The Diet Members Forum has repeatedly confirmed this position through questions on the Diet floor and through written questions to the Government.*¹⁷⁴

298. The overriding determinant of Japan's position on the Timor issue in the 1970s and 1980s was its economic relationship with Indonesia. Following its defeat in the Second World War, Japan focused on rebuilding its economy which has a low natural resource base and is heavily dependent on good international relations. These economic objectives dictated its foreign policy which was kept low-profile and essentially aligned with that of the US.

299. Indonesia and Japan established formal diplomatic relations in 1957, following protracted negotiations over Japan's reparations debt to Indonesia arising from its occupation of the former Dutch colony between 1942 and 1945. An expansion in Japanese investment, resource exploitation and aid followed. Indonesia, which has a vast market, natural resources and strategic location, became increasingly important to Japan's economy regardless of who holds power in Jakarta. A significant

* Indonesia invited Japan to attend Popular Assembly of 31 May 1976. In a cable on 28 May 1976, a British embassy official in Tokyo commented on the problem this created: "The Japanese are in a not unfamiliar dilemma. On the one hand they would rather have nothing to do with the invitation, but on the other they are afraid of upsetting the Indonesians. They do not wish to be represented in Dili unless they are in good company." in UK unclassified documents, Dowson File 7.19.

percentage of Japan's oil supplies and trade flow through the Straits of Malacca. After the Soeharto regime took power, Japan helped establish the international aid consortium, the Inter-Governmental Group on Indonesia (IGGI), which held its first meeting in Tokyo in 1967. By the 1980s Japan was Indonesia's largest investor and aid donor, and very protective of the relationship. Japan's response to Timor-Leste was circumscribed by these priorities.

300. In 1979, Japan provided 100million yen to the joint Indonesian Red Cross- International Red Cross famine relief programme in Timor-Leste. In 1991, the Government of Japan decided to make human rights and other factors such as military expenditure by the recipient country a consideration in the allocation of its massive aid programme. The Japanese Diet Members Forum on Timor-Leste welcomed the initiative stating that "if these criteria are honestly applied to Indonesia, the number one recipient of Japan's Overseas Development Assistance (ODA), discussion on the issue of East Timor will be inevitable".¹⁷⁵ This did not happen. The Government would appear to have backed away from this important commitment by signing, in 1993, the Bangkok Declaration on Human Rights, which stated that aid should not be linked to human rights. Although they rate Japan's domestic human rights record as the best in East Asia, Kenneth Christie and Denny Roy concluded that:

*In practice, the promotion of human rights has not been much of a factor in Japan's overseas development assistance.*¹⁷⁶

301. In the 1990s, Japan moved to play a relatively more positive role on the question of Timor-Leste. This was due in large measure to developments in Timor-Leste and domestic pressures, particularly from a cross-section of civil society organisations and members of the Japanese Diet committed to upholding the right of the people of Timor-Leste to selfdetermination.*

302. An example of civil society advocacy was the testimony to the UN Special Committee on Decolonisation in 1987 by Mr Iwamura Shouhachi, a former Japanese army officer who served in Timor-Leste from 1942 to 1945. In his presentation, he called on Indonesia not to repeat mistakes made by Japan during the Second World War and to allow genuine self-determination:

In Japan I am simply one elderly citizen, but I am determined never to forget the crimes Japan committed in the Second World War and to act on what I have learned from bitter experience.

303. Breaking down in tears, he told the Committee:

It is painful to speak today of the sacrifices and burdens we forced upon the East Timorese, a people who had nothing to do

* Sister Monica Nakamura told the Commission that the principal objective of the Free East Timor Japan Coalition, the main Japanese national umbrella network, was "to support the East Timorese right to self-determination. As for humanitarian aid, we did [provide it] on some occasions, but we concentrated on the self-determination issue." CAVR National Public Hearing on Self-determination and the International Community, 15-17 March 2004. The Coalition numbered some 40 groups nationwide.

*with the war... The Japanese Government has never apologised or paid reparations to East Timor for what it did there in World War II: it should.**

304. In 1995, in response to persistent domestic pressure and developments in Timor-Leste, the Murayama LDP/Socialist Coalition Government changed Japan's position from one of detached observer to one of support for the UN process. At APEC conferences in 1995 and 1996 Japanese Foreign Ministers told their Indonesian counterpart, Ali Alatas, of Japan's interest in seeing the issue solved peacefully and quickly through the good offices of the UN Secretary-General.[†] This policy shift also opened the way for Japan to provide financial resources for the UN process, including the All-Inclusive Intra-East Timorese Dialogue (AIETD) to which Japan contributed US\$100,000 in 1996.

305. At the same time, Japan was careful to quarantine the issue from its important economic relationship with Indonesia. Although nearly half of the Japanese Diet signed a petition criticising the Indonesian military for the 1991 Santa Cruz Massacre, the Japanese government refrained from direct criticism and limited its response to one of regret. It offered no official response to the granting of the Nobel Peace Prize to Bishop Carlos Belo and José Ramos-Horta in 1996. When José Ramos-Horta visited Japan in January 1997 at the invitation of civil society groups, the Foreign Minister was not available to meet him.[‡] The Jakarta Post reported that Prime Minister Ryutaro Hashimoto, who was visiting ASEAN countries to discuss the Asian economic crisis, told President Soeharto that no Japanese senior officials would meet José Ramos-Horta.[§]

306. Following Kofi Annan's decision in 1997 to invigorate the question of Timor-Leste, Japan was one of a core group of five nations acknowledged for their supportive role by Jamsheed Marker, the Personal Representative of the Secretary-General for Timor-Leste.[¶] The Japanese government supported President Habibie's decision to allow a vote in Timor-Leste and the UN-organised Popular Consultation held on 30 August 1999. After the ballot, Japan called for the result to be respected by all parties and for Indonesia "to fulfill its responsibility for security (and) to take all necessary measures" to control

* 13 August 1987, reported in The Australian, 15 August 1987. The Allies and Japan both occupied Portuguese Timor from 1942 to 1945 in violation of Portuguese neutrality. Japan's troops were responsible for extensive loss of life, violations of women, and physical destruction. According to a 1996 survey in Timor-Leste, at least 700 East Timorese women were sex slaves for Japanese soldiers (Japan Times, 14 December 2002). Since the war, Japan has paid war reparations to regional neighbours to ease its re-integration into the region and has explicitly apologised for wartime aggression and violations. Indonesia received US\$223 million from Japan, plus US\$400 million in aid and cancellation of a US\$177 million trade debt. Timor-Leste was not compensated for wartime losses because Portugal, due to its neutrality during the war, was not a signatory to the 1951 San Francisco Conference which determined Japan's reparations obligations. Japanese NGOs and the Japanese Catholic Church continue to call for an official apology and reparations, including from the Asian Women's Fund established in 1995 by then Prime Minister Tomiichi Murayama, and have assisted East Timorese victims to testify in Tokyo.

† The meeting between Japanese Foreign Minister Kono and Ali Alatas took place during the Osaka APEC meeting in November 1995 while East Timorese youth were seeking asylum in the Japanese embassy in Jakarta. The 1996 meeting was between Foreign Ministers Yukihiko Ikeda and Ali Alatas and occurred in the Philippines after the Nobel Peace Prize was awarded to Bishop Belo and José Ramos-Horta.

‡ José Ramos-Horta was told the Foreign Minister was occupied managing an emergency in Peru where militants had seized the Japanese Embassy.

§ Japan-Indonesia economic relations suffered a setback in 1997 not because of Timor-Leste the country but "Timor" the car. When President Soeharto awarded monopoly rights for the franchise for a new Indonesian car to be called the "Timor car", Japan considered the move was detrimental to its automobile interests in Indonesia. It protested to the World Trade Organisation earning a rare rebuke from President Soeharto.

¶ The PRSG complimented Ambassador Yukio Takasu for his contribution [Jamsheed Marker, pp. 14, 74].

the militia.¹⁷⁷ Japan announced it would provide as much assistance as possible for the transition, but refused to interrupt aid to Indonesia in response to the destruction and warned other donors that cutting off aid could destabilise Indonesia's economy and set back East Asia's economic recovery. Japan was prevented by its constitution from contributing troops to the International Force for East Timor (Interfet) but was the principal donor to Interfet with a contribution of US\$100 million to allow for troops from developing countries to participate. In line with previous undertakings, Japan also provided generous assistance to meet humanitarian and reconstruction costs in Timor-Leste.^{*}

3.8 Conclusion

307. It is clear from the preceding survey that for most of the mandate period the major powers, regardless of ideology, location or responsibilities for international order, shared more or less the same attitude towards the question of Timor-Leste. With the exception of China during the early years of the Indonesian occupation, governments of diverse political complexions in Europe, Asia and North America gave significantly more weight to Indonesia than Timor-Leste. Some of these governments worked harder than others to support and consolidate Indonesia's presence, but those who voted for Timor-Leste at the UN also continued to prioritise their relationship with Indonesia and were not active in support of self-determination outside the UN.

308. This attitude was widely shared by many other UN members. Western governments such as Canada and New Zealand, and Asian governments such as India, Malaysia, Singapore, Philippines, Brunei and Thailand all allied themselves strongly with Indonesia. Generally speaking, the only conspicuous exceptions to the rule were Portugal, its former African colonies and a scattering of smaller states.

309. Official international attitudes on the Timor question were coloured by a mind-set which emerged during the Salazar era and was further developed and entrenched in the 1970s. This mind-set was deeply negative in character and highly prejudicial to the aspirations and rights of the Timorese people. Governments acknowledged the right of the people of Timor-Leste to self-determination and stated that they did not condone the manner of Indonesia's incorporation, but the overall thrust of their approach, if not intention, was to legitimise and consolidate Indonesia's takeover. The main features of this mind-set can be summarized as follows:

1. Independence for Timor is not possible or desirable. The view that an independent Timor was not economically, socially or politically viable was considered self-evident in the 1960s and was widely shared in official circles in Portugal, Indonesia, Australia and the US at that time. It became a dogma in the 1970s and after Fretilin's emergence was highly coloured by the view that a potentially weak, left-leaning mini-state within the Indonesian archipelago would be a threat to regional stability. It is likely, however, that an independent Timor led by UDT would also have been unacceptable.[†]

* This included US\$2 million for East Timorese refugees and substantial contributions to the Trust Fund for East Timor (TFET) established for the reconstruction of Timor-Leste. Press Release, Ministry of Foreign Affairs of Japan, 4 October 1999.

† After visiting the territory in early 1978 following the Indonesian takeover, New Zealand's Ambassador to Indonesia, Roger Peren wrote: "In sum, the people are poor, small, riddled with disease and almost totally illiterate, very simple and, we were told again and

2. The eastern half of the island of Timor is a natural part of Indonesia. This view was promoted as self-evident to anyone who examined Timor's location on the map in relation to Indonesia. President Soeharto and East Timorese advocates of integration stressed that in their view the peoples of Timor-Leste and Indonesia were brothers and that integration was a "natural" reunion after centuries of separation by European colonialism.* Western policy makers also chose to present integration, in Henry Kissinger's terms, as "the normal evolution of the end of colonial rule".¹⁷⁸
3. Indonesia was forced by circumstances to intervene. Starting in the 1960s, Indonesia constantly informed the international community that it had no legal claim or territorial ambitions in respect of Timor-Leste. The absorption of Timor-Leste would be more "a defensive reaction than a nationalistic imperative".¹⁷⁹ In addition to security reasons, Indonesia also sought to justify its takeover on humanitarian grounds. Yusuf Wanandi, an advisor to President Soeharto, told the Canadian press in 1984:

*We woke up one day and realized what a mess we had right on our doorstep. The Portuguese had left a complete vacuum... The place was in chaos. I think we were more or less forced to do what we did.*¹⁸⁰

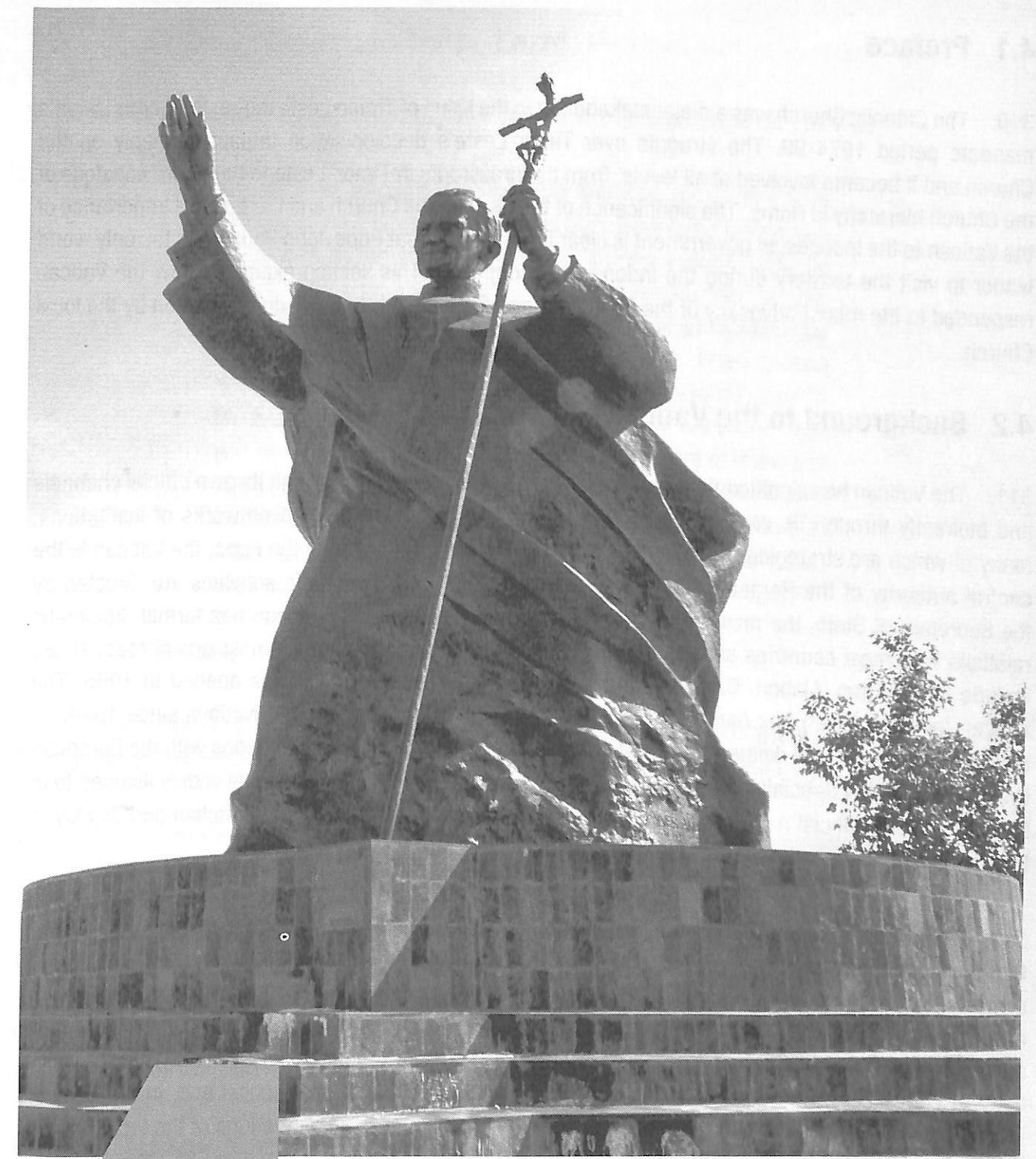
This claim was echoed internationally throughout the conflict. As late as 1995, the New Zealand Foreign Minister, Don McKinnon, questioned calling Indonesia's annexation an "invasion" and stated that Indonesia intervened because of a "huge refugee problem" and to "support the weaker side" in a bloody civil war.¹⁸¹

4. Fretilin is not politically acceptable or legitimate. Indonesia and pro-integration East Timorese encouraged anti-Fretilin sentiment by demonising Fretilin as communist, terrorist, unrepresentative and power hungry. Although Western and other officials did not agree with many of the Indonesian claims, governments were often hostile to Fretilin and reluctant to deal with its representatives even though the UN accepted Fretilin as a legitimate spokesperson for Timor-Leste.
5. The Indonesian occupation is irreversible. This was considered to be mathematically self-evident because of Indonesia's overwhelming superior numbers and military strength and the word "irreversible" recurred like a mantra in official statements for many years.† Many governments voted against resolutions on Timor-Leste at the UN on the grounds that Indonesian sovereignty was a fait accompli. For the same reason, they reduced the issue in international terms to a residual bilateral problem between Portugal and Indonesia which the UN should help resolve.

again, 'primitive'... this is something that one has to think about when judging their capacity to take part in an act of self-determination or even to perform as responsible citizens of an independent country." 13 January 1978, in New Zealand, OIA Material, Volume 1.

* This view gained currency in Indonesia and explains the sense of "hurt" felt in some quarters when the people of Timor-Leste chose independence from Indonesia. See, for example, Lela E Madjiah's book entitled *Timor Timur: Perginya Si Anak Hilang* [East Timor: The Departure of the Lost Child], Antara, c. 2003. Reporting on General Benny Murdani's death in 2004, David Jenkins wrote: "Moerdani always thought East Timor belonged within Indonesia, and was consumed with bitterness when, in 1999, President Habibie, whom he'd always detested, allowed East Timor to vote itself out of the republic." *Sydney Morning Herald*, 10 September 2004.

† Jill Jolliffe proved to be correct when she observed in 1978 that "the only thing irreversible about East Timor was the killing", *East Timor: Nationalism and Colonialism*, University of Queensland Press, St. Lucia, 1978, p. 304.



Pope John Paul II

4 The Vatican*

* The Commission has drawn on numerous sources for this section, including direct testimony to CAVR. It wishes to express special appreciation to Arnold Kohen and Father Patrick Smythe for their submissions and advice. Arnold Kohen is the author of *From the Place of the Dead – Bishop Belo and the Struggle for East Timor*, Lion Publishing, Oxford, 1999. Patrick A. Smythe is author of *The Heaviest Blow – The Catholic Church and the East Timor Issue*, Lit Verlag, Münster, 2004.



Pope John Paul II

4

The Vatican*

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4.1 Preface

310. The Catholic Church was a major stakeholder in the issue of Timor-Leste during the Commission's mandate period 1974-99. The struggle over Timor-Leste's decolonisation impacted deeply on the Church and it became involved at all levels, from the grassroots in Timor-Leste to the upper echelons of the Church hierarchy in Rome. The significance of the issue to the Church and the political importance of the Vatican to the Indonesian government is clear from the fact that Pope John Paul II was the only world leader to visit the territory during the Indonesian occupation. This section examines how the Vatican responded to the robust advocacy of the East Timorese people's right of self-determination by the local Church.

4.2 Background to the Vatican

311. The Vatican has significant influence and outreach, both directly through its own official channels and indirectly through its vast membership of about one billion people and networks of institutions, many of which are strategically positioned. Based in Rome and headed by the Pope, the Vatican is the central authority of the Roman Catholic Church. Its political and diplomatic activities are directed by the Secretary of State, the most important official under the Pope. The Vatican has formal diplomatic relations with most countries and maintains about 100 permanent diplomatic missions abroad. These include Washington, Lisbon, Canberra and Jakarta where the nunciature was opened in 1965. The Vatican (or "Holy See") has had a permanent observer mission at the United Nations since 1964; as such it has a voice in UN deliberations, but not a vote. It also has diplomatic relations with the European Union and most UN Specialised Agencies. Its official radio station, Radio Vatican, is widely listened to in Europe. Its semi-official newspaper, *L'Osservatore Romano*, is published daily in Italian and weekly in English, Spanish, Portuguese, German and French.

312. The Second Vatican Council, which concluded 10 years before the Indonesian invasion, instructed that these networks and resources should serve truth, peace and justice, particularly for the poor and dispossessed. Church and state have different roles, and the Catholic Church, though highly centralised, is not monolithic. As the centre of a global institution, the Vatican is faced with many policy dilemmas and pressures from competing interests, both within and outside the Catholic community. On the other hand, it is also true that it has significant resources and influence at its disposal and, in the case of Timor-Leste, was particularly well-informed about the situation and the aspirations of the local Church for which it assumed direct responsibility.

4.3 The Catholic Church in Timor-Leste

313. The Catholic Church in Timor-Leste had three leaders during the period 1974-99:

Bishop José Joaquim Ribeiro, Dom Martinho da Costa Lopes and Dom Carlos Filipe Ximenes Belo SDB. During the Indonesian occupation, each leader initially sought to bring an end to violence through dialogue and direct representation to the secular authorities. When this failed, each in turn took an increasingly vocal role to protect the rights of the people. From around 1983, the Church increasingly called for self-determination in the conviction that the proper exercise of this collective right was the key to long-term peace and the enjoyment of individual rights. It was the local Church's exercise of this prophetic role and its advocacy of the political right of selfdetermination that presented the Vatican with its biggest challenge on the issue, even though it too supported self-determination in principle.

4.4 Dom José Joaquim Ribeiro (1966-77)

314. Bishop Ribeiro, a Portuguese national, was head of the Church during the last two years of the Portuguese administration and the first two years of the Indonesian occupation.

315. Prior to the Indonesian invasion, the role and status of the Church in Timor-Leste was determined by the 1940 Concordat between the Vatican and Portugal. Based on this agreement, the Church in Timor-Leste enjoyed certain privileges including state subsidies, tax exemptions, and large land grants. It also had responsibility for education and was the principal agent of Portugal's "civilising mission". This privileged relationship ended with the Carnation Revolution in Portugal. As an integral part of the old colonial system, the Church was deeply challenged by the changing political environment and a period of acute anxiety and confusion ensued, exacerbated in Timor-Leste by the violence of the civil war and the looming Indonesian invasion.

316. In Timor-Leste, Fretilin's programme included a critique of the Church's role in colonialism and its large land holdings. Many clergy and religious favoured UDT and were concerned about communism. Bishop Ribeiro publicly denounced Fretilin as "communistic". In a Pastoral Letter issued on 25 January 1975, he forbade Catholics to vote for Communists or Socialists, defended private property and warned that Marxism threatened "to extinguish the positive values of the Timorese people".[†] Though modified

* In the context of the ferment in Church thinking surrounding the Second Vatican Council (1962-65) and liberation movements in Africa and Latin America, some missionaries used their teaching role to critique colonialism and to introduce their students to new ideas. This was particularly true of the Jesuit seminary in Dare, in the foothills of Dili, which became the alma mater for many of the future East Timorese nationalist leaders.

† Patrick A Smythe, 'The Heaviest Blow' – The Catholic Church and the East Timor Issue, Lit Verlag, Münster, 2004, p. 36. The Bishop of Atambua in Indonesian West Timor, Theodore van den Tillart SVD, also described Fretilin as Marxist to Australia's Cardinal Knox and said it received help from international communism and was guilty of extensive human rights abuses. Cardinal Knox subsequently

later, his views influenced Church perceptions of Fretilin and attitudes to the Timor-Leste question in the Vatican and in countries to which East Timorese refugees fled at the time of the civil war, particularly Indonesia, Portugal and Australia.

317. The Indonesian invasion and annexation of Timor-Leste took place towards the end of the pontificate of Pope Paul VI (1963-78). Paul VI played a central role in shaping and implementing the changes introduced by the Vatican Council, including its doctrine on social justice. He strongly opposed violence, making a memorable speech to the United Nations in 1963 in which he declared “no more war, war never again”.¹⁸² His Vatican Secretary of State, Jean-Marie Cardinal Villot (1969-79), was well-informed about the invasion and its humanitarian impact from several sources. These included Bishop Ribeiro, who expected that Indonesia’s military intervention would be benign like India’s actions in Goa, but was deeply disturbed by what he witnessed. Early in 1976 he told the Indonesian government that “your Indonesian troops, with their murders, their violations and pillaging are a thousand times worse” (than Fretilin) and added that “the Indonesian paratroopers descended from heaven like angels but then behaved like devils”.¹⁸³ He continued to make representations until, disillusioned, he retired to Portugal in 1977.

318. The Commission, however, has not been able to find any evidence that Pope Paul VI made public comment on the invasion or used his office to back calls by the UN Security Council for the withdrawal of Indonesian forces.

319. The Vatican Nuncio in Jakarta, Vincenzo Farano (1974-80), was also well-informed. He believed the Church had nothing to fear from incorporation into Indonesia but, like Bishop Ribeiro, was shocked by the violence. In response, he personally provided medical aid and made frequent visits to Timor-Leste, including to Fretilin-held areas, and to the civil war refugees in West Timor. Though further removed, the Papal Nuncio in Australia was also well aware of developments from the media and sources such as the Australian Catholic Commission for Justice and Peace which issued a series of statements about Timor-Leste in 1975 and 1976.

4.5 Dom Martinho da Costa Lopes (1977-83)

320. Bishop Ribeiro resigned on 23 October 1977. Because of the disputed status of Timor-Leste, the Vatican then assumed direct management of the local Church rather than incorporate it into the Indonesian Church. After consultation with the local clergy, it appointed Dom Martinho da Costa Lopes as Apostolic Administrator, making him the first indigenous head of the Catholic Church in Timor-Leste. He was directly accountable to Rome through the Nuncio in Jakarta.*

321. This arrangement was politically significant. It signalled the Vatican’s support for a UN process of self-determination rather than Indonesia’s claim that the territory’s political status had been resolved. Interviewed in Rome in 1980, Vatican officials stated that they regarded Timor-Leste as an “occupied

country” in which there had been no genuine act of selfdetermination. They added that the Vatican would not recognise Timor-Leste as part of Indonesia until it was clear this was the decision of the people endorsed by the United Nations.¹⁸⁴ Consistent with this policy, the Vatican maintained direct responsibility for the local Church throughout the conflict, thereby providing some protection and international access for its officials, and rejected pressures from Indonesia for ecclesiastical integration.* However, the Vatican did not publicise or promote its position internationally. Very few Catholics or the general international public were aware that the Vatican supported the right of the East Timorese people to selfdetermination.

322. Monsignor Lopes’s tenure was relatively brief. For the first three years, he adopted a cooperative approach in his dealings with the Indonesian authorities regarding the many violations communicated to him by the priests and people. He also kept the Indonesian Bishops and the Papal Nuncio in Jakarta informed. The Commission has not been able to find any record that the Vatican made any public or significant intervention in support during this period.

323. From 1981, Monsignor Lopes’s relations with the Vatican and the Indonesian military soured, and in April 1983 he resigned under pressure from both bodies. The reasons for this unfortunate breakdown with the Vatican related to fundamentally divergent views on the issue and how to manage it. This was a period of intense crisis following severe Resistance losses, famine and, in mid-1981, a new military offensive against Fretilin. The Vatican was also concerned that escalating Church involvement in the conflict would harm the Church in Indonesia.

324. The Vatican Secretariat of State under Agostino Cardinal Casaroli (1979-1990) shared the view of many governments that the Indonesian takeover was irreversible both internally and diplomatically and that continued resistance was futile and harmful. Pat Walsh informed the Commission that both the Papal Nuncio in Jakarta, Monsignor Pablo Puente, and his colleague at the UN in New York, Monsignor Ettore de Filippo, told him in 1980 that the Indonesian takeover of Timor-Leste was a *fait accompli*, that development under Indonesia was better than under Portugal, that the Vatican’s responsibility was to protect the interests of the local Church and that this could best be achieved through cooperation with Indonesia.¹⁸⁵ The Vatican also believed that quiet diplomacy was more productive than public diplomacy.† Positive results from this approach could be pointed to in some areas, for example, the introduction of Tetum as the language of catechesis and liturgy, a significant contribution to cultural survival, and the granting of visas to missionaries. Monsignor Puente also believed that Indonesia had accepted that the heavy-handed military approach was wrong and that they were listening to his proposals for a substantial role for the Church.

* In their May 1980 report to the Vatican, the Indonesian Bishops, themselves under pressure from their government, asked “that the Holy See weigh and consider the status of the Catholic Church in Timor-Leste so that it might enter fully into the Indonesian Bishops Conference”. Smythe, p. 59.

† The Vatican representative to the UN, Monsignor Renato Martino, told Patrick A Smythe: “The Holy See operates in a very quiet way, a silent way... There is no trumpet call, no intention for publicity.” Smythe, p. 191. Monsignor de Filippo told Pat Walsh that at that time he had a passive brief on Timor-Leste at the UN [see CAVR Interview with Pat Walsh, Dili, 25 February 2005].

served in the Vatican. Smythe, p. 72.

