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News, analysis and action in support of justice for East Timor No.48 December 1999

A new beginning

The Indonesian occupation of East Timor is over, but it has left a legacy of under-development, repression and distrust, as well as physical destruction. This issue of *Timor Link* looks at how the East Timorese and the international community are approaching the complex task of rebuilding a society.

Many aspects of the territory's future remain unresolved. CIIR is addressing the following demands to the international community, which has accepted responsibility for East Timor's transition to independence:

Political demands

To heads of government, foreign ministries and the United Nations:

- The international community should press Indonesia to cooperate fully with the UN inquiry into human rights violations.
- The international community, if requested by the East Timorese, should assist with the pursuit and prosecution of individuals suspected of war crimes.
- The Indonesian government should immediately end all forms of support to the militias operating along the border with, and in the refugee camps in, West Timor.
- The international community should press Indonesia to end persecution of East Timorese throughout Indonesia, and facilitate their safe passage to third countries according to their preference.
- The new UN transitional authority, UNTAET, should include full East Timorese representation.



Children in East Timor celebrate.

Humanitarian demands

To heads of government, foreign ministries and the United Nations:

- Refugees, particularly those detained in West Timor, must be allowed to return home as soon as possible.
- The international community should honour the financial commitments it has made to East Timor so that reconstruction can begin without delay.
- The Indonesian government should allow the UN High Commission for Refugees, and other humanitarian organisations, full and unrestricted access to the refugees in West Timor.
- The Indonesian government must cooperate fully in efforts to trace missing persons

To the UN High Commission for Refugees and humanitarian organisations:

- Humanitarian organisations must provide a well co-ordinated response to the crisis, fully consulting East Timor's political leaders and involving the wider East Timorese community.

To these ends, CIIR urges:

- An indefinite embargo on arms sales to Indonesia, and on European and US military links and military training.

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Rising from the ashes

CIIR's Asia policy officer CATHERINE SCOTT summarises recent developments in East Timor.

Sunday 31 October marked the end of Indonesian presence in East Timor. Watching the last Indonesian soldiers leave, Xanana Gusmão, de facto leader of the recently liberated territory, spoke in conciliatory terms. He referred to the 24-year occupation as 'a mistake' and expressed his intention to visit Jakarta's new rulers, President Abdurrahman Wahid and Vice-President Megawati Sukarnoputri. The immediate task, however, for the Timorese and the international community, is to begin the rebuilding of East Timor.

Transition authority

On 25 October the UN Security Council unanimously passed resolution 1272 setting up the UN Transition Authority in East Timor (UNTAET), a peace-keeping operation which will oversee the territory until independence in two or three years' time. UNTAET will take over in early 2000 from the Australian-led International Force for East Timor (INTERFET), sent in on 20 September to stop attacks on the population by pro-integration militias and Indonesian soldiers.

UNTAET will consist of nearly 11,000 UN soldiers and police. It will be led by Brazilian Sergio Vieira de Mello, currently UN under-secretary general for humanitarian affairs. Its task is to provide security, maintain law and order, establish effective administration, assist in developing civil and social services, ensure the co-ordination and delivery of relief, reconstruction and development aid, build capacity for government and encourage sustainable development. This huge mandate reflects the massive task facing both the UN and the East Timorese. The territory is devastated. Pro-Indonesian militias and Indonesian troops destroyed 70 per cent of the infrastructure following the overwhelming vote for independence in the UN-supervised ballot on 30 August. Some US\$200 million will be spent on immediate humanitarian needs, and much more will be needed for longer term reconstruction.

Refugees return

Most of East Timor's population of 850,000 were scattered and displaced as marauding mobs laid waste to town after town, in the three weeks between the announcement of the ballot results on 4 September, and the arrival of INTERFET.

Sources in the Christian churches confirm that the Indonesian authorities had already prepared camps in West Timor for a huge influx of refugees. This gives credence to allegations that the militias and the Indonesian military had planned to deport large numbers of people should the vote go against them.

Many refugees have been taken much further afield, to areas ranging from Flores to Sumatra. It will be difficult to arrange their return journeys. The Indonesian ministry of transmigration has been coercing East Timorese into accepting transmigration packages to other parts of Indonesia, claiming that civil war is continuing in East Timor. Humanitarian organisations estimate that 130,000-150,000 people were driven into West Timor. Militias patrol many of the camps, and aid workers were told that some men and young people have been pressed to rejoin militia forces trying to regroup on the border.

