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Timor Link
50th
issue

News, analysis and action in support of justice for East Timor No.50 August 2000

New steps to independence

A new eight-member cabinet of the transitional government in East Timor was established on 15 July. The new body is regarded by both the United Nations Transitional Administration in East Timor (UNTAET) and the National Council of Timorese Resistance (CNRT) as a further step towards independence. With four East Timorese members, it is the first time that East Timorese leaders have participated as equal partners in the governance of their country.

Introducing the new body to the World Bank meeting to review the East Timor consolidated appeal in June (see page 7), Xanana Gusmão said that the council will be 'the embryo of the future legislative body'.

The cabinet represents an attempt to address complaints by East Timorese that their participation in the arrangements

for transition has been inadequate.

The new body has already come in for criticism, however, with some saying its composition should have been determined by a more democratic process. The cabinet was put together rapidly, behind closed doors, and smaller political parties — such as the East Timorese labour party, which does not belong to CNRT — have complained that they were entirely left out of the discussions.

Intense debate about the democratic process and the participation of political parties was likely to be a feature of the CNRT congress scheduled for the end of August, where the very future of this umbrella body would be at issue. Discussions seemed likely to centre on whether CNRT should be wound up in favour of developing political parties, or whether the coalition is still an important vehicle for representing East Timor's concerns to the international community.

Timor Loro Sae's new cabinet

Deputy SRSG, Police and emergency services: Jean Christian Cady

Justice: Judge Gita Honwana-Welch

Political affairs: Peter Galbraith

Finance: Michael Francino

Internal administration: Judge Ana Pessoa

Infrastructure: Joao Carrascalao

Social affairs: Fr Filomeno Jacob, SJ

Economic affairs: Mari Alkatiri

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Tens of thousands of East Timorese remain in camps in West Timor terrorised by militia and fearful of returning home (see page 2).

Bring them home

Recent reports from refugee camps in Kupang, West Timor, suggest that the refugee problem has begun to develop an air of intractability. **Catherine Scott** reports.

Up to 120,000 refugees remain in camps in and around Kupang, and along the East-West border. However, the United Nations High Commission for Refugees (UNHCR) was forced to suspend its attempts to register the remaining refugees recently because its staff were being harassed by pro-Indonesia ex-militias.

The problem is complex, and accounts differ. According to the UK-based Indonesia human rights campaign Tapol ('East Timorese Refugees still stuck', *Bulletin* No.158, p13) an Indonesian census states that 'the vast majority of refugees wished to stay in Indonesia', yet local NGOs say 'at least 60 per cent would return home under the right circumstances'. Tapol refer to a systematic strategy to retain the refugees in West Timor, but it is not entirely clear whose strategy this is.

In an interview published by the Association de Solidarité avec Timor-Orientale (ASTO) in *Timor Informations* (No. 88, June 2000), Bishop Basilio do Nascimento, who visited the border camps in June at the invitation of the Bishop of Atambua, notes that 'They [the refugees] all want to return, even those who belonged to the militias' [my italics] but they are worried about how they will be received if they try.

Both analyses acknowledge the refugees' fears, but it is unclear which is the greater fear: fear of the militias in the

camps, or of their neighbours back at home. Bishop Nascimento seems to play down fear of the militias, while the Tapol report emphasises it and highlights the direct involvement of the Indonesian military.

The Tapol report also points out the misinformation peddled by the West Timorese press, including malicious propagandist rumours and even a song by former Aitarak commander, Eurico Guterres, lamenting East Timor's 'fate'.

The bishop's account seems to tally with the recent visit of militia leader Herminio da Silva, who visited UNTAET and CNRT officials to negotiate the repatriation of large numbers of refugees. In return he wanted amnesties, guarantees of safety for pro-integrationists, land on which to settle and permission for his new pro-Indonesian political party to contest future elections.

The authorities decided to call his bluff. Border incursions and violent incidents a few days later were interpreted by some CNRT cadres as a warning that such incidents would continue while the amnesty question remained unresolved.

Pressure points

What are the pressure points now? The Atambua branch of the International Office on Migration (IOM) came under siege on 11 August from more than 50 machete-wielding militiamen, with six IOM workers trapped for several hours. Stung by international criticism, Indonesia says it intends to dismantle the refugee camps within three to six months, and repatriate or relocate the remaining occupants. It has appealed to UNTAET to provide security and essential provisions for the refugees, but blames the security troubles on the refugees themselves (Agence France Press, 14 August 2000). Also, the government's transmigration plans, thought to be on hold, could be reactivated. As Tapol points out, it means that the registration work carried out by UNHCR must be completed as soon as possible. Spending such long periods in refugee camps is detrimental to people's ability to resettle elsewhere, and feeds dependency. The West Timorese, who have mainly been hospitable, would doubtless also like to have their space back.

Peaceful co-existence

Western commentators, and in some cases western donors, tend to link reconciliation with repatriation. But it is unrealistic to imply that returning refugees may only

come back if they are willing to make peace with those they left behind last September. Working out a peaceful co-existence between pro-integrationist and pro-independence factions is part of the ongoing challenge that the East Timorese face, collectively, in constructing a pluralistic, democratic society. It cannot be solved by quick fixes.

Joint practical work towards reconstruction — re-building homes, hotels, hospitals and schools — by people of all political persuasions might help to reconcile people more effectively than formally staged negotiations and official processes. And announcements about amnesties at this early stage could well inflame raw sentiments and, in practice, would be meaningless anyway.

Reconciliation is achieved in stages, and cannot be rushed. Bishop Nascimento's assurances that people need not fear retribution are probably reasonable. He states in his interview with ASTO, 'There are quite a few former functionaries and administrators, who are in desperately short supply and are needed for East Timor's reconstruction.'

Reconciliation and repatriation must be de-linked and the refugees brought back because they are East Timorese. In order to help attract them back, the international community must press much harder for action to be taken against the violent and coercive elements within the West Timorese camps.

Timor Link
50th
Congratulations
issue

In the dark years of East Timor's history, *Timor Link* was a constant reminder for its readers of the ongoing tragedy. I am sure it will continue to help in rebuilding the nation. Congratulations on your 50th issue.

Estevao Cabral
for FRETILIN



The first issue of *Timor Link* was published in 1985. The current issue carries a number of 50th anniversary messages of support.