* Monsignor Lopes was not ordained a bishop, but because of his position, East Timorese generally referred to him as Bishop.

325. Monsignor Lopes took a completely different point of view, which effectively cut across the Vatican strategy and was tantamount to insubordination. After six difficult and frustrating years, he did not share the Vatican's faith in the military and integration. In May 1981 he publicly denounced military excesses for the first time, and when reproached by ABRI for not coming to them in private he responded that previous direct approaches to senior military, including the Defence Minister, General Yusuf, had not resulted in any change.^{*} He also criticised the Church. In July 1981, he co-signed a statement to the Indonesian Church which challenged it and the Vatican for their silence. Referring to the deaths of over 200,000 people over the previous six years, the statement lamented:

we do not understand why the Indonesian Church and the Universal Roman Church have up till now not stated openly and officially their solidarity with the Church, people and religious of Timor-Leste. Perhaps this has been the heaviest blow for us... We felt stunned by this silence which seemed to allow us to die deserted.¹⁸⁶

326. He disagreed that the East Timorese should give up. He advocated non-violence, but defended Fretilin's right to self-defence and collaborated with the Resistance leader Xanana Gusmão.[†]

327. In 1981, the Vatican refused a request by Monsignor Lopes to meet the Pope. In 1982, the Vatican found fault with Monsignor Lopes after he became the centre of controversy over the extent of the food problem in Timor-Leste following the 1981 military offensive. Monsignor Puente criticised the Apostolic Administrator during a meeting with the former Australian Prime Minister, Gough Whitlam, who had visited Timor-Leste and did not believe there was a food crisis. The Australian Government record of the meeting states that: "Puente spoke of the Administrator in measured, but very critical, terms. Mr Whitlam said he considered that the Administrator had behaved in a 'wicked' fashion. Puente did not demur."^{**} In a communication to the Australian Bishops, the Vatican Secretariat of State criticised Monsignor Lopes for exaggerating the food situation and, in a veiled criticism of the Administrator, asked that the delicate question of Timor-Leste be treated with discretion and prudence. In March 1983, General Benny Moerdani, a Catholic, was appointed head of the Indonesian armed forces and pressed Monsignor Puente to replace Monsignor Lopes. This occurred in April, and on 17 May Monsignor da Costa Lopes flew out of Dili accompanied by the Papal Nuncio.[§] Fretilin rejected calls to surrender by General Moerdani in August and a new offensive was launched by the Indonesian military.

^{*} Rowena Lennox quotes the Apostolic Administrator saying about this time: "Taking into account the prophetic nature of my mission, I feel an urgent need to tell the whole world... about the genocide being practised in Timor, so that, when we die, at least the world knows we died standing." *Fighting Spirit of East Timor: The Life of Martinho da Costa Lopes*, Pluto Press, London, 2000, p. 174.
[†] At Xanana Gusmão's request, Monsignor Lopes smuggled out of Timor-Leste for delivery to the Fretilin External Delegation literature damaging to the Indonesian military and tapes and photographs of the ceasefire talks in 1983. He told a seminar in Melbourne in October 1983: "José Gusmão Xanana says Fretilin is the people and the people is Fretilin. It's true." ACFOA East Timor Report, No. 5.
[‡] Submission and additional information from Hon. E G Whitlam, Australian Senate Inquiry into East Timor, 1999, pp. 018, 097. Mr Whitlam publicised his criticisms of Monsignor Lopes widely, particularly in Australia.
[§] José Ramos-Horta recounts that Monsignor Lopes said his resignation was due to political pressures but that he accepted it "as God's design" and never criticised the Pope or Monsignor Puente (Funu, pp. 203-204). All accounts refer to General Moerdani's intervention, though it was clear that the Vatican had already lost confidence in its Administrator.

328. Monsignor Lopes' fellow priests were angered at his treatment. Writing in April to Catholic Bishops throughout the world, a group of priests commended him for often being "the only voice raised in defence of the people on whom silence and fear are imposed and for whom the exercise of freedom of expression will only result in imprisonment or disappearance". Their statement expressed "disappointment" and "profound hurt" at the "campaign of defamation" brought against him.¹⁸⁷

329. On his way to Portugal, Monsignor Lopes was received by Pope John Paul II in Rome and spoke positively of the Pope's attitude. He also met with Cardinal Casaroli and told him "you are wrong about Timor-Leste". He later travelled extensively in Europe, North America and the Pacific advocating self-determination and independence and, though discounted in some quarters as a credible witness, contributed to the mobilisation of numerous Church agencies in support of Timor-Leste. He did not return to his homeland and died in Portugal in 1991.

4.6 Dom Carlos Filipe Ximenes Belo SDB (1983-2003)

330. The Vatican's appointment of Dom Carlos Belo was made without proper consultation of the local clergy and was initially resented by them, particularly in the context of Monsignor Lopes' resignation. Monsignor Belo carefully avoided political partisanship, which damaged his relations with the Resistance, but like his two predecessors was gradually forced to become more outspoken. He explained the dynamics in a letter to the Papal Nuncio in Jakarta:

Since 1983, the year I was appointed Apostolic Administrator, we have every year witnessed the same abuses. We have spoken to the authorities, but to no effect. The People are the ones who suffer.¹⁸⁸

331. From early in his term, he committed himself to self-determination both as a right and as a formula for lasting peace. On 5 December 1984, he wrote to the Catholic Commission for Justice and Peace in France:

Despite all forces against us, we continue to hold and disseminate that (the) only solution to the Timor-Leste conflict is a political and diplomatic one, and this solution should include, above all, respect for the right of a people for self-determination. We also want that the Pope John Paul's words to the Indonesian Ambassador to the Holy See, namely, respect for the cultural, ethnic and religious identity of the People of East Timor, be put into practice. As long as this is not implemented there will not be a peaceful solution for Timor-Leste.¹⁸⁹

332. As a mark of its confidence, the Vatican made Monsignor Belo a Bishop in 1988. In February 1989, the new Bishop repeated his support for self-determination in a private letter to the UN Secretary-General, Javier Perez de Cuellar. Similar letters were sent to the Portuguese President and the Pope. His letter challenged the Secretary-General to go beyond his contacts with Portugal and Indonesia and to consult the East Timorese people directly through a referendum. The letter explicitly rejected Indonesia's strongly held claim that Timor-Leste had fully exercised its right of self-determination and

implied that claims by East Timorese political parties about Timor-Leste's status were also invalid. The Bishop wrote:

The people of East Timor must be allowed to express their views on their future through a plebiscite. Hitherto the people have not been consulted. Others speak in the name of the people. Indonesia says that the people of East Timor have already chosen integration, but the people of East Timor themselves have never said this. Portugal wants time to solve the problem. And we continue to die as a people and as a nation.

333. In response to pressures to withdraw the letter, the Bishop stated that he was not advocating one political option over another, but affirming a democratic principle. The Papal Nuncio, Monsignor Francisco Canalini, distanced himself from the letter stating its contents were Bishop Belo's personal views only.* In 1987 he had stated the Vatican's official position in an interview with an Indonesian publication but indicated the policy was more a legal technicality than real. In 1990 he was asked to clarify the Vatican's position on Timor-Leste during a celebration in Dili but declined.

334. Bishop Belo's stand did much to strengthen his relations with the Resistance and earned him the Nobel Peace Prize in 1996. The prestigious award, which he shared with José Ramos-Horta, focused international attention on the primacy of self-determination and contributed to the momentum that culminated in the exercise of this right in August 1999. The President of Pontifical Justice and Peace Commission, Cardinal Roger Etchegaray, who had made a welcome visit to Timor-Leste in February that year, joined Bishop Belo at the award ceremony in Oslo.†

335. The Vatican discouraged other Bishops from speaking out on Timor-Leste. In response to Bishop Belo's letter to the UN, Dom Manuel da Silva Martins, the Bishop of Setubal in Portugal, collected the signatures of 160 Bishops in a letter of support to the UN. Cardinal Casaroli forbade him to send the letter and also prohibited him from speaking publicly about the issue. He did not concur, and the ban was relaxed after the Santa Cruz Massacre in 1991.‡ Bishop Soma of Japan, who collected 1,257 Church signatures for a similar letter of support to the UN, was also cautioned by the Vatican. Sister Monica Nakamura told the Commission:

* The Reader's Digest reported that the Papal Nuncio told Bishop Belo to stay out of politics. Paul Raffaele, "Hero of a Forgotten People", Reader's Digest, March 1996. The edition was banned from newsstands in Jakarta.

† Bishop Belo commented that Cardinal Etchegaray's visit had "boosted confidence in the Vatican". CIIR Timor Link, March 1996.

‡ The Papal Nuncio barred all reference to Timor-Leste in the Portuguese hierarchy's five-yearly ad limina reports to the Vatican on the grounds that the Diocese of Dili was no longer Portugal's responsibility. Smythe, p. 91.

Bishop Soma told me one day that after he started expressing his solidarity with Timor-Leste, he had gotten a letter from a Vatican official asking him just who had given him permission to do this sort of thing. Bishop Soma said with a broad smile that there is absolutely no need to ask permission to do the right thing.¹⁹⁰

336. In Australia Bishop Hilton Deakin also declined to refrain from making public statements.

4.7 Pope John Paul II's visit to Timor-Leste in 1989

337. Many expected that Pope John Paul II's visit to Timor-Leste in 1989 would clear up ambiguities in the Vatican's policy on the territory and establish unequivocally where the Holy See stood. Though appreciated, the Pope's previous expressions of concern were limited to recognition of the suffering in Timor-Leste, prayerful support and admonitions to the Indonesian Government and others to respect the identity of the East Timorese people.* Aware of his role in bringing about political change in Poland, East Timorese hoped the Pope would use the visit to support political self-determination but feared it would sanction Indonesian sovereignty. The visit did neither. The Pope acknowledged the conflict and articulated principles for a solution, but stressed the pastoral nature of his visit and stated that a political solution was a matter for the United Nations, not the Vatican.

338. In an interview on Portuguese radio in 1991, he reflected on the visit:

I went to East Timor, not as a politician but as Pope and bishop, as pastor of the Church visiting the various Catholic communities...what I wish for that community – which I also said during my visit to Timor – is that it should be able to live in accord with its own principles and customs, its language and its own culture, its own tradition and religion. The political problem is a problem to be taken up in another place: the United Nations. And I hope – I said this there and I must say it again now – that the problem of East Timor will be resolved in accord with the principles of justice and human and national rights...I have maintained contact with their Bishop, Monsignor Belo. I have also there given special homage to the victims...But one thing must be stressed: if you talk about forgetting Timor, then that does not correspond with my true feelings, because I say a prayer for that island every day.¹⁹¹

* For example, Pope John Paul II's Mass at Fatima in 1982 was translated into Tetum.

339. The East Timorese people deeply appreciated the Pope's visit. What mattered most was that he came. Alex Gusmão, one of the students who demonstrated at the close of the Papal Mass at Tacitolu, told the Commission:

*We felt very proud. If he'd only come to Indonesia it would have meant he accepted East Timor as part of Indonesia, but he singled us out. It gave us a lot of hope.*¹⁹²

340. East Timorese differentiated the Pope from the Vatican bureaucracy about whom they remained highly critical. The then leader of the Resistance, Xanana Gusmão, who welcomed the Papal visit, said in 1991 in response to a question about the Vatican:

We all know about the expulsion of Monsignor Lopes and the expulsion of the Portuguese priests, and we expect that one day Monsignor Belo will also be expelled. I think that it's an immoral attitude on the Vatican's part and that they're acting in their own political interests. The statement by Father Tucci who came to prepare the Pope's visit is very revealing. He stated that the Vatican shouldn't sacrifice its interests for the sake of a few hundred thousand Catholics. I don't think that is a correct attitude. We continue to feel Jakarta's influence on the Vatican and, in consequence the influence the Vatican exerts on the Church of Timor-Leste.¹⁹³

341. Following the visit, John Paul II placed more emphasis on the need for a peaceful and just resolution of the conflict. In keeping with this, the Vatican mission to the UN became more active and made continuous representations in favour of troop reductions, human rights and dialogue. In 1998, the Pope and the Secretary of State, Cardinal Angelo Saldano, met with the UN Secretary-General on the issue and gave their support to the UN process. The violence after the August 1999 Popular Consultation filled the Pope with disgust:

I cannot keep quiet my profound bitterness for yet another defeat of any sense of humanity when, at the dawn of the Third Millennium, fratricidal hands are raised once more to kill and destroy without mercy...in the vain attempt to wipe out the desire expressed by the population and their legitimate aspirations...¹⁹⁴

4.7.1 The Vatican's position on Timor-Leste and its relationship with Indonesia

342. The Vatican stopped short of mobilising its global resources in support of the political self-determination considered by the local Church and its Apostolic Administrator to be the key to peace. This was dictated by three related considerations: the Vatican's concept of the Church's mission, concern for the Catholic Church in Indonesia, and the Vatican's diplomatic *modus operandi*.

343. The Church's mission was spelled out by the Second Vatican Council (1962-65). In brief, it committed the modern Church to both a spiritual and a social mission in the world, independent of any political system. The Vatican and the Church of Timor-Leste differed, however, in their interpretation of this mission in the context of the crisis in Timor-Leste. The local Church, which had been part of the Portuguese colonial system, now emphasised its community basis, independence from the state and prophetic role.^{*} The Vatican preferred a more conciliatory approach and stressed principles without being direct or specific. It also considered that policy and management of the question was primarily its prerogative, not that of its local representative.

344. The Vatican's response was also shaped by its responsibilities for the welfare and mission of the Church in Indonesia and sensitivity to its situation as a minority in the world's most populous Muslim nation. At their first meeting in 1985, the Pope told Bishop Belo:

I understand your position. I pray for Timor. I suffer for Timor. But, on the other hand, the Church in Indonesia also needs our attention.¹⁹⁵

345. Church-State relations have been generally positive in Indonesia since Indonesian independence. As happened in Timor-Leste, independence was actively supported by many in the Catholic Church and resulted in the establishment of a secular, not an Islamic, state. This relationship deepened after General Soeharto came to power in 1965. The Church, aligned with the military and Soeharto, played a part in "immunising" the community against communism and joined the New Order as a partner in nation-building through, *inter alia*, its respected network of health and educational institutions.[†] Catholics gained a number of influential positions in the Soeharto Government which served to protect the Church against militant Islam. Like the Indonesian Church itself, the Vatican was reluctant to risk destabilising these relationships by identifying too closely or publicly with the Timor-Leste issue.[‡] It also appreciated

^{*} In a press release in 1996, Bishop Belo said: "I am fully aware of the norms of the Catholic Church which demands a religious leader to stay away from the concrete political practises specific to the field of politicians. But as a bishop I have a moral duty to speak for the voice of the poor and the simple people who, when intimidated or terrorised, cannot defend themselves or make their suffering voiced." 25 November 1996. The Indonesian Catholic priest Fr Mangunwijaya supported Bishop Belo's approach and said that the Indonesian Pancasila also obliged him to speak out in the public interest.

[†] The role of the Catholic Church at the time of the purge of the Indonesian Communist Party (PKI) is not well documented. The Bishops were dismayed by the number of killings and asked pardon for any irresponsibility on their part that may have contributed to the bloodbath. The Catholic activists Harry Tjan and Yusuf Wanandi, who advised President Soeharto in the takeover of Timor-Leste, were actively involved in anti-communist activity and forged close links with the military.

[‡] An outbreak of sectarian attacks on Christian churches occurred following the fall of Soeharto.

the benefits of harmonious relations with Indonesia for its dealings throughout the Islamic world and preferred Timor-Leste to be seen as a political, not a religious, issue which it feared might happen if the wider Church became too involved. The Indonesian Church was not insensitive to the suffering in Timor-Leste and the pleas of the local Church, but acknowledged its political constraints and restricted support to practical forms of aid and assistance. In a letter to Monsignor Belo on 17 November 1983, written after he had briefed the Bishops at their assembly, the Indonesian Bishops Conference wrote:

The Catholic Church in Indonesia...in spite of all restrictions, has made every possible effort to express its solidarity and friendship with the Faithful and the people of Timor-Leste who are being deluged by the most bitter trials, both physically and spiritually.*

346. Some individual Indonesian priests urged a stronger stand which, if taken, may have allowed the Vatican more options.

347. As already mentioned, the Vatican does not engage in public diplomacy as a matter of policy on the grounds that confrontation limits strategic options, closes the door to dialogue and is less productive than private representation. Accordingly, its statements on Timor-Leste were general, rather than informative, in character; it did not publicise its activities or criticise the Indonesian military directly, and it sought to restrain those who did. This policy extended to other states in relation to Timor-Leste. There is no evidence, for example, that the Vatican challenged the international arms trade with Indonesia, although the Church opposes arms proliferation. This low-key policy also protected its relationship with Indonesia. On the basis of his research, Father Patrick Smythe concluded:

Overall the Church gave limited coverage to the subject of East Timor in its own broadcasting or printed publications, thereby falling short of its proclaimed responsibility "to furnish the missing information to those deprived of it and to give a voice to the voiceless".†

348. Transparency and accountability were not hallmarks of Vatican diplomacy on Timor-Leste. In the absence of other indicators normally used to measure official positions, such as voting behaviour, media scrutiny, aid and trade, the lack of information makes it difficult to evaluate Vatican claims of actions undertaken on behalf of Timor-Leste and their effectiveness. The Commission hopes the Vatican will help settle these issues by opening its archives to independent research.

4.8 Conclusion

349. The Vatican contributed to the search for self-determination in Timor-Leste and the Commission acknowledges the value of this contribution, especially during the years when Timor-Leste had few influential allies. The Vatican did not desert the Church in Timor-Leste.

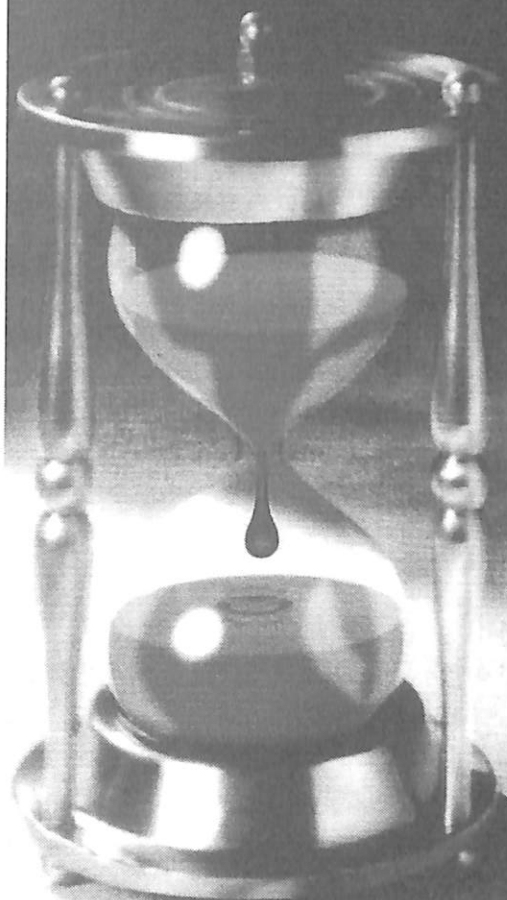
350. The Vatican's contribution, however, was limited. It lay more in what it did not do than in what it did. It upheld the principle of self-determination by not determining the status of the local Church until the people of Timor-Leste had freely decided on their political future and by not giving in to pressure for integration from both the Church and Government in Indonesia. In 1989, Pope John Paul II, in a deeply appreciated gesture, included Timor-Leste in his visit to Indonesia as a guest of the Indonesian Government, but he did not sanction integration with Indonesia, as many East Timorese feared he might.

351. On the other hand, the Vatican stopped short of advocating self-determination or urging others to do so and, at times, counselled integration. This was done even though the international community agreed in principle on the relevance of this right and that it had been denied in Timor-Leste and even though self-determination was the clear aspiration of the East Timorese Church and the only principled and practical way both to resolve the conflict and to regularise the affairs of the local Church. This approach enabled it to balance its responsibilities to the Church in Indonesia, but weakened its potential contribution, particularly during the early years when it was uniquely well-informed and the crisis was deepest. When others did speak out it sought to silence them. This included many in the Church, like Dom Martinho da Costa Lopes the first indigenous leader of the Church in Timor-Leste, whose loyalty to the Church, the Pope and the East Timorese people was total and whose commitment was forged in the crucible of suffering and prayer, not a political party. Having discredited him, the Vatican should now acknowledge his service, both as a true son of the Church and as a representative of others in the Church, particularly those priests and nuns in Timor-Leste who stood by their people in their darkest hours, and their Church colleagues elsewhere.

352. Timor-Leste conducted its campaign for self-determination and independence on three fronts: military, diplomatic, and clandestine. This section deals with the diplomatic campaign and documents the contribution made by: (1) the political parties, including the Resistance umbrella organisations, and (2) the Timor-Leste diaspora. The work of East Timorese activists in Indonesia is documented elsewhere in the Report.

* This letter is signed by Monsignor F X Hadisumarta, O.Carm and Monsignor Leo Soekoto SJ on behalf of the Indonesian Bishops Conference (Majelis Agung Waligereja Indonesia, MAWI).

† Smythe, p. 19. There were many local exceptions to this, particularly by Catholic peace, justice and development agencies in several countries and by some diocesan papers and television programmes.



talking
meeting
analysing
discussing
planning
preparing

5 The diplomacy of the Resistance

5.1 Political parties and umbrella bodies

353. Of the five historic parties established in Timor-Leste after Portugal's Carnation Revolution in April 1974, only UDT and Fretilin engaged in a long-term international campaign for self-determination and independence. The three minor parties - Apodeti, KOTA, and Trabalhista - did not have the capacity to function abroad and, with the exception of Trabalhista, advocated integration with Indonesia.* However, in mid July 1998, all five parties united in opposing the Habibie autonomy proposal and called for a referendum.¹⁹⁶

354. UDT was the first, and initially the largest, party in Timor-Leste. In a statement of principles prepared in 1974, UDT committed the party to "self-determination of the Timorese people aimed at a federation with Portugal as a way to reach independence".¹⁹⁷ It developed a foreign policy, entrusted João Carrascalão with its foreign relations portfolio and, with the assistance of the Christian Democrat Party, established a base (Gabinete de Timor) in Central Lisbon in 1974. It published a newsletter and engaged in some international activity, but did not set out systematically to build international support for itself or self-determination until much later.[†]

355. UDT's work in Lisbon owed much to the dedication of several individuals including Moises do Amaral, Paulo Pires and, later, Vicente Guterres. Like others, it had few links with Timor-Leste, but in the early years, when communications were most difficult, it benefited from intermittent secret contact with UDT sympathisers in the occupied territory, including Mário Carrascalão, Bishop José Joaquim Ribeiro and Dom Martinho da Costa Lopes.¹⁹⁸ The party did not attract significant community support in Portugal where civil society was more focused on Fretilin, but its pro-Portugal orientation and presence in Lisbon was helpful to the East Timorese cause in the 1980s when Portugal increased its attention on the issue.

356. UDT's defeat in the 1975 civil war with Fretilin had a devastating impact on the party politically and organisationally. It never completely recovered, and this seriously weakened its contribution to self-determination for Timor-Leste. The war resulted in the dispersal of party leadership and members and its marginalisation in Timor-Leste. It deepened and entrenched the rift with Fretilin, with whom it shared the goal of independence and had been in coalition[‡]. After the invasion, representatives of the party took opposing positions internationally with party officials in Portugal advocating independence while colleagues in Timor-Leste advocated integration in testimony to the UN and the US Congress. This damaged the party's credibility and caused considerable confusion and mistrust internationally.[§]

* 1 Partido Trabalhista (Labour Party) supported independence, but Indonesia used it for propaganda advantage and its leaders were widely seen to cooperate with Indonesia after the takeover. Pat Walsh, *East Timor's Political Parties and Groupings*, Australian Council for Overseas Aid, Canberra, April 2001, p. 22.

† For example, James Dunn reports that UDT had a strong interest in Australia in 1974-75, but "Horta had made several visits to Australia before the UDT leaders got around to it". East Timor: A Rough Passage to Independence, Longueville Books, NSW, 2003, p. 50.

‡ Domingos Oliveira testified to the Commission about the bad relations with Fretilin that already existed before the civil war and were worsened by the conflict and its aftermath (CAVR National Public Hearing on Self-determination and the International Community, 15-17 March 2004). Following the Indonesian invasion, a number of UDT members were executed by members of Fretilin in Aileu, Maubisse, and Same (see Chapter 7.2: Unlawful Killings and Enforced Disappearances).

§ Mário Carrascalão, President of the UDT founding committee, defended integration with Indonesia on behalf of UDT in the first UN Security Council debate on Timor-Leste after the Indonesian invasion. In 1977 he testified to the US Congress as leader of UDT. In

357. UDT became more active in the mid-1980s and from 1993, after being reorganised on democratic lines, was an effective advocate for Timor-Leste. However, the diplomacy of the Resistance during the first decade after the Indonesian invasion was mainly conducted by Fretilin.

358. Fretilin made two historic policy decisions early in its existence that had a fundamental impact on the outcome of Timor-Leste's international campaign for independence. Both decisions were born out of a realistic appreciation of Timor-Leste's weakness and vulnerability, and succeeded because they employed the strengths of others to Timor-Leste's advantage. They were the decision to engage in international diplomacy and the decision to utilise international law.

5.1.1 Fretilin's policy of internationalisation

359. Fretilin engaged in systematic international lobbying and networking from the beginning. From mid-1974, Fretilin representatives based at the Casa de Timor in Lisbon worked to win support from European politicians, governments and the public. Australian missions as far afield as Stockholm reported requests at this time from host governments, following Fretilin visits, for information about the situation in Timor-Leste.¹⁹⁹ Francisco Xavier do Amaral, Nicolau Lobato, Mari Alkatiri and Roque Rodrigues attended Mozambique's independence celebrations in June 1975. Following a statement of support for Fretilin by a conference of 49 Afro-Asian states in Mozambique in September 1975, Mari Alkatiri conducted a successful tour of several African states in November. Fretilin representatives in Timor-Leste focused on the region. Alarico Fernandes visited Australia. José Ramos-Horta visited Indonesia, New Zealand, Fiji and Australia – the latter more than once at this time. In return, civil society groups and journalists visited Timor-Leste, particularly from Australia but also from Portugal.

360. Foreign policy was, however, the subject of debate in Fretilin leadership in 1975. Some considered that Western-style diplomacy was futile and believed Timor-Leste should focus on self-reliance and armed struggle. Others favoured forming a front with other liberation movements in the region, including secessionist movements within Indonesia. Fretilin's official policy, however, remained pro-ASEAN and approaches from Irian Jaya and the South Moluccas were turned down.²⁰⁰

361. Following the Declaration of Independence in November 1975, the party opted to internationalise the struggle for liberation. One of the first decisions of the newly formed Cabinet of the Democratic Republic of Timor-Leste was to open a diplomatic front by dispatching a highlevel mission overseas. This delegation comprised Mari Alkatiri, minister for political affairs, Rogério Lobato, defence minister,

this testimony he attacked James Dunn's report about Indonesian atrocities at the time of the invasion as "blatant lies", accused Australians of "smuggling arms", denied there had been any "airborne invasion", claimed that many new weapons circulating in Dili were "Russian-manufactured", attacked Fretilin and stated that Timor-Leste had "gained much from our integration with Indonesia" ("Statement of Mário Carrascalão [sic], Leader of União Democrática Timorense Political Party of East Timor" in Human Rights in East Timor and the Question of the Use of U.S. Equipment by the Indonesian Armed Forces - Hearing before the Subcommittees on International Organizations and on Asian and Pacific Affairs of the Committee on International Relations, House of Representatives, 95th Congress, First Session, 23 March 1977, U.S. Government Printing Office, Washington, 1977, pp. 47-58. Francisco Lopes da Cruz, the first President of UDT, signed the Balibo Declaration and the Declaration of 17 December 1975 that established the Indonesian Provincial Government in Timor-Leste. Indonesia sent João Carrascalão to Africa and Paulo Pires to the Netherlands, but both were withdrawn when it was learned they used the opportunity to speak about the real situation in Timor-Leste.

and José Ramos-Horta, minister for external relations and information. Timor-Leste's diplomatic fate may well have been very different if their hurried departure ahead of the advancing Indonesian army had not happened.²⁰¹ They joined three other Fretilin representatives who were already overseas: Abílio Araújo, minister for economic and social affairs, Guilhermina Araujo, deputy minister for economic relations, and Roque Rodrigues, ambassador designate to Mozambique. None of this group was able to return to Timor-Leste for at least 24 years allowing Indonesia to claim repeatedly that they did not represent the real situation there.