Inside East Timor, many people are still hiding in the hills. For reconstruction of the shattered territory to begin in earnest, the return of displaced people from within and beyond East Timor is a priority. This is not only because East Timor remains severely depopulated, but also because, with the rainy season under way, serious diseases are likely to break out in the squalid refugee camps. The UN High Commission for Refugees, the International Committee of the Red Cross and the UN Office for the Coordination of Humanitarian Affairs, as well as churches and international NGOs, are negotiating the repatriation of refugees from camps in West Timor. By early December some 36,000 people had returned to East Timor, either by themselves or on repatriation programmes which equip them with food and other items to begin rebuilding their lives. However, with many thousands still to come, there is an urgent need to speed up repatriation. Indonesian media are claiming that tens of thousands of East Timorese — and more than just the 94,000 who voted for integration with Indonesia — wish to remain Indonesian citizens and need to resettle elsewhere.

Reconciliation

The East Timorese must now come to terms with their past. Xanana Gusmão is keen to promote reconciliation, not only among East Timorese, but also with their Indonesian neighbours. Nevertheless, he rejects the idea of a simple amnesty. He has invited the East Timorese militias, many of whom were coerced, drugged and

bribed into their actions, to confess their actions to the people directly, and to ask forgiveness. He says that they will receive it, and insists that his people should not seek revenge by taking the law into their own hands.

The Catholic bishops of East Timor, are also promoting peace and reconciliation, but insist that the military planners of the destruction should be tried in an international court. In an interview with the Agence France Presse news agency, Bishop Carlos Belo called for the three top Indonesian generals to be tried for atrocities committed in the territory: 'General Wiranto [former defence minister], General Syafri and General Damiri [commanders of the Indonesian special forces] — all of them should answer before a tribunal for what they have done', Bishop Belo said.

New colonisation?

Refugees evacuated from the UN mission compound at the height of the militia reprisals in September have begun to return. A team of East Timorese experts, directed by the National Council of Timorese Resistance (CNRT), is re-organising CNRT structures and elaborating an emergency plan. The CNRT faces a new challenge in place of Indonesian bureaucracy and domination: the bureaucracy of the United Nations, the international financial institutions and the international aid organisations.

While the CNRT struggles to reconvene its cadres, some of whom were murdered in September, international NGOs are recruiting local staff from its ranks, offering salaries of US\$100 a day. Internationally known East Timorese academics have been hired as interpreters for such organisations, instead of being given the opportunity to inject their own knowledge and expertise into the reconstruction effort. The international community says that the East Timorese should be involved at every level of UNTAET planning, but a considerable gap remains between rhetoric and reality.

Longer-term development planning is crucial. The planting season for some crops has been missed, which means that the population will depend on food aid for another season. The CNRT, with help from the United Nations and other international agencies, is defining its economic, trade and agricultural policies. Investment in the coffee trade, an important source of foreign exchange, will be a priority. Meanwhile, people are planting corn to stave off starvation.

East Timor 1999: The road to freedom

The Timor Gap Treaty, which originally divided the oil- and gas-rich sea bed south of East Timor into zones of cooperation between Indonesia and Australia, is likely to be re-negotiated. This will enable East Timor to benefit directly from its rightful share of the resources. The World Bank and International Monetary Fund sent a team into the territory at the beginning of November to assess the financial and technical support it requires. Xanana Gusmão, addressing the Royal Institute for International Affairs (RIIA) on 6 October 1999, stated his preference for grants rather than loans: 'We will work hard to raise our internal revenue side by side with the inflows of support from the international community. East Timor will not allow the shaping of a culture of dependency from international aid and assistance. We will also give priority to grants and soft loans and consider long-term loans carefully to minimise any long-term implications for our economy.'

A great many East Timorese are still missing. But some of them are beginning to create a new country and a new civil society. The international community must continue to give them all the support it can, without taking over the reconstruction job itself. It could support them by contributing to the US\$199 million which the United Nations needs for a successful UNTAET mission.

In his speech to the RIIA Gusmão said: 'The genocide in East Timor challenges the entire international community,

27 January: Indonesian President BJ Habibie says he will consider 'letting East Timor go' if the people reject Jakarta's offer of autonomy.

23 April: At the United Nations in New York, Portugal and Indonesia agree an autonomy deal for East Timor.

5 May: Portugal and Indonesia agree on a 'popular consultation', or referendum, asking the East Timorese whether they will accept the autonomy package.

May-August: The ballot is postponed from 28 July to 6 August, then to 22 August and finally to 30 August.

30 August: Close to 99 per cent of registered voters turn out to vote. The ballot itself passes off relatively peacefully.

31 August: Militia violence begins to increase again.

3 September: The United Nations evacuates staff from the militia-ravaged town of Maliana.

4 September: UN secretary-general Kofi Annan announces the ballot results: 78.5 per cent of East Timorese who registered voted for independence.