EAST TIMOR: Nation in waiting

East Timor emerged into the 21st century having endured 400 years of colonial rule, followed by nearly quarter of a century of brutally repressive occupation, and finally a brief but devastating period of violence. Having chosen independence, the people of this tiny country face the multiple tasks that building a political, social and commercial infrastructure out of the ashes of conflict implies.

Timor, which lies 482 km north of Darwin, Australia, was settled by Malay, Melanesian and Polynesian peoples before the arrival of Dutch and Portuguese settlers in the 16th century. The eastern part of the island began what was to be a long and traumatic struggle for independence in 1974, when Portugal began a process of decolonisation.

On 11 August 1975 the Timorese Democratic Union (UDT) staged a coup to pre-empt Indonesia's threat to intervene should the nationalist liberation movement, Fretilin, come to power after Portugal's withdrawal. The ensuing civil war cost the lives of 1,500 people and saw Fretilin take control of most of Portuguese Timor.

Invasion

Worried by the proximity of an independent state with radical policies, in December 1975 Indonesia 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' (the 'Balibo Declaration'), in May 1976 East Timor was declared to be Indonesia's

27th Province. The United Nations always regarded the annexation as illegal.

There followed years of determined resistance by the poorly armed Falintil on behalf of the East Timorese. It is estimated that some 200,000 people — a third of the population at the time of the invasion — died from malnutrition, preventable diseases, or at the hands of the occupying forces.

Under the Indonesian dictator Suharto, negotiations between the Indonesian government and Portugal — in international law the administering power — became deadlocked. It was not until 1997-98, with financial crisis sweeping Asia and the final ebbing of international support for Suharto's corrupt regime, that there were real signs of change.

When Suharto fell, his successor Jusuf Habibie bowed to international pressure and, in essence, traded East Timor for much-needed support from the International Monetary Fund. Habibie offered the East Timorese autonomy within Indonesia. If they rejected it, Indonesia would 'let East Timor go'. The offer was a pragmatic one, made by a stand-in president, and without wide consultation. Much of the Indonesian military was appalled.

In negotiating the terms under which a ballot on the autonomy package would take place, the United Nations allowed Indonesia to provide the security. This was to prove costly, as it left the way open for those in the military special forces, Kopassus, responsible for the original invasion, to try to influence the result or wreak revenge should they fail.

Popular Consultation

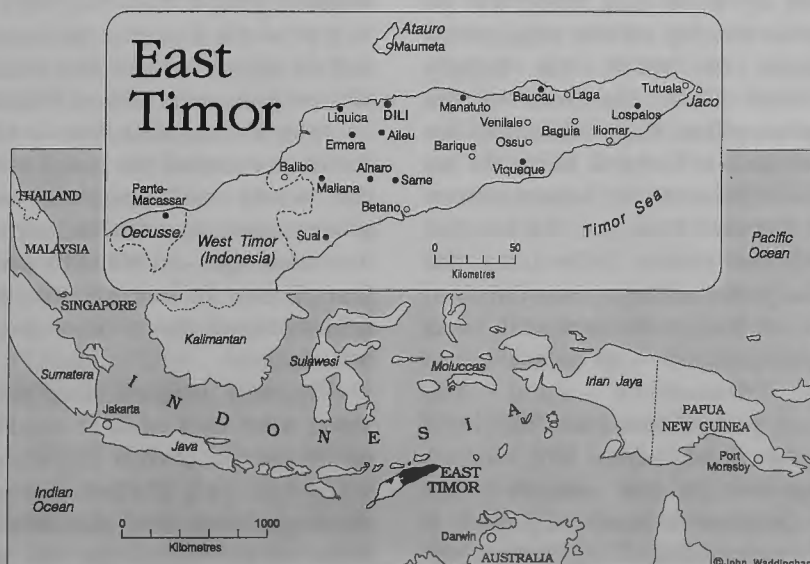
Braving violent intimidation by Indonesian militia, more than 90 per cent of eligible East Timorese voters turned out, and nearly 80 per cent of them voted for independence. The United Nations had assured voters it would stay after the ballot. Although a backlash had been predicted, the severity of the violence that followed the announcement of the results took the world by surprise. As UN personnel fled, the Indonesian military and militias drove nearly 300,000 people over the border into West Timor, while killing, raping and looting, and laying waste to East Timor's long-neglected infrastructure.

Transition

Following an intervention by an armed international force (INTERFET) in September 1999, and with the departure of all Indonesian troops on 31 October, East Timor came under the United Nations Transitional Administration in East Timor (UNTAET) headed by Sergio de Mello. It was expected to take UNTAET two to three years to prepare the territory for full independence. The first six months of freedom were spent responding to a major emergency — feeding the hungry and trying to facilitate the return of the hundreds of thousands of displaced. By April 2000 there were still 100,000 East Timorese in refugee camps in West Timor alone. Some were displaced further afield. Militias were running many of the camps and preventing people from returning to East Timor.

UNTAET inherited a country with a largely unemployed population and an economy in ruins. Key challenges include the search for reconciliation with justice, and supporting the growth of a strong civil society in East Timor. But the East Timorese are now free at last to begin constructing an independent nation.

In the late 1990s, the political scene in East Timor came to be dominated by the National Council for East Timorese Resistance (CNRT), a grouping of old anti-Indonesian parties. The CNRT is led by Xanana Gusmão, the 'Asian Mandela', who spent most of the 1990s in jail in Indonesia for his part in the armed resistance. His popularity among the East Timorese, and the resilience of the people, will be major factors shaping the recovery that needs to take place at every level of society.



Women have their say

East Timorese women have begun to engage in the range of debates now underway on arrangements for independence.

In June this year, an eight-strong delegation attended the Beijing Plus Five review in New York, where the Platform for Action from the Fourth World Conference on Women was reviewed. In the same month more than 500 women attended the first East Timorese Women's Congress in Dili.

CIIR's **Milena Pires** describes the daunting struggle that women in East Timor still face, within their own society and against the United Nations.

The long and winding road

As East Timor heads down the path to independence, women are still struggling to claim their right to participate fully in the reconstruction of their country. Milena Pires reports.

In the interests of economy, Sergio [Vieira de Mello, the UN secretary-general's special representative] has decided to do away with the gender unit.'