362. Though primarily intended to establish Fretilin and the Democratic Republic of Timor-Leste internationally, their activity laid the foundations for the future campaign for selfdetermination. They opened key diplomatic fronts in Europe, Africa, the United States and the UN. Strong and lasting links were also fostered with civil society organisations in many countries. This network was to be a critically important asset for a remote, poor country with almost no resources of its own and few state allies.

363. Led by Mari Alkatiri, the Fretilin External Delegation established its headquarters in Maputo, Mozambique. The Government of Mozambique gave Timor-Leste staunch support throughout the conflict. In addition to providing an operational base, this included giving funds, passports, diplomatic support at the UN and study opportunities.* Missions were also established in Portugal (Abílio Araújo), Angola (Roque Rodrigues, following a period as Ambassador to Mozambique), and the United Nations (José Ramos-Horta). Their task was to represent Timor-Leste abroad and to promote the struggle for liberation, both in their countries of residence and elsewhere. The solid support given to Timor-Leste in the UN by many African states owes much to this Mozambique-based diplomacy. Fretilin women members based in Mozambique were also active diplomatically and represented Timor-Leste further afield, including to the Middle East.[†]

364. Due to Indonesia's influence, Fretilin was not welcome in most of the Asia-Pacific region and the Australian government banned visits by Fretilin officials from about April 1976.[‡] Socialist governments in East Asia which recognised the Democratic Republic of Timor-Leste were an exception. The People's Republic of China initially provided some diplomatic and financial support to Fretilin.§ Visits were made to the Democratic Republic of Kampuchea and fraternal contact was maintained with the People's Democratic Republic of Korea and the People's Democratic Republic of Laos¶. The Republic of Vanuatu after independence in 1980 was an isolated exception in the South Pacific. Its leaders, Walter Lini and

* Most of the Fretilin leaders and the students who joined them from Lisbon completed their tertiary education in Mozambique in disciplines such as agriculture, law and international relations. Most returned to Timor-Leste after 1999 and are using their education to serve the new nation. CAVR interview with Harold Moucho, Dili, 19 March 2005. Fretilin's official bank account was in Mozambique.

† Women members of Fretilin in Mozambique included Ana Pessoa, Filomena de Almeida, Adelina Tilman, Marina Ribeiro, Madalena Boavida. Adelina Tilman was part of the Fretilin team at the UN.

‡ The Australian Prime Minister, Malcolm Fraser, informed President Soeharto in November 1975 that his Government would not receive Ramos-Horta or other Fretilin representatives if they came to Australia. Document 344, Jakarta, 25 November 1975, in Wendy Way (Ed.), DFAT, pp. 580-581. The ban was lifted in 1983 by the Hawke Labor Government.

§ China recognised the Democratic Republic of Timor-Leste and spoke strongly in its defence in the UN Security Council. Mari Alkatiri and José Ramos-Horta visited China early in the conflict. [Mari Alkatiri, testimony to CAVR Hearing on The Internal Political Conflict 1974-1976, 15-18 December 2003].

¶ Rogério Lobato, Commander in Chief, Falintil, met with Ieng Sary, Deputy Prime Minister for Foreign Affairs, Democratic Republic of Kampuchea, 21 December 1977.

Barak Sope, supported Timor-Leste at the UN and sanctioned the establishment of an economic venture by Abílio Araújo in Vanuatu to fund Fretilin's diplomatic activities.*

365. Australia's denial of access to Fretilin officials was offset by the presence of Fretilin cadres and solidarity groups who represented Fretilin de facto. Their activities included operating the Darwin-based radio link which, until its closure in 1978, was the only direct two-way link between the Fretilin Resistance inside Timor-Leste and the diplomatic front. However, Fretilin members were slow to set up publicly. They were a minority in a mainly UDT community and, as refugees, the community feared being expelled if they sided overtly with Fretilin against Indonesia. The first demonstration at which Fretilin and RDTL flags were displayed, was held in Sydney in 1981. The political situation relaxed after the election of the Hawke Labor Government in 1983. Many East Timorese, including Fretilin organisers such as Lay Kuon Nhen (Konneng Lay), Abel Guterres and others, took part in a large public rally in Melbourne addressed by Abílio Araújo and Roque Rodrigues, and attended a demonstration at the Labor Party conference in Canberra that year. The first official Fretilin Committee was established in Sydney in 1986 with Harold Moucho as coordinator. By the late 1980s Fretilin was well established in many parts of Australia, including Darwin, Sydney, Melbourne and Perth and had good contact with the Resistance in Timor-Leste. Agio Pereira was the first Fretilin representative in Australia. Others were Alfredo Ferreira, Estanislau da Silva and Francisco Carlos. They had responsibilities for various parts of Australia and the region, and worked hard at building links with political parties, the Church, civil society and the media in support of Timor-Leste. The Party held an Extraordinary Conference in Sydney on 14-20 August 1998.

5.1.2 Use of international law

366. Fretilin's early campaign was based on the Unilateral Declaration of Independence (UDI) of 28 November 1975 and establishment of the Democratic Republic of Timor-Leste (RDTL). When they arrived at the United Nations in New York on 11 December 1975, Abílio Araújo and José Ramos-Horta presented themselves as RDTL ministers. In his speech to the Security Council on 15 December, José Ramos-Horta denounced UDT, described the UDI of 28 November as "a heroic act of self-determination", and called on the Council to condemn Indonesia's invasion as an act of aggression against a sovereign nation that was being recognised "by an ever-increasing number of countries."²⁰² On 12 April 1976, he told the Security Council that Fretilin "no longer recognises Portuguese sovereignty over East Timor", thereby rejecting the UN position that Portugal remained the administering power in Timor-Leste. RDTL, he said, was prepared to deal with both Indonesia and Portugal only "as between government and government, state and state".²⁰³

367. It soon became clear, however, that, in José Ramos-Horta's words, "recognition of the Democratic Republic of East Timor was a non-starter" because few countries were prepared to endorse the new creation. José Ramos-Horta told the Commission:

* Vanuatu's representative at the UN, Robert van Lierop, actively supported Timor-Leste in many forums. The economic venture failed but is evidence of the effort and creativity that was required to meet the costs of an international campaign.

Of course in the first few weeks after the invasion, I and everybody else argued very energetically about the Democratic Republic of East Timor. But by 1976-77, we decided to change tack and concentrate on East Timor [as] a non-self-governing territory with a right to selfdetermination... We were in a stronger legal position if we argued on the basis of self-determination for a non-selfgoverning territory.

368. At the time, a colleague who was unhappy with the decision suggested that they retain their titles of minister so that when governments received them it would mean they recognised RDTL. Ramos-Horta said he replied: "The only problem with that demand is you might never get an invitation to go anywhere!" Though not formally revoked, [†] the 1975 policy was quietly put to one side.

369. Fretilin's decision to utilise the international system rather than fight it was based on a pragmatic assessment of the political realities. This strategic backdown did not yield rapid political results and it took time to translate into practicalities, but it worked to Timor-Leste's advantage in the long-term. Self-determination focused attention on the fundamental principle at stake, rather than the claims of one interest group. This enhanced the legitimacy and appeal of the issue and sharpened focus on the responsibilities of the international community, Portugal and the United Nations in particular. Over time, it made possible the building of broad partnerships – with Portugal, East Timorese who were not Fretilin, the church and civil society – and turned the struggle into a moral and human rights issue which worked against Indonesia and its principal allies, particularly Western democracies who espoused respect for the rule of law and human rights.

5.1.3 Diplomacy at the UN

370. As the world body responsible for upholding the right of self-determination, the UN was the principal arena for Resistance diplomacy. This work fell principally to Fretilin as UDT and independent East Timorese activists did not become involved at this level until the mid-1980s. Fretilin entrusted this critical task to José Ramos-Horta who represented the party in New York for 13 years until he resigned his membership in 1988.

371. The work was exacting and demanded a high level of skill, creativity, commitment and resilience. "The Indonesians", José Ramos-Horta told the Commission, "were very, very much on top of it all the time".²⁰⁴ It was essential to understand the workings of the UN itself and to cultivate through study and discussion a knowledge of world affairs and the politics of key member states. On a day-to-day basis, it involved constant lobbying, vigilance, monitoring of information, and the building and maintenance of links with a large number of countries, officials, journalists and members of civil society. The work was

* Some 20 states, mostly in Africa, recognised RDTL. [CAVR Interview with José Ramos-Horta, Dili, 26 May 2004].

[†] In its judgment, the Fretilin-sponsored Permanent People's Tribunal, held in Lisbon in June 1981, recognised the legitimacy and legal validity of the formation of the Democratic Republic of Timor-Leste [Sessão Sobre Timor-Leste, Lisboa, 19/21 Junho 1981, Sentença, pp. 29-30]. However, invoking RDTL did not help legally. In 1980, Fretilin's case against the Dutch government over the sale of corvettes to Indonesia was rejected by the court on the grounds that neither RDTL nor Fretilin had any legal status. Krieger, p. 298.

more intense at certain points in the UN calendar, particularly when a lot was at stake for Timor-Leste. Other members of the External Delegation joined José Ramos-Horta on these occasions. To ensure complementarity and consistency, this work at the centre also had to be coordinated with Resistance diplomacy in particular countries which also required similar skills but on a smaller and usually less intense scale.

372. Apart from the monumental scale of the assignment in political terms, José Ramos-Horta and his Fretilin colleagues had to contend with many practical and organisational challenges. The delegation had few human and financial resources. At the beginning, the Guinea-Bissau mission had to make room in its office for the Fretilin representatives, and staff support, never adequate, was provided by volunteers.^{*} Contact with Timor-Leste was indirect and intermittent. The delegation was not given recognition as a government or observer status as a liberation movement.[†] It had nothing to offer by way of votes, aid or trade in return for support. It depended on the goodwill of a handful of friendly states, in particular Mozambique, Guinea-Bissau and the other former Portuguese African colonies, themselves newly independent. This was supplemented in the early period by support from Tanzania's Ambassador to the UN, Salim A Salim, Chair of the Special Committee on Decolonisation and Huang Hua, the People's Republic of China representative.

373. Portugal was supportive in UN debates but not otherwise active. Indonesia, on the other hand, had available to it the resources of a fully established embassy, and regardless of voting patterns on the floor of the UN, the diplomatic support of most Western, Muslim and Asian countries, plus significant Western economic and military assistance. James Dunn commented:

"In the United Nations it was a constant struggle of a Timorese David against an Indonesian Goliath."[‡] Coordination with other Fretilin diplomats was expensive and difficult, and the delegation was handicapped by internal ideological differences and the damaging perception, sometimes confirmed by its rhetoric and alliances, that it had taken sides in the Cold War against the West.[§] In addition, Fretilin had to counter systematic attempts to undermine its credibility by Indonesia and by East Timorese

* David Scott helped establish the mission with assistance from the UN Methodist Women's Centre. One of the last Australians to leave Timor-Leste on the eve of the Indonesian invasion, he went almost immediately to New York on behalf of the Australia East Timor Association to help Fretilin lobby the Security Council. [David Scott, testimony given to the CAVR National Public Hearing on Self-determination and the International Community, 15-17 March 2004].

[†] Unlike Palestine and the South African organisations ANC and PAC, Fretilin was not given observer status at the UN. However, it was acknowledged by name in the preamble of General Assembly resolutions between 1976 and 1982. In the 1981 Resolution 36/50, Fretilin was described as "the liberation movement of East Timor" [Krieger, p. 27].

[‡] José Ramos-Horta, Foreword in Towards a Peaceful Solution in East Timor, East Timor Relief Association (ETRA), NSW, Australia, 1996, p. 7. The Biblical story of David and Goliath (1 Samuel, 17:1-58) is a fitting image for Timor-Leste. David learned his courage and fighting skills as a shepherd boy defending his flocks from wild animals, including lions and bears. In his free time, he developed two other skills – music and poetry. He took on Goliath, the Philistine giant, on his own and overcame Goliath's superior strength with a sling.

[§] David Scott wrote: "Abilio Araújo saw the struggle in the Marxist-Leninist context he had acquired in Lisbon. He and José Ramos-Horta discussed and argued in Portuguese over policy approaches and terminology. Abilio wanted us to use Marxist language in media statements; José preferred to use a more politically neutral, factually focused approach." [Unpublished manuscript, 2004. CAVR Archive].

who testified to the United Nations in support of integration. They told the Security Council that Fretilin was unrepresentative of majority opinion in Timor-Leste, arguing that it was the only one of Timor's five parties that opposed integration, and that it had engaged in terrorism in Timor-Leste.*

374. Voting in the Security Council and General Assembly initially favoured Timor-Leste and upheld the right of self-determination by solid majorities. But the numbers did not reflect the reality of Indonesia's political and economic strength or the growing belief that the occupation of Timor-Leste was irreversible. Despite Fretilin's efforts, the text of resolutions gradually weakened between 1975 and 1981 and the number of member states either voting against or abstaining grew. In 1981 member states voting for Timor-Leste numbered 54, those against 42 and abstentions 46, that is, only 34% of the world body supported Timor-Leste's case.

375. Different strategies were tried, with varying degrees of success. Fretilin succeeded in having a UN fact-finding mission sent to Timor-Leste in 1976, but Indonesia blocked the envoy, Vittorio Winspeare Guicciardi, from meeting Fretilin Resistance leaders and the visit was inconclusive. UN Secretary-General Kurt Waldheim, did not follow up and Timor-Leste did not return to the agenda of the Security Council until 1999. To buy time and strengthen Timor-Leste's legal position, José Ramos-Horta proposed that the General Assembly be persuaded to request an Advisory Opinion from the International Court of Justice on whether or not a proper act of self-determination had been conducted as claimed by Indonesia. Portugal, however, did not agree and the idea was abandoned.† With the assistance of Francesc Vendrell in the UN Secretariat, José Ramos-Horta succeeded in having the General Assembly make reference to the humanitarian situation in Timor-Leste in resolutions adopted in 1979-81. These resolutions included calls for access by UNICEF, UNHCR and the WFP to provide assistance and, indirectly, served to alert the international community to the negative impact of Indonesia's occupation and to challenge its embargo on access. Indonesia, however, permitted access only to UNICEF.‡

376. One way of measuring the success of Resistance diplomacy, both in-country and at the UN, was to count references to Timor-Leste in UN debates. José Ramos-Horta told the Commission that he sat through countless sessions of the UN General Assembly hoping to hear mention of the issue, particularly by a senior government figure, but was often disappointed.

* Indonesia's first statement to the UN Security Council on Timor-Leste, delivered by Anwar Sani on 15 December 1975, included several accusations of terrorism by Fretilin [Krieger, p. 60]. East Timorese who testified on Indonesia's behalf to this session of the Security Council were Mário Carrascalão (UDT), José Gonçalves (Apodeti) and José Martins (KOTA). Their statements, which included attacks on Fretilin and José Ramos-Horta, worked against Fretilin's credibility and advocacy within the UN and strengthened the international perception that Timor-Leste society was deeply divided and unstable [Krieger, pp. 70-77]. José Martins formally "defected" in March 1976 and presented the United Nations with a confidential report detailing Indonesia's designs on Timor-Leste.

† § Portugal believed that Timor-Leste had not exercised its right and that it should not put this conviction in question by asking the ICJ for an opinion. In a separate action in 1991, Portugal took Australia to the ICJ for violating, inter alia, Timor-Leste's right of self-determination through its treaty with Indonesia to jointly exploit oil and gas resources in a section of the Timor Sea.

‡ In June 1982, UNICEF commenced a programme with the Indonesian Red Cross for children, mothers and their families. As part of the programme, UNICEF taught Indonesian to East Timorese women on the grounds that they needed to know Indonesian to understand feeding and other health information. The use of Indonesian attracted strong criticism from José Ramos-Horta. [CAVR interview with José Ramos-Horta, Dili, 26 May 2004]. UNHCR contributed financially to some repatriations to Portugal and Cape Verde.

*You count what you hear in the General Assembly. When a head of state, a prime minister or foreign minister, brings an issue to the plenary of the General Assembly it is significant. Each year I would be sitting there, listening, counting, and every time I heard even a small reference – wow, that's it! But there were very few.*²⁰⁵

377. Fretilin's external delegation experienced serious ideological and leadership struggles during this period. These coincided with purges within Fretilin in Timor-Leste and were exacerbated by military setbacks, including the death of the Fretilin leader, Nicolau Lobato, and Timor-Leste's difficult diplomatic situation. They came to a head in 1978 in Maputo when Mari Alkatiri, Marina Ribeiro, José Ramos-Horta and Ana Pessoa were placed under house arrest by Fretilin colleagues. Ramos-Horta was charged with "capitulationism" and describes the affair as "ugly and violent".²⁰⁶ He told the Commission:

*I was accused of wanting to negotiate with Indonesia, simply because I did not agree with the slogan in Timor at that time... from the Central Committee, that "Negotiations Never".*²⁰⁷

378. He said that he argued that flexibility to enter dialogue, including with Indonesia, should not be equated with surrender and was essential to end the conflict. He said that Abilio Araújo orchestrated the affair with support from Rogério Lobato and the Australian activist Denis Freney, who was also present at the meetings. The issue was resolved with assistance from Frelimo representatives.

379. The affair damaged Fretilin internally and set back its international campaign, though it was not widely publicised. Tied up in Mozambique from September 1978 to February 1979, José Ramos-Horta had to cancel a visit to New Zealand, which solidarity groups had succeeded in organising after a public struggle with their government, and was unable to represent Timor-Leste during the UN General Assembly debate that year. Eight countries deserted Timor-Leste during that session. The downward trend was marginally reversed the following year when, after much hard work by the Fretilin delegation, Timor-Leste regained three lost votes.

5.1.4 The 1982 vote at the UN

380. The 1982 UN General Assembly session was a test of strength for the main protagonists and a critical moment for Timor-Leste. Under Prime Minister Pinto Balsemão, Portugal showed some signs of re-engagement with the issue following a Council of Ministers statement in 1980 in favour of self-determination for Timor-Leste and a diplomatic initiative. For its part, Indonesia gained, inter alia, further support from Australia. Several days before the General Assembly vote, the former Australian Prime Minister, Gough Whitlam, told the UN Special Committee on Decolonisation:

* José Ramos-Horta acknowledged Denis Freney's contribution to Timor-Leste in his Nobel Peace Prize Acceptance Speech in Oslo on 10 December 1996. However, he was critical of Denis Freney's "destructive" behaviour at this time and described him as "very dedicated to Timor, but dedicated through his own ideological beliefs and Abilio was the real trusted ideological comrade". [CAVR interview with José Ramos-Horta, Dili, 26 May 2004].

*It is high time that the question of East Timor was voted off the United Nations agenda and ceased to preoccupy and distract the nations of South-east Asia and the Pacific.*²⁰⁸

381. In response, José Ramos-Horta proposed that the issue be referred to the “good offices” of the UN Secretary-General, then Javier Perez de Cuellar (1982-91). He prepared a draft resolution along these lines in his small basement apartment on East 55th Street, New York, and hoped that member states would accept it because they could not be seen to say no to talks. He believes that his drafting of this resolution was his “greatest contribution” to the Timor-Leste cause.^{*}

382. Indonesia worked hard in opposition. With the support of Roque Rodrigues, José Luis Guterres, and Timor-Leste’s main allies – Angola, Cape Verde, Guinea-Bissau, Mozambique, São Tomé and Príncipe, Portugal, Brazil, Vanuatu, Zimbabwe, Benin and Algeria – the Resolution was carried by a mere four votes. Ramos-Horta told the Commission that “the Timor cause would never have recovered if that vote had been lost”.²⁰⁹ Over half of the votes for Timor-Leste came from countries in Africa where the Fretilin delegation was based.[†]

383. Operationally, the Resolution was a gamble because it involved entrusting Timor-Leste’s fate to two institutions in which Fretilin had had little confidence to that point: the Government of Portugal and the UN Secretary-General.[‡] The reference in the Ramos-Horta draft to consulting Fretilin and other East Timorese was replaced with a vague reference in the final text to “all parties directly concerned” which left it to the Secretary-General, Javier Perez de Cuellar, to decide whom he would consult and to Portugal to ensure that East Timorese views were heard in the process.

384. The first signs gave little cause for optimism. Nearly 12 months after the issue had been referred to the Secretary-General, José Ramos-Horta publicly accused Portugal of indifference, apathy and betrayal.²¹⁰ And a further 12 months on, in August 1984, Lord Avebury, Chair of the British Parliamentary Human Rights Group, felt compelled to point out to the Secretary-General that his Progress Report referred only to contacts with Portugal and Indonesia and contained “no indication that any attempt was made to consult with the Revolutionary Front for the Independence of East Timor (Fretilin) or any other Timorese parties”.²¹¹

385. The decision to use the system, however, was to prove correct. The issue was kept on the UN agenda, but spared a potentially fatal vote in the General Assembly, and some hope of a diplomatic solution was kept alive until the winds of change finally turned in Timor-Leste’s direction in the 1990s. The Resistance kept the focus clearly on the UN and gave increased attention to other UN forums, particularly the annual meetings of the UN Commission on Human Rights in Geneva and the UN Special Committee on Decolonisation in New York, both of which allowed for debate on self-determination. In

addition to lobbying and making its own statements, the Resistance encouraged civil society participation to considerable effect (see section on international civil society below).

5.1.5 Rebuilding the parties

386. From the 1980s, Fretilin and UDT underwent a series of changes that affected their international diplomacy and, step by step, contributed to the building of at least a partial new coalition to promote self-determination.

387. In 1981, following near annihilation, Fretilin established the Revolutionary Council of National Resistance (Conselho Revolucionario de Resistencia Nacional, CRRN). The Council was set up inside Timor-Leste with input from Abilio Araújo in Lisbon. From the point of view of the diplomatic campaign, the important contribution of the new body was that it demonstrated the resurgence of Fretilin and that the Resistance inside was reconnected with its external representatives after several years of enforced mutual isolation. Little was known about CRRN itself outside Timor-Leste, but Xanana Gusmão’s meeting with the Indonesian commander, Colonel Purwanto, in March 1983 at Lariguto, facilitated by Mário Carrascalão, was well publicised internationally and did much to rejuvenate support for Timor-Leste.^{*} Fretilin’s Peace Plan, launched internationally by José Ramos-Horta in June 1984 on the basis of initiatives from inside Timor-Leste, gave a new focus to international solidarity work with the specific objective of having Timor-Leste directly represented in the UN-sponsored search for a comprehensive settlement. The demand to be included in the UN process alongside Portugal and Indonesia as the party most “directly concerned” became a major focus of Resistance and civil society advocacy and was made in numerous documents and forums by East Timorese leaders.[†]

388. The rebuilding of UDT took place principally outside Timor-Leste and initially involved building up the party in Australia. The party established a national presence in Australia after João Carrascalão migrated to Sydney from Portugal in 1978 and joined many UDT members and supporters who had settled in Australia as refugees following the civil war. Supported by Domingos de Oliveira, Lucio Encarnação, Antonio Nascimento, Fausto Soares and others, the UDT leadership had to overcome many individual and political challenges. João Carrascalão informed the Commission that life in Australia was very hard to start with and that his first job in Sydney was in a plastic factory, working 12 hours a day on a rotating shift and that later he had to take a second job cleaning buses and offices to save money to travel abroad on behalf of Timor-Leste. Other UDT refugees in Australia had similar experiences. He also had to contend with mistrust of UDT by civil society organisations and sections of the diaspora.

^{*} An audience of 1,500 people attended a public meeting in Melbourne in 1983 to welcome Abilio Araújo and Roque Rodrigues on Fretilin’s first official visit to Australia after the lifting of a ban by the Australian Government and to hear their report on the Lariguto peace talks between Fretilin and Indonesia.

[†] For example, Xanana Gusmão’s letter to the UN Secretary-General, 7 August 1985, transmitted by the São Tomé mission (UN document S/17592); his letter to Boutros Boutros Ghali (31 January 1992) and to Nelson Mandela (15 May 1992). Xanana Gusmão’s first address to the UN on behalf of CRRN was dated 14 October 1982, but was a defiant situation report rather than a direct appeal for UN action.

^{*} General Assembly Resolution 37/30, 23 November 1982. [CAVR Interview with José Ramos-Horta, Dili, 29 July 2004].

[†] 27 countries in Africa voted for Timor-Leste, 6 against and 13 abstained.

[‡] José Ramos-Horta believes that the UN Secretary-General, Kurt Waldheim (1972-81), must share the blame for the failure of the Security Council to follow up its 1976 Resolution on Timor-Leste. The Security Council did not address the issue again until 1999 [Funu, p. 122].

I was very much involved with the Resistance outside. At the beginning a lot of people didn't believe that I was not pro-integrationist. Because my brother was the Governor and UDT was suffering the effects of the original propaganda saying that UDT wanted integration... So it was not very easy, many people didn't believe. Probably even my colleagues from the leadership of the Resistance didn't believe that I had never sided with the Indonesians.²¹²

389. Once established, UDT added its voice to calls for self-determination. In 1982, João Carrascalão was one of two East Timorese to testify to an Australian Senate Hearing on Timor-Leste.^{*} In November 1987, he represented UDT at the first Christian Consultative Conference for Asia and the Pacific on Timor-Leste, held in Manila. The conference called for direct East Timorese participation in talks to resolve the conflict.

390. Attempts to make the party a more effective and credible vehicle for East Timorese aspirations were handicapped by internal disagreements between UDT leaders in Lisbon and Australia. These were finally resolved in 1993 when the party, assisted by a younger generation of UDT leaders committed to democratic reform, held a congress in Portugal, the first such gathering since the civil war.²¹³ The congress elected João Carrascalão as President and expelled Francisco Lopes da Cruz, UDT's first president, for the "crime of high treason against the party, the people and the fatherland".²¹⁴ A number of regional committees were established to put the campaign for Timor-Leste on a more organised basis. Zacarias da Costa was placed in charge of international relations and for the next five years UDT took the case for self-determination to all UN forums and major international civil society gatherings. This work was particularly effective in Europe where, inter alia, it combined with lobbying by Portugal, Fretilin and civil society organisations to generate increasingly strong opposition by the European Parliament to Indonesian rule in Timor-Leste.

391. In 1993 Fretilin also addressed the long-running power struggle between the leaders of the external delegation: Mari Alkatiri, Abilio Araújo and José Ramos-Horta. East Timorese activists were highly critical of the infighting and made constant appeals for its resolution. They believed it factionalised Fretilin abroad, distracted the leaders from their main role, and created confusion within the Resistance inside Timor-Leste when the information they received from outside was often of one member discrediting another. They were also critical of inactivity on the part of Abilio Araújo and Guilhermina Araujo.²¹⁵ José Ramos-Horta's resignation from Fretilin in 1988 and appointment as the Special Representative of CNRM, followed by Abilio Araújo's decision to assume the leadership of Fretilin, brought the issue to a head. In August 1993, at the initiative of Mari Alkatiri, then deputy leader, the Fretilin External Delegation removed Abilio Araújo as head of the delegation and as Fretilin representative for Europe and Portugal.[†]

* The other witness was João Gonçalves, Social Welfare Officer for the Timor-Leste community.

