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link timor

News, analysis and action in support of justice for East Timor

No.47 June 1999

Deliverance?

The governments of Indonesia and Portugal have agreed the arrangements for a ballot on East Timor's future (see page 2). This issue of Timor Link examines the framework provided by the accords, which is expected to govern events in East Timor between now and the ballot on 8 August. We reprint the texts of the accords, together with analysis and proposals for action by the international solidarity community. It is essential that East Timor receives the international spotlight that should ensure a free and fair vote.

The British Coalition for East Timor, of which CIIR is a member, recommends that solidarity groups, Justice & Peace groups, and trades unions pursue the following through parliamentary channels:

- Demand substantial reduction in numbers of Indonesian army personnel in East Timor and the immediate disarmament of armed militias.
- Maintain international as well as



Timorese demonstrators confront the Indonesian army at Dili airport – the same army is supposed to ensure a free and fair vote in the upcoming ballot.

domestic pressure on the Indonesian army to stay neutral, and to bring all intimidation to an end.

- Release all political prisoners, including

Xanana Gusmão, who should be allowed to return to East Timor in safety with fellow members of the East Timorese resistance to campaign freely.

- Insist that the Commission on Peace and Stability set up in Dili to oversee the process is chaired by the United Nations.
- Send as many independent monitors, including VIPs, as possible to East Timor, from now until 8 August, with some staying on afterwards.
- Monitor the implementation of the accords and ensure maximum publicity for every breach by the Indonesian army or the militias.
- Insist on prosecution under proper legal procedures for all human rights violations and incitement to violence.
- Ensure that there is international support, both practical and moral, for civil organisations in Indonesia and East Timor which are committed to seeing through the implementation of the accords.

Also in this issue

As preparations for the autonomy ballot begin, violence in East Timor is on the rise. Militia groups backed by the Indonesian armed forces have begun a campaign to intimidate supporters of independence, with a view to subverting or aborting the vote. We print a letter from East Timor which conveys the impact of this terror campaign. Ian Linden, executive director of CIIR, argues that an armed UN presence is essential to stop the militias, and puts the case for the churches to organise their own monitoring programme for East Timor's transition, on the model of the Ecumenical Monitoring Programme in South Africa.

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A window of opportunity

The East Timorese have a chance to vote for their future on 8 August, but the opportunity to obtain independence might be short-lived.

On 5 May the governments of Portugal and Indonesia signed a set of accords providing for a ballot on autonomy to be held in East Timor on 8 August, after the Indonesian elections of 7 June. The accords agreed modalities and security arrangements for the ballot, which will be conducted by the United Nations. A majority vote for autonomy will mean acceptance of Indonesian rule. If the vote goes against autonomy, authority over East Timor will pass to the United Nations, which will initiate a transition to independence.

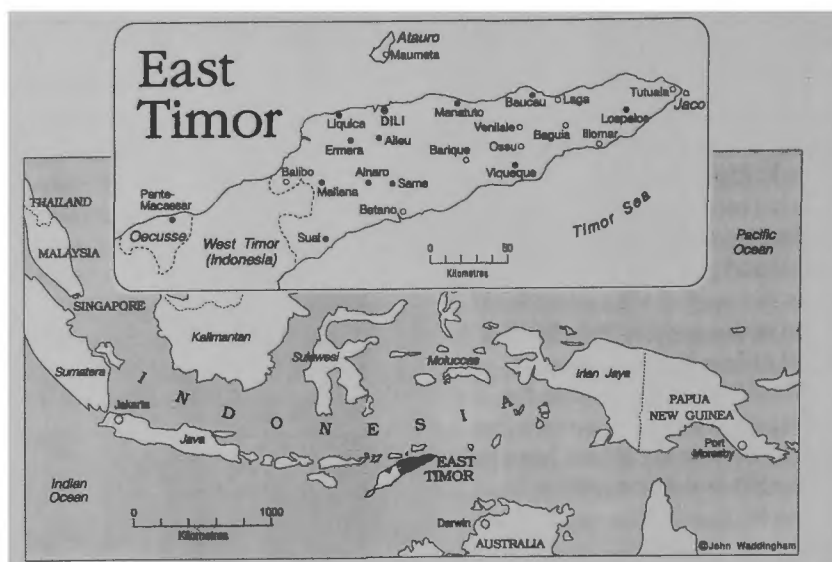
UN officials are starting to arrive in East Timor to make the logistical arrangements. However, while President Habibie seems committed to the deal, the evidence shows that the Indonesian armed forces intend to obstruct it in every possible way.

Security in the territory is poor. Militias backed by the Indonesian army are seeking to influence the outcome by terrorising supporters of East Timorese independence. The militias are composed of disaffected youth, criminals, West Timorese conscripts, regular soldiers in civilian dress and representatives of a small minority of East Timorese who have a genuine stake in continuing Indonesian rule; many members have been bribed or coerced into joining. They have perpetrated some of the worst violence, mass intimidation and killing that East Timor has seen since the 1991 Santa Cruz massacre. Hundreds of people have been killed in East Timor since 27 January, when the Habibie government announced that it might be prepared to 'let East Timor go'.

The militia leaders have benefited from army protection. They incite violence and murder with seemingly complete impunity. Their one objective: to make certain that East Timorese people are too frightened to vote for independence on 8 August. Death lists have been circulated containing the names of virtually all members of the National Council of Timorese Resistance (CNRT) as well as non-governmental organisation and human rights workers. A 'peace agreement' signed by pro and anti-integrationists on 21 April did nothing to change the situation, nor did the arrival in early April of UN officials. Indeed, incoming UN staff are also receiving threats.

Continued back page

East Timor: Time for Change



Timor, area 7,400 square miles, is one of the easternmost islands of the Indonesian archipelago and lies 300 miles north of Australia, its nearest neighbour. The western part of the island, formerly a Dutch colony, belongs to Indonesia, whereas East Timor was for more than 400 years a Portuguese colony.

In 1974 Portugal began decolonising East Timor. Newly formed political parties discussed options for the future. The Timorese Democratic Union (UDT) initially favoured federation with Portugal but then formed a coalition with Fretilin, the nationalist liberation movement, to demand independence.

On 11 August 1975 the UDT staged a coup to pre-empt Indonesian threats to intervene if Fretilin came to power. In the ensuing civil war 1,500 people lost their lives. By September 1975, however, Fretilin was in control of virtually all of Portuguese Timor, following the defection of Timorese colonial troops to the liberation movement.

Indonesia, like the United States, was worried by the proximity of a radical independent state, and continued to threaten East Timor despite previous assurances that Jakarta would respect the right of the East Timorese to independence. In September 1975 Indonesia closed West Timor to journalists and on 7 December it launched a full-scale invasion of East Timor with the knowledge of the United States and the encouragement of Australia. After a fraudulent 'act of self-determination' in May 1976, East Timor was declared to be Indonesia's '27th Province' in July 1976. The United Nations regards the annexation as illegal.