According to reports, these words were at the beginning of a memorandum circulated among heads of the Governance and Public Administration (GPA) pillar of the United Nations Transitional Administration in East Timor (UNTAET) earlier this year.

UNTAET closed the Gender Affairs Bureau until pressure from women's groups and some key UNTAET workers ensured its revival. Nevertheless, the reported incident is a reflection of the low priority given to gender rights by the transitional authority.

In another example, the GPA said that the proposal to elect one woman and one man for each village and sub-district development council was unacceptable because it went against Timorese culture. It seems that policies to mainstream gender issues — as proposed by organisations including the United Nations itself — do not easily translate into practice.

As Timor Loro Sae travels the challenging road to independence, its people are becoming aware that basic rights need to be part of the foundation of the new nation state. The Indonesian-inspired phrase KKN (collusion, corruption and nepotism) is ever-present, reflecting East Timor's desire to avoid the pitfalls of the past and truly create an inclusive and democratic society.

Nonetheless, there is a danger that

some people are paying little more than lip-service to this wish. Women in particular, who are trying to expand on the modest advances made during the years of struggle against Indonesian occupation, still have to confront the prejudices of their fellow Timorese as well as UN structures.

Changing roles

During the struggle the role of many women within the family changed as the male bread-winner was imprisoned or forced to join Falintil. Women had to take on new responsibilities. They also became active in each of the armed, clandestine and diplomatic fronts of the resistance movement. They were armed resistance fighters, spies, messengers and diplomats. Today, in the words of one young Timorese woman, the main preoccupation 'is not to return to a subjugated role' but to continue to evolve, participate and freely choose their own destiny.

The role of the UN in this respect should be decisive. But UNTAET is heavily dominated by men, and there are no women near the top of the administration. Sergio de Mello; his deputy Jean-Christian Cady; the head of the humanitarian pillar, Akira Takahashi; the head commander, General Jaime de los Santos; the chief military liaison officer, Brigadier General Rezaqual Haider; the chief of civilian police, Carlos Lima; the head of the police academy, Luis Carrilho; the head of border control and most district administrators — all are male.

Recent discussions about the transitional government have not been encouraging. Even when 500 women came together in Dili for the first Women's Congress in June (see page 5) it failed to inspire UNTAET to further the interests of women. The new government

structure was not going to include a mechanism to ensure gender equity, but gender affairs would be added to the remit of the social affairs department, and would thereafter be merged with human rights. Only loud protests and intensive lobbying from East Timorese women ensured there would be a separate Gender Affairs Bureau, and an associated budget.

Small gains

In spite of this pessimistic picture, there are small gains being chalked up, some as a direct result of advocacy from Timorese women's groups and international NGOs such as CIIR. For example, there will be a special unit within the Civpol, civilian police, and procedures to deal with sexual assault. As a result, a vulnerable groups unit has been created, modelled on a structure used in the United Kingdom, and funding to establish a crisis centre for women has been awarded to East Timorese Women Against Violence (ETWAVE) following a meeting with the UN secretary-general when he visited East Timor in February.

New taxes on alcoholic drinks, part of IMF-led attempts to raise revenue for the budget, have met the concerns of women's groups. They feel there is a direct link between domestic violence and the lack of regulation and easy availability of alcohol in markets and on roadsides.

After Beijing Plus Five — the UN-led forum to examine the status of women in the world and measure action by governments since the Beijing conference five years ago — UNTAET's operation in East Timor is another reminder that achievements have been few and far between.

Timorese women have no illusions about what they need to do. Encouraged by the success of their first Congress, and spurred on by a platform for action they are organising, they aim to claim their right to participate in the process of reconstructing their country.

Statement from the first Congress of Women of Timor Loro Sae

We the delegates of the first Congress of Women of Timor Loro Sae, gathered in Dili on the 17 June 2000;

- determined and committed to the establishment of peace, reconciliation, democracy, justice and development in our country;
- acknowledge and honor all the women and men who have contributed to the struggle for freedom in Timor Loro Sae;
- conscious of the great challenge and responsibility that faces us in the reconstruction of our country and in the transition to independence;
- deeply concerned about the extreme poverty, illiteracy, inequality and continued culture of violence present in Timor Loro Sae today;
- value the diversity of women and men's experience in our society and are committed to establishing a culture of human rights, tolerance, freedom of speech and reaffirm our commitment to upholding the principles of the Universal Declaration of Human Rights, the Convention on the Elimination of [All Forms of] Discrimination Against Women and the Convention on the Rights of the Child;
- urge the United Nations Transitional Administration in East Timor (UNTAET) to fulfill the United Nations' commitment to gender equity and the international conventions referred to in Regulation 1990/Number 1, and the

National Council of Timorese Resistance (CNRT) to develop policies appropriate to the principles enunciated in the Magna Carta of Freedoms and Responsibilities.

Immediate need

Adequate resources must be made available by UNTAET and the post-transition government for advancing and empowering women.

There must be justice for women victims of the violence experienced in the last 24 years of Indonesian military occupation. Laws and legal mechanisms which protect women must be enacted.

Literacy programmes for women

A commitment to implementing policies for gender equity in all aspects of socio-economic and political life must be ensured.

A specific body or mechanism at government level which addresses and guarantees gender equity is needed.

The debate on East Timor's constitution must be inclusive and a consultative process with a clear timetable and plan which allows for women's input must be established.

Mechanisms must be developed by UNTAET and the CNRT to ensure transparency and accountability and an end to corruption.

Dili, 17 June 2000

The mechanics of transition

At a conference in East Timor earlier this year **Peter Galbraith** gave an insight into the new administrative structure, and the nuts and bolts of transferring power to the East Timorese. The following are extracts from his address.

Before East Timor can become independent, it must have a government structure and the people to run it. UNTAET's Governance and Public Administration (GPA) pillar has begun the process of recruiting and training a civil service. One legacy of Indonesian rule is that there are only a small number of East Timorese who have the education, skills and experience to run an administration. Developing capacity is a long term process involving education and on-the-job training. These tasks cannot be accomplished fully in the likely transitional period.

So far UNTAET has established structures for East Timor and, in consultation with the National Consultative Council (NCC), has developed public policy. Out of necessity UNTAET has functioned as

the government of East Timor. This cannot continue for long.

UNTAET's mandate is to assist the East Timorese to develop East Timor's institutions. It is not its job to govern in lieu of the East Timorese or to design a government based on our conceptions to be handed over to the East Timorese on independence.