6 September: The Indonesian army openly joins the militia campaign forcibly to displace the population.

7 September: Indonesia places East Timor under martial law. Xanana Gusmão is freed, and moves to the British Embassy in Jakarta.

8 September: The United Nations says that it is pulling out of East Timor.

10 September: President Bill Clinton warns Jakarta to end the violence.

12 September: President Habibie agrees to accept an international peace-keeping force.

15 September: The United Nations sends the armed INTERFET force to East Timor.

19 September: Xanana Gusmão arrives in Darwin.

20 September: First UN peace-keepers arrive in Dili.

27 September: Indonesia hands over effective control of East Timor to INTERFET.

29 September: East Timorese begin to return to Dili.

5 October: Indonesia says it will not cooperate with the UN Human Rights Commission inquiry into atrocities in East Timor.

19 October: First mass graves discovered by international troops in East Timor.

20 October: The Indonesian National Assembly ratifies 30 August vote, clearing the way for East Timor's freedom.

31 October: Last Indonesian troops leave.

because it has come about due to my people having put their faith in the promises of the international community, through the United Nations, to safeguard their passage to democracy. Twice this

century, my people have placed their trust in the promises of nations, only to see this trust betrayed. I think it is time now for the international community to put its trust in the people of East Timor.'

From resistance to reconstruction

The National Council of Timorese Resistance (CNRT) is adapting its structures and drawing up plans to deal with the emergency in East Timor. CIIR's MILENA PIRES reports from Darwin, where CNRT leaders have been holding a series of planning meetings.

The immediate task for the CNRT is to restore some semblance of normality to the lives of the Timorese people after the destruction wrought by departing Indonesian troops. The CNRT was well aware that the fluidity of the situation required a flexible response. Nevertheless, its efforts to establish priorities were often overtaken by events. A key difficulty was the lack of information about what was happening inside East Timor. The CNRT and other civil society structures had been weakened by Indonesian and militia attacks, while the mass displacement had split families. Security remained a major

concern for everyone.

Nevertheless, the CNRT has persevered, and although many of its initial plans quickly became outdated, the process has had its own importance. It has allowed for dialogue and discussion to build trust and confidence. There was a need to reconcile the divergent views of the East Timorese diaspora and the people living inside East Timor, and to deal with differences between generations. There was also a need to address the differences between the East Timorese, including the CNRT, and the international actors, such as the UN Transition Authority in East Timor (UNTAET), the intervention force (INTERFET), and international NGOs and humanitarian aid agencies.

A new structure

The CNRT has adapted its structure to the needs of the transition and UNTAET. The Executive and Judicial Councils have been suspended. The National Political Council

remains the highest decision-making body, but will delegate tasks to a new Transitional Council, which will work with UNTAET. The CNRT has also established a Research and Planning Commission, a Commission for External Relations, a Gender Equity Commission and a National Secretariat. An Emergency Committee, led by Agio Pereira, has been set up to coordinate assistance to the people and be responsible for reconstruction.

Subsequent discussions between the CNRT and Sergio de Mello, the special representative of the UN secretary-general, have brought further change. To avoid parallel CNRT and UNTAET structures, the CNRT Transitional Council will be absorbed into a Consultative Council which includes Sergio de Mello, representatives from youth and women's organisations, and a representative from the pro-autonomy camp. A Public Service Commission, proposed by the CNRT, is also being established.

Moving into the future

The following is an edited version of the address by JOSE RAMOS-HORTA, vice-president of the National Council of Timorese Resistance (CNRT), to CIIR's annual general meeting on 22 October 1999.

Over the years the Catholic Institute for International Relations was a beacon of integrity, of ethics, in the case of East Timor. As we move towards consolidating peace and stability in East Timor, as we move towards rebuilding, from almost total destruction by the retreating army, we continue to rely on you to support us. This is the message from Xanana Gusmão and from the two bishops in East Timor. They asked me to convey our most sincere gratitude to CIIR, to its members, but also to the UK and to the British government.

I want to convey to Secretary of State Robin Cook and to the Prime Minister Tony Blair our gratitude for the decisive, crucial role that your government played in those very difficult weeks to get the International Force in East Timor (INTERFET) going, to put pressure on Indonesia. Tony Blair's leadership was crucial to get Bill Clinton moving as well.

My job for the past 23 years has been to denounce the Indonesians and dismantle their arguments. Now we face the daunting prospect of rebuilding and running a country. None of us have any experience, but we are inspired by the courage of the people, by the determination, the resilience, and the creativity of the humblest sectors of Timorese society. The true heroes of East Timor: the bare-foot, the illiterate, the anonymous, the unknown people; not those who appear on television, but those who with courage went to register for the ballot in July and August; those who with courage went to vote, and cast their vote on 30 August in spite of the threats.