The invasion and annexation of East Timor has been brutal: it is estimated that around 200,000 people, a third of the population, have died as a result of Indonesian rule. But the majority of Timorese have not accepted subjugation. Indonesia has been unable to eliminate the desire of the East Timorese for self-determination and an armed resistance movement still remains in the hills.

In 1989 Indonesia opened up East Timor to the outside world. After a visit by Pope John Paul II in that year, East Timor gradually began to come to international attention. The failure of a promised parliamentary delegation from Portugal to arrive in 1991 provoked mass protests from the Timorese which Indonesia attempted to suppress, and led ultimately to a massacre in Santa Cruz cemetery in Dili, in which the Indonesian army slaughtered almost 300 people. Foreign journalists' footage of the massacre made East Timor a prominent human rights case and added impetus to the search for a solution under UN auspices. However, it took the Asian financial crisis of 1998 for real momentum for change to emerge from within Indonesia.

The crucial change was the fall of General Suharto in May 1998, brought about by pressure from Indonesian civil society. His successor, his appointed deputy Yusuf Habibie announced in January 1999 that Indonesia, which had begun negotiations with Portugal under UN auspices on an autonomy package for East Timor, might after all be prepared to 'let East Timor go' should its people reject autonomy.

Accords signed by Indonesia and Portugal at the United Nations in New York on 5 May 1999 put in place a UN-supervised process whereby East Timorese inside and outside the territory would vote on autonomy within Indonesia. Rejection of autonomy would amount to a vote for independence. The local army units, and possibly most of the Indonesian army, are implacably opposed to such a vote taking place. As UN personnel began arriving in East Timor to supervise the ballot, militias — armed, supplied and paid by the Indonesian army — went on the rampage, attacking and killing people suspected of pro-independence sympathies. More than 300 people died between January and May 1999, as preparations for the ballot went ahead.

International advocacy and the East Timor ballot

Preparations for the 8 August ballot on East Timor's future status are based on a series of agreements signed in New York by the Indonesian and Portuguese governments and the UN secretary-general. The accords include:

- an agreement between the two governments for a popular consultation to be conducted by the United Nations;
- an agreement on security arrangements;
- an agreement on the preparations and procedures ('modalities') for the vote; and
- a memorandum on security which makes clear the UN secretary-general's requirements for the security arrangements to be provided by the Indonesian authorities. This memorandum was intended to be confidential, but its terms have been published on the internet.

The accords have left loopholes for abuse of the ballot process by the Indonesian armed forces (formerly known as ABRI, but recently re-named Tentara Nasional Indonesia — TNI). The letter of the agreements is sure to be broken over and over again. However, this may be the only chance the East Timorese

will have to express their wishes on the territory's future. The international solidarity community should give the process maximum support to counter any effort from the TNI to subvert the ballot; however, it should also be prepared to declare, if necessary, that the degree of divergence has gone beyond tolerable limits. The East Timorese community, those inside East Timor in particular, are best placed to advise on this.

The final arbiter of the process is the UN secretary-general, who has several UN resolutions to back his mandate. Resolution 1514 (XV) of 14 December 1960 on the right to self-determination, Security Council Resolutions 384 (1975) and 389 (1976) calling on Indonesia to withdraw from East Timor without delay, and the eight resolutions of the General Assembly on East Timor are all relevant. They too can be used as yardsticks to measure the implementation of the accords.

Below, we reprint the text of the accords in the column on the left. The comments in the column on the right analyse the implications of the agreements and make some proposals for international advocacy around the vote.

The accords

Agreement between the Republic of Indonesia and the Portuguese Republic on the Question of East Timor

The Governments of Indonesia and Portugal,
Recalling General Assembly resolutions 1514(XV), 1541(XV), 2625(XXV) and the relevant resolutions and decisions adopted by the Security Council and the General Assembly on the question of East Timor;

Bearing in mind the sustained efforts of the Governments of Indonesia and Portugal since July 1983, through the good offices of the Secretary-General, to find a just, comprehensive and internationally acceptable solution to the question of East Timor;

Recalling the agreement of 5 August 1998 to undertake, under the auspices of the Secretary-General, negotiations on a special status based on a wideranging autonomy for East Timor without prejudice to the positions of principle of the respective Governments on the final status of East Timor;

Having discussed a constitutional framework for an autonomy for East Timor on the basis of a draft presented by the United Nations, as amended by the Indonesian Government;

Noting the position of the Government of Indonesia that the proposed special autonomy should be implemented only as an end solution to the question of East Timor with full recognition of Indonesian sovereignty over East Timor;

Noting the position of the Government of Portugal that an autonomy regime should be transitional, not requiring recognition of Indonesian sovereignty over East Timor or the removal of East Timor from the list of Non-Self-Governing Territories of the General Assembly, pending a final decision on the status of East Timor by the East Timorese people through an act of self-determination under United Nations auspices;

Taking into account that although the Governments of Indonesia and Portugal each have their positions of principle on the prepared proposal for special autonomy, both agree that it is essential to move the peace process forward, and that therefore, the Governments of Indonesia and Portugal agree that the Secretary-General should consult the East Timorese people on the

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Commentary and proposals for action related to the accords start in this column on page 4.

The accords

constitutional framework for autonomy attached hereto as an annex;

Bearing in mind that the Governments of Indonesia and Portugal requested the Secretary-General to devise the method and procedures for the popular consultation through a direct, secret and universal ballot;

Agree as follows:

Article 1

Request the Secretary-General to put the attached proposed constitutional framework providing for a special autonomy for East Timor within the unitary Republic of Indonesia to the East Timorese people, both inside and outside East Timor, for their consideration and acceptance or rejection through a popular consultation on the basis of a direct, secret and universal ballot.

Article 2

Request the Secretary-General to establish, immediately after the signing of this Agreement, an appropriate United Nations mission in East Timor to enable him to carry out the popular consultation effectively.

Article 3

The Government of Indonesia will be responsible for maintaining peace and security in East Timor in order to ensure that the popular consultation is carried out in a fair and peaceful way in an atmosphere free of intimidation, violence or interference from any side.

Article 4

Request the Secretary-General to report the result of the popular consultation to the Security Council and the General Assembly, as well as to inform the Governments of Indonesia and Portugal and the East Timorese people.

Timor Link commentary/action

A UN presence is needed on the ground, as large as possible and as soon as possible.

Action:

- appeal to UN agencies, especially those with offices in Jakarta and elsewhere in Indonesia, to send staff, in addition to the UN team immediately concerned with setting up the ballot;
- encourage international civil observers to visit East Timor from now on. These could be a mix of VIPs (to gain media profile), members of religious congregations – especially those with medical, language or communications skills – as well as non-governmental organisation (NGO) workers, journalists, media experts, and so on.
- press for extra flights to be laid on to East Timor.