If the East Timorese are to shape their future government administration they must do more than staff it — they must take political responsibility for it.

The following is an idea, put forward on behalf of Sergio Vieira de Mello, the transitional administrator, for how to transfer political responsibility. While he is not committed to any particular model, he is fully committed to the idea that the East Timorese must assume political responsibility.

The political transition

UNTAET will fail if it turns over a superb administrative apparatus to a political system that degenerates into cronyism and authoritarianism. Similarly, democracy is less likely to succeed in a

country without an administrative apparatus that can provide basic services or implement policy decisions.

The East Timorese will learn their jobs both through formal education and on-the-job training. The political leaders can also benefit from a period of co-government with UNTAET. Co-government can help to establish democratic practice, thereby, hopefully, avoiding the problems of many newly independent states which experience an abrupt transition to independence.

(We probably would not want to use the term ['ministers'] to describe the UNTAET cabinet members. However, the underlying concept is of a shared government with cabinet members exercising ministerial-type responsibilities).

In the transitional government, East Timorese will hold most of the portfolios. Indeed, over the long term UNTAET needs to retain only the foreign affairs and defence portfolio, and the justice portfolio. Before East Timor is independent UNTAET cannot abdicate its responsibility for defence, law and order, and justice.

Over time East Timorese will assume

control of all areas except those which, constitutionally, UNTAET must retain. This means that, before the end of the transition period, the cabinet could be led by an East Timorese politician. Of course, the transitional administrator will retain his legal authority under the United Nations Security Council Resolution 1272.

The cabinet and the civil service

The cabinet will have political responsibility for all decisions. As the capacity of East Timorese people grows, they will replace international administrators at all levels.

On the day that the transitional government is established, GPA department heads, who have exercised ministerial-like responsibilities, will become senior civil servants. Over time, these department heads will themselves be replaced by East Timorese people. Ministers will be fully integrated into East Timorese Administration/GPA operations, taking over offices in the Governor's House and exercising line-management responsibility.

The East Timorese ministers should represent the broadest possible spectrum of East Timorese political life, taking into account the dominant role of the CNRT. Overall, UNTAET will strive to create a provisional government of national unity.

An expanded NCC

The creation of a new governmental structure provides an excellent opportunity to expand the role of the NCC, as the transitional administrator said he would do. Without an election, the NCC cannot become a *bona fide* legislature. But it can become more representative by including members from all of East Timor's districts, as well as significant constituencies such as NGOs, labour and business.

The NCC will continue to review and approve proposed regulations, UNTAET's equivalent of statutes. Both the East Timorese and international 'ministers' should be accountable to the NCC. Public hearings, which the NCC initiated two weeks ago with a very successful hearing on tax policy, should be expanded and taken to the districts. A larger NCC should breathe new life into its sectoral committees. All these steps are intended to expand the participation of East Timorese in the government of East Timor, and so help establish a deep-rooted democracy.

Constitution, elections and independence

The defining events of the political transition will be the adoption of a constitution and free elections. Elections will be held for a constituent assembly which in turn will write, debate and adopt

a constitution. Then the constituent assembly will become the parliament (or legislative assembly) of the new country.

Independence could follow any time after that, although the newly elected assembly may wish to continue with the transitional government until an East Timorese administration is largely in place. Of course, once elections are held the East Timorese members of any continuing transitional government should be chosen by the elected assembly.

East Timor's constitution is an East Timorese affair. UNTAET's role is to provide expertise and to facilitate the broadest possible participation by East Timorese people in the constitution-making exercise. UNTAET's involvement in this process will be as little or as great as is desired by East Timor's leaders.

Beginning in June 2000, UNTAET will establish a constitutional office under Dr Karol Soltan. Dr Soltan will consult with CNRT and other East Timorese leaders on constitutional issues.

By October at the latest, UNTAET and East Timorese constitutionalists should begin a programme of public education and hearings to inform East Timorese people about the role of a constitution and the process of writing it, while getting their input. The goal is to ensure the broadest possible sense of ownership among East Timor's people for the country's new democratic system. The timetable will depend on the East Timorese, but I presume the constitution will be drafted towards the end of 2000 or in early 2001.

As the constitution is being prepared, UNTAET's Office of Political, Constitutional and Electoral Affairs will begin work on a draft election law. The nature of this law will, of course, be significantly determined by the political system

embodied in the constitution.

The preparation of the constitution and the electoral law must be kept separate from the workings of the transitional government. UNTAET has an obligation to ensure a level playing field for East Timor's first elections. With regard to the draft constitution, UNTAET's only substantive role is to ensure that it adequately protects fundamental human rights and that the new system is democratic. Of course, protection of fundamental human rights has been central to the CNRT's view of the constitution and is embodied in the 1998 Magna Carta for East Timor [see *Timor Link* No.44, p6].

Date of independence

Full independence can come at any time following elections and after a constitution has been adopted. Elections could be held as early as April 2001 or as late as November 2001. In either case, it is unlikely that a fully functional East Timorese administration will be in place by these dates. Therefore, the newly elected East Timorese government may wish to reserve the right to continue the period of co-government, with elected ministers replacing the appointed ones.

How long should UNTAET stay? As long as it is needed and as long as it is wanted. As to how long it is wanted, this is for the people of East Timor to determine. The strength of the proposal for transitional government is that it provides a vehicle which the East Timorese people can use to make best use of the resources that the world, through UNTAET, has provided to them.

● Peter Galbraith, then UNTAET's director of Political, Constitutional and Electoral Affairs was speaking at 'Reconstructing East Timor', 29 May — 2 June 2000.



A family returning home after voting in the August 1999 Popular Consultation. They may get to vote for a new government 'as early as April or as late as November 2001' according to Galbraith.

Reviewing progress

International and East Timorese NGOs lobbied a meeting to review the World Bank Consolidated Appeal Process in Lisbon on 23 June. **Catherine Scott** reports.

The meeting, co-hosted by the World Bank and the United Nations Transitional Administration in East Timor (UNTAET), was called to review the Consolidated Appeal Process launched in Tokyo last December, at which US\$522 million were pledged in humanitarian assistance. A further US\$16 million in funds were pledged at this round, as donors expressed support for the Trust Fund for East Timor (TFET). A work programme for July to December 2000 was also endorsed.