With their sacrifice, inspired by their courage, committed to what we have promised for the past 23 years, we promise the people, but also promise you: we are determined not to betray the sacrifice of so many, not to betray the illusions, hopes and dreams, of so many in East Timor and abroad.

We are prepared to forget all the failures and shortcomings of many years. We are even prepared to forget — and we don't want to waste time talking about who was responsible — the 5 May agreement that led to the bloodshed after the ballot. What is important is that each member of the international community

remembers that too many people lost their lives for a country to be free. This is a unique opportunity for the ideals of the United Nations to triumph.

We want the United Nations, from the very beginning, to refrain from establishing an inflated bureaucracy in East Timor. We don't want the United Nations to waste resources. We don't want, three years from now, to inherit a bloated civil service. We don't want to inherit a corrupt system. We want a lean and transparent government, with a strong, independent judiciary and strong accountability procedures. Because if we are to avoid the regional economic and financial crisis that has destroyed the incomes of the poorest people, if we are to avoid wasting resources, we must have rule of law, accountability and transparency; and there has to be a strong, independent media. In short, we must have true democracy.

Civil society

That requires a strong system of government with checks and balances. For this we must develop a strong civil society and here non-governmental organisations (NGOs) have a very special role to play. International NGOs will still be very important in helping to develop civil society and democratic institutions in the next two or three years.

The greatest threat to East Timor will not come from outside. I hope that those who are elected to govern will not be tempted by arrogance or impunity, will not forget where they came from, will not forget the sacrifices so many people have made. The greatest threat to peace and stability in East Timor will come from our own practices and behaviour. The greatest threat to many countries around the world, in fact to world peace, comes from poverty. And the way we address poverty and inequality — in East Timor, in the region, in Indonesia, and in many under-developed countries — will bring peace, or not, in the future.

An independent East Timor will be a responsible member of the region. We will seek a special relationship between the new, independent East Timor and the new Indonesia. East Timor will not be a cause of disunity or instability in Indonesia. In fact, Xanana Gusmão is hoping to visit Indonesia to begin to rebuild a relationship between the two countries.

We will seek a special relationship with countries in the region: Philippines, Thailand, Singapore, South Korea and China. But we have made it a strategic option in

foreign policy that East Timor is part of the South Pacific region and we are seeking membership of the South Pacific Forum. East Timor will not be part of the Association of South East Asian Nations (ASEAN), although we will seek good, fraternal, special, bilateral relations with each of the ASEAN countries, Indonesia included.

Australia has already shown that it is the most crucial force in the region, both for security and for economic recovery. Australia is the country that has helped the economies of the region most since the economic and financial crisis over a year ago. It is our closest neighbour. It was thanks to Australia's readiness to intervene under the mandate of the UN Security Council that the violence ended.

We are happy with the Australian leadership of INTERFET. The Australians are doing a superb job in extremely difficult circumstances and we want Australia to retain leadership when we move to the peace-keeping phase. We have been told that when the United Nations moves to the next phase, from peace enforcement to peace-keeping, it should go to an Asian leadership. This is totally out of place: as if Australia is not part of the region because it is predominantly Anglo-Saxon. We are told that we cannot choose our neighbours. But Australia is closer to East Timor than Jakarta is.

When the world talks loudly about establishing a system of government in East Timor based on respect for human rights, I wonder which ASEAN country can provide that guarantee. We prefer to retain Australian leadership with Thailand having the deputy command of operations in East Timor.

Priorities and languages

Tragic as the destruction has been, maybe this is also a unique opportunity to build something totally new. We are not asking much. Our priority is food security. We don't want to make the mistakes of Jakarta, Manila or Bangkok. We want to prioritise rural development, small agricultural projects, small fishery projects and small industries. We want to support small traders.

Our priority is to rebuild the school system. This is a daunting task, even when it comes to language. What language should we use? The East Timorese resistance has decided that we will reintroduce Portuguese as the official language. It will take many years, but that is what we will do because it has been there for 500 years. Yes, spoken by a minority but we hope

that it will be spoken by the majority in the years to come. The Tetum language will also be developed as a national language. It was never a written language.

We are not going to forbid the use of Bahasa. But Portuguese will be the official, Tetum the national language. We will also encourage people to learn English at a very early age. What we want is to give options to the people.

Oil

We have begun negotiations with the Australian government over the oil and natural gas in the Timor Sea. A few years ago Australia entered into a treaty with Indonesia over the exploration and exploitation of oil and natural gas there. We opposed the Timor Gap Treaty because it was signed with the wrong party. But we have told the Australian government that we are prepared to honour the commitments made. Mining companies operating in the area should not fear an independent East Timor.