International solidarity efforts should concentrate on achieving 'an atmosphere free of intimidation, violence or interference'.

Action:

- call for a substantial increase in numbers of the Indonesian army to be confined to barracks or removed from East Timor, and for disarmament of the militias;
- call for Indonesian soldiers not to be redeployed as police;
- maintain international pressure on the Indonesian security forces to stay neutral;
- insist that all human rights violations are prosecuted under international legal procedures;
- use the media to push for the release of Xanana Gusmão, and for him and other East Timorese Resistance members to be allowed to return to East Timor in safety to campaign freely. Compile the calls made for his release by governments and send the compilation to those who have not yet done so;
- send as many independent monitors as possible to East Timor, with the support of the East Timorese diocese and including VIPs, from now until 8 August. Coordination should ensure a substantial monitoring presence remains after the ballot.

Whatever procedures are initiated after 8 August, the potential exists for large-scale violence. The United Nations must develop clear plans now for dealing with this.

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Article 5

If the Secretary-General determines, on the basis of the result of the popular consultation and in accordance with this Agreement, that, the proposed constitutional framework for special autonomy is acceptable to the East Timorese people, the Government of Indonesia shall initiate the constitutional measures necessary for the implementation of the constitutional framework, and the Government of Portugal shall initiate within the United Nations the procedures necessary for the removal of East Timor from the list of Non-Self-Governing Territories of the General Assembly and the deletion of the question of East Timor from the agendas of the Security Council and the General Assembly.

Article 6

If the Secretary-General determines, on the basis of the result of the popular consultation and in accordance with this Agreement, that the proposed constitutional framework for special autonomy is not acceptable to the East Timorese people, the Government of Indonesia shall take the constitutional steps necessary to terminate its links with East Timor thus restoring under Indonesian law the status East Timor held prior to 17 July 1976, and the Governments of Indonesia and Portugal and the Secretary-General shall agree on arrangements for a peaceful and orderly transfer of authority in East Timor to the United Nations. The Secretary-General shall, subject to the appropriate legislative mandate, initiate the procedure enabling East Timor to begin a process of transition towards independence.

Article 7

During the interim period between the conclusion of the popular consultation and the start of the implementation of either option, the parties request the Secretary-General to maintain an adequate United Nations presence in East Timor.

DONE in New York on this 5th day of May, 1999.

For the Government of Indonesia:
Ali Alatas Minister for Foreign Affairs of Indonesia

For the Government of Portugal:
Jaime Gama Minister for Foreign Affairs of Portugal

Witnessed:
Kofi A. Annan Secretary-General United Nations

Agreement regarding the modalities for the popular consultation of the East Timorese through a direct ballot

The Governments of Indonesia and Portugal and the Secretary-General of the United Nations,
Agree as follows:

Immediately following the conclusion of the agreement between the two Governments requesting the Secretary-General to consult the East Timorese people on whether they would accept or reject the proposed constitutional framework for autonomy, the Secretary-General will, subject to the appropriate legislative

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If the East Timorese reject autonomy in the ballot, a highly volatile situation could well ensue. Indonesia should be prepared to take 'the necessary constitutional steps', but there is no timeframe attached. The Indonesian elections will precede the ballot in East Timor, and the newly-elected Majelis Permusyawaratan Rakyat (MPR), the upper house of the Indonesian parliament, might refuse to acknowledge the results of an agreement initiated by the current administration, which many Indonesians regard as transitional. A power vacuum following the ballot could mean local military or paramilitaries running amok in East Timor.

Action:

- ask the United Nations to clarify what the security arrangements are for a possible transfer of authority over East Timor from Indonesia to the United Nations.

Action:

- ask the United Nations to disclose what it regards as an 'adequate presence', including the level of arms to be carried by police.

It is not clear what would constitute 'adequate' UN personnel. The international solidarity community will need to seek guidance on this from partners in East Timor.

Action:

- monitor whether the UN staffing is adequate, in close consultation with partners on the ground;
- if necessary, call for more UN staff to be deployed.

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mandate, begin preparations for the popular consultation by deploying in East Timor such personnel as will be adequate for the purpose of executing the various phases of the consultation process. Preparations for the vote outside East Timor will also begin at locations of major East Timorese concentration outside East Timor.

A. Date for consultation

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

B. Question to be put before the voters

The question that the Secretary-General will put to the voters is:

'Do you accept the proposed special autonomy — ACCEPT for East Timor within the Unitary State of the Republic of Indonesia?

OR

'Do you reject the proposed special autonomy — REJECT for East Timor, leading to East Timor's separation from Indonesia?'

The United Nations logo will appear on the ballot papers. The ballot papers will include symbols to facilitate voting by illiterate persons.

C. Entitlement to vote

The following persons, aged 17 years or above, shall be eligible to vote in the popular consultation:

- (a) persons born in East Timor,
- (b) persons born outside East Timor but with at least one parent having been born in East Timor, and
- (c) persons whose spouses fall under either of the two categories above.

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

The schedule for the operational stages of the consultation process will be approximately as follows:

Operational planning/Deployment 10 May-15 June

Public information programme/Voter education 10 May-5 August

Preparation and Registration 13 June-17 July

Exhibition of lists and challenges/Decisions on challenges and complaints 18 July-23 July

Political Campaign 20 July-5 August*

Cooling off period 6 August-7 August

Polling Day 8 August

* Subject to revision

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Action:

- consult with East Timorese partners as to how the East Timorese population can be adequately prepared to deal with the question on the ballot paper: is confusion likely to arise? If so, how can this be addressed? What symbols would be most appropriate for the illiterate?

The provision for the spouses of East Timorese to vote opens some potential for abuse. No minimum is set for duration of the marriage prior to the ballot, so in theory, Indonesian soldiers could try to coerce East Timorese into marriage to obtain a vote. There has been a history of Indonesian soldiers coercing East Timorese women into living with them as their wives, so this type of coercion (to vote either way) is also a possibility.

This period overlaps with the Indonesian elections on 7 June, which could disrupt preparations for the ballot on autonomy. In the Indonesian election, the limited numbers participating in East Timor are likely to have voted for the government party, Golkar. There is a danger that governments internationally might view this election result as indicating the probable outcome of the 8 August ballot. The pro-integrationists are likely to use the election results in their campaigns.

Action:

- make clear, especially to the international media, the difference between the Indonesian elections and the East Timor vote;
- persuade international media to remain in East Timor throughout;
- explore with foreign governments the possibility of stationing permanent representatives (short of consulates) in East Timor.

The accords

E. Operational Phases

a) Information Campaign

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

The United Nations will disseminate and explain the content of the main Agreement and the autonomy document in an impartial and factual manner inside and outside East Timor.

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

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

b) Registration

Registration inside and outside East Timor will take place for a continuous period of 20 days.

Two hundred registration centres will be opened in East Timor for this purpose.