The review process was designed to be self-critical, and the Humanitarian Assistance and Emergency Rehabilitation pillar released a three-part assessment for the period from September 1999 to May 2000. This included a section which draws on the perspective of East Timorese people themselves, alongside assessments made by the humanitarian community and appraisals by independent experts.

The conclusions on the humanitarian relief effort were generally positive, but there were some criticisms. For example, not enough shelter kits were provided, care provision for the mentally ill was poor, transport was inadequate, and the road system deteriorated. Development projects are criticised for being too slow to get started. Communication between the

United Nations and international agencies and the East Timorese on many aspects of the relief operation was also disappointing. Many East Timorese became frustrated because their expectations had been falsely raised.

Most of the criticisms reflect views common among East Timorese. And the accompanying recommendations for better practice were similar to those included in the advocacy brief of the East Timorese NGOs at the World Bank meeting (see page 8 for a summary of East Timorese and international NGO concerns and recommendations).

The transition arrangements

Xanana Gusmão, in his address to this meeting, registered disappointment in the progress of national reconstruction so far, pointing out that it was feeding social instability. He urged that administrative procedures be simplified and speeded up so that reconstruction could take place. He also announced that the new structure for governing East Timor, the National Legislative Council (see front page), explaining that it would ensure greater participation by East Timorese people, a true partnership between the East Timorese and UNTAET, and allow more time for training and the transfer of political responsibility.

'Our purpose is that after the declaration of independence, the administration should be fully East Timorese, in a democratic, competent and responsible manner,' he said. More East Timorese will be introduced into key positions. Thirty-three posts have been established, incorporating representatives of district and civil society groups, such as women, youth, national NGOs, social and professional associations, the private sector, workers, farmers, and different religious denominations.

This council will have the power to legislate and enact laws and consult the cabinet whenever it is deemed necessary. According to Xanana, the council will be 'the embryo of the future legislative body'.

He also announced that, in the near future, there will be:

- a law on national and foreign investment to regulate the private sector and stimulate growth
- charges on supplying basic services, such as water and energy
- tariffs, taxes and duties on hotels, and restaurants
- an inspectorate general
- help to carry out pre-shipment monitoring of imported and exported goods.

CNRT congress

Gusmão announced that the CNRT would be holding its national congress at the end of August, to establish national policies for economic and political development after independence. A commission will be set up to design a draft constitution, which will be submitted for popular consultation, before being considered by an elected constituent assembly. The congress will also discuss the law on political parties and the first general elections, and will submit its proposals to the National Legislative Council.

The discussions are likely to range more widely than policy issues, however, as the continued existence of this 'coalition of convenience' is being questioned by many East Timorese politicians. Political parties outside the CNRT umbrella have felt marginalised in the emerging political landscape, as UNTAET continues to look to CNRT as its sole interlocutor. Some East Timorese are openly calling for the CNRT to be disbanded so that its constituent political parties can come to the fore. Others feel strongly that it is not yet time to dissolve the platform, and that it has an important function to fulfill during the rest of the transition.

For Ramos Horta and Xanana Gusmão, the CNRT has been their sole political base, having abandoned Fretilin some time ago. It is these two leaders, above all, to whom governments refer in their official and diplomatic dealings, and in whom international confidence in East Timor's future stability and viability is invested. A major question for the coming months will be: Where will they find their future political home?



Since 1985, *Timor Link* has been true to its name, providing high quality analysis and information on developments in East Timor and on the Timorese Catholic church in particular. With East Timor now on the brink of independence, it is time to celebrate CIIR's courage and consistency in giving voice to the voiceless. Long may it continue to link Timor with the world!

Dr Peter Carey
Trinity College, Oxford



Timor Link Issue No.25, March 1993

An agenda for international non-governmental organisations lobbying the World Bank Consolidated Appeal Process meeting in Lisbon, June 2000.

1. A clear comprehensive strategy for transition from rehabilitation to development which recognises that the priorities of East Timor should be developed by UNTAET. There are no coordinated mechanisms linking humanitarian strategies with development. It is noted that UNTAET is proposing a committee to prioritise development activities. The international NGO community welcomes a committee that has strong East Timorese representation, including women, youth and national NGOs. It also welcomes the planned Common Country Assessment, although it is crucial that the wider East Timorese community participates in identifying development priorities.
2. Donors must diversify their funding channels and develop appropriate funding mechanisms. The independent review of the Consolidated Appeal (CAP) found a number of weaknesses. Funds are disbursed slowly, for example, and there is no integrated approach. Also, the trust funds are slow and cumbersome, and have ignored key priorities, such as gender and the environment, which did not receive funding in the new consolidated budget. Donors should make funds available for NGO development activities to ensure that aid is responsive and appropriate.
3. International NGOs should receive short-term funding for providing basic services. At the same time UNTAET needs to invest in building the capacity of the East Timorese to provide basic services so that NGOs can focus on their traditional development role.
4. UNTAET must communicate relevant information in a timely and accessible way to all stakeholders. A clear funding strategy for all trust funds committed to East Timor must be developed and communicated.
5. UNTAET must develop a coherent exit strategy to transfer decision-

making powers and skills to the East Timorese people. UNTAET should consult more broadly with the East Timorese community, and include rural communities, women, youth, the church and other civil society organisations.

UNTAET: Priorities for the future

6. Gender
UNTAET has a clear responsibility under its mandate to strive for gender equity and uphold the principles of CEDAW. East Timorese women have also stated their desire for a gender equity unit within UNTAET. However, we note that the gender affairs unit has not been allocated funding in the consolidated budget to employ East Timorese women. There must be adequate resources and training for East Timorese women if gender is to be treated seriously.
7. Environment
Funding has not been allocated for the environment in the consolidated budget, despite the request of the Secretary General for an environmental protection unit. An adequately resourced environmental protection unit is essential.
8. Independent complaints mechanism
Six months after it was established, it is essential that UNTAET develop an independent complaints mechanism to assess its impact on the East Timorese community. Although there's provision within UNTAET for an ombudsperson, as yet no one has been appointed to the post. There is an urgent need for a simple, accessible complaints mechanism to deal with individual complaints, and for an effective system of labour arbitration.
9. Refugees
There is still an urgent need for refugees to be safely returned from West Timor. It will be difficult to take meaningful steps towards

development and reconciliation until people have returned to their homes. The presence of militia on the border is making it a breeding ground for regional instability. The longer refugees remain in West Timor, the more prospects for peace in East and West Timor will be affected. UNTAET and UNHCR must continue to disseminate information to refugees in West Timor using various channels, including NGOs and churches. In addition, district returnee committees must be trained in the principles for reintegrating refugees.