The Indonesian government terminated its legal connection with East Timor after a vote in the Indonesian parliament two days ago. The Timor Gap Treaty is therefore non-existent, because a treaty has to be signed by at least two parties and Indonesia has ceased to have any legal claim or authority over East Timor.

The mining companies in the region need some legal protection or assurance and we are stating that we are prepared to

honour all those undertakings that have been translated into hundreds of millions of dollars of investments.

True to our history of struggle over the past 23 years, the struggle for democracy and human rights, we will not betray your solidarity with the people of East Timor. Human rights organisations have earned the legitimacy, the right, to be the watchdogs of human rights in East Timor in the future. We will welcome you to follow every step of our work, to assist us in making sure that whoever governs East Timor will not betray your trust, and the trust of the people of East Timor.

Dialogue

We are going to continue the policy of dialogue with those who were on the other side of the battle of the past 23 years. In the next week or two, mandated by Xanana, I will be meeting many pro-integration East Timorese: those who voted the wrong way, and those who supported Indonesia all these years. East Timor is big enough to accommodate everybody, and too small to dispense with the support of people who were on the other side. We will pursue national reconciliation based on tolerance.

We have an extraordinary leadership in East Timor: Xanana Gusmão, the political leader, and the two Catholic bishops, Belo and Basilio do Nascimento. Under these three extraordinary people, with vision, with compassion, East Timor can

heal the wounds of the past and rebuild a country in peace and prosperity.

Gender equity

In our meeting in Darwin, we decided to create a gender equity commission of the resistance. I was the one who put forward this motion and my argument was very basic. There are 21 members in the highest body of the resistance, but only one is a woman. When we look around an East Timorese political meeting, there are many capable women. We must ask ourselves why women are not among the political leadership. I told my compatriots that in my public lectures abroad, I always speak loudly so that anyone can hear. But when I am asked how many women there are among our leadership, suddenly my voice becomes very soft and I say: 'One'. I told my colleagues: 'No excuses'.

It is an embarrassment because the women have shown throughout the years that many of them are far more capable and hard-working, than most of the men in the leadership. We hope that this equity commission will begin to redress the imbalance, within the leadership and elsewhere.

The gender equity commission will also work directly with the United Nations to make sure that within its own bureaucracy, its own work in East Timor, the United Nations addresses this issue. Because the United Nations itself is not exactly a model of gender equity.

New challenges for East Timor

Timorese resistance leaders Xanana Gusmão and José Ramos-Horta addressed British non-governmental organisations (NGOs) on 22 October 1999, at a meeting in London that they had specifically requested. They were in the UK at the invitation of the Foreign and Commonwealth Office. The following is an extract from XANANA GUSMÃO's speech:

Friends of East Timor, on behalf of all the people that you know well, I want to express our deep gratitude for your solidarity during the difficult years of our struggle. We knew that we were not alone because people from other countries were with us. The solidarity groups started not only to follow our suffering and pain, but to do what, at that time, we needed so much.

We had people outside, like José Ramos-Horta, and others, but I think that

your role in helping us to pressure governments, helping us to bear our suffering, our determination to die, was magnificent, because without you, the efforts made by East Timorese representatives abroad could not have been as efficient as we might have wished. And then your solidarity, your support, helped us reach that opportunity that we fought for, the referendum.

I know that in your hearts, you, like us, East Timorese people, all of us were looking forward to a new and happy period for the East Timorese.

But instead of the happiness, of hope to celebrate some of the really historic and fundamental things in our struggle, we witnessed destruction and violence. And now we all are thinking how difficult tomorrow is going to be. How difficult the new challenges are. East Timorese people are still crying. Sometimes I think: why? And maybe the right answer is, our

destiny is to cry. But I know that you don't think like this, and that all of you here, right now, want to send us a message of new faith, new confidence. And I know that each organisation that you represent, and you yourselves, want to help us again and again. You want to be on our side, to be with the real, new future, the future that we endure in these very difficult beginnings.

Solidarity groups and NGOs, you can play a new role. Yesterday we were all activists. Now we will fight in other ways: ways that will start cultivating the seeds of our freedom, independence, justice, democracy and development.

What can I say on behalf of the East Timorese people? Thank you very much, and on behalf of the East Timorese people, I know that you are going to walk with us and to feel the difficulties of our future in the next months. We still need you. You will be there. Thank you very much.'

Will the impunity end?

PIERS PIGO, an investigator for South Africa's Truth and Reconciliation Commission (TRC), was a member of the CIIR observer delegation that stayed in East Timor in the run-up to the August referendum, during the vote, and for several days afterwards. Here he offers insights into the question of truth and reconciliation in East Timor.