† Abilio Araújo was expelled from Fretilin for collaboration with Indonesia. He is now President of the Timorese Nationalist Party (Partido Nacionalista Timorense) which was founded in Dili on 15 July 1999 to promote broad autonomy within Indonesia based on a "third way policy" that would offer a choice that involved neither CNRT "dictatorship" nor full integration with Indonesia. PNT accepted the results of the 1999 ballot and UNTAET's role as the legal authority in Timor-Leste during the transition to independence. An accom-

5.1.6 Divergence to convergence: the search for unity and peace

392. UDT and Fretilin recognised that, in the interests of Timor-Leste, a modus vivendi was imperative. João Carrascalão told the Commission that the relationship in the early years was "very, very bad", particularly at the community level. He and Mari Alkatiri met secretly in Portugal in 1976 to discuss the problem but decided "it was very difficult now to work together". He observed that "it took a long time for people to realise that the struggle could not be conducted separately".²¹⁶

393. The establishment of the Nationalist Convergence (Convergencia Nacionalista) in 1986 was a step forward in this direction. The idea originated in informal discussions between José Ramos-Horta and João Carrascalão, but was given impetus by Anacoreta Correia, a Portuguese parliamentarian who had visited Timor-Leste in July 1986. The Convergence was external to Timor-Leste and did not enjoy broad or enduring support from either party,^{*} but its signatories – Moises do Amaral (Chair of UDT's Political Commission) and Abilio Araújo (Head of Fretilin's External Delegation) – believed that a demonstration of unity was essential to offset reversals in international support for Timor-Leste and to win more support in Portugal and Europe.[†] José Ramos-Horta believes it did assist:

It did help because the Portuguese at the time were using the divergences between Fretilin and UDT to justify doing nothing. It did help, but it was always an eternal battle to keep it together.²¹⁷

394. Fretilin made the first of a number of concessions to UDT. It acknowledged UDT as an equal partner and agreed to a future multi-party system. Convergence statements described UDT and Fretilin as the "legitimate" and the "two most important nationalist organisations of Timor-Leste"²¹⁸ and called on Portugal to finance the diplomatic work of both parties. In 1987, Fretilin and UDT delegations testified to the UN Decolonisation Committee in New York in support of self-determination. UDT acknowledged its long silence and absence from the UN. It rejected Indonesian claims that UDT supported integration and called for independence stating that "we want our people to make such sovereign choice through a due democratic process under the supervision of the UN".²¹⁹

395. In December 1988, a new nationalist umbrella organisation was formed: the National Council of Maubere Resistance (CNRM). CNRM represented a radical revision of doctrine and strategy which had been foreshadowed 12 months earlier when Xanana Gusmão issued a statement in which he rejected Marxism, declared Falintil a politically neutral army and resigned from Fretilin.²²⁰ What inspired the struggle, he stated, was the wish to live free of foreign occupation, not revolution, pointing out that the Eastern bloc had been unresponsive to Timor-Leste's plight. The word "revolutionary" was replaced

plished musician, Abilio Araújo composed the music for the national anthem Pátria, Pátria and the well known East Timorese songs Foho Ramelau and Funu nain Falintil.

* Convergence communications urged Portugal to step up its advocacy for Timor-Leste in its UN-sponsored talks with Indonesia and to develop a "dynamic plan of action" for implementation when it joined the European Union in 1987 [Krieger, p. 279].

† João Carrascalão told the Commission the word "Maubere" was not known in some parts of Timor-Leste and was not accurate: "We are not all Maubere". [CAVR Interview with João Carrascalão, Dili, 30 July 2004; see also Part 3: History of the Conflict for a discussion of the origins of the term].

with “Maubere” as CNRM replaced CRRN, signifying that political ideology was to be subordinated to the cause of national independence and an inclusive, non-partisan approach. These changes had a powerful impact in Timor-Leste. Mário Carrascalão observed:

*When Xanana said that he wasn't Fretilin, only the commander of Falintil, that's when the war started to be won. Apodeti and UDT people who had been enemies of Fretilin could also join the movement.*²²¹

396. UDT, however, still felt that the term “Maubere” was not inclusive enough and formally withheld membership from the CNRM, though it was co-operative in practice.[†]

397. These changes also laid the foundation for an effective new diplomatic campaign. Coming towards the end of the Cold War, they were a timely challenge to the entrenched international perception that the independence movement was an extreme left-wing project and a threat to Indonesia and regional stability. The language of human rights and democracy replaced the militant rhetoric of the past. The CNRM, Xanana Gusmão declared, was:

committed to building a free and democratic nation, based on respect for the freedoms of thought, association and expression, as well as complete respect of Universal Human Rights. A multi-party system and a market economy will be foundations of an independent Timor-Leste...It will be a free and non-aligned state with the firm purpose of becoming a member of ASEAN, in order to contribute to regional stability.*

398. This new approach was projected internationally by the appointment of José Ramos-Horta as Xanana Gusmão's personal representative and CNRM's special representative abroad. Identifying the Resistance with Ramos-Horta, whose social democrat and human rights credentials were more acceptable internationally than the Marxist image of Abilio Araújo, demonstrated the extent of the reforms. His appointment was not initially welcomed by UDT and Fretilin, who feared it would weaken their role.[†] The new strategy required them to play a less central role by subordinating party interests to the nationalist cause and sharing the campaign with a growing number of East Timorese activists from outside their ranks.

399. As part of its new diplomatic offensive, the Resistance launched another peace plan developed by José Ramos-Horta in consultation with Fretilin's External Delegation and Xanana Gusmão. Ramos-Horta put the plan on paper in Darussalam, the headquarters of the Dalai Lama, and presented it for

* Barbedo de Magalhães, *East Timor: Indonesian Occupation and Genocide*, Oporto University, Portugal, 1992, p. 43. The significance of these changes, both in style and substance, can be gained from a comparison with Nicolau Lobato's vitriolic denunciation of Xavier do Amaral in 1977 for revolutionary crimes. [Statement of Fretilin Central Committee on “The High Treason of Xavier do Amaral”, Radio Maubere, 14 September 1977].

† CAVR Interview with José Ramos-Horta, Dili, 26 May 2004. The Communiqué of the Nationalist Convergence of Timor, 10 November 1989, refers to the “irreplaceable role” of Fretilin and UDT as representatives of the people of Timor-Leste [Krieger, p. 282].

the first time in Brussels in April 1992. The plan incorporated the main features of both CNRM's new approach and a peace plan issued by Xanana Gusmão on 5 October 1989, which the UDT and Fretilin Nationalist Convergence had endorsed.²²²

400. The plan was divided into three phases. In the first phase, lasting about two years, Indonesia would remain in control but introduce a number of confidence-building measures including troop withdrawals and a UN human rights monitoring presence. In the second phase, Timor-Leste would be given full autonomy extendable to 10 years. In phase three, the definitive status of Timor-Leste would be decided in an act of self-determination. The plan was intended to put the Soeharto Government under pressure by offering an honourable way out and to present the Resistance as the more constructive of the two protagonists. José Ramos-Horta said:

*It was also meant for the Indonesian society in general and the international community, to show the sense of responsibility, maturity and moderation of the East Timorese Resistance leaders.*²²³

401. Reactions within the parties, international civil society and the Timorese diaspora were initially negative. José Ramos-Horta told the Commission:

*I had to defend it so many times both in Portugal and the Timorese community, with Fretilin and UDT. It was very controversial in the beginning because the word “autonomy” was taboo at the time, but then most people went along with it.*²²⁴

402. The Indonesian Government was also deeply suspicious. José Ramos-Horta told the Commission:

I remember talking with Ali Alatas in New York on 18 October 1994, our first formal meeting in New York. Alatas said, “Your peace plan is a stepping stone to independence.”

403. Ramos-Horta told the Commission that the Minister was “absolutely right”, but that he explained to him that it could work to Indonesia's advantage if they used the opportunity constructively and the people were satisfied with autonomy after 10 years.

404. An international network of CNRM representatives and contacts was put in place to promote the plan in Portugal, Canada, the European Community, the USA, Japan, and Australia and its region. They included a new generation of diplomats such as José Amorim Dias, the CNRM's representative to the European Union from 1993, and Constancio Pinto, the CNRM representative to the USA and Canada

* Before leaving Timor-Leste in 1991, Constancio Pinto had been responsible on behalf of CNRM for coordinating all clandestine activities in the towns and villages. See Constancio Pinto and Matthew Jardine, *East Timor's Unfinished Struggle: Inside the Timorese*

from 1994. Their work was backed up by the East Timor International Support Centre (ETISC) established in Darwin by Juan Federer who also undertook fund-raising and provided personal assistance to José Ramos-Horta. At the same time, José Ramos-Horta continued to work directly with Fretilin and UDT, respecting their role but ensuring co-ordination. For this purpose, a Coordinating Committee for the Diplomatic Front was established in 1995 (replacing the Nationalist Convergence) and responsibilities were divided between the two parties.

405. Building on the growth in international awareness following the Santa Cruz Massacre, José Ramos-Horta used the plan to broaden the campaign. It enabled him to gain a hearing for Timor-Leste in mainstream bodies such as the European Parliament, the US Council for Foreign Relations, the Royal Institute of International Affairs in London and press clubs in Thailand and Australia and to portray the Resistance in a new and positive light.

406. This culminated in the award of the Nobel Peace Prize to Bishop Belo and José Ramos-Horta in 1996. The inclusion of José Ramos-Horta was a ringing endorsement of Resistance diplomacy and its peace plan by one of the world's most prestigious bodies. The award recognised the legitimacy of Timor-Leste's cause and marked a new phase in the struggle. Ramos-Horta promoted the plan in his acceptance speech. In its announcement, the Norwegian Nobel Committee expressed the hope "that this award will spur efforts to find a diplomatic solution to the conflict in East Timor based on the people's right to self-determination."²²⁵ The UN Secretary-General expressed similar sentiments in a congratulatory statement about the award and a few weeks later, in February 1997, Kofi Annan, the new Secretary-General, appointed Jamsheed Marker his personal representative for Timor-Leste to activate the stagnant UN process.

407. In 1998 CNRM held a convention of some 200 East Timorese in Peniche, Portugal with the assistance of the Portuguese government. The gathering was held overseas to take advantage of Timor-Leste's new international momentum and, in Agio Pereira's words, "to project a front of national unity and Xanana Gusmão as leader".²²⁶ The convention strengthened unity by dropping, at Xanana's explicit instruction, the word "Maubere" from its title in deference to UDT, thereby changing its name to Conselho Nacional da Resistência Timorense (National Council of Timorese Resistance, CNRT), welcoming East Timorese who had previously collaborated with Indonesia and acknowledging the role of the Church.^{*} It also confirmed the Resistance's commitment to democracy and pluralism by adopting a Magna Carta concerning Freedoms, Rights, Duties and Guarantees for the People of East Timor. The convention was hailed universally as a singular achievement. In the words of the Australian – not achieved in earlier resistance umbrellas" and achieved agreement "on the choice of gaoled Falintil commander Xanana Gusmão as CNRT President and paramount leader of the resistance".²²⁷

408. The Resistance joined the UN-sponsored All-Inclusive Intra-East Timorese Dialogues (AIETD), that began in 1995, in a position of strength and used them to advantage. At the fourth AIETD in

Resistance, South End Press, Boston 1997.

* The internal Resistance and Xanana Gusmão, who was in prison in Jakarta, were represented at the convention by Fr Filomeno Jacob SJ, Fr Francisco Barreto and Fr Domingos Maubere Soares.

1998, José Ramos-Horta, with support from UDT and Fretilin, gained majority Timorese support for direct participation in UN-sponsored talks between Portugal and Indonesia. Jamsheed Marker reported that, at the same time, Western and UN diplomats began to engage in direct consultation with Xanana Gusmão in prison and with other Resistance representatives.²²⁸ The "right to dialogue" had finally been conquered.

409. In April 1999, the CNRT held a forward-planning conference in Melbourne. Initiatives like this and CNRT's decision to canton Falintil and to conduct a disciplined campaign for independence that avoided provocation of the pro-autonomy militia²²⁹ deepened international confidence in the Resistance in the period leading to the August ballot. Agio Pereira told the Commission:

*It would have been difficult for the UN to negotiate the 5 May 1999 Agreement with Indonesia if the Timorese Resistance was seen to be divided or at least disorganised.*²³⁰

410. It was a matter of great satisfaction and pride to have the UN recognise the legitimacy of the Resistance by using CNRT's name and flag on the 30 August 1999 ballot paper. The ultimate accolade, however, came from the people of Timor-Leste who gave the Resistance, including its political components, their overwhelming support that unforgettable day.

5.2 The diaspora

411. The East Timorese diaspora was, generally speaking, not part of the formal Resistance diplomatic campaign for self-determination. However, the presence and activities of East Timorese communities significantly lifted the profile of the issue in many countries and provided the formal campaign with vital additional resources and skills. The diaspora increasingly came to play a role in its own right, the effectiveness of which was recognised by Timor-Leste's political leaders, and many of its key members returned to Timor-Leste during and after 1999 to help build the new nation.

412. At its peak, the diaspora comprised about 20,000 East Timorese in Australia, some 10,000 in Portugal and a scattering in Macau, Mozambique, Canada, the US, the UK, Ireland and some other countries. The majority of the original diaspora were refugees from the 1975 civil war between UDT and Fretilin who either came directly to Australia or who found their way to Portugal via West Timor. Many who went to Portugal eventually came to Australia to join relatives, to be closer to Timor-Leste and to improve their opportunities. Their numbers were augmented over the years by family members, whose passage from Timor-Leste was sometimes officially sanctioned through the International Red Cross, and by political refugees and others, who escaped through Indonesia, either secretly as individuals using complex channels including bribery of Indonesian officials or publicly through asylum bids at foreign embassies in Jakarta.[†] Those who exited through the foreign embassies from 1993 on or who

* This is a reference to the Fretilin report on Xanana Gusmão's short-lived talks with Colonel Purwanto in 1983 which was entitled Fretilin conquers the right to dialogue, The Fretilin External Delegation, Lisbon, 1983.

† The Campaign to Reunite the Families of Timor (RAFT) raised many thousands of dollars from Australian NGOs and established a revolving loan fund to help East Timorese families, regardless of their political affiliation, to pay for relatives to join them in Australia.

left at other times after 1995 made a particularly important contribution because they were politically highly motivated, could speak from personal knowledge of the occupation and were not constrained by 1975 political affiliations. They quickly and easily joined the CNRM and solidarity organisations and activities in the UK, Ireland, Europe, Canada, the US, Portugal and Australia. A further 1600 arrived in Australia in 1995, the largest number since the civil war. Since 1999, the trend has been generally in the other direction. Though most of the general community remains overseas, a majority of the key diaspora leaders have returned to Timor-Leste or maintain a presence in both worlds.*

413. The diaspora was small, politically divided, scattered and impoverished. Many started their new lives in refugee camps and carried in their luggage scars and antipathies from the civil war and the Indonesian invasion. In Portugal newly arrived East Timorese were outnumbered by large numbers of people from the former Portuguese colonies in Africa and had difficulties finding accommodation and work. Many East Timorese lived in camps in Lisbon for several years.

414. In Australia East Timorese were totally unfamiliar with the language, culture and structure of the host country. Abel Guterres told the Commission:

Our friends in Portugal spoke Portuguese, but we in Australia had a huge problem: we didn't know the language... The first word we learned was "yes". We would go to a friend's house, they'd ask: "Do you want coffee or tea?" We'd all say "yes" and so they would bring us coffee and tea all at once.²³¹

415. They settled primarily in the working class areas of big cities and found employment where they could - in factories, as casual workers and in the public transport system. These factors made the building of communities and political organisations slow and difficult. They were assisted in this demanding process by welfare organisations, community and church groups and by outstanding men and women patriots within their own ranks.

416. The successful building of these communities and the transmission of a nationalist political culture to the next generation was a remarkable achievement. In Portugal, Macau and Australia the communities established political, cultural and sporting organisations, hosted meetings, and kept their members informed through the production of their own radio programmes and newsletters. The Catholic Church played an important role as a neutral meeting place and source of spiritual, cultural and pastoral care, particularly where East Timorese priests were available. The building of these communities was itself a defiant act of East Timorese selfdetermination in an alien environment, and gave birth to a new resource that added significantly to Timor-Leste's diplomatic capacity and outreach.

* For a study of the East Timorese diaspora community in Sydney, see Amanda Wise No Longer in Exile? Shifting Experiences of Home, Homeland and Identity for the East Timorese Refugee Diaspora in Australia in the Light of East Timor's Independence, University of Western Sydney, 2002. See also Pascoela Barreto's Dissertation on the East Timorese diaspora in Portugal.

417. Though often substantially handicapped by the legacy of the civil war, the diaspora made an impact in the countries where their communities were strongest. In some cases, this paralleled other solidarity work. Luisa Teotonio Pereira told the Commission:

The Timorese community in Portugal always maintained its own autonomous organisations [and was only] sporadically invited to participate in Portuguese structures. There was probably only one occasion when they joined forces as equals with Portuguese citizens: in the case of the Freedom for Xanana, Freedom for Timor Commission [Comissão Liberdade para Xanana, Liberdade para Timor] created in 1993.²³²

418. This was also true for sections of the East Timorese community in Australia. Although slow to start, others formed alliances with civil society groups and supported each other through joint protests, lobbying, information dissemination, fund-raising, and cultural, religious and political activities. In later years, these activities included concerts and the co-production of music compact discs, exhibitions and professional theatre pieces. This was not always straightforward. Abel Guterres told the Commission:

When we conducted demonstrations at the Department of Foreign Affairs or Indonesian Embassy some people would tell their boss at work they were sick, but then show up on the television in the demonstration. If the boss understood the situation they would allow people to take time off but some got sacked and once you're sacked, how do you get food?²³³

419. Some learned trade and business skills and took courses at post-secondary level and university to equip themselves to serve Timor-Leste after independence. Abel Guterres told the Commission:

Some people gave one percent, some ten percent, twenty, thirty, forty to a hundred percent of their life to work for Timor-Leste. Everybody did something. It might have been only really small things, but they did something.²³⁴

420. East Timorese also engaged in international outreach supplementing the advocacy of official diplomats by supporting them in international forums or, as time went by and confidence grew, themselves representing Timor-Leste in approaches to foreign governments or international conferences.* In addition to the formation and administration of organisations to maintain their community identity and solidarity,

* In Europe, for example, this included tours by Portugal-based East Timorese who campaigned through Europe dancing, singing and displaying the culture of Timor-Leste. Other examples are the participation of East Timorese diaspora women in the World Conference on Women held in Nairobi in 1985, the follow-up conference in Beijing, the UN Commission on Human Rights, Asian church gatherings, and advocacy to the Australian, New Zealand and other governments.

diaspora East Timorese also formed effective organisations to provide direct humanitarian, advocacy, human rights and other support to Timor-Leste.*

421. Timor-Leste's leaders recognised and encouraged the contribution of the diaspora. José Ramos-Horta lived amongst and interacted frequently with the community in Australia and, with an eye to the future, increasingly included the younger generation in his missions. After his capture, Xanana Gusmão addressed frequent letters to the diaspora, confirming his belief and theirs that diaspora East Timorese were as much a part of the Resistance as those in Timor-Leste. In a letter to Xana Bernades, dated 9 June 1992, he wrote:

I know that you are "independent" (of the political parties) but nevertheless you are united to us. You are part of us. And we, as the older fighters of the nation, are proud of you.†

422. Xanana Gusmão repeated this view after his liberation. He told a press conference in Lisbon in 2000 that the world may never have known the truth but for those who fled Timor-Leste and devoted a large part of their lives to the cause of self-determination. At the Commission's National Public Hearing on Self-determination and the International Community, Commissioner Olandina Caeiro asked Abel Guterres to identify one really special moment in his life since he left Timor-Leste in 1975. He replied:

*There were lots of really good moments, but one stands out. In 1999 when I came to Lecidere, I saw the CNRT flag being hoisted. I thought: "Wow, this is fantastic". This is something I'd always dreamed of. It was like being in heaven. It's impossible to describe the feelings I had at that moment. I saw everybody dance a tebe tebe around the flag. It was just something amazing.*²³⁵

* Two notable examples were the East Timor Relief Association (ETRA), formed in Sydney in 1992, and the East Timor Human Rights Centre (ETHRC), formed in Melbourne in 1995. Like some other diaspora organisations that were focused on liberation, they dissolved after 1999.

† The letter to Xana Bernades, a young East Timorese woman living in Australia, was in response to a letter from her along with funds raised from a solidarity cricket match and festival in Melbourne [Gusmão, Sarah Niner (Ed.), *To Resist is To Win: The Autobiography of Xanana Gusmão*, Aurora Books, Victoria, 2000, pp. 170-171].

5.3 Conclusion

423. Timor-Leste's traumatic 25-year struggle for self-determination should not have been necessary. Like other small island states in the region, Timor-Leste's internationally recognised right to make its own decisions should have been respected, celebrated and facilitated peacefully, not suppressed by violence.

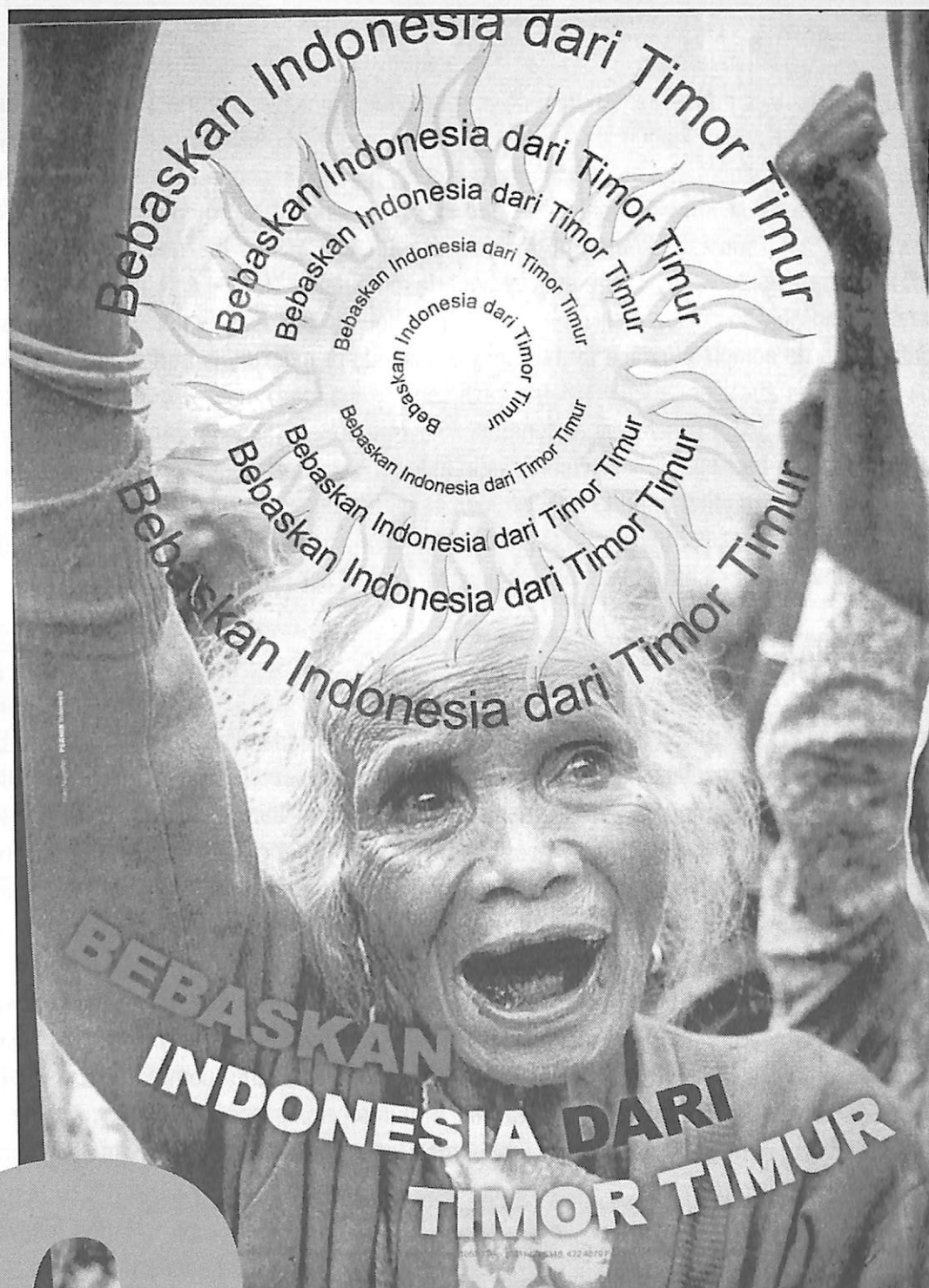
424. Among the various factors that account for Timor-Leste's independence, the contribution of the Resistance was the most fundamental.

425. To achieve its goals, the Resistance had to contend with an array of formidable problems, both external and of its own making, including the disastrous civil war. Despite the clear legitimacy of its cause, the diplomatic front had to operate in an environment that was hostile to its ideology and objectives and that favoured the occupying power rather than the legal administering power. The external Resistance was also divided and effectively operated on one lung. Fretilin had to carry the burden on its own for many years while UDT reconstituted its organisation and credibility following the civil war and the collaboration of some of its main personalities with Indonesia.

426. The Resistance countered these challenges by utilising its strengths and by adapting itself without compromising its goal of self-determination and independence. Though not sufficient to halt the deterioration in its diplomatic fortunes, Fretilin's early policy decisions were fundamentally important and contributed significantly in the long-term. They included the decisions to open a diplomatic front, to focus on the UN and Timor-Leste's internationally recognised right of self-determination, to work with Portugal, to build support in Africa with the five former Portuguese colonies and the large bloc of UN votes, to build links with first world civil society and many of its key institutions, and to appoint José Ramos-Horta to represent Timor-Leste at the UN. His contribution to building civil society support and world consciousness about Timor-Leste was outstanding, and his policy and strategic input to the Resistance, based on his extensive diplomatic experience and knowledge, was decisive - both inside and outside the country.

427. The most important contribution to the diplomacy of the Resistance came from the inside when the Resistance was reconstructed as an all-inclusive movement based on nationalism, not party-affiliation or political ideology, committed to pluralist democracy and human rights. This policy change helped turn Timor-Leste's fortunes around. José Ramos-Horta was entrusted to lead its implementation outside. It took time to translate into practice, but its diplomatic impact was profound. In one stroke as it were, it negated claims that resistance was confined to Fretilin and only external, it swelled the ranks of the Resistance inside and outside Timor-Leste, including among the diaspora, it accommodated a number of significant UDT policies, and it finally put to rest fears that Timor-Leste was a "South-East Asian Cuba" in the making. Though rejected in some quarters, it also shaped the previously fragmented Resistance into a more coherent, integrated movement under the authority of Xanana Gusmão and José Ramos-Horta, the joint architects of these far-reaching reforms.

428. The Resistance, both internal and external, learned from bitter experience and reinvented itself in the crucible of war and international politics. The result, in partnership with civil society, was one of the 20th century's most successful movements of people's diplomacy.



Indonesian solidarity poster: 'Free Indonesia from East Timor'

6

Civil society

6.1 Preface

429. This section focuses on the contribution of international civil society to the struggle of the East Timorese people for self-determination. Civil society accompanied the East Timorese people every step of their long journey to freedom, but its efforts are commonly ignored in accounts from official sources or rate only passing mention.* This section is intended to acknowledge this remarkable gift of solidarity and to inform the East Timorese people, the majority of whom remained in Timor-Leste during the war cut off from the outside world, of the activity undertaken outside Timor-Leste in defence of their fundamental human right to decide their fate. Due to limitations of space, it is not possible to tell the story in detail or to do complete justice to the many thousands of individuals and organisations who were involved over the 25- year period 1974-99. Each country is a study in its own right. It focuses on the seminal early years about which less is generally known today. Indonesian civil society is singled out for special mention because its involvement demanded exceptional courage. The contribution of international civil society in other important fields such as aid, refugees, and humanitarian need is not included, though it is recognised that these services were often essential to survival and that without them self-determination would have been meaningless for many East Timorese people.

6.1.1 Terminology

430. The Commission has chosen the term civil society for four reasons. First, the term differentiates this sector from the other key sectors that make up democratic society, namely government and business. The term acknowledges the emergence and independent role of the “third sector” in its own right in the affairs of the world. This is particularly relevant in the context of Timor-Leste because, for most of the period 1974-99, civil society played a discrete role and was generally in opposition to government and business over Timor-Leste.† Second, the term is more comprehensive than labels such as “non-government organisation” (NGO) and “solidarity group”, which are often used in this context, but are not broad enough to encompass the breadth and diversity of the individuals, groups and organisations that were involved in supporting selfdetermination for Timor-Leste. Third, the term “civil society”, unlike “non-government organisation” (NGO), has positive content and represents commitment to building a civil or civilised society based on the values of peace, human rights and democracy. The term is appropriate here because international civil society earned legitimacy and respect in its advocacy for Timor-Leste by promoting core values

* The Australian government's official account of Australia's role in resolving the Timor-Leste question does not include civil society's role. See *East Timor in Transition 1998-2000: An Australian Policy Challenge*, Department of Foreign Affairs and Trade, Canberra, 2001. Jamsheed Marker makes a passing reference to NGOs in *East Timor: A Memoir of the Negotiations for Independence*, McFarland & Company, Inc., London, 2003. In his account of the 1999 ballot, Ian Martin, the head of UNAMET, pays generous tribute to NGOs but acknowledges their story is not the subject of his book [Selfdetermination in East Timor, p. 13].