10. Justice system
Without a functioning and effective system of justice, the long term prospects of reconciliation will be severely hampered. UNTAET needs to offer ongoing support and training to the East Timorese judiciary. The first trials must be heard as soon as possible in order to reassure the East Timorese population that justice is being done, and to minimise the likelihood that communities will take justice into their own hands.
11. Regulatory framework for business.
At this point, foreign companies are operating in a legal vacuum. Debate and discussion is needed on an appropriate economic framework for East Timor. In the interim, mechanisms must be developed to ensure that the East Timorese are benefiting from economic activities and that workers have basic protection. A regulatory framework for business needs to be discussed between representatives of UNTAET, business and labour. It should include guidelines on employment, training and joint ventures, and there should be a code of conduct for foreign businesses.
12. Disaster response capacity
East Timorese people need improved skills in preparing for and managing disasters.

Letter to Kofi Annan

To His Excellency Kofi Annan
Secretary General of the United Nations

Dear Excellency,

We are writing to urge you to recommend to the UN Security Council that it takes immediate steps to establish an international tribunal for East Timor, as recommended by the International Commission of Inquiry on East Timor. We believe this is the only way you can fulfill your responsibility to ensure timely justice for East Timorese victims of gross violations of human rights and breaches of international humanitarian law.

We are making this request in the light of the Security Council's statement, in its letter to you of 18 February, that the perpetrators should be brought to justice 'as soon as possible', and following the Council's decision to encourage Indonesia 'to institute a swift, comprehensive, effective and transparent legal process, in conformity with international standards of justice and due process of law'.

We have followed closely Indonesia's efforts to bring those responsible to justice through its own judicial system. We have also taken into account the views of leading Indonesian human rights and legal aid NGOs and lawyers, some of whom have signed this letter. Many of them have indicated they have no faith in the emerging justice system in their country. Whilst acknowledging the efforts and sincerity of some of those involved in the process, we have concluded that progress has not been satisfactory and that international standards of justice will not prevail in Indonesia for some considerable time.

The December 1999 report of the three special rapporteurs of the Commission on Human Rights recommended that the Indonesian process should be completed in 'a matter of months'. At the beginning of February attorney-general Marzuki Darusman said it would take three months to decide whether to file charges. That has not happened and an international tribunal is, therefore, the only viable option.

Obstacles

There are three main obstacles preventing the Indonesian process from being completed speedily: lack of political will in certain quarters to ensure the process succeeds; serious flaws in the human rights courts bill now before the Indonesian parliament; and the poor calibre of judicial personnel.

The lack of political will was evident in Indonesia's stance at the UN Commission on Human Rights in April. It objected strongly to the reference in an initial draft of the Chairman's Statement on East Timor to its obligation to set up a 'special human rights court that meets international standards'.

We are now concerned that problems may arise from the obstructive tactics of certain factions of the military and police legislators, and their allies within parliament and the bureaucracy. There have been disturbing signs recently that hardline elements of the military are beginning to re-assert themselves and back down from their commitment to stay out of politics. This could delay the enactment of the human rights courts bill by many more months. The military and police and Golkar factions in parliament have already raised basic objections that could destroy the thrust of the bill.

The bill will require substantial revision if it is to meet international standards. We are concerned that it is not

consistent with international law in the way it defines 'gross violations of human rights'. The definitions it uses fall far short of accepted definitions of crimes against humanity and war crimes. This could lead to crimes being passed off as ordinary human rights abuses so that lower-ranking military officers are targeted and higher ranking officers and political leaders avoid accountability as they have done so often in the past.

The bill allows for excessive political interference in the judicial process. The executive and/or the legislature will be involved in appointing the investigators, prosecutors and judges, whereas these matters should be the function of a neutral judicial body.

We are extremely concerned by the repeated statements of President Wahid that he will pardon leading generals if they are found guilty. This intervention is unacceptable. Justice will not be done, and not be seen to be done, unless appropriate punishments are fairly administered by the courts.

Independent judges

We are also acutely conscious of the fact that whatever improvements are made to the draft law to bring it up to international standards, justice will not be done unless professional, independent and impartial legal personnel are available to carry out the investigations, prosecutions and trials. It is widely acknowledged that very few current judges can be regarded as independent or untainted by ingrained judicial corruption. Reformist elements in the government are committed to overhauling the system, but it is clear that this will take time.

The Minister of Law and Legislation, Yusril Ihza Mahendra, has admitted there is a shortage of 'capable and clean judges' and is currently replacing over half of those based in Jakarta. He has set out a five-year plan to revamp the legal system, but that time-scale is optimistic given the immense size of the task he faces.

Apart from the judges, there are very few prosecutors and investigators who elicit confidence in their ability to act professionally and impartially. We are extremely concerned about the composition of the team set up to investigate the East Timor crimes because it includes military and police personnel. The investigation cannot be effective and impartial if it involves individuals who represent organs of state that are implicated in the crimes.

It is clear that East Timorese people from every level of society want an international tribunal. It is difficult for them to trust an Indonesian system that oppressed them for 24 years. It is perverse to expect traumatised victims and witnesses to testify in an Indonesian court. Moreover, it is wholly unfair to use the East Timor trials as test cases for a reformed Indonesian judicial system. The crimes against humanity, war crimes and genocide committed in East Timor are a matter of international concern and should be treated as such legally.

Speedy justice is essential for peace, reconciliation and stability in East Timor — and for democracy and stability in Indonesia — and we respectfully ask you to act swiftly on our demand for an international tribunal. We are urging our respective governments and the European Union to support this demand.

This letter of 5 July 2000
was signed by 120 organisations
and individuals.

A voice for the voiceless

Robert Archer remembers why *Timor Link* was launched and how its early issues were received.

† seems a long time ago that *Timor Link* was born. And in the week I heard of Xanana Gusmão's marriage, it is strange to consider that beginning.