The scale of human rights violations in East Timor since 1974 is bewildering. Virtually every family has been touched by ill-treatment. Although most abuses have been blamed on the Indonesian authorities and their security forces, many Timorese may also have committed abuses, and many more have benefited from the occupation. As East Timor moves into a period of stabilisation under a UN administration, it must deal with the past in the context of present needs.

The work of the South African Truth and Reconciliation Commission (TRC) was based on a premise, that reconciliation would be possible only if it were built on a foundation of truth. This means that forgiving and forgetting' and 'collective amnesia' are not an option. The provisions for amnesty, however, have facilitated continuing impunity in South Africa's transition to democracy.

The CIIR team discussed truth and reconciliation in East Timor with most of the individuals and groups we met. These included UN personnel, human rights organisations, members of the religious community, and supporters of both independence and autonomy. We were repeatedly told that the dynamics of brutality and repression, as well as the experience of transition from authoritarian to democratic rule, are markedly different in East Timor and in South Africa. In brief we were told that what had happened in South Africa was not appropriate to East Timor and that the East Timorese had to pursue their own process.

Avoiding the issue

The South African TRC experience certainly cannot simply be replicated, and certain aspects of it should not be. But we had the impression that many people simply did not want to address the issue. For some the sensitivities and complexities involved made examining the past an impractical option. Some feared, and others warned, that any attempt to do so

would exacerbate tensions and lead to further bloodshed. This argument was also used in South Africa, usually by those who wanted to avoid exposure.

Reconciliation was explained in the context of the Dare process, a peace process initiated by the Catholic bishops earlier in the year. However, Dare went no further than an initial dialogue between certain leaders. No foundation was laid, or strategy developed, to take this process beyond the leaders to the broader mass of East Timorese and their interests. The process was also hostage to the whims of minority pro-Jakarta groups who opposed the referendum will. In the days before the vote, many people simply declared: 'Dare is dead.'

Unlike their leaders, the few ordinary Timorese we spoke to wanted a thorough

brought to justice. But in the absence of a functioning criminal justice system, securing prosecutions and convictions will, for the foreseeable future, depend on the UN Transitional Authority in East Timor (UNTAET). It is unlikely to be a priority for UNTAET and there is a very real danger that impunity will continue because the international community wants it to.

UN staff will be constrained by political decisions made in New York and Washington. The fact that the United Nations has sent only three special rapporteurs to East Timor to investigate human rights violations, and only those committed after the ballot, reflects its level of commitment. Sadly, UNTAET may well stop the Timorese from pushing for justice.

The issues of amnesty and impunity should not, however, detract from the single greatest success of the South African TRC. It is one that can and should be replicated in East Timor. More than 20,000 people told the TRC what had happened to them and their loved ones. More than 2,000 did this in public hearings held across South Africa. At last, the people at large were allowed to have their say, to describe what happened to them, through their eyes, and with their voices. It is a powerful body of evidence and an unprecedented historical record.

The people of East Timor should also be given an opportunity to tell their stories, and to have the detail of the past officially recorded and recognised. This idea was supported (or at least, not opposed) by everyone the CIIR team spoke to.

If reconciliation in East Timor is to be based on the truth, there needs to be a process that seeks to identify and understand what happened. This must include a thorough examination of the role of Indonesia and the international community. As in South Africa, the people of East Timor may be forced to accept a large measure of impunity. But in East Timor a real opportunity exists to ensure that key perpetrators, at least of the post-ballot violence, are brought to book.

The success of truth and reconciliation in East Timor largely depends on the decisions of the international community. It is a unique opportunity for the United Nations and its member states to repair the damage they helped create when they accepted a transitional process on Indonesia's terms.



The ruins of a house burned by militia after the independence vote.

examination of the past, and felt that the truth must be sought and where possible uncovered. Several members of the National Council of Timorese Resistance (CNRT) urged us to raise this with their leadership.

However, the circumstances have changed radically over the past three months. Before the ballot, the CNRT and its leader, Xanana Gusmão, were offering amnesty to those involved in past abuses.

In response to the orchestrated violence that swept across the territory in the wake of the referendum result, Gusmão retracted this offer and called for the perpetrators to be prosecuted. Bishop Belo's subsequent call for Indonesia's military chiefs to account for their actions to an international tribunal also shows a hardening attitude.

East Timor faces its own challenges and will make its own compromises. Unlike South Africa, however, it does not have to negotiate with a powerful adversary and can demand that perpetrators are

Learning for the sake of the future

LORD FRANK JUDD, who led a CIIR observer team to East Timor in July 1999, has called for maximum assistance to the people of East Timor as they strive to rebuild. Speaking to CIIR in early September, after Indonesia's violent response to the independence ballot, he said: 'The world should have East Timor forever on its conscience. We have repeatedly failed its people. We must not do so again. Generous, effective, relevant and targetted support for the future must be a real, not rhetorical priority.' The following is a section of his speech to the Parliamentary Assembly of the Council of Europe, in a debate on East Timor on 20 September.