† According to Luisa Teotónio Pereira's testimony to the CAVR National Public Hearing on Self-determination and the International Community, 15-17 March 2004, Portugal was an exception to this general rule, at least in later years, The confrontation that characterised relationships between government and civil society in most other countries only changed in 1999 after Indonesia and the international community agreed on the conduct of an act of self-determination in Timor-Leste. The private or business sector generally did not become publicly involved on either side of the issue, though it profited from commercial relations with Indonesia which grew dramatically under the Soeharto Government. There was no citizens' movement in support of Timor-Leste in countries such as the former USSR and China because the existence of a “third sector” is not recognised in socialist systems.

and generally operating non-violently within the law and through the law.* Lastly, the term civil society recommends itself because it has been officially adopted by the United Nations and marks an important shift in international thinking. There is a growing recognition in official circles that civil society has a role to play in global governance and that the work of the United Nations is no longer the sole domain of governments.† Timor-Leste's experience bears out the wisdom of not leaving everything to government. As the UN Secretary- General Kofi Annan acknowledged in Dili in May 2002, the contribution of civil society was critical to the UN's role in resolving the Timor-Leste conflict.

6.2 International civil society

431. The following account of the role of international civil society in support of Timor- Leste's political rights is divided into five phases. Like the story of Timor-Leste, it begins and ends on a high point and plumbs the depths of failure and despair in between.

6.2.1 Phase one: Beginnings and early challenges, 1974-78

432. Although the decolonisation of Timor-Leste began in principle in 1960,‡ international civil society did not show any significant interest in the issue until 1974, when it responded to media coverage and lobbying by East Timorese activists and Fretilin representatives in particular. International civil society can be justly criticised for not taking up the Timor-Leste issue sooner in response both to the UN's initiative and the deplorable state of affairs in Portuguese Timor under the Salazar-Caetano regimes. At the same time, its belated response means it cannot be accused of manufacturing the issue for ulterior political motives as was often claimed. It developed and acted in response to East Timorese initiatives, not the opposite.

433. The Indonesian invasion was condemned by individuals and organisations in a number of countries, including Canada, Japan,§ New Zealand, France, Germany and the United States. At this point, however, the main centres of organised civil society activity were Portugal, Australia and the United Kingdom.

434. Portuguese civil society welcomed the 1974 Carnation Revolution and the decision of the Movement of the Armed Forces (Movimento das Forças Armadas, MFA,) to decolonise, democratise and develop both Portuguese society and the overseas provinces. Civil society itself was a beneficiary of these political changes after decades of marginalisation under successive dictatorships. For many, democracy and decolonisation were interlinked. “A nation cannot be free while oppressing other nations” was a common slogan before and after the 25th of April. Portuguese who had lived and worked in Timor-Leste and those who had worked to end Portuguese dictatorship and colonialism, felt a strong sense of responsibility to the East Timorese people. CIDAC (The Centro de Informação e Documentação

* A controversial case was the disarming of a British Hawk fighter jet by four women activists in January 1996 who were later acquitted by the court. [see section Turning points 1991-98 below].

† While the UN encourages partnership, it remains essentially a forum for states. It is not planning to grant civil society organisations a seat or vote in the General Assembly.

‡ The United Nations first recognised Timor-Leste's status as a colony with a right to independence in 1960.

§ For example, protests were held outside Indonesian government offices in Tokyo and Osaka [Sister Monica Nakamura, testimony to the CAVR National Public Hearing on Self-determination and the International Community, 15-17 March 2004].

Anti-colonial, Anti-colonial Information and Documentation Centre) was founded in September 1974 to promote decolonisation, including self-determination and independence for Timor-Leste. CIDAC contributed to the creation of the short-lived Associação de Amizade Portugal-Timor Leste (Portugal and Timor-Leste Friendship Association) and, in 1981, to the establishment of the CDPM (Comissão para os Direitos do Povo Maubere, Commission for the Rights of the Maubere People) which became Portugal's main solidarity organisation until its dissolution in 2002.

435. However, despite links with Timor-Leste going back 400 years, a common language and the presence of East Timorese in Portugal, civil society faced many challenges at both government and community levels in relation to Timor-Leste during this early period. These included general public ignorance about Timor-Leste, turmoil in Portugal resulting from radical political change after 48 years of dictatorship, a preoccupation with Portugal's African colonies and divisions of opinion over Timor-Leste's future compounded by differences between Fretilin and UDT. Luisa Teotonio Pereira, the Coordinator of CDPM for 19 years, testified to the Commission:

Real ignorance of Timorese history and culture, the geostrategic context of the territory and its remoteness from the metropolis, as well as the secrecy of negotiations between Portugal and Indonesia, helped keep the discussion about Timor on a lower, mainly ideological plane with little practical value. Portuguese citizens who were interested in the rights of the Timorese people were incapable of imposing on the political powers of the time the fundamental strategic changes that could eventually have changed events, such as reinforcement of the Portuguese presence and action, and the internationalisation of the issue.²³⁶

436. Conscious of a special responsibility because they shared a common language with the East Timorese Resistance, civil society groups invested heavily in information dissemination based on East Timorese and other sources, including the work of outstanding Portuguese journalists like Adelino Gomes. However, due to the substantial challenges referred to, it took several years for Portuguese civil society to maximise its contribution.

437. Australia was the principal centre of international civil society support for Timor-Leste during this period. As Timor-Leste's largest democratic neighbour, Australia was targeted from 1974 by East Timorese political parties, particularly Fretilin, seeking both official and civil society support for their respective parties and programmes. By the time of the Indonesian invasion, Timor-Leste was on the agenda of a range of organisations and individuals in Australia, including academics, human rights activists, journalists, politicians, aid agencies, churches, returned soldiers,* students and trade unionists, a good number of whom had already visited the territory.

* Some former Australian soldiers who fought Japan in Timor-Leste and were protected and supported by East Timorese during the Second World War strongly believed that Australia owed the East Timorese a moral debt for their sacrifices on Australia's behalf and should support self-determination. Ex-commandos Cliff Morris and Paddy Kenneally were among those who publicly espoused this point of view, but, concerned about the spread of communism, not all their colleagues agreed with them.

438. The foundation of Australian civil society's diverse and enduring commitment to Timor-Leste was laid at this time. This can be seen from a brief survey of some of these first associations, many of which also contributed to the building of long-term regional and international support for Timor-Leste.

439. Australian parliamentarians visited Timor-Leste twice in 1975 and formed a small but solid caucus of support for Timor-Leste in Canberra, challenging the anti-Timor policies of successive governments. One of these, the Labor Party MP Ken Fry, testified to the UN Security Council in April 1976 and was the leading supporter of Timor-Leste in the national Parliament. His colleague, Gordon McIntosh, was similarly active in the Australian Senate and instrumental in mobilising New Zealand civil society. The US Congressional Hearings into Timor-Leste in 1977 were prompted by Australian parliamentarians, led by Tom Uren who served in West Timor during World War II.

440. Australian aid agencies delivered humanitarian assistance in response to the civil war in 1975. They included the Australian Council for Overseas Aid (ACFOA), an association of some 70 national NGOs, which was to advocate publicly for self-determination for the next 24 years at home and abroad. Fr Mark Raper SJ, one of the ACFOA delegation, fostered support for Timor-Leste in social justice networks in Australia and Asia, adding to the strong support for selfdetermination advocated by the Catholic Commission for Justice and Peace. Australian aid agencies, including Australian Catholic Relief and Community Aid Abroad, funded James Dunn's visit to Portugal in January 1977, where he debriefed refugees who had left Timor-Leste after August 1976. His report was critical to confirming Fretilin claims of human rights violations by the Indonesian military.

441. Australia was the destination for the first East Timorese refugees from the civil war, a development which in time greatly strengthened the campaign for Timor-Leste in Australia and the region. The five foreign observers at Fretilin's Declaration of Independence in November 1975 were Australians: journalists Michael Richardson, Jill Jolliffe, and Roger East; David Scott, chair of Community Aid Abroad, and Sam Kruger, a former soldier. Jill Jolliffe became an international authority on Timor-Leste and her reports appeared in the international media throughout the occupation. Three of the six Australian-based journalists killed in Timor-Leste before the end of 1975 were Australian nationals. Their fate became a cause celebre in Australia. The wife of one of the journalists, Shirley Shackleton, and the brother of another, Paul Stewart, made excellent use of the media and became nationally identified with the Timor-Leste cause. The Timor issue gained support in union circles and led to bans on goods destined for Indonesia and a visit to Jakarta in April 1976 by the President of the Australian Council of Trade Unions (ACTU), Bob Hawke, and his colleague, the committed Timor activist, Jim Roulston, to urge a full inquiry into the deaths of the journalists in Balibo. Australia's longest-serving solidarity groups, CIET (the Campaign for an Independent East Timor) and AETA (the Australia East Timor Association), were established at this time following visits by their founders to Timor-Leste. CIET was established in Sydney in November 1974 by Denis Freney (1936-95) and had counterparts in Britain, several Australian cities (Adelaide, Canberra, Darwin, Newcastle, Wollongong) and later in New Zealand. AETA, through David Scott, helped establish Fretilin's first mission at the UN in December 1975. Following the Indonesian invasion, CIET was the main channel of information about the occupation and resistance through the

Fretilin radio link based in Darwin* and Timor-Leste News Agency publications. It was also responsible for "Isle of Fear, Isle of Hope", the first English-language film on Timor-Leste's struggle, made in 1975. The Commission heard testimony from David Scott of desperate attempts to break the embargo on Timor-Leste in 1976, including a foiled attempt by Australians to land by boat from Darwin.†

442. Civil society activity in Britain was smaller than in Portugal or Australia. Britain's links with Timor-Leste were non-existent compared to Australia and Portugal, the territory was remote and there was no East Timorese community in the United Kingdom to witness to events. In addition, although two British citizens were among the five Australian-based journalists killed at Balibo in October 1975, it was British Government policy from the outset to distance itself from the Timor-Leste issue in order to reduce the possibility of public pressure to condemn Indonesia. Based on its ancient relationship with Portugal, it had adopted a similar low profile on the issue during the latter years of Portugal's administration of the territory (see section in this chapter on the British government).

443. Despite this difficult environment, two civil society organisations took up the issue. Their work and that of other later church agencies made Britain, in time, a key international support centre for East Timor. The pioneers were BCIET (the British Campaign for an Independent East Timor) and Tapol, the British Campaign for the Release of Indonesian Political Prisoners.‡ BCIET was formed in 1974 as part of Denis Freney's CIET network and spearheaded the solidarity movement in the UK until 1979. One of its main roles was to disseminate in Britain information received from Fretilin through Denis Freney. John Taylor and Dave Macey, who were key members, worked closely with Tapol and built important and lasting links with church, academic and political circles. John Taylor later wrote two books on Timor-Leste and contributed to several others.

444. Tapol was established in June 1973 and carried regular reports on Timor-Leste from 1974. After BCIET became defunct, Tapol helped keep the issue alive in Britain until a number of church organisations took up the campaign and the British Campaign for East Timor was established in the early 1980s. Tapol campaigned primarily through the publication of its newsletter, whose regularity, longevity and professionalism was the envy of other activists, and whose distinctive contribution was its reportage based on Indonesian sources. Tapol and its newsletter owed much to the initiative and dedication of Carmel Budiardjo, herself a former political prisoner in Indonesia, and Liem Soei Liong, an Indonesian living in exile in the Netherlands. They reached a wide international network through

* Radio Maubere was the Resistance's only direct link to the outside world after the Indonesian military sealed off the territory. Fretilin broadcasts about the war in Timor-Leste were picked up in Darwin and disseminated by CIET to Fretilin representatives abroad, the UN, support groups, the media and governments. Transmission from the Darwin end was carried out with skill and tenacity by Fretilin members Tony Belo and Estanislau da Silva and their Australian supporters, led by Brian Manning, despite periodic seizures of their equipment by the Australian authorities. Secret Fretilin communications had to be decoded before being passed on. The link was shut down in November 1978 after the Indonesian military gained control of the Fretilin radio from Alarico Fernandes in Timor-Leste. It was restored in 1985 for a brief period. Brian Manning's account of this activity can be found in *A Few Rough Reds*, Hal Alexander and Phil Griffiths (Eds.), Australian Society for the Study of Labour History, Canberra, 2003. Rob Wesley-Smith's account can be found in *Free East Timor*, Jim Aubrey (Ed.), Random House Australia, Milsons Point, NSW, 1998.

† The Australian government confiscated the boat and charged the crew with breaches of customs laws. The trial lasted 12 days (David Scott, testimony to the CAVR National Public Hearing on Self-determination and the International Community, 15-17 March 2004).

‡ In response to Timor-Leste and the changing situation in Indonesia, Tapol broadened its name to British Campaign for the Defence of Political Prisoners and Human Rights in Indonesia and, from 1986, to The Indonesia Human Rights Campaign.

the newsletter and speaking tours abroad, including later to the UN. They also built a solid support network in Britain comprising a cross section of distinguished patrons, including dignitaries like Lord Avebury who was a persuasive advocate for Timor-Leste in many elite circles throughout Timor-Leste's struggle.

445. Civil society adopted two broadly different approaches to the Timor-Leste question during this period. Most in the first category were solidarity groups who campaigned in support of independence and Fretilin. The first solidarity group to be established was called the Campaign for an Independent East Timor (CIET). This group accepted that Timor-Leste had already determined its political status and the reality of Fretilin control, identified enthusiastically with Fretilin's reform programme which fitted progressive development and political agendas,* and rejected the notion that the territory would be better off under the Soeharto regime. This alignment continued during the early years of occupation when Fretilin maintained control of territory and radio contact with the outside world but broadened to include support for selfdetermination when Fretilin made this strategic change. This solidarity was not weakened by real or alleged Fretilin violations of human rights. Most did not know of these excesses at the time or believed that claims by Indonesians and their East Timorese supporters were exaggerated or politically inspired.

446. Others in civil society preferred an approach based more on the human rights principle of self-determination than on party politics. In policy terms at least, they were open to Timor-Leste's future integration with Indonesia, if this were the outcome of due process, and distanced themselves from Fretilin and the solidarity movement. Most in this category were established development, church and human rights NGOs who were governed by set policies. They were less flexible than solidarity groups but often had a keener appreciation of how to manage the politics of the issue, particularly during this period when the Cold War was its height. Their independence also spared them involvement in the bitter ideological battles and organisational problems experienced in some parts of the solidarity movement in the early years. Although independent, they were not opposed to Fretilin or those in solidarity with Fretilin and often cooperated with both and looked to them for information.

447. Typical of this approach was the former Australian consul to Timor-Leste, James Dunn, whose authoritative views on Timor-Leste had a strong influence on public perceptions of the issue in many circles. He spoke for many when he wrote as follows to José Ramos-Horta (Fretilin) and Domingos Oliveira (UDT) on 18 September 1974:

I am writing a brief note to you – and also to Domingos Oliveira – to dissociate myself from the reports that Australia favours the integration of Timor into Indonesia. I do not wish to comment on this report or on whatever might be the policy of the Australian government on this question. But I wish to make it clear that,

* Examples of academics who promoted Fretilin and its policies in relation to education, economic and other reforms are Antonio Barbedo de Magalhaes, Helen Hill and John Taylor. Helen Hill, who visited Timor-Leste prior to the Indonesian takeover, wrote her doctoral thesis on Fretilin, which remains the only study of the party. Her other contributions included *Timor Story*, published in 1976 by Timor Information Service.

in my opinion, it is for the Timorese people to decide on what the future course of their country should be, without hindrance or pressure from any external quarter. On the question of integration with Indonesia I can only say that, at the time of my visit, I had the impression that very few of your people favoured this course as a solution to their destiny. If this situation were to change and the Timorese were to decide in favour of joining with Indonesia I would, of course, accept and welcome such a decision. Equally, should the Timorese decide in favour of independence, their decision would be very welcome to me personally and I would like to assist the emergence of the new state in any way possible. I would also respect the decision of your people to continue a relationship with Portugal, if that is what your people desire to do. The challenge is yours: it is for Australia not to coerce you into any direction against your natural and justly expressed wishes.'

448. This approach made it possible to appeal to a wide public. It was adopted with considerable effect by AWD (Action for World Development), led by Bill Armstrong. An ecumenical Australian church-based movement, AWD used its connections with aid agencies, social justice activists and churches in Australia and overseas, including the World Council of Churches, to promote Timor-Leste as a human rights issue, not a pro-Fretilin or anti-Indonesia issue.

449. AWD supported the publication of the Timor Information Service (TIS), edited by John Waddingham, one of Australia's most knowledgeable Timor-Leste activists, which provided credible information and analysis based on a range of sources, not only Fretilin. This approach drew a sharp distinction between the Indonesian military and the Indonesian people, whose situation many were concerned to improve, and left the door open to building links with Indonesian civil society which happened in due course. It also made possible the gradual building of relations with diaspora East Timorese in Macau, Portugal and Australia, including senior members of UDT[†] who left Timor-Leste as refugees following Fretilin's victory in the civil war and were resentful, but misunderstanding, of those they regarded as pro-Fretilin.

450. AWD also supported Pat Walsh who worked on Timor-Leste with John Waddingham before joining the ACFOA and serving as its principal researcher and advocate on human rights until 2000. This work was diverse and included promoting human rights in Indonesia and Australia-Indonesia relations. In relation to Timor-Leste, it focussed on self-determination but also included work on refugees, humanitarian aid, human rights, and involved extensive networking and lobbying in Australia and internationally.

* A copy of this letter is in the CAVR Archive. James Dunn was Australian Consul to Portuguese Timor 1962-64. He visited the territory on behalf of the Australian Government from 17-27 June 1974 and on behalf of ACFOA after the civil war. He was a tireless and highly credible advocate for Timor-Leste throughout the occupation and is the author of *East Timor: A Rough Passage to Independence*, Longueville Books, 2003. In 2001 he was given the Order of Australia and in 2002 made a Grande Oficial of the Order of Prince Henry by Dr Jorge Sampaio, the President of Portugal.

† Australian officials reported a comment by General Benny Moerdani on 1 December 1975 that "there was hostility towards Australians, especially ACFOA and media representatives and to a certain extent towards the Red Cross on the part of UDT. Any foreigners in Dili would run the risk of being lumped together as pro-Fretilin by UDT forces", Document 354, Canberra, 2 December 1975, in Wendy Way (Ed.), *DFAT*, p. 593, n. 4.

451. The variation in approach, however, made no impact on the Indonesian government and its allies. Many in government, the media, business' and civil society dismissed all who were vocal in defence of Timor-Leste, regardless of their alignment, as pro-Fretilin and anti-Indonesian. The leading role in support of Fretilin played by the Communist Party of Australia compounded the view, promoted by Indonesia and some in the East Timorese Catholic Church, that Fretilin was communist.[‡] This issue, plus debates over the viability of an independent Timor-Leste and the importance of good relations with Indonesia, divided opinion and impeded the Timor cause for many years. Government and those who supported it or who were silent were accused of having blood on their hands. Civil society was, in David Scott's words, "patronised as 'attention seekers', 'do-gooders', 'communists', 'fellow travellers', 'bleeding hearts', 'pinkos', 'un-Australian' and, the cruellest of all 'naïve'" ²³⁷

6.2.2 Phase two: Crisis and new beginnings, 1978-83

452. This period was the most difficult and challenging for the East Timorese people and its international supporters. 1978 was a year of deep crisis. By the end of that year Indonesia had made significant military gains, Fretilin's ranks had been decimated, Fretilin had lost its revered leader, Nicolau Lobato and radio contact with the outside world had ceased. Tens of thousands of East Timorese had died from hunger or surrendered after being forced from the mountains and Fretilin territory by an intense military offensive and famine. In 1983, Dom Martinho da Costa Lopes, the head of the Catholic Church and a leading defender of the East Timorese community, resigned under pressure and left Timor-Leste. Timor-Leste's diplomatic situation fared equally badly during this same period. The external wing of Fretilin was wracked by serious internal divisions and Timor-Leste's fortunes at the UN declined year by year. In 1982, Timor-Leste suffered "a devastating blow", in José Ramos-Horta's words, when a mildly-worded UN resolution was carried by only four votes. A jubilant Ali Alatas, Indonesia's Foreign Minister, told the UN the result was gratifying and that Indonesia hoped the UN would strike the issue from its agenda the following year, once and for all.

453. These critical developments had a major impact on the morale and momentum of civil society support for Timor-Leste. The ending of Fretilin radio transmissions coupled with Indonesia's restrictions on independent access to the territory made it very difficult to sustain public and media interest in the issue, and the sense of defeat in the face of overwhelming odds was profoundly demoralising. Governments sought to weaken civil society commitment further by repeatedly declaring that the situation was a "lost cause" and "irreversible".[‡] Many also argued that continuing support for the issue

* The Australia-Indonesia Business Co-operation Committee (AIBCC) was pressing the Australian government less than 12 months after the invasion to grant full recognition of Indonesian sovereignty in Timor-Leste in the interests of regional security. The Committee, which represented 153 Australian companies including the ANZ Bank, the Bank of NSW, Blue Metal Industries, the Australian Wheat and Dairy Boards, and the major sugar company CSR, argued that continued opposition to Indonesia's incorporation of Timor-Leste could damage Australia's relations with Indonesia. "Recognise Takeover: Companies in Approach to Canberra", *The Age*, 23 October 1976.

† In Australia, Bob Santamaria, leader of the strongly anti-communist National Civic Council, used every opportunity to attack Fretilin and those he portrayed, often wrongly, as communist fellow-travellers. His views were very influential in conservative political and church circles, and damaging for Timor-Leste.

‡ The New Zealand Foreign Minister, B E Talboys, provides a typical example. In a memo to Cabinet following a visit to Timor-Leste in 1978 by Ambassador Roger Peren and Defence Attaché Colonel Macfarlane, the Minister wrote: "Their main conclusion is that the integration of East Timor with Indonesia is irreversible. This squares with my own feelings on the matter. While the Government has had reservations about the actions of Indonesia in Timor, I believe that there is nothing to be gained, least of all for the Timorese

was irresponsible because it encouraged resistance and contributed to further loss of life and repression in Timor-Leste.

454. Though weakened, particularly in its capacity to mobilise public opinion, civil society maintained its commitment. It was decided that, even if nothing else was possible, the issue should be kept alive. This was based on the conviction that the cause was morally and legally principled and that sustainable peace in Timor-Leste could only be guaranteed through a genuine process of self-determination.^{*} The attitude of the East Timorese people was also a decisive factor. Luisa Teotonio Pereira told the Commission:

*Whenever [in Portugal] the more sceptical, particularly at the government level, would try to justify so-called "realistic" measures, in order to "end the suffering of the Timorese people", their answer would be: "As long as the people of Timor-Leste continue to struggle, does it make sense for us to give in to threats and pressure?"*²³⁸

455. Solidarity work continued. In New Zealand in 1978, CIET ran a high profile "Let Horta Speak" campaign and forced the Government to back down on its original denial of a visa.[†] In the Netherlands in 1980, civil society collaborated with Fretilin to take court action against the Dutch Government for exporting military goods (corvettes) to Indonesia. The court ruled in favour of the Government on the grounds that neither the Democratic Republic of Timor-Leste nor Fretilin had legal status. Other groups in Europe and Scandinavia sought to publicise Timor-Leste's plight and to protest government inaction. This included activity by Michel Robert through Association de Solidarite avec Timor-Oriental in France, Torben Retboll's work in Denmark including through the International Working Group on Indigenous Affairs (IWGIA) and the work of Klemens Ludwig on behalf of the Society for Threatened Peoples in Germany. In 1985, German activists got over 100 Members of Parliament to urge the German Defence Minister to raise Timor-Leste with President Soeharto during a visit to Jakarta. He refused and, like the Netherlands, Sweden, France and Britain, continued to sell arms to Indonesia. There was progress, however, in the European Parliament. It adopted a number of resolutions on Timor-Leste and in 1994 called for recognition of Timor-Leste's right to self-determination and independence and a halt to all military aid and arms sales to Indonesia.

456. In 1981, Asia's first Timor-Leste solidarity group was started in Japan by women in Hiroshima, led by Jean Inglis. The group published a Japanese-language newsletter devoted to self-determination for Timor-Leste called Higashi Chimoru Tsuchin (East Timor Newsletter). In the USA, Arnold Kohen, who commenced his involvement with Timor-Leste after hearing José Ramos-Horta in 1975, focused his work on key people in three strategically important institutions, mainly in Washington: the Congress,

people, by dwelling on the past." ("Memorandum for Cabinet", Office of the Minister of Foreign Affairs, Wellington, 8 February 1978, in New Zealand...OIA Material, Volume 1).

^{*} For example, ACFOA acknowledged in its Development Dossier, July 1980, that Timor-Leste "is only rarely mentioned in the Australian media", but that "the right of the East Timorese to self-determination must remain the basic quest."

[†] Ramos-Horta did not make the trip because of the Fretilin crisis in Maputo. Key New Zealand activists during this period were Colin Isles, Harry Bruhns and John Compton.

the media, and the Catholic Church. He worked with sympathetic members of Congress and their aides to have a new set of Congressional Hearings, this time focused on America's response to the 1978-79 famine.^{*} He and Fr Reinaldo Cardoso, with Noam Chomsky's assistance, were successful in getting the New York Times to publish hard-hitting editorials critical of the Carter Administration. In 1980, the Times called on the US to support self-determination and continued to do so. Noam Chomsky testified in support of Timor-Leste to the UN Committee on Decolonisation in 1978. He wrote widely on Timor-Leste, particularly criticising the US press for its lack of attention. Arnold Kohen told the Commission:

*Chomsky's words on this matter had a real influence, sometimes indirect, and history should record it, because it was of vital importance in helping alter the state of widespread ignorance about East Timor that then existed in the United States and elsewhere.*²³⁹

457. Arnold Kohen also acknowledged the contribution during "this dark time" of the late Edward Doherty, a foreign policy advisor to the American Bishops, of David Hinkley, chair of the American Section of Amnesty International, and of Michael Chamberlain, one of a small handful of grassroots activists during this time and founder of the East Timor Human Rights Committee that functioned 1979-84.

458. In Australia, civil society groups initiated a public inquiry by the Australian Parliament in 1982-83. The process brought together representatives from the East Timorese community, church, Amnesty International, aid agencies, universities and solidarity groups from seven cities. Carmel Budiardjo, secretary of Tapol in London, and Professor Roger Clark of Rutgers University in the US also testified. The inquiry forced the government to send an Australian Parliamentary delegation to Timor-Leste in a bid to neutralise evidence from witnesses.[†]

459. Friends of Timor-Leste also produced several publications at this time. Jill Jolliffe's pioneering work East Timor: Nationalism and Colonialism was published in 1978 and was for some years the main English-language reference on Timor-Leste. Working from Portugal, she also published Timor Newsletter from 1980-83. In 1979, Tapol filled a gap in the UK and US by publishing An Act of Genocide: Indonesia's Invasion of East Timor by Arnold Kohen and John Taylor. In 1980, the Yale Journal of World Public Order published Professor Roger Clark's important monograph, The "decolonisation" of East Timor and the United Nations norms of selfdetermination and aggression. A New Zealander by birth, Clark was distinguished Professor of Law at Rutgers University in the USA. His scholarly demolition of Indonesia's claims to have complied with international law was the first expert contribution in this area. Clark also testified to the UN and other bodies on Timor-Leste. In 1981, the Swedish Osttimor-Kommitten in Stockholm published Det Glomda Kriget (East Timor: The Forgotten War) by Ollie Tornquist and H Amahorseja.

^{*} In his testimony to the Commission, the former UN official, Francesc Vendrell, paid tribute to Arnold Kohen's outstanding success in getting US Congressional support for Timor-Leste which continued till 1999. [Francesc Vendrell, testimony to the CAVR National Public Hearing on Self-determination and the International Community, 15-17 March 2004].

[†] This delegation was led by W L Morrison MP and visited Timor-Leste in July-August 1983.