CIIR had worked on East Timor from its early days. I joined it in 1981 and was asked to set up an advocacy programme in South East Asia. I remember looking through the old files and reading the first shocking testimony in London of a Catholic priest who had gone with the people into the mountains after the 1975 invasion. I also read Eileen Sudworth's vigorous correspondence with aerospace manufacturers and the British foreign office about sales of Hawk trainer jets to Indonesia in 1978 and 1979.

The early 1980s was one of the darkest periods for those who followed what was happening in East Timor. There was very little information — the first generation of resistance leaders had been killed or captured, and armed resistance was subdued and often almost invisible to the outside world. Indonesia's political control over

institutions was virtually complete and large numbers of Indonesians were beginning to settle there. At the same time, the territory remained almost sealed off to visitors from other countries.

Information seeped out in fragments. Political criticism, even on humanitarian grounds, could scarcely be verified. The famine of the late 1970s was over. Even the scale of detentions and human rights abuses could not be established with precision, despite Amnesty International's efforts. The only categorical statement that could be made abroad was that Indonesia's occupation was illegal and the Timorese had a legitimate claim to self-determination.

Change

From the mid 1980s this changed, as the importance of Xanana Gusmão's leadership became apparent, following his talks with the Indonesian military in 1983 and the 1990 visit of the Australian Robert Domm to his camp [Domm was to become the first foreign minister to meet Xanana since 1975]. Gradually, more visitors travelled to the territory, feeding the thin stream of news. The emergence of an urban resistance and nationalism among Timor's younger generation transformed the political landscape and changed the strategy of Xanana and other leaders.

The local church, under Bishop Belo, became a force that could not be ignored by the Indonesian authorities, the international community or the Vatican itself. The massacre of young people in Dili's church yard in 1991 was filmed and shown on world television.

But in 1985, when the first *Timor Link* was produced, none of this had happened. East Timor was obscure, and most political authorities and observers considered it to be a fading political issue. What, then, was our thinking when, in cottage-industry fashion, we assembled the first issue?

Our first objective related to the near-disappearance at that time of the resistance movement. In the silence this created, the voice of the Catholic church became audible. It spoke not for independence or political freedom but for basic rights and against intimidation and oppression. It was a different and legitimate voice — and it was evident that CIIR could play a valuable role in amplifying it. This was our first motive.

Brown envelopes began to arrive in the office, containing brief, often laconic, almost always bitter reports of the situation in East Timor. In the beginning we

found it difficult to assess the value or provenance of these documents — but early issues came to rely heavily on them and they gave us courage. We felt we were on to something, that *Timor Link* had a legitimacy because the voices we were trying to hear wanted to speak.

Currents of opinion

Having said this, we had little idea then of the many different currents of opinion within the local church, or the numerous pressures to bend its behaviour in one direction or another. Our alertness to the political complexity of the situation on the ground only grew with time, particularly following Bishop Belo's appointment and the sharp increase in the number of Indonesian clergy and religious leaders in the territory, with the support of the Indonesian church, the Vatican and the Indonesian authorities.

In practice, *Timor Link* created a space for more pluralistic discussion of East Timor — one that was not led or dominated by the history and language of the liberation movement, but did not ignore that voice either. When new currents of resistance within East Timor became evident, and when the church under Bishop Belo became more influential and representative of a distinct moral stance, *Timor Link* was well positioned — fortuitously — to adjust to the more diverse and mobile political environment that emerged in East Timor from the mid 1980s.

Our second objective was to engage the churches in other countries. This was also, of course, one of CIIR's responsibilities. In the early 1980s little was being done to create awareness of East Timor within Catholic or Protestant circles. While many Christians deplored the immorality of East Timor's occupation, few believed it could be reversed and fewer still had any link to the territory.

Over several years, with other organisations and individuals — prominent among whom were A Paz e Possível in Portugal, Adrien-Claude Zoller in Switzerland, Victor Scheffers of Netherlands Justice and Peace, and Reverend Gordon Shaw of the British Council of Churches — CIIR helped to create an informal church network that did alter the opinion of key groups. *Timor Link* gave CIIR a legitimate platform from which to do this work, and one of the core objectives in writing it was to provide balanced and accurate information for people in church organisations in Europe, North America and Asia.



A quick word of congratulations for what you have accomplished with the first 50 issues of *Timor Link*, along with hope that the fine work will continue.

What the people of East Timor have endured is beyond description. Their courage is an inspiration; their victory is one of the most astonishing on record; and the problems they now face are daunting.

Information and serious analysis, and the dedicated activism and solidarity that should follow from it, have never been more important.

Noam Chomsky
Massachusetts Institute of Technology

Overcoming isolation

Asia itself was the third objective. We thought that while Asia (and, of course, the United States) remained uninterested in East Timor, the territory's isolation and oppression would not change. From an early stage we sent copies to all the relevant organisations in Asia that we could identify. It is impossible to say whether this had a useful effect, and certainly the growing conviction among Indonesian NGOs that Indonesia's policies in East Timor were wrong and should not be supported, was a far more important influence on attitudes in Asia than any information from Europe.

This is how I remember the start of *Timor Link* — triggered by a hunch, a confused intuition that became clearer to us as the first issues emerged. We had no thought of reaching 50.

Who were 'we'? I shall miss out names that should be mentioned. But at the very beginning, the key people I remember were Francis McDonagh, then at CIIR and now at CAFOD; Stephen Alston, then at CIIR and also now at CAFOD; John Taylor, whose knowledge of East Timor was essential to the quality of what we wrote; Arnold Kohen in the United States; Pat Walsh in Australia; Jill Joliffe, a contributor to *The Guardian*, and Jean-Pierre Catry of A Paz e Possivel in Lisbon; and Anthony Goldstone (and later Sidney Jones) who gave advice on human rights issues while they worked at Amnesty International.

This, of course, is not to mention the unknown Timorese who wrote to us in brown envelopes.

The rest is history.

Staying power

Catherine Scott recalls the relaunch and revival of *Timor Link*, which she has edited since 1991.

Timor Link was relaunched in autumn 1991 after a gap of two years. International diplomacy on East Timor had prompted movement for the first time in a while. Preparations were being made for a Portuguese parliamentary delegation to visit the territory and negotiations were becoming critical. With the help of Joao Boavida, then studying in Oxford University, and Kirsty Sword who recently married Xanana Gusmão, issue 22 was planned and articles commissioned.