We are left in no doubt about our responsibility to the past, and much more importantly, about our responsibility to the future. I do not usually quote the newspapers, but I was struck by a report on the front page of *The Guardian* today from its brave correspondent in Dili: 'The peace keepers have arrived. They are utterly professional, restrained, efficient and two weeks too late.' And this after Kosovo, after Srebrenica, where 7,000 died in a UN safe haven, and after Rwanda.

Whenever I speak of the United Nations, I always say that we must be careful because we are speaking of ourselves. That applies particularly to those of us whose countries are permanent members of the Security Council. But as Dag Hammarskjöld long ago established, the secretary-general and his senior colleagues have to be prepared to challenge — indeed to shame — the member governments into taking action in time.

Opportunism

Of course it is good that there has been worldwide endorsement, via the UN, for action now, and we must all wish the peacekeepers success in their mission. But without, I hope, striking a discordant note, I believe that there is no room for self-congratulation. The dead, the maimed, the bereaved and the destitute have paid the bill for our failure to act in time. The destruction speaks for itself. What makes it all the more sickening is the prolonged economic opportunism, even involving strengthening the very armed forces which aided and abetted the

militias. That opportunism prevented timely action. As we have been reminded, probably as much as a third of East Timor's population perished in the years since Indonesia seized the territory.

The self-styled hard-headed political analysts will tell us that strategic balance necessitated support for Indonesia; but as all too often, self-styled hard-headed analysis turns out to be myopic self-deception. It is simply not possible to build on corrupt and rotten foundations.

Too little, too late

Frankly, I am angry. Let me strike a personal note. At the end of July, although myself a Protestant, I was asked to lead a small mission to East Timor and Indonesia by the Catholic Institute for International Relations in Britain. In the report that we submitted to the UN and our own government, we expressed our anxiety that under the deal which had been struck, security was left in the hands of the Indonesians during the referendum, even though the international community had consistently refused formally to recognise the legality of Indonesia's presence in East Timor. Indeed, we could further have argued that by this very action, we gave Indonesians the recognition hitherto denied them.

In our report we argued that there had to be an increased security presence for the rest of the referendum period; but we concluded that if security mattered during the referendum period it would matter still more during its aftermath. We emphasised that an international presence would be essential for any transition and that it must be in place from day one after the referendum vote.

Yes, friends, I am exasperated. Time after time, we do not fail to intervene — we do intervene — but we intervene too late, once the cost has been formidably high, and when what can be achieved is minimal.

If there is one thing we should stress to the Committee of Ministers in these recommendations it is that they should take back to their governments this sense of outrage and exasperation. If there is one challenge for the century ahead it is how to work out the rules and methods that will allow timely humanitarian intervention before it is too late — especially when it is clear to all with eyes to see that, sooner or later, intervention will be inevitable.

UN special session

On 23-27 September 1999, at the request of the Portuguese government, the UN Commission on Human Rights (UNCHR) met in emergency session to discuss East Timor. **ADRIEN-CLAUDE ZOLLER** of the Geneva-based International Service for Human Rights (ISHR) reports on the proceedings.

About 20 NGOs met at the International Service for Human Rights (ISHR) on 23 September to prepare for the session. Several had consultative status with the UN Economic and Social Council (ECOSOC), and were therefore entitled to speak in the session. They agreed to give their slots to East Timorese witnesses. ISHR had obtained an advance copy of the draft resolution prepared for the session by the European Union. Led by the witnesses, the NGOs drew up amendments to the EU resolution, and lobbied the EU members' delegations accordingly. About 20 NGO speakers took the floor during the session.

At the start of the session, representatives of Asian states questioned the objectivity and impartiality of the UNCHR. They claimed that the rules of procedure had not been correctly observed in calling the special session, that the required majority had not been obtained in the designated time.

Debate centred on the EU draft resolution, which had intentionally been made weak, in an attempt to achieve a consensus statement — that is, one acceptable to Indonesia, which is a member of the Commission. The resolution did not mention genocide or crimes against humanity, but did contain two paragraphs calling for action. Operational paragraph 6 provided for an International Commission of Enquiry; and operational paragraph 7 provided for the immediate dispatch to East Timor of the UN special rapporteurs on torture, on violence against women, and on summary executions.

Indonesia formally opposed the resolution and asked for a separate vote on operational paragraph 6. The Commission decided to keep the paragraph by 27 votes in favour, 12 against, 11 abstentions and three absent.