460. This period of crisis forced civil society to be more creative and to diversify its focus and networking in order to keep the issue alive. It was felt that protest and focus on self-determination alone was not enough, particularly as a response to the shocking famine of 1978-79, and that concerned citizens and organisations should be encouraged to relate to Timor-Leste in new ways through issues such as human rights, refugee reunions and resettlement, development and emergency relief. The intervention of the International Committee of the Red Cross (ICRC), Catholic Relief Services (CRS), World Vision and Oxfam-UK in response to the famine was therefore welcomed, though guardedly, for humanitarian and other reasons, despite serious reservations about the way CRS in particular went about its work (see Chapter 7.3: Forced Displacement and Famine for further information and comment on the work of the ICRC and CRS). Photos of famine victims and other information were also used to demonstrate the impact of the war and to mobilise public opinion. As already mentioned, Congressional and Parliamentary Inquiries were conducted on the issue in the USA and Australia.

461. Three new beginnings occurred during this period. Each had positive, long-term consequences and was a source of hope amidst the gloom.

462. First, the East Timorese diaspora, having become more settled in Portugal, Macau and Australia, became more active. The organisations they established challenged perceptions that only a minority of East Timorese were nationalists and eventually became an important source of inspiration and information to the wider community in their countries of residence and abroad.

463. Second, this period witnessed the beginnings of international collaboration. This phenomenon peaked in the nineties but its foundations were laid at this time. A notable example was the Permanent People's Tribunal session on Timor-Leste held in Lisbon, 19-21 June 1981. Convened to lift Timor-Leste's profile during this lean period, particularly in Portugal, the session brought together Fretilin leaders, lawyers, academics, politicians, journalists, church representatives and Indonesians from fifteen countries. The Portuguese solidarity organisation, Commission for the Rights of the Maubere People (Comissão para os Direitos do Povo Maubere, CDPM) was established at this time.

464. Third, the Catholic Church in Timor-Leste emerged as a public critic of Indonesian military behaviour. This was a development of immense political importance for Timor-Leste, both domestically and internationally. Previously an unrepresentative body that had uneasy relations with Fretilin, the church grew in numbers after the Indonesian invasion^{*} and became a political force despite differences within the ranks of the clergy and pressures from the Vatican. Its intervention offset military gains against Fretilin and was a serious blow to Indonesian expectations that church and state would work as partners in developing the new province. The Church also enjoyed useful international links through its religious congregations and special relationship with the Vatican. The Church was criticised in some quarters,[†] but international supporters could point to its statements as evidence that the Timor-Leste

^{*} For details, see section on The Vatican above. According to an unpublished Indonesian Church report, baptised Catholics were about a third of the population, but as early as late 1976 most East Timorese were already claiming Catholic affiliation. Notes on East Timor, 2 November 1976.

[†] Roger Peren, the New Zealand Ambassador to Indonesia, reported on his visit to Timor-Leste in 1978: "Only members of the Roman Catholic Hierarchy, from the Bishop down, were openly critical of the administration but as time went by we found ourselves placing less and less reliance on their views." He claimed later in the report that the negative views of the clergy may be due in part to "a

issue was not resolved and that resistance was not confined to Fretilin. The involvement of the Church also legitimised the issue for many who had previously been undecided or concerned about claims of communist links.

465. The individual witness of several priests who had worked in Timor-Leste confirmed these developments. They included the former Portuguese missionaries Father Leoneto do Rego and Father Reinaldo Cardoso, and East Timorese priests Father Francisco Fernandes and Father Apolinario Guterres. Their testimony in a number of international fora was reinforced by the international visits made by Dom Martinho da Costa Lopes to Oceania, North America, Japan and Europe after his departure from Timor-Leste, organised and funded by civil society groups, in which he emphasised self-determination. Following his visit to Japan, Bishop Aloisius Soma put Timor-Leste on the agenda of the Japanese Catholic Council for Justice and Peace and in 1987 appointed Sister Monica Nakamura the desk officer for Timor-Leste. John Taylor and Arnold Kohen told the Commission that the Monsignor's visits to Britain and the USA "were extremely effective" because they showed that Indonesia had failed to win over most Timorese and confirmed that its diplomats were broadly representative of mainstream opinion in the territory.²⁴⁰ The net effect was that after several years of hesitancy, the international church moved to join the Timor-Leste church in a joint programme of advocacy. This was further strengthened by the involvement of some in important Protestant bodies in Europe, North America, Asia and Oceania despite differences over the issue with the Indonesian Protestant Church.

6.2.3 Phase three: Rebuilding civil society support, 1983-91

466. Despite its near-death experience, the Resistance survived Indonesia's Anschluss.^{*} The principal feature of this phase was the rebuilding of resistance inside Timor-Leste by Xanana Gusmão, his emergence as its leader and its gradual transformation into a broad nationalist movement in which all segments of society, not only Fretilin and the military, had a role. Another leader also appeared during this phase:

Dom Carlos Felipe Ximenes Belo was appointed head of the Catholic Church in 1983 and became a strong advocate for self-determination and inspiration to international civil society. Three developments towards the end of the period also indirectly favoured Timor-Leste's quest for self-determination. These were President Soeharto's decision to open up the territory, the end of the Cold War and the visit by Pope John Paul II, the only world leader to visit during the conflict.

certain natural disgruntlement as they no longer enjoy the privileged position they had under the Portuguese regime" (para 8 and para 86, 13 January 1978, New Zealand East Timor OIA Material, Volume 1).

^{*} Kurt Waldheim, the Austrian Secretary-General of the UN, used the term to describe Indonesia's actions in Timor-Leste. It refers to Adolf Hitler's invasion of Austria in World War II. See British Foreign Office memo, 15 May 1976, in UK unclassified documents, Dowson File 4.

467. The changes brought about by Xanana Gusmão took time to mature, but the net result was a strengthening not only of the internal resistance but also of the diplomatic front, the East Timorese diaspora and international civil society. In 1983, following a ban by the Australian government, a delegation of Fretilin leaders made a successful visit to Australia and addressed a gathering of 1,500 people from all walks of life in Melbourne organised by the Australia East Timor Association. José Ramos-Horta continued to travel frequently, stimulating support in each country he visited.* Supported and sometimes mentored by civil society groups, other East Timorese also undertook international lobbying.†

468. As the new head of the now mainstream Catholic Church, Bishop Belo's views were influential in international civil society circles. He continued Dom Martinho da Costa Lopes's policy of expressing public concern for human rights but focused more clearly on the need for a long-term solution (see section on the Vatican, above). His conviction that self-determination was essential to end the conflict and human rights violations was encouraging to many Timor-Leste supporters abroad, who disagreed with their governments that the human rights of the East Timorese people could be advanced in the absence of a political settlement.

469. This phase was notable for the strengthening and growth of a number of new international and national networks. Victor Scheffers (Netherlands Catholic Commission for Justice and Peace) and Robert Archer (Catholic Institute for International Relations in London) established the Christian Consultation on East Timor which became a major annual forum for churches and civil society organisations, particularly in Europe. Citizens groups in Japan worked to challenge the silence on Timor-Leste in the Japanese media, academic, parliamentary, faith and official circles. They brought José Ramos-Horta to Japan in 1985 and Dom Martinho da Costa Lopes the following year. They worked with Japanese Parliamentarians, led by Satsuki Eda, to form the Diet Members Forum on East Timor in 1987, visited Timor-Leste and petitioned the United Nations. Through the work of activists such as Aki Matsuno and Kiyoko Fukusawa, a Free East Timor Coalition was formed in 1988 and grew to include some 40 groups across Japan. In 1995 civil society helped move Japan from its rigid pro-Indonesia position to one of support for the UN process on Timor-Leste.

470. In November 1987, Christians in Solidarity with East Timor (CISSET) organised the first Asia-Pacific civil society consultation on Timor-Leste. Held in the Philippines, it stressed the need for East Timorese participation in the search for a political settlement. In Canada, following the earlier work of the Canada Asia Working Group and Indonesia East Timor Program, the East Timor Alert Network (ETAN) was set up in 1986 on the initiative of Elaine Briere. It was one of the few organisations to address the responsibility of the private sector towards human rights in Timor-Leste. In 1997 it produced a video, *The Sellout of East Timor*, which included a hard-hitting critique of Canadian business links with Indonesia. Briere's striking photographs of Timor-Leste taken in 1974 were used by organisations in many countries.‡

* For example, José Ramos-Horta visited Japan in March 1985 at the invitation of Japanese citizen's groups, making him the first East Timorese to introduce the issue of Timor-Leste directly to the Japanese public (Sister Monica Nakamura, testimony to the CAVR National Public Hearing on Self-determination and the International Community, 15-17 March 2004).

† Examples are visits to the Pacific region by Agio Pereira, Abel Guterres and Mimi Ferreira and, in 1985, to the World Conference of Women in Nairobi by Emilia Pires and Ines de Almeida.

‡ East Timorese activists Abe Barreto and Bella Galhos added an important East Timorese dimension to solidarity work in Canada when

Solidarity groups in Europe added another dimension to their campaign by extending their network to include the Campaign Against Arms Trade (CAAT).* In 1988 the international network Parliamentarians for East Timor (PET) was established. At full strength it comprised 900 parliamentarians in 40 countries. PET undertook a number of initiatives including making representations to the UN Secretary-General about the fate of Timor-Leste and recommending East Timorese for the Nobel Peace Prize.†

471. A number of new information resources appeared during this time adding significantly to the limited materials available on Timor-Leste. They included *Timor-Leste: Mensagem aos vivos* by António Barbedo de Magalhães (Portugal, 1983); *Timor: A People Betrayed* by James Dunn (Australia, 1983); *Em Timor-Leste, a paz é possível* (Portuguese newsletter produced by Jean Pierre Catty, 1983-91); *East Timor: The Struggle Continues* edited by Torben Retboll (Copenhagen, 1984); *Timor: Past and Present* by Finngeir Hiorth (Norway, 1985); *The War Against East Timor* by Carmel Budiardjo and Liem Soei Liong (Britain, 1984); *Funu: The Unfinished Saga of East Timor* by José Ramos-Horta (USA, 1987); *Timor Link*, a quarterly journal produced by the Catholic Institute for International Relations (CIIR), founded in 1985 by Robert Archer, it was subsequently edited by John Taylor and Catherine Scott; *The Shadow over East Timor*, a video by Denis Freney, James Kesteven and Mandy King (Sydney, 1987); *Buried Alive: The Story of East Timor*, a video by Gil Scrine, Fabio Cavadini and Rob Hibberd (Sydney, 1989); *Descolonização de Timor: Missão impossível* by Mário Lemos Pires (Portugal, 1991); *Timor-Est, le genocide oublie* by Gabriel Defert (Paris, 1992). Amnesty International and the newly established, New York-based organisation Human Rights Watch also published a series of reports on Timor-Leste during this period. Both organisations were neutral on the issue of self-determination, though they testified to the UN Decolonisation Committee. Their independent, authoritative reports on human rights were regarded as more credible than official Indonesian denials and confirmed for many in civil society the need for a proper settlement of the conflict through a genuine process of self-determination.‡

472. Civil society gave increased attention to the UN during this period. Worried about Timor-Leste's fate in the UN following the close 1982 vote in the General Assembly, 20 to 25 international NGOs made an annual pilgrimage to New York to petition the UN Special Committee on Decolonisation in support of self-determination.§ Few, if any, other issues on the Committee agenda received comparable civil society attention. Petitioners to the 1986 meeting included the Indonesia expert Professor Benedict

they defected from a Canada world youth programme and joined ETAN's campaign from 1994-99.

* CAAT was established in London in 1974 to end the international arms trade, in particular government subsidies and support for arms exports to oppressive regimes engaged in armed conflict. It sought to expose Western military relations with Indonesia which enabled the Soeharto Government to stay in power and to deny self-determination in Timor-Leste.

† Parliamentarians for East Timor (PET) was initially chaired by Lord Avebury, who was also chair of the all-Party Parliamentary Human Rights Group in the British Parliament. Secretarial support was provided by Sharon Scharfe in Canada.

‡ In his testimony to the Commission, Ian Martin acknowledged the Amnesty International researchers who worked on Timor-Leste during the Indonesian occupation, viz Anthony Goldstone, Sidney Jones, Geoff Robinson and Kerry Brogan (Ian Martin, testimony to the CAVR National Public Hearing on Self-determination and the International Community, 15-17 March 2004). Sidney Jones later worked for Human Rights Watch and produced a number of important reports on Timor-Leste. The importance of the work of these organisations can be seen from Indonesian government accusations that their claims were false and politically motivated [see letter by Indonesian Department of Foreign Affairs to UN High Commissioner for Human Rights, 2 November 1994, in Krieger, p.231].

§ Francesc Vendrell, a former UN official, testified to the Commission that he instigated the idea of encouraging international NGOs to petition the UN Special Committee on Decolonisation (Francesc Vendrell, testimony to the CAVR National Public Hearing on Self-determination and the International Community, 15-17 March 2004). The practice was encouraged by José Ramos-Horta and by 1991 was coordinated by the International Federation for East Timor (IFET) which was conceived by Mr Kan Akatani, a retired Japanese diplomat and representative of the Japanese Catholic Council for Justice and Peace.

Anderson of Cornell University and Elizabeth Traube, an expert on East Timorese culture, and ranged from large NGOs like Asia Watch to cash-strapped, but deeply committed solidarity groups like the Hobart East Timor Committee from Australia.

473. NGOs also increased their input to the UN Commission on Human Rights in Geneva, both its Sub-commission on Minorities and its annual debate on self-determination. This was often thankless as few governments referred to Timor-Leste in their statements or welcomed being approached in the Commission coffee lounge. In addition, civil society advocates had to endure being criticised by the Indonesian Government before the world body for making unfounded claims based on political objectives. Civil society representation varied from year to year. NGOs who spoke up for Timor-Leste at the 1987 session of the Sub-commission on Minorities were Pax Romana, Pax Christi International, National Aboriginal and Islander Legal Service, and Human Rights Advocates. Civil society interventions were often collaborative exercises based on inputs from NGOs in various parts of the world. International NGOs accredited to the UN sometimes sacrificed their speaking rights to allow East Timorese representatives to speak in their name or provided funding. Community Aid Abroad (CAA) and the Australian Council for Overseas Aid (ACFOA) funded José Ramos-Horta's participation in the UN Sub-commission in August 1991. It resulted in a visit to Timor-Leste by the UN Special Rapporteur on Torture that year.

474. Mainstream institutions began to question Soeharto's rule during this period. Reports critical of Soeharto's wealth and anti-democratic policies appeared in the Western press ahead of US President Ronald Reagan's "Winds of Freedom" visit to Asia in 1986. Indonesia retaliated by banning the media responsible which generated further controversy and strengthened the critics' case. At the same time, over 100 US Members of Congress pressed President Ronald Reagan to raise Timor-Leste with President Soeharto. This was an important sign of things to come and followed years of advocacy by civil society, both inside and outside Indonesia.

475. In 1989, several windows of opportunity opened for Timor-Leste and its expanding international support network. From 1 January, President Soeharto allowed Timor-Leste to be opened up for the first time since December 1975. Concerned individuals and organisations from civil society seized the opportunity to visit and, despite restrictions and danger, to make contact with the Resistance, provide material support, act as couriers both ways and to kindle renewed interest in their respective countries. Some 3000 foreigners are estimated to have visited 1989-91.[†] To facilitate communication, the Australia East Timor Association published the first Tetum-English dictionary, written by Cliff Morris, an ex-Second World War, Timor veteran.

476. A notable example of civil society use of this window was the daring interview conducted in September 1990 by lawyer and unionist Robert Domm with the resistance leader Xanana Gusmão in his

* The press articles were David Jenkins, "After Marcos, now for the Soeharto billions", Sydney Morning Herald, 10 April 1986 and a piece by A M Rosenthal in the New York Times on repression in Indonesia. The Sydney Morning Herald report caused particular controversy because it compared Soeharto to the disgraced Philippines dictator, Ferdinand Marcos.

[†] Aid to the Resistance was non-military and included items such as medicine, video cameras and telephones. On departing, visitors carried documents, taped interviews, photos and the like for use outside including for Resistance leaders abroad. Some accounts can be found in Kirsty Sword and Pat Walsh (Eds.) "Opening Up", Travellers Impressions of East Timor 1989-1991, Australia Timor-Leste Association (AETA), Melbourne, 1991.

mountain hideout. The interview was the first direct interview with the guerrilla leader. It was broadcast by the Australian Broadcasting Commission and significantly increased Xanana Gusmão's international profile and status.^{*} The number of East Timorese studying and working in Indonesia also increased as a consequence of opening up Timor-Leste. This enabled nationalists in their ranks to build links with both Indonesian civil society and with internationals whether working in or visiting Jakarta, including media representatives.

477. Timor-Leste's most important guest after Timor-Leste was opened was Pope John Paul II, who visited in October 1989. His acknowledgment of the existence of conflict in Timor-Leste and the need for a peaceful settlement was at odds with most governments and an inspiration to East Timorese and their international supporters alike. The impact of his visit was further magnified internationally when a demonstration at the conclusion of his Mass at Taci Tolu, the first of its kind since the Indonesian invasion, was reported by the world media. On 9 November 1989, the Berlin Wall fell marking the symbolic end of the Cold War. Its fall resonated powerfully in pro-Timor-Leste civil society circles across the world and undercut two of the principal dogmas used to counter their advocacy for self-determination: that Indonesia's incorporation of Timor-Leste was necessary to contain the spread of communism and that its hold on Timor-Leste was irreversible.

6.2.4 Phase four: Turning points, 1991-98

478. This was a decisive phase in Timor-Leste's struggle for self-determination. The period commenced with a monumental public relations disaster for the Indonesian military in the form of the Santa Cruz Massacre, followed 12 months later by Xanana Gusmão's capture. In 1996, the Nobel Peace Prize was awarded to Timor-Leste's most prominent advocates of self-determination, Bishop Belo and José Ramos Horta, and in 1997 Kofi Annan, the new UN Secretary-General, decided to intensify UN diplomacy. The period ended with the collapse of the Soeharto Government in May 1998. Civil society contributed to each of these turning points and used them to advance self-determination. The new communications technology also became available during this period and considerably increased civil society's capacity and impact.

479. Unlike other atrocities suffered in Timor-Leste, the Santa Cruz Massacre on 12 November 1991 was a turning point in world opinion on the territory. This was due to the presence of international observers on that fateful day and their projection of the tragedy through print, radio and television to the world. The inclusion of one international amongst those gunned down, Kamal Bamadhaj, added to the public outrage, particularly in New Zealand, Australia and Malaysia.[†] Video of the shooting and terror

* The interview also publicised Xanana Gusmão's offer to talk to Indonesia without preconditions under UN auspices. Indonesia rejected the offer, but it was promoted by the Timor-Leste Talks Campaign which published a newsletter The Missing Peace. The story of Domm's hazardous trek into the mountains with East Timorese guides and text of the interview can be found in East Timor: Keeping the Flame of Freedom Alive, ACFOA Development Dossier, No 29, February 1991.

[†] Kamal Bamadhaj's parents were from New Zealand and Malaysia; he was studying in Australia at the time and was active in supporting human rights for Timor-Leste. On 12 November he was working as an interpreter for Bob Muntz of Oxfam-Community Aid Abroad. Muntz was nearly killed and on his return to Australia gave tireless eyewitness testimony about the atrocity. In 1994, in the case of Todd v Panjaitan, the New York-based Center for Constitutional Rights (CCR) successfully sued Major-General Sintong Panjaitan for his role in the Santa Cruz Massacre. He was ordered to pay US\$14 million in damages to Helen Todd, the mother of Kamal Bamadhaj. Payment was never made [Helen Todd, testimony to the CAVR National Public Hearing on Massacres, 19-21 November 2003].

filmed at great personal risk by Max Stahl was courageously smuggled out of Timor-Leste to Amsterdam by a Dutch reporter, Saskia Kouwenberg.²⁴¹ This powerful evidence, supplemented by graphic photos shot by British photographer Steve Cox who was badly beaten,²⁴¹ confirmed what civil society supporters had long claimed, viz that Timor-Leste was a society in stress, that military repression was a reality and that a genuine act of self-determination was the key to peace.

480. International civil society involvement rose sharply in response to the Santa Cruz tragedy. On 19 November 1991, Portugal held a national day of mourning. Leading civil society figures signed an open letter to the US President protesting that America had accepted Indonesian sovereignty over Timor-Leste although no proper act of self-determination had taken place. Portuguese students linked with Forum Estudante and Missao Paz por Timor raised funds to charter the Portuguese ferry Lusitania Expresso to protest the situation by sailing to Timor-Leste. Immediately following the massacre, the East Timor Action Network (ETAN) was established in the US by Charles Scheiner, John Miller and others with the objective of changing US foreign policy to support self-determination for Timor-Leste. US journalists Alan Nairn and Amy Goodman, who narrowly survived the Santa Cruz massacre, campaigned throughout the United States contributing to the growth of ETAN. By 2000, ETAN was supported by 10,000 members with 27 local groups across the US. Also in November, the International Platform of Jurists for East Timor (IPJET) was constituted in the Netherlands headed by Pedro Pinto Leite. IPJET's aim was to mobilise international legal expertise in support of self-determination. This was done through conferences, publications and submissions, including to the UN and the European Union. By 1995, IPJET had ²⁵⁰ members in over 50 countries. Public support was mobilised in Ireland by the East Timor Ireland Solidarity Campaign (ETISC) established by Tom Hyland in Dublin after the Yorkshire Television film *In Cold Blood: The Massacre of East Timor* was screened in January 1992 using Stahl's compelling images of the massacre. The work of ETISC was the other example, in addition to Portugal, where the solidarity movement was able to work effectively with its government. Providing critical information and mobilising the energy of the Irish community, ETISC supported the Irish Government's leading role on the question of Timor-Leste in the European Union in the 1990s. In Scotland, the Glasgow University East Timor and Indonesia Support Group was formed in the mid-1990s.

481. The Indonesian military's capture of Xanana Gusmão on 20 November 1992 initially plunged the East Timorese diaspora and civil society alike into depression. It was quickly realised, however, that the best way to protect the resistance leader was to promote his international profile, building on the publicity already generated by civil society, and that his detention and trial presented a new campaign opportunity. Human rights organisations took a close interest in his trial, which was conducted in Dili in May 1993. The Indonesian Government refused a visa to Rodney Lewis, who asked to observe the trial on behalf of the International Bar Association and the Law Council of Australia. Protest grew louder when the trial judge stopped Gusmão from reading his Defence after only three pages, claiming it was "irrelevant", and suppressed the document. From their side, civil society groups considered it was highly relevant. They translated and published a smuggled copy of the Defence, presenting it more as an indictment of Indonesia and its allies than a defence, and the trial as a miscarriage of justice analogous to that suffered by Timor-Leste itself.²⁴² Portugal and Amnesty International, inter alia, condemned the

trial. The defiant fighting spirit of the Defence also inspired supporters and came as a relief following reports after Gusmão's capture that he had accepted Indonesian sovereignty and called on his followers to surrender.

482. Solidarity groups promoted Xanana-in-detention as a potent symbol of occupied Timor-Leste and linked his fate to Timor-Leste's fate. Stickers declaring "Free Xanana, Free East Timor" appeared in the conference hall of the 1993 World Conference on Human Rights in Vienna, including the backs of toilet doors likely to be used by Indonesian government delegates to the Conference. Postcard campaigns, vigils, demonstrations and writings about Gusmão multiplied. In September 1994 the United Nations Association of Australia honoured him in absentia with a human rights award. His birthday became a rallying point each year, marking the slow passage of his life sentence but also his supporters' personal solidarity and commitment to what he advocated, including a referendum.

483. Ironically, Xanana Gusmão's imprisonment in Jakarta allowed him to interact with civil society and the international community more than was possible from the remote mountains of Timor-Leste. Kirsty Sword Gusmão was critical to making this happen, particularly during the years 1992-96 when she was based in Jakarta. In addition to her regular job, she served as a clandestine secretary to the Resistance and was assisted by, amongst others, Victoria Markwick-Smith, who was experienced in the conduct of Timor work in shadowy Jakarta, and was backed from abroad by her family and a small network of trusted friends. Demanding and risky, this work made possible two-way high-level communication between Xanana Gusmão in his prison cell and his principal ambassador at large, José Ramos-Horta, and many others. It also made possible many exchanges, both personal and official, between Xanana Gusmão and civil society organisations around the world and even the auctioning of his prison paintings abroad to raise money for the Resistance.

484. John Pilger's film, *Death of a Nation*, did much to strengthen further involvement with Timor-Leste around the world following its screening in Geneva during the annual meeting of the UN Commission of Human Rights early in 1994. After it was shown on national television in New Zealand, for example, parliamentarians launched a petition and the government dropped its policy that Timor-Leste's status was irreversible.

485. In 1994, the Asia-Pacific Coalition for East Timor (APCET) was formed in the Philippines. It held a series of conferences organised by its secretariat, Initiatives for International Dialogue, led by Gus Miclat. Civil society had been active in several Asian countries for many years, but this was the beginning of on-going, coordinated solidarity for Timor-Leste across Asia. Successive APCET conferences in the Philippines, Malaysia and Thailand provoked hostile responses from Indonesia and these close ASEAN allies. They also challenged the contention of some Asian governments that human rights were not universal and the Western contention that Timor-Leste had no support in the Asian region. Two Indonesian civil society organisations were represented at the 1995 APCET conference in Kuala Lumpur,

* Saskia Kouwenberg smuggled out some of the tapes in her clothing. Max Stahl himself took some tapes out and at least one tape was unable to be retrieved from his hiding place in Santa Cruz cemetery.

* Kirsty Sword Gusmão visited Timor-Leste in 1991 to assist Yorkshire Television with the filming of *In Cold Blood*. Her work for self-determination is recounted in Kirsty Sword Gusmão with Rowena Lennox, *A Woman of Independence*, Macmillan, Sydney, 2003. Examples of Xanana Gusmão's communications to civil society, including messages to the East Timor Talks Campaign, H J C Princen and the Ploughshares for Peace women, can be found in his autobiography, *To Resist is To Win*, Niner (Ed).

and not long after Indonesian Solidarity for East Timor Peace (Solidaritas Indonesia untuk Perdamaian Timor Timur, Solidamor) was founded in Jakarta. One of the features of APCET's work on Timor-Leste was the bringing together of peoples from a range of oppressed communities in the Asian region. East Timorese participants of APCET met with activists from Burma, Sri Lanka, Mindanao, Aceh and West Papua, fostering relationships that continue to this day. The Hong Kong-based Asia Students Association (ASA) was an important affiliate of APCET. Its secretariat worked hard to bring the issue of Timor-Leste to student movements in countries across the region.

486. The use of Western-supplied weapons in the Santa Cruz massacre prompted civil society to increase calls for an arms embargo against Indonesia.^{*} This campaign was particularly vocal in the US and in the UK, supported by the Campaign Against Arms Trade. In January 1996 four women from Ploughshares for Peace entered a British aerospace site and used hammers to disarm a British Hawk fighter jet that was being prepared for delivery to Indonesia. Hawks had reportedly been used against the Resistance in Timor-Leste and the women had been calling for their cancellation for three years during which time Britain had become Indonesia's second largest arms supplier. The women - Andrea Needham, Lotta Kronlid, Joanna Wilson and Angie Zelter - informed the company of their action and were arrested. Their trial in 1996 made legal history: they were acquitted by a jury in Liverpool who found that they had acted in order to prevent the greater crime of genocide.²⁴³ However, the campaign failed to change British and US policy on military assistance to Indonesia at this point.[†]

487. Another important initiative during this period was a series of seminars organised during the 1990s by the Portuguese professor, Dr Antonio Barbedo de Magalhães.[‡] The seminars, most of which were held in Portugal, brought together activists and academics, including from Indonesia, to share information and develop policy and strategies on Timor-Leste. In Australia, new organisations and initiatives continued to emerge. These included Australians for a Free East Timor (AFFET), established in Darwin by long time activist Rob Wesley-Smith around the time of the Santa Cruz massacre, a Sydney branch of the Australia East Timor Association in 1992,[§] Perth-based Friends of East Timor, the Mary McKillop Institute of East Timorese Studies (MMIETS) established in Sydney in 1993 by the Sisters of St Joseph, the East Timor International Support Centre in Darwin, headed by Juan Federer which set up Timor Aid in 1998, in Melbourne the University Students for East Timor and the East Timor Human Rights Centre, chaired by Bishop Hilton Deakin. Action in Solidarity with Indonesia and East Timor (ASIET) was also established at this time and, led by Max Lane, promoted links between East Timorese student underground groups and socialist organisations working for change in Indonesia. The Australian Coalition for East Timor (ACET) provided some coordination, but most groups preferred to

^{*} Allan Nairn testified that US-supplied M-16s were used in the massacre. Testimony to US Senate Committee on Foreign Relations, 27 February 1992.