Outside East Timor, special registration centres will be opened in Jakarta, Yogyakarta, Surabaya, Denpasar, Ujung Pandang, Sydney, Darwin, Perth, Melbourne, Lisbon, Maputo, Macau, New York with adjustments to be made as appropriate. The United Nations may utilize the services of the Australian Electoral Commission for the balloting in Australia and of the International Organization for Migration (IOM) in Portugal and elsewhere.

The registration lists will be exhibited for five days at the end of the registration period at the respective registration centres, regional offices and at Dili headquarters. Challenges to the lists shall be submitted to the regional offices for a final decision by the Electoral Commission prior to polling day.

c) Campaign

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

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

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

Officials of the Governments of Indonesia and Portugal will

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Interference in public information has already started. Militias wrecked the Dili office of the Timorese daily newspaper *Suara Timor Timur* on the weekend of 17-18 April. Attempts to intimidate voters have already compromised the army and militia's role. People are being forced to sign pledges to vote for autonomy, are being threatened with losing their jobs, and are being physically attacked.

The United Nations is supposed to explain the agreement: it should be allowed to do its work. Newspapers, radio and TV should only be used by the United Nations in the dissemination of neutral information about the ballot.

The international solidarity movement needs to monitor the public information period closely, in collaboration with East Timorese partners and as many international observers as possible on the ground. This will require good coordination and clear division of responsibilities.

Action:

- East Timorese monitoring groups, international human rights groups and non-governmental organisations should work together to ensure that every act of intimidation is documented and reported to the United Nations;
- ensure international media publicity about such abuses;
- check translations of the texts the United Nations will be making available to ensure accuracy.
- special efforts need to be made to ensure that information reaches women, the elderly, the illiterate and those in outlying areas.

This is a key time for large-scale electoral malpractice. The time allotted for checking voter registration is very short, and it is unclear how challenges will be substantiated. There is no provision so far for a voter registration centre for East Timorese living in the UK. Such a centre should be set up in London, preferably on UN property.

Action:

- move in international observers, preferably experienced election monitors, to observe procedures and watch for fraud. Monitors who have served in recent elections — Cambodia, South Africa, Namibia, and so on — should be recruited and sent in as swiftly as possible. This will require coordination with East Timorese partners inside East Timor, as well as international cooperation;
- set up a thorough coverage for list inspection, in collaboration with local East Timorese. Irregularities in the voters' list should be reported to the United Nations;
- clarify whether people must vote in the place where they register, because many East Timorese may wish to travel to East Timor to vote.
- provision must be made for those not living in nominated centres (eg East Timorese in the UK).

Any campaigning will provide an opportunity for clashes. Coercion by the army and paramilitaries is likely. It is not yet clear if decisions made by East Timorese not to vote will be respected, or what difference, if any, the United Nations and international presence already there will make.

The ban on government officials campaigning in support of either option in the ballot covers Indonesian soldiers and police, but they are likely to breach this provision throughout the campaign period. East Timor's governor, Abilio Soares, has

The accords

not participate in the campaign in support of either option.

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

d) Balloting in East Timor

Voting in East Timor will take place in approximately 700 registration/polling stations located in 200 polling centres.

e) Balloting outside East Timor

Voting will take place in polling stations set up in the same locations as the registration centres mentioned above.

f) Observers

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

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

F) Funding

The Secretary-General will seek the approval of the Security Council for the operation in order to ensure assessed budgetary funding. Voluntary contributions will be channeled through a Trust Fund established for this purpose.

G) Security

The Indonesian authorities will ensure a secure environment for a free and fair popular consultation process and will be responsible for the security of United Nations personnel. A number of United Nations security guards will be deployed to ensure the security

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already had recourse to public funds to ram home his opposition to the ballot.

Action:

- campaign for the release of Xanana Gusmão so that he can go home to East Timor to campaign. This will be the major campaigning point for international supporters. Xanana would rally opinion, which is presumably why the Indonesian government is refusing to let him out of prison 'for his own safety'. His release agreement should include guarantees of safety from the Indonesian armed forces, and UN international police protection;
- campaign for the release of remaining political prisoners, so that they can go home to vote;
- give international publicity to the Code of Conduct for the campaign period once it is made public by the United Nations, so that breaches of it can be highlighted;
- expose any participation in campaigning by Indonesian soldiers and police;
- monitor the activities of Soares and other officials – both East Timorese and Indonesian – for signs of disproportionate resources behind their personal campaigning work. This should be reported to the United Nations and exposed internationally.

If there are to be 700 polling stations, it would be desirable to have at least 1400 observers in East Timor, from both UN and independent sources. This may be unrealistic. The minimum would be 700.

Action:

- keep abreast of agreements on numbers of observers.

The agreement does not suggest numbers for Indonesian and Portuguese observers. Most probably, the vast majority of Portuguese observers (of whom there will be at least 40) will be biased in favour of independence, while the vast majority of Indonesian observers favour autonomy. This could give rise to friction between the two groups in a highly charged atmosphere.

Action:

- clarify with your own government how many other international observers will be allowed in to monitor, both officially and unofficially;
- obtain the terms of reference for the international observers from the UN.

The accords

and safety of United Nations personnel and property. A number of international civilian police will be available in East Timor to advise the Indonesian Police during the operational phases of the popular consultation and, at the time of the consultation, to supervise the escort of ballot papers and boxes to and from polling sites.

DONE in New York on this 5th day of May, 1999.

For the Government of Indonesia, Ali Alatas Minister for Foreign Affairs

For the United Nations, Kofi A. Annan, Secretary-General

For the Government of Portugal, Jaime Gama, Minister for Foreign Affairs

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where it jeopardises the vote. On this, the international solidarity community must take its cue from the East Timorese. Good communication systems and networks with a reserve of reputable journalists willing to report information will be essential.

It is planned that 272 international civilian police will be deployed. Language skills will be a huge asset – presumably most likely to be found among Australian police. But thought needs to be given now to how police might be sent on short intensive language training courses.

Security for UN personnel will be crucial, not because the lives of foreigners are more precious than those of Timorese, but because the killing of a UN official would become a big international issue. It could even derail the whole UN process. The paramilitaries might orchestrate such an incident and blame the East Timorese armed resistance, Falintil. Militias have openly threatened UN personnel.

Action:

- prepare early for effective, rapid communication of verified incidents;
- international solidarity groups, especially in Australia, Japan, the US, Britain, Germany and the Philippines should contact their governments and arrange proper briefings for police assigned to East Timor;
- it might be appropriate for the National Council of Timorese Resistance (CNRT) and international supporters, particularly those whose countries are on the UN Security Council (UNSC) regularly to brief the Security Council members. It will be the UNSC which takes any decision to deploy peace-keepers at a later stage. The secretary-general will be reporting to the UNSC on the proceedings of the ballot. With an informed membership, security questions will be debated more responsibly.