The resolution in its entirety was adopted, with 32 votes in favour, 12 against, six abstentions, and three absent. The Asian states supported Indonesia's by voting against the resolution.

Agencies working in Timor

Financial institutions

The **World Bank** and **IMF** sent a Joint Assessment Mission in November. The World Bank's preliminary assessment of conditions in East Timor, released on 15 November, estimates that US\$300 million is needed for the first three years of reconstruction. This is in addition to the funds sought by the United Nations for its operation.

UN agencies

The **Office for the Co-ordination of Humanitarian Affairs** (OCHA) is responsible for co-ordinating international humanitarian assistance. It has established the United Nations Humanitarian Operations Centre (UNHOC), which is funded by the UK's Department for International Development (DFID) and the Swedish Rescue Services Agency. OCHA has four major operational hubs: Dili, Darwin, Kupang and Jakarta.

The **International Organisation for Migration** (IOM) is responsible for the safe and orderly return and transport of displaced persons in close cooperation with the UN High Commission for Refugees. By 18 November, IOM had organised the return by land, sea and air of 40,649 East Timorese from West Timor, other parts of Indonesia and from Australia.

The **UN High Commission for Refugees** (UNHCR) is assisting the refugees, giving relief supplies, and helping to negotiate their speedy return to East Timor. Between 8 October and early December, more than 75,000 people returned to East Timor.

The **UN Children's Fund** (UNICEF) is addressing the health problems of children and families — in particular diarrhoea, respiratory infections, pneumonia and malaria — and running vaccination programmes. It is supplying plastic sheeting and tents for shelter, installing latrines, and organising mobile health teams for both West and East Timor.

The **United Nations Development Programme** (UNDP) co-ordinates the infrastructure working group which is repairing roads, telecommunications, electricity and water systems.

The **World Food Programme** (WFP) has been distributing food aid in East Timor, initially by airdrops to tens of thousands of stranded refugees in hiding, but now through school feeding and food-for-work programmes.

The **World Health Organisation** (WHO) is addressing TB and malaria.

The **UN Population Fund** has been distributing home delivery kits to expectant mothers.

The **International Labour Organisation** and the **Food and Agriculture Organisation** are also working in East Timor

International humanitarian agencies

The **International Committee of the Red Cross** (ICRC) and the Indonesian Red Cross Society are operating 12 health-care posts in the camps for displaced people near the border with East Timor. The ICRC is also supplying maize for immediate consumption.

Oxfam International is working on water and sanitation.

Care is distributing food and other items in the refugee camps in West Timor.

World Vision is working on water and sanitation and distributing food.

National agencies

Timor Aid, based in Darwin, is sending food aid and medical professionals to several towns and villages in East Timor.

The **Indonesian Communion of Churches** and **Caritas Indonesia** (LPPS) are working with local churches and religious orders to help refugees, and to facilitate their return.

The **US Agency for International Development** (USAID) funded the airdrops of WFP daily rations.

The UK's **DFID** is funding the re-establishment of the UN mission after the destruction. It has also funded the WFP for logistics and allocated funds to the new multinational force. The British organisation **Warchild** is assisting with food aid.

The **Portuguese government** has earmarked US\$6 million for East Timor over the transition, according to Sergio Vieira de Mello, who will head the UN Transition Authority.

The Portuguese organisation **Oikos** sent a team to the Aileu district to assess food needs and to supply seeds for planting.

Other agencies working in East Timor include: **Caritas International**, **Concern Worldwide**, **Médecins du Monde** (MDM) and **Médecins Sans Frontières** (international), **AusAid** and the **Australian Council for Overseas Aid** and its member agencies (Australia), **Catholic Relief Services** (US), and **Merlin** and **The Save the Children Fund** (UK).

Relief efforts

By early November, peace and security had been restored to most parts of East Timor. This has helped the relief agencies, whose operations had been severely hampered by the militias and Indonesian troops. **INES SMYTH** of **Oxfam UKI** reports.

The UN Office for the Co-ordination of Humanitarian Affairs is co-ordinating relief efforts effectively, avoiding much of the confusion typical of such interventions. Most agencies have combined provision of goods and services to satisfy urgent needs (especially shelter), with surveys and needs assessments for more adequate responses.

Despite these achievements, difficulties remain. Living conditions and security in the refugee camps in West Timor are extremely poor. Aid agencies' access to the refugees is severely limited and most camps are controlled by armed militias.

So far, few East Timorese have been involved in the humanitarian activities, and there has been little effort to consult the Council of Timorese National Resistance (CNRT). East Timor needs support to enable its citizens and their organisations to take control of long term reconstruction and development. CNRT representatives should be consulted in all aspects of humanitarian aid and reconstruction.

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