[†] The British government resisted public pressure and defended continued arms sales to Indonesia on the grounds that Indonesia had a right to defend itself, the equipment was not being used against the East Timorese and that British military training would improve the Indonesian military's respect for human rights and democracy. See Baroness Trumpington, House of Lords, 10 July 1992 [Krieger, p. 302].

[‡] Barbedo de Magalhães first visited Timor-Leste in 1975 and took a special interest in Fretilin's education policy. He is the author of *East Timor: Indonesian Occupation and Genocide*, Oporto University, Portugal, 1992 and other publications including *Timor Leste na encruzilhada da transição Indonésia*, Gradiva, 1999.

[§] Timor-Leste film-maker Gil Scrine was the first convenor. Under Jefferson Lee and Andrew McNaughtan, Australia - East Timor Association (AETA) Sydney developed an international profile and, through visits by McNaughtan, established direct links with the Resistance in Timor-Leste.

consult informally. The International Federation for East Timor (IFET), which was established during this period, had a similar experience. IFET achieved a membership of 30 organisations from 18 countries but many in the now large and diverse constellation of pro-Timor organisations, although supportive of self-determination, did not sign up.

488. The right of Timorese to cultural self-determination was strengthened by initiatives such as the Japanese-sponsored school for Timorese children in Darwin and the production of the groundbreaking Tetum lesson book *Mai Koalia Tetum* by Professor Geoffrey Hull at a time when Tetum was banned from schools and official use in Timor-Leste. Assisted by Professor Hull and the Timorese linguist, Manuel Viegas, the Mary McKillop Institute developed attractive primary school books in Tetum which assisted Bishop Belo when, in defiance of official policy, he decided to have Tetum taught in Catholic schools in Timor-Leste.⁴⁸⁹ While this period was notable for the impact of the video image on public awareness, the growth of new organisations and their coordination owes much to the advent of the Internet age. The general availability of the internet in the 1990s more or less coincided with Indonesia's decision to partially relax access to Timor-Leste. This timing was not only a happy coincidence; the internet also perfectly suited the requirements of human rights activists. It was fast, cheap, secure, user-friendly, interactive and had significant carrying capacity and global reach. Information, a scarce commodity on Timor-Leste for the previous 15 years, was now widely available through the internet thanks to the skills and commitment of civil society members. John MacDougall's pioneering *apakabar*, a free electronic mailing list which covered both Indonesia and Timor-Leste, was followed by *reg.easttimor* which became the main clearing house and channel for rapid communication on Timor-Leste across the globe. Established in 1994 and coordinated by ETAN/US, *reg.easttimor* enabled the public and civil society organisations in the Asia-Pacific, Europe and North America to have interactive conferences and to access reports on Timor-Leste and translations from wire services and the Indonesian, Portuguese and other media as well as official documents from the UN, governments and other sources. The relatively few books available on Timor-Leste were now supplemented by publicly accessible websites. TimorNet at the University of Coimbra in Portugal provided links to information on the history, geography and culture of Timor-Leste, key UN documents, human rights violations, articles, publications and suggestions for action. Activists used email to proliferate information and to coordinate and organise. Colin Renwick set up Minihub to help small, vulnerable NGOs in Indonesia and Timor-Leste establish cheap, accessible and secure internet access and also gave training to selected East Timorese activists,^{*} increasing the underground's effectiveness. With these skills, East Timorese supporting Xanana Gusmão in Jakarta could send encrypted email messages to colleagues abroad, including to José Ramos-Horta.

490. The internet was also used for direct action. In 1997, an Irish internet service provider provoked a public protest by the Indonesian government after it registered Timor-Leste's own domain in preparation for political independence. The same year, Portuguese Hackers Against Indonesia breached the Indonesian military's website and scrawled "propaganda" across it. This followed breaches of sites in the Indonesian Department of Foreign Affairs and elsewhere which provoked revenge attacks on Portuguese sites by Indonesian hackers. Cyber warfare over Timor-Leste continued to 1999. In August 1998, 45 Indonesian domains were hacked followed by Indonesian sabotage of Connect Ireland, the creators of the Timor domain. It ended with President Habibie's change of policy on Timor-Leste.

^{*} Father Domingos Soares, aka Fr Maubere, was one of those trained by Colin Renwick.

impossible”.²⁴⁷ Australia had a similar experience. * The Australian Foreign Minister, Alexander Downer, acknowledged this phenomenon: “During my time as Foreign Minister, no foreign policy issue has captured the public interest in Australia more than East Timor...”.²⁴⁸ The Government also acknowledged the role of Australian civil society in achieving self-determination for Timor-Leste by inviting two civil society representatives to join the official delegation to observe the August 1999 ballot.[†]

498. Most of the nearly 2,300 ballot observers accredited by the UN came from NGOs. Regarding their role, Ian Martin observed:

Many came from solidarity groups with a commitment to self-determination or independence for East Timor, but the observer code of conduct they accepted on accreditation required them to behave in a neutral manner.²⁴⁹

499. The majority of these, some 1,700, were Indonesian and East Timorese. In a memorable display of international organisation and solidarity, they were supported by colleagues from around the world, coordinated mainly by the ETAN/US-based International Federation for East Timor (IFET), the Thailand-based Asian Network for Free Elections (ANFREL) and the Philippines-based Asia-Pacific Coalition for East Timor (APCET). They, in turn, represented a multitude of citizens in many countries for whom the ballot, as for the East Timorese people, climaxed a struggle of epic proportions and demonstrated again the importance and capacity of principled people’s power in world affairs.

6.3 Indonesian civil society

500. Indonesian civil society added Timor-Leste to its formidable list of pressing social, human rights and environmental issues in the 1990s. Though small and isolated, significant sections of the pro-Timor movement went to the heart of the issue and advocated selfdetermination. This policy orientation owed much to the influence of Indonesians living abroad and to East Timorese studying in Java and Bali. Its advocacy in Soeharto’s Indonesia required rare courage. Though its Constitution requires Indonesia to fight colonialism and uphold the right of all peoples to independence,²⁵⁰ in the eyes of the regime to support self-determination in Timor-Leste (after 1976) amounted to subversion of the central dogma of national unity, which underpinned state and military policy. Those who supported it or who collaborated with its Timorese advocates were harassed and risked being labelled traitors. Only in Timor-Leste itself was such activity more dangerous. But by daring to speak out, Indonesian civil society groups broke the taboo of fear and silence and, against great odds, mobilised support that climaxed in hundreds of Indonesian citizens standing alongside East Timorese as they exercised their right of self-determination in August 1999.

* The breadth of Australian public concern is evident from the wide range of civil society groups and individuals who testified to the 1999 Australian Parliament inquiry into Timor-Leste.

† The two observers were Pat Walsh of ACFOA and Anne Wigglesworth of Caritas Australia.

6.3.1 The early years

501. Timor-Leste did not become a significant NGO issue in Indonesia until the 1990s, but some individuals and organisations were active earlier. For some, this involvement was part of their professional duties which, though often sensitive and difficult, did not involve direct political activity. These included George Aditjondro who visited Timor-Leste in May 1974 as a Tempo correspondent and shared information after the invasion with Church contacts abroad; individuals associated with the Protestant Church like Yopie Lasut, Gustaf Dupe, Indra Nababan and Ade Rostina Sitompul who cared for East Timorese political prisoners held in Indonesian gaols; and members of the Catholic Church agency LPPS, Fr Gerry Zegwaard MSC, Fr Hardoputranto SJ and Ibu Immaculata Mardani who channelled humanitarian aid to Timor-Leste and were a discreet source of information about Timor-Leste to contacts outside Indonesia.[†]

502. Some Indonesians living abroad were also active in support of Timor-Leste before 1990, particularly amongst those who left Indonesia to escape the PKI purge following the Soeharto takeover in 1965.[‡] In Europe they joined support groups in Germany, France, Belgium, Denmark, Norway, Sweden and the Netherlands (Komitee Indonesia), but generally remained anonymous because of the sensitivity of the issue and their vulnerability as political exiles. Kusni Sulang was active in Paris and Hendrik Amahorseja in Sweden. In Australia, Djin Siau, Goei Hok Gie (Andrew Gunawan) and Ernst Utrecht were sympathetic. In 1981, Jusfiq Hadjar and Liem Soei Liong became the first Indonesians to openly oppose the invasion and support independence for Timor-Leste when they testified to the Permanent People’s Tribunal in Lisbon. In retaliation, the Soeharto Government declared both persona non grata and blacklisted them from returning to Indonesia. Other exiles never publicized their support and were eventually allowed to return home safely to Indonesia. Some members of the Indonesian diaspora may have supported Timor-Leste to advance the interests of the proscribed Indonesian Communist Party (PKI). Liem Soei Liong denies that his or Carmel Budiardjo’s work in Tapol was driven by such a double agenda.[§]

503. Diaspora Indonesians in Europe fostered pro-Timor activity in Indonesia. They provided alternative information on Timor-Leste, for example, by sending the Tapol newsletter to Indonesia and making secret

* George Aditjondro was part of a group of young Indonesian Catholics who in 1974 sought to formulate a democratic and non-military policy on Timor-Leste for the Indonesian Bishops Council. Their document is found as Appendix 1 in East Timor: An Indonesian Intellectual Speaks Out edited by Herb Feith, Emma Baulch and Pat Walsh, Australian Council for Overseas Aid (ACFOA) Development Dossier No. 33, May 1994. Aditjondro is believed to have written the first nongovernment report from inside Indonesia after the invasion in the form of a letter to Father Mark Raper, SJ received at Asian Bureau Australia on 21 April 1976 [CAVR Archive].

† LPPS was supported by and in regular contact with Catholic agencies throughout the world through the Hong Kong-based Asia Partnership for Human Development (APHD). Though not directly relevant to this account, the selfless humanitarian contribution made by many Indonesians to Timor-Leste during the Indonesian occupation must be acknowledged. For an account of their experiences during the upheaval in 1999, see Yohanes Sukandar, Sigit Wijayanto and Martinus Manggo (Eds.), Selamat Tinggal Timor Timur, Insist Press, Yogyakarta, 2000.

‡ The Indonesian Communist Party (Partai Komunis Indonesia, PKI) was the first communist party in Asia and by 1966 one of the largest. The New Order came into being in 1966 after a military takeover, the banning of the PKI and the liquidation of up to a million of its members and alleged supporters.

§ Communication to CAVR, 28 February 2005. In a sensitive gesture during her public testimony to CAVR, Yeni Rosa Damayanti included the British activist Carmel Budiardjo in her list of Indonesians who were active abroad [testimony to the CAVR National Public Hearing on Self-determination and the International Community, 15-17 March 2003]. Carmel Budiardjo was imprisoned in Indonesia after 1965 and, after her release and return to Britain, devoted her life to the defence of human rights in Indonesia.

visits.* Indonesian journalists working in Radio Netherlands, such as Tossy Santoso and Yoss Wibisono, broadcast news and interviews on Timor-Leste which was received in Indonesia. Tossy Santoso also wrote several books on Timor-Leste in Bahasa Indonesia. Another productive strategy was to put East Timorese and Indonesian activists in touch with each other and their international counterparts. Activists such as Max Lane in Australia and Antonio Barbedo de Magalhães in Portugal had a similar networking strategy. These international initiatives contributed to the formation and direction of Indonesian NGOs such as Inflight, Solidamor and Indonesian People's Struggle for Solidarity with the Maubere People (Solidaritas Perjuangan Rakyat Indonesia untuk Maubere, SPRIM). Indonesians abroad became more active on Timor-Leste in the late 1980s and 1990s. Two Indonesians living in Holland, Aeri Harapan and Reza Muharram, joined the Portuguese Lusitania Expresso protest ship in March 1992. In punishment, both had their passports cancelled by the Indonesian government. Yeni Rosa Damayanti also had her passport cancelled after participating in an anti-Soeharto demonstration in Germany in 1996. Their citizenship was restored in the post-Soeharto period.

504. Indonesians who lived overseas on temporary work or study permits or who travelled abroad were often confronted with the Timor-Leste issue through the media or colleagues. Civil society leaders like Abdurrahman Wahid, Mulya Lubis, Buyung Nasution and Abdul Hakim sometimes took such opportunities to discuss the issue and to meet privately with senior East Timorese. However, they were subject to surveillance and in view of their responsibilities at home could not afford to risk trouble from the authorities for themselves or their organisations by speaking out.

6.3.2 The 1990s

505. There are several reasons why civil society in Indonesia was largely silent on Timor-Leste until the 1990s. Civil society was almost non-existent in Soeharto's Indonesia prior to this period. The New Order system was authoritarian verging on totalitarian. Civil society had no formal place in the corporatist, top-down political structure that restricted civil and political rights in favour of national unity, development and stability. When civil society organisations did emerge they were overwhelmed with land, labour, environmental and other issues, and had few of the freedoms and resources enjoyed by community organisations in democratic countries.

506. In addition to being marginalised, civil society was also kept ignorant of the reality in Timor-Leste. The Soeharto Government restricted all access to the territory, including by Indonesian media and civil society, and kept very tight control of information about Timor-Leste allowing only its official version to circulate, namely that integration was positive and followed an act of self-determination. In her public testimony to the Commission, Yeni Rosa Damayanti asked rhetorically: "Where were the people of Indonesia when people in Timor-Leste were suffering?" She replied: "The answer is, we didn't know what was happening here."²⁵¹

* Liem Soei Liong made several secret visits while he was banned and on each occasion gave lectures on Timor-Leste to Indonesian activists. Communication to CAVR, 28 February 2005. The Indonesian activist Nugroho Katjasungkana confirmed the influence of diaspora Indonesians on the solidarity work of Indonesian activists [testimony to the CAVR National Public Hearing on Self-determination and the International Community, 15-17 March, 2003].

507. A second major factor was the climate of fear in Indonesia created by the violent military takeover in 1965 and institutionalised legally and operationally throughout the Soeharto years. In Liem Soei Liong's judgment, "Timor-Leste was always a delicate issue and probably in the early eighties arguably more touchy than the PKI/1965 issue."²⁵² Yeni Rosa Damayanti illustrated what this meant in practice when she told the Commission of her interrogation by a Bakorstanas Major in 1991 following a protest against the Gulf War, which Indonesian activists boldly linked to Indonesia's invasion of Timor-Leste. She testified:

*The Major put his gun down in front of me and said: "You can talk about anything you want, but you cannot talk about East Timor. Thousands of soldiers have died in Timor-Leste and I won't allow even one Indonesian to talk about Timor-Leste. Thousands have died and you're just one more person, and one Indonesian life means nothing"*²⁵³

508. Nugroho Katjasungkana testified to the Commission that in the 1980s Indonesians interested in alternative education, health and cooperatives had their interest sparked in Timor-Leste when they learned that Fretilin had similar interests in 1975.²⁵⁴ The beginnings of sustained political support for Timor-Leste, however, began in the early 1990s with organisations such as Inflight (Saleh Abdullah), Institute for the Defense of Human Rights (Lembaga Pembela Hak-hak Asasi Manusia, LPHAM; H J C Princen) and New Life (Hidup Baru; Yopie Lasut). In addition to international input from Indonesians abroad, contact with East Timorese students studying in Java following the opening up of the province in 1989 contributed to this awakening. Yeni Rosa Damayanti told the Commission:

*I was introduced to the case of Timor-Leste when fellow East Timorese students who studied in Java started coming to us. There were several people at that time, Fernando de Araújo and others...East Timorese students came to our place and it was there that I heard for the first time what was happening in Timor-Leste. Imagine, after so many years.*²⁵⁵

509. This also explains why the support movement was strongest amongst students mainly in Java and Bali. As in many other countries, the 1991 Santa Cruz massacre was also a turning point for many Indonesians. Many felt that the true nature of the Indonesian state was being exposed in Timor-Leste and that the system itself was wrong, not just its activities in the territory. Members of Inflight, LPHAM and Hidup Baru joined East Timorese youth to protest the massacre in front of the UN Office on Jalan Thamrin on 19 November 1991, resulting in their arrest and interrogation. On 23 November, following an initiative by the Yogyakarta Students Association, 12 student councils signed a petition in Bandung demanding the withdrawal of Indonesian troops from Timor-Leste and the "full and free right of self-determination to the people of Timor-Leste".²⁵⁶

* Born in Holland, Haji Princen was a celebrated pioneer of human rights in Indonesia from the time of Independence for which he fought on the Indonesian side. He protected many East Timorese, including those seeking asylum abroad. East Timorese people held a memorial in Borja da Costa Park, Dili, to mark his death in 2002.

510. Pokastim, the East Timor Communications Forum, provided loose coordination. Dedicated to providing humanitarian assistance to Timor-Leste, it became the first to stage a public meeting in Jakarta on the question of self-determination in Timor-Leste, held at a university in late 1997. The Indonesian solidarity groups Solidarity for the People of East Timor (Fortilos) and Indonesian Solidarity for East Timor Peace (Solidamor) grew out of the Forum.²⁵⁷ Both explicitly backed self-determination. Solidamor played a central role in disseminating information in Indonesia,^{*} monitored the August 1999 ballot and that same month was made the Jakarta liaison office for the Timorese resistance (CNRT). In May 2000, about 50 pro-integration East Timorese ransacked the Solidamor office, stole files and money, and injured several activists, including Bonar Tigor (Coki) Naipospos, the Solidamor chairperson. The authorities did little in response.

511. Pro-Timor groups set out to inform and mobilise young activists by publishing alternative information on Timor-Leste. Early examples included Robert Domm's interview with Xanana Gusmão and East Timor: Indonesian Occupation and Genocide by Professor Barbedo de Magalhães. Pijar, an Indonesian NGO, published Indonesian translations of the report of the UN Special Rapporteur, Bacre Waky Ndiaye, in 1995, Michele Turner's interviews with East Timorese refugees called Telling East Timor: Personal Testimonies 1942-1992, and the defence plea of the underground Renetil leader, Fernando de Araujo. In Salatiga, Geni (Gemi Nastiti Foundation) published articles critical of development in Timor-Leste and anti-Bishop Belo demonstrations in Java. In Semarang, Diponegoro University students published Xanana Gusmão's defence plea and criticism by George Aditjondro of Indonesia's occupation of Timor-Leste.

512. East Timorese and Indonesian activists also engaged in joint direct action, particularly through SPRIM, a member of the People's Democratic Party (Partai Rakyat Demokratik, PRD). PRD members, who also comprised students, workers, peasants and artists, always included the party's demand for a referendum in Timor-Leste alongside their advocacy for a minimum wage, clean elections and a new president. SPRIM held public rallies and, in 1995, joined East Timorese to occupy the Dutch and Russian Embassies in Jakarta.

513. Indonesian activists also linked up with like-minded civil society organisations in the Asia-Pacific region. Pijar leaders Rachland Nashidik and Tri Agus Susanto Siswowiharjo attended the first conference of the Asia-Pacific Coalition for East Timor (APCET) held in Manila in 1994. Indonesians were also present at APCET II in Kuala Lumpur in 1995 and APCET III in Bangkok in 1998. Links were also maintained with Australia through a diverse network that included Action in Solidarity with Indonesia and East Timor (ASIET) and the Indonesia Australia Program for Cooperation with Indonesia (IAPC).[†] The Australian quarterly magazine, Inside Indonesia, established in 1983, was a respected medium of exchange and another source of alternative information on Timor-Leste for Indonesian readers.

^{*} In 1986, Solidamor translated and published José Ramos-Horta's *Funu: The Unfinished Saga of East Timor*. Solidamor's creative public relations for Timor included the publication of a pocket-sized reference book, *Mengenai Timor Timur Dulu dan Sekarang* (Getting to Know East Timor, Then and Now), Solidamor, Jakarta, September 1998.

[†] IAPC was established by the Australian Council for Overseas Aid (ACFOA, now ACFID) to foster people-to-people links between Indonesia and Australia, and partly to offset the perception in Indonesia that Australian NGOs were too focused on Timor-Leste. Its contribution to the International NGO Forum on Indonesian Development (INFID) and other Indonesian organisations allowed it to raise Timor-Leste in a more positive environment. In 1992, its Secretary, Pat Walsh, was expelled from Indonesia and blacklisted for several years after being named in the Santa Cruz Massacre trials.

514. Other NGOs provided legal aid and pastoral care to East Timorese political prisoners in both Timor-Leste and Indonesia who had been gaoled for promoting self-determination. When large numbers of East Timorese were detained after the Santa Cruz Massacre in 1991, Indonesian lawyers and others travelled to Timor-Leste to assist with legal defence. Ade Rostina Sitompul testified to the Commission of the personal risk they took to assist Timorese prisoners in Dili at this time:

*It wasn't an easy job because the security apparatus was very repressive and everywhere we went we were always followed... The lawyers, such as Pak Luhut [Pangaribuan], were terrorised at Hotel Turismo... We received calls telling us to go home or be killed and I was very scared.*²⁵⁸

515. Elsam and the social justice agencies of the Protestant (PGI) and Catholic (KWI) churches established the Joint Committee for the Defence of the East Timorese (JCDET). Its function was to provide legal aid, support for the families of prisoners in Timor-Leste and bursaries to East Timorese students whose political activities had cost them their government scholarship. The Surabaya Legal Aid Institute represented José Antonio Neves during his trial 1994-95 and argued that the trial was illegal because Timor-Leste had not exercised its right of self-determination.

516. In 1994 Ade Rostina Sitompul had to leave Indonesia for six months to avoid arrest.

517. Dr George Aditjondro's experience further illustrates the cost of opposition to Indonesia's policies in Timor-Leste. In 1994, after an Australian newspaper published his reports on Timor-Leste, Aditjondro was branded a traitor by senior government figures and his home in Salatiga was stoned. He left Indonesia in 1995 for an extended period.^{*}

518. Indonesian supporters of Timor-Leste not only had to face the military and a hostile state. Many in mainstream civil society, including Christians, Muslims and middle-class professionals, also disagreed with them and backed the official stance on Timor-Leste. Whatever their reasons, many Indonesians in these circles shared a common concern that Indonesia would disintegrate like Yugoslavia and the Soviet Union if Timor-Leste were permitted to opt out of the Republic. This view was also shared by some in the democracy movement who, while agreeing with the activist call for wide-ranging reform, urged Indonesian supporters of Timor-Leste and their East Timorese colleagues to abandon independence and work with them for the greater cause of democracy for all. These were powerful arguments. At no time, however, did East Timorese activists at any level threaten Indonesia's security or national integrity, or presume to interfere in Indonesia's internal affairs. They remained exclusively focused on their own legitimate struggle.

519. From the mid-1990s a cross-section of senior pro-democracy figures and organisations joined the younger generation in support of Timor-Leste. The International NGO Forum on Indonesian Development

^{*} Aditjondro's immediate reason for leaving was to escape a political trial for articles he wrote about Soeharto-linked businesses, but his views on Timor-Leste also complicated his relations with the regime [Herb Feith, Emma Baulch and Pat Walsh (Eds.), *East Timor: An Indonesian Intellectual Speaks Out*].

(INFID) - a coalition of more than 100 Indonesian and international NGOs - commented on "the emergence of more and more voices in the democratisation movement in Indonesia for a peaceful settlement of the conflict in East Timor".²⁵⁹ Those speaking up included the former Tempo editor, Gunawan Mohammad, the Catholic educationist, Father Mangunwijaya, the trade union leader, Mochtar Pakpahan, and the leading Islamic dissident, Sri Bintang Pamungkas, each of whom supported self-determination.

520. Several establishment figures also challenged government policy, including the leaders of Indonesia's two largest Muslim organisations. In 1996, the head of Muhammadiyah, Amien Rais, stated publicly that Timor-Leste should be allowed to separate from Indonesia, if that was the wish of its people. He told the Australian press that he believed the Indonesian government had done its best, but "if the East Timorese still want a referendum and want to have a free country then I think it's better to say goodbye. If the result of the referendum is true then we can't stick to our position. Let them be free".²⁶⁰ Abdurrahman Wahid, also known as Gus Dur, the leader of Nahdlatul Ulama (NU), Indonesia's largest Islamic organisation, made public references to the need to resolve the Timor-Leste problem. Privately, he was more explicit. With his support, INFID - made regular references to Timor-Leste in its conference statements. Based on the premise that human rights and democratisation were essential for sustainable development, INFID challenged the military's security approach and called on the international community to suspend all forms of military assistance until the TNI had been subordinated to civilian control. It also called on the international community to "support the establishment of an international tribunal to investigate allegations of war crimes committed by Indonesian military personnel in East Timor"²⁶¹ after the 1999 post-ballot violence.

521. Yeni Rosa Damayanti testified to the Commission about the euphoria that swept the ranks of Indonesian civil society following the fall of Soeharto in May 1998. Over the following months, Indonesian activists visited Timor-Leste freely and stepped up their public campaign. "We didn't speak about Timor-Leste in secret closed rooms anymore."²⁶² Nevertheless, much of the New Order remained intact and she and Nugroho Katjasungkana testified that Indonesian NGOs, based on their experience of repression at the hands of the security apparatus over many years, were very surprised that the United Nations entrusted security to the Indonesian military and police in 1999. In April 1999, for example, Indonesian support groups had to hide East Timorese in safe houses when Kopassus brought 150 pro-integration militia to Jakarta to hunt down those who were campaigning for self-determination.²⁶³

522. Despite their mistrust of TNI and also because of it, some 600 Indonesian civil society members came to Timor-Leste in August 1999 to observe the ballot. Coordinated by the Independent Committee for Direct Ballot Monitoring (Komite Independen Pemantau Suara, Kiper),* they formed the largest external observer group and rejected Indonesian claims that the UN had manipulated the vote. By their presence, they offered protection to East Timorese voters and helped facilitate the historic act of self-determination that they, as Indonesians, had contributed to against great odds. President Habibie was not the first in Indonesia to talk about a referendum for Timor-Leste, nor did he hear about it first from Australian Prime Minister John Howard. Indonesian civil society had advocated the idea for many years before 1999.

* Kiper was chaired by Bonar Tigor Naipospos. Board members included Dr Lukman Soetrisno, Abdurrahman Wahid, Dr Arief Budiman, Dr Saparinah Sadli and Dr George Aditjondro.

6.4 Conclusion

523. Ian Martin, the head of UNAMET tasked with overseeing the East Timorese people's exercise of their right of self-determination, has written that:

The role of non-governmental organisations (NGOs), and of some remarkable individuals, who sustained concern for Timor-Leste when the diplomatic world was its most indifferent, is a story with important lessons.²⁶⁴

524. This view is widely shared. Much of the work of those in the solidarity movement was done in the face of hostility by their governments and others with power. Even in wealthy countries, most solidarity organisations and individuals struggled with limited funds and resources in what was considered by many to be a fringe issue. The bulk of the work was done by individuals who gave up their evenings and weekends, or their full-time jobs, in order to focus on the cause of Timor-Leste. It was a process of struggle, but also of sharing and learning, of reaching out to East Timorese people inside Timor-Leste and in the diaspora, and of building partnerships and friendships between different national and cross-national groups.

525. On 23 May 2002, three days after Timor-Leste's independence celebrations, a gathering was convened in Dili to honour international solidarity. Three of Timor-Leste's newly sworn-in leaders - President Kay Rala Xanana Gusmão, Prime Minister Mari Alkatiri and Senior Minister for Foreign Affairs and Cooperation, José Ramos-Horta - used the occasion to offer praise to all the individuals and groups who had supported East Timorese in their struggle. Several days earlier, at International People's Park on the Lecidere waterfront, UN Secretary-General Kofi Annan, told a gathering convened by the United Nations Volunteer programme: "Without the work of UNVs, Timor-Leste could not have recovered from the destruction. Without the actions of international solidarity, Timor-Leste could not have achieved its independence." A plaque at the site bears the following words over the name of Dr José Ramos-Horta, Nobel Peace Laureate: "We shall never forget you our eternal friends."²⁶⁵

526. The Commission believes that the following lessons can be drawn from this experience:

- Civil society's contribution to the resolution of the Timor-Leste question was only possible because civil society existed and was permitted to function freely as an independent sector in many parts of the world or because, as in Indonesia and Timor-Leste itself, civil society asserted itself against repression. Timor-Leste's experience is that a robust civil society is critical to the proper functioning of individual societies and the international community.
- During 25 years of struggle, a strong partnership was forged between many of Timor-Leste's current leaders in all walks of life and international civil society that is rare in the history of nation-building. This partnership, which is now in a new phase, should be nurtured on both sides because it is an important long-term asset for Timor-Leste.