East Timor popular consultation Agreement regarding security

The Government of Indonesia and Portugal and the Secretary-General of the United Nations,
Agree as follows:

1. A secure environment devoid of violence or other forms of intimidation is a prerequisite for the holding of a free and fair ballot in East Timor. Responsibility to ensure such an environment as well as for the general maintenance of law and order rests with the appropriate Indonesian security authorities. The absolute neutrality of the TNI (Indonesian Armed Forces) and the Indonesian Police is essential in this regard.

However well-founded the anxieties about the TNI being responsible for security and law and order before and during the ballot, that is their official role. The international solidarity community should monitor their performance, and assess whether the cumulative impact of the breaches which are sure to occur is serious enough to invalidate the voting.

Action:

- monitor the accords and ensure maximum publicity for every breach. A clear and internationally verifiable listing is needed, with times, dates, names, and so on;
- a separate grouping with experience, for example in the former Yugoslavia, might be sent in to train East Timorese in the documentation of violations in accordance with International Criminal Court standards, and to ensure that all reporting is produced in that style.

2. The Commission on Peace and Stability established in Dili on 21 April 1999 should become operational without delay. The Commission, in cooperation with the United Nations, will

The United Nations should do more than participate fully in the Commission on Peace and Stability set up in Dili to oversee the process. It should chair it. The CNRT should be represented on

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elaborate a code of conduct, by which all parties should abide, for the period prior to and following the consultation, ensure the laying down of arms and take the necessary steps to achieve disarmament.

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

4. The police will be solely responsible for the maintenance of law and order. The Secretary-General, after obtaining the necessary mandate, will make available a number of civilian police officers to act as advisers to the Indonesian Police in the discharge of their duties and, at the time of the consultation, to supervise the escort of ballot papers and boxes to and from the polling sites.

DONE in New York on this 5th day of May 1999

For the Government of Portugal
Jaime Gama Minister for Foreign Affairs Portugal
For the United Nations

Kofi A. Annan Secretary-General United Nations
For the Government of Indonesia

Ali Alatas Minister for Foreign Affairs Indonesia

The following is the unpublished memorandum by the UN secretary-general elaborating on his expectations concerning security for the consultation. Indonesia has agreed to this.

Memorandum

The Secretary-General has been entrusted by the Governments of Indonesia and Portugal to organize and conduct a popular consultation in East Timor by the 8th August 1999. He wishes to share with the two Governments some elements that are usual requirements in United Nations operations of this kind. While under the provisions of the Security Agreement it is Indonesia's responsibility to ensure that a peaceful environment exists for the holding of a free and fair ballot, the Secretary-General has been called upon to ascertain that the necessary security situation exists for the peaceful implementation of the consultation process.

Therefore, the Secretary-General wishes to convey to the two parties the main elements that will need to be in place in order to enable him to determine that the necessary security conditions exist for the start of the operational phases of the consultation process:

- 1) as an urgent first step, the bringing of armed civilian groups under strict control and discipline;

Timor Link commentary/action

the committee, preferably by Xanana Gusmão in person.

The accords appear to distinguish between the 'laying down of arms' (implying a voluntary gesture) and 'disarmament' which is presumably the desired result of further negotiations. Francesc Vendrell, who is on the staff of Jamsheed Marker, UN special representative for East Timor, referred in a statement of 10 May to the 'laying down of arms' by early July. It appears, therefore, that the paramilitaries will be under little pressure to lay down their arms immediately, still less will anyone 'dis-arm' them. These formulations show the weakness of the UN position on security. The code of conduct mentioned is very important, but it will take time before it is agreed, let alone acted upon.

Action:

- the international solidarity community, with guidance from the East Timorese on the ground, should come to a consensus on the security situation in East Timor before the UN secretary-general makes his announcement, and make its view known publicly beforehand.

TNI chief General Wiranto has publicly mentioned the possibility that the Indonesian armed forces could be 'redeployed' as police; according to East Timorese sources this has already been done. This is a real danger. A Timorese group based in Darwin has offered its services to accompany Australian police and help with their language skills and local knowledge. (They are Australian citizens, but have asked to be able to vote, while refraining from any political campaigning.) Their offer has had no response so far.

Action:

- lobby against the Indonesian government being allowed to dress soldiers up in police uniforms;
- lobby for more foreign police observers, and approach the foreign ministries of the countries that will be supplying them to offer to brief them properly.
- set up channels of communication with police advisers to bring breaches/anomalies to their attention.

These groups were created by the army in the first place, so it is unlikely even to pretend to bring them under control. Time and again, army officers have encouraged these groups to carry on their murderous campaigns.

The accords

- 2) an immediate ban on rallies by armed groups while ensuring the freedom of all political groups and tendencies, including both pro-integration elements and also the CNRT and other pro-independence forces, to organize and conduct peaceful political activities;
- 3) the prompt arrest and prosecution of those who incite or threaten to use violence against others. In this connection, it has been noted with concern that public threats have already been issued to the United Nations by certain individuals;
- 4) assumption by the Indonesian Police of sole responsibility for the maintenance of law and order;
- 5) redeployment of Indonesian military forces;
- 6) free access to the mass media for the United Nations as well as both sides of the political divide in East Timor;
- 7) full participation of the United Nations in the Commission on Peace and Stability, which should provide a forum for all parties to address and resolve effectively issues relating to compliance with the agreement during the consultative process and for resolving disputes and frictions on the ground; and
- 8) the immediate institution of a process of laying down of arms by all armed groups, to be completed well in advance of the holding of the ballot.

4 May 1999

Timor Link commentary/action

The text does not even mention laying down of arms, let alone disarmament, despite Vendrell's comments about laying down of arms 'by early July'.

Action:

- keep a documented record of every time the armed forces overtly encourage or covertly support the armed civilian groups.

Xanana Gusmão should be allowed to return to East Timor to campaign.

Action:

- with CNRT leaders currently in hiding, an announcement to re-open the CNRT offices should be monitored in order to facilitate it.

Since the accords were signed on 5 May, politically motivated killings have continued to be reported daily.

Although militia leaders such as Eurico Guterres (now civil defence officer in East Timor), Jose Tavares and Cancio Cavalho have openly incited armed groups to murder, the authorities seem to have given them the freedom of East Timor to conduct themselves with impunity. They have not even been reprimanded, let alone prosecuted.

Action:

- put pressure on the Indonesian authorities to bring these people to justice, under the terms of the UN agreement. All perpetrators of human rights violations should now be subjected to proper legal proceedings.

At present, it is not clear who or what will constitute the Indonesian police force. It may well be expanded by the redeployment of Indonesian soldiers issued with new uniforms. Nor is it clear how the Indonesian army will be limited in its activity, or whether some battalions will be withdrawn from Timor. Will the police include the Indonesian police commando forces, BRIMOB?

This should not mean redeploying the military into the police, but a reduction and withdrawal of the army, monitored by independent observers.