The pace of events quickened. José Ramos Horta came on a diplomatic mission to London, which I was asked to arrange. It was difficult getting people to meet him. A journalist on *The Independent* gave him a few minutes, eyes wandering back to an article on China on his monitor. He did not seem to know much about East Timor. Ramos Horta's words during that visit were clear and prophetic. There would continue to be bloodshed in his country unless Indonesia withdrew.

A month later, the full horror of the Santa Cruz massacre was beamed into homes across the world, thanks to the courage and determination of Max Stahl, who played no small part in turning the tide of world opinion when he stood and filmed the Indonesian army's shooting

spree in the Dili cemetery. The journalist at *The Independent* must have rued not taking more interest in Ramos Horta.

An institution

The whole of *Timor Link* 22 had to be scrapped. We were so busy reacting to the horror of 12 November 1991 — organising vigils, petitions and services of remembrance, and launching the British Coalition for East Timor — that it was not possible to sit down and write, reflect or analyse.

We eventually revised the copy and the issue appeared in February 1992. Twenty eight copies later, I am still assembling this surprisingly durable newsletter. *Timor Link* has scraped through many funding crises. After the Popular Consultation in 1999, I expected the 'wind-up' noises to resume, but found surprisingly strong support for *Timor Link* to continue recording and analysing East Timor's transition to independence.

One challenge, now that East Timor is more accessible, is to encourage more East Timorese to contribute directly to that analysis. As ever, we will bring news and views from the Christian churches, but the newsletter has a broad remit. In recent years we have sought to give space to East Timorese women, and people working at the grassroots in East Timor. CIIR now has an office in Dili, which will enable us to provide even sharper insight into the growth of this newly independent nation.

A healthy dose of reality

Arnold Kohen assesses *Timor Link's* role in providing insight into an occupied country long hidden from the world's gaze.

As I worked on my recent book on Bishop Belo and East Timor, it became clear to me again that the best periodical in English on the church in East Timor over the past 15 years was *Timor Link*.

As church authorities and secular political forces in East Timor today redefine their roles, a glance through early issues of *Timor Link* is a good reminder of

the distance that has been travelled.

In the first four years of the publication's existence, from 1985 to 1988, East Timor remained almost entirely closed to the outside world, apart from visits made under heavy Indonesian military control. Exchanges with the church in East Timor were also rare.

Therefore, the documents and analyses printed in *Timor Link* presented a healthy dose of reality for readers who had little chance to get anything approaching an authentic picture of the terrible dilemmas facing East Timor's church and resistance movements. More than that, *Timor Link* is

continued



Issue 22 of *Timor Link* reported on the aftermath of the Dili massacre.

from page 11

a repository of information, showing how the situation has evolved over the years, from near total obscurity to Nobel Peace Prize and worldwide attention during the terrible destruction of 1999.

In 1985, in its inaugural issue, *Timor Link* was a reminder of a place that much of the world seemed to have forgotten.

The news always had a special ethical perspective, usually (but never solely) in relation to the witness of the church.

The excruciating pressure on Bishop Belo in those early years was made manifest, and still makes fascinating reading, as does news about the papal visit to East Timor in 1989, and the massacre at the

Santa Cruz cemetery in 1991. John Taylor's many overviews of the situation form an important historical record, while Catherine Scott's 1993 interview with Bishop Belo remains a key document of that time.

Then, as now, *Timor Link* had a unique role. There is a clear connection between the need for action on human rights in 1985 and the sound, sustainable development policies of today, both of them rooted in the needs and views of the East Timorese themselves.

Advocacy targets

1. Refugees in West Timor

- International pressure is still needed on the government of Indonesia to rein in elements of the TNI (national army) in West Timor that are actively training and encouraging East Timorese militias and allowing them to terrorise refugees in the camps.
- Misinformation by the press in West Timor about conditions in East Timor should cease.
- UNHCR should be allowed to conduct humanitarian work unhindered and without threat from TNI or East Timorese militia.
- Reconciliation between pro- and anti-independence East Timorese factions should not be a condition for the return of refugees — repatriation and reconciliation must be de-linked.

2. Justice

- An international tribunal should be set up to try the perpetrators of last year's violations for crimes against humanity and war crimes.
- There must be a speedy system of justice to enhance reconciliation, because it is unlikely that the current efforts of the Indonesian attorney-general to introduce legal and human rights reform will be concluded soon.
- East Timorese people should not be expected to testify in an Indonesian court.
- East Timor should not be used as test cases for a reformed Indonesian judicial system.

3. United Nations Transitional Administration in East Timor

- Recent attempts to involve East Timorese leaders in a newly created cabinet are welcome, but UNTAET must now make real efforts to train East Timorese cadres to take up the reins of government in the near future.

- UNTAET's stated commitment to gender equity must be backed with funding so that a separate gender unit can be resourced, and the principles of the Convention Against all forms of Discrimination Against Women (CEDAW) upheld.
- The unresolved status of former Falintil soldiers should be dealt with as a matter of urgency. Individuals must be re-integrated into society and given appropriate support, according to their expressed preference and need.
- An exit strategy should be developed by UNTAET.

4. International community

- Pledges made by governments to the Trust Fund for East Timor must be honoured.
- Adequate financial and political support for East Timor must continue beyond independence.
- NGOs should monitor the expanded National Consultative Council, and the political transition processes, and continue to press for open, transparent, and democratic practices.
- Adequate training and support must be given to East Timor's leaders so that they are able to take on new roles with confidence.
- Donor governments should support gender related programmes.
- Protection of the environment should remain a prominent consideration in development projects, and funding should be made available for an environmental protection unit.

5. East Timorese community

- Voices outside the National Council of Timorese Resistance should be heard.

Continuing need

On 22-23 June this year, a meeting of international donors was held in Lisbon under the auspices of the United Nations and the World Bank, with Xanana Gusmão leading the Timorese delegation (see pages 7-8). It was amazing that such an event should be possible after all the dark years. Yet Xanana's presentation — along with persistent messages from Bishop Belo, and many others — underlined that East Timor still needs the world's solidarity, and will need it for some time to come to help it with the task of reconstruction.

At the root of such solidarity is cogent information to make possible well-grounded advocacy. This gives *Timor Link* and others a key function now and in the coming years.

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