- Civil society should take from its Timor-Leste experience that, while it has to be strategic, it is most effective when it (a) sticks to principle, (b) is politically disinterested, (c) is nonviolent, (d) is open to everybody's contribution and (e) independent but ready to cooperate with government and business when possible.

7

Findings

7.1 The international community

527. The Commission finds that:

1. Recognition by the United Nations that Timor-Leste was a non-self-governing territory with the right of self-determination was fundamental to Timor-Leste's fate as a small and vulnerable people. This gave the issue an international legal basis which became the principal asset of the people of Timor-Leste in their unequal struggle for independence.
2. The respect of member states for the international legal system and the role of the United Nations is essential to good international relations and the upholding of peace and justice, particularly for minorities. The people of Timor-Leste know from experience that the failure of member states to respect international principles has the most bitter of consequences, but also that the proper functioning of the United Nations works to the benefit of all.
3. Most members of the United Nations failed to support Timor-Leste in the General Assembly from 1976 to 1982 by either voting against resolutions on Timor-Leste or abstaining. Until it was delegated to the Secretary-General in 1982, the question of Timor-Leste was kept alive at the United Nations by about only one-third of the world community. Most of these countries were Third World or socialist states. Only four Western nations supported Timor-Leste at the United Nations throughout this period: Cyprus, Greece, Iceland and Portugal.
4. Most Western countries failed to strike the right balance between support for the principle of self-determination and their strategic and economic interests in relation to Indonesia. In 1975 they gave over-riding weight to the latter and paid only obeisance to selfdetermination.
5. Civil society played a critical role by upholding international principles in many countries, including Portugal and Indonesia. Civil society promoted the right of the people of Timor-Leste to self-determination, provided moral, political and financial assistance to the Timorese struggle, and challenged the indifference or hostility of governments towards Timor-Leste. Respect for civil and political rights and the functioning of a robust civil society are critical to the proper functioning of individual societies and the international system.
6. Timor-Leste benefited from the work of key UN officials and bodies including secretarygenerals and the special or personal representatives they appointed, staff in the secretariat responsible for the issue, the Special Committee on Decolonisation, Special Rapporteurs on Human Rights, and the Sub-committee on the Protection of Minorities.
7. The Security Council recognised the right of the people of Timor-Leste to selfdetermination in 1975 and 1976, but failed to effectively uphold this right until 1999. It did not intervene to halt the Indonesian invasion although at least two of its members knew of Indonesia's intentions; it expressed concern at the loss of life and the need to avoid further bloodshed, but did not provide for emergency humanitarian assistance; it did not sanction Indonesia for non-compliance with its

wishes; it did not follow-up Resolution 389 and it shelved the question until 1999. This failure to uphold Timor-Leste's right to selfdetermination was the responsibility of the Permanent Members of the Security Council each of whom, with the exception of China, was dismissive of the Timor question and chose to shield Indonesia from international reaction at Timor's expense.

8. The United States acknowledged that the people of Timor-Leste had the right of selfdetermination but did not support any General Assembly resolutions on the issue between 1975 and 1982 or provide any assistance to the Timorese struggle for selfdetermination until 1998. As a Permanent Member of the Security Council and superpower, the United States had the power and influence to prevent Indonesia's military intervention but declined to do so. It consented to the invasion and allowed Indonesia to use its military equipment in the knowledge that this violated US law and would be used to suppress the right of self-determination. It continued to provide military, economic and political support to Indonesia despite Security Council resolutions calling for Indonesia to withdraw and to allow the free exercise of self-determination.
9. France and the United Kingdom both acknowledged the right of the people of Timor-Leste to self-determination but, although Permanent Members of the Security Council, chose to stay silent on the issue. Both nations abstained from supporting all General Assembly resolutions between 1975 and 1982 and failed to promote the right or to provide assistance to the struggle of the East Timorese until 1998. Both countries increased their aid, trade and military cooperation with Indonesia during the occupation. Some French and British military equipment was used by the Indonesian forces in Timor-Leste.
10. China and the Soviet Union supported Security Council resolutions and General Assembly resolutions on the issue between 1975 and 1982 (with the exception of 1979 for China). Indonesia falsely claimed that both countries were allied to Fretilin and had a strategic interest in Timor-Leste and used this to justify military intervention. In reality, both countries gave over-riding priority to Indonesia and took only marginal interest in Timor's fate apart from some early backing by China.
11. Japan supported the right of the people of Timor-Leste to self-determination and did not recognise the Indonesian takeover or provide military assistance to Indonesia. However, it voted in support of only one Security Council resolution and against all General Assembly resolutions between 1975 and 1982. Japan was Indonesia's major investor and aid donor and had more capacity than other Asian nations to influence policymaking in Jakarta, but it did not use this leverage on behalf of Timor-Leste.
12. The Vatican supported the right of the people of Timor-Leste to self-determination and, consistent with this policy, did not integrate the local Catholic Church into the Indonesian Church despite pressure from Indonesia to do so. Pope John Paul II was the only world leader to visit the territory during the occupation. Leaders of the Catholic Church in Timor-Leste regularly requested the Vatican to support their appeals for selfdetermination, but the Vatican, concerned to protect the Catholic Church in Muslim Indonesia, maintained public silence on the matter and discouraged others in the Church from promoting the issue.

7.2 The key stakeholders

528. The Commission finds that:

13. The diplomacy of the East Timorese resistance was the most important factor in achieving self-determination. The Resistance maintained its commitment in the face of extraordinary challenges including significant disunity, resource constraints, isolation and overwhelming odds, both inside and outside Timor-Leste. The diplomacy of the resistance was ultimately successful because it focused on internationally agreed principles, eschewed ideology and violence, was open to the contribution of all East Timorese, and made maximum use of the international system, media and civil society networks. As a human rights and moral (rather than ideological) issue, the question of Timor-Leste gained international legitimacy and support at the expense of Indonesia whose case rested on force and had no basis in international law or morality.
14. The Republic of Indonesia under President Soeharto violated the right of the people of Timor-Leste to self-determination. The responsibility for this violation rests primarily with President Soeharto, but is shared by the Indonesian armed forces, intelligence agencies and the Centre for Strategic and International Studies which were principally responsible for its planning and implementation.
15. President Soeharto and his advisors decided to incorporate Portuguese Timor in 1974 and used a variety of means to achieve this objective. These included propaganda, intimidation, subversion, interference in Portuguese Timor's internal affairs, and ultimately force and military occupation.
16. The Popular Representative Assembly held in Dili on 31 May 1976 did not meet international requirements for a genuine act of self-determination. The Assembly was not representative and did not constitute an informed and democratic process. Timor was in the grip of military occupation and armed conflict and had not attained an advanced stage of self-government with free political institutions that would have given its people the capacity to make a real choice. The process offered only one choice and was rejected by the United Nations.
17. The Indonesian military forcibly suppressed advocacy of self-determination within Timor-Leste and Indonesian government agencies sought to neutralise East Timorese, Indonesian and international civil society advocates of self-determination.
18. The Indonesian people bear no responsibility for these violations. Indonesian civil society showed rare courage by actively supporting the right of the people of Timor-Leste to selfdetermination.
19. Following the change of Indonesian policy by President Habibie, a genuine act of selfdetermination was held in Timor-Leste in 1999 despite violent attempts by the Indonesian military to subvert it.
20. The Republic of Portugal under the Salazar-Caetano regimes violated the right of the people of

Timor-Leste to self-determination by not recognising the non-self-governing status of the territory and by not preparing the East Timorese people for self-government in accordance with United Nations requirements. These failures undermined the right of the people of Timor-Leste to self-determination by contributing to the belief that an independent Timor-Leste was not economically or politically viable and could only subsist through incorporation into Indonesia.

21. The decision by Portugal in 1974 to recognise the right of the people of Timor-Leste to self-determination was historic and changed Timor's destiny. However, Portugal failed to discharge its responsibilities adequately during this critical time and left Timor-Leste relatively defenceless both on the ground and internationally in the face of Indonesian plans to incorporate the territory.
22. As the administering power, Portugal adhered to the principle of self-determination throughout the Indonesian occupation and provided financial and political assistance to the people of Timor-Leste in their struggle for self-determination. However, Portuguese diplomacy did not match that of Indonesia and it did not promote self-determination strongly or consistently for much of the occupation.
23. Portuguese civil society actively supported the right of the people of Timor-Leste to selfdetermination particularly through advocacy at home and abroad and the sustained dissemination of information.
24. Australia was well-placed to influence policy-making on the issue because the people of Timor-Leste, President Soeharto and the international community regarded its views on the question as important. Australia cautioned against force in 1975 but led Indonesia to believe it would not oppose incorporation. It did not use its international influence to try to block the invasion and spare Timor-Leste its predictable humanitarian consequences. Australia acknowledged the right of self-determination, but undermined it in practice by accommodating Indonesia's designs on the territory, opposing independence and Fretilin, and giving de jure recognition to Indonesia's takeover. Australia supported only one General Assembly resolution on the question between 1975 and 1982, provided economic and military assistance to Indonesia and worked hard to win over Australian public opinion and the international community to support for Indonesia's position.
25. The United Nations and its member states strongly supported the act of selfdetermination conducted in 1999.

Appendix: Voting behaviour on Timor-Leste resolutions in the UN General Assembly

Table 1 - UN General Assembly Resolutions on Timor-Leste: How countries voted, 1975-82

Country	1975	1976	1977	1978	1979	1980	1981	1982
Afghanistan	A	A	A	Y	Y	Y	Y	Y
Albania	Y	Y	Y	Y	Y	Y	Y	Y
Algeria	Y	Y	Y	Y	Y	Y	Y	Y
Angola	-	-	Y	Y	Y	Y	Y	Y
Antigua and Barbuda	-	-	-	-	-	-	NP	Y
Argentina	A	A	A	A	A	T	T	T
Australia	Y	A	A	T	T	T	T	T
Austria	A	A	A	A	A	A	A	A
Bahama	A	A	A	A	A	A	A	A
Bahrain	Y	A	A	A	A	A	T	T
Bangladesh	Y	T	T	T	T	T	T	T
Barbados	Y	Y	Y	Y	Y	Y	Y	Y
Belgium	A	A	A	A	A	A	A	A
Belize	-	-	-	-	-	-	Y	Y
Benin	T	Y	Y	Y	Y	Y	Y	Y
Bhutan	A	A	A	A	A	A	A	A
Bolivia	Y	A	A	A	A	T	T	A
Botswana	Y	Y	Y	Y	Y	Y	Y	A
Brazil	Y	Y	Y	Y	Y	Y	Y	Y
Bulgaria	Y	Y	Y	Y	NP	NP	NP	NP
Burma	NP	NP	A	A	A	A	A	A
Burundi	Y	Y	Y	Y	Y	Y	Y	Y
Byelorussian SSR	Y	Y	Y	Y	Y	Y	Y	Y
Cambodia (Democratic Kampuchea)	NP	Y	NP	A	NP	T	T	T
Canada	A	A	A	A	Y	T	T	T
Cap Verde	NP	Y	Y	Y	Y	Y	Y	Y
Central African Republic	NP	Y	Y	Y	Y	Y	Y	A
Chad	Y	Y	Y	Y	Y	Y	Y	T
Chile	A	T	T	T	T	T	T	T
China	Y	Y	Y	Y	T	Y	Y	Y
Colombia	A	Y	A	A	T	T	T	A
Comoros	NP	NP	Y	NP	NP	NP	T	NP
Congo	NP	Y	Y	Y	Y	Y	Y	Y
Costa Rica	A	A	A	NP	Y	A	NP	A
Cuba	Y	Y	Y	Y	Y	Y	Y	Y
Cyprus	Y	Y	Y	Y	Y	Y	Y	Y

Czechoslovakia	Y	Y	Y	Y	A	A	A	A
Democratic Yemen	Y	Y	Y	Y	Y	Y	Y	Y
Denmark	A	A	A	A	A	A	A	A
Djibouti	-	-	A	NP	NP	NP	NP	NP
Dominica	-	-	-	-	NP	NP	NP	A
Dominican Republic	NP	A	A	A	A	A	T	A
Ecuador	Y	Y	Y	A	NP	A	Y	NP
Egypt	A	A	T	T	T	T	T	T
El Salvador	Y	A	A	A	A	T	T	T
Equatorial Guinea	Y	Y	Y	NP	Y	Y	Y	NP
Ethiopia	Y	Y	Y	Y	Y	Y	Y	Y
Fiji	Y	A	A	A	A	A	A	T
Finland	A	A	A	A	A	A	A	A
France	A	A	A	A	A	A	A	A
Gabon	Y	Y	Y	A	A	A	A	A
Gambia	Y	Y	Y	Y	Y	NP	T	T
German Democratic Republic	Y	Y	Y	Y	NP	NP	NP	NP
Germany, Federal Republic	A	A	A	A	A	A	A	A
Ghana	Y	Y	Y	Y	Y	Y	AY	T
Greece	A	A	A	A	A	A	A	A
Grenada	Y	Y	Y	Y	Y	Y	Y	Y
Guatemala	A	A	A	A	A	NP	T	T
Guinea	Y	Y	Y	Y	Y	Y	Y	A
Guinea-Bissau	Y	Y	Y	Y	Y	Y	Y	Y
Guyana	Y	Y	Y	Y	Y	Y	Y	Y
Haiti	Y	A	Y	Y	Y	Y	Y	A
Honduras	NP	A	A	A	T	T	T	T
Hungary	Y	Y	Y	Y	A	A	A	A
Iceland	Y	Y	Y	Y	Y	Y	Y	Y
India	T	T	T	T	T	T	T	T
Indonesia	T	T	T	T	T	T	T	T
Iran	T	T	T	T	Y	Y	Y	NP
Iraq	A	A	T	T	T	T	T	T
Ireland	A	A	A	A	A	A	A	Y
Israel	A	A	NP	A	A	A	A	A
Italy	A	A	A	A	A	A	A	A
Ivory Coast	Y	Y	A	A	A	A	A	A
Jamaica	Y	Y	Y	Y	Y	Y	A	A
Jepang	T	T	T	T	T	T	T	T
Jordan	A	T	T	T	T	T	T	T
Kenya	Y	Y	Y	Y	Y	Y	Y	Y
Kuwait	Y	A	A	A	A	NP	T	T

Laos (Peoples Democratic Republic)	Y	Y	Y	A	Y	Y	NP	Y
Lebanon	NP	A	A	A	A	NP	NP	A
Lesotho	Y	Y	Y	Y	Y	A	Y	Y
Liberia	Y	Y	Y	Y	Y	Y	A	T
Libyan Arab Republic	NP	NP	NP	NP	NP	NP	NP	NP
Luxembourg	A	A	A	A	A	A	A	Y
Madagascar	Y	Y	Y	Y	Y	Y	Y	Y
Malawi	Y	Y	A	Y	Y	Y	Y	Y
Malaysia	T	T	T	T	T	T	T	T
Maldives	NP	A	T	T	T	T	T	T
Mali	Y	Y	Y	Y	Y	Y	Y	Y
Malta	NP	NP	NP	NP	NP	NP	NP	NP
Mauritania	A	T	T	T	A	A	A	A
Mauritius	A	Y	NP	Y	NP	A	NP	Y
Mexico	Y	Y	Y	Y	Y	NP	Y	Y
Mongolia	Y	Y	Y	Y	Y	Y	NP	NP
Morocco	A	T	T	T	A	A	A	T
Mozambique	Y	Y	Y	Y	Y	Y	Y	Y
Nepal	Y	A	A	A	A	A	A	A
Netherlands	A	A	A	A	A	A	A	A
New Zealand	A	A	A	A	T	T	T	T
Nicaragua	A	T	T	T	T	T	T	Y
Niger	Y	NP	Y	Y	Y	Y	NP	A
Nigeria	Y	NP	Y	A	A	A	A	A
Norway	A	Y	A	A	A	A	A	A
Oman	A	T	T	T	T	T	T	T
Pakistan	Y	A	A	A	A	A	A	T
Panama	A	Y	Y	A	A	A	A	A
Papua New Guinea	NP	A	A	T	T	T	T	T
Paraguay	A	A	A	T	T	NP	T	T
Peru	Y	A	A	A	A	A	A	A
Philippines	T	T	T	T	T	T	T	T
Poland	Y	Y	Y	NP	NP	A	A	A
Portugal	Y	Y	Y	Y	Y	Y	Y	Y
Qatar	T	A	A	T	T	T	T	T
Romania	Y	Y	Y	NP	A	A	A	A
Rwanda	Y	Y	Y	Y	Y	Y	Y	Y
St Christopher and Nevis	-	-	-	-	-	-	-	-
St. Lucia	-	-	-	-	Y	Y	Y	t
St Vincent and the Grenadines	-	-	-	-	-	NP	T	NP
Samoa	-	-	A	A	A	A	A	T

Sao Tome and Principe	NP	T	T	T	T	T	T	T
Saudi Arabia	A	T	T	T	T	T	T	T
Senegal	Y	Y	Y	Y	Y	Y	A	A
Seychelles	-	NP	NP	A	Y	Y	Y	Y
Sierra Leone	Y	Y	Y	Y	Y	Y	Y	Y
Singapore	A	A	T	T	T	T	T	T
Solomon Islands	-	-	-	NP	NP	NP	A	T
Somalia	NP	Y	NP	NP	NP	T	A	A
South Africa	NP	NP	NP	NP	NP	NP	NP	NP
Spain	A	A	A	A	A	A	A	A
Sri Lanka	A	A	A	A	A	A	A	A
Sudan	A	A	A	A	T	T	T	T
Surinam	NP	T	T	T	T	T	T	T
Swaziland	Y	Y	Y	Y	Y	Y	Y	Y
Sweden	Y	Y	Y	Y	Y	A	A	A
Syrian Arab Public	A	A	T	T	T	T	T	T
Thailand	T	T	T	T	T	T	T	T
Togo	Y	Y	Y	Y	Y	Y	Y	Y
Trinidad and Tobago	Y	Y	Y	Y	Y	Y	Y	Y
Tunisia	NP	T	T	T	T	T	T	T
Turkey	A	T	T	T	T	T	T	T
Uganda	Y	Y	Y	Y	Y	Y	Y	Y
Ukrain SSR	Y	Y	Y	Y	Y	Y	Y	Y
USSR	Y	Y	Y	Y	Y	Y	Y	Y
United Arab Emirate	Y	A	A	A	A	A	NP	NP
United Kingdom	A	A	A	A	A	A	A	A
United Republic of Cameroon	Y	Y	Y	Y	A	A	A	A
United Republic of Tanzania	Y	Y	Y	Y	Y	Y	Y	Y
United States	A	T	T	T	T	T	T	T
Upper Volta	Y	Y	Y	Y	Y	Y	Y	A
Uruguay	A	T	T	T	T	T	T	T
Vanuatu	-	-	-	-	-	-	Y	Y
Venezuela	Y	A	A	A	A	A	A	A
Vietnam	-	-	Y	NP	Y	Y	Y	Y
Yemen	NP	A	NP	NP	T	T	NP	T
Yugoslavia	A	A	A	A	A	A	A	A
Zaire	A	A	T	T	T	A	A	A
Zambia	Y	Y	Y	Y	Y	Y	Y	Y
Zimbabwe	-	-	-	-	-	Y	Y	Y

Total	72:10:	68:20:	67:26:	59:31:	62:31:	58:35:	54:42:	50:46:
	43:19	49:9	47:9	44:16	45:14	46:15	46:15	50:11
Proportion in favour	50%	46.6%	44.9%	39.3%	40.8%	37.7%	34.4%	31.8%

Y=Yes; T=Against; A=Abstain; NP=Not Present; - = Not member of UN at time of vote.

¹ See most recently Advisory Opinion on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, International Court of Justice [ICJ], 2004, paragraph 155.

² These include Security Council [SC] Resolution 384, 22 December 1975; SC Resolution 389, 22 April 1976; General Assembly [GA] Resolution 3485 (XXX), 12 December 1975; GA Resolution 31/53, 1 December 1976; GA Resolution 32/34, 28 November 1977; GA Resolution 33/39, 13 December 1978; GA Resolution 34/40, 21 November 1979; GA Resolution 35/27, 11 November 1980; GA Resolution 36/50, 24 November 1981; GA Resolution 37/30, 23 November 1982.

³ Common Article 1(2) of the *International Covenant on Civil and Political Rights* [ICCPR] and Article 1(2) of the *International Covenant on Economic, Social and Cultural Rights* [ICESC], GA Resolution 1514 (XV), 14 December 1960, para 2.

⁴ Article 3, *Declaration on the Granting of Independence to Colonial Countries and People*, GA Resolution 1514 (XV), 14 December 1960.

⁵ Article 1(3) ICCPR and Article 1(3) ICESCR.

⁶ Human Rights Committee, General Comment 12, para 6.

⁷ Ibid.

⁸ *Declaration on Principles of International Law Concerning Friendly Relations and Cooperation among states in accordance with the Charter of the United Nations*, GA Resolution 2625 (XXV), 24 October 1970.

⁹ Advisory Opinion on the Legal Consequences for States of the Continued Presence of South Africa in Namibia (South-West Africa) Notwithstanding, SC Resolution 276 (1970) (1971) ICJ Reports 16 at para 119; Separate opinion of Judge Weeramantry in the Case Concerning East Timor (Portugal v Australia) (1995) ICJ Reports 90, esp at 204; art 41(2), International Law Commission [ILC] Draft Articles on the Responsibility of States for Internationally Wrongful Acts, International Law Commission, Commentaries on the Draft Articles on the Responsibility of States for Internationally Wrongful Acts, pp. 287-291, especially p. 290.

¹⁰ SC Resolution 384, 22 December 1975, para 1; and SC Resolution 389, 22 April 1976, para 1.

¹¹ Article 25, UN Charter.

¹² SC Resolution 384, 22 December 1975, para 2; and SC Resolution 389, 22 April 1976, para 2.

¹³ SC Resolution 384, 22 December 1975, para 3.

¹⁴ Document 391, Jakarta, 23 December 1975, in Wendy Way (Ed.), *Australia and the Indonesian Incorporation of Portuguese Timor 1974-76*, Department of Foreign Affairs and Trade Documents on Australian Foreign Policy Melbourne University Press, Victoria, 2000, [Wendy Way, (Ed.), DFAT], p. 650.

¹⁵ Document 154, Jakarta, 10 July 1975, in Wendy Way (Ed.), DFAT, p. 291.

¹⁶ GA Resolution 1542 (XV), 15 December 1960, in Krieger (Ed.), *East Timor and the International Community Basic Documents*. Grotius. Cambridge University Press. 1997. pp. 29-30.

¹⁷ Correspondence between Dr Salazar and the Australian Prime Minister, R G Menzies, 1961-1964, *Australian Senate Inquiry into East Timor, 1999-2000*, Submission 5, pp. 31-47.

¹⁸ Secret cable, 5 February 1963, released by Australian Government in 2002.

¹⁹ José Ramos-Horta, *Funu: The Unfinished Saga of East Timor*, Red Sea Press, Trenton, New Jersey, 1978, p. 14.

²⁰ Secretariat to the Special Committee on Decolonisation, *Working Paper on Timor*, 20 November 1975, in Krieger, pp. 18-26.

²¹ Document 406, Jakarta, 24 January 1976, in Wendy Way (Ed.), DFAT, p. 674. Similar views were expressed by the New Zealand Ambassador, Roger Peren, in 1978, in New Zealand Government East Timor Official Information Act (OIA) Material [New Zealand, OIA Material], Volume 1, 13 January 1978.

²² UN Department of Political Affairs, *Report on Decolonisation*, No. 7, August 1976, p. 43.

²³ GA Resolution 3294 (XXIX), 13 December 1974, para 2.

²⁴ Mário Lemos Pires, testimony to the CAVR National Public Hearing on The Internal Political Conflict 1974-76, 15-18 December 2003.

²⁵ Letter from the Permanent Mission of Portugal to the UN Secretary-General, 28 November 1975, in Krieger, p. 39.

²⁶ Communique of the Council of Ministers. Quoted in UN Department of Political Affairs, *Report on Decolonisation*, p. 45.

²⁷ Secret Contacts Between Portugal, Indonesia and the PGET: June-July 1976, in Wendy Way (Ed.), DFAT, pp. 782-83.

²⁸ Case Concerning East Timor (Portugal v Australia) (1995), International Court of Justice Report 90.

²⁹ Ibid.

³⁰ CAVR Interview with Adelino Gomes, Dili, 11 June 2003.

³¹ Krieger, pp. 39-40.

³² David Scott, testimony to the CAVR National Public Hearing on Self-Determination and the International Community, 15-17 March 2004.

³³ Australian Senate Report, *East Timor*, December 2000, p. 138.

³⁴ Letter to J L Jones, Foreign and Commonwealth Office, 11 June 1976, in UK unclassified documents [Dowson File 7.25].

³⁵ Statement, 6 September 1983, Torben Retbøll (Ed.) *East Timor: The Struggle Continues*, International Working Group for Indigenous Affairs, Copenhagen, October 1984, p. 197.

³⁶ Document 888, 4 March 1993, The National Security Archive at George Washington University [NSA].

³⁷ Jamsheed Marker, *East Timor: A Memoir of the Negotiations for Independence*, McFarland & Company, Inc., London, 2003, p. 73.

³⁸ SC Resolution 1272, 25 October 1999.

³⁹ GA Resolution 56/282, 8 May 2002.

⁴⁰ Official Records of the General Assembly, quoted in UN Department of Political Affairs, *Report on Decolonisation*, p. 41.

⁴¹ Quoted in Donald Weatherbee, "Portuguese Timor: an Indonesian Dilemma", *Asian Survey* 6 (12), Dec. 1966, p. 689.

⁴² Ibid., p. 690.

⁴³ Official Records of the General Assembly, quoted in UN Department of Political Affairs, *Report on Decolonisation*, p. 47.

⁴⁴ Official Records of the General Assembly, quoted in UN Department of Political Affairs, *Report on Decolonisation*, pp. 14, 48.

⁴⁵ Document 95, Jakarta, 24 February 1975, in Wendy Way (Ed.), DFAT, p. 198.

⁴⁶ Richard Woolcott, *The Hot Seat: Reflections on Diplomacy from Stalin's Death to the Bali Bombings*, HarperCollins Publishers, Sydney, 2003, p. 306.

⁴⁷ Document 217, Jakarta, 6 September 1975, in Wendy Way (Ed.), DFAT, pp. 391-392.

⁴⁸ Krieger, p. 63.

⁴⁹ GA Resolution 3485 (XXX), 12 December 1975 and SC Resolution 384 (1975), 22 December 1975, in Krieger, p. 123, 53.

⁵⁰ Winspeare Guicciardi's report to the UN Secretary-General, 29 February 1976, in Krieger, p. 92.

⁵¹ Krieger, pp. 47-49.

⁵² Ibid., p. 124.

⁵³ US Congress Hearing on Human Rights in East Timor, Committee on International Relations, 19 July 1977, p. 47.

⁵⁴ 1 June 1976, in NZ, OIA Material, Volume I.

⁵⁵ José Ramos-Horta, letter to the UN Secretary-General, 8 July 1976, UN Doc. S/12133.

⁵⁶ Francesc Vendrell, testimony to the CAVR National Public Hearing on Self-Determination and the International Community, 15-17 March 2004.

⁵⁷ Ibid.

⁵⁸ Krieger, p. 275.

⁵⁹ Quoted in Woolcott, p. 164.

⁶⁰ UN Press Release, 3 September 1999.

⁶¹ Cabinet Minute, Canberra, 5 February 1963, in Wendy Way (Ed.), DFAT, p. 26.

⁶² Document 375, Jakarta, 13 December 1975, in Wendy Way (Ed.), DFAT, p. 627.

⁶³ Cabinet Minute, Canberra, 21 February 1963, in Wendy Way (Ed.), DFAT, p. 26, n. 1.

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