It is not clear who will monitor this and what the procedures will be: how state media operating from outside Timor can be influenced, or how local radio stations can be protected from coercion. The Catholic Radio Station (Radio Kmanek) and RDP in Lisbon could perhaps be of assistance here.

The UN should chair the commission — or perhaps it should be chaired by an Ombudsman figure of international stature, given that some disputes may involve UN personnel.

On 10 May Francesc Vendrell stated that armed groups must lay down their arms by the beginning of July. This is already a revision of the agreement. If they are not disarmed until then, the whole of the first part of the process, including most of the crucial voter registration period, is taking place in an armed environment.

Here the wording is no longer about 'armed civilian groups'. Presumably, therefore, it includes Falintil. The UN would not refer to the TNI as 'armed groups' so they must be excluded by this wording. This is an anomaly which campaigning groups should challenge.

UN Security Council Resolution on East Timor

On 7 May the UN Security Council passed the following resolution in response to a report from the UN secretary-general on the accords between Portugal and Indonesia. The resolution paves the way for the United Nations to play its part in implementing the accords.

The Security Council,

Recalling its previous resolutions on the situation in East Timor,

Recalling also General Assembly resolution 1514 (XV), 1541 (XV) and 2625 (XXV) and the resolutions of the General Assembly on the question of East Timor, in particular resolution 37/30,

Bearing in mind the sustained efforts of the Governments of Indonesia and Portugal since July 1983, through the good offices of the Secretary-General, to find a just, comprehensive and internationally acceptable solution to the question of East Timor,

Welcoming the progress made at the last round of talks between the Governments of Portugal and Indonesia, under the auspices of the Secretary-General of the United Nations, leading to the conclusion of a series of agreements in New York on 5 May 1999,

Commending in particular the efforts of the Personal Representative of the Secretary-General in this regard,

Taking note of the report of the Secretary-General (S/1999/513),

Taking note of the concerns expressed in the report of the Secretary-General regarding the security situation in East Timor,

1. Welcomes the concluding of the Agreement between Indonesia and Portugal on 5 May 1999 on the question of East Timor (the General Agreement) (S/1999/513, Annex I);
2. Welcomes also the concluding of the Agreements between the United Nations and the Governments of Indonesia and Portugal on the same date regarding security arrangements (S/1999/513, Annex III) and the modalities for the popular consultation of the East Timorese

through a direct ballot (S/1999/513, Annex II);

3. Welcomes further the intention of the Secretary-General to establish as soon as practicable a United Nations presence in East Timor, with a view to assisting in the implementation of these Agreements in particular through:
 - (a) Conducting a popular consultation of the East Timorese people on the acceptance or rejection of a constitutional framework for an autonomy for East Timor, scheduled for 8 August 1999, in accordance with the General Agreement;
 - (b) Making available a number of civilian police officers to act as advisers to the Indonesian Police in the discharge of their duties in East Timor and, at the time of the consultation, to supervise the escort of ballot papers and boxes to and from the polling sites;
4. Stresses the importance of the requests made to the Secretary-General in the General Agreement to report the result of the popular consultation to the Security Council and the General Assembly, as well as to the Governments of Indonesia and Portugal and the East Timorese people, and, during the interim period between the conclusion of the popular consultation and the start of the implementation of either option, an autonomy within Indonesia or transition to independence, to maintain an adequate United Nations presence in East Timor;
5. Stresses also the responsibility of the Government of Indonesia to maintain peace and security in East Timor in order to ensure that the consultation is carried out in a fair and peaceful way and in an atmosphere free of intimidation, violence or interference from any side and to ensure the safety and security of United Nations and other international staff and observers in East Timor;
6. Stresses further the importance of the assistance of the Government of Indonesia in ensuring that the United Nations is able to carry out all the tasks entrusted to it for the implementation of the Agreements;

7. Welcomes the establishment by the Secretary-General of a Trust Fund to enable Member States to make voluntary contributions to assist in the financing of the United Nations presence in East Timor, and urges all Member States who are in a position to do so to contribute without delay;
8. Requests the Secretary-General to keep the Security Council closely informed of the situation in East Timor, to report to it as soon as possible, and in any event by 24 May, on the implementation of this resolution and of the Agreements referred to in paragraphs 1 and 2 above, inter alia specifying the detailed modalities of the consultation process, to make detailed recommendations to the Council for decision on the mandate, size, structure and budget of the United Nations Mission, including civilian police officers envisaged in paragraph 3 above, and to report to the Council thereafter every fourteen days;
9. Expresses its intention to take a prompt decision on the establishment of a United Nations Mission on the basis of the report referred to in paragraph 8 above;
10. Requests the Secretary-General to inform the Council prior to the start of voter registration on whether, on the basis of the objective evaluation of the United Nations Mission, the necessary security situation exists for the peaceful implementation of the consultation process;
11. Decides to remain seized of the matter.

Source: Security Council Press Release SC/6672 3998th Meeting (PM) 7 May 1999

● *Timor Link* notes: Security Council Resolution 1246 passed unanimously on 11 June 1999, established the United Nations Mission in East Timor. The text provides for political, electoral and information components and authorises up to 280 civilian police officials to act as advisers to the Indonesian police and 50 military liaison officers. The Council urged the swift operationalising of the Commission on Peace and Stability so that a code of conduct could be elaborated for all parties to use during the consultation process.

Policing the transition: Churches and the international community before the referendum

by Ian Linden

Mingled with hope, there is a terrible sense of *déjà vu* in what is happening in East Timor: the Nobel peace prizes have been awarded, the resistance leader 'released', but the army has been privatising bloody repression through militias and vigilantes to block a settlement. These are all established end-game moves in the history of 20th century armed conflict.

Ten years ago, CIIR published a collection of essays called *States of Terror* analysing the phenomenon of state-sponsored violence in South Africa, the Philippines, Central America and Haiti. 'Just as the poor throw up leaders and popular movements with nationalist and democratic goals, progressive and threatening', went the introduction, 'so from the same social topsoil grow warlords and gangs, led by traditional authoritarian figures to oppose them violently[...] The degree to which the state "creates" this counter-force and the degree to which it moulds and directs a pre-existent organic reaction to development varies from country to country.'

Blocking the ballot

There is no doubt that we are watching these tactics employed in East Timor. The police stand back as vigilante groups attack; the special forces unit Kopassus makes sure that its proxy forces are armed and able to move around the country; death lists circulate to intimidate those named. And the risk that key figures in the resistance movement will be assassinated grows.

On 8 August, the East Timorese are due to vote, either for autonomy within Indonesia or independence. And, on cue, the killing has gained momentum. The objective of this increased paramilitary activity is to make a free and fair referendum impossible. The comparison is not the Namibian independence elections, where an effective UN presence reduced levels of violence, but Haiti before the US invasion, where elections were held under the brutal control of the Haitian military and the Tontons Macoutes auxiliaries with appalling bloodshed.

So the international community and



Election monitors in South Africa, 1994, checking the deployment of security forces.

the Indonesian government should stop pretending that polite exchanges in New York and Lisbon about policing the autonomy package make any sense without a substantial international presence in all parts of East Timor. When Nobel prize winner Bishop Belo goes in fear of his life and police have to protect his house, it is obvious that a sizeable armed UN peace-keeping presence and an experienced force of international monitors must be deployed at least two months before the referendum.

The 20 April agreement between pro- and anti-integrationists to cease hostilities was a publicity stunt and did not substantially alter the intimidating atmosphere in East Timor. It is unreasonable to expect the people to vote freely without solid international support on the ground.

East Timor is a tiny country, but that does not detract from its right to self-determination and protection of its citizens' human rights. If an air armada can be marshalled with the intention of bombing Serbia into civilised behaviour, cannot Indonesia be impressed, though more peacefully, to accept an effective UN and international presence? This is essential to resolve the East Timor crisis; a small number of imported police is not enough.

A role for the churches

Is there a role here for the churches? Obviously yes, in that the Catholic church in East Timor has played a major role in the struggle for human rights and self-determination, and has gained international credibility through it. A comparison with South Africa suggests the kind of action that has some chance of success.

The South African transition, which was no less bloody than East Timor's, also took place with the armed forces of a hostile state in control and a small international monitoring force on the ground. But those armed forces could expect some role in the new order in South Africa. In East Timor they will not, and are therefore likely to be more determined to thwart a settlement. Some of the most effective monitors belonged to the Ecumenical Monitoring Programme in South Africa (EMPSA) established in August 1992 as a church programme for peace.

Active monitoring

EMPSA aimed to monitor the conduct of negotiations and the electoral proceedings, and monitor violence in the context of the political process. But it was not simply an observer. Active monitoring included the promotion of dialogue

between warring parties so, wherever possible, EMPSA became involved in mediation and facilitating peaceful resolution of local and regional conflicts. At times, the presence of monitors provided a buffer against violent confrontation.

Almost 450 people from Europe, Africa and Asia, endorsed by their churches, were deployed as field monitors for stretches of about six weeks, working alongside the UN, Commonwealth and local monitors. During the critical two-year period before Nelson Mandela was sworn in as president, three 'Eminent Persons' groups visited as part of the programme. The programme, although sponsored by the World Council of Churches, relied almost entirely on the strength of the local churches and their capacity to facilitate the work of the field monitors at all levels. This demanded a courageous willingness by the local EMPSA co-ordinators to take personal risks for peace-building.

Would such a model work in East Timor? It will not be without risk and it will not be easy. The capacity of the South African churches to host such an endeavour was far greater than that of the Catholic church in East Timor today. There was a 'critical mass' of clergy and religious

from several different churches willing to commit themselves to the EMPSA programme inside South Africa. They had good communications and a well-resourced church justice infrastructure, after several years of focussed funding from the European Union and other bodies. Even if the two Catholic dioceses in East Timor put all their personnel behind such an endeavour, they could not possibly handle the numbers that went into and were needed in South Africa. Even the EMPSA programme almost buckled under the pressures and could only manage the influx with great difficulty.

Making a difference

A smaller and more modest programme of monitoring based on the existing church network could, with the support of church leaders, make a significant contribution to peace-building. Selection of incoming monitors for the variety of skills needed in conflict situations would need to be more rigorous than was the case for South Africa. Communications would have to be improved because isolated, out-of-touch monitors in mountainous areas would run great risks. The level and scope of activity would depend on what the two bishops see

as feasible.

At the very least, 'Eminent Persons' groups ought to visit at regular intervals. As in South Africa, these would have easier access to key parties, the voting process for the referendum, and military leaders. It would be important, given the limited capacity and resources, that such visits did not take up too much time of church personnel. Trusted translators would be highly valued.

Having participated in one of the EMPSA 'Eminent Persons' visits and with CIIR having supported the EMPSA initiative in South Africa, I have no doubt that East Timor would benefit from a similar programme. It was often said that the EMPSA monitors, because they lived close to the people, came into play just when the official UN personnel went home to bed, at precisely the time when trouble often began. Thus their presence made a difference. If the churches are to make their solidarity with East Timor real, it is not enough to call on the United Nations and others to play their role without 'drinking from our own wells' and finding our own effective response from our history and experience.

Ian Linden

Executive director, CIIR

The terror continues

The **JOSEPHITE SISTERS** in Sydney, Australia, received this letter from a partner organisation in East Timor.

The terror campaign continues in East Timor. We have been communicating with our friends in East Timor who are all living in fear. We quote them as follows:

'When are the UN coming? When are the Australian Police coming? Our friends say: "We are just waiting around to die." At night we cannot sleep. We have to stay awake, waiting for any sound or movement. If anything happens we must be prepared to run. We must look after our family somehow. They come at any time. Ransack our houses, steal possessions, destroy property and people. Whatever they see they claim. We are not safe. They kill us worse than animals. And the Police, they do nothing. They only come after the killings have taken place. Snickering and pretending to uphold the law. Only after the killings take place, then they come and pretend to reprimand the culprits. They are on drugs, these pro-Indonesian killers. The Indonesians call the drug *anjing gila* which means mad dog and they are so high that only after their faces are clear do

they realise that they have killed a friend or relation. They are threatened to take part in the killings or else their families or they themselves will be killed. Some cannot escape at all. After so many years of being caught up in corrupt activities, they cannot get out. The Indonesians have paid them too much over the years that they now own them. Maybe Australia and the UN are owned by them as well.

'The Police and the Military are behind all of this. [...] The truth is that the Indonesian Military do not want to let go of East Timor. They feel that they have invested too much to lose it so easily. They have given too many of their lives for East Timor. Their business investments in East Timor are too great to give up. The problem is that BJ Habibie did not fully consult the military before making his decision to allow East Timor a vote on autonomy. The military are against autonomy or independence. They want status quo. A vote on autonomy without a doubt means independence. They know our hearts are not with them.

'A young man was brutally killed the other day, Flavito Ribeiro, 24 years old. He was at his sister's house in Audian when the pro-Indonesian group arrived. They shot and then stabbed and hacked him to death. His older brother had to run and leave him to die alone. Their house was burned. His body was later buried in the front yard of his parents' home. The family couldn't even change his clothes.

This is just one incident. Just imagine the ones that have gone unreported and in remote areas!

'If UN Peace Keeping Force do not come soon, what will become of us? We have no choice but to just wait here to die. We have nowhere to run. If we can get out of here we will do so. If there is any evacuation programme please include us. There are many here ready to leave. We are aware that Australia has accepted many Kosovo people. Why not East Timor? If Timor was connected onto another land mass, another country, then we could cross over. Those who are fortunate have managed to escape to Bali or Jakarta. Even though some of the militia people are also there, at least it is not as tight as it is here in Timor. They are truly the fortunate ones, what about us poor ones? Your government, the Australian government, have the blackest hearts.

'The religious in East Timor will have a silent march from the Cathedral to Lcidere on 13 May in the afternoon.* The march will be composed of some 400-plus East Timorese religious as well as support and solidarity from religious from Kupang and Atambua (many of them are already in Dili and will be marching alongside their East Timorese brothers and sisters). All we can ask you all to do is pray for us. Pray that we are not all wiped out. Pray that the world community wakes up to what is actually happening here.'

*The march went off without incident.

Bishop Belo speaks out

In a telephone interview with East Timor activist **ARNOLD KOHEN** on 31 May 1999, Bishop Carlos Ximenes Belo gave a trenchant analysis of the violence unleashed by the Indonesian military in the period leading up to the consultation on independence scheduled for 8 August 1999.

'The Indonesians know that they will lose the referendum if people are free to vote,' Bishop Belo affirmed. 'This is why they have developed a strategy to make a free vote impossible.'

More than 1000 secret service agents have been sent to East Timor as well as two new infantry companies, the bishop said. 'They are infiltrating everywhere. When you hear about militia attacks, they are always part of the militia groups. They push the militias, they give the orders and they themselves shoot.'

Five western districts are already under their control, he said, including Liquica, Ainaro, Ermera and Oecussi.

'People will be forced to vote for autonomy. Part of the strategy is not to pay civil servants their salaries until they have signed a document stating that they are for autonomy. In Aileu, the entire population is being threatened with death unless they vote for autonomy. People are being told that either they vote for autonomy or they will be killed,' Bishop Belo stated.

'Everyone is very afraid. The resistance is not appearing in Dili any more, because it is too dangerous, there is no security. Under these circumstances you cannot have a ref-



A tense few months and the threat of continuing violence face the East Timorese in their struggle for independence.

erendum in peace and freedom,' he said

'It is necessary that there be an international military force here. A police force by itself is insufficient. This military force must be present in all villages and administrative posts,' the bishop emphasised.

Indonesian President Habibie and armed forces commander General Wiranto have to be told that they have to disarm the militias before the referendum can go forward, Bishop Belo said. 'Otherwise it is better not to have a referendum.'

At present, the Indonesian military strategy is to eliminate anyone who might vote for independence, the bishop declared. 'They burn the houses, they kill the young people. As a result, the numbers

of people supporting independence are diminishing. While all this happens, there is no working justice system, while houses are being burned and people are being killed in Dili, there is not even an attempt to bring anyone to justice, to imprison those responsible or anything else[...] it is as if this state of affairs was normal.'

If this continues, the bishop said, 'The dream of the people for freedom will lose by force'.

The bishop also expressed concern over the estimated 40,000 internally displaced people who face a food crisis. The New York Times reported on 27 May that the militias were blocking relief groups from delivering aid to the refugees.

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Humanising Peace: The impact of peace agreements on human rights. Lessons from Guatemala, Haiti and South Africa with responses from Burma, Colombia and East Timor, CIIR 1999, £2.00. ISBN 1852872209

Formal peace processes are fragile, political deals built on compromise and often concluded under intense pressure. It is all too easy for human rights to be sidelined. Warring parties may not want their past deeds examined too closely. International negotiators may have a hidden economic or political agenda which can undermine rhetorical commitments to human rights.

Yet official peace processes do provide a starting point from which human rights abuses can and should be tackled.

A CIIR seminar in November 1988 assessed the impact of formal peace processes on human rights in three countries which have supposedly made the transition from conflict: Guatemala, Haiti and South Africa. The seminar examined how far human rights commitments have been implemented, and asked what factors are most likely to secure real



improvements. It went on to compare the experiences from Guatemala Haiti and South Africa with those of three countries still at war: East Timor, Burma and Colombia.

In East Timor, civil society has taken advantage of new political space following the fall of Indonesia's former president Suharto to organise and develop its own agenda. However, as in Haiti, official negotiators in the peace process are not giving civil society a chance to 'own' the peace process or to set the agenda. But perhaps the most dangerous precedent for

East Timor is the incomplete disarmament and demobilisation of paramilitary groups in Haiti, Guatemala and South Africa.

From Truth to Transformation: The Truth and Reconciliation Commission in South Africa, CIIR 1999, £2.00. ISBN 1852872179

South Africa's Truth and Reconciliation Commission (TRC) has been the most prominent of all truth commissions to emerge in the past 20 years. It has had to perform a difficult balancing act: to uncover past human rights abuses while promoting stability in post-apartheid South Africa.

This report examines the debates that the Commission engendered as it wrestled with its mandate, and asks how significant a role the TRC has played in the country's broader process of transformation.

The report draws on the proceedings of a conference 'From Truth to Transformation', organised by the Centre for the Study of Violence and Reconciliation (CSV) in Johannesburg. It explores the strengths and pitfalls of the TRC compared to truth recovery processes in other countries, and highlights the challenges likely to face South African society once the Commission's work is completed.

A window of opportunity (continued from page 2)

The international response to the violence in East Timor has, for once, been lucid and firm. Senior diplomats, including Irish Foreign Minister David Andrews, have accurately identified the source of the trouble. They have made it clear to the Indonesian authorities that the army must be brought under control and persuaded to create the neutral conditions necessary for the ballot. But does President Habibie have the capacity to do so? The signals are not encouraging.

The British government has been particularly supportive of the East Timorese in its recent diplomatic initiatives. It is greatly to be regretted that the personal commitment to the East Timorese of the late deputy foreign secretary, Derek Fatchett, cannot be channelled into the massive international support crucial to the success of the delicate peace process. Mr Fatchett, who died unexpectedly in May, had visited East Timor at the end of April — the first British minister to do so since the Indonesian invasion

The accords signed in New York provide for international support to ensure a free and fair vote in East Timor. However, the Indonesian army, which is party to the conflict in East Timor, is to be in charge of security. This is naturally a

cause for deep concern. The continuing violence of militias indicates that the accords are already being broken on the ground. A final wild card is the prospect of a newly elected Indonesian administration reneging on promises made by President Habibie. Two presidential candidates, Megawati Sukarnoputri and Abdurrahman Wahid, have expressed opposition to Habibie's policy change.

Security conditions might become so bad that the vote is aborted. The United Nations will decide on 18 June whether the security situation is good enough for the consultation process to go ahead as planned. But the East Timorese have endured crushing violence for 23 years. The UN decision will not be easy, but should be based above all on an understanding of the sacrifices the East Timorese are prepared to make for the opportunity to determine their own future.

A senior UN spokesman said on 26 May that the UN Mission in East Timor (UNAMET) would remain until the vote on self-determination is completed successfully. 'We're here until it's done, even if it is postponed,' said UNAMET spokesman David Wilmhurst